

**Kennebunkport Planning Board**  
**July 1<sup>st</sup>, 2020 ~ 6:00 PM**  
**Virtual Meeting (Via Zoom)**

A meeting of the Planning Board was held on Wednesday, July 1st, 2020. The virtual meeting convened at 6:00 p.m. via Zoom.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, D. Scott Mahoney, Ed Francis, Larry Simmons, George Lichte, John Harcourt

Approval of Minutes: Mr. Harcourt noted one correction to be made to the minutes of the June 17<sup>th</sup>, 2020 Planning Board meeting. Mr. Mahoney made a motion to approve said amended minutes. Mr. Simmons seconded the motion and the vote was unanimous.

Items:

1. **200203 Kennebunkport Heritage Housing Trust 2 / Sebago Technics, Authorized Agent – Preliminary Subdivision –Continued Public Hearing** – for approval to create 4 lots consisting of 2 single family dwellings and 2 duplex units on a 4.47 acre parcel. Main Street, Assessor's Tax Map 22, Block 9, Lot 21 in the Cape Porpoise West Zone. *Tom Boak, Case Manager*

Mr. Boak introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board and asked if the Board would allow Mr. Pat Clancy to make a brief statement.

Mr. Clancy addressed the Board and read a brief statement about how the Kennebunkport Heritage Housing Trust is addressing the challenge of creating affordable housing. Some of the items noted in Mr. Clancy's statement are as follows:

- The Trust has broad experience in creating affordable housing and developing subdivisions
- They have worked diligently to assure these homes are attractive and affordable.
- The Trust has received a generous contribution of the site from the town for this purpose.
- The Trust has also been granted \$135,000 award from Maine Housing under the Affordable Subdivision Program, raised over \$50,000 through various fundraising events locally and are accessing another \$100,000 from federal home loan Bank of Boston grant resources.
- Each homebuyer will be identified, have a mortgage commitment under Maine Housing as a first home loan program and have signed a contract to purchase the home when completed before we begin construction.
- The Trust is working with Bangor Savings Bank as our originating lender and have working capital financing from Genesis Fund.
- Our plan is to have 6 working families whose incomes are in the range of \$50,000-\$90,000 and will seek out particularly those families with young children and with ties to Kennebunkport.
- The goal is to have those families on the site by a year from now.

Mr. Steve Doe addressed the Board again and gave an overview of the project as a residential subdivision consisting of 4 lots; 2 will have single family homes on them each 20,000 square foot lots and 2 lots will have duplexes on them each of which will be 30,000 square foot lots. Two of the lots will be accessed by a private road approximately 325 feet in length and two of the lots will be accessed from Main Street with a common driveway, Mr. Doe added.

In response to the Board's concern regarding birds, Mr. Doe explained the Trust takes this issue seriously and will install double hung windows on the units with full screens and have agreed to educate their property owners about bird strikes and other environmental concerns. Mr. Doe also added they have agreed to comply with the Board's request to use organic pesticides and fertilizers which will be noted on the plan and in the documentation.

Mr. Boak opened the Public Hearing. There were no comments or questions from abutters or other members of the public. Mr. Boak closed the Public Hearing.

Mr. Boak noted the Applicant has requested two waivers that the Board needs to consider, one is on the requirement to provide a hydrological assessment.

Mr. Doe explained a hydrological assessment is typically done when there are septic systems and wells on the property to address any concerns regarding contamination of wells. Since the properties will have town water, the Applicant is requesting this requirement be waived.

Mr. Francis made a motion to approve the waiver request. Ms. Pearlmutter seconded the motion and the vote was unanimous. Mr. Lichte exercised his voting privileges as Mr. Mahoney was temporarily unavailable to vote on this matter.

Mr. Boak explained the second waiver is in reference to Article 12.2.B.2.f. in the Kennebunkport Subdivision Regulations on requirements of private Rights of Way.

Mr. Francis made a motion to waive that requirement for this Application. Ms. Pearlmutter seconded the motion and the vote was unanimous. Mr. Mahoney joined the meeting so all regular members of the Board voted.

Mr. Boak explained typically there is no formal Findings of Fact done for a Preliminary Subdivision Application and if approved he would provide a letter of approval on behalf of the Planning Board.

Mr. Boak suggested the Applicant address the question of real estate values of adjacent properties by providing a statement from an independent realtor that is not on the KHHT Board of Directors. Ms. Pearlmuter added she would prefer the realtor is also not in the same agency as well to provide a truly independent opinion.

Ms. Pearlmuter also requested the Applicant address a solution to minimize bird strikes on the sliding glass doors.

Mr. Boak also asked the Applicant to address concerns from abutters regarding the Trust's financial capacity to submit a satisfactory performance bond in an amount that has not been decided by an ex-officio Trust Board member. Mr. Gilliam offered it would not be inappropriate for the Planning Board to request the town to provide a peer review by an independent engineering firm to review the costs.

Mr. Simmons commented an abutter asked about the staffing plan of the Trust and requested the Trust provide some clarification on their organization. Mr. Ralph Austin responded that they will certainly provide clarification on that as well as a simpler explanation on how the land will remain the property of the Housing Trust and will be leased to the owners of the houses.

Mr. Francis asked about the question by an abutter concerned there was a vernal pool on the site and requested to hear from Mr. James Logan on that subject. Mr. Lichte also asked if Mr. Logan could also address the question of his qualifications.

Mr. James Logan addressed the Board and gave a detailed description of his qualifications as a licensed soil scientist noting neither the State of Maine nor the Maine Department of Environmental Protection have an official certification or licensing for the delineation of wetlands. Mr. Logan also noted he was trained by the Army Corps of Engineers for wetland delineation and is licensed by the State of Maine as a site evaluator and septic system designer. To address the concern about a vernal pool habitat on the property, Mr. Logan stated there are very few areas of closed depression on the property and the predominantly wetland feature is the stream and its associated small flood plain which isn't very representative of a vernal pool and none of which are significant in depth to hold water for any length of time to be adequate for indicator species to survive to maturity. Mr. Logan continued you can see standing water after a storm event or during storm melt on the property but again those areas are small surface areas with relatively limited depths and very short duration hydro periods not indicative of the kind of situation necessary for amphibians to reach some level of maturity for a terrestrial habitat adjacent to the pools.

There were no further comments from the Planning Board members.

Mr. Boak made a motion to approve the Preliminary Subdivision Plan. Mr. Simmons seconded the motion and the vote was unanimous.

2. **200501 Lauren & Ken Handler / Graham Architects, Authorized Agent – Site Plan Review - Initial Review**– for approval to demolish the existing residence and rebuild in a different location to the greatest possible extent within the property line setbacks. The seasonal bunkhouse will be removed. 45 Langsford Road, Assessor's Tax Map 21, Block 11, Lot 19 in the Cape Porpoise West Zone.

Mr. Boak introduced this Agenda item.

Mr. David Graham, representing Ken and Lauren Handler, addressed the Board and shared on the screen several site plans and maps contained in their submittal package. Mr. Graham indicated on the survey map the location of the existing residence, garage and seasonal bunkhouse as well as identifying the location of a sewer easement with all the setback lines on the property. Mr. Graham added they are looking to demolish the existing structures and build a new structure using the same footprint. The sewer tank would be relocated, Mr. Graham continued, to eliminate the need for a 10-foot easement. Mr. Graham concluded his presentation by stating the existing lot coverage is 2,770 square feet and the new proposed lot coverage will be 2,765 square feet.

Mr. Boak asked the Board members if they had any questions for the Applicant.

Ms. Pearlmuter commented there is an error on the first page of the Application in the volume expansion as it should be 30% not 21.4%. Mr. Graham stated he would make that adjustment and resubmit a corrected page to Lisa Harmon in the Code Enforcement Office.

Ms. Pearlmuter asked if there was a front walkway included on the plans. Mr. Graham replied yes there is a front walkway and indicated on the site plan where it would be located and added it was included in the lot calculations.

Mr. Francis asked for clarification as to which of the structures is the Applicant expanding. Mr. Graham explained his approach is to combine the existing structures to get a baseline volume of 28,509 cubic feet with a proposed new structure volume of approximately 34,600 cubic feet.

Mr. Francis asked if this Application needs to comply with Article 8.3.B.3.a. of the Land Use Ordinance that talks about a new or replacement foundation. Mr. Gilliam responded that Article is not applicable as this Application is doing a complete removal and rebuild of a structure.

Mr. Francis then asked if all three buildings are grandfathered. Mr. Graham confirmed that yes, the main residence has been remodeled but all three structures are grandfathered.

Mr. Simmons asked if it will be an issue that the new house is going to span across the existing sewer easement. Mr. Graham replied the responsibility of the sewer pump station belongs to the town right now and that is the reason that easement is there so if the town needs to make repairs to that they can have access. If the homeowner elects to take ownership of the pump station that easement will no longer be required because the town will no longer need to cross over their property, Mr. Graham explained.

Mr. Simmons stated the new building will be within the footprint established by the garage and house right now, but the entire granite foundation will be removed and replaced? Mr. Graham replied yes there will be a new standard foundation.

In reviewing the tidal elevation included in the Application, Mr. Simmons suggested Mr. Graham consult the national storm surge hazard maps before finalizing the elevations. Mr. Graham agreed with Mr. Simmons' suggestion adding that is part of the permitting process with the Code Enforcement Office.

Mr. Francis commented there was no information provided as to what environmental protections would be installed during construction. Mr. Graham agreed to add that information to the proposed site plan.

Mr. Francis also noted there is an error in the minimum lot size on the survey included with the Application.

Ms. Pearlmuter made a motion the Application is complete pending receipt of the above requested information. Mr. Simmons seconded the motion and the vote was unanimous. Mr. Simmons is the Case Manager for this Application.

A Public Hearing will be held at the next Planning Board meeting on July 15<sup>th</sup>, 2020.

3. **200502 Carol & Kevin Regan / Graham Architects, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to demolish the existing residence and rebuild in a different location to the greatest possible extent within the property line setbacks. 9 Sunset Lane, Assessor's Tax Map 33, Lot 16 in the Goose Rocks Zone.

Mr. Boak introduced the Agenda item.

Mr. David Graham, representing Carol and Kevin Regan, addressed the Board again and shared the survey and site plans for this Application on the screen. Due to the fact there is no practical location to rebuild the residence out of the floodplain, Mr. Graham stated they are proposing to remove the house and construct a pier foundation and rebuild the house essentially on the same footprint. Using Article 8 of the Land Use Ordinance, Mr. Graham added they are proposing to do a 30% floorspace expansion and a 30% volume expansion. Mr. Graham also indicated on one of the plans the shaded grey area is the section of the structure that is conforming which is not used in the volume calculations of the proposed structure that meets the 30% expansion.

The Board members and Mr. Graham had a brief conversation on the details of the volume expansion calculations and how they can be more clearly presented on the site plans.

Mr. Boak asked if the 30% expansion only applies to the portion that is non-conforming. Mr. Gilliam replied yes, that is correct the 30% limitation only applies to those portions that are non-conforming which are shown on the map as outside of the grey building envelope, which is allowable under the Land Use Ordinance.

Ms. Pearlmuter asked to see the exact elevation of the proposed building. Mr. Graham explained the existing first floor elevation is 11.3 feet and adhering to the FEMA flood maps it will need to be at elevation 15. Mr. Graham added if needed the slope of the roof can be lowered to comply with the 30-foot height limit.

Ms. Pearlmuter asked what the Applicant is doing with overhangs and bird friendly glass to prevent bird crashes. Mr. Graham responded the windows will be double-hung windows with screens and there will also be screens on the sliding glass doors.

Due to the fact that the house will be rebuilt on to piers, Mr. Simmons asked if it is worthwhile assessing the allowable bearing pressure. Mr. Graham replied yes, the stabilization of the soils is always taken into account.

Ms. Pearlmuter made a motion the Application is complete. Mr. Boak seconded the motion and the vote was unanimous. Mr. Lichte volunteered to be Case Manager for this Application.

Mr. Boak announced a Public Hearing will be held for this Application at the next Planning Board meeting on July 15<sup>th</sup>, 2020.

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

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