

2009
KENNEBUNKPORT
COMPREHENSIVE PLAN

Prepared By:
The Growth Planning Committee

Amended November 3, 2009

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INTRODUCTION TO THE COMPREHENSIVE PLAN FOR KENNEBUNKPORT, ME

This Chapter is the Introduction to the Comprehensive Plan of the Town of Kennebunkport, Maine. Its purpose is to explain what comprehensive planning is all about, and to provide the framework within which other components of this Plan will fit.

The text of this Chapter is organized into 4 sections: comprehensive plans in Maine communities; overview of this Comprehensive Plan; legal requirements; and history of comprehensive plans in Kennebunkport.

Comprehensive Plans in Maine Communities

The State of Maine regulates the manner in which communities plan for and regulate growth and development through a law entitled the Growth Management Program (Title 30-A §4312 et seq.). This law establishes the State's policies, and establishes the rules by which communities may engage in land use planning and regulation. Through this law, the State overrides each community's home-rule authority and mandates compliance with an overall set of goals, procedures and standards for community comprehensive plans.

Aside from the requirement to have a plan, it just makes sense for towns to plan for the future. The process of preparing a comprehensive plan provides an opportunity for residents, community officials and other stakeholders to share ideas about what is important in the community, to identify issues and desirable responses, and to coordinate a town-wide approach to dealing with change. Ideally the comprehensive plan will reflect consensus views about town policy. As circumstances change and the community considers changes in its local policies, it is important to frame these considerations in terms of the comprehensive plan. New policies must strive to fit within current and future State requirements plus mesh with other local policies.

A comprehensive plan is not a law that is directly enforceable, but it is still a very powerful public document. A plan, which must be adopted by the voters, establishes the policy directives of the town. State law requires zoning, growth control and impact fee ordinances to be consistent with a comprehensive plan (MRSA Title 30-A §4314.3). As comprehensive plans are revised and updated, there is always a lag in consistency. The town is legally obligated to work towards consistency, and by statute such consistency must be achieved within 2 years (Title 30-A §4314.3.E). Other regulations, most notably the Site Plan and Subdivision Regulations, limit approval of development applications to those that are consistent with the comprehensive plan. Although the plan is not a law in and of itself, it is very close and can have that same effect in certain circumstances.

A comprehensive plan is required to include recommendations about major capital purchases with a goal of gaining cost efficiency for capital spending in the long-term. At the budget referendum the voters may subsequently decide not to follow the plan, but it is the

obligation of the Town officials to pursue capital expenditures that are consistent with the Town's comprehensive plan.

Overview of this Plan

This plan is organized in a fashion that will make it useful to the community and satisfy statutory requirements. The document is divided into more than a dozen separate chapters, each of which will be a stand-alone report, but which together will comprise the comprehensive plan. This new format should encourage the Town to keep the Plan up to date and relevant to current issues. It should also encourage more people to use the Plan and access the information it contains.

The organization of this Plan does not follow the organization of the statutes because the sequence of requirements in the statutes is somewhat haphazard. The contents must comply with the State's requirements, but the design of the plan and the arrangement of its components is a local choice. Further, this Plan is organized in a manner similar to the 1996 Comprehensive Plan. This Plan is an attempt to improve upon the organizational structure of the statutes and former plans.

During the transition to a plan comprised of multiple, inter-dependent, technical reports, some degree of overlap of content and information is expected. As each new chapter is adopted, superseded text shall be removed from the existing comprehensive plan documents. In the event there remains conflict between old and new documents, the most current document shall supersede any earlier version or chapter. When the entire set of chapters is adopted, the 1996 Comprehensive Plan, as amended, will be completely superseded.

Because this Plan is a legal document, a policy of separation is hereby established. If any portion of this Plan is found to be invalid by the courts, it shall not affect the validity of any other portion of this Plan.

HISTORY OF COMPREHENSIVE PLANS IN KENNEBUNKPORT

Kennebunkport offers a truly outstanding natural and cultural environment to both residents and visitors. The combination of a rocky coastline, beaches, harbors, restaurants, historic villages, cultural and social activities, and a vibrant, natural hinterland creates an extremely desirable place to live and to visit. Maintaining the character of Kennebunkport in the face of continuing change requires vigilance and continuing re-evaluation of the Town's goals and policies.

The Town adopted its current Comprehensive Plan in 1996. That plan contained the following statement of purpose:

“The Comprehensive Plan is intended to meet several needs:

1. To compile an “Inventory” of the Town's resources in many different fields of interest to serve as a reference work for people involved in Town affairs.

2. In so doing, to seek out, describe, and analyze existing conditions which affect the Town's development and welfare, and to project such conditions into the future.
3. To identify problems and issues which are of concern to the Town, to draw conclusions about them, and to propose goals and policies through which they may be dealt with in the future.
4. To set forth strategies through which the recommended policies can be implemented."

This statement of purpose continues to apply to this update of the plan.

Since the current plan was prepared in the early 1990's, the Town has experienced significant growth. The year-round population continues to grow. The development of new housing has increased over the past few years. The number of tourists and the length of the tourist season continue to increase. This growth raises new and continuing issues for the community and the town government.

Each of these chapters includes three sections:

1. **INVENTORY.** This section summarizes the Committee's findings on the subject, and draws attention to areas in which there may be problems or controversial issues. In order to make this factual material easier to understand, extensive use has been made of maps, tables, and charts. Where these exhibits are too large to be inserted into the text, they can be found at the end of the document.
2. **ANALYSIS AND CONCLUSIONS.** This section summarizes the Committee's opinion concerning the implications for the Town of the factual findings in the previous section. Attention is drawn to topics where problems are foreseen, improvement is needed, or recommendations are called for.
3. **IMPLEMENTATION.** This section sets forth the State's minimum goals for the subjects covered by the chapter, as defined in the Growth Management Act, and suggests further goals which are appropriate for the Town. For each of the concerns identified in the previous section, a policy is proposed for dealing with it. The section then recommends specific strategies through which these policies can be implemented. Where action is required, the appropriate agencies of the Town are identified, and a time frame proposed.

The following commonly used terms are defined as:

Goal	-	An objective
Policy	-	A course of action
Strategy	-	A plan of action; a tactic
Conservation	-	Preservation from loss, harm or depletion
Preservation	-	Kept unchanged

The following timeframes are used in the implementation sections.

Ongoing
Bi-annually
Annually
1 Year
2 Years

Yearly increments up to 5 years

Many Thanks

Credit must be given to the dedication of Kennebunkport's volunteers who have spent countless hours and sacrificed much in order to present this living document that guides and describes what makes Kennebunkport what it truly is.

The update was originally prepared by the Growth Planning Committee consisting of the following members:

John Senese, Chair

Jan Collins
Janet Belisle
Barbara Rencurrel

Paul Knight
Mat Lanigan
Charles Reid, Senior

In addition, Tim Spang served on the committee prior to being elected to the Board of Selectmen. Susan Graham served as the Selectmen's liaison to the Growth Planning Committee. The committee was assisted in its work by the Southern Maine Regional Planning Commission and Planning Decisions, Inc.

Another update was substantially edited to produce the 2005 Comprehensive Plan. This version received approval from the State Planning Office, however failed to gain the approval of the residents. Many hours were spent into reviewing documentation and presenting this update. Gary Lamb, Nathan Poore and the Town Office staff gave great support and assistance. SMRPC was essential, particularly David Versal in the later months of work. Russ Davenport served as liaison representing the Board of Selectman. The Sewer and Highway Dept along with KKWD were generous with their time and information.

Lyman A. Page, Chair

Janet Belisle
William Case
Margaret T. Hollingsworth

Jack Hunt
Charles Reid, Sr.
D. Michael Weston

In 2006 a mostly new group of volunteers stepped up to the plate to tackle the task of updating the Plan. The Board of Selectman charged this group with the specific task of gaining the approval of the residents prior to approvals by the State Planning Office. With this task in mind, the GPC has decided to pursue updating sections of the 1996 Plan with information gathered by the previous GPC. The process will consist of presenting chapters of the Comprehensive Plan to

the voters for individual approval, in the hopes that this document will not seem so overwhelming to the residents and that they may come to a better understanding of what the Comprehensive Plan really is.

Jamie Houtz, Chair

Anita Carroll
Charles Reid Sr.
Barbara Kamm

Laurie Dobson
Daniel Saunders
Wanda Daggett

CHAPTER I. A BRIEF HISTORY OF KENNEBUNKPORT

I. THE NATIVE AMERICAN PERIOD

Eleven thousand years ago, Maine was a mixture of open spruce forest and tundra with a few remaining isolated glaciers. Mammoth, mastodon, and caribou inhabited the land. The Paleo-Indians, arriving from the south or west, hunted all of these animals with tools of bone, wood, and stone. The people were expert hunters and equally expert in the manufacture of their hunting equipment¹. They manufactured spear points from chert to penetrate deeply into an animal. They lived in small bands, perhaps a few families most of the time, and moved on foot over what still seems like vast distances to us today. It is not uncommon, for example, for rock materials to have been brought from Burlington, Vermont, or the lower Hudson River valley into Maine.² Artifacts from a site discovered a few miles southwest of Kennebunkport include tools manufactured from stone excavated near Katahdin, Burlington, VT, Saugus, MA, and Hudson Valley, NY.³

Around 10,000 years ago the environment changed. Trees (pine, birch, poplar, and oak, with other hardwoods later) colonized the Maine landscape, forcing everyone who resided here since to live and travel along lakes and waterways and otherwise accommodate a dense forest⁴.

There were three or four cultural shifts from 8,000 years ago to contact with the Europeans. Each era signified the movement of a new culture into the area. These people were semi-nomadic and probably spent part of the year at inland encampments and the rest along the shore. Their trademark huge mounds of oyster and clam shells, accumulated over thousands of years, can still be found today in Kennebunkport. Surveyed by archaeologists from Maine's Historic Preservation Commission, Kennebunkport's shell middens were established 3,000 years ago and were active until contact with Europeans.⁵ These same people decorated pottery, built canoes, hunted seals and small whales, and were undoubtedly skillful coastal navigators.

It was the Wabanaki (also Abenaki) who greeted the first Europeans 400 years ago. A loose confederation of tribes, the Wabanaki included people from Newfoundland and Prince Edward Island to New Hampshire.⁶ In coastal Maine south of the Saco River, early explorers noted the reliance of native peoples on agriculture. Crops included beans, corn, squash, pumpkins, and tobacco.⁷

The interface with Europeans began with summer visits from fishermen, who were willing to cross the Atlantic each summer to harvest the incredible bounty of the Gulf of Maine. By 1616, the visitors had introduced a deadly epidemic. In the period between 1616 and 1620, the population of more than 20,000 native people was reduced to 5,500.⁸ Whole villages were decimated. The remaining people often consolidated, choosing one village to live in and abandoning several others.⁹ As European settlers began arriving a few years later, they found cleared, but abandoned, fields and seized these sites for homes and trading posts.

Several countries laid competing claims to the area which now makes up Maine. None consulted with the native inhabitants before dividing up the land. The French were often trading partners with the Wabanaki. The English traded, but also wanted agricultural land and lumber. In the space of 200 years, the ancient forests were destroyed and native peoples pushed to the brink of extinction.¹⁰ Wabanaki preferred treaties to wars, but treaties were broken repeatedly. Massachusetts's courts refused to allow Indians to appear in court to petition for redress. A series of wars followed: 1675 King Phillips War, 1721 Lovewell's War. On June 20, 1756, the Massachusetts's Chamber Council set a bounty of 40 pounds for the scalp of an Indian male and 20 pounds for the scalp of a woman or child.¹¹ At the time, 200 acres of land could be purchased from the Plymouth Colony for 35 pounds.

In 1763, the Treaty of Paris was signed and France gave up claim to Maine. The Wabanaki of Maine were now without an ally in Maine. The meager remnants of the Wabanaki of southern Maine had fled to Canada or the upper reaches of the more eastern river valleys. Like the forest they inhabited, the native people who had lived in southern Maine for over 10,000 years, had been wiped out in less than 200 years. In their place were a people hardened to the diseases that had consumed three-fourths of the native population. Though the early European inhabitants of Cape Porpoise were notable primarily for their lack of noteableness¹², they came with the belief that the New World could offer them more than England had. For most of them, going back was not an option.

II. THE EARLY YEARS

It is hard to imagine any part of our country that has been claimed by as many "owners" as Kennebunkport, with the "owners" never having set eyes on it. In 1493, the Pope granted the territory, which included Kennebunkport and Cape Porpoise, to the Kings of Spain and Portugal. In England, Henry VII, also an absentee "owner", granted it to Cabot in 1495. Francis, King of France, decided to claim it as part of his "New France" in the northern part of America. Because these early grants did not bring any colonists, they had no practical effect.

It was fishing that attracted the earliest settlers. Before the Pilgrims landed at Plymouth, there were already men spending the summer months on the islands of Cape Porpoise. They had come in search of cod, and in the Gulf of Maine had found one of the world's most productive fishing grounds. The islands of Maine, those of Cape Porpoise among them, provided an excellent base from which the fishermen could work. The inner harbors created by the islands made safe anchorage for the ships and the distance from shore allowed for a certain amount of protection. Although the islands were small, there were small tillable areas, which could produce very welcome vegetables.

Here, on our islands, the fishermen could salt and dry their catches and then pack them away in preparation for the return voyages to England. Stage Island, the easternmost island in the Cape Porpoise chain, very likely received its name from the wooden "stages" on which fish were cured during those early years. It is also likely that the first year-round settlement of Cape Porpoise occurred on the islands when some of these same fishermen decided to brave the dangers of

winter in order to deliver earlier, and hence more profitable, shiploads of fish to the mother country.

Little was recorded about these earliest explorers and settlers of the Maine coast. Fishermen then, as today, were reluctant to divulge the locations of their most successful fishing grounds. But fishermen then, as today, had ways of finding out and as the 17th century progressed, more and more people made their way to this part of the Maine coast.

The increase in population brought with it a higher degree of safety and soon most of the population moved away from the islands and onto the mainland. In fact, enough people had come to warrant an application for township status from the government at Massachusetts. On July 5, 1653, "Cape Porpus" (original spelling) became the fifth incorporated town in the Province of Maine.

It is nearly impossible to determine just how many people made their homes around the shores of "Cape Porpus" and the banks of the Kennebunk River in those early years. Probably there were never more than 200 at any one time, and those who did live here fished, raised cattle, lumbered and farmed on a subsistence level. None became rich, and the town's economic base was limited to a few small mills. Although the Province of Massachusetts gained in both population and wealth, "Cape Porpus" remained economically depressed.

On December 7, 1689, war was declared between England and France. Armed and inspired by the combatants, hostile Indians began to appear in great numbers. The residents of Cape Porpoise were forced to withdraw to a fort they had built on Stage Island, and those living between Turbat's Creek and the Kennebunk River made their way to Wells, barely getting away with their lives. The town of "Cape Porpus" was left deserted.

After the warring parties signed a truce in 1695, a few people began drifting back to their homes at Cape Porpoise. The peace didn't last, however, and on May 4, 1702, war again erupted between France and England. In the summer of 1703, five hundred Indians, led by French commanders, divided themselves into parties and attacked all of the major settlements in Maine. The Kennebunk's were assaulted on August 10 of that year. Many settlers lost their lives, and the area was once again depopulated.

For a decade the war dragged on, and it was not until 1713 that a peace treaty was signed with the eastern tribes. Slowly, by two's and three's, the hardier settlers began to return to their properties. By 1716, a petition had been submitted to the Massachusetts legislature to restore town privileges to "Cape Porpus". The privileges were restored in 1717. Within two more years, the legislature was again petitioned, this time to change the town's name to Arundel. The wish was to honor the Earl of Arundel, an original proprietor of New England.

Although land titles were often vague or in conflict, houses were built and fields cleared in Arundel. Induced by grants of land, talented men began to arrive. Although Indian hostility was to flare up at intervals, the community was more populous and better organized. By 1735, the population had risen to 300. The 1743 census recorded 50 more.

With increased population came greater security, but life was never easy during those early days. The year 1728 was marked by the fourth of a series of "great earthquakes". (The first had been in 1638, the second in 1658, and the third in 1663.) The fourth, on October 29, 1728, was more violent than the others, "shaking down chimneys and stone walls, and making it difficult to stand unsupported." According to an early historian, "many joined the church".

In 1721, all pine trees measuring two feet in diameter two feet from the butt were reserved as the property of the King, to be used as masts for the King's ships. The penalty for cutting one down was 100 pound sterling. Bears were a continuing nuisance to the early residents; William Buland had to attack one with a hoe to save his hog. As late as 1784, the town was paying a bounty for killing wolves.

It was decided that the State Bird would be the Chickadee, though many residents since have considered that the mosquito should bear that title. The rule for survival was "pray for a good harvest, but continue to hoe".

III. THE SHIPBUILDING YEARS

Fewer than 600 people lived in the town of Arundel when, in 1775, John Mitchell's eight-ton vessel slid down the ways and into the river. A new era had begun, one that would lift the community from poverty to riches. By the turn of the 19th century, the population had tripled. Six ships, a bark, 20 brigs, a scow, 16 schooners, and 12 sloops all hailed from the Kennebunk River, and all were in active commerce.

On May 22, 1776, more than a month before the Declaration of Independence, the town voted that "If the Honorable Congress should, for the safety of the colonies, declare themselves independent of the Kingdom of Great Britain we, the inhabitants of Arundel, do solemnly engage, with our lives and fortunes, to support them". When the Declaration was received, it was recorded in the town book. Benjamin Durrell, John Whitten, Gideon Walker, John Hovey, and Charles Huff were chosen a Committee of Correspondence, Inspection, and Safety. The population of Arundel at that time was 1,143.

After the surrender of the British army under Lord Cornwallis, it became evident that the government in London had given up all expectations of conquering their former colonies. On September 3, 1783, a treaty of peace, recognizing the independence of the United States, was signed in Paris. With peace at hand, the more adventurous citizens could build careers as sailors and captains. Some grew wealthy, and most were able to make significant gains over the lifestyles known by their forefathers. With a sound economic base, an ever-increasing population could be supported.

Real estate values soared, with some land selling for more than \$1,000 an acre. Newer and larger homes were built. In the area surrounding Durrell's Bridge, seven shipyards rose on the banks of the river. "Here," Kenneth Roberts tells, "between 1800 and 1820, were built 30 ships, 97 brigs, 27 schooners, 11 sloops and a large number of smaller craft. All the roads to that busy

spot were cluttered with material needed by shipwrights." In fact, the area became so successful as a shipbuilding and trading center that, in 1800, Arundel was established as a separate customs district with its own customs house (the building which now houses the Graves Memorial Library).

In one way or another, the entire population linked its fortunes to the sea. It took many skills to build a ship, and experienced craftsmen did virtually all of the labor. Carpenters, sail makers, blacksmiths, caulkers, painters, and adzemen were only a few of the skills required by the yards. These were not easy jobs, but they were jobs of which a man could be proud. To be considered the best trunnel-borer, plank-liner, or rigger was a mark of distinction. In addition, as this local industry grew, so did the demand for supporting goods and services. Merchants were able to create healthy businesses, traders found a ready market for their goods, and farmers could easily dispose of their crops.

High quality granite was being quarried by several local companies in the early 1800's and hauled by ox team to Goose Rocks Beach for shipment to many destinations. During this period, Kennebunkport became one of the busiest ports in Maine: between 1800 and 1825 more than \$1,000,000 in duties was collected on cargoes being imported.

As commercial activity increased, the citizens followed the retreating forests inland and built towns on the rivers down which logs were floated to the coastal shipyards. Ships built in Kennebunkport carried lumber, ice, lime, and fish all over the world. They were helped by the fact that Maine is ideal for seafaring. The distance between Kittery and Eastport is 250 miles as the crow flies. The shoreline accessible to the sailor, however, is roughly 2,500 miles because of the broken coastline. There are more than 3,000 streams and rivers bringing water to the shore and serving as avenues for commerce inland. The average tide is 8.7 feet.

The years passed, and the size of vessels being built on the Kennebunk River gradually increased. In 1805, the first vessel of more than 300 tons burden was built and floated downriver by means of an ingenious system of locks. A decade later, vessels of 400 tons were being launched and it became necessary to move many shipbuilding operations from the Landing to the lower end of the river.

Kennebunk was well known in the business world by the year 1820. However, the towns of Wells and Arundel, which comprised the commercial district, were largely unknown. As a result, in 1821, Arundel took the more awkward name of Kennebunkport.

In 1874, the "Ocean King", the largest sailing vessel built up to that time in the United States, was launched in the Kennebunk River. But, despite the glory of the moment, the local shipbuilding industry was in trouble. The building of wooden ships had slowed since the Civil War, and vessels made of iron and steel were displacing traditional wooden ships.

Maine, with its remote location and dwindling lumber supply, could not compete. Though a demand for coastal schooners kept the local shipyards open for a while, it became clear that times were changing, and the economy of Kennebunkport would have to adjust. Census figures

reflected some of that change. The census of 1830 had listed 2,763 people as living Kennebunkport: by 1870, the population had declined to 2,372.

The prosperity and growth brought by the shipbuilding industry was fading. Even more alarming was the fact that no replacement was in sight, and transition was inevitable.

IV. THE YEARS OF THE SUMMER VISITOR

The railroad brought the summer visitor, whose journey to Kennebunkport was made possible by inexpensive rail fares. It must have seemed ironic to the local seamen that the end of their careers was a part of the town's economic rebirth. Although visitors had been coming for years, it was not until the arrival of the Sea Shore Company that Kennebunkport acquired its reputation as a summer resort.

In 1870, four men from Arlington, Massachusetts conceived the idea of developing a vacation community. They chose for their investment the beautiful rocky shores of Kennebunkport. The land they wished to develop was considered to be nearly worthless by its local owners. It offered no safe havens for fishing boats, and it had no value for pastureland or farming. Only a small dirt road connected this shore property with the Town Square. The modest sums offered by the developers must have seemed magnificent to the native owners. That is, of course, until they later learned about the selling prices for the subdivided parcels.

By 1873, the Sea Shore Company had purchased nearly 700 acres of prime land along five miles of coastline, extending from Turbat's Creek to Lord's Point. A map was drawn up showing the locations of several house lots, parks, roads, and four hotels. Traditional names were changed to appeal to a new clientele. "Bouncing Rock", for instance, became "Blowing Cave"; "Great Pond" became "Lake-of-the-Woods". Street names reflected the origin of the town's new residents: Arlington, Boston, Haverhill, and so on.

Where today's "Colony" stands, the Sea Shore Company built "Ocean Bluff Hotel", a wooden four-story structure which could accommodate up to 200 patrons. For a room and board rate of \$3.00 per day, the patrons could enjoy "unsurpassed cuisine" and also "first-class accommodations". They also received the "healthful and varied pleasures" that the Maine coastline had to offer. Most important to the townspeople, they provided jobs.

Many citizens needed extra income, and the town needed a broader tax base. Although many regretted the changes which were taking place, the town invested in its own future by granting the Sea Shore Company a five-year tax exemption to help them enhance the value of their properties. The course for Kennebunkport had been set.

By 1900, a true summer colony had been established in Kennebunkport. A major addition to the town came with the construction of the Atlantic Shore Line trolley system. It not only carried visitors to their destinations, but also freight to local businesses and coal from the harbor at Cape Porpoise to the mills at Sanford. Thanks to easy access, the summer visitors could enjoy the pleasure of a casino, which had been built overlooking the harbor at Cape Porpoise.

But for all of the summer activity, the "age of the summer visitor" was only seasonal. The town was crowded from June to September, but by autumn it would be returned to the natives. Even the summer disruption was somewhat passive in nature. The horse and buggy did not encourage frequent, far-ranging expeditions. Although the river saw great activity, canoeing was the order of the day. This must have seemed terribly mild to those who remembered the times when shipyards had crowded the banks.

An interesting feature of the "years of the summer visitor" was that the population included such well-known writers as Booth Tarkington and Kenneth Roberts, and a number of art galleries exhibiting the works of talented artists. Booth Tarkington's enormous summer home, now divided into four large condominiums, was known as "the house that Penrod built" because of the very popular fictional character that Tarkington created.

Unfortunately, the seasonal nature of summer visitor revenue did not provide year-round income, and the population continued to fall. In 1880, it was 2,405. By 1900, it had fallen to 2,130 and 30 years later it had dropped to 1,284, about half what it had been 100 years earlier.

A new economy was developing in the United States, with the automobile exerting an increasing impact on the way people lived, worked, and vacationed. Kennebunkport again faced change. The population began to rise steadily, and a new chapter was beginning: suburbanization.

The transition period for Kennebunkport was punctuated by a major national event when George Bush, a third-generation summer resident of the town, was elected Vice President and later President of the United States. The languid atmosphere of former summers was changed dramatically by the presence of the Secret Service, the news media, and even heads of state from abroad.

V. INTO THE 21ST CENTURY

It was August 1961, and in Kennebunkport more than just the weather was hot. Lines were being drawn, both on maps and between citizens. The issue was zoning, and for the first time, townspeople were being faced with the prospect of having restrictions placed on the use of their land.

In more than 300 years of local history, in time of wealth and in times of deep poverty, one fact had never changed: A man had a right to do with his land just as he pleased. People whose families had struggled for generations to make a living from the sea were an independent lot. They guarded their liberties jealously and didn't take kindly to this kind of rule-making. And yet, a new issue was facing the community. Those "from away" were moving into Kennebunkport in ever-increasing numbers. The town was changing, and many argued that some individual rights would have to be sacrificed for the good of all. The "years of the summer visitor" were giving way to an age of suburbanization.

Each chapter of local history has left its distinct mark on the town. The early troubled years of settlement bred a self-dependent citizenry, tied to the land and supported by the sea. The shipbuilding years strengthened the town's commitment to a nautical way of life. As the area grew from poverty to riches, those who lived here remained a homogeneous people, dedicated to the maritime economy, which had evolved naturally from the coastal location.

When shipbuilding declined, Kennebunkport became home to a thriving summer colony. Hotels welcomed thousands of guests each season, and new businesses opened to cater to this new clientele. The influx of summer visitors could be viewed as a seasonal inconvenience to most natives. However, by the 1960's, larger personal incomes and the improved transportation system made it obvious that the tide of people "from away" was a permanent trend.

Many of the people who came would not be leaving on Labor Day. They came with their families in search of a "better life". The population of Kennebunkport (between 1960 and 1986) rose from 1,851 to 3,356 year-round residents. The 2000 census figure lists the total population as 3,720. Growth has necessitated the building of new schools and increased the need for public services. New buildings to house the Police Department, the Village Fire Department and the Public Health Nurses have been constructed and renovations to the Town Hall have been completed within the last five years.

With the increasing number of businesses oriented towards the tourist trade, it is hard to deny that Kennebunkport businesses have become dependent on summer visitors. The economic downturn in the early 90's revealed how dependent on tourists the town businesses have become. Even though year-round residents, summer people, and long-term visitors continued to support the economy, the mini-recession was painful for many local enterprises. Beginning in 1994, however, the tourist trade grew once again. How to manage tourism is an ongoing challenge that will require the input and the support of the town government, merchants, and residents to obtain a satisfactory solution.

It seems that the primary characteristics of our community will be changing more in the next 20 years than they have in the past 350. This will happen not only as a result of tourism, but also as an effect of urbanization and the spin-off effects of rising property values and taxes, especially on waterfront property.

In 2002, train service between Wells and Boston became operative: no one knows what impact this will have on Kennebunkport. Growth is an issue, which is beset with complications and contradictions. Those who move to Kennebunkport do so to take part in a lifestyle they have come to love. Many become active in the community and work hard to make this an even better place to live. However, the problem is not with individuals but with total numbers. A Growth Management Ordinance was enacted in November of 2002 in order to give the Town time to study what impact future growth will have on essential services and how to manage it effectively.

In a Cumulative Impact Project Report produced by the State Planning Office, Kennebunkport and eight other nearby towns were studied in order to record the cumulative impact on growth.

Between 1970 and 1980, there was a 64% population increase in the nine-town study area, compared with a 20% increase in York County as a whole and 13% in the entire state. Between 1990 and 2000 there was 10.8% increase in the total population of Kennebunkport, slightly below the 13.5% increase for York County as a whole. The rate of growth for the state was 3.8%.

The projections suggest that growth in our area will continue. It can generate an undesirable sequence of events. More people in town throughout the year means that water and sewer systems must be enlarged, and the costs of doing so become passed on through the real estate tax and user fees. Road networks, though they are improved, will become congested. Schools have to be expanded at the expense of the taxpayer.

With growth, beaches become crowded and so do traditional sites for camping, fishing, and picnicking. As development increases, property owners are closing many woodland areas to hunting and recreation and access ways to the shoreline and other paths over private land that the public had used. Wildlife habitats are disrupted, and rivers and harbors become cramped as fishermen and pleasure boat owners compete for space. The Kennebunkport Conservation Trust, along with the residents of the Town, has acquired open land and facilities for public use to counteract these trends.

To carry the scenario full circle, as real estate values soar and the taxes rise, the working poor and the middle class find themselves seeking homes in either the inland towns or in the more northern communities. There is a fear that natives will not be able to earn a high enough wage to afford the cost of living in Kennebunkport. The cultural heritage that started with the first English fisherman is in jeopardy.

Growth in Kennebunkport is occurring and it can be managed well for the benefits of the citizens. The implementation of zoning 35 years ago has matured and has contributed to a level of protection for the citizens of Kennebunkport. Successful implementation of the Comprehensive Plan will be difficult but is extremely necessary for future protection of Kennebunkport's resources and its citizens.

In the year 2003, the Town celebrated the 350th anniversary of the existence of Kennebunkport as a corporate body under legislative control. We have a lot to celebrate. The past stewards of Kennebunkport have kept a watchful eye over this town we love.

We, who are stewards of the town today, have the same responsibility to succeeding generations. We need to preserve our rich historic background, guard our fragile environment, and manage future growth so as to enhance the quality of living for all the people of Kennebunkport.

Footnotes

- 1 Maine Indian Program of NE Friends Service Committee. The Wabanakis of Maine and the Maritimes. ME Indian Program. Bath, ME. 1989.
- 2 JP Mosher and AE Speiss. 1992 Field Season at the Hedden Site. Report for the Town of Kennebunk. July 1993. p. 4
- 3 Ibid. Mosher and Speiss. P. 10 &11.
- 4 Speiss, AE. Maine Historic and Archaeological Sites: Introduction and Management. Maine Historic Preservation Commission . p.1
- 5 Speiss, AE. Personal communication. March 17, 2003.
- 6 Maine Indian Program... p.A-4.
- 7 Ibid. p. A-7
- 8 Ibid p. A-8-9.
- 9 Speiss, AE> Personal Communication. March 17, 2003.
- 10 Ibid p. A-10
- 11 Eastman, Tom. Professor of History, University of Southern Maine in a lecture. Feb. 1990.
- 12 Bradbury, Charles, History of Kennebunkport. 1837.p.4

CHAPTER II. COMMUNITY CHARACTER

I. CHARACTER OF THE TOWN

The resilience and fortitude of Kennebunkport and its residents has long been demonstrated over the years by our current and ancestral farmers, fishermen, builders, artisans and tourists. More recently this same determination has helped the town adapt, manage and flourish with tourism and growth.

Few of today's residents are descended from old Kennebunkport families. Most have been brought up somewhere in New England, and have moved here "from away". Some grew fond of Kennebunkport as summer visitors, many found ways to work in town; others moved here as retirees. Most townsfolk want to preserve those aspects of the town which attracted them.

The respect for history, objects and traditions from our past help nurture Kennebunkport's "village atmosphere" where and whenever possible. Our tree-shaded streets, scenic vistas, unspoiled coast line, along with classic architecture and landscaping continue to have a strong attraction for new visitors and new residents.

Residents take pride in their areas. When public issues are discussed, they take pains to point out that they are from Goose Rocks Beach or Cape Porpoise or Cape Arundel and that those districts have their own special characteristics and concerns which must somehow be accommodated.

The Growth Planning Committee (GPC) issued a lengthy questionnaire regarding issues of importance to the town. Responses from approximately 900 households were received. State sponsored "Visioning" sessions were undertaken with about 100 in attendance. These meetings were designed to determine which features the town considered most important. The results of both the survey and the visioning process served to corroborate that the character of the town was rated high in importance to our residents.



II. A VISION OF VILLAGES AND DISTRICTS

The following areas emerged from the participants in the visioning process for how Kennebunkport's distinctive villages and areas might look several years in the future.

Dock Square will remain primarily a retail center. Its stores will include day-to-day convenience items as well as high quality, locally-owned galleries and shops. The historic architecture will be strictly maintained, and buildings will stay in scale with the area. The commercial area will cover the same area it does now. The appearance of Dock Square will be improved by burying utility lines and screening dumpsters. Parking will be provided off-site, with connecting shuttles. There will be public restrooms.

The Maine Street/Village Residential area will remain the center for municipal services in town – with the Town Hall, fire station, and library. Improved sidewalks and bike paths will make it easier to get around. The tree canopy overhead will be encouraged and maintained. Historic homes and structures will be preserved and maintained. Traffic will flow smoothly and all-day parking restricted. Bed and breakfast establishments will be encouraged in historic buildings.

The Riverfront area will have a town dock and public access to the water. There will be visitor slips for those who want to come to Kennebunkport by boat. An improved sidewalk system will make walking in the area safer. Government Wharf and fishing activities, as well as other marinas and yacht clubs, will be maintained. Buildings will be mixed in their use and small to preserve a view corridor. The river will be kept clean from pollution and protected from degradation. A maritime museum will be a place for teaching about the town's long maritime history.

Cape Arundel will retain its nineteenth century resort character, with the Colony Hotel, the Cape Arundel Inn, Walker's Point, St. Anne's, and the shingle-style residences. Parson's Way will remain open, the Colony Beach Road will remain unpaved, and Wandby Beach will remain public. Better ways of moving tourists and visitors through the area will be found. Sidewalks will be improved. New homes, as well as the reconstruction and modification of existing homes, will be similar in scale and style.

Goose Rocks will retain its flavor as a family-oriented area with cottage-style houses. The beach will remain uncrowded and walkable, with public bathrooms and public access. The beach patrol will manage boat and jet-ski use, and dogs will be controlled. Wildlife areas and the piping plover will be actively protected; more land will be in conservation easements. New buildings will be in scale with those already there. The Route 9 area is one where new village-scale residential development may be considered for the future. If more parking is needed, it will be away from the beach.

Cape Porpoise will remain a livable, fishing community. The harbor will be home for fishing and lobster boats as well as pleasure craft. The village stores will be oriented towards basic goods, such as groceries and hardware. The village itself will be walkable, with maintained and extended sidewalks. For those seeking a longer walk, there will be bike paths and walking paths.

Streets will remain narrow, and automobile traffic will be minimized. The area's 19th Century feel will be preserved.

Free Enterprise extends from the border of the Village Residential area all the way to the Biddeford line. Free Enterprise encompasses a broad range of uses, from residential to commercial businesses, farms and forests. Where suitable the expansion of sewer and water will be encouraged, along with the possibility of mixed uses and the clustering of dwellings.

The Farm/Forest area will have an expanded Town forest, continuing farmland uses, free-range and domestic animals, hiking trails and picnic/recreation areas, wildlife refuges, watershed protection areas, and wilderness and open space. The character of the area will remain rural, with few public improvements.

III. IMPLEMENTATION

The goals and policies of this chapter are meant to demonstrate the Town of Kennebunkport's commitment to ensuring that the actions recommended by the Comprehensive Plan protect and enhance the character of the community.

TOWN GOAL 1: TO PRESERVE KENNEBUNKPORT AS A RESIDENTIAL TOWN, WITH AN ACTIVE FISHING INDUSTRY, AGRICULTURE AND A STRONG TOURISM ECONOMY.

Policy 1: Establish standards for new commercial growth that favor enterprises that provide necessary and/or desirable services.

Policy 2: Improve communication with the public by offering easier access to town services and public information.

TOWN GOAL 2: TO PRESERVE THE DISTINCT CHARACTER OF KENNEBUNKPORT AND ITS DISTRICTS.

Policy 1: Maintain the visual, historical and architectural character of these neighborhoods.

Policy 2: Maintain water dependent activities.

Policy 3: Preserve Goose Rocks Beach as a safe, limited use, and family oriented beach.

Policy 4: Provide seasonal toilet facilities for public use in the Dock Square, Goose Rocks and Colony Beach areas.

Policy 5: Preserve ocean and river views from public ways.

Policy: 6: Protect and maintain the character and ecological integrity of Goat Island Lighthouse (Lighthouse tower is federally owned), the Islands, and all other lands in town that are held in conservation.

Policy 7: Manage non-destination large vehicle traffic.

Policy 8: Maintain the spirit and atmosphere of community throughout Town.

TOWN GOAL 3: TO MANAGE AND SUPPORT THE TOURIST INDUSTRY.

Policy 1: Develop policies for parking to ensure a healthy, safe and peaceful environment for residents and visitors.

Policy 2: Develop traffic flow control ordinances, which will reduce congestion and provide a healthful, safe, and peaceful environment for residents and visitors.

Policy 3: The Towns of Kennebunk, Kennebunkport and the respective business communities of Kennebunkport and Kennebunk Lower Village share the responsibility of managing tourism in Kennebunkport and the Lower Village area to ensure the safety and enjoyment of residents and visitors.

TOWN GOAL 4: TO SUPPORT THE FISHING INDUSTRY.

Policy 1: Continue to support Government Wharf and Cape Porpoise Pier.

Policy 2: Maintain tax incentives for property owners that use their shoreline property as a working waterfront.

TOWN GOAL 5: TO PRESERVE AND MAINTAIN OUR WINDING TREELINED STREETS AND ROADS WHILE PROVIDING FOR PEDESTRIANS AND BICYCLES.

Policy 1: Develop standards for easement and pavement widths to ensure safety of pedestrians, cyclists and motorists while preserving the visual attractiveness and historic nature of our roads.

Policy 2: Develop a plan to address the need for safe sidewalks within the town's densely populated areas.

TOWN GOAL 6: TO MAINTAIN AN ELEMENTARY SCHOOL IN THE TOWN OF KENNEBUNKPORT.

Policy 1: Coordinate efforts with Town officials and the Directors of S.A.D. #71 to ensure the continuance of an elementary school in Kennebunkport and if growth requires it, a middle or high school.

TOWN GOAL 7: TO PROVIDE SUPPORT TO THE VARIOUS TOWN BOARDS, COMMITTEES, AND THE COMPREHENSIVE PLAN.

Policy 1: Determine the necessary professional services needed to comply with the Comprehensive Plan.

Policy 2: The Growth Planning Committee (GPC) shall remain a full time board which will author or suggest changes to the Comprehensive Plan, Land Use Ordinance, and Subdivision Regulations with the help of the Planning and Zoning boards.

Policy 3: Retain and encourage active public involvement in the town government.

Policy 4: This policy describes the Growth Plan “Living Document” model and its need to be supported.

CHAPTER III. HISTORIC AND ARCHAEOLOGICAL RESOURCES

I. INVENTORY

Four types of historic and archaeological data are included in this section:

- A. Prehistoric Archaeological Sites – Native American, before European arrival
- B. Historic Archaeological Sites – Mostly European-American, after written historical records
- C. Historic Structures – Buildings and other above-ground structures
- D. Cemeteries

A. Prehistoric Archaeological Sites

There remains little to remind us of the Native Americans who lived in this area prior to the arrival of the first European visitors. Along the Batson River, there are oyster and clamshell middens which are believed to mark the location of popular Indian eating places. Four prehistoric sites are known to the Maine Historic Preservation Commission (MHPC). To protect archaeological sites and landowner privacy, the exact locations are exempt from “right-to-know” legislation. However, their locations can be obtained with permission from the MHPC. These areas may be found in a general manner on maps in Town Hall. All four consist of shell middens in the coastal zone. The coastal zone and the four known sites need further survey, as do the edges of Smith, Batson, and Little Rivers.

Source: Arthur Spiess, Archaeologist, Maine Historic Preservation Commission, March 2001

Little in the way of mandated state and/or municipal protection is provided for prehistoric or historic archeological sites.

B. Historic Archaeological Sites

The first English fishermen who visited these shores in the early 1600's established their North American bases on Stage and Fort Islands, located on Stage Harbor, which lies just east of Cape Porpoise Harbor. When some of them decided to spend the winter here, a substantial shelter became necessary, and traces of cellar holes can still be found on these islands. It is believed that a fort for defense against the Indians gave Fort Island its name, but no trace of the fort can be seen today. Stage Island received its name from the stages that were built for curing fish. There was one archaeological dig on the islands recorded in the 1800's. Several of the islands may have been inhabited, but no archaeological studies exist to confirm this.

In the early 1700's, as the colony grew, more forts were constructed. The site of one garrison, believed to have been built in the 1720's, is located near the Nonantum Cemetery at the intersection of East Avenue and South Maine Street. A few years later, the town was ordered by the government of the Massachusetts Colony to build a garrison to serve Cape Porpoise.

Subsequent deeds show that it was constructed as ordered on Stone Haven Hill, which is on Pier Road just northwest of the causeway leading to Bickford's Island.

In order to foster communication along the shoreline of the colony, the English crown subsidized a pathway which came to be known as the "King's Highway". A track passable for a man on horseback was cleared through the woods and means were provided to cross the many streams that ran perpendicular to the shoreline. Where the "Highway" crossed the Kennebunk River, ferry service was provided. This service was still available well into the 1950's and was used mainly by people wanting to enjoy Gooch's Beach across the river in Kennebunk. To cross smaller streams, large flat "stepping stones" sufficed. Such stones can still be seen crossing Tyler Brook, just off Route 9, in two locations.

Another activity for which there is visible evidence was granite quarrying. By the year 1800, local granite was being used for building foundations, and the breakwaters at the entrance to the Kennebunk River were built of this same material. The quarries themselves, and the foundations of the associated horse barns, can still be seen off Beachwood Avenue. Two small islands in front of the lighthouse were also quarried.

Table IV-1: Historic Archeological Sites

<u>Name</u>	<i>Description</i>	<u>Date</u>
Stage Island Fort	English Fort	17 th Century
Cape Porpoise Settlement	English Settlement	17 th – 18 th Century
Kennebunk Point Fort	American Fort	19 th Century
“Wandby”	English Wreck	20 th Century
Dow Inscriptions	American Experimental Artifacts	20 th Century
“Charles H. Tricker”	American Wreck, Schooner	
“J.H.G. Perkins”	American Wreck, Schooner	20 th Century
“Jonathan Sawyer”	American Wreck, Schooner	20 th Century
“Mary E. Plys”	American Wreck, Schooner	20 th Century
“Mildred V. Nunan”	American Wreck, Schooner	20 th Century
“St. Therese”	American Wreck, Screw	20 th Century
“A.F. Kindberg”	American Wreck Schooner	20 th Century
“Idlewild”	American Wreck, Gas Screw	20 th Century
“Hour”	American Wreck, Gas Screw	19 th -20 th Century
“R.P. Tibbits”	American Wreck, Gas Screw	20 th Century
“Frank L.”	British Wreck, Schooner	19 th Century
Unnamed Vessel	Unidentified Wreck	Unknown
“D.C. Smith”	American Wreck, Schooner	19 th Century
“L.D. Wentworth”	American Wreck, Schooner	19 th Century
“Alabama”	American Wreck, Schooner	19 th Century
“Daisey Queen”	American(?) Wreck, Schooner	19 th Century
“Kittie Clark”	American Wreck, Schooner	19 th Century

Source: Robert Bradley, Archaeologist, Maine Historic Preservation Commission, March 19, 2001

C. Historic Structures

Kennebunkport is fortunate to have a remarkable number of old, well-preserved homes, schools, and commercial buildings. Although the Town does not currently have a local historic district, two areas in town are listed in the National Register of Historic Places, the shingle cottages in the Cape Arundel area and the historic buildings in the Maine Street/Dock Square area. Because of this designation, these areas are protected from state and federal action such as road widening or construction.

There are also seven specific properties in Kennebunkport that are listed in the National Register of Historic Places:

<u>Date Listed</u>	<u>Description</u>	<u>Comment</u>
9/7/73	Perkins Tide Mill	Since destroyed by fire
9/20/73	Captain Nathaniel Lord Mansion	
1/18/74	U.S. Customs House	Now Graves Library
9/9/75	Kennebunk River Club	
4/23/80	Abbott Graves House	
11/14/80	Maine Trolley Cars	Cars are at Trolley Museum
3/23/88	Goat Island Light Station	

A National Register listing cannot be made without the consent of the property owner or (in the case of a district) property owners. The designation as a National Register Site has some modest benefits:

- It honors the property by recognizing its importance to its community, state or the country;
- Consideration in the planning of federal or federally assisted projects;
- Possibility of federal investment tax credits for rehabilitation;
- Qualification for federal assistance when such funds are available.

A National Register listing does not prohibit owners from doing anything to their house (unless federal dollars are used) nor does it obligate owners to open their properties, maintain them in a certain condition, or even restore them.

During the winter of 1975, in honor of the nation's bicentennial, the Kennebunkport Historical Society offered to place plaques on buildings 100 years old or older, the plaques to show the date of construction and the name of the first owner. A committee from the Society conducted considerable research to make these dates as accurate as the available records would allow. Some 78 plaques were affixed to buildings within the Town of Kennebunkport. The great majority of these buildings are houses, and a few are former schools now being used as homes. Note that 61 of these buildings are now over 150 years old and that 26 date back to the 1700's.

Most of these buildings have received excellent care from their recent owners and are a pleasure to look at. While we do not have a map showing where these buildings are located, they are easy to spot because of the white salt-box-shaped plaque that is usually affixed on the exterior near the front door. The next step in this process may be to map and inventory these structures/sites. Towns that go through a process of mapping and inventorying their historical sites can be eligible to become a Certified Local Government through the National Park Service. Such a designation opens up grant opportunities for historical preservation as well as specialized technical assistance. Grants are sometimes available to seek the designation.

In May 2001, the Board of Selectman appointed an Historical Committee to look into the need for an historical ordinance. Such efforts have not been successful in the past but with the recent building pressures and the issue of sprawl clearly on people's minds, there may be an increased awareness of the value of the towns' historical character. A survey conducted as part of this comprehensive planning effort found that 74% of the respondents "strongly agreed", and 15% "agreed", that it was important to support Town efforts to preserve the Town's historical character.

D. Cemeteries

Those with an interest in history will be fascinated by the cemeteries in Kennebunkport and by the often-poignant inscriptions on the headstones found there.

The Town of Kennebunkport does not own any cemeteries and, within the boundaries of the town, there is only one active cemetery: the Arundel Cemetery, located at Town House where North Street and Log Cabin Road meet. Nevertheless, there are believed to be at least 70 private cemeteries within the town, most of them small plots serving just one family. A listing of these cemeteries, and a map showing their locations, is available in the Town Office. In about 20 of these, no headstones remain, although traces of corner posts and rails can sometimes be seen. Others can be identified only by tradition or by mention in land deeds. Sometimes the headstones have been preserved, but the cemetery itself has disappeared. For example, the stones from the Stone Haven Hill Cemetery were removed to Arundel Cemetery because they were endangered by the ocean, and the Stage Island Cemetery was washed away completely.

Some headstones bear witness to the perils of the maritime livelihood which so many Kennebunkport residents pursued. One such tragedy was the wreck of the barque "Isadore" in 1842. "On the morning of its maiden voyage, the Isadore was caught in a severe snowstorm and driven against the rocky shores of Bald Head Cliff just beyond the village of Ogunquit. The ship was totally wrecked and all fifteen local men on board were lost." Only seven bodies were ever recovered for burial. In the Bass Cove Cemetery (at one time known as the Kennebunkport Cemetery or Village Cemetery, and often referred to as the Tomb Cemetery) is a monument for Captain Leander Foss, whose body was never recovered. Stones for 15 year old seaman George Lewis, and cabin boy George Davis are buried at Bass Cove. The rest of the Isadore's recovered crew are buried locally: Daniel Perkins at the Merrill Family Cemetery, Charles Lord in Cape Porpoise, Joseph Murphy at the Nonantum Cemetery, Clement Stone at the Perkins Cemetery in

Goose Rocks and Benjamin Thompson at the Thompson Cemetery in Arundel. A stone at the Merrill Family Cemetery recounts another tragedy. The marker at Benjamin Merrill's grave tells us that "after a long life spent on the ocean he perished by the filling of a boat off Kennebunk".

Source: Butler, Joyce. A Kennebunkport Album Volume I. 1984. p. 11.

All Kennebunkport cemeteries are listed and described, with inscriptions and some snapshots, in a notebook which is available at the Kennebunkport Historical Society.

II. ANALYSIS AND CONCLUSIONS

Kennebunkport has a rich and varied history. Many sites still exist that provide visual proof of the Town's history. There are some, however, who feel that our current Land Use Ordinance seeks only to maintain local character and does not adequately address historic sites. The islands are in Resource Protection, as are parts of Tyler Brook and the Batson River. Expansions or remodeling of some of the Town's older homes have not favored existing styles and this remains as an open area that site plan review does not specifically cover.

Historic districts have been attempted on two occasions. One was soundly defeated and one never made it to a vote. A more recent effort began in May 2001 when the Board of Selectmen appointed and charged a Historical Committee to look into the need for an ordinance. The committee completed their work in 2002 with an excellent and extensive report and a recommendation for approval of funding to hire a Preservation Planning Consultant. However, this project was not completed.

III. IMPLEMENTATION

STATE GOAL: TO PRESERVE THE STATE'S HISTORIC AND ARCHAEOLOGICAL SITES.

TOWN GOAL 1: TO PROMOTE AND PRESERVE THE KNOWLEDGE AND INTEGRITY OF LOCAL HISTORY AND HERITAGE.

Policy 1: Establish and appoint volunteers to a standing Historic Preservation Commission.

Strategy 1: The Board of Selectmen will appoint a Historic Preservation Commission of five members with knowledge of architectural building, or historic preservation.

Responsibility: Board of Selectmen and Administrative Committee

Timeframe: 2 years

Strategy 2: The Historic Preservation Commission shall consider the establishment of Historic Overlay Districts to promote, encourage, and assist the preservation and protection of the architectural character of structures, sites, and districts.

Responsibility: Historic Preservation Commission

Timeframe: 2 years

Note: The Historic Preservation Commission shall provide guidance and suggestions for maintaining the historical character of structures, sites, and districts.

Strategy 3: Update the geographic boundaries of each area and identify the key characteristics that need to be addressed to retain the distinctive character of each area.

Responsibility: Historic Preservation Commission

Timeframe: 2 years

Policy 2: Preserve historical documents.

Strategy 1: Continue to organize, index, preserve, and safely house the Town's historic documents.

Responsibility: Historic Preservation Commission, Town Clerk

Timeframe: Ongoing

Strategy 2: Provide controlled public access to historic records at the Town Hall and if public funding becomes available provide web site access.

Responsibility: Historic Preservation Commission, Town Clerk

Timeframe: Ongoing

Strategy 3: Seek local and alternative funding for organization, indexing, and public access.

Responsibility: Historic Preservation Commission, Selectmen, Town Clerk

Timeframe: Ongoing

Policy 3: Promote awareness of the Town's history.

Strategy 1: Consider implementing a local history program at the Consolidated School. Coordinate efforts between, local historians, residents, and parents, friends, and teachers of Consolidated School for the possible implementation of such a program.

Responsibility: Historic Preservation Commission

Timeframe: 2 years

TOWN GOAL 2: TO PRESERVE PREHISTORIC AND HISTORIC ARCHAEOLOGICAL SITES.

Note: An index of Prehistoric and Historic sites and structures can be found in the 2002 report of the Kennebunkport Historical Committee. This report is an excellent source for information pertaining to town historic structures, sites, and special characteristics. It is available for public review at Graves Library. Maps are located in the Town Office.

Policy 1: Protect and preserve prehistoric and historic sites

Strategy 1: Contact the Maine Historic Preservation Commission for guidance and information related to sites that contain important information about the prehistoric history of Native Americans and their culture.

Responsibility: Conservation Commission, Historic Preservation Commission
Timeframe: 2 years

Note: The general location of archaeologically sensitive areas is available in the Town Office.

Strategy 2: Develop and propose an ordinance to protect from disturbance the general areas containing artifacts of prehistoric and historic importance.

Responsibility: Conservation Commission, Planning Board, Historic Preservation Commission
Timeframe: 2 years

Strategy 3: Educate owners and developers of identified properties to enhance their knowledge of the importance of archaeological remains, and seek their cooperation to ensure that prehistoric and historic sites are held in an undisturbed state for possible future studies.

Responsibility: Conservation Commission, Historic Preservation Commission
Timeframe: 2 years

Strategy 4: Coordinate efforts with the Kennebunkport Conservation Trust to preserve historic English fishing settlements and historic and prehistoric Native American use of the Cape Porpoise Islands.

Responsibility:
Timeframe: 2 years

Strategy 5: Encourage professional archaeologists to study all prehistoric and historic sites.

Responsibility: Conservation Commission, Planning Board, Historic Preservation Commission
Timeframe: Ongoing

TOWN GOAL 3: TO PROTECT AND PRESERVE HISTORIC STRUCTURES AND DISTRICTS.

Policy 1: Preserve historic and architecturally significant structures

- Strategy 1: Support the Historic Preservation Commission appointed by the Board of Selectmen in their efforts to research and draft language that would protect the two areas currently listed on the National Register of Historic Places. (Village Residential/Dock Square and Cape Arundel)
Responsibility: Board of Selectmen
Timeframe: 1 year

Note: The National Register considers designating historic buildings, sites, or districts that have significant local, state, or national value. A listing on the Register does not protect them from destruction or architectural changes unless federal funds are used for a project that may affect the historic integrity.

- Strategy 2: With knowledge gained from the study, recommend historic preservation measures.
Responsibility: Historic Preservation Commission
Timeframe: 2 years

Note: The Historic Preservation Commission shall provide guidance and suggestions for maintaining the historical character of structures, sites, and districts.

- Strategy 3: Establish the procedures by which the Planning Board and the Zoning Board of Appeals shall request and receive the recommendation of the Historic Preservation Commission.

Responsibility: Planning Board, Zoning Board of Appeals, Historic Preservation Commission
Timeframe: 2 years

- Strategy 4: Educate property owners regarding the historical importance of their property and the possibility of receiving historic preservation tax incentives to encourage restoration and preservation.
Responsibility: Historic Preservation Commission
Timeframe: 2 years

Note: On November 3, 1999 Maine voters approved authorization of legislation for local option property tax reimbursements for historic and scenic preservation. For more information on historic preservation see: www.state.me.us/mhpc/ Also, federal income tax laws include tax incentives for historic preservation.

Strategy 5: Investigate the possibility of the Town becoming a Certified Local Government.

Responsibility: Historic Preservation Commission

Timeframe: 2 years

Note: See the Inventory section of this chapter and www.state.me.us/mhpc/ for more information. Statement of purposes from the above web site:

The purposes of the Certified Local Government Program are: (1) to ensure the broadest possible participation of local governments in the national historic preservation program while maintaining standards consistent with the National Historic Preservation Act, and the Secretary of the interior's Standards and Guidelines for Archeology and Historic Preservation; (2) to enrich, develop, and help maintain the preservation of prehistoric and historic sites, structures, objects, buildings, and districts by establishing and maintaining local historic preservation programs in partnership with the SHPO (State Historic Preservation Offices) and MHPC (Maine Historic Preservation Commission); and, (3) to provide financial and technical assistance to further these purposes.

Policy 2: Preserve areas of historical importance

Strategy 1: Delineate boundaries and attempt to preserve as part of town history, the heritage and sense of continuity and identity that is associated with the various neighborhoods, villages, districts, and rural areas that historically denote the character of Kennebunkport.

Responsibility: Historic Preservation Commission, Planning Board

Timeframe: 2 years

Note: Special consideration should be given to Cape Porpoise Village in an attempt to protect that which remains visible of the Town's earliest and continuous history as a fishing village with historically significant housing clustered around its waterfront and community center.

TOWN GOAL 4: TO PRESERVE CEMETERIES.

Policy 1: Restore, maintain, and protect cemeteries and burial plots.

Note: Arundel Cemetery Corporation is responsible for Arundel Cemetery

Strategy 1: Continue to research and document all cemeteries and burial plots.

Responsibility: Cemetery Committee

Timeframe: Ongoing

Strategy 2: Continue to seek permission from private property owners to allow access for restoration, monitoring and necessary maintenance on an ongoing basis.

Responsibility: Cemetery Committee
Timeframe: Ongoing

Strategy 3: Continue to enlist volunteers to work with the Cemetery Committee to restore all sites.

Responsibility: Cemetery Committee
Timeframe: Ongoing

CHAPTER IV. MARINE RESOURCES

The Town of Kennebunkport is rich in marine resources compared to many of the other towns in coastal York County. The diversity of Kennebunkport's coastline provides a variety of marine environments, from the sandy beach of Goose Rocks Beach to the extensive flats surrounding the islands of Cape Porpoise to the tidal Kennebunk River. There are potentially productive clam flats and excellent harbors. Nevertheless, many of these marine resources are either not available for economic use or are threatened by man's activities.

I. INVENTORY

A. Water Dependent Uses

A significant portion of the Kennebunkport economy depends upon the advantages provided by the shoreline and its harbors.

A century ago, fishing was a major factor in the year-round economy of Kennebunkport. Research in 1994 indicated that as few as 150 households in the Town derive their support directly from fishing or shell fishing. It was also noted that tightening restrictions on the taking of both groundfish and shellfish make it likely that this number will decline in the future. Similarly affected will be a small number of additional households engaged in the handling, processing, transportation, wholesaling and retailing of seafood.

Investigation conducted during 2001 indicated that the fishing fleet based in Kennebunkport was approximately as follows:

Cape Porpoise: 53 boats fishing for lobsters. Five seasonal shrimping and/or fin fishing boats. The number of boats may vary somewhat on a seasonal basis. In the winter, for example, some crews may double up, so that the number of boats decreases, although the number of fishermen involved remains the same.

Kennebunk River: Statistics from the state's Department of Marine Resources identify 42 commercial licenses issued for lobstering, and six commercial shrimping licenses. There are currently 10 non-commercial lobster licenses. The DMR issued 15 commercial fin fishing licenses in 2001. Some doubling up noted in the winter.

On the other hand, recreational boating has grown to become an important factor in the economy. It is estimated that between 300 and 400 boats of all types are based in the harbors of Kennebunkport, and the attractiveness of those harbors has lured many residents, either on a seasonal or a permanent basis. In addition, some visitors bring their own boats on trailers, and launch them at the ramps of local marinas. Many households also benefit from income derived from recreational boating, such as the provision of moorings and dock space, the sales of vessels themselves, and the supply of fuel, ice, maintenance, and other amenities. This is potentially a

growth industry, but at present it is constrained by the inability to furnish dock or mooring space for additional vessels.

Boating is also a lure for tourists, and Kennebunkport offers a variety of ways to get "out on the water." Those interested in fishing can charter a motorboat or a fishing boat. Those favoring sailing can choose from several sailing vessels available for charter, as well as several small fishing boats. There are also kayak and canoe rentals. Two vessels offer "whale watching" trips to Jeffery's Ledge. Three vessels specialize in scenic cruises along the shoreline as well as deep sea fishing boats.

There are also means to enjoy much of the Kennebunkport seashore on foot. Sidewalks and Parsons Way border most of the shoreline along Cape Arundel. Although there are no walkways for the purpose, much of the shore of Cape Porpoise Harbor can also be explored by foot, and a pedestrian can easily walk the length of Goose Rocks Beach.

Proximity to the sea is also important to lodging and restaurant businesses. Spectacular views of the ocean and the shoreline serve as a strong magnet drawing visitors, and the town's many roads with water views are frequently lined with the parked cars of sightseers. Furthermore, many hotels, inns, and restaurants owe much of their popularity to locations overlooking the ocean, the shoreland, or the river.

B. Ports And Harbors

The two primary harbors in the town are the Kennebunk River and Cape Porpoise Harbor. In addition, there are several other coastal areas where moorings are located.

1. Kennebunk River

Guidance into the Kennebunk River harbor is provided by a lighted bell buoy and two can buoys marking the approach to the river. Two stone jetties at the mouth of the river act as breakwaters.

The river has a dredged channel from the sea to 60 yards below the Route 9 bridge at Dock Square. A 100 foot wide marked channel is marked by buoys and a day beacon, and is maintained at a nominal depth of eight feet from the ocean to Government Wharf (1,700 feet). For the next 2,300 feet, the nominal depth is six feet. The final 2,000 feet, to the bridge, has a 75-foot wide channel and a nominal six-foot depth at mean low water.

Dredging of the river to depths specified here is mandated by an act of Congress, and is the responsibility of the U.S. Army Corps of Engineers. Dredging was done in the winter of 2004-2005 and has restored the channel and the mooring basin to nominal depths. In return the Towns are obligated to maintain two public moorings for use by visitors to the River (transient moorings). These are in the process of being assembled and set. The Corps has held conferences with the Harbormaster, the River Committee, and others interested in the use of the river.

Once inside the breakwaters, the Kennebunk River provides excellent protection under nearly all weather conditions. Only in mid-winter do storms and ice sometimes cause damage to moorings, floats, and breakwaters. There are two dredged anchorages, one two acres and the other four acres, each 6 feet deep. exist The anchorages are supposed to be maintained, based on an agreement between the towns and the Army Corps of Engineers.

According to the Harbormaster, there are approximately 60 moorings in the Kennebunk River. All are privately owned, either by marinas or individuals with roughly half used by fishermen and the remainder used for recreational purposes. The Harbormaster determines the location of the moorings, and considers the harbor to be full at this time. Three moorings are reserved for transients.

The Harbormaster has a waiting list for mooring space, with about 46 names on it at present. When a mooring space is vacated, priority to fill it is given to commercial fishermen, with the result that there is virtually no turnover in moorings for recreational boaters. The average wait for a mooring in the river is between five and seven years.

2. Cape Porpoise

Guidance into Cape Porpoise harbor is provided by Goat Island Light, a lighted whistle buoy, a bell buoy, and two day markers. The channel from Goat Island to just south of the pier is 200 feet wide and 16 feet deep. At the head of the harbor, it is 100 feet wide and 6 feet deep. There is a question as to uniformity of depth; depth varies with the tidal conditions at the time.

Within the harbor, all moorings are private. There are approximately 150 moorings, with about 55% commercial and 45% recreational. The Harbormaster has reported "the harbor is at maximum capacity" and maintains a waiting list for moorings, with 49 names on it currently.

3. Other Harbors

Just to the east of Cape Porpoise Harbor is Stage Harbor, which lies between Cape, Trott, and Little Stage Islands. The harbor has sufficient depth to accommodate a number of large vessels, and provides good protection under most weather conditions. On the other hand, the harbor has no shore facilities whatsoever, and is at least half a mile from the nearest shoreline served by a road. In practice the harbor is a popular "lunch stop" for recreational boaters. There has been a significant increase in the use of the facility as both a lunch stop and also for overnight stays.

There are also a small number of seasonal moorings established at Goose Rocks Beach, in Paddy's Cove, and at Turbat's Creek. There are no maintained channels in these areas and no management of the "harbors".

C. Major Harbor Facilities

1. Kennebunk River

In the Kennebunk River there are 172 commercial berths, and 88 private berths.

Government Wharf is Town-owned and maintained by the fishermen. It has about 200 feet of berthing space. Improvements have been made using Federal money, resulting in a requirement that access remain open to residents of both Kennebunkport and Kennebunk, as both communities participated in the project. Fishermen use the wharf for accessing moorings. The pier consists of stone riprap, an earth filled crib bulkhead, and a wooden panel deck apron, plus a bait shed with a concrete floor on wood piles. There are wooden fender piles around the apron and float landings for small boats. There is no fuel for sale at Government Wharf, although fuel can be purchased at two marinas further up the river.

Other facilities on the Kennebunk River include:

- Kennebunk River Club
A private club used only seasonally. It has a pier with float landings providing 800 feet of berthing space.
- Kennebunkport Marina
A commercial marina with piers and floats providing about 1000 feet of berthing space (approximately 50 boats). It has a launching ramp, but cannot park cars with boat trailers.
- Kennebunkport Maritime Museum
Seasonal dock available, pier 5 feet wide, 260 feet long with a zigzag.
- Nonantum Motor Inn
Marina associated with a hotel/motel complex; stone bulkhead with float landings.
- Chicks Marina, Inc.
A full service commercial marina with 1100 feet of berthing space (approximately 55 boats); hydraulic lift and hoist launching. It has a launching ramp, but cannot park cars with boat trailers.
- Yachtsman Motel
Seasonal dock associated with motel; pier with ramp to float landings; fuel available.
- Arundel Yacht Club
Seasonal private club; dock 60 feet with 24 side floats, approximately 55 berths; launching slide for small craft.

2. Cape Porpoise

This harbor has no public berths, eight private high-water berths, and one private low-water berth.

The pier and associated facilities are owned by the Town. According to former Harbormaster David Billings, the Cape Porpoise facility consists of an earlier pier of dressed granite that had been squared off with a perimeter of steel beams resting on the granite and on steel piles. Improvements made in the eighties consist of a dock structure about 20 feet wide that forms an ell and provides a berthing face 180 feet long in deeper water (about 12') where fish (and shellfish) may be unloaded, and equipment, fuel, and ice loaded aboard vessels. The dock consists of a timber deck on heavy wooden timbers with timber fender piles along the berthing face. There are two small cranes and one large crane to facilitate bait and fish landings. Floats attached to the pier are available for members of the pier; recreational boaters are allowed to use the pier during evening hours if it does not conflict with fishing uses. Fuel and water are available at the pier. If fishermen wish to ice their catch, they must arrange separately for it. A paved area behind the shed on the pier provides parking for fishermen's trucks. Parking for the general public is available along the road approaching the pier. Yearly fees paid into an enterprise account for use of the pier and related facilities include (For 2004):

1. Big Boats (Includes punt tie-up and 8 spaces for bait barrels. If additional spaces are available, fishermen may pay an extra fee for storage of additional barrels.) --\$505
2. Punt tie-up only---\$230.
3. Dealers---\$555.
4. Recreational water craft---\$230.
5. Water users (For example an inland dealer collecting sea water for a holding tank)---\$205
6. Fuel prices include an additional \$.15 per gallon. \$.05 goes towards the salary of the pier manager and \$.10 towards miscellaneous repairs, etc. at the pier.

In the spring of 1993, the Town conducted a pier renovation. The wood deck was removed to allow replacement of the severely corroded supporting steel beneath, and new decking was installed. The new dock structure is in excellent condition. In the Winter of 2004, the Town replaced the small pier and restaurant at a cost of approximately \$280,000 funded by the town and state grants. Town funding included piers, rivers, and harbors fund and borrowing from the undesignated fund balance to be paid back through lease income associated with the restaurant.

In 1986, the Town amended its Land-use ordinance to prohibit recreational marinas from Cape Porpoise to prevent further competition for space and thus to protect fishermen.

3. Harbor Access and Parking

Both Government Wharf and Cape Porpoise experience overcrowding and have limited parking. The issue is more acute at Cape Porpoise.

The question of parking around the Cape Porpoise pier can become complicated. The parking plan submitted to the Town by the Pier 77 (Formerly Seascapes) Restaurant,, which is just north of the pier, shows a total of 48 spaces on land adjoining the restaurant and the road leading down to the pier. Recreational boaters moored in Cape Porpoise Harbor also used this same lot. During the summer, parking in the pier area can be rather congested but, so far, the congestion has not interfered with fishermen's use of the facility.

Lee McCurdy, recently appointed as Harbormaster, stated that most of the parking problems are associated with the use of the restaurants at the pier and constant sightseeing during the peak summer season. He did state that, for the most part, the fisherman manage to find the room to conduct their trade. There seems to be few options for dealing with the situation as the land area is limited. There have been discussions with the restaurants about different traffic flow arrangements.

D. Other Areas Suitable For Water-Dependent Use

A 1988 study by the State Planning Office looked for areas along the coast that were suitable for use as additional harbor or port facilities. The study looked at features on land, such as suitability for parking and access, and in the water, such as depth and shelter from rough seas. One such site was identified at the head of Cape Porpoise Harbor.

The study also identified several locations along the Kennebunk River, which it termed "available unused sites". Upstream of the Route 9 bridge (no longer a swing bridge), the River estuary is indeed relatively undeveloped, and there are many areas where the coastal wetlands remain. Most of the river downstream from the Route 9 bridge, however, is already developed with wharfs and bulkheads.

E. Beaches

Although the shoreline of Kennebunkport is dotted with a number of small beaches, the most popular by far are Goose Rocks Beach and "Colony" Beach. What is known as the "Colony Beach" is actually three beaches. To the south of Colony Beach is a strip known as Breakwater Beach which adjoins the jetty and to the west of the road is a section known as Town Beach.

Slightly over two miles long, Goose Rocks Beach is a beautiful stretch of white sand extending from the Batson River to the Little River. There are no bathhouses but toilet facilities are available, and food is available from a nearby store. Although more than a hundred seasonal homes adjoin the beach, the beach is so large that it seldom seems crowded. Thanks to the many ledges that lie just offshore, the beach experiences very little wave action, making it especially attractive to the parents of small children.

Most of Goose Rocks Beach is privately owned; the public portion of the beach is very popular. Most of the undeveloped lots are owned by the Kennebunkport Conservation Trust. Access to the beach is provided by several rights-of-way extending between the beach and Kings Highway, which runs parallel to the shore. Rights-of-way to the beach are marked with signs.

Because visitors to the beach must park on the street, the Town has found it necessary to restrict parking to vehicles carrying Goose Rocks Beach parking stickers. Over a thousand town residents make use of such stickers, which cost them \$4.00 per year. Several thousand visitors also purchase stickers, which cost them considerably more, for periods between a day (\$6), week (\$25), and a full season (\$50). Town records show a total of roughly 7,500 parking stickers issued in 2000 to both residents and non-residents. Nevertheless, a sticker does not guarantee a place to park; on a pleasant summer weekend, all the "legal" parking spaces may be full. An "Information Guide" is distributed to all those who purchase parking stickers for that area. The "Guide" has done much to promote orderly and considerate use of the beach. The Town also distributes information regarding endangered birds and seal rookeries. Stickers can be purchased at Town Hall.

The "Colony" Beach, located just east of the breakwater at the entrance to the Kennebunk River, is partially owned by the nearby Colony Hotel. The Federal Government owns the remainder. The beach has no bathhouse or toilet facilities. The beach is small, little more than two hundred yards long, and is broken up by outcroppings of ledge. Nevertheless, its proximity to the center of town makes it popular.

The Colony Beach is entirely open to the public. There is room for approximately forty cars immediately adjacent to the beach, and additional spaces can often be found along the nearby streets. Access to the parking area has been prohibited after 10:00 p.m. since the 1980s. No stickers are required, but on a hot summer weekend, it may be impossible to find a parking space within a reasonable distance.

In 2004, the Town of Kennebunkport partnered with Maine's Healthy Coastal Beaches Program to monitor the water quality of recreational beaches located within Kennebunkport. The goal of the program is for protecting public health at coastal beaches through testing for disease-causing contaminants, assessing, and informing and educating the public.

Many townspeople would feel that a listing of beaches is incomplete without a mention of Cleaves Cove. Cleaves Cove is only a small, primarily rocky beach, but it is in an unusually attractive setting. It is accessible only through a pedestrian right-of-way off Ocean Avenue, and is a good spot to view seals in the winter.

F. Shell Fishing and Worming

Since 1967, the Maine Department of Marine Resources (DMR) has historically classified the entire shoreline of Kennebunkport as unsafe for the taking of shellfish. The only exceptions occurred in 1983, when 152 bushels of clams were taken, and in 1986, when another 42 bushels

were taken. Recently, however, many sources of pollution have been reduced or eliminated. Towns along the Kennebunk River have installed sewerage systems, and Kennebunkport's system has been extended all the way to Goose Rocks Beach. Hence restrictions on shell fishing are gradually being eased. The flats in the Little River/Beaver Pond Brook estuary are presently open for harvesting from October 1st through May 31st. The Batson River/Smith Brook area is not open. In Cape Porpoise, the flats in the back cove area (Skipper Joe's), Stage Harbor, and the area between these and Cape Porpoise Harbor are open year-round.

The DMR classifies some shoreline areas as "non-redeemable", meaning that shell fishing is unlikely to be permitted there in the foreseeable future. One area so classified would be the shoreline near the outfall of a sewage treatment plant, even though such a plant is operating within its licensing standards. One reason for this policy is that toxins may linger near the outfall for a long time; another is that the plant might unexpectedly operate outside of its licensing standards. Other non-redeemable areas are those around marinas. In view of these restrictions, there is little likelihood that shell fishing will be re-instituted along the Kennebunk River.

East of Cape Arundel, however, prospects are considerably better. Recognizing the benefits of the Town's extended sewage system, the DMR initiated a "Shoreline Survey" of the area, which is the necessary prelude to reclassifying its suitability for shell fishing. Such a survey is a time-consuming procedure, and the DMR has only one Area Biologist to cover the shoreline from Kittery to Wiscasset. Hence, of necessity, volunteers must do much of the work, and it has gone slowly. Nevertheless, in March 1994, the Cape Porpoise clam flats were reopened. There are currently 31 state-designated shellfish monitoring stations in Kennebunkport, including some open water locations.

Other flats may be deemed suitable for taking certain types of shellfish, such as clams, provided they are processed in a "deuration plant" before going to market. Spinney Creek Shellfish of Eliot has been active in the deuration process including work in the Kennebunkport. Deuration involves removing clams from permanently closed areas, under tightly controlled conditions, for which they pay towns 50 cents per bushel and then clean them for resale to restaurants. Spinney Creek conducted six operations in the town in 1998, three in 1999 and one in 2000. It appears the clams are now too large (over 3") for any commercial value so no additional operations are planned.

A remaining obstacle to resumption of shell fishing may be residential and/or commercial "overboard discharges," of which there are 5 remaining within the town, according to DEP statistics from 2004. Shell fishing is prohibited in the immediate vicinity of such a discharge, and unacceptable levels of coliform bacteria may be detected at a surprising distance. The Town has done what it can to encourage homeowners to give up overboard discharge. Nevertheless, there is no law or regulation that requires them to do so, and at the present time, new connections to the sewer line are severely limited. However, legislation passed by the Maine State Legislature in 1987 disallows any new overboard discharges and requires regular inspections of existing discharges to ensure proper functioning. The Maine Overboard Discharge Program, funded by a state bond issue in 1990, provides partial reimbursement for the cost of replacing

overboard discharges with alternative waste disposal. There are no public pump out facilities available along the Kennebunk River.

Now that shell fishing has resumed on a limited basis in Kennebunkport, it has been deemed desirable to protect this resource by enacting an ordinance licensing fishermen and limiting the harvest. In the absence of such an ordinance, the shellfish beds would be open without restriction to any resident of the state, and the supply might soon become exhausted, as happened many years ago with clams at Goose Rocks Beach. In 2000, 90 annual residential licenses, 10 annual non-residential licenses, and 32 daily licenses were issued for clam harvesting. The Selectman have the authority to recommend limits to these licenses.

Though the state has not identified any worming areas in town, there is limited marine worm harvesting in the sand and mud flats between Cape Porpoise harbor and the islands surrounding the harbor.

In addition, the estuaries within the Rachel Carson Refuge act as breeding grounds for a vast array of finfish and shellfish. The Town adopted a "Critical Edge" overlay buffer zone around the border of the Refuge in 1988 to help protect water quality. In 1997, this overlay zone was extended to all tidal waters.

G. Other Fishing Activities

In southern Maine, the Kennebunk River is the only watershed that has no dams on a significant portion of the main stem of the river. Hence this river attracts anadromous fish, which is the technical term describing fish that spawn in the headwaters of rivers leading into the ocean. The river supports spawning populations of alewives, blueback herring, American shad, sea lampreys, and rainbow smelt. In addition, the American eel utilizes the freshwater and tidal portions of the river as a feeding area, along with striped bass that are seasonally present in the estuary. The Town of Kennebunk in cooperation with the Department of Marine Resources manages the river herring fishery. If the Days Mill dam at Days Mill near Route 35 were breached, providing access to Kennebunk Pond in Lyman, DMR estimates the fishery could be increased from 4,000 to 70,000 pounds annually. The American eel and sea lamprey are commercially valuable as food fish and are harvested by commercial fishermen licensed by DMR. Striped bass, American shad, and rainbow smelt are also species of major importance to recreational fishermen. Rainbow smelt dip net fisheries typically occur in early spring during the spawning runs (April and May). Rod and reel fisheries for American shad occur in May and June, while striped bass sport fisheries occur from May through October. Aside from other sources of pollution, a possible threat to this fishing resource is stimulation of plant growth in the River by nutrients from the sewer outfall, resulting in reduced oxygen content in the River.

II. ANALYSIS AND CONCLUSIONS

It is clear that the town maintains a vibrant fishing industry – particularly for lobster. It is also obvious that through the actions of the Town and their support for the industry, they want to see this way of life maintained and sustained it as part of the town's economy. The conflicts with

the recreational boating public and the need for mooring space is still an issue. There seems to be a need for additional water access.

Water quality, directly impacting shell fishing and recreation remains a concern. There are currently no pump-out facilities on the Kennebunk River. Periodic maintenance dredging of the Kennebunk River should also be monitored. The River Committee might address many of these issues.

Education for recreational boaters and property owners who impact the town's marine resources would be helpful in mitigating negative impacts on water quality. Overboard discharges into the waterways of the town are slowly being eliminated.

A. Trends In The Use Of The Waterfront

Land use patterns along the Kennebunk River remain in a great state of flux. Waterfront property owners, seeking the greatest monetary return from their property, have been turning more and more to recreational boating marinas and to development directed toward vacationers. Responding to these changes, the Town adopted a Land Use Ordinance and Subdivision Regulations in 1972. Shoreland zoning was implemented in 1975.

After several years of discussion, a Kennebunk River Committee was formed. Its stated purpose is to supervise moorings and other harbor facilities within the Kennebunk River. It is composed of representatives from those towns bordering the river: Arundel, Kennebunk, and Kennebunkport. Both fishermen and recreational boaters are members. Although the formation of the committee was greeted with some skepticism as an intrusion into the commercial fishing industry, the members are working together for the protection of the river and their livelihood. In 1993, the Town approved an Interlocal Agreement to strengthen the River Committee. The Committee is now an official body representing the Town's interest in the river. The Agreement formalizes the authority of the Committee to manage the tidal portion of the river.

In the 1980s the Town purchased the Cape Porpoise Pier from a private corporation for \$400,000. \$328,000 was provided by Federal funds. The Town furnished the remaining \$72,000, which was subsequently reimbursed in full by the fishermen. In 1982, the Cape Porpoise Pier Committee was established to advise the Town on the operation of that pier, a pier manager was hired, and a pier ordinance was adopted. Presently, the daily operation of the pier is proceeding as originally envisioned by the Town. Use by commercial boats increased after the purchase of the pier by the Town but leveled off by 1996. According to former Harbormaster David Billings, there are currently 74 fee-paying members of the Cape Porpoise Pier. In 2000, 99,000 gallons of fuel were sold to fishermen and recreational boaters (a 4% increase from 1999), resulting in a \$14,850 profit to the pier. The facility also has 24-hour fueling capability that provides 40 members with round-the-clock service.

The pier is also a very popular tourist stop during the summer. The scenic harbor, day-to-day operations of the fishermen at the pier, and a shore lunch at the chowder house (which is also owned by the Town and operated under contract) attract a steady stream of visitors.

In 1986, the Town adopted revisions to the Land Use Ordinance that strictly limited development of non-commercial marine uses in the Cape Porpoise area. These events in the Town's history provide ready evidence of the Town's concern and support of issues dealing with the coastline.

B. Adequacy Of Harbors And Mooring Facilities

A 1990 draft Report on Recreational Boating by SMRPC projected a countywide demand that would exceed supply by between 1,500-3,900 moorings or berths by the year 2000. Kennebunkport is certainly not immune to this problem. As noted above, there are waiting lists of boaters seeking moorings in both of its harbors. Furthermore, on the Kennebunk River, the limited amount of dock space available has forced rental fees up to the point where many boaters cannot afford them.

From the standpoint of boating use, it is questionable whether the town's harbors are being used as effectively as they could be. It is also possible that a commercial developer might be tempted to construct additional dock facilities in Cape Porpoise, but this would involve a modification of the Town's present policy regarding the use of that harbor. Finally, a municipal launching ramp with adequate parking would be appreciated by many less-affluent boaters.

Other citizens perceive a need for better regulation of the waterways adjoining the town. They cite instances where boats travel too fast or generate damaging wakes, and of moorings which are badly located or negligently maintained. The issue of personal watercraft has also been cited as an area that needs further examination due to their noise, speed and wake. In the Kennebunk River and Cape Porpoise Harbor, such problems are the responsibility of the Harbormasters. In the other anchorages around the town, they appear to be no one's responsibility. Hence, a need is perceived for closer supervision.

C. Adequacy Of Beach Facilities

The Town finds itself in a peculiar position regarding the use of beaches. While the Town would like to encourage both residents and summer visitors to make use of both of the popular beaches within the town, the Town owns only a tiny portion of the shorefront property along those beaches. Thus, there is always a potential conflict of interest between the Town's recreational welfare and private beach owners and others in the vicinity of the beaches. In practice, however, these problems have been handled amicably by instructing bathers to gain access to the beach through posted public rights-of-way and advising them to avoid objectionable behavior such as loud music, campfires, dropping trash, etc. The "Information Guide" of Goose Rocks Beach Concerned Citizens was an excellent guide to good beach manners. Vandalism to signage has become a problem in the beach area, particularly to those signs posted for rights-of-way to the water.

Toilet facilities are now provided at Goose Rocks Beach but not, as yet, at the Colony Beach.

Beach parking is also a problem, but a simple inexpensive solution is not apparent.

D. Financial Aspects Of Marine Activities

There is a special revenue fund (Piers, Rivers, and Harbors fund) used for capital projects associated with the Cape Porpoise Pier and Government wharf. These funds are derived from boat excise taxes.

A fee structure was established when the Town began operation of the Cape Porpoise pier. This fee system provides for regular operational expenses and minor improvements. The Town is assuming responsibility for major capital improvements. [See page 42 for details of financial arrangements.]

Profits from the sale of gasoline and diesel fuel, which are the Town's principal sources of revenue in Cape Porpoise Harbor, are not available in the Kennebunk River. As of this writing, the Kennebunk River Committee recently implemented a \$100 annual fee for moorings in the river and a \$10 annual fee for placement on the waiting list. In 1995, it was suggested that this difficulty might be overcome through the collection of an excise tax on vessels docked or moored in the River. Excise taxes are now paid when registering boats; excise taxes are also due on documented vessels.

Although the Town government's involvement with marine activities is confined almost entirely to fishing vessels, recreational boating makes the principal contribution to the local economy. The several hundred recreational boats which are based in Kennebunkport's harbors, along with sizeable numbers of transient vessels, support four local marinas, as well as many other businesses providing supplies, repair services, food and the like. Boating is one of the fastest-growing components of the local economy and would grow even faster if more waterfront space were available.

E. Need For Increased Cooperation Between Towns

Because the Towns of Kennebunk and Arundel along with Kennebunkport border on the Kennebunk River, all three towns will necessarily be involved in any organizations that may review water-oriented uses of that river. The River Committee and the recently adopted Inter-local Agreement will provide the towns with an excellent working group to manage the river. All indications are that this arrangement is working well. Similar cooperation with Biddeford is needed for management of activity along the Little River.

F. Effects Of Pollution And Water Quality

The anadromous fishery depends upon high quality water and free access from the sea to freshwater for reproduction and/or growth. Land use measures to prevent erosion and sedimentation, control of other non-point and point source discharges, and protective buffer strips along the river and tributary streams are important activities to maintain water quality and habitat for these resources.

Improper sewage disposal, poor storm water management, and non-point pollution can lead to continued closure of shellfish harvesting areas. Sources of non-point pollution include excess nutrients, insecticides, and herbicides that run off from private lawns, gardens and farms. Restrictions on shellfish harvesting opportunities can be removed if there are improvements in water quality. More conscientious monitoring of subsurface wastewater disposal systems and wastewater discharges can provide the needed reductions in bacterial contamination. Education of property owners can be of tremendous benefit in this regard. Additionally, the River Committee should fully examine the merits of a pump-out station along the waterway.

Marine toilets are a potential source of pollution that is frequently mentioned. By Federal law, all vessels with a built-in toilet are required to have facilities either to treat wastes before discharging them, or to hold them until they can be disposed of properly. There are some harbor areas in which toilet discharge of any kind is prohibited by law, but neither harbor in Kennebunkport is so designated. Proper disposal of toilet wastes involves either pumping out by the vessel itself when more than three miles to sea, or pumping out by a suitably equipped facility on the shore. Though State law requires any marina with slip or mooring space for eighteen or more vessels that exceed 24 feet in length to provide such facilities, there are no pump-out facilities in the town at this time. All marinas and yacht clubs require that the crews of vessels at their docks use toilet facilities ashore, but there is presently no means to enforce such a requirement. So far, no evidence has been provided to suggest that this problem is severe enough to require corrective action.

Recent legislation requires that anti-fouling bottom paint for boats, which is usually toxic to marine organisms, be removed in such a way as to prevent it from flowing into rivers or the ocean. Enforcement of this requirement appears to be irregular, and whether the benefit to water quality justifies the considerable increase in maintenance expense is debatable. There is also no place to dispose of the residue.

Another factor degrading water quality is fuel spills, which are often visible along the Kennebunk River. Such spills violate both Federal and State law, but preventing them entirely is very difficult. It is questionable whether the Town wishes to become involved in such a program.

III. IMPLEMENTATION

STATE GOAL: TO PROTECT THE MARINE RESOURCES, INDUSTRY, PORTS AND HARBORS FROM INCOMPATIBLE DEVELOPMENT AND TO PROMOTE ACCESS TO THE SHORE FOR COMMERCIAL FISHERMEN AND THE PUBLIC.

TOWN GOAL 1: TO ENSURE THE PRESERVATION OF ACCESS TO COASTAL WATERS NECESSARY FOR COMMERCIAL FISHING, COMMERCIAL MOORING, DOCKINGS, AND RELATED FACILITIES.

Policy 1: Continue to cooperate with the Towns of Kennebunk and Arundel in the management of the tidal portions of the Kennebunk River.

Strategy 1: Continue active participation in the River Committee as provided in the Inter-local Agreement.

Responsibility: Board of Selectmen, River Committee

Timeframe: Ongoing

Policy 2: Assure safe, well-marked and unimpeded entrance and use to both of the Town's major harbors.

Strategy 1: Continue to work with the harbormaster(s) and the Coast Guard to provide clear markings of the channels.

Responsibility: Harbormaster(s)

Timeframe: Ongoing

Strategy 2: Maintain, keep open, and ensure that designating signs are in place for all public rights-of-way to tidal waters. Identify and publish a list of all rights-of-way.

Responsibility: Highway Department

Timeframe: Ongoing

Strategy 3: Identify areas suitable for public water access for small craft and search for locations to either construct a municipal ramp or utilize an existing ramp for non-motorized access.

Responsibility: River Committee, Board of Selectmen

Timeframe: 2 years

Policy 3: Provide sufficient regulation of all waterways adjoining the Town to be sure that all watercraft therein will be safely and courteously operated and all moorings properly located and maintained.

Strategy 1: Continue to work with the harbormaster(s) to provide safe operation of watercraft in affected areas.

Responsibility: River Committee, Board of Selectmen

Timeframe: Ongoing

Policy 4: Maintain commercial and pleasure boating mix at current levels.

Strategy 1: Create separate mooring lists for commercial and pleasure craft as a method of maintaining the current mix in the harbors.

Responsibility: Harbormasters
Timeframe: Ongoing

Strategy 2: Assign priority status to commercial fishermen for mooring spaces.

Responsibility: Board of Selectmen, Harbormasters, Kennebunk River Committee
Timeframe: Ongoing

Strategy 3: Ensure that there is adequate parking for commercial fishermen at Cape Porpoise Pier and Government Wharf.

Responsibility: Board of Selectmen
Timeframe: 1 year

TOWN GOAL 2: TO ENCOURAGE PROTECTION OF THE MARINE RESOURCES INDUSTRY

Policy 1: Use the Land Use Ordinance to define and protect marine resources industry.

Strategy 1: Develop a definition of marine resources and marine resources industry and include it in the Land Use Ordinance.

Responsibility: Planning Board
Timeframe: 2 years

Strategy 2: Amend those sections of the Land Use Ordinance that require revisions to allow a marine resource use in appropriate areas.

Responsibility: Planning Board
Timeframe: 2 years

Policy 2: Continue to support Government Wharf and Cape Porpoise Pier.

Strategy 1: Maintain the Cape Porpoise Pier and Government Wharf.

Responsibility: Board of Selectmen, Pier Committees
Timeframe: Ongoing

TOWN GOAL 3: ALLOW THE USE OF THE PUBLIC BEACHES LOCATED WITHIN THE TOWN BY RESIDENTS AND SUMMER VISITORS, WHILE PROTECTING THE PRIVACY OF PRIVATE BEACH OWNERS AND OTHER PROPERTY OWNERS IN THE VICINITY OF THE BEACHES.

Policy 1: Allow residents and visitors to enjoy the use of the Town's beaches.

Strategy 1: Maintain signage marking public access to beaches.

Responsibility: Highway Department
Timeframe: Ongoing

Strategy 2: Continue to supply information regarding use of the beaches with all parking stickers issued.

Responsibility: Police Department, Town Office
Timeframe: Ongoing

Strategy 3: Continue the use of police patrols on the beaches and ocean areas.

Responsibility: Police Department
Timeframe: Ongoing

Strategy 4: The Board of Selectmen shall establish a study group that will identify and recommend site locations and ways of maintaining the facilities established.

Responsibility: Board of Selectmen
Timeframe: 1 year

TOWN GOAL 4: TO PROTECT THE WATER QUALITY OF ALL RIVERS, STREAMS AND COASTAL BEACHES

Policy 1: Protect the health of recreational users of rivers and Town beaches.

Strategy 1: Support the Kennebunkport Public Health and Nursing Service's water testing and public information program.

Responsibility: Town Manager, Board of Selectmen
Timeframe: Ongoing

Policy 2: Reduce existing contamination levels to allow shellfish harvesting and to meet other water quality standards.

Strategy 1: Continue inspection and enforcement programs of subsurface wastewater disposal systems. Monitor and enforce overboard discharge systems regulations by the Department of Environmental Protection.

Responsibility: Code Enforcement
Timeframe: Ongoing

<i>Note: DEP regulations include semi-annual (year-round use) and annual (seasonal use) DEP inspections of overboard discharges.</i>
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Strategy 2: Continue with Department of Environmental Protection programs to monitor and eliminate fecal coliform levels found in coastal waters.

Responsibility: Code Enforcement
Timeframe: 2 years

Strategy 3: Pump outs should be provided in Cape Porpoise Harbor and the Kennebunk River.

Responsibility: Board of Selectmen
Timeframe: 5 years

Strategy 4 Monitor dissolved oxygen and o.b.d. in the Kennebunk River.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Policy 3: Continue to develop public understanding and acceptance of the importance of the Rachel Carson Refuge and the need for protection of the tributaries.

Strategy 1: Continue cooperative agreements with the Refuge staff to develop a program for management and education.

Responsibility: Conservation Commission
Timeframe: 1 year

CHAPTER V. WATER RESOURCES

The term "Water Resources", as used in this chapter, refers to fresh water resources, such as lakes and ponds, rivers and streams, wetlands, aquifers and groundwater. Discussion of salt water resources, such as beaches, harbors, and tidal streams, appears in the chapter headed "Marine Resources".

The fresh water resources of the Town of Kennebunkport might best be described as limited but adequate. Ponds and freshwater streams within the town are not large or deep enough for recreational use other than fishing. Most of the residences and commercial establishments within the town are supplied with water from the Kennebunk, Kennebunkport and Wells Water District (KK&WWD), which, in turn, derives its water from sources entirely outside the town. The remaining residences which depend upon well water appear to have adequate supplies of satisfactory quality. While this chapter will consider several potential threats to the quality of that water, serious problems do not appear to be imminent.

Because of the need to identify and locate the many ponds, streams, marshes and aquifers discussed in this chapter, considerable use will be made of maps, which may be found in Map Appendix.

I. INVENTORY

A. Water Courses

The interior water resources of the town consist of the various river systems shown on the Water Resources Map, which also shows the drainage divides for various water bodies throughout the town. This map also shows the boundaries of the watershed for the Batson River.

Maine's Mandatory Shoreland Zoning Act requires that any stream shown on a U.S. Geologic Survey topographic map as the convergence of two perennial streams be protected by special zoning provisions. In March 1994, Kennebunkport amended its Shoreland Zoning to include all areas required. The 120th Legislature approved amendments to the Natural Resources Protection Act, rule amendments to Permit by Rule Standards, and Wetlands Protection that became effective on September 1, 2002. These amendments increase setbacks from 25 feet to 75 feet and set standards for cutting and vegetation removal on the small headwater streams above the point where the Shoreland Zoning takes effect. The major watercourses in Kennebunkport are the Kennebunk River and the Batson River. The Kennebunk River makes up Kennebunkport's southwesterly boundary. The river and its watershed were the subject of a study conducted jointly by the Towns of Arundel, Kennebunk and Kennebunkport in 1986. The report and maps produced for the 1986 study are available for reference at the Town Office. The highlights of that report are included here:

The watershed of the river drains portions of the Towns of Lyman, Arundel, Kennebunk, and Kennebunkport. The total area of the watershed is approximately 53 square miles. Of this area, approximately 15 square miles are in Lyman, 16 are in Arundel, 17 are in Kennebunk,

and 5 are in Kennebunkport. The length of the main stem of the river is 13 miles, from its mouth to the point it splits into Carlisle Brook and Lords Brook in Lyman.

Kennebunk Pond is the origin of the river. The pond is unique in that it has two outlets, which form Carlisle and Lords Brooks respectively. There are no significant tributaries to the river within Kennebunkport.

The river is tidal to a point approximately 5.2 miles from its mouth in the Atlantic Ocean and 0.2 miles upstream from the B & M Railroad Bridge. It is tidal for the entire distance that it is in Kennebunkport.

A 1982 study by the Maine Department of Conservation and the National Park Service indicated the Kennebunk River has a composite of natural and recreational resource values with statewide significance.

The Batson River is classified as a minor coastal river, but its watershed comprises a majority of the area of the Town. Drainage divides are shown on the Water Resources Map. We can trace the tributaries leading into the Batson by the size of the culverts that carry the drainage into the main body of the river. The river enters Goosefare Bay between Marshall Point and the western end of Goose Rocks Beach. The river is tidal for approximately three-quarters of a mile from its mouth to the dam just downstream of Route 9. Within the Batson River watershed, there are perennial streams that total over 80,000 feet in length. Streams over five feet in width total 16,000 feet. In 1994, the Town Meeting enacted a 250-foot setback that protects the river as far as the Arundel Road by the Chick farm. This area is now in Shoreland Zoning. The main threat to the water quality of the river is from farms and homes on the upper reaches of the river. The only data on the water quality of the Batson River is derived from a graduate student's project at the Yale School of Forestry and Conservation. Her findings on the health of the River stated that the mouth of the estuary is flushed every fourteen and one half hours. The nitrogen load from the watershed could withstand as much as a 60% increase before exceeding the "Sensitive Water" quality standard.

The Little River and Beaver Pond Brook lie outside the Batson River watershed. The Little River rises from the wetlands by Proctor Road and swings into Biddeford for 7/8 of its route, coming into Kennebunkport under Route 9 near the Biddeford line. It forms the Town boundary from the LaBrie property to the ocean. Beaver Pond Brook also empties into the ocean near here. Water quality testing on these two streams would be the first step in the process of re-opening the Little River area's shellfish flats for year-round use. The flats in the Little River/Beaver Pond Brook estuary are presently open for harvesting from October 1st through May 31st. The Batson River/Smith Brook area is not open for harvesting. In Cape Porpoise, the flats in back cove (Skipper Joe's), Stage Harbor, and the area between these and Cape Porpoise Harbor are open year-round.

B. Great Ponds

There are no great ponds in Kennebunkport. Although Lake of the Woods does not meet the state's definition of a Great Pond, it receives Resource Protection in our Land Use Ordinance.

C. Wetlands

There are a number of wetland areas in the Kennebunkport. They may be classified as either coastal or freshwater and are described in more detail in Chapter V. A portion of Kennebunkport's shoreline is rocky, but there are a number of salt marshes scattered along the coast. The largest portions of these are located at the mouths of the Batson River and Turbat's Creek. Of the coastal marshes, the Federal Government owns a significant part and is under the jurisdiction of the Rachel Carson National Wildlife Refuge.

D. Water Quality In Rivers And Streams

The Maine Legislature has classified the rivers of the State for purposes of regulating water quality. The classification is an indication of the lowest water quality the Department of Environmental Protection (DEP) may allow. It is not an indication of current water quality. The classification designated for the Kennebunk River has changed several times in the last decade from C to B2 to B.

Water quality testing of the Kennebunk River was done by the DEP until 1983. In 1985 and 1986 a private group, Friends of the Kennebunk River, performed some additional testing. There were five stations for the water quality testing: Route 9 bridge, Durrell's Bridge, Route One, Downing Road, and Days Mills.

In general the water quality testing done between 1980 and 1986 indicated the river attained the standards for a Class B water body. Tests for dissolved oxygen above the standards of 75% of saturation in freshwater and 85% of saturation in saltwater were achieved in 102 of 105 tests during the six year period. Tests for bacteria met the standard in 55 of 74 tests. The acidity of the water was within the desired pH range of 6.0 to 8.0 in all tests. Some tests revealed a high level of nitrogen, possibly reflecting contamination from dairy farm operations situated north of Kennebunkport or nutrients from the Kennebunkport sewer outfall.

The DEP tested the river again only at the Route One location in the early fall of 1991. Bacterial contamination climbs after rainfalls, and Hurricane Bob had occurred in August, 1991. When the river was still at flood stage following the hurricane, E.Coli bacteria levels rose to over 6,000 colonies per 100 ml. of water. The DEP's report indicates the river did not meet Class B status, but attained Class C standards. The DEP surmised that storm water runoff was the reason for the river not meeting its usual classification.

The most recent DEP testing on the Kennebunk River was done in 1994. The Department spent one morning testing eight sites (two freshwater, six tidal). The results of the two freshwater sites showed that the river met Class B standards (*75% saturation or 7 parts per million*

concentration). Of the six tidal test sites, three did not meet SB standards (*85% saturation*). Two of the three tested at 75% saturation and one tested at 77%. The remaining three sites met the SB classification standard.

The Kennebunk Conservation Commission has been conducting a summer long water-testing program along the Kennebunk River for nearly a decade.

Though there is no empirical data from testing, water quality for the smaller interior waterways appears satisfactory. The primary indicator of this is the water quality within the Rachel Carson Wildlife Refuge. An August 1988 draft environmental assessment by the Refuge estimated that half of the average annual precipitation falling within the drainage basins leading to the Refuge turns into runoff settling in the upper reaches of the marsh. The tendency is to decrease water quality through increased turbidity and transport of pollutants. Nevertheless, managers at the refuge, when asked, stated that water quality appears good. In 1988, the Town adopted a Critical Edge buffer around the Refuge, and in March 1997, adopted provisions that extended this overlay zone to include a buffer around all coastal wetlands. This may be helping to avoid degradation. (See the definition of "Wetlands, Coastal" in the Kennebunkport Land Use Ordinance.)

Information from the Department of Marine Resources reflects that Kennebunkport suffers from a common problem in southern Maine coastal areas: high fecal coliform levels, probably due to failing septic systems, livestock manure and/or poorly maintained overboard discharge systems (OBD's).

The sewer line extension to the Goose Rocks Beach area (where most OD's were located) has helped to correct the coastal water pollution problem in the Batson River estuary. With the completion of the sewer line, many dwellings previously served by overboard discharges or subsurface systems have been connected to the sewer. (In simple terms, overboard discharge is the release of sewage into a septic tank, chlorination process, a sand filter and then directly into surrounding soil.

E. Ground Water Resources

Dug and drilled wells are the source of water for a significant number of housing units in Kennebunkport. The maintenance of the quality and availability of ground water is therefore an important issue for many residents.

Areas which are able to provide a usable amount of ground water are known as "aquifers". Because of the predominant bedrock and soil conditions in Maine, virtually the entire state can be called an aquifer.

There are two different types of aquifers. When usable amounts of ground water can be removed from the loose unconsolidated material that sits on top of the bedrock, the aquifer is known as a surficial aquifer. When there are sufficient cracks and fissures in the underlying bedrock material to collect usable amounts of ground water, the aquifer is called a bedrock aquifer.

Each type of aquifer has the potential to yield differing amounts of ground water. The amount of ground water available from a surficial aquifer depends on the grain size of the surficial material. Surficial deposits made up of marine clays or tightly packed glacial tills have small grain sizes and, therefore, there is relatively little pore space to store water. In addition, ground water moves slowly through these tight grained deposits, so a well has a limited yield. On the other hand, sandy or gravelly deposits such as are found in glacial outwash material have relatively large pore spaces between grains and water can move relatively quickly. Wells in sand and gravel deposit can therefore result in high yields of ground water.

The yield from a bedrock well will depend on the size and number of cracks or fissures the well intercepts as it is drilled. Where there are a large number of fissures, such as near a fault line, bedrock wells are able to produce high yields as well.

Much of Kennebunkport is underlain by fractured granitic and basaltic bedrock. The bedrock in the western part of the town is metamorphic in origin. Due to the expense involved, no broad based mapping of high yield bedrock aquifers is available.

On the other hand, the Maine Geologic Survey has mapped the high yield sand and gravel aquifers throughout the state. These maps show those areas where ground water yields in excess of 10 gallons per minute can be expected.

The importance of mapping high yield aquifers is that they are potentially desirable locations for public drinking water supplies. Survey maps show two such areas in Kennebunkport, both in the northern part of town. Both of these areas are indicated as likely to yield between 10 and 50 gallons per minute. The first is near the intersection of Guinea Road and Whitten Hill Road (Beacon Corner). (This was formerly the site of the municipal landfill for the Town of Arundel, and hence the quality of the water should be tested.) The second is to the west of this location, crossing over the Town line on the Oak Ridge Road into Biddeford (Fox Farm Road). Biddeford's Official Zoning Map puts their portion of this aquifer into an Aquifer Protection Overlay, and their Comprehensive Plan lists restrictions comparable to Shoreland Zoning. (Art V section 10)

The fact that the town's public drinking water supply comes from outside the town's boundaries presents some important regional issues for Kennebunkport. Issues related to residential and commercial development in the watersheds of both the Saco River and Branch Brook require the town, through the Water District, to be aware of land use activities in other towns that may impact Kennebunkport's water supply. A watershed protection survey and management plan for Branch Brook is currently underway (being led by the Wells Reserve). The survey portion has been completed, and the management plan was due to be completed. A CD of the survey results is currently available from the Wells National Estuarine Research Reserve (646-1555 Ext. 112). Upon completion, the management plan will also be available on CD.

Areas that are not high yield aquifers will still yield enough ground water to meet the demands of individual households or small developments. Tests of ground water from Kennebunkport so far

indicate no widespread threats of pollution. When impurities have been found, they usually have been:

1. Bacteria from surface sources, such as animal or vegetable matter, which leach through the soil in the spring when the water table is unusually high;
2. Arsenic, which occasionally poisons a well originating in bedrock. Such instances are rare, and the only cure is to drill another well in a new location.
3. Road salt may result in contamination of wells but has never been known to do so in Kennebunkport.

In a few neighborhoods along the shore, such as Windemere Place, well water may be unsatisfactory for drinking because of the intrusion of salt water. The basic problem here is that the water table on which the wells draw has fallen below the level of the tide, and there is no known method by which the Town can correct the situation. The only remedy is to treat the water after it is pumped, such as by reverse osmosis filtration.

The Town must also recognize the additional public water supplies located at the Inn at Goose Rocks and the Seashore Trolley Museum (seen on the Aquifer Map). While perhaps not regarded as public water supply, these wells serve the public and are regulated by the Department of Human Services. DHS, in fact, makes comments on their susceptibility to contamination. For the Inn at Goose Rocks a moderate risk of acute contamination has been found, principally due to a septic system within 300 feet of the well. There is also a moderate risk of future contamination due to the fact that the owner of the well does not own all land within 300 feet of the water supply source.

The Seashore Trolley Museum actually contains two wells, with one being recently drilled. This well has a low risk of both existing and future contamination as there are no animal or feed lots within the vicinity, the owner owns land within 300 feet, and there are no septic systems within 300 feet. The older well does have a septic system within 300 feet, which makes it a moderate risk. Based on these data, it does not appear as if there are major issues associated with these sites.

F. Sources Of Pollution

1. Point Discharge Sources

Kennebunkport's sewage treatment plant was built in 1972. Since then it has gone through three modernization upgrades, the most recent in 1999. Currently there are 2469 units hooked up to the sewer system (1320 of those are residential). There are 1085 lots that have septic systems. The Town's wastewater treatment plant outfall pipe is located in the tidal area of the Kennebunk River. At the annual Town Meeting in June 2003 voters authorized a \$1,000,000 bond or note request for the purpose of upgrading the wastewater treatment plant for the purpose of year-round chlorination and dechlorination.

Storm sewers can also be considered as point sources of pollution where they run into the rivers or the ocean. At this time, there are no legal limitations on sewers of this kind.

There are three licensed overboard discharge systems in Kennebunkport, all of which discharge into the ocean. Overboard discharges are discussed in the chapter headed "Marine Resources."

2. Non-Point Discharge Sources

Non-point source pollution differs from point source pollution because it may occur anywhere in a watershed rather than from a single discharge point. Non-point source pollution is usually associated with storm water runoff from fields, construction sites, timber and farming activities, buildings, or roadways. Runoff from rain or melting snow can cause pollutants to be washed from the land and carried through the watershed into lakes, streams, rivers, and coastal waters. Pollutants such as soil, nutrients, bacteria, oils, and heavy metals can cause algae blooms, reduced aquatic plant growth, disease, and sedimentation. Additionally, fertilizers and chemicals applied to lawns, particularly abutting sensitive water bodies, can degrade water quality.

In Kennebunkport, the major non-point sources appear to be runoff from roads, parking lots, and other impermeable surfaces and runoff caused by development. For example, erosion and sedimentation have apparently affected small tidal waters behind North and South Maine Streets, causing those areas to fill in. Mill Pond, (near North Street) that appears to be filling in with sediment, may be a typical case in point. Properly administered erosion and sedimentation control standards can prevent most of the concern from construction and development activities.

Any dump is a potential source of pollution, because toxic materials may leach down into subsurface aquifers. This possibility remains a threat even after the dump has been closed, as the dump in Kennebunkport has. Test wells were installed around the dumpsite in Kennebunkport when it was closed, and water from these wells is analyzed at least once annually by the Maine DEP. So far, no pollution has been detected.

A. Existing Water Quality Protection

Kennebunkport's Land Use Ordinance provides standards to prevent water quality degradation. In March, 1993, the Town revised its Shoreland Zoning requirements to comply with the 1990 State Minimum Guidelines. As part of those revisions, specific erosion and sedimentation control standards were adopted with the requirement for a written control plan to be filed with the Code Enforcement Officer whenever earth is disturbed in the Shoreland Zone. In addition to the erosion and sedimentation control standards, setback and buffering provisions along the shoreline and edge of wetlands are prescribed by the Shoreland Zoning, Resource Protection, and Critical Edge standards.

Other parts of the ordinance place restriction on the direct or indirect discharge of materials into surface or ground waters. The Site Plan Review process for most commercial uses and other situations contains standards regarding erosion control and storm water management.

B. Possible Threats To Water Quality

The most common threat to water quality in Kennebunkport is the large number of subsurface wastewater disposal systems. Improperly sited or failing septic systems can lead to both ground water and surface water contamination.

Another potential threat to the quality of ground water is leakage from petroleum storage tanks. As of January 26, 2003, Kennebunkport Fire Department records indicate there are 15 registered underground fuel storage tanks, all of which were installed after 1985. The possibility remains that some of these may have been removed and the report filed somewhere other than with the Fire Department.

II. ANALYSIS AND CONCLUSIONS

A. Quality Of Streams And Rivers

Fresh water streams and rivers within the town appear, under normal circumstances, to meet satisfactory water quality standards.

B. Availability Of Ground Water

While the majority of the residents of the town use water derived from out-of-town sources, many residents rely on water derived from their own wells. To the best of this Committee's knowledge, the quantity of water available from these wells has been adequate for these people's needs.

C. Quality Of Ground Water

With some rare and/or temporary exceptions, the quality of ground water derived from wells within the town has been good. Therefore, ground water quality does not pose a problem for the town, at least at the present time, but it needs to be protected for the future.

D. Potential Threats To Water Quality

The principal potential sources of ground water pollution in Kennebunkport, as in any other town, are growth and related activities, leakage from rusted petroleum storage tanks, seepage from septic fields, or leaching from the now-closed dump or other refuse areas and land use issues related to both the Branch Brook and Saco River watersheds. While there is no indication that danger from these sources is imminent, the town should remain sensitive to any evidence that such a threat has arisen.

As the Southern Maine region continues to experience growth in year-round and seasonal residents and tourism, the demand on the water supply from Branch Brook and the Saco River will increase accordingly. Kennebunkport should remain sensitive to this growth and consider

action to protect the quality of water in its two major aquifers for the possibility of supplementing its future public water supply.

III. IMPLEMENTATION

STATE GOAL: TO PROTECT THE QUALITY AND MANAGE THE QUANTITY OF THE STATE'S WATER RESOURCES, INCLUDING LAKES, AQUIFERS, GREAT PONDS, ESTUARIES, RIVERS, AND COASTAL AREAS.

TOWN GOAL 1: TO PROTECT THE QUALITY OF SURFACE WATERS AND COASTAL AREAS.

Policy 1: Monitor the quality of surface waters.

Strategy 1: Periodically test the water quality of Little River, Beaver Brook, Smith Brook, Batson River and Kennebunk River to determine the source of pollution and take corrective action if any pollution is found.

Responsibility: Conservation Commission, Public Health Dept, Board of Selectmen
Timeframe: Every 2 years

Policy 2: Protect all surface waters to ensure healthy biological and ecological diversity and clean and pleasant recreational areas.

Strategy 1: Develop a long-range plan to extend sewer services. Monitor impact of sewer outfall in the Kennebunk River regularly and before each major sewer expansion.

Responsibility: Sewer Department
Timeframe: 3 years

Strategy 2: Continue charging an assessment fee to property owners when the sewer is extended into private developments.

Responsibility: Board of Selectmen
Timeframe: 2 years

Strategy 3: Develop a program to educate property owners and school children to the potential danger of using chemical pesticides, herbicides, and fertilizers and encourage the use of environmentally friendly products and practices.

Responsibility: Conservation Commission
Timeframe: 1 year

Strategy 4: Continue to work with property owners to find alternatives to overboard discharge.

Responsibility: Code Enforcement Officer
Timeframe: Ongoing

Strategy 5: Educate property owners and coordinate efforts with surrounding towns to encourage practices that prevent non-point sources of pollution to surface waters.

Responsibility: Conservation Commission
Timeframe: Ongoing

TOWN GOAL 2: TO PROTECT THE QUALITY AND QUANTITY OF GROUND WATER.

Policy 1: Protect the two primary aquifers located in the northern part of town.

Strategy 1: Require property owners with newly dug wells in the vicinity of the aquifers located near Beacon Corner (Whitten Hill and Guinea Roads) and Oak Ridge Road (K'port) / Fox Farm Road (Biddeford) to report the results of water quality and flow testing from the original drilling to the Code Enforcement Office.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 2: Establish regulations for development and related activities in the vicinity of the two primary aquifers to protect water quality for possible future use as public water resources. Coordinate efforts with Biddeford.

Responsibility: Planning Board
Timeframe: 2 years

Policy 2: Manage disposal of storm water.

Strategy 1: Adopt "Storm Water Management Design Standards" of the Kennebunkport Planning Board Subdivision Regulations for design, construction, and maintenance of drainage systems for all roadways.

Responsibility: Planning Board
Timeframe: 2 years

Policy 3: Monitor and protect the quality and the quantity of current drinking water resources to ensure an adequate supply of good quality drinking water.

Strategy 1: With KKWWD, monitor development and related activities located in the watershed and service areas of Branch Brook and the Saco River.

Responsibility: Town Planner

Timeframe: Ongoing

Strategy 2: Monitor DEP inspection of underground storage tanks to ensure annual compliance with State regulations.

Responsibility: Code Enforcement Office

Timeframe: Ongoing

Strategy 3: Recognize the importance of protecting freshwater wetlands for the recharging of groundwater aquifers. Develop new and support established ordinances that protect this resource.

Responsibility: Conservation Commission, Planning Board

Timeframe: Ongoing

Strategy 4: Monitor water quality of the wells at the Inn at Goose Rocks and at the Seashore Trolley Museum and take appropriate action if contamination occurs.

Responsibility: Board of Selectmen

Timeframe: Ongoing

Strategy 5. Continue the policy of minimizing to the extent practicable the use of harmful road salts.

Responsibility: Highway Department

Timeframe: Ongoing

CHAPTER VI. NATURAL LAND RESOURCES

This chapter focuses on the characteristics and composition of the land which lies within the town. It discusses the uses of the soil for residential development, forestry and agriculture, and considers the protection of natural areas and scenic vistas which are judged important by the townspeople. Because planning should follow what the land can support, this inventory can serve to provide a framework for responsible planning.

Because of the repeated need to identify specific small areas within the town, much use is made of maps which have been marked in detail for this report (see Map Appendix). Larger scale versions of the maps may also be found at the Town Office. Although the maps convey a great deal of interesting information, the Committee emphasizes that there is no substitute for walking the land.

I. INVENTORY

A. Soils

The characteristics of the soil in Kennebunkport, and the implications of those characteristics for development, are set forth on the Hydric Soils Map. This map is based on data gathered by the Soil Conservation Service of the U.S. Department of Agriculture. The map groups all hydric soils together into a single coverage. When combined with wetlands mapping it provides a greater overview of soil limitations based on wetland or hydric soil types. Additionally, when combined with other development limitations (discussed later) this map forms the basis to assess where and how the town may develop in the future. Hydric soils have been defined by the York County Soil and Water Conservation District as containing the following soil types: Biddeford mucky peat; Brayton and Westbury fine sandy loams; Chocura peat; Raynham silt loam; Rumney loam; Saco mucky silt loam; Sebago peat; Sulfihemists; Urban land-Scantic; Vassalboro peat and Waskish peat.

Generally, Kennebunkport soils are generally poor for residential development, farming and forestry. Each use competes for the best that is available. The town is in a region of shallow, gently sloping to very steep, somewhat excessively drained soils formed in glacial till. There are also areas of bedrock exposure and deep, nearly level poorly drained soils formed in marine and lacustrine (lake) sediments. In the center of town are small areas of soil with much the same characteristics left from glacial melt water. Along the coast are less stable sand and marsh soils eroded by wind and water. Not an encouraging picture for a pretty town where so many people want to live.

The York County Soil Survey explains our situation quite simply: "Very few towns in Maine have large tracts of soils that are ideal for residential development. Often the soil is wet, bedrock is near the surface or land has steep slopes. Some areas may be subject to periodic flooding from nearby streams and rivers. It is often necessary to modify these areas by filling, excavation, blasting or draining. These additional costs for site development are passed on to future

landowners. Maintenance costs such as erosion control, road and culvert repairs will often be borne by the new landowner or municipality. The installation of subsurface waste disposal systems, roads and buildings can have a negative impact on towns' soil and water resources."

B. Uses Of Wetlands

Coastal towns like Kennebunkport have significant coastal wetlands as well as freshwater wetlands.

An abundance of water is essential to all forms of life, but often makes residential development risky. Kennebunkport's coast is oriented to the southeast, and coastal storms have demonstrated over and over again the need for good floodplain management. The ocean is rising a little every year. Recent storms have often reduced or exceeded the limits of the current "100-year floodplain", to the dismay and cost of coastal residents living too close to the ocean. Coastal damage is the worst when the sun and moon are in line, exerting double force on the tides. Wave action is even more devastating than high water. Sea walls rarely keep out the sea; the water goes over, around, or underneath, resulting in increased erosion. The Goose Rocks colony, however, is a seeming exception to this rule. It has been spared much potential destruction because of the rocky reefs off-shore, which are visible at low tide. They break up the wave action and provide a valuable first line of defense.

As of March 2001, Kennebunkport had 264 homeowners registered in the Federal Flood Insurance Program for a total coverage amount of \$47,600,900. The total number of claims since 1989 has been 98 although there have not been any claims since November of 1997.

Coastal marshes should not be built on. When they are altered, the development will be taken back by the sea sooner or later. There is also the safety factor to consider. Evacuating residents and housing them in shelters is not a rewarding experience for anyone. Currently both state and municipal land use regulations prohibit construction within coastal wetlands.

The National Wetlands Inventory is the best source of data currently available for wetland locations in the town and is available in the Town Office.

Freshwater wetlands have many uses. A study by the Maine State Planning Office and others, entitled, "Casco Bay Watershed Wetlands Characterization", helps to better define the value for particular wetlands both within and outside of a watershed. This characterization can be accomplished through a relatively straightforward GIS mapping process. The study identified the following key values and functions for wetlands which need to be considered as the town examines its wetland and resource protection rules:

- Hydrologic Functions
- Biogeochemical functions
- Biological Functions
- Cultural values

Hydrologic functions are primarily concerned with flood flows and the process by which peak flows are stored and delayed in their journey downstream. In this regard wetlands perform a critical function in the storing and release of waters during storm events. The biogeochemical function is the process by which wetlands may trap sediment in runoff from uplands and help prevent water quality degradation downstream. The biological function is related to the potential for the wetland to provide habitat for certain species that rely on wetlands for some part of their life cycle including finfish, shellfish, and other flora/fauna. Finally, the cultural values of wetlands are those represented by the educational and recreational value (bird watching, nature study) of the wetland.

The prioritization of these wetlands and their value can be seen as an appendix to the book entitled "Beginning with Habitat" on file in the Town Office.

C. Wildlife

The Maine Department of Inland Fisheries and Wildlife (IFW) , the Maine Natural Areas Program (MNAP), the State Planning Office and Maine Audubon have recently finished a GIS compilation of existing data regarding wildlife habitat and rare and endangered species locations in Kennebunkport. A description of this data and it's use can be found in the guide entitled "Beginning with Habitat". In sum, the data illustrates the following:

1. The importance of riparian habitat along streams, brooks, rivers, and associated wetlands. These areas function as tremendous travel corridors for wildlife and most importantly contain 75% of all the species diversity in Maine. To some degree, these areas are protected by Shoreland Zoning. The extent of that protection is much debated.

The Maine Department of Inland Fisheries and Wildlife considers these riparian areas the backbone of any wildlife preservation effort.

2. The wide range of high value plant and animal habitat within the community. The consortium of agencies denoted above have highlighted the ecological diversity of the town with mapping of: deer wintering areas; assemblages of rare plants, animals and natural communities found within the town; "essential" wildlife habitats which requires IFW review for endangered animals and their habitat; and "significant wildlife habitat" (such as high and moderate value waterfowl or wading bird habitat).
3. Finally, and perhaps most importantly, the identification of large relatively unbroken blocks of habitat which can support animals with large home ranges (such as moose and fishers) as opposed to suburban species (such as raccoons and skunks). These unfragmented blocks offer valuable opportunities to preserve a wide range of species in a rapidly developing landscape. The implications for wildlife diversity in the face of "sprawl" in these locations may be an important planning concern. Many of these unfragmented blocks also cross town boundaries.

4. The most important piece of unfragmented habitat is a nearly 3,000 acre piece that extends into Biddeford and Arundel. This habitat – extremely large for southern Maine – is located in the northern part of town and is comprised mainly of forests and wetlands. It also contains much of the Town Forest and parcels now in the Tree Growth and Farm/Open Space Taxation program.

Additionally the US Fish and Wildlife Service (USFW) has also developed wildlife habitat data which is also on file with the Town. This data essentially predicts the habitat for the USFW trust species for the region. The data includes both upland habitat and coastal habitat. The maps for this modeled data are also included with the maps in the “Beginning with Habitat” guidebook.

D. Plant Life

The Maine Natural Areas Program has recently begun work on further identifying rare plant locations and communities in southern Maine. The following rare plants and rare plant communities have been identified in Kennebunkport:

Number	Feature Name	State Rarity*	Date Observed
1	Spartina Saltmarsh	S3	1992
2	Pale Green Orchis	S2	1991
3	Pale Green Orchis	S2	1984
4	Saltmarsh False-Foxglove	S3	1985
5	Eastern Joe-Pye Weed	S2	1992
6	Saltmarsh False- Foxglove	S3	1982
7	Small Reed Grass	S2	2000

* Rarity rankings are based on a scale of 1 (most rare) to 5 (most common). The S signifies it is a Maine ranking only. A G would signify a Global ranking. These do not necessarily represent the only such rare plant sites in Kennebunkport. They are merely the sites that have been inventoried by the MNAP.

E. Forestry

The Soil Conservation Service (SCS) ranks various soils according to their ability to produce timber. Soils are rated only for productivity, not for management problems such as erosion, hazards for equipment or seedling mortality. Eastern white pine was used as the tree species to develop the rankings. The SCS has defined prime woodland as land capable of growing wood at the economic productive growth rate for a given tree species. The only soils found in Kennebunkport which are ranked as very high or high productivity are Adams and Croghan soils. These are found in such isolated, small areas that no part of town is ideal for forestry. For most of the forested land in Kennebunkport, the soil is not rich and tree stands are still recovering from the 1947 fire.

The Maine Department of Conservation’s 2000 Tree Growth tax list identifies 19 parcels devoted to "Tree Growth," a category which entitles the owner to favorable tax rates. This is less than was noted in the previous plan by about 15 parcels and 447 acres. To qualify for the program, the lot must be ten acres or more, and the owner must employ a registered forester to

make an inventory of the lot and a harvesting schedule. The owner then shows these documents to the Tax Assessor, who notifies the State. Conversion to development brings a heavy financial penalty. Production on these parcels, which are scattered through the central and north portions of the town, is limited by slow tree growth.

According to the records of the DOC, only 291 acres of forest were harvested in Kennebunkport in the last 9 years.

The Town has designated certain town lots as the Town Forest. Sixty acres were lost several years ago in a title dispute. The budget for the Town Forester is only \$500, inadequate to cover proper forest management for the acres remaining in the forest.

F. Agriculture

The Soil Conservation Service also ranks various soils according to their importance and quality as farmland. The SCS has defined prime farmland as land that is best suited to produce food, feed, forage, fiber, and oilseed crops. There is no "prime" soil in Kennebunkport. Lyman fine sandy loam on relatively flat land could be prime when irrigation is provided, but there is no irrigated cropland in the town.

There is no accurate estimate of the amount of land actually used for agricultural purposes in Kennebunkport. There are currently 9 parcels registered in the Farm and Open Space program totaling 707 acres. Of this amount 157 acres are in active crop or open pasture land. Most of this active crop is in hay production. The remaining acreage is in farm woodland.

Although residents have gardens for their own use, farming in marginal soil is not commercially viable in this town today. There are horses kept for riding and several beef-cattle and sheep farms. Some fields, if not overgrazed down to the clay substrata, are useful for bedding hay and grazing, but large tracts would be necessary to support one animal on forage alone. Part-time farmers haven't the time to invest in fertilizing and mowing programs to produce top quality hay. Although a century ago, many citizens of Kennebunkport were farmers, it is doubtful whether any full-time farmers remain today.

With house lots selling for over \$150,000, the constraints on farming are fairly obvious. The land has much greater economic value for residential use than for farm use. A few small farms sell their own produce in farm-side stands. There is also a Farmers' market in Kennebunk which provides for locally grown produce sales one day a week. This may be the economic extent for the farming industry in Kennebunkport. However, it is also clear that these small farms and the lands currently in the Farm and Open Space Program are important parts of the "character" of the community and help maintain habitat in an important forested area of southern Maine. Retaining them as open spaces may be the most valuable strategy the Town may devise.

G. Unique Natural Areas & Vistas

The northern part of Kennebunkport contains in what is now the Farm and Forest zone a large portion of the largest contiguous natural forest along the southern Maine coast between Kittery and Brunswick. This is a unique regional area of habitats.

The estuaries in Kennebunkport have been discussed in a previous chapter.

Kennebunkport has been diligent in protecting its most beautiful shade trees. The sight of an old elm soaring above a Colonial house is not a common sight in New England anymore, but Kennebunkport still has many of these majestic trees. It is not accidental. In a nationally recognized program, Kennebunkport voters since 1980 have appropriated up to \$12,000 annually for treatment of the Dutch Elm Disease and the removal of hopelessly diseased trees. The bare spots have been filled with less vulnerable species by the Shade Tree Committee.

Many of the natural characteristics that make development so difficult in this town are the very things that are treasured by residents and tourists alike. They define the character of the town. These scenic view sheds deserve legal protection.

In many meetings with citizens of Kennebunkport, the Growth Planning Committee (for the 1996 Plan) has determined which natural areas and vistas the citizens considered most valuable. Those which received most mentions, in descending order, are as follows:

1. Ocean Avenue, from Parson's Way around to Walker's Point.
2. Cape Porpoise, including the Pier, the Harbor and the islands.
3. Goose Rocks Beach
4. The view across the mouth of the Batson River from Goosefare Farm on Route 9.
5. The Kennebunk Riverfront, including the Monastery grounds across the river.
6. The Colony Beach
7. Turbat's Creek

Kennebunkport residents and summer people together have generously supported fund raising campaigns to buy and conserve many areas of unusual natural beauty. The following Table VII-1 shows how many of our valued areas have been donated or purchased, and hence are safe forever.

These parcels are highlighted on the Lands Not Readily Available for Development Map (which includes Conservation Parcels). The acreage amounts are also highlighted in the Land Use Section.

Table VII-1: Land Dedicated to Public Interest

Ownership	Location
Kennebunkport Conservation Trust	Historic Grist Mill Property
	River Green
	Lake of the Woods
	Vaughn Island & President Bush Island
	Cape Island
	Redin Island
	Stage Island
	Goat Island
	Trott's Island
	Pinkham Island
	Bumpkin Island
	Milk Island
	Savin Bush Island
	Goose Rocks Beach lots
	Tyler Brook area (57 acres)
	Emmons-Chick lots (150 acre)
	Former Town Forest Lots (741 acres)
	Talmage Lot (85 acres)
	Forrest Lot (~20 acres)
	Town of Kennebunkport
Kennebunk River lots	
Miller lots (Log Cabin Road)	
Lots & Park (Beachwood Road near former dump)	
Cape Porpoise Pier	
Government Wharf	
Goose Rocks Beach lot	
U.S. Fish & Wildlife Service	Cape Porpoise Firemen's Park
	Batson River Estuary
	Smith Brook Estuary
	Little River Estuary

The Kennebunkport Conservation Trust has been an important educational influence. Their program of acquisitions has been low key and broadly supported. Voluntary actions enhance the feeling of community responsibility. In planning for the future of the town, this public attitude is crucial to the success of any plan.

II. ANALYSIS AND CONCLUSIONS

A. The Impact Of Soil Characteristics

As the Inventory has made clear, the poor quality of the soils which predominate in Kennebunkport has made agriculture and forestry difficult as occupations, and has thrown an economic damper on the development of housing. Because poor soil adds to the costs of extracting well water and of disposing of septic waste, it places a premium on the availability of land served by municipal fresh water and the municipal sewer system. Most of the undeveloped areas of the Town, however, are not now served either by the KK&W Water District or by the sewer system, and it is doubtful that water will ever be available from the KK&W at prices which would make large-scale agricultural use practical.

As development activity heats up again the suitability of soils for septic disposal, plays a key role. Large amounts of hydric soils as shown on the Hydric Soils Map present a limiting factor for growth. However Maine's fairly liberal standards for septic suitability (12 inches as a limiting factor) may make septic systems suitable where they may not have been only five years ago. A few options exist. One is to subsidize the extension of the municipal water and sewer systems, at considerable cost. The alternative will be to limit residential construction in areas where a growing number of septic systems may pose a threat to the quality of the well water of the prospective homeowner.

B. Wetland And Wildlife

The greatest threat to wildlife is our deep-rooted tendency to ignore it. When people build houses or organize trips to the seashore, it is doubtful that they ever do so with the intention of disturbing wildlife. But, because the fish, the birds and the animals are inconspicuous, they seldom come to mind in the face of the overwhelming joys of a new home or the pleasure of a day at the beach. So we do what comes naturally, with no thought for the birds or animals which we may have displaced, injured or frightened away. Often, it is not until a species of wildlife has totally disappeared that we begin to miss it.

In the face of this universal tendency, the Federal Government, the State and the Town have done a great deal to protect all forms of wildlife. As noted in the Inventories, bathers have been alerted to the preservation of beach grass, levels of toxicity in streams and coastal waters have been greatly improved, large areas of land have been set aside as preserves for birds and other wildlife, and protective zoning has been imposed all along the shoreline. Nevertheless, it is clear that a great deal more can be done to control the disposal of wastes, to reduce erosion, and to allot even larger areas as wildlife reserves. Hence the people of Kennebunkport will have a continuing need to examine their consciences and decide how much additional tax money they will appropriate, and how much additional restriction they will tolerate, in the interests of wildlife preservation.

Recent data made available from the Department of Inland Fisheries and Wildlife and presented to the town in November 2001, helps to define further the most sensitive and critical areas in

town. These maps are available as part of this project. The guide, “Beginning with Habitat”, provides direction in the importance of protecting riparian habitat and rare and threatened plant/animal species. IFW has identified the following rare animal species in Kennebunkport.

Number	Feature Name	State Rarity*	Date Observed
1	Black-crowned Night-Heron	S2B	1977
2	Spotted Turtle	S3	1991
	Wood Turtle	S4	1980
3	Woodland Vole	S1	1986
4	Spotted Turtle	S3	1984
5	Spotted Turtle	S3	1990
6	Spotted Turtle	S3	1992
7	Common Tern	S4B	1995

Note: The rankings are based on a scale of 1 to 5 with 1 representing the most rare or endangered and 5 the most common. These are state rankings (S).

The coast of Kennebunkport is also rich with habitat. Healthy estuaries are of central importance to sustaining fisheries and have many other biological and physical functions in the maintenance of coastal integrity. Both of these functions are of economic and aesthetic importance to the Town. The IFW maps show Piping Plover Essential Habitat, Roseate Tern Essential Habitat, Shorebird Habitat (migratory shorebird coastal staging areas), and Tidal waterfowl/wading bird habitat. The maps demonstrate the mosaic of animal life found along the coast.

C. Town Forest

In an effort to expand and permanently protect the large undeveloped wildlife habitat in the northern corner of town, voters have transferred 741 acres of the Town Forest to the Kennebunkport Conservation Trust. Additional abutting parcels are being purchased by the Trust to enlarge these holdings. Management plans are being developed and public trails are in the design phase. It is the goal of the Trust to one day create a trail system that stretches from Cape Porpoise village to the northern corner of town.

The acreage of the Town Forest after the transfer of 741 acres to the Kennebunkport Land Trust is approximately 300 acres.

D. Areas And Vistas Of Natural Beauty

It is encouraging to see that several of the locations which the citizens of Kennebunkport consider most attractive have been preserved to some degree through purchases by the Town or by the Kennebunkport Conservation Trust.

Nevertheless, continuing economic development inevitably leads to changes in appearance, and it is a rare day when those changes are judged to be for the better. Furthermore, increased taxation and regulation reduce landowners' income from the land. If, as a result, large landowners are forced to sell to developers, the town will lose much of the vacant land we all cherish. Land which is presently vacant along North Street, Goose Rocks Road, and Wildes

District Road, which has always been part of our scenery, is typical of that which is already being partitioned for subdivisions.

Another example is Oak Ridge Road, formerly a dirt road used by horses, mountain bikers and target shooters. This road is now paved and the area is currently experiencing rapid residential development. It runs through a major town aquifer. Where sand has been dug away near the road, large ponds have appeared. The land has "healed" and these ponds are now hawk and wildlife habitats. Were the land developed, this pretty refuge would disappear. Portions of this area which are located within the City of Biddeford are protected under their Stream Protection program.

We now look with new appreciation across the Kennebunk River at the Franciscan Monastery in Kennebunk. At the present time it is not for sale but the estate might be sold if the Brothers decide to return to their homeland. It is a beautiful, unspoiled stretch of riverfront with an uncertain future.

There are many other threats to the natural resources we have taken for granted for so long. We will need a lot of public support to solve these town-wide problems.

With recent mapping compiled for the "Beginning with Habitat" project, a growing GIS data base (with wetlands, soils and other environmental features), and better mapping of Town-owned lands, the Town now has an opportunity to see how all these natural resource values fit with the Town's land use plan. As demonstrated by the overlays of conservation and tax incentive programs with the natural resource mapping, land conservation and programs such as the Tree Growth program can help protect (at least temporarily) important natural resource features. A more detailed review of resources and protection options might benefit the town as they seek to prioritize their open space needs.

III. IMPLEMENTATION

STATE GOAL: TO PROTECT WETLANDS, WILDLIFE HABITAT, SCENIC VISTAS, SHORELANDS, AND NATURAL AREAS BY:

- A. DEVELOPING POLICIES AND ORDINANCES CONSISTENT WITH STATE LAW PROTECTING CRITICAL NATURAL RESOURCES;**
- B. CREATING GREENBELTS, PUBLIC PARKS, AND CONSERVATION EASEMENTS**
- C. PROTECTING UNDEVELOPED SHORELINES.**

TOWN GOAL 1: TO PROTECT RARE AND ENDANGERED SPECIES

Policy 1: Protect and preserve habitat necessary for the continued existence of all endangered species and specifically piping plovers and the possible return of least terns in Kennebunkport.

Strategy 1: Continue to enforce all sand dune and critical edge regulations.

Responsibility: Code Enforcement Officer

Timeframe: Ongoing

Strategy 2: Continue to partner with interested groups and the Conservation Commission in educating the public about steps they can take to protect piping plovers and their nest sites.

Responsibility: Conservation Commission

Timeframe: Ongoing

Strategy 3: Continue to enforce dog leash laws.

Responsibility: Police Department, Animal Control Officer

Timeframe: Ongoing

Policy 2: Protect and preserve saltmarsh habitat and saltmarsh dependent endangered species.

Strategy 1: Continue to support the acquisition of salt marsh habitat and upland habitat adjacent to saltmarsh by conservation organizations such as Rachel Carson Wildlife Refuge, Kennebunkport Conservation Trust, and the Trust for Maine's Future or by the Town.

Responsibility: Board of Selectmen

Timeframe: Ongoing

Strategy 2: Work with conservation groups to educate the public about the importance of the salt marsh and its fragile nature.

Responsibility: Conservation Commission

Timeframe: Ongoing

Strategy 3: Protect saltmarsh habitat from the adverse effects of introduced invasive species as indicated in the Land Use Ordinance.

Responsibility: Conservation Commission

Timeframe: Ongoing

Strategy 4: Work with Rachel Carson and law enforcement to enforce no trespassing signs banning water craft and other motorized vehicles from the marsh.

Responsibility: Police Department

Timeframe: Ongoing

Strategy 5: Educate the public on the use of herbicides, pesticides, and fertilizer in areas adjacent to all wetlands and waterways.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 6: Develop a document to inform and educate property owners in the critical edge of their rights and responsibilities in protecting the natural resource. The document is to be distributed by the code enforcement officer to homeowners requesting building permits, posted in the Town newsletter, and posted on the Town website.

Responsibility: Conservation Commission
Timeframe: 2 years

Policy 3: Recognize and preserve Kennebunkport's status as one of three high density vernal pool complexes in all of New England.

Strategy 1: Work with state and local researchers to identify, map, rate, and preserve Kennebunkport's vernal pools.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 2: Add the following definition of vernal pool to the Land Use Ordinance:

“Vernal pools are naturally-occurring, temporary to permanent bodies of water occurring in shallow depressions that typically fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders and fairy shrimp, and often provide habitat for other wildlife including several endangered and threatened species. Vernal pools intentionally created for the purposes of compensatory mitigation are included in this definition.”

Responsibility: Planning Board
Timeframe: 2 years

Strategy 3: Work with local schools, libraries, and media to educate the public about the importance of vernal pools.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 4: Continue to minimize harmful road salt application as practicable

Responsibility: Highway Department

Timeframe: Ongoing

Strategy 5: Adopt management practices that would preserve habitat and hydrology necessary for the rare and endangered species including, but not limited to Blanding's turtle, spotted turtle, pale green orchid, and small reed grass, which are dependent on this habitat.

Responsibility: Conservation Commission, Planning Board

Timeframe: 2 years

Strategy 6: Work with the DOT and Town highway department to accommodate known migratory crossings of endangered reptiles and amphibians as part of major road construction or repair projects. Place caution signs at appropriate sites.

Responsibility: Conservation Commission

Timeframe: 2 years

Policy 4: Identify and protect significant and essential wildlife habitats.

Strategy 1: Identify and record such areas in the Town

Responsibility: Conservation Commission

Timeframe: Ongoing

Strategy 2: Adapt Land Use Ordinance as needed to encourage habitat-friendly development where appropriate.

Responsibility: Planning Board

Timeframe: Ongoing

TOWN GOAL 2: TO MAINTAIN THE INTEGRITY OF THOSE AREAS SELECTED BY PUBLIC POLLING AND THE STATE'S SCENIC ASSESSMENT IN 1986.

Policy 1: Promote actions to preserve scenic resources and views of these resources.

Strategy 1: Adopt land use regulations recommended by Maine DEP for minimizing impact of construction in designated view-sheds.

Responsibility: Planning Board

Timeframe: 2 years

TOWN GOAL 3: TO MANAGE AND PRESERVE KENNEBUNKPORT'S NATURAL RESOURCES FOR LOW IMPACT PUBLIC USE.

Policy 1: Manage remaining town forest lands for public use.

Strategy 1: Work with the Kennebunkport Conservation Trust to connect public and private conservation lands into a continuous trail system with mutual guidelines for use and protection of the lands.

Responsibility: Recreation Department and Conservation Commission
Timeframe: 5 years

Strategy 2: Restrict use of Town-owned conservation lands to activities which do not damage or deplete its natural resources.

Responsibility: Board of Selectmen
Timeframe: 1 year

Policy 2: Ensure that the Town of Kennebunkport retains its rural heritage.

Strategy 1: Establish a municipal fund from impact fees for land conservation and recreation to be appropriated on an annual ongoing basis.

Responsibility: Board of Selectmen
Timeframe: 1 year, ongoing as funds are available

Note: Examples of properties to be acquired include, but are not limited to: wetlands, open space or view sheds, water access, aquifer protection, high value wildlife habitat, land connecting current conservation lands, and wildlife corridors.

Additional strategies may need to be included at a future time.

CHAPTER VII: ECONOMY

I. INVENTORY

The data presented in this chapter show that, in both population and wealth, Kennebunkport has grown unusually rapidly: faster than York County, faster than the state of Maine, and faster than the entire U.S. Also, largely because nearly two-thirds of the town's workers are in professional, managerial, or highly skilled occupations, per capita income is higher than in the surrounding towns, the county, the state, or the nation. Similarly impressive trends are found in the town's total real estate valuation. Much of this economic success can be attributed to tourism, summer visitors, and the popularity of the area.

A. EVOLUTION OF THE ECONOMY

The economy which we see in Kennebunkport today is a far cry from that which prevailed here over much of the town's history. The settlers who lived here in Colonial times depended primarily on fishing, trading, agriculture, and marine transportation for their livelihood. During most of the 19th century, however, these activities were eclipsed by wooden shipbuilding, through which the manual skills of the townspeople could be matched with the abundant materials available in the nearby forests, and a ready market that extended all along the New England coast. By the turn of the 20th century, on the other hand, coastwise shipping had been victimized by improved rail transportation, and the wooden sailing ship was being driven from the seas by the iron steamship. This left the town with little to depend on beside fishing and agriculture, and, as has been shown in previous chapters, the land available in Kennebunkport could support only the most basic types of farming.

Nevertheless, the same technical advances that destroyed the wooden shipping industry brought a new source of support to Kennebunkport. The spreading availability and low cost of rail transportation made it feasible for people in the great commercial and industrial centers of the Northeast to spend all or part of their summers at the seashore. Dozens of hotels were built in Kennebunkport to accommodate visitors of this type. The more affluent built their own summer homes, and most of the great houses that still line Ocean Avenue date from the 1890's through World War I. This type of vacation business, however, was highly dependent on prosperity, and during the Great Depression of the '30s, Kennebunkport was unusually hard-hit.

It was not until every family finally had a motor car, that "Everyman" could easily think in terms of spending a weekend, or just a day, along the coast of Maine, and the economy of Kennebunkport as we now see it, is essentially a product of this modern era. Almost all of the motels, B&Bs, restaurants, and shops which lure the visitor today were created during this period. In addition, a great deal has been done to improve the appearance of the town, while preserving its historic, small town character. Hence, much of the town's economic success can be credited to the perseverance, hard work, and adaptability of the townspeople. These efforts have put Kennebunkport in a good position to benefit from the continued popularity of summer travel which is generally forecasted for the future.

B. DEMOGRAPHICS

The statistics in this chapter, most of which are derived from the U.S. Census, are intended to give an economic overview of the town and its makeup. The Growth Planning Committee has questioned the accuracy of some of this information, but has used the most current and accurate statistics available.

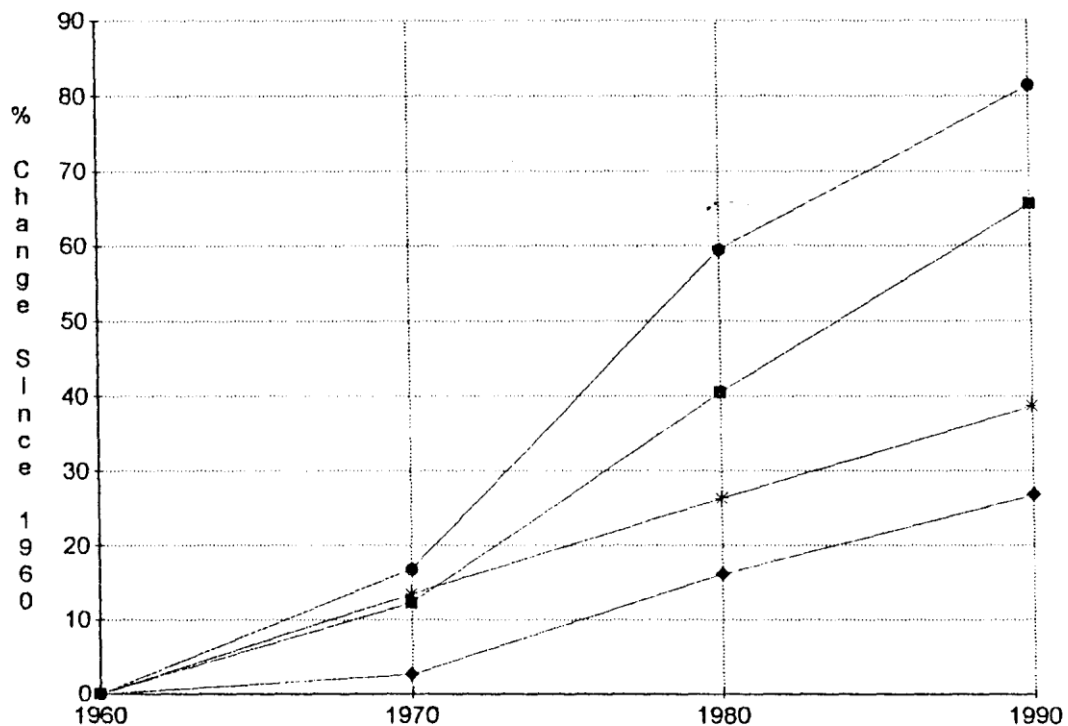
The population of Kennebunkport on April 1, 1990, according to the U.S. Census, was 3,356. While Kennebunkport's population has been growing steadily since the 1930s, its growth rate has been slower than that of the neighboring towns of the Kennebunk and Arundel, as shown in Table VI-1.

Table VI-1. Historic Population, Kennebunkport and Neighboring Municipalities

	Kennebunkport	Arundel	Biddeford	Kennebunk
1920	1,431	564	18,008	3,138
1930	1,284	546	17,633	3,302
1940	1,448	866	19,790	3,698
1950	1,522	939	20,836	4,273
1960	1,851	907	19,255	4,551
1970	2,160	1,322	19,983	5,646
1980	2,952	2,150	19,638	6,621
1990	3,356	2,669	20,710	8,004

On the other hand, as shown in Chart VI-1, Kennebunkport's population has grown faster than those in York County, the state of Maine, or the entire U.S.

Chart VI-1
Population Trends 1960 - 1990



The future population of Kennebunkport has been projected as follows by the Southern Maine Regional Planning Commission in February 1995:

<u>Year</u>	<u>Population</u>
1995	3,600
2000	3,800

Note that these projections imply considerably slower growth in population than was experienced over the previous 20 years. Population growth from 1970 to 1980 averaged 6.45% per year, and that from 1980 to 1990, 2.65% per year, whereas that projected from 1990 to 1995 averages 1.45% per year, and that from 1995 to 2000 only 1.11% per year.

Table VI-2 presents the distribution of the population by various age categories.

Table VI-2. Age Distribution, 1990

	<u>Kennebunkport</u>	<u>Arundel</u>	<u>Biddeford</u>	<u>Kennebunk</u>	<u>York County</u>
Total Population	3,356	2,669	20,710	8,004	164,587
Under 5 Years Old	167 5%	158 6%	1,487 7%	522 7%	12,185 7%
16 Years and Older	2,778 83%	2,100 79%	16,464 79%	6,250 78%	126,247 77%
18 Years and Older	2,707 81%	1,989 75%	15,909 77%	6,043 75%	121,612 74%
18_20	107 3%	116 4%	1,139 5%	272 3%	6,208 4%
21_24	115 3%	116 4%	1,516 7%	284 4%	8,188 5%
25_44	1,054 31%	949 36%	6,273 30%	2,503 31%	56,017 34%
45_54	429 13%	319 12%	1,911 9%	898 11%	16,464 10%
55_59	179 5%	123 5%	892 4%	375 5%	6,851 4%
60_64	222 7%	101 4%	981 5%	372 5%	7,076 4%
65 Years and Older	601 18%	265 10%	3,197 15%	1,339 17%	20,808 13%
75 Years and Older	257 8%	84 3%	454 2%	629 8%	7,878 5%
85 Years and Older	57 2%	19 1%	394 2%	154 2%	2,114 1%
Median Age	41.0	35.1	32.8	37.5	33.7

There are indications that Kennebunkport is attracting a growing number of retirees. The elderly, of course, are the fastest-growing segment of the population throughout the U.S., but Chart VI-2 shows that people 65 years and older make up a significantly larger portion of the population in Kennebunkport than in York County, the state of Maine, or the entire U.S. In 1990, as indicated on the Chart, they comprised 17.9% of Kennebunkport's population vs. 12.5% for the U.S. (The Chart also shows that the Town's population of children 18 years or younger was smaller by a corresponding percentage.) This aging component of the population has economic implications in terms of opportunities provided and services required. For example, some effects the Town may see are increased demand for protective and ambulance services and increased use of home nursing services, as well as possible establishment of many home occupations as older residents begin second careers working out of their residences.

Chart VI - 2

AGE DISTRIBUTION OF POPULATION 1990



C. INCOME

The 1983 per capita income for Kennebunkport was \$11,800, compared to a figure for York County of \$8,503. This local figure was up from \$8,906 in 1979 and \$3,896 in 1972. By 1989, per capita income for Kennebunkport was \$22,347. Median household income also rose from \$14,967 in 1979 to \$34,867 in 1989. Table VI-3 presents various measures of household income for Kennebunkport, the surrounding towns, and York County.

Table VI-3. 1989 Distribution of Household Income

	Kennebunkport		Arundel		Biddeford		Kennebunk		York County	
Household Income										
Less than \$5,000	92	6%	32	3%	456	6%	77	2%	2,239	4%
\$5,000_ \$9,999	83	6%	58	6%	864	11%	165	5%	4,519	7%
\$10,000_ \$14,999	66	4%	66	7%	647	8%	179	6%	4,627	7%
\$15,000_ \$24,999	239	16%	167	17%	1,535	19%	450	15%	10,977	18%
\$25,000_ \$34,999	277	18%	183	19%	1,520	19%	490	16%	11,194	18%
\$35,000_ \$49,999	217	14%	261	27%	1,746	22%	726	24%	14,422	23%
\$50,000_ \$74,999	325	22%	166	17%	917	11%	561	18%	10,049	16%
\$75,000_ \$99,999	87	6%	25	3%	192	2%	229	7%	2,338	4%
\$100,000_ \$149,999	66	4%	15	2%	49	1%	121	4%	1,033	2%
\$150,000 and over	56	4%	4	0%	50	1%	83	3%	552	1%
Median Household Income	\$34,837		\$33,098		\$28,496		\$38,227		\$32,432	
Per Capita Income	\$22,347		\$13,920		\$12,382		\$18,665		\$14,131	
Below Poverty Level	5.6%		5.1%		11.5%		5.3%		6.8%	
Elderly Below Poverty	4.5%		6.4%		14.2%		9.9%		10.6%	
Children Below Poverty	5.1%		5.6%		16.3%		5.5%		7.8%	

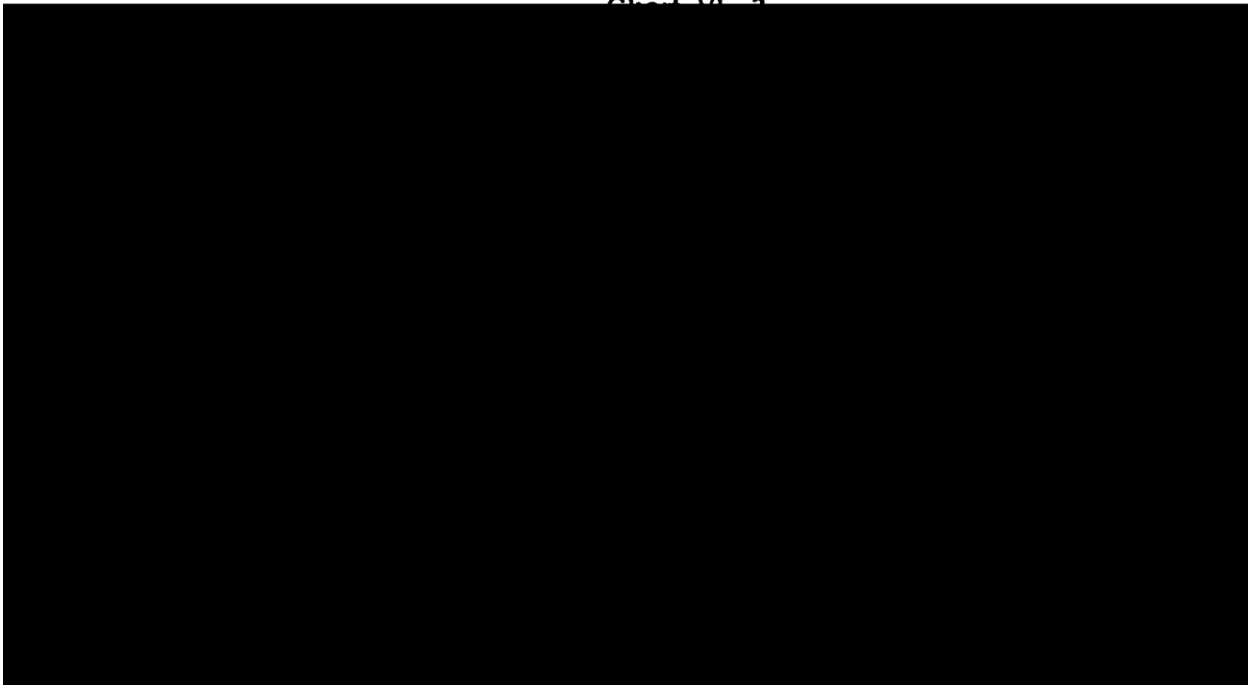
Although Table VI-3 shows that median and per capita incomes in Kennebunkport are higher than in some neighboring communities, it is important to note that the percentage of households in the town with very low incomes (less than \$10,000) was higher than in Kennebunk, Arundel, or York County as a whole. In addition, 5.6% of the households in the Town were found to be below the "poverty level" (this term is defined in Table VI-4).

Table VI-4. Average Poverty Thresholds for U.S. in 1989

Size of Household	Income	Size of Household	Income
1 Person		4 Persons	\$12,675
Under 65 years	\$6,451	5 Persons	14,996
65 years and older	5,947	6 Persons	16,921
2 Persons		7 Persons	19,162
Householder <65 years	8,343	8 Persons	21,328
Householder 65 or more	7,501	9 Persons or more	25,480
3 Persons	9,885		

Source: U.S. Census Bureau

Chart VI-3, which compares average income to median income, reinforces this point. The term "median income" refers to the income level at which the number of households receiving more equals the number receiving less. Average income, on the other hand, is the total income received by all households together, divided by the number of households. If a small number of households receive unusually high incomes, there can be a substantial increase in average income with little effect on median income. The ratio between average and median income, therefore, serves as a rough measure of disparity of income distribution. Chart VI-3 shows that this ratio is considerably higher for Kennebunkport than for York County, Maine, or the entire U.S.



D. EMPLOYMENT

Kennebunkport residents are employed in a variety of economic sectors. The 1990 Census is the most complete source of information regarding employment. The Census reports that there were 1,630 adults employed in April 1990. In a town like Kennebunkport, with a seasonal economy, it is important to realize that the Census was conducted on April 1 and residents were asked about their work activities for the prior week. Of the 1,630 adults who identified themselves as employed for the Census, 1,163 were private wage and salary workers, 182 worked for government and 285 were self-employed.

Table VI-5. Employment by Industry, 1990

<u>Industry</u>	<u>Kennebunkport</u>		<u>Kennebunk</u>		<u>Arundel</u>		<u>Biddeford</u>		<u>York County</u>	
Agriculture, forestry and fisheries	30	2%	93	2%	40	3%	75	1%	1,476	2%
Construction	102	6%	263	7%	177	12%	615	6%	6,186	8%
Manufacturing	176	11%	570	14%	349	25%	3,037	29%	20,964	26%
Transportation	52	3%	139	4%	51	4%	268	3%	2,653	3%
Communications, public utilities	38	2%	75	2%	25	2%	185	2%	1,637	2%
Wholesale trade	59	4%	166	4%	26	2%	271	3%	2,480	3%
Retail trade	*388	24%	719	18%	251	18%	1,951	19%	14,397	18%
Finance, insurance, and real estate	66	4%	306	8%	69	5%	696	7%	4,989	6%
Services	*680	42%	1,479	38%	383	27%	2,908	28%	22,883	28%
Public administration	39	2%	132	3%	44	3%	335	3%	2,999	4%

Table VI-5 presents employment by major industrial grouping for Kennebunkport, the surrounding municipalities and York County. Reflecting Kennebunkport's dedication to vacationing and tourism, services and retailing are the town's largest sources of employment. As Chart VI-4 shows, these two industries in 1990 provided more than two-thirds of the jobs enjoyed by the Town's residents, compared to exactly one-half for the state of Maine (even though it is "Vacationland") and for the entire U.S. Furthermore, services and retailing have been rapidly growing sources of employment for Kennebunkport resident, as shown in Table VI-6. From 1980 to 1990, while the total number of residents employed grew by 31%, the number employed in services grew by 70%, and in retailing by 164%.

Chart VI-4

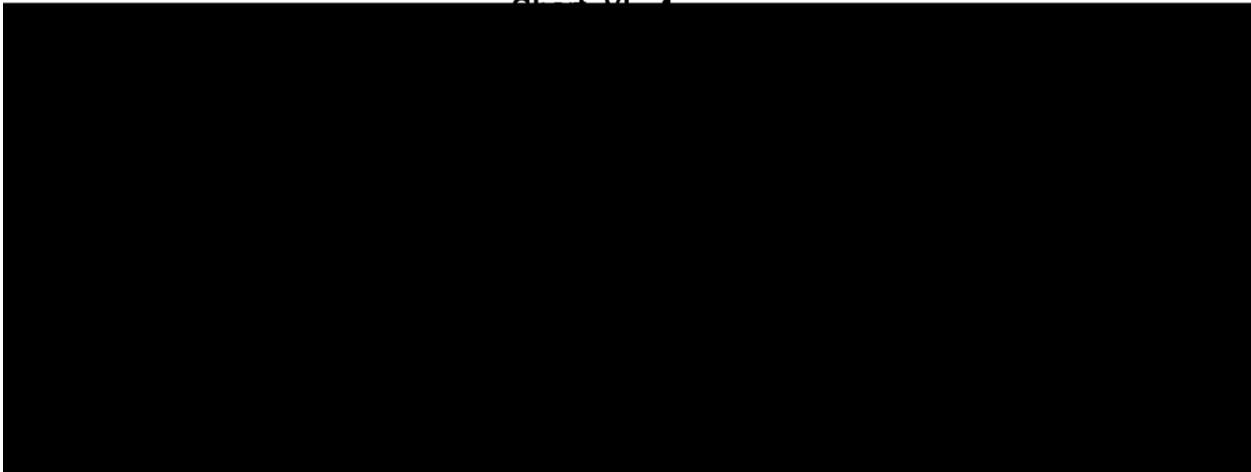


Table VI-6. Changes in Employment for Kennebunkport, 1980-1990

	<u>1980</u>		<u>1990</u>		<u>Change 1980-90</u>	
Total	1,244		1,630		386	31%
Agriculture, forestry and fisheries	77	6%	30	2%	-47	-61%
Construction	78	6%	102	6%	24	31%
Manufacturing	287	23%	176	11%	-111	-39%
Nondurable goods	129	10%	17	1%	-112	-87%
Durable Goods	158	13%	159	10%	1	1%
Transportation	67	5%	52	3%	-15	-22%
Communications, public utilities	25	2%	38	2%	13	52%
Wholesale trade	53	4%	59	4%	6	11%
Retail trade	147	12%	388	24%	241	164%
Finance, insurance and real estate	83	7%	66	4%	-17	-20%
Services	427	34%	725	44%	298	70%
Business and repair services	41	3%	28	2%	-13	-32%
Personal, entert. and recr. services	69	6%	104	6%	35	51%
Professional and related services	280	23%	548	34%	268	96%
Public administration	37	3%	39	2%	2	5

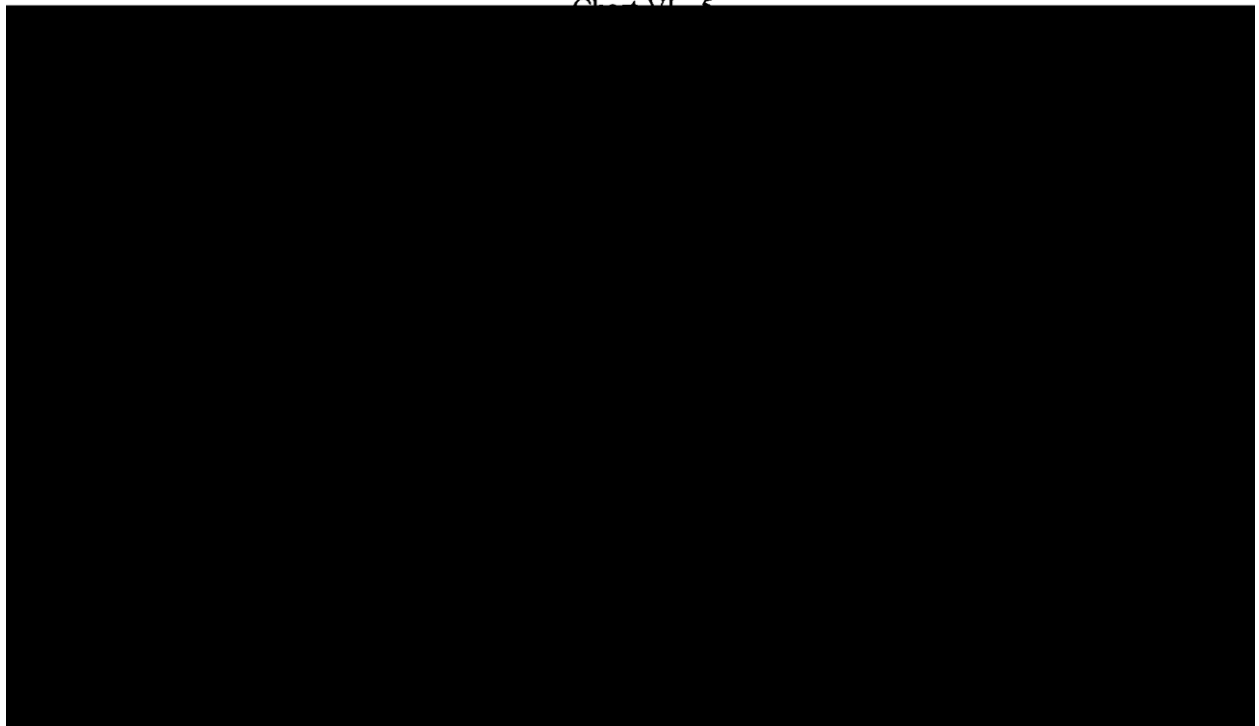
Employment by industry tells only part of the story of a town's or area's economy. Table VI-7 presents employment by occupation for Kennebunkport and neighboring municipalities, as reported in the 1990 Census. Kennebunkport had an unusually high percentage of its residents employed in professional, technical and related services, compared to business services, personal services or educational services. One-third of the employed worked in professional and related services in Kennebunkport, compared to only 18% and 17% in Arundel and Biddeford respectively. Conversely, Kennebunkport's residents were half as likely to have blue collar occupations as neighboring Arundel or Biddeford or county residents.

Table VI-7. Employment by Occupation

<u>Industry</u>	<u>Kennebunkport</u>		<u>Kennebunk</u>		<u>Arundel</u>		<u>Biddeford</u>		<u>York County</u>	
Managerial & profess.	572	35%	1536	39%	260	18%	1801	17%	19301	24%
Techn, sales, & admin support	476	29%	1282	33%	373	26%	3007	29%	22850	28%
Service	252	15%	332	8%	195	14%	1638	16%	10598	13%
Farming, forestry, & fishing	30	2%	62	2%	44	3%	98	1%	1374	2%
Precision production, craft & repair	133	8%	422	11%	278	20%	1519	15%	12342	15%
Operators, fabricators & laborers	167	10%	308	8%	269	19%	2285	22%	14302	18%

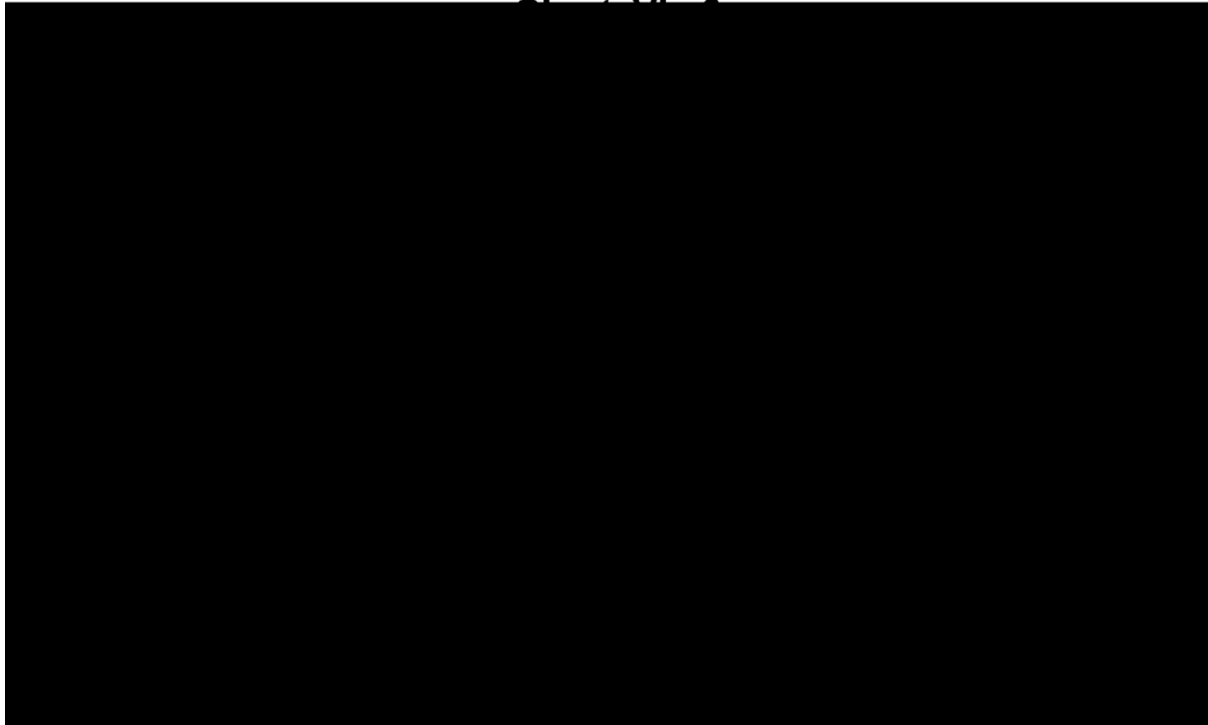
According to the Census of 1990, the number of jobs available in Kennebunkport is a fairly close match for the number of residents employed. As indicated in Chart VI-5, the number of jobs was 1,500, and the number of residents working was 1,630. Nevertheless, only 521 of the residents employed, or less than one-third, worked in the town. Another 450 worked "next door" in Kennebunk and Biddeford, and the balance worked elsewhere. Of the workers employed in Kennebunkport, a slightly higher percentage came from Kennebunk and Biddeford. These figures must be viewed in light of the fact that they represent employment in the last week of March. Because of the seasonal nature of Kennebunkport's economy, a census conducted in August might have revealed a very different commuting pattern.

Chart VI-5



E. TRENDS IN TOTAL VALUE OF REAL ESTATE

Another measure of economic progress in Kennebunkport is the increase in assessed value of taxable property within the town. Such taxable property is, of course, almost entirely real estate. Chart VI-6 compares the increase in assessed value of such



property within Kennebunkport with that for the entire United States over the period from 1975 to 1989 (the most recent year for which such data are available from the U.S. Census). Viewed over a short period, such valuations appear erratic, with intervals when values are almost static followed by abrupt changes when property is reassessed. Over a longer term, however, such valuations provide good reflections of actual market value. The chart shows that, from 1975 to 1989, the value of property in Kennebunkport increased by a factor of nearly eight, and that the increase here was about one-third greater than that for the U.S. as a whole.

It should be noted in passing, however, that the owners of the rapidly appreciating property just mentioned, with its unusually high average valuation (see Chapter VIII), are not the same group as the residents identified in the population statistics earlier in this chapter. Over 50% of the property taxes in Kennebunkport come from non-residents.

F. RECENT ECONOMIC TRENDS

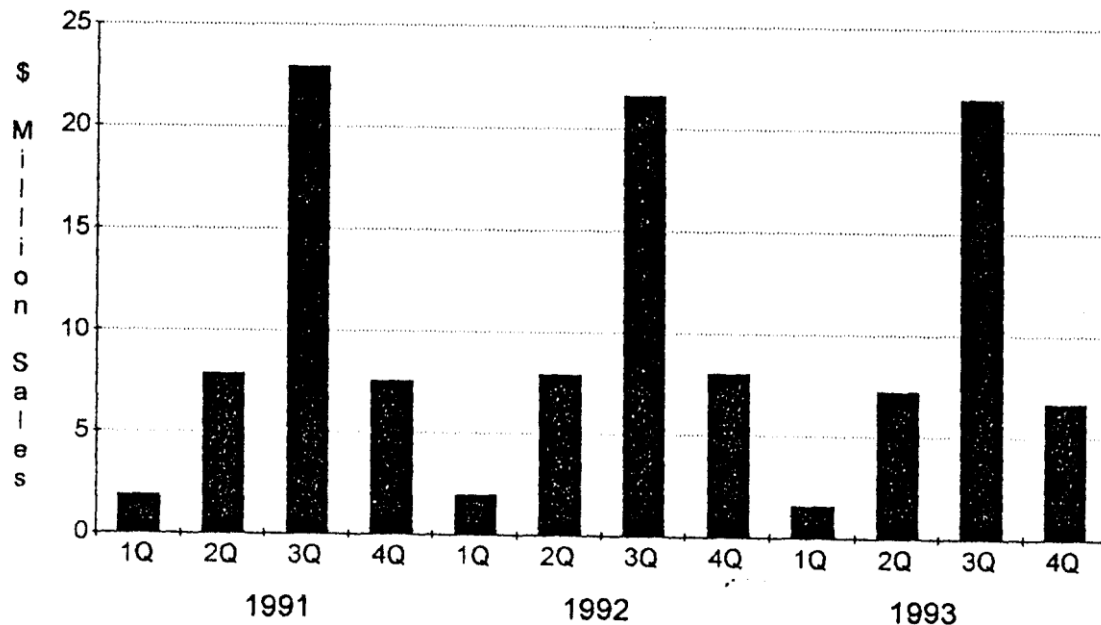
The Committee was able to identify approximately 150 businesses in the town of Kennebunkport, based on a Department of Labor survey in the fourth quarter of 1990. Of the 150 businesses, 89 were identified as tourism related. These include lodging facilities (35), restaurants (11), gift stores (31), and art galleries (12). This information emphasizes the

importance of tourism in Kennebunkport's economy. The large number of restaurants, transient accommodations, and retail stores would not exist without the tourism industry. Not only is it a source of income for town residents, but it also is directly or indirectly responsible for the creation of property value. The large percentage of seasonal homes also contribute to the town's valuation. Similarly, the demand for seasonal homes generally acts to elevate residential property values.

One of the "down sides" of an economy based on summer visitors and tourism is that it is highly seasonal. This fact is brought out by Chart VI-7, which is based on sales tax data collected by the Maine Bureau of Taxation. The bars on the chart measure taxable

Chart VI - 7

QUARTERLY CYCLES IN TAXABLE SALES IN KENNEBUNKPORT



dollar sales by lodgings, restaurants, and other types of retail establishments in Kennebunkport, but, because these industries provide such a large portion of the jobs in the town, they are also a rough measure of the seasonally varying income of many of the residents of the town. Note that sales in the third quarter of each year, which covers most of the tourist season, run more than ten times higher than sales in the first quarter, which falls in the dead of winter. Similar figures covering the years leading up to 1990 show a gradual increase in fourth quarter sales, reflecting the efforts of the local merchants to stimulate pre-Christmas sales. Chart VI-7 indicates, however, that by 1993, fourth quarter sales had fallen off again.

Another limitation of an economy based on summer visitors and tourism is that it tends to be cyclical, in that it is influenced by "consumer confidence" or the willingness to spend

disposable income. Chart VI-8, which shows total volume of taxable sales made within Kennebunkport, illustrates this effect. Taxable consumer sales in Kennebunkport grew fairly steadily from 1987 through 1991, when a “mini-recession” set in, and total sales slumped from \$40 million in 1991 to \$37 million in 1993. In 1994, consumer confidence was evidently restored, and total sales increased more than 10% to \$41 million. Informal reports from local merchants suggest that sales continued to grow in 1995.

Further confirmation of the cyclical nature of the tourist economy can be found in Table VI-8, which deals with unemployment rates. Although unemployment in all of York County seems to have been growing since 1988, the increase through 1992 was considerably sharper in Kennebunkport. The Committee does not have data since 1992 which would indicate whether or not this situation has improved.

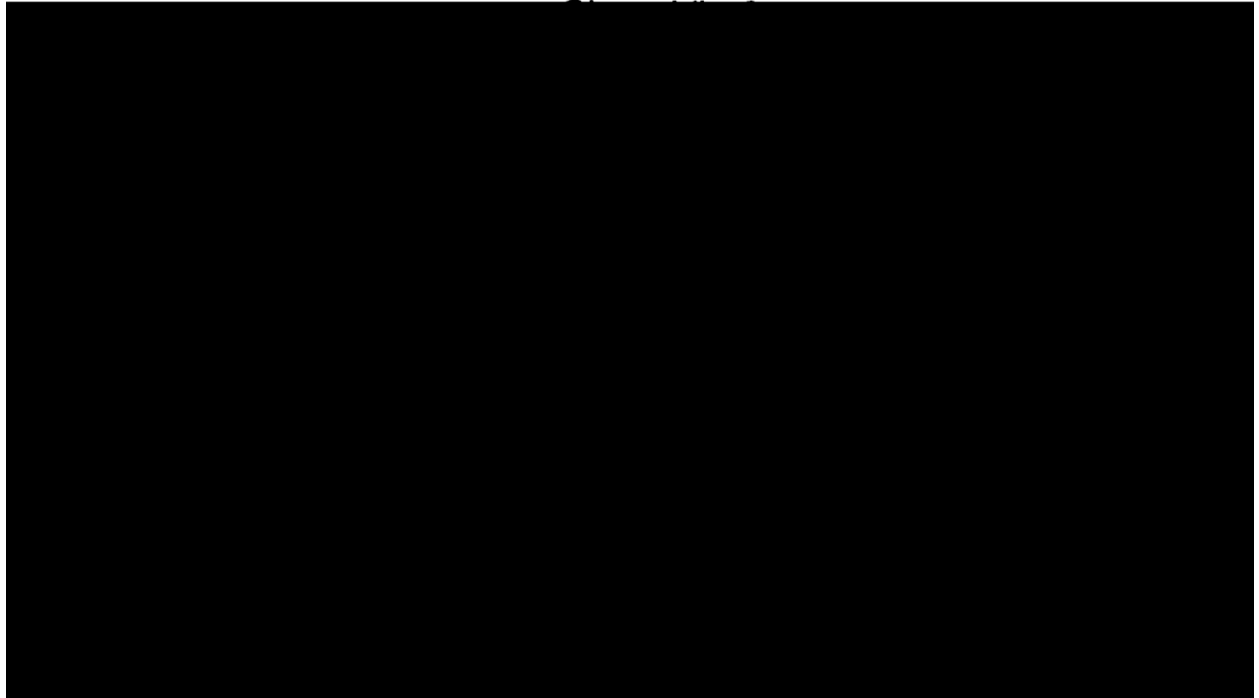


Table VI-8. Average Annual Unemployment Rates

<u>Year</u>	<u>Kennebunkport</u>	<u>Biddeford Area</u>	<u>York County</u>
1985	3.2%	4.7%	3.9%
1986	3.0%	3.7%	5.1%
1987	3.1%	3.6%	2.8%
1988	2.4%	2.9%	2.4%
1989	3.3%	3.6%	3.0%
1990	6.1%	5.6%	4.7%
1991	9.4%	8.5%	6.9%
1992	9.1%	7.7%	

A new trend in the employment picture is the growth of home_based businesses. Many retirees are beginning second careers with consulting and professional services. The home_based trend is occurring nationwide, with the explosive growth of new technology allowing employees to "telecommute" – work at home via phone, fax and computer modem.

II. ANALYSIS AND CONCLUSIONS

Kennebunkport has taken excellent advantage of the natural and marine resources discussed in previous chapters, and its economy is now solidly based on the accommodation of tourists and summer visitors. As a result, Kennebunkport has become unusually fast-growing and prosperous, and has good prospects for the future. Nevertheless, income for many is uncomfortably seasonal. While the ability of any municipal government to reshape a town's economy is extremely limited, Kennebunkport should continue to support local businesses so as to provide more jobs for those who are currently unemployed, and to improve the lot of those at the bottom of the income spectrum. Kennebunkport should do what it can to encourage greater economic stability by helping to develop sources of income which will serve as counterbalances to tourism.

The data in this chapter also make it clear that the economy of Kennebunkport is not an entity unto itself. As of the 1990 Census, only 521 residents of Kennebunkport were employed within the town. Another 1,109 Kennebunkport residents, or two-thirds of the residents who were working, worked in other town's within commuting distance. At the same time, nearly 1,000 people from nearby communities worked within Kennebunkport. Hence, in economic terms, we appear to be inextricably tied to the communities which surround us, and, in our efforts to improve the economy, we must think in regional rather than local terms.

A. TYPES OF SUMMER VISITORS

Residents have pointed out to this Committee that it is important to distinguish between the many types of summer visitors which are found in Kennebunkport. Conceptually, the visitors might be arranged in a spectrum labeled "Permanent" at one end and "Transient" at the other. Starting at the "Permanent" end, we would find people who own property in Kennebunkport and spend every summer here. Next would come visitors who spend the entire summer, but in rented quarters. After that would come visitors who spend decreasing periods of time in a variety of accommodations. At the "Transient" end of the spectrum would be "day-trippers" who come to Kennebunkport in their own cars or in tour busses, but do not spend the night at all.

In the opinion of many who have addressed the Committee, summer visitors diminish in desirability as one goes from the "Permanent" to the "Transient" end of the spectrum. "Permanent" visitors, they say, are taxpayers and are substantial, stable contributors to the economy. They regard themselves as part of the community and take a responsible attitude toward its appearance and cleanliness. "Transients", on the other hand, are minor contributors to the economy and are likely to give little thought to the upkeep of the town. Because of their numbers, however, "Transients" add greatly to the traffic and congestion experienced in many parts of town in the summers. It is a common perception that "Transients" comprise the fastest-growing segment of the Kennebunkport tourist industry. (Some confirmation of this view can be found in Chart VI-8, which shows that, while total taxable revenues reached a peak in 1994, sales of lodgings have declined steadily since 1991.)

These residents conclude, therefore, that it should be the policy of the Town to encourage "Permanent" visitors, while discouraging "Transients". Regardless of whether this view is shared by a majority of townspeople, this Committee does not know of any practical way to reduce the number of "day-trippers" who visit the town in their own automobiles. The Committee does agree, however, that the Town can and should regulate the tour busses which come into town (see Strategies in the section following).

B. BENEFITS VS. COSTS OF TOURISM

It should be a major goal of this plan to find the appropriate balance between accommodating tourism and maintaining the Town's character. Tourism, like any industry, has its impacts on the environment, public safety, services, and quality of life. A community can accommodate these impacts to some degree by improving its infrastructure (police, fire, public works, roads and parking), but the costs to the Town of providing such services for tourists must be recognized. More fundamentally, many residents feel that tourism, with its crowding and traffic, destroys the quiet village atmosphere which attracted them to Kennebunkport in the first place. Without tourism, on the other hand, the Town's total job income and property valuation would diminish. The result would be a drop in the Town's overall standard of living, as well as an increase in the tax rate.

C. OTHER CAUSES FOR CONCERN

Despite the generally favorable economic picture painted in this chapter, the data shows several aspects which justify concern:

1. As of 1989, 12% of the households within the Town had annual incomes less than \$10,000, and 5.6% were living at or below the "Poverty Level." While this figure has not been confirmed by more recent statistics, the fact that unemployment has been increasing in recent years, suggests that it has, if anything, become larger. If indeed nearly 200 people here are living in poverty, this condition deserves investigation.

2. For a much larger portion of the town, earnings are highly seasonal. A chart earlier in this chapter showed that retail sales in the third (i.e., summer) quarter tend to be about ten times those in the first (or winter) quarter, and this same variation will tend to apply to the incomes of most of the 68% of the working population which depends upon services and the retail trade.

Such seasonality, of course, is inherent in the summer tourist trade, but clearly greater stability of income would be preferable.

3. The data also show that income derived from tourism tends to be cyclically dependent on popular perceptions of "prosperity." When tourism experiences a cyclical downturn, as it did from 1991 to 1993, the residents of the town lose both jobs and income. It is, therefore, desirable to seek ways to minimize this effect.

4. Readers should also remain cognizant of another important limitation to economic growth. Under current environmental regulations, any new hotels, motels, restaurants, or even individual residences, if built in those parts of town which are most popular with summer visitors, will require a connection to the sewer system. Yet the Kennebunkport sewerage treatment facility is operating very close to capacity, and new connections to the system are, in almost all cases, prohibited. Because the tourist business has grown little since 1991, this limitation has not been burdensome, but if growth accelerates during the next few years, it will become so. Hence it must be recognized that expansion of the treatment facility is a necessary foundation for significant economic growth.

D. POSSIBILITIES FOR THE FUTURE

Because vacationers and tourists are the principal foundations of Kennebunkport's economy, municipal policy could be expected to support and stimulate activities associated with them. While recognizing the importance of tourism to the town's economy, it may be advantageous to lessen the town's dependence on tourism. The paragraphs which follow will suggest ways to accomplish this without acting to the detriment of other aspects of life in the community.

It is by no means obvious where we should look for economic inputs which would supplement tourism. Manufacturing, on which much of the nation's economy depends, is the solution toward which most communities turn. Over the last 50 years, however, manufacturing has declined in importance so as to become a very small factor in most parts of York County. This region's isolation from both raw materials and markets makes it improbable that manufacturers can be lured here. Furthermore, the absence of educational centers in York County makes it unlikely that technology-based companies could be incubated here, as they have been so successfully around Boston and Palo Alto.

Nevertheless, there may be two desirable economic groups which the town can attract successfully:

1. Retirees. Kennebunkport is already an attractive haven for retirees. As data in this chapter showed, people 65 years of age or older made up 18% of the town's population in 1990, a figure higher than for any of the surrounding towns, the county, the state, or the U.S. In addition, the actual number of retirees here may be higher for much of the year, since many retirees spend nearly half the year in Kennebunkport, but still claim legal residence in Florida or some other southern state. In either case, these people, when here, are stable consumers of goods and services. From the standpoint of the Town, they are ideal citizens, since they pay a full share of taxes, but make no demands on the school system at all. Part of the mechanism to lure new retirees to Kennebunkport is already in place; almost all of the present retirees were formerly summer visitors, which is how they became "hooked" on the town. There are a number of health

facilities, social activities, and recreational centers in the area that specialize in services that appeal to this age group.

2. "Connected Businesses". This term is meant to describe any business which is connected to its customers and its suppliers mainly by telephone, fax, computer, or other electronic means. To the extent that the business depends only upon electronic interconnection, it can be located anywhere. That being the case, the business can be where the owner would like to live, a situation which becomes favorable for Kennebunkport.

These businesses can be software developers, consultants, product designers, sales representatives, or any business that can be conducted electronically. Such a business becomes a stable employer and could be easily accommodated within the confines of the Town.

This home-based business trend is growing nationwide. National newsmagazines predict that 50% of the households in America will be involved in a home-based business by the year 2000. A trend of this type could help stabilize the up and down economy of tourist areas by providing primary or secondary income unaffected by seasonal fluctuations.

III. IMPLEMENTATION

STATE GOALS AND GUIDELINES:

INCREASE JOB OPPORTUNITIES AND ECONOMIC WELL BEING.

TOWN GOALS:

- 1. MAINTAIN THE ECONOMIC FOCUS OF THE TOWN ON SUMMER VISITORS, YET ENSURE THE BENEFITS ARE NOT OUTWEIGHED BY THE IMPACTS ON NATURAL RESOURCES, TOWN FACILITIES, AND QUALITY OF LIFE.**

- 2. PROVIDE THE MEANS WHICH WILL BEST ACCOMMODATE THE GROWTH OF TOURISM WHILE CONTINUING TO MAINTAIN KENNEBUNKPORT'S ENVIRONMENT, PUBLIC SAFETY, SOCIAL SERVICES, RECREATIONAL OPPORTUNITIES, AND ACCESS TO WATER, AS WELL AS VILLAGE ATMOSPHERE.**

POLICY 1: The Town's decisions on policies related to tourism and summer visitors should be based on public understanding and discussion.

Strategy 1: Appoint a Committee to evaluate the impact on the community of summer visitors of all types and to recommend Town policies toward those visitors which will best serve the interests of residents, businesses, and Town government. In so doing, seek to develop a system for quantifying the costs of municipal services and facilities necessitated by such visitors, as well as the offsetting municipal revenues derived from properties used by such visitors.

Responsible Party: Selectmen, Town Manager, Department Heads, Budget Board, Growth Planning Committee

Recommended Time Frame: Ongoing

POLICY 2: Recognize the importance of scenic beauty and architectural heritage in attracting visitors.

Strategy 1: Review the Town's tax assessment policy and the Land Use Ordinance to see if adequate weight is attached to the importance of preserving scenic beauty and architectural heritage in the face of demands for modification or development (refer to Chapter VII).

Responsible Party: Growth Planning Committee

Recommended Time Frame: Ongoing

Strategy 2: Publish maps and improve the sign program. Signs should complement the town's architectural heritage and scenic character and assist tourists to find their intended destinations.

Responsible Party: Sign Committee, Chamber of Commerce, Kennebunkport Business Association

Recommended Time Frame: 1997

TOWN GOAL 3:

PROMOTE THE ABILITY OF KENNEBUNKPORT RESIDENTS TO DEVELOP BUSINESSES.

POLICY 1: Simplify and speed up the requirements for establishing home occupations.

Strategy 1: Review and refine the definition of home occupations.

Responsible Party: Zoning Board of Appeals, Growth Planning Committee, Code Enforcement Officer, Planning Board

Recommended Time Frame: Within one year of adoption of plan

- Strategy 2: Allow home occupations in all zones.
 Responsible Party: Zoning Board of Appeals, Growth Planning Committee, Code Enforcement Officer, Planning Board
 Recommended Time Frame: Within one year of adoption of plan
- Strategy 3: Continue home occupation permitting by Zoning Board of Appeals.
 Responsible Party: Zoning Board of Appeals, Growth Planning Committee, Code Enforcement Officer, Planning Board
 Recommended Time Frame: Ongoing

TOWN GOAL 4:

PROTECT RESIDENTIAL USES FROM THE ADVERSE IMPACTS OF COMMERCIAL USES.

- POLICY 1: Minimize the impacts that tourist-related traffic has on the village area and residential neighborhoods.
- Strategy 1: Develop regulations for bus tour operators on parking, loading/unloading and travel and provide effective communication to operators and enforcement.
 Responsible Party: Bus Committee, Police Department
 Recommended Time Frame: Within three months of adoption of plan
- Strategy 2: Encourage private transportation services in town, including connections with intercity rail and bus terminals along Route One.
 Responsible Party: Newly formed Transportation Committee
 Recommended Time Frame: Ongoing
- Strategy 3: Investigate the provision of an additional town-owned parking facility.
 Responsible Party: Transportation Committee
 Recommended Time Frame: Within one year of adoption of plan

CHAPTER VIII: LAND USE

I. INVENTORY

A. Existing Land Use

The Town's zoning ordinance, related to dimensional requirements is relatively unchanged since the last plan was adopted in 1996. These regulations along with the size of each zoning district in acreage are:

District	Minimum Lot Size Per Use	District Size Acreage	Percentage of Total Land Area
1. Village Residential	40,000 Sq ft	936	7%
2. Village Residential East	40,000 Sq ft	304	2%
3. Dock Square	20,000 Sq ft	7	1%
4. Riverfront	20,000 Sq ft	26	1%
5. Cape Arundel	40,000 Sq ft	419	3%
6. Goose Rocks	40,000 Sq ft	1708	13%
7. Cape Porpoise East and West	20,000 Sq ft	380	2%
8. Cape Porpoise Square	20,000 Sq ft	37	1%
9. Free Enterprise	40,000 Sq ft	3339	26%
10. Farm and Forest	3 acres	5638	44%

*percentages rounded

12794 Total Acreage
19 Square miles

B. Analysis of existing growth and development

For the most part, the land use statistics reported in 2007 still reflect the general distribution, density and number of land uses that exist today. The Village Residential, Cape Porpoise, and Goose Rocks areas still contain the largest concentration of single-family dwellings, while the highest valued commercial nodes are still located in the Dock Square, Village Residential, and Riverfront zones. Many large vacant tracts of land that are located within Free Enterprise and Farm and Forest have potential for further subdividing. Development constraints, such as wetlands, soil types, etc., must be considered to determine the growth potential of these lands. A break out of all vacant land is shown on the Developable Land Map. This map indicates fully developed land and land that holds development potential under current zoning. This map also indicates where less dense development patterns have occurred.

Parcels that are committed to conservation are also a significant data set that was not reported in 1995. Landowners that have set aside their land for conservation have given

up entirely, or have significantly restricted, all future development rights. At present, approximately 563 acres are part of the federally owned Rachel Carson National Wildlife Refuge and 1892 acres are owned by the Kennebunkport Conservation Trust. This includes approximately 876 acres of Town owned land that was transferred to the Trust. In addition, 80 acres of privately owned land are protected with conservation easements.

Current use tax programs represent a large number of acreage in town as well. These programs include tree growth, open space, and farmland. Unlike conservation areas, these properties can discontinue the tax use program and be used for development purposes. Over 928 acres throughout the Town of Kennebunkport are in the tree growth program, about 66 acres in open space, and just over 350 acres in agriculture.

C. Recent Commercial Growth

While residential development is subject to a growth cap, commercial development is not similarly constrained. In theory, this could allow for large amounts of commercial growth that would not be subject to any type of growth control. The recent approvals of Fishing Pole Ln (AKA Hidden Pond) is a good example of one of the current trends in commercial development seen in coastal communities. Fishing Pole Ln started out as a residential mobile home park, but has since been converted to a commercial hotel/motel complex. As a residential subdivision it was subject to the Growth Control Ordinance, and therefore limited to 7 permits per calendar year. It is important to note that of the subdivision growth permits issued in 2007 and 2008, 14 of those dwellings are in Fishing Pole Lane. With the conversion of this project to a commercial hotel/motel complex it is now no longer subject to the Growth Control Ordinance. This leads one to question the emphasis around residential growth and its perceived impacts, vs the less restrictive commercial development standards governing uses such as hotel and motel applications.

After a close review of existing land uses it is clear the Kennebunkport is largely a residential town, with many commercial uses that could be constructed within primarily residential areas. It is important to note, however that besides the construction of Hidden Pond, and the re-development of the Beachwood Resort there has been very little active commercial growth, besides redevelopment within existing commercial areas.

A healthy balance of commercial growth is certainly necessary to supplement the town's tax base and provide jobs for local residents; however this committee questions the logic of providing limited guidance in assigning appropriate standards and locations in town for this type of development. This type of development is more appropriately directed towards areas of town that have sewer and water and are closer in proximity to existing commercially developed areas, vs. predominantly rural residential areas that

are serviced by wells and septic, and are being actively conserved to retain their rural character.

D. Analysis of Growth Cap

In 2003, the Town enacted a Growth Cap limiting the number of permits for new dwelling units to 48 per year, with a maximum of 24 units per year allowed for lots in subdivisions. The intent of the ordinance governing the growth cap was to set a pace of residential growth that was considered reasonable that would allow for some control as not to overwhelm town infrastructure or essential services. The total was evenly split between subdivision development and non-subdivision lots with subdivisions being restricted to a total of seven permits per subdivision per year. Any subdivision growth permits that are unused as of October 1 of a given year are then released to non-subdivision applicants on the waiting list.

From 1998-2002 (the five years preceding its enactment), an average of 55 new units were added per year. In 2003 and 2004, the average was 46 units. This slowdown was due in part to the approval of the Foxberry Woods and High Point Farms subdivisions in late 2002 just before the growth cap took effect. These two projects alone accounted for 48 new units. Additional information that is provided starting in 2003 relates specifically to the effects of the growth cap.

Summary of Residential Building Permit Activity from 2000 to Present

YEAR	NEW DWELLINGS	SUBDIVISION	(Subdivision) CONVERTED TO BUILDING PERMITS	NON-SUBDIVISION	(Non-Subdivision) CONVERTED TO BUILDING PERMITS	DATE LAST PERMIT ISSUED FOR YEAR
2000	38					
2001	40					
2002	*79					
2003	41	20	20	23	21	12/30/2003
2004	42	14	13	36	29	12/14/2004
2005	45	16	14	31	31	12/22/2005
2006	22	4	4	25	18	12/11/2006
2007	22	10	**10	15	12	12/26/2007
2008	14	10	**10	11	11	12/31/2008

***30 of these dwellings were assigned to two-family dwellings resulting in 15 structures.**

****7 of these dwellings were assigned to Hidden Pond**

Since the growth control ordinance was enacted approximately 65% of residential growth in town has been on property that either is grandfathered or was split without undergoing any type of subdivision review. These properties must meet all of the minimum lot standards that the town requires, however they are not required to meet any open space, drainage or subdivision road standards. Since the subdivision review process exists to ensure that new development does not negatively impact the public's health, safety and welfare, the Growth Planning Committee questions the merits of a growth control policy that effectively results in disproportionately more residential growth that is not subject to subdivision standards and review. Subdivision review provides for effective storm water management, subsurface waste water review, and effective protection of sensitive water supplies and wildlife habitat.

Another issue is that the existing growth cap does not differentiate between new development in growth and rural areas. Undeveloped lots in close proximity to town sewer and water are scarce and often quite expensive. This has led to pressure for development in rural areas—more than 50 percent of new units built since 1995 have been in either the Free Enterprise or Farm & Forest Zones.

In summary, Kennebunkport's present growth cap has slowed the overall pace of growth somewhat, but it has failed to support the Town's planning goals of ensuring orderly growth and encouraging growth adjacent to current village centers. Specifying which zones are more appropriate than others to receive growth will be a more effective growth management tool, as designated growth zones will be identified based on the presence of existing infrastructure.

E. Land Use Ordinance Issues

In recent years, the Planning Board has requested assistance from Southern Maine Regional Planning Commission to help it review a variety of applications. In the course of those reviews, SMRPC staff, Board members, and Town staff have discussed a variety of issues with the Kennebunkport Land Use Ordinance that should be addressed in the years ahead. These have been listed in order of importance, from highest to lowest:

1. Water Quality and Supply

Commercial developments and large scale residential developments which have densities greater than allowed for single family dwellings and that are not connected to public water and sewer may have an adverse impact on existing aquifers and their quality.

2. Mobile Homes

The state laws regulating mobile home parks could lead to residential densities greater than allowed for under current zoning.

3. Permitted Uses

The generous and lengthy lists of conditional uses in the Farm & Forest and Free Enterprise Districts do not appear to be consistent with the purpose and location of those districts.

4. "NET vs. Gross"

Considerable discussion surrounds the use of net square footage vs. gross square footage in determining buildable lots. Using net square footage often results in lots that are considerably larger than the zoning district requires. Using gross square footage at the local level would not necessarily negate state minimum requirements regarding septic systems, wetland considerations, or state subdivision requirements.

5. Commercial Development

Existing standards for Commercial Development are not adequate to minimize unwanted impacts on neighboring parcels.

6. Square Footage & Volume Matters

Private roads that over time have experienced extensive individual lot division take on characteristics of a sub-division, however don't meet the sub-division requirements add to the appearance of town wide "sprawl" in "Farm & Forest" and "Free Enterprise" zones.

7. Overlay Zoning

In the highly developed portions of the Kennebunkport, such as Dock Square, Riverfront and Cape Porpoise, the Town has not created a Shoreland "General Development"-type district, as suggested by DEP Guidelines. Instead, the same standards of the Kennebunkport Shoreland Overlay Zone are applied uniformly and not adjusted along the entire coast, regardless of what type of coastline is present. For instance, in Dock Square, where the most intense use of land occurs, the Resource Protection standards apply as in sparsely developed estuarine areas.

8. Distinctions in Different Zones

There are few meaningful distinctions in dimensional standards between the different zones. Outside of the farm and forest zone which requires a 3 acre minimum lot size, the other zones require either a minimum lot size of 20 or 40 thousand square feet. Dimensional requirements should be tailored to meet zones that are appropriate to each use.

9. Arterial & Feeder Roads

Setbacks along State arterial and feeder roads are not adjusted to allow for future highway & infrastructure expansions.

10. Village Zones & Patterns

During the reviews of recent subdivisions along Route 9 near the Consolidated School, it has been noted that extensions of the village pattern, with small lots, and low setbacks, would not be permitted under existing zoning.

11. Historic Preservation

There are no design controls and few historic preservation provisions in the ordinance. Kennebunkport has a wealth of historic structures, but unlike other similar communities, has not adopted any building design standards, or design review procedures. In recent years, concern has heightened over the possibility of demolitions or the constructions of overly large homes which may alter the historic character of the town.

II. ANALYSIS AND CONCLUSIONS

A. Future Land Use Considerations

Undeveloped land with access to public water/sewer and is very limited. The zones with the most commercial development have very little undeveloped land, however available land increases as you move into the Free Enterprise and Farm and Forest Zones.

As the town looks to its future, an awareness of existing land development opportunities and constraints is needed. A common technique for this is a Developable Land Analysis.

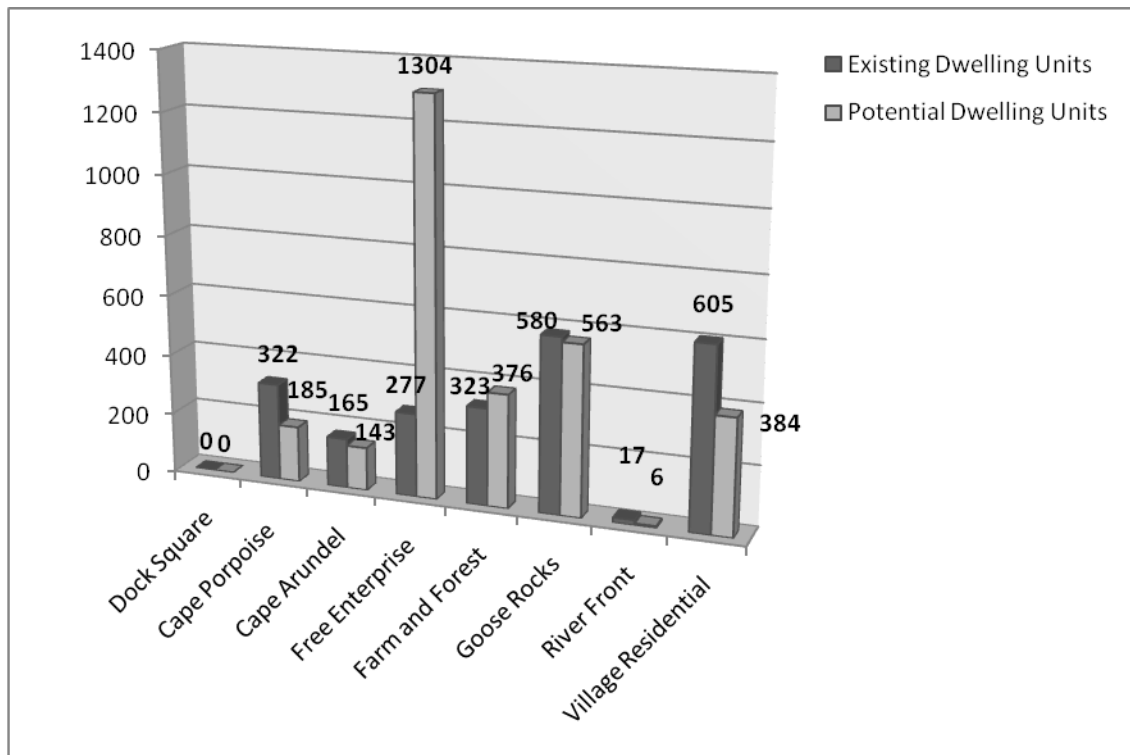
In general, this analysis is produced in the following manner:

1. Determine the developable land area of the developable parcel
 - a. By subtracting land which is either in wetlands, steep slopes, or flood plains.
 - b. If there is a house on the lot, subtract the min lot size
 - c. Multiply the total by the efficiency factor (which represents land used for roads, odd lot sizes, additional site constraints.) This factor is 70% for all zones but Farm/Forest where it is 50%.
2. Determine the status of each parcel
 - a. Conserved – therefore no further development
 - b. Government Owned – not likely to have residential development
 - c. Commercial/Industrial – remove parcels utilized for commercial and industrial uses
 - d. Cemetery/Recreation/Civic/Utility – remove parcels from development
 - e. Fully Built Out – parcels whose developable acreage is less than the min. lot size for the zone
 - f. Developable – remaining parcels with further development potential

3. Determine potential new units for Developable Parcels
 - a. Divide developable area/min lot size and multiply by the efficiency coefficient. The minimum lot size is determined by the underlying zoning for each parcel.

4. Imperviousness for each sub watershed is calculated in the following manner:
 - a. Determine existing imperviousness from 2001 Impervious data layer from State of Maine
 - b. Calculate potential future imperviousness from % impervious surfaces allowed under zoning (20% in all zones but Farm/Forest where it is 10%)
 - c. Add the two values together and divide by the total area for the sub watershed to determine possible percent impervious under current conditions.

By doing this analysis on a parcel by parcel basis one is able to gain a greater level of accuracy rather than looking at the towns land mass as a whole. Based on this format for analysis the current zoning districts in Kennebunkport have the potential for approximately 2,960 new dwelling units based on current zoning. Currently Kennebunkport has approximately 2,289 dwelling units. These are split up amongst the following areas:



Relative to other zones in the town Farm and Forest, Free Enterprise and Goose Rocks Zones hold a great deal of development potential.

III. FUTURE LAND USE PLAN

A. Town-Wide Strategies

Kennebunkport has a number of remarkable attributes that call for preservation. The natural resources in town that attract growth and make Kennebunkport an attractive place to live, are also responsible for endangering those very resources. There is both growth and one of the largest (over 2000 acres) contiguous undeveloped field and forest tracts in Southern Maine, which also contains some endangered species; multiple fresh-water wetlands and vernal pools; three important estuaries with excellent marshes and miles of coastline; two centers of commercial fishing activity and an evolving old fishing village center; a National Register Historic District with structures dating from colonial times through a period of great maritime activity to the present; a classical summer colony also recognized as a National Register Historic District; a bustling riverfront with mixed commercial and recreational uses; and a busy commercial center attractive year-round to tourists and residents alike. Developed residential areas are open and neighborly.

The challenge to planning for growth is to channel it in such a way as to maximize the preservation of those attributes that make Kennebunkport such a target for growth, while allowing for orderly growth. Data show that recent growth, as measured by building permits, has been almost randomly distributed through Town, without regard to sensitive areas or supporting infrastructure. The Growth Planning Committee encourages growth in areas that are already developed, where infrastructure exists, and suggests restricting growth in areas where preservation of open space is desirable or where there is reason to minimize the environmental impact of development, such as areas around estuaries.

The Growth Planning Committee has reviewed the concept of clustering to preserve open space even in developed areas and recognizes that multiplex uses of structures can be thought of as a help to affordability. With this concept and a liberalization of requirements for accessory apartments, "affordable housing" can be woven into all sections of Town. We believe that regulated growth of population and of tourism can occur without destroying the quality of life and the ambiance in the Town that makes it so attractive both to tourists and prospective new residents. We make note, for example, of the recent negative reaction in Town to a proposal for a gated community. Gated communities are not in keeping with the character of Kennebunkport.

The guiding precepts by which this Land Use Chapter was developed are:

- Growth planning is essential. Recent growth has been randomly distributed without adequate regard to infrastructure, aesthetics, environmental protection, sustainable future growth (efficient use of developable land), or maintenance of valuable and wanted Town attributes.
- The advice of the Visioning Session of townspeople, October 19-20, 2003 and the responses by over 900 voters to a town-wide survey must be regarded. (See Appendix A)
- The recommendations of the State Planning Office will be responded to in future Comprehensive Plans.
- Maximum protection of open space by the use of clustering and consolidating of dwelling units is important.
- Improve affordability in as many areas as possible without impairing the character of the Town is a priority. Examples of affordable housing options include liberalizing accessory apartment rules, and those for roomers, home occupations, and multiplex dwellings.
- Protect environmentally sensitive areas by directing growth away from them, while minimizing adverse impacts on property owners in such areas by directing growth to maximize the use of existing infrastructure.

IV. IMPLEMENTATION

STATE GOAL: ORDERLY GROWTH AND DEVELOPMENT WHILE PROTECTING RURAL CHARACTER AND PREVENTING SPRAWL.

STATE GUIDELINES: DESIGNATE "GROWTH" AND "RURAL" AREAS; CREATE GREENBELTS, PUBLIC PARKS, AND CONSERVATION EASEMENTS.

TOWN GOAL 1: ENSURE ORDERLY GROWTH AND PREVENT SPRAWL

Policy 1: Encourage growth adjacent to current village centers. Growth should be compatible with and integrated into existing areas and existing infrastructure.

Strategy 1: Revise the Land Use Ordinance by allowing uses which are supportive of the zone narratives in Chapter #2 (Town Character)

Responsibility: Planning Board
Timeframe: 1 year & ongoing as needed.

Strategy 2: Perform an analysis of the Growth Control Ordinance to determine its effectiveness in directing growth.

Responsibility: Code Enforcement/Planning Office
Timeframe: 1 year & ongoing as needed.

Strategy 3: Encourage growth in areas where town infrastructure exists by altering the growth cap accordingly.

Responsibility: Board of Selectmen/Code Enforcement/Planning Office
Timeframe: 1 year & ongoing as needed.

Strategy 4: Future mobile home parks, motels and hotels are to be directed to areas of town that have sewer and water as an existing infrastructure or to areas that are planned for such expansion.

Responsibility: Board of Selectmen
Timeframe: 1 year & ongoing as needed.

Strategy 5: Growth principles allowing the expansion of the traditional neighborhood design should be used to allow for the expansion of typical land use characteristics found in Kennebunkport's village.

Responsibility: Board of Selectmen
Timeframe: 1 year & ongoing as needed.

Policy 2: Encourage and protect open space and agriculture.

Strategy 1: Identify appropriate areas to be preserved.

Responsibility: Board of Selectmen and Kennebunkport Conservation Trust.
Timeframe: Ongoing

Strategy 2: Delineate the boundaries and consider, where possible, creating greenbelts and/or public parks to surround and preserve open space between established areas of development to preserve their geographical and historical identity.

Responsibility: Planning Board and Board of Selectmen
Timeframe: 2 years & ongoing as needed.

Strategy 3: Limit, as appropriate, allowed uses to those compatible with wildlife, endangered species, and environmentally sensitive areas.

Responsibility: Board of Selectmen and Kennebunkport Conservation Trust.
Timeframe: Ongoing

A survey of the Town of Kennebunkport was completed in 2001 regarding the Town's natural resources. The outcome of that survey is a three-ring binder with associated maps. A copy is in the possession of Southern Maine Regional Planning Commission (SMRPC), the Kennebunkport Town Manager, the Growth Planning Committee, and the Conservation Committee. The report is titled "Beginning with Habitat an Approach to Conserving Open Space".

High value wildlife habitat has been mapped, including, the location of deer yards, endangered species, wetland complexes, and large undeveloped blocks of land. According to Donald Cameron, Botanist-Natural Areas Program, ME Dept of Cons, Kennebunkport harbors one of the largest remaining contiguous blocks of forest left in the coastal region between Kittery and Brunswick. In addition, the habitat of Kennebunkport has strong regional significance. Most of the entire town is contained in the Biddeford/Kennebunkport Vernal Pool Complex Focus Area as identified by the Maine Natural Areas program (MNAP). This is an unusually dense concentration of vernal pools that provides habitat for several rare plant and animal species such as pale green orchis, small reed grass, Blanding's turtle, and spotted turtle. This vernal pool complex is one of only three similar high-density complexes known to exist in all of New England (according to Philip deMaynadier, Endangered Species Biologist with Maine Department of Inland Fisheries and Wildlife (IFW). Large unfragmented blocks of the size found in the northern and eastern portions of Kennebunkport are increasingly rare in southern Maine and need to be conserved if existing species diversity is to be maintained (Maine Department Inland Fisheries and Wildlife Beginning With Habitat manual). This large block area of Kennebunkport also contains a Deer Wintering Area (DWA) as defined by IFW and approximately 2 miles of riparian habitat rated as high value by the USFWS Gulf of Maine Project.

Strategy 4: Actively promote conservation easements and study Transfer of Development Rights (TDR).

Responsibility: Planning Board and Kennebunkport Conservation Trust
Timeframe: Ongoing

A conservation easement is a voluntary agreement between a property owner and a land trust or local government that limits or prohibits future development of the property and mandates stewardship of natural resources. Land under conservation easement is taxed at a rate reflecting its reduced value. Conservation easements must be recorded in the York County Registry of Deeds.

In a TDR program, the Town designates forested or agricultural areas it would like to preserve. Developer's can then purchase development rights from landowners in these zones. The farm and/or forest lot is protected from development, the landowner receives an influx of cash, and the developer earns the right to decrease lot size and increase density in designated growth areas close to established Town and utility services.

TOWN GOAL 2: PROTECT OUR COASTLINE

Policy 1: Create new and maintain existing public access to the coastline

Strategy 1: Establish, maintain, map and enforce public access to the coast.

Responsibility: Board of Selectmen

Timeframe: Ongoing

Strategy 2: Inventory and identify coastal properties and uses that may be appropriate for future public access

Responsibility: Board of Selectmen

Timeframe: 1 year & ongoing as needed.

Strategy 3: Promote land acquisition and establishment of water access for non-motorized water craft.

Responsibility: Board of Selectmen

Timeframe: Ongoing

TOWN GOAL 3: PRESERVE LANDS IDENTIFIED AS IMPORTANT FOR CONSERVATION AND PRESERVATION AND ENCOURAGE ADDITIONAL LAND FOR CONSERVATION

Policy 1: Identify current land in conservation.

Strategy 1: Identify current lands belonging to Rachel Carson Wildlife Refuge, Kennebunkport Conservation Trust, Town Forest, and State of Maine.

Responsibility: Conservation Commission

Timeframe: 1 year

Note: A current inventory of conservation lands in Kennebunkport is found in Chapter VI, Natural Land Resources.

Policy 2: The Town shall establish a plan for evaluating and transferring lands for recreation, conservation, and preservation.

Strategy 1: Establish a municipal fund from impact fees for land conservation and recreation to be appropriated on an annual ongoing basis.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 2: Identify all lands with unknown owners and pursue for appropriate use by the Town.

Responsibility: Board of Selectmen
Timeframe: 2 years

TOWN GOAL 4: MAINTAIN SMALL TOWN CHARACTER

Policy 1: Encourage neighborhood style development.

Strategy 1: Encourage connecting streets, essential services, and space for the growth of neighborhood small-scale commercial services. "Neighborhood Small-Scale" shall be defined in the Land Use Ordinance.

Responsibility: Planning Board
Timeframe: Ongoing

Policy 2: Encourage pedestrian friendly neighborhoods.

Strategy 1: Where possible require pedestrian and vehicular connectivity in all growth areas and encourage it in other areas of town.

Responsibility: Planning Board/Board of Selectmen
Timeframe: Ongoing

Policy 3: Preserve and maintain current pattern of winding roads.

Note: Winding roads discourage excessive speed and emphasize the rural character of the town.

TOWN GOAL 5: ORGANIZE AND CLARIFY LAND USE ORDINANCES

Policy 1: Codify and annually update all Land Use Ordinances, including annotated maps, so that they are logically sequenced, well indexed and precisely cross-referenced.

Strategy 1: Use professional planning services, community resources, and available software for the updates.

Responsibility: Planning Board, Implementation Committee,
Code Enforcement/Planning Office
Timeframe: Ongoing

Strategy 2: Updated copies of the LUO's and maps will be held in the Code Enforcement Office for Town use and Public purchase, and posted on the Town's website.

Responsibility: Code Enforcement, Town Planner
Timeframe: Ongoing

Strategy 3: Annual line items budgets will include money for the updates of all new buildings/ parcels development/ roads and related material for the purposes of build-out analysis.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 4: A professional Town Planner shall continue to be available to the Town and its Boards.

Responsibility: Town Manager/Board of Selectmen

CHAPTER IX: HOUSING

This chapter was completed immediately after the 1990 Census data was made available. The Inventory section was compiled by the Institute for Real Estate Research and Education (of the University of Southern Maine) and by Southern Maine Regional Planning Commission. The Analysis and Conclusion section was written by the Growth Planning Committee after studying the statistics and meeting with the public.

I. INVENTORY

A. HOUSING SUPPLY

The housing supply in Kennebunkport has been expanding rapidly and trending toward relatively costly owner-occupied single-family houses.

1. Number of Housing Units

Table VIII-1 shows the change in housing stock in Kennebunkport between the 1970 Census and the 1990 Census. Over this twenty year period, the total housing stock increased by 50%, although the number of seasonal housing units increased only by 11%. The percentage of the housing occupied by renters has stayed at just less than one fifth of the total.

Table VIII-1. Housing Units in Kennebunkport, 1970_1990

	<u>1970 1980 1990</u>			<u>1980 1990</u>		<u>1970 1990</u>			
	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Total Housing Units	1,517	2,011	2,280	494	32.6%	269	13%	763	50.3%
Seasonal	663	709	738	46	6.9%	29	4%	75	11.3%
Year Round	854	1,302	1,542	448	52.5%	240	18%	688	80.6%
Vacant	105	50	101	-55	-52.4%	51	102%	-4	-3.8%
Occupied	749	1,252	1,441	503	67.2%	189	15%	692	92.4%
Owner Occupied	603	979	1177	376	62.4%	198	20%	574	95.2%
Renter Occupied	146	273	264	127	87.0%	-9	-3%	118	80.8%
Vacancy Rate									
Homeowner	3.5%	1.0%	2.6%	-2.5%	-71.6%	1.6%	160%	-0.9%	-26.1%
Rental	9.3%	4.1%	10.2%	-5.2%	-56.0%	6.1%	149%	0.9%	9.5%
Single Family	729*	1,642	2,004	913	125.2%	362	22%	1275	174.9%
Multifamily	113*	323	173	210	185.8%	-150	-46%	60	53.1%
Mobile Home	7	46	49	39	557.1%	3	7%	42	600.0%

* Year round only

Source: U.S. Census

By way of contrast, in 1980 Maine had 501,093 housing units of which 427,377 were year round. York County had 66,771 total housing units and 53,421 were year-round. Between 1981 and 1989, Maine increased its stock by almost 75,000 units, an increase of 13%. At the same time, York County increased total units by over 17,000 or 20%. Clearly, Kennebunkport has outpaced the county and the state in net new construction.

2. Housing Stock

The Census figures show a substantial decrease in the number of multifamily units between 1980 and 1990. The decrease is large enough to call into question the numbers for 1970. There may be a large number of seasonal multifamily housing units reported in the 1980 Census, which may have resulted from a misclassification of tourist accommodations as residential units. The 1990 Census data do not differentiate between year-round and seasonal units.

From the records of the Code Enforcement Officer, 310 new year-round units were added to the housing stock between 1981 and 1989, 40 more than reported in the Census. Of these new units, 265 (85%) were classified as single family, 26 (8%) as multi-family and 18 (6%) as mobile homes.

The construction of single-family homes has outpaced both multi-family and mobile homes in Kennebunkport. In 1980, 81.9% (1,642) of units were single family, 16.1% or 323 units were multi-family and 2.3% or 46 units were mobile homes. By 1989, approximately 88% of all units were single-family units. The remainder are multi-family, mobiles and condominiums. An examination of the multi-family units constructed since 1980 suggests that many are actually condominiums, some of which may be used only on a seasonal basis. This would suggest an even smaller percentage of rental units available to the community. This has implications for both the diversity of the community and the economic base of Kennebunkport. On the other hand, some single family homes provide rental units in the home. There is no adequate count on the total number of such units.

3. Unit Size

Table VIII-2 presents the distribution of housing units by the number of bedrooms. Because of the change in reporting between the two Censuses, the only numbers that can be directly compared between the years is the occupied units. It can be seen that there has been a marked decrease in the number of small housing units and substantial growth in the number of very large houses.

Table VIII-2.

Number of Housing Units by Number of Bedrooms in Kennebunkport, 1980 and 1990.

	1980			1990		
	<u>Year Round</u>	<u>Vacant</u>	<u>Occupied</u>	<u>Total</u>	<u>Vacant</u>	<u>Occupied</u>
No bedroom	0	0	0	10	0	10
1 bedroom	164	14	150	190	90	100
2 bedrooms	420	22	398	604	244	360
3 bedrooms	436	7	429	944	318	626
4 bedrooms	213	7	206	310	116	194
5 or more	69	60	9	186	57	129

Source: U.S. Census Bureau

The Census also reports households by the number of people. In 1980, there were 353 one-person households but only 150 one bedroom dwelling units. There were a total of 773 one and two person households, and a total of 548 one and two bedroom units. By 1990, the number of single person households had increased by one quarter, to 441, yet the number of one bedroom housing units decreased by 33 percent to 100. One and two person households increased to 1,041 in 1990. The number of housing units with 2 or less bedrooms decreased to 470.

The largest growth came in the number of very large houses. The number of occupied units with four or more bedrooms increased from 215 to 323. This may have resulted from a number of larger homes being converted from seasonal to year round use, but new construction of large homes also contributed. It should be noted that the 1990 Census indicates there were no households with more than five persons.

The most likely explanation for the trend toward houses which appear to be too large for the number of occupants is to be found in the population statistics presented in Chapter VI. Here we see that the year-round population is aging, augmented by a large number of retirees who have elected to live in Kennebunkport. It seems likely that these people purposely choose houses which are larger than would be needed normally in order to have room to accommodate children and grandchildren during vacation periods. In other cases, these large houses may be operated commercially as guest houses during the summer.

4. Cost

Data on actual average and median selling price is not available on a statewide basis prior to 1986. Since 1986, the University of Southern Maine and the Maine State Housing Authority have collaborated to collect, process and disseminate sales data. The sales data collected is from the Multiple Listing Service, and therefore only reflects sales through member Realtors. Sales through real estate brokers not members of the service, or through the owner are not included.

Statewide, the median selling price of a home in 1990 was \$89,000. (The median is the number at which half the sales were higher and half lower.) In 1990, the average selling price was \$104,570. This reflects the impact a relatively small number of very expensive houses has to increase the mean over the median. For York County, the median selling price of \$97,500 in 1990, with an average price of \$119,534. The larger difference between the median and the average indicates fewer very low price homes and more very high cost homes.

The University's figures show that housing in Kennebunkport is the most expensive in the County. The 1990 median selling price of a home in Kennebunkport was \$185,000, substantially above the county or state medians. The average sales price in the town was \$232,696, indicating even more of an influence of very expensive housing. The town figures were based on 23 sales. In 1991 the median selling price continued to increase, reaching \$215,000 (based on 25 sales). The median selling price in York County decreased steadily between 1989 and 1991, dropping from \$100,000 to \$85,000.

Consistent data collection and publication methodology allows the census reports to be used to provide longer term trends, though the frequency of collection is less. The numbers include only owner occupied single family homes on ten acres of land or less, which are not mobile homes, and which do not have any business activity taking place on the premises; 77% of the owner occupied homes in Kennebunkport were included. Table VIII-3 indicates that housing in Kennebunkport was significantly more expensive than in the county or state in general. Not

only was the median value in 1980 higher, but the growth between 1980 and 1990 was faster as well. The median value, as reported in the censuses more than tripled during the ten year period.

Table VIII-3. Median Values of "Specified" Owner-Occupied Homes

<u>Median Value</u>	<u>Kennebunkport</u>	<u>York County</u>	<u>Maine</u>
1980	\$58,400	\$42,800	\$37,900
1990	\$180,000	\$115,200	\$87,400
Percent increase	208%	169%	131%

Source: U.S. Census Bureau

The data in the decennial Censuses are based on the respondents' estimates of the value of their homes. It should be kept in mind that the Census was conducted in April 1990, the point in time when the real estate market had peaked and prices were beginning to fall. Therefore homeowners' estimates of their homes' value may be higher than sales would reflect.

Table VIII-4 compares the distribution of housing in various value ranges from the 1990 Census for Maine, York County and Kennebunkport.

Table VIII-4. Value "Specified" Owner_Occupied Units, 1990

<u>Value</u>	<u>Kennebunkport</u>		<u>Arundel</u>		<u>Biddeford</u>		<u>Kennebunk</u>		<u>York Co.</u>		<u>Maine</u>	
Less than \$50,000	18	2%	15	3%	134	5%	25	1%	971	3%	37,489	17%
\$50,000_ \$99,999	114	13%	147	30%	981	36%	295	15%	10,335	33%	95,187	44%
\$100,000_ \$149,999	195	22%	201	41%	1,059	38%	665	34%	11,655	38%	49,586	23%
\$150,000_ \$199,999	178	20%	88	18%	319	12%	435	22%	4,474	14%	18,040	8%
\$200,000_ \$299,999	198	22%	29	6%	148	5%	331	17%	2,389	8%	9,995	5%
\$300,000 or more	200	22%	5	1%	110	4%	184	10%	1,207	4%	4,666	2%
Median Value	\$180,000		\$117,300		\$109,800		\$148,800		\$115,200		\$87,400	

Source: U.S. Census Bureau

From the table it can be seen that housing in Kennebunkport is weighted far more heavily to the expensive prices than in the county or the state. Only 37% of the housing is valued at \$150,000 or less, compared to 84% in the state, 74% in Arundel, 50% in Kennebunk.

Kennebunkport's median value is the second highest in the state, behind only Ogunquit. One quarter of the housing in the town was valued at \$283,900 or more.

With respect to non-seasonal rentals, there appear to be three categories of rental units: houses, apartments and single rooms in family houses. The 1980 Census reported a median gross rent for Maine of \$216 per month, while for York County, the figure was \$222. In 1980, median contract rent in Kennebunkport was \$220. By 1990, the median rent in Kennebunkport had increased to \$643, an increase of 192%. The County median rent increased only 124% to \$498 and half of the rental units were reported to rent for between \$300 and \$500 per month.

5. Dwelling Age

The housing stock in Kennebunkport is quite old. Approximately one third of all units counted in the 1990 Census were built in 1939 or earlier. In fact, almost two thirds of the stock was built prior to 1970. Table VIII-5 shows the number, percentage and cumulative percentage of housing units built in a number of time periods.

Table VIII-5. Age of Housing in Kennebunkport

<u>Year Built</u>	<u>Number of Units</u>	<u>Percent</u>	<u>Cumulative Percent</u>
1989-90	69	3%	100%
1985-88	189	8%	97%
1980-84	183	8%	89%
1970-79	371	17%	80%
1960-69	292	13%	64%
1950-59	247	11%	51%
1940-49	153	7%	40%
1939 or earlier	740	33%	33%

While Kennebunkport has a substantial number of older housing units, the increased pace of construction in recent years is apparent from Table VIII-5. One-fifth of the housing was constructed during the 1980's.

6. Manufactured Housing Including Mobile Homes

Mobile home parks are probably the most economical form of housing which is available to low and very low income people. Mobile home parks are allowed by the Kennebunkport Land Use Ordinance. Since the Ordinance was instituted in 1972, however, none have been built. This is probably due to the high cost of raw land and high development costs.

Manufactured housing, including individually sited mobile homes, is allowed in the Free Enterprise and Farm and Forest zones. Seven percent or 18 of the 276 new housing units built in Kennebunkport between 1980 and 1988 were mobile homes. Nineteen percent, or 7 of the 36 new housing units built in Kennebunkport between 1989 and 1990 were mobile homes. The increase in the ratio of mobile homes to stick-built homes during the 1989 to 1990 period is very large and may mean that even moderate income families need to rely on mobile homes to enter the housing market in Kennebunkport. Nevertheless, it is doubtful that an individually sited mobile home could be considered affordable for low and very low income families because the cost of raw land is so high.

There is no way to determine how many other types of manufactured housing were utilized in Kennebunkport in the 1980 to 1990 period because the town kept records of only the mobile home variety. All other manufactured housing was recorded simply as single family or multi-family.

7. Assisted Housing

As of 1986/1987, York County had a total of 2,189 federally assisted multi-family housing units. Though the county has approximately 14% of the state's total housing units, only 8% of the state's 27,000 federally subsidized units are located here.

The Maine State Housing Authority's inventory indicates there were three federally assisted multifamily housing units in Kennebunkport as of March, 1991. This is equivalent to less than one half of one percent of the occupied stock in the town. Two of these units are for the elderly while one is designated for a family. All are scattered site units, meaning the tenants receive a certificate which provides a subsidy to qualifying landlords. There are currently no known plans to develop any assisted housing in Kennebunkport.

B. HOUSING DEMAND

Housing demand can be inferred by examining a number of variables including population, household formation, income and employment.

Chapter VI of this report presented a detailed discussion of trends in population, households, and household income for the Town. At this point, we will draw attention once again to some of those statistics which have a bearing on demand for housing.

1. The Low-Income Segment of the Population

Although, as reported by the 1990 Census, Kennebunkport has a relatively high median household income and the highest percentages of high income households of any of the areas presented, the town also has substantial percentages of households with incomes below \$15,000. As of 1990, 4.4% were in the \$10,000-\$14,999 category, 5.5% in the \$5,000-\$9,999 category, and 6.1% below \$5,000, making a total of 16%.

"Poverty Level" is a figure developed by the U.S. Census Bureau which takes into account the number of people in a household and their ages. (See Table VI-4.) For a typical family in 1990, "poverty level" income would have been about \$10,000.

In 1980, the poverty rate in Kennebunkport was 10.1%: 2,631 individuals were above the poverty line and 298 were below. The highest poverty rate, 16%, was for people 55_59 years of age. In 1990, the poverty rate had dropped to 5.6%, with only 190 people identified as being below the poverty level. Nevertheless, in female-headed households with related children under the age of 18, the poverty rate was 30%.

The problem may be particularly acute for older persons. In 1980, 18% of those in poverty were 55 years of age and older. In fact, the group with the highest poverty rate was the 55_59 age group. If this pattern has remained constant, this age group will continue to be affected and will continue to be in need of affordable housing. With only three subsidized units in the town, there is clearly an appreciable need for affordable housing for the community.

2. Unmet Housing Needs

The housing supply in Kennebunkport does not appear to meet the needs of all citizens and may be affecting the ability of the town to support a diverse citizenry.

Looking at new housing construction and household formation since 1980, we can see that more households were formed than new houses constructed. In fact, from a household perspective, there is an apparent demand for an additional 100 units. Where are these households currently living? Some of these households may be renting rooms in single-family homes. Based on conversation with the committee, however, the majority seem to be doubling up with family or friends.

Kennebunkport has enjoyed a per capita and median family income above that of York County and the State. However, the rate of increase in income has not kept pace with the rate of increase of home prices in the town. From 1980 to 1990, the median selling price of a home has increased over 200% while incomes have increased 1%. Indeed, the median income family making \$33,000 could only afford a mortgage of approximately \$75,000 to \$90,000 (the ranges depend on variations in interest rates and target programs for first-time home buyers). Yet in 1990, of the 28 homes which sold through the Multiple Listing Service, only three sold for \$105,000 or less.

An often heard complaint is that the cost of land and housing is preventing the children of Kennebunkport families from buying housing in the town where they grew up. The children of Kennebunkport families who do manage to own their own homes in Kennebunkport usually do so with assistance from their families. Assistance is usually in the form of a gift of land, a land transfer at below market rates, a cash gift or a loan.

Another consequence is that employers may have difficulty obtaining employees during the tourist season because potential employees can't find affordable rents in Kennebunkport.

Further, there is little in the way of housing suitable for the elderly. An elderly person in need of nursing home care, a life care community or even a subsidized apartment cannot find such in Kennebunkport. The Kennebunkport Land Use Ordinance allows for the construction of nursing homes in the Free Enterprise and Farm & Forest Zones but none have been built. There are two federally assisted elderly housing units in Kennebunkport. Kennebunkport elderly are fortunate in that Kennebunk does have a life care community, a nursing home and a significant amount of subsidized elderly housing. Kennebunkport elderly have generally had no problem in utilizing nursing home and life care facilities in Kennebunk, but unfortunately, there are waiting lists for subsidized apartments. The waiting lists are particularly long for the units reserved for very low and low income elderly.

3. Factors Influencing the Cost of Housing in Kennebunkport

The major roadblocks to affordable housing in Kennebunkport are the cost of land and a fully loaded sewer treatment system. There is no capacity at the sewer treatment plant for additional organic loads over and above those already identified as planned, without substantial additions and modifications to the physical facilities. Raw land served by town sewer and public water tends to run upwards of \$75,000 for a single house lot. Land which is not served by public water and sewer tends to run upward of \$50,000. The only exceptions are intrafamily land transfers and wood lots not suitable for home building. Land not served by public sewer and water is expensive to develop because large parcels are needed to meet the state's wastewater disposal rules. Further, construction in Kennebunkport is encumbered by limiting factors such as ledge and wetlands. These limiting factors increase development costs dramatically. Blasting of ledge is very expensive; blasting alone can add \$20,000 or more to the cost of a house. Wetlands are regulated at the federal, state and local level and generally, no building is allowed within the boundary of a wetland. Thus, larger lots are a necessity.

Added to all this are other hidden costs attached to owning a home in Kennebunkport. For example: The least expensive land in the town is not served by public water. Wells must be drilled to a depth of around 150 to 410 feet. Most wells suffer from one or more of the following: high iron content, high manganese, turbidity, or high sodium/chloride. All of these problems require expensive methods of treatment. Iron, manganese and turbidity can be treated with various filtration systems. These systems usually cost upwards of \$1,000. Near the coast sodium/chloride contamination is caused by salt water intrusion. In the inland locations of the Town, it generally is caused by the presence of a glacially-derived pocket of salty groundwater. Sodium and chloride-removal equipment is available but very costly. Finally, most houses in town require sump pumps or expensive drainage systems to ensure dry basements because of the shallow-to-bedrock soils which make up most of the town.

II. ANALYSIS AND CONCLUSIONS

A. GENERAL CONCLUSIONS

For the great majority of the citizens of Kennebunkport, housing is a source of satisfaction rather than of concern. The fact that the houses tend to be large and costly, and often occupied only in the summer season, reflects the tastes of a relatively affluent population, and the town's character as a resort community. Since practically all houses are well maintained and attractively landscaped, housing is something in which the town can justifiably take pride.

There is certainly no shortage of housing; at this writing, the number of "For Sale" signs on display appears near an all-time high.

Nevertheless, in Kennebunkport, as in thousands of other communities throughout the United States, households with moderate-to-low incomes find it nearly impossible to secure satisfactory housing at a cost they can afford. Both the State and the Town are seeking means to alleviate this problem.

B. DEFINITION OF AFFORDABLE HOUSING

For the purposes of comprehensive planning and a number of housing programs, the Department of Economic and Community Development defines "affordable housing" as decent safe, and sanitary living conditions that are affordable to lower income households and moderate income households, in accordance with the following provisions.

1. An owner-occupied housing unit is "affordable" to a household if the unit's selling price/market value does not exceed that for which reasonably anticipated monthly housing costs (including mortgage principle and interest payments, mortgage insurance, homeowners' insurance, and real estate tax) would equal 28% of the household's gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates prevailing in the housing market.
2. A renter-occupied housing unit is "affordable" to a household if the unit's monthly housing costs (including rent and utilities) do not exceed 30% of the household's gross monthly income. Monthly housing costs do not include government subsidies.
3. A "lower income household" is a household with a gross income less than or equal to 80% of the applicable MSA/County median income. Lower income households include both very low income households and low income households. A "very low income household" is a household with a gross income less than or equal to 50% of the applicable MSA/County median income. A "low income household" is a household with a gross income over 50%, but less than or equal to 80%, of the applicable MSA/County median income.
4. A "moderate income household" is a household with a gross income over 80%, but less than or equal to 150%, of the applicable MSA/County median income.
5. The "applicable MSA/County median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for the federally-designated Metropolitan Statistical Area (MSA) or County (non-MSA

part) in which the housing unit is located. For the non-metropolitan portions of York County, of which Kennebunkport is a part, the 1994 median household income is \$37,600.

C. HOW AFFORDABLE IS HOUSING IN KENNEBUNKPORT?

The 1989 median household income in Kennebunkport was \$34,837. However the state rules, recognizing that Kennebunkport is part of a wider housing market, indicate that the appropriate income to use is the non-metropolitan County median. In 1989, the County median income was \$32,600. More recent data released by the federal government estimate the non-metropolitan County median income to be \$37,600 in 1994. Applying the State's income and housing cost parameters for affordable housing yields the monthly rents and purchase prices shown in Table VIII-6. The calculations to determine the affordable purchase price were based on an assumption of a 30 year mortgage at 9.00% and a 10% down payment. Other costs include property taxes at \$15 per \$1,000, homeowners insurance of between \$250 to \$360 per year (depending on the value of the house), and utilities and heating costs of \$75 per month.

*Table VIII-6. Affordable Rents and House Prices, 1994**

<u>Price</u>	<u>Income level</u>	<u>Monthly Rent</u>	<u>House</u>
Moderate income (\$56,400)	\$1,410		\$148,300
Median income (\$37,600)	\$940		\$95,000
Lower income (\$32,600)	\$815		\$71,400
Very low income (\$18,800)	\$470		\$39,500

*With a State Housing Authority mortgage at 6% and only 5% down.

The 1990 Census reported the median monthly rent in Kennebunkport to be \$513. Two-thirds of the rented housing units were in single family structures. Forty percent (40%) of the units rented for less than \$500 per month, perhaps approaching affordable to lower income households, depending on heating and utility costs. Only 10% of the rental units had a monthly rent of \$750 or more.

The most affordably priced rentals within the town are off season rentals. These are located mostly in the Goose Rocks Beach area and are generally available from October through May. During these months a small house can be rented for \$400 plus utilities, per month. However, these same units are prohibitively expensive from June through September when they typically rent for upwards of \$2,000 per month. Simply put, there are no lower cost rentals available for tenants displaced by very high seasonal rents. Thus, seasonal rentals are not a viable alternative to year round rentals because families are forced to move to lower cost rentals during the June through September period when rents rise dramatically.

The vacancy rate for year-round single-family houses may be as low as the 1980 rate of 1%. Informal surveys of newspapers indicate a scarcity of rental housing. Household formation growth indicates that additional rental housing is a need but high raw land costs combined with high development costs has created a barrier to rental housing. Further, developers have said

that permitted densities for multiplex construction make it unprofitable when compared with single family development.

D. CAN THE TOWN ACHIEVE THE "AFFORDABILITY" GOAL?

Some of the techniques used to promote affordable housing utilize increases in density. Commonly used techniques utilizing increases in density are:

1. Increases in density are linked to requirements that a specified percentage of units within a development will meet the affordable housing definition.
2. Density requirements for multiplex can be increased to promote affordable rental units.

Some other methods of promoting affordable housing are:

1. The town could choose to develop a program which provides land for affordable housing. The town could choose to use town owned land for this purpose or the town could require developers to pay a cash contribution to a municipal fund for the construction of affordable units if the developer does not wish to erect affordable units within its subdivision.
2. The town could consider allowing mother-in-law apartments. The town could also consider allowing people to rent rooms on a monthly basis. Room rentals could alleviate the shortage of housing encountered by seasonal workers employed by the tourist industry. Most room rentals available now are of the transient bed and breakfast variety.
3. A local land bank could be created. Town land could be deeded to a non-profit developer or put into a community land trust. Land trust structures can assure that the housing created will remain affordable in perpetuity.

Even if the Town chooses to utilize the Kennebunkport Land Use Ordinance and the Planning Board Subdivision Regulations to provide greater flexibility and opportunity for affordable housing, there is no guarantee that the goal of affordable housing can be met because of high raw land costs and high land development costs.

The Town cannot allow increases in density along existing sewer lines because the sewer treatment plant will soon be at or over capacity. Sewer extensions to serve land not now served by municipal sewer will not be permitted unless the town wishes to commit to expensive additions to the existing plant or to a separate new sewer treatment facility. That commitment seems unlikely at this time.

Land not now served by public sewer is not suitable for increased densities because of limiting factors such as ledge, marine clay and wetlands.

E. POLICY ISSUES

Any affordable housing program must provide for resale controls to ensure that the affordable units remain affordable. Further, a number of policy issues must be considered. For example:

1. Whom should the units be designed to benefit?
2. Who will administer the program?
3. Should the affordable units be comparable in size, quality and appearance, etc. to the market rate units?
4. Is the fee or the requirement that affordable housing be built financially feasible from the developer's point of view?
5. Should use or resale of affordable housing be restricted by equity limitation or other means to preserve affordability?
6. Is the town willing to commit to reduced property taxes on affordable units to keep them affordable?
7. If an equity limitation clause is chosen as a means to preserve affordable housing, how will improvements made to the dwelling by an owner be valued? There are two sides to this question: If an owner can't recapture the value of improvements upon sale of the property, there will be no incentive to improve the property but any value permitted for improvements will decrease the affordability of the unit in the future.
8. Who will decide where the money will go?
9. How will future enforcement be handled?

III. IMPLEMENTATION

A. GOALS OF THE STATE AND TOWN

STATE GOAL: ENCOURAGE AND PROMOTE AFFORDABLE DECENT HOUSING: SEEK A MINIMUM OF 10% OF NEW HOUSING AS AFFORDABLE

TOWN GOAL: ALLOW FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES

POLICY: Encourage the creation of new affordable housing if applicable to Kennebunkport.

Strategy: Review Land Use Ordinances in conjunction with Section D (Can The Town Achieve The "Affordability" Goal?) and Section E (Policy Issues) of the Comprehensive Plan.

Responsible Party: Growth Planning Committee, Planning Board, Code Enforcement Officer

Recommended Time Frame: Within two years of adoption of plan

CHAPTER X: RECREATIONAL AND CULTURAL RESOURCES

I. INVENTORY

A. LAND DEVOTED TO RECREATIONAL USE

1. Publicly-Owned Facilities

The town owns several outdoor recreation facilities. (Two of those listed below were developed with the help of federal grants.)

Beachwood Park is a 1 acre parcel off Beachwood Avenue, adjoining the Highway Department facility, which was first put into use during the summer of 1994. It includes two tennis courts, a basketball court, a playground and a picnic area. It is receiving heavy use.

Cape Porpoise Firemen's Park is a 2.3 acre parcel by the water. The field has a softball diamond, a field study area and picnic tables. Playground equipment is to be added in the spring of 1996.

Cape Porpoise Pier and Government Wharf, although they are intended primarily as commercial facilities, receive substantial recreational use as points of attraction and for sightseeing. Unfortunately, both piers have inadequate parking.

Parsons Field is a 5 acre parcel adjacent to The Consolidated School. The field has a new drainage system and established sod. The field is used for baseball, softball, lacrosse, soccer and summer recreation programs.

Parsons Way is a walkway along Ocean Avenue providing scenic views and picnics. While there is no parking permitted on Parsons Way itself, there are some spots where parking is possible on the adjoining public right-of-way. Parsons Way receives heavy use.

Silas Perkins Park is a riverfront lot on Ocean Avenue with picnic tables and benches overlooking the Kennebunk River.

The Town Forest consists of 450 acres of undeveloped land, some without access. They may be used for walking, riding, cross country skiing and nature study. These lands receive light use.

The Federal Government also owns land in Kennebunkport which is available for outdoor recreation.

The Goat Island Lighthouse has recently been automated and the island has no year-round inhabitants. It has been leased to the Kennebunkport Conservation Trust, which says it had a seasonal occupant in 1994.

The Rachel Carson National Wildlife Refuge owns about 500 acres, mostly marshes and estuaries. Though not operated as a recreational facility, the refuge is open to public use and is lightly used for bird watching, hiking, and cross country skiing. Hunting is allowed by permit. There are limited boating opportunities in the open water portions of the refuge.

2. Privately-Owned Facilities Open To The Public

In addition to the municipally-owned facilities, the town has within it privately-owned outdoor recreation areas which are used by the public without a fee.

Cleave's Cove: Pedestrian right-of-way only; approximately 500 feet of water access; rocky shoreline; limited swimming; scenic views; bird and seal watching; receives light use.

Colony Beach: Federal and private ownership; limited parking; approximately 500 feet of water access with breakwater jetty; swimming; scenic views; fishing; launching of light craft over the beach; receives heavy use.

Goose Rocks Beach: Private and municipal ownership; sticker parking; right of way via five town-owned lots with frontage; approximately two mile beach; swimming, scenic views; sailboarding; jogging; bird watching; cross country skiing in winter. Although the privately-owned areas of the beach are not open to recreational use other than walking, the public beach receives heavy use.

The Kennebunkport Conservation Trust, a private organization chartered to protect land from development, owns 26 parcels of land, totaling approximately 150 acres, including several off-shore islands.

The River Green on Ocean Avenue is suited for band concerts, fairs, demonstrations. The Green receives very heavy use.

Vaughn's Island is used seasonally for camping programs and is accessible by foot at low tide.

Cape, Redin and Green Islands, off Cape Porpoise, are undeveloped and are used for picnicking and some overnight camping.

Craig Pine Grove is a nine-acre parcel in Cape Porpoise Village with a nature trail.

The Emmons-Chick Properties on Gravelly Brook Road, where a future ecology center is planned.

Seven lots of land at Goose Rocks Beach, which add substantially to the land there which is accessible to the public.

In addition, within the Town, there are many other private open areas, zoned "Tree Growth", comprising approximately 1,286 acres. These are mostly tree growth and farm lots; casual use permitted by owners for hunting, horseback riding, cross country skiing, views. ATV and skimobiles are usually prohibited.

Title 14 of Maine State Statutes addresses the issue of limited liability for activities on privately owned land. Maine has a custom of permissive access, which says that "Landowners are not responsible for personal injury to those who come on their land." This enables us to rely on a mixture of public and private lands for our recreation. In return, the public is to remember they are on private land and have no right to leave litter or park wherever they choose.

3. Other Privately-Owned Facilities

Cape Arundel Golf Club. This is a semi-private club with an attractive 18-hole golf course situated along the banks of the Kennebunk River. The public can use the course at designated hours after payment of a greens fee.

Kennebunk River Club. This is a private tennis and yacht club of approximately 225 members, established in 1889 as the “Lobster Boat and Canoe Club”. Its facilities comprise eight tennis courts, docks, and a complex of buildings on both sides of Ocean Avenue. The Boathouse, dating to 1889, is on the National Register of Historic Places. The Club annually sponsors art and theatrical events which are open to the public.

Arundel Yacht Club. This is a private club of approximately 225 members whose clubhouse is a former ropewalk. It provides dock space for about 50 boats of various sizes, and engages in an extensive program of social functions. The club sponsors weekend sailing races and instructional sailing programs for children in which non-members can participate whenever space permits.

Goose Rocks Beach Association. This is a private club that maintains three tennis courts and a small boat launching ramp. The Association sponsors a summer youth program and also sponsors social activities.

4. Commercial Campgrounds

Kennebunkport Camping Park; 28 acres; 82 tenting and camping sites w/hookups; receives heavy use (seasonal).

Salty Acres on Route 9; 38 acres; 100 tenting and camping sites w/hookups; 400 picnic tables; showers; seasonal grocery store; adjacent restaurant, pool and motel; receives heavy use (seasonal).

B. RECREATIONAL PROGRAMS OF THE TOWN

For a number of years, Kennebunkport has benefited from a year-round recreational program with a full-time director and several program assistants. According to the Director, Carol Cook, the popularity of specific activities rises and falls, but the town endeavors each year to offer a variety of appealing choices. Those which were available in 1994, and the approximate number who participated, are as follows:

Soccer	320
Halloween Party	500
Summer Playground (Jr. & Sr.)	185
Youth Basketball	120
Father-Daughter Valentines Dance	52 couples
Men's Basketball	45
Kindergarten Soccer	61
Open Gym (Indoor)	40
Kennebunkport After-School Adventure	35
Swimming Lessons (at Biddeford YMCA)	46
Mother-Son Pizza and Bowling	32 couples
Second Grade Instructional Basketball	28
Shoot-A-Thon (Basketball)	17

50-Plus Club	15
Dance Program	9
Track	5
Hersheys (a track & field program)	2

The Recreation Department also coordinates with the Police and Youth Services Departments in sponsoring dances and other activities for students. In addition, athletic activities for S.A.D. 71 High School "Club Teams", including soccer, lacrosse and area baseball, all take place in the recreational facilities of the town of Kennebunkport.

C. OTHER RECREATIONAL OPPORTUNITIES

One of the attractions which lures summer visitors and tourists to Kennebunkport is the variety of recreational opportunities that are available.

Probably the premier attraction is the town's several beaches, which have been described elsewhere in this report.

For those who wish to get out upon the water, there are several ways to do so:

- One sightseeing vessel takes visitors for tours covering most of the shoreline of the town.
- Two sailing vessels about 35 feet in length, one a sloop and the other a schooner, will take groups of visitors on short off-shore excursions.
- Two motor vessels offer regular all-day "whale watching" trips, which usually go out to the vicinity of Jeffrey's Ledge.
- For persons who wish to "do it themselves," it is usually possible to rent a motor boat or a sailboat from one of the local marinas.

For those who enjoy fishing, there are several ways to proceed:

- The breakwater at the harbor entrance attracts many who are short on cash but long on patience.
- One 36-foot sport fisherman can be chartered by the day.

For those devoted to walking, itineraries are easily planned following the riverfront or along the oceanfront, using Parsons Way. The Historical Society organizes Walking Tours covering the older sections of the town. Bicycles can be rented at several spots within the town. For those who are more athletically inclined, there are periodic road races, marathons, and bicycle races.

Outside of Kennebunkport, but within easy driving distance, are some other options:

- Several additional golf courses and driving ranges.
- Several miniature golf courses, amusement parks, and water slides.

D. CULTURAL RESOURCES

1. Societies and Associations

River Tree Arts. Although River Tree's headquarters are in Kennebunk, many citizens of Kennebunkport contribute greatly to its support and operation. The association sponsors a diverse set of performances, exhibits, workshops and classes dealing with music, theatre, dance, literary and artistic programs.

Kennebunkport Historical Society. This society, with several hundred members, maintains headquarters in a 100-year-old schoolhouse on North Street, where it preserves and displays a variety of documents and artifacts of historical interest, and periodically presents lectures and entertainments. The Society also maintains the Nott House, an attractively furnished Greek Revival mansion on Maine Street, where guided tours are offered during the summer season.

2. Museums

Seashore Trolley Museum. This museum is claimed to possess the largest collection of trolley cars, subway cars and related equipment in the world. A few of the cars are more than 100 years old. Many of these cars are displayed for visitors to inspect, and the Museum has shops in which it is gradually restoring many of the others. Visitors can take trolley rides on the museum's private two-mile stretch of track.

Kennebunkport Maritime Museum. This museum is housed in "The Floats", a former wharf which was fitted out as a private club during the 1930's by the author Booth Tarkington. It now displays ship models, paintings, and a variety of other nautical memorabilia.

3. Libraries

Louis T. Graves Memorial Library. This library is housed in a brick building on Maine Street, dating from 1813, which was formerly the U.S. Customs House. It is listed in the National Register of Historic Places. It receives about half of its funding from the Town, and the remainder from private donations. The Library's hours vary somewhat, but it is open five afternoons and four evenings each week, and on Saturday mornings. It offers over 25,000 books, audio and video tapes, and a variety of other services. The staff and volunteers provide excellent service.

Cape Porpoise Town Library. This small library offers a variety of books of general interest, and is open three afternoons each week as well as Saturday mornings. It receives limited funding from the Town, but is mainly supported by the Cape Porpoise community. It is housed in Atlantic Hall, and has a part-time paid librarian with volunteer assistance.

4. Churches

The following churches are located within the Town of Kennebunkport:

- Church on the Cape (United Methodist), Langsford Road
- First Congregational Church, Log Cabin Road

- Saint Ann's Episcopal Church, Ocean Avenue (summer season only)
- Saint Martha's Church (Catholic), North Street, (summer season only)
- South Congregational Church, Temple Street
- Village Baptist Church, Maine Street

The Franciscan Monastery occupies attractive grounds immediately opposite the town on the west bank of the Kennebunk River. Churches representing several other denominations lie within short driving distance of Kennebunkport.

5. Art Galleries

There are more than a dozen commercial art galleries within the town, offering a wide variety of art, sculpture, and other art objects. Several artists' guilds sponsor shows throughout the year.

6. Halls and Meeting Rooms

American Legion Hall is located off Route 9, midway between the Dock Square area and Cape Porpoise. It can be used for social affairs and will seat about 100.

Atlantic Hall is the community center of Cape Porpoise and is supported by the residents of the Cape. The first floor contains the Library, reference tables, and kitchen facilities. The Hall on the second floor is used for parties and dances, and will seat about 100.

The Goose Rocks Fire Station, located on Route 9 north of Goose Rocks Beach, includes a meeting room which seats about 100 people.

Consolidated School Gymnasium. This facility is large enough to seat 668 people and is the site of all Town Meetings. Arrangements can be made with the School for private use. The room has a stage but no theatrical lighting.

South Congregational Community House. Located across Temple Street from the Post Office, this building was formerly home to the Olympian Club. It seats about 100 people and has a stage. It has kitchen facilities and is used extensively for social gatherings.

Pasco Room, Graves Library. This room on the second floor of the Library can be arranged to seat about 25 people. It is handicapped accessible. It is available for meetings of non-profit organizations.

Timson Room, Ocean National Bank. This room in the basement of the bank's Kennebunkport branch can be arranged to seat about 20 people.

South Congregational Church. Arrangements can be made to use the sanctuary of this church, which seats about 300 people, for non-religious gatherings.

7. Private Schools

With the exception of nursery schools, there are no private schools within the town. Nearby in Arundel there are several: The Heartwood School of Art, the School Around Us which teaches children in elementary grades; and the Landing School of Boatbuilding and Design, which accepts students of all ages. In Biddeford is the University of New England, which is noted primarily as an osteopathic school of medicine.

8. Restaurants

To the extent that dining may be considered a cultural activity, Kennebunkport residents are extremely well endowed. Because of its status as a resort area, the town boasts a wealth of restaurants in all cuisines and price brackets. Even in the "off season", when many of the restaurants are closed, the variety available remains remarkable for so small a community.

9. Other Resources in the Area

At various times from 20 to 40 year ago, Kennebunkport boasted a cinema, a summer theatre, and a light opera company. All of these are gone now, the victims of skyrocketing costs and easy entertainment via television. Nevertheless, within a radius of 25 miles, including the cities of Biddeford, Portland, Dover and Portsmouth, Kennebunkport residents can still draw upon a wide range of cultural attractions, including:

- WBACH, 99.3 FM (classical music station)
- Art museums
- An aquarium
- Bowling alleys
- An indoor ice arena
- Children's museums
- The University of New England
- Several stage companies
- Portland's Symphony Orchestra
- A variety of concerts and other stage presentations
- At least a dozen movie theatres
- A very active Senior Center
- Professional baseball and hockey teams
- Several Y.M.C.A.'s

II. ANALYSIS AND CONCLUSIONS

Viewed in their entirety, the recreational and cultural resources of Kennebunkport are excellent for a town of our size, and those related to marine activity are outstanding. This, of course, does much to account for the town's popularity as a vacation resort.

Fortunate as we may be, it is always possible to identify ways in which our situation might be improved.

A. RECREATIONAL FACILITIES

In 1990, the Town's Recreation Department conducted a survey to determine the types of new recreational facilities which were most desired. While some of the items mentioned in the response have since been provided, one remains at the top of the "wish list":

1. *Access to the water for citizens with small boats.* We interpret this to mean an affordable launching ramp where cars with boat trailers can be parked. Assuming that the Town would find such usage to be consistent with its goals, the biggest obstacle to overcome in such a project would be the cost of acquiring a suitable location, and of grading and paving the parking and launching surfaces.

2. *Bicycle paths.* Surveys have repeatedly mentioned corridors on road shoulders for bikers, runners, and roller blade skaters. Every year the Arundel Road and Goose Rocks Road to the beach become more dangerous, but so far no action has been taken by the Town.

The barriers facing both of these projects do not appear insurmountable, and both deserve consideration.

B. CULTURAL FACILITIES

On the cultural side, the Town's biggest need would seem to be an auditorium for theatre, concerts and other performances. Were such a building available, it would attract stage companies, musicians and performing artists, and thus would serve as a cultural magnet. The building could also meet the Town's need for a public meeting hall with a seating capacity greater than 100 people.

III. IMPLEMENTATION

A. STATE GOAL:

TO PROMOTE AND PROTECT THE AVAILABILITY OF OUTDOOR RECREATION OPPORTUNITIES FOR ALL MAINE CITIZENS, INCLUDING ACCESS TO SURFACE WATERS.

TOWN GOAL 1: MAINTAIN AND EXPAND ACCESS TO THE SHORE FOR BOTH COMMERCIAL AND RECREATIONAL USES

POLICY 1: Work to provide boaters access to the ocean.

Strategy 1: Search for a location to construct a municipal launching ramp with a suitable parking lot, which could be used at a reasonable fee.

Responsible Party: Town Meeting, Selectmen

Recommended Time Frame: One year of adoption of plan

TOWN GOAL 2: ENCOURAGE OUTDOOR ACTIVITIES

POLICY 1: Encourage appropriate use of the Town Forest. (See Chapter V.)

POLICY 2: Establish a bicycle path program.

Strategy 1: Draw up and publish maps of the town, which show historical and scenic points of interest and indicate distances, show bicycle paths, and suggest walking tours.

Responsible Party: Road Commissioner, Historical Society,
Recreation Commission, local bikers

Recommended Time Frame: One year after adoption of plan

Strategy 2: Install bike racks at Dock Square, Colony Beach, and Goose Rocks Beach.

Responsible Party: Recreation Committee, Road Commissioner,
Goose Rocks Concerned Citizens, Goose
Rocks Beach Association, Kennebunkport
Business Association

Recommended Time Frame: One year after adoption of plan

Strategy 3: Establish bike routes and provide signage.

Responsible Party: Recreation Committee, Road Commissioner,
local bikers

Recommended Time Frame: One year after adoption of plan

Strategy 4: Investigate available funding grants.

Responsible Party: Town Forestry Committee, Recreation
Committee

Recommended Time Frame: One year after adoption of plan

Strategy 5: Continue the Town's sidewalk improvement program.

Responsible Party: Sidewalk Committee

Recommended Time Frame: Ongoing

CHAPTER XI: PUBLIC FACILITIES & SERVICES

I. INVENTORY

A. PUBLIC SERVICES

The principal services available in the town are summarized in the paragraphs below. Note that some are furnished by the Town, some are semi-public, and some are provided independently. Where furnished by the Town, the cost, if known, is shown as listed in the Town's 1993 Annual Report.

1. Education (\$4,194,163)

Kennebunkport school children, along with those of Kennebunk and Arundel, are educated by School Administrative District 71, which is an agency set up by the State. Although three residents of the Town serve as Directors of the District, and meetings are open to the public, the Town has little or no formal control over the actions of the District.

During the 1995-96 school year, 509 students from Kennebunkport were being educated by S.A.D. 71. By grade level, they were distributed as follows:

Special Education	1
Kindergarten	46
Grades 1-6	225
Grades 7 & 8	78
Grades 9-12	145
Cousens, Park Street, Sea Road Schools	14

Almost all children in Kindergarten through Grade 6 attended the Consolidated School; Grades 7 and 8 attended the Middle School; Grades 9 through 12 attended Kennebunk High School. Of the schools mentioned, only the Consolidated School is located in Kennebunkport.

The education provided by S.A.D. 71 is recognized to be of good quality. In the past, S.A.D. 71 has been recognized by the Federal Department of Education for maintaining Schools of Excellence. The Stanford Achievement Test results indicate that S.A.D. 71 students score well above the national averages. The Maine Educational Assessment tests, given in grades 4, 8, and 11, placed district students at a level much higher than the state average.

The District's drop-out rate is less than one percent, substantially less than the York County average. Close to 2/3 of graduating seniors go on to attend post-secondary schooling.

The District also offers adult education programs, with both a general equivalency program and other classes offered. There are usually 10 to 12 graduates of the class receiving their high school diplomas through the adult education program each year.

The District is currently improving its libraries, computer resources, and curricula to assist students to be better prepared to face the increasing technology of the 21st century.

The School Administrative District recently engaged an independent consultant to review the suitability of its facilities for present and projected requirements. The consultant's report forecasted increasing overcrowding of classrooms system-wide. The report also noted various building code deficiencies in some of the older school buildings. SAD administrators are currently reviewing the consultant's recommendations, which include renovations to existing

buildings, as well as construction of a new classroom building. At the same time, the District is attempting to quantify, over a time frame of about ten years, the availability of state funding for new school construction.

The aspect of this educational program which most concerns the townspeople of Kennebunkport is not its quality, but its cost. The overwhelming source of complaint is the basis on which operating costs are divided between the communities which support the District.

At the time when S.A.D. 71 was organized in 1969, representatives of Kennebunk and Kennebunkport agreed that the total operating costs of the District would be apportioned between the two towns on the basis of a formula in which 70% of the weighting would be based on State Valuation of taxable property, and 30% on number of students enrolled. To see how this agreement works in practice, let:

$$\% \text{ of Total Cost Paid by Kennebunkport} = \frac{70SV_{kpt}}{SV_{kpt} + SV_{kbb}} + \frac{30ENR_{kpt}}{ENR_{kpt} + ENR_{kbb}}$$

where SV = State Valuation for Town
and ENR = Number of Students Enrolled

For 1993, the following values pertained:

SV_{kpt} = \$634 million
SV_{kbb} = \$749 million
ENR_{kpt} = 479 students
ENR_{kbb} = 1,431 students

When the formula is applied, the percentage of total cost charged to Kennebunkport is 39.6%. With operating cost for S.A.D. 71 averaging \$10.59 million for 1993, charges to Kennebunkport for that year amounted to \$4.19 million.

On the basis of cost per student, Kennebunkport paid \$8,756, whereas Kennebunk paid \$4,470. The Town of Arundel is not a participant in S.A.D. 71, but students from Arundel attend S.A.D. 71 schools as "tuition students," for which Arundel is charged approximately \$4,800 per student. By way of comparison, Thornton Academy in Saco charges about \$4,700 per year for day students, and Berwick Academy in South Berwick from \$8,400 to \$9,850 depending upon grade level.

For each of the last 10 years, funding for S.A.D. 71 has consumed between 50% and 60% of the Town's total tax revenues. In the 1993-94 school year, the cost per Kennebunkport student was 96% more than was paid by Kennebunk for students taking the identical curriculum. While many residents feel that the present apportionment of cost is fair, many others, not surprisingly, feel that this inequity is unjust, and should be corrected. Some believe that, if the State Funding Formula cannot be overridden, the Town should withdraw from S.A.D. 71 and make its own provisions for the education of its children.

As of this writing, this issue is understood to be under review by the Town Budget Board.

2. Public Safety (\$1,133,868)

a. Police Services. All members of the Kennebunkport Police Force are employees of the Town. There are 11 full-time, year-round police officers and six additional seasonal full-time officers. The summer influx of people and the attendant problems of traffic control in Dock Square, along Ocean Avenue, and at Goose Rocks Beach create the need for the seasonal officers. In 1994, the Department tried a bicycle patrol in selected sections of the town for the first time. For several years, there has been at least one foot patrolman in Dock Square. On busy days, such as holidays, there are several.

Police Department vehicles as of early 1996 were as listed in Table X-1.

Table X-1. Kennebunkport Police Vehicles

<u>Number of Vehicles</u>	<u>Model Year</u>	<u>Description</u>	<u>Condition</u>
1	1996	Chevrolet Lumina sedan	Excellent
2	1995	Chevrolet Caprice sedan	Good
2	1994	Chevrolet Caprice sedan	Good *
1	1988	Chevrolet Caprice sedan	Good

*These vehicles are scheduled for replacement.

The MDOT annual average daily count of traffic entering Dock Square emphasizes what everyone knows: there has been a considerable increase from 7,300 cars daily in 1987 to 10,010 in 1992. Counts were also done on the outlying roads in 1981 and 1987, particularly Route 9 and North Street leading to the Log Cabin Road. These two roads are classified as collector roads. Route 9 at the Biddeford boundary saw 1,510 cars daily in 1981 and 2,390 cars in 1987. North Street registered 2,720 cars at Locke Street in 1981 and 3,670 cars in 1987. The congestion in Dock Square produced the most accidents in town. The next most likely spot was the outer Mills Road (Route 9) in broad daylight under dry conditions. The reason given was driver inattention.

Table X-2. Kennebunkport Police Department Activities, 1989-1993

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Motor Vehicle Accidents					
Fatalities	0	0	1	0	0
Personal Injury	14	10	10	7	11
Property Damage (over \$500)	74	66	92	88	83
Total Accidents	127	115	123	118	118
Motor Vehicle/Criminal Arrests	1,570	1,260	909	575	668
Warning Cards Issued	2,096	1,723	1,797	1,610	1,866
Motor Vehicle Defect Cards	1,163	579	538	525	536
Parking Tickets	3,667	3,850	1,918	1,969	1,666
Assaults Reported			21	25	19
Burglaries Reported	14	18	27	15	7
Larceny Reported	119	127	149	99	99
Assistance to Other Agencies	630	601	540	664	638
Building Checks	10,629	11,785	10,724	12,967	16,839
Alarms	319	273	291	287	384
Total Complaints	2,745	2,211	2,510	2,878	2,949
Total Patrol Miles	201,313	213,526	198,779	160,683	196,517
Gallons of Gasoline Used	14,987	17,282	16,017	14,484	14,300

Table X-2 contains a summary of the Police Department's activities for the past several years. From the table, one can see that overall total police activity has remained relatively constant. There is little fluctuation in the number of motor vehicle accidents. The number of arrests, however, for both motor vehicle violations and criminal activity has dropped dramatically since 1988. The Department traveled 20,000 patrol miles less in 1992 than 1988.

The department's criminal investigations have been increasing steadily during the past five years. Table X-3 gives the total number of criminal complaints and the number and percent cleared. The term "cleared" means that a suspect was arrested, restitution was made to the victim or the investigation determined the complaint was unfounded. During the past four years, the department has been able to clear an average of 61% of the complaints.

Table X-3. Police Department Criminal Investigations

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Total Number of Cases	169	210	223	241	236
Number of Cases Cleared	108	128	123	158	150
Percent Cleared	64%	61%	55%	66%	64%

Beginning in 1995, the Kennebunkport Police Department is shifting its emphasis from traditional policing that focuses on solving crime to a preventative approach involving communities. This is a national trend growing out of the successful pilot project called "Crime Watch", which was started in the 1980's by a utility company. The organization, training, and familiar signs were provided by private funds to towns serviced by that utility.

Community policing concentrates on working closely with neighborhoods, listening to their concerns, and solving problems before trouble erupts. The program is more flexible than traditional policing with emphasis on local accountability. The same officer stays with the neighborhood and is available for consultations on a daily basis. Residents are encouraged to talk about problems such as stop signs, troublesome kids, littering, etc. Often surveys asking questions like "How safe do you feel?" or "How effective are the police here?" are helpful.

Police academies and technical schools are now carrying training courses geared to this approach. The Kennebunkport Police plan to start with cul-de-sac neighborhoods and gradually cover the town. Local community groups already formed are very helpful in setting up this type of liaison. Like preventative medicine, this approach can create a healthier society, a healthier way of life.

Another community program is JUMP START, a new pilot project offered to non-violent juvenile offenders as an alternative to a court appearance. Volunteer mentors are screened and assigned to one juvenile for a eight-week course on decision making. Various people trained to work with young people conduct these classes at the Kennebunk Police Station. The final class involves other members of the community to supply a larger support system to the graduates. Mentors are encouraged to stay in touch with their young friends after the course. Response has been good from parents, students, and mentors. There is currently a need for more men as mentors.

Following the results of a school-conducted survey in spring 1994, the drug abuse program known as DART has been very active. There have been several evenings of discussion between teachers, parents, and young people on social problems facing students in our fast-moving society.

b. Fire Protection. The Town is served by four independent volunteer fire companies, supervised by a full-time Fire Protection Administrator who is an employee of the Town. There are about 100 active firefighters in the four companies. The Village and Wildes District Fire companies occupy fire houses belonging to the town; the Cape Porpoise and Goose Rocks companies own their own buildings.

The Wildes District Fire Company completed a major expansion of the fire station in 1989. Goose Rocks Beach Fire Company completed a new facility on Route 9 in 1991. Cape Porpoise Fire Company has recently expanded its facilities on the second floor.

The fire companies normally endeavor to raise funds privately to cover their operating expenses. The operating expenses of the Village Fire Company are covered by income from the Clifford Seavey Fund.

Vehicles are purchased privately by the individual fire companies and are financed by the Kittredge Trust Funds. The Kittredge Trust Funds are trusts left to the Kennebunkport fire departments for the purpose of buying fire trucks and other capital equipment. The Trust income earned by each is divided between the four companies in accordance with the provisions of the trust. Each company accumulates Trust income until it can afford, and needs, a new truck. Because of these Trusts, the town has not had to purchase a new truck since 1981.

The town's fire companies, thanks to the Trusts, are very well equipped. Table X_5, at the end of this chapter, lists the major equipment housed in each company. It can be noted that almost every truck carries a pump of considerable size. The companies consider that essential to provide protection to buildings situated far from hydrants.

In recent years, a major goal of the fire companies has been to improve the quality of protection in lightly settled areas not served by the water piping of the K.K.&W. water system. This is being done by installing 36 "dry hydrants" as indicated on Map X-2. A dry hydrant carries no water under pressure, but is connected by permanent piping to a well, a pond, or to salt water. In an emergency, a fire truck connects a suction hose to the hydrant and then uses the

pressure from its own pump to force water to the scene of the fire. This program has resulted in better insurance ratings for the entire town.

In 1968, an extensive Fire Lane project was undertaken (see Map X-3). These lanes are mostly on private property and are to be used for fire fighting only, but many of them have since become private rights of way to homes built since that date. In 1994, yellow numbered posts were erected to identify them for fire fighters.

The fire companies are presently cooperating in the development of a fire protection plan for the next 20 years. Problems to be considered include an expected increase in the amount of property to be protected, growing traffic which congests commercial areas during the tourist season, escalating costs of fire equipment, and the trend toward higher age and income of the population, both factors which lead to diminished interest in volunteer firefighting. The companies hope to overcome these problems through more vigorous recruitment and training, more versatile equipment, and better communications.

c. Emergency Services. The Town rescue facilities are currently maintained by the private volunteer Kennebunkport Emergency Medical Services (KEMS). The service was established in 1979 and consists of an all-volunteer group of 28 members. KEMS is governed by a 12 member Board of Directors, all of whom are Kennebunkport residents. The size of the organization does not fluctuate during the year, allowing a five or six person crew to be available on each shift.

KEMS is completely funded through its annual membership drive and private donations. No financial support is required from the town's tax revenues.

KEMS maintains one new ambulance which is located at the Cape Porpoise Fire Company. During the past three years, the service has responded to an average of 205 calls per year, with little change between the three years. With increasing training skills and insurance costs, it appears that a trend toward town financial help and full-time, town-employed EMT's is possible within the next five to ten years.

d. Communication Service. The Town's Communications Service is presently operated as an adjunct to the Police in their facility on Crow Hill, but it supports all of the three services described above. The service accepts emergency telephone calls 24 hours a day, seven days a week, and maintains radio contact with all public safety facilities and vehicles. It is understood that during the summer months, message traffic is approaching a level where two communications operators may be needed.

During the next year, experiments will be made with the use of the cables of Cable TV of the Kennebunks to provide a voice communications network independent of both the telephone system and FM radio channels, both of which can become very crowded.

3. Highways (\$543,288)

The Highway Department maintains nearly 50 miles of roads within the town, as well as related culverts and sidewalks. The Department is also committed to upgrading the stone seawalls which border Ocean Avenue along Cape Arundel.

Sidewalks are a subject which has been so controversial over the years that the Town has an official Sidewalk Committee to make recommendations about them. "We are interested," the Committee writes, "in keeping our existing sidewalks in good repair, and building new sidewalks

only where necessary." While several sidewalk repair projects have been completed in recent years, members of this committee have noted need for further upgrading in the Dock Square area.

While snow removal is a big factor which tends to make highway expenses uncontrollable, the Highway Department has remained commendably cost-conscious. Private ways are no longer plowed at town expense. The Landon Road Book numbers and gives the history of every public and private way in town. This is invaluable for settling disputes and locating easements. The Fire Administrator is continually updating the book as new rights of way are added. Over the last 15 years, the Highway account has increased less rapidly than any other major component of the Town budget. A listing of Highway Department equipment can be found in Table X-6.

4. Health & Sanitation (\$410,451)

Several loosely-related items fall under this heading.

a. Health Care. Three physicians, all Doctors of Osteopathy, maintain offices in Kennebunkport; two are located in Cape Porpoise and one on River Road. There are no M.D.'s with offices in Kennebunkport. (The Town's Health Officer is an M.D., but his office is in Biddeford.) Nevertheless, this is not as inconvenient as it might appear, since a large number of physicians have offices nearby in Kennebunk and Biddeford. The nearest hospital is Southern Maine Medical Center, a modern well-equipped facility located in Biddeford. Various health clinics and doctors' offices are located in Kennebunk, Biddeford, and Wells.

The Kennebunkport Health Council and General Assistance Office is located at the Municipal Offices on Elm Street. A nurse is available for various tests such as blood pressure and blood sugar, treatments and consultations, and conducts a variety of health clinics. Home care visits can be provided by the Council, which also maintains a food pantry. The Health Council Physician is a D. O. who has an office in Kennebunkport.

b. Solid Waste Disposal and Recycling. Acting under pressure from State regulatory authorities, the Town has closed its former dump. A ground water monitoring program is being conducted at the closed dump site per State Department of Environmental Protection regulations. All demolition debris, grass, leaves, brush and household appliances must be taken to Kennebunk's Sea Road facility. Disposal fees vary for the different types of materials. Dumpsters for corrugated cardboard recycling are located at Bradbury's Market and the Municipal Parking lot.

The Town currently has no legal disposal site whatsoever for stumps and rubble. An option to join a York County regional association could be investigated.

To provide for the disposal of solid waste, the Town has a 17-year contract with Maine Energy Recovery Company (MERC) in Biddeford, which incinerates it. The Town's volume of waste is currently estimated at 2,350 tons per year. Tonnage amounts can be adjusted with MERC, for rate purposes, every five years. The Town pays for a curbside pick-up system for solid waste collection.

The Town has also instituted a recycling program, in conjunction with Kennebunk and Arundel. Curbside pick-up is used to recycle tin cans, clear glass, plastic, and paper, all of which will be sorted by the Town's contracted trash removal service. Other recyclable items may be taken to the Center for recycling in Kennebunk.

c. Storm Water Management. Storm water is collected via numerous small systems, located primarily in densely developed areas such as Dock Square, along Ocean Avenue, Cape Porpoise Square, and areas along Goose Rocks Beach. Run-off is collected and discharged directly into the Kennebunk River, tidal marshes, or the Atlantic Ocean.

5. Sewer System

In recent years, the Town's Sanitary Sewer System has been considerably expanded. With the extension of the system to Goose Rocks Beach and the corresponding increase in the capacity of the treatment plant, over half of the buildings in town are now served. Map X-1 shows the streets through which the sewer system now runs.

The peak load which this system is required to handle is determined primarily by the town's tourist trade, with the volume treated on a summer weekend being more than ten times as much as on a corresponding weekend in mid-winter. Through 1991, when the tourist trade was growing, it appeared that the Town's peak sewage load might soon outgrow the capacity even of the newly expanded plant. In response, the Selectmen imposed a limitation on new connections to the sewer system, which remains in place to this day. Because there has been little demand for new housing or commercial construction since 1991, however, the limitation has produced very little discomfort. On the other hand, should the tourist business recover and expand further, as it may well do, the pressure to build new housing and commercial structures will reappear, and the sewer system is likely to become a constraining factor in the town's growth.

Recognizing that an increase in plant capacity is almost inevitable, the Sewer Department, at this writing, has requested a proposal from a consulting engineer to appraise the existing treatment facility and to provide specifications and a cost estimate for an appropriate plant addition.

a. Subsurface Disposal. Refer to Chapter IV, Town Goal 2 (also Chapter V, I, A, Soils)

6. Water Supply

About one-third of the residents of Kennebunkport derive their water supplies from private individual wells. As noted in Chapter IV, supplies of ground water seem satisfactory, at present, in both quality and quantity.

The remainder of the town obtains its water from the Kennebunk, Kennebunkport & Wells Water District, which was established in 1921 by an Act of the Maine State Legislature. Map X-2 shows the streets along which KK&WWD water is available.

The KK&WWD receives its water primarily from Branch brook, which flows through parts of Kennebunk, Wells, and Sanford. KK&WWD on its own initiative pursues protection of Branch Brook from development and from pollution. Filtration and pumping facilities are located in Kennebunk. KK&WWD is also tied into the Saco River to provide additional water during peak summer demand periods. Fortunately, the district's primary storage tank is located on Crow Hill in Cape Porpoise, providing an abundant, centrally located water source for Kennebunkport.

One area of town currently served by private individual wells is experiencing sea water contamination. This is an area of approximately two miles along Ocean Avenue, east of Walker's Point, which is not served by KK&WWD. The KK&WWD has approximately 800 feet

of water main extension proposed to serve recent pending housing developments at one end of this area. The remaining 1 1/2 miles needed probably will not be built because of the high cost of installing supply piping through land which is mostly composed of solid ledge.

(Water quality is discussed in Chapter IV: Water Resources.)

7. Electric Utility

All of Kennebunkport is supplied by the Central Maine Power Company, which generates the power and handles distribution to individual residences. Frequency of power outages and response to emergencies are probably normal for utilities serving small communities in this latitude. Power rates are high compared to most of the rest of the United States.

The CMP 100-foot wide powerline that runs along the northwest Town line into the center of town is kept free of foliage by periodic spraying. There is no aerial spraying. The work is done from backpacks containing organic compounds (Garlon #4 and Krenite) diluted in water to 3% and 5%, respectively. They break down in the soil and are non-toxic to humans. The operation is licensed by the State and any landowner preferring to treat their own foliage may request a non-spray agreement with CMP.

8. Public Transportation

Kennebunkport has very limited public transportation. During the tourist season, a couple of pseudo-trolleys take visitors on a sightseeing tour, stopping at the principal hotels and motels as they do so. However, neither the routing nor the rates are appropriate for utilitarian trips by those who do not have automobiles. Another bus operator, the "Sea-Bird Shuttle", takes passengers at \$1/ride over a route which covers downtown Kennebunkport, the Lower Village, and Kennebunk Beach. A seasonal bus service could do much to alleviate traffic and parking challenges that currently exist.

In this respect, Kennebunkport has reason to envy some of the surrounding communities. There is a Saco-Biddeford-Old Orchard shuttle bus. Wells has been instrumental in implementing a summer bus service between Kennebunk and Kittery. This service stops in Kennebunk Lower Village. With the possible return of rail passenger service, such a bus service and others to be implemented might move visitors from the Amtrak station in Wells to Kennebunkport.

9. General Government (\$444,779)

This budget category covers a number of routine but absolutely essential functions which are carried on within the Town Hall. Among them are Code Enforcement, Tax Assessment and Collection, Bookkeeping, Maintenance of Records, and General Management of the Town.

B. PUBLIC FACILITIES

Many of the town's public facilities have already been mentioned in connection with the organizations which use them. In some cases, however, the facilities themselves deserve further comment.

1. Municipal Offices

For several years, the belief has been widely held that the Town's offices need to be improved and expanded. Not only is the building obviously crowded, but there is no open area large enough to accommodate a meeting of as many as ten people. On three separate occasions, proposals to enlarge or replace the Town Hall have been put before the voters and, each time, these have met with defeat. In the most recent instance, many sensed that the voters were amenable to the notion of an improved Town Hall, but were put off by the fact that the Selectmen could not agree upon the best way to meet that objective.

An improved Town Hall continues to stand high on the town's "shopping list," and it seems certain that sooner or later a proposal to meet this need will gain the approval of the voters. When this will happen and what form the proposal will take, however, remain shrouded in mystery.

2. Police/Communications Facility

As of April 1, 1996, the Police Department/Communications will be located in a new building on Town-owned property near the intersection of Old Cape Road and Route 9. This centrally located facility will provide the Department with much needed space for adequate and safe working conditions.

3. Highway Department

The facilities of the Highway Department are located off Beachwood Avenue, adjoining the former Town Dump. They include a relatively new Town Garage and fuel storage tanks. A storage shed for salt and sand was added recently. The facilities appear satisfactory for the operations conducted there.

4. Piers

The Town operates two piers for the use of fishermen, which have been described in Chapter III.

5. Shopping Area

Although there are commercial areas in Goose Rocks Beach and Cape Porpoise, most shopping activity in Kennebunkport is concentrated in the area of Dock Square and the Kennebunk Riverfront. Hence, the appearance of the Dock Square neighborhood is of concern to all. For many visitors, it is their first look at the town. Most of the merchants make every effort to keep their buildings in good repair. The holiday decorations for Christmas Prelude are outstanding. In the summer, the Seacoast Garden Club maintains the lovely flowers at the Civil War Memorial. On Memorial Day, we can all be proud of our town as we meet there.

But the appearance of Dock Square is not all that it might be. The local merchants observe that the Town has allowed the sidewalks and curbs to deteriorate here, while using parking lot revenues, which might have been used to repair them, for other purposes.

Several years ago, the Lighting Committee installed attractive street lights in Dock Square, but the project was never completed. The north side of the Square leading to the bridge has no lights; neither does the parking lot.

Traffic in the Dock Square area, both pedestrian and vehicular, is a recurring source of concern and irritation. As the law requires, pedestrians are given the right of way, with the result

that they meander oblivious in all directions, with little or no regard for the painted crosswalks. Meanwhile auto traffic, obliged to cross the Kennebunk River here on the only bridge within a mile, suffers long delays. Drivers, with little to do but sit and ponder, wonder if there may be a more efficient way to move people and cars through this bottleneck. Actually, the Town Police Department has considered several alternative routing schemes for Dock Square, but these require State approval because the principal road through Dock Square is State Route 9. So far, no cooperation from the State has been obtained.

6. Parking Facilities

Like most towns which were laid out in the horse-and-buggy era, Kennebunkport has a severe shortage of parking space. While the Town's Land Use Ordinance is structured to prevent new commercial enterprises outside Dock Square from making this problem worse, parking remains very difficult during the tourist season. The Dock Square Zone is exempt from this parking requirement as there is no space to add parking. The Town's only municipal parking lot is that adjoining the Kennebunk River, just north of Dock Square.

A related problem concerns the parking lot at St. Martha's Church on North Street. Through agreement with the Town, it can be used at most times to supplement municipal parking. The parking lot at the Consolidated School is also available during the summer vacation period. When these lots first came into public use, the Town used fees collected at the Municipal Parking Lot to fund a shuttle bus which ran between St. Martha's, the school, and Dock Square. In 1992, the shuttle bus was discontinued because the Town Meeting ceased to provide funding for it. The outlying parking lots remain in use, but for those who are old or infirm, the walk to Dock Square is a long one.

7. Shade Trees

The town's exceptional shade trees, as mentioned previously in Chapter V, receive the attention of a Shade Tree Committee. Their activities center around the Town's still numerous elm trees. An aggressive program of immunization, replacement plantings, and pruning are the main components of the Shade Tree Committee's work. The Committee receives its funding from the Town.

8. Cemeteries

The Town of Kennebunkport does not own any cemeteries, but within the town there are at least 70 burial grounds of various sizes which belong to churches or individual families. Town activity is confined to contributing to the maintenance of gravesites of veterans buried in the Arundel Cemetery on North Street. Many of the cemeteries are of considerable historical interest, however, as mentioned in Chapter II of this report.

9. Rest Rooms

Despite the obvious need for rest rooms in a town which swarms with tourists, the voters of Kennebunkport have found it challenging to agree upon a means to provide them. For many years, there were no public rest rooms of any kind in the town. Recently, limited facilities have been made available in leased property near Dock Square. These facilities are funded jointly by the local business association, the Town, and private contributions. A discussion of rest room facilities in beach areas is discussed in Chapter III.

10. Signs/Maps

The Town is working to make it easier for a first-time visitor to find his way around. Signs indicating street names are being installed but are not yet completed in all areas. A street map on a grid is now available from the Kennebunk-Kennebunkport Chamber of Commerce on Route 35, however, it does not show the northern section of town.

C. RELATIONSHIP WITH THE TOWN OF KENNEBUNK

It would be negligent to review the services and facilities of the Town without mentioning the benefits which the Town receives from the close relationship which has been developed with the Town of Kennebunk. Through this relationship, Kennebunkport shares the use of several services which it would find difficult to maintain entirely on its own. Examples of shared services include:

- Recycling Facility
- Recreational Programs and Facilities
- Youth Affairs Officer
- Kennebunk River Committee
- Public Safety

II. ANALYSIS AND CONCLUSIONS

This review indicates that the Town facilities and services are adequate in all cases, and, in most instances, quite satisfactory. Nevertheless, as would be expected when considering such a wide range of items, there are some cases where improvement would be very desirable.

In the opinion of this Committee, the Town's most important requirements are as follows:

- A. A detailed study of means to reduce the cost charged to Kennebunkport for educating our school children. There are three alternative courses of action which could be explored:
 - 1. Apply for a change in the formula through which the costs of operating S.A.D. 71 are divided. Such a procedure is governed by State law.
 - 2. Send Kennebunkport students to S.A.D. 71 as "tuition students." Presumably the cost per student could be negotiated. In so doing, however, the Town would lose all control over the policies and administration of the School District.
 - 3. Withdraw completely from S.A.D. 71 and make our own educational arrangements. Needless to say, there are a large number of state educational requirements which would have to be met.
- B. A municipal building of satisfactory size.
- C. A plan covering means to increase the capacity of the Town's sewage treatment facility so that such a project may be included in the Town's advanced financial planning.

In addition to the foregoing, we would draw attention to several other significant opportunities for improvement which are listed as Implementation Strategies in the section which follows.

III. IMPLEMENTATION

STATE GOAL:

TO PLAN FOR, FINANCE, AND DEVELOP AN EFFICIENT SYSTEM OF PUBLIC FACILITIES AND SERVICES TO ACCOMMODATE THE ANTICIPATED GROWTH AND ECONOMIC DEVELOPMENT.

TOWN GOAL 1: MAINTAIN PRESENT LEVEL OF PUBLIC SERVICES; IMPROVE SERVICES WHERE NECESSARY TO MEET PRESENT OR FUTURE NEEDS.

- Strategy 1: Examine how the cost of educating school children in Kennebunkport can be made more equitable on a per student basis with those of Kennebunk and other nearby communities without sacrificing quality of education.
- Responsible Party: A Study Committee chosen by the Selectmen
- Recommended Time Frame: Upon acceptance of Plan
- Strategy 2: Determine the best method, as well as the estimated cost, to make a substantial increase in the capacity of the Kennebunkport Wastewater Treatment Plant.
- Responsible Party: A Study Committee chosen by the Selectmen, Sewer Department
- Recommended Time Frame: Upon acceptance of Plan
- Strategy 3: Experiment with alternative traffic patterns in the vicinity of Dock Square.
- Responsible Party: Police Chief
- Recommended Time Frame: Ongoing
- Strategy 4: Encourage private operators to provide shuttle bus service in the tourist season between Dock Square, the St. Martha's Church parking lot, and, when necessary, the Consolidated School parking lot.
- Responsible Party: Selectmen, Chief of Police, Kennebunkport Business Association, Chamber of Commerce
- Recommended Time Frame: Ongoing
- Strategy 5: Provide better signs and map displays in places where they will be useful to visitors.
- Responsible Party: Sign Committee, Kennebunkport Business Association, Chamber of Commerce
- Recommended Time Frame: Ongoing

Strategy 6: Improve sidewalks and lighting in the Dock Square area.

Responsible Party: Selectmen, Town Manager, Lighting Committee, Kennebunkport Business Association, Chamber of Commerce, State Department of Transportation

Recommended Time Frame: Ongoing

TOWN GOAL 2: PROVIDE TOWN EMPLOYEES WITH GOOD FACILITIES FOR THE PERFORMANCE OF THEIR WORK.

Strategy 1: Enlarge or replace the present Municipal Building to provide satisfactory working conditions for the employees who work there.

Responsible Party: A new Building Committee chosen by the Selectmen

Recommended Time Frame: Ongoing

CHAPTER XIII: HAZARD MITIGATION

I. INVENTORY

Hazard Mitigation is a process that seeks to lessen or eliminate hazards that pose a threat to a community. Hazards that are examined include both natural and manmade events. While historically natural hazards may have been the most common type of occurrence, hazards caused by human activity are increasingly a threat, including industrial events, bio-hazards and acts of terror. Hazard mitigation activities are designed to lessen the effects of such events on the community.

The Hazard Mitigation Inventory is a part of the Emergency Operations Plan required by the state of Maine. This emergency plan is required in order for the Town to receive federal disaster relief funds.

Hazards that are naturally occurring in Kennebunkport can include but are not limited to: forest fires, flooding, coastal storms, erosion, earthquakes, winter storms, hurricanes, droughts, and ice storms. This is not an all inclusive list but rather identifies the most possible events. Also to be considered is the release of toxic materials in the event of a chemical leak and the potential of a terrorist action. The Towns Emergency Operations Committee has completed a hazard analysis for Kennebunkport identifying the hazards most likely to impact the Town.

Mitigation is only one part of emergency planning, resource identification and readiness. Emergency management also includes planning. Kennebunkport has an Emergency Management Director, who is responsible for emergency planning in the community.

II. ANALYSIS AND CONCLUSIONS

A county-wide hazard mitigation plan was completed by the Southern Maine Regional Planning Commission for the York County Emergency Management Agency in 2004. This plan was subsequently adopted by the Kennebunkport Board of Selectmen. This plan contains many recommendations for individual municipalities and contains a great deal of direction regarding both local and regional hazard mitigation activities. The goals, policies and strategies presented in this chapter reflect a commitment to the county plan.

III. IMPLEMENTATION

STATE GOAL: TO DISCOURAGE DEVELOPMENT IN NATURAL HAZARD AREAS.

TOWN GOAL 1: TO DEVELOP INCLUSIVE STRATEGIES FOR MITIGATING ACUTE HAZARDS.

Policy 1: Perform a hazard analysis of the community that identifies natural, man-made, and technological hazards that face Kennebunkport.

Strategy 1: Review the hazards that potentially threaten the community and analyze them to determine the degree of threat that is posed by each.

Responsibility: Emergency Management Director

Timeframe: Ongoing

Strategy 2: Using information gathered from mitigation plans and existing emergency operation plans, develop actions that will mitigate hazards.

Responsibility: Emergency Management Director

Timeframe: Ongoing

Strategy 3: Inform and remind people about hazards and the measures necessary to avoid potential damage and injury.

Responsibility: Emergency Management Director

Timeframe: Ongoing

Strategy 4: Provide mechanisms for the monitoring and management of hazards likely to affect the community, including keeping current the Town's Emergency Operations Plan.

Responsibility: Emergency Management Director

Timeframe: Ongoing

TOWN GOAL 2: TO DEFINE THE ROLES AND RESPONSIBILITIES FOR THE MITIGATION OF CRONIC HAZARDS.

Policy 1: Develop a comprehensive approach to hazard mitigation that includes prevention, property protection, natural resources protection, emergency services, structural protection, and public information

Strategy 1: Incorporate hazard mitigation analysis in planning and zoning, open space preservation, land development regulations, storm water management, coastal maintenance, and building codes.

Responsibility: Planning Board, Code Enforcement Officer

Timeframe: Ongoing

Strategy 2: Protect property from possible hazards by allowing the modification of buildings and property.

Responsibility: Planning Board, Code Enforcement Officer
Timeframe: Ongoing

Strategy 3: Promote erosion and sediment control and wetlands protection.

Responsibility: Planning Board
Timeframe: Ongoing

Strategy 4: Ensure adequate funding and support for hazard identification and mitigation. Advocate for emergency services, critical infrastructure protection, and on-going health and safety services.

Responsibility: Town Manager
Timeframe: Ongoing

Strategy 5: Encourage projects that will protect people and property from hazards that will not disrupt natural functions such as water flow or wildlife habitats.

Responsibility: Town Manager, Planning Board
Timeframe: Ongoing

Map Appendix

(Note of Explanation)

The maps included in this appendix are illustrative and for planning purposes only. These are not to be used as a substitute for actual field observation and determination done by licensed professionals. Maps may be added to this appendix as they are deemed useful and applicable to the understanding and implementation of the Comprehensive Plan.