

**Kennebunkport Planning Board**  
**November 16th, 2022 @ 6:00 PM**  
**Hybrid Meeting Via ZOOM and In-Person**  
**32 North Street, Kennebunkport**

A meeting of the Planning Board was held on Wednesday, November 16th, 2022 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, Larry Simmons, George Lichte

Mr. Boak commented there is still a vacancy on the Planning Board and asked if anyone interested in joining the Planning Board to please contact the Code Enforcement Office.

Approval of Minutes: Mr. Simmons made a motion to defer approval of the November 2<sup>nd</sup>, 2022 Planning Board meeting minutes until the next meeting. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

Items:

1. **220902 Woodland Drive - Duncan MacDougall - Coastal Creations/Agent** - Site Plan Review Preliminary Application - **Public Hearing** - the Applicant seeks approval to split the lot on Woodland Drive into two (2) lots and eventually build two (2) separate homes (Assessor's Tax Map 8, block 3, Lot 29 in Cape Arundel Zone).

Mr. Boak introduced the agenda item and advised the Applicant that when submitting the Final Application that there be a reference that this is a modification to a prior subdivision plan which is Kennebunkport Seashore Company, approved June 25<sup>th</sup>, 1980 and recorded in the York County Registry of Deeds Book 110, Page 3.

Mr. Boak also noted there were several waivers that the Board should discuss and decide on such as a high intensity soils survey, a hydrogeologic study, a tree survey, a traffic study, a stormwater management plan, and an erosion and sedimentation plan.

Mr. Boak acknowledged the Board members agreed the high intensity soil survey was not necessary for this Application and a hydrogeologic study was not required according to the Kennebunkport Subdivision Regulations.

As for the tree survey, Mr. Boak summarized the Applicant's explanation that the trees were pre-removed before work was started. Ms. Pearlmutter commented that the Board suggested the Applicant speak with the tree warden to make sure there are no problems or issues, especially for the trees at the end

of Woodland Drive coming onto South Maine Street. Ms. Pearlmutter stressed that this was only a recommendation and not part of the waiver.

For the traffic study requirement, Mr. Boak stated there would only be an additional 1 or 2 cars due to the extra lot.

Mr. Boak questioned whether a stormwater management plan was necessary for this Application. Mr. Gilliam commented that it is up to the Board's discretion if a stormwater management plan was needed, however, there is a previous approval on the road which was done without a stormwater management plan though nothing has changed since then that relates to the road. Mr. Boak commented that the general feeling of the Board is to grant the waiver.

Regarding the erosion and sedimentation plan, Mr. MacDougall explained his excavator is Maine DEP approved for erosion work. Mr. Gilliam added that typically there is a page included in such plans that includes the methods of what erosion control measures will be taken and will give several specific or general practices that the contractor utilizes. Mr. MacDougall added he would include that information on the plans, so a waiver is not necessary.

For clarification purposes, Mr. Simmons stated the only waivers that are expected are for the high intensity soil survey, the tree study, the traffic study, and the stormwater management plan. The Board members and Applicant agreed with Mr. Simmons statement.

Mr. Boak opened the Public Hearing.

As a point of clarification, Mr. Simmons stated this is still a Preliminary Site Plan Review and the Board is just giving advice on what needs to be included in the Final Application.

Mr. MacDougall asked if it was determined whether a Final Application was needed or if the Board had the authority to waive the requirement to submit a Final Site Plan Application. Mr. Gilliam explained the Kennebunkport Subdivision Regulations are specific in that because there is an additional lot being created that it follows the preliminary and final site plan application process.

The Board and Mr. Gilliam discussed briefly that there should be a future more detailed discussion on redefining some language in the Subdivision Regulations and the Planning Board's Rules and Procedures.

Mr. Stuart Munson, on behalf of his family who has owned the house on the corner of South Maine Street and Woodland Avenue for generations, addressed the Board via Zoom in opposition to this Application stating the widening of the road to accommodate another building lot will create undue hardship on his family who have been parking on the side of their property onto the right of way.

Mr. Munson argued there would financial hardship for his family due to the replacement of an existing driveway and replanting of some arborvitae. Mr. Munson also stated he does not believe the Applicant's request is in accordance with the zoning of the area as well and is hurting current residents and provides no benefit to the town.

Mr. Gilliam responded to Mr. Munson's objections by stating the proposed lot meets with the zoning size requirement for the town of Kennebunkport Zoning and the Planning Board manages the process in which a previously approved subdivision may come before the Board and request a modification of which this is. If the property were not part of a previously approved subdivision, it would follow the direct subdivision laws that are set out in state statute which allows a division once every 5 years, Mr. Gilliam continued, adding this is a standard process and something that communities in Maine see on a regular basis.

Mr. Lichte questioned if the Munson's driveway was part of the road. Mr. MacDougall replied one of the surveys in the packet found one of the property pins for Woodland Drive in the middle of his driveway, so they built his driveway on other people's property. We have permission to move those arborvitae some and we would replant them when everything is finished, Mr. MacDougall added and showed on the site plans where the pins were in relation to the driveway.

Mr. Francis asked if the Applicant was asking the Munsons to remove their driveway. Mr. MacDougall replied no we just needed to move all the shrubbery that was pushed, and we are going to replace it appropriately once the road is paved per the town's specifications.

After some discussion with the Board members, the Applicant, and Mr. Munson, all agreed the developer would speak privately with Mr. Munson to make some arrangements to relocate the arborvitae. Mr. Gilliam suggested perhaps the Applicant and the Munsons could discuss possibly installing a driveway access for the Munsons to give them a similar amount of parking area.

There were no further questions or comments from the audience in attendance or on Zoom.

Mr. Boak closed the Public Hearing.

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

**2. 221001 Kitty's Run - Christopher Coppi - Coppi Environmental, LLC/Agent - Site Plan Review Application - Public Hearing-** This site plan review application is seeking to alter the number of service lots accessible by the existing driveway. A findings of fact from August 15<sup>th</sup>, 2012 stipulated the approval of the access driveway to service two lots. Applicant is seeking

the altered driveway to ultimately service three lots. The existing driveway initially required approval by the Planning board due to wetland crossing (Assessor's Tax Map 13, Block 3, Lot 16B in the Free Enterprise Zone). *Case Manager: Ed Francis*

Mr. Boak introduced the agenda item.

Mr. Chris Coppi representing Jamie and Phil Schuman, addressed the Board stating they are seeking to add one more lot to the existing road known as Kitty's Run which was previously approved for 2 lots and seeking to split the second parcel into 2 for a total of 3 lots for that road. Mr. Coppi explained he did inspect the road and determined the road was built according to the plan in the Right of Way.

Mr. Francis asked for a couple of clarifications with regard to contact information, phone numbers and email addresses. Mr. Coppi provided Mr. Francis with the correct contact information for Mr. and Mrs. Schuman.

Referring to a 2004 Findings of Fact, Mr. Francis asked if the dry hydrant Fire Chief Allan Muir requested has been installed. Mr. Coppi replied he does not believe so; adding he did meet with the current Fire Chief Everett and walked the property with him and the Chief did not mention having a dry hydrant. Mr. Gilliam explained the town has been moving away from the installation of those types of hydrants, adding it is not a requirement for road standards to have a dry hydrant.

Mr. Francis also inquired about obtaining Police Chief approval. Mr. Gilliam explained police approval is only done when there are entrances being installed to a road.

Mr. Francis expressed his approval with the Applicant's request to remove a condition from a previous Findings of Fact regarding accessory apartments and asked the other Board members if they should vote on it. Mr. Gilliam advised it would be good for the Board to reference the fact that accessory dwelling units are now a permitted use in single family dwellings provided one meets the performance standards.

Mr. Francis also asked if the turnaround was finalized. Mr. Gilliam replied No, they still haven't received the specifications from the manufacturer of the fire truck yet.

There were no further questions from the Board members.

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

Mr. Francis made a motion to approve the Application. Mr. Boak seconded the motion, and the vote was unanimous.

Mr. Boak announced the Findings of Fact will be read at the next meeting.

3. **221002 37 Pier Road – Devin Prock – Permitting with Prock, LLC/Agent**  
– Site Plan Review Application – **Public Hearing** – The site plan review application has been submitted with the intent to reconstruct a preexisting pier. The existing pier serves as a support structure for a residential cottage. ~~Cottage to be temporarily relocated on the property for the duration of the requested rebuild.~~ (Assessor’s Tax Map 30, Block 1, Lot 10 in the Cape Porpoise East Zone). *Case Manager: George Lichte*

Mr. Devin Prock addressed the Board stating he is representing Diane Brassard for a pier replacement at 37 Pier Road. Mr. Prock explained it is an exact replacement of this structure which has been approved by the Maine DEP and the Marine Department of Resources for the timing of the activity.

Mr. Lichte commented there was a notation from the town office that the cottage is not going to be moved from the property. Mr. Prock confirmed they are going to jack up the house and it will be pinned and secured directly to ledge.

There were no further 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.

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

Mr. Boak stated the Findings of Fact would be read at the next Planning Board meeting.

4. **220903 58 Langsford Road, LLC/Erik Peterson – Peterson Design Group/Agent** — Site Plan Review Application – **Findings of Fact**– the Applicant seeks approval to remove the existing house and construct a new house in a location that is less non-conforming (58 Langsford Road, Assessor’s Tax Map 29, Block 1, Lot 22 in the Cape Porpoise West 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. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

5. **220904 Hidden Pond – Stephen Doe – Sebago Technics/Agent** – Site Plan Review – **Findings of Fact** – the Applicant seeks to convert the

bungalows (Phase II) from a seasonal use to a year-round use (354-356 Goose Rocks Road, Assessor's Tax Map 38-1-8 and 37-3-3 in the Free Enterprise Zone). *Case Manager: Nina Pearlmutter.*

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

**6. 220901 52 Wildes District Road – Jim Logan – Longview Partners, LLC/Agent – Site Plan Review Preliminary Application – Findings of Fact –**  
The Applicant seeks to alter the existing driveway and propose a private road that will include adaptation to allow for access for two additional gifted family lots (gifted lots are exempt from subdivision rules) (Assessor's Tax Map 9, Block 4, Lot 26A in Village residential Zone). *Case Manager: D. Scott Mahoney*

Mr. Boak read the Findings of Fact into the record. Mr. Francis made a motion to approve said Findings. Mr. Simmons 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