

Kennebunkport Planning Board
August 17, 2016 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, August 17th, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), Helen Conaty, Ray Hilwig, Tom Boak, Russ Grady, D. Scott Mahoney

Approval of Minutes: Mr. Grady made a motion to approve the minutes from the August 3rd, 2016 Planning Board meeting. Ms. Conaty seconded the motion and the vote was unanimous.

Items:

Mr. King announced and the Board members agreed to read the three Findings of Fact on the Agenda at the end of the meeting.

- 1. 160801 Town of Kennebunkport-Government Wharf / Baker Design Consultants, Authorized Agent – Site Plan Review – Initial Review** – for approval to remove and replace an existing bait house and do wharf improvements. [7 Josiah Curtis Lane, identified as Assessor's Tax Map 08, Block 001, Lot 08 in the Riverfront, Shoreland and Resource Protection Zones.]

Mr. Kling introduced the Agenda item.

Mr. Barney Baker addressed the Board stating the town has retained them to redesign and perform some bio-engineering on the Government Wharf project. Mr. Baker gave a brief summary of the proposal noting this project will be partly funded by a small harbor improvement grant provided by the Maine Department of Transportation. Utilizing enlarged site plans, Mr. Baker explained the existing building sits at a very low elevation which leads to recurrent flooding. The proposal is to raise the structure above the base flood elevation and to make the building refrigerated for the fishermen that use the building to store their bait, Mr. Baker added. The building is also smaller by approximately 150 sq. ft. from the previously approved Site Plan.

Because the building will be raised approximately 2 feet, Mr. Baker explained the parking lot will be graded and the number of spaces will remain the same. Fishermen will still be able to pull their trucks onto the pier and with the redesigned structure; there will be more room for them to work, Mr. Baker added.

The proposal also states there will be low level lights which will be under the threshold limits of the Lighting Committee, Mr. Baker stated. Mr. Baker added he would provide the details and specifications on the light fixtures to the Code Enforcement Office to be included with the Application.

In terms of a schedule, Mr. Baker stated they have applied for modifications to the existing DEP permit and notified the Army Corps of Engineers in the hopes of getting the project out to bid in the fall so that work can be done over the winter. Mr. Kling asked when the Applicant expects to get those DEP and Army Corps of Engineers permits finalized. Mr. Baker replied he expects to have both approvals within the month.

Mr. Kling noted one of the abutters listed in the Application is the U. S. Government and asked where that property is located. Mr. Gilliam responded the government technically owns the breakwaters.

Mr. Boak made a motion to find the Application complete pending receipt of approvals from the Army Corps of Engineers and the Maine Department of Environmental Protection. Mr. Hilwig seconded the motion and the vote was unanimous.

Mr. Rick Roberts, Chairman of the Kennebunk River Committee distributed a handout to each Board member and addressed the Board inquiring why the work previously performed on the property was not completed. Mr. Roberts asked Mr. Bud Brown to come to the podium to further explain. Mr. Brown addressed the Board stating the dredge work was done after the last Application was approved but the 90-degree angled retaining wall was not completed causing further erosion. Mr. Brown also mentioned the parking lot was not built to the correct grade making the new floats fit incorrectly.

Mr. Kling responded that these concerns suggest there may be a performance problem with the contractor of the prior work which is an issue for the Town Manager and Code Enforcement Officer to address.

With the Board's agreement, Mr. Kling tentatively scheduled a Public Hearing for the September 7th, 2016 Planning Board meeting pending the resolution of this issue among the Kennebunk River Committee and the Town Manager's Office.

- 2. 160701 Robert H. Brown Jr. and Laura J. Ross, (Cleaves Wood Phase II Subdivision) / Longview Partners, LLC, Authorized Agent** – Preliminary Subdivision Review – **Public Hearing** – for approval to create an eight (8) lot subdivision. [Oakwood Drive, Assessor's Tax Map 24, Block 004, Lot 4L in the Cape Arundel Zone.

Mr. Kling introduced the Agenda item noting this Application was voted complete at a previous meeting.

Mr. Jim Logan addressed the Board stating, as requested, they have provided a Declaration of Covenants and Restrictions which applies to the 8 new lots proposed with specific references regarding turf pesticides and fertilizers and the prohibition of any blockades to the Right of Way between the new lots. Mr. Logan also stated he has forwarded a revised letter from the Fire Chief.

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

Mr. Hilwig made a motion to approve the Application. Mr. Grady seconded the motion and the vote was unanimous. Mr. Kling was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting.

- 3. 160702 Tim Harrington / Eco-Analysts, Inc., Authorized Agent – Site Plan Review – Initial Review** – for approval to construct a 4-foot x 36-foot long permanent pier with a 3-foot wide x 26-foot long seasonal ramp and 8 x 25 seasonal float. [64 Langsford Road, identified as Assessor's Tax Map 21, Block 011 Lot 1 in the Cape Porpoise East Zone.]

Mr. Kling introduced the Agenda item.

Mr. Kling asked Mr. Gilliam for some clarification with respect to FEMA's declaration this property is not in a velocity zone. Mr. Gilliam explained the reason there is a future effective date is it allows for any potential appeals to be filed. Although he does not anticipate any appeals will be submitted, Mr. Gilliam offered if the Board chose to approve this Application they could make a condition that construction could not commence until after the effective date.

On behalf of Tim Harrington, Mr. Bud Brown addressed the Board stating he has the state and federal permits obtained and has received approval from the Kennebunkport Board of Selectmen. Mr. Brown added they have designed the minimum size dock as necessary to gain access to the water and create as little impact as possible to the landscape.

Mr. Kling asked how many hours the water would be accessible from the dock. Mr. Brown replied he would provide those specific calculations before the next meeting but he believes it is 3 to 4 hours on either side of the high tide.

Mr. Kling also asked that the Application notes the ramp will be stored on the pier and asked where the float would be stored. Mr. Brown replied that determination would be made by the contractor but he would provide that information before the next meeting.

Mr. Grady asked the Applicant to take special care since the float is set at 26 feet in an area where the setback is 25 feet.

Mr. Boak made a motion to find the Application complete. Mr. Grady seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on September 7th, 2016.

- 4. 160602 Andrew Molson, et als. / Eco-Analysts, Inc., Authorized Agent – Site Plan Review – Findings of Fact** – for approval to build a 4' x 44' pier, a 3' x 26' ramp and an 8' x 16' float. [55 Maine Street, Assessor's Tax Map 10, Block 5, Lot 4A in the Village Residential Zone.] *Russ Grady, Case Manager*

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

- 5. 160601 Louis T. Graves Memorial Library / Sebago Technics, Authorized Agent – Site Plan Review – Findings of Fact** – for approval to build a 4,522 square foot addition to the rear of the Library after removal of Perkins Building. [18 Maine Street, Assessor's Tax Map 11, Block 4, Lots 2 & 3.] *Tom Boak, Case Manager*

Mr. Boak read the Findings of Fact into the record. Mr. Grady made a motion to approve said Findings. Mr. Hilwig seconded the motion and the vote was unanimous. Mr. Kling in recused from review and approval of this Application and will not sign the Findings of Fact.

- 6. 160502 Sandpiper Capital Management II, LLC (Ebs Cove Subdivision) / Sebago Technics, Authorized Agent – Final Subdivision Review – Findings of Fact** – 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.] *David Kling, Case Manager*

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

Mr. Gilliam noted there was a discussion during the Public Hearing regarding this Application about a cemetery that was adjacent to lot 5 of this Subdivision. Along with Mr. Steve Doe of Sebago Technics and members of the Cemetery Committee, Mr. Gilliam visited the property and determined the boundary line of lot 5 is in excess of the 25 foot requirement which is in full compliance with State law. Mr. Gilliam also noted upon re-visiting the site the members of the Cemetery Committee determined the need to have a 25 foot setback is no longer necessary based on the boundary of the cemetery.

Mr. Kling announced he would compose a memorandum to the Town Manager and the Board of Selectmen detailing the Planning Board's intent for the use of the monies collected from the Applicant as the in lieu of open space payment.

Mr. Kling also announced that Ms. Conaty would be resigning from the Planning Board and thanked her for her years of service to the Town.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary