



TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

## MEMORANDUM

Date: April 19, 2024  
To: The Town of Kennebunkport Planning Board  
From: Galen Weibley, Director of Planning & Development  
Re: Second Review of 438 Kings Highway Site Plan Application

The Town of Kennebunkport received an application for a new garage and driveway submitted by KW Architects P.C. on behalf of Maura and Francis Perier (applicant) at 438 Kings Highway MBL# 33-2-27 (Property).

The property is located within the Goose Rocks Zone and has historically existed as a primary residence for the property owners. The applicant is proposing a new 728 SF garage with driveway access. The proposed structure is currently within the 250ft Shoreland Zone which requires PB Site Plan Review. The site currently is connected to public water and sewer and is proposing 4,434.9SF of structure footprint and 18.6% of total lot coverage once development is completed.

Staff have performed a second review with supplemental material received and offer the comments for the Planning Board to aid in their review of the application.

**Site Plan Review Comments** (*staff comments in blue updated comments in red*)

1. A map of the site with reference to surrounding areas and existing street locations.
  - a. *A map of the property in relation to abutters and existing streets has been submitted. (Criteria Addressed)*
2. The name and address of the owner and site plan applicant, together with evidence of sufficient right, title or interest in the premises to permit the applicant to undertake the use for which site plan review approval has been requested.
  - a. *Staff has reviewed the proposed deed and supporting information supplied by the applicant and has discovered only an overhead*

*utility line on the property. There are no restrictions placed on the deed to prevent the construction of a structure near the utility poles or line. (Criteria Addressed)*

3. The names and addresses of the owners of all properties within 200 feet of the property in question, as shown by the most recent tax records of all municipalities in which such properties lie.
  - a. *Applicant supplied a list of all abutters within 200 feet of the property in question. (Criteria Addressed)*
4. A plan of the area showing lot line dimensions, applicable zone or zones, and the normal high-water mark, if applicable.
  - a. *The proposed structure is located within the Shoreland Zone and is being reviewed by DEP for approval. Staff received DEP Permit by Rule approval on 4/18/2024. (Criteria Addressed)*
  - b. *Property is located wholly within the Goose Rocks Zone for the Town (front, side/ & rear setbacks: (20ft, 15ft & 15ft).*
    - i. *Proposed Garage (78ft, 20ft/48ft & 240+ft) from property lines*
5. Location of all existing and proposed buildings and structures, streets, easements, driveways, entrances and exits on the site and within 100 feet thereof.
  - a. *Existing structures, driveways, and entrances/exits are indicated on the proposed plan. (Criteria Addressed)*
6. All setbacks from bodies of water and lot lines.
  - a. *Applicant has referenced the required setbacks from water bodies and lot lines. Applicant should fix sheet 01 as graphic scale indicates 1"=30' when it should be 1"=20'. Staff called the applicant on 4-19/2024 to share a minor change in the graphic needs to be corrected and that no waiver is needed. Applicant acknowledged the minor change and will bring an updated sheet for the town's record-  
(Comment Outstanding)*
7. All existing physical features on the site and within 200 feet thereof, including streams, watercourses, existing woodlands, existing trees at least eight inches in diameter as measured 4 1/2 feet above grade. Soil conditions as reflected by a medium-intensity survey (such as wetlands, rock ledge, and areas of high water table) shall be shown, and the Planning Board may require high intensity soils surveys where necessary.
  - a. *Applicant has indicated the distances from coastal wetlands and watercourses on the plan. (Criteria Addressed)*

8. Topography showing existing and proposed contours at five-foot intervals for slopes averaging 5% or greater and two-foot intervals for land of lesser slope. A reference benchmark shall be clearly designated. Where variations in the topography may affect the layout of buildings and roads, the Planning Board may require that the topographic maps be based on an on-site survey.
  - a. *No topographic contours are indicated on the plan as the property is generally flat at 10ft. Applicant is requesting a waiver from this requirement. (Waiver Requested)*
9. Parking, loading and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
  - a. *Parking is being provided on site for the primary residence. (Criteria Addressed)*
10. Improvements such as roads, curbs, bumpers and sidewalks shall be indicated with cross sections, design details and dimensions.
  - a. *No improvements are being proposed. (Criteria Addressed)*
11. Location and design of existing and proposed stormwater systems, sanitary waste disposal systems and potable water supply, and methods of solid waste storage and disposal.
  - a. *The submitted plan does not indicate where the location of sewer or water lines connect with the residence. Staff recommend adding this information to the plan to ensure there are no issues with construction on site of the new garage. Applicant has submitted updated plans indicating the location of sewer and water lines for the residence. (Criteria Addressed)*
12. Landscaping and buffering plan showing what will remain and what will be planted, indicating botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans.
  - a. *No proposed planting or buffering is required given the limited scope of the proposed structure. (Criteria Addressed)*
13. Lighting details indicating type of fixtures, location, radius and intensity of light to comply with Chapter **245**, Lighting, Outdoor.
  - a. *The applicant has not indicated if lighting will be added onto the new garage. Staff remind the applicant that all proposed lighting shall comply with Chapter 245 of the Town's Lighting Ordinance. Applicant added note #5 to the plan to address future exterior lighting. (Criteria Addressed)*

14. Location, dimensions and details of signs.

*a. No signs are being proposed for this use. (Criteria Addressed)*

15. Proposed use of all floor area.

*a. The applicant has indicated that they are proposing a new garage with 728SF with a incidental use on the second floor for an office and guest overflow. Staff recommend the following conditions placed on the findings of facts:*

*i. Suggested condition for second floor space of accessory structure: "The space above the accessory structure on the second floor is not a dwelling unit for lack of kitchen and cooking facilities and this area does not qualify for the short-term rental license program or for occupancy by tenants. This space may be used incidentally by the property owners as an office or for visiting friends and family"<sup>1</sup>. (Condition Pending)*

### **Waivers Requested**

**204-10.6.C.(8):** *Exclusion of topography illustrating existing and proposed contours for the site.*

#### *Enclosures*

Memo from Applicant with responses to the Director of Planning & Planning Board members

Updated Sheet 1

Updated Survey Plan with utilities added.

DEP PBR Issuance Letter

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<sup>1</sup> After verifying with the applicant, the memo has been updated to reflect that the space above the structure is not an accessory apartment but incidental space to be used by the property owners given the lack of cooking facilities and not being intended as a dwelling unit. Staff recommend this condition be placed into the findings of facts.