

**York Planning Board
Thursday, May 10, 2007, 7:00 P.M.
York Public Library**

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams began the meeting at 7:00 and determined presence of a quorum. Beside Glen MacWilliams, Vice Chairman Tom Manzi, Glenn Farrell, Barrie Munro, and Lee Corbin were in attendance. There were no alternates at the time. Steve Burns represented Planning Board staff. Patience Horton took minutes. The meeting was televised.

Public Input

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

No one came forward to speak.

Field Changes

JoAnn Fryer, CLD Engineering, discussed field changes for the Union Bluff function hall including a handicap ramp and changes to the front of the building where the curbing will be tipped to make it level with the ramp. She also had made minor changes to the grading by the patio. Town engineer John Treat had reviewed the changes and found them acceptable from an engineering standpoint. Glen MacWilliams asked about the painted stripes at the crosswalk, informing her that an effort is being made to coordinate the color of painted crosswalks throughout the Beach.

Motion Barrie Munro moved to approve the plan changes as submitted. Tom Manzi seconded the motion.

In discussion, Glen MacWilliams asked for certification of the plans.

Vote The motion passed, 5-0.

Minutes

Review and approve draft minutes

The March 22, 2007, minutes were reviewed. Tom Manzi and Glen MacWilliams made minor corrections.

Motion Tom Manzi moved to accept the minutes as amended. Glenn Farrell seconded the motion, which passed, 5-0.

Steve Burns said he would correct the errors before putting the minutes on the web.

Application Reviews and Public Hearings

- **Zacharias Farm—BBQ Festival. 7 Colby turner Lane. Map & Lot: 0085-0025. Application for Site Plan Review for a one-time BBQ festival**

Steve Burns explained that the application responds to the ordinance developed a few years ago in response to a proposed rodeo. This barbecue festival qualifies for planning board review because it requires more than 25 parking spaces. The applicant would have to come up with a sketch of the layout for the event. Steve Burns asked if there was anyone present to represent the applicant for the hearing, and no one came forward.

The chairman opened the public hearing. No one came forward, so it was closed.

Glen MacWilliams asked Steve Burns to draft some standards for this kind of an event to be sent to the board and the applicant. Glenn Farrell suggested it include a plan or a sketch of the parking, information about the number of vendors, the trash removal process plan, and the handling of traffic. Steve Burns said that noise would be an issue. Glen MacWilliams asked for a specific date.

Atlantic House Amendments. 2 Beach Street and 4 Main Street. Map & Lot 0024-0044, and 0023-0008. Application for amendments to approved site plan.

JoAnn Fryer, CLD Engineers, attended with applicant representative Peter Dunfey. She went over a narrative amendment that had been submitted in March and amended twice since then. There are 12 separate items in the amendments, including the following:

- Note revisions are to include notes about parking lot use, propane tanks, the historic building conversion, and hours of operation for the retail stores (7:00 A.M. to 1:00 A.M.), the Knox Box, a construction change to brick, and the drop off lane;
- One amendment has to do with drainage;
- Lockers in the alleyway are being moved;
- The size and location of grease traps size has changed;
- The location of the underground conduit has been specified;
- The parking lot gate will have controlled access;
- The three aboveground propane tanks are to have two vaporizer units, per the fire chief's request. A fence will hide the tanks;
- The porch is to be reconstructed in the same place as the existing porch;
- A doorway on the porch will lead to storage under the porch;
- A retaining wall is to go in the parking area; and
- Water service has to be relocated.

JoAnn Fryer further said that Historic District Commission has approved the signs that will be mounted to the face of the building. Lighting for the building is going through HDC approval now. She asked if she should come to be board with the lighting design, and the board answered yes.

Chairman Glen MacWilliams opened the public hearing. **Michael Passanisi**, a Gull Street abutter, said he is concerned about the increased size of the grease trap. It makes the restaurant owner of the future able to operate longer hours. The abutters had asked that in the future, if the restaurant does expand its hours, that the windows are closed during the day, and he said that the Rivers group (applicant) agreed to that. Michael Passanisi asked for fixed windowpanes, which would eliminate the odors and the noise problems for the abutters.

The chairman closed the **Public Hearing**.

Glenn Farrell said he had a letter from Beach Fire Chief David Bridges saying he does not want the lockers on the side of the building. JoAnn Fryer showed on the plan how the lockers open into a five-foot wide alley, and not onto a street with cars. Glenn Farrell asked if she had a fire marshal's permit, and she answered that though they have contacted the fire marshal, they have not had a response. She also explained that the installation of a grease trap of increased size takes advantage of the opportunity to build it now, which will not be so convenient again. Peter Dunfey said that the hours of operation have to do with deliveries and to be in keeping with the rest of the Beach. Lee Corbin said that the abutters' concern about noise abatement and odors is also a concern of the board. Closing the windows permanently is for the protection of the abutters. Barrie Munro suggesting putting that information into the Findings of Fact.

Motion Glenn Farrell moved to accept the field changes, with the exclusion of #9, subject to written approval by the Fire Marshal and completion of the findings of fact. Lee Corbin seconded the motion.

In discussion, the grading of the alley was an issue. JoAnn Fryer explained that the slope is steep and that water comes down it at a fast pace. Water is being diverted away from entering the building. Tom Manzi asked about bonding and accountability responsibilities. Steve Burns said that a bond is not required for these improvements. A letter of credit works in a case like this.

Vote The motion passed, 5-0.

- **Highland Farm Phase 2. 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot 0090-0029-A and 0090-0030 Continued consideration of preliminary review of a major subdivision**

Project engineer Steve Haight said that Gove Engineering had been working on the vernal pool assessment. He asked to have the hearing continued in June.

Chairman Glen MacWilliams opened and closed the **Public Hearing**. No one came forward to speak. He read a letter into the record from **Sharon England** dated May 4, 2007. It concerned storm water pollution issues. It contained photos of the recent

flooding. In the letter, Sharon England also discussed rain gardens and the negative effect of lawns and lawn maintenance on the environment.

A letter from **Carol Donnelly** was also read. She wrote about a lecture at Wells that reviewed methods of assessing southern Maine vernal pools. Steve Haight said that Gove Environmental is conducting the assessment using the NRPA requirements, as will go into effect in September 2007.

At Glen MacWilliams' suggestion, the board decided to make a site visit.

Motion Glenn Farrell moved to extend the time allowed the applicant to June, 2007. Barrie Munro seconded the motion, which passed, 5-0.

- **Scudiere Non-Conforming Lot. 4 Thistleberry Lane. Map & Lot: 0046-0053-G. Continued consideration of an application to re-establish a formerly consolidated non-conforming lot.**

Applicant Paul Scudiere explained that Lots 4 and 5 were combined because at one time, the same person owned them, the lots abutted, and Lot 5 was non-conforming. He said he had had a survey and a drainage study made since the last meeting, which showed that his proposed new home would cause a net decrease in drainage. No variance is necessary for the proposed home on Lot 5. Chairman Glen MacWilliams opened the **Public Hearing**.

Abutter **Jennifer Lynch** came forward. She had bought her home in 1988, and at that time, the realtor assured her that Lot 5 was not build-able because it did not have street frontage. According to her research, in 1986, then-owner Kenwood Corporation had lots 4 and 5 for sale as a unit for \$275,000. She learned from the Findings of Fact from that time that the dimensional requirements were not met and Kenwood requested to combine the lots in 1986. In January of 1988, the two lots were combined. In 1992, the owner decided to split the lots, but the Board of Appeals denied the variance of dividing them. When she was finished, the **Public Hearing** was closed.

The board discussed this new information about the combining of the lots. Though the new ordinance gives people relief from required consolidation, the situation may be different when the combining of the lots is voluntary. Lee Corbin suggested taking the matter under advisement. Much of the material for the hearing had not been thoroughly read, because it had been handed in too late.

Applicant **Paul Scudiere** spoke again, saying that in 1987, there was a permit to build on Lot 5, but the market was not good, so the properties were combined as a marketing strategy. When he applied for a permit to build on it in 1992, CEO Tim DeCoteau said no, because of the contiguous lot provision.

Glenn Farrell agreed that a request for input from the town attorney was a good idea. If the board made a decision, and the matter went to appeals, it would come right back to planning and the board would be no further along with it than now.

Motion Barrie Munro moved to ask the town attorney for a recommendation or assessment of this legal matter. Glenn Farrell seconded the motion, which passed, 5-0.

- **Jefferd's Tavern—First Parish Church & OYHS. 3 Lindsay Road. Map & Lot: 109-031. Application for Site Plan Review of new education facility**

Barrie Munro recused himself for this hearing.

Scott Stevens, Director of Old York Historic Society, said that the subject barn building is intended for educational and exhibition purposes. Included in the expansion are parking facility modification and better placement of the Vietnam War memorial.

Builder John DeStefano said that beside Article 7.3.1 (fill), the waivers being sought include 6.3.32 (there will be no construction in wetlands), and waiver of 6.3.9 (the original deed is not available), 6.3.3.A.2 (reference from the Jefferd's Tavern slab rather than NGVD of 1929), and 6.3.35 (planning board fee).

The **Public Hearing** was opened. **Richard Cutts**, who lives across the street from the parking lot, said that he and his wife are not happy about the new entrance for the parking lot. Traffic problems are anticipated with the two left turns from Lindsay Road. The traffic is already confusing. As part of the landscaping, he suggested using the endangered, native Flowering Dogwood, instead of the 100 Gray Dogwoods being called for in the plan. The chairman closed the **Public Hearing**.

Terrance Parker, landscape architect, said that his experimentation with planting Flowering Dogwoods resulted in all of them dying. The Gray Dogwoods will do better. He went over the plantings for the grounds.

Steve Burns said that he had gone over the application for completeness, and this applicant is complete for preliminary and final approval.

Motion Glenn Farrell moved to accept the plan as complete for purposes of review. Lee Corbin seconded the motion, which passed, 5-0.

Glen MacWilliams said that the outside staircases are less objectionable than they were, when they were covered. Ms. Woods, project architect, said that the outside stairway is steel. Steve Burns commented that windows had changed and that the siding on the cupola had changed.

Ben Walden of Attar Engineering explained that the boundary survey waiver was requested because the new building relates to the existing structure of the tavern floor.

Glen MacWilliams said he did not know waiving planning board fees was a possibility. It is similar to a donation from the town. Steve Burns said that fees had never been waived in the past. Glen MacWilliams said that the Selectmen would have to say so. Steve Burns said he had been given a check for the fee, but he had not yet cashed it.

Motion Lee Corbin moved to request the Selectmen to make a decision about the donation of fees for planning board review in the form of a waiver with regard to this project. Glenn Farrell seconded the motion, which passed, 5-0.

Motion Glenn Farrell moved to approve waivers to articles 6.3.3.A.2 (NGVD), 6.3.9 (original deed), 6.3.2 (no wetland construction), and 7.2.1 (fill). Lee Corbin seconded the motion.

In discussion, John DeStefano said that the fill would be for the parking area and the area under the front of the building.

Vote The motion passed, 5-0.

Glen MacWilliams asked if the LP gas tanks would be underground. They will be. Glen MacWilliams said there are traffic concerns and a potential traffic conflict. He asked about signage. Ben Walden said that there will a stop sign for traffic coming out of the parking lot, as well as a do not enter sign that will direct visitors to exit from only one place.

Motion Glenn Farrell moved for preliminary and final approve of the application and the findings of fact subject to departmental signoffs. As well, 6.6.3 of the findings are to be deleted. Tom Manzi seconded the motion, which passed. 5-0.

- **York Village Business Center Amendments. 14 Cider Hill Road. Map & Lot: 0053-0009. Relocate hotel and replace two small mixed-use buildings with a single larger retail building.**

Jim Hanley of Engineering Alliance summarized some of the issues, including permits, plan notes, pedestrian access, the landscaping plan, and site lighting. He passed out a letter from Maine DEP stating it supports the permit.

Owen Slagle, architect of the proposed hotel, showed changes in his design made since the last hearing. It had different rooflines, ends stepped in, and a stone front entry. He showed the swimming pool room on the back of the building. The one vent on the roof is for the laundry, and the other vents are individual to each room, he explained, after Tom Manzi asked about it. On the separate restaurant/retail building, he had added windows on the back and moved the signage down. He put a cupola on the restaurant. He had screened the mechanicals.

Scott Vlastic, the architect for Rite Aid, showed elevations of the changed pharmacy building. In an effort to break up the facade and the rooflines, he had added dormers,

muttons to the windows, and an overhang along the building. Vertical trim was added to break up the lines of the siding. The materials had been changed from brick to concrete block with hearty plank.

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

Glen MacWilliams brought up the signage, which was placed above the eve line. Scott Vlastic said it was going to be presented that way to Code Enforcement with the intention of getting a variance to keep it that way. Steve Burns said that it was not likely that a variance would be given. Glen MacWilliams said that the Planning Board could not approve the project with the signage shown.

Barrie Munro asked about the lane configuration between the intersection of Route 1 and Cider Hill Road and Orchard Farm Road. Peter Hedrick discussed the improvements, showing the extent of road improvements being made by Maine DOT, extending just south of the driveway into the York Village Business Center. The applicant would then continue the road improvements farther down to Orchard Farm Road. The applicant was waiting for approval of the Rite Aid pharmacy before starting the roadwork, he explained.

The lighting fixtures were discussed with Jim Hanley, who described the lighting plan and said it was the best they could do considering the “function of geometry” being dealt with. He discussed the lighting problems, including light that spills into the residential property and also into an area where extensive landscaping is planned. Glen MacWilliams said that the planning board cannot waive the lighting criteria of the Route 1 ordinance, but if there is a safety risk, 6.2.28 can be waived. Jim Hanley recapped the remaining issues: signage must comply, lighting has to come out of the buffer and out of the residential area, and a waiver should be requested.

Rick Wesley, co-owner of the York Village Business Center, asked the board to allow him to move forward with the hotel improvements and the site work. Glen MacWilliams told him to come back to next month’s meeting.

Other business

In other business, Steve Burns had handed out one page he had received apparently as part of a larger fax, which did not arrive. Glen MacWilliams read it. It was part of a larger, incomplete application. The board decided to wait and see about it.

In other business, Barrie Munro said that he plans to pursue the subject of the Route 1 violations.

The meeting adjourned at 10:30.