

York Planning Board
Thursday, March 12, 2015, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum; Appointment of Alternates

Chairman Al Cotton called the meeting to order at 7:02. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe, and Gordon Eldridge (representing York Beach). Alternates Amy Phalon and Wayne Boardman were present, but did not vote. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum

York resident **Joe Lipton** has been a member of the Artisanal Food and Beverage Ordinance Amendment Subcommittee. He said that tonight the Planning Board is making the preference vote that will move the draft amendment to the Selectmen. The process the ordinance has taken has gone too quick and without thought. It was never finalized before it came to tonight's preference vote. There are issues that should be discussed before the Ordinance is forwarded on. The subcommittee has met sporadically. He has been available for all the work to be done on the ordinance, but was not notified about meetings or draft changes.

The ordinances already in place have not been adjusted for the Artisanal Food and Beverage Ordinance. In Gen 3, how can a 5,000 square foot artisanal facility be allowed? Only 2,500 square foot facilities are allowed there. How can a Food and Beverage facility be established into Zone 1-4? Manufacturing, warehousing, and distribution are prohibited there. In Route 1-5, how does it seem that production space has to be smaller than retail space? How will the new facilities be licensed? If someone only roasts coffee, are they considered a restaurant establishment? What is being sent is halfway there, he concluded.

Dylan Smith: Although the process could have been different and clearer, the ordinance is fine as currently written, and in my professional opinion, I think it is fine to go before the voters.

Minutes

The February 19, 2014, Minutes were reviewed and changes were requested.

- **Motion:** Todd Frederick moved to accept the Minutes of February 2, 2015, as corrected. Lew Stowe seconded the motion, which passed 5-0.

Field Changes There were no field changes.

General Referendum

Preference Votes on Proposed Ordinance Amendments for May 2015 Special General Referendum

Chairman Al Cotton read the amendment language, and the Board members voted on each item individually.

- Amendment 1, Article 10, Article 6.3.27.2. Eliminate the Sunset Clause
There was no discussion. All in favor show of hands: 5-0.
- Amendment 2, Article 10, Section 16.4.1. Sign standard Digital Display
There was no discussion. All in favor show of hands: 5-0.
- Amendment 3, Article 10, Section 10.4.1. Match density in the Watershed Protection Overlay District.
There was no discussion. All in favor show of hands: 5-0.
- Amendment 4, Article 10. Amendment of Zoning Ordinance in Gen-3
There was no discussion. All in favor show of hands: 5-0.
- Amendment 5, Article 10. Section 16.2 Gateway signs
There was no discussion. All in favor show of hands: 5-0.
- Amendment 6, Article 10. Artisanal Food and Beverage Ordinance
There was no discussion. All in favor show of hands: 5-0.
- Amendment 7, Article 10, Article 5.4.11.a. Revise zoning ordinance to revise the density provision in York Beach Village
There was no discussion. All in favor show of hands: 5-0.

Application Reviews and Public Hearings

4 Maine Street Parking Lot Expansion, 4 Maine Street, Map & Lot: 0023-0008
The proposal is to expand the existing parking lot to the existing non-conforming setback limit of 5 feet along the southern and southwestern boundary of the parcel.

The application was accepted as complete in October 2014.

Applicant Engineer Ryan McCarthy, CLD Engineering, spoke for Kearsarge LLC. The number of parking spaces has changed from 52 to 50. A drainage ditch has been added to reroute any emergency overflow. Snow that does not fit into the storage area will be removed from the site. The main traffic isle is 24 feet. Other isles are 22 feet. The parking spaces are 9 by 18 feet.

The Chairman opened the **Public Hearing**. **Kevin Garfield** has abutting property. If the swale backs up, will the water be in his yard? Ryan McCarthy answered no. The overflowing water will come back into the parking lot and go out through the box culvert. The Town will clean the drainage ditch. The Chairman closed the **Public Hearing**.

Lew Stowe: Will the nine designated parking spaces be identified? Applicant Michael Morgillo said that in the past, they have put up signs for designated parking spaces for the Atlantic House, the ice cream shop, and the apartment above it. They are not shown on

the plan. Mr. Stowe asked that the plan include a note stating that reserved parking spaces will be identified with signs.

Motion: Peter Smith moved that we accept the application for the Kearsarge Parking Lot, 4 Main Street, Map & Lot: 0023-0008, with the provision that there is a signoff from the York DPW relative to the easement for maintaining the stormwater drainage, as per the plan presented tonight, and that the plan will include a note stating that reserved parking spaces will be identified with signs. Todd Frederick seconded. The motion passed 5-0.

Bus Parking Facility 1021 U.S. Route 1; Map 30 A; Lots: 0030 & 0030A. The proposal is to construct a gravel parking lot for approximately 30 School buses and 40 passenger cars.

The application was first reviewed, and a site visit was made, in January. Most comments from Dylan's memo have been met.

Motion: The Chairman asked for a motion that the application is complete for purposes of preliminary review. Peter Smith said, "So moved." Todd Frederick seconded. The motion passed 5-0.

Lou Chamberlain from Attar Engineering represented applicant Gardner Toby. Buses will start up and leave immediately every day. When they return, they will be immediately shut off. There will be no buses idling. There will be signs posted to that effect.

Landscaping in the parking lot had been reviewed. The stormwater plan is adequate. One 850 square foot island planted with shrubs and a tree will be located at the Southern end. The bus drivers will become familiar with where to park on the gravel parking lot. There will be a note that gravel-parking lot will not be striped. Dean Lessard will look at traffic safety for buses turning left onto Route One.

Motion: Peter Smith moved that we accept this application for review. Todd Frederick seconded the motion, which passed 5-0.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak. The Town Engineer has written off on stormwater. Water will runoff over the gravel, into a vegetated swale, into a vegetated bay, into a detention pond, and out.

Motion: Todd Frederick moved to waive 6.3.10, for the purposes of this application as it relates to the Landscaping Plan. Seconded by Peter Smith, the motion passed 5-0.

Motion: Lew Stowe moved to waive Requirement 6.3.11.3, the requirement to stripe the parking lot. Todd Frederick seconded. The motion passed 5-0.

Motion: Peter Smith moved to approve the application for 1021 U.S. Route 1; Map 30 A; Lots: 0030 & 0030A, for a bus parking lot, with the stipulation that the generic plan

notes be added to the plan, as well as a note that a waiver of Article 3.11.3 (parking lot striping) and a waiver of Article 6.3.10 (certified landscaper) were approved. Todd Frederick seconded. The motion passed, 5-0.

Susan Fried Revised Subdivision. 12 Bass Cove Lane. Map 0090; Lots: 0012-D & 0012-E. The proposal is to eliminate a lot line and merge two lots into one.

Motion: Lew Stowe made the motion to accept the application for Susan Fried Revised Subdivision, 12 Bass Cove Lane, Map 0090, Lots 0012-D & 0012-E, for preliminary review. Todd Frederick seconded the motion, which passed 5-0.

Applicant Representative Bill Anderson: Lots 4 and 5 are to be combined. The applicant owns both lots and hopes to build an addition. There are five issues in Town Planner Dylan Smith's memo that have been "cleaned up." 1) The plan is clearer and easier to understand. The earlier version was confusing. 2) That the site is above the flood zone. 3) The setback lines have been added, based on the original setbacks. They will meet the current setback. 4) The lot area must be shown. It is 2.93 acres. 5) A note will say, "All notes of the original subdivision plan referenced hereon apply to this revision."

The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Motion: Peter Smith moved to accept the application for Susan Fried Revised Subdivision, 12 Bass Cove Lane, Map 0090, Lots 0012-D & 0012-E, for final approval as presented. Todd Frederick seconded. The motion passed 5-0.

Wineland Subdivision. 17 Pepperell Way, Map & Lot: 0088-0005. The proposal is to divide one lot into two lots.

Motion: Peter Smith moved to accept the application for division of Lot 7 at Wineland, 17 Pepperell Way, Map & Lot: 0088-0005 for review. Gordon Eldridge seconded. The motion passed 5-0.

Bill Anderson for applicant Greg Tsairis: The applicant plans to downsize by selling the existing home on the property, remodeling, and expanding the barn to become his residence. We hope for a waiver to locating trees larger than 24 inches, because the area has already been cleared. Wetlands have been mapped by a soil scientist. There is not very much impact. We're asking for a waiver to go through Maine Historical Preservation and York Historical Society, because the area has been disturbed. The watershed maps have been provided. Well radii have been added. Necessary letters have been sent. DEP has reviewed the drainage. Their approval states that the development meets the standards of Stormwater Management. That will be shown on the revised plan.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Dylan Smith: There hasn't been approval from the Town LPI. There should not be major impact from stormwater. The existing drainage report from DEP and a 50-foot structural setback must be clearly delineated on the revised plan.

Motion: Peter Smith: For the Wineland application, I move that we approve the waiver for Sub §6.3.8.4 relative to identifying trees larger than 24 inches. Lew Stowe seconded. The motion passed 5-0.

Motion: Peter Smith: For the Wineland application, I move that we approve the waiver for Sub §6.3.3.8.8, which would require a stormwater management approval. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith: For the Wineland application, I move that we approve a waiver for Sub §6.3.5, which would require an impact statement. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith: For the Wineland application, I move that we approve a waiver for Sub §6.3.14, which would require a report of the historical and biological resources. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith: For the Wineland application, I move that we approve a waiver for Sub §6.3.32, which would require a High Impact Soil Survey. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Todd Frederick moved to grant a waiver from Article 6.3.7 to the Landscape and Grading plan. Peter Smith seconded. The motion passed 5-0.

Motion: Peter Smith moved that we approve the application for the division of Lot 7 at Wineland Subdivision, 17 Pepperell Way, Map & Lot: 0088-0005 for final approval and Conditions Subsequent that the waste disposal rule Sub §6.3.24.2 are approved by the Town LPI that the delineation of the driveway to Lot 7b is shown on the plan, and the 50-foot DEP setback is shown on the plan, and a condition that a note on erosion control be added to the plan. Todd Frederick seconded the motion. The motion passed 5-0.

16 White Birch Lane; Map & Lot: 0085-0020-C. The proposal is to construct a 7,500 S.F. building containing five 30' x 50' rental units, and parking associated with the building.

This is a conceptual review. Preliminary and final plans can be made in one submittal.

Applicant representative/engineer Ed Brake from Attar Engineering represented Applicant Josh Stauble. The sketch plan was shown in July of 2014. The lot has an existing industrial use building. A 7,500 square foot building with a gravel parking area is proposed. There is a detention pond for runoff. The location of the building has been changed. It faces the original building. Ken Gardner tested the wastewater field and found it meets the requirements of a new system.

The Chairman opened the **Public Hearing**. **Sarah Stanford**, an abutting property owner, "Has said repeatedly that there is an easement that goes through her property. No additional businesses are allowed there because of the easement. It is private property. There should be no more business there."

Charles Speer, an abutter on White Birch Lane, moved in a year and a half ago. Business traffic has increased. Allowing more commercial businesses and traffic is not desirable for his family or neighbors. The Chairman closed the **Public Hearing**.

Lew Stowe focused on traffic and parking as outstanding issues in Dylan Smith's memo. How many lots are there? How much area and number of spaces? What amount of traffic comes in? What is the impact of the whole thing? Should there be a traffic study? Is there enough emergency access?

Dylan Smith asked for the Existing Conditions report. Uses have to be categorized. Are there industrial uses and commercial uses? Traffic impact, septic usage and parking requirements are required. Growth of marijuana is no longer allowed in that part of town, so "Florist" and "Garden Center" will be removed from the use table.

Ed Brake asked for a waiver on 24-inch trees, because the areas are already cleared. He asked for a waiver of the High Water Table, as well as High Intensity Soil Survey. The test pits show that the wastewater system is satisfactory. Stormwater goes into the pond, and there is no increasing stormwater. There is enough existing vegetation, that additional vegetation is not necessary. There is no easement that affects access to the parking lot.

Todd Frederick said an attorney should review the Sanford easement document.

Motion: Lew Stowe made the motion that we continue the application to a Date Certain, April 9, 2015. Todd Frederick seconded. Motion passed 5-0. There will be no additional abutter notices.

Other Business

Motion: Todd Frederick made the motion to have the Chairman of the Planning Board sign the Findings of Fact dated February 25, 2015, for Dunne's Ice Cream. Gordon El-dridge seconded. The motion passed 5-0.

Adjourn

10:42