

York Planning Board
Thursday, March 13, 2014, 7:00 P.M.
York Public Library

Call to Order, Determination of Quorum, Appointment of Alternatives

Chairman Todd Frederick called the meeting to order at 7:00. A quorum was determined with five people voting: Todd Frederick; Vice Chairman Al Cotton, Jr.; Board Secretary Lew Stowe; Brud Weger, and alternate Peter Smith. Alternate Amy Phalon was present, but did not vote. Christine Grimando, the Town Planner, represented staff. Patience Horton took minutes.

Public Input

Open to the public to address any issue other than the scheduled public hearings

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

The February 27, 2014, minutes were reviewed and changes were requested.

Motion: Lew Stowe moved to approve the February 27, 2014 minutes as amended. Brud Weger seconded the motion. The motion passed, 5-0.

New Business

Application reviews and Public Hearings

Amendment to Pine Hill Estates 119 & 120 Pine Hill Road; Map & Lots; 0100-0021-C&0100-0021-B; revision to a previously approved subdivision to alter a driveway layout, and the limits of clearing/building envelope

Christine Grimando introduced the application. This is a minor amendment to a previously approved plan. There are two issues. The original plan showed a shared driveway for two lots. The applicant requests approval for two separate driveways, close to each other, but not connected. Secondly, the applicant is shifting a buildable envelope by 40 feet, which will require additional buffering and screening.

Jim Nadeau represented “Joanne and James,” the applicants. Jim Nadeau said he, himself, is a member of Pine Hill Estates, too. The driveway issue was brought to his attention by the code office. Site distances are indicated on the plan, he said, as Town Planner Christine Grimando had recommended in her notes.

The DPW has issued permits for both driveways. Originally, when a shared driveway was proposed, each owner granted an easement to the other. Those easement documents were released.

Lew Stowe moved to open the public hearing. No one came forward to speak.

Jim Nadeau said Lots 2 and 4 have occupancy permits. Lot 1 has the prep work complete and is ready for building. Those three lots have 100-foot buffers. Joanne and Jim's Lot 3 has a 175-foot buffer, greatly increased because the building envelope was moved 40 feet, toward Pine Hill Rd. An abutter requested the 18 additional trees for that area.

Jim Nadeau discussed Notes 20 and 33, which the surveyor made in order to reference certain recorded documents.

Site distances were approved to the left at 305 feet, and to the right at 500+ feet. Those numbers pertain to both driveways. The permits are in the property file in the Town Hall as part of the building permit, Jim Nadeau concluded.

Motion: Lew Stowe made a motion for approval of the amendment for Pine Hill Estates, 119 & 129 Pine Hill Road, Map & Lots: 0100-0021-C&0, and 100-0021-B, revision to a previously approved subdivision to alter a driveway layout and adjust the limits of the clearing/building envelope. Al Cotton seconded the motion. The vote passed, 5-0.

Cape Neddick Village Phase 2; 1132 US Route 1; Map & Lot: 0022-0013-A. Review of Phase 2 of a previously approved site plan, specifically focused on traffic and building design.

Town Planner Christine Grimando said the entire site was reviewed and approved in 2005. At that time, it was understood that the applicant would come back to review Phase 2 for building design and traffic. Phase 3 would be reviewed for building design and traffic at a later time. Phase 1 is built and fully occupied.

Christine Grimando, referred to four "ancillary" issues. The applicant is asking for service use as the primary, applied use. That is not a problematic change, she said. Secondly, professional certification will be provided on the final plan. Thirdly, an adjacent property owner has inquired about the timing for landscaping. Finally, a small performance guarantee is necessary to cover the landscaping. The applicant has discussed this with the Town Planner. Chairman Todd Frederick qualified the zoning for this project as §18.8 of the Site Plan and Subdivision ordinance, and a Route One use permit must be obtained.

Applicant Seth Spiller said Cape Neddick Village was approved in 2005 for three buildings with the understanding that Phase 2 and Phase 3 would be brought back to the board for architectural design and traffic considerations as they were built. The site work for Phase 2 is complete for this application. In appearance, Phase 2 is basically the same as Phase 1, a gambrel-style, shingled building.

The property is located at 1132 US Route One. When the initial traffic study was done using the full build out as the standard, it was understood that someday there would have to be Route One improvements to adjust to the use density. The road improvements would then respond to 35-peak car trips engendered by the traffic that was anticipated at that time. Christine Grimando said she had had a conversation with a DPW agent earlier in the day of this hearing. That agent was planning to require a left turn warrant. Seth Spiller replied that a recent trip count analysis, based on current uses, calculated a peak trip count of 19. The trip count is still well under 35, he said. A turn lane would be triggered by a peak trip count of 35.

Al Cotton moved to open the public hearing. No one came forward to speak.

The landscaping is conditional to the installation of a water line, to be completed soon. At that time, trees will be added.

Seth Spiller showed the original approved drawings of the buildings. Completed Phase 1 has a gambrel roof and gazebo turret. Phase 2 will have similar features, except it has added garage doors, an accessory to office use. He showed the board samples of shakes, shingles, and plastic trim.

Brud Weger said the building is missing some of the interesting details found in Phase 1. It is missing dormers, and columns, and the garage doors are not well incorporated. Lew Stowe said the building has no main entrance, and the long, plain wall and roofline have to have more decoration. Amy Phalon said she didn't see how the building style fit into any design types in the area or as recommended in the ordinance. Todd Frederick said he didn't think Phase 2 fit into any Maine, or even New England, category at all. Seth Spiller said he could add windows, enhance the door, and maybe add a porch to break up the wall. He would bring in samples of garage doors, as requested.

Christine Grimando asked if there would be a large sign by the highway, with smaller signs on it for individual tenants on it. Seth Spiller said there would be a main sign by the road and regulated signs above doors for the individual tenants.

There is a lighting plan for the entire site. The lights are on the buildings. Seth said there is a permitted stormwater plan. The drainage plan does not have to be reviewed, because the Planning Board accepted it in 2005. There is no added paving, so no increased impervious surface. The original approved impervious surface requirement is being met. The 60-foot reduction in building length decreases the original impervious surface plan.

Todd Frederick said this Planning Board is not the same board that approved the application in 2005, and it looks at the application in front of it as a new application.

Mr. Spiller reviewed the list of uses for the Route 1-5 zone and commented on what might or might not be agreeable to the property. After including service business, retail store with merchandise, and several smaller uses, the board agreed that hospital and hotel

uses would be excluded because of their size and inaccessibility to required sewer. Residential use would be troublesome, because of subdivision complications, commented the town planner.

Seth Spiller made plans to return to the board with the information and materials the board requested.

Route 1 Use Permit for Plumbing Service Business, 28 Brickyard Court. Map & Lot 0028-0022-C. Route 1 Use Permit for a conversion of an existing auto parts store to a plumbing service business.

Town Planner Christine Grimando introduced the application. The outgoing business, Napa Auto Parts, is located in the Route One zone. There are no changes in the parking lot or use category. The internal work will require a building permit. The application comes before the Planning Board because of the change of use in a building of that particular size. There are no new standards. Traffic volume does not alter. In fact, it diminishes.

Anthony Donovan of Keller Williams represented Performance Plumbing. Several times he alluded to Christine's helpfulness. There is no site plan, but the existing boundaries and setbacks have been researched and were presented to the board. Simply, an allowable commercial use is being changed to another allowable commercial use, he said.

Peter Smith moved to open the public hearing. No one came forward to speak.

Peter Smith said that if there are no changes to the external structure, or if the traffic is not going to increase, we should not be considering anything other than use.

Motion: Brud Weger said I'd like to make a motion, Mr. Chairman, that we approve the change of use from a hardware store to a plumbing service business. Peter Smith seconded the motion, which passed 5-0.

- **Septic Subcommittee Formation**

Lew Stowe and Peter Smith discussed the formation of the Septic Subcommittee. The first meeting was not fully attended. A representative came from Cape Neddick, but no one came from the Conservation Commission. They had hoped to have two realtors on the subcommittee, but only one came. Leslie Hinz, the town stormwater manager, and Helen Rollins, participating as a resident, attended. Mike Cuomo and other technical experts will hopefully consult the subcommittee.

Peter Smith said in order for the requirement of inspection of septic systems at the time of transfer of the properties to come to the November warrant, input must be received from the subcommittee, the public and experts. Steve Burns had created the document for the subcommittee to address, so it must not be delayed. There are four components of the document to focus on. 1) Who would be responsible to pay for the septic inspection? 2)

Who would be doing the inspections? 3) Would the inspection process cover the entire town, rather than Cape Neddick alone? 4) What exceptions would be granted?

The structure of the subcommittee originated as an act of a motion made at the February 27, 2014, York Planning Board meeting. That motion read like this:

Motion: Lew Stowe moved to chair the septic committee, consisting of Peter Smith, Lewis Stowe, Greg Gosselin, Bill Dignan, Helen Rollins, and Linda Scotland or others as necessary. Peter Smith seconded the motion that passed 5-0.

This evening, Christine Grimando said the motion did not lay out what the bylaws say has to be done. The Planning Board must vote to establish the septic subcommittee and state its purpose. Individual members must be individually appointed. There must be a minimum of five people and a maximum of nine.

There was a discussion about whether the members have to be sworn in. Kinley Gregg, acting as a member of the public, read from the Town Charter Article 5 that all Town officials, either appointed or elected, shall swear to support the Constitution of the United States.

Motion: Peter Smith moved that the Planning Board appoint a new subcommittee to oversee the development of an ordinance for a septic inspection subcommittee with two Planning Board members, one to chair the subcommittee, two representatives from real estate, one representative from the Conservation Commission, one representative from the Cape Neddick River Association, one representative from the citizenry, and to include the Stormwater Manager from the Town staff, and others as needed. It is intended that this subcommittee will complete its task by June 1, 2014. Al Cotton seconded the motion. There was no discussion. The motion passed 5-0.

- **Discussion of possible agenda items for upcoming joint Planning Board/Board of Selectmen meeting.**

Lew Stowe compiled this list of possible topics for joint Planning Board/Selectmen meetings: making a fixed schedule for the joint meetings, which will be held four times a year; identification by the Selectmen of project manger(s) for Town projects; complete access by the Planning Board to Time Warner television broadcasting for all meetings; Planning Board access to information regarding Town projects relative to their scope and funding and; open discussion of the Selectmen's priority projects with regard to the Planning Board.

- **Staff Transitions**

Christine Grimando said that after six and a half years as the Town Planner in York, she has accepted a position as a senior planner for the City of Portland, Maine. April 1, 2014, is her last day at the Town of York. This saddens the recording secretary.