

**Kennebunkport Planning Board  
November 15th, 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, November 15th, 2023, 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, Michael West  
Mr. West will have voting privileges for tonight’s meeting.

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes of the November 1st, 2023, Planning Board meeting. Mr. Simmons seconded the motion, and the motion passed.

Items:

- 1. 231002 21 Norwood Lane – Mark and Katherine Badertsher/John Einsiedler/Agent – Site Plan Review Application – Public Hearing –** Applicant proposes to remove existing single-family home utilizing the 30% expansion to replace the structure. (Assessor’s Tax Map 34, Block 2, Lot 2 in Goose Rocks Zone). *Case Manager: Ed Francis*

Mr. Boak introduced the agenda item.

Mr. John Einsiedler representing Mark and Kate Badertsher addressed the Board stating this project was previously approved by the Planning Board back in June and this is a recreation of those approved plans.

The Board members had no questions for the Applicant.

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

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

At the end of the meeting, Mr. Francis read the Findings of Fact into the record. Mr. Boak made a motion to approve said Findings. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

- 2. 231001 Wildes District Subdivision – Beachwood Development Fund, LP/Michael Tadema-Wielandt, P.E./Agent – Preliminary Subdivision Application – Initial Review –** Applicant proposes to develop a three lot single family residential subdivision (Assessor’s Tax Map 9, Block 10, Lot 23 in Village Residential Zone).

Mr. Boak introduced the agenda item.

Mr. Michael Tadema-Wielandt a civil engineer with Teradyn Consultants, along with Geoff Bowley who is the Applicant on this project, addressed the Board stating this is a 4-acre parcel on Wildes District Road in the Village Residential Zone. Mr. Tadema-Wielandt proceeded to provide the following details about this Application:

- The site is largely forested,
- There is a gravel drive into the site,
- There is approximately ½ acre of wetlands as delineated by Longview Partners,
- Other significant feature adjacent to the site is a manmade pond, referred to as the duck pond,
- The duck pond is located behind the house that abuts this parcel,
- The duck pond is located west of the proposed road and drains south of there,
- There is just over 20,000 square feet of open space provided which is just over 15% of the lot,
- The open space contains a portion of the duck pond,
- The road construction will include a wetland impact of 1,500 square feet which is below the threshold requiring a Maine Department of Environmental Protection permit,
- An application to the Army Corps of Engineers will be submitted for the wetland impact,
- Wildes District Road has public water and sewer so those will be extended.

With regards to the wetland study and vernal pools, Mr. Tadema-Wielandt explained according to the Maine DEP a potential vernal pool needs to meet certain criteria in order to be a significant vernal pool and that has to happen in the Spring. Because their study of the wetlands occurred in the Summer and early Fall, Mr. Tadema-Wielandt continued, they are treating the wetland on the property as a significant vernal pool requiring only 25% of the area within 250-feet of that vernal pool can be cleared and thus will affect the buildable areas on lots 2 & 3. The Applicant intends to have the vernal pool studied in the Spring and if it is determined to not be significant then those clearing limits will be lessened.

Mr. Tadema-Wielandt also acknowledged receipt of a letter from an attorney representing some of the abutters regarding a wetland study and informed the Board he would provide additional information for the next meeting in response to that letter.

Ms. Pearlmutter asked about the waivers the Applicant was requesting. Mr. Tadema-Wielandt replied they are requesting waivers for an increase in the side slope of the road greater than 3:1 in the wetland crossing areas in order to

decrease the footprint, for the sidewalks since there are no sidewalks on Wildes District Road, and the third waver is for a high intensity soil survey.

Ms. Pearlmutter also asked if they had identified any significant trees on the parcel. Mr. Tadema-Wielandt responded no but they will have that information ready for the final review.

Ms. Pearlmutter clarified that according to the Purchase and Sale Agreement, Beachwood Development is the Applicant bringing this plan before the Board and Mr. Tadema-Wielandt is their agent. Mr. Tadema-Wielandt agreed with Ms. Pearlmutter's comment.

Ms. Pearlmutter also commented on some corrections that need to be made to the Application such as if the property is within 250-feet of the high-water mark of a pond, river, or other waterbody. A brief discussion about water bodies regulated by the Shoreland Zoning Ordinance occurred with Mr. Tadema-Wielandt, the Board members, and Mr. Lee Jay Feldman of the Southern Maine Planning & Development Commission.

Regarding the proposed hammerhead turn on the site plans, Ms. Pearlmutter asked if the Applicant was going to get the Fire Chief to sign off on it. Mr. Tadema-Wielandt replied he certainly can as it was designed by Acorn Engineering.

Mr. Simmons, Mr. West, and Mr. Tadema-Wielandt had a brief discussion on the vernal pool, clearing limits, and the building envelopes of each proposed lot. Mr. Feldman suggested it would be helpful if the Applicant could identify on the site plans the 25% of area on the lots that could be impacted by the DEP's clearing limits.

After the lot has been evaluated by a soil scientist in the Spring, Mr. Simmons asked if the Applicant will come back before the Planning Board with any updated plans. Mr. Tadema-Wielandt responded the Applicant's preference is to set the clearing limits as if the waterbody is found to be a significant vernal pool and once the inspection is done in the Spring and that is found to not be the case, then those clearing limits would revert to something less restrictive.

The Applicant and Board members had a brief discussion on what the approved plans should look like. Mr. Tadema-Wielandt offered to have the plans drawn with the assumption there is a significant vernal pool on the lot and go forward with the Planning Board approval; and if in the Spring that is not the case then come back to the Planning Board with site plans that are less restrictive for building areas.

Ms. Pearlmutter then asked if the area of the Central Maine Power easement is kept cleared. Mr. Tadema-Wielandt replied yes but the poles do not follow where the easement is.

The Board members asked the Applicant to provide a draft copy of the Homeowner's Association documents. Some suggestions on what should be obtained in those documents from the Board members were: No clearing in the restricted area, and restrictions on the use of chemicals for lawns.

Mr. West commented there is a discrepancy in the Application and cover letter on the residential area to be developed. Mr. Tadema-Wielandt agreed to review those calculations.

Mr. Francis asked the Board members if a site walk would be beneficial. The Board members and Applicant agreed to schedule a site walk as soon as possible before the snow falls. Mr. Tadema-Wielandt agreed to provide an updated set of drawings for the Board members before the Site Walk and to have the building lots delineated with flags on the parcel.

Mr. Boak said they will ask to have the stormwater management plan reviewed by Acorn Engineering. Mr. Francis asked if that system can be maintained by a 3-member Homeowner's Association. A brief discussion on stormwater management systems and maintenance occurred.

Mr. West clarified the waivers the Applicant is requesting are for: crossing of the wetland, sidewalk requirement, and high intensity soil survey. The Board members agreed there were no issues with those waiver requests.

Ms. Pearlmutter noticed the Applicant needs to obtain a letter from the National Register of Historic Places to make sure there are no native burial mounds or graveyards on the property. Ms. Pearlmutter also requested a clear plan for minimal lighting and for bird-friendly glass in construction. Both items, Ms. Pearlmutter added, should be addressed in the Homeowner's Association documentation. Mr. Tadema-Wielandt agreed to review and clarify that information.

Ms. Pearlmutter made a motion that the Application is complete with the suggestion that the building envelopes are added to the site plans for the next meeting as well as other corrections suggested this evening on the Application. Mr. Francis seconded the motion, and the vote was unanimous.

Ms. Pearlmutter is Case Manager for this Application.

**3. 231003 14 and 24 Field Point Rd – Walsh Engineering/William Walsh /Agent – Site Plan Review Application – Initial Review** – Applicant proposes to replace existing shoreline revetment and existing timber frame retaining

wall due to storm damage which occurred during the December 23, 2022 Nor'easter (Assessor's Tax Map 20, Block 1, Lot 1 and 2 in Village Residential Zone).

Mr. Boak introduced the agenda item.

Mr. Bill Walsh addressed the Board and gave a detailed description of the proposed work to be done to replace the existing revetment and retaining wall resulting along the 885 feet of shoreline combined between the 2 parcels. Mr. Walsh explained the proposed project is to stabilize 680 linear feet of shoreline and the timber retaining wall will be removed and replaced with the revetment.

Mr. Feldman commented that they reviewed this Application and suggest some additional vegetation might be appropriate behind the buffer with native vegetation as well as in the beach areas adding some additional vegetation.

Ms. Pearlmutter asked if the Applicant is keeping the stairs. Mr. Walsh responded they are proposing some stairs through the revetment made of stone that will step up and over the revetment and will be pinned to stay in place.

Ms. Pearlmutter made a motion that the Application is complete. Mr. Simmons seconded the motion, and the vote was unanimous. Mr. Simmons volunteered as Case Manager for this Application.

**4. Other Business: 220201 Vincent & Nathan Thelin/Longview Partners Authorized Agent – Sign Corrective Findings –** Final Subdivision Application – To amend a previously approved subdivision resulting in the creation of 1 new lot. (245 Arundel Road, Assessor's Tax Map 15, Block 3, Lot 4 in the Farm and Forest Zone.)

Mr. Boak made a motion to approve the corrected Findings signed by the Board members at this meeting. Ms. Pearlmutter 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