

**Kennebunkport Planning Board**  
**August 7th, 2013 ~ 7:00 PM**  
**Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, August 7, 2013. The meeting convened at 7:00 p.m. in the North Street Fire Station.

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

Approval of Minutes: Mr. Fellenz made a motion to approve the minutes from the July 17th, 2013 Planning Board meeting. Mr. Famolare seconded the motion and the vote was unanimous.

Items:

**1) 130602 Stephen P. Chase – Site Plan – Finding of Facts** – for approval to remove an existing cottage and replace it with a new cottage and garage. [7 Hayward Drive, identified as Assessor's Tax Map 35, Block 003, Lot 10 in the Cape Porpoise West Zone.] *Peter Fellenz, Case Manager*

Mr. Fellenz read the Findings of Fact into the record. Mr. Ayer made a motion to approve said Findings. Mr. Famolare seconded the motion and the vote was unanimous.

**2) 130701 Arundel Cemetery Corporation – Site Plan – Initial Review** – for approval to create an access drive to an area of proposed burial plots with a new opening onto Walker Lane. [Walker Lane, identified as Assessor's Tax Map 13, Block 006, Lot 09 in the Farm and Forest Zone.

Mr. Jim Logan, representing Arundel Cemetery Corporation addressed the Board stating this project is for a small expansion to add 37 new burial sites on the property. Mr. Logan explained they began accepting fill material in 1989 and has since met with the DEP to remedy the violation incurred from adding fill to the wetland area. This project will involve a new entrance on Walker Lane which will be a narrow gravel lane and no significant grading will be done on the land, Mr. Logan stated. Mr. Logan asked the Board if they felt it necessary to do a site walk on the property. Mr. Kling stated it was an easy drive-by so a site walk was not necessary at this time.

Mr. Kling asked if Walker Lane was a state road. Mr. Logan replied it is not and the speed limit there is 25 mph. Mr. Logan also noted they would obtain approvals from the Police and Highway Departments as well as the Maine DEP.

Mr. Kling asked Mr. Gilliam if there were any issues from the Code Enforcement office. Mr. Gilliam explained the wetland is not classified as a Shoreland wetland so it does not require Shoreland setbacks but it does require permitting through the Department of Environmental Protection. Mr. Gilliam made one recommendation to comply with Maine State law which restricts any excavation within 25 feet of a cemetery. Mr. Gilliam noted the Application shows a 15 foot side setback. Mr. Logan asked for clarification on the 25 foot setback requirement.

Mr. Fellenz asked if the parcel in between the two cemetery properties is an occupied residential property. Mr. Logan responded it is.

Mr. Kling announced the Board would defer any decision on completeness until the Applicant has reached an agreement with the Code Enforcement Office about the setbacks and received all approvals from the Police Department, Highway Department and Maine DEP.

**3) The Ledges at Ocean Avenue, LLC - Initial Review** – for approval to connect the lots to public sewer. [Washburn Drive, identified as Assessor's Tax Map 20, Block 004, Lots 03B – 03H and 03J – 03M in the Village Residential Zone.]

Mr. Kling introduced the Agenda item noting this Application is an amendment to a previously approved Subdivision Application.

Mr. Steve Doe, along with Attorney Ralph Austin, addressed the Board on behalf of the Applicant for approval to connect all of the lots to public sewer. The current owner of The Ledges at Ocean Avenue is John Mills who also owns the Rocky Pasture property, Mr. Doe stated. Mr. Doe explained at the time The Ledges properties were built there were 3 lots that have their septic systems on another lot so the contractor installed three individual force mains with the hope they could get septic off of the Rocky Pastures property. The Sewer District has been made aware of the force mains after the fact and has performed pressure testing in each of them.

Mr. Kling asked to what extent does the Sewer Department have to approve the technical specifications of the line that's been built and the lines going to each of the lots. Mr. Gilliam responded that this particular plan has been submitted to the Sewer Department and it has gone out for peer review from Pinkham & Greer. Mr. Gilliam added he has spoken with the Sewer Department and Allan Muir has received the engineering report today but could not comment on the results of it.

Mr. Ayer asked if there would be an easement to the Town for the sewer. Mr. Doe replied they would have to offer an easement as part of the process but it is his understanding that the line would remain private and the town would not have any responsibility for the pipeline. Mr. Kling explained that the Sewer Department has to approve the project and the Board of Selectmen has to approve the Performance bond related to the construction under the sewer ordinance. Mr. Austin added after the Performance Bond is approved the town voters decide whether or not the town should accept it as a public line. Mr. Austin noted it is his understanding the line will remain private.

Under the sewer ordinance the Planning Board has to hold a Public Hearing on the sewer application, Mr. Austin explained, and asked the Board if the Public Hearing on the Subdivision Amendment be held contemporaneously with the Public Hearing on the sewer application.

Mr. Ayer asked if there is a sewer line in the Rocky Pasture property. Mr. Austin replied he did not know if the main house is on town sewer but they could not connect into this [The Ledges] line.

Mr. Famolare asked if the properties had well water. Mr. Doe replied they are all connected to public water.

Mr. Reid expressed his concern with 12 pumps going into a 2-inch force main. Mr. Doe responded the line was designed by their engineering firm with each house having their own E1 ejector pump system.

Mr. Kling asked Mr. Gilliam to contact Allan Moir to provide the Board with a report on the adequacy and impact of the system and if Mr. Moir could also attend the next Planning Board meeting on August 21<sup>st</sup>. Mr. Gilliam reminded the Board there is a minimum of 10 days' notice for a Public Hearing so the Code Enforcement Office would need to post all notices within the next few days. Mr. Kling also asked if it were possible to have a representative from Pinkham and Greer attend the Public Hearing. Mr. Doe added he would also ask their engineer to attend the next meeting to answer any questions.

**Other Business:** Final approval of changes to the Planning Board Rules and Regulations.

Mr. Famolare made a motion to approve the changes to the Planning Board Rules and Regulations as discussed. Mr. Reid seconded the motion and the vote was unanimous.

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

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