

York Planning Board Minutes
Thursday, July 13, 2017, 7:00 P.M.
York Senior Center

Call to Order, Election of Officers, Determination of Presence of Quorum; Appointment of Alternates Chairperson Amy Phalon called this meeting at the York Senior Center to order at 7:00. A quorum was determined with five people voting, Chairperson Amy Phalon, Vice Chairperson Pete Smith, Board Secretary Gordon Eldridge, Lew Stowe, and Alternate Kathleen Kluger, who was appointed as a voting member in place of Al Cotton, who was absent. Alternate Wayne Boardman was present, but did not vote. Patience Horton was recording secretary. Lee Jay Feldman represented staff during the York Beach Parkway application. York Director of Planning Dylan Smith represented staff during the other applications. The meeting lasted three hours. It was not televised.

Election of Officers

During the first July meeting every year, the Planning Board has the obligation to elect officers. Only regular members can nominate and vote for officers.

Motion: Lew Stowe moved to elect Amy Phalon as the Chairperson. Pete Smith seconded. The motion passed 4-0.

Motion: Lew Stowe moved to nominate Pete Smith as Vice Chair. Gordon Eldridge seconded. The motion passed 4-0.

Motion: Lew Stowe moved to nominate Gordon Eldridge as the Board Secretary. Pete Smith seconded. The motion passed 4-0.

Public Forum

No one came forward to speak.

Field Changes

There were no field changes.

Public Hearings – Applications

York Beach Parkway; Map/Lot: 0094-0077; Owner: Town of York
The application is a three-lot subdivision of Town-owned land consisting of a boundary line adjustment with the Patrick J. Cragin Living Revocable Trust to gain access to Ridge Road; a site plan modification to renew the design of the parking lot on the Cragin property; and minor changes to the proposed design of York Beach Parkway.

The creation of the road connecting York Beach and Rte. 1 is the direct implementation of Comp Plan Recommendation 2.4.7.

In attendance: York Town Manager Steve Burns represents applicant Town of York. Steve Bradstreet of Ransom Consulting is the Town Engineer. Lee Jay Feldman, the Director of Planning with the Southern Maine Planning and Development Commission serves as Town Planner for this application. Selectpersons Robert Palmer, Liz Blanchard, and Chairman Todd Frederick were present, but did not speak. DPW Director Dean Lessard was also present but did not speak.

Applicant Steve Burns: As the Assistant Code Enforcement Officer in 2012, at the request of the Planning Board, I handed a Notice of Violation to then-Town Manager Rob Yandow to stop the project.

Here is a timeline of the referendums that concern the road.

- In 2011, the voters approved the section of the road for the planned police station.
- In 2012, the Town gave authorization to sell the Blinn house.
- In 2013, the voters authorized the land swap with Cragin Trust.
- In 2013, the voters rejected funding for a new traffic signal proposed for the intersection of the new road with Rte. 1.
- In 2015, the voters authorized the traffic signal—if the Town found other funding. The Town has not found other funding.

Steve Bradstreet, the Town Engineer, said that SMRT designed the original plans being used today. The plans were originally reviewed by Ransom, and are being reviewed by Ransom again. We want to keep all the details from the preliminary design, because we don't want to affect any of the previous approvals.

There are four DEP permits, two of which have been amended on the original ones, Steve Bradstreet continued. They are all still in force. The permit from the Army Corps of Engineers for the general construction permit expired in December 2015. The only thing that has changed in the Army Corps permit is consideration for the long-eared bats.

Lee Jay Feldman spoke to the Planning Board: "I was part of the previous process. I made sure the plans were signed and engineered correctly, so the Planning Board could approve the plans. In this phase where we are now, I will walk you through your process. If there are any design issues that need to change, we'll work on that. It is my responsibility to listen to what people are saying, to what you are saying, and help formulate any conditions of approval that may require any kind of engineering change, site change safety issues, or considerations. Tonight, I think you will find it complete. I suggest that you have a public hearing and do a site walk."

Lew Stowe encouraged the Board to accept the application as a sketch review, rather than preliminary review.

Motion: Lew Stowe moved to accept the application as a sketch review. Pete Smith seconded. The motion passed 5-0.

Motion: Pete Smith moved to open the public hearing of York Beach Parkway Map/Lot: 0094-0077. Gordon Eldridge seconded. The motion passed 5-0.

- Torbert Macdonald: The personnel of the Planning Board was in flux at the time of the road approval. I was not personally on the board at that time. / In clearing the road, lumber was harvested and sold. That lumber was worth \$250,000. Where did that money go? / Per a July 12, 2012 memo from the Town Manager, the status of the application at the time of the event was preliminary approval, not final approval. / The angle of the intersection of the road and Rte. 1 is very steep, dark and icy in winter, and generally dangerous. / Where is the \$70,000 for the traffic light going to come from? / Legally, the Cragin land swap does not pertain without the existence of the police station. / There will be chaos at the Ridge Road end of the road.
- Ted Little: Torbert Macdonald's opinions are not factual or historically correct. / Years ago he was one of the people who wrote the chapter of putting a connector road through from Route 1.
- Barry Leibovitz. The documents being used tonight were not on the website. How is anyone supposed to make a presentation with incomplete information? If you are going to do the site walk, it has to be open to the public. Traffic studies should give a true reflection of what the traffic is going to be during the summer.

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

Steve Bradstreet: The road has to meet Town standards, which were previously approved. DPW Director Dean Lessard will make sure the road meets all the standards. The plans will not be automatically stamped just because they were stamped years ago.

Lee Jay Feldman: A summertime, peak-time, license-plate tracking study was performed by Gorrill Palmer. They were able to determine the impacts of Beach Parkway on Ridge Road by tracking license plates. That information is part of the submittal.

Steve Burns: Except through the Horn settlement, there is no obligation for the Town to bring sewer in. Right now the priority is the road. The Horns agree to that. In the settlement, we will bring in water and sewer to them, if we have the money. / We will be asking for a waiver of underground utilities in the area next to overhead transmission lines. There is no aesthetic gain to burying lines. / As far as I can see, there are no boundary disputes at all.

Kathleen Kluger: Is there enough room for a roundabout at the intersection of Beach Parkway and Ridge Road? Lee Jay Feldman: That's a good question they should put on their list.

Chair Amy Phalon requested details about third party inspectors, a possible roundabout, and updated traffic studies. She asked for hard copies of all plans for each board member. The site walk will be Thursday, August 3, 2017 at 4:00 p.m., with the meeting spot at the intersection of Beach Parkway and Ridge Road.

Wiggly Bridge Distillery, 445 and 441 Route 1

Map/Lot: 0054-0010-C and 0054-0010-B; Owner: David Woods

Application is for a constructing of a new storage building on Lot 0054-0010-C and for replacement of existing non-conforming structure with a new building in the same footprint on Lot 0054-0010-B

Applicant Dave Woods has applied to put a building on his property that can be used for curing single malt Scotch whiskey. He wishes to put the building on a manmade wetland on his property. When he was before the Planning Board with this application in March, 2017, he was instructed to have the wetland evaluated by a soil scientists using the New Hampshire method. Mike Cuomo, the soil scientist, found that the function of sediment trapping measured above average, rendering the plot unbuildable.

Motion: Pete Smith moved to accept the application for review. Kathleen Kluger seconded. The motion passed 5-0.

Motion: Pete Smith asked to open a public hearing on the application for Wiggly Bridge Distillery, Map/Lot: 0054-0010-C and 0054-0010-B. Kathleen Kluger seconded. The motion passed 5-0. No one came forward to speak. Amy Phalon closed the public hearing.

Dave Woods: The land I want to put the building on is a manmade wetland. In 1983, I stripped the topsoil off that area and scraped down to marine clay. When Michael Cuomo evaluated it, he could not attest that it is a manmade wetland. He called it "a heavily disturbed area."

Project engineer Rick Lounborn (CLD): Road sand and runoff erosion have added to the above average sediment trapping function that has stopped this application. That happens with wetlands that are in urbanized areas like this.

Lew Stowe: Is there any possibility of waving the findings? Dylan Smith: We don't offer any kinds of conditions. Even if the board were to approve it conditionally, the Code Office could deny the building permit.

After discussing several possible scenarios for the moist shed, David Woods told the board he would come back with another plan, "Plan B."

Motion: Pete Smith moved to continue the application review of Wiggly Bridge Distillery, Map/Lot: 0054-0010-C and 0054-0010-B to the August 10, 2017, Planning Board meeting.

Best Western York Inn, 2 Brickyard Lane

Map/Lot: 0097-0022-D; Owner: Robins Pater

The proposed site plan amendments to install a new two-stop elevator and exterior service door that will cause some minor exterior building changes. The former permit had expired.

Motion: Pete Smith moved to accept the application for the Best Western York Inn, 2 Brickyard Lane, and Map/Lot: 0097-0022-D, as originally presented. Kathleen Kluger seconded. The motion passed 5-0.

Motion: Pete Smith moved to open the public hearing for Best Western York Inn, 2 Brickyard Lane, and Map/Lot: 0097-0022-D. Gordon Eldridge seconded. The motion passed 5-0. No one came forward to speak. Chairwoman Amy Phalon closed the public hearing.

Dylan Smith: There are still waivers that are applicable per the last approval. It is important to understand that nothing has really changed.

Motion: Pete Smith moved that we approve the waivers 6.3.13.4, regarding material requirements, allowing the vinyl siding would stay consistent with what is there now, and 6.3.13.5, regarding the addition of one foot higher to a shed roof design that exists there. Lew Stowe seconded. The motion passed 5-0.

Motion: Pete Smith moved to approve the application for Best Western York Inn, 2 Brickyard Lane, and Map/Lot: 0097-0022-D, with the approved waivers, as presented. Lew Stowe seconded. The motion passed 5-0.

1376 Route 1; Map/Lot 0097-0018; Owner: Ken Miller

Application is for a revision of an existing Planning Board approved site plan for a mixed use lot to add two feet to a previously approved garage addition.

Application representative Glen Farrell: We dug up a sewer pipe coming out of the building near the back lot line, which is away from Rte. 1. I had to move the pipe. The repair meets the setback. We are not asking for any waivers. It is all set.

Motion: Pete Smith moved to accept the application for a revision to the approved plan for 1376 Rte. 1, Map/Lot: 0097-0018. Lew Stowe seconded. The motion passed 5-0.

Motion: Pete Smith moved to open the public hearing on 1376 Rte. 1, Map/Lot: 0097-0018. Lew Stowe seconded. The motion passed 5-0. No one came forward to speak. Amy Phalon closed the public hearing. There was no board discussion.

Motion: Pete Smith moved to accept the application for 1376 Rte. 1, Map/Lot: 0097-0018, as presented. Lew Stowe seconded. The motion passed 5-0.

York County Federal Credit Union Plan Revision 381 U.S. Rte. 1.
Map/Lot: 0053-0002; Owner: York County Federal Credit Union
Application is to change the business sign location and the landscaping plan.

Motion: Pete Smith moved to accept this application for York County Federal Credit Union Plan Revision 381 U.S. Rte. 1, Map/Lot: 0053-0002. Kathleen Kluger seconded. The motion passed 5-0.

Motion: Pete Smith moved to open the public hearing for York County Federal Credit Union plan revision 381 U.S. Rte. 1, Map/Lot: 0053-0002. Kathleen Kluger seconded. The motion passed 5-0. No one came forward to speak. Chairwoman Phalon closed the public hearing.

Project engineer Tom Grier showed the board how the business sign had sat on the south portion of the property in a fashion that blocked and was blocked by the neighboring business sign. The credit union sign has been moved to the central part of the site where it is more suitable for both businesses. The landscaping was rearranged around the credit union sign, and the plant count has not changed.

Motion: Pete Smith moved to approve the revision to the application for the York County Federal Credit Union Plan Revision 381 U.S. Rte. 1, Map/Lot: 0053-0002. Kathleen Kluger seconded. The motion passed 5-0.

Minutes

Motion: Lew Stowe moved to approve the minutes for Thursday, June 22, 2017, as submitted. Gordon Eldridge seconded. The motion passed 4-0-1, with Kathleen Kluger abstaining.

Other Business

Amy Phalon: The shoreland zoning for the Town of York is being brought into compliance with State statute. There are some changes the Planning Board wishes to see, particularly the wading bird habitat revision, which has been discussed with the Select Board. The Selectmen do not seem to want to take the Planning Board's process into consideration and accept the Planning Board's requested change. Chairman Phalon asked planning board members to attend the Board of Selectmen's July 24, 2017, meeting, when she plans to address their response to the Planning Board's recommendation.

Motion: Pete Smith moved to authorize our Chair to devise a letter explaining our concerns about this activity--letting Amy Phalon determine what that letter should say--and to present that letter at the next Selectmen's meeting. Gordon Eldridge seconded. The motion passed 5-0.

In Other Business

- Dylan Smith is scheduling an application hearing for York Housing Authority for the July 27, 2017 workshop.
- Kathleen Kluger has become the Planning Board liaison to the Capital Committee, replacing Lew Stowe.
- The Board members signed plans for York River Landing, Map/Lot: 0073-0014-A & 0014.

Adjourn

Amy Phalon, adjourned the meeting at 10:08.