

Kennebunkport Planning Board
September 15th, 2021 @ 6:00 PM
Virtual Meeting Via ZOOM

A virtual meeting of the Planning Board was held on Wednesday, September 15th, 2021 via the ZOOM format. The meeting convened at 6:00 p.m.

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

Approval of Minutes: Ms. Pearlmutter made a motion to approve the minutes from the September 1st, 2021 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

1. **210405 Joseph A. Rizzo** -- Preliminary Site Plan Review – **Findings of Fact** – for approval to extend the private road Campbell Lane to serve an additional 1.4-acre lot that would be created out of an existing 27-acre lot. (Beachwood Avenue, Assessors Tax Map 13, Block 3, Lot 3.) *George Lichte, Case Manager*

Mr. Lichte read the Findings of Fact into the record. Ms. Pearlmutter made a motion to approve said Findings with one minor correction for a typographical error. Mr. Mahoney seconded the motion, and the vote was unanimous.

2. **210501 Bowsprit Kennebunkport, LLC / William R. Walsh, III, PE, Authorized Agent** -- Final Subdivision Application -- **Public Hearing** -- for approval to create a 4-lot residential subdivision that will use both Route 9 and Wildes District Road as frontage for the lots. (164 Wildes District Road, Assessor's Tax Map 22, Block 3, Lot 6 in the Cape Porpoise West Zone.) *John Harcourt, Case Manager*

Mr. Boak introduced the agenda item and asked the Applicants and their agent to be promoted as Panelists.

Mr. Bill Walsh addressed the Board to provide an update since the last meeting. Some of the items Mr. Walsh noted were:

- Some minor changes were made to the stormwater report that included an adjustment to the clearing limits and calculations to provide more flexibility for the developer to develop the site.
- Added drainage arrows to the site plans
- Plans now show the driveways being graded so they pitch and drain into the vegetative areas.
- Received an updated Ability to Serve letter from the KKW Water District.

Mr. Boak asked what the status was with Acorn Engineering's review of the stormwater report. Mr. Gilliam responded the stormwater plan has been forwarded to Acorn per the Board's request and would expect to have Acorn's report well in advance of the next meeting and do not anticipate there to be anything of significance with the Application's submittal.

There were no further questions from the Board members.

Mr. Boak opened the Public Hearing.

Mr. Brad Parsons, of 163 Wildes District Road addressed the board stating the previous owners of the Applicant's property clear-cut much vegetation and trees which increased the flow of water onto their property. Mr. Parsons asked how this project will affect his lot in terms of water flow and expressed concerns about the amount of blasting anticipated. Mr. Walsh explained the blasting protocol that needs to be followed includes documenting all houses within 500 feet of the site and neighbors will be notified well in advance before any blasting occurs. To address Mr. Parsons' concerns regarding water runoff on to his property, Mr. Walsh shared the site plans on the screen, had Mr. Parsons identify where his property was located and indicated on the plans the direction the water will flow which will be away from Mr. Parson's property due to the topography of the area. Mr. Walsh also added there will be no significant changes to direction and amount of stormwater runoff. Mr. Gilliam added there is an extensive blasting notification process required along with the use of lighter charges, when possible, in more densely populated areas primarily because insurance rates have gotten more substantial.

Ms. Jenn Haas of 6 High Street addressed the Board in support of this Application adding it will improve safety coming into Cape Porpoise.

Ms. Linda Hammet Ory along with her husband Andy Ory of 165 Wildes District Road, addressed the Board to express their concerns about not being notified within in a reasonable amount of time before any blasting occurs since they are only summer residents in Kennebunkport. Ms. Ory also agreed with Mr. Parsons in his concerns over increased water runoff to cause further erosion.

Mr. Boak asked Mr. Gilliam if there was anything the town offices could do as far as notifications for summer residents. Mr. Gilliam explained the town sends notices out to the addresses that are on record, and this is the same address that your property tax bill goes to. The town's system does not have the ability to maintain multiple addresses for folks, Mr. Gilliam added, but are happy to process a change of address.

Mr. Francis asked how much lead time is allowed for notifications for blasting. Mr. Gilliam responded by the time his office receives the applications for blasting, notifications have been sent out well in advance to owners and usually the pre-blast surveys have been done before we get proof of notice. Mr. Gilliam continued the town requires the Applicant to show proof of certified mailing and require copies of the green cards you typically see and show those have been sent to the address the town has on record. Practically speaking, Mr. Gilliam added, he likes to see a 10-day lead time on them just to make sure there's been adequate time for those to be sent out.

Ms. Goldenfarb stated earlier in the spring she went around the area and met most of the neighbors who were home at the time and offered to provide her contact information to keep in touch to make sure the Ory's and Parsons are aware of the progress on their property should this Application be approved.

Mr. Walsh offered for the contractor to go around to the neighbors as well as the Applicants once the construction schedule is more defined and they know when things are going to happen. Mr. Gilliam added the pre-blast survey work required by the insurance companies usually happens well in advance of the time before the town offices receives the permit application; so the irony of it is most of the time the neighbors know that blasting is going to happen before our office does. Mr. Gilliam also offered more details of what entails in a pre-blast survey typically offered by insurance companies.

There were some connectivity issues at this point of the meeting. Ms. Pearlmutter, Mr. Mahoney, Mr. Harcourt, and Mr. Gilliam were still connected and participating.

Ms. Pearlmutter suggested perhaps the Applicant could collect email addresses from abutters so they could communicate and give notice to neighbors about blasting. Mr. Gilliam agreed with Ms. Pearlmutter's suggestion adding he'd encourage an Applicant to share information back/forth outside of what the regulatory requirement is. Ms. Goldenfarb gave her email address to both Mr. Parsons and Mr. & Mrs. Ory.

Ms. Dina Sims of 9 Sandy Cove Road addressed the Board in support of the Application stating this is a thoughtful plan for the house in revitalizing a local property.

There were no further comments or questions from the viewing audience.

The Board members agreed to continue the Public Hearing to the next meeting to receive the Peer Review report from Acorn Engineering.

3. **210802 Sand Dollar Condominium / Sebago Technics, Authorized Agent - Site Plan Review - Initial Review** - 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.)

Ms. Pearlmutter introduced the agenda item.

Mr. Steve Doe of Sebago Technics addressed the Board and asked if Heather Motes representing Sand Dollar Condominiums could also be promoted to participate.

Sharing the Application documents on the screen, Mr. Doe explained in detail the proposed shoreline stabilization to continue from the existing riprap along the shoreline to protect the existing structure. Mr. Doe also shared some Google Earth photos from 2015 to the present to illustrate the extent of the erosion that has occurred.

Mr. Doe also stated the Maine Department of Environmental Protection has accepted their application and expect their signoff sometime in October, and they have received approval from the Army Corps of Engineers.

In discussing the photos of the area Mr. Doe shared, Ms. Pearlmutter commented that area is in a flood zone and asked how high the existing deck is. Mr. Doe agreed it is in a flood zone and the deck is 4.5 to 5-feet high.

Ms. Pearlmutter questioned why the agent authorization included in the Application does not specify its purpose. Mr. Gilliam commented he has reviewed the agent authorization letter does not have any objection with that format.

After confirming with Mr. Gilliam, the property is in the Resource Protection Zone, Ms. Pearlmutter asked the Applicant to indicate as such on the Application.

Ms. Pearlmutter also noted there was no deed for Unit 2 included in the Application. Mr. Doe responded he will look through all the deeds and report back to the Board.

There were no further questions from the Board members.

Mr. Lichte joined the meeting via phone connection.

Mr. Mahoney made a motion the Application is complete. Mr. Lichte seconded the motion, and the vote was unanimous. Mr. Lichte and Mr. Harcourt have voting privileges. A Public Hearing will be held at the next Planning Board meeting.

4. 210801 Vincent & Nathan Thelin / Longview Partners Authorized Agent - Preliminary 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.)

Ms. Pearlmutter introduced the agenda item and asked James Logan to be promoted as panelist.

Mr. James Logan of Longview Partners addressed the Board stating this is a single division from a previous 10-acre lot that was part of a subdivision back in 1983. Mr. Logan added this new proposed lot is at the far end of the property opposite where the barn sits and will not be accessed from the rear of the lot through property that is owned by Tim Harrington.

Mr. Logan then gave a detailed presentation highlighting their request for waivers for the following requirements: traffic study, high-intensity soil survey, hydrogeological assessment, and a stormwater management report.

Mr. Logan provided the following explanations for each waiver request:

- A copy of the curb-cut permit obtained by Vincent Thelin in June of 2004 that indicates the driveway has already been vetted by the Town for sight distance and provides adequate access for this single house lot.

- A letter from a soil scientist confirming there are no wetlands on the property and have provided a HHE200 form on the septic system design for the proposed dwelling.
- Property contains an existing dry hydrant in front of the pond on the property that the Fire Department is aware of and flushes out every season.
- Added a 100-foot well exclusion zone to the site plans.

Mr. Logan also added Army Corps of Engineers and Maine DEP permits are not required for this Application.

Ms. Pearlmutter suggested the Applicant provide larger maps to be included with the Application, specifically to aid in determining any habitat areas as well as a subdivision name and an agent authorization letter.

Referring to the hydrant and the pond, Ms. Pearlmutter stated it would be good to have a letter from the Fire Chief stating that was adequate for a single-family dwelling. Mr. Logan agreed to contact the Fire Chief to get approval.

Mr. Francis re-joined the meeting.

There were no questions from Mr. Mahoney, Mr. Harcourt, or Mr. Lichte.

Mr. Francis, Mr. Logan, and Mr. Gilliam had a lengthy discussion on the reason this Application is before the Planning Board, specifically as a Subdivision Application.

After some discussion the Board members unanimously agreed to continue this Initial Review of the Subdivision Plan to obtain the following information: dimensions of the lot, gross lot acreage and net lot acreage calculations of the property, indication on the site maps of any wetland areas, HHE200 septic plan, curb-cut approval letter, and letter from the Fire Chief.

5. **210405 Ocean Woods / Sebago Technics, Authorized Agent - Site Plan Review - Continued Public Hearing - POSTPONED AT THE REQUEST OF THE APPLICANT.** ~~For approval of a complete reconfiguration of the existing hotel/motel, by replacing the existing buildings with a new one story, 88-seat restaurant, and pool, with 30 individual one and two bedroom cottages, and a reconfiguration of the parking area to create 68 parking spaces, a new main entrance and use the existing driveway for service vehicles and employees. (71 Dyke Road, Assessor's Tax Map 37, Block 5, Lot 2 in the Goose Rocks Zone.) Ed Francis, Case Manager~~

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary