



TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

## MEMORANDUM

Date: March 27, 2024

To: The Town of Kennebunkport Planning Board

From: Galen Weibley, Director of Planning & Development

Re: Site Plan Application 293 Goose Rocks Road Application

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The Town of Kennebunkport received an application for a new proposed use of a restaurant by Nonantum Resort (Tenant of property and applicant) at 293 Goose Rocks Road MBL# 25-5-2A (Property).

The property in question has been historically operated as an agricultural operation and primary residence for the property owner (Helene Lewand). In recent years, the property owner has entered into a lease agreement with the applicant to source agricultural products on the property to be used at the Nonantum Resort as part of efforts to increase their sustainability brand to their patrons. Since 2023, the applicant has applied with the Town to hold two special events on the property to enhance the experience of patrons visiting Kennebunkport in an environmentally sustainable manner. The Town Code allows for up to one event per 120 days for non-commercial use parcels.

Given the positive feedback from patrons and the property owner with this pilot endeavor, the applicant is seeking an approval under conditional use to operate a non-structural restaurant use to operate a limited impact events on a seasonal basis with existing agricultural structures on the property. There will be no proposed construction of new or expanding permanent structures on the site. Staff have prepared the following comments for the Planning Board to aid in their review of the application.

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

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 no issues for the proposed use with deed restrictions on the property. (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. *Applicant is utilizing existing structures on the property with no proposed construction. The applicant is seeking a waiver from submitting a formal site plan given the limited scope of the project. (Waiver Requested)*
  - b. *Property is located wholly within the Free Enterprise Zone for the Town (front, side(l)/(r) & rear setbacks: (20ft, 15ft & 15ft).*
    - i. *Greenhouse (306ft, 514ft/ 57ft & 880ft) from property lines*
    - ii. *Greenhouse II (404ft, 892ft/ 59ft & 825ft) from property lines*
    - iii. *Residence ( 712ft, 840ft/ 125ft & 605ft) from property lines*
    - iv. *Pergola (465ft, 797ft/ 198ft & 841ft) from property lines*
    - v. *PortaPotty site (761ft, 464ft/ 340ft & 763ft) 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, entrances/exits and on indicated on the proposed plan. (Criteria Addressed)*
6. All setbacks from bodies of water and lot lines.
  - a. *Existing structures are located within the 250ft shoreland zone.*
  - b. *Proposed portapotty site is approximately 345ft from the shoreland zone. A site visit would need to confirm the exact location of the shoreland zone from the high-water mark. (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. *The applicant is not proposing construction of any kind or clearing. The applicant is requesting a waiver. (Waiver Requested)*
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. *The applicant is not proposing construction of any kind or clearing. The applicant is requesting a waiver. (Waiver Requested)*
9. Parking, loading and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
  - a. *Parking has been indicated on the plan. The proposed use will be utilizing existing employee parking which will be free during the hours proposed. Because all event attendees will be transported by the applicant, there will be no need for additional parking. It is recommended by staff to add this condition for final approval. (Condition Recommended)*
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. *Applicant intends to transport all waste disposal off site by contractor and will be utilizing a well on the property for water usage. There are no proposed stormwater systems given the limited impact of the use. (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 required given the limited scope of this proposed use. (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 addressed this section indicating in conversation with staff their willingness to keep dark sky in mind with proposed lighting for the events. The applicant stated they will be utilizing warm soft light (2700-3000K) for proposed lighting fixtures which will be in compliance with the town code. (Condition Recommended)*
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 will utilize the existing greenhouse and pergola structures on the property. No submission of total floor area being used for the various has been submitted. (Comment Outstanding)*
16. A written description of the proposed operations in sufficient detail to indicate the degree to which the operations will create traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste, and other objectionable effects, along with engineering and architectural plans for mitigating such effects.
  - a. *The applicant has supplied as part of their cover letter and supporting documentation details pertaining to how they will address noise, odor, glare/lighting, and pesticide use on the property. While staff see no immediate issues with proposed operations described by the applicant, the Planning Board should consider detailing conditions to any proposed approval to mitigate changes to the proposed operations which may impact abutters and neighborhoods. (Conditions Recommended)*
17. The proposed number of shifts to be worked and the maximum number of employees on each shift.
  - a. *The applicant indicates in their application that no more than eight staff will work the evening hours of the proposed use. The number of employees and designated spaces are in excess of the Land Use Ordinance parking standards. (Criteria Addressed)*

18. A list of all hazardous materials to be hauled, stored, used, generated or disposed of on the site, and any pertinent state or federal permits required.
- a. *The applicant has addressed how wastewater will be disposed of but has not indicated how general refuse will be managed, collected, and removed from the site. Given no use of pesticides being proposed, there are no additional licenses required from Town staff's initial review. (Comment Outstanding)*

*Enclosures*

- Cover Letter from Applicant Outlining Proposed Operations for the new Use.
- Application for Site Plan Review
- Property Information from Town Vision File
- Deed information from Helene Lewand
- Letter from Property Owner approving proposed use
- Supporting visuals from applicant for layout of use
- Sketch plan indicating the location of operations on the parcel
- Letter of support from Town of Kennebunkport Fire Chief for Proposed use