

**TOWN OF YORK PLANNING BOARD
THURSDAY, FEBRUARY 9, 2006, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:10 by introducing the board and the staff. Barrie Munro, Richard Smith, Glen MacWilliams, and Tom Manzi were present. Glenn Farrell, Lee Corbin, and Michelle Moody were absent. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised.

Barrie Munro announced that the Atlantic House review scheduled on this agenda was being continued to February 21. There had been an error in the abutter notification.

Public Input. Open to the public to address any issue other than issues scheduled for public hearings on this agenda.

Cathy Goodwin, of the York Beach Renaissance Committee and President of the York Chamber of Commerce explained York Beach parking research results. The information had come from Andy Furlong, Treasurer of the Ellis Park Trustees. For eight weeks in July and August, the potential maximum revenue from the 304 parking meters in York Beach would be \$221,000. However, as evidenced by the average return of \$121,000 from the meters, parking is under maximum capacity. There is apparently 45% additional capability at the Ellis Park lot, which indicates to her that there is no parking problem at York Beach.

David Woods of York Beach said that in the past eight years, not only has a 157-seat restaurant closed, allowing more parking, but a 185-seat restaurant has closed, as well. He said, as a lifelong resident of York Beach, he has not seen a change in parking, but rather an increase in traffic.

David Woods then spoke about that evening's postponement of the Atlantic House review. He had seen mistakes in public hearing notifications by the Planning Office three times before, and it once happened to an application of his own. When the Atlantic House mistake became apparent, he had thought there was time to send out a corrected copy of the abutters' letter, but it was not possible. He said he thought it was partially the public's fault for not funding the Planning Office to be staffed adequately. He felt that applicant Don Rivers was experiencing unjust process. David Woods concluded by saying he did not appreciate the way people were accepting the mistake.

York Beach Fire Chief David Bridges then spoke about the condition of the Atlantic House. It has been in disrepair for four or five years and should not be left in that condition with no windows or interior walls. It is like waiting for an accident to happen. He asked the Planning Board to take a harder look at getting the project going. Barrie Munro asked what preventative measures could be taken to lessen the hazard. Chief Bridges answered that the windows should go back in, and the building should be secured. If the

project can get going, the potential for an accident would lessen because of the activity. It could be “inviting” to someone, right now, he said.

Helen Rollins Lord of York Harbor asked what was holding up the Atlantic House process. Barrie Munro answered that getting plans on record, parking, and abutter concerns were all holding things up.

Peter Dunfey, representing the developer of the Atlantic House, said that he had gotten a January 24 letter from the Town Attorney resolving a major stumbling block. He also said that analyses of parking done in 1990 and 1987 showed plenty of available parking at that time, which most likely is continual in that there have been no major expansions since that time. This information should make parking not such a big issue, he said.

Don Rivers said that the Planning Office is clearly understaffed, and the voters have to change and improve the process. He had initiated a change in the parking ordinance several years ago, and it took a year-and-a-half for it to come about. More money has to be provided for the Planning Office.

Diane Spear said that 18 years ago, she and her mother had gone through the planning process and built a campground. The finances of a lawyer and an engineer are enough to make some people give up. She said she felt York Beach is deteriorating. The things Fire Chief Bridges said during Public Input frightened her, because from her porch, she had watched the Ocean House burn. She fears for the town, if the Atlantic House goes.

There was no one else to speak. The Public Hearing was closed.

Requests for Field Changes. Decide on requests from previously approved applicants.

Steve Burns said there were no requested changes.

Public Hearing for Amendments to the Site Plan & Subdivision Regulations

- Professional Certification and Inspections
- Driveway Construction in Subdivisions
- Timeframe for Construction
- Impact Statements Requirements

Steve Burns said that this was the third hearing on these amendments, where there are usually only two. In this case, substantive changes made at the second hearing necessitate the third. He explained the basic intentions of the four different regulation amendments. Design professionals will inspect and certify things built from their plans. Because they do not understand engineered drainage, homeowners will not be able to design their own driveways. The Town will call in the bond and complete road construction

when developers do not do so in a timely fashion. Required impact statements will be well defined so applicants know what to address in them.

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

When asked by the chairman, Glen MacWilliams and Tom Manzi said they were satisfied with the amendments, because the changes they had requested were correct.

Motion Richard Smith moved to approve the changes to the Site Plan & Subdivision Regulation Amendments as of February 9, 2006. Tom Manzi seconded the motion. There was no discussion. The motion passed, 4-0.

Application Reviews and Public Hearings

Bayberry Ridge Elderly Congregate Housing 14 Styles Lane. Map 94/Lot 84R. Public Hearing. Application for Final Review of a 17-unit elderly congregate housing subdivision with Community Center.

Applicant Walter Woods described some requirements that were not yet finalized, including architectural stamps, the drainage plan, and the by-laws. He told the board he hoped for conditional approval.

The Chairman opened the Public Hearing. Steven Taylor, of 5 Graystone, was initially interested in the first two buildings in the development, the ones nearest his own home, and their position in the Shoreland Zone. On a plan, Walter Woods showed the brook near those houses and the Shoreland Zone boundary marked 250 feet from the wetland. He showed Steven Taylor an area designated for additional vegetative buffer. At Barrie Munro's request, project engineer Mike Livingston described pre- and post-development drainage and the route water will take along the swale behind the houses leading to a retention pond. That swale area will be maintained as lawn, which should prevent problems with unwanted vegetation. Steve Taylor asked what recourse he has, if there is a drainage problem, and Barrie Munro answered that Code Enforcement might impose a fine or demand the problem fixed. The 30-foot undisturbed buffer was discussed. Also, a pre-blast film survey will be conducted for every house with 500 feet of the project. As well, a seismic meter will record every blast for insurance purposes, said Walter Woods. Barrie Munro said notification of the abutters three days before the blasting will be a required condition.

Helen Rolling Lord asked if the Town Engineer would be the same one who worked on the Cowenhoven property. Steve Burns answered it would be a different engineer. The Public Hearing was closed.

A variety of issues were discussed. Barrie Munro asked for a specific definition of the congregate care services as a guideline to be included in the plan notes. Walter Woods said that the Town Attorney and project attorney David Ballou were working on that, and that the responsibilities will be described in the bylaws. Also, the stormwater permit had

been applied for, but had not yet been received from the State. Steve Burns said that the signoff from the Town Engineer was not complete. Professional architectural certification for the Community Center was still pending. The wait would be about a week-and-a-half, said Walter Woods. The local Fire Marshall still had to review the plan. Mike Livingston showed the stump disposal area on the plan. Steve Burns listed off from the third page of the Findings all the unresolved conditions for this application. They included stump disposal, the covenants and bylaws, a necessary change to the note about the pre-blast survey for houses within 500 feet, the engineer's stamp, and signoffs.

The board began discussing granting a conditional permit. Glen MacWilliams said there were no grounds for conditional approval, especially since the board had not even seen the bylaws. Richard Smith suggested going ahead with the conditional approval with the possibility of not signing the mylars, if the conditions are not met. Barrie Munro told the applicant that the board is reticent to grant a conditional permit in general. Steve Burns said that conditional approval would help move the application forward with the advantage of a finite list.

Motion Richard Smith moved to conditionally approve the application. Tom Manzi seconded the motion.

In discussion, the focus continued on whether or not to grant conditional approval continued. Barrie Munro suggested having a subsequent review at which time the application could be approved and the mylars signed, together. The board decided to forgo conditional approval and review the revised work two weeks later without a public hearing. Steve Burns said that way, the work would be concluded without further deliberation. He asked Walter Woods to bring a full set of mylars in two weeks.

Motion Withdrawn Barrie Munro asked Richard Smith and Tom Manzi to withdraw their motion, to which they agreed.

There was a short break.

Kearsarge House 6 Railroad Ave and 4 Main Street. Map & Lot 0024-0015 0023-0008. Application for historic building conversion and expansion, with off-site parking

The Chairman opened the Public Hearing.

Cathy Goodwin of the York Beach Renaissance Committee spoke briefly of her support of the project.

David Woods talked about the parking lot behind the Black Dog. He said the town should have replaced a drainage pipe there when it had the opportunity. He further described a brook that should be dug out there, and the banks should be lined with riprap to keep the brook from filling in with growth. Barrie Munro asked project engineer JoAnn Fryer (CLD Engineers) to remedy the drainage problem. She said she would look into it,

but was not sure what Maine DEP would allow to occur, since the water source is actually a brook. The Public Hearing was closed. There was no one else to speak.

Steve Burns said that the builder for the project, John DeStefano, had received an awaited letter of approval from the Helen Rollins Lord of the Historic District Commission. Steve Burns described the 19 residential parking spaces that must be kept in perpetuity during the life of the 19 units. He read recommended language for the Proposed Use paragraph. Discussion with board members and the developer's representative, Peter Dunfey, led to several changes in the paragraph, which is incorporated in an upcoming motion.

Steve Burns said that as long as the facility exists, the parking would be at that location behind the Black Dog. Peter Dunfey said that the parking will not necessarily stay at that location, but the availability of 19 spaces will be guaranteed. The lease says the parking has to be within 300 feet of the facility. Going through more issues, Glen MacWilliams pointed out the lack of page number on the first page of the plan. He pointed out necessary dates in the parking lease and other issues.

Motion Glen MacWilliams moved that the parking arrangement specified in the application before the planning board satisfies 15.1.1.4, Items a) through c), as amended November 4, 2003. Tom Manzi seconded the motion, which passed 4-0.

For the next motion, Steve Burns read off the conditions precedent, which were incorporated, into the motion.

Motion Richard Smith moved, with respect to the conditions precedent, to approve the final plan and the attendant Findings of Fact including:

- 1) To ensure compliance with Zoning Article 17 regarding expansion of a non-conforming building, CEO approval of the nonconforming building expansion shall be required.
- 2) Signoffs of the following department heads shall be required: Bill Bray, Public Works Director, Doug Bracy, Police Chief, Dave Bridges, York Beach Fire Chief;
- 3) Approval of the following municipal district superintendents shall be required Tim Haskel, York Sewer District, Don Neumann, and York Water District.
- 4) Legal Review of Parking Lease. Obtain the approval of the Town Attorney that the proposed off-site parking arrangements will ensure availability of parking spaces.
- 5) Add Plan note regarding Proposed Use:
Proposed Use. The historic conversion of this existing building allows the owner to immediately convert 19 hotel suites within the building, each of which must comply with the Hotels/Motels With Cooking Facilities Licensing Ordinance under unified mgt. Individual units may be converted to dwelling units as they receive growth permits.
- 6) Renumber pages sequentially; add final document date to parking lease in Note 6.

Tom Manzi seconded the motion, which passed 4-0.

Atlantic House 2 Beach Street, 4 Main Street, and 7 Main Street. Map & Lot: 0024-0044, 0024-0043-A, and 0023-0008. Application for historic building conversion and expansion, with off-site parking.

This review has been re-scheduled for February 21, 2006.

Minutes Review and approve draft minutes.

The January 26, 2006, Minutes were reviewed. Barrie Munro and Glen MacWilliams gave the recording secretary corrected copies of the Minutes with minor changes.

Motion Glen MacWilliams moved to accept the January 26, 2006 Minutes as amended. Tom Manzi seconded the motion, which passed, 4-0.

Other Business/Adjourn

The board discussed an upcoming joint meeting to be held with the **Sewer District** for the purpose of discussing discussion of the extension of the sewer line to applicant Seth Spiller's **Passaconaway-by-the-Sea** project. Planning Board members discussed the possibility that the Sewer District will be looking to the Planning Board for policy direction based on the Comp Plan, but then concluded that in the chain of protocol, the Sewer District would most likely look to the Board of Selectmen for decisions, and that the Selectmen would turn to the Planning Board for ideas.

Regarding the **York Beach Renaissance Committee**, Steve Burns said that the group has not yet decided what charge the committee will have. He has gathered and still holds onto information for them about Nantucket, Freeport, and South Berwick. Their Minutes will be distributed to Planning Board members.

Steve Burns asked the board to prepare for the February 21 **Atlantic House** hearing by reading the information, understanding the problems, and being up to date. The Gulf Street abutter problems and parking problems are the main issues. Barrie Munro asked Steve Burns to notify Code Enforcement about the hazard warnings Fire Chief Bridges spoke of during the Public Hearing of this meeting.

Barrie said that there were **Route 1 unapproved uses** being practiced that are disadvantageous to the community. After discussion, it was decided to pick the three worst offenders and encourage the (new) Town Manager to look at them.

The meeting was adjourned. The time was 10:00.