



41 The applicant had produced a 2018 letter from the Maine Historic Preservation stating there are  
42 no historical or archaeological impacts to the property. The applicant has been instructed by the  
43 peer reviewer, Chris Di Matteo, to go back to the State and reaffirm the status, which has been  
44 done. The official reply will take up to 30 days.

45 The High Intensity Soil Survey and High Intensity Soil Survey Map can be waived by the  
46 Board. A waiver request is on Page 31 of the application.

47 Chair Kathleen Kluger said that the Planning Board members not present for the previous  
48 review of this application, Al Cotton and Wayne Boardman, should have reviewed the Minutes  
49 or watched the recording of the meeting to be eligible to vote tonight. Al Cotton attested he had  
50 watched the video, and Wayne Boardman attested he had done both.

51 • Motion: Al Cotton moved to accept the application for preliminary review. Wayne  
52 Boardman seconded the motion.

53 In discussion, Peter Smith said it appears there is enough content in the application to  
54 accept the application for both preliminary and final approval. DiCarlo Brown  
55 recommended focusing on preliminary review. There are a number of items that are  
56 outstanding for final. There is also an email from the Code Office stating there are  
57 outstanding Code questions that need official interpretation.

58 The motion passed 5-0.

59 • Motion: Al Cotton moved to open the public hearing. Peter Smith seconded the motion,  
60 which passed 5-0.

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

62 Chris Di Matteo went over the outstanding comments from his peer review letter.

63 He advised the Planning Board to reevaluate all the waivers instead of carrying them over from  
64 the previously-approved plan.

65 The applicant has proposed that the restaurant is an accessory use, making it subordinate to the  
66 principal hotel use. It has not been proven that the dimensional standards in the Shoreland  
67 Overlay District can accommodate more than one non-residential principal use. Code  
68 Enforcement is being consulted to determine the decision.

69 Geoff Aleva has met with CEO Amber Harrison. The frontage requirement in the ordinance is  
70 the issue. There is plenty of land area for the two uses, he said. Where 200 feet are required,  
71 there are 350 feet.

72 Kathleen Kluger commented that the Shoreland Overlay requires 40,000 square feet per use,  
73 and this lot area has 95,000 square feet.

74 The existing conditions have to be clearer. A separate document has to be submitted to reflect  
75 existing conditions on both sides of the property.

76 There is no updated information about lot coverage on the west side of Nubble Road. According  
77 to Geoff Aleva, the west side of Nubble Road has never had a site plan. No permits have been  
78 pulled for the buildings there. The Planning staff and Code Enforcement will review what lot  
79 coverage existed in the past or exists now. They will determine what has been legally

80 developed. According to Geoff Aleva, eventually the west side, including the Brown's Ice  
81 Cream building, will be incorporated into one lot and all the lots, including the innkeeper's  
82 house, will be shown on one plan.

83 It has to be clear that the inn-keeper's residence is a non-residential use.

84 One parking lot that has been reworked. Boulders have been moved, and the amount of parking  
85 has been reduced. The parking study has to be brought up to date.

86 Additional landscaping information is needed for the area with 16 parking spaces. The road into  
87 it has been narrowed to less than 24 feet.

88 The location of the dumpster enclosure has to be reflected on the plan.

89 Does the ADA-accessible parking across the street recognize the intent of the law? ADA  
90 parking guidelines are guided by intent, and are not numerical. The regulations wo not have  
91 distance requirements between the parking spots and the buildings.

92 Parking is controlled by the hotel staff. When guests register, they are asked if they need any  
93 special accommodations. The main building is fully accessible to people parking next to it.  
94 Otherwise, valets park ADA cars in approved spaces across the street.

95 The crosswalk has been approved by DPW, but not installed.

96 The path on the ocean side from the hotel to the restaurant will be kept as flat as possible. If the  
97 slope to the restaurant does not meet regulation, a ramp will be installed. It will have rails on  
98 both sides. The plan is required to include the ADA requirements for slopes, angles, and  
99 distances.

100 Some of the vegetation and tree canopy in the Shoreland Zone have been legally cleared or  
101 displaced. There is a possibility that clearing cannot be expanded if the clearing exceeds the  
102 standard of 25% or is greater than 10,000 square feet. This is a Code issue Amber Harrison is  
103 aware of.

104 There are no pole lights. Dark-sky compliant bollard lights illuminate the pathways. Is there  
105 enough lighting to get people from Point A to Point B in the dark? Is there too much lighting?  
106 The submittal package has a lighting plan, but no photometric plan. Geoff Aleva would like to  
107 have the photometric plan waived.

108 Gorrill Palmer has emailed traffic comments to Chris Di Matteo. They are minor, and no new or  
109 major comments are anticipated.

110 There is a request to waive the soil survey in §6.3.32, which would automatically waive the soil  
111 survey map in §6.4.17.1. The Board did not object to granting the waiver, which has not been  
112 received in writing.

113       • Motion: Al Cotton moved to grant preliminary approval to Viewpoint Hotel, 229 Nubble  
114       Road, Map 0025, Lots 0193-A, 0201, 0202, 0203, 0204, 0219, 0220, 0221, 0222 &  
115       0223. Wayne Boardman seconded the motion. There was no further discussion. The  
116       motion passed 5-0.

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119 **Raydon Road Medical Facility, 66 Raydon Road**

120 **Map/Lot 0091-0009-X owned by J. Hilary Rockett, Jr.**

121 **Application is a Preliminary Plan for the development of a single-story building intended**

122 **for use as a physical therapy/rehabilitation facility to be occupied by Northeast**

123 **Rehabilitation. The proposed building is approximately 23,000 square feet.**

124 John Prochilo, Northeast Rehabilitation Hospital

125 Larry Beales, Beales Associates Engineering

126 Bryon Sutherland, Beales Associates

127 Attorney Jason Howe, JHR Development

128 During the prior hearing, the applicant did not disclose the nature of the facility. The Healthcare  
129 Regulatory Commission had not reviewed and approved the application.

130 John Prochilo, has been the CEO of Northeast Rehabilitation Hospital Network for over 35  
131 years. He oversees four other hospitals with the exact mission, all in New Hampshire. Two-and-  
132 a-half years ago, this project was approved to locate at York Hospital. The Hospital could not  
133 carry the project forward because of the strain put on it by Covid-19.

134 The facility being proposed has inpatient rehab services in a state-of-the-art setting. There will  
135 be 20 single-occupancy rooms and no outpatient services. The physical rehabilitation services  
136 will provide a healing environment for people who are fighting back from serious injury or  
137 illness.

138 The site is next to Stonewall Kitchen in the Route 1-3 Zone. The parcel is largely wetland with  
139 a vernal pool. The applicant hopes the contour plan of the wetland can be waived, a request for  
140 which has been submitted.

141 The architect strove to give the 23,000 square foot building a New England character. The  
142 project complies with zoning in the following ways.

143 A 2-acre minimum lot is required.	This lot has 8.14 acres.
144 200 feet of frontage is required.	790 feet have been provided.
145 A front-yard minimally 50 feet is required.	50 feet have been provided.
146 A side-yard setback of 30 feet required.	30 feet have been provided.
147 A rear-yard setback of 30 feet is required.	982 feet have been provided.
148 The maximum lot coverage is 75%	Lot coverage is 14%.
149 The building height allowance is 35 feet.	This is less than 35 feet.
150 Twenty-nine parking spaces are required.	49 spaces have been provided.

151 The Wildlife Habitat Analysis and Management Report emphasizes that the high value of the  
152 habitat is important to maintain. The applicant is working with DEP on the report.

153 A mechanism should be put in place to protect the back portion of the property in perpetuity, so  
154 that if there is a change of use over time, that area will be protected. A distinct line outlining the  
155 vernal pool will indicate the area that will not be developed.

156 Sewer connection is made with a pump and forced main. Water service comes from the existing  
157 water main on Raydon Road. Fire protection has been overdesigned; the size will be dropped

158 down, if the Fire Chief says it is possible. Electric, telephone, communications are all  
159 underground. The stormwater management system has a series of catch basins that collect  
160 stormwater runoff from the parking lot and conveys it into detention and infiltration facilities.  
161 Landscaping utilizes existing material. Removal of existing materials in the bufferyard will be  
162 replaced with an appropriate amount in the appropriate location.

163 • Motion: Al Cotton moved to accept the application as complete. Wayne Boardman  
164 seconded the motion. There was no discussion. The motion passed 5-0.

165 • Motion: Al Cotton moved to open the public hearing. Peter Smith seconded the motion.  
166 There was no discussion. The motion passed 5-0.

167 Martin Meyers has a house nearby, at Three Cranberry Lane. The rehab hospital does  
168 not fit into the area, he said. There will be an impact on traffic. Traffic from the Davis  
169 property will add to the congestion. Traffic cuts through Stonewall Kitchen to reach  
170 Spur Road. If something happens to the vernal pool, it will have a disastrous effect on  
171 Duck Pond and the Ice Pond.

172 Commenting that no external communication had been received, Chair Kathleen Kluger  
173 closed the public hearing.

174 Chris Di Matteo went over the outstanding comments from his peer review letter.

175 Per Article 5, parking is not permitted in the 50-foot front setback, as shown on the plan. This is  
176 a problem with frontage and setbacks, and it has become the subject of conversation with CEO  
177 Amber Harrison.

178 According to DeCarlo Brown, Amber believes a pin on the curve, represented by a stake, has  
179 been determined by the surveyor. The pin can be used to the front-yard from the side-yard. The  
180 location of the stake establishes a 20-foot side-bufferyard and a 50-foot side-setback. These  
181 distances are acceptable to enable the parking scheme the applicant has proposed.

182 Amber Harrison's April 8 email reads, "The buffer area is for the entire front setback, and as  
183 there is no pin delineating the side line, the buffer should be continued along Raydon Road."

184 The dimensional requirements have to demonstrate that §5.2.4.g has been met. If Code does not  
185 agree with the final interpretation, the parking lot will have to be redesigned.

186 The requirement for §10.h performance standards detailing glare and lighting has not been met.

187 Some of the trees in the bufferyard might be lost during construction. What can and cannot be  
188 saved have to be specified on the existing conditions plan, which also must include a survey of  
189 the 24-inch trees.

190 A review conducted by McMann Associates on behalf of the applicant shows the use is  
191 analogous to a nursing home, rather than a doctor or dentist's office. Larry Beales will compile  
192 empirical data from the four other hospitals to make sure the parking is not being overbuilt.

193 A traffic assessment has been prepared and submitted to Gorrill Palmer for comment.

194 There is a trail through the woods, which is private property. No further comments were made  
195 about the trail.

196 The fence that is on the property will be taken down.

197 As directed by the Planning Board, the applicant approached Stonewall staff about use of their  
198 driveway. There was no progress in the conversation.

199 • Motion: Peter Smith moved to continue the application for Northeast Rehabilitation  
200 Hospital, 66 Raydon Road, Tax Map 91, Lot 9-X, to May 26, 2022. Wayne Boardman  
201 seconded the motion.

202 In discussion, Peter Smith asked that, for the purpose of consistency, the applicant use  
203 the Map/Lot 0091-0009-X, instead of the alternative map and lot numbers they were  
204 using.

205 The motion passed 5-0.

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207 **AT&T Small Cell—CRAN\_RCTB\_York\_06, 14 Church Street**  
208 **Map/Lot 0027/0049 (Within Public Right-of-Way) owned by Central Maine Power/Town**  
209 **of York.**

210 **Application is a Wireless Communication Facility that consists of one small cell facility on**  
211 **an existing wooden utility pole in the public right-of-way. The small cell installation will**  
212 **include: fiber optic cable(s), remote nodes in a small equipment cabinet 39” heigh by 23”**  
213 **wide by 15” deep (7.5 cubic feet in volume) mounted to the pole at least 12’ above ground**  
214 **level.**

215 Michael Dolan, AT&T Small Cell

216 Chair Kathleen Kluger had received several communications from townspeople asking to defer  
217 this application due to a pending ballot question. She went on record to say this application does  
218 not apply to the ballot question coming up in May. The Planning Board has no option to defer  
219 the application. It is State and Federal law that the Town allows small, wireless facilities,  
220 notwithstanding any zoning or land use ordinance to the contrary. A small wireless facility must  
221 be a permitted use within the public right-of-way subject to permitting requirements and duly  
222 adopted, non-discriminatory conditions. Even if this application happened at a time when or if  
223 that ballot question passed, the Planning Board would still have to hear it.

224 Michael Dolan appeared on behalf of AT& T, which is licensed to operate the wireless  
225 telecommunications network in Maine. AT&T is proposing a small cell antenna installation at  
226 an existing utility pole located at 14-16 Church Street. The installation will improve the rapidly  
227 increasing demand on the network. AT&T has previously gained permission from the Planning  
228 Board to install cell facilities on Main Street, Long Beach Ave, and Stage Neck Road in York.

229 The application is complete. The applicant has provided the standards in the wireless  
230 communications ordinance in writing, including waiver requests from Articles 4 and 6 of the  
231 Site Plan and Subdivision Regulations.

232 • Motion: Gerry Runte moved to accept the application of AT&T Small Cell Facility as  
233 complete for purposes of review. Peter Smith seconded the motion, which passed 5-0.

- 234 • Motion: Peter Smith moved to open the public hearing. Gerry Runte seconded the  
235 motion. The motion passed 5-0.
- 236 Janet Drew identified herself as a retired nurse and member of York Connects. York  
237 Connects strives to “get fiber” and decrease the demand for wireless. She asked the  
238 Planning Board to exercise its authority to investigate probative data. AT&T *hopes*, not  
239 guarantees, that cell phone coverage will be improved, she said.
- 240 Kathleen Kluger read a prepared statement. “Per the Town Attorney, the Planning Board  
241 is obligated to apply the existing applicable ordinance provisions to all applications. The  
242 ordinances, in turn, are to be consistent with State and Federal law. York’s ordinances  
243 regarding wireless communications facilities are consistent with State law.”
- 244 Without objection, Kathleen Kluger closed the public hearing.
- 245 Chris Di Matteo went over the outstanding comments from his peer review letter.
- 246 This application must include a certified structural analysis report and a submission showing  
247 compliance with FCC Regulation 1.9.j.
- 248 Once complete, the Code Enforcement Officer will issue a building permit, and the Selectboard  
249 will review and approve a lease agreement.
- 250 There are two waiver requests. One is for fencing per 1.9.h. The other addresses the site plan  
251 regulation process. Cell facilities have their own regulations that supersede York’s.
- 252 Responding to Janet Drew’s comment that AT&T *hopes* to improve service, Michael Dolan put  
253 into the record that this facility *will* improve coverage.
- 254 • Motion: Peter Smith moved to approve the request from AT&T Small Cell application  
255 within the right-of-way near parcel 0027-0047 with two waivers,
- 256     ○ A waiver of Section 1.9.h regarding fencing, and  
257     ○ A waiver of the Site Plan review requirements within the Site Plan and  
258     Subdivision regulations.
- 259 Gerry Runte seconded the motion, which passed 5-0.
- 260 • Motion: Peter Smith moved to approve the application for a small cell wireless facility  
261 from AT&T located in the Church Street right-of-way, Tax Map 27, Lot 48, as presented  
262 with the following conditions.
- 263 1) That prior to signing the Findings of Fact, all outstanding fees shall be paid to the  
264 Town.
- 265 2) That Prior to the signing of the Findings of Fact, the Structural Analysis Report shall  
266 be revised to certify compliance with ANSI EIA/TIA Standard 222 entitled “Structural  
267 Standards for Steel Antenna Towers and Antenna Supporting Structures” or current  
268 revisions or versions and submitted to the Planning Director.
- 269 3) That prior to the signing of the Findings of Fact, a signed statement certifying that the  
270 WCS complies will FCC regulations as outlined in Section 1.9.j, shall be submitted to  
271 the Planning Department, and

272 4) That prior to the issuance of a building permit by the Code Enforcement, the Board of  
273 Selectmen shall review and approve a lease agreement between the applicant and the  
274 Town.

275 Wayne Boardman seconded the motion, which passed 5-0.

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277 **Minutes**

278 • Motion: Al Cotton moved to approve the Thursday, March 24, 2022, Minutes as  
279 corrected. Pete Smith seconded the motion. The motion passed 4-0-1, with Wayne  
280 Boardman abstaining.

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282 Findings of Fact, Conclusions of Law, and Decisions  
283 Planning Board, Town of York, Maine  
284 Regarding the application of Brookside Landing  
285 Tax Map 97, Lot 20-C  
286 Applicant: 1400 Group LLC

287 • Motion: Gerry Runte moved to authorize the Chair to sign the Findings of Fact for the  
288 Brookside Landing amended site plan, Tax Map 97, Lot 20-C, with the corrections as  
289 noted. Al Cotton seconded the motion. There was no discussion. The motion passed 5-0.

290 **Other Business**

291 1. There will be a formal presentation of the Comp Plan to the Planning Board during the  
292 Planning Board workshop meeting of Thursday, April 28.

293 The presentation of the Comp Plan to the public will take place Thursday, May 12, from  
294 6:00 to 8:00 P.M., at the High School. That is a Planning Board workshop meeting.

295 The Planning Board's first public hearing for the Comp Plan will be June 23. The  
296 second hearing will be July 28. The Planning Board can make comments or corrections  
297 both dates. The Planning Board will then work directly with CivicMoxie to make  
298 changes. The Steering Committee will no longer participate in editing the Comp Plan.

299 2. On June 30, 2022, Planning Board terms are up for Gerry Runte, Al Cotton, Kenny  
300 Churchill, and Kathleen Kluger. Those members should contact Diana Janetos if they  
301 wish to be reappointed. If so, they have to read PDF slides and watch the Town's video  
302 pertaining to financial disclosure.

303 **Adjourn**

304 10:15 P.M.

305 Respectfully submitted,  
306 Patience G. Horton