

York Planning Board
Thursday, December 14, 2006, 7:00 PM
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams began the meeting at 7:00 by introducing the Planning Board and staff. He stated there was a quorum. Glen MacWilliams, Vice Chairman Tom Manzi, Glenn Farrell, Barrie Munro, and alternate Lee Corbin were present. Richard Smith was absent. Lee Corbin was asked to vote in his place. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised.

Public Input

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

No one came forward to speak.

Field Changes

No one came forward to speak.

Minutes

Review and approve draft minutes of November 9.

Tom Manzi and Glen MacWilliams found three errors, which they passed on to the minutes secretary for correction.

Motion Barrie Munro moved to accept the minutes as amended. Tom Manzi seconded the motion, which passed 5-0.

Application Reviews

- **Perkins. 17 Ledgeview Lane. Map & Lot: 0006-0004-E. Sketch review for a two-lot subdivision.**

Steve Burns summarized the sketch review. The original subdivision consisted of three lots. The lot being discussed is called the "back lot." There is a paper right of way that the applicant wishes to make a functional right of way by creating a 50-foot ROW extending to the back lot. That portion of the road serving the two back lots will be reduced in size to satisfy the requirement for a road serving only two lots. The other two property owners in the subdivision have signed-off, accepting the change. Steve Burns

placed two questions before the board: is the concept feasible? and does the existing lot constitute a new lot?

Engineer Steve Towne spoke. He said that a ROW is already there. It crosses through several hundred feet of wetland. By relocating the road, the revised plan avoids a substantial wetland impact. Steve Towne had met with Bill Bray (York Public Works), who looked at the intersection of Jay Lane and Pine Hill Road. Some trees on the left obscure the sight distance. Bill Bray had recently widened nearby pavement from last spring's washout, but did not improve Jay Lane, and he wants the improvements made in the course of this application.

Chairman Glen MacWilliams opened the **Public Hearing**.

David Weir, the abutter to the north of the property, said that he had no problem with the ROW abutting his property. He said that the change should clean up a poorly planned subdivision. No one else came forward to speak, so the chairman closed the Public Hearing.

Glen MacWilliams said that the Planning Board has been reducing overall road widths, and that the proposed 18 feet may be wider than it needs to be. Because some lots might not comply with 5.2.1, and because of the way the cul-de-sac fronts on the parcels, there might have to be a new lot line. Barrie Munro said that it would work as it is, if the plan satisfies 5.2.1, which has to do with new building lots, but these do not seem to be new building lots. Steve Towns said that if they had to extend the cul-de-sac to accommodate the frontage, they would have to go through a large section of ledge. Anyway, he is not planning to access an existing house from the proposed paper frontage. The board discussed frontage for existing and new lots and the possibility of reducing the road width. Steve Towne said that the road width might be reduced after it gets past the other houses to the size required for only two lots. .

- **Lombardi/Cape Neddick House. 1300 U.S. Route One. Map & Lot 0015-0017. Consider changes to parking configuration requested by DPW.**

JoAnn Fryer of CLD Engineers represented the applicant. The application had received conditionally approval in November, she said. During the process of getting signoffs from town departments, she was told by public works director Bill Bray that the parking lot layout had to be changed. He was worried about people backing out toward Route 1. He recommended reducing the front lot by one space, going from six to five spaces. An extra space would be added in back. She had also met with the fire chief, and he was in agreement with this as a safer configuration. There had also been a storm water drainage review, which indicated that no changes to the design are necessary. Finally, since receiving conditional approval, it became clear that the septic system needed to be expanded by adding some extra chambers.

The **Public Hearing** was opened, but no one came forward to speak, so it was closed again.

Glen MacWilliams asked about the state right of way on the back of the property. JoAnn Fryer said that one parking space would be in the state ROW. Steve Burns then indicated that matters concerning this section of Route One are within the jurisdiction of the Town of York and hence Bill Bray. Steve Burns explained that the property was inside the urban compact area for which State of Maine gives money to the Town of York to maintain. This area, being in the urban compact area, is the town's responsibility.

Motion Glen MacWilliams moved for conditional approval subject to receipt of a letter from Bill Bray stating that one handicapped parking space is allowed in the state right of way. As well, an update of the drainage plan and an update of the septic system plan are required. Tom Manzi seconded the motion.

In discussion, Steve Burns said that if Bill Bray does not agree by means of the letter, the applicant would go back to the original plan.

Vote The motion passed, 5-0.

- **Peter Davis/Davis Drive Subdivision. Davis Drive. Map 0040. Lots: 0023-0023-A, 0023-B, and 0023-C. Options to resolve default situation.**

Glen MacWilliams asked for board discussion on how to proceed with this default. Barrie Munro explained that it is the code enforcement department's responsibility to determine if a violation of the permit exists. When the violation has been removed, code enforcement notifies the planning board to that fact. Steve Burns explained that the applicant's location of the cul-de-sac and the four-way intersection form a default that can best be resolved by ripping out the road and the driveways. However, Peter Davis wants to keep them and not redesign. Barrie Munro added that the applicant is changing the plan and is asking the board to look at the new plan, the presumption being that if the board accepts the new plan, no violation would exist.

Applicant Peter Davis said he had dropped a lawsuit he had against the Town at an earlier stage of this application. The growth ordinance has caused some of the problems. He did not get building permits, only permits for foundations. So, he wishes to move the location of the cul-de-sac back to the intersection of the driveways. The board discussed some of the history of the subdivision. Steve Burns said he would find planning board minutes from April 9, 2004, when the board last addressed the matter. Barrie Munro said that it is clear that the applicant has tried to fulfill the board's request. With a few administrative changes, the plan should satisfy the board. Peter Davis said that he did not do work on the property without application approval. Glen MacWilliams asked for plan certification and an as-built plan, as well. Barrie Munro said that Peter Davis could

proceed, but that he must show certification that any construction is in accordance with the plan. Then the default can be lifted.

The Chair opened the **Public Hearing**. No one came forward to speak, so it was closed.

Glenn Farrell said he did not see sight distances on the new plan, though the floodplain review had been made. Glen MacWilliams said that all the notes, including sight distance, have to be updated. Glenn Farrell suggested sending a professional engineer to the site to verify that what is out there is on the plan.

Motion Glenn Farrell moved that Peter Davis could construct the cul-de-sac as has been laid out on the Anderson Livingston plan dated October 4, 2006. Barrie Munro seconded the motion.

Barrie Munro added the friendly amendment that upon completion of the work, a professional engineer may certify that the road and all the items that are shown on the plan are in place and constructed in accordance with the plan. The amendment was incorporated into the motion.

The motion passed, 5-0.

- **Anchorage Amendments. 265 & 269 Long Beach Ave. Map & Lots: 0036-0096 and 0036-0096-A. Minor site amendments on both lots.**

Bill Anderson explained minor modifications to the plan that had been previously approved. They included revised landscaping around the pool and adjustment to the original landscaping plan and walkways. The pool shape had changed from kidney-shaped to having a waterfall and a hot tub. Glen MacWilliams recommended changing the term "pool patio" to "sidewalk." The fire lane would comprise of concrete rings through which grass will grow. The rings would be sturdy enough to support a fire truck. The concrete from the original pool will be torn out, reducing the impervious-ness and making it less nonconforming, as well. Steve Burns said that he was satisfied with the formula used for the impervious area, and the setbacks had been met. A dead tree was discussed. Bill Anderson said it would be cleared out, when located.

The chairman called for a **Public Hearing**. No one came forward to speak, so it was closed.

The board members discussed a stonewall that had to be maintained. They talked about parking, landscaping--especially around the pool--and pavers, for which Steve Burns said a spec sheet was required.

Applicant Ray Ramsey said that the only dead tree he recalled being addressed on the site walk was a large oak on Mitchell Road. He would rather not have responsibility for

cutting down someone else's tree. Lee Corbin said that the person complaining about the tree should identify the tree, and if it is in the right of way, Ray Ramsey should take care of it. Glen MacWilliams inquired whether or not the plan that is being modified includes any reference to possible parking for pay, which is permitted in the portion of the lot located within the Shore Land Zone. He asked staff to research this matter.

- **Fazio/Woodbridge Square, 38 Woodbridge Road. Map & Lot 0050-0063-B. Preliminary review of Major Site Plan Review application to construct a new office building.**

Construction Manager John Destefano introduced applicant Annette Fazio and architect Jamie Lowery, who described the major revisions to the plan. The sight distance and the sidewalk had been redesigned, as requested by public works. The drop-off area had been widened. He had taken parked places from the front, next to restaurant, and moved them closer to the entrance in the back. He had added a crosswalk to the new building and made a loading zone for short-term deliveries to the restaurant. More of the perimeter is planned for low impact development standards for storm impact. To achieve those standards, a five to ten foot strip of parking along the side would be replaced a grassy buffer.

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

Town Planner Steve Burns expressed concern about pedestrian movement and sidewalks along Woodbridge Avenue. He said the police and public works were concerned about the turnaround. These matters will be worked out at staff level, he told the board. Glen MacWilliams asked for details about the loading dock and treatment of storm water, asking if other things can be done near the wetlands. Steve Burns suggested tree wells.

Motion Glenn Farrell moved for preliminary approval of the application with direction to the applicant to work particularly on pedestrian and vehicular safety, as well as the low impact design specifications. Tom Manzi seconded the motion, which passed, 5-0.

- **Camp Eaton Master Plan. York Street. Map & Lot 0040-0061. Requested discussion about long-term plans for changes in the campground.**

Peter Wagner presented the long-term plans for changes at Camp Eaton. He runs the camp with his wife, Kathy. Ten years ago, he presented a master plan to the planning board, which he updated during this meeting.

The camp has 35 acres and is owned by one family. It is near the ocean and is on town sewer and town water. It has significant wetland areas. The campground has 212 seasonal sites, 44 nightly or weekly rental sites, and 42 sites for tents, for a total of 301 sites. Service buildings include a recreational hall, shower building, and a house, which is the only location at the camp with septic, rather than sewer. The electrical and primary

service lines are buried. It is in the BUS-2 Zone. Portions of the land fall into the Shoreland Overlay District.

The owners wish to convert from overnight to seasonal residences. To do this, they plan to consolidate the recreation area and get rid of the tenting area and all the transient areas, reducing the number of spaces from 301 to 273.

Steve Burns said that the planning board does not need to deal with the shift from transient to seasonal clientele, but rather with the “physical stuff.” Glenn Farrell said that many of the changes require permits from the code enforcement office. The planning board approves overall site plans. Steve Burns added that, as with the once-proposed rodeo, and as with the paint ball site, parking is what triggers site plan review. This has more than 25 parking spaces and for that reason, the applicant will have to come before the planning board.

Glen MacWilliams recommended the applicant have a surveyed master plan. Barrie Munro suggested it include showing the proximity of Camp Eaton to its abutters. Steve Burns discussed alteration of the existing site per Section 18.15, which has to do with changing the nonconforming use. Also, some standards might have to be made to protect the shoreland resources. He said that the stream setback is going to be a major factor in making changes.

Chairman Glen MacWilliams opened the **Public Hearing**.

Bruce Clough, a 30-year resident of nearby Lobster Cove Road, said that the campground is a good neighbor. He was glad the campground was changing from transient to seasonal customers. People had come onto the neighboring private property, before, looking for firewood. He was concerned with the proposed, consolidated recreational area that might be too noisy. As it is, he hears too much without the consolidation.

Mrs. Donald Williams of Lobster Cove Road agreed about the noise. On her property, there are two rentals, and the people in those units get the brunt of the campground noise. She asked for the noise issue to be worked out, so it does not stay a problem.

Glen MacWilliams closed the Public Hearing.

Peter Wagner said that he understood that it is the change in use that is the major trigger leading to the need for review. Barrie Munro also asked for shoreland demarcation for the campground.

In other business, the board signed Mylars for the Dworkin Lot Consolidation application and also for the Pine Hill Estates application. The meeting ended at 9:55.