

Kennebunkport Planning Board
January 3, 2018 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, January 3rd, 2018. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Russ Grady (Chair), Tom Boak, D. Scott Mahoney, Mark Messer, Nina Pearlmutter, Neil Higgins, Edward Francis

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes from the December 20th, 2017 Planning Board meeting. Mr. Messer requested to add the words “before the Public Hearing and before the vote” to the last sentence in paragraph 5 of the December 20th, 2017 Planning Board minutes. Mr. Grady suggested the Board defer approval of the minutes until the Board members have reviewed the video of the December 20th, 2017 meeting. Mr. Boak made a motion to table approval of the minutes in order to review the video. Mr. Messer seconded the motion and the vote was unanimous.

Items:

1. 171101 Oak Ridge Estates Subdivision / James Logan, Longview Partners, LLC, Authorized Agent – Minor Subdivision Amendment – **Public Hearing** – for approval to relocate building envelope on Lot #4 from location approved on plan, which would require clearing in different location. The approved clearing limits for this lot on the previously approved Plan is 21,500 sq. ft. The new proposed clearing would be 21,409 sq. ft. (Oak Ridge Road, Assessor’s Tax Map 39, Block 001, Lot 3F in the Free Enterprise Zone.)

Mr. Grady is recused from review of this Application due to a conflict of interest. Mr. Francis will have voting privileges for this Application.

Mr. Boak introduce the Agenda item and asked the Applicant to provide a brief summary.

Mr. Jim Logan addressed the Board stating this Application is to relocate the proposed clearing limits for Lot #4; adding there is no other change to the subdivision. Mr. Logan also stated all original setbacks to wetlands and buffers will be met.

There were no questions from the Board members.

Mr. Boak opened the Public Hearing. There were no comments or questions from the audience in attendance. Mr. Boak closed the Public Hearing.

Mr. Messer made a motion to approve the Oak Ridge Estate Subdivision Amendment to the original plan as discussed. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Mr. Boak read the Findings of Fact into the record. Mr. Mahoney made a motion to approve said Findings. Ms. Pearlmutter seconded the motion and the vote was unanimous.

2. 171201 Sandy Pines Campground / Sebago Technics, Authorized Agent – Site Plan Review – **Initial Review** – for approval for facility upgrades and to improve pedestrian and vehicular safety to the operational component of the campground, as well as relocation of campsites and other site work. (227 Mills Road, Assessor’s Tax Map 32, Block 1, Lot 3 in the Goose Rocks, Shoreland and Resource Protection Zones.)

Mr. Grady has resumed participation on the Board. Mr. Francis will return as an Alternate Board member.

Mr. Grady introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board, along with Attorney Ralph Austin. Using several enlarged site maps of the property, Mr. Doe provided a summary of the Application. Mr. Doe stated the Applicant purchased the property in 2016 and made many improvements to the property’s buildings, added more units onto the public water supply and installed new septic systems. Noting after having a successful season, Mr. Doe explained the owners wish to make some operational changes. Some of those items are noted as follows:

- Add a thru lane, pedestrian path, and modified gate system, along with a redesign of the main entrance on Mills Road to avoid traffic congestion.
- Remove an unused wood shed and relocate the shed near the service area.
- Add a storage shed to the general store
- Add a maintenance shed
- Change the bark mulch pathway to the pool to a crushed stone walkway
- Convert 2 unused RV sites to 2 new glamping tent sites.

Ms. Pearlmutter asked if most of the Applicant's customers were in recreational vehicles or tent campers? Mr. Doe replied there is a lot of tenting rather than RVs. Ms. Pearlmutter also asked if generally people with RVs have their own bathrooms. Mr. Doe responded, yes, adding there is a dumping station for the RVs on the property but it does not get much use.

Ms. Pearlmutter also questioned whether the property complied with Article 7.3.A.1. of the Land Use Ordinance which states: "The site of the campground shall contain a total area of at least five thousand (5,000) square feet per recreational vehicle, tent, or shelter, not including roads and driveways. Land supporting wetland vegetation, and land below the normal high-water mark of a body of water shall not be included in calculating land area per site." Mr. Austin explained the campground was established in the early 1970's and the number of sites are grandfathered and probably exceeds the allowable number of sites according to today's standards. Ms. Pearlmutter commented this property is similar to a non-conforming property. Mr. Austin agreed with Ms. Pearlmutter's comment adding that is also why some of today's setback requirements are not met as well. Mr. Austin also noted the owners are very conscious of not increasing the number of sites on the property.

Ms. Pearlmutter asked the Applicant to comment on the number of bathrooms on the site. Mr. Doe explained there are enough bathhouses and bathrooms for the number of sites. The Applicant has spent a lot of money bringing in and building new septic systems along with bringing town water to the site. Mr. Gilliam added the town's staff has spent a large amount of time reviewing this property so that from a Plumbing Code perspective the number of bathhouses to the number of sites is compliant with the Code.

Mr. Messer asked if there have been additional sites added since the new ownership in 2016? Mr. Doe replied no, the glamping sites are existing camp sites. Mr. Messer asked of the four additional glamp sites they wish to add, are those replacing existing sites? Mr. Doe responded Yes. Mr. Messer asked if the Applicant could note those changes more clearly on the site plans.

Mr. Boak asked if the curb cut at the entrance will be changed when they redesign the main gate. Mr. Doe responded there is only one curb cut which splits off.

Mr. Boak also noted the Applicant mentioned guests sometimes parked their cars over a septic system which used to be forbidden. Mr. Doe commented that 99% of systems put in are concrete chambers that can be driven over.

Mr. Messer noted the first sentence of the Application states this is an amendment to the site plan. Mr. Gilliam explained this is an amendment to the site but due to the age of the property as developed there is no original site plan.

Mr. Grady asked if there was any documentation demonstrating the capacity of the septic tank with the addition of another bathhouse. Mr. Doe replied he asked the same question and was told the number of users was not increasing so the system would be adequate. To further clarify, Mr. Gilliam explained it is the same theory as adding a bathroom to your house where the occupancy isn't increasing.

Mr. Francis asked if all of the proposed changes were outside of the Shoreland zone? Mr. Doe replied yes, they are.

Ms. Pearlmutter asked if there was any impact on the wetlands? Mr. Doe responded No.

Mr. Higgins questioned whether the proposed changes to the property entrance complied with the Land Use Ordinance. The Board members, Mr. Gilliam and the Applicant had a brief discussion. Mr. Austin agreed to supply the Board with an analysis and/or a legal opinion from the Town Counsel.

The Applicant and the Board members had a brief discussion on the increase of impervious surfaces to the property and whether that was in compliance with the town ordinances.

Mr. Grady summarized the following items need to be clarified by the Applicant for the next Planning Board meeting:

1. Indicate clearly which campsite is being abandoned and what is taking the place of those sites,
2. Provide a detailed analysis of the campground as it is today,
3. Provide correct calculations of impervious surfaces and indicate on the site plans the new coverage for proposed roadway work.

Mr. Austin agreed to provide the requested information by the next Planning Board meeting and asked if the Public Hearing could also be held at that next meeting.

Mr. Boak asked about a change in the name of the holding company of the property. Mr. Austin explained JTJ Development purchased the property and Tim Harrington is the sole member of JTJ Development. Effective January 1st the property was transferred to a new company formed by Mr. Harrington called Sandy Pines LLC, Mr. Austin added. Mr. Austin agreed to provide a copy of the signed deed for the next meeting to be included in the Application.

Mr. Boak made a motion the Application is complete pending receipt of the previously discussed items. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Mr. Messer was assigned as Case Manager for this Application.

3. 171202 Melissa Winstanley / Bruce Read, Esq., Authorized Agent – Site Plan Review – Intial Review – for re-approval to do a maintenance dredge to remove approximately 310 cubic yards of silt and sand to restore adequate mooring and access depths at an existing

recreational pier. This action was previously requested by the Applicant and approved by the Board on November 16, 2016, however a permit to do the work was not pulled, and the approval expired. (85 Ocean Avenue, identified as Assessor's Tax Map 08, Block 001, Lot 18 in the Village Residential, Shoreland and Resource Protection Zones.)

Mr. Grady introduced the Agenda item.

Mr. Bruce Read addressed the Board stating this Application is a relatively straightforward request for a re-approval to perform a maintenance dredge which will be done in conjunction with three other neighboring properties. Mr. Read explained the only change from the original approval is they have changed the dump site from inland to the off-shore site. Mr. Read also added they are using Prock Marine to perform the work and are hoping to get approval for the work to begin in February.

Mr. Mahoney asked why the work wasn't done within the time of the last approval? Mr. Read replied it was all due to the scheduling with Prock Marine and coordinating with the other properties' schedules.

In reference to a chemical study provided in the Application, Ms. Pearlmutter asked if they changed the dumping site due to the chemical analysis that indicated a high PAH level of the dredge material. Mr. Read replied, "Absolutely not".

Mr. Grady asked the Board members if they were comfortable to proceed to a Public Hearing for this Application at the next Planning Board meeting and if the Public Hearing produces nothing of concern to read the Findings of Fact at the meeting as well. The Board members were in agreement with Mr. Grady's statement.

Ms. Pearlmutter was assigned as Case Manager for this Application and will prepare a draft Findings of Fact for the next Planning Board meeting.

Mr. Mahoney made a motion the Application is complete. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Mr. Grady announced a Public Hearing will be held at the next Planning Board meeting and should there be nothing new presented a Findings of Fact will be presented and read at that same meeting.

4. 171203 Margaret Jandl / Walsh Engineering, Authorized Agent – Site Plan Review – Initial Review – for approval to raise existing single-family dwelling onto new foundation and add access stairs. (77 Marshall Point Road, Assessor's Tax Map 31, Block 3, Lot 12 in the Goose Rocks, Shoreland and Resource Protection Zones.)

Mr. Grady introduced the Agenda item.

Mr. Bill Walsh, representing Margaret Jandl, addressed the Board and stated they would like to raise the house to comply with the new flood zone maps soon to be enacted. Using enlarged site plans and photos of the property Mr. Walsh explained the parcel is 0.54 acres, is a non-conforming lot and the lot coverage is under the 20% permitted at 16.7%. The proposed plan is to raise the house up 2 feet above the Velocity Zone, Mr. Walsh added.

Mr. Walsh also explained they had to file a Permit By Rule with the Maine Department of Environmental Protection which has a 2-week turnaround time but they are hoping to proceed as soon as possible with construction set to begin in the springtime.

Mr. Messer asked the Applicant to explain the deck that is proposed in the Application. Mr. Walsh responded there are a set of sliding doors in the dining room and they are proposing to add a small deck and a set of stairs to make that into another means of access.

Mr. Grady asked what the existing foundation is made of. Mr. Walsh replied it is a cinderblock pier-type foundation.

Ms. Pearlmutter asked how much more lot coverage will the proposed deck add? Mr. Walsh replied the lot coverage will increase from 16.7% to 17.1%.

Mr. Grady volunteered as Case Manager for this Application.

Mr. Grady asked the Board members if they were comfortable with having a draft of the Findings of Fact prepared for the next meeting in the event there were no issues raised at the Public Hearing. All Board members agreed they were comfortable having the Findings of Fact prepared to be read after the Public Hearing if no substantive issues arose during that meeting.

Mr. Boak made a motion the Application was complete. Mr. Messer seconded the motion and the vote was unanimous.

Mr. Grady announced a Public Hearing would be held at the next Planning Board meeting on January 17th, 2018

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary