

York Planning Board
Thursday, February 28, 2008, 7:00 P.M.
York Community Center

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams began the four-hour meeting at the Community Center at 7:00. Dave Woods, Lew Stowe, and alternate Todd Frederick were present, and the chairman asked Todd Frederick to vote in place of Barrie Munroe. Barrie Munro, Tom Manzi, and Dave Woods arrived at 7:20, and the entire planning board was then present. Town Planner Christine Grimando represented Planning Department staff. Patience Horton took minutes. The meeting was recorded with a camcorder. The Ledges Golf Course hearing came before the Highland Farms hearing, out of order with the agenda.

Public Input

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

Paul Scudiere of 4 Thistleberry Lane spoke to request the Planning Board revisit Zoning Article 17. He read a statement into the record.

Field Changes

American Legion Field Changes/material samples.

Steven La Pointe spoke in behalf of the American Legion to request that several field changes be granted in response to DEP recommended changes. There was a motion to approve the revised plan for the changes noted in the February 7 letter, submitted by Anderson Livingston Engineers, and to have American Legion resubmit its landscape plan.

Motion Lew Stowe moved to approve the revised plan changes noted in the letter of February 7, 2008, submitted by Anderson Livingston Engineers. Todd Frederick seconded the motion.

Brian Byther, builder for the American Legion Hall, said because of the low maintenance and high cost of Hardy Plank, vinyl siding made a better selection for siding. Dave Woods explained the value of Hardy Plank. The applicant showed two samples of the desired vinyl siding and also showed cultured stone, which was the intended secondary material to offset the vinyl. Planning board members referred to allowable waivers to the usual materials requested in the zoning ordinance. The board suggested that architect John Powers research the cost of vinyl siding vs. Hardy Plank, and/or other materials, to establish the difference in lifecycle costs, because, if the American Legion wants the planning board's consideration about a product other than ones listed in the ordinance, they would have to bring in information to support it. Tom Manzi asked about the fire retardant quality of the vinyl and was told that unlike cedar shakes, which burn, vinyl melts in the event of a fire.

Motion Barrie Munro moved to ask the applicant to come back before the planning board with lifecycle costs on the material they prefer for siding, excluding the cultured stone.

In discussion, Barrie Munro said the focus of the lifecycle study is to understand both the appearance of the material and to predict the eventual deterioration of the product. If vinyl does not fulfill a reasonable life cycle, the board should exclude vinyl. Tom Manzi asked for a friendly amendment that per §6.13.4.2, the criteria should not exclude human health assessment. If it melts, does it also outgas? Barrie Munro accepted the friendly amendment.

Re-stated Motion Barrie Munro moved to ask the applicant to come back before the planning board with lifecycle costs and a human health assessment for the material it prefers for siding, excluding cultured stone. The motion failed, 2-3, with Tom Manzi and Lew Stowe in favor, and Barrie Munro, Glen MacWilliams, and Dave Woods against.

Next field change

Speaking about the Fiandaca property on Garrison Avenue, **Jeff Avela** of Civil Consultants described the need to clean and clear an underdrain in the subdivision. He had taken Town Engineer John Treat to see the situation, and John Treat had recommended to York Community Development Director, Steve Burns, that a long drywell should be created to capture stormwater off Garrison and tie in a sump pump to channel flow away from a nearby house. Town Planner Christine Grimando acknowledged that John Treat had recommended the change.

Motion Dave Woods moved to grant the field change that the town engineer had approved. Though no one on the board was familiar with the subdivision, in the essence of time, the board moved to approve the change. Tom Manzi seconded the motion, which passed, 5-0.

Kearsarge House. Applicant would like to discuss retail occupancy of 1st floor of building.

Town Planner Christine Grimando said the applicant for Kearsarge House did not wish to speak to that subject this evening.

Highland Farm Phase 2. 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot 0090-0029-A and 0090-0030. Continued consideration of preliminary review of a major subdivision.

Christine Grimando said she had a letter in the Highland Farm file with a request to postpone the review for another month.

Motion Barrie Munro moved to continue the postponement of the Highland Farm application for one month. Dave Woods seconded the motion, which passed, 5-0.

Glen MacWilliams requested that, in the interest of continuity, the applicant return to inform the board about the application, because three members had joined the board since the Highland Farm application was last heard

Ledges Golf Course. One Ledges Drive. Tax Map 0089, Lot 45A. Proposed addition to Clubhouse. Revision to previously approved site.

Pat Rocheleau spoke in behalf of the golf course, and civil engineer Andrew Milwaukee accompanied him. Pat Rocheleau described the application and the expansion of the existing clubhouse, the object of which is turning a 45-seat clubhouse into a 90-seat clubhouse.

The **Public Hearing** was opened and closed. No one came forward to speak. The board asked about the underutilized, large septic tank with a capacity of 400 to 500 gallons a day. The applicant replied it was installed early and oversized to assure the ground would not be torn up in the event that the growth of the facility would require a larger tank.

The board and applicant discussed the continued use of the restaurant as an accessory. Barrie Munro said that, since it does not have the function of a commercial restaurant open 365 days of the year, the applicant should not to alter the current category, Accessory Use.

Motion Barrie Munro moved to accept the expansion of the Ledges Golf Course clubhouse as presented, including the stipulation that the clubhouse restaurant continue to function in its role as accessory use. Dave Woods second the motion, which passed 5-0.

Smith Division. 40 Emus Way. Tax Map 0089, Lot 0074-D. Proposed lot line revisions to a previously approved subdivision plan.

Sandra Smith asked to take two parcels of her property and transfer them to two abutters, the Withams and Mr. Ott. The land is off Birch Hill Road. The abutters are already using the parcels, because her property goes almost to their front doors. She showed a plan illustrating the desired transfer. Points of the transfer were discussed with the applicant.

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

Motion Barrie Munro moved to approve the change of plan as submitted and discussed, pending receipt and approval of the Findings of Fact. Dave Woods seconded the motion, which passed, 5-0.

Anchorage Motor Inn. 265 Long Beach Avenue. Tax Map 0036, Lot 0096.
Building Replacement. Revision to an Approved Plan.

Representing owner Ray Ramsey, Bill Anderson, Anderson Livingston Engineers, pointed out, on the plan, a small roadside building on motel grounds. This older building would be removed and replaced with a new more attractive structure thirty feet further back from the road. Since this location is classified as a dune area, the replacement structure would be constructed on piers allowing for the free flow of water under the building.

Barrie Munro asked about an emergency drive on the south side of the property that was planned as an element of an earlier permit. It was supposed to cross the lawn for fire vehicle access. Mr. Ramsey indicated that this item had been installed. Christine Grimando said that through an oversight, the Mylar plans approved in January, 2007, had not yet been signed. Nor had the fees been paid.

Motion Barrie Munro moved to accept the plan change and the attendant Findings of Fact, with the condition that the fee requirement be satisfied. Lew Stowe seconded the motion, which passed, 5-0.

Walgreen's Pharmacy. 401 US Route 1. Tax Map 0053, Lot 0002-A. A continuation of a Sketch Review of what was formerly called Bayberry Marketplace.

David Latulippe represented the Walgreens developer, the Richman Company. Architect Mike Lasso said Terrance Parker is the project's landscape architect, and Rob Gillespie would coordinate the geo-technical aspect of the site. Mike Lasso pointed out features of the new, 14,000 square-foot building, located on Route 1 at the intersection with Route 91. The entrance would feature a ride-in ride-out design, and there would be a drive-through for the pharmacy. The landscaper planned to keep the vegetation that already exists as part of the design.

The drainage pattern from the Walgreens property to the abutting properties is a large issue. Fifteen or twenty years ago, there had been a farmer's pond on the site, and fill was put there. It was a legal fill. The applicant had done an extensive drainage analysis, Mike Lasso said. His group plans to take the drainage away from the abutter's properties. Maureen McGlone, a drainage specialist, explained the proposed method of doing so. She used an aerial photo of the property as it exists and a marked-up copy showing the planned treatment including a wetpond. The first flush of runoff capturing all the superficial unwarranted materials would be followed by peak flow. All the water would be treated in the wetpond and then released through an adjustable valve, which would assure that future flow would not exceed existing conditions. Glen MacWilliams said he was not encouraged with the proposed change. Christine Grimando said the per the Gillespie report, the existing situation cannot support the proposed construction. Mike Lasso said that the existing structural fill would be removed. Dave Woods asked how there could be less flow when the amount of impervious surface would increase substantially. Maureen McGlone showed there would be less flow because of the

reconfiguration of the drainage. Lew Stowe said there is ground water that bubbles up. Existing water is part of the issue. He also asked about traffic. Maureen McGlone answered that Department of Transportation had already issued a traffic study, and that already a traffic movement permit existed. Dave Woods asked about the maintenance of the retention pond. Maureen McGlone answered that flow pipe has a valve that adjusts according to the flow. Mike Lasso described the setback and the trees along the street. Hardy Plank is the planned siding. Dave Woods asked about a possible rain garden, as planned for the hospital. Maureen McGlone answered that such bio-retention cells will be used to treat smaller areas.

The chairmen opened the **Public Hearing**. **Walter Ziobrowski** pointed out the location of his house behind the proposed Walgreens site. In 1997, York Hospital was storing shot rock in the proposed Walgreen's area. Once, after that, when a truck went by, the vibration from its weight caused the clay under his house to shake and rocked the house and causing damage to the foundation. The pictures fell off the wall. Since then, part of his lawn is underwater, and he has had to build a drainage ditch. He said he wants to have the fill material taken away.

Alan Brown of 9 Woodcock Lane also showed his house on the aerial map. He had come to York from Massachusetts in 2000. Currently, his sump pump is constantly on, 24/7. Many trees around his house have died from lack of drainage to the root system.

On the aerial photo, **Paul Stocks**, 2 Flat Rock Drive, showed swales around his house. After the rain comes, his culvert cannot handle the rain. The effluent that comes through the 16-inch pipe is a chocolate milk color. If it rains for a day, he said, it takes a week-and-a-half before a person can walk through the yard and feel the bog.

Glen MacWilliams asked what could be done with the continuous drainage patterns through the neighborhood. The abutters could get data and describe the cause and effect of change. There are state laws to protect the neighborhood from further drainage. .

Linwood Wilson of 11 Woodcock Lane lives directly behind the proposed retention pond, which will affect Properties 6 and 7. He spoke against the headlights of the drive-thru. He spoke about water issues, like ponding in treed areas. The snow runoff from the asphalt is another issue to be considered. He talked about the plan's call for 70 parking spaces for the Walgreen's building, whereas he could count only 62, 14 of which are located at cottage place, some 100 feet away. He asked if a vernal pool study had been done. He questioned the bike rack for 7 bikes, the riders of which would have to be very brave to ride on Route 1 to get to Walgreen's. Then he asked if Walgreen's is needed, right across from Rite Aid and one-fourth mile away from the pharmacy at Hannaford.

Sheila McGovern Reynolds said her sump pump runs constantly. Her place has not been dry since August. Her basement has gotten wetter in the passed two years. Drainage, dumpsters, and lights will be a problem for her neighborhood. The business might draw drug problems like robberies, and robbers might go into her neighborhood.

The retention areas will draw mosquitoes, and illnesses created in water pipes and borne by rats causing danger for the many children who live there.

Katie Baldwin gave a copy of a permit dated September 17, 1996, to fill areas and bring the subject property up to road level, fill permit. Glen MacWilliams commented that the lot was an unprotected wetland. He asked the applicant look carefully at what is happening downstream. Barrie Munro told the applicant that the flow could be controlled. **Paul Stocks**, who spoke earlier, asked if the water could be transferred across the street.

Nancy Stocks emphasized if the town really need a Walgreens. It needs other things: a police station or maybe a town hall. Is Walgreen's the best use of York?

Glen MacWilliams asked architect Mike Lasso to pay attention to Section 6.3.7 (Storm-water Run Off) of the York Zoning Ordinance with respect the drainage plan. **Linwood Wilson** reiterated that Phase 1 is required to have 70 parking spots where only 62 are planned and that a study of vernal pools should be required.

Than chairman closed the public hearing and the hearing for Walgreen's ended.

Old Business

Item withdrawn at applicant's request

Other Business/Adjournment Minutes

The **December 20, 2007**, minutes were reviewed. Dave Woods pointed to non-substantive errors that he handed to the recording secretary for correction.

- **Motion** Tom Manzi moved to accept the December 20, 2008 minutes as reviewed and amended. Barrie Munro seconded the motion, which passed, 5-0

The **January 10, 2008** minutes were reviewed. Non-substantive errors were noted and given to the recording secretary for correction.

- **Motion** Barrie Munro moved to accept the January 10, 2008 minutes as amended and discussed. Tom Manzi seconded the motion, which passed, 5-0.

The **January 24, 2008** minutes were reviewed. Non-substantive errors were noted and given to the recording secretary for correction.

- **Motion** Tom Manzi moved to accept the January 24, 2008 minutes as discussed and amended. Lew Stowe seconded the motion, which passed 5-0.

Reviewed and Approved March 27, 2008

The **January 31, 2008** minutes were reviewed. Non-substantive errors were noted and given to the recording secretary for correction.

- Motion Barrie Munro moved to accept the January 31, 2008 minutes as discussed and amended. Dave Woods seconded the motion, which passed, 5 –0.

The board members signed the January, 2007, Anchorage Inn Mylars.

Adjourn

The meeting ended at 11:10.