

**Kennebunkport Planning Board**  
**March 16, 2016 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, March 16<sup>th</sup>, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

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

Approval of Minutes: Ms. Conaty made a motion to approve the minutes from the March 2<sup>nd</sup>, 2016 Planning Board meeting. Mr. Hathaway seconded the motion and the vote was unanimous.

Mr. Hathaway made a motion to approve the minutes from the Site Walk at Ebs Cove Subdivision on March 4<sup>th</sup>, 2016. Ms. Conaty seconded the motion and the vote was unanimous.

Items:

**1. 160103 Marysue Emhiser, d/b/a Maine Seaside Rentals** – Site Plan Review – **Findings of Fact** - 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. Hathaway read the Findings of Fact into the record. Mr. Gilliam noted a correction should be made to the Findings of Fact as read to reflect the correct Assessor's Map identification as Map 22 Block 009 Lot 41. Ms. Conaty made a motion to approve said Findings. Mr. Boak seconded the motion and the vote was unanimous.

**2. 160102 Arundel Lodge #76 AF&AM** – Site Plan Review – **Public Hearing** – 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 and asked the Applicant to provide a quick summary of the Application.

Mr. Todd Cesca representing the Arundel Masonic Lodge addressed the Board stating this Application is requesting to be relieved from a restriction placed upon the property in 1993. Mr. Cesca continued the Lodge would like to designate 5 parking spots out of the back 20 spaces to be leased on a subscription basis from Memorial Day to Columbus Day to Dock Square businesses for their employees.

Mr. Kling asked if the Applicant would consider amending the Application to seek relief from the condition originally approved that a chain be put across the lot. Mr. Cesca responded there is at times a chain in the front of the lot but he is not aware of any chain ever being placed at the back of the lot.

Mr. Cesca also noted that the lodge is officially closed for business in July and August short of 2 public suppers.

Mr. Kling asked if the Lodge members use the facility in the evenings from January to June and September through to December. Mr. Cesca replied the Lodge is used roughly 3 nights a month by a dozen or so members.

Mr. Kling asked the Applicant if there have been times when the parking lot has been filled to the point if there were 5 spaces set aside for Reserved parking, it would create a conflict for those attending the event at the Lodge. Mr. Cesca replied, to the best of his knowledge there has never been a period of time when they have had attendees at a function that exceeded the number of parking spaces.

Mr. Fellenz asked if the reason for this request is driven by a need for revenue or have nearby commercial people been seeking some parking space in a congested downtown area. Mr. Cesca responded the Lodge does hope to capture a certain amount of revenue for the upkeep of the grounds; however, they have been approached by some business people that, if this were approved, the spots would be filled.

Ms. Conaty noted there are several designated spaces labeled with Dock Square businesses at the South Church and asked if that has been going on for a while. Mr. Gilliam responded he could not tell specifically when that activity started but believes it has been a long standing practice. Ms. Conaty asked if those parking spaces are rented by the Church. Mr. Gilliam replied it is his understanding they are rented spaces. Mr. Gilliam noted that items that may come in front of this Board today may not have been considered a Planning Board matter in earlier times.

Mr. Kling opened the Public Hearing and noted the Board received a letter from an abutter prior to this meeting.

Mr. David James of 70 North Street addressed the Board and summarized his previously submitted letter. Mr. James expressed his concern that approval of this Application would lead to "commercial creep" in the Village Residential Zone.

Mr. Patrick Briggs, Kennebunkport Selectman addressed the Board suggesting if this Application is approved the Planning Board clearly define the approved use so there is no ambiguity. Mr. Cesca commented the Lodge would be happy to put as many clear restrictions on the approval as the Board sees fit.

Mr. James asked the Board if this Application is approved he would like to understand the Planning Board's precedent for overturning a previous Planning Board's decision.

There were no further comments from the public. Mr. Kling asked the Board members to share their opinions concerning this Application.

Mr. Fellenz offered his opinion that he is hesitant to approve this Application because he is uncomfortable overruling a decision of the 1993 Planning Board.

Ms. Conaty commented that whether or not this Application is approved the parking spaces will still be used by people visiting Dock Square.

Mr. Kling added he would have concern with hotels using the spaces for guests rather than employees of area businesses.

Mr. Hathaway stated his opinion that this current Planning Board was to assume the Board before us made a good decision in 1993 and there must be a very compelling reason to overturn their decision.

Mr. Boak added he agrees with the opinions expressed by his fellow Board members.

Mr. Kling suggested that due to past practices the chain requirement is irrelevant but he does not see a good enough reason to overturn a previous Board's decision.

Ms. Conaty asked if there have been any changes in the Land Use Ordinance since the time this Application was first approved. Mr. Gilliam responded there have been a number of revisions to the Land Use Ordinance since 1993 but nothing that specifically affects this Application other than the property is grandfathered.

Mr. Kling closed the Public Hearing. Summarizing the Board members' prior statements, Mr. Kling offered the general opinion of the Board is there is not enough evidence or clarity that would induce this Board to waive a requirement of a previous Planning Board other than to remove condition #3 due to its irrelevance.

Mr. Fellenz made a motion to deny this Application. Ms. Conaty seconded the motion and the vote was unanimous. Mr. Fellenz was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on April 6<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