

**Kennebunkport Planning Board  
December 20<sup>th</sup>, 2023 @ 6:00 PM  
Hybrid Meeting Via ZOOM and In-Person  
32 North Street, Kennebunkport**

A meeting of the Planning Board was held on Wednesday December 20<sup>th</sup>, 2023 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, D. Scott Mahoney, Ed Francis, Larry Simmons, George Lichte, Michael West

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the December 6<sup>th</sup>, 2023 Planning Board meeting. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

Items:

- 1. 231001 Wildes District Subdivision – Beachwood Development Fund, LP/Michael Tadema-Wielandt, P.E./Agent – ~~Postponed at the Request of the Applicant~~ – ~~Preliminary Subdivision Application~~ – ~~Public Hearing~~ –** Applicant proposes to develop a three lot single family residential subdivision (Assessor's Tax Map 9, Block 10, Lot 23 in Village Residential Zone). *Case Manager: Nina Pearlmutter*
- 2. 230802 Old Cape Rd – Mezoian Development, LLC – Austin G. Fagan/BH2M/Agent – Final Subdivision Application – Public Hearing –** The Applicant seeks to split one additional lot off from 22-9-2 (Old Cape Rd). This would create a three-lot division within five years, triggering planning board approval for subdivision (Assessor's Tax Map 22, Block 9, Lots 2 in Free Enterprise Zone). *Case Manager: Mike West*

Mr. Boak introduced the agenda item.

Mr. Steve Black of BH2M representing Mezoian Development addressed the Board stating this parcel is located on Old Cape Road and Roberts Lane. This is a 3-lot subdivision comprising of the out-sale lot which fronts Roberts Lane that was recently built on, the main lot with an existing residence on it, and the new Lot 1 which is the lot the Applicant is proposing to build a house on, Mr. Black added. Mr. Black concluded his summary by stating they received Preliminary approval back in October and the only change from that proposal to this one is the relocation of the driveway which has been moved to now exit off of Roberts Lane.

There were no questions from the Board members.

Mr. Boak opened the Public Hearing. There were no questions or comments from the audience in attendance or on Zoom. Mr. Boak closed the Public Hearing.

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

The Findings of Fact will be read at the next Planning Board meeting.

**3. 231101 19 River Rd – Cape Arundel Golf Course – Philip Hesketh, R.A., NCARB/down hill architecture + design – Site Plan Review Application – Public Hearing** – The Applicant seeks to build a 20' x 14' addition onto their existing Material Storage Shed, as well as relocate their dumpster enclosure to a location adjacent to the Material Storage Shed (Assessor's Tax Map 12, Block 1, Lots 13 and 5 in Village Residential Zone). *Case Manager: George Litche*

Mr. Boak introduced the agenda item noting there is a typo on the agenda, and this is a Continued Initial Review and not a Public Hearing.

Mr. Phil Hesketh representing the Cape Arundel Golf Course addressed the Board stating they are proposing a 20-foot by 40-foot addition to their material storage shed that will be metal clad to match the existing building. Mr. Hesketh noted they are also proposing to relocate the dumpster enclosure to a location adjacent to the existing shed. As requested by the Board at their last meeting, Mr. Hesketh provided site plans that show the setbacks on the property along with other materials prior to tonight's meeting.

Ms. Pearlmutter commented the Application still needs to show the property is in the Shoreland Zone and Resource Protection Zone even though the area in this proposal is not located in those zones. Mr. Hesketh agreed to make that correction to the Application.

Mr. Francis made a motion that the Application is complete. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

A Public Hearing will be held at the next Planning Board meeting.

**4. 231003 14 and 24 Field Point Rd – Walsh Engineering/William Walsh/Agent – Site Plan Review Application – Findings of Fact** – Applicant proposed to replace existing shoreline revetment and existing timber frame retaining wall due to storm damage which occurred during the December 23, 2022 Nor'easter (Assessor's Tax Map 20, Block 1, Lot 1 and 2 in Village Residential Zone). *Case Manager: Charles "Larry" Simmons.*

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

**5. 221003 K.J. Trudo Properties, LLC/The Glen at Goose Rocks Subdivision – Jason Vafiades/Agent – Preliminary Subdivision Application – Discussion – Request for Extension** – The Applicant proposes a 9-lot residential subdivision. The project will be served by private wells and septic. Access to the site will be from Goose Rocks Road via a single road that splits into two segments each with a cul-de-sac (Assessor’s Tax Map 15, Block 1, Lot 1B in Farm and Forest Zone). *Case Manager: Charles “Larry” Simmons.*

Mr. Boak introduced the agenda item noting the Applicant did not submit the final plan within the required 6-month period and would like the Planning Board to approve an extension to the end of January, 2024. The Board members agreed there was no issue with granting the extension.

Ms. Pearlmutter made a motion that an extension will be approved until the end of January 2024. Mr. Simmons seconded the motion, and the vote was unanimous.

**6. Other Business: Discuss draft ordinance amendments:**

- Chapter 240-2.2 (Definitions)
- Chapter 240-6.10 (Residential Parking Standards)
- Chapter 240-6.19 (Dwellings)
- Chapter 240-7.14 (Residential Rental Accommodations)

Mr. Boak asked Mr. Lee Jay Feldman from the Southern Maine Planning and Development Commission to explain the proposed ordinance amendments with regards to LD2003.

Mr. Feldman gave a detailed description of LD2003 that the state legislature created with the intent to provide amendments to local ordinances that would help create affordable housing. Mr. Feldman further explained affordable housing is workforce type housing not low/moderate income housing.

Mr. Feldman continued to describe details of LD2003 which were:

- Purpose is to encourage development of additional housing units for workforce indicating that all municipalities need to adopt these types of amendments to address affordable housing in their communities.
- There are 3 parts of the law: accessory dwelling units, affordable housing development, and an allowance of 2-4 units on vacant parcels where they are in a growth area and consistent with a town’s Comprehensive Plan with state law and has water and/or sewer available.

Mr. Feldman then discussed in detail each of the three parts of the law, how it pertains to Kennebunkport, his discussions with the Growth Planning Committee and their thoughts on how these fit within the town’s Comprehensive Plan, and where needed, gave examples of how each could occur within the town’s zoning ordinances.

A detailed discussion with Mr. Feldman and the Board members occurred on each of the elements of LD2003 and how that would affect the town and the proposed ordinance changes, if any.

The Board members agreed it would be best to continue this discussion with the newly hired Town Planner.

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

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