

**York Planning Board**  
**Thursday, March 10, 2011, 7:00 P.M.**  
**York Public Library**

Chairman Lew Stowe called the meeting to order, saying there was a quorum. Board members Todd Frederick, Torbert Macdonald, Tom Manzi, and Lew Stowe were present. Tom Prince and David Woods were not present. Town Planner Christine Grimando represented Planning Department staff. Patience Horton took minutes. The meeting lasted four hours and was televised.

**Public Input**

**Open to the public to address any issue other than the scheduled public hearings.**  
No one came forward to speak.

**Field Changes**

There were no field changes.

**Minutes**

**Review and approve draft minutes**

The minutes of February 24, 2011 were reviewed. Lew Stowe requested changes and handed the minutes to the secretary for correction.

**Motion:** Torbert Macdonald moved we approve the minutes as amended. Todd Frederick seconded the motion. The motion passed 4-0.

**Application Reviews and Public Hearings**

**TJ's at the Sign of the Goose; 1287 US Route 1; Map & Lot 0015-0013; Revision to a Previously Approved Site Plan**

Attorney Tom Watson spoke on behalf of the applicant who is seeking amendments to a preexisting site plan, approved in 1997. At that time, the property was used as a residence, a retail shop, an antique shop, and a studio. In January 2001, another building was put up as a studio for interior design. The original shed serves as personal storage, but this application seeks for usage change to commercial storage. Changes are also requested for outside display and lighting on the property. The proposed landscape lighting will be softer. The 248 square foot shed was approved in 2004 for personal storage. The business needs it for commercial storage and additional display, and that will not encroach on the setback or have a high lumen rating. A lighting study has been made.

In 1997, there was no area for outdoor display. Today, some items, like statuary that is not for sale, mix with items that are for sale and will share the same area. With 1,000 square feet of outdoor display, the applicant can meet the allowance for business with

space under 5,000 sq ft. The sale items will be in proposed areas that are set apart from the permanent items, and the square footage of outdoor display can be measured.

Town Planner Christine Grimando said the storage shed was originally approved as an accessory building for residential use. There have been abutter complaints of light spillage and glare. Pole lights on the property have been turned off. The outside display was not allowed originally. The proposed solution is creative and allows groups of items to be clustered and counted into square footage. The display orients the commercial activity to Route One. Shoreland permits were given this year for clearing and planting.

Project engineer Bill Anderson explained retail space in the studio and shed. Because of its small size, the shed was permitted and legally approved by CEO. CEO had approved the fences, as well. Bill Anderson explained the lighting design and lumens for storage areas and landscaping. The chain link fence was noted, and Christine Grimando said there is nothing in the ordinance that guides the materials in the fence.

The Chairman opened the **Public Hearing**. Abutter **Larry Layton** represented himself and **Thomas Cowan**. His house is 50 feet from the TJ at the Sign of the Goose property line. The property is in RES 1-5. There is a 30-foot buffer yard at the back. Mature trees and other vegetation between the two properties were recently removed. There is lighting glare from the property. He showed the Planners photographs including some from Google Earth from 2008-2009. The photos showed that there was once foliage across the yard. Since then there has been clearing below the trees. There has been recent plantings of evergreen, but not as effective as the buffer that was there before. There are display areas where the buffers were.

Light on the applicant storage barn can be seen from my house, Larry Layton said. He hopes to see Planning Board approval contingent that the light is mitigated and the 30-foot buffer is restored to its original effectiveness. There was an issue of restoration of the fence that was put in during October/November of 2010.

Applicant **Tony Sienicki** responded. The evergreen and dogwoods had been added to the buffer, but they were not shown in the photos. Torbert Macdonald cited 6.3.10.5, landscaping performance standards for Route One. He said that the relevant question is what were the original requirements of the buffer yard. To change the bufferyard, the applicant would have to have a landscape architect's plan.

Tom Watson said the 1997 Planning Board conditioned the applicant to maintain a bufferyard in accordance with the River, not from the side yards. There had been bamboo growing in the bufferyard, and it was removed, as were dead trees. These things had been replaced with plantings. He also said the dumpster had a pad. The dumpster area was visible to abutters behind the property, and it was moved away, and it can be moved again. The applicant has put shadings on the lamps on the studio.

Abutter **Larry Layton** said that the vegetation in the bufferzone had been quite tall and the evergreens that had been removed were 15 feet tall.

The Planning Board discussed the need to identify the property boundary as “side” or “rear.” Christine Grimando said that River Road is the property’s frontage, and the property boundary that is in question is in the rear.

### **Storage Area Change in Uses**

**Motion:** Torbert Macdonald moved we approve the change of use from accessory residential to accessory commercial for the storage shed. Tom Manzi seconded the motion. The motion passed 4-0.

**Motion:** Todd Frederick moved that the location of all exterior lighting be indicated on the plan, together with a lumen plan for each light, indicating that all the lighting along the rear setback will not be motion-activated lighting, and said lighting shall have downward shielding. Torbert Macdonald seconded the motion. The motion passed 4-0.

### **Outside Display**

**Motion:** Torbert Macdonald moved we approve the revised site plan regarding the seven small areas to be used for display of retail merchandise, which are indicated on the plan by the letters **a)** through **g)**. Todd Frederick seconded the motion.

**Motion:** Torbert Macdonald moved we request the applicant to present to us a buffer yard scheme near ad 6.3.9.3, would be worked out between the Planning Department and the applicant to insure that the buffer yard meets the requirement for non-residential uses, and this plan be submitted as required under 6.3.10 by a landscape architect licensed under the State of Maine. Tom Manzi seconded the motion. The motion passed, 4-0.

### **Dumpster**

The location of the dumpster was discussed. Abutter **John Stern** said he lives next to the dumpster, and it doesn’t bother him. Applicant **Tony Sienicki** said he would be glad to move it and fence it in. Planning Board member Todd Frederick said the ordinance requires the dumpster to be fenced in, and that it be placed adjacent to the gravel parking at the entrance off River Road, as indicated on the current plan.

Tony Sienicki requested four months to get the necessary application into the office to which the Board agreed.

### **Barrell’s Grove: 59 Beech Ridge Rd. Map & Lot 0086-0045-A; Continued Preliminary Review of a Major Subdivision**

Lew Stowe summarized the progression of the preliminary hearing over time. Torbert Macdonald said the application has too much development for the inadequacies of the land.

The Planning Board is proceeding with the extensions at each meeting with agreement with the applicant.

Christine Grimando said the information in Barrell's Grove that is presented this evening is not ready for a decision. The Board has not had a chance to review the entire presentation. The wildlife study application has to pursue more data. Basement and stormwater management for the individual lots has not been studied.

Torbert Macdonald said he will be contesting the designation of open space.

Bill Anderson said the septic is the major issue. Sweets & Associates reevaluated the groundwater study. The septic design has changed from using eight individual systems to using two fields. Each house will be tied into a system, which will pump multiple pre-treatments. The power outages will be guarded with generators that will turn on when they sense that there is not power.

Two leech fields will alternative sewage treatment. When one tank of the OxyPro system fills up, a float level will switch usage from one to the other, kicking the first pump off. The OxyPro treatment system will keep the water fairly clean. The homeowners' association would own the entire septic system.

Bud Brown Eco Analysis, had researched the New England Cottontail with regard to this land. The habitat conditions on the land do not match up with the rabbits' needs. Bill Anderson added that basements can be installed based on the drainage of each building. The road has been moved, he added. He presented a new layout which shortens the road and has less impact on the wetland.

Torbert Macdonald said that, per 7.6.7, there are two lots that might be considered flag or spaghetti lots.

He asked how a diaper makes it through a 1-1/2 inch pipe. Engineer Mike Livingston said the solids are ground up in the pump before moving through the pipe.

Torbert Macdonald asked if hydrogeologic information has been produced for the whole area, or just for the septic area. Per 6.4.17, the study should be made for the entire site. How can we know without a hydrogeologic assessment that no more than 50% of these lots have a high water table? The surface has ponding. We have to know if they are viable lots.

A foundation drain detail that references the flood zone also comes from the hydrogeologic study; and is necessary to judge the addition of five or six feet of dirt for a cellar, he added.

Lew Stowe said Sweet & Assoc. has determined some mixing of plumes at different elevations on the Barrell's Grove property.

## **Open Space**

Torbert Macdonald asked how the conclusion to put open space above the leech field was reached. Looking at 7.13, he said, the open space is for the retention of scenic area, to maximize wildlife habitat, or for recreational use. The utilization of a septic area for open space is no more valid than calling a parking lot open space. The open space has to have a designated purpose, said Torbert Macdonald. The developer should read the Comp Plan and show the Planners he is conforming to the goals of 7.2. These are heritage coastal rivers. It is on the applicant to meet the open space requirement. They have to come up with another idea, he said.

The Vernal Pool needs confirmation and should be determined in spring or early summer.

Applicant **Rob McKee** said his group is concerned about the River. Properties around the Barrell's Grove property have 44 acres of land already surrounded by mowed lawn. We did the wildlife report, as we were required to, he said.

Lew Stowe said there are seven items to go: septic design, habitat; DEP (was not interested in coming down to York, said Christine Grimando); Health and Human Services, said Lew Stowe; road elevation going through the lot, groundwater analysis, and storm-water study for which a peer review will be necessary.

The applicant and the Town Planner agreed to extend the review period for 60 days.

## **New Business**

- **Planning Board Preference Votes on the May 1011 Ordinance Amendments**

**Motion:** Torbert Macdonald moved we unanimously approve the four ordinance amendments and send them to the Board of Selectmen. Todd Frederick seconded the motion. The motion passed, 4-0.

- **Letter to Community Development Department re: Riverwood Common Septic System**

The Planners agreed to edit the letter at Tom Prince's recommendation and forward it to Community Development.

- **York Fields Request for Extension**

Christine Grimando said that York Fields has requested to extend their deadline to May.

## **Old Business**

- **Village Committee Planning Board Appointment**

The Board agreed to discuss this at a later meeting.

The meeting adjourned at 11:00.