

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

A regular meeting of the Planning Board was held on Wednesday, December 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, Neil Higgins, George Lichte, Larry Simmons
Mr. Simmons will have voting privileges for this meeting.

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes from the November 7th, 2018 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. **181001 Mills Road Subdivision /Attar Engineering, Authorized Agent** – Minor Revision to a previously approved Subdivision – **Public Hearing** – for approval to revise the type of permit release subject to water testing from building permit to occupancy as noted on Sheet 1, General Note #15; and correct bearing and distance on Sheet 2 for Lots 2, 3, 7, 8, 12 and 13 lot lines. (Mills Road, identified as Assessor's Tax Map 23, Block 001, Lot 19A in the Free Enterprise and Shoreland Zones.) *George Lichte, Case Manager*

Mr. Boak introduced the Agenda item and acknowledged receipt of some revised plans as requested at the last meeting.

Mr. Michael Sudak of Attar Engineering addressed the Board stating this project is a minor revision to a previously approved 14-lot cluster subdivision at 98 Mills Road. Mr. Sudak noted each lot in the subdivision will be serviced by private individual wells and public sewer system. The stormwater will be managed on site by three separate retention ponds, Mr. Sudak added. Mr. Sudak explained the details of the minor changes in this Application adding he has also submitted the checklist of items requested at the last Planning Board meeting.

Mr. Boak asked the Board members if they had any questions for the Applicant before opening the Public Hearing. The Board members had no questions for the Applicant.

Mr. Boak opened the Public Hearing. There were no comments or questions from the audience in attendance. Mr. Boak closed the Public Hearing.

Mr. Higgins made a motion to approve the Application. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Mr. Boak announced the Findings of Fact will be read at the next Planning Board meeting on December 19th, 2018.

2. **181002 136 North Street, LLC / Shepard & Read, Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to convert the previously existing trucking facility into a boatyard, to be used for boat repairs, storage and boat brokerage. (136 North Street, identified as Assessor's Tax Map 13, Block 1, Lot 1 in the Free Enterprise Zone.) *Nina Pearlmutter, Case Manager*

Mr. Boak introduced the Agenda item.

Attorney Bruce Read representing Brian Beauchemin addressed the Board stating he submitted the requested information from the last meeting. Using an enlarged updated site map, Mr. Read gave a brief summary of the Application and of Mr. Beauchemin's business noting in order to ensure traffic sight lines are maintained they will not park any boats on the property within 10 feet of the property lines.

Mr. Boak noted the parking area is mislabeled on the revised plan as it is over the septic tank. Mr. Beauchemin agreed the lawn area is incorrectly identified as the parking area adding he intends parking to be done on the pavement adjacent to the lawn where the septic tank is located.

Ms. Pearlmutter commented the 10 foot setback from the property line is in the Planning Board manual and suggested the Applicant consult Articles 10.7 and 10.9 of the Land Use Ordinance to ensure other traffic issues are met. More specifically, Ms. Pearlmutter asked the Applicant to review Articles 10.6.C.9 and 10.6.C.5 in the Land Use Ordinance.

Mr. Mahoney suggested installing poles or something identifying the grass area as a no parking area.

Mr. Simmons asked the Applicant for details of the boat maintenance aspects of the business such as the washing and painting of boats. Mr. Beauchemin responded all of the bottom washing would be done in the wash area that is enclosed on 3 sides and the water is collected, recycled, and contained according to Maine standards.

Mr. Simmons also asked what the hours of operation would be for the business. Mr. Beauchemin replied his business is primarily seasonal, Spring to Fall and he works only in the daylight hours so there will be no nighttime lights shining onto neighbors' properties.

Mr. Simmons suggested the Applicant could provide more definition on the site plan.

Ms. Pearlmutter asked the Applicant to also provide more detail on the collection system and issue of hazardous waste from the washing and maintenance of the boats.

Mr. Boak opened the Public Hearing.

Ms. Jen Burrows, owner of the Winks property, addressed the Board to state her support of the Application.

There were no further questions or comments from the audience in attendance.

Mr. Boak closed the Public Hearing.

Ms. Pearlmutter made a motion to continue the Board's deliberations for this Application until the next Planning Board meeting on December 19th, 2018. Mr. Mahoney seconded the motion and the vote was unanimous.

- 3. 181003 Margaret Jandl / Walsh Engineering, Authorized Agent - Site Plan Review – Initial Review** – for approval to stabilize the shoreline with a stone revetment. (77 Marshal Point Road, Assessor's Tax Map 31, Block 3, Lot 12 in the Goose Rocks, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item.

Mr. Bill Walsh of Walsh Engineering addressed the Board on behalf of Margaret Jandl and gave a brief review of the Application. Mr. Walsh provided photos of the newly constructed house along with the existing revetment indicating where the water was washing the cobble stones onto the driveway and eroding the property. Mr. Walsh also noted the proposed revetment is 25 feet back from the highest annual tide.

Ms. Pearlmutter asked if there was any fill used in the new revetment. Mr. Walsh replied no he will use a geotextile fabric on the backside.

Mr. Simmons asked whether storm surge could become trapped behind the wall and affect the house. Mr. Walsh replied that the house is located on a crest elevated above adjacent areas and therefore is unlikely to be affected by high water after the wall has been built.

There were no further questions from the Board members.

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

A Public Hearing will be held at the next Planning Board meeting. Mr. Boak was assigned as Case Manager for this Application.

- 4. 181101 Kennebunk River Club / Eco-Analysts, Inc., Authorized Agent – Site Plan Review – Initial Review** – for approval to dredge the North Basin to remove approximately 3,589 cubic yards of material as well as the South Basin to remove approximately 2,779 cubic yards of material (115 Ocean Avenue, identified as Assessor's Tax Map 8, Block 1, Lots 11 & 23 in the Riverfront Zone.)

Mr. Boak introduced the Agenda item.

Mr. Bud Brown of Eco-Analysts addressed the Board and gave a brief summary of the Application noting they anticipate receiving their Permit By Rule from the DEP in the next two weeks as well as approval from the Army Corps of Engineers for the disposal of the dredge material.

There were no questions from the Board members.

Mr. Simmons made a motion the Application is complete. Mr. Lichte seconded the motion and the vote was unanimous.

A Public Hearing will be held at the next Planning Board meeting on December 19th, 2018.

- 5. 181102 Sandy Pines Campground / Sebago Technics – Site Plan Review – Initial Review** -- for approval to reconfigure some glam sites and RV sites, as well as reconfigure some driveways within 3 different areas. (277 Mills Road, identified as Assessor's Tax Map 32, Block 1, Lot 3 in the Goose Rocks Zone)

Mr. Boak introduced the Agenda item.

Mr. Steve Doe of Sebago Technics along with Ralph Austin addressed the Board and gave a detailed review of each of the three different areas affected in the Application.

Ms. Pearlmutter commented when adding up the sites in terms of RVs and motor coaches, the RV sites are being increased and the number of campsites is reduced. Mr. Doe replied the goal is to get as many sites they can on a full hookup; meaning with sewer, power and water hookups.

Ms. Pearlmutter also expressed her concern with the increase of a non-conforming use over time with the addition of more roadway and impervious surface areas.

In response to Ms. Pearlmutter's comments, Mr. Austin stated when they came before the Board last year, one of the main topics was the number of sites which was agreed upon by the Board, but there was no limitation placed upon whether those sites were a tent, RV, or pop-up. Ms. Pearlmutter agreed with Mr. Austin's assessment on the category of the sites and asked to have a more detailed site plan indicating the difference in impervious surface from what's existing currently.

Mr. Doe then went through each of the three different areas of the property utilizing enlarged Site Plans of each area and gave a comprehensive presentation of all of the proposed changes. Mr. Doe indicated the location of the proposed road, and provided details on the chambered septic systems which are designed to sustain vehicular traffic. Mr. Doe also noted there is no change in lot coverage.

Referring to Mr. Doe's request in the written materials submitted with the Application, Mr. Austin asked the Board for permission to delegate the authority to approve minor changes to the Director of Planning and Development rather than going through the formal Site Plan Review process with the Planning Board. After a brief discussion, the Board members agreed it would be inappropriate to grant this request as it would be irresponsible to not review such changes in the future.

The Board members had a brief discussion with Mr. Doe about surface area and increased impervious surface area. Mr. Doe agreed to provide those calculations along with additional site plans indicated the current configuration of sites with the proposed configuration.

Ms. Pearlmutter made a motion the Application is complete subject to receipt of the previously mentioned items. Mr. Higgins seconded the motion and the vote was unanimous.

Mr. Boak announced a Public Hearing will be held at the next Planning Board meeting.

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

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary