

**Kennebunkport Planning Board**  
**October 18th, 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, October 18th, 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, Charles “Larry” Simmons, George Lichte

Mr. Lichte will have voting privileges for tonight’s meeting.

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the October 4th, 2023, Planning Board meeting. Ms. Pearlmutter seconded the motion, and the motion passed.

Items:

- 1. 230802 Old Cape Road – Mezoian Development, LLC – Austin G. Fagan/BH2M/Agent – Preliminary 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).

Mr. Boak introduced the agenda item.

Mr. Steve Blake of BH2M representing Mezoian Development addressed the Board and gave a brief history of the property and summarized the Application. Some of the items Mr. Blake noted were:

- The property was originally one parcel owned by Hutchins.
- In 2022 a parcel was sold out of the original property as part of a lot division that was managed with the Town Code Office
- Currently there are two parcels
- Mezoian Development is proposing to split one of the two parcels which by state statutes would create a 3-lot subdivision.

Mr. Blake further explained the proposed lot to be split has an existing house and the Applicant is proposing to build a single-family home on the second lot known as Lot 1 that is located at the intersection of Old Cape Road and Roberts Lane.

Mr. Boak asked where the curb cut will be, if the new lot will have frontage on Old Cape Road, and if the driveway entrance will be on Old Cape Road. Mr. Blake replied yes to all of Mr. Boak’s questions.

Mr. Blake also noted they are requesting a waivers for the following items:

1. High intensity soil survey,

2. Hydrogeologic assessment,
3. Stormwater management plan.

Mr. Simmons asked if there were any wetlands or vernal pools on the property. Mr. Blake responded they did a wetland delineation and vernal pool assessment and found the wetlands are isolated to the western boundary and there is a vernal pool on the original outlet lot, but it is not a significant vernal pool. Mr. Blake provided the Board with a detailed description of a significant vernal pool.

Mr. Simmons summarized Mr. Blake's explanation that there are a couple of wetlands on Pamela Hutchins lot but there is nothing identified as a wetland or a vernal pool on Lot 1. Mr. Blake agreed with Mr. Simmons' comment.

There were no further questions from the Board members.

Mr. Boak made a motion to approve the Applicant's request for the three waivers previously mentioned. Mr. Simmons seconded the motion, and the vote was unanimous.

Mr. Boak opened the Public Hearing.

Ms. Jamie Ramsey an abutter, addressed the Board on Zoom to raise her concerns about safety and the location of the proposed driveway entrance onto Old Cape Road. Ms. Ramsey questioned why the proposed driveway was not on Roberts Lane and brought to the Planning Board's attention an error in the letter the town sent out to all abutters about this Application.

In response to Ms. Ramsey's concerns, Mr. Blake explained the sight distances on Ms. Ramsey's side of Old Cape Road are more restrictive than on the Applicant's side of the road and this proposal meets all of the town's regulations regarding minimum sight distances based on the regulated speed limit. Mr. Blake also added it is the preference of the developer to have the proposed driveway in that location based on the shape of the lot, the setback requirements, and the design of the house to be built.

Mr. Blake and Ms. Ramsey had a lengthy discussion on traffic and the placement of the proposed driveway.

After listening to Mr. Blake's and Ms. Ramsey's conversation, Ms. Pearlmutter suggested the Board could approve this Preliminary Subdivision Application with the caveat that the Applicant will go back to the developer and consider whether a driveway can be put on Roberts Lane. Ms. Pearlmutter also suggested the Planning Board and Code Enforcement Office should locate Ms. Ramsey's letter to the Board that she stated was sent prior to this meeting. Mr. Blake agreed to speak with the developer and provide any necessary information to the Planning Board with the Final Subdivision Application.

Mr. Joe Vogel, a resident on Old Cape Road, addressed the Board via Zoom asking how to view the site plans for this Application and if it were possible to make this new proposed lot larger. Mr. Vogel also expressed his concern that Old Cape Road will become very dense with many houses built along the road.

Mr. Boak explained that long-term visions of the town would require a change in the Land Use Ordinance and any changes to that must go through a town meeting and town elections as proposed through the Board of Selectmen. Mr. Boak added the Land Use Ordinance is something the Planning Board enforces, not changes.

Mr. Vogel also confirmed there was a typo on the letter that went out to all abutters prior to tonight's meeting. Mr. Lichte clarified the typo on that letter was for the next Public Hearing during the Site Plan Review for the Final Subdivision Application.

Mr. Lichte also commented that with the square footage of open space and the 3 lots there could not be any further subdivision of the lots. Mr. Blake agreed with Mr. Lichte's statement adding the open space will be deed restricted from any sort of development but also the remaining land on that lot is 75,000 square feet which is not divisible based on current zoning.

Mr. Simmons commented that Old Cape Road is very busy with a lot of traffic so the developer may prefer to exit out onto a less active road. Mr. Blake stated his appreciation of all the comments and offered to meet Ms. Ramsey to stake out the proposed driveway.

Ms. Ramsey encouraged the Board members to do an informal site walk or drive by the area individually so they could try to understand her perspective.

There were no further 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 Preliminary Subdivision Plan, including the waivers which the Board previously approved, and to note that the developer consider the placement of the driveway either on Roberts Lane or Old Cape Road in consideration of the traffic and other driveways. Mr. Simmons seconded the motion, and the vote was unanimous.

**2. 230801 Seaside Hotel Associates dba: Nonantum Resort/Tina Gordon AP/Agent – Site Plan Review Application – Findings of Fact –**  
The Applicant seeks to repair the back lawn of the resort by adding approximately 540 cubic yards of material in the shoreland (Assessor's

Tax Map 8, Block 1, Lot 13 in Cape Arundel Zone). Case manager:  
Nina Pearlmutter

Ms. Pearlmutter read the Findings of fact into the record. Mr. Boak made a motion to approve said Findings. Mr. Mahoney seconded the motion, and the vote was unanimous.

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

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