

**York Planning Board  
Thursday, June 11, 2009, 7:00 P.M.  
York Public Library**

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

Planning Board Vice Chairman Lew Stowe sat in for Chairman Tom Manzi, who was on medical leave. There was a quorum. Lew Stowe, Barrie Munro, Glen MacWilliams, Dave Woods, and alternate Todd Frederick were present. Todd Frederick voted in place of Tom Manzi. Town Planner Christine Grimando represented the planning department staff. Patience Horton recorded minutes, which were edited by Barrie Munro. This application-hearing meeting lasted four hours.

**Public Input**

**Howard Kopeel** lives adjacent to York High School. He said that the impervious surface at the school is being increased by 10,000 feet or more by the proposed addition. He handed photographs to the board showing the Patriot's Day and Mother's Day storms of 2006 and 2007. He gave the photos to the Town Planner. They showed deep standing water, flooded culverts, and water rushing over his driveway. The chairman explained that an extensive drainage plan would be part of the upcoming hearing.

**Field Changes** Town Planner Christine Grimando said there were no field changes.

**Minutes**

The May 14, 2009, minutes were reviewed. Glen MacWilliams requested clarification in the business name Infinite Image. He changed a term to "fire emergency vehicles," and changed the position of a friendly amendment in a motion. Lew Stowe asked for particulars about the beginning of the appeals period for Walgreens.

**Motion:** Glen MacWilliams moved to accept the May 14, 2009, minutes as amended. Dave Woods seconded the motion, which passed, 5-0.

The May 28, 2009, minutes were discussed. The recording secretary received revisions from Christine Grimando, Glen MacWilliams, and Lew Stowe.

**Motion:** Dave Woods moved to table the May 28, 2009, minutes. Glen MacWilliams seconded the motion, which passed, 5-0.

**Applications Reviews and Public Hearings**

**York High School. 1 Robert Stevens Drive. Map & Lot 0038-0005. Review of minor Site Plan application for a Music Wing Addition**

This hearing coincidentally took place on the night of York High School's graduation. The application was represented by Jim Amoroso, Assistant to the Superintendent of Schools,

Architect Alan Kuniholm, of PDT Architects, Portland, and Engineer Eric Dube, of Casco Bay Engineering, Portland. Alan Kuniholm said he had worked with the school department for 2 years on this 10,000 square foot addition of band room and chorale room with support spaces and an eye toward adding a new auditorium off these rooms. The addition stays within the curb line. Approvals from DEP are expected within two weeks for which there are still minor concerns to be address.

Eric Dube said utilities would arrive through the existing main. The current sewer manhole will be impacted, and it has to be moved. Outside lights will be moved. The propane tank will be moved and buried, still tied into the existing line. The water line to the mechanical room will enable the sprinkler service. The sidewalk will be moved, extended, and be accessible by the handicapped. The original deed from 1974-1975 covers the entire school, though the site location permit is more extensive.

Eric Dube discussed the quality of runoff. The bulk of the drainage runs onto Robert Stevens Drive. The engineers have talked to DEP about better water quality for drainage that flows overland from existing parking. Installation of a stormwater basin will be good for surface area of 98,000 square feet. Only 68,750 square feet has to be treated. The capability is  $\frac{3}{4}$  acre more than that.

The **Public Hearing** was opened. Howard Kopeel asked for details about the drainage basin. Eric Dube showed the location of the open pond that will filter out salt, dirt, and sand while interrupting the water flow. Howard Kopeel showed a photo of the flooding of Little River and the path to Long Sands Road and the ocean. No one else came forward to speak, so the Public Hearing was closed.

Eric Dube explained it is the applicant's due diligence to take care of water quality and quantity; however, the applicant cannot solve the unrelated problems that already exist. Glen MacWilliams said the applicant is minimizing the stormwater contribution and planning ahead for the future addition at the same time.

Christine Grimando said this is a minor site plan application, a revision of a previous plan. This addition is less than 10,000 square feet. The applicant can submit jointly for a minor site plan. The outstanding items include Water, Sewer, and Fire Department reviews. Each has been notified, but none has signed off. Some certifications that were missing have been submitted tonight, Christine Grimando continued. They have submitted for DEP permits. The application is complete for purposes of review. The peer review has not been sent back. Glen MacWilliams said lack of pagination and indexing makes it difficult to know what to look for in the plans. Plus, the certifications are not complete. The Board expects complete documentation with full criteria, he said, but even without the professional certification, the board cannot make a finding of completeness. Eric Dube said those items would be included in the next submittal.

**Motion:** Glen MacWilliams moved that the Planning Board proceed with the application, under the condition that the applicant provides the deficient items at a later date. Barrie Munro seconded the motion, which passed 5-0.

In discussion, Barrie Munro challenged the precondition modeling for stormwater management. Eric Dube said the existing condition of the parking lot, plus other square footages, are incorporated in the calculation of the impervious area condition. There is no choice, he said but to treat the entire 98,000 square feet from Day one. The contour drop from 38 to 30 feet does not require change. A curb will be added to direct the flow, and a swale will direct water. When the water reaches the pond, it will spin around, allowing the sediment to drop. He explained how oxygen plays a part in hydraulics. The pond has an emergency spillway.

The group discussed the contract for the required inspection of the treatment system. The maintenance schedule is recorded. Maintenance involves cleaning it out before and after the winter season. Lew Stowe said the maintenance would be passed on to the Town Public Works. Todd Frederick asked about snow storage. It will end up between the parking lot and the pond.

Barrie Munro said there should be a provision for the contractor to have an outside party perform periodic inspections during construction. That should establish accountability. Glen MacWilliams concurred: a plan for erosion and sediment control would have been helpful during storms at the York Village Business Center site. The applicant should provide that service, rather than the Town Engineer. Glen MacWilliams also there should be final certification that the future high school addition is in compliance with the plan.

Lew Stowe said it is a required condition that there is no more water coming off the site after construction than there was before. Dave Woods said there would be no more water than there was before, except in a two-year storm. That would be because of Little River, said Barrie Munro. Glen MacWilliams said there are hundreds of residences affected by the Little River wetlands. Public Hearing participant, Howard Kopeel, said all water coming through the westerly side of Robert Stevens Drive has no outlet. Christine Grimando said the plans have to reference past surveys.

**Waiver: Boundary Survey**

Christine Grimando said there is no boundary survey. One is not needed because the addition is not near property lines. The boundary survey is requested in other parts of the application, and is not required.

**Motion:** Barrie Munro moved to approve the waiver of 6.3.2 for boundary survey. Todd Frederick seconded the motion.

In discussion, Glen MacWilliams said the existing boundary survey should be included. Christine Grimando said there might not be one. Eric Dube said the original building was built with deeds instead of a survey. The school sits on 70 acres. Assistant Superintendent Jim Amoroso said tax maps have been used in the past. There is a lot of property, and it would be very expensive to survey the boundaries. Dave Woods said the Town has to go on a higher standard and lead by example. Eric Dube said the original and the 1999

additions were done on good faith. This addition is within the footprint. Glen MacWilliams said it is part of the normal course of events. It could be done quickly. Barrie Munro asked how waiving the survey could be rationalized, considering the first paragraph of State Reg. 12.1. Christine Grimando thought 12.1 had to do with residential. The waiver is to an approved plan. Nothing corrective has to be done, because it is part of past reviews.

**Vote:** The motion failed 0-5. Eric Dube said he would work with Christine Grimando about the survey.

**Waiver: Historic Significance**

Christine Grimando said the historical significance of the graveyard is required for the local and state Historic Resources documents.

**Motion:** Glen MacWilliams moved to approve the waiver to historic resources. Barrie Munro seconded the motion, which passed, 5-0

**Waiver: Habitat**

Christine Grimando said the 70-acre site overlaps a habitat circle and has no wetland fill. It is located in the shoreland.

**Motion:** Barrie Munro moved to waive the habitat requirements. Todd Frederick seconded the motion, which passed, 5-0.

**High Density Soil Survey**

No Discussion.

**Motion:** Barrie Munro moved to waive the requirement for a high-density soil survey, per 6.3.3.2, based on the fact it does not appear to make good sense based on the location and the limited amount of construction. Glen MacWilliams seconded the motion, which passed 5-0.

The Findings of Fact are administrative, said Christine Grimando, and this is a preliminary stage. The board had asked if clarification about LEED standing could be explained. Architect Alan Kuhlholm, AIA, LEED AP, said LEED certification was expected to be incorporated in this project, however, the voters denied the costs for it for the budget. He went over the base bid and the alternate expense energy modeling. LEED was excluded before the Planning Board put it into the ordinance. However, better materials with better longevities, like better quality insulation, and focus on quality, like better air supply, are being used. So, there are still positive things to do. LEED buildings should accommodate normal budgets, but don't. LEED certification is on three levels: Certified, Silver, and Gold. The hearing ended.

**Bournival Dodge. 343 US Route 1. Map & Lot 0059-0001. Sketch Review for Bournival Dodge. Discussion of non-compliance with a Previously Approved Plan.**

Owner Richard Bournival and Parts & Service Manager Richard Tara were present for the hearing.

Christine Grimando said the hearing was a sketch review. There has been a history of this site with Code Enforcement. Its being out of compliance has never been resolved. Code Enforcement issued a violation, and Bournival is willing to come into compliance with a revised site plan. They had met with Christine Grimando. Glen MacWilliams said, per 11.2.7, the Board couldn't approve a plan if there is a default. The Board wants to help the applicant make a correction to the existing plan, so 11.2.7 should be waived. Barrie Munro said waiving 11.2.7 would allow the board to discuss the application without constraint.

**Motion:** Glen MacWilliams moved to waive 11.2.7. Barrie Munro seconded the motion.

In discussion, Dave Woods asked why an application is needed to bring it back to conformity. Glen MacWilliams answered that some things might not have worked in the original design.

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

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

A truck blocks the south entrance to the car dealership (Chrysler/Jeep/Dodge) off Route 1. Owner Richard Bournival said there had been some close calls with people turning around there. Glen MacWilliams agreed the entrance should be blocked. Dave Woods said taking out the curb cut would be a mistake. Barrie Munro said if there is adequate circulation on the lot, the curb cut should remain, and vehicles can be displayed there to block the entrance thus preventing circulation problems.

The original approval required a two-foot berm. The berm now creates a drainage problem, said the applicant. Water fills the swale, and water goes toward the street. Plus, the State took 10-feet of frontage for Route 1 to be widened. Richard Bournival showed photographs. Barrie Munro said the purpose of the berm was to minimize the amount of landscaping required and to satisfy the requirement for landscaping parked vehicles facing RT 1. The applicant came forward to Glen MacWilliams's place at the board table, and they discussed the drainage plan and drainage basin.

The group discussed parking lot lighting. At the request of abutters, three new lights had replaced the original lights. The new ones focus straight down. The fence behind the car lot is a replacement of one originally there. Poured concrete flower containers had been constructed around the original light poles. They cause problems for snowplows, said Richard Bournival. Barrie Munro said the planters do not serve a good purpose and should not be required

The fenced area is in the back. There are trees there. Richard Tara said trees grow in the back, not on the north side, where they die. The fence is an abutter's fence, and Bournival replaced it and maintains it.

The raised car display mounds could be knocked down by 18 inches and look better, said Richard Bournival. If they have to be taken down, the mounds could be replaced with impervious matter. When the body shop was taken out, they put in gravel. Stonewalls and the landscaping required on the plan will be met, he said.

Barrie Munro asked about the approved trees for screening the building. Richard Bourne said he would do what the Board wants about the trees. Todd Frederick asked about the dumpster location, which is not screened and in plain sight. Richard Bournival said it is not noticed and a stockade fence is not a possibility. Todd Frederick replied it is against the ordinance.

Glen MacWilliams said the Board has to review and remove the violation. The Board will give the applicant 90 days to return with an official submission.

**Motion:** Glen MacWilliams moved that the Planning Board has before it an open application to be reviewed. The intent is to solve the issues surrounding notice of violation. We conclude the final approval if this is in accordance with the applicant's acting on this within 90 days. Dave Woods seconded the motion, which passed, 5-0.

A site walk was planned for June 25. The hearing ended.

**Stonewall Kitchen. 2 Stonewall Lane. Map & Lot 0042-0009-A. Revision to a Previously Approved Plan**

Christine Grimando explained the representatives of Stonewall Kitchen were seeking a parking formula to accommodate their expanded seating area. Part of the warehouse staff had going to transfer to the expanded facility in New Hampshire, diminishing on-site parking. A parking lot across the street at the former Goodwin Chevrolet had been leased for employee parking. The Stonewall grounds have a gravel parking area for employees on site.

Bill Anderson, engineer for Stonewall Kitchen, and Jerry Lewis, the Director of Facilities, represented the application. Stonewall Kitchen requires 140 parking spaces, based on restaurant and outdoor café seating. It has 131 striped spaces, and there is room for 20 more, if the lot is re-striped.

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

Public Works had been approached over the possibility of putting in a cross walk to the Goodwin lot, but there isn't a safe landing (sidewalk) on both sides of the street. Dave Woods suggested putting up fences with a gap to create safe landing.

The restaurant/store guests park closest to the store. There is one space for every three restaurant seats. There are restaurant chairs inside and outside totally 124. Lew Stowe suggested that, for safety, there should be signs for “employee parking only” in designated areas. Dave Wood said the lease on the Goodwin parking lot might be unexpectedly terminated. Bill Anderson said Stonewall meets its parking requirement on the original site, and has come forward with the intention of letting the Planning Board know Stonewall has obtained extra parking. Jerry Lewis said Peak parking capacity is in November and December, and in summer, it runs from the second part of June to September. Once they had a visit from the Barefoot Contessa (children’s character), and they never expected so many visitors.

Christine Grimando summarized that the original gravel area is safe. There are three odder angled spots (shown in photo earlier) that should not be used. The leased parking might not be needed for this application to re-stripe the original parking lot. Bill Anderson said Stonewall would return with the modified plan reflecting the changes.

### **New Business**

There was no new business.

### **Old Business**

#### **Bayberry LP/Walgreens Pharmacy. 401 US Route 1. Map & Lot 0053-0002-A. Signing of mylars and Findings of Fact.**

Maureen McGlone, Gorrill Palmer Engineering, and Attorney Tom Doyle, Pierce Atwood, spoke for the applicant.

Christine Grimando said the meeting was for administrative and discussion purposes, focusing on the Findings of Fact, Article 1, and Article 18, specifically §18.1.5.2. Board members agreed when Barrie Munro said the 15 pages of Findings, written by applicant engineer Maureen McGlone, were very good.

Glen MacWilliams said that, on the subject of ground water, the applicant had written in the Findings of Fact that the runoff issue is not part of the project, and it does not affect this development. Lew Stowe said that the Board is concerned about the wording. It implies that the groundwater cannot be measured. Glen MacWilliams said the residence of an abutter is greatly affected by the infiltration of ground water. That being a possibility, the Board had asked the applicant to consider installing monitoring wells to determine if the project creates a ground water problem. The applicant did not agree to do this, claiming that there isn’t any reasonable way to measure changes in ground water affecting abutting properties. Hence, the applicant put in language that the movement of ground water does not affect the property.

Tom Doyle made a point of order. On November 13, 2008, after eight public hearings and one site walk, the Applicant and the Planning Board went through every finding, including this one, and approved the plan. Why is it being opened now? Lew Stowe ans-

wered that, as part of the process, the Board considered the possibility that subsurface water could have an effect. It couldn't be monitored without wells. Dave Woods said that two months later, the Board was given a demonstration that dispelled what the Applicant's expert said, that groundwater does not play a part. Tom Doyle said he had spoken to that specialist from the State. The expert who conducted the demonstration was talking in generalities, not about this site specifically.

Barrie Munro agreed there is a disagreement, but the applicant has already been granted the permit. Glen MacWilliams said the Board wants it in the record, as part of the reality of the review, the subject of infiltration of storm water came up, but it is not part of this project. Language beginning with the work "therefore" was eliminated from the last sentence of this section of the findings.

They moved to the section about maintenance of the drainage-wet pond. Maureen McGlone said per DEP certification, the wet pond must be certified every five years and have a maintenance visit in the spring and one in the fall. Tom Doyle said maintenance is referenced in the Findings of Fact in the DEP stormwater permit, in the appendix. Glen MacWilliams asked for modification that makes reference to maintenance of the drainage system, with every six months of maintenance and five-year certification. Maureen McGlone corrected "six months" to every spring and fall, more loosely to come after heavy rain. The Board and applicants spent several minutes tightening the language. The date on the last page was incorrect, so that was also corrected.

**Motion:** Todd Frederick moved to accept the Findings of Fact as amended and discussed. Barrie Munro seconded the motion, which passed, 5-0.

### **Other Business/Adjourn**

There was not other business. The meeting adjourned at 11:10.