

1. Planning Board Meeting Materials

Documents:

2022-7-28 PLANNING BOARD AGENDA.PDF
JULY 7, 2022 PLANNING DRAFT MINUTES.1 MODIFIED.PDF
JUNE 23, 2022 PLANNING DRAFT MINUTES.1.PDF



AGENDA
York Planning Board Meeting/Hearing
Thursday, July 28th, 2022
7:00 PM
York Public Library

1. **Call to Order; Determination of Quorum; Appointment of Alternates**
2. **Field Changes**
3. **Public Forum**
4. **Public Hearings**
 - A. **Town of York 2022 Comprehensive Plan**

Copies of the draft plan (document draft date June 27, 2022) can be found on the Town's website at:
<https://www.yorkmaine.org/DocumentCenter/Index/119> or in the Town Clerk's Office at the York Town Hall.
5. **Minutes**
6. **Other Business**
7. **Adjourn**

All meetings shall be adjourned no later than 10:30 PM, unless extended by unanimous consent of the Board.

1
2 **Planning Board Meeting/Hearing**
3 **Thursday, July 7, 2022; 7:00 P.M.**
4 **York Public Library**
5

6 **Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates**

7 Chair Kathleen Kluger called the meeting to order at 7:00 P.M. A quorum was determined with
8 five people voting: Kathleen Kluger, Vice-Chair Wayne Boardman, Peter Smith, Gerry Runte,
9 and alternate Ian Shaw, who was appointed as a voting member. Land Use Planner DeCarlo
10 Brown represented Town Hall Staff. Chris Di Matteo (Longmeadow) was the peer reviewer.
11 Patience Horton took Minutes by reviewing Town Hall Streams. Votes were tallied via roll call.

12 Agenda item not heard tonight: Viewpoint Hotel

13 Agenda item heard tonight: Bristol Pointe #2

14 **Field Changes**

15 There were no field changes.

16 **Public Forum**

17 No one came forward to speak.
18
19

20 **Application Reviews**

21 The applicant has asked to move this hearing to July 14, **one week** from now.

22 ~~Viewpoint Hotel, 229 Nubble Road, Map 0025/ Lots 0193-A, 0201, 0202, 0203, 0204, 0219,~~
23 ~~0220, 0221, 0222 & 0223 owned by 229 Nubble Road, LLC.~~

24 ~~Application is a Site Plan Amendment to create 13 additional hotel units and an~~
25 ~~innkeeping dwelling. Seven units will be located within two new structures. Six units will~~
26 ~~be added to the existing nine-unit hotel.~~
27

28
29 **Bristol Pointe #2, 294 York Street**

30 **Map/Lot 0050-0122, owned by Bristol Pointe LLC**

31 **The intent of the project is to demolish the existing resident/office space and construct a**
32 **new mixed-use two-story building above a parking level.**

33 Geoff Aleva, Civil Consultants

34 Chris Duplantis, Weger Architects

35 Motion: Peter Smith moved to accept the application for Bristol Pointe #2, 294 York Street,
36 Tax Map 115, Lot 233, as complete for review. Wayne Boardman seconded the motion,
37 which passed 5-0.
38
39

40 Motion: Ian Shaw moved to open the public hearing for Bristol Pointe #2, 294 York Street,
41 Tax Map 115, Lot 233. Pete Smith seconded the motion, which passed 5-0.

42 Written correspondence was received from Anthony and Darren Mott, 185 Cedar Hill Road.
43 It was placed in the file for the PB (Planning Board) to review.

44 **The following people came forward to speak:**

45 Ellen Joyce of 285 York Street has concerns about the driveway width and the wetland
46 clearing. She called them showstoppers. She does not recommend the waiver approvals.

47 Anita Jean Scott of 290 and 292 York Street has a 125-year-old house and a 10-foot stone
48 retaining wall she is afraid will be harmed by construction vibrations. Construction
49 vehicles block York Street. The waiver for the 14-foot driveway should not be given.

50 John Keating of 12 Williams Avenue agreed with Gorrill Palmer's comments about safety
51 issues regarding the 14-foot driveway. The waiver for the driveway should not be given.

52 Katelyn Gregory of 295 York Street said construction trucks have crossed her driveway and
53 damaged her landscaping. Can emergency vehicles serve people in the new building when
54 the driveway is only 14-feet wide? Don't grant the waiver.

55 Carolyn Brennan of 286 York Street, owner of Village Scoop Ice Cream, said there is
56 nothing in the plan to accommodate the need for increased street parking. People trying to
57 get around cars parked in non-parking spaces can't see to get out.

58 John Watts of 295 York Street said that no waivers should be granted for any driveway less
59 than 24-feet in width. Parking at the library to cross the footbridge is not a good idea,
60 especially in winter. The building materials should be consistent with the rest of the
61 neighborhood.

62 Kim Trafton of 292 York Street said the parking and traffic congestion impact from Bristol
63 Point #1 has hurt her acupuncture business. Traffic visibility coming out of her parking lot
64 is terrible. Per §6.1.12 and §6.1.12.1, the Planning Board can use architectural standards to
65 help the building fit into the neighborhood. The applicant has cleared some of the wetlands
66 and replaced them with grass.

67 Bill Littlefield of 7 Fellows Lane said his wife had to get out of the car and walk out onto
68 York Street to see around construction vans and trucks so they could turn out of their street.

69 Peter Yauch of 308 York Street said neighbors making changes to their homes always come
70 to other neighbors in a friendly way to discuss the changes they are making. No one from
71 the Bristol Pointe project came to say they were going to disrupt the lives of the neighbors.

72 The Chair closed the public hearing.

73 The Planning Board **discussed the following:**

74 **Regarding** wetlands. The **common** sewer line for Bristol Pointe #1 and #2 is not on the
75 existing conditions plan **even though** the sewer work is complete. An updated plan is
76 necessary. The existing conditions have changed, and it must be reflected in the plan.

77 **Regarding** parking. There will be one handicap parking space in the underground lot that
78 will serve both residents and commercial businesses. There will be signage leading to that
79 ADA parking spot. There are exclusions for parking on Route 1-A in that area. The Police

80 Department should be asked for a parking plan map. The traffic safety ordinance should be
81 reviewed.

82 **Regarding the driveway.** The proposed driveway is 14-feet-wide, while **the zoning**
83 **ordinance calls for a** minimum width **of** 24-feet. There was no driveway width waiver
84 granted during preliminary approval. Gorrill Palmer has recommended the PB not grant the
85 waiver. The fire chief has submitted a letter indicating there is room for a fire vehicle.

86 **Regarding wetland impacts.** The applicant **must** show the restoration of wetlands. Utilities
87 are allowed in the wetland area, but the proposed wall is not. The applicant must show there
88 will be no excavation in the wetland.

89 Motion:

90 Pete Smith moved to grant final approval for the application of Bristol Pointe Phase 2, 294
91 York Street, Tax Map 115, Lot 233, as presented. Gerry Runte seconded the motion.

92 In discussion, Wayne Boardman said the applicant has clear guidance of the Board's
93 basic intention.

94 Kathleen Kluger said that she must vote against approval because waiving §8.2.6.2 does
95 not and cannot meet the ordinance successfully.

96 **By roll-call vote,** the motion failed 0-5.
97

98 Minutes

99 There were no Minutes to review.

100 Other Business

101 Findings of Fact, Conclusions of Law, and Decisions

102 Planning Board, Town of York, Maine

103 Regarding an application for Three-lot Open Space Conservation Subdivision

104 Tax Map 99, Lot 52-A

105 Applicant John Moody, Richard Moody & Sons Construction Company

- 106 • Motion: Pete Smith moved to authorize the Chair to sign the Findings of Fact for **the**
107 Three-lot Open Space Conservation Subdivision, 115 Josiah Norton Road, as amended.
108 Ian Shaw seconded the motion, which passed 5-0.

109 Notices

- 110 1) Kathleen Kluger agreed to represent the PB at the Capital Planning meetings.
- 111 2) The Selectboard selected the Comprehensive Plan Steering Committee as the Committee
112 of the Year.

113 Adjourn

114 8:50

115 Respectfully submitted,
116 Patience G. Horton

117 Next meeting: Thursday, July 14

1
2 **Planning Board Meeting/Hearing**
3 **Thursday, June 23, 2022; 7:00 P.M.**
4 **York Public Library**

5 **Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates**

6 Chair Kathleen Kluger called the meeting to order at 7:00 P.M. A quorum was
7 determined with five people voting: Kathleen Kluger, Vice-Chair Wayne
8 Boardman, Peter Smith, Al Cotton, and alternate Ian Shaw, who was appointed as
9 a voting member. Board Secretary Gerry Runte and alternate Kenny Churchill
10 were not present. Planning Director Dylan Smith represented Town Hall Staff.
11 Patience Horton took Minutes working remotely from the live online stream. Votes
12 were tallied via roll call.

13 **Field Changes**

14 There were no field changes.

15 **Public Forum**

16 **Public Hearings**

17 York citizen Jennifer Hunter encouraged the PB (Planning Board) to amend the
18 Town's Site Plan and Subdivision regulation §6.3.16 to include the York River
19 focus area. This section requires applicants to identify the location of property
20 with respect to undeveloped habitat blocks, high-value plant/animal habit, and
21 focus areas of ecological significance in the Mt Agamenticus and Brave Boat
22 Harbor focus areas as mapped by the Maine Dept of Inland Fisheries and
23 Wildlife—
24 Beginning with Habitat Program. The area is important tidal wading bird and
25 water fowl habitat and provides habitat for many fish species. There are plants,
26 animals, and other high-valued habitats found throughout this focus area.

27 Chair Kathleen Kluger closed the public hearing.

28
29 Kathleen took the opportunity to say goodbye to Al Cotton, who has been a
30 member of the PB for 10 years. She presented him with a desk trophy.

31
32 **Town of York 2022 Comprehensive Plan**

33 **Copies of the draft plan can be found on the Town's website at:**

34 <https://www.yorkmaine.org/DocumentCenter/Index/119> or in the Town
35 **Clerks Office at the York Town Hall.**

- 36 • Motion: Pete Smith moved to open the Public Hearing for the 2022
37 Comprehensive Plan. Wayne Boardman seconded the motion, which passed
38 5-0.

39 **Brad Moulton** has spent much of his life in Cape Neddick. Further work is
40 necessary for the Comprehensive Plan, he said. Proposed housing is inadequate
41 for the needs of York. Workers in York are living in Wells or Sanford because
42 they afford to live here. If the (CP) Comp Plan does not address “economic
43 discrimination,” conditions will worsen.

44 **Torbert Macdonald** would like to see RES 1-B rezoned to exclude elderly
45 housing. Also, the 30-foot setback requirements in RES 1-B should be changed to
46 enable houses in those neighborhoods to expand closer to the street.

47 **Jennifer Hunter** stated that currently, there are 46 strategies listed in the natural
48 resources section, none of which mention marsh migration. She would like to see
49 a specific strategy for marsh migration added to the Comp Plan.

50 **Pricilla Moriuchi** lives in York. She said she does not see the school system,
51 infrastructure, accessibility, bike & walkability, or roads in the Comp Plan. Also,
52 she lives in the upper part of the York River. In her experience, there are many
53 environmental regulations established, but very little enforcement, particularly in
54 the area of tree harvesting. Enforcement should be “upped,” she said.

55 Kathleen Kluger closed the Public Hearing. There will be a second hearing on
56 Thursday, July 28, at 7:00 P.M.

57 Kathleen opened up the discussion to the Board. Members agreed that the Comp
58 Plan should be amended to address the needs of salt marsh migration on the York
59 River.

60 Susan Silberberg said an adjustment can be made by weaving salt marsh migration
61 into an existing strategy by adding another sentence.

62 Steering Committee member Mike Sinclair said there was a conversation about
63 marsh migration as referenced in CP §3.3.

64 Kathleen Kluger made several points:

- 65 1) Further work will evolve from the Comp Plan. Implementation Chapter 7 has
66 the recommended actions.

- 67 2) Testimony given tonight dovetails with the feedback that has been previously
68 gathered for Comp Plan.
- 69 3) The CP was not developed by the 14 members of the Steering Committee. The
70 plan was developed from public feedback.
- 71 4) Once the Plan has been accepted by the citizens, the huge task of implementing
72 and redefining zoning will begin.

73 Steering Committee members were invited to make comments. Nan Graves said
74 the SC had many conversations about schools and connectivity. She said that
75 marsh migration was discussed, but more direction can be given with added
76 language.

77 The PB will review amendments to the Comp Plan without further assistance of
78 the SC.

79 Dylan Smith asked if language about recent legislation LD-2003 should be added
80 to the Comp Plan. LD-2003 contains State mandates on affordability
81 requirements. The Board decided it should be left out because many goals are
82 already addressed in the Plan.

83

84 **Minutes**

- 85 • Motion: Ian Shaw moved to approve the amended Minutes for the Planning
86 Board workshop of Thursday, April 28. Peter Smith seconded the Motion,
87 which passed 5-0.
- 88 • Motion: Wayne Boardman moved to approve the Planning Board Minutes
89 of Thursday, June 9, 2022, as amended. Ian Shaw seconded the motion,
90 which passed 5- 0.

91

92 **Other Business**

93 There was no other business.

94 **Adjourn**

95 8:50

96 Respectfully submitted,

97 Patience G. Horton

98 Next meeting: Thursday, July 14