

Kennebunkport Planning Board
June 17, 2015 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, June 17th, 2015. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, John Hathaway, Peter Fellenz, Thomas Boak, Ray Hilwig
Mr. Hilwig will have voting privileges for this meeting.

Approval of Minutes: Mr. Fellenz made a motion to approve the minutes from the June 3rd, 2015 Planning Board meeting. Mr. Reid seconded the motion and the vote was unanimous.

Items:

150402 Cheryl Ritchie / Albert Frick Associates, Inc., Authorized Agent – Site Plan Review – **Findings of Fact** – for approval to install a 20' wide gravel access drive to serve future residential dwellings. [New Biddeford Road, identified as Assessor's Tax Map 41, Block 002 Lot 8D in the Goose Rocks Zone.] Peter Fellenz, Case Manager

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

Claire Julian / Touchstone Subdivision – Minor Subdivision Revision – **Findings of Fact** - for approval to revise the designated "house site and limit of clearing" for Lot #4, as indicated on the Approved Subdivision Final Plan signed by the Planning Board on August 10, 1988. The building area proposed by the Applicant's architect, will meet all building setback requirements. [Lot #4, Touchstone Drive, Assessor's Tax Map 8, Block 003, Lot 01J in the Village Residential Zone.] David Kling, Case Manager

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

150403 Cape Arundel Golf Course/ Pinkham & Greer, Authorized Agent – Site Plan Review – **Findings of Fact** – for approval to renovate an existing maintenance building, add a 4,320 square foot maintenance & storage building, add a 704 square foot covered stockpile area and a 224 square foot Snack Shack to the 12th hole restrooms. [19 River Road, identified as Assessor's Tax Map 12, Block 001, Lot 13 in the Village Residential Zone.] Greg Reid, Case Manager

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

150401 Kennebunkport Conservation Trust / Sebago Technics, Authorized Agent – Site Plan Review – **Continued Public Hearing** – for approval to construct a Community/Museum/Education Center/Building (Mill) with associated site improvements consisting of refining parking lot, walkways, landscaping 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 noting the Board has received a large amount of correspondence since the last meeting; some of which was received past the 7 day deadline prior to tonight's meeting. Mr. Kling assured all materials received will be incorporated as part of the Application but due to the late receipt of some of the items, those items will not be discussed until the next meeting to ensure all Board members have had a the opportunity to read everything.

Mr. Kling asked the Applicant to provide a brief summary of their memo submitted prior to this meeting. Mr. Gordon Ayer stated for the record his objection to allowing the Applicant to address the Board regarding information submitted this evening without allowing the public, abutters and their attorneys the opportunity to rebut. Mr. Kling explained he has directed the Applicant to discuss their memo submitted to the Board on June 11, 2015 regarding specific questions from the Board.

Mr. Durward Parkinson, Attorney for the Applicant addressed the Board and introduced those present in support of the Application. Mr. Parkinson also introduced Mr. Kevin Durkin of Heritage Restorations who was in attendance to give a brief presentation regarding concerns of noise of the mill.

Mr. Parkinson submitted copies of a letter from Stedman Seavey, State Representative in support of the Application to the Board and provided copies to abutters' legal counsel as well.

Mr. John Bannon, Attorney for several abutters stated his objection to the Board's decision to allow the Applicant to provide an explanation and not to continue with the Public Hearing. Mr. Kling responded the Board is awaiting receipt of a legal opinion from Town Counsel which will need to be discussed at a future date. Mr. Bannon reiterated his objection to allowing the Applicant to provide further presentation of information and asked the Board if the public would still be allowed an opportunity to address their concerns and have occasion at a future meeting to rebut information submitted past the 7 day deadline. Mr. Kling assured Mr. Bannon and the audience in

attendance they will be given every opportunity to state their concerns and rebuttals either at this meeting or continue the Public Hearing to a future meeting.

Mr. Kling noted the Board will not discuss or address any materials received either tonight at this meeting or past the 7 day deadline in order to allow all Board members, Applicants and the public ample opportunity to review said materials.

Mr. Steve Doe of Sebago Technics addressed the Board stating they have submitted the three items discussed at the last meeting which are:

1. Army Corps of Engineers permit
2. Correspondence from Allan Moir regarding sewer service
3. Explanation of a minor change to proposed building footprint due to Fire Code requirements.

Noting several abutters' displeasure at allowing the Applicant to address the Board rather than continue with the public's input, Mr. Hathaway offered to make a motion to allow all those present the opportunity to speak. Mr. Kling disagreed with the necessity of having a motion made and assured the Board and audience they will be given the opportunity to present their opinions and concerns.

Mr. Kling clarified he directed the Applicant to summarize their letter to the Board of June 11, 2015 and explained the letter received at tonight's meeting will be discussed at a later date.

Mr. Hathaway amended his previous motion to continue the Public Hearing until the next meeting. Mr. Reid seconded the motion. The Board had a brief discussion regarding the motion. Due to the unlikely event Town Counsel will be able to submit their response within the 7 days prior to the next meeting, the Board agreed to defer the Public Hearing until July 15th. The Applicant, the abutters and their attorneys present agreed to defer any further discussion until the July 15th, 2015 Planning Board meeting. The Board voted 4 to 1 in favor of the motion to continue the Public Hearing for this Application to the July 15th, 2015 Planning Board meeting. Mr. Hilwig opposed the motion. The motion passed.

The Planning Board took a brief recess from the meeting.

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

The meeting reconvened and Mr. Kling introduced the next Agenda item.

Mr. Reid recused himself from this Review. Mr. Boak will have voting privileges for this Application.

Mr. Kling explained the Planning Board's task tonight is to determine if the Application is complete.

Mr. Steve Doe of Sebago Technics addressed the Board on behalf of the Applicant. Mr. Doe stated this Application is identical to what was submitted and approved in the Preliminary Site Plan Review with the exception of some minor changes in the sewer lines. Per the request of the Board, Mr. Doe noted the Applicant has provided sight distances onto North Street.

Mr. Kling asked if it was feasible to improve the sight distance on the left side. Mr. Boak noted the speed limit on North Street changes from 30 mph to 25 mph right where the proposed road is. Mr. Doe replied they would look into possibly increasing the sight distance.

Mr. Hilwig made a motion to find the Application complete. Mr. Fellenz seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on July 1st, 2015.

Stanley Zimmerman / Walsh Engineering, Authorized Agent – Site Plan Review – Initial Review – for approval to add two new 30" concrete pipe culverts adjacent to existing 30" concrete pipe culvert. [9 Seaview Avenue, identified as Assessor's Tax Map 20, Block 001, Lot 57 in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item. Mr. Reid re-joined the Board. Mr. Boak will resume as an Alternate Board member.

Mr. Bill Walsh of Walsh Engineering addressed the Board on behalf of the Applicant, Stanley Zimmerman. Utilizing enlarged site plans, Mr. Walsh illustrated there are a series of streams and springs that drain into the Applicant's property causing flooding during heavy rains and spring snow melting. Mr. Walsh explained the current culvert does not have the capacity to allow the amount of water flow necessary to avoid flooding Mr. Zimmerman's garage and basement. It is a very significantly sized watershed, Mr. Walsh added, comprised of approximately 142 acres. The proposal is to install two new 30 inch pipe culverts alongside the existing culvert, Mr. Walsh stated. A DEP Permit By Rule and an Army Corps of Engineers permit will be forthcoming, Mr. Walsh concluded.

Mr. Kling and Mr. Reid questioned whether adding 2 pipes would actually alleviate the flooding from over 140 acres. Mr. Walsh responded, as an engineer he feels very confident this will solve Mr. Zimmerman's flooding problem.

Mr. Kling asked if the pipe outlet is below the high water line. Mr. Walsh replied yes, it is below the high water line.

Mr. Kling asked if there will be boulders or riprap around the pipes to disguise it. Mr. Walsh responded 3 foot to 4 foot diameter boulders will be put in to protect the pipe as well as to conceal it.

Mr. Kling asked Mr. Gilliam if the town had any issues with this proposal. Mr. Gilliam responded this will certainly help with the amount of flash drainage that comes off the upper watersheds.

Mr. Kling asked the Applicant when they expect to have the Army Corps of Engineers and DEP permits. Mr. Walsh replied he expected to have both of them within a week or so.

Mr. Hilwig made a motion to find the Application complete subject to receipt of the DEP and Army Corps of Engineers permits. Mr. Fellenz seconded the motion and the vote was unanimous.

Mr. Kling announced if the Board receives the permits in time a Public Hearing will be scheduled for July 1st, 2015.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary