

**TOWN OF YORK PLANNING BOARD
THURSDAY, AUGUST 23, 2001, 7:00 P.M.
GRANT HOUSE**

MINUTES

There is no videotape of this meeting due to malfunction of equipment.

Present were Al Bibb, Chairman, David Marshall, Barrie Munro, Richard Arnold. Glenn Farrell, Dan Remick and Torbert MacDonald were absent. Also present at the meeting was Steve Burns, Town Planner and Vallana Pratt-Decker, Assistant CEO/Planner.

Chairman Bibb introduced Board members and called the meeting to order at 7:06 p.m. He asked Dick Arnold to vote for Glenn Farrell.

MINUTES

Chairman Bibb announced that the Minutes from the August 9, 2001 meeting would be reviewed and approved at the next Board meeting because of late distribution.

PUBLIC HEARING

John/Doris Shaw, 72 Lock Lane, Map 72/Lot 5A. Request for a Shoreland Permit to construct a single-family dwelling.

Vallana Pratt-Decker gave an overview of the application stating the applicant's lot is 1.43 acres is entirely within the Limited Residential District of the Shoreland Zone. A permit was issued in 1999 for the installation of a septic system. The impervious surface ratio of the proposed application is 17.8% and is within the 20% allowed. No further increase will be allowed on this site. The previous cutting violation on this property has been repaired and it is recommended the applicant make a \$500 voluntary donation to the York Land Trust. A portion of the corner of a pool patio encroaches into the 100' shoreland setback. Before a Building Permit can be issued the following need to be addressed:

- ① verification and final inspection of septic system needs to be completed,
- ② verification of well location and 100' septic separation need to be on the revised plan,
- ③ southeast corner of pool patio needs to be revised to avoid the 100' shoreland setback, and

④ there must be strict compliance with all erosion and habitat protection measures.

Public hearing was opened at 7:19 p.m.

Sandell Morse of 40 Lock Lane, an abutter, asked to see a copy of the house plans and was told they were available at the Code and Planning Office and was reassured by the Board that if the applicant changed anything on the proposed plan he would need to come before the Planning Board again for approval.

John Shaw, applicant, stated the plans for the dwelling were drawn up taking into consideration all of the Town of York Codes.

Jack Fitzsimmons, abutter, stated there has been yet another cutting violation with the accidental removal of trees and vegetation between his property and Mr. Shaw's.

Mr. Shaw addressed the Board stating this is the first he has heard of this violation and that perhaps the vegetation was damaged when the rocks he had placed there to ensure no one would drive over his septic system were removed by Mr. Fitzsimmon's workmen when his home was being built.

Sandell Morse stated she was concerned about damage to her property during the blasting. She also feels the proposed house is located rather close to her property and asked the applicant be required to screen the parking area.

With no further public comments, public hearing closed at 7:30 p.m.

Barrie Munro stated he wanted it noted on the Findings of Fact that there should be no further cutting in the Shoreland setback and that drainage swales should be preserved allowing no water to be diverted into them and certainly not to be used as a dumping ground. He also agreed the parking area needed to be screened.

Motion by Dick Arnold, second by Dave Marshall to approve the Shoreland Permit incorporating all conditions noted. Motion passed 4-0.

Ronald/Kimberly Bugbee, 15 County Road, Map 96/Lot 39G. Request for a Shoreland Permit to construct a single-family dwelling.

Vallana Pratt-Decked noted the 1.5 acre lot contains wetlands and is located in the Watershed Protection District as well as the Limited Residential Shoreland zone. Several years ago the applicant constructed a gravel road without obtaining the proper permits and was constructed within the 75' setback. It is, however, the best possible location to cause the least amount of damage to the wetlands. The applicant has a septic design that locates it in the best possible location but unfortunately is within the 175' wetland setback. Two minor violations have been cited – an RV has been placed and occupied on the property and slash and large trees have been cut and placed in an on-site wetland. The owner has agreed to clean this up.

A letter received just prior to the meeting from Marion Larson, abutter and owner of Lot 39C, was read into the record ... *“August 23, 2001, Shoreland Committee Members, I cannot be present, therefore my letter. When Mr. Bugby cleared some of his land he was good enough to leave a screen of trees and bushes to remain between our lots. But after his driveway was built between the hill and the lowland it decreased the flow of water to my well and the vernal pools below and on his land. I believe that the committee and Mr. Bugby would agree that: 1. A culvert should have been and should be placed at the least low point of his drive. 2. All efforts to prevent silting and filling of vernal pools should be used during construction. 3. Lower lands should remain in previous conformation and be free from fill. 4. Use of chemicals on weeds and insects would affect five (5) wells on lands below his. Respectfully, Marion Larson”.*

Barrie Munro agreed there should be a culvert installed if there is an interruption in drainage. He asked about the vernal pools. Ms. Pratt-Decker stated she did not see any while doing an on-site inspection. He asked for clarification on the building envelope.

Dick Arnold said he does not feel the Board could make any decision because of the poor documentation submitted. He stated the Plan should show where the wells are sited among other pertinent documentation.

After brief discussion between Board members a motion was made by Barrie Munro to table the application (not to exceed 90 days before returning to the Board) pending gathering of needed professional assessments, second by Dick Arnold. Motion passed 4-0.

OTHER BUSINESS

York School Committee (removal of hazardous trees).

Jim Amoroso stated this issue has no relation to the athletic fields project that is coming before the Board of Appeals next month. An arborist identified 21 trees that present a risk.

Henry Scippione, School Superintendent, stated he is concerned with student safety and believes the trees should be removed after hearing from an expert that they should be removed.

Tim Lindsay, Bartlett Trees addressed the Board and their concerns explaining a tree inventory was conducted - leaning trees put stress on the roots therefore the classification of "at risk".

Mike Lee, Lee Tree Company, a local arborist, addressed the Board and stated there are no problems with the trees flagged for removal as they are not in poor condition. He believes Bartlett Trees has a conflict of interest in being the Schools' consultant and now hired to remove the trees. He also said he feels it is poor timing because the athletic field project is coming before the Board of Appeals next month and should wait for the result of their decision..

Henry Scippione stated this is an emotional and political issue. Mike Conlon, Vice-Chairman of the School Committee said this issue is separate from the athletic field project and with each arborists difference in opinion on the matter the Board faces a tough decision.

Al Bibb said the Board must answer to York's citizens and therefore feels there is a need to obtain an unbiased opinion on the condition of these trees. Barrie Munro and Dave Marshall were in agreement with Mr. Bibb's suggestion. Dick Arnold previously stated he felt the trees should be removed.

Motion by Dave Marshall, second by Barrie Munro to approve the removal of the trees pending a third arborist's opinion. Motion passed 3-1 (Dick Arnold opposed).

Update on Planning and Ordinance Committee (Lewis Stowe)

Lew Stowe explained how the meetings were being conducted, feedback being collected and said the Committee is on Draft 6 of the Ordinance. He urged Planning Board members to participate at upcoming neighborhood meetings.

Work session on processing backlog of Shoreland applications.

After much discussion it was agreed the Board would allow one hour to hear applications at their second meeting each month regarding of the complexity of the applications.

Al Bibb noted that Board members would be receiving an invitation to an Appreciation Dinner to be held on October 19th at the Middle School cafeteria. He also stated Mark Green requested a Planning Board member to serve on the newly created Capital Planning Committee. Barrie Munro volunteered.

Adjournment – Meeting adjourned at 10:30 p.m.