

York Planning Board
Thursday, March 12, 2009, 7:00 P.M.
York Senior Center

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi determined presence of quorum and opened the three-hour meeting by introducing board members. Tom Manzi, Barrie Munro, Lew Stowe, and alternate Todd Frederick were present. Glen MacWilliams and Dave Woods were absent. Planning Board alternate candidate Valerie Gunn was absent. There were four people voting. Town Planner Christine Grimando represented planning department staff. Patience Horton recorded minutes. The meeting was recorded on video-cam.

Public Input

Open to the public to address any issue other than the scheduled public hearings.

No one came forward to speak.

Field Changes

There were no field changes.

Minutes: Review and approval of minutes.

The January 22, 2009 minutes were reviewed. A verb was changed from “could of” to “was” in the Anchorage Inn field change.

Motion: Lew Stowe moved to approve the minutes as amended. Todd Frederick seconded the motion, which passed, 4-0.

The February 12, 2009 minutes were reviewed without correction.

Motion: Lew Stowe moved to approve the minutes as submitted. Todd Frederick seconded the motion, which passed, 4-0.

The February 26, 2009 minutes were reviewed without correction.

Motion: Barrie Munro moved to approve the minutes as submitted. Lew Stowe seconded the motion, which passed, 3-0. Todd Frederick had not been present at the meeting.

Application Reviews and Public Hearings

York Fields. 590 US Route 1. Map & Lot 0042-0008. Preliminary Review of a major Site Plan.

Jeff Clifford of Altus Engineering said this applicant had come before the planning board December 11, 2008, the night of a terrible ice storm, which, he said correctly, gave everyone an unusual drive home. He introduced the Yorke Fields team, including owner

John Finnegan and Greg Orso, legal counsel. The January 13, 2009, site walk had included Town Planner Christine Grimando and two board members.

This evening, supplement documentation about the project's physical impact had been submitted, and an earlier raised question about deed acquisition was answered. Mr. Katz, a business partner of John Finnegan, had been on the deed when the land was first acquired from DOT, then ownership was reverted to the corporation. The original deed was presented for review. There had also been an issue about the Spotted Turtle nesting within ¼ mile from the sight in an area separated by Route 1. Maine Fish and Wildlife/ADT (Portland) had indicated this project of no threat to the turtle. A letter had been submitted to this effect.

Waivers will be requested, Jeff Clifford continued, including one to exclude sidewalks along Route 1, where no one should be walking. A waiver will be requested for higher lighting levels in the buffer yard abutting Route 1. Another waiver will be necessary for installing the 22-foot driveway/road. Dean Lessard had met and discussed traffic impacts at the site. DOT had proposed intersection improvements, with Gorrill Palmer coordinating. Funding should be this year, Jeff Clifford said.

Architect John Einsiedler had not been at the December 11 meeting, but had heard the board was concerned about the scale of the building and the materials being used. Pointing out details on an elevation plan, he had added stonework around the base of the building and eaves around the top to help improve height and scale. He changed windows to a traditional colonial design. John Einsiedler said vinyl shakes will be used for the siding. To show this building is smaller than the Stonewall Kitchen's building, he outlined the Yorke Fields with Stonewall Kitchen superimposed behind it in the drawing. It showed that Stonewall Kitchen is longer and higher. He had built little models of both buildings and fit them on the plot plan, confirming with a different perspective that the Stonewall Kitchen facility is taller and longer. Barrie Munro commented that the Yorke Fields building will not be very visible from either RT 1 or the Spur Road because of existing and planned landscaping. There are few places where it will be seen from Spur Road—especially for cars going 50 or 60 miles per hour. The energy efficient lighting will create LEED points, John Einsiedler said. The vinyl shingles will add LEED points. The air conditioning units will be tucked away and hidden behind the faux-roof. The back of the building faces Route 1, but it has been made interesting with a stairwell that mimics a farm silo in response to the bucolic scene directly across Spur Road.

Lew Stowe said there is a problem with the unbroken wall being longer than 50 feet. It should be "softened," perhaps with roof changes. Per 6.3.13.5, it shouldn't be a straight roof, Lew Stowe said. It should be broken up. Todd Frederick agreed the architect has to establish an illusion that the length is not that continuous, perhaps by dropping the height. Lew Stowe asked if the building is colonial. John Einsiedler said the shingle style and the colonial windows lend it toward colonial, and that it is in keeping with the Chamber of Commerce building. Barrie Munro suggested adding dormers to break up the aesthetics of the long wall. Doors placed at the silo-stair tower and on the ground floor did not

seem to break up the mass. Lew Stowe said the building should be divided into smaller scale components. It should have a identifiable colonial look.

Engineer Jeff Clifford described the wetland on the property as distributed like fingers coming onto the site, which is 75% upland. The area involved totals 11 acres, only 3.5 of which are used. There were two potential areas for the building envelope, the one proposed has best access. Jeff Clifford identified drainage as his niche, saying he could talk about it just about forever. The impervious ratio for this site is calculated at 1:3. He had a pre-application meeting DEP last August. Groundwater and stormwater treatment were discussed, and the conceptual wetpond design was initiated. He pointed out the wetpond series on the plot plan. It sits west of the parking lot. The three-part treatment train begins with an emerging wetland that will be established. The dirtiest water comes in the first flush and is first filtered as it pours over this preliminary wetland area. A first pool precedes the big pool. It handles the pre-treatment of the water so less sediment ends up in the big pool.

On the western side, water will flow through this low maintenance, self-rejuvenating wetpond system, which will foster wildlife habitat. On the east side, the stormwater sheet flow will go into a wooded buffer and then drain naturally into wetlands. The rule is that water cannot be more than two inches high behind the culvert 24 hours after a 2-year event. Most storms are 2-year events. There is runoff from Stonewall and the Chamber, and includes the woods behind Stonewall. This flow that will ultimately combine with that flow. Using an aerial photo with arrows, he described where the water goes on abutting properties. It moves to the Little River, impacting it by 1/100 of a foot (in most events, no impact at all) and eventually drains through a box culvert under Route 1.

The rest of the block of real estate that stretches down to the highway and the toll both is virtually un-buildable, Jeff Clifford said. The fence along the back of the property is on Yorke Field property. That had been a planning board question before. He showed a scale cross-section of the property. It went right through the middle of the wetpond and easterly through the parking lot. There are other devices that help process stormwater. The pavers around the building will slow the velocity of the water that comes off the roof down water drop strips. He described "bio-retention" rain gardens in the middle island of the parking lot where water will filter down and mimic what happens in the natural state. He also pointed out riprap areas.

Soil Scientist Mike Cuomo discussed changes made to his earlier report. No basic changes were made in the conclusions made in the previous report, he said. Christine Grimando said the peer review Drainage Analysis for Yorke Fields was short and complimentary. Tom Manzi read it aloud: in the plan's stormwater management and erosion control, there are no drainage issues with the design.

When the drainage presentation was over, Jeff Clifford said again he restrained himself from going on forever on his favorite topic, and his wife thanks the board for listening.

Landscape Architect Robby Woodburn said she will ask for a waiver for lighting in the buffer yard where cars will be driving in off a busy road. The light from the entrance driveway throws over onto RT 1. Todd Frederick asked for a report of what the traffic engineer says is the best lighting for the entrance.

The property will have two types of fixtures and poles. The driveway will have 14-foot decorative poles with hooded fixtures. The parking lot area will have 20-foot poles with double-head cutoff shoeboxes. Robby Woodburn said 85% of the plants are native. At the front door, there will be ornamental plants. LEED certification is being taken into consideration with low- or no- maintenance vegetation lending toward LEED points. There will also be LEED points from the buffered site design and the setbacks for the wetlands. Christine Grimando said there is a LEED stamp on the lighting. There is also LEED approval for the shakes.

The chairman opened and closed the **Public Hearing**. No one came forward to speak.

Christine Grimando explained that no decisions had to be made at this meeting, but the sidewalk waiver can be decided. The Planning Board will conduct preliminary review at the next hearing, in four weeks on April 9. Application completeness was accepted three months ago, on December 11. She asked if York Historic District Commission had responded to the application. Jeff Clifford said no, but Maine Historic Preservation Commission's letter was included in the package.

Motion: Todd Frederick moved to waive 9.6.4 (sidewalks). Lew Stowe seconded the motion, which passed, 4-0.

In parting, Jeff Clifford clarified that the extensive downstream impact DEP study indicated there was no further need for research for the Spotted Turtle. He confirmed that the architect would look into variations on the roofline in the effort to reduce the massing of the building. The impact fee to the Sewer Department was paid several years ago. Section 6.3 will not be reviewed item-by-item, because that was done for application completeness.

The hearing was complete.

Josiah Woods Subdivision. 114&116 Josiah Norton Road, and 142 Ogunquit Road. Maps & Lots: 0098-0002A; 0098-0006; 0099-0013A; 0099-0013B; 0099-0014D; and 0099-0014D; and 0099-0014G. Sketch Review for a 19 lot major Subdivision.

Engineer John Hutchins represented owner George Danis. John Hutchins showed the planning board his plan of an 18-lot, conventional-style subdivision with a private roadway consisting of a one-way boulevard, a traffic loop, and a cul-de-sac. It featured 12 acres of open space. With the intention of preserving the natural state, proposed building areas are planned as deed restricted with clearing limits. Building lots will take 63 acres, and 71% of the land is left over. There are 100 ft setbacks from the vernal pools, mostly

in open space areas. Barrie Munro, Tom Manzi, and Lew Stowe had visited the property on a very wet site walk.

The chairman opened the **Public Hearing**. Abutter **Michael Deblasio** said he had been confused about the location of the hearing. He thought it was planned for the library.

Abutter **Rick Knight** of Cape Neddick said the application had originally been presented as a cluster-style subdivision, and in that mode, a plan was made to offer about half of the land to the York Land Trust. John Hutchins said that an agreement could not be reached with the Land Trust, although the Land Trust owns a lot of the surrounding land. Chairman Tom Manzi suggested discussing the details of the failed plan with the Land Trust directly rather than in this public forum. The public hearing was closed. The review continued. John Hutchins said reviews and permits would be required from Maine DEP, Maine Fish and Wildlife, and Army Corps of Engineers.

Tom Manzi defined a flag lot as a substandard, odd shaped lot in which narrow strips are joined together. Zoning requires 3 acres of buildable land in this area. In preparing an analysis for this sketch review, Town Planner Christine Grimando had spoken to John Hutchins about creating lot shape standards that encourage uniformity of size and discourages oddly shaped “flag” lots. Lots 1, 2, 4, 12, and 16 all have flag lot characteristics where the ratios of lengths to widths are greater than 4 to 1. John Hutchins said ratios are arbitrary. Length should be based on the amount of road frontage. Barrie Munro said the Subdivision Regulation Section 7.6.7 defines flag lots as: Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than four to one (4:1).” John Hutchins said the width should be the frontage facing the road. He showed on several of the questioned lots how the frontage against the narrowest part of the lot still meets the required formula. Though the ordinance does not define width, Christine Grimando said she would do the math again using John Hutchins’s method. With humor, John Hutchins showed four other configurations with oddly shaped lots for the property that were approved in preceding years. Barrie Munro reminded the Board that 7.6.7 is a Site Plan and Subdivision Regulation that can be waived. Barrie Munro asked what harm there is in having non-uniform shapes. The Chair asked Mr. Munro to explain his reasoning. Mr. Munro replied that depending on which width definition one uses, given the language of the regulation, the Applicant’s plan does not appear to jeopardize the intent of the regulation with respect to either density or the preservation of natural resources and that given the ambiguity of the various terms, it seems appropriate to waive this regulation. This plan does a good job of preserving the natural resources that abound on this property while optimizing the number of lots. The Chair said that the lot shapes were not stoppers.

Christine Grimando said the study showed 19 vernal pools, but the plan only illustrates 5. John Hutchins said the initial study included land outside the boundaries of this plan. Because the boundaries were not exact, the original vernal pool study went into the York Land Trust property. Christine Grimando said there will have to have another vernal pool study.

Christine Grimando discussed street design standards (9.5.8). Despite the way the initial entrance/egress is broken apart into two lanes, they comprise only one road reaching 18 lots. There are two possible options. One option, for subdivisions with 15 units or more, is to have a main residential street plus a collector street. When there are 14 units or less, a minor street can serve the neighborhood. This configuration, with the double boulevard as one road, the circle, and the final cul-de-sac does not meet the standard for connectivity and safety. Barrie Munro disagreed and said that this design restricts traffic on any given residential street, minimizing the amount of traffic going past a lot. Therefore it satisfies SR regulation 9.5.3. He further disagreed that the one way in and one way out road was one road, and therefore it too satisfied SR 9.5.8. He said that the purpose of SR 9.5.8 was to provide interior lots with a safe means of ingress and egress for emergency vehicles in the event of an emergency blocking the entrance and exit. Certainly the one way in and the one way out with one cross over satisfies that purpose.

Christine Grimando said per 7.3.13, 10% of open space is required in any conventional subdivision. The land can be used for recreation, habitat, and/or scenic value, but the Board has to be informed about what is planned and the suitability of the open space. Barrie Munro suggested making a study area in connection with the conservation commission or some educational program or school. He further noted that the 5.5.2 Acres of Open Space shown behind Lot #5 and abutting land held by the York Land Trust had a suitable access onto a public road.

Christine Grimando said this area is specifically described in the Comp Plan for its high ecological value as an unbroken block of open space and a habitat area. Of the land noted in the Comp Plan with that description, this is one of the only privately developable blocks. The York Land Trust or the Town of York own most of the unfragmented blocks in the area. She advised inclusion of the Conservation Commission to review the plan. The DEP should be constantly updated to make sure Planning and these commissions are not going in opposite directions, said Christine Grimando.

Motion: Todd Frederick moved to take steps to have the Conservation Commission reviewing this plan for the purpose of submitting a report. Barrie Munro seconded the motion, which passed, 4-0.

John Hutchins asked Christine Grimando how to proceed toward Preliminary, and she recommended he follow Site Plan 6.3.

In the last moment of the hearing, Abutter **Rick Knight** asked in which direction water flows from the property, and John Hutchins pointed on the plan how water moves down into the wetlands and the Ogunquit River.

New Business

In new business, Christine Grimando handed out an agenda for the York Planning Board York Beach Subcommittee for March 16, when four possible streetscapes will be pre-

sented and discussed. It is planned as an opportunity to update the public and the Board of Selectmen on the project.

Old Business

Tom Manzi had talked to Valerie Gunn about her former interested as a Planning Board alternate. He recommended, after receiving Board of Selectmen Chairman Mike Estes's go-ahead, initiating Forfeiture of Office on Valerie Gunn's behalf.

The meeting ended. The time was 10:00.