

Town of Kennebunk, Maine



KENNEBUNK SITE PLAN REVIEW BOARD Thursday March 17, 2016 MINUTES

MEMBERS PRESENT: Gary *Dugas*, Chair; Jeanne *Dunn*; Philip *Parker*; Brenda *Robinson*; and Kristi *Kenney*

MEMBERS ABSENT: Matt *Fagginger-Auer*

FROM THE TOWN: Judith *Bernstein*, Town Planner
Chris *Osterrieder*, Town Engineer
Edward *Karytko*, Board of Selectmen Liaison

ALSO PRESENT: Michael F. *Vaillancourt*, Esq. – Ainsworth, Thelin & Raftice, P.A.
Dwight M. *Raymond* - Seadog Properties, Owner

1. Open Meeting

The Chair opened the meeting at 7:01 p.m.
The Board members introduced themselves.
Due to the absence of regular member Matt *Fagginger-Auer*, *Dugas* designated alternate Kristi *Kenney* as a voting member for this meeting.

2. Approval of Minutes of Previous Meeting

Dugas asked the Board to consider the minutes of March 3, 2016 and began a page review.

Robinson submitted the following amendment:

- Page 3, Item #3: designate the agenda item as a "workshop discussion" in the title.

A motion was made to accept the minutes of March 3, 2016 as amended.

MOVED: *Parker*
SECONDED: *Dunn*
DISCUSSION: None
MODS: As noted
VOTE: 5 in favor, 0 opposed; the motion carried.

Dugas proceeded to the next agenda item.

3. Site Plan Application of Seadog Properties LLC & Sealand Properties LTD to add proposed Floating Restaurant and Site Improvements to 2 – 4 Harbor Lane

Bernstein reviewed the project as detailed in her memo of March 10, 2016 "Summary of March 17, 2016, Agenda" (provided to the Board in the site plan packet). She identified the applicant, owner, site location, and nature of the request. Packet contents of note included:

- A revised set of plans from last month's meeting; and
- Reviews from the Town Engineer, Fire Chief, Police Chief, and Code Enforcement Officer.

She recommended a project summary review from the applicant

Michael F. **Vaillancourt**, Ainsworth, Thelin & Raftice, introduced himself and Dwight M. **Raymond**, Owner, Seadog Properties, and proceeded with his presentation. He identified new drawings dated March 17, 2016. His presentation included the following highlights:

- Reduced restaurant seating and parking;
- Parking changes to insure greater compliance with town ordinances;
- Reduction of waiver requests;
- Attachment 3, identified as a waiver request of required area coverage relating to the landscaping plan or green space;
- Attachment 2, identified as a waiver request for a portion of the circulation width being 21.8 ft. versus the 24 ft. requirement for Parking Lot Design Standards;
- Entrance to the ADA ramp clearly marked as "Designated Handicapped Accessible;"
- Relocation of ADA parking to be adjacent to the ramp; and
- Updated list of scheduled improvements.

Vaillancourt asked the Board for any comments or feedback.

Bernstein asked if the Sewer District signoff will be completed prior to the public hearing. **Vaillancourt** replied in the affirmative.

Dugas asked **Bernstein** for her comments.

Referring to her memo of March 10, 2016 "Summary of March 17, 2016, Agenda" (provided to the Board in the site plan packet), **Bernstein** identified the following issues:

- The Board needs to approve the submission waiver requests in order to schedule a public hearing;
- State and local approvals; and
- Lighting plan.

Robinson requested that the Board receive an updated Police Chief letter confirming that he has reviewed and approved the new lighting plan.

Bernstein replied that approval of the lighting plan is the CEO's responsibility, but she will ask the Police Chief for his written confirmation.

Addressing the two way operation waiver, **Bernstein** requested that the parking access off Harbor Lane be added to the 21.8 ft. Parking Lot Design Standard waiver request because it does not meet the 24 ft standard either.

Vaillancourt agreed.

Bernstein asked if the ADA ramp has a railing.

Vaillancourt replied in the affirmative.

Bernstein asked if the ramp could be relocated further away from the bulkhead to allow for a wider landing area.

Raymond replied that the current landing is 2.5 times wider than the ramp. Any additional widening may require utility pole relocation and DEP involvement.

Robinson requested ramp details including front views.

Kenney remarked that the provided ramp drawings were too small and unreadable.

Vaillancourt agreed to provide enlarged drawings.

Dugas asked **Bernstein** for clarification regard temporary and permanent waivers.

Bernstein replied that the signoffs from the Water District and the Sewer District were temporary.

Dugas added that the High Intensity Soil Survey and Landscaping waivers are permanent waiver and will be needed for the submission package.

Vaillancourt confirmed that all waiver requests were included in the package and provided the following details:

- Attachment 1 – High Intensity Soil Survey;
- Attachment 2 (amended) – Parking Lot Design Standards;
- Attachment 3 – Green Space; and
- Attachment 4 – Additional Parking Standards relative to pavement.

Referring to the Code Enforcement Officer's comments, **Robinson** asked:

Question: How will the parking spaces be delineated on gravel surfaces?

Response: **Raymond** replied that the stones will be painted.

Kenney remarked that painted gravel surface is detailed in the plan notes.

Question: How will signage meet the Town's regulations?

Response: **Raymond** replied that new signage is on the plan, existing signage was not addressed.

Bernstein remarked that total allowable signage area for the site needs to be met.

Vaillancourt suggested that "total allowable signage area requirement be met" should become a condition of approval.

Question: Even though the facility is "water borne," will it comply with all land based requirements?

Response: **Vaillancourt** suggested that the issue was addressed earlier by **Bernstein's** comments regarding additional State and local approvals.

Bernstein noted that when the Board reaches their final vote, if any State and/or Federal permits are not complete, including local Sewer and Water District signoffs, the Board will need to clarify that those items are a condition of approval and that they need to be provided before any building or change permits can be issued.

Bernstein asked if the ADA portable toilet was relocated along with the parking space.

Raymond replied in the negative.

Kenney asked if crushed stone meets ADA requirements.

Osterrieder replied that the gravel surface is firm but stable and could work if calcium chloride is added to the mixture as a binder.

Raymond replied that the surface consists of 2 inch stone which is hard packed.

A motion was made to waive Article 11, Section 6 B (3), High Intensity Soil Survey.

MOVED: *Dunn*
SECONDED: *Kenney*
DISCUSSION: None
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

A motion was made to waive Article 11, Section 6 B (7), Landscape Plan.

MOVED: *Dunn*
SECONDED: *Robinson*
DISCUSSION: *Dugas* asked the applicant to indicate the location of the potted plants.
Raymond identified the plant locations
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

A motion was made to grant a temporary waiver of the Water District and Sewer District signoff.

MOVED: *Dunn*
SECONDED: *Kenney*
DISCUSSION: None
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

Kenney commented that the ADA parking space is improperly marked as follows:

- Incorrect width;
- The landing area must extend for the entire length of the 20 ft. space; and
- The space has no label.

Raymond agreed and stated that the corrections would be implemented.

Citing **Bernstein's** memo of March 10, 2016 "Summary of March 17, 2016, Agenda," Item 3e (Plan Review Checklist), page 3, Section B. Major Site Plan Submissions, paragraph (4), referring to "the width, location, grade, and profile of all proposed streets or extensions", **Robinson** asked if a waiver for the requirement is needed since no new street or extension was created.

A discussion developed regarding the requirement which resulted in a suggestion to declare the obligation not applicable.

A motion was made to declare the Town of Kennebunk's requirements for the width, location, grade, and profiles of all proposed streets or extensions as not applicable because nothing new is being proposed.

MOVED: *Robinson*
SECONDED: *Dunn*
DISCUSSION: None
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

Having received no further comments regarding this issue and believing the submission to be complete, the Board opened a discussion regarding when a public hearing should be convened.

The Public Hearing for the Site Plan Application of Seadog Properties LLC & Sealand Properties LTD to add proposed Floating Restaurant and Site Improvements to 2 – 4 Harbor Lane will be conducted on Thursday, March 31, 2016 at 7:00 p.m.

Dugas proceeded to the next agenda item.

4. Other Old/New Business

Bernstein informed the Board that she has no other business.

5. Adjournment

Dugas asked for a motion to adjourn.

A motion was made to adjourn the meeting at 8:01 p.m.

MOVED: *Dunn*

SECONDED: *Kenney*

DISCUSSION: *None*

VOTE: *5 in favor, 0 opposed; the motion carried.*

Date signed: *21 July 2016*

Signed by: *Brenda S Robinson*

Brenda *Robinson*