

**Kennebunkport Planning Board
October 4, 2017 ~ 7:00 PM
Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, October 4th, 2017. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. Russ Grady (Chair), Tom Boak, D. Scott Mahoney, Mark Messer, Nina Pearlmutter, Neil Higgins

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes from the September 20th, 2017 Planning Board meeting. Mr. Mahoney seconded the motion and the vote was unanimous.

Items:

1. **170701 Town of Kennebunkport Recreation Department / Wright-Pierce, Authorized Agent–Site Plan Review – Public Hearing, Continued** – for approval to replace the current building on the adjacent property as well as a storage shed on this property with a new single-story structure [School Street, identified as Assessor's Tax Map 11, Block 005 Lot 02 in the Village Residential Zone.]

Mr. Grady introduced the Agenda item stating this is a continued Public Hearing for the purpose of the Board to receive a copy of the documents submitted to the probate court regarding a deed amendment.

Mr. Grady also noted that at the last meeting, Mr. Higgins was assigned as Case Manager to prepare the Findings of Fact.

Mr. Grady opened the Public Hearing and asked any abutters or members of the public to approach the podium with their questions or comments. There were no questions or comments from the audience in attendance. Mr. Grady closed the Public Hearing.

Mr. Boak made a motion to approve the Application. Mr. Mahoney seconded the motion and the vote was unanimous.

Mr. Higgins read the Findings of Fact into the record. Mr. Messer commented it was his understanding the Board members agreed they did not need to read aloud and vote on each item in Article 10.10 but that Article 10.10 should be included in Findings of Fact. Mr. Higgins replied he based his decision from the minutes of the last meeting. Mr. Grady agreed with Mr. Higgins and cited the following from the approved minutes of the September 20, 2017 Planning Board meeting: "The Planning Board members had a brief discussion and agreed it was not necessary for their decision-making process to read aloud each item of Article 10.10 for this Application."

Mr. Boak agreed with Mr. Messer's statement and commented the Findings of Fact should contain all pertinent items of Article 10.10.

Mr. Grady and the remaining Board members all agreed to amend the Findings of Fact as stated and also agreed to sign the corrected Findings at the next Planning Board meeting.

Mr. Grady announced this Application is approved by the Planning Board and will have the final Findings of Fact at the next meeting on October 18, 2017.

Other Business:

1. Olde Port Village Subdivision / Mitchell & Associates, Authorized Agent – request for clarification of subdivision procedures.

Mr. Bob Metcalf of Mitchell & Associates addressed the Board to discuss the possibility of the Board to extend or re-approve this Application due to extenuating circumstances. Mr. Metcalf then explained in detail the sequence of events that have occurred since the Application was first approved and the progress made on the property in terms of harvesting and road work. Mr. Metcalf also mentioned Mr. Tom Macone's health suffered a serious setback recently as well.

Mr. Metcalf also explained all of the necessary permits are current with the exception of the town's permit which expired on September 5th, 2017.

Mr. Messer asked Mr. Metcalf what clarification they were looking for with respect to the Agenda. Referring to a letter submitted to the Board prior to his meeting, Mr. Metcalf replied this project is probably one of the most thoroughly vetted by the town and the Planning Board; adding, they are asking for an extension to allow Mr. Macone more time to recover from his health issues.

Ms. Pearlmutter asked how long of an extension were they looking for? Noting they would not be able to get any site work started until the Spring, Mr. Metcalf responded at least a year's extension would be prudent.

Mr. Grady asked Mr. Werner Gilliam for his perspective on this request. Mr. Gilliam stated that throughout and since this whole project began in 2006, the Applicant has done everything the town has asked for in terms of keeping the site stable after every storm event and has complied each and every time. In agreement with the town's attorney, Mr. Gilliam informed the Board members it is in their purview to proceed with the Applicant's request as they deem appropriate.

Ms. Pearlmutter commented it is up to the Board to decide what factors to look at in granting the extension or not and how long that extension should be.

The Board members had a brief discussion with each member expressing their opinion whether to grant an extension.

After a brief dialogue, Mr. Grady made a motion to grant an extension effective from September 4, 2017 at 11:59 p.m. through to December 31st, 2018. Ms. Pearlmutter seconded the motion.

The Board members had a brief discussion on the proper procedure for this request. Mr. Grady stated he would draft a letter as Chairman of the Planning Board detailing their decision this evening. Mr. Gilliam offered to have town counsel review the memo as well.

Mr. Grady asked if there were any audience members who would like to comment.

Mr. Bob Woodman, on behalf of Andrea Mabee addressed the Board to reserve her right to object to the Board granting an extension.

A motion was made and seconded. The Planning Board voted 4-1 in favor of the motion granting an extension to Old Port Village Subdivision. Mr. Boak abstained from voting. Mr. Grady, Mr. Messer, Mr. Mahoney and Ms. Pearlmutter voted in favor of the motion.

2. Review Kennebunkport Land Use Ordinance change regarding removal of growth permit for accessory apartments. (See attached)

Mr. Grady explained because there is a proposed change to the Land Use Ordinance the Planning Board is required to attend the next Board of Selectmen meeting in the event there are any questions from the public or Selectmen.

Mr. Gilliam and Mr. Grady gave a brief explanation of the proposed changes to the Land Use Ordinance and of the procedure of the Board of Selectmen's meeting.

Mr. Grady asked who could attend the Selectmen meeting noting a minimum of three Planning Board members must be present. The Board members confirmed at least three of them would attend.

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

Submitted by: Patricia Saunders, Planning Board Recording Secretary