

York Planning Board
Thursday, May 14, 2015, 6:00 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 6:05. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe, and Gordon Eldridge (representing York Beach). Alternates Amy Phalon, Esq. and Wayne Boardman were present, but did not vote. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Work Session from 6:00 to 7:00 P.M.
2015 Comprehensive Plan Amendments

The Board reviewed and edited two actions for the 2015 amended Comp Plan written by Kristie Rabasca, including Mandatory Septic System Inspection and Mandatory Storm Water Standards, which requires use of new intensity and duration frequency data from the Cornell North East Regional Climate Center for Flooding Evaluation.

Motion: Peter Smith moved that we forward the proposed amendments from the Storm-water Chapters of the Comprehensive Plan for Public Hearing on June 25, 2015. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith moved to insert the following recommendation into Volume 1 of the Comprehensive Plan, specifically the section entitled “York Village Center Land Use Area, No. 8” on the future land use map. The new recommendation would be Recommendation No. 11 and will be forwarded to the public workshop on June 25, 2015. Gordon Eldridge seconded. The motion passed 5-0.

The regular Planning Board meeting started at 7:00.

Public Forum No one came forward to speak

Minutes Review of the meeting minutes from April 23 was postponed until the next Planning Board meeting.

Field Changes

Fisherman’s Dock 674 U.S. Route 1; Map & Lot 0091-0004-A.

Applicant engineer Ryan McCarthy requested two field changes under Section 5.6.5. CEO Leslie Hinz had red flagged the proposed hedge of Rosa Regosa growing along

Route 1, because it is not a native species. The applicant asked to change it to a privet hedge.

Motion: Peter Smith moved that we approve this field change for Fisherman's Dock regarding installing private hedge along Route 1 in replacement of Rosa Regosa. Todd Frederick seconded. The motion passed 5-0.

Ryan asked for a second field change. Because the kitchen does not have enough space, the owners want to put one of the freezers in the back corner behind the building. It won't affect parking or site layout. It is weatherproof and won't have a building over it. It is not within the Shoreland setback.

Motion: Peter Smith moved to approve placing the six by six-foot walk-in freezer unit to the designated location behind the Fisherman's Dock building, which is at 647 U.S. Route 1, Map 91, Lot 4A. Todd Frederick seconded the motion. The motion passed, 5-0.

Application Reviews and Public Hearings

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

Al Cotton, Lew Stowe, Amy Phalon, and Gordon Eldridge attended the May 8, 2015 site visit.

Dylan Smith's memo indicates that Plan Note 2 is not specific enough. The applicant should include all the uses that are listed specifically in the industrial use category for the GEN-1 district. Project engineer Ed Brake agreed to the change.

Dylan's memo focused on the boundary of the Shoreland, which the applicant had taken off the zoning map, instead taken by a Maine licensed site evaluator. The Shoreland boundary should be properly field delineated because it is so close to the new building. If the building is within the Shoreland boundary, there are ordinance requirements that go into effect.

Section 6.1.8.3 allows a reduction in a buffer from 20 feet to 8 feet. Ed Brake is requesting a reduction in the buffer to 10 feet to allow for the swale that runs along the eastern property line. The Board agreed with that.

In his comments, Dean Lessard called for establishing a formal road association to perform road maintenance. Dean also requested a stop sign for the intersection of White Birch Lane and Birch Hill Road. Ed Brake agreed to both requests. The sight distance of 350 feet was met according to Ed Brake's approximate measure of 400 feet, which he paced out before the meeting.

The Chairman opened the **Public Hearing**. **Sarah Sanford** stated that she does not want to see medical marijuana products manufactured in the proposed building. She also felt she should not have to pay for road maintenance if she does not use the road.

Charles Speer, 44 White Birch, said that industrial zoning could invite 24 hour a day operations. He wants to see the hours limited so they don't go around the clock. The possibility of including the processing of marijuana in the new building is out of the question. The Chair **closed the Public Hearing**.

As he had at the prior meeting, Lew Stowe contemplated the question of whether more than one building could go on this site in this zone. During the upcoming week, Dylan Smith plans to speak to Code Officer Amber Harrison and contact MMA to get their opinion on the situation.

Ed Brake read from four letters concerning the traffic study. Two traffic engineers, the DPW, and the Town Attorney all wrote that traffic should not be a concern of the Planning Board, because it is a civil matter, being a private road. Dylan Smith said a major traffic study is not necessary, but the road needs to be in good working condition.

Motion: Peter Smith moved to accept the waiver request to not require a HISS analysis for 16 White Birch Lane, Map & Lot 0085-0020-C. Todd Frederick seconded. The motion passed 5-0.

Motion: Peter Smith made the motion that we accept the waiver request for Item 6.3.3a.7, requiring a High Water Table Analysis, as found in 7.4.2, for 16 White Birch Lane, Map & Lot 0085-0020-C. Todd Frederick seconded the motion. The motion passed 5-0.

Motion: Peter Smith moved that we accept the waiver request to reduce the requirement for screening along the eastern property line from 20 feet to 10 feet for 16 White Birch Lane, Map & Lot 0085-0020-C. Gordon Eldridge seconded. The motion passed 4-1 with Todd Frederick opposed.

Motion: Peter Smith moved to continue to the Public Hearing on 16 White Birch Lane, Map & Lot 0085-0020-C, to the meeting on June 11, 2015. Gordon Eldridge seconded. The motion passed 5-0.

Maine Coast Lumber Amendment. 17 White Birch Lane. Map & Lot 0085-0020-B. **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.**

This hearing continues from April 9, 2015. There was a site visit on May 8, 2015, with Amy Phalon, Gordon Eldridge, Al Cotton, and Lew Stowe attending. The plan has not

been accepted as complete, making this a continuation of a conceptual sketch review. The existing, approved site plan's from 1998 is the baseline for this application.

Code officer Amber Harrison has accepted the re-vegetation plan for the 80 foot buffer strip in the southwest corner of the property. It will be planted with trees, instead of grass, as on the plan.

Peter Smith said that it doesn't seem reasonable for a fire truck to maneuver through a 12-foot corridor in northwest corner of the lot. Ed Brake said that he has an Email from the Fire Chief saying that 12 feet is sufficient.

A visit from DEP is planned to look at a pipe said to discharge a reddish liquid.

There are four propane tanks on the property; the three in the Shoreland zone have been there for 15 years or more. Another is planned, but will not go in the Shoreland zone.

Dylan Smith said a wetland survey will be used to field-verify the distances of the Shoreland boundary. Ed Brake argued that since they are reclaiming gravel area and reducing the fill, the wetland boundary does not affect what they are doing and, therefore, is not necessary.

Applicant attorney Durwood Parkinson argued against the wetland survey. In 5.6.3, "The Board's scope of review is limited to the portions of the plan that are proposed to be changed, and other areas that are affected directly or indirectly by the change." He also commented, "The scope is not supposed to include other issues, and since this is outside the wetlands, it is not necessary to have a wetland survey."

Lew Stowe responded, saying that the scope is the real estate and all the trees. It would be important to see why Amber wants [the wetland survey] done.

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

Dylan reconfirmed with the applicant that the 80 foot buffer in the back, where the plan shows grass, will be re-vegetated with trees.

Motion: Peter Smith moved that we continue the application of Map & Lot 0085-0020-B to our meeting on June 11, 2015. Todd Frederick seconded. The motion passed 5-0.

~~**416 Ridge Road Site Plan Revisions. 416 Ridge Road. Map 0094; Lots: 0084A & 0077. The proposal is to amend the parking lot layout for the property at 416 Ridge Road. The changes are required to accommodate the new access roadway planned by the Town of York in conjunction with the development of the police station on the abutting property to the north.**~~

Anchorage Motor Inn. 265 Long Beach Avenue. Map & Lot 0036-0096. The proposal is to revise the approved site plans parking spaces around an elevator addition to allow for greater ADA accessibility and to modify lot coverage areas.

This application was reviewed last fall. This modification is slight, allowing for a ramp, ADA parking, and additional vegetation in the parking area.

Motion: Peter Smith moved to accept the application for consideration. Todd Frederick seconded. The motion passed 5-0.

Bill Anderson explained how the parking configuration would change, allowing for a ramp. There will be no change in the number of parking spaces, and a slight change in impervious surface.

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

Motion: Todd Frederick moved to grant a waiver of the professional engineer certification for this application as specified in Site Sub 4.7. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Todd Frederick moved to approve the amended application of Anchorage Motor Inn, 265 Long Beach Avenue. Map & Lot 0036-0096. Peter Smith seconded. The motion passed 5-0.

York Hospital Site Modifications 15 Hospital Drive Map 0050; Lots 0011, 0022, 0023, 0023-A, 0024, 0026, 0030, 0032, 0033, 0034 & 0035. The proposal involves building and site modifications to and near the Strater Wing of York Hospital. The site plan includes revisions to landscaping, building alterations, parking lot modifications, and construction of a new chiller pad and a new generator pad.

Motion: Peter Smith moved that we accept this application for review. Todd Frederick seconded. The motion passed 5-0.

Applicant representative Eric Weinberg explained that the old entrance canopy on the north side of the Slater Building will be replaced by a “garden room” to be used as a family waiting room. The “chillers” on the south side will be replaced by a multi-level birthing center. Six parking spaces are being removed, replaced with green space. The pavement and curb are being taken out and replaced flush at grade.

Two waivers have been requested, stormwater management and performance guarantee. They feel they met that criteria for historic and archeological when they were approved for the surgery center in 2007, and do not need a waiver. Dylan Smith has confirmed that, based on the merits of the application, the waiver for a performance guarantee seems reasonable.

One pad will hold an emergency generator 28 feet from the westerly property line. Generators are tested once a month for 20 minutes on weekday mornings before operating room procedures. The new chiller pad will be 85 feet from the nearest property line next to Williams Street. Noise should not be an issue in that location. Emergency generators are exempt from the town noise ordinance.

This project will result in the loss of nine spaces, which is 1.5% of the total of 636 spaces. The hospital needs less parking now that it has satellite offices in Kittery, Berwick, and Wells.

They will be connecting to existing sewer services. Sewer plans have been reviewed with Tim Haskel, but he has not sent a comment letter. The Town engineer has reviewed the Stormwater application. The applicant already has a Maine DEP site location permit. They are reducing the amount of runoff. Dean Lessard has verbally stated he has no issues with the drainage management systems.

The Chairman opened the **Public Hearing**. **Steve Pappas** of Lindsey Road asked if there is anything that will affect the Loving Kindness Way entrance. Steve Pelletier answered that the construction, the renovation of the parking spaces, and the location of the third generator are on the other side of the building.

Kinley Gregg said she hears chillers from her house's side of the hospital. There is a sound attenuation fence along the boundary, some of which is a stockade fence with a gap in it. In the summer, when the AC is "cranking," she says she sits in her yard with earplugs. The noise is the issue. She expected the hospital to repair a fence buffer between the hospital and her house. The hospital was obligated to construct and repair the buffer fence as a condition of a prior approval. Kinley registered a complaint at Town Hall about this infraction. The Chairman closed the **Public Hearing**.

Dylan Smith said that repairing the buffer next to Kinley Gregg's house and the stormwater issues are the only outstanding issues. Nothing has been received from the Town Engineer about stormwater for the Board to evaluate.

Motion: Peter Smith moved to continue the application to the May 28 work session. Todd Frederick seconded. The motion passed 5-0.

Hale's Landscaping. 1114 U.S. Route 1. Map & Lot 0094-0048. The proposal is to develop the property to accommodate a commercial landscaping business that will include a building, associated parking, and material storage areas.

This is a Route 1 Use Permit. The lot is undeveloped. This business use is comparable to a garden center or nursery and is permissible for this district. There are buffering and stormwater issues.

Motion: Al Cotton asked for a motion to accept the application. Peter Smith so moved. Todd Frederick seconded. The motion passed 5-0.

Engineer Ryan McCarthy represented the applicant brothers Steve and John Hale. The topography on this property is very steep. The building is “hidden” from Route 1 and can hardly be seen. The parking requirement for office, visitors, and employees is roughly 9 spaces, and they have established 11.

A portion of the site has been cleared. Stormwater coming from the top of the hill will sheet down toward Route 1. Everything on the other side will sheet toward the back of the property where there is a large wetland. Infiltration basins are added to mitigate peak flow. Stormwater will be collected and channeled into an infiltration pond, then into a ditch running north along Route 1. The stormwater design had been submitted to the Town Engineer, who responded that he has no concerns with the design.

The landscaping at the side and rear will remain a thick, natural buffer. The front has been cleared and will be landscaped with the correct amount of tree units. The side of the building facing Route 1 looks like a red barn with a barn door. The rest of the structure is a metal fabricated building. Customers will come in from the front. Commercial business vehicles will come around the back where landscaping materials are stored.

Motion: Peter Smith moved we schedule a site visit for the application for 1114 U.S. Route 1. Map & Lot 0094-0048 for May 27 and continue this application to our meeting on May 28. Upon doing that, we are waiving the 17-day requirement for new material to be submitted. Todd Frederick seconded. The motion passed 5-0.

- The applicant has several other items to discuss with the board.
- They are looking for a waiver on the performance guarantee.
- They seek a waiver for the HISS.
- There is a comment about the lighting. They don't show a photometric plan, but the light fixtures are minimal and angled down.
- Also, the infiltration basin by the road has a ten foot wide stone emergency overflow. Per 6.3.9.1 there is a question about whether it is allowed in the front buffer yard.

Adjourn

11:15