

**York Planning Board**  
**Thursday, June 11, 2015, 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 7:05. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Lew Stowe; Gordon Eldridge (representing York Beach); and alternate Amy Phalon, Esq., who was asked to vote as a full member. Alternate Wayne Boardman was present, but did not vote. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

**Public Forum** No one came forward to speak

**Minutes**

The May 28, 2015 Minutes were reviewed. No changes were requested.

**Motion:** Peter Smith moved to approve the Minutes of May 28, 2015, as written. Gordon Eldridge seconded. The motion passed 5-0.

**Field Changes**

**Wiggly Bridge Distillery. Tax Map 54, Lot 10B. Owner: David Woods.**

Dylan Smith explained that an extra sewer line was needed for Wiggly Bridge Distillery, to create more separation between the water and sewer lines. The change is not part of the approved plan.

Dave Woods, owner of Wiggly Bridge Distillery, said when he brought the sewer line 2 ½ feet closer to Route 1, Water and Sewer directors requested an extra sewer line to create more separation between the sewer and water lines. The right side of the plan shows the original sewer line, which will still be using for bathrooms and “other flow” coming from the building. The water line and the new sewer line are shown on the left side of the plan. All utilities are now underground.

**Motion:** Lew Stowe moved to approve the extra sewer line for the Wiggly Bridge Distillery Field Change, Tax Map 54, Lot 10B, including the update of underground utilities. Peter Smith seconded. The motion passed 5-0.

**Application Reviews and Public Hearings**

**Long Sands Bath House Sketch Plan, 178 Long Beach Avenue. Map & Lot: 0033-0152-A; Owner: Town of York. The sketch plan proposal is to review and discuss**

**potential conceptual improvements to the Long Sands Bath House including potential road alignment and public amenity possibilities.**

Dylan Smith said this application is in the conceptual planning phase. An existing conditions plan was used to illustrate this project during the hearing. Chairman Al Cotton explained the Planning Board's policy not to let the Town Planner carry the responsibilities of the planner when the applicant is the Town of York. In this situation, the Southern Maine Planning Commission serves as the planner.

Jim Bartlett, Chairman of the Bathhouse Building Committee, said there are seven people on the committee, including [renowned] landscape designer, Stuart Dawson. The group focuses on the bathhouse, and not the road or drainage infrastructure. Approvals by the Planning Board and EPA are expected by mid-September. Bids will open in November, and construction should start at the end of November. The bathhouse should be finished by May 1, 2016.

Town Engineer Steve Bradstreet is the design consultant and project manager-engineer. He reiterated that right now, the plan is conceptual. Per DEP, the building can only expand landward, not toward the ocean. It cannot expand beyond the building envelope, specifically, the sea wall. However, the building will expand north and south. The finished bathhouse will be available for three to five thousand people on the beach.

Route 1A, Oceanside Avenue, will be moved back away from the bathhouse to the location where it used to be, closer to the dwellings behind it. Instead of being a "straight shot," right past the bathhouse, the road will set back in the shape of an "eyebrow." The road relocation will give land back for the bathhouse [plaza]. That land, plus some being purchased by the Town, will be used for impervious, green, public space that will be great for benches, tables, and pergolas, where people can sit and look out over the beach and ocean. There will be a paved median, crosswalks, drop off areas, and diagonal parking.

Board member Gordon Eldridge introduced himself as an abutter. Later in the hearing, the Chair instructed Gordon to engage in the conversation but, as required under Maine statute, recuse himself from voting. Mr. Eldridge asked if the picnic tables at the Oceanside Store will remain, and if a certain letter from Mrs. and Mr. Macon had been received. Mr. Bradstreet said the project will not encroach on the Oceanside Store. The Town Planner acknowledged the letter had been received by the Town and the Planning Board, alike.

Several years ago, Al Cotton saw someone hit and seriously injured by a truck in front of the Oceanside Store. Steve Bradstreet answered that pedestrian safety is the No. 1 concentration of the Bathhouse Committee, and that the 60-foot crosswalk being reduced to 24 feet will contribute to safety.

Dean Lessard, Director of Public Works, said the State is budgeting \$500,000 for the relocation of the road and the improvements associated with ADA and drainage. He has

met with the property office in Augusta, and has met on-site with the region engineer and the chief surveyor.

Jim Bartlett said this is the only bathhouse the committee is working on. There is no other on the beach. The Town budget is \$676,000. A new building of this kind is very expensive. The current building cannot be rehabbed. It will have to come down. But the seawall cannot be altered in any way. It is a necessary part of the foundation. The footprint of the current building is being maintained and will be expanded north and south to accommodate more toilets, urinals, and lavatories.

The stormwater from the road and land goes into catch basins that are interconnected to two storm drains that outfall onto the beach. The current drains are undersized and failing. They are being replaced. The current building is also used for some storage. The lifeguards keep some equipment there. Space will be made in the new building for police presence, lifeguard equipment, first aid, and cleaning products.

The Chairman opened the **Public Hearing**. **Elaine Gosling** has her summer place at 175 Long Sands, across the street from the bathhouse. She asked about the road realignment, parking, and building height. Jim Bartlett responded that the traffic will be moved to the original part of 1A. Spaces for handicap parking, ambulances, and police will be on the bathhouse side of the road. The building height will be confined to what is allowable by code.

The building might be turned around to face the beach, instead of the road, Mr. Bartlett concluded. The Chairman closed the **Public Hearing**. The Board moved to the next application.

**16 White Birch Lane. Map & Lot 0085-0020-C. Owner: John Stauble. The proposal is to construct a 7,500 square foot building containing five 30-foot by 50-foot rental units and parking associated with the building.**

Dylan Smith introduced the application, a continuation of the May 14, 2015, public hearing, at which time the Board accepted the application as complete. The remaining issues include a stormwater signoff from the Town Engineer, which has since been received by email. The road maintenance plan is still unresolved.

Josh Stauble has emailed draft road maintenance agreements to the four abutters, three of which are commercial businesses, the fourth being residential. Applicant Attorney Greg Orso said one neighbor is resistant to the agreement. Mr. Orso recommended forming a road association, which, according to state statute, can share the cost of road maintenance, plowing, and culvert maintenance. The association must have an annual meeting with a quorum of three out of four members. He suggested making the road association a condition of the plan. Dylan Smith asked, instead, for it to be noted on the plan. Apart from that, Josh Stauble had recently bought a stop sign and put it in place, as requested by the Planning Board.

**Motion:** Peter Smith moved that we approve both the preliminary and final reviews for the application of 16 White Birch Lane, Map 85 Lot 20-C, subject to receipt of a signed letter from the Town Engineer relative to approval of stormwater management, and with a plan note indicating a road maintenance agreement has been made. Amy Phalon seconded. The motion passed 5-0.

**Maine Coast Lumber Amendment. 17 White Birch Lane. Map & Lot 0085-0020-B. Owner Robert Grant. The proposal is to review an after-the-fact amendment of an approved site plan for the expansion of a gravel area and other potential alterations around an existing building.**

Dylan Smith introduced this as a continuation from the May 14, 2015, Public Hearing. At that time there was a late submittal showing the planting of trees. There has been discussion with Code Enforcement about shoreland violations that have since been remedied. The application for this plan can be accepted for consideration.

**Motion:** Peter Smith moved that we accept the application as complete for consideration. Gordon Eldridge seconded. The motion passed 5-0.

Dylan Smith recommended moving the propane tank to a corner of the building, out of the 80-foot protective buffer. He also felt adding evergreen trees among the deciduous trees would make a four-season mixed buffer.

Application representative Ken Wood said on May 21, 2015, he met with Amber Harrison and Leslie Hinz, along with a representative from DEP. Amber Harrison, the Code Officer, deemed that the impervious area coverage and plantings meet code. Leslie Hinz, the shoreland officer, affirmed that the applicant has met shoreland requirements, as well. Addressing Dylan Smith's recommendation for deciduous plantings, Ken Wood said that River Birch, Red Maples, and Northern Red Oak are being added at 15 foot spacing, having replanted a total of approximately 28,000 square feet. The applicant's impervious coverage is 25.8%.

Ken Wood said there is a note saying grass pavers will be located next to the proposed gravel, on the east side of the building, to extend 33 feet from the edge of the building. The pavers are there to provide emergency access, creating more than 16 feet of travel width for the emergency fire trucks. The pavers also create a vegetated area.

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

**Motion:** Peter Smith moved that we approve both the preliminary and final reviews for the application from 17 White Birch Lane, Map and Lot 0085-0020-B, as presented, with final signoff from the shoreland administrator and CEO on shoreland requirements. Amy Phalon seconded the motion, which passed 5-0.

**York Colonial Center, 4 U.S Route 1; Map & Lt 006-0001, Owner Seacoast Property holdings. The proposal is a revision to an approved Route 1 use permit. The re-**

**vision includes installment of a fence, potential relocation of the sign, and modification of a plan note regarding allocation of affordable and workforce housing units within the approved development.**

Town Planner Dylan Smith introduced the application. The applicant hopes to add a fence, move the sign, and change the status of the overall housing from 50% Affordable Housing together with 50% Workforce Affordable Housing, to the full 100% Workforce Affordable Housing.

Dylan had looked “back” at Board of Selectmen minutes to see if there was quid pro quo about sewer coming from Kittery if there is a 50/50 housing-type split, but reference to that kind of arrangement was not in the minutes. It does not seem to have a bearing on the change being requested now, he said.

Applicant representative Christopher Badeau said that people who qualify for Affordable Housing have less income than the Affordable Workforce Housing applicants, and they are not applying for this housing. One hundred percent of the applications have come from the Workforce Affordable Housing category. That is why the change is requested. Patricia Martine, Director of York Housing Authority, has told Mr. Badeau she has “no issues” with this change.

The sign will be enlarged and the location will change. Town Code 16.5.2.4.c states that signs advertising multiple businesses can add individual signage with an overall maximum of 100 square feet. The proposed sign for this property is 98 square feet. The proposed location of the sign is on the plan. Mr. Badeau was told to permit the sign through the code office.

The fence will be installed behind the bus stop on Route 1, along the front of the project. It does not go in front of the business side of the property. It is designed to protect plantings and the bus stop from snow. It has granite posts with three rails.

**Motion:** Amy Phalon moved to accept the application as complete. Peter Smith seconded. The motion passed 5-0.

The Chairman opened the **Public Hearing**. Abutter **Bill Holler** owns and operates Three Buoys Sea Food next door. He did not know about the change in the sign. Route 1 has a 50 MPH zone in front of his restaurant. Some of his customers have to back out into Route 1. How much will the added signage blind the traffic entering and exiting his parking lot? Dylan Smith said the CEO has the responsibility of permitting the sign location, including dimensional requirements. Dylan encouraged Mr. Holler to be in touch with the code officer.

**Motion:** Peter Smith moved that we approve the site plan revision for the York Colonial Center, 4 U.S Route 1, Map & Lt 006-0001, including a) installation for a perimeter fence along the Route 1 side of the project, b) the Planning Board’s referral to the Code Enforcement Office for approval of design and placement of the sign, and c) approval of

the change from 50% Affordable Workforce Housing and 50% Affordable Housing to 100% Affordable Workforce Housing. Amy Phalon seconded. The motion passed 5-0.

**Cowboy Café, 4 Bog Road, Map & Lot 0090-0084-N. Owner: Charon and Kenny Churchill. The proposed ice cream stand includes renovation of the interior of an existing building, delineation of parking spaces on site, provision of outdoor seating, and a takeout window.**

Dylan Smith introduced the application. This is a minor site plan. The buildings are preexisting. The application is complete. He asked for a letter from Charon Churchill stating she is the owner of the property.

**Motion:** Peter Smith moved that we accept the application for review. Gordon Eldridge seconded. The motion passed 5-0.

Nick Lounborn from CLD Engineers represented Ken Churchill. This is a three-bedroom home that will be dedicated to an ice cream stand. The septic system design was changed to be appropriate for an ice cream stand. The lot is large, and the existing lot coverage is about 1.98%. Of 17 new parking spaces being added, one is paved for handicap use, and the rest are gravel. Pavement and a paved ramp are being added for ADA access between the handicap parking space and the deck. Mr. Lounborn reviewed Dylan Smith's Recommendations of June 9, 2015.

A. Following are Nick Lounborn's responses to Dylan Smith's comments, which are based on Site/Sub regulation 6.3 & 6.4 and Zoning 6.1, Non Residential Performance Standards.

- i. The applicant seeks a waiver of the boundary survey. The entire area is preexisting, and the proposed work is not near the boundary. The boundary of the shoreland zone is shown. The side property line between the ranch and York Environmental Systems is shown. The front property line along the road is shown.
- ii. A waiver is requested. There are no DBH trees at 24" or greater on the site.
- iii. A waiver has been requested of the HISS mapping. There is an approved septic plan. Nothing is impacting the water table or dictating a need for a HISS map.
- iv. The stormwater plan was submitted to the Town engineer.
- v. The setback lines will be added offset from the property line easement on the plan.
- vi. The drainage system is adequate for the site. Steve Bradstreet has agreed with the design.
- vii. DPW Director Dean Lessard has reviewed the traffic assessment. He said that traffic is minimal to this site.
- viii. Mr. Bradstreet's comments in (iv) regarding stormwater management pertain to Site/Sub Regulation 6.3.27.
- ix. The HISS waiver is discussed above (iii).

- x. The only residence in the area is Mrs. and Mr. Churchill's house, or possibly York Environmental Systems, if anyone lives there. Environmental Systems has no landscaping that abuts Bog Road. Shrubs can be added along the parking area on Bog Road. Peter Smith said landscaping should go on the plan.

B. Dylan's General Comments--Nick Lounbourn continued responding to the Town Planer's recommendations.

- i. The applicant will remove the portable restrooms from the plan.
- ii. The two trash receptacles outside on the backside of the building are for refuse disposal from customers. They are screened from the road view.
- iii. The picnic tables have been added to the plan. They can be moved to one side of the sidewalk so they are farther away from the street.
- iv. Information relative to the water meter location and material for the GIS is needed to determine the location of the Water District's water meter. Information from the GIS will be added to Don Neumann's plan and addressed accordingly. Police Chief Bracey is concerned about sight distances. Brush has to be cleared out, not just cut back.
- v. The ice cream stand will be open in the summer months only. Snow removal is not an issue.
- vi. The striped aisle for the handicap space is directly in line with the paved walk to the front of the building.
- vii. The eight gravel spaces on the far side of the building will be noted on the plan.
- viii. Mr. Churchill has done most of the improvements out of pocket. A call can be made to an agent at the bank for verification of financial capacity.

The applicant will prepare waivers. Board members plan to drive past the property independently, and not post a formal site walk. The application is continued to the June 25, 2015 Planning Board meeting.

**Motion:** Peter Smith moved to continue the application for Cowboy Café, 4 Bog Road, Map & Lot 0090-0084-N, to June 25, 2015. Amy Phalon seconded. The motion passed 5-0.

## **Other Business**

**Motion:** Peter Smith moved that we authorize the Chairman to sign the Findings of Fact for Hales' Landscaping, Tax Map 0094 Lot 0048. Gordon Eldridge seconded. The motion passed 5-0.

## **Adjourn**

9:50