

**Kennebunkport Planning Board
December 17th, 2014 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, December 17th, 2014. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), John Hathaway, Peter Fellenz, Helen Conaty, Thomas Boak, Ray Hilwig
Mr. Boak will have voting privileges for this meeting.
Others Present: Werner Gilliam, Town Planner

Approval of Minutes: Approval of the minutes from the December 3rd, 2014 meeting has been deferred until next Planning Board meeting.

Items:

- **Phillip McCabe Revocable Trust / Albert Frick Associates** – Minor Subdivision Amendment – **Findings of Fact** – for approval to relocate head of access drive to its original permitted location prior to Ocean Sound Subdivision approval. [260 Ocean Avenue, identified as Assessor's Tax Map 20, Block 004, Lot 01 in the Cape Arundel Zone.] *Case Manager, David Kling*

Mr. Kling read the Findings of Fact into the record. Ms. Conaty made a motion to approve said Findings as read. Mr. Hilwig seconded the motion and the vote was unanimous.

- **141001 Raymond Shmalo/Shmalo Family LLC**, Site Plan Review – **Public Hearing** – for approval to turn vacant retail space located in Units 7 & 8 into two bathrooms to become part of and for the exclusive use of Units 5 & 6, Salt & Honey Restaurant. [24 Ocean Avenue, identified as Assessor's Tax Map 11, Block 009, Lot 10, Units 7 & 8 in the Dock Square Zone.]

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

Mr. Dave Wade representing the Applicant addressed the Board and gave a brief summary of the Application. Mr. Wade noted all of the work will be done within the building envelope and will not impact the outside of the building or the landscape.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Hilwig made a motion to approve the Application. Mr. Hathaway seconded the motion and the vote was unanimous. Ms. Conaty was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting.

- **The Chicadee Trust, Cape Arundel Woods Subdivision / Sebago Technics, Authorized Agent** - Final Application – **Public Hearing** - for approval to amend the Plan of Lot 2A [2 Poets Lane, identified as Assessor's Tax Map 07, Block 013, Lot 1D in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item.

Mr. Steve Doe of Sebago Technics, along with Ms. Teralyn Swift and Attorney Ralph Austin, addressed the Board. Mr. Doe gave a brief summary of the Application stating Ms. Swift has decided to extend the town water line to the subdivision as well as upgrade the condition of Endcliff Road.

Mr. Kling noted the Planning Board voted this Application complete at a previous meeting.

Mr. Kling asked Mr. Gilliam if the Code Enforcement Office had any concerns about this Application. Mr. Gilliam responded the town had no concerns at this time.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Boak made a motion to approve the Application. Ms. Conaty seconded the motion and the vote was unanimous. Mr. Kling will prepare the Findings of Fact to be read at the next Planning Board meeting on January 7th, 2015.

- **Adam Winstanley / Bruce Read, Authorized Agent** – Site Plan Review - **Public Hearing** - for approval to remove an existing house and garage at 68 Ocean Avenue with the plan to replant and beautify both properties as one. [68 & 70 Ocean Avenue, identified as Assessor's Tax Map 10, Block 005, Lots 14 & 15 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item noting this Application should be assigned a case number.

Mr. Bruce Read addressed the Board and gave a brief history of the Applicant and the properties involved in the Application. Mr. Read noted there will not be any changes made to the stormwater drainage system on either property.

Mr. Ted Carter, Landscape Architect addressed the Board and gave a brief presentation of the proposed landscaping plan.

Mr. Kling asked if the Applicant would agree to use as minimal pesticides as possible on the property due to its close proximity to the water. Mr. Carter agreed with that practice adding their intent is to make the landscaping appear as natural and indigenous as possible.

Mr. Hilwig asked what driveway material would be used. Mr. Carter responded the driveway is currently asphalt but is not in great shape so they would dig it up and repave when the landscaping is completed.

Mr. Kling asked if there was any change in impervious surface on the property. Mr. Carter responded there is no change at all.

Mr. Kling asked Mr. Gilliam if the town had any issues with the Application. Mr. Gilliam replied there were no issues of concern at this time.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Hilwig made a motion to approve the Application. Mr. Hathaway seconded the motion and the vote was unanimous. Mr. Boak will prepare the Findings of Fact to be read at the next Planning Board meeting on January 7th, 2015.

- **141201 Lora McGrath / Walsh Engineering, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to construct a riprap revetment to stabilize the shoreline of the property in two areas of erosion. [2 Oak Street, identified as Assessor's Tax Map 9, Block 001 Lot 8 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item

Mr. Bill Walsh of Walsh Engineering on behalf of Lora McGrath addressed the Board stating this property is directly behind the Village Fire Station and abuts the river. Using an enlarged site plan and photographs, Mr. Walsh identified the areas on the existing 0.73 acre parcel where the erosion has occurred. Mr. Walsh noted there is one critical area that is compromising the stability of Ms. McGrath's house. Mr. Walsh explained they are proposing to remove the existing riprap and install a revetment to maintain the slope of the riverbank.

Mr. Kling asked for clarification as to why they are proposing work to be done on the lower embankment also. Mr. Walsh responded the Applicant has lost some of her lawn area and will continue to do so if the embankment is not reinforced. Mr. Walsh further explained the DEP allows up to 500 sq. ft. of impact into the coastal wetland which this Application falls just short of that 500 sq. ft. limit.

Mr. Kling asked if there was an issue with obtaining a DEP permit. Mr. Walsh replied they have submitted their permit application to the DEP who have conducted three site visits to the property along with the Maine Inland Fisheries and Wildlife Department and does not anticipate any delay in obtaining a permit. Mr. Walsh offered to contact to the DEP to obtain an update on the status of their permit application and provide that information to the Board.

Ms. Conaty asked, if approved, would the work begin immediately. Mr. Walsh responded they would like to have the work completed before the winter is over as it is easier to work while the ground is frozen.

Mr. Kling also asked the Applicant to provide a copy of the license obtained from the abutting property owner where part of the work is to be done. Mr. Walsh agreed to provide that information to the Board prior to the next meeting.

Mr. Fellenz made a motion to find the Application complete subject to receipt of the DEP permit and a copy of the abutting property owner's license for approval for construction. Ms. Conaty seconded the motion and the vote was unanimous. A Public Hearing is scheduled for the next Planning Board meeting on January 7th, 2015.

Other Business: Mr. Kling noted for the record that the Kennebunkport Conservation Trust has withdrawn their Application for a River Heritage Educational Center.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary