

**Kennebunkport Planning Board
February 19th, 2014 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, February 19th, 2014. 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, Helen Conaty

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the January 15th, 2014 Planning Board meeting. Mr. Ayer seconded the motion and the vote was unanimous.

Items:

1) 131201 MB Holdings LLC d/b/a Pier 77 – Site Plan – Public Hearing - for approval to install a string of 30 socket lights across the existing entrance of the parking lot. [77 Pier Road, identified as Assessor's Tax Map 29 Block 002, Lot 05B in the Cape Porpoise Square Zone.]

Mr. Kling introduced the Agenda item. Ms. Jaye Morency addressed the Board stating after a discussion with Mr. Werner Gilliam they were advised to amend their original Application to include a string of lights on the patio at The Ramp which have been in place since 2008. Ms. Morency stated at that time when the patio lights were put up, Mr. Brian Shaw concluded the lights were in accordance with the lighting ordinance; however, there is no documentation on file at the Code Enforcement Office stating such. Ms. Morency explained the patio lights are the same 30 socket string of lights as in the parking area with the same 7 ½ watt, 39 lumens per bulb totaling 1,170 lumens.

Mr. Kling acknowledged receipt of a letter dated January 28, 2014 from Susan Reece to Werner Gilliam stating "We do not oppose the installation but request the outside lights be shut off at a reasonable hour."

Mr. Reid questioned whether the 2008 lights should be included in this Application. Mr. Gilliam responded with the Code Enforcement Office's perspective that there is no objection with the 2008 lights. Mr. Gilliam noted there is one objection from an abutter on file in the town.

Mr. Reid made a motion the lights installed in 2008 are not part of this Application and are not to be considered. Mr. Famolare seconded the motion and the Planning Board unanimously approved the motion.

Mr. Reid asked if perhaps there was a better solution to lighting the parking area than the current string of lights. Mr. Reid suggested putting one light on each pole designating the entrance and exit.

Mr. Kling pointed out the total lumens on the Applicant's string of lights is equal to one 75 watt bulb. Mr. Kling suggested there may be a height issue on the string of lights but stated raising the lights may make them more visible to abutters.

Ms. Conaty offered the lights on the 2 poles illuminating downward would be more directional and less intrusive to abutting properties. Mr. Ayer pointed out that the Ordinance offers no aesthetic guidelines. Mr. Gilliam offered to speak with an electrical inspector for a definitive determination as to the height of the lights in the parking area.

Mr. Kling opened the Public Hearing.

Ms. Ann Campbell, owner of 80 Pier Road, addressed the Board stating she is against the lighting that is in place right now. Ms. Campbell added she has been in contact with two other abutters who all agree it would more acceptable to have just 2 lights on the parking lot poles designating the entrance and exit.

Mr. Reid asked Mr. Gilliam if parking lots are to have the entryway and exit identified and if they are labeled in this instance. Mr. Gilliam stated the entrance and exit should be identified and that is not the case in this instance.

Mr. Kling asked the Applicant if they would be willing to consider only putting lights on either side of the entrance and exit. Ms. Morency responded she would be willing to consider other alternatives but would like to know what the height requirement for the string of lights is first.

Mr. Ayer made a motion to continue the Public Hearing until Mr. Gilliam has a definitive answer from the state electrical inspector on the height requirement and whether the Applicant must meet that state requirement. Mr. Reid seconded the motion and the vote was unanimous.

2) 131202 Joseph Barnett / Harvey Wells, Authorized Agent – Site Plan – Public Hearing - for approval to remove the existing residential use buildings and replace with a new commercial gallery and garage/workshop. [8 Mills Road, identified as Assessor's Tax Map 22 Block 009, Lot 45 in the Cape Porpoise Square Zone.]

Mr. Kling introduced the Agenda item. Mr. Harvey Wells, Architect addressed the Board stating the Application proposes to construct a 1,100 sq. ft. gallery with a separate workshop and garage. Mr. Wells explained the property consists of a non-conforming single family home and a non-conforming shed/garage in the rear of the property. The gallery will be handicap accessible with a handicap restroom and six parking spaces as required based on the net square footage, Mr. Wells explained. Mr. Wells described the design of the gallery building to be a single story Cape with a covered entryway and mezzanine level with attic storage space. Mr. Wells also noted they have received approval from the State Fire Marshall.

Mr. Reid asked if the mezzanine level would be open to the public. Mr. Wells replied yes it would as it is part of the gallery.

Mr. Reid commented on the change in the design of the parking spaces since the last meeting and expressed his approval of the change. Mr. Wells responded that in relocating two of the spaces it also provides more space for snow removal.

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. Mr. Famolare seconded the motion. Mr. Hathaway expressed his disappointment that the distinct historical design of the original building is being destroyed. Mr. Ayer agreed with Mr. Hathaway's opinion but noted the Planning Board has no aesthetic authority. Mr. Kling, Mr. Reid, Mr. Ayer, and Mr. Famolare voted in favor of the motion. Mr. Hathaway voted against the motion. The motion passed and the Application is approved. Mr. Famolare was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on March 5, 2014.

3) 131002 Kennebunk River Club – Site Plan Review – Public Hearing – for approval to reconfigure the existing float system by adding timber piles, removing 6 finger slips and adding 3 longer slips to create 3 corrals. [115 Ocean Avenue, identified as Assessor's Tax Map 08, Block 001, Lot 11 in the Riverfront, Resource Protection and Shoreland Zones.]

Mr. Kling introduced the Agenda item. Mr. Ralph Austin, along with Dan Ellis, Dock Master addressed the Board stating they have received approvals from the Army Corps of Engineers and the Kennebunk River Committee. Mr. Austin read the following statement from a letter dated February 18, 2014 from Mr. Rick Roberts which states: "The Kennebunk River Committee reviewed the Kennebunkport River Club's dockage reconfiguration proposal during our December 2013 meeting. The committee had no opposition to the proposal after discussing with Harbormaster Ray Billings. The committee was scheduled to formally hear the Kennebunkport River Club's proposal on Tuesday Feb. 18, 2014 and formally vote and approve the proposal but due to the pending snow storm, the meeting had to be rescheduled. We verbally approve the dockage reconfiguration. The committee will meet on Tuesday, February 25, 2014 where we will vote and draft our approval letter."

Mr. Austin stated they have received a verbal approval from the Maine DEP and are awaiting receipt of such in writing. Mr. Austin also noted it is his understanding the DEP required no changes to their Application and cited the Army Corps also had no changes as well.

Mr. Ellis provided a brief overview of the dock reconfiguration explaining the purpose is to create a more comfortable space for the boats.

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

Mr. Hathaway made a motion to approve the Application subject to receipt of the DEP approval providing there are no material changes. Mr. Ayer seconded the motion and the vote was unanimous. Mr. Ayer was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on March 5, 2014.

4) 131101 Brian Berube & Susan Wolff / Sandra Guay, Esq. – Site Plan Review – Initial Review – for approval to construct a 4'x6' pier, 3'x33' seasonal ramp and a 10'x20' float. [23 Land's End Road, identified as Assessor's Tax Map 21, Block 010, Lot 14 in the Cape Porpoise West Zone.]

Mr. Kling introduced the Agenda item. Ms. Sandra Guay addressed the Board and gave a brief summary of the Application noting receipt of the DEP approval, Army Corps of Engineers approval and approval from the Kennebunkport Board of Selectmen.

Mr. Zach Taylor of Riverside & Pickering Marine Contractors addressed the Board to provide a brief description of the dock construction stating the dock is specifically designed to minimize the amount of new structure being introduced into the resource while providing safe access from the upland to the water. Mr. Taylor added they have designed the dock to be as short as possible.

Mr. Famolare asked what size craft would be using that waterway. Mr. Taylor replied the owner currently has a 17 foot Whaler that is moored on the opposing mudflat.

Mr. Reid made a motion to find the Application complete. Mr. Ayer 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