

TOWN OF YORK PLANNING BOARD
THURSDAY, JANUARY 13, 2005, 7:00 PM
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Chairman Barrie Munro began the meeting at 7:00. In attendance were Barrie Munro, Glenn Farrell, Richard Smith, Glen MacWilliams, Tom Manzi, who had become a full member of the board, and alternate Lee Corbin. A second alternate replacing Dave Marshall had not been selected. Town Planner Steve Burns represented staff. Patience Horton took Minutes. The meeting was televised. Five motions were made.

Public Input--Open to the public to address any issue other than issues scheduled for public hearings on this agenda.

Stan Moody of the York Conservation commission handed out new proposed language for §3.3.9.4, Minimum Separation Distances, of the Shoreland Zoning Ordinance. Chairman Barrie Munro welcomed the language and thanked Stan Moody for helping with productivity.

Steve LaPointe of Cottage Place Business Condominiums described major upgrading he planned to oversee at the complex. Changes, including replacement windows and new hot-hop, would not be difficult to permit, but the proposed vinyl siding that will save about \$40,000 is not permissible by the Route 1 Zoning Ordinance. Barrie Munro said the board is concerned with the architectural design and appearance of buildings facing Route 1. Glenn Farrell suggested Steve LaPointe submit a letter and a sketch for reconsideration of his siding. Town Planner Steve Burns said he would schedule the matter into the board's agenda in a few weeks.

Stan Moody came to the podium and said that he thought the change should be documented as a request for a change of plan, if there already is a plan.

Minutes--Review and approval of draft minutes.

Glen MacWilliams requested a change in the December 9, 2004 Minutes to the writing style eliminating a question phrased in the first paragraph of the **Other Business** section of the agenda.

Minutes Accepted Barrie Munro accepted the minutes as amended, without objection from the board.

Applications

Meadowbrook Plaza LLC and York Meadowbrook Plaza II, LLC. 647 & 659 U.S. Route One. Map 91/Lots 8W & 8Y. Public Hearing. Consideration of remanded application for the former Dexter Shore Store lot, and for amendment of site layout at the Meadowbrook Plaza.

Chairman Barrie Munro opened the public hearing. Attorney Greg Orso introduced himself as representative of the applicant, saying he had a short presentation he would give later.

Helen Rollins Lord told the board that a builders group had raised \$20,000 to make an effort to defeat the growth cap. A tremendous amount of time and money had been spent to put a business into a town that clearly didn't want it, she said. Town Planner Steve Burns began telling a history of the "Dunkin Donuts" application, beginning in April 2002, when the applicant worked around the then-current fast-food standard by adjusting the donut business into a room with 18 seats, no drive-thru, and only one cash register. Speaking into the record, Helen Rollins Lord stated that she was opposed to having Dunkin Donuts or any other formula restaurant in York.

Jack Macdonald of York Harbor asked who had been to a Dunkin Donuts. Virtually 100% of the audience of approximately 45 people raised their hands. He then asked who would never go back. Two raised their hands.

Fred Knox of Long Sands Road said he was opposed to Dunkin Donuts. People of York are concerned that Dunkin Donuts has its foot in the door, he said. When McDonald's was on the town's threshold in 1987, its rejection by the townspeople was voted on as a ballot item. It was blocked by a 3-1 margin. He warned that if Dunkin Donuts comes to York, it would only be a short time before the applicant would request the Planning Board to add a drive-thru window. "Dunk Dunkin Donuts," he said in closing, "York will be the winner." The large audience broke into applause.

Helen Jones, who has lived in York for six months, said that her former town had eight Dunkin Donuts, which caused tremendous traffic problems.

Stan Moody, speaking as a citizen of Cape Neddick, recommended that higher brush goes into the Central Maine Power easement near the proposed Dunkin Donuts building than had been earlier proposed, now that CMP was definitely not routing lines through that area. He also commented on the order of the hearing being conducted, saying that Dunkin Donuts should have spoken before the public hearing in case its input might change people's opinions.

Michelle Moody asked for a history of the project.

Dave Lincoln asked if the current applicant was the same as the original applicant.

Steve Burns said that in 2002, Enterprise Rent-A-Car made an application for its use in the Dexter building. After that, Dunkin Donuts showed up with an application for the other end of the same building. The board asked that different applications for the same property become consolidated. That occurred March 12, 2003. Conditional approval was given to Dunkin Donuts the following May. After the application for the Dexter building was approved, the neighbors appealed it on the technicality of a clerical error

whereby the Town did not notify all of the abutters of the public hearing. Several people had been left off the list. The Board of Appeals, remanded it back to the Planning Board for a new decision, leading the current hearing. Barrie Munro added that Maine Department of Transportation would not give a traffic movement permit as part of the original plan, causing the adjacent property (Meadowbrook) to be incorporated into the plan for access to the Dexter Building. The stricter anti-formula restaurant ordinance, to which Dunkin Donuts was not subject, went into effect in May of 2004. Steve Burns said that in an e-mail of July 15, 2004, he had encouraged the applicant representative, Greg Orso, to get the application moving, and that if it was not complete, it would be denied.

Dave Lincoln said that he hoped the Planning Board would support Steve Burns's recommendation, and that the application would be rejected. He understood that they had to go by the process they were subject too, but that if a Planning Board decision was based on reluctance to risk a possible court suit, to remember that the voters are against formula restaurants. There was loud applause for a second time.

Chairman Barrie Munro closed the public hearing. He asked Steve Burns to summarize his approach to the situation. Steve Burns answered that the Planning Board was follow rules of due process. Glenn Farrell said he understood the applicant had an incomplete application and has had ample time and notice to complete the information. At this point the board should vote on it. Barrie Munro clarified that he had received some correspondence: a letter from Greg Orso about the proceedings; a letter dated January 12, 2005, from Matthew Taylor of Anderson Livingston Engineering; and a January 10, 2005 memo to the Planning Board from Donica Road residents, which was loaded with signatures and pled their case against Dunkin Donuts.

Steve Burns had handed out a two-page memo dated January 5, 2005, containing three Recommended Actions. To that, he had attached the 8-page Draft Findings of Fact, Conclusions of Law, and Decisions, dated January 6, 2005. The Findings had 16 items, the Conclusions had 2 items, and the Decisions had 3 items. He summarized some of the document, saying that the Site Plan for Meadowbrook Plaza is incomplete. Meadowbrook is under today's standards, he added. The Dexter property can only be used with Meadowbrook Plaza transportation site improvements. Also, the Dexter building has to be denied because the applicant cannot come up with an acceptable traffic plan. The applicant has failed to provide an authorized application that includes naming all the owners. Nor has the procedural requirement been met in a timely manner.

Attorney Greg Orso spoke on behalf of the applicant. He asked the board to treat his client like any other applicant. This was the first opportunity the Planning Board has had to see the current plan, he said. Only three of the current board members were on the board when the Dunkin Donuts plan was originally presented on October 10, 2002. The applicant asked for the York definition of fast food at that time. On March 12, 2003, the board reviewed a more formal plan from the applicant. On May 8, 2003 the board gave conditional approval. The appeal by the Donica Road abutters was made after that. The Town's incomplete notification of abutters caused a four-month delay during which time the applicant could not move forward and felt the process was out of control. After the

abutter's appeal, the Board of Appeals remanded the application to the Planning Board on September 11, 2003, which was followed, in October, 2003, with Bill Bray, Steve Burns, and the applicant meeting and discussing the MDOT issues that had arisen over access and egress to the Dexter building by potential Dunkin Donuts customers. At that point the plan became very complex, he continued, involving two properties to satisfy DOT approval. The applicant's time again became out of control during the ensuing six-to-eight month traffic study, beginning April 7, 2004. DOT made it clear that the applicant could not do what it had wanted on the property. Since then, there have been several ("three, four, or five") changes and variations to the plan. Engineers and experts have been diligently working on technicalities. During the first week of December 2004, Greg Orso said he met again with Steve Burns and discussed the technical information further required in the application.

This is a good plan, Greg Orso told the board. Buildings and traffic flow (according to DOT experts) will be markedly improved and will comply with the ordinance. The review process should not be truncated and reviewed--lock, stock, and barrel--in one meeting. Rather, it should have a full review. That would be the fair way to view this plan. Due process rights are for the Town and for the Applicant, too. He concluded that he believed that the applicant had met the code. The plan makes the property better, and it helps traffic. The applicant deserves Planning Board input, he said.

Matt Taylor from Anderson Livingston Engineering said that it is his firm's responsibility to represent its clients as best as possible. Referring to a September 13, 2004, memo from Bill Bray that had four or five requirements that had to be met, he said that they had been met. He had also presented the board with copies of the Anderson Livingston memo to the York Planning Board dated January 12, 2005, which responded to the Findings of Fact concerning the completeness of the application. Those requirements have been met, he said.

Barrie Munro asked the board members, who were seeing the current plan for the first time, if they have reviewed it. Glen MacWilliams asked if there was a time line for a complete application. Steve Burns answered that there is no time line until an application is accepted as complete. Glen MacWilliams asked about the time line for the previous plan that had received conditional approval. Steve Burns answered that the Department of Transportation had denied that application. He further explained how the board is required to make a decision within 60 days of the public hearing. Representation of ownership of Meadowbrook Plaza is a fundamental flaw in the application. Meadowbrook Plaza has six owners in reality, but only two were listed in the application. That item has prevented the time line rule from going into effect.

Greg Orso said that the owner of Meadowbrook who is listed represents 92% ownership of the property, which is adequate representation because it is the controlling interest. He said that he has put in a dozen applications in the past, but has never been asked for a deed. Steve Burns read from §18.14 of the zoning ordinance, where it said that each applicant should complete a form from his office indicating the owners' identities (he held up the form). It was not fully filled out, he said.

Glenn Farrell said that it was his position that the application is not complete. The applicant can resubmit. The zoning has changed. Steve Burns said that the other 8% have to be included in this part of the process because, if the board okays the application without the owners' approval, and the board then gives permission to close off the driveway for the traffic flow solution, then the 8% who are not part of the application are stuck with obligations they never even knew about.

Barrie Munro asked the board members who had not been present at the beginning stages of the application if they were comfortable with the way the review was going. Lee Corbin said that, yes, she was comfortable (Greg Orso broke in and said that the Board of directors for the Condo association makes the decisions about the parcel. He had the President of the Board of Directors of the condo association with him. He pointed out two men sitting near him and said that they had been the applicants from the beginning). Lee Corbin reiterated that she was comfortable with what in the document.

Tom Manzi, who had also come to the board after the Dunkin Donut application had begun, responded to Barrie Munro by asking Steve Burns if the rationale made by Matt Taylor in his January 12, 2005 memo showing that the application was in compliance had merit. Steve Burns answered that the application status did not change. The people left off makes it incomplete. For an example, he said, the necessary change in the configuration of the parking would call for a net loss in parking, which could be addressed with a shared parking analysis. But there is no parking analysis. For another example, he referred to DOT-required lighting changes. They are not reflected in the application, yet that change was required back in April 2004. The deadline is for an accepted site, the Dexter building, and it has to have deadlines, or the process would go on and on.

Barrie Munro asked if there was a plan change submission. Steve Burns answered that some items had been changed, and others had not. Barrie Munro continued surveying newer members. He asked Tom Manzi if he had more response. Tom Manzi asked if there were adequate coversheets. Steve Burns answered that there was one for each lot. Steve Burns then read the complete list of owners of the properties. Barrie Munro asked Glen MacWilliams if he had questions, and he did not at that time.

Barrie Munro referred to the January 5, 2005 memo from Steve Burns to the Planning Board. He reviewed the three items of Recommended Actions and asked the board how they felt and if they felt the application was complete. Glen MacWilliams said that he appreciated how long it takes to go through the application process, but he also recognizes due process. The board has no choice, if the application is incomplete.

Richard Smith said that the applicant was held up during the process. He said that he did not know which way to vote. Chairman Barrie Munro offered to allow Richard Smith to abstain from voting, and Richard said that he would like to abstain. Glenn Farrell said that if the incomplete application were for a subdivision, then the applicant could re-apply. The change in zoning that occurred should not affect the board's decision, he said.

This applicant can come back, just like any other applicant. Tom Manzi agreed. The application was not complete, and the applicant can reapply.

Barrie Munro summarized Items 1, 2, and 3 of the Recommended Actions from the Steve Burns January 5, 2005 memo to the Planning Board. He said that adding the Findings of Fact as Item 4 from the January 5, 2005 document attached to the memo would further lay out the case that has been presented against the applicant. Thus, the Findings should be included in the motion.

Motion Glenn Farrell moved to decide in favor of Recommended Actions Items 1, 2, and 3, as well as Item 4, Findings of Fact. The motion passed, 4-0, with Richard Smith abstaining.

There was a ten-minute break. Most of the members of the audience left.

Sparhawk Subdivision 31 Western Point Road and 10 Sparhawk Way. Map 70/Lot 5 and Map 71/Lot 1. Public Hearing. Application for final Approval of a 7-lot subdivision.

Chairman Barrie Munro indicated that some tension had arisen between the applicant and the Planning Department, and that it was time to put arguing aside

Barrie Munro opened the Public Hearing. Eric Weinrieb of Altus Engineering said he was there representing the Ann Kendall Revocable Trust and the Robert N. Kendall Revocable trust. In his letter to Town Planner Steve Burns, dated January 11, 2005, Eric Weinrieb had expressed concerns including acquisition of town water from Western Point Road, ledge removal, documentation of changes to the applicant site, and the treatment of runoff. He showed the location on the plan of the Kendall Trusts' property abutting the Sparhawk Subdivision. He explained that the plan includes sheet flow from the subdivision through an 18-inch pipe, which his clients are expected to stare directly into from their house. The proposed pond with berm into which that water will pour is also unacceptable to the Kendalls. Tom Manzi asked where the ledge blasting would occur. Eric Weinrieb showed that, adding that the blasting will affect the Kendall home. Furthermore, the velocity of the runoff is significant, he said, and will affect the erosion of the swales. He also noted that on consecutive plans, there was a change in the calculation of the applicant's computation of the runoff flow without any justification of the changed number.

Helen Weinbaum, "essentially an abutter," said that runoff and erosion are the most important problems to consider. Ultimately, runoff will end up in the York River or in the wetlands of Seabury and Godfrey Ponds. The Sparhawk runoff will be combined with that of Windmill Acres. She asked that vegetative cover be required to balance out the impervious surfaces. She urged the board to protect the watersheds from chemical and herbicidal pollution by implementing restrictions.

Stan Moody of Cape Neddick said he was bothered with the board's indulgence of the applicant by closing the public input before the applicant has a chance to speak, making it impossible for the public to comment on the changes that are proposed.

The chairman closed the public hearing.

Bill Anderson of Anderson Livingston Engineers showed changes on the plan, which he called minor. In cooperation with across-the-road abutter Donald Cook, the entrance into the subdivision had been shifted east. The road grade being required by Bill Bray would be stringently monitored not to exceed 6%. Wright Pierce was lined up to do the engineering of the incoming town water line project as far as Western Point Road at the applicant's expense. A Shoreland permit would be needed for that, which Wright Pierce would arrange. Barrie Munro said that the Planning Board would want to wait until those permits had been obtained before moving ahead. Steve Burns said that having Wright Pierce do the work would create a conflict of interest disallowing Wright Pierce from reviewing the project for the Planning Department, as usual. Glenn Farrell said that if the water line is the Water Department's issue, the applicant should have it in writing that they are willing to pay a certain amount of money to pay for that, and in the mean time, no lots can be sold until the water dispute is settled. Lee Corbin agreed that the off site work should remain a separate issue. The board can put safeguards into protect the Town. Steve Burns said that the timing of the construction and the necessary blasting had become an issue. The applicant can go to the Code Enforcement Office for the blasting permit, if the Planning Board feels that blasting is not part of the planning work. Barrie Munro said that the work should be done in early spring or late fall, perhaps between April 1 and May 30.

A variety of matters were then discussed. Steve Burns said that septic has to be precisely located. Per 6.4.4.2 and 7.9.2.1, septic areas have to be set aside from the building envelopes. There must be a plan note saying that buildings cannot go into the septic areas. Bill Anderson said that Steve Burns had indicated that the professional certification could wait. Richard Smith asked how far down the blasting needs to go. Bill Anderson answered 1.8% at the end and 5.8% cut through the front section. Glenn Farrell said that issues between Altus Engineering and the applicant should be addressed through writing correspondence to the furthest point possible. After several communications (six or so), if things are not completely ironed out, the Planning Board can resolve outstanding issues. Steve Burns said that it has to be determined whether or not runoff can flow into the river. Barrie Munro said that the 18-inch pipe has to be reduced for the Kendalls' sake. An understanding of the amount of drainage has to be clarified. Glenn Farrell suggested that the applicant could return in about 60 days, if Bill Anderson can get Wright Pierce to do its part. Eric Weinrieb said that slope easements are generally recommended even when the lots are not yet sold. He also mentioned buffering and that the water line can be 5 feet from abutting property lines, when it comes onto properties.

Cape Neddick Village 1132, 1136 & 1244 U.S. Route One. Map 22/Lots 13A and 13C, and part of Map 97/Lot 5. Public Hearing. Continuation of application for a

Route One Use Permit to construct 22,000 square feet of commercial space, plus apartments.

The Public Hearing was opened and closed. No one came forward.

Applicant Seth Spiller indicated that the legal opinion from Durward Parkinson of Bergen & Parkinson of Kennebunk, dated December 27, 2004, addressed to Mark Badger, Managing CEO of the Town of York, on the subject of the Subsurface Wastewater System Setback for Seth Spiller's Cape Neddick Village had been favorable to his own attorney's interpretation and different than the interpretation of the Planning Office. Seth Spiller ran down other developments that had occurred since the last hearing. He had met with a representative of the Water District, and there were resultant plan changes for the water line. Per Central Maine Power, there were also changes in the electrical lines. Wright Pierce Engineering and Coastal Architects had been retained. Building 2 will be first to be constructed. Vinyl siding that looks like cedar shakes will hopefully be accepted, though Seth Spiller stated that he did not realize they were not allowable in the Route 1 Zone. CMP had recommended bring the electrical lines onto the property by stringing them to the poles on the outskirts and then putting them underground to the different buildings. An effort will be made to place the poles in a way to save existing trees. The footprints for the buildings will stay as planned. He showed architectural plans for Building 2 and said that he will have to come to the board with whatever changes DOT will request. He said that he believed he would be asking for approval next time he comes to the board. Barrie Munro commented that the architecture is in keeping with the town, and Glen MacWilliams said that he was interested to see the other buildings and thought this one is "terrific."

The application was tabled until the next meeting. Town Planner Steve Burns said that Seth Spiller should avoid a conditional approval, in case a permit comes that required anything that is already approved.

David Woods' Project. 459 U.S. Route One. Map 48/Lot 22. Public Hearing. Continued consideration of an application for a Route One Use Permit for proposal to remove the former Big Apple store/gas station and replace it with a new retail building with an apartment.

Glenn Farrell stepped down from the board because he was involved in the application. Lee Corbin was asked to vote in his place.

Chairman Barrie Munro opened the public hearing.

Stan Moody said he thought that the public should be allowed to speak before a final hearing.

Glenn Farrell said that a second legal opinion (second to Maine Municipal Association's) had been received from Town Attorney Durward Parkinson of Bergen & Parkinson of Kennebunk, dated December 14, 2004, concerning interpretation of nonconforming ex-

pansion. Town Planner Steve Burns explained that there were two conflicting legal opinions regarding the grandfathering of the corner of the nonconforming building going into the setback. Barrie Munro said that the conflict would have to be settled by the board, so he paneled the members. Glen MacWilliams said that he had spoken to the Maine Municipal Association (MMA) attorney, who said it is clear that the Town Attorney is in favor of the applicant, and that the board should follow the Town Attorney's opinion. Lee Corbin agreed with the Town Attorney's opinion that the two sections of the ordinance do not conflict, but that there still is no definition of "nonconforming space" which would allow one to understand what actions make it more nonconforming. Tom Manzi agreed that the concept of nonconformity is murky, and would rather go with the decision of the MMA, since it is heavier in justification. Richard said that he wanted to go with the Town Attorney, because the attorney represents the planning office.

Motion Richard Smith moved to accept the Town Attorney's opinion with regard to the expansion of the proposed building.

Amendment Lee Corbin asked to modify the motion specifying that the board was deferring to the Town Attorney's opinion given the fact that the ordinance is ambiguous and vague with regard to the given definitions. Richard Smith seconded the motion.

Discussion In discussion, Glen MacWilliams said that no one is happy with the Town Attorney's opinion and liked what the MMA said better. However, the Board has no choice but to go with the Town Attorney's opinion, which is an uncomfortable situation. Barrie Munro said that the Town Attorney is more familiar with York's ordinance.

Vote. The motion passed, 4-1, with Tom Manzi opposed.

Barrie Munro said that the board was fundamentally approving a basis for accepting the building as planned, though the Code Enforcement Officers did not think the setbacks were correct. He asked the applicant if there was a landscape plan for the end of the building and parking area Spaces 15 & 16. Glenn Farrell said that the sidewalk comes through that area. Barrie Munro asked if that parking can be moved and landscaping implemented, and Glenn Farrell answered that landscaping couldn't go into that space. There was discussion about reducing the number of parking spaces, as provided in the ordinance, but Steve Burns said that if the spaces cannot be provided, they couldn't be reduced. Neither does anyone want to drop below the number because of shared use. Sixteen is the proposed number. Glenn Farrell said that moving the parking would make it look bigger. Steve Burns went over square footage, landscaping, parking, and building design details (siding, color scheme, shingling materials) issues.

Certification was discussed. Glen MacWilliams noted that the certification on the plan was for structural integrity and not for life safety, which was the necessary certification. Glenn Farrell said that the original plans were stamped. The State Fire Marshall had asked for changes for life safety, which were made, and permit was issued. Gordon Steward has reviewed them for the town. They have been stamped for structural issues by a licensed professional. Barrie Munro suggested granting conditional approval pend-

ing receipt of proper certification. Glen MacWilliams said that the board could ask the State if that would be what is required. Glenn Farrell said that someone should read the law and decide.

Motion Barrie Munro and Lee Corbin moved and seconded to accept the application as complete for purposes of review. The motion passed 4-1, with Glen MacWilliams against, as he stated, because he preferred to first have the plans fixed as requested.

Motion Glen MacWilliams moved, and Richard Smith seconded, to table the application. The motion passed, 5-0.

York Village Business Center 14 Cider Hill Road. Map53/Lot 9. Public Hearing. Application for Route One Use Permit for commercial development of this lot, to include a hotel, retail space, office space, and a restaurant.

Glenn Farrell returned to the planning board panel for this discussion, but left at midnight, sharp, shortly before the upcoming vote on waiving the soil survey. Lee Corbin voted in his place.

Town Planner Steve Burns said that drainage is a big problem for this project. Capacity problems make it impossible to allow more water to cross Route 1. There are also drainage problems in the direction of When Pigs Fly Bakery, toward the turnpike. This applicant might be able to solve the problem for the entire neighborhood. The applicant has had a traffic analysis and has have met with the Department of Transportation. The challenge before the Planning Board is in guiding the visual impact. Town water and sewer and the technicalities of grading property boundaries are incomplete, but the application is preliminary. The condominium needs Site Plan approval. Barrie Munro added that he wanted Bill Bray to explain the traffic study to the board. Glen MacWilliams that the waiver of the high intensity soil survey had to be addressed.

Applicant representative Jim Hammond of Engineering Alliance said he was last in front of the Planning Board in June of 2004, when the board made him aware of the project's impact to the wetlands and the need for alternatives. He reconfigured improvements to the site, maintenance of the wetland, and he shifted the access driveway. The distance back from the road will make the visual impact better, and there is an increase in vegetation in between the buildings and the road. He has also met with and heard proposed improvements from the Water District, the Sewer District and Maine Department of Transportation. MDOT requested his project provide Route 1 improvements farther south along its property line than the improvements were initially planned to go. He showed how retention basins would be been placed around the site. The traffic study has impacted change, as well.

Barrie Munro said that certain parking has to be to be screened from the hotel. Citing difficulties abutter TGAT Lobsters had while constructing their building, Glenn Farrell told the applicant that it would be beneficial to go ahead and have the soil survey made. Jim Hammond explained that the project will not have on-site septic, so a geo-technical

engineer will be designing the foundations. Glen MacWilliams said that the water flow is affected by the soils. Lee Corbin said it was not a good idea to waive the soil survey with there being so much clay and silt making a soft substructure.

Motion Glen MacWilliams moved to deny the request to waive the high intensity soil survey. Richard Smith seconded the motion. The motion passed, 5-0.

Chairman Barrie Munro opened and closed the public hearing. No one came forward to speak.

Lee Corbin asked for a site walk, but it was decided there was too much snow on the ground. Barrie Munro encouraged the applicant to make the complex “a lovely place,” as it will be a gateway to York seen from two different roads.

Finally, abutters Scott Franklin and Kim Cooley, siblings with two separate homes on the Route 91-side boundary of the applicant property, spoke from outside of the range of the television camera or the microphones. Scott Franklin said that they had resided there long before people came in. They do not want to be forgotten in this process. They are concerned about construction noise and vibration, especially from one particular piece of equipment they had to put up with when the Cormier building, now housing Kittery Trading Post, was constructed a few years ago. Scott Franklin said they had chimneys collapse and their houses shook. Plaster and bricks crumbled. For the six or eight months during that construction, he and his sister were not comfortable or happy in their own homes. Applicant Jim Hammond said his group would authorize the type of inspection conducted before blasting. Scott Franklin said that the last contractor agreed to restrict the use of the particular heavy equipment that caused the damage, but went ahead and used it anyway. Scott Franklin said he went to the Town for help, but the Town did not help.

Other Business/Adjourn

Because of the late hour, Other Business was set aside. The time was 12:25 A.M.