

**Kennebunkport Planning Board
December 5th, 2012 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, December 5th, 2012. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Leo Famolare, Gordon Ayer, Peter Fellenz, Helen Conaty

Approval of Minutes: Mr. Famolare made a motion to approve the minutes from the October 17th, 2012 and November 7th, 2012 Planning Board meeting. Mr. Reid seconded the motion and the vote was unanimous.

Items:

1) 121101 Seaside Hotel Associates, d/b/a Nonantum Resort – Site Plan Review – **Initial Review** – for approval to convert a seasonal awning enclosure into a more permanent structure with the same use intended, by upgrading the walls, windows and floor, as well as conversion of an existing bathroom into a handicap accessible bathroom. [95 Ocean Avenue, Assessor's Tax Map 08, Block 001, Lot 13 in the Riverfront Zone.]

Mr. Kling introduced the Agenda item. Ms. Tina Hewett-Gordon, representing the Nonantum Resort addressed the Board stating the proposal is to convert the outdoor patio into a more permanent structure by adding a permanent roof and to convert an existing bathroom to meet ADA standards.

Mr. Kling noted the footprint of the building is not increasing but the Applicant is increasing the volume.

Mr. Reid asked if the Applicant plans on heating the new space. Ms. Hewett-Gordon replied they would put portable heaters in that area and reminded the Board and the audience that the Nonantum is only open seasonally.

Mr. Ayer made a motion the Application is complete. Mr. Fellenz seconded the motion and the vote was unanimous.

Mr. Kling stated a Public Hearing would be held on December 19th, 2012 for this Application.

2) Estate of Armentrout (PBM Subdivision) c/o Richard Barnes / James Logan of Albert Frick & Associates, Authorized Agent – Initial Review – for approval to review new, proposed drainage structures related to future amended grading plans for Lots 3 & 4. [54 River Road, Assessor's Tax Map 01, Block 001, Lots 3 & 4 in the Village Residential Zone.

Mr. Kling introduced the Agenda item noting this Application includes some changes to the septic system. Mr. Kling reminded the Board this Application does not involve the creation of any new lots so it is treated as a Final Application without having to complete the Preliminary Site Plan Review process.

Mr. Jim Logan of Albert Frick & Associates addressed the Board stating Lots 3 & 4 on the original Subdivision Plan of 1991 will remain the same. Mr. Logan cited the following Note from the Findings of Fact from the original Subdivision approval in 1991:

Note #9, Exhibit C "After a lengthy discussion with the Consultant to the Board, it was decided that the following note appear on the final plan. "Maine soils typically have high ground water and homeowners need to consider this in designing basements. All such basement designs must be accompanied by a localized water drainage plan to be reviewed and approved by the Kennebunkport Code Enforcement Officer."

In response to this note, Mr. Logan explained the grading plan for the two lots is designed to redirect the drainage trenches towards River Road via French drains or an infiltration trench which is a common technique in lieu of an open ditch line. Mr. Logan also added due to the above mentioned note they recommended only crawlspace foundations.

Other items of note, Mr. Logan explained, there are not additional lots or changes to lot lines; an easement that once applied to Lot 4 has been extinguished and the lot will be served by public water so the septic system can be placed in closer proximity to the house than originally planned. An Erosion Sediment Control Plan and an engineer's Review Plan to provide a storm water analysis of runoff has been included in the Application, Mr. Logan stated.

Mr. Reid asked if there were any maintenance requirements of the proposed drainage system. Mr. Logan responded it is a fabric-wrapped length of rock pipeline which would require periodic monitoring to make sure there isn't a plugged pipe.

Mr. Kling asked if the revised drawings could reflect the new lot calculations and for a copy of the HHE application be included as part of the Application.

Mr. Kling made a motion to find the Application complete pending receipt of those items previously mentioned. Mr. Famolare seconded the motion and the vote was unanimous.

Other Business: KPT Ventures, LLC / The Landing, for approval to make interior modification changes. [21 Ocean Avenue, Assessor Tax Map 11, Block 1, Lot 8 in the Dock Square Zone.]

Mr. Kling introduced the next item on the Agenda stating this matter is before the Board to decide if it is appropriate to grant authority to the Code Enforcement Officer to oversee this project.

Mr. Ayer is recused from this matter.

Mr. Ralph Austin, representing KPT Ventures, addressed the Board stating there were some changes to the original design that prompted Brian Shaw, Code Enforcement Officer to issue a Stop Work Order. Mr. Austin explained the changes are to combine 2 guest rooms on the second floor into one suite and convert the bar lounge area on the second floor into a guest room. On the first floor, Mr. Austin stated they wish to change the size of the kitchen area and add a second bar on the same floor. Mr. Austin explained the number of guest rooms and the seating number for the restaurant remains the same as the original approved proposal. The Applicant is asking the Planning Board to approve those changes and to consider giving authority to the Code Enforcement Officer to oversee and approve any further minor changes.

Mr. Kling asked if these proposed changes affect the footprint or volume of the building or the pervious or impervious surface calculations. Mr. Austin responded there are no changes to lot coverage or volume change.

Mr. Kling offered his opinion that he does not see any issue in terms of the changes conflicting with the Planning Board's Findings.

Mr. Fellenz asked if the Code Enforcement Officer's reason for issuing the Stop Work Order was because the changes were made without prior communication with his office or because the changes were substantial. Mr. Austin replied the order was issued due to lack of communication with the town office and without having the Fire Marshall's approval. Mr. Tim Harrington addressed the Board stating they have written approval from the Fire Marshall now for the new changes.

Mr. Brian Shaw addressed the Board and gave a summary of his inspection of the premises and the reason for the Stop Work Order. Mr. Shaw stated he has spoken with the Fire Marshall who has approved the changes. Mr. Shaw explained that since the changes were done without prior notification to the Planning Board or the Code Enforcement Office, he felt the Stop Work Order was necessary. If the Board grants him the authority to approve these changes, Mr. Shaw added he will complete all paperwork to get the Applicant back in compliance.

Mr. Allan Moir, addressed the Board asking if the sewer application was going to change with the additional chairs and tables on the first floor. Mr. Harrington responded they are very much under capacity in terms of the sewer application but suggested sitting down with Mr. Moir at some point to discuss it further. Mr. John Einsiedler, architect added the layout and capacity would be addressed before a C/O would be issued.

Mr. Kling made a motion to record these changes and have them fall into the Code Enforcement Officer's jurisdiction. Mr. Reid seconded the motion and the vote was unanimous.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary