

York Planning Board
Thursday, January 9, 2014, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Todd Frederick called the meeting to order at 7:00. A quorum was determined with five people voting: Todd Frederick, Board Secretary Lew Stowe, Al Cotton, Brud Weger, and alternate Peter Smith, who was asked to vote as a full member. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Public Input

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

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

Two sets of minutes were approved.

The December 12, 2013, minutes were reviewed and corrections were requested.

Motion: Al Cotton moved to accept the minutes of December 12, 2013, as amended. Lew Stowe seconded the motion, which passed 5-0.

The December 19, 2013, minutes were reviewed and corrections were requested.

Motion: Brud Weger moved to accept the minutes of December 19, 2013, as amended. Peter Smith seconded the motion, which passed 5-0.

Application Reviews and Public Hearings.

Bog Road Athletic Field Facility 900 Bog Road. Map & Lot: 0090-0084-X. Sketch Review of a Site Plan proposal to construct a gravel parking lot, access path, athletic field, and associated stormwater management facilities.

Chairman Todd Frederick explained that a sketch review provides non-binding feedback to the applicant. It allows the applicant to hear what the planning board's concerns are.

Town Planner Christine Grimando said that no building is being proposed in this application. The application is for a new gravel parking lot to accommodate anticipated parking for a brand new athletic field. A stormwater plan is required at the State level. Across the road there is another lot, but that is not part of the application. Because there are more than 25 parking spaces, it has to come before the Planning Board.

Mike Sullivan, Parks and Recreation Director, said the proposed parking lot would service two multi-purpose athletic fields the Town currently owns and operates on Bog Road. The two fields on 12 acres were built in 2001. Forty-eight additional acres were purchased in 2003. The Town has a need for an additional field and more parking. Specifically, when lacrosse was added to the spring schedule, it was playing at the same time baseball was playing. Because of that, more parking was needed. With this plan, the parking capacity will be doubled, and a third field will be added. In the past, parking attendants have been hired. Sometimes the overflow of cars park on Bog Road.

Project engineer Steve Blake said there is very little useable space for building, but it is possible to get the 400 x 200 field in without impacting resources. The field is all in the uplands.

Chairman Todd Frederick opened the **Public Hearing**.

Kenny Churchill is an abutter on Churchill Court. He said he has always been a big supporter of sports in York and agrees that more parking is needed. He said the Town should be more lenient to people like him in projects that are not Town related. He organized the rodeo. He said the Town allows him to do something, and then contradicts itself. He wanted to do outdoor events, but then was told he could only do ten weddings a year, when the Town could have ten games a day. He said he supports every event in this town. The chairman closed the **Public Hearing**.

Lew Stowe told applicant Mike Sullivan that he would like to see the existing conditions for the parking lot and field areas, so that when Mike comes back with the preliminary plan, the board can look at the total impact.

Al Cotton asked Mr. Sullivan if there is one person in charge of the project, and if it is “you”? Mike Sullivan answered yes.

Engineer Steve Blake said that DEP is reviewing this project. The stormwater report has been filed. The DEP permit is separate from the wetlands impact permit. The wetlands are not of specific significance. There will be quite a bit of fill put in to get the elevation level, he said. This is irregular terrain. It is important to try and balance the cut and fill quantities. On the left side, there is more fill on the field, and on the right, there is more of a cut. Some gravel will have to be brought in.

The soil scientist is working on delineating the shoreland zone boundaries and determining the requirements according to the York ordinance. Mike Sullivan said that there isn't any lighting on the site, nor plans to put lighting there.

Mike Sullivan said the biggest issue with resource impacts is in realigning the road from the access point to the existing recreational facility. Traffic road alignment would mean moving an existing driveway to make the realignment work. It could be the largest issue with this project. There are wetlands on each side of the driveway.

Mike Sullivan said he hasn't thought about dust management. The existing parking lots are not watered. The surface is crushed gravel. They've talked about paving this parking lot with recycled paving material. The best way to manage it would be with a staggered sports schedule. Parking attendants have been used in the past. The use of port-a-potties has not yet been discussed.

Christine Grimando suggested the preliminary and final reviews will be combined, and the board agreed. Lew Stowe said the board has a review process on 6.3 and 6.4. Each section has 30 items. He requested that the applicant go through the sections and present them as part of the application process. Mike Sullivan said he hopes to begin construction in the spring. The DEP application was submitted 16 days ago.

Long Sands Bathhouse Project. 178 Long Beach Avenue. Map & Lot: 0033-0152-A. Sketch Plan Review. This review is specifically regarding interpretation of Zoning Ordinance language as it pertains to the future Long Sands Bathhouse application.

Town Planner Christine Grimando said this is a sketch review that is in advance of creating other visuals for the project. There is no architectural drawing. The applicant is asking for zoning, subject to both State and local legislation. The zoning affects the eventual configuration of the bathhouse.

Parks and Recreation Director Mike Sullivan said this is early on in the project. He has started gathering information. There is no design engineer for the bathhouse project, but the Board of Selectmen asked Mr. Sullivan to begin the process with this hearing. Community Development Director Steve Burns had told Mike that if the bathhouse, which is in the shoreland, proves not to be "functionally water dependent," any expansion of the bathhouse would be limited to 30%. Mike Sullivan said he personally does not believe the building meets the functional water dependent criteria, but that is something the Planning Board has to determine. The determination affects whether or not bathhouse can be expanded beyond 30%. In the end, the planning board must say if it meets the criteria. It is only one question, and it is very important to the project.

The Chairman opened the **Public Hearing**.

Helen Rollins said that we should go further than water dependency for the bathhouse toilets. Board member Peter Smith explained that water dependency does not mean you have to have water to flush. It has to do with whether people are accessing the water. The sole request is whether the bathhouse is functionally water dependent. She said she assumes this project requires a significant amount of money, but there doesn't appear to be an appointment for clerk of the works or project manager.

Jean Barrile of 175 Long Sands Road said she lives across the street from the bathhouse. She lost her view when the bathhouse was put on two levels. Now it is going to be 30% bigger. She has already lost peace during the summer with noise pollution, all from that

one spot. Her deck hangs over the street. The bathhouse is a nuisance now, but to expand it is asking a lot. Put the bathhouse someplace else, she said.

Steve Gard of 175 Long Sands Road said a lot of people want to know if they have other options. Can there be portable facilities? The line to this one is huge. It would be better with other facilities.

Elaine Gosselin of 175 Long Sands Road said they originally purchased the house as oceanfront. The bathhouse facility was at one level then the Town added a second level with a pitched roof and took away their view. The bathhouse brings noise and air pollution and long lines of people waiting in their cars. The stall doors bang. While we're on our deck trying to enjoy the beach, she said, there are gas fumes. We pay property owners' taxes. This will impact our property value, as well as our short time at the beach. It would be safer to put in another offshore bathroom with parking facilities.

Chuck Fitzpatrick of 175 Long Sands Road asked if the bathhouse could be expanded greater than 30%. Is the project to create something larger? That is a particular concern to us, he said. What is the proposed expansion of the bathhouse? Is the footprint being increased as well as the height? Mr. Fitzpatrick asked if there is an option to put a second facility somewhere else on the beach. Mike Sullivan replied that he was not prepared to answer those questions.

Elaine Gosselin said there are five families at 175 Long Sands Road.

Mike Modern said that, under full disclosure, he is a full member of the Park and Recreation Board. He said the real reason for being there is to determine if a restroom facility for the public beach should be defined as "functionally water dependent." He said it is self-evident that it needs to be near or adjacent to the beach. If it could be moved away, it would still have to be somewhere nearby.

Chairman Todd Frederick closed the **Public Hearing**.

Lew Stowe said he had researched "water dependence." In York, water dependence is to encourage the support of people coming to the beach. Maine Title 38, water and navigation, reads, "Municipalities are encouraged to give preference, when appropriate, to cultivating water dependence uses, and may extend zoning controls to accomplish this. A municipality with coastal shoreland areas can adapt zoning ordinance for functionally water dependent uses."

Lew Stowe said that several years ago, he and six others from the planning board went out and, in an official capacity, interviewed people at the beaches about different things. Some said they have their own toilet facilities in the homes where they were staying, and it was convenient for them to use those. Lew added that he has no question about water dependency. He requested the board to think about an ordinance that would reference this use specifically.

Board member Al Cotton, Jr., said he spent three years as a lifeguard at Long Sands. His tower was in front of the bathhouse building. He went in there and helped clean sand out of the sinks and toilets, and that was 50 years ago! The use is expressed as people using the beach and water, and needing an immediate facility. You wouldn't move it away from the beach.

Board member Brud Weger said that other bathhouses should be built. If this bathhouse is expanded, he said, it would be done in a certain way. It doesn't have to be higher. Lessen the impact and not block off so much of a view. Architecturally, it can have as little impact as possible.

Peter Smith said that with all the toilets (5 toilets on the women's side, and one toilet and three urinals on the men's) serving one location; it would make more sense to have three or four other locations.

Mike Sullivan said \$687K has been approved for this project. The bathhouse requires direct access and cannot be located away from the water and cannot go to the other side of the road. He agreed the bathhouse is water dependant.

Chairman Todd Frederick summarized the board's position. They agreed the use is a water dependent use. The five board members concurred that the definition allows the expansion to occur.

Al Cotton said he had asked the following question to Mike Sullivan during the prior Bog Road sketch review. "This is the second project the Town has taken since the police station. Is there one person who will have overall management responsibilities for this project, and is this 'you'?"

Mike Sullivan answered, yes. The Board of Selectmen has not yet appointed a project manager, but he fully expects that they will select him. He brought the bathhouse project forward to the Board of Selectmen, himself, and wants to be accountable for it, but the Board of Selectmen has not yet moved forward.

Mr. Sullivan had gone to Bill Bullock at DEP, to find out if it were possible to upgrade the bathhouse, before he went to the Town to ask for the money. Ideally, he understood it would be best if there could be more than one bathhouse, but he didn't think DEP would allow them to build anything more in the shoreland. He thought the only reason this expansion might be done is because it is grandfathered.

If we are allowed to expand the bathhouse, he said, it could only expand in a landward direction, which would bring it out into the road on 1A. The project goes beyond just building a new bathhouse. The idea of locating the bathhouse across the road would mean a very bad decision of having children crossing 1A.

Motion: All Cotton said, I'd like to move that the Planning Board constitutes the public bathhouse at Long Sands Beach a functionally water dependent use. Brud Weger seconded the motion, which passed 5-0.

Other Business

Todd Frederick referred to a memo from the contract planners who have been meeting with town staff and proponents of the police station/connector road project. He has been advised by planning staff that the board members do not talk about this, because there is no formal application.

Todd had spoken to the Town Manager about the website drop box, which is not operational and is currently unable to post information. We can read it but not discuss it, he said.

There was a meeting where. The two planners we hired walked the site, Mr. Frederick continued. They met with SMRT representative, Andrew Johnston. There was talk of a potential meeting on January 23. There are 5 items for discussion: 1) An accounting of how we got where we are today with the project; 2) An explanation of the restoration plan and the amendment to the DEP permit allowing the work; 3) Clarification of the boundary dispute and where the issue lies at this time. 4) Clarification of the jurisdiction as to what items are being reviewed (wetland, floodplain, site plan); and 5) Budget issues.

We hired third-party reviewers for the police station/connector road, Lee Jay Feldman, Southern Maine Regional Planning Developing Commission; and Steven Bradstreet at Ransom Consulting, Inc. They will be reviewing the police station/connector road for the planning board.

Steve Bradstreet of Ransom Consulting then spoke. We have not received any sketch plan submission at this time. We talked with Andrew Johnston at SMRT last week, who indicated there would not be a submission by the 23rd, and he was not sure when anything would be submitted. It is not possible to schedule discussion at this time.

In other business, Lew Stowe said he spoke with Steve Burns about reviews of 6.3 and 6.4. We would give the applicant with the requirement to cover all the key issues, he said.

The board signed **Bangor Savings reviewed Mylar, reflecting previously approved field changes.**

Adjourn

9:15