

**Kennebunkport Planning Board**  
**June 7th, 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, June 7th, 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, Charles “Larry” Simmons, George Lichte, Mike West

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes of the May 17th, 2023 Planning Board meeting. Mr. Simmons seconded the motion, and the motion passed. Mr. Francis abstained from voting.

Items:

- 1. 230401 Mills Road Subdivision – Michael Tadema-Wielandt, P.E. – Terradyn Consultants, LLC /Agent – Final 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*

Mr. Mike Tadema-Wielandt, along with Pat Dooling the Applicant and owner of the parcel addressed the Board and listed the following items which were submitted prior to tonight's meeting:

1. Revised declaration of covenants, conditions, and restrictions for the Homeowner’s Association relating to restricting the use of pesticides, herbicides, and fertilizers and suggestions on preventative measures to discourage bird strikes.
2. Correspondence from the Maine Historic Preservation Commission stating they have reviewed the project site for potential historic and prehistoric items on the site and determined no further action or consultation is recommended.
3. Revised plans to include the notes discussed at the last meeting.
4. Cul-de-sac dimensions complying with the Fire Department’s recommendation.
5. Email from Acorn Engineering stating they are satisfied with our responses to their peer review of our stormwater plan for this project.

Mr. Tadema-Wielandt also noted he should be receiving the Maine DEP permit very soon and have also submitted for a permit to the Maine Department of Transportation for the entrance and are awaiting their response.

Referring to the Homeowners Association documents, Mr. Mahoney asked the Applicant if he could clarify section 7.06 on page 14 titled *Right to expand certain*

*lots after sale.* After reviewing that section, Mr. Tadema-Wielandt replied he is not sure why that section is in there specifically from a legal standpoint but if any of the owners wished to modify any lot lines it would have to come back to the Planning Board for approval for a revision to a Subdivision Plan.

There were no further questions from the Board members.

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

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

Mr. West will read the Findings of Fact at the next meeting.

**2. 230404 803 Kings Highway – John Gallant/Michael Bedell – Kennebunk River Architects/Agent – Site Plan Review – Public Hearing** – the Applicant is seeking a minor expansion of existing single-family home, expansion meets all criteria set forth in the Maine DEP and has been issued a permit to be modified in its current location as designed (Assessor's Tax Map 34, Block 1, Lot 12 in Goose Rocks Zone). *Case Manager: Charles "Larry" Simmons*

Mr. Boak introduced the agenda item.

Mr. Mike Bedell, representing John Gallant, addressed the Board stating there were a few items requested at the last meeting and he had submitted those items to Ms. Michelle Radley the Town's Planner. Mr. Bedell also added they have been working on the construction documents to include some preventative measures on bird strikes.

Mr. Simmons asked the Applicant if they could provide a signed and dated Application form along with a single dossier of the following items:

1. The agent authorization letter,
2. The deed,
3. The list of abutters,
4. The Department of Environmental Protection form,
5. The drawings both for the existing and proposed structure,
6. How this proposed structure would superimpose on top of that,
7. Your comments on the erosion control measures.

Mr. Simmons also had several other comments about the calculations provided on the drawings: specifically on the elevations, the horizontal layout dimensions, the east/west dimensions, and the height of the proposed structure. Mr. Simmons informed the Applicant there is a 30-foot maximum height requirement in the Goose Rocks Zone. In providing these calculations, Mr. Simmons also

asked the Applicant to include the existing and proposed calculations for the percentage of the lot coverage.

After confirming with the Applicant there will be no additional fill brought onto the site, Mr. Simmons asked Mr. Bedell to provide more detailed information on the various concrete constructions. Mr. Bedell agreed to provide all of the requested information.

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

Mr. Boak made a motion to continue the Public Hearing until the next Planning Board meeting on June 21<sup>st</sup>, 2023. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

**3. 230405 21 Norwood Lane – Mark and Katherine Badertsher/John Einsiedler, R.A./Agent – Kennebunk River Architects/Agent – Site Plan Review – Public Hearing** – the Applicant proposes to add a new foundation under the existing structure, elevating the structure to meet FEMA flood requirements. Additionally, they propose to move the barn structure further away from the resource on the southwest side of the property (Assessor's Tax Map 34, Block 2, Lot 2 in the Goose Rocks Zone). *Case Manager: Ed Francis*

Mr. Boak introduced the agenda item.

Mr. Einsiedler addressed the Board stating the proposal is to take down the existing barn/garage structure and move it further away from the water. Mr. Einsiedler also commented they are requesting to bring in 30 inches of fill which is about 21 yards, to help alleviate the potential for flooding in the yard.

Mr. Francis asked the Applicant to identify on the enlarged drawing of the property what the water resources were and the names of each water body. Mr. Einsiedler indicated on the site plans the estuary and the Batson River in respect to the Applicant's property.

Ms. Radley showed the parcel's location using the GIS maps from the town website for the Board and the viewing audience. A discussion on identifying the setbacks from each side of the parcel and the aspects of this non-conforming lot occurred.

Ms. Pearlmutter asked what the height of the existing building is. Mr. Einsiedler replied it is just about 27 feet.

Mr. Simmons suggested the Applicant may want to look into how the foundation will be constructed and asked if a drawing and more details on the foundation could be provided to the Board.

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

Mr. Boak 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. 230403 47 The Long & Winding Road – Longview Partners/James Logan**  
– Preliminary Subdivision Application – **Initial Review** – This application seeks approval for a major revision to an existing subdivision with the intent to split 25-1-3, identified as Lot 3 on the 1984 Trumbull Plan. This change would result in one (1) additional lot being added to the existing subdivision. (Assessor's Tax Map 25, Block 1, Lot 3 in Farm and Forest Zone).

Mr. Boak introduced the agenda item.

Mr. Jim Logan addressed the Board stating the owner of the subject property, Sarah Smith, hopes to build a new home on the newly created 3+acre lot on the original Lot 3 of the Trumbull Subdivision.

Due to the fact that this Application is not complicated and, in an attempt, to save some time, Mr. Logan asked the Board if it was possible to hold only one Public Hearing for both this Preliminary Application and the Final Application.

Mr. Logan also stated he has received a response from the Fire Chief stating there is adequate space for a 40-foot fire truck to turn around. Additionally, Mr. Logan noted they have updated the authorization letter, removed the deed for Lot #4 as it does not pertain to this Application, and provided a copy of the survey plan from Dow & Coulumbe.

Mr. Logan continued stating the proposed has 3 net acres of upland in the Farm & Forest Zone, is compliant with the Land Use Ordinance for road frontage and this project requires no DEP permits.

Ms. Pearlmutter asked Mr. Logan to indicate the two lots on the diagram. Mr. Logan complied with Ms. Pearlmutter's request using the enlarged site plans he brought to the meeting. A discussion on lot lines and stone walls occurred.

Mr. Francis asked if in his discussion with the Fire Chief, if the subject of the existing fire pond supporting another dwelling was considered. Mr. Logan responded yes that issue was discussed. Mr. Francis then asked if that conversation could be documented for the Application.

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

The Board members and Applicant had a detailed discussion on combining the Public Hearing for this Preliminary Subdivision Application with the Final Subdivision Application. An agreement was reached to hold a Public Hearing at the next Planning Board meeting on June 21<sup>st</sup>, 2023.

Ms. Pearlmutter asked Mr. Logan to provide a written justification for the waiver requests along with the Fire Chief's approval of the adequacy of the fire pond on the property before the next meeting. Mr. Logan agreed to provide that information.

Mr. Mahoney volunteered as Case Manager for this Application.

**5. 230501 Wildes District Road – Terradyn Consultants, LLC/Michael Tadema-Wielandt, P.E. – Sketch Plan Application** – This application seeks approval to develop a 3-lot single family open space subdivision, the lots will gain access from a new 350' dead-end road with a hammer head turnaround (Assessor's Tax Map 9, Block 10, Lot 23 in the Village Residential Zone).

Mr. Boak introduced the agenda item.

Mr. Mike Tadema-Wielandt addressed the Board on behalf of Geoff Bowley who does not own the site yet but has it under contract. Ms. Pearlmutter asked if Mr. Bowley could provide verbal confirmation that Mr. Tadema-Wielandt is authorized to represent him in this matter for this evening and provide a written authorization letter with their Preliminary Application.

Mr. Bowley addressed the Board stating his name and authorizing Mike Tadema-Wielandt of Terradyn Consultants to act as his agent for the purpose of presenting this application of a sketch plan to the Kennebunkport Planning Board for the subject parcel described.

Mr. Boak also asked that a copy of the Purchase and Sale Agreement be provided in their Preliminary Application. Mr. Tadema-Wielandt agreed to provide both Ms. Pearlmutter's and Mr. Boak's request.

Mr. Tadema-Wielandt gave a brief presentation of their sketch plan noting the following items:

- Parcel is located on the south side of Wildes District Road in the Village Residential Zone.
- The site is forested and undeveloped with approximately ½ acre of freshwater wetlands.
- The lot adjacent to this property has a man-made pond behind it and extends partially onto this site.
- The proposed road goes right past the man-made pond but does not impact it.

- There is public sewer and water which would serve these 3 lots.
- This is designed as a traditional subdivision, not a cluster subdivision.
- All 3 proposed lots meet the dimensional standards of the zone along with 15% open space as required.
- The open space includes the man-made pond previously mentioned.
- The proposed road is 350-feet long.

Mr. Tadema-Wielandt also noted this proposal is well below the Department of Environmental Protection's threshold for wetland disturbance and thus does not require any permitting from the Maine DEP.

Mr. West asked the Applicant to show where the pond is and if there are any setback requirements from the pond. Mr. Tadema-Weilandt indicated on the enlarged site plans where the pond was located and commented there are no setback requirements in the Subdivision Ordinance as it is not a natural pond but man-made.

Mr. Tadema-Wielandt commented that Mr. Jim Logan studied the natural resources on this property. Mr. Logan noted in this case the property is strictly forested wetland and is not identified as a wetland of special significance.

Mr. Francis asked if they did a full assessment of the wetland and could speak about the vernal pool that is identified on the property. Mr. Logan responded they did not review the property during the appropriate timeframe to study it officially, but the DEP standards suggest if you have not studied the property but have identified a vernal pool habitat you must treat it as significant in your project plans unless proven otherwise. Mr. Logan also added he does not have a particular concern as the Applicant is diligent and would review the state mapping of turtle sightings to determine if there are any on the property.

Mr. Tadema-Wielandt added that spotted turtles that are threatened and endangered are regulated by the Department of Inland Fisheries and Wildlife who keep the database of turtle sightings and turtle habitat and as part of the application process they would consult with them.

The Applicant and the Board members had a brief discussion on turtle habitat and sightings on the property.

Mr. Mahoney suggested the Applicant provide a copy of the Inland Fisheries and Wildlife resource map confirming the proposed parcel is not in the identified turtle areas.

The Board members and Applicant had brief discussions on the potential vernal pool on the property, the Central Maine Power easement, building envelopes, road width and frontage on Wildes District Road, and locations of driveways.

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

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