

York Planning Board
Thursday, April 9, 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 7:05. 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, Esq. and Wayne Boardman were present, but did not vote. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum No one came forward to speak

Minutes

The March 26, 2015 Minutes were reviewed and changes were requested.

- **Motion:** Todd Frederick moved to accept the Minutes of March 25, 2015, as amended this evening. Gordon Eldridge seconded the motion, which passed 5-0.

Field Changes There were no field changes.

Application Reviews and Public Hearings

Ledges Gold Course Lot Line Revision 1 Ledges Drive; Map & Lot 0089-0045-A.
The proposal is to revise the boundary line with the abutting parcel that is partially within the Town of South Berwick.

This is a revision of an approved plan for an abutting property line.

Motion: Peter Smith moved to accept the application as complete for purposes of review. Todd Frederick seconded. The motion passed 5-0.

Applicant representative Bill Anderson spoke for Patrick Rocheleau, principle of Ledges Golf Course, who sat at the table with Bill and made comments. The York Planning Board approved the golf course in 1995. At that time, there was a lot line between the golf course and quarry, which was owned by Mick Development. The golf course acquired the quarry and excavated some granite for the clubhouse. The quarry is going to be leased to Rockport Granite in the near future. Rockport will take the rock to its fabrication facility and make building materials from it.

The proposed lot line adjustment cleanly separates the golf course from the quarry. The town line goes through a piece of the golf course property. The lot line change will put

the golf course entirely in York. The quarry will still be in both towns. The 21-acre golf course will have 38 acres added, totaling 59.45 acres.

Peter Smith requested that Berwick produce a letter to indicate that they are satisfied with this lot line change, which they have already approved through their planning board.

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

Motion: Peter Smith moved that we approve the application for Ledges Gold Course Boundary Line Revision, Map & Lot 0089-0045-A, in South Berwick, Map & Lot 003-0043-F, with the condition that the applicant provides a letter of recognition from South Berwick to the York Town Planner, showing that they understand and approve this action. Gordon Eldridge seconded the motion, which passed 5-0.

Lighthouse Point Miniature Golf Sketch Plan

~~1101 U.S. Route 1; Map & Lot 0094-0078; The proposed sketch plan is to review the construction of an 18-hole, nautical themed, miniature gold facility, with parking for 30 cars along with a building to provide self-service coolers to provide drinks and ice cream offerings.~~

Lighthouse Point Miniature Golf removed at the request of Applicant.

Fisherman's Dock,

674 U.S. Route 1; Map & Lot 0091-0004-A. The proposal is to obtain a Route 1 use permit for a 90-seat restaurant with fish market on an existing developed site in an existing building.

The prior owner received approval for this site by the Code Enforcement Office, but he did not open a restaurant. The site is fully developed.

Motion: Lew Stowe moved that we accept this application as complete for review. Gordon Eldridge seconded the motion, which passed 5-0.

Application representative Ryan McCarthy, from CLD Engineering, introduced applicants Randy Small, and Kent Kilgore, who sat with him and made comments.

The current driveway does not align with Anthony's driveway, across Route 1. That causes a safety problem for left-turning cars into either business. To solve this, the applicant is moving the driveway to align it with Anthony's. In addition, they are building a new "exit only" driveway further south on Route 1. There are 39 parking spaces on combined paved and gravel surfaces. The paved area will have painted stripes. For the gravel parking area in the back, the parking is "intuitive." The flow of the stormwater will remain unchanged. A deck is being added for outdoor seating. There will be an a takeout window. There will be area for a fish market, an approved accessory use. The parking calculation takes the fish market into account.

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

Motion: Lew Stowe moved that we approve that waiver on 6.3.2, Boundary Survey. Todd Frederick seconded the motion, which passed 5-0.

Motion: Todd Frederick moved that we grant a waiver to 6.3.16, Undeveloped Habitat Blocks. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith moved that we waive 6.3.32, High Intensity Soil Survey. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith moved we grant a waiver of 6.3.7, Water Runoff. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Gordon Eldridge moved we approve Section 6.4.25, Performance Guaranty, as well as 6.3.21. Peter Smith seconded. The motion passed 5-0.

Motion: Peter Smith moved that we waive the requirement stipulated in 6.3.10, Licensed Landscape Architect. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Todd Frederick moved that we approve the application for Fisherman's Dock, 674 U.S. Route 1; Map & Lot 0091-0004-A. Peter Smith seconded. 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.

Motion: Peter Smith moved that we accept the application for consideration. Lew Stowe seconded. The motion passed 5-0.

Application representative Ed Brake responded to Dylan Smith's 17 comments. Applicant Josh Stauble sat with Ed and made comments.

1. An Existing Conditions plan was added to the plan set.
2. The words, "Wholesale Business" will be stricken from the uses. All the uses that are not industrial in nature will be removed.
3. They are asking a waiver on 24" DBH trees.
4. They are seeking a waiver for the High Water Table and Seasonal High Water Table.
5. The Town Engineer has no issues with the plan set.
6. They have added an Existing Conditions plan showing a barn, shed, and gravel drive that are nine feet from the property line, on the abutting lot.
7. Dylan's Comment No 7 asks for the "number of employees addressed." No answer was made.
8. The Town Engineer has reviewed the stormwater as of today's email.

9. Signs will be posted for Spaces 1-5 on the new building. Signage will go out seasonally for the old building to avoid snowplow damage. There will be a note added to the plan that the spaces will be designated.
10. The applicant is asking for a waiver on Vegetated Screening.
11. Department of Public Works head Dean Lessard has not contacted Ed Brake about a traffic impact assessment. Lew Stowe recommends the Board require a traffic analysis.
12. The fact that the status of the Road is Private has been added to the plan.
13. The waste water system is located on the abutting lot to the east. There is an email from that abutter saying they are in agreement with the proposed easement and the plan for use of the waste water system on their property.
14. The stormwater plan has been reviewed by the Town Engineer.
15. The applicant is seeking a waiver on the High Intensity Soil Survey, and the Town Engineer supports the waiver request.
16. A note will indicate that a light will be located at the entrance to each unit in accordance with York Zoning Ordinance section 6.1.5.
17. The Town Attorney has sent a letter addressing the easement.

The Chairman opened the **Public Hearing**.

Susan Sanford allowed the wastewater easement onto her land. She supports a traffic study. Everyone in the area is on a well. Some of the businesses require a lot of water. How much water can they take? How many businesses are there? What are they allowed to do? The Chairman closed the **Public Hearing**.

Lew Stowe said, "I believe the ordinance doesn't allow the second building [on a three-acre lot]." Dylan Smith cited Articles 5.4.1, 5.4.3, and 17.1.6 as ordinances that apparently support two commercial buildings on one three-acre lot. Code Enforcement Office, or possibly Maine Municipal Association, will be contacted for their interpretation.

Waiver Requests. Ed Brake asked the Board to considered waiver requests.

The applicant requested a waiver of 6.1.8, Reduction of Setback and Screening.

- The board did not vote on this waiver request.

The applicant requested a waiver on 6.3.32, High Intensity Soil Survey (HISS).

- The board did not vote on this waiver request.

The applicant requested a waiver on 6.4.6, Landscaping Plan.

- To be determined as a submission on the final plan.

The applicant requested a waiver on 6.3.3.A-2, Assumed Datum.

- **Motion:** Peter Smith moved we approve the waiver for 6.3.A-2. Gordon Eldridge seconded. The motion passed 5-0.

The applicant requested a waiver on 6.3.3.A-4, Location of 24" DBH trees

- **Motion:** Peter Smith moved that we approve the waiver request for 6.3.3.A-4, location of 24” DBH trees. Gordon Eldridge seconded. The motion passed 5-0.

The applicant requested a waiver for 6.3.3.A-7 Location of High Water Tables

- The board did not vote on this waiver request.

The hearing was closed.

- **Motion:** Peter Smith moved that we continue this application to May 14, 2015. Todd Frederick seconded. The motion passed 5-0.

Maine Coast Lumber Amendment

17 White Birch Lane, Map & Lot 0085-0020-B The proposal is to review an after-the-fact amendment of an approved site plan for the expansion of a gravel area and other potential alterations around an existing building.

This is a conceptual review of an after-the-fact site plan that had come to the Planning Board from a Board of Appeals ruling in June, 2014.

In 1996 and 1998, Applicant Robert Grant was permitted for two buildings. There were no setbacks or shoreland ordinances at the time in 1998. After the December 1998 approval, without a prior approval or permit, Mr. Grant expanded the 80-foot strip of driveway with 12 feet of gravel. As stipulated in the 1998 approval, that strip shall be maintained as a vegetated buffer and shall not be used for access or building. The areas that were filled, including a cul-de-sac, have to be revegetated. The area is zoned Shoreland now. Dylan Smith calls the 1998 approval, “The Baseline.”

The applicant has to either go back to the approved plan or make the site match a new approved plan that would meet ordinance requirements. Whether or not the applicant goes back to the 1998 plan or works with what is currently being proposed, there has to be an approval from the planning board.

Motion: Todd Frederick moved to have a site walk for the application of 17 White Birch Lane, Map & Lot 0085-0020-B on a date to be determined. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith moved that we continue this application review to the meeting of May 14, 2015. Gordon Eldridge seconded. The motion passed 5-0.

Other Business

York Hospital Meeting House Renovation. Site Plan Approval Extension Request (221 York Street)

Applicant York Hospital is “running off the clock” of their 2012 three-year permit. They are looking for an extension of their three-year time lapse.

Applicant representative Eric Weinberg of Altus Engineering spoke for the Hospital. The purpose of the application is to make the Meeting House accessible from the hospital-side of the building. It will make the building ADA accessible. It is difficult for anyone to enter the building from York Street. York Hospital is asking for a three-year extension on the approved plan. "There is no plan for this on the schedule. Plans change, and this could come back to the front very quickly. Today there is no time frame, but we don't want to lose the permit, in case it does change. It takes a significant amount of time to make your way through the Planning Process," concluded Eric Weinberg.

Chairman Al Cotton said the building has clearly gone "down hill." The waivers that were given three years ago were given because the hospital said it was going to do what ultimately was not done. Todd Frederick commented that, though the plan is a great plan, there is vinyl siding falling off the building, it has been doing so since the Board first gave approval, and there has been no effort to fix it.

Motion: Peter Smith moved that we extend the approval of this application for only one year, to May 10, 2016. Todd Frederick seconded. The motion passed 5-0.

Adjourn

10:35