

Kennebunkport Planning Board
April 19th, 2017 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, April 19th, 2017. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Peter Fellenz (Chair), Tom Boak, Russ Grady, D. Scott Mahoney, Mark Messer, Nina Pearlmutter

Approval of Minutes: Mr. Boak made a motion to approve the minutes from the April 5th, 2017 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. **170202 Justin & Grace Benincasa / Sandra Guay, Esquire Authorized Agent** – Site Plan Review – **Findings of Fact** - for approval to construct a 4' x 30' pier, a 3' x 25' seasonal ramp and a 10' x 20' float. [159 Wildes District Road, identified as Assessor's Tax Map 22, Block 005 Lot 21 in the Cape Porpoise West, Shoreland and Resource Protection Zones.]

Mr. Grady read the Findings of Fact into the record. Mr. Mahoney made a motion to approve said Findings. Mr. Boak seconded the motion and the vote is unanimous.

2. **Binnacle Hill Subdivision – Public Hearing** of a Sewer Extension Application on New Biddeford Road, identified as Assessor's Tax Map 41, Block 002, Lots 8C & 8D in the Goose Rocks Zone.

Mr. Fellenz introduced the Agenda item and explained the reason this Application is before the Planning Board is because the Sewer Use Ordinance specifies that sewer extension applications require a Public Hearing and the Planning Board is the mechanism by which that requirement is met. Mr. Fellenz instructed the Board members it is their duty to hold the Public Hearing, listen to any comments or concerns raised and determine whether or not to make a recommendation to the Board of Selectmen whether the Sewer Extension Application should be approved.

Mr. Fellenz acknowledged receipt of the following correspondence:

1. Memo from Laurie Smith Town Manager to the Planning Board dated April 14, 2017 stating "the Board of Selectmen reviewed the proposal to extend the sewer main along New Biddeford Road to the Binnacle Hill subdivision at their meeting on April 13, 2017" and concluded that "The Selectmen will review the Planning Board's recommendation at their meeting on April 27th with the expectation of placing the sewer extension as an unconditional gift offer on the June Town Meeting Warrant."
2. Memo from Michael Claus Acting Superintendent Kennebunkport Wastewater Department dated April 5, 2017 stating the Wastewater Department hired Pinkham & Greer Engineers to review this Sewer Extension Application and they concluded the Applicant should be allowed to connect to the town collection system and install sewer stubs from the sewer main extension on New Biddeford Road with little or no impact to the town's system. Mr. Claus also recommended that the Town take possession of the sewer main extension on New Biddeford Road due to the fact it is proposed to be in a public right of way.

Mr. Boak commented there wasn't anything in the Application that stated Binnacle Hill will pay for the sewer line. Attorney Ralph Austin, representing the Binnacle Hill Subdivision responded that the developer is paying for the sewer main extension running along New Biddeford Road to extend to the subdivision houses but the Board of Selectmen have agreed to pay from town funds for the 18 stubs for the existing New Biddeford residents if they wish to tie into the system. Mr. Austin further explained after the system is in, the town places a 5-year moratorium on the road opening once it is repaved.

Mr. Boak noted that the stubs will be there if those residents wanted to connect. Mr. Austin replied there is a process in the Sewer Ordinance as to how that would happen. To clarify, Mr. Gilliam explained the existing 18 homes that would be eligible to tie into the system would have to go through an application process with the Sewer Department and the property owner would be responsible for any additional infrastructure to tie into the force main such as a grinder pump.

Mr. Fellenz asked the Board members if they had any further questions before opening the Public Hearing. Mr. Fellenz also noted that the developer will pay the cost of installing the sewer line.

Mr. Fellenz opened the Public Hearing.

Mr. Stuart Tacy of 15 New Biddeford Road addressed the Board asking if those houses currently on New Biddeford Road that have functioning septic systems are obligated to tie into the system. Mr. Tacy also asked where the line will be run, on the north or south side of the road. In response to Mr. Tacy's first question, Mr. Gilliam replied that provided the functioning septic system is showing no sign of failure, the homeowner is entitled to continue using it but at such time should you do a replacement system, state law would prohibit you to replace the

existing system and you would then be obliged to tie into the town system at that time. Mr. Claus noted that in reading the Ordinance there may be an exception for homeowners who need to install grinder pumps in order to tie into the system.

Mr. Messer asked if there was an exception for distance from the line as well. Mr. Gilliam replied the foundation of the edge of the house has to be within 200 feet.

In response to Mr. Tacy's second question, Mr. Steve Doe replied the line will be on the north side of New Biddeford Road as the water line will be on the south side.

Mr. Tacy noted the north side of New Biddeford Road is where the summer parking spaces are located and asked what impact that will have on those folks parking on the north side. Mr. Doe responded that was a concern during the Planning Board's Preliminary Review process so the developer will hold off any construction on New Biddeford Road during the summer months and after Labor Day will start the sewer main extension.

Ms. Betty Tacy, also of 15 New Biddeford Road addressed the Board and asked what will it cost them to hook up to the line. Mr. Austin replied that no one knows at this point but the Board of Selectmen are in the process of reviewing the sewer ordinance and are deciding what the fee shall be.

To clarify, Mr. Boak stated that it is only if your septic tank fails will someone need to hook up to the line; adding it will probably be cheaper than installing a new septic system.

Mr. Mic Sheffield along with Pam Reynolds of 8 New Biddeford Road addressed the Board to ask if the bridge was going to be closed due to the construction. Mr. Doe replied they would keep one lane open during construction.

Mr. Sheffield also commented that there are a large percentage of seasonal residents south of the bridge on New Biddeford Road and questioned the timing of holding the Public Hearing since most of those residents were not in town at this time. Mr. Messer added that the Planning Board reviews all letters from the public so seasonal folks can always send an email or postal mail. Mr. Gilliam also responded stating that residents in general have not been shy about expressing their views or questions with phone calls, letters, or emails to the town office.

Mr. Fellenz noted that within the Land Use Ordinance the town has expressed a preference for new subdivisions to tie into the sewer lines so the Planning Board tries to push private developers to do so. With that in mind, Mr. Fellenz offered his opinion that this is consistent with the philosophy of the Ordinance.

Mr. Austin also noted that this is not the final meeting on the sewer application as the Board of Selectmen will hold a Public Hearing and if they approve it then it will be added to the Town Meeting in June for a vote where people will also have an opportunity to speak as well.

Mr. Austin added that the developer originally wanted to connect the sewer with a cross country line and it was made clear that the Board of Selectmen and the town wanted the connection along New Biddeford Road so those homeowners had an opportunity to connect as well.

Ms. Tacy asked how many homes are in the new subdivision. Mr. Gilliam replied the proposal is for 15 homes. Ms. Tacy noted they were told there wasn't the capacity to tie into the town sewer system when her mother first owned their property back in the early 1990's. Mr. Grady responded that there have been a number of different upgrades to the system over the past 20-30 years and it now has the capacity to handle it.

Ms. Tacy asked where the line will cut into the new subdivision. Using enlarged Site Plans of the proposed subdivision, Mr. Doe indicated where the force main will run along New Biddeford Road and enter into the subdivision property.

Ms. Pam Reynolds, of 8 New Biddeford Road commented that this was the first she has heard about the proposed subdivision and asked if it was approved yet. Mr. Fellenz replied the Preliminary Subdivision Plan was approved and the Applicant is now in the process of submitting the Final Application for approval. Mr. Grady added that the town saw an opportunity here while the road was going to be dug up because of the development that they put in the stubs right away.

Ms. Reynolds asked how long the bridge would be closed. Mr. Bowley responded it would only be a matter of days during the week but not until after Labor Day and the bridge would not be closed during the weekend.

Mr. Fellenz asked if there were any further questions or comments from the audience in attendance.

Ms. Pearlmutter commented that the Town of Kennebunkport goes out its way to try to inform its abutters and neighbors about things that may affect them by televising meetings, making sure people are notified, and having access to plans available in the Code Enforcement Office for public viewing. However, it is ultimately the property owner that is responsible for informing themselves.

There were no further comments or questions from the audience.

Mr. Fellenz closed the Public Hearing.

Mr. Grady made a motion to authorize the Chairman of the Planning Board to send a letter of recommendation to the Board of Selectmen to accept the sewer extension and to accept the unconditional gift to the town. 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