

**Kennebunkport Planning Board
April 18th, 2012 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, April 18th, 2011. 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, Peter Fellenz

Approval of Minutes: Mr. Famolare made a motion to approve the minutes from the April 4th, 2012 Planning Board meeting. Mr. Hathaway seconded the motion and the vote was unanimous.

Items:

1) 111101 John & Jeannie Scollins / Doyle Enterprises, Authorized Agent – Site Plan Review – Findings of Fact – regarding request of Applicant to remove the existing one story cottage and replace it with a new two story cottage in a different location to make it more conforming to setbacks. [11 Harwood Drive, identified as Assessor's Tax Map 21, Block 005, Lot 25 in the Cape Porpoise West Zone.]

Mr. Famolare read Findings of Fact into the record. Mr. Fellenz made a motion to approve said Findings. Mr. Kling seconded the motion and the Board voted 4-0-1 in favor of the motion. Mr. Ayer abstained from voting.

2) CDMK, LLC Properties/ Mitchell & Associates, Authorized Agent – continued public hearing – for re-approval of an original approval of Subdivision and Multiplex consisting of 2 multi family unit lots totaling 12 dwelling units and 34 duplex lots for a total of 80 dwelling units, located between North Street and School Street. There will be no changes to the original approval and the Applicant is only looking for an extension of the original approvals. [49 & 51 North Street, Tax Assessor's Map 12, Block 005, Lots 21, 21A & 22 in the Village Residential & Free Enterprise Zones] **Continued to May 2nd at request of Applicant.**

3) Ivy Three Subdivision / Sebago Technics, Authorized Agent – Initial Review - for final approval of a two (2) lot division on acreage located on Endcliffe Road/Dover Lane. Identified as Assessor's Tax Map 07, Block 013, Lot 01B in the Cape Arundel Zone.

Mr. Kling introduced the Agenda item noting the process for this review began with an initial review in August of 2011; a Public Hearing on March 7, 2012; preliminary approval on March 7th, 2012 with the Findings of Fact read on March 21st, 2012. The Board agreed to waive a requirement for a Public Hearing on the Initial Review. Mr. Kling also acknowledged receipt of a letter from the Kennebunkport Fire Chief dated March 26, 2012 stating he is in agreement with the Applicant to make Endcliffe Road passable for emergency vehicles and an email from the Code Enforcement Officer regarding the same.

Mr. Steve Doe, of Sebago Technics, along with Attorney Ralph Austin addressed the Board stating this project is essentially the same as the preliminary Application. Mr. Doe stated one of the previously planned parcel sales did not go through so the land is combined with lot 2 and all calculations have been adjusted accordingly.

Mr. Kling made a comment that this Application and proposal is solely for the development of Lot 1 for a single family dwelling on that site as well as the sales of the outparcels as indicated.

Mr. Kling opened the meeting to all Board members for comments/questions and to all members of the public in attendance. There were no comments.

In response to a request from the Fire Chief, Mr. Doe read Note #25 from the Site Plan which states: "The Wood Road section of Endcliffe Road behind the Old Fort Inn will be kept clear for emergency access out to Ocean Avenue."

Mr. Ayer made a motion to approve the Application of Ivy Three LLC for final subdivision approval for Lot 1 and the sales of the outparcels as indicated. Mr. Famolare seconded the motion and the vote was unanimous. Mr. Ayer added that lot 2 is not approved as a separate parcel to be sold or developed. Mr. Austin confirmed Mr. Ayer's statement.

Mr. Hathaway read the prepared Findings of Fact into the record. Mr. Doe rectified a couple of minor changes to the Findings. Mr. Hathaway noted those changes in the Findings and initialed the notes. Mr. Ayer made a motion to approve said Findings. Mr. Famolare seconded the motion and the vote was unanimous.

Other Business:

1.) KPT Ventures, LLC/The Landing, through its authorized agent, Ralph Austin, Esquire – minor changes to building style. [21 Ocean Avenue, identified as Assessor's Tax Map 11, Block 001, Lot 08 in the Dock Square, Shoreland and Resource Protection Zones.

Mr. Ayer is recused from this review.

Mr. Ralph Austin and Mr. Rich Malconian addressed the Board to explain some of the minor design changes to be made to the originally approved plan. Mr. Malconian stated there are no footprint changes and have had the engineers of Woodward & Curran verify the changes to the roof design would not impact any runoff.

Mr. Shaw addressed the Board to explain because the Applicant is changing the design, the Planning Board is required to review and approve the changes. Mr. Shaw did note there is no change in footprint, use or height and the proposed design changes do not affect the Fire Marshall's approval or any type of approval granted to the original Application.

Mr. Famolare made a motion to approve this request. Mr. Hathaway seconded the motion and the vote was unanimous.

2.) Mr. Kling reminded the Board that the Planning Board does not have any official role in approving changes to the Land Use Ordinance. Mr. Kling added he has been working on changes to the Subdivision Regulations and is hoping to have those finished and reviewed by Brian Shaw and Werner Gilliam by the next Planning Board meeting.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary