

York Planning Board
Thursday, February 28, 2019, 7:00 P.M.
York Public Library

Call to Order; Determination of Quorum; Appointment of Alternates

Chairman Al Cotton called this application meeting to order at 7:00. A quorum was determined with five people voting: Al Cotton, Vice Chairman Peter Smith, Wayne Boardman, Lew Stowe, and alternate Kathleen Kluger, who was appointed as a voting member. Land Use Technician Heather Ross represented staff. Planning Director Dylan Smith was not present. Patience Horton was the recording secretary. The meeting lasted three hours.

Public Forum

No one came forward to speak.

Field Changes

There were no field changes.

Application Reviews

Cliff House, 591 Shore Road

Map/Lot: 0004-0029 owned by RBDD Cliff House Acquisitions LLC

Revisions to an approved plan to expand the previously approved pool deck, provide screening to adjacent pool/mechanical area. and to construct an 8' x 12' greenhouse

Engineers Chris Di Matteo and Kristy Holmes of Gorrill Palmer, South Portland were spokespersons. Nancy White, Cliff House General Manager, was present.

The original plan was approved in 2015. The proposed revision is to add a 2,000 square-foot wooden sun deck to the existing stone pool patio. Everything meets the setbacks. The area is outside the Shoreland zone. The project does not meet the threshold for State permitting by DEP.

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

- Motion: Peter Smith moved to approve the revision to the site plan for Cliff House, 591 Shore Road, Map/Lot: 0004-0029, as submitted. Kathleen Kluger seconded. In discussion, it was clarified that the new deck extends from the existing deck. The motion passed 5-0.

York Harbor Motel, 780 York Street

Map/Lot: 0038-0059 owned by York Harbor Motel LLC

Sketch plan application for the replacement of four existing buildings with one 8-unit building

Tim DeCoteau was the spokesperson for applicant-owner James Poulin, also present.

The motel is more than 75 years old and has to go through HDC approval. The number of units is not being increased. The impervious surface area stays the same. Because the storm surges over York Street, the new building will be flood resistant with a flow-thru foundation, the properties of which exceed the ordinance requirement. The new building will have four handicap parking spaces.

A drainage study has been done by Attar Engineering. The drainage from the frequent 100-year storms and the flow off neighboring properties and down Parker Street will spill into the Little River. In larger storms, the overflow will be diverted by a proposed barrier.

The applicant will ask for a waiver of the high intensity soil survey. He would like to combine primary and final review.

Chairman Al Cotton opened the public hearing. **Kevin Shaw** is the president of the 20-year-old, 9-unit condo complex next to the motel. Seven of nine residents were present. Mr. Shaw said that for the record, drainage must not back up onto his/their property, and the boundary line must be aesthetically pleasing. Mr. Poulin agreed to honor both of those concerns.

Todd Clark lives downstream and is insecure about the runoff. A detailed description of the improved waterflow path will be available on the survey, Tim DeCoteau said. The Chair closed the public hearing.

The board members made suggestions about making the building more attractive.

North Village Road Subdivision, 78 North Village Road & 119 Josiah Norton Road

Map/Lot: 0099-0041 owned by Robert T. Grow / Phillip W. Grow

Map/Lot: 0099-0024 (part of) owned by Dana M. Bissonnette

Applicant: North Village Road, LLC

Sketch plan application for a 9-lot open space conservation subdivision

Owner-developer Tom Murphy was present with engineer Christy Brown of the Colby Co., Portland, and Isiah Plante of Kimball Surveying and Design, York.

This project is made of two pieces of land that overlap at one corner. The original standard yield plan showed nine lots on a long road. This is a revised yield plan using open space conservation. There are eight lots on a 1,930-foot road.

Chairman Al Cotton opened the public hearing. Three people came forward to speak.

- Abutter **Bill LaFleur** handed out a letter to the board members and said that the land has a “tainted title.” The applicant has not produced documentation otherwise. This, combined with traffic and environmental problems, makes it clear that the subdivision is not in the best interest of the town.
- **Stephanie Byrne** said the two parcels are connected by a corridor but do not create an open space. The ordinance calls for one large open space, and this has two. The owner has not named the purpose of the open space. Runoff, water quality, impact on the Clay Hill Brook, and traffic have to be addressed. The Comp Plan says that new development should be in character with the surrounding community, and this is not.
- **Laura Brogan**, 81 North Village Road, handed out a letter. A comprehensive traffic study should be performed during summer months. A vernal pool study has to be done in spring. The legal title for 78 North Village Road is in legal dispute and is probably headed for court, she said.

Al Cotton closed the public hearing.

The plan calls for the creek to be filled to accommodate the proposed turnaround. The applicant was instructed to show how the attachment of the two lots it is fully viable. Wayne Boardman said it might be physically possible to put this many lots in, but is it reasonable to put that many lots in these given site conditions?

The Board commented that the plan lacks large contiguous open space. The application fails to state what the open space will be used for. The vernal pool study must be done this Spring. There must be verification that the deed is fully vested to the Grows.

Classic Compounding Pharmacy, 1171 U.S. Route 1
Map/Lot: 0022-0005 owned by VBAF Group LLC
Preliminary plan application for the redevelopment of an existing residential property to accommodate a compounding pharmacy.

Ryan McCarthy of Tidewater Engineering and Surveying, Kittery, and applicant Cynthia Theriault presented the application.

The board found the Compounding Pharmacy fully suitable for preliminary approval. Letters and approvals had been received from DPW, Police, Fire, HDC, and the Water District. Approved plans include trip generation, parking, ADA parking, photometric

layout, traffic assessment, setbacks, and stormwater. The landscaping exceeds the point system requirements and includes three 36” trees. The school bus stop has been upgraded and is in a safe, protected area.

The security doors and two-system alarm are as required. The disposal of hazardous waste meets federal regulations. The regulations for protecting the environment and protecting the employees are in place. Medical marijuana will not be produced or distributed.

- Motion: Peter Smith moved to accept the application as complete. Kathleen Kluger seconded. The motion passed 5-0.

The chairman opened and closed the public hearing. No one came forward to speak.

The waivers being requested are for exterior building materials, high intensity soil survey, and the performance guarantee.

- Motion: Peter Smith moved to provide preliminary plan approval to the application for Classic Compounding Pharmacy, 1171 U.S. Route 1, Map/Lot: 0022-0005. Wayne Boardman seconded. The motion passed 5-0.

Minutes

- Motion: Peter Smith moved to approve the minutes of February 14, 2019, as written. Kathleen Kluger seconded. The motion passed 5-0.

Other Business

- **Public Comment made by Lew Stowe**

In discussion, the Board determined that Lew Stowe’s public comment without the Davises present would not be considered ex parte. Lew doubts the layout of the Davis property as presented. He plans to meet with peer reviewer Gorrill Palmer for feedback on his interpretation of the configuration. He has gotten an okay from Dylan Smith.

Adjourn

The meeting adjourned at 10:00.

Respectfully submitted,

Patience G. Horton

PB Recording Secretary