

York Planning Board
Thursday, February 23, 2023, 7:00 P.M.
Zoom

1. Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates

Chair Wayne Boardman called the meeting to order at 7:00 P.M. A quorum was determined with four people voting: Chair Wayne Boardman, Vice Chair David Woods II, Board Secretary Peter Smith and Brian Trafton. Land Use Planner DeCarlo Brown represented Town Hall staff. Chris Di Matteo was the peer reviewer. Patience Horton was the recording secretary working remotely from Zoom. Votes were tallied via roll call.

2. Public Forum

Torbert Macdonald

1. The Planning Board's priority is to represent the public, not the developer.
2. The Little River should be zoned in Stream Protection.
3. The setbacks in his neighborhood are ridiculously small. Zoning change requested.

Without objection, Wayne Boardman closed the Public Forum.

3. Field Changes

There were no Field Changes.

4. Public Hearing—Stormwater Management

Kristie Rabasca, Integrated Environmental Engineering

Planning Board members edited the final draft. No substantive changes were made.

- Motion: Pete Smith moved to amend the Site Plan/Subdivision Regulations for Erosion and Sedimentation Control as written with the edits shown on the document supplied. Brian Trafton seconded. Without further discussion, the motion passed 4-0.
- Motion: Pete Smith moved to authorize the Chair to sign the amended Site Plan/Subdivision Erosion and Sedimentation Control. Brian Trafton seconded. Without further comment, the motion passed 4-0.
- Motion: Brian Trafton moved to open the public hearing for the amendment of the Site Plan/Subdivision Regulations. David Woods II seconded the motion. Without further comment, the motion passed 4-0.

No one came forward to speak. Without objection, Wayne Boardman closed the public hearing. Because it was decided that the motions were made out of order, Pete Smith was asked to consolidate and restate the first two of his three motions.

- Motion: Pete Smith moved to accept the edits shown on the Site Plan/Subdivision Regulation for Erosion and Sedimentation Control as presented in this meeting and to

authorize the Chair to sign the resulting regulation. Brian Trafton seconded. The motion passed 5-0.

5. Application Reviews

A. York Maine Town Hall Expansion, 186 York St Map/Lot 0109-0056 and 0109-1156-A owned by Town of York (Site-Plan—Preliminary/Final) The application is to renovate and expand the existing Town Hall. Site improvements including reconfiguring the building entrance, adding a performance stage and improving the site drainage. A generator, transformer and HVAC units will be located behind the existing garage.

For the Town: Lee Jay Feldman, Southern Maine Planning and Development
Commission

For the Town Hall Project: Wayne Martin, Chair, Town Hall Building Committee
Steve Blais, Blais Civil Engineers
Lita Semrau, Port City Architects

The First Parish congregation has approved the easement. The parishioners are expected to approve the warrant this Sunday. Review agents Gorrill Palmer and Kristie Rabasca have signed off. All the departments have signed off.

- Motion: David Woods II moved to grant preliminary and final approval to the York Maine Town Hall expansion project, 186 York Street, Tax Map 49, Lot 56-A. Brian Trafton seconded the motion. Without further discussion, the motion passed 4-0.

[Approval of the Findings of Fact for this project are located in this document after the Southern Maine Lobster application review.]

B. Southern Maine Lobster Company, 1021 U.S. Route 1 Map/Lot 0134-0103 owned by Gardner S. Tobey, Jr. (Amendment—Final) This application is an amendment to a previously-approved site plan and includes a 2,088 square foot addition to an existing facility.

For the applicant: Bruce Larson, Southern Maine Lobster Company

Code has deemed that the existing use is legally non-conforming, permitting the Board to allow expansion under §17.1.6.

Chris Di Matteo went over his compliance review letter with the Board and applicant.

- Motion: David Woods II moved to grant a waiver of §6.3.3. a.4, Vegetation, for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.
- Motion: David Woods II moved to grant a waiver of §6.3.7, Grading and Landscape plan that meets requirements of §7.3, for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.

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- Motion: David Woods II moved to grant a waiver of §6.3.32, High Intensity Soil Survey by a certified Maine soil scientist, for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.
- Motion: David Woods II moved to grant a waiver of §6.4.6, Landscape Plan Meeting the Standards to §7.17, as well as all Ordinance Counts, which shall be submitted for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.
- Motion: David Woods II moved to grant a waiver of §6.4.16, Stormwater Management Plan, for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.
- Motion: David Woods II moved to grant a waiver of §6.3.13.4, Exterior that is either Wood, Clapboard, Wood Shingles, Stone or Brick, for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.
- Motion: David Woods II moved to *accept* the application for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded.

In discussion, because he had used the word “accept,” David was asked to restate the motion.

- Motion: David Woods II moved to *approve* the application for Southern Maine Lobster Company, 1021 U.S. Route 1, Map/Lot 0134-0103. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.

**A. York Maine Town Hall Expansion, 186 York St [Cont.]
Map/Lot 0109-0056 and 0109-0056-A owned by Town of York**

Findings of Fact, Conclusion of Law and Decisions

Planning Board, Town of York, Maine

Regarding an application to renovate and expand the existing Town Hall

Tax Map 0109-0056 and 0109-0056-A

Applicant: Town of York

- Motion: Pete Smith moved to authorize the Chair to sign the Findings of Fact as amended in today’s meeting. Brian Trafton seconded. There was no further discussion. The motion passed 4-0.

C. Wiggly Bridge, 441 & 445 U.S. Route 1

Map/Lot 0054-0010-B, 0054-0010-C; Owner; Woods Family Inc.

(Amendment—Final) The application is an amendment to a previously-approved plan to construct two 36’ x 75’ barrel houses used for product storage, including the expansion of the existing building with associated grading and stormwater components.

Representing Wiggly Bridge: David Woods, Sr.

David Woods II
James Lowery, Fuss & O'Neill
Attorney Matthew W. Howell

Because of a conflict of interest, David Woods II recused himself from this application review. Wayne Boardman declared a quorum of three consisting of Pete Smith, Brian Trafton, and Wayne Boardman.

This application review had been continued to a date certain, today.

Holding a public hearing was optional. The Board decided not to have one.

Chris Di Matteo went over his compliance review letter with the Board and applicant.

- Motion: Pete Smith moved to continue tonight's meeting until the Board completes all the work it can do on this application, not past 10:45 P.M. There was no further discussion. The motion passed 3-0.

DeCarlo Brown read §18-A.2.d, Technical Assistance.

- Motion: Pete Smith moved to authorize the Planning Department to locate and contract with a suitable expert to measure the potential level of Baudoinia Compniacensis on the applicant property--also on three sites that are near adjacent properties that are equidistant beyond that adjacent property--and provide a report as to whether they believe the applicant property violates §6.3.4.

Before motion was seconded, Dave Woods, Sr., put on the record that he requests testing on at least 20 locations.

After discussion, Pete Smith restated his motion.

- Motion: Pete Smith moved to authorize the Planning Department to contract with a professional to determine whether or not the applicant property is creating any condition that violates Ordinance §6.3.4. Brian Trafton seconded the motion.

In discussion, Wayne Boardman asked David Woods, Sr., to submit his request for additional testing to DeCarlo Brown; the study will have to meet the requirement of what is statistically relevant.

Without further discussion, the motion passed 3-0.

Because of the time restraint, the following agenda items were put off.

**D. 192 York St Residential Conversion, 192 York St
Map/Lot 0050-0043, owned by 192 York Street LLC
(Site-Plan—Preliminary/Final) The application is to convert an existing second floor
office to residential apartment.**

**E. Gulf Hill Subdivision Amendment, 1780 U.S. Route 1
Map/Lot 0100-0027, owned by DLJ Corp.**

(Amendment—Final) The application is a revision to a subdivision/site plan for grading changes to Zoe’s Way.

5. Minutes

6. Other Business

Peter Smith moved to adjourn. Brian Trafton seconded the motion.

7. Adjourn

10:45

Respectfully submitted,
Patience G. Horton