

York Planning Board
Thursday, February 26, 2015, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum; Appointment of Alternates

Chairman Al Cotton called the meeting to order at 7:00. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe; and alternate Amy Phalon, who was appointed as a voting member. It was Alternate Wayne Boardman's first meeting. He did not vote. Gordon Eldridge was not present. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum

No one came forward to speak.

Minutes

The February 19, 2014, Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the February 19, 2015 Minutes as corrected. Todd Frederick seconded the motion, which passed 5-0.

Field Changes There were no field changes.

Application Reviews and Public Hearings

Hadley Hills Subdivision Revision; 29 Rumsey Rd.; Map 0090; Lots 0031-H & 0031-I. The proposal is to revise the lot line that separates lots 0031-11 and 0031-1.

Town Planner Dylan Smith: This is a revision to an approved plan. One property owner has not signed off on the application for the land swap, but will tomorrow.

- **Motion:** Todd Frederick moved to accept Hadley Hills Subdivision Revision, 29 Rumsey Rd., Map 0090, Lots 0031-H & 0031-I, for purposes of discussion.

Applicant representative Bill Anderson explained the lot line change, which means taking a piece of Lot 7 and adding it to Lot 8. He showed the board the 1988 original plan. It has a contour map that makes the drainage seem to run uphill. He has taken that off the current plan and is showing the correct drainage on a new plan.

Chairman Al Cotton opened the **Public Hearing**.

Jared Chase, 29 Rumsey Road, asked to have the proposed changes explained. Bill Anderson showed the area where water seemingly goes uphill, across the cul-de-sac, and across Lots 7 and 8, which is where the boundary line is being changed. The change will

not affect Mr. Chase. The change is on paper, which shows the drainage flow incorrectly.

Sharon England, 28 Ramsey Road, has her property abutting the cul-de-sac. Drainage flows off a vernal pool and across her property. Will the change affect her property? There was a berm put in on Mr. Cutts's land, which has caused water to back up on his property and part of hers.

Ludwig Keyman: The Town permitted a hammerhead turnaround design as well as a cul-de-sac. The hammerhead was not installed. We should put in the cul-de-sac the way it is drawn on the plan, he said. **Bill Anderson** replied: We showed the hammerhead on the plan as it was suggested, but the original cul-de-sac was used. Nothing has changed.

Mr. Keyman continued: When people start building, they might put berms in that will shift the water. If the hammerhead gets built, it will cause problems. **Peter Smith**: The [new] plan shows accurately where the water flows. If the water doesn't flow properly, and it is flooding any area, go to the Code Office and seek recourse there.

Bill Anderson: There is a provision for a hammerhead in the design specs. There was an option to use it or the cul-de-sac. The hammerhead is not there, physically. **Lew Stowe** asked to have the hammerhead taken off the plan.

Chairman **Al Cotton** closed the **Public Hearing**.

Motion: **Peter Smith** moved that we approve the application for Hadley Hills Subdivision Revision, 29 Rumsey Rd.; Map 0090; Lots 0031-H & 0031-I, with the addition that the hammerhead turnaround be removed from the plan and that the drainage easement shown on Lot 7 be revised to show where the water actually flows. **Amy Phalon** seconded this motion, which passed 5-0.

Dunne's Ice Cream, 214, 219, and 222 Nubble Rd., Map 0025, Lots 0200, 0200-A, and 0225, The proposal is to construct a new ice cream stand and parking lot.

Dylan Smith: The application was accepted as complete at the January Planning Board hearing. It was on the agendas, but not heard, for the February 12 and February 19 meetings. All the issues have been met, and the Town Engineer's stormwater report should be reviewed tonight. The applicant should also review landscaping, fencing, and employee parking.

Applicant representative **Tim DeCoteau** reviewed waiver requests as reviewed by Town Engineer **Steve Bradstreet**. The High Intensity Soil Survey waiver is acceptable. The waiver of the water table report is acceptable. The Town Engineer concurs that the waiver for the water quality report is acceptable. The performance guarantee is not applicable to the Ransom Stormwater review. But, this project will take about 10 weeks, and by the time the performance guarantee is set up, the need for a performance guarantee is re-

solved. Dylan Smith: The performance guarantee waiver can be supported as long as there is a note.

Tim DeCoteau continued. Note 4 will indicate the stormwater analysis has met Ransom's satisfaction. The plan has been modified to identify the underdrain of the patio pavers, and those that don't have pavers shall be constructed with crushed stone. There will be no snow removal in the winter. Chief Bridge has been checked, and he is okay with no plowing.

Tim DeCoteau reviewed plan notes. The property owner will maintain the stone dust sidewalk, until the time the Town wants to take it over. Landscaping will not block proper sight lines. Dylan Smith had supplied boilerplate plan notes that are usually added to site plan and/or subdivision notes. Erosion controls must be in place prior to construction.

Chairman Al Cotton opened the **Public Hearing**.

Attorney Greg Orso represented the Brown family. Their primary concern is that there will be enough screening for the properties abutting the building. Some are as close as 15 feet. The higher the fence, the better, he said.

Tim DeCoteau replied that the fence will be four feet tall and continue along the rear property line. The trees will be installed as they look on the plan. The new compressors are very quiet. They are being screened from view.

Lew Stowe: The DOT report, onsite mitigation, and overall requirements appear as a separate permit. The lights by the driveway and screening should be referenced on the plan. The 6.4 list must be complete and put in the Findings of Fact

The chairman closed the **Public Hearing**.

Motion: Todd Frederick moved to grant a waiver to 3.3.3A, Elevation Contours at 2 foot intervals; to grant a waiver to 6.4.17.1, High Intensity Soil Survey; to grant a waiver to 6.4.17.2, Depth of Water table; and to grant a waiver to 6.4.17.4, data on the Existing Ground Water Quality. Peter Smith seconded. The motion passed 5-0.

Motion: Todd Frederick moved to approve the Dunne's Ice Cream site plan, 214, 219, and 222 Nubble Rd, Map 0025, Lots 0200, 0200-A, and 0225, with five items. Boilerplate plan notes will be added to the site plan. There will be a note certifying for the CEO that improvements have been completed prior to occupancy permit. Notes from Sections i, ii, and iii, found on Page 7 of the Town Planner's memo, will be included. These notes are in regard to the maintenance of the stone walkway, vegetation in front of the parking lot to reduce glare, and the sound of coolant machines affixed on top of the building. Peter Smith seconded the Motion. The motion passed 5-0.

Division of Land/Estate of Roger R. Norton Jr. End of Skylark Lane and 28 Oceanside Ave. West; Map & Lot 0032-0035 The proposal is for a 2 lot (minor) subdivision located off Ocean Avenue West and Skylark Lane.

Dylan Smith: This application received preliminary approval in January and is here for final. The applicant has addressed all of the Town Planner's issues and 6.4 issues. Boilerplate notes can be added to the plan. Waiver requests (public sewer, stormwater drainage, and street design standards) will be decided tonight.

Jim Nadeau is the applicant representative of the Norton Estate. Project engineer Bill Anderson put an additional sheet to the plan set to incorporate 6.4 and Dylan Smith's notes.

The Chairman opened and closed the **public hearing**. No one came forward to speak.

Waivers

Public Sewer

Jim Nadeau: The reason why the waiver is in place for the sewer is that it is not cost feasible. Peter Smith: The roads are so narrow, there's not enough right of way to dig a trench to put the sewer in, unless you go down the middle of the road. It is ledge. It would cost \$300 thousand to excavate it and only \$20 thousand each for septic systems.

- **Motion:** Lew Stowe made the motion that we approve a waiver to 7.9.1 on the public sewer. Peter Smith seconded the motion, which passed 5-0.

Stormwater Drainage

Town Engineer Steve Bradstreet had made a recommendation supporting this waiver.

- **Motion:** Lew Stowe made a motion to approve a waiver for a stormwater drainage plan, 6.3.2.7 and 7.10.1. Peter Smith seconded the motion. It passed 5-0.

Street Design Standards

Jim Nadeau: The maintenance agreement is applicable to the area that has a 50-foot right of way and driveway within the subdivision. It does not include the neighborhood association on Skylark Lane.

- **Motion:** Lew Stowe motioned to approve a waiver to the street design standards for Subsection 9.1 through 9.9. Peter Smith seconded the motion, which passed 5-0.

Trees

It is not necessary to show trees greater than 6-inches in diameter or larger at the height of 4 foot, 6 inches.

- **Motion:** Peter Smith moved that we approve a waiver for Article 7.3.1 relative to showing trees greater than 6 inches in diameter. Lew Stowe seconded the motion, which passed 5-0.

Side Slopes at the Area of Septic Systems

Bill Anderson: This has to do with the location of the leach field and it limits the amount of clearing. York standards call for a 20%, or 5:1 ratio, of the slopes in the area of the septic systems. It calls for more clearing than the ratio of 4:1, or 25%, which is the State standard. We are asking for 25%, which calls for less clearing.

- **Motion:** Peter Smith moved that we approve the request to not require grading to be less than 20% slope in the area of the septic system, which is article 7.3.1.d. Todd Frederick seconded. The motion passed 5-0.

Findings of Facts

Lew Stowe reviewed and commented on Findings with Jim Nadeau. Lew requested that Jim put the 28 items of section 6.4 in the Findings.

- **Motion:** Peter Smith moved that we approve the application for Division of Land/Estate of Roger R. Norton Jr.; End of Skylark Lane and 28 Oceanside Ave. West; Map & Lot 0032-0035. Todd Frederick seconded the motion, which passed 5-0.

SMPDC Review of Site/Sub Regulations

Lee Jay Feldman from Southern Maine Planning and Development Commission will be evaluating York's subdivision regulations and "clean up" their formatting. This will take about a year he said.

Lee Jay Feldman: The problem seems to be redundancy or confusion as to where certain standards are. They need to be easier to understand as with a unified code, which would be one document. In the past Lee Jay has consolidated a separate Subdivision and Zoning Site Plan Code for another community. The opposite of unified code is standalone code.

There are code companies that re-codify city's ordinances and put them in an electronic format. Great care must be taken the nothing is lost in the process. The State law requires that towns have Subdivision Ordinances separate from Site Plan Regs. Site Plan regulation processes are completely elective in any town in Maine.

Lee Jay has already spent time looking at the project. He might not be back with accomplishments for a few months. It will be tedious work. He expects he will be in a conference room with papers spread out everywhere, trying to figure out what will go where. Amy Phalon hopes to see a document that can be scrolled through with links, as on an iPad. Lee Jay answered it is not his expertise but will take it into consideration.

Review and Discussion of Potential 2015 Ordinance and Comp Plan Amendments

Kearsarge House

Project Engineer JoAnn Fryer had provided sample language for the ordinance change for density provisions in York Beach. She had received a letter from Steve Burns saying that

the Selectmen might not put the ordinance on the ballot. She planned to write a letter and “plead their case.” She asked for the Planning Board’s help with this, as well.

- **Motion:** Todd Frederick moved that we forward to the Board of Selectmen the York Beach Center District Mixed-use Dwelling Unit Density Zoning Amendment 5.4.11.a. For any mixed-use building serviced by public water and public sewer, the maximum number of dwelling units shall not be limited, and the ground floor shall be reserved for commercial use as allowed in the York Beach Village Center District. Lew Stowe seconded the motion. The motion passed 5-0.

The public hearing before the Selectmen will be held March 23, 2015.

The Board of Selectmen had reviewed and commented on seven Ordinance Amendments.

1) Elimination of the Sunset Clause

No changes

2) Sign Standards, Digital Displays.

The selectmen requested no changes but questioned why fuel prices were added as allowable digital displays.

3) Matching Density to Lot Size

“No lot shall contain more than one **principle** dwelling unit and one **accessory** dwelling unit with the combined total maximum of 5,000 square feet.” The Selectmen added the words “principle” and “accessory.”

4) Gen 3 Zoning

The Selectmen requested changes and may not pass this to the ballot. In the case of rezoning the Village, the zoning should be changed at once.

5) Res-2 Commercial Use

The Cliff House got a 0-4 vote from the Selectmen and will not go to the ballot.

6) Amendment 6 Sign Standards

The sign welcoming visitors to York Village was accepted.

7) Kearsarge House Fractional Share/Density Change

Will be tabled for more work.

Artisanal Food

Dylan Smith: It might not be ready. If the Planning Board has strong backing for Artisanal Food, then forward it and give it a try.

- **Motion:** Amy Phalon made the motion that we send the Artisanal Food amendment that has been uploaded to our website to the selectmen for approval. Peter Smith seconded the motion. It passed 5-0.

Dunne's Ice Cream Traffic Issue

Amy Phalon had organized abutter letters from the Dunne's Ice Cream application. There were about 40 of them. They were complaints about the traffic on Nubble Road. She had prepared a memo to give to Town Manager Steve Burns.

- **Motion:** Amy Phalon moved that the whole board approve the memo regarding the traffic issues at Nubble Road. Todd Frederick seconded the motion, which passed 5-0.

Adjourn

10:40