

**Kennebunkport Planning Board
February 7th, 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 February 7th, 2024 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, Larry Simmons, Michael West

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the January 17th, 2024 Planning Board meeting. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

Items:

1. 240101 K.J. Trudo Properties, LLC/The Glen at Goose Rocks Subdivision – Jason Vafiades/Agent – Final Subdivision Application – 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 Farm and Forest Zone).

Mr. Boak introduced the agenda item.

Mr. Jason Vafiades addressed the Board stating he has done the design and engineering on this project which is 9-lot single family subdivision. Mr. Vafiades also stated they have received their stormwater permit from the Maine Department of Environmental Protection as well as their Army Corps of Engineers NRPA Tier 1 permit and all the various components of those permits. Mr. Vafiades added he was told by the Army Corps of Engineers that they use this project as an example of utilizing maximum conservation within building lots.

For the sake of the viewing audience, Mr. Boak asked the Applicant to provide a brief summary of the project.

Mr. Vafiades explained this proposal is for a 9-lot subdivision where the entrance road splits into 2 segments. There is a buffer off Goose Rocks Road and the building lots are very tight with a lot of conservation around the lots, Mr. Vafiades added. Mr. Vafiades further explained there are stormwater control features for low impact development and bio-retention filters and the site will remain 90% wooded when the project is completed.

Mr. Boak asked if the Applicant was going to ask for a waiver for the roadway. Mr. Vafiades responded yes; the length of the road slightly exceeds the town's 1,000-foot limit.

Mr. Boak acknowledged receipt of the peer review from Acorn Engineering along with the Homeowner's Association documents, noting there is a restriction placed on the use of herbicides, pesticides, and fertilizers.

Mr. Simmons thanked the Applicant for the amount of detail provided and asked if he could indicate the lots on the enlarged site plans noting there will be 9 residential lots and 1 conservation lot. Mr. Vafiades replied the open space is what they call a perimeter lot, and indicating on the site plans explained the open space fronts onto Goose Rock Road, wraps all around entire subdivision and back to Goose Rocks Road with the theory being there could be a trail around the exterior of the subdivision. Mr. Vafiades added there are easements to access this open space at the end of each of the road segments. Mr. Vafiades then indicated the 9 residential lots on a different site plan for the Board and the viewing audience.

Mr. Simmons then asked the Applicant to explain how they are meeting the requirement to offset the approximately 8,000 square feet of wetlands that will be disturbed. Mr. Vafiades indicated on the site plans the areas that are in permanent conservation and includes the wetland resource and uplands which have been approved by the Maine DEP and the Army Corps of Engineers.

For clarification, Mr. Simmons suggested making a reference in the Application which section the cost estimate can be found. Mr. Vafiades agreed to correct that and provide a new copy to the Board.

Mr. Simmons then asked the Applicant to explain what non-linear treatment is. Mr. Vafiades explained the DEP classifies 2 types of impervious area, linear and non-linear, where linear refers to simply roadways and non-linear refers to house lots.

Referring to the Homeowner Association documents, Mr. Simmons asked if the forested buffer declaration and the conservation covenants were exclusive or overlapping. Mr. Vafiades explained each lot will have a forested restriction declaration and a conservation covenant recorded with their deed.

Mr. West noted the stormwater treatment system will require some maintenance and questioned how that will be addressed if the Homeowner's Association does not take care of it.

After some discussion amongst the Board members, Mr. Vafiades explained most of the time, the homeowner's association will contact us if some action needs to

be taken and they refer them to 2 or 3 landscaping companies who will come out, do an assessment, and perform whatever maintenance to be done.

Ms. Pearlmutter asked if the Fire Chief had approved the length of the proposed road. Mr. Vafiades replied yes.

Ms. Pearlmutter also noted the Applicant's certificate of good standing is 3 years old and should be updated. Mr. Vafiades agreed to update it and submit it to the town.

Lastly, Ms. Pearlmutter commented she was impressed with the Homeowner's Association documents submitted and suggested adding snowmobiles to the restriction on motorized vehicles.

Mr. Simmons made a motion that 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. West is Case Manager for this Application.

2. 231001 Wildes District Subdivision – Beachwood Development Fund, LP/Michael Tadema-Wielandt, P.E./ Agent – Preliminary Subdivision Application – Continued Public Hearing – The Applicant proposed to develop a three-lot single family residential subdivision (Assessor's Tax Map 9, Block 10, Lot 23 in Village Residential Zone). *Case Manager: Nina Pearlmutter*

Mr. Boak introduced the agenda item.

Mr. Tadema-Wielandt addressed the Board noting Geoff Bowley and James Logan were also in attendance to answer any questions. Mr. Tadema-Wielandt stated he had submitted his response to Acorn Engineering's peer review comments and the revised stormwater management plans along with Mr. Logan's wetland summary report including Ms. Anna Smith's letter attached from her site visit with Mr. Logan.

Mr. Tadema-Wielandt also pointed out the following items included in their Application:

- Added stormwater management BMP to provide stormwater treatment through filtration and detention for runoff from the road.
- Added stormwater treatment for 80% of the roadway surface.
- DEP determined the pond to be manmade and of a size that does not trigger it as a wetland of special significance.

- Ms. Smith did determine a portion of the waterway that leaves the pond does meet the criteria of a stream and the 75-foot setback from that has been added to the plans.

Mr. Tadema-Weilandt also explained that 75-foot setback encroaches into the proposed building areas on lots 2 and 3 but the DEP does allow for a reduction of that setback with a Permit-By-Rule so those areas within lots 2 & 3 will follow the Permit-By-Rule in order to achieve the buildable areas according to the plan.

Ms. Pearlmutter commented the map, lot and block on the Application needs to be corrected. Mr. Tadema-Wielandt agreed to clarify that and submit a corrected page to the town offices.

Ms. Pearlmutter also confirmed with the Applicant they are requesting the following waivers: road side slope, high intensity soil survey, and the requirement for sidewalks. Mr. Tadema-Wielandt agreed with Ms. Pearlmutter's statement.

Noting on the plans there are 9 significant trees to be removed, Ms. Pearlmutter expressed concern about the consequences of removing those trees and the loss of water absorption from those trees. Mr. Tadema-Wielandt responded that in most instances and on most sites, they do their best to avoid removal of trees, but the stormwater plan does take into account changes in ground cover.

The Board members, Applicant, and Mr. Weibley had a detailed discussion on the tree removal, stormwater management, road design and pond retention.

Mr. Francis asked about letters from abutters that have been received regarding this Application. The Board members, Mr. Weibley, and Mr. Tadema-Wielandt discussed the Board's procedure of addressing letters from abutters during an application review.

Mr. Boak reopened the Public Hearing.

Mr. Chris Copey of Copey Environmental addressed the Board on behalf of some of the abutters and asked if the site plans are consistent with what Ms. Smith observed on her site visits. Mr. Logan explained that it was Ms. Smith who instructed him on their site walks where the flag markers were to be set according to the site plans.

Mr. Copey also commented that an individual Natural Resource Protection Act permit may be necessary for impact #3 on the site. Mr. Tadema-Wielandt agreed there is an isolated wetland on impact #3 on lot 3 that is within the 250-foot setback that will need an individual NRPA permit.

Mr. James Vesenska of 47 Wildes District Road addressed the Board asking for clarification on how the proposed road will slope down towards Wildes District

Road. Referring to sheet C3.0 of the plan, Mr. Tadema-Wielandt gave a detailed description of the road design noting that 80% of the length of the road will drain into the BMP which will be away from Mr. Vesenska's property.

Ms. Kathryn Guay of 33 Wildes District Road addressed the Board asking for more time to review all of the information submitted by the Applicant and raised her concerns about the water quality of the pond. Mr. Francis responded the Applicant submitted this information a week ago and reminded the audience this is a preliminary review meaning there will be another Public Hearing during the final review. Mr. Simmons stated that in this location, water quality could consist of two primary components: suspended solids and dissolved solids. Suspended solids should be removed in the BMP system while salinity of the pond could be affected by dissolved road salts. Mr. Simmons requested that Applicant clarify what is the allowable salinity for the pond, what is the actual salinity of the pond and what the estimated impact road salting would have on the salinity of the pond.

Mr. Douglas Rayworth of 6 Daisy Lane addressed the Board inquiring about the snow load when the road is plowed, where that snow will drain, and the intrusion onto his property of headlights since everyone's driveway points to his yard. Ms. Pearlmutter suggested the plowing could be done to one side and written into the Homeowner's Association documents and shrubs or arbor vitea are fast growing to provide some buffer from the headlights.

Lastly Attorney Scott Edmunds of Bergen & Parkinson addressed the Board on behalf of his clients who are residents on Rocky Pasture Lane who have concerns about the water runoff, headlights, and the presence of an enforcement mechanism for the abutters. Ms. Pearlmutter responded that under the town ordinance the Planning Board cannot include any enforcement mechanisms on the owners.

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

After some discussion, Ms. Pearlmutter amended her motion to approve this preliminary application. Mr. Mahoney again seconded the motion, and the vote was unanimous.

3. 231202 132 Marshall Point Rd – Marshall Point Realty, LLC/Walsh Engineering Associates, Inc/Agent – Site Plan Review Application – Findings of Fact. – The Applicant is seeking alterations to their existing shoreline stabilization to protect the existing structure from future erosion that has continued over time due to sea levels, increased storm severity and frequently as well as existing erosion issues (Assessor's Tax Map 31, Block 1, Lot 20 in Goose Rocks Zone). *Case Manager: Charles "Larry" Simmons*

Mr. Simmons read the Findings of Fact into the record. Mr. Boak made a motion to approve said Findings. Mr. Simmons seconded the motion, and the vote was unanimous.

4. Old business

There is no old business to be discussed.

5. New Business

- Planning Board Training

Mr. Weibley announced the Planning Board is required to have training every 6 years and Southern Maine Planning and Development has agreed to conduct the training.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary