

**Town of Kennebunk  
Planning Board  
Meeting Minutes  
Monday, February 8, 2016**

**Present:** Chris MacClinchy – Chair, Richard Smith – Vice Chair, Robert Metcalf, Janice Vance - Alternate

**Not Present:** David Smith – Secretary, Matthew Randall, Alexandra Jean - Alternate

**Also Attending:** Judy Bernstein – Town Planner

**1. Open Meeting**

C. MacClinchy opened the meeting at 7:02 pm. Today is Monday, February 8, 2016.

**2. Approval of Minutes of Previous Meetings**

Approval of Minutes was held till the end of the meeting.

**3. Public Hearing on Proposed Subdivision Plan Revision of 6 Longwood Drive  
by James and Mary Dowe**

J. Bernstein provided a summary. Applicants and owners of this lot, James and Mary Dowe. Intention of this request is to amend Lot 83 on the Longview Terrace Subdivision Plan, section 3 in order to create an additional lot.

This zone, Village Residential, the minimum lot size for lots on public sewer is 10,000 sq.ft. This proposed division will result in the new lot being 20,000+ sq.ft. and the existing lot will become 32,000+ sq.ft. So they are still well over the minimum lot size for the zone.

As a result of the last meeting. The changes that have been made to the plan are ones that the Board had requested... If possible, a 15' set-back should be added from the wetland to the allowable building window for the lot, and this has been done. And as a reminder, this is not a regulated wetland according to Town ordinance as it is under an acre in size, but the applicants were willing to create the 15' set-back.

They have clarified within the notes that the wetland buffer is in the building envelope. The other request from Town Planner, there was a note in the plan about parking not being allowed in front of the building, but that is not applicable to residential lots. That was put into the regulations to prevent parking in front of commercial lots in residential areas, so that has been taken off the plan.

Proposed driveway location has been added as a result of the site-walk.

This will need a permit for driveway from Public Works department because it is running into a town road.

Fran – there is a note that addresses the need for a driveway application.

C. MacClinchy opened it up for Board questions.

All Board members were all set.

C. MacClinchy opened the Public Hearing portion of the meeting for the application.

There were no comments or questions from residents, so Public Hearing was closed.

C. MacClinchy noted that this was a pretty straight forward split, and the applicant has addressed all the Board concerns.

Finding of Facts

Town of Kennebunk

Planning Board

FINDINGS OF FACT AND CONDITIONS OF APPROVAL

FINAL SUBDIVISION PLAN Revision of Longview Terrace Section 3 – re: 6 Longwood Dr.

Subdivision Name

1. Property Owner: James and Mary Dowe
2. Site Location: 6 Longwood Dr.
3. Size and # of lots/units: Proposed division of 1.3 acre lot into 2 lots
4. Zoning District (s): Village Residential
5. Assessor's Map 39 Lot 54
6. Applicant: James and Mary Dowe  
has shown X has not \_\_\_\_\_ shown legal interest in the property (deed, option, purchase and sale agreement).

7. INFORMATION REVIEWED BY PLANNING BOARD:

- Staff reviews (Engineer, Fire Chief, Planner, Code Enforcement Officer) 12/28/2015, 2/3/2016
- Site Walk completed by Board 1/16/2016
- Conservation Commission no comments received
- State/Federal Reviews N/A

CONDITIONS:

1. During time of building permit, erosion control measures shall be shown on plan.
- 2.
- 3.

- 
8. The Kennebunk Planning Board has reviewed the above noted development utilizing the

Kennebunk Standards for Reviewing Land Subdivisions and the Kennebunk Zoning Ordinance. Based upon the application and materials submitted in support of the application, together with the evidence submitted at the public hearing on the application, the Planning Board makes the following findings with respect to the standards of Title 30-A § 4404 and Article 11, Section 8 of the Zoning Ordinance Guidelines listed below:

A. M.R.S.A. 30-A §4404

1. **Pollution.** Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above the sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

2. **Sufficient water.** Has sufficient water available for the reasonably foreseeable needs of the subdivision.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

3. **Municipal water supply.** Will not cause an unreasonable burden on an existing

water supply, if one is to be utilized.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_

4. **Erosion.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers X

During time of building permit, erosion control measures shall be shown on plan

Rationale for negative determination: \_\_\_\_\_

5. **Traffic.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of the Town, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_

6. **Sewage disposal.** Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Have received sign-off from Sewer Department

Rationale for negative determination: \_\_\_\_\_

7. **Municipal solid waste disposal.** Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_

8. **Aesthetic, cultural and natural values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_

9. **Conformity with local ordinances and plans.** Is in conformance with the duly adopted subdivision regulation, comprehensive plan, and zoning ordinance of the Town of Kennebunk.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

10. **Financial and technical capacity.** The sub divider has adequate financial and technical capacity to meet the standards of these regulations.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

11. **Surface waters; outstanding river segments.** Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

12. **Ground water.** Will not, alone or in conjunction with existing activities, adversely

affect the quality or quantity of ground water.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

13. **Flood areas.** The sub divider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

14. **Stormwater.** The proposed subdivision will provide for adequate storm water management.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

One additional dwelling will not create impact to storm water management in the area.

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

15. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

16. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Standard is met X, not met \_\_\_\_\_, met with following conditions and or waivers

They have depicted a small wetland on the lot, and applicant provided a voluntary 15' buffer around this wetland even though it was not regulated by the Town though it was requested by the Board.

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

17. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of these lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

18. **Lake phosphorous concentration.** The long-term cumulative effects of the proposed subdivision will not \_\_\_\_\_ unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the \_\_\_\_\_ proposed subdivision.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and/or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

19. **Impact on adjoining municipalities.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

20. **Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and

or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

**B. Article 11, Section 8** (As applicable for multi-family and non-residential subdivisions)

1. The plan preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

2. For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

3. Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_

4. Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_

5. Adequate provision has been made for water supply and sewage disposal.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_

6. The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

7. Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

8. The site plan provides for safe pedestrian circulation, both on-site and off-site.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and/or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

9. Exterior lighting does not adversely affect neighboring properties or streets.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_  
\_\_\_\_\_

10. Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly.

Standard is met \_\_\_\_\_, not met \_\_\_\_\_, met with following conditions and or waivers

N/A

Rationale for negative determination: \_\_\_\_\_

**\*\*\* Based on the above noted findings, the Kennebunk Planning Board votes to**

       approve,

  X   approve with the conditions noted above, or

       deny

**the Final Plan Application of**

**Plan Revision of Longview Terrace (section 3) – re: 6 Longwood Drive by James and Mary Dowe**

Subdivision Name

R. Metcalf moved that the Planning Board approve this application with condition.

R. Smith seconded this motion.

C. MacClinchy made J. Vance a voting member of the Board for the duration of this meeting.

Vote was 4/0 in favor of the motion.

#### **4. Continued Workshop Discussion regarding Zoning Amendment Needs Identified by the Planning Board**

J. Bernstein stated she didn't know where the Board wanted to go with this. There have been a couple recurring zoning amendment requests, and whether our current standards are addressing the Board's needs in reviewing these two issues. One issue is Contract Zoning. The other issue being Shoreland/Wetland waiver requests.

J. Bernstein stated that she has been reviewing other towns' standards for both of these issues. Most of the wording is very similar, but she did copy out and send to the Board some examples.

##### Contract Zoning

J. Bernstein included with Kennebunk's Contract Zoning standards copies of Saco and Scarborough's standards. She has pulled some other towns as well, that seem to be fairly similar as well. Not all towns have contract zoning.

C. MacClinchy stated that he likes the language in the Scarborough standards which requires a statement describing the existing use of the property as well as the proposed use, and how the proposed use would benefit the Town in a way that would not be benefitted with the existing use for the property. IT makes the applicant prove their point.

R. Smith added that he thinks we ask for the same things, but that the format might be a little clearer in the other towns' ordinances.

J. Bernstein stated that she does note in some of the other ones they actually have an application form which gives a statement that must be filled in and explain the benefit. It might be beneficial for Kennebunk to create an application form for all zoning amendment applications. We could put some of the information that is required in an application form without amendment to the ordinance, though making some amendments might be appropriate.

R. Smith stated that he also liked that the Scarborough ordinance boldly stated that the applicant must explain the public benefit and/or positive effect. After all that is why the Board would recommend a Contract Zone, that is for the public benefit.

R. Metcalf stated that it is a grey area to define what "public benefit" is.

J. Vance agreed and suggested that maybe we could provide a list of concrete, quantifiable ways that a project could provide a public benefit.

- R. Metcalf stated that we could probably take some items from the Comprehensive Plan that would be keys to what would be public benefit.
- C. MacClinchy stated that the Board would have a hard time coming up with a list of all possible public benefits that the Board would accept.
- R. Metcalf said that it would be a little more guidance. For example, in the Wetlands ordinance it states that must have "no reasonable alternative". That really doesn't say anything to define the matter. This board will need something more concrete that puts the obligation on the benefit to make a case for the public benefit. This would also give the applicant a little direction as to what the Board is looking for.
- J. Vance asked that if a Contract Zone is something that goes with the land or with the use.
- J. Bernstein stated that yes it goes with the land, as it amends the zoning map for that site. '
- R. Metcalf asked if Kennebunk has a timeframe that if the applicant hasn't acted on the Contract Zone then it reverts to the original zoning.
- J. Bernstein stated that this has been put into some of the agreements, however she doesn't know that it is in the ordinance.
- R. Smith reminded the Board that they do not provide approval on the Contract Zone that happens through a public vote.
- J. Vance confirmed that if a Contract Zone gets approved, and the applicant no longer has a use for it that fits with the original contract zone application, does it revert back to its original zoning.
- R. Smith answered that it would not revert, as the zone for that lot has been changed.\
- J. Vance stated that she really liked the purpose statement within the Saco regulations as it provided the applicant a little more detail about what a Contract Zone really is.
- J. Bernstein added that when it goes through the Public Hearing process, the Planning Board makes a recommendation that addresses 4 things. One of those is that the Planning Board will base its recommendation on whether the rezoning is: a) is for land with an unusual composition or location; b) is consistent with the Comprehensive Plan, c) Is consistent with but not limited to the existing uses and permitted uses within the original zone, and d) and the conditions proposed are sufficient to meet the intent of the section. She suggested that while it may not be those specific conditions, but maybe there should be some common list for when the Board is making recommendations to the Board of Selectman about on what criteria you are basing your recommendation.

R. Metcalf pointed out that the language of this means that must meet all 4 or would not be able to get a positive recommendation.

J. Bernstein stated that she was curious about how the board feels about the several contract zones which have gone through. Does the board want more clarification about the process?

C. MacClinchy agrees that we should move forward and continue to look at this.

R. Metcalf stated that Portland is having an issue where they do not want to look at Contract Zoning or Conditional Use Zoning any more.

He asked if J. Bernstein had asked Natalie Burns [Town Attorney] if any other towns she has worked with has a great example of language for this type of ordinance.

J. Bernstein will ask her about her experiences.

J. Bernstein stated that it would be good to make sure that any Contract Zone is in alignment with the Town Comp. Plan.

R. Metcalf agreed that this would be important

J. Vance suggested perhaps also making sure that the zone must plan the architectural design to be in alignment with the surrounding neighborhood. She confirmed that there are no architectural design standards.

C. MacClinchy asked if the Board had any more questions about Contract Zoning changes.

There were no further comments.

#### Shoreland/Wetland applications

C. MacClinchy confirmed that the other issue was the shoreland/wetland permits.

J. Bernstein agreed. There appears to be a shoreland/ wetland application happens at least monthly. She also stated that the "no reasonable alternative" rule is difficult to determine as it is so vague.

J. Vance pointed to language from the Department of Ecology, and suggested that some of their points could be used as check off points for an applicant.

J. Bernstein questioned have applicants looked at the big picture. And most seem to have done so, but she wants to make sure that they are not doing a lot of smaller applications.

R. Metcalf pointed out that the Board has asked the big picture questions, but unless the applicant is proposing a subdivision, they really don't have a method of enforcement.

J. Bernstein suggested that if we created a list of criteria, and explain that the Board could look at the amount of change within a 5 year period.

J. Vance, liked the Michigan ordinance. They did a really good job of using clear language to state what they wanted from an applicant. This really explained it all very well.

Also was interested to see how the Town of York deals with the driveway and utility crossings. Kennebunk has a lot of these. York kept it very short and sweet in the ordinance.

C. MacClinchy thought it was interesting that they limit the total amount of impact to the wetlands per site over time. He wonders if they have run into problems with that.

R. Metcalf noted that the 4300 falls under the DEP standards.

J. Bernstein asked if the Board would like to consider to putting some clarification into the ordinance. Or would they like to attempt to define "no reasonable alternative"?

J. Vance noted that in the Department of Ecology document recommended the use of bridges or spans instead of culverts. That really jumped out at her as we get a lot of culverts.

R. Metcalf noted that with the open bottom culverts, they are better habitats than a bridge.

J. Bernstein noted that when an applicant needs a crossing or a culvert, we may need better language to define what the applicant needs to demonstrate in terms of the performance.

R. Metcalf stated that a lot of it comes down to what is the function of that particular piece of wetland.

J. Bernstein noted that this discussion feeds into the Wetland Mitigation Plan discussions. She stated that she wishes there had been some more serious conversations with the Conservation Commission about a plan to buy some of these areas to be permanently protected.

R. Metcalf noted that the discussion was becoming too complex to be handled. And where is the balance in the effort

C. MacClinchy stated that while we can't tackle the mitigation piece now, there are definitely a few things that can be done to make the ordinance provide the Board a little more information to assist the Board in making a determination.

J. Bernstein stated that clarification on the submission will be helpful.

C. MacClinchy added that showing how the wetlands on the site connect to the larger wetlands would be helpful. This would help show that the applicant has looked at the bigger picture.

He also noted that there was a note in one of the ordinances regarding non-natural wetlands. These seem to be held to a different standard than the natural wetlands.

J. Bernstein noted that her point in bringing this up was to look into putting in some additional language to define what "no reasonable alternative" and "no greater setback" so that the applicant can better provide the information needed by the Board. Possibly have them present what alternatives they considered to better show their process to the Board.

J. Bernstein will put together some language for the Board to review.

#### **5. Other Old/ New Business**

Meeting minutes for Monday December 14, 2015 were reviewed.

R. Smith moved that the minutes be approved as corrected.

J. Vance seconded this motion

Vote was 4/0 in approval.

Meeting minutes for Monday, December 28, 2015 were reviewed.

R. Smith moved that the Board approve the minutes as corrected.

J. Vance seconded this motion.

Vote was 3 in favor, 1 abstain as R. Metcalf was not at the 12/28/15 meeting.

Mr. Daamen, Economic Development Committee, came to the meeting as he is looking into putting in an application for a Contract Zone or putting in an amendment to the zoning on Summer Street. He is looking to take action to help preserve small business, such as a Bed & Breakfast (B&B). Because of the restrictive zoning, B&Bs can only rent 4 rooms, and this is not a sustainable model.

He talked with Town Planner about the possibility of amending the zoning to increase the limit to 8 rooms. He is in the process of gathering information in order to create his application, and he attending this meeting and learned a great deal about what sort of information he will need to have for his application.

J. Bernstein noted that the two options that Mr. Daamen is looking at is a Contract Zone which would only affect his lot. Or, a zoning amendment for Suburban Residential, though it may be appropriate for Village [Residential] as well. She thought it might be good to change the zoning which allows 4 rooms in some areas and 8 rooms in others to allow up to 8 rooms for rent in all the zones provided that they meet basic standards for utilities.

R. Metcalf stated that he remembered a while back looking into something similar.

J. Bernstein noted that almost all of the zones allow for renting of rooms, except Coastal and Resource Protection. A number allow 4 rooms and a number allow for 8. There are also some contradictions within the ordinance. Under the definition of inns you are not required to have anyone living and/or working there at all hours. She thinks that this might be a mistake which never got corrected.

#### Bridge Information

J. Bernstein left the board information from the DOT regarding the Matt Lanigan bridge construction and what they are proposing to do. If you have questions and can't make the meeting on Wednesday, please let J. Bernstein know and she will be happy to bring them to the meeting for you. Meeting is Wednesday 2/10/16 at 6:00 at the high school.

#### Stream Smart Road Crossing workshops

J. Bernstein provided information about the Stream Smart Road Crossings workshop trainings which will be held at 8:00 am on 2/24/16 at the Wells Reserve. If anyone is interested go ahead and register. This fee can be covered by the Planning Board budget, or through the Town Planner's budget.

Upcoming Agendas

Don't have anything formally filed, though likely will have a zoning amendment coming through.

Mr. Dwight is working on getting the cell tower application together.

The Thompson Road subdivision and Ross Road subdivision have not submitted updated plans.

J. Bernstein did get a call from Bud Brown about a shoreland/ special exception application for the former Reeds Boatyard. Before the application is filed we need to find out if we can even act on this, as she believes there may be a pending lawsuit with the town.

C. MacClinchy, speaking of potentially pending lawsuits and appeals, has Aroma Joe's filed an appeal?

J. Bernstein stated that they have not done so yet.

C. MacClinchy noted that he will be absent from the March 14<sup>th</sup> meeting. That will also be the first meeting back for David Smith.

**6. Adjournment**

R. Smith moved to adjourn the meeting at 9:50 pm.

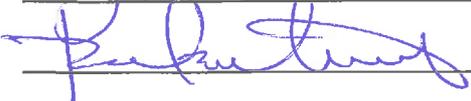
R. Metcalf seconded the motion.

Vote was 4/0 in favor.

Meeting was adjourned at 9:51 pm.

*Respectfully submitted by Lynne Capitan.*

**Signature Page**

 , Chair	4/25/16
	
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	4/25/16
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**Signature**

**Date**