York Planning Board  
Thursday, August 22, 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, 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. Planning Director Dylan Smith was not present. Patience Horton was the recording secretary. Five applications were heard. The meeting lasted 2.25 hours.

Public Forum

No one came forward to speak.

Field Changes

There were no field changes.

York Harbor Motel, 780 York Street
Map/Lot: 0038-0059 owned by York Harbor Motel, LLC.

Application Reviews

York Harbor Motel, 780 York Street  
Map/Lot: 0038-0059 owned by York Harbor Motel, LLC.  
Preliminary and final plan review to demolish four buildings, including eight motel units and one office, and to construct one building with eight motel units

Tim DeCoteau and Richard Poulin presented the application.

The York Harbor Design Review meeting was re-scheduled for upcoming September 3, 2019, a Tuesday, at 8:00 p.m.

Part of the office is more than 75 years old, which flags it for a demolition delay by the HDC. The HDC letter is not in yet.

A building is being removed from a dune, and the dune is reverting to a grassy knoll.

The seasonal cottages in the back of the motel campus might be sold directly to some long-term renters.
• Motion: Kathleen Kluger moved to accept as complete the preliminary and final plan for York Harbor Motel, 780 York Street, Map/Lot: 0038-0059 for review. Peter Smith seconded. The motion passed 5-0.

Chairman Al Cotton opened the public hearing.

• **Bob Normandeau**, 31 Bay View Ave, said that the stormwater system will put more water into the culvert than the culvert can handle, which is a concern to abutters who live along the river.

• **August Spieler** said the Bay View cul-de-sac cannot take any more water. Why do they insist of putting more water there?

• Heather Ross read a letter from **Richard Ells** of the road association for Beechwood Ave, Surf Ave, and Warren Dr. The Little River culvert was not designed to handle water from the newer developments in that area. Those developments should petition the State for their own separate culvert, including holding ponds.

Chairman Al Cotton closed the public hearing.

Most of the water that pours through the hotel property is generated off-site, said Brian Nielson of Attar Engineering, Eliot. The water is being slowed down and diverted by a barrier that will direct the water into the existing swale and culvert before it is discharged into the ocean. The barrier is the main feature. That and other systems being introduced will mitigate some of the flooding problems.

• Motion: Peter Smith moved to waive the requirement for a performance guarantee. Kathleen Kluger seconded. The motion passed 5-0.

• Motion: Kathleen moved to approve preliminary and final plan for York Harbor Hotel, 780 York Street, Map/Lot: 0038-0059, with the following two conditions: The site design will be reviewed and approved by the York Harbor Design Review Board prior to pre-construction meetings, and the stormwater management plan will be reviewed and approved by Gorrill Palmer. Peter Smith seconded. The motion passed 5-0.

**SM & BS Realty Office Building, 1000 U.S. Rte.1**
**Map/Lot: 0094-0053, owned by the S M & BX reality, LLC.**
**Sketch plan review for a two-story office building**

Geoff Aleva of Civil Consultants, South Berwick, and part-owner, Brian Sleeper described the project. A single-use office building for a realty group is proposed where the Lobster Barn restaurant used to be. The building will have four apartments in it. The restaurant at the back of the lot, the Lobster-in-the-Rough, will remain.
Water will be brought up the south side of Rte. 1. They will bore under Rte. 1 to bring
water into this site and to the Lobster-in-the-Rough.

- Motion: Kathleen Kluger moved to accept the application for sketch plan review
  for SMBS, 1000 U.S. Rte.1, Map/Lot: 0094-0053. Peter Smith seconded. The
  motion passed 5-0.

The applicant is proposing shared parking. Code requires the office building and the
Lobster-in-the-Rough combined must have 125 spaces. Per shared parking §15.1.1.5,
SMBS is proposing 101 lined parking spaces. The parking lot will be used in the day by
the realty company, and at night by the restaurant. When the restaurant is very busy, 20
restaurant employees will park at the Methodist church next door and walk over to the
restaurant.

Provisions for a well-lit gravel path to the church are in the plan.

Al Cotton opened and closed the public hearing. No one came forward to speak.

The plan shows 39 non-compliant parking spaces in front of the new building. The
Board would like to see the setback adjusted so that most of the spaces will be moved
behind the building. The Board encouraged the applicant to proceed with the plan.

**Surf Point Foundation, 32 Surf Point Rd**
**Map/Lot: 0088-0010, owned by Surf Point Foundation.**
**Final Plan review for Phase 1 of artist retreat**

Architect Richard Renner went over the site drawings. Surf Point will have three artists-
in-residence of mixed-media disciplines rotate through this 44-acre piece of incredible
land for three-week retreats. [There is a painting by Beverly Hallam in the foyer at
Dockside. Mary Lee Smart and she created the foundation.]

Except for two granite landings outside two new, exterior doors, there is no change to the
landscape and no change to the site. This application specifically addresses those two
granite landings. There is no other issue in the application.

- Motion: Kathleen Kluger moved to accept the application for preliminary and
  final review for Surf Point Foundation Phase 1, 32 Surf Point Rd, Map/Lot:
  0088-0010. Peter Smith seconded. The motion passed 5-0.

Chairman Al Cotton opened and closed the public hearing. No one came forward to
speak.

- Motion: Peter Smith moved to waive Requirement 4.6, Area Coverage.
  Kathleen Kluger seconded. The motion passed 5-0.
• Motion: Peter Smith moved to waive Requirement 6.3.32, High Intensity Soil Survey. Kathleen Kluger seconded. The motion passed 5-0.

• Motion: Peter Smith moved to waive Requirement 10.1, Performance Guarantee. Kathleen Kluger seconded. The motion passed 5-0.

• Motion: Peter Smith moved to waive Requirement 6.4.2, Net Developable Acreage. Kathleen Kluger seconded. The motion passed 5-0.

• Motion: Peter Smith moved to accept for preliminary and final approval for Surf Point Foundation Phase 1, 32 Surf Point Rd, Map/Lot: 0088-0010, with no conditions. Kathleen Kluger. The motion passed 5-0.

**Community Harvest, 647 U.S. Rte. 1, Unit 10**
**Map/Lot: 0091-0008-W, owned by York Meadowbrook Plaza.**
**Preliminary and final plan review for a medical marijuana registered dispensary**

Cyrus Clark, Anthony Eugenio, and Ted Kelleher, attorney for the applicant from the law firm Drummond Woodsum, Portland, were present.

• Motion: Kathleen Kluger moved to accept the application for preliminary and final review for Community Harvest, 647 U.S. Rte. 1, Unit 10, Map/Lot: 0091-0008-W. Peter Smith seconded. The motion passed 5-0.

Chairman Al Cotton opened and closed the public hearing. No one came forward to speak.

There will be no merchandise displayed outside. A mix-up in wording on one version of the application made it sound as if there might be.

Cyrus Clark did not go into the security details for the store. It can, and probably will, he admitted, be a target for robberies. Due diligence has been taken with the Police and Fire Departments, he said.

• Motion: Kathleen Kluger moved to approve the preliminary and final application for Community Harvest, 647 U.S. Rte. 1, Unit 10, Map/Lot: 0091-0008-W, with the condition of pending State permits and local approval with the Department of Public works. Peter Smith seconded. The motion passed 5-0.

**Mic Mac Hotel, 317 U.S. Rte. 1**
**Map/Lot: 0059-004, owned by Kittery Indian, LLC.**
**Sketch Plan review for 65-unit Comfort Inn or similar hotel**

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This is the third sketch plan for this application. The others were on December 6, 2018, and June 27, 2019.

Rick Lundborn of Fuss & O’Neill Engineers, Kennebunk, presented a new layout for the hotel and parking. The building has been moved to the front of the lot where it sits directly parallel to Rte. 1. The parking is on the side and rear, as the Board has required twice before.

- Motion: Kathleen Kluger moved to accept the application as a sketch plan review for Mic Mac Hotel, 317 U.S. Rte. 1, Map/Lot: 0059-004. Peter Smith seconded. The motion passed 5-0.

Chairman Al Cotton opened the public hearing.

- Richard Weare commended the developer and engineer for shifting the building around. The abutters have issue with how stormwater will be handled.

Al Cotton closed the public hearing.

Rick Lundborn said these changes will not present problems with drainage. The Board was pleased with the new parking layout and encouraged him to move the project forward.

Minutes

- Motion: Kathleen Kluger moved to accept the Minutes of August 8, 2019, as corrected. Peter Smith seconded. The motion passed 5-0.

Other Business

Chair Todd Frederick would like Planning Board members to attend the upcoming Selectboard meeting (Monday, August 29, 2019) to discuss the marijuana amendment plus any other marijuana issues. Heather Ross said that there are no other marijuana issues. The Town is in compliance with State law. There are no options for additional uses for marijuana.

Adjourn

The meeting adjourned at 9:15.

Respectfully submitted,
Patience G. Horton
PB Recording Secretary