

Kennebunkport Planning Board
March 19th, 2014 ~ 7:00 PM
Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, March 19th, 2014. 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, Helen Conaty. Ms. Conaty will have voting privileges for this meeting.

Approval of Minutes: Ms. Conaty made a motion to approve the minutes from the March 5th, 2014 Planning Board meeting. Mr. Reid seconded the motion and the vote was unanimous.

Items:

1) 130101 Brian Berube & Susan Wolff / Sandra Guay, Esq. – Site Plan Review – **Findings of Fact** – for approval to construct a 4'x6' pier, 3'x33' seasonal ramp and a 10'x20' float. [23 Land's End Road, identified as Assessor's Tax Map 21, Block 010, Lot 14 in the Cape Porpoise West Zone.]

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

2) 140301 The Boathouse at Kennebunkport, LLC / Sebago Technics, Authorized Agent – Site Plan Review – **Initial Review** – for approval to install a 6' x 60' pre-engineered pedestrian bridge across a tidal channel between the two properties, modify pavement and add walkways at both ends of bridge. [21 Ocean Avenue & 28 Dock Square, identified as Assessor's Tax Map 11, Block 001, Lots 08 and 22 in the Dock Square Zone.]

Mr. Kling introduced the Agenda item.

Mr. Steve Doe of Sebago Technics, along with Attorney Ralph Austin, addressed the Board on behalf of the applicant. Mr. Doe stated the Applicant has two properties: The Boathouse with the hotel and the Wharfside. The applicant would like to connect the two properties with a 6'x60' pedestrian bridge across the brook, Mr. Doe explained. Mr. Doe also explained the bridge would be ADA accessible and would be lit during the evening for safety. The parking lot would be slightly reconfigured to relocate the handicapped parking spaces directly adjacent to the bridge entrance/exit, Mr. Doe concluded.

Mr. Kling asked why the ramp to the bridge is at an angle. Mr. Doe responded the boardwalk is elevated in order angle around an existing pole.

Mr. Reid asked why the Applicant is eliminating a parking space on the hotel side. Mr. Doe explained the space was awkward to maneuver anyway and by eliminating it, it makes it easier for snow removal purposes.

Mr. Doe listed the following approvals the Application has received:

- U.S. Coast Guard, as they have jurisdiction over this waterway,
- The Kennebunkport River Committee,
- The Board of Selectman.

Mr. Doe explained the Board of Selectmen did ask if a barge needed to be brought through that area, would the Applicant be able to remove the bridge. A crane would have to be brought in to lift the bridge to allow a barge to pass through. Mr. Doe acknowledged that the Applicant has agreed to that condition and would have that stated in the deeds in the event the properties are sold.

Mr. Kling asked if there was a weight capacity and how would they limit that for the crowds standing on it during Prelude. Mr. Doe replied they told the designer the bridge could be packed with people so it is designed with a higher standard and rating to accommodate such an occurrence.

Mr. Kling asked if the Lighting committee had any concerns. Mr. Doe said they were concerned there would be too much light and suggested just having a light at each end of the walkway. Mr. Doe said they would revisit that and get back to Jim Stockman Chairman of the Lighting Committee.

Mr. Kling asked if the bridge would be constructed of aluminum. Mr. Doe replied yes it would. Mr. Kling suggested putting a coating on the aluminum so it would blend in with the environment better.

Ms. Conaty asked if the Town would be indemnified in the event of injury. Mr. Austin responded it is private property so the owners would have responsibility but he would look into it and have it addressed before approval.

Mr. Famolare asked if there was any benefit to the town besides connecting the two businesses. Mr. Austin replied the former Town Manager Larry Mead was in favor of the bridge as it would help alleviate pedestrian traffic and congestion along the narrow sidewalk in front of those shops on Ocean Avenue. Mr. Kling agreed it could improve the circulation in Dock Square.

Mr. Reid stated his opinion that he would like to see the design of the bridge be more architecturally compatible with the area. Mr. Doe pointed out there will be a wood railing along the length of the bridge with planters spaced across it. Mr. Doe agreed to speak with the manufacturer to make it more compatible.

Mr. Reid made a motion to find the Application complete subject to input from the Lighting Committee. Ms. Conaty seconded the motion and the vote was unanimous. Mr. Kling announced a Public Hearing would be held on April 2, 2014.

Other Business: Discussion on proposed Land Use Ordinance Amendments.

Mr. Gilliam gave a brief explanation of the following proposed Amendments to the Land Use Ordinance:

1. Amendment to clarify permitting for temporary tents as well as create a definition for a tent.
2. Amendment to allow the code enforcement officer to issue building permits to the owner of a dwelling for purposes of making the dwelling accessible to a person with a disability who resides in or regularly uses the dwelling without the need to obtain a variance from the Board of Appeals.
3. Amendment to allow accessory apartments to be further than 75 feet away from the principal dwelling.
4. Amendment to permit conditional uses which have been approved as part of a subdivision to carry the same expiration date as the subdivision approval itself.

Mr. Gilliam stated the last proposed amendment is a zoning change to extend the Dock Square Zone. Attorney Sandra Guay addressed the Board stating she represents Muriel Christopher owner of 1 Elm Street who is in the process of selling this property. Ms. Guay explained the potential purchasers of the Christopher's property are looking to use it as a commercial use.

Mr. Kling acknowledged receipt of two letters from citizens concerned about extending the Dock Square Zone. Mr. King offered his personal opinion that he has no issue with the property reverting to historical use but is uncomfortable extending the Dock Square Zone as it invites other consequences. Mr. Kling added he would prefer to find a much narrower solution. Mr. Reid agreed with Mr. Kling's opinion stating there are too many factors involved for the sake of one person being able to sell their property.

Mr. Reid asked if the grandfather clause has run out and if so, can it be reinstated? Mr. Gilliam responded it has past the time for the property to be grandfathered and it would require an ordinance change to reinstate it. Mr. Gilliam added there are other avenues that can be pursued.

Mr. Hathaway offered his opinion that this is perhaps not the best way to approach this and suggested there was a more defined way to do this.

Mr. Kling stated, with the Board's consent, he will draft a memo stating the Planning Board is against the proposed amendment to expand the Dock Square Zone. Mr. Hathaway made a motion in support of Mr. Kling's proposal. Mr. Famolare 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