

**York Planning Board**  
**Thursday, September 1, 2011, 7:00 P.M.**  
**York Public Library**

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

Chairman Lew Stowe conducted this meeting. A quorum was determined with five people voting: Todd Frederick, Tom Manzi, Lew Stowe, Dave Woods, and Dave Glazebrook, alternate assigned to vote for Torbert Macdonald. Torbert Macdonald, Jr., was absent, as was Tom Prince. Town Planner Christine Grimando represented the York Planning Department, and Patience Horton took Minutes.

**Public Input**

There was no Public Input.

**Field Changes**

Town Planner Christine Grimando said the Findings of Fact for the **Maine Lobster Outlet's** previously approved site plan, would be signed by the Planners at the end of the meeting. Those findings are for an approved outside lobster cooker. A few years ago, an additional building had been approved. Before the lobster cookers were put in, it was easy to get around the buildings, but the added cookers made auto passage difficult. The requested field change is for a modified, paved area with a graded slope of 3:1. Some preexisting pavement has been taken off the back to balance the impervious. Setbacks to the wetlands are met.

**Motion:** Todd Frederick moved to approve the expansion of the Maine Lobster Building Outlet, Two Market Place Drive, to modify the paved passageway as discussed. Tom Manzi seconded the motion. It passed 4-0-1, with Lew Stowe abstaining, having missed the original hearing.

**The Site Visit at York Hospital**

Chairman Lew Stowe told the planners that in the Hospital's Application for Fence Removal, which had gone to the Board of Appeals, the initial site walk was cancelled due to a lack of quorum. The visit was rescheduled for September 2, 2011.

**Minutes**

The August 11, 2011 Minutes were reviewed and corrections were requested by board members.

**Motion:** Tom Manzi made the motion to approve the August 11, 2011 minutes as amended. Dave Woods seconded the motion. It passed 5-0.

**York Housing Storage Building Addition: 117 Long Sands Rd. Map & Lot 0044-0050; Revision to a previously approved plan**

Christine Grimando said this is a revision to a previously approved plan. The building is legally nonconforming. The applicant is allowed to keep the setback the way it is, but cannot exacerbate it. The addition does not meet the existing conditions for the overlay district the building is in. Christine Grimando recommended approval with a minor change. Expansion can be allowed if the original setback of the existing building is maintained. This land was originally a farm on Pine Grove Road.

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

**Patricia Martine** of the York Housing Authority said the expanded building would house snow blowing equipment and a truck. The building will blend in with the other buildings in the complex.

**Motion:** Dave Woods moved to grant the application for York Housing Authority's storage building addition, 117 Long Sands Rd. Map & Lot 0044-0050, with the stipulation that the new structure will not be taller than the existing building. Todd Frederick seconded the motion, which passed 5-0.

**Yorke Woods Townhouses: 801 U.S. Route One. Map & Lot 0094-0011-A; Drainage and site improvements to a previously approved Subdivision**

There are 46 units at Yorke Woods, build in the early 80s. The applicant is undergoing drainage and pavement maintenance on the property. Any change to a previously approved site plan has to come to the Board, said Christine Grimando/. This application was originally reviewed under different standards. A little of this property is in the Shoreland.

Project Engineer Geoffrey Avila said the proposed project would revamp and replace areas of pavement, while not increasing the impervious. The areas should have been designed differently 20+ years ago. Riprap addition, pavement and curbing changes will make erosion repairs. The southern drive is being replaced. A culvert has collapsed there. The Shoreland zone will be properly indicated on the plan when the project is finished.

Geoffrey Avila reviewed several plan sheets with the board members. The deteriorated area will be replaced through "full depth reclamation." There is a DOT permit so water can be redirected. The area is flat and the wrong material was used in the first place, he said. Everything can be corrected with grading.

The discharge of an existing culvert pours into a catch basin in the Shoreland overlay zone. The tennis court discharges into a currently eroding area. Riprap swale and a speed bump will act as a diversion and lower the velocity. Pavers of a newer design and impervious asphalt are more impervious than pavers, and might be used.

The **Public Hearing** was opened. Sean Gorham, Treasurer of Yorke Woods Townhouses, said documents going back to 1982 disallow the expense of more than \$500 for paving the property unless 75% of the association approves it. Sean Gorham said that rather than having the residents pay up front, the board had gone to Kennebunk Savings and gotten a loan. Payments on the loan for property owners will be figured into the assessment.

Geoffrey Avila said this work should not impact the abutters. Concentrated flow is addressed through erosion control, a different pipe size, and the plunge pool. Dave Woods commented that this is no band-aid. The applicant is doing more than replacing pavement and putting in culverts.

Christine Grimando asked that there be an application for a Shoreland Permit. In order for the board to grant a permit, there would have to be an erosion control submission. Geoffrey Avila promised a detailed sheet showing modifications, curbing, riprap swales, and details about erosion control. Vegetated areas that don't need erosion control provide a natural barrier. Stump grinding barriers will be used and eventually disintegrate.

Christine Grimando said the Shoreland Permit needs to be issued. There has to be a write up from the engineer about barriers, plunge pools, and culvert plans per 8.3.2. The Shoreland officer would administer that permit.

**Motion:** Todd Frederick moved that the applicant would meet all the requirements of Shoreland 8.3.2. All surfaces are to follow best management practice. The Planning Board grants the CEO authority to administer and authorize the Shoreland Permit. Dave Woods seconded the motion. It passed, 5-0.

**York Convenience Store: 4 U.S. Route One Map & Lot 00086-0001; Sketch Review of a Site Plan and Route One Use Permit application for the renovation of an existing building into a convenience store.**

Christine Grimando told the applicant that this informal sketch review is non-binding. It is an opportunity to appraise and air ideas. This Route One review is about an existing building where Leeward Thrift Store used to be. The proposed convenience store with a drive thru is proposed. Use is uncertain. No fast food will be allowed, per ordinance. Buffer, traffic, seating, and building design have not been considered for this presentation. There are setback issues with an existing nonconforming site. The nonconformity can be accepted, as long as the nonconformities are not exacerbated. Since there is no site plan for the property, the project must conform to current ordinances.

Project Architect Christopher Baudo said that building extensions are proposed on the north and south sides. The second floor could be incorporated into an accessory apartment or possibly 2 offices, with egress on the back. The back would also house a new building extension for the convenience store. A canopy is proposed for the drive thru window for coffee and food service, but it looks like a drive thru window is not allowable at this location, he commented.

There would be no disturbance to the existing wetland behind the store. A fenced-in picnic area with no permanent structures might be used for seasonal restaurant use.

Christine Grimando explained the locations of front, side, and rear yards. The Town of Kittery would bring sewer to this site, said Christopher Baudo, so the septic area would be abandoned. There will be water runoff. The wetlands will not be impacted. It is a gravel lot, and there will be no fill. There is no Shoreland setback. The wetland is sub-four acres, and thus has not setback, explained Christine Grimando. The group discussed picnic area seating. There is a garage that would be demolished.

Christopher Baudo said he had learned that the location of the proposed ice cream stand would not be allowed. He suggested placing it north in the picnic area. Christine Grimando said the ice cream stand couldn't be a new structure.

Christopher Baudo had contacted the adjoining neighbors and suggested reviewing his site plan with them. Their restaurant is nicknamed "Clam Shack." He proposed a joint easement leading to their customers parking on his property. The easement would be the solution to an issue with traffic safety. The traffic safety problem is worsened by non-conforming parking for the Clam Shack on the Route One corridor. He said that the abutters were not interested in working on an easement. He handed out copies of correspondence he had received from the Clam Shack owner's attorney. It was indicated that the owner is the Rutherford Estate.

Christine Grimando said that if a traffic hazard is identified on the site, DOT will not grant a traffic permit. Dave Woods agreed, but added that the State is usually willing to help with that situation. It would be prudent to have the State process a traffic safety application before undergoing site work. The chairman opened the Public **Hearing**.

Abutter **Valerie Valesis** said she had met with Christopher Baudo, and he had proposed an easement on her property. She was concerned that the easement would lower the value of the Clam Shack property. She said Christopher Baudo had said her parking spaces might be illegal. She was not comfortable with that statement.

Bill Park had set up his restaurant business in the "Clam Shack" just three days ago. He plans to sell Gifford's Ice Cream there. That competes with next door, he said. Christopher Baudo's client might take my parking because of the easement, said Bill Park. I love my livelihood. I am upgrading the menu to deli style. The competition will take away from my business. I want to beautify the building and put in a takeout window. I'm just three days into the building up a business. I want a deck with picnic tables.

The Chairman closed the **Public Hearing**. Christian Baudo said the applicant might apply successfully to DOT for taking out 9 to 17 nonconforming spaces. That might allow the project to have its own entrance and lessen the traffic safety issue. Dave Woods told Christian Baudo that the exact use is important to the issue. There is one-third parking space is given to every 200 square feet of store. Therefore, the applicant would need very

little parking. A variety of uses and and/or a combination of uses are allowed here. It is difficult to advise on this, as the planning board does not know the uses.

**New Business**

There was no New Business

**Old Business**

There was no Old Business.

The Meeting adjourned at 9:50.