



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

January 29, 2024

To whom it may concern:

On December 21, 2023 and January 18, 2024, Department staff visited a site on Wildes District Road in Kennebunkport. The site is identified as Map 9, Block 10, Lot 23 on the town of Kennebunkport's tax maps. Department staff met with Jim Logan of Longview Partners, LLC to review site plans, identify protected natural resources, and discuss potential permitting for the proposed project.

On site, staff observed a potential significant vernal pool near the southern boundary of the parcel and a pond at the northern boundary. Longview Partners, LLC had previously mapped the potential significant vernal pool and plan to survey the pool in Spring, 2024. The pond appears to be manmade based on the steep side slopes and adjacent topography. The pond outlets to a freshwater, scrub-shrub wetland to the south. The wetland leads to a watercourse that continues south before reaching a culvert that crosses a neighboring driveway. Sections of the watercourse appear to have been manipulated over time, as made evident by cut side-slopes, spoils piles, adjacent topography, and a small weir. The watercourse was not constructed, or constructed and maintained, solely for the purpose of draining storm water.

The watercourse is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map. It is known to contain flowing water continuously for a period of at least 6 months of the year in most years. Sections of the watercourse have a channel between defined banks and are primarily composed of mineral material. Other sections do not have a defined channel and are not essentially devoid of upland vegetation. In those areas that the watercourse is a defined channel, the watercourse is considered a stream as defined in the Natural Resources Protection Act (NRPA), 38 M.R.S. § 480-B(9). The activities proposed within 75 feet of the stream would require review by the Department.

This opinion is based upon the site visits conducted on December 21, 2023 and January 18, 2024. Due to site conditions such as snow-covered side slopes and iced-over waters, the Department recommends an additional visit be made in Spring, 2024, to confirm which sections of the watercourse would be a stream as defined in the NRPA. This opinion is subject to change if the proposed project changes or is revised. The relevance of this opinion may also be affected by changes or revisions to the applicable laws or regulations. This opinion does not imply conformance with any other local, state, or federal requirements.

If you have any questions, please do not hesitate to contact the Department.

Sincerely,

Anna Smith  
Bureau of Land Resources

Cc: David Gilchrest, Town of Kennebunkport – Code Enforcement Officer  
Greg Reid, Town of Kennebunkport – Assistant Code Enforcement Officer  
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