

**York Planning Board**  
**Thursday, July 9, 2015, 7:00 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 7:05. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Lew Stowe; Gordon Eldridge (representing York Beach); and alternate Amy Phalon, Esq., who was asked to vote as a full member. Alternate Wayne Boardman was present, but did not vote. Planning Director Dylan Smith represented staff. Patience Horton took Minutes.

**Elections**

**Motion:** Chairman Al Cotton nominated Peter Smith as Chairman of the Planning Board. Amy Phalon seconded the nomination. The motion passed 5-0.

**Motion:** Al Cotton nominated Amy Phalon as Vice Chair of the Planning Board. Lew Stowe seconded. The motion passed 5-0.

**Motion:** Al Cotton nominated Gordon Eldridge as Secretary of the Planning Board. Lew Stowe seconded. The motion passed 5-0.

When the elections were over, Peter Smith chaired the rest of the meeting.

**Public Forum** No one came forward to speak.

**Minutes** There were no minutes to review.

**Field Changes** There were no field changes.

**Application Reviews and Public Hearings**

**Bog Road Athletic Field-Phase II Sketch Plan 40 & 50 Bog Road.** Map & Lot: 0090-0084-X & 0090-0084-A. Owner: Town of York.

It has become Town policy that the Town Planner cannot work past the sketch plan phase for Town application like this one, said Planning Director Dylan Smith. He can review non-binding conceptual sketch plans at an early phase, like this one, but applications to the Planning Board made by the Town will be reviewed by a representative from Southern Maine Planning and Development.

This is a sketch plan proposal to expand a previously approved (2014) multipurpose athletic field (finished) and a 75-car parking lot (to be completed August 1, 2015.) This new lot brings the total parking to about 150 spaces. The application includes a multi-purpose field, a 40 by 60 foot maintenance building with staging area, bleachers, a concession building, scorers' tower, a ticket booth, and fencing. Parks and Rec maintenance activities will move to Bog Road from Goodwin Park, bringing along stockpiles (loam), trucks, and equipment, as well.

Mike Sullivan, Director of Parks & Recreation, was present for this review with Steve Blake, P.E., who had also engineered the original athletic field project last summer. That application included a complete wetland delineation. Overall stormwater was addressed. This project will have no impact or cause need for mitigation on the wetland.

Chairman Peter Smith opened the **Public Hearing**. **Christopher Dennen** has lived on Bog Road since 1990. Sometimes both sides of the road are packed with parked cars. On weekends, more than 200 cars are parked on the side of the road where the soccer field is. People sit in their cars or stand on Bog Road to watch games. If an ambulance had to get to his house, it couldn't. He has contacted DOT requesting speed limit and no parking signs, but didn't get a response.

Mike Sullivan answered the questions of **Marlene Farnon**, an abutter at 35 Bog Road. The fields are used in the summer and fall by the High School, the Rec Department, and youth athletic organizations. There is no intention of having nighttime activities because of mosquitos. Motion-detecting security floodlights might be seen at a distance from her home. If people sit in their parked cars to watch the games, with the new field, they are going to miss the whole thing because of the trees.

The Parks and Rec maintenance crew works 7 days a week. There are 6 trucks. It is like a typical landscape operation. The maintenance building will be of fabricated metal. It will store such things as lifeguard stands and beach trash cans in the off-season. The Waste Management dumpster will be screened. There will be piles of mulch, loam, and crushed stone.

Christopher Dennen asked if the police could enforce a 2-way street. Mike Sullivan would encourage 2 lanes of traffic all the time. It would have no negative effect on Parks & Rec. Dylan Smith said no parking signs can go on the plan. There can be a note enforcing 2-way traffic on Bog Road.

The applicant will return on the 2<sup>nd</sup> Thursday in August.

**York Hospital Retail Care Facility. 343 U.S. Route 1. Map & Lot 0059-0001; Owner: Alissa Bournival. The proposed site plan amendment is to convert the use from what was a former car dealership to a medical building as well as storage/warehousing space.**

This is a former Dodge dealership being turned into a medical/retail facility and warehousing and storage space. This is zone RT1-3. There were approvals in 1999, and in 2009, then-Town Planner Christine Grimando held hearings over compliance discrepancies.

**Motion:** Al Cotton moved to accept the application as complete for review. Gordon Eldridge seconded. The motion passed 5-0.

Engineer Bill Anderson said a small vestibule is being added over pavement. The front half of the building will be petitioned off for the hospital's use. Parking calculations have been made. The existing dumpster is enclosed. Two more enclosed dumpsters are being added. Snow storage area has been defined. An emergency generator is planned, and stockade fencing is being added to screen it. All the department heads have approved the project. The 2009 issues have been solved.

Chairman Peter Smith opened and closed the **Public Hearing**. No one came forward to speak.

Steven Pelletier, Chief Operating Officer of York Hospital, said this is a walk-in health center, a low cost alternative to the ER. Walk-in, laboratory, x-ray, and prescription services are planned.

Dylan Smith said this is a nonconforming design because it is an expansion of use. According to the current regulations, after every 8 parking spots, you have to put in an island or a bump out to break up the expanse of the sea of parking lot.

Peter Smith, referencing 5.2.4, said the applicant shall satisfy the parking lot layout requirements of 6.3.2 to the greatest extent practicable. Al Cotton said the hospital may have a creative idea that can easily satisfy the requirement. The Bill Anderson suggested putting islands around three lights to solve the problem. One parking space would be lost with each island that is added. It might be better for stormwater. Aesthetically, it would break up the sea of asphalt.

The landscaping is mature. It meets the 2009 requirements. The applicant has checked with all the department heads, and they have accepted the plan.

**Motion:** Chairman Peter Smith asked for a motion to continue the hearing to July 23, 2015. Al Cotton so moved. Gordon Eldridge seconded. The motion passed 5-0.

**The Central Restaurant-Outdoor Seating. 127 Long Sands Road. Map & Lot: 0044-0046; Owner Elle Baldwin. This proposal is to add outdoor seating on the front patio area on the sidewalk in front of the Central Restaurant.**

The applicant wishes to put seating in front of the restaurant, located in RES-1B. The 2011 findings for non-conforming uses in this plaza allow restaurants that have 75 seats or less. Seating at the Central Restaurant stays under 75 even with the addition of the

outdoor tables and chairs. The sidewalk is 10 feet wide where the seating will go. That leaves room for pedestrian movement. In the future, Dylan Smith said, the CEO can approve outdoor seating applications like this.

**Motion:** Al Cotton moved that we accept this application for review. Amy Phalon seconded. The motion passed 5-0,

Kiersten Mayes, owner, said, by putting this in, she is responding to customers who want extended sidewalk seating. With this space filled, there will be 75 seats. The tables are brought in at night and will be in storage in winter.

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

**Motion:** Gordon Eldridge moved that we accept the application with the following conditions: 1) that a note is placed in the Findings of Fact regarding preserving a six-foot wide sidewalk in front of the tables; 2) that further considerations for outdoor seating for an existing restaurant will be reviewed and approved by the CEO; and 3) that a note will be added to state, “all the notes and special conditions of the existing site plan approvals and findings of fact referenced here apply to this revision.” Seconded by Amy Phalon. There was no discussion. The motion passed 5-0.

**449 U.S. Route 1 Site Plan Amendment. Map & Lot: 0054-0010-D, Owner: First York Investment. The site plan proposal is to amend an existing approved plan by expanding the parking lot for an expansion of use(s).**

Dylan Smith introduced the application. The original site plan was approved in 1999. Allowable uses include residential, office, retail, and restaurant. They are making traffic improvements. A stormwater report has been submitted. Signage has met DOT standards.

**Motion:** Al Cotton moved that we accept the application for review. Gordon Eldridge seconded. The motion passed 5-0.

Ryan McCarthy, Tidewater Engineering and Surveying, was present with owner Jim Joyce. In 2004 there was a site plan amendment to remove a deck in the back of the 54 building. Another approval in 2009 allowed a “sliver” to be added to the deck in front of St. Joe’s Coffee.

This is a request to expand St. Joe’s coffee into a vacant 625 square foot office space located to the left of St. Joe’s, thereby converting the space into more restaurant seating. As a result, a net increase of four parking spaces is required.

There have been concerns from the public works director and Dylan Smith about vehicular safety when entering and exiting the property. Ryan McCarthy said this will be improved by restriping the pavement with arrows pointing in and out, and by adding signs

that say, “do not enter,” “exit only,” and “entrance” at appropriate places. There is a note saying the pavement markings will be repainted annually.

Reviews made by the Public Works Director and the Police Chief were favorable. The Fire Chief requires a smoke detector in the converted office space. It has to be hardwired to the smoke detectors in the restaurant. The Sewer District and the Water District want inspections of the property while it is being constructed. The sewer has to be in full compliance. The Water District wants the plumbing between the two restaurants connected so they are less than one meter.

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

Employee parking will be moved from the “exit side” of the property to the back. A four-foot picket fence is planned. Lew Stowe said the two or three picnic tables should be on the plan. There was previous approval to move a shed. The applicant would like to relocate it now.

Dylan Smith said the town engineer has not commented on the stormwater report. It is a minor condition of approval. He requested the \$500 deposit for the stormwater report.

**Motion:** Al Cotton moved to accept the proposed site plan amendment for 449 U.S. Route 1 Map & Lot: 0054-0010-D, to expand the restaurant into existing office space, and to reconfigure the parking lot, with the understanding that the applicant provides a stormwater report, and that the town engineer be required to sign off on the proposal. Gordon Eldridge seconded the motion.

**Amendment and Vote:** Peter Smith amended the motion to include the required \$500.00 deposit. The amendment was accepted by Al Cotton. The motion passed, 5-0.

**York Harbor Marine Store & Office Shed Addition: 20 Harris Island Road. Map & Lot: 0063-0002; Owner Harris Island, Inc. (c/o John Lusty). The proposed site plan revision is to construct an 8’ by 26’ storage shed on the west side of the marina store/office.**

Dylan Smith said this plan got a LOMA review at one time, because it was in the flood plain. It appears to be out of the flood plain now. This building is not in the shoreland setbacks. Per 8.3.11, the new building has to be away from the normal high water mark to the furthest extent practicable. Looking at the existing conditions, Dylan said, if you could “slide” it one way or another, it would not make much of a difference to the high water mark.

**Motion:** Al Cotton moved we accept the application for a shed addition at 20 Harris Island as complete for review. Gordon Eldridge seconded. The vote passed 5-0.

Eric Weinberg, Altus Engineering, was present with owner John Lusty. Eric said all the buildings are within the impervious area. This brings no change in runoff or lot cover-

age. A note is being added saying, "All notes or special conditions of the existing site plan approval referenced herein apply to this revision."

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

**Motion:** Lew Stowe moved that we approve the application as presented for the York Harbor Marine Store & Office Shed Addition at 20 Harris Island Road. Amy Phalon seconded. The motion passed 5-0.

## **Other Business**

Dylan Smith discussed the status of Findings of Fact for five different applications. York Hospital was the only one ready for the board's signatures. The findings for the Kearsarge House parking did not have the attorneys' signatures on the easement language. The findings for Christopher Bandeau's Colonial Center has to be redone. Rather than providing a one-page revision for his note change, he had repeated his entire 6.3 and 6.4 submission. The Findings for 16 Birch Road and 17 Birch Road were also incomplete. Dylan asked the board to give comments to help move the applications to approval.

The board had a lengthy conversation about selecting specific items from 1.2, 6.3, and 6.4, Submissions for Preliminary and Final Plans, so a new checklist can be made for the Findings of Fact. Gordon Eldridge and Lew Stowe are taking on that project.

There are changes to the Long Sands bathhouse plan. Dylan Smith said the Board of Selectmen has made a motion approving the Planning Department (Dylan Smith) to make a zoning change in order to adjust municipal functionally water dependent use, thereby allowing a change in the front setback requirement.

**Motion:** Chairman Peter Smith asked for a motion that, concurring with the Board of Selectmen's direction for the Planner to amend the zoning ordinance for RES-7, we eliminate the front setback requirement for municipal water dependent use. Al Cotton so moved. Amy Phalon seconded. The vote passed 5-0.

## **Adjourn**

**10:30**