

**Kennebunkport Planning Board**  
**October 7th, 2015 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, October 7th, 2015. 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, Ray Hilwig, Thomas Boak

Approval of Minutes: Mr. Fellenz made a motion to approve the minutes from the September 16th, 2015 Planning Board meeting. Mr. Hilwig seconded the motion and the vote was unanimous.

Items:

1. **150801 21 Lands End Lane, LLC / Sandra Guay, Esq., Authorized Agent** – Site Plan Review - **Findings of Fact** – for approval to construct a 4’x12’ long permanent pier with a 3’ wide x 26’ long ramp and a 10’x20’ seasonal float. [21 Shore Farm Lane, identified as Assessor’s Tax Map 21, Block 10, Lot 15 in the Village Residential Zone.] **Ray Hilwig, Case Manager**

Mr. Hilwig 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.

2. **150401 Kennebunkport Conservation Trust / Sebago Technics, Authorized Agent** – Site Plan Review – **Signing of Findings of Fact** – for approval to construct a Community/Museum/Education Center/Building (Mill) with associated site improvements consisting of refining parking lot, walkways, landscaping and site lighting. [8 Mill Lane, identified as Assessor’s Tax Map 09, Block 01, Lot 12 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item noting there are a few minor changes to be made to the Findings.

Mr. Gilliam addressed the Board stating he will list the corrections to be made in the Findings of Fact and Ms. Conaty will note them on both copies for the Board to sign. The following typographical errors were found:

- 1<sup>st</sup> page, 1<sup>st</sup> paragraph, reference to September 2<sup>nd</sup> should be September 16<sup>th</sup>.
- 2<sup>nd</sup> page Item #14 there should be a period at the end of the sentence: “...April 22, 2015.”
- Page 4 in the paragraph beginning with “In December 2009...” replace the word *of* with *or*.
- Page 6 Item #3 the primary paragraph – strike the second wording of “*uses that require*”
- Page 7, 2<sup>nd</sup> paragraph where it states “*based on the findings in I & II Above..*” the word “Above” should have a lowercase *a* rather than an uppercase *A*.
- Page 10 Item g, the paragraph reads “*The proposed use will not likely...*” should read “*The proposed use will likely not...*”
- Page 11, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence the word “*requirement*” should be “*requirements*”
- Page 13, 2<sup>nd</sup> full paragraph, where it states “*there is no impact on...*” should read “*no impact by the project*”
- Page 18, Item g – the word “*requirement*” should be “*requirements*”
- Page 22, last sentence need to add the word “*of*” between the words “*operation*” and “*the*”.

Mr. Kling asked for a motion to accept the corrections discussed and proceed to the signing of the Findings of Fact. Mr. Fellenz made a motion as stated by Mr. Kling. Mr. Boak seconded the motion and the vote was unanimous. Due to his absences from previous Planning Board meetings, Mr. Kling did not vote on any motion relating to this Agenda item or sign the Findings of Fact. Mr. Gilliam asked that a few of the Planning Board members who are signing the Findings of Fact to also initial where the corrections were noted by Ms. Conaty.

While the Board was signing and initialing each copy of the Findings of Fact, Mr. Hathaway voiced his opinion that whenever a historic piece of Kennebunkport can be revived it is good for the town and cautioned the town to remain vigilant in maintaining our history but not at the expense of the residents’ enjoyment of their private property.

- ~~3. **150901 Robin Ann Shen Revocable Trust / Sebago Technics, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to install a driveway within 75 feet of the high water mark to be used as a staging area and for travel to and from work being done on an adjacent parcel also owned by the Applicant. [129 Marshall Point Road, identified as Assessor’s Tax Map 31, Block 003, Lot 04 in the Goose Rocks and Shoreland Zones.] **Withdrawn at request of the Applicant**~~

4. **150902 Charles Newcomb & Catherine Duffy / Graham Architects, Authorized Agent** – Site Plan Review – **Initial Review** – for approval to relocate an existing cottage away from the brook and raise the structure onto a concrete pier foundation. [307 Kings Highway identified as Assessor’s Tax Map 35, Block 006, Lot 07 in the Goose Rocks, Shoreland and Resource Protection Zones.]

Mr. Kling introduced the Agenda item.

Mr. David Graham representing Mr. Newcomb and Ms. Duffy, addressed the Board stating they are proposing to move the cottage from its current location closer to the property line setbacks and further away from the brook while placing the structure on a concrete pier foundation. Referring the photos included in the Application, Mr. Graham explained there is a patio located on the side of the building they would like to maintain as part of the footprint and continue to utilize as an entry point to the cottage.

Mr. Graham also stated they have applied for a permit from the Maine DEP but have not received it yet. Mr. Gilliam added the Code Enforcement Office recently received a copy of the Maine DEP approval and will forward to the Board members and Mr. Graham.

Mr. Kling asked the Board members if they had any questions for the Applicant.

As a question of procedure, Mr. Hilwig asked Mr. Gilliam why the Planning Board is reviewing this Application without it first obtaining a variance from the Zoning Board of Appeals. Mr. Gilliam explained in this particular instance because it is a relocation of a non-conforming structure the Planning Board is charged with determining under the Ordinance if the relocation is done to the greatest practical extent. It does not require a ZBA variance, Mr. Gilliam added.

Mr. Kling asked if the Code Enforcement Office had any issues with the Application. Mr. Gilliam responded he has no objection with this Application as it is presented.

Pending receipt of a copy of the DEP permit, Mr. Hilwig made a motion to find the Application complete. Ms. Conaty seconded the motion and the vote was unanimous.

Mr. Kling announced a Public Hearing will be held at the next Planning Board meeting on October 21<sup>st</sup>, 2015.

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

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