

York Planning Board
Thursday, August 13, 2015, 7:00 P.M.
York Public Library

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

Chairman Peter Smith called the meeting to order at 7:05. A quorum was determined with five people voting: Chairman Peter Smith; Vice Chairman Amy Phalon, Esq.; Lew Stowe, Gordon Eldridge, representing York Beach; and alternate Wayne Boardman who was asked to vote as a full member in place of absent Al Cotton. York Planning Director Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum No one came forward to speak.

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

Motion: Lew Stowe made a motion to accept the Minutes for July 23, 2015, with the recommended corrections. Amy Phalon seconded the motion. There was no discussion. The motion passed 5-0.

Field Changes

SOME [So. Me.] Brewery

Application representative Jeffrey Jellison is requesting an expansion permit for the So. Me. Brewery, the Some Brewery, on Route 1. The total space has 2,944 square feet, and the Code Office can only approve 2,500 square feet. In 2002, Food and Company restaurant was approved for the full 2,944, but the space has since been divided up as a pizza parlor, offices, and a dance company. The current occupant, Some Brewery needs the total space to expand its operation.

This application is a request to change the building's interior space that is currently used for offices and a dance company. The space will then be expanded for use by the brewery. There will be no increase in parking or employees. The Code Officer, Amber Harrison, is able to grant a Route 1 use permit for up for up of 2,500 square feet. Since the expansion of 2,944 feet is 444 square feet greater than what Code can permit, the 444 square feet has to be permitted by the Planning Board as a field change and must be reflected in [these] minutes as a field change.

Motion: Amy Phalon moved that we allow an expansion of 444 square feet to be used for storage and manufacturing purposes by Some Brewery, 1 York Street. Wayne Boardman seconded. **In discussion**, Gordon Eldridge asked whether or not his words "special ex-

ception,” which were used in discussion, were being used. Peter Smith replied that the expansion is being treated as an exception. The motion passed 5-0.

Dunne’s Ice Cream Field Change

Planning Director Dylan Smith introduced the field change, which comes before the board because a complaint was called in. There is a sewer easement in the back of the parking lot that is connected to Spring Street and is used as a trail to the ice cream stand.

Steven Dunne, 191 Nubble Road, is the owner and operator of Dunne’s Ice Cream. There is a path on his property that runs along the sewer line. The Board has walked on the path during a site walk. People on nearby Spring, Highland, and Middle Streets cross the path to avoid walking on Nubble Road. According to the town map, the land is not a wetland, and the path is not in a wetland. Mr. Dune stated, “Drainage in the area is caused by his neighbors draining onto his property. I built a little platform, or boardwalk, out of 2 by 12s. It is simple but safe.”

The Superintendent of the Sewer District and the Chief of Police support keeping pedestrians off Nubble Road as much as possible. The Comp Plan calls for an increase of walkability on the Nubble. It serves a purpose of safety, health, and wellbeing for people walking around there.

In discussion, the Board decided the situation did not constitute a field change.

Motion: Gordon Eldridge moved to decline to consider the field change from Dunne’s Ice Cream. Amy Phalon seconded the motion. There was no discussion. The motion passed 5-0.

Application Reviews and Public Hearings

Best Western York Inn, 2 Brickyard Lane, Map & Lot 0059-0022-D; Owner Robins Patel. The proposed site plan amendment is to install a new 2-stop elevator and exterior service door that will cause some minor exterior building changes.

Planning Director Dylan Smith said this is a minor revision to a Route 1 use permit. The applicant wants to put an elevator on the side of the building away from Route 1. It will make the roof at that location extend a little higher. It won’t cause problems architecturally. It will make the building ADA accessible.

Motion: Lew Stowe moved to accept the application for review. Wayne Boardman seconded. The motion passed 5-0.

Project representative David Mele of Archetype Architects in Portland said there is no elevator manufacturer that can provide an elevator that fits under the existing roof. One

foot of upward expansion will accommodate an elevator. A stairwell is being taken out. An interior door into the newly created void space opens up to the elevator equipment.

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

Motion: Wayne Boardman moved that we approve the proposed site plan revision at 2 Brickyard Lane, Map and Lot 0059-0022-D to install a new 2-stop elevator exterior service causing some minor exterior building changes. Amy Phalon seconded the motion. The motion passed 5-0.

Kearsarge House, 6 Railroad Avenue

Map & Lot 0024-0015, Owner: Elaine and Michael Morgillo. The proposal is to demolish the existing building and build a new mixed-use building.

Planning Director Dylan Smith said the proposed Kearsarge House will have retail stores and a restaurant on the first floor and roughly 25 dwelling units on the floors above. York Beach Village Design Standards and attention to pedestrian safety are aspects of this redevelopment.

Motion: Lew Stowe moved to accept the application for review. Amy Phalon seconded. The motion passed 5-0.

Rick Lounborn is the representative engineer for Kearsarge Acquisitions Company, LLC, Elaine and Mike Morgillo. The preparation for the tear down and rebuild will begin after Labor Day when one lane of Ocean Avenue will be closed and a construction fence will go up a few feet off the street centerline. Equipment will be brought in to demolish the building. Prior to demolition, an exterminator will go through the building. The pedestrian way is to be reestablished by May 25, 2016.

The application for the Kearsarge Parking lot at 4 Main Street has been approved. The applicant is also asking for two dedicated parking spaces on Ocean Avenue for valet parking.

Chairman Peter Smith opened the **Public Hearing**. Torbert MacDonald spoke as a citizen of York, rather than as a selectman. The building plans call for vinyl siding on the exterior walls. The exterior should be as traditional as possible. To allow vinyl would be to set a precedent that would allow vinyl to permeate all other reconstructions and new constructions in York Beach.

Dylan Smith read the section about vinyl siding from the York Beach Village design guidelines. The exterior of the building should be of natural wood shingles, stone, or brick, unless the composite material closely resembles those or other natural materials, or if they improve the life expediency, maintenance costs, fire prevention, or insulating

costs. Vinyl clapboards are not allowed. Dylan said that exterior appearance of the siding is key [to approval]. The appearance is a major facet of this application.

Mike Moeller from JSR Architects in Portsmouth said vinyl shingles should not be confused with vinyl clapboards a/k/a vinyl siding. Clapboards show vertical joint seams, but vinyl shingles hide the seams and are quick and easy to apply. They have a wood-like looking exterior and are paint-able. They have interlocking corners and go around corners very well. Composite materials are proposed for enhanced longevity. The Ocean House, the Rockaway, Molly O's and a Dave Woods building on Railroad Avenue, all in York Beach, have vinyl shingles.

Mike Moeller said the Kearsarge kitchen is located along Bay Street, adjacent to the loading dock. The utilities, the propane tank, transformer, dumpsters, and dumpster enclosure are all in that area. The exhaust from the kitchen fan kitchen goes up through all four stories and out, not out on street level. The rooftop mechanicals are integrated into the roof-scape.

A roof deck is centered in the front on the fourth floor and adds to the building's physical character. Awnings, overhangs, storefront windows, color, and roof pitch enhance the character of the building. The proposed windows are a high quality vinyl that might be triple glazed to quiet street noise for residents on that side. The selection of the storefront windows has not been made.

Peter Smith said the Railroad Avenue side of the building has to have "more balance breaking up the façade." Amy Phalon said the façade is good without symmetry and that adding to it would make it too busy. Mike Moeller answered that there is a lot of variety with what is there. There aren't balconies, but the large gambrel, the dormer, and single and double windows give that side of the building variety. Peter Smith asked the architect to bring an image showing the building from the vantage point of straight on from Railroad Avenue.

The ground elevation is just over 13 feet, 13.1 feet, qualifying the building for the "flood proofing" definition by EPA. A building that is flood proof can start the building height calculation at Elevation 12. The average height of this building is 38.5 feet from elevation 12. The elevation plan height is shown as a red line on the elevation plan.

Rick Lounborn spoke to Dylan Smith's Review and Comments. There is no parking demand caused by the first floor activity, because patrons of the fitness center, the shared hallway, and lobby are permitted to park on the street. The calculation for parking required for the upper floors is based on the number of bedrooms. The lockouts don't constitute dwelling units because they don't have cooking faculties. Otherwise, there is one three-bedroom unit. It requires 2 spaces. The other units require 1.5 each. By calculation, the Kearsarge needs 38 parking spaces in its parking lot at 4 Railroad Avenue, and 41 are available. Another nine parking spaces are dedicated by deed to the Atlantic House. Those spaces are available and are not included in the Kearsarge count of 41.

This is the only facility at the Beach that provides a dedicated loading area. Because of it, a delivery truck can get all the way off Bay Street. Lew Stowe asked for a diagram of the loading area. Nick Lounborn has received an email from Dean Lessard approving the traffic assessment.

The applicant is asking for two dedicated parking spaces for a drop-off zone on Ocean Ave. Wayne Boardman said the designated drop-off area would create a snarl of traffic. He was not convinced that dedicated parking is a good thing because of the precedent it sets. Amy Phalon said there is a need for it because otherwise, people will double park to check in. Chairman Peter Smith counted three against (Peter Smith, Gordon Eldridge, and Lew Stowe), one for (Amy Phalon), and one undecided (Wayne Boardman) for the drop-off zone.

Rick Lounborn suggested using valet parking that the owners could share with other businesses in the area. Dylan Smith said it is not local policy to have valet parking.

The site is 100% impervious. Waivers are sought for the high intensity soil survey (HISS map), landscaping, and the stormwater management plan. Gutters will tie into drains under the sidewalk. Those drains were installed by Public Works when Ocean Avenue was “redone.” Sheet flow runs into the alley and off onto Bay Street. If a catch basin is needed at the end of the loading dock, it will be proposed.

A site visit has been planned for August 27. The requested performance guarantee is being estimated by the contractor. Peter Smith said that the board has to give some direction about composite siding and windows. Wayne Boardman asked Mike Moeller to bring samples. Dylan Smith said the design standards call for corner doors. Peter Smith said the overall design for egress absolves them from the need to have a corner entrance.

Motion: Amy Phalon moved that we continue this application to our next application hearing, September 10, 2015. Lew Stowe seconded. The motion passed 5-0.

The Cliff House Resort and Spa. 592 Shore Road
Map & Lot 0004-0029; Owner RBDD Cliff House Acquisitions, LLC. The site plan revision is to reorganize access to the site, modify and rebuild existing buildings as well as revise the outdoor use areas and landscaping plan on both the ocean and landward side of the development.

Peter Anastas, a principal of RBDD Cliff House Acquisitions, said the revision will result in plans are made to revise 226 units. As is required, the hotel is staying almost exactly on the same foot print. The applicant has met with about 60 members of the neighborhood. The new design has affected the height a little. The entrance from Shore Road is planned to be wider and have medians. All the landscaping will be first class. Right now, the neighbors go through Cliff House parking lots to get to their homes. That is changing and dedicated roads will avoid the parking lots. The parking will be moved away from the buildings.

Motion: Lew Stowe moved to accept the application as complete for the Cliff House Resort and Spa on 91 Shore Road. Amy Phalon seconded. The motion passed 5-0.

Chairman Peter Smith opened the **Public Hearing**. **Bob Abrams** owns the property at 87 Bald Head Cliff Road, directly north of the Cliff House. He has owned it since 1986. He is concerned about the 2000 plans that were approved. They say the footprint is essentially the same, but he doesn't know what that means. He has been told that the height at the end facing his house is 56 feet high. A decorative feature on top of that takes it up another 13 feet, making it 69 feet.

Fifteen years after the fact, he's being told that the 2000 plan is approved in perpetuity. He's tearing down and rebuilding his house. He has to start the new house construction within two years. And where are the approved plans from 2000, he asked, so we can see if the heights are the same as what they are now? He didn't think they are the same. He is not sure if they have an architect's stamp or if they were even approved by the Planning Board. He is concerned about the value of his property.

The Chairman closed the **Public Hearing**. The time was 10:21, and the meeting was scheduled to end at 10:30. **Motion:** Gordon Eldridge moved to continue the meeting until 11:00 P.M. Wayne Boardman seconded. The motion passed 5-0.

Lew Stowe said the Board has not seen the phased plan or the historical documentation. He asked for those things plus the applicant's interpretation of the 35 feet height approval, the Findings of Fact, and the Master Plan from the 2000 approved plan.

Architects Bob Neal and Bob Palmer described the renovation of the interior and exterior of the Cliff Spa, the Cliff Scape, Cliff Top, and the Ledges, the primary buildings of this plan. All buildings were included in the 2000 approval. At this time, they plan to build in two phases, the renovation of the existing buildings and then the new build.

The buildings were built in different architectural styles. Architecturally, they are bringing a style through the entire facility that makes it look more as though each phase has a contiguous style. The existing buildings were block buildings and had flat tops.

Bob Palmer of Gorrill Palmer said the site is within the limited RES district. Ordinance 8.3.11.7 indicates that along this coastal bluff there is a 75 feet setback required at the corner of Cliff Top. Cliff Top [now torn down] was an existing structure in a non-conforming setback at the time of approval, and the new building will exist within that setback.

Motion: Amy Phalon moved to continue reviewing this application on our application review meeting, September 10, 2015. Wayne Boardman seconded. The motion passed 5-0.

Other Business

Motion: Amy Phalon moved that the board authorize the Chair to sign the Findings of Fact for the Kearsarge Parking Company, LLC, Tax Map 0023 Lot 0008, Four Main Street, York, Maine with the changes as indicated, backdated to August 13, 2015. Gordon Eldridge seconded. There was no discussion. The motion passed 5-0.

Motion: Amy Phalon moved that the board authorize the Chair to sign the Findings of Fact for the Cowboy Cafe, Tax Map 90, Lot 84-N, at Four Bog Road, York, Maine. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

Motion: Amy Phalon moved that the board authorize the Chair to sign the Findings of Fact for York Hospital Bournival, Tax Map 59 Lot 01, York Hospital Retail Care Facility, 343 U.S. Route 1. Gordon Eldridge seconded. There was no discussion. The motion passed 5-0.

Adjourn

10:54