

**Kennebunkport Planning Board
June 18th, 2014 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, June 18th, 2014. The meeting convened at 7:00 p.m. in the North Street Fire Station.

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

Approval of Minutes: Mr. Reid made a motion to approve the minutes from the June 4th, 2014 Planning Board meeting. Mr. Ayer seconded the motion and the vote was unanimous.

Items:

1) 140401 Gerald Dworkin – Site Plan Review – **Findings of Fact** – for approval to re-surface the parking lot at his business, Lifesaving Resources. [3 Mills Road, identified as Assessor's Tax Map 22, Block 007, Lot 31 in the Cape Porpoise Square Zone.] *Leo Famolare, Case Manager*

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

2) 140502 Robert Waskiewicz – Site Plan Review – **Public Hearing** – for approval to turn a residential/commercial use property into a residential two family property. [21 North Street, identified as Assessor's Tax Map 9, Block 003, Lot 19 in the Village Residential Zone.]

Mr. Kling introduced the Agenda item.

Mr. Bob Waskiewicz of Westford, Massachusetts addressed the Board stating he is requesting to convert his property at 21 North Street into a two family residential property. Mr. Waskiewicz added he believes it would be more beneficial to the neighborhood interest if this property was used solely for residential purposes.

Mr. Kling noted this Application was voted complete at the last meeting and asked if the Board members had any questions for the Applicant.

Mr. Ayer asked if this Application is approved if there should be a condition upon approval that would forbid an accessory apartment be added to the premises. Mr. Gilliam responded that if approved, the property would be classified as a two family dwelling and accessory apartments are only allowed under the Land Use Ordinance for single family dwellings. Furthermore, Mr. Gilliam pointed out if an accessory apartment was constructed on the premises it would classify the dwelling as a multiplex building which would put the property in violation of the setback requirements.

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

Mr. Ayer made a motion to approve this Application as presented. Mr. Famolare seconded the motion and the vote was unanimous.

Mr. Ayer suggested the Findings of Fact should mention that an accessory apartment would not be allowed as explained by Mr. Gilliam. Mr. Waskiewicz was in agreement with Mr. Ayer's suggestion.

Mr. Fellenz was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting.

3) 140503 Raymond Shmalo – Site Plan Review – **Public Hearing** – for approval to change take-out and retail space into take-out with seating. [24 Ocean Avenue, identified as Assessor's Tax Map 11, Block 009, Lot 10, Units B3 & B4 in the Dock Square Zone.]

Mr. Kling introduced the Agenda item.

Mr. Brendan Hall of Amidon Appraisal, 477 Congress Street, Suite 323, Portland, Maine 04101, addressed the Board on behalf of Mr. Shmalo and explained the Applicant is requesting approval to change a take-out retail space to a take-out space with seating.

Mr. Kling noted this Application was voted complete at the last Planning Board meeting.

Mr. Kling opened the Public Hearing. There were no comments or questions. Mr. Kling closed the Public Hearing.

Mr. Ayer made a motion to approve the Application as presented. Mr. Famolare seconded the motion and the vote was unanimous.

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

4) 140504 Carol B. and George H. Walker, III – Site Plan Review – **Initial Review** – for approval to replace an existing pier, wharf, ramp and float with a shorter pier, longer ramp and similar float. [91 Ocean Avenue, identified as Assessor's Tax Map 8, Block 001, Lot 14 in the Village Residential, Shoreland and Resource Protection Zones.]

Mr. Kling introduced both Agenda item #4 and #5.

Mr. Bob Brown of Eco-Analysts addressed the Board stating the first Application is to replace the existing pier with one that is 30 feet shorter and moved back to minimize the intrusion on the wetlands. Mr. Brown also noted the ramp and float will be removed in the winter months and stored in the upland. The new pier will reduce the intrusion into the river, Mr. Brown added and they will remove the old pilings.

Mr. Kling asked the Applicant to list the approvals obtained for this project. Mr. Brown cited the following approvals:

- Kennebunkport River Committee approval
- Permit By Rule from Maine DEP
- A Notification from the Army Corps of Engineers stating approval was not needed from them for this project
- Performed Site Walk with Kennebunkport Board of Selectmen and obtained approval at their last meeting.

Mr. Kling asked if there were any issues from the Code Enforcement office. Mr. Gilliam responded they have no issue with the Application.

Mr. Ayer made a motion to find the Application complete. Mr. Famolare seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on July 2nd, 2014.

5) 140505 Carol B. and George H. Walker, III - Site Plan Review – **Initial Review**, for approval to install a 12' x 4' pier. [93 Ocean Avenue, identified as Assessor's Tax Map 8, Block 001, Lot 14A in the Village Residential, Shoreland and Resource Protection Zones.]

Mr. Brown explained to the Board this pier has received the same approvals as mentioned earlier noting this pier is also minimally intrusive.

Mr. Kling again asked Mr. Gilliam if the Code Enforcement Office had any questions or issues with this Application. Mr. Gilliam replied he had no issues with this Application.

Mr. Reid made a motion to find the Application complete as presented. Mr. Famolare seconded the motion and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on July 2nd, 2014.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary