

Kennebunkport Planning Board
February 21st, 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 21st, 2024 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, Larry Simmons, George Lichte, Michael West

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes of the February 7th, 2024 Planning Board meeting. Mr. Simmons 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 – Public Hearing** – 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). *Case Manager: Mike West*

Mr. Boak introduced the agenda item.

Mr. Jason Vafiades on behalf of Mr. Trudo addressed the Board stating this Application is for Final Subdivision approval for The Glen at Goose Rocks which is 9-lot subdivision off of Goose Rocks Road. Mr. Vafiades noted they are requesting a waiver for the road length since it slightly exceeds the 1,000-foot maximum length. However, Mr. Vafiades added, the Fire Chief has approved the proposed road length in excess of the town's limit. Other items of note Mr. Vafiades discussed were the reference to section 5 on financial capacity and provided copies of an updated Certificate of Good Standing.

Mr. Simmons questioned the Applicant about the comments received from Acorn Engineering. Mr. Vafiades replied they just received those comments from Acorn Engineering this Monday and the comments from Acorn Engineering are small coordination items that can be corrected with an update to our notes on the plans.

Again, referring to the feedback from Acorn Engineering, Mr. Simmons also had several questions on the discrepancy between the acreage on the Application and the acreage shown on the drawings, along with the amount of impervious acreage permitted by the DEP.

Mr. Simmons requested the Applicant review Acorn's comments and either adjust their drawings as needed or comment how it was resolved. Mr. Vafiades agreed to provide all responses to the Code Enforcement Office by next week.

There were no further questions from the Board members.

Mr. Boak opened the Public Hearing.

Ms. Eileen Lang, an abutter, addressed the Board to voice her concerns about flooding onto her property as this area is extraordinarily wet. Ms. Lang also questioned if she would need to be concerned about the amount of filled land and increased elevation causing water to drain downhill onto her property. After some discussion, Mr. James Logan indicated on the site plans that Ms. Lang's property will be over 300 feet from any construction. Mr. Vafiades also indicated on the site plans where the no cut buffers were located in relation to Ms. Lang's property as well as the elevations of her property which will be higher than the proposed development. Mr. Vafiades also noted they will be helping with abutting drainage issues by increasing the overflow capacities with oversized culverts and assured Ms. Lang she will not be negatively affected by this project in terms of stormwater runoff or drainage issues.

There were no further questions or comments from the audience in attendance or on Zoom.

Mr. Boak closed the Public Hearing.

Mr. Francis made a motion to approve this Application on condition of closing out the Acorn comments and presenting the update with the drawings for the next meeting.

Mr. Boak commented that the Board needs to approve the waiver again.

Ms. Pearlmutter made a motion to approve the waiver. Mr. Francis seconded Ms. Pearlmutter's motion. Mr. Boak clarified the waiver is to allow the road to be slightly over the 1,000-foot limit. The Board voted unanimously in favor of Ms. Pearlmutter's motion.

Mr. Francis restated his motion to approve this Application conditionally on satisfying the Acorn Engineering comments and providing new drawings with updated notes at the next meeting. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

2. Old business

Mr. Weibley informed the Board members he has received two inquiries for minor Site Plan approvals and is seeking guidance on how these types of inquiries have been handled in the past. Mr. Weibley explained these inquiries are for previously approved Site Plan Applications but do not impact any of the non-conformances of those Applications.

The first item is a cosmetic change, Mr. Weibley stated, where the Applicant is leaving the rebuilt stone seawall with a concrete exterior rather than putting on a veneer surface that could be washed away in a storm.

After some discussion, the Board members agreed this was a minor change and would not have affected their approval of the Application and would simply require a revision to the Findings of Fact and a recording of that revised document once it was signed.

The second item Mr. Weibley discussed was a house that went through the Site Plan Approval process at 21 Norwood Drive where, after seeing the increased wave action and flooding from the most recent storms, have decided to raise their house 2 more feet than originally approved. This increase in height is still within the maximum height restriction of 30 feet, Mr. Weibley explained.

After some discussion, the Board members agreed this change could be of interest to abutters and decided the Applicants need to resubmit a final approval plan and a Public Hearing should be held to allow abutters to comment.

These two inquiries also raised the issue that there is no mechanism in our town regulations for minor site plan revisions. The Board members, with Mr. Weibley's assistance, asked for information on how our ordinances could be updated to provide for such minor changes to approved Site Plan Applications.

3. New Business

Mr. Francis asked the Board members to weigh in on whether they think the Planning Board should be involved working with the Growth Planning Committee on addressing amendments to our Land Use Ordinance to comply with LD2003. After much discussion it was agreed no action on the Planning Board's part was required at this point.

- **Planning Board Training**

Mr. Lee Jay Feldman of the Southern Maine Planning and Development Commission provided training for the Planning Board members on their responsibilities, both quasi-judicial and legislative. There was discussion on several topics during the training session and Mr. Feldman provided articles and input on specific circumstances that could arise as well as offering guidance on meeting procedure in accordance with Robert's Rules of Order.

Adjournment: The meeting ended at 7:49pm. A motion was made to adjourn, it was seconded, and the vote was unanimous.

Submitted By: Patricia Saunders, Planning Board Recording Secretary