

Kennebunkport Planning Board
June 21st, 2017 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, June 21st, 2017. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Peter Fellenz (Chair), Russ Grady, Tom Boak, D. Scott Mahoney, Nina Pearlmutter
Ms. Pearlmutter will have voting privileges for this meeting.

Approval of Minutes: Mr. Boak made a motion to approve the minutes from the June 7th, 2017 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. **170402 Binnacle Hill Subdivision/Sebago Technics, Authorized Agent** –Final Subdivision Review – **Continued Public Hearing** – for approval of a 15 Lot cluster subdivision on New Biddeford Road, identified as Assessor's Tax Map 41, Block 002, Lots 8C & 8D in the Goose Rocks and partial Shoreland Zone.

Mr. Fellenz announced this Agenda item will be kept open until the next meeting.

2. **170403 Wahwa Family Limited Partnership / Prock Marine, Authorized Agent** – Site Plan Review – **Findings of Fact** – for approval to remove the existing concrete dock and install a new timber dock with granite support pier, access landing and seasonal float. The property is located at 22 Agamenticus Avenue, identified as Assessor's Tax Map 30, Block 003 Lot 30 in the Cape Porpoise East, Shoreland and Resource Protection Zones. *Russ Grady, Case Manager*

Mr. Grady read the Findings of Fact into the record.

Mr. Boak suggested there should be a reference included in the Findings of Fact that notes the property is in a Velocity Zone and is grandfathered. Ms. Pearlmutter added it should be noted the Board has ascertained the dock has been in continuous use and the use is grandfathered prior to the zoning regulations.

Mr. Grady added the following language to be included in the Findings of Fact as Fact #10: "The Board has ascertained that the dock has been in continuous use and is non-conforming and in a velocity zone but is grandfathered since it is not being made more non-conforming."

Mr. Boak made a motion to approve said amended Findings. Ms. Pearlmutter seconded the motion and the vote was unanimous.

3. **170502 Mills Road Subdivision /Attar Engineering, Authorized Agent** – Final Subdivision Review – **Initial Review** – for approval of a 14-lot cluster subdivision on Mills Road, identified as Assessor's Tax Map 23, Block 001, Lot 19A in the Free Enterprise and Shoreland Zones.

Mr. Fellenz introduced the Agenda item.

Mr. Mike Sudak representing Cripple Creek and PDF Development, addressed the Board stating this Application is for approval to build a 14-lot cluster residential subdivision on a 27-acre parcel in the Free Enterprise Zone where each lot will be serviced by private drilled wells and public sewer.

Based on comments made at the Preliminary Review, Mr. Sudak explained they have included a 5 foot wide bike/pedestrian lane on the northern side of the proposed Beryl's Way, but due to a conflict with the adjacent wetlands they need to have a 75 foot span with a crosswalk across to the west side.

Mr. Sudak also noted they have received permits from Maine DEP, the National Resources Protection Agency, and the Department of Transportation. Mr. Gilliam commented he has not received the results of the peer review from Acorn Engineering yet but believes it will be forthcoming.

Mr. Sudak also stated he has submitted the stormwater management plans as well as a draft of the Homeowner's Association documents.

There were no further questions from the Board members.

Mr. Mahoney made a motion the Application is complete. Mr. Grady seconded the motion. Ms. Pearlmutter amended the motion to state the Application is complete subject to receipt of the peer review report. The Board members agreed with Ms. Pearlmutter's suggestion and voted unanimously in approval of the amended motion.

A Public Hearing will be held at the July 19th, 2017 Planning Board meeting.

4. **170501 Sarah Yates / Walsh Engineering Associates, Inc., Authorized Agent on behalf of David McCullough - Site Plan Review – Public Hearing** – for approval to create a private road over a tributary to serve the back lot on the property. The property is located at 97 Goose Rocks Road, identified as Assessor's Tax Map 16, Block 003 Lot 07 in the Goose Rocks, Shoreland and Resource Protection Zones.

Mr. Fellenz introduced the Agenda item.

Mr. Norm Chamberlain of Walsh Engineering addressed the Board stating this Application is to build a 16-foot wide road across from Goose Rocks Road to access two lots. The total road length is 787 feet long and am proposing to install 2 culverts for the road crossing, Mr. Chamberlain added. The Applicant has received a Permit By Rule from the Maine DEP and expects to receive their Army Corps of Engineers permit by tomorrow, Mr. Chamberlain stated.

Mr. Fellenz asked the Board members if they had any questions. The Board had no questions for the Applicant at this time.

Mr. Fellenz opened the Public Hearing.

Mr. Doug Dicey of 98 Goose Rocks Road addressed the Board and asked if this was going to replace the present bridge to the left of the building that sits across from our property? Mr. Chamberlain replied no he does not believe it is.

Ms. Pearlmutter asked the Applicant if they envision this becoming a town road at some point. Mr. Chamberlain responded that he does not believe this comes close to meeting the requirements of a public road as the size of the culverts would have to be bigger and the road would have to be wider. It is designed more as a shared driveway in essence, Mr. Chamberlain added.

Mr. Fellenz closed the Public Hearing.

Mr. Grady made a motion to approve the Application subject to receipt of the Army Corps of Engineers permit and noted that the Findings of Fact will state no permits will be issued by the Code Enforcement Office until such permits are received. Mr. Mahoney seconded the motion and the vote was unanimous.

Mr. Gilliam added the town has received the Applicant's Permit By Rule from the DEP.

Mr. Mahoney was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on July 19th, 2017.

Other Business:

Mr. Boak made a motion there shall not be a Planning Board meeting on July 5th, 2017. Ms. Pearlmutter seconded the motion and the vote was unanimous. The next Planning Board meeting shall be on July 19th, 2017.

Mr. Fellenz declared this is his last meeting serving on the Planning Board and announced the Board needs to elect a new Chairman and Vice-Chairman. Mr. Gilliam explained that Ms. Pearlmutter, as an alternate Planning Board member, has voting privileges for these proceedings but is not eligible to be elected as Chairman or Vice-Chairman in accordance with the Planning Board Rules and Regulations.

Mr. Mahoney made a motion to nominate Mr. Grady as Chairman of the Planning Board. Mr. Boak seconded the motion and the vote was 5-0 in favor of the motion.

Mr. Mahoney nominated Mr. Messer as Co-Chairman of the Planning Board. The motion was not seconded.

Mr. Fellenz nominated Mr. Boak as Co-Chairman of the Planning Board. Mr. Grady seconded the motion and the vote was 5-0 in favor of the motion.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary