

**York Planning Board
Meeting Minutes
Thursday, October 28, 2021; 7:00 P.M.
York Public Library**

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, Pete Smith, and alternate Ian Shaw, who was appointed as a voting member. Regular member Al Cotton and alternate Kenny Churchill were absent. Planning Director Dylan Smith represented Staff. Chris di Matteo served as peer reviewer. Patience Horton was the recording secretary working remotely. Votes were tallied via roll call.

Field Changes

Bristol Pointe
294 York Street

Geoff Aleva, Civil Consultants
Brud Weger, Architect

Kathleen Kluger and the other Board members deemed that the field change that had been submitted was, in fact, an amendment to a previously-approved plan. The applicant was asked to submit it in that form to the Planning office for board review at a future meeting.

York Beach Surf Club
780 York Street

Tim Decoteau, Project Manager

The Board discussed whether this proposal to change the parking lot design to accommodate the location of transformers should be treated as a field change or as an amendment to a previously approved plan.

- Motion: Pete Smith moved to accept the request from York Beach Surf Club, Tax Map 38, Lots 59 and 69 as a reasonable field change. Gerry Runte seconded. The motion to review it as a field change passed 3-2 with Peter Smith, Gerry Runte, and Wayne Boardman voting yes, and Kathleen Kluger and Ian Shaw voting no.

There are two transformers on the plan. As part of the plan, they are to be relocated. CMP cannot come and move them for three to six months. To be in compliance, the plan is being changed to conform to the transformers' current positions. That requires shifting the road and adjusting the parking. That adjustment requires one parking space to be removed from one

cottage. There will still be adequate parking. Later on, when the transformers are relocated, the applicant will come back for an amendment to a previously approved plan, and the parking space will be put back next to the cabin.

- Motion: Pete Smith moved to approve the field change for York Beach Surf Club, Tax Map 38, Lot 59 and 69, as presented. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

Public Forum

- Motion: Pete Smith moved to open the public forum. Ian Shaw seconded. The motion passed 5-0.

No one came forward. No correspondence had been received. The Chair closed the public forum.

Application Reviews

Pine Ledge Motel, 1963 US Route 1

Map/Lot 0001-0004 owned by Michael Ramsey

Site plan review to re-develop existing seasonal workforce housing on the lot

Travis Letellier, Northeast Civil Solutions

The demolition of a motel building and the construction of a new 11,000 square foot building is being proposed. The new building will be put up first. The project is in the RT 1-6 Zone and the RES-2 Zone. The Code Office has indicated that the use of non-conforming motel can be moved forward and categorized as employee housing, as well.

Chris Di Matteo noted that, in regard to the application's readiness for review, the 6.3.5 Impact Statement has been submitted and the grading landscape design has been submitted, but it does not meet the requirements of 7.3. This is something the Board can determine, Chris said.

Regarding the initial assessment of traffic impacts, Travis Letellier said that there is no change in use or intensity of the use, so there is no change in the actual traffic on the property. It will continue to be used as it has been for years. The employees are picked up by a van in the morning and brought back at night. The housing is only used during high season.

- Motion: Gerry Runte moved to accept the application for employee housing by Michael Ramsey, 1963 US Route 1, Tax Map 1, Lot 4 for preliminary review. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

There is a capacity letter from the Ogunquit Sewer District. There is already a connection. Nothing is changing.

Chris Di Matteo said that essentially, the ordinance does not allow a large cut of more than 10 feet, or a large fill with changing grades. The Board may need to consider that and possibly waive it.

The applicant would like to keep the existing pavement loop around the building as it is now. Instead of putting pavement down to accommodate the new building, they would like to leave it as it is. There is a plan to landscape inside the loop when the old building comes down. Wayne Boardman said the buffer should be a real buffer, not pavement.

There is a requirement for utilities to be underground, but the plan keeps overhead wires as they are. The wires come from Route 1 to a pole. Instead of going from the pole down into the ground, they continue to run from the pole to the building.

- Motion: Pete Smith moved to open the public hearing for the application for employee housing, Michael Ramsey, 1963 US Route 1, Tax Map 1, Lot 4. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

No one came forward to speak. Kathleen Kluger entered a communication into the record. It was written by Jeff Hill, an abutter. She summarized that he is concerned about his view toward the new construction. She closed the public hearing.

The Board discussed 7.3 regarding the great amount of pavement that is proposed to remain on the site within a buffer yard. A waiver is necessary to keep the pavement. Pete felt there has never been a vegetated buffer there, and it is unrealistic to ask the applicant to tear up the pavement and repave 20 feet away. Wayne said that the original building was built in a time when bufferyards were not required. The project is a complete renovation and the bufferyard should be established. Kathleen said a site visit would be helpful for more than the one item. A time was set for Monday, November 15, 2021, at 11:00 A.M.

- Motion: Pete Smith moved to continue this application for the Pine Ledge Motel, 1963 US Route 1, Map 0001, Lot 0004, to the meeting of December 23, 2021. Gerry Runte seconded.

In discussion, Wayne Boardman asked staff if there are other sticking points that should be considered before the site walk. Kathleen Kluger paused the motion and offered the applicant a chance to speak. Mr. Letellier said that the outstanding issues are self-explanatory.

Kathleen Kluger called for the vote. The motion to continue the application to December 23 passed 5-0.

**Lupine Park—Mixed Use development, 4 Vacation Drive
Map/Lot 0086-0002, owned by Joshua Stauble**

Site Plan amendment to add a second multi-use commercial building and associated parking areas

Ryan McCarthy, Tidewater Engineering and Surveying
Joshua Stauble, Lupine Park

Ryan McCarthy said that last time Joshua Stauble was before the Board, the existing development was approved as a site plan. That includes an existing 5,000 square-foot building. They are proposing to add a 4,950 square foot seconded building. It mimics the building that is already there.

This development is more than 750 feet from Route 1 and is not required to connect to the public water main. The site is served by a septic system and a well. There is a letter from the Fire Chief indicating that approval of the first submission would continue to apply to this submission. There is an email of approval from the Police Chief. An email from Dean Lessard supports the waiver request on the full traffic impact analysis.

The second building adds another 25 parking spaces. There is a handicap spot in front of each building. A pole barn to provide covered parking has been removed from the plan. The project was previously approved to put in large stockpiling of materials. That has been removed from the plan. Small dump trucks will be moving small piles of materials. Smaller bins will be used for landscaping products.

The natural bufferyards around the property are not being touched. The required plant units adjacent to the residential properties have been enhanced with white pine trees and an added fence at the abutter's request.

The updates to the plan and notes have been made. There is no longer a request for a waiver for the performance guarantee. The engineer's estimate for erosion control measures is under \$10,000, for which a letter of credit will be provided.

- Motion: Pete Smith moved to open the public hearing for the application by Lupine Park, 4 Vacation Drive, Tax Map 86, Lot 2. Ian Shaw seconded. The motion passed 5-0.

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

Pete Smith said that there were five waiver requests, and two are being withdrawn.

1. Waiver 1: Section 6.3.33, Traffic Impact Analysis, is required when 40 or more parking spaces are provided and when it is projected that more than 400 vehicle-trips per day will be generated. Ryan McCarthy said that an email from Dean Lessard states that additional data are not required. There are no crash locations along this stretch of road. Two hundred ninety-five trips per day are predicted, well under the limit of 400.
2. Waiver 2: Section 6.4.6, Landscaping Plan. The plan meets the standards of 7.1.7.

3. Waiver 3: Withdrawn
 4. Waiver 4: Section 6.3.10, Landscaping a Bufferyard. It is not required for a licensed landscape architect to prepare a Landscape Plan.
 5. Waiver 5: Withdrawn
- Motion: Pete Smith moved to approve the following waivers requested by Lupine Park—Mixed Use Development, 4 Vacation Drive, Tax Map 86, Lot 2:
 - Waiver 6.3.33, Traffic Impact Analysis
 - Waiver 6.4.6, Landscaping meets standards of 7.1.7
 - Waiver 6.3.10 Landscaping in Bufferyards.

Gerry Runte Seconded. There was no discussion. The motion to approve the waivers passed 5-0.

- Motion: Wayne Boardman moved to approve the amended site plan for Lupine Park—Mixed-use development, Joshua Stauble, 4 Vacation Drive, Tax Map 86, Lot 2. Pete Smith seconded. There was no discussion. The motion passed 5-0.

Kathleen Kluger said that the plan notes will be corrected as the peer reviewer has written.

Mountain Road Conservation Subdivision, 51 Mountain Road
Map: 0097 Lot:0015 Owned by Dianne Goodwin
The intent of this project is to create a 15-dwelling unit open space conservation subdivision development

Geoff Aleva, Civil Consultants
James Paolini, York Harbor Builders

The 62-acre parcel on Mountain Road has been logged within the last five years. The land has a 38-acre contiguous conservation area the York Land Trust proposes to preserve as open space. The forest would come back and it would become a wildlife area again.

There are uplands on the property that are suitable for development, said Geoff Aleva. The Land Trust would like to use the subdivision's road to access the open space, for which an entrance and parking would be added. The Land Trust would like to put in some trails. There is an abutting parcel with open space they wish to purchase to add to this open space, he said.

Kathleen Kluger said that this meeting is considered a conceptual design review of the open space. It is not understood what the York Land Trust wants to do with the property. The applicant should solidify plans by collaborating with the Land Trust and the Conservation Commission. Once a vision of the best use of the property is firmed up and the theme is identified, the yield plan and sketch plan can be created.

- Motion: Wayne Boardman moved to continue the application for Mountain Road Conservation Subdivision, 51 Mountain Road, Map 97, Lot 15 owned by Dianne

Goodwin, to a date that will be determined by the applicant. Pete Smith seconded. There was no discussion. The motion passed 5-0.

**BD Solar York, LLC, 53 Major McIntire Road
Map/Lot 0086-0034 owned by Mary McIntire Davis Trust, Malcom R. Davis, Trustee
Site plan review to construct a 4.99 megawatt (MW) solar array project**

Sean Theis, Project Manager
Nick Mazuroski, Co-owner BD Solar York
Gordy Smith, Attorney for BD Solar

This application was brought before the Board as a sketch plan about a year ago. It was turned away because there were proposed wetland fills. Now they have relocated the solar project outside the Shoreland zone of the York River (based on the Town's mapping) and, at the same time, kept it 250 feet from the Wetland boundary (based on the wetland delineation). There is an uncertainty about the access road. It cuts through a portion of the Shoreland zone.

The applicant has a lease-option with the ability to enter into a long-term lease. The parcel is 140 acres. The array is on 13 acres of land. The majority of the property is open field. The entire project is essentially buffered with an existing forest. Most of the electrical power system would be underground. It would come above ground near the end of the access road.

The location of the solar panels has been moved as a part of the redesign. Before, the panels were located close to the property line. Now they are set back 550 feet from the road and neighbors. The whole site is surrounded with a 7-foot-high chain link fence. No lighting is proposed. There is a minimal amount of noise. Glare is slight with solar panels.

There is external time pressure for the project. State legislature enacted rules amending Net Energy Billing in the State of Maine. It has a tight "sunset" time frame for projects to be eligible. If met, the company would be able to sell power directly to residents, relieving a good amount of risk and uncertainty about how to sell the power. The applicant must obtain a conditional use permit from the Town by the end of 2021. The project will have safe harbor if the Board can approve the project with conditions in December.

- Motion: Pete Smith moved to accept the application for BD Solar York, LLC, 53 Major McIntire Road, Map 86, Lot 34, for preliminary review. Gerry Runte seconded. There was no discussion. The motion passed 5-0.
- Motion: Pete Smith moved to open the public hearing on the application for BD Solar York, LLC, 53 Major McIntire Road, Map 86, Lot 34. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

No one came forward to speak. Kathleen Kluger closed the public hearing.

Kathleen Kluger read a summarized voice mail from abutter Glen Lajoie into the record. He opposes the solar farm. He had been told the land was protected as preservation land that would not be built on. He believes it will be an eyesore from his property and will impact his horse-farm business.

Kathleen Kluger also entered into a record a summarized communication from Kevin Solito of 7 Keith Road. He echoed Mr. Lajoie's concerns and added the issue of financial impact in terms of lower property values. He wants to know how the integrity and the appearance of the existing area will be maintained. He is also concerned about the view of it during the fall and winter seasons when there will be no coverage from trees and other landscaping. How will the clearing of the trees and the impact to the wildlife will be affected?

Kathleen Kluger closed the public hearing.

Nick Mazurski responded to the public hearing. The array has been moved more than 500 feet from the nearest residential properties. Existing vegetation creates a solid visual buffer. There is a "very discrete" potential visual impact on the front side where the access road turns in. Vegetation is being taken away from the array area, but all surrounding vegetation will stay in place. The applicant is willing to put in a vegetated buffer for the Schiffers's concerns.

The inverter systems generate sound, but they are far away from the road, and one has to be within 10 feet to hear the sound. The stables are not near the access road and are set back behind a house. They are not by the roadside and should not be affected by the project.

Nick Mazurski addressed some points Chris Di Matteo had raised.

- The applicant has produced a boundary survey.
- No traffic impact statement should be required. The site will be visited about once a month for maintenance.
- There is no landscaping proposed. A waiver has not been requested. Some trees may be planted for screening.

The applicant will ask for a waiver of the identification of the 24" trees.

Chris Di Matteo said that demarcation of the Shoreland zone lines needs to be field-verified and properly delineated by a surveyor. Code is anticipating a certified plan. Code will determine the status of the resource protection district.

- Motion: Pete Smith moved to continue the application for BD Solar York, LLC, Tax Map 86, Lot 34 to the meeting of December 9. Gerry Runte seconded. The motion passed 5-0.

Minutes

- Motion: Gerry Runte moved to approve the Minutes of October 14, 2021, as amended. Wayne Boardman seconded. The motion passed 5-0.

Other Business

Wayne Boardman proposed three new members to the Climate Action Plan Steering Committee, Carol Libby, Susan Covino, and Halley Smith.

- Motion: Pete Smith moved to approve the new members of the Climate Action Plan Steering Committee. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

Adjourn (10:30)

- 1) The next Comp Plan Steering Committee meeting will be Thursday, November 4, at 6:00 P.M.
- 2) The next Planning Board November will be on November 9, at 7:00 P.M. There will be only one Planning Board meeting in November.
- 3) The Planning Board will have a site walk at the Pine Ledge Motel, 1963 US Route 1 on Monday, November 15, 2021, at 11:00 A.M.

Respectfully submitted,
Patience G. Horton
Recording Secretary