

York Planning Board
Thursday, February 9, 2012, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Vice-chairman Todd Frederick conducted the meeting. A quorum was determined with four people voting: Todd Frederick, Torbert Macdonald, Jr., Tom Manzi, and Tom Prince (for Dave Woods). Dave Woods, Dave Glazebrook, and Lew Stowe were absent. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes.

Note: An agenda change.

~~**Logging Road Subdivision: 4 Turner Drive; Map & Lot 0099-0001-E. Sketch Review of a major Site Plan Application.**~~ *This application has been withdrawn from the February 9th agenda.*

Public Input

Open to the public to address any issue other than the scheduled public hearing.

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

Review and approve draft minutes.

The January 26, 2012, minutes were reviewed, and board members requested corrections.

Motion: Torbert Macdonald moved to approve the January 26, 2012 minutes as amended. Tom Manzi seconded the motion. The motion passed, 4-0.

Application Reviews and Public Hearings

Police Station and Access Road: 1051 US Route 1. Map & Lot 0094-0077. Preliminary Review of a Major Site Plan application for a new public safety building and a connector road

Public Hearings on Proposed Ordinance Amendment

Vice-chairman Todd Frederick said that two planning board members, Torbert Macdonald and Lew Stowe, had recently attended and spoken at a DEP hearing and possibly engaged in *ex parte* communication. Town Planner Christine Grimando said that having planning board members speak about the application outside a Planning Board hearing would bias the process. Per the recommendation of the Town Attorney, both members were asked to speak to this in the presence of the applicant.

Torbert Macdonald said he attended as a citizen. There was no ex parte communication on his part. He had done the same during the Planning Board sketch plan review on August 4, 2011; he had also spoken as a citizen on this matter before the Building Committee public hearing; and he had spoken as a citizen during the DEP public hearing before the Selectmen. He was not acting any way other than on his own behalf, he said. There was no open file. Only when there is an open file can ex parte communication exist, he said.

Christine Grimando said Lew Stowe, absent this evening, had attended the DEP meeting, asked some questions, and voiced some opinions. The planning board is precluded from speaking about any application outside of a meeting. Town Manager **Robert Yandow**, representing the applicant, Town of York, said the disclosure was accepted.

Todd Frederick said this major site plan application is for a 21,000 square foot building and a road between Route 1 and Ridge Road. The road covers three parcels, 36 acres in three base zones, with the police station straddling two zones. The sketch plan was reviewed August 11, 2011.

Civil Engineer **Andrew Johnston**, with SMRT, Inc., listed considerations including natural resources, subsurface conditions, topography, wetlands, and vernal pools (with the 250-foot circular buffers around them). The Green Overlay Zone will influence the design with large habitat blocks. Water quality and flood storage be monitored, all these things in terms of a low impact approach.

The police station site is on high land close to the Beach and York's Wild Kingdom. The police station will tie into water and sewer. There is a bicycle/pedestrian connection with a multi-use trail 8-feet wide, separated from the road by a grass esplanade. The trail provides pedestrian and bicycle access between the two roads.

Christopher Johnston pointed out features on the plan, locating visitor and staff parking for the building, the police storage area, and utility locations, which are located in the eastern corner. The southerly exposure roof can ultimately fit solar. A fire truck can get around the building.

There have been two meetings with Water and Sewer. CMP has given a preliminary okay for the easement the road will cross. There have been meetings with the York Beach Fire Department, Public Works, and the Town Engineer concerning road design and connections with Route 1. There have been initial conversations with DOT about Route 1. DEP and Army Corps of Engineers will look for wetland impact analysis and for the Town to come up with mitigation strategies.

Public Hearing

Ron Knoll of Cape Neddick asked for a moment to look at the plan, as he had not seen it for quite some time and before it was changed. He asked the board members if they had taken oaths of office and wondered if they had knowledge of the Growth Management Law. He said that this project is illegal under State statutes. He said the Planning Board

is obligated to follow the Comprehensive Plan, which guides all land use and zoning for all public safety facilities. The Comp Plan currently has this road placed between Route 91 and Old Post Road, he said. The position of the road has changed and the state laws are not being followed. I looked at the plan just now because the material was not available for viewing before this hearing, he said.

He spoke further about the peculiarities of the land around the animal park and suggested an alternate route to Route 1 along the Wild Kingdom Road, which would allow the new connector road to avoid CMP poles.

Todd Frederick said the Comp Plan identifies the location of the public safety building dated in the Comp Plan, 11/8/2011. Ron Knoll said that when you amend it, you have to show substantial evidence about why you want to do it. He said he had stamped and sealed copy with a different date and a different plan. Todd Frederick said the citation is on P. 68, No. 2.

Town Planner Christine Grimando said her first step in this review has been to go through 6.3, Submission Requirements. When all items are addressed, the application is ready to come before the board, she explained. The board then votes if it is ready for Preliminary Review. All 6.3 items have been addressed, she indicated, "though there are issues." She added that the board cannot go outside the application and speak to any private party about property that is not subject to the application, such as the Wild Kingdom Road. Otherwise, the following list details specific concerns:

- Wetland impacts have to be shown visually, with locations numbered. That overview puts the impacts in relation to and will help with the review of natural resources impacts;
- The bicycle and pedestrian access, the eight-foot multi-use path that is in the works, has to be further defined;
- The applicant does not have to file a full stormwater management report during the Preliminary Review, but they will have to for the Final Review;
- Town standard is *the* standard for the collector road, said Town Planner Christine Grimando. It has to have a design for mixed uses. There have to be road aesthetics. It is a gateway into York;
- The floodplain permit has to be in place. The CEO administers the permit. They are obligated to attest that land is in the floodplain;
- No lighting plan is necessary;
- There should be a waiver for the high intensity soil survey, which is necessary in the case for septic. It is no value in the test for a project with sewer;
- The road will pass through the Union Bluff's parking lot at 516 Ridge Road. Because of the road alignment, there will be changes to the road layout. The next iteration of the plans will be the basis for review. It will come as an amendment to a previously approved plan;
- Letters are expected from Sewer and Water; and

- Gorrill Palmer has evaluated the traffic intersection at Route One. We will learn what that scenario is.

Christine Grimando recommended the board accept the application for preliminary review and make a second motion to waive the high intensity soil survey. She also asked that a list of agreed-to items might be established.

Christine Grimando said it does not look like the application violates the Comp Plan.

Motion: Tom Prince moved to accept the plan before us for the proposed police station and connector road to be accepted for completion and accepted for preliminary review for the site plan ordinance. Torbert Macdonald seconded the motion for purposes of discussion.

In Discussion, Torbert Macdonald said he has had less than 48 hours to review the planning board package. Christine Grimando apologized and said that the package proved to be too unwieldy to mail before the weekend. She had planned but failed to hand deliver it to him. He accepted the apology.

Vote: The motion to accept the application for preliminary review passed, 4-0.

Motion: Torbert Macdonald moved that we waive the requirement for the High Intensity Soil Survey. Tom Manzi seconded the motion. The motion passed, 4-0.

Torbert Macdonald said that at the DEP hearing, it was asserted that 100% of the wetland impacts are between the police station and Route 1. Andrew Johnston confirmed that is true. All wetland impacts are associated with the road and none with the police station building. There are no vernal pools on the road's path. Impact is on the buffer. A mitigation plan has been submitted to DEP and the Army Corps of Engineers, and acknowledgement of that submission is anticipated.

Tom Gorrill, Gorrill Palmer Engineers, said the new road is 24 feet wide, similar to Ridge Road which is about 26 or 28 feet, which is narrow. This is an arterial or collector standard. Eleven feet per lane is plenty, he said. We get speeding traffic on a wide road. Slower speed is addressed by the way this is laid out with a curve. The road is 4,800 feet long.

In estimating traffic volume at the new intersection, Tom Gorrill had looked at traffic moving on roads immediately to the north and south of the proposed road, and he graded traffic use with a series of warrants, according to different traffic volume. Warrants collected for that intersection easily justified MDOT's placement of a signal at the intersection. If the speed were reduced to 45 MPH, and the thresholds warrants were to ease off, the signal would still be needed. That signal will change the design of the Route 1 lane lengths and how they will taper as they approach the turn. These are State standards. The traffic lights will have preemptive signals.

Architect David Lay has worked with the police department on the design for the new police station. The station is oriented to the south and could someday house solar collectors. The design re-qualifies for energy rebates. The heat storage system is geothermal. It stores heat from the air conditioning and uses it in the winter. The building is on a slab with radiant heat and cooling. The slab is insulated with two inches of foam insulation. This is Silver LEED certified. It is to be presented for certification after it is built. Andrew Johnston said his group's work with the building committee aims high.

The building is 24 feet above sea level. Hydro-analysis of the entire area shows that in the 100-year flood, the road will be above the water level. The brook out of the Ice Pond runs through a culvert. David Lay said the police station is built for growth. For example, the patrol officers don't have offices, they have lockers, and there are extra lockers to accommodate a growing staff. There is an armory and an evidence room, and they are sized according to how much is currently taken in and stored. The communication tower is in the works.

It was suggested, after-the-fact, to become a motion (which was un-seconded) by Town Manager Robert Yandow.

Motion: Torbert Macdonald said it would be prudent to keep the progress on track by dividing the review into two phases. Phase 1 would include the area between Ridge Road and the Police Station. Then Phase 2 would cover the Police Station to Route 1. We can probably get Phase 1 finished quickly. Phase 2 has to do with MDOT. I would propose we undertake that.

Vice-chairman Todd Frederick asked Town Manager Robert Yandow to respond. Robert Yandow said that in all fairness, I don't think I can answer that right now. The suggestion certainly merits some discussion. Given the timeliness of the motion, I'd like some time. We'll get answers to whether this should be done simultaneously, and not one to the exclusion of the other.

Todd Frederick said it is an issue to carry forward to the next meeting, March 8, 2012. Torbert Macdonald withdrew the motion for the time being.

Todd Frederick said it is important to add a site visit to Christine Grimando's detailed agreed-to list of specific concerns. The site walk should go on before the next Planning Board meeting. Andrew Johnston said the road's centerline is marked with white stakes, and those are the only markers.

York Convenience Store: 4 US Route 1; Map & Lot 0086-0001. Sketch Review of a Site Plan and Route 1 Use Permit application for the renovation of an existing building into a convenience store.

This is the third sketch review for this applicant. Architect Christopher Baudo represents the application. A three-family house and a former thrift shop currently occupy the property. At the last meeting, the board was concerned about parking in front. During the

revised Phase 1, the old thrift shop building will be moved onto a new foundation closer to the wetland. That will allow for 14 parking spaces in the front, including 2 handi-capped. The three-family house will be demolished.

In Phase 2, a second building will be build farther back from the road. It will have 12 parking spaces plus “underground parking,” so called because the ramp pitches down and levels out. The dumpster is behind that building.

Stormwater will be collected and fed into “level spreaders” before leaching into the wetland. This is a network of six 3-foot deep retention ponds capable to adjusting a 100-year flood. A swale on the south side of the building will direct water off the front of the property into a catch basin.

The property has 20 apartments. The relocated thrift building has 1,720 square feet with two 2-bedroom apartments above the convenience store. The first floor retail or office space in the new building has 6,620 square feet. On the second and third stories, there are 18 apartment units. The property’s parking adds up to 65 spaces (69 plus 6 handi-capped)—five over the necessary 60.

There will be flowering shrubs along the Route 1 corridor, which will meet the landscape ordinance for plantings in buffer yards. The **Public Hearing** was opened and closed. No one came forward to speak.

Applicant Christopher Baudo has met with Kittery Sewer, and they have sent him a letter indicating that sewer is available. The manhole is located to the western side of Domino’s Pizza. The adjoining neighbor is planning to connect, and their septic easement will then be dissolved. There will be backup generators for sewer connections.

Torbert Macdonald commented that the stormwater management is the main challenge of the application.

New Business

- **Discussion re Ex Parte Communication**
Covered earlier in the meeting.

Old Business

- Barrell’s Grove Mylar and Findings of Fact signing

Motion: Tom Prince said, I make the motion that the Chair signs the Findings of Fact for Barrell’s Grove Subdivision dated February 2, 2010. Tom Manzi seconded the motion, which passed 3-0-1, with Torbert Macdonald abstaining from the vote.