

1. Planning Board Meeting Materials

Documents:

2019-3-14 PB AGENDA_REV 1.PDF
NOVEMBER 2019_ORDINANCE AMENDMENTS_WORKFORCE
HOUSING_DRAFT_2019-3-7.PDF
FEBRUARY 28, 2019 DRAFT_MINUTES.PDF
JANUARY 24, 2019 DRAFT_MINUTES.PDF



AGENDA
York Planning Board
Thursday, March 14, 2019
6/7:00 PM
York Public Library

1. Joint meeting with the Board of Selectmen (6-7pm)
2. Call to Order; Determination of Quorum; Appointment of Alternates
3. Public Forum
4. Discussion/Review- November 2019 Ordinance Amendments
 - Discussion/Review of Workforce Housing and Potential Policy Amendments
 - Discussion of Green Enterprise Overlay District Amendments
 - Other
5. Minutes
6. Other Business
7. Adjourn

Proposed Ordinance Amendments

to be considered at a

November 2019 General Referendum

Amendment

1. Workforce Housing
- 2.

Amendment #1

Workforce Housing

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending:

Statement of Fact: The purpose of this amendment is to provide...

Recommendations:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment: Amend Article 2, Definitions, by adding the following definition:

3.16 **Workforce Affordable Housing Overlay District**

The Workforce Affordable Housing Overlay District shall be limited to the Town's Growth Area as defined in the Comprehensive Plan on November 2, 2008. This Growth Area contains most, but not all, of the area bounded by the Maine Turnpike to the west, the Atlantic Ocean to the east, the York River to the south, and the Cape Neddick River to the north. *The Overlay District is also limited to the southern Route 1 Service Area depicted on the Public Sewer Policy Map in Volume 1 of the Comprehensive Plan dated April 27, 2015-* **AMENDED 11/04/2008**

Amendment: Amend Article 7, Special Provisions, by amending section 7.6.4 Development Standards for Open Space Conservation Subdivisions as follows:

- C. *Workforce Affordable Housing. A proposed subdivision development that consists of five (5) or more dwelling units shall include at least ten percent (10%) of the total number of dwelling units within the development as workforce affordable housing. All calculations for deciding the number of workforce affordable housing units required in a particular development shall be rounded to the nearest whole number.* ~~Density Bonus.~~ A density bonus of twenty percent (20%) above that indicated by the yield plan shall be allowed if at least twenty five percent (25%), rounded to the nearest whole number, of the proposed dwelling units within a residential open space conservation subdivision development are defined as "workforce affordable housing" as determined by the Planning Board. The following standards shall also apply:

Amendment: Amend Article 10-F, Workforce Affordable Housing Overlay District as follows:

ARTICLE TEN-F

WORKFORCE AFFORDABLE HOUSING OVERLAY DISTRICT

10-F.1 Workforce Affordable Housing Overlay District

The provisions of this Article pertain to the Workforce Affordable Housing Overlay District as described in section 3.16.

10-F.2 Land Uses

10-F.2.1 This Workforce Affordable Housing Overlay District is established to permit residential zoning at higher density than what is presently allowed in the underlying base zoning district. The provisions of the overlay district apply specifically to Workforce Affordable Housing, as defined in this ordinance. Unless otherwise specified, all other uses shall comply with the standards of the underlying zoning district and any applicable overlay districts.

10-F.2.2 Use of this Workforce Affordable Housing Overlay District shall be limited to housing developed or managed by York Housing or another qualified non-profit housing corporation as defined by 30-A M.R.S.A., Section 5002(13). - **AMENDED 11/02/2010**

10-F.2.3 ~~Maximum Number of Units: The maximum number of units allowed for Workforce Affordable Housing is 12 per year. Any unallocated units in any year may be accumulated (banked) for use in future years, provided not more than 36 units are carried forward at the end of any calendar year. All such units are available to eligible builders as defined in §10 F.2.2 on a first come, first served basis. *Reserved*~~

10-F.2.4 Supplemental Uses. For each 10 units of newly constructed Workforce Affordable Housing in a single project, a portion of the project may be developed for one or more uses which supplement the project. Only supplemental uses which the Planning Board finds will complement the livability of the project for its residents without unduly impacting the surrounding neighborhood shall be allowed. Such use may include, but is not limited to a place of worship, community center, neighborhood convenience store, and coffee shop, provided the use is permitted in the base zoning district in which it is located. The maximum floor area shall be limited to 200 square feet per unit of Workforce Affordable Housing. - **AMENDED 11/03/2009**

10-F.3 Dimensional Regulations

10-F.3.1 Schedule of Dimensional Regulations For All Newly Constructed Workforce Affordable Housing

Minimum land area (sq. ft.) per site: 3/4 acre or as specified in the underlying zone, regardless of the number of units, whichever is less restrictive.

Minimum street frontage (ft.): As specified in the underlying zone.

Minimum front yard setback (ft.): As specified in the underlying zone.

Minimum side and rear yard setback (ft): Buildings shall be set back a minimum of ~~50~~ 35 feet. *Where this standard conflicts with §5.2 the less restrictive standard shall apply.*

Maximum coverage (percent): 50%, or that specified in the underlying base zoning district, whichever is less restrictive. - **AMENDED 11/03/2009**

Maximum building height: 35 feet

10-F.3.2 Schedule of Dimensional Regulations for Conversion of Existing Buildings

Any existing building(s), whether conforming or non-conforming, may be converted to Workforce Affordable Housing within the footprint of the existing building or buildings.

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10-F.3.3 **Floor Area**
Each dwelling unit in Workforce Affordable Housing shall have no less than 500 square feet and no more than 1,500 square feet of living space. Where this standard conflicts with §5.3, the less restrictive standard shall apply.

10-F.3.4 **Density**

A. The minimum land area for each newly constructed Workforce Affordable Housing dwelling unit for purchase, as defined in this Ordinance, shall be:

- 1) 8,000 sq. ft. of suitable land, if the land is serviced by both public sewer and public water; ~~or~~
- 2) 20,000 sq. ft. of suitable land if the land is serviced by either public sewer or public water, but not by both; *or*
- 3) 30,000 sq. ft. of suitable land if the land is not serviced by either public sewer or public water. Where this standard conflicts with §5.2 or §5.4, the less restrictive standard shall apply.

B. The minimum land area for each Workforce Affordable Housing dwelling unit for rent shall be 3,000 sq. ft. of suitable land, except that, if a building to be used for such housing is in existence at the time this ordinance is enacted, minimum land area of 3,000 sq. ft per unit is not applicable and that building may be converted into Workforce Affordable Housing rental units within the footprint of the existing building.

C. In all cases, the maximum density for Workforce Affordable Housing which is not serviced by public sewer shall not exceed the standards of the State Minimum Lot Size Law (Title 12 M.R.S.A. §4807 et seq.).

“Suitable land” is land that does not include: any areas of wetland; land in the Resource Protection Subdistrict of the Shoreland Overlay District; or slopes in excess of 30%. The increased density standards described in this section do not apply to any portions of a proposed Workforce Affordable Housing site that lie in the Shoreland Overlay District. Such portions shall be governed by the density standards of the Shoreland Overlay District.

10-F.4 Performance Standards

10-F.4.1 **Sewer and Water Supply**
All Workforce Affordable Housing dwelling units shall be connected to public sewer *when there is a public sewer line capable of servicing the development within 1,500 feet of the proposed development at its nearest point* or to a public water supply *if an existing public water system line with adequate supply is within 750 feet of the site*, or both. **Planning Board waiver?**

10-F.4.2 **Architectural Appearance**
For all new construction of Workforce Affordable Housing, the applicant shall demonstrate compliance with the following standards, and the permit-issuing authority shall not unreasonably withhold its approval based on these issues:

- A. **Buildings Which Will Front on an Existing Street.** For all newly constructed buildings which will front on an existing street adjacent to the property, the following standards shall apply:
1. Rhythm of Building Spacing. The pattern of building fascades and adjacent open spaces between buildings shall be compatible with those other structures which are visually related.
 2. Relationship of Materials, Textures and Colors. The materials, textures and colors of the building’s exterior shall be compatible with those other structures which are visually related.
 3. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of those other structures which are visually related.
 4. Size and Massing of Buildings. The size of the proposed building, and its massing in

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relationship to adjacent open spaces, shall be compatible with these patterns of those other structures which are visually related.

5. *Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Uniformity, especially for single family dwelling units, shall be discouraged.*

As it pertains to §10-F.4.2.A, structures considered to be visually related to the newly proposed units shall be separately determined for each new building, and shall include only those principal structures visible in winter (minimum foliage) from a point directly in front of the center of the proposed new building at the road centerline and at a height of 5' above the road surface.

B. For All Other Buildings. For all other newly constructed buildings within the project, the following standards shall apply:

1. Relationship of Materials, Textures and Colors. The materials, textures and colors of each building's exterior shall be compatible with the majority of structures located within 250' of the perimeter of the property being developed, and internally with each other.
2. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of the majority of structures located within 250' of the perimeter of the property being developed, and internally with each other.
3. Size and Mass of Buildings. For any newly proposed building within 100' of the perimeter property boundary, the size of the proposed building, and its mass in relationship to adjacent open spaces, shall be compatible with these patterns found among existing buildings within 250' of the proposed building. - **AMENDED 11/03/2009**
4. *Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Uniformity, especially for single family dwelling units, shall be discouraged.*

10-F.4.3 **Buffers and Landscaping**

Section 10-F.4.3.1 is applicable to all Workforce Affordable Housing and §10-F.4.3.3, §10-F.4.3.4, and §10-F.4.3.5, are applicable to all large projects as defined by §10-F.4.3.2.

10-F.4.3.1 Any Workforce Affordable Housing, regardless of size, shall submit a landscape plan prepared by a Maine-licensed landscape architect for the parking areas that serve the development, with adequate provision for screening the parking areas from adjacent properties.

10-F.4.3.2 In addition, any Workforce Affordable Housing with more than 15 dwelling units that abuts a lot in a residential district, or in residential use shall comply with the standards in §10-F.4.3.3 through §10-F.4.3.5.

10-F.4.3.3 The first 30 feet of the side or rear yard, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the Workforce Affordable Housing site. ~~Any site where a building in excess of twenty five (25) feet in height is adjacent to abutting property, the minimum required buffer width shall be increased to 45 feet.~~

10-F.4.3.4 When the natural buffering does not exist, cannot be fully retained as a visual screen, or, in the sole judgment of the Permit Authority is not sufficient to achieve an effective visual screen, the first 30 feet of the side or rear yard setback shall be landscaped to create the visual screen ~~(or where a building with a building height in excess of 25' is adjacent to abutting property, the minimum buffer width shall be increased to 45 feet);~~ in accordance with the following procedure and standards:

- a. For the purpose of this subsection, a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at the time of planting has a minimum 2-inch caliper six inches above the ground and a height of at least 8 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum 1-1/2-inch caliper six inches above

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the ground and a minimum height of at least 6 feet. A "shrub" reaches 2 to 10 feet in height and at planting shall be at least 18 inches in height.

- b. Further, for the purpose of this subsection, one canopy tree shall be equal to 10 "plant units", one evergreen tree shall be equal to 5 "plant units", one under-story tree shall be equal to 5 "plant units", and one shrub shall be equal to 1 "plant unit".
- c. In each rear or side yard abutting a lot in a residential district or residential use, the required buffer shall include sufficient trees and shrubs to total a minimum of 120 "plant units" per 100 feet of length of yard area, and at least 60 of these "plant units" shall be achieved with canopy and evergreen trees. Each mature canopy or evergreen tree existing in the required setback prior to the development and retained in good condition shall be awarded double the "plant units" assigned to a newly planted tree. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy or evergreen trees as described in this section. New plantings required by this section that die shall be replaced within one growing season.
- d. Because different sites will have different potential impacts on the abutting lots, the applicant shall submit at least two alternative plans for the buffer yards prepared by a landscape architect licensed in the State of Maine. The first plan shall demonstrate the means by which the landscaping will create a dense screen that blocks virtually all visibility between the abutting lot and the applicant's development. The second plan shall arrange the landscaping in clusters of plantings or other suitable arrangement to allow filtered views of the development from the abutting property. The Permit Authority may ask for additional alternatives as it considers appropriate and necessary. The decisions as to which plan or which combination of plans is appropriate for the site shall be the Permit Authority's.

10-F.4.3.5 In addition to the landscaping of side and rear yards required to serve as buffers between the development and abutting lots in residential districts or residential use, the applicant shall submit a landscape plan, prepared by a landscape architect licensed in the State of Maine, for other yard areas, parking areas, public areas and site entrances, in accordance with §7.17 of the Town of York Site Plan and Subdivision Regulations.

10-F.4.4 **Energy Efficiency**

Controlling the ongoing utility costs for home occupants is an important component of maintaining affordability. All newly constructed Workforce Affordable Housing units shall be required to obtain an Energy Star certification prior to issuance of an occupancy permit. This certification must be obtained from a Certified Rater who is a member of RESNET (Residential Energy Services Network), *or as required under the Energy Star Program as specified in the application requirements at www.energystar.gov.*

For additional information, see the following web pages:

Energy Star: www.energystar.gov

Residential Energy Services Network: www.resnet.us.

10-F.4.5 **Village Green Design.**

For a new application for 10 or more units of single-family detached and/or duplex units, but not counting multi-family units, of Workforce Affordable Housing, a village green design shall be the preferred option. The village green design shall be required for these units, provided the Planning Board determines such design is feasible given the configuration of the property. The Board may also permit conventional patterns of housing along existing street frontage. A village green design means each of the units shall front on a central, shared common space. Each building shall face this common space, shall have pedestrian access through this space, and shall have shared rights to use this space. The central, shared common space shall be comprised of at least 10% of the required land area for the units, and shall be designated for active use of the residents. It may include a central lawn or green, garden plots, walkways, a playground, and other such active uses. It shall not be used for parking, roads, or driveways, but may have septic leach beds located underneath provided the septic design and proposed use above are compatible with each other. Vehicular access shall be via one or more shared driveways located to the back side of the homes. If one or more garages will be incorporated into the principal structure, the garage doors shall face away from the central,

shared common space, and the design of the garage doors shall be such that the architectural treatment makes the doors aesthetically compatible with the building designs. - **AMENDED 11/03/2009**

10-F.5 Permit Authority

Authority to review and decide on an application for Workforce Affordable Housing shall rest with the Code Enforcement Officer, except the Planning Board shall have such authority if the number of units being created constitutes a subdivision.

10-F.6 Governance

Regardless of the entity that builds Workforce Affordable Housing Units under this ordinance, a qualified non-profit housing corporation shall qualify all applicants for Work Force Affordable Housing as to the income, employment, and residence preferences as prescribed herein, and will adhere to established legal covenants for occupancy and resale, each of which shall be set forth as covenants in all deeds to buyers and to run with the properties in perpetuity, as stated below:

- A. Residents of Workforce Affordable Housing will not be required to leave their residences even if their income(s) rise or their employment changes, provided that this residence remains their primary year-round residence;
- B. A qualified non-profit housing corporation shall follow the Resale Price Calculation and procedures to allow homeowners to possibly accrue limited equity, while preserving the long-term affordability of units within the established Workforce Affordable Housing income limits;
- C. When owners of Workforce Affordable Housing units choose to sell their homes, the qualified non-profit housing corporation that developed the units shall be given the first option to repurchase the homes. In the event the qualified non-profit housing corporation declines its option to purchase a unit, the owner may sell it to a household that meets the income limits and fits one of the location preferences set forth in this ordinance, as determined by the qualified non-profit housing corporation. All sales shall be subject to the Resale Price Calculation.
- A. Resale Price Calculation. Any unit of Workforce Affordable Housing that is offered for sale shall be limited in its maximum resale price. The total resale price must not exceed the percentage of the property's fair market value (as determined by an independent real estate appraiser) that the seller paid for the property at the time of his or her purchase. For example, if the seller paid \$200,000.00 for a Workforce Affordable Home whose fair market value was determined to be \$250,000.00 (that is, 80% of the fair market value), then the maximum resale price of the property, if appraised at \$300,000.00, would be 80% of that value, or \$240,000.00. Notwithstanding the above calculation, the resale price must not exceed an amount that is affordable for households of moderate income as defined herein. - **AMENDED 11/04/2008, 11/02/2010**

10-F.7 Selection Priorities

Preferences will be granted in the following order to income-qualified applicants for Workforce Affordable Housing:

- 1) At least one member of a qualifying household living and working full-time (as defined by the person's employer) in York;
- 2) at least one member of a qualifying household working full-time in York but living elsewhere; ~~and~~
- 3) at least one member of a qualifying household living in York but working within a 10-mile radius of the boundaries of York; and
- 4) *families employed and working with structured services, as defined by the office of General Assistance and the Town of York.*

Veterans' preferences shall be consistent with H.U.D. Handbook 4350.3, Rev. 1, Change 2, and all applicable Fair Housing regulations as defined under U.S.C. 101(2).

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1 **York Planning Board**
2 **Thursday, February 28, 2019, 7:00 P.M.**
3 **York Public Library**

4
5 **Call to Order; Determination of Quorum; Appointment of Alternates**

6
7 Chairman Al Cotton called this application meeting to order at 7:00. A quorum was
8 determined with five people voting: Al Cotton, Vice Chairman Peter Smith, Wayne
9 Boardman, Lew Stowe, and alternate Kathleen Kluger, who was appointed as a voting
10 member. Land Use Technician Heather Ross represented staff. Planning Director Dylan
11 Smith was not present. Patience Horton was the recording secretary. The meeting lasted
12 three hours.

13
14 **Public Forum**

15 No one came forward to speak.
16

17 **Field Changes**

18 There were no field changes.
19

20 **Application Reviews**

21
22 **Cliff House, 591 Shore Road**

23 **Map/Lot: 0004-0029 owned by RBDD Cliff House Acquisitions LLC**

24 **Revisions to an approved plan to expand the previously approved pool deck,**
25 **provide screening to adjacent pool/mechanical area. and to construct an 8' x 12'**
26 **greenhouse**

27
28 Engineers Chris Di Matteo and Kristy Holmes of Gorrill Palmer, South Portland were
29 spokespersons. Nancy White, Cliff House General Manager, was present.

30
31 The original plan was approved in 2015. The proposed expansion of the pool deck
32 covers an additional 2,000 square feet. Everything meets the setbacks. The area is
33 outside the Shoreland zone. The project does not meet the threshold for State permitting
34 by DEP.

35
36 Chairman Al Cotton opened and closed the public hearing. No one came forward to
37 speak.

- 38
39
 - Motion: Peter Smith moved to approve the adjustment to the site plan for Cliff
40 House, 591 Shore Road, Map/Lot: 0004-0029, as submitted. Kathleen Kluger
41 seconded. In discussion, it was clarified that the new deck extends from the
42 existing deck. The motion passed 5-0.

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York Harbor Motel, 780 York Street
Map/Lot: 0038-0059 owned by York Harbor Motel LLC
Sketch plan application for the replacement of four existing buildings with one 8-unit building

Tim DeCoteau was the spokesperson for applicant-owner James Poulin, also present.

The motel is more than 75 years old and has to go through HDC approval. The number of units is not being increased. The impervious surface area stays the same. Because the storm surges over York Street, the new building will be flood resistant with a flow-thru foundation, the properties of which exceed the ordinance requirement. The new building will have four handicap parking spaces.

A drainage study has been done by Attar Engineering. The drainage from the frequent 100-year storms and the flow off neighboring properties and down Parker Street will spill into the Little River. In larger storms, the overflow will be diverted by a proposed barrier.

The applicant will ask for a waiver of the high intensity soil survey. He would like to combine primary and final review.

Chairman Al Cotton opened the public hearing. **Kevin Shaw** is the president of the 20-year-old, 9-unit condo complex next to the motel. Seven of nine residents were present. Mr. Shaw said that for the record, drainage must not back up onto his/their property, and the boundary line must be aesthetically pleasing. Mr. Poulin agreed to honor both of those concerns.

Todd Clark lives downstream and is insecure about the runoff. A detailed description of the improved waterflow path will be available on the survey, Tim DeCoteau said. The Chair closed the public hearing.

The board members made suggestions about making the building more attractive.

North Village Road Subdivision, 78 North Village Road & 119 Josiah Norton Road
Map/Lot: 0099-0041 owned by Robert T. Grow / Phillip W. Grow
Map/Lot: 0099-0024 (part of) owned by Dana M. Bissonnette
Applicant: North Village Road, LLC
Sketch plan application for a 9-lot open space conservation subdivision

Owner-developer Tom Murphy was present with engineer Christy Brown of the Colby Co., Portland, and Isiah Plante of Kimball Surveying and Design, York.

86 This project is made of two pieces of land that overlap at one corner. The original
87 standard yield plan showed nine lots on a long road. This is a revised yield plan using
88 open space conservation. There are eight lots on a 1,930-foot road.

89
90 Chairman Al Cotton opened the public hearing. Abutter **Bill LaFleur** handed out a letter
91 to the board members and said that the land has a “tainted title.” The applicant has not
92 produced documentation otherwise. This, combined with traffic and environmental
93 problems, makes it clear that the subdivision is not in the best interest of the town.

94
95 **Stephanie Byrne** said the two parcels are connected by a corridor but do not create an
96 open space. The ordinance calls for one large open space, and this has two. The owner
97 has not named the purpose of the open space. Runoff, water quality, impact on the Clay
98 Hill Brook, and traffic have to be addressed. The Comp Plan says that new development
99 should be in character with the surrounding community, and this is not.

100
101 **Laura Brogan**, 81 North Village Road, handed out a letter. A comprehensive traffic
102 study should be performed during summer months. A vernal pool study has to be done in
103 spring. The legal title for 78 North Village Road is in legal dispute and is probably
104 headed for court, she said. Al Cotton closed the public hearing.

105
106 The plan calls for the creek to be filled to accommodate the proposed turnaround. The
107 applicant was instructed to show how the attachment of the two lots it is fully viable.
108 Wayne Boardman said it might be physically possible to put this many lots in, but is it
109 reasonable to put that many lots in these given site conditions?

110
111 The Board commented that the plan lacks large contiguous open space. The application
112 fails to state what the open space will be used for. The vernal pool study must be done
113 this Spring. There must be verification that the deed is fully vested to the Grows.

114
115 **Classic Compounding Pharmacy, 1171 U.S. Route 1**
116 **Map/Lot: 0022-0005 owned by VBAF Group LLC**
117 **Preliminary plan application for the redevelopment of an existing residential**
118 **property to accommodate a compounding pharmacy.**

119
120 Ryan McCarthy of Tidewater Engineering and Surveying, Kittery, and applicant Cynthia
121 Theriault presented the application.

122
123 The board found the Compounding Pharmacy fully suitable for preliminary approval.
124 Letters and approvals had been received from DPW, Police, Fire, HDC, and the Water
125 District. Approved plans include trip generation, parking, ADA parking, photometric
126 layout, traffic assessment, setbacks, and stormwater. The landscaping exceeds the point
127 system requirements and includes three 36” trees. The school bus stop has been
128 upgraded and is in a safe, protected area.

130 The security doors and two-system alarm are as required. The disposal of hazardous
131 waste meets federal regulations. The regulations for protecting the environment and
132 protecting the employees are in place. Medical marijuana will not be produced or
133 distributed.

134

- 135 • Motion: Peter Smith moved to accept the application as complete. Kathleen
136 Kluger seconded. The motion passed 5-0.

137

138 The chairman opened and closed the public hearing. No one came forward to speak.

139

140 The waivers being requested are for exterior building materials, high intensity soil
141 survey, and the performance guarantee.

142

- 143 • Motion: Peter Smith moved to provide preliminary plan approval to the
144 application for Classic Compounding Pharmacy, 1171 U.S. Route 1, Map/Lot:
145 0022-0005. Wayne Boardman seconded. The motion passed 5-0.

146

147 **Minutes**

148

- 149 • Motion: Peter Smith moved to approve the minutes of February 14, 2019, as
150 written. Kathleen Kluger seconded. The motion passed 5-0.

151

152 **Other Business**

153

- 154 • **Public Comment made by Lew Stowe**

155

156 In discussion, the Board determined that Lew Stowe's public comment without the
157 Davises present would not be considered ex parte. Lew doubts the layout of the Davis
158 property as presented. He plans to meet with peer reviewer Gorrill Palmer for feedback
159 on his interpretation of the configuration. He has gotten an okay from Dylan Smith.

160

161 **Adjourn**

162 The meeting adjourned at 10:00.

163 Respectfully submitted,

164 Patience G. Horton

165 PB Recording Secretary

1 **York Planning Board**
2 **Thursday, January 24, 2019, 7:00 P.M.**
3 **York Public Library**

4
5 **Call to Order; Determination of Quorum; Appointment of Alternates**

6
7 Chairman Al Cotton called this application meeting to order at 7:00. A quorum was
8 determined with four people voting: Al Cotton, Vice Chairman Peter Smith, Wayne
9 Boardman, and alternate Kathleen Kluger, who was appointed as a voting member. Lew
10 Stowe was absent. Patience Horton was the recording secretary. Planning Director
11 Dylan Smith represented staff. Land Use Technician Heather Ross was present. Chris Di
12 Matteo from Gorrill Palmer provided peer support. The meeting lasted 2.5 hours.

13
14 **Center for Wildlife, 375 Mountain Rd**
15 **Map/Lot: 0093-0025A**

16
17 Joe Mulledy of Ambit Engineering in Portsmouth represented the Center for Wildlife.

- 18
19 • Motion: Peter Smith moved to authorized the Chair to sign the Findings of Fact
20 for Center for Wildlife, Map/Lot: 0093-0025A, 375 Mountain Road. Kathleen
21 Kluger seconded. The motion passed 4-0.

22
23 Chairman Al Cotton signed the Findings of Fact, and the Planning Board members signed
24 the Mylars, backdated to January 10, 2019.

25
26 **Public Forum**

27 No one came forward to speak.

28
29 **Field Changes**

30 There were no field changes.

31
32 **Public Hearings—Applications**

33
34 **McIntire Woods Subdivision, 142 York Street (Continuation)**

35 **Map/Lot: 0091-0009 owned by the Mary McIntire Davis Trust.**

36 **Preliminary plan review for 120 dwelling units on approximately 112 acres with**
37 **access provided from the York Street and Raydon Road**

38
39 The application was accepted as complete, pending receipt of the HDC letter, on
40 January 10, 2019, in a 3-1 vote with Kathleen Kluger opposed.

42 Tom Greer and Bill Walsh from Walsh Engineering, Westbrook, presented an update.
43 There are forty units that are for “over 55.” Six units of workforce housing have been
44 added. The trail system will be connected and maintained by the Town’s trail system.
45

46 Chris Di Matteo said the three waivers being sought are reasonable.
47

- 48 1. There are 3 places where grade is greater than 10-feet. The applicant wishes to
49 increase the slopes from 5:1 to 3:1 in those places.
- 50 2. Locations of the survey monuments shall be given at time of final occupancy.
- 51 3. The cross sections of road plans will be eliminated.
52

53 The Applicant has responded to the original 13 draft conditions plus 4 conditions that the
54 Planning Board added.
55

- 56 1. The revised plan includes all pertinent notes.
- 57 2. There is a note stating that all homes are greater than 600 square feet.
- 58 3. The plan for construction management has been submitted.
- 59 4. There is a note stating there will be neighborhood meetings about blasting prior to
60 each phase.
- 61 5. The home and clearing impact plan required in § 8.3.3.3. has been included.
- 62 6. The plan has the condominium documents detailing stormwater maintenance.
- 63 7. The 50-foot right-of-way line is depicted on the plan.
- 64 8. Subdivision plans show areas set aside for open space and stone walls.
- 65 9. A neighborhood open space plan has been provided.
- 66 10. The trees to be removed or saved have been identified.
- 67 11. The solid waste plan adheres to DEP regulations and the Town’s ordinance.
- 68 12. A note states that new landscaping materials that die in the first year will be
69 replaced.
- 70 13. N/A
- 71 14. Short term residential rentals will be prohibited.
- 72 15. There will be a public playground operated by the Town.
- 73 16. Six units will be dedicated to workforce housing.
- 74 17. The roads will be open to the public.
75

76 Regarding response 15, the Town has declined the playground. With the Town’s
77 cooperation, the applicant has offered public sewer extension to Donica Road.
78

- 79 • Chairman Al Cotton opened the Public Hearing. Six people came forward to
80 speak.
81

82 **Greg Orso**, representing Betsy Goodman, made three points. Because the waiver request
83 regarding the grade ratio for the entrance into York Street does not meet the ordinance or
84 the Comp Plan, the Planning Board has to right to reject the waiver. Though the Comp
85 Plan encourages cluster development, the Planning Board has accepted conventional site
86 layout. Only three units of workforce housing will be built during Phase I.

87
88 **Betsy Goodwin**, 130 York St., said blasting will go on over the course of 7 to 10 years.
89 It will be harmful to children and wildlife. Running sewer to Rte. 1 will cost the Town's
90 people up to \$1 million.

91
92 **William Gladhill**, 14 Organug, said there should be at least 10 units of workforce
93 housing. The buildings that will be seen from York Street should be historical in design
94 and materials. One hundred-twenty units is too many to put on this land.

95
96 **Bill Massidda**, 127 York Street, said this massive project will widen York Street and ruin
97 the Village. He recommends voting against the three waivers. He encourages the Town
98 to buy the property.
99

100 **Nathan Gurtman**, 37 Raydon Road, said the wildlife reports should have been made by
101 ecologists, not botanists. Every new home in York should be built to Platinum
102 certification. There is no general contractor in York who is capable of maintaining the
103 stormwater systems.

104
105 **Frances Kirshner**, 151 York St., said consideration should be given to children who will
106 be exposed to continuous noise.

107
108 The Chair closed the Public Hearing. Tom Greer addressed comments made during the
109 Public Hearing.

- 110
- 111 1. The Comp Plan indicates that the Davis Property ought to be for housing.
 - 112 2. The waiver for the difference in grades is spoken to in § 7.3.3.1.c, "except under
113 building footprints, changes in pre- and post-development which exceeds 10' may
114 be permitted by the Board."
 - 115 3. The stormwater plan works very well, and it meets the ordinance.
- 116

117 The stormwater manual has 170 pages. The Stormwater plan requires a DEP permit that
118 is renewed every five years. It requires annual professional inspection by a contractor or
119 CEO. If issues arise, the Code Office can issue its own fines or bring in the DEP to do
120 so. The stormwater maintenance agreement is in the Condominium Assoc. documents.

121
122 The Board discussed energy efficiency, snow storage, maintenance of the vernal pools,
123 blasting, phasing, and parking for public access. The price of a workforce housing unit
124 recovers the builder's cost of the house, the cost of infrastructure, and utilities to it. It
125 does not recover the land cost. The developer is providing a free lot. In the Village, that
126 is worth \$100,000+.

- 127
- 128 • Motion: Peter Smith moved to approve the preliminary plan for the application
129 for McIntire Woods Subdivision, 142 York Street, Map/Lot: 0091-0009, as
130 presented with the following three waivers:

131

1. Slopes marked on Plan C-3.0 are allowed at a 3:1 ratio.
2. The type of monuments to mark the boundary lines and the timing of the phasing of the boundary are to be done as described on the bottom of Page 2 and the top of Page 3 of the Memo to the Planning Board Chairman of January 2, 2019, from Tom Greer of Walsh Engineering Associates.
3. We allow the third waiver that the road cross-sections as required in our ordinance will not be required in this application.

Per Robert's Rules, Al Cotton stepped out of the Chairmanship and handed the Chair over to Vice Chair, Peter Smith. Al Cotton seconded the motion.

In discussion, Wayne Boardman said the site is not adequate for the total number of units that are projected. The numbers in the traffic report for the School zone and the Organug Road intersection of York Street do not represent the excessive amount of traffic there. The open space is primarily unbuildable land, and the quality of the contiguous open space does not meet the standards of the ordinance. He proposed that 10% to 20% fewer units would lessen the York Street and Rte. 1 impacts and improve the open space.

Kathleen Kluger called the question. The motion to grant preliminary approval passed, 3-1, with Wayne Boardman opposed.

Minutes

- Motion: Kathleen Kluger moved to accept the minutes of January 10, 2019, as corrected. Peter Smith seconded. The motion passed 3-0-1, with Wayne abstaining. He was not at that meeting.

Other Business

- February 14, 2019, will be a workshop with Dylan Smith. The November 20, 2019, referendum is the focus. Upcoming subjects include workforce housing, changes to the marijuana laws, and the Green Enterprise zone.
- The February 14 meeting will begin at 6:30 p.m. for training on new tablets.
- Dylan said the \$200,000 needed to update the Comprehensive Plan is becoming available. The Planning Board will put together a Comp Plan committee for the update. The process will take two or three years.
- Dark Sky should be compliant for all commercial, not just new Rte. 1.

Adjourn

The meeting adjourned at 9:30

Respectfully submitted,
Patience G. Horton