

York Planning Board
Thursday, July 10, 2008, 7:00 P.M.
York Senior Center

Call to Order, Determination of Presence of Quorum

Vice-chairman Lew Stowe began the three-hour meeting at 7:00 by determining presence of quorum. Beside Lew Stowe, Barrie Munro, Glen MacWilliams, Dave Woods, and alternate Todd Frederick were present. Tom Manzi was absent, and Todd Frederick was asked to vote in his place. Town Planner Christine Grimando represented planning department staff. Patience Horton took minutes. The meeting was recorded with a camcorder.

Vice Chairman Lew Stowe announced the Walgreens application had been taken off the agenda, at the applicant's request. The two Atlantic House application hearings had been taken off the agenda because of a current, pending code violation, but the public hearings would still be heard. He opened the public input portion of the meeting, explaining the Atlantic House public hearings could still be addressed in the Public Hearing, because the Atlantic House applications were no longer on the agenda.

Public Input

Open to the public to address any issue other than the scheduled public hearings.

Erica McCauley owns the women's boutique and the children's boutique in the Atlantic House. She had come to York Beach as a child and moved here permanently. She wished to be permitted for a change of use, so she can open a spa in the Atlantic House.

Harold Anderson, a principle in the Atlantic House, described the 20-foot trash compactor the back of the Atlantic House was built around. When it became necessary to remove the machine, it had to be cut into parts and hauled away. The plan note violation concerning recyclables and moveable garbage containers for trash pickup, which had put a halt to Atlantic House applications, was at question. Steve Burns had seen a dumpster in the fire lanes, where the manager pushes full dumpsters out and then pushes empty ones back in, after pickup. Harold Anderson agreed there were errors. The property was designed for compacted garbage removal. At this point, garbage is going to be picked up three times a week after 6:30 A.M., and the dumpsters will be wheeled back in within two hours. The situation is 100% under control. Harold Anderson asked to have the applications heard that night, as originally planned.

Peter Dunfey spoke on behalf of the Atlantic House condo association. All the commercial condos on the first floor and all the residential units have occupancy permits. Community Development Director Steve Burns had asked the planning board to stop the application, Peter Dunfey said. Some items listed in his June 12 memo should be waived. Peter Dunfey asked the board to reconsider and put the items back on the agenda.

Laurie O'Brien, a principle at the Atlantic House, said at the last meeting, the petitioners did not anticipate the animosity that came up from the neighbors and abutters. The meeting was about change of use and parking, and someone stated false facts about the parking. A petition had been submitted against Atlantic House, but 41 York Beach businesses had not signed the petition. The applicant with Atlantic House worked hard to get along with the abutters, she said. She has seen a lot of overflowing dumpsters in the Beach. The Atlantic House is working out the kinks. Blue Skies stayed open all winter, Laurie O'Brien added. She asked that the board reconsider and open the application hearing.

Joe Lipton said the Atlantic House people do a great job doing what they do. It is just going through growing pains. He asked the board to reconsider and open the application after all. He discussed Atlantic House parking behind the Black Dog, shared by both businesses. When the Kearsarge House will be in operation, that Black Dog parking area will all go for residential units. He referred to what he felt was a poor four-hour traffic study, done some time ago. It resulted in the recommendation for valet parking. He mentioned parking at York's Wild Kingdom and spoke about making the parking ordinance better so people can do business.

Cathy Goodwin, director of the Chamber of Commerce said that at the expense of the taxpayers, many businesses do not have to provide parking. The economic prosperity for the community is the mission of the chamber. The trash issue has to be resolved so things can move forward.

Bill Roche, of 6 Gulf Street, said Steve Burns made it clear not to hear either application unless plan note violations regarding public health and safety could be waived. When it was obvious the plan notes were not adhered to, the abutters tried to talk to Atlantic principles. But, no abutter ever called Town Hall, the code office, public health, or the planning board. When the problem came up again, Bill Roche picked up the phone, himself. Four conditions were in violation, including blocking the emergency lane, and overflowing garbage. All the abutters want Atlantic House to survive and do well.

Ryan Lahey has lived in the area with his family for four years. The pictures of cigarette butts and garbage on the ground, which were shown at the last meeting, embarrassed him. Aesthetics are in the hands of the beach committee, he said. Blue Skies at York Beach should be open at lunch to go with the direction the Beach has taken. Parking is important, but dismiss the politics, he said.

Michael Passanisi, 4 Gulf Street, agreed that the Atlantic House was going through growing pains. A trash problem is no anomaly, but the owner should know how to handle the trash.

Joe Lipton compared his 150-seat restaurant with another, larger one. He said to make it a more competitive playing field, he should be permitted more seats.

Erica McCauley said she does not look for customers outside York Beach to come to her spa. She hopes to catch the overflow from other spas. There is very little trash left over from her business, mainly cotton balls. Everything else is sanitized and reused.

Cindy Gould has an import store in the downtown beach. Sometimes when visitors ask her where they might eat, she is embarrassed with a loss for ideas. Therefore, she is an advocate for the Atlantic House to open for lunch all year round.

Ryan Lahey stated he is affiliated with Rivers by the Sea.

Laurie O'Brien said on July 2, Steve Burns placed a violation notice with conditions on how trash will be handled. It has to be put out after 6:30 A.M., and will come in within two hours. It will not block the fire lane. Section 11.2.7 says when there is a violation outstanding, further considerations cannot go forward. She asked length of time for a suitable compliance, and said there has to be a demonstration that trash is complied with. The **Public Hearing** ended.

Motion Glen MacWilliams moved to take the field changes at this point of the meeting and move the minutes to the end of the meeting. Barrie Munro seconded the motion, which passed, 5-0.

Glen MacWilliams suggested changing the order of the meeting to better accommodate the public.

Field Changes

Terrance Parker spoke on behalf of the Jefferd's Tavern application. Due to limited selection, Red Twig Dogwoods had been replaced with Grey Dogwoods. Other plants had been exchanged for the same reason. It all looks good, he assured.

At the last hearing, the "future" stonewall on Mylar was inconsistent with the site plan. The board discussed the appeal of the stonewall as a landscape element. The board expressed it would like to see the wall built. Terrance Parker said the wall would be hard to complete, because the financial situation was difficult. Dave Woods suggested putting the wall in after a few years, after the money could be raised. It could replicate the style of the wall at the cemetery. Dave Woods asked Terrance Parker if five years would be enough time to do a fundraiser.

Motion Glen MacWilliams moved to accept the presented plan with changes in the landscaping, including the future wall. The stonewall would be included in the plan, but not as a requirement for occupancy. Barrie Munro seconded the motion, which passed, 4-1.

York School Department. 469 U.S. Route 1. Map & Lot: 0048-0021. Application review of proposed changes to the existing parking lot.

With the planning board, Engineer Rick Licht and School Superintendent Jim Amoroso stood around a table in the Community Center common room, where the meeting was held, and compared two possible site designs for the driveway entrance to the school administration building. The decision between the “enhanced” entrance and the wide-open entrance was the point of discussion. The board preferred the enhanced, narrower entrance located at the southern most edge of the property. A supporting rationale was that it would be safer for cars turn south on Route 1. After further discussion, the board moved:

Motion Dave Woods moved to give conditional approval to the proposed plan and to have staff review the application, so there are no requirements for the applicant to come back to the board. The entrance to the property will be moved to the southerly part of the lot. All other aspects of the plan as submitted including landscaping, the width of the entrance and the radii would remain as submitted. Todd Frederick seconded the motion, which passed, 4-1 with Glen MacWilliams against.

Atlantic House 2 Beach Street and 4 Main Street. Map & Lot 0024-0044, and 0023-0008. Application for an amendment to an approved plan for a temporary use change.

Town Planner Christine Grimando read portions of Steve Burns’s July 2 letter regarding the suitable period of compliance. Barrie Munro said the applicant believes it has done what will assure the trash will have timely pickup. Glen MacWilliams said the restaurant has to go through a different system than it would have with the trash compactor. The applicant had said in a letter that the garbage situation would be fixed. There is a deficiency in the existing plan, as identified by the code enforcement officer. Barrie Munro said the board has to find a way to resolve the matter as soon as possible. Todd Frederick referred to the letter from Waste Management concerning the violations of the plan notes and how Waste Management proposed to increase the number of containers on the site. Currently, the dumpsters are allowed to remain too long in fire lanes and there are objectionable odors and insects.

Dave Woods said the approval was based on the property having a functioning trash compactor. Perhaps action could be taken against that trash compactor company. Lew Stowe said the problem was supposed to be taken care of immediately, but over a three-day period, it was repeated, and the Steve Burns gave the strong recommendation to take action.

Motion Glen MacWilliams moved that, based on the recommendation made by Steve Burns, this board will not go forward with this application until the defects are taken care of. Dave Woods seconded the motion.

The board discussed the Atlantic House’s return to the planning board, noting that Atlantic House could not be heard before August 14. Glen MacWilliams said at that time, the

board could not act on the application. Barrie Munro said the board would be prohibited from any further discussion. The objective is to correct the violation.

Dave Woods made a point of order. Because his daughter has a spa in York Beach, he felt it would be important for him to step down for the vote. The rest of the board agreed.

Vote The motion passed, 4-0.

Atlantic House. 2 Beach Street and 4 Main Street. Map & Lot 0024-0044, and 0023-0008. Application for an amendment to an approved plan for a change to allowed restaurant hours of operation.

The change of restaurant hours at the Atlantic House was briefly discussed, with the outcome that the board should review no plan as long as the application is in default. With the expectation that the matter would be resolved in a timely manner, and wishing to resolve the problem as quickly as possible, the board recommended the application should be heard on the next posted agenda with the understanding that the application would not be discussed unless there was evidence satisfactory to the CEO that the Atlantic House was in full compliance with the plan notes.

Bayberry LP/Walgreens Pharmacy. 401 US Route 1. Map & Lot 0053-0002-A. Preliminary Review of a proposed Walgreens Pharmacy and additional commercial space.

Christine Grimando said Walgreens had requested a postponement, saying, "They have a lot of 'players' and materials to organize, themselves." August will be the deadline for preliminary review provision. She added, if Walgreen's needs another review period, the board should have no hesitation on allowing Walgreens to do that. When Lew Stowe requested the Walgreen's application be the only thing on the agenda, Christine Grimando said the Atlantic House would have priority. Lew Stowe suggested making a spreadsheet about the various steps an application as taken.

Erica McCauley asked to speak. She wanted to know if she was being penalized for being part of the Atlantic House. Christine Grimando said no decision is dependent upon the approved plan.

Minutes

Minutes of May 8, May 22, June 12, and June 26, 2008 were reviewed. Board members found several corrections, which they handed to the recording secretary.

Motion Glen MacWilliams moved to approve the minutes of May 8, May 22, June 12, and June 26, 2008, as corrected. Barrie Munro seconded the motion, which passed, 5-0.

New Business

Christine Grimando spoke about the recent York Beach Subcommittee meeting, where priorities were made and tasks were assigned. Dave Woods said Nancy Chase felt she was being used as a pawn, and she wants whatever residential, expanded, and/or nonconforming use it takes for her to have parking on her property. She had been before the selectmen's public hearing on this. Glen MacWilliams said the planning board has to be consistent with what it wishes to see happen at the Beach. Engineer Steve McNally had created a Recommended Focus Areas to use as a tool to guide the project over the long run. Dave Woods discussed the difficulties of bridging the planning board and the subcommittee.

Old Business

There was no old business.

Other Business/Adjourn

There was no other business. The meeting adjourned at 10:00.