

**TOWN OF YORK PLANNING BOARD**  
**THURSDAY, MAY 12, 2005, 7:00 PM**  
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Chairman Barrie Munro began the meeting at 7:00. Barrie Munro, Glenn Farrell, Richard Smith, Glen MacWilliams, and alternates Lee Corbin and Michelle Moody were present. Tom Manzi was absent. Town Planner Steve Burns represented staff. Patience Horton took minutes. Six motions were made. Barrie Munro asked Michelle Moody to vote in place of Tom Manzi. She said she would recuse herself during the Cape Neddick Village hearing. The Chairman asked Lee Corbin to vote in Tom Manzi's place during that hearing. He then introduced the members of the board and the staff.

### **Public Input**

**Open to the public to address any issue other than issues scheduled for public hearings on this agenda.**

The chairman opened and closed the public input session. No one came forward to speak.

### **Minutes**

**Review and approval of draft minutes.**

The April 28, 2005, Minutes were reviewed. Glenn MacWilliams clarified the Motion to request Code Enforcement to look into the possible violation at the Hickory Farms Cemetery on Page 1, and he also corrected other details throughout the document.

**Motion** Glenn Farrell moved to accept the April 28, 2005, minutes as corrected. Glen MacWilliams seconded the motion, which passed, 5-0.

### **Applications**

**Cottage Place Condo Association. 433 U.S. Route One. Map54/Lot 10A. Public Hearing. This is an application to amend the Route One Use Permit to alter the exterior of the existing buildings.**

Town Planner Steve Burns said that at the last hearing, Steve LaPointe could not bring samples of vinyl siding in, because his contractor had them in his truck out of town. As promised, the samples were being presented at this meeting. Richard Mirick showed two examples to the board. Barrie Munro said that the heavier would be the best. Steve Burns said that 0.44 is the heavier thickness. Glen MacWilliams noted there was a difference in the profiles of the two samples. Richard Mirick said he liked the yellow one best (the other was white).

**Motion** Glen MacWilliams moved to approve with conditions the builder to use the thicker, 0.44 alternative siding as presented. Glenn Farrell seconded the motion, which passed, 5-0.

**Sanford Institute for Savings. 408 U.S. Route One. Map 53/Lot 8. Public Hearing. Request for sketch review of proposed new bank at the site of the former restaurant at the intersection of Routes 1 and 91.**

Rodney Norman, the president and CEO of Sanford Institution for Savings, said he had purchased the site for the bank. He showed the elevation for the new building, saying it will look nice at the intersection. Mike Lassel, the architect for the project, said that the building would sit on the existing footprint. Structural problems with the current Mandarin Restaurant building will force it to be torn down. Currently there are three curb cuts onto the property. Mike Lassel said he is working with DOT to change that to two curb cuts. The parking will be moved away from the intersection, and it will be greener in front. The front will face Route 1. The building will be 40 feet away from Route 1. Mike Lassel described the proposed building as a traditional York-style tower-and-turret building with large porches and heavy landscaping. The parking will work within the ordinance. He said he is asking to waive the setback from 80 feet to 40 feet. Glen MacWilliams said that the building could be replaced, but not enlarged. Mike Lassel replied that the 4300 square foot first floor of the current building is being reduced to 3300 square feet.

Chairman Barrie Munro opened the Public Hearing, but no one came forward, so the Public Hearing was closed. Glenn Farrell said that if the bank is built on the same footprint, it is non-conforming. Steve Burns said that the setbacks have to be agreed upon. Barrie Munro said that a plan or drawing of the current building is necessary. Mike Lassel said that he would provide a drawing with all the setbacks. Steve Burns said that the waiver buffer requirement is called 6.3.10. The parking issue is complicated because Routes 1 and 91 have different requirements. Parking spaces are considered structures. First the placement of the building needs to be settled, and then the rest of the site can be approached. Glenn Farrell said that the building cannot be more non-conforming than it already is, and that safety is an important consideration. Mike Lassel said that he is working with a traffic engineer, and that a DOT scope meeting will occur in the next few weeks. Barrie Munro said that the upcoming DOT improvements to that intersection also have to be taken into consideration. Lee Corbin said that the applicant has to work with the setbacks in accordance with what DOT is going to change at the intersection. Mike Lassel said that he has already anticipated the taking in the plan, and he pointed out the proposed road changes to the corner and along Route 1 on the plan. Steve Burns said that a traffic light was already in the works for that corner. He asked if the lot coverage was lower for this new plan, and Mike Lassel answered, yes.

**Pike House Condominiums. 101 Cider Hill Road. Map 112/Lot 51. Public Hearing. Site Plan application for condominium conversion of existing duplex and barn.**

The Chairman opened and closed the Public Hearing. No one came forward to speak. Town Planner Steve Burns described the existing duplex as a classic cape. The applicant wishes to have 3 owners for two residential units and the barn. There is a question about the land for a right-of-way coming out of the buildable land. The ROW would access the back of the property. There would not be a problem, if there were an easement instead of a ROW. He recommended the easement. Richard Smith added that the ROW would have to be 50 feet wide. Applicant Gail DePerrio said that she understood the difference and agreed about choosing the easement.

**Motion** Glenn Farrell moved to grant the waiver for §6.4.20, inclusion of contour lines on the plan. Richard Smith seconded the motion.

In Discussion, Glen MacWilliams said that it is important to have all accurate survey drawings and all measurements in the plans as part of the 6.4.2 requirements.

**Vote** The motion passed, 5-0.

**Motion** Michelle Moody moved to accept the application as presented for purposes of review. Glenn Farrell seconded the motion, which passed, 5-0.

Barrie Munro asked to change the language as suggested in Issue 1 of the Steve Burns Memo to Planning Board on this matter, dated May 5, 2005. The barn is not residential. If the barn is used as non-residential, it does not become non-conforming. Applicant Gail DePerrio said that she understood this issue. Steve Burns went over the rest of the items in the Memo. Glenn Farrell commented that if the use of the barn is changed from being a farm barn, the applicant has to return to the Planning Board, because the change will potentially have a large impact. Michelle Moody said that the applicant would also have to return to board, if septic is needed for the barn building. Glen MacWilliams asked for changes in the surveys to reflect the stairs and the dimensions of the units more consistently.

**Franz one and Matheson Subdivision Amendment. 52 Josiah Norton Road. Map 99/Lot 12. Public Hearing. This is an application to create 2 additional building lots from the remaining land of a subdivision approved originally in 1996.**

Town Planner Steve Burns said that he had received an abutter letter from someone named Gebhardt about the possible loss of spring water as a result of the development, but that Steve Burns could not find the man's name as an abutter. Project Engineer Mike Livingston said that Mr. Gebhardt lives several lots away, but is not a direct abutter.

Chairman Barrie Munro opened and closed the public hearing, but no one came forward to speak. Michelle Moody asked about the two houses planned for Lot 7. Glen MacWilliams said that the steep slopes make the development difficult, but the setbacks are met. Michelle suggested a site visit to help decide whether there should be two houses on the lot or perhaps a duplex instead. Glenn Farrell said that if they want to put two houses in

there, it will be difficult and expensive, and the board should let them do it. Michelle Moody said that the board couldn't force anything on them, if they can meet the requirements.

**Motion** Glenn Farrell moved to approve with the following conditions. The 6.3.17 waiver should be removed from the site plan. The driveway should be added to the plan sets. The well has to be within the well radius. Finally, the station locations for cross-reference have to be shown. Richard Smith seconded the motion, which passed 5-0.

**Elks Club. 995 U.S. Route One. Map 30A/Lot 18. Public Hearing. This is an application for a Route One Use Permit for construction of a new lodge building and function hall.**

Chairman Barrie Munro asked if anyone wished to speak to the Public Hearing, but no one did.

Town Planner Steve Burns said that Town Engineer Steve Bradstreet had given a review of the project, and there were a few details precluding his final approval. Steve Burns said that the outstanding concerns included the landscaping situation where the roots of trees adjacent to the drainage pond and ditches might cause problems.

Landscape Architect Ken Studtmann described how backing off plants next to the drainage would give more space. He described plantings throughout the property, including flowering trees, red maples, ground cover between the two islands in the parking lot, dogwoods, Balsam pines, and other plants serving as cover and screened buffering. Some fir trees will begin at seven to eight feet when planted. Pines might start at six feet tall and will grow quickly. Lee Corbin emphasized that the planting should soften the look of the building and protect the properties of the surrounding neighbors. Barrie Munro asked the board members what they thought of the landscaping plan, and the members gave a positive response.

Referring to the issues listed in the Steve Burns Memo to the Planning Board on this topic dated May 9, 2005, Architect Don Driver asked that it be arranged so that the York Police Department and York Public Works Department would notify the Planning Board about safety concerns jointly and in agreement, not separately and independently, as the memo suggests they could. Members of the board generally agreed with the idea. Regarding the same paragraph, Steve Burns explained that when there are traffic problems that applicant has to solve, the applicant will be able to come to the board for help in developing a solution, rather than coming to the board with a solution already in hand. That way the board will help.

Project Engineer Mike Livingston reported on the updated drainage trench design. The trenches will be lined with a fabric that will stop the stones at the top and not let them fall down in and clog the system. As well, there will be observation wells that can be opened and examined. If they were full of water, it would be an indication that the drainage sys-

tem is not working correctly. He also said that Town Engineer Steve Bradstreet had suggested using an overflow escape route for the retention pond located near the building that will carry water under the southern parking lot.

The board discussed an issue Tom Manzi brought up at the meeting of April 14, which was about traffic queuing up on Route 1 to get onto the Elks' property. He had wondered if it would be appropriate to make strategic turning lanes heading both in to an out of the property. Lanes would prevent cars from stacking up for a function. After discussion, the board suspected that most of the time, the traffic is going to flow in and out fairly quickly. Steve Burns then talked about the language that will be used concerning blasting notification and also about the expiration of the approval. Glen MacWilliams asked that proprietary information about the building materials be added to the records. Barrie Munro asked about the shoreland permits. Steve Burns answered that offsite mitigation for the prior application for this property took place several years ago with the creation of a drainage system downstream, which was apparently successful.

**Motion** Glen MacWilliams moved to conditionally approve the application based on several things: the town engineer's approval, minor plat changes (Item 5 of the memo), changes to the language about mutual traffic safety concerns between the DPW and the Police, and inclusion of information about architectural materials (Plan Note 29). Glenn Farrell seconded the motion, which passed, 5-0.

**Cape Neddick Village. 1132, 1136, & 1244 U.S. Route One. Map 22/Lots 13A and 13C, and part of Map 97/Lot 5. Public Hearing. Continuation of application for a Route One Use Permit Multi-use commercial development.**

For this hearing, Alternate Lee Corbin voted in place of absent Tom Manzi.

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

Town Planner Steve Burns said that the applicant had received the approvals from DEP, DOT, and FEMA, copies of which were given to the board members. The building plans were not certified, and the landscape architect still has to stamp the landscape plan. The plan notes, the waivers, information about blasting and topsoil, and the performance guarantee are prepared. The phasing plan was not yet made. When the phase following Phase 1 begins, the applicant would have to come to the board to revisit the traffic impact report. Seth Spiller then described the different possible approaches to the following up on Phase 1. He went over the proposed materials for the building, and he passed around a sample cedar shake planned for the front and sides. He displayed a vinyl shake for the rear of the building that he said would make it more maintenance free.

Glen MacWilliams asked for the names of the brands and for the manufacturers' specifications for the alternative building materials. He said he was concerned about the plain rear elevation. Seth Spiller said that that side would not be seen by anyone. It faces a swamp. Barrie Munro asked if there is any likelihood that anyone can build there. Seth

Spiller answered, no. Barrie Munro asked Seth Spiller to show some creativity on that side of the building. Seth Spiller said he could put some windows in the bathrooms.

Glen MacWilliams said that the board does not have a complete set of plans. The list of plans does not include all of the drawings that make the plan set. All the drawings have to be in one plan set, including architectural certification. Barrie Munro said that the board could approve, conditionally, pending acknowledgement of the final plan notes. The Mylar serves as a safety valve because the applicant cannot move ahead until the Mylar is signed, he said. Steve Burns added that the dates are needed on the reference sheet.

Chairman Barrie Munro said that the application would be tabled for two weeks. Seth Spiller confirmed that the notes, Pages 1-3 of the plan set, plus the missing certification were still required for final approval.

## **Other Business**

Barrie Munro commented on progress reported in the latest Planning Department Monthly Report. Steve Burns updated upcoming items. Sohier Park is returning soon with a good plan from Richardson & Associates. At the Union Bluff, nothing serious has happened since the preliminary approval. There are no signs of the drainage study that the Planning Board requested from Spar Hawk, so that application is not moving. Barrie Munro referred to the upcoming ordinance amendments meetings that will be held jointly with the selectmen. He requested that some Planning Board members attend them. Steve Burns said that the board has been invited to the ground breaking for Kennebunk savings, which has not had a pre-construction meeting, so legally they cannot remove any dirt in that first shovel-full. There is a Southern Maine Regional Planning Commission workshop coming up in Sanford. Barrie Munro said that there is a new dock float in the middle of one of his fishing holes, so he'd appreciate it if the Planning Board would attend the meeting about managing docks and floats. There is a Celebration at the Summit coming up for the new observation deck on Mount A.

Chairman Barrie Munro read a letter into the record from Managing Code Enforcement Officer Mark A. Badger Sr. to Venture Properties LLC of Kittery about use of utmost care around cemetery boundaries during excavation. The Planning Board wants Code Enforcement to investigate the alleged violation.

Chairman Barrie Munro also read a note into the record from Valerie Doran containing ideas for Proposed Ordinance Amendments for the November 2005 ballot. One item suggests that the notification of abutters during the appeals process be the responsibility of the applicant. The Town is not responsible for it. Another item in her letter is concerned with disallowing drainage or any other problems to be created by construction. Another item has to do with preventing homes that are re-built to be out of scale or out of nature with the rest of the neighborhood. The last item in Valerie Doran's letter had to do with proximity of fences to the property line being at least one foot away. In discussion,

the board said that the fence issue should not be considered because of encroachment possibilities.

Steve Burns said that York is now included in the Kittery Area Transportation Study along with Eliot and South Berwick. Under the new change, transportation improvements will be discussed by a meeting of community officials for self-evaluation of how the money should be spent, and not just DOT.

Michelle Moody said that new workforce housing has opened up in Exeter, which is for people in the \$40,000 to \$50,000 range. The commercial housing is different than Section 8 housing.

Barrie Munro pointed out that Site Plan & Subdivision Regulations had been handed out.

The meeting was adjourned. The time was 9:55.