

Kennebunkport Planning Board
November 6th, 2019 ~ 7:00 PM
Kennebunkport Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, November 6th, 2019. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Tom Boak (Chair), D. Scott Mahoney, Ed Francis, Larry Simmons
Mr. Simmons will have voting privileges for this meeting.

Approval of Minutes: Mr. Francis made a motion to approve the minutes from the October 16th, 2019 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. 190803 Hidden Pond / Sebago Technics, Authorized Agent – Site Plan Review – Public Hearing Continued – for approval to revise a previously approved Plan by building the 10 previously approved units, but in a new location within the existing site. Construction of fire lanes and roadways to access these units will be done at the same time. 9356 Goose Rocks Road, identified as Assessor's Tax Maps 38, Block 001, Lot 08 (Phase II) and Map 37, Block 003, Lot 3 (Phase I) in the Free Enterprise Zone.) *George Lichte, Case Manager*

Mr. Boak introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board and gave a detailed presentation on the hydro-geological study that was conducted on the property. Mr. Doe explained the study focused on two areas: 1.) the septic system, direction of the nitrate plumes and the potential of contaminating wells, and 2.) the individual wells on the Hidden Pond property and the wells of the Ox Plow Lane residences closest to the site in order to understand if there is any connection or if there was any connection of the septic waste getting into those wells. Using enlarged site maps of the property, Mr. Doe indicated where the current wells, proposed wells and septic fields were located.

Based on recommendations provided with the hydrogeological study, Mr. Doe outlined the following items the Applicant has agreed to implement:

- Additional monitoring wells to be added to the site as shown on the site plans.
- Will perform additional testing by using a camera down into the wells to determine if one of the wells that is feeding the fire pond is also draining the water table.
- Hydro-fracture Mr. Bassett's well to increase the yield.
- If the hydro-fracking of Mr. Bassett's well is unsuccessful, the Applicant has agreed to dig a new well for the Bassetts.
- Run a separate line from a different location on the property to fill the fire pond and use the well that was filling the fire pond to instead feed 3 of the cottages.

Mr. Francis asked if the monitoring of the wells will allow the Applicant to confirm if the de-nitrification system is working. Mr. Doe replied it should and if at some point we find there is no increase in the nitrates then we would ask to stop the testing.

Mr. Simmons asked Mr. Doe to summarize their proposed recommendations. Mr. Doe listed the following recommendations:

1. Testing of the wells indicated on the site plan.
2. Hydro-frack the Bassett's well to improve performance.
3. Discontinue use of well #12 for filling the fire pond.
4. Use well #8 that yields 40 gallons/minute to provide water for 1 or 2 cottages.

The Board members and the Applicant had a brief discussion on the exact language to be used in phrasing the proposed conditions of approval as detailed in the draft Findings of Fact.

Mr. Doe then explained the design of the septic systems have been changed from tanks to grinder pumps. Mr. Doe introduced Mr. Matt Page of Septic Solutions Inc. who gave a detailed presentation on the proposed FujiClean system to be installed on the site and provided additional literature on the new system to the Board members,

Mr. Simmons, Mr. Francis, and Mr. Page had a detailed discussion on the specific aspects of the proposed FujiClean system.

The Public Hearing was held open from the last Planning Board meeting. Mr. Boak asked if there were any questions or comments from the audience in attendance.

Mr. Ed Bassett, an abutter, addressed the Board with a list of questions regarding the proposed septic system, hydro-fracking of his well, septic fields, vernal pools identified on the property, soil types as referenced in the S.W. Cole report, and potential use of fertilizers on the septic fields. Mr. Doe replied to each of Mr. Bassett's questions and indicated on the enlarged site plans when necessary to further explain his responses. Mr. Bassett also asked if his well would still be sleeved after the Applicant performed the hydro-fracking. Mr. Doe responded yes it would remain sleeved.

Mr. Bassett also commented that the continuation of the well monitoring is important and expressed his gratitude in working with the Applicant to both parties satisfaction.

Mr. Boak closed the Public Hearing

Mr. Simmons made a motion to approve the Application. Mr. Francis seconded the motion and the vote was unanimous. The Findings of Fact will be read at the next Planning Board meeting on November 20, 2019.

2. 190802 James & Susan McMahon / James Logan, Longview Partners, LLC, Authorized Agent - Preliminary Minor Review – **Continued 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.) *Larry Simmons, Case Manager*

Mr. Boak introduced the Agenda item noting Mr. Logan has notified the Code Enforcement Office that he is in the process of revising this Application and has asked to have this review deferred until a later meeting.

3. 190901 Mark Messer & Elizabeth Carlson – Site Plan Review – **Public Hearing** – for approval to do road improvements by widening 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 the Agenda item and acknowledged receipt of a letter from the Kennebunkport Fire Chief.

Mr. Mark Messer addressed the Board stating at the last meeting the Board requested he instruct his surveyor to re-draw the map incorporating the proposed improvements and provide said new site plan to the Fire Chief for his comments and approval. Mr. Messer added both the Fire Chief and the Code Enforcement Officer visited the site and gave their approval of the proposed road improvements.

Mr. Boak commented the Fire Chief citing two recommendations in his letter. The first recommendation is that the hammerhead turn at the end of the road is to be maintained by the owner and Mr. Boak asked if that was part of the Homeowners' Association Road Maintenance Agreement. Mr. Messer responded that was discussed during the site walk with the Fire Chief and it was agreed that since it is part of the road it should be made part of the Road Maintenance Agreement.

The second recommendation, Mr. Boak stated, is that there be a deed restriction added prohibiting further development of the end lot. Mr. Messer agreed with both of the Fire Chief's recommendations.

The Board members and Mr. Messer had a brief discussion on the specific language to be added to the Road Maintenance Agreement regarding the plowing and upkeep of the hammerhead turn. Mr. Gilliam suggested adding a copy of the new survey plan to the Road Maintenance Agreement as a reference as well.

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

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

Mr. Mahoney was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on November 20th, 2019.

5. 190903 Kennebunkport Conservation Trust – Site Plan Review – **Continued Initial Review** – for approval to create a parking area as an accessory structure to the preserved land it will allow access to and will be available for use by Edwin L. Smith Preserve. (Guinea Road, identified as Assessor's Tax Map 16, Block 2, Lot 1E in the Farm & Forest Zone.)

Mr. Boak introduced the Agenda item noting this is a Continued Initial Review of the Application.

Mr. Russ Grady, Board member of Kennebunkport Conservation Trust addressed the Planning Board and provided a brief explanation of the minor design change in the documentation submitted last week. Mr. Grady explained they are asking for permission to create a parking area on parcel 16-2-1E to help alleviate some of the congestion on Goose Rocks Road for folks who use the Smith Preserve for hikes and field trips. Mr. Grady pointed out that all site line distances are maintained and there is room for a crosswalk as recommended by the Kennebunkport Public Works Superintendent Mike Claus. The new proposed parking design will have a separate entrance and exit allowing for cars to enter away from the abutting property so there will be no disturbance of headlights shining into the neighbor's house, Mr. Grady added. Mr. Grady also noted there would be two small signs designating the entrance and exit of the parking lot.

Mr. Grady also explained there will be 10 parking spaces on the lot, each space being 13'x20' which will increase the lot coverage by 0.001%.

In order to create a buffer from the parking lot and the adjacent property owned by Ms. Steele, Mr. Grady explained they would create a berm from the removed material of the parking lot and would be happy to plant shrubs or bushes of Ms. Steele's choosing.

In terms of defining this Application as an approved use, Mr. Boak commented this parking lot is an accessory use. Mr. Francis agreed with the Applicant's presentation that this is a part of the existing community use of the property.

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

Mr. Boak announced a Public Hearing would be held at the next Planning Board meeting.

Mr. Francis was assigned as Case Manager for this Application.

Other business:

Mr. Gilliam asked the Board to consider a date to conduct a site walk on the Housing Trust property. After a brief discussion the Board members agreed to tentatively schedule a site walk on November 19th, 2019. Mr. Gilliam agreed to confirm that date with the Applicant and send out notices once the date and time was confirmed.

Mr. Gilliam also reminded the Board members of an upcoming meeting at 6:00p.m. on November 21st, 2019 with the Growth Planning Committee on Climate 101 and the Comprehensive Plan. Mr. Gilliam distributed flyers about the meeting to the Board members and encouraged all to attend.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary