

Kennebunkport Planning Board
February 19, 2020 ~ 7:00 PM
Kennebunkport Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, February 19, 2020. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, D. Scott Mahoney

Approval of Minutes: Ms. Pearlmutter noted one minor change to be made to the minutes from the January 15th, 2020 Planning Board meeting and made a motion to approve the amended minutes. Mr. Mahoney seconded the motion and the vote was unanimous.

Mr. Boak made a motion to approve the minutes from the February 5th, 2020 Planning Board meeting. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Items:

1. **200101 Apple Blossom Lane, LLC Subdivision / Longview Partners, LLC, Authorized Agent** Final Subdivision - **Initial Review** – for approval to create two new lots on a 23.36 acre parcel. (Apple Blossom Lane, identified as Assessor's Tax Map 15, Block 002, Lot 1J in the Goose Rocks Zone.)

Mr. Boak introduced the Agenda item.

Mr. James Logan of Longview Partners addressed the Board stating they received Preliminary Plan approval from this Board on October 2nd, 2019. Prior to this meeting, Mr. Logan noted their Application materials referred to an incorrect map number for the subdivision plan. Mr. Boak asked if the Board has received a corrected Application page. Mr. Logan replied nothing has been sent to the Board yet but there will be a corrected page submitted before the Finding of Facts.

Mr. Logan explained they have received their Maine Department of Environmental Protection Tier 1 permit along with the DEP's Permit By Rule for the stream crossing on proposed lot 7c that includes several other smaller wetland impacts and that note was added to the subdivision plan as well. Mr. Logan also noted receipt of the Army Corps of Engineers permit for the exact same set of fills. The Army Corps of Engineers' permit referred to the vernal pool on Lot 7C which we've put on the subdivision plan as a protective dimension, Mr. Logan added.

Mr. Logan added they have obtained a final determination from the Maine Department of Inland Fisheries & Wildlife that the vernal pool just mentioned is not a significant vernal pool and has been added to the state's website as not significant.

Additionally, Mr. Logan stated they have revised the property deed to remove the restriction of further subdivision and provided copies of the re-recorded deed to each of the Board members prior to this meeting.

Mr. Logan also stated they have identified the specimen or significant trees that are 16" in diameter or larger on the 2 proposed lots and found only 1 or possibly 2 of the 6 identified trees might need to be removed for construction.

Mr. Logan added they have received confirmation from the Maine Historic Preservation Commission that there are no historic sites or high value sites on the property.

On the revised final plan, Mr. Logan stated they have added protective notes regarding the wetlands along with notes on the waivers, and included the new FEMA Flood Zone on the plans as well as an added note on the width of Apple Blossom Lane.

Ms. Pearlmutter acknowledged the flood hazard areas have been marked on the plans and asked if they should require an estimated value as well. Mr. Gilliam responded the Code Enforcement Office does not typically look for an estimated value for a driveway construction unless there are any stormwater improvements needed in the road.

Ms. Pearlmutter asked the Applicant if they still wished to request a waiver on the identified open space requirement. Mr. Logan responded he has identified the building envelopes for each lot and anything out of those windows are not really approved for construction of a dwelling and feel the lots were designed to meet that standard recognizing the way the subdivision evolved didn't consider open space in the fashion one normally would with a cluster development.

Ms. Pearlmutter confirmed the open spaces are not being dedicated for use by the public. Mr. Logan agreed with Ms. Pearlmutter's comment.

There were no further questions from the Board members.

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

A Public Hearing was scheduled for the next Planning Board meeting on March 4th, 2020.

2. **200102 Paul & Lisa Henderson / Sebago Technics, Authorized Agent - Site Plan Review - Initial Review** – for approval of shoreline stabilization with riprap and marsh grass plantings as part of previously approved house reconstruction. (2 Maine Street, Assessor's Tax Map 11, Block 3, Lot 1 in the Village Residential, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board stating this project was approved previously for replacing the house. Since that approval, Mr. Doe noted, the owners have decided to go ahead with stabilizing the shoreline. Mr. Doe provided copies of photographs of the property's shoreline. In working with Maine DEP and the Army Corps of Engineers, Mr. Doe stated the goal is to create a steeper slope with the riprap and use that as a fill material on the upper side.

Ms. Pearlmuter asked where the property line is along the shoreline. Mr. Henderson responded from the audience that the property line is officially in the middle of the creek.

Mr. Doe indicated on the enlarged site plans where most of the erosion was occurring and where they would like to revegetate with marsh grass and fill in with riprap.

Ms. Pearlmuter asked Mr. Doe how fast he was planning on doing this work. Mr. Doe replied it has to happen quickly. Mr. Henderson added from the audience that as soon as they have a builder they'd like to start by March or April.

There were no further questions from the Board members.

Mr. Boak made a motion the Application is complete. Ms. Pearlmuter seconded the motion and the vote was unanimous. A Public Hearing has been scheduled for the next Planning Board meeting on Wednesday, March 4th, 2020.

3. **200103 Kennebunkport Marine, LLC / Walsh Engineering, Authorized Agent – Site Plan Review - Initial Review** – for approval *to add two dock floats to two existing dock floats* to support a seasonal pump out system. 67 Ocean Avenue, Assessor's Tax Map 10, Block 1, Lot 2 in the Riverfront Zone. (*Correction above from notices sent which stated revision to two dock floats*).

Mr. Bill Walsh of Walsh Engineering addressed the Board along with Shawn Dumas of Kennebunkport Marine and commented they have received a copy of a letter from the Kennebunk River Committee. Mr. Walsh explained the purpose of these floats is to provide space for a sewage pump-out station for marine vessels where the floats will be parallel to the shoreline between the dock and the shoreline. Mr. Walsh further explained the pump will sit on one of the floats and pump right into the line that is connected to the public sewer system.

The pump will be connecting right into the municipal sewer system, Mr. Walsh continued, and it will be free of charge for any boater to use the pump out station. Mr. Walsh commented this will have a real positive impact for the water quality of the river and the health of the river.

Mr. Walsh also noted they have met with the Board of Selectmen who had no issues with their proposal.

Ms. Pearlmuter questioned whether these floats will be taken out during the winter. Mr. Walsh explained they have to work that out with the Maine DEP to see what they will allow. Their preference is to keep the floats in, Mr. Walsh added.

Ms. Pearlmuter asked if this Application is an expansion of structure according to the Land Use Ordinance. Mr. Gilliam replied this Application is not adding any slips to the site so it does not trigger an increase in any parking spaces.

Ms. Pearlmuter asked what the deed restrictions were and if any of those would affect this Application. Mr. Walsh responded he did not believe any of the restrictions affected this Application but would confirm that before the next meeting. Mr. Dumas commented from the audience that neighbors across the street have a view easement restricting the height of the trees on his property.

Mr. Gilliam informed the Planning Board members that the Board of Selectmen is supportive of this project.

Mr. Mahoney made a motion the Application is complete. Ms. Pearlmuter seconded the motion and the vote was unanimous. A Public Hearing was scheduled for the next Planning Board meeting on March 4, 2020.

4. **Other Business:** Public Hearing regarding Revisions to Land Use Ordinance regarding notice requirements (attached).

Mr. Boak explained the proposed changes to the Land Use Ordinance regarding notice requirements are the result of the local daily paper going out of business.

Mr. Boak opened the Public Hearing. There were no comments or questions. Mr. Boak closed the Public Hearing.

There is no further action required by the Planning Board regarding this matter.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary