

York Planning Board
Thursday, December 8, 2016, 7:00 P.M.
York Public Library

Call to Order, Determination of Quorum; Appointment of Alternates

Chairperson Amy Phalon called the meeting to order at 7:00. A quorum was determined with five people voting: Amy Phalon, Vice Chairman Pete Smith, Board Secretary Gordon Eldridge, Al Cotton, and alternate Wayne Boardman, who was appointed as a voting member. Lew Stowe was absent. Alternate Kathleen Kluger was present, but did not vote. Planning Director Dylan Smith represented staff for the 731Route 1/Boat Storage application. Assistant Town Planner Scott Hastings represented staff on all other matters. Patience Horton took Minutes.

The Candlewood Lane, William and Elizabeth McCann application was withdrawn.

Public Forum

Ed McKenna said he will attend the Transient Residential Rentals subcommittee.

Minutes

Motion: Al Cotton moved to re-open the minutes of October 27, 2016. Wayne Boardman seconded. The motion passed 5-0.

The October 27, 2016 minutes were reviewed and changes were requested.

Motion: Al Cotton moved to accept changes to the October 27, 2016 minutes as corrected. Gordon Eldridge seconded. The motion passed 5-0.

The November 17, 2016 minutes were reviewed but not accepted. Motion: Pete Smith moved to table the November 17, 2016 minutes for further review. Wayne Boardman seconded. The motion passed 5-0.

Field Changes

No one came forward to speak.

Public Hearings—Applications

7 Carriage Barn Lane, Philip Brown

Map/Lot: 0052-0037-A

Application for a driveway and building location. Lot requires Planning Board review due to subdivision plan note. Previously on the agenda of the August 11, 2016 meeting, the board requested legal consult to determine jurisdiction for review. Town Attorney's opinion was that the Planning Board does have jurisdiction over this application.

Motion: Al Cotton moved to accept the application as complete. Wayne Boardman seconded. The motion passed 5-0.

Motion: Pete Smith moved to open the public hearing for 7 Carriage Barn Lane, Map & Lot: 0052-0037-A. Al Cotton seconded. The motion passed 5-0.

Scott Hastings described the application to build a house, associated septic, and driveway located in the shoreland/wetland zone. The primary issue is the driveway, which the applicant contends is located on an existing roadbed that can be improved or repaired.

Representing the Browns, Tim DeCoteau asked to have this application bypass tonight's public hearing, so it could be heard directly by the Board of Appeals. Chairperson Amy Phalon declined his request.

Tim DeCoteau described the property as 29 acres that is mostly wetland. There is an existing road shown on the 1920 U.S.G.S. plans. Portions of that roadbed are still useable, though overgrown. CEO Amber Harrison had written a memo stating that that roadbed is probably the best place to put a road. The Browns plan to build a 10-foot wide driveway on that roadbed.

- Attorney Bruce Read spoke on behalf of abutters Ala Reid and Rozanna Patane. There is no existing driveway. If there ever was a walking path, the wetland has reclaimed it. There are no professionally engineered drawings associated with this application.
- Mark Hampton is a 25-year-licensed site evaluator, wetland delineator, and certified soil scientist. He has drawn his information from Google Earth, National Wetland Inventory Maps, the York County Soil Survey, old plans and surveys, and three U.S.G.S. maps. He said that the remnants of an old path through this wetland cannot be not developed into a driveway without wetland impacts.
- Abutter Rozanna Patane lives at 29 Sentry Hill Road. She said that several paths show up as dotted lines on maps, but there has never been a road into the Browns' property.
- Ala Reid, 496 York Street, showed the board three U.S.G.S maps from 1893, 1920, and 1956. The 1920 U.S.G.S map "shows what the applicant asserts is the roadbed." The 1956 map shows the full scope of the wetlands.
- Candy Bridges grew up in the area. She has ice skated on the property. People from the Marshall House used to walk through there.
- Richard Broadbent said he and his wife sold the 7 Carriage Barn property to the Browns about 40 years ago. After three different 100-year storms when he owned it, he saw water pouring off this lot over Woodbridge Avenue. In the 1800s, people from the old Marshall House threw out junk on this land.
- Mary Marshall, 38 Sentry Hill Road, said that the first 550 feet of the road that goes into the Browns' property is really a trail.

- Rozanna Patane came back to the podium, saying that when Sentry Hill Road and Woodbridge Avenue were developed, 13,000 square feet of fill was trucked in and put on the lot.
- Philip Anderson's home at 520 York Street abuts 7 Carriage Barn Lane. The wetland on his property is growing over his lawn. If impervious surface is added next door, it will cause greater runoff, and the water will fall on his property.

Tim DeCoteau responded to Rozanna Patane. Per 11.4.3, the Town can legitimately put in as much fill as necessary to create a right of way. In the case of developing Sentry Hill Road, the Town is not hampered with the 4,300 square foot rule. There is no proof submitted that the property owners has filled this lot, he said.

Motion: Peter Smith moved to close the public hearing. Al Cotton seconded. The motion passed 5-0.

Scott Hastings said the recommendation in his memo remains. The old roadbed does not constitute an access way.

Motion: Al Cotton moved to deny the application on the basis that the driveway will be a new driveway and does not comply with current York ordinances. Peter Smith seconded. The motion passed 5-0.

731 Route 1

Map/Lot 0091-0014

Route 1 use permit and site plan approval for a 9,600 square foot commercial building with 3 units. One for interior boat storage, one for marine related retail, and one for a marine related machine stop.

Motion: Peter Smith moved to accept the application for review. Wayne Boardman seconded. The motion passed 5-0.

Motion: Al Cotton moved to open the public hearing for 731 Route 1, Map/Lot 0091-0014. Pete Smith seconded. The motion passed 5-0.

Project Engineer Geoff Aleva represented applicant David Webber. This proposed boat storage, marine hardware, and marine machine shop is located on 15.25 acres on the east side of Route 1.

There are two loading docks behind the building. The pavement reaching those loading docks has been minimized to compensate for a rear setback that cannot otherwise be met. The applicant is asking for the board to waive the rear setback requirement from 100 feet to 75 feet. The reduced setback will affect the parking configuration for the entire property, so the applicant would like to adjust the parking in the front from six spaces to nine spaces.

A waiver is also sought for the 100 foot buffer yard behind the building, where there are some houses. Geoff Aleva said that the vegetation and trees are so dense back there, the houses can't be seen. Kathleen Kluger said that those houses are Fieldstone Estates, which, during winter months, have a clear line of sight toward this building.

Motion: Al Cotton moved to open the public hearing on 731 Route 1, Map/Lot: 0091-0014. Pete Smith seconded. The motion passed 5-0.

- Patrick Arnold is the abutter at 737 Route 1. He is concerned about truck noise and wants a protective barrier to keep his children safe from truck traffic.

Motion: Pete Smith moved to close the public hearing. Al Cotton seconded. The motion passed 5-0.

The building has a mansard style roof with a flat roof behind it, the slope of which is 1/2:12 inches. The building is designed with the best face facing Route 1. Cementitious clapboards with PVC trim are the principal building materials. A waiver will be requested for the trim. A standard plan note forbidding outside display or outside storage will be added.

Motion: Pete Smith moved to continue the application to the next application meeting, January 12, 2017. Al Cotton seconded. The motion passed 5-0.

**855 U.S. Route 1, York Community Service Association
Map/Lot 0095-0069B**

Application for a Route One use permit and revision to approved site plan. YCSA is proposing to relocate their offices and retail store in the existing building and enclose the existing pavilion to house their food pantry.

Scott Hastings said that the applicant proposes to move the freezer to the side facing the parking lot. The dumpster will be moved to the crook of the building near the rear. The fire department has submitted notes they want to see on the plan. The parking lot has been reconfigured. The entrance openings are marked for entering and exiting. The island between the entrances will be curbed. The applicant is analyzing the capacity of the septic system. A condition subsequent can go on the plan saying that the code office will issue the occupancy permit once the septic system is up to spec.

Motion: Peter Smith moved to open the hearing for YCSA, Map and Lot 0094-0069-B. Al Cotton seconded. The motion passed 5-0.

- Abutter Steven Rendall said his issues are traffic accidents, speed, and sight distances. He asked for confirmation that the five parking spaces were added to the parking lot. He told the Planning Board to take due diligence to eliminate all parking and traffic risks associated with YCSA.

- Mr. Morong lives next door at 859 Route 1. He would like the speed limit on Route 1 reduced, however possible.
- Kenneth Smith, of Squire Lane, explained how the location of the YCSA is a very dangerous place for all turning vehicles.
- Allen Gitelson suggested putting temporary no parking signs along Route 1 by the YCSA.

Motion: Gordon Eldridge moved to close the public hearing on York Community Services Association, 855 Route 1. Pete Smith seconded. The motion passed 5-0.

Motion: Peter Smith moved that, based on 6.3.16 and on the location shown on the plan, to waive the screening of the dumpster. Al Cotton seconded. The motion passed 5-0.

Motion: Peter Smith moved to provide preliminary and final approval for YCSA, 855 U.S. Route 1, Map & Lot 0095-0069-B, with the following conditions precedent, that a second handicap spot be added to the plans, that the curbing of the island note is added to the plans, and that the notes from the fire department are added to the plans. Also as a condition subsequent, the applicant must receive approval of the septic design by the Code Enforcement Office, in order to obtain a certificate of occupancy. Wayne Boardman seconded. The motion passed 5-0.

Motion: Al Cotton moved to continue the meeting past 10:30 P.M. for the 40 Clay Hill Road hearing. Gordon Eldridge seconded. The motion passed 5-0.

**40 Clay Hill Road, 13 Lot Subdivision
Map & Lot 0096-0093 tax map and parcel
Conceptual review of a proposed 13-lot subdivision.**

Application spokesperson Dave Garbey described a 124-acre cluster subdivision located in a stream protection district of the RES-2 zone. There are two significant vernal pools that have been studied, mapped, and taken into consideration in the design of the subdivision. The Josiah Brook runs through the property, dividing the front and rear portions. The York Land Trust has been approached to purchase the rear 80-acres, but the applicant plans to develop the rear part as a second phase, if the Land Trust does not purchase. In that case, plans for both front and rear phases will be submitted.

Other Business

Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact for Anchorage Motor Inn, Map/ Lot 36-0096. Al Cotton seconded. The motion passed 5-0.

Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact for Joshua Gammon, Map/Lot 26-11 and 46-17A. Al Cotton seconded. The motion passed 5-0.

Motion: Peter Smith moved to authorize Chairperson Amy Phalon to sign the Findings of Fact for Meadowbrook Plaza, map and lot 91-008-W. Al Cotton seconded. The motion passed 5-0.

Adjourn

Al Cotton moved to adjourn. The time was 10:40.