

**York Planning Board**  
**Thursday, August 25, 2016, 7:00 P.M.**  
**York Public Library**

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

Chairman Amy Phalon called the meeting to order at 7:00. A quorum was determined with five people voting, Chairman Amy Phalon, Vice Chairman Peter Smith, Board Secretary Gordon Eldridge, who specifically represents York Beach, Al Cotton, and Lew Stowe. Alternates Wayne Boardman, and Kathleen Kluger were present, but did not vote. York Director of Planning Dylan Smith represented staff. Lee Jay Feldman was not present for the Long Beach Bathhouse final approval.

**Public Forum**

Eleanor Ross of 59 Webber Road, qualified herself as a 15-year former member of the a zoning board in Massachusetts. She said single family dwellings on Roberts and Webber Roads are being used illegally as rental units. Recently there were 20 people inside and 8 cars parked outside on the yard and in the street near her house. Putting the problem in writing to the Selectmen and Town Manager is a good first step, said Lew Stowe.

She asked how the measurement for the 35-foot building height is calculated. Lew Stowe explained the measurement begins at ground level.

**Minutes**

The August 11, 2016 Minutes were reviewed and changes were requested.

Motion: Lew Stowe to approve the Thursday, August 11, 2016, minutes with changes. Al Cotton seconded. The motion passed 5-0.

**Field Changes**

There were no field changes.

**Public Hearings – Applications**

**Long Sands Beach Bathhouse – 178 Long Beach Avenue; Map/Lot 0033-0152-A. The applicant, the Town of York, is proposing removal of the existing bathhouse and construction of a new bathhouse with expanded capacity and associated road realignment and landscape amenities.**

The board granted preliminary approval at the last meeting, August 11, 2016. In his recent memo, Lee Jay Feldman, the staff planner for this project, recommended retaining

a third-party peer engineer to certify the plans. For that purpose, Oak Point Associates of Portsmouth, has been retained.

Town Engineer Steve Bradstreet reviewed the final plans with the board. The flood elevation of 14.3 feet is three feet above the ground elevation of 11.3 feet. Those three feet of storm impact are treated by flow thru vents that are in the building design. In her memo of August 25, 2016, Code Enforcement Officer Amber Harrison agreed with the peer findings made by Oak Point Associates and stated that the plan is approvable.

The final plans had been submitted August 11, 2016, said Steve Bradstreet. The check list of Article 6.3 had been addressed during Preliminary, and Article 6.4 has been for Final. He pointed out features of the plan sheets. The building site is totally within the AO/VE flood line. The shoreland zone, the base flood elevation, and the 250 foot setback are delineated.

Copious notes include impervious calculations, zoning data, shoreland overlay, flood plain overlay zones, and occupancy permit notes. Where present, all the notes from the previous bathhouse go on this plan, as well as temporary and final occupancy permits. The notes will be included on the final plans and Mylars.

The ramp from the beach is not part of the bathhouse facility, Steve Bradstreet continued. The ramp is in the center of the 4,800 foot-long beach. DEP permits are sought now for two ramps to add at opposite ends of the beach. All three ramps will go on the master plan, Steve Bradstreet finished.

Architect Ben Walker said the building is made of shingled concrete and concrete block. The roof structure is ready for solar panels on both sides. The plan includes the conduit for the panels. The Energy Committee has submitted a PPA contract to purchase the panels.

The flood-proofing system will protect the structure from potential damage caused by hydrostatic water pressure, a natural condition that causes damage in buildings that do not drain. To counter the hydrostatic water pressure and crashing waves, water comes straight through vents into the building.

Vents detect water as it approaches the building. As the water rises, the flood vents open. When the water recedes, it comes out the same vents. The vents are also capable of letting the water flow straight through. The interior components are designed to withstand that. After the flood, the maintenance crew goes in and has an easy cleanout, washing it down with a hose.

Motion: Lew Stowe moved for a short break. Pete Smith seconded. The motion passed 5-0, and the group took a short break.

Motion: Pete Smith moved to open the public hearing. Al Cotton seconded. The motion passed 5-0.

- Leo Barrillo has lived at 175-E Long Beach Avenue for 26 years. Because of the bathhouse, he is losing his view, and his property value is going down. This bathhouse should have been built on a lot that is not near the ocean. Since traffic and pedestrians all converge at the bathhouse, there should be a traffic light for pedestrian crossing. The plans keep changing. There was no cupola at first, and there was only one ramp, he said, now there are three.
- Sue Larsen has attended the public hearings and building committee meetings for this building. Everyone is constantly told that the road is not part of the building project, and the road will not be discussed, she said. There are people who want to make comments about the road, and we are being stifled.

Chairman Amy Phalon asked DPW Director Dean Lessard to update the status of the road. He said that DOT has accepted the road, is funding the project, and has jurisdiction over its construction. There were opportunities for people to speak out with the Board of Selectmen, he said.

- The public hearing returned to Sue Larsen, who asked how sewer and utility connections are protected.

Steve Bradstreet: The Sewer District has approved the sewer design, which has to be back-flow protected. The system cannot backwash, blowback, or mingle into the ocean. The back-flow preventer is located in the mechanical room. It is ball float protected. Water won't come up into the system.

Peter Smith said this part of the beach has never flooded. An audience member said it flooded during the Perfect Storm of 1991.

- Jim Carmody, former Transportation Manager for the City of Portland, said several plans were going to be considered at the start, but only one plan ever was. If the plan had been different, the road could have been different. "There have been projects in this town that have had a lot of issues. There are issues in his project that are going to send us down that same road again," he concluded.
- John Beranger said that the original warrant Article 42, the proposal put before the voters to build this bathhouse in the first place, had a very limited scope of features for the project. The terms of the warrant were to provide double the capacity of the existing structure, to provide for a children's changing area, to provide for handicapped access in the bathrooms, and to provide for storage. Everything else, Mr. Beranger said, that has been added on, the voters didn't approve. He called for a new warrant to go back to the voters to let them decide whether the extra items in the bathhouse are warranted.

Peter Smith replied to John Beranger. If, after the initial vote, we are limited from doing anything else than what's been approved, we wouldn't get anything done. In that event, everything we do in town would have to go back to the voters ever six months. We can't go back to the voters and figure out what the door knobs should be made of. It isn't feasible.

Mike Sullivan added that their final review of the project earlier this week, the Selectmen said move forward. The project is right on target.

Motion: Al Cotton moved to close the public hearing. Gordon Eldridge seconded. The motion passed unanimously.

The board engaged in discussion. The bathhouse will be open from May 1 until after Columbus Day, from about 6:00 a.m. to 9:00 or 10:00 in the evening, same as it is now. Kathleen Kluger suggested opening and closing the bathhouse from sunup to sundown during the season. One toilet unit will be left open to accommodate beach walkers during the off season.

Gordon Eldridge said the owner of the Oceanside Store is expecting business to be as good when the new bathhouse is open as it is now. Kathleen Kluger said the color of the current bathhouse, a light pink/sand color, blends into the background. The proposed color, dark gray, might be less subtle and more noticeable for the abutters.

Motion: Al Cotton moved that we accept the project Long Sands Beach Bathhouse, 178 Long Beach Avenue, Map & Lot 0033-0152-A, including the removal of the existing bathhouse and construction of a new bathhouse with expanded capacity and associated road realignment and landscape amenities, with the condition that any required State or Federal permits must be obtained prior to the issuance of a building permit. Peter Smith seconded. The motion passed 5-0.

## **Potential Ordinance Initiatives for May 2017**

Dylan Smith discussed potential initiatives for the May 2017 referendum. The following two were among those thought to be particularly important.

- Short term rental properties, such as Airbnbs, (Airbnb, Inc.) are potentially a big problem for York. There were 232 online ads for them online in 2015, and more than 1,500 in 2016. Plans are being made to organize a subcommittee to study this. Dylan said that seasonal worker housing that is also provided by the employer is a potential ordinance issue.
- The last iteration of the stormwater chapter will be due November 2017, instead of May 2017, as previously intended. A draft of the State permit outlining the MS4 requirements should be available soon for to use as guidance.

## **In Other Business**

- On September 12, 2016, the Board of Selectmen will decide if the Energy Chapter will go to the November ballot.
- At the request of the Town Manager. Dylan is organizing a public Q & A session for the end of September, addressing continued changes in the shoreland ordinance. The panel will consist of at least 2 Planning Board members and a Code Officer. The meeting will be posted.

## **Adjourn**

Motion: Pete Smith moved to adjourn. Al Cotton seconded. The board approved unanimously. It was 9:45.