

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

A regular meeting of the Planning Board was held on Wednesday, August 15th, 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, Peter Fellenz, Helen Conaty
Mr. Fellenz has voting privileges for this meeting due to the absence of Mr. Reid.

Approval of Minutes: Mr. Fellenz made a motion to approve the minutes from the August 1st, 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 – **Findings of Fact** - 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.] *David Kling, Case Manager*

Mr. Ayer read the Findings of Fact into the record. Mr. Famolare made a motion to approve said Findings. Mr. Fellenz seconded the motion and the vote was unanimous.

2) 120603 John & Janet Cluff / James Logan, Authorized Agent – Site Plan Review – **Findings of Fact** – 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.] *Leo Famolare, Case Manager*

Mr. Famolare read the Findings of Fact into the record. Mr. Ayer made a motion to approve said Findings. Mr. Fellenz seconded the motion and the vote was unanimous.

3) 120602 John & Jeannie Scollins / Doyle Enterprises, Authorized Agent – Site Plan Review – **Continued Review**– for approval 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, as well as relocate and enlarge an outbuilding. [11 Harwood Drive, identified as Assessor's Tax Map 21, Block 005, Lot 25 in the Cape Porpoise West Zone.]

Mr. Kling introduced the Agenda item, gave a brief summary of the status of this Application and informed the Board members the Applicant is asking for conceptual guidance on the design in order to move forward.

Ms. Diane Doyle addressed the Board and presented three proposals for removing the existing one story cottage and replacing it with a new structure to make it more conforming to the setbacks. Ms. Doyle asked the Planning Board for guidance as to whether she can remove the accessory building on the premises and include that volume in the new proposed main building or keep the accessory building but remodel it and move it towards the main building where they share a common wall and expand each building independently by 30% as the Ordinance allows.

After reviewing the three optional plans, Mr. Kling asked the Board members for their positions on one or all of the proposals discussed by Ms. Doyle in order to provide her with an indication on the acceptability of her project.

Mr. Kling offered his opinion that the original proposal was the least intrusive.

Mr. Ayer stated he preferred the Applicant's first proposal that combined the two structures into one and suggested the abutters and the public may have a different opinion.

Mr. Famolare requested Mr. Shaw share his opinion. Mr. Shaw stated by attaching the shed to the building with a common wall, the Applicant would not be increasing the living space by combining the use and would be in compliance with our ordinance and Town Counsel's opinion. Mr. Shaw added he has not seen any new calculations from Ms. Doyle reflecting that proposal.

Mr. Hathaway agreed with Mr. Ayer and Mr. Kling in favoring the original proposal. Mr. Fellenz stated he was not comfortable with the original proposal and asked if the house and the shed shared a common wall can a door be added between the 2 structures. Mr. Shaw explained they would not be allowed to have a door between the two structures if they shared a wall because in doing so it would increase the living space which would be in violation of the Land Use Ordinance.

Ms. Doyle stated she would make some adjustments to the first proposal and come back to the Board for a formal review.

Other Business:

At the last Planning Board meeting, questions were raised about a Conservation Trust trail system and any possible encroachment on private property owners' rights. After discussions with Mr. Gilliam in the Town Office, Mr. Kling made a draft of 2 possible questions for the Town Planner to address. Mr. Kling submitted copies of his draft and asked the Board members for their opinions on the matter.

Mr. Kling stated one question is at what point does passive or active recreation activity need to come before the Planning Board for approval? Mr. Kling also stated the other large area is the question of outdoor gatherings and events and the existence of inconsistencies within the Town's Mass Gathering Ordinance.

The Board had a lengthy discussion on the topic of mass gatherings in town and whether the residential aspect of a neighborhood should take precedence over commercial aspects.

The Board agreed this topic should be addressed to the Town Planner for further discussion.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary