

**Kennebunkport Planning Board  
December 21st, 2016 ~ 7:00 PM  
Kennebunkport Village Fire Station, 6 Elm Street**

A regular meeting of the Planning Board was held on Wednesday, December 21st, 2016. The meeting convened at 7:00 p.m. in the Kennebunkport Village Fire Station.

Members Present: Mr. David Kling (Chair), Peter Fellenz, Tom Boak, Russ Grady, D. Scott Mahoney, Nina Pearlmutter

Approval of Minutes: Mr. Grady made a motion to approve the minutes from the December 7th, 2016 Planning Board meeting. Mr. Fellenz seconded the motion and the vote was unanimous.

Items:

1. **161101 Sandpiper Capital Management II, LLC (Ebs Cove Subdivision) / Sebago Technics, Authorized Agent** – Minor Revision to previously approved subdivision – **Public Hearing** – for approval to make lighting changes and to eliminate condition of Approval #5 of previous Planning Board Approval stating “changes to Ebs Cove Declaration of Covenant must receive Planning Board Approval”. [Ebs Cove Lane, Assessor’s Tax Map 21, Block 009, Lot 52 (portion) in the Village Residential Zone.]

Mr. Kling introduced the Agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board stating this Application contains two requests: 1.) to change the previously approved Site Plan to add street lights, and 2.) to eliminate language in the previous approval that requires any changes to the Ebs Cove Declaration of Covenants must receive Planning Board approval. Mr. Doe explained they would like to add 4 street lights along the road and replace the 2 lights on the stone piers at the entrance to match the street lights. The lights will be less than 1800 lumens so it does not require the Lighting committee’s approval, Mr. Doe stated, but the Applicant has submitted a letter to them detailing their proposal.

For comparison, Mr. Kling stated 1800 lumens is roughly equivalent to a 125-watt bulb.

Mr. Kling asked Mr. Gilliam if the Town had any issues regarding this Application. Mr. Gilliam replied the Town has no issues. Ms. Pearlmutter asked if the lights will have a dome cover. Mr. Doe responded the lights will be covered to only shine down onto the road.

Mr. Kling opened the Public Hearing.

Ms. Nancy Mclean of 24 Turbat’s Creek Road addressed the Board to ask if the light fixtures would be similar to what is on Nehoc Lane. Mr. Doe showed Ms. Mclean a rendering of the proposed light fixtures and stated the lights would be located on the northwest side of the road.

There were no further comments or questions from the audience.

Mr. Kling closed the Public Hearing.

Mr. Boak made a motion to approve the Application. Mr. Grady seconded the motion and the vote was unanimous. Mr. Kling will compose a memorandum in place of a formal Findings of Fact.

2. **161103 Barbara Muller / Richard Roy, Authorized Agent** - Site Plan Review - **Public Hearing** - for approval to replace failing foundation with a new poured and concrete block foundation. [34 New Biddeford Road, Assessor’s Tax Map 41, Block 001, Lot 09 in the Shoreland and Goose Rocks Zone.]

Mr. Kling introduced the Agenda item.

Mr. Richard Roy addressed the Board stating the house will be replaced in the same footprint after a new foundation has been poured and leveled. Mr. Roy explained the current foundation is collapsing.

Citing Article 8.3.B.3 of the Land Use Ordinance, Mr. Kling stated it is the Planning Board’s duty to determine if there is an undue hardship in requiring the Applicant to meet the setback requirements in this renovation. Mr. Kling added the house is currently approximately 2/3 within the setbacks but it seems to be a substantial economic investment to completely relocate the structure to conform with the Land Use Ordinance. Mr. Roy agreed with Mr. Kling’s assessment in that the fireplace and septic system would also need to be relocated if the house had to be moved.

There were no further questions from the Board members.

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

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

With Mr. Gilliam's approval Mr. Kling prepared a Findings of Fact for this Application in advance.

Mr. Kling read the Findings of Fact into the record. Mr. Grady noted one minor correction to be made to Item #6 of said Findings. Mr. Grady made a motion to approve the corrected Findings of Fact. Mr. Mahoney seconded the motion and the vote was unanimous.

**Other Business:** Subdivision Regulation Review

Mr. Gilliam provided a edited copy of Articles 10 and 13 of the Subdivision Regulations prior to this meeting to all Planning Board members.

Mr. Gilliam explained the proposed changes are the result of occurrences from the last few Subdivision Applications that dealt with Performance Guarantees, Engineering Inspections and Letters of Credit.

There was a brief discussion and the Board members unanimously agreed to proceed to a Public Hearing on the proposed changes. Mr. Gilliam stated he would forward the proposed changes to Town Counsel.

The Planning Board members also discussed possible changes to Article 11.8.b.7 of the Land Use Ordinance which outlines an in-lieu of payment may be made in exchange for meeting the open space requirement in subdivisions.

After a brief discussion, the Board members agreed it would be best to gather further information regarding the total amount of developable land presently within the town and the requirements contained within the town's Comprehensive Plan. Mr. Kling offered to prepare a mark-up of the Ordinance language for the Board members to review at a later date.

In reference to the Rocky Pastures issue presented to the Board at the previous meeting, Mr. Gilliam explained the town came to a resolution that the town will not pursue any violations due to the time lapse.

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

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