

York Planning Board
Thursday, October 10, 2013, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Todd Frederick called the meeting to order at 7:00. A quorum was determined with four people voting: Todd Frederick, Board Secretary Lew Stowe, Brud Weger, and alternate Peter Smith, who was asked to vote in place of absent Al Cotton. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Planning Board Bylaws Amendment

Town Planner Christine Grimando said that the Planning Board bylaws state that, if there is a failure to reappoint a Planning Board officer who has left the Board, there is nothing in the bylaws to guide the election of a successor. She proposed two bylaw amendments, Option A and Option B, for guiding a clear succession.

Option A. The significant change is in 2.3.2, “in the event any officer does not complete their full elected term, nominations for a replacement officer shall be made from among the full voting members of the Board **at the first regular meeting following notice of vacancy, and the election will be held at the same meeting.**”

Option B. “. . . **The election will be held at the next available meeting agreed to by the Board.**” That is in the event that all Board members are not present, said Todd Frederick. Peter Smith said Option B would give the most flexibility.

Motion: Peter Smith moved that we approve these bylaw revisions, Option B. Lew Stowe seconded. The motion passed, 4-1.

Todd Frederick said that bylaw amendment Option B has been adopted. It modifies Section 2.3.2, as discussed this evening.

Election of Vice Chair

The Board decided to elect a new Vice Chair at the next meeting.

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

Two sets of minutes were approved.

1. The September 12, 2013, minutes were reviewed and corrections were requested.

Motion: Chairman Todd Frederick asked if there was a motion to accept the September 12, 2013 minutes. Brud Weber said, "So moved." Lew Stowe seconded. The motion passed, 4-0.

2. The September 26, 2013, minutes were reviewed and corrections were requested.

Motion: Todd Frederick asked if there was a motion to accept the minutes of Sept. 26, 2013. Brud Weger said, "So moved." Peter Smith seconded. The motion passed, 4-0.

Application Reviews and Public Hearings.

Beachwalk at Long Sands 27 Paul Street, Map & Lot 0094-0086-B Final Review for a Minor Subdivision

Town Planner Christine Grimando said the applicant has addressed everything on the 6.4 submission requirement list.

Motion: Lew Stowe made the motion that we accept it for final review. Brud Weger seconded. The motion passed, 4-0.

Town Planner Christine Grimando said the applicant is selling lots, not building houses. There has been a sketch review and a site walk. The application has been given preliminary approval. Stormwater has been reviewed and approved by a third party peer engineer. The proposed performance guarantee requires that improvements to the existing road take place first, and no applications for building permits will be issued until offsite improvements are complete.

The locations of the building envelopes have to be more specific, she said. Previous iterations didn't show wells radii that we require when well radii cross over property boundaries. We require that an easement be granted by the neighboring properties. There is a waiver request not to bring sewer to the site. Also grading and landscaping have to be addressed with more detail.

Lew Stowe and Peter Smith moved and seconded to open the **Public Hearing**. **Bob Secone** asked that the public have the opportunity to come before the Board to respond to the applicant's presentations before or after the presentations. The Chairman said that was reasonable. The **Public Hearing** was closed.

Jim Nadeau, of James Nadeau and Associates, represented Breakwater Realty. He said the applicant is asking for a minor waiver of two of the 7.3.1 subsections. (Subsections 7.3.1.b, 7.3.1.c, 7.3.1.d, and 7.3.1.e conform to the ordinance. **One waiver** is for 7.3.1.a,

the identification of trees 6” in diameter or larger. That is because there are no 6” trees inside the building envelopes. The applicant does not have to identify existing trees that are 6 inches diameter or larger at the height of 4 feet, 6 inches. The **second waiver**, for 7.3.1.d, is to allow new slopes established by re-grading in the case of septic leach fields, to exceed 20% up to 25%.

Plan Notes

There are two plan notes. The **first plan note** specifies Subsection 7.3.1.c. Pre-development elevation that exceeds 10 feet will force the homeowner to come to the Planning Board.

The **second plan note** would be multi-part. Before pulling the building permit, the following shall be submitted:

- Existing and final contours
- All of 7.3.1.a (the net volume of materials, cuts and fills)
- 7.3.1.d (which is that the new slopes will not exceed 20%)
- 7.3.1.e and 7.3.1.f, which has language that is more general about respecting the contours of the land.

The code officer reviewing these applications should have a plan that has been certified by a professional engineer so there is no guesswork for the CEO.

Stormwater plan

Jim Nadeau said stormwater analysis accounts for the all the clearing and impervious and possible grade change. Christine Grimando said this plan is conservative. Cuts and fills for pre- and post-elevations can be reviewed by the CEO, if accompanied with a certified application. Todd Frederick asked how four independent entities work together so there is no negative impact to the resource. Jim Nadeau said this is engineered so no water goes onto an abutter’s lot.

Motion: Peter Smith moved that we waive the requirement of 7.3.1, which specifically states the preservation of existing trees that are 6 inches diameter or larger at the height of 4 feet, 6 inches. Brud Weger seconded the motion. The motion passed, 3-1 with Lew Stowe opposed.

Motion: Chairman Todd Frederick asked for a motion to waive Section **7.3.d** of the Site Plan and Subdivision Regulations, new slopes established by re-grading at the site shall not exceed 20% or 25% grading for septic slopes.

Peter Smith made a friendly amendment. **“Section 7.3.d” should be “7.3.1.d.”**

Vote: Brud Weger said, “So moved.” Peter Smith seconded. The motion passed 4-0.

Applicant Attorney Matt Howell said he had submitted a formal waiver request for Article 12, not to bring sewer to the site. Lew Stowe said that a development area like this would eventually have to tie into sewer lines. Todd Frederick said that the septic systems built on those properties today will be by today's standards.

Motion: Todd Frederick asked if there was a motion to waive Site Plan and Subdivision Regulation 7.9.1, Public Sewage Disposal. Brud Weger said, "So moved." Lew Stowe seconded. The motion passed, 4-0.

Jim Nadeau said the **covenant language** for maintenance of the gravel surface of the portion of Paul Street is located in the September package. The paved area would be widened to make it a 14-foot travel lane. The subdivision frontage is about 600 feet. Cross section information is on Sheet 3.

Town Planner Christine Grimando said the notes will be in the Findings and the Mylars, and the Board can check them. Todd Frederick said Site Plan and Subd Reg 6.4.27 would be developed by the applicant. The Board could vote on final approval, along with a series of conditions precedent, the Findings of Fact, and the plan notes that were discussed this evening, 7.3.1.

Motion: Brud Weger made a motion that we grant final approval to Beachwalk at Long Sands, 27 Paul Street, subject to the notes and conditions that we discussed tonight which will have to be summarized on the final plan. Peter Smith seconded the motion.

In discussion: Lew Stowe objected to the any "condition" being used in the approval. Chairman Todd Frederick said that the Board could amend Site Plan and Subdivision Regs, including language about conditional approval.

Vote: The motion passed, 4-0.

Route 1 Bank Proposal 460 U.S. Route 1; Map & Lot 0048-0024 Review of a Route 1 Use Permit application for a new bank

Christine Grimando, the Town Planner, gave an overview of the application. This is for a 2,300 square foot branch bank, Bangor Savings, on a non-conforming lot. It has been before the Board as a sketch review and also in formal review in August. Zoning is per 6.3. The substantive issues on this application have to do with traffic and circulation.

Peter Smith moved to open the **Public Hearing**. No one came forward to speak, and the public hearing was closed.

David Latulippe represented the applicant. The property owner has moved out. Asbestos and floor tile have been removed. Habitat for Humanity will take and sell the wooden doors, hardware, fireplace, and porcelain tub to and from their Kennebunk facility. Proceeds will be used to build homes. Todd Frederick suggested memorializing that effort by documenting it in the Findings.

Dianne Morabito, of Maine Traffic Resources, said the speed limit changes from 45 to 40MPH at Spur Road. The left turn out should either be signalized or have a left-in turning pocket. A left-in turn pocket can be put in so cars can turn in a protected area, instead of backing up traffic. The traffic lights at York Street, Hannaford, and Route 91 are not synchronized, and hopefully they can be coordinated. The traffic will move together through the lights and create more gaps.

David Latulippe said the cupola would be lit. The front door was added to the Route 1 face. **Two minor waivers** are sought. Because of the width of the site, there is a **bufferyard waiver**. The parking lot lights go into the bufferyard, so there is an agreement to shield lights. An hour after dusk, all the parking lot lights in the rear will be dimmed to 50% and then set on a motion detector.

A plan note has been amended the plan to allow a connection between the Bank and Hannaford Drive through the rear Irving parking lot. Irving customers can come into the bank without having to go onto Route 1. Christine Grimando said Police Chief Bracey had recommended a particular location with no straight shot. The proposed note has specified that recommended change.

Stormwater was peer reviewed and signed off. A letter of ability to service water and sewer has been received. There is a draft letter of credit for the performance guarantee. The Findings of Fact have been prepared. All the standard plan notes are on the plan.

Dean Lessard, the Director of York Public Works, came forward to speak. He has met with the applicant and its engineer. Route 1 is going to have to be opened to make water and sewer connections. The concrete base under the roadway will make that difficult to do. Perhaps the use of a directional bore will make the process friendlier to traffic. The sight distance of 360 feet in 40 MPH should be marked on the plan. Hannaford has given Irving an easement that can provide a left turn at the light. David Latulippe said Irving feels it would impede their business by offering the Bank a straight shot across Irving property.

Dean Lessard said ultimately having a five lane Route 1 with a center turn lane would be best. There isn't room for that. There isn't room for a car to sit between the lanes. The applicant proposes a pocket created as a left-turn in. It would prevent a backup of cars. David Latulippe said the pocket would also make an opening for cars left-turn out.

Denise Morabito said there is 9 ½ feet of pavement available for a left-turn pocket, though 10 or 12 feet would be better. The pocket would also provide safety if somebody was pulling left-out into traffic. The gap would be provided. Without the pocket, someone turning into the AMT might be tempted to make an illegal turn. It is safer to give them one pocket lane than to have them do it illegally, she said.

Dean Lessard said coordination of the signals would be important to Route 1. The traffic signals don't communicate because they are of different ages and makes. It is possible to

hit a red light at every signal. The applicant agreed to provide engineering so the controllers will speak to each other. Dean Lessard said he did not see a major safety issue.

Christine Grimando reviewed the application status. The fire notes are on the plan. The standard, generic plan notes are on the Mylars. The demolition is delayed for Kennebunk Habitat for Humanity. Stormwater management has been peer reviewed. The EPW had comments about lighting. Christine said the numbers in the buffer yard are higher than the regs say they have to be, but the Board chooses to do away with those conditions.

Brud Weger asked about the building's situation in the setback. David Latulippe said that as a provision in Article 5.f., the setback could be cut by half because the building is made less non-conforming.

Christine Grimando noted a discrepancy on the landscape plan where a patch of concrete was missing. Terrance Parker said it was easily rectifiable.

Christine spoke for the record. She did not know how the applicant would meet stormwater standards if the easement through Irving property were pushed higher on the site to make a straight shot. She was not sure where else the stormwater management could make it line up. Police Chief Bracey had recommended a particular location. David Latulippe said we are putting in the plan note that we are obligated to amend our plan, should Irving come back to us.

Motion: Peter Smith moved that we grant relief to lighting requirements for this applicant as called out in 6.3.6. There was no discussion. Brud Weger seconded. The motion passed, 4-0

Motion: Brud Weger said I'd like to propose that we approve the Bangor Savings Bank, 460 U.S. Route 1, as presented here tonight. Peter Smith seconded. The motion passed 4-0

Christine Grimando said there are two plan changes, the missing patch of concrete sidewalk and the base layer on the landscape plan. They can be changed and initialed by the engineer. The board can vote on and sign the Findings of Fact before the plan changes are initialized and before the Chairman can sign.

Motion: Peter Smith made a motion that we approve the Finding of Facts for Bangor Savings Bank, 460 U.S. Route 1, York Maine. Brud Weber seconded. The motion passed, 4-0

Other Business and Adjourn

A site walk will be planned for Tim Miles, York Automotive

10:26