

**York Planning Board**  
**Thursday, February 11, 2010, 7:00 P.M.**  
**York Public Library**

**Call to Order, Determination of Presence of Quorum**

Chairman Tom Manzi introduced the board and determined a presence of quorum. Tom Manzi, Todd Frederick, Lew Stowe, and alternate Tom Prince were present. Dave Woods and Torbert Macdonald were absent. Tom Prince voted in Dave Woods's place. Town Planner Christine Grimando represented the Town Planning Office. Patience Horton took Minutes. This application hearing lasted four hours. The meeting was televised but not recorded because of technical problems. The Minutes were reviewed out of place because of the television problems.

The **Bas Eldredge** application was postponed and will not be heard on February 11.

**Minutes: Review and approve draft minutes**

The January 28 Minutes were reviewed. Tom Prince and Lew Stowe requested changes and gave them to the secretary for correction.

**Motion:** Todd Frederick moved to approve the January 28, 2010, Minutes, as amended. Tom Prince seconded the motion, which passed, 4-0.

**Public Input**

No one came forward to speak.

**Field Changes**

There were no field changes.

Todd Frederick announced the Public Safari across the land know as the York Beach Project, set for February 27, at 9:00 A.M. The safari will start at the York Beach Fire Department and cover the Wild Kingdom land from Route 1 to Railroad Avenue, and the Horn property. The Spears, however, because of liabilities, are hesitant to have visitors on their property. They prefer to have two board members on their property at a time, said Lew Stowe, and no public meeting.

**Application Reviews and Public Hearings**

**The Gazebo School. 279 York Street. 0050-0016. Application to determine adequate parking for day care center**

Town Planner Christine Grimando said Article 13 lists requirements for parking on this site, which may possibly be used only until August, 2010, when the lease runs out. A move might occur based on the increase of student enrollment from 10 to 20, and the plan to move the school to another location. Daycare, or any use similar to daycare, is not on the Article 13 list. Therefore, the applicant must propose how the Planning Board can

consider terms for parking at this daycare. A parking engineer is not required according to this ordinance. The applicant once suggested temporary, shared parking at the Fire Station, as a way to reduce parking. The Fire Chief, however, said he is very concerned about public safety, so clients have to stay outside the station lot. There is public parking nearby.

Applicant **Sarah Onion** said she is looking to move the center to a place where she might be able to expand from 10 to 20 children. The criteria for the State license call for 35 square feet per child. The Fire Marshal has approved the current space. Now in her second year of business, Sarah Onion said there has never been an accident with an automobile. Children are accompanied from the car holding their parents' hands. They arrive between 8:00 and 9:30 A.M. The pick-up of students is done at random times per day.

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

Sarah Onion used an aerial photo to show there are four parking spaces by the building, which is owned by Burt Riley. The open parking spots are for all tenants. Lew Stowed suggested she talk to the landlord about making a reserved area for the drop-off and pick-up. It would not be for staff parking. Todd Frederick said in making a drop-off area, communication with the children's families, or perhaps handing out a traffic map when the child enrolls in the school, would be a good way to set the policy. Appropriate signage would go with the drop off area. A visual handout would be made for parents. Lew Stowe said the parking agreement between Gazebo Daycare and the Planning Department would last for one year. The temporary arrangement would have to be reviewed if the date is exceeded.

**Motion:** Lew Stowe moves that with respect to this application for one-year approval are the following stipulations. I move we approve the new parking arrangement based on the revised traffic flow, the set up of permanent parking spaces in front of the nursery, for which the time limit be one year from today, with the condition that there is a write-up for the parents about clean traffic flow, and having no use of the fire department lot. Todd Frederick seconded the motion, which passed, 4-0.

Christine Grimando said as soon as that applicant's Findings of Fact are online, she will give it to the board.

**Kelttts Point Access 205 Beech Ridge Road/18 Claude McIntire Road. 0086-0036/0086-0031-D. Application for Shoreland permit for Road Construction, and a Special Use Permit for the Resource Protection District**

This is a property by the York River, said Christine Grimando, in Resource Protection in the Shoreland Zone. The Board must determine what the applicant must complete in order to review the 18.a process standards. The standards for this property are not specifically identified in the ordinance. The issue of the location of the road, with respect to the least amount of impact, is the responsibility of the Planning Board as a regulatory board.

Environmental requirements are important in this. A third-party peer review is recommended.

The desired road crosses 110 acres of the Macintyre property. There is a legal agreement for accessing this lot. The road passes close to a narrow sliver of the York River. The already-received DEP approval is still subject to Town review, but DEP approval should not influence the Town. Lew Stowe said information from a third-party is necessary. The area of roadway is in resource protection area, flood plane, and adjacent to a wetland of significance. The Planning Board will be criticized if we don't get the peer review. This is the most pristine area in the town. Christine Grimando said, with this also being the most restricted zone in York, the Board has to figure out the most sensitive way to do it.

Tom Prince asked for the bulleted items of Christine Grimando's memo to be clarified. There should be a detailed analysis of the issues identified there, especially the floodplain and wetland-of-significance concerns, he said.

Applicant **Dave Gross**, of 180 Birch Hill Road, went over pictures taken earlier this day. They depict the path the new road will take, including the staked area designating the Macintyre property through which the road must run. Wetland scientists Albert Frick & Associates, of Gorham, Maine, surveyed and recommend this path. Dave Gross pointed out original, proposed right-of-way. Dave Gross said the professional drainage engineer has determined the culvert size for a 25-year storm.

The alternative analysis plan encroaches into the 100-foot buffer from the York River. It is a forested wetland. If you could go toward the north, "it gets better," he said, but that is toward the river. The alternative plan requires 6,000-plus square feet of fill.

Christine Grimando said the Town allows no more than 4,300 square feet of fill, with no waiver possible. Having more than 4,300 square feet would be illegal. There is no option. The alternative plan is not an alternative. If there is a road going through the Macintyre lot in resource protection, it is best to do that. There are zoning ordinances requirements for road crossing.

There are two approvals sought for this property: one for the roadway and one for the lot.

Using a GIS map, why would he need a third-party review? Cash is a factor, he said. He has an erosion control package. He cannot start construction according to State permits, until the Army Corps of Engineers check the wetlands work. The Army Corps of Engineers are the third-party peer review, he said. The Chair opened the **Public Hearing**.

**Chuck Ott** stepped forward for the Conservation Commission, citing §8.3.8.2 in urging the Planning Board not to reduce the setback requirement in this sensitive, resource-protected area. The intent and purpose of the designation should be respected. The conservancy of the life and wildlife habitat and the significance of the waterfowl and wading

bird habitat should come first. Permits must be denied, according to Sections d), e), and f), if birds and other habitat are adversely affected with this activity.

No one else came forward to speak. The **Public Hearing was closed**. Christine Grimando said GIS does not supply good enough data for this application, and the survey has to be field verified. Lew Stowe asked if all the possible alternatives had been reviewed. Christine Grimando said the board has not established that there is not other way to cross the McIntyre lot.

Tom Prince said it is unreasonable to think of any other access to that lot. The best and only approach is across the Macintyre land. We have to know if there are alternative areas that have less impact across the Macintyre property. He called the Board's attention to Attachment B in Albert Frick & Associates letter of December 15, 2009. It is the Board's direction as to whether there is any other route across Map 86, Lot 31D with less environmental impact, he said.

**Motion:** Lew Stowe moved we do a site walk with the soil engineer, the applicant, surveyor, and Mr. McIntyre, with the focus on the proposed roadway and the McIntyre map, with the goal of understanding how it is proposed, the alternative route, and any other further alternatives. Todd Frederick seconded the motion, which passed, 4-0.

David Gross then said he is neck deep in paper work. He hasn't got any big plans for this. He wants to know that he can reach the land. He agreed to have the review process include review of the roadway first, and then the building lot, second.

**Viewpoint Condominium: 231 Nubble Rd. Map & Lot 021-193/103-A. Revision to a previously approved plan**

Tom Prince addressed a potential conflict of interest. Tom Prince and his parents originally owned the application property. His primary residence was a significant unit where the hotel and condominium unit is proposed. They sold the property in 1993, and he has no financial interest in the property or any relation with the McGraths.

**Motion:** Todd Frederick moved it is determined Tom Prince is not in conflict of interest as disclosed with regard to the financial or personal interest in the property. Lew Stowe seconded the motion, which passed 3-0. Tom Prince did not vote on this motion.

Town Planner Christine Grimando said there is a previously approved plan for an inn. One of the buildings on the plan was approved, but was not built. The applicant proposes to make the inn into condominium units. Code Enforcement permits condo conversion. The Planning Board does not approve condo uses.

This is on the plan as a use change. If the condos are proposed as year round residential units, multi-family units are not permitted in this zone. Also, there may be other arrangements that could result in codes that might trigger usage change review.

Builder **Glenn Farrell** pointed out the requested lot line change. He would like the Planning Board to discuss the lot line changes only, giving the condo conversion piece to CEO Tim DeCoteau. Christine Grimando agreed the application can break into two applications.

**Motion:** Todd Frederick moved to approve the plan as discussed. The items to include are the title change, the lot line delineation, recalculation of square footage for each property, the high water mark, removal of Note 16, and removal of the CEO's signatures, which changes will be appropriated on the new Mylar. Lew Stowe seconded the motion, which passed 4-0.

**Bas Eldredge, LLC. 97 Raydon Road. Map & Lot 0091-0008 V. Final Site Plan Review/Route 1 Use Permit for a commercial showroom and storage space.**

This application has been postponed and will not be heard on February 11.

**The Gables at Eastern Point 6 Norwood Farms Rd. Map & Lot 0052-0011 Sketch Plan Review for conversion of a nursing home facility to duplexes**

Christine Grimando said the applicants seek change of nonconforming use to another nonconforming use. Attorney **Greg Orso** introduced the developer, designer, engineers, and the gentleman from the bank. The application is to tear down the Harbor Home building and replace it with three buildings containing six condo units.

**Joe Coronti**, of Jones & Beach, said the nursing home building was originally built as a hospital. The nursing home had about 60 beds and 60 staff members on three shifts. There are 45 parking spaces with 84% impervious. The new buildings offer 38% impervious and green space. The ordinance requires 25% impervious area. This would make it less nonconforming.

**Matt Banow**, with Hugo Engineering, said the development will keep in scale with, the Eastern Point neighborhood. The principle owners will be residents. He showed an aerial of the neighboring architecture and how well the mass of these structures fit in. Those properties are largely multi-family condo buildings. The conceptual rendering shows shingled siding, irregular rooflines, and multi-pane fenestration with oval accent windows by the front doors. The landscaped patio will not encroach into the 20-foot setback. There are 3,000 square feet on 2 ½ levels, or 4,000 square feet with the finished basement.

Todd Frederick asked when Harbor Home was last used as a nursing home. That date was June 1, 2008.

Matt Banow discussed the decreases in before-and-after nonconformity. The traffic generated will fall from 140 vehicle trips to 35 per day. Access to the site is improved, as is pedestrian circulation. Parking decreases from 45-parked cars to 11 cars on the property,

with others garaged. The lighting for the area will be well distributed, rather than lighting up one giant building.

There will be no dumpsters. Trashcans are inside the units, per condo codicils, to make things quieter. Stormwater runoff is greatly mitigated. There were no curbs or devices to direct storm water, so water went into abutters' driveway areas. Runoff features for the new buildings include sophisticated systems, bio-swales, and rain gardens. There will be less impact on municipal facilities. The requirement for ambulances, traffic volume, and stormwater management are all diminished. There will be no impact on the schools, because the school system is under-loaded.

The energy saving air-conditioning, heating, and building systems make these condos lean toward LEED standards. The water and sewer systems that ran through old, leaky, clay pipe will be upgraded. There are possibly rats that must be exterminated. Matt Bannow said the building will be torn down, not blown up.

Lew Stowe commented, we're getting rid of an eyesore. Todd Frederick said he wants the building design and landscaping to be appropriate to the neighborhood. The lighting has to meet code. Curbside recycling is necessary. A mitigation of the stormwater plan should be maintained into perpetuity. He said if there is propane, where and how those tanks will sit on the site must be examined. He said the sketch review is excellent.

Tom Prince said the plan is a major improvement that the neighbors are happy about. He asked how the air-conditioning units are to be placed on the property without going into the setback. He called the architecture a gem.

## **New Business**

### **York Beach Project Site Walk #1 Update**

Discussed earlier in the meeting.

### **York Beach Design Standards Update**

Christine Grimando said the subcommittee has been working on design standards and has been working with a consultant. They are going to come to Planning Board for input during the February workshop.

The February workshop will preview the November referendum, for which the first public forum will be March 10.

The meeting adjourned at 11:10.