

December 19, 2022

Mr. Werner Gilliam  
Director of Planning and Development  
and Planning Board Members  
Town of Kennebunkport  
6 Elm Street, P.O. Box 566  
Kennebunkport, Maine 04046

**RE: Proposed Minor Amended Subdivision Plan  
Turbat's Creek Preserve Condominium**

Dear Werner and Board Members:

I wanted to follow up with a response regarding the subdivision question raised at the meeting on December 7, 2022. Attorney Bruce Read has prepared the enclosed letter response that we trust will address the boards question regarding the proposed amendment to the Turbat's Creek Preserve subdivision to include the parcel owned by Kenan Sahin. Bruce Read will be present at the meeting to respond to any additional questions.

In addition, enclosed is a revised subdivision plan that updates the net density calculations that were inadvertently missed on the previous submission. The original net density permitted 9 lots or units, the updated density with inclusion of the Sahin parcel would permit 11 lots or units. The addition of the Sahin parcel brings the total number of units to 8 of which only 6 are developed and 2 have conservation easements restricting development.



Mr. Werner Gilliam  
and Planning Board Members

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Enclosed for your review are the following:

- Revised Subdivision Plan
- Letter prepared by Attorney Bruce Read

We look forward to the opportunity to meet with you and the Planning Board at your January 4, 2023, public hearing to further discuss the application.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Metcalf", written over a horizontal line.

Mitchell & Associates  
Robert B. Metcalf, Principal  
Maine Licensed Landscape Architect

Enclosure

cc: Kenan Sahin  
Bruce Read

# Shepard & Read

ATTORNEYS AT LAW

93 MAIN STREET ♦ KENNEBUNK, MAINE 04043

BRUCE M. READ  
ALAN E. SHEPARD

Tel: (207) 985-2291  
Fax: (207) 640-4111  
Email: [bruce@shepardandreadlaw.com](mailto:bruce@shepardandreadlaw.com)

December 19, 2022

Werner Gilliam  
Director of Planning  
Town of Kennebunkport  
PO Box 566  
6 Elm Street  
Kennebunkport, ME 04046

***RE: Turbat's Creek Condominium - Subdivision Amendment Application***

Dear Werner,

I am writing in my capacity as legal counsel to Kenan Sahin. Bob Metcalf and I have been working together on this subdivision amendment application. I understand that some questions were raised at the last meeting when Bob appeared before the board and I am writing to provide some legal / procedural background.

Although this application may appear unusual to the board (as no new development or lot creation is proposed), it is quite straightforward and entirely a matter of housekeeping for title and Registry of Deeds recording purposes. It clearly falls within the planning board's statutory jurisdiction to approve amendments to existing subdivision plans.

The long and short of this application to amend the existing subdivision plan is that Mr. Sahin's property, Timberledge, was never included as part of the subdivision as originally proposed, submitted, and approved by the planning board in 2003. The developer sold him this property as a free-standing lot but granted him the right to join the condominium association upon request. Although not technically a member of the association, Mr. Sahin has been paying dues since he purchased and, for all intents and purposes, Timberledge has been treated as though it is an official member of this condominium.

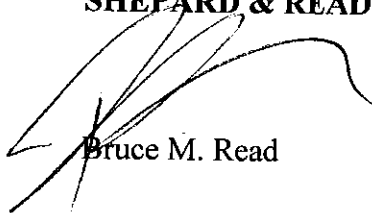
Mr. Sahin is now in his 80's and wants to get his "ducks in a row" for estate planning purposes and to be sure the title and Registry records are clear. Amending the subdivision plan to officially include his property is a prerequisite.

We have kept the condominium association apprised of this process and they have raised no objection, nor are they expected to pay any fees or expenses. Again, we are simply codifying and documenting the state of affairs as all have been accustomed. No changes are proposed aside from officially amending the plan to show Timberledge as an official unit and updating the plan notes to reflect documents recorded since the original approval.

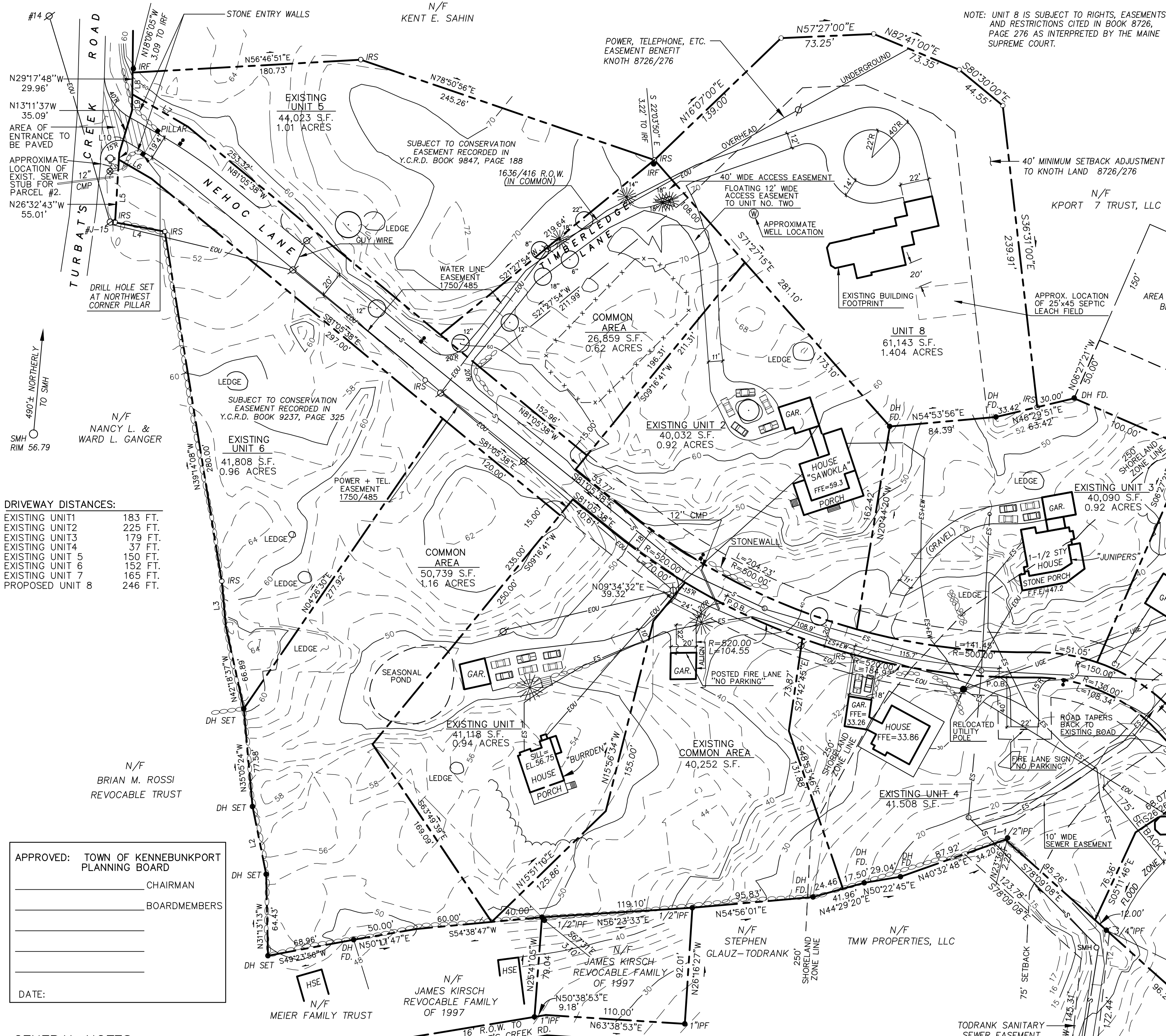
I trust this will assist in the board's understanding of our request and will plan to attend the upcoming meeting on 4 January 2023 to answer other questions the members may have.

Sincerely,

**SHEPARD & READ**

A handwritten signature in black ink, appearing to be 'Bruce M. Read', written over the printed name.

Bruce M. Read



DRIVEWAY DISTANCES:

EXISTING UNIT 1	183 FT.
EXISTING UNIT 2	225 FT.
EXISTING UNIT 3	179 FT.
EXISTING UNIT 4	37 FT.
EXISTING UNIT 5	150 FT.
EXISTING UNIT 6	152 FT.
EXISTING UNIT 7	165 FT.
PROPOSED UNIT 8	246 FT.

APPROVED: TOWN OF KENNEBUNKPORT PLANNING BOARD

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
BOARDMEMBERS

\_\_\_\_\_  
DATE:

GENERAL NOTES:

- OWNER OF RECORD OF THE SURVEYED PREMISES IS TURBAT CREEK PRESERVATION LIMITED LIABILITY COMPANY, BOOK 7984, PAGE 43, Y.C.R.D.
- BOUNDARY AND TOPOGRAPHIC SURVEY TRACED FROM PLAN(S) PREPARED BY OWEN HASKELL, INC. 16 CASCO STREET, PORTLAND, MAINE, DATED NOVEMBER 20, 1996. REVISION #3: DECEMBER 30, 1996.
- BENCH MARK: BOLT IN POLE J-20/3120 AT INTERSECTION OF TURBAT'S CREEK ROAD AND OCEAN AVENUE (FLOOD MAP 230170 0006 C) ELEVATION 46.90, N.G.V.D.
- ZONE: VILLAGE RESIDENTIAL EAST
- PARCEL: 14.36± ACRES OR 625,854.84± S.F.
- TAX MAP 21, LOT 53 A, BLOCK 3 (21-3-22 AND 21-9-52A)
- NET RESIDENTIAL DENSITY  
SITE AREA: 625,854.84± S.F.  
15% ROADS AND PARKING: (93,878.23 S.F.)  
FLOOD ZONE: (50,150.00 S.F.)  
SEASONAL POND: (4,100 S.F.)  
NET AREA: 477,726.61± S.F.  
NET DENSITY: 11.94 OR 11 RESIDENTIAL UNITS  
REQUIRED  
LOT SIZE: 40,000 S.F.  
FRONTAGE: 100' MIN.  
FRONT SETBACK: 20' MIN.  
SIDE AND REAR: 15' MIN.
- BULK STANDARDS:  
LOT SIZE: 40,000 S.F.  
FRONTAGE: 100' MIN.  
FRONT SETBACK: 20' MIN.  
SIDE AND REAR: 15' MIN.
- THIS PLAN SUPERSEDES THE PREVIOUS SURVEY PLAT RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS CONDOMINIUM FILE BOOK 472, PAGE 5, DATED NOVEMBER 6, 2003. BUILDING WINDOW AND FOOTPRINT REMOVED FROM UNITS 5 AND 6. RECORDED CONSERVATION EASEMENTS ADDED TO UNIT 5 AND 6 RESPECTIVELY. ADD UNIT 8 TO CONDOMINIUM.

- BEARINGS IN PARENTHESES ARE BASED UPON TRUE NORTH AND DEFINE THE SEWER EASEMENT DESCRIBED IN BOOK 5617, PAGE 239. THE LOCATION OF THE EASEMENT AS SHOWN HEREON IS BASED UPON A CONVERSION OF 16"-30" FROM MAGNETIC NORTH TO TRUE NORTH WHICH IS APPROXIMATE. LOCATION SHOULD BE VERIFIED PRIOR TO CONSTRUCTION OR CRITICAL DESIGN.
- THE NORMAL HIGH WATER LINE SHOWN HEREON IS AT ELEV. 6.5 AND BASED UPON THE HIGHEST DEBRIS LINE FOLLOWING THE FLOOD OF OCTOBER 1996.
- THE EXISTING BOAT HOUSE SHALL CONTINUE AS A SEASONAL USE SERVICED BY A TEMPORARY WATER CONNECTION AND APPURTENANT TO UNIT 6.
- NEHOC LANE AND TIMBERLEDGE LANE SHALL REMAIN PRIVATE ROADS AND SHALL NOT BE ELIGIBLE FOR TOWN ACCEPTANCE AS A CONDITION OF THIS APPROVAL. ANY FUTURE SUBDIVISION OF THIS PROPERTY AND OR REQUEST BY THE OWNER(S) TO REQUEST TOWN ACCEPTANCE OF THESE LANES (ROADS) SHALL REQUIRE APPROVAL OF THE PLANNING BOARD.
- INGRESS AND EGRESS: EACH UNIT OWNER SHALL HAVE AN EASEMENT, SUBJECT TO ANY RULES OF THE CONDOMINIUM EXECUTIVE BOARD, FOR VEHICULAR, PEDESTRIAN AND OR EMERGENCY VEHICLE INGRESS OR EGRESS FROM THE ADJOINING PUBLIC STREET OVER COMMON ELEMENT AREAS TO INDIVIDUAL UNITS AND OR COMMON AREA ELEMENTS, EXCLUSIVE OF THE PIER AND BOAT HOUSE.
- UNIT SEVEN AND PROPOSED UNIT EIGHT SHALL BE SERVICED BY UNDERGROUND UTILITIES FOR ELECTRIC, TELEPHONE AND CABLE.
- NO FIELD SURVEYING OR UPDATING DONE BY OWEN HASKELL, INC. SINCE 2004.

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
IRON PIPE/IRON ROD	● I.P.F. ● I.R.F.	
DRILL HOLE	● D.H.	
MANHOLE	○	
UTILITY POLE	⊗	
STONE WALL	⊞	
CONTOUR	20	
WATER LINE	EW	
SEWER LINE	ES	S
OVERHEAD ELECTRICAL	EOE	
SITE LIGHTING	●●	

PLAN REFERENCES

- STANDARD BOUNDARY SURVEY, TAX LOTS U-9-52 & U-9-53B, FROST LANE AND TURBAT'S CREEK ROAD, KENNEBUNKPORT, YORK COUNTY, MAINE, RECORDED IN REGISTRY OF DEEDS IN PLAN BOOK 213, PAGE 29.
- A PORTION OF THE FROST AND EATON PROPERTY IN KENNEBUNKPORT, MAINE, FEBRUARY 1988, RECORDED REGISTRY OF DEEDS IN PLAN BOOK 158, PAGE 14.
- COMPILATION PLAN OF LAND LOCATED IN KENNEBUNKPORT, MAINE, PREPARED FOR T.C.Y.C. TRUST DATED DECEMBER 1988 (REV. 2/6/89) BY CYR ENGINEERING SERVICES, INC.
- PLAN OF LOTS OWNED BY CHARLES W. SCHMIDT AND ANNIE S. HACKETT DATED OCTOBER 26, 1938 AND RECORDED IN BOOK 28, PAGE 12.
- TOWN OF KENNEBUNKPORT SEWER DISTRICT PLANS.
- PLAN FOR T.C.Y.C. RESERVATION, INC. DATED 1961 BY THOMAS J. OBER RECORDED IN PLAN BOOK 40, PAGE 19.

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	28°14'58"	150.00	73.96	73.21	S87°04'56"E
C2	28°06'19"	100.00	49.05	48.56	S87°00'38"E

No.	Bearing	Distance
L1	S50°17'47"W	50.00'
L2	N41°27'41"W	64.65'
L3	N35°09'45"W	35.63'
L4	S70°24'22"W	40.00'
L5	N26°32'43"W	48.00'
L6	S86°18'42"E	29.95'
L7	N86°18'42"W	52.67'
L8	N29°17'48"W	17.61'
L9	N29°17'48"W	12.35'
L10	N26°32'43"W	7.01'

N/F  
HENRY, CHRISTIAN O.  
AND CHRISTA P.

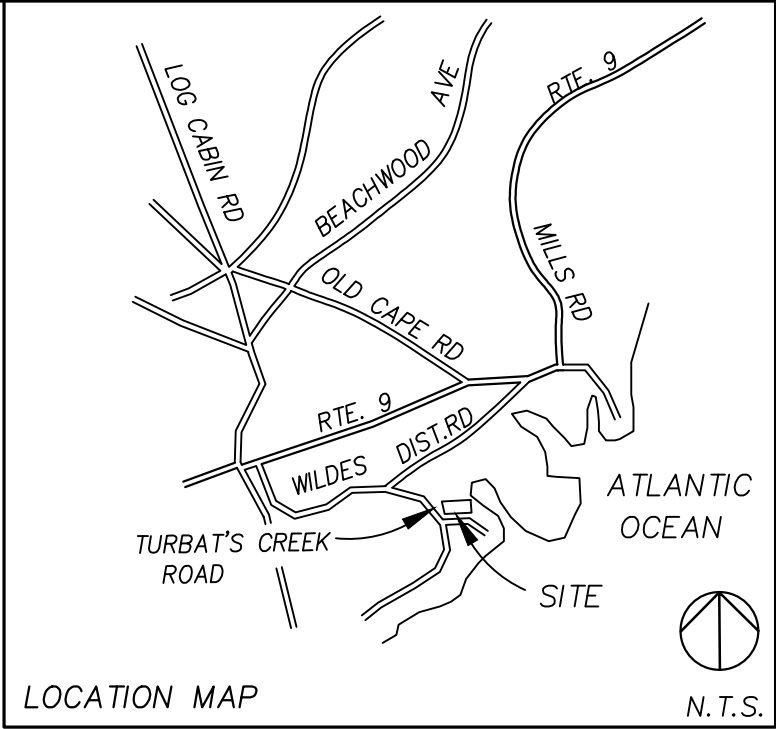
REGISTRY BLOCK  
State of Maine  
York County  
Registry of Deeds

Received \_\_\_\_\_ 2020  
At H M M and Recorded  
In Condo File \_\_\_\_\_ Page \_\_\_\_\_  
Attest: \_\_\_\_\_  
Registrar

Prepared For:  
**Owner:**  
TURBAT'S CREEK PRESERVE  
CONDOMINIUM ASSOCIATION, INC.  
c/o John L. Richard  
31 McLellan Road  
Gorham, Maine 04038

**Applicant:**  
KPORT TRUST, LLC  
3 Tower Field Road  
Lincoln, MA 01733

Prepared By:  
**MITCHELL & ASSOCIATES**  
Landscape Architects  
The Staples School  
70 Center Street  
Portland, Maine 04101  
Tel: (207) 774-4427  
**OWEN HASKELL, INC.**  
Land Surveyor  
390 US Route 1, Suite 10  
Falmouth, Maine 04105  
Tel: (207) 774-0424



TURBAT'S CREEK  
PRESERVE CONDOMINIUM  
29 Nehoc Lane  
Kennebunkport, Maine

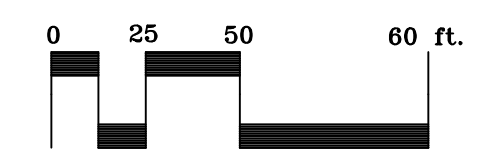
Date:  
OCTOBER 25, 2022

Revisions:

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Title:  
MINOR SUBDIVISION  
AMENDED SURVEY PLAT

Scale: 1" = 50'



North:  
Sheet No.:  
1

CERTIFICATION:

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS FOR A CATEGORY 1, CONDITION II, SURVEY WITH THE FOLLOWING EXCEPTIONS:  
1) DEED DESCRIPTION; 2) SURVEYOR'S REPORT.  
3) ALL CORNERS NOT MONUMENTED

DATE

JOHN C. SCHWANDA, PLS NO. 1252