

**Kennebunkport Planning Board
February 15th, 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 15th, 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. Boak is participating via Zoom for tonight's meeting. Mr. West will have voting privileges for tonight's meeting.

Ms. Pearlmutter confirmed with the videographer there are 13 attendees on Zoom for tonight's meeting.

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the February 1st, 2023 Planning Board meeting. Ms. Pearlmutter seconded the motion, and the vote was unanimous. Mr. Boak abstained from voting.

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 – **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). *Case Manager: Tom Boak*

Ms. Pearlmutter introduced the agenda item and announced the order which the meeting will proceed.

Attorney Tom Schoening addressed the Board stating Mr. Duncan MacDougall was also participating at tonight's meeting via Zoom. Attorney Schoening gave a quick summary of the Application noting this is Lot D in an existing subdivision on a peninsula behind Walker's Point and the property owner is proposing to divide this 10-acre lot into 2 building lots.

Ms. Pearlmutter commented that this lot was previously cleared and is mostly open area where the Applicant plans to build houses. Ms. Pearlmutter also

noted the road is 20-feet wide and acknowledged receipt of a letter from the Fire Chief.

There were no questions from the Board members.

Ms. Pearlmutter opened the Public Hearing.

Mr. David Strachan of Spring Valley Road addressed the Board in strong opposition to this Application and expressed his displeasure with the submitted plans that show a sparsely developed area when there are several developed lots. Mr. Gilliam responded explaining this Application is to subdivide a lot on a previously approved subdivision, so the requirement is that the Applicant submit the original subdivision plans and this is a plan that was approved back in 1980. Mr. Gilliam added the Applicant has met their submission requirement by submitting the original plan from 1980 and their subsequent plan for their lot. Mr. Strachan questioned why the Applicant did not need to provide recent plans of other lots in the subdivision. Mr. Gilliam replied it is because there is no requirement to bring those other lots into this Application as those lots had their own Applications.

Mr. Strachan also questioned the width of the road is shown on the map to be 40-feet wide. Mr. MacDougall explained the Right of Way is 40-feet wide, but the road will be 20-feet wide.

Mr. Strachan then brought up the safety of pedestrians on South Main Street and the increased traffic on an already unsafe street from this Application connecting to South Main Street. Referring to previous Applications from reading the minutes of other Planning Board meetings, Mr. Strachan argued there is a precedent for the Planning Board to delay development until safety measures are put in place. Mr. Gilliam and Ms. Pearlmutter provided a detailed explanation why that is not a completely accurate assessment of what the Planning Board has done in the past, adding it is not a responsibility of this Board to make such recommendations for road improvements to the town's Public Works Department. Ms. Pearlmutter also noted the Planning Board doesn't delay Applications, their authority is only to approve or deny an application.

A brief discussion continued with the Board members, Attorney Schoening, and Mr. Strachan.

There were no further comments from the audience in attendance or those participating through Zoom.

Ms. Pearlmutter closed the Public Hearing.

Mr. Simmons 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 on March 1st, 2023.

3. 221202 Mills Road Subdivision – Michael Tadema-Wielandt, P.E. – Terradyn Consultants, LC/Agent – Preliminary Subdivision Application – **Public Hearing** – 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/Free enterprise Zones).
Case Manager: Mike West

Ms. Pearlmutter introduced the agenda item.

Mr. Tadema-Wielandt, along with Mr. Patrick Dooling and Mr. Geoff Bowley addressed the Board and gave a quick summary of the Application noting the following:

- The site is 75 acres located at 262 Mills Road.
- The site is entirely wooded with pockets of wetlands and significant vernal pools.
- A 13-lot subdivision is proposed with a new road approximately 1,400 linear feet down the center lane of the road.
- The net residential density indicates it could be developed up to 53 lots.
- All lots will have individual wells and septic systems.

Mr. Tadema-Wielandt also noted the Fire Chief has offered his input related to the length of the dead-end road and because the road exceeds 1000 linear feet it will require a waiver. Mr. Tadema-Wielandt added the Fire Chief has provided an email indicating he is not concerned with the length of the road as long as the new homes on the lots contain a sprinkler system. Mr. Gilliam agreed with Mr. Tadema-Wielandt's statement that the Fire Chief has indicated he is satisfied with the road length provided the houses had sprinkler systems.

A brief conversation occurred with the Board members and Mr. Gilliam on the type and function of the proposed sprinkler systems.

Mr. West commented the Applicant had requested two waivers; one on the length of the dead-end road and another for a waiver around the slope of the road where it crosses the wetlands. Mr. Tadema -Wielandt clarified where the road does cross wetlands they are asking to increase the slope from 3:1 to 2:1 to reduce the footprint of the road in those areas. Ms. Pearlmutter asked if the road will more likely degrade with the increase in the slope? Mr. Tadema-Wielandt replied no and provided a detailed explanation on erosion control measures they will implement.

Ms. Pearlmutter opened the Public Hearing.

Dr. Christ Angelos addressed the Board to express his opposition to this Application as presented citing the length of the road, the number of lots, and the disturbance of the wildlife habitats on the property as reasons the Board should deny this Application.

Ms. Jacqueline Lyons, a resident on Mills Road addressed the Board via Zoom and asked if the development will be seasonal or year-round and if there will be any blasting during the construction phase. Ms. Pearlmutter responded this will be year-round housing but the homes have not been designed yet. Mr. Tadema-Wielandt also replied that they do not know yet if there will be any blasting as there is evidence of shallow bedrock on the property that may need to be removed. Mr. Francis added if there did need to be any blasting, the Applicant would have to comply with the town's blasting permit. Mr. Gilliam explained the town requires notification be given to those folks within 500 feet of the blast radius and ensures that the certified mailings have been sent.

Ms. Lyons also asked about traffic from the new development. Ms. Pearlmutter referred to the Application materials that a traffic study has been done. Mr. Gilliam added because this parcel has an entrance on a state road it actually falls under the Maine Department of Transportation as far as traffic is concerned.

Mr. Matthew Aiken also of Mills Road asked how close the houses on the property will be in proximity to his own house. Mr. Gilliam directed Mr. Aiken to view the plans for this Application on the town's website.

A brief discussion of road design in relation to Mr. Aiken's property occurred.

Mr. Gilliam showed the site plans on the screen to better answer a few questions regarding lot lines from audience members on Zoom.

Mr. Boak asked for an update on the status of the peer review. Mr. Gilliam replied the plans have been submitted to Acorn Engineering and expect to have their comments back by February 22nd, 2023.

Mr. Boak suggested continuing this Public Hearing to the next meeting to receive the report back from Acorn Engineering. Ms. Pearlmutter agreed with Mr. Boak's suggestion.

Mr. Angelos addressed the Board again stating his biggest objection to this Application is to the variance being requested on the road length. Mr. Gilliam explained it isn't a variance the Applicant is requesting but a waiver. A variance is a strict standard to get one out of a requirement in the Land Use Ordinance and would have to be granted by the Zoning Board of Appeals, Mr. Gilliam added. Mr. Gilliam also explained a waiver does not carry the same weight as a variance and in almost every subdivision the Board has reviewed has made a similar request which the Board has granted after receiving input from the Fire Chief.

Mr. West asked if this property is also in the Shoreland Zone or Resource Protection Zone. Mr. Gilliam gave a brief explanation of the town's overlay zones adding this parcel does not fall under the Shoreland Zone.

Mr. Francis made a motion to continue the Public Hearing until the next Planning Board meeting. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

4. Other Business: Discuss draft ordinance amendments for the June 2023 warrant.

Mr. Gilliam explained in detail what ordinance amendments the Planning and Code Department are proposing for the June 2023 warrant and answered any questions the Board members had.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary