

Kennebunkport Planning Board
May 18th, 2022 @ 6:00 PM
Meeting Via ZOOM

A meeting of the Planning Board was held on Wednesday, May 18th, 2022 via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, Larry Simmons, George Lichte - Mr. Lichte will have voting privileges for tonight's meeting.

Mr. Boak performed a roll call and confirmed a quorum.

Approval of Minutes: This item was deferred until the next meeting.

Items:

1. **220303 Nunan's Lobster Hut, Inc./Richard, Keith and Terri Nunan** – Site Plan Review – **Initial Review** – propose outside seating for 32 customers (11 Mills Road, Assessor's Tax Map 22, Lot 7, Block 28 in the Cape Porpoise Square Zone).

Mr. Boak introduced the agenda item and confirmed with the videographer there are 8 attendees signed on to tonight's meeting.

Ms. Terri Nunan signed in to participate stating they are requesting to add some seating outside of their restaurant for 32 people in the same manner they did during the pandemic.

For clarification, Mr. Gilliam stated in this instance Nunan's is a conditional use but it is a permissible use and the expansion is something the Planning Board may consider. During the Covid pandemic, Mr. Gilliam continued, the town was able to make certain temporary allowances for businesses, and in particular to restaurants, to allow for additional outdoor seating all with the understanding that this was temporary during the state of emergency. Some business owners have inquired as to what would be necessary to keep those types of allowances on a permanent basis, and since this is a conditional use this type of requirement falls under the purview of the Planning Board, Mr. Gilliam concluded.

Additionally, Mr. Gilliam informed the Board members he has visited the site with Chief Everett of the Fire Department and Chief Sanford of the Police Department just to review the location and made recommendations and will memorialize those in a memorandum as for what they would like to see regarding an additional safety measure where the seating is located directly adjacent to Mills Road.

Mr. Boak asked Mr. Gilliam if there are any issues on zoning or setbacks with this Application. Mr. Gilliam replied No, there are no additional structures proposed for this and there is more than adequate parking on the premises as well.

Mr. Simmons asked if this outside seating is the only seating for the restaurant or if there were seats inside also. Mr. Nunan replied there is inside seating as well. Mr. Simmons then asked if there will additional demand that could result from this addition. Mr. Nunan responded it hasn't in the past when we've had the outside seating during Covid.

Ms. Pearlmutter commented she would like to see more detail in this Application requesting an expansion of use in the Shoreland and Resource Protection Zones such as an outline of the building, an indication of where the extra seating is with the setbacks and how that lines up with the Shoreland Zone and Resource Protection Zone. Ms. Nunan responded all that information should have been included in their submission. Mr. Gilliam added the town office does have some of that information and will forward it to the Board members. In specific terms of what Ms. Pearlmutter is requesting, Mr. Gilliam stated they do not have the Shoreland and Resource Protection Zones identified on the Applicant's plans and will work with the Nunans in providing a sketch of those boundaries on the town's maps. Mr. Gilliam also noted the additional seating occurs entirely within the upland area in an established parking lot.

After checking his email, Mr. Boak commented he did receive additional pages of information from the Code Enforcement Secretary on this Application.

Agreeing with Ms. Pearlmutter's concerns, Mr. Francis asked if the site plans could be put on the screen for additional clarification where the outside seating is proposed. Mr. Gilliam shared the site plans and photos of the property on the screen for the Board members and the viewing public.

Mr. Francis asked how many tables are proposed? Mr. Nunan replied 8 picnic tables seating 4 people at each table for a total of 32 seats.

Mr. Gilliam indicated on the screen the existing lot area, the area where the proposed seating would be, the edge of the marsh, and the location of the two parking areas.

Mr. Francis asked what the existing capacity is and if they will be hiring additional staff. Mr. Nunan replied there are 84 seats inside the building, and they will not need to hire additional staff to cover the outside seating.

Mr. Simmons asked if the hours of operation are going to be affected or limited by the addition of outside seating. Ms. Nunan responded right now they are open 5:00pm to 8:00pm and in the summer they will be open 5:00pm to 8:30/9:00pm if there are still people waiting.

Mr. Boak asked Mr. Gilliam if he could help the Applicant provide a better site plan for the Application that indicated where the boundaries are for the Shoreland and Resource Protection Zones. Mr. Gilliam responded he can assist the Applicant to provide a map of the area with the requested information. Mr. Gilliam added all the areas this Application is dealing with is in the upland locations and does not include any additional structures since picnic tables are not defined as structures.

Mr. Francis pointed out an error on the Application regarding impervious area. Mr. Gilliam responded he is not aware of any proposed changes as existing and proposed impervious area should be the same. The Applicant agreed to correct that error on the Application.

Ms. Pearlmutter made a motion the Application is complete with the changes indicated by the Board along with a proper map that shows Shoreland and Resource Protection Zoning, any wetlands and the area of proposed use outlined and marked with the number of feet, and rectangles marked with the actual proposed seating area.

Mr. Gilliam stated the requested information would be submitted within 7 days prior to the next Planning Board meeting.

Mr. Francis stated anticipating there is no change to the percentage of the lot occupied by other impervious building, nor the exterior footprint and that Mr. Gilliam works with the Applicant to provide the requested material, made a motion the Application is complete upon receipt of that information assuming it has been received at least 7 days prior to the Public Hearing.

Mr. Lichte seconded Mr. Francis' motion. Ms. Pearlmutter withdrew her motion in favor of Mr. Francis's motion. The Planning Board voted unanimously in favor of the motion.

A Public Hearing will be held at the next Planning Board meeting on June 1st, 2022. Mr. Simmons volunteered as Case Manager for this Application.

2. 220301 Brian Glasser and Michael Spenard / Brian Beaudette Authorized Agent – Site Plan Review Application – Findings of Fact – 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. Francis read the Findings of Fact into the record. Mr. Simmons made a motion to approve said Findings. Mr. Boak seconded the motion, and the vote was unanimous.

3. **220302 Seashore Trolley Museum/Sebago Technics, Inc.** – Site Plan Review Application – **Findings of Fact** – 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 read the Findings of Fact into the record. Mr. Francis made a motion to approve said Findings. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

4. **220303 Town of Kennebunkport/GEI Consults – Barney Baker, P.E.** – Site Plan Review Application – **Findings of Fact** – 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. Simmons read the Findings of Fact into the record. Mr. Lichte made a motion to approve said Findings. Mr. Francis seconded the motion, and the vote was unanimous.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary