

**York Planning Board**  
**Thursday, October 25, 2012, 7:00 P.M.**  
**York Public Library**

**Call to Order, Determination of Presence of Quorum**

Chairman Todd Frederick presided. A quorum was determined with five people voting: Chairman Todd Frederick, Vice Chairman Dave Woods, Board Secretary Lew Stowe, Torbert Macdonald, Jr., and Dave Glazebrook. Alternate-elect Al Cotton, Jr., and alternate-elect Brun Weger, who was attending his first meeting, were present but not voting. Christine Grimando, the Town Planner, and Community Development Director Steve Burns represented staff. Patience Horton took Minutes.

**Public Forum**

**Open to the public to address issues other than topics scheduled for a public hearing.**

No one came forward to speak.

**Minutes**

There were no Minutes to review.

**Field Changes**

There were no field changes.

**Police Station and Connector Road**

**414 Ridge Road. Map & Lot 0094-0077. Public hearing and discussion about the current status of this site, about the 2 approvals, and about the next step**

Citizen **Richard Smith** said that bringing the Police Station/Connector Road project back as one item will delay things one way or the other. The original copy of the plan didn't show wetland and vernal pools clearly. Make the original plan show wetland and vernal pools well, then make an overly to show where the extra cutting was. The areas should show what was cut and how it should be re-vegetated. Show who was responsible for the damage and show the cost to repair it. You need to know the extent of what needs to be redone and who is responsible, he said.

Town Planner Christine Grimando said the goal this evening will be to understand what the board and applicant agree to with a list of open and actual items. Secondly, we're looking for agreement over the process and procedure for addressing those things.

**Andrew Johnston**, Project Engineer with SMRT, said there have been significant issues and problems that have caused construction to a standstill. There have been mistakes on the procedural and construction sides. The first issue is the subdivision question. The

Mylar survey sheet that was on the final approval erroneously included an “out parcel” that was actually part of a discussion between the Town and the owner, as part of a land swap negotiation. That negotiation was never completed. But while the final package was being put together, it got put on the boundary survey plan. We should have caught it, but didn’t. There was no intention for it to be part of the board’s approval. The board should retract the final approval for both projects so the approval doesn’t stand any more. As well, there are significant advantages to combining it to a single project.

The construction issue of unauthorized clearing has two major impact areas that were not part of existing approvals. They weren’t within the construction area. In addition to removing vegetation, it affects the stormwater runoff calculation. The area nearest Ridge Road triggers impacts natural resource buffers which are under DEP, and Army Corps jurisdiction. The area by Route 1 does not impact their buffer areas, but it does affect stormwater.

At the Route 1 end, there is a large area cleared by the entrance, and that is associated with road grading where it connects to Route 1. As a result, DEP asked to put together a revised stormwater plan with the deadline of August 31. The plan should show how that land’s being cleared can be addressed as part of the stormwater management plan. The deadline was met.

The second area of unauthorized clearing is a large area near the Police Station. That was outside the limits of disturbance and is identified as significant because it impacts the natural resource buffers approved by DEP, and Army Corps. Also, the mixed-use Shoreland zone has a minor intrusion into wetland and into the forested buffer from the vernal pool. He showed the area of the 750-foot buffer around the northern vernal pool that is remaining in place.

He showed the restoration plan as developed by Stantec and verbally Okayed by the Corps and DEP. It is 100 feet from the wetland edge. Trees will be used to re-vegetate at the rate of 420 trees are per acre in the upland area. 100 feet around the vernal pool will be revegetated. The remaining area will be stabilized with seed and grass and will not necessarily be put into a forested situation.

The subdivision of the Blinn parcel on Route 1 is possible. The location of the tower was taken off the early plans because its location wasn’t defined. Where is the best location for the tower? The extension of the trail system will eventually go to the Beach and up to Mount A. Potential uses in the recreation area include family-friendly activities like pedestrian and bicycle activity and parking for the Beach.

**Police Chief Doug Bracey** talked about the communications tower. Currently, York has towers with old technology in several locations. Technology and price have changed. Microwave line of sight can be hampered by geography. The proposed tower is in the \$100K range including equipment but not including microwave. With a tower at 140 feet, the height would be above the trees. We will be able to hit Kittery and Eliot. Currently there are issues with cell in the Beach and the Harbor.

**Bill Bartles, 2-Way Communications** said they have maintained York's communication system for 30 years. The current police tower is 80 feet, and it does not fill the needs of the community. The new tower height should make it as capable as possible. Lattice frame is best for this application. Monopole and unipole are better in some applications. They need a crane to be serviced. Lattice can be climbed. It is easiest for adding cellular carriers. He said the steeple at First Parish is about 100 feet. Christine Grimando said the Planning Board will not be reviewing the tower, but the board has the say on where it will be on the police station property.

Todd Frederick asked for a motion to **open the Public Hearing**. Torbert Macdonald said, "So moved." Salvatore Sala is an abutter to the connector road. There are wetlands that have been filled in that are not on the map. He is on Dewey Road near Rogers Road. Water runs from Route 1 down Rogers Road. "They" have butchered the land and have blocked the flow of water. All the water is going back into his property. It is noisy there, and there is an echo. Imagine motorcycles, cars and sirens echoing. Is there something we can do in this butchered area that has already ruined? he asked. Dave Woods asked Salvatore to take pictures of the area before and after the upcoming storm.

Lew Stowe wondered about four streams that were supposed to have culverts. The streams seem to have disappeared. The road is supposed to have 12 buffers, he said. Andrew Johnston answered that the 12-stormwater buffers will all have to be marked to identify which ones have been affected. The wetlands are not marked and the buffers around the vernal pools are not marked, but the stormwater markers are already pinned. The streams would not be specifically marked, but I can show you where they are, he said. Lew Stowe presented a comprehensive list that would include the identity of whoever is responsible for the correction of the damage.

Andrew Johnston said that the restoration plans for the area by Ridge Road have to meet DEP and Army Corps standards, but just because they meet those standards, they do not necessarily meet Planning Board's standards. What would the planning board like to see? We hung on so long for DEP approval before. Now DEP approval comes in up front, because we don't proceed until all violations are solved. We want board feedback now as part of the package to DEP and to show where we propose the town to go with it.

Dave Woods said that if no culverts are put in soon, over time, there will be severe drainage to the land. It is a start-stop of a major project, a disturbed project. With this rain event coming, there could be a rift going across. The site could look worse before it gets better.

Community Development Director Steve Burns recommended that approval be rescinded and that we start out fresh. When you rescind the approval, the Horn property is back to having 2 lots. If you redo preliminary or final, that has to be resolved before you can take that vote.

Lew Stowe asked if the traffic light is an open issue. He wants to know the status of the buffer area and the stream crossing. Dave Woods said to rescind is to have nothing brought forward. Dave Glazebrook said the area should be replanted with trees that are as mature as possible. He wants to see a robust plan for sound buffers for those homes. The question is how are we going to retrieve as much as possible.

Al Cotton said for it should have a holistic design aspect. The priority is obvious. Everything should be taken into account as one. There are many designs of towers. Maybe the 140-foot tower should look like something else. There are ways we can bring good design into every step.

Brud Weger asked Andrew Johnston if the project has been modeled in 3-D. No, but there is a three-dimensional surface associated with road grading, he answered. Brud said it might be helpful to show the board and the public in three dimensions what these corrections are actually going to do.

Todd Frederick said, per the Comp Plan, where Green Enterprise is discussed, we were looking at how to pursue grants and potential partnerships with organizations, such as York Land Trust, for acquisition and management of land most suitably dedicated for recreation, and to manage undeveloped areas within that zone. Are there opportunities to create unique new habitats that were not thought of at the time? Maybe there could be something unique in this area.

Torbert said he foresaw that the road was going to be the sticking point. I think we should do it in two parts to get the police station going again, he said. We will supplement the reforestation around the vernal pool from our own ideas. Andrew Johnston said that the small strip around the vernal pool is critical to DEP and the Army Corps. They want the restoration of the 100-foot buffer in place by the end of the next growing season.

Steve Burns talked about the overall vision for the roadway. This is a major gateway. It will affect the Village and Cape Neddick, too. What is the aesthetic appeal? It is heavily wooded and has vernal pools. It could be a place for a community park as a public amenity. Andrew Johnston talked about culverts and the stabilization of streams. The contractor has those culverts now, and they could be installed. Army Corps would like to have this done soon.

**Motion:** Dave Woods that we rescind the police station and connector road project at 414 Ridge Road; Map & Lot 0094-0077.” Torbert Macdonald seconded the motion.

After discussion, the motion was amended to read:

**Amended Motion:** Dave Woods said, “I would like to make a motion that we rescind all approvals on the Police Station and Connector Road project at 414 Ridge Road; Map & Lot 0094-0077.” Torbert Macdonald seconded the motion.

In discussion, Todd Frederick said passing of that motion would wipe all prior approvals clean, starting all over. We've heard from the applicant and the road appears to be in the best place it can be. To remove all approval, it is going to open everything up to discussion again.

In discussion, Lew Stowe had done a detailed analysis. The things from the preliminary phase can be revisited at final. The deeds have to be checked. We didn't do that before. There are 4 or 5 other things that we didn't do. We haven't even talked to Dean Lessard. It will be his road someday. He is knowledgeable.

In discussion, Torbert said there is no option but to start with a clean slate. Reconstruct the valid aspects as we meet them. It will take the faith and goodwill of this board. There has to be. It is riddled with errors of omission. We have terrible set of results based on a terrible process.

**In further discussion**, Dave Glazebrook said with the prelim, you have the same certified engineers. We are going to get to the same conclusions with the same engineers putting their stamp on it and then going on for final approval.

**Vote:** The motion passed, 3-2 with Todd Frederick and Dave Glazebrook voting against.

### **Staff Presentation about Web Resources for the Planning Board A quick demonstration of resources available to Board members and the public, via the Town web page**

Steve Burns presented information about navigating the Town web page.

Dave Woods suggested the board meet for a 3<sup>rd</sup> Thursday every month to discuss the Police Station and Connector Road. That most likely doesn't work for being on TV. Steve Burns said permission would have to come from the Selectmen. The Budget Committee is slated for that time slot. It was agreed that we would meet on the scheduled workshops dates on the Police Station if given two weeks notice and information. The workshops would be rescheduled to a Thursday date during the month at the Senior Center, if the library is not available.

### **Prep for Joint Meeting with the Board of Selectmen**

The board discussed subjects, including Green Enterprise, ADU, and Cluster subdivision, for their one-hour presentations during the joint meeting with the board of selectmen. Todd Frederick asked if it could be arranged for him to walk the site with someone. Yes.

**Motion:** Lew Stowe moved we approve Findings of Fact for the Cape Neddick Project. Dave Woods seconded the motion. It passed 5-0.

**Motion:** Dave Woods moved to instruct the Chair to sign the Findings for Stonewall Kitchen. Dave Glazebrook seconded the motion. It passed 5-0.

**Adjourn**  
10:40