

**York Planning Board**  
**Thursday February 24, 2022; 7:00 P.M.**  
**Zoom Platform**

**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, Peter Smith, and Al Cotton. Alternates Ian Shaw and Kenny Churchill were present but did not vote. Planning Director Dylan Smith and Land Use Planner DiCarlo Brown represented staff. Chris Di Matteo was the peer reviewer for Pine Ledge Motel and Long Sands Village Elderly Housing. Lee Jay Feldman of the Southern Maine Planning and Development Commission was the peer reviewer for Mt Agamenticus Parking & Bathroom Improvements. Patience Horton was the recording secretary. Votes were tallied via roll call.

Heard tonight: Pine Ledge Motel, Brookside Landing, Long Sands Village—Elderly Housing Development, and Mount Agamenticus Parking & Bathroom Improvements.

**Public Forum**

Janet Drew observed that the Board of Appeals' had reviewed the Long Sands Elderly Housing Development application and sent it back to the Planning Board. She also said that since so many trees were removed, there will be an avalanche on the Long Sands property during storms.

Chair Kathleen Kluger closed the public forum.

**Field Changes**

There were no field changes.

**Application Reviews**

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**Pine Ledge Motel, 2963 U.S. Route 1**

**Map/Lot 0001-0004 owned by Michael Ramsey**

**Application is a site plan to re-develop existing seasonal workforce housing on the lot.**

Bill Gerrish, Northeast Civil Solutions

This is an application for final approval. The Board gave preliminary approval in December. The matter was on the January 27, 2022, agenda, but was not heard.

The Water District letter of capacity has been received. It has an electronic signature. It is not clear if comment has been received from the Police Department.

- Motion: Al Cotton moved to accept the application for Pine Ledge Motel, U.S. Route 1, Tax Map 1, Lot 4, as complete for final review. Seconded by Peter Smith, there was no discussion. The motion passed 5-0.
- Motion: Al Cotton moved to open the public hearing for Pine Ledge Motel. Seconded by Peter Smith, there was no discussion. The motion passed 5-0.

Abutter Charlene Wax asked that the location of the water main be put on the plan. She also asked for five-days' notice before blasting.

Bill Gerrish said he has been instructed to give the abutters and the Police Department seven days' notice before blasting. The exact location of the right-of-way of the private water main is estimated but not fully known.

Abutter Deb Ashley owns several houses in Birch Knoll, topographically below Pine Ledge. There is a wetland between the two properties. She has a septic system in the flood zone. Has there been a study of her property?

Bill Gerrish replied there is a significant stormwater detention basin facility going in that will keep water off her property. Hydrology models of the system have been approved by peer reviewers.

Abutter Susan DeQuattro of the Aland Realty Group lives on property to the south, but does not see the motel property. How will runoff affect her property?

Bill Gerrish described how stormwater is collected from the site's impervious surfaces, filtered, and flows into the retention basin. A level spreader and a riprap spillway slow any water that might spill out of the retention basin. The system has been designed to handle 2-, 25-, and 100-year storms and ensures that water does not leave the site in greater amounts than in pre-development. Water flows off the site through an underground culvert to Route 1. There is less than a 1% chance that water will get to the other side of Route 1.

Sewage will be pumped through a residential subdivision on the opposite side of Route 1 before being treated by Ogunquit Sewer District.

Lighting will be focused and contained on the motel property.

Chair Kathleen Kluger closed the public hearing.

1. The first waiver is for §6.4.20, dismissing the use of NABD datum. NABD 1988 datum is preferred. It is the current standard. It matches GIS data.
  2. The second waiver is for §6.4.17.4, for the ground water testing requirement. The board had no issue with waiving the requirement.
  3. The third waiver is for the requirement for underground utilities. The board had no issue with waiving the requirement, either.
- Motion: Al Cotton moved to waive §6.4.20, §6.4.17.4, and the underground utilities for Employee Housing, Michael Ramsey, Pine Ledge Motel, 1963 U.S. Route 1, Map 1, Lot 4. Peter Smith seconded the motion. The motion passed 5-0.
  - Motion: Pete Smith moved to give final approval for the application given by Michael Ramsey, Pine Ledge Motel, 1963 U.S. Route 1, Tax Map 1, Lot 4, with the condition that a yearly affidavit will be provided to the Code Office stating that the property is used for employee housing only. Al Cotton seconded the motion, which passed 5-0.

**Brookside Landing, 1400 US Route 1**

**Map/Lot: 0097-0020; Owner: 1400 Group, LLC**

**Application is a Site Plan Amendment to include a 1,400-sf storage garage with paved driveway.**

Garry Woods, Shoreline Construction

Lee Allen, Colby Company

This application is carried over from the January 27 meeting. This is a plan to construct a 1,400 square foot garage on the property behind the parking lot for Building 2. The garage is to hold vehicles and backordered building materials. The building has no residences. For utilities, it only requires electricity, not water or sewer.

The previously approved single-family residence is not on the plan, but it will be put back on when the plan is amended in the future.

The current stormwater calculation does not include the single-family residence, making the plan incomplete. The density is correct. The lot has 23.9% coverage, where 50% is allowed.

The CEO has determined that, based on Route 1 square footage tables, this is a commercial building rather than an accessory use.

The garage has three bays. There is room in the driveway for three more parking spots. They are not shown because they are not required.

The applicant would like §5.3, the two-step approval process, waived. The development is not a major subdivision.

- Motion: Peter Smith moved to accept the application for Brookside Landing, 1400 U.S. Route 1, Map 97, Lot 20 as complete for review. Seconded by Al Cotton, the motion passed 5-0.
- Motion: Peter Smith moved to open the public hearing for Brookside Landing, 1400 U.S. Route 1, Map 97, Lot 20. Seconded by Wayne Boardman, the motion passed 5-0.

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

The proposed uses are: one single-family residence, two commercial uses with residences above, and garage use. The uses will match those found in the table of permitted uses for the district.

The structure is a cape-style design. The second floor is lofted. That is why the proposed two-story garage with a footprint of 1,400 square feet results in total footage of 2,399 square feet, rather than 2,800 square feet.

There is a waiver request for §6.3.13, Building and Site Design, exterior building materials. Vinyl siding is planned instead of wood clapboard, wood shingles, stone, or brick. The siding has a wood look. During the previous approval, a sample had been brought to the Board and approved.

- Motion: Pete Smith moved to waive the requirements of §6.3.13 from the York ordinances, building and site design requirement Subsection 4, Exterior Building Materials, to allow the use of wood-look vinyl siding in lieu of wood clapboard, wood

shingles, stone, or brick. Seconded by Wayne Boardman, there was no discussion. The motion passed 5-0.

- Motion: Wayne Boardman moved to continue the application for Brookside Landing, 1400 U.S. Route 1, Tax Map 97, Lot 20, to the date certain of March 24, for additional information, materials, and plans. Seconded by Gerry Runte, there was no discussion. The motion passed 5-0.

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**Long Sands Village Elderly Housing Development, 122 Long Sands Road  
Map/Lot 0044-0038, owned by James Paolini  
Application is a subdivision development to create 10 units of elderly housing.**

Geoff Aleva, Civil Consultants

James Paolini, Long Sands Village Elderly Housing Development

Attorney Greg Orso

This application was continued from January 27, when there was a public hearing. Kathleen Kluger asked if the applicant wished to pursue his request for the Chair to recuse herself from these proceedings. The answer was no.

A second time, the Chair asked if the applicant wished to pursue his request for the Chair to recuse herself from the proceedings, and the answer was no from Jeff Aleva and Greg Orso.

A third time, after a five-minute break to allow the applicant to resolve his technical difficulties and rejoin the proceedings, Mr. Paolini was asked by the Chair if he wished to pursue his request that the Chair recuse herself for the proceedings, and his reply was no, start the review.

Chris Di Matteo went over his comments.

- The Board has discussed §18.15.b.1.d, the requirement to bring the plan back if it is altered. It was unclear if that should be a condition of approval.
- The landscape architect has checked the nurseries. Trees eight to ten feet tall are not available. The applicant has asked for approval of six to seven foot trees.
- Article 12 as not been addressed or revised. It may be moot.
- The term “mailing” should replace “property” in describing the address.
- The method of moving vehicles during snow removal operations did not make it into the condo docs.
- It appears the short term residential rental provision has not gone into the condo docs.
- The Right of Survivorship and its implications are not in the condo docs. Greg Orso said he will put in whatever language the Planning Board wishes to see. The Right to Survivorship should be enforced by the Condo Association, not the Town. When an owner dies, and an underage person inherits the condo, that person can own the condo as long as the occupants continue to meet the age requirement.

Kathleen Kluger referred to Zoning Ordinance §18.15.b.1.d, which indicates that the owner of the development shall return to the Planning Board for approval if there are any changes to the approved plan that affect the area of the property, the density of the property, and/or the number of dwelling units permitted on the property. Should this be a condition of approval? she asked.

Al Cotton said that the section does not belong on the plan. Wayne Boardman said it is not up to the Planning Board. It is a zoning ordinance that already exists. Pete Smith said the situation cannot be adjudicated until a situation actually comes up. Dylan Smith said that if it comes up, the Court will decide how the requirement will be fulfilled.

Wayne Boardman asked what the remedy would be if the development becomes non-conforming after construction. Kathleen said that the remedy might be removal of the offending part of the property. Al Cotton said there might be a fine imposed.

Geoff Aleva said most of the new trees will be added along the eastern buffer. Wayne Boardman said white pines are unacceptable. They lose their understory. He understood that there would be spruce trees on the property, but no pines had been added to the plant list. Geoff said he would update the legend.

The applicant will clarify the mailing address.

Chris Di Matteo said that all of his outstanding comments have been met. Snow removal has been addressed in the declarations.

- Motion: Al Cotton moved to grant final plan approval for the application Long Sands Village Elderly Housing Development, James Paolini, Tax Map 44, Lot 38. Pete Smith seconded the motion.

In discussion, Gerry Runte said the Planning Board should not base its approval solely on ordinance compliance. There are issues of equity and character, as well. The project will result in an unjust imposition on the Fernald Ave neighborhood. We have a duty to assure that growth and building in town is equitable for the citizens, he said.

Kathleen Kluger found that the application does not meet Site and Sub Reg. 7.6.1, for the lot size, width, depth, shape, and orientation of the minimum building setback lines appropriate to the location and type of development and use contemplated.

She said per Sub Site Regulation 7.6.2, lot configuration in areas shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. It does not.

She found that per Site and Sub Reg 8.1.9, Snow Removal, the plan lacks suitable areas for snow storage.

Kathleen called for a vote. The motion for final approval failed 2-3. Peter Smith and Al Cotton voted yes. Gerry Runte, Wayne Boardman, and Kathleen Kluger voted no.

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**Mount Agamenticus Parking & Bathroom Improvements, 17 & 21 Mt A Road  
Map/Lot 0095-0008 & 0093-0025, owned by Town of York and York Water District.**

**Application is a Site Plan for new parking facilities and bathroom facilities at Mount Agamenticus.**

Lacy Kremer, Project Engineer, Wright Pierce Environment Engineering  
Robin Cogger, Director York Parks & Rec

This application was continued from January 27, 2022, when preliminary approval was granted. Per CEO Amber Harrison, the expansion of the impervious area is grandfathered. The waiver request for Article 10 has been withdrawn.

Letters of support have been received by the Police Department, the Fire Department, and the Water District.

Lacy Kremer gave a PowerPoint presentation about the status of the project.

- Motion: Al Cotton moved to accept Mount Agamenticus Parking and Bathroom Improvements, Map/Lot 0095-0008 & 0093-0025, as complete for final review. Seconded by Wayne Boardman, there was no discussion. The motion passed 5-0.
- Motion: Al Cotton moved to open the public hearing for Agamenticus Parking and Bathroom Improvements. Seconded by Pete Smith, there was no discussion. The motion passed 5-0.

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

Flagging the site with markers is not necessary. The Planning Board will not be visiting the site.

The Board made corrections of the draft findings of fact submitted by the applicant, which will be reformatted to meet template standards.

- Motion: Pete Smith moved to give final approval of the application for Mount Agamenticus Parking and Restroom improvements, 17 and 21 Mt. A Road, York, Maine, Map 405, Lot 29-02 and Map 403, Lot 23-02 as presented, with the following conditions:
  - ~ The construction will not begin until the DEP permit has been received.
  - ~ A third-party engineer will be available on the site from the beginning of construction until the stormwater pond is complete.

Al Cotton seconded the motion. There was no discussion. The motion passed 5-0.

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**Minutes**

- Motion: Al Cotton moved to accept the Minutes of February 10, 2022, as edited. Seconded by Pete Smith, the motion passed 5-0.

**Other Business**

1. Rewriting Shoreland Zoning will be a two-year project the Board will undertake when the Comp Plan, the Conservation Subdivision Ordinance, and the Charrette and plan for Short Sands Road are complete.
2. Kenny Churchill led a discussion about rising streams.

3. Wayne Boardman intends to introduce an electric vehicle infrastructure ordinance in time for the November vote. It is based on a well-researched model ordinance written by SMPDC.
4. The Comp Plan Steering Committee is working at an accelerated pace. The Plan will be presented to the Planning Board April 28, and Planning Board work will begin then.

**Adjourn**

9:40 P.M.

Respectfully submitted,  
Patience G. Horton