

Kennebunkport Planning Board
June 19th, 2013 ~ 7:00 PM
Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, June 19, 2013. The meeting convened at 7:00 p.m. in the North Street Fire Station.

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

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the June 5th, 2013 Planning Board meeting. Ms. Conaty seconded the motion and the vote was unanimous.

Items:

1) 130501, Walkers Point Family Limited Partnership / KW Architects, Authorized Agent – Site Plan Review –**Public Hearing** – for approval to remove an existing house and build a new, two story house more conforming to setbacks. [243 Walkers Point, identified as Assessor's Tax Map 7, Block 001, lots 01/02.]

Mr. Kling introduced the Agenda item noting this Application was voted complete at the last meeting.

Ms. Kristy Kenney of KW Architects addressed the Board stating they are proposing to remove an existing cottage and replace with a new cottage further away to the greatest possible extent of the setbacks.

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

Mr. Reid made a motion to approve the Application replacing the existing structure with a new structure as presented. Mr. Fellenz seconded the motion and the vote was unanimous.

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

2) Kennebunkport Conservation Trust / Sebago Technics, Authorized Agent – Site Plan – **Initial Review** – for approval to re-construct the Grist Mill Museum and Learning Center, which will include an undershot waterwheel. The property is located at 8 Mill Lane, identified as Assessor's Tax Map 09, Block 001, Lot 12.

Mr. Kling introduced the Agenda item noting this is an Initial Review and not a Public Hearing; however, the Board would allow questions from the audience if it is germane to the point being discussed.

Mr. Tom Bradbury representing the Kennebunkport Conservation Trust addressed the Board stating one of the goals of the Trust is to protect properties that are significant to the people of Kennebunkport. The Trust has made as a Board decision to take those properties and try to bring them back to the times when they were of most historic use to the community. When looking at the Grist Mill property, Mr. Bradbury explained, it's most historic time was 200 years ago when it was an operating tidal grist mill and the Trust would like to see it become part of the inner workings of the town as it was back then.

Mr. Steve Doe of Sebago Technics addressed the Board and gave a brief history of the property from 1749 to its present state. Mr. Doe identified in the Application the permits obtained from the Maine Department of Environmental Protection, the Army Corps of Engineers, the Maine Inland Fisheries and Wildlife, the Kennebunk River Committee, the Maine Historical Preservation Commission and the Kennebunkport Board of Selectmen.

Mr. Doe explained the building would primarily be a museum with the mill being operated at scheduled times for grinding grain based on the tides; adding the flood gate would be in the upright position at all times unless the mill was working.

The Trust has been working with the neighbors who may be affected by the mill, Mr. Doe stated. In particular, Ms. Priscilla White and Mr. Timothy Coon, owners of the corner lot on North Street and Mill Lane will be most impacted by the dam, Mr. Doe explained, so the Trust has agreed to grant them an easement. Attorney Durward Parkinson explained this easement grants Ms. White and Mr. Coon unlimited access to any of the open public land as well as rights to launch and store kayaks. Mr. Parkinson added this is a requirement of the Department of Environmental Protection to grant Ms. White and Mr. Coon an easement.

Mr. Doe showed on the Site Plan where the parking area and turn-around would be located on the property. Mr. Doe asked the Board for a waiver to have only 10 parking spaces instead of the required 15 slots. Mr. Kling asked if the parking area would be ADA compliant. Mr. Doe responded yes and pointed out the ADA compliant walkway from the parking lot to the porch and into the building.

In addressing the parking issue, Mr. Kling explained that the Planning Board does not have the authority to waive an ordinance unless stated expressly within the ordinance. So if based on the square footage of the building and the number of employees the Trust is required to have 15 parking spaces, then there has to be 15 spaces, Mr. Kling added. The Board and Applicant discussed several ways the parking area could be designed to blend in with the neighborhood.

Mr. Fellenz asked if there is any impediment to the normal healthy moving of the tidal water by the gate system. Mr. Steve Sincock, Project Manager for the Grist Mill program responded the damn gate is specifically designed with a 10 foot wide by 5 foot high opening to allow fish and wildlife free access. The only times the gate will be closed is when the mill is operating to grind grain and that would be for 1 tide cycle only, Mr. Sincock explained. Mr. Sincock then provided the Board and the audience a brief explanation of how the grinding process would work.

Mr. Ayer recused himself from review of this Application and left the meeting. The Planning Board still had a quorum of four members to continue with the Agenda.

Mr. Kling asked what the proposed hours of operation would be. Mr. Doe replied the museum hours would be 9 a.m. to 5 p.m. not more than 5 days a week with a seasonal operation typically from April to October. Mr. Sincock explained the hours of operating the mill, packaging and cleanup would extend longer than the 9-5 time period but would not be a disturbance to the neighbors.

Mr. Reid asked the Applicant to discuss the possible functions and events that may occur on the property. Mr. Parkinson directed the Board to review Tab 8 of the Application which provides a brief summary of what those events would be, adding there will be no amplified music and that its primary function is to be educational.

Mr. Reid asked what the noise level would be when the mill was grinding. Mr. Bradbury replied with the new building and the stones being set property the noise would be minimal.

Mr. Kling noted that the River Committee suggested adding some warning about turbulence. Mr. Doe addressed this concern stating they would put floats around the dam to alert swimmers and kayaks in the area.

Mr. Fellenz asked if the entire museum and mill operation could be witnessed by a person in a wheelchair or with limited walking ability. Mr. Doe responded the entire museum and grinding operation will be handicapped accessible. There is a mezzanine floor to the building but will only be available to employees and not open to the public.

Mr. Kling asked if the building will be elevated above the flood plain. Mr. Doe replied it would be two feet above at 10.25.

Mr. Kling asked the Applicant if they would be able to provide a revised parking plan within 10 days of the next Planning Board meeting. Mr. Doe replied they would submit it before the deadline for the July 17th meeting.

Mr. Reid made a motion to find the Application complete subject to the changes previously discussed. Mr. Fellenz seconded the motion and the vote was unanimous. Mr. Kling stated the Public Hearing will be held at the next Planning Board meeting on July 17, 2013.

3) Stephen P. Chase – Site Plan – Initial Review – for approval to remove an existing cottage and replace it with a new cottage and garage at 7 Harwood Drive, identified as Assessor's Tax Map 35, Block 003, Lot 10 in the Cape Porpoise West Zone.

Mr. Kling introduced the Agenda item.

Mr. Bob Anuszewski, representing the Chase family addressed the Board stating they would like to remove the existing 500 sq. ft. cottage and replace it with a new 1800 sq. ft. home. Mr. Anuszewski explained the new building would meet the 75 foot setback, raise the elevation roughly 3 feet to bring it out of the flood plain and utilize the fill for excavation as backfill around the property.

Mr. Reid asked if the backfill would affect any neighboring properties. Mr. Anuszewski responded they would put a 2 foot high wall barrier to prevent erosion and runoff.

Mr. Kling noted the Board has received a copy of the Department of Environmental Protection's Permit By Rule application.

Ms. Conaty asked if the property was serviced by public water. Mr. Anuszewski replied it has public water and sewer.

Ms. Conaty made a motion to find the Application complete. Mr. Reid seconded the motion and the vote was unanimous. Mr. Kling noted a Public Hearing will be held at the next Planning Board meeting.

Other Business: Review and approve changes to the Planning Board Rules and Regulations.

Mr. Kling asked Mr. Gilliam if it would be acceptable to discuss and vote on the changes to the Planning Board Rules and Regulations at the next meeting when more of the Board members would be in attendance. Mr. Gilliam agreed to wait until the next Planning Board meeting.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary