

**Kennebunkport Planning Board
September 17th, 2014 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, September 17th 2014. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Helen Conaty, Thomas Boak, Ray Hilwig
Mr. Boak and Mr. Hilwig will have voting privileges for this meeting.

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the September 3rd, 2014 Planning Board meeting. Mr. Hilwig seconded the motion and the vote was unanimous.

Items:

1. **140701 St. Ann's Episcopal Church / Pinkham & Greer, Authorized Agent** – Site Plan Review – **Findings of Fact** - for approval to construct a storm drain and make repairs to the seawall. [167 Ocean Avenue, identified as Assessor's Tax Map 7, Block 001 Lots 9 & 9A in the Cape Arundel Zone.]

Mr. Reid read the Findings of Fact into the record. Mr. Hilwig made a motion to approve said Findings. Mr. Boak seconded the motion and the vote was unanimous.

2. **The Chicadee Trust, Cape Arundel Woods Subdivision / Sebago Technics, Authorized Agent** - Preliminary Application – **Initial Review** - for approval to amend the Plan of Lot 2A [2 Poets Lane, identified as Assessor's Tax Map 07, Block 013, Lot 1D in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item stating this is a Preliminary Application and Initial Review.

Mr. Steve Doe of Sebago Technics, along with Attorney Ralph Austin, addressed the Board. Mr. Doe showed the Board members and audience the site plan indicating the driveway access off of Poets Lane and stated the Applicants are proposing to create one other lot for their daughter indicated on the plan in yellow. Mr. Doe pointed out that Endcliffe Road is partially paved and the proposed design meets town standards for a private road with a turnaround at the end. Mr. Allan Muir has given his verbal approval that the road is accessible for emergency vehicles, Mr. Doe added. The new proposed lot will have a new well and septic and indicated the two potential septic locations along with clearing limits on the property, Mr. Doe concluded.

Mr. Kling announced the Planning Board did receive a signed copy of the DEP's Permit By Rule approval.

Mr. Kling asked with the possibility of the adjoining property having public water is there a chance of extending the water line to this subdivision. Mr. Doe responded the alternative to brining public water to the subdivision was estimated to cost approximately \$100,000 as there is a large amount of bedrock along the road that would have to be blasted in order to install the water main. Mr. Kling asked the Applicant to provide the Board with an exact cost analysis for adding Town water to the subdivision.

Ms. Conaty asked how many lots would be owned by Chicadee Trust of the total 5 lot subdivision. Mr. Austin replied Chicadee Trust would own 2 lots.

Mr. Kling asked the Applicant to provide the Board with a written letter of approval from the Fire Chief. Mr. Doe agreed to provide the Board with a letter before the next meeting.

Mr. Kling asked the Board members to review the Applicant's waiver requests and asked Mr. Gilliam if the town had any concerns with those requests. Mr. Gilliam indicated the town had no concerns regarding the waivers. The Board agreed there were no concerns with the requested waivers.

Mr. Kling stated the Planning Board would need confirmation about the water supply and receive a letter of approval from the Fire Chief before it can approve the Preliminary Application. It was agreed this review will return to the Planning Board upon the Applicant's notice.

3. **140802 Earth Restaurant, Hidden Pond II / Sebago Technics, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to increase the kitchen and food prep area at the Earth Restaurant by 412 square feet, relocate two sheds and do some minor site work. This project was previously approved by the Planning Board on March 20, 2013, however no permits were obtained and the approval has expired. [354 Goose Rocks Road, identified as Assessors Tax Map 38, Block 001, Lot 08 in the Free Enterprise Zone.]

Mr. Steve Doe addressed the Board on behalf of the Applicant and gave a brief summary of the previously approved Application involving the expansion of the kitchen area and the relocation of 2 sheds. Mr. Doe indicated the Applicant is looking to do the construction this Fall.

Mr. Hilwig asked the Applicant why they didn't begin the construction earlier before the approval expired. Mr. Doe stated the approval was granted in March of 2013 and they didn't have enough time to complete the project before the restaurant opened in the Spring.

Mr. Kling asked Mr. Gilliam if the town had any concerns about this Application. Mr. Gilliam replied he had no issues with this Application.

Mr. Reid made a motion to find the Application complete as presented. Ms. Conaty seconded the motion and the vote was unanimous. Mr. Kling announced a Public Hearing would be held on Wednesday, October 1st, 2014.

4. **140801 Kennebunkport Conservation Trust / Sebago Technics, Authorized Agent – Site Plan Review – Initial Review** – for approval to construct a new educational, scientific and nature interpretation center with associated site improvements consisting of parking, walkways, landscape and site lighting. [8 Mill Lane, identified as Assessor's Tax Map 09, Block 01, Lot 12 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item and noted receipt of the following correspondence:

- Letter from Frederick Van Veen of 20 Sand Point Road admonishing the Planning Board to perform their duty in determining if the Application meets all of the requirements of the Land Use Ordinance and not to consider whether this project is beneficial to the community.
- Request from John Bannon to not hold the Public Hearing for this Application on October 1st. The Applicant agreed with this request.
- Letter of approval from Jim Stockman, Chairman of the Kennebunkport Lighting Committee.

Attorney Darwood Parkinson addressed the Board representing the Kennebunkport Conservation Trust to present their new proposal for the River Heritage Educational Center. Mr. Parkinson introduced Tom Bradbury, Executive Director of the Trust along with Steve Doe of Sebago Technics and Attorney Ralph Austin, co-counsel for this project.

Mr. Bradbury addressed the Board stating the continuing goal of the Conservation Trust is to preserve land for use by current and future generations and to manage properties in a way that reflects the natural and cultural heritage of Kennebunkport. Mr. Bradbury gave a brief pictorial presentation of the history of the Conservation Trust and of the current Application.

Mr. Steve Doe addressed the Board to walk through the site plan of the proposed 2 building concept for the educational center and grist mill. With a change in the Maine DEP policy to allow partial credit for using grass pavers instead of asphalt paving, Mr. Doe stated their calculations on impervious surface is down to 21.7% as opposed to the previous 23.4%. Mr. Doe stated they were able to reduce it to the 21.7% by reducing the size of the building, parking lot and plazas and eliminated some walkways but still meet the ADA requirements.

Mr. Parkinson indicated for the Board there was one more page in their Application addressing the Heritage Center's operations and restrictions stating there will always be a Trust Representative at all functions. Mr. Parkinson added the Trust is very receptive to those restrictions to minimize the impact on the neighbors.

Mr. Kling asked, in terms of the actual amount of likely traffic at any given time, how much school or visitor traffic would be expected. Mr. Parkinson replied the grinding of grains would be limited between 8:00am and 6:00pm and only for a couple times a week depending on the tides. Mr. Parkinson added with the size of the facility and the ability to only grind grain a few times a week, the traffic would be minimal but not something that could be itemized.

Mr. Reid asked the Applicant to quantify what possible events may occur on the premises. Mr. Parkinson explained that like a museum or other historic site, from time to time, there will be requests to use the facility for certain types of gatherings but they would minimize the impact of those events. Mr. Parkinson explained he is aware the big concern for people is this would be a wedding reception center, which it will not.

Mr. Kling asked what the capacity of the building would be. Mr. Parkinson replied the building is roughly 1200 sq. ft. with a gathering area of 895 sq. ft. Mr. Bradbury added they see the function of this space for education purposes and doesn't lend itself as a large event space.

Mr. Hilwig asked what the hours of operation would be. Mr. Parkinson explained the educational center would be open during daylight hours, 9 to 5, 5 days/week and the grinding of grain could be from 8:00am to 6:00pm

Mr. Kling asked if it was possible to increase the tree buffering for abutters. Mr. Doe explained there is a landscape plan to increase the buffering but there is a sewer easement in one part and they are not permitted to plant over the sewer easement itself. Mr. Reid asked if there could be some buffering to prevent lights from cars from interrupting the neighbors. Mr. Doe replied they could add some lower plantings to block the lights. Mr. Hilwig suggested if there was a problem with planting due to the sewer easement, perhaps a small 4-5 foot fence could be installed along the property line.

Mr. Kling asked if the Board could get Town Counsel's opinion on this new Application. Mr. Gilliam responded he has already asked Town Counsel to review and update their opinion and would anticipate receiving that opinion before the Public Hearing well in advance for the Planning Board and Applicants to review.

Mr. Kling also asked if the Applicant could provide documentation of the Board of Selectmen's Approval along with documentation that this project is consistent with the Town's Comprehensive Plan.

Mr. Doe briefly ran through the following list of approvals they have received:

- MDEP – MWDCA Permit & Water Quality Certification

- MDEP – MWDCA Minor Amendment
- MDC Submerged Land Easement
- Army Corps of Engineers – General Permit
- Kennebunk River Committee
- Maine Department of Marine Resource
- Kennebunkport Board of Selectmen

Mr. Hilwig made a motion to find the Application complete with the noted requests above. Mr. Boak seconded the motion and the vote was unanimous. A Public Hearing will be held on Wednesday, October 15th, 2014.

The Planning Board took a brief 5 minute recess from the meeting.

5. **140803 Anne Barnes and Patrick & Lesley Brophy / Walsh Engineering, Authorized Agent – Site Plan Approval – Initial Review** – for approval to reconstruct and expand a non-conforming family dwelling. [87 Ocean Avenue, identified as Assessor's Tax Map 08, Block 001, Lot 17 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item. Mr. Reid is recused from this Application.

Attorney Ralph Austin along with Bill Walsh of Walsh Engineering addressed the Board representing the owners of the property. Mr. Austin explained the proposal is to remove an existing residence and rebuild in a more conforming location as well as repair an existing seawall. Mr. Austin noted the new structure will have a reduced footprint of 1,144 sq. ft. and they have applied for a Permit By Rule from the DEP but have not received the approval yet.

Mr. Walsh gave a brief presentation of the details of the project noting the proposed house has a smaller footprint and is serviced by public sewer and water and is beyond the 25 ft. setback line. Mr. Walsh also noted the rebuilt seawall will be in the same location and the same height except it will be made of granite not wood.

Citing Article 8 Reconstruction or Replacement of a Non-Conforming Structure in the Land Use Ordinance, Mr. Kling asked why the building couldn't be moved further back on the lot. Mr. Austin responded the proposed relocation takes into consideration the viewscape of the structure along with the existing garage which will be relocated at a future date under another Site Plan Application.

The Board members agreed the garage was a consideration and asked the Applicant to evaluate other options of moving the house further back on the property and relocating the existing garage.

Ms. Conaty made a motion to consider the Application complete. Mr. Hilwig seconded the motion and the vote was unanimous.

Other Business:

Mr. Hilwig made a motion to approve Mr. David Kling as Chairman of the Planning Board and Mr. Greg Reid as Vice-Chairman of the Planning Board. Mr. Boak seconded the motion and the vote was unanimous.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary