

Kennebunkport Planning Board
January 19th, 2022 @ 6:00 PM
Virtual Meeting Via ZOOM

A virtual meeting of the Planning Board was held on Wednesday, January 19th, 2022 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

Approval of Minutes: Mr. Francis made a motion to approve the minutes from the January 5th, 2022 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

Mr. Boak announced there are 15 people signed into tonight's Zoom meeting.

1. **211102 15 Langsford Road Owner, LLC / Sebago Technics, Authorized Agent ~~WITHDRAWN AT THE REQUEST OF THE APPLICANT – THIS APPLICATION IS NOW CLOSED~~** — ~~Site Plan Review — Public Hearing —~~ Change of use from Multiplex to Inn. Consisting of converting 11 residential units to 9 inn suites (15 Langsford Road, Assessor's Tax Map 22, Block 6, Lot 14).

Mr. Boak announced this Application has been withdrawn by the Applicant and read into the record a letter from Mr. Justin Grimes on behalf of the Kennebunkport Resort Collection sent to the Planning Board.

Mr. Boak thanked all those who submitted letters offering their views and concerns on this Application.

Ms. Pearlmutter commented this Application has been withdrawn not postponed to another date and informed those who wrote letters that if the Applicant submits another application in the future those letters will not be part of the new Application.

2. **211101 100 Oak Ridge Road – Preliminary Subdivision Application – Continued Initial Review** – to amend a previously approved subdivision resulting in the creation of one new lot that is outside the boundaries of the previously approved subdivision. (100 Oak Ridge Road, Assessor's Tax Map 26, Block 2, Lot 9).

Mr. Boak introduced the agenda item and asked Mr. Michael McKellar to be promoted as panelist.

Mr. Boak acknowledged receipt of a letter from Mr. Werner Gilliam providing some answers to questions the Board asked at the last meeting.

Mr. Gilliam explained at the last meeting the Board wanted to better understand what the process looked like along with understanding the Planning Board's and the Code Enforcement Office's authority and how this is a unique request relative to the statute. Based on that request, Mr. Gilliam continued, he reached out to the Maine Municipal Association's attorney and sent the Planning Board a memo that outlined the conversation, what the statute is and how it relates to the subdivision component piece. Because the town has a process where we identify minor and major revisions to a subdivision, according to the MMA Attorney, Mr. Gilliam concluded, it is appropriate for the Planning Board to review this Application.

Mr. Boak stated he interpreted Mr. Gilliam's memo to mean that the Planning Board could determine whether this Application should be in the hands of the Board or the Code Enforcement Office. Mr. Gilliam agreed with Mr. Boak's statement adding the Board could make a decision that this Application could be reviewed by the Code Enforcement Officer, and it would also be consistent with statute.

The Board members had a brief discussion.

Ms. Pearlmutter made a motion to draft a letter on the Planning Board's behalf stating this Application can be reviewed and decided by the Code Enforcement Office. Mr. Mahoney seconded the motion, and the vote was unanimous.

3. 211201 Mills Road Development, LLC **-Sketch Plan -** Discussion of a proposed subdivision on a 75-acre parcel consisting of 9-12 year-round cottages and 12-15 seasonal cottages as well as amenities such as a pool, community center, gym, and restaurant.

Mr. Boak introduced the agenda item and asked Mr. Mike Tadema-Wielandt of Terradyne Consultants to be promoted as panelist.

Mike Tadema-Wielandt addressed the Board and asked if the Applicant Mr. Geoff Bowley could also be promoted as panelist.

Mr. Tadema-Wielandt shared a map of the property on the screen and began his presentation by indicating the property boundaries, wetland areas, and upland areas to be developed. Mr. Tadema-Wielandt also noted the following items in his presentation:

- This parcel is directly east of the Resort at Goose Rocks and across Mills Road from the Sandy Pines Campground
- The parcel is 75 acres with many low areas of freshwater wetlands
- The areas shaded in green on the site plan are upland areas

- A wetland survey and a vernal pool study have been conducted on the parcel by Longview Partners
- 2 vernal pools that meet the Maine DEP's definition as an effective breeding habitat are identified on the map
- 1 vernal pool is in the east corner of the parcel and the other one is in the northern end on the opposite side
- 250 ft. buffer areas have been indicated around each of the vernal pools on the map
- Maine Inland Fisheries and Wildlife have confirmed the existence of spotted turtles which are listed as a threatened species and therefore protected so it was recommended that the northern corner of the parcel be preserved and protected and remain undeveloped.

Mr. Tadema-Wielandt continued with his presentation outlining their proposal for development of the parcel which includes:

- Dividing the property into 3 sections; community uses down near Mills Road, year-round cottage homes in the central area, and seasonal woodland homes located in the northern area
- Targeting 9-12 year-round cottages in perhaps a cluster design with the road built to street standards and possibly attached garages
- Proposing 12-15 woodland homes scattered in the northern area of the parcel which would be seasonal and accessed primarily with golf carts or pedestrians with parking for this area at the southern end of the parcel
- Community uses is still a rough concept but could potentially include a community building, pool, restaurant, and gym.

Mr. Tadema-Wielandt also noted most of this parcel is in the Free Enterprise Zone but the area within 500 feet of Mills Road is in the Goose Rocks Zone so all of the proposed community use buildings would be pushed into the Free Enterprise Zone area where they are allowed in accordance with the Land Use Ordinance.

Mr. Tadema-Wielandt concluded his presentation by outlining 3 goals he wishes to achieve from tonight's sketch plan:

1. Confirm the Land Use Ordinance and Subdivision Ordinance allows for this type of development,
2. Identify if the proposed road will require a waiver from the design guidelines,
3. Obtain feedback from the Board members before continuing further with the proposed design.

To comply with the Land Use Ordinance and Subdivision Ordinance, Mr. Tadema-Wielandt proposed either having the development as condominiums, so

all the land is under common ownership or developing the property as a cluster development under Land Use Ordinance Article 7.

Mr. Boak asked if they expect to have shared septic systems and shared wells. Mr. Tadema-Wielandt replied yes, they will have to do a study to find test pits to determine onsite wells and onsite wastewater disposal since there is only seasonal town water available.

Acknowledging this is a unique concept, Mr. Gilliam commented the Board may look at this under the cluster provisions of the Ordinance where this type of design wants to be reviewed as well as the Subdivision Regulations. One way to alleviate some of the issues with individual lot lines and some of the common infrastructure elements like shared water and septic sites, Mr. Gilliam continued, is to have a condominium form of ownership.

Regarding the community uses aspect of this proposal, Mr. Gilliam offered to provide the Board members with previous Planning Board discussions to perhaps provide some insight on how to deal with those common entities.

Ms. Pearlmutter offered her comments that from the GIS maps of the property there are a lot of streams there and questioned if the Applicant should review the soil types. Ms. Pearlmutter also expressed her dislike of buildings open to the public in that area and feel if there is going to be a community building it should only be open to that community. As for the proposed restaurant, Ms. Pearlmutter stated she is not in favor of restaurants open to the public in that area, especially since it would encourage guests from the campground and add to traffic crossing Mills Road.

Lastly, Ms. Pearlmutter noted it is a problem with only one road into the parcel and is very concerned about the sensitive habitats of the vernal pools as well as the wildlife and potential for bird strikes.

Mr. Francis agreed with Ms. Pearlmutter's comments adding the Board's history is to have the Fire Chief review the plan and he may have an issue with only one road in/out of the property. Mr. Francis also added the use of the restaurant by guests of the campground across the street would set up for a traffic problem and suggested a traffic study should be done.

Mr. Francis also expressed concern with the number of households proposed on septic systems and asked if it were feasible to extend the public infrastructure to put all the homes on public service. Mr. Francis also noted questions on winter access, snow removal and storage, and onsite management of the property.

Mr. Simmons emphasized the importance of having a looped road and suggested a drainage study be done to determine where the water will flow on this property.

Mr. Simmons agreed with Mr. Francis's suggestion of possibly tying into the public services would help preserve the sensitive area.

Mr. Simmons also noted that having the seasonal residences in the back of the property was unusual as it would be more desirable to have the year-round properties in that location.

Mr. Mahoney agreed with all the other Board members comments and expressed concern over the one road to the property along with that proposed road being gravel and asked that the Fire Chief be consulted on the road design.

Mr. Tadema-Wielandt restated the Board members' concerns and thank them for their input.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary