

York Planning Board
Thursday, December 12, 2013, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum, Appointment of Alternates

Chairman Todd Frederick called the meeting to order. A quorum was determined with five people voting: Chairman Todd Frederick; Board Secretary Lew Stowe; Al Cotton, Jr.; Brud Weger; and Peter Smith, who was asked participate as a full voting member. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Public Input

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

No one came forward to speak.

Minutes

There were no minutes to review.

Field Changes

There were no field changes.

New Business

Application Reviews and Public Hearings

Pine Ledge Residential Subdivision. 4 Turner Drive. Map & Lot 0099-0001-E Continued Final Review of a major cluster subdivision application

Chairman Todd Frederick described this as a 33-lot subdivision that included some work-force housing. Town Planner Christine Grimando had summarized the application status in a memo dated November 8, 2013. The Sketch Review was given in July, 2012. Primary Approval was given on February 21, 2013. Final Review began in July, 2013, with the third Final Review meeting last September.

Issues that had been completed included DEP approval, final peer review, and stormwater peer review. In that review, groundwater nitrate impact assessment was completed and approved. The fire cistern was approved at a prior meeting. Abutters had been heard and their concerns were incorporated into the plan. At this Planning Board meeting, the open space easement documents and water supply were discussed.

The Planning Board had been concerned about the quality and quantity of the water supply. The peer review engineer said that wells were to be cased to a minimum of 20 feet

in the bedrock for quality issue. Town Planner Christine Grimando said the applicant had stated that, if there weren't an adequate water supply on any lot, they would come back to the Planning Board to demonstrate how the water would be provided.

The open space documents had been sent out for legal review. There was explicit language for maintenance of the open space.

Applicant **Ken Wood** of Attar Engineering in Eliot read the note changes.

- Note 8 responds to the recent ordinance change. The easement holder and the fee holder of the open space are to be the same. Great Works Regional Land Trust is the easement and the fee holder.
- The second sentence of Note 10 says, "In the event that a well does not yield a sufficient water supply within the well inclusion of each lot, an amendment to the plan with an alternate water supply shall be presented to the Planning Board by the developer.
- The well shall be cased a minimum of 20 feet into bedrock to provide a protective seal against shallow water and pollution infiltration. The 100-foot well protective radius shown on the Subdivision Plan Sheet 3 shall be a restriction in the deed of each lot, and an easement shall be obtained in the well protective radius, if the well protective radius crosses into an adjacent lot, in accordance with Section 7.8.2.6 of the Site Plans and Subdivision Regs.
- Note 12 alludes to the DEP permit.
- Note 13, the stormwater management plan by Attar Engineering states no adverse effects are anticipated on downstream properties or drainage structures.
- Note 14 stormwater from this project may affect David Linney's property. Some growing areas are adjacent to the Muddy Brook and are susceptible to flooding. The drainage structures will not cause additional flooding. The stormwater management plan predicts a decrease in peak discharge points.
- Note 15. Copies of easements, protective covenants, and homeowner association documents shall be submitted to the Town after being executed and recorded.

Chairman Todd Frederick opened the **Public Hearing**.

Dave Linney said Tim Smith of Great Works Land Trust was supposed to get a Memorandum of Understanding to him, but he had not seen it. He didn't believe Great Works would do anything on managed land that would hurt the stormwater situation. He said they should not bring paths right up against the Groundnut Hill Nursery, because it is in a location that is susceptible to theft. There must be something in writing that the area will be posted for hunters to be aware that there are workers at the nursery.

Lew Stowe discussed possible ways to assure that water would be available for a lot when someone wanted to purchase it. He said that might occur at any of the following events: Planning Board approval; at the time of the sale of the lot; prior to the receipt of the building permit; or prior to receipt of the occupancy permit.

Rob McKee of Atlantic Construction said that for the final occupancy permit, drinking water has to be tested and assured by Seacoast Analytical. No well has failed the 125 houses Rob has built in York for applicant Duane Jellison, and he does not know of any wells by any other builders that have failed.

Cynthia Thayer, hydrogeologist with R. W. Gillespie and Associates, talked about a report she wrote that was peer reviewed by Mike Abbott of Ransom Engineering. Ransom asked for reinvestigation of the sections discussing plumes. She said that she responded to the peer review with another report, and her response met all of Ransom's concerns.

Motion: Brud Weger made a motion to approve the Pine Ledge subdivision, a residential cluster subdivision, as a final application, as presented. Al Cotton seconded the motion.

Christine Grimando said the motion was still on the floor and could either be withdrawn or made part of the discussion before the final vote.

In discussion, Lew Stowe asked if the board plans to approve the application without reviewing 6.4, including his recommendation to limit the houses to three bedrooms with four bedrooms possible, if accepted by the board.

Peter Smith had submitted line edits in the Homeowners' Association Bylaws to the Town Planner and the Applicant. He had found weaknesses in the text he said could affect the homeowners and the homeowners' association in the future.

Ken Wood replied he had spoken to the applicant's attorney, Mr. Winkler, who drafted the documents, about Mr. Smith's recommendations. He said the association, which can amend the bylaws, has the authority to do so, once the association takes over. That is in the purview of the association and should not be decided at this time. Ms. Grimando said the Planning Board should know that bylaws exists, and a functional homeowners association has been put in place, but does not govern the contents of the bylaws. The applicant can edit this and not come back to the board.

Todd Frederick recommended using the language "licensed professional forester" in defining the forest cutting plans in the Protective Covenants. He also added this sentence to that section: "A copy of the forest management plan will be on file with the Homeowners Association, Great Works Land Trust, and the Town of York."

Applicant Engineer Ken Wood said that R. W. Gillespie did a nitrate loading analysis that was reviewed by Ransom. The model included a four-bedroom wastewater design for each residence for its generation of wastewater to develop that nitrate plume.

Chairman Todd Frederick asked Town Planner Grimando if David Linney's concerns were captured. The two issues of the trails not being developed in conjunction with the abutter and the safety postings be placed indicating for hunters that there are people nearby had been "captured."

Ken Wood said there had been a meeting between David Linney and Tim Smith of Great Works Land Trust. Mr. Linney was still waiting for the memorandum from Great Works. It is the land trust's responsibility to provide signage. There will be signage at the beginning of the Groundnut property. None of the trails will give access to Groundnut Hill. Todd Frederick said that information would be added as a plan note.

Chairman Todd Frederick repeated the motion on the floor, made by Brud Weger and seconded by Al Cotton, to approve the Pine Ridge Residential Subdivision's final application plan. There were three amendments: signage for the abutter to the north, also known as the Linney property, relative to Great Works management of the open space and common land; the licensed forester cutting plans being on file; and Note 10, the developer would bring back the plan in the event that a well fails to yield sufficient potable water. Peter Smith's notes were not part of the motion.

Lew Stowe asked if the 6.4 checklist would be reviewed. Todd Frederick said the motion had been made and seconded. He believed all the points of 6.4 were already submitted for the final plan. There were three amendments. Al Cotton asked that they move the question.

Vote: The motion passed, 4-1, with Lew Stowe opposed.

Other business

Lew Stowe said he wanted the board to have full training about reviewing 6.4.

Todd Frederick said he had met with the Contract Planner for the police station/connector road application, all hearings for which will be on live television.

Adjourn
8:45