

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

Call to Order; Determination of Quorum; Appointment of Alternates

Vice Chairman Peter Smith called this application meeting to order at 7:00. A quorum was determined with five people voting: Peter Smith, Wayne Boardman, Lew Stowe, and alternates Kathleen Kluger and Kenny Churchill. Both alternates were appointed as voting members. It was Kenny Churchill's first meeting. Chairman Al Cotton was absent. Land Use Technician / Licensed Plumbing Inspector Heather Ross represented staff. Planning Director Dylan Smith was not present. Patience Horton was the recording secretary. The meeting lasted two hours.

Public Forum

No one came forward to speak.

Field Changes

**Gulf Hill Subdivision, 1780 US Route 1
Map/Lot: 0100-0027.**

The field change was represented by Brian Neilson of Altus Engineering, Portsmouth, Jeffrey Jellison of DLJ Corp, and Rob McKee.

Grading changes adjacent to the first mile of the right-of-way have been made. None of the drainage patterns have been altered. The homeowners' association will be responsible for maintenance of the retention ponds. The applicant hopes to have the road accepted by the Town as a public road.

- Motion: Kathleen Kluger moved to approve the field change for Gulf Hill Subdivision, 1780 US Route 1; Map/Lot: 0100-0027. Wayne Boardman seconded. The motion passed 5-0.

Application Reviews

**Cape Neddick River Estates, 1276 U.S. Route 1
Map/Lot: 0097-0006A**

Owned by Acorn Properties Realty Trust

Preliminary plan application showing a proposed six-lot subdivision.

Applicant Seth Spiller spoke for this application for which there was a site walk on September 11, 2018.

Seth Spiller had presented a sketch plan for a six-lot residential conventional “estate” subdivision on 34 acres on August 23, 2018. Because of an ordinance change made by the November 6, 2018, referendum, he had to change the subdivision’s style to the open-space conservation format.

That led to a Purchase and Sales agreement of the original 34 acres. On the closing of that deal, which time has not been determined, the 34 acres will be divided into two lots with two different owners: outparcel Lot A (8+ acres) and Lot B (26 acres). Seth Spiller plans to divide Lot B into a 5-lot open-space conservation-subdivision.

Because A and B are not yet separated and the legal ramifications are not understood, Land Use Technician Heather Ross recommended the Planning Board not accept the application as complete for purposes of review. The Chair referred the application to the Town attorney, Mary Costigan, for her opinion.

- Motion: Kathleen Kluger moved to open Cape Neddick River Estates, Map/Lot: 0097-0006A, as a new sketch plan for review. Lew Stowe seconded. The motion passed 5-0.

Seth has determined the best use for the property and has identified the land most suitable for septic systems. Over 50% of the property is open space, and over 50% of the net buildable acreage is open space. Variances will not be necessary.

The Chairman opened public comment.

- **Dorothy Anni**, abutting owner of Cranberry Hill, asked if the outparcel Lot A is under contract [yes] and who the buyer is [unknown]. In 50 years of owning her property, many times she has watched people go in and damage the Lot A grounds. “It would make you sick.”

Peter Smith closed the public comment.

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

The application was presented by Ryan McCarthy of Tidewater Engineering and Surveying, Kittery, and applicant Cynthia Theriault.

Preliminary approval was given on February 28, 2019.

- Motion: Wayne Boardman moved to accept the application for final review. Kathleen Kluger seconded. The motion passed 5-0.

Ryan McCarthy went over the documentation required for final review. The financial capacity letter has been received. An elevation plan has been submitted. A lamp has been added above the front driveway. A dormer was removed for aesthetic reasons. Samples of Certainteed polymer stone veneer and Certainteed traditional horizontal clapboards were shown to the Board members. Eventually, a free-standing sign might be installed as a field change.

Chairman Peter Smith opened the public comment.

- **Seth Legere** asked when the light above the front driveway will be turned on [just during operation] and if it is a Town fixture [no].

The Chair closed the public comment.

- Motion: Kathleen Kluger moved to approve the following waivers for Classic Compounding Pharmacy, 1171 U.S. Route 1; Map/Lot: 0022-0005:
 1. Site/Sub 6.3.3.2, High Intensity Soil Survey
 2. Site/Sub 6.4.2.5, Performance Guarantee
 3. Zoning 6.3.1.3 Buildings and Site Design Requirements
 4. Zoning 6.3.2.1, Performance Guarantee for Required Improvements

Wayne Boardman seconded.

In discussion, a statement in the Findings will indicate the acceptance of the Certainteed products. The New England style of the building is acceptable.

The motion passed 5-0.

- Motion: Kathleen Kluger moved to grant final plan approval for Classic Compounding Pharmacy, 1171 U.S. Route 1; Map/Lot: 0022-0005 with the aforementioned waivers. Wayne Boardman seconded. The motion passed 5-0.

Minutes

- Motion: Kathleen Kluger moved to approve the Minutes of Thursday, March 14, 2019. Lew Stowe seconded. The motion passed 3-0-2, with Wayne Boardman and Kenny Churchill abstaining.

Other Business

- Peter Smith requested that the Davis Property Findings of Fact include a history of major changes the application went thru. Heather Ross asked for a bullet list of those changes, which she will pass on to the author of the Findings, Gorrill Palmer.
- Peter Smith suggested changing the format of motions for waivers.
- The Board members signed the Mylars for Clay Hill Subdivision, 40 Clay Hill Road, Map/Lot: 0096-0093.

Adjourn

The meeting adjourned at 9:00.

Respectfully submitted,
Patience G. Horton
PB Recording Secretary