

**YORK PLANNING BOARD  
THURSDAY, JULY 12, 2001 – 7:00 P.M.  
GRANT HOUSE**

**MINUTES**

Present at the meeting were Al Bibb, Chairman, Dick Arnold, Barrie Munro, Dave Marshall, and alternate member Dan Remick. Torbert MacDonald was absent. Representing staff was Environmental Engineer/Asst. Planner/Asst. CEO Vallana Pratt-Decker. Patience Horton served as recording secretary.

Mr. Bibb called the meeting to order at 7:03 P.M. He introduced Board Members and attending staff. Mr. Bibb asked Dick Arnold to vote for Torbert MacDonald.

**York Elderly Housing Subdivision and Site Plan, Long Sands Road, Map 44/Lot 50.** Consider accepting the final application, and conduct public hearing.

Ms. Pratt-Decker reviewed status of the application process, which was “substantially complete” on the part of the Housing Authority. The Town’s engineer had yet to review the application. Two ponds for storm water detention and other needs for downstream drainage were still unresolved.

Director Patricia Martine of the Elderly Housing Authority stated that funding for the initial stage of the project was complete, including \$200,000 given by the citizens of York. The bulk of the funding, \$3,900,000 was debt-free. She gave thanks to the community and certain individuals, including Mrs. Baldwin, for helping pass the project along. She cited the Public Works Department and the Police Department for advising on the Anton Drive situation, and had also at late been working with Mitchell & Associates, Landscape Architects.

There are several site issues pending. As well as the three proposed 12-unit clusters of buildings, transformation of the existing residence into a community center held priority during initial construction. The unresolved issue of primary use of the Village Shopping Center as the main ingress to the housing project involved improvements to the shopping center’s parking lot. A walkway along that route already existed and would remain. Primary approval had been made for utilities and sewer to travel along their existing path on Elm Drive. Water will be accessed from the existing line along Pine Grove Lane. The storm drain will be managed on the abutting Goodwin Property. The center island at the entrance to Village Shopping Center remained at issue. Its expansion was expected for better traffic control, along with that of the radii on either side of the entrance. Stop bars and stop signs had not been finalized. Relocation of 10 parking spaces, including handicapped parking spaces, was still at issue. The grading behind Building C and the observance of the 75’ buffer was a continued concern. The plans to the Sewer District regarding the future sites were in earlier stages of application, having been delivered to Town Hall that same day. All buildings are slated for sprinklers. Verbal approval had been received from the Fire Chief over the design of the hydrants. Three access easements were in the process of being finalized and signed. Storm water was being collected and discharged near Building C, and run-off would flow into an existing pond.

Mr. Bibb opened public discussion.

For public record, Ms. Pratt-Decker a letter from Police Chief Bracy, which stated that because of accidents caused by poor visibility there, Long Sands Road is a poor choice for entrance to the housing project. Pine Grove Lane was also a dangerous access road, being only 17 feet wide and hardly able to handle two-way traffic. These factors made the application unacceptable, and he required safer alternatives. Ms. Pratt-Decker also read from a letter

from the State of Maine EPA referring to requirements from the Natural Resources Protection Act regarding storm water. The York Water District had suggested needed changes for their conditional approval, including easement information. She read from an engineering report based on a 25-year storm water model. It predicted erosion would not result from severe storms, if the drainage were constructed as planned. Documentation was also offered showing that Village Management Corporation, represented by Alan Baldwin, was willing to re-locate 10 parking spaces, facilitating entrance through the shopping center.

Mr. Bibb inquired of the timeline Ms. Martine anticipated for the project. She answered that funding dictates money be used by year's end. She hoped for final approval at the next meeting.

Jim Bartlett, abutter, addressed the Board, stating he and his wife, Sue, supported the housing project, but is concerned about traffic on Pine Grove Lane, where he lives. He had heard different proposals for the use of the street, ranging from its use by 3 or 4 employees to making it available for unlimited traffic, which will be substantial seeing as Stage 1 has 36 units, and that Stage 2 will add 45 more, and Stage 3 will bring the total to 110. He stated it is a busy street now, and that he chose to live there, but he urged the Board to "stick to its guns" keeping the use of Pine Grove Lane by the York Housing Authority restricted to emergency access only.

Verne Anton addressed the Board next, concurring that Pine Grove Lane be used for limited emergency purposes for safety's sake, stating that as increased community members and volunteers enter the project, they continue a mere 100 yards down the road and use the main entrance, instead.

Stan Moody, Conservation Commission, commended the applicant for a swift procedure. His concern was that storm water be properly controlled as not to tax the shore pump further down the natural path of the water, for it will not tolerate being overly-burdened. He also said that sandwich signs at the entrance to the Village Shopping Center are currently causing safety problems.

Regina Donnell of Elm Drive stated that her lot lines did not correspond with those for the sewer easement, and that a sewer manhole is in the middle of the road. An easement existed for school bus and snowplow turn-arounds, but that she did not sell the Town the land. She asked for clarification about where the sewer was going to go.

Ms. Pratt-Decker responded. The superintendent of the sewage department had called her that day and gave preliminary approval to the final design, including the attainment of proper easements.

Mr. Mitchell, landscape architect for the project, referred to Exhibit 8, "Sewer Alignment," stamped by Christopher Mende of Civil Consultants, stated he would review the information with Ms. Donnell, aside from the meeting.

Mr. Knox, President of the York Elderly Housing Authority, apologized to Mr. Bartlett, for putting him in a position where he felt deceived by inadequate communication. Mr. Knox had talked to Police Chief Bracy and Public Works Director Swain about a traffic study. As he understood, during peak traffic on Pine Grove Lane, there are currently about 5 cars per hour. He hopes wants to limit Pine Grove Lane only for use by the first 36 units.

Mr. Bibb called the Public Hearing closed.

Mr. Bibb Police Chief Bracy if use of Pine Grove Lane as an entrance was necessary to support Phase 1 of the project. Mr. Bracy replied that it could be used for emergency purposes

only, with its continued use by local residents, emphasizing that it is not a good intersection for exiting.

Mr. Arnold asked Mr. Bracy's view of the shopping center entrance. He answered that many fender benders occurred there, caused by backed-up traffic. In winter, the incline and ice caused further problems. Sight distances were possibly inappropriate. Crossing traffic was an issue. The solution of traffic problems at Yorkshire Commons could be used as a model.

Marvin Swain of Public Works reported uncertainty at this time over the recommended use of Pine Grove Lane, but that the Board needs to compromise and look at the limited use of the road, which always must facilitate public equipment.

Mr. Munro said that eliminating 10 spaces was good, and asked why not make the travel-way wider, beyond 24", there being another 20" to the property line. He said there should be stop signs.

Mr. Mitchell said that 24" is adequate, but the road can be widened, if there is a concern. Thirty feet is excessive, he said, but 26 or 28" would be appropriate.

Mr. Swain said that increasing access roads increases traffic speed. Mr. Bracy said the alignments into the elderly housing project should be straight.

Mr. Marshall asked where the entrances for Phases 2 and 3 would be. Ms. Martine replied that her group is working on new entrance design, it is not final, and that cost is an important factor in reorganizing access.

Mr. Bibb stated that the Housing Authority would take care of the landscaping on Long Sands Road including a pine in the way. Ms. Martine replied that Mr. Bracy and Mr. Swain have indicated concern about visibility there, and that the bushes will be kept short.

Mr. Munro asked Mr. Mitchell for details about the culvert transition zone and how it accommodates the drainage increment.

Mr. Bibb asked Mr. Mitchell about Pine Grove Lane usage. He answered it should be used as emergency exit and entrance only. Mr. Bibb asked if town equipment could be used on the entrance/exit through the parking lot. Mr. Swain said that the City couldn't cross private property, except in an emergency. Further, he could not recommend the City become encumbered in the Village Association parking lot.

Mr. Arnold confirmed that there has to be a second egress into the property. Mr. Swain pointed out that issues handled by the Town Selectmen were being discussed, and that he couldn't promise what the Selectmen will provide.

Mr. Munro moved that the restrict Pine Grove Lane to Emergency use only. Mr. Marshall added for current residential use, also. Mr. Munro corrected the motion. Mr. Marshall seconded. The matter was passed, 4-0.

**SPARHAWK ESTATES SUBDIVISION, Western Point Road, Map 70/Lot 5 and Map 71/Lot 1.** Consider accepting the preliminary application and conduct public hearing.

Mrs. Pratt-Decker read a memo from Town Planner Steve Burns of 6/27/01 about correct procedure, for the public record.

Bill Anderson, Anderson-Livingston Engineers recommended a 7-home development over cluster housing at this site because sewer was not available. The required 90° intersection at

met compliance. The subdivision was not within 750 feet of the current line, though one property was 400' from a pre-existing hydrant. But if the District recommended that water be run up the road, blasting would be required. In that case, it will take 900' to get water to Sparhawk, which would make the client less willing to bring water in. He believes wells would be successful.

Chairman Bibb opened Public Discussion.

Into public record, Ms. Pratt-Decker read a letter of 6/11/01 from the Kendalls, abutters who stated the entrance was a dangerous blind corner, and that 7 additional wells to the area would impact problems for the already existing wells. A memo dated 6/7/01 from Chief of Police Bracy raised the issues of the intersection not being at 90° and the need to remove small trees.

Abutter \_\_\_\_\_ expressed concern about increased traffic and the sensitivity of the wildlife, especially hawks, and the future of her well.

Donald Cook, abutter on Weston Road stressed considered about increased traffic hazards.

Helen Weinbaum, abutter, asked that a creative cluster design replace the current plans, stating that the land is beautiful and shouldn't have the impact anticipated by the proposed housing.

Sherri Fawcett, abutter, expressed concern about blasting and damage to existing vegetation.

Stan Moody, Conservation Commission, believed the development could be clustered, that water can be brought in and should be considered, because the land is shallow to bedrock.

Mr. Arnold raised the general question of what sewer/water conditions must be met to support cluster housing.

Mr. Munro made the motion to close public discussion, which Mr. Marshall seconded, and all approved.

Mr. Munro stated that during the site visit, he saw that the 90° intersection requirement had been met and that the radii requirements were also satisfied and expressed further concern about the drainage situation.

Mr. Bibb asked about the existence of 50' buffers on all lots. Mr. Anderson replied that all would have that, and that Lot 5 would require a bigger buffer because of large trees he wished to preserve. Test pits had revealed some good results, despite some ledge-y spots, but that the area seems adequate for septic systems. He assured Mr. Munro, when asked, that many wells would be deeper than 100', and that a more accurate plan would be forthcoming that included detailed information about pits. Sight distances measured 260' to the west and 250' to the east. Some vegetation needed to be cleared. He said water would be difficult to deliver at either 400 or 900'.

Mr. Arnold reiterated that neighbors are concerned about their wells. Mr. Bibb recommended postponement of the water decision until State data about wells in the immediate area was produced, adding that if water was delivered, Sparhawk could be a cluster subdivision, and the issue would be left to the staff for guidance.

Mr. Munro moved to eliminate sidewalks, which Mr. Marshall seconded. The motion was passed 5-0, with Mr. Remick joining the vote on this issue.

Mr. Munro moved to oppose the waiver of the landscaping plan, which was seconded and approved unanimously.

**OAK WOODS SUBDIVISION, Trafton Street, Map 94/Part of Lot 84. Public hearing and continue consideration of a preliminary application.**

Ms. Pratt-Decker read a memo from Town Planner Steve Burns, dated 6/26/01 into the record, regarding pros and cons of wells vs. Town water.

Speaking for Oak Woods, Mike Livingston said the engineer representative was in attendance for answering questions. The possible creation of an unbuildable lot was at issue, as it was felt that an owner might like a garage there rather than a residential building. Road improvements were ready for review. The issue of water was to be an important consideration.

Chairman Bibb said that the Board wanted to look at the lot, water, and road improvement issues and wanted to limit the meeting to those topics.

Tom Yankura, chairman of the area's homeowners' association, stated that the association wanted the area meet York's integrity standards.

Abutter Robert Reppucci stated his concern about the subdivision's affect on his well and was concerned about area trees.

Robert Tilley, abutter, stated his concerns about funds for additional snow removal and sanding, increased traffic, and the possibility of his well running dry. He would like to see the status of the road changed.

Peggy Mitchell, an abutter on Gingerbread Lane, stated that standard well depth should be at least 1500 feet, and that her terrible water was bright orange. She said that bringing town water in costs \$25-30 per foot, or \$85, if blasting is required. She believed that increased volume of traffic should fulfill a requirement for the road to be paved.

Elizabeth Kann, abutter, said that many lots in the area do not have houses, because they do not have wells. Test borings in many cases have hit bedrock at under 10 feet.

Robert Bellavance, abutter, expressed concerned about the maintenance of the road.

Stan Moody, Conservation Commission, stated that some lots are un-build-able and though people want to put a warehouse, or something, on them, those lots should be broken up and attached to other lots.

Mary Swasy said that her children walk far to the bus stop. She is concerned for their safety with increased traffic.

Gerald McGee, abutter, said that Trafton is "a rotten road" and needs to be paved. He asked why the six houses can have wells when the other can't.

Mr. Bibb asked Mr. Anderson to address these issues. He replied that the developer and future lot owners would all pay their fare share for improvements, reminding the neighbors that they chose to live on the "quaint" road. Drainage improvements made by Oak Woods will improve the area. Mr. Munro entered a discussion about crushed stone Mr. Munro.

Mr. Munro made the motion to permit the use of year-round wells throughout the subdivision, and THAT should public water ever be extended, each of the lots be required to connect. Mr. Arnold seconded the motion, which was passed 4-0.

There was further discussion that the new homeowners should join the local homeowners association, an issue Mr. Marshall asked be discussed at the next meeting.

Mr. Munro moved that improvements be made to the Trafton Street between Beacon Street and the Tilley property, which Mr. Arnold seconded. It passed 4-0.

**HICKORY MEADOWS SUBDIVISION, Cider Hill Road, Old Mast Road, and Hickory Lane.** Public hearing and continued consideration of the final application.

Bill Anderson, Anderson-Livingston Engineers, stated that there were design changes in the storm water drainage plan as well as minor vegetation changes. Drainage had been redirected away from the Whitney cul-de-sac. He proposed to eliminate the building envelope on Building 3. He felt he was in compliance at that point. The vegetation has been changed in one area.

Ms. Pratt-Decker was unable to report the Town Engineer's review of the plan, as he was on vacation. She alluded to the sensitive soil in the drainage swale and the Town's legal issues regarding the DEP, including maintenance and quality inspections. Drainage performance bonding should be considered. Awareness that environmental problems already exist from other subdivisions must be kept. She suggested that specific testing at the intersection of the river and the drainage swale might be necessary.

Greg Orso, attorney for the project, said the Board is anticipating quality testing 20 months after it started hearing application for the subdivision and that these are standards to which no other project in the town are subject. His team had been subject to many last-minute requirements for meetings, to which Mr. Bibb agreed that this is the first indication of these requirements, but that the Planning Board is "learning" these things, that the property has been turned down for development in the past, and that the State says that proposed standards could be applied.

Mr. Pratt-Decker referred to the Steve Burns memo of 6/25/01, listed the various agencies with which she has been in contact, and entered phone record notes into the record. Sampling needs to be done twice annually within requirements of quality, quantity, and shellfish sanitation guidelines. Mr. Bibb replied to Mr. Orso's inquiry, confirming that such tests would be at the applicant's expense.

Public hearing was opened.

Michael O'Toole, representing the abutters, stated that the developer's storm water assessment was inadequate and only compiled data about suspended solids, not flowage. Other areas of dissatisfaction were mentioned, including the amount of time it has taken for the planning process to continue. The proposed creation of a pond within 200 feet of the York River was overlooked, and other issues remained un-addressed. The proposed procedure of coming to vote next month overlooked important remaining abutters' issues.

Ms. Pratt-Decker responded. The storm water changes are improvements. The drainage issues will be "taken care of" by the 8/9/01 meeting. The abutter has taken time in meetings and staff time. It is important to move forward, knowing that this abutter will most likely not "get on board with this application."

Abutter Ann Cowenhoven apologized for taking time. She showed a current review of the development from an engineer, laying it over another plan made one month prior, saying there were differences in the road, pitch, and swales that the developer had not addressed. "This is a slap dash approach to a fragile piece of property," she said. She reviewed the history of the Board's meetings, highlighting its activities.

Celeste Kelley, abutter on Cider Hill Road, said she did not know her property line because Mr. Anderson had not surveyed it. She was concerned about road issues, Rt. 91 already dan-

gerous with low visibility and high volume. She was concerned about drainage on proposed Lot 3, which sometimes a "lake." Mr. Bibb replied. Planning has no jurisdiction over the lot line. He was glad to hear about the drainage problem.

Ron Rakaseder said that on certain property, the culvert directs storm water across two properties causing deep gouges in normally healthy soil, warning that additional water will cause bigger problems. Piles of snow left by plows cause drainage problems that will be impacted by anticipated Hickory Meadows snow removal.

Ginny Whitney, abutter, commented on continued inaccuracies by the developer, whose proposal of a hemlock grove had been originally been agreed upon as spruce. Mr. Orso replied, confirming that spruce is okay.

Stan Moody, Conservation Commission, stressed the necessity of complying with the shoreland permit and statute: no erosion is acceptable, neither is pollution in the water; wildlife and water-life cannot be affected; the Chapter 500 review must be satisfied; and there are problems with getting accurate assessments and shellfish standards to runoff from a development.

Don Goff, abutter, was concerned about the swale next to the road, particularly the culvert that must be put under his driveway, adding that this addition was not represented on the developer's plans.

Nick Cowenhoven asked that a particular red oak be preserved. Above ground utility poles needed to be removed, as the neighborhood was to have underground utilities. The Cowenhoven's engineer and Livingston Engineers were in disagreement about the impact of the drain water on the area. Mr. Cowenhoven would like to see a hydro-geologic survey done. He praised the chairman's understanding, and stressed the importance of observing the abutters' rights to argue their points. Ms. Pratt-Decker replied, stating that the tree is located on the right-of-way.

Chris Keenan, representing Bob and Gloria Serfass, said that the quantity of the runoff concerns the abutters and his clients. Re-engineering the road leads to change in the potential runoff from it. Paraphrasing Town Planner Steve Burns's 6/25/01memo, he said that the abutters have to fight for themselves, that the State won't get involved with small subdivisions. The staff needs to protect the rights of the citizens. He expressed disappointment that it was the last public meeting, warning that in cutting the process, the Board might be cutting out the people's rights.

Mr. Keenan introduced Sarah Hammill from an engineering firm in Portsmouth, who said that the proposed rise of the Serfass's driveway by 32 inches will make difficult driving in icy weather and will require substantial grading on their property. She asked for different recommendations.

Nick Cowenhoven requested that any engineering report coming in between that meeting and the next should have a public hearing on it.

Mr. Anderson expressed frustration over the continuation of new problems. The red oak needs to be removed to make way for a culvert. Poles can't be taken out yet, but will eventually. Test bits on the lots meet 24". He said that his group has been accused of ruining the river, but that there are plenty of other living closer to it. He also said that Mr. Swain preferred for less planting near the right-of-way, and that plantings will not go on the Cowenhoven property.

Mr. Bibb closed the public meeting. Further comments on the subject were to be made in writing. Comments on the anticipated engineer's report would also be in writing.

The meeting was adjourned at 12:00 A.M.