

**York Planning Board**  
**Thursday, August 11, 2016, 7:00 P.M.**  
**York Public Library**

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

Chairman Amy Phalon called the meeting to order at 7:00. A quorum was determined with five people voting: Chairman Amy Phalon, Vice Chairman Peter Smith, Board Secretary Gordon Eldridge (who specifically represents York Beach), Lew Stowe, and Al Cotton. Alternates Kathleen Kluger and Wayne Boardman were present, but did not vote. Rozanna Patane, Chairman of the Energy Committee was present for that public hearing. Dylan Smith, the Director of Planning, represented staff on the Energy Chapter public hearing. Assistant Town Planner Scott Hastings represented staff for all other matters on the agenda.

**Public Forum**

No one came forward to speak.

**Minutes**

The minutes of July 28, 2016 were reviewed and changes were requested.

Motion: Peter Smith moved to accept the minutes as corrected. Al Cotton seconded. The motion passed 5-0.

**Review of Outstanding Findings of Fact Hannaford Findings.**

Motion: Al Cotton moved to approve the Findings of Fact for Hannaford, 5 Hannaford Dr., Map & Lot 0053-0024. Gordon Eldridge seconded. The motion passed 5-0.

Scott Hastings explained that final approval had not been granted by the Planning Board because of an outstanding condition that the screening of the Clynk building had to be applied to the greatest extent practicable. The applicant responded by proposing to screen an additional side of the building. Peter Smith thought it didn't need more screening at all. After the Board discussed different screening configurations and possibilities, Kathleen Kluger summarized Hannaford's position, "They can't do what they need to do if we put all those things around it."

Motion: Lew Stowe moved that Hannaford provides something suitable for screening, like some planters. Al Cotton seconded. The motion passed 4-1, with Peter Smith opposed.

Dylan Smith criticized the board for making landscaping a condition of approval.

## **Field Changes**

### **Hannaford, 5 Hannaford Dr., Map & Lot 0053-0024.**

Motion: Lew Stowe moved to accept the recommendations that Hannaford has proposed for field changes: the addition of an LED light fixture; the revision of the underground primary power connection; the addition of an exterior, indirect waste manhole; a slight shift of 10 feet (plus-or-minus) for the emergency egress ground in the northwest corner of the building; and an addition of a roof drain connection from the approved loading dock expansion. Peter Smith seconded the motion.

In discussion, Peter described the technicalities of the waste pit and the necessity of relocating the door. The motion passed 5-0.

### **12 Snap Hood Dr.; Map & Lot 008-0059-A**

**Snap Hook driveway approval application was brought back to formally correct language as it appears in a plan note. The language on the original approval was wrong.**

The next two paragraphs constitute 100% of the field change.

The original sentence that is in the approval is incorrect. Here is the incorrect sentence, *“It has since then changed to Resource Protection Shoreland, with a larger setback that would eliminate any building area on the lot that is without a variance from the town of York.”*

It is being replaced with this different, correct sentence, *“It has since been changed to Resource Protection Shoreland zone, and a special use permit is required by the York Planning Board for the issuance of a building permit.”*

Motion: Peter Smith moved to accept the revision of the language. Lew Stowe seconded. The motion passed 5-0.

## **Public Hearings—Comprehensive Plan Amendments Energy Chapter**

Motion: Al Cotton moved to open the Public Hearing. Pete Smith seconded. The motion passed 5-0.

Torbert Macdonald commended the Energy Committee as an intelligent resource of volunteers. The Energy Chapter is the fulfillment of Goal 1.4 of the Comp Plan, to give sustainability to natural and scenic resources. Sea level rise is happening faster than we ever thought possible, he said. It is urgent that we change the way we live. He recommended reinstatement of all 49 Actions into the Energy Chapter and forwarding it to the Selectmen for placement on the ballot as soon as possible.

Torbert continued. There is State and Federal grant money available to towns that are developing plans to deal with sea level rise. We can't get any of that grant money, he said, because our Comp Plan is not certified by the State. Dylan Smith responded that he was not sure how the certification slipped through the cracks. There are other ways to get grant money, and the new version of the Comp Plan, when written, will be certified.

Energy Committee Chairman and lead author, Rozanna Patane, summarized the status of the Energy Chapter. At the Selectmen's request, the number of Actions had been reduced from 49 to 10. As well, the Selectmen did not feel the chapter should go on the ballot until a survey of the School Department, the Budget Committee, and the townsfolk are made. Are the citizens really in favor of putting the Energy Chapter in the Comp Plan?

As she put it, the longer we delay getting it to the voters, the longer it will take to initiate the actions. Peter Smith said he'd be, "In favor that we don't delay moving this forward." Wayne Boardman said, "We can put this forward, and say to the selectmen that we think they should consider putting this to the ballot."

Dylan Smith said that the Planning Board still has to do the work the Selectmen asked for. The Selectmen will not move the Energy Chapter to the ballot until the survey is done. The main reason the Energy Chapter was pushed to the May ballot was to give the Planning Board time to do the survey.

Motion: Al Cotton moved that the Planning Board recommends forwarding Article 10, Energy Chapter, as drafted on July 1, 2016, to the Board of Selectmen for their approval so it can be included on the November ballot, and its placement in the Comp Plan can be determined. Pete Smith seconded. The motion passed 5-0.

Preference Vote: Chairman Amy Phalon asked for a Preference Vote on the Energy Chapter. All five voting members showed their preference by raising their hands.

## **Public Hearings--Applications**

### **7 Carriage Barn Lane; Map/Lot 0051-0037-A**

**The applicant is hoping to build a driveway and is seeking planning board approval for a building envelop and septic location. The parcel in question is part of a previously approved subdivision with a plan note requiring planning board review.**

Applicant representative Tim DeCoteau told the board that this application should not be accepted for Planning Board review, because there is uncertainty over its jurisdiction. Should it be reviewed by the Planning Board or Code Enforcement?

This parcel in question is part of a previously approved subdivision with a plan note requiring Planning Board review for future projects, like now. At one time, Tim DeCoteau explained, the Planning Board did have jurisdiction over it, and the note was put in place. In the early 2000s, the authority that the Planning Board had was removed by referendum of the voters. The note

requiring Planning Board review no longer pertained. This review should go to the CEO, he said.

After reviewing the application and plan, Lew Stowe said he could see that this application is not under Planning Board jurisdiction.

Motion: Peter Smith moved that we accept this application, 7 Carriage Barn Lane, Map/Lot 0051-0037-A, for review. There was no second.

Motion: Al Cotton moved that we table this vote and refer it to the Town Attorney to decide who has jurisdiction. Gordon Eldridge seconded. The motion passed 5-0.

**381 US Route 1, York County Federal Credit Union; Map/Lot: 0053-0002  
Application is to build a credit union branch with drive through window**

Scott Chretien, the credit union's President and CEO, and project engineer Tom Greer presented this sketch review. They are eager to move from their location at One York Street to a more viable setting. They presented sketch elevations of the building, which includes a clock tower that will be seen above the lush landscaping and trees along Route 1.

The ordinance calls for a commercial building on this site to sit on two acres, said Mr. Chretien. It is a Route 1 ordinance requirement, he said. To accommodate this, the applicant can create a three-unit condominium, with the adjoining farm stand and the duplex-condo beyond that making up the other two-thirds. Lew Stowe commented that it is shocking that there is a two-acre requirement on Route 1.

The single point of entry is from the back. Peter Smith said that the requirement that the main entrance must face Route 1 does not make sense in the case, and he suggested a waiver as a remedy. The other board members agreed.

The Fire Chief is requiring a sprinkler system, said Tom Greer. This is inconsistent with the National Code, and he plans to find out if there is a separate local code requiring this.

Tom Greer said the schedule is critical with ground breaking hopefully in October and opening day in the spring. Peter Smith said the Planning Board doesn't appreciate being put under pressure to meet tight timelines by an applicant, especially when this is our first look at the plan.

The Town engineer, Steve Bradstreet at Ransom Consulting, had reported that, because this plan will increase the amount of impervious surface, there will be an increased amount of stormwater runoff. There is insufficient retention. Tom Greer replied that the landscaping and retention design at the top (front) and side of the building has to be adjusted. He is redesigning the stormwater plan to including a level spreader, or possibly a retention basin.

Peter Smith raised the wetland issue, calling it the elephant in the room. What hangs on the DEP and Army Corps of Engineer approvals? Scott Hastings replied that if the soggy section of

adjoining land is recognized as wetland, it will fall into Section 11 status. Then the application can't be approved by the Planning Board, because the project will require significantly more fill than allowed. Stormwater manager Leslie Hinz is arranging review and certification by the State DEP. Hopefully that determination will come soon.

## **Other Business**

The Hannaford plan revision was signed by the Board members, without motion.

The October meeting schedule has changed to accommodate Scott Hastings's wedding. The workshop meeting with Dylan Smith will be on October 13, 2016. Application reviews and public hearings will be on October 27, with Scott Hastings representing staff.

## **Adjourn**

Motion: Al Cotton moved to adjourn. Gordon Eldridge seconded. The motion passed 5-0. The time was 9:30.