

1. Planning Board Meeting Materials

Documents:

2021-8-12 PB AGENDA.PDF
HANNAFORD DRIVE_2021.07.28_LETTER TO PLANNING BOARD - FOF
EXTENSION REQUEST.PDF
PLANNING BOARD MINUTES_JULY 22, 2021 PLANNING DRAFT..PDF
DRAFT FOF PINKS LOBSTER ROLLS SP AMENDMENT.PDF



AGENDA
York Planning Board Workshop
Thursday, August 12, 2021
7:00 PM
York Public Library

1. **Call to Order; Determination of Quorum; Appointment of Alternates**
2. **Field Changes**
3. **Public Forum**
4. **Discussion/Review-** Comprehensive Plan Update/Climate Action Plan
 - A. Update on Climate Action Plan Process
 - B. Update on Comprehensive Plan Process
5. **Discussion-** Possible Comprehensive Plan survey questions
6. **Discussion/Review-** Site Plan and Subdivision Regulations Articles 1-4
7. **Discussion-** Timeline of Open Space Subdivision Ordinance and Charettes for the York Beach Corridor District (GEROD)
8. **Review-** Findings of Fact
9. **Minutes**
10. **Other Business**
11. **Adjourn**

BEALS • ASSOCIATES INC.

2 PARK PLAZA, SUITE 200, BOSTON, MA 02116

PHONE: 617-242-1120

July 27, 2021

Dylan Smith
Planning Board
Town of York
186 York Street
York, Maine 03909

**RE: Findings of Fact Expiration Extension Request
7 Hannaford Drive
York, Maine**

VIA EMAIL – dsmith@yorkmaine.org

Members of the Planning Board:

On behalf of JHR Development, LLC., our office is writing to request an extension for conditional approval of the Findings of Fact, Conclusions of Law, & Decisions drafted for the Workforce Housing Development located at 7 Hannaford Drive in York, Maine. At the June 10, 2021 Planning Board meeting, the Board voted unanimously to approve the Workforce Housing Development project, and according to the Findings of Fact, Conclusions of Law, & Decisions document drafted thereafter:

A conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact.

Based on the above statement, the Findings of Fact is set to expire on August 9, 2021. Due to an ongoing review of the project by the Maine Department of Environmental Protection (“ME DEP”) for a Major Amendment to the original Site Location of Development Permit issued for the overall property, it is anticipated that the Amendment will not be issued prior to August 9, 2021. As a result, select conditions of approval listed within the Findings of Fact will not be satisfied for a final signature by the Planning Board Chair.

Due to the reasons stated above, we are requesting that the period of validity for conditional approval of the Findings of Fact be extended for an additional 60 days from August 9, 2021, with a date of expiration of October 8, 2021.

Findings of Fact Extension Request
7 Hannaford Drive
July 27, 2021

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We would appreciate your consideration of this request at the next available Planning Board meeting and are available to answer any questions regarding. Please do not hesitate to contact our office at 617-242-1120 or by email at bsutherlin@bealsassociates.com.

Sincerely,

Beals Associates, Inc.



Bryan Sutherlin



Benjamin Enos

Project No. C-1087

cc: Christopher Di Matteo – Long Meadow Planning & Landscape Architecture, LLC (Town of York)
Kathleen Kluger, *Chair* – York Planning Board
Wayne Boardman, *Vice Chair* – York Planning Board
Gerry Runte, *Secretary* – York Planning Board
Alfred J. Cotton, Jr. – York Planning Board
Peter Smith – York Planning Board
Kenneth Churchill, *Alternate* – York Planning Board
Ian Shaw, *Alternate* – York Planning Board
J. Hilary Rockett, Jr. – JHR Development, LLC.

1 York Planning Board Workshop
2 Meeting Minutes
3 Thursday, July 22, 2021; 7:00 P.M.
4 York Public Library
5

6 Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates
7

8 Chair Kathleen Kluger called the meeting to order at 7:00 P.M. A quorum was determined
9 with five people voting: Kathleen Kluger, Vice-chair Wayne Boardman, Board Secretary Gerry
10 Runte, Al Cotton, and Pete Smith. Alternate Ian Shaw was present, but did not vote. Alternate
11 Kenny Churchill was not present. Chris Di Matteo, principal of Longmeadow Planning and
12 Landscape Architecture, served as peer reviewer. (He determines completeness and prepares
13 applications for Board review.) Planning Director Dylan Smith represented staff. Patience
14 Horton was the recording secretary. Votes were tallied via roll call.
15

16 **Field Changes**

17 **York Beach Surf Club, 780 York Street**
18 **Tax Map 0038, Lots 0059-0069**
19 **Tim DeCoteau, Project Manager**
20

21 A field change request had been received from York Beach Surf Club. The field change
22 requested nine items change. Only two, Nos. 1 and 9, were acceptable to discharge as field
23 changes.

- 24 • Motion: Pete Smith moved to consider Nos. 1 and 9 as field changes from the York
25 Beach Surf Club, Tax Map 0038, Lots 0059-0069. Gerry Runte seconded. The motion
26 passed 5-0.
27

28 Mr. DeCoteau did not speak into the microphone when he described Item 1. His presentation of
29 Item 1 was inaudible.
30

31 For Item 9, he explained that a buffer that was changed in the approved plan was not agreeable
32 to the abutters. They wanted it kept the way it was but with a few trees added.
33

- 34 • Motion: Pete Smith moved to approve the field change requests from York Beach Surf
35 Club, 780 York Street, York Tax Map 0038, Lots 0059 and 0069. The request No. 1,
36 modular water crossing, is to be removed. Per Request No. 9, the existing landscape
37 buffer on the western side of Lot 0069 is to remain as is with supplemental bushes.
38 Wayne Boardman seconded. There was no discussion. The motion passed 5-0.
39

40 **Public Forum**
41

42 Torbert Macdonald, Fernald Avenue: One of main rights of the people is to petition their
43 government for redress of grievances. "If they don't like a piece of legislation, they have every
44 right in the world to tell you that even though it is the law of the land, it stinks."

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Secondly, he said the key thing with the elderly housing application is the intrusion on the Fernald Avenue neighborhood, which the Comprehensive Plan describes as one of the last single-family neighborhoods left in the town. The current ordinance is a threat to that. The elderly housing development will proceed because it is legal to do so.

Duplexes are fine. If done correctly, every house in our neighborhood should be able to have a duplex. This is at least six-times as potent in density as anything else that could be put there.

Section 7.1 of the Site Plan Subdivision Regs, specifically Section 1.2.9, authorizes the Planning Board to interpret ordinances and the Comprehensive Plan. The Town Attorney has ruled that you cannot deny the application on the grounds that it doesn't meet the Comprehensive Plan. I hope you will see fit to plan to remove it from its application to 1.b and 1.a. It is too much.

Torbert referred to and agreed with Chris di Matteo's review of the landscaping, where it is indicated that more plantings are needed because of the changes that suddenly appeared. Twice Torbert recommended the Board visit the site before giving final approval so that members can re-envision what is on that land in terms of plantings, with special attention to the abutters' side where understory plantings are especially needed. Because of the acoustical impact the buildings will bring, an eight-foot fence should be mandated.

He gave his thoughts about stormwater performance. The applicant has asked for a waiver of the high intensity soil survey, but I do not see how it is possible to make a rational judgement about the nature of any of the drainage and stormwater apparatus without truly understanding the complete nature of the soils and their relation to the bedrock, he said, urging the Board to mandate a high intensity soil survey in order to understand the stormwater management plan. Is what is presented adequate to the task in the modern era of storms? I think not. Imagine such storms in March, when the ground is frozen. The notion that it is going to perform just fine is misled. It is a genuine threat to public health and safety in terms of the downward slope onto Long Sands Avenue.

Chair Kathleen Kluger closed the public forum.

Application Reviews

**Pinks Lobster Rolls, 1021 U.S. Route 1
Map/Lot 0030-A-0030 owned by Toby Gardner
The intent of this application is to amend a previously approved site plan to include a food truck on site.**

The applicants introduced themselves before the microphone was on.

Chris Di Matteo said the application is complete. The applicant is adding the accessory use of a food truck to a preexisting business, Southern Maine Lobster. Code Enforcement has reviewed

89 the plan and found that it is an acceptable use. The Fire Department and Public Works have
90 provided comments without objection. The elements of the application are minimal.

91

92 The spokesperson for the application said that she originally opened the food truck in Kittery
93 but had to shut down in 2020 due to the pandemic. They are moving from a commercial spot in
94 Kittery to a spot that is more community-oriented in York.

95

96 • Motion: Al Cotton moved to accept the application for Pinks Lobster Rolls, Map/Lot
97 0030-A-0030 as complete. Wayne Boardman seconded. There was no discussion. The
98 motion passed 5-0.

99

100 • Motion: Al Cotton moved to open the public hearing for Pinks Food Truck, Map/Lot
101 0030-A-0030. Gerry Runte seconded. The motion passed 5-0.

102

103 No one came forward to speak. The Chair closed the public hearing.

104

105 The applicant explained that next to the main business, there is a former parking lot that has
106 grown over to create a grassy knoll where the food truck will be. There is parking along the
107 front and side. Southern Maine Lobster will be the source of electricity. Bottles of drinking
108 water will be brought in. Gray water will be pumped into a tank and taken back to the State-
109 approved, commercial kitchen they own, where they will discharge the water. There are
110 propane tanks bolted to the trailer for boiling lobster water.

111

112 Kathleen Kluger: Chris Di Matteo has recommended the Board discuss this application as an
113 amendment to a previously-approved site plan, instead of a revised site plan. He said there are
114 four items for conditions of approval that could be incorporated in the Findings of Fact,
115 avoiding the requirement of a new site plan.

116

117 • Motion: Al Cotton moved to approve the application for Pinks Lobster Rolls Food
118 Truck at 1021 U.S. Route 1, Map/Lot 0030-A-0030.

119

120 In discussion, Kathleen Kluger asked the Board if the four items Chris Di Matteo
121 referred to shall be addressed in the Findings of Fact. There was no discussion. The
122 board members agreed to the action.

123

124 The Chair called for a vote. The motion passed 5-0.

125

126 **York River Landscaping, 272 U.S. Route 1**

127 **Map/Lot 0059-0004 owned by 18 York Street Realty LLC**

128 **The intent of this project is to provide a sketch plan of a potential landscaping**
129 **business/garden center.**

130 **Jim Fischer, Northeast Civil Solutions**

131 **Edward Campbell, York River Landscaping**

132

133 Jim Fischer: The applicant is proposing improvement of the site with a stormwater detention
134 area and better parking. There is a small wetland area. A culvert on the property is a drainage
135 swale that fills during 100-year storms. It is not a stream.

136

137 This is an established business that moved to the current address about a year-and-a-half ago.
138 There is a two-family house with a garage on the parcel, which is one-acre in size. This is a
139 seasonal business. The company of about 25 people and 15 vehicles takes care of residential
140 and commercial landscaping, lawn care, plantings, and gardens. In the winter season, they do
141 some snowplowing. Snow is not dumped on the property.

142

143 Customers do not come onto the site. It is not a garden center. In the unlikely event that they
144 do come in, they park in front. There is plenty of room for the commercial vehicles in the back.
145 They go out in the morning and come back in the evening. About half-a-dozen cars are on the
146 site during the day. Workers go directly to the work sites and park there. The house is reserved
147 for employees under a provision that they cannot keep cars there.

148

149 It is a narrow lot with 100 feet of Route 1 frontage. From Route 1, the only area that can be
150 seen is the façade of the house and the plantings in front of it. There are no signs out there
151 advertising the business, and a sign is not proposed. The abutters do not see anything that is
152 going on in the back, including bins of stocked materials. In one part, there is a 6-foot stockade
153 fence.

154

155 There is a gravel road being used that leads to the back of the property. It is not clear who owns
156 it. It provides a dynamic flow for vehicles and equipment to get to the back of the property. An
157 attorney is looking into the Right Title and Interest for using it.

158

- 159 • Motion: Pete Smith moved to open the public hearing for the application from York
160 River Landscaping, 272 U.S. Route 1, Tax Map 0059, Lot 0019. Al Cotton seconded.
161 There was no discussion. The motion passed 5-0.

162

163 Tim Kohl is an abutter at 254 Route 1, where he has lived for 40 years. The noise from the
164 property has been a huge problem. For a residential property, he said, the allowable maximum
165 daytime noise-level is 60 decibels. Measured from my deck, the noise level reaches 70
166 decibels.

167

168 The biggest culprits are frontend loaders, but large commercial blowers are used to blow debris
169 off the trucks and trailers. Small engines and vehicle motors are often left running. We can
170 hear this noise in our house even with the windows closed, he said.

171

172 Article 7 of the ordinance states our zone is intended to be primarily residential. Small
173 businesses are permitted if they fit into the quality of the neighborhood. York River
174 Landscaping has become a big business and is out of character of the mom-and-pop businesses
175 intended to operate in the zone. The business started as a home occupation that has grown into

176 a large business with a large storage and maintenance area, a dozen trucks, 10-or-more vehicles,
177 and more than a dozen small-engine machines.

178

179 Over a year ago, Tim Kohl continued, Edward Campbell, told me there is a nine-acre property
180 out toward the weigh station that is owned by Mike Lee. Apparently, Mr. Lee offered Mr.
181 Campbell to lease the acreage to move his business there. That would be an excellent way to
182 eliminate all the noise.

183

184 Citing Paragraph 3.7, Mr. Kohl asked the Planning Board to help bring the noise level and other
185 aspects of York River Landscaping's business in compliance with the ordinance or else revoke
186 their permit.

187

188 Wayne Boardman asked Mr. Kohl to submit his written remarks to the Chair.

189

190 Kathleen Kluger closed the public hearing.

191

192 Engineer Jim Fischer described York River Landscaping as a relatively benign business. He
193 will address the noise problem with Mr. Campbell. He said he would discuss expansion into the
194 nine-acre parcel owned by Mike Lee with Mr. Campbell. "You can only cram so many vehicles
195 into a particular area," said Jim Fischer. "The threshold has been reached."

196

197 Chris Di Matteo said the applicant should explore the Right Title and Interest in the use of the
198 driveway. The applicant should also define the nature of the residential use. Is it going to be
199 traditional residential use or part of the business? Code Enforcement should review the
200 intended use before the applicant returns to the Planning Board with a preliminary plan.

201

202 **Garrett Homes, LLC—Mic Mac Motel, 317 U.S. Route 1**

203 **Map/Lot 0059-0004, Owned by Kittery Indian LLC—Mark Dellapasqua**

204 **The intent of this application is to amend a previously approved sit plan by changing the**
205 **architectural appearance of one of the proposed retail business buildings.**

206 **Doug Grunert, TKR Architects**

207 **Gary Eucalitto, Garrett Homes**

208 **Matt Eucalitto, Garrett Homes**

209 **Greg Orso, Attorney of Record**

210

211 Greg Orso: I am pinch hitting for the brains behind the operation, engineer Rick Lundborn. We
212 are looking at an aesthetic amendment of the O'Reilly business. The changes are requirements
213 of the O'Reilly business. They are asking for modification of the building colors, roofline, and
214 building materials. The Sherwin Williams side that is opposite on the site remains the same.
215 We believe this design meets the ordinance.

216

217 Architect Doug Grunert: With the amended design, the entry location and fenestration around
218 the building remain the same. The building color has changed to a light tan. The construction
219 materials are a brick base with Hardee Board trim and clapboard. The façade facing Route 1

220 shows the roofline and façade, which has eight-inch bump-out articulations. The roofline is
221 articulated by dormers and secondary gables. The hip roof has architectural shingles. The
222 roofline is accentuated on the entry side by a secondary hip roof. The roof is flat for the rooftop
223 equipment, which will not be seen from Route 1.

224

225 The doorway has the red proprietary trademark of the O'Reilly brand. Every corner has a 45-
226 degree hip roof. The Route 1 side has traditional fenestration of various sizes. We stuck to the
227 Greek Revival element, which is traditionally found in New England coastal architecture.

228

229 Chris Di Matteo: This is a limited amendment. The appropriate documents have been
230 submitted. The application is complete.

231

232 • Motion: Al Cotton moved to accept the application for a previously-approved plan for
233 Garrett Homes, LLC, Map/Lot 0059-0004 as complete for the purpose of review. Wayne
234 Boardman seconded. The motion passed 5-0.

235

236 Gary Eucalitto, 55 Proprietors Lane; Torrington, Connecticut: Last February, we sent O'Reilly
237 the Planning Board-approved elevation with a 10-day turnaround period for their approval.

238 There was no response. We moved forward. They didn't get back to us until this month, July.

239 They replied that they are not going along with the elevation plans the Planning Board

240 approved. They are not walking away from the lease—not now.

241

242 O'Reilly balked at the original blue color, he added. They said it was a NAPA color.

243

244 My situation with them has created a battle for me, Mr. Eucalitto continued. We have already
245 suggested new changes, but what we are presenting tonight is what they approved. Otherwise,

246 they will not come here. They say they can live with the gable, though it is not part of their

247 branding. If they have to make other changes, they say they will walk away from it.

248

249 Al Cotton: I went through 50 years of corporate branding, and I understand what you are going
250 through. O'Reilly has a certain look, and they are updating that look now. I hope we can live
251 with it, too.

252

253 • Motion: Al Cotton moved to open the public hearing for Garrett Homes, Map/Lot 0059-
254 0004. Wayne Boardman seconded. The motion passed 5-0.

255

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

257

258 Al Cotton: Defining the New England look has been the most difficult thing I've had to deal
259 with in the 10 years I've been on the Planning Board. If we want O'Reilly here, we are going to

260 have to do what they want. I am agreeable that we can go in the direction you have here.

261

262 Wayne Boardman: I don't see anything egregious about it. I think the old design looked New
263 England-y with the gable roof, rather than a hip roof. This is a commercial building, and I don't
264 see anything wrong with it—just yet, anyway.
265

266 Pete Smith: This design is for anywhere in the United States. I don't want to see that on Route
267 1. We have worked so hard with our ordinances and meetings trying to keep everything on
268 Route 1 as much to the theme of the town as possible. A lower roofline, a cupola taken off as a
269 decoration, a flat, long, straight roofline—that's not what the ordinance calls for. These
270 changes are attacking what we believe. I don't like it. I won't vote for it.
271

272 Gerry Runte: I am not concerned about the New England side of things. When you look at
273 what's across the road on Route 1, the storage place and the motel, it will be hard to say
274 everything there has a New England look to it.
275

276 Kathleen Kluger: Maybe "resent" is too strong a word. I don't appreciate the amount of work
277 the Board undertook with the applicant for the original design. I resent that O'Reilly missed
278 their deadline and now they are telling us how to do this. That is not the appropriate use of our
279 ordinances or the relationship between the Planning Board and the applicant. The reality of the
280 situation that they might go away if they don't get their way distresses me on several different
281 levels. I don't want York to miss out. I hope we can make a compromise.
282

283 Dylan Smith: When the Planning Board had previously gone through the process with this site
284 plan, you looked at the collective whole, the two buildings together. There has been significant
285 conversation about "best faces forward," and what that meant. There was a lot of work done to
286 get to that design and approval for those two buildings together. It captured the New England
287 feel. The original design looked great and it fit in. This does not.
288

289 Greg Orso: If this was the first plan, we wouldn't have a lot of resentment with this. We have
290 to determine if they are getting a fair review under the ordinance. How does an applicant know
291 what "New England" is?
292

293 Pete Smith: This does not meet 6.3.13.
294

295 Wayne Boardman: I think we should send it back and ask the applicant to try and negotiate a
296 more compatible design. We have had several of buildings with flat rooflines approved in the
297 last couple of years, like the marine building on Route 1.
298

299 Dylan: We changed the ordinance after the marine approval so now roofs have to be peaked.
300

301 Greg Orso: My client is doing his best to try to accommodate a difficult situation here.
302

303 Al Cotton: I don't think sending it back for a redesign is necessary. I think we can live with
304 this.
305

306 Chair Kathleen Kluger: Is there a motion to either approve, deny, or continue the application as
307 an amendment to a previously-approved plan?
308

- 309 • Motion: Al Cotton moved to approve the application for Garrett Homes, Map/Lot 0059-
310 0004 site plan review. There was no second.

311

312 Chair Kathleen Kluger said that the motion to approve has failed.

313

- 314 • Motion: Wayne Board moved to continue the application for Retail Shopping Center,
315 Garrett Homes, 317 U.S. Route 1, Tax Map 0059, Lot 0004 with feedback given to the
316 applicant. Pete Smith seconded.

317

318 In discussion, Greg Orso said the Board is asking the applicant to negotiate something
319 that does not have any parameters. We need exact direction of what the bottom line of
320 this is, he said. We have not been given any ideas about what we are going to negotiate
321 with the tenant.

322

323 Kathleen Kluger: You have two choices, a motion to continue or a motion to deny. I
324 don't know what else we can offer you.

325

326 Greg Orso: The applicant has to know what it has to do other than identifying with
327 Chris di Matteo's letter. That does not give us any ideas of how we are going to
328 negotiate with the tenant who has basically said we are unable to modify things even a
329 little bit.

330

331 Kathleen Kluger: What we are saying, and it is your opportunity to take it or not, is to
332 refer to the review and see if there is anything else to come to it. This is due process.
333 Take it back to the client. If the client says we don't care what the review says and this
334 is what we want—then that's what you will tell us next time. The Board interpreted it
335 one way. They applicant has interpreted it another way. This review is bringing up
336 points that need to be discussed with your client.

337

338 Greg Orso: To be fair to the applicant, you have to be able to tell the applicant what
339 they have to do to meet the ordinance. We believe we have met the ordinance.

340

341 Pete Smith: Mr. Orso insists he wants to know the criteria. I would like to read
342 6.3.13.5.

343

344 1. *"All the construction shall have pitched roofs, which may include a gable roof,
345 hip roof, and a type of a gamble roof."* I agree, said Pete, that this has one of
346 those.

347

348 2. *"Long continuous roofs that are uniform in height shall not be permitted."*
349 Bang, said Pete. There is one right there because that is what you have, a long,
continuous roof.

- 350 3. *“Roof design for linear buildings shall use variations in pitch and height and*
351 *utilize architectural elements to add visual interest, especially when that portion*
352 *of the building is visible to the street.”* I don’t see that in this design.
353 4. *“Variations of roofline are recommended at least every twenty-five linear feet.”*
354 No, said Pete, not with this design.
355 5. *“Use of cupolas, dormers, chimneys, and other projections are not required, but*
356 *encouraged.”* It is right there in the ordinance. That is what we want to see.
357

358 Dylan Smith: The plan also has to show how it fits in with the other building on the
359 site.

360
361 Kathleen Kluger: With the ordinance description that Mr. Smith just read, and with
362 the review by Mr. Di Matteo, does this fit in terms of the most opportunity for your
363 client, Mr. Orso? I think it does. I think it would circumvent due process if we just
364 made a decision now and didn’t give another opportunity to know the outcome of
365 our discussion.
366

367 Gary Eucalitto: You are saying to back to them and get a response.
368

369 Pete Smith: The motion to approve failed. That is an important piece to bring back
370 to them. There are two other options, one to continue to a date certain, or the other
371 to deny.
372

373 Kathleen Kluger: The opportunity to continue to a date certain has probably been
374 offered about 10 times.
375

376 Greg Orso: We have an architect that says the plan meets that section of the
377 ordinance. If the Town wants to rely on an additional expert, as Mr. Di Matteo
378 recommends, it would make sense to do that.
379

380 Dylan Smith: If the Board wants, I will seek the opinion of a third-party, certified
381 architect.
382

383 The Chair called for the original motion to be amended.
384

- 385 • Motion: Wayne Boardman moved to amend the motion for Garrett Homes, Map/Lot
386 0059-0004, to the date certain of August 26. Al Cotton seconded the amended motion.
387 There was no further discussion. The motion passed 5-0.
388

389 **Long Sands Village—Elderly Housing Development, 122 Long Sands Road**
390 **Map/Lot 0044-0038 owned by James Paolini**
391 **The intent of this project is to create a 10-unit elderly housing development.**
392 **Geoff Aleva, Civil Consultants**
393

394 **Jeff Paolini, Long Sands Village--York Harbor Builders**
395 **Greg Orso, Attorney of Record**

396
397 This review is continued from February 25, 2021.

398
399 Chris Di Matteo: The Board has already accepted the preliminary review. Comments have
400 been put in order.

401
402 Geoff Aleva: Because the applicant did not realize that improvements were not allowed while
403 the project is being reviewed, trees on the property were cut. They were cut in the perimeter,
404 where the buildings will be built, and where the access roads will go. Since then, surveyors
405 came in and located and marked every stump. They measured the diameter of the stump at the
406 cut and labeled the species of the trees. Some cut areas will be supplemented with additional
407 vegetation. Most trees that were cut were where buildings will be placed.

408
409 The Public Works Director has no additional comments about the project. Geoff said.

410
411 Initially the driveway came up from Long Sands Road. That has been changed to Fernald
412 Avenue, and the Sewer District is okay with making the sewer connection there. The manhole
413 and main line go through our property's parking lot. A small, residential pump station will
414 pump sewage from the existing house, and its septic system will be eliminated.

415
416 We have met with the Water District. There is a looped water main that comes off Fernald
417 Avenue and goes around the property. Water meters will be in the foyer areas that join each
418 pair of buildings, also where the tote-style trash receptacles will also go. The details of the
419 changes are included on the plan.

420
421 The landscape plan shows buffering, screening, and fencing of varying heights along the
422 neighbors' boundaries and throughout the property. It includes headlight protections. Plantings
423 will be added along the Long Sands side of the existing building. Plantings exceed the
424 requirement of the ordinance. The location of the buildings has not changed. The changes are
425 in the landscaping and the utilities.

426
427 Kathleen Kluger: Seeing that the original iteration and site alteration have changed this
428 redesign, how does the Board feel about having another site visit?

429
430 Geoff Aleva: The changes wouldn't warrant another site visit. There are no major changes to
431 the development. The buildings and the pavement stay the same. Only the utilities and the
432 landscaping have changed.

433
434 Chris Di Matteo: I disagree with the way Geoff Aleva is describing the veg-line. The actual
435 veg-line is not as depicted on the plan. Normal practice is that if you are going to do any type
436 of earth work, the likelihood is that the roots are going to be damaged. Six inches of fill has a

437 big impact on the vegetation. In doing the work, specific trees should be pinpointed and
438 preserved. To avoid certain impact, manual tools should be used in place of heavy equipment.
439

440 Kathleen Kluger: The Board always requests a review of the Home Owners' Association
441 documents for special applications such as this housing for people over 62. The documents
442 have been supplied and are in good shape. A requirement is missing. The purchaser and at
443 least one person residing on the property have to be over 62. That is also be true for a leasee.
444 Those rules have to be included in the HOA documents. In 4.3.2, Parking Areas, I encourage
445 the HOA documents prohibit overflow parking on Fernald, because it is a narrow street.
446

447 Dylan Smith: On the current plan note, it says that an encroachment of 524 square feet is to be
448 removed. Elsewhere, an encroachment of 255 square feet is brought up, but it does not say it is
449 to be removed.
450

451 Geoff Aleva: That is a patio area. We did not have that section removed. It does not impact
452 the calculations.
453

- 454 • Motion: Al Cotton moved to open the public hearing for Long Sands Village—Elderly
455 Housing, Map/Lot 0044-0038. Pete Smith seconded. The motion passed 5-0.
456

457 Kevin O'Shaughnessy said that the application should be denied. Over 100 people have seen
458 the plan, and no one found it reasonable. Even if the two units closest to Fernald Avenue were
459 removed, it would still have twice the density of a commercial project—six units instead of
460 three.
461

462 My attorneys question if the plan complies with the ordinance. Given Fernald Avenue's narrow
463 width and blind curve, my attorneys recommend citing 7.6.3 to deny access to Fernald. During
464 a previous Planning Board meeting, it was wrongly suggested that seniors do not have
465 houseguests. Houseguest will overwhelm the overflow parking that is already overwhelmed.
466

467 The site will probably require blasting. We have no confidence in the builder's ability to do it
468 safely or effectively. Our homes are in jeopardy. We urge the Board to use its discretion and
469 reject the current proposal, said Kevin O'Shaughnessy.
470

471 Katherine Mulhern, 60 Fernald Avenue: It is an inappropriate site for elderly housing with two
472 access roads. It is a very narrow road. It is a very quiet neighborhood. The project should be
473 smaller and limited to six units. Instead, we have ten units in five structures.
474

475 After it was decided that there would be no traffic study, the entrance on Long Sands was
476 removed. That means all the traffic will be going in and out along Fernald Avenue. If there are
477 only four parking spaces on site, where will people park? Pedestrians and school children
478 frequent Long Sands Road. Traffic from the Plaza already causes gridlock. I request that you
479 hire a traffic and parking study.
480

481 Rebecca Boyle, 73 Fernald Avenue: I am concerned about drainage directly onto my property.
482 I am also concerned about privacy and plantings. Screening has to be substantial, not
483 superficial. Who is going to maintain the fence? Is the adequacy of the level lip spreader
484 properly used in this application? Permeable pavers should be used in the parking areas instead
485 of pavement. The pavers allow the water to flow down and out instead of toward my property,
486 which is what the plan shows now.

487

488 Deb Demmick, 62 Fernald Avenue: I have two concerns, tying the sewage line onto Fernald
489 Avenue and blasting. Many homes have stone foundations. The initial blasting for the sewer
490 line damaged my house. Could there be a blasting study to show what could happen to our
491 homes?

492

493 Rebecca Boyle: Could you have the four buildings closest to my property staked out for your
494 site walk? I want you to see how close the buildings are going to be to my house. You will also
495 want to see the vegetation line, or lack thereof.

496

497 Chair Kathleen Kluger closed the public hearing.

498

499 Greg Orso: It is peculiar to have another site walk because vegetation is the only issue hanging.

500

501 Geoff Aleva:

502

- Police, Fire, and Public Works have reviewed the project with no comments or concerns respecting the proposed design.
- There is a fence along the common property line.
- Parking meets the ordinance for the use.
- We don't have waiver requests for this project.
- We have had peer review of the standards for the development of stormwater.
- We have provided landscape plans that meet and go above and beyond the ordinance.
- We are ready for preliminary approval tonight.

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Chris Di Matteo: The application is complete for receiving preliminary approval tonight.

512

513

- Motion: Pete Smith moved to give preliminary approval to the application for Long Sands Village, Tax Map 0044, Lot 0038, as presented. Al Cotton seconded.

514

515

516

In discussion,

517

518

Wayne Boardman: If preliminary approval is granted, what changes can still be made?

519

520

Dylan Smith: The landscaping plan can change. When they hand in final plan approval, they are supposed to hand in a detailed landscaping plan. That is when the Board makes the crucial decisions about the landscaping.

521

522

523

524 The Chair called the vote. The motion to grant preliminary approval failed. Pete Smith
525 and Al Cotton voted yes. Wayne Boardman, Gerry Runte, and Kathleen Kluger voted
526 no.

527

528 The decision was made to address preliminary approval after the site walk.

529

530 A site walk was Scheduled for August 5 @ 9:00.

531

532 • Motion: Pete Smith moved to continue the application for Long Sands Village, Tax
533 Map 0044, Lot 0038, to August 26, to review for preliminary and final approval. Gerry
534 Runte seconded. The motion passed 5-0.

535

536 **Public Hearing on Site Plan and Subdivision Regulations**

537 **Site Plan and Subdivision Regulations (fees)**

538 **Copies of the proposed amendment are available with the Town clerk at the York Town**
539 **Hall or on the Town's website at www.yorkmaine.org.**

540

541 • Motion: Al Cotton moved to open the public hearing for Site Plan and Subdivision
542 Regulations (fees). Pete Smith seconded. The motion passed 5-0.

543

544 No one was present for the public hearing. The Chair closed the public hearing.

545

546 • Motion: Al Cotton moved to approve Site Plan and Subdivision Regulations (fees).
547 Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

548

549 **Minutes**

550

551 • Motion: Wayne Boardman moved to approve the Minutes of Thursday, July 8, 2021, as
552 amended. Gerry Runte seconded. The motion passed 5-0.

553

554 **Other Business**

555

556 CompFest! is next Thursday. The Board members who are coming to assist should be there at
557 5:15 P.M.

558

559 Adjourn

560 The time was 10:30.

561

562 Respectfully submitted,

563 Patience G. Horton

564 Recording Secretary

Findings of Fact, Conclusions of Law, & Decisions
Planning Board, Town of York, Maine

Regarding an application for

Pinks Lobster Rolls

Tax Map 30-A Lot 30

Applicant

Pink Fisheries, LLC

Findings of Fact

Street address:

1021 U.S. Route 1, York Maine

Property ownership:

Tobey S. Gardner Jr.

Other parties to the application:

Southern Maine Lobster Company

Description of the existing use(s) of the property:

Commercial (seafood business and bus parking)

Description of the proposed use(s) of the property and the nature of the application:

This amendment to a previously approved plan consists of the addition of a food truck for preparation and sale of lobster rolls, accessory to the current seafood business on the premises.

Base zoning district:

Route One-4 Zoning District

Overlay zoning district(s):

None

Other relevant regulatory districts:

None

List of materials submitted at each stage of the application process:

Materials submitted for the June 24, 2021 Planning Board Meeting:

1. Application form dated 6/8/2021 and lessee and owner authorization letters dated 1/15/2020 and 7/13/2021
2. Previously Approved Plan Entitled: *Site Plan Amendment #1 Bus Parking Facility, 1021 U.S. Route 1, York Maine*. Prepared by Attar Engineers rev. date 12/15/2015. (Annotated with proposed location of food truck.

Date(s) on which the Board met to consider the application:

July 22, 2021

Date(s) on which the Board conducted a public hearing on the application:

July 22, 2021

Brief description of substantive materials and testimony received at the public hearing:

No testimony

List of public comment via letters and email.

None

List of staff and peer-review reports and Town Attorney legal opinions.

1. Compliance-review letter prepared by Long Meadow Planning & Landscape Architecture, LLC, dated July 15, 2021

Conclusions of Law

Planning Board Jurisdiction

Statutes:

None

Ordinances:

None

Site Plan and Subdivision Regulations:

Section 5.6 Revisions to Approved Plans

Permits Required:

Route One Use

Planning Board Approval Criteria

(Site Plan and Subdivision Regulations Article 1 Section 2)

This amendment does not change any of the conclusions the Planning Board made on the approval criteria for the previously approved subdivision, signed December 17 2015.

Decisions

Date Application Accepted as Complete for Review:

TBD

Waiver(s) Granted:

None

Decision(s) voted on by Planning Board:

(from 7/22/21 meeting minutes)

Motion to approve the application for Pinks Lobster Rolls, 1021 U.S. Route 1, Tax Map 30-A Lot 30.

Final Plan Approval Date:

T July 22, 2021

Conditions for Final Approval:

1. Payment of all outstanding fees;

Expiration Date (if conditions are not satisfied):

"A conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact."

Chair, Planning Board

Date