

**Kennebunkport Planning Board
February 1st, 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, February 1st, 2023 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Ms. Nina Pearlmutter (Vice Chair), D. Scott Mahoney, Ed Francis, Larry Simmons, Michael West

Mr. West will have voting privileges for tonight's meeting.

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the January 4, 2023 Planning Board meeting. Mr. Mahoney seconded the motion, and the vote was unanimous.

Items:

1. **221003 K.J. Trudo Properties, LLC/The Glen at Goose Rocks Subdivision – Jason Vafiades/Agent – ~~Postponed at the Request of the Applicant – Initial Review~~** – ~~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 the Farm and Forest Zone).~~
2. **221201 Woodland Drive – Duncan MacDougall – Coastal Creations/Agent – Final Subdivision Application – Initial Review** – 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).

Ms. Pearlmutter introduced the agenda item and noted Mr. Duncan MacDougall will be participating via Zoom at tonight's meeting.

Attorney Tom Schoening, representing the Applicant, addressed the Board in person.

Ms. Pearlmutter confirmed with the videographer there are 7 attendees via Zoom at tonight's meeting, including Mr. MacDougall.

Mr. MacDougal stated this is a Final Subdivision Application to split lot D of the Woodland Drive subdivision into two buildable lots. Mr. MacDougal also noted they have provided surveys, septic designs, and a letter from the Fire Chief as part of this Application.

Attorney Schoening added this lot is part of an old subdivision plan from the 1980's that contains a note that says any further division of any lot on this

plan must go through town approval so because it is a lot shown on a town subdivision the Applicant is before you for approval.

Mr. MacDougal also noted they have submitted the engineered road design, and have the surveys with the proposed lot and the 1980 subdivision survey along with an agent authorization letter, and the deed of the property.

Ms. Pearlmutter commented she noticed the deed removed the restriction of dividing the lot. Mr. MacDougal agreed with Ms. Pearlmutter's comment. Attorney Schoening added all the owners of the lots in this subdivision executed a release in the Registry of Deeds to terminate the restriction that the lots could be divided into more than 2 lots. Attorney Schoening clarified that restriction is no longer on the deed but can be found in conducting a title search. Ms. Pearlmutter suggested it may be useful to site somewhere in the Application where in the Registry of Deeds it can be found. Attorney Schoening agreed to make that reference noting it no longer has any legal significance since it has been released.

Ms. Pearlmutter also noted the Applicant has requested 4 waivers for: a high intensity soil survey, a tree survey, a traffic survey, and the stormwater management plan.

Mr. Simmons asked if they are still planning to have wells or will they tie into the water main. Mr. MacDougal replied at the moment they are having wells because South Maine Street has recently been paved so the town would not want it torn up.

Mr. Simmons suggested the Applicant look into alternative techniques to tie into the public water main without tearing up the road and gave the Applicant some details on techniques.

Mr. MacDougal explained the alternative techniques can become excessively expensive for the owner.

Mr. Mahoney asked if there is an existing Homeowners' Association and how the private road will be managed by that. Mr. MacDougal responded originally there was a Woodland North Homeowner's group but that was administratively dissolved a long time ago and because no one ever built a house in there, that is as far as it has gone. Attorney Schoening further explained in the deed to those 3 lots, there is a road maintenance agreement provision that by virtue of owning one of those lots you have a share in the maintenance costs with the other lot owners.

Mr. Francis asked how the Board can be sure that when a home is built on this lot it will be accessible by the Fire Department in the wintertime. Mr. MacDougal replied that would be the responsibility of the homeowner. Attorney Schoening added the homeowner's will privately have a road maintenance agreement in their deeds that includes plowing.

Mr. Gilliam reminded the Board members that they are only reviewing the modification that is in front of them and not a full subdivision review as it is limited to the scope of this division only.

Mr. West questioned if there was another waiver the Applicant was requesting for the erosion and sediment control plan. Mr. MacDougal responded the excavator they use is certified by the Maine DEP for soil and erosion control methods for construction and that is what they have used before on other projects. Ms. Pearlmutter recalled the Board previously decided that would be sufficient because the lots were already cleared partially, and they are only working in the cleared areas.

Ms. Pearlmutter made a motion to reaffirm the approval of the 4 waivers: the high intensity soil survey, the tree survey, the traffic study, and the stormwater management plan. Mr. Francis seconded the motion, and the vote was unanimous.

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

Ms. Pearlmutter announced a Public Hearing will be held at the next Planning Board meeting on February 15th, 2023.

3. 221202 Mills Road Subdivision – Michael Tadema-Wielandt, P.E. – Terradyn Consultants, LC/Agent – Preliminary Subdivision Application – Initial Review – the Applicant is proposing to develop a 13-lot cluster subdivision, including a 1,650 linear foot road, stormwater management infrastructure, underground utilities, and pedestrian accommodations (Assessor’s Tax Map 25, Block 5, Lot 8 in Goose Rocks Zone).

Ms. Pearlmutter introduced the agenda item.

Mr. Michael Tadema-Wielandt addressed the Board along with Patrick Dooling who is the owner of the parcel and is the Applicant under the name Faeng Farms LLC. Mr. Tadema-Wielandt gave a summary of the proposed Application noting the following items:

- The property is a 75-acre parcel at 262 Mills Road,
- The parcel is completely undeveloped and is forested,
- Features include some outcroppings, wetland areas, and protected habitats; all typical of other properties in the town,
- Area within 500 feet of Mills Road is in the Goose Rocks Zone and the remaining parcel is in the Free Enterprise Zone,
- There’s a spotted turtle habitat in the far west corner and significant vernal pools,
- A cluster subdivision is proposed to avoid wetlands on the parcel,
- Development is only in the upland areas with a moderate amount of wetland impact proposed,

- Proposed road is approximately 1,650 linear feet in length,
- Curbs and sidewalks will be installed on one side of the road with a gravel shoulder and ditch on the other side,
- There will be streetlights along the road similar in design to the Binnacle Hill development.

Mr. Tadema-Wielandt continued stating they are requesting 2 waivers: 1.) for the dead-end road length which exceeds the maximum allowed; and 2.) is to increase the side slopes on the road from 3:1 to 2:1 only in the areas where there are wetland impacts.

Mr. Tadema-Wielandt also noted the lots will be served by individual wells and septic systems.

The remaining open space will be about 55 acres, Mr. Tadema-Wielandt continued, as the majority of this parcel will be preserved open space.

There will also be a Homeowners' Association that will maintain the road, the stormwater management infrastructure, and the open space will primarily be for preservation, Mr. Tadema-Wielandt added. There will be no active recreation in the open space area as it is a sensitive habitat, Mr. Tadema-Wielandt concluded, with the exception of a couple of picnic tables perhaps in the front of the property near the man-made pond.

Ms. Pearlmutter asked if there will be a restriction on further division. Mr. Tadema-Wielandt replied as with any future divisions it would have to come back to the town.

Ms. Pearlmutter asked if the Fire Chief has approved the 1,600-foot road length. Mr. Tadema-Wielandt replied they haven't heard back from the Chief yet. Mr. West commented then the Applicant hasn't heard about the turn radius either. Mr. Tadema-Wielandt responded the cul-de-sac is designed with the standard dimension within the subdivision ordinance. Noting the town is in the process of obtaining a new fire truck, Mr. Gilliam added it is still a work-in-progress and will be something the Fire Chief will look at.

Ms. Pearlmutter then asked if the Fire Chief will consider a longer driveway. Mr. Gilliam replied for fire suppression the project has proposed all houses will have 13-D sprinkler systems; adding the town doesn't typically add additional standards for single driveways. Ms. Pearlmutter commented that is something the Board would like to hear about in considering a waiver for the road length.

In concern for the sensitive area of the property, Ms. Pearlmutter asked the Applicant to discuss how the stormwater management system will affect the vernal and non-vernal pools and wetlands. Mr. Tadema-Wielandt gave a detailed response using the enlarged site plans to indicate where the identified vernal pools were located, the direction of any runoff from the developed and

undeveloped areas, the scope of the wetland impact permit they are applying for from the Maine DEP and the Army Corps of Engineers, and provided the town with a stormwater management report that shows the peak rate of runoff isn't increasing as it leaves the site.

The Board members and Applicant had a detailed discussion on the construction and function of the two proposed BMPs [best management practices] in the stormwater management plan.

The Board members and Applicant had a brief discussion about lighting on the proposed sidewalk and in the driveways. Ms. Pearlmutter cautioned about light pollution and its effect on beneficial insects. Mr. Tadema-Wielandt responded he will discuss that with his client.

Mr. West asked if there will be a restriction in the Homeowners' Association documents to protect the common preserved area in the back of the lot so the protected habitats will not be disturbed. Mr. Tadema-Wielandt agreed to make note of that in the HOA documents.

Mr. Simmons and Mr. West had more detailed questions regarding specific notifications to tribal groups in Maine, contour elevations on the predevelopment watershed map, and the cross section details of the road design.

Ms. Pearlmutter noted the Board members agreed they would like to have the Applicant provide a draft of the Homeowners' Association documents, the permits when received from the Maine Department of Environmental Protection and the Army Corps of Engineers. Ms. Pearlmutter also noted the waivers the Applicant previously mentioned they will be requesting for the Final Review.

The Board members all agreed they would like to have a peer review conducted on the stormwater management plan and asked Mr. Gilliam to make that request on their behalf. Mr. Gilliam agreed to make that request.

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

Ms. Pearlmutter announced a Public Hearing will be held at the next Planning Board meeting. Mr. West volunteered as Case Manager for this Application.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary