

York Planning Board
Thursday, October 14, 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 staff. Patience Horton took Minutes. This application hearing lasted two-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

There were no field changes.

Minutes

Review and approve draft minutes.

The minutes for the Planning Board Workshop on the York Beach Project were reviewed and accepted, with one correction, as submitted.

Motion: Dave Woods moved to approve the September 2, 2010 minutes of York Beach Project as have been submitted. Tom Manzi seconded the motion, which passed 3-0.

The York Planning Board minutes of September 23, 2010, were reviewed and corrected. The changes were given to the minutes secretary for correction.

Motion: Dave Woods moved to approve the September 23, 2010, minutes as amended. Tom Manzi seconded the motion, which passed, 5-0.

Application Reviews and Public Hearings

Keitts Point Access, 205 Beech Ridge Road/18 Claude McIntire Road. 0086-0036/0086-0031-D: Application for a Shoreland permit for Road Construction and a Special Use Permit for the Resource Protection District. Conceptual discussion of road layout and proposed house placement

This is a sketch review. Applicant Dave Gross said the proper pronunciation is “Kites” and the word is Scottish for “Keith’s.” Dave Gross, of Birch Hill Road, is hopes to con-

nect his one property that is isolated from his other property with a road. They are on the York River. He must propose and finalize a 600-foot easement to cross the McIntire property, between the two parcels. He wishes to cut some trees out and use the easement as a woods road. He said the Resource Protection Act prevents him from cutting trees. With this application, he seeks permits for both the road and the house, because “one is no good without the other,” he said.

Torbert Macdonald explained that there are restrictions on cutting in the shoreland zone. Cutting is allowed within the 250 setback, but the cutting is structured over time. In the forested land, he can take every tree, if he wants to. There can be cutting within the Resource Protected land, and that calculated cutting must leave a well-distributed group of trees. Furthermore, the Planning Board has the jurisdiction as to where the road will go and where the house and septic go, as well. As far as the road goes, it is in the only place where it can be, with this plan. Torbert Macdonald showed concern about sheet flow. The road could become a dam, he said. It has to be permeable, so it will not be a dam and channeling will not take place. The house is roughly where it has to be on the plan, which is also true with the road.

Town Planner Christine Grimando said the application is complex, and there are many sections of law to consider. She had written a seven-page review of the application. The board had gone on a site visit, which prompted need for a peer view. Dave Gross stated he seeks the right to secure the ability to build the house.

Christine Grimando read from her review. Regarding the applicant’s request for the setback reduction to 50 feet, the road layout has to have a waiver. The peer review elaborates these aspects in the full technical application. The applicant has met all the basic material criteria for what he needs to do. The house and septic are basically in the right area. She said a plan has to be submitted with clearer survey measurements and clearer zoning categories. She wants the full septic specs. Some of the things the applicant already has prepared will be needed at the next review.

Tom Manzi asked about erosion caused from culverts spewing out water. Christine Grimando said there are methods for slowing the water down. She expects the Conservation Commission to give an opinion of how mitigation might reduce the impact of the spewing water.

Dave Woods asked Christine Grimando to read the summary of the seven-page review. Paraphrased, it says: **Location of the road, house, septic or alternate locations are reviewed. They are as well located as they can be.**

The chairman opened the **Public Hearing**. **Diana Dennett** of 215 Beech Hill Road described how various houses sit on a nearby, invalid right of way. Christine Grimando said, because it is civil matter, that information does not have direct bearing on this application. Torbert Macdonald added that, originally, the right of way was sufficient to permit the house, or the Planning Board would not have allowed it. Diana Dennett also asked questions about trespassing, which were not part of the application, either.

In the Public Hearing, **Gary McIntyre**, across whose land the road will cross, explained there are two McIntyre families. His should not be confused with Mary McIntyre's or any others who own land along the York River.

David Gross said the McIntyre family owned the entire property beginning in 1668. When he was a boy, a road went through the lower lots, through Diana's Dennett's land. He said that he "can't say it was not traveled." There would be a dispute, he said. Those areas were accessed. The Chairman closed the **Public Hearing**.

Lew Stowe expounded on several issues for the applicant, including shoreland overlay; flood plain variance; erosion and sediment control; the clearing and the removal of vegetation and clearing of trees; professional certification from all professionals, including the stormwater engineer; and the recommended approach of road design. Dave Gross described a natural dam that had occurred on his property. It was made of trees. In that instance, the flood is channeled to one point and drains down from that point.

Dave Woods asked about the surface for the new road. Dave Gross described a road he had built with a foundation of loam, covered with a layer of fabric, and on top, packed with crushed gravel. Torbert Macdonald said an engineer or peer review will bring the construction to the board.

Tom Prince recapped the sketch review, the key items of which are peer review and road design. Todd Frederick congratulated Dave Gross on a turning out a comprehensive application. Christine Grimando said Steve Bradstreet of Oak Engineers is the peer review reviewer. Dave Woods said Steve Bradstreet should contact the road engineer, so their work can overlap, and they can save time.

The Gables at Eastern Point 6 Norwood Farms Rd. Map & Lot 0052-0011. Application for a revision to an approved subdivision plan, including reducing the total number of units from six to four, and associated site changes

Christine Grimando said that this is a revision to an approved plan. This was submitted as an amendment to an application.

There was discussion of possible recusal. Todd Frederick is currently working for the landscape architect, Joe Coronate, and Joe Coronate has recently done landscape work for Dave Woods. Neither association has anything to do with this application.

Motion: Torbert Macdonald moved the board has discussed recusal concerning these issues and in discussion has decided there is not conflict of interest. Tom Manzi seconded the motion, which passed, 3-0.

Christine Grimando said that originally, the plan was for three duplexes, six residential units, on the site of the former Harbor Home. The applicant proposes to remove one duplex because the property seemed too "dense." In revision, the board must look at the

change and anything that is impacted by what is to be changed—utilities, landscaping, and the addition of a gazebo. Amended plan sheets are in direct response to the new stormwater plan review. An abutter is concerned about the added privacy vegetation at the corner of the lot where a rain garden has been reduced.

Attorney Greg Orso represented Tide Run Development, LLC, owned by Ken Erickson and his parents. They decided to remove one building. Joe Coronado showed the new plan with two remaining buildings. The two have the same entrance as before. The third duplex has been removed and there is green space in its place. Four added parking spaces have been created for overflow parking. Joe Coronate pointed out drainage points, explaining how water flows into the grass on one side and down to swale or rain garden on the other side. The power line is above the ground, instead of buried. The propane tanks are buried together, and gas is distributed as from a “tank farm.” An agreement was worked out with neighbor O’Connell to extend the sewer line to his property, as requested from the first public hearing on. Both buildings are currently under construction. The exterior will be finished in about six weeks, and the interior will go on during the upcoming winter months. The landscaping is basically the same. A gazebo has been added for gatherings and will have electric power.

Christine Grimando said the new, full study of the revised plan has gone to peer review. The signoff letter has come from Steve Bradstreet.

The Chairman opened the **Public Hearing**. **Karen McGrail**, president of the Norwood Circle Condominium Association, asked questions about the location of the berm and swale. She asked if there was any impact on the pond on her property. The gazebo is 40 feet from her property line. Will the lighting will have a timer? She asked for a clear marking of the property line. She is worried that the construction crew is crossing onto her property while they are working. Christine Grimando said the applicant does not have to mark it as part of the application process. Karen McGrail said her group has been able to cross the nursing home property since it was built, 1976. Lew Stowe said the crossing it is a civil issue, not the Planning Board’s.

Carolyn Mason, an abutter, asked about plantings for screen as originally planned to sit on Norwood Circle land screenings. Would that still be available, though the third building has been eliminated?

Greg Orso said there are no negotiations to put anything on that other property. The Board does not have jurisdiction over that, anyway. His client is amenable that there will be effective screening there, he said.

Kevin Erickson explained where balsams are intended to go, as agreed during an earlier stage of the application. He also pointed out trees and plantings on the gables at Eastern, as requested by **Kathleen Wilkinson** in a hand-written correspondence to the Town Planner.

Motion: Torbert Macdonald moved we approve the revised plan for the Gables at Eastern Point. Todd Frederick seconded the motion, which passed 5-0.

New Business

The signed Findings of Fact were accepted in the Long Sands Application.

Motion: Dave Woods moved we accept the Findings of Fact for the Long Sands Application, to be signed by the chairman of the Planning Board. Todd Frederick seconded the motion, which passed 5-0.

The November meeting will be on November 10, instead of November 11, in the Senior Center because of the Veterans Day Holiday.

Old Business

There was no Old Business.

Business/Adjourn

The meeting adjourned at 9:25.