

**York Planning Board**  
**Thursday, April 25, 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. All six Planning Board members were in attendance. A quorum was determined with five people voting: Al Cotton, Peter Smith, Wayne Boardman, Lew Stowe, and Kathleen Kluger. It was Kathleen's first meeting as a full member. Alternate Ken Churchill was present but did not vote. Neither Planning Director Dylan Smith nor Land Use Technician Heather Ross were present to represent staff. In their absence, Al Cotton conducted the meeting using the Planner's Memos. 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**

**Surf Point Foundation, 32 Surf Point Road**  
**Map/Lot: 0088-0010 owned by Surf Point Trust**  
**Sketch plan application for a proposed cultural facility**

The plan was brought by Yael Reinharz, executive director, and Richard Renner, project architect for the Surf Point Foundation board. The Surf Point Trust was initially established in 1988 by Marylee Cull Smart and Beverly Hallan with the intent of forming an artist colony foundation. The foundation went into effect upon Marylee's death in 2017.

The 44-acre property in RES-1A is zoned per §7.15, cultural facility. Artists-in-residence will come and stay at the colony every three weeks. Initially, there will be three artists in residence, and upon full buildup, there will be studio space for nine. The facility will be closed in January, February, and March.

- Motion: Peter Smith moved to accept the application for Surf Point Foundation, 32 Surf Point Road, Map/Lot: 0088-0010, for sketch plan review. Kathleen Kluger seconded. The motion passed 5-0.

Chairman Al Cotton opened the public hearing.

- **Michael Latti's property** at 26 Surf Point Road is contiguous to the artist colony. Surf Point Road is private and narrow, and cars must pull over to allow for oncoming cars. The road must not be used publicly, he said. There must be no public museum or a teaching facility there.

Al Cotton closed the public hearing.

A traffic study by William Bray was commissioned. He reported that the facility will generate nine trips a day. Food will be delivered two or three times a week.

There are 10 to 12 parking spaces with the possibility that two more might be added. Incidental sales of artwork are allowable, and there will be no retail or commercial activity. The applicant would like the Planning Board to consider consolidation of preliminary and final plan approval.

**North Village Road, 78 North Village road and 119 Josiah Norton Road**  
**Map/Lot: 0099-0041 Owned by Philip W. Grow and Robert T. Grow**  
**Map/Lot: 0099-0024 owned by North Village Road LLC**  
**Preliminary plan application for an 8-lot open space conservation housing subdivision**

Engineer Lee Allen of the Colby Co., Portland; Isiah Plante of Kimball Surveying and Design, York; and owner-developer Tom Murphy presented this application for a conservation open space subdivision in Cape Neddick. They had appeared with this application on October 29, 2018 (sketch), and February 28, 2019.

There are two lots. The main lot is on North Village Road. The second piece of 6.7 acres is intended for preservation. The two lots are joined at one corner. Soil scientist Ken Gardner found that the wetlands are shallow and contain insufficient water depths to be breeding habitat for amphibians. Therefore, there are no vernal pools on the property.

The final yield plan shows a straight road with a cul-de-sac and 8 lots. Heather Ross [not present] agreed it was a good plan that meets the intent of the ordinance.

In his traffic study, Bill Bray recommends clearing the two trees and cutting back brush within 10 feet along the frontage of the property. The road has the design features to be accepted as a town road. A DEP stormwater permit-by-rule is required. The applicant hopes for coinciding preliminary and final approval. A waiver is sought for location of

the 24-inch trees in the open space. The homeowners' association will steward the open space.

The file has a letter from Dept. of Fisheries and Wildlife. They have researched the property and pointed out the location of critical habitat off the property, to the north and east. The file also contains a November 9, 2018, letter from the Maine Historic Preservation Commission that indicates there are no sensitive archeological spots on the property.

- Motion: Lew Stowe moved to accept the application for North Village Road, LLC, 28 North Village road and 119 Josiah Norton Road, Map/Lot: 0099-0041 and Map/Lot: 0099-0024 for preliminary review. Peter Smith seconded. The motion passed 5-0.

Chairman Al Cotton opened the public hearing.

- **Michael Morgillo**, Chairman of the Conservation Commission, said there are indications of storm runoff on the road. Also, there is a posted wildlife sanctuary across from the entrance to this subdivision. Per §7.6.1, the wildlife corridor should be identified.
- **Bill LaFleur** said the applicant has not presented proof of clear title for 78 North Village Road. [Chairman Al Cotton replied that the town attorney has not yet made a recommendation about clear title. Because of that, any approval made this night will be conditional].
- **Stephany Byrne** said the applicant is calling the unbuildable land “open space.” Chopping up the other lot into tiny house lots is not consistent with the Comp Plan. Will the open space be subject to a “let-it-be” clause in the ordinance? [Wayne Boardman answered that conservation is one of the allowable uses.]
- **Laura Grogan**, 81 North Village Road, said 1.25 acre lots would fit into the neighborhood better. She commented that the traffic assessment was not done in summer, as she asked. She objects to having the trees taken out of the frontage.
- **Dave Grogan**, 81 North Village Road, lives across the street from the proposed subdivision and next door to the wildlife sanctuary. He said he wants no runoff from the North Village Road project to go onto his property and asked for that fact to go into the record.
- Motion: Peter Smith moved to provide preliminary approval for the North Village Road subdivision, sometimes known as the Moody Pasture subdivision, 78 North Village road and 119 Josiah Norton Road, Map/Lot: 0099-0041 and Map/Lot: 0099-0024, conditioned on approval by the town attorney on the

ownership of the property. Kathleen Kluger seconded. The motion passed 4-1 with Lew Stowe opposed.

- Motion: Kathleen Kluger moved for a site visit. Peter Smith seconded. The motion passed 5-0.

The walk was planned for May 15, 2019, at 10:00 a.m. with car pooling to be coordinated with Heather Ross.

**Parallax Properties Mountain Road, 294 Mountain Road and 302 Mountain Road, Map/Lot: 0096-0049-A owned by the Town of York**  
**Map/Lot 0096-0049-E owned by the Town of York**  
**Special Use/Shoreland application to construct a driveway and replace an existing single-family dwelling in the Resource Protection Overlay district.**

Roz Anton of Parallax Properties was accompanied by soil and wetland scientist Jim Logan. She explained that they have two parcels under contract to buy from the Town. The Town took the property by a tax lien and put it up for sale in a multiple listing service. The sale is conditioned by her removal of debris on 294 Mountain Road to the Town's satisfaction.

The debris includes a mobile home, three campers, an RV, 12 boats, 7 structures, and a 30-yard dumpster of nothing but rubber tires. They had to vacate some squatters, who were agreeable to the eviction. The cleanup went "way" over budget.

Parallax seeks approval to replace a preexisting nonconforming structure on Mountain Road with a completely conforming structure. On 302 Mountain Road, they hope for approval to put in a new driveway that will cut thru the Resource Protection and Shoreland zone to get to a building site.

There is a wetland of special significance that accommodates inland wading bird habitat. Lucien Langlois at DEP has reviewed and processed the application for the crossing location., and the permit-by-rule for the crossing location has been approved.

- Motion: Peter Smith moved to review the application as a special Shoreland application for Parallax Properties Mountain Road; 294 Mountain Road and 302 Mountain Road; Map/Lot: 0096-0049-A owned by the Town of York and Map/Lot 0096-0049-E owned by the Town of York. Kathleen Kluger seconded. The motion passed 5-0.

The Chairman opened the public hearing.

- **Jerry Bracey** lives at 291 Mountain Road, across from the subject property. He has a right-of-way across the lower section of the Parallax property. The right-of-

way is decided. He asked for that fact to go into the record. [Roz Anton said she would work with him and put the road in the most suitable place.]

The Chair closed the public hearing.

- Motion: Peter Smith moved to approve the application for Parallax Properties Mountain Road; 294 Mountain Road and 302 Mountain Road; Map/Lot: 0096-0049-A and Map/Lot 0096-0049-E, for a special use Shoreland application to build a single-family dwelling for Zoning 8.2.1(c) and a driveway construction for provision of 8.3.8.5. Kathleen Kluger seconded. The motion passed 5-0.

**Jeffrey Clark, 124 Cider Hill Road and 126 Cider Hill Road**

**Map/Lot: 0090-0009-B owned by Janet Faith**

**Map/Lot 0090-0009 owned by Niels Faith**

**Shoreland application to construct a driveway in the Resource Protection Overlay district.**

Jeffrey Clark asked for approval of a small stretch of driveway across 100 to 150 feet of a Resource Protection area.

According to Heather Ross's memo, the proposed driveway meets the best intent requirements of zoning. The board can, if agreed to, approve the Shoreland application as submitted.

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

- Motion: Peter Smith moved to approve the application for Jeffrey Clark, 124 Cider Hill Road and 126 Cider Hill Road, Map/Lot: 0090-0009-B and Map/Lot 0090-0009, to construct a driveway in the Resource Protection Shoreland Overlay District. Kathleen Kluger seconded. The motion passed 5-0.

## **Minutes**

- Motion: Peter Smith moved to accept the Minutes of Thursday, April 11, 2019, with revisions. Kathleen Kluger seconded. The motion passed 5-0.

## **Other Business**

A site walk for North Village Road was planned for May 15, 2019, at 10:00 a.m. with carpooling to be coordinated with Heather Ross.

## **Adjourn**

The meeting adjourned at 10:00.

Respectfully submitted,  
Patience G. Horton