

**Kennebunkport Planning Board  
August 21st, 2013 ~ 7:00 PM  
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, August 21, 2013. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Leo Famolare, John Hathaway, Gordon Ayer, Helen Conaty

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the August 7th, 2013 Planning Board meeting. Mr. Ayer seconded the motion and the vote was unanimous.

Items:

**1) CDMK, LLC Properties/ Mitchell & Associates, Authorized Agent – Initial Review / Public Hearing** - for re-approval of the conditional use for the proposed multiplex consisting of 2 multi family-unit lots. [49 & 51 North Street, Tax Assessor's Map 12, Block 005, Lots 21, 21A & 22 in the Village Residential & Free Enterprise Zones]

Mr. Kling introduced the Agenda item noting this is a combined Initial Review and Public Hearing for the multiplex portion of the Application.

Mr. Bob Metcalf of Mitchell & Associates addressed the Board asking for a re-approval of the proposed multiplex. Mr. Metcalf noted there have been no changes to the Application since September 12, 2012 in which the Planning Board re-approved the Application.

Mr. Kling opened the Public Hearing.

Ms. Andrea Mabee, a direct abutter to the proposed multiplexes addressed the Board to review her concerns about the project as summarized below:

1. *The parking lot turn-around would only be 50 feet from her house.*  
Mr. Metcalf explained there is a 50 foot setback and the emergency vehicle turnaround is 50 feet from the property line.
2. *Citing Article 10.10A1b "The proposed use will create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles"* Ms. Mabee asked why the Planning Board granted a waiver to reduce the road width from the required 24 feet to 20 feet.  
Mr. Kling responded the Board granted the waiver to avoid paving over more than was necessary. Mr. Metcalf added there were discussions with the Head of the Kennebunkport Highway Department, John Hirst and found no safety issue with reducing the road width to 20 feet.
3. *Citing Article 10.10A1c "The proposed exterior lighting will create hazards to motorists traveling on adjacent public streets or is inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties"* Ms. Mabee asked what the lighting would be for the 12,000 sq. ft. multiplex.  
Mr. Metcalf responded there would lights on the garages and the front door for each of the 4 units.
4. *Citing Article 10.10A1g "The proposed use will have a significant detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the plan"* Ms. Mabee stated several realtors she spoke with were in agreement her property value would decrease with these multiplex units adjacent to her property. Ms. Mabee admitted this claim was not proven to be true in court.
5. *Citing Article 10.10A1n "The proposed use will have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan"* Ms. Mabee stated she is not sure the building of these multiplexes is being respectful to the town character or to herself as an abutter.

Having listened to Ms. Mabee's statements, Mr. Kling responded by stating the Planning Board went through a substantive detailed review in approving this Application and feel the result is a sensible project with minimal impact.

There were no more comments or questions from the public. Mr. Kling closed the Public Hearing.

Mr. Ayer made a motion to re-approve the project of CDMK as presented in their most recent Application subject to a condition that the emergency vehicle turn-around be restricted to emergency vehicles so that it is labeled a No Parking zone. Mr. Kling seconded the motion and the vote was unanimous. Mr. Kling will prepare and sign a memorandum in place of a formal Findings of Fact.

**2) Cape Arundel North Subdivision – Hodsdon & Ayer, Authorized Agent – Initial Review** - Request to relocate lot lines between two abutting properties in previously approved subdivision. [2 & 8 Elizabethan Drive, Tax Assessor's Map 20, Block 004, Lots 17 & 18 in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item. Mr. Ayer recused himself from this review.

Mr. Hodsdon addressed the Board stating after having some survey work performed it was brought to the property owner's attention that the properties were in contrast to what the land owners were occupying. Mr. Hodsdon explained they are requesting to redefine the property line essentially exchanging equal square footage which would make the lots more conforming.

Mr. Kling stated the Code Enforcement Office has not indicated there are any issues regarding this Application.

The Board agreed to expedite this Application by eliminating holding a Public Hearing.

Mr. Famolare made a motion to approve the Application. Mr. Reid seconded the motion and the vote was unanimous.

**3) 130702 Diane Cullen**, - Site Plan – **Initial Review** - whose property is located at 37 Pier Road, identified as Assessor's Tax Map 30, Block 001, Lot 10 in the Cape Porpoise East Zone. Our records indicate that you own property within 200 feet of the proposed site. The applicant proposes to: reconstruct a portion of driveway with semi-impervious material to account for additional lot coverage not previously approved. This correction will restore lot coverage to 2010 status.

Mr. Kling introduced the Agenda item.

Mr. Darwood Parkinson representing the Applicant addressed the Board stating the property was not developed according to the previously approved Site Plan. Mr. Parkinson explained a set of steps were built that was not indicated on the Site Plan. In order to restore the lot coverage as previously approved the asphalt driveway will be reduced and cobblestones will be placed instead, Mr. Parkinson stated.

Mr. Ayer made a motion to find the Application complete. Mr. Famolare seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting.

**Adjournment:** A motion was made to adjourn, it was seconded and the vote was unanimous.

**Submitted by:** Patricia Saunders, Planning Board Recording Secretary