

York Planning Board
Thursday, June 9, 2016, 7:00 P.M.
York Public Library

Call to Order, Determination of Quorum; Appointment of Alternates

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

Public Forum

No one came forward to speak.

Minutes

The May 26, 2016 minutes were reviewed. No changes were requested.

Motion: Amy Phalon moved to approve the meeting minutes of April 28, 2016 as written. Gordon Eldridge seconded. The motion passed 5-0.

Field Changes

There were no field changes.

Application Reviews and Public Hearings:

Long Sands Bath House, 178 Long Beach Ave; Map & Lot 0033-0152-A. The Town is replacing the bath house and doing site work on the property. This is a sketch plan review.

This is a Town project and will be reviewed by engineer Steve Bradstreet of Ransom Consulting, rather than by a town planner. The traffic-transportation engineer, Tom Enrico, is designing the crosswalk and the drop-off areas, which are not part of the Planning Board review. Only the building is. The project is in early phases, said Steve Bradstreet.

Jim Bartlett is the Chairman of the Building Committee, and he introduced the project. There have been two public participation meetings, one last summer (2015) and one last April. This past winter, the Town purchased the key parcel of land to make the road alignment possible. A DEP permit is pending; the building cannot move closer to the ocean. The Energy Committee is planning solar panels for the roof. Two crosswalks are

planned to cross Long Beach Avenue to the bathhouse. Parking spaces will be reconfigured to form the drop-off/pickup area.

Public Hearing

Amy Phalon and Wayne Boardman moved and seconded to open the public hearing, which the board approved unanimously.

Jim Carmody of York Beach is a retired traffic and transportation engineer. The size of the area in front of the bathhouse is excessive, he said. The road alignment should be pulled back. Having two crosswalks is a bad idea because, when a car pauses through one set of pedestrians, it will drive 10 feet then wait for another set of pedestrians. He could not see what prevents people from pulling up wherever they want to unload passengers, just like it is now.

Steve Bradstreet responded to Mr. Carmody. The double crosswalks greatly shorten the current 82-foot crosswalk design. This makes crossing quicker. There are organized drop-off points at the Cutty Sark, the Anchorage, as well as the bathhouse. The designs of the drop-offs and crosswalks are not part of Planning Board review.

Chuck Beranger of York Beach said that last summer, when he attended the participation meeting, they said that the impact on the neighbors would be minimal. Now the project has tripled in size. There is a property for sale nearby. (Did you know that? he asked.) The barn could hold all the life guard equipment and scale back this building. Too much is going into a building used 60 days of the year.

Steve Bradstreet responded to Mr. Beranger. The scale of the building is larger than anticipated because the setback ordinance changed by referendum last November. There are no setbacks any more, which allows expansion of the footprint and building. Yes, he is aware of the house and barn for sale.

Penny Eldridge of York Beach hopes for a designated place for police presence. There should be good lighting, especially in the evening and in places where “kids” congregate.

Steve Bradstreet responded to Ms. Eldridge. There is no designated station for police presence, though police access the area easily. Nighttime building and pedestrian passages will be lit.

Steve Bradstreet gave statistics of the new building. Afterward, he showed pictures of the new building superimposed on the old. The number of visitors to the Beach is 3-to-5 thousand on a busy day.

On the Women’s Side

Existing square footage	195 sq. ft.
Proposed square footage	575 sq. ft.
Existing fixtures:	5 toilet stalls, 2 sinks, hand drier

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Proposed fixtures: 10 toilets, 6 sinks, a baby changing area, hand dryers

On the Men's side

Current square footage: 195 sq. ft.

Proposed square footage: 350 sq. ft.

Existing fixtures: 4 urinals, 1 toilet, 2 sinks, hand dryers

Proposed fixtures: 6 urinals, 3 toilet stalls, 6 sinks, baby changing area, dryers

Life Guard Storage

Existing: 40 sq. ft.

Proposed 272 sq. ft.

Building Height

Existing 18 ft.

Proposed 27 ft.

- Changing stalls are being added. People can change there and not in bathroom stalls.
- First Aid area is being added.
- There will be a unisex bathroom. It will most likely be winterized.
- The Energy Committee will install solar panels

Chairman Peter Smith allowed a second public comment. Jim Carmody asked how the southbound drop-off will be addressed in the final alignment.

Tiki Bar, 20 Harris Island Road; Map & Lot 0063-0002.

The applicant is proposing to add a seasonal outdoor bar to the property operating on an existing portion of a pier. No new structures are proposed. The bar would seat 39 patrons and have 4 employees.

Scott Hastings summarized the standing of the application. Wayne Boardman and Lew Stowe moved and seconded opening the public hearing.

- Johnathan Strater of 108 Western Point Road is confused by the Harris Island corporate structure and how this fits in. Who would he even complain to, he asked, if there was noise?
- Mason Newick of Bragdon's Island's concern is how the Lustys' businesses can operate "in conjunction with" one another.
- Marshall Jarvis of 19 Stage Neck Road said the bar will affect the quality of his life and devalue his property. The sound level upsets him, and the whereabouts of the portable bar when it is not used is not understood.
- Bobbi McGann said that, if approved, the bar will impact the quality of her life and devalue her property.
- Joan Jarvis of 19 Stage Neck Road said the operation has to be ADA compliant. The application should not be approved unless ADA conditions are met.

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- Dana Willis of 121 Western Point Road is worried about the devaluation of his property and the size of the crowd that can fit on the deck. He asks the Planning Board to seek expert advice in the areas of noise, traffic, and safety before approval.
- Katherine Newick of Bragdon's Island is concerned about the increase in heavy traffic on the island's already crowded one-lane road.
- David Weber of 132 Western Point Road referred to zoning ordinance section 4.1.1, the "in conjunction with" ordinance that requires proof that a relationship exists between the hotel and the proposed bar. Fast food restaurants are expressly prohibited, he added to his concerns.
- Mack Donnell, Vice Chair of the Harbor Board, said that at their June 1 meeting last week, board members voted 4-0 in favor of not making a decision for or against the restaurant/bar at Dockside, finding it out of their jurisdiction according to Harbor Board ordinances.
- Brian McGann of 1 River Mouth Road, said that the presence of the food truck will have a toll on the community. Furthermore, there are five bars and four restaurants within a mile of Harris Island, and another is not needed. He hoped the board could take more time before making a final decision.
- Charles Stedman of 2 Clark's Lane does not want to hear voices coming across the harbor.
- An email from Greg Kanakas of 18 Stage Neck Road was read into the record by Scott Hastings. Mr. Kanakas supports the project. "The Lustys have made the Harbor more attractive and inviting."
- An email from Steve Ozaroff of 19 Harris Island Road was read into the record by Scott Hastings. Mr. Ozaroff is concerned about drinking and driving and parking.
- An email from Ellen and Stu Dawson was read into the record by Amy Phalon. They do not object to the serving of food and drink, but they do not want to listen to someone else's choice of music from 11 to 9, seven days a week.

Applicant Attorney Greg Orso explained that "in conjunction with" means that the same people run the same things. The same people at the inn, the restaurant, and the marina use the same materials, supplies, and food, from one entity to the other, he said, calling it "crosspollination."

Amy Phalon said that these uses are similar to those uses that are prohibited, including open air places of entertainment and fast food restaurants where food can be taken away. This zoning is residential and calls for disturbing noises to be curtailed. We have the zoning so we can protect the people who reside in the zone, she said.

Lew Stowe asked for signage declaring the limit of people allowed on the deck. Kathleen Kluger stressed the inadequacy of the parking. Wayne Boardman said the sound is the biggest problem. The board discussed a sunset clause. Phil Lusty said that as an act of good faith to their neighbors, the brothers would be willing to not have music, live or recorded. "Half of the reason for a sunset clause just fell away," said Kathleen.

Motion: Wayne moved to approve the application for Tiki Bar, 20 Harris Island Road. Map & Lot 0063-0002, with the following conditions. The signage will clearly state that the maximum capacity is 50 for the property; food will be consumed on the Dockside premises; the bar cannot operate unless there are a total of 95 open parking spaces available on the property; the hours of operation will be from 11:00 a.m. to 9:00 p.m.; and that there will be no live or recorded music played on site. Gordon Eldridge seconded. The motion passed 4-1, with Amy Phalon opposed.

Shoreland permit, 12 Snap Hood Dr.; Map & Lot 008-0059-A. Applicant is seeking a shoreland permit to put in a driveway that crosses a wetland.

This is an application to put a driveway across a wetland within the resource protection zone. The driveway accesses a building envelope in the back of the lot. The proposed location will cause the least amount of impact to the wetland, which the CEO has verified. Mr. Stuppy is the applicant, and Greg Orso was also present as his attorney.

Chairman Peter Smith opened and closed the public hearing. No one came forward to speak. Lew Stowe said that per 11.4.2, no more than 4300 square feet of fill can impact an individual lot in Resource Protection. The road has to be built by the standards required by code.

Motion: Amy Phalon moved that we approve the shoreland permit for 12 Snap Hook Drive, Map and Lot 0087, 0059-A, with the condition subsequent that the code office reviews engineered plans to show it is in compliance with Section 8.3.8. Wayne Boardman seconded. The motion passed 5-0.

Hannaford, 5 Hannaford Dr.; Map & Lot 0053-0024. Applicant is proposing an expansion of 1,122 square feet, relocation of “Clynk” service to a new exterior structure and add a drive-thru pharmacy window.

Bill McKenney, Senior Engineering Project Manager for Hannaford Brothers, described the one-window drive thru for the pharmacy, loading dock expansion at the rear of the building, a new concrete pad on the side of the building, improvement of the existing employee break area, a proposed grocery pickup service, and the relocation of the bottle return service, “Clynk,” from the interior of the building to a new, small structure located in the parking lot.

The Clynk center is accessed by customers for recycling bottles and cans. It is clean and does not process garbage or trash. One end is open for trucks to back in and take the bottles. Stockade fencing was suggested for screening. Bill McKenney thought landscaping would look better. Lew said he'd like plain, subtle colors on the little Clynk building. The board agreed on subtle colors.

The chairman opened and closed the public hearing. There was no one in the audience to respond.

Motion: Wayne Boardman moved to approve the application by Hannaford, at 5 Hannaford Drive, Map & Lot 0053-0024, for the relocation of Clynk service and the addition of a pharmacy window, with the condition that the owner screen the Clynk building with landscaping as much as practicable, and that the project receives the approval of the Public Works Director. Amy Phalon seconded. The motion passed 5-0.

Cliff House 591 Shore Rd. Map & Lot 0004-0029. Site plan revision to add an exterior door to the Cliff House building with changes to walkways and drainage.

Scott Hastings said the Cliff House has come back for a minor revision for the overlook area between Cliff Scape and Cliff Spa buildings. They want to add a door to better serve the coffee shop in the interior of the Cliff Scape building. The new drainage system design has been approved by Ransom.

Landscape architect Keith Smith explained that the change in walkways has caused the elevation of the drainage channel to become uneven. The systems have been redesigned. He also described changes to the nearby fire pits as a result of the change.

Chairman Peter Smith opened and closed the public hearing. No one came forward to speak.

Motion: Wayne Boardman made a motion to approve the site plan revision to the Cliff House 591 Shore Rd.; Map & Lot 0004-0029. Amy seconded. The motion passed 5-0.

Other Business

The July application meeting be held on the 7th, not the 14th, as scheduled. A straw vote indicated approval, with Amy Phalon opposed.

The Stoney Brook Landscaping plans were signed.

A conference with SMPDC is coming up.

Adjourn

Motion: Lew Stowe made the motion to adjourn. The time was 11:00.