

**TOWN OF YORK PLANNING BOARD  
THURSDAY, JUNE 8, 2006, 7:00 PM  
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:00 by introducing the board and the staff. Everyone was present: Barrie Munro, Vice Chairman Glen MacWilliams, Glenn Farrell, Richard Smith, Tom Manzi, and alternate Lee Corbin. There was no second alternate. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised.

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

When Steve Morris of the York Elks Lodge said that he was overseeing the project of building the new lodge and had brought architect Martin Ryan to fill the board in on the progress, Chairman Barrie Munro moved this discussion to the next agenda items, **Field Changes**. Martin Ryan said that trees had been cleared from the Elks Club site in error, and that landscape architect Terrance Parker was working on a re-design that will include replacement of all the required units accidentally removed in site preparation. Barrie Munro asked if drainage from the cleared land had caused a problem for abutters, and Steve Morris replied that there was no damage done by runoff from the first big storm, but he had not checked from the subsequent and current storms. Glen MacWilliams said that the board had already determined that the Elks lot had to be re-vegetated within the current growing season. At the end of the discussion, the chairman returned the meeting to the **Public Input** portion of the meeting, but no one else came forward to speak.

**Requests for Field Changes Decide on requests from previously approved applicants.**

No one else came forward.

**Application Reviews and Public Hearings**

**York Hospital Amendments 16 Hospital Drive. Map & Lot: 0050-0034. Application to install larger outdoor oxygen tank and expand storage on second floor.**

Representing York Hospital, Steve Pelletier said that application was to increase size of the 155 square foot oxygen tank pad by an additional 145 square feet. Overall lot coverage will change by less than one percent by the increased size. Secondly, he was applying to add 580 square feet of storage area to the second story of the "Hancock wing." He showed the location of the proposed cinderblock structure on a plan. His associate, Clark James, showed a photograph of the location to the board members.

Barrie Munro opened the Public Hearing. Abutter Kinley Gregg said that the oxygen tank location is near her home. Because the Hospital has been communicating with her

about the change, she had no particular concerns at that time. The chairman closed the Public Hearing.

**Motion** Glenn Farrell moved to accept the plan as complete for purposes of review. Richard Smith seconded the motion, which passed, 5-0.

In discussion, Glen MacWilliams said a name was missing from the first page of the plan. As well, because there were no architectural drawings, the board is not sure what the addition is going to look like. Lee Corbin asked if there will be windows, and Steve Pelletier answered there will be two or three windows.

**Motion** Glenn Farrell moved to approve the application. Richard Smith seconded the motion, which passed 5-0.

There were no precedent conditions with that approval.

**Highland Farm Phase 2. 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot: 0090-0020-A and 0090-0030. Application for major subdivision to continue from the first phase.**

Representing Moon River Development Company, Engineer Steve Haight said that the proposed Phase 2 will be connected to the previously approved Phase 1 subdivision. This second phase will have 21 lots with four acres of rights-of-way. There are 130 total acres, of which 25 acres, or about 25% of the entire property, will be developed. Each lot will have individual septic and well. Lots located within the watershed will be 10 acres in size.

The chairman opened the Public Hearing. David Tibbetts of the York Conservation Commission discussed the precious resource of Bolter Pond, owned by the Kittery Water District and bordering Highland Farm Phase 2. He said that York is looking to share water resources with Kittery in the future, making Bolter Pond potentially York's own water supply. David Tibbetts said he is not in favor of the subdivision, because it is a threat to the watershed and the drinking water supply. Steve Haight replied that with the exception of three or four of the lots, all the rest are on the downhill side of the watershed. David Tibbetts replied that that drainage toward the York River is a threat to the York River watershed.

York resident and Mount Agamenticus to the Sea activist Helen Weinbaum spoke. She referred to a letter from Doreen MacGillis, which was read by the chairman later. Helen Weinbaum said that her group had expressed a desire for a wildlife corridor on the western side of the Highland Farm Phase 1 property. Instead, there are two houses in the area that should be a corridor. She said it was appalling for the applicant not to consider the concerns that were expressed about Phase 1. That acreage should be treated as a continuation of a vast area of conservation for habitat and recreation. The subdivision being proposed should be a cluster, she said. There should be an inventory of botanicals and wildlife species, as well.

Barrie Munro read a Memo to the Planning Board from Doreen MacGillis, Executive Director, York Land Trust, dated June 8, 2006, urging the board to “ensure that the subdivision plan conforms with the Town’s zoning, design and layout standards, and comprehensive plan. No waivers should be given that would make it easier for the developer to be granted approval for this plan . . . The developer [should] extend the existing public water system line that was developed in Phase I of the development plan,” she writes.

Barrie Munro also read a letter from abutter Selwyn Silberblatt dated June 8, 2006, stating that the deeded right-of-way to the spring on Highland Farm was being rerouted to accommodate the subdivision. Selwyn Silberblatt writes, “This renders my right-of-way useless, as it would be impossible to lay and maintain a year-round pipe over this granite embankment and sink it to a depth below the front line without extensive blasting through a granite cliff—a procedure obviously not intended at the time of the granting of this right-of-way.”

The connection to public water was then discussed. Barrie Munro said that per 7.2.8.1, private wells are allowed when the subdivision is outside the water line by 750 feet. Otherwise, they must connect. Referring to comments written by soil scientist Mike Cuomo in February 2005, Lee Corbin said that it would be inappropriate to consider the public water connection waiver. Richard Smith and Glenn Farrell also questioned the choice of wells over public water. Steve Haight replied that it would be expensive to provide public water service, perhaps \$500,000, and a pump station would be required. He said that by providing public water, more houses for greater density would have to be designed into the plan.

Barrie Munro pointed out that the water source discussion and the ensuing 10-acre watershed lot size discussion were issues most likely to end the probability of the application being accepted as complete for purposes of review that evening. Barrie Munro further recommended that the applicant agree that this submission be treated as a concept review, as opposed to a formal application. Applicant representative Steve Haight agreed it best to treat the presentation as a conceptual review, or sketch review, and the meeting proceeded as such.

Steve Haight addressed some of the basic questions and issues thus far raised. He said that complications over open space during the Phase 1 hearings gave the owner reason not to provide open space in Phase 2. He said that houses in the watershed protection district would not impact the Bolter Pond watershed. He asked if single-family houses truly constitute a barrier for a wildlife corridor, when wild animals are seen in yards regularly. He also discussed roadside ditches and drainage swales. He pointed out the location of the former golf course, and its water hazards, on the Phase 2 plan, when asked about that. Lee Corbin asked about the right-of-way on Selwyn Silberblatt’s deed. Steve Haight replied that the deed does not have a defined location for the right-of-way, and that the applicant has offered to provide Selwyn Silberblatt with public water, thus ending his need

for access to the spring. The Chair indicated that this subject had been dealt with in Phase 1. Steve Burns then indicated that it was now too late to appeal anything relating to Phase 1.

Richard Smith said that in Phase 2, there are 14 lots in the watershed overlay, but only one of them seems to have the required ten acres configuration. He reminded the applicant that the most restrictive district prevails in situations like this, and that all of the lots in any of the watershed must each be composed of ten acres. Glen MacWilliams and Tom Manzi agreed. Steve Burns further qualified that if the lots with building envelopes are split by the watershed, then they have to be ten acres in size. In the instance of a conflict between the Shoreland Overlay District, Watershed Protection Overlay District, or Floodplain Management Overlay District, the provisions of the more restrictive district shall prevail. Lee Corbin concurred with Steve Burns. She said that in the ordinance, any lot in the watershed area is subject to the restriction. The whole intent of the ordinance is to protect the watershed. If the lot is outside the watershed, it is a good argument for the three-acre lot. Glenn Farrell said that he agreed with Steve Haight that the owner should be able to do what he wants, but it has to be based on the ordinance.

Major issues were summarized. They included public water, 10-acre watershed lots, satisfaction of environmental concerns, and drainage. Steve Burns suggested a pedestrian way on Kingsbury Lane. Lee Corbin requested a topographical map. Barrie Munro alluded to the anticipated access and egress waiver request, of which he said the board had opposing viewpoints. The Chair indicated that the Board wanted to hear a discussion of how far public water could be delivered into Phase 2 without the need for a pumping station. In addition, the Board wanted to know what the specific density impact of delivering public water would be. Other regulations that needed to be taken into consideration were 7.13.1, Open Space, and 9.5.4, a fifty-foot wide easement to neighboring undeveloped land. Steve Haight added the waiver for documenting 24" trees to the list. Glenn Farrell replied it was best to document the larger trees inside the building envelopes.

### **Minutes Review and approve draft minutes**

The May 25, 2006, minutes were not reviewed. The recording secretary had accidentally submitted her rough draft instead of her final draft.

Barrie Munro asked to have a board member oversee and give a final edit to the minutes before they are permanently archived. He asked Tom Manzi to do so.

### **Other Business/Adjourn**

Steve Burns said that David Tibbitts of the Conservation Commission should be involved in the upcoming (June 22) amendments and policies workshop about the water and sewer districts.

Steve Burns said that Public Works director Bill Bray had a draft of the beach drainage/storm report.

Steve Burns said there was an upcoming issue with Bragdon Commons, where there is a water problem in the parking lot from heavy rain. Dwayne Jellison is concerned about the easement for the York Village Business Center drainage needs. The Chair has also received email from the president of the Bragdon Commons Owners Association listing drainage problems exacerbated by the current construction on Route 1.

Steve Burns said that the board's workload will be difficult until October, at least.

Chairman Barrie Munro adjourned the meeting.