

Kennebunkport Planning Board
July 19th, 2023 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held on Wednesday, July 19th, 2023 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, D. Scott Mahoney, Charles "Larry" Simmons, Mike West

Approval of Minutes: Ms. Pearlmutter made a motion to approve the amended minutes of the July 5th, 2023 Planning Board meeting. Mr. Simmons seconded the motion, and the motion passed.

Items:

- 1. 230502 77 Pier Road – German Lucarelli – Site Plan Review Application – Continued Public Hearing** – This site plan review application is seeking approval to add a refreshment trailer in the existing paved area adjacent to the restaurant located at 77 Pier Road. (Assessor's Tax Map 29, Block 2, Lot 5B in Cape Porpoise South Zone). *Case Manager: Ed Francis*

Mr. Boak introduced the agenda item.

Mr. German Lucarelli addressed the Board stating he has shown on the drawing there are 51 parking spots and are recommending to his employees no parking on the side of the street so as not to block the neighbor's driveway.

Mr. Francis commented that 51 parking spaces sufficiently covers the seating for the two restaurants but does not allow any spare parking spots for the truck and asked the Applicant if he would restrict operation to those hours when at least one of the restaurants is not operating. Mr. Lucarelli responded that is what is in the parking calculations that includes the hours of operation.

The Board members and Applicant had a detailed discussion on the operating hours of the three businesses and the parking arrangement.

Rather than stipulate specific hours of operation, the Applicant and Board members agreed to a condition of approval that only two businesses can be operating at the same time so if the trailer is open then one of the restaurants must be closed.

Mr. Boak opened the Public Hearing. There were comments from the audience in attendance or on Zoom. Mr. Boak closed the Public Hearing.

Mr. Francis made a motion to approve the Application with the condition just agreed to. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

At the end of the meeting, Mr. Francis 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.

2. 230601 845 Kings Hwy – Holly Joel-Mudd – Erik Peterson/Peterson Design Group – Site Plan Review Application – **Public Hearing** – This site plan review application is seeking a complete replacement of a garage on a new poured foundation. The existing garage is nonconforming structure on a nonconforming lot. The structure is nonconforming due to being located within the setback, triggering planning board approval. The applicant is also seeking to utilize the 30% expansion for an increase in interior square footage and volume (Assessor's Tax Map 34, Block 1, Lot 5 in Goose Rocks Zone). *Case Manager: Charles "Larry" Simmons*

Mr. Boak introduced the agenda item.

Mr. Erik Peterson addressed the Board stating there is an existing garage that is on a wooden foundation, and they are proposing to replace the building with a new garage on a new concrete frost wall foundation slab and moving it 2-feet to the east to make it less nonconforming.

In preparing the Findings of Fact, Mr. Simmons asked if the Applicant would agree to restricting the use of artificial fertilizers, pesticides, and herbicides and would include a provision to eliminate bird strikes. Mr. Peterson agreed to Mr. Simmons' comments and noted there is very little grass on this site and the windows and doors will have screens.

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

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

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

3. 230603 47 The Long & Winding Road – Longview Partners/James Logan – Final Subdivision Application – **Initial Review** – This application seeks approval for a major revision to an existing subdivision with the intent to split 25-1-3, identified as Lot 3 on the 1984 Trumbull Plan. This change would result in one (1) additional lot being added to the existing subdivision. (Assessor's Tax Map 25, Block 1, Lot 3 in Farm and Forest Zone).

Mr. Boak introduced the agenda item.

Mr. Jim Logan addressed the Board stating they are hoping for final approval of a single lot split of what was Lot 3 in an old subdivision. Mr. Logan noted he has provided the Fire Chief's letters approving the turnaround and a second letter about the fire pond. Mr. Logan also noted he has requested 4 waivers which the Board did agree to at a previous meeting for the hydrogeologic survey, the traffic study, the high intensity soil survey, and the stormwater analysis.

Citing there were no objections or concerns raised at the previous Public Hearing for this Application, the Board agreed to waive holding a second Public Hearing for this Final Subdivision Application.

Mr. Simmons made a motion to approve the Application with the waivers as submitted. Mr. Boak seconded the motion, and the vote was unanimous.

The Findings of Fact will be read at the next Planning Board meeting.

4. 230602 Old Cape Road and Roberts Lane – Pamela G. Hutchins/owner-Mezoian Development, LLC/Applicant – Austin G. Fagan/BH2M/Agent – Sketch Plan Review Application – The new division being brought before the board is seeking to split one additional lot off from 22-9-2 (Old Cape Rd). This would create a three-lot division within five years, triggering planning board approval for subdivision. The proposed lot to be created is identified as lot one on the BH2M June 2023 plan entitled "Sketch Plan Subdivision Old Cape Rd Kennebunkport, Maine".

Mr. Boak introduced the agenda item.

Mr. Austin Fagan representing Mezoian Development addressed the Board stating this project is a subdivision lot split at Old Cape Road and Roberts Lane and requires a Site Plan Review since there was a split last year. Mr. Fagan added the Applicant intends to put the driveway off Old Cape Road if the sight distances allow it and there will be no new utilities needed.

Ms. Pearlmutter asked if there was enough distance between the driveways to have them both on Old Cape Road. Mr. Fagan replied they will have their surveyors on site to determine if that is possible before they submit their formal Application.

Ms. Pearlmutter also asked if they anticipate any vernal pools on the property. Mr. Fagan responded he did not think there were any, but they will have a vernal pool assessment done by a wetland scientist.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary