

**Kennebunkport Planning Board**  
**April 17th, 2024 @ 6:00 PM**  
**Hybrid Meeting Via ZOOM and In-Person**  
**32 North Street, Kennebunkport**

A meeting of the Planning Board was held on Wednesday April 17th, 2024, 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, Charles “Larry” Simmons, George Lichte, Michael West  
Mr. Lichte and Mr. West will alternate having voting privileges.

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes as amended of the April 3rd, 2024, Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

1. ~~240301 Goose Rocks Beach Association (GRBA)/Coppi Environmental – Christopher J. Coppi/Agent – Site Plan Review Application – Initial Review~~ – **Continued at the Request of the Applicant** – The Applicant proposes to construct a new pickle ball court, a portion of which, is contained within an existing 78’ x32’ half-basketball court (Assessor’s Tax Map 36, Block 1, Lot 1 in Goose Rocks Beach Zone). Case Manager Charles “Larry” Simmons.
2. ~~240303 773 Kings Hwy/KW Architects – Kristi Kenney/Agent – Site Plan Review Application – Initial Review~~ – **Continued at the Request of the Applicant** – The Applicant proposes to remove the existing 579 SF garage and build a new 575 SF garage with a flow-through foundation closer to the house, out of the flood zone and out of the 75’ setback from Smith Brook (Assessor’s Tax Map 34, Block 1, Lot 19 in Goose Rocks Beach Zone).
3. ~~240305 21 Norwood Lane/KW Architects – John Einsiedler/Agent – Site Plan Review Application – Initial Review~~ – **APPLICANT WITHDREW APPLICATION** – Proposing to change the previously approved application, to raise the entire structure an additional 24”. The new structure would be the same as what was previously approved, just on a taller foundation. Further, they are also proposing to bring in fill to taper off the front and arear of the lot (Assessor’s Tax Map 34, Block 2, Lot 2 in Goose Rocks Beach Zone).
4. **240401 670 Kings Highway/Walsh Engineering Associates – Werner Gilliam/Agent** – Site Plan Review Application – **Initial Review** – Proposing to demolish existing home and rebuilding a new single-family home on the

existing building footprint (Assessor's Tax Map 34, Block 2, Lot 13 in Goose Rocks Beach Zone).

Mr. Boak introduced the agenda item.

Mr. Norm Chamberlain of Walsh Engineering addressed the Board. Using a PowerPoint presentation for visuals, Mr. Chamberlain explained most of the lot is not in a flood zone and indicated in his presentation where the flood lines are on the property. Mr. Chamberlain also provided details of the Application including impervious surface area and percentage of lot proposed, elevation, and design of the proposed house and garage. Mr. Chamberlain added they will be re-connecting to the existing water and sewer connections.

Mr. Boak pointed out an error on the Application that states the impervious surface will be doubled. Mr. Chamberlain explained the impervious area goes down from 49.7% to 46.5%. Mr. Eric Peterson, of Peterson Design Group, addressed the Board adding they are proposing to reduce the volume and shrink the footprint, so the structure is more conforming.

A detailed discussion with the Board members and Applicant occurred regarding the non-conformity of the property and the structure in terms of footprint, setbacks, building height, and flood elevation. Mr. Peterson agreed to provide more numerical data to the Board as requested.

Ms. Pearlmutter cautioned against not having overhangs to help prevent bird strikes. Mr. Peterson agreed to take Ms. Pearlmutter's suggestions into consideration.

Mr. Lichte asked if the Applicant was taking advantage of the town's 30% expansion. A brief discussion ensued.

Mr. Francis made a motion the Application is complete pending receipt of the specific details as requested by the Planning Board. Mr. Simmons seconded the motion, and the vote was unanimous. Mr. Lichte voted on this agenda item.

A Public Hearing will be held at the next meeting.

Mr. Francis is Case Manager for this Application.

5. ~~240302 438 Kings Hwy/KW Architects – Kristi Kenney/Agent – Site Plan Review Application – Public Hearing~~ **CONTINUED AT THE REQUEST OF THE APPLICANT** – The Applicant proposes to construct a new 728 SF garage on a lot with an existing house within the 250' shoreland zone

setback (Assessor's Tax Map 33, Block 2, Lot 27 in Goose Rocks beach Zone ). Case Manager: Mike West.

6. **240304 293 Goose Rocks Rd/Nonantum – Tina Hewett-Gordon/Agent – Site Plan Review Application – Public Hearing** – The Applicant proposes to expand its offering to encompass a diverse range of events, including but not limited to rehearsal dinners, bridal showers, and corporate team building gatherings to be held at Blackrock Farm (Assessor's Tax Map 25, Block 5, Lot 2A in Free Enterprise Zone). Case Manager: Nina Pearlmutter

Mr. Boak introduced the agenda item.

Ms. Tina Hewitt-Gordon addressed the Board stating she submitted a letter today addressing those specific issues that were discussed at the last meeting. Ms. Hewitt-Gordon read through the main contents of her letter adding The Nonantum feels it is incredibly important to maintain harmony in the neighborhood and have agreed to regular check-ins and complete transparency.

Referring to concerns raised from abutter's letters, Ms. Pearlmutter suggested limiting the number of events held at the farm along with limiting the number of people at those events.

After some confusion, it was decided for this Application, The Nonantum is requesting to hold outdoor events, underneath pergolas not tents and with 50 people or less.

Ms. Pearlmutter read through a potential list of conditions and asked if Ms. Hewitt-Gordon would be amenable to those conditions. Ms. Hewitt-Gordon responded for the most part, The Nonantum would agree to those conditions.

The Board members and Applicant had a lengthy discussion on the specific types of events to be held at Blackrock Farm.

Mr. Boak opened the Public Hearing.

Ms. Jennifer Raymond, an abutter, addressed the Board to express her concerns about the number of people attending the events and the noise generated from those events.

Mr. Royal Smith, an abutter addressed the Board in support of the Applicant as a means for the farm to continue in business.

Mr. Freeland Smith, also an abutter addressed the Board in support of the Applicant adding he is confident Ms. Lewand, owner of Blackrock Farm, will be conscious not to have noise that would disturb her neighbors no more than she would disturb her own horses she boards.

Ms. Ann Sanders, a homeowner on Goose Rocks Road, addressed the Board requesting any specific constraints be put in writing as part of their approval.

Ms. Stacy Towne, a resident on Goose Rocks Road, addressed the Board regarding concerns about noise.

Mr. Russ Grady, a resident in the area, addressed the Board via Zoom with concerns about sight distances from the farm entrance on Goose Rocks Road, noise levels of events, and losing the quietness of the “Kennebunkport Country” of that part of town.

Ms. Ashley Baker Cook, Ms. Lewand’s daughter-in-law, addressed the Board in support of the Application and cautioned against adding conditions that are already enforced in the town such as the noise ordinance. Ms. Cook also stated Ms. Lewand has been a good steward of her land and that this income stream will help her keep the farm.

Mr. Boak closed the Public Hearing.

Ms. Pearlmutter asked the Applicant if they would agree to holding a maximum of 8 events for the season consisting of mid-June to early October. Any larger events would have to go through the town’s special permitting process, Ms. Pearlmutter added, and are not part of this Application.

Mr. Simmons made a motion to approve the Application subject to the conditions listed previously by Ms. Pearlmutter and subject to approval by a traffic engineer. Mr. West seconded the motion, and the vote was unanimous. Mr. West voted on this Application.

A Findings of Fact will be read at the next Planning Board meeting.

## **7. Old business**

At the request of the Planning Board from a previous meeting, Mr. Weibley stated he has received a legal opinion that it is the prerogative of the Planning Board to include tennis or pickleball courts in the lot calculation of impervious surfaces. Mr. Weibley also informed the Board that town staff will begin working on clarifying the more ambiguous language in the Land Use Ordinance.

## **8. New business**

Mr. Weibley and the Board members discussed the proposed changes to the Land Use Ordinance and the Kennebunkport Subdivision Regulations to conform with LD2003. Ms. Pearlmutter made a motion to approve changes to Article 415 as suggested by the town attorney. Mr. Simmons seconded the motion, and the vote was unanimous. Mr. Lichte voted on this item.

**Adjournment:** The meeting ended at 8:08 p.m. A motion was made to adjourn, it was seconded, and the vote was unanimous.

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