

**TOWN OF YORK PLANNING BOARD
THURSDAY, DECEMBER 11, 2003, 7:00 P.M.
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Chairman Glenn Farrell started the meeting at 7:00. Barrie Munro, Dan Remick, Glen MacWilliams, and alternates Tom Manzi and Richard Smith, who voted in place of absent Dave Marshall attended. Town Planner Steve Burns represented the Planning Office. Patience Horton took Minutes. The meeting was televised. Items 2, **Senechal Subdivision Amendment**, and 3, **Peter Davis/Ogunquit Road Subdivision** were taken off the agenda. There were 2 motions made during the meeting.

Minutes There were no Minutes to review.

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

Russell Baker of 12 Rush Lane, President of the Spring Pond Estates Association, was concerned that the Spring Pond Estates builder was coming before the Board for permits to expand into Phase 2 of the subdivision before properly finishing Phase 1. The number of leaking roofs has dropped from 70% to about 7 houses with the assistance of an architect who made a report given to a CEO. The CEO saw to it that some corrections were made. However, there are still places where spliced wires were not placed in conduit and other places where firewalls and drainage systems are not adequate. As well, plowing has been insufficient. Steve Burns acknowledged that he understood Phase 1 was in default.

Applications

Anne Hodgin—Blue Star Mall. 470 U.S. Route One. Map 48/Lot 26. Public Hearing. Application for construction of new 5,000 s. f. retail building, to be developed by DLJ Corporation.

The Public Hearing was opened and closed, with no one coming forward to speak. Tom Manzi brought up his concern about blasting so near sensitive, underground gasoline storage tanks. Duane Jellison said that pits have been dug, and it appears that blasting will not be necessary. Glen MacWilliams asked if there was professional certification on the plans. Duane Jellison presented plans that contained the proper date, stamps, and signatures. The retaining walls were discussed. At an earlier meeting, a vote had been taken to allow for a reduction of the setback. Glen MacWilliams pointed out that reduction of the setback would result in elimination of remaining contours, and it would allow tree removal, making the changes “radical.” Barrie Munro said that a 16 ft reduction in elevation was being allowed.

Motion Barrie Munro moved to approve the permit on the basis that it satisfies §18.1.5.2, the Rt. 1 use permit, and the site plans, including the Findings of Facts and Plan Notes subject to the precedent conditions of including Plan notes dated December 5, 2003,

submitted by the Town Planner. The approval is also conditional on finalization of the location of the sidewalk with the Public Works Director and MDOT, if necessary, the obtaining of department sign-offs from Police, Public Works, Village Fire, York Water District, and York Sewer District, the addition of the landscaping plan to the final plan set, and renumbering of the entire set in sequence, as necessary. Glenn Farrell seconded the motion.

In discussion, Glen MacWilliams emphasized that the project will not preserve existing trees, grading, or control the removal of soils.

The Motion passed 4-1, with Glen MacWilliams opposed.

Senechal Subdivision Amendment. 84 Norwood Farms Road and 7 Wavecrest Circle. Map 118/Lot 121, and Map 117/Lot 89. Public Hearing. Application to amend prior subdivision by adding a new driveway easement.

Removed from the agenda.

Peter Davis/Ogunquit Road Subdivision. 12 Ogunquit Road. Map 99/Lot 75. Public Hearing. Conceptual for 3 lots from 10.12 ac.

Removed from the agenda.

York Shores Subdivision. 8 York Shores Drive. Map 89/Lot 56. Public Hearing. Continued discussion of proposed three-lot subdivision.

The Chairman opened the Public Hearing. Stan Moody, Conservation Commission, said that the subdivision land was sensitive and should have been protected. He thought that the concept of a 450 ft pipe was ridiculous to consider, as so many things could go wrong with it. The Public Hearing was closed.

Steve Burns explained that the dry hydrant was the Town's responsibility, because it is part of the subdivision that the Town had accepted, though the Town Engineer reviewed it, and though the original hydrant failed. The fluctuating water level has been part of the problem. The developer and applicant, Joe Carr, said that the submitted proposal for correcting the hydrant was prepared by John Treat. Joe Carr has been working on fixing it for 6 months, but the Town will have to maintain it, when it is fixed. If the hydrant does not work, it will be moved closer to the pond. Glenn Farrell said that, if it does not work, the applicant will have to come back before the Board. Steve Burns said that time will be up in June of next year, and then everyone will know if it works.

Glen MacWilliams asked for the Planning Board Minutes that document the permitting of the expansion of the subdivision. As he understood, there could be no additional lots. After Steve Burns indicated past dates York Shores has appeared before the Board, Recording Secretary read from the October 10, 2002 Minutes, which describes how "Barrie

Munro moved that the Board approve the waiver of §9.5.8,” which motion passed 3-2 at the time.

Joe Carr said that the lots now being subdivided had been called “remaining land” after the original land was divided. Steve Burns said that there should be a Plan Note prohibiting a second road, so that the third possible lot cannot be realized. Stan Moody suggested that without a working hydrant, the residents might not be able to obtain fire insurance.

Motion Barrie Munro moved that there shall be no road extension off the cul-de-sac, York Shore Drive, therefore the maximum addition to the development would be one house. He also moved for an extension of the right of way. Glenn Farrell seconded the motion

Further discussion about the pipe, its vulnerability, and the engineering of the new system included questions and observations from abutter Richard Bach. During discussion, Richard Bach said that when he bought his house, he was told that development of lots 15 and 16 would never happen. He described the “butchering” of trees for a new driveway that had recently taken place.

Vote The motion passed, 4-1, with Glen MacWilliams opposed.

S&J Collision Amendment. 336 U.S. Route One. Map 59/Lot 22G. Public Hearing. Application to amend the Route One Use Permit to add vehicle storage behind the building.

Steve Burns stated that he did not feel that the delineation of this property’s wetlands is accurate to how it appears today. For parking or storage for 15 or 20 automobiles, some landscaping will be required. The Fire Department will be requiring a Knox Box. Glenn Farrell instructed the applicant to get Wetland Delineation.

Old Business Review status and content of work to date on issues for the May Special General Referendum.

Steve Burns went over the agenda for the upcoming Monday night workshop and handed out the draft budget for his department. Also, a legal opinion from Attorney Larry Walden indicated that the Board has the right to have the property development in Eliot addressed.

Other Business/Adjourn

Glenn Farrell asked that the odor problem at a certain woodworking shop have a follow up. As for the recent Randy Smalls application, notification from Bill Bray indicated that some trees would have to be cut to ensure an adequate sight distance coming off the property. The meeting adjourned at 9:00.