

Kennebunkport Planning Board
May 4, 2016 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, May 4th, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Ray Hilwig (Acting Chair), John Hathaway, Helen Conaty, Tom Boak

Approval of Minutes: Ms. Conaty made a motion to approve the minutes from the April 20th, 2016 Planning Board meeting. Mr. Hathaway seconded the motion and the vote was unanimous.

Items:

1. Sandpiper Capital Management II, LLC / Sebago Technics, Authorized Agent – Preliminary Review – **Initial Review** – for approval to create an eight (8) lot subdivision. [Ebs Cove Lane, Assessor's Tax Map 21, Block 009, Lot 52 (portion) in the Village Residential Zone.]

Mr. Hilwig introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board on behalf of the Applicant Ebs Cove Development stating this Application is essentially the same as the Sketch Plan previously presented. Mr. Doe outlined some of the details of the Application as follows:

- The road will be mostly the same as it is currently on the property with the exception that the grade will be reduced to conform to Town standards.
- The Applicant will provide 6% open space.
- According to the Subdivision Regulations, if there is less than 15% open space an Applicant may choose to provide an in lieu of payment.
- Each lot will have public water and be tied into the public sewer using ejector pumps with a force main.
- Power service for each lot will be underground.
- There will be no impact on any wetlands on the property.

Mr. Geoff Bowley of Ebs Cove Development addressed the Board explaining the amount of the in lieu payment has been determined and they are still working on the mechanics of how and when the payment will be made. Mr. Gilliam further explained in working with Town Counsel and the Assessing Agent Donna Hays the estimated in lieu of payment would be \$135,459.98 based on the Applicant providing only 5% open space. That amount will be adjusted slightly if the Applicant proposes having 6% open space. Mr. Gilliam added it is up to the Planning Board to decide whether to accept this option of having an in lieu of payment instead of 15% open space. Mr. Doe added if the Planning Board requires the Applicant provide 15% open space then what is shown currently on the site plan as lot 1 would be left as open space and the subdivision would be reduced to 7 buildable lots.

Mr. Doe also outlined some performance standard waivers the Applicant is requesting, which are:

- Requirement to have 25 feet of road frontage
- Maximum road length is 1,000 feet and the propose road length to the center of the cul-de-sac is 1,060 feet
- Requirement to have sidewalks in a growth zone
- Requirement to conduct a high intensity soil survey.

Mr. Hilwig commented that the proposed subdivision is 8 lots but in reality 10 lots would be using the road. Mr. Doe responded that Candace Swords owns the lot adjacent to the proposed subdivision and there is also a house being built now by the owner's son that will also use the road. All property owners using the road will be members of the homeowner's association to maintain the road, Mr. Bowley added.

Mr. Hathaway made a motion the Application is complete as presented. Mr. Boak seconded the motion and the vote was unanimous.

Mr. Gilliam asked the Board for authorization to schedule a Peer Review on the storm water analysis as is required in the Subdivision Regulations.

Mr. Hathaway asked if the Board would have an answer by the next meeting whether the Applicant will provide an in lieu of payment or will have to alter the submitted plan to reduce the number of lots to 7 allowing for 15% open space. Mr. Gilliam replied he hoped to have a determination from Town Counsel shortly and if that decision is acceptable to the Applicant, he will notify the Planning Board. Mr. Gilliam further explained that if the Developer accepts the Town's methodology for the payment process to happen then their proposal for 8 lots would stand.

Mr. Boak made a motion the Planning Board authorize a Peer Review be conducted on the storm water analysis. Ms. Conaty seconded the motion and the vote was unanimous.

Mr. Bowley expressed the desired method of payment is to prorate the payment over the course of each lot's sale. Mr. Hathaway commented that essentially until the lot is sold it is open land.

Mr. Hathaway made a motion the Planning Board accept the option of as each lot is sold the Applicant pays a proportionate share of the in lieu of payment for open space as determined by the town. The Board members had a brief discussion on the specific mechanism how the payments would be made and whether the town should place liens on each lot before they are sold. Mr. Gilliam mentioned that some of the mechanisms are not in place yet and the Board should perhaps wait to receive Town Counsel's opinion. Mr. Hathaway withdrew his motion.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary