

**Kennebunkport Planning Board
July 20, 2016 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, July 20th, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Ms. Helen Conaty (Acting Chair), John Hathaway, Peter Fellenz, Tom Boak, Russ Grady, Ray Hilwig, D. Scott Mahoney

Approval of Minutes: Mr. Grady made a motion to approve the minutes from the June 15th, 2016 Planning Board meeting. Mr. Hilwig seconded the motion and the vote was unanimous.

Items:

1. **160501 John Henchey / Mitchell & Associates, Authorized Agent – Site Plan Review – Public Hearing** – for approval to create an additional Right-of-Way by extending Hillside Drive to provide access to a proposed lot. [The property is located off Ocean View Road, identified as Assessor's Tax Map 41, Block 002 Lot 09 in the Goose Rocks Zone.]

Ms. Conaty introduced the Agenda item and asked the Applicant to provide a brief summary.

Mr. Bob Metcalf of Mitchell & Associates addressed the Board stating the property is a 28.38 acre parcel with access to an existing residence on Ocean View Avenue and is proposing to create a private extension off of Hillside Drive. Referring to an enlarged site plan of the property, Mr. Metcalf indicated a wetland assessment was done on the property and Albert Frick & Associates have identified one significant vernal pool within the wetland area. Mr. Metcalf explained there will be no impact on the vernal pool and they have filed the necessary permit with the Maine DEP. The proposed Right of Way will conform to town standards, Mr. Metcalf added.

To address comments received by Ransom Engineering Mr. Metcalf showed photos of the stream crossing explaining the 36 inch pipe will be embedded into the stream bottom with a 22 inch grade change of exposure. The size of the pipe meets DEP requirements and will not add any volume, Mr. Metcalf added.

The Applicant is requesting waivers on the requirement to extend the public water and sewer lines to the property as it would be too costly. The utilities will be overhead and engineered with Central Maine Power, Mr. Metcalf stated.

Ms. Conaty asked what the length of the road is. Mr. Metcalf replied the total road length including the portion of Hillside Drive 1,100 linear feet and will have a gravel surface.

Mr. Hilwig asked what the status was of the undeveloped lots at the beginning of the road. Mr. Metcalf responded those lots were sold off a number of years ago and nothing has been done with them but they do have a Right of Way to access Hillside Drive. Mr. Hilwig commented that this road is potentially servicing 4 lots. Mr. Metcalf agreed it could potentially serve the 4 lots but it is not a subdivision.

In trying to understand the implications of the Board's approval of this Application, Mr. Fellenz asked the Applicant if their purpose is to provide access to only one lot or is there a possibility of more lots. Mr. Metcalf replied that at this point the family is retaining the balance of the property and only selling off this one lot.

Mr. Mahoney asked what the estimate for adding public water and sewer were. Mr. Metcalf answered the cost of bringing those lines in were roughly \$350 per linear foot.

There were no further questions at this time from the Board members.

Ms. Conaty opened the Public Hearing.

Mr. Greg Pelletier, an abutter addressed the Board stating the proposal indicated there were 2 additional lots and asked if that was still true. Mr. Metcalf responded all that was being proposed is to extend the road to serve 1 lot. Mr. Pelletier also asked what the implications of the septic tank to the marsh are. Mr. Metcalf replied the septic tank for the lot being considered is not near the wetlands.

Mr. Mark Balcom, an abutter, addressed the Board expressing his concern that with the approval of this Application, there is the potential of other lots being added thus creating a subdivision and asked if that were to happen, could the Planning Board require the installation of town

water and sewer if additional houses were presented later? Mr. Hathaway reminded the audience the Board is only allowed to consider the Application as presented and cannot speculate on something that may or may not happen in the future.

To clarify, Mr. Gilliam stated the reason this Application is before the Planning Board is because of the following:

1. The extension of the private road.
2. The crossing of the existing stream.

Mr. Gilliam added the water and sewer requirement does not come into effect by the private road standard or the stream crossing standard. If there were additional lots to be created the Application would fall under the definition of a subdivision and thus be required to comply with the Subdivision Regulations which would certainly question the sewer extension, Mr. Gilliam added. Mr. Gilliam reminded the Board this Application is not being reviewed under the Subdivision Regulations.

Ms. Conaty closed the Public Hearing.

Mr. Hathaway made a motion to approve the Application. Mr. Boak seconded the motion and the vote was unanimous. Mr. Hilwig was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on August 3rd, 2016.

2. **160502 Sandpiper Capital Management II, LLC (Ebs Cove Subdivision) / Sebago Technics, Authorized Agent** –Final Subdivision Review – **Initial Review** – for approval to create an eight (8) lot subdivision. [Ebs Cove Lane, Assessor's Tax Map 21, Block 009, Lot 52 (portion) in the Village Residential Zone.]

Ms. Conaty introduced the Agenda item and asked the Applicant to provide a summary.

Mr. Steve Doe of Sebago Technics addressed the Board to present the Final Subdivision Plan for the Ebs Cove an 8 lot Subdivision and highlighted the following items:

- Lot lines between the parcels were shifted slightly to maintain the lot sizes.
- Developer submitted a separate letter identifying their financial and technical capabilities.
- Made changes to the retention basin as suggested by Ransom Engineering.
- Town Planner is still awaiting feedback from Town Counsel regarding the payment in lieu of open space requirement.
- Have adopted recommended Best Practices for herbicide and pesticide applications.
- Noted on site plan that footpath to the creek will not be a paved surface.
- Noted on site plan the gate at the entrance will be immobilized.
- Included letters from the Water District, Fire and Sewer Departments and is in process of getting Board of Selectmen approval.

Ms. Conaty commented the Applicant spoke at the last meeting about his technical capabilities and asked Mr. Bowley if he could provide a written narrative to be included in the Application.

Ms. Conaty asked the Board members if they had any questions for the Applicant.

Ms. Conaty acknowledged receipt of a letter from Camden National Bank on the Applicant's financial capability and asked if the Applicant could also provide a narrative. Mr. Doe agreed to Ms. Conaty's request.

Mr. Grady asked if the funds from the in lieu of payment would be placed in an interest bearing account and if so, would that amount to a significant financial impact on the town. Mr. Gilliam responded those funds would be placed in an interest bearing account but he doubts it would have a high interest rate. Mr. Gilliam also commented he expected to have a final draft of that documentation from Town Counsel by next week.

Mr. Boak and Mr. Hilwig expressed their concerns regarding the payment in lieu of the open space requirement. Mr. Gilliam offered he should have the documentation from Town Counsel that outlines the mechanism which the town would receive those funds.

Mr. Hilwig offered his opinion that the Applicant is essentially buying a lot. Mr. Doe responded the Applicant feels in this instance that the money is better spent to acquire other land rather than having the open space in this area.

Mr. Boak made a motion the Application is complete. Mr. Hathaway seconded the motion and the vote was unanimous.

Ms. Conaty announced a Public Hearing would be held at the next Planning Board meeting on August 3rd, 2016.

3. **160601 Louis T. Graves Memorial Library / Sebago Technics, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to build a 4,522 square foot addition to the rear of the Library after removal of Perkins Building. [18 Maine Street, Assessor's Tax Map 11, Block 4, Lots 2 & 3.

Ms. Conaty introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board on behalf of the Applicant along with Mary-Lou Boucouvalas Library Director and Harvey Wells, Architect. Mr. Doe explained due to some stability structure issues with the Perkins House, they are proposing to build a new structure to consolidate their operation as well as add an elevator, restrooms, and storage and book sales. Using an enlarged Site Plan

of the proposal, Mr. Doe indicated the grass pavers currently in the parking area will be covered in asphalt and identified where the back entrance and second floor egress were located on the other side of the building. The rear entrance will be modified to provide a second means of ADA accessibility, Mr. Doe commented and there is adequate parking to ensure patrons do not need to walk between cars to get to the entrance doors. Mr. Doe also noted there will be a slight reduction in lot coverage.

Mr. Doe showed the Board members and the audience enlarged architectural renderings of the proposed library pointing out the design matches the existing building.

Mr. Hathaway asked when the Perkins Building was first built. Ms. Boucouvalas replied it was built in the 1950's.

Mr. Hathaway expressed his disappointment in the Board's inability to preserve some of the historic buildings in the town.

Mr. Fellenz agreed with Mr. Hathaway's comments and asked if the library was originally the custom house and if it was on the Register [of Historic Buildings]. Ms. Boucouvalas replied the library was originally a bank before it became the custom house and it is registered. Mr. Wells addressed the Board stating unless the library accepts municipal funding they are not under any obligation to adhere to any restrictions with regards to historic preservation. Mr. Wells added his purpose was to create an addition to follow the lines and materials in keeping with the original building.

Mr. Hathaway asked if there was a lot coverage issue if they kept the Perkins House with the additional proposed building. Mr. Doe replied if they kept the Perkins House they would be approximately 2,000 sq. ft. over lot coverage.

Mr. Fellenz asked if the Perkins House was on the historic register. Ms. Boucouvalas replied "No, it is not."

In looking at the enlarged architectural drawings of the proposed addition, Mr. Boak asked if there was a structural reason why the area that currently houses the book stacks does not have a second floor. Mr. Wells responded they could not add a second floor in that section due to a seismic issue.

Mr. Hilwig asked if the façade of the addition would be brick. Mr. Wells replied, yes it would be brick to match the original building.

Mr. Hilwig made a motion the Application is complete. Mr. Boak seconded the motion and the vote was unanimous.

A Public Hearing will be held at the next Planning Board meeting.

4. **160602 Andrew Molson, et als. / Eco-Analysts, Inc., Authorized Agent** – Site Plan Review – **Initial Review** – for approval to build a 4' x 44' pier, a 3' x 26' ramp and an 8' x 16' float. [55 Maine Street, Assessor's Tax Map 10, Block 5, Lot 4A in the Village Residential Zone.]

Ms. Conaty introduced the Agenda item.

Ms. Lisa Vickers of Eco-Analysts addressed the Board stating the Applicant owns 2 parcels; one with the house and the 2nd parcel is undeveloped with access to Chick's Creek. Ms. Vickers explained they are asking permission to construct a pier, ramp and float at the selected location based on vegetation preservation and visibility from the house for the safety of children. The proposal is in compliance with all setback requirements while also avoiding any further erosion issues, Ms. Vickers added.

Ms. Vickers highlighted the following aspects of the Application:

- Ramp will be stored upland in the off season.
- Float will be elevated with float stops at low tide
- Received approvals from River Committee, Board of Selectmen and Army Corps of Engineers.
- DEP approval should be forthcoming.
- Received letter of support from westerly neighbors, the Winstanley's.

Mr. Fellenz asked if the 3 names on the Application are all owners of one residential property. Ms. Vickers responded the proposal is on behalf of one property owned by 3 brothers.

Mr. Boak asked if the Board of Selectmen also has to approve this Application. Mr. Gilliam responded the Board of Selectmen conducted a site walk and did not have any issues with this Application.

Mr. Hilwig made a motion the Application is complete. Mr. Fellenz seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on August 3rd, 2016.

OTHER BUSINESS:

On behalf of the other Board members, Ms. Conaty thanked Mr. Hathaway for his years of service and his many contributions.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary