

Planning Board
Thursday, December 11, 2008, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi opened the meeting and determined Presence of Quorum. Tom Manzi, Barrie Munro, Glen MacWilliams, Dave Woods, Lew Stowe, and alternate Todd Frederick were present. Valerie Gunn was not present. There were five people voting. Town Planner, Christine Grimando, represented planning department staff. Patience Horton recorded minutes. The meeting was televised.

Public Input

Open to the public to address any issue other than the scheduled public hearings.
No one came forward to speak.

Field Changes

Steve Haight brought Mylars for the utility/driveway plan at HDV Subdivision, Woodside Meadow Estates, and the board members signed them on the spot.

Minutes

Review and approve draft minutes.

Planning Board Minutes from November 13, 2008 were reviewed. Lew Stowe had minor corrections he planned to pass to the recording secretary.

Motion Barrie Munro moved to accept the November 13, 2008 minutes as corrected. Lew Stowe seconded the motion, which passed, 3-0. Barrie Munro, Tom Manzi, and Lew Stowe were present at that meeting.

Application Reviews and Pubic Hearings

Moulton Brook Storage. 65 Bog Road. Map & Lot 0091/0022. Application to extend the date of expiration for a previously approved Site

Dave Gittens, owner of Moulton Brook Storage, referred to his plan which was approved March 21, 2005. This evening, he did not come to change the plan, but to change the permit's expiration date. He had recently gone to Town Planner Christine Grimando's office, but the plan has been misplaced by the Town. In the minutes from the 2005 hearing, the plan was approved.

Lew Stowe asked when Dave Gittens plans to build and suggested the permit should be extended only one year, because if the applicant did not meet the deadline in three years, why should the board grant him six? Lew Stowe suggested allowing Dave Gittens to submit another plan, and the filing fee would be waived. Glen MacWilliams said a professional engineer would have to certify the plan, as required by the regulations. Dave

Gittens asked if there are archived videotapes of the meeting. Barrie Munro said the wetland issues had been satisfied. No one was sure where the error was, but the board should rule in favor of the applicant because of the ambiguity. The board should expect professional certification, and not expect review. When the plan is certified, Barrie Munro continued, the Mylar can be signed.

Motion Barrie Munro moved to request the applicant come forward, on a date to be determined, with the plan described as Moulton Brook Storage, 65 Bog Road, Map & Lot: 0091/0022, dated March 21, 2005. The plan will be properly certified to satisfy the requirements of the attendant Mylars, and at that time, the board will sign the Mylars.

Friendly Amendment Request: Glen MacWilliams requested the applicant file the certified plan with the Planning Department, or the Registry of Deeds, as required, within 90 days. Barrie Munro accepted the friendly amendment. Dave Woods seconded the motion.

Vote The Chairman called the vote: 5-0.

Glen MacWilliams illuminated several articles attendant to the submission.

Motion Glen MacWilliams moved to amend 5.5.2.1 of the Site Plan and Subdivision Regulations to include site plans as well as subdivision plans in the requirements of the submission. Dave Woods seconded the motion, which passed, 5-0.

Motion Glen MacWilliams moved to omit Article 5.5.2.2 as discussed. Barrie Munro seconded the motion, which passed, 5-0.

Yorke Fields 590 US Route 1. Map & Lot: 0042/0008. Preliminary Review of a major Site Plan.

Christine Grimando identified the site as the northwest corner of Spur Road at Route 1, by Stonewall Kitchen. She asked the board to determine if the application is complete for purposes of review that evening, as that determination triggers a time line. Barrie Munro said the application seemed complete, though the elements do not have to satisfy the board at the moment.

Jeff Clifford of Altus Engineering, identified the owners, Jay and Ben Finnegan. Woody Woodburn (landscape designer, present), Mike Cuomo (soil scientist, present), Greg Orso (attorney, present), Gorrill Palmer (traffic), and Anderson Livingston (engineer) are part of the consulting staff.

The land had been owned by the Turnpike Authority to use as a possible exit. The client bought it in 1985. Of 11.5 acres, 8.36 are upland. It is in Zone C-3 Route 1. It is shoreland and protected due to the amount of contiguous wetlands. The shoreland permit for the project was obtained earlier in the year. The frontage on Route 1 totals 852 feet. MDOT determined the driveway location off Route 1. The land is not in a floodplain. There is

one major building envelope plus two smaller ones. The planned building has three stories. One hundred twelve parking spaces are required. They have provided 113. The 15-foot-wide fire lane is made of grass-pavers that circle the building 15 feet wide. The tenants will be professional or medical. Jeff Clifford showed the wetland crossing, which will be fortified with retaining walls to keep the footprint smaller. The building will not be seen from Route 1, due to the dense vegetation. He pointed to the snow storage area and the dumpster location. There are no vernal pools on this property. There are Spotted Turtles a distance away.

Jeff Clifford said Gorrill Palmer predicted 99 trips during peak hours. When there are under 100, a traffic study is not needed, according to DOT. It will be necessary to get a driveway entrance permit. The sight distances are excellent. Route 1 is going to be repaved, so the water and sewer can be done at that time. The sheet flow will be controlled by open cut. The applicant has contributed to the sewer fund. The site drains toward I-95 and into Little River. He described peak runoff and storage of water for separation and quality treatment with a wetpond system. He pointed to rain gardens. Dave Woods noted the exit heading north across traffic would call for high speeds. Jeff Clifford said it would be discussed with the traffic engineer.

Mike Cuomo, Soil Scientist, had checked the parcel for vernal pools (none) and gave input on the wetpond system. He uses the New Hampshire method for determining the value of the wetlands. These wetlands are degraded by the runoff from the highways and previous farming.

There are 300 endangered species in Maine, Mike Cuomo said. The Natural Areas Program guides the search for any that might be in the area. In this case, there is a Spotted Turtle habitat behind the visitors' center on Route 1. The Yorke Fields site is at the very edge of 1,000-foot radius from the habitat. The turtle uses vernal pools for mating, so there is no probability that the Spotted Turtle will come to this property.

Barrie Munro said the Little River floods in general and particularly where it goes under Route 1. The wetland drainage study is in the final state of the application.

Woody Woodburn pointed out existing vegetation on an aerial photo. It is a mixture of pines and scrub. The forested area has copses of pine. There are open areas on the property. The existing trees meet the buffering requirements. Some areas will be mown. There will be ornamental plantings at the entrance. She showed a computer mockup of the acreage, comparing what it looks like now, and that what will look like later. She said the architecture is in keeping with the good-looking architecture of Stonewall Kitchen. Lew Stowe said the building is not in keeping with Stonewall Kitchen or the Chamber of Commerce. The window structure is not colonial. The structure does not have any attributes of the style encouraged by the Town: Federal, Colonial, or Georgian. Tom Manzi said it looked like a 19th century tenement. Woody Woodbridge answered that the building and roof colors are like Stonewall's.

Glen MacWilliams said the board struggles with stylistic content, but this is not what the Planning Board wants from the architect. Barrie Munro said the last four buildings that were approved were a waste of architecture. In the case of the motel, the board asked for “movement” in the architecture, so the applicant moved a section out three feet. Glen MacWilliams said the board has to be more specific with what it wants. There is a need for creativity for the roofline and the facade. Lew Stowe said the back of the building, facing traffic, could simulate the entrance. Barrie said there should be a proportion of windows to height.

Woody Woodridge answered the buffering will help hide the building. Barrie Munro reiterated the board wants it to be attractive.

Jeff Clifford talked about a certain variance. Four years ago, a 35-foot setback was allowable from the wetland, but a recent setback ordinance has moved it to 100 feet. The 113 parking spaces can fit. The 22,300 square foot building can fit, if it goes into the adjacent setbacks. The building could be squatter and get more efficiency in the space with adjacent setbacks. Christine Grimando said the applicant should ask for that variance from the Board of Appeals. That might trigger re-reviewing the shoreland permit.

Dave Woods said the board wants a stellar building that compliments the entrance of the Town of York. He suggested making part 2-story and part 3-story, to get the footage to make it a viable project. Glen MacWilliams asked about the vinyl shakes. Dave Woods said he would like to see an alternative siding.

Attorney Greg Orso said it is not likely to get a variance from the Appeals Board. The applicant group will review the architecture. The tape of this meeting should be reviewed, so the applicant does not come back in a month and still have something not acceptable.

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

Motion Glen MacWilliams moved that the application has met all the requirements for submittal for review with regard to the ordinances. Barrie Munro seconded the motion.

In discussion, Christine Grimando added that the board is working on the preliminary review. Barrie Munro said putting sidewalks along the roads would be dangerous. Jeff Clifford added that sidewalks would work against the water flow in the swale.

The motion passed, 5-0.

Christine Grimando then reviewed items of concern from her memo. Those items include: a statement of the tax impact ratio to the amount of services that the town is providing; jurisdiction; lighting plan (received); shoreland impacts; wetland impacts; habitat; renderings showing the surface texture of the building; sidewalks; stormwater management (preferably sooner than later); the traffic report; and the fence around the pool (at Barrie Munro’s recommendation). Tom Manzi asked to hear about energy efficiency and

perhaps LEEDS criteria. Lew Stowe asked about the tollbooth and all the water going down toward it from this property. Gen MacWilliams said Article 9.8 dictates there will be incremental downstream flow. He wanted to know if the State of Maine is the direct abutter or if there is one between.

A site walk was planned for the second week of January 13, 2009, at 11:00.

With regard to the wetland impact associated with the sewer, Jeff Clifford said York Sewer Commission makes the application to the State. That ended the Fields Plains hearing.

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The next planning Board meeting will be held on December 18, 2008 at the York Senior Center. York Beach Village Planning Board Subcommittee (YBVPBS) will be making recommendations to the Planning Board. Dave Woods said the York Beach surveys would be collected tonight [ice storm] and reviewed over the weekend. Barrie Munro asked that Fire and Police Chiefs, DPW Dean Lessard, and the Select board become involved. They are being invited so there is information to forward to the subcommittee.

The next meetings are on the December 18, January 8 and 22, plus February 12, & 26, 2009.

The meeting closed at 10:00