

**Kennebunkport Planning Board**  
**October 5th, 2022 @ 6:00 PM**  
**Hybrid Meeting Via ZOOM and In-Person**  
**32 North Street, Kennebunkport**

A meeting of the Planning Board was held on Wednesday, October 5th, 2022 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, George Lichte  
Mr. Lichte will have voting privileges for tonight's meeting.

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the August 17th, 2022 Planning Board meeting. Mr. Francis seconded the motion, and the vote was unanimous.

Ms. Pearlmutter confirmed with the videographer there is one person logged into the meeting via Zoom.

Ms. Pearlmutter also informed the audience members there are no Public Hearings on tonight's agenda.

Ms. Pearlmutter introduced Ms. Michelle Radley, the newest member of the Code Enforcement Office to the Board members.

Items:

- 1. 220902     Woodland Drive – Duncan MacDougall – Coastal Creations/Agent** – Site Plan Review Preliminary Application – **Initial Review** – 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).

Ms. Pearlmutter introduced the agenda item.

Mr. Duncan MacDougall addressed the Board stating the Applicant has purchased a lot that is just under 10 acres and wishes to split the lot into two separate parcels to build two houses.

Ms. Pearlmutter asked when the original subdivision was created. Mr. MacDougall replied it was created in 1980 by the Seashore Company.

Ms. Pearlmutter asked if a high intensity soil survey was performed. Mr. MacDougall responded he believes Albert Frick and Associates have performed several test pits on the lot and a survey containing the wetland delineations was done by Lower Village Survey.

Ms. Pearlmutter suggested the Applicant may want to review the Subdivision Regulations to make sure he has met all the requirements such as erosion control. Mr. MacDougall added the design of the road, and a cross-section of the details was submitted along with the survey.

After some discussion on the topography of the lot, Ms. Pearlmutter commented the Fire Chief's letter on the proposed road design did not specifically mention the extra length of the road and the Applicant would need to request a waiver on that from the Planning Board and get the Fire Chief to sign off on the additional length as well.

Again, Ms. Pearlmutter suggested the Applicant run through the checklist on submittal requirements for Subdivisions to ensure he has included all of the required information in his application. Additionally, Ms. Pearlmutter noted the information required can be found in Article 7.2.D. in the Kennebunkport Subdivision Regulations.

Ms. Pearlmutter also added Mr. MacDougall might want to meet with Mr. Werner Gilliam to verify what waivers he may need to request as part of this Application.

Reading from notes submitted by Mr. Tom Boak who could not attend tonight's meeting, Ms. Pearlmutter asked if the Applicant intends to build the road 16-feet wide and leave the expansion to 20-feet for anyone who wants to add an additional home on another lot. Mr. MacDougall responded when he spoke with the Code Enforcement Officer and Fire Chief, they said where they plan to do just the 2 houses, they could have the road at 16-feet but my client has opted to make the road 20-feet wide so it won't have to be done later.

Ms. Pearlmutter questioned if the name of the subdivision as Woodland Drive may be problematic with the Fire Department as there is already a Woodlawn Drive in town. Mr. MacDougall replied the Fire Chief addressed that and said the name was ok. The town has already provided the road sign of that name, Mr. MacDougall added.

Ms. Pearlmutter also noted the Applicant will need to notify the Board if there are any significant trees that will be removed.

After some discussion, the Board suggested the Applicant meet with the Mr. Werner Gilliam to determine exactly what additional information may be needed since this subdivision was created many years ago.

The Board unanimously agreed to continue this initial review until the next Planning Board meeting.

**2. 220501 58 Langsford Road, LLC/Peterson Design Group – Erik Peterson – Postponed at the Request of the Applicant — Site Plan**

~~Review Application – **Public Hearing** – the Applicant seeks approval to remove the existing house and construct a new house in a location that is less non-conforming (58 Langsford Road, Assessor's Tax Map 29, Lot 1, Block 22 in the Cape Porpoise West Zone). Tom Boak, Case Manager~~

- 3. 220904 Hidden Pond – Stephen Doe – Sebago Technics/Agent – Site Plan Review – Initial Review –** the Applicant seeks to convert the bungalows (Phase II) from a seasonal use to a year-round use (354-356 Goose Rocks Road, Assessor's Tax Map 38-1-8 and 37-3-3 in the Free Enterprise Zone).

Ms. Pearlmutter introduced the agenda item and asked Ms. Radley to read her summary of this Application for the Board and the viewing public. Ms. Radley read her summary of this Application's Intent and Purpose into the record.

Mr. Steve Doe along with Justin Grimes and Attorney Ralph Austin addressed the Board stating they were before this Board several years ago to winterize Earth Restaurant and are now asking with this new owner to take this resort, at the least the back half of it, into a year-round use. The portion of the property, Mr. Doe continued, they are asking to be converted to year-round use are 20 bungalows, the event barn, the spa, and a few tree houses all of which were part of Phase II of the development.

To winterize the buildings, Mr. Doe explained they will have to drop all the utilities to a depth of 4-feet and the cottages will need to be winterized so the pipes do not freeze. Once that is all done if they need to go into any wooded areas, they will replant the vegetation that was removed, Mr. Doe added. They will most likely not get everything done this winter and will phase it over next few winters starting with the spa and barn first then the cottages, Mr. Doe concluded.

Ms. Pearlmutter noted the Applicant's Good Standing Certificate is over three years old and may need to be updated. Mr. Doe agreed to provide an updated one.

Mr. Francis asked how they will handle the snow removal for events and parking. Mr. Doe replied they have onsite parking for events, and they plow the roads during the winter now for fire access.

Referring to Findings of Fact for previous approvals, Ms. Pearlmutter noted there is a restriction on the number of events that can be held on the property and expressed her concern on having those events increase. Mr. Doe commented the events would only be for guests of the resort and not the public.

Attorney Austin informed the Board they would review all the restrictions to the extent if any of those are impactful to what they are requesting they will submit something in writing to the Board in a request.

Ms. Pearlmutter also noted a letter from the Fire Chief will be needed stating there will be water available through the winter for fire suppression.

Ms. Pearlmutter asked if there will be any additional lighting as it gets darker earlier in the winter and since many of the trees and shrubs would have lost their leaves and if the added noise from events in the winter would be disruptive to abutters. Mr. Doe replied there are outside lights in there now and there are no abutters to that section of the property.

Again, referring to events held on the property, Ms. Pearlmutter asked if there will be any shuttles and additional traffic. Mr. Doe replied he did not know.

Mr. Lichte stated there have been concerns in the past about septic tanks and the requirement of those being tested twice per year and asked if that is still happening and if there would be a need for more pumping with it open year-round. Mr. Doe replied they do perform tests twice a year and will speak with their engineer if additional pumping is necessary.

There were no further questions from the Board members.

Mr. Francis made a motion the Application is complete. Mr. Simmons seconded the motion, and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on October 19<sup>th</sup>, 2022.

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

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