

**Kennebunkport Planning Board**  
**November 3rd, 2021 @ 6:00 PM**  
**Virtual Meeting Via ZOOM**

A virtual meeting of the Planning Board was held on Wednesday, November 3rd, 2021 via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Ms. Nina Pearlmutter (Vice-Chair), D. Scott Mahoney, Ed Francis, Larry Simmons, George Lichte, John Harcourt. Mr. Lichte will have voting privileges for this meeting

Approval of Minutes: Ms. Pearlmutter noted a few minor corrections to be made to the minutes from the October 20th, 2021 Planning Board. Mr. Lichte motion. Larry seconded. Vote unanimous

Items:

1. **210802 Sand Dollar Condominium / Sebago Technics, Authorized Agent - Site Plan Review - Continued Public Hearing -- Reading of Findings of Fact and Decision --** Installation of Shoreland stabilization consisting of riprap and marsh grass plantings. (5 Dyke Road, Assessor's Tax Map 34, Block 3, Lot 11 in the Goose Rocks, Shoreland, and Resource Protection Zones.)

Ms. Pearlmutter introduced the agenda item and requested to have Mr. Steve Do of Sebago Technics be promoted to panelist. Ms. Pearlmutter also acknowledged receipt of some requested items from the Applicant including a signed Power of Attorney.

Mr. Doe addressed the Board stating at the request from Mr. Simmons at the last meeting he spoke with his engineers who determined the proposed depth of the riprap to be installed is correct. Mr. Doe also explained his client has had a boundary survey done and he has provided the Board members with an accurate size of the parcel.

Ms. Simmons acknowledged Mr. Doe also provided an updated copy of the Application page to show the property is in the Shoreland Zone.

Ms. Pearlmutter asked the Board members if they had any questions for the Applicant. The Board members had no further questions.

Ms. Pearlmutter opened the Public Hearing. There were no comments or questions from the viewing audience. Ms. Pearlmutter closed the Public Hearing.

Mr. Simmons reminded the Board members that at the last Planning Board meeting the Board voted approval of the Application subject to receipt of the previously acknowledged information, so this meeting would be confirmation of that approval.

Ms. Pearlmutter affirmed approval of the Application and the Board members voted unanimously in favor of the approval.

Mr. Simmons read the Findings of Fact into the record. Mr. Lichte made a motion to approve said Findings. Mr. Simmons seconded the motion, and the vote was unanimous.

2. **210405 Ocean Woods / Sebago Technics, Authorized Agent - Site Plan Review - Continued Public Hearing - APPLICATION WITHDRAWN AT THE REQUEST OF THE APPLICANT – THIS APPLICATION IS NOW CLOSED – NEW APPLICATION TO HAVE INITIAL REVIEW ON NOVEMBER 17<sup>TH</sup>.** ~~For approval of a complete reconfiguration of the existing hotel/motel, by replacing the existing buildings with a new one story, 88 seat restaurant, and pool, with 30 individual one and two bedroom cottages, and a reconfiguration of the parking area to create 68 parking spaces, a new main entrance and use the existing driveway for service vehicles and employees. (71 Dyke Road, Assessor's Tax Map 37, Block 5, Lot 2 in the Goose Rocks Zone.)~~ *Ed Francis, Case Manager*

Ms. Pearlmutter introduced the agenda item to explain this Application has been formally withdrawn by the Applicant and is no longer going forward although there is still an open Public Hearing. Ms. Pearlmutter closed the Public Hearing and announced that is the end of this Application and there will be no further public comment on this Application. For the public's benefit, Ms. Pearlmutter explained there will be a new Application with a revised site plan on Ocean Woods that will have an Initial Review on November 17<sup>th</sup>, 2021 and asked if people have comments on that Application they can send in via email or write in their comments and the Board will review them. Ms. Pearlmutter advised the public the earlier they send their comments to the Board the more time the Board has to study them.

3. **210801 Vincent & Nathan Thelin / Longview Partners Authorized Agent – POSTPONED AT THE REQUEST OF THE APPLICANT.** ~~Preliminary Subdivision Application – Continued Initial Review – To amend a previously approved subdivision resulting in the creation of 1 new lot (245 Arundel Road, Assessor's Tax Map 15, Block 3, Lot 4 in the Farm and Forest Zone.)~~
4. **211002 Shmalo Family, LLC / Trades Center Inc. Agent -- Site Plan Review – for review of a change of use to Residential Mixed Use (24 Ocean Avenue, Assessor's Tax Map 11, Block 9, Lot 10).**

Ms. Pearlmutter introduced the final agenda item of the meeting and commented the voters of Kennebunkport back in June approved this type of use, allowing residences in Dock Square as a conditional use for the zone.

Mr. David Wade of Trades Center Inc. addressed the Board stating the property at 24 Ocean Avenue currently called Union Square has had a combination of professional offices, retail, and restaurants on both floors and are looking to convert the second floor of both buildings to apartments to be used as a primary residence for renters and not as short-term rental or Airbnb.

Mr. Wade further explained each apartment would be approximately 750-800 square feet and are intended to be one-bedroom apartments. All the work will be done inside of the existing building shell and will not impact the site or landscaping, but they will replace some of the display windows with double-hung windows for ventilation, Mr. Wade added. Each apartment will have two entrances and the bedrooms will have egress windows. Mr. Wade continued his presentation providing details on the proposed upgrades to the buildings.

Prior to tonight's meeting, Mr. Wade also stated he has provided an updated letter of intent from Mr. Shmalo and a copy of the reference deed.

Ms. Pearlmutter asked if the Applicant was planning on having a custodian on site or someone local to call if there is an issue. Mr. Wade replied yes, Mr. Shmalo has property management people who oversee that and watch over the other retail properties he owns in the Dock Square area.

Ms. Pearlmutter then asked if there was adequate parking for the retail units as well as the proposed apartments. Mr. Wade responded there are 7 spaces out behind the building; 4 of them are for parking for the upstairs property and is not sure they are required to have specified spaces for the retail businesses but that leaves 3 extra spaces left over.

Ms. Pearlmutter also asked if there will still be restrooms for the retail people to use. Mr. Wade replied yes, that will not change.

Lastly, Ms. Pearlmutter asked about the exits in the case of fire. Mr. Wade explained there are 2 doors going out onto the decking and there will be egress windows out of the bedrooms that will have a ladder and are low to the ground.

Mr. Francis asked about what type of deed restriction will be placed on the property to prevent the apartments from turning into short-term rentals. Mr. Wade responded the owner has no intention of having short-term rentals, but he will speak with Mr. Shmalo about that.

A brief conversation occurred on fire suppression methods and obtaining approval from the Kennebunkport Fire Chief and state Fire Marshal. Mr. Simmons suggested installing a sprinkler system or increasing the fire separation between the units. Mr. Wade explained it would be simple to upgrade the sheetrock to 5/8-inches between the apartments.

There were no further questions from the Board members.

Ms. Pearlmutter stated the Applicant agreed to provide the Board members with further information regarding the owner's intentions of subletting and short-term rentals and how they will control that on this property as well as providing a letter from the Fire Chief along with upgrading the sheetrock to 5/8-inches as part of the fire barrier.

There were no further questions from the Board members.

Mr. Francis made a motion the Application is complete. Mr. Simmons seconded the motion, and the vote was unanimous.

Ms. Pearlmutter announced a Public Hearing will be held at the next Planning Board meeting on November 17<sup>th</sup>, 2021. Mr. Simmons volunteered as Case Manager for this Application.

**Adjournment:** A motion was made to adjourn. It was seconded, and the vote was unanimous.  
**Submitted By:** Patricia Saunders, Planning Board Recording Secretary