

1 **York Planning Board**
2 **Thursday, March 9, 7:00 P.M.**
3 **York Public Library**
4

5 **Call to Order, Determination of Quorum; Appointment of Alternates**

6 Chairwoman Amy Phalon called the meeting to order at 7:00. A quorum was determined
7 with five people voting: Amy Phalon, Vice Chairman Pete Smith, Board Secretary
8 Gordon Eldridge, Al Cotton, and Lew Stowe. Alternate Kathleen Kluger was present,
9 but did not vote. Alternate Wayne Boardman was not present. Patience Horton took
10 minutes. Assistant Planner Scott Hastings represented staff. In order to share the regular
11 Community Meeting Room space with the Budget Committee, the meeting was held in
12 the back half of the room which was divided by a folding wall. The meeting was not
13 televised, but was recorded.
14

15 **Public Forum**

16 Daniel Raposa, 660 York Street, lives in the neighborhood that includes York Street,
17 Eureka Avenue, and Glen Avenue, near Gammon Lawn Care. He first asked it to go on
18 the record that some information about problems with Gammon's operation were
19 misrepresented in the most recent issue of the York Weekly. Speaking with Mr. Raposa
20 before this meeting, the York Weekly writer had agreed to make corrections.
21

22 Mr. Raposa asked the Assistant Planner and the Planning Board to reassure him that on
23 November 10, 2016, the Planning Board had voted down the application for a lot line
24 agreement regarding “what is famously known as Lot 60.”
25

26 Scott Hasting said that two votes were made on November 10th. By the first vote, Lot 60
27 was merged with a lot in the Georgiana Colony subdivision. By the second vote, the
28 board denied the subsequent split of that merged lot as it did not meet the dimensional
29 requirements. Scott commented that the applicant also did not file the approved merger
30 at the Registry of Deeds, as required.
31

32 Mr. Raposa replied that, last July, the Board of Appeals upheld the Planning Board's
33 decision which found the Gammon's use on that lot to be illegal. The neighbors maintain
34 that although the lot is in limbo, it continues to be used to operate a business. He noted that
35 only a few days ago, dump trucks arrived and dumped more than 25 loads of snow onto the
36 lot which will melt and flow into the wetland. “It is an attack on our personal rights” he
37 said, referring to living in the midst of all the business going on.
38

39 Dennis O'Connor of 30 Glen Lane said, “We are worried Gannon will buy more land and
40 try to turn it into a conforming lot. If they do that, they will be able to have a complete
41 commercial business.” He currently sees commercial trucks, including oil trucks, being
42 washed on the property, thus dumping polluted drainage into the wetlands.
43

44 Mike Kofman has lived at 464 York Street for 33 years. He has seen trucks dump snow
45 directly into the wetlands. “I have sat at night watching bulldozers in the wetlands, pushing
46 snow and building the snow mound.”
47

48 **Field Change**

49 **Cliff House: 591 Shore Rd.; Map & Lot 0004-0029**

50
51 Citing conflict of interest, Chairwoman Amy Phalon recused herself from this hearing.
52 Scott Hastings said that the Cliff House has minor landscaping changes, some of which
53 were approved for Phase 1, but will not be complete when Phase 1 is finished. Instead,
54 the landscaper wants to delay planting the trees in the parking lot until Phase 2. There is
55 no change in that plan, Scott said, just the timing. In addition, they are requesting minor
56 changes to Phase 1 relative to the garden area along the east end of the entry drive.
57

58 Landscaper Keith Smith of Terrance Dewa and Associates, Falmouth, said the trees are
59 delayed because the parking lot has more ledge than anticipated.
60

61 Motion: Al Cotton moved that we approve the two field changes as outlined in the letter of
62 January 5, 2017. Gordon Eldridge seconded. The motion passed 4-0.
63

64 **Public Hearings—Applications**

65 66 **369 Route 1; Map/Lot 0053-0004**

67 **Application is for a Route One use permit for a new restaurant in an existing building.**
68

69 Motion: Peter Smith moved to open the public hearing for the application of 369 Route 1;
70 Map & Lot 0053-0004. Al Cotton seconded. The motion passed 5-0. No one came
71 forward to speak. Amy Phalon closed the public comment portion of the hearing.
72

73 Motion: Pete Smith moved to accept the application for review. Al Cotton seconded.
74 The motion passed 5-0.
75

76 Scott Hastings said that a use permit is needed for this restaurant because the restaurant
77 building has been dormant for more than two years. The previous permit expired.
78 Most conditions that were approved for the original application are still existing and
79 grandfathered. A new landscaping plan showing small buffer plantings along Route 1 in
80 front of the parking lot is required. Public Works also wants the landscaping plan to
81 include a sidewalk along Route 1 from the corner of Orchard Park Road to the northern
82 lot line. In addition, the plan must show designated ADA parking spaces.
83

84 Amy Phalon invited the public to come forward and speak. Kellis Williard lives in
85 Orchard Park. There is a light mounted on a utility pole across Route 1 from the
86 restaurant which shines onto his and other abutters’ properties. The applicant, Jason

87 Miller, said that the light existed prior to his purchase of the property and he was forced
88 to sign a 25 year contract with CMP to keep it, and he is also responsible to pay for it.

89
90 Motion: Pete Smith moved to close the public hearing on the application for 369 Route 1;
91 Map/Lot 0053-0004. Al Cotton seconded. The motion passed 5-0.

92
93 Motion: Pete Smith withdrew his initial motion, which had not been seconded, and then
94 moved to approve the application of 369 Route 1, Map & Lot 53-0004 as presented, with a
95 condition precedent that the handicap parking spaces be identified, and with a condition
96 subsequent that the landscaping along Route 1, including a new sidewalk, be shown on the
97 plan prior to issuance of an occupancy permit. Al Cotton seconded. The motion passed 5-0.

98
99 **117 Long Sands Road, York Housing Authority; Map/Lot 0044-0050**
100 **Application is for an amendment to an existing Planning Board approved site plan.**
101 **This includes expansion of the existing community center, addition of 16 housing**
102 **units, and improvements to existing parking areas.**

103
104 Motion: Pete Smith moved to accept the application for the Village Woods Senior Center,
105 117 Long Sands Road; Map/Lot 0044-0050 for review. Gordon Eldridge seconded. The
106 motion passed 5-0.

107
108 Motion: Pete Smith moved to open the public hearing. Gordon Eldridge seconded. The
109 motion passed 5-0. No one came forward to speak. Amy Phalon closed the public
110 comment portion of the hearing.

111
112 Patricia Martine, Director of the York Housing Authority, is looking forward to expanding
113 the community space. Not everyone can gather there now, but with the new improvements,
114 there will be room for more residents.

115
116 There are 104 units currently on the site, and this development will bring the count to 120.
117 There is a five year wait for subsidized units and a two year wait for midrange units. The
118 proposed units will fill a need for 600 square-foot, one bedroom apartments at \$1,050.00 a
119 month. There is currently a waiting list for these units.

120
121 Jeff Clifford, Altus Engineering, Portsmouth, reviewed the plans and elevations of the
122 proposed buildings, community center, deck, and patio. One nearby parking lot is being
123 shifted to provide significant improvements for fire truck access. The repositioning of
124 the fire lane requires relocation of the sewer pumping station.

125
126 The Fire Chief has asked that the gated entrance on Pine Grove Lane become the secondary
127 fire truck entrance. The gate is to be removed and signage will indicate that road as a fire
128 lane, not a public road.

129
130 Pete Smith asked that the address on the plan drawings, shown as 4 Pine Grove Lane, be
131 changed to 117 Long Sands Road.

132

133 Motion: Pete Smith moved to approve the application from the Village Woods Senior
134 Housing, 117 Long Sands Road, Map & Lot 0044-0050, as presented, with conditions
135 precedent that approval of York Public Works is received and noted on the plan, concerns
136 of the York Fire Chief, including a notation about the Fire Department's access road, are
137 noted on the plan, and relocation of the septic pump system is noted on the plan. Lew
138 Stowe seconded the motion. The motion passed 5-0.

139

140 **445 and 441 Route 1, Wiggly Bridge Distillery**

141 **Map/Lot 0054-0010-C and 0054-0010-B**

142 **Application is for construction of a new storage building on Lot 0054-0010-C and**
143 **for replacement of an existing non-conforming structure on lot 0054-0010-B with a**
144 **new building in the same footprint.**

145

146 Scott Hastings introduced the application. The two lots are under the same ownership.
147 The distillery and two shipping containers used for storage are on the forward, smaller
148 lot. The other previously approved lot at the rear of the property is empty and has a wet
149 area that will probably be delineated as a manmade wetland. If so, per 11.3.6, it will be
150 considered of low value and can be filled.

151

152 Motion: Al Cotton moved to accept the application for 445 and 441 Route 1, Wiggly
153 Bridge Distillery, for review. Lew Stowe seconded the motion. The motion passed 5-0.

154

155 Motion: Al Cotton moved to open the public hearing for 445 and 441 Route 1, Wiggly
156 Bridge Distillery. Lew Stowe seconded. The motion passed 5-0. No one came forward
157 to speak. Amy Phalon closed the public comment portion of the hearing.

158

159 Dave Woods: One building will be a 29' x 20' storage building for bottles and grains
160 which will replace the existing shipping containers. It has to be taller than the height
161 ordinance allows in order for a forklift to move pallets of bottles and grains in and out
162 of the structure. He plans to build it on a knoll and dig down below the original ground
163 elevation in order to obtain the required height at the entrance.

164

165 The second building will be a 35' x 50' structure placed in the rear lot and used for aging
166 whisky. The building will have exterior framing with posts sitting on foundation piers. It
167 will meet regular height restrictions. It will not be insulated. It is intended that the
168 building temperature will go from very hot to very cold with the seasons, so the spirits
169 are absorbed and secreted by the wood, enhancing the flavor of the whisky. This
170 building will have metal siding and have a gravel drive to access it from the front lot.
171 The colors of both buildings will be black or tan with green roofs.

172

173 Waivers will be sought for the landscape/buffer yard requirements, stormwater drainage
174 plan, high intensity soil survey, elevations, and building materials. Per 11.3.6, a wetlands
175 delineation will be made.

176

177 Motion: Pete Smith moved to continue this application until such time as the applicant is
178 prepared to resubmit. Gordon Eldridge seconded. The motion passed 5-0.

179

180 **8 and 10 Beach Street, Union Bluff Hotel**

181 **Map/Lot 0024-0037 and 0024-0035**

182 **Application is for a 20 room expansion of the Union Bluff hotel including the**
183 **creation of a parking deck at the rear of the building.**

184

185 Motion: Al Cotton moved to accept the application as complete. Lew Stowe seconded.
186 The motion passed 5-0.

187

188 Motion: Pete Smith moved to open the public hearing. Al Cotton seconded. The
189 motion passed 5-0.

190

191 Mrs. Hall of 19 Freeman Street, said the house is 105 years old and she is almost the same
192 age. The Union Bluff parking lot is 30 feet away from her front door. People drive in and
193 out at all hours making noise. She keeps her drapes closed all the time so she won't see the
194 headlights. She's lost her privacy. She can't sit on her porch at night. She is worried
195 about how people, especially excited children, might get hit by oncoming traffic.

196

197 Rick Lounborn of CLD Consulting Engineers, represents the application. Twenty rooms are
198 being added. The number of parking spaces will go from 68 now, to 145, though only 117
199 will be required. All stormwater is being collected and treated before going into the ocean.
200 Mrs. Hall's view of the ocean will not be disturbed.

201

202 Architect Scott Fiorentino described the new layout. The addition will include a new dining
203 room, kitchen, indoor pool, hot tub, and exercise room. The kitchen will service both the
204 dining room and the pub without having servers cross the lobby area. The existing lobby
205 and dining room will be combined to create a large lobby and sitting area. The two-tiered
206 parking terrace will not look like part of an urban setting. Plantings will be in place to
207 absorb automobile sound. Arborvitae trees will serve as a buffer for headlights. To make
208 sure cars do not turn the wrong way exiting to Beach Street, which is a one-way street, he
209 will design a turn-out island that will direct cars to the left. Additional signage might be
210 needed. Dean Lessard is already aware of problems with the traffic flow on Beach Street
211 and Freeman Way.

212

213 Chairwoman Amy Phalon closed the public comment portion of the public hearing.

214

215 Motion: Pete Smith made a motion to give preliminary approval to the application from
216 the Union Bluff, 8 and 10 Beach Street; Map/Lot 0024-0037 and 0024-0035
217 Al Cotton seconded. 4-1, with Amy opposed.

218

219 **Minutes**

220 Review of minutes from February 23rd was postponed to the next meeting.

221

222

223 **Other Business**

224

225 Scott gave out Information and Communication policies for the board to sign and return.

226

227 **Findings**

228 Brickyard Court

229

230 **Mylar**

231 731 Route 1.

232

233 **Adjourn**

234 Al Cotton moved to adjourn.

235 10:30