

**TOWN OF YORK PLANNING BOARD
THURSDAY, NOVEMBER 10, 2005, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:00. Barrie Munro, Glen MacWilliams, Tom Manzi, and alternates Lee Corbin and Michelle Moody were present. Glenn Farrell and Richard Smith were absent. Steve Burns represented staff. Patience Horton took minutes. The chairman began by introducing the members of the board and the staff. The chairman asked Michelle Moody to vote in place of Richard Smith, and he asked Lee Corbin to vote in place of Glenn Farrell.

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

No one came forward to speak to the Public Input.

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

Steve Burns said that at the prior meeting, October 27, 2005, Andrew Merlino's request during the Public Input for a 5-foot extension of a driveway and utility easement had been deferred to this meeting. Andrew Merlino's representative had visited Steve Burns's office in the interim with a statement from an engineer saying that the change would cause no substantive change to the plan. It was a very minor change. Steve Burns recommended that the board approve the request.

Motion Tom Manzi moved to approve the Andrew Merlino field change subject to Town Engineer John Treat's approval. Glen MacWilliams seconded the motion, which passed, 5-0.

3. Application Reviews and Public Hearings

- Irving. 454 U.S. Route One. Map & Lot: 0048-0023. Public Hearing to amend Route One Use Permit to modify outdoor storage/display.

There was no one from Irving present. Barrie Munro suggested deferring the review. At Michelle Moody's suggestion, and because a Public Hearing had been posted, the public hearing was opened. Direct Abutter Doug Kean said that he wanted to see what Irving is proposing, but knew that nothing had been submitted. There was a discussion among board members about whether "tabling," "postponing," or "deferring" action should be taken.

Motion Glen MacWilliams moved to postpone the Irving hearing until all the materials are available. Tom Manzi seconded the motion, which passed, 5-0.

- **Gittins Family Trust/Moulton Brook Storage. 65 Bog Road. Map & Lot: 0091-0022. Public Hearing to amend the Site Plan to add 2 storage buildings, woodworking shop space, and add restroom facilities to existing shop.**

Bill Anderson of Anderson Livingston Engineers said that the site visit with the Planning Board had gone well. He showed an updated plan outlining the channel across the property, the 50-foot setback from the channel, the location of the proposed building, the 25-foot buffer, and the Stream Protection District. The location of the new building had been shifted away from the wetland.

Chairman Barrie Munro opened the Public Hearing. Abutter Christopher Denen asked if a well would supply water, and if there would be septic. Bill Anderson explained that the septic was already installed but not to be connected, waiting for the new addition. Christopher Denen said that the water in that area was not suitable to drink, and that he softens his water. Steve Burns said that having potable water was not a requirement for a non-residence, according to the building code. Christopher asked about the wetlands. Glen MacWilliams said that the Town map is not very accurate with the location of the wetlands, but the Planning Board has checked where the wetlands are, and the buildings are not going to be in the wetlands. Christopher Denen said that he had been in an accident three nights prior, and he publicly thanked the Town services (ambulance) and Mr. Gittins for their help.

Motion Tom Manzi moved to accept the Moulton Brook Storage application as complete for purposes of review. Lee Corbin seconded the motion, which passed, 5-0.

Town Planner Steve Burns said that the upstream wetland has yet to be measured. Lee Corbin was concerned about Buildings 7 and 8, which seemed very close to the stream. She asked if that was upland. Bill Anderson replied that all the buildings were on forested upland with a high water table. Glen MacWilliams commented that the applicant had done a good job locating buildings on upland.

Motion Lee Corbin moved to approve the change of plan as submitted and discussed, with one plan note amendment. Glen MacWilliams seconded the motion, which passed, 5-0.

- **Lost World Disc Golf. 1771 U.S. Route One. Map & Lot: 0100-0038. Public hearing to discuss use and determine whether or not it is a permitted use.**

Chairman Barrie Munro said that the initial decision is whether or not **Disc Golf** is a permitted use in the Route 1 zone. He asked applicant Bob Emman to describe the game. It emulates golf, but is played with Frisbee-like discs, different examples of which Bob Emman passed around to the Planning Board members. The course involves about one-third of the traditional golf course acreage. Two 18-hole courses will fit on 45 acres. The terrain remains natural in that there is very little clearing. If it is played at night, the baskets are lit via solar power.

Barrie Munro returned to the issue of whether Disc Golf is an outdoor sport/amusement facility conducted for profit, which is not permitted in the proposed location of Route 1, Zone 6 (Route 1-6), but is permitted in Route 1-4, near the access to York's Animal Kingdom. Regular golf is permitted in both zones, he said. Lee Corbin said that she leans toward accepting Disc Golf as regular golf. Regular golf takes 100 to 120 acres, and this proposal takes about one-half of that, she said.

The chairman opened the **Public Hearing**. Helen Rollins Lord asked if there would be a buffer, so that the field is not seen from the road. The public hearing was closed.

Tom Manzi asked about the potential for pollution, with fertilizer going into the runoff and drainage. Bob Mennen replied that he only applies a little grass seed and hay, and no fertilizer. There probably would not be any mowing.

Chairman Barrie Munro asked the board if what was proposed was a golf course or an outdoor sport facility for amusement and profit. He said that when the Route 1 zones were amended, nine or ten years ago, York was adamant that Route 1 should not look like Route 1 in other communities. Tom Manzi said that for the Disc Golf course to be in that zone, the course would have to look like a golf course, not like an amusement park, and that applies to signage and landscaping, as well. Glen MacWilliams said that the facility would have to have a natural environment with no mowing. It would have to look like a park. The chairman asked for a motion to deal with the context of 4.1.1.4.

Motion Glen MacWilliams moved that Disc Golf be considered in the same usage category as regular golf. Tom Manzi seconded the motion.

In discussion, Glen MacWilliams correlated disc golf with regular golf played, in some places, in the rough, which he liked.

Vote The Motion allowing Disc Golf in Route 1-6 passed, 5-0.

The application fee was discussed. Town Planner Steve Burns thought the \$9,000 fee for a golf course was excessive. Michelle Moody suggested having the Selectmen hold a hearing to establish a fee, but Steve Burns thought that the Planning Board could figure it out. Looking at the perimeter figures, Lee Corbin said that a golf course is five times the size of the disc golf property. She suggested charging one-fifth the fee, especially since chemicals were not being applied. Glen MacWilliams suggested charging a fee for putting in the building. Steve Burns suggested charging \$500. Barrie Munro added that if the amount does not cover the engineering review and other expenses, the applicant would be expected to pay more.

4. Check Completeness of New Applications. Time limited to 15 minutes per application.

- **York Village Business Center, 14 Cider Hill Road (Route 91). Map & Lot: 0053-0009. Application for Final Approval for a Route One Use Permit and condominium conversion for a mixed-use commercial development.**

Chairman Barrie Munro explained that there had been problems for the last year or so in getting complete applications. He said that P. 190 of the Town of York Zoning Ordinance, §18.1.4.2, Revised November 2, 2004, would provide the guidelines for application completeness.

Jim Hanley of Engineering Alliance spoke on behalf of York Village Business Center. He began a narrative description covering §18, and referred to a cover letter he had created and given to the Town Planner specifying fulfillment of the requirements. The different issues were collated and tabbed in a presentation book. Barrie Munro asked to go through the §18 items one at a time, beginning with a) Signature Block and going along to b) Project Name, c) perimeter (for which Jim Hanley said there were two plans, one for external and one for internal), d) date, scale (on each sheet), e) locus map with zoning boundaries, f) locus map, g) documentation of the changes, and h) ownership information (which had gone to Steve Burns). Jim Hanley responded positively that each of the items was represented in the presentation. He said that most of the information had been reviewed with the preliminary review. Chairman Barrie Munro specifically asked about k), the location and dimensions of all proposed development, including structures and buildings.

Jim Hanley said that he had the DEP deed, and the DOT permit draft had been received earlier that same day. He said that the water approval condition should be all set. Tom Haskell of the Sewer District had been going back and forth, because of the study of the downstream infrastructure was not yet complete. Barrie Munro asked about the building elevations, materials, and colors, including a depiction of how the buildings would look from Rte 1. Jim Hanley said that six different buildings are planned for the site. Instead of generating facades, he said he would rather approach the board with design guidelines about colors and elevations for the buildings. He did not want to make those decisions without tenants. It was too early in the stage to determine those details. Barrie Munro said that in that case, every building has to come back for review, and samples of materials have to be brought in every time. He suggested the applicant return on December 3.

Glen MacWilliams said that the Planning Board calls for construction drawings showing size, scale, and character. Barrie Munro told Jim Hanley that variety in the appearance of the buildings would make them better than if they were all the same. Jim Hanley said he planned to come back with a first building that will meet the requirements. Barrie Munro agreed, as long as the board can approve them, one by one. Lee Corbin reminded the applicant that the Business Center will be the keystone project for the town, and that it is important to get something in the character with how the town will grow and develop. She felt it was important to know about how the York Village Business Center will affect

the employees and households. How many employees will come in, because of it? she asked. Barrie Munro asked that the tax value and benefits for the town be estimated. He asked if the applicant was requesting any waivers. Jim Hanley answered no. Glen MacWilliams asked about landscape architect Terrance Parker's involvement, and Jim Hanley answered that the plans will have Terrance Parker's stamp. The board agreed that the applicant would return on December 8, 2005.

Lee Corbin wanted to know about the easement across the Sanford Institution for Saving (SIS) property, which abuts this property. Pointing to the area on the plan, Jim Hanley said that by shifting the SIS access farther up Route 91, there would be a better intersection at the corner with Route 1. A parking easement and modification of the plan would allow SIS to access its property across the Business Center's property. He added that he believed the Department of Transportation would be going through with its intersection project in that area next spring and summer.

- **Sanford Institution for Savings. 408 U.S. Route 1. Map & Lot 0053-0008. Application for a Route One Use Permit for a bank on the site of the former Mandarin Inn.**

Andy English of Lassel Architects said that he did not understand the procedure for coming before the Planning Board and therefore, mistakenly, had not brought plans. Chairman Barrie Munro said that he would not follow Article 18.1.4.2 for the completeness check. Item h) concerned the easement for the shared access. Item j) had to do with the unknown location of a pipe. Sidewalks are not adequately addressed, said the Chairman, adding that the board is tying them in with the York sidewalk plan. He warned that if the applicant returns, and the landscape plan is not signed, the board would not go forward. Andy English explained that the civil engineer had a new baby, which was causing disorganization in his office.

Barrie Munro referred to the construction drawings, instructing the applicant to come forward with the samples of finish materials. Steve Burns said that he had a fax from the fire chief about the burning of the old Mandarin restaurant, scheduled for the upcoming Saturday. Steve Burns asked about the dumpster location. Andy English explained how the dumpster had been moved to a logical place in the back of the property. Michelle Moody asked about the outdoor recycling containers. Andy English explained the procedure for shredding and removing paperwork. Michelle Moody was also interested in the impact the bank would have on the town. Lee Corbin wanted to know the specifications about lighting. Michelle Moody added that the lighting should be energy efficient. She wanted to know if they will be on all night, or if they will be on a timer of any kind.

Barrie Munro told the applicant that he likes to see organized lists of findings of fact. He commented that the applicant had shown due diligence and could return for the December 8 review. Steve Burns said that he planned to have a meeting first with everyone who is coming back on the 8th, and he then would go through the materials ahead of time.

There was a short break.

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

Chairman Barrie Munro stated that the task at hand was to decide whether or not the application was complete for purposes for review. He pointed out that green notebooks had been prepared and handed out to all the board members. Steve Burns noted the applicant's checklist, drawing attention particularly to Items 7 and 12.

Project engineer JoAnn Fryer went through an organized list of site plan subdivision sections showing, one-by-one, where the information required by the referenced sections could be found, thus contributing to the completeness of the packet. Item 22, flooding, showed that the FEMA flood study indicated that the property is not in the 100-year flood boundary. Item 6.3.27 indicated that a waiver is requested for a storm water drainage plan. No. 33 indicated that the property would not yield 400 trips per day. Item 6.4.6, landscaping, requires a waiver, because there is no place to put landscaping on the site. There is no proposed open space, as Items 6.4.9, 10, 11, and 12 suggest. Tom Manzi asked about the sidewalk in front of the Kearsarge House. She answered that the sidewalk is public and not part of the proposed change.

Glen MacWilliams asked about the architectural requirement of having the materials listed and the plans stamped. John Merkel, of TSR Architects, as introduced. He said he would be sure to certify and stamp the exterior elevations. Builder John DeStefano said he had met with the Historic District Commission (HDC) about requirements for the advisory letter from that board. He said that he believed the HDC requirements had been met. Glen MacWilliams said he wanted to make sure HDC is assured of documentation of materials and appearance.

HDC Chairman Helen Rollins Lord said that a composite had previously been proposed as a siding material for the Kearsarge House. The change to clapboard siding had been made, and she wanted to make sure it had been changed in the Planning Board's documents, as well. Glen MacWilliams said that his records said Hearty Plank (composite) would be used. Architect John Merkel said that he believed the siding was being changed to shingles. Glen MacWilliams explained that the information formed an important stepping-stone that had to be ready for the Planning Board.

- **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.**

Barrie Munro said that Atlantic House had some separate issues from those already discussed concerning Kearsarge House. JoAnn Fryer said the major difference is in the upgrade to the sewer work, which had been worked out with the Sewer District. Also, a sidewalk will be constructed to Main Street, and a change in the storm drainage system is

being worked out with Bill Bray. The developers will be paying all the costs for these upgrades, she said, and all will be finalized next week.

Steve Burns said that traffic flow on Beach Street would have to go one-way toward the Union Bluff. Barrie Munro said that the Historic District Commission architectural details have to be worked out. John DeStefano referred to Tab 2 of the presentation materials that had been given to the board, as had the HDC advisory letter. He said he did not understand restricts in 7.5.1.6 a) through d). He felt he had complied with Articles 7 and 12. Barrie Munro said that affirmation was needed, and that the board did not understand the parking plan. Steve Burns said that the density was the larger concern. A document about parking exists. John DeStefano asked for summarization about the issues. Barrie Munro stated that all were in agreement about the applicant's return for review on December 8.

Chairman Barrie Munro complimented JoAnn Fryer's excellent presentation

- **York Storage Solutions. 1950 U.S. Route One. Map & Lot 0100-0029. Application to raze the former Elks Lodge and construct two large storage buildings.**

Chairman Barrie Munro said that the application had already gone before the Appeals Board, because it had required a waiver, being a commercial activity exceeding 30,000 square feet. Engineer Ken Wood said that he would be requesting a waiver for providing elevations. Glen MacWilliams said that the building was huge and he would like to see what it would look like. Barrie Munro commented on the catch basin and asphalt parking lot. Ken Wood answered that there would be no offsite increase in the runoff. Instead, the water would be routed to the catch basin. Barrie Munro commented about a stream that runs out of the upper end of the property. Steve Burns identified the boundary of the shoreland zone.

Commenting on the planting, Barrie Munro said that the board might wish to request something different be done with it. Ken Wood said that he would itemize the evergreen and the deciduous trees. Barrie Munro said that the plan had to be certified by a landscape architect, or else a waiver has to be requested. Steve Burns said that an abutter wants buffering, and not a chain link fence between the properties. Tom Manzi wanted to know what would be stored in such a building. He was concerned about fire protection, security, and leakage. Barrie Munro added, "flammables." Applicant Jonathan Hall said that his is one of the largest storage companies in the State of Maine, with facilities in Wells and Sanford, as well as Halifax, NS. Michelle Moody said that there were storage units in town that have no fencing. The board needs to question whether or not fencing detracts from the aesthetics.

The chairman said that the applicant would return on December 8.

Minutes. Review and approve draft minutes.

The review of the **October 20, 2005** was deferred at Michelle Moody's recommendation, because not all of the three members in attendance at that time were present.

In the **October 13, 2005**, Minutes, Lee Corbin suggested correcting a typographical error in the Moulton Brook application.

Motion Michelle Moody moved to approve the October 13, 2005, Minutes as corrected. Tom Manzi seconded the motion, which passed, 5-0.

Business was interrupted by **Historic District Commission Chairman Helen Rollins Lord**, who asked if her associate, **Joe Lipton**, could speak to the board about an important item that had not had a chance to be addressed during the Kearsarge or Atlantic Houses applications. Allowed to do so, Joe Lipton then told the board that he wanted to make sure the applicants were going to be accountable to what they said. He said that the advisory letter, as sent, is concerned with the appropriateness of the exterior. The second step, the Certificate of Appropriateness is an advisory letter about following the guidelines. Steve Burns said that the first letter says that the buildings have historic significance. The second one would ask for the HDC opinion. Joe Lipton then said that the plans were different than what they saw.

Motion Glen MacWilliams moved to request the 7.5.1.4 (a) letter from the York Historic District. Tom Manzi seconded the motion, which passed, 5-0.

The board went back to discussing the **October 27, 2005** Minutes. Barrie Munro said he had found an issue with the recording secretary's treatment of Item j), which he was not sure would be significant or not, should the matter return to the Appeals Board or go to court. What the secretary had recorded was incomplete compared to what he had written down that he had said. Steve Burns suggested attaching the minutes to this discussion, and then refer to the videotape and the Findings of Fact, as well. Glen MacWilliams commented that the minutes were roughly accurate. The chairman asked for a motion combining the different forms of documentation.

Lee Corbin worked on structuring a motion two times, neither of which was seconded. The first involved correcting Item j) and incorporating by reference the Findings of Fact. That motion was not complete. Her second motion was to approve the minutes as drafted with Item j) specifically incorporated to the Findings of Fact and Conclusion of Law, as well as incorporation the video by reference. After discussion, Lee Corbin withdrew both versions of the motion. It was understood that the Findings of Fact, the Conclusion of Law, and the video of the meeting would all become incorporated into the Minutes.

Motion Lee Corbin moved to approve the Minutes of October 27, 2005, to include the Findings of Fact and the Conclusion of Law, dated November 10, 2005, and signed by Planning Board Chairman Barrie Munro. Furthermore, the Minutes are to incorporate by

reference the videotape of that October 27, 2005 meeting. Michelle Moody seconded the motion, which passed, 5-0.

Motion Glen MacWilliams moved to approve the Findings of Fact and the Conclusion of Law as amended in Sections 5 and 9, which reference the video of the October 27 meeting. Barrie Munro seconded the motion, which passed, 5-0.

Other Business/Adjourn

Steve Burns discussed several things including an issue with Freddy Flarrey and the revised chapters to the Comp Plan. The meeting adjourned at 10:30.