

Kennebunkport Planning Board
December 4th, 2020 ~ 6:00 PM
Virtual Meeting (Via Zoom)

A meeting of the Planning Board was held on Wednesday, December 4th, 2020. The virtual meeting convened at 6:00 p.m. via Zoom.

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

Approval of Minutes: Mr. Simmons noted a minor change to be made to the minutes from the November 18th, 2020 Planning Board meeting and made a motion to approve said minutes. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

Items:

1. ~~201001 Boughton Hotel Corporation d/b/a The Colony Hotel / Windward Development, Authorized Agent~~ North Campus—Site Plan Review—~~Public Hearing~~ for approval to demolish all existing buildings and parking areas and construct two new building with multiple parking areas. (128 Ocean Avenue / 12 & 14 Colony Avenue, identified as Assessor's Tax Map 8, Block 8, Lots 14, 15 & 16 in the Riverfront and Shoreland Zones.) ~~Nina Pearlmutter, Case Manager~~ *Continued to 12/18/2020 to allow for Peer Review.*
2. ~~201002 Boughton Hotel Corporation d/b/a The Colony Hotel / Windward Development, Authorized Agent~~ South Campus—Site Plan Review—~~Public Hearing~~ for approval to demolish 4 existing buildings and construct one new building, to include building expansion, and the reconstruction of circular parking area. (140 Ocean Avenue, identified as Assessor's Tax Map 8, Block 6, Lot 4 in the Riverfront and Shoreland Zones.) ~~Nina Pearlmutter, Case Manager~~ *Continued to 12/18/2020 to allow for Peer Review.*
3. **201003 Taylormade Hospitality, d/b/a/ Hurricane Restaurant / Woodman Edmands Danylik Austin Smith & Jacques, P.A., Authorized Agent** – Site Plan Review -- **Findings of Fact** – for approval to reconstruct a portion of the existing deck at the rear of the restaurant and to expand restaurant service to that area. (29 Dock Square, identified as Assessor's Tax Map 11, Block 2, Lot 1 in the Dock Square and Resource Protection Zones.) *George Lichte, Case Manager.*

Mr. Lichte read the Findings of Fact into the record. Mr. Francis commented that in Item #13 of said Findings there is a statement regarding the applicant's request for waivers and cautioned it should be stated more clearly that the Board did not grant any waivers.

Mr. Gilliam clarified there is a distinction between an Application submission of information that the Board can deem not applicable to the application and the Board granting a waiver for a performance standard. Ms. Pearlmutter offered to write in a change to both copies of the Findings of Fact to state: "The Applicant has requested submission waivers. The Board agreed the waivers were not required."

Mr. Boak made a motion to approve the Findings of Fact as amended. Mr. Francis seconded the motion, and the vote was unanimous.

4. **201005 Timothy & Kathleen Berger / John Einsiedler, Authorized Agent** – Site Plan Review – **Continued Initial Review** – for approval to move and attach an existing shed to the house to allow for a volume expansion to expand an existing second floor dormer. (6 Brooks Street, identified as Assessor's Tax Map 21, Block 5, Lot 33 in the Cape Porpoise West, Shoreland and Resource Protection Zones.)

Mr. Boak introduced the Agenda item.

Mr. John Einsiedler addressed the Board stating this proposal is to take the square footage and volume of the existing shed, increase it by 30% and bring it into the existing footprint of the house, and remove the shed.

Mr. Boak acknowledged receipt of a copy of the original 2002 expansion of the property, some calculation summaries, as well as a photo from 1995 depicting the shed on the property. Mr. Boak added he has not received anything confirming the shed existed on the property prior to January 1, 1989 and questioned if the shed was a recognized structure by the town since it does not appear on the property card.

Mr. Gilliam responded it is not uncommon to sometimes run across inconsistencies like this as he has found older tax cards where it looks like this parcel and an adjacent parcel were previously held in the same ownership; adding that not being on a tax card doesn't mean it wasn't there.

Ms. Pearlmutter offered based on the information available, the Board can't say if the shed was or wasn't there, but it can make a judgment for the betterment of the lot.

After some discussion, the Board members came to an agreement the shed is a grandfathered structure and to allow the Applicant to use that for an increase in square footage and volume to the main residence on the condition the Applicant is prohibited from building a new shed in its place.

Mr. Francis asked if the Applicant could provide an updated Application page. Mr. Einsiedler agreed to provide that to the Board.

Mr. Simmons made a motion the Application is complete. Ms. Pearlmutter seconded the motion, and the vote was unanimous. Mr. Boak announced a Public Hearing would be held at the next Planning Board meeting on December 16th, 2020.

5. 201004 Ivy Subdivision / Sebago Technics, Authorized Agent – Initial Review of a major change to previously approved subdivision – to subdivide a 7.8 acre lot (previously know as Lot #2 of Ivy Subdivision approved in 2012), to create 2 lots; one lot will be accessed by Colony Avenue and the other will be accessed by Endcliff Road. (Endcliff Road / Colony Avenue known as Assessor’s Tax Map 7, Blok 13, Lot 1B in the Cape Arundel Zone.)

Mr. Boak introduced the Agenda item.

Mr. Steve Doe, along with Attorney Ralph Austin addressed the Board stating this project consists of land owned by Ivy III, LLC which is a 7.8 acre parcel of land behind the Old Fort Inn that they are hoping to sell as 2 residential lots. Mr. Doe shared his site plans on the screen for the Board members and viewing audience and explained where the boundaries are for each proposed lot and how each parcel will be accessed from existing Rights of Way. Mr. Doe added Lot 1 will be accessed from the former Kings Highway and will be connected to public water and sewer. Lot 2 will be accessed from Endcliff Road and will be connected to public sewer.

Mr. Doe further explained the Applicant would complete some improvements on Endcliff Road that were agreed upon by the owner of the Chickadee Trust subdivision that were never completed.

To appease concerns of residents on Endcliff Lane, Mr. Doe offered to install a swing gate to prevent that road from becoming a thru street.

Mr. Boak asked who owns the open space area designated on the new site plans. Mr. Doe replied it would be owned by the homeowners of Lots 1 and 2.

Knowing the area personally, Mr. Boak questioned the accuracy of the Applicant’s site plans in depicting the exact locations of the Rights of Way and lot lines.

Mr. Francis suggested it would be helpful to have a site walk of the property.

Mr. Gilliam shared on the screen the town’s GIS map of the same area.

Ms. Pearlmuter asked if the town’s road book could be of help in clarifying the ownership and location of the Rights of Way. Mr. Gilliam acknowledged he did refer to the road book prior to this meeting but was unable to determine where the publicly accepted portion of the old Kings Highway, now known as Colony Avenue, stops and where the private section begins without going through the entire legal description and re-creating the land survey.

Mr. Francis expressed his confusion on the location of this Application’s Lots 1 and 2 in comparison to the previously approved subdivision’s designation of Lots 1 and 2. Mr. Austin offered to rename the lots from the original subdivision plan.

Mr. Francis also commented that it appears both roads will remain private roads. Mr. Austin agreed with Mr. Francis’s statement.

Mr. Simmons asked if the Applicant could provide site plans with color coding to better distinguish the existing lot lines from the proposed lots. Mr. Doe agreed to provide the Board members with new site plans.

The Board members, the Applicant and Mr. Gilliam had a discussion on the method of conducting a site walk on the property, its scheduling, notifying the public and who should attend. It was agreed by all to have the Applicant place flags on the property to mark the lots and road and to set a date and time for a noticed Site Walk of the property.

Mr. Simmons made a motion the Application is complete. Ms. Pearlmuter seconded the motion, and the vote was unanimous.

Mr. Boak announced a Public Hearing will be held at the next Planning Board meeting on December 16, 2020.

Mr. Gilliam commented there were members of the viewing public with their virtual hands raised and because tonight’s meeting is an initial review, the Board cannot take comments from the public. Mr. Boak added anyone wishing to comment on an Application can send a letter or email to the Code Enforcement Office as well. Mr. Gilliam also added that any letters or emails the Code Enforcement Office receives are forwarded to the Planning Board as well as the Applicant.

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