

Kennebunkport Planning Board
March 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, March 1st, 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, Ed Francis, George Lichte, Michael West
Mr. Lichte and Mr. West alternated having voting privileges at tonight's meeting.

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes of the February 15th, 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 – Preliminary Subdivision Application – Public Hearing** – 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).
Case Manager: Charles "Larry" Simmons.

Mr. Boak introduced the agenda item.

Mr. Lucien Langlois addressed the Board stating this is a 9-lot subdivision with the 10th lot being open space with a network of wetlands, 2 streams, and 2 known significant vernal pools. Mr. Langlois continued stating the proposal is being reviewed by the Maine Department of Environmental Protection and the Army Corps of Engineers with each lot having individual wells and septic systems. Fire suppression will be through residential sprinklers, Mr. Langlois added. Mr. Langlois also stated this plan does request a waiver for the road length, explaining that by going to a cul-de-sac design it will reduce the amount of wetland fill.

Referring to the peer review received from Acorn Engineering, Mr. Boak asked the Applicant if they had reviewed that report. Mr. Langlois replied they have reviewed it and are still trying to line up with the Maine DEP and the Army Corps of Engineers on the design changes.

Mr. Boak asked the Board members if they had any questions for the Applicant before opening the Public Hearing.

Ms. Pearlmutter asked if they were changing their design to avoid impacting the setbacks for streams on the house lot areas and impervious areas. Mr. Langlois responded any development including tree clearing is being submitted to the DEP as a Permit By Rule as they have jurisdiction of the 75-foot stream setback.

Ms. Pearlmutter also commented there are some discrepancies in the impervious surfaces. Mr. Langlois explained they will revise their stormwater management report.

Ms. Pearlmutter also provided some suggestions on specific language to be included in their Homeowners Association documents regarding fines or other strong deterrents if any homeowner has a violation or deviation of the covenants regarding land clearing, use of herbicides, pesticides, fertilizers, and protective measures to prevent bird strikes. Mr. Langlois noted Ms. Pearlmutter's suggestions adding any variation from the approved plan would be a deviation or violation and agreed to put in something in the documents so that it is a deterrent.

Mr. Francis asked the Applicant to clear up some confusion on the supplemental information provided more recently. A detailed discussion occurred among the Board members, the Applicant and Mr. Gilliam on typical application submissions for Preliminary and Final Subdivision Applications. The Board members agreed a new integrated packet would be best for this Preliminary Application and for the Final Subdivision Application.

A lengthy discussion occurred on the flood maps and elevations with the Board members, Mr. Gilliam, Mr. Langlois, and Mr. Jim Logan.

Mr. Mahoney asked if the Applicant received a letter of approval from the Fire Chief on the proposed road design. Mr. Langlois replied it was his understanding there would be a memo from the Department Chiefs but he hasn't seen it yet. Mr. Gilliam agreed to follow-up on obtaining that.

Mr. Boak opened the Public Hearing.

Ms. Eileen Lang, an abutter addressed the Board stating she will be surrounded by 3 roads if the Application is approved and requested to have some vegetation or shrubs be planted to provide a buffer from the cul-de-sac. Ms. Lang also expressed concern about run-off onto her property as the Applicant's parcel is very wet. Ms. Pearlmutter explained the strip of land in between Ms. Lang's property and the road will be undeveloped so there will be trees and shrubs to hide that cul-de-sac.

Ms. Helene Lewand of Goose Rocks Road addressed the Board to express her concern on herbicides, fertilizers, and pesticides contaminating the ground water. The Board members assured Ms. Lewand the Applicant has addressed prohibiting the use of such items in their Homeowner's Association documents.

There were no comments from the public participating via Zoom.

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

2. 221202 Mills Road Subdivision – Michael Tadema-Wielandt, P.E. – Terradyn Consultants, LC/Agent – Preliminary Subdivision Application – **Continued 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*

Mr. Boak introduced the agenda item.

Mr. Michael Tadema-Wielandt and Mr. Geoff Bowley addressed the Board stating they just received today the peer review comments from Acorn Engineering and noted that although there are some technical comments in the peer review of how some of the data is represented in the stormwater management report, their comments will not change any conclusions in the report. Mr. Tadema-Wielandt also noted that he believes they can have a response to those questions submitted quickly as none of them are of a major concern that will change the design.

Mr. Gilliam agreed with Mr. Tadema-Wielandt's assessment that the comments from the peer review are more clerical in nature rather than technical; adding he did not see anything that was a big issue.

Mr. Tadema-Wielandt voiced the Applicant's frustration at not receiving the peer review report until today.

Mr. Mahoney asked if the Applicant is still waiting on some approvals. Mr. Tadema-Wielandt replied the Department of Environmental Protection's and the Army Corps of Engineers' approvals will be part of the Final Subdivision Application; adding he believes this design meets all the requirements for Preliminary Approval.

The Board members, the Applicant, and Mr. Gilliam discussed whether to continue the Public Hearing to allow the Applicant to submit their response to

comments from Acorn Engineering or to approve this Preliminary Application and proceed to the Final Subdivision Application. Mr. Bowley noted that most of the comments made by Acorn Engineering are clerical in nature and can be addressed in the Final Application. Mr. Gilliam offered there is nothing in the peer review report to warrant a substantive change in the plans.

Mr. Boak opened the Public Hearing.

Ms. Helene Lewand addressed the Board about concerns of contamination in the surface water on her property from the Applicant's property through the use of herbicides, pesticides, and fertilizers. Mr. Tadema-Wielandt responded stating the Applicant has agreed to restrict the use of such items to only organic herbicides, pesticides, and fertilizers.

Mr. Boak asked if there are any questions or comments from the audience members on Zoom.

Mr. Bill Casey of the Resort at Goose Rocks asked if there would be a restriction on the use of herbicides and such included in the Findings of Fact. As Case Manager, Mr. West replied there can be a reference to the Homeowners Association language in the Findings of Fact.

Mr. Boak closed the Public Hearing.

Ms. Pearlmutter made a motion to approve this Preliminary Subdivision Application. Mr. Francis seconded the motion, and the vote was unanimous.

3. 230201 Roberts Lane – J.W. Group, LLC/Joshua Waterhouse – Site Plan Review – Initial Review – the Applicant seeks approval to extend the road to a new lot that was created. A prior Planning Board approval for extension of that road was for the purpose of one house lot (Assessor's Tax Map 22, Block 9, Lot 1D in Free Enterprise Zone).

Mr. Boak introduced the agenda item.

Mr. Josh Waterhouse, owner of the parcel addressed the Board stating they split their parcel in 2018 and the Fire Department recommended doing a turn around at the end of Roberts Lane where in the approved plan any further subdivision requires Planning Board approval.

Mr. Gilliam noted for the Board it is important for the Board to consider what future ramifications might come about on how Findings of Fact are written; adding what is in front of the Board this evening is just the extension of the road.

The Board members and Mr. Gilliam had a discussion on the road design, the proposed hammerhead turn and proposed road extension. Mr. Gilliam noted the

road does meet the town standards for width and the hammerhead turn is not part of the Applicant's property.

Some Board members questioned whether the Fire Department could reach the new lot at the end of Roberts Lane as there is a sharp curve in the road before the hammerhead turn. Mr. Gilliam agreed to ask for the Fire Chief's feedback on that issue.

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

Mr. Boak announced a Public Hearing will be held at the next Planning Board meeting.

Mr. Francis volunteer to be Case Manager for this Application.

4. 221201 Woodland Drive – Duncan MacDougall – Coastal Creations/Agent
– Final Subdivision Application – **Findings of Fact** – 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*

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