

THE SPACE ABOVE IS RESERVED FOR PURPOSES OF RECORDATION

**KENNEBUNKPORT PLANNING BOARD
FINDINGS OF FACT AND DECISION**

**APPROVAL OF FINAL SUBDIVISION APPLICATION
HERITAGE WOODS SUBDIVISION
KENNEBUNKPORT, MAINE**

**To establish a four lot subdivision to be known as Heritage Woods, Main Street,
Kennebunkport, ME 04046.**

Following a Review pursuant to the Kennebunkport Subdivision Regulations and Land Use Ordinance and a Public Hearing held on October 7, 2020 and concluded on October 21, 2020, the Kennebunkport Planning Board grants the following approval:

FINDINGS OF FACT ARE AS FOLLOWS:

1. The property is located in the Cape Porpoise West Zone, Main Street, Kennebunkport.
2. The Applicant is Kennebunkport Heritage Housing Trust 2, P.O. Box 233, Kennebunkport, ME 04046.
3. The Applicant has authorized Sebago Technics, Inc., 75 John Roberts Road, Suite 4A, South Portland, ME 04106 to act on their behalf. Sebago is represented by Mr. Stephen Doe.
4. The property is identified as Map 22, Block 9, Lot 21 on the Municipal Assessor's Maps.
5. The owner has demonstrated a legal interest in the property by providing a copy of a Warranty Deed recorded in the York County Registry of Deeds, Book 17993, Page 771, dated June 13, 2019.
6. The Maine Department of Transportation has agreed to vacate their easement on the property. On 22 September 2020, the Kennebunkport Board of Selectmen confirmed discontinuance of any interests in the original Route 9 right of way.

7. The property, the former town skating rink, is comprised of 4.47 acres, more or less, of land. The applicant is proposing to build affordable housing on the property.
8. In a Final Application dated Aug 5, 2020, the Applicant proposes to divide the property into four (4) lots. Two of the lots with 20,573 and 25,304 sq.ft more or less will have single family houses, and the other two lots with 30,044 and 32,974 sq.ft. more or less will have duplex units, for a total of 6 housing units.
9. The total open space provided is approximately 40,700 sq.ft.
10. The Applicant proposes a new private road with a hammerhead turnaround to support lots 3 and 4, with a hammerhead turnaround. This road "Briggs Way" is compliant with the private right of way specification is 12.2.B.2.f of the Subdivision Regulations. The applicant has stated that they have no intention of applying to make this road public.
11. The Board concurs with the Applicant's proposal to deviate from the Subdivision Regulations article 7.2.D.13 which requires a hydrological assessment, since the site and surrounding properties are served by public water, and the topography of the land slopes internally which prevents any nitrate plumes from flowing off the property. This waiver was approved by the Board during the hearings on the Preliminary Subdivision Plan.
12. The Board agrees that the Applicant may deviate from section 12.2.B.2.f of the Subdivision Regulations in that lots 1 and 2 will have a shared driveway. This waiver was approved by the Board during the hearings on the Preliminary Subdivision Plan.
13. Individual septic tanks will be provided for the six dwelling units, with shared leaching fields for the two duplex housing units.
14. All lots will be connected to the Kennebunk, Kennebunkport, and Wells public water supply.
15. Electricity, telephone and cable utilities will be extended overhead from Main Street.
16. To minimize wild bird strikes, the applicant has agreed to ensure that double hung windows and sliding glass doors with external screens will be used in construction of the housing.
17. Approvals for the proposed subdivision have been received from the Maine Historic Preservation Commission, Maine Department of Fisheries and Wildlife, Maine Department of Agriculture and Forestry, Maine Department of Transportation, and the Maine Department of Environmental Protection.
18. The Town of Kennebunkport Fire Chief reviewed and concurs with this plan.

19. The proposed stormwater plan was peer reviewed on behalf of the Town by Acorn Engineering and appropriate modifications made as a result thereof.
20. The applicant provided an independent appraisal report from Mainland Consultants which concludes that the development will have negligible impact on property values in the neighborhood.
21. The Applicant provided evidence of adequate technical and financial capacity.
22. The Applicant provided an estimate of total project costs at \$169,441.70. Acorn Engineering peer reviewed this estimate and agrees that it covers the necessary elements of the project to be covered by the performance guarantee required from the Applicant per Article 13 of the Subdivision Regulations. Prior to start of construction, material quantities used in preparing any final cost estimate will be confirmed to align with requirements of Subdivision Regulations, Appendix R – Typical Street Cross Section.

CONCLUSION:

The criteria of Title 30-A MRSA para. 4404 and the standards of the Town's subdivision regulations have been met, subject to the conditions enumerated below.

DECISION:

In accordance with Articles 7, 8 and 9 of the Town of Kennebunkport Subdivision Regulations and Title 30-A M.R.S.A. para 4404, the Planning Boards grants approval of the Applicant's Final Plan Application.

CONDITIONS OF APPROVAL:

1. This approval must be recorded with the Registry of Deeds within 90 days of approval or it becomes null and void unless an extension is granted by the Board in writing.
2. Prior to any permits being issued or any lot being sold, the Applicant will post a performance guarantee that complies with Article 13 of the Kennebunkport Subdivision Regulations and is satisfactory to the Town Manager. The amount of the guarantee will be based on actual bids for construction.
3. The Applicant will comply with all terms and conditions of The Town of Kennebunkport Ordinances and Subdivision Regulations and of all applicable Federal and State regulations and approvals as well as those specified in the final application, all of which are incorporated herein by reference.

Dated: November 4, 2020

KENNEBUNKPORT PLANNING BOARD

By: [Signature]
Thomas Boak, Chairman

By: [Signature]
Nina Pearlmutter, Vice Chairman

By: [Signature]
D. Scott Mahoney

By: [Signature]
Edward Francis

By: [Signature]
Charles (Larry) Simmons

By: _____
George Lichte

By: [Signature]
John Harcourt

STATE OF MAINE
County of York, ss.

Date: 11/5/2020

Personally appeared before me the above-named Thomas Boak of the
Kennebunkport Planning Board and acknowledged the foregoing to be his free act and deed and the
free act and deed of said Board.

Before me,

[Signature]

Print Name: Lisa B Harmon

Notary Public / Attorney at Law, Bar #

Lisa Harmon

Notary Public, State of Maine

My Commission Expires Sept 25, 2021