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 Gerry Runte. Alternate Ken Churchill was present but did not vote. Land Use Technician Heather Ross represented staff. Planning Director Dylan Smith was not present. Patience Horton was the recording secretary. This very busy meeting lasted 3.75 hours.

Public Forum

- **Dennis O’Connor** referred to the Gannon Landscaping application (PB’s lot line approval of 10/26/2017). He asked if there is a process for “changing a vote” privately. Peter Smith explained that changes can be made to Findings of Fact during public meetings, but changes cannot be made in private.

- **Peter Dutton** of Eureka Avenue said he believes an illegal subdivision is being created on the Gannon Landscaping property. What should he do? Chairman Al Cotton said that that is a question for the CEO. If the Code Officer finds there is a violation, she takes action in writing. If Mr. Dutton doesn’t agree with her, he can go to the Board of Appeals.

Field Changes

**Classic Compounding Pharmacy, 1171 U.S. Rte. 1**  
Map/Lot: 0022-0005

Ryan McCarthy with Tidewater Engineering, Kittery, and owner Cynthia Theriault presented this field change.

During construction, large boulders and ledge have been uncovered, necessitating the foundation to go 18 inches higher. Because of that, the ADA accessibility ramp has been elongated and the handicap parking space has had to be moved. The applicant has added a backup generator and propane tanks and asks for approval of that.

- Motion: Peter Smith moved to approve the field changes as presented for Classic Compounding Pharmacy, 1171 U.S. Rte. 1, Map/Lot: 0022-0005. Kathleen Kluger seconded. The motion passed 5-0.
Yorkshire Commons
Map/Lot: 0049-0004

Jeff Clifford from Altus Engineering in Portsmouth said there are sinkholes at Yorkshire Commons in a lawn that was once used for car parking at special events. The lawn started sinking because the main pipe from a water main that was put along York Street discharges there. Jeff is proposing to put in an underdrain system that will drain the area appropriately. There will be a maintenance agreement for this portion of the system.

- Motion: Kathleen Kluger moved to approve the field change for Yorkshire Commons, Map/Lot: 0049-0004 amended to improve stormwater conditions of a previously plan. Peter Smith seconded. The motion passed 5-0.

Application Reviews

Workforce Housing, 296 US Rte 1
Map/Lot: 0059-0021 owned by Carol Robinson/York Housing Authority.
Sketch plan review for a workforce affordable housing subdivision consisting of 76 dwelling units.

Patricia Martine, Director of York Housing; Greg Payne, Director of the Maine Affordable Housing Collation; and Jeff Clifford of Altus Engineer, Portsmouth, presented this sketch plan.

This is not Section 8 housing. That is for people with lower incomes. This is for people/families in the modest income category, the $40,000 to $60,000 level. This would include many teachers, carpenters, retail supervisors, and truckers, for example. This subdivision is to be conventionally financed without the Federal Home Owner Housing Tax Payer Program, which is how other public housing projects are usually financed. Patricia said she is happy not to have to jump through those hoops.

- Motion: Kathleen Kluger moved to accept the application for sketch plan review for York Housing Authority, 296 US Rte 1, Map/Lot: 0059-0021. Peter Smith seconded. The motion passed 5-0.

The project is being built in three phases. The first is situated on a driveway loop with a village green in the middle. It has 42 rental units with 1, 2, and 3-bedroom apartments. The second phase has two townhouses with six units each. Those have garages. The land for the third phase has not been purchased, but when built, it will have 12 rental units on upper floors and community space on the ground floor.

Whereas 123 parking spaces are called for, 125 are being provided.
The wetlands have been determined by Mike Cuomo. There are no vernal pools on the site or nearby. There will be underground storage chambers in the stormwater drainage system. The endangered Cottontail has been known to dwell in that area.

Chairman Al Cotton opened the public hearing.

- **Al Cotton** regretfully read a letter into the record. He said he will not allow that practice in the future. **Richard Weare** of 10 Riverbend Road wrote that traffic congestion already backs cars up in both directions on Rte 1 in that area. There are no turning lanes for entering or exiting the property from Rte 1. There has to be an in-depth traffic study.

- **Alica Johnson-Grafe** is the head of Brixham Montessori Friends School on abutting property. The loss of the natural wooded habitat will have a negative effect on the health and development of the schoolchildren. There will be added noise and air pollution. Children need a connection to the Earth. The wooded area has a magical feeling. She would like to see the natural buffers between the properties stay as large as possible.

  Alica invited the board members to walk the Brixham School site.

- **Jill Burke** has lived at One Riverbend for 20 years. Sometimes it is next to impossible to get out of her street turning left, to the south. The future congestion of the Mic Mac rebuild will make things even worse. Traffic from the Mic Mac, Riverbend Drive, and this subdivision will all converge at one point.

- **Larry Burke** wondered if there will be tax revenue from the assessment of this property. [Patricia Martine answered: We are not required to pay taxes but we always make payment in lieu of taxes, and it always ends up being more than what is required if it were an assessment.]

- **Ross Del Deo** and his family live on property adjacent to the proposed subdivision. The landscape view is important to them, and he hates to see it go. They are concerned how light pollution from the weigh station will drift over to his property with the natural buffer gone.

  Al Cotton closed the public hearing.

  During board discussion, Peter Smith asked the developer to consider a left-turn “escape lane” northbound on Rte 1 so cars can get in and out of the development safer.
Clark and Howell Office Building, 474 US Rte 1 and 5 Hannaford Drive
Map/Lot:  0048-0025 owned by DLJ Group LLC
Map/Lot:  0053-0024 owned by Hannaford Bros Co.
Preliminary plan review for an office/common workspace building.

Geoff Aleva of Civil Consultants in South Berwick and Matt Howell of Clark and Howell, a law firm in York, presented the application for a 3-story office building designated for shared office space. The sketch review was on January 10, 2019.

At the PB’s request, they have changed the proposed two-way access from Rte 1 to one-way-in. Traffic leaving the site will come out to the signalized intersection on Hannaford Drive. Because this adds a relatively small increase to the Hannaford flow, the applicant has asked for a waiver from a full traffic study.

- Motion: Kathleen Kluger moved to accept the application as complete for preliminary plan for Clark and Howell Office Building, 474 US Rte 1 and 5 Hannaford Drive, Map/Lot: 0048-0025 and 0053-0024. Wayne Boardman seconded. The motion passed 5-0.

Police and Fire have been contacted and have no issues about the project. DPW has not chimed in. The other two waivers are for building materials and high intensity soil survey.

The broad side of the building is seen when approaching on Rte 1 from the south. The narrow profile with the front-door-look is seen directly and squarely from Rte 1. A sidewalk along Rte 1 connects with the sidewalk in front of Bangor Savings. There is a sidewalk connection to Hannaford Drive, though there is no sidewalk on Hannaford Drive.

The parking requirement is one parking space for every 200 square feet of gross area. Their own area being too small to accommodate that equation, Clark and Howell are lease-sharing parking with Hannaford.

The stormwater management plan has been done in conjunction with amendments to the Hannaford property. The building is sprinkled. The down-lit outdoor lamplight will be cut off by a timer at night. The keying system is called Proximity. Access to the building will be electronically controlled. Tenants will have access to certain doors at certain times.

Wayne Boardman suggested that if the applicant wanted to reduce the number of parking spaces, the Board could consider a waiver of the minimum parking requirement. He noted the nearby Hannaford lot could be used for the few times that the applicant's parking area was insufficient, and impervious coverage could thereby be reduced. Matt Howell stated that they were satisfied with the proposed number of parking spaces.
There is a cemetery on the lot with a 25-foot no-excavation buffer per State law. Can they construct the road without disturbing that buffer?

- Motion: Kathleen Kluger moved to grant preliminary approval for the application of Clark and Howell Office Building 474 US Rte 1 and 5 Hannaford Drive, Map/Lot: 0048-0025 and 0053-0024. Peter Smith seconded. The motion passed 5-0.

**York Building and Design, Oak Ridge Terrace**
**Map/Lot 0100-0020 owned by York Building and Design; Sketch plan review for commercial building.**

Ken Wood from Attar Engineering, Eliot, presented the plan. Developer Walter Woods was not present.

This application is for a Rte 1 use permit and amended site plan on 8 acres of land where Walter already built a 5-unit residential subdivision. Approximately 6.3 remaining acres of open space will have to be re-designated, which would best be evaluated by PB members with another site walk.

- Motion: Kathleen Kluger moved to accept the application for sketch review for York Building and Design, Oak Ridge Terrace, Map/Lot 0100-0020. Peter Smith seconded. The motion passed 5-0.

The planned use for the 2400 sq ft building is retail, though the type of store has not been determined. It will require about 12 parking spaces. It is estimated that this use will generate about 81 trips per day into a section of Rte 1 that DOT says sees about 21,000 passer-by trips per day.

- Motion: Kathleen Kluger moved to have the Board schedule a site walk for York Building and Design, Oak Ridge Terrace, Map/Lot 0100-0020. Peter Smith seconded. The motion passed 5-0.

Said site walk was scheduled for Wednesday, October 16, 2019 at 10:00 a.m.

**Stephen Carr Property Services, LLC, 3 Ronnie’s Way**
**Map/Lot: 0094-0021-C owned by Stephen Carr Property Services Preliminary plan review for a mixed-use development consisting of a single-family home and garden center.**

Geoffrey Aleva and applicant Stephen Carr presented the application.

Stephen Carr is relocating his business to a vacant, wooded lot located on Lonnie’s Way f/k/a New Town Road. The application could have gone through the Code Office as a
home occupation; however, he has 10 employees, and that number scoots him over the threshold into the PB’s jurisdiction.

- Motion: Kathleen Kluger moved to accept the application as complete for review of preliminary plan for Stephen Carr Property Services, LLC, 3 Ronnie’s Way, Map/Lot: 0094-0021-C. Peter Smith seconded. The motion passed 5-0.

This application is for a single-family house, office, garage, and garden center. There will be no retail. Stephen Carr is seeking waivers from high intensity soil survey, detailed traffic study, landscaping, and sight distances.

- Motion: Kathleen Kluger moved to grant preliminary approval to Stephen Carr Property Services, LLC, 3 Ronnie’s Way, Map/Lot: 0094-0021-C. Peter Smith seconded. The motion passed 5-0.

Minutes

For the sake of time, the minutes were not reviewed.

Other Business

Findings of Fact

McIntire Woods Subdivision, 142 York Street
Map/Lot: 0091-0009-C

The performance standards for the 55-and-older community have not been developed, said Kathleen Kluger, and they should be included in the Findings. We never defined what over-55 means, she said. What is missing is that there should be no residents under the age of 18. Kenny Churchill said he is the perfect example of that: He is 57 and has a 16-year-old daughter.

There are 69 other units in the development that can accommodate that age combination, said Kathleen. Beside 55-and-over, there are mixed-use, single-family free-standing units, town houses, and workforce housing where elders with children can live.

Tom Greer offered up that since the Davises are not the final developer, the stipulations of the under-18 exception can be added to the bylaws by the PB when the approvals are sought by the future developer.

Ultimately, the Board decided that the words “over the age of 55 years, but not under 18” will be added to the findings on Page 16, Conditions of Approval, Item No. 3. Al Cotton went on to sign the Findings of Fact that Heather Ross had brought to the meeting. Changes to the text will be made tomorrow in Heather’s office.
• Motion: Peter Smith moved to authorize the Chair to sign the Findings of Fact for McIntire Woods Subdivision, 142 York Street, Map/Lot: 0091-0009-C. Kathleen Kluger seconded. The motion passed 5-0.

Findings of Fact
York Harbor Motel, 780 York Street
Map/Lot: 0038-0059

Tim DeCoteau represented the applicant.

• Motion: Peter Smith moved to accept the Findings of Fact for York Harbor Motel, 780 York Street, Map/Lot: 0038-0059, as written. Kathleen Kluger seconded.

In discussion, Wayne Boardman said the York Harbor Site Design Review Board, of which he and Peter Smith are members, has not approved their final Findings of Fact. Heather Ross said that with proper public notification (newspaper), the YHSDRB can meet and sign the document in time for Tim DeCoteau to demolish the main building and targeted cottages after October 14, 2019, (Columbus Day) and still get a building permit by the end of October, which are the deadlines Tim DeCoteau is looking for.

Peter Smith withdrew the motion to sign the PB Findings.

Adjourn

The meeting adjourned at 10:40.

Respectfully submitted,
Patience G. Horton
PB Recording Secretary