

TOWN OF YORK PLANNING BOARD
THURSDAY, NOVEMBER 4, 2004, 7:00 PM
YORK PUBLIC LIBRARY

Chairman Barrie Munro began the meeting at 7:00. Barrie Munro, Glenn Farrell, Richard Smith, and alternate Tom Manzi attended. Dave Marshall, Glen MacWilliams, and Alternate Lee Corbin were absent. Town Planner Steve Burns was there, as was Patience Horton, who took Minutes. The meeting was televised. The Board voted on 10 motions.

Barrie Munro asked Planning Board member Dave Marshall to come forward from the audience. Barrie Munro presented Dave Marshall with the name plaque Dave Marshall had sat behind as a Planning Board member for many years. Barrie Munro thanked him for his service and wished him luck as a member of the Board of Selectmen, recently elected as such in a Town vote. Dave Marshall said that he had already been sworn in. He gave Barrie Munro a letter of resignation so his vacancy could be filled. He recommended that the alternates move up into the full-board position, following a seniority protocol.

Public Input Open to the public to address issues other than those scheduled for hearings on this agenda. No one came forward to speak.

Minutes

In the Highland Farms application of the October 14, 2004, Minutes, Barrie Munro asked for clarification about the Applicant's assignment of open space management responsibility to an organization approved by the Planning Board. Barrie Munro asked Alternate Tom Manzi to vote in place of retired Dave Marshall.

Motion. Glenn Farrell moved to accept the October 14 Minutes, as amended. Tom Manzi seconded the motion, which passed, 4-0.

In the Verizon application of October 28, 2004, Barrie Munro asked for a correction in the description of the frequency wavelength size, which had been depicted incorrectly in the Minutes. As well, in the same application, he requested further clarification of the Board's approving the 6th 1.7(d) priority.

Motion Glen Farrell moved to accept the October 28, 2004 Minutes as corrected. Richard Smith seconded the motion, which passed, 4-0.

Applications

Old York Historical Society, 3 Lindsay Road, Map 49/Lot 2. Public hearing. Application for conceptual review of Site Plan Application to expand museum building.

Scott Stevens, Executive Director of the Old York Historical Society, said that the eight museums owned by the Society comprise a world-class collection of local history. More gallery space, restrooms, and other attributes are needed at the Jefferd's Tavern in order to meet the needs of visitors, including 3600 school children who come annually from Maine to Massachusetts as part of the educational program. The building being proposed would feature a barn/carriage-shed combination of adjoining buildings and would provide bathrooms, program space, and more parking to fill the Museum's growing needs.

Builder John DeStefano showed the schematic site plan. Woodlot Alternatives has already surveyed the wetland on the property (owned by First Parish Church). He showed the proposed building's orientation near the Tavern and the Schoolhouse, and then he discussed the setbacks from York Street and Lindsay Street. The vegetation next to the Tavern is expected to stay as it is. An area for future building space on a section of that First Parish Church land will be maintained. One curb cut, approximately where one currently exists, will be adequate for the enlarged parking lot. On the floor plan of the new building, John DeStefano showed how one passing through the vestibule, past the orientation room for multimedia display, a snack area, the mechanical room, restrooms, and mechanical room would end up in the lecture hall, which will feature a fireplace at one end. A lift will allow handicapped people to get to the second floor, where there will be more exhibit space. The nearby Veterans' Monument will remain where it is.

Chairman Barrie Munro opened and closed the Public Hearing, as no one came forward to speak to this application. Board Member Richard Smith asked if the building would overpower the size of Jefferd's Tavern. John DeStefano showed an elevation of the new building next to the Tavern, comparing their rooflines. The larger barn building will be higher due to the slope toward York Street on which it will be built, but will be proportionally smaller than the building abutting it on the far side. Board Member Glenn Farrell asked about drainage. John DeStefano described, and the group discussed, the culvert under part of the parking lot.

Tom Manzi asked about how the color will go with the color of the Tavern. Town Planner Steve Burns said that of the Applicant would have to go Historic District Commission about that. Richard Smith asked if the parking lot would have hot top. The answer was no. Barrie asked about wetland fill for the parking lot. Steve Burns said that it was not permissible, however creating a crossing through wetland is permissible. Tom Manzi asked about pedestrian traffic flow and safety, which should be a concern, because there is no public restroom facility in the Village, except at the library. John DeStefano (tongue-in-cheek?) said that people would have to pay museum admission to enter the building and use the restroom. Barrie Munro said that receiving pedestrian and traffic safety feedback from the Fire Chief and Police Chief Bracy would be necessary.

Cape Neddick Village. 1132, 1136 & 1244 U.S. Route One. Map 22/Lots 13A and 13C, and part of Lot 97/Lot 5. Public Hearing. Application for a Route One Use Permit to construct 22,000 square feet of commercial space, plus apartments.

Chairman Barrie Munro opened and closed the Public Hearing. No one came forward to speak. Steve Burns said that the major issues that evening included waiver requests and the floodplain boundary, which describes how the site might be flooded. Once elevation is understood, conditional approval can be made. Barrie Munro asked if it is a phased building plan. The Applicant answered yes. Steve Burns said that the floodplain standards apply to all the buildings, though only one might be affected.

Motion Glenn Farrell moved to waive 18.1.4.2(i), regarding the survey locating trees of 10” diameter. Richard Smith seconded the motion, which passed, 4-0.

The waiver to reduce the buffer was discussed. Glenn Farrell said that he was not in favor of the waiver because, though the current abutter, Mr. Avery, might not mind buffer reduction, a changed owner of that abutting land might mind. The specific area being discussed was currently used as a kind of “private dump,” said Glenn Farrell, who described old trucks and tires left there.

Applicant Seth Spiller, who had hoped to reduce the setback from 20 to 10.6 feet, said that a 6-foot stockade fence with vegetation of each side would suffice. He said that the abutter, Mr. Avery, who hopes to construct a garage on his land between his house and the Cape Neddick Village property, liked the idea of the fence, also. Seth Spiller said the Cape Neddick Village property has a 25-foot right-of-way on Mr. Avery’s property, which he showed on the plan not far from the possible future garage. The Applicant said he hoped he would not have to use the ROW. If the waiver is not granted, it will force his building back and force creation of a four-way stop. Tom Manzi suggested that buying the notch of land that is causing the need for a waiver from Mr. Avery would solve the problem.

Motion Glen Farrell moved to not grant the waiver to reduce the buffer. No one seconded the motion.

Motion Tom Manzi moved to approve the waiver to reduce the buffer. Richard Smith seconded the motion.

In discussion, Steve Burns said that the waiver could be reconsidered and granted at a later date. Seth Spiller was asked about possible long-term plans for the land owned by his parents that abuts the Cape Neddick Village property, and Seth Spiller said he did not know of any plans, but that access to Cape Neddick Village property through his parents’ land is there for the future, if desired. Glenn Farrell suggested a ROW buffer easement that will go into the future with Mr. Avery’s deed.

Motion Withdrawn Tom Manzi withdrew his Motion to Reduce the Buffer, which was agreeable to Richard Smith, who had seconded it.

The floodplain elevation was then discussed. Steve Burns said that a new elevation was needed from FEMA (Federal Environmental Management Administration). Applicant Seth Spiller held up a plan, which showed an elevation mark labeled as “58,” which he

said is the new floodplain level. The entire project is outside that level, he said. He said that the 100-year flood goes up to that 58-foot elevation. As far as the septic is concerned, a letter he had presented the Board from the designer interpreted 8.3.9.4 of the York Zoning Ordinance as there being no water bodies in these particular wetlands. Steve Burns asked Seth Spiller to meet with Code Enforcement Officer Tim DeCoteau, because there seemed to be a different understanding in what entails the edge of wetlands and/or water bodies, a seeming difference in definitions and interpretation that the Planning Board does not have to deal with, Steve Burns explained to the Board, because a Licensed Plumbing Inspector will ultimately check the location and give the approval on the septic system.

The Board discussed parking and storage space. Barrie Munro said that the matter of using area calculations or not for basement space should be discussed. "We have never done it," he said. Tom Manzi said that storage space might be converted to a different use.

Motion Glenn Farrell moved that, because the Planning Board had never required parking space numbers to reflect storage space square footage, it was not going to do so here. Richard seconded the motion, which passed, 4-0.

Chairman Barrie Munro moved to the details, beginning with lighting. Tom Manzi referred to another Route 1 business with blaring lighting that does not seem to conform to the ordinance. Town Steve Burns said that lighting on that other property predates the ordinance and is not subject to change. Concerning offensive fumes and odors, the proposed restaurant at Cape Neddick Village cannot have offensive odors and fumes, an issue Steve Burns said could be put on Plan. Also, Barrie Munro pointed out that information about landscape architects and elevations of the fronts and sides' profiles were expected. About utilities, Seth Spiller said that there is a possibility that, if the underground utilities will require blasting, which would cause a hardship, using the existing pole for wiring might be necessary. Glenn Farrell asked about sidewalks. No waiver is necessary for them, said Steve Burns. Glenn Farrell said that there would need to be a note saying that eventually, when there is a sidewalk network, the Applicant will hook up to it. Steve Burns said that the Applicant should come back to the Planning Board in December. The technical details should be worked out. The floodplain elevation must be on the new plan.

Motion Glen Farrell moved to table the application until there is additional information. Tom Manzi seconded the motion.

In discussion, Seth Spiller reviewed outstanding items, including septic, an agreement with his abutter, Mr. Avery, two Plan Notes, and the FEMA floodplain information.

Vote The motion passed, 4-0.

Richard Chase. 449 U.S. Route One. Map 54/Lot 10D. Public Hearing. Continued discussion of application to construct a 20'X24' storage building.

Chairman Barrie Munro opened and closed the Public Hearing. No one spoke. Town Planner Steve Burns said that this application for the building housing Wildcat Pizza, formerly Foodee's, had been tabled because the continued existence of a deck in back prevented the application from going forward. The Applicant had since taken the deck off. A final form of the plan, drawn by a licensed engineer, is still needed. At the present, a 30-foot setback needs to be changed to 20 feet, which is not harmful in that locality, and which the ordinance permits because it is a small lot.

Motion Glenn Farrell moved for conditional approval to receiving the final plan. Tom Manzi seconded the motion, which passed. 4-0.

There was a ten-minute break.

Ray Ramsey, 269 Long Beach Ave, Map 36/Lot 96A. Public Hearing. Application for preliminary Site Plan review of proposed 24-room hotel.

Bill Anderson showed the plan for the building, which involves replacing a residence with a three-story addition for the Anchorage Hotel, with parking underneath and a small pool. He described the Shoreland Zone setbacks and how the precise location is defined by the ocean in front and wetland in back. Access will be from the existing hotel property with no new entrances from Mitchell Road to the south. Town Water and Sewer will serve it.

Chairman Barrie Munro opened the Public Hearing. Abutter Patrick McKenna asked how the addition would attract traffic. Bill Anderson said that Mitchell Road is gravel in the section next to the proposed building. Currently only pedestrians use it, and that will not change. However, the Fire Chief wants the Mitchell Road trees trimmed back, in the event it has to be used for fire-fighting equipment. Patrick McKenna told the Board that he and his wife often watch Planning Board meetings on television with great interest. No one else spoke. The Chairman closed the Public Hearing.

Motion Glenn Farrell moved to accept the applicant for review. Tom Manzi seconded the motion, which passed, 4-0.

Motion Glenn Farrell moved that since the building will be on Sewer and Water, the high intensity soil test should be waived. Richard Smith seconded the motion. It passed, 4-0.

Glenn Farrell brought up the Mitchell Road width, which is 9 feet, with a ROW of 12 feet, and a setback of 12 ½. Bill Anderson said that the building will be 17 feet from the travel way. Steve Burns said that the Fire Chief wants 12 feet of travel space on Mitchell Road. The Board also discussed a better configuration of the Anchorage parking lot without so many s-turns, making better access for fire trucks. Sprinklers and alarm systems were briefly mentioned.

Motion Glenn Farrell moved to accept the plan for preliminary approval. Tom Manzi seconded the motion, which passed, 4-0.

Other Business/Adjourn

1) Town Planner Steve Burns said that everything that the Planning Board had put before the voters earlier that week in the election had been approved, including amendments, growth management ordinance, and zoning ordinance. New references books are being prepared and will be handed out.

2) In other business, the Walter Woods appeal on the Planning Board's finding him in default was scheduled to occur the following Wednesday night, November 10, 2004. Steve Burns asked that all Board members check the amended Minutes and attend the hearing.

3) In other business, two In-law Apartment ordinances has been has accepted in the election. The one that originated from the Planning Board has broader applicability. The other pertains to smaller lots that have Town Water and Sewer.

4) In other business, Glenn Farrell said that the Audubon Society has offered a workshop on forestry habitat, which, after discussion, the Board asked Steve Burns to set up for their behalf.

5) In other business, David Velez, Verizon's spokesperson at the York Planning Board hearing one week earlier, October 28, 2004, came forward with a proposed field change for the monopole wireless facility site. An equipment change of the emergency back-up generator, which had required a 12X36-foot prefab building, now required a 20X42-foot prefab building. Furthermore, the generator, formerly planned to be inside, will now be outside with the 1000-gallon propane tank that will power it. In both before-and-after circumstances, the muffler for the generator would be outside, and the noise level would be the same. The nearest abutter is the Maine Turnpike, where the traffic makes more noise than this machine could produce. The emergency backup power from the generated source would come when electricity is out, and the back up batteries, which would provide 4-hours of power, burn out. Barrie Munro asked how loud the equipment gets. David Valez answered 75 decibels. Barrie Munro said that it was not permissible after 11:00 at night.

Motion Glenn Farrell moved to approve the requested field change for a larger enclosure and changed placement of the generator. Richard seconded the motion. It passed, 4-0.

6) In other business, Steve Burns handed out specs for the outdoor lighting proposed by the TAGT lobster facility. Barrie Munro said that he would rather see the original lights used, as they were more colonial and in better keeping with the landscape plan. He asked for a motion to deny the lighting change, but Glenn Farrell and Richard Smith were both ineligible for the vote, and there was no quorum. Therefore, there was not vote taken.

The meeting was adjourned. It was 9:15.