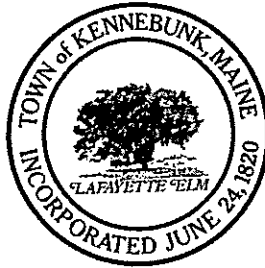


# Town of Kennebunk, Maine



## Site Plan Review Board

### MEETING MINUTES

Thursday, January 19, 2023

This meeting was held in person in Room 301, Town Hall, 1 Summer Street, Kennebunk. A recording of the meeting is available on the Town's website and the hearing can be viewed at any time at [www.TownHallStreams.com](http://www.TownHallStreams.com)

**Present:** Gary Dugas [Chair], Jeanne Dunn [Vice Chair], Brenda Robinson [Secretary], Albert Kolff [Member]; Keith Hafer [Member]; and Cathy Kremer [Alternate];

**Absent:** None

**Also Attending:** Christopher Osterrieder [Town Engineer and Director, Community Development], and Brittany Howard [Town Planner].

- 1. Call to Order:** Chair and presiding officer G. Dugas called the meeting to order at 7:00pm on January 19, 2023 at Town Hall. This was an in-person meeting and there were five voting members present: Dugas, Dunn, Robinson, Kolff and Hafer.
- 2. Appointment of Officers:** Board members then nominated and voted on officers for the current period.

**Motion:** Move to appoint Gary Dugas as Chair of the Site Plan Review Board.

**Moved:** B. Robinson

**Second:** A. Kolff

**Vote:** Show-of-hands vote, 4 votes in favor [Kolff, Robinson, Dunn, Hafer], none opposed, 1 abstention [Dugas]; the motion carried.

**Motion:** Move to appoint Jeanne Dunn as Vice Chair of the Site Plan Review Board.

**Moved:** G. Dugas

**Second:** B. Robinson

**Vote:** Show-of-hands vote, 4 votes in favor [Kolff, Robinson, Dugas, Hafer], none opposed, 1 abstention [Dunn]; the motion carried.

**Motion:** Move to appoint Brenda Robinson as Secretary of the Site Plan Review Board.

Moved: G. Dugas

Second: J. Dunn

**Vote:** Show-of-hands vote, 4 votes in favor [Kolff, Dugas, Dunn, Hafer], none opposed, 1 abstention [Robinson]; the motion carried.

- 3. Approval of Prior Minutes:** G. Dugas then led the Board in a page-by-page review of the Minutes of the Board's meetings of April 21, 2022 and December 15, 2022. Several errors were identified and corrected.

**Motion:** Move to approve the Minutes of the Board's meeting of April 21, 2022 as amended.

Moved: B. Robinson

Second: J. Dunn

**Vote:** Show-of-hands vote, 4 votes in favor [Kolff, Robinson, Dugas, Dunn], none opposed, 1 abstention [Hafer had not attended the 04/21/22 meeting]; the motion carried.

**Motion:** Move to approve the Minutes of the Board's meeting of December 15, 2022 as corrected.

Moved: J. Dunn

Second: A. Kolff

**Vote:** Show-of-hands vote, 3 votes in favor [Dugas, Dunn, and Hafer] none opposed, 2 abstentions [Robinson and Kolff had not attended the 12/15/22 meeting]; the motion carried.

### **3. Agenda Items**

#### **Pilot House — 2 & 4 Harbor Lane — Map 88 Lots 11 & 12**

B. Howard then introduced the application to rebuild an existing restaurant and dry-dock a ship. She reminded the Board that the 2-4 Harbor Lane Contract Zone had been approved by Kennebunk voters in June, 2022. The project, Howard said, had three main components:

- 1. Demolish the existing "Pilot House" restaurant and build a new one on the same property;**
- 2. Relocate the ship "Spirit of Massachusetts" from its on-water mooring to an on-land, dry-dock location.** The ship's relocation, Howard said, would create additional restaurant space and,
- 3. Add curbing to direct run-off water to several water-quality units (Bio-Clean Catch Basin Inlet Filters).** The latter will intercept and treat stormwater prior to its discharge into the Kennebunk River.

Howard cited the extensive support documentation which had been assembled from the Town Engineer, Department of Environmental Protection, and Fire Department. None objected to the project or called for significant changes. However, Howard noted that there were a number of outstanding items which needed to be addressed such as the lot merger required by the Contract Zone agreement, lighting details, walkway dimensions, and other items.

Dwight Raymond, the former owner of the Pilot House, addressed the Board next. He explained that he had been the restaurant's owner when it came before the Site Plan Review Board in 2016. It has subsequently become the business of his daughter and son, the new owners.

Nick Raymond [son] and Kylie Raymond [daughter] spoke next. They explained that the existing restaurant did not have sufficient space, infrastructure, or restroom facilities to accommodate current levels of business. A recent storm had also cause minor flooding, so the building needed to be elevated, as well.

Dry-docking the "Spirit", K. Raymond said, would facilitate the maintenance of the vessel and call attention to Kennebunk's ship-building history. When moved on land, it will create restaurant space. The project's catch-water basins, K. Raymond added, will help protect the water quality of Kennebunk's river basin and "keep the area cleaner".

A. Kolff asked if applicants had a site plan of the existing restaurant, and K. Raymond indicated the information could be found in the Board's information packet. She also handed out photos of the existing building. K. Raymond also affirmed that there would be no change of use. "The use is the same as that approved [by the Site Plan Review Board] in 2016," she said. Only the placement of the building would be different.

At the Board's request, K. Raymond then commented on each of the outstanding items to which B. Howard had alluded.

- 1. Lot Merger:** The applicants acknowledged that the lots have to be merged in keeping with the Contract Zone. The owners are currently working on the merger. "It could be made a condition of approval," B. Howard observed.
- 2. Lighting Detail:** Detail about the ship's lighting was not included in the plan. However, there would be height limitations on lighting once the ship is dry-docked. K. Raymond countered that the mast lights which had originally been considered would not be needed after all. The mast lights, all parties agreed, would be deleted.
- 3. Dimensions of the Walkway:** K. Raymond confirmed that the walkway would be 5 by 10 feet and that detail will be added to the plan.
- 4. Width of the Walkway between Building and Ship:** K. Raymond confirmed that this walkway would be 8 ft. long by 6 ft. wide and the information was cited in the plan.

5. **Driveway Aisle between Parking Spaces #2 and #65:** The applicants stated that the driveway would be 21 feet wide instead of the 24 feet normally required. The applicants will seek a waiver for this difference.
6. **Distance from Parking Space #9 to Property Line:** Applicants did not have the information immediately available but will supply it to B. Howard.
7. **View of Existing Building:** The applicants had already distributed photos of the existing restaurant building.
8. **Water and Sewer:** Applicants affirmed that letters from both Water and Sewer authorities had been submitted and were valid until February 20, 2023. They volunteered to provide updated letters if needed.
9. **Pedestrian Safety:** K. Raymond described the parking and walkway features which will ensure pedestrian safety. The applicants also noted that they intend to eliminate Parking Space #3 as they have a surplus of parking spaces and the elimination will contribute "to a better, safer walkway".
10. **Parking Narrative:** B. Howard affirmed that applicants had provided the requested narrative along with a letter from Code Enforcement about parking [Tab 20].

B. Robinson commended the applicants for their revisions. "This is a much better arrangement," Robinson said. However, Robinson noted that there were nevertheless discrepancies in the plan vis-à-vis the specific language of the Contract Zone. She cited, as an example, mention in the Contract Zone of two public toilets while this plan shows the Pilot House having one public restroom and the parking lot having three.

In response, the applicants explained their intent to create *exterior*, ADA-compliant restroom facilities to give the public easier access and prevent people from having to walk through the restaurant in order to reach a restroom. B. Robinson countered that it was not the Board's intent to tell the applicants "where to put it" [the restroom], but rather call the applicants' attention to the discrepancy. Robinson also said that the ADA-compliant restroom should be so identified in the plan.

Robinson went on to cite other shortcomings or missing pieces of information which needed to be remedied. They included:

- (1) A "letter of okay" from the Department of Public Works stating that it had no problem with the project. [B. Howard interjected that she had a brief email from the Department already making this representation.]
- (2) A letter from new Fire Chief Justin Cooper. [The Fire Department letter supplied by the applicants was issued by the prior Chief. The new Chief, B. Robinson said, might have a different perspective.]
- (3) Indication on the plan of the location of storage and screening.

- (4) Citation of the “marina” in the initial, opening description of the project. [Applicants reminded the Board that the marina had been approved in 2016.]
- (5) Inclusion of a formal schedule for maintenance of the catch-water basins and filters with obligation to provide periodic “compliance letters” to Code Enforcement confirming that said maintenance was taking place.
- (6) Inclusion of a chart showing how parking places would be used by whale-watch, marina, and restaurant customers throughout the day akin to the parking chart provided by “Old Vines” restaurant and available from B. Howard. [Applicants countered that such a chart was already included in their packet as “Tab 9”.]

G. Dugas and K. Hafer asked for a rendering of the project from the west or street side, and applicants agreed to provide one. Dugas also asked about the storage containers depicted near Parking Space #10. Would drivers have adequate visibility to back out safely from space #10? N. Raymond responded that a parking attendant would be on hand to help guide drivers into and out of parking spaces. However, A. Kolff suggested that the two storage containers be angled to facilitate parked car “back-outs”. The applicants said they would investigate the possibility.

G. Dugas also inquired about the foundation or base meant to secure the dry-docked ship. That “boat cradle”, D. Raymond said, would be made of steel and its design is currently being vetted by steel specialists. “It will be anchored to the concrete as well,” the senior Raymond said. These details, he added, would be reviewed and vetted by Code Enforcement. It was the applicants’ aim, D. Raymond concluded, to drive in the required pilings for the overall project in March or April of this year.

A. Kolff posed questions about handicap access, and the applicants explained that there would be two entrances to the ship, one with an ADA-compliant ramp. In response to other comments by B. Robinson, the applicants additionally asserted that many of the details which Board members were asking to see were, in fact, already cited in the plan’s many notes. The details and annotations need to be linked between the application and the plan so they are identifiable.

Board members then considered two of the waivers which the applicants sought.

**1. Waiver of the High Intensity Soil Survey otherwise required by Article 11 Section 6.B.(3).**

Members briefly noted that extensive paving makes this land impervious, eliminating the reason for a soil survey.

**Motion: Move to waive the High Intensity Soil Survey because the land is impervious.**

Moved: A. Kolff

Second: B. Robinson

**Vote: Show-of-hands vote, 5 votes in favor [Kolff, Robinson, Dugas, Dunn, Hafer], none opposed; the motion carried.**

2. **Waiver of the landscape plan otherwise required by Article 11 Section 6.B.(7).** After an initial, partial, and retracted motion on this matter followed by advice from C. Osterrieder, Board members agreed on the following:

**Motion:** Move to waive the traditional landscaping requirements because of the configuration of the land but [to] accept the alternate, present plan of trees and movable buckets [of plants] and hanging flower pots that is applicable to the project, itself.

Moved: B. Robinson

Second: J. Dunn

**Vote:** Show-of-hands vote, 5 votes in favor [Kolff, Robinson, Dugas, Dunn, Hafer], none opposed; the motion carried.

No other waiver was entertained. Members and the applicants instead agreed to conduct a site walk on Tuesday, January 24, 2023 at 4:00pm. Board members also agreed to hold a public hearing on this application on February 15, 2023 after the plans for this project are updated, a newspaper announcement is posted, and abutters are duly notified.

**Motion:** Move to accept the application for preliminary approval.

Moved: B. Robinson

Second: J. Dunn

**Vote:** Show-of-hands vote, 5 votes in favor [Kolff, Robinson, Dugas, Dunn, Hafer], none opposed; the motion carried.

4. **Other Business**

Board members then signed the Minutes of their meeting of March 24, 2022.

5. **Adjournment:** There being no further business, the Chair adjourned the meeting at 8:06 pm.

**Motion:** Move to adjourn today's meeting.

Moved: J. Dunn

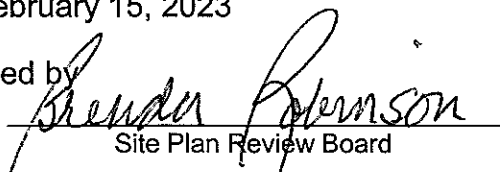
Second: A. Kolff

**Vote:** Show-of-hands vote, 5 votes in favor [Kolff, Robinson, Dugas, Dunn, Hafer], none opposed; the motion carried.

Respectfully submitted by,  
J. Schlagheck

Adopted by the Site Plan Review Board at its meeting  
of February 15, 2023

Signed by

  
Brenda Robinson  
Site Plan Review Board