

Kennebunkport Planning Board
April 20, 2016 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street

A regular meeting of the Planning Board was held on Wednesday, April 20th, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Ms. Helen Conaty (Acting Chair), John Hathaway, Peter Fellenz

Approval of Minutes: Mr. Hathaway made a motion to approve the minutes from the April 6th, 2016 Planning Board meeting. Mr. Fellenz seconded the motion and the vote was unanimous.

Items:

1. **Foxberry Woods Owners Association/ Daniel T. Rush, Esquire Authorized Agent** – Minor Subdivision Amendment - **Public Hearing** – for approval to amend a previously approved subdivision by exchanging land with an abutting parcel for partial release of drainage easement. [Old Cape Road, identified as Assessor's Tax Map 22, Block 001, Lot 10A in the Free Enterprise Zone.

Ms. Conaty introduced the Agenda item and asked Attorney Rush to provide a brief summary of the Application before opening the Public Hearing.

Mr. Dan Rush, representing Foxberry Woods Owners Association addressed the Board stating this Application is basically a land exchange between neighbors. When JRD LLC first purchased the piece of property that abuts Foxberry Woods Condominiums, Mr. Rush continued, they were unaware of a drainage easement supposedly on only the lower part of the property but in fact burdened the entire parcel owned by Mr. Daggett which rendered the land unbuildable. Mr. Daggett has agreed to grant the Association 2.48 acres and in return the Association would release the remaining land of Mr. Daggett's of the easement burden and render his land buildable, Mr. Rush concluded.

There were no further questions from the Board members.

Ms. Conaty opened the Public Hearing. There were no comments or questions from the audience. Ms. Conaty closed the Public Hearing.

Mr. Hathaway made a motion to approve the Application and continue with the meeting to read the Findings of Fact into the record. Mr. Fellenz seconded the motion and the vote was unanimous.

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

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary