

**TOWN OF YORK PLANNING BOARD  
THURSDAY, APRIL 8, 2004  
6:15 SITE VISIT  
7:00 PM, YORK PUBLIC LIBRARY**

Chairman Glenn Farrell started the meeting at 7:00. Dave Marshall, Barrie Munro, Glen MacWilliams, and alternates Richard Smith and Tom Manzi attended. Richard Smith voted in place of Dan Remick. Tom Manzi initially voted in place of Dave Marshall, who arrived at 7:10. Tom Manzi then voted in place of Glenn Farrell, when he recused himself for the David Woods hearing. Town Planner Steve Burns represented the Planning Office. Patience Horton took Minutes. The meeting was televised. There were 8 motions made during the meeting.

**Site Visit**

**S&J Collision 366 U.S. Route One. 6:15 PM.**

**Public Input**

**Open to the public to address any issue other than issues scheduled for public hearing on this agenda.**

No one came forward to speak.

**Minutes**

**Review and approval of draft minutes.**

The February 24, March 11, and March 25, 2004, minutes were reviewed. Richard Smith made a change in the Zoning Ordinance #3 discussion, refining his comments about dropping the 25' setback.

**Motion** Barrie Munro moved to approve the February 24, March 11, and March 25, 2004, minutes, as submitted, with the one change requested by Richard Smith. Glen MacWilliams seconded the motion, which passed, 5-0.

**Applications**

**S&J Collision. 366 U.S. Route One. Map 59/Lot22. Public Hearing. Application to amend the Route One Use Permit to add vehicle storage behind the building.**

Chairman Glenn Farrell opened and closed the public hearing, as no one came forward. Steve Burns explained that the initial Abutters' Notification on the S&J Collision, the David Woods's Project, and the Flood/Briggs Subdivision applications had gone out with the incorrect hearing date listed. However, the corrected version of the legal notification was sent out in time, so there was to be no problem hearing the applications that evening.

S&J came with a conceptual presentation seeking additional parking for vehicles in the back of their property, which has some wet area requiring wetland fill. As well, the in-

stallation of a Knox Box had been overlooked during an earlier renovation, and the applicant was working with the fire chief in its placement. Discussion led to an understanding that wetland mitigation is expected from the applicant. Barrie Munro asked for plans illustrating the fill and culverts.

Steve Anderson of S&J explained that 20 extra car spaces are required by a combination of the upsurge of business in winter months and the upsurge of a growing company. Cars might stay in storage for 20 to 30 days while waiting for insurance companies to settle, he said.

**David Woods's project. 459 U.S. Route One. Map 48/Lot 22. Public Hearing. Request for conceptual discussion of proposal to remove the former Big Apple store/gas station and replace it with a new retail building with an upstairs apartment.**

Glenn Farrell recused himself, because he has worked for David Woods and his family. Vice Chair Dave Marshall conducted the one hearing. Jim Marchese represented David Woods and stated the property is a non-conforming lot of record with a building in need of a face-lift and other changes. Steve Burns said the setbacks are non-conforming, and the gas station canopy, which was torn down when the underground tanks were excavated, and which canopy can be replaced within 2 years, was also non-conforming. The applicant was seeking direction over several complicated issues.

Dave Marshall opened and closed the public hearing. No one came forward.

Barrie Munro said the setback alternatives are 25- or 40- feet, with the 40-foot setback in keeping with the Route 1 ordinances. David Woods brought up the parking spaces in front, and the "front" of the building was defined. The board discussed parking configuration and suggested changes. Potential landscaping was described, and Barrie Munro offered to work with David Woods on the landscaping. Jim Marchese recapped the discussion. The 40-foot structure setback must be maintained, a landscaping buffer must be developed to screen parking, and the size of the building, 2600 sq feet, is acceptable.

**Flood/Briggs Subdivision. 181 Nubble Road. Map 29/Lot 23. Public Hearing. Application for 3-lot subdivision of the lot with the Lighthouse Restaurant.**

Engineer Bill Anderson gave an overview of the project of 3 lots in the shoreland zone with a 150-foot minimum required setback for the 2 houses with ocean frontage. The plan provides plenty of impervious surface and a drainage easement along north side.

Chairman Glenn Farrell opened the public hearing. Ray Boynton said that he lives across from the proposed subdivision, and he opposes it. He would rather see 2 houses, than 3. He brought up a discussion of impervious surfaces, and Steve Burns explained to him how patios and raised decks fit into the equation. No one else came forward, so the public hearing was closed.

**Motion** Barrie Munro moved to accept the application as complete for review. Dave Marshall seconded the motion, which passed 5-0.

**Motion** Barrie Munro moved to grant a waiver for a high intensity soil survey, which Dave Marshall seconded. It passed, 5-0.

Steve Burns said that the town engineer required a plan note guaranteeing that the flow of water from the neighborhood to the ocean would not be directed across the abutters' properties. Glenn Farrell instructed Bill Anderson to follow through on making the plan note.

**Motion** Barrie Monroe moved to approve the application, as well as the accompanying Findings of Facts, including the change to Plan Note 15. Dave Marshall seconded the motion, which passed, 5-0.

**Peter Davis. Davis Drive Subdivision. Map 40/Lots 23, 23A, 23B & 23C. Public Hearing. The applicant seeks to work with the Planning Board to resolve the issues of default from the original approval.**

The public hearing was opened and closed. No one came forward. Steve Burns explained that a year ago, Peter Davis came before the board, but the board would not review the application, because it was in default by the CEO. The application then went to appeals, which upheld the default. Peter Davis had come back that evening to work through the default issues. The board had never required a road plan, so Steve Burns told him to come in with a road plan and a plot plan, so the right-of-way could be extended.

In discussion, several board members expressed a liking for a smaller, narrower, gravel road. Peter Davis then presented a new plan showing a change in the cul-de-sac. It was a shorter cul-de-sac, which would cause him to lose buildable area because floodplain regulations had also changed over time. Glenn Farrell noted that the note stating that all driveways have to come off the cul-de-sac would have to be removed to accommodate the change. Glen MacWilliams said that the application was now only partially complete, not considerate of what was originally submitted, did not relate to what is proposed, and must be updated. For example, floodplain information must be submitted. He recommended the applicant bring back complete drawings and a survey. Glenn Farrell said that abutters have to review the new plan. Steve Burns offered meet with Peter Davis and explain the requirements that following day.

**Winton and Ulm/Sparhawk Subdivision. 31 Western Point Road and 10 Sparhawk Way. Map 70/Lot 5 and Map 71/Lot 1. Public Hearing. Application for approval of a 7-lot subdivision called Sparhawk Estates.**

Bill Anderson showed the basic configuration and explained a few changes that had been made in the drainage design since the application was last reviewed.

Glenn Farrell opened the public hearing. Joan Abbott was concerned about a plantings that would screen headlights from shining into the houses of the abutters. She asked for greater advance notification for blasting, so abutters can judge differences in their well water supply and inspect their foundations before and after blasting occurs.

Margaret Glenn expressed similar concerns. She did not want her well problems to get worse. She also worried about the accidental draining of the wetlands and that effect on the hawks, ospreys and other raptors nesting there. She was also very concerned about a septic system close to her property line.

Helen Weinbaum was concerned about drainage, the planned ditch, and runoff from impermeable surfaces. She spoke of the adjoining 10-acre wetland, Seabury Pond, and the beauty that is there. A stand of very old oaks must be recognized and kept outside of the building envelope. No one else came forward. The hearing was closed.

**Motion** Glen MacWilliams moved to accept the application as complete. Richard Smith seconded the motion, which passed, 5-0.

**Motion** Dave Marshall and Barrie Munro motioned and seconded to waive 6.4.6, Plan Scale. The motion passed, 5-0

The landscaping plan was discussed.

**Motion** David Marshall moved to waive the landscaping plan, 6.4.6, but reserved the right to later request a plan for certain buffering from the applicant. Barrie Munro seconded the motion, which passed, 5-0.

In addressing the issues raised by the abutters and board members, Bill Anderson said that soil scientists had recommended the subdivision stay out of the little wetlands, areas he pointed out on the plan. He said that there would be no clearing outside of the individual building envelopes. Dave Marshall said that with the lots being as large as these are, septic systems should not be allowed in the setbacks. The area near Margaret Glenn's property, she had spoken during the public hearing, was pointed out on the plan and discussed. A plan note was recommended that the buffer could only be considered as a secondary location for a septic system. And as for habitat issues, Steve Burns said that there are no endangered species in the area. A plan note protecting the old oaks is necessary. Bill Anderson then explained the proposed drainage plan.

The board discussed a letter, which had come from Bill Bray, about blasting a ledge to increase sight distance. Bill Anderson said that the required 250' site distance had been obtained in both directions, and the need to blow up a ledge was no longer an issue. A meeting was proposed between Steve Burns, Bill Anderson, and Bill Bray the address the matter.

**Motion** Barrie Munro moved to approve the preliminary plan as discussed, including all changes noted by Steve Burns, with the exception of the issues in Bill Bray's letter, which were yet to be resolved. Dave Marshall seconded the motion, which passed, 5-0.

The board discussed the wetlands. Terms of access to Lots 1 and 7 were to be formalized in plan notes. They discussed extending town water service from Sparhawk to the Windmill Acres abutters with, about which the abutters will have to participate to help formalize. Glenn Farrell said that the abutters will have to will provide a 30 foot-wide easement for the waterline on their side of the subdivision.

Steve Burns said that standard notice for blasting is 3 days and proposed that in this case, the abutters receive 30-days notice. Applicant Nick Strater said that he must contract the blasting work very soon after approval. Thirty days will probably not work.

The procedure for finalizing a name for the road was discussed.

There was no other business. The time was 9:25.