

Kennebunkport Planning Board
July 15th, 2020 ~ 6:00 PM
Virtual Meeting (Via Zoom)

A meeting of the Planning Board was held on Wednesday, July 15th, 2020. The virtual meeting convened at 6:00 p.m. via Zoom.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmuter, D. Scott Mahoney, Ed Francis, Larry Simmons, George Lichte, John Harcourt

Approval of Minutes: Ms. Pearlmuter made a motion to approve the minutes from the July 1st, 2020 Planning Board meeting. Mr. Francis seconded the motion and the vote was unanimous.

Items:

1. **200501 Lauren & Ken Handler / Graham Architects, Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to demolish the existing residence and rebuild in a different location to the greatest possible extent within the property line setbacks. The seasonal bunkhouse will be removed. 45 Langsford Road, Assessor's Tax Map 21, Block 11, Lot 19 in the Cape Porpoise West Zone. *Larry Simmons, Case Manager*

Mr. Boak introduced the Agenda item.

Mr. David Graham, representing Ken and Lauren Handler addressed the Board stating this project encompasses the removal of all the structures on the property which is in the Shoreland Zone and build a new structure along with a 30% expansion all within the property line setbacks. Based on comments received at the last meeting, Mr. Graham stated the requested corrections regarding the volume and square footage calculations were made to the Application page and submitted to the Code Enforcement Office prior to tonight's meeting as well as information on the silt fencing to be installed before and during construction.

Showing the site plans on the screen, Mr. Graham explained they are expanding the structure by 21.4% which is below the 30% allowed per the Land Use Ordinance. Mr. Graham also stated he included a chart that shows the breakdown of the proposed expansion and the proximity of the silt fencing to be installed around the property.

Mr. Graham also explained they plan to relocate the sewer pump so the current sewer easement will be eliminated, and the homeowner would take responsibility for that.

The Board members and Mr. Gilliam had a brief discussion on the merits of holding two Public Hearing meetings for each Application to provide a fair opportunity for public comment with the current Zoom format.

Mr. Gilliam clarified that the Board is not proposing holding a 2nd Public Hearing per se but continuing the Public Hearing to the next meeting and falling into a typical 3-meeting process where there is an Initial Review, Public Hearing, and Findings of Fact; however the initial part of the 3rd meeting is the Board is allowing for a clear opportunity for members of the public to ask questions or comment before reading the Findings. The Board members agreed with Mr. Gilliam's description of the Planning Board's proceedings.

Mr. Boak opened the Public Hearing. There were no comments or questions from the public at this time.

Mr. Simmons made a motion to continue the Public Hearing until the next Planning Board meeting on August 5th, 2020. Ms. Pearlmuter seconded the motion and the vote was unanimous.

2. **200502 Carol & Kevin Regan / Graham Architects, Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to demolish the existing residence and rebuild in a different location to the greatest possible extent within the property line setbacks. 9 Sunset Lane, Assessor's Tax Map 33, Lot 16 in the Goose Rocks Zone. *George Lichte, Case Manager*

Mr. Boak introduced the Agenda item and acknowledged receipt of a modified set of data from the Applicant.

Mr. David Graham, representing Carol and Kevin Regan, addressed the Board and again shared the site plans on the screen for Board members and viewing public. Mr. Graham explained he made some corrections to the Application to outline specifically what areas are conforming, added a table to show the specific calculations, and included on the site plans the silt fencing around the perimeter of the property.

Mr. Boak asked the Board members if they had any questions for the Applicant.

Mr. Lichte asked for clarification on the mailing address of the owners and if the Regans are the owners or is the property owned by the trust listed on the Application. Mr. Graham replied the mailing address is the New Hampshire address listed on the property deed and the property is owned by the trust established by the Regans.

There were no other questions from the Board members.

Mr. Boak opened the Public Hearing.

Mr. John Lube, an abutter to the south and west of the Applicant's property addressed the Board to voice his support for the Regans and their project.

Ms. Pearlmuter made a motion to continue the Public Hearing to the next Planning Board meeting on August 5th, 2020. Mr. Simmons seconded the motion and the vote was unanimous.

3. **200601 Michael Spenard & Brian Glaser / Kennebunk River Architects, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to demolish the existing residence and rebuild in a different location to the greatest possible extent within the property line setbacks. 35 Langsford Road, Assessor's Tax Map 21, Block 11, Lot 22 in the Cape Porpoise West Zone.

Mr. Boak introduced the Agenda item.

Mr. Michael Bedell of Kennebunk River Architects addressed the Board stating there is an existing structure at 35 Langsford Road that is non-conforming which they are proposing to tear down and rebuild so it is less non-conforming to all of the setbacks along with the allowed 30% expansion.

Mr. Boak asked the Applicant to project the proposed site plans on the screen. Mr. Bedell complied with Mr. Boak's request and explained which areas are non-conforming due to the setbacks and the High Water Line. Mr. Bedell also added they plan to remove the entire main structure as well as the cottage and will be replaced with a new structure that conforms with the side, front and rear setbacks and will reduce lot coverage as well.

Mr. Gilliam asked Mr. Bedell to explain some of the building calculations and elevations.

Mr. Bedell explained the existing floor area of the buildings on site is 2,277 square feet and the new building will only be 1,970 square feet which is a reduction in the lot coverage. The existing volume of the residence and cottage is 20,978 cubic feet and the new single structure to be built will be 23,473 cubic feet which is only an 11.8% expansion.

Mr. Boak asked for clarification on the easement on the property. Mr. Bedell explained there currently exists a 10 foot wide sewer easement for the town to access the pump if necessary and the owners are proposing to relocate the sewer pump and take ownership of the maintenance of it so there will be no need for an easement.

Mr. Boak clarified he was asking about the easement area labeled on the site plans on the left side of the property, not the sewer easement. Mr. Gilliam responded the adjacent property owner's garage is close to the property line and so there is the equivalent of a maintenance easement that would allow the owners to step onto the property in order to do maintenance on the garage. With this new structure that need for that easement would not be necessary, Mr. Gilliam continued, and would recommend after construction is accomplished that the two property owners perhaps clean up that agreement from a title perspective.

Ms. Pearlmuter asked where the sewer pump was going to be re-located. Mr. Bedell replied they haven't decided where the new septic pump will go but it would be something that would be coordinated with the builder and the town as to the best place to put it.

Ms. Pearlmuter also asked if the driveway area is just going to be crushed stone. Mr. Bedell agreed with Ms. Pearlmuter's statement.

Ms. Pearlmuter then asked if the windows were going to be bird friendly glass. Mr. Bedell replied the windows would just be Anderson 400 series windows. Ms. Pearlmuter stressed the importance of having bird friendly glass especially in a area with so many protected migratory shoreland birds. Mr. Mahoney suggested the Applicant do a little research on the different types of windows Anderson provides to at the least ensure all windows have full cover screens.

Ms. Pearlmuter asked if there are any sliding glass doors or picture windows. Mr. Bedell replied there are only double hung windows, no picture windows or sliding glass doors. Ms. Pearlmuter suggested they design the overhangs on those windows, so the birds don't see the reflection of the trees and view it as a continuation of the marshlands. Mr. Bedell agreed to talk to the local contractor and to make sure the owners know the screens must remain intact. Ms. Pearlmuter urged the Applicant to take this issue very serious as the property is in a high traffic area for birds.

Ms. Pearlmuter asked if the Applicant could confirm the elevation is at 4ft above flood level. Mr. Bedell replied the building will be constructed on piers and will be elevated as required by the flood zone. Ms. Pearlmuter then asked if there will be silt fencing installed during construction and if that could be indicated on the site plans. Mr. Bedell agreed to indicate the location of the silt fencing on the plans.

Mr. Francis questioned why the Board was being asked to approve an Application that did not provide siting of the new septic tank. Mr. Gilliam clarified this property is on town sewer but currently has a maintenance easement for the town to access the grinder pump. Mr. Bedell added once the pump is relocated the owners will take on the responsibility for the maintenance of the pump. Mr. Gilliam added once this Application is approved, the owners will work through the process with the town sewer department to find an agreeable location for the pump.

Ms. Pearlmuter asked if the brick apron at the end of the driveway area would remain. Mr. Bedell responded he believes it will be removed and replaced with crushed stone.

There were no further questions from the Board members.

Mr. Simmons made a motion to find the Application complete. Ms. Pearlmutter seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on August 5th, 2020.

Ms. Pearlmutter was assigned as Case Manager for this Application.

4. **Other Business:** Preliminary review of Land Use Ordinance codification changes.

Mr. Boak asked the Board members to look at the document sent out regarding the town's codification of the Land Use Ordinance and provide their comments or questions.

Mr. Gilliam explained to the Board members that the changes are housekeeping changes in nature to create consistency across all of the town's ordinances and regulations; for example, some of the state and federal departments referenced have changed. Mr. Gilliam also noted the Board members were sent a link to the town of Wells' ordinance to see the structure of what the codification will look like which is essentially bringing all of the town ordinances and putting them into a single document.

Mr. Boak asked if there are any changes to the Land Use Ordinance. Mr. Gilliam responded all the ordinances are coming into this document and as far as any changes are concerned there are not any substantive language changes.

For clarification, Mr. Gilliam informed the Board members the document they are to review are the Planning Board's Rules and Regulations and the Subdivision Regulations.

Mr. Francis noted the Board recently updated the Subdivision Regulations but does not see those updates as part of this codification process and questioned whether those changes would be incorporated into the new document. Mr. Gilliam mentioned the company performing the codification process is only identifying inconsistencies and not including any substantive changes that would render a different decision in review of an Application. Mr. Gilliam added he would contact the Town Clerk to make sure she has the latest approved version of the Planning Board's Rules and Regulations as well as the Subdivision Regulations.

Mr. Boak asked if the Code Enforcement Office could send out another copy to all the Board members. Mr. Gilliam agreed to have a new copy emailed or printed and mailed to the Board members.

Adjournment: A motion was made to adjourn; it was seconded and the vote was unanimous. The meeting was adjourned.

Submitted by: Patricia Saunders, Planning Board Recording Secretary