

**York, Maine**  
**Planning Board Meeting Minutes**  
**Thursday, June 10, 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 Pete Smith. Alternates Kenny Churchill and Ian Shaw were present but did not vote. Planning Director Dylan Smith represented staff. Chris Di Matteo from Longmeadow Planning and Landscape Architecture served as peer reviewer, determined completion, and prepared each application for the Board's review. Patience Horton was the Recording Secretary. Votes were tallied via roll call.

**Field Changes**

There were no field changes.

**Public Forum**

Torbert Macdonald talked about the Green Enterprise District. Town Goal 1.4.1 says that new policy initiatives should be grounded in principles of sustainability, the continuation of what exists today for future generations. There should be a series of design Charrettes so that the citizens of York can help determine the character of the new district.

The Chair closed the public forum.

**Application Reviews**

**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.**

**Bryan Sutherlin, Beals Associates Engineers**

**Jason G. Howe, Esq., Applicant's Attorney**

**Larry Beals, Beals Associates Engineers**

**Ben Enos, Beales Associates Engineers**

**David Sherborne, Architect, Opechee Construction**

There is open space that was donated to the York Land Trust. A retention pond was designed on that open space. The Land Trust would like to exclude that pond area so the HOA can maintain it.

This hearing was carried over from the May 27 meeting. Chris Di Matteo led the review of the open-ended conditions.

Item 1, Compliance with Town Zoning Ordinance

An executed Supervisory Agreement has been received. Chris recommended the Town Attorney review it as a condition of approval. Section 10.f.6 is clearly documented. Section 10.f.7 should also be clearly documented, maybe as a condition or a plan note.

When Pete Smith said the correct address for the property is 7 Hannaford Drive, not 5 Hannaford Drive, Attorney Jason Howe said that the agreement was signed before the new address was secured.

Item 2 Use Permit

The buffering of trees has been addressed. The trees have been relocated outside the proposed sewer easement.

Item 3, Lighting Design

This has been addressed. The height of the lighting poles has been revised to 15’.

Item 4, Building Setbacks

This has already been addressed.

Item 5, Building Design

This has been addressed.

Item 6, Site Plan and Subdivision Regulations

Density has been addressed.

Item 7, Landscape Design

This was previously addressed.

Item 8, Performance Guarantee

An itemized cost analysis for public improvement has been revised and sent to Dylan and Chris. Gorrill Palmer will review and finalize it, suggested as a condition of approval.

Item 9, Sidewalk Connectivity

This relates to Item 10.

Item 10, Sidewalk Design

Dean Lessard hasn’t had the opportunity to review the final drawings and details. This is a suggested condition of approval.

Item 11, The Open Space

A plan note should read, “Open space shall remain in its natural state, undeveloped and undisturbed, except for the possible inclusion of walking trails and/or the treatment or removal of invasive species.”

Waiver items 3, 4, and 5 were already waived by the Board. As a condition of approval, Plan Note 19 on Subdivision Sheet 2 of 5 needs more information. As a condition of approval, Sections 1.b and 1.c, regarding bike racks, should be revised.

Item 16, Site Distances

This was addressed through the 15 MPH speed limit signage.

Item 17, Tax Assessor

The tax assessor's review of the plan has been addressed.

Item 18, Subdivision Plan—Impervious Ratio

Bryan Sutherlin presented a screen share showing the revised impervious ratio table. Chris Di Matteo said the revised table, as shown, was acceptable.

- Motion: Wayne Boardman moved to give final approval to Workforce Housing Development, JHR Development LLC, 7 Hannaford Drive, Tax Map 0053, Lot 0024 with the following conditions of approval.
  - 1) Prior to the signing of the Findings of Fact, the final site plan and subdivision plan shall be revised as follows:
    - a) As to the identified open space area on the subdivision, there shall be a plan note that states “the open space shall remain in its natural state, undeveloped and undisturbed, except for the possible inclusion of walking trails and/or the treatment or removal of invasive species;”
    - b) Added to the Subdivision Plan Sheet 1 shall be the Zoning Summary Table as provided on Sheet C.2.0. Note 19 shall be relocated to the density table and state “there are 63 dwelling units created as part of the subdivision amendment that are subject to Section 10.f of the York Zoning ordinance;”
    - c) A plan note shall be added that requires accommodation of a total of 19 bike spaces (30% of the dwelling units) for long-term bicycle parking or storage inside or outside the building. A detail for the bike rack furnishing shall be added;
    - d) Town standard plan notes, recording blocks, conditions of approval, and granted waivers shall be added to the subdivision plan set of Doucette Survey LLC; and
    - e) The Assessor's new tax/map information for the proposed development lot shall be added. The corrected map and lot information referenced in Note 1 shall read, “Tax Map 0053, Lot 0024.”
  - 2) Prior to the Planning Board's review of the draft Findings of Fact, the Town Attorney shall review all legal documents required to comply to Section 10.f.6 of the zoning ordinance, including an executed agreement between the applicant and a qualified non-profit housing corporation, as well as deed covenants and restrictions that satisfy the requirements of Sections 10.f.6 and 10.f.7.

- 3) Prior to the Planning Board's signing the final plan, all legal documents required to comply with 10.f.6 of the Town Ordinance shall be recorded at the York County Registry of Deeds.
- 4) Prior to the issuance of a building permit, a cost estimate for Section 6.4.18 of the Site and Subdivision Regulations will be reviewed by the peer review engineer. Based on that review and finalized dollar amount, the applicant shall provide a performance guarantee in the form of an irrevocable letter of credit to the Town for Article 10 of the Site and Subdivision Regulations.
- 5) Prior to construction, coordination with the Director of Public Works is required for final approval of the walkway and associated curb, ramps, and crosswalks so that permits required for work within the town right-of-way can be obtained.
- 6) Prior to the occupancy permit, Section 10.f.4.4, regarding energy efficiency, will be added as a plan note.

Seconded by Al Cotton, the motion passed 5-0.

### **Public Hearing on Zoning Ordinance Amendments**

#### **A. Article 10.h, Outdoor Lighting Ordinance (Clarification)**

- Motion: Al Cotton moved to open the public hearing. Gerry Runte seconded. The motion passed 5-0.

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

- Motion: Al Cotton moved to forward Article 10.h, Outdoor Lighting Clarification, to the Selectboard for their review and hearing prior to the ballot for November, 2021. Wayne Boardman seconded. The motion passed 5-0.

#### **B. Open Space Conservation Subdivision Application**

- Motion: Al Cotton moved to open the public hearing. Peter Smith seconded. The motion passed 5-0.

Torbert Macdonald said he supports the practice of the Board's acceptance of the open space design prior to the preliminary review. He feels the holder of the conservation easement should be a land trust, not the homeowners' association or the Conservation Commission.

Stephanie Byrne said it is good that this draft provides the early identification of the open space holder. It is also good that in every application, the applicant is directed to the Conservation Commission for guidance.

Kathleen Kluger discussed an email with draft edits received from Doreen McGillis of the York Land Trust. She suggested developers pay a fee to carry out the perpetual management and enforcement associated with the open space.

Kathleen closed the public hearing.

Dylan said that with clarifications, the open space amendment can be left for now while the Board continues to work on updates.

Kathleen Kluger: This is not yet ready to be forwarded to the Selectboard and will be tabled.

## **Discussion/Review—Comprehensive Plan Update/Climate Action Plan**

### **A. Update on Comprehensive Plan Process**

Kathleen Kluger

- 1) We will have a Civic Interest table at the Auto Show on Sunday, June 20, for fliers and a survey. There will probably be an intercept survey.
- 2) Volunteer advisors will have discussions with CivicMoxie on Monday, June 21, at the library. There will be no Steering Committee, Planning Board, Selectboard, or Town staff members attending.
- 3) “Comp-Fest” will take place Thursday evening, July 29, at Kenny Churchill’s barn. CivicMoxie will make a presentation about data collection and analysis. Attendance is required for all Planning Board and Steering Committee members.
- 4) Comp-Plan-on-the-Road is being held Saturday or Sunday, September 11 or 12. Neighborhoods will be visited for meet and greet.
- 5) What CivicMoxie calls the Deep Dive will take place Sunday, September 19, at the York Community Auditorium. They will hold a detailed presentation and analysis of the data that has been collected.
- 6) The last public outreach, Sunday, November 14, will be a wrap-up of the year’s collection of data.

## **B. Update on Climate Action Plan Process**

Wayne Boardman

- 1) About 35 people attended the in-person launch at the library. CivicMoxie presented information and took questions. There will be a second launch on Zoom.
- 2) There will be other public outreach events in September and October.

## **York Beach Corridor District (Green Enterprise Overlay)**

Dylan: There is too much going on to have a Charrette in the near future. I think it might happen during the Summer of 2022.

### **Review Findings of Fact**

Dockside Restaurant Amended Site Plan  
22 Harris Island Road  
Map/Lot 0063-0002

- Motion: Peter Smith moved to authorize the Chair to sign the Findings of Fact for the Dockside Restaurant Amended Site Plan, Tax Map 0063, Lot 0002. It will have corrections to the final decision in the text on Page 4. Seconded by Wayne, the motion passed 5-0.

AT&T Wireless Communications Facility  
No 1, Main Street,  
Adjacent to Tax Map 0024, Lot 0047-A

- Motion: Peter Smith moved to authorize the Chair to sign the Findings of Fact for the AT&T Wireless Communications Facility at One Main Street, York, Tax Map 0024, Lot 0047-A. The correct base zone district will be inserted. The decision on Page 4 will be corrected to remove information on who made motions and who voted. Gerry Runte seconded. The motion passed 5-0.

AT&T Wireless Communications Facility  
125 Long Beach Ave  
Opposite Tax Map 0031, Lot 0022

- Motion: Peter Smith moved to authorize the Chair to sign the Findings of Fact for AT&T Wireless Communications Facility, opposite Tax Map 0031, Lot 0022. The correct base zone district will be added on Page 1. Corrections will be made to remove who made the motions and who voted. Al Cotton seconded. The motion passed 5-0.

## **Minutes**

- Motion: Peter Smith moved to approve the Minutes of the Planning Board for Thursday, April 22, 2021, as amended. Gerry Runte seconded. The motion passed 5-0.
- Motion: Peter Smith moved to approve the Minutes of the Planning Board of April 28, 2021, as written. Wayne Boardman seconded. The motion passed 5-0.
- Motion: Wayne Boardman moved to approve the Planning Board Minutes of Thursday, May 13, 2021, as amended. Gerry Runte seconded. The motion passed 5-0.
- Motion: Peter Smith moved to approve the Minutes of Thursday, May 27, 2021, as written. Wayne Boardman seconded. The motion passed 5-0.

The Chair asked it go into the record that the secretary was doing a good job.

## **Other Business**

The joint Planning Board/Selectboard meeting will be held in person on Monday, June 14.  
The next regular Planning Board meeting will be held Thursday, June 24.

## **Adjourn**

The time was 10:22.

Respectfully submitted,  
Patience Horton  
Recording Secretary