

**Kennebunkport Planning Board**  
**September 19, 2018 ~ 7:00 PM**  
**Kennebunkport Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, September 19th, 2018. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Nina Pearlmutter (Acting Chair), Neil Higgins, D. Scott Mahoney, Edward Francis, Larry Simmons, George Lichte  
Mr. Lichte will have voting privileges for this meeting.

Approval of Minutes: Ms. Francis made a motion to approve the minutes from the September 5th, 2018 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. **180201 Binnacle Hill Phase 2 / Terradyn Consultants, Authorized Agent** – Final Subdivision Review – **Findings of Fact** – for approval of a thirteen (13) lot cluster subdivision on 24.78. (Henchey Way, Map 41, Block 2, Lot 8 in the Goose Rocks, Shoreland and Resource Protection Zones.) *Nina Pearlmutter, Case Manager*

Before reading the Findings of Fact, Ms. Pearlmutter commented there was a correction made by the Applicant to the net residential area and the correction is noted on the mylar copies of the site plans for the Board members to sign this evening. After discussing this change with both the Code Enforcement Office and the Kennebunkport Town Attorney, Ms. Pearlmutter explained this change is allowed because firstly is not substantive, and secondly, Article 15.1 of the Kennebunkport Subdivision Regulations states any appeal is based on the date the Board issues its written order of approval/denial not the date the Board voted approval.

Ms. Pearlmutter read the Findings of Fact into the record. Mr. Higgins made a motion to approve said Findings as read. Mr. Francis seconded the motion and the vote was unanimous.

The Planning Board meeting had a brief recess in order to allow the Board members and the audience in attendance an opportunity to participate and vote at the Town meeting in the adjacent room.

2. **180702 John & Elizabeth Chambers** - Site Plan Review – **Findings of Fact** – for approval to construct a new single family residence to include a volume expansion. (5 Ward Road, identified as Assessor's Tax Map 22, Block 5, Lot 12 in the Cape Porpoise West, Shoreland and Resource Protection Zones.) *Larry Simmons, Case Manager*

The Planning Board meeting resumed and Ms. Pearlmutter introduced the next Agenda item.

Mr. Simmons read the Findings of Fact into the record. Mr. Higgins made a motion to approve said Findings. Mr. Francis seconded the motion and the vote was unanimous.

3. **180603 Geoffrey & Andrea Bove**– Site Plan Review – **Public Hearing** – for approval to use a portion of their driveway to serve three dwellings. (405 Mills Road, identified as Assessor's Tax Map 42, Block 2 Lot 3D in the Goose Rocks Beach Zone.)

Ms. Pearlmutter introduced the Agenda item and acknowledged receipt of a letter from an abutter regarding this Application.

Mr. Geoffrey Bove addressed the Board stating the letter from Katherine Madden suggests, without data, that there would be increased runoff that would adversely affect her property by means of water runoff and erosion. Mr. Bove explained he is not planning on developing the road and pointed out that Ms. Madden's property is entirely uphill from his land.

Mr. Gilliam offered his comments that based on what he saw in terms of the driveway location, he does not have any concerns regarding runoff on the neighbor's property.

Mr. Bove offered photographs of his property and distributed them to each of the Board members.

Mr. Bove further explained this Application is strictly for a change in use and he has no plans to enlarge the driveway.

Ms. Pearlmutter opened the Public Hearing. There were no comments or questions from the audience in attendance. Ms. Pearlmutter closed the Public Hearing.

Mr. Francis had several questions for the Applicant regarding the four property deeds that were submitted along with this Application. In response, Mr. Bove explained he initially bought a 10-acre lot with a driveway to the house and then bought a 4-acre parcel with the intent to subdivide that into 2 lots which he has now done.

There was a brief discussion amongst the Applicant, Mr. Francis and Mr. Gilliam regarding the property deeds submitted, the Rights of Way and the location of the actual driveway in relation to the Right of Way.

Mr. Francis made a motion to approve the Application. Mr. Higgins seconded the motion and the vote was unanimous.

Mr. Francis was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on October 3<sup>rd</sup>, 2018.

**4. Other Business:** Further discussion regarding Telecommunication Ordinance changes.

The Board members and Mr. Gilliam continued their discussion of the proposed changes to the Kennebunkport Telecommunication Ordinance.

Mr. Gilliam explained the proposed changes are to bring the Ordinance into conformance with the Spectrum Act and to allow for small scale cellular nodes to be permitted in the town.

Ms. Pearlmutter asked what the next step for the Planning Board is regarding these proposed changes. Mr. Gilliam explained there will be a joint Public Hearing with the Board of Selectmen and the Planning Board scheduled for October 25<sup>th</sup>, 2018. Mr. Gilliam reminded everyone there needs to be at least 3 Planning Board members in attendance at that joint meeting.

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

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