

Kennebunkport Planning Board
April 3rd, 2024 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held on Wednesday April 3rd, 2024, in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present in Person: Mr. Tom Boak (Chair), Nina Pearlmutter, D. Scott Mahoney, Charles “Larry” Simmons,
Member Present on Zoom: Ed Francis, George Lichte, Michael West

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes of the March 20th, 2024, Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

- 1. 240301 Goose Rocks Beach Association (GRBA)/Coppi Environmental – Christopher J. Coppi/Agent – Site Plan Review Application – Initial Review**
– the Applicant proposes to construct a new pickle ball court, a portion of which, is contained within an existing 78’ x32’ half-basketball court (Assessor’s Tax Map 36, Block 1, Lot 1 in Goose Rocks Beach Zone).

Mr. Boak introduced the agenda item.

Mr. Chris Coppi addressed the Board on behalf of the Goose Rocks Beach Association to discuss a proposed pickleball court. Mr. Coppi also introduced Tara Gregorio and Authur Casavant, president and treasurer of the GRBA respectively.

Mr. Coppi gave a brief history of his academic and professional career and then, using enlarged site plans, provided details on the property’s topography including the setbacks and wetlands. Mr. Coppi added they are not proposing any wetland impacts with this Application and therefore are not required to obtain any permits from the Maine Department of Environmental Protection or the Army Corps of Engineers.

Mr. Coppi further explained the existing basketball court is 78’x32’ and they are proposing to add a 30’x32’ court to transform the area into 2 courts; a half-basketball court and a 60’x32’ pickleball court which would increase the impervious surface from 38.6% to 39.7%. In addition, they will be removing a small storage shed from the property.

Mr. Simmons asked what the impact is of the shed that will be removed and if there were items stored in there that will have to be relocated. Ms. Gregorio responded that the shed is 220 square feet of space which could be the new pickleball court and that there is nothing of value in that shed save for some lost & found items.

Mr. Francis questioned the Applicant's calculations that lot coverage in the Goose Rocks Zone is limited to buildings only, when the definition of lot coverage in the ordinance states lot coverage is a percentage of the lot that is covered by structures and the Land Use Ordinance defines structures as: *"Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind together with anything constructed or erected with a fixed location above, below or upon the surface of the ground or water. Not all structures are subject to setback requirements. See §240.6.1 for exemptions"*. Mr. Francis added with that definition, he interprets the existing tennis courts and the proposed pickleball court are structures.

Mr. Weibley interjected that it is the Code and Planning staff's interpretation of that definition that those types of foundation, i.e. pickleball courts, are not considered structures and have never counted them as structures in prior calculations.

After some discussion, Mr. Weibley offered if the Planning Board would like to re-examine that definition and perhaps change it because of stormwater concerns, that can be discussed at a future date.

The Board members, Mr. Weibley, and the Applicant discussed their interpretations of the definition of lot coverage, structures, impervious area, environmental impact, and additional requirements or waivers under the differing interpretations.

Ms. Gregorio informed the Board the GRBA is not proposing to add any other courts in the foreseeable future, noting the demand for pickleball is great.

After more discussion the Board members agreed the definition of structure needs to be clarified.

Mr. Simmons raised the issue of increasing the impervious area by 1.1% and suggested the Applicant deconstruct a portion of the half-basketball court in order to nullify any increase in impervious area from the addition of the new proposed pickleball court. A discussion on the construction of the court and a 1:1 exchange of impervious non-vegetative surfaces occurred.

Ms. Pearlmutter noted some items that need to be included with Application, including an updated Certificate of Good Standing from the State of Maine, and discussed the Applicant's request for certain waivers such as a full soil survey, elevation contours on the site plans, and parking spaces.

The Board members provided guidance for the Applicant to refer to the town's noise ordinance along with some modifications to the impervious surface square footage and parking requirements.

Ms. Pearlmutter made a motion to continue this initial review to the next Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous. Mr. Simmons is Case Manager for this Application.

2. 240302 438 Kings Hwy/KW Architects – Kristi Kenney/Agent – Site Plan Review Application – Initial Review – The Applicant proposes to construct a new 728 SF garage on a lot with an existing house within the 250' shoreland zone setback (Assessor's Tax Map 33, Block 2, Lot 27 in Goose Rocks Beach Zone).

Mr. Boak introduced the agenda item.

Ms. Kristi Kenney, Architect addressed the Board stating they are proposing an addition of a 728 square foot 2-car garage on the property. Ms. Kenney presented details of the proposed garage noting that the total lot coverage of the property will not change and they have received their Maine DEP approval this week.

Ms. Kenney then stated they are requesting a waiver on providing the topography of the property and to change the scale of the site plans from 1:30 to 1:20.

Mr. Simmons requested a few updates be provided such as noting the specific flood maps the site plans are referring to along with specifying what the wind load will be in reference to a 100-year storm. Applicant should state whether the 1986 FIRM maps or the 2017 FEMA maps are used in the basis of design, and should be aware that in July 2024, the Kennebunkport flood maps will come into effect.

Ms. Pearlmutter asked if the sewer and water lines and a construction erosion plan could be indicated on the site plans. Ms. Kenney replied she has asked Livingston Hughes to add that to the plans.

Ms. Pearlmutter made a motion that the Application is complete. Mr. Mahoney seconded the motion, and the vote was unanimous. Mr. Boak is Case Manager for this Application.

- 3. 240303 773 Kings Hwy/KW Architects – Kristi Kenney/Agent – Site Plan Review Application – Initial Review – Continued at the Request of the Applicant** – The Applicant proposes to remove the existing 579 SF garage and build a new 575 SF garage with a flow-through foundation closer to the house, out of the flood zone and out of the 75’ setback from Smith Brook (Assessor’s Tax Map 34, Block 1, Lot 19 in Goose Rocks Beach Zone).
- 4. 240304 293 Goose Rocks Rd/Nonantum – Tina Hewett-Gordon/Agent – Site Plan Review Application – Initial Review** – The Applicant proposes to expand its offering to encompass a diverse range of events, including but not limited to rehearsal dinners, bridal showers, and corporate team building gatherings to be held at Blackrock Farm (Assessor’s Tax Map 25, Block 5, Lot 2A in Free Enterprise Zone).

Mr. Boak introduced the agenda item.

Ms. Tina Hewett-Gordon addressed the Board representing Helene Lewand, owner of Blackrock Farm, and gave a history of their working relationship which began over a year ago. Ms. Hewett-Gordon explained they would like to hold small-scale open-air events, such as smaller weddings, rehearsal dinners, corporate groups, fundraisers, etc.. on the farm utilizing the existing pergolas and greenhouses in the event of inclement weather. There will be no cooking done on the property as all food will be brought over from the hotel and all garbage will be brought back to the hotel to be disposed of in the hotel dumpsters.

Ms. Hewett-Gordon provided details on the parking, lighting, hours of events, traffic, transportation of guests by the hotel’s shuttles and approval by the Fire Chief; noting the Fire Chief recommended they have fire extinguishers on the property.

The Board members discussed the hours of the events, providing handicapped parking for guests, ways to mitigate noise so as not to disturb neighboring properties, and emergency vehicle access.

Mr. Simmons made a motion that the Application is complete. Ms. Pearlmutter seconded the motion, and the vote was unanimous. Ms. Pearlmutter is Case Manager for this Application.

5. Old business

There was no old business to discuss.

6. New business

Mr. Weibley informed the Board of two items of note that were upcoming. One was the Board of Selectmen meeting on May 9th where a Public Hearing will be held regarding the ordinance changes proposed for the June ballot. The other item of note was a reminder to the Planning Board members to provide any feedback regarding the Growth Planning Committee's memo on their 2024 goals and priorities before the next Board of Selectmen meeting on April 11th, 2024.

Adjournment: The meeting ended at 7:48 p.m. A motion was made to adjourn, it was seconded, and the vote was unanimous.

Submitted By: Patricia Saunders, Planning Board Recording Secretary