

**York Planning Board**  
**Thursday, January 10, 2019, 7:00 P.M.**  
**York Police Station**

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

This meeting was held at the Police Station because the Budget Committee needed television access for their meeting. Chairman Al Cotton called this application meeting to order at 7:00. A quorum was determined with four people voting: Al Cotton, Vice Chairman Peter Smith, Lew Stowe, and alternate Kathleen Kluger, who was appointed as a voting member. Wayne Boardman was absent. Patience Horton was the recording secretary. Land Use Technician/Assistant CEO Heather Ross represented staff. Planning Director Dylan Smith was not present. Gorrill Palmer provided a peer review report in the Gulf Hill subdivision matter. The meeting lasted 2.5 hours.

**Public Forum**

Peter Dutton of 23 Eureka Ave. came forth representing the neighbors of Gannon Landscaping, 632 and 650 York Street, Map /Lot: 0046-0011 and 0046-0017A, for which a lot line change was approved, 3-2, by the Planning Board on October 26, 2017.

Mr. Dutton addressed the Planning Board with the following concerns:

- The Board of Selectmen, the Town Manager, and the Town Attorney have stopped listening to the abutters regarding the increased intensity of activity at Gannon Landscaping, which intensity includes Gannon vehicles being worked on, other contractors using the site, salt being stored, and snow being stored.
- He and the other abutters attest that the Town should help them overcome the problem of this increased intensity, as provided for in Article 17.
- He contends that the Planning Board has jurisdiction over the CEO in Article 17, Change of Use, where it is stated that an existing non-conforming use may be changed to another non-conforming use, if the impact on the abutting properties is less adverse than the impact of the former use.

**Board Responses**

1. In discussion, Board Chairman Al Cotton invited Mr. Dutton to submit a letter to Mr. Cotton outlining Dutton's request.
2. Land Use Technician / Assistant CEO Heather Ross said a formal complaint should be filed with the Code Office, which would determine whether or not the use is more non-conforming.

3. She also suggested Mr. Dutton create initial wording for an ordinance change that describes parameters and restrictions on non-conforming use.

## **Field Changes**

### **731 Rte. 1; Map & Lot: 0094-0014**

#### **Boat Storage, boat hardware, machine shop**

Geoff Aleva of Civil Consultants asked for simple changes in the paving and landscaping on the previously approved plan, which the Board agreed were justified.

- Motion: Peter Smith moved to approve the field change based on the plan for 731 Rte. 1; Map & Lot: 0094-0014, as presented. Kathleen Kluger seconded. The motion passed 4-0

## **Public Hearings--Applications**

### **Faith Driveway, 124 Cider Hill Rd; Map/Lot: 0090-0009 & 0090-0009B**

**Owner: Janet R. & Niels R. Faith;**

**Applicant: Atty. Jeffrey Clark on behalf of the property owners**

**Application is for a sketch plan review for a driveway in the Resource Protection Shoreland Overlay District**

Applicant Niels Faith and Attorney Jeff Clark presented the application. Jeff Clark was the spokesperson.

The re-division of this two-lot, 27-acre parcel, features a 50-foot driveway that branches off an 800-foot right of way. The driveway must cross a resource protection area at Bass Cove Creek. The driveway is more conforming than the other possible driveway location, which goes through wetland. This route is also more convenient for the two house lots.

The Board must address § 8.3.8.5 to allow the driveway to route through Resource Protection. They must look at § 6.7.8 and § 6.7.9 to address the best locations for culverts and vegetated buffers.

The Board encouraged the applicant to follow through with the sketch plan as presented.

### **Clark & Howell Office Building, 464 US Route 1**

**Map/Lot 0048-0025 & Map/Lot: 0053-00024**

**Owner: DIJ G group, LLC**

**Applicant: Geoff Aleva on behalf of Clark & Howell and DIJ Group, LLC**

**Application is for a sketch plan review for a proposed 3-story office building**

Applicant Matt Howell and Geoff Aleva of Civil Engineer Consultants, South Berwick, presented this application. Geoff Aleva was the spokesperson.

This is a 4,040 square foot, three-story “co-working office building.” The building has small office units, starting at 100 square feet. The small office spaces are available to individuals and companies that conduct meetings too infrequently to necessitate permanent office space. Their meetings might otherwise take place “around the kitchen table.” The units will be rented out for the day, week, or full time. “It is a very trendy business model,” said Matt Howell.

The board is concerned about traffic flow on and off the property. There are many traffic accidents of cars turning left onto Rte. 1 out of properties in this area.

Fifty-four parking spaces are required. They will be situated in a heavily wooded area on an undeveloped portion of Hannaford property. Connectivity between the co-working office building, its parking lot, and Hannaford is proposed by the Board, which also wants to see the Rte. 1 sidewalk improved. All Rte. 1 zoning requirements must be met.

Chairman Al Cotton opened and closed the public hearing. No one came forward to speak.

In discussion, the Board indicated that the building must have its best face forward, even if it means placing a dummy door in its location on the Rte. 1 side, as it was with Bangor Savings.

The Board will determine if up to 10% of the outdoor space should be dedicated for recreational use, including a picnic spot, for people frequenting the site.

**Gulf Hill Subdivision, 1780 US Route 1**

**Map/Lot: 0100-0027**

**Owner: Estate of Wayne C. Perkins**

**Application is for a preliminary plan showing 52-lot cluster subdivision on 202 acres**

Applicants Jeff Jellison and Rob McKee of Century 21, Atlantic Realty, in York were present. Bill Anderson of Anderson-Livingston Engineers in York, and Tom Harmon of Civil Consultants in South Berwick were also present.

Tom Harmon was the spokesperson. He asked the Board to grant Preliminary Approval.

A Wildlife Botanist report has been made, and habitat is yet to be reviewed. The White Pine Program and the York Land Trust are “on board.” Each house lot will have its own septic system. The four driveway access loops are currently being engineered. They are referred to as “private, modified roadways” or “alternative private roads.”

The applicant expects to ask for waivers for sharpness of curves coming in, which have been modeled for fire trucks. The applicant has provided a traffic analysis to Dean Lessard at DPW. They have asked for a waiver of the traffic study. They have heard from Fish & Wildlife. They have “sat down” with DEP, and that permit is expected to have a wait.

- **Kevin Freeman**, an abutter absent tonight, has indicated through Heather Ross that he is concerned about the accuracy of the property line. He is in discussion about this with Tom Harmon.
- Motion: Peter Smith moved to accept the application as complete for preliminary review for the Gulf Hill Subdivision, 1780 US Route 1, Map/Lot: 0100-0027. Lew Stowe seconded.

In discussion, Heather Ross reviewed Gorrill Palmer’s recommendation **not** to accept the application as complete. The Grading and Landscape Design Plan is due now, but the applicant wishes to put it off because the DOT review process might change what is to be submitted. The other issues Gorrill Palmer found outstanding have more or less been solved: 24” trees, the traffic impact analysis, the fire chief letter (received), and there is an understanding that the HDC letter will eventually be delivered.

Tom Harmon interrupted the Board’s deliberation to say something uninvited about the landscape plan.

Kathleen Kluger called the vote. The motion passed, 3-1, with Kathleen Kluger opposed.

- Motion: Al Cotton opened and closed the public hearing. No one came forward to speak.

Responding to the Applicant’s request for preliminary approval, the Board would not give it without the DEP permit. They suggested the applicant return for preliminary and final approval together.

Jeff Jellison reported that the Gorrill Palmer Peer Review Report came in on January 7, 2019, three days before this hearing. He asked how he is supposed to present his case for approval if he cannot prepare for it in three days. He said he had to juggle clients because of this. The Chair apologized to Mr. Jellison and said the Planning Board will discuss and solve the problem.

**Center for Wildlife, 375 Mountain Rd**  
**Map/Lot: 0093-0025A**  
**Owner: Center for Wildlife, Inc**

## **Application is for revisions to a previously approved plan in order to incorporate changes required per Department of Environmental Protection review/approval**

Joe Mully of Ambit Engineering in Portsmouth was the spokesperson for this application. Kristen Lamb and Sarah Kern from the CFW (Center for Wildlife), and Mark Giannini of McHenry Architecture were also present.

The project was conditionally approved on May 24, 2018. Because DEP was not prepared to permit the project, CFW required a first 90-day extension. Because details had still not been finalized with ME DEP, CFW asked for and the Planning Board approved a second 90-day extension on December 13, 2018. They have since received the permit, which requires several changes.

1. A vegetated buffer on the north of a Building H must be replaced with drip-line storage under the building.
  2. Building K will be relocated from off-site to a place where other buildings are located.
  3. The free-clearing lines now meet the State requirements.
  4. The area around the educational center was intended to be cleared. A retaining wall is being built there instead.
  5. There are general notes that were revised to meet State requirements.
  6. The grading of the underdrain soil filter in the middle of the parking has been changed and updated on the plan.
  7. A level spreader that will protect a certain area from erosion has been added.
  8. The positioning of the overhead power lines will be changed to make them align better with the road.
  9. Specific notation about the significant vernal pool will be added to the plan.
  10. A detail sheet indicating the maximum amount of water filtered through the system in the middle of the parking lot will be added.
  11. The note about the PVC liner in the parking lot will be updated.
  12. Signage indicating "Slow Amphibious Crossing" will be placed in three places.
  13. There will be a removeable speed bump.
  14. The vegetable garden has been expanded to meet standards for treatment.
- Motion: Peter Smith moved to accept the amended application from the Center for Wildlife, 375 Mountain Rd., Map/Lot: 0093-0025A. Kathleen Kluger seconded. The motion passed 4-0.

The Board signed the Mylars. The Findings have not been finished. Lew Stowe asked for the DEP report to be attached to the Findings of Fact by reference.

## **Other Business**

The Chair reviewed the order of business that the board will follow when conducting public hearings (1. Applicant, 2. Planner, etc.)

## **Minutes**

- Motion: Peter Smith moved to approve the minutes for Monday, October 29, 2018, as written. Lew Stowe seconded. The motion passed 4-0.
- Motion: Peter Smith moved to approve the minutes of December 13, 2018, with minor corrections. Kathleen Kluger seconded. The motion passed 4-0.

## **Adjourn**

The meeting adjourned at 9:30

Respectfully submitted,  
Patience G. Horton  
PB Recording Secretary