

**York, Maine
Planning Board Meeting Minutes
Thursday, March 25, 2021; 7:00 P.M.
Remote Meeting via Zoom**

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, Al Cotton, and Pete Smith. Alternate Kenny Churchill was present but did not vote. Ian Shaw was absent. Planning Director Dylan Smith represented staff. Chris Di Matteo, principle of Longmeadow Planning and Landscape Architecture, served as compliance- and peer-reviewer. Patience Horton took Minutes. Votes were tallied via roll call. The meeting lasted three-and-a-half hours.

The applicant for the first item on the agenda, Bristol Pointe #2, 294 York Street, postponed their application.

Field Changes

There were no field changes.

Public Forum

Kathleen opened and closed the public forum without objection. No one came forward to speak.

Application Reviews

~~Bristol Pointe #2, 294 York Street (Postponed)~~

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

~~The intent of this sketch plan application is to demolish the existing residence/office space and construct a new mixed-use building above a parking level.~~

Garrett Homes, LLC—Mic Mac Motel, 317 U.S. Route 1

Map/Lot 0059-0004, owned by Kittery Indian LLC--Mark Dellapasqua

Route 1 use permit/site plan application to redevelop the existing lot into a retail shopping center containing two buildings.

Rick Lundborn, Fuss & O'Neill

Matt Eucalitto, Garrett Homes

The Board granted preliminary approval on January 28, 2021.

Rick Lundborn

- The center turn lane has been added to Route 1. It is 293 feet long.
- The position of the two buildings have been adjusted. They line up better.

- The dumpsters have been moved closer to the buildings.
 - The swale in the back has been shifted to a better position.
 - Per Gorrill Palmer, scour-stop-pads have replaced the riprap-aprons in the front.
 - Stone has been eliminated from the front bufferyard, adjusted with a narrow-forebay.
 - All the numbers of the required landscaping plant-count have been “hit.” The buffers along the abutters’ property lines are dense with trees and plantings.
 - Inaccurate numbers on the sewer plan utility sheets will be corrected.
- Motion: Al Cotton moved to accept the application for Garrett Homes, LLC, Map/Lot 0059-0004 for final approval. Peter Smith seconded. The motion passed unanimously.
 - Motion: Al Cotton moved to open the public hearing for Garrett Homes, LLC, Map/Lot 0059-0004. Peter Smith seconded. The motion passed unanimously.

Barbara Leavey of 15 Greenacre Drive asked if the lighting poles have been lowered. Rick Lundborn answered yes.

- Motion: Peter Smith moved to close the public hearing for Garrett Homes, LLC, Map/Lot 0059-0004. Gerry Runte seconded. The motion passed unanimously.

Dylan Smith commented that the sidewalk access connecting the Route 1 sidewalk and the southern building seemed out of place. After discussion, the board members decided to keep it the way it is. They also found that the lighting in that area is sufficient.

The performance guarantee has not been finalized. The applicant has only provided an estimated dollar amount. Dylan said that the applicant must supply an irrevocable letter of credit to Town staff and Gorrill Palmer. Matt Eucalitto agreed.

- Motion: Peter Smith moved to approve the application as presented by Garrett Homes, LLC, 317 U.S. Route 1, Map/Lot 0059-0004, with the following conditions:
 1. Payment of outstanding fees for engineering and planning reviews;
 2. Final approval from the York Sewer District;
 3. MDEP approval of the stormwater permit; and
 4. Establishment of a performance guarantee in the form of an irrevocable letter of credit that is approved by the reviewing engineer prior to the issuance of a building permit.
 Al Cotton seconded. The motion passed unanimously.

**Workforce Housing Development, 5 Hannaford Drive
Map/Lot 0053-0024 owned by Hannaford Bros.
The intent of this project is to develop a three-story, 63-unit workforce housing
development within 4.67-acre subdivided parcel.
David Sherborne, Architect, Opechee Construction**

Bryan Sutherlin, Beals Associates Engineers
Ben Enos, Beales Associates Engineers
Lawrence Beals, Beals Associates Engineers
Jason G. Howe, Applicant Attorney
Missing: J. Hilary Rockett, Jr., Project Lead

An agreement has not been entered into with the Housing Authority. That prevented Planning Board from going into final review this evening.

- Motion: Peter Smith moved to accept the application for Workforce Housing Development, Map/Lot 0053-0024, for preliminary review. Al Cotton seconded. The motion passed unanimously.

Bryan Sutherlin: This is located on five undeveloped acres on the Hannaford site. (Hannaford was developed in the late '90s.) This building will have 63 dwelling units and 95 parking spaces. It is surrounded by sidewalks for pedestrian access. The property includes a truck-access driveway to the Hannaford building. There is an emergency entrance and exit that will be sealed off with a gate and a Knox Box.

Architect David Sherborne: We have tried to make our architectural style fit in with the local village character. The long horizontal facades and vertical planes have been broken up with "projections and recesses." The elevations are treated with distinguishable "bases, middles, and tops." It will have "corner tower elements," dormers, and a mansard roof.

Ben Enos: The plan features canopy trees with understories of evergreen trees and shrubs. A stockade fence will be installed between separate patio areas and the Hannaford parking lot. The lighting plan includes building-mounted lights and pole-mounted lights in the parking lot. The proposed utility plan includes potential for expansion. Part of the subsurface drainage system will be under the parking lot. Treated stormwater will be discharged into the existing drainage network at Hannaford. There will be six entrances into the building, not including private patio entrances. Handicap parking is located next to the main entrance, where the elevator is.

Kathleen Kluger requested additional handicap parking that is more strategically placed to provide assistance to people using canes and wheelchairs. Gerry Runte, who lives in the area, requested additional sidewalks near Cider Hill Road. Kenny Churchill compared the building colors to those of the Microtel across the way. Dylan Smith requested bike racks. Pete Smith asked that solar panels be considered.

Wayne Boardman asked why more units were not designed for larger families. Attorney Jason Howe replied that market research showed that the units will be geared toward younger individuals and couples coming into the workforce. It is believed that older couples who are downsizing will also want to live there.

Motion: Al Cotton moved to open the public hearing for Workforce Housing Development, Map/Lot 0053-0024. Peter Smith seconded. The motion passed unanimously. No one came forward to speak. Kathleen Kluger closed the public hearing.

Review Highlights

Item 1: Workforce Affordable Housing, Section 10.

Item 2, Chris Di Matteo: The application appears to be complete. The Board has moved to accept it as a preliminary plan application.

Item 3, Chris Di Matteo: They have met the workforce housing ordinance density requirement, but it appears there has to be a waiver of the conflicting Site/Sub Regs. Dylan Smith: The density provision in the Workforce Housing overlay supersedes the requirements in the Site/Sub Regs.

Motion: Peter Smith moved to accept the Workforce Housing Overlay district density requirements. They supersede any other density requirements. Al Cotton seconded. The motion passed unanimously.

Item 4, Chris Di Matteo: The applicant must provide a working draft agreement with a qualified non-profit organization that is going to partner with the applicant. Attorney Jason Howe: We will be coming back with a proposed final agreement.

Dylan Smith: What type of performance guarantee are you striving to use for a performance guarantee? My preference is the irrevocable letter of credit. Jason Howe: Depending on the equity position at the time we reach development, we might use a letter of credit.

Item 5, Chris Di Matteo: The lighting poles might be higher than they need to be. Wayne Boardman: The height can be 20-feet if that is shown to meet the intent of the ordinance. Ben Enos: The photometric plan will be reviewed by our landscape architect. There is light pollution spilling onto the property from Hannaford fixtures. There are surrounding light poles from the truck access drive and from their parking lot causing light pollution, as well. Wayne Boardman: Hannaford is out of compliance.

Item 6, Chris Di Matteo: There are overhangs that protrude into the side setback. A correction has to be shown on the final plan.

Item 7, Chris Di Matteo: The revised plan shows a well-thought-out landscape design. The Gorrill Palmer traffic engineer came up with comments that have to be reviewed. The final plan will have to be modified to address those items.

In discussion, Wayne Boardman said he would like to see a recreation area between the building envelope and the wetlands to the west. It was not understood if that wetland is smaller-than or greater-than four acres. A dog-walking area could be considered. There is a question if the dumpsters observe the building setback. Dylan Smith: The plan must be titled as an “amended subdivision plan” in a plan note.

Chris Di Matteo: Gorrill Palmer’s comments have been addressed. Site lines have to be revisited.

Waiver Requests

Wetland Delineation

Kathleen Kluger: The applicant is requesting a waiver so they do not have to provide a delineation for the wetland. Dylan Smith: Field verification is key to understanding if it is a four-acre wetland. If that area is going to be used as a recreational area, there has to be verification that its size is under four acres. Otherwise, it is a shorelands-wetland. Board consensus: This will not be treated as a waiver. It will be determined as part of the final.

Trees measuring 24-inches

Kathleen Kluger: The applicant is requesting to forgo information about trees that are larger than 24-inches in diameter.

High Intensity Soil Survey

The applicant has requested a waiver of the HISS. It was already done for the area by Hannaford.

- Motion: Peter Smith moved to waive the requirements of Section 3.1.10, Net Developable Acreage. Gerry Runte seconded. The motion passed unanimously.
- Motion: Peter Smith moved to waive the requirement for noting trees larger than 24-inche in diameter at waist-height, which is Section 6.3.3.a.4 of the Site/Sub Regs. Al Cotton seconded. The motion passed unanimously.
- Motion: Peter Smith moved to waive the requirement for 6.3.32, High Density Soil Survey. Wayne Boardman seconded. The motion passed unanimously.
- Motion: Al Cotton moved to give preliminary approval to the application for Workforce Housing Development, 5 Hannaford Drive, Map/Lot 0053-0024. The waivers have been passed. Peter Smith seconded. The motion passed unanimously.

York Beach Surf Club, 780 York Street

Map/Lot 0038-0059 owned by York Beach Surf Club LLC

The intent of this project is to revise an approved plan by relocating parking and conducting building and site refurbishments.

Tim DeCoteau, Project Manager
Chris Reynolds, Wow Design Group [also did the cabana annex for Viewpoint Hotel]
Brian Nielsen, Attar Engineering
Taylor Perkins, York Beach Surf Club [bought the property in June, 2020]

Though it was presented as an amended site plan, Chair Kathleen Kluger determined to treat it as a sketch plan review. She said that Gorrill Palmer lists at least 30 items of concern, and the completeness list is long. Ordinance compliance is uncertain. A lease agreement is missing. Ownership of paper streets is uncertain. Land has been added to the plan that was not part of the original application. The layout does not resemble what was approved in 2019.

- Motion: Al Cotton moved to accept York Beach Surf Club renovations, 780 York Street, Map/Lot 0124-0299; and 12 Carlton Street, Map/Lot 0124-0323; for sketch plan review. Gerry Runte seconded. The motion passed unanimously.

Tim DeCoteau: The business has to be operated through the 2021 summer season. Certain preparations have to be made for that. Further work will be completed after the coming season. In general, the parking is to be moved to the sides and rear. The pool and lawn will be between the buildings. There will be landscaping in the buffers. A modular kitchen is being brought in. It is in compliance and meets the setbacks.

Architect Chris Reynolds: We are turning a hulking, rundown '50s motel into a world-class resort experience. We want to cut down the mass. In Phase 1, Building A will be renovated and include balconies. [Seeing the rendering, one board member said, "Wow."] Landscaping will be added (already approved) around the oasis pool. Parking will be reorganized and some parking will be added in the rear. A lot of asphalt will be taken up. Landscaping includes 28 trees; we're very proud of that. Attention is paid to low lighting and controlled acoustics.

To add to the guest experience, a modular container kitchen is being "dropped into the back" as a "temporary fix" to provide food and beverage for the full resort. It will be accessible only by guests and not open to the public. In the future, we will be working on how it will be replaced. That has not been determined.

In Phase 2, the pool and surrounding landscape will be treated. The sea of asphalt and dead grass will be taken up. Privacy for the entire lot will be provided with fencing. Eventually a low scale pool house will be added. The decrepit cabins in the back will become bungalows with decks and privacy screens. There will be landscaped paths going between the bungalows.

Engineer Brian Nielsen: Gorrill Palmer has suggested specific gradings and catch basins for the drainage plan, small items. There are no large concerns. Most concerns have been related to stormwater coming off several properties onto this property from Parker Street. It is historic flooding. We discussed this with the Planning Board during previous reviews of this project. With the plan, a buffer prevents water from flowing back from this property onto Parker Street.

We are putting in a curb and raising the earth so that when water comes onto the motel property, it will hit a wall and flow into a riprap swale on the bottom and off the property.

Owner Taylor Perkins: Our family has started the process of moving the site forward. We are trying to keep the business open for the season. We have filled sixteen dumpsters with the trash from the site. We are working with vendors to create the infrastructure, including the kitchen. The process through COVID has been excruciating.

Chair Kathleen Kluger: We have been directed by the Selectboard to accommodate business issues related to COVID and the difficulties of making a business go. We will look at what we can do within the ordinances to accommodate a quick COVID response.

- Motion: Al Cotton moved to open the public hearing for York Beach Surf Club, Map/Lot 0038-0059. Peter Smith seconded. The motion passed unanimously.

Abutter Joanne Di Prizio, 13 Carlton Street. “The plan is gorgeous.”

1. Will Carlton Street be used as an entrance into the back parking lot? [No.]
2. Are the lights going to be shining into our houses? [There will be warm, indirect lighting that will only cover the paths and parking lots.]
3. Are you going to have pest control in the kitchen? [Of course.]
4. Will there be a dog park? [There will be a designated dog-walking area.]
5. Is the garage being moved? [No.]
6. What will be on my property line? [Large trees will be put in that buffer zone.]

At 10:15, Chair Kathleen Kluger asked if there was an objection among board members for completing the hearing before ending the meeting. There was no objection.

Abutter Bill Barber

Parker Street is adjacent to the property. It is a private, paper road. I am assuming that it will be an access road to the hotel. Tim DeCoteau: Signage will prevent guests from exiting onto Parker. Taylor Perkins: The current entrance and exit on York Street will be the only entrance and exit into the property.

Debbie, Bill Barber’s sister: When will food service shut down in the evening? [There will be a liquor license. Food service will end at 10:00 P.M.]

Abutter Julie Thurlow on Carlton Street

She said she had chosen to be on the quiet side of the beach, and now unfortunately has to worry about music and noise at the resort. She does not want there to be a public restaurant in that location. [Taylor Perkins: There are no plans for music. We hope to have a public restaurant there someday that the neighborhood can also enjoy. Chris Reynolds: The ocean and the beach will be the focus of the development, not Carlton Street.]

Kathleen Kluger closed the public hearing.

Chris Di Matteo: The paper street is a real concern if they want to use that property. If there is a deed that indicates that the rights of the previously owner are part of the transfer, that's fine. But right now, no survey says that entire property is under the control of the current owner. That has to be cleared up prior to moving this along as an official application.

Taylor Perkins: We already own the abutting lot. This is a non-issue. Our attorneys have already gone through all this. Tim DeCoteau: We will have a legal opinion at the next meeting.

Kathleen Kluger: If you can fill the items that are outstanding, we will see you in two weeks during our workshop meeting. We will continue this to a date certain of April 8. Until you have an approval and a building permit, nothing is to be done in areas that are under review.

Adjourn

The meeting adjourned at 10:40.

Respectfully submitted,
Patience G. Horton
Recording Secretary