

**Kennebunkport Planning Board
September 5th, 2012 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, September 5th, 2012. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Leo Famolare, Greg Reid, Helen Conaty
Ms. Conaty will have voting privileges for this meeting.

Approval of Minutes: Mr. Famolare made a motion to approve the minutes from the August 15th, 2012 Planning Board meeting. Mr. Reid seconded the motion and the vote was unanimous.

Items:

1) 120801 Wallace & Virginia Reid / Robert Reid, Authorized Agent – Site Plan Review - **Initial Review** – for approval to shift a shared driveway away from their house and do driveway improvements. [45 North Street, Assessor's Tax Map 09, Block 003, Lot 01 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item. Mr. Reid is recused from this Review.

Mr. Bob Reid, representing Wallace and Virginia Reid, addressed the Board stating the Applicants are currently residents of Huntington Common and wish to sell their house on North Street. Mr. Reid explained the current location of the driveway would be a detriment to selling the house as it comes within 45 feet of the Reids' living room. Mr. Reid concluded the Application has been reviewed by the Maine DEP and the Maine Department of Transportation who have written a letter in response which is attached to the Application.

Mr. Kling informed the Applicant the Board has received a copy of the DEP's Permit By Rule application. Mr. Kling requested the Applicant include on the Application form itself a brief description of the actual work to be done.

Mr. Kling asked the Applicant if moving the driveway will impact the wetlands. Mr. Reid replied their plan is to move it away from the wetlands. Mr. Kling asked if there has ever been a problem with the culvert size. Mr. Reid responded there has been a problem where the two culverts join out by North Street where it is too close to the road. Mr. Reid added he has talked to the DEP to ask them to be cleared but it is the State's responsibility. Mr. Reid added he is trying to get them cleaned out to aid the flow of the any rainwater.

Mr. King noted the new dimensions comply with the Land Use Ordinance with regards to width and Right of Way.

Ms. Conaty asked if the portion immediately adjacent to the house labeled existing paved drive is going to remain. Mr. Reid responded that area is going to be removed and seeded.

Mr. Famolare made a motion the Application is complete. Ms. Conaty seconded the motion and the vote was unanimous.

A Public Hearing will be held at the next Planning Board meeting.

2) 120802 William Forrest and Nancie Julian / Mitchell & Associates, Authorized Agent – Site Plan Review – **Initial Review** - for approval to remove the existing 2 ½ story home and create a new two ½ story home in a different location to make it more conforming to setbacks and reduce lot coverage. [239 Kings Highway, identified as Assessor's Tax Map 34, Block 001, Lot 02 in the Goose Rocks Beach Zone.]

Mr. Kling introduced the Agenda item noting the Board did receive a copy of the Coastal Sand Dune permit submitted to the DEP on August 22, 2012.

Mr. Bob Mitchell addressed the Board stating he has not heard back from the DEP when the permit will be issued. Mr. Mitchell gave a brief summary of the project indicating the details of the project on several large plans displayed for the Board and public to view. Mr. Mitchell stated they are basing their Site Plan Application on Article 8.3.B.4 Relocation of a Non-Conforming Structure and noted the following items in their Application:

- Lot size is 6,305 sq. ft. in the Goose Rocks Beach zone and is also located in the Frontal Dune zone.
- The High Water mark is at elevation 7.
- The existing deck is currently in violation of the 75ft. setback.
- The Application is to remove the existing structure, paving stone, propane tank, recessed well area, full basement, asphalt driveway, concrete path and existing vegetation around the house as well as one tree in the front.
- Lot coverage is based on the footprint which includes the deck, stairs, walkway, pavers, driveway and raised planter beds.
- Current lot coverage is 2,201 sq. ft. which equates to 35% lot coverage.
- New structure will be a 2 ½ story steel framed structure on posts elevated so it is 3 ft. above grade to comply with Sand Dune requirements and the Flood Zone Ordinance.
- New building height will be 30 feet.

- The Applicant is utilizing the Town Condominium Conversion Ordinance to merge 239 Kings Highway with the adjacent lot 241 Kings Highway, both of which are owned by the Applicants.
- End result will be a reduction of 35% lot coverage to 27.41% lot coverage when the 2 lots are combined into one.

Mr. Greg Reid asked if the properties would be titled as one lot. Mr. Mitchell replied they would be titled as one lot.

Mr. Famolare asked when they expect to get approval for the condominium conversion. Attorney Darwood Parkinson replied that would be a condition the Board would make under their approval of this Application.

Mr. Kling asked the Applicant if they would agree to a stipulation by the Board that the area between the lots would be a common area with no segregation of use and if that did change it would require Planning Board approval. The Applicant agreed with Mr. Kling's statement.

Mr. Kling questioned as to whether the raised planters within the rear setbacks would constitute as structures according to the Land Use Ordinance' definition of a structure which is: *"Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind together with anything constructed or erected with a fixed location above, below or upon the surface of the ground or water. Not all structures are subject to setback requirements. See Article 6.1 for exemptions."* The Applicant responded the what is currently there are 2 feet tall 2x12 pressure-treated boxes with the expectation that they would be replaced with something smaller than that.

Mr. Reid made a motion to find the Application complete subject to receipt of the DEP permit. Mr. Famolare seconded the motion and the vote was unanimous.

CDMK, LLC Properties/ Mitchell & Associates, Authorized Agent - Continued Public Hearing - for re-approval of an original approval of Subdivision and Multiplex consisting of 2 multifamily-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]

Mr. Kling stated the Agenda lists this as a Continued Public Hearing which is in error. The Application was voted complete on March 7, 2012 and a Public Hearing was held on March 21st, 2012 which was opened and closed. The Board withheld voting on approval of the Application on March 21st, 2012 pending receipt of further information. Mr. Kling stated according to the Planning Board Rules and Regulations an Application becomes inactive if no action is taken within 6 months of the last time it was acted which would be September 21, 2012. This Application is therefore still active.

Mr. Kling acknowledged receipt of a letter submitted on August 22nd, 2012 from the Applicant along with a letter from Wakefield Cooperative Bank's senior loan officer.

Mr. Tom Macone addressed the Board and explained briefly the change in CDMK's partnership.

Mr. Kling asked if Wakefield Cooperative Bank will be the issuer. Mr. Macone replied they would be the Holding Company for this project which is estimated to be a \$48 million project.

Mr. Reid asked if they were anticipating any kind of starting date. Mr. Macone responded he was hoping to start last June.

Mr. Kling stated the Board's approval would include the same conditions as set forth in the previous approvals.

Mr. Famolare made a motion to approve the Application. Mr. Reid seconded the motion and the vote was unanimous.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary