

York Planning Board
Thursday, December 11, 2014, 7:00 P.M.
York Public Library

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

Chairman Al Cotton called the meeting to order at 7:03. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe; and alternate Amy Phalon, Esq., who was asked to vote as a full member. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum

No one came forward to speak.

Minutes

The Minutes of November 13, 2014, were reviewed, and corrections were requested.

- **Motion:** Lew Stowe moved to accept the November 13, 2014, Minutes as amended. The motion was seconded by Peter Smith and was accepted unanimously.

The Minutes of November 20, 2014, were reviewed, and corrections were requested.

- **Motion:** Amy Phalon moved to accept the November 20, 2014, Minutes as amended. Peter Smith seconded and the motion, which passed unanimously.

Field Changes

There were no field changes.

Application Reviews and Public Hearings

Peradventure, Peradventure Way

Map & Lot 0052, Lots 21, 21C, and 21D: Amendment of a previously approved subdivision to combine two lots into one larger lot with a portion of the land going to another lot

This is a continuation of the meeting of November 13, 2014. The applicant made two changes to the plan: The Cliff Walk high water mark was removed from the plan, and the name of the walk had been corrected to combine names from all prior plans. Town Planner Dylan Smith said there are no code violations.

The Chairman opened the **Public Hearing**. **Ted Little**, Chairman of the Cliff Walk Steering Committee, asked for changes in the Findings made on behalf of the Committee. He recommended having Town Attorney review the Findings. Peter Smith asked that the

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items presented by Board members and the applicant should be given to the Town Attorney for comment. Amy Phalon said that Mr. Metcalfe and Mr. Jellison must be noted as abutters on the plan.

Applicant Attorney John Bannen accepted all the changes the Board made that evening.

Motion: Lew Stowe moved to approve the final application. Amy Phalon seconded.

During discussion, Dylan Smith said the Town Attorney had gone over Dylan's first memo and helped draft the final memo. The applicant made appropriate changes to the plan based on that memo.

Vote: Lew Stowe moved the motion forward. The motion passed, 4-1, with Peter Smith opposed.

Anchorage Motor Inn 265 Long Beach Avenue Map & Lot: 0036-0095. The proposal is to add a small addition that will contain an elevator and stairway for ADA accessibility on the existing motel.

Chairman Al Cotton told project engineer Bill Anderson that, as long as the plan did not have an engineer's stamp, it would not be approved. Mr. Anderson replied there are numerous stamps for the numerous sheets in the plan set. Mr. Cotton took Chairman's privilege and told the applicant that the Board would not review or accept the plans, nor approve the application, until the engineer's stamp for the entire plan and the signature block are on the plan—unless a waiver is sought.

1520 U.S. Route 1 Expansion permit. Map & Lot: 0010-0004. The proposal is to build a 14 by 24 foot garage addition to an existing garage bay and install a concrete slab under and existing 10 by 7 storage shed addition.

The plans have been stamped by a certified engineer. Shrubs have been added to create better buffering, and the 24-foot entranceway allows two cars to pass each other. There is a stormwater management plan. The Board discussed whether the building's best face faced Route 1. A picture window and a garage door are all on the same wall facing Route 1. The Board requested a revised design for the side facing Route 1.

Motion: Peter Smith moved to accept the application for review. Amy Phalon seconded, and the motion passed unanimously.

In discussion, there is no increase in drainage flow. The property is nonconforming. The additional parking is buffered to keep glare from the parking lot off Route 1. The entrance is stabilized with crushed stone. It is on a 55 MPH section of Route 1.

Motion: Peter Smith moved to continue the application for 1520 U.S. Route 1 Expansion permit, Map & Lot: 0010-0004, to the Planning Board meeting of January 8, 2015. Todd Frederick seconded the motion, which passed unanimously.

Motion: Peter Smith moved to waive the 17-day submittal requirement, based on the merits of this particular application. Amy Phalon seconded the motion, which passed unanimously.

Elks Club Flea Market 1704 U.S. Route One Map & Lot: 0100-0024-C. The applicant proposes to hold flea markets on Saturdays and Sundays through the summer.

Dylan Smith: Circulation for cars and emergency vehicles has been a concern. A note has been added to indicate parking can't be within ten feet of the access way or within ten feet of the property line. The existing septic system is under the parking lot. There has to be a note that no cars can park over the septic.

Richard Jakaitis, an officer with the Elks Club, is not sure of the location of the septic system. It will be marked so no one parks there. Thirteen vendor stalls are planned. Vendors' cars can drive up behind the stalls.

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

Motion: Peter Smith moved that we approve the application for Elks Club Flea Market, 1704 U.S. Route 1, Map & Lot: 0100-0024-C, as presented. There will be a note saying no parking will be allowed on the septic area. The access way will not be blocked. The parking of vehicles shall not occur on or within the right of way of Route 1 for the accessory flea market use held during summer weekends. Parking on the south side will be at least ten feet away from the lot line. A signature block will be added. Todd Frederick seconded. The motion passed unanimously.

York Colonial Center, 4 U.S. Route 1. Map & Lot: 0086-0001. The proposal is a revision to an approved Route 1 use permit, including, but not limited to, changes to architectural elevations and associated site alterations.

Applicant Christopher Badeau: Impervious coverage and building materials are stated in the plan. There is an additional note about taking snow offsite. The Town Engineer has discussed the drainage design with the project engineer. The design has conformed to the standards of the code. The sewer connection to Kittery Sewer District will be complete in a week. The siding is Hardy Plank. The buildings are being built in phases. Lew Stowe asked to see the phased plans in the Findings.

Motion: Todd Frederick moved to accept the application for site plan revision. Amy Phalon seconded. The motion passed unanimously.

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

Christopher Bandeau will provide the Findings. The matter of the Three Buoys Restaurant, which was focused on earlier in the application process, has become one of the plan notes.

Motion: Peter Smith moved that we approve the application of York Colonial Center, 4 U.S. Route 1, Map & Lot: 0086-0001, as presented, specifically, with all the notes thereon. Seconded by Lew Stowe, the motion passed unanimously.

Dunne's Ice Cream 214, 218, and 222 Nubble Rd. Map 0025; Lots 0200, 0200-A, and 0225. The proposal is to construct a new ice cream stand and parking lot.

Town Planner Dylan Smith recommended the Board look at this as a conceptual sketch review. This proposed ice cream stand is situated on two acres south of Brown's Ice Cream on the Nubble. Tim DeCoteau represents owner Steve Dunne. Steve was the manager for Brown's for more than 20 years. The applicant wants to put in as many parking spaces as zoning will allow.

Tim DeCoteau: The plan shows pedestrian bridges to the employee parking lot. The bridges protect the wetland, where sweet pepper plants grow. There are no trees on the property. The six employee spaces are in the back. The grading plan might change according to the stormwater site design. There is no sheet runoff. The property drains at the back of the property into the wetland.

Motion: Peter Smith moved that we accept the application for Dunne's Ice Cream, 214, 218, and 222 Nubble Rd., Map 0025; Lots 0200, 0200-A, and 0225, for conceptual sketch review. Amy Phalon seconded, and the motion passed unanimously.

The Chairman opened the **Public Hearing**. Spring Street abutter **Peter Doherty** has concerns about light spilling off the property. He is also concerned about runoff. The Chair closed the hearing.

Chairman Al Cotton had received a letter from Attorney Greg Orso on behalf of the **Brown Family**. Among their concerns were parking, traffic, and stormwater runoff.

Tim DeCoteau listed concerns Dylan Smith and the Planning Board had.

- A response to Attorney Orso regarding the Brown family's concerns
- A note on the plan reporting on the presence of any 24-inch trees
- Request a waiver in writing for the High Intensity Soil Survey
- Show the flow on the GIS plan and where it starts and ends
- 100-year flood calculation
- A waiver for showing things approximately 100 feet from the property boundaries.
- A legend for setbacks showing how they conform throughout the plan
- Preservation of natural features
- Waiver for High Intensity Soil Survey
- Note that the Spring Street entrance is for employees parking only
- Letters from the HDC and Maine Historic Preservation Commission

- The complete Preliminary Plan shall include the 19 items checklist from Site Plan §1.2.
- Preliminary and final approvals can be done at the next meeting.

The York Planning Board will conduct a Public Hearing regarding proposed ordinance amendments to be considered at a May 2015 Special General Referendum as follows:

- a. Elimination of the Sunset clause regarding Outside Displays along Route 1
- b. Sign Standards and Digital Displays
- c. Matching Density and Minimum Lot Sizes in the Watershed Protection Overlay District.

Chairman Al Cotton opened the **Public Hearing** for the three amendments. No one came forward to speak. There was no one in the audience. Chairman Al Cotton closed the public hearing.

Other Business

None

Adjourn

10:30