

**Kennebunkport Planning Board**  
**August 3rd, 2022 @ 6:00 PM**  
**Hybrid Meeting Via ZOOM and In-Person**  
**32 North Street, Kennebunkport**

A meeting of the Planning Board was held on Wednesday, August 3rd, 2022 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, Larry Simmons, George Lichte

Approval of Minutes: Mr. Francis made a motion to approve the minutes of the July 20th, 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 – Postponed at the Request of the Applicant** — ~~Site Plan Review Application – **Public Hearing** – 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). Tom Boak, Case Manager~~
  
- 2. 220601 1086 Kings Hwy/Peterson Design Group – Erik Peterson** – Site Plan Review – **Public Hearing** – the Applicant seeks approval to remove the existing house and cottage, and permission to construct a new house and cottage in a location less non-conforming (1086 Kings Hwy, Assessor's Tax Map 35, Block 6, Lot 7 in the Goose Rocks Zone). Ed Francis, Case Manager

Mr. Boak introduced the agenda item.

Mr. Erik Peterson addressed the Board and handed out copies of his response to questions raised at the last meeting. Mr. Peterson then ran through his responses some of which were:

- Proposing a 25.8% overall expansion for a total of 3,793.96 square feet
- Proposed area expansion of the main residence is offset by a reduction in the cottage
- Corrected an error in the volume calculations previously provided
- The previous expansion was only in the main residence.

Mr. Peterson also explained in detail the calculations for the expansion given there was a previous expansion of 55 square feet along with the elevation of the

proposed structure in accordance with the new FEMA flood maps. Mr. Peterson also noted the new house will have flood vents below the first floor.

Mr. Francis commented there is a very nice perennial garden on the property currently and asked if those plants will be preserved. Mr. Peterson replied that is one of the reasons why the owners didn't want to disturb the driveway and those plants will be preserved and transferred in the fall after construction is completed.

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

Mr. Francis made a motion to approve this Application. Ms. Pearlmutter seconded the motion, and the vote was unanimous. The Findings of Fact will be read at the next Planning Board meeting.

**3. 220603 Seashore Trolley Museum Car Barn/Sebago Technics – Henry Hess – Site Plan Review - Initial Review** – the Applicant seeks to demolish an existing +/- 3,521 sq. ft. railway car barn that is in failing condition and construct a new 7,200 sq. ft. car barn (Assessor's Tax Map 3, Block 1, Lot 1 in the Farm and Forrest Zone).

Mr. Boak introduced the agenda item.

Mr. Henry Hess, Landscape Architect with Sebago Technics addressed the Board and gave a brief overview of the project. Mr. Hess stated this Application is to replace a 3,500 square foot existing building that is in bad condition and needs to be removed for safety reasons with a new building with similar orientation but will be set further back. The proposed new building will have 3 rail lines going into it along with site improvements that include pedestrian walkways, improvements to the access road, and some much-needed stormwater drainage and treatment for the site. Power for the new building will be pulled from the exiting overhead wires, Mr. Hess added.

Mr. Hess then provided more details on the new structure outlining the proposed 7,200 square foot storage barn will be used to house the trolleys with stormwater draining improvements to meet Maine Department of Environmental Protection wastewater standards. Mr. Hess also added there will be no septic or water improvements for this particular site as there are none currently existing. According to Maine DEP this project does not meet the threshold for impervious surfaces, but they are still treating all stormwater on the site in accordance with Chapter 500 standards, Mr. Hess concluded.

Mr. Francis asked if this Application is before the Planning Board because a museum is a conditional use in the Land Use Ordinance. Mr. Gilliam confirmed this is a condition use in the Farm & Forest Zone but in terms of expansion size

and where this is a complete replacement and a doubling in its size it come before the Planning Board under a Site Plan Review.

Ms. Pearlmutter asked if they will be moving trolley tracks. Mr. Hess confirmed that is correct. Ms. Pearlmutter then asked if there will be any kind of work done on the trolley cars themselves such as painting. Ms. Katie Orlando responded the storage barn will be used to inspect the trolleys but any sort of work such as repairs or painting will be done in the restoration shop.

Ms. Pearlmutter asked if they will be adding any more impervious surfaces such as walkways. Mr. Hess responded there is one additional walkway coming from the access road to lead you to the building that will be new.

Mr. Simmons asked if there will be any work done on the trolleys that would involve any drums of oil or things that will need any special containment measures or any cutting or welding that would require a fire suppression system. Mr. Hess replied no he did not believe so.

Mr. Simmons suggested there may be a need for an eyewash station or some safety or environmental mechanism inside the building. Ms. Orlando explained right now they only have one pit on campus to do inspections of the trolleys so this new storage barn would allow for another place for inspections to make minor adjustments but any physical work to be done would be in the restoration shop and since the trolleys are mostly electric there aren't a lot of other hazardous substances such as fuel or propane used.

Mr. Simmons then asked if there was a need for a confined space procedure as ventilation of confined spaces is very important. Ms. Orlando responded the pit is an open air 50-foot-long area with two entry access points and all of the trolleys are less than 50-feet long.

Mr. Gilliam asked the Applicant to explain what type of work occurs in the restoration barn. Ms. Orlando explained the restoration shop is located at the back of the campus away from guests but there is a walkway up to the viewing gallery. Welding is done outside, and painting is done in a protected room, Ms. Orlando added.

Ms. Pearlmutter asked if there needs to be an inspection from the Fire Marshall. Mr. Gilliam stated this building due to its size and use will need that and will need to go through a design process with a licensed architect and engineer as well.

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

Mr. Boak announced a Public Hearing will be held at the next Planning Board meeting on August 17<sup>th</sup>, 2022.

Ms. Pearlmutter volunteered as Case Manager for this Application.

**4. 220604 11 Bellewood Avenue/Peterson Design Group – Erik Peterson** – Site Plan Review – **Initial Review** – the applicant seeks approval to demolish the existing house, garage and shed, and permission to construct a new house in a location that is less non-conforming (Assessor's Tax Map 34, Block 6, Lot 2 in the Goose Rocks Beach Zone).

Mr. Boak introduced the agenda item.

Mr. Erik Peterson addressed the Board stating this property is on the backside of Wildwood Avenue on a large peninsula. The property has a house, garage and shed that have been on the lot for some time though the garage was added in 1990 and will need to be deducted from the expansion proposed now.

Using the enlarged site plans, Mr. Peterson indicated where the three structures were currently located and where the footprint of the proposed house would be constructed resulting in a substantial reduction in lot coverage. Mr. Peterson also explained the house is currently not in a flood zone but will be constructed in accordance with the new FEMA flood elevations with a flow-thru foundation. The new proposed house will be in the center of the lot as far away from the water as practicable.

Mr. Peterson then gave a more detailed explanation of the expansion calculations due to the existing garage was added in 1990 which contributed to the one-time 30% expansion which left 43.47 square feet in area and 538 cubic feet in volume available for an overall lot coverage reduction from 9.37% to 7.15%. Mr. Peterson also added the proposed building footprint is substantially smaller than the existing 3 buildings combined.

Due to concerns with bird strikes, Ms. Pearlmutter asked if all the windows will have screens and if not then are there overhangs. Mr. Peterson replied not all windows have screens, but they have tailored the design to have as few windows without screens as possible. Due to the fact the property is in the marsh, Ms. Pearlmutter stated there will be a lot of birds, migrating or otherwise that could fly into windows. Mr. Peterson asked if pergolas would help. Ms. Pearlmutter responded that might work.

The Board members and Applicant had a brief discussion on restricting the use of fertilizers and pesticides and their affect on the marsh. Mr. Peterson stated the best he can do with the guidelines he has to work with is to educate people

and make recommendations backed up by literature or materials that help them make some educated choices with regards to protecting the environment.

Mr. Francis asked for some assistance in understanding where the Shoreland and Resource Protection Zone boundaries are and what the new elevation will be for the proposed structure. Mr. Peterson indicated on the site plans where the boundaries are and explained the elevation with the help of Mr. Gilliam.

Ms. Pearlmutter asked where the owners will park. Mr. Peterson explained they will park behind the house on the new driveway as they are removing the current larger driveway.

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

Mr. Boak announced a Public Hearing will be held at the next Planning Board meeting on August 17<sup>th</sup>, 2022.

Mr. Lichte volunteered as Case Manager for this Application.

**5. 220701 BCD Woodland, LLC – Woodland Drive/Duncan MacDougall – Sketch Plan** – applicant seeks approval to split the lot on Woodland Drive into two (2) lots and eventually build two (2) separate homes (Assessor's Tax Map 8, Block 3, Lot 29 in Cape Arundel Zone).

Mr. Boak introduced the agenda item.

Mr. Duncan MacDougall addressed the Board. Mr. Gilliam suggested the Applicant may want to provide some history as this is an older subdivision from the 1980s and some details are lacking.

Mr. MacDougall explained his client bought this property that is just under 10 acres with the hope of splitting it into two lots to build 2 houses. A permit to upgrade the road has been granted along with a land use permit to start clearing a spot to build a house, Mr. MacDougall added.

Mr. Gilliam explained this is an old subdivision that was created in the 1980's and contained 4 very large lots that went through the Planning Board Subdivision approval process and what wasn't included or existed back then was any type of design standards, road standards, or anything of that nature that went along with that. Mr. Gilliam added from his research and discussions with Mr. MacDougall the only information he could find were some discussions on replacement of an old culvert on the existing road. Years later one of the parcels was purchased by a property owner and divided in a very similar request to here and received Planning Board approval to do, Mr. Gilliam stated, but no construction was undertaken on those new lots which are identified as lots 8-3-31 and 8-3-31A.

Mr. Gilliam also added these are all lots of record and meant to be built on.

The Board members, Mr. Gilliam, and the Applicant had a detailed discussion on street design standards, deed restrictions, addition of public utilities and its cost, site plan designs and property lines.

After more discussion on road design and location, the Planning Board members agreed a Site Walk would be beneficial. Mr. Gilliam agreed to provide some possible dates for a Site Walk to held.

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

**Submitted By:** Patricia Saunders, Planning Board Recording Secretary