

**Kennebunkport Planning Board  
February 15, 2012 ~ 7:00 PM  
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, February 15th, 2011. The meeting convened at 7:00 p.m. in the North Street Fire Station.

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

Approval of Minutes: Mr. Burford made a motion to approve the minutes from the February 1st, 2011 Planning Board meeting. Mr. Hathaway seconded the motion and the vote was unanimous.

Items:

**1) 111202 Marydilys Anderson & James Nelson / LeBlanc Associates, Authorized Agent** – Site Plan Review – **Findings of Fact** – for approval to construct a pier, ramp & floating dock. [10 Church Street, identified as Assessor's Tax Map 11, Block 002, Lot 14 in the Village Residential Zone.]

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

**2) 120101 The Boughton Hotel Corp d/b/a The Colony Hotel** – Site Plan Review – **Public Hearing** – for approval to convert a seasonal pool enclosure into a more permanent structure with the same use intended. [140 Ocean Avenue, identified as Assessor's Tax Map 08, Block 006, Lot 04 in the Riverfront Zone.]

Mr. Kling introduced the Agenda item noting this Application was voted complete at the last Planning Board meeting.

Mr. Ron Otte, Maintenance Manager for the Colony Hotel addressed the Board and gave a brief summary of the Application. Mr. Otte noted they have considered the impact of this project on their neighbors ecologically and aesthetically and feel it will not have any affect to neighboring properties.

Mr. Ayer commented that this project is simply taking a temporary structure and making it a permanent structure with the same use.

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

Mr. Ayer made a motion to approve the Application as the same as been presented. Mr. Famolare seconded the motion and the vote was unanimous. Mr. Ayer was assigned as Case Manager to prepare the Findings of Fact to be read at the next meeting on March 7<sup>th</sup>, 2012.

**3) 120102 Louise D. Spang / Timothy Spang, Authorized Agent** – Site Plan Review – **Public Hearing** – for re-approval to build a 50' x 100' warehouse with a 20' x 20' connector and 4,000 square feet of soil material storage. Original approval was dated February 20, 2008, however storage buildings were not built under that approval. [10 Granite Heights Road, identified as Assessor's Tax Map 14, Block 002, Lot 39A in the Farm and Forest Zone.]

Mr. Kling introduced the Agenda item noting this Application was voted complete at the last meeting.

Mr. Tim Spang, owner of the businesses on the premises, addressed the Board and gave a brief summary of the Application.

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

Mr. Hathaway made a motion to approve the Application. Mr. Burford seconded the motion and the vote was unanimous. Mr. Hathaway will prepare the Findings of Fact to be read at the next Planning Board meeting on March 7<sup>th</sup>, 2012.

**4) Ivy Three Subdivision / Sebago Technics, Authorized Agent – Continued Review** for initial approval of a three (3) 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 receipt of the following pieces of correspondence to be read into the record:

- Letter from Sebago Technics with additional information dated February 3<sup>rd</sup>, 2012 with details of the revised Application
- Email dated Feb. 6<sup>th</sup> from Allan Muir indicating OK for revised appl. for fire department equipment access
- Letter dated 13 Feb. from Ralph Austin re: concerns of parking from one of the abutters.
- Memo dated Feb. 13<sup>th</sup> from Larry Mead regarding Ivy Three LLC Appl. "I am aware that the Application to the Board for Subdivision approval by Ivy Three LLC has materially changed. Last week I reviewed the revised submittal with Brian Shaw, Fire Chief Allan Muir and Deputy Police Chief Kurt Moses. Chief Muir had separately submitted his comments to the Board. Bases on that review I can say apart from any input from CEO Shaw the town has no substantive concerns with the Application."
- Letter from abutter Walter Hannon raising some concerns with potential of traffic from Old Fort Inn to Dover Lane

Mr. Steve Doe of Sebago Technics along with Attorney Ralph Austin addressed the Board. Mr. Doe explained some of the revised changes to the Application since their last appearance before the Planning Board. Mr. Doe also explained that due to Terralyn Swift's withdrawal of her Application and suggestions by the Board they have revised their changes on Dover Lane. In addition, other abutters have expressed interest in acquiring more land and Mr. Doe indicated those changes on the new Site Plan.

Mr. Famolare asked if Fire Chief Allan Moir approved of the revisions. Mr. Doe replied yes. Mr. Famolare expressed his concern that public water and sewer lines were not being extended through to the new lots. Mr. Doe and Mr. Austin explained there is no plan to build on the lot so it is not economical to extend the line at this time.

Mr. Doe continued his presentation pointing out their proposed improvements to the road to ensure fire access through to Endcliff with a hammerhead turnaround. Mr. Doe added the Fire Chief has been Doen Dover Lane with a fire truck and has offered his approval of the proposed changes.

Mr. Kling asked what changes were being proposed to the parking lot of the Old Fort Inn. Mr. Doe indicated the light grey area on the Site Plan as it currently exists which is not adequate. Mr. Doe explained they are proposing to extend the parking lot in the back and will remove some pavement to discourage parking in the front and still allow fuel and garbage trucks to enter from Dover Land with a turn around to exit.

Mr. Kling mentioned a couple of abutters have requested a mechanism to discourage traffic Doen Dover Lane and exit through another access road. Mr. Doe replied they have not discussed anything other than using sawhorses to block off entrance to regular traffic. Mr. Kling suggested finding a more permanent solution than sawhorses or perhaps installing a gate. Mr. Doe stated they would try the sawhorses for a year and if it doesn't work then they will come up with something else. Mr. Doe indicated he had this discussion with the neighbors and they understand there is a training process involved.

Mr. Fellenz stated there have been several presentations on this Application which are unclear and asked for a narrative of the facts of the Application and what is being requested for the Board to consider. Mr. Austin replied he would provide a narrative prior to the Public Hearing.

Mr. Kling mentioned the Applicant was requesting three submission waivers; trees, Right of Way design and sidewalks. Mr. Kling asked the Applicant to verify any of the trees they planned to remove which were more than 16 inches in diameter. Mr. Doe agreed with this request. Mr. Kling noted the Highway Department, Police Chief or Code Enforcement Officer had no issues with any of the waiver requests.

Mr. Kling also asked the Applicant to provide details of all of the costs that will be included in a performance bond. Mr. Austin responded he would provide that prior to approval.

Mr. Kling asked when they expected a formal written approval from the Kennebunk Kennebunkport Wells Water District. Mr. Doe replied he expected to have a letter today but would call tomorrow to find out when it will be received.

Mr. Hathaway made a motion the Application is complete. Mr. Ayer seconded the motion and the vote was unanimous. A Public Hearing will be set for March 7<sup>th</sup>, 2012.

#### **Other Business:**

**Thomas Kezar, 86 Old Cape Road** ~ to confirm/validate a use which has been in existence for 30 years and have Memorandum read and signed for recording purposes.

Mr. Thomas Kezar addressed the Board stating he has had a business at 86 Old Cape Road since 1985 but the permit indicates it is only a storage building when in fact it also contains a cooler to store lobster bait. Mr. Kling asked if anything has changed on the property. Mr. Kezar replied it has not. Mr. Kezar explained he leases space to 4 or 5 lobstermen who store their bait and use it as needed.

Mr. Kling informed the Board that Mr. Shaw has submitted a memo for the Planning Board to sign for recording purposes. Mr. Shaw addressed the Board stating his office has had no complaints about the property and has had a soil scientist on the premises to test the water drainage and it was found to be operating properly.

Mr. Ayer made a motion to approve the signing of the memorandum. Mr. Hathaway seconded the motion and the vote was unanimous. Mr. Kling signed two copies of the memo. Mr. Austin notarized both copies for recording and a recorded copy would be provided for Mr. Kezar.

#### **Other business:**

Mr. Kling asked the Board members if they reviewed the proposed changes to the Land Use Ordinance submitted at the last meeting. Mr. Ayer suggested the Board take more time to go over the proposed changes. Each Board member discussed at length their opinions of the changes. Mr. Kling asked each member to provide feedback on the possible clarifications by the next meeting.

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

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

