

Kennebunkport Planning Board
July 18, 2018 ~ 7:00 PM
Kennebunkport Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, July 18th, 2018. 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, Edward Francis, George Lichte, Larry Simmons
Mr. Lichte will have voting privileges for Agenda items #1 & #3. Mr. Simmons will have voting privileges for Agenda item #2.

Approval of Minutes: Ms. Pearlmutter made a motion to accept the minutes from the June 20th, 2018 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. **180601 Mary Banks Strohm Revocable Trust / Atlantic Environmental, Authorized Agent - Site Plan Review – Initial Review** – for approval to install a new 3'x20' ramp and an 8' x 10' float. (86 Ocean Avenue, identified as Assessor's Tax Map 8, Block 2, Lot 3 in the Village Residential, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item.

Ms. Lisa Vickers of Atlantic Environmental addressed the Board and gave a detailed presentation of the Application. Using enlarged Site Plans, Ms. Vickers explained the existing garage has a deck that partially extends over Chick's Creek which they are proposing to attach a 3-foot x 20-foot seasonal aluminum ramp that will be anchored with cross chains.

Regarding Article 5.11.B.15 in the Land Use Ordinance, Ms. Vickers explained her methodology in meeting this requirement by using aerial imagery to obtain an average bank-to-bank measurement which would be close to the 1/5th distance standard at 31.4 feet. Ms. Vickers noted the River Committee has reviewed her proposal from a navigational perspective and approved it along with the Army Corps of Engineers. The Applicant also contacted the Maine Department of Natural Resources, Ms. Vickers continued, who recommended they elevate the float 18 inches to keep it off of the substrate at all tides. The float and ramp will be detached in the offseason and stored in the garage, Ms. Vickers concluded.

Ms. Pearlmutter asked why there is no Maine Department of Environmental Protection (MDEP) permit. Ms. Vickers replied because it predates the Natural Resources Protection Act (NRPA) it is not required to have a MDEP permit.

Ms. Pearlmutter expressed her concerns about the number of docks being installed in the town and their effect on wildfowl breeding habitats, noting, in her opinion, homeowners who have docks are more concerned with increasing their property value rather than using it for boating purposes. Ms. Vickers responded that because there are a variety of ages on the property, the homeowners were concerned about safety in getting down to the water.

Mr. Boak reminded the Board members in their review of this Application's compliance with Article 5.11.B.15, the Board has to agree this is a reasonable way of access to the water.

Mr. Francis stated he attended the Board of Selectmen's Public Site Walk and offered his opinion that there really isn't another viable way to access the water. The Board members, the Applicant and Mr. Gilliam had a brief discussion regarding the property, the Land Use Ordinance, the creek and its navigational issues. As a result of this conversation, Mr. Lichte asked the Applicant to provide a list or map of how many floats and any other protrusions there are in Chick's Creek, and how far they extend into the navigational channel. Ms. Vickers agreed to provide the Board with that information.

Mr. Simmons asked the Applicant for other examples where the cross chain configuration works and what the highest actual elevation is in order to see the tidal variations. Ms. Vickers agreed to provide the Board with that information.

The Board members and the Applicant had a brief discussion on her calculations to meet the requirements of the Land Use Ordinance.

Mr. Mahoney asked the Applicant what approvals this proposal has received. Ms. Vickers replied they have the approval of the Army Corps of Engineers, the Harbormaster, and the River Committee.

After some discussion, Ms. Vickers summarized the Board members would like more information on the highest astronomic tide, mean high water in relation to the bottom of the float, the number of floats in the area, and the possibility to shorten the dock.

Ms. Pearlmutter made a motion the Application is complete. Mr. Mahoney seconded the motion and the vote was unanimous. A Public Hearing will be held on August 1st, 2018 at the next Planning Board meeting. Mr. Mahoney was assigned as Case Manager.

2. **180602 Matthew & Donna Enoch / Sebago Technics, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to make minor site improvements to the driveway to create better parking, as well as landscaping. (41 Ocean Avenue, identified as Assessor's Tax Map 10, Block 1, Lot 10 in the Riverfront, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board and gave a brief overview of the Application which included:

- To modify the driveway to create a loop road to avoid backing out onto Ocean Avenue,
- To elevate the grade to build a retaining wall,
- To add 16 square feet to create an overhang at the front door.

Mr. Doe concluded his presentation by stating overall the property will be less non-conforming because they will be taking impervious surfaces further from the Resource Protection area.

Ms. Pearlmuter expressed concern this proposal was increasing its non-conformity. Mr. Doe explained they are reducing the non-conformity on both structure surface and impervious surface.

Ms. Pearlmuter asked when the driveway was taken out. Mr. Doe replied it was taken out last year which was documented with the Code Enforcement Office.

Mr. Mahoney asked the Applicant to explain how they are eliminating backing out onto Ocean Avenue. Using an enlarged Site Plan, Mr. Doe explained the proposed turnaround and the location of the required parking spaces. Mr. Mahoney asked if there was an expansion of the driveway surface. Mr. Doe replied there was not an expansion but a reduction of 33 square feet of lot coverage and indicated where on the site plans those calculations were located.

Ms. Pearlmuter asked if the Applicant could include the specification on the square footage of existing driveway versus the square footage of driveway within the 75-foot setback. Mr. Doe agreed to provide that information.

Mr. Simmons expressed his concern that fluctuations of the tide could be a destabilizing factor and whether the wall could withstand the weight of a storm surge. In response to Mr. Simmons questions, Mr. Doe indicated on the enlarged site plans the elevation of the proposed wall, where the drainage in the fill material will be located and agreed to include more details of such on a revised set of plans for the Board.

Mr. Mahoney made a motion the Application is compete. Mr. Francis seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on August 1st, 2018. Mr. Francis was assigned as Case Manager.

3. 180603 Town of Kennebunkport / Wright-Pierce, Authorized Agent – Site Plan Review – Initial Review – for approval to made site improvements including grading of a new sledding hill and a bicycle pump track as well as improvements to access road and parking at the back of Parson's Field. (School Street) identified as Assessor's Tax Map 9, Block 4, Lot 50 in the Village Residential Zone.

Mr. Boak introduced the Agenda item.

Mr. Travis Pryor of Wright-Pierce addressed the Board and using enlarged site plans of the property, gave a brief presentation detailing the location and design of the proposed sledding hill and bicycle pump track. Mr. Pryor concluded his presentation by stating the town did invite abutters to a meeting to let them know about the project and to gauge what some of their concerns or thoughts were. Mr. Pryor also noted Ms. Carol Cook, Director of the Kennebunkport Parks and Recreation Department and Ms. Laurie Smith, Town Manager were in attendance as well.

Mr. Boak asked about the provision for a level area mentioned in the Application cover letter. Mr. Pryor replied there is a graded area proposed in the Application that could potentially in the future be used as a picnic area or viewing area to watch the kids sledding, but for now it is just a level graded area.

Mr. Lichte asked what the sledding area will be used for in the summertime. Mr. Pryor responded there is no intended use during the summer but it will be mowed.

Mr. Lichte asked if the kids would have access to the sledding hill during the school day. Mr. Pryor replied they will have public access. Ms. Karen Bubar, Kennebunkport Consolidated School Principal addressed the Board stating she has talked to the Superintendent of Schools about the opportunity to use the sledding hill one day per week during the school year.

Mr. Lichte asked if lighting was to be installed for night use. Mr. Pryor replied there is no proposed lighting or night use.

Some of the Board members asked about the type of sledding vessels to be allowed on the hill such as toboggans. Ms. Cook responded they would probably have some restriction in place on the type of vessel being used and would not envision toboggans to be allowed. Weather conditions will be monitored to determine if the hill is too icy and will be shut down accordingly, Ms. Cook added.

Ms. Pearlmuter and Mr. Francis asked about available parking on the site. Ms. Cook replied there are 7 spaces indicated on the site plans but they can park roughly 35 cars and in the winter there is always available parking on the school premises.

To confirm the Board's responsibility, Mr. Boak asked Mr. Gilliam this Application is for a conditional use approval since the property is deemed a park according to the town regulations. Mr. Gilliam agreed with Mr. Boak's statement.

Mr. Francis asked how the impervious surface amount would change with this project. Mr. Pryor replied he has not calculated those figures but would provide that data to the Board.

Mr. Simmons asked the Applicant to provide a profile of the proposed sledding hill along with a cross section. Mr. Pryor agreed to provide that information.

Ms. Pearlmutter asked if there have ever been any problems with sleds ending up in the neighbor's yard at the end of the run. Mr. Pryor responded there is a significant perennial stream and ditch at the property edge to prevent that from happening. Ms. Cook added she has spoken to that neighbor who indicated she was very excited about the proposed project and was pleased it will remain grass.

Ms. Pearlmutter made a motion the Application is complete. Mr. Simmons seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on August 1st, 2018. Mr. Boak was assigned as Case Manager for this Application.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary