

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

A regular meeting of the Planning Board was held on Wednesday, October 16th, 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, John Hathaway, Peter Fellenz, Hellen Conaty
Mr. Ayer is absent. Mr. Fellenz will have voting privileges for this meeting.

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

Items:

1) Lakeside 19, LLC / Ocean Sound Subdivision/ Albert Frick Associates, Inc., Authorized Agent, - Public Hearing - Final Amendment for approval to revise a previously approved three-lot subdivision off Ocean Avenue, to create a four-lot subdivision. [Ocean Sound Lane, identified as Assessor's Tax Map 20, Block 004, Lots 1A, 1B, 1C and 1D, in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item. Mr. Famolare is recused from this Review. Ms. Conaty will have voting privileges for this Application.

Mr. James Logan of Albert Frick Associates addressed the Board. Mr. Kling acknowledged receipt of the stormwater analysis and water test results requested at the last Planning Board meeting. Mr. Logan gave a brief summary of the proposal underlining each lot has two suitable septic sites, approval by town officials for the relocation of the proposed driveway and have been able to eliminate previous easements existing from lots 1 through 3.

Mr. Kling asked the Applicant to summarize the agreement reached with the town regarding the sidewalks. Mr. Logan replied the town Highway Department Supt. Michael Claus visited the site and deferred comment on the agreement reached to Werner Gilliam. Mr. Gilliam explained in the original approval for the Ocean Sound Subdivision it states that the sidewalk must be constructed to the satisfaction of the Town Manager and the Highway Department. Based on Supt. Claus's request, instead of a full sidewalk with granite curbing the Applicant will extend the paved shoulder. Mr. Gilliam added the Highway Dept. was concerned the granite curbing would make it difficult for plowing and the Town and Applicant have also a payment agreement for the work being done.

Ms. Conaty asked the Applicant if they can provide the upper limits of the development. Mr. Logan responded the stormwater report evaluates the square footage allowed and states the amount of development cannot exceed 17,000 sq. ft.

Mr. Fellenz questioned the water testing report submitted is the testimony of a service provider and not of an independent agent. In response, Mr. Logan directed the Board to an email sent from Dunbar Wells Company. Mr. Kling asked Mr. Gilliam to provide some guidance as to how the Board might approach the water issue as a condition upon approval. Mr. Gilliam read the following statement into the record as part of a memo submitted to the Board prior to this meeting: "The Planning Board could impose as a condition of approval that the developer construct a well for each lot and be required to provide professional documentation regarding the flow from the well and a statement regarding the treatability of the water before the issuance of any building or growth permit. This would remove the need for the town to maintain an escrow account, and would provide for a recorded condition that would act as a warning to any potential purchaser."

Mr. Kevin Curran addressed the Board to respond to concerns some Board members raised about the water quality and possible conditions placed upon approval. Mr. Curran stated he has reached an agreement with the Stockwells, who are happy with Lot 4 and has been working with the town to satisfy all of the Subdivision Regulations. The conclusion, Mr. Curran added, is this is still a low density development.

Mr. Kling opened the Public Hearing.

Mr. Dick Tonneson of 3 Elizabethan Drive addressed the Board in support of the Applicant, stating he built his home and has lived there 34 years with well water and has had no problems with the water and has no filtration system of any kind.

Mr. Dick Stockwell of 2 Elizabethan Drive addressed the Board in full support of Mr. Curran and Lakeside 19 stating they have satisfactory drinking water where they are currently. Mrs. Liz Stockwell added they have appropriate treatment of their well, and as abutters have no issues with this lot being developed.

Mr. Leo Famolare of 261 Ocean Avenue asked the Board why the water company isn't considering extending the line further with town water less than ½ mile away. Mr. Kling asked if Mr. Famolare thought it was time to approach the water company again to reconsider. Mr. Famolare replied yes. Mr. Curran stated he did talk to a number of the neighbors to identify if there was an interest in having town water and said there was only one person interested. Ms. Stockwell said she approached the water department herself a few years ago who had no interest at that time in extending the water line.

Mr. Famolare also asked the Applicant to cease allowing buses to use his road as a turn-around. Mr. Famolare stated it is a safety issue having buses turn around on Ocean Avenue. Mr. Curran agreed to post a sign prohibiting vehicles to use the lane as a turnaround.

Mr. Patrick Briggs of 16 Elizabethan Drive addressed the Board stating he was quoted a price of \$30,000/house from the water district as the cost for connecting to town water. Mr. Briggs added that at that price he does not see having town water as a viable or reasonable option.

Mr. Paul Wainman of 22 Elizabethan Drive addressed the Board stating they have lived in their house for 8 years and has a completely adequate water supply for a family of four.

There were no further comments from the public audience. Mr. Kling closed the Public Hearing and cited the following list of conditions subject to approval:

- The Applicant will make a contribution as agreed with the town to complete the sidewalk and/or extended shoulder as mentioned in the original approval to the satisfaction of the Town Manager and the Highway Department.
- That no development would exceed the maximum parameters listed in the stormwater report specifically for Lot 4.
- That the Applicant would provide evidence of actual flow and treatability of water quality on each lot to the satisfaction of the Code Enforcement Office before any building permit would be granted. This condition is to determine the water flow is acceptable for domestic use and fire suppression purposes.

Mr. Hathaway made a motion to approve the Application. Ms. Conaty 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 meeting on November 6th, 2013.

2) 130804 David & Jennifer Eaton / Peterson Design Group, Authorized Agent – Site Plan Review –**Public Hearing** - for approval to revise a previously approved site plan by reducing lot coverage with an exchange of a previously approved 352 square foot stone patio with a 199.5 square foot deck. [225 Kings Highway, identified as Assessor's Tax Map 34, Block 001, Lot 09 in the Goose Rocks Zone.]

Mr. Famolare has rejoined the Board. Ms. Conaty will be an alternate for the remainder of the meeting and will not have voting privileges

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

Mr. Erik Peterson addressed the Board stating the Eaton's original site plan approval included a patio with a stone wall around it. Since then the Eaton's have decided they would prefer a 199.5 sq. ft. deck which would provide a net reduction of 173.5 sq. ft.

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

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

~~**3) 130901 Diane Hutchins, Trustee of The Hutchins Family Trust** – Site Plan – **Initial Review** – for re-approval of a previously approved site plan to extend a private right of way and create five lots on the existing property. This request was previously approved by the Planning Board on August 16, 2006. [115 Main Street, identified as Assessor's Tax Map 22, Block 003, Lots 15A & 15B and 17A & 17B in the Cape Porpoise West Zone.]~~

4) 130701 Arundel Cemetery Corporation – Site Plan – **Continued Review** – for approval to create an access drive to an area of proposed burial plots with a new opening onto Walker Lane. [Walker Lane, identified as Assessor's Tax Map 13, Block 006, Lot 09 in the Farm and Forest Zone.]

Mr. Kling introduced the Agenda item noting the Board has received a revised plan since this Application last appeared before the Board.

Mr. James Logan addressed the Board stating the modified plan is in a format conducive for recordation and incorporates a space for signatures and a professional surveyor's stamp. Mr. Logan explained the proposed access driveway was reviewed and approved by both the Public Works Department and the Police Chief. Mr. Logan added he met with Werner Gilliam and the Tree Warden on site to discuss the removal of two Norway spruces trees and one maple tree and the Town Arborist suggested replacing them with 3 red maples.

Mr. Kling asked how large the replacement trees would be. Mr. Logan replied the trees would be near 15 to 18 feet tall and would be placed around the entrance and the third one in an area that cannot have any burial sites due to the close proximity to the adjacent lot.

Mr. Logan added the reconfiguration of the proposal increased in the number of burial sites to 43 from the original 37 sites proposed will still meet the 25 foot setback requirement.

Mr. Kling asked if the Code Enforcement office had any issues with the new proposal. Mr. Gilliam stated he had no objections at this point.

Mr. Famolare made a motion to find the Application complete. Mr. Reid seconded the motion and the vote was unanimous. Mr. Kling announced pending receipt of the DEP permit, a Public Hearing will be held at the next Planning Board meeting on November 6th, 2013.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary