

York Planning Board
Thursday, May 9, 2013, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Todd Frederick called the meeting to order. A quorum was determined with five people voting: Chairman Todd Frederick; Vice Chairman Dave Woods; Board Secretary Lew Stowe; Torbert Macdonald, Jr.; and Brud Weger. Al Cotton, Jr. was present, but not voting. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Lew Stowe said that the board has received no new information about the police station/connector road.

Public Input

Open to the public to address issue other than topics scheduled public hearings.

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

Minutes from April 25, 2013 were reviewed and corrections were requested.

Motion: The Chairman asked if there is a motion to approve the minutes of April 25, 2013. Torbert Macdonald said, "So moved," seconded by Dave Woods, and passed unanimously.

Application Reviews and Public Hearings

Ellis Short Sands Park Public Restroom Facility. 16 Ocean Avenue. Map & Lot 0024-0049-A; Replacement/Reconstruction of the Ellis Short Sands Park public restroom facility

Christine Grimando introduced the application. Landscaping and lighting are the outstanding issues. **Scott Donovan** and **Steve Towne** from Oak Point Engineering in Portsmouth are the architect and engineer. Architect Scott Donovan spoke first. Minor changes have been made to the design since the last hearing. They have worked with DEP at the State level for Sand Dune zone permitting. Physically, the building is split in half with men's and women's sides. Each side has a family restroom that can be heated in colder weather. Overhead doors at each end of the building prevent the building from winter weather damage. That system has a leakage rate that is 5% of the allowable leakage per FEMA. The roofing material has a 50-year guarantee against high winds.

All the existing site lighting will remain. This project focuses on the building only. The only new building lighting are security lights at the entranceways. They are time-activated or daylight activated.

Engineer Steve Towne said the building is in the York Beach Village district, the Shoreland zone, the Flood zone, and the Coastal Dune zone. The parking lot will be upgraded to meet ADA standards. Eight spaces are required but the parking lot size will not be changed. It will be restriped. Signage will be added. The building is served by sanitary sewer to a pump station. Utilities are being upgraded to operate year round. The building will cause an increase in public use, for which safe zones and crosswalks will be added. We are providing a crosswalk from the downtown area, an elevated passage to the boardwalk, and a safe zone around the building, he said. Two raised planters have been added to the landscaping plan. They will be placed in a central position away from the corners of the building. Todd Frederick said there will be a note saying that the plantings will be maintained in perpetuity.

The chairman asked for a motion to open the **Public Hearing**. Torbert Macdonald said, "So moved." **William Burnham**, Chairman of the Board of Ellis Short Sands Park, said the same design was turned down by DEP in the late '90s. Guidelines have changed. That design is revamped here. The former design had 14 fixtures. This has 22. Ellis Short Sands Park Trust fully funds this project without Town finances. Torbert moved to **close the Public Hearing**.

Brud Weger said this has turned into a great project. The glazing is in keeping with the York Village design standards. Windows are at the certain height for privacy. He suggested putting in three lavs in the women's side along the long counter, with ladies spending more time at the mirror. The ceiling height has as low a profile as possible. Brud said he likes the cement board and shingles. "Nice job."

Todd Frederick asked about the relocation and screening of the dumpster, which had been requested at the last meeting. He thanked the trustees and the technical crew. The project will add to the civic life of the town. The lack of bathroom facilities has been a problem. Al Cotton said the building creates a spectacular view through the arch. The timing is good for giving the Town a boost toward renovating the other restroom facility at Long Sands.

Dave Woods asked if radiant heat had been installed in the concrete floor. The architect said there is no thin-tube radiation. They are only putting in what the budget will handle. Dave said radiant tubing could be imbedded in the concrete for a small cost with huge savings in the future. Christine Grimando said it is possible to build that into the design.

Engineer Steve Towne said that a year ago, DEP passed the permit exemption for minor expansion of a structure within a Sand Dune zone. Dave Woods said we might need a waiver required for the lighting submittal.

Motion: Torbert Macdonald moved to approve the waiver for the High Intensity Soil Survey permit. Dave Woods seconded the motion, which passed 5-0.

Motion: Brud Weger moved to grant a Flood Plain permit regarding the Ellis Short Sands Park. Dave Woods seconded the motion, which passed 5-0.

Motion: Torbert Macdonald moved that we approve the application for Ellis Short Sands Public Park, 16 Ocean Avenue, Map & Lot 0024-0049-A, with the plan notes as noted tonight and allowed capacity to place the heating elements as approved. The plan notes are that the lighting will be in compliance with 6.1.5; the plantings will be maintained in perpetuity; and that the dumpster will be relocated and its location brought to the board. Dave Woods seconded the motion, which passed 5-0.

York Colonial Center, 4 US Route One. Map & Lot 0086-0001. Preliminary review of a site plan and subdivision for a building with retail and office space on the first floor with apartments above

Town Planner Christine Grimando said the board has seen iterations of this before. This is the combination of retail/office space on the ground floor and affordable housing apartments above. Per 5.3.6, we can accept it for preliminary review, she said. The housing is subject to higher density standards. Affordable housing calls for sewer connection. Lew Stowe said there are no guidelines for affordable housing.

Motion: Lew Stowe said, "I recommend a vote to approve the York Colonial Center as complete for preliminary review." Torbert Macdonald seconded the motion, which passed 5-0.

Project architect Christopher Badeau said the application had been before this board during sketch review. The board instructed him to remove the parking in front of that building, which was then called Leeward Landing. It was important to stop parked cars from backing on onto Route One. I worked that out with the CEO, he said. The calculations for the new parking layout correspond to required parking ratios. The parking lot is gravel.

Since then we have spent time with the Kittery and York Sewer Districts and with the York Selectmen about sewer hookup. We have conformed to the Comp Plan. With this approval, we are allowed an increased in density per 5.4.13, Conformed Apartments Above Businesses in the Route 1-2 zone.

There are 6,600 square feet of retail/office space. They require 31 parking spaces. We are proposing 20 affordable housing units for which 30 parking spaces are required. In total, sixty-one spaces are required. We are proposing 73, including 10 handicapped.

Mike Schlosser of MJS Engineering is the designer of the drainage system. He described how runoff flows from Route One to the property's north corner and into the Dolly Gordon Brook and the York River. Best management practices utilize three rain

gardens. They are located to the north of the site, between the building and the restaurant, and on the backside of the property. They are connected with a series of swales. The property is not in the flood plain.

Christopher Badeau said there are no trees greater than 24” on the property. Neither the wetland nor the trees will be disturbed. The building design is traditional in nature. Construction is in Hardiplank siding. The building gives a nice presence as people enter the town, he said. Affordability will be based on the annual gross income for York County.

Chairman Todd Frederick asked for a motion to **open the Public Hearing**. Torbert Macdonald said “So moved.” **Priscilla Cookson** of the York Conservation Commission asked about elevators. Badeau said that the architectural design is not yet detailed, but there will be an elevator. She asked for the details about the wetland area. The chairman told her the applicant will have to supply that. She said that should go into the record. Todd asked for a motion to **close the public hearing**. Torbert said, “So moved.”

Brud Weger said that there isn’t an Elevation plan in the package. Christopher Badeau said there is an east Elevation from US Route One. Brud asked about the setback from the wetland. Badeau said there is no setback because there is no Shoreland Wetland zone. Brud asked about dumpsters. How will a truck get to them? Christopher Badeau said the dumpster might be difficult to access. It is in a fenced area, and the dumpster could be moved by hand, or they could front-load into the space.

Torbert Macdonald said that the York Planning office doesn’t have a formal agreement with the York Housing Authority, but wouldn’t it be practical to verify the tenant selection process with them? Christopher Badeau said it would be a good system for oversight, but not for management purposes. He had contacted Patricia Martine, Housing Authority director, and gotten definitions of mean income. For two existing two-bedroom apartments, which are about 750 square feet, the rent would be \$975.

Al Cotton said the idea is to keep young people in town. Badeau spoke into the record that both apartments being rented now have young people. Lew Stowe asked if there would be a fire lane around the building. The answer was that it is difficult to have a fire lane because of the configuration.

Dave Woods asked about the dumpster radius, noting that the information is not available in the parking schematic plan. You will have to have a 10-yard dumpster picked up three or four times a week—up to seven, Dave said. Christopher Badeau said he would get a traffic engineer, if the board prefers. Dave said he didn’t see slope information for the retaining walls. Badeau replied that the wall and slope have not been designed. It might be constructed of Rediblock.

Christopher said a condition of the DOT permit is to have an island in the entrance so people aren’t cutting across to get to the restaurant. He plans to work with a traffic engineer to make the entrance wider.

He has a letter from Albert Fricke & Associates, who went to the site and dug test pits. Part of the difficulty is we don't have any tenants, so we are not sure how the space will be used, including the bathrooms. The building could be served with an on-site septic service. The sewer lines would be intended only for the affordable housing. The new building could have a large H-20 septic system with approximately 8 chambers. More than likely, there won't be a demand on septic, he said.

Town Planner Christine Grimando said the applicant has to decide what is the most intensive system they think they will need. A follow-up letter from Al Fricke would say there are soil, capacity, and space to do that. Todd Frederick instructed the applicant to come back and explain what will be built.

Our regs require that you dedicate 10% of your site to open space, Torbert said. From the plan, I can't see you can. Section 2.2.10 of the Comp Plan notes that the Planning Board has the authority to require you to make capital improvements on-site or off-site. How does this fit into the impact fee? In lieu of the 10% open space, it should be based on capacity. Then payment is made to the town's open space account, instead.

Brud Weger noted there are no walkways or pedestrian circulation. Walking through parked cars is not adequate. I don't see an indication of septic and utilities on the plan. Christopher Bedeau answered that the surveyor is the process of locating septic, sewer, and lines.

Lew Stowe asked about discussions with the neighbor. Badeau said he has attempted to contact the abutter to the rear, but they won't respond. We have contacted the restaurant, and they have been to this meeting for the sketch plan. For the record, he said, there is a legal letter being crafted with Kittery. Lew Stowe said the applicant has to come up with a range of uses, and a site walk has to be scheduled.

Sea Latch Motor Inn 277 Long Beach A venue. Map & Lot 0036-0082. Sketch Review of a major site plan for renovation and new construction on the site of an existing motor inn.

Christine Grimando introduced this project to redevelop the Sea Latch. The central building will be demolished. Most of the peripheral buildings will remain. The board walked the site yesterday. The application sketch plan was presented on April 11.

Motion: Torbert Macdonald moved we accept the application as complete for preliminary review. Dave Woods seconded. It passed unanimously.

Project architect **Mike Lasso** said they are taking down the central building and a few other buildings. The number of units is changing from 76 to 84. Parking is changing from 50 to 84 spaces. Spaces will be configured parallel and angled. Fifty parking spaces exit toward Long Beach Avenue. The pool will be shortened. There will be a handi-cap lift. There is a natural dune that will not be impacted. The facility will be child-

friendly. Improvement of the site, circulation, parking, and the building meet code requirements.

Project engineer **Joe Cheever** of Attar Engineering said that some issues are being worked through. There will be no relocation of any building. The new building fits into the existing area without disturbing the surrounding pavements and buildings. Drainage toward the beach is pitched away from the building into a catch basin. A landscape swale is tolerant to weather and provides good stormwater treatments. During 2-, 10-, 25-, and 100-year storms, peak discharge will not be increased. We are maintaining the volume because we are not increasing impervious areas, he said. On the backside, we are maintaining the same drainage path toward Eastern Avenue.

There will be significant changes with the utilities, Joe continued. The new building will be sprinkled. The sewer service is through an existing manhole. There will be underground electric service. He had talked to Dean Lessard, and a traffic count was taken. The site exceeds the threshold for a full traffic study. We are increasing peak hour trips from 40 to 46. We don't think we need a traffic study, he said. He requested a waiver for a High Intensity Soil Survey.

About 80 to 85% of the storm water coming to the Sea Latch originates from the area around the entrance to the high school. It crosses about nine acres before accessing the 15" culvert by the Sea Latch. We don't think we can solve a lot concerning the water drainage that is involved.

Cynthia Thayer of CW Gillespie Associates talked about grid pavers that were installed by Attar Engineering at Summer Village in Wells during 2006-2007. The system is working very well. Every unit has two parking grassy paver parking spaces beside it. Renters come and go weekly. Current grass areas at the Sea Latch can be converted to grassy pavers. The paver is placed on top of layers of crushed rock and gravel with a growing medium on top. The paver is recycled honeycomb-shaped plastic. It captures stormwater that flows into it. It does not affect the groundwater flow. It percolate slowly. Mike Lasso said soil that initially tests in a 3 ¼ to 4" range for soaking will be in the 8" to 10" range with grassy pavers. It absorbs and holds more.

Owner **Bob Poulin** said that they bought the Sea Latch in 1980. It is an obsolete operation. He bought the house and land down the street on Eastern Avenue. There was an association to maintain Eastern Avenue. It dissolved over the years. He would like to put an association together again. The area was undeveloped. He put in sewer and water. The potholes that are there serve as speed bumps. Improve it, he said, and you will have speed. Right now, you're not going up there fast.

The big issue seems to be the driveway to the back of the property, Poulin continued. I have as much right to use Eastern Avenue as anybody. Currently his guests walk down along the parking area to get to the beach. With the new plan, there is a sidewalk all the way to Long Beach Avenue. He wants to get service vehicles in there. He moved the dumpster because of the smell.

He said he would improve the road to the end of his property. Grade it. Put in hot top. It will increase the speed and make it less safe, though. He'll put up signage about the service vehicles. He has more land, but he cannot offer it. It is tied up in trust.

The time reached 10:30. Torbert moved to extend to 11:00. Dave seconded. All agreed.

Landscape architect **Terrance Parker** described the owner's desire to make the property as lush and beautiful as possible. That means the green sidewalk that is surrounded by canopy trees and plant material.

Chairman Todd Frederick asked for a motion to open a **Public Hearing**. Torbert MacDonald said, "So moved."

Ed McKenna of 16 Eastern Avenue said the rear access should not be the alternative access. For 50 years there has been no need for anything but for front access. Driving from Eastern Avenue north on Webber Road, the rate of traffic is not the issue. There is a knoll that is difficult to see over. It is sight distance issue. You have to inch your way out. The rear entrance is an issue because there is no sight distance.

He said he has a duck pond on his lawn, and he does not think the flow of water will lessen. He doesn't understand whether Buildings 13 and 14 are being moved. He is willing to reestablish the defunct homeowners association. Dave Woods asked if him if he would be more comfortable if service vehicles were the only vehicles that could use the back entrance. Ed McKenna said it would soften it, but the service vehicles would also be rushed.

Deborah McDonald of Webber Road said the road is an unpaved dirt road in a single lane. The Town has no plans for improving water drainage. The road is full of dust and debris. There are safety issues. They tried signs. She has walked out and talked to three or four drivers to ask them to slow down. People park at the school and walk down Webber to get to the beach. She has talked to the Anchorage and the Long Beach Inn. They wish they could have rear access, she said. She would like to see access limited. If there is anything other than emergency services, who is going to pay for the increased costs of maintaining the road? Because of the amount of speed, speed bumps should be put in.

Madelyn Lim said she is concerned about the dumpster. She wants to see it moved to the back of the other piece of property. It smells bad and has flies. Dave Woods said dumpster services can be required to add disinfectant. She said she doesn't see why the owner can't move it.

Joanne Clooiet said she had talked to a real estate dealer asking if there would be an effect on homes if there were trucks and traffic. It would lessen the value. She works hard for her home. It affects us, she said.

It was 10:55 and Todd Frederick suggested moving the meeting ahead to another date.

Torbert Macdonald asked what the permeability for crushed stone is. The Town Planner answered 75%. There is no way we can do it in the context of the zone. The board doesn't have the ability to waive it, she said. Dave Woods said that parking vehicles on grass works extremely well. He used geo-technical fabric in constructing a grass parking lot and does not have any resulting ruts and winterkill. It is always green and lush.

Lew Stowe said he wants information on the ground water. He asked about employee parking. Joe Cheever said employee parking is counted in with the 83 parking spaces provided. Christine Grimando said the parking standards for this does not say there are conforming structures for parking lay out.

Joe Cheever asked if he could get waivers for the High Intensity Soil Survey and the Traffic Study. Chairman Todd Frederick said that we are going to have a hard time waiving the traffic study. The potential uses have to be studied.

Motion: Dave Woods moved that we continue the meeting to June 13, 2013. Torbert Macdonald seconded the motion, which passed 5-0.

Adjourn

11:05