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# Comprehensive Plan for the Town of Kennebunkport, Maine

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# COMPREHENSIVE PLAN

For the  
Town of Kennebunkport, Maine

Submitted by the  
Town Growth Planning Committee  
March 1996

In response to:  
The Comprehensive Planning and Land Use Regulation Act of 1988  
(Title 30 M.R.S.A. Sec. 4960)

# COMPREHENSIVE PLANNING REPORT

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## **Introduction**

### **A PURPOSE OF THE COMPREHENSIVE PLAN**

The Comprehensive Plan is intended to meet several needs:

1. To compile an "inventory" of the Town's resources in many different fields of interest to serve as a reference work for people involved in Town affairs.
2. In so doing, to seek out, describe, and analyze existing conditions which affect the Town's development and welfare, and to project such conditions into the future.
3. To identify problems and issues which are of concern to the Town, to draw conclusions about them, and to propose goals and policies through which they may be dealt with in the future.
4. To set forth strategies through which the recommended policies can be implemented.

### **B HISTORY OF PLANNING IN KENNEBUNKPORT**

Comprehensive planning is not new to Kennebunkport. In 1965, the Town's Planning Board worked with Wright and Pierce, Consulting Engineers, to draft a Master Plan for Kennebunkport. Their report reads, in part: "Some conflicts of land use are not being experienced in the villages as commercial establishments seek store expansion and off-street parking space in adjacent residential areas." Clearly, many of the challenges we face today were easily perceived 30 years ago.

In 1976-77, the first Comprehensive Plan was written. The 1977 report attempted to review the Town's resources, and became the first Comprehensive Plan to be approved by the Town Meeting.

During the next six years, Kennebunkport felt the effects of the development boom which was sweeping over southern Maine. To reflect the changes which had occurred in the community, the Planning Board produced an updated Comprehensive Plan in 1982. This Plan, which was 24 pages long, basically reiterated the problems and challenges which the Town was facing. There was no formal set of recommendations, but possible solutions were offered throughout the text.

At the Town Meeting in 1985, a Growth Planning Committee was created to review the Comprehensive Plan, and to update it as necessary. This Committee prepared a draft plan and was prepared to submit it for acceptance by the Town in 1986. During 1986, however, the Maine State Legislature began drafting a Growth Management Act, with which all towns would be forced to comply. The proposed Act would require a Comprehensive Plan of much greater complexity, and so, in the face of this new requirement, the 1986 draft was set aside.

### **C DEVELOPMENT OF THE PRESENT PLAN**

At the March 1987 Town Meeting, the Growth Planning Committee became a permanent standing committee charged with the review of any proposed changes to the Land Use Ordinances and with meeting the Comprehensive Planning requirements mandated by the State. The State's requirements were first set forth in the comprehensive Planning and Land Use

Regulation Act of 1988 (Title 30 M.R.S.A. Sec. 4960). The "Guidelines" based on this Act, which were issued to the towns by the State Office of Comprehensive Planning, were in themselves 71 typewritten pages in length. In 1990, the Office of Comprehensive Planning "clarified" the "Guidelines" by issuing a "Comprehensive Plan Review Criteria Rule" which added another 32 pages of instructions.

After endeavoring to digest this seemingly endless set of requirements, the Growth Planning committee began surveys of the town's various resources, undertook studies on the impact of development and tourism, and analyzed need for capital improvement planning. Public meetings were scheduled in which various subjects covered by the Plan were discussed and comments solicited. In 1991, the committee put together a 17-minute video tape that was shown on our local TV channel and made available at the two town libraries. It was designed to introduce the whole idea of growth planning and to show in old photographs and current video footage some of the historic land use patterns in town. The Committee met with staff from the Maine State planning Office and the Southern Maine regional Planning Commission to discuss the implications of the new Growth Management Act. The Committee also received assistance from the University of Southern Maine Institute of Real Estate, Research and Education as a participant in an Affordable Housing Project. This study enabled the Committee, at no cost to the Town, to work with professionals in the real estate field to collect data and establish trends in Kennebunkport.

After all of these inputs were assimilated, a Plan outline was developed, and work began to draft the text. Progress, however, was slow and frustrating. Each time the Committee felt that it was nearing its objectives, the requirements were changed by the State. In the midst of this effort, however, the Town was offered a State Planning Grant. The Town's Grant application was approved and it has so far received about \$12,000 for expenses. Two payments from the State remain, totaling about \$5,000, the final payment to be triggered by formal approval of the Plan by the voters.

Although the members of the Growth Planning Committee are all volunteers who work without compensation, the Committee felt that it would now be appropriate to use some Grant funding for professional assistance. After studying other comprehensive plans and consultants' studies, the Committee found the work of the Southern Maine Regional Planning Commission to be straightforward, down to earth, and realistic. The Committee, therefore, entered into a contract with SMRPC to provide assistance in writing the Goals and strategies Sections of the Plan.

It is our expectation that the plan, as described in this report, will be submitted to the voters for approval in June 1996. In the meantime, copies of the full report will be available for inspection at the Town Office and at the Cape Porpoise and Graves Libraries. Copies will also be provided to newspapers and other media in the area. The Committee normally meets at 7:00 p.m. in the Pasco Room of the Graves Library on the second and fourth Mondays of each month, and interested parties are always welcome to attend. The Committee also expects to schedule public meetings at which the Plan Report will be summarized, and questions and comments solicited.

It should be noted that each chapter was finished separately. Hence, information in one chapter may be more current than in other chapters. Deadline constraints allowed no more revisions. The Committee feels strongly that updating the information contained in the Plan

should be done on a five-year basis. Information updates would drive the need to examine Goals, Policies, and Strategies on a similar time schedule. If this practice is followed, the Comprehensive Plan will be contemporary and useful.

#### D HOW THIS REPORT IS ORGANIZED

During the McKernan administration, the Growth Management act was amended to make it merely a guideline for town planning, and not a mandate. Nevertheless, the Town of Kennebunkport has chosen to adhere to the planning process as originally specified by the State.

This report, therefore, covers 11 fields of interest to the Town, as listed in the Index. For each subject on which conclusions and recommendations are appropriate (Chapters III – XI), the report is broken into three sections:

1. **INVENTORY.** This section summarizes the Committee’s findings on the subject, and draws attention to areas in which there may be problems or controversial issues. In order to make this factual material easier to understand, extensive use has been made of maps, tables, and charts. Where these exhibits are too large to be inserted into the text, they can be found at the end of the pertinent chapter. The original maps can be found at the Town Office.

2. **ANALYSIS AND CONCLUSIONS.** This section summarizes the Committee’s opinion concerning the implications for the Town of the factual findings in the previous section. Attention is drawn to topics where problems are foreseen, improvement is needed, or recommendations are called for.

3. **IMPLEMENTATION.** This section sets forth the State’s minimum goals for the subjects covered by the chapter, as defined in the Growth Management Act, and suggests further goals which are appropriate for the Town. For each of the concerns identified in the previous section a policy is proposed for dealing with it. The section then recommends specific strategies through which these policies can be implemented. Where action is required, the appropriate agencies of the Town are identified and a time frame proposed.

#### E ACKNOWLEDGEMENTS AND APPRECIATION

We would like to thank all of the consultants and committee members who have contributed to the many aspects of this report. Their vision and enthusiasm for the future of Kennebunkport have enabled us to continue our efforts while maintaining our perspective throughout the long and often difficult course of the project. This report has been strengthened by the talents and experiences of each of them.

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30 March 1996

*This introduction would not be complete without a note of appreciation to David W. Brown. David took on the overwhelming task of editing and revising the Draft Plan in 1994. During the past two years, he also wrote several new sections. His abilities to lead the Committee through this time were put to the test. The Plan would not be finished today were it not for his hard work and time. We owe him an enormous thank you!*

## Chapter I: History and Character of the Town

### I. A BRIEF HISTORY

#### A. THE EARLY YEARS

It is hard to imagine any part of our country which has been claimed by as many "owners" as Kennebunkport, with the "owners" never having set eyes on it. In 1493, the territory which included Kennebunkport and Cape Porpoise was granted by the Pope to the Kings of Spain and Portugal. In England Henry VII, also an absentee "owner" granted it to Cabot in 1495. Francis, King of France, decided to claim it as part of his "New France" in the northern part of America. Because these early grants did not bring any colonists, they had no practical effect.

It was fishing that attracted the earliest settlers. Before the Pilgrims landed at Plymouth, there were already men spending the summer months on the islands of Cape Porpoise. They had come in search of cod, and in the Gulf of Maine had found one of the world's most productive fishing grounds. The islands of Maine, those of Cape Porpoise among them, provided an excellent base from which the fishermen could work. The inner harbors created by the islands made safe anchorages for the ships, and the distance from shore allowed for a certain amount of protection. And, although the islands were small, there were small tillable areas which could produce very welcome vegetables.

Here, on our islands, the fishermen could salt and dry their catches and then pack them away in preparation for the return voyages to England. Stage Island, the easternmost island in the Cape Porpoise chain, very likely received its name from the wooden "stages" on which fish were cured during those early years. It is also likely that the first year-round settlement of Cape Porpoise occurred on the islands when some of these same fishermen decided to brave the dangers of winter in order to deliver earlier, and hence more profitable, shiploads of fish to the mother country.

Little was recorded about these earliest explorers and settlers of the Maine coast. Fishermen then, as today, were reluctant to divulge the locations of their most successful fishing grounds. But fishermen then, as today, had ways of finding out, and as the 17th century progressed, more and more people made their way to this part of the Maine coast.

The increase in population brought with it a higher degree of safety, and soon most of the population moved away from the islands and onto the mainland. In fact, enough people had come to warrant an application for township status from the government at Massachusetts. On July 5, 1653, "Cape Porpus" (original spelling) became the fifth incorporated town in the Province of Maine.

It is nearly impossible to determine just how many people made their homes around the shores of "Cape Porpus" and the banks of the Kennebunk River in those early years. Probably there were never more than 200 at any one time, and those who did live here fished, raised cattle, lumbered and farmed on a subsistence level. None became rich, and the town's economic base was limited to a few small mills. Although the Province of Massachusetts gained in both population and wealth, "Cape Porpus" remained economically depressed.

On December 7, 1689, war was declared between England and France. Armed and inspired by the combatants, hostile Indians began to appear in great numbers. The residents of Cape Porpoise were forced to withdraw to a fort they had built on Stage Island, and those living



between Turbat's Creek and the Kennebunk River made their way to Wells, barely getting away with their lives. The town of "Cape Porpus" was left deserted.

After the warring parties signed a truce in 1695, a few people began drifting back to their homes at Cape Porpoise. The peace didn't last, however, and on May 4, 1702, war again erupted between France and England. In the summer of 1703, five hundred Indians, led by French commanders, divided themselves into parties and attacked all of the major settlements in Maine. The Kennebunks were assaulted on August 10 of that year. Many settlers lost their lives, and the area was once again depopulated.

For a decade the war dragged on, and it was not until 1713 that a peace treaty was signed with the Eastern tribes. Slowly, by two's and three's, the hardier settlers began to return to their properties. By 1716, a petition had been submitted to the Massachusetts legislature to restore town privileges to "Cape Porpus". The privileges were restored in 1717. Within two more years, the legislature was again petitioned, this time to change the town's name to Arundel. The wish was to honor the Earl of Arundel, an original proprietor of New England.

Although land titles were often vague or in conflict, houses were built and fields cleared in Arundel. Induced by grants of land, talented men began to arrive. Although Indian hostility was to flare up at intervals, the community was more populous and better organized. By 1735, the population had risen to 300. The 1743 census recorded 50 more.

With increased population came greater security, but life was never easy during those early days. The year 1728 was marked by the fourth of a series of "great earthquakes". (The first had been in 1638, the second in 1658, and the third in 1663.) The fourth, on October 29, 1728, was more violent than the others, "shaking down chimneys and stone walls, and making it difficult to stand unsupported". According to an early historian, "many joined the church".

In 1721, all pine trees measuring two feet in diameter two feet from the butt were reserved as the property of the King, to be used as masts for the King's ships. The penalty for cutting one down was 100 pounds sterling. Bears were a continuing nuisance to the early residents, and William Buland had to attack one with a hoe to save his hog. As late as 1784, the town was paying a bounty for killing wolves.

It was decided that the State Bird would be the Chickadee, though many residents since have considered that the mosquito should bear that title. The rule for survival was "pray for a good harvest, but continue to hoe".

## B. THE SHIPBUILDING YEARS

Fewer than 600 people lived in the town of Arundel when, in 1775, John Mitchell's eight-ton vessel slid down the ways and into the river. A new era had begun, one that would lift the community from poverty to riches. By the turn of the 19th century, the population had tripled. Six ships, a bark, 20 brigs, a snow, 16 schooners, and 12 sloops all hailed from the Kennebunk River, and all were in active commerce.

On May 22, 1776, more than a month before the Declaration of Independence, the town voted that "If the Honourable Congress should, for the safety of the colonies, declare themselves independent of the Kingdom of Great Britain we, the inhabitants of Arundel, do solemnly engage, with our lives and fortunes, to support them". When the Declaration was received, it

was recorded in the town book. Benjamin Durrell, John Whitten, Gideon Walker, John Hovey, and Charles Huff were chosen a Committee of Correspondence, Inspection, and Safety. The population of Arundel at that time was 1,143.

After the surrender of the British army under Lord Cornwallis, it became evident that the government in London had given up all expectations of conquering their former colonies. On September 3, 1783, a treaty of peace, recognizing the independence of the United States, was signed in Paris. With peace at hand, the more adventurous citizens could build careers as sailors and captains. Some grew wealthy, and most were able to make significant gains over the lifestyles known by their forefathers. With a sound economic base, an ever-increasing population could be supported.

Real estate values soared, with some land selling for more than \$1,000 an acre. Newer and larger homes were built. In the area surrounding Durrell's Bridge, seven shipyards rose on the banks of the river. "Here," Kenneth Roberts tells, "between 1800 and 1820, were built 30 ships, 97 brigs, 27 schooners, 11 sloops and a large number of smaller craft. All the roads to that busy spot were cluttered with material needed by shipwrights." In fact, the area became so successful as a shipbuilding and trading center that, in 1800, Arundel was established as a separate customs district with its own customs house (the building which now houses the Graves Memorial Library).

In one way or another, the entire population linked its fortunes to the sea. It took many skills to build a ship, and virtually all of the labor was done by experienced craftsmen. Carpenters, sailmakers, blacksmiths, caulkers, painters, and adzemen were only a few of the skills required by the yards. These were not easy jobs, but they were jobs a man could be proud of. To be considered the best trunnel-borer, plank-liner, or rigger was a mark of distinction. In addition, as this local industry grew, so did the demand for supporting goods and services. Merchants were able to create healthy businesses, traders found a ready market for their goods and farmers could easily dispose of their crops.

High quality granite was being quarried by several local companies in the early 1800's and hauled by ox team to Goose Rocks Beach for shipment to many destinations. During this period, Kennebunkport became one of the busiest ports in Maine. Between 1800 and 1825 more than \$1,000,000 in duties were collected on cargoes being imported.

As commercial activity increased, the citizens followed the retreating forests inland and built towns on the rivers down which logs were floated to the coastal shipyards. Ships built in Kennebunkport carried lumber, ice, lime, and fish all over the world. They were helped by the fact that Maine is ideal for seafaring. The distance between Kittery and Eastport is 250 miles as the crow flies. The shoreline accessible to the sailor, however, is roughly 2,500 miles because of the broken coastline. There are more than 3,000 streams and rivers bringing water to the shore and serving as avenues for commerce inland. The average tide is 8.7 feet.

The years passed, and the size of vessels being built on the Kennebunk River gradually increased. In 1805, the first vessel of more than 300 tons burden was built and floated downriver by means of an ingenious system of locks. A decade later, vessels of 400 tons were being launched and it became necessary to move many shipbuilding operations from the Landing to the lower end of the river.

Kennebunk was well known in the business world by the year 1820. However, the towns of Wells and Arundel, which comprised the commercial district, were largely unknown. As a result, in 1821, Arundel took the more awkward name of Kennebunkport.

In 1874 the "Ocean King", the largest sailing vessel built up to that time in the United States, was launched in the Kennebunk River. But, despite the glory of the moment, the local shipbuilding industry was in trouble. The building of wooden ships had slowed since the Civil War, and vessels made of iron and steel were displacing traditional wooden ships.

Maine, with its remote location and dwindling lumber supply, could not compete. Though a demand for coastal schooners kept the local shipyards open for a while, it became clear that times were changing, and the economy of Kennebunkport would have to adjust. Census figures reflected some of that change. The census of 1830 had listed 2,763 people as living Kennebunkport. By 1870, the population was reduced to 2,372.

The prosperity and growth brought by the shipbuilding industry was fading. Even more alarming was the fact that no replacement was in sight, and transition was inevitable.

### C. THE YEARS OF THE SUMMER VISITOR

The railroad brought the summer visitor, whose journey to Kennebunkport was made possible by inexpensive rail fares. It must have seemed ironic to the local seamen that the end of their careers was a part of the town's economic rebirth. Although visitors had been coming for years, it was not until the arrival of the Sea Shore Company that Kennebunkport acquired its reputation as a summer resort.

In 1870, four men from Arlington, Massachusetts, conceived the idea of developing a vacation community. They chose for their investment the beautiful rocky shores of Kennebunkport. The land they wished to develop was considered to be nearly worthless by its local owners. It offered no safe havens for fishing boats, and it had no value for pastureland or farming. Only a small dirt road connected this shore property with the town square. The modest sums offered by the developers must have seemed magnificent to the native owners. That is, of course, until they later learned about the selling prices for the subdivided parcels.

By 1873, the Sea Shore Company had purchased nearly 700 acres of prime land along five miles of coastline, extending from Turbat's Creek to Lord's Point. A map was drawn up showing the locations of several house lots, parks, roads, and four hotels. Traditional names were changed to appeal to a new clientele. "Bouncing Rock", for instance, became "Blowing Cave"; "Great Pond" became "Lake-of-the-Woods". Street names reflected the origin of the town's new residents: Arlington, Boston, Haverhill, and so on.

Where today's "Colony" stands the Sea Shore Company built "Ocean Bluff Hotel", a wooden four-story structure which could accommodate up to 200 patrons. For a room and-board rate of \$3.00 per day, the patrons could enjoy "unsurpassed cuisine" and also "first-class accommodations". They also received the "healthful and varied pleasures" that the Maine coastline had to offer. Most important to the townspeople, they provided jobs.

Many citizens needed extra income, and the town needed a broader tax base. Although many regretted the changes which were taking place, the town invested in its own future by

granting the Sea Shore Company a five-year tax exemption to help them enhance the value of their properties. The course for Kennebunkport had been set.

By 1900, a true summer colony had been established in Kennebunkport. A major addition to the town came with the construction of the Atlantic Shore Line trolley system. It not only carried visitors to their destinations, but also freight to local businesses and coal from the harbor at Cape Porpoise to the mills at Sanford. Thanks to easy access, the summer visitors could enjoy the dubious pleasure of a casino which had been built overlooking the harbor at Cape Porpoise.

But for all of the summer activity, the "age of the summer visitor" was only seasonal. The town was crowded from June to September, but by autumn it would be returned to the natives. Even the summer disruption was somewhat passive in nature. The horse and buggy did not encourage frequent, far-ranging expeditions. Although the river saw great activity, canoeing was the order of the day. This must have seemed terribly mild to those who remembered the times when shipyards had crowded the banks.

An interesting feature of the "years of the summer visitor" was that the population included such well-known writers as Booth Tarkington and Kenneth Roberts, and a number of art galleries exhibiting the works of talented artists. Booth Tarkington's enormous summer home, now divided into four large condominiums, was known as "the house that Penrod built" because of the very popular fictional character that Tarkington created.

Unfortunately, the seasonal nature of summer visitor revenue did not provide year-round income, and the population continued to fall. In 1880, it was 2,405. By 1900, it had fallen to 2,130 and 30 years later it had dropped to 1,284, about half what it had been 100 years earlier.

A new economy was developing in the United States, with the automobile exerting an increasing impact on the way people lived, worked, and vacationed. Kennebunkport again faced change. The population began to rise steadily, and a new chapter was beginning – suburbanization.

The transition period for Kennebunkport was punctuated by a major national event when George Bush, a third-generation summer resident of the town, was elected Vice President and later President of the United States. The languid atmosphere of former summers was changed dramatically by the presence of the Secret Service, the news media, and even heads of state from abroad.

#### D. INTO THE 21ST CENTURY

It was August 1961, and in Kennebunkport more than just the weather was hot. Lines were being drawn, both on maps and between citizens. The issue was zoning, and for the first time, townspeople were being faced with the prospect of having restrictions placed on the use of their land.

In more than 300 years of local history, in time of wealth and in times of deep poverty, one fact had never changed: A man had a right to do with his land just as he pleased. People whose families had struggled for generations to make a living from the sea were an independent lot. They guarded their liberties jealously and didn't take kindly to this kind of rule-making. And yet, a new issue was facing the community. Those "from away" were moving into

Kennebunkport in ever-increasing numbers. The town was changing, and many argued that some individual rights would have to be sacrificed for the good of all. The "years of the summer visitor" were giving way to an age of suburbanization.

Each chapter of local history has left its distinct mark on the town. The early troubled years of settlement bred a self-dependent citizenry, tied to the land and supported by the sea. The shipbuilding years strengthened the town's commitment to a nautical way of life. As the area grew from poverty to riches, those who lived here remained a homogeneous people, dedicated to the maritime economy which had evolved naturally from the coastal location.

When shipbuilding declined, Kennebunkport became home to a thriving summer colony. Hotels welcomed thousands of guests each season, and new businesses opened to cater to this new clientele. The influx of summer visitors could be viewed as a seasonal inconvenience to most natives. However, by the 1960's, larger personal incomes and the improved transportation system made it obvious that the tide of people "from away" was a permanent trend.

Many of the people who came would not be leaving on Labor Day. They came with their families in search of a "better life". Between 1960 and 1986, the population rose from 1,851 to 3,356 year-round residents. These people would be sending their children to the local school system. They would be building their homes next to the skating ponds, swimming holes, and beach accesses which had been used publicly for generations, even though they were privately owned. They would also be adding their voices to those heard at town meeting. As the newcomers became a voting majority, many natives became concerned that the town was becoming more like the towns the newcomers had left than the tranquil rural settings they had come in search of.

With increasing numbers of businesses oriented towards the tourist trade, it is hard to deny that Kennebunkport has become a town dependent on summer visitors. The economic downturn in the early 90's revealed how dependent on tourists the town now is. Even though year-round residents, summer people, and long-term visitors continued to support the economy, the mini-recession was painful for many local enterprises. Beginning in 1994, however, the tourist trade grew once again, the fastest expansion being noted in those who visit Kennebunkport only for a day. Residents are now beginning to question how desirable these "day-trippers" are, complaining that they clog Dock Square and overwhelm public facilities such as toilets, while contributing little to the local economy. Critics focus particularly on tour busses, which they say are noisy, smell unpleasant, congest the narrow streets, and disgorge tourists 40 at a time. Currently, in a single day, the town may receive over 25 of these behemoths. All of this is hard to reconcile with our professed desire to be "Maine's finest resort".

It seems that the primary characteristics of our community will be changing more in the next 20 years than they have in the past 350. This will happen not as a result of tourism, but as an effect of urbanization and the spinoff effects of rising property values, taxes, and the need of those who wish to remain here to earn a high enough wage to exist. This problem will face not only natives, but also those who have come to Kennebunkport in search of a dream.

Growth is an issue which is beset with complications and contradictions. Those who move to Kennebunkport do so to take part in a lifestyle they have come to love. Many become active in the community and work hard to make this an even better place to live. However, the problem is not with individuals but with total numbers.

In a Cumulative Impact Project Report produced by the State Planning Office, Kennebunkport and eight other nearby towns were studied in order to record the cumulative impact on growth. Between 1970 and 1980, there was a 64% population increase in the nine-town study area, compared with a 20% increase in York County as a whole and 13% in the entire state.

The projections suggest that growth in our area will continue. It can generate an undesirable sequence of events. More people means that water and sewer systems must be enlarged, and the costs of doing so passed on to the consumer. Road networks, though they be improved, will become congested. Schools have to be expanded at the expense of the taxpayer. As town government grows, it inevitably becomes more bureaucratic and less personal.

With growth, beaches become crowded and so do traditional sites for camping, fishing, and picnicing. Wildlife habitats are disrupted, and rivers and harbors become cramped as fishermen and pleasure boat owners compete for space. To carry the scenario full circle, as real estate values soar and the taxes rise, the working poor and the middle class find themselves seeking homes in either the inland towns or in the more northern communities. The cultural heritage that started with the first English fisherman is in jeopardy.

Growth in Kennebunkport cannot, and probably should not, be stopped. However, it can be controlled. As with the battles which took place 35 years ago over zoning, there will undoubtedly be differences about how we accomplish the control. But we must try to preserve the beauty and the heritage of our town.

We who are stewards of the town today are responsible to succeeding generations. In a world of complicated electronic commerce and communications, we will need policies and practices which will be mindful of what we have inherited, and maintain the essential character and "heartbeat" of our town.

## **II. CHARACTER OF THE TOWN**

G. B. Shaw observed that "all generalities are false, including this one". While that limitation certainly applies to generalizations about the thousands of individuals who live in Kennebunkport, a few comments may tend to ring true.

First of all, families who have endured the history described in the preceding paragraphs must be remarkably resilient. To have passed through the rise and fall of the shipbuilding boom, to have fished for relentlessly declining stocks, to have farmed on flinty and unrewarding soil, and then to have withstood the onrush of tourism requires an inbred streak of toughness and determination.

On the other hand, not very many of today's residents are descended from old Kennebunkport families. Most seem to have been brought up somewhere in New England, but to have moved here "from away". Typically, they have grown fond of Kennebunkport as summer visitors and have found ways to work in this neighborhood, or perhaps have moved here as retirees. The point is that most townsfolk are not here because this is where God put them; they are here because Kennebunkport is where they want to be. And hence they are determined to preserve those aspects of the town which attracted them in the first place.

Probably there is nothing which the townsfolk treasure more than Kennebunkport's "village atmosphere". This is an intangible composed of many parts. First, unlike a big city, the town has a web of social relationships which is nearly all inclusive. A citizen may not know everyone, but if you count acquaintances of his friends, and of their friends, you cover just about everybody. This means that rumors travel quickly, but so does good news. There is respect for history. Objects and traditions from "the good old days" tend to be venerated. Wherever possible, people would like the town to look like the village it once was, with tree-shaded streets, scenic vistas, neat but unpretentious wooden houses, and carefully tended yards. Wealth and commercialism, while certainly present, are carefully subdued. People try to lead "the simple life".

Finally, the residents of Kennebunkport are uncomfortable with homogeneity. When public issues are discussed, they take pains to point out that they are from Goose Rocks Beach or Cape Porpoise or Cape Arundel, and that those districts have their own special characteristics and special needs which must somehow be accommodated. Needless to say, such a mindset provides endless challenges for those who endeavor to develop policies which can be applied uniformly throughout the town.

When applied to government, these attitudes have led to strong conservatism. The townspeople tend to be suspicious of all of the apparatus of government and want government to be as simple and inexpensive as possible. They value the direct contact provided by the town meeting, while they are likely to view a complex plan like this one as an incipient curtailment of their freedom. Fiscally, their watchword is: "Unless you've got it, don't spend it." Nevertheless, when forced to make decisions, they generally reject cheap, makeshift expedients: "If you're going to do it, do it right."

The town is very fortunate to have many citizens who are willing to help "do it right". The Town Report lists some 20 official committees, whose work is carried on by nearly 100 unpaid volunteers. When we also consider private organizations whose services are devoted to the town, such as the fire companies, the Emergency Medical Service, the libraries, and the Conservation Trust, another 200 people are contributing their time. Not bad for a town of less than 4,000 people!

The small town ways of Kennebunkport also include exceptional tolerance of individual nonconformity, an aspect of the townsfolk which has not gone unnoticed by the summer visitors. One tourist summed it up when he said to a local storekeeper, "You sure have a lot of odd characters in this town!" "Yes we do," the storekeeper agreed, "but they're mostly all gone again by Labor Day."

## Chapter II: Archaeological and Historical Resources

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### I. INVENTORY

There remains little to remind us of the Native Americans who lived in this area prior to the arrival of the first European visitors. Along the Batson River there are piles of oyster and clam shells which are believed to mark the location of popular Indian eating places. Four prehistoric sites are known to the Maine Historic Preservation Commission.

The first English fishermen who visited these shores in the early 1600's established their North American bases on Stage and Fort Islands, just east of Cape Porpoise. When some of them decided to spend the winter here, a substantial shelter became necessary, and traces of cellar holes can still be found on these islands. It is believed that a fort for defense against the Indians gave Fort Island its name, but no trace of the fort can be seen today. Stage Island received its name from the stages that were built for curing fish. There was one archaeological dig on the islands recorded in the 1800's.

Several of the islands may have been inhabited, but no archaeological studies exist to confirm this.

In the early 1700's, as the colony grew, more forts were constructed. The site of one garrison, believed to have been built in the 1720's, is located near the Nonantum Cemetery at the intersection of East Avenue and South Maine Street. A few years later, the town was ordered by the government of the Massachusetts Colony to build a garrison to serve Cape Porpoise. Subsequent deeds show that it was constructed as ordered on Stone Haven Hill, which is off Pier Road just northwest of the causeway leading to Bickford's Island.

In order to foster communication along the shoreline of the colony, the English crown subsidized a pathway which came to be known as the "King's Highway". A track passable for a man on horseback was cleared through the woods and means were provided to cross the many streams which ran perpendicular to the shoreline. Where the "Highway" crossed the Kennebunk River, ferry service was provided. To cross smaller streams, large flat "stepping stones" sufficed. Such stones can still be seen crossing Tyler Brook, just off Route 9, in two locations.

Another activity for which there is visible evidence was granite quarries. By the year 1800, local granite was being used for building foundations, and the breakwaters at the entrance to the Kennebunk River were built of this same material. The quarries themselves, and the foundations of the associated horse barns, can still be seen off Beachwood Road. The island in front of the lighthouse was also quarried to below the water line.

### II. CEMETERIES

Those with an interest in history will be fascinated by the cemeteries in Kennebunkport and by the often-poignant inscriptions on the headstones found there.

The Town of Kennebunkport does not own any cemeteries and, within the boundaries of the town, there is only active cemetery: the Arundel Cemetery, located where North Street and Log Cabin Road meet. Nevertheless, there are believed to be at least 70 private cemeteries



within the town, most of them small plots serving just one family. A listing of these cemeteries appears here as Table II-1, with their locations shown on Map II-1. In about 20 of these, no headstones remain, although traces of corner posts and rails can sometimes be seen. Others can be identified only by tradition or by mention in land deeds.

Sometimes the headstones have been preserved, but the cemetery itself has disappeared. For example, the stones from the Haven Hill Cemetery were removed to Arundel Cemetery because they were endangered by the ocean, and the Stage Island Cemetery was washed away completely.

Some headstones bear witness to the perils of the maritime livelihood which so many Kennebunkport resident pursued. In the Nonantum Cemetery lies James Murphy, who was lost in the wreck of the barque Isadore in 1842. In the Village Cemetery are stones of Captain Leander Foss, 15-year-old seaman George Lewis, and cabin boy George Davis, all of whom died in that same wreck. In the Merrill Family Cemetery, the stone of Benjamin Merrill tells us that "after a long life spent on the ocean he perished by the filling of a boat off Kennebunk".

All Kennebunkport cemeteries are listed and described, with inscriptions and some snapshots, in a notebook which is available at the Kennebunkport Historical Society.

### III. BUILDINGS

Kennebunkport is fortunate to have a remarkable number of old, well-preserved homes, schools, and commercial buildings. Although the Town does not have a local historic district, two areas in town are listed in the National Register of Historic Places, the Shingle Cottages in The Cape Arundel area and the historic buildings in the Maine Street/Dock Square area. Because of this designation, these areas are protected from state and federal action such as road widening or construction. There are also seven specific properties in Kennebunkport that are listed in the National Register of Historic Places:

<u>Date Listed</u>	<u>Description</u>	<u>Comment</u>
9/7/73	Perkins Tide Mill	Since destroyed by fire
9/20/73	Captain Nathaniel Lord Mansion	
1/18/74	U.S. Customs House	Now Graves Library
9/9/75	Kennebunk River Club	
4/23/80	Abbott Graves House	
11/14/80	Maine Trolley Cars	Cars are at Trolley Museum
3/23/88	Goat Island Light Station	

During the winter of 1975, in honor of the nation's bicentennial, the Kennebunkport Historical Society offered to place plaques on buildings 100 years old or older, the plaques to show the date of construction and the name of the first owner. A committee from the Society conducted considerable research to make these dates as accurate as the available records would allow. So far, some 78 plaques have been affixed to buildings within the Town of Kennebunkport, as listed in Table II-2. The great majority of these buildings are houses, and a few are former schools now being used as houses. Note that 61 of these buildings are now over 150 years old and that 26 date back to the 1700's.

Virtually all of these buildings have received excellent care from their recent owners and are a pleasure to look at. While we do not have a map showing where these buildings are located, they are easy to spot because of the white salt-box-shaped plaque which is usually affixed on the exterior near the front door. For those interested, the Historical Society can easily provide more information.

## **II. ANALYSIS AND CONCLUSIONS**

Kennebunkport has a rich and varied history. Many sites still exist that provide visual proof of the Town's history.

There are, however, lingering concerns that our current Land Use Ordinance seeks only to maintain local character and does not adequately address historic sites. The islands are in Resource Protection, as are parts of Tyler Brook and the Batson River. Whether this protection is sufficient remains to be tested. Some expansions or remodelings of some of the Town's older homes have not favored existing styles and this remains as an open area that site plan review does not specifically cover. To preserve our historic buildings and sites will require more than voluntary participation if we want to accomplish more than a piecemeal job.

Historic districts have been attempted on two occasions. One was soundly defeated and one never made it to a vote. A general fear of over-regulation and political unpopularity were the probable causes of death. Nevertheless, Planning Board questionnaires reveal that many people are in favor of some type of historic district protection. A commission made up of historic home owners and Historical Society members, along with citizens, would be the most knowledgeable people to study this issue further.

## **III. IMPLEMENTATION**

### **STATE GOALS AND GUIDELINES:**

**PRESERVE THE STATE'S HISTORIC AND ARCHEOLOGICAL RESOURCES.**

### **TOWN GOAL 1:**

**TO PROTECT AND PRESERVE OUR HISTORIC AND ARCHEOLOGICAL RESOURCES.**

**POLICY 1:** Determine sites of historic importance.

**Strategy 1:** Appoint an historical commission which would include, along with ordinary citizens, owners of historic properties, architectural historians, and members of the Kennebunkport Historical Society.

Responsible Party: Selectmen

Recommended Time Frame: Upon adoption of Comprehensive Plan

**Strategy 2:** Complete an in-depth inventory of the historical and archeological resources in Kennebunkport.

Responsible Party: Historical Commission, Historical Society, Growth Planning Committee

Recommended Time Frame: Upon adoption of Comprehensive Plan

POLICY 2: Maintain the historical character of Kennebunkport.

Strategy 1: Examine Land Use Ordinance to see if it adequately protects historical and archeological resources.

Responsible Party: Historical Commission, Planning Board,  
Growth Planning Committee, Zoning Board  
of Appeals

Recommended Time Frame: Within two years of adoption of plan

Strategy 2: Research the value of a local historic district in maintaining the character of the Town.

Responsible Party: Historical Commission, Historical Society,  
Growth Planning Committee

Recommended Time Frame: Within two years of adoption of plan.

## Chapter III. Marine Resources

The Town of Kennebunkport is rich in marine resources compared to many of the other towns in coastal York County. The diversity of Kennebunkport's coastline provides a variety of marine environments, from the sandy beach of Goose Rocks Beach to the extensive flats surrounding the islands of Cape Porpoise to the tidal Kennebunk River. There are potentially productive clam flats and excellent harbors. Nevertheless, many of these marine resources are either not available for economic use or are threatened by man's activities.

### I. INVENTORY

#### A. WATER DEPENDENT USES

A significant portion of the Kennebunkport economy depends upon the advantages provided by the shoreline and its harbors.

A century ago, fishing was a major factor in the year-round economy of Kennebunkport. As of 1994, however, it is doubtful that as many as 150 households in the Town derive their support directly from fishing or shell fishing, and tightening restrictions on the taking of both groundfish and shellfish make it likely that this number will decline in the future. Similarly affected will be a small number of additional households engaged in the handling, processing, transportation, wholesaling and retailing of seafood.

Investigation conducted at the end of 1994 indicated that the fishing fleet based in Kennebunkport was approximately as follows:

Cape Porpoise: 42 boats fishing for lobsters. No shrimp or fin fishing. Number of boats may vary somewhat on a seasonal basis. In the winter, for example, some crews may double up, so that the number of boats decreases, although the number of fishermen involved remains the same.

Kennebunk River: 34 locally-owned boats fishing for lobsters, and one or two for shrimp. Out-of-town owners of four boats fishing for shrimp. Six or seven boats fishing for sea urchins, of which two or three have out-of-town owners. No fin fishing. Some doubling up noted in the winter.

On the other hand, recreational boating has grown to become an important factor in the economy. It is estimated that between 300 and 400 boats of all types are based in the harbors of Kennebunkport, and the attractiveness of those harbors has lured many residents, either on a seasonal or a permanent basis. In addition, some visitors bring their own boats on trailers, and launch them at the ramps of local marinas. Many households also benefit from income derived from recreational boating, such as the provision of moorings and dock space, the sales of vessels themselves, and the supply of fuel, ice, maintenance and other amenities. This is potentially a growth industry, but at present it is constrained by the inability to furnish dock or mooring space for additional vessels.

Boating is also a lure for tourists, and Kennebunkport offers a variety of ways to get "out on the water." Those interested in fishing can charter a motorboat. Those favoring sailing can charter a 35-foot sloop or go aboard a small gaff-rigged schooner. A couple of motor vessels offer cruises which include an introduction of lobster fishing, and two others offer "whale watching" trips to Cash's Ledge. One vessel specializes in scenic cruises along the shoreline.

There are also means to enjoy much of the Kennebunkport seashore on foot. Much of Cape Arundel is bordered by sidewalks and the park, like Parsons Way. Although there are no walkways for the purpose, most of the shore of Cape Porpoise Harbor can also be explored by foot, and a pedestrian can easily walk the length of Goose Rocks Beach and continue up the Little River beyond it.

Proximity to the sea is also important to the lodging and restaurant businesses. Spectacular views of the ocean and the shoreline serve as a strong magnet drawing visitors, and the town's many roads with water views are frequently lined with the parked cars of sightseers. Furthermore, some of the best hotels, inns and restaurants owe much of their popularity to situations overlooking the ocean, the shoreland, or the river.

## **B. PORTS AND HARBORS**

The two primary harbors in the town are the Kennebunk River and Cape Porpoise Harbor. In addition, there are several other coastal areas where moorings are located.

### **1. Kennebunk River**

Guidance into the Kennebunk River harbor is provided by a lighted bell buoy and two can buoys marking the approach to the river. Two stone jetties at the mouth of the river act as breakwaters.

The river has a dredged channel from the sea to 60 yards below the Route 9 bridge at Dock Square. A 100 foot wide marked channel is marked by buoys and a day beacon, and is maintained at a nominal depth of eight feet from the ocean to Government Wharf (1,700 feet). For the next 2,300 feet, the nominal depth is six feet. The final 2,000 feet, to the bridge, has a 75 foot wide channel and a nominal six foot depth at mean low water.

Dredging of the River to depths specified here is mandated by an act of Congress, and is the responsibility of the U.S. Army Corps of Engineers. The last dredging, however, occurred in the mid-1980's. Because the depth in some parts of the river today is more than two feet less than the nominal depth, the River should not be accessed by boats drawing more than five feet for two four-hour periods each day.

After several years of complete inaction, which it has blamed upon difficulty in obtaining dredging permits from the Maine Department of Environmental Protection, The Corps of Engineers, as of 1995, finally seems prepared to initiate the procedures necessary to conduct maintenance dredging on the Kennebunk River. The Corps has held conferences with the Harbor Master, the River Committee, and others interested in the use of the river. Nevertheless, dredging itself still appears to be at least two years away.

Once inside the breakwaters, the Kennebunk River provides excellent protection under nearly all weather conditions. Only in mid-winter do storms and ice sometimes cause damage to moorings, floats and breakwaters.

Two dredged anchorages, one two acres and the other four acres, each 6 ft. deep, exist and are supposed to be maintained, based on an agreement between the towns and the Army Corps of Engineers.

According to the Harbor Master, there are approximately 80 moorings in the Kennebunk River. All are privately owned, either by marinas or individuals. One or two are reserved for transients, 27 are owned by fishermen and the remainder are used for recreational purposes. The

Harbor Master determines the location of the moorings, and considers the harbor to be full at this time.

The Harbor Master has a waiting list for mooring space, with about 60 names on it at present. When a mooring space is vacated, priority to fill it is given to commercial fishermen, with the result that there is virtually no turnover in moorings for recreational boaters. In practice, however, moorings are often borrowed or rented from owners who are not using them.

## **2. Cape Porpoise**

Guidance into Cape Porpoise harbor is provided by Goat Island Light, a lighted whistle buoy, a bell buoy and two day markers. The channel from Goat Island to just south of the pier is 200 feet wide and 16 feet deep. At the head of the harbor it is 100 feet wide and 6 feet deep.

In practice, the entrance to the harbor is hazardous, owing to the large number of lobster trap buoys which clog the channel. While the lines to these buoys are not a menace to the local fishermen, who encase their propellers in metal screens to prevent entanglement, they can and do entangle the propellers of visiting vessels of other types. In many instances, serious damage has resulted. Although federal law requires that such channels be kept free of obstructions, the law has only occasionally been enforced in Cape Porpoise.

Within the harbor, all moorings are private. There are approximately 100 moorings, with about 55% commercial and 45% recreational. The Harbor Master has reported that "the harbor is at maximum capacity" and maintains a waiting list for moorings, with 46 names on it currently.

## **3. Other Harbors**

Just to the east of Cape Porpoise Harbor is Stage Island Harbor, which lies between Cape, Trott, and Little Stage Islands. The harbor has sufficient depth to accommodate a number of large vessels, and provides good protection under most weather conditions. On the other hand, the harbor has no shore facilities whatsoever, and is at least half a mile from the nearest shoreline served by a road. In practice the harbor is a popular "lunch stop" for recreational boaters, but is seldom used overnight.

There are also a small number of seasonal moorings established at Goose Rocks Beach, in Paddy's Cove and at Turbat's Creek. There are no maintained channels in these areas and no management of the "harbors."

## **C. MAJOR HARBOR FACILITIES**

### **1. Kennebunk River**

In the Kennebunk River there are 172 commercial berths, 88 private berths and 42 public berths.

Government Wharf is town owned and maintained. It has about 200 feet of berthing space. Improvements have been made using Federal money, resulting in a requirement that access remain open to residents of both Kennebunkport and Kennebunk, as both communities participated in the project. The wharf is used by fishermen for access to moorings. The pier consists of stone riprap, an earth filled crib bulkhead, and a wooden panel deck apron, plus a bait shed with a concrete floor on wood piles. There are wooden fender piles around the apron and

float landings for small boats. There is no fuel for sale at Government Wharf, although fuel can be purchased at two marinas further up the river.

Other facilities on the Kennebunk River include:

- Kennebunk River Club

A private club used only seasonally. It has a pier with float landings providing 800 feet of berthing space.

- Kennebunkport Marina

A commercial marina with piers and floats providing about 1000 feet of berthing space (approximately 50 boats). Has a launching ramp, but cannot park cars with boat trailers.

- Kennebunkport Maritime Museum

Seasonal dock available, pier 5 feet wide, 260 feet long with a zig\_zag.

- Nonantum Motor Inn

Marina associated with a hotel/motel complex; stone bulkhead with float landings.

- Chicks Marina, Inc.

A full service commercial marina with 1100 feet of berthing space (approx. 55 boats); hydraulic lift and hoist launching. Has a launching ramp, but can not park cars with boat trailers.

- Yachtsman Motel

Seasonal dock associated with motel; pier with ramp to float landings; fuel available.

- Arundel Yacht Club

Seasonal private club; dock 60 feet with 24 side floats, approximately 55 berths; launching slide for small craft.

## **2. Cape Porpoise**

This harbor has no public berths, eight private high-water berths, and one private low-water berth.

The pier and associated facilities are owned by the town. According to Assistant Harbor Master David Billings, the Cape Porpoise facility consists of an earlier pier of dressed granite that had been squared off with a perimeter of steel beams resting on the granite and on steel piles. Improvements made in the eighties consist of a dock structure about 20 feet wide that forms an ell and provides a berthing face 180 feet long in deeper water (about 12') where fish (and shellfish) may be unloaded, and equipment fuel and ice loaded aboard vessels. The dock consists of a timber deck on steel beams supported by timber pile bents; with timber fender piles along the berthing face. There are two small cranes to facilitate bait and fish landings. Floats attached to the pier are available for fishermen's punts and dinghies of recreational boaters. Fuel, water and power are available at the pier. If fishermen wish to ice their catch, they must arrange

separately for it. A paved area behind the shed on the pier provides parking for fishermen's trucks. Parking for the general public is available along the road approaching the pier.

The new dock structure is in excellent condition. Some of the older steel beams supporting the deck along the edges of the granite pier had been deteriorating, although the steel piles supporting them appeared to be sound. In the spring of 1993, the town conducted a pier renovation project to address these problems. The wood deck was removed to allow replacement of the severely corroded supporting steel beneath. New decking was installed. Steel framing and wood decking were strengthened so the pier now safely supports the occasional heavy truck that comes to unload bait or pick up the catch.

In 1986, the town amended its zoning ordinance to prohibit recreational marinas from Cape Porpoise to prevent further competition for space and thus to protect fishermen and lobstermen.

### **3. Harbor Access and Parking**

Both Government Wharf and Cape Porpoise experience overcrowding and have limited parking. The issue is more acute at Cape Porpoise.

The question of parking around the Cape Porpoise pier can become complicated. The parking plan submitted to the town by the Seascapes Restaurant, which is just north of the pier, shows a total of 48 spaces on land adjoining the restaurant and the road leading down to the pier. Through a verbal agreement, the fishermen based in Cape Porpoise also use this parking lot, since their times of usage seldom conflict with those of the restaurant. Recreational boaters moored in Cape Porpoise Harbor also use this same lot. During the summer, parking in the pier area can be rather congested but, so far, the congestion has not interfered with fishermen's use of the facility.

## **D. OTHER AREAS SUITABLE FOR WATER DEPENDENT USE**

A 1988 study by the State Planning Office looked for areas along the coast, which were suitable for use as additional harbor or port facilities. The study looked at features on land, such as suitability for parking and access, and in the water, such as depth and shelter from rough seas. One such site was identified at the head of Cape Porpoise Harbor.

The study also identified several locations along the Kennebunk River, which it termed "available unused sites". Upstream of the Route 9 bridge (no longer a drawbridge), the river is indeed relatively undeveloped, although there are some areas where the coastal wetlands remain. Most of the river downstream from the Route 9 bridge, however, is already developed with wharfs and bulkheads.

## **E. BEACHES**

Although the shoreline of Kennebunkport is dotted with a number of small beaches, the most popular by far are Goose Rocks Beach and "Colony" Beach.

Goose Rocks Beach is a beautiful two-mile stretch of white sand extending from the Batson River to the Little River. There are no bathhouse or toilet facilities, but food is available from two or three shops nearby. Although more than a hundred seasonal homes adjoin the



beach, the beach is so large that it seldom seems crowded. Thanks to the many ledges that lie just offshore, the beach experiences very little wave action, making it especially attractive to the parents of small children.

Although most of the land adjoining Goose Rocks Beach is privately owned, the portions of the beach which are accessible to the public are very popular. Access to the beach is provided by several rights of way extending between the beach and Kings Highway, which runs parallel to the shore. Unfortunately these rights of way are not marked other than by crosswalk stripes painted on the highway.

Because visitors to the beach must park on the street, the Town has found it necessary to restrict parking to vehicles carrying Goose Rocks Beach parking stickers. Over a thousand town residents make use of such stickers, which cost them \$3.00 per year. Several thousand visitors also purchase stickers, which cost them considerably more, for periods between a day and a full season. Nevertheless, a sticker does not guarantee a place to park; on a pleasant summer weekend, all the "legal" parking spaces may be full. The Goose Rocks Beach Concerned Citizens have drawn up an "Information Guide" which is distributed to all those who purchase parking stickers for that area. The "Guide" has done much to promote orderly and considerate use of the beach.

The "Colony" Beach, located just east of the breakwater at the entrance to the Kennebunk River, is partially owned by the nearby Colony Hotel. The remainder is owned by the Federal Government. The beach has no bathhouse or toilet facilities, but several restaurants are not far away. The beach is small, little more than two hundred yards long, and is broken up by outcroppings of ledge. Nevertheless, its proximity to the center of town makes it popular.

The Colony Beach is entirely open to the public. There is room for approximately forty cars immediately adjacent to the beach, and additional spaces can often be found along the nearby streets. No stickers are required, but on a hot summer weekend, it may be impossible to find a parking space within a reasonable distance.

Many townspeople would feel that a listing of beaches is incomplete without a mention of Cleaves Cove. Not a sandy beach at all, Cleaves Cove is only a small, rocky beach, but it is in an unusually attractive setting. It is accessible through a pedestrian right-of-way off Ocean Avenue, and is a good spot to view seals in the winter and pick-up driftwood in the spring.

#### F. SHELLFISHING AND WORMING

Since 1967, the Maine Department of Marine Resources (DMR) has generally classified the entire shoreline of Kennebunkport as unsafe for the taking of shellfish. The only exceptions occurred in 1983, when 152 bushels of clams were taken, and in 1986, when another 42 bushels were taken. Recently, however, many sources of pollution have been reduced or eliminated. Towns along the Kennebunk River have installed sewerage systems, and Kennebunkport's system has been extended all the way to Goose Rocks Beach. Hence restrictions on shellfishing are gradually being eased.

The DMR classifies some shoreline areas as "non-redeemable," meaning that shellfishing is unlikely to be permitted there in the foreseeable future. One area so classified would be the shoreline near the outfall of a sewage treatment plant, even though such a plant is operating within its licensing standards. One reason for this policy is that toxins may linger near the outfall

for a long time; another is that the plant might unexpectedly operate outside of its licensing standards. Other non-redeemable areas are those around marinas. In view of these restrictions, there is little likelihood that shellfishing will be re-instituted along the Kennebunk River.

East of Cape Arundel, however, prospects are considerably better. Recognizing the benefits of the town's extended sewage system, the DMR initiated a "Shoreline Survey" of the area, which is the necessary prelude to reclassifying its suitability for shellfishing. Such a survey is a time-consuming procedure, and the DMR has only one Area Biologist to cover the shoreline from Kittery to Wiscasset. Hence, of necessity, much of the work must be done by volunteers, and it has gone slowly. Nevertheless, in March 1994, the Cape Porpoise clam flats were reopened. Others may be deemed suitable for taking certain types of shellfish, such as clams, provided they are processed in a "depuration plant" before going to market.

The biggest remaining obstacle to resumption of shellfishing may be houses with "overboard discharges," of which there are 15 remaining within the town. Shellfishing is automatically prohibited in the immediate vicinity of such a discharge, and unacceptable levels of coliform bacteria may be detected at a surprising distance. The Town has done what it can to encourage homeowners to give up "overboard discharge". Nevertheless, there is no law or regulation which requires them to do so, and at the present time, new connections to the sewer line are severely limited.

Now that shellfishing has resumed on a limited basis in Kennebunkport, it has been deemed desirable to protect this resource by enacting an ordinance licensing fishermen and limiting the harvest. In the absence of such an ordinance, the shellfish beds would be open without restriction to any resident of the state, and the supply might soon become exhausted, as happened many years ago with clams on Goose Rocks Beach. As of this writing, 98 licenses have been issued for clam harvesting.

Though the state has not identified any worming areas in town, there is limited marine worm harvesting in the sand and mud flats between Cape Porpoise harbor and the islands surrounding the harbor.

In addition, the estuaries within the Rachel Carson Refuge act as breeding grounds for a vast array of finfish and shellfish. The town adopted a "Critical Edge" overlay zone around the border of the refuge in 1989 to help protect water quality.

#### G. OTHER FISHING ACTIVITIES

In southern Maine, the Kennebunk River is the only watershed that has no dams on a significant portion of the main stem of the river. Hence this river attracts anadromous fish, which is the technical term describing fish which spawn in the headwaters of rivers leading into the ocean. The river supports spawning populations of alewives, blueback herring, American shad, sea lampreys, and rainbow smelt. In addition, the American eel utilizes the freshwater and tidal portions of the river as a feeding area, along with striped bass which are seasonally present in the estuary. The alewife and the blueback herring, together known as "river herring," are commercially important species harvested by the Town of Kennebunk for use as bait for area lobster fishermen. The river herring fishery is managed by the Town of Kennebunk in cooperation with the Department of Marine Resources. If the dam at Route 35 were breached, providing access to Kennebunk Pond in Lyman, DMR estimates the fishery could be increased

from 4,000 to 70,000 pounds annually. The American eel and sea lamprey are commercially valuable as food fish and are harvested by commercial fishermen licensed by DMR. Striped bass, American shad, and rainbow smelt are also species of major importance to recreational fishermen. Rainbow smelt dip net fisheries typically occur in early spring during the spawning runs (April and May). Rod and reel fisheries for American shad occur in May and June, while striped bass sport fisheries occur from May through October.

## **II. ANALYSIS AND CONCLUSIONS**

### **A. TRENDS IN USE OF WATERFRONT**

Land use patterns along the Kennebunk River remain in a great state of flux. Waterfront property owners, seeking the greatest monetary return from their property, have been turning more and more to recreational boating marinas and to development directed toward vacationers. Responding to these changes, the Town adopted a Land Use Ordinance and Subdivision Regulations in 1972. Shoreland zoning was implemented in 1975.

After several years of discussion, a Kennebunk River Committee was formed. Its stated purpose is to supervise moorings and other harbor facilities within the Kennebunk River. It is composed of representatives from those towns bordering the river: Arundel, Kennebunk, and Kennebunkport. Both fishermen and recreational boaters are members. Although the formation of the committee was greeted with some skepticism as an intrusion into the commercial fishing industry, the members are working together for the protection of the river and their livelihood. The Town recently approved an Interlocal Agreement to strengthen the River Committee. The Committee is now an official body representing the Town's interest in the river. The Agreement formalizes the authority of the Committee to manage the tidal portion of the river.

In 1982, the Cape Porpoise Pier Committee was established to advise the town on operation of that pier, a pier manager was hired, and a pier ordinance was adopted. Presently, the daily operation of the pier is proceeding as originally envisioned by the Town. Use by commercial boats increased after the purchase but has recently leveled off.

The pier is also a very popular tourist stop during the summer. The scenic harbor, day-to-day operations of the fishermen at the pier, and a shore lunch at the sandwich shop (which is also owned by the Town and operated under contract) attract a steady stream of visitors.

In 1986, the town adopted revisions to the Land Use Ordinance that strictly limited development of non-commercial marine uses in the Cape Porpoise area. These events in the Town's history provide ready evidence of the Town's concern and support of issues dealing with the coastline.

### **B. ADEQUACY OF HARBORS AND MOORING FACILITIES**

A 1990 draft Report on Recreational Boating by SMRPC projected a countywide demand which would exceed supply by between 1,500-3,900 moorings or berths by the year 2000. Kennebunkport is certainly not immune to this problem. As noted above, there are waiting lists of boaters seeking moorings in both of its harbors. Furthermore, on the Kennebunk River, the limited amount of dock space available has forced rental fees up to the point where many boaters cannot afford them.

From the standpoint of boating use, it is questionable whether the town's harbors are being used as effectively as they could be. For example, if fore-and-aft moorings were required in the Kennebunk River, considerably more moorings could be accommodated. Such a scheme, however, would require cooperation between Kennebunkport and Kennebunk. It is also possible that a commercial developer might be tempted to construct additional dock facilities in Cape Porpoise, but this would involve a modification of the Town's present policy regarding the use of that harbor. Finally, a municipal launching ramp with adequate parking would be appreciated by many less-affluent boaters.

Other citizens perceive a need for better regulation of the waterways adjoining the town. They cite instances where boats travel too fast or generate damaging wakes, and of moorings which are badly located or negligently maintained. In the Kennebunk River and Cape Porpoise Harbor, such problems are the responsibility of the Harbor Masters. In the other anchorages around the town, they appear to be no one's responsibility. Hence, a need is perceived for closer supervision.

### C. ADEQUACY OF BEACH FACILITIES

The Town finds itself in a peculiar position regarding the use of beaches. While the Town would like to encourage both residents and summer visitors to make use of both of the popular beaches within the town, the Town owns only a tiny portion of the shorefront property along those beaches. Thus, there is always a potential conflict of interest between the Town's recreational welfare and the desire for privacy of property owners in the vicinity of the beaches. In practice, however, these problems have been handled amicably by instructing bathers to gain access to the beach through public rights of way, directing them to stay below the high water mark, and advising them to avoid objectionable behavior such as loud music, campfires, dropping trash, etc. The "Information Guide" of Goose Rocks Beach Concerned Citizens is an excellent guide to good beach manners.

Lack of toilets is an obvious source of discomfort and embarrassment to users of the Town's beaches, particularly to those from out of town. Nevertheless, as other towns have demonstrated, it is difficult to find a type of toilet facility on which all the citizens can agree. Still, the problem warrants study.

Beach parking is also a problem, but a simple inexpensive solution is not apparent.

### D. FINANCIAL ASPECTS OF MARINE ACTIVITIES

The 1993 Annual Report of the Town shows a Pier Fund with an operating profit for the year of \$9,245. While this Fund is understood to combine the financial operations of both the Cape Porpoise and Kennebunk River piers, practically all of the income and expense can be attributed to Cape Porpoise.

A fee structure was established when the Town began operation of the Cape Porpoise pier, and it has not been changed since its inception. The fee is currently \$400 per year for use of the pier and bait shed. This fee system provides for regular operational expenses and minor improvements. Major capital improvements are being assumed by the Town.

In addition, the Town Meeting has annually appropriated \$14,000 to defray unanticipated operating expenses of the Town-owned piers. Unexpended monies are put into a capital reserve fund.

Profits from the sale of gasoline and diesel fuel, which are the Town's principal sources of revenue in Cape Porpoise Harbor, are not available in the Kennebunk River. The Town makes no charge for moorings in the Kennebunk River, and it is understood that a small but unspecified fee is charged to commercial fishermen who use the Government Wharf. The only other municipal fee imposed in the River is a three dollar charge for use of the crane on Government Wharf. Hence, at present, there is no substantial source of revenue to finance revision or upgrading of the marine facilities in the River. (As of 1995, however, it has been suggested that this difficulty may be overcome through the collection of an excise tax on vessels docked or moored in the River.)

Although the Town government's involvement with marine activities is confined almost entirely to fishing vessels, the principal contribution to the local economy is made by recreational boating. The several hundred recreational boats which are based in Kennebunkport's harbors, along with sizeable numbers of transient vessels, support four local marinas, as well as many other businesses providing supplies, repair services, food and the like. Boating is one of the fastest-growing components of the local economy and would grow even faster if more waterfront space were available.

#### E. NEED FOR COOPERATION BETWEEN TOWNS

Because the towns of Kennebunk and Arundel along with Kennebunkport border on the Kennebunk River, all three towns will necessarily be involved in any organizations which may review water-oriented uses of that river. The River Committee and the recently adopted Interlocal Agreement will provide the towns with an excellent working group to manage the river.

#### F. EFFECTS OF POLLUTION AND WATER QUALITY

The anadromous fishery depends upon high quality water and free access from the sea to freshwater for reproduction and/or growth. Land use measures to prevent erosion and sedimentation, control of other non-point and point source discharges, and protective buffer strips along the river and tributary streams are important activities to maintain water quality and habitat for these resources.

Improper sewage disposal, poor storm water management and non-point pollution can lead to continued closure of shellfish harvesting areas. Sources of non-point pollution include excess nutrients, insecticides, and herbicides which run off from private lawns, gardens and farms. Restrictions on shellfish harvesting opportunities can be removed if there are improvements in water quality. More conscientious monitoring of subsurface wastewater disposal systems and wastewater discharges can provide the needed reductions in bacterial contamination.

Marine toilets are a potential source of pollution which is frequently mentioned. By Federal law, all vessels with a built-in toilet are required to have facilities either to treat wastes

before discharging them, or to hold them until they can be disposed of properly. There are some harbor areas in which toilet discharge of any kind is prohibited by law, but neither harbor in Kennebunkport is so designated. Proper disposal of toilet wastes involves either pumping out by the vessel itself when more than three miles to sea, or pumping out by a suitably equipped facility on the shore. Though State law requires any marina with slip or mooring space for eighteen or more vessels which exceed 24 feet in length to provide such facilities, there are no pump-out facilities in the Town at this time. All marinas and yacht clubs require that the crews of vessels at their docks use toilet facilities ashore, but there is presently no means to enforce such a requirement. So far, no evidence has been provided to suggest that this problem is severe enough to require corrective action.

Recent legislation requires that anti-fouling bottom paint for boats, which is usually toxic to marine organisms, be removed in such a way as to prevent it from flowing into rivers or the ocean. Enforcement of this requirement appears to be irregular, and whether the benefit to water quality justifies the considerable increase in maintenance expense is debatable.

Another factor degrading water quality is fuel spills, which are often visible along the Kennebunk River. Such spills violate both Federal and State law, but preventing them entirely is very difficult. It is questionable whether the Town wishes to become involved in such a program.

### **III. IMPLEMENTATION**

A review of State Goals and Guidelines concerning Marine Resources, as set forth below, shows that Kennebunkport already has programs in place which address the majority of them. Recommended policies and implementation programs for the remainder are presented in the paragraphs which follow.

#### **A. STATE GOALS AND GUIDELINES:**

**PROTECT MARINE RESOURCES, INDUSTRY, PORTS AND HARBORS;  
PROMOTE ACCESS TO SHORE; DISCOURAGE DEVELOPMENT  
INCOMPATIBLE WITH MARINE RESOURCES INDUSTRY**

**TOWN GOAL 1: MAINTAIN AND IMPROVE FACILITIES FOR COMMERCIAL  
FISHERIES AND RECREATIONAL BOATING; BALANCE THE  
DEMAND FOR RESOURCES BETWEEN COMMERCIAL AND  
RECREATIONAL VESSELS.**

**POLICY 1:** Exert every effort to insure the Corps of Engineers and Maine D.E.P. act quickly to dredge the Kennebunk River in conformance to the pertinent Act of Congress.

**Strategy 1:** If necessary, exert pressure on the Corps of Engineers through the Offices of our United States Senators and Representative, and on the D.E. P. through our state legislators.

Responsible Party: Board of Selectmen

Recommended Time Frame: Ongoing

POLICY 2: Cooperate to the fullest extent possible with the towns of Kennebunk and Arundel in the management of the tidal portions of the Kennebunk River.

Strategy 1: Continue active participation in the Tri-Town River Committee as provided in the Interlocal Agreement.

Responsible Party: Selectmen, River Committee

Recommended Time Frame: Ongoing

POLICY 3: Assure safe, well-marked and unimpeded entrance to both of the Town's major harbors.

Strategy 1: Instruct the Harbor Master of the Kennebunk River to work with the Coast Guard to provide clear marking of channels.

Responsible Party: Selectmen, River Committee, Harbor Master, U.S. Coast Guard

Recommended Time Frame: Ongoing

Strategy 2: Instruct the Pier Committee to work with the Coast Guard to provide clear marking of channels in Cape Porpoise Harbor.

Responsible Party: Selectmen, Pier Committee, U.S. Coast Guard

Recommended Time Frame: Ongoing

POLICY 4: Provide sufficient regulation of all the waterways adjoining the town to be sure that all vessels therein will be safely and courteously operated, and all moorings properly located and maintained.

Strategy 1: Institute a Waterway Study Committee to study this requirement and to offer suitable recommendations.

Responsible Party: Selectmen, River Committee, Pier Committee, interested boaters

Recommended Time Frame: Ongoing

POLICY 5: Maintain commercial and pleasure boating mix at current levels.

Strategy 1: Study the use of separate mooring lists for commercial and pleasure craft as a method of maintaining the current mix in the River.

Responsible Party: Harbor Master, River Committee

Recommended Time Frame: After adoption of Plan

**TOWN GOAL 2: ALLOW USE OF THE TOWN'S BEACHES BY RESIDENTS AND SUMMER VISITORS, WHILE PROTECTING THE PRIVACY OF PROPERTY OWNERS IN THE VICINITY OF THE BEACHES.**

- POLICY 1: Permit residents and visitors to enjoy the use of the town's beaches while behaving in a courteous and considerate manner.
- Strategy 1: Erect signs marking each right of way which gives access to the beaches.  
Responsible Party: Road Commissioner, Conservation Commission  
Recommended Time Frame: Ninety days after adoption of Plan
- Strategy 2: Continue to encourage all applicants for parking stickers to study and follow the "Information Guide".  
Responsible Party: Tax Collector, Goose Rocks Concerned Citizens, Police Department  
Recommended Time Frame: Ongoing
- Strategy 3: Continue the use of police patrols on the beaches to be sure that good practices are being followed.  
Responsible Party: Police Department  
Recommended Time Frame: Ongoing
- Strategy 4: Conduct a study to determine if public toilets might be made available at the town's beaches.  
Responsible Party: Growth Planning Committee, Selectmen, Goose Rocks Concerned Citizens, Goose Rocks Beach Association  
Recommended Time Frame: One year after adoption of Plan

**B. STATE GOALS AND GUIDELINES:**

**PROTECT WETLANDS, WILDLIFE HABITATS, SCENIC VISTAS, UNDEVELOPED SHORELANDS AND NATURAL AREAS, DEVELOPING POLICIES AND ORDINANCES CONSISTENT WITH STATE LAW. WHERE ADVANTAGEOUS, CREATE GREENBELTS, PUBLIC PARKS, CONSERVATION EASEMENTS**

**TOWN GOAL 3: PROTECT THE WATER QUALITY OF THE STREAMS WHICH RUN INTO RACHEL CARSON NATIONAL WILDLIFE REFUGE**



POLICY 1: Develop public understanding and acceptance of importance of the Refuge and the need for protection to tributaries.

Strategy 1: Provide educational materials to landowners on the importance of and reasons behind Shoreland Zoning.

Responsible Party: Growth Planning Committee, Planning Board, Code Enforcement Officer, Conservation Commission

Recommended Time Frame: Ongoing

Strategy 2: Create a cooperative agreement with the Refuge staff to develop a program for management and education.

Responsible Party: Growth Planning Committee, Conservation Commission

Recommended Time Frame: Within one year of adoption of plan

POLICY 2: Reduce existing contamination levels in order to allow shell fish harvesting and meet other water quality standards by the development of a program to monitor and eliminate fecal coliform levels found in many coastal waters.

Strategy 1: Continue regular inspection and enforcement program of subsurface wastewater disposal systems and overboard discharge systems.

Responsible Party: Plumbing Inspector

Recommended Time Frame: Ongoing

Strategy 2: Investigate funding for a study to document sources of bacterial contamination.

Responsible Party: Shellfish Committee, Town Manager

Recommended Time Frame: Within one year of adoption of plan

## **Chapter IV: Water Resources**

The term "Water Resources," as used in this chapter, will refer to fresh water resources, such as lakes and ponds, rivers and streams, wetlands, aquifers and groundwater. Discussion of salt water resources, such as beaches, harbors, and tidal streams, appears in the chapter headed "Marine Resources".

The fresh water resources of the Town of Kennebunkport might best be described as limited but adequate. Ponds and freshwater streams within the town are not large or deep enough for recreational use other than fishing. Most of the residences and commercial establishments within the town are supplied with water from the Kennebunk, Kennebunkport and Wells Water District, which, in turn, derives its water from sources entirely outside the town. The remaining residences which depend upon well water appear to have adequate supplies of satisfactory quality. While this chapter will consider several potential threats to the quality of that water, serious problems do not appear to be imminent.

Because of the need to identify and locate the many ponds, streams, marshes and aquifers discussed in this chapter, considerable use will be made of maps, which may be found at the conclusion of the chapter.

### **I. INVENTORY**

#### **A. WATER COURSES**

The interior water resources of the Town consist of the various river systems shown on Map IV-1. This map also shows the boundaries of the watershed for the Batson River.

Maine's Mandatory Shoreland Zoning Act requires that any stream shown on a U.S. Geologic Survey topographic map as the convergence of two perennial streams be protected by special zoning provisions. In March 1994, Kennebunkport amended its Shoreland Zoning to include all areas required. For many stream segments, the town's zoning exceeds the minimum area required by the state. The water bodies protected by Shoreland Zoning, are shown on Map IV-2.

The major water courses in Kennebunkport are the Kennebunk River and the Batson River. The Kennebunk River makes up Kennebunkport's southwesterly boundary. The river and its watershed were the subject of a study conducted jointly by the towns of Arundel, Kennebunk and Kennebunkport in 1986. The report and maps produced are available for reference at the town offices. The highlights of that report are included here:

The watershed of the river drains portions of the towns of Lyman, Arundel, Kennebunk and Kennebunkport. The total area of the watershed is approximately 53 square miles. Of this area, approximately 15 square miles are in Lyman, 16 are in Arundel, 17 are in Kennebunk, and 5 are in Kennebunkport. The length of the main stem of river is 13 miles, from its mouth to the point it splits into Carlisle Brook and Lords Brook in Lyman.

Kennebunk Pond is the origin of the river. The pond is unique in that it has two outlets, which form Carlisle and Lords Brooks respectively. There are no significant tributaries to the river within Kennebunkport.

The river is tidal to a point approximately 5.2 miles from its mouth in the Atlantic Ocean and 0.2 miles upstream from the B & M Railroad bridge. It is tidal for the entire distance that it is in Kennebunkport.

A 1982 study by the Maine Department of Conservation and the National Park Service indicated the Kennebunk River has a composite of natural and recreational resource values with state wide significance.

The Batson River is classified as a minor coastal river, but its watershed comprises a majority of the area of the Town (see Map IV-1). We can trace the tributaries leading into the Batson by the size of the culverts that carry the drainage into the main body of the river. These culverts are listed in Table X-4 (Public Facilities). The river enters Goosefare Bay between Marshall Point and the western end of Goose Rocks Beach. The river is tidal for approximately three-quarters of a mile from its mouth to the dam just downstream of Route 9. Within the Batson River watershed, there are perennial streams which total over 80,000 feet in length. Streams over five feet in width total 16,000 feet. In 1994, the Town Meeting enacted a 250-foot setback that protects the river as far as the Arundel Road by the Chick farm. This area is now in Shoreland Zoning (see Map IV-2). The main threat to the water quality of the river is from farms and homes on the upper reaches of the river.

The Little River and Beaver Pond Brook lie outside the Batson River watershed. The Little River rises from the wetlands by Proctor Road and swings into Biddeford for 7/8 of its route, coming into Kennebunkport under Route 9 near the Biddeford line. It forms the Town boundary from the LaBrie property to the ocean. Beaver Pond Brook also empties into the ocean

near here. Water quality testing on these two streams would be the first step in the process of re-opening the Little River area's shellfish flats.

#### B. GREAT PONDS

There is only one great pond in Kennebunkport, Beaver Pond in the Goose Rocks Beach area. The pond has a surface area of 12 acres. There is no information on its water quality. The pond is located within the watershed of the Little River. The land around the Pond is owned by the Kennebunkport Conservation Trust as permanent open space.

#### C. WETLANDS

There are a number of wetland areas in the town. There are many definitions of wetlands. This Committee feels secure resting on the United States Department of Agriculture (USDA) definition, as it recently passed a court test on local wetland delineation (Cape Elizabeth v. Davis 89-536): A wetland is characterized by wetland vegetation, standing water most of the year, and very poor drainage. The very poorly drained, flooded soils on Map IV-3 fit the description of wetlands.

Wetlands may be classified as either coastal or freshwater. Wetlands of both types are indicated on Map IV-3. For comparison purposes, another map showing wetland areas is attached as Map IV-4. The non-wooded freshwater wetlands larger than ten acres in size shown on Map IV-3 are those which are required to be included in the Town's Shoreland Zoning areas.

Most of Kennebunkport's coastal shoreline is rocky, but there are a number of small coastal wetlands scattered along the coast. Coastal wetlands are those which are influenced by tidal action and contain salt tolerant vegetation. Most of the coastal wetlands in Kennebunkport are owned by the Federal Government as part of the Rachel Carson National Wildlife Refuge, as shown in Maps IV-5A, IV-5B, and IV-5C. The largest portions of the coastal wetlands are at the mouths of the Batson River and Turbat's Creek.

Of the coastal wetland areas, a significant part is zoned Resource Protection, and most of this area is under the jurisdiction of the Rachel Carson Wildlife Refuge.

Further information on wetlands is provided in Chapter 5.

#### D. WATER QUALITY IN RIVERS AND STREAMS

The Maine Legislature has classified the rivers of the State for purposes of regulating water quality. The classification is an indication of the lowest water quality the Department of Environmental Protection (DEP) may allow. It is not an indication of current water quality. The classification designated for the Kennebunk River has changed several times in the last decade from C to B2 to B.

Water quality testing of the Kennebunk River was done by the DEP until 1983. In 1985 and 1986 a private group, Friends of the Kennebunk River, performed some additional testing. There were five stations for the water quality testing: Route 9 bridge, Durrell's Bridge, Route One, Downing Road, and Days Mills.

In general the water quality testing done between 1980 and 1986 indicated the river attained the standards for a Class B water body. Tests for dissolved oxygen above the standards of 75% of saturation in freshwater and 85% of saturation in saltwater were achieved in 102 of 105 tests during the six year period. Tests for bacteria met the standard in 55 of 74 tests. The acidity of the water was within the desired pH range of 6.0 to 8.0 in all tests. Some tests revealed a high level of nitrogen, possibly reflecting contamination from dairy farm operations situated north of Kennebunkport.

The DEP tested the river again only at the Route One location in the early fall of 1991. Bacterial contamination climbs after rainfalls, and Hurricane Bob had occurred in August, 1991. When the river was still at flood stage following the hurricane, E.Coli bacteria levels rose to over 6,000 colonies per 100 ml. of water. The DEP's report indicates the river did not meet Class B status, but attained Class C standards. The DEP surmised that storm water runoff was the reason for the river not meeting its usual classification.

Though there is no empirical data from testing, water quality for the smaller interior waterways appears satisfactory. The primary indicator of this is the water quality within the Rachel Carson Wildlife Refuge. An August 1988 draft environmental assessment by the Refuge estimated that half of the average annual precipitation falling within the drainage basins leading to the Refuge turns into runoff settling in the upper reaches of the marsh. The tendency is to decrease water quality through increased turbidity and transport of pollutants. Nevertheless, managers at the refuge, when asked, stated that water quality appears good. In 1988, the Town adopted a Critical Edge buffer around the Refuge. This may be helping to avoid degradation.

Information from the Department of Marine Resources reflects that Kennebunkport suffers from a common problem in southern Maine coastal areas: high fecal coliform levels, probably due to failing septic systems and poorly maintained overboard discharge systems.

The recently completed project to provide sewer lines to the Goose Rocks Beach area (where most OD's were located) should help correct the coastal water pollution problem in the Batson River estuary. With the completion of the sewer line, many dwellings previously served by overboard discharges or subsurface systems have been connected to the sewer.

Nevertheless, there remain 15 licensed overboard discharge systems in the town. Two of these are on Cape Arundel (one is not built); two on Windemere Lane; and seven (two not built) in Skipper Joe's/Marshall Point area. Three of the units in the Marshall Point area may be able to tie into the new sewer line.

## E. GROUND WATER RESOURCES

According to the 1990 Census, wells were the source of water for over 650 housing units in Kennebunkport, housing about 30% of the total population. The maintenance of the quality and availability of ground water is therefore an important issue for a large number of residents.

Areas which are able to provide a usable amount of ground water are known as "aquifers." Because of the predominant bedrock and soil conditions in Maine, virtually the entire state can be called an aquifer.

There are two different types of aquifers. When usable amounts of ground water can be removed from the loose unconsolidated material which sits on top of the bedrock, the aquifer is

known as a surficial aquifer. When there are sufficient cracks and fissures in the underlying bedrock material to collect usable amounts of ground water, the aquifer is called a bedrock aquifer.

Each type of aquifer has the potential to yield differing amounts of ground water. The amount of ground water available from a surficial aquifer depends on the grain size of the surficial material. Surficial deposits made up of marine clays or tightly packed glacial tills have small grain sizes and, therefore, there is relatively little pore space to store water. In addition, ground water moves slowly through these tight grained deposits, so a well has a limited yield. On the other hand, sandy or gravelly deposits such as are found in glacial outwash material have relatively large pore spaces between grains and water can move relatively quickly. Wells in sand and gravel deposit can therefore result in high yields of ground water.

The yield from a bedrock well will depend on the size and number of cracks or fissures the well intercepts as it is drilled. Where there are a large number of fissures, such as near a fault line, bedrock wells are able to produce high yields as well.

Much of Kennebunkport is underlain by fractured granitic and basaltic bedrock. The bedrock in the western part of the town is metamorphic in origin. Due to the expense involved, no broad based mapping of high yield bedrock aquifers is available.

On the other hand, the Maine Geologic Survey has mapped the high yield sand and gravel aquifers throughout the state. These maps show those areas where ground water yields in excess of 10 gallons per minute can be expected.

The importance of mapping high yield aquifers is that they are potentially desirable locations for public drinking water supplies. Survey maps show two such areas in Kennebunkport, both in the north part of town. Both of these areas are indicated as likely to yield between 10 and 50 gallons per minute. The first is near the intersection of Guinea Road and Whitten Hill Road. (This was formerly the site of the municipal landfill for the Town of Arundel, and hence the quality of the water should be tested.) The second is to the west of this location, crossing over the Town line into Biddeford.

Because Kennebunkport's public drinking water supply is located outside of the town (Branch Brook and the Saco River), it is relatively unlikely in the near future that it would be found desirable to develop any of the mapped high yield aquifers as a public supply. Aquifers with lower potential are shown on Map IV-6.

Areas which are not high yield aquifers will still yield enough ground water to meet the demands of individual households or small developments. According to Peck Laboratories, which is considered the leading tester of well water in this area, tests of ground water from Kennebunkport so far indicate no widespread threats of pollution. When impurities have been found, they usually have been:

1. Bacteria from surface sources, such as animal or vegetable matter, which leach through the soil in the spring when the water table is unusually high;
2. Arsenic, which occasionally poisons a well originating in bedrock. Such instances are rare, and the only cure is to drill another well in a new location.

Ethical considerations would prevent the Laboratory from reporting pollution, which might become widespread, such as petroleum from a leaking storage tank. Nevertheless, it is the

Laboratory's experience that in such a case, the owner of the well can be relied upon to spread the alarm.

In a few neighborhoods along the shore, such as Windemere Place, well water may be unsatisfactory for drinking because of the intrusion of salt water. The basic problem here is that the water table on which the wells draw has fallen below the level of the tide, and there is no known method by which the Town can correct the situation. The only remedy is to treat the water after it is pumped, such as by reverse osmosis filtration.

## F. SOURCES OF POLLUTION

### **1. Point Discharge Sources**

The town's waste water treatment plant outfall pipe is located in the Kennebunk River. Since the discharge from this plant is continuously monitored, and must meet strict standards, it is not likely to become a source of pollution.

Storm sewers can also be considered as point sources of pollution where they run into the rivers or the ocean. At this time, there are no legal limitations on sewers of this kind. Although such sewers occasionally carry fertilizer from lawns and gardens, and oil and grease from roads, they are not believed to be a significant source of pollution in Kennebunkport.

There are still 15 licensed overboard discharge systems in Kennebunkport, all of which discharge into the ocean. These are discussed in the chapter headed "Marine Resources."

### **2. Non-Point Discharge Sources**

Non-point sources of pollution are those which do not enter a water body from a pipe. Non-point source pollution is usually associated with storm water runoff from fields, construction sites or roadways. Other sources of non-point source pollution can include septic systems and farming operations. There are three major concerns regarding non-point sources of pollution. These are sedimentation from soil erosion, nutrients, and bacteria.

In Kennebunkport, the major non-point sources appear to be runoff from roads, parking lots, and other impermeable surfaces and runoff caused by development. For example, erosion and sedimentation have apparently affected small tidal waters behind North and South Maine Streets, causing those areas to fill in. Mill Pond, which appears to be filling in with sediment, may be a typical case in point. Properly administered erosion and sedimentation control standards can prevent most of the concern from construction and development activities.

Any dump is a potential source of pollution, because toxic materials may leach down into subsurface aquifers. This possibility remains a threat even after the dump has been closed, as the dump in Kennebunkport has. Test wells were installed around the dump site in Kennebunkport when it was closed, and water from these wells is analyzed at least once annually by the Maine DEP. So far, no pollution has been detected.

## G. EXISTING WATER QUALITY PROTECTION

Kennebunkport's Land Use Ordinance provides standards to prevent water quality degradation. In March, 1993, the Town revised its Shoreland Zoning requirements to comply with the 1990 State Minimum Guidelines. As part of those revisions, specific erosion and sedimentation control standards were adopted with the requirement for a written control plan to be filed with the Code Enforcement Officer whenever earth is disturbed in the Shoreland Zone. In addition to the erosion and sedimentation control standards, setback and buffering provisions along the shoreline and edge of wetlands are prescribed by the Shoreland Zoning and Critical Edge standards.

Other parts of the ordinance place restriction on the direct or indirect discharge of materials into surface or ground waters. The Site Plan Review process for most commercial uses and other situations contains standards regarding erosion control and storm water management.

#### H. POSSIBLE THREATS TO WATER QUALITY

The most common threat to water quality in Kennebunkport is the large number of subsurface wastewater disposal systems. Improperly sited or failing septic systems can lead to both ground water and surface water contamination.

Another potential threat to the quality of ground water is leakage from petroleum storage tanks. According to a list from the Maine Department of Environmental Protection, dated January 1993, there are 40 licensed underground tanks storing petroleum products in Kennebunkport. (It is possible that some of these tanks have been removed since the date the list was prepared.) Most of these are used to store gasoline or heating oil. Nine of the tanks were installed more than 20 years ago and therefore present a greater threat of leakage. Fifteen of the tanks were installed in 1985 or later and therefore reflect the newer regulations designed to protect ground water quality.

### **II. ANALYSIS AND CONCLUSIONS**

#### A. QUALITY OF STREAMS AND RIVERS

Fresh water streams and rivers within the town appear, under normal circumstances, to meet satisfactory water quality standards. Furthermore, these streams are so small that they find little recreational use except for fishing. Hence at this point, there seems to be no need for any remedial action on the part of the town.

#### B. AVAILABILITY OF GROUND WATER

While the majority of the residents of the town use water derived from out-of-town sources, about 35% of the residents rely on water derived from their own wells. To the best of this Committee's knowledge, the quantity of water available from these wells has been adequate for these people's needs.

#### C. QUALITY OF GROUND WATER



With some rare and/or temporary exceptions, the quality of ground water derived from wells within the town has been good. Therefore, ground water quality does not pose a problem for the town, at least at the present time.

#### D. POTENTIAL THREATS TO WATER QUALITY

The principal potential sources of ground water pollution in Kennebunkport, as in any other town, are leakage from rusted petroleum storage tanks, seepage from septic fields, or leaching from the now-closed dump or other refuse areas. While there is no indication that danger from these sources is imminent, the town should remain sensitive to any evidence that such a threat has arisen.

### III. IMPLEMENTATION

#### **STATE GOALS AND GUIDELINES: PROTECT WATER RESOURCES BY ENSURING QUALITY OF EACH WATER BODY**

#### **TOWN GOAL 1: TO HAVE ALL SURFACE WATERS WITHIN THE TOWN MEET OR EXCEED THE STANDARDS FOR THEIR DESIGNATED WATER QUALITY.**

POLICY 1: Minimize the introduction of contaminants to water bodies.

Strategy 1: Avoid sedimentation of water bodies from erosion and contaminants from construction by the adoption and enforcement of the Department of Environmental Protection's Best Management Practices.

Responsible Party: Growth Planning Committee, Planning Board, Code Enforcement Officer

Recommended Time Frame: Within one year of adoption of plan.

Strategy 2: Educate the public about the hazards of chemical contamination of water bodies.

Responsible Party: Conservation Commission, Growth Planning Committee

Recommended Time Frame: Within one year of adoption of plan.

Strategy 3: Continue municipal highway department road construction and maintenance techniques to avoid erosion of road shoulders and drainage structures.

Responsible Party: Conservation Commission, Road Commissioner

Recommended Time Frame: Ongoing

#### **TOWN GOAL 2: PROTECT THE BATSON RIVER FROM REMOTE SOURCES OF POLLUTION**

POLICY 1: Land use regulations for the watershed must take into account the predominance of fractured bedrock which can easily conduct contamination of ground water to surface waters.

Strategy 1: Determine the area of vulnerability.

Responsible Party: Conservation Commission, Growth Planning Committee

Recommended Time Frame: Within two years of adoption of plan.

Strategy 2: Examine uses which create a substantial risk of pollution. Suggest appropriate land use regulations as needed.

Responsible Party: Growth Planning Committee, Planning Board, Conservation Commission

Recommended Time Frame: Within two years of adoption of plan.

### **TOWN GOAL 3: PROTECT GROUND WATER QUALITY**

POLICY 1: Assure subsurface wastewater disposal systems are sited and constructed in a manner to avoid ground water contamination

Strategy 1: The State Subsurface Waste Water Disposal Rules have been amended to allow systems to be installed on sites with 13 inch depth to bedrock or water table. Continue the Town's local provisions maintaining the 15 inch depth requirement until completion of appropriate planning studies which will define maximum residential density to maintain ground water quality.

Responsible Party: Growth Planning Committee, Enforcement Officer

Recommended Time Frame: Ongoing

Strategy 2: Amend Land Use Ordinance to require a minimum of two test pits as part of the site evaluation to assure adequate site conditions for the entire disposal area.

Responsible Party: Growth Planning Committee, Planning Board

Recommended Time Frame: Within one year of adoption of plan

POLICY 2: Monitor ground water quality on a continuing basis.

Strategy 1: Request property owners or residents to provide the results of any water well testing that is done to establish a baseline of information and track changes in water quality.

Responsible Party: Growth Planning Committee, Code Enforcement Officer

Recommended Time Frame: Within six months of passage of plan

## Chapter V: Natural Land Resources

This chapter focuses on the characteristics and composition of the land which lies within the town. It discusses the uses of the soil for residential development, forestry and agriculture, and considers the protection of natural areas and scenic vistas which are judged important by the townspeople. Because planning should follow what the land can support, this inventory can serve to provide a framework for responsible planning.

Because of the repeated need to identify specific small areas within the town, much use is made of maps which have been marked in detail for this report. Maps mentioned in this chapter can be found at the conclusion of the chapter. The original maps may be viewed at the Town Office. Although the maps convey a great deal of interesting information, the Committee emphasizes that there is no substitute for walking the land.

### I. INVENTORY

#### A. SOILS

The characteristics of the soil in Kennebunkport, and the implications of those characteristics for development, are set forth in Geographic Information Service (GIS) Maps V-1 and V-2. Both maps are based on data gathered by the Soil Conservation Service of the U.S. Department of Agriculture. The maps were prepared by digitizing the medium intensity soils mapping which makes up the York County Soil Survey, and entering various soil characteristics for each type into a computerized database. By combining the maps with the database, maps grouping soils by characteristics were produced. Thus maps have been prepared showing potential for single family development, location of wetlands and surficial aquifers, suitability for agriculture or tree growth and other parameters.

Kennebunkport soils are generally poor for residential development, farming and forestry. Each use competes for the best that is available. As shown in Map V-1, we are in a region of shallow, gently sloping to very steep, somewhat excessively drained soils formed in glacial till. There are also areas of bedrock exposure and deep, nearly level poorly drained soils formed in marine and lacustrine (lake) sediments. In the center of town are small areas of soil with much the same characteristics left from glacial meltwater. Along the coast are less stable sand and marsh soils eroded by wind and water. Not an encouraging picture for a pretty town where so many people want to live.

The York County Soil Survey explains our situation quite simply: "Very few towns in Maine have large tracts of soils that are ideal for residential development. Often the soil is wet, bedrock is near the surface or land has steep slopes. Some areas may be subject to periodic flooding from nearby streams and rivers. It is often necessary to modify these areas by filling, excavation, blasting or draining. These additional costs for site development are passed on to future landowners. Maintenance costs such as erosion control, road and culvert repairs will often be borne by the new landowner or municipality. The installation of subsurface waste disposal systems, roads and buildings can have a negative impact on towns' soil and water resources."

To minimize these impacts and provide an estimate of the costs of altering sites for development, the York County Soil and Water Conservation District has developed a limitation rating ranging 100 (ideal for development) to 0. The ideal or reference soil does not flood, has

good drainage, adequate permeability, suitable texture, a relatively deep water table, adequate depth to bedrock and a mild slope. Table V-1, which follows Map V-1 at the end of this chapter, shows how this Limitation Rating applies to the types of soil found in Kennebunkport. Out of roughly 10,600 acres in the town, 5,600 are in Lyman variants that are marginal for septic systems and 1,857 are in wet soils that are rated poor for waste disposal. There is no soil rated 100 in Kennebunkport. The best we have is the alluvium located in the prehistoric Kennebunk River bed that is now under the Arundel Golf Course. Nevertheless, in this inventory we are speaking in generalities. Closer inspection of the land may reveal pockets suitable for dwellings, again emphasizing the importance of walking the land.

Map V-2 displays the results when the Limitation Rating is applied to all the soils found within Kennebunkport. The striped areas on Map V-2 are likely to be the best soils we have to develop. They are predominantly Lyman, an acid, fine-textured sandy loam, typical of the glacial till that covers most of York County. Much of this Lyman soil is shallow down to bedrock, but with adequate engineering, it can support septic systems even on gentle slopes. The underlying granite, however, with its hidden fissures, transports contaminants horizontally, so these septic systems must be far enough apart to protect the ground water extracted by wells. Fortunately, the heavily settled areas in the south and along the coast are on public water and sewer.

The gray areas on Map V-2 are the low potential soils. Because they are more waterlogged, on steeper slopes, or full of rocks or outcrops, they require more expensive site preparation. Where this recourse is adopted, erosion is the most obvious potential problem, causing sedimentation that blocks sunlight to aquatic plants and silts over fish spawning beds.

The white areas on Map V-2 should not be developed. This includes the steep slopes and ledges in the northwest corner of town where the land is 180 feet above sea level. It also includes the land that never dries out: the beaches, salt marshes and wetlands. To place these areas more precisely, they are marked on the 1990 town tax Map V-3. The beaches and coastal marshes are mostly in the floodplain. Where the land abuts the salt marsh, it is actually below sea level, a fragile area subject to frequent flooding. The Goose Rocks Beach area is almost entirely in this category and is fortunately now on public water and sewer. The town contains 155 acres of sand dunes and salt marshes, much of it in the Rachel Carson Wildlife Refuge, as noted in Chapter IV. It is valuable land for wildlife, but not for human dwellings. Here, our Shoreland Zoning Ordinance (see Map VII-2), of which a more detailed version is in the Town Office, protects the landowner as much as the land.

## B. USES OF WETLANDS

Coastal towns like Kennebunkport have significant coastal wetlands as well as freshwater wetlands.

An abundance of water is essential to all forms of life, but often makes residential development risky. Kennebunkport's coast is oriented to the southeast, and coastal storms have demonstrated over and over again the need for good floodplain management. The ocean is rising a little every year. Recent storms have often reduced or exceeded the limits of the current "100-year floodplain", to the dismay and cost of coastal residents living too close to the ocean. Coastal damage is worst when the sun and moon are in line, exerting double force on the tides.

Wave action is even more devastating than high water. Sea walls rarely keep out the sea; the water goes over, around or underneath. The Goose Rocks colony, however, is a seeming exception to this rule. It has been spared much potential destruction because of the rocky reefs off-shore, which are visible at low tide. They break up the wave action and provide a valuable first line of defense.

Coastal marshes should not be built on. When they are altered, the development will be taken back by the sea sooner or later. There is also the safety factor to consider. Evacuating residents and housing them in school buildings is not a rewarding experience for anyone. Currently both state and municipal land use regulations prohibit construction within coastal wetlands.

Freshwater wetlands have many uses. Map IV-4 in the previous chapter shows both wooded and open wetlands. All wetlands store water, releasing it gradually into stream channels and filtering it as it percolates into the ground. It is essential to our drinking water that this runoff be free of contaminants. While it is impractical to build on wetlands, there are enormous benefits to leaving them alone, as described in the paragraphs which follow.

### C. WILDLIFE

Wetlands are crucial to wildlife, part of our treasured rural heritage. The Maine Department Inland Fisheries & Wildlife has rated the town's wetlands (Map V-4) from 1 to 4 in order of importance as waterfowl nesting habitat. The areas marked 5 have not been assessed.

Table V-2 and the Rosenfeld Diversity Map V-5 classify areas according to the variety of species found along the streams. On Map V-5, we have also marked the 100 foot wide CMP line that runs from north to south, providing a wildlife corridor leading right into the center of town. The other main corridor runs along the Batson River system.

Deer are known to stay within a mile of their birthplace during their entire lifetime. But like raccoons, skunks, and porcupines, they will adapt to human surroundings if their own areas are invaded. They can become too much of a good thing when they start nibbling Christmas tree tops, foundation plantings, garden vegetables and seeded fields. They also are a night-driving hazard. A large enough unmolested territory encourages them to stay where they belong. The wintering yard for white-tailed deer in Kennebunkport (D on Map V-4) is in the north corner of town where there is a tree canopy, adequate water and low-growing foliage plants. It is a good habitat and should be left undisturbed.

Fish habitats (F on Map V-4) are a less visible wetland use. Fish stocks are diminishing in the Gulf of Maine. Breeding grounds and a healthy habitat for fin fish and shellfish are becoming important priorities. These areas can deteriorate if nitrates and road salt leach into freshwater tributaries. Nitrates stimulate excess algae growth, consuming much needed oxygen. Sea birds and mammals suffer losses in their food chain and, indirectly, people suffer. Silt and the cutting of trees along the stream banks also endanger the quality of the water.

The coastal marshes and islands are rich in birds, plants and animals, principally seals (S on Map V-4). The Habitat for Endangered Species Map V-6 outline these areas of concern. Publicity about these species isn't always helpful since it often attracts the curious. Seals may enjoy the attention, but wading birds, plovers and terns (N, R & T on Map V-4) become anxious when approached. Local people know where most of these creatures and plants can be found

and respect their privacy. As for visitors, published restrictions about walking in the dune grass and other forms of education seem to be providing the needed protection. The summer of 1994 saw a marked increase in shore birds at Goose Rocks Beach. Part of this improvement can be attributed to the work of the Maine Audubon Society and other concerned citizens.

#### D. PLANT LIFE

Kennebunkport has never been inventoried for rare botanical features. Such records as are available are maintained by the Maine Natural Areas Program, which is an activity of the Maine Department of Conservation in Augusta. Table V-3 (which appears between Maps V-5 and V-6 at the conclusion of this chapter) has been provided by that Program. It lists a number of rare or endangered plant species which have been observed in Kennebunkport in the past. The Program would welcome more data concerning rare plant species in Kennebunkport and is anxious to cooperate with efforts to protect botanical features of this kind.

#### E. FORESTRY

The Soil Conservation Service ranks various soils according to their ability to produce timber. Soils are rated only for productivity, not for management problems such as erosion, hazards for equipment or seedling mortality. Eastern white pine was used as the tree species to develop the rankings. The SCS has defined prime woodland as land capable of growing wood at the economic productive growth rate for a given tree species. The only soils found in Kennebunkport which are ranked as very high or high productivity are Adams and Croghan soils. These are found in such isolated, small areas that no part of town is ideal for forestry. For most of the forested land in Kennebunkport, the soil is not rich and tree stands are still recovering from the 1947 fire.

The Town's 1994 tax list identifies 36 parcels devoted to "Tree Growth," a category which entitles the owner to favorable tax rates. To qualify for the program, the lot must be ten acres or more, and the owner must employ a registered forester to make an inventory of the lot and a harvesting schedule. The owner then shows these documents to the Tax Assessor, who notifies the State. Conversion to development brings a heavy financial penalty. Production on these parcels, which are scattered through the central and north portions of the town, is limited by slow growth. According to the Town records, of the 1,208 acres devoted to "Tree Growth," 674 acres are in mixed stands which annually yield \$105/acre; 74 acres are in hardwood which yield \$74/acre; and 94 acres are in softwood which yield \$136/acre. Current wood products are Christmas trees, saw logs and firewood from thinnings. It seems reasonable to protect this area from development.

The Town has designated certain town lots as the Town Forest. Many of the Town Forest lots lack surveys or title work. (See Map V-7.) Sixty acres were lost several years ago in a title dispute. The budget for the Town Forester is only \$500, inadequate to cover proper forest management for the 436 acres remaining in the forest.

## F. AGRICULTURE

The Soil Conservation Service also ranks various soils according to their importance and quality as farmland. The SCS has defined prime farmland as land that is best suited to produce food, feed, forage, fiber, and oilseed crops. There is no "prime" soil in Kennebunkport. Lyman fine sandy loam on relatively flat land could be prime when irrigation is provided, but there is no irrigated cropland in the town.

There is no accurate estimate of the amount of land actually used for agricultural purposes in Kennebunkport. There are just five parcels, totaling 636 acres registered in Farm and Open Space programs for crops, orchard, field or farm. There must be additional land in small tracts; some may be in woodland associated with a farming operation.

Although residents have gardens for their own use, farming in marginal soil can no longer support a family in this town today. There are horses kept for riding and several beef-cattle and sheep farms. Some fields, if not overgrazed down to the clay substrata, are useful for bedding hay and grazing, but large tracts would be necessary to support one animal on forage alone. Part-time farmers haven't the time to invest in fertilizing and mowing programs to produce top quality hay. Although a century ago, many citizens of Kennebunkport were farmers, it is doubtful whether any full-time farmers remain today.

## G. UNIQUE NATURAL AREAS & VISTAS

Kennebunkport has been diligent in protecting its most beautiful shade trees. The sight of an old elm soaring above a Colonial house is not a common sight in New England anymore, but Kennebunkport still has many of these majestic trees. It is not accidental. In a nationally recognized program, Kennebunkport voters since 1980 have appropriated up to \$12,000 annually for treatment of the Elm Bark disease and the removal of hopelessly diseased trees. The bare spots have been filled with less vulnerable species by the Shade Tree Committee.

Many of the natural characteristics that make development so difficult in this town are the very things that are treasured by residents and tourists alike. They define the character of the town. A large number of scenic areas are now protected by federal, state and town laws.

In many meetings with citizens of Kennebunkport, the Growth Planning Committee has determined which natural areas and vistas the citizens considered most valuable. Those which received most mentions, in descending order, are as follows:

1. Ocean Avenue, from Parson's Way around to Walker's Point.
2. Cape Porpoise, including the Pier, the Harbor and the islands.
3. Goose Rocks Beach
4. The view across the mouth of the Batson River from the Smart Farm on Route 9.
5. The Kennebunk Riverfront, including the Monastery grounds across the river.
6. The Colony Beach
7. Turbat's Creek near the Shawmut Inn.

Kennebunkport residents and summer people together have generously supported fund raising campaigns to buy and conserve many areas of unusual natural beauty. The following

Table V-4 shows how many of our valued areas have been donated or purchased, and hence are safe forever:

**Table V-4.** Land Dedicated to Public Interest

<u>New Ownership</u>	<u>Location</u>
Kennebunkport Conservation Trust	River Green Lake of the Woods Vaughn Island & Green Island Cape Island Redin Island Goat Island (lease) Goose Rocks Beach lots Tyler Brook area (57 acres) Emmons-Chick lots (150 acres)
Town of Kennebunkport	Town Forest lots (436 acres) Kennebunk River lots Miller lots (Log Cabin Road) Lots & Park (Beachwood Road near former dump) Cape Porpoise Pier Government Wharf Goose Rocks Beach lots
U.S. Fish & Wildlife Service	Batson River Estuary Smith Brook Estuary Little River Estuary

The Kennebunkport Conservation Trust has been an important educational influence. Their program of acquisitions has been low key and broadly supported. Voluntary actions enhance the feeling of community responsibility. In planning for the future of the town, this public attitude is crucial to the success of any plan.

## II. ANALYSIS AND CONCLUSIONS

### A. THE IMPACT OF SOIL CHARACTERISTICS

As the Inventory has made clear, the poor quality of the soils which predominate in Kennebunkport has made agriculture and forestry non-viable as occupations, and has thrown an economic damper on the development of housing. Because poor soil adds to the costs of extracting well water and of disposing of septic waste, it places a premium on the availability of land served by municipal fresh water and the municipal sewer system. Most of the undeveloped areas of the Town, however, are not now served either by the KK&W Water Company or by the sewer system, and it is doubtful that water will ever be available from the KK&W at prices which would make large-scale agricultural use practical.

At present, there is little pressure to construct additional housing anywhere in York County, but at some time in the future, that pressure is likely to reappear. When it does, the



Town may find itself squeezed between two uncomfortable options. One will be to subsidize the extension of the municipal water and sewer systems, at considerable cost. The alternative will be to permit residential construction in areas where a growing number of septic systems may pose a threat to the quality of the well water of the prospective homeowner. The septic field requirements proposed in Chapter IV will give the Town a sound basis to deal with this pressure.

#### B. WETLAND AND WILDLIFE

The greatest threat to wildlife is our deep-rooted tendency to ignore it. When people build houses or organize trips to the seashore, it is doubtful that they ever do so with the intention of disturbing wildlife. But, because the fish, the birds and the animals are inconspicuous, they seldom come to mind in the face of the overwhelming joys of a new home or the pleasure of a day at the beach. So we do what comes naturally, with no thought for the birds or animals which we may have displaced, injured or frightened away. Often, it is not until a species of wildlife has totally disappeared that we begin to miss it.

In the face of this universal tendency, the Federal Government, the State and the Town have done a great deal to protect all forms of wildlife. As noted in the Inventories, bathers have been alerted to the preservation of beach grass, levels of toxicity in streams and coastal waters have been greatly improved, large areas of land have been set aside as preserves for birds and other wildlife, and protective zoning has been imposed all along the shoreline. Nevertheless, it is clear that a great deal more can be done to control the disposal of wastes, to reduce erosion, and to allot even larger areas as wildlife reserves. Hence the people of Kennebunkport will have a continuing need to examine their consciences and decide how much additional tax money they will appropriate, and how much additional restriction they will tolerate, in the interests of wildlife preservation.

#### C. TOWN FOREST

Our Town Forest needs attention. It is underutilized as a recreational asset. It lacks a public access. The present woods roads and fire lanes go through private property. We should not rely on landowners' generosity indefinitely. There are parcels belonging to the town in isolated areas that could be sold to abutters or swapped for lots leading into the forest.

#### D. AREAS AND VISTAS OF NATURAL BEAUTY

It is encouraging to see that several of the locations which the citizens of Kennebunkport consider most attractive have been preserved to some degree through purchases by the Town or by the Kennebunkport Conservation Trust.

Nevertheless, continuing economic development inevitably leads to changes in appearance, and it is a rare day when those changes are judged to be for the better. Furthermore, increased taxation and regulation reduce landowners' income from the land. If, as a result, large landowners are forced to sell to developers, the town will lose much of the vacant land we all cherish. Land which is presently vacant along North Street, Goose Rocks Road, and Wildes District Road, which has always been part of our scenery, is typical of that which might be broken up.

Another example is Oak Ridge Road, a dirt road used by horses, mountain bikers and target shooters. It runs through a major town aquifer. Where sand has been dug away near the road, large ponds have appeared. The land has "healed" and these ponds are now hawk and wildlife habitats. Were the road to be paved and the land developed, this pretty refuge would disappear.

We now look with new appreciation across the Kennebunk River at the Franciscan Monastery in Kennebunk. Given the dramatic political changes in Lithuania, that estate might be sold if the Brothers decide to return to their homeland. It is a beautiful, unspoiled stretch of riverfront with an uncertain future.

There are many other threats to the natural resources we have taken for granted for so long. We will need a lot of public support to solve these town-wide problems.

### **III. IMPLEMENTATION**

#### **STATE GOALS AND GUIDELINES:**

##### **PROTECT WETLANDS, WILDLIFE HABITAT, SCENIC VISTAS, SHORELANDS, AND NATURAL AREAS BY:**

- A. DEVELOPING POLICIES AND ORDINANCES CONSISTENT WITH STATE LAW PROTECTING CRITICAL NATURAL RESOURCES;**
- B. CREATING GREENBELTS, PUBLIC PARKS, AND CONSERVATION EASEMENTS;**
- C. PROTECTING UNDEVELOPED SHORELINES.**

#### **TOWN GOAL 1: PROTECT RARE AND ENDANGERED SPECIES OF WILDLIFE**

**POLICY 1:** Encourage voluntary actions to preserve natural resources.

**Strategy 1:** Work with property owners and private conservation organizations to document presence of rare or endangered species or other critical natural resources.

**Responsible Party:** Conservation Commission, Kennebunkport Conservation Trust

**Recommended Time Frame:** Ongoing

**POLICY 2:** Identify a network of undeveloped land connecting identified high and moderate value wildlife habitats.

**Strategy 1:** Develop a map showing the proposed wildlife corridor, concentrating on existing properties and land uses which will not be impacted by such a designation, such as utility lines, Conservation Trust properties, wetlands, and parcels enrolled in the Open Space tax program.

- Responsible Party: Growth Planning Committee, Conservation Commission, Kennebunkport Conservation Trust
- Recommended Time Frame: One year after adoption of plan.
- Strategy 2: Work with property owners and private conservation organizations to inform property owners of the proposed wildlife corridor and encourage the donation of conservation easements.
- Responsible Party: Conservation Commission, Kennebunkport Conservation Trust, property owners
- Recommended Time Frame: Ongoing
- Strategy 3: Cooperate with the Rachel Carson National Wildlife Refuge to assist it in meeting its objectives.
- Responsible Party: Growth Planning Committee, Planning Board, Code Enforcement Officer, Conservation Commission
- Recommended Time Frame: Ongoing

**TOWN GOAL 2: MAINTAIN THE INTEGRITY OF THOSE SCENIC AREAS SELECTED BY THE PUBLIC POLLING AND THROUGH THE STATE'S SCENIC ASSESSMENT IN 1986**

- POLICY 1: Promote actions to preserve scenic resources and views of these resources.
- Strategy 1: Have Conservation Commission study scenic areas within the town and to identify those with sufficient value to warrant effort and expense on the part of the Town for their protection.
- Responsible Party: Selectmen, Conservation Commission
- Recommended Time Frame: Ongoing
- Strategy 2: Develop maps indicating the identified areas. Seek assistance of private conservation organizations in gaining public understanding of these selections.
- Responsible Party: Kennebunkport Conservation Trust, Conservation Commission
- Recommended Time Frame: Ongoing
- Strategy 3: Encourage preservation of these resources through use of Open Space tax program, conservation easements, or recreational access easements.
- Responsible Party: Kennebunkport Conservation Trust, Conservation Commission
- Recommended Time Frame: Ongoing
- Strategy 4: Encourage property owners in or adjacent to scenic resources to minimize the visual impact of new construction.

Responsible Party: Committee mentioned above, Planning Board, Code Enforcement Officer

Recommended Time Frame: Ongoing

**TOWN GOAL 3: UPGRADE THE TOWN FOREST**

POLICY 1: The Town Forest should be made usable as a recreational asset.

Strategy 1: Clear title should be acquired for all lots in the Town Forest.

Responsible Party: Selectmen, Town Attorney

Recommended Time Frame: Ongoing

Strategy 2: The Town Forest should be concentrated in a few designated areas.

Strategy 3: Public access should be provided.

Strategy 4: A decision should be made on whether to institute a management program to harvest wood by selective cutting and thus provide some income for maintenance of the forest.

Strategy 5: The fee for the Forester should be re-evaluated.

Strategy 6: Trails should be cleared to increase public use. Investigate availability of volunteers to help in this effort.

Strategy 7: Motor vehicles of all kinds should be restricted.

Responsible Party Strategies 2-7: Selectmen, Forester, Conservation Commission, Recreation Department

Recommended Time Frame: Ongoing

## Chapter VI: Economy

### I. INVENTORY

The data presented in this chapter show that, in both population and wealth, Kennebunkport has grown unusually rapidly: faster than York County, faster than the state of Maine, and faster than the entire U.S. Also, largely because nearly two-thirds of the town's workers are in professional, managerial, or highly skilled occupations, per capita income is higher than in the surrounding towns, the county, the state, or the nation. Similarly impressive trends are found in the town's total real estate valuation. Much of this economic success can be attributed to tourism, summer visitors, and the popularity of the area.

#### A. EVOLUTION OF THE ECONOMY

The economy which we see in Kennebunkport today is a far cry from that which prevailed here over much of the town's history. The settlers who lived here in Colonial times depended primarily on fishing, trading, agriculture, and marine transportation for their livelihood. During most of the 19th century, however, these activities were eclipsed by wooden shipbuilding, through which the manual skills of the townspeople could be matched with the abundant materials available in the nearby forests, and a ready market that extended all along the New England coast. By the turn of the 20th century, on the other hand, coastwise shipping had been victimized by improved rail transportation, and the wooden sailing ship was being driven from the seas by the iron steamship. This left the town with little to depend on beside fishing and agriculture, and, as has been shown in previous chapters, the land available in Kennebunkport could support only the most basic types of farming.

Nevertheless, the same technical advances that destroyed the wooden shipping industry brought a new source of support to Kennebunkport. The spreading availability and low cost of rail transportation made it feasible for people in the great commercial and industrial centers of the Northeast to spend all or part of their summers at the seashore. Dozens of hotels were built in Kennebunkport to accommodate visitors of this type. The more affluent built their own summer homes, and most of the great houses that still line Ocean Avenue date from the 1890's through World War I. This type of vacation business, however, was highly dependent on prosperity, and during the Great Depression of the '30s, Kennebunkport was unusually hard-hit.

It was not until every family finally had a motor car, that "Everyman" could easily think in terms of spending a weekend, or just a day, along the coast of Maine, and the economy of Kennebunkport as we now see it, is essentially a product of this modern era. Almost all of the motels, B&Bs, restaurants, and shops which lure the visitor today were created during this period. In addition, a great deal has been done to improve the appearance of the town, while preserving its historic, small town character. Hence, much of the town's economic success can be credited to the perseverance, hard work, and adaptability of the townspeople. These efforts have put Kennebunkport in a good position to benefit from the continued popularity of summer travel which is generally forecasted for the future.

## B. DEMOGRAPHICS

The statistics in this chapter, most of which are derived from the U.S. Census, are intended to give an economic overview of the town and its makeup. The Growth Planning Committee has questioned the accuracy of some of this information, but has used the most current and accurate statistics available.

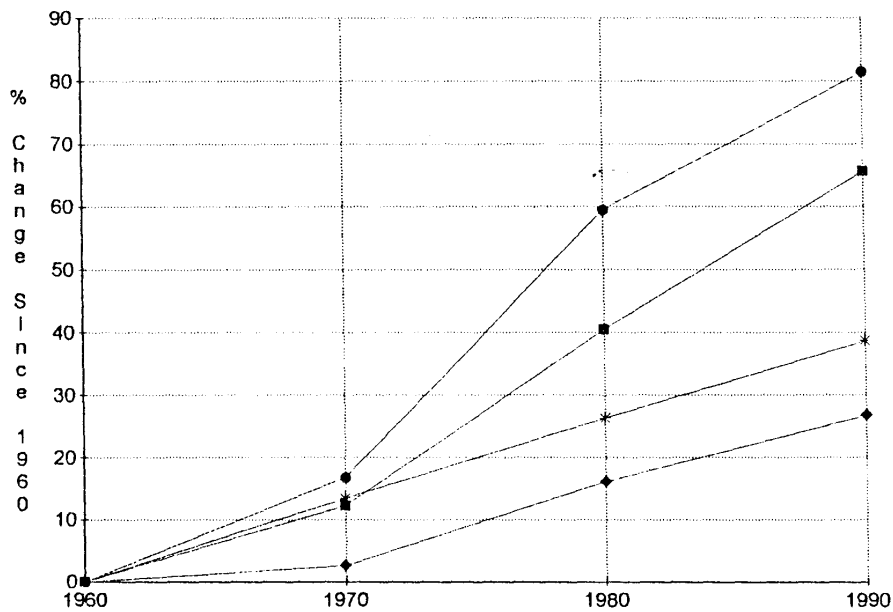
The population of Kennebunkport on April 1, 1990, according to the U.S. Census, was 3,356. While Kennebunkport's population has been growing steadily since the 1930s, its growth rate has been slower than that of the neighboring towns of the Kennebunk and Arundel, as shown in Table VI-1.

**Table VI-1.** Historic Population, Kennebunkport and Neighboring Municipalities

	Kennebunkport	Arundel	Biddeford	Kennebunk
1920	1,431	564	18,008	3,138
1930	1,284	546	17,633	3,302
1940	1,448	866	19,790	3,698
1950	1,522	939	20,836	4,273
1960	1,851	907	19,255	4,551
1970	2,160	1,322	19,983	5,646
1980	2,952	2,150	19,638	6,621
1990	3,356	2,669	20,710	8,004

On the other hand, as shown in Chart VI-1, Kennebunkport's population has grown faster than those in York County, the state of Maine, or the entire U.S.

Chart VI-1  
Population Trends 1960 - 1990



The future population of Kennebunkport has been projected as follows by the Southern Maine Regional Planning Commission in February 1995:

<u>Year</u>	<u>Population</u>
1995	3,600
2000	3,800

Note that these projections imply considerably slower growth in population than was experienced over the previous 20 years. Population growth from 1970 to 1980 averaged 6.45% per year, and that from 1980 to 1990, 2.65% per year, whereas that projected from 1990 to 1995 averages 1.45% per year, and that from 1995 to 2000 only 1.11% per year.

Table VI-2 presents the distribution of the population by various age categories.

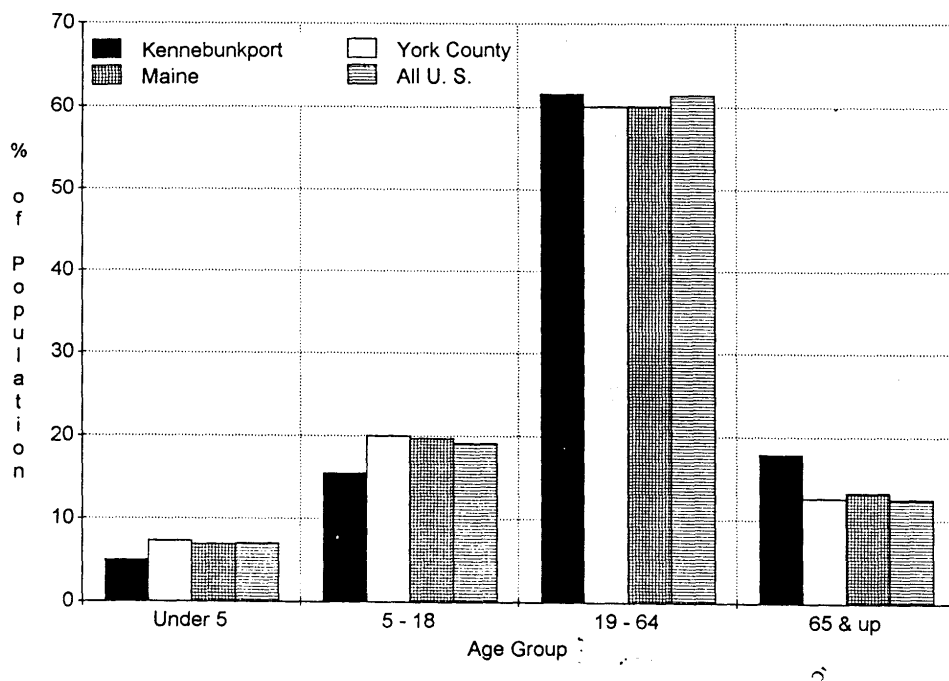
**Table VI-2. Age Distribution, 1990**

	<u>Kennebunkport</u>	<u>Arundel</u>	<u>Biddeford</u>	<u>Kennebunk</u>	<u>York County</u>
Total Population	3,356	2,669	20,710	8,004	164,587
Under 5 Years Old	167 5%	158 6%	1,487 7%	522 7%	12,185 7%
16 Years and Older	2,778 83%	2,100 79%	16,464 79%	6,250 78%	126,247 77%
18 Years and Older	2,707 81%	1,989 75%	15,909 77%	6,043 75%	121,612 74%
18_20	107 3%	116 4%	1,139 5%	272 3%	6,208 4%
21_24	115 3%	116 4%	1,516 7%	284 4%	8,188 5%
25_44	1,054 31%	949 36%	6,273 30%	2,503 31%	56,017 34%
45_54	429 13%	319 12%	1,911 9%	898 11%	16,464 10%
55_59	179 5%	123 5%	892 4%	375 5%	6,851 4%
60_64	222 7%	101 4%	981 5%	372 5%	7,076 4%
65 Years and Older	601 18%	265 10%	3,197 15%	1,339 17%	20,808 13%
75 Years and Older	257 8%	84 3%	454 2%	629 8%	7,878 5%
85 Years and Older	57 2%	19 1%	394 2%	154 2%	2,114 1%
Median Age	41.0	35.1	32.8	37.5	33.7

There are indications that Kennebunkport is attracting a growing number of retirees. The elderly, of course, are the fastest-growing segment of the population throughout the U.S., but Chart VI-2 shows that people 65 years and older make up a significantly larger portion of the population in Kennebunkport than in York County, the state of Maine, or the entire U.S. In 1990, as indicated on the Chart, they comprised 17.9% of Kennebunkport's population vs. 12.5% for the U.S. (The Chart also shows that the Town's population of children 18 years or younger was smaller by a corresponding percentage.) This aging component of the population has economic implications in terms of opportunities provided and services required. For example, some effects the Town may see are increased demand for protective and ambulance services and increased use of home nursing services, as well as possible establishment of many home occupations as older residents begin second careers working out of their residences.

Chart VI - 2

AGE DISTRIBUTION OF POPULATION 1990



C. INCOME

The 1983 per capita income for Kennebunkport was \$11,800, compared to a figure for York County of \$8,503. This local figure was up from \$8,906 in 1979 and \$3,896 in 1972. By 1989, per capita income for Kennebunkport was \$22,347. Median household income also rose from \$14,967 in 1979 to \$34,867 in 1989. Table VI-3 presents various measures of household income for Kennebunkport, the surrounding towns, and York County.



**Table VI-3. 1989 Distribution of Household Income**

	Kennebunkport		Arundel		Biddeford		Kennebunk		York County	
Household Income										
Less than \$5,000	92	6%	32	3%	456	6%	77	2%	2,239	4%
\$5,000 - \$9,999	83	6%	58	6%	864	11%	165	5%	4,519	7%
\$10,000 - \$14,999	66	4%	66	7%	647	8%	179	6%	4,627	7%
\$15,000 - \$24,999	239	16%	167	17%	1,535	19%	450	15%	10,977	18%
\$25,000 - \$34,999	277	18%	183	19%	1,520	19%	490	16%	11,194	18%
\$35,000 - \$49,999	217	14%	261	27%	1,746	22%	726	24%	14,422	23%
\$50,000 - \$74,999	325	22%	166	17%	917	11%	561	18%	10,049	16%
\$75,000 - \$99,999	87	6%	25	3%	192	2%	229	7%	2,338	4%
\$100,000 - \$149,999	66	4%	15	2%	49	1%	121	4%	1,033	2%
\$150,000 and over	56	4%	4	0%	50	1%	83	3%	552	1%
Median Household Income	\$34,837		\$33,098		\$28,496		\$38,227		\$32,432	
Per Capita Income	\$22,347		\$13,920		\$12,382		\$18,665		\$14,131	
Below Poverty Level	5.6%		5.1%		11.5%		5.3%		6.8%	
Elderly Below Poverty	4.5%		6.4%		14.2%		9.9%		10.6%	
Children Below Poverty	5.1%		5.6%		16.3%		5.5%		7.8%	

Although Table VI-3 shows that median and per capita incomes in Kennebunkport are higher than in some neighboring communities, it is important to note that the percentage of households in the town with very low incomes (less than \$10,000) was higher than in Kennebunk, Arundel, or York County as a whole. In addition, 5.6% of the households in the Town were found to be below the "poverty level" (this term is defined in Table VI-4).

**Table VI-4. Average Poverty Thresholds for U.S. in 1989**

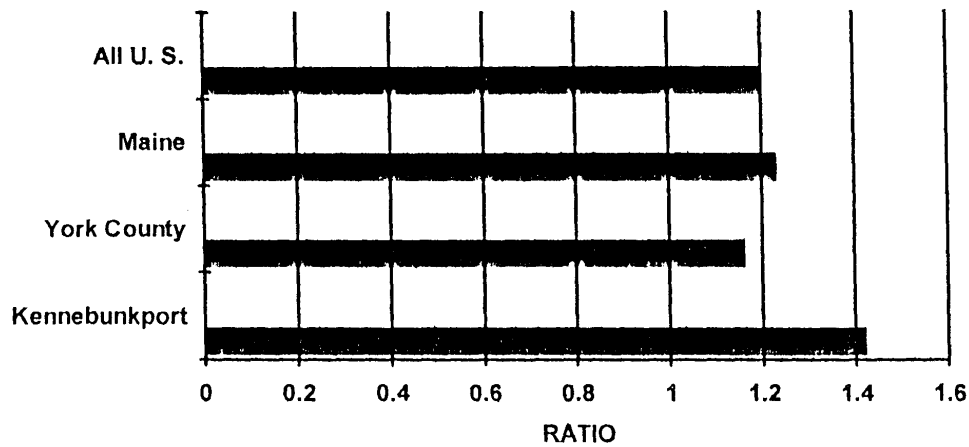
<u>Size of Household</u>	<u>Income</u>	<u>Size of Household</u>	<u>Income</u>
1 Person		4 Persons	\$12,675
Under 65 years	\$6,451	5 Persons	14,996
65 years and older	5,947	6 Persons	16,921
2 Persons		7 Persons	19,162
Householder <65 years	8,343	8 Persons	21,328
Householder 65 or more	7,501	9 Persons or more	25,480
3 Persons	9,885		

Source: U.S. Census Bureau

Chart VI-3, which compares average income to median income, reinforces this point. The term "median income" refers to the income level at which the number of households receiving more equals the number receiving less. Average income, on the other hand, is the total income received by all households together, divided by the number of households. If a small number of households receive unusually high incomes, there can be a substantial increase in average income with little effect on median income. The ratio between average and median income, therefore, serves as a rough measure of disparity of income distribution. Chart VI-3 shows that this ratio is considerably higher for Kennebunkport than for York County, Maine, or the entire U.S.

Chart VI - 3

RATIO OF AVERAGE TO MEDIAN HOUSEHOLD INCOME 1989



D. EMPLOYMENT

Kennebunkport residents are employed in a variety of economic sectors. The 1990 Census is the most complete source of information regarding employment. The Census reports that there were 1,630 adults employed in April 1990. In a town like Kennebunkport, with a seasonal economy, it is important to realize that the Census was conducted on April 1 and residents were asked about their work activities for the prior week. Of the 1,630 adults who identified themselves as employed for the Census, 1,163 were private wage and salary workers, 182 worked for government and 285 were self-employed.

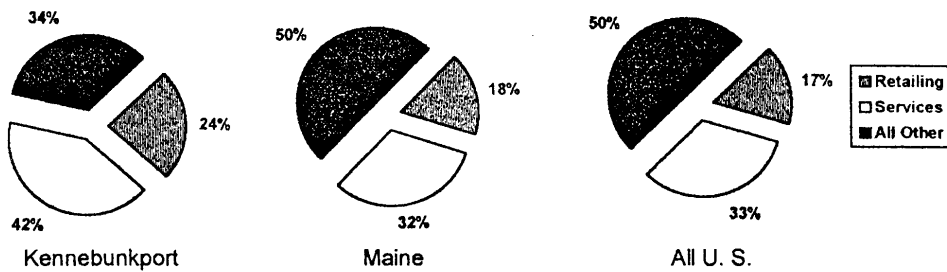
*Table VI-5.* Employment by Industry, 1990

Industry	Kennebunkport		Kennebunk		Arundel		Biddeford		York County	
Agriculture, forestry and fisheries	30	2%	93	2%	40	3%	75	1%	1,476	2%
Construction	102	6%	263	7%	177	12%	615	6%	6,186	8%
Manufacturing	176	11%	570	14%	349	25%	3,037	29%	20,964	26%
Transportation	52	3%	139	4%	51	4%	268	3%	2,653	3%
Communications, public utilities	38	2%	75	2%	25	2%	185	2%	1,637	2%
Wholesale trade	59	4%	166	4%	26	2%	271	3%	2,480	3%
Retail trade	*388	24%	719	18%	251	18%	1,951	19%	14,397	18%
Finance, insurance, and real estate	66	4%	306	8%	69	5%	696	7%	4,989	6%
Services	*680	42%	1,479	38%	383	27%	2,908	28%	22,883	28%
Public administration	39	2%	132	3%	44	3%	335	3%	2,999	4%

Table VI-5 presents employment by major industrial grouping for Kennebunkport, the surrounding municipalities and York County. Reflecting Kennebunkport's dedication to vacationing and tourism, services and retailing are the town's largest sources of employment. As Chart VI-4 shows, these two industries in 1990 provided more than two-thirds of the jobs enjoyed by the Town's residents, compared to exactly one-half for the state of Maine (even though it is "Vacationland") and for the entire U.S. Furthermore, services and retailing have been rapidly growing sources of employment for Kennebunkport resident, as shown in Table VI-6. From 1980 to 1990, while the total number of residents employed grew by 31%, the number employed in services grew by 70%, and in retailing by 164%.

Chart VI - 4

EMPLOYMENT BY INDUSTRY 1990



**Table VI-6.** Changes in Employment for Kennebunkport, 1980-1990

	<u>1980</u>		<u>1990</u>		<u>Change 1980-90</u>	
Total	1,244		1,630		386	31%
Agriculture, forestry and fisheries	77	6%	30	2%	-47	-61%
Construction	78	6%	102	6%	24	31%
Manufacturing	287	23%	176	11%	-111	-39%
Nondurable goods	129	10%	17	1%	-112	-87%
Durable Goods	158	13%	159	10%	1	1%
Transportation	67	5%	52	3%	-15	-22%
Communications, public utilities	25	2%	38	2%	13	52%
Wholesale trade	53	4%	59	4%	6	11%
Retail trade	147	12%	388	24%	241	164%
Finance, insurance and real estate	83	7%	66	4%	-17	-20%
Services	427	34%	725	44%	298	70%
Business and repair services	41	3%	28	2%	-13	-32%
Personal, entert. and recr. services	69	6%	104	6%	35	51%
Professional and related services	280	23%	548	34%	268	96%
Public administration	37	3%	39	2%	2	5

Employment by industry tells only part of the story of a town's or area's economy. Table VI-7 presents employment by occupation for Kennebunkport and neighboring municipalities, as reported in the 1990 Census. Kennebunkport had an unusually high percentage of its residents employed in professional, technical and related services, compared to business services, personal services or educational services. One-third of the employed worked in professional and related services in Kennebunkport, compared to only 18% and 17% in Arundel and Biddeford respectively. Conversely, Kennebunkport's residents were half as likely to have blue collar occupations as neighboring Arundel or Biddeford or county residents.

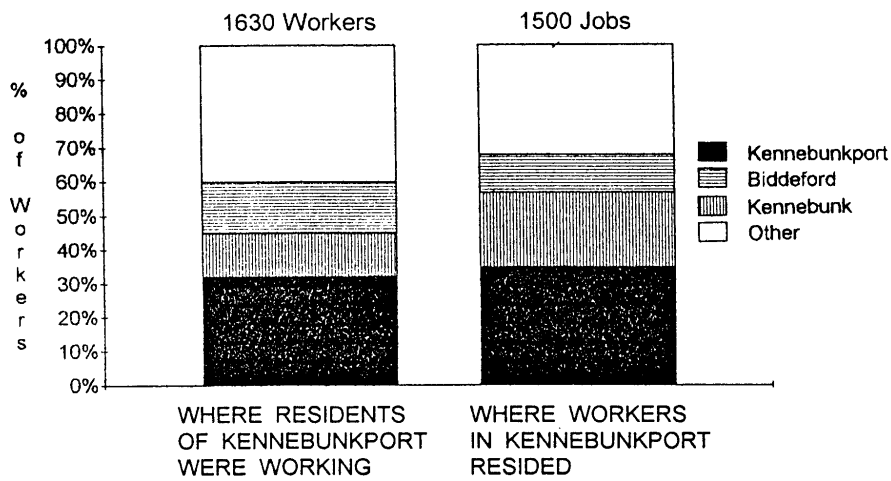
**Table VI-7.** Employment by Occupation

<u>Industry</u>	<u>Kennebunkport</u>		<u>Kennebunk</u>		<u>Arundel</u>		<u>Biddeford</u>		<u>York County</u>	
Managerial & profess.	572	35%	1536	39%	260	18%	1801	17%	19301	24%
Techn, sales, & admin support	476	29%	1282	33%	373	26%	3007	29%	22850	28%
Service	252	15%	332	8%	195	14%	1638	16%	10598	13%
Farming, forestry, & fishing	30	2%	62	2%	44	3%	98	1%	1374	2%
Precision production, craft & repair	133	8%	422	11%	278	20%	1519	15%	12342	15%
Operators, fabricators & laborers	167	10%	308	8%	269	19%	2285	22%	14302	18%

According to the Census of 1990, the number of jobs available in Kennebunkport is a fairly close match for the number of residents employed. As indicated in Chart VI-5, the number of jobs was 1,500, and the number of residents working was 1,630. Nevertheless, only 521 of the residents employed, or less than one-third, worked in the town. Another 450 worked "next door" in Kennebunk and Biddeford, and the balance worked elsewhere. Of the workers employed in Kennebunkport, a slightly higher percentage came from Kennebunk and Biddeford. These figures must be viewed in light of the fact that they represent employment in the last week of March. Because of the seasonal nature of Kennebunkport's economy, a census conducted in August might have revealed a very different commuting pattern.

Chart VI - 5

**COMMUTING PATTERNS FOR KENNEBUNKPORT WORKERS 1990**

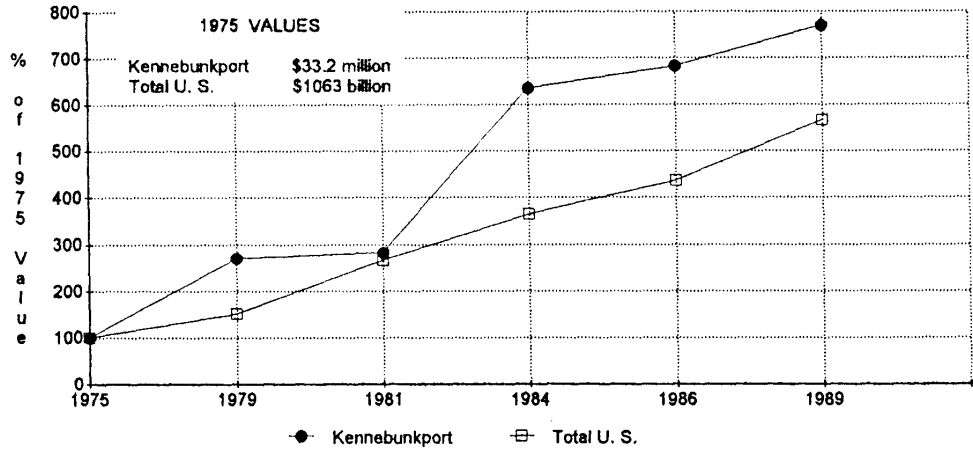


E. TRENDS IN TOTAL VALUE OF REAL ESTATE

Another measure of economic progress in Kennebunkport is the increase in assessed value of taxable property within the town. Such taxable property is, of course, almost entirely real estate. Chart VI-6 compares the increase in assessed value of such

**Chart VI - 6**

**CHANGES IN NET ASSESSED VALUE OF LOCALLY TAXABLE PROPERTY**



property within Kennebunkport with that for the entire United States over the period from 1975 to 1989 (the most recent year for which such data are available from the U.S. Census). Viewed over a short period, such valuations appear erratic, with intervals when values are almost static followed by abrupt changes when property is reassessed. Over a longer term, however, such valuations provide good reflections of actual market value. The chart shows that, from 1975 to 1989, the value of property in Kennebunkport increased by a factor of nearly eight, and that the increase here was about one-third greater than that for the U.S. as a whole.

It should be noted in passing, however, that the owners of the rapidly appreciating property just mentioned, with its unusually high average valuation (see Chapter VIII), are not the same group as the residents identified in the population statistics earlier in this chapter. Over 50% of the property taxes in Kennebunkport come from non-residents.

F. RECENT ECONOMIC TRENDS

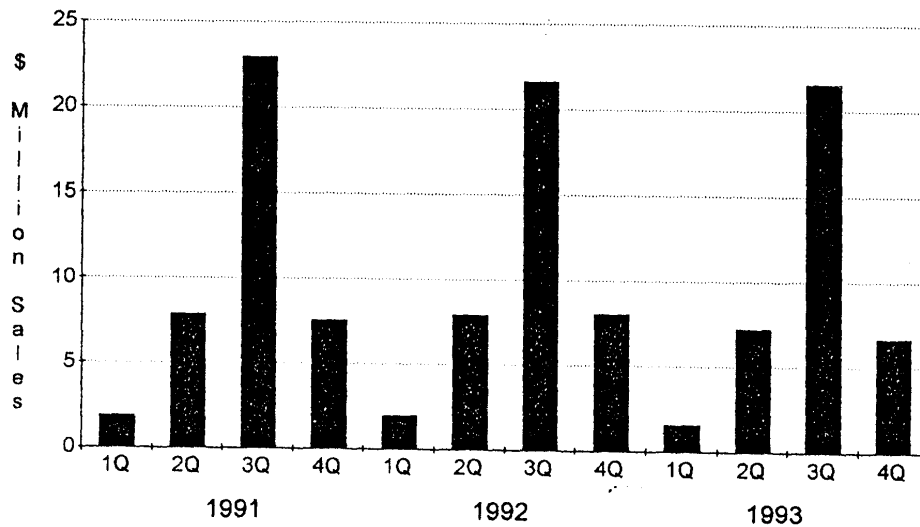
The Committee was able to identify approximately 150 businesses in the town of Kennebunkport, based on a Department of Labor survey in the fourth quarter of 1990. Of the 150 businesses, 89 were identified as tourism related. These include lodging facilities (35), restaurants (11), gift stores (31), and art galleries (12). This information emphasizes the

importance of tourism in Kennebunkport's economy. The large number of restaurants, transient accommodations, and retail stores would not exist without the tourism industry. Not only is it a source of income for town residents, but it also is directly or indirectly responsible for the creation of property value. The large percentage of seasonal homes also contribute to the town's valuation. Similarly, the demand for seasonal homes generally acts to elevate residential property values.

One of the "down sides" of an economy based on summer visitors and tourism is that it is highly seasonal. This fact is brought out by Chart VI-7, which is based on sales tax data collected by the Maine Bureau of Taxation. The bars on the chart measure taxable

**Chart VI - 7**

**QUARTERLY CYCLES IN TAXABLE SALES IN KENNEBUNKPORT**



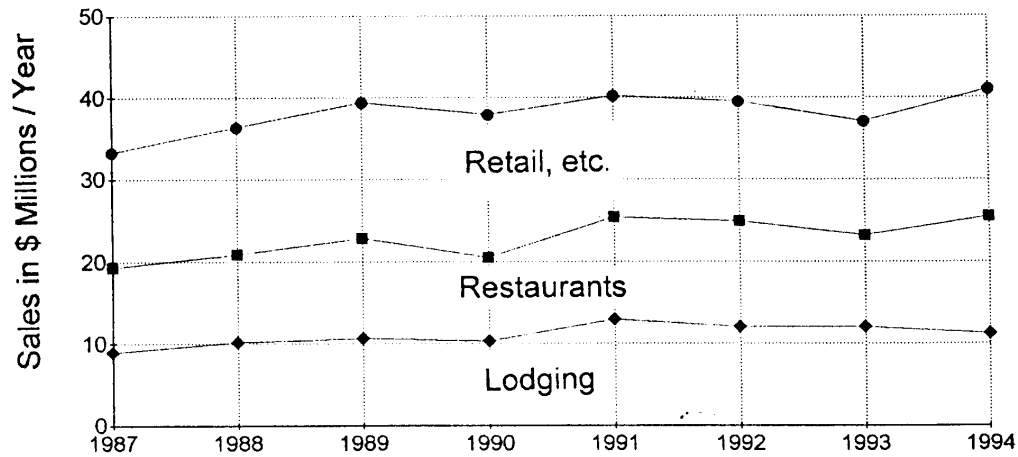
dollar sales by lodgings, restaurants, and other types of retail establishments in Kennebunkport, but, because these industries provide such a large portion of the jobs in the town, they are also a rough measure of the seasonally varying income of many of the residents of the town. Note that sales in the third quarter of each year, which covers most of the tourist season, run more than ten times higher than sales in the first quarter, which falls in the dead of winter. Similar figures covering the years leading up to 1990 show a gradual increase in fourth quarter sales, reflecting the efforts of the local merchants to stimulate pre-Christmas sales. Chart VI-7 indicates, however, that by 1993, fourth quarter sales had fallen off again.

Another limitation of an economy based on summer visitors and tourism is that it tends to be cyclical, in that it is influenced by "consumer confidence" or the willingness to spend

disposable income. Chart VI-8, which shows total volume of taxable sales made within Kennebunkport, illustrates this effect. Taxable consumer sales in Kennebunkport grew fairly steadily from 1987 through 1991, when a “mini-recession” set in, and total sales slumped from \$40 million in 1991 to \$37 million in 1993. In 1994, consumer confidence was evidently restored, and total sales increased more than 10% to \$41 million. Informal reports from local merchants suggest that sales continued to grow in 1995.

Further confirmation of the cyclical nature of the tourist economy can be found in Table VI-8, which deals with unemployment rates. Although unemployment in all of York County seems to have been growing since 1988, the increase through 1992 was considerably sharper in Kennebunkport. The Committee does not have data since 1992 which would indicate whether or not this situation has improved.

Chart VI - 8  
**TRENDS IN TAXABLE SALES**  
**KENNEBUNKPORT**





**Table VI-8.** Average Annual Unemployment Rates

<u>Year</u>	<u>Kennebunkport</u>	<u>Biddeford Area</u>	<u>York County</u>
1985	3.2%	4.7%	3.9%
1986	3.0%	3.7%	5.1%
1987	3.1%	3.6%	2.8%
1988	2.4%	2.9%	2.4%
1989	3.3%	3.6%	3.0%
1990	6.1%	5.6%	4.7%
1991	9.4%	8.5%	6.9%
1992	9.1%	7.7%	

A new trend in the employment picture is the growth of home\_based businesses. Many retirees are beginning second careers with consulting and professional services. The home\_based trend is occurring nationwide, with the explosive growth of new technology allowing employees to "telecommute" – work at home via phone, fax and computer modem.

## **II. ANALYSIS AND CONCLUSIONS**

Kennebunkport has taken excellent advantage of the natural and marine resources discussed in previous chapters, and its economy is now solidly based on the accommodation of tourists and summer visitors. As a result, Kennebunkport has become unusually fast-growing and prosperous, and has good prospects for the future. Nevertheless, income for many is uncomfortably seasonal. While the ability of any municipal government to reshape a town's economy is extremely limited, Kennebunkport should continue to support local businesses so as to provide more jobs for those who are currently unemployed, and to improve the lot of those at the bottom of the income spectrum. Kennebunkport should do what it can to encourage greater economic stability by helping to develop sources of income which will serve as counterbalances to tourism.

The data in this chapter also make it clear that the economy of Kennebunkport is not an entity unto itself. As of the 1990 Census, only 521 residents of Kennebunkport were employed within the town. Another 1,109 Kennebunkport residents, or two-thirds of the residents who were working, worked in other town's within commuting distance. At the same time, nearly 1,000 people from nearby communities worked within Kennebunkport. Hence, in economic terms, we appear to be inextricably tied to the communities which surround us, and, in our efforts to improve the economy, we must think in regional rather than local terms.

### **A. TYPES OF SUMMER VISITORS**

Residents have pointed out to this Committee that it is important to distinguish between the many types of summer visitors which are found in Kennebunkport. Conceptually, the visitors might be arranged in a spectrum labeled "Permanent" at one end and "Transient" at the other. Starting at the "Permanent" end, we would find people who own property in Kennebunkport and spend every summer here. Next would come visitors who spend the entire summer, but in rented quarters. After that would come visitors who spend decreasing periods of time in a variety of accommodations. At the "Transient" end of the spectrum would be "day-trippers" who come to Kennebunkport in their own cars or in tour busses, but do not spend the night at all.

In the opinion of many who have addressed the Committee, summer visitors diminish in desirability as one goes from the "Permanent" to the "Transient" end of the spectrum. "Permanent" visitors, they say, are taxpayers and are substantial, stable contributors to the economy. They regard themselves as part of the community and take a responsible attitude toward its appearance and cleanliness. "Transients", on the other hand, are minor contributors to the economy and are likely to give little thought to the upkeep of the town. Because of their numbers, however, "Transients" add greatly to the traffic and congestion experienced in many parts of town in the summers. It is a common perception that "Transients" comprise the fastest-growing segment of the Kennebunkport tourist industry. (Some confirmation of this view can be found in Chart VI-8, which shows that, while total taxable revenues reached a peak in 1994, sales of lodgings have declined steadily since 1991.)

These residents conclude, therefore, that it should be the policy of the Town to encourage "Permanent" visitors, while discouraging "Transients". Regardless of whether this view is shared by a majority of townspeople, this Committee does not know of any practical way to reduce the number of "day-trippers" who visit the town in their own automobiles. The Committee does agree, however, that the Town can and should regulate the tour busses which come into town (see Strategies in the section following).

## **B. BENEFITS VS. COSTS OF TOURISM**

It should be a major goal of this plan to find the appropriate balance between accommodating tourism and maintaining the Town's character. Tourism, like any industry, has its impacts on the environment, public safety, services, and quality of life. A community can accommodate these impacts to some degree by improving its infrastructure (police, fire, public works, roads and parking), but the costs to the Town of providing such services for tourists must be recognized. More fundamentally, many residents feel that tourism, with its crowding and traffic, destroys the quiet village atmosphere which attracted them to Kennebunkport in the first place. Without tourism, on the other hand, the Town's total job income and property valuation would diminish. The result would be a drop in the Town's overall standard of living, as well as an increase in the tax rate.

## **C. OTHER CAUSES FOR CONCERN**

Despite the generally favorable economic picture painted in this chapter, the data shows several aspects which justify concern:

1. As of 1989, 12% of the households within the Town had annual incomes less than \$10,000, and 5.6% were living at or below the "Poverty Level." While this figure has not been confirmed by more recent statistics, the fact that unemployment has been increasing in recent years, suggests that it has, if anything, become larger. If indeed nearly 200 people here are living in poverty, this condition deserves investigation.

2. For a much larger portion of the town, earnings are highly seasonal. A chart earlier in this chapter showed that retail sales in the third (i.e., summer) quarter tend to be about ten times those in the first (or winter) quarter, and this same variation will tend to apply to the incomes of most of the 68% of the working population which depends upon services and the retail trade.

Such seasonality, of course, is inherent in the summer tourist trade, but clearly greater stability of income would be preferable.

3. The data also show that income derived from tourism tends to be cyclically dependent on popular perceptions of "prosperity." When tourism experiences a cyclical downturn, as it did from 1991 to 1993, the residents of the town lose both jobs and income. It is, therefore, desirable to seek ways to minimize this effect.

4. Readers should also remain cognizant of another important limitation to economic growth. Under current environmental regulations, any new hotels, motels, restaurants, or even individual residences, if built in those parts of town which are most popular with summer visitors, will require a connection to the sewer system. Yet the Kennebunkport sewerage treatment facility is operating very close to capacity, and new connections to the system are, in almost all cases, prohibited. Because the tourist business has grown little since 1991, this limitation has not been burdensome, but if growth accelerates during the next few years, it will become so. Hence it must be recognized that expansion of the treatment facility is a necessary foundation for significant economic growth.

#### D. POSSIBILITIES FOR THE FUTURE

Because vacationers and tourists are the principal foundations of Kennebunkport's economy, municipal policy could be expected to support and stimulate activities associated with them. While recognizing the importance of tourism to the town's economy, it may be advantageous to lessen the town's dependence on tourism. The paragraphs which follow will suggest ways to accomplish this without acting to the detriment of other aspects of life in the community.

It is by no means obvious where we should look for economic inputs which would supplement tourism. Manufacturing, on which much of the nation's economy depends, is the solution toward which most communities turn. Over the last 50 years, however, manufacturing has declined in importance so as to become a very small factor in most parts of York County. This region's isolation from both raw materials and markets makes it improbable that manufacturers can be lured here. Furthermore, the absence of educational centers in York County makes it unlikely that technology-based companies could be incubated here, as they have been so successfully around Boston and Palo Alto.

Nevertheless, there may be two desirable economic groups which the town can attract successfully:

1. Retirees. Kennebunkport is already an attractive haven for retirees. As data in this chapter showed, people 65 years of age or older made up 18% of the town's population in 1990, a figure higher than for any of the surrounding towns, the county, the state, or the U.S. In addition, the actual number of retirees here may be higher for much of the year, since many retirees spend nearly half the year in Kennebunkport, but still claim legal residence in Florida or some other southern state. In either case, these people, when here, are stable consumers of goods and services. From the standpoint of the Town, they are ideal citizens, since they pay a full share of taxes, but make no demands on the school system at all. Part of the mechanism to lure new retirees to Kennebunkport is already in place; almost all of the present retirees were formerly summer visitors, which is how they became "hooked" on the town. There are a number of health

facilities, social activities, and recreational centers in the area that specialize in services that appeal to this age group.

2. "Connected Businesses". This term is meant to describe any business which is connected to its customers and its suppliers mainly by telephone, fax, computer, or other electronic means. To the extent that the business depends only upon electronic interconnection, it can be located anywhere. That being the case, the business can be where the owner would like to live, a situation which becomes favorable for Kennebunkport.

These businesses can be software developers, consultants, product designers, sales representatives, or any business that can be conducted electronically. Such a business becomes a stable employer and could be easily accommodated within the confines of the Town.

This home-based business trend is growing nationwide. National newsmagazines predict that 50% of the households in America will be involved in a home-based business by the year 2000. A trend of this type could help stabilize the up and down economy of tourist areas by providing primary or secondary income unaffected by seasonal fluctuations.

### **III. IMPLEMENTATION**

#### **STATE GOALS AND GUIDELINES:**

##### **INCREASE JOB OPPORTUNITIES AND ECONOMIC WELL BEING.**

#### **TOWN GOALS:**

1. **MAINTAIN THE ECONOMIC FOCUS OF THE TOWN ON SUMMER VISITORS, YET ENSURE THE BENEFITS ARE NOT OUTWEIGHED BY THE IMPACTS ON NATURAL RESOURCES, TOWN FACILITIES, AND QUALITY OF LIFE.**
  
2. **PROVIDE THE MEANS WHICH WILL BEST ACCOMMODATE THE GROWTH OF TOURISM WHILE CONTINUING TO MAINTAIN KENNEBUNKPORT'S ENVIRONMENT, PUBLIC SAFETY, SOCIAL SERVICES, RECREATIONAL OPPORTUNITIES, AND ACCESS TO WATER, AS WELL AS VILLAGE ATMOSPHERE.**

POLICY 1: The Town's decisions on policies related to tourism and summer visitors should be based on public understanding and discussion.

Strategy 1: Appoint a Committee to evaluate the impact on the community of summer visitors of all types and to recommend Town policies toward those visitors which will best serve the interests of residents, businesses, and Town government. In so doing, seek to develop a system for quantifying the costs of municipal services and facilities necessitated by such visitors, as well as the offsetting municipal revenues derived from properties used by such visitors.

Responsible Party: Selectmen, Town Manager, Department Heads, Budget Board, Growth Planning Committee

Recommended Time Frame: Ongoing

POLICY 2: Recognize the importance of scenic beauty and architectural heritage in attracting visitors.

Strategy 1: Review the Town's tax assessment policy and the Land Use Ordinance to see if adequate weight is attached to the importance of preserving scenic beauty and architectural heritage in the face of demands for modification or development (refer to Chapter VII).

Responsible Party: Growth Planning Committee

Recommended Time Frame: Ongoing

Strategy 2: Publish maps and improve the sign program. Signs should complement the town's architectural heritage and scenic character and assist tourists to find their intended destinations.

Responsible Party: Sign Committee, Chamber of Commerce, Kennebunkport Business Association

Recommended Time Frame: 1997

### **TOWN GOAL 3:**

#### **PROMOTE THE ABILITY OF KENNEBUNKPORT RESIDENTS TO DEVELOP BUSINESSES.**

POLICY 1: Simplify and speed up the requirements for establishing home occupations.

Strategy 1: Review and refine the definition of home occupations.

Responsible Party: Zoning Board of Appeals, Growth Planning Committee, Code Enforcement Officer, Planning Board

Recommended Time Frame: Within one year of adoption of plan

Strategy 2: Allow home occupations in all zones.

Responsible Party: Zoning Board of Appeals, Growth Planning Committee, Code Enforcement Officer, Planning Board

Recommended Time Frame: Within one year of adoption of plan

Strategy 3: Continue home occupation permitting by Zoning Board of Appeals.

Responsible Party: Zoning Board of Appeals, Growth Planning Committee, Code Enforcement Officer, Planning Board

Recommended Time Frame: Ongoing

#### **TOWN GOAL 4:**

##### **PROTECT RESIDENTIAL USES FROM THE ADVERSE IMPACTS OF COMMERCIAL USES.**

POLICY 1: Minimize the impacts that tourist-related traffic has on the village area and residential neighborhoods.

Strategy 1: Develop regulations for bus tour operators on parking, loading/unloading and travel and provide effective communication to operators and enforcement.

Responsible Party: Bus Committee, Police Department

Recommended Time Frame: Within three months of adoption of plan

Strategy 2: Encourage private transportation services in town, including connections with intercity rail and bus terminals along Route One.

Responsible Party: Newly formed Transportation Committee

Recommended Time Frame: Ongoing

Strategy 3: Investigate the provision of an additional town-owned parking facility.

Responsible Party: Transportation Committee

Recommended Time Frame: Within one year of adoption of plan

# Chapter VII: Land Use

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Footer: change chapter # & title.

## I. INVENTORY

Land use in Kennebunkport is a complicated subject. In order to explain it as clearly as possible, considerable use has been made of tables, maps, and charts which are presented at the end of this chapter. In some cases, these are smaller versions of 3 ft. by 4 ft. exhibits which the Committee has employed in its public meetings. The original maps can be viewed at the Town Office.

### A. REGULATION OF LAND USE

Over most of the Town's history, property owners in Kennebunkport could use their land for any purpose they deemed suitable. As it inevitably does, however, this freedom eventually led to practices which diminished the value and attractiveness of neighboring properties, and public sentiment grew for the regulation of land use. The Town's first Land Use Ordinance was adopted in March 1972 and the Ordinance has been amended and modified many times since then.

Also in 1972, the Town adopted a set of Planning Board Subdivision Regulations, and these too have been amended several times in subsequent years. These Regulations spell out in considerable detail the criteria which must be met by the improved land, dwellings, and other buildings in a subdivision, which is defined as "the division of a tract or parcel of land into three or more lots within a five-year period".

In its current form, the Land Use Ordinance divides the town into 11 geographic zones, as shown in Map VII-1. The land uses permitted in each of these zones are listed in Table VII-1. Note that some uses, such as single-family dwellings, are permitted in every zone. Other uses, such as retail businesses and restaurants, are permitted only in specified zones, and only after Site Plan Review by the Planning Board. Other uses, such as hand crafts and home occupations, are permitted only in specified zones, and only after review by the Zoning Board of Appeals.

In response to Maine's Mandatory Shoreland Zoning Act, the Town's Land Use Ordinance also provides for two additional zones, identified as Resource Protection and Shoreland. These additional zones are, in effect, superimposed on the original 11 zones, as shown previously in Map IV-2. Land use within these overlay zones is further restricted in accordance with the Maine Act (see Chapter IV).

### B. LAND USE STATISTICS

According to the Town Report, the total area of Kennebunkport is 12,688 acres, or about 18.6 square miles. How this land is actually used, for each zoning district and for the town as a whole, is shown in Table VII-2. The information shown in Table VII-2 is based on the records maintained in the Tax Assessor's Office, which indicate a total of 12,668 acres. The remaining acreage is believed to belong to the town, largely in the form of roadways.

Table VII-2 represents the first effort to use the Tax Assessor's records for land use analysis, and some minor problems are apparent. For instance, the Assessor does not use

precisely the same use terminology as the Ordinance. The Assessor's term "cottage", for example, refers to a single-family residence which is used seasonally and has no central heating. Also there are 49 parcels totaling 473 acres which do not appear to be properly classified by zone, but subsequent analyses will doubtless eliminate these difficulties. The present tabulation, nevertheless, is judged to be accurate enough to permit sound conclusions.

Charts VII-1 and VII-2 contrast land use in each of the districts between those which are essentially residential and those which are essentially commercial. In Chart VII-1 this comparison is made on the basis of acreage. A glance at the chart shows that land use is overwhelmingly residential in practically every district.

Residential uses are allowed in all zones. The largest single concentration of single-family dwellings occurs in the three village areas: Village Residential District, the Cape Porpoise Districts, and Goose Rocks Beach. The Village Residential District, which contains 805 acres, has 338 single-family homes, 13 apartment houses, 25 condominiums, and 14 multiplex or multi-family dwellings. The three Cape Porpoise zones have 257 single-family homes, two apartment houses, and four multiplex dwellings on 196 acres. Goose Rocks has 509 single-family homes and 49 condominiums on about 2,000 acres which includes beach. All of these high-density zones are on public sewer and water. Vacant lots exist in these zones, but not all are buildable due to sewer limitations, soil conditions, or Shoreland Zoning restrictions.

Even in terms of assessed valuation, as shown in Chart VII-2, residential uses far outweigh commercial ones. Only in two zones, Dock Square and Riverfront, does commercial valuation exceed residential. Thus, despite its reputation as a "tourist town," the majority of land is used residentially.

### C. RESIDENTIAL DEVELOPMENT

There is remarkably little difference between the distribution of businesses and homes in Kennebunkport today and that shown on maps made more than 100 years ago. The underlying geology imposes a fundamental restraint on all types of land use. Soil potential ratings indicate that much of the town has serious limitations that increase the cost of development. Soggy soils and shallow depth to bedrock are the most common problems (see Chapters IV and V).

The earliest subdivisions were summer resort developments. In 1873, the Seashore Company purchased the entire Cape Arundel area and divided it into a grid of small lots for summer cottages. Another early development was at Brook Farm at Land's End. The next developments were located at the west end of Goose Rocks Beach and have since been subdivided.

After World War II, there was more demand for year-round houses, but development didn't appear to follow any definite pattern. For each shoreland subdivision, there was a corresponding development near one of the town centers. Many of the older homes were divided into apartments and condominiums. The large shingle-style summer cottages on Cape Arundel continue to sell and there is considerable resistance in the neighborhood to carving them into smaller units. In the latter part of the 1980's, a down-turn in building resulted in many authorized developments not being built, but building permits were still issued for single homes (see Map VII-2). For further information, see Chapter VIII on Housing.



After the advent of the public sewer in the late 1970's, growth tended to follow sewer lines. Such a trend could be observed along the Wildes District Road in the 1980's and at Goose Rocks in the early 1990's. At the present, however, because of the restriction on new connections to the sewer system (which is discussed in Chapter X), only buildable lots with authorized sewer stubs can make new connections to the sewer, and there are very few of these. Seventeen additional connections are authorized in three designated subdivisions, and 67 additional connections on individual lots (40 of which are in Goose Rocks). These restrictions will cause more and more problems as the economy recovers and pressure grows for new housing.

Should the day return when large-scale residential development is desired once more in Kennebunkport, two considerations are likely to be of concern:

1. Water Quality. If residential housing development is directed by economics toward areas which are not served either by the Kennebunk, Kennebunkport and Wells Water District or the municipal sewer system, new houses will have to rely upon wells for water supply and septic systems for waste disposal. The York County Soil and Water Conservation District's Soil Potential Rating can be used as a means to identify those parts of Town which are best suited to residential development, as well as those regions where it may be best to reduce permissible housing density. As houses become more dense in an area where soil conditions are not favorable, it is possible that a house's well water can eventually become polluted by bacteria which have migrated over from other septic systems in the neighborhood. The Town's Subdivision Regulations recognize such a possibility and impose requirements for the reduction of housing density in cases where that appears necessary to assure drinking water quality. The Land Use Ordinance lacks similar provisions for individual residences. Although so far there are no known instances in which wells have been polluted by septic drainage, it may be advisable to apply the density restrictions of the Subdivision Regulations to all new residences.

2. Cluster Development/Open Space Planning. Cluster development, also known as open space planning, is a grouping of homes on a parcel of land where the majority of the land is held in common ownership as permanent open space and the homes are located on lots that are proportionally smaller than would otherwise be allowed. The results of open space planning are often very pleasant aesthetically; the Tamaracks development in Kennebunkport and Tidewater Court in Kennebunk are two local examples.

Open space planning can be used to create neighborhoods with a village atmosphere. Many 19th century towns use the principle of a common open space (i.e., the village green or public park) surrounded by homes and businesses on small lots. This type of planning also provides the developer with a more economical means of providing services such as streets, sidewalks, and sewer/water extensions. By developing a smaller area of the parcel, the developer saves money on the installation of services.

As described in the current ordinance, cluster development in Kennebunkport requires that at least half of the land must be reserved as open space, and the sizes of the house lots become smaller than would otherwise be permissible. It currently applies to developments of 10 acres or more. If at least 60% of the land is reserved as open space, the developer receives a density bonus which entitles him to divide the remaining land into a number of house lots 10% greater than allowed under standard subdivision regulations.

Cluster development is presently available to residential developers on an optional basis; whether such planning should be mandatory is a controversial issue. Several years ago, cluster development was mandatory in Kennebunkport; but when the Land Use Ordinance was rewritten, this requirement was dropped. During Comprehensive Plan public meetings and in questionnaires distributed in the 1980s, the Growth Planning Committee found strong support for open space planning. However, there are currently many who feel that open space planning should not be forced on developers who do not want to make use of it. There is believed to have been only one development in Kennebunkport in which this was employed, and that development was never finished. Very few residential developments of any kind have been initiated in recent years. When the town will experience another era of rapid growth remains to be seen. Whether or not this happens, open space planning remains a valuable tool and should be encouraged wherever it would be appropriate in Kennebunkport.

#### D. FINANCIAL IMPACT OF NEW DEVELOPMENTS

The financial impact made on the Town by new housing developments has been a cause of growing concern. At the Town Meeting on March 22, 1988, the following paragraphs were adopted as part of the Town's Comprehensive Plan:

20 M.R.S.A. § 9461(1) defines the **Comprehensive Plan** to be, among other things, a compilation of policy statements. The following policy statement expresses the Town's desire to carefully assess the costs of land development, especially in areas not immediately serviced by Town infrastructure; to predict the servicing costs which accrue due to the public service demands of various forms of growth; and to allocate as fairly as possible the costs of new services and infrastructure. The Town has laid the foundation for a Capital Improvement Program. That Program, combined with a policy which fairly predicts and allocates the adverse impacts of development, may ensure that those impacts are appropriately distributed.

It shall be the goal of the Town that the impacts of new development on public facilities such as transportation systems, sewage collection and treatment systems, public services, and schools shall be accurately predicted so that adverse impacts can be prevented, minimized or mitigated through careful planning. The Town should develop a method for the analysis of the impacts of development proposals, as well as a program for joint participation between the Town and applicants for development permits, to mitigate development impacts through the construction or provision of improvements to public systems. The impact analysis methodology should include a data base which is continually expanded and updated as new data and information are submitted for each development application, in a manner that allows the Town to maintain constant measure of use and capacity thresholds of municipal and quasi-municipal facilities and services.

In order to protect the health, safety and welfare of occupants and residents of new development, as well as current residents of the Town, development should not be permitted without adequate facilities to serve the new development either existing or planned for construction. The Town's Capital Improvement Program, in conjunction with data collected in the impact analyses,

shall form the basis for a methodology under which new development may be permitted, particularly in remote areas of the Town. The considerations for allowing new development shall include the costs and benefits associated with growth, and an equitable and appropriate distribution of the costs between the private and public sectors.

In view of the foregoing, the Growth Planning Committee is developing a plan for analyzing and quantifying the financial impact of new developments on the Town.

#### E. COMMERCIAL DEVELOPMENT

Commercial development in Kennebunkport is very limited in area as the summary at the back of Table VII-2 and the Land Use Charts VII-1 and VII-2 indicate. Three zones are the heart of the business district with shops, restaurants, and accommodations. The Village Residential Zone and the Riverfront Zone each have about \$20 million in commercial uses, while Dock Square with only 3½ acres has about \$15 million land value in commercial use. The State Planning Office mapped the extent of development in 1984 on Map VII-3 and little has changed.

#### F. PRESERVING FIELDS AND FORESTS

Most of the fields and forests within the Town of Kennebunkport are within the Farm & Forest and Free Enterprise Zones. The Town is inevitably faced with the problem of preserving the aesthetic beauty of these fields and forests while still permitting the land to be used in the ways which were originally intended. At present, a developer is unlikely to find much economic incentive to preserve open spaces or trees as he pursues his intended use for the property. Hence it may be advisable to introduce such considerations through revision of the Land Use Ordinance.

#### G. OTHER USES

Tree Growth lots and Farm & Open Space lots are covered in the Natural Resources Chapter V and are not indicated on the assessing list here reproduced. There are 36 parcels in Tree Growth totaling 1,208 acres with a valuation of \$116,340. There are only five parcels in Farm & Open Space totaling 636 acres for which no valuation is given. There is no commercial crop or orchard business, but there are several livestock operations. It is difficult to determine yields from family gardening done around town.

#### H. TRENDS IN LAND USE

The tourist industry continues to stimulate the use of residential property to generate income despite zoning restrictions. There is considerable pressure to maximize the use of properties during the tourist season, both by retail shops and accommodations. The pressure is strongest in the border between Village Residential and Dock Square. There has been no agreement as to what kind of interim buffer zone might be best for the town.

Cape Porpoise, on the other hand, has been a mixed-use community throughout its history and is one area that has a positive attitude toward commercial activity. That is part of its charm and why it is such a popular village for residents and sightseers alike. It is a good example of the 19th century town that planners now consider the ideal.

In recent years, the character of Dock Square has evolved considerably in ways which, in the view of many long-time residents, are not for the better. Prior to 1980, the Dock Square area had a gas station, a laundromat, a grocery store (that delivered!), a beauty parlor, a barber shop, a hardware store, and a summer movie house. Not only did these establishments meet the regular needs of long-term residents, but their proximity made Dock Square a social center for the community. Today all of these establishments are gone. The movie theatre, as in most small towns, has disappeared completely. The other stores have migrated to the Lower Village area where today's auto-dependent purchaser can find convenient parking. Similarly, many of the studios and art galleries which formerly highlighted Dock Square have been crowded out and now occupy lower-rent locations extending to the south, mostly along the Riverfront. Dock Square today retains several stores with year-round appeal to the townspeople, such as a drug store, a clothing store, a book store, and restaurants. For the most part, however it is comprised of shops which sell souvenirs, crafts, and other impulse items calculated to appeal to the visitor.

Another trend is the higher percentage of people over 65 living in town: 18% according to the 1990 census. The native population is aging and an increasing number of retired and semi-retired people are moving into town. This latter group brings with them a demand for a higher level of services such as transportation, emergency services, wiring for sophisticated communications systems, etc. In addition, demographic studies show the average household size has decreased from 2.86 in 1970 to 2.33 in 1990. The smaller household size may be related to the higher median age, but many retirees are building larger homes to accommodate visiting grandchildren during vacations. Therefore, smaller households may not mean smaller houses, just more of them.

One further trend is the proliferation of private roads to serve single-family homes built in the back country. Heretofore, there are no construction standards for this type of road. Subdivision roads must be approved by the Planning Board and roads requiring filling and grading on lots exceeding five acres must meet Site Plan Review Standards. Safety concerns have prompted the Fire Administrator to launch a road program, naming all roads, erecting signs, and creating new road names for any right-of-way serving more than two homes. New roads are checked for width to allow a police car and a fire truck to pass abreast. The entire town has numbered street addresses and is ready for 9-1-1 Emergency Phone Service.

## I. JOINT LAND USES

Land issues shared with adjoining communities were considered in the planning process. Other joint concerns included the recycling program, the School Administrative District, programs run jointly by the Kennebunk and Kennebunkport Police Departments for troubled young people, joint recreational facilities, the KKW water supply, the aquifers on the Biddeford border, and the Tri-Town Kennebunk River Committee. The major arteries leading into town are yet another example of shared resources. These are Route 9 from Kennebunk Lower Square into Dock Square, Route 9 from Biddeford into Cape Porpoise, and the Log Cabin Road which is shared with Arundel.

The Lower Village in Kennebunk has been designated a growth area in the Kennebunk Comprehensive Plan. It is a big asset for our town with its shopping area with ample parking and many of the service businesses that left Dock Square. It also has a classical music radio station and a very popular Senior Center. If some form of public transportation could be established, it would be a popular stop.

The Log Cabin Road in Arundel is the old trolley bed. Coming from Arundel, it connects with North Street and runs into the center of town. It is bordered by red maple swamps and modest homes, many with small businesses. The two sides of the road, although in different towns, have developed in about the same way. The Trolley Museum at one end, the gravel business at the other end, and the Aquarius Restaurant are the three large businesses on the road. All three have been around for many years. There is no notable contrast in land usage.

In Biddeford, the land adjoining the border along Route 9 is zoned Coastal Residential; in Kennebunkport, it is part of the Goose Rocks zone, also residential. (The Free Enterprise Zone lies five hundred feet to the northwest of Route 9.) While a case can be made for some types of commercial activity along Route 9 near the Biddeford border, such a proposal would be certain to encounter strong opposition from residents of both towns.

## **II. ANALYSIS AND CONCLUSIONS**

Land use is certainly a vital issue in Kennebunkport. Since 1972 when the Land Use Ordinance was first enacted, probably no other aspect of municipal government has been the subject of so much debate, controversy, legal and political action. The Ordinance has frequently been revised and amended and is constantly being challenged and interpreted. Thus it seems safe to assert that, in general, this ordinance currently represents the will of the people of the town, and that no major effort to spell out a new land use policy is necessary.

It is interesting to note that in 1986, when this Committee first began its work, land use was a topic of great concern to most of the citizens who wrote or spoke to the Committee. During the preceding decade, residential and commercial development had proceeded at a record pace, and many townspeople expressed their apprehension about future crowding and destruction of scenic vistas and open spaces. Since 1990, however, growth in the population of the town has nearly leveled off, and development has slowed to a crawl. (See Chapter VI.) In public meetings during 1995, development was seldom mentioned, while other topics such as tourism claimed the attention of the participants.

Nevertheless, a resurgence in development might well occur in the near future, and the Town will be well advised to adopt policies now which will direct future development along channels which will work to the benefit of all of the townspeople.

Land use is a subject where State goals are unlikely to be attained without substantial help from the State itself. What is needed is not financial assistance, but clearer thinking on policy. The State confronts us with a disturbing inconsistency. The State Planning Office asks us to protect our rural heritage and to develop policies to protect natural resources, animal habitats, and scenic vistas. At the same time, the State Tax Office insists upon taxation based on the highest and best use (i.e., ad valorem), and thus encourages conversion from open land to building lots. If property taxes reflected the way the land is presently used, the pressure to convert to development would diminish.

In the case of "Cluster Development", it is the opinion of the present Growth Planning Committee that such planning should remain optional rather than mandatory. Nevertheless, this issue may be so controversial that it should be submitted to the voters at a future Town Meeting.

It can also be argued that the town should endeavor to offer an attractive haven for small year-round businesses which can be carried on in a residence and are environmentally benign. The creation of computer software would be a good example. Businesses like this are desirable and should be encouraged because they will help to smooth out the immense seasonal variations which presently plague the town's economy (see Chapter VI). But even this goal does not require a change in the Town's land use policy.

What those involved with land use feel is needed, however, is a complete editing and republication of the existing Land Use Ordinance. The present document has been modified and amended many times. A logically arranged, well-indexed version of the same legal provisions would be of great benefit to many people.

### **III. IMPLEMENTATION**

#### **STATE GOAL:**

**ORDERLY GROWTH AND DEVELOPMENT WHILE PROTECTING RURAL CHARACTER AND PREVENTING SPRAWL.**

#### **STATE GUIDELINES:**

DESIGNATE "GROWTH" AND "RURAL" AREAS, CREATE GREENBELTS, PUBLIC PARKS, CONSERVATION EASEMENTS.

**TOWN GOAL 1: REARRANGE THE EXISTING LAND USE ORDINANCE SO THAT IT IS CLEAR, LOGICALLY SEQUENCED, WELL INDEXED, AND EASY TO USE.**

Strategy 1: Updating and editing the Ordinance should be assigned to a group chosen by the Selectmen.

Responsible Party: Board of Selectmen, Growth Planning Committee, Planning Board

**TOWN GOAL 2: REVIEW TAX ASSESSMENT POLICY WITH THE OBJECTIVE OF PRESERVING THE CURRENT USE OF PROPERTY CONTAINING SCENIC VISTAS, ANIMAL HABITATS, AND OTHER NATURAL RESOURCES.**

Strategy 1: Establish criteria by which property may be assessed at less than the "highest and best use" when it is deemed in the Town's best interest to preserve the current type of use.

Responsible Party: Planning Board, Growth Planning  
Committee, Assessor  
Recommended Time Frame: Within one year of adoption of plan.

**TOWN GOAL 3: TO THE EXTENT POSSIBLE, USE EXISTING SEWER LINES TO DESIGNATE NEAR-TERM GROWTH AREAS.**

POLICY 1: Direct growth to occur as "fill-in" on lots for which sewer system capacity has been reserved.  
Strategy 1: Continue allocation system until majority of existing stubs have been utilized and treatment plant capacity is expanded.  
Responsible Party: Board of Selectmen, Sewer Department  
Recommended Time Frame: Ongoing

**TOWN GOAL 4: MAINTAIN RURAL "FEEL" OF TOWN.**

POLICY 1: Encourage new subdivisions throughout the town to use "cluster development" planning concepts.  
Strategy 1: Emphasize savings in utility easements, road building, and septic system installation in clustering lots.  
Responsible Party: Growth Planning Committee  
Recommended Time Frame: Within one year of adoption of the plan

**TOWN GOAL 5: PROTECT OPEN FIELDS AND FORESTS ALONG ROADS IN FREE ENTERPRISE AND FARM AND FOREST ZONES.**

POLICY 1: For all development, encourage building away from fields and require tree buffers along roads to be maintained.  
Strategy 1: Amend Land Use Ordinance to require buffer areas along existing town roads in the Free Enterprise and Farm and Forest Zoning Districts.  
Responsible Party: Growth Planning Committee, Planning Board  
Recommended Time Frame: Within six months of adoption of the plan  
Strategy 2: Amend Land Use Ordinance to provide incentives for lots in the Free Enterprise and Farm and Forest Zoning Districts if structures are kept out of open fields.  
Responsible Party: Growth Planning Committee, Planning Board  
Recommended Time Frame: Within six months of adoption of the plan

POLICY 2: Decrease the pressure to sell or develop tree growth and farm property by maintaining low property taxes.

Strategy 1: Encourage participation in State programs of Tree Growth and Farm and Open Space.

Responsible Party: Individual land owners and Assessing Department

Recommended Time Frame: Ongoing

**TOWN GOAL 6: ENSURE ORDERLY GROWTH IN BACK LAND**

POLICY 1: Assure adequate access to developed lots without frontage on town roads.

Strategy 1: Amend Land Use Ordinance to include standards for roads and access drives servicing back land.

Responsible Party: Growth Planning Committee, Code Enforcement Officer, Fire Administrator, Planning Board

Recommended Time Frame: Within six months of adoption of the plan



## Chapter VIII: Housing

This chapter was completed immediately after the 1990 Census data was made available. The Inventory section was compiled by the Institute for Real Estate Research and Education (of the University of Southern Maine) and by Southern Maine Regional Planning Commission. The Analysis and Conclusion section was written by the Growth Planning Committee after studying the statistics and meeting with the public.

### I. INVENTORY

#### A. HOUSING SUPPLY

The housing supply in Kennebunkport has been expanding rapidly and trending toward relatively costly owner-occupied single-family houses.

##### 1. Number of Housing Units

Table VIII-1 shows the change in housing stock in Kennebunkport between the 1970 Census and the 1990 Census. Over this twenty year period, the total housing stock increased by 50%, although the number of seasonal housing units increased only by 11%. The percentage of the housing occupied by renters has stayed at just less than one fifth of the total.

**Table VIII-1.** Housing Units in Kennebunkport, 1970\_1990

	<u>1970_1980</u>			<u>1980_1990</u>		<u>1970_1990</u>		No.	%
	1970	1980	1990	No.	%	No.	%		
Total Housing Units	1,517	2,011	2,280	494	32.6%	269	13%	763	50.3%
Seasonal	663	709	738	46	6.9%	29	4%	75	11.3%
Year Round	854	1,302	1,542	448	52.5%	240	18%	688	80.6%
Vacant	105	50	101	-55	-52.4%	51	102%	-4	-3.8%
Occupied	749	1,252	1,441	503	67.2%	189	15%	692	92.4%
Owner Occupied	603	979	1,177	376	62.4%	198	20%	574	95.2%
Renter Occupied	146	273	264	127	87.0%	-9	-3%	118	80.8%
Vacancy Rate									
Homeowner	3.5%	1.0%	2.6%	-2.5%	-71.6%	1.6%	160%	-0.9%	-26.1%
Rental	9.3%	4.1%	10.2%	-5.2%	-56.0%	6.1%	149%	0.9%	9.5%
Single Family	729*	1,642	2,004	913	125.2%	362	22%	1,275	174.9%
Multifamily	113*	323	173	210	185.8%	-150	-46%	60	53.1%
Mobile Home	7	46	49	39	557.1%	3	7%	42	600.0%

\* Year round only

Source: U.S. Census

By way of contrast, in 1980 Maine had 501,093 housing units of which 427,377 were year round. York County had 66,771 total housing units and 53,421 were year-round. Between 1981 and 1989, Maine increased its stock by almost 75,000 units, an increase of 13%. At the same time, York County increased total units by over 17,000 or 20%. Clearly, Kennebunkport has outpaced the county and the state in net new construction.

**2. Housing Stock**

The Census figures show a substantial decrease in the number of multifamily units between 1980 and 1990. The decrease is large enough to call into question the numbers for 1970. There may be a large number of seasonal multifamily housing units reported in the 1980 Census, which may have resulted from a misclassification of tourist accommodations as residential units. The 1990 Census data do not differentiate between year-round and seasonal units.

From the records of the Code Enforcement Officer, 310 new year-round units were added to the housing stock between 1981 and 1989, 40 more than reported in the Census. Of these new units, 265 (85%) were classified as single family, 26 (8%) as multi-family and 18 (6%) as mobile homes.

The construction of single-family homes has outpaced both multi-family and mobile homes in Kennebunkport. In 1980, 81.9% (1,642) of units were single family, 16.1% or 323 units were multi-family and 2.3% or 46 units were mobile homes. By 1989, approximately 88% of all units were single-family units. The remainder are multi-family, mobiles and condominiums. An examination of the multi-family units constructed since 1980 suggests that many are actually condominiums, some of which may be used only on a seasonal basis. This would suggest an even smaller percentage of rental units available to the community. This has implications for both the diversity of the community and the economic base of Kennebunkport. On the other hand, some single family homes provide rental units in the home. There is no adequate count on the total number of such units.

**3. Unit Size**

Table VIII-2 presents the distribution of housing units by the number of bedrooms. Because of the change in reporting between the two Censuses, the only numbers that can be directly compared between the years is the occupied units. It can be seen that there has been a marked decrease in the number of small housing units and substantial growth in the number of very large houses.

***Table VIII-2.***

Number of Housing Units by Number of Bedrooms in Kennebunkport, 1980 and 1990.

	1980			Total	1990	
	Year Round	Vacant	Occupied		Vacant	Occupied
No bedroom	0	0	0	10	0	10
1 bedroom	164	14	150	190	90	100
2 bedrooms	420	22	398	604	244	360
3 bedrooms	436	7	429	944	318	626
4 bedrooms	213	7	206	310	116	194
5 or more	69	60	9	186	57	129

Source: U.S. Census Bureau

The Census also reports households by the number of people. In 1980, there were 353 one-person households but only 150 one bedroom dwelling units. There were a total of 773 one and two person households, and a total of 548 one and two bedroom units. By 1990, the number of single person households had increased by one quarter, to 441, yet the number of one bedroom housing units decreased by 33 percent to 100. One and two person households increased to 1,041 in 1990. The number of housing units with 2 or less bedrooms decreased to 470.

The largest growth came in the number of very large houses. The number of occupied units with four or more bedrooms increased from 215 to 323. This may have resulted from a number of larger homes being converted from seasonal to year round use, but new construction of large homes also contributed. It should be noted that the 1990 Census indicates there were no households with more than five persons.

The most likely explanation for the trend toward houses which appear to be too large for the number of occupants is to be found in the population statistics presented in Chapter VI. Here we see that the year-round population is aging, augmented by a large number of retirees who have elected to live in Kennebunkport. It seems likely that these people purposely choose houses which are larger than would be needed normally in order to have room to accommodate children and grandchildren during vacation periods. In other cases, these large houses may be operated commercially as guest houses during the summer.

#### **4. Cost**

Data on actual average and median selling price is not available on a statewide basis prior to 1986. Since 1986, the University of Southern Maine and the Maine State Housing Authority have collaborated to collect, process and disseminate sales data. The sales data collected is from the Multiple Listing Service, and therefore only reflects sales through member Realtors. Sales through real estate brokers not members of the service, or through the owner are not included.

Statewide, the median selling price of a home in 1990 was \$89,000. (The median is the number at which half the sales were higher and half lower.) In 1990, the average selling price was \$104,570. This reflects the impact a relatively small number of very expensive houses has to increase the mean over the median. For York County, the median selling price of \$97,500 in 1990, with an average price of \$119,534. The larger difference between the median and the average indicates fewer very low price homes and more very high cost homes.

The University's figures show that housing in Kennebunkport is the most expensive in the County. The 1990 median selling price of a home in Kennebunkport was \$185,000, substantially above the county or state medians. The average sales price in the town was \$232,696, indicating even more of an influence of very expensive housing. The town figures were based on 23 sales. In 1991 the median selling price continued to increase, reaching \$215,000 (based on 25 sales). The median selling price in York County decreased steadily between 1989 and 1991, dropping from \$100,000 to \$85,000.

Consistent data collection and publication methodology allows the census reports to be used to provide longer term trends, though the frequency of collection is less. The numbers include only owner occupied single family homes on ten acres of land or less, which are not mobile homes, and which do not have any business activity taking place on the premises; 77% of the owner occupied homes in Kennebunkport were included. Table VIII-3 indicates that housing in Kennebunkport was significantly more expensive than in the county or state in general. Not

only was the median value in 1980 higher, but the growth between 1980 and 1990 was faster as well. The median value, as reported in the censuses more than tripled during the ten year period.

**Table VIII-3.** Median Values of "Specified" Owner-Occupied Homes

<u>Median Value</u>	<u>Kennebunkport</u>	<u>York County</u>	<u>Maine</u>
1980	\$58,400	\$42,800	\$37,900
1990	\$180,000	\$115,200	\$87,400
Percent increase	208%	169%	131%

Source: U.S. Census Bureau

The data in the decennial Censuses are based on the respondents' estimates of the value of their homes. It should be kept in mind that the Census was conducted in April 1990, the point in time when the real estate market had peaked and prices were beginning to fall. Therefore homeowners' estimates of their homes' value may be higher than sales would reflect.

Table VIII-4 compares the distribution of housing in various value ranges from the 1990 Census for Maine, York County and Kennebunkport.

**Table VIII-4.** Value "Specified" Owner\_Occupied Units, 1990

<u>Value</u>	<u>Kennebunkport</u>		<u>Arundel</u>		<u>Biddeford</u>		<u>Kennebunk</u>		<u>York Co.</u>		<u>Maine</u>	
Less than \$50,000	18	2%	15	3%	134	5%	25	1%	971	3%	37,489	17%
\$50,000_ \$99,999	114	13%	147	30%	981	36%	295	15%	10,335	33%	95,187	44%
\$100,000_ \$149,999	195	22%	201	41%	1,059	38%	665	34%	11,655	38%	49,586	23%
\$150,000_ \$199,999	178	20%	88	18%	319	12%	435	22%	4,474	14%	18,040	8%
\$200,000_ \$299,999	198	22%	29	6%	148	5%	331	17%	2,389	8%	9,995	5%
\$300,000 or more	200	22%	5	1%	110	4%	184	10%	1,207	4%	4,666	2%
Median Value	\$180,000		\$117,300		\$109,800		\$148,800		\$115,200		\$87,400	

Source: U.S. Census Bureau

From the table it can be seen that housing in Kennebunkport is weighted far more heavily to the expensive prices than in the county or the state. Only 37% of the housing is valued at \$150,000 or less, compared to 84% in the state, 74% in Arundel, 50% in Kennebunk. Kennebunkport's median value is the second highest in the state, behind only Ogunquit. One quarter of the housing in the town was valued at \$283,900 or more.

With respect to non-seasonal rentals, there appear to be three categories of rental units: houses, apartments and single rooms in family houses. The 1980 Census reported a median gross rent for Maine of \$216 per month, while for York County, the figure was \$222. In 1980, median contract rent in Kennebunkport was \$220. By 1990, the median rent in Kennebunkport had increased to \$643, an increase of 192%. The County median rent increased only 124% to \$498 and half of the rental units were reported to rent for between \$300 and \$500 per month.

## 5. Dwelling Age

The housing stock in Kennebunkport is quite old. Approximately one third of all units counted in the 1990 Census were built in 1939 or earlier. In fact, almost two thirds of the stock was built prior to 1970. Table VIII-5 shows the number, percentage and cumulative percentage of housing units built in a number of time periods.

**Table VIII-5. Age of Housing in Kennebunkport**

<u>Year Built</u>	<u>Number of Units</u>	<u>Percent</u>	<u>Cumulative Percent</u>
1989-90	69	3%	100%
1985-88	189	8%	97%
1980-84	183	8%	89%
1970-79	371	17%	80%
1960-69	292	13%	64%
1950-59	247	11%	51%
1940-49	153	7%	40%
1939 or earlier	740	33%	33%

While Kennebunkport has a substantial number of older housing units, the increased pace of construction in recent years is apparent from Table VIII-5. One-fifth of the housing was constructed during the 1980's.

#### **6. Manufactured Housing Including Mobile Homes**

Mobile home parks are probably the most economical form of housing which is available to low and very low income people. Mobile home parks are allowed by the Kennebunkport Land Use Ordinance. Since the Ordinance was instituted in 1972, however, none have been built. This is probably due to the high cost of raw land and high development costs.

Manufactured housing, including individually sited mobile homes, is allowed in the Free Enterprise and Farm and Forest zones. Seven percent or 18 of the 276 new housing units built in Kennebunkport between 1980 and 1988 were mobile homes. Nineteen percent, or 7 of the 36 new housing units built in Kennebunkport between 1989 and 1990 were mobile homes. The increase in the ratio of mobile homes to stick-built homes during the 1989 to 1990 period is very large and may mean that even moderate income families need to rely on mobile homes to enter the housing market in Kennebunkport. Nevertheless, it is doubtful that an individually sited mobile home could be considered affordable for low and very low income families because the cost of raw land is so high.

There is no way to determine how many other types of manufactured housing were utilized in Kennebunkport in the 1980 to 1990 period because the town kept records of only the mobile home variety. All other manufactured housing was recorded simply as single family or multi-family.

#### **7. Assisted Housing**

As of 1986/1987, York County had a total of 2,189 federally assisted multi-family housing units. Though the county has approximately 14% of the state's total housing units, only 8% of the state's 27,000 federally subsidized units are located here.

The Maine State Housing Authority's inventory indicates there were three federally assisted multifamily housing units in Kennebunkport as of March, 1991. This is equivalent to less than one half of one percent of the occupied stock in the town. Two of these units are for the elderly while one is designated for a family. All are scattered site units, meaning the tenants receive a certificate which provides a subsidy to qualifying landlords. There are currently no known plans to develop any assisted housing in Kennebunkport.

#### **B. HOUSING DEMAND**

Housing demand can be inferred by examining a number of variables including population, household formation, income and employment.

Chapter VI of this report presented a detailed discussion of trends in population, households, and household income for the Town. At this point, we will draw attention once again to some of those statistics which have a bearing on demand for housing.

### **1. The Low-Income Segment of the Population**

Although, as reported by the 1990 Census, Kennebunkport has a relatively high median household income and the highest percentages of high income households of any of the areas presented, the town also has substantial percentages of households with incomes below \$15,000. As of 1990, 4.4% were in the \$10,000-\$14,999 category, 5.5% in the \$5,000-\$9,999 category, and 6.1% below \$5,000, making a total of 16%.

"Poverty Level" is a figure developed by the U.S. Census Bureau which takes into account the number of people in a household and their ages. (See Table VI-4.) For a typical family in 1990, "poverty level" income would have been about \$10,000.

In 1980, the poverty rate in Kennebunkport was 10.1%: 2,631 individuals were above the poverty line and 298 were below. The highest poverty rate, 16%, was for people 55\_59 years of age. In 1990, the poverty rate had dropped to 5.6%, with only 190 people identified as being below the poverty level. Nevertheless, in female-headed households with related children under the age of 18, the poverty rate was 30%.

The problem may be particularly acute for older persons. In 1980, 18% of those in poverty were 55 years of age and older. In fact, the group with the highest poverty rate was the 55\_59 age group. If this pattern has remained constant, this age group will continue to be affected and will continue to be in need of affordable housing. With only three subsidized units in the town, there is clearly an appreciable need for affordable housing for the community.

### **2. Unmet Housing Needs**

The housing supply in Kennebunkport does not appear to meet the needs of all citizens and may be affecting the ability of the town to support a diverse citizenry.

Looking at new housing construction and household formation since 1980, we can see that more households were formed than new houses constructed. In fact, from a household perspective, there is an apparent demand for an additional 100 units. Where are these households currently living? Some of these households may be renting rooms in single-family homes. Based on conversation with the committee, however, the majority seem to be doubling up with family or friends.

Kennebunkport has enjoyed a per capita and median family income above that of York County and the State. However, the rate of increase in income has not kept pace with the rate of increase of home prices in the town. From 1980 to 1990, the median selling price of a home has increased over 200% while incomes have increased 1%. Indeed, the median income family making \$33,000 could only afford a mortgage of approximately \$75,000 to \$90,000 (the ranges depend on variations in interest rates and target programs for first-time home buyers). Yet in 1990, of the 28 homes which sold through the Multiple Listing Service, only three sold for \$105,000 or less.

An often heard complaint is that the cost of land and housing is preventing the children of Kennebunkport families from buying housing in the town where they grew up. The children of Kennebunkport families who do manage to own their own homes in Kennebunkport usually do so with assistance from their families. Assistance is usually in the form of a gift of land, a land transfer at below market rates, a cash gift or a loan.

Another consequence is that employers may have difficulty obtaining employees during the tourist season because potential employees can't find affordable rents in Kennebunkport.

Further, there is little in the way of housing suitable for the elderly. An elderly person in need of nursing home care, a life care community or even a subsidized apartment cannot find such in Kennebunkport. The Kennebunkport Land Use Ordinance allows for the construction of nursing homes in the Free Enterprise and Farm & Forest Zones but none have been built. There are two federally assisted elderly housing units in Kennebunkport. Kennebunkport elderly are fortunate in that Kennebunk does have a life care community, a nursing home and a significant amount of subsidized elderly housing. Kennebunkport elderly have generally had no problem in utilizing nursing home and life care facilities in Kennebunk, but unfortunately, there are waiting lists for subsidized apartments. The waiting lists are particularly long for the units reserved for very low and low income elderly.

### **3. Factors Influencing the Cost of Housing in Kennebunkport**

The major roadblocks to affordable housing in Kennebunkport are the cost of land and a fully loaded sewer treatment system. There is no capacity at the sewer treatment plant for additional organic loads over and above those already identified as planned, without substantial additions and modifications to the physical facilities. Raw land served by town sewer and public water tends to run upwards of \$75,000 for a single house lot. Land which is not served by public water and sewer tends to run upward of \$50,000. The only exceptions are intrafamily land transfers and wood lots not suitable for home building. Land not served by public sewer and water is expensive to develop because large parcels are needed to meet the state's wastewater disposal rules. Further, construction in Kennebunkport is encumbered by limiting factors such as ledge and wetlands. These limiting factors increase development costs dramatically. Blasting of ledge is very expensive; blasting alone can add \$20,000 or more to the cost of a house. Wetlands are regulated at the federal, state and local level and generally, no building is allowed within the boundary of a wetland. Thus, larger lots are a necessity.

Added to all this are other hidden costs attached to owning a home in Kennebunkport. For example: The least expensive land in the town is not served by public water. Wells must be drilled to a depth of around 150 to 410 feet. Most wells suffer from one or more of the following: high iron content, high manganese, turbidity, or high sodium/chloride. All of these problems require expensive methods of treatment. Iron, manganese and turbidity can be treated with various filtration systems. These systems usually cost upwards of \$1,000. Near the coast sodium/chloride contamination is caused by salt water intrusion. In the inland locations of the Town, it generally is caused by the presence of a glacially-derived pocket of salty groundwater. Sodium and chloride-removal equipment is available but very costly. Finally, most houses in town require sump pumps or expensive drainage systems to ensure dry basements because of the shallow-to-bedrock soils which make up most of the town.

## II. ANALYSIS AND CONCLUSIONS

### A. GENERAL CONCLUSIONS

For the great majority of the citizens of Kennebunkport, housing is a source of satisfaction rather than of concern. The fact that the houses tend to be large and costly, and often occupied only in the summer season, reflects the tastes of a relatively affluent population, and the town's character as a resort community. Since practically all houses are well maintained and attractively landscaped, housing is something in which the town can justifiably take pride.

There is certainly no shortage of housing; at this writing, the number of "For Sale" signs on display appears near an all-time high.

Nevertheless, in Kennebunkport, as in thousands of other communities throughout the United States, households with moderate-to-low incomes find it nearly impossible to secure satisfactory housing at a cost they can afford. Both the State and the Town are seeking means to alleviate this problem.

### B. DEFINITION OF AFFORDABLE HOUSING

For the purposes of comprehensive planning and a number of housing programs, the Department of Economic and Community Development defines "affordable housing" as decent safe, and sanitary living conditions that are affordable to lower income households and moderate income households, in accordance with the following provisions.

1. An owner-occupied housing unit is "affordable" to a household if the unit's selling price/market value does not exceed that for which reasonably anticipated monthly housing costs (including mortgage principle and interest payments, mortgage insurance, homeowners' insurance, and real estate tax) would equal 28% of the household's gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates prevailing in the housing market.
2. A renter-occupied housing unit is "affordable" to a household if the unit's monthly housing costs (including rent and utilities) do not exceed 30% of the household's gross monthly income. Monthly housing costs do not include government subsidies.
3. A "lower income household" is a household with a gross income less than or equal to 80% of the applicable MSA/County median income. Lower income households include both very low income households and low income households. A "very low income household" is a household with a gross income less than or equal to 50% of the applicable MSA/County median income. A "low income household" is a household with a gross income over 50%, but less than or equal to 80%, of the applicable MSA/County median income.
4. A "moderate income household" is a household with a gross income over 80%, but less than or equal to 150%, of the applicable MSA/County median income.
5. The "applicable MSA/County median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for the federally-designated Metropolitan Statistical Area (MSA) or County (non-MSA



part) in which the housing unit is located. For the non-metropolitan portions of York County, of which Kennebunkport is a part, the 1994 median household income is \$37,600.

**C. HOW AFFORDABLE IS HOUSING IN KENNEBUNKPORT?**

The 1989 median household income in Kennebunkport was \$34,837. However the state rules, recognizing that Kennebunkport is part of a wider housing market, indicate that the appropriate income to use is the non-metropolitan County median. In 1989, the County median income was \$32,600. More recent data released by the federal government estimate the non-metropolitan County median income to be \$37,600 in 1994. Applying the State's income and housing cost parameters for affordable housing yields the monthly rents and purchase prices shown in Table VIII-6. The calculations to determine the affordable purchase price were based on an assumption of a 30 year mortgage at 9.00% and a 10% down payment. Other costs include property taxes at \$15 per \$1,000, homeowners insurance of between \$250 to \$360 per year (depending on the value of the house), and utilities and heating costs of \$75 per month.

**Table VIII-6.** Affordable Rents and House Prices, 1994\*

<u>Price</u>	<u>Income level</u>	<u>Monthly Rent</u>	<u>House</u>
Moderate income (\$56,400)	\$1,410	\$148,300	
Median income (\$37,600)	\$940	\$95,000	
Lower income (\$32,600)	\$815	\$71,400	
Very low income (\$18,800)	\$470	\$39,500	

\*With a State Housing Authority mortgage at 6% and only 5% down.

The 1990 Census reported the median monthly rent in Kennebunkport to be \$513. Two-thirds of the rented housing units were in single family structures. Forty percent (40%) of the units rented for less than \$500 per month, perhaps approaching affordable to lower income households, depending on heating and utility costs. Only 10% of the rental units had a monthly rent of \$750 or more.

The most affordably priced rentals within the town are off season rentals. These are located mostly in the Goose Rocks Beach area and are generally available from October through May. During these months a small house can be rented for \$400 plus utilities, per month. However, these same units are prohibitively expensive from June through September when they typically rent for upwards of \$2,000 per month. Simply put, there are no lower cost rentals available for tenants displaced by very high seasonal rents. Thus, seasonal rentals are not a viable alternative to year round rentals because families are forced to move to lower cost rentals during the June through September period when rents rise dramatically.

The vacancy rate for year-round single-family houses may be as low as the 1980 rate of 1%. Informal surveys of newspapers indicate a scarcity of rental housing. Household formation growth indicates that additional rental housing is a need but high raw land costs combined with high development costs has created a barrier to rental housing. Further, developers have said

that permitted densities for multiplex construction make it unprofitable when compared with single family development.

#### D. CAN THE TOWN ACHIEVE THE "AFFORDABILITY" GOAL?

Some of the techniques used to promote affordable housing utilize increases in density. Commonly used techniques utilizing increases in density are:

1. Increases in density are linked to requirements that a specified percentage of units within a development will meet the affordable housing definition.
2. Density requirements for multiplex can be increased to promote affordable rental units.

Some other methods of promoting affordable housing are:

1. The town could choose to develop a program which provides land for affordable housing. The town could choose to use town owned land for this purpose or the town could require developers to pay a cash contribution to a municipal fund for the construction of affordable units if the developer does not wish to erect affordable units within its subdivision.
2. The town could consider allowing mother-in-law apartments. The town could also consider allowing people to rent rooms on a monthly basis. Room rentals could alleviate the shortage of housing encountered by seasonal workers employed by the tourist industry. Most room rentals available now are of the transient bed and breakfast variety.
3. A local land bank could be created. Town land could be deeded to a non-profit developer or put into a community land trust. Land trust structures can assure that the housing created will remain affordable in perpetuity.

Even if the Town chooses to utilize the Kennebunkport Land Use Ordinance and the Planning Board Subdivision Regulations to provide greater flexibility and opportunity for affordable housing, there is no guarantee that the goal of affordable housing can be met because of high raw land costs and high land development costs.

The Town cannot allow increases in density along existing sewer lines because the sewer treatment plant will soon be at or over capacity. Sewer extensions to serve land not now served by municipal sewer will not be permitted unless the town wishes to commit to expensive additions to the existing plant or to a separate new sewer treatment facility. That commitment seems unlikely at this time.

Land not now served by public sewer is not suitable for increased densities because of limiting factors such as ledge, marine clay and wetlands.

#### E. POLICY ISSUES

Any affordable housing program must provide for resale controls to ensure that the affordable units remain affordable. Further, a number of policy issues must be considered. For example:

1. Whom should the units be designed to benefit?
2. Who will administer the program?
3. Should the affordable units be comparable in size, quality and appearance, etc. to the market rate units?
4. Is the fee or the requirement that affordable housing be built financially feasible from the developer's point of view?
5. Should use or resale of affordable housing be restricted by equity limitation or other means to preserve affordability?
6. Is the town willing to commit to reduced property taxes on affordable units to keep them affordable?
7. If an equity limitation clause is chosen as a means to preserve affordable housing, how will improvements made to the dwelling by an owner be valued? There are two sides to this question: If an owner can't recapture the value of improvements upon sale of the property, there will be no incentive to improve the property but any value permitted for improvements will decrease the affordability of the unit in the future.
8. Who will decide where the money will go?
9. How will future enforcement be handled?

### **III. IMPLEMENTATION**

#### **A. GOALS OF THE STATE AND TOWN**

**STATE GOAL:               ENCOURAGE AND PROMOTE AFFORDABLE DECENT HOUSING: SEEK A MINIMUM OF 10% OF NEW HOUSING AS AFFORDABLE**

**TOWN GOAL:   ALLOW FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES**

**POLICY:** Encourage the creation of new affordable housing if applicable to Kennebunkport.

**Strategy:** Review Land Use Ordinances in conjunction with Section D (Can The Town Achieve The “Affordability” Goal?) and Section E (Policy Issues) of the Comprehensive Plan.

**Responsible Party:**                               Growth Planning Committee, Planning Board, Code Enforcement Officer

**Recommended Time Frame:**               Within two years of adoption of plan

## Chapter IX: Recreational and Cultural Resources

### I. INVENTORY

#### A. LAND DEVOTED TO RECREATIONAL USE

##### 1. Publicly-Owned Facilities

The town owns several outdoor recreation facilities. (Two of those listed below were developed with the help of federal grants.)

Beachwood Park is a 1 acre parcel off Beachwood Avenue, adjoining the Highway Department facility, which was first put into use during the summer of 1994. It includes two tennis courts, a basketball court, a playground and a picnic area. It is receiving heavy use.

Cape Porpoise Firemen's Park is a 2.3 acre parcel by the water. The field has a softball diamond, a field study area and picnic tables. Playground equipment is to be added in the spring of 1996.

Cape Porpoise Pier and Government Wharf, although they are intended primarily as commercial facilities, receive substantial recreational use as points of attraction and for sightseeing. Unfortunately, both piers have inadequate parking.

Parsons Field is a 5 acre parcel adjacent to The Consolidated School. The field has a new drainage system and established sod. The field is used for baseball, softball, lacrosse, soccer and summer recreation programs.

Parsons Way is a walkway along Ocean Avenue providing scenic views and picnics. While there is no parking permitted on Parsons Way itself, there are some spots where parking is possible on the adjoining public right-of-way. Parsons Way receives heavy use.

Silas Perkins Park is a riverfront lot on Ocean Avenue with picnic tables and benches overlooking the Kennebunk River.

The Town Forest consists of 450 acres of undeveloped land, some without access. They may be used for walking, riding, cross country skiing and nature study. These lands receive light use.

The Federal Government also owns land in Kennebunkport which is available for outdoor recreation.

The Goat Island Lighthouse has recently been automated and the island has no year-round inhabitants. It has been leased to the Kennebunkport Conservation Trust, which says it had a seasonal occupant in 1994.

The Rachel Carson National Wildlife Refuge owns about 500 acres, mostly marshes and estuaries. Though not operated as a recreational facility, the refuge is open to public use and is lightly used for bird watching, hiking, and cross country skiing. Hunting is allowed by permit. There are limited boating opportunities in the open water portions of the refuge.

## **2. Privately-Owned Facilities Open To The Public**

In addition to the municipally-owned facilities, the town has within it privately-owned outdoor recreation areas which are used by the public without a fee.

Cleave's Cove: Pedestrian right-of-way only; approximately 500 feet of water access; rocky shoreline; limited swimming; scenic views; bird and seal watching; receives light use.

Colony Beach: Federal and private ownership; limited parking; approximately 500 feet of water access with breakwater jetty; swimming; scenic views; fishing; launching of light craft over the beach; receives heavy use.

Goose Rocks Beach: Private and municipal ownership; sticker parking; right of way via five town-owned lots with frontage; approximately two mile beach; swimming, scenic views; sailboarding; jogging; bird watching; cross country skiing in winter. Although the privately-owned areas of the beach are not open to recreational use other than walking, the public beach receives heavy use.

The Kennebunkport Conservation Trust, a private organization chartered to protect land from development, owns 26 parcels of land, totaling approximately 150 acres, including several off-shore islands.

The River Green on Ocean Avenue is suited for band concerts, fairs, demonstrations. The Green receives very heavy use.

Vaughn's Island is used seasonally for camping programs and is accessible by foot at low tide.

Cape, Redin and Green Islands, off Cape Porpoise, are undeveloped and are used for picnicking and some overnight camping.

Craig Pine Grove is a nine-acre parcel in Cape Porpoise Village with a nature trail.

The Emmons-Chick Properties on Gravelly Brook Road, where a future ecology center is planned.

Seven lots of land at Goose Rocks Beach, which add substantially to the land there which is accessible to the public.

In addition, within the Town, there are many other private open areas, zoned "Tree Growth", comprising approximately 1,286 acres. These are mostly tree growth and farm lots; casual use permitted by owners for hunting, horseback riding, cross country skiing, views. ATV and skimobiles are usually prohibited.

Title 14 of Maine State Statutes addresses the issue of limited liability for activities on privately owned land. Maine has a custom of permissive access, which says that "Landowners are not responsible for personal injury to those who come on their land." This enables us to rely on a mixture of public and private lands for our recreation. In return, the public is to remember they are on private land and have no right to leave litter or park wherever they choose.

### **3. Other Privately-Owned Facilities**

Cape Arundel Golf Club. This is a semi-private club with an attractive 18-hole golf course situated along the banks of the Kennebunk River. The public can use the course at designated hours after payment of a greens fee.

Kennebunk River Club. This is a private tennis and yacht club of approximately 225 members, established in 1889 as the "Lobster Boat and Canoe Club". Its facilities comprise eight tennis courts, docks, and a complex of buildings on both sides of Ocean Avenue. The Boathouse, dating to 1889, is on the National Register of Historic Places. The Club annually sponsors art and theatrical events which are open to the public.

Arundel Yacht Club. This is a private club of approximately 225 members whose clubhouse is a former ropewalk. It provides dock space for about 50 boats of various sizes, and engages in an extensive program of social functions. The club sponsors weekend sailing races and instructional sailing programs for children in which non-members can participate whenever space permits.

Goose Rocks Beach Association. This is a private club that maintains three tennis courts and a small boat launching ramp. The Association sponsors a summer youth program and also sponsors social activities.

### **4. Commercial Campgrounds**

Kennebunkport Camping Park; 28 acres; 82 tenting and camping sites w/hookups; receives heavy use (seasonal).

Salty Acres on Route 9; 38 acres; 100 tenting and camping sites w/hookups; 400 picnic tables; showers; seasonal grocery store; adjacent restaurant, pool and motel; receives heavy use (seasonal).

## **B. RECREATIONAL PROGRAMS OF THE TOWN**

For a number of years, Kennebunkport has benefited from a year-round recreational program with a full-time director and several program assistants. According to the Director, Carol Cook, the popularity of specific activities rises and falls, but the town endeavors each year to offer a variety of appealing choices. Those which were available in 1994, and the approximate number who participated, are as follows:

Soccer	320
Halloween Party	500
Summer Playground (Jr. & Sr.)	185
Youth Basketball	120
Father-Daughter Valentines Dance	52 couples
Men's Basketball	45
Kindergarten Soccer	61
Open Gym (Indoor)	40
Kennebunkport After-School Adventure	35
Swimming Lessons (at Biddeford YMCA)	46

Mother-Son Pizza and Bowling	32 couples
Second Grade Instructional Basketball	28
Shoot-A-Thon (Basketball)	17
50-Plus Club	15
Dance Program	9
Track	5
Hersheys (a track & field program)	2

The Recreation Department also coordinates with the Police and Youth Services Departments in sponsoring dances and other activities for students. In addition, athletic activities for S.A.D. 71 High School "Club Teams", including soccer, lacrosse and area baseball, all take place in the recreational facilities of the town of Kennebunkport.

### C. OTHER RECREATIONAL OPPORTUNITIES

One of the attractions which lures summer visitors and tourists to Kennebunkport is the variety of recreational opportunities that are available.

Probably the premier attraction is the town's several beaches, which have been described elsewhere in this report.

For those who wish to get out upon the water, there are several ways to do so:

- One sightseeing vessel takes visitors for tours covering most of the shoreline of the town.
- Two sailing vessels about 35 feet in length, one a sloop and the other a schooner, will take groups of visitors on short off-shore excursions.
- Two motor vessels offer regular all-day "whale watching" trips, which usually go out to the vicinity of Jeffrey's Ledge.
- For persons who wish to "do it themselves," it is usually possible to rent a motor boat or a sailboat from one of the local marinas.

For those who enjoy fishing, there are several ways to proceed:

- The breakwater at the harbor entrance attracts many who are short on cash but long on patience.
- One 36-foot sport fisherman can be chartered by the day.

For those devoted to walking, itineraries are easily planned following the riverfront or along the oceanfront, using Parsons Way. The Historical Society organizes Walking Tours covering the older sections of the town. Bicycles can be rented at several spots within the town. For those who are more athletically inclined, there are periodic road races, marathons, and bicycle races.

Outside of Kennebunkport, but within easy driving distance, are some other options:

- Several additional golf courses and driving ranges.
- Several miniature golf courses, amusement parks, and water slides.

### D. CULTURAL RESOURCES

## **1. Societies and Associations**

*River Tree Arts.* Although River Tree's headquarters are in Kennebunk, many citizens of Kennebunkport contribute greatly to its support and operation. The association sponsors a diverse set of performances, exhibits, workshops and classes dealing with music, theatre, dance, literary and artistic programs.

*Kennebunkport Historical Society.* This society, with several hundred members, maintains headquarters in a 100-year-old schoolhouse on North Street, where it preserves and displays a variety of documents and artifacts of historical interest, and periodically presents lectures and entertainments. The Society also maintains the Nott House, an attractively furnished Greek Revival mansion on Maine Street, where guided tours are offered during the summer season.

## **2. Museums**

*Seashore Trolley Museum.* This museum is claimed to possess the largest collection of trolley cars, subway cars and related equipment in the world. A few of the cars are more than 100 years old. Many of these cars are displayed for visitors to inspect, and the Museum has shops in which it is gradually restoring many of the others. Visitors can take trolley rides on the museum's private two-mile stretch of track.

*Kennebunkport Maritime Museum.* This museum is housed in "The Floats", a former wharf which was fitted out as a private club during the 1930's by the author Booth Tarkington. It now displays ship models, paintings, and a variety of other nautical memorabilia.

## **3. Libraries**

*Louis T. Graves Memorial Library.* This library is housed in a brick building on Maine Street, dating from 1813, which was formerly the U.S. Customs House. It is listed in the National Register of Historic Places. It receives about half of its funding from the Town, and the remainder from private donations. The Library's hours vary somewhat, but it is open five afternoons and four evenings each week, and on Saturday mornings. It offers over 25,000 books, audio and video tapes, and a variety of other services. The staff and volunteers provide excellent service.

*Cape Porpoise Town Library.* This small library offers a variety of books of general interest, and is open three afternoons each week as well as Saturday mornings. It receives limited funding from the Town, but is mainly supported by the Cape Porpoise community. It is housed in Atlantic Hall, and has a part-time paid librarian with volunteer assistance.

## **4. Churches**

The following churches are located within the Town of Kennebunkport:

- Church on the Cape (United Methodist), Langsford Road
- First Congregational Church, Log Cabin Road
- Saint Ann's Episcopal Church, Ocean Avenue (summer season only)



- Saint Martha's Church (Catholic), North Street, (summer season only)
- South Congregational Church, Temple Street
- Village Baptist Church, Maine Street

The Franciscan Monastery occupies attractive grounds immediately opposite the town on the west bank of the Kennebunk River. Churches representing several other denominations lie within short driving distance of Kennebunkport.

## **5. Art Galleries**

There are more than a dozen commercial art galleries within the town, offering a wide variety of art, sculpture, and other art objects. Several artists' guilds sponsor shows throughout the year.

## **6. Halls and Meeting Rooms**

*American Legion Hall* is located off Route 9, midway between the Dock Square area and Cape Porpoise. It can be used for social affairs and will seat about 100.

*Atlantic Hall* is the community center of Cape Porpoise and is supported by the residents of the Cape. The first floor contains the Library, reference tables, and kitchen facilities. The Hall on the second floor is used for parties and dances, and will seat about 100.

The *Goose Rocks Fire Station*, located on Route 9 north of Goose Rocks Beach, includes a meeting room which seats about 100 people.

*Consolidated School Gymnasium*. This facility is large enough to seat 668 people and is the site of all Town Meetings. Arrangements can be made with the School for private use. The room has a stage but no theatrical lighting.

*South Congregational Community House*. Located across Temple Street from the Post Office, this building was formerly home to the Olympian Club. It seats about 100 people and has a stage. It has kitchen facilities and is used extensively for social gatherings.

*Pasco Room, Graves Library*. This room on the second floor of the Library can be arranged to seat about 25 people. It is handicapped accessible. It is available for meetings of non-profit organizations.

*Timson Room, Ocean National Bank*. This room in the basement of the bank's Kennebunkport branch can be arranged to seat about 20 people.

*South Congregational Church*. Arrangements can be made to use the sanctuary of this church, which seats about 300 people, for non-religious gatherings.

## **7. Private Schools**

With the exception of nursery schools, there are no private schools within the town. Nearby in Arundel there are several: The Heartwood School of Art, the School Around Us which teaches children in elementary grades; and the Landing School of Boatbuilding and

Design, which accepts students of all ages. In Biddeford is the University of New England, which is noted primarily as an osteopathic school of medicine.

### **8. Restaurants**

To the extent that dining may be considered a cultural activity, Kennebunkport residents are extremely well endowed. Because of its status as a resort area, the town boasts a wealth of restaurants in all cuisines and price brackets. Even in the "off season", when many of the restaurants are closed, the variety available remains remarkable for so small a community.

### **9. Other Resources in the Area**

At various times from 20 to 40 year ago, Kennebunkport boasted a cinema, a summer theatre, and a light opera company. All of these are gone now, the victims of skyrocketing costs and easy entertainment via television. Nevertheless, within a radius of 25 miles, including the cities of Biddeford, Portland, Dover and Portsmouth, Kennebunkport residents can still draw upon a wide range of cultural attractions, including:

- WBACH, 99.3 FM (classical music station)
- Art museums
- An aquarium
- Bowling alleys
- An indoor ice arena
- Children's museums
- The University of New England
- Several stage companies
- Portland's Symphony Orchestra
- A variety of concerts and other stage presentations
- At least a dozen movie theatres
- A very active Senior Center
- Professional baseball and hockey teams
- Several Y.M.C.A.'s

## **II. ANALYSIS AND CONCLUSIONS**

Viewed in their entirety, the recreational and cultural resources of Kennebunkport are excellent for a town of our size, and those related to marine activity are outstanding. This, of course, does much to account for the town's popularity as a vacation resort.

Fortunate as we may be, it is always possible to identify ways in which our situation might be improved.

### **A. RECREATIONAL FACILITIES**

In 1990, the Town's Recreation Department conducted a survey to determine the types of new recreational facilities which were most desired. While some of the items mentioned in the response have since been provided, one remains at the top of the "wish list":

1. *Access to the water for citizens with small boats.* We interpret this to mean an affordable launching ramp where cars with boat trailers can be parked. Assuming that the Town would find such usage to be consistent with its goals, the biggest obstacle to overcome in such a project would be the cost of acquiring a suitable location, and of grading and paving the parking and launching surfaces.

2. *Bicycle paths.* Surveys have repeatedly mentioned corridors on road shoulders for bikers, runners, and roller blade skaters. Every year the Arundel Road and Goose Rocks Road to the beach become more dangerous, but so far no action has been taken by the Town.

The barriers facing both of these projects do not appear insurmountable, and both deserve consideration.

## B. CULTURAL FACILITIES

On the cultural side, the Town's biggest need would seem to be an auditorium for theatre, concerts and other performances. Were such a building available, it would attract stage companies, musicians and performing artists, and thus would serve as a cultural magnet. The building could also meet the Town's need for a public meeting hall with a seating capacity greater than 100 people.

## III. IMPLEMENTATION

### A. STATE GOAL:

**TO PROMOTE AND PROTECT THE AVAILABILITY OF OUTDOOR RECREATION OPPORTUNITIES FOR ALL MAINE CITIZENS, INCLUDING ACCESS TO SURFACE WATERS.**

### **TOWN GOAL 1: MAINTAIN AND EXPAND ACCESS TO THE SHORE FOR BOTH COMMERCIAL AND RECREATIONAL USES**

POLICY 1: Work to provide boaters access to the ocean.

Strategy 1: Search for a location to construct a municipal launching ramp with a suitable parking lot, which could be used at a reasonable fee.

Responsible Party: Town Meeting, Selectmen

Recommended Time Frame: One year of adoption of plan

### **TOWN GOAL 2: ENCOURAGE OUTDOOR ACTIVITIES**

POLICY 1: Encourage appropriate use of the Town Forest. (See Chapter V.)

POLICY 2: Establish a bicycle path program.

Strategy 1: Draw up and publish maps of the town, which show historical and scenic points of interest and indicate distances, show bicycle paths, and suggest walking tours.

- Responsible Party: Road Commissioner, Historical Society,  
Recreation Commission, local bikers
- Recommended Time Frame: One year after adoption of plan
- Strategy 2: Install bike racks at Dock Square, Colony Beach, and Goose Rocks Beach.
- Responsible Party: Recreation Committee, Road Commissioner,  
Goose Rocks Concerned Citizens, Goose  
Rocks Beach Association, Kennebunkport  
Business Association
- Recommended Time Frame: One year after adoption of plan
- Strategy 3: Establish bike routes and provide signage.
- Responsible Party: Recreation Committee, Road Commissioner,  
local bikers
- Recommended Time Frame: One year after adoption of plan
- Strategy 4: Investigate available funding grants.
- Responsible Party: Town Forestry Committee, Recreation  
Committee
- Recommended Time Frame: One year after adoption of plan
- Strategy 5: Continue the Town's sidewalk improvement program.
- Responsible Party: Sidewalk Committee
- Recommended Time Frame: Ongoing

## Chapter X: Public Facilities & Services

### I. INVENTORY

#### A. PUBLIC SERVICES

The principal services available in the town are summarized in the paragraphs below. Note that some are furnished by the Town, some are semi-public, and some are provided independently. Where furnished by the Town, the cost, if known, is shown as listed in the Town's 1993 Annual Report.

##### 1. Education (\$4,194,163)

Kennebunkport school children, along with those of Kennebunk and Arundel, are educated by School Administrative District 71, which is an agency set up by the State. Although three residents of the Town serve as Directors of the District, and meetings are open to the public, the Town has little or no formal control over the actions of the District.

During the 1995-96 school year, 509 students from Kennebunkport were being educated by S.A.D. 71. By grade level, they were distributed as follows:

Special Education	1
Kindergarten	46
Grades 1-6	225
Grades 7 & 8	78
Grades 9-12	145
Cousens, Park Street, Sea Road Schools	14

Almost all children in Kindergarten through Grade 6 attended the Consolidated School; Grades 7 and 8 attended the Middle School; Grades 9 through 12 attended Kennebunk High School. Of the schools mentioned, only the Consolidated School is located in Kennebunkport.

The education provided by S.A.D. 71 is recognized to be of good quality. In the past, S.A.D. 71 has been recognized by the Federal Department of Education for maintaining Schools of Excellence. The Stanford Achievement Test results indicate that S.A.D. 71 students score well above the national averages. The Maine Educational Assessment tests, given in grades 4, 8, and 11, placed district students at a level much higher than the state average.

The District's drop-out rate is less than one percent, substantially less than the York County average. Close to 2/3 of graduating seniors go on to attend post-secondary schooling.

The District also offers adult education programs, with both a general equivalency program and other classes offered. There are usually 10 to 12 graduates of the class receiving their high school diplomas through the adult education program each year.

The District is currently improving its libraries, computer resources, and curricula to assist students to be better prepared to face the increasing technology of the 21st century.

The School Administrative District recently engaged an independent consultant to review the suitability of its facilities for present and projected requirements. The consultant's report forecasted increasing overcrowding of classrooms system-wide. The report also noted various building code deficiencies in some of the older school buildings. SAD administrators are currently reviewing the consultant's recommendations, which include renovations to existing

buildings, as well as construction of a new classroom building. At the same time, the District is attempting to quantify, over a time frame of about ten years, the availability of state funding for new school construction.

The aspect of this educational program which most concerns the townspeople of Kennebunkport is not its quality, but its cost. The overwhelming source of complaint is the basis on which operating costs are divided between the communities which support the District.

At the time when S.A.D. 71 was organized in 1969, representatives of Kennebunk and Kennebunkport agreed that the total operating costs of the District would be apportioned between the two towns on the basis of a formula in which 70% of the weighting would be based on State Valuation of taxable property, and 30% on number of students enrolled. To see how this agreement works in practice, let:

$$\% \text{ of Total Cost Paid by Kennebunkport} = \frac{70SV_{kpt}}{SV_{kpt} + SV_{kbb}} + \frac{30ENR_{kpt}}{ENR_{kpt} + ENR_{kbb}}$$

where SV = State Valuation for Town  
and ENR = Number of Students Enrolled

For 1993, the following values pertained:

SV<sub>kpt</sub> = \$634 million  
SV<sub>kbb</sub> = \$749 million  
ENR<sub>kpt</sub> = 479 students  
ENR<sub>kbb</sub> = 1,431 students

When the formula is applied, the percentage of total cost charged to Kennebunkport is 39.6%. With operating cost for S.A.D. 71 averaging \$10.59 million for 1993, charges to Kennebunkport for that year amounted to \$4.19 million.

On the basis of cost per student, Kennebunkport paid \$8,756, whereas Kennebunk paid \$4,470. The Town of Arundel is not a participant in S.A.D. 71, but students from Arundel attend S.A.D. 71 schools as "tuition students," for which Arundel is charged approximately \$4,800 per student. By way of comparison, Thornton Academy in Saco charges about \$4,700 per year for day students, and Berwick Academy in South Berwick from \$8,400 to \$9,850 depending upon grade level.

For each of the last 10 years, funding for S.A.D. 71 has consumed between 50% and 60% of the Town's total tax revenues. In the 1993-94 school year, the cost per Kennebunkport student was 96% more than was paid by Kennebunk for students taking the identical curriculum. While many residents feel that the present apportionment of cost is fair, many others, not surprisingly, feel that this inequity is unjust, and should be corrected. Some believe that, if the State Funding Formula cannot be overridden, the Town should withdraw from S.A.D. 71 and make its own provisions for the education of its children.

As of this writing, this issue is understood to be under review by the Town Budget Board.

## 2. Public Safety (\$1,133,868)

a. Police Services. All members of the Kennebunkport Police Force are employees of the Town. There are 11 full-time, year-round police officers and six additional seasonal full-time officers. The summer influx of people and the attendant problems of traffic control in Dock Square, along Ocean Avenue, and at Goose Rocks Beach create the need for the seasonal officers. In 1994, the Department tried a bicycle patrol in selected sections of the town for the first time. For several years, there has been at least one foot patrolman in Dock Square. On busy days, such as holidays, there are several.

Police Department vehicles as of early 1996 were as listed in Table X-1.

**Table X-1.** Kennebunkport Police Vehicles

<u>Number of Vehicles</u>	<u>Model Year</u>	<u>Description</u>	<u>Condition</u>
1	1996	Chevrolet Lumina sedan	Excellent
2	1995	Chevrolet Caprice sedan	Good
2	1994	Chevrolet Caprice sedan	Good *
1	1988	Chevrolet Caprice sedan	Good

\*These vehicles are scheduled for replacement.

The MDOT annual average daily count of traffic entering Dock Square emphasizes what everyone knows: there has been a considerable increase from 7,300 cars daily in 1987 to 10,010 in 1992. Counts were also done on the outlying roads in 1981 and 1987, particularly Route 9 and North Street leading to the Log Cabin Road. These two roads are classified as collector roads. Route 9 at the Biddeford boundary saw 1,510 cars daily in 1981 and 2,390 cars in 1987. North Street registered 2,720 cars at Locke Street in 1981 and 3,670 cars in 1987. The congestion in Dock Square produced the most accidents in town. The next most likely spot was the outer Mills Road (Route 9) in broad daylight under dry conditions. The reason given was driver inattention.

**Table X-2.** Kennebunkport Police Department Activities, 1989-1993

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Motor Vehicle Accidents					
Fatalities	0	0	1	0	0
Personal Injury	14	10	10	7	11
Property Damage (over \$500)	74	66	92	88	83
Total Accidents	127	115	123	118	118
Motor Vehicle/Criminal Arrests	1,570	1,260	909	575	668
Warning Cards Issued	2,096	1,723	1,797	1,610	1,866
Motor Vehicle Defect Cards	1,163	579	538	525	536
Parking Tickets	3,667	3,850	1,918	1,969	1,666
Assaults Reported			21	25	19
Burglaries Reported	14	18	27	15	7
Larceny Reported	119	127	149	99	99
Assistance to Other Agencies	630	601	540	664	638
Building Checks	10,629	11,785	10,724	12,967	16,839
Alarms	319	273	291	287	384
Total Complaints	2,745	2,211	2,510	2,878	2,949
Total Patrol Miles	201,313	213,526	198,779	160,683	196,517
Gallons of Gasoline Used	14,987	17,282	16,017	14,484	14,300

Table X-2 contains a summary of the Police Department's activities for the past several years. From the table, one can see that overall total police activity has remained relatively constant. There is little fluctuation in the number of motor vehicle accidents. The number of arrests, however, for both motor vehicle violations and criminal activity has dropped dramatically since 1988. The Department traveled 20,000 patrol miles less in 1992 than 1988.

The department's criminal investigations have been increasing steadily during the past five years. Table X-3 gives the total number of criminal complaints and the number and percent cleared. The term "cleared" means that a suspect was arrested, restitution was made to the victim or the investigation determined the complaint was unfounded. During the past four years, the department has been able to clear an average of 61% of the complaints.

**Table X-3.** Police Department Criminal Investigations

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Total Number of Cases	169	210	223	241	236
Number of Cases Cleared	108	128	123	158	150
Percent Cleared	64%	61%	55%	66%	64%

Beginning in 1995, the Kennebunkport Police Department is shifting its emphasis from traditional policing that focuses on solving crime to a preventative approach involving communities. This is a national trend growing out of the successful pilot project called "Crime Watch", which was started in the 1980's by a utility company. The organization, training, and familiar signs were provided by private funds to towns serviced by that utility.

Community policing concentrates on working closely with neighborhoods, listening to their concerns, and solving problems before trouble erupts. The program is more flexible than traditional policing with emphasis on local accountability. The same officer stays with the neighborhood and is available for consultations on a daily basis. Residents are encouraged to talk about problems such as stop signs, troublesome kids, littering, etc. Often surveys asking questions like "How safe do you feel?" or "How effective are the police here?" are helpful.



Police academies and technical schools are now carrying training courses geared to this approach. The Kennebunkport Police plan to start with cul-de-sac neighborhoods and gradually cover the town. Local community groups already formed are very helpful in setting up this type of liaison. Like preventative medicine, this approach can create a healthier society, a healthier way of life.

Another community program is JUMP START, a new pilot project offered to non-violent juvenile offenders as an alternative to a court appearance. Volunteer mentors are screened and assigned to one juvenile for a eight-week course on decision making. Various people trained to work with young people conduct these classes at the Kennebunk Police Station. The final class involves other members of the community to supply a larger support system to the graduates. Mentors are encouraged to stay in touch with their young friends after the course. Response has been good from parents, students, and mentors. There is currently a need for more men as mentors.

Following the results of a school-conducted survey in spring 1994, the drug abuse program known as DART has been very active. There have been several evenings of discussion between teachers, parents, and young people on social problems facing students in our fast-moving society.

b. Fire Protection. The Town is served by four independent volunteer fire companies, supervised by a full-time Fire Protection Administrator who is an employee of the Town. There are about 100 active firefighters in the four companies. The Village and Wildes District Fire companies occupy fire houses belonging to the town; the Cape Porpoise and Goose Rocks companies own their own buildings.

The Wildes District Fire Company completed a major expansion of the fire station in 1989. Goose Rocks Beach Fire Company completed a new facility on Route 9 in 1991. Cape Porpoise Fire Company has recently expanded its facilities on the second floor.

The fire companies normally endeavor to raise funds privately to cover their operating expenses. The operating expenses of the Village Fire Company are covered by income from the Clifford Seavey Fund.

Vehicles are purchased privately by the individual fire companies and are financed by the Kittredge Trust Funds. The Kittredge Trust Funds are trusts left to the Kennebunkport fire departments for the purpose of buying fire trucks and other capital equipment. The Trust income earned by each is divided between the four companies in accordance with the provisions of the trust. Each company accumulates Trust income until it can afford, and needs, a new truck. Because of these Trusts, the town has not had to purchase a new truck since 1981.

The town's fire companies, thanks to the Trusts, are very well equipped. Table X\_5, at the end of this chapter, lists the major equipment housed in each company. It can be noted that almost every truck carries a pump of considerable size. The companies consider that essential to provide protection to buildings situated far from hydrants.

In recent years, a major goal of the fire companies has been to improve the quality of protection in lightly settled areas not served by the water piping of the K.K.&W. water system. This is being done by installing 36 "dry hydrants" as indicated on Map X-2. A dry hydrant carries no water under pressure, but is connected by permanent piping to a well, a pond, or to salt water. In an emergency, a fire truck connects a suction hose to the hydrant and then uses the

pressure from its own pump to force water to the scene of the fire. This program has resulted in better insurance ratings for the entire town.

In 1968, an extensive Fire Lane project was undertaken (see Map X-3). These lanes are mostly on private property and are to be used for fire fighting only, but many of them have since become private rights of way to homes built since that date. In 1994, yellow numbered posts were erected to identify them for fire fighters.

The fire companies are presently cooperating in the development of a fire protection plan for the next 20 years. Problems to be considered include an expected increase in the amount of property to be protected, growing traffic which congests commercial areas during the tourist season, escalating costs of fire equipment, and the trend toward higher age and income of the population, both factors which lead to diminished interest in volunteer firefighting. The companies hope to overcome these problems through more vigorous recruitment and training, more versatile equipment, and better communications.

c. Emergency Services. The Town rescue facilities are currently maintained by the private volunteer Kennebunkport Emergency Medical Services (KEMS). The service was established in 1979 and consists of an all-volunteer group of 28 members. KEMS is governed by a 12 member Board of Directors, all of whom are Kennebunkport residents. The size of the organization does not fluctuate during the year, allowing a five or six person crew to be available on each shift.

KEMS is completely funded through its annual membership drive and private donations. No financial support is required from the town's tax revenues.

KEMS maintains one new ambulance which is located at the Cape Porpoise Fire Company. During the past three years, the service has responded to an average of 205 calls per year, with little change between the three years. With increasing training skills and insurance costs, it appears that a trend toward town financial help and full-time, town-employed EMT's is possible within the next five to ten years.

d. Communication Service. The Town's Communications Service is presently operated as an adjunct to the Police in their facility on Crow Hill, but it supports all of the three services described above. The service accepts emergency telephone calls 24 hours a day, seven days a week, and maintains radio contact with all public safety facilities and vehicles. It is understood that during the summer months, message traffic is approaching a level where two communications operators may be needed.

During the next year, experiments will be made with the use of the cables of Cable TV of the Kennebunks to provide a voice communications network independent of both the telephone system and FM radio channels, both of which can become very crowded.

### **3. Highways (\$543,288)**

The Highway Department maintains nearly 50 miles of roads within the town, as well as related culverts and sidewalks. The Department is also committed to upgrading the stone seawalls which border Ocean Avenue along Cape Arundel.

Sidewalks are a subject which has been so controversial over the years that the Town has an official Sidewalk Committee to make recommendations about them. "We are interested," the Committee writes, "in keeping our existing sidewalks in good repair, and building new sidewalks

only where necessary." While several sidewalk repair projects have been completed in recent years, members of this committee have noted need for further upgrading in the Dock Square area.

While snow removal is a big factor which tends to make highway expenses uncontrollable, the Highway Department has remained commendably cost-conscious. Private ways are no longer plowed at town expense. The Landon Road Book numbers and gives the history of every public and private way in town. This is invaluable for settling disputes and locating easements. The Fire Administrator is continually updating the book as new rights of way are added. Over the last 15 years, the Highway account has increased less rapidly than any other major component of the Town budget. A listing of Highway Department equipment can be found in Table X-6.

#### **4. Health & Sanitation (\$410,451)**

Several loosely-related items fall under this heading.

a. Health Care. Three physicians, all Doctors of Osteopathy, maintain offices in Kennebunkport; two are located in Cape Porpoise and one on River Road. There are no M.D.'s with offices in Kennebunkport. (The Town's Health Officer is an M.D., but his office is in Biddeford.) Nevertheless, this is not as inconvenient as it might appear, since a large number of physicians have offices nearby in Kennebunk and Biddeford. The nearest hospital is Southern Maine Medical Center, a modern well-equipped facility located in Biddeford. Various health clinics and doctors' offices are located in Kennebunk, Biddeford, and Wells.

The Kennebunkport Health Council and General Assistance Office is located at the Municipal Offices on Elm Street. A nurse is available for various tests such as blood pressure and blood sugar, treatments and consultations, and conducts a variety of health clinics. Home care visits can be provided by the Council, which also maintains a food pantry. The Health Council Physician is a D. O. who has an office in Kennebunkport.

b. Solid Waste Disposal and Recycling. Acting under pressure from State regulatory authorities, the Town has closed its former dump. A ground water monitoring program is being conducted at the closed dump site per State Department of Environmental Protection regulations. All demolition debris, grass, leaves, brush and household appliances must be taken to Kennebunk's Sea Road facility. Disposal fees vary for the different types of materials. Dumpsters for corrugated cardboard recycling are located at Bradbury's Market and the Municipal Parking lot.

The Town currently has no legal disposal site whatsoever for stumps and rubble. An option to join a York County regional association could be investigated.

To provide for the disposal of solid waste, the Town has a 17-year contract with Maine Energy Recovery Company (MERC) in Biddeford, which incinerates it. The Town's volume of waste is currently estimated at 2,350 tons per year. Tonnage amounts can be adjusted with MERC, for rate purposes, every five years. The Town pays for a curbside pick-up system for solid waste collection.

The Town has also instituted a recycling program, in conjunction with Kennebunk and Arundel. Curbside pick-up is used to recycle tin cans, clear glass, plastic, and paper, all of which will be sorted by the Town's contracted trash removal service. Other recyclable items may be taken to the Center for recycling in Kennebunk.

c. Storm Water Management. Storm water is collected via numerous small systems, located primarily in densely developed areas such as Dock Square, along Ocean Avenue, Cape Porpoise Square, and areas along Goose Rocks Beach. Run-off is collected and discharged directly into the Kennebunk River, tidal marshes, or the Atlantic Ocean.

## **5. Sewer System**

In recent years, the Town's Sanitary Sewer System has been considerably expanded. With the extension of the system to Goose Rocks Beach and the corresponding increase in the capacity of the treatment plant, over half of the buildings in town are now served. Map X-1 shows the streets through which the sewer system now runs.

The peak load which this system is required to handle is determined primarily by the town's tourist trade, with the volume treated on a summer weekend being more than ten times as much as on a corresponding weekend in mid-winter. Through 1991, when the tourist trade was growing, it appeared that the Town's peak sewage load might soon outgrow the capacity even of the newly expanded plant. In response, the Selectmen imposed a limitation on new connections to the sewer system, which remains in place to this day. Because there has been little demand for new housing or commercial construction since 1991, however, the limitation has produced very little discomfort. On the other hand, should the tourist business recover and expand further, as it may well do, the pressure to build new housing and commercial structures will reappear, and the sewer system is likely to become a constraining factor in the town's growth.

Recognizing that an increase in plant capacity is almost inevitable, the Sewer Department, at this writing, has requested a proposal from a consulting engineer to appraise the existing treatment facility and to provide specifications and a cost estimate for an appropriate plant addition.

a. Subsurface Disposal. Refer to Chapter IV, Town Goal 2 (also Chapter V, I, A, Soils)

## **6. Water Supply**

About one-third of the residents of Kennebunkport derive their water supplies from private individual wells. As noted in Chapter IV, supplies of ground water seem satisfactory, at present, in both quality and quantity.

The remainder of the town obtains its water from the Kennebunk, Kennebunkport & Wells Water District, which was established in 1921 by an Act of the Maine State Legislature. Map X-2 shows the streets along which KK&WWD water is available.

The KK&WWD receives its water primarily from Branch brook, which flows through parts of Kennebunk, Wells, and Sanford. KK&WWD on its own initiative pursues protection of Branch Brook from development and from pollution. Filtration and pumping facilities are located in Kennebunk. KK&WWD is also tied into the Saco River to provide additional water during peak summer demand periods. Fortunately, the district's primary storage tank is located on Crow Hill in Cape Porpoise, providing an abundant, centrally located water source for Kennebunkport.

One area of town currently served by private individual wells is experiencing sea water contamination. This is an area of approximately two miles along Ocean Avenue, east of Walker's Point, which is not served by KK&WWD. The KK&WWD has approximately 800 feet

of water main extension proposed to serve recent pending housing developments at one end of this area. The remaining 1 1/2 miles needed probably will not be built because of the high cost of installing supply piping through land which is mostly composed of solid ledge.

(Water quality is discussed in Chapter IV: Water Resources.)

### **7. Electric Utility**

All of Kennebunkport is supplied by the Central Maine Power Company, which generates the power and handles distribution to individual residences. Frequency of power outages and response to emergencies are probably normal for utilities serving small communities in this latitude. Power rates are high compared to most of the rest of the United States.

The CMP 100-foot wide powerline that runs along the northwest Town line into the center of town is kept free of foliage by periodic spraying. There is no aerial spraying. The work is done from backpacks containing organic compounds (Garlon #4 and Krenite) diluted in water to 3% and 5%, respectively. They break down in the soil and are non-toxic to humans. The operation is licensed by the State and any landowner preferring to treat their own foliage may request a non-spray agreement with CMP.

### **8. Public Transportation**

Kennebunkport has very limited public transportation. During the tourist season, a couple of pseudo-trolleys take visitors on a sightseeing tour, stopping at the principal hotels and motels as they do so. However, neither the routing nor the rates are appropriate for utilitarian trips by those who do not have automobiles. Another bus operator, the "Sea-Bird Shuttle", takes passengers at \$1/ride over a route which covers downtown Kennebunkport, the Lower Village, and Kennebunk Beach. A seasonal bus service could do much to alleviate traffic and parking challenges that currently exist.

In this respect, Kennebunkport has reason to envy some of the surrounding communities. There is a Saco-Biddeford-Old Orchard shuttle bus. Wells has been instrumental in implementing a summer bus service between Kennebunk and Kittery. This service stops in Kennebunk Lower Village. With the possible return of rail passenger service, such a bus service and others to be implemented might move visitors from the Amtrak station in Wells to Kennebunkport.

### **9. General Government (\$444,779)**

This budget category covers a number of routine but absolutely essential functions which are carried on within the Town Hall. Among them are Code Enforcement, Tax Assessment and Collection, Bookkeeping, Maintenance of Records, and General Management of the Town.

## **B. PUBLIC FACILITIES**

Many of the town's public facilities have already been mentioned in connection with the organizations which use them. In some cases, however, the facilities themselves deserve further comment.

## **1. Municipal Offices**

For several years, the belief has been widely held that the Town's offices need to be improved and expanded. Not only is the building obviously crowded, but there is no open area large enough to accommodate a meeting of as many as ten people. On three separate occasions, proposals to enlarge or replace the Town Hall have been put before the voters and, each time, these have met with defeat. In the most recent instance, many sensed that the voters were amenable to the notion of an improved Town Hall, but were put off by the fact that the Selectmen could not agree upon the best way to meet that objective.

An improved Town Hall continues to stand high on the town's "shopping list," and it seems certain that sooner or later a proposal to meet this need will gain the approval of the voters. When this will happen and what form the proposal will take, however, remain shrouded in mystery.

## **2. Police/Communications Facility**

As of April 1, 1996, the Police Department/Communications will be located in a new building on Town-owned property near the intersection of Old Cape Road and Route 9. This centrally located facility will provide the Department with much needed space for adequate and safe working conditions.

## **3. Highway Department**

The facilities of the Highway Department are located off Beachwood Avenue, adjoining the former Town Dump. They include a relatively new Town Garage and fuel storage tanks. A storage shed for salt and sand was added recently. The facilities appear satisfactory for the operations conducted there.

## **4. Piers**

The Town operates two piers for the use of fishermen, which have been described in Chapter III.

## **5. Shopping Area**

Although there are commercial areas in Goose Rocks Beach and Cape Porpoise, most shopping activity in Kennebunkport is concentrated in the area of Dock Square and the Kennebunk Riverfront. Hence, the appearance of the Dock Square neighborhood is of concern to all. For many visitors, it is their first look at the town. Most of the merchants make every effort to keep their buildings in good repair. The holiday decorations for Christmas Prelude are outstanding. In the summer, the Seacoast Garden Club maintains the lovely flowers at the Civil War Memorial. On Memorial Day, we can all be proud of our town as we meet there.

But the appearance of Dock Square is not all that it might be. The local merchants observe that the Town has allowed the sidewalks and curbs to deteriorate here, while using parking lot revenues, which might have been used to repair them, for other purposes.

Several years ago, the Lighting Committee installed attractive street lights in Dock Square, but the project was never completed. The north side of the Square leading to the bridge has no lights; neither does the parking lot.

Traffic in the Dock Square area, both pedestrian and vehicular, is a recurring source of concern and irritation. As the law requires, pedestrians are given the right of way, with the result

that they meander oblivious in all directions, with little or no regard for the painted crosswalks. Meanwhile auto traffic, obliged to cross the Kennebunk River here on the only bridge within a mile, suffers long delays. Drivers, with little to do but sit and ponder, wonder if there may be a more efficient way to move people and cars through this bottleneck. Actually, the Town Police Department has considered several alternative routing schemes for Dock Square, but these require State approval because the principal road through Dock Square is State Route 9. So far, no cooperation from the State has been obtained.

## **6. Parking Facilities**

Like most towns which were laid out in the horse-and-buggy era, Kennebunkport has a severe shortage of parking space. While the Town's Land Use Ordinance is structured to prevent new commercial enterprises outside Dock Square from making this problem worse, parking remains very difficult during the tourist season. The Dock Square Zone is exempt from this parking requirement as there is no space to add parking. The Town's only municipal parking lot is that adjoining the Kennebunk River, just north of Dock Square.

A related problem concerns the parking lot at St. Martha's Church on North Street. Through agreement with the Town, it can be used at most times to supplement municipal parking. The parking lot at the Consolidated School is also available during the summer vacation period. When these lots first came into public use, the Town used fees collected at the Municipal Parking Lot to fund a shuttle bus which ran between St. Martha's, the school, and Dock Square. In 1992, the shuttle bus was discontinued because the Town Meeting ceased to provide funding for it. The outlying parking lots remain in use, but for those who are old or infirm, the walk to Dock Square is a long one.

## **7. Shade Trees**

The town's exceptional shade trees, as mentioned previously in Chapter V, receive the attention of a Shade Tree Committee. Their activities center around the Town's still numerous elm trees. An aggressive program of immunization, replacement plantings, and pruning are the main components of the Shade Tree Committee's work. The Committee receives its funding from the Town.

## **8. Cemeteries**

The Town of Kennebunkport does not own any cemeteries, but within the town there are at least 70 burial grounds of various sizes which belong to churches or individual families. Town activity is confined to contributing to the maintenance of gravesites of veterans buried in the Arundel Cemetery on North Street. Many of the cemeteries are of considerable historical interest, however, as mentioned in Chapter II of this report.

## **9. Rest Rooms**

Despite the obvious need for rest rooms in a town which swarms with tourists, the voters of Kennebunkport have found it challenging to agree upon a means to provide them. For many years, there were no public rest rooms of any kind in the town. Recently, limited facilities have been made available in leased property near Dock Square. These facilities are funded jointly by the local business association, the Town, and private contributions. A discussion of rest room facilities in beach areas is discussed in Chapter III.

## **10. Signs/Maps**

The Town is working to make it easier for a first-time visitor to find his way around. Signs indicating street names are being installed but are not yet completed in all areas. A street map on a grid is now available from the Kennebunk-Kennebunkport Chamber of Commerce on Route 35, however, it does not show the northern section of town.

### **C. RELATIONSHIP WITH THE TOWN OF KENNEBUNK**

It would be negligent to review the services and facilities of the Town without mentioning the benefits which the Town receives from the close relationship which has been developed with the Town of Kennebunk. Through this relationship, Kennebunkport shares the use of several services which it would find difficult to maintain entirely on its own. Examples of shared services include:

- Recycling Facility
- Recreational Programs and Facilities
- Youth Affairs Officer
- Kennebunk River Committee
- Public Safety

## **II. ANALYSIS AND CONCLUSIONS**

This review indicates that the Town facilities and services are adequate in all cases, and, in most instances, quite satisfactory. Nevertheless, as would be expected when considering such a wide range of items, there are some cases where improvement would be very desirable.

In the opinion of this Committee, the Town's most important requirements are as follows:

- A. A detailed study of means to reduce the cost charged to Kennebunkport for educating our school children. There are three alternative courses of action which could be explored:
  - 1. Apply for a change in the formula through which the costs of operating S.A.D. 71 are divided. Such a procedure is governed by State law.
  - 2. Send Kennebunkport students to S.A.D. 71 as "tuition students." Presumably the cost per student could be negotiated. In so doing, however, the Town would lose all control over the policies and administration of the School District.
  - 3. Withdraw completely from S.A.D. 71 and make our own educational arrangements. Needless to say, there are a large number of state educational requirements which would have to be met.
- B. A municipal building of satisfactory size.
- C. A plan covering means to increase the capacity of the Town's sewage treatment facility so that such a project may be included in the Town's advanced financial planning.

In addition to the foregoing, we would draw attention to several other significant opportunities for improvement which are listed as Implementation Strategies in the section which follows.



### III. IMPLEMENTATION

#### STATE GOAL:

**TO PLAN FOR, FINANCE, AND DEVELOP AN EFFICIENT SYSTEM OF PUBLIC FACILITIES AND SERVICES TO ACCOMMODATE THE ANTICIPATED GROWTH AND ECONOMIC DEVELOPMENT.**

#### TOWN GOAL 1: **MAINTAIN PRESENT LEVEL OF PUBLIC SERVICES; IMPROVE SERVICES WHERE NECESSARY TO MEET PRESENT OR FUTURE NEEDS.**

- Strategy 1: Examine how the cost of educating school children in Kennebunkport can be made more equitable on a per student basis with those of Kennebunk and other nearby communities without sacrificing quality of education.
- Responsible Party: A Study Committee chosen by the Selectmen
- Recommended Time Frame: Upon acceptance of Plan
- Strategy 2: Determine the best method, as well as the estimated cost, to make a substantial increase in the capacity of the Kennebunkport Wastewater Treatment Plant.
- Responsible Party: A Study Committee chosen by the Selectmen, Sewer Department
- Recommended Time Frame: Upon acceptance of Plan
- Strategy 3: Experiment with alternative traffic patterns in the vicinity of Dock Square.
- Responsible Party: Police Chief
- Recommended Time Frame: Ongoing
- Strategy 4: Encourage private operators to provide shuttle bus service in the tourist season between Dock Square, the St. Martha's Church parking lot, and, when necessary, the Consolidated School parking lot.
- Responsible Party: Selectmen, Chief of Police, Kennebunkport Business Association, Chamber of Commerce
- Recommended Time Frame: Ongoing
- Strategy 5: Provide better signs and map displays in places where they will be useful to visitors.
- Responsible Party: Sign Committee, Kennebunkport Business Association, Chamber of Commerce
- Recommended Time Frame: Ongoing
- Strategy 6: Improve sidewalks and lighting in the Dock Square area.

Responsible Party: Selectmen, Town Manager, Lighting Committee, Kennebunkport Business Association, Chamber of Commerce, State Department of Transportation

Recommended Time Frame: Ongoing

**TOWN GOAL 2: PROVIDE TOWN EMPLOYEES WITH GOOD FACILITIES FOR THE PERFORMANCE OF THEIR WORK.**

Strategy 1: Enlarge or replace the present Municipal Building to provide satisfactory working conditions for the employees who work there.

Responsible Party: A new Building Committee chosen by the Selectmen

Recommended Time Frame: Ongoing

