

Kennebunkport Planning Board
November 20th, 2019 ~ 7:00 PM
Kennebunkport Village Fire Station, 32 North Street

A regular meeting of the Planning Board was held on Wednesday, November 20th, 2019. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, D. Scott Mahoney, Ed Francis, Larry Simmons, George Lichte, John Harcourt

Approval of Minutes: Mr. Boak and Mr. Simmons noted there were some minor changes to be made to the minutes from the November 6th, 2019 Planning Board meeting. Ms. Pearlmutter made a motion to approve said minutes as modified. Mr. Simmons seconded the motion and the vote was unanimous.

Items:

The Board members agreed to defer Items #1 and #2 until the end of tonight's meeting.

1. 190803 Hidden Pond / Sebago Technics, Authorized Agent – Site Plan Review – **Findings of Fact** – for approval to revise a previously approved Plan by building the 10 previously approved units, but in a new location within the existing site. Construction of fire lanes and roadways to access these units will be done at the same time. 9356 Goose Rocks Road, identified as Assessor's Tax Maps 38, Block 001, Lot 08 (Phase II) and Map 37, Block 003, Lot 3 (Phase I) in the Free Enterprise Zone.) *George Lichte, Case Manager*

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

2. 190901 Mark Messer & Elizabeth Carlson – Site Plan Review – **Findings of Fact** – for approval to do road improvements by widening Ledge Road. (7 Ledge Road, identified as Assessor's Tax Map 24, Block 4, Lot 23 in the Village Residential East and Free Enterprise Zones.) *Scott Mahoney, Case Manager*

Mr. Mahoney read the Findings of Fact into the record. Ms. Pearlmutter made a motion to approve said Findings. Mr. Francis seconded the motion and the vote was unanimous.

3. 190903 Kennebunkport Conservation Trust – Site Plan Review – **Public Hearing** – for approval to create a parking area as an accessory structure to the preserved land it will allow access to and will be available for use by Edwin L. Smith Preserve. (Guinea Road, identified as Assessor's Tax Map 16, Block 2, Lot 1E in the Farm & Forest Zone.)

Mr. Boak introduced the Agenda item.

Mr. Russ Grady, representing Kennebunkport Conservation Trust, addressed the Board stating this proposal is to construct a parking area on a parcel of land approximately 50 acres as part of the Edwin L. Smith Preserve. Based on some feedback from Ms. Steele, Mr. Grady noted he has submitted a revised site plan showing a separate entrance and exit to the parking lot where the overall lot coverage is 0.005%. Mr. Grady also commented they have maintained all site line distances to satisfy the town requirements and has obtained approval of the Kennebunkport Highway Department. The proposed lot will have 10 parking spots with a berm to be constructed closest to Ms. Steele's property to provide some buffering.

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

Ms. Pearlmutter commented it is not clear what the defined use is of the parcel where the proposed parking lot is to be built. Ms. Pearlmutter explained a parking lot is not an accessory use for agricultural land so in order to call this an accessory use, the parcel needs to be defined as a park which would warrant a request for a change of use. Mr. Grady explained the property is mowed once a year for maintenance but is primarily used as a part of the greater Preserve property for hiking, school field trips, etc. Ms. Pearlmutter clarified that she has no issue with the parking lot and is simply looking for something the Planning Board can define and support in its approval.

Mr. Boak commented the problem is the Trust did not define what this property is to be used for when it first purchased it.

Mr. Francis commented he believed it was decided at the last Planning Board meeting, of which the minutes were just approved earlier tonight, that the property is defined as a community use.

The Board members and the Applicant had a brief discussion on the Land Use Ordinance definition of park, agriculture, and community use. Mr. Boak read the definition of Community Use to be: *"A governmental or public service use for the general benefit of citizens funded in whole or in part by the Town of Kennebunkport or a quasi-public organization, including by way of illustration and without limitation, municipal buildings, schools, public parks and recreational facilities, fire stations, ambulance services and sewage treatment plants."*

Mr. Francis asked Mr. Gilliam for his opinion. Mr. Gilliam offered that both definitions of agriculture and community use don't exactly apply to this situation. However, Mr. Gilliam continued, it is important for him to understand what the Board's request and direction is in dealing with other Trust properties.

Another discussion continued with the Board members, Mr. Gilliam, and the Applicant on the definition of community use and what a quasi-public organization is.

The Board members and Applicant agreed that park was a more appropriate description for this particular parcel.

Mr. Boak opened the Public Hearing. There were no comments or questions from the audience in attendance. Mr. Boak closed the Public Hearing.

Ms. Pearlmutter made a motion to approve the Application with the parcel defined as a park and a parking lot defined as an accessory use to that park. Mr. Simmons seconded the motion and the vote was unanimous.

Other business:

After Agenda Items #1 and #2 were completed, Mr. Francis commented that by using the definition of park for the Conservation Trust property, it requires the Applicant to comply with Article 6.9.A.11 which states: *“Where not enclosed in a building and unless otherwise permitted by the Kennebunkport Planning Board in the course of Site Plan Review of Libraries in the Village Residential Zone, off-street parking and loading spaces shall be screened from view by a continuous landscaped area not less than six (6) feet in width, forming a visual barrier not less than five (5) feet in height along all public streets and exterior lot lines adjacent to residential uses, except that driveways shall be kept open as required in Article 10.7.B.1.d.”*

After more discussion on definitions in the Land Use Ordinance and whether exemptions can be made in complying with Article 6.9.A.11, the Board members and Mr. Gilliam agreed the classification of a park is appropriate for the Kennebunkport Conservation Trust’s property for Site Plan Application 190903.

Mr. Gilliam reminded the Board members that while it is important for the Planning Board to be consistent with their decisions, each Application Review is considered on an individual basis and is not precedent-setting for future Applications.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary