York Planning Board
Thursday, July 11, 2019, 7:00 P.M.
York Police Department

Call to Order; Election of Officers; Determination of Quorum; Appointment of Alternates

Chairman Al Cotton called the meeting to order at 7:00 p.m. A quorum was determined with four people voting: Al Cotton, Wayne Boardman, Peter Smith, and Kathleen Kluger. Alternate Ken Churchill was absent. Land Use Technician Heather Ross represented staff. Planning Director Dylan Smith was not present. Patience Horton, the recording secretary, was absent and constructed these minutes using an audio recording. Because it was at the police station, the meeting was not televised. The meeting lasted 1.75 hours.

Annual Election of Officers

- Kathleen Kluger nominated Al Cotton for Chair. Peter Smith seconded. The motion passed, 4-0.
- Al Cotton nominated Kathleen Kluger for Vice Chair. Peter Smith seconded. The motion passed, 4-0.
- Kathleen Kluger nominated Peter Smith for Secretary. Al Cotton seconded. The motion passed 4-0.

Public Forum

No one came forward to speak.

Application Reviews:

Matthew J. Fletcher, 3 Clyde Road, Map/Lot: 0080-0012
[At Chairman Al Cotton’s discretion, the Fletcher action was moved out of agenda order.]

Matthew Fletcher represented the application. In February, 2019, the Planning Board moved to allow an equal-sized land swap to give Matthew Fletcher enough setback to extend his garage size. The Town’s assessment department asked that, for legal purposes, it be treated as an Amendment to an Approved Plan. This hearing corrects that process and makes the land swap complete. The applicant has submitted the correct documents.
• Motion: Kathleen Kluger moved to approve the Amendment to an Approved Plan regarding adjustment of a lot line after-the-fact for Matthew J. Fletcher, 3 Clyde Road, Map/Lot: 0080-0012 and 24 Tartan Road, Map/Lot 0080-0021. Peter Smith seconded. The motion passed, 4-0.

Classic Compounding Pharmacy, 2271 U.S. Rte. 1, Map/Lot 0022-0005
[At Chairman Al Cotton’s discretion, the Compound Pharmacy signing was moved out of agenda order.]

• Motion: Peter Smith moved to approve the Findings of Fact for Classic Compounding Pharmacy, 2271 U.S. Rte. 1, Map/Lot 0022-0005. Kathleen Kluger seconded. The motion passed 4-0.

The board members signed the Mylars.

North Village Road Subdivision, 78 North Village Rd & 119 Josiah Norton Rd, Map/Lot: 0099-0041 owned by Robert and Phillip Grow
Map/Lot: 0099—0024 owned by North Village Road LLC
Final plan application for an eight-lot open space conservation housing subdivision.

The Town Attorney has determined that the title is free and clear. It is civic business.

Lee Allen of Colby Company Engineering (Portland), Isiah Plante of Kimball Surveying and Design (York), and owner/applicant Tom Murphy were present. Lee Allen served as spokesperson responding to the Planner’s Memo.

The York Land Trust has taken ownership and stewardship of the open space. The applicant is hoping for construction to take place between July and October.

Stormwater was the only State permit they needed. It was received from DEP in May.

The developer has been granted a $300,000 letter of credit, receipt of which is the only condition of approval. They are asking for a waiver that 24” trees and greater should not be surveyed or located in the open space. That is the only waiver.

• Motion: Peter Smith moved that we accept the application for 78 North Village Rd & 119 Josiah Norton Rd, Map/Lot: 0099-0041 and 0099—0024 for review. Kathleen Kluger seconded. The motion passed 4-0.

Chairman Al Cotton opened the public hearing.

• Stephanie Byrne spoke for herself and on half of Laura Brogan of 81 North Village Road. She said the 50-foot buffer should be between all abutters, not just
abutters in the subdivision. There should be a 50-foot protective buffer between Lot 1 and the Brogan property across the street and four houses down.

Ms. Byrne added that that according to the homeowners’ agreement, residents can change their own bylaws with regard to drainage, the buffers, and “everything else that is required.”

- **Richard Byrnes** said the land under the proposed retention pond is rock ledge that has to be blasted to become a pond. Right now, when it rains, the water goes into a collection area by his house and stays there for 3 weeks. In an extreme case, it backs up to the Grogan’s property.

Lee Allen explained that the detention “pond” consists of a hollow concrete structure that detains water for a time and then lets it out. It is designed to drain in 24 to 48 hours. It is gravity based.

The Chair closed the public hearing.

- **Motion:** Wayne Boardman moved to approve the waiver for identifying 24” diameter trees in the conservation area. Kathleen Kluger seconded. The motion passed 4-0.

- **Motion:** Pete Smith moved to approve for final approval the application for Moody Subdivision, 78 North Village Rd & 119 Josiah Norton Rd, Map/Lot: 0099-0041 and Map/Lot: 0099—0024, with the conditions that the applicant obtain a financial letter of credit for $300,000, and that the applicant satisfactorily addresses all of the issues in the Gorroll Palmer peer review dated July 5, 2019. Kathleen Kluger seconded. The motion passed, 4-0.

**Review of Findings of Fact**

The Findings for Jeffrey Clark, 124 Cider Hill Road and 126 Cider Hill Road, Map/Lot: 0090-0009-B and Map/Lot 0090-0009, are incomplete and need to be redone.

**Minutes**

- **Motion:** Peter Smith moved to approve the minutes for June 27, 2019, York Planning Board, with the recorded corrections. Wayne Boardman seconded. The motion passed, 4-0.
Other Business

Planning Board members Kathleen Kluger, Peter Smith, and Wayne Boardmen have made refinements to the As-built Plan Requirements, Medical Marijuana, and Workforce Housing ordinance amendments. They plan to include those changes in their upcoming presentations of the new ordinances to the Board of Selectmen.

Adjourn

The meeting adjourned at 8:45 p.m.

Respectfully submitted,
Patience G. Horton
PB Recording Secretary