

40 The applicant had produced a 2018 letter from the Maine Historic Preservation stating there are
41 no historical or archaeological impacts to the property. The applicant has been instructed by the
42 peer reviewer, Chris Di Matteo, to go back to the State and reaffirm the status, which has been
43 done. The official reply will take up to 30 days.

44 The High Intensity Soil Survey and High Intensity Soil Survey Map can be waived by the
45 Board. A waiver request is on Page 31 of the application.

46 Chair Kathleen Kluger said that the Planning Board members not present for the previous
47 review of this application, Al Cotton and Wayne Boardman, should have reviewed the Minutes
48 or watched the recording of the meeting to be eligible to vote tonight. Al Cotton attested he had
49 read the Minutes, and Wayne Boardman attested he had done both.

50 • Motion: Al Cotton moved to accept the application for preliminary review. Wayne
51 Boardman seconded the motion.

52 In discussion, Peter Smith said it appears there is enough content in the application to
53 accept the application for both preliminary and final approval. DiCarlo Brown
54 recommended focusing on preliminary review. There are a number of items that are
55 outstanding for final. There is also an email from the Code Office stating there are
56 outstanding Code questions that need official interpretation.

57 The motion passed 5-0.

58 • Motion: Al Cotton moved to open the public hearing. Peter Smith seconded the motion,
59 which passed 5-0.

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

61 Chris Di Matteo went over the outstanding comments from his peer review letter.

62 He asked the Planning Board to reevaluate all the waivers and discuss if they are to be carried
63 over from the previously-approved plan.

64 The applicant has proposed that the restaurant is an accessory use, making it subordinate to the
65 principal hotel use. It has not been proven that the dimensional standards in the Shoreland
66 Overlay District can accommodate more than one non-residential principal use. Code
67 Enforcement is being consulted to determine the decision.

68 Geoff Aleva has met with CEO Amber Harrison. The frontage requirement in the ordinance is
69 the issue. There is plenty of land area for the two uses, he said. Where 200 feet are required,
70 there are 350 feet.

71 Kathleen Kluger commented that the Shoreland Overlay requires 40,000 square feet per use,
72 and this lot area has 95,000 square feet.

73 The existing conditions have to be clearer. A separate document has to be submitted to reflect
74 existing conditions on both sides of the property.

75 There is no updated information about lot coverage on the west side of Nubble Road. According
76 to Geoff Aleva, the west side of Nubble Road has never had a site plan. No permits have been
77 pulled for the buildings there. The Planning staff and Code Enforcement will review what lot
78 coverage existed in the past or exists now. They will determine what has been legally

79 developed. According to Geoff Aleva, eventually the west side, including the Brown's Ice
80 Cream building, will be incorporated into one lot and all the lots, including the innkeeper's
81 house, will be shown on one plan.

82 It has to be clear that the inn-keeper's residence is a non-residential use.

83 One parking lot has been reworked. Boulders have been moved, and the amount of parking has
84 been reduced. The parking study has to be brought up to date.

85 Additional landscaping information is needed for the area with 16 parking spaces. The road into
86 it has been narrowed to less than 24 feet.

87 The location of the dumpster enclosure has to be reflected on the plan.

88 Does the ADA-accessible parking across the street recognize the intent of the law? ADA
89 parking guidelines are guided by intent, and are not numerical. The regulations do not have
90 distance requirements between the parking spots and the buildings.

91 Parking is controlled by the hotel staff. When guests register, they are asked if they need any
92 special accommodations. The main building is fully accessible to people parking next to it.
93 Otherwise, valets park ADA cars in approved spaces across the street.

94 The crosswalk has been approved by DPW, but not installed.

95 The path on the ocean side from the hotel to the restaurant will be kept as flat as possible. If the
96 slope to the restaurant does not meet regulation, a ramp will be installed. It will have rails on
97 both sides. The plan is required to include the ADA requirements for slopes, angles, and
98 distances.

99 Some of the vegetation and tree canopy in the Shoreland Zone has been legally cleared or
100 displaced. There is a possibility that clearing cannot be expanded if the clearing exceeds the
101 standard of 25% or is greater than 10,000 square feet. This is a Code issue Amber Harrison is
102 aware of.

103 There are no pole lights. Dark-sky compliant bollard lights illuminate the pathways. Is there
104 enough lighting to get people from Point A to Point B in the dark? Is there too much lighting?
105 The submittal package has a lighting plan, but no photometric plan. Geoff Aleva would like to
106 have the photometric plan waived.

107 Gorrill Palmer has emailed traffic comments to Chris Di Matteo. They are minor, and no new or
108 major comments are anticipated.

109 There is a request to waive the soil survey in §6.3.32, which would automatically waive the soil
110 survey map in §6.4.17.1. The Board did not object to granting the waiver, which has not been
111 received in writing.

- 112 • Motion: Al Cotton moved to grant preliminary approval to Viewpoint Hotel, 229 Nubble
113 Road, Map 0025, Lots 0193-A, 0201, 0202, 0203, 0204, 0219, 0220, 0221, 0222 &
114 0223. Wayne Boardman seconded the motion. There was no further discussion. The
115 motion passed 5-0.

116 A site walk was scheduled for April 27 at 10:00 A.M.

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**Raydon Road Medical Facility, 66 Raydon Road
Map/Lot 0091-0009-X owned by J. Hilary Rockett, Jr.
Application is a Preliminary Plan for the development of a single-story building intended
for use as a physical therapy/rehabilitation facility to be occupied by Northeast
Rehabilitation. The proposed building is approximately 23,000 square feet.**

John Prochilo, Northeast Rehabilitation Hospital
Larry Beales, Beales Associates Engineering
Bryon Sutherland, Beales Associates
Attorney Jason Howe, JHR Development

During the prior hearing, the applicant did not disclose the nature of the facility. The Healthcare
Regulatory Commission had not reviewed and approved the application.

John Prochilo, has been the CEO of Northeast Rehabilitation Hospital Network for over 35
years. He oversees four other hospitals with the exact same mission, all in New Hampshire.
Two-and-a-half years ago, this project was approved to locate at York Hospital. The Hospital
could not carry the project forward because of the strain put on it by Covid-19.

The facility being proposed has inpatient rehab services in a state-of-the-art setting. There will
be 20 single-occupancy rooms and no outpatient services. The physical rehabilitation services
will provide a healing environment for people who are fighting back from serious injury or
illness.

The site is next to Stonewall Kitchen in the Route 1-3 Zone. The parcel is largely wetland with
a vernal pool. The applicant hopes the contour plan of the wetland can be waived, a request for
which has been submitted.

The architect strove to give the 23,000 square foot building a New England character. The
project complies with zoning in the following ways.

A 2-acre minimum lot is required.	This lot has 8.14 acres.
200 feet of frontage is required.	790 feet have been provided.
A front-yard minimally 50 feet is required.	50 feet have been provided.
A side-yard setback of 30 feet required.	30 feet have been provided.
A rear-yard setback of 30 feet is required.	982 feet have been provided.
The maximum lot coverage is 75%	Lot coverage is 14%.
The building height allowance is 35 feet.	This is less than 35 feet.
Twenty-nine parking spaces are required.	49 spaces have been provided.

The Wildlife Habitat Analysis and Management Report emphasizes that the high value of the
habitat is important to maintain. The applicant is working with DEP on the report.

A mechanism should be put in place to protect the back portion of the property in perpetuity, so
that if there is a change of use over time, that area will be protected. A distinct line outlining the
vernal pool will indicate the area that will not be developed.

156 Sewer connection is made with a pump and forced main. Water service comes from the existing
157 water main on Raydon Road. Fire protection has been overdesigned; the size will be dropped
158 down, if the Fire Chief says it is possible. Electric, telephone, communications are all
159 underground. The stormwater management system has a series of catch basins that collect
160 stormwater runoff from the parking lot and conveys it into detention and infiltration facilities.
161 Landscaping utilizes existing material. Removal of existing materials in the bufferyard will be
162 replaced with an appropriate amount in the appropriate location.

163 • Motion: Al Cotton moved to accept the application as complete. Wayne Boardman
164 seconded the motion. There was no discussion. The motion passed 5-0.

165 • Motion: Al Cotton moved to open the public hearing. Peter Smith seconded the motion.
166 There was no discussion. The motion passed 5-0.

167 Martin Meyers has a house nearby, at Three Cranberry Lane. The rehab hospital does
168 not fit into the area, he said. There will be an impact on traffic. Traffic from the Davis
169 property will add to the congestion. Traffic cuts through Stonewall Kitchen to reach
170 Spur Road. If something happens to the vernal pool, it will have a disastrous effect on
171 Duck Pond and the Ice Pond.

172 Commenting that no external communication had been received, Chair Kathleen Kluger
173 closed the public hearing.

174 Chris Di Matteo went over the outstanding comments from his peer review letter.

175 Per Article 5, parking is not permitted in the 50-foot front setback, as shown on the plan. This is
176 a problem with frontage and setbacks, and it has become the subject of conversation with CEO
177 Amber Harrison.

178 According to DeCarlo Brown, Amber believes a pin on the curve, represented by a stake, has
179 been determined by the surveyor. The pin may be used to differentiate the front-yard from the
180 side-yard. The location of the stake may establish a 20-foot side-bufferyard and a 50-foot front-
181 setback. These distances are acceptable to enable the parking scheme the applicant has
182 proposed.

183 Amber Harrison's April 8 email reads, "The buffer area is for the entire front setback, and as
184 there is no pin delineating the side line, the buffer should be continued along Raydon Road."

185 The dimensional requirements have to demonstrate that §5.2.4.g has been met. If Code does not
186 agree with the final interpretation, the parking lot will have to be redesigned.

187 The requirement for §10-H performance standards detailing glare and lighting has not been met.

188 Some of the trees in the bufferyard might be lost during construction. What can and cannot be
189 saved have to be specified on the existing conditions plan, which also must include a survey of
190 the 24-inch trees.

191 A review conducted by McMann Associates on behalf of the applicant shows the use is
192 analogous to a nursing home, rather than a doctor or dentist's office. Larry Beales will compile
193 empirical data from the four other acute-care hospitals to make sure the parking is not being
194 overbuilt.

195 A traffic assessment has been prepared and submitted to Gorrill Palmer for comment.

196 There is a trail through the woods, which is private property. No further comments were made
197 about the trail.

198 The fence that is on the property will be taken down.

199 As directed by the Planning Board, the applicant approached Stonewall staff about use of their
200 driveway. There was no progress in the conversation.

201 • Motion: Peter Smith moved to continue the application for Northeast Rehabilitation
202 Hospital, 66 Raydon Road, Tax Map 91, Lot 9-X, to May 26, 2022. Wayne Boardman
203 seconded the motion.

204 In discussion, Peter Smith asked that, for the purpose of consistency, the applicant use
205 the Map/Lot 0091-0009-X, instead of the alternative map and lot numbers they were
206 using.

207 The motion passed 5-0.

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209 **AT&T Small Cell—CRAN_RCTB_York_06, 14 Church Street**
210 **Map/Lot 0027/0049 (Within Public Right-of-Way) owned by Central Maine Power/Town**
211 **of York.**

212 **Application is a Wireless Communication Facility that consists of one small cell facility on**
213 **an existing wooden utility pole in the public right-of-way. The small cell installation will**
214 **include: fiber optic cable(s), remote nodes in a small equipment cabinet 39” heigh by 23”**
215 **wide by 15” deep (7.5 cubic feet in volume) mounted to the pole at least 12’ above ground**
216 **level.**

217 Michael Dolan, AT&T Small Cell

218 Chair Kathleen Kluger had received several communications from townspeople asking to defer
219 this application due to a pending ballot question. She went on record to say this application does
220 not apply to the ballot question coming up in May. The Planning Board has no option to defer
221 the application. It is State and Federal law that the Town allows small, wireless facilities,
222 notwithstanding any zoning or land use ordinance to the contrary. A small wireless facility must
223 be a permitted use within the public right-of-way subject to permitting requirements and duly
224 adopted, non-discriminatory conditions. Even if this application happened at a time when or if
225 that ballot question passed, the Planning Board would still have to hear it.

226 Michael Dolan appeared on behalf of AT& T, which is licensed to operate the wireless
227 telecommunications network in Maine. AT&T is proposing a small cell antenna installation at
228 an existing utility pole located at 14-16 Church Street. The installation will improve the rapidly
229 increasing demand on the network. AT&T has previously gained permission from the Planning
230 Board to install cell facilities on Main Street, Long Beach Ave, and Stage Neck Road in York.

231 The application is complete. The applicant has provided the standards in the wireless
232 communications ordinance in writing, including waiver requests from Articles 4 and 6 of the
233 Site Plan and Subdivision Regulations.

234 • Motion: Gerry Runte moved to accept the application of AT&T Small Cell Facility as
235 complete for purposes of review. Peter Smith seconded the motion, which passed 5-0.

236 • Motion: Peter Smith moved to open the public hearing. Gerry Runte seconded the
237 motion. The motion passed 5-0.

238 Janet Drew identified herself as a retired nurse and member of York Connects. York
239 Connects strives to “get fiber” and decrease the demand for wireless. She asked the
240 Planning Board to exercise its authority to investigate probative data. AT&T *hopes*, not
241 guarantees, that cell phone coverage will be improved, she said.

242 Kathleen Kluger read a prepared statement. “Per the Town Attorney, the Planning Board
243 is obligated to apply the existing applicable ordinance provisions to all applications. The
244 ordinances, in turn, are to be consistent with State and Federal law. York’s ordinances
245 regarding wireless communications facilities are consistent with State law.”

246 Without objection, Kathleen Kluger closed the public hearing.

247 Chris Di Matteo went over the outstanding comments from his peer review letter.

248 This application must include a certified structural analysis report and a submission showing
249 compliance with FCC Regulation 1.9.j.

250 Once complete, the Code Enforcement Officer will issue a building permit, and the Selectboard
251 will review and approve a lease agreement.

252 There are two waiver requests. One is for fencing per 1.9.h. The other addresses the site plan
253 regulation process. Cell facilities have their own regulations that supersede York’s.

254 Responding to Janet Drew’s comment that AT&T *hopes* to improve service, Michael Dolan put
255 into the record that this facility *will* improve coverage.

256 • Motion: Peter Smith moved to approve the request from AT&T Small Cell application
257 within the right-of-way near parcel 0027-0047 with two waivers,

- 258 ○ A waiver of Section 1.9.h regarding fencing, and
- 259 ○ A waiver of the Site Plan review requirements within the Site Plan and
- 260 Subdivision regulations.

261 Gerry Runte seconded the motion, which passed 5-0.

262 • Motion: Peter Smith moved to approve the application for a small cell wireless facility
263 from AT&T located in the Church Street right-of-way, Tax Map 27, Lot 48, as presented
264 with the following conditions.

265 1) That prior to signing the Findings of Fact, all outstanding fees shall be paid to the
266 Town.

267 2) That Prior to the signing of the Findings of Fact, the Structural Analysis Report shall
268 be revised to certify compliance with ANSI EIA/TIA Standard 222 entitled “Structural
269 Standards for Steel Antenna Towers and Antenna Supporting Structures” or current
270 revisions or versions and submitted to the Planning Director.

- 271 3) That prior to the signing of the Findings of Fact, a signed statement certifying that the
272 WCS complies will FCC regulations as outlined in Section 1.9.j, shall be submitted to
273 the Planning Department, and
- 274 4) That prior to the issuance of a building permit by the Code Enforcement, the Board of
275 Selectmen shall review and approve a lease agreement between the applicant and the
276 Town.
- 277 Wayne Boardman seconded the motion, which passed 5-0.

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279 **Minutes**

- 280 • Motion: Al Cotton moved to approve the Thursday, March 24, 2022, Minutes as
281 corrected. Pete Smith seconded the motion. The motion passed 4-0-1, with Wayne
282 Boardman abstaining.

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284 Findings of Fact, Conclusions of Law, and Decisions
285 Planning Board, Town of York, Maine
286 Regarding the application of Brookside Landing
287 Tax Map 97, Lot 20-C
288 Applicant: 1400 Group LLC

- 289 • Motion: Gerry Runte moved to authorize the Chair to sign the Findings of Fact for the
290 Brookside Landing amended site plan, Tax Map 97, Lot 20-C, with the corrections as
291 noted. Al Cotton seconded the motion. There was no discussion. The motion passed 5-0.

292 **Other Business**

- 293 1. There will be a formal presentation of the Comp Plan to the Planning Board during the
294 Planning Board workshop meeting of Thursday, April 28.

295 The presentation of the Comp Plan to the public will take place Thursday, May 12, from
296 6:00 to 8:00 P.M., at the High School. That is a Planning Board workshop meeting.

297 The Planning Board's first public hearing for the Comp Plan will be June 23. The
298 second hearing will be July 28. The Planning Board can make comments or corrections
299 both dates. The Planning Board will then work directly with CivicMoxie to make
300 changes. The Steering Committee will no longer participate in editing the Comp Plan.

- 301 2. On June 30, 2022, Planning Board terms are up for Gerry Runte, Al Cotton, Kenny
302 Churchill, and Kathleen Kluger. Those members should contact Diana Janetos if they
303 wish to be reappointed. If so, they have to read PDF slides and watch the Town's video
304 pertaining to financial disclosure.

305 **Adjourn**

306 10:15 P.M.

307 Respectfully submitted,
308 Patience G. Horton