

Kennebunkport Planning Board
January 17th, 2024 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held on Wednesday January 17th, 2024 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Ms. Nina Pearlmutter (Vice-Chair), D. Scott Mahoney, Ed Francis, Larry Simmons, Michael West

Mr. West will have voting privileges for tonight's meeting.

Approval of Minutes: Mr. Simmons made a motion to approve the minutes of the January 3rd, 2024 Planning Board meeting. Mr. Mahoney seconded the motion, and the vote was unanimous.

Items:

- 1. 231202 132 Marshall Point Rd – Marshall Point Realty, LLC/Walsh Engineering Associates, Inc/Agent – Site Plan Review Application – Public Hearing** – The Applicant is seeking alterations to their existing shoreline stabilization to protect the existing structure from future erosion that has continued over time due to sea levels, increased storm severity and frequently as well as existing erosion issues (Assessor's Tax Map 31, Block 1, Lot 20 in Goose Rocks Zone). *Case Manager: Charles "Larry" Simmons*

Ms. Pearlmutter introduced the agenda item and noted Item #2 on tonight's agenda has been postponed at the request of the Applicant and will appear on the agenda in February.

Mr. Werner Gilliam of Walsh Engineering addressed the Board on behalf of Marshall Point Realty, LLC stating the property is 1.36 acres of land at the very end of Marshall Point Road. Mr. Gilliam informed the Board that Norm Chamberlain, also of Walsh Engineering is available for questions via Zoom at tonight's meeting.

Mr. Gilliam continued his summary of the Application by stating the property has approximately 500-feet of shoreline, but this project is requesting to repair and restabilize only 165-feet of that shoreline. Mr. Gilliam then provided the Board members and viewing audience with a visual presentation to provide an update on the erosion and damage sustained from the most recent storms of the past week. In that visual presentation, Mr. Gilliam provided side-by-side comparisons of the damage with what was shown at the last meeting and the current state of the shoreline property.

Mr. Gilliam explained that despite the current damage done to the shoreline, the scale and scope of this proposal has not changed.

Mr. Mahoney asked what permits they are waiting for. Mr. Gilliam replied they have filed their Natural Resources Protection Act permit and filed with the State which will notify the Army Corps of Engineers.

Mr. Francis then asked if they had any reason to believe a permit will not be granted, and when this work might begin. Mr. Gilliam responded no, there is no reason to believe a permit won't be granted and practically speaking this may be an early fall project to avoid doing any work within the bird habitat timeframe.

Mr. Simmons asked if a copy of the Permit By Rule could be included in the Application. Mr. Gilliam explained that every time a NRPA application is submitted a copy goes to the town so there is a full copy that gets submitted along with an abutter notification that happens as well.

With the most recent storms, Mr. Simmons asked if they want to reassess the size of the boulders they will use and if that would affect their Application. Mr. Chamberlain responded via Zoom that they have already sized the boulders for the storms that we are seeing today, adding that all work done will definitely be outside of the plover season.

Ms. Pearlmutter opened the Public Hearing. There were no questions or comments from the audience in attendance or on Zoom. Ms. Pearlmutter closed the Public Hearing.

Mr. Simmons made a motion to approve the Application. Mr. West seconded the motion, and the vote was unanimous. A Findings of Fact will be read at the next Planning Board meeting.

2. 231001 Wildes District Subdivision – Beachwood Development Fund, LP/Michael Tadema-Wielandt, P.E./ Agent – Preliminary Subdivision Application – Continued Public Hearing – **Postponed at the Request of the Applicant.** ~~The Applicant proposed to develop a three lot single family residential subdivision (Assessor's Tax Map 9, Block 10, Lot 23 in Village Residential Zone). Case Manager: Nina Pearlmutter~~

3. Continued discussion on the proposed Land Use Ordinance changes (LD2003)

- §240-7.1 Accessory apartments
- §240-2.2 Definitions
- §240-7.15 Affordable Housing Density
- §240-6.10 Residential Parking Standards
- §240-6.19 Dwellings

Ms. Pearlmutter introduced the agenda item noting this is mandated by the State of Maine regarding affordable housing and is required to go to a vote in July.

Ms. Pearlmutter also noted that the Growth Planning Committee is working with the town's Director of Planning Galen Weibley to make these changes and is before this Board for comments.

Mr. Weibley explained this is a state mandate that contains some impacts that might affect affordable housing and described in detail what the Growth Planning Committee discussed at their last meeting.

The Planning Board members and Mr. Weibley examined in detail each of the proposed Land Use Ordinance changes as outlined in Mr. Weibley's memo to the Town Manager and Board of Selectmen dated January 17th, 2024.

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

Submitted By: Patricia Saunders, Planning Board Recording Secretary