

Kennebunkport Planning Board
September 2nd, 2020 ~ 6:00 PM
Virtual Meeting (Via Zoom)

A meeting of the Planning Board was held on Wednesday, September 2nd, 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: Ms. Pearlmutter made a motion to approve the minutes from the August 19th, 2020 Planning Board meeting. Mr. Simmons seconded the motion and the vote was unanimous.

Items:

Before continuing with the Agenda for tonight's meeting, Ms. Pearlmutter reminded the Board members that letters of authorization in Maine are valid and remain in effect until the authorization is revoked. Ms. Pearlmutter also commented that the Board's Findings of Fact are the first thing a judge looks at if there is a dispute to see why the Planning Board made the decision they made so it is important to not just have all the facts in the Findings but to cover all the issues to explain specifically why the decision is the way it is.

1. **200701 Tidemark Corporation (Chicks Marina) / Eco-Analysts, Inc., Authorized Agent** — Site Plan Review — **Continued Public Hearing** — for approval to do a maintenance dredge to remove approximately 1,800 cubic yards of sediment to restore adequate access depths at the marina. The dredge was previously approved by the Planning Board on March 15, 2017, but was never done. 75 Ocean Avenue, identified as Assessor's Tax Map 08, Block 001, Lot 22 in the Riverfront Zone. *Scott Mahoney, Case Manager*

Mr. Boak introduced the Agenda item and asked the Applicant to briefly describe the proposed dredge project.

Mr. Bud Brown of Eco-Analysts addressed the Board and shared his plans on the screen for the viewing public. Mr. Brown gave a brief overview of the project stating they plan to remove approximately 1,800 cubic yards of sediment to restore the depths at the marina. Mr. Brown also stated he forwarded a letter from the Maine Department of Environmental Protection stating it is acceptable to perform only part of an approved project.

Mr. Boak asked if they have received approval from the Army Corps of Engineers. Mr. Brown replied he has the Maine DEP permit and the Army Corps of Engineers permit is still in affect until October and will update that approval before any work will begin. Mr. Boak suggested that be a condition of approval in the Findings of Fact.

Ms. Pearlmutter asked the Applicant how they dredge around the pilings. Mr. Brown responded they will pull the pilings and replace them after dredging.

Mr. Boak reopened the Public Hearing. There were no comments or questions from the public. Mr. Boak closed the Public Hearing.

Mr. Boak made a motion to approve the Application. Ms. Pearlmutter seconded the motion and the vote was unanimous. The Findings of Fact will be read at the next Planning Board meeting on September 16th, 2020.

2. **200702 Aaron & Emily Cooper / Walsh Engineering, Authorized Agent** — Site Plan Review — **Continued Public Hearing** — for approval to remove the existing stone seawall and replace it with a new stone seawall using 5' diameter boulders on the eastern property line. This work was previously approved by the Planning Board on February 6, 2019, but was never done. 165 Kings Highway, identified as Assessor's Tax Map 33, Block 1, Lot 3 in the Goose Rocks, Shoreland and Resource Protection Zones. *Larry Simmons, Case Manager*

Mr. Boak introduced the Agenda item.

Mr. Bill Walsh of Walsh Engineering addressed the Board and gave a summary of the project. Mr. Walsh noted he has submitted a new agent authorization letter signed by both trustees, a copy of the Maine DEP Permit-By-Rule, and information on easements with the abutting neighbors. Mr. Walsh also explained the agreement with the Eisenbergs is for a 15-foot easement to get up to the property line to be able to adjust the stones and is in the process of obtaining a similar easement from the Gorny's on the other side of the property.

In response to questions raised at the last Planning Board meeting, Mr. Walsh also explained he did observe the excavation on the property to a depth of 5 feet to be all sand. Mr. Walsh added they use Hudson's equation to determine the wave height of 6 feet based on readings from the buoy station and provided documentation with the Application supporting those calculations and included the basis of design on the site plans.

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

Ms. Pearlmutter noted a missing verb in the last sentence of the construction easement submitted. Mr. Walsh acknowledged there is an error, the word "repaired" should be added and offered to make that correction.

Mr. Boak reopened the Public Hearing. There were no comments or questions from the public. Mr. Boak closed the Public Hearing.

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

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

3. **200201 Seaside Hotel Associates d/b/a The Nonantum Resort** — Site Plan Review — **Continued Public Hearing** (continued from March 18th) — for approval to add a new roof over an existing deck to include stairs to an open air deck near the existing inground 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. *George Lichte, Case Manager*

Mr. Boak introduced the Agenda item.

Ms. Tina Hewitt-Gordon addressed the Board stating they are asking to add a deck over the existing landing in the pool area and to take down a fence, remove the shuffleboard court and add a concrete apron to the pool area along with a grassy area and install a new fence. Ms. Hewitt-Gordon added this project will reduce the lot coverage slightly.

Mr. Boak asked if this property was in the Riverfront and Village Residential zones. Mr. Gilliam replied it is in the Riverfront Zone.

Mr. Boak reopened the Public Hearing. There were no comments or questions from the public. Mr. Boak closed the Public Hearing.

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

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

4. **200801 James & Susan McMahon / James Logan, Longview Partners, LLC, Authorized Agent** – Minor Subdivision Amendment – **Initial Review** – for approval to amend a lot line. (18 Northwood Drive, identified as Assessor's Tax Map 12, Block 005, Lot 05A in the Village Residential Zone.)

Mr. James Logan addressed the Board and gave a detailed presentation on the Application that is proposing a revision to a lot line between two lots in common ownership, so no abutters are affected and a 75-foot setback to the stream on the property. Mr. Logan also stated the new survey shows the revised area calculations on the plan. Mr. Logan also requested to waive holding a Public Hearing since there are no abutters affected by this lot line change.

Mr. Gilliam shared the site plan on the screen for the viewing public.

The Board had a brief discussion on Mr. Logan's request to not hold a Public Hearing. The Board members decided it was best to hold a Public Hearing at one meeting and not continue it to a second Planning Board as the Board has been doing because of the Zoom format.

Mr. Harcourt commented that according to the survey submitted the 2 lots affected are owned by different entities; one is owned by James and Susan McMahon, and the other is owned by only Susan McMahon. Mr. Gilliam explained that the board does not typically see that once the Application is approved and the plan is recorded there will be new deeds drafted to reflect the new lot lines.

There were no further questions by the Board members.

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

A Public Hearing will be held at the next Planning Board meeting on September 16th, 2020. Mr. Harcourt was assigned as Case Manager for this Application.

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