

Kennebunkport Planning Board
April 20th, 2022 @ 6:00 PM
Hybrid Meeting Via ZOOM and IN-PERSON

A meeting of the Planning Board was held on Wednesday, March 2nd, 2022 via the ZOOM format and In-Person. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, Larry Simmons

Approval of Minutes: Mr. Francis made a motion to approve the minutes from the April 6th, 2022 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

- 1. 220301 Brian Glasser and Michael Spenard / Brian Beaudette Authorized Agent – Site Plan Review Application – Continued Initial Review –** Demolish existing house and cottage and build a new single family home (35 Langsford Road, Assessor's Tax Map 21, Lot 11, Block 22 in the Cape Porpoise West Zone).

Mr. Boak introduced the agenda item.

Mr. Brian Beaudette addressed the Board stating they are proposing to demolish the existing house and build a new house utilizing the 30% allowed increase in both area and volume. Mr. Beaudette shared the site plans and renderings of the existing and proposed structures on the large screen for the Board members and remote viewing audience to view. Mr. Beaudette added the previous design for this property was approved by the Planning Board on July 6, 2020; after which the owners of the property decided they wanted a more historic design than what was approved.

Mr. Beaudette gave a detailed presentation on this new proposed design which includes removing an additional small cottage on the property along with the existing house. In response to a question from Mr. Francis on where the zoning boundaries are, Mr. Beaudette indicated on the site plans the entire lot is in the Shoreland Zone and indicated with a green line on the plans where the 75-foot setback was located.

Mr. Beaudette's presentation included the existing and proposed living area, existing and proposed volume, and the proposed elevation of the new structure in accordance with future FEMA Flood maps.

Ms. Pearlmutter asked if the Applicant would need a new permit. Mr. Beaudette replied they have sent all the information to the Maine Department of Environmental Protection who will update the existing DEP permit.

Ms. Pearlmutter asked if they would supplement their Application with an erosion control plan. Mr. Beaudette agreed to have Leon Blood update that information.

Ms. Pearlmutter expressed her concerns about landscaping and the use of fertilizers or pesticides and the potential for bird strikes if there are no screens or bird friendly windows in the new design. Mr. Beaudette explained there will be some landscaping around the house and would not use any harmful fertilizers or pesticides to avoid runoff. As for the windows, Mr. Beaudette stated all the windows will have exterior screens.

At the request of Mr. Boak, Mr. Beaudette read through the items of note from the Planning Board's previously approved Findings of Fact for this property from July 6th, 2020.

Mr. Francis made a motion the Application is complete. Ms. Pearlmutter seconded the motion, and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting.

Mr. Francis volunteered as Case Manager for this Application.

2. 220302 Seashore Trolley Museum/Sebago Technics, Inc. – Site Plan Review Application – Initial Review – Proposing to construct a 3,500sf building to house and display a large model rail for the public (195 Log Cabin Road, Assessor's Tax Map 3, Lot 1, Block 1 in the Farm and Forest Zone).

Mr. Boak introduced the agenda item.

Ms. Pearlmutter asked if it would be helpful to do a site walk of the property for this Application.

Mr. Henry Hess of Sebago Technics addressed the Board along with Katie Orlando, Executive Director of the Seashore Trolley Museum stating this Application is proposing to build a 3,000 square foot building across from the existing Visitor Center that will be 2 stories tall to house a model rail display. Mr. Hess also explained there will be some improvements within the existing parking area in the form of landscape islands, accessible crossing from the Visitor Center as well as new ADA parking in front of the new proposed building.

Mr. Hess shared on the screen site plans indicating the open field where the proposed structure will be built as well as exterior and interior renderings of the proposed building and the parking lot improvements. Mr. Hess also identified there is an existing gravel/dirt access way along the side of the proposed building that will remain.

Mr. Boak commented there is no agent authorization letter in the Application. Mr. Hess agreed to provide one to the Board.

Mr. Boak asked Mr. Gilliam to explain the Planning Board's role in this Application. Mr. Gilliam explained this a museum which is identified as a conditional use in the Farm and Forest Zone, so it is appropriate for the Planning Board to hear and review modifications to the site as part of the Site Plan Review process. In terms of code compliance of the building itself, Mr. Gilliam continued, the Museum will go through several different stages such as a State Fire Marshall Review and the town's own Code Enforcement Building Permit Review where it is a commercial building to verify that all designs from mechanical to structural are done to engineer design standards.

The Applicant and Board members had a brief discussion on the benefit of a site walk, the different soils on the property and where water runoff will drain. Mr. Hess gave a more detail description of the proposed improvements to treat all the new impervious elements at the site.

In concern for light pollution, Ms. Pearlmutter asked about the flood lights proposed and if they will be lighting the building at night. Ms. Orlando explained currently the museum is open 9:30am to 4:30pm; but with this new proposed building it would be open until 7:00 or 8:00pm which depending on the season would be after dark. Mr. Hess added the proposed lights will be dark sky compliant and apart from a few small ones that will be aimed at the entrance the rest will be angled down and in addition will be on a timer.

Ms. Pearlmutter also encouraged the Applicant if they were to be opening in the winter to use sand instead of salt for treating the road and walkways. Ms. Pearlmutter also cautioned on the use of pavers in the parking lot as they tend to accumulate ice in the winter. A brief discussion occurred on paver designs and patterns.

Mr. Francis asked the Applicant to elaborate on the current and proposed septic and water system. Mr. Hess explained the well on site is a public well, is tested regularly, and there will be flow tests on the well itself to insure a 2-inch domestic line into the proposed building. The water usage in the new building is for 2 bathrooms and a water fountain. Mr. Hess continued those flow tests will be done prior to construction and the septic has an existing pump station on site that pumps to a leach field that is well outside a large radius for a public well itself. Mr. Hess concluded by stating they will also be installing a new pump station out back onto the rear of the proposed building which will be maintained and pumped out into the existing leach field.

The Board members and Applicant had a brief discussion on water runoff, treatment and water samples.

Ms. Pearlmutter asked if the Applicant would consider only using native plants in their landscape designs. Mr. Hess agreed with Ms. Pearlmutter's suggestion.

Mr. Francis made a motion this Application is complete subject to receipt of an Agent Authorization letter. Mr. Simmons seconded the motion, and the vote was unanimous. There will be a Public Hearing at the next meeting.

Ms. Pearlmutter volunteered as Case Manager for this Application.

3. 220303 Town of Kennebunkport/GEI Consults – Barney Baker, P.E.
– Site Plan Review Application – **Initial Review** – proposed replacement of the existing bait shed, rehabilitation and expansion of the wharf float system to better serve existing use by commercial fishermen and recreational boaters (79-81 Pier Road, Assessor's Tax Map 29, Lot 2, Block 7 in the Cape Porpoise Square Zone).

Mr. Boak introduced the agenda item.

Mr. Barney Baker, Civil Engineer for GEI Consultants addressed the Board and gave a very detailed presentation on the proposed replacement of the existing bait building, and rebuilding and expanding the wharf float system to better serve the 55+ commercial fishermen that use pier and serve the recreational boaters. Mr. Baker explained the need for this project is to make much needed structural repairs, bring the building and pier up to code compliance including ADA and OSHA requirements, make operational upgrades to improve pier efficiency, and to replace the dilapidated pier building.

Mr. Baker stressed to the Board members and viewing audience that the municipal facility is not being expanded and there is no change in the current use either.

Mr. Baker continued with his comprehensive presentation showing photos of the existing deterioration of the sea wall, pier, and timber pilings along with architectural drawings of the new proposed 2 story bait building to bring it in compliance with flood elevations and to include a second story office and restroom for the Harbormaster. The new building will be constructed to the Maine Building Code and will have new refrigeration equipment that will also be put on the second level to comply with FEMA flood elevation requirements.

Mr. Baker then explained the bait shed footprint is increasing 15% mostly to capture the exterior open walkway which feeds to the dinghy dock and the volume will increase approximately 23% due to the 2nd floor mechanical room and Harbormaster's office.

One of the last slides Mr. Baker shared in his presentation is the list of all necessary permits they are applying for and would obtain prior to work commencing which include several from the town, the Water District,

Kennebunkport Wastewater District, Maine State Fire Marshall, Maine DEP for an NRPA permit, and have received a submerged lands lease for the expansion of floats in addition to their Army Corps of Engineers permit which is currently in progress.

Mr. Baker concluded his presentation by stating the key points of this Application is there is no change in the existing use; it is an essential service as this is the only municipal landing for Cape Porpoise Harbor.

Mr. Simmons thanked Mr. Baker for his thorough presentation and asked about the sewer connection. Mr. Baker replied there is a sewer connection at the Chowder House which they will connect to that and will provide a HHE form as well as working with the Town Engineer and the Public Works Director to get that squared away. Ms. Laurie Smith, Town Manager added the current restrooms at the Chowder House are public restrooms and the new proposed restroom in the Harbormaster's office will be an employee restroom and not for public use.

Ms. Pearlmutter asked if there will be a pump out station. Mr. Baker replied yes, it is paid for by the Maine DEP who has a program to pay for 90% of the municipal installation.

Ms. Pearlmutter then asked if the new floats would be wood or composite. Mr. Baker responded they are wood, but it is a modern wood design and are held up by black plastic floatation drums which are very rugged and resilient. Mr. Baker added the wood is treated under very carefully regulated EPA guidelines that will not poison people walking on it or poison the fish under it either.

Mr. Simmons asked what the design life is they are targeting for these improvements and if they can document their design life in the Application. Mr. Baker replied for a facility like this 50 years is a good estimate and agreed to provide that information in the Application.

Mr. Simmons also asked if they could add the word "sustained" in describing the maximum wind velocity. Mr. Simmons then asked if the Applicant could reconcile the expected wave height given that maximum sustained wind speed as it may have an impact on the size of rocks they will need.

Mr. Simmons also suggested the Applicant may want to consider 316L or duplex stainless-steel fasteners which has a greater resistance to chloride stress cracking and pitting than does 316 stainless steel. Mr. Baker explained the carbon steel metals for the connection are typically galvanized.

Mr. Francis asked as this project is being made more efficient, do they anticipate an increase in more people using the pier and if that will cause more traffic problems. Mr. Baker replied he does not anticipate any increase in use. Ms. Smith added the pier is already at a maximum for mooring space, so they are already at the cap of the number of boaters.

Mr. Francis then asked if these improvements would increase the demand for parking for The Ramp Restaurant or 77 Restaurant. Ms. Smith responded the only change she sees is the additional float system proposed would allow perhaps some tie-up space for people to go to the restaurants for a short period of time. The other benefit from a fishermen perspective, Ms. Smith continued, is the opportunity to have recreational boats at one part of the pier and the fishermen at another part of the pier by having 2 new fuel pumping spaces it allows them to be separated.

Ms. Pearlmutter asked if their proposed ADA compliant ramp is level. Mr. Baker replied for recreational use the ADA has a maximum length allowed which will never be able to be achieved in Maine due to the nature of the coast but if you can provide an 80-foot ramp you're meeting the 1:12 criteria for 70% of the tidal window which is sufficient.

Ms. Pearlmutter made a motion the Application is complete. Mr. Boak seconded the motion, and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting.

Mr. Simmons volunteered as Case Manager for this Application.

4. 2030 Comprehensive Plan Review / Eli Rubin, Community Planner and Werner Gilliam/Director of Planning and Development.

The Board members, Mr. Gilliam, and Mr. Rubin had extensive conversations on sections of the Comprehensive Plan regarding Entergy, the Economy, Public Facilities and Services, and Transportation. Mr. Rubin thanked the Board members for their input and stated he would submit their suggestions and comments to the Growth Planning Committee.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary