

**York Planning Board**  
**Thursday, June 12, 2014, 7:00 P.M.**  
**York Public Library**

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

Chairman Todd Frederick called the meeting to order at 7:20. A quorum was determined with five people voting: Chairman Todd Frederick; Vice Chairman Al Cotton; Board Secretary Lew Stowe; Peter Smith; and Amy Phalon, who was asked to vote as a full member. Community Development Director Steve Burns and Town Planner Dylan Smith represented staff. Patience Horton took minutes.

**Public Forum**

The new owners of the Cliff House wish to make their adjoining properties into rental units. It cannot be done under the current ordinances, but the Cliff House hopes that, with an ordinance amendment, the cottages can be rented. The Cliff House is represented by Attorney Elisa Tibbitts.

Steve Burns looked on his calendar. To go on the November ballot, the amendment would have to have been posted yesterday, June 11. It can go on the May ballot.

**Field Changes**

There were no field changes.

**Application Reviews and Public Hearings**

**York River House Site Changes.** 150 U.S. Route One. Map: 0073. Lots 0014 and 0014-A. Continued discussion from May 8<sup>th</sup>. Proposal to add a deck, create a takeout building, and alter the parking lot.

The applicant wishes to add a deck and remove a small home on the property to be replaced with an ice cream stand. The second issue, the wetland turns out to be is a man-altered wetland and is fill-able under Article 11 zone ordinance.

Engineer Geoff Aleva reported that

- Albert Fricke had determined the location of the wetland and that it can be filled.
- A plan note change states that no loud speakers will be used for ice cream and takeout window.
- The buffer between Route One and the parking lot is made of 3-inch trees.
- The septic system had been an issue, but he has written a letter saying the flows are less than what were initially approved.
- Otherwise, the plans haven't changed.

The Public Hearing was opened and closed. No one came forward to speak.

**Motion:** Lew Stowe moved to accept the application of the York River House, U.S. Route One, Map: 0073, Lots 0014 and 0014-A, with the condition subsequent that the septic system letter must be received before there can be use of the ice cream building. Amy Phalon seconded the motion. Amendment: Lew Stow said it should receive final approval. The amendment was accepted. The motion passed unanimously.

**Motion:** Peter Smith made a motion that we authorize the chairman to sign the Findings of Fact. Amy Phalon seconded the motion. The motion passed unanimously.

**Cristofori Shoreland Building Replacement. 151 Nubble Road. Map & Lot 0028-0004. Proposal to raze existing building and construct a new home within the required 100' shoreland setback.**

This replacement structure meets all setbacks. Tim DeCoteau, representing the applicant, indicated that the impervious cover is being slightly reduced. There is an easement on a portion of the lot. The side and front setbacks, including the 100 foot shoreland setback, are being increased slightly.

**Motion:** The chairman asked for a motion to accept the application. Al Cotton said, "So moved." Peter Smith seconded the motion. The motion passed unanimously.

**Public Hearing**

Paul Laverda is concerned about the view easement.

Ken Breton wanted to know the size and shape of the new footprint.

Andrew Touchette wants people to stop walking through his patio to see the view.

**Motion:** Amy Phalon moved that we approve the proposal for the Cristofori property, Map and Lot 0028-0004, to raze the existing building and construct a new home within the required 100' shoreland setback. Peter Smith seconded the motion. There was no discussion. It passed unanimously.

**Motion:** Al Cotton moved that we authorize the chair to sign the Findings of Fact as accepted and reconfirmed by the Town Planner. Peter Smith seconded the motion, which passed, 5-0.

**Beaudry Shoreland Building Replacement. 26, 30, & 32 Juniper Road. Map 0033. Lots: 004, 005, and 0011. Proposal to raze existing building and construct a new home within the required 100' shoreland setback**

**Motion:** Al Cotton moved we consider this application for review. Peter Smith seconded, which passed unanimously.

Bill Anderson described the situation. Dan Beaudry had bought two of his five lots from abutters, and three others, Nos. 9, 62, and 63, from the town. He wishes to demolish the cottage in the back and rebuild it, putting in a new building the same size. In order to do that, the lots have to be rearranged. The setback of 75 feet from the wetland cannot be met.

**Public Hearing.**

Sheila Callahan of 23 Haskell Way talked about the flooding into her front yard when Pascal Road flooded last winter. DPW cannot remedy this until another drainage project is finished. The properties sold by the town were supposed to be un-buildable lots.

Chairman Todd Frederick recommended taking the application to the board of appeals. A decision should be based on whether or not the wetland is contiguous. Deed restrictions on properties bought from the town have to be understood.

**Motion:** Lew Stowe moved that we table the Beaudry shoreland building replacement until July 10. Amy Phalon seconded the motion. There was no discussion. The motion passed unanimously.

**York Colonial Center – Subdivision and Route One Use Permit. 4 U.S. Route One. Map & Lot: 0086-0001. Consideration for Final Approval**

Applicant architect Chris Badeau reported a new plan note that construction will not begin until the sewer connection is made. The ratio of workforce housing to low income housing in the property is 50/50. The Kittery selectmen have approved the sewer extension. Five conditions of approval were also listed in his presentation.

The public hearing was opened and closed. No one came forward to speak.

Final approval was set for June 26, 2014.

**Minutes**

The minutes of February 20, 2014, were reviewed and corrections were requested.

- **Motion:** Lew Stowe moved to approve the Minutes of February 20, 2014. Amy Phalon seconded the motion, which passed, 5-0.

The minutes of March 27, 2014, were reviewed and corrections were requested.

- **Motion:** Lew Stowe moved to approve the Minutes of March 27, 2014. Amy Phalon seconded the motion, which passed, 5-0.

**Adjourn**

10:30