

York Planning Board
Thursday, May 12, 2011, 7:00 P.M.
York Public Library

Chairman Lew Stowe called the meeting and announced a quorum. Todd Frederick, Dave Glazebrook, Torbert Macdonald, Jr., Tom Manzi, Tom Prince, Lew Stowe, and Dave Woods were present. Dave Glazebrook and Tom Prince did not vote. Town Planner Christine Grimando represented Town Planning staff. Patience Horton took minutes. The meeting lasted 3 ½ hours and 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

There were no field changes.

Minutes

Review and approve draft minutes

The April 28, 2011 minutes were reviewed. Dave Woods and Torbert Macdonald requested changes and gave them to the secretary for correction.

Motion: Torbert Macdonald moved we accept the April 28, 2011 minutes as corrected. Tom Manzi seconded the motion, which passed 5-0.

York Fields: 590 US Route 1, Map & Lot 0042-0008. Request for an extension of review period for the Final Review of a Major Site Plan application

The meeting docket changed and York Fields was heard after Leeward Landing (next).

Leeward Landing. 90 US Route 1. Map & Lot 0086-0004-F Application for a Route 1 Use Permit to add an edition to the read of an existing retail building and add parking spaces.

Town Planner Christine Grimando said this request is for an expansion at the back of the thrift store located on Route 1. The stormwater review has been sent off to peer review. There are plan notes regarding lighting; the dumpster; screening; and landscaping, which is a proposal to preserve the existing landscaping. The Board had asked for a proper count of the plants and to supplement the plants if needed.

Doug Green of Weger Architects addressed the outstanding issues, including driveways to be kept clear for fire trucks. A landscape architect had determined that the vegetation for the bufferyard exceeds the requirement. The sight distances are adequate, per Dean Lessard. The dumpster is to be enclosed. The exterior lighting along the side of the building will be listed in the plan notes.

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

Motion Todd Frederick moved to approve the Leeward Landing expansion, 90 US Route 1, Map & Lot 0086-0004-FI. Torbert Macdonald seconded the motion, which passed 5-0.

York Fields, 590 US Route 1, Map & Lot 0042-0008; Request for an extension of review period for the Final Review of a Major Site Plan application.

Jeff Clifford of Altus Engineering said the 23,000 square foot building off Route 1 at the Spur Road has 750 foot driveway coming from Route 1. It crosses wetland in three places. The stormwater drainage system includes a deep pool and has DEP approval.

There had been a question about whether the access to the site is to be based on a right-turn-in, right-turn-out pattern, or if DOT will enter in and thereby approve full access to the site. The applicant had gotten approval for both turn designs from the Planning Board. DOT had recently announced plans for the Route 1 upgrade allowing full traffic access to this property. DOT is asking for land from the applicant and is sending deeds to the applicant. Borings were done under the road in April, 2011. The applicant has been assured that bids will open on June 8, and it will take two to four weeks to award the contract. The applicant asked to come back the York Planning Board for final approval on August 11.

Motion: Tom Manzi moved to grant the requested extensions to August 11, 2011. Todd Frederick seconded the motion. The motion passed 5-0.

Barrell's Grove 59 Beech Ridge Rd. Map & Lot 0086-0045-A; Continued Preliminary review of a Major Subdivision application

Septic: project engineer Bill Anderson said the original proposal of having individual systems for each lot has changed. Every house will pump to a common area. The Oxypro will be used as pre-treatment. Every house will have a pump chamber. A generator in a small "house" will house a master generator in the event the power goes off. Tom Manzi asked about emergency failure mode and if clogging would be a real issue. The grinder pump will prevent that failure mode.

The homeowners association: Todd Frederick stressed the importance of establishing the association correctly. It is an issue of credibility. Applicant Duane Jellison said he has organized associations numerous times and will make sure it is done legally. Every homeowner must be part of the association. Dave Woods said that per Plan Note 9, there would be no garbage disposal units installed in the homes. He asked how that would be enforced. Bill Anderson commented that garbage grinder use shortens the length of the septic system, but it will be hard to enforce "that one."

Soil scientist and site evaluator Ken Gardner spoke to 7.4.2, ground water levels, in relation to house size and lot areas in consideration of all the soil with a water table of less than 10 inches. Al Frick and Associates had mapped them out for this property. What portion, if any portion, of the Lamoine soil meets the 10-inch requirement? After the melting the snow, Ken Gardner dug test pits. The work was done just after the snow had

melted. This year there had been 78 inches of snow, compared to a typical 64. The ordinance has the required time frame for this testing of at least 90 days out of the year. The result of the one-day test showed that the Lamoine soil did not have a water table with a full 10 inches. "If it doesn't happen at the wettest time of the year, it is reasonable to believe that it would in 90 days," said Ken Gardner.

Torbert Macdonald asked what portion of the Lamoine meets the water table standing right near the Static/Lamoine line. It looks that every single lot is at least 50% somewhat poorly drained, he said. He said he was not sure if taking a snapshot on the worst day of the year could prove anything. Ken Gardner said the snow pack had disappeared in about two or three weeks making a very high water table. It may not be the most extreme event, but it is a very high time.

Christine Grimando said that the applicant had been proactive. His letter and what Ken Gardner said are very helpful but should be more specific. Ben Gardner said he had gotten close to 10 or 12 feet from the Static/Lamoine line. Lew Stowe referred to an Albert Frick report. Both soil types are subject to erosion. Are there special construction requirements that respond to that?

Ken Gardner said he had gone over the lots and dug test pits where the houses will be. He had found the water table below 10 inches. The water table was consistently less than 10 inches. When the soil is mapped, the water table that is identified can be there for a number of days. Christine Grimando had recommended testing go to York County Soil and Water Conservation for a safety check,

Dave Woods said a basement could be waterproofed. Duane Jellison said he has built over 100 homes "here," and has never had a wet foundation. It is not necessary to put a foundation in when it is under the water table. He said that there is nothing to worry about here.

Christine Grimando said that there is concern for soil conditions and soil erosion. We know special care is needed for construction. If the applicant doesn't want to fix where the building envelope will be and the grading will be, it is critical that in the final review the lots get reviewed as well for stormwater. The alternative is to review every detail. The applicant has to submit a stormwater plan and sediment and soil erosion plans.

Motion: Todd Frederick moved that when the applicant goes to the CEO for the building permit, the CEO will forward the application to the York County Soil and Water Conservation for soil sediment and stormwater controls. After peer review, it can be sent back to the CEO for permitting. Dave Woods seconded the motion. The motion passed 4-1, with Lew Stowe opposed.

Waiver Request 7.6.1: Christine Grimando said there is concern about the placement of the building envelopes of better soil.

Motion: Dave Woods made a motion that we grant the Waiver Request for 7.6.1 and 7.4.2, and use the supplemental calculation chart, “Barrell’s Grove Subdivision, Local Area Summary for Article 7.6.1, dated Marcy 29, 2011,” from the applicant in determining the lot envelopes, and in doing so the applicant has agreed to a setback from the static soils to be provided the Planning Board as a reference map showing the soil. Todd Frederick seconded the motion.

In discussion, Tom Manzi said that we are unable to enforce 7.4.2, if it does not apply. It is a standard we cannot hold them to, therefore we’ll grant then a waiver. 7.4.2 is moot because there is no ability to evaluate the intent of 7.4.2. Christine Grimando said, eventually, we should change the standard. It is impractical and cannot be addressed as written.

Vote: The vote passed, 3-2. Todd Frederick, Tom Manzi, and Dave Woods were in favor, and Torbert Macdonald and Lew Stowe were opposed.

Christine Grimando said that the septic system maintenance manual will not be pursued until there is subdivision approval. It will be peer reviewed. There are no new updates for State reviews. The Sweet Associates Groundwater Study contains a map showing the nitrate plume. The 100-foot easement around the archeological site has been delineated, but is not yet on the plan. A soil erosion and sediment control plan will be submitted for each individual house. The stormwater management design will be per lot by lot and will have peer review. The hydrogeologic assessment should be reviewed when the stormwater management plan is sent for peer review. Torbert Macdonald said that the way the subsurface water is moving has an effect on the placement of everything. Understanding that would be the first step anybody would take. Christine Grimando said this should be an issue for the final stage, not preliminary. She recommended moving it to final.

Motion: Todd Frederick moved to instruct the application to have a hydrogeologic assessment done and provide it to the Board during the Final Review Stage. Dave Woods seconded the motion. It passed 4-0-1 with Torbert Macdonald abstaining.

High Intensity Soils: one vernal pool has been found on the lot. There is a waiver request per 6.7.6.

Lot ratio: Two lots do not meet the required State standard lot ratio. A new road has been designed to correct the proportions. The applicant requested a waiver for the new road design. Dave Woods noted that the road would have less impact if left as is, and the exception could be categorized as “special circumstances.” Christine Grimando said that the waiver would provide more benefits than lengthening the cul-de-sac. Bill Anderson said the new design would add 6,000 feet of pavement, causing a stormwater issue. Duane Jellison said the board has made decisions with the environment in mind for the 20 years he has been making applications. Christine Grimando said she had no issues with the waiver.

Motion: Dave Woods moved that we grant the waiver request for 7.6.7, the lot length and width ratio, as required by State at 5:1, and if it is found at a later date that there was an erroneous calculation, we have the right to rescind this waiver. Todd Frederick seconded the motion, which passed 5-0.

Open Space: Duane Jellison said his percentage of open space has gone beyond the required 10%. It is 13%. The leach field has been taken out of the calculation. Bill Anderson showed a layout of the open space plus the leach field.

Motion: Todd Frederick moved to approve the application as complete per 6.3 for preliminary approval. Dave Woods seconded the motion, which passed 5-0.

In discussion, Christine Grimando said every preliminary item had been discussed.

Vote: the motion passed 4-1, with Tom Manzi against.

New Business

Christine Grimando said the York Hospital had asked for a change in the Findings of Fact in their application to move their fence. They felt that the York Planning Board vote did not focus on York Hospital's initial proposal for a landscape change, and the board did not allow removal of a fence. They would like that reflected in the Findings. Dave Woods commented that the board did not break the fence removal out as a separate item during the hearing, and the Hospital feels it was not approved with regard to their request.

The board members agreed to vote on the Findings at another meeting.

Old Business

There was no Old Business.

The meeting adjourned at 10:30.