

**Kennebunkport Planning Board**  
**March 4th, 2020 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, March 4th, 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, Ed Francis, George Lichte, John Harcourt  
Mr. Lichte and Mr. Harcourt will alternate voting for tonight's meeting.

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes from the February 19<sup>th</sup>, 2020 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous (4-0). Mr. Francis noted for the record he did watch the video recording of the February 19<sup>th</sup>, 2020 meeting.

Items:

1. **200201 Seaside Hotel Associates d/b/a/ The Nonantum Resort** – Site Plan Review - **Initial Review** - for approval to add a new roof over an existing deck to include stairs to an open air deck near the existing in ground pool as well as add a concrete apron to the existing apron at one end of the pool 95 Ocean Avenue, Assessor's Tax Map 8, Block 1, Lot 13 in the Riverfront Zone.

Mr. Boak introduced the Agenda item noting Mr. Harcourt would have voting privileges for this Item.

Ms. Tina Hewett-Gordon, General Manager of the Nonantum addressed the Board stating they currently have a pool bar that services their in-house guests and those that have marina slips at the Nonantum. Since their activities program has grown in size, Ms. Hewett-Gordon explained, it means the size of the area to serve their pool lunch isn't sufficient to meet their needs so they would like to do two things. The first thing is they would like to put a roof over an existing deck and add a staircase to the top of this roof so they could add a few additional tables, Ms. Hewett-Gordon stated. In addition, Ms. Hewett-Gordon continued, they would like to take down an existing fence on the back side of their pool, remove the existing shuffleboard court, and add a concrete apron to the existing concrete.

Ms. Pearlmutter asked if the Applicant was adding or subtracting any impervious surfaces. Ms. Hewett-Gordon replied they are actually reducing the amount of impervious surface by approximately 3 square feet.

Ms. Pearlmutter commented the Applicant wishes to add tables to the top of the proposed roof and asked if that was considered an expansion. Mr. Gilliam responded it is an expansion of floor area per their Application but it is limited to guests. Ms. Hewett-Gordon added the only people who go into the pool area are hotel guests or perhaps the approximately 5 families who have marina slips with pool memberships where their parking is already accounted for in the marina component.

Ms. Pearlmutter expressed her concern that this was an expansion of structure since it is a commercial establishment. Mr. Gilliam explained the Nonantum Resort is in the Riverfront Zone and it is a conditional use within that zone but it is not a non-conforming use. This Application does add additional square footage to the building, Mr. Gilliam continued, but it is located on top of an existing structure and it does not add any additional public use.

Mr. Francis asked for clarification on the calculations to produce a net reduction of 3.6 square feet of impervious surface. Ms. Hewett-Gordon indicated on the enlarged site plans what areas would be removed and added according to the Application stating they are removing 301.2 square feet of impervious surface and adding 224.3 square feet to the concrete apron along with 73.2 square feet of a retaining wall which totals 297.6 square feet of new impervious surface.

Mr. Harcourt asked about the new elevated grass area as shown on the site plans. Ms. Hewett-Gordon explained currently there is a slope off of the back side of the pool area that goes down to the shuffleboard court so they would have to put in fill to raise the area up to bring it level with the pool and install a retaining wall to hold all of that together.

Referring to Item #11 in the Application, Mr. Francis asked what "the exterior dimensions of the existing and proposed structure is 853 square feet" is referring to. Ms. Hewett-Gordon replied that comes from the dimension of the deck which is 51.7 feet by 16.5 feet.

Ms. Pearlmutter, Mr. Francis, and the Applicant had a brief discussion on the total square footage of the property, the property survey, and a small error found on the Application. Ms. Hewett-Gordon agreed to submit an amended Application to correct the error.

Ms. Pearlmutter made a motion the Application is complete. Mr. Harcourt seconded the motion and the vote was unanimous. Mr. Lichte was assigned as the Case Manager for this Application.

2. **200101 Apple Blossom Lane, LLC Subdivision / Longview Partners, LLC, Authorized Agent** Final Subdivision - **Public Hearing** – 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.) *Nina Pearlmutter, Case Manager*

Mr. Boak introduced the Agenda item. Mr. Lichte will have voting privileges for this Application.

Mr. Bill O'Connor of Longview Partners addressed the Board stating this Application is for approval to create 2 more new lots for a total of 3 lots off of Apple Blossom Lane adding some typographical errors have been corrected on the final subdivision plans.

Mr. Boak asked the Board members if they had any questions for the Applicant. The Board members had no questions at this time.

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

Ms. Pearlmutter made a motion to approve the Application. Mr. Lichte seconded the motion and the vote was unanimous.

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

3. **200102 Paul & Lisa Henderson / Sebago Technics, Authorized Agent - Site Plan Review - Public Hearing** – 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.) *Tom Boak, Case Manager*

Mr. Boak introduced the Agenda item. Mr. Harcourt will have voting privileges for this Application.

Mr. Steve Doe of Sebago Technics addressed the Board and distributed copies of aerial photos to the other Board members who were not present at the last Planning Board meeting.

Mr. Boak acknowledged receipt of the Maine DEP permit which included some requirements for inspections to ensure the grass survives and will be replanted if it does not. Mr. Boak also commented on a concern raised via email about the riprap to be installed. Mr. Doe stated he did respond back to the email answering questions and also included notes on the plans showing 90% regrowth.

Mr. Francis asked who would do the inspection to make sure the grass is replanted. Mr. Doe replied it would really fall on to the land owner although it is a very visible site and the owner would have to provide information to the Maine DEP to verify it meets the permit and is stabilized. Ms. Pearlmutter suggested adding a condition in the Findings of Fact that would make the Code Enforcement Officer responsible for enforcing it as well.

There were no further 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. Boak made a motion to approve the Application. Mr. Francis seconded the motion and the vote was unanimous,

Mr. Boak read the Findings of Fact into the record. All Board members verbally agreed with the Findings as read and signed both copies of said Findings.

4. **200103 Kennebunkport Marine, LLC / Walsh Engineering, Authorized Agent – Site Plan Review - Public Hearing** – 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. *Scott Mahoney, Case Manager*

Mr. Boak introduced the Agenda item. Mr. Lichte will have voting privileges for this Application.

Mr. Bill Walsh of Walsh Engineering addressed the Board and offered to reiterate his presentation from the last meeting. The Board members agreed it was not necessary for the Applicant to repeat his presentation.

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

Mr. Mahoney made a motion to approve the Application. Mr. Lichte seconded the motion and the vote was unanimous.

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

**Other Business: Mark Messer & Elizabeth Carlson** - Update to previously approved road improvements for Ledge Road. (7 Ledge Road, identified as Assessor's Tax Map 24, Block 4, Lot 23 in the Village Residential East and Free Enterprise Zones.)

Mr. Boak introduced this Agenda item.

Mr. Mark Messer addressed the Board to explain there is a necessary change that needs to be made to his previously approved project to widen Ledge Road, specifically to slightly adjust the proposed hammerhead turn at the end of the road.

Referring to site plans previously submitted to the Board members, Mr. Francis asked if what is on the plans is what was approved or what is currently being proposed now. Mr. Gilliam replied the plan the Board has in front of them is what is being proposed.

Mr. Messer explained when his contractor looked at the approved plan on paper he didn't think a fire truck could make the turn and came to the conclusion that there needed to be a larger area. So the new area for the hammerhead turn, Mr. Messer continued, is not only wider but a bit longer and the terrain makes it more conducive for a fire truck to turn. Mr. Messer added he has shown this new plan to the Kennebunkport Fire Chief and the Chief was ok with the change.

Mr. Francis asked if the Fire Chief had any comment that he thought the last design was ok. Mr. Messer replied that the Chief was honest and said he is not a road designer.

Mr. Gilliam added he spoke with Mr. Messer, his contractor and the Fire Chief and because the plan was approved by the Planning Board, and upon further investigations into site conditions it really warranted a minor modification to the approved plan. The hammerhead turn is still on Mr. Messer's proposed lot and it is not a substantive change, Mr. Gilliam continued, but thought it warranted an update to the Planning Board.

Mr. Messer added that he would take this new change and record it at York County Land Records.

After a brief discussion, the Board members agreed to this minor modification to the previously approved plan. Mr. Boak agreed to provide a letter of approval on behalf of the Planning Board.

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

**Submitted by:** Patricia Saunders, Planning Board Recording Secretary