

York Planning Board
Thursday, May 23, 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, Pete Smith, Wayne Boardman, Lew Stowe, and Kathleen Kluger. Alternate Ken Churchill was absent. Planning Director Dylan Smith represented staff. Land Use Technician Heather Ross was not present. Chris Di Matteo of Gorrill Palmer, South Portland, served as peer reviewer in the McIntire Woods Subdivision application on behalf of the Town. 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

McIntire Woods Subdivision, 142 York Street (Continuation)

Map/Lot: 0091-0009 owned by the Mary McIntire Davis Trust.

Final plan review for 115 dwelling units on approximately 112 acres with access provided from York Street and Raydon Road

Tom Greer of Walsh Engineering Associates, Westbrook, presented the application. As a result of the non-binding May 18, 2019, referendum, the Town's purchase of the of the property will be decided by the November, 2019, referendum. The Davis property could become your own Central Park, said Tom Greer.

In that case, a series of Charrettes will take place to determine what to do with the property. The Walsh Engineering technical information will be useful.

The first phase of McIntire Woods includes the York Street and Raydon Road entrances. The first five houses are intended for the legacy of Jim Davis, and are not included in the sale to the Town.

If a developer comes forth between now and the November referendum and offers significantly more than what is on the ballot, the Mary Davis Trust has the fiduciary responsibility to sell to them.

Waivers

Sewer District (Technically not a Waiver)

Sewer District Director Tim Haskell does not want to review the design of the wastewater system. It is on-site and private. The capacity letter should be adequate to meet the application.

Waiver for Trail System

The conditions for the Town to take over the trail system will be taken up by the Town Manager and the Recreational Director, not by the applicant. The trail system plans are not yet in finalized form. The trails will be permitted through the Department of Environmental Protection.

Waiver of Performance Guarantees

The performance guarantees reflect 125% of construction costs and improvements. Individual amounts are typically worked out with the Town Manager or the BoS (Board of Selectmen) prior to the beginning of construction for each phase.

Waiver for Elevations based on the Town's Purchase

A waiver is sought for elevations of the four-unit townhouse buildings. If the Town buys the land, the elevations won't become necessary. Otherwise, elevations will be drawn.

- Motion: Peter Smith moved to accept the application from McIntire Woods Subdivision, 142 York Street, Map/Lot: 0091-0009, as complete for final review, with the understanding that these waivers, as requested, need to be part of the decision.

The motion was not seconded, as the technical nature of the proposed motion was not fully understood. Pete withdrew the motion.

Chris Di Matteo explained. There is information that is required that the applicant has not submitted. It is not timely. The Board has the option to accept the application (or not) with the understanding that the information shall be provided at a later date. After Board discussion, this motion was made:

- Motion: Peter Smith moved to accept the application for McIntire Woods Subdivision, 142 York Street, Map/Lot: 0091-0009 for review. Kathleen Kluger seconded. The motion passed 4-1, with Lew Stowe opposed.

Chris Mi Matteo had prepared the Planner's Memo. He led the board members through a review of Article 6.4.

Tom Greer described the meeting he had had with DEP and U.S. Fish and Wildlife Service in Augusta. It was already understood that 19 combined-acres of habitat at both ends of the property had been set aside. DEP wanted to see if some of First Parish's cemetery property could be added. The First Parish letter rejecting the adjunct is found in the file.

Fish and Wildlife requires a concrete barrier that keeps turtles in their protected area. They climb up a little slope and drop 18 inches into the protected area. As with a lobster trap, the little guys can get in, but they can't get out. There is a sandy part of the habitat where turtles can lay their eggs. In the spring, there might be a roadside sign saying "Turtle Crossing."

Tom expects the town-managed trails to be highly used. The people who have the trails in their back yards are not going to like it, he said.

Lew Stowe gave a presentation about his take on the yield plan for this application. He cyphered 88, not 115, units for the Davis property.

Lew had conversed with Dylan Smith, Heather Ross, and Chris Di Matteo about his findings. They responded that he should present his yield plan to the applicant and the board members, which he did this evening.

Chairman Al Cotton responded that the theory is vague and too much is challengeable. Al appreciated and thanked Lew for making an effort of goodwill.

- Motion: Peter Smith made a motion to continue the application of McIntire Woods Subdivision, 142 York Street, Map/Lot: 0091-0009, to our application meeting on July 25, 2019. Kathleen Kluger seconded. The motion passed 4-1 with Lew Stowe opposed.

Minutes

- Motion: Peter Smith moved to accept the Minutes of May 9, 2019, as written. Kathleen Kluger seconded. The motion passed 5-0.

Other Business

1. There was a site walk for North Village Road, LLC, 28 North Village road and 119 Josiah Norton Road, Map/Lot: 0099-0041 and Map/Lot: 0099-0024 on May 15, 2019. The walk was facilitated by Heather Ross. Board members Al Cotton and Wayne Boardman were present.

2. There will be a joint meeting with the BoS on Monday, June 24, 2019, at 6:00 P.M. The Minutes will be written by the BoS recorder.
3. There will be a Public Hearing for the November, 2019, amendments at the next PB meeting, June 13, 2019, at 7:00 P.M. Kathleen and Pete will be absent. It is imperative for there to be a quorum, and the Director of Planning should be notified as soon as it is apparent that there will be not.
4. Pete Smith complimented the Recorder for the accuracy of the Minutes she writes and asked for that to go on record.
5. Does Kenny Churchill still qualify as an alternate member of the board? He has missed four of his first six meetings.
 - He missed February 28, 2019, and March 14, 2019.
 - He attended April 11, 2019, and April 25, 2019.
 - He missed May 9, 2019, and May 26, 2019.

Adjourn

The meeting adjourned at 10:00.

Respectfully submitted,
Patience G. Horton
PB Recording Secretary