

**Kennebunkport Planning Board  
January 16th, 2013 ~ 7:00 PM  
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, January 16, 2013. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Leo Famolare, Gordon Ayer, John Hathaway, Peter Fellenz

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the January 2nd, 2013 Planning Board meeting. Mr. Famolare seconded the motion and the vote was unanimous.

Items:

**1) 121104 Christopher B. Asplundh, Jr. / Sandra Guay, Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to construct a 4' x 48' fixed pier, a 3' x 25' ramp and a 200 square foot float. [25 Kings Lane, Assessor Tax Map 41, Block 002, Lot 40 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item.

Attorney Sandra Guay, along with Zach Taylor of Riverside Pickering Marine Contractors, addressed the Board. Ms. Guay stated the proposal is to construct at 4'x48' fixed pier, a 3'x25' ramp and a 200 sq. ft. float for a total length of 83 feet. Ms. Guay explained the parcel is approximately 30,000 sq. ft. with approximately 375 ft. of shore frontage along with 160 ft. adjacent to the Little River. The Applicant has received a permit from the DEP on November 6, 2012 and an Army Corps of Engineers general permit in October, 2012 along with the approval of the Board of Selectmen on December 13, 2012.

Mr. Reid asked if the proposed dock is in the intertidal area. Mr. Taylor responded the dock goes up to the intertidal line.

Mr. Kling asked what H.O.T.L. stood for on the plan. Mr. Taylor explained it is an abbreviation for Highest Observable Tide Line.

Barring no further questions from the Board, Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Hathaway made a motion to approve the Application. Mr. Reid seconded the motion and the vote was unanimous. The Findings of Fact will be read at the next meeting. Mr. Shaw asked the Board to note in the Findings of Fact that this is a seasonal dock.

**2) 121103 Christopher Finneral and Meghan Mahoney** – Site Plan Review – **Public Hearing** -- for approval to add a 200 square foot deck and realign the existing driveway. [203 Kings Highway, Assessor's Tax Map 34, Block 001, Lot 21 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item noting the Application was voted complete at the last meeting after receiving a revised plan.

Mr. Bill Walsh of Walsh Engineering representing the Applicants addressed the Board along with Sandra Guay. Mr. Walsh stated the revised plan shows a red area of the driveway that is to be removed and replaced with 2 wheel paths with pervious pavers for overflow parking. Mr. Walsh also stated there will be a paved turnaround from the garage and a 5 foot diameter masonry fire pit ring in the southwest corner of the lot.

Mr. Kling noted the originally submitted site plan was revised so that the driveway is within the setback requirements.

Mr. Ayer asked if the Application needs to receive approval from the Goose Rocks Beach Advisory Committee. Mr. Kling suggested since this Application does not involve any on street parking on Kings Highway, the GRBAC does not need to be involved. Mr. Shaw suggested in the future he will ask any Applicants in the Goose Rocks Beach area to provide proof if the GRBAC has an interest in their project.

Mr. Walsh noted for the Board that the amount of impervious area has been reduced by 176 sq. ft.

Mr. Reid asked where the nearest on-street parking is in relation to the Applicant's driveway. Mr. Walsh replied the nearest parking space is further down Kings Hwy at the intersection and there is no on-street parking near the Applicant's driveway.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Famolare made a motion to approve the Application. Mr. Reid seconded the motion and the vote was unanimous. Mr. Reid was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting.

**3) 121201 Paul Cadigan / Graham Architects, Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to construct a driveway on Bellewood Avenue. [Assessor's Tax Map 34, Block 005, Lot 07 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item noting the Application was voted complete at the last meeting.

Mr. David Graham addressed the Board stating the property is currently a vacant lot located on Bellewood Avenue in the Goose Rocks Beach area and they are proposing to construct a driveway within 75 feet of the wetland which will require 19.7 cu. yds. of fill. Mr. Graham explained they are proposing to use a geo-paver system for a total lot coverage of 336 sq. ft. Mr. Graham also noted they have received a Permit By Rule from Maine DEP.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Reid made a motion to approve the Application as presented. Mr. Hathaway seconded the motion and the vote was unanimous.

Mr. Kling read the Findings of Fact into the record. Mr. Kling added the following statement to the prepared Findings: "The Applicant proposes, pursuant to Article 4.15.B.2 & 5, to use approximately 19.7 cubic yards of fill to construct a driveway and 2 parking spaces in an area within the Resource Protection Zone of approximately 534 square feet. The Applicant proposes to use a geo-grid paving system; All work performed shall be pursuant to the standards outlined in Article 5.12."

Mr. Famolare made a motion to approve the Findings of Fact as read by Mr. Kling. Mr. Ayer seconded the motion and the vote was unanimous.

### **Other Business:**

#### **Item 1**

At the Board's request, Mr. Kling proposed two options to change the current Land Use Ordinance to include architectural considerations for any Site Plan Review Application that is in a historic area of the town. In working with the town's Planner Werner Gilliam, Mr. Kling presented the following:

1. Change Article 8 to add a new section to read:  
"F. New Construction, replacement or substantial renovation and additions to existing structures on Non-conforming lots of record: Structures shall generally be designed in the same architectural style as the original building or a design that is comparable to neighboring buildings and traditional designs. In addition the principle (50% or more of the gross roof area) roof design shall be one or more of the below mentioned styles:

Gable, hip, cross gable, multi-gable, mansard or gambrel. Shed roofs and flat roofs (pitches of 3:12 or less) shall be primarily confined to porches and rear additions and shall not constitute more than 50% of the actual roof area.

Interior renovations involving existing structures that do not comply with this section need not comply with the above mentioned requirements."

Mr. Kling added Mr. Gilliam believes this change to those lots that are non-conforming would cover most of the Goose Rocks Beach area.

2. Mr. Kling proposed to use a model similar to that used in Ogunquit which provides a list of criteria aimed at protecting the historic area including requiring certain information from an Architectural Design Review Board.

Mr. Reid suggested using Mr. Kling's suggestions as part of the Planning Board's Guidelines for Decision.

Mr. Shaw suggested having examples of specific styles of houses (Cape Cod, Colonial, Victorian, Ranch, etc.) including roof pitches and other dimensions typical of that style of architecture. This would aide an Applicant and the Board in determining if a proposal is compatible with the neighborhood. The Planning Board agreed the proposals were a good start to granting the Board more authority to ensure future Applications comply with the architectural character of their neighborhoods. Mr. Hathaway cautioned the Board that the primary focus is not in the private details but rather to keep the streetscape in mind.

Mr. Kling stated he would draft a proposal to present at the February 28<sup>th</sup>, 2013 Board of Selectmen meeting and asked any Planning Board members to attend if possible.

#### **Item 2**

Mr. Brian Shaw explained to the Board that The Breakwater Inn needs to vary from its originally approved Application due to some water damage. Mr. Shaw described the Inn needs to replace a portion of the roof structure and framing. The Applicant has asked Mr. Shaw to approve the change rather than submit a new Site Plan Review Application to the Board. Mr. Shaw is requesting the Planning Board to grant him the authority to approve this change. Mr. Hathaway made a motion to grant Brian Shaw authority to approve this change to The Breakwater Inn's originally approved Site Plan Review Application. Mr. Reid seconded the motion and the vote was unanimous. Mr. Shaw stated he would ask the Applicant's attorney and architect to provide a memo detailing the change and ask the Planning Board Chairman to sign it on behalf of the Planning Board to be recorded with the Findings of Fact.

**Adjournment:** A motion was made to adjourn, it was seconded and the vote was unanimous.

**Submitted by:** Patricia Saunders, Planning Board Recording Secretary