

York Planning Board  
Thursday, June 9, 2011, 7:00 P.M.  
York Public Library

Vice Chairman Todd Frederick conducted this meeting in Chairman Lew Stowe's absence. There was a quorum with four people present: Todd Frederick, Dave Glazebrook, Tom Manzi, and Tom Prince. Torbert Macdonald, Jr., Lew Stowe, and Dave Woods, were absent. Alternates Tom Prince and Dave Glazebrook were asked to vote in place of Torbert Macdonald and Dave Woods. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes. The meeting lasted one hour and six minutes and was televised.

### **Public Input**

There was no public input.

### **Field Changes**

There were no field changes.

### **Minutes**

- The Minutes of **May 12, 2011**, were reviewed.

**Motion:** Tom Manzi moved to approve the May 12, 2011, minutes as written. Dave Glazebrook seconded the motion, which passed 4-0.

- The **May 26, 2011**, Minutes were reviewed.

**Motion:** Tom Manzi moved to approve the May 26, 2011, minutes as written. Dave Glazebrook seconded the motion. The motion passed 4-0.

### **Application Reviews and Public Hearings**

#### **Maine Lobster Outlet 2 Market Place Drive; Map & Lot 0053-0009-B; Application for a Revision to a Previously Approved Site Plan and Route 1 Use Permit**

Town Planner Christine Grimando introduced this application. There had been a full site plan review in 2007 for two building in the rear of the original building. There was to be a loading dock, which has been removed from the current plan. The 2007, Phase 2 application was approved, but construction never started. The current application will allow a place to cook lobsters in front of the original building, along Route 1.

Christine Grimando said she had seen the notes for the previous final approval, and this is an allowable change of use. Police concern for a safe use of fuel for the cooking area close to fast moving traffic on Route 1 is a major issue. The applicant has to provide an explanation of exactly what fuel will be used.

The time limit for the 2007 has expired, she said. Therefore, the Board should extend the original approval. That way a full review, based on the original approval, will not have to be redone. Also, since the lobster cooking area is right at the 50-foot setback, the exact location has to be determined and followed very carefully.

Acting chairman Todd Frederick commented that Tom Manzi was the only Board member here during the original 2007 hearings. Tom Manzi said the front of the original building had not been changed. The board considered the existing building very attractive.

Project engineer Bill Anderson explained the site plan. A building, offices, and a gravel parking area are in this application. It makes more sense to attach the new back building to the main building, he said. The dumpsters will go on an expanded concrete pad. There are two existing propane tanks. They will remain where they are buried, with no added tank. The site would be less impervious than before. Everything in this application is within the Phase 2 approval.

The fuel is the real issue, Bill Anderson continued. Originally, the applicant was planning to run a steam line out to the lobster-cooking area, but can steam stay hot enough for that distance? Now an underground gas line will run from the existing propane tanks to the lobster cooking area.

Tom Prince asked if any shrubbery is being removed. Bill Anderson said that everything that was on the original plan would remain. The only changes or disturbances from that application will be the addition of its two shielded lights in the parking lot. The old and new buildings will actually form one building with an existing entryway that will make joined buildings look like two. Todd Frederick said there is a planting bed by the cooker. It will have to be clarified according to the original approval. The same color scheme for the original building will carry over to the addition.

Tom Prince asked if the applicant is planning to have people eating outside on picnic tables by the lobster cooking area. Greg Tsaeris said he plans to cook there, but has no intention of having outdoor seating. Right now, lobsters are cooked inside for people to take home. Most people take lobsters that are still alive. This outdoor cooker display is to draw attention, which is why it is right in front of the access to the building.

Dave Glazebrook asked about handicapped parking. Will people spill into the handicapped parking with no disturbance? Greg Tsaeris said that if there is interference, the parking spaces can be "slid down." Christine Grimando said that if there is going to be fuel line, it should be shown on the plan. She asked the applicant to come back with proposed lighting and fire notes. New notes must be more extensive than they currently are. The notes will have second note sheet. All the former notes still apply to everything.

Tom Manzi asked how big the impact would be on the business. Greg Tsaeris said retail sales currently take up 1/25 of the business. It took five years to work up retail to 1/25 of

the business. The traffic flow in the parking lot is sporadic during the day. Hopefully, this will make the flow a little bigger. There will be no significant truck traffic. If business doubles in sale, it will consist of 2/25 of the business.

Tom Manzi said that when the parking lot is full, customers in cars have to back up, making a hazard. Bill Anderson said they are not backing into traffic. There are plenty of places to back up. Todd Frederick opened and closed the **Public Hearing**. No one came forward to speak.

There is no change of use, said Christine Grimando. It was originally approved as a lobster wholesaler/retailer. If this were a proposal of something outside the original use, it would be a change, she said. The setback of the newly proposed structure must be approached critically. Also, the landscape plan must not decrease the 2007 landscape plan.

**Motion:** Tom Prince moved that we extend the 2007 approved Site Plan for Maine Lobster Outlet, 2 Market Place Drive, and I propose that the extension is good for two years from this date [June 9, 2011]. Dave Glazebrook seconded the motion. The motion passed 4-0.

Greg Tsaris said he understands the obligation to keep the 6 x 15 foot planting bed, as indicated in the existing plan. He said he wants to keep it where it is or possibly slide it over. It will have the same square footage. If necessary, the subject of the flower-shrubbery can come back as a field change for Board review again.

**Motion:** Tom Prince moved to approve the revision of the Previously Approved Site Plan and the Route 1 Use Permit with the following stipulations: the materials and color of the wood would be consistent with what is currently there; the setbacks would be noted on the plan; the placement of the buried steam or propane line would show on the plan; and there would be no blocking of the existing handicapped lines created from the previous site plan. Dave Glazebrook seconded the motion, which passed 4-0.

## **New Business**

There was no new business.

## **Old Business**

### **Leeward Landing Findings of Fact and Mylars**

**Motion:** Tom Prince moved that we accept the Findings of Fact, dated May 31, 2011, for Leeward Industries, Route 1, for their addition to the Leeward Landing Thrift Store. The motion passed 4-0.

### **York Hospital Findings Fact**

Tom Prince moved to approve the **York Hospital Traffic Application** Findings of Facts, dated June 9, 2011. Dave Glazebrook seconded the motion, which passed 4-0.

## **Adjourn**

The meeting let out at 8:06.