

1 **York Planning Board**
2 **Thursday, October 27, 2016, 7:00 P.M.**
3 **York Public Library**
4

5 **Call to Order, Determination of Quorum; Appointment of Alternates**
6

7 Vice Chairman Peter Smith called the meeting to order at 7:00 pm. A quorum was
8 determined with five people voting: Vice Chairman Peter Smith, Board Secretary Gordon
9 Eldridge (who specifically represents York Beach), Lew Stowe, Al Cotton, and Alternate
10 Kathleen Kluger, who was asked to serve as a voting member. Alternate Wayne
11 Boardman was present, but did not vote. Chairman Amy Phalon was absent. Assistant
12 Planner Scott Hastings represented staff.
13

14 The hearing for 7 Carriage Barn Lane was cancelled at the request of the applicant.
15

16 **Public Forum**
17

18 Bruce Read, attorney for the abutters in 7 Carriage Barn Lane, spoke for his clients, Ala
19 Reid and Rozanna Patane. Their wetlands specialist, Mark Hampton, was also present.
20 Mr. Read spoke to the record. This postponement is very disconcerting for his clients,
21 who have retained three experts for tonight's hearing at great expense.
22

23 **Minutes**
24

25 The October 13, 2016 minutes were reviewed. Changes were requested.
26

27 Motion: Lew Stowe moved to accept the October 13, 2016 minutes as corrected. Al
28 Cotton seconded. The motion passed 5-0.
29

30 **Field Changes**
31

32 Police Chief Bracey said the Police Station's building committee has recommended
33 awnings above the three doors to shield people and doors from the weather. The areas
34 the awnings will cover are impervious, so the impervious surface calculations will not
35 change.
36

37 Motion: Lew Stowe moved to approve the project at 15180-2 Hannaford Drive, for the
38 addition of canopies over the three doors. Gordon Eldridge seconded. The motion
39 passed 5-0.
40
41
42
43

44 **Public Hearings—Applications**

45

46 **7 Carriage Barn Lane, Philip Brown**

47 **Map/Lot 0051-0037-A**

48 **Application for a driveway and Building location. Lot requires Planning Board**
49 **review due to subdivision plan note. Previously on the agenda at the August 11**
50 **meeting when legal consult or jurisdiction was requested. Town Attorney’s opinion**
51 **was that the Planning Board does have jurisdiction over this application.**

52

53 This hearing was cancelled at the request of applicant.

54

55 **650 and 632 York Street, Joshua Gammon**

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

57 **Application for a lot line change in a subdivision**

58

59 Scott Hastings introduced this application made to affirm the 2012 merger of Lot 60
60 with what was referred to as “the front lot.” The merger occurred with when the two
61 lots became the property of “Mr. Mercurio.”

62

63 Attorney Mark Howell represents the applicant, Josh Gammon, the current owner of Lot
64 60. In accordance with Article 17.3.1.a.2, when two lots, one being landlocked, are
65 adjacent and come under common ownership, the lots automatically and administratively
66 merge into one lot, which happened in 2012. Because the merge had occurred
67 automatically, Mr. Mercurio did see the need to come to the Planning Board to have the
68 merger affirmed, as required. If the board approves of the merge tonight, Mark Howell
69 said, Joshua Gammon intends to remove the lot from the subdivision and “subdivide” the
70 lot, said Mark Howell.

71

72 Motion: Al Cotton moved that we accept the application. Kathleen Kluger seconded.
73 There was no discussion. The motion passed 5-0.

74

75 The Vice Chairman opened the public hearing.

76

- 77 • Attorney Marcia Guay spoke on behalf of the abutters. Per 17.3.1.a.2, the lots
78 never qualified to be combined in the first place because they do not conform to
79 the zone. She said that no combined lot can be separated.
- 80 • Daniel Raposa of 660 York Street, had retained Attorney Guay. He said that a
81 court case had arisen from this matter, so he could not speak about it. He
82 challenged “anyone in the room” to drive to the location and “get an idea for
83 yourself of what’s happening there.”
- 84 • Dale Mercurio of 620 York Street said she is not one of the abutters. To quote
85 Ms. Mercurio, “This is not about the use, but this has everything to do with the

86 use, noise and all that. It is very sketchy that our previous assessor owns all these
87 landlocked lots in town.”

88

89 Motion: Al Cotton moved to table this application until we received feedback from the
90 Town Attorney. The issues the Planning Board is asking the Attorney to address are: 1)
91 Whether or not we have jurisdiction over the subdivision lot line; and 2) The meaning, or
92 lack of meaning, of the term “subdivided,” as found in 17.3.1.a.2. Kathleen Kluger
93 seconded. The motion passed 5-0.

94

95 **1900 Route 1, Pine Hill Excavation**

96 **Map & Lot 0100-0028**

97 **Application for the review and Route 1 Permit for a new mixed use building.**

98 **Building would house three offices and one residential unit. Also proposed is onsite** 99 **storage of soil and/or fill for non-retail, wholesale purposes by the applicant.**

100

101 Ryan McCarthy of Tidewater Engineering and Surveying, Kittery, presented the
102 application made by Danny Goldberg, owner of Pine Hill Excavation. The lot is located
103 in the Rte. 1-6 zone near the border of York and Ogunquit. Three offices for three
104 different businesses are planned, and there will be one residential unit, as well.

105

- 106 • The applicant asked the Board to waive the High Intensity Soil Survey (HISS),
107 the Certified Landscaping Plan, and the Performance Guarantee.
- 108 • The HISS waiver is sought because the building is built on ledge.
- 109 • A waiver of the landscaping plan is requested, because the lot is 100% wooded.
110 The forested buffer goes around the entire perimeter, giving the building a 50-foot
111 natural wooded buffer facing Rte. 1.
- 112 • The request to waive the performance review is sought because there are no
113 public improvements.
- 114 • Twelve parking spaces are required under normal calculations, however a
115 reduction to 10 parking spaces is being requested because 10 are “more than
116 adequate.”

117

118 The project has been signed off by the Town Engineer. He noted that a “fore bay” should
119 be added to the stormwater system to prevent sediment from draining into the stormwater
120 basin. The traffic assessment was reviewed and approved by Deal Lessard (4 round-trips
121 per peak hour). MEDOT has approved the Rte. 1 driveway access. Septic is being
122 installed. The property will hook up to York water. There will be one overhead light at
123 the entrance to identify the property. The street number, “1900” will be the only signage
124 for the property because, “We’re not open for retail.”

125

- 126 • Motion: Al Cotton moved to accept the application. Kathleen Kluger seconded.
127 The motion passed 5-0.

- 128 • Motion: Al Cotton moved to open the public hearing. Gordon Eldridge
 129 seconded. The motion passed 5-0. No one came forward to speak. Vice
 130 Chairman Pete Smith closed the public hearing.
- 131 • Motion; Al Cotton moved that we waive Section 6.3.3.2, High Intensity Soil
 132 Survey. Gordon Eldridge seconded. The motion passed 5-0.
- 133 • Motion: Al Cotton moved that we waive Site Subdivision section 6.4.6,
 134 landscaping plan. Gordon Eldridge seconded. The motion passed 5-0.
- 135 • Motion: Al Cotton moved that we waive Site Subdivision Section 6.4.2.5,
 136 Performance Guarantee. Kathleen Kluger seconded. The motion passed 5-0.
- 137 • Motion: Al Cotton moved that we waive Zoning Ordinance Section 6.3.10,
 138 Landscaping of Buffer Yard for the requirement that a licensed landscape
 139 architect prepare the landscaping plan. Gordon Eldridge seconded. The motion
 140 passed 5-0.
- 141 • Motion: Al Cotton moved that per Zoning Ordinance 6.3.2.1 Performance
 142 Guarantee for required improvements. Kathleen Kluger seconded. The motion
 143 passed 5-0.
- 144 • Motion: Gordon Eldridge moved to approve the preliminary and final application
 145 of 1900 Route 1, Pine Hill Excavation, Map & Lot 0100-0018. Kathleen Kluger
 146 seconded. The motion passed 5-0.

147

148 **750 York Street, Camp Eaton**

149 **Map & Lot 0040-0061**

150 **Application for teardown and replace of the current office/owns residence on the** 151 **property.**

152

153 Scott Hastings introduced the application to demolish and rebuild the building that houses
 154 offices and the owner's apartment at Camp Eaton. A garage is being added. The
 155 driveway is being expanded slightly.

156

157 There are no additional employees or customers. Public Works finds no significant
 158 change. There is no need for a trip generation study. The Town Engineer has found no
 159 issue. Stormwater has a slight increase, but it is not a significant change. The propane
 160 tank is outside the setbacks. This application has not gone before the York Harbor
 161 Design Review Board, which oversees new buildings in the BUS-2 zone.

162

163 The Planning Board found no issues with the parking, which does not fully meet the
 164 current standards.

165

166 Motion: Al Cotton moved to accept the application for review. Kathleen Kluger
 167 seconded. The motion passed 5-0.

168

169 The Vice Chairman opened and closed the public hearing. No one came forward to
 170 speak.

171

172 Peter Wagner, owner and president of Camp Eaton, introduced Gary Woods, president of
173 Shoreline Construction, and Matt Woodman, co-owner of Camp Eaton. The old building
174 has already been torn down by permit of the Code Office and Historic District
175 Commission approval.

176

177 • Motion: Al Cotton moved to waive the trip generation report on 750 York Street,
178 Map & Lot 0040-0061. Kathleen Kluger seconded. The motion passed 5-0.

179 • Motion: Al Cotton moved to give preliminary and final approval to the
180 application for Camp Eaton, 750 York Street, Camp and Lot 0040-0061.
181 Kathleen Kluger seconded. The motion passed 5-0.

182

183 **Other Business**

184

185 Motion: Al Cotton moved to authorized the vice chair to sign the finding of fact for the
186 York Sewer department. Kathleen Kluger seconded. The motion passed 5-0.

187

188 • Mylars for the York Sewer Department are signed tonight.

189 • The November Planning Board meetings will be held November 10 and
190 November 17.

191 • The November 17, 2016, meeting will begin at 6:00 in the Senior Center. It is
192 scheduled as a joint meeting with the Board of Selectmen.

193

194

195 **Adjourn**

196

197 Motion: Al Cotton moved to adjourn. Kathleen Kluger seconded the motion. The
198 motion passed 5-0. It was 9:30.