

**TOWN OF YORK PLANNING BOARD
THURSDAY, FEBRUARY 21, 2006, 7:00 PM
YORK SENIOR CENTER**

Chairman Barrie Munro began the meeting at 7:10 by introducing the board and the staff. Barrie Munro, Richard Smith, Glen MacWilliams, and Glenn Farrell were present. Tom Manzi and alternate Lee Corbin were absent. Alternate Michelle Moody had resigned as of February 15, 2006. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was recorded on a cassette player.

Barrie Munro said that this was the tenth time the board has met for the Atlantic House application. There have been four conceptual discussions and six applicant reviews.

1. **Public Input. Open to the public to address any issue other than issues scheduled for public hearings on this agenda.**

The chairman opened Public Input, but no one came forward to speak.

2. **Requests for Field Changes. Decide on requests from previously approved applicants.**

Steve Burns said that there were some mylars for board to look at after the meeting.

3. **Application Review and Public Hearing**
 - **Atlantic House. 2 Beach Street, 4 Main Street, and 7 Main Street. Map & Lot: 0024-0044, 0024-0043-A, and 0023-0008. Application for historic building conversion and expansion, with off-site parking.**

Barrie Munro asked Steve Burns to update the Planning Board on the application. Steve Burns said that he had given a complete review on January 12 and updated it during the February 3 meeting. The method of guest registration for the Kearsarge House was not understood. Perhaps guests would register at the Atlantic House. From the audience, developer Don Rivers answered yes, that will be the case. Steve Burns said it was apparent that there is peace with the Gull Street abutters. Also, Code Enforcement had been notified about the hazards at the Atlantic House, but Code Enforcement had not responded. Parking remained what he called "the \$64 question."

Representing the developer/applicant, Peter Dunfey said that on February 10, his group had met with the fire chief and talked about improving safety for the building. Since then, fire extinguishers and a first aid kit had been purchased and put in place, and the windows were resealed with plastic.

Chairman Barrie Munro opened the public hearing. Gull Street abutter Paul Passanisi said he supported the renovation of the theater early on, and he now supports the Atlantic House, as well. He thought the plan was good.

York Beach nightclub owner Joe Lipton said that a couple of restaurants had closed a few years ago with no businesses opening in their places. Because of that, parking should not be a problem.

York Beach Fire Department Chief Dave Bridges said that the violent windstorm from the preceding Friday blew down the plywood and the plastic from the windows. The doors were wide open. He had issue with a walkway/driveway combination that is planned for the Union Bluff and the Atlantic House. He said a walkway could not be in the middle of a driving area. He said the planned grass area for Gull Street would not survive because of the shade that is there. He recommended hot-topping the road for the fire trucks, instead.

Project engineer JoAnn Fryer of CLD Engineers said that the Union Bluff is “in preliminary”, and a common plan is being worked on but is still incomplete. Barrie Munro closed the public hearing.

Barrie Munro said he was going to organize the discussion based on Steve Burns’s memos. He inquired about an agreement between the three Gull Street abutters and the two hotels, the Atlantic House and the Union Bluff. Gull Street has to be constructed in a way to enable safety services throughout all the seasons. Steve Burns said that the abutters have formed the Gull Street Improvement Association and have formed an agreement. It has to be executed. He said the agreement is a precedent condition of approval. Glenn Farrell asked if there was an answer for Larry Walden, who wanted to know if anyone else has access to the street. JoAnn Fryer said that she did not know yet.

JoAnn Fryer talked about plans for the natural gas tank and the transformer that are to go behind the Black Dog. She has applied for an easement from the Board of Selectmen for the lines to cross under Main Street.

Barrie Munro asked if there has to be a plan note for the Gull Street Improvement Association. Steve Burns said that since they came to an agreement among themselves, there does not have to be a plan note. Talking about requirements for Gull Street construction, Chief Dave Bridges said that a 56,000-pound fire truck could not drive over certain conditions. The road has to be paved. If the road were made narrow and with walkways, it would not be inviting to traffic. Glenn Farrell suggested letting the fire chief work with the engineer with that part of the project. The board will have to receive a finalized agreement and a letter from the fire chief concurring to the final design. Peter Dunfey said the road was planned to be 30 feet wide. The chief said that 12 feet of hard, paved surface is the minimum he needs. Barrie Munro said that the board would not approve, until the chief approves. Glen MacWilliams said that the prior to any other approval, the Gull Street Improvement Association guideline has to be in agreement. Peter Dunfey

said that the agreement has been signed. A note from an attorney saying that the deed has been researched is also necessary.

JoAnn Fryer said that the sidewalk on Main Street is going to be re-done. Barrie Munro recommended voting on the waiver.

Motion Glenn Farrell moved to approve a waiver that would allow Atlantic House to construct the sidewalk on Town property. Glen MacWilliams seconded the motion, which passed, 4-0.

Chairman Barrie Munro opened the discussion about parking. Using a chart submitted by the applicant, he ran through figures that described the fluctuation of parking spaces during the course of the day. He read a quote by the York Beach Revitalization Committee that there is no parking problem in York Beach. One hundred fifty-seven parking spaces were being required, but the applicant had reduced the requirement to zero. Barrie Munro said that, if the applicant had obtained additional parking, things would have been easier.

Glen MacWilliams said that the Planning Board has the ability to accept a plan that does not meet the parking requirement. Barrie Munro commented that, if there were adequate parking, it would have an affect on new and preexisting businesses. Glenn Farrell said that 157 spaces were needed, but the applicant had reduced the requirement to zero. He did not think it should be reduced to zero. All applicants should be treated the same. When others come in, they will also say that they do not need to provide parking. Atlantic House will have nine spaces for residential, and all the others will park in the Beach. Glen MacWilliams said that what a future applicant might or might not do has to do with different conditions. Richard Smith said that the board can reduce the parking, but can't ask to reduce to zero, eliminating it, entirely. Glen MacWilliams said that the ordinance was written so these properties could be developed. The board is not setting a precedent. It is looking at each application individually. These are extenuating circumstances.

Chairman Barrie Munro said that he was turning the next section of the meeting into a work session allowing broader participation with non-board members. JoAnn Fryer discussed a hypothetical schedule with a wedding perhaps at 11:00, and the restaurant open in the evening, and how different activities would fit into parking needs. She described the difference in activities and how people come and go in both scenarios. Joe Lipton said that the demand for parking is less than it used to be, and it is very important for the building to be done. He stressed that he did not want to see any residential use for beach parking. He was the first to say that he wished there were employee parking for the Atlantic House. Applicant Don Rivers then gave a history of the Atlantic House, which he bought to fix up because he thought people would stop going to York Beach because of its disrepair. He initially came to the Planning Board and was sent to the Board of Appeals over the issue of there being no parking to the extent he was required to provide. He worked to have the ordinance changed, and he also feels there is plenty of parking in

the Beach. He wants a reduction in the parking to zero because that is the only way Atlantic House is going to survive.

Glenn Farrell suggested approving the application and then looking at it (parking) again in two years. Richard Smith said that there is no parking for employees. Don Rivers said that he plans to shuttle employees. Barrie Munro said that he liked JoAnn Fryer's description of the changing flow of people for a function hall and the restaurant. He also liked the idea of shuttling the employees. He referred to the two-year review of the project, as Glenn Farrell suggested, as a "sunset clause." He suggested that the restaurant would have to be shut down, if it did not comply. There was a discussion about the impossibility for the applicant of having sunset clause threatening potential, mandatory closure, and that idea was ultimately dismissed. David Woods described a shuttling enterprise he had been part of at one time. It seemed to work for him.

Barrie Munro said he agreed with Glen MacWilliams that in order to satisfy the initiative in the Comp Plan and to pursue revitalization of York Beach, the board has to be bold and be willing to take some chances. Richard Smith said that it comes down to whether or not the board is willing to deny approval because the provision for incremental parking has not been satisfied. Glenn Farrell added that at that moment, among the four board members, there was a 2-2 split on approval (with Richard Smith and Glenn Farrell against, and Barrie Munro and Glen MacWilliams in favor), so a fifth board member would be necessary to break the tie.

Motion Glen MacWilliams moved to waive the two subdivision regulation requirements subject to the Gull Street Improvement Association agreement. Glenn Farrell seconded the motion, which passed, 4-0.

Barrie Munro said that there were comments by Public Works Director Bill Bray that had not been addressed. JoAnn Fryer said that she had met with Bill Bray over busses that come to the Union Bluff during the off-season, but have no place to turn around. Because of the parking on Beach Street, there is not enough room (16 feet) as required for two-way traffic. One possibility is to change the angle parking to in-line parking for the winter months. That idea has been submitted to the Board of Selectmen as a potential solution, she said. As well, Bill Bray wanted a detailed schedule of completion for drainage and sewer reconstruction. The request was part of a five-item memo from Bill Bray to Steve Burns.

Beach resident Susan Shaw spoke about parking problems for the residences in the Beach Street area. The one-way sign for Beach Street that no one ever sees is stuck in a barrel of concrete that gets turned around to say "two-way" in the off-season. People park on Beach Street and at the Union Bluff all year round. She was in favor of the changes, and hoped there will be better signage than that on Beach Street.

Barrie Munro recognized the difficulty there might be for a motion to carry a majority, in that three of the four members would have to vote yea. He polled the board members

about their position. Glenn Farrell said that the Atlantic House building will be nice, and the Gull Street people are satisfied. Waiving the 148 parking spaces is the issue, but he will probably vote in favor. Parking will be a problem, and the building might catch on fire. Though he is not in favor of the parking, he would probably vote in favor of the application. Richard Smith said that he was not in favor of the total reduction of the parking. The employees need parking and that should be in the plan notes. Glenn Farrell suggested making the motion with the shuttle parking for employees a requirement.

Motion Glen MacWilliams moved to accept the agreement to shuttle the employees in perpetuity, and the number should coincide with the number previously submitted. Glenn Farrell seconded the motion, which passed, 4-0.

Barrie Munro reviewed two points. All the parties to the Gull Street agreement will be represented in a legal opinion, and the agreement for an easement and the street construction is to come from the Board of Selectmen.

Motion Glen MacWilliams moved that in reference to 15.1.1.4, the applicant would provide nine parking spaces for the units and 31 for the employees. Glenn Farrell seconded the motion, which passed, 4-0.

Motion Barrie Munro moved to include the plan note for the seasonal period between Labor Day and July 1, during which time the restaurant can be open from 8:00 A.M. to 1:00 P.M. Glen MacWilliams seconded the motion, which passed, 4-0.

Chairman Barrie Munro asked for a motion for final approval of the application.

Steve Burns discussed the list of **precedent conditions** he had developed. The Gull Street Association agreement has to be agreeable to Atlantic House, and it has to be added to the plan set. An agreement had to come about between the Union Bluff, the three Gull Street property owners, and the York Beach Fire Chief. The Gull Street plan note has to be added. The easements and approval for the gas line coming across the street from the Black Dog has to be approved by the Town. The hotel/restaurant use will be duplicated from that of the Kearsarge House. Everyone who is party to the Gull Street Improvement Association must be part of the documentation. The arrangements and agreement for 31 employee, off-site parking spaces in perpetuity must be provided. The direction of the Beach Street parking must be resolved. The outstanding issues in the Bill Bray letter must be addressed. The plan note must include the new off-season hours of operation.

Motion Glen MacWilliams moved to approve the final plan of this application with precedent conditions. Richard Smith seconded the motion, which passed, 4-0.

Joe Lipton asked to speak from the audience. Though board members shook their heads that it was not his time to speak, the chairman let him. Joe Lipton was concerned about the hours the Atlantic House restaurant was allowed to open, after the motion had been

approved. He had not heard about that plan note before. The information had not been available to the public. Barrie Munro told him he would look into it.

Steve Burns said that there were not any Findings of Fact for the application.

Barrie Munro wished the applicant good luck.

Other Business/Adjourn

In other business, a set of mylars from the York Village Business Center had to be signed. They had been signed before, but the plans had not been printed on Mylar.

The meeting adjourned. The time was 9:25.