

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

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

Members Present: Mr. Peter Fellenz (Acting Chair), Ray Hilwig, Tom Boak, Russ Grady, D. Scott Mahoney

Mr. Fellenz expressed his deepest sympathies for the Planning Board Chairman David Kling and his family on the passing of his wife, Nancy and asked for a moment of silence for the Kling family.

Approval of Minutes: Mr. Fellez noted one change to be made to the August 17th, 2016 Planning Board minutes. Mr. Hilwig made a motion to approve the amended minutes from the August 17th, 2016 Planning Board meeting. Mr. Grady seconded the motion and the vote was unanimous.

Items:

1. **160701 Robert H. Brown Jr. and Laura J. Ross, (Cleaves Wood Phase II Subdivision) / Longview Partners, LLC, Authorized Agent** – Preliminary Subdivision Review – **Findings of Fact** – for approval to create an eight (8) lot subdivision. [Oakwood Drive, Assessor's Tax Map 20, Block 04, Lot 4L in the Cape Arundel Zone. *David Kling, Case Manager*

Mr. Fellenz read a short memorandum into the record prepared by Mr. David Kling on behalf of the Planning Board.

Mr. Grady asked if a formal Finding of Fact needed to be read into the record for this Application. Mr. Boak explained since this is an approval of a Preliminary Subdivision Review a memo is sufficient noting a formal Findings of Fact will be completed and signed if the Final Subdivision Application is approved.

2. **160801 Town of Kennebunkport-Government Wharf / Baker Design Consultants, Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to remove and replace an existing bait house and do wharf improvements. [7 Josiah Curtis Lane, identified as Assessor's Tax Map 08, Block 001, Lot 08 in the Riverfront, Shoreland and Resource Protection Zones.]

Mr. Fellenz introduced the Agenda item and asked the Applicant to provide a brief presentation of the project.

Mr. Barney Baker of Baker Design Consultants addressed the Board and gave a brief summary of the Application stating this is essentially a re-application for a previously approved project with the following changes noted:

- The bait shed building currently on the site is in very poor condition and they would like to add refrigeration in order to store bait there in the summer months.
- The bait shed will be approximately 28 feet by 52 feet and will be within the same footprint of the existing facilities.
- The back deck will also be upgraded and is included in the existing footprint.
- The three hoists currently on the wharf will be replaced to allow the 19 fishermen that use the facilities to transfer equipment and catch to and from their boats.
- The fendering system will be replaced to allow three boats to land there.
- The entire facility will be raised above base flood elevation to avoid the recurring flooding which will also require the parking area to be repaved.

Mr. Baker also explained they have applied for some modifications to their Army Corps of Engineers permit and have received approval for that. They are still awaiting the DEP approval but do not anticipate any issues with that, Mr. Baker explained.

One last item Mr. Baker mentioned in his presentation is he has submitted the lighting plan to the Planning Board prior to this meeting noting the lumen output is well below the town requirements.

Mr. Baker concluded by stating they hope to put the project out to bid in the fall for completion this winter with full operation hopefully by the spring.

Mr. Fellenz asked if the Planning Board members had any questions for the applicant before opening the Public Hearing.

Mr. Boak asked if the issue about some incomplete work that was raised by the Kennebunk River Committee was resolved. Mr. Baker introduced Mr. Mike Claus, Kennebunkport's Superintendent for the Public Works Department. Mr. Clause explained the memo submitted to the Board prior to this meeting addresses some of the changes that occurred during the design and construction and discusses the changes there were made because of the constructability and safety issues. Mr. Boak asked if this information has been reviewed by the folks that raised the issue at the last meeting. Mr. Claus replied he thinks there is still some disagreement among them as to how things came about. Mr. Boak commented that this issue seems to be out of the purview of this Board. Mr. Gilliam commented that it became a judgment call that (1) the retaining wall didn't have tiebacks and (2) the engineers involved made some modification to the design based on the product and the situation.

Mr. Grady asked if the float was operable at low tide. A member of the audience responded there is room for 2 boats to pull up to the float during low tide.

Mr. Fellenz opened the Public Hearing.

Mr. Ray Billings, Harbormaster and member of the Government Wharf addressed the Board in support of the Application and asked the Board members if they had any questions for him.

Mr. Grady asked if the town were to continue dredging to add more water depth would that have a significant impact on the budget for this project? Mr. Billings responded that you will have issues if you're removing sediment from the bottom of a wall, the wall will cave in; adding you would need steel sheet pilings to support the structure which cost approximately \$1,000 per foot.

Mr. Billings stressed the importance of the upgrades proposed in this Application are to aid those fishermen who continue to earn their living on the water.

Mr. Brooks, a fisherman and member of Government Wharf addressed the Board stressing the importance of approving this Application as the 75-year old building has decayed to point that it is overwhelming to simply repair it.

Mr. Mahoney asked what the new elevation of the building would be once it is raised out of the base flood area. Mr. Baker illustrated on an enlarged Site Plan the structure would be raised approximately 2-2½ feet.

Mr. Hilwig asked how the 19 fishermen who use the lockers in the bait shed compensate the town for that use of the wharf. Mr. Billings replied there is an annual membership each Government Wharf member pays that is included in the town budget. Ms. Laurie Smith, Town Manager added those membership dues are placed in an enterprise fund that the Board of Selectmen approve each year as part of the annual budget process.

Mr. Fellenz asked if it is true the general public also uses the wharf to launch kayaks and canoes. Mr. Brooks replied there is a public float for launching kayaks or canoes and the parking lot is a town lot but the rest of the facilities are used by only the fishermen.

There were no further questions. Mr. Fellenz closed the Public Hearing.

Mr. Boak made a motion to approve the Application. Mr. Hilwig seconded the motion and the vote was unanimous. Mr. Fellenz was assigned as Case Manager to prepare the Findings of Fact to be read at the next meeting.

3. **160702 Tim Harrington / Eco-Analysts, Inc., Authorized Agent** – Site Plan Review – **Public Hearing** – for approval to construct a 4-foot x 36-foot long permanent pier with a 3-foot wide x 36-foot long seasonal ramp and 8 x 25 seasonal float. [64 Langsford Road, identified as Assessor's Tax Map 21, Block 011 Lot 1 in the Cape Porpoise East Zone.]

Mr. Fellenz introduced the Agenda item.

Mr. Bud Brown of Eco-Analysts addressed the Board and presented an enlarged photo of the area illustrating the number of docks currently in the area of the Applicant's property. Mr. Brown stated the proposed dock would not be usable for approximately 4-5 hours per day. Mr. Brown also stated the dock is designed to have as short a pier as possible with a longer ramp, sited in the best location in terms of setbacks and ledge. In response to a question raised at the last meeting, Mr. Brown stated the will use a contractor to store the floats at either Chick's Marina or the Kennebunkport Marina during the off season.

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

Mr. Fellenz opened the Public Hearing. There were no comments or questions from the audience in attendance. Mr. Fellenz closed the Public Hearing.

Mr. Grady made a motion to approve the Application. Mr. Mahoney seconded the motion and the vote was unanimous.

Mr. Fellenz noted there is a condition placed that the Application to not begin any actual work until the appeal deadline on the flood map adjustment has passed. Mr. Gilliam confirmed that a permit to begin work would not be granted until after the November 28th deadline.

Mr. Grady was assigned as Case Manager to prepare the Findings of Fact to be read at 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