

**York Planning Board**  
**Thursday, July 24, 2014, 7:00 P.M.**  
**York Public Library**

**Call to Order, Determination of Quorum; Appointment of Alternates**

Chairman Al Cotton called the meeting to order at 7:00. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe; and alternate Amy Phalon, who was asked to vote as a full member. Town Planner Dylan Smith represented staff. Patience Horton took minutes.

**Public Forum** No one came forward.

**Minutes** There were no minutes.

**Field Changes** There were no field changes.

**Application Reviews and Public Hearings**

**16 White Birch Lane Map & Lot 0085-20-C. Sketch Review of a Site Plan proposed to construct 7,500 S.F. building containing five 30'x40' contractor rental spaces and associated parking.**

Engineer Ed Brake described this proposal to add five 1,500 square foot rental spaces and corresponding parking to a preexisting building where medical marijuana is currently grown. The spaces will be used for cultivating medical marijuana.

**Public Hearing**

- Abutter **Mike Briggs**'s concerns are with traffic increase, stress on the land, and decreased property values.
- Louise Littlefield, a horsewoman, is unable to access the field where she rides because she cannot pass over part of the right of way. This is directly affecting her way of life.
- **Rob Nealon** owns the abutting field where there is a freshwater spring. Will it be affected? He can offer the applicant a more suitable location for the building on his land.
- **Sarah Sanford**: The condition of Birch Lane Road is overburdened with growing traffic that can only get worse. She wants business hours set at 6:00 A.M. to 6:00 P.M.
- **Chuck Ott**, an abutting farmer, has been banned from the applicant property for first time in 16 years. Cooperation and neighborly feelings are gone.
- **Scott Brown**: The people in the building don't want to develop relationships with the neighbors. Traffic patterns have changed.

## **Board Response**

- The medical marijuana ordinance is before the selectmen for placement on the November referendum. If approved, a medical marijuana zone will be established. The ordinance is retroactive, and expansion on Birch Lane will not be permitted.
- If the application goes forward, more application submittals, like stormwater management, erosion control, and building design will be required.
- Security for the building and parking will be studied.
- There should be a written agreement about plowing and maintenance of the road.
- There should be a site walk, possibly at the sketch plan level.

## **Ed Brake for the applicant:**

- The road's plowing, grading, ditch work is maintained as a coop between the applicant and two other abutters.
- The traffic on the road is not generated by this parcel.
- Watershed analysis, FEMA study of the stream, and all other submission requirements are being considered, if the application continues.
- If the use is not approved, the applicant has been speaking with carpenters and others with similar uses for tenants in the future.

## **Peradventure, Peradventure Way Map 0052, Lots 21, 21C, and 21D. Amendment of a previously approved subdivision to combine two lots into one larger lot with a portion of the land going to another lot**

Bill Anderson, applicant engineer: Owner Mr. Rubin wishes to remove a lot and a paper cul-de-sac, splitting Lot 2 and eliminating Lot 1. There are both an easement path and a Cliff Path, two separate paths.

Town Planner Dylan Smith: The hearing cannot go forward per § 5.1.0. Application submissions were not received in his office at least 17 days prior to tonight's hearing as required. They were received the prior day.

Chairman Al Cotton asked the applicant to withdraw with no issues and return when the submission is proper. He opened the public forum for items that are not on the agenda.

## **Public Forum**

Dylan Smith read a letter from the Friends of the Cliff Walk Steering Committee into the record. The Friends insists that the application include previously approved site plans from 1986 and 1998, as well as other pertinent documents.

- **Ted Little**, spokesperson for Friends of Cliff Walk: The Cliff Walk is not accessible and passable. Eighty thousand dollars has been put aside by the town if legal aid is needed, hopefully not. The path is blocked. Vegetation is overgrown from the Rubin property. There are no trespassing signs.

- **Duane Jellison**, Peradventure Way: There is an easement path, which is other than the Cliff Walk. It is a private right of way for the four homes in Peradventure Way. That street is private and not open to the public.
- **Gary Green**: Fifty thousand of the \$80 thousand reserved by the town for legal fees came from the referendum vote.
- **Tom Rose** told a little of the history of the Cliff Walk. A web page with pictures is being built.
- **Sally Sulloway** said the email address is [yhcliffwalk@gmail.com](mailto:yhcliffwalk@gmail.com). There is a Facebook page that can be Googled.
- **Bob Gordon**: the Friends are able to offer assistance to the Cliff Walk abutters to make the path acceptable to them.
- **Mike Metcalf**, 2 Peradventure Way, chose not to comment on an item that is not on the agenda and will comment when the final plan is filed.

## Other Business

- **Yorke Fields Extension Request (590 U.S. Route One)**

Greg Orso is the applicant attorney, Jeff Clifford, engineer, and Jay Finnegan, owner. The permit for York Fields will expire after three years on August 11. It should be considered a vested project or get an extension on the permit.

- The applicant has met 25% of the requirements of the vested site plan and subdivision regulations.
- They have paid MDOT to create the left hand turn into the property.
- They have bored under Route One twice, for sewer and water.
- The applicant has spent \$186 thousand for public improvements.
- From 2008 to 2013, \$290 thousand was spent.

The project has stalled because of finances.

**Motion:** Todd Frederick moved to grant a two-year extension commencing on August 11, 2014, for Yorke Fields, 590 U.S. Route One, Map 42, Lot 8 (in the new number, 121-001 P3672). Peter Smith seconded. In discussion, Lew Stowe made a friendly amendment to change the extension period to three years. Todd and Pete accepted the amendment. The motion passed, 4-1, with Amy Phalon opposed.

- **York Village Zoning Discussion**

Dylan Smith, Lew Stowe, and Peter Smith are active in the Village Committee. The consultant Downtown Revitalization Collaborative is developing the master plan for the Village, but the scope of services is not decided. It is felt that the planning process is going too fast for the master plan and village zoning to be correct. The Village Committee will meet with the Planning Board during the August workshop.

- **Review of Zoning 6.2.27.2 – Outside Display Provisions**

The board has a heads-up to take care of the sunset clause in this ordinance in a timely manner. The sunset clause will eliminate the outdoor display ordinance in June, 2015. The ordinance was established in response to outside displays that were blocking sidewalks and right of ways. Since the ordinance, that hasn't been an issue. To keep the ordinance, the sunset clause language must be struck. To do that, it must go on the May, 2015, referendum.

- **Review of Submitted Findings of Fact (Wiggly Bridge Distillery)**

The condition of having the chairman sign off on the Findings is complete.

- **Review of Submitted Findings of Fact and Mylars (York Police Station)**

Al Cotton felt the board is not ready to approve the Findings of Fact. More time is needed to take it into account.

- **Motion** Todd Frederick made to motion to table the review of the Mylars to August 14. Amy Phalon seconded. In discussion, Amy said she has notes to type and distribute. Vote: Unanimous.

Peter Smith described the importance for accuracy between what is written on the Mylar and the conditions the board has approved. The waivers and approvals for the July 10 meeting do not match what the applicant has on the plans. He learned that Lee Jay Feldman, contract town planner, had put them together from his notes. The board must turn back to Andrew Johnston to find out if he has a different interpretation based on what he has on the plan notes.

Peter also felt it important to have a copy of the latest Mylars to make sure things requested as part of the approval on July 10 are reflected there.

## **Adjourn**

9:36