

Kennebunkport Planning Board
March 2nd, 2022 @ 6:00 PM
Virtual Meeting Via ZOOM

A virtual meeting of the Planning Board was held on Wednesday, March 2nd, 2022 via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, D. Scott Mahoney, Larry Simmons, George Lichte

Mr. Boak reminded folks there is a vacancy on the Planning Board and encouraged all those considering joining the Board to please contact the town offices.

Approval of Minutes: Mr. Francis made a motion to approve the minutes from the February 16th, 2022 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

- 1. 220201 Vincent & Nathan Theilin / Longview Partners, Authorized Agent** – Final Subdivision Application – **Initial Review** – 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 introduced the agenda item and asked Mr. James Logan of Longview Partners to be promoted as panelist.

Mr. Boak confirmed with the videographer there are 6 virtual attendees at tonight's meeting.

Mr. Logan addressed the Board and provided a brief overview of the Application which is a proposal to create one new lot in a previously approved subdivision. Mr. Logan stated there is no need for any Maine Department of Environmental Protection or Army Corps of Engineers permits as there are no wetland impacts proposed or expected for this project. Included with this Application, Mr. Logan continued, is a letter from the Fire Chief regarding the existing fire pond which has a dry hydrant. Chief John Everett certified the hydrants are flushed annually; Mr. Logan stated.

As discussed during the Preliminary Review, Mr. Logan explained the Board members agreed and voted approval of the Applicant's request for four waivers for a high intensity soil survey, a traffic study, a stormwater management plan, and a hydrogeologic assessment.

Mr. Boak noticed on Attachment 8 of the Application there was an additional waiver listed for a sediment control plan. Mr. Logan responded there are no water bodies anywhere near this parcel and there is little risk for a lot of erosion or transport of much sediment; however, if the Board wishes, he can provide a simple erosion sediment control plan by marking on page 2 of the septic system design that there would be adequate provisions. After a brief discussion, the Board members and Applicant agreed it would be best if they provide an erosion control plan to be included in the Application. Mr. Logan agreed to provide that information and remove the waiver request from the Application.

Ms. Pearlmutter made a motion to approve the 4 requested waivers as mentioned previously this evening. Mr. Simmons seconded the motion, and the vote was unanimous.

Mr. Francis commented the Application lists Nathan Theilin as an Applicant along with his father but there is no evidence that Nathan has a legal interest in the property. Mr. Logan agreed to resubmit the Application page listing only Vincent Theilin as the Applicant.

Mr. Francis also asked if the location of the curb cut could be shown on the site plan submitted with this Final Subdivision Application. Mr. Logan agreed to update the plan to include the curb cut.

For clarification purposes, Mr. Logan listed the following minor details the Board members would like included in this Application:

- Indicate the location of the curb cut on the plans
- Include an erosion sedimentation control detail
- Revise Attachment 8 in the Application to remove Item #5
- Change the name of the Applicant to Vincent Theilin.

Mr. Simmons made a motion to accept the Application is complete subject to receipt of the previously listed items. Mr. Mahoney seconded the motion, and the vote was unanimous.

Mr. Boak announced a Public Hearing will be held at the next Planning Board meeting.

2. Other Business: Sand Dollar Condominium/Sebago Technics, Authorized Agent Installation of Shoreland stabilization consisting of riprap and marsh grass plantings. (5 Dyke Road Assessor's Tax Map 34, Block 3, Lot 11 in the Goose Rocks, Shoreland, and Resource Protection Zones.)

Mr. Boak introduced the agenda item and asked Mr. Steve Doe of Sebago Technics to be promoted as panelist.

Mr. Doe stated this shoreland stabilization project for 5 Dyke Road has received approval from the Army Corps of Engineers; however, the Department of Environmental Protection's Department of Marine Resources had some concerns about the riprap and how the vegetation uphill from this area would perform with the heating of the marsh from the riprap. The solution, Mr. Doe added, is this proposal to use gabion baskets which will dissipate the heat as it moves into the basket and reaches the soil so it is less likely to transfer that heat to the marsh grass which will help the grass survive better.

Mr. Doe further explained because this proposal is different than what the town approved; they are appearing before the Planning Board to inform them of the requested change by the state agencies.

Mr. Simmons asked Mr. Doe if he could show the sketch plans on the screen to show the cross section of the gabion baskets. Mr. Doe shared the plans on the screen and explained the baskets are on top of each other with filter fabric on the back of it.

Mr. Simmons agreed with this new proposal and asked if they had opportunity to do some assessment of the soil strength to support the gabion wall. Mr. Doe responded they did look at it and what they liked about the gabion wall is they are very flexible and will settle into the mud but are strong enough not to collapse.

Mr. Simmons suggested doing some penetration testing along the route of the gabions just to see the soil strength and to gauge how deep the ledge is there also. After some discussion, Mr. Doe agreed to check with the engineers on the project.

Mr. Simmons and Mr. Doe had a detailed discussion on the wall height and elevation. Mr. Doe agreed to verify the elevations.

Given there are currents coming through the area a couple times a day, Ms. Pearlmutter expressed concern about erosion of the mud around the bottom of the boxes and possible movement of the boxes. Mr. Doe replied it is part of the design to armor the area indicated on the design drawings. Mr. Simmons asked if Mr. Doe could provide more details in the design sketches.

Mr. Simmons also asked if Mr. Doe could add his basis of design, including the bearing strength of the soil in the final design along with specifying the wire size to be used. Mr. Doe agreed to speak with the engineers on the project and report back to Mr. Gilliam for the Board.

Mr. Boak asked what the ultimate output of this particular review would be since it is not a new application. Mr. Gilliam explained that the purpose of this was to inform the Board that there were changes that were made that were

required by the DEP and the Army Corps as they have more specific performance standards than are in our ordinance. The Planning Board's Findings of Fact, Mr. Gilliam continued, reference compliance with the DEP and Army Corps and because of that it is not necessary to have a revised set of Findings but just wanted to make sure the Planning Board was aware of the design change.

Mr. Gilliam thanked the Board members for their feedback on this and stated the next step is for Mr. Doe to provide the Code Enforcement Office with an updated set of drawings.

Mr. Francis asked about the typical lifetime of the gabion baskets lasting. Mr. Doe agreed there is a lifespan for these and that they last a long time, but he will need to investigate that to report back.

The Board members, Mr. Doe and Mr. Gilliam had a brief discussion on how this new design will blend in with the environment and landscape of the area. Mr. Doe agreed, again, to do more research and confirm the color of the PVC coating on the wire to ensure this will be in compliance with Article 10.10 of the Land Use Ordinance and not have any detrimental effect on the appearance and natural surroundings of the area.

In following the direction provided by the Kennebunkport Board of Selectmen, Mr. Gilliam explained town meetings such as the Planning Board, will continue with a Zoom format for the month of March and will transition into a hybrid type meeting in April. Mr. Gilliam asked all Board members to submit any questions or concerns about this change to him and he will forward it along to the Town Manager.

The Board members and Mr. Gilliam had a brief discussion on what a hybrid meeting would entail with either some Board members in person, some audience members in person and some in Zoom and how that will be determined. The Board members did express a preference for having their meetings begin at 6:00pm as opposed to 7:00pm as stated in the Planning Board's Rules and Procedures. Mr. Boak suggested perhaps it was time to update those procedures to reflect current practices.

After attending the latest Growth Planning Committee meeting, Ms. Pearlmutter asked the Board members if they felt it worth holding another joint meeting between the two Boards to provide input from the Planning Board on items such as minimum lot size, dead-end streets, and subdivision zoning changes. Mr. Gilliam responded that the Growth Planning Committee is still in the process of finalizing the document and its implementation strategies and that when those are completed, he will submit the different strategies to each appropriate Committee, Board, or Town Department for their consideration and input. Mr. Gilliam further explained the Growth Planning Committee decided to split the Comprehensive Plan into two volumes; Volume One is a tabletop version which

is a 30-page document that gives an overview, and Volume Two is the complete plan, probably 400 pages with all the different data dependencies that delve into the specifics of each chapter. Volume One is on the town website, Mr. Gilliam noted, and all the information is available on the Comprehensive Plan website that can be accessed directly off of the town website.

The Board members and Mr. Gilliam had an extensive discussion on the mechanism of reviewing and approving the new Comprehensive Plan.

Ms. Pearlmutter added she felt it would be beneficial for the Growth Planning Committee and the Planning Board to meet again since both groups are coming from a different direction for some of their strategies. Mr. Gilliam agreed with Ms. Pearlmutter's statement but noted it would be best if the Growth Planning Committee gets through all their strategies and then send those out to the individual groups that have been assigned them looking for feedback in order to still make the deadlines to get on a November ballot.

Mr. Gilliam commented one of the audience members raised their hand on Zoom.

Mr. David James addressed the Board to express his preference in continuing the town meetings by Zoom even if the Board members choose to meet in person; adding it is important for residents to be able to participate in real time without having to attend in person. Mr. Boak responded he believes that is what the town officials are planning for the April meetings to have a composite where meetings are both on Zoom and live in-person.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary