

York Planning Board
Thursday, May 28, 2015, 7:00pm.
York Public Library

***Call to Order, Determination of Presence of Quorum;
Appointment of Alternates***

Chairman Al Cotton called the meeting to order at 7:05. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Lew Stowe; and Gordon Eldridge (representing York Beach). Alternate Amy Phalon, Esq., was asked to vote as a full member. Alternate Wayne Boardman was present, but did not vote. Town Planner Dylan Smith represented staff. Minutes were recorded by Patience Horton and edited by Peter Smith.

Public Forum

Rick Lounborn introduced himself as a new civil engineer with CLD. JoAnn Fryer has left the firm, and he has taken over her position.

Minutes

The April 23, 2015 Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the Minutes of April 23, 2015 as revised. Gordon Eldridge seconded the motion, which passed 5-0.

The May 14, 2015 Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the Minutes of May 14, 2015 as revised. Gordon Eldridge seconded the motion, which passed 5-0.

Field Changes

There were no field changes.

Application Reviews and Public Hearings

Hale's Landscaping. 1114 U.S. Route 1 – Map & Lot 0094-0048. The proposal is to develop the property to accommodate a commercial landscaping business that will include a building, associated parking, and storage areas.

The Planning Board had accepted the application on May 14, 2015. A site visit was held on May 23, 2015, and was attended by Wayne Boardman, Peter Smith, Amy Phalon, Lew Stowe, and Gordon Eldridge. Recent changes to the plan include addition of a cupola to break up the roofline. Location of the roadside sign and location of the display area, where customers view landscaping products, have been put on the plan.

Chairman Al Cotton opened the **Public Hearing**. No one came forward to speak.

Ryan McCarthy from CLD Consulting Engineers represented Steve and John Hale of Hale's Landscaping, who were also present. He responded to Town Planner, Dylan Smith's memo with the following comments.

- a) Delineation of the Shoreland zone is shown on the plan.
- b) Notations of septic locations within 100 feet of the property line have not been added to the plan, because there are none. The septic system on the Hawk Motors property is beyond 100 feet.
- c) No natural features have been taken off the site. About 2,500 yards of gravel and fill have been brought onto the property.
- d) A letter has been received from HDC stating there are no concerns about historic and archeological resources.
- e) A copy of the septic system design has been submitted. It was reviewed and approved by the local plumbing inspector.
- f) A waiver is sought for the High Intensity Soil Survey (HISS).
- g) A waiver is sought for the Performance Guarantee. Kennebunk Savings Bank has provided a letter affirming the Hales have the financial capacity to complete the project. Furthermore, there are no public improvements.
- h) The parking lot has space for vehicles and fire trucks to turn around. The gravel area is designed for heavy equipment to move in and out of the site.
- i) A note has been added to the plan to reinforce that dust will be controlled.
- j) Glare and lighting will be kept to a minimal. The sign along Route 1 will have two lights hanging off the top and directed down onto the sign.
- k) There has been a question about the stone emergency overflow that is located in the front buffer. The overflow is an essential utility and, as a utility, is allowed within the front buffer yard.
- l) Planting around the parking lot meets the landscaping requirements of the ordinance.
- m) Emails have been received from the Water and Sewer Districts stating that the water and sewer mains are more than 750 feet away from the development and therefore, the applicant is not required to tie into them.
- n) The front façade is "best face forward," made of wood shingles painted red. The other three sides are prefabricated metal, also painted red. A waiver is sought.
- o) There are four bays with garage doors on the north side.
- p) A note will say, "All trash receptacles will be stored indoors at the request of the Town Planner."
- q) The large gravel area toward the bottom of the driveway is designed for two vehicles to pass without one having to back up.
- r) One corner of a material storage area is 3 or 4 feet closer to Route 1 than the front of the building. That storage area is behind a natural buffer area. Changing its location would necessitate blasting ledge. A waiver is sought.
- s) Note 20 shall be amended to mimic Zoning Ordinance 6.7, which calls for ongoing maintenance of the stormwater system.

Motion: Lew Stowe made a motion that we agree to waive Section 6.3.32, regarding the High Intensity Soil Survey. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Lew Stowe made a motion that we waive the Performance Guarantee, referenced in Section 6.4.25 of the Site and Subdivision Regulations and Section 6.3.21 of the Zoning Ordinance. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Lew Stowe moved to waive Section 6.3.10, which requires that a licensed landscape architect prepare the landscaping plan. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Lew Stowe made the motion to waive Section 6.3.27.1, the requirement that the outdoor storage area cannot be closer to Route 1 than the primary structure. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Lew Stowe moved to waive Section 6.3.13.4, regarding building material. The sides and rear of the structure are made of metal siding with a color that matches the front shingled façade. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith made a motion that we approve the application for Hale's Landscaping, 1114 U.S. Route 1 – Map & Lot 0094-0048. Amy Phalon seconded. The motion passed 5-0.

Planning Board Workshop on Ordinance Amendments for November 2015

A. To amend the official map of base zoning districts entitled "York Zoning Ordinance: Base Zoning Districts" by incorporating (Map and Lot 0050-0036 and 0050-0035) 207 and 211 York Street within the GEN-3 base zone. The parcels are currently within the RES-1B base zone.

Dylan Smith introduced the proposal, which came as a request from Old York Historic Society, whose administrative office is currently in the RES-1B zone, and is requesting to be placed in the GEN-3 district. That almost makes it a spot zone, but does not, Dylan said. The meetinghouse is next to it. Both are in the Historic District. GEN-3, especially located south of the Little River, allows for a greater variety of uses. The whole area is seen as part of the Village District.

The **Public Hearing** was opened and closed. No one came forward to speak.

Motion: Peter Smith made a motion that we forward the ordinance amendment request relative to Map & Lot 0050, 0036, and 0050, 0035 to the Selectmen to recommend that they be included in the November 2015 warrant. Gordon Eldridge seconded. The motion passed 5-0.

B. To amend the map entitled “York Zoning Ordinance Village Overlay District” by incorporating (Map and Lot 0050-0019) 282 York Street within the York Village Center Overlay District.

Dylan Smith introduced the amendment. Applicant Shawn Mitchell owns the Bagel Basket and the parcel next to it. The current overlay district includes the Bagel Basket, but not the adjoining parcel. Sean wishes for both properties to go into the overlay district.

The **Public Hearing** was opened and closed. No one came forward to speak.

In discussion, Amy Phalon said with two historically significant buildings in the historic zone used as commercial buildings, there is potential for development about which we know nothing of unintended consequences, just as in York Beach. Wayne Boardman argued that the ultimate goal of making a more desirable village center is to increase density and to get more retail and residential use, thus making a more vibrant Village Center. Dylan read Zoning Section 5.4.1, “The number of dwellings permitted above a commercial office shall not be limited by lot size or the density limits.”

Motion: Peter Smith moved to forward the amendment request for the York Zoning Ordinance, York Village Overlay District, relative to Map and Lot 0050-0019, known as 282 York Street, to the Selectmen for inclusion in the November, 2015 warrant. Lew Stowe seconded. The motion passed, 3-2, with Amy Phalon and Al Cotton opposed.

York Hospital Site Modifications: 15 Hospital Drive Map 0050 – Lots 0011, 0022, 0023, 0023-A, 0024, 0026, 0030, 0032, 0033, 0034 & 0035. The proposal involves building and site modifications to and near the Strater Wing of York Hospital. The site plan includes revisions to landscaping, building alterations, parking lot modifications, and removal/construction of a new chiller and generator pad.

This application was accepted as complete at the Public hearing on May 14, 2015.

Chairman Al Cotton opened the **Public Hearing**.

Kinley Gregg said that sound attenuation fencing between her property and the hospital’s mechanical systems has been put in place by York Hospital, as discussed two weeks ago. Currently, the combination of fences near her property includes sound attenuation fencing, regular stockade fencing, and no fencing at all. She asked that as a condition of approval, sound attenuation fencing located between the chillers, generators, and her property be completed as originally required. The microburst of July 15, 2014, caused vegetation around the patio outside the surgery wing to “fall off.” It has not been replaced, as was required in the previously approved site plan.

Applicant Representative Eric Weinberg, of Altus Engineering, said that the letter from the Sewer District has been provided. There was a mistake in the date of the Draft Findings of Fact that is being corrected.

Jennifer Rooney, Director of Support Services at York Hospital, said work to close the gap on the fence will be completed during the week of June 1. There are two types of sound attenuation fences being used at the hospital. One has foam-fiberglass interior and a metal exterior, but it has not stood up well. There is also stockade fencing. Arbor Vitae and Hemlocks in the area help deaden the sound, as well. The hospital is using techniques recommended by a consultant sound engineer who worked on sound attenuation for the initial generators when they were installed.

There are two plan notes addressing sound.

Plan Note: “Sound attenuation fencing along western property line adjacent to the mechanical units will be repaired and improved.”

Plan Note: “Landscape buffer damage will be repaired.” (Repair of the landscape buffer will be verified by the Code Officer.)

Motion: Peter Smith moved to approve the application for the York Hospital Site Modification for 15 Hospital Drive, Map 0050; Lots 0011, 0022, 0023, 0023-A, 0024, 0026, 0030, 0032, 0033, 0034 & 0035 to modify the Strater Wing Building, move the chiller, put in a new chiller pad, modify parking areas adjacent to the building and construct small additions on both the north and south sides of the Strater building. This approval is subject to a “condition subsequent” that we receive confirmation from the Code Office that sound attenuation and buffer foliage has been appropriately installed. Amy Phalon seconded. The motion passed 5-0.

Planning Board Workshop on Ordinance Amendments for November 2015

Amendment 1: Hotel/Motel Definition Change Relative to Cooking Facilities

With this amendment, the size of hotel/motel cooking facilities is limited to 12 square feet, with a maximum footprint of about 96 cubic feet. The intent is to discourage people from living in the units over a long period.

The Chair opened and closed the **Public Hearing**. No one came forward to speak.

Motion: Amy Phalon moved to hold a public hearing on proposed Amendment #1, Hotel/Motel Definition Change Relative to Cooking Facilities on June 25, 2015. Peter Smith seconded. The motion passed 5-0.

Amendment 2. GEN-3 Zoning District Permitted Uses

This amendment would allow open-air musical and theatrical performances within the GEN-3 zone south of the Little River, especially in the Village area. This amendment was suggested by a member of the Board of Selectmen.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Motion: Lew Stowe moved to have a hearing on June 25, 2015, for the purpose of discussion relative to GEN-3 Zoning District Permitted Uses. Seconded by Gordon Eldridge, the motion passed 5-0.

Amendment 3: York Beach Village Center Zoning District Prohibited Uses

This amendment would clarify that bottling of beverages is permitted as part of an Artisanal Food and Beverage facility.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Motion: Peter Smith moved that we schedule a public hearing on June 25, 2015, regarding York Beach Village Center Zoning District Prohibited Uses. Amy Phalon seconded. The motion passed 5-0.

Amendment 4: York Beach Village District Mixed Use Building Dwelling Unit Density

In the May, 2015 referendum, specific language was removed from the ordinance. Without that language, maximum density was allowed in York Beach Village Center. With this amendment, the similar language is re-applied, and the density reverts to prior levels.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Motion: Chairman Al Cotton asked for a motion to schedule a public hearing on June 25, 2015, for purposes of discussion regarding the York Beach Village District Mixed Use Building Dwelling Unit Density. Amy Phalon so moved. The motion passed 5-0.

Other Business

Findings of Fact

Motion: Chairman Al Cotton asked for a motion to authorize the Chairman to sign the Findings of Fact regarding the application by Ray Ramsey, Tax Map 36 - Lot 96, Anchorage Inn, 265 Long Beach Avenue. Peter Smith so moved. Gordon seconded. The motion passed 5-0.

Motion: Chairman Al Cotton asked for a motion to authorize the Chairman to sign the Findings of Fact regarding the application by Ledges Golf Course Company, Tax Map 89 - Lot 45A, One Ledges Drive. Gordon Eldridge so moved. Amy Phalon seconded. The motion passed 5-0.

Lew Stowe asked for a board member to help him make a new standard outline for the Findings of Fact.

A joint meeting with the Board of Selectmen is scheduled for June 8, 2015.

Denis Lachman of TDRC, who was hired to prepare design guidelines for York Beach, will do design guidelines for the Village Center. He will be paid through the grant that is already in place for the Master Plan.

Adjourn

9:50