

Kennebunkport Planning Board
April 17th, 2013 ~ 7:00 PM
Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, April 17, 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, Helen Conaty

Approval of Minutes: A motion was made to approve the minutes from the April 3rd, 2013 Planning Board meeting. It was seconded and the vote was unanimous.

Items:

1) 130201 KPT Ventures d/b/a The Cape Arundel Inn / John Einsiedler, Authorized Agent – Site Plan Review – **Findings of Fact** – for approval to remove a window, replace it with a door and metal egress stairs on the east side of the building in the back. [208 Ocean Avenue, identified as Assessor's Tax Map 07, Block 012, Lot 04 in the Cape Arundel Zone.] *Helen Conaty, Case Manager*

Ms. Conaty read the Findings of Fact into the record. Mr. Ayer made a motion to approve said Findings. Mr. Hathaway seconded the motion and the vote was unanimous.

2) 130203 Thomas & Carol St. Germain – Site Plan Review – **Public Hearing** - for approval to remove and re-construct a retaining wall in a different location, rebuild a retaining wall with new material, install and reduce driveway and build a walkway. [10 Ward Road Extension, identified as Assessor's Tax Map 21, Block 011, Lot 28 in the Cape Porpoise West Zone.]

Mr. Kling introduced the Agenda item. Mr. St. Germain addressed the Board stating they have engaged the firm of Gnome Landscaping to perform the proposed work if approved. Mr. St. Germain gave a brief description of the Application adding he is aware of the sensitive consideration of the lot coverage and the proposed landscaping will reduce the lot coverage from 36% to 28%. Using an enlarged site plan of the property, Mr. St. Germain indicated where the retaining wall would be rebuilt, the crushed stone to be replaced with fescue, the metal shed to be removed and the location of a set of stairs to the lawn in front of the boathouse.

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

Mr. Ayer complimented the Applicant on the design but questioned whether it was in keeping with the neighborhood. Mr. St. Germain responded there is a property on the corner that is extensively landscaped and more significant than what he is proposing.

Mr. Reid made a motion to approve the Application as presented. Mr. Famolare 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 meeting on May 1st, 2013.

3) 130301 Richard Woodman – Site Plan Review – **Public Hearing** – for approval to build a wood frame structure with a concrete floor for the use as a boat workshop and storage. [Route 9, Assessor's Tax Map 21, Block 004, Lot 36 in the Free Enterprise Zone.]

Mr. Kling introduced the Agenda item. Mr. Richard Woodman addressed the Board stating he is the owner of the property which is presently a vacant lot and is asking for approval to build a barn-type structure to be used as a workshop primarily in the winter season. Mr. Woodman added he will also be storing some boats mostly behind the workshop in the wintertime.

Mr. Kling asked the Applicant to indicate on the Site Plan where the structure would be located. Mr. Woodman specified on the plan the area for the 30'x50' workshop that is already cleared and stated the tools he uses are basic woodworking tools all within the enclosed insulated, heated building.

Mr. Fellenz asked for confirmation from the Applicant that whatever noise he would be making would be during regular working hours. Mr. Woodman agreed stating he would only be working there roughly between 8:30a.m. – 5:00pm and would obviously be working indoors.

Mr. Reid asked if there were any issues with water runoff. Mr. Woodman replied there will be a graded gravel area around the building so any water would gently trickle out from that. Mr. Woodman added the Department of Transportation is requiring him to install a culvert where the curb cut is now. Mr. Kling asked Mr. Gilliam if he detects any dangers in that regard. Mr. Gilliam responded based on the size and scope of the building it's in keeping with other buildings in the area and would anticipate one of the requirements is that the adjacent grade be positively pitched from the building.

There were no further questions from the Board. Mr. Kling opened the Public Hearing.

Mr. George Gal addressed the Board expressing his concern about the Applicant's proposed boat storage. Mr. Gal explained he lives at Shawmut Woods and does not want to see boats stored there in the wintertime. Mr. Kling explained to Mr. Gal that because the property is in the Free Enterprise Zone boat storage is a conditional use and is allowed.

Mr. Kling asked the Applicant if there would be any problems with fuel while storing the boats. Mr. Woodman replied the boats he stores are on small trailers and the mechanics have already been winterized.

Mr. Kling asked what the tree density is to the neighborhood and if the boats stored would be shrink wrapped in whatever color was less visible, white or blue. Mr. Woodman responded the property is densely wooded to the point that even with no leaves on the trees yet it is difficult to see the nearest house. As far as the shrink wrap, Mr. Woodman replied it depends on the season but typically in Maine in the winter white is more camouflaged.

Mr. David Graham, Architect addressed the Board to explain the reasons for filling in the wetland in front is to bring the building closer to Route 9 so the boat storage would be entirely behind the building and less visible from the street.

Mr. Kling asked Mr. Gilliam for his thoughts on the issue. Mr. Gilliam asked the Board to inquire how many boats the Applicant intends to store on the property and questioned whether the Board would want to make that a condition upon approval. Mr. Woodman specified he would have 10 boats at most and reminded the Board this town is a seaside community where fishermen have rights to store boats outside. Mr. Woodman also stated he has no intention of making the property look like a car lot for boats. Mr. Ayer questioned how the Board could limit the number of boats without limiting the size of the boats. Mr. Woodman agreed that putting a number to the limit was not practical.

Mr. Reid asked what the parking requirements are for this proposal. Mr. Gilliam replied parking is based on the number of employees not square footage. Mr. Gilliam also reminded the Board according to the Land Use Ordinance the storage of boats or fishing equipment is a permitted use. Mr. Woodman also reminded the Board that his future goal for this property is to eventually build a residence.

Mr. Gilliam suggested the 35'x60' gravel area be designated for boat storage with a turnaround area on the side of the building. The Board members and Applicant discussed various possibilities for vehicular parking and boat storage.

There were no further comments or questions. Mr. Kling closed the Public Hearing.

Mr. Ayer made a motion the Planning Board approve the Application of Richard Woodman for his project on Route 9 with the condition that the area west of the building be a vehicle parking area from the northerly side of the building to the southerly side of the building and all other areas be available for boat storage. Mr. Famolare seconded the motion and the vote was unanimous. Mr. Kling was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting.

4) 130204 Robert T. Murphy / Walsh Engineering, Authorized Agent – Site Plan Review – Public Hearing – for approval to reconstruct a seawall that was built under approval of the Planning Board on January 18, 2012 but has since eroded. [115 Marshall Point Road, identified as Assessor's Tax Map 31, Block 003, Lot 07 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item acknowledging receipt of the DEP's Permit By rule approval.

Mr. Bill Walsh, on behalf of the Applicant, addressed the Board stating the stone size used to build the current wall has proved insufficient resulting in significant erosion. In working with the DEP and the Army Corps of Engineers, Mr. Walsh explained they are proposing to reconstruct the wall approximately 170 feet long with 5 foot diameter stones.

Mr. Ayer asked if the wall would create any problems from an engineering perspective. Mr. Walsh responded because the wall is not a vertical concrete slab and will have irregular shaped stones; the stones redirect the wave action better than a flat surface would.

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

Mr. Ayer made a motion to approve the Application as presented by Walsh Engineering. Mr. Reid seconded the motion and the vote was unanimous. Mr. Hathaway will prepare the Findings of Fact to be read at the next Planning Board meeting on May 1st, 2013.

5) 130401, Walkers Point Family Limited Partnership / Woodard & Curran, Authorized Agent – Site Plan Review – Initial Review – for approval to extend two low seawalls an additional 50' to 75' in length to prevent further erosion and re-set stone armouring displaced by recent storms on existing stone pier. [243 Walkers Point, identified as Assessor's Tax Map 7, Block 001, lots 01/02.]

Mr. Kling introduced the Agenda item noting Mr. Gilliam had discussed this Application briefly with the Board at the last meeting. Mr. Gilliam prefaced this presentation by stating one portion of the repairs to be done fell within the scope of the Code Enforcement Office and the other portions involve new construction which what is before the Board now for review.

Mr. David Senus of Woodard & Curran addressed the Board stating they are looking to stabilize the existing erosive conditions. Mr. Senus illustrated on various maps of the property the two seawall locations and provided dimensions for the proposed improvements.

Mr. Kling asked when the existing seawall was built on the property. Mr. Senus admitted he did not have an exact date when that occurred but mentioned many of the buildings on the property were built in the 1940's.

Referring to the proposed seawall extension, Mr. Reid asked if there would be a change in elevation for the new portion of the wall. Mr. Senus replied it would be the same level as what is there now.

Mr. Senus showed the Board a series of photographs depicting the existing erosive conditions on the property and drawings showing the design of the walls and revetments to protect against scour and erosion against the wave action.

Mr. Kling acknowledged receipt of the DEP's Permit By Rule and the Army Corps of Engineers approval under their Category 1 notification.

Ms. Conaty asked if the proposed 50ft. wall against the driveway was new. Mr. Senus replied yes the wall is in a location where we've seen stones washed up on the driveway because there is nothing between the low seawall and the fence line.

Mr. Fellenz asked what size boulders they were proposing for the wall. Mr. Senus stated there would be 3 or 4 ft. rocks approximately 1,000 lbs. depending on the location.

Mr. Reid made a motion to find the Application complete. Mr. Hathaway seconded the motion and the vote was unanimous. Mr. Senus asked the Board, in order to expedite the process if he could prepare for the Board a draft Findings of Fact in anticipation of Board approval after the Public Hearing at the next meeting. The Board agreed to Mr. Senus' request. A Public Hearing will be held on May 1st, 2013.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary