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, Vice Chair Kathleen Kluger, Board Secretary Pete Smith, Wayne Boardman, and alternate Ken Churchill, who was appointed as a voting member. Land Use Technician Heather Ross represented staff for the York Harbor Hotel review. Dylan Smith was present for the McIntire Woods hearing, but Chris Di Matteo of Gorrill Palmer, South Portland, served as peer reviewer on behalf of the Town. Patience Horton was the recording secretary. The meeting lasted two hours.

Public Forum

No one came forward to speak.

Field Changes

There were no field changes.

Application Reviews

York Harbor Motel, 780 York Street
Map/Lot 0038-0059 owned by York Harbor Motel LLC
Final Plan review to demolish four buildings, including 8 motel units and one office, and to construct one building with 8 motel units.

The original sketch plan took place on February 28, 2019. Preliminary approval was given June 27, 2019, along with waivers for assessment of traffic impacts and HISS.

Tim DeCoteau was the spokesperson. Owner James Poulin also spoke.

The application submittals were incomplete due to lack of signatures of department heads. The application reverted to sketch plan.

- Motion: Peter Smith moved to open the sketch plan for York Harbor Motel, 780 York Street, Map/Lot 0038-0059. Kathleen Kluger seconded. The motion passed, 5-0.
Chairman Al Cotton opened the public hearing.

- **Bob Normandeau** of 13 Bayview Ave. The Little River runs in front of his house. He has observed the river running backward because of the amount of water pushing in from the York Harbor Motel and surrounding neighborhood.

- **Mike Ouellette** of York has observed the Little River running backward. The proposed stormwater system will allow the water to reach the river at a slower pace, but the engineers for the hotel project have concluded that the peak flow rates for 2-year storm events will be increased by the new system. Why can’t the discharge be discharged directly into the ocean? Several times a year there are storm events that occur under the high tide or full moon when the culvert gets backed up and obstructed. We object to the approval of this project without confirmation that this has been addressed.

- **Richard Ellis** of 11 Beechwood Ave is impacted by the water flow. The culvert into the ocean was incorrectly designed 25 years ago. The culvert opens directly into the surf. The culvert fills with stones and rocks and the town should clean it out once a month. Every time there is a one-hour, one-inch rainstorm, the level of the river floods. One day last spring, it rose four inches in one day. The new hotel system is sending water even quicker.

James Poulin responded that the water comes in four- to six- inches deep. That is why we are going through the process of tearing down the cottages and why we have raised the central building three feet. Some water should be absorbed under that building. We are building a 16-inch retaining wall, which will force the water to turn. Right now, all the water that goes into the Little River ploughs through people’s properties. We think by putting the drains the way we have them, it will flow at a controlled rate, he continued. I think this will improve the overall flow of water in the 2-year storm. Right now, the water comes down there so fast, you can’t stand. It will knock you over. You can’t ever design for the 100-year storm in this area.

Al Cotton said that the Planning Board is interested in trying to help the whole neighborhood. Maybe this is the time to do it. It’s possible to get a meeting with the superintendent of public works, Dean Lessard, to discuss the ocean outlet to see if there are any proposals. Dean is very aware of different programs that a Federally or State based.

Motion: Wayne Boardman moved to continue this application for York Harbor Motel, 780 York Street, Map/Lot 0038-0059 to date certain August 22, 2019. Kathleen Kluger seconded. The motion passed 5-0.
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 from Walsh Engineering represented the applicant. He reviewed conditions of approval and town notes with the planning board members.

If any trees 24-inches or greater that are on the development site are lost, “we” will replace it with a smaller tree. Trees outside the development site that have blown down won’t be saved.

The term “playground” will be substituted by a term to be determined, perhaps “open space.”

An email from Tim Haskell of the Sewer District says the system seems to be in conformance of the town’s minimal standards.

The construction management plan allows flexibility in the phasing of the project.

Waivers for the elevation architectural review and the location of electrical transformers are required in writing.

The final plans will be stamped by a professional land surveyor.

In Note 17 of the subdivision plan, the word “unit” will substitute for the word “lot.”

The condominium documents will reference the wildlife protection area and reference the easement required by IF&W.

The Condo Association is responsible for maintenance of the stormwater system.

The final plan will show that the additional lots are owned by the trust.

All the plan notes will be located on their own plan sheet.

Bylaws will be approved by the Town Attorney. The possibility that the 55-and-older community might get their own rules and regulations will also be reviewed.

The trail will be reviewed, approved, and maintained by the Town and constructed by the developer.

The treatment of 24-inch trees will be a condition of approval.
Raydon Road will have a school bus shelter.

Short term rentals are referenced in conditions of approval.

Setbacks and buffers will be marked.

State restrictions and requirements approved by the Town Attorney will be issued before the building permit is issued.

The drainage easements will be depicted on the plans.

The development will include six dedicated workforce units.

Wildlife habitat management will have periodic reviews of the site.

A reference to the 55+ phase of the development will be added to the plan. Review by an attorney may be necessary if there is a possibility of a sub-association.

Chairman Al Cotton opened the public hearing.

- **Bill Massidda** of 127 York Street asked questions about planning board and phasing processes.

The Chair closed the public hearing.

- Motion: Kathleen Kluger “so moved” to grant a waiver for the review of acceptance letters written by the York Sewer District as it says it does not need to review the system. Kenny Churchill seconded. The motion passed 5-0.

- Motion: Peter Smith moved to forego requirements in section 6.4.12. Those requirements include the final plan submission written after the municipal officers are satisfied with the legal sufficiency of the documents referenced in 6.4.11 regarding maintenance and use of the public trail. Kathleen Kluger seconded. The motion passed 5-0.

- Motion: Peter Smith moved to forego requirements of Section 6.4.12, including final plan submission and identification of the type and amount of the required performance guarantee. Kathleen Kluger seconded. The motion passed 5-0.

- Motion: Peter Smith moved to forgo the requirements of section 6.4.21, which are to include architectural elevations in the final plan submission. Kathleen Kluger seconded. The motion passed 5-0.
• Motion: Peter Smith moved to forgo requirements of Section 6.4.14.n, which are to include the locations of electrical transformers in the final plan. Kathleen Kluger seconded. The motion passed 5-0.

• Motion: Kathleen Kluger moved to approve final plans for Mary McIntire Davis Trust, Tax Map 0091, Lot 0009, 142 York Street, Tax Map 0091, Lot 0009-c and 50 Donica Road with the conditions of approval and waiver as approved this evening. Ken Churchill seconded. The motion passed 5-0.

Minutes

There were no minutes to review.

Other Business

Kathleen plans to continue her appointment with the Capital Planning Committee for the next year.

• Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact regarding the application by Jeffrey Clark for Janet and Niels Faith, Tax/Map 0900-B and 0090-0009 at 124 Cider Hill Road and 126 Cider Hill Road. Kathleen Kluger seconded. The motion passed 5-0.

• Motion: Kathleen moved to authorize the chair to sign the Findings of Fact regarding the application by York Hospital, Tax/Map 0050-0063-v, 38 Woodbridge Road. Peter Smith seconded. The motion passed 5-0.

The York Hospital and the Niels Faith Mylars were signed.

Adjourn

The meeting adjourned at 9:00.

Respectfully submitted,
Patience G. Horton
PB Recording Secretary