

1 **York Planning Board**
2 **Thursday, November 10, 2016, 7:00 P.M.**
3 **York Public Library**
4

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

6 Chairman Amy Phalon called the meeting to order at 7:00 pm. A quorum was determined
7 with five people voting: Chairman Amy Phalon, Vice Chairman Peter Smith, Board
8 Secretary Gordon Eldridge (representing York Beach), Lew Stowe, and Al Cotton.
9 Alternates Wayne Boardman and Kathleen Kluger were present, but did not vote.
10 Assistant Planner Scott Hastings represented staff.

11
12 At the request of the applicant, the 41 Candlewood Lane application was continued to date
13 certain December 8, 2016. The public will not get further notice.

14
15 Motion: Peter Smith moved that we continue the application for 41 Candlewood Lane,
16 Map & Lot 0034-A-0045 & 0037-0005 to December 8, 2016. Al Cotton seconded. The
17 motion passed 5-0.
18

19 **Public Forum**

20 No one came forward to speak.
21

22 **Minutes**

23 The October 27, 2016 minutes were reviewed, and changes were requested.
24

25 Motion: Al Cotton moved to accept the October 27, 2016 minutes. Pete Smith seconded.
26 The motion passed 4-0-1, with Amy Phalon abstaining due to absence.
27

28 Patience Horton requested the board review and re-approve a corrected version of those
29 October 27 minutes during the next meeting.
30

31 **Field Changes**

32 No one came forward to speak.
33

34 **Application Reviews and Public Hearings:**

35 **650 and 632 York Street, Joshua Gammon**

36 **Map & Lot 0046-0011 and 0046-0017A**

37 **Application for a lot line change in a subdivision**
38

39 The application was accepted for review when it was last heard on October 27, 2016.
40 This hearing is continued from October 27, 2016.
41

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

44

45 Scott Hastings summarized the Town Attorney's opinion letter. There are two points of
46 Planning Board jurisdiction in this application. One is in the acknowledgement of the
47 new lot line, and the other jurisdiction is over the new lot as part of the shoreland zone.

48

49 Attorney Matt Howell represented applicant Josh Gammon. He said that the Town
50 Attorney's opinion is incorrect. This has to do with two pieces of property in Georgiana
51 Colony and the circumstances under which they were merged. To illustrate this, he
52 drew a lot, added another lot and then "subdivided" the new big lot into three lots. He
53 emphasized the word "subdivide." His use of the word "subdivide" was an issue
54 throughout the application.

55

56 Sandra Guay said that in 17.3.1, the word "subdividing" means the division of non-
57 conforming lots in a shoreland zone. However, when they merge, they cannot be
58 divided unless they meet the current regulations. "Subdivision" is a statutory term used
59 in state subdivision statute and is defined as three or more lots. Subdivide is not
60 statutory term.

61

62 She explained that this application calls for an amended plan for the board members'
63 signatures. That plan will be recorded. Lot 60 will no longer exist, because it has been
64 merged with another parcel. A parcel this size that is in the shoreland zone and has a
65 commercial use, cannot be divided in a way that will meet current regulations.

66

67 Motion: Peter Smith moved for the Board to take the necessary steps to amend the
68 Georgiana Colony Subdivision plans that will remove Lot 60 from the subdivision. The
69 applicant will provide a plan showing the single lot created by the merger for the Board
70 to sign and to have registered. Lew Stowe seconded. The motion passed 5-0.

71

72 Motion: Peter Smith moved to deny the application to divide Lot 0046-0011 based on
73 the fact it doesn't meet the condition that at least one of the lots would be non-
74 conforming due to lot dimensional requirements under Section 17.3.1.1. Lew Stowe
75 seconded. The motion passed 5-0.

76

77 **265 Long Beach Ave., Anchorage Motor Inn**

78 **Map & Lot 0036-0096**

79 **Application for the expansion of an existing, Planning Board approved, workforce**
80 **house use in an existing building on site.**

81

82 Motion: Peter Smith moved to accept the application for the Anchorage Inn Map & Lot
83 0036-0096. Al Cotton seconded. The motion passed 5-0.

84

85 Motion: Peter Smith moved to open the public hearing for the Anchorage Inn Map &
86 Lot 0036-0096. Al Cotton seconded. The motion passed 5-0.

87

88 Scott Hastings said that the “seasonal housing use” was not strictly defined in the
89 ordinance at the time it was proposed and accepted as an accessory use in 2001.
90 Reviews from Fire, Water, Sewer, and Public Works have been received, but not from
91 the Police Chief. The only addition to the footprint is a stairway on the sidewalk. A
92 stairway on the side of the building is in compliance with the setbacks and impervious
93 surface calculations.

94
95 Project engineer Bill Anderson described an important change in shoreland delineation
96 that affects this project greatly. The original 2001 plan used the town shoreland zoning
97 map, which placed the edge of the shoreland on top of the Anchorage property line. It
98 placed this building within the 250-foot setback. Soil Scientist Mike Cuomo has since
99 located the true wetland. It is behind the property instead of on the ocean side. The
100 newly corrected 100-foot wetland setback does not touch this expansion, which is good,
101 because non-conforming buildings can only have one-time vertical expansions. That
102 was already taken in the first phase. This proposal could not have been allowed, if the
103 building was within any setback.

104
105 Ray Ramsey, owner of the Anchorage Inn, described how this building with seven
106 modular dorm rooms and baths, will house four people in each of them. These are Visa
107 staff members the Anchorage brings in, he said. They do not have vehicles.

108
109 Motion: Peter Smith moved to approve the revision to Anchorage Inn Map & Lot 0036-
110 0096, as presented, with revisions with the condition that the Police Report is submitted.
111 Gordon Eldridge seconded. The motion passed 5-0.

112
113 **855 Route 1, York Community Service Association Map & Lot 0095-0069-B**
114 **Application for a Route One use permit and revision to approver site Plan. YCSA**
115 **is proposing to locate their offices and food pantry in the existing building and**
116 **enclosed the existing pavilion to house a retail store.**

117
118 Motion: Peter Smith moved to accept this application for review. Al Cotton seconded.
119 The motion passed 5-0.

120
121 Motion: Peter Smith moved to open the public hearings for YCSA, Map & Lot 0095-
122 0069-B. Al Cotton seconded. The motion passed 5-0.

123
124 Scott Hastings described features of the project. A pavilion is being converted into a
125 food pantry. A small freezer is planned for the back of the main building. A reduction
126 in the curb material will improve automobile circulation and safety. DPW has approved
127 that curb design. Entrance lighting improvements have not been defined. Code has not
128 had a chance to review and approve the existing septic. Chief of Police has not
129 responded. There is parking on the site for 25 spaces, but ordinance calls for 30.

130
131 Michelle Surdoval, director of York Community Services Association said that the
132 YCSA campus is broken up between three sites, two of which are on Woodbridge Road

133 and one in Cape Neddick. The food pantry will be open on Thursdays from 12:30 to
 134 3:00, and from 5:00 to 7:00. The thrift shop and offices will be located in the main
 135 building. A shed on the side of the building will be the collection area for donations.

136

137 Several members of the public spoke.

- 138 • Al Gitelson is a direct abutter at Two Old Post Road. The pavilion building is
 139 close to his house, and he is concerned about the noise from the freezer unit.
- 140 • Steven Rendall lives on Square Lane directly across Route 1. He has seen and
 141 heard accidents from his house. This plan has 25 spaces, when 30 are required.
 142 Parking density has to meet code, he said.
- 143 • Michael Goselin owns the YCSA building and ran businesses there for 37 years.
 144 There is a lot of traffic, but he never had to send people away because they
 145 couldn't park.
- 146 • Bill Carter, of Cape Neddick, said, "Even if you have more spaces, you can't
 147 stop people from doing stupid things." The use of the word "stupid" led to some
 148 colorful conversation.

149

150 Michelle Surdoval responded to the parking comments. There is a private property in
 151 the area where staff and volunteers can park on very busy pantry days. Staff will
 152 consider changing thrift shop hours.

153

154 The board will continue the meeting to date certain, December 8, 2016. Scott reviewed
 155 a list of issues that could become conditions to an approval if they are not solved before
 156 then.

- 157 • With the two access points, one could be marked "Enter" and one "Exit;"
- 158 • Code recommended a septic review;
- 159 • Entrance lighting must meet DPW's safety standard;
- 160 • Notification by the Police that there are no issues;
- 161 • The water district has requested inclusion of a service line on the plans;
- 162 • Any parking issue; and
- 163 • Freezer noise abatement.

164

165 Motion: Al Cotton moved to continue this application for 855 Route 1, York
 166 Community Service Association Map & Lot 0095-0069-B, the next earliest date,
 167 December 8, 2016, with the request that all reports, including the parking and police
 168 reports, be available. Pete Smith seconded. The motion passed 5-0.

169

170 **647 Route 1, Meadowbrook Plaza**

171 **Map & Lot 0091-0008-W**

172 **Application is for a facade change to add a gable to the existing roof.**

173

174 Motion: Peter Smith moved to accept this application for an amendment to a previously
 175 reviewed plan for Meadowbrook Plaza 647 Route 1, Map & Lot 0091-0008-W, for
 176 review. Gordon Eldridge seconded. The motion passed 5-0

177

178 Motion: Pete Smith moved to open the public hearing for Meadowbrook Plaza 647
179 Route 1, Map & Lot 0091-0008-W. Gordon Eldridge seconded. The motion passed 5-0.

180

181 Scott Hastings explained that the signage being coordinated with this project will be
182 permitted through the code office. There is no additional space being added to the
183 building, so parking requirements are not changing. A Dollar Tree Store, where
184 everything's a dollar, is coming in.

185

186 Chris Duplantis represents GW Real Estate, the owners of Meadowbrook Plaza. They
187 are replacing some of the facade and addressing water damage. Two gables are being
188 repaired/improved. A third is being added later.

189

190 Motion: I move that we approve this amendment to an existing plan for 647 Route 1,
191 Meadowbrook Plaza, Map & Lot 0091-0008-W. Gordon seconded. The motion passed
192 5-0.

193

194 ~~41 Candlewood Lane, William and Elizabeth McCann~~

195 ~~Map & Lot 0034-A-0045 & 0037-0005~~

196 ~~Application if for a lot line adjustment in a planning board approved subdivision.~~

197

198 Continued to December 8, 2016, at the applicant's request.

199

200 Other Business

201

- 202 • Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact
203 for Pine Hill Excavation, Tax Map & Lot 0100-0028. Al Cotton seconded. The
204 motion passed 5-0.
- 205 • Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact
206 for 464 Route 1, Map & Lot 0048-0025. Al Cotton seconded. The motion
207 passed 5-0.
- 208 • Motion: Peter Smith moved to authorize the chair to sign the Findings of Fact
209 for Camp Eaton, Map & Lot 0040-0061. Al Cotton seconded. The motion
210 passed 5-0.
- 211 • The board members signed plans for 1900 Route 1, Camp Eaton, and
212 Fisherman's Dock.

213

214 The next planning Board meeting will be held jointly with the Board of Selectmen on
215 Thursday, November 17, 2016 in the Senior Center. It will not be televised.

216

217 Adjourn

218

219 Motion: Peter Smith moved to adjourn. The time was 10:07.

220