

**Kennebunkport Planning Board**  
**September 5, 2018 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, September 5th, 2018. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, D. Scott Mahoney, Edward Francis, Larry Simmons

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes from the August 15th, 2018 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

The Chairman announced the meeting will begin with Items #4 and #5 from tonight's Agenda.

1. **180601 Mary Banks Strohm Revocable Trust / Atlantic Environmental, Authorized Agent - Site Plan Review – Findings of Fact** – for approval to install a new 3'x20' ramp and an 8' x 10' float. (86 Ocean Avenue, identified as Assessor's Tax Map 8, Block 2, Lot 3 in the Village Residential, Shoreland and Resource Protection Zones.) *Scott Mahoney, Case Manager*

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

2. **180602 Matthew & Donna Enoch / Sebago Technics, Authorized Agent – Site Plan Review – Findings of Fact** – for approval to make minor site improvements to the driveway to create better parking, as well as landscaping. (41 Ocean Avenue, identified as Assessor's Tax Map 1-, Block 1, Lot 1- in the Riverfront, Shoreland and Resource Protection Zones.) *Ed Francis, Case Manager*

Mr. Francis read the Findings of Fact into the record.

Ms. Pearlmutter commented that in her research and from discussions with the Maine Municipal Association's Attorney, she believes this Application is an expansion of use not an expansion of a structure which is narrowly defined as surface area or volume contained within exterior walls. An overhang is not contained within exterior walls, Ms. Pearlmutter added, and so is not considered an expansion of structure within Article 8 of the Land Use Ordinance.

Ms. Pearlmutter made a motion to approve said Findings as read. Mr. Boak seconded the motion and the vote was unanimous.

3. **180201 Binnacle Hill Phase 2 / Terradyn Consultants, Authorized Agent – Final Subdivision Review – Continued Deliberations** – for approval of a thirteen (13) lot cluster subdivision on 24.78. (Henchey Way, Map 41, Block 2, Lot 8 in the Goose Rocks, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item and suggested the Board first discuss and vote on the Applicant's waiver requests.

The Planning Board members discussed the following waiver requests and voted as follows:

1. Waiver to exceed the 1,000 foot maximum length of a private road.
  - Mr. Simmons made a motion in approval of the waiver request. Ms. Pearlmutter seconded the motion and the vote was unanimous.
2. Waiver to modify the required side slopes over the wetland areas.
  - Mr. Boak made a motion to approve the waiver request. Mr. Mahoney seconded the motion and the vote was unanimous.
3. Waiver to allow shared driveway access for lots 25& 26 and for lots 27 & 28.
  - Mr. Simmons made a motion to approve the shared access. Mr. Francis seconded the motion and the vote was unanimous.
4. Waiver regarding having a hammerhead turnaround at the end of Timber Way instead of a circular cul-de-sac.
  - After some discussion, the Planning Board members unanimously agreed this item was contained within the Applicant's initial waiver request regarding the road length and design.

As a point of record, Ms. Pearlmutter read the following comprehensive list of items that were noted from the Acorn Engineering review of the Application and were addressed in the Applicant's final Site Plan submission:

1. Crosswalk markings for Timber Way and Henchey Way,
2. Hydrants were be added to the plan,
3. Materials and pavement markings were added to the plan,
4. Wetland impact areas were noted on the plan,
5. Test pits and open areas were noted,
6. Vernal pool was noted,
7. Graphic scale was corrected in accordance with the engineer's suggestion,
8. Detail of box culvert of the wetland crossing was corrected,
9. Sewer lines and connections and the force main services were noted,
10. The lots with grinder pumps were noted,
11. The Maine Department of Environmental Protection and Army Corps of Engineers review of wetland impacts were noted,
12. The stormwater management reports reflect the project design changes,
13. The trench detail was added to reflect the 6 foot bedding thickness,

14. The BMP design calculation sheets were updated for filter areas and sizing,
15. The changes to the linear project treatment percentages table was updated,
16. Additional information about existing storm drain network was added,
17. The Hydro-CAD model was revised to show accurate storm drain,
18. Note was added regarding the protection of the wetland boundaries,
19. Engineer also noted the permits to be submitted to the town were: the Natural Resources Protection Act Tier 2 Wetland Alteration permit, the Army Corps of Engineers permit, amendment to Maine DEP Site Location of Development (SLODA) permit, Residential Sewer Connection Application Phase 1, Archeology Survey, Blasting Permit, & Street Opening permit.
20. ADA ramps between Binnacle Lane & Timber Way should be noted on there,
21. Sight distances between Binnacle Lane & Timber Way should be noted,
22. Details on how stormwater runoff on Timber Way has been updated,
23. The shoulder width on Timber Way has been updated,
24. The parking street signs have been noted.

Ms. Pearlmutter also noted the following items were discussed with the Applicant:

- There will be no thru traffic on Henchey Way,
- Henchey Way will be 12 feet wide and paved,
- There will be a walkway on Henchey Way with good visibility where it meets Kings Hwy,
- Plowing has been discussed and the Board has accepted the Applicant's plan for plowing and where snow will be put,
- There will be no lighting on Henchey Way,
- Placement of the gate was discussed and the Planning Board agreed with the proposed location,
- Applicant has agreed there will be a sign at the end of Henchey Way stating no parking and no entry, private way.

The issue of water shut-off for the Miller's property, the issue of growth permits in the town, and the question of another land survey done on the property, Ms. Pearlmutter commented, is either out of the Planning Board's jurisdiction or cannot be taken into consideration as it was raised after the Public Hearing was closed.

Mr. Francis made a motion to approve the Application along with the waivers previously discussed. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Ms. Pearlmutter will prepare the Findings of Fact to be read at the next Planning Board meeting on September 19<sup>th</sup>, 2018.

- 4. 180702 John & Elizabeth Chambers - Site Plan Review – Public Hearing** – for approval to construct a new single family residence to include a volume expansion. (5 Ward Road, identified as Assessor's Tax Map 22, Block 5, Lot 12 in the Cape Porpoise West, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item.

Mr. John Chambers, along with his wife Betty and developer Sean Douston, addressed the Board stating they are proposing to build a new single-family residence within the constraints of the allowable volume expansion. At the request of the Board, Mr. Chambers noted they have submitted their Maine DEP certification and a soil erosion plan.

Mr. Boak opened the Public Hearing.

Mr. Jerry Mullin of 6 Ward Road addressed the Board inquiring how the existing deck expansion and roof fit within the existing footprint of the structure. Mr. Gilliam explained it is a reconfiguration of the set square footage where there may be an expansion of a deck area but it is offset somewhere else in the design so they have the same net square footage as before.

There were no further questions from the audience in attendance. Mr. Boak closed the Public Hearing.

Mr. Mahoney made a motion to approve the Application. Ms. Pearlmutter seconded the motion and the vote was unanimous. Mr. Simmons was assigned as Case Manager and will prepare the Findings of Fact to be read at the next Planning Board meeting.

- 5. 180603 Geoffrey & Andrea Bove– Site Plan Review – Initial Review** – for approval to use a portion of their driveway to serve three dwellings. (405 Mills Road, identified as Assessor's Tax Map 42, Block 2 Lot 3D in the Goose Rocks Beach Zone.)

Mr. Boak introduced the Agenda item.

Mr. Geoffrey Bove, along with his wife and realtor Karen Schlegel, addressed the Board requesting to modify their driveway in order to serve three dwellings. Mr. Bove explained he has recently sold one lot and has a rear 2.3-acre lot that they would like the road to serve as well. There is no need for a new curb cut and the existing driveway meets the 16-foot wide minimum standard, Mr. Bove added.

To clarify, Mr. Francis asked if this Application was before the Planning Board because of Article 6.14.C. which states "A driveway/private road for a three (3) unit multiplex, or for three (3) detached dwellings, must be approved by the Planning Board,..." Mr. Gilliam confirmed Mr. Francis' statement is correct.

Mr. Francis asked the Applicant if he was making any change to the curb cut. Mr. Bove replied no, it is actually 46 feet wide. Ms. Pearlmutter asked which lots were sold. Mr. Bove responded lot A is already sold and lot B is under contract.

Ms. Pearlmutter asked how the private driveway would be maintained. Mr. Bove replied there is a deeded road use agreement for each of the lots.

Mr. Francis made a motion the Application is complete. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Mr. Francis was assigned as Case Manager for this Application.

**6. Other Business:** Further discussion regarding Telecommunication Ordinance changes.

After a brief discussion among the Board members and Mr. Gilliam, the Board agreed in general with the proposed changes to the Telecommunication Ordinance but requested to review a complete copy of the entire Ordinance before the joint meeting of the Board of Selectmen and the Planning Board which is proposed to occur in October.

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

**Submitted by:** Patricia Saunders, Planning Board Recording Secretary