

YORK PLANNING BOARD

**THURSDAY, MARCH 14, 2002 – 7:00 P.M.
GRANT HOUSE**

MINUTES

Present were Albert Bibb, Chairman, David Marshall, Barrie Munro, Dan Remick, Torbert Macdonald and Steve Burns, Town Planner. Absent members included: Richard Arnold and Glenn Farrell. Tapes of this meeting are located in the Town Clerk's office –problems were encountered during taping so meeting tapes may not be complete.

Chairman Bibb called the meeting to order at 7:00 p.m.

MINUTES

Review and approve Minutes of the January 10, 2002, January 24, 2002, February 7, 2002 and February 28, 2002 meetings.

January 10, 2002 – Motion to accept Minutes as written by Barrie Munro, second by Dave Marshall. Unanimous acceptance.

January 24, 2002 – Motion to accept Minutes as written by Barrie Munro, second by Dave Marshall. Unanimous acceptance.

February 7, 2002 – Motion to accept Minutes as written by Dave Marshall, second by Barrie Munro. Unanimous acceptance.

Approval of the February 28, 2002 Minutes was postponed.

APPLICATIONS

Kittery Trading Post/Cormier Textile, Map 53/Lot 23, 15 Cider Hill Road. Route One Use Permit amendment. Application to change use of the Cormier Textile building from manufacturing to warehousing.

Steve Burns, Town Planner, gave a brief overview of the application stating it consisted of converting the building to a warehouse and accessory office space. There were no changes or issues and recommended acceptance.

Barrie Munro made a motion to accept the application for review, second by Dave Marshall with vote of 4-0 to review.

The public hearing opened with a motion from Barrie Munro, second by Torbert Macdonald.

Scott Franklin, a direct abutter, voiced concern with potential noise with trucks arriving, delivering and departing.

Bob Adams, applicant, stated delivery hours would be from 7:00 a.m. to 3:30 p.m. The deliveries would be scheduled so as not to have trucks in queue. Trucks on a whole would be 24'-26'. There also would be between 30-50 staff working at the location 7 days per week.

Motion by Barrie Munro, second by Torbert Macdonald to close the public hearing.

Barrie Munro made a motion to accept the Findings of Fact as written. Second by Torbert Macdonald.

Mr. Macdonald asked the applicant if he felt the existing 35 parking spaces were adequate with the expected number of employees to be housed at the location and if more were needed could the parking be expanded.

Bob Adams, applicant, stated there is no problem at Kittery Trading Post and felt there should be no problem at the proposed location because of the staggered employee hours. He stated that if the need for more parking arose, they could close off the Cider Hill entrance giving them additional spaces.

Motion approved 4-0.

York Hospital, Map 50/Lot 34, 15 Hospital Drive. Site Plan amendment to add a second story to the generator building.

Steve Burns, asked to give a brief summary of the proposed application, stated the generator building is at grade and the applicant was proposing to add a second floor of 648 sf. All setbacks were met, there would be no increase in parking generation and there is no change if lot coverage, therefore recommending the Board's approval of this application.

Motion by Barrie Munro, second by Torbert Macdonald to accept the application for review.

Steve Pelletier, York Hospital's representative, addressed the Board stating the new space would be for administration only and they would be changing the siding from vinyl to wood to be more "eye appealing".

Barrie Munro made a motion to open the public hearing, second by Dave Marshall.

Kinley Gregg, abutter, expressed concern about the expansion stating she would like to have the Board place a Condition on the approval that there would be no windows facing her abutting property. Steve Pelletier was in full agreement.

Motion to close the public hearing by Barrie Munro, second by Torbert Macdonald.

Torbert Macdonald make a motion to approve the application adding Conditions to change the vinyl siding to wood and to have no windows facing Ms. Gregg's property. Second to the motion by Dave Marshall, approved with a 4-0 vote.

Hartley Mason Estate, Map 58/Lot 10, Harbor Beach Road. Site Plan amendment to construct a public bathroom.

Steve Burns, Town Planner, stated the proposal has previously been approved by the York Harbor Site Design Review Board. The proposed restroom facility would be 26' x 20' and located away from the water. The application meets all setbacks and would require minimal fill.

Rubin Hull of CLD Consulting Engineers reiterated the applicant wanted him to tell the Board that local builders will construct the project. It will contain handicapped facilities also with a storage and maintenance area in the rear.

The application was accepted for review with a motion made by Torbert Macdonald, second by Barrie Munro.

Ron Hayes stated CLD Consulting Engineers did a great job with the design and the project should go forward.

Public hearing closed with a motion by Barrie Munro, second by Torbert Macdonald.

Steve Burns noted there should be a Note on the Plan for compliance with Article 9.7.5, Floodplain.

Barrie Munro made a motion to approve the application with added Conditions of compliance with the Floodplain Ordinance and that the applicant comply with the Town's Standard Erosion and Sediment Control Measures. Second to the motion by Dave Marshall, adopted 4-0.

York Water District, Map 92/Lot 8, Map 98/Lots 9 and 29, Map 93/Lots 14 and 25. Watershed Protection and Shoreland application to permit construction of a connecting pipe between the Belle Marsh Reservoir and the Chases Pond Reservoir.

Steve Burns explained the York Water District and Kittery Water District have agreed with a deal to allow the York Water District to utilize a portion of the water supply from Belle Marsh Reservoir in an emergency situation. The proposed water line is approximately 3 miles in length. He commended the District on presenting such a thorough application.

Issues on hand are the need for written authorization from each affected property owner, placing a Note on the Plan as to the requirements of Article 9.7.5 and a signature block for the Planning Board. A Flood Hazard Permit is required from the Code Enforcement Office prior to construction along with required State permits.

Motion by Barrie Munro, second by Torbert Macdonald to accept the application for review. Motion by Dave Marshall, second by Barrie Munro to open public hearing. Both passing unanimously.

David Michniewicz, Superintendent of the York Water District, stated the Kittery Water District has agreed to sell water to the York Water District on an as needed emergency basis. The pump station will be constructed below the Belle Marsh Reservoir and will pump water to Chases Pond Reservoir through above ground pipe that will be raised above the ground in different locations to allow for a friendly animal environment. As much wetland impact has been avoided as possible.

Al Bibb, Planning Board Chairman and Stanley Moody, Conservation Commission both commented on a well thought out proposal.

Barrie Munro made a motion to close the public hearing. Seconded by Torbert Macdonald.

Mike Rogers, Kittery Water District, asked that the road running along the pipeline be closed to unauthorized motor vehicles.

Barrie Munro expressed concern about water flow; temperature, trout and rainbow smelt habitats.

Steve Pelletier, Woodlot Alternatives, stated water flow would be moderate with pumping only when necessary.

Dave Michniewicz, YWD, said that presently with Chases Pond's water down 4' it would take approximately 35-40 days of pumping to correct the level and then the pump would be shut down and used again only when the necessity arose.

Motion to approve the application and Finding of Facts as written to include the added Condition there would be no use of unauthorized motor vehicles on the road. Second to motion by Dave Marshall, 5-0 vote.

Sparhawk Subdivision, Map 70/Lot 5 and Map 71/Lot 1, Western Point Road. Application for a 7-lot subdivision.

Steve Burns explained the Board has previously reviewed this application, but had not accepted it for preliminary consideration. Portion of the property are in the Wetland and Limited Residential Shoreland Overlay Districts. He stated the applicant has a choice of either conventional or cluster design. This was agreed to by a Board vote of 5-0. Mr. Burns also stated an undisturbed buffer should remain for the water line.

Bill Anderson, Anderson-Livingston Engineers, stated there has been one minor change with a shift of approximately 30' in the road to maintain a larger buffer.

Motion to open a public hearing by Torbert Macdonald, second by Dave Marshall.

Margaret Glenn, abutter, 23 Rocky Hill Road, expressed concern about the location of the septic on the proposed lot abutting her property stating her well was located in close proximity to the stone wall.

Paul Cody, abutter, asked about the requirements of well to septic locations. Al Bibb stated there is a 100' separation requirement and no waiver would be granted.

Ann Kendall, abutter, stated she is concerned about disturbance to her water from blasting. Torbert Macdonald said it would be wise to have measurements taken by a well technician before blasting began for baseline comparisons.

Dick Balkite asked about soil depths and type of housing to be constructed. Bill Anderson explained it was a rocky area and there would be construction of 3-4 bedroom homes in the subdivision.

Ted Cook, 34 Western Point Road, expressed concern with the location of construction on Lot 7 as it abuts his property. Mr. Bibb stated there would be building envelopes imposed on the Plan.

Motion by Barrie Munro, second by Torbert Macdonald to close the public hearing.

Motion to approve conventional layout design by Barrie Munro, second by Torbert Macdonald, passing 5-0.

Motion to approve waivers for Plan scale of 1" = 60' and scale of locus map by Barrie Munro, second by Torbert Macdonald. 5-0 vote.

Motion to approve waiver of landscape plan and water line extension, both already denied by Barrie Munro, second by Torbert Macdonald, passing 5-0.

Motion by Barrie Munro, second by Torbert Macdonald for discussion for waiver of sidewalks.

Mr. Macdonald stated the Board always seems to approve waiver for the need of sidewalks (that he is not in favor of) and said they should do away with the requirement if that is the case. Al Bibb stated the Board does not always grant a waiver for sidewalks and cited the Whippoorwill Subdivision. He said not all subdivisions require such. Dave Marshall was in agreement of the sidewalk waiver and said he feels there are areas that are not in need of such.

Motion was approved with a 4-1 vote, Torbert Macdonald opposed.

Barrie Munro made a motion for approval of the preliminary plan, second by Dave Marshall with the addition of the need of 100' well/septic separation, water line buffer and to include a buffer for Lot 7. Motion approved 5-0.

Hickory Meadows Subdivision, Map 90/Lots 14F and 17. Route 91 and Old Mast Road. Application for a 7-lot subdivision.

Albert Bibb, stated this application should be quite familiar to the majority of Board members and asked each individually if they read all relating correspondence to the application and felt comfortable with decision-making. Torbert Macdonald "yes"; Barrie Munro "yes", David Marshall "yes", Albert Bibb "yes". Dan Remick, fairly new member, was excused from the process.

Steve Burns addressed the Board and said a decision on this application, approval or denial, was in much need as this application has been back and forth before the Board for approximately 16 months. He feels the proposal will be before the Board of Appeals no matter what decision is made.

Motion was made and seconded to accept the plan for final review.

Bill Anderson, Anderson-Livingston Engineers, explained the changes made to the culvert. The proposed 12" culvert was determined to not be adequate so a pair of culverts are planned to be used with a blend of stone near the plunge pool. He stated that runoff would be decreased considerably.

Barrie Munro asked if all issues were straightened out with Mr. Cluff. Bill Anderson responded yes and for quite some time now.

Ann Cowenhoven, abutter, addressed the Board saying there are still drainage problems and pointed out the inconsistencies on the Plan. She said that after reviewing the Plans and finding these inconsistencies she was not sure what was going to be built near her property. She cited the headwall stating that according to the Plan it would be approximately 7' tall not the 4' as promised.

Steve Towne, Oakpoint Associates hired by the Cowenhoven's, challenged Anderson-Livingston's Plan and said there would be an increase in runoff near the Cowenhoven's, a 7' headwall according to the drawing and erosion of the plunge pool.

Bill Anderson adamantly defended his Plan stating it was checked and doubled checked for accuracy.

Sara Odie, engineer and representative of the Serfass' stated she did not concur with Bill Anderson.

Wright Pierce representative for the Town was asked for his opinion and remained neutral on the case, as he has not followed this application from the beginning.

Ralph Austin, attorney for the Cowenhoven's, stated the three main issues at hand were the lack of a prescriptive easement for use of the Cowenhoven's property, drainage onto the property and the size of the headwall.

Ginny Whitney, abutter, stated that because the road will become a Town road that will mean there will be a crown in the road causing more drainage problems. Now the road is bowl shaped holding water.

Public hearing closed at 10:50 after a motion was made by Dave Marshall, second by Torbert Macdonald.

Al Bibb stated it should be denied on the basis of the construction encroachment onto abutting properties. Dave Marshall agreed stating it would be an infringement to owners.

After discussion of problem areas, a motion was made to have staff prepare a list of points for denial and table the application until the next meeting, March 28th, seconded by Barrie Munro. Adopted with a unanimous vote of 4-0.

ADJOURNMENT

Meeting adjourned at 11:00 p.m.