

Kennebunkport Planning Board
June 15th, 2022 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held virtually on Wednesday, June 15th, 2022 via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Larry Simmons
Mr. Scott Mahoney is participating through the Zoom format.
Mr. Boak also confirmed with the videographer there were 2 additional attendees signed on to the meeting.

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes of the June 1st, 2022 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

1. **220501 58 Langsford Road, LLC/Peterson Design Group – Erik Peterson**
– Site Plan Review Application – **Initial Review** – the Applicant seeks approval to remove the existing house and construct a new house in a location that is less non-conforming (58 Langsford Road, Assessor's Tax Map 29, Lot 1, Block 22 in the Cape Porpoise West Zone).

Prior to giving his presentation, Mr. Erik Peterson provided the Board members with a copy of the corrected narrative to be included in the Application.

Mr. Peterson explained the parcel is very small and they are proposing to remove the existing house and replace it with a new structure further from the seawall taking advantage of the 30% allowable expansion in both volume and area. This proposal includes removing a lot of the hardscape, including much of the existing driveway, Mr. Peterson continued.

Mr. Peterson also noted the owners were very conscious of preserving their neighbor's view as much as possible, even though there are no view easements on the property.

Lastly, Mr. Peterson provided the area will be expanded 27.88%, volume will be increased by 29.48%, and the lot coverage will decrease from 51.2% to 38.44%. The house will also be raised to meet the new flood standards and will not exceed the height restriction in the town ordinance, Mr. Peterson concluded.

Mr. Ed Francis arrived at the meeting.

Mr. Boak acknowledged Mr. Francis' arrival and confirmed there are now 5 attendees signed on to tonight's meeting via Zoom.

Mr. Peterson also added the oceanside windows will have screens on them to help prevent bird strikes.

Ms. Pearlmutter asked if the deck is all the way around the house. Mr. Peterson responded there currently is a deck that wraps around 3 sides of the house, and he is proposing a screened in porch and deck on the ocean side with steps at the end.

Ms. Pearlmutter asked about the paved area on the northeast side of the property. Mr. Peterson replied there is an existing walkway that will be removed and the only hardscape on the north side of the house is a pathway from the bottom of the steps down from the deck to the dock.

Ms. Pearlmutter then asked about the seawall and the Resource Protection and Shoreland Zones. Mr. Peterson explained they are not proposing to change the seawall and the whole parcel that is buildable is in the Resource Protection and Shoreland Zones.

Ms. Pearlmutter commented because the parcel is low-lying the issue of restricting any kind of pesticide use or heavy fertilizer is important because it is very easy to wash that into the water. Mr. Peterson added that is his personal preference not to use fertilizers or pesticides.

Mr. Boak noted the Planning Board cannot mandate an Applicant not to use pesticides or fertilizers, but the Board has been making comments recommending abstinence of chemicals that could filter into the waters. Mr. Peterson commented this is not his personal property, but he can pass along the Board's preference for abstinence on pesticides and fertilizers.

Ms. Pearlmutter offered her opinion the Board can mandate that pesticides and fertilizers be restricted because the parcel is close to the waterbodies.

A detailed discussion ensued among the Board members and Mr. Gilliam about the Planning Board's authority to make specific recommendations or conditions. Mr. Gilliam cautioned the Board members that if they were to discuss putting any type of restriction in their Findings of Fact, there needs to be an adequate conversation with the Applicant during the Site Plan Review process, so the Applicant isn't surprised.

After more discussion the Board members came to a consensus to make a recommendation to the Applicant to abstain from using pesticides and fertilizers along with providing some educational literature such as the *Lawns For Lobsters* campaign.

To provide some input for possible future regulations on the matter of preserving the town's waterways and other natural resources, Mr. Boak offered to send a written request to the Town Manager asking for a workshop meeting with the Kennebunkport Conservation Commission. Mr. Gilliam offered to coordinate with both Boards to schedule a meeting date for the workshop.

Mr. Simmons asked how much hardscape will be removed. Mr. Peterson responded about 800 square feet of mostly driveway and walkway will be removed and replanted with vegetation.

Mr. Francis asked if there were any restrictions in regard to the neighbor's view. Mr. Peterson explained they tried to keep the portion of the house closest to the neighbor's view corridor as the lowest part which will be a 1-story section of the screened porch with an open balcony on top.

Ms. Pearlmutter made a motion the Application is complete. Mr. Simmons seconded the motion, and the vote was unanimous, A Public Hearing will be held at the next Planning Board meeting.

Mr. Boak volunteered as Case Manager for this Application.

2. 220303 Nunan's Lobster Hut, Inc. / Richard, Keith, and Terri Nunan – Site Plan Review – **Findings of Fact** – propose outside seating for 32 customers (11 Mills Road, Assessor's Tax Map 22, Lot 7, Block 28 in the Cape Porpoise Square Zone). Case Manager: Charles "Larry" Simmons

Mr. Simmons read the Findings of Fact into the record. Mr. Boak made a motion to approve said Findings. Ms. Pearlmutter 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