

**Kennebunkport Planning Board**  
**August 17th, 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, August 17th, 2022 in-person and 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, George Lichte

Approval of Minutes: Mr. Francis made a motion to approve the minutes of the August 3rd, 2022 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

- 1. 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*
  
- 2. 220601 1086 Kings Hwy/Peterson Design Group – Erik Peterson** – Site Plan Review – **Findings of Fact** – the Applicant seeks approval to remove the existing house and cottage, and permission to construct a new house and cottage in a location less non-conforming (1086 Kings Hwy, Assessor's Tax Map 35, Block 6, Lot 7 in the Goose Rocks Zone). *Ed Francis, Case Manager*

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

- 3. 220603 Seashore Trolley Museum Car Barn/Sebago Technics – Henry Hess** – Site Plan Review – **Public Hearing** – the Applicant seeks to demolish an existing +/- 3,521 sq. ft. railway car barn that is in failing condition and construct a new 7,200 sq. ft. car barn (Assessor's Tax Map 3, Block 1, Lot 1 in the Farm and Forrest Zone).

Mr. Boak introduced the agenda item and confirmed with the videographer there are 5 attendees via Zoom for tonight's meeting.

Mr. Henry Hess, Landscape Architect with Sebago Technics addressed the Board and gave a summary of this Application for removal of an existing barn and

replacing it with a 7,200 square foot trolley storage barn. Mr. Hess stated the new barn will be in the northwest portion of the property where the existing barn is now located, and tracks will be relocated as part of the construction with three rails going into the barn. There will also be some pedestrian walkways and improvements to the access road and some additional fire retention improvements to make sure any new impervious areas as well as the building are treated, Mr. Hess added.

There were no questions from the Board members.

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.

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

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

**4. 220604 11 Bellewood Avenue/Peterson Design Group – Erik Peterson** – Site Plan Review – **Public Hearing** – the applicant seeks approval to demolish the existing house, garage and shed, and permission to construct a new house in a location that is less non-conforming (Assessor's Tax Map 34, Block 6, Lot 2 in the Goose Rocks Beach Zone).

Mr. Boak introduced the agenda item.

Mr. Erik Peterson addressed the Board stating this Application is proposing to remove 3 structures; the existing shed, house, and garage, and construct a new house. Mr. Peterson ran through all the existing and proposed area and volume calculations to bring the property up to the 30% allowed expansion as per the Ordinance. By removing the three 1-story structures and replacing it with a 2-story house, Mr. Peterson continued, the overall lot coverage is reduced from 9.37% to 7.15%.

To address concerns raised at the last meeting regarding the potential for bird strikes, Mr. Peterson indicated on an enlarged drawing the addition of pergolas to the areas above the large windows and added a roof over the sliding glass door to cast a shadow over the door. Mr. Peterson also provided updated copies of the site plans for each of the Board members. Ms. Pearlmutter thanked Mr. Peterson for the additional measures to protect birds in the design and offered some information on future resources for architects and planners in creating more bird friendly structures.

There were no questions from the Board members.

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. Simmons made a motion to approve this Application. Mr. Mahoney seconded the motion, and the vote was unanimous.

Mr. Lichte read the Findings of Fact into the record. Mr. Simmons made a motion to approve said Findings. Ms. Pearlmutter seconded the motion, and the vote was unanimous.

**5. 220702 Mills Road Development, LLC/Terradyn Consultants, LLC – Michael Tadema-Wielandt – Sketch Plan** – the applicant is proposing to develop a 13-lot single family subdivision, with lots located in upland areas in the southern part of the site. The lots will gain access from a new 1,470’ dead-end road beginning at Mills Road and ending in a cul-de-sac (Assessor’s Tax Map 25, Block 5, Lot 8 in the Free Enterprise/Goose Rocks Beach Zone).

Mr. Boak introduced the agenda item.

Mr. Michael Tadema-Wielandt addressed the Board stating after presenting a different sketch plan back in January and consulting with the owner of the parcel Mr. Geoff Bowley, tonight’s sketch plan is very different from the previous presentation. Mr. Tadema-Wielandt indicated on enlarged site plans the location of the 75-acre site on the north side of Mills Road along with other known properties adding the parcel has 500 feet of frontage on Mills Road that is in the Goose Rocks Zone and the remainder of the parcel falls in the Free Enterprise Zone.

Mr. Tadema-Wielandt then gave a detailed account of the topography of the parcel indicating where the freshwater wetlands were located along with 4 documented significant vernal pools on the site that have been identified and indicated the location of suitable habitats for the endangered spotted turtles as determined by the Department of Inland Fisheries and Wildlife.

Mr. Tadema-Wielandt then described the proposal to cluster all the development in the south of the parcel away from the wetlands into 13 lots located in the upland areas with a single dead-end road 1,470 linear feet in length. The open space area on this parcel, Mr. Tadema-Wielandt continued, is 54 acres with the remaining space to encompass 13 lots and the road. Lastly, Mr. Tadema-Wielandt explained they would be requesting a waiver on the road length and asked the Board members on their feedback based on this proposed sketch plan.

Mr. Boak commented the Fire Chief would have to weigh in the length of the road. Mr. Tadema-Wielandt asked if he should reach out to the Fire Chief immediately or wait until a formal review has been set. Mr. Gilliam responded the Applicant can reach out to the Chief Everett at any point in time as it relates to the road length.

Mr. Boak asked the Board members if they had any questions.

Ms. Pearlmutter commented two of the proposed lots have very long driveways and asked why. Mr. Tadema-Wielandt replied they identified favorable building envelopes and drew the lots around them so for a couple of them it results in long driveways. Ms. Pearlmutter added the Applicant will need to bring those long driveways to the attention of the Fire Chief.

Ms. Pearlmutter also commented on the soil profiles and questioned if the building sites were suitable to have septic systems on those lots. Mr. Tadema-Wielandt responded what they have submitted in this sketch plan are just what has been done to date and not necessarily accurate on a site-specific basis. After all testing has been done, they will submit a high intensity soil survey where all the soils will be mapped on the parcel, Mr. Tadema-Wielandt added.

Ms. Pearlmutter also shared a copy of the information she shared with a previous Applicant this evening on resources for architects and planners in creating more bird friendly structures.

Mr. Mahoney asked if there are any provisions for further expansion from this proposal and if there will be a homeowner's association and public walking spaces on the parcel. Mr. Tadema-Wielandt replied there is no proposal above and beyond this and they have not yet had discussions on a homeowner's association or access for walking trails for the public.

Mr. Boak asked if the road would remain a private road. After some discussion with Mr. Gilliam, Mr. Tadema-Wielandt responded it is not his decision but in all of his projects with Mr. Bowley there has been a homeowner's association responsible for road maintenance, but the future is out of the developer's hand once all of the sites are sold.

Mr. Francis commented most subdivisions have a homeowner's associations to handle road maintenance and also manage how the common land could be used and asked what responsibilities and rights those people will have to that common land and to make sure that land isn't abused. Mr. Boak added that such subdivision applications typically include a draft of the homeowner's documents. Mr. Tadema-Wielandt thanked the Board for that suggestion adding he will discuss it with his client.

Mr. Simmons asked about possibly changing the location of a few of the lot lines and if they considered adding any lots in the area he indicated on the enlarged site plans. Mr. Tadema-Wielandt replied the 13-lot threshold is where Mr. Bowley wants to be as an applicant because it is a threshold after which is required a different more intensive permit with the Department of Environmental Protection.

Mr. Lichte questioned if there was any primary drainage or stream that comes down into the low-lying areas of the parcel and asked why Lot 7 was so much larger than the other lots. Mr. Tadema-Wielandt explained there is no defined channel of water on the property and Lot 7 is approximately 7.5 acres because it did not make sense to extend the road further. Also, Mr. Tadema-Wielandt continued stating Mr. Bowley has seen in other developments there is a market for this kind of big lot at the end of a cul-de-sac.

There were no further questions from the Board members. Mr. Tadema-Wielandt thanked the Board members for their valuable feedback.

Mr. Gilliam introduced Mr. David Gilchrest, the new Deputy Code Enforcement Officer for the Town of Kennebunkport.

Mr. David James called in via Zoom to thank Mr. Gilliam and the videographers for making the town hybrid meetings successful for all to view and participate.

Ms. Pearlmutter asked about view easements and public views and the town's definition of public views when considering an application. Mr. Gilliam referred the Board members to the Kennebunkport Comprehensive Plan that has identified locations in town that have been described as scenic and suggested they rely on that for guidance for defining and determining that as a threshold in reviewing any application.

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

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