

**Kennebunkport Planning Board**  
**April 3rd, 2013 ~ 7:00 PM**  
**Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, April 3, 2013. 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, John Hathaway, Peter Fellenz, Helen Conaty

Approval of Minutes: A motion was made to approve the minutes from the March 20th, 2013 Planning Board meeting. The motion was seconded and the vote was unanimous.

Items:

**1) The Ledges at Ocean Avenue - Lot #8 / Sebago Technics, Authorized Agent – Findings of Fact** - for approval to relocate septic field location as described on the Subdivision Plan. [Washburn Drive, Tax Assessor's Map 20, Block 004, Lot 03J in the Village Residential Zone.] *David Kling, Case Manager*

Mr. Kling read the Findings of Fact into the record. Mr. Famolare made a motion to approve said Findings. Mr. Hathaway seconded the motion and the vote was unanimous.

**2) 130202 Arthur Holdsworth and Susan Applegate / Didonato Architects, Authorized Agent – Site Plan Review – Findings of Fact** – for approval to remove a one-story single family dwelling as well as attached deck and replace them with a new two story single family dwelling which will be relocated closer to Westerly and Northerly setbacks, as well as remove paved driveway and replace with grass pavers. [11 Belvidere Avenue, identified as Assessor's Tax Map 35, Block 21, Lot 13 in the Goose Rocks Zone.] *Leo Famolare, Case Manager*

Mr. Famolare read the Findings of Fact into the record. Mr. Hathaway made a motion to approve said Findings. Mr. Reid seconded the motion and the vote was unanimous.

**3) 130201 KPT Ventures d/b/a The Cape Arundel Inn / John Einsiedler, Authorized Agent – Site Plan Review – Public Hearing** – for approval to remove a window, replace it with a door and metal egress stairs on the east side of the building in the back. [208 Ocean Avenue, identified as Assessor's Tax Map 07, Block 012, Lot 04 in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item. Mr. Ayer is recused from this Review. Mr. Fellenz has voting privileges for this Application.

Mr. John Einsiedler addressed the Board stating they propose to add a new egress stair outside of the building exiting to the parking lot. Mr. Einsiedler also stated after speaking with the Code Enforcement Officer, this was the best way to have a code compliant egress stair.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Hathaway made a motion to approve this Application. Mr. Reid seconded the motion and the vote was unanimous. Ms. Conaty will prepare the Findings of Fact to be read at the next Planning Board meeting on April 17<sup>th</sup>, 2013.

**4) 130203 Thomas & Carol St. Germain – Site Plan Review – Initial Review** - for approval to remove and re-construct a retaining wall in a different location, rebuild a retaining wall with new material, install and reduce driveway and build a walkway. [10 Ward Road Extension, identified as Assessor's Tax Map 21, Block 011, Lot 28 in the Cape Porpoise West Zone.]

Mr. Kling introduced the Agenda item. Mr. Famolare disclosed he has family members living across the street from this Applicant. The Applicant and the Board members stated they had no issues with Mr. Famolare's disclosure.

Mr. St. Germain addressed the Board stating when they purchased the house in 2004 the structure was neglected and run-down. Mr. St. Germain stated they have rebuilt the house and are now looking to make some needed repairs to the landscape by rebuilding a wall that was built with old railroad ties and replacing another wall with riprap. A third item the Applicant proposed is to build a set of steps from the lawn to the area in front of the boathouse. Mr. St. Germain explained the boathouse area is roughly 11 feet elevation and the lawn area is roughly 14 feet elevation. The final part of this Application is to remove 700 cu. ft. of crushed stone and replace it with fescue which is a native shrub.

Mr. Kling acknowledged receipt of the DEP's Permit By Rule and noted that the lot coverage will decrease. Mr. Kling asked Mr. Gilliam if he found any issues with this Application. Mr. Gilliam pointed out that the Ordinance states there can be no increase in lawn areas in the Resource Protection Zone; however, this Application is removing a structure and a substantial amount of gravel.

Mr. Kling noted the Applicant's waiver requests and found no issues with them.

Mr. Reid made a motion the Application as presented by Mr. St. Germain is complete. Mr. Fellenz seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting.

**5) 130301 Richard Woodman – Site Plan Review – Initial Review** – for approval to build a wood frame structure with a concrete floor for the use as a boat workshop and storage. [Route 9, Assessor's Tax Map 21, Block 004, Lot 36 in the Free Enterprise Zone.]

Mr. Kling introduced the Agenda item. Mr. Richard Woodman addressed the Board seeking approval to construct a barn-type structure to serve as a woodshop for boat building. Mr. Woodman explained he is looking to meet the standards for a conditional use of the boatyard. Mr. Woodman presented the following as part of his Application:

- The business is a general boat building repair operation.
- The business is small with no other employees besides himself.
- The business will be mostly seasonal for the off season (Sept. – May).
- There may be a few boats stored outside the building in the wintertime.
- There will be no signs advertising the business.
- The structure will be a wood frame with asphalt shingle roof.

Mr. David Graham, Architect for the Applicant addressed the Board stating they have submitted a request for a number of waivers. Mr. Graham also noted they have received a DEP permit. Mr. Graham explained there is an existing curb-cut along Route 9 and they will need to add a culvert to the new driveway with the 44'x50' shop being 42.9 ft. from the setback area.

Mr. Kling asked why the wetland area is going to be filled. Mr. Graham replied the wetland was created when the Town did some road work.

Mr. Reid asked if the boat storage would be behind the building. Mr. Woodman replied for the most part the building would block the view of the boats.

Mr. Reid asked if the Applicant is required to have an ADA compliant bathroom. Mr. Gilliam responded the fact that the business is a workshop it is not required to have a fully ADA compliant restroom.

Due to the fact the property is in a residential area, Mr. Fellenz asked if there would be any impact to the neighbors. Mr. Woodman responded he does use power tools but the noise level would be equivalent to a landscaper's lawn cutting equipment.

Ms. Conaty asked what the hours of operation would be. Mr. Woodman replied he'd be there between 8 a.m. and 5 p.m.

Mr. Woodman noted for the Board, the reason this Application is not for an industrial building is because he hopes to build a house there in the future.

Mr. Ayer made a motion to find the Application complete. Mr. Famolare seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting.

**6) John Fitzpatrick / Albert Frick Associates, Inc., Authorized Agent – Sketch Plan** – proposed 7 lot subdivision on Oak Ridge Road, Assessor's Tax Map 38, Block 001, Lot 30 and Tax Map 39, Block 001, Lot 3, respectively.

Mr. Kling introduced the Agenda item. Mr. Reid disclosed he has purchased real estate from Mr. Fitzpatrick in the past.

Mr. James Logan, Soil Scientist with Albert Frick Associates, addressed the Board stating the Application reflects a conservation lot. Mr. Kling asked if the conservation lot was deeded as such. Mr. Logan replied yes, indicating the lot on a preliminary site plan. Mr. Logan pointed out several features of the proposal, including:

- The pond in the back of the property is included in wetland area calculations.
- 6 of the lots will be fed off of the dead end of the road.
- The road will be 1,000 ft. to the far end of the cul-de-sac and 20 ft. wide.
- The road is intended to remain a private Right of Way and not a town road.
- Applicant will follow the DEP's prescription of avoidance and minimization for the wetland crossing.
- The property is not in the Shoreland Zone or Resource Protection Zone and has no protected habitats.

Mr. Reid expressed concern about the Right of Way crossing the stream on the property. Mr. Logan stated through responsible engineering they could redirect the drainage without requiring a stormwater permit.

Mr. Kling suggested shortening the length of the proposed driveways on lots 4 & 5. Mr. Logan explained this review is preliminary and will not be able to do a full site plan until a full vernal pool analysis can be conducted which may take until the end of May. Mr. Logan illustrated on the site plan the 250 ft. radius around all of the known vernal pools and would limit all clearing to no more than 25%.

The Applicant and the Board agreed a site walk was necessary. Mr. Logan would contact Ms. Harmon in the Code Enforcement Office to schedule one.

The Board asked Mr. Logan to provide the following in his Site Plan Application:

1. Proof/calculations the open space lot meets the Open Space Requirement for Subdivisions.
2. All of the deed restrictions from the original subdivision.
3. Vernal pool analysis.

**Other Business:**

Mr. Gilliam provided the Board with a summary of the permits issued to repair seawalls damaged from this past season's storms.

Mr. Gilliam also informed the Board they will be receiving an application to repair a seawall at Walker's Point. Due to the severity of the damage and the urgency for repairs, Mr. Gilliam asked the Planning Board for permission to allow this Applicant to be placed on the April 17<sup>th</sup> Agenda. The Board agreed unanimously to Mr. Gilliam's request.

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

**Submitted by:** Patricia Saunders, Planning Board Recording Secretary