

**Kennebunkport Planning Board**  
**February 15<sup>th</sup>, 2017 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, February 15th, 2017. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), Tom Boak, Russ Grady, D. Scott Mahoney, Nina Pearlmutter  
Ms. Pearlmutter will have voting privileges for this meeting.

Approval of Minutes: Mr. Mahoney made a motion to approve the minutes from the February 1st, 2016 Planning Board meeting. Mr. Grady seconded the motion and the vote was unanimous.

Items:

1. **170101 Seaside Hotel Associates, d/b/a The Nonantum Resort - Site Plan Review - Public Hearing** - for approval to add an enclosed hallway as a route of egress from a second-floor room which will be used as occupied space. [95 Ocean Avenue, Assessor's Tax Map 8, Block 001, Lot 13 in the Riverfront Zone.]

Mr. Kling introduce the Agenda item.

Ms. Tina Hewitt-Gordon, General Manager of The Nonantum Resort addressed the Board stating this Application is to add a covered route of egress on the exiting building and to convert part of a storage space into an office for the chef.

Mr. Kling noted this Application was voted complete at the last meeting and there are no changes to the property's footprint, occupancy or parking.

There were no questions or comments from the Board.

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

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

2. **170102 Binnacle Hill Subdivision/Sebago Technics, Authorized Agent** – Preliminary Subdivisions Review – **Initial Review** – for approval of a 15-lot cluster subdivision on New Biddeford Road, identified as Assessor's Tax Map 41, Block 002, Lots 8C & 8D in the Goose Rocks and partial Shoreland Zone.

Mr. Kling introduced the Agenda item and explained the Subdivision Review process.

Mr. Steve Doe of Sebago Technics, along with Geoff Bowley and Attorney Ralph Austin addressed the Board and gave a brief summary of the Application. Mr. Kling stated the sewer connection was the major concern presently and asked Mr. Doe if he received Werner Gilliam's memo. Mr. Doe acknowledged receipt of Mr. Gilliam's memo.

Mr. Doe explained this proposal is to build a 15-lot cluster subdivision consisting of 43.3 acres, with the lots ranging in size from 30,000 sq. ft. to 100,000 sq. ft. This project will require a Maine DEP site review, Mr. Doe added, and they will file the final application with the State by the end of the week.

Mr. Kling asked how long will it take to obtain the DEP's approval. Mr. Doe replied it will take 60-90 days for approval.

Mr. Doe continued with his presentation by stating the open space is 53% of the site which is approximately 23 acres and indicated the open space area on the Site Plan adding the open field and meadow along New Biddeford Road will be preserved. Many of the housing lots will have common driveways, Mr. Doe stated, but there will not more than 2 lots on a single driveway.

Mr. Kling asked if the Fire Chief has given his written sign-off of the proposed lots. Mr. Doe responded he has spoken with the Fire Chief but has not obtained written approval yet.

Mr. Kling asked if the stormwater drain in the meadow would change the appearance of the area. Mr. Doe replied No, it will be a depressed drain with a berm and will not be very noticeable.

Mr. Doe also stated the lots will have public water and will be connected on the south side of the road along with public sewer which will run down New Biddeford Road. The sewer extension application was filed today, Mr. Doe added.

Mr. Kling and Mr. Gilliam expressed their agreement on the proposed water and sewer connections.

Mr. Kling asked if this new development would create an opportunity for other homes along New Biddeford Road to tie into the town water and sewer. Mr. Doe explained there are roughly 18 homes between this proposed development and the end of the sewer line. When the bridge was rebuilt in 2004, Mr. Doe continued, the town put in an 8-inch diameter conduit that with a force main and having each home in the proposed development to have their own grinder pumps, any home along New Biddeford Road can tie into that line provided they have their own grinder pumps.

Mr. Kling asked if there were any other engineering issues with running the sewer line. Mr. Doe responded No, they just need to make sure the size of the line can accommodate the volume should the other homes on New Biddeford Road want to tie into the sewer line.

Mr. Kling asked what the process is for the public to tie into that line. Mr. Gilliam responded the property owner would have to file an application with the Sewer Department.

Referring to page 5 of their Application, Mr. Doe made the following comments regarding the requested waivers:

- Applicant would like to add 20 feet to the roadway in order to widen and flatten the cul-de-sac which would allow them to retain some trees in the middle of the cul-de-sac
- There is not enough depth in the road to cover an 18-inch culvert and are requesting to install 2 12-inch culverts
- Due to the fact that they are connecting to town water and sewer, Applicant is asking to not submit a high intensity soil survey
- Applicant has identified all of the large trees in the developed area and are asking for a waiver not to count the trees in the open land area
- The Ordinance requires street trees be planted and the Applicant is requesting to preserve the open field in the front without planting trees along the road.

Mr. Kling noted the outstanding items the Board would need to receive are approval from the Fire Chief and the Maine DEP approval which should include a Tier 1 approval.

Mr. Doe also addressed the items contained in Mr. Gilliam's memo, some of which are:

- Indicate sight distance for road entry
- Maintain vegetation on existing field
- Add percentage of upland present in proposed Open Space
- Identify flood zone on plan
- Show driveway locations for proposed lots.

Mr. Doe indicated he was hesitant to add the driveway locations as sometimes the homeowners will change the driveway when designing the home. Mr. Gilliam explained his concern is more with the curbing proposal along with avoiding any other impacts to potential wetlands.

The Board members agreed they would like to have a Peer Review performed and concluded before moving to a Public Hearing for this Application.

Ms. Pearlmuter made a motion to find the Application complete subject to receipt of a Peer Review, letter of approval from Fire Chief and Maine DEP and resolution to Code Enforcement's concern regarding the curbing with the driveway entrances. Mr. Boak seconded the motion and the vote was unanimous. A Public Hearing will be scheduled for the March 15<sup>th</sup>, 2017 Planning Board meeting.

3. **170103 Mills Road Subdivision / PDF Development & Construction, Authorized Agent** – Preliminary Subdivision Review – **Initial Review** – for approval of a 14-lot cluster subdivision on Mills Road, identified as Assessor's Tax Map 23, Block 001, Lot 19A in the Free enterprise and Shoreland Zones.

Mr. Kling introduced the Agenda item.

Mr. Ben Brock, along with Mike Sudak of Attar Engineering addressed the Board on behalf of the Applicant stating the subdivision will be named Beryl's Way and consists of a 990-foot roadway ending in a cul-de-sac. Mr. Brock also explained the property is bordered by Mills Road on one side and Tyler Brook on another side so a cluster-style subdivision seems the best design to accommodate all of the wetlands on the property.

Mr. Brock also explained they were hoping to have private septic systems for each lot rather than extend the sewer line as the cost would be approximately \$700,000. Mr. Kling asked if they did have private septic systems on each lot would that limit the possible well locations. Mr. Brock agreed the well locations for each of the properties would be limited but they were confident there would be a suitable well site for each lot.

Mr. Kling asked the Applicant to provide a cost comparison of installing town water and sewer or private septic systems and wells.

Mr. Kling also asked the Applicant to provide the following information:

- Fire Chief approval for adequate water supply for fire suppression
- Information on a road association
- Information to support there is adequate depth to maintain private wells

- Cost/benefit analysis in relation to the current real estate market.

Mr. Kling also asked if they plan to add a pedestrian connection to the trails adjacent to the property. Mr. Brock replied they are looking to put a 25-foot access way connection out to those trails which will be included in the next submission of information.

Mr. Kling also asked if there will be a road association. Mr. Brock responded Yes, there will be a homeowners' association.

Ms. Pearlmuter expressed her concern in having private septic systems instead of town water and sewer due to the close proximity of Tyler Brook and the large amount of wetlands where drainage would have a significant impact on the surrounding areas.

The Board members agreed it would be best to wait to schedule a Peer Review until the Applicant has submitted the requested information regarding private septic systems or town water and sewer.

4. **170104 Linda Nash / Eco-Analysts, Inc., Authorized Agent** – Site Plan Review – **Initial Review** – for approval to install a new dock consisting of an access landing, permanent pier and a seasonal ramp and float. [8 Church Street, identified as Assessor's Tax Map 11, Block 002, Lot 13 in the Village Residential, Shoreland and Resource Protection Zones.]

Mr. King introduced the Agenda item.

Mr. Tim Forrester, representing Linda Nash addressed the Board stating they are asking for approval to install a pier, ramp and float. Utilizing an enlarged Site Plan, Mr. Forrester indicated where the dock would be located on the property adding it has been scaled back to comply with the 100-foot limit.

Mr. Forrester also added the ramp will be stored on the pier in the off-season and the float will be stored on-site. The pier will have a helix anchor as opposed to wooden pilings, Mr. Forrester added.

Mr. Kling asked if there were any questions from the Board members or from the Code Enforcement Office. Mr. Gilliam responded the Code Enforcement Office does not have any issues with this Application; adding the Board of Selectmen performed a site walk on the property and voted to approve the project at their last meeting.

Mr. Boak made a motion the Application is complete as presented. Mr. Grady seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on March 1<sup>st</sup>, 2017.

5. **170105 Tidemark Corporation / Eco-Analysts, Inc. Authorized Agent** – Site Plan Review – **Initial Review** – for approval to do a maintenance dredge to remove approximately 1,800 cubic yards of sediment to restore adequate access depths at the marina. The Applicant also is requesting approval to construct a sheet pile wall that will tie into the existing wall. [75 Ocean Avenue, identified as Assessor's Tax Map 08, Block 001, Lot 22 in the Riverfront Zone.]

Mr. Kling introduced the Agenda item.

Mr. Tim Forrester addressed the Board on behalf of the Applicant stating this project involves a smaller portion of the marina basin.

Mr. Kling asked the Applicant if they have applied for DEP and Army Corps of Engineers approvals. Mr. Forrester replied they have submitted both applications and have contacted the dredge company.

Mr. Kling asked where the removed material would be discarded. Mr. Forrester responded the material will be disposed of offshore.

Mr. Kling asked if the River Committee needed to approve the dredging. Mr. Gilliam responded it is not necessary to obtain approval from the Kennebunk River Committee as their primary concern deals with potential impediments to navigation on the river. Mr. Forrester added they have copied the River Committee on this application and believe both the River Committee and the Harbormaster have no concerns. Mr. Kling asked if he could have both of those approvals (Kennebunk River Committee and Harbormaster) documented and included in the Application. Mr. Forrester agreed to provide that information for the Board.

Ms. Pearlmuter asked if the retaining wall would affect the flow under the road at all. Mr. Forrester replied it should not.

Mr. Kling asked what the retaining wall is made of. Mr. Forrester explained it is a driven sheet-pile retaining wall with lock and grooves that interlock and helix anchors to keep the wall stable.

Mr. Grady made a motion the Application is complete subject to receipt of the Maine DEP and the Army Corps of Engineers approvals. Ms. Pearlmuter seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on March 1<sup>st</sup>, 2017.

6. **170106 Robert & Dana Holland** – Site Plan Review – **Initial Review** – for approval to remove an existing single family dwelling and foundation and replace with new in same location. [155 Wildes District Road, identified as Assessor's Tax Map 22, Block 005, Lot 22 in the Cape Porpoise West, Shoreland and Resource Protection Zones.]

Mr. Kling introduced the Agenda item.

Mr. Robert Holland addressed the Board stating he and his wife have recently purchased the property. Due to the fact there are two burial sites on the property, Mr. Holland explained they are proposing to rebuild the house on the same site and expand within the 30% allowed by the Land Use Ordinance. Mr. Holland also added they have filed and received approval from the DEP which has been forwarded to the Board members.

Mr. Grady asked if the lot coverage will remain the same. Mr. Holland replied both the existing and proposed lot coverage are the same and is under the required amount.

Mr. Mahoney made a motion the Application is complete. Mr. Boak seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on March 1<sup>st</sup>, 2017.

**Other Business:** Henchy Property Private Road Extension, request for extension of approval of the Planning Board on August 3, 2016 to extend the private road.

Mr. Bob Metcalf of Mitchell & Associates addressed the Board stating that due to scheduling issues with the contractors they are requesting an extension of the Planning Board's approval on August 3, 2016.

Mr. Grady made a motion to grant the requested extension. Mr. Boak 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