

York Planning Board
Thursday, June 14, 2007, 7:00 PM
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams began the meeting at 7:00 and determined presence of a quorum. Beside Glen MacWilliams, Vice Chairman Tom Manzi, and Lee Corbin were in attendance. Glenn Farrell and Barrie Munro were absent. There were no alternates. Steve Burns represented Planning Board staff. Patience Horton took minutes. The meeting was televised.

Public Input

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

No one came forward to speak.

Dick Filliettaz of Pine Hill Road said that in 2000, he received approval to deactivate an approved cul-de-sac on his road. He did not have that done at that time, and the surveyor who is currently working with him to deactivate the cul-de-sac instructed Dick Filliettaz to come before the Planning Board and ask for a letter of approval or concurrence. The approval had not expired. Glen MacWilliams said Dick Filliettaz should have the matter placed on the agenda, and Dick Filliettaz can bring the survey in for the board to review at that time.

With no one else to speak, the Chairman closed the public hearing.

Field Changes

JoAnn Fryer of CLD Engineers represented **The Atlantic House**, owned by Rivers by the Sea. She went over the certified plans for lighting, including parking lot lighting behind the Black Dog, signage lighting, and lighting for a flagpole that will be placed on the corner of the building. She said that the York Historic District Commission had approved the light fixtures. The parking lot lighting is not part of the drawn plan, but she said she was willing to provide one.

Motion Tom Manzi moved to accept the lighting plan with the condition that the applicant provides the complete parking lot plan. Lee Corbin seconded the motion, which passed, 3-0.

JoAnn Fryer of CLD Engineers then represented the Ogunquit Beach Club, owner of the **Union Bluff Function Hall**. The proposed field change included a shift by two feet of the sidewalk, which is adjacent to the parking lot. The change is caused by the misplacement of a utility pole on the GIS-generated plan. The landscaping plan also involved a field change, increasing the called-for trees from 30 to 37. She also showed

the main sign fixtures on granite post, and she described wall fixture lighting changes. The lighting of the parking lot was discussed.

Motion Lee Corbin moved to approve the field changes. Tom Manzi seconded the motion, which passed, 3-0.

Minutes

Review and approve draft minutes

The minutes from the April 26, 2007 meeting were reviewed. There were minor changes, which Steve Burns said he would correct before posting the minutes.

Motion Tom Manzi moved to approve the April 26, 2007 minutes as amended. Lee Corbin seconded the motion, which passed, 3-0.

The Minutes from the May 10, 2007 meeting were then reviewed. There was one substantive change on Page 7. Steve Burns said he would correct the change before posting the minutes.

Motion Lee Corbin moved to accept the May 10, 2007 minutes with corrections. Tom Manzi seconded the motion, which passed, 3-0.

Application Reviews and Public Hearings

- **York Village Business Center Amendments 14 Cider Hill Road. Map & Lot: 0053-0009. Relocate hotel and replace two small mixed-use buildings with a single larger retail building.**

Applicant representative Jim Hanley of Engineering Alliance summarized the issues based on the Memo from Steve Burns dated June 11, 2007. Jim Hanley had brought Mylars with all the necessary signatures, including police, fire, and public works directors. He had met with Code Enforcement and modified the signs to comply with zoning, including Rite Aid signage. The lighting and proposed light poles in the buffer zone had been determined, for which a waiver was being requested.

Rite Aid architect Scott Vlasac went over the changes to the signage, showing pictures. He had also broken up the siding with gables and had added a covering over the entrance, as requested.

The Chairman opened the public hearing. Abutter **Scott Franklin** said that when surveyors came to his property, they hacked down tree branches, lilacs, and put a hole in a Blue Spruce. They also cut trees in his sister's yard. When he talked to the surveyor, the surveyor said the trees were in the way. Scott Franklin also said floodlights shine into his property from the new restaurant building. Promises were made that have been broken. There is a communication gap between what is said at Planning Board meetings

and what is done at the job site, he said. People at the site are not notified of the conditions decided upon at the meetings. The Chairman closed the public hearing.

In discussion, Glen MacWilliams said that there should be no light spilling onto Scott Franklin's property. Jim Hanley answered that the approved fence will make a difference. The survey contractor had called Jim Hanley to discuss the issue of cutting, which was done because they were searching for a monument. Jim Hanley had instructed him to do no further cutting near Scott Franklin's property. Lee Corbin said that Scott Franklin should be compensated financially or with added screening. Glen MacWilliams said if the situation is not corrected, it could put the applicant in default.

Signage was discussed. Code Enforcement has approved the Rite Aid sign. The size of the sign is based on 25 square feet, or ten percent of the wall area, whichever is less. Board members indicated that the sign, being 15 feet tall with room for manually sliding letters, might not fit the requirements of the ordinance. The board discussed interpretation of the signage size, stating that having the permit is not going to make the decision on the size of the sign, if the sign is oversized. Rick Wesley of Rite Aid said Code Enforcement permitted that signate totally 25 square feet per wall of building.

The Chairman asked the board to make a motion to approve 25 square feet of signage per business premise, but not one made the motion.

In further discussion, the board agreed at the waiver for the lighting was acceptable, and the waiver for the drainage was also acceptable.

Motion Tom Manzi moved to accept the lighting waiver request. Lee Corbin seconded the motion, which passed 3-0.

Motion Tom Manzi moved to grant the waiver for the buffer yard, which is adjacent to Sanford Institution for Savings, as well as the buffer yard waiver for the Rite Aid Area, and the entrance for Cider Hill Road--as long as it does not affect the adjacent abutter, the Franklin property. The motion passed, 3-0.

The discussion returned to the signage on the Rite Aid. The applicant and the board did not have consistent interpretations. Jim Hanley said that he had had three meetings with Code Enforcement on the issues, and the signage had been modified to meet what Code Enforcement said. That was, 25 square feet of signage or 10% of the wall area of the four sides of the building. The signage could not exceed 25 square feet or 10%, he said.

Ken Linesman, the developer for Rite Aid, told the Planning Board that at the last meeting, the board had said that the signage matter would be left to Code Enforcement. Glen MacWilliams replied that the board did not expect the outcome to be against the ordinance, as this apparently was. Lee Corbin said the applicant is correct, and Code Enforcement has interpreted it correctly: that a sign could not exceed 10% of the wall area to which is it attached. Tom Manzi argued that the building has massive frontage, when one considers the front, rear, and sides compared to a strip mall. Credit cannot be

given for the back and sides. Glen MacWilliams agreed the figure should be derived from the one wall, only.

Glen MacWilliams asked for a motion to interpret the signage according to 25 square feet per business presence, as opposed to 25 square feet per wall. Neither of the other board members made the motion. Architect Scott Vlasac made quick calculations and determined that there are 64.74 square feet of potential signage for the entire building, when all the walls are considered.

Motion Lee Corbin moved to approve the changes as discussed that evening. Tom Manzi seconded the motion.

Jim Hanley interrupted the process to remind the board that that evening, his team had provided all the information the board had asked for.

Vote The motion was defeated, 1-2, with Tom Manzi and Glen MacWilliams opposed.

Steve Burns said the signage issue has to be resolved for approval. There was a discussion led by Lee Corbin about whether a majority among the three present board members was enough to carry a motion. Steve Burns said that his understanding was that the majority of all five voting members of the board would have to be considered to carry a vote, so three votes constitute a majority.

Jim Hanley asked for conditional approval in order to begin the timely construction schedule.

Motion Lee Corbin moved to give a conditional approval but defer the decision on the signage until it has been settled with Code Enforcement. Tom Manzi seconded the motion, which passed, 3-0.

York Department of Public Works at Chases Pond Road. Map & Lot: 0094-0032A. Site Plan application to expand the public works barn.

Engineer Steve Haight used an aerial photo of the Public Works site plan, pointing out where two small additions will be joined to the existing building and meet the zoning setbacks. The Chair opened and closed the Public Hearing, but not one came forward to speak. Glen MacWilliams asked for certification on the design drawings.

Motion Tom Manzi moved to approve the application with the condition that the front page of the plans and the site plans receive design certification. Lee Corbin seconded the motion, which passed, 3-0.

Zacharias Farm—BBQ Festival 7 Colby Turner Lane. Map & Lot: 0085-0025. Application for Site Plan Review for a one-time BBQ festival.

Dennis Sherman spoke, and John Zacharias was also present. They are requesting a Temporary Event Permit for the State Championship Barbeque festival for August 4 and 5. The event would include a grilling competition and a smoking barbeque competition. The York Police Department and the York Beach Fire Department have sanctioned the event. Parking is available for about 600 cars on three acres. He hopes to have 1500 people per day. Some of the proceeds are being contributed to the American Cancer Society and to the Children's Miracle Network.

This was the first Mass Gathering application under the new ordinance, which places it under site plan regulations. Glen MacWilliams informed the applicant that two public hearings would be required during the next two Planning Board meetings. He asked for a copy of the site plan sketch. He asked for a vote of confidence from the board.

Motion Lee Corbin moved for a vote of confidence to go forward and look at the next possible meeting of the York Planning Board to finalize the site plan Temporary Events Regulations as part of the sub-regulations. Tom Manzi seconded the motion, which passed, 3-0.

- **DPW Realty LLC 15 Cider Hill Road. Map & Lot 0053-0023. Application for change of use at the former Cormier Textile building.**

David Weber, of DPW realty trust, said he wishes to change the use of the building at 15 Cider Hill Road for manufacturing of marine accessory boat parts. Glen MacWilliams opened and closed the public hearing. No one came forward to speak.

Motion Lee Corbin moved to approve the change of use. Tom Manzi seconded the motion, which passed, 3-0.

- **Lombardi/Cape Neddick House 1300 U.S. Route One. Map & Lot : 0015-0017. Application to amend approved Route One Use Permit.**

JoAnn Fry of CLD Engineers spoke for applicant David Lombardi, who was also present. Construction for this project had been presented previously to the planning board in two phases. The requested change is for establishment of Pre-phase 1, entailing continuation of the construction of a B&B in the old carriage house, and the imminent opening of an ice cream parlor in the old Post Office. For the record, JoAnn Fryer read the project phasing notice directly off the plan. She told the board the applicant wants to stripe the parking in front of the building during this phase and keep the side yard parking gravel. The chairman opened and closed the public hearing. No one came forward to speak. The board had no comments.

Motion Tom Manzi moved to approve the changes as shown and described. Lee Corbin seconded the motion, which passed, 3-0.

- **Highland Farm Phase 2 1 North Meadow Lane, and 50 Cider Hill Road.**
Map & Lot: 0090-0029-A and 0090-0030. Continued consideration of preliminary review of a major subdivision.

Applicant Attorney Jim Katsiaticas said he had nothing new to add to the application, which he asked to extend for another month.

Chairman Glen MacWilliams opened the public hearing.

Sharon England of 28 Rumsey Road said she was curious about the vernal pool studies done on the property. Glen MacWilliams answered that nothing had yet been heard.

David Tibbitts of the York Conservation Commission spoke about a dragonfly associated with the Cranberry Swamp on the bog area on the far side of Boulter pond. He had apparently received press coverage and a photo about what he believes is a rare species. The public hearing was closed.

Motion Lee Corbin moved to continue the Highland Farms Phase 2 application to next month. Tom Manzi seconded the motion, which passed, 3-0.

Other Business/Adjourn

In other business, Glen MacWilliams said that there was Shoreland Zoning Amendments to go over at the next meeting.

The meeting adjourned at 9:50.