

**Kennebunkport Planning Board
December 19th, 2012 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, December 19th, 2012. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Leo Famolare, Gordon Ayer, John Hathaway, Peter Fellenz, Helen Conaty

Approval of Minutes: Mr. Ayer made a motion to approve the minutes from the December 5th, 2012 Planning Board meeting. Mr. Famolare seconded the motion and the vote was unanimous.

Items:

1) 121101 Seaside Hotel Associates, d/b/a Nonantum Resort – Site Plan Review – Public Hearing – for approval to convert a seasonal awning enclosure into a more permanent structure, with the same use intended, by upgrading the walls, windows and floor, as well as conversion of an existing bathroom into a handicap accessible bathroom. [95 Ocean Avenue, Assessor's Tax Map 08, Block 001, Lot 13 in the Riverfront Zone.]

Mr. Kling introduced the Agenda item noting this Application was voted complete at the last Planning Board meeting.

Ms. Tina Hewitt-Gordon addressed the Board stating the Nonantum is a 109-room resort hotel with a restaurant, marina and small catering business. Ms. Hewitt-Gordon explained the resort has an outdoor seasonal space with an awning they would like to convert to a 3 season room in order to utilize the space on a more permanent basis. Ms. Hewitt-Gordon also explained the proposal is to convert a restroom to the standards of the ADA regulations in order to meet the needs of their ever-growing clientele.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing. Mr. Famolare made a motion to approve the Application. Mr. Hathaway seconded the motion and the vote was unanimous. Mr. Ayer was assigned as Case Manager to prepare the Findings of Fact to be read at the next meeting.

2) Estate of Armentrout (PBM Subdivision) c/o Richard Barnes / James Logan of Albert Frick & Associates, Authorized Agent – Public Hearing – for approval to review new, proposed drainage structures related to future amended grading plans for Lots 3 & 4. [54 River Road, Assessor's Tax Map 01, Block 001, Lots 3 & 4 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item stating this is a Public Hearing for an amendment to a previously approved minor subdivision.

Mr. Jim Logan of Albert Frick & Associates addressed the Board stating this Application is for a minor subdivision amendment for lots 3 & 4 which were approved in 1991. Mr. Logan stated there was a note in the original approval regarding drainage and runoff plans for these two lots. Prior to this meeting, Mr. Logan stated he provided all calculations for lot coverage and included the driveways in those calculations both of which were under 20%.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing. Mr. Reid made a motion to approve the Application. Mr. Ayer suggested adding a condition upon approval stating there is "no conflict with the provision of the Land Use Ordinances of Kennebunkport and Arundel, conditions, restrictions, and limitations as set forth in the Declaration dated June 7, 1991 and recorded in the York Registry of Deeds in Book 5731 page 85 be adopted as conditions imposed by this Planning Board." Mr. Famolare seconded the motion and the vote was unanimous. Mr. Kling was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting.

3) 120802 William Forrest and Nancie Julian / Mitchell & Associates, Authorized Agent – Site Plan Review – Public Hearing - for approval to remove the existing 2 ½ story home and create a new two ½ story home in a different location to make it more conforming to setbacks and reduce lot coverage. [239 Kings Highway, identified as Assessor's Tax Map 34, Block 001, Lot 02 in the Goose Rocks Beach Zone.]

Mr. Kling introduced the Agenda item noting this Application was voted complete in September.

Mr. Bob Metcalf of Mitchell & Associates addressed the Board stating the Application has received a DEP permit and a letter from the Town Manager Larry Mead regarding the proposed change in on-street parking. Mr. Metcalf gave a brief description of the Application noting the following:

- Lot size is 6,305 sq.ft. in the Goose Rocks Beach Zone and Shoreland Zone
- Current lot coverage is 2,227.16 sq. ft.
- The 15 ft. setback line runs through the side of the current building
- Proposal is to remove the existing structure to bring a new structure within the setback requirements
- Applicants own both parcels, 239 & 241 Kings Hwy
- Proposal is to eliminate on street parking for 241 Kings Hwy and put one of the 2 parking spaces under the new structure
- New structure will reduce lot coverage to 2,085 sq. ft.

- Received approval from Goose Rocks Beach Advisory Committee for relocation of 2 parking spaces mentioned previously
- Relocation of the parking spaces increases the safety by being further away from the intersection of Kings Hwy and Barlett Avenue

Mr. Reid asked where the generator was located on the new house design. Mr. Metcalf replied it will be recessed into the building line so it does not fall within the setback area.

Mr. Kling asked what the total lot coverage would be for the combined lots. Mr. Metcalf replied the total lot coverage is 3,011.84 sq. ft equaling 27% impervious lot coverage for the 2 lots combined.

Mr. Reid expressed his concern having the generator located underneath the building and asked if the Fire Marshall approved that location. Mr. Brian Shaw, Code Enforcement Officer addressed the Board stating he would look carefully at the location of the generator and advise them accordingly.

Mr. Kling opened the Public Hearing. Catherine Lunde of 228 Kings Hwy addressed the Board with two concerns regarding the Application: 1. Concern that heavy construction trucks would drive on top of an existing underground propane tank; and 2. the relocation of the new parking spaces would be closer to the pedestrian pathway to the beach.

Mr. Metcalf demonstrated on the site plans where the proposed parking spaces would be in relation to the beach pathway. Mr. Bill Forest responded to Ms. Lunde's concerns stating they will have a fenced area around the buried propane tank with signage to ensure construction vehicles did not drive across that area.

There were no further comments from abutters or the general public. Mr. Kling closed the Public Hearing.

Mr. Famolare expressed his concern that the architecture of the proposed building did not match with the Goose Rocks Beach area. Several other Board members agreed with Mr. Famolare's concern. Mr. Kling reminded the Board that unless the design is in violation of the Town Ordinances, it is not in the Planning Board's authority to change the architectural design.

Mr. Kling outlined the Board's conditions on approval as:

1. Area between the house and the pavilion on the combined lots would be a common area
2. Lots would have to be joined & may not revert to prior independent state without prior approval from the Planning Board and Zoning Board of Appeals
3. A Condo permit would be issued from the Code Enforcement Office
4. Board of Selectmen would have to approve the change in on street parking.

Mr. Hathaway made a motion to approve the Application subject to the previous conditions as stated by Mr. Kling. Mr. Reid seconded the motion. The Board voted in favor of the motion. Mr. Famolare abstained from voting. Mr. Fellenz was assigned as Case Manager to prepare the Findings of Fact to be read at the next meeting.

4) 121103 Christopher Finneral and Meghan Mahoney – Site Plan Review – Initial Review -- for approval to add a 200 square foot deck and realign the existing driveway. [203 Kings Highway, Assessor's Tax Map 34, Block 001, Lot 21 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item. Mr. Brian Shaw addressed the Board stating this Applicant is before the Board because he felt the changes to the design were significant enough to expand out of the Code Enforcement Office's authority and required a review from the Planning Board.

Mr. Bill Walsh of Walsh Engineering addressed the Board stating the proposal is to remove some of the existing driveway and impervious area in exchange of adding a small deck to the rear of the building. The present lot coverage is 31.6% of the total lot. With the modifications proposed the lot coverage would be reduced slightly to 31.5% of impervious surface.

Mr. Kling pointed out on the proposed site plan that there is a small section of the driveway that encroaches on the side yard setback which is not allowed in the ordinance.

Mr. Hathaway stated the proposed area for backing out of the garage is equal to adding 2 parking spaces.

Mr. Reid asked the Applicant if there was any viable alternative to use the area in the front of the lot and potentially reduce the lot coverage.

Mr. Kling stated the Board would have to continue this Initial Review until the Applicant submitted a new plan.

5) 121104 Christopher B. Asplundh, Jr. / Sandra Guay, Authorized Agent – Site Plan Review – Initial Review – for approval to construct a 4' x 48' fixed pier, a 3' x 25' ramp and a 200 square foot float. [25 Kings Lane, Assessor Tax Map 41, Block 002, Lot 40 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item. Attorney Sandra Guay addressed the Board and gave a brief summary of the proposed Site Plan. Ms. Guay stated the ramp and float are seasonal and would be removed to storage for the colder months. The total length of the proposed pier is 83 feet on a parcel of property with 375 feet of shore frontage, Ms. Guay stated. Ms. Guay explained the location of the pier and ramp was selected using an existing pathway to the shore to minimize any disturbance of the marsh grass. The Applicant has received an NRPA permit from the DEP dated November 6, 2012 and an Army Corps of Engineers permit on October 9, 2012.

Mr. Reid asked the Applicant if they considered making the walkway less than the 4 foot maximum allowed. Mr. Zach Tayler of Riverside Pickering & Green, responded the DEP approved the 4 foot pier which is the recommended width in order to keep the structure 4 feet off of the marsh grass. Mr. Reid and Mr. Fellenz expressed their opinion they would like to possibly see the pier width decreased.

Mr. Ayer made a motion to find the Application complete. Mr. Famolare seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting.

Other Business:

Mr. Hathaway discussed the possibility of having an architectural review on the Planning Board in order to preserve the character of the town. Mr. Kling agreed with Mr. Hathaway and offered to review some possible Ordinance changes that could preclude some designs.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary