

York Planning Board
Thursday, April 8, 2010, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi determined the presence of quorum. As well as Tom Manzi, Lew Stowe, Dave Woods, Todd Frederick, Torbert Macdonald were present. Tom Prince was absent. Town Planner Christine Grimando represented the planning office. This application hearing lasted four hours and was televised. Patience Horton took minutes. The agenda items begin with minutes review and then falls into correct order.

Minutes

The March 11, 2010 minutes were reviewed. Corrections were made and copies were given to the secretary for correction.

Motion: Todd Frederick moved to approve the February 25, 2010 minutes as corrected. Lew Stowe seconded the motion, which passed, 5-0.

The March 25, 2010 minutes were reviewed. Corrections were noted and given to the Secretary for correction.

Motion: Torbert Macdonald moved to approve the March 25, 2010 minutes as amended. Dave Woods seconded the motion, which passed, 5-0.

Public Input

Marshall O'Connell said York Street is packed with motorcycles every week and weekend in summer. A bill had been sent to Maine Senate in February to address noise, and they possibly came up with an acceptable decibel level. Being against Harley Davidson is like being against apple pie, he said. A mason working on York Street told Marshall O'Connell the pipes make the machines run better and the noise doesn't bother the rider because the bike is going so fast. Christine Grimando said it is a police department issue.

Field Changes

There were no field changes

Applications

The Gables at Eastern Point 6 Norwood Farms Rd. Map & Lot 0052-0011. Preliminary Review for conversion of a nursing home facility to duplexes

Chairman Tom Manzi asked Vice Chairman Lew Stowe to preside over the hearing for continuity, as Lew Stowe had chaired the prior hearing when Tom Manzi was absent. Tom Manzi said that to prevent *ex parte* communication, the appropriate route for feedback is directly to the Town Planner, Christine Grimando. Lew Stowe said the next review is the Final Review, depending on the completion of this Preliminary Review.

Greg Orso, attorney for the Gables at Eastern Point, introduced the project's design and engineering team and the owner. The draft for the preliminary findings had been submitted the prior Monday, April 5. There were abutters' issues from the March 11, 2010 public hearing, and the professionals addressed them this evening.

Engineer Joe Carronade explained the proposed plan to lessen the intense lighting scheme currently at the Harbor Home. There will be one light pole, and other outside lighting will be controlled by the individual homeowners at their units. Lights will be shielded. The 24 parking spaces, including 12 inside, are reasonable for six units. No trees are planned for removal. More green space is created through plantings and trees, and the applicant will work the abutters to the north for attractive landscaped buffering. The applicant will be picking up pavement from the Harbor Home site. Finally, the abutters' request to go onto the property involves legal rights and will be addressed later in the evening.

Michael Bouffard, the project surveyor, said a 15-foot easement exists off the Gables property and is a non-issue. Landscaper Charles Hugo showed and discussed the proposed landscaping. Joe Carronade said there would be no utility disruption, except in the switchover to the underground electricity. He said the abutters would be notified when that will happen. He then addressed the Town Planner's memo.

Setback requirements for patios, walkways, and buildings, based on what the Harbor Home has, must be an improvement over the rear setback of 20 feet. Torbert Macdonald said per 17.4 every aspect must be an improvement in some manner. Joe Carronade said there is no expansion of non-conformity design. Every non-conformity is improved.

Harbor Home drainage had impacted the neighbors at 595 York Street, which will be relieved by the low impact designs and removal of pavement. There will be no water shedding on any other property. The boulders between the Gables and 589 York Street will be removed. They are currently on top of existing pavement. Attorney Gregg Orso said pedestrian access across the property for people at 589 York Street, is not allowed now, and most like will not be allowed, unless someone is a friend with one of the owners. Torbert Macdonald said it cannot be said or proven there hasn't been a pedestrian right-of-way across the lot in the past 20 years.

An abutter had asked, during the March 11 meeting, if there will be outside storage. There will not, said Gregg Orso, and a document will be submitted to the board to that effect. Dave Woods said a declaration might be made to say there is no parking for boats on the site.

An abutter had previously asked about ACU noise. Proposed ground-mounted air conditioning will be quieter than any other kind. Christine Grimando asked about the setbacks. Greg Orso said patios do not create a non-conforming situation. Christine Grimando said the setback requirements do encompass porches. Joe Carronade said they plan on going with the standard materials instead of incorporating impervious pavers, as requested, into the design of the patios. They are pricey. There are ledge outcroppings all over the

property that make the pavers difficult to use. There are wear and tear issues and delivery vehicles. Torbert Macdonald said the Lindsay Road entrance to the hospital has permanent pavers. Vice Chairman Lew Stowe opened the **Public Hearing**.

Karen McGrail of 589 York Street abuts the third proposed building. She said the patio does not meet the setback. Christine Grimando explained that it does not have to meet the setback, but cannot *worsen* the situation. Karen McGrail said the three-story building will block the ocean view and the ocean breeze. Can the board stop the trees that grow a foot every year? Can the board ask for a different configuration, a lower building and less stories? Pedestrians, people with dogs, and children, use the Harbor Home property, she added.

Meg Nichols, 571 York Street, asked about conforming and non-conforming lots, which Christine Grimando explained. Meg Nichols commented on the visual improvement and talked about 17.1.4.3 lighting. She asked about the signage at the end of the driveway. Landscaper Charles Hugo said a small plaque in the stone pier is most likely. A transformer and pole should be placed at the end of the property, said Meg Nichols. Meeting with the neighbors would be useful. She asked about the condo documents. She requested privacy screening on the street side.

Christine Grimando said the Town Attorney had recommended running down Items 17.1.4.3, 4 through 9. Torbert Macdonald said all those items had been covered and are less non-conforming. He is interested in making sure the project does not lose vested rights.

Motion: Torbert Macdonald moved that, per 17.3.7, the board recognize that vesting has occurred because appropriate review has been undertaken. Lew Stowe seconded the motion, which passed, 5-0.

Gregg Orso said the proposed findings are already in the preliminary plan. Completed items include: traffic, pedestrian circulation, parking, setbacks, boundary survey, water supply, fire chief letter, stormwater plan, existing sewer line easements, water, electrical, sight distance approval, site plans in detail, and payment of the fee.

Motion: Torbert Macdonald moves that we find the project has met the criteria appropriate as in 17 for a change of use. Tom Manzi seconded the motion, which passed, 5-0.

Motion: Torbert Macdonald moved we grant prelim approval to this project. Tom Manzi seconded the motion, which passed, 5-0.

Christine Grimando said the running list of open issues reviewed at the next public hearing will include front landscaping, lighting, and drainage. Todd Frederick asked for the signage to be done in keeping with the other signs in the area.

BAS Eldredge, LLC. 97 Raydon Road. Map & Lot 0091-0008-V; Application for Final Site Plan Review and Route 1 Use Permit for a commercial showroom and storage space

Planning Board Chairman Tom Manzi conducted this hearing. Christine Grimando introduced the final Site Plan Review and Use Permit for the existing storage building and additional outdoor storage. Preliminary Approval was given in December. The board has already voted that the application complete for review. The traffic submission has been submitted to Dean Lessard, but has not been decided on yet.

Motion Lew Stowe moved that we accept it for final review as complete, except for the one item of the traffic report. Todd Frederick seconded the motion, which passed, 5-0.

Christine Grimando said there is a short list of open items indicated in her March 30, 2010 memo. The rendering of the building lacks specific information regarding dimensions and height. Geoff Aleva, the civil consultant for the project, said there was a change in the façade, which will not be a problem to put into the plan. The findings of fact, revised plans, and plan changes were made at the preliminary plan approval. There are two sight distance reports.

Christine Grimando said the definition for the lumberyard showroom is not clear. The board had discussed there would be some lumber cutting on the site. The parameters have not been met for that. Geoff Aleva said some engineered lumber will have to be cut, but there is no lumber created there. The showroom is also called the Millwork Building.

A six-foot security fence has been added. Fences go around the whole property except the front entrance. Eldredge takes the following positions on these listed items:

- No hours of operation sign will be posted. Trucks will wait at the main building on Route 1.
- A gate is not proposed.
- Back up warning beeps are not over an ordinance limitation
- The 20-foot required buffer for Donica Road is actually 35-feet. Arborvitae has replaced trees. A 6-foot chain link security fence with vines has been added.
- Eldredge does not propose a restriction on cutting. Cutting will be by circular saw.
- The hours of operation depend on the times the vendors arrive.
- A variety of trees and shrubs creating a visual barrier will be planted and implemented by the applicant
- There will be a 15-foot fence between the vegetation and the building. There are minimum plant requirements for this zone.

The Chairman opened the **Public Hearing**.

Charles Stacey has lived on Radon Road Extension for over 30 years. The problem is with tractor-trailers. It is a dangerous area, and a 10-year-old was killed there. He made suggestions about arborvitae locations on the north side of the property.

Sharon Decato of 47 Donica Road said dumpsters have been dropped and left there, trees have been cleared, and construction has gone on without hesitation. A flatbed truck was brought in a month ago, and is still there. Eldredge had said there will be no cutting. Now there will be quite a bit of cutting. She referred to a letter from Art Fossa. A gate needs to be put in there to stop deliveries early in the morning. She asked the board to be more conservative than usual.

Loretta Prescott 44 Donica Road told the board that good citizenship is demonstrated according to how the planning board handles this application. The board has the ability to make larger setbacks, and the abutters don't. The negative impact is in the name of money.

Geoff Aleva said the trucks drive into the property coming left onto Radon Road, where there is signage. There is good sight distance at the intersection and a 25 MPH zone. The arborvitae have been added. We have provided 35-foot, instead of 25-foot buffers. The hours of operation are as on the findings.

Christine Grimando said the application meets the requirements, and the public hearing is done. David Woods said planting the arborvitae close together will make them rust out and turn red. He proposed putting them in 4 feet apart, rather than 3. Christine Grimando said presently there are no hours posted at the site.

Torbert Macdonald said 4-foot separation for trees would work with 6-foot trees. Geoff Aleva showed the vegetation areas on a plot plan, pointing to the areas where a creeper vine will be installed. Torbert Macdonald said the landscaping effort would be better if a 15-foot wooden stockade fence were installed. It was suggested the arborvitae goes at the north side of the property, and Dave Woods added that the applicant should not be asked to maintain such a fence. Geoff Aleva said what he is offering solves all the issues.

Torbert Macdonald said a wall of wood across the 12-foot building would create a noise barrier better than a fence would. Geoff Aleva said the Fossa letter from the abutters requests installation of a 15-foot fence with arborvitae, instead. Torbert Macdonald said the noise ordinance has never been enforced.

The hours of operation were discussed. Lew Stowe said 7:00 is the best time to start. Dave Woods said Eldredge is the first stop for supplier Brosco, and that sets up their whole day. Applicant rep Dan Remick said the hours of operation start at 6:30. Geoff Aleva said there will be no deliveries prior to 6:45. There will be no idling trucks. Dan Remick said we can put the sign up saying no deliveries before 7:00. Todd Frederick said general time 6:30, with the sign for Radon Road deliveries saying 6:45.

A "No Idling" sign will be attached to the building at the loading dock.

Motion: Todd Frederick moved that the hours of operation for the Millwork Building will be 6:30 to 7:00, Monday through Friday; Saturday, 7:00 to 5:00; and Sunday 9:00 to 1:00, and that a sign “No Idling” is attached to the building at the loading dock. Dave Woods seconded the motion, which passed 4-1, with Torbert Macdonald opposed.

Motion: Lew Stowe moved that delivery hours are from 7:00 to 5:30 on Monday through Friday and 7:00 to 5:00 on Saturday. Torbert Macdonald seconded the motion, which passed, 3-0. Dave Woods and Todd Frederick voted no.

Christine Grimando said that if the board grants approval, it is conditional without the signatures of the department heads. 6.3 determines a number of performance standards in the Route 1 zone. They include: zoning, traffic and traffic routing requirements, parking, noise, dust, gases, odor, water runoff, erosion control, buffer yards, landscaping of buffer yards, explosive materials, refuse material, impact of municipal facility and services, storage for non residential uses, and outside display for vehicular sales.

Motion: Todd Frederick moved that 6.3 is met with the condition precedent signoff by the department heads, and the final site plan shall be approved. Dave Woods seconded the motion, which passed, 4-1. Torbert Macdonald voted against.

New Business

Review Smart Growth Implementation assistance Letter of Interest

Of this grant proposal for the York Beach Project, Torbert Macdonald said there are typos he will see corrected. The significance of the application is that EPA has a Smart Growth Implementation grant that is highly competitive. This first step is a letter of interest. If the Town is selected, it would receive \$70,000 in technical assistance.

Motion: Torbert Macdonald moved we send the letter as amended to whoever it is on behalf of the Smart Growth Implementation. Tom Manzi seconded the motion.

In discussion, Dave Woods brought up diminished property values brought by sprawl development as well as affordable housing opportunities.

Vote: The motion passed, 5-0

A copy should be sent to the Maine Congressional delegation and our two Senators, with a cover letter.

Old Business

There was no old business

Other Business/Adjourn

Hospital Mylars and Findings of Fact Signing

The meeting ended at 11:00.