

Kennebunkport Planning Board
August 2nd, 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 2nd, 2023 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, D. Scott Mahoney, Charles “Larry” Simmons, George Lichte, Mike West

Approval of Minutes: Mr. Francis made a motion to approve the minutes of the July 19th, 2023 Planning Board meeting. Mr. Simmons 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 – Initial Review** – Replacement of the existing masonry seawall to provide adequate shoreline protection and protect the existing structures from flood damage (Assessor’s T/ax Map 7, Block 1, Lot 9 & 9A in Cape Arundel Zone).

Mr. Boak introduced the agenda item.

Mr. Bill Walsh on behalf of St. Ann’s Church addressed the Board stating during their assessment of the seawall they tried to come up with a plan that would provide a resilient seawall for St. Ann’s and still maintain the desired aesthetic.

Mr. Walsh prepared a PowerPoint presentation on the Application that included many photos, diagrams of the existing and proposed seawall as well as a video of the December 2023 storm and it’s affect on the seawall and property. In his detailed presentation, Mr. Walsh explained the parcel is 3.6 acres that contains a rectory, seaside chapel, church, and a seawall that circles around the property.

Mr. Walsh also discussed the easement that was granted by the Board of Selectmen and voted approved by a town vote that will allow for maintenance along with an access point coming off Ocean Avenue. Mr. Walsh explained there is very little space between the rectory and the seawall at one corner that requires another access point for reconstruction.

Using drone images in his presentation, Mr. Walsh explained the current wall is not a structural wall but a masonry wall that was built off the rocks from the shoreline and mortared together with a concrete cap put on afterwards.

Mr. Walsh also indicated on site plans the flood zones and that they are currently at elevation 15 and plan to build up to elevation 18 to meet the new requirements.

Lastly, Mr. Walsh explained there would be some places they would need to put in riprap to help protect the wall and break up the storm waves somewhat. Mr. Walsh also shared his updated

structural plans, adding they are in the process of receiving a NRPA permit from the DEP and don't suspect that will be a problem getting the permit.

For the scheduling of this project, Mr. Walsh stated they would like to start later in the fall and work through winter as much as possible, closing down in the summer and pick it up again in the fall of next year to hopefully complete the project. To maintain the desired aesthetic, Mr. Walsh added the wall will be a veneered wall so it will have a concrete core with stone clad to it to look consistent with what is there, along with a concrete cap put on the top.

Ms. Pearlmutter asked how much ledge goes out to that wall. Mr. Walsh replied just about all of the wall is on ledge.

Ms. Pearlmutter then asked about the reinforced support shown on the drawings. Mr. Walsh explained they will drill holes in the ledge and put steel rods into the holes that will be epoxied into place and the concrete is poured around that.

To answer Ms. Pearlmutter's questions on drainage in the back of the wall, Mr. Walsh described the stone drainage system that will be behind the wall that will pick up surface water and any ground water that collects there which will be continued around most of the new wall. Mr. Walsh added they have tried to limit the number of places where pipes will drain out and are proposing some riprap in those location to protect the end of those pipes which will be pinned to the ledge stop the ocean water from going up those pipes when there are storms.

Mr. Simmons asked if there were a significant wave height that would affect their final design for this. Mr. Walsh responded it is in a velocity zone so presumably it is that 18 foot base elevation we're proposing.

Mr. Simmons then asked about the Applicant's selection criteria for the proposed riprap. After some discussion, Mr. Walsh agreed to provide more details on that to the Board.

Mr. Simmons then questioned how the stone veneer will withstand the forces of storms. Mr. Walsh replied it will be a maintenance issue, but the church is committed to the maintenance.

In reviewing the proposed retaining wall plans, Mr. Simmons questioned having some rebar for the walls that is wider than 10 inches. Mr. Walsh responded he would check on those requirements.

Mr. Francis questioned how the construction will be approached. Mr. Walsh explained all work would be done from the land side, in 60-foot sections and if necessary, using large sandbags to create a temporary wall while they're working.

Ms. Pearlmutter made a motion that the Application is complete pending receipt of the Maine DEP permits. Mr. Mahoney seconded the motion, and the vote was unanimous.

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

Mr. Simmons volunteered as Case Manager for this Application.

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

Mr. Boak introduced the agenda item.

Ms. Amy Nunan, the daughter of Richard and Mary Steiger addressed the Board stating her father is joining the meeting via Zoom and the Applicant seeks approval to remove the 2-story home and build a new 2-story home in its place.

Mr. Steiger joined the meeting via Zoom as Ms. Nunan displayed the site plan prepared for the meeting. Mr. Steiger gave a detailed explanation of the Application and drawing which they contracted Paul Gadbois to do a survey of the property. Mr. Steiger explained they are proposing to rebuild using the same footprint, and same square footage but the volume will increase utilizing the 30% allowable volume expansion.

Ms. Nunan explained there is a need for the new house to be built so that the living quarters can be on the main floor to allow for wheelchair accessibility. Mr. Steiger added there is a covenant on the parcel next to him that hinders building within 50-feet from the property line.

Mr. Boak asked about disposing of a septic tank on the property. Mr. Steiger explained behind the house is an old septic tank and a leach field that they'd like to dig up and fill in before they pour the new foundation. Mr. Steiger added he spoke with the Code Enforcement Office about the old septic system and they agreed it would be great to take it out.

Ms. Pearlmutter noted on the deed submitted that the owner of the property is an irrevocable trust, one in Richard Steiger's name and one in Mary Steiger's name and asked who the trustees of those were. Ms. Nunan replied it is herself and her sister that are trustees for both trusts. Ms. Pearlmutter recommended they amend the Application to indicate the owner of the property are the trusts and list Ms. Nunan and her sister as the trustees. Ms. Nunan agreed to make that change.

Mr. Francis asked about the height of the new structure. Mr. Steiger stated the height of the new house is taller than the existing because the floors are 8 feet high each which is taller than what the existing floors are.

A brief discussion on the height and volume requirements occurred. Mr. Steiger assured the Board members that the new structure would not exceed the maximum height of 30-feet.

Mr. Francis asked what portion of the structure is nonconforming. Ms. Radley explained the structure is nonconforming due to the setbacks which are not shown on the site plans submitted. The parcel is also nonconforming, Ms. Radley added, because it is under the minimum square footage for a buildable lot.

Mr. Simmons asked for a set of drawings that show the base flood elevations to ensure they are in compliance with the new FEMA maps. The Board members agreed with Mr. Simmons that the Applicant should provide a set of site plans indicating the setbacks and the flood elevations.

Ms. Pearlmutter asked if the windows would be double-hung windows with screens to prevent bird strikes. Mr. Steiger replied yes, the new house will have screened windows.

Mr. Simmons asked if the Applicant is agreeable to restrict the use of harmful pesticides, herbicides, and fertilizers. Mr. Steiger replied they use Goose Rocks Beach Yard Care services and is sure they comply with those requirements. Ms. Nunan added that service only performs mowing and weed-whacking and does not do any planting or use fertilizers.

The Board members agreed it is important to obtain a set of architectural elevation drawings of the proposed structure before voting this Application to be complete. Mr. Boak explained, on behalf of the Planning Board, they will continue this Initial Review until the next meeting and if everything is received in time and the Board votes the Application complete at the August 16th, 2023 meeting, a Public Hearing could be held at the first Planning Board meeting in September.

Mr. West volunteered as Case Manager for this Application.

3. 230603 47 The Long & Winding Road – Longview Partners/James Logan – Final Subdivision Application – Findings of Fact – This application seeks approval for a major revision to an existing subdivision with the intent to split 25-1-3, identified as Lot 3 on the 1984 Trumbull Plan. This change would result in one (1) additional lot being added to the existing subdivision. (Assessor's Tax Map 25, Block 1, Lot 3 in Farm and Forest Zone).

Mr. Mahoney read the Findings of Fact into the record. Mr. Boak made a motion to approve said Findings. Ms. Pearlmutter 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