

York, Maine
Planning Board Meeting Minutes
Thursday, February 25, 2021; 7:00 P.M.
Remote Meeting via Zoom

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

Chair Kathleen Kluger called the meeting to order at 7:00 P.M. A quorum was determined with five people voting: Kathleen Kluger, Vice-Chair Wayne Boardman, Board Secretary Gerry Runte, Al Cotton, and Peter Smith. Alternate Kenny Churchill was present but did not vote. Ian Shaw was absent. Planning Director Dylan Smith represented staff. Chris Di Matteo, principle of Longmeadow Planning and Landscape Architecture, served as compliance- and peer-reviewer. Patience Horton took Minutes. Votes were tallied via roll call. The meeting lasted two hours.

Workforce Housing Development, 5 Hannaford Drive, requested a continuation to March 25.

Field Changes

There were no field changes.

Public Forum

Kathleen opened and closed the public forum without objection. No one came forward to speak.

Application Reviews

Garage Addition/Lot Line Revision, 3 Larson Lane

Map/Lot 0086-0004-A owned by Mark Gay

Map/Lot 0086-0004 owned Nancy Swenson

The intent of this applicant is to do a lot line revision in an approved subdivision.

Gary Woods, Spokesperson

Mark Gray, Owner

Chris Di Matteo found nothing outstanding. Everything seemed to be in order.

Gary Woods: The garage addition will be off the right-hand side of Mark Gay's house. To meet the current setback, he asked the neighbor to make a lot line adjustment. The paperwork has been submitted. It shows the original plan and approval from the abutter.

- Motion: Al Cotton moved to accept the application for Garage Addition, Map/Lot 0086-0004-A and 0086-0004, as complete for purposes of review. Peter Smith seconded. The motion passed unanimously.

Pete Smith inquired if he should recuse himself since he has had a business relationship with Craig White from working on the library together. Craig White's signature appears on one of the papers. No one objected. There was no apparent conflict of interest.

- Motion: Al Cotton moved to open the public hearing for Garage Addition, Map/Lot 0086-0004-A and 0086-0004. Pete Smith seconded. The motion passed unanimously. No one came forward to speak. Kathleen Kluger closed the public hearing.
- Motion: Wayne Boardman moved to approve the lot line revision for Map/Lot 0086-0004-A and 0086-0004 owned by Mark Gay and Nancy Swenson. Peter Smith seconded. The motion passed unanimously.

**53 Rogers Road Subdivision, 53 Rogers Road
Map/Lot 0094-0083 owned by Beach Side Cove LLC
Open Space Conservation Subdivision application for 12 residential units
Gary Woods, Beach Side Cove
Norm Chamberlain Walsh Engineering**

This was continued from January 28. Due to the waiver of Article 7.6, this has been converted to a subdivision application. A deed restriction for the open space has been required. It would restrict access to the open space. The applicant offered seed money for a neutral third-party monitor whose job it would be to monitor the open space, make sure there is no encroachment, and make sure the open space is maintained. If there was any issue, it would be reported back to the Code Enforcement Officer and the homeowners' association.

Chris Di Matteo: The Board has not accepted the final plan application. The plan is now complete with regard to 6.4. The homeowners' documents have been sent out to the Planning Board members.

Gary Woods: The letter from Dean Lessard has been submitted. It states that he approves the crosswalk at the end of Drift Wood Lane at Short Sands Road.

- Motion: Al Cotton moved that the application for 53 Rogers Road Subdivision, Map/Lot 0094-0083, is complete for purposes of final review. Gerry Runte seconded. The motion passed unanimously.

Kathleen Kluger went over the Declaration of Covenants, Conditions and Restrictions. In the document, which not all the Board members had received in time to review, Gary had put a budget together for insurance, inspections, plowings (and so on). Kathleen: There has to be comment that the open space is deed restricted. It should say that there will be no common use of the open space, which is there to accommodate nature. The homeowners have to understand it is different from the common space. A qualified neutral third-party monitor "shall" be retained for inspection of the open space, and that person will provide a report. An easement has to be provided to grant easement to the open space for the third-party monitor.

Chris Di Matteo: Gorrill Palmer was looking for stormwater maintenance documents, which should be added. Norm Chamberlain: We will get those in.

- Motion: Al Cotton moved to approve the waiver request 6.3.3.2, the High Intensity Soil Survey, for 53 Rogers Road, Map /Lot 0094-0083. Peter Smith seconded. The motion passed unanimously.

Wayne Boardman: Under Lighting Ordinance 10-H, it appears it does not apply to this particular development. I will go on the record with a request that the applicant conforms to the basic requirements of 10-H for dark sky in all lighting installed, either street lighting or outdoor lighting.

Gary Wood: Anything I put in by the crosswalk or on the street will have a downlit LED, but I can't control what the customers are going to pick out.

Chris Di Matteo: The tree line around the proposed duplex appears to be cleared. Norm Chamberlain: The tree line follows the setback and is noted on the plan. We wish to provide buffer for those residents to provide them as much privacy as possible.

Pete Smith: In the Findings that have been submitted, there appears to be incorrect information about dates. The template for the formatting of the Findings will be forwarded to the applicant to follow.

- Motion: Peter Smith moved to approve Beach Side Cove, LLC, Map/Lot 0094-0083, as presented with the following conditions.
 1. Payment of all outstanding fees and establishment of a performance guarantee will be made prior to the issue of the building permit.
 2. That the proposed corrections and additions to the covenants regarding open space deed restrictions are included.

Wayne Boardman seconded. The motion passed unanimously.

Dylan asked Gary and Norm to work with Chris to make sure the final plans and documents are in line with the approval.

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

Geoff Aleva: The letter with the opinion of the Town Attorney regarding net developable acreage shows that accessways need to be deducted from the net developable area. We propose

to eliminate the driveway from Long Sands Road and modify the parking at Fernald and make site adjustments that will still allow us to stay with 10 units. That eliminates the one waiver request we had.

We are looking to go through items and be able to work with Town Staff. When you see us again, we will “have all our ducks in a row” so we can move forward with preliminary and final approval.

We have taken abutters’ comments from the last meeting. We are working on our landscaping plan. From the land survey, we learned a neighbor to the west has a driveway that extends onto this property. Mr. Paolini has offered to pay the cost of relocating and rebuilding the driveway onto their property.

The drainage issues have been addressed. We will have a pedestrian way down the steep hill to the sidewalk on Long Sands Road. Pete Smith recommended making the pedestrian access that goes down the sloped path to Long Sands Road have a railing on one side.

Kathleen Kluger requested that Gorrill Palmer doublecheck the new net developable numbers.

The waiver for 8.1.3, Lot Frontage on Two Streets, will be pulled from the application.

Dylan doublechecked that all the Board members had receive an email from Monica Kaiser.

Kathleen: We are not opening the Public Hearing tonight because there is nothing different that has happened at this point. The next time this application is on the agenda, there will be a public hearing once again. This is continued but not to a date certain. Abutters will receive notification next time it is on the agenda.

**Workforce Housing Development, 5 Hannaford Drive
Map/Lot 0053-0024 owned by Hannaford Bros.
The intent of this project is to develop a three-story, 63-unit workforce housing
development within a 4.67-acre subdivided parcel.**

This item has been continued to March 25 by request of the applicant. This application was not heard this evening.

Minutes

- Motion: Al Cotton moved to approve the Minutes of Thursday, February 11, 2021, as corrected. Gerry Runte seconded. The motion passed unanimously.

Other Business

- 1) Chris Di Matteo would like to know if staff reports and peer review reports should go into the Findings. Board discussion led to the suggestion that he put such documents with “Other Submittals.” It will be discussed further if it comes up again.
- 2) A conversation about the Selectboard.

Kathleen Kluger: Monday evening [February 22], the Board of Selectmen voted to approve the contract with CivicMoxie.

They declined to forward the ordinance amendment for solar arrays in the mixed residential district to the ballot. They decided not to do that because the Comp Plan is being updated. Is it a good idea to explore updating or redefining the Resource Protection Zone and the rezoning of Short Sands and the Green Enterprise if the Selectboard is going to refuse to work with them until the Comp Plan is updated?

Dylan: The Board of Selectmen knew about the change in the solar array amendment. There were joint meetings, and they knew what was coming.

Al: We need to keep in constant communication with the Board of Selectmen as we go along on everything. We can't be going off without their involvement.

Kathleen: If we are creating a brand-new thing, maybe we should wait until the update is complete. With little ordinances that need to be fixed, we should fix them.

Al: I think we should move ahead with the Short Sands zone expansion without any concern about how that might be taken by the Board of Selectmen. I suggest Dylan, Peter, and I have our first meeting about it next week and try to come up with a process of what we are trying to do there. Then we can present that to the Selectboard and they will tell us to go ahead or not.

Dylan: I am fine with going forward with the Short Sands work group. It is important that the public weighs in and understands the changes there. There is a question about whether we should work on amendments to the Open Space Subdivision ordinance. The quarterly meeting will be telling.

- 3) A conversation about the Selectboard members' participation in the Comp Plan rewrite and Climate Action Plan.

Kathleen: Marilyn McLaughlin is interested in the CAP, and I think we can get Todd Frederick on the Comp steering committee. The individual Selectmen have time limitations. What if they rotate and have different members come to the steering committee meetings?

Al: They did that with selecting the company for the Comp Plan rewrite in the first place. We had different Selectboard members at different meetings and then they communicated and voted as a group.

Wayne: I would suggest they would have the same two people do the Comp and the CAP so it is not a rotating thing.

Gerry: Not having a permanent member all the time might be an advantage because that adds more flexibility to who might be present. It gives greater exposure to them collectively, rather than just one person.

Kathleen: There was one member who showed no interest and said it was all about why we have a consultant.

4) A conversation about the upcoming rewrite work.

Wayne: A lot of the early work being done on the rewrite is going to be kind of boring, procedural stuff with how to organize paperwork and wordsmithing. It will not be as exciting as being on the working group and really digging in.

Kathleen: I don't see either the Comp or the CAP participants always working on something all the time. At first, it is more nuts and bolts. There is going to be plenty of room and opportunity for everyone's interests.

Dylan: What if the Comp Plan doesn't get voted in and the current Cmp Plan is still in place?

Kathleen: If it is consistent with the current Comp Plan, the current Comp Plan is the standard.

Adjourn

The meeting adjourned at 9:00.

Respectfully submitted,

Patience G. Horton

Recording Secretary