

**York Planning Board**  
**Thursday, December 9, 2010, 7:00 P.M.**  
**York Public Library**

**Call to Order, Determination of Presence of Quorum**

Board Chairman Lew Stowe called the meeting to order and determined the presence of a quorum. All Board members were present: Todd Frederick, Torbert Macdonald, Tom Manzi, alternate Tom Prince, Lew Stowe, and Dave Woods. Tom Prince did not vote. Town Planner Christine Grimando represented Town staff. Patience Horton took Minutes. This application hearing lasted three-and-a-half hours and was televised.

**Public Input**

**Open to the public to address any issue other than the scheduled public hearing.**  
No one came forward to speak.

**Field Changes**

**York Hospital Oxygen Tank Field Change**

Christine Grimando had previously handed out the memo on this field change. Eric Weinberg, of Altus Engineering, was present with Steve Pelletier and Clark James from the hospital. Changes for the oxygen tank were approved in July. It was moved from the surgery center to the parking lot. A larger pad now requested that will ultimately allow for a larger, 3,000-gallon oxygen tank, if/when there is a need. There would be no changes in the drainage. The pad is not located in the shoreland.

**Motion:** Todd Frederick moved to approve the change for the hospital's expansion of the oxygen tank pad. Dave Woods second the motion. The motion passed 5-0.

Eric Weinberg added that an issue over traffic had been discussed with the planning board. The hospital is preparing a traffic report about changes and hopes to return in January with that report. Christine Grimando requested an oxygen pad plan with a signature block.

**Minutes**

**Review and approve draft minutes.**

The October 7, 2010 York Beach Project workshop minutes, written by Missy, were reviewed

- **Motion:** Todd Frederick moved we vote to approve minutes of the planning board workshop, dated October 7, 2010. Dave Woods seconded the motion. The motion passed 5-0.

The minutes of the October 8, 2010, York Planning Board joint meeting with the York Harbor Board, written by Patience, were reviewed.

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- **Motion:** Todd Frederick moved to approve the York Planning Board minutes of October 8, 2010. Todd Frederick seconded the motion. The motion passed 5-0.

The minutes of the November 4, 2010 York Beach Project workshop, written by Missy, were reviewed. Lew Stowe suggested corrections.

- **Motion:** Dave Woods moved to approve the Planning Board workshop minutes. Dave Woods seconded the motion, which passed 5-0.

**Hancock Wharf 140 Lindsay Rd. Map & Lot 0062-0006; Review of a Floodplain Management Ordinance Conditional Use Permit for a bait shack**

The Town Planner said the planning board rarely has anything to do with floodplain management. This requires rigorous review because it is in the floodplain and the floodway. The board has to review the conditional use permit for this bait shack, which is a 322 sq ft structure. The existing wharf is being rehabilitated. The expansion of the dock is allowed. Dave Woods said the dock had been rented to private boats and now it is going to working use.

Scott Stevens, director of the Museums of York, said the funds to upgrade the wharf for commercial use come from the purchase of a covenant by a State funded entity. The funds will be used for the wharf and the neighboring George Marshall store. A new pier with two additional floats will accommodate year-round fishing. The new bait shack will be larger to meet the flooding regulations.

The wharf was last used for commercial fishing in 1980. This restoration returns the historic structure to its original use. The task force includes two concerned neighbors. The original bait shack has the capacity for three fishermen, but the bait shed, put there by first commercial fisherman, will be moved off the site.

Christine Grimando said the structure is subject to elevation requirements or flood requirements. Flood proofing the building is to be addressed, as it is partially in the floodway. It straddles the flood zone and the floodway. It is partially in the 9-foot and partially in the 10-foot zones, so it is being flood proofed to 10-feet.

Scott Stevens said it is truly a profit enterprise. We are trying to create sustainability. The commercial rate cannot be charged, but some of the income will have to set aside for maintenance.

James Johnson, a resident of One Mill Road, had contacted Christine Grimando with concerns about truck traffic, smells, and the expectation that the bait shed should be a quiet system. Scott said the location of the compressor is on the seaward side. The lease agreement will cover cleanliness and noise. The capacity of the shed is a crucial factor in the truck traffic. It reduces truck traffic because there are fewer visits. It will be lighted only when needed.

The Chairman opened the **Public Hearing**. **Joey Donnelly**, of the Working Maine Waterfront Coalition, and Co-Chairman of the York Harbor Commission, said Town Dock #1 is about to be rebuilt. Currently, there is one sample of the proposed lighting system that shines down on the wharf. It has no impact on boats and no negative impact on houses across the river. The neighbors love the way the bait shed at the Sewell's bridge dock is functioning. The Town Dock #1 is being paid for by the capital budget of the town and the Small Harbor Improvement ships fund.

**Gerard Chase** of 132 Lindsay Road lives nearest to the wharf. He is concerned about the refrigeration unit, light, and traffic and parking. The new use is wonderful.

The Chair **closed the Public Hearing**. Christine Grimando said the motion approving this use should encompass requested delineation of parking spaces on the plan. It should reflect the flood proofing and have a signature block for the entire board. Apart from the motion, the scale on the building elevation is off and should be corrected. The parking and flood proofing notes must be added.

**Motion:** Torbert Macdonald moved we approve the Flood Management Ordinance Permit for the Old York Historical Society, with the changes as noted by Christine Grimando. Tom Manzi seconded the motion. The motion passed 5-0.

**Yorke Fields 590 US Route 1 Map & Lot 0042-0008; Final Review of a Major Site Plan application**

Christine Grimando said the application and the deadline for final review is January 9, 2011. She had run the checklist, which was complete.

**Motion:** Todd Frederick moved that the board accept the application for Yorke Fields, 590 US Route 1, Map & Lot 0042-0008, as complete for review. Tom Manzi seconded the motion. The motion passed, 5-0.

Jeff Clifford of Altus Engineering said the facility is located on an 11.5-acre parcel on the intersection of Spur Road and Route 1. The building will be used for medical offices. In 2008, the applicant went to code enforcement for shoreland enforcement. There are wetland fingers going into the property. There are 113 parking spaces. The property is in the Route 1 Zone.

If DOT makes no changes in the egress and ingress, a right-in right-out design will be used. It will have a proposed island. This will not be beneficial to Yorke Fields. If, next year, DOT puts in a pocket for left turns and allows a left turn, it would be beneficial. Approval has been won for plans of both designs. Funds for the extra pavement and the turning pocket have set aside. The Yorke Fields entrance keeps the same location, but is slid back. CLD was hired by DOT to finish the design.

Jeff Clifford presented sewer and water, drainage system, buffers, and architectural renderings. Views for from the roadways approaching the building from the highway ramp, Stonewall Kitchen, and the Chamber of Commerce were shown. Both Route 1 and Wetland permits are required. The drainage plan was reviewed: water goes toward the toll-booth and cuts toward a culvert at Little River. Oak Engineers reviewed the drainage system with no comments returned.

The traffic study forecasts 99 trips generated during peak hour. At one time the light spilling from Yorke Fields onto Route 1 was an issue, but ultimately DOT did not have an issue about it, and it was waived. The planning board waived the sidewalk. The angle of the intersection was approved. The site is not in the floodplain. When the habitat was reviewed, a pond with turtles was found off site, but the separation caused by the roadways deemed any concern unnecessary. There are no vernal pools on the property.

Tom Prince checked that that the design changes the planning board had originally requested had been made. They had. The **Public Hearing** was opened and closed. No one came forward to speak.

Jeff Clifford said that the approach proposed by DOT would have a traffic island strip that adds a lane-changing ramp. The island starts at the intersection and controls the traffic through it. From the point of the entrance of the project, the road goes from two lanes to four lanes. The right-in and right-out island would be raised so an emergency vehicle could come into the site. He said we are seeking two approvals because we are not sure. No agreement has been provided. Attorney Gregg Orso said that the reason the preliminary was worded as it was was so that if the applicant built the right-in right-out design, they want to make sure they don't lose the option. Dave Woods said he is uncomfortable with signing a Mylar to that extent.

The Yorke Fields team took a break to talk things over. Gregg Orso said the applicant wishes to present all the information the planning board requires for this meeting and meet the six-month requirements. He said the applicant then wishes to come back for the first meeting in March. By February, they hope to have more definitive information from DOT, but there might not be information by then. The applicant will provide the board with advance notes and findings regarding the two options existing from the preliminary plan approval with two entrances and exits.

Christine Grimando said that when the board accepts the application, a clock starts for the review process 30 days after the first public hearing, unless there is an agreement between the board and the applicant.

**Motion:** Dave Woods moved to continue this meeting until the second Thursday in March, March 10, or sooner, based on the needs of the applicant. Todd Frederick seconded the motion.

In discussion, Tom Prince said to make sure the continuance deals with traffic.

**Vote:** The motion passed, 5-0.

Lew Stowe guided the applicant through Section 6.3. He said traffic is the question. He wished to go over stormwater again. The performance guarantee had not been submitted, but is not necessary until the project is permitted. The cost estimates have been done. The sidewalk has been waived.

Gregg Orso reiterated the concerns: traffic in relation to the two ingresses and egresses; stormwater runoff; the type of cultured stone is being used in the building design; and the type of performance guarantee to be worked out with the Town Planner.

**Barrell's Grove 59 Beech Ridge Rd. Map & Lot 0086-0045-A. Preliminary Review of a Major Subdivision application**

Bill Anderson of Anderson Livingston Engineers said the board went on a site walk. He elaborated on Town Planner Christine Grimando's November 29, 2010 memo. It includes the layout of the road in relation to the wetland. There will be major fill at the first field crossing. Nearby Riverwood Estates has 50 houses with no treated sewage. Barrell Grove offers pretreated systems. Every system will be staked out. The homeowners will maintain the systems. The difference between these systems and all others is the length of the pipe. Open space is an issue. Sixteen percent of the property will be open space, over the 10% required. There is a paper road that can or cannot be built. Al Fricke reported that a small area has characteristics of a vernal pool, but is not classified as a significant vernal pool. Chairman Lew Stowe opened the **Public Hearing**.

**Linda Goulette** asked who should be contacted if the homeowner contaminates the common septic system? What about the runoff between Lots 11 and 10? Where is the location of the pumping station? With one pipe per house, aren't there are eight chances of error? Why can't the homeowners have their own system? How about power outages? What is the impact on the river? What will the common area be used for? Will highway noise be increased with the trees cut down? What measures are in place to make sure water is not an issue? What about traffic? What is the impact to the subdivision is traffic? What is the impact of the lights on the houses?

**David Tibbitts** of the York Conservation Commission explained his concern about wildlife. About one-half mile near the property is a known location for New England Cottontails, according to the Maine Department of Inland Fisheries and Wildlife. The wetlands abut navigable waters. White Cedars have been documented. There is a habitat of Oak forest at the end of the property. In the cases of 1,000 abutters to Rachel Carson land, houses have been mostly placed close to the resource, even with the setback. The landowner will be looking to gain the viewshed from that house.

No one else came forward to speak. The chairman **closed the Public Hearing**.

Archeologist Emerson Baker said that his survey of the archeological site on the property resulted in there being no need to carry out further research. On Lot 6, there are two cel-

lar holes within the bounds of the archeological easement. The Maine Historic Preservation Commission would not approve the project unless there are no disturbances at all.

**Motion:** Todd Frederick moved to approve the application for Barrell's Grove, 59 Beech Ridge Road, Map & Lot 0086-0045-A, for preliminary review. Dave Woods seconded the motion. It passed 5-0.

Lew said the clock starts ticking 60 days. Torbert Macdonald commented that the vernal pool stuff will take more than 60 days.

Christine Grimando said people representing septic designers from the neighboring systems should come in. Two reports have been submitted and both say that if the systems change at all, they have to be redesigned. This is a conforming site where, what is designed has to be installed. Plumes from both systems have to be addressed, as does the methodology about the flows. Dave Woods said that Linda Goulette should be notified when Sweet comes.

Bill Anderson said there is a phone line pertaining to electrical outages that is part of the system. There will not be a central pump station. He said that the one problem is you don't lose town water when the lights go out. You can still flush. A generator is the answer. Torbert Macdonald asked if there ever was before a subdivision that required a generator? It might be a good idea. Lew Stowe said they have to monitor this system on a regular basis. If problems develop, there has to be someone in charge. Maintenance and Management

Applicant Robin McKie said that when you buy the system, they check it once a year. One letter goes to the CEO and one to the Town. The bubbler loses the solids. The monitoring is easy, and we can bring Sweets here. Torbert Macdonald said he was very skeptical. The solid conditions are terrible, he said. The issue on the top of the hill is ground water. The septic layout is a credibility issue. He did not see more than one-half disturbed soil with perennial plants growing there and wants the CEO to look at the septic area. He agrees that the monitoring and managing system has to be brought in. Lew Stowe suggested an electric backup battery with AC/DC pumps as the response to power outages.

Christine Grimando said the management/monitor plan has to be the control. People won't be staring at their failing septic system because it is out of their yards. Having the CEO go out is important. She asked if the applicant has calculated the paper row. Will it go away? The applicant has not addressed open space and made a proposal about how that space will be used, she said. Torbert Macdonald instructed the applicant to read the solid and water table information carefully and then come back and give a credible proposal. He suggested they prepare a letter with the same information to DEP, Corps of Engineers, and Fish and Wildlife. As well, there are to stay in touch with PB chairman Lew Stowe.

Dave Woods proposed 3½ to 4-ft finished crawl spaces for the houses there. Bill Anderson said the spaces don't need sump pumps. If you can engineer for draining the perimeter, you can have a dry basement.

**New Business**

Christine Grimando said there is documentation about the roadway going through the Beach effecting Ellis Park. All the technical paperwork has been sent to the Planning Board. Torbert Macdonald said, there is a lot of mythology about what Ellis Park is, and this will straighten it out.

**New Business**

Christine Grimando handed out the design standards for the Beach.

**Old Business**

**Other Business/Adjourn**

The meeting ended at 10:45.