

**Kennebunkport Planning Board**  
**August 1st, 2012 ~ 7:00 PM**  
**Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, August 1st, 2012. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Leo Famolare, Gordon Ayer, John Hathaway, Greg Reid, Peter Fellenz, Helen Conaty

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the July 18th, 2012 Planning Board meeting. Mr. Famolare seconded the motion and the vote was unanimous.

Items:

**1) 120601 Kennebunkport Conservation Trust / Sebago Technics, Inc., Authorized Agent – Site Plan Review – Public Hearing** - for approval to alter 1,275 feet of forested freshwater wetland with an access road for a walking trail and tractor access to an existing field for maintenance mowing by constructing a 10' wide gravel road crossing a wetland with riprap side slopes and two culverts. [Assessor's Tax Map 24, Block 002, Lot 07C in the Free Enterprise Zone.]

Mr. Kling introduced the Agenda item. Mr. Bill Case addressed the Board and gave a brief summary of the project stating the Trust's goal is to extend the trail system to Cape Porpoise and the Biddeford town line.

Mr. Kling opened the Public Hearing. Mr. Case mentioned that he had a discussion with an abutter to the property regarding a concern about the cemetery on the property and assured the abutter this access road does not come near her property.

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

Mr. Hathaway asked the Applicant what the vision is for the Trust in the future. Mr. Case replied their long term plan is to have a path from Cape Porpoise all the way to the Biddeford line and explained they are about 2 or 3 pieces away from that.

Mr. Hathaway asked Mr. Case if there was ever any thought to the balance of the Trust's actions in creating these public access ways. Mr. Hathaway expressed his opinion that the other side of this type of development is the Trust's properties are taken off of the tax roll which increases the taxes on other private land owners.

The Board members discussed at length both sides of this issue and came to the agreement this is outside the jurisdiction of the Planning Board but perhaps should be brought up for discussion with the Board of Selectmen or the Growth Planning Committee. Mr. Kling offered to draft a consensus for the Planning Board to review and consider submitting to the Board of Selectmen.

Mr. Kling made a motion to approve the Application as presented. Mr. Hathaway seconded the motion and the vote was unanimous. Mr. Ayer was assigned as Case Manager to prepare the Findings of Fact at the next meeting.

**2) 120603 John & Janet Cluff / James Logan, Authorized Agent – Site Plan Review – Public Hearing** – for approval to create an access driveway to serve two lots. [Old Cape Road, Assessor's Tax Map 13, Block 003, Lot 16 in the Free Enterprise Zone.]

Mr. Kling introduced the Agenda item noting they have received the following additional information from the Applicant:

- Copy of the Use Agreement with Central Maine Power
- Copy of the revised and more detailed driveway plan and accompanying cover letter.

Mr. Jim Logan addressed the Board stating the Application is for the creation of an access drive for the Cluffs and detailed by a survey plan prepared by Fran LaPierre indicating the Right of Way according to town standards. Mr. Logan added he has submitted to the Board the DEP approvals for wetland fills, and noted the crossings proposed are in the town Shoreland Zone wetlands.

Mr. Logan also indicated in the notes on the site plan that the Fire Chief, Police Chief and Highway Department have granted their consent to this project. Mr. Kling asked Mr. Logan if he could request a written approval be sent to the Planning Board by each of those departments.

Mr. Logan also stated the Board had previously asked there be a condition placed on the Application upon approval that no duplexes would be allowed to be built on the two lots and indicated the owners have agreed to that condition.

Mr. Ayer made a suggestion that a copy of the Use Agreement with CMP be recorded as an attachment to the Findings of Fact.

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

Mr. Ayer made the point that although the Board has asked to limit the building on the two lots to single family dwellings, the lots are in the Free Enterprise zone which means accessory apartments are permissible. Mr. Logan asked the Board to consider at least a situation where the owners may want to add an accessory apartment for the circumstance of needing an elderly parent to move in to the home. Mr. Ayer

suggested putting a limit on the use on the lots to 2 single family dwellings with a condition any accessory apartment would require Planning Board approval.

Mr. Famolare made a motion to approve the plan as presented subject to the following conditions:

1. Planning Board's receipt of written approval from the Police and Fire Departments,
2. The length of the road is specified in the Application description,
3. The two lots are limited to single family dwellings only
4. Accessory apartments are not allowed without Planning Board approval,
5. Copy of the Use Agreement with Central Maine Power is attached to the Findings of Fact and recorded.

Mr. Reid seconded the motion. Mr. Ayer suggested a copy of the Site Plan also be attached to the Findings of Fact for recordation. The Board voted unanimously in favor of Mr. Famolare's motion. Mr. Famolare will prepare the Findings of Fact to be read at the next Planning Board meeting.

**3) 120604 Robert & Marjorie Dennis / LeBlanc Associates, Authorized Agent** – Site Plan Application – **Public Hearing** – for approval to construct a 4' x 55' pier, 4' x 10' light transmitting thru-flow access ramp, 3' x 35' aluminum ramp & a 8' x 19' wood float. [25 Langsford Road, identified as Assessor's Tax Map 30, Block 001, Lot 35 in the Cape Porpoise West, Shoreland and Resource Protection Zones.]

Mr. Kling introduced the Agenda item noting the house number is 22 not 25 as indicated on the Agenda. Mr. Kling reminded the Board this Application was voted complete at the last meeting.

Mr. Joe LeBlanc addressed the Board stating the dock consists of a 4'x10' access ramp, a 4'x55' pier with light transmitting deck, a 3'x35' ramp and a 8'x19' wood float. Mr. Kling added the Board has received copies of all DEP and Army Corps of Engineers permits. Mr. LeBlanc added the dock has been shortened from its previous proposal to 117 feet.

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

Mr. Reid made a motion to approve the Application as presented. Mr. Hathaway seconded the motion and the vote was 3-1-1 in favor of the motion. Mr. Kling, Mr. Hathaway, and Mr. Reid voted in favor of the motion. Mr. Famolare voted against the motion. Mr. Ayer abstained from voting.

Mr. Kling prepared the Findings of Fact and read it into the record. Mr. Famolare made a motion to approve said Findings. Mr. Reid seconded the motion and the vote was unanimous.

#### **Other Business:**

Mr. Kling announced the Board needs to elect a Chairman and Vice-Chairman for the current fiscal year. Mr. Kling offered to stay on as Chairman and Mr. Reid agreed to accept the position of Vice-Chairman.

Mr. Hathaway made a motion to elect Mr. Kling as Chairman of the Planning Board and Mr. Reid as Vice-Chairman of the Planning Board. Mr. Fellenz seconded the motion and the vote was unanimous.

Mr. Hathaway provided copies of a recent news article concerning the wind turbine and asked what exactly is the success rate of the wind turbine movement in the town. Mr. Kling responded he would remind the town the Board is due a report on the success of the wind turbine.

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

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