

**Kennebunkport Planning Board**  
**March 2, 2016 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, March 2<sup>nd</sup>, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling, (Chair), John Hathaway, Helen Conaty, Tom Boak

Approval of Minutes: Mr. Kling noted 2 minor changes made to the minutes of the last Planning Board meeting on February 17<sup>th</sup>, 2016. Ms. Conaty made a motion to approve the amended minutes. Mr. Hathaway seconded the motion and the vote was unanimous.

Items:

**1. 160101 Kennebunkport Consolidated School / Harriman, Authorized Agent** – Site Plan Review – Findings of Fact – for approval to remove two modular classroom structures and replace with two building wing additions housing classrooms as well as site improvements. [25 School Street, identified as Assessor's Tax Map 11, Block 005, Lot 03 in the Village Residential Zone.] Tom Boak, Case Manager

Mr. Boak read the Findings of Fact into the record. Mr. Hathaway made a motion to approve said Findings. Ms. Conaty seconded the motion and the vote was unanimous.

**2. 160103 Marysue Emhiser, d/b/a Maine Seaside Rentals** – Site Plan Review – Public Hearing - for approval to turn a former ice cream shop space into a vacation rental office in the front of the building and a floral design business in the back. [166 Main Street, identified as Assessor's Tax Map 22, Block 009, Lot 41 in the Cape Porpoise West Zone.]

Mr. Kling introduced the Agenda item noting the Application was voted complete at the last meeting.

Ms. Marysue Emhiser addressed the Board and provided a brief summary of the Application noting there will be one employee working in the rental agency and possibly an additional employee during the summer months.

Mr. Kling noted this is an existing business currently operating. Ms. Emhiser agreed with Mr. Kling's statement adding the rental agency has been in business for 8 years.

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

Mr. Boak made a motion to approve the Application. Mr. Hathaway seconded the motion and the vote was unanimous.

Mr. Hathaway was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on March 16<sup>th</sup>, 2016.

**3. 160102 Arundel Lodge #76 AF&AM** – Site Plan Review – Initial Review – for approval of relief from a parking restriction given by the Planning Board on November 10, 1993. [10 North Street, identified as Assessor's Tax Map 11, Block 002, Lot 22 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item.

Mr. Todd Cesca representing the Arundel Masonic Lodge addressed the Planning Board stating their Application is a request to be relieved of a prior parking restriction in the hope of renting 5 parking spots currently on their property to shop owners or inn keepers in town. Mr. Cesca added these parking spots would be granted on a subscription basis to town businesses for their employees to park during the height of the tourist season.

Mr. Kling asked the Applicant if he knew why the restriction was placed on the property in the first place. Mr. Cesca explained that originally there was a request to make the entire lot a public parking lot, similar to the Wayne Perkins Lot in Ogunquit, and an abutter to the back of the property opposed that request so the Planning Board placed the restriction.

Mr. Kling commented that from his perspective this does not involve any increased intensity of usage and asked Mr. Werner Gilliam if the Code Enforcement Office had any issues with this Application.

Mr. Gilliam responded that the original restriction is very specific and one of the questions that arises is does this create another use or does this create a commercial parking lot? Mr. Gilliam read the definition of a commercial parking lot according to the Land Use Ordinance as follows: "A business which offers parking facilities to the general public for a fee, when the parking facilities are the principal use on the lot." Mr. Gilliam concluded that this situation does not fall under the definition of a commercial parking lot.

Ms. Conaty commented that under the previously approved conditions Item #3 states: "chains and locks or other security suitable to the Code Enforcement Officer must be installed to prevent use of the parking lot except for Arundel Hall functions or for South Church overflow". Ms. Conaty asked when that condition changed. Ms. Cesca replied it has been an informal policy to leave the lot open to the public for events such as staging for the Memorial Day parade or events for South Church.

Mr. Hathaway asked who the abutter is currently. Mr. Cesca responded there is a new family that lives directly in back of the property.

Mr. Hathaway also asked if the Lodge only uses the parking lot for their own meetings. Mr. Cesca replied yes for our own meetings or events and we do not use it at all during the months of July and August except for the public suppers once a month.

Mr. Boak asked the Applicant to explain the meaning of the following statement in the Application: "current parking is limited to the above schedule the remainder of which provides pro bono usage". Mr. Cesca responded that the lot is used in the capacity for their meetings and the remainder of the time it is left open as a gesture of good will. Mr. Cesca added they would like to continue to leave the lot open for overflow purposes but would like to designate 5 spots for subscription purposes. Mr. Boak commented this change would completely eliminate conditions #3 and #4 of the previously approved Application. Mr. Kling added it would be beneficial to clarify that in the current Application.

Mr. Hathaway asked the Applicant what problem is being solved by granting this Application. Mr. Cesca replied they are just asking to be released from a restriction. A couple of business owners have approached them to ask to buy space from us, Mr. Cesca continued, and 100% of the monies received for leasing the parking spaces would be used in the building fund for maintenance purposes.

There were no further questions from the Board members.

Ms. Conaty made a motion the Application is complete. Mr. Hathaway seconded the motion and the vote was unanimous.

Mr. Kling announced a Public Hearing would be held at the next Planning Board meeting on March 16<sup>th</sup>, 2016.

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

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