

1. Planning Board Meeting Materials

Documents:

[2022-6-23 PLANNING BOARD AGENDA.PDF](#)

[APRIL 28, 2022 PLANNING DRAFT MINUTES.3.PDF](#)

[JUNE 9, 2022 PLANNING BOARD DRAFT MINUTES.1.PDF](#)



AGENDA
York Planning Board Meeting/Hearing
Thursday, June 23, 2022
7:00 PM
York Public Library

1. **Call to Order; Determination of Quorum; Appointment of Alternates**
2. **Field Changes**
3. **Public Forum**
4. **Public Hearings**
 - A. **Town of York 2022 Comprehensive Plan**

Copies of the draft plan can be found on the Town's website at:
<https://www.yorkmaine.org/DocumentCenter/Index/119> or in the Town Clerk's Office at the York Town Hall.
5. **Minutes**
6. **Other Business**
7. **Adjourn**

All meetings shall be adjourned no later than 10:30 PM, unless extended by unanimous consent of the Board.

1 **Planning Board Workshop**
2 **Thursday, April 28, 2022; 7:00 P.M.**
3 **Via Zoom**

4 **Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates**

5 Chair Kathleen Kluger called the PB (Planning Board) meeting to order at 7:00 P.M. A
6 quorum was determined with five people voting: Kathleen Kluger, Vice-chair Wayne
7 Boardman, Board Secretary Gerry Runte, Pete Smith, and Al Cotton. Alternate Ian Shaw was
8 present, but did not vote. Alternate Kenny Churchill was not present. Planning Director Dylan
9 Smith represented Town Hall staff. Patience Horton took Minutes. Votes were tallied via roll
10 call.

11 The SC (Comprehensive Plan Steering Committee) was represented by Jud Knox, Dave
12 Herbein, Troy Williams, Stephanie Kemp Byrne, Dave Webber, Mike Simpson, Roan Spencer,
13 Nan Graves, and Dave McCarthy. Planning Board members Wayne Boardman and Ian Shaw
14 doubled as members of the SC. Dylan Smith represented Town Hall staff to the SC.

15 Annie Streetman, Project Manager, and Sue Kim, Senior Planner, represented the consulting
16 firm, CivicMoxie.

17 **Field Changes**

18 There were no field changes.

19 **Public Forum**

20 Janet Drew said that per §1.6, Technical Assistance, the PB or CEO could attain services of
21 professional engineers and other consultants to review and inspect the proposals of small
22 CWF (cell wireless facility) applicants. She doubted that the PB has taken advantage of the
23 ordinance.

24 Kathleen Kluger closed the public forum and confirmed that though §1.6 gives the PB latitude
25 for small CWF applications, professional review does not apply to applications in the public
26 right-of-way. The most recent application was in the public right-of-way and, therefore, did
27 not qualify. Kathleen Kluger had read the State law into the record during a previous PB
28 meeting when Janet Drew first brought her protest of small CWFs to the PB.

29 **Delivery and Presentation of the York Comprehensive Plan Update**

30 Kathleen Kluger introduced herself as the Chair of the SC, which has been working on the
31 Plan for 13 months. Today, April 28, 2022, the master copies of the draft Comp Plan were
32 printed for the first time. The Plan contains an easy-to-read executive summary. Copies for
33 public review will be located in Planning Director Dylan Smith's office and in the library.

- 34 • Feedback incorporated in the Comp Plan came from residents' responses taken from
- 35 CompFest I, an open house, a "deeper dive," and a website organized by CivicMoxie.
- 36 • Comments were primarily about community, character, Town management, history,
- 37 and natural elements. The SC read every comment.
- 38 • Fourteen SC members attended more than 30 public meetings.
- 39 • The website garnered 6,359 visits.

- 40 • There were 2,236 comments logged.
- 41 • There were 20 social media postings, editorials, and articles.
- 42 • There were 940 community comments.
- 43 • There were 133 blue sky survey comments.
- 44 • There were 1,153 responses from the community survey taken in the fall of 2021.

45 Stephanie Kemp Byrne had written a vision statement based on the comments. “The vision for
46 the Town of York can be expressed through the passionate words spoken by the community.
47 From the spectacular forests and views from Mt Agamenticus to the brilliance of the sea,
48 York is a beautiful and unique land that is a critical piece of Maine’s coastline. Our vision
49 demands we maintain our quality of life for all York residents in the face of climate and other
50 global changes. We strive to balance the many needs of the community by continuously
51 approving the quality and diversity of York’s economy, community, housing, recreation, and
52 transportation, while at the same time preserving all our precious natural resources and rich
53 history of York. It is vital that we work together to achieve the community’s view of the
54 future.”

55 Seven chapters make up 93 pages of the main body of the Plan. Chapter Five contains all 20
56 goals and 203 strategies. Each goal has an executive summary. Appendices contain
57 background data and information, which include current conditions, future land use, and
58 details on the implementation of actions. The Plan addresses

- 59 • The residents’ vision of the town,
- 60 • Goals to maintain what is loved and shaped for the future, and
- 61 • The strategies that will help achieve the goals.

62 In delivering and presenting the York Comprehensive Plan, members of the SC took turns
63 reading goals and making comments.

64 Jud Knox spoke first.

- 65 • *Goal 1. Foster a socially and economically diverse population in the town.*
- 66 • *Goal 2. Ensure the needs of York’s increasing older adult population are met.*

67 There is a desire for more choices for smaller housing units and more entry-level homes.
68 These housing styles will serve older adults and attract young families. As an immediate
69 action, Strategy 5.4 calls for creation of a community housing committee. Representatives
70 from the BOS (Board of Selectmen), PB, York Community Services Association, York
71 Housing Authority, and others will comprise the Committee.

72 Stephanie Kemp Byrne, Chair of the Conservation Commission, spoke next.

- 73 • *Goal 3. Protect the quality and quantity of water resources in order to ensure the*
74 *safety and affordability of public and private supplies of fresh drinking water.*
- 75 • *Goal 4: Preserve, protect, and enhance all natural resources including wetlands,*
76 *wildlife and fishery habitat, sand dunes, shoreland, and forests.*
- 77 • *Goal 5: Safeguard agricultural and forest resources from development that threatens*
78 *those resources.*

79 Natural resources, especially preservation of forest, open space, and land, are the top priority
80 of the Comp Plan, and should be addressed by local and regional entities. More than 46 of the

81 203 strategies reference the preservation of natural resources. Strategy 2.6 recommends
82 establishment of an open-space conservation subdivision ordinance. Strategy 2.1 endorses
83 work with local and regional conservation organizations to identify high-priority natural
84 resources, open space, and recreational lands.

85 Mike Sinclair and Dave Webber of the Harbor Board spoke next:

- 86 • *Goal 6. Preserve, protect, and enhance marine resources, balancing competing uses of*
87 *the waterways, lakes, ponds, rivers, and other natural areas in ways to be consistent*
88 *with health and safety, economic sustainability, and conservation.*
- 89 • *Goal 7. Support the potential for responsible increased use and access to recreational*
90 *resources to meet the needs of users while maintaining protections of critical habitat*
91 *and drinking water.*

92 Marine resources include the use of harbors, beaches, parks with access to rivers and small
93 streams, boats, docks, and moorings. The York River is referenced in 14 of the 20 goals.
94 Strategies include development of an inter-disciplinary ad hoc committee to study and plan for
95 public access to the York River and other waterbodies, including increased use of Grant
96 House. BOS, PB, and Harbor Board members, plus citizens-at-large with a variety of interests
97 would comprise the committee. In the comments, townspeople also overwhelmingly remarked
98 that they have no place to park at water-access sites.

99 Dave Herbein, School Committee Chair, spoke next.

- 100 • *Goal 8. Preserve York's historic and archeological resources.*

101 Buildings, stories, archeological sites, and Museums of Old York are major Town assets and
102 tell the story of the history of York and the State. Protection of those resources that are
103 endangered, for sale, and abandoned is key to preserving history and the Town's character.
104 Strategy 1.2 supports efforts for the Town to identify and purchase high-priority properties for
105 their protection and conservation.

106 Troy Williams spoke next.

- 107 • *Goal 9. Minimize impacts of traffic and reduce miles driven in town.*
- 108 • *Goal 10. Improve and expand York's physical and social connections.*
- 109 • *Goal 12. Management the impacts of tourism and ensure its benefits for resident.*

110 Because of limited parking, taxpayers do not always have access to the beaches and other
111 limited resources. That must change. Connection to regional destinations, travel in town, and
112 improved resident access to technology, especially cell phone reception and higher-speed
113 internet, are significant concerns of the respondents. They desire enhanced sidewalk, bicycle,
114 and pedestrian safety improvements at beaches and schools, especially for people who rely
115 less on cars. Action Item 7.1 calls for a comprehensive traffic congestion and parking study.

116 Roan Spencer, High School Senior, spoke next.

- 117 • *Goal 11. Optimize and increase resources and capacity for recreation, social*
118 *programming, and activities for York community.*

119 Recreation is very important to the quality of life in York. There is a call for a new recreation
120 facility. Respondents are split between a multi-purpose recreational space, a center for shared
121 age-groups, and a designated age-group space. Strategy 6.5 includes production of a map
122 showing recreational opportunities in York. It would include a visitor education summary that

123 highlights the importance of the protection of natural resources and provides guidelines for
124 recreational use.

125 Ian Shaw, Planning Board member, spoke next.

126 • *Goal 13. Support the retention, growth, and diversification of York's economic base,*
127 *including expansion of year-round employment, living-wage jobs, and growing*
128 *industries.*

129 • *Goal 14. Strengthen, expand, and support community-oriented opportunities.*

130 Respondents want year-round businesses with a variety of goods and services, including
131 restaurants, retail stores, recreation businesses, and health care. Big box stores and formula
132 restaurants are not wanted. Strategy 4.1 is an immediate action to establish an economic
133 development committee to discover opportunities and extend business recruitment.

134 Jud Knox spoke again.

135 • *Goal 15. Promote a variety of types and prices of housing opportunities.*

136 Policies and actions that encourage a variety of sizes, types, prices, ownership, and rental
137 opportunities will help residents live in the community throughout their lifespan and allow
138 people who work in York to live in York. Revision of York's land use policy would
139 proactively support housing production for a variety of residents as described in Chapter 6,
140 Future Land Use Plan.

141 Wayne Boardman, Planning Board Vice Chair, spoke next.

142 • *Goal 16. Prepare for the impacts of climate change.*

143 • *Goal 17. Implement policies to reduce greenhouse emissions according to the Town's*
144 *commitments.*

145 The recently-completed Climate Action Plan helps define and carry out these two Comp Plan
146 goals. Climate change was mentioned and interwoven in at least 30 of the 203 strategies. The
147 changing climate, sea-level rise, temperature rise, and more severe and numerous storm events
148 potentially threaten the quality of life, natural environments, tourism economy, tax base, and
149 people's health and safety. Strategy 8.5.9 calls for hiring or sharing a regional sustainability
150 coordinator to implement climate adaptation and mitigation.

151 Nan Graves, Budget Committee Chair, spoke next.

152 • *Goal 18. Ensure sufficient municipal facilities, infrastructure, and capacity to meet the*
153 *changing needs of the community.*

154 • *Goal 19. Improve coordination with local and regional entities and maintain, expand,*
155 *and improve partnerships among public and private groups.*

156 Public facilities and services are very important to the citizens. Respondents would like to see
157 improvement of roadways and sidewalks, Code Enforcement, recreation and social programs
158 and activities, and older adult services. Increased Town staffing and the expansion of water
159 and sewer services are widely desired. Strategy 8.5 suggests an assessment of Town staffing
160 and volunteer boards in order to gain an understanding of residents' infrastructure
161 expectations and needs.

162 Dave Herbein, School Committee Chair, spoke again.

- 163 • *Goal 20. Strive for excellence in education and learning opportunities for York school*
164 *students and residents of all ages.*

165 Surveys suggest the importance of lifelong learning and maintenance of a quality curriculum
166 and school experience, as well as supportive learning opportunities for residents of all ages.
167 There are 52 strategies for Town public facilities and services, including education. Four are
168 near-term actions for schools.

- 169 1. Strategy 8.22, to provide excellence in curriculum and public-school experience,
- 170 2. Strategy 8.23, to provide lifelong learning opportunities for all ages,
- 171 3. Strategy 8.24, to engage the broader community in school events, policies and
172 outcomes, and
- 173 4. Strategy 8.25, to evaluate current policies for community use of school facilities.

174 Planning Director Dylan Smith wrapped up the presentation.

175 *There are five drivers behind the Comp Plan.*

- 176 1. Preservation and protection of natural resources,
- 177 2. Support of a variety of housing types,
- 178 3. Encouragement of economic development including the focus on commercial growth
179 and development,
- 180 4. A balance between physical and social connectivity while managing impacts of
181 tourism and traffic, and
- 182 5. Preparation for climate change.

- 183 • As an immediate action, the zoning ordinance must be rewritten to match land use
184 goals laid out in the Comp Plan.
- 185 • Future land use must accommodate residents' quality of life, traffic impacts,
186 walkability, the aging population--all the while providing more services for families.
- 187 • Because of Kittery's extended sewer line, the workforce housing zone has been
188 expanded to the town line.
- 189 • The proposed transitional growth area extended to Pine Hill and Logging Roads will
190 feature moderate density and a mixture of commercial, industrial, and residential uses.
- 191 • The area west of the I-95 Interstate has to be protected as a natural resource gem.
- 192 • Climate change must be continually monitored.
- 193 • The Charrettes for Short Sands Road have to be carefully developed for workforce
194 housing, recreation, business, and connectivity. The May 21 vote will assure funding
195 for the Charrette.
- 196 • From 2010 to 2021, only 3% of the structures built in town were for commercial use
197 while, conversely, 95% of the structures were residential. During that period, more
198 than 50% of new development was outside the growth area.
- 199 • Future land use is the overall purpose of the Comp Plan, said Kathleen Kluger.

200 When the presentations were over, Pete Smith, Gerry Runte, and Al Cotton expressed positive
201 feedback and congratulations. Peter Smith commented that, because of staff and volunteer
202 shortages, it will hard to populate the recommended committees that are visualized.

203 SC Chair Kathleen Kluger gave personalized Lucite desk trophies to members of the SC and
204 to Susan Silberberg, the lead of CivicMoxie. PB Secretary Patience Horton was cited for
205 excellence achieved through persistence.

206 • Motion: Al Cotton moved to accept the delivery of the Draft Comprehensive Plan and to
207 move it to the first public hearing of the Planning Board on Thursday, June 23. Seconded
208 by Gerry Runte, the motion passed 5-0.

209 **Calendar**

210 5/12 CompFest II. Attendance of the entire PB is required.
211 5/12 to 6/23 Comp-on-the-Road to introduce the Comp Plan to different groups
212 6/23 The first public hearing for the Comp Plan
213 7/28 The second public hearing
214 Aug, Sep, Oct More Comp-on-the-Road
215 November Once approved by the voters, the Comp Plan will be submitted to Augusta for
216 certification.

217 **Minutes**

218 • Motion: Al Cotton moved the approve the Minutes of Thursday, April 14, 2022, as
219 amended. Pete Smith seconded the motion, which passed 5-0.

220 **In Other Business**

- 221 1. LD-2003 has been signed into law. The PB will evaluate its impact on current policies
222 and the Comp Plan.
- 223 2. Wayne Boardman has distributed information about the proposed EV ordinance
224 amendment. If the PB wishes to carry it forward, it could be heard during the public
225 hearing of June 23.
- 226 3. There is a potential zoning amendment for outdoor seating for dining purposes.

227 **Adjourn 8:50**

228 Respectfully submitted,
229 Patience G. Horton

1 **Planning Board Meeting/Hearing**
2 **Thursday, June 9, 2022; 7:00 P.M.**
3 **York Public Library**

4 **Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates**

5 Chair Kathleen Kluger called the meeting to order at 7:00 P.M. A quorum was determined with
6 five people voting: Kathleen Kluger, Vice-Chair Wayne Boardman, Board Secretary Gerry
7 Runte, Al Cotton, and Peter Smith. Alternates Ian Shaw and Kenny Churchill were not present.
8 Planning Director Dylan Smith represented Town Hall Staff for the Proposed November 2022
9 Zoning Ordinance amendments. Land Use Planner DeCarlo Brown represented Town Hall Staff
10 for the application reviews. Chris Di Matteo was the peer reviewer. Patience Horton took
11 Minutes working remotely off the stream. Votes were tallied via roll call.

12 There was a camera issue. There was no sweep or zoom. The camera could not focus on the
13 applicants' displays.

14 Applications heard tonight:

- 15 1) 115 Josiah Norton Subdivision
16 2) AT&T Small Cell—CRAN_RCTB_YORK_06
17 3) Mixed use Restaurant and Apartment Building
18 4) Elderly Housing Development

19 **Field Changes**

20 There were no field changes.

21 **Public Forum**

22 Kathleen Kluger opened the public forum without objection. No one came forward to speak.
23 She closed the public forum.

24 _____
25 **Public Hearings – Proposed November 2022 Zoning Ordinance Amendments**

26 **A. Outdoor Dining for Restaurant Uses in Town**

27 **B. Electric Vehicle (EV) Infrastructure Ordinance**

28 **Outdoor Dining for Restaurant Uses in Town**

29 In April, the Selectboard tasked the PB (Planning Board) to update the amendment for outdoor
30 dining in restaurant uses. An amendment had originally been established help restaurants
31 expand their businesses during Covid restrictions.

- 32 • Motion: Al Cotton moved to open a public hearing for outdoor dining restaurant uses in
33 town. Pete Smith seconded the motion, which passed 5-0.

34 No one came forward to speak. Kathleen Kluger closed the public hearing and opened
35 discussion. The PB members had been sent the amendment previously, and they already
36 returned suggestions and corrections to Dylan Smith. There were no additional comments.

- 37 • Motion: Al Cotton moved to forward the amendment for outdoor dining in restaurant
38 uses to the Selectboard. Gerry Runte seconded the motion, which passed 5-0.

39 **Electric Vehicle (EV) Infrastructure Ordinance**

40 The purpose of this amendment is to facilitate and encourage the use of EV (electric vehicles)
41 with EV charging stations. The amendment establishes an appropriate way of assuring that EV
42 infrastructure is in place when certain types of development are being proposed. The
43 amendment gives guidance to the municipality for installing this type of infrastructure.

44 The ordinance amendment was the influenced by the Municipal EV Readiness Toolkit put
45 together by Southern Maine Planning and Development Commission and Maine Clean
46 Communities Coalition.

47 Wayne Boardman and Dylan Smith formed the workgroup for this project and will finetune it
48 before submission to the Selectboard.

- 49 • Motion: Al Cotton moved to open the public hearing for the amendment concerning the
50 EV infrastructure ordinance amendment. Wayne Boardman seconded the motion, which
51 passed 5-0.

52 Harry Mussman represented the York Energy Steering Committee. The prior night, June 8, his
53 committee voted to endorse the proposed EV draft ordinance. The transition to EV is vital to the
54 community, he said. Appropriate charging stations must be available.

55 It had become important to add the word “universal” when describing this type of infrastructure.
56 Mr. Mussman was in favor of adding it. Dylan Smith and Wayne Boardman will work it into
57 the body of the text. It is not expected to change the meaning of the document.

58 Kathleen Kluger closed the public hearing. The PB went over the document page-by-page and
59 made appropriate changes.

- 60 • Motion: Pete Smith moved to forward the proposed ordinance for Electric Vehicle
61 Infrastructure to the Selectboard, as amended. Wayne seconded the motion, which
62 passed 5-0.

63

64 **Application Reviews**

65 **115 Josiah Norton Subdivision, 115 Josiah Norton Road**
66 **Map/Lot 0099-0052-A, owned by Richard Moody and Sons Construction Co.**
67 **Application is a subdivision for the creation of two new lots designed as an Open Space**
68 **Conservation Development.**

69 Isiah Plant, Kimbell Surveying and Design
70 Erik Saari, Altus Engineering

71 This is a two-lot subdivision that was split in 2021. The York Land Trust has agreed to handle
72 the conservation piece.

73 • Motion: Wayne Boardman moved to accept the application for 115 Josiah Norton Road,
74 Richard Moody and Sons Construction, Tax Map 99, Lot 52-A as complete for review.
75 Gerry Runte seconded the motion, which passed 5-0.

76 • Motion: Pete Smith moved to open the public hearing. Gerry Runte seconded the
77 motion, which passed 5-0.

78 No one came forward to speak. Kathleen Kluger closed the public hearing.

79 • Motion: Peter Smith moved to approve the following waivers for the application Josiah
80 Norton Road two-lot subdivision, Tax Map 99, Lot 52-A.

- 81 1) §6.3.3.a.2 Elevation Contours
- 82 2) §6.3.3.a.5 Ledge Outcropping
- 83 3) §6.3.3.a.4 Vegetation
- 84 4) §6.3.7 Grading and Landscape Design
- 85 5) §6.3.16 Undeveloped Habitat Blocks
- 86 6) §6.3.27 Sketch and Narrative Description
- 87 7) §6.3.29 Temporary Markers
- 88 8) §6.3.32 High Intensity Soil Survey
- 89 9) §6.4.6 Landscape Plan Meeting Standards of 7.17
- 90 10) §6.4.15 Soil Erosion and Sedimentation Control Plan
- 91 11) §6.4.16 Stormwater Management Plan
- 92 12) §6.4.18 List of Construction Items and Cost Estimates
- 93 13) §6.4.20 Two-foot Contour Lines
- 94 14) §6.4.28 Financial Capacity

95
96 The motion to grant the waivers was seconded by Wayne Boardman and passed 5-0.

97 • Motion: Wayne Boardman moved to approve the application for Josiah Norton Road
98 two-lot subdivision, Richard Moody and Sons Construction Co., Tax Map 99, Lot 52-A.
99 Pete Smith seconded the motion.

100 Pete Smith amended the motion to include the payment of outstanding fees. Wayne
101 Boardman accepted the amendment.

102 The motion passed 5- 0.

103

104 **AT&T Small Cell—CRAN_RCTB_YORK_06, 265 Long Beach Road**
105 **Map/Lot 0036-0096 (Within Public Right-of-Way)**

106 **Application is a Wireless Communication Facility that consists of one small cell facility on a**
107 **preplacement wooden utility pole in the public right-of-way. The small cell installation will**
108 **include: fiber optic cable(s); remote nodes in a small equipment cabinet 36” in height by**
109 **23” wide by 22” deep (1.22 cubic feet in volume) mounted to the pole at least 12’ above**
110 **ground level; an unobtrusive pole top mounted antenna measuring 24.9” long and 10” in**
111 **diameter (1.22 cubic feet); conduits and cable protectors; and an electrical meter at least 4’**
112 **above ground level as measured to the center of the meter.**

113 Attorney Michael Dolan, AT&T Small Cell

114 An original application for this project was previously approved by the PB during the summer of
115 2021. The approved application placed the SCF (small cell facility) pole on private property
116 owned by the S&SR (Sun and Surf Restaurant). The applicant had secured consent from that
117 private property owner, and everything was set to go forward on those terms.

118 However, as a condition of the permitting process, the Code Office found that the pole was
119 actually located in the public right-of-way, not on S&SR private land. If so, this situation calls
120 for a different set of conditions of the of the SCF agreement requirements. With this revised
121 application, the attorney for AT&T has prepared a totally new application that acknowledges the
122 public right-of-way. He came forward tonight to receive instructions about the next step.

123 It is uncertain who owns the land.

124 Joe Siviski, counsel for S&SR, believes the land is owned by his client.

125 • Motion: Al Cotton moved to accept AT&T Small Cell—CRAN_RCTB_YORK_06, 265
126 Long Beach Road, Map/Lot 0036-0096 (within the public right-of-way) as complete for
127 review. Wayne Boardman seconded the motion.

128 In review, Pete Smith stated that the review of the application should include the
129 requirements of §6.3 and §6.4.

130 DeCarlo Brown said Article 1.8.d of the Wireless Facilities Ordinance states “persons
131 seeking approval from the CEO or the Planning Board under this ordinance shall submit
132 an application that shall include all of the information and materials required for site plan
133 approval.”

134 Kathleen Kluger responded that, contrary to Staff’s review, the PB was not conducting a
135 site plan review.

136 • Motion: Pete Smith moved to waive the requirements for §6.3 and §6.4 with regard to
137 approval of Small Cell Wireless Facility near Tax Map 36, Lot 96. The motion passed 4-
138 1 with Al Cotton, Wayne Boardman, Gerry Runte, and Kathleen Kluger voting yes. Peter
139 Smith voted no.

140 • Motion: Al Cotton moved to open the public hearing. Wayne Boardman seconded the
141 motion, which passed 5-0.

142 Attorney Joe Siviski represented the owner of the S&SR, whose “island” was regarded as private
143 property before the designation was changed to right-of-way. Essentially, the disputed property
144 is a triangle of land functioning like an island of concrete curbing filled with mulch and a row of
145 shrubs. It is adjacent to the S&SR parking lot. He has sent a letter to the Planner showing a
146 depiction of a 1965 Dept. of Transportation right-of-way map. It is based on 1890 findings by
147 County Commissioners. The 1965 map shows that when the road was widened, the right-of-way
148 was pushed onto the disputed property. Ownership is significant to the restaurant owner, who has
149 been paying taxes on the land since at least 1979. Attorney Siviski believes that the island is not
150 in the right-of-way. He is comfortable with the approval that was issued last summer and would
151 like it to stay in place.

152 Kathleen Kluger closed the public hearing. She said that the Planning Board cannot decide the
153 legality of the ownership of the property.

154 DeCarlo Brown said it is up to the CEO to decide. The logical step is to know where the actual
155 improvement of the property is going to be. Because a survey was not included in the first
156 application, additional information will be asked to be provided at time of permitting.

157 Kathleen Kluger suggested the applicant request an extension of six months. It will give him
158 time to go to the Code Office and follow up with their instructions.

159 • Motion: Peter Smith moved to continue this application for Small Cell Wireless facility,
160 Long Beach Avenue, near Tax Map 36, Lot 96, to a date to be determined. Gerry Runte
161 seconded the motion, which passed 5-0.

162

163 **Mixed Use Restaurant and Apartment Building, 985 & 995 US Route 1**
164 **Map 94 Lot 75A and Map 30A Lots 18 & 29 owned by Andrew Q. Wang and Wendy Chan**
165 **The intent of this sketch plan is to construct a 6,352-sf building containing 125 seat**
166 **restaurant and four (4) two-bedroom apartment units.**

167 Geoff Aleva, Civil Consultants

168 There are three lots involved with this project. Two lots are proposed for the building. It will
169 have 40 parking spaces accessed from Route 1. The recently-purchased third lot is called the
170 back section. It will provide separate access to Rogers Road from the apartments.

171 The building will have municipal water from Route 1. The applicant has spoken with the York
172 Water District about a hookup. There seems to be no problem with it. There are wetlands on the
173 property that Geoff Aleva will have to work around.

174 The proposed building will to be constructed of gray Hardee Plank with green composite trim
175 (waivers needed). Stonework will be a feature on the front and sides. There are good sight lines
176 in both directions. There is room for a sidewalk but will most likely not be needed.

177

178 **Elderly Housing Development, 1 US Route 1**
179 **Map 0087, Lots 0067 & 0068, owned by James Paolini—York Harbor Builders, LLC**
180 **The intent of this sketch plan application is to construct 12 two-bedroom elderly housing**
181 **units with associated access and drainage improvements. Existing Lot 67 to be subdivided**
182 **into two parcels. (These lands are also known as Map/Lots 204/83 and 85 in the prior tax**
183 **assessing system.)**

184 Geoff Aleva, Civic Consultants

185 Jamie Paolini, York Harbor Builders

186 This is a 29-acre parcel. The developer wants to divide the parcel into two lots, the front lot and
187 the back lot. A third lot has been purchased for possible development, but it is near the
188 Kittery/York town line, which is referred to as “no man’s land.” The property lines are clearly
189 distinct, but the two towns have a continuing dispute over the nearby boundary line. Perhaps it
190 is a matter of which town gets the taxes, said Jamie Paolini.

191 Kittery has agreed to accept sewer service for the project. York Sewer District is aware of that
192 arrangement and has okayed it. Town water runs on the south side of Route 1 in that area.
193 Elderly housing is proposed for the four-and-a-half-acre front lot with one or two private
194 residences in the back. A cul-de-sac through the front lot will connect Route 1 and the back lot.
195 A subdivision is being triggered, said Chris Di Matteo. The ordinance is very clear that
196 conservation or open space is required. Geoff Aleva said he would like a waiver request to
197 provide open space for both properties combined on the back lot, if such a waiver exists.
198 As the PB discussed, for any waiver, it is up to the developer to prove that the land is not
199 suitable for acceptance from a conservation group. It has to be shown in writing that the land
200 features no valuable conservation land according to the Conservation Commission or the Land
201 Trust. Proof of an earnest effort for acceptance must be given. Who knows? Someone might be
202 interested, said Kathleen Kluger.
203 If a subdivision cannot be a conservation subdivision, it will be a subdivision with open space,
204 said Wayne Boardman.
205 Precedence shows that when land fails to be accepted by conservation groups, the developer
206 becomes responsible for maintaining open space. The open space would be established with
207 deed restrictions for the residents. They would not be able to recreate on that piece of land, and
208 there would be other restrictions, as well.
209 Chris Di Matteo said it would be smartest to put together a full parcel design of both lots
210 together. The entire parcel can be designed as an open space subdivision. Now is the time to do
211 it, he said. Calculations can be made to determine where is the best place to conserve land. The
212 project can then be phased out. The back parcel with the conserved land or open space can be
213 developed later. The applicant is not locked into the design and can always come back to change
214 the plan.
215 James Paolini referred to a failed project he had on Mountain Road for which he could not get
216 land trust interest or support. Because of that, he gave up the project. Perhaps if he had known
217 about this waiver approach, the project could have been saved, he said.

218

219 **Minutes**

- 220 • Motion: Al Cotton moved to approve the Minutes of May 26, 2022. Wayne Boardman
221 seconded the motion, which passed 4-0-1, with Chair Kathleen Kluger abstaining
222 (absent).

223 **Other Business**

224 Findings of Fact, Conclusions of Law, and Decisions
225 Planning Board, Town of York, Maine
226 Regarding an application for AT&T Wireless Communications Facility
227 Church Street Right-of-Way near Pole No. 14
228 Adjacent to Tax Map 27, Lot 48
229 The applicant is Singular Wireless, PCS, LLC

- 230 • Motion: Al Cotton moved to approve the Findings of Fact for AT&T Wireless
231 Communications Facility adjacent to Tax Map 27, Lot 48. Gerry Runte seconded the
232 motion.
- 233 In discussion, Wayne Boardman amended the motion to authorize the Chair to sign the
234 Findings of Fact. Al Cotton accepted the amendment
- 235 The motion passed 5-0.
- 236 1) The Planning Board has been asked to send a representative to the next Capital Planning
237 Committee. Ian Shaw did it for this year. A volunteer would be appreciated.
- 238 2) Al Cotton bid farewell to the Planning Board. He has served for 10 years with 16
239 different board members and four staff members. Everyone was totally dedicated to this
240 Town. He appreciated having been part of it. Board members gave him thanks and
241 praise. He will remain involved with the Short Sands project and serve on the economics
242 board, he said
- 243 Adjourn
244 10:20
- 245 Respectfully submitted,
246 Patience G. Horton