

**Kennebunkport Planning Board  
October 2nd, 2013 ~ 7:00 PM  
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, October 2nd, 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, Peter Fellenz, Hellen Conaty  
Mr. Ayer is absent. Mr. Fellenz will have voting privileges for this meeting.

Approval of Minutes: Mr. Hathaway made a motion to approve the minutes from the September 18th, 2013 Planning Board meeting. Mr. Famolare seconded the motion and the vote was unanimous.

Items:

**Item #1021925** – Mr. Reid cited this long standing case to honor his father, Charles Reid's birthday today. The Board thanked Mr. Charlie Reid for his many years of service to the Town.

**1) 130702 Diane Cullen, - Site Plan – Findings of Fact** – for approval 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 its 2010 status. [37 Pier Road, identified as Assessor's Tax Map 30, Block 001, Lot 10 in the Cape Porpoise East Zone.]

Mr. Famolare read the Findings of Fact into the record. Mr. Fellenz made a motion to approve said Findings. Mr. Reid seconded the motion and the vote was unanimous.

**2) The Ledges at Ocean Avenue, LLC – Findings of Fact** – for approval to connect the lots to public sewer. [Washburn Drive, identified as Assessor's Tax Map 20, Block 004, Lots 03B – 03H and 03J – 03M in the Village Residential Zone.]

Mr. Kling read the Findings of Fact into the record. Mr. Reid made a motion to approve said Findings. Mr. Famolare seconded the motion and the vote was unanimous.

**4) Lakeside 19, LLC /Ocean Sound Subdivision/ Albert Frick Associates, Inc., Authorized Agent**, Final Amendment for approval to revise a previously approved three-lot subdivision off Ocean Avenue, to create a four-lot subdivision. [Ocean Sound Lane, identified as Assessor's Tax Map 20, Block 004, Lots 1A, 1B, 1C and 1D, in the Cape Arundel Zone.]

Mr. Kling introduced the Agenda item. Mr. Famolare was recused from this review and left the Planning Board meeting. Ms. Conaty has voting privileges for this Application and the remainder of the meeting.

Mr. Kling noted the Board has reviewed preliminary Applications and granted those complete in May and July of 2013. Mr. Kling also noted the Board has received a letter from an abutter, Mr. Leo Famolare dated September 23, 2013.

Mr. James Logan addressed the Board representing the Applicant stating the final plan was prepared by Livingston Hughes Survey which includes lot 4 and specifies 2 acceptable septic sites per lot. Mr. Logan explained due to the changes in the state regulations and in re-evaluating the acceptable septic sites for each lot they were able to eliminate the deed easements for lots 1 through 3. Mr. Logan also stated they have supplied the Board with proof of adequate private water supplies for each lot in lieu of a public water line. The Maine DEP has approved the driveway location for lot 4 and the Applicant has received confirmation from the Maine Historic Preservation Commission that no historic properties are located on lot 4, Mr. Logan stated.

Mr. Kling asked Mr. Logan to either provide copies of the water testing results and the stormwater plan or reference said materials so it will be made part of the final Application. Mr. Logan agreed to Mr. Kling's request.

Mr. Reid asked Mr. Logan to comment on Mr. Famolare's letter. Mr. Logan cited the major plumbing code changes in 2009-2010 as one reason for this Application. Mr. Werner Gilliam addressed the Board to discuss the issue of the sidewalk reminding the Board of the sidewalk requirements in the Subdivision Regulations. Mr. Gilliam explained the town is currently working on improvements to Ocean Avenue and for practical purposes, because of the narrowness on Ocean Avenue, installing granite curbs would be a hindrance to plows during the winter. Mr. Gilliam made a request that the Board allow the town to negotiate a cost sharing agreement with the Applicant since the sidewalk work has already been started. Mr. Kevin Curran consented to this arrangement. Mr. Kling suggested the Board require the Applicant provide a performance bond to cover the cost of the water lines for the lots. Mr. Reid questioned whether the Board had the authority to require a performance bond for that aspect of the proposal and suggested Town Counsel provide a legal opinion on said request.

Ms. Conaty asked if the purchasers of the lots are responsible for complying with the sprinkler requirements. In response Mr. Logan cited Note #11 on the Site Plan that specifies the system that needs to be installed in order for occupancy to be granted.

Mr. Logan also informed the Board he would be submitting a request for waivers in time for the next Planning Board meeting.

Mr. Reid made a motion to find the Application complete subject to the changes previously discussed. Ms. Conaty seconded the motion and the motion passed with a vote of 4-0. Mr. Fellenz abstained from voting. A Public Hearing will be held on October 16, 2013.

**5) 130804 David & Jennifer Eaton/Peterson Design Group, Authorized Agent – Site Plan Review –Initial Review -** for approval to revise a previously approved site plan by reducing lot coverage with an exchange of a previously approved 352 square foot stone patio with a 199.5 square foot deck. [225 Kings Highway, identified as Assessor's Tax Map 34, Block 001, Lot 09 in the Goose Rocks Zone.]

Mr. Kling introduced the Agenda item. Mr. Eric Peterson representing the Applicants addressed the Board stating they are seeking to modify the originally approved plan from 2011. Mr. Peterson explained on the 2011 plan there was a 200 sq. ft. stone patio which has not been constructed. In exchange the Applicants would like to construct a 200 sq. ft. deck allowed by the Maine DEP which will be raised 3 feet off the ground to be level with the house.

Mr. Reid asked if the deck was more forward on the property than the original patio. Mr. Peterson replied the new deck would result in a net reduction of 173 ½ sq. ft. in lot coverage and will meet all of the setback requirements.

Mr. Fellenz made a motion the Application is complete. Mr. Reid seconded the motion and the vote was unanimous. A Public Hearing will be held on October 16<sup>th</sup>, 2013.

**Other Business:** Growth Planning Committee to discuss possible changes to Land Use Ordinance as anticipated in Comp Plan.

Mr. Gilliam addressed the Board along with Dan Saunders, Chairman of the Growth Planning Committee to discuss a collaborative effort to begin prioritizing and implementing specific goals and strategies of the Comprehensive Plan. Mr. Gilliam read a letter outlining this collaboration into the record.

Mr. Dan Saunders addressed the Board stating the Comprehensive Plan has been completed and asked the Planning Board for their assistance in selecting five goals to address those as they relate to the Land Use Ordinance. The Planning Board members reviewed the list of goals and strategies and proceeded to have a lengthy discussion on specific items such as affordable housing, retaining Consolidated School, and maintaining the character of the town. In addition to Mr. Saunders, several members of the Growth Planning Committee were present in the audience to aid the Board's discussion.

Mr. Greg Reid asked Mr. Saunders at what time would the GPC be ready for a Planning Board member to participate with this task? Mr. Saunders replied as soon as possible as the Committee has already completed the Comprehensive Plan and is awaiting feedback from the State of Maine. Mr. Saunders explained the GPC holds their meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of every month.

Mr. Reid asked when decisions need to be finalized in order to put something on the June 14<sup>th</sup>, 2014 warrant. Mr. Gilliam suggested the Board look at the list of topics submitted, select one and do an analysis of how the current Land Use Ordinance addresses that particular topic. Mr. Saunders explained the Growth Planning Committee has set a goal to have an item on the warrant ballot every opportunity possible.

Mr. Kling asked when the next Growth Planning Committee meeting is. Ms. Jean Conaty responded it is October 22<sup>nd</sup>. Mr. Kling asked for volunteers from the Planning Board to attend the next GPC meeting.

Mr. Saunders introduced the other members of the Growth Planning Committee in attendance: Mr. Charlie Reid, Ms. Jean Conaty and Ms. Barbara Barwise.

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

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