

Kennebunkport Planning Board
May 6, 2015 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, May 6th, 2015. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Helen Conaty, Peter Fellenz, Thomas Boak, Ray Hilwig
Mr. Hilwig will have voting privileges

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the April 15th, 2015 Planning Board meeting. Mr. Fellenz seconded the motion and the vote was unanimous.

Items:

1) **150102 Edward Walsh** – Site Plan Review – **Findings of Fact** for approval to develop additional lots utilizing Cape Stone Drive in its existing configuration. (Cape Stone Drive, identified as Assessor's Tax Map 21, Block 004, Lot 23B in the Free Enterprise Zone.) Tom Boak, Case Manager

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

2) **Wallace Woods** – Preliminary Review – **Public Hearing** for approval of a proposed nine lot cluster style residential subdivision. [North Street, identified as Assessor's Tax Map 9, Block 3, Lot 1B.]

Mr. Reid is recused from this review. Both Mr. Hilwig and Mr. Boak will have voting privileges for this Application.

Mr. Kling introduced the Agenda item and gave a brief explanation of the Subdivision Review process. Mr. Kling asked Mr. Doe to give a brief summary of the project before opening the Public Hearing.

Mr. Steve Doe of Sebago Technics addressed the Board stating there were two open items from the last meeting the Board had asked for clarification on. The first being the lighting and after speaking with the Lighting Committee the Applicant has decided to have four fixtures along the road each will emit under 900 lumens, Mr. Doe explained. Mr. Kling asked Mr. Doe to point out on the enlarged Site Plan of the Proposed Subdivision where the lampposts will be located. Mr. Doe indicated there would be one light at the entrance, one near the end of the public road and 2 located in the middle of the road.

The second item, Mr. Doe explained, was a response from the Applicant regarding the peer review. Ransom Consulting had reviewed the Application and commented on the size of the culvert. Mr. Doe stated he met with Mike Claus, Kennebunkport Highway Supt., who gave his approval for the size of the culvert stating the current culvert meets the capacity. The other item discussed during the peer review is the issue of water running across the sidewalk to the catch basin. Mr. Doe again explained he met with Mike Claus who did not have an issue with the water as long as the sidewalk was kept clear of snow and was salted/sanded to avoid freezing in the winter.

Mr. Kling asked the other Board members if they had any questions for the Applicant before opening the Public Hearing.

Mr. Fellenz asked Mr. Doe to provide a quick summary of the proposal. Mr. Doe explained the proposal is a 9 lot cluster subdivision, utilizing the existing road with some improvements made including a cul de sac and moving the current overhead power lines underground.

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

Mr. Kling acknowledged receipt of a letter from abutters, Adam and Kerin Burnett. Mr. Kling stated most of the issues raised in their letter were not in the purview of the Planning Board and suggested the Burnetts meet with either the Town Manager or Werner Gilliam in the Code Enforcement office to discuss their concerns.

Mr. Kling also stated there are currently drainage issues in the road and asked Mr. Doe how those issues can be addressed.

Mr. Adam Burnett addressed the Board explaining there is stagnant water in a ditch along the road on North Street and was concerned about further runoff from the construction of the Subdivision. Mr. Doe responded that area currently is very flat which allows the water to sit there and there is also a stream which supplies some of the water. Mr. Doe explained there will be a slight change to the grade so the surface water could flow more easily to the storm drains.

Mr. Burnett also expressed his concern about the residual effect of the clearcutting; adding they have lost 3 trees on their property from the disruption of their root system from the adjacent lots. Mr. Doe responded there is a large section of open space abutting the Burnetts property in order to minimize any disturbances.

Ms. Gail Preble, abutter also addressed the Board inquiring about the proposed lighting. Mr. Doe explained the light fixture they've selected is a residential scale fixture mounted on 8 ft. poles emitting only 810 lumens which is equivalent to a 60 watt bulb. Ms. Preble

asked who will maintain the lights. Mr. Doe replied it is the developer's responsibility to maintain the light fixtures until all the lots are sold and then the homeowner's association would take over responsibility.

Mr. Peter Graham, abutter, addressed the Board and questioned whether there is proper line of sight for cars pulling out of the road and asked what was the methodology used in determining it was acceptable. Mr. Doe responded that their traffic engineers were on sight performing an inspection and gathered measurements as well as the Maine Dept. of Transportation visited the site to determine sufficient line of sight. Mr. Doe added that traffic data was submitted in the initial Application.

Ms. Susan Graham addressed the Board asking how the Maine DOT measures the sight distance. Mr. Doe replied it is measured at several heights of someone in a vehicle.

Mr. Werner Gilliam, Town Planner, addressed the Board citing the following requirement from the Subdivision Regulations: "sight distance is measured from the driver's seat of a vehicle standing on that portion of the exit with the front of a vehicle a minimum of 10 feet behind the curb line of the edge of the shoulder with the height of the eye 3 ½ ft. from the top of the object, and 4 ½ ft. above the pavement." Mr. Gilliam also explained that the provisions in the Land Use Ordinance is not necessarily a requirement for the sight distance but to make sure no one places objects that would impede the sight distance below the level that are identified. Mr. Gilliam also reminded the Board that the curb cut in that particular location is regulated by the Maine DOT as opposed to the town.

Mr. Kling suggested to the Applicant they may want to include the traffic data and obtain a letter from the local law enforcement on the sight distances and the safety review.

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

Mr. Fellenz made a motion to approve this Preliminary Application. Mr. Boak seconded the motion and the vote was unanimous. Mr. Kling reminded the Board and the public in attendance that approval of a Preliminary Application does not imply approval of a final Application.

3) 150301 Andrew Buckley / Darren Fickett, Authorized Agent – Site Plan Review – Public Hearing – for approval to install a 96 square foot floating dock system. [6 Oak Street, identified as Assessor's Tax Map 9, Block 001 Lot 9 in the Village Residential Zone.]

Mr. Reid has returned to the Board. Mr. Hilwig will have voting privileges for this Application.

Mr. Kling introduced the Agenda item. Mr. Darren Fickett, representing Andrew Buckley addressed the Board and gave a brief summary of the Application, noting this dock is seasonal as it will be installed in the Spring and removed in the Fall. Mr. Fickett also noted the granite steps leading to the dock have already been installed.

Mr. Fellenz clarified that the description of this Application states a 96 square foot floating dock system but it should say 196 square feet although the illustration is correct. Mr. Fickett apologized for the typographical error and agreed it is a 196 sq. ft. floating dock system.

Mr. Kling opened the Public Hearing.

Ms. Susan Graham, of 12 Oak Street, addressed the Board stating she has no objection to the dock but questioned that the length of the ramp was too long and violates the ordinance which states a dock should not extend more than 1/5 of the way across a body of water. Ms. Graham supplied the Board members with photos of her property and the cove that she and the Applicant share.

Mr. Fickett responded that the Army Corps of Engineers and the Kennebunkport Harbormaster reviewed this proposal and concluded this would not impede the navigable waterway.

Mr. Gilliam commented that when the Ordinance was written, it did not account for coves and was referring strictly to the Kennebunk River.

Mr. Kling suggested the Applicant and Code Enforcement Office meet to determine this complies with the Ordinance. Mr. Gilliam and Mr. Fickett agreed to review this and determine what adjustments need to be made.

Mr. Kling closed the Public Hearing and asked for a motion to approve the Application on condition the Code Enforcement Office is satisfied before any permit may be issued. The Board members had a brief discussion whether to approve the Application with the above stated condition or wait until the Board is provided a revised plan.

Mr. Reid made a motion to continue the Public Hearing until the next meeting. Ms. Conaty seconded the motion and the vote was unanimous. Mr. Kling announced the Public Hearing would be continued until the next Planning Board meeting on May 20th, 2015.

4) 150401 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.

Attorney Durward Parkinson, representing the Kennebunkport Conservation Trust, along with Steve Doe, Ralph Austin and Tom Bradbury, addressed the Board stating they have taken into consideration the Board's and the public's comments and came to the conclusion what is most important is to restore this major asset of the town. Mr. Parkinson explained the grist mill is now much smaller as a 26x27 sq.ft. building with reconfigured parking and a turnaround area. Mr. Parkinson also added the events held on the premises will be limited to education and mission related events as suggested by the abutters and will not allow any weddings or receptions to be held on the premises. There will still be kayaking and canoeing enjoyed on the property as has been, Mr. Parkinson concluded.

Mr. Kling notified the Applicant that the Board had received a request from the abutters to hold the Public Hearing on the first meeting in June rather than on May 20th, 2015. The Applicant agreed to that request.

Mr. Steve Doe provided a detailed summary of the Application utilizing enlarged site plans as well as several photographic renderings of the property once construction is completed. Mr. Doe pointed out the 10 space parking lot has been reconfigured to accommodate both handicapped parking as well as a full circle turnaround to avoid any buses from backing up and creating noise to the surrounding neighbors. Mr. Doe also highlighted the proposed landscaping plan highlighting the buffering from adjacent properties.

Mr. Reid cautioned to consider planting shorter trees along the Lombard property line so as not to impede their view of the river. Mr. Doe agreed to speak with the abutters about the plantings.

Mr. Kling commented the Applicant has listened to many of the comments provided and incorporated them into this new Application.

Attorney Ralph Austin clarified in this Application the Clark Boathouse remains the principle structure and the proposed grist mill would be an accessory building.

Mr. Kling noted in the Application there will be sound tests conducted before any operation of the grist mill would commence.

Mr. Kling also asked the Applicant if they could provide any information on dust and what steps they would take to mitigate that issue. Mr. Doe responded they will address that issue at the Public Hearing.

Mr. Reid asked if there were bathrooms in the boathouse building and if that was sufficient. Mr. Doe replied the bathrooms added to the boathouse in 2010 will be sufficient and are ADA approved.

Mr. Gilliam asked the Board if they would like to have the town's legal counsel do a review of this Application. The Board agreed if there are issues that arise from the Public Hearing then they would like to have the town's legal opinion.

Mr. Fellenz made a motion the Application is complete. Ms. Conaty seconded the motion and the vote was unanimous. Mr. Kling announced the Public Hearing will be held at the June 3rd, 2015 Planning Board meeting in order to accommodate a request made by several abutters to this Application.

OTHER BUSINESS:

Mr. Gilliam provided each Board member with a memo generated from the Southern Main Regional Planning and Development Commission regarding a particular Planning Board decision that may warrant this Board to consider for the future.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary