

Kennebunkport Planning Board
January 3rd, 2024 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held on Wednesday January 3rd, 2024 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: Ms. Pearlmutter made a motion to approve the minutes of the December 20th, 2023 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

- 1. 231202 132 Marshall Point Rd – Marshall Point Realty, LLC/Walsh Engineering Associates, Inc/Agent – Site Plan Review Application – Initial Review** – The Applicant is seeking alterations to their existing shoreline stabilization to protect the existing structure from future erosion that has continued over time due to sea levels, increased storm severity and frequently as well as existing erosion issues (Assessor's Tax Map 31, Block 1, Lot 20 in Goose Rocks Zone).

Mr. Boak introduced the agenda item.

Mr. Werner Gilliam of Walsh Engineering along with Kelsey Wier addressed the Board on behalf of Marshall Point Realty, LLC stating the property is located at 132 Marshall Point Road which is at the very of the road and consists of 1.36 acres and is on the southerly side of the Batson River. The property is located in the Goose Rocks Zone with Shoreland Zone overlay and some elements of the Resource Protection Zone, Mr. Gilliam continued. Mr. Gilliam explained the property has a significant amount of shoreline of which 165-feet need stabilization and they have filed a Natural Resources Protection Act permit with the Maine Department of Environmental Protection.

Mr. Gilliam then gave a video presentation with aerial views of the declining rock wall noting the specific composition of the wall and the beginning of the erosion in the area and cracks that have developed in the wall.

Ms. Kelsey Wier continued the PowerPoint presentation and explained the process of replacing the wall detailing the boulder size and rip rap to be used.

Mr. Simmons noted some minor changes to the Application that need to be made for completeness and offered some comments regarding the size of the riprap and the use of duplex steel in place of stainless steel.

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

Mr. Simmons volunteered as Case Manager.

2. 231001 Wildes District Subdivision – Beachwood Development Fund, LP/Michael Tadema-Wielandt, P.E./Agent — 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*

Mr. Boak introduced the agenda item.

Mr. Michael Tadema-Wielandt addressed the Board along with Geoff Bowley and James Logan and provided a quick summary of the Application noting the following:

- The parcel of 4.1 acres in the Village Residential Zone,
- The zone requires a minimum lot size of 40,000 square feet,
- There are 0.5 acres of freshwater wetlands on the site,
- There is a manmade pond behind the abutting house,
- There is a drainage channel that leads across the site from the front of the lot towards the back.

Mr. Tadema-Wielandt also noted some updates made to the site plans that show the clearing areas and those areas that will remain untouched.

Mr. Tadema-Wielandt stated they have received the peer review comments from Acorn Engineering and are working on those responses but it will not result in any major changes to the Application.

Mr. Tadema-Wielandt introduced Mr. James Logan to speak to the Board about the wetlands on the property.

Mr. Jim Logan addressed the Board stating he is still awaiting receipt of a field determination form from Anna Smith, who he met with on the site for specific portions of the wetland delineation. Mr. Logan added they have proven there is no wetland of special significance as defined by the DEP and spoke in detail of the drainage ditches and man-made pond on the property. Mr. Logan also noted that any outcome in Ms. Smith’s letter will not affect this plan in a negative fashion.

Due to the Board members’ concern for the sensitive wetland area on the property, Mr. Tadema-Wielandt explained the clearing limits on the plan are maximum clearing limits and are within the allowable range as per the ordinance.

The Applicant and Board members had a lengthy discussion on the man-made pond, wetlands of special significance, having a critical wildlife study done on the property, and the town ordinance requirements.

Mr. Boak opened the Public Hearing and explained the Subdivision Review Procedures.

Mr. Chris Colby of Colby Environmental addressed the Board on behalf of some of the abutters to the project to raise their concerns about the impact on the natural resources such as the stream and vernal pool.

Mr. Scott Edmunds, an attorney on behalf of some abutters, addressed the Board to encourage them to extend the Public Hearing until the Applicant has addressed all the comments made by Acorn Engineering in their review.

The Board members discussed continuing the Public Hearing for further review of the Applicant's response to the peer review.

Mr. Ron Cain of Rocky Pasture Lane addressed the Board stating there are 2 culverts that go underneath their driveway that flow for more than 6 months a year.

Mr. James Vasenka of Wildes District Road addressed the Board to raise his concern about the close proximity of the lots and the potential for property damage.

Mr. West made a motion to continue the Public Hearing to January 17th, 2024. Mr. Mahoney seconded the motion, and the vote was unanimous.

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.

Mr. Phil Hesketh addressed the Board representing the Cape Arundel Golf Course and gave a brief summary of the project.

There were no questions from the Board members.

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

Ms. Pearlmutter made a motion to approve the Application. Mr. Simmons seconded the motion, and the vote was unanimous.

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

4. 230802 Old Cape Rd – Mezoian Development, LLC – Austin G. Fagan/BH2M/Agent – Final Subdivision Application – Findings of Fact –
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. West read the Findings of Fact into the record. Mr. Simmons made a motion to approve said Findings. Mr. Francis seconded the motion, and the vote was unanimous.

5. 231201 Heritage Housing Trust – Beachwood Avenue (Landon Woods) – Larissa Crockett/Agent – Sketch Plan – The applicant seeks to develop three lots each with a two-family dwelling for a total of six homes (Assessor's Tax Map 23, Block 1, Lots 27C in Free Enterprise Zone).

Ms. Larissa Crockett, Executive Director of the Kennebunkport Heritage Housing Trust addressed the Board and gave a detailed presentation of the proposed Application noting the project is named after Ruth Landon who was an active member of the Kennebunkport Historical Society and a former member of the Board of Selectmen.

Ms. Crockett explained in detail the size of the lots, the design of the houses, and the pricing of the houses, all in the hopes of having them available for purchase by the Fall of 2025.

Ms. Pearlmutter suggested the Trust work with Shade Tree Committee.

The Board members offered suggestions on the house designs, landscaping, heating, housing pricing, and of subdivision regulations to be considered.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary