

York Planning Board
Thursday, January 14, 2010, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Planning Board Vice Chairman Lew Stowe introduced the members of the board and determined presence of quorum. Chairman Tom Manzi was absent. Dave Woods, Todd Frederick, Torbert Macdonald and alternate Tom Prince were present. Torbert Macdonald voted in Tom Manzi's place, and Tom Prince filled the open and unfilled seat. Town Planner Christine Grimando represented the Planning Office. Patience Horton took Minutes. This Application Hearing lasted just over two hours and was televised.

Town Planner Christine Grimando relayed a **General Question** to the Planners. A surveyor had asked if a lot line adjustment for a development created in 1970, as a Town-approved subdivision, should come back be determined before the board. The abutters wished to swap some land. The applicable Maine State statute on subdivisions took effect in 1971. There were possible complicated issues with additional non-conformities caused by the boundary change, Christine Grimando said.

Dave Woods responded that Code Enforcement should handle it, because it is a basic land exchange. Torbert Macdonald could not recall any situation of this type that took place before 1971. Code Enforcement should see it, if it affects Shoreland or Wetland. The Board decided that it should not be brought forward to Planning for a decision.

Tom Prince announced a **Public Presentation** about the property between the York Beach Fire Station and Route 1. On January 28, during the Planning Board regular meeting, the public will be presented information to create a common ground of knowledge. Among other things, informative maps and zoning maps, wetland and historical characteristics of York Beach will be presented, including the challenges of York Beach flooding. A short video will be shown. There are two or three years given to initiate the changes in the Comp Plan to accommodate the vision for this area. Christine Grimando added that since there are other things going on that evening, the presentation will begin at the fixed time of 7:45 for the convenience for those who either want to watch on TV or attend.

Public Input: Open to the public to address any issue

No one came forward to speak

Field Changes: There were no field changes.

Minutes

The **December 10, 2009**, Minutes were reviewed. Members of the Planning Board made changes, and they were given to the secretary for correction.

Motion: Tom Prince moved that the minutes be accepted as amended. Torbert Macdonald seconded the motion, which passed, 5-0.

The **December 17, 2009**, minutes were reviewed. Changes were made by members of the planning board and given to the secretary.

Motion: Torbert Macdonald moved we accept the December 17, 2009, Minutes as amended. Dave Woods seconded the motion, which passed, 5-0.

Application Reviews and Public Hearings

Torbert Macdonald and Christine Grimando discussed the appropriateness of accepting the application as complete for purposes of review as a minor subdivision on Shore Road before or after the applicant's discussion.

Motion: Torbert Macdonald moved to find the application complete for purposes of review. Tom Prince seconded the motion. Without discussion, the motion passed, 5-0.

This is the final approval of a minor subdivision. **Alex Ross** of Ross Engineering represented Barbara and Scott Perkins. He described the property and updated the compliance with the Planning Board's wishes. The Perkins had received a peer-review letter, which is in the file, and Alex Ross met with the peer engineer, Oak Engineers.

The subdivision had previously been poorly laid out. The abutters are aware of the current plans and are in favor of the improvements, which meet all the requirements. Alex Ross asked the Planning Board to approve the plan and the subdivision.

Lew Stowe opened the **Public Hearing**. **Alan Taplin** said the new road comes off his road, Jade Lane. He described the new road as a win-win situation. Lew Stowe asked about the exit. Jade Lane goes onto Pine Hill Road and has done so since 1986 without problems. It is a matter of looking up the road, just like with any other road.

Abutter **Peter Dominski** said he also approves of the project.

Applicant **Barbara Perkins** said she is reluctant to speak, but there had been discussion with former Town Planner, Steve Burns, who suggested making an arrangement that some of the lots could be sold before the road was complete. This application, over years, has taken more money than the Perkins had imagined, she said. Maybe someone could buy a lot that would also help build the road. She looked for an exception to Article 10.6 that disallows selling any lot before building a road.

Christine Grimando explained that the article exists because, in the past, the Town has had problems with the completion of roads after the sale of the lots. Dave Woods suggested allowing a lot to be sold, with the money going into escrow to build the road, as part of the Plan Notes.

Torbert Macdonald referenced Article 10.6.1, which states the Board is not bound to not allow sale of the lots before the improvements are done, and the form the Performance Guarantee takes might make it possible. He said he feels a moral obligation to work with this applicant. The Planning Board is partially responsible for the applicants' depletion of capital, he said. If the Performance Guarantee was adjusted earlier, the work could have been done. Barbara Perkins said that, as far as she understands, the Board can waive portions of the regulations, as long as public health and safety are not compromised.

Todd Frederick said that in allowing the lots to be sold, the road and the utilities have to be built. The applicant said she was agreeable with the terms. Eric Ross confirmed that the flexibility and modification of the Performance Guarantee will reflect as a note on Sheet 10 of 13.

Motion: Torbert Macdonald said, We move to amend the Performance Guarantee Note on Sheet 10 of 13, from "No lots shall be sold until the road will be built and inspected," to "No occupancy permits will be issued until the road and other public improvements will be built and inspected." Todd Frederick seconded the motion. The motion passed, 5-0.

Motion: Torbert Macdonald moved we approve the minor subdivision known as the Property off Jade Lane & Ledge View Lane, Cape Neddick, York County, Maine, Owned by Scott G. and Barbara J. Perkins. Todd Frederick seconded the motion, which passed, 5-0.

Lew Stowe had edited the Findings of Fact, which he handed to the Town Planner and the members of the board. He briefly described the changes. The applicant engineer confirmed that the Findings, with the reflected changes, will be submitted in the next week.

Bristol Lane Subdivision: 4 Bristol Lane. Map & Lot 087-0026. Sketch Review of a Minor Subdivision Plan

Mike Livingston represented applicant Kodiak Properties. This is a three-lot parcel of 42 acres created in late 1980s. A building permit was recently issued so a home could be constructed on the fourth lot. The land is located off Seabury Road. There are wetlands there, and, at one time, a wetland road fill was permitted. A paved road, 18-foot wide, stretches across the original lot and becomes a gravel road ending with a hammerhead. The Wetlands have been delineated. The septic location envelopes have been done on all the lots. The roof runoff has an infiltration system already designed. A stormwater management waiver is sought, with Peer Review as part of that waiver. A waiver of the High Intensity Soil Survey is sought. He said a site walk is suggested for the board. He hopes to have the Preliminary and Final Reviews together, which Christine Grimando said was appropriate. The subdivided land is part of the original Cadwallader property.

Torbert Macdonald said he was disturbed to hear there is a house being constructed on Lot 1. It is unusual to have one underway when that lot has not been approved as part of

the subdivision. He asked about the steep slope coming off that property where the septic system is. It needs to be flat or gently tapered. Mike Livingston answered that the topo does not give an accurate representation. Torbert Macdonald said that, because of the closeness to the wetland streams, he would not vote for a waiver that includes the streams on or near the property.

Mike Livingston showed the location of two conservation easements attached to the property. He said Indian Pond is a public area. Soil Scientist Ken Gardner reviewed the wetland three or four years ago. He identified the soil type and applied test pits.

Todd Frederick asked about the direction of the construction. Will it be low impact housing with DEP recommendations? Will the roof drains into the described stone areas be infiltrated and geared toward the first flush, the 2-year storm even? Mike Livingston said, the current house is under construction. The shell is up. It was started a year ago with a permit from the Code Office. There was an urgency to get the house going because of the Growth Permit, Mike Livingston said.

Torbert Macdonald said he does not see the application going as smoothly as wanted. This property is on shallow bedrock with shallow, permeable soil. The site walk cannot be done in the snow. Tom Prince and Lew Stowe agreed. Mike Livingston said there is not much snow on it now, and a lot can be told by the vegetation. Torbert Macdonald said the ledges and depths are not known. They are indicators for storm water management. The runoff should not impact the Southside Brook, and the direction of the slope has to be understood. Dave Woods said the houses are expected to be estate-style housing with large, grassy lawns. There are already problems with drainage with what has already been built, added Torbert Macdonald.

The **Public Hearing** was opened. The contractor building the current house, **Mark Hovde**, said the attempt is to make the 4,000 square foot house incorporated with green building practices. There are no plans to pave the driveway. The water gathered from the roof will water the plantings.

Todd Frederick said he does not necessarily want to waive the High Intensity Soil Survey or the storm water review. He commented that the small, photocopied maps that were handed out are very difficult to read. He agreed there is no problem with the Preliminary and Final Plans being reviewed together. Tom Prince added that that the process might not be shortened, as it might need more review than already thought. The Sketch Review ended at that point.

New Business

Christine Grimando said that during the January 28, the separation of the Site Plan and the Subdivision Regulations will be discussed.

Other Business/Adjourn The meeting ended at 9:15.

The **Coburn Foundation Replacement** Mylars were signed.