

**TOWN OF YORK PLANNING BOARD**  
**THURSDAY, APRIL 14, 2005, 7:00 PM**  
**YORK PUBLIC LIBRARY**

Planning Board Chairman Barrie Munro began the meeting at 7:00 by introducing the board. All the members were present: Glenn Farrell, Barrie Munro, Glenn MacWilliams, Richard Smith, Tom Manzi, and alternates Lee Corbin and Michelle Moody. Town Planner Steve Burns represented staff. Patience Horton took Minutes. The meeting was televised. Eight motions were made.

Chairman Barrie Munro announced that agenda item **York Business Center** would be deferred until the following month.

**Public Input**

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

The chairman asked that input be limited to 10 minutes per speaker.

Peter O'Connor asked about rules for abutter notification. Town Planner Steve Burns explained that notices are sent to immediate abutters and people across the road from applicants.

Jay Fiandaca came forward and requested field changes to his approved subdivision plan, as itemized and detailed in a document he had passed around to the board. York Sewer District had requested changes for the manholes. Hydrants were on the plan by mistake. The Fire Departments had requested they not be included. Finances were causing the applicant to build one home at a time and tear down one cottage at a time. Because of the water table on the property, the full 8-foot foundation was being changed to one four feet down and four feet up, which he said would not change the elevation of land or grades.

**Motion** Glenn Farrell moved to approve Items 1-4, plus Item 6, of the requested field changes. Richard Smith seconded the motion.

In discussion, Michelle Moody asked if the property is located in the flood zone. The applicant replied that it is not. Glen MacWilliams said that the additional 4 feet would raise the 1<sup>st</sup> floor elevation, but still allow for a full basement, but that it would not make any difference.

**Vote** The motion passed, 5-0.

The chairman asked the applicant to prepare information about the proposed demolition and building changes and to report to the Planning Office to schedule a future hearing.

## Minutes

### **Review and approval of draft minutes.**

The March 24, 2005 Minutes were reviewed.

**Motion** Glenn Farrell moved to approve the Minutes as written. Tom Manzi seconded the motion, which passed, 5-0.

The March 31, 2005 Minutes were reviewed. Michelle Moody asked that it be made clear that the minutes were not previously reviewed because they had not been received. She also wanted it specified that all public water, not just hydrant water, could not be received at elevations above 190 feet.

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

## **Applications**

**York Village Business Center. 14 Cider Hill Road (Route 91).** Map 53/Lot 9. Public Hearing. Application for a Route One Use Permit for commercial development of this lot, also known as the Marciano lot.

Deferred to another meeting time.

**Elks Club. 995 U.S. Route One, Map 54/Lot10A.** Public Hearing. **This is an application for a Route One Use Permit for construction of a new lodge building and function hall.**

Mike Livingston of Anderson Livingston Engineers presented changes to the parking, buffer, and septic system that had been made since the last meeting. A space had been added to the parking. The buffer had been reduced from 50 feet to 30 feet with a stockade fence across the back. The septic was shifted over 10 feet and pulled out of the buffer.

The Public Hearing was opened and closed. No one came forward to speak.

**Motion** Glen MacWilliams moved to accept the application as complete for purposes of review, contingent on CEO Tim Decoteau's approval of the septic design. Tom Manzi seconded the motion, which passed, 5-0.

The changes Mike Livingston had described in his presentation were reviewed. The application fee was discussed. The applicant said that paying the fee would not be a problem. Traffic safety was discussed. Steve Burns said that the Elks did not need a traffic study because DOT had determined that the Elks events' traffic status did not require it. However, a letter from Public Works Director Bill Bray stated his concern about left-

hand turns coming off of Route 1 south, which would also be the route for fire trucks coming from the Beach. Michelle Moody suggested implementing a turning lane, like the one at the sports complex. Steve Burns said that the turning lane was necessary at the sports complex because the turn was at the crest of a hill, which is not the circumstance at the Elks. The concern is about a stack of cars waiting to turn left.

Applicant Architect Don Driver said that he had spoken with Bill Bray after the letter about the left hand turn had gone out. Barrie Munro said that the potential for having 85 cars arrive or depart at the same time was the cause for concern. He suggested hiring a traffic officer for traffic control during those events, as had been required at the Middle School. Lee Corbin said that the difference between 25 MPH traffic on Organug Road and 55 MPH traffic on Route 1 would be too dangerous for an officer to have to control. She suggested setting funds aside for a turn lane or a traffic light. Glen MacWilliams said that the board could not impose a light on a State Highway. Glenn Farrell suggested putting a note on the plan stating that, if the Planning Board feels there is a safety problem with the traffic, it has the right to ask the Elks to return to the board to solve the problem.

**Motion** Glenn Farrell moved to require a plan note stating that, if the Planning Board deems there is a traffic problem as a result of functions at the Elks Club, the board will require the applicant to come back in to solve the problem. Glen MacWilliams seconded the motion.

In discussion, applicant representatives Harry Henry said that the Elks should not be blamed or have to pay for traffic problems caused by other concerns down the road. Glenn Farrell alluded to how Randy Small proved accidents in front of his building were not his fault. Glenn Farrell explained that the mechanism is being established that will reflect the Elks traffic alone.

**Vote** The motion for the plan note passed, 5-0.

The board skipped over discussion of drainage and erosion control because Steve Burns said he had not yet heard from the Town Engineer about it. Reading from an itemized list of issues, Barrie Munro asked that the Elks provide a letter from a banker providing proof that they have the financial ability to complete the project. Steve Burns said that the plantings have to be qualified, as in describing canopy trees and shrubs, and should include information about preserving existing vegetation. Martin Ryan of Driver-Ryan Architects presented an updated landscape plan showing buffering and new plantings in the north buffer yard, as well as indicating what exists that will be saved.

The gravel parking lot was discussed. Mike Livingston explained the drainage, trench, and gravel parking lot. Individual wheel stops will indicate parking spots and still allow sheet flow. He showed maintenance notes for the pond. There will be an island down the middle of the parking lot with trees at the end. Barrie Munro asked for details about the height of that island and the materials used to cover it. Discussing drainage, Mike Livingston said that an earlier applicant with the property had made a drainage study for

the year 2000, when the lots were approved for residences. Since the current application calls for less lot coverage, he asked if the earlier information could be considered during the peer review. Glen MacWilliams said the earlier review should be looked at and considered.

Tom Manzi asked if the entrance was big enough for fire trucks. Mike Livingston explained that it might be difficult for them to enter from the south, but since they would be coming from the north, the trucks would get onto the property without the applicant having to change the entrance.

Outstanding issues included the change of fence height, submission of the application fee, proof of financial capability, minor plat changes, and the note about possible future traffic problems. Mike Livingston asked if the Elks could start clearing brush off the land and was told yes.

Martin Ryan presented building materials. They included verticle siding, Hearty Board "cementitious" clapboard siding, and metal roofing material. He showed the color scheme of yellow, green, and what he called "Elks purple."

**Cottage Place Condo Association This is an application to amend the Route One Use Permit to alter the exterior of the existing buildings.**

Steve LaPointe said that he had not brought samples of proposed siding materials, as they were in the back of his contractor's truck, which was in Bangor. Steve LaPointe described his intention to replace all the windows and siding at Cottage Place, as well as re-hot-topping the parking lot. He said he intended to take all the current siding off and use vinyl siding to replace it. He explained economical and longevity considerations, as well as the differences in quality based on thickness of the material. The ordinance does not allow vinyl on new buildings, he said, but this is a renovation. Some of the siding would face Route 1. Glen MacWilliams said that there is no negative environmental effect either in the manufacturing or use of vinyl siding, compared to wood. Richard Smith said that the thicker quality of siding looks better than thinner, and that it would look best if available in long sections, so there are fewer seems. Chairman Barrie Munro asked Steve LaPointe to return with specifications and samples.

**Franzone and Mathieson Subdivision Amendment. 52 Josiah Norton Road. Map 99/Lot 12. Public Hearing. This is an application to create 2 additional building lots from the remaining land of subdivision approved originally in 1996.**

The chairman opened the public hearing. Neighbor Peter O'Connor said that he was in favor of the application. He gave an interpretation of the wetland rules, describing setbacks and a road that separates wetlands.

David Tibbitts of the York Conservation Commission said that the natural resources on the property are of high value. Warbles that were unusual to the area had been seen nest-

ing there. He said that he did not see any problem with the proposed development. The chairman closed the public hearing.

Mike Livingston of Anderson Livingston Engineers described the recent changes along the Josiah Norton Road. He described the lots, one of which will have a 150-foot driveway. Doreen McGillis of the York Land Trust discussed public access to Lot 7, including pedestrian access, parking, and a footbridge over a brook. Board member Richard Smith pointed out inaccuracies in the illustration of the wetlands on the map. Glenn Farrell said that even if the map is wrong, the decision has to be based on the information the board has at the moment. Peter O'Connor asked if the interpretation changes, would it force the houses back. Glenn Farrell answered, no.

Waiver Requests had been handed out with the Memo From Steve Burns To the Planning Board dated April 8, 2005.

**Motion** Glenn Farrell moved to waive Sections 6.3.2; 6.3.3 (exact acreage); 6.3.3 (location of trees); 6.3.4; 6.3.15; 6.3.16; 6.3.18; 6.3.21; 6.3.24.2; 6.3.25.2; 6.3.32; 6.4.2; 6.4.6; and 6.4.13. Tom Manzi seconded the motion, which passed, 5-0.

Glenn Farrell said that the two sections that do not need a waiver were 6.3.17 and 6.4.10. Design Criteria Section 7.6.1 reduces the size of Lot 6 and was not included in the motion to waive.

**Motion** Glenn Farrell moved to waive Design Criteria Section 7.6.2, Underground Utilities. Tom Manzi seconded the motion, which passed, 5-0.

**Motion** Glen MacWilliams moved to accept the application for the purpose of review. Glenn Farrell seconded the motion, which passed, 5-0.

Several other items were briefly discussed, including site distances, septic, the Lot 6 driveway, and the possibility of placing a dry hydrant on the property, for which digging into a wet area would be permissible for safety's sake. A public hearing was planned for the next appearance.

## **Other business**

Barrie Munro asked to what degree the Planning Board wished to be involved with the York River Overlay Zone. Michelle Moody said that she did not feel that another layer should be added to the zoning, that the same protection could be done as part of Shoreland zoning. Glen MacWilliams said that the Planning Board should give some feedback at the meeting with Selectmen on the upcoming Tuesday. Glenn Farrell suggested that the board members read the York River document, which had been handed out to them, before attending the Tuesday meeting. Tom Manzi asked for the provenance of the document, and Steve Burns explained that it was not the final draft, but rather the one the Planning Board forwarded to the Selectmen a year ago. Chairman Barrie Munro encouraged everyone on the Planning Board to attend the meeting.

Steve Burns said that there would be a training meeting on legal subjects on April 26. The Ordinance Amendments will be discussed in a workshop in two weeks. He handed out a letter from the York Historic District Committee. Barrie Munro said that it is unlikely that the board will be able to put the Inventory on the ballot in November, because some elements have not come together. He said that the board should look at what has been done and decide if it should go forward or be deferred.

The meeting was adjourned. It was 9:50.