

1 **York Planning Board**
2 **Thursday, November 10, 2016, 7:00 P.M.**
3 **York Public Library**
4

5 **Call to Order, Determination of Quorum; Appointment of Alternates**

6 Chairman Amy Phalon called the meeting to order at 7:00 pm. A quorum was determined
7 with five people voting: Chairman Amy Phalon, Vice Chairman Peter Smith, Board
8 Secretary Gordon Eldridge (representing York Beach), Lew Stowe, and Al Cotton.
9 Alternates Wayne Boardman and Kathleen Kluger were present, but did not vote.
10 Assistant Planner Scott Hastings represented staff.

11
12 At the request of the applicant, the 41 Candlewood Lane application was continued to date
13 certain December 8, 2016. The public will not get further notice.

14
15 Motion: Peter Smith moved that we continue the application for 41 Candlewood Lane,
16 Map & Lot 0034-A-0045 & 0037-0005 to December 8, 2016. Al Cotton seconded. The
17 motion passed 5-0.

18
19 **Public Forum**

20 No one came forward to speak.
21

22 **Minutes**

23 The October 27, 2016 minutes were reviewed, and changes were requested.
24

25 Motion: Al Cotton moved to accept the October 27, 2016 minutes. Pete Smith seconded.
26 The motion passed 4-0-1, with Amy Phalon abstaining due to absence.
27

28 Patience Horton requested the board review and re-approve a corrected version of those
29 October 27 minutes during the next meeting.
30

31 **Field Changes**

32 No one came forward to speak.
33

34 **Application Reviews and Public Hearings:**

35 **650 and 632 York Street, Joshua Gammon**

36 **Map & Lot 0046-0011 and 0046-0017A**

37 **Application for a lot line change in a subdivision**
38

39 The application was accepted for review when it was last heard on October 27, 2016.
40 This hearing is continued from October 27, 2016.
41

42 Motion: Al Cotton moved to open the public hearing with recommended changes. Peter
43 Smith seconded. The motion passed 5-0.

44

45 Scott Hastings summarized the Town Attorney's opinion letter. There are two points of
46 Planning Board jurisdiction in this application. One is in the acknowledgement of the
47 new lot line, and the other jurisdiction is over the new lot as part of the shoreland zone.

48

49 Attorney Matt Howell represented applicant Josh Gammon. He said that the Town
50 Attorney's opinion is incorrect. This has to do with two pieces of property in Georgiana
51 Colony and the circumstances under which they were merged. To illustrate this, he
52 drew a lot, added another lot and then "subdivided" the new big lot into three lots. He
53 emphasized the word "subdivide." His use of the word "subdivide" was an issue
54 throughout the application.

55

56 Sandra Guay said that in 17.3.1, the word "subdividing" means the division of non-
57 conforming lots in a shoreland zone. However, when they merge, they cannot be
58 divided unless they meet the current regulations. "Subdivision" is a statutory term used
59 in state subdivision statute and is defined as three or more lots. "Subdivide" is not
60 statutory term.

61

62 She explained that this application calls for an amended plan for the board members'
63 signatures. That plan will be recorded. Lot 60 will no longer exist, because it has been
64 merged with another parcel. A parcel this size that is in the shoreland zone and has a
65 commercial use, cannot be divided in a way that will meet current regulations.

66

67 Motion: Peter Smith moved for the Board to take the necessary steps to amend the
68 Georgiana Colony Subdivision plans that will remove Lot 60 from the subdivision. The
69 applicant will provide a plan showing the subdivision with Lot 60 removed for the
70 Board to sign and to have registered. Lew Stowe seconded. The motion passed 5-0.

71

72 Motion: Peter Smith moved to deny the application to divide Lot 0046-0011 based on
73 the fact it doesn't meet the condition stated in 17.3.1.A.2, that it must meet regulations
74 in effect at the time of the new application. Lew Stowe seconded. The motion passed 5-
75 0.

76

77 **265 Long Beach Ave., Anchorage Motor Inn**

78 **Map & Lot 0036-0096**

79 **Application for the expansion of an existing, Planning Board approved, workforce**
80 **house use in an existing building on site.**

81

82 Motion: Peter Smith moved to accept the application for review for the Anchorage Inn
83 Map & Lot
84 0036-0096. Al Cotton seconded. The motion passed 5-0.

85

86 Motion: Peter Smith moved to open the public hearing for the Anchorage Inn Map &
87 Lot 0036-0096. Al Cotton seconded. The motion passed 5-0.

88

89 Scott Hastings said that “seasonal housing use” was not strictly defined in the ordinance
90 at the time it was proposed and accepted as an accessory use in 2001. Reviews from
91 Fire, Water, Sewer, and Public Works have been received, but not from the Police Chief.
92 The only addition to the footprint is a stairway on the sidewalk. A stairway on the side
93 of the building is in compliance with the setbacks and impervious surface calculations.
94

95 Project engineer Bill Anderson described an important change in shoreland delineation
96 that affects this project greatly. The original 2001 plan used the town shoreland zoning
97 map, which placed the edge of the shoreland on top of the Anchorage property line. It
98 placed this building within the 250-foot setback. Soil Scientist Mike Cuomo has since
99 relocated the wetland. It is behind the abutting property to the west side, instead of on
100 the ocean side. The newly corrected 100-foot wetland setback does not touch this
101 expansion, which is good, because non-conforming buildings can only have one-time
102 vertical expansions. That was already taken in the first phase. This proposal could not
103 have been allowed, if the building was within any setback.
104

105 Ray Ramsey, owner of the Anchorage Inn, described how this building with seven
106 modular dorm rooms and baths, will house four people in each of them. These are
107 seasonal foreign Visa staff members the Anchorage brings in, he said. They do not have
108 vehicles.
109

110 Motion: Peter Smith moved to approve the revision to Anchorage Inn Map & Lot 0036-
111 0096, as presented, with revisions with the condition that the Police Report is submitted.
112 Gordon Eldridge seconded. The motion passed 5-0.
113

114 **855 Route 1, York Community Service Association Map & Lot 0095-0069-B**
115 **Application for a Route One use permit and revision to approver site Plan. YCSA**
116 **is proposing to locate their offices and retail store in the existing building and**
117 **enclose the existing pavilion to house a food pantry.**
118

119 Motion: Peter Smith moved to accept this application for review. Al Cotton seconded.
120 The motion passed 5-0.
121

122 Motion: Peter Smith moved to open the public hearings for YCSA, Map & Lot 0095-
123 0069-B. Al Cotton seconded. The motion passed 5-0.
124

125 Scott Hastings described features of the project. A pavilion is being converted into a
126 food pantry. A small freezer is planned for the back of the new food pantry. A
127 redesigned curb line along Route 1 will improve automobile circulation and safety.
128 DPW has approved that curb design. Entrance lighting improvements have not been
129 defined. Code has not had a chance to review and approve the existing septic. Chief of
130 Police has not responded. There is parking on the site for 25 spaces, but ordinance calls
131 for 30.
132

133 Michelle Surdoval, director of York Community Services Association said that the
 134 current YCSA campus is broken up between three sites, two of which are on
 135 Woodbridge Road and one in Cape Neddick. The food pantry will be open on
 136 Thursdays from 12:30 to 3:00, and from 5:00 to 7:00. The thrift shop and offices will be
 137 located in the new food pantry. A shed on the side of the building will be the collection
 138 area for donations.

139

140 Several members of the public spoke.

- 141 • Al Gitelson is a direct abutter at Two Old Post Road. The pavilion building is
 142 close to his house, and he is concerned about the noise from the freezer unit.
- 143 • Steven Rendall lives on Square Lane directly across Route 1. He has seen and
 144 heard accidents from his house. This plan has 25 spaces, when 30 are required.
 145 Parking density has to meet code, he said.
- 146 • Michael Goselin owns the YCSA building and ran businesses there for 37 years.
 147 There is a lot of traffic, but he never had to send people away because they
 148 couldn't park.
- 149 • Bill Carter, of Cape Neddick, said, "Even if you have more spaces, you can't
 150 stop people from doing stupid things." The use of the word "stupid" led to some
 151 colorful conversation.

152

153 Michelle Surdoval responded to the parking comments. There is a private property in
 154 the area where staff and volunteers can park on very busy pantry days. Staff will
 155 consider changing thrift shop hours on Thursday if the additional parking load is
 156 unmanageable.

157

158 The board continued the meeting to date certain, December 8, 2016. Scott reviewed a
 159 list of issues that could become conditions to an approval if they are not solved before
 160 then.

- 161 • Labeling the two curb cuts on Route 1 as "Exit;"
- 162 • Code recommended a septic review;
- 163 • Entrance lighting must meet DPW's safety standard;
- 164 • Notification by the Police that there are no issues;
- 165 • The water district has requested inclusion of a service line on the plans;
- 166 • Any parking issue; and
- 167 • Freezer noise abatement.

168

169 Motion: Al Cotton moved to continue this application for 855 Route 1, York
 170 Community Service Association Map & Lot 0095-0069-B, to the next earliest date,
 171 December 8, 2016, with the request that all reports, including the parking and police
 172 reports, be available. Pete Smith seconded. The motion passed 5-0.

173

174 **647 Route 1, Meadowbrook Plaza**

175 **Map & Lot 0091-0008-W**

176 **Application is for a facade change to add a gable to the existing roof.**

177

178 Motion: Peter Smith moved to accept this application for an amendment to a previously
179 reviewed plan for Meadowbrook Plaza 647 Route 1, Map & Lot 0091-0008-W, for
180 review. Gordon Eldridge seconded. The motion passed 5-0

181

182 Motion: Pete Smith moved to open the public hearing for Meadowbrook Plaza 647
183 Route 1, Map & Lot 0091-0008-W. Gordon Eldridge seconded. The motion passed 5-0.

184

185 Scott Hastings explained that the signage being coordinated with this project will be
186 permitted through the code office. There is no additional space being added to the
187 building, so parking requirements are not changing.

188

189 Chris Duplantis represents GW Real Estate, the owners of Meadowbrook Plaza. They
190 are replacing some of the facade and addressing water damage. One new gable is being
191 added and a second gable may be added in the future.

192

193 Motion: Pete Smith moved that we approve this amendment to an existing plan for 647
194 Route 1, Meadowbrook Plaza, Map & Lot 0091-0008-W. Gordon seconded. The
195 motion passed 5-0.

196

197 ~~41 Candlewood Lane, William and Elizabeth McCann~~

198 ~~Map & Lot 0034-A-0045 & 0037-0005~~

199 ~~Application if for a lot line adjustment in a planning board approved subdivision.~~

200 Continued to December 8, 2016, at the applicant's request.

201

202 Other Business

203

- Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact
204 for Pine Hill Excavation, Tax Map & Lot 0100-0028. Al Cotton seconded. The
205 motion passed 5-0.

206

- Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact
207 for 464 Route 1, Map & Lot 0048-0025. Al Cotton seconded. The motion
208 passed 5-0.

209

- Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact
210 for Camp Eaton, Map & Lot 0040-0061. Al Cotton seconded. The motion
211 passed 5-0.

212

- The board members signed Mylars for 1900 Route 1, Camp Eaton, and
213 Fisherman's Dock.

214

215 The next Planning Board meeting will be held jointly with the Board of Selectmen on
216 Thursday, November 17, 2016, at 6:00 in the Senior Center. It will not be televised.

217

218 Adjourn

219

220 Motion: Peter Smith moved to adjourn. The time was 10:07.

