

**York Planning Board**  
**Thursday, January 8, 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 7:03. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe; and Gordon Eldridge, representing York Beach. Alternate Amy Phalon, Esq. was present, but did not vote. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

**Public Forum**

No one came forward to speak.

**Minutes**

The December 11, 2014, Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the December 11, 2014 Minutes as corrected. Todd Frederick seconded. The motion passed, 5-0.

The December 18, 2014, minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the December 11, 2014 Minutes as corrected. Todd Frederick seconded. The motion passed, 5-0.

The December 23, 2014, Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the December 11, 2014 Minutes as corrected. Peter Smith seconded. The motion passed, 5-0.

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

**Application Reviews and Public Hearings**

**1520 U.S. Route 1 Expansion Permit**

**Map & Lot 0010-0004. The proposal is to build a 14' by 24' garage addition to an existing garage bay and install a concrete slab under an existing 10' x 7' storage shed addition.**

Since coming before the Planning Board on December 11, 2014, Mr. Weare had addressed comments in Dylan Smith's memo, including the naming of building material colors. Waivers for buffering and landscaping had been addressed. Car parking was outstanding as a minor issue, and Lew Stowe added that the flowerpots must be moved back off the public roadway. The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

**Motion:** Peter Smith moved that we accept the 1520 U.S. Route 1 Expansion Permit, Map & Lot 0010-0004, as presented. Lew Stowe seconded. The motion passed, 5-0.

**Dunne's Ice Cream 214, 218, and 222 Nubble Road, Map 0025, Lot 0200, 0200-A, and 0225. The proposal is to construct a new ice cream stand and parking lot.**

Forty-two emails responded to public notice of this application. Chairman Al Cotton read the names into the record. Amy Phalon had organized the emails for the public record and made hard copies of them.

Town Planner Dylan Smith described the proposed 32 by 45 foot ice cream stand with parking. In December, the applicant had come to the Planning Board with a sketch review. Since then, the applicant's representative, Tim DeCoteau and the Town Engineer have worked on developing the stormwater plan. The applicant has to address Spring Street employee parking, as well as noise, traffic, buffering, and fencing.

**Motion:** Peter Smith moved that we accept the application for Dunne's Ice Cream, 214, 218, and 222 Nubble Road, for review. Gordon Eldridge seconded. The motion passed, 5-0.

Chairman Al Cotton opened the **Public Hearing**.

**Brian Aldridge**, 10 Spring Street, has joined an association for Spring Street road repair. When Brown's closes in the evening, the road becomes a racetrack for kids, and it has to be repaired. The police don't patrol Spring Street, because it is a private road. It is difficult to pass on Spring Street with two cars. People walk along Nubble Road. Safety is a big issue.

**Attorney Greg Orso** represented several members of the Brown family. He listed their consolidated concerns: Spring Street employee parking; signage; buffering; constant equipment usage; third-party engineering reviews; the High Intensity Soil Survey; runoff and flooding; 192 one-way peak hour trips; added traffic; handicapped parking; the confusing HDC letter; interpretation of the Comp Plan; Spring Street road conditions; employee parking; buffering; storm runoff; and building materials. Furthermore, there shouldn't be a rush on the neighbors to push the project through. Many abutters are not in York now, and they shouldn't be rushed.

**Elaina Akeroyd**, the general manager of View Point Hotel across the street, supports Steve Dunne as a good businessman. He has created many jobs for the town and serves the tourist industry. This project has a minimal impact on the neighborhood.

**Bill Lyons** lives on Hyland Avenue. He is a member of the Spring Street Road Association with about 30 members. It is good that the employee parking for the existing Brown's Ice Cream Stand has been taken off Spring Street, leaving it just for delivery and garbage trucks. Noise is an issue for the entire neighborhood. The lighting must be low intensity and cannot go onto other properties. Car and bus lights should not shine head-

lights onto others' lots. Pedestrian safety on Nubble Road is a huge issue. There are people biking, too. The Dunnes are putting a sidewalk on the property, which is good.

**David Bachelder** has lived on Spring Street since 1998. He calls Spring Street a glorified driveway, a dirt pathway. The part of Nubble Road by Dunne's is exceedingly dangerous. Pedestrians are walking in a drainage ditch. Children walk there, too.

**Ted Mottola**, 258 Nubble Road, lives there year around. Pedestrians are the most important issue. The number of people walking to Brown's is amazing. The additional traffic and safety considerations are critical issues. It is hard to imagine how to manage that level of traffic and make it safer. He has seen one accident in 40 years. He imagined there would be more.

**Pat Connor** lives at 204 Nubble Road, at the bottom of the hill. Hundreds of people walk by her house every day. She has seen people get out of the way of cars by jumping into the bushes. There was significant flooding after a nearby house and trees were taken out. The little creek could not keep up with the water. She hopes the drainage plan will correct that problem.

**John Cannon**, 31 Spring Street, is a summer resident. The stream and wetlands are shown on the EPA plan, but not on any other plan. This area is not designed for commercial use. There should be a standard for decibels level for the compressors that are on the buildings facing the houses. The conditions of approval have to be put on the plans for future reference.

**Laura Gandy**, 41 Spring Street, talked about the wetlands, parking lot runoff, and the stormwater contamination that will come from cars and delivery trucks. She wants the EPA standards report to be closely followed. The applicant is seeking a waiver of the High Intensity Soil Survey, but should not receive the waiver. The footpath to Spring Street should not be allowed. The natural aesthetic value must be recognized. Litter at Browns has to be picked up regularly. There are conflicting definitions of the stream. Headlights have to be buffered.

**Judy Washburn** is the daughter of Carl and Norma Brown. In June, 2012, brush was cleared out at 44 Spring Street, abutting some of the Dunne/Fox property. Fill and Boulders were brought in. The parking lot was put in and the brook in the back, which had handled the runoff for many years, started overflowing into her parents' yard. It has to be addressed. She asked if a third ice cream place within a quarter of a mile is really needed.

**Lew Stowe** spoke to several comments. Runoff and pedestrian traffic are identified in the Comp Plan as key problems on the Nubble. Actions on those two issues are the responsibility of the Board of Selectmen, not the Planning Board. If a volunteer association were formed with the intent of preparing presentations to the Selectmen, Lew Stowe said he would be willing to help.

Otherwise, he continued, it is the Planning Board's responsibility to keep the application process moving through the approval process efficiently, and the Board cannot slow that process. However, it can be extended, if the applicant wishes. The Chairman closed the **Public Hearing**.

Applicant representative Tim DeCoteau reviewed comments made during the public hearing. This is a zone where commercial uses are allowed; the ice cream stand fits into the zone. Post lamps, GIS maps, and landscaping have been added to the plan. The sidewalk will be repositioned in response to a comment from Attorney Orso.

Spring Street parking and the proposed pedestrian path will be eliminated. A variety of fences, including an arborvitae screen, have been added to the plan. The Town Engineer is reviewing the stormwater runoff management. Sight distances are being checked. There is a traffic management permit, already. The applicant hopes to be open by Mothers' Day.

The building design includes a small single story building on a shallow crawl space with some storage above. The compressors on the roof will have a barrier in front of them to direct the sound away. The siding will be white cedar shingles. Asphalt shingles are for the roof. The change in parking lot design will cause the impervious ratio to change. Glare and headlights are safety issues that will be addressed.

Dylan Smith summarized his similar notes. The elimination of the parking lot at the rear of the lot and any other design changes will change the stormwater calculations and impervious ration. Those things will have to be updated on the plan. Glare and headlights hitting drivers going by is a safety issue. If more shrubs can be put in the front on Nubble Road to help control this, they must not be in the way of sight lines. Four foot tall solid and chain link fencing will go around the back of the parking lot. Post lights will be designed such that light does not escape property boundaries. The decibel readings for the coolant system will not exceed the sound limit in the ordinance, and there will be a note to that affect. Parking bumpers will be put in place to identify individual parking spaces within the gravel lot. The plan has to show the proper accessibility for handicapped spaces to the restroom.

**Motion:** Peter Smith moved that we continue this application to the February 12 meeting. Todd Frederick seconded. The motion passed, 5-0.

**Division of Land/Estate of Roger R. Norton Jr. End of Skylark Lane and 28 Oceanside Ave West, Map & Lot 0032-0035.** The proposal is for a 2-lot (minor) subdivision located off Ocean Avenue West and Skylark Lane.

Town Planner Dylan Smith introduced this application, which had been reviewed as a sketch plan. After reviewing the plans, the Town Engineer did not feel a stormwater review was necessary.

**Motion:** Peter Smith moved that we accept the application for the End of Skylark Lane and 28 Oceanside Ave. West, Map & Lot 0032-0035 for review. Lew seconded the motion, which passed, 5-0.

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

Applicant representative Jim Nadeau summarized the application. There are no major improvements planned for Skylark Lane. The 50-foot private right of way extending within this development would be the only road improvement. A 14-foot single lane road is proposed for construction by May 31, 2015. There will be no construction during the summer. A maintenance agreement is being proposed to maintain the road year round. The neighbors want Skylark Road improved, but they don't want the road widened, because of high cost and improvements that might increase the speeds.

Dylan Smith recommended a site walk for January 21.

**Motion:** Peter Smith moved that we give preliminary approval to the application for End of Skylark Lane and 28 Oceanside Ave West, Map & Lot 0032-0035, providing that every section in 6.4 complies with every section in 6.3. Seconded by Lew Stowe, the motion passed 5-0.

**Motion:** Peter Smith moved that we continue this application review for final review of End of Skylark Lane and 28 Oceanside Ave. West, Map & Lot 0032-0035 until the February 12 public hearing. Gordon Eldridge seconded. The motion passed 5-0.

**Bus Parking Facility, 1021 U.S. Route 1, Map 30A; Lots 0030 & 0030A. The proposal is to construct a gravel parking lot for approximately 30 school busses and 40 passenger cars.**

**Motion:** Lew Stowe moved that we handle this application for 1021 U.S. Route 1, Map 30A, Lots 0030 & 0030A as a sketch review. Todd Frederick seconded. The motion passed, 5-0.

Lou Chamberlain from Attar Engineering represented owner/applicant, Bruce Larson, who operates a wholesale lobster company from this property. Bus company manager Debbie Coleman was also present. This property was approved as an ice skating rink in 1999, but was never developed.

Debbie Coleman described typical bus activity. The buses take their first run from 6:10 to 8:30 A.M. and the second run from 1:00 to about 3:30 P.M. The drivers have breaks between the two runs. Currently, the buses are parked at the old CMP building where the busses are well shielded and out of sight, which would be a good aspect of this new location. There has been a trip generation assessment, and there are enough trips to require a traffic movement permit, which has been obtained. There is no call for an extra turning lane into this property.

Lou Chamberlain said that stormwater and contaminates will be treated on the site through a series of vegetated swales, sedimentation basin, and retention pond. Side and rear buffer yards will not be changed. The parking lot will be lit, calling for new added electric service. Snow storage has not been addressed. The dumpster is not on the plan. There doesn't seem to be any issue about security.

The Board will visit the site on January 21, 2015.

**Motion** Peter Smith moved to continue the application for Bus Parking Facility, 1021 U.S. Route 1, Map 30A, Lots 0030 & 0030A to February 12, 2015. Gordon Aldridge seconded the motion, which passed, 5-0.

### **Review of Findings of Fact for the Peradventure Subdivision Revision**

**Motion**: Peter Smith moved that we authorize the Chair to sign the Findings of Fact for the Peradventure Way, Tax Map & Lot 0052, Lots 21, 21C, and 21D amendment to previously approved subdivision plans. Todd Frederick seconded. The motion passed, 5-0.

### **Board Review of Proposal May 2015 Zoning Amendments**

#### **Other Business**

**Motion**: Lew Stowe made a motion that we accept the Findings of Fact for the Chairman to sign for the York Elks Lodge, 1704 U.S. Route One, Map & Lot 0100-0024-C, as amended. Peter Smith seconded the motion, which passed 5-0.

#### **Adjourn**

11:00