

York Planning Board
Special Meeting Police Station/Connector Road
Thursday, May 6, 2014, 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 at 7:00. A quorum was determined with five people voting: Chairman Todd Frederick, Vice Chairman Alfred A. Cotton, Jr.; Board Secretary Lew Stowe; Peter Smith; and alternate Amy Phalon, who was asked to vote as a full member. Patience Horton took minutes.

Lee Jay Feldman of the Southern Maine Planning and Development Commission, and engineer Steve Bradstreet of Ransom Engineering, represented Town staff.

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This is a continuance meeting from April 3, 2014, at which time the application was heard for purposes of preliminary review and found incomplete on one account, the zoning plan.

Continuance of Completeness Review

Motion: Al Cotton moved that we remove the Police Station/Connector Road project from the table. Peter Smith seconded the motion.

In discussion, Mr. Feldman said of three outstanding issues, two waivers were resolved prior to the tabling. The remaining issue is a completeness issue.

Vote: The motion passed, 5-0.

Mr. Feldman said the applicant has provided all the requested information. Completeness has depended on the site plan that shows the zoning on the property. It was distributed to the board members before this meeting.

Mr. Feldman reviewed the contents of the April 18, 2014, packet that the applicant had submitted where waivers were discussed. They included the proposed monumentation plan, title insurance, and proof of the previous DEP permit. That permit proved that the high intensity soil survey was not required for this application.

Mr. Feldman reiterated that in accepting the application for purposes of review, there is a difference between completeness (items being submitted as requested) and whether the submissions adequately go into the depth the board requires. It is the difference between everything that is needed for completeness, and everything necessary for approval. This vote is based on whether or not everything has been submitted.

Motion: Al Cotton moved we accept the application as complete for the purpose of discussion. Amy Phalon seconded to motion.

In discussion, Lew Stowe said that for complete survey accuracy in 6.3.2 and 6.3.11, there are three other areas that could initiate litigation.

Motion: Lew Stowe moved to require that the applicant resolve all outstanding issues on property surveys regarding the police station/connector road to assure that the existing encumbrances will not result in additional funding or taking of abutters' land. That would include the Wild Kingdom, Norton's Pond, and the Cragen property. The motion was not seconded. A Motion was already on the table.

Vote: The motion to accept the application as complete passed, 4-1, with Lew Stowe opposed.

Mr. Feldman described the application to construct an 18,000 square foot silver LEED building with 76 parking spaces and a cell tower telecommunications facility. A pad-mounted transformer would be installed adjacent to the police station. The applicant should provide additional information regarding the height and design of the cell tower. As well as the police station, a 4,800 linear-foot road between the Ridge Road and Route One is proposed. A 10' wide multi-use trail is to be constructed along the roadway.

A sewer line will be connected to the existing system through Caddy's Way, land that was recently purchased by the York Sewer District. It was the Town's understanding that the Sewer and Water Districts should have already reviewed the design of the sewer line, but as of this meeting, May 6, 2014, such review has not been done.

The applicant has received a Chapter 500 stormwater permit. Bio-retention cells and vegetated buffers to treat the runoff from the roadway and around the building have been designed. Stormwater buffers are proposed for some areas. The applicant should consider planting additional trees behind the Blinn property and near the police station.

Traffic impact information that has been provided only shows the general access to the Police station from Ridge Road, though the application shows the roadway stretching all the way to Route One. That piece has no impact information. Nothing should be approved until an additional traffic study of the entire road and intersections are provided.

Motion: Mr. Stowe moved to have the Town lawyer review the applicant's authority to change the scope of the referendum to build the connector road as an emergency road [which would] take funds for \$1.6 million. There was no second on the motion.

Mr. Stowe said not being certain what type of road it would create financial issues for the Town. Mr. Frederick replied it is not known what kind of road it will be. Mr. Stowe retracted his motion.

Mr. Feldman said an abutter has approached the Town with a land survey that challenges the Town's the boundary line. The Town's third-party surveyor's review of the deeds resulted in his belief that there is no reason the plan could not be accepted and approved as it is. However, if the abutter's surveyor submits a report challenging the town's survey, the subsequent variance would be typically worked out in one of the following ways.

- The two surveyors meet and resolve their differences;
- One of the landowners acquiesces to the opposing survey, preferably with a quit claim deed;
- The landowners agree to compromise the boundary lines through an exchange of deeds; or
- The matter is resolved in court.

If a survey report stating the reasons for the variance is part of the submission prior to final, that matter shall become a civil matter between the applicant and the landowner. The large land piece in contention is relative to the York's Wild Kingdom.

Mr. Bradstreet critiqued the engineering aspect of the applicant's submission.

- Frontages, setbacks, and other technical information that are in a separate document should be on a table in the plan set.
- The sewer locations, which are on the plans by and credited to CLD Engineering, have not been submitted. Sewer district director Tim Haskell has approved an allocation of funds for the utility, but has not yet reviewed the design.
- The Water District has not seen the design by CLD Engineers, either, because it has not been submitted.
- The entrance grade of 2% grade for the 75' turnoff onto the connector road from Route One can be justified, although it does not meet the ordinance.
- Three bio-retention cells were added to the restoration plan, but they are not labeled in detail on the plan.
- Data has not met the Town's requirement for descriptions of certain curves.
- Monumentation has been brought up to code.
- The road drainage flow goes across the esplanade, the sidewalk, and onto the police station site. There are no filter strips in that location. Drainage off a road onto a paved sidewalk is subject to freezing and thawing.
- There is no divider between the Wild Kingdom parking lot and the police station.
- The bio-retention area near the floodplain is being stripped and re-vegetated without contour lines on the plan.
- Stantec landscaping plans are not shown on any plan. If they are in a separate document, they should be relocated to the planset.
- Restoration plans for Wetland 1 and Buffer 12 have not been submitted.
- Designs have not been approved for the Water and Sewer Districts.
- The stormwater design is very good with accurate quality and quantity calculations.

Mr. Feldman made the following recommendations that could be addressed for the final submission, if the Planning Board is willing to approve the preliminary application.

- The Applicant must decide how the road is being addressed. If the road is supposed to be a full functioning street from Ridge Road to Route One, a traffic analysis must be done at both ends. A phasing plan can be submitted. Traffic control units, like stop signs, are to be included in the traffic analysis and design. The plan shall show the transition from the sidewalk to the police station entrance. The applicant will increase the sidewalk width to 10' to meet industry standards.
- Revised planting plans showing how the clear-cut areas will be treated must be submitted.
- The plans will be revised to show how the water line is looped to Caddy's way, as recommended by the York Water District.
- There should be a plan revision to eliminate the future expansion shown on the cell pad area. It shall include a detail for the tower design.
- A surveyor's report shall be included, so the board can understand the conflict surrounding the survey information.
- The applicant will revise the plans and address any and all issues in the engineering comments.

Chairman Todd Frederick led the group through the Article 6.3 checklist. Mr. Feldman and Mr. Bradstreet added comments. A complete Preliminary Plan shall include the following items.

- 6.3.1 Reserved
- 6.3.2 Boundary survey for the entire property
 - Surveyor's report not submitted.
 - 6.3.2.f: Locus map--not specifically on the Boundary Survey
- 6.3.3 Existing conditions plan
 - 6.3.a.1: Road frontages--have not been depicted
 - 6.3.a.5: Ledge outcroppings--have not been depicted
 - 6.3.a.6: Land not suitable for development--not found on the plan.
 - The board requests full-scale plan sheets.
- 6.3.4 Natural features/site elements
 - Shall be depicted on the plan
- 6.3.5 Impact statements
 - 6.3.5.a, Water supply for consumption--Wright Pierce has not reviewed the plans
 - 6.3.5.b Water supply for fire protection--incomplete information
 - 6.3.5.d, The fire department has responded confirming completion
 - 6.3.5.e, Stormwater management will be discussed during a later review
 - 6.3.5.f, Transportation systems, comments have been presented by sub-consultants
 - 6.3.5.g, On-site parking, setbacks and minimum land, building height, and impervious area should be put on a table
- 6.3.6 Proposed development--OK
- 6.3.7 Grading and landscape design per 7.3
 - Stantec plans for bio-retention areas and wetland buffers are not shown

- 6.3.8 Assessment of traffic impacts
 - Needs to be addressed.
- 6.3.9 Most recent deed--OK
- 6.3.10 Proof of ownership--OK
- 6.3.11 Easements, right-of-ways--OK
- 6.3.12 Phosphorous pollution—n/a
- 6.3.13 Scenic resources--n/a
- 6.3.14 Historic and archaeological resources--OK
- 6.3.15 Watersheds--OK
- 6.3.16 Undeveloped habitat blocks--OK
- 6.3.17 Streets adjacent to the parcel—OK
- 6.3.18 Reserved
- 6.3.19 Lot lines/developable acreage--OK
- 6.3.20 Land for public use--OK
- 6.3.21 Reserved.
- 6.3.22 100-year flood elevation--OK
- 6.3.23 Reserved
- 6.3.24 Type of sewage disposal
 - 6.3.24.1 Plans signed by CLD Engineering were not included for review
- 6.3.25 Type of Water Supply
 - Plans signed by CLD Engineering were not included for review
 - 6.3.26 The Fire Chief letter--has not been received.
- 6.3.27 Sketch and narrative of stormwater drainage plan--postponed
- 6.3.28 Sewers and water mains
 - Plans signed by CLD Engineering were not included for review
- 6.3.29 Temporary Markers
 - Color-coded temporary markers w/b available for site walk.
- 6.3.30 Sight distances Ok
- 6.3.31 Reserved
- 6.3.32 High intensity soil survey--N/A
- 6.3.33 Traffic impact analysis
 - T.Y. Lynn comments pending
- 6.3.34 Waivers
 - Waivers and Conditions of Approval will go on plans when granted.
- 6.3.35 The Planning Board Review Fee shall be submitted--OK

Applicant representative Andrew Johnston said he would ask for a waiver for the grading along the entire the roadway. The Town standards call for the grading to change from 3% to 2% at the point where the road transitions into the first curve, at the border of Blinn House. That is within 75 feet of the entrance. If the 2% grade within 75 feet of the entrance is replaced with 3% grade, the grade change will have to start at the entrance. When that 3% grade continues through the two curves, the tangent connecting the curves, and the wetland crossing, the height of the embankment through the wetland will impact the entire area and raise the road for 450 feet. The 450 feet rise will be added to an area already constructed of fill.

Steve Bradstreet added that when the criteria of the road grade changes from 3% to 2%, as the code requires, wetlands are impacted and permitting requirements are increased. The impact is on the environment.

Motion: Amy Phalon moved that we open the public hearing. Peter Smith seconded the motion.

Charles Stacy of York Maine told the board they should “scrap the project and cut your losses. Put \$2 million into the old police station, and then you’ve got an annex.” He said the Town should buy the Bonneville dealership building on Route One, and the town will have two police stations. The chairman closed the public hearing.

The board reviewed Mr. Feldman’s April 23, 2014, memo of nine recommendations.

1) **Recommendation** to Mr. Johnston: The applicant must decide on how the Ridge Road access is going to be addressed.

Reply: Mr. Johnston said the road from Ridge Road to the police station would be open for traffic. Though they are constructing the road all the way through to Route One, the Route One intersection will not be opened until the traffic analysis and counts are done at both locations.

Furthermore, Traffic Engineer Tom Gorrill said that a traffic study would begin in July. Cars will be traced to from a common point on Route One to their various destinations. Cars are identified by recording the last three digits of their license plates. Once traced, cars pathways can be mapped out, and their various routes identified. The information helps configure and improve the intersections of the Connector Road both at Route One and at Ridge Road. Signalization at Ridge Road is not likely, because there isn’t enough traffic there. Whether or not extra turning lanes are necessary coming in or going out of Ridge Road will be determined in the July study.

2) **Recommendation:** The applicant shall provide all the required traffic control plans that indicate stop signs, stop light locations, and other traffic control, if necessary.

Reply: That information is predicated on what the Gorrill traffic study shows.

3) **Recommendation:** The plan shall show a detailed location for the proposed sidewalk to the police station, as well as the Ridge Road terminus.

Reply: Mr. Johnston said the location of the proposed sidewalk along Ridge Road is still undetermined, however, there would be a sidewalk to reach Ridge Road.

4) **Recommendation:** The applicant will produce a 10’ sidewalk to provide a true multi-use system for both bicycle and pedestrian use. Ten feet meets the industry standard.

Reply: Mr. Johnston said the 10’ width is used on multi-use trails with heavy bicycle and pedestrian use. Eight foot is appropriate when minimal use is anticipated, as in this case.

5) **Recommendation:** The applicant shall provide revised planting plans indicating how areas previously cut and used as lay down areas will be revegetated or to address the clear-cut areas and areas previously impacting wetlands and buffers.

Reply: Mr. Johnston said more detail would be put on the plans to reflect what Stantec has indicated.

6) **Recommendation:** The applicant will revise the plans to show the water line looped to Caddy's Way, as recommended by the York Water District, and the applicant should work those details up prior to plan submittal.

Reply: Mr. Johnston said it doesn't yet show on the plan, but the water line has been looped to Caddy's Way.

7) **Recommendation:** The applicant shall revise the plans to eliminate the future expansion shown on the cell pad area. The applicant shall also show the details of the tower design.

Reply: The outline for the cell pad will be no more than an 8 1/2 foot by 11-foot envelope. The tower design has been decided on and was depicted on the elevation Mr. Johnston then showed the board.

8) **Recommendation:** The applicant shall provide a surveyor's report so the Planning Board can better understand the conflict surrounding the survey information as part of the final submission.

Reply: Town Manager Rob Yandow came to the podium and said that the issue with the survey relates to York's Wild Kingdom property is being characterized as a dispute. The owners came to the Town with a survey that was different from the survey the Town is using. There have been four meetings with them, and they have been congenial. It's been decided that, at some point, the Board of Selectmen and the owners of York's Wild Kingdom will do a boundary line agreement. There is a plan to do it at the appropriate point in time. There isn't anything adversary about that.

Amy Phalon said the survey and the surveyor's report are sufficient information,

9) **Recommendation:** The applicant shall revise the plans to address any and all issues raised in the engineering comments above as part of the final plan set submission.

Reply: The applicant representative agreed with this.

The Chairman said the site walk is planned for Saturday, May 31, 2014, at 10:00 A.M. The board cannot discuss any substantive issues at any time surrounding the site walk. The applicant representative will describe things while they are walking.

Motion: Al Cotton moved that we accept the preliminary review as complete, including all Planning Board staff recommendations, as agreed with the applicant. Peter Smith seconded the motion.

Discussion: Lew Stowe objected to the preliminary plan being approved. Mr. Frederick told him the preliminary plan was being accepting as complete, not approved.

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

Other Business

Set the Date for the Next Meeting

Another special meeting will soon be set, probably at the end of June.

Adjourn

10:15