

Kennebunkport Planning Board
July 19th, 2017 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, July 19th, 2017. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

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

Approval of Minutes: Mr. Boak made a motion to approve the minutes from the June 21st, 2017 Planning Board meeting. Ms. Pearlmutter seconded the motion and the vote was unanimous.

Items:

1. **170501 Sarah Yates / Walsh Engineering Associates, Inc., Authorized Agent on behalf of David McCullough - Site Plan Review – Findings of Fact** – for approval to create a private road over a tributary to serve the back lot on the property. The property is located at 97 Goose Rocks Road, identified as Assessor's Tax Map 16, Block 003 Lot 07 in the Goose Rocks, Shoreland and Resource Protection Zones. *Scott Mahoney, Case Manager*

Mr. Mahoney read the Findings of Fact into the record. Mr. Grady noted the Findings should be amended to include the property is also located in the Shoreland Zone. Mr. Mahoney made the corrections to both copies of the Findings of Fact and initialed the changes. Mr. Boak made a motion to approve said amended Findings. Mr. Mahoney seconded the motion and the vote was unanimous.

2. ~~**170402 Binnacle Hill Subdivision/Sebago Technics, Authorized Agent – Final Subdivision Review – Continued Public Hearing**~~ 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. *Item is removed from tonight's Agenda at the Applicant's request.*
3. **170502 Mills Road Subdivision /Attar Engineering, Authorized Agent – Final Subdivision Review – Public Hearing** – 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. Grady introduced the Agenda item.

Mr. Michael Sudak of Attar Engineering addressed the Board and gave a brief summary of the Application noting the following items:

- Property is composed of approximately 27.2 acres
- Applicant is proposing to construct a 14-lot cluster-style subdivision with a 980-foot road to be named Beryl's Way ending in a cul-de-sac
- All lots will be serviced with private individual drilled wells and public sewer.
- Proposed sewer extension will be approximately 900 feet on the southerly side of Mills Road with a force main.
- A 5-foot pedestrian/bicycle lane will be installed along Beryl's Way at grade that will include a crosswalk due to wetland impact.

Mr. Grady commented that typically pedestrian walkways have a delineation and Acorn Engineering suggested painting the road tar red to mark where the pedestrian path is. Mr. Sudak replied he spoke to his clients who agreed they would identify the pedestrian path but may choose a different identification rather than painting the tar as that will fade within 6 months.

Mr. Boak asked the Applicant to explain more about their requested tree waiver. Mr. Sudak responded the waiver is due to fact that since there is a large open space area proposed the green space in the cul-de-sac could be used as some initial storage for the storm water requirements.

Mr. Grady asked what the approximate diameter of the inside of the cul-de-sac was. Mr. Sudak replied it is 100 feet.

Mr. Sudak explained they could re-plant the center of the cul-de-sac with annuals or perennials but it would need to be maintained as a 70-foot-wide depression to allow water to go through the soils to the retention ponds.

Mr. Grady asked how large the open space area was. Mr. Sudak responded there is nearly 400,000 square feet of upland and 250,000 square feet of wetland area.

Ms. Pearlmutter asked if there are any large diameter trees in the cul-de-sac now. Mr. Sudak replied there is only one that is 24 inches in diameter and that is in lot 13.

There were no further questions from the Board members.

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

Mr. Grady noted for the record the Board has received a letter from Mr. Frank Federman who was unable to attend tonight's meeting and wanted to share some of his concerns regarding the adequacy of the proposed wells and the increase in traffic along Mills Road.

Mr. Paul Flaherty addressed the Board stating they provided results of a hydrogeological survey indicating there is more than adequate recovery and volume of water for all of the proposed homes on the property.

Mr. Grady closed the Public Hearing. Mr. Gilliam reminded the Board they need to make a decision on the Applicant's waiver request and such decision should be reflected in the final decision.

Mr. Grady made a motion the Planning Board approve the Applicant's request for a tree waiver within the cul-de-sac according to section 12.2.B.2.h of the Kennebunkport Subdivision Regulations. Mr. Mahoney seconded the motion and the vote was unanimous.

Mr. Grady made a motion to approve the Application as presented contingent upon the following:

- The Town of Kennebunkport votes in approval of the Sewer Extension Application
- Planning Board's receipt of the final Peer Review Report
- Receipt of the final site plans to include comments addressed by Attar Engineering in response to the Peer Review.

Mr. Boak seconded the motion and the Planning Board voted in favor of the motion. Mr. Messer abstained from voting.

Mr. Boak was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on August 2nd, 2017.

4. Seaside Hotel Associates, d/b/a The Nonantum Resort – Final Subdivision Review – **Initial Review** – for approval to demo the existing staff house and rebuild on the same foundation. [98 Ocean Avenue, identified as Assessor's Tax Map 8, Block 009, Lot 10 in the Riverfront Zone.]

Mr. Grady introduced the Agenda item.

Ms. Tina Hewitt-Hewitt-Gordon, General Manager of the Nonantum Resort addressed the Board stating in late December of last year some pipes burst in the existing staff house resulting in substantial damage to an already run-down building. Ms. Hewitt-Gordon explained they are requesting to remove the existing structure and rebuild to modern specifications on the same foundation.

Mr. Messer asked if the building is non-conforming in any way. Ms. Hewitt-Gordon replied it is not. Mr. Messer then asked where in the ordinance can a conforming building be replaced. Mr. Gilliam responded although the property is identified on the tax card as a single family dwelling it is essentially a commercial structure and is before the Planning Board because of its use.

Mr. Mahoney asked what the square footage of the house is. Ms. Hewitt-Gordon responded the identified living area is 2,100 sq. ft.

Ms. Pearlmuter noted the Application states it houses 8-10 people and questioned why they are adding a lactation room. Ms. Hewitt-Gordon explained they are required by law to have a lactation room for breastfeeding mothers and do not have space within the resort itself for that purpose.

Ms. Pearlmuter asked what zone is the building located in. Mr. Gilliam responded stating the hotel is located in the Riverfront zone and the staff house is located in the Village Residential Zone.

Mr. Grady asked if the property was serviced by town water and sewer. Ms. Hewitt-Gordon replied yes, it is.

Mr. Grady asked Mr. Gilliam if the Code Enforcement Office had any concerns with the Application. Mr. Gilliam replied he had no concerns other than the structure needs to come down as this is one of those circumstances where the cost to renovate the existing structure would be prohibitive.

For the purpose of identifying the correct ordinance to justify approval of this Application, Mr. Messer asked if Article 8 provided the correct guiding principle for the Planning Board. Mr. Gilliam explained the Board should consider the use as being non-conforming not the structure and there is justification for removal of the structure due to damage.

Mr. Boak made a motion the Application is complete. Mr. Mahoney seconded the motion and the vote was unanimous.

Mr. Grady announced a Public Hearing will be held at the next Planning Board meeting on August 2nd, 2017.

OTHER BUSINESS:

The Board members had a brief discussion on the upcoming workshop scheduled for next week. The Board members agreed it is best to have the full board attend said workshop and asked Mr. Gilliam to contact the Town Attorney to provide a list of alternate dates that is agreeable to all parties. Mr. Gilliam agreed and noted the workshop would most likely be moved to September to avoid any planning vacations.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary