

Kennebunkport Planning Board
August 16th, 2023 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held on Wednesday, August 16th, 2023 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Ms. Nina Pearlmutter (Vice-Chair), Ed Francis, Charles “Larry” Simmons, George Lichte, Mike West

Both Alternate members will have voting privileges for tonight’s meeting.

Approval of Minutes: Mr. Simmons made a motion to approve the amended minutes of the August 2nd, 2023 Planning Board meeting. Mr. Lichte seconded the motion, and the motion passed.

Items:

- 1. 230701 St. Ann’s Episcopal Church/William R. Walsh, III, P.E., LEED AP/Agent – Site Plan Review Application – Public Hearing** – Replacement of the existing masonry seawall to provide adequate shoreline protection and protect the existing structures from flood damage (Assessor’s Tax Map 7, Block 1, Lot 9 & 9A in Cape Arundel Zone).

Ms. Pearlmutter introduced the agenda item.

Mr. Bill Walsh quickly ran through his PowerPoint presentation highlighting approximately 420feet of the seawall to be rebuilt to provide longevity to the wall and protection of the property behind it. Mr. Walsh added it is a masonry rock and mortar wall with a concrete cap that currently stands about 3 feet below the 100yr flood line. Mr. Walsh also spoke in detail about the construction of the seawall and the process of using emergency bulk bags during construction.

According to the Floodplain Management Ordinance, Mr. Simmons questioned why the Applicant isn’t rebuilding the wall to elevation 20. A discussion on flood elevations and the Floodplain Management Ordinance occurred among the Applicant and Board members.

Mr. Simmons also offered several suggestions regarding the weight of the riprap, using duplex stainless steel in a marine environment, adding a section on the plans called Basis of Design, the performance of the wall during a 100-year storm event, sheer walls, minimum steel area, pull test loads, and adding a rebar bending schedule for the contractor.

Ms. Pearlmutter opened the Public Hearing. There were no questions or comments from the audience in attendance or on Zoom. Ms. Pearlmutter closed the Public Hearing.

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

Mr. Simmons, as Case Manager, will read the Findings of Fact at the next Planning Board meeting.

2. 230702 Richard and Mary Steiger – 11 Wildwood Ave – Site Plan Review Application – **Continued Initial Review** – Replacement of an existing non-conforming 2 story, 2 family house (Assessor’s Tax Map 35, Block 23, Lot 10 in Goose Rocks Zone).

Ms. Pearlmutter introduced the agenda item.

Ms. Emily Gyory, one of the Trustees of the property, addressed the Board stating this property is currently a 2-family residence they are requesting to tear down and rebuild to make the first floor ADA accessible. Ms. Gyory also noted they have provided the requested items discussed at the last meeting such as an updated Application to reference the Trust and Trustees, along with the base flood elevation drawings, and a map identifying the property is not in a flood zone.

Ms. Pearlmutter asked if the Applicant included the ramps in their calculations of the footprint of the building. Mr. Richard Steiger responded via Zoom that it is included in the surface area as they did the calculations based on including the ramp and deck in the coverage of the property which will be less than what it is now.

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

3. 230703 63 Pier Road – Flycatcher, LLC/Lisa Vickers/Agent – Site Plan Review Application – **Initial Review** – Applicant seeks to reconstruct a new dock to replace the original dock destroyed in October of 2022 (Assessor’s Tax Map 29, Block 2, Lot 6 in Cape Porpoise East Zone).

Ms. Pearlmutter introduced the agenda item.

Ms. Lisa Vickers, on behalf of the Seigler Living Trust addressed the Board stating the property is located at 65 Pier Road and gave a detailed PowerPoint presentation outlining their proposed reconstruction of the new dock. Ms. Vickers noted this dock is nonconforming in width as it is 6-feet wide as opposed to the standard 4-foot width. Ms. Vickers also commented she has aerial imagery and a 1996 appraisal that she will provide a copy of for the Application confirming the original pier was 6-feet wide by 100-feet long.

Ms. Vickers continued with her presentation stating the dock will be in the same location, but the pier will be raised 3 feet above the highest annual tide. The ramp will be 3-feet by 36-feet and will connect to an 8-foot by 10-foot float, Ms. Vickers added, and the pier will be supported by pilings that will be pinned to the ledge.

The seasonal ramp and float will be removed in the off season, Ms. Vickers continued, and they have applied for permits from the Army Corps of Engineers and the Maine Department of Environmental Protection.

The Board members and Ms. Vickers had a detailed discussion on the historical and proposed length of the dock.

Ms. Pearlmutter requested the Applicant provide a diagram that shows the original dock with the concrete pad and an overlay on that to show what is being proposed as well as providing information where the Velocity Zone is. Ms. Vickers agreed to provide that information.

After some discussion, the Board members also requested the Applicant provide some information explaining the nonconformances of this dock and how their proposal is not increasing those nonconformances.

Mr. Francis made a motion to continue this Initial Review to the next Planning Board meeting, pending receipt of the clarifying drawings and other information requested. Mr. West seconded the motion, and the vote was unanimous.

Mr. Lichte is Case Manager for this Application.

4. 230704 22 Agamenticus Avenue – Atlantic Environmental/Lisa Vickers/Agent – Site Plan Review Application – Initial Review – Applicant seeks to stabilize the existing stone retaining wall that is failing and in need of repair (Assessor's Tax Map 30, Block 3, Lot 30 in Cape Porpoise East Zone).

Ms. Pearlmutter introduced the agenda item.

Ms. Lisa Vickers with Atlantic Environmental addressed the Board on behalf of the Wahwa Family Limited Partnership who have a house at 22 Agamenticus Avenue. Ms. Vickers provided a PowerPoint presentation detailing their proposal to stabilize the existing stone and mortar seawall that has fallen into disrepair in some areas. Ms. Vickers noted they are partnering with Prock Marine to stabilize the wall by pinning it to a granite block on top of the wall and putting riprap in front of the wall. As Ms. Vickers went through her presentation, she noted that although she is not an engineer, they do have one on staff and these plans are permitting plans, not construction plans.

Ms. Pearlmutter noted a typo on the Application page. Ms. Vickers agreed to correct the error.

Mr. Simmons asked if there was any indication on the plans with regard to wave height and suggested including a table on the plans for a Basis of Design.

Ms. Pearlmutter asked if the town had a marine engineer to review this Application. Ms. Radley responded that is something that the Board can put in a condition of the Findings of Fact that the Applicant will need this approved by an engineer when bringing it to the Code Enforcement Office for a permit.

Ms. Vickers noted they have met with Maine DEP and have been working closely with their project manager through the DEP review process and it is currently under review with the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. Ms. Vickers also noted they have received their permit from the Army Corps of Engineers and will provide a copy of that for the Application.

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

Mr. Simmons is 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