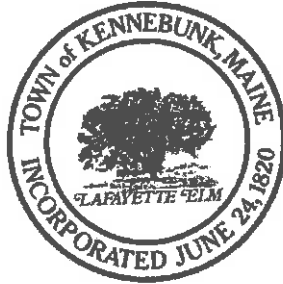


# Town of Kennebunk, Maine



## Zoning Board of Appeals

### HEARING MINUTES

January 18, 2022

Zoom Teleconference Meeting, Kennebunk

- 1. Call to Order:** The meeting was called to order at 6:30pm by Stephen Sayers, Vice Chair, via Zoom teleconferencing in keeping with the Board's "Remote Meeting and Participation Policy" for COVID safety. Those in attendance were:

**Present:** Stephen Sayers [Vice Chair], Wayne Berry [Member], Paul Brinnel [Alternate], and Jon Sevigny [Alternate]

**Absent:** Leah Rachin [Chair], James Atwood [Member], and Douglas Gallagher [Member],

**Also Present:** Karen Winton [Deputy Director, Community Development], Frank Kunkel [Asst. Code Enforcement Officer].

The presiding officer observed that this hearing will consider a single application. A motion was then made to increase the number of voting members for the purpose of today's hearing.

**Motion:** Move to elevate Paul Brinnel and Jon Sevigny, both alternates, to voting status for the purpose of this hearing.

**Moved:** W. Berry

**Second:** S. Sayers

**Vote:** Roll call vote. 2 in favor [Sayers, Berry], none opposed; the motion carried.

The presiding officer next altered the meeting's agenda to hear the continued Maguire Road petition first so public attendees would not be kept waiting.

## 2. Continued Applications

### **Application: Maguire Road — Map 09 Lot 23 — Wastewater Variance**

Property Owner: **Guy Ehring**

Applicant: **Eric Sanborn**

Property Location: **Maguire Road (behind 664 Weber Hill Road and 740 Maguire)**

Date of Appeal: **August 10, 2021**

Summary: An appeal for variance to allow on-site wastewater disposal on a Branch Brook Aquifer Zone B property on Maguire Road as connection to public sewer is not possible.

W. Berry disclosed that his wife works for the Water District, but deemed that there was no conflict of interest as regards this application. S. Sayers and the other members concurred that there was no conflict.

W. Berry next called attention to the Purchase and Sale Agreement submitted by the applicant in November, 2021 as proof of standing. That Agreement actually expired on June 30, 2021, Berry pointed out, and does not corroborate standing. S. Sayers additionally noted that there is a contingency clause in the Agreement which is also problematic. Berry and Sayers concluded that applicant had yet to provide proof of standing. They asked applicant for comment, however Mr. Sanborn was not in attendance.

Guy Ehring, who identified himself as the owner of the property, spoke to the Board instead. He stated that he [G. Ehring] and the applicant [E. Sanborn] have "a gentleman's agreement" for Sanborn to buy the property. The sale has yet to take place.

S. Sayers observed that some of the application paperwork before the Board identifies Eric Sanborn as the owner. K. Winton additionally noted that this application last came before the Board in October, 2021 at which time the Board had first called on the applicant to corroborate his right, title and interest. The demonstration of standing, S. Sayers re-iterated, is still unresolved.

G. Ehring asked if the hearing could be continued again until satisfactory standing documentation is provided. K. Winton observed that meetings such as this require the Town to send notices to direct abutters by certified mail, to notify all abutters within 500 feet of the property by general mail, and to post a public announcement of the hearing in local newspapers. Winton also noted that efforts by Town Hall personnel to reach applicant Sanborn by telephone and email had repeatedly failed. It was not clear, Winton said, when another hearing could be convened with Mr. Sanborn's participation.

W. Berry also expressed concern that substantial time had lapsed since the initial August 10, 2021 filing of this application. Granting a second continuance, Berry opined, would add to the time lapse and possibly impact the timing requirement for a Board ruling.

in view of (1) the lapsed time since the initial filing of this application in August, 2021, (2) the ZBA's prior granting of a continuance in October, 2021, (3) applicant's failure to establish standing, and (4) the public notification requirements and expense, W. Berry recommended that this application be closed and a new application submitted with suitable documentation corroborating standing. The other three Board members concurred.

**Motion: Move to dismiss the Maguire Road application without prejudice.**

Moved: W. Berry

Second: S. Sayers

**Vote: Roll call vote. 4 votes in favor [Sayers, Berry, Brinnel, Sevigny], none opposed; the motion carried.**

After the vote, K. Winton urged Mr. Ehring to contact the Code Enforcement Office for a copy of correspondence dated January 18, 2022 from the Kennebunk, Kennebunkport & Wells Water District which recommends a different location for a drainage field on this particular property.

### **3. New Applications**

There were none.

### **4. Review of Prior Minutes**

The Chair then led the Board in a review of the minutes of its meetings of October 18, 2021 and December 2, 2021. Several errors were identified and duly corrected.

**Motion: Move to approve the minutes of the Zoning Board of Appeals meeting of October 18, 2021 as presented.**

Moved: W. Berry

Second: S. Sayers

**Vote: Roll call vote. 4 votes in favor [Sayers, Berry, Brinnel, Sevigny], none opposed; the motion carried.**

**Motion: Move to approve the minutes of the Zoning Board of Appeals meeting of December 2<sup>nd</sup>, 2021 as amended.**

Moved: S. Sayers

Second: W. Berry

**Vote: Roll call vote. 4 votes in favor [Sayers, Berry, Brinnel, Sevigny], none opposed; the motion carried.**

### **5. Adjournment**

There being no further business, the presiding officer declared the meeting adjourned at 6:51 pm.

**Motion: Move to adjourn the Zoning Board of Appeals Meeting.**

Moved: W. Berry  
Second: S. Sayers  
Vote: Roll call vote. 4 votes in favor [Sayers, Berry, Brinnel, Sevigny], none opposed; the motion carried.

Respectfully submitted by,  
J. Schlagheck

Adopted by the Board on July 18, 2022.

Signed by:

Stephen M. Sayers, Vice Chair  
ZONING BOARD OF APPEALS