

**Kennebunkport Planning Board
December 2nd, 2015 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, December 2nd, 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, Helen Conaty, Tom Boak

Approval of Minutes: Ms. Conaty made a motion to approve the minutes from the November 18th, 2015 Planning Board meeting. Mr. Boak seconded the motion and the vote was unanimous. Mr. Boak made a motion to approve the minutes from the November 21st, 2015 Hidden Pond Site Walk. Ms. Conaty seconded the motion and the vote was unanimous.

Items:

1. 151001 Melissa Winstanley / Sandra Guay, Authorized Agent – Site Plan Review – **Findings of Fact** – for approval to do a maintenance dredge to remove approximately 310 cubic yards of silt and sand to restore adequate mooring and access depths at an existing recreational pier. [85 Ocean Avenue, identified as Assessor's Tax Map 08, Block 001, Lot 18 in the Village Residential, Shoreland and Resource Protection Zones.] *John Hathaway, Case Manager*

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

2. 150904 Fishing Pole Lane, LLC d/b/a Hidden Pond / Sebago Technics, Authorized Agent – Site Plan Review – **Continued Initial Review** – for approval to and revision of a previously approved Plan as follows:

- Clarifying and/or receiving approval of the uses permitted inside and outside the Event Barn;
- Removing the limit on 2 events per year;
- Adding 78 Seats to Earth Restaurant;
- Utilizing 2 existing sheds near restaurant for dining;
- Adding parking for Earth Restaurant;
- Building an addition to the Event Barn;
- Grant approval of two additional sheds in the Service Yard;
- Grant approval of additional Accessory Sheds throughout the property;
- Convert the Farm Building to allow retail sales; and
- Designate a permanent site for event tents. [356 Goose Rocks Road, identified Assessor's Tax Maps 38, Block 001, Lot 08 (Phase II) and Map 37, Block 003, Lot 3 (Phase I) in the Free Enterprise Zone.]

Mr. Kling introduced the Agenda item noting this is a Continued Initial Review where it is the Board's responsibility to determine if the Application is complete before scheduling a Public Hearing. In response to private comments made to him outside of the meetings, Mr. Kling addressed suggestions made that due to the serious violations of the zoning ordinance and violations of prior Planning Board approvals by the Applicant, the Board should exercise a punitive function with regards to this Application. Mr. Kling explained that is not the function of the Planning Board and all punitive issues have been dealt with by the Board of Selectmen and the Code Enforcement Office.

Mr. Steve Doe of Sebago Technics representing the Applicant addressed the Board stating he submitted some supplemental information to the Board on November 24th, 2015. Mr. Doe stated the Applicant would like to withdraw two items from the original Application which are: (1) the permanent site for event tents near the farm and (2) adding a 3rd dining shed. After doing the analysis of the seats available for Earth restaurant the Applicant has decided they prefer to keep the seating arrangement as originally submitted, Mr. Doe explained.

Mr. Doe also explained they had their traffic engineer provide an assessment of the trip generation using the analogy of a hotel assuming that each bedroom equated to one hotel room where a 2 bedroom cottage would equal 2 hotel rooms. At the peak evening hour the trip estimate would be 96 trips which is under the Department of Transportation's limit of 100 trips.

Mr. Reid asked if that is total trips all day and what was the turnover rate for the restaurant. Mr. Doe responded the 96 trips was just the evening peak hour when the restaurant is open.

Mr. Kling offered his opinion that even though this traffic study is conservative because some of the guests to the restaurant are walking it is still very close to the D.O.T.'s limit of 100.

Mr. Kling noted if there were any change of intensity of use or additional cottages then the Board would have to review the traffic issue again. Mr. Doe added once they get over that 100 trip threshold the property would have to be reviewed by the Dept. of Transportation.

Mr. Kling asked Mr. Werner Gilliam if he was comfortable with the Applicant's traffic assessment. Mr. Gilliam addressed the Board stating what is different about this site and using the hotel analogy is there are golf carts that cross the street for maintenance and laundry that's handled offsite which is not accounted for in a hotel analysis.

Mr. Kling asked if something happens so that the analysis is over the 100 peak hour trips and the Applicant did have to go to the Dept. of Transportation, what would they require? Mr. Doe replied the D.O.T. would look at the entrance and at traffic at Goose Rocks Road and the nearest intersections. In response to Mr. Gilliam's comments, Mr. Doe added those golf cart trips for maintenance and laundry would not be affecting the evening peak hour as those duties typically occur during the morning hours.

Mr. Doe continued with his presentation stating an analysis was conducted on the septic system for the event barn by OxyPro Systems which stated the systems are functioning properly. The analysis showed typical functions at the event barn generate 160 gallons per day as opposed to the 240 gallons per day the system is designed to maintain, Mr. Doe added. The report also recommended that a grease trap be installed in the system, Mr. Doe concluded.

Ms. Conaty asked if their request to hold unlimited events at the barn as opposed to the current restriction of 12 events per year were granted, would the system be able to handle all of those events. Mr. Doe responded yes the system would be able to handle more events as they would not occur every day during the season and would have time to rest in between events.

Mr. Gilliam suggested to the Planning Board they require a grease trap to be put in especially since there is a hood system in the kitchen area of the event barn.

Mr. Kling asked if the test wells near the farm have been tested recently. Mr. Doe replied those wells were tested for nitrates a year ago and no nitrates were found in any of the wells. Mr. Doe said he would provide those records for the Board to review.

Mr. Doe explained the seating distribution analysis for Earth restaurant is as follows:

- 76 seats inside the restaurant
- + 14 seats total in the potting shed and wine shed
- + 34 seats at the farm bar & pool area
- + 14 seats in the garden area
- = 138 total seats

Mr. Kling asked if the 76 seats inside the restaurant is the current configuration. The Applicant replied that is the current amount of seating in the restaurant.

Copies of the executed deeds from the land exchange with Kennebunkport Conservation Trust are also included in the supplemental information submitted, Mr. Doe noted, as well as a letter from Fire Chief Allan Moir regarding the secondary access road.

With regards to the employee parking along the access road, Mr. Reid suggested the Applicant may want to include a few employee parking spaces at the restaurant.

Mr. Reid made a motion to find the Application complete. Ms. Conaty seconded the motion and the vote was unanimous.

Mr. Kling announced a Public Hearing would be held at the next Planning Board meeting on December 16th, 2015.

3. 151101 Kennebunkport Police Department / Sebago Technics, Authorized Agent – Site Plan Review – Initial Review – for approval to build a 1,513 square foot addition to the existing Police Department. [101 Main Street, identified as Assessor's Tax Map 22, Block 003, Lot 13 in the Cape Porpoise West Zone.]

Mr. Kling introduced the Agenda item.

Police Chief Craig Sanford addressed the Board stating the proposed addition will function in many ways to give the department an opportunity to better serve the town.

Mr. Kling reminded the Board this is an Initial Review where the Planning Board's duty is to determine the Application is complete.

Mr. Mark Chaloupecky of Port City Architects along with Will Conway of Sebago Technics addressed the Board on behalf of the Applicant. Mr. Chaloupecky stated this project was a result of a study they conducted to determine some of the deficiencies of the Police Department that was critical to the functions of the department. Some of their findings are as follows:

- The locker rooms are too small and too few of them for the number of employees where the restrooms and showers are across a hall
- There are no locker rooms for female employees
- Absence of a large meeting/conference room to accommodate the entire staff for training, briefings, and emergency events
- In conjunction with the large meeting room, having a space that is wired for all the technology used for such events.

Mr. Chaloupecky explained the proposed addition would blend with the current structure and provide another meeting space to be used by other groups in the town while maintaining the security of the existing police operations.

Mr. Reid asked if there is a handicapped ramp into the building currently. Mr. Chaloupecky replied there is one into the Health Dept. and there will be one on the new addition if approved.

Mr. Conway of Sebago Technics addressed the Board and provided a brief overview of the proposed building and parking area using enlarged Site Plans.

Mr. Reid asked where the Seavey property was located on the site plans. Mr. Conway indicated the Seavey property on the plans and stated there will be solid wooden fence erected along the common property line to block headlights from cars reflecting onto the neighboring property.

The Board asked for a brief overview of the traffic flow and the parking calculations of the proposed plan. Mr. Conway explained the traffic direction on the lot and stated they determined a need of 30 parking spaces but are proposing 48 spaces of 9'x18' each.

Mr. Kling noted there is a waiver request with the Application to provide 9'x18' parking spaces instead of the standard 10'x20' spaces. Mr. Kling added it is beyond the Planning Board's authority to grant such a waiver.

Mr. Hathaway offered his opinion that it seems like there is room to improve the parking lot configuration.

Mr. Smith offered that the thought process in determining the number of parking spaces needed was due to the fact that most people coming to meetings at night drive individually thus facilitating the need for additional parking spaces.

Mr. Kling stated the Board needs to see the revised plan before scheduling a Public Hearing.

Mr. Kling asked if this project has already been approved and funded by the town. Ms. Smith responded this has been funded through the town meeting and approved by the Board of Selectmen with a goal to break ground in April of next year pending Planning Board approval.

Mr. Kling asked the Applicant to provide the revised parking scheme 7 days prior to the next Planning Board meeting on December 16th, 2015.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary