

**TOWN OF YORK PLANNING BOARD
THURSDAY, OCTOBER 9, 2003, 7:00 P.M.
YORK PUBLIC LIBRARY**

Dave Marshall chaired the meeting in place of absent Glenn Farrell. The Planning Board was comprised of Barrie Munro, Dan Remick, Glen MacWilliams, alternate Tom Manzi, and alternate Richard Smith, who voted in place of Glenn Farrell. Town Planner Steve Burns represented the Planning Office. Patience Horton took Minutes. The meeting was televised. There were 10 motions made during the meeting, which started at 7:05.

Public Input Open to the public to address any issue other than issues scheduled for public hearings on this agenda.

Selectman Torbert MacDonald represented himself as a citizen. He handed out the Transportation Study to the board members and then spoke on behalf of Randy Small's application, saying that asking Randy Small to perform a traffic study on Rt. 1 would contribute to the disorganization that already exists on road. Torbert Macdonald spoke favorably of allowing Randy Small more room at York Fitness Center, and said that Randy Small is a giving person, the football coach, and a friend of youth. He spoke early and left early to go and watch the Red Sox in the playoffs.

Ron Knoll said that an upcoming traffic study should especially concentrate on the area around the Cape Neddick Post Office. He also said that a large rock crusher on Beacon Street, which he suspected was not permitted to be there, and which a smaller one had recently replaced, had stirred up noise and dust in the neighborhood. Also, in the area around the Second Parish Church, "For Sale" signs for Hickory Meadow properties were actually sitting on an old burying ground for indigents. Dave Marshall said that the location of the graves should be researched. Steve Burns said that that would be a matter of finding the grave shafts. There were restrictions on that land to protect it, and something would be done about the problem.

Peggy Glen of Western Point spoke about Sparhawk and her concern about marking wells and septic systems to make sure they are not too close to one another. She was also aloud to speak early because the Red Sox.

Applications

York Housing Authority—Village Woods Phase 2. 117 Long Sands Road. Map 44/Lot 50. Public Hearing. Application for Phase 2 of their affordable senior housing project.

Steve Burns said that the awaited easement agreements between the York Housing Authority (YHA), the Masonic Lodge, and the Shopping Center were complete. The YHA driveway is to be shifted 25 ft. toward the village, necessitating a pine tree to be cut out of the corner of the parking lot. The application is ready for preliminary approval. Everything necessary has been stamped by a landscape architect.

Motion Barrie Munro moved to accept the application as complete for the purpose of review. Glen MacWilliams seconded the motion, which passed, 5-0.

Patricia Martine, Director of the York Housing Authority, acknowledged that many individuals and agencies helped make the building, with 40 units and an elevator, possible. John Mitchell gave a brief presentation, describing how the entrance has been moved, allowing exiting traffic to travel in a straight line, instead of a slightly hazardous jog. Pine Grove Road is gated and will only be an emergency exit, as requested by police. Barrie Munro said that the emergency exit should be described in a plan note. He asked about the vegetation between the new building and the Anton property. John Mitchell explained that that vegetation is a mix of hard- and softwoods. Patricia Martin said that the Authority has done everything it can about that vegetation, of which the Antons are aware.

The chairman opened the public hearing. No one spoke, so it closed. Barrie Munro and Steve Burns discussed Subdivision Articles 6.3.1 and 6.3.35, and Steve Burns said that things would be in order, if the waiver gets approved.

Motion Dan Remick moved to grant the waiver and not show all the trees on the plan. Barrie Munro seconded the motion, which passed, 5-0.

Steve Burns went over DEP and zoning amendments, which were ready for approval by the town engineer. The Town's costs will have to be reimbursed by the YHA, and there was still an issue of who will stamp the plans. Dave Marshall said that he wants a plan note that there is a gate in existence, and not just a gate drawn in on the plan.

Motion Barrie Munro moved to approve the submission as a preliminary plan with the changes as discussed. Dan Remick seconded the motion, which passed, 5-0.

Anne Hodgin—Blue Star Mall. 470 U.S. Route One. Map 48/Lot 26. Public Hearing. Application for construction of new 5,000 s.f. retail building, to be developed by DLJ Corporation.

Steve Burns said that this application concerned a proposed 5,000 sq. ft. commercial building on Rt. 1, north of Hannaford's, south of York Street. Police and Public Works have conducted initial reviews, but not signed off. The Village Fire Department recommends sprinklers and a Knox Box. Side and rear setback reductions that are less than the ordinance allows are being sought.

Motion Barrie Munro motioned to accept the application as complete for the purpose of review. Dan Remick seconded the motion, which passed, 5-0.

Engineer Bill Anderson presented the plan, showing the location of the buffer, which will be reduced from 30 to 20 ft. He did not foresee problems about this from the neighbors. He showed the landscaping, including terracing with plantings, at the rear of the property.

Builder Duane Jellison handed out photographs of the site. A right-turn-only direction might be required for those coming off the property, to which, he said, Bill Bray was agreeable. The design is similar to the property Duane Jellison recently built across the street from this, which he said was considered very successful by the community.

The chairman opened and closed the public hearing, as no one came forward to speak.

Glen MacWilliams commented that the applicant wants to put a system of walls, 4 feet wide, within the setback, which will change the site dramatically. He did not believe that a waiver could be granted for such a structure. Steve Burns said that the structure could not be exempted, like mailboxes and fences. Duane Jellison said that a different-looking wall could be put up, but it would look awful compared to this proposed. Dave Marshall said that Wright Pierce had said that the retaining wall would result in 18 degrees of grading and the loss of trees. Such a dramatic change in the site does not comply with the ordinance. Duane Jellison said that he is exchanging trees with extensive plantings. It is a little lot in a commercial zone, and it can't be developed unless excavated. Dave Marshall said that the wall series is a structure. The property cannot be developed without setback waivers for Sections 5.2.4(f) and 5.2.4(i). Barrie Munro said that no matter what is put on the lot, the lot would have to be rearranged. Glen MacWilliams said that Subdivision Regulation Sections 7.3.1 and 7.3.2, targeting the combination of grading and cutting, must be avoided as far as possible. He asked Bill Anderson what areas on the plan show the slope of 20 degrees. Bill Anderson showed him the areas, saying they were less than 20 percent. Glen MacWilliams said those areas trigger §7.4.5. Steve Burns said that the ordinance makes it difficult, but it does not say that the lot cannot be built on.

Motion Barrie Munro motioned to approve the waiver for §5.2.4 (f) and §5.2.4 (i), as requested. Dan Remick seconded the motion, which passed 4-1, with Glen MacWilliams voting against.

Motion Barrie Munro moved, and Dan Remick seconded to approve the waiver for high intensity soil survey for this particular project. The motion passed, 4-1, with Glen MacWilliams voting against.

Duane Jellison said that the project is subject to Wright Pierce's approval. Dave Marshall said that the board asks for any opportunity of minimization of impacts. Steve Burns said that a recommendation is also needed from Public Works.

Winton and Ulm - Sparhawk Subdivision. 31 Western Point Road and 10 Sparhawk Way. Map 70/Lot 5 and Map 71/Lot 1. Public Hearing. New application for a 7-lot subdivision.

Steve Burns said that the preliminary approval, which included entire approval by Wright Anderson, had expired. Four members who are unfamiliar with the application had joined the Planning Board since it was initially approved. Bill Anderson showed the plan with a redesigned entrance based on abutter concerns. Through this endeavor, Windmill Acres, which abuts part of the property, hopes to gain water easements to their properties.

There are changes in the drainage and road construction, due to a recommendation by Bill Bray.

The Chair opened the public hearing. Sherry Fawcett said she is concerned about water and wants to be sure that public water comes in. Her well is near a new Sparhawk lot. She is not sure if their septic will be far enough away from her well. Bill Anderson did not show her well on his plan, but said that test pits are some distance from other properties and believed the new septic will be 250 feet from her well. He also showed how the water main could be brought into Windmill Acres area. The Chairman closed the public hearing. Steve Burns arranged for an October 25 site visit.

Sandra Paterson—Ruch Barn. 41 Woodbridge Road. Map 50/Lot 105. Public Hearing. Conceptual discussion of proposed change of use and condominium conversion of the barn, to be developed by Walter Woods.

Steve Burns described the application as having a showstopper because of its location in the Shoreland Overlay District next to 4 to 10 acres of wetland, requiring 75 ft. of setback. The existing use is non-conforming, and the proposed use of 8800 sq. ft. of condominium office space requires a change of non-conforming use and a reduction of impact. The building currently has low activity, and it would be difficult to lower the impact.

Walter Woods showed photographs of the building and showed the plan, which would not require wetland fill or an increase in the parking area. He hopes to create 6 units of non-medical office space for attorneys, real estate agents, and the like. He wants to lift the building, as it sits down 2 feet below ground level.

Dave Marshall opened and closed the public hearing, because it drew no comments. Barrie Munro asked if the size of the wetland was on the edge of being 4 acres, but Walter Woods answered that it is definitely over 4 acres. Steve Burns said that if the application does not pass the test of non-conforming use, it's done. Dave Marshall thought it would be good if someone did something with the building and wondered about what other use it could have. Steve Burns said that an expansion would be okay, that an antique shop could be there, for example. Glen MacWilliams said that based on §17.1.4.3, denial could be made based on increased traffic from the change of use. Some other change of use could be appropriate and pass. Steve Burns reminded the board that the proposal was only a sketch, and that they did not have to decide anything. Dave Marshall surveyed the board on the Walter Woods's proposal, and each member agreed that that the office use was inappropriate, but that another idea might be acceptable.

Jane Rutherford—Daisy Trading Company. 388 U.S. Route One. Map 53/Lot 7. Public Hearing. Application to raze existing retail building and replace with larger retail building.

Glen MacWilliams recused himself, because of a personal relationship with the applicant. Dave Marshall asked Tom Manzi to vote in Glen MacWilliam's place. Steve Burns recommended a denial based on the requirement for 10 feet of parking setback in all zones, call it a small, tight, site. Walter Woods stated that the problem is a dimensional prob-

lem. Landscaping standards have to be determined. With a perimeter all the way around the site, trees won't be touched. He handed out copies of terms for waiving the landscaping requirement. He proposed taking out the pavement in front of building and creating a delivery driveway for service vehicles over the septic system, with general parking on other side. This plan would create safer traffic access. With only a half-bath going in, sewer impact would be lower. Walter Woods continued that with the parking lot having a dimensional requirement, the building should have a dimensional requirement, as well, which set conditions for granting the waiver. Dave Marshall asked if there was a change of use. Walter Woods answered, no. Steve Burns said that it was a conforming use, and that the board has the authority to waive standards for parking design standards.

During the public hearing, Louise DuCharme said that the store is a very nice store with a very nice look. Dave Marshall closed the public hearing. Walter Woods then said that everything in the landscaping that exists will be retained, and the rest will be landscaped with green grass and mulch. Barrie Munro said that he wants that landscaping ideal as a plan note.

Motion Dan Remick moved and Barrie Munro seconded to leave the existing vegetation and put in green grass with mulch. The motion passed, 4-0.

Walter Woods proposed that no money should be paid toward the traffic lane and that that payment be left where it is. Barrie Munro said that eventually Public Works will want to change that, and at that time, there will have to be a contribution to the town's cost. Walter Woods showed the new plan for Rt. 1. Selectman Michelle Moody said that the Rt. 1 plan had come back to the Selectmen and was not current. Doug Lemire, the owner of applicant property Daisy Trading, said that Walter Woods has what is known to be the final plan, and there is not going to be three lanes in front of his store.

Motion Barrie Munro moved to waive Zoning Requirement 15.1.2.4 calling for a 10 foot parking setback, as shown on the plan. Dan Remick seconded the motion, which passed, 4-0.

Mike Livingston, project engineer, said that the total impervious ratio of the property would lower because of the changes. There will not be measurable increase in runoff and no overtaxing of the area. Walter Woods added that the applicant does not plan to do underground utilities. There will be overhead lines to the corner of the building. As far as sewer is concerned, he showed where septic will be. The septic will only have to accommodate a half-bath. There is no need to go across the road and tie into the sewer.

Motion Barrie Munro moved to approve the application under the condition that the application fee is paid, DOT and Department signoffs are made, waivers are listed on the plan, and either septic variance and YSD approval is obtained, or the property is connected to the sewer. Dan Remick seconded the motion, which passed, 4-0.

Randy Small—York Fitness Center. 1090 U.S. Route One. Map 94/Lot 49. Public Hearing. Application to expand existing fitness center and eliminate approval to construct self-storage building on back of lot.

Steve Burns said the application to double the size of the building might bring on an estimated 15% increase in business. He recommended that the application be accepted for consideration. Plan notes for the project have been drafted, but Public Works has not submitted a recommended action, and the plan lacks signoffs.

Mike Livingston showed the original building plans, with storage building, from 1996. He described sheet flow and drainage. The business receives 300+ site visits daily for which there is plenty of parking. The applicant would appreciate a waiver for the traffic study, as it must be done during peak time, a long way off. Steve Burns said that the traffic study would cost between \$1,000 and \$1,500, and that he would support a traffic study waiver under §5.4.8. Barrie Munro said that the Planning Board does not want to overrule the Police or Fire Chiefs, nor Public Works by granting a waiver without their recommendation. Glen MacWilliams said that the point of the traffic study would not be an analysis of Randy Small's business traffic alone, but the combined effects of York Fitness, York's Animal Kingdom and Rt. 1 traffic, in general. Randy Small said that his business does not trigger the traffic study. There have been no accidents there. He doesn't want to wait until July. Dave Marshall said that the board cannot give the waiver until sever people sign off on it. Steve Burns said that the traffic study can be taken during a different season, and then the results can be estimated.

Motion Barrie Munro moved to table the application. Glen MacWilliams seconded the motion.

The Chair opened the public hearing. Into the record, Michelle Moody read a letter from herself and Stan Moody. It described a problem floodlight on the applicant property that is aimed toward Rt. 1. They ask for the relocation of the light before construction begins. The letter also indicated the Moodys' concern about traffic, as the only place where they have witnessed more near-misses has been at Anthony's location. They are also concerned about the septic. The Chairman closed the public hearing.

Vote The Chairman called the vote to table the application, which passed, 5-0.

Other Business/Adjourn

Steve Burns handed out an article about buried cable in New York State. The meeting was adjourned. The time was 11:15.