

**York Planning Board**  
**Thursday, September 9, 2010, 7:30 P.M.**  
**York Public Library**

**Call to Order, Determination of Presence of Quorum**

Board Chairman Lew Stowe called the meeting to order and determined the presence of a quorum. All Board members were present: Todd Frederick, Torbert Macdonald, Tom Manzi, alternate Tom Prince, Lew Stowe, and Dave Woods. Tom Prince did not vote. Town Planner Christine Grimando represented staff. Patience Horton took Minutes. This application hearing lasted three-and-a-half hours and was televised.

**Public Input**

**Open to the public to address any issue other than the scheduled public hearing.**

Bonnie Bemis, abutter in the Ice House application, asked if the Ice House Mylars had been signed. They were signed later in the meeting, as indicated on the agenda.

**Field Changes**

There were no field changes.

**Minutes**

**Review and approve draft minutes.**

The August 12, 2010, Minutes were reviewed and corrections were requested. Changes were given to the recording secretary to make.

**Motion:** Tom Manzi moved we approve the August 12 Minutes as amended. Dave Woods seconded the motion, which passed 3-0. Torbert Macdonald had not attended that meeting.

**Applications**

- **York Hospital Medical Office, 127 Long Sands Ave.; Map & Lot 0044-0046;**  
Application for Change of Non-Conforming Use to establish the new medical site of a pharmacy in Long Sands Plaza.

Property owner Katy Watts said the 13,000 square feet for the office is comprised of the old Rite Aid, Stop & Go Video, and Cook's Hardware. The space is for office medical space. The Rite Aid portion had not been before the Planning Board for use before. She had gone to Police, Water District, and Housing Authority. Tim Haskell had said there were no sewer issues. Dave Woods asked if the downstairs empty space of the American Legion is included. Katy Watts answered no. She had submitted a study of the required parking spaces for each of the current businesses to provide a base line for the additional space required for the proposed use change.

**Motion:** Torbert Macdonald moved we approve the change of nonconforming use and give a new nonconforming use permit to expand new medical offices at the Long Sands Plaza. Tom Manzi seconded the motion.

**In discussion,** Christine Grimando said the project was formerly approved as a full occupancy, mixed-use site. The parking calculations have changed for different uses. There is enough parking. Perhaps there should have a future parking analysis for shared parking. Dave Woods said there are extra parking spaces that are rarely used.

**Public Hearing:** The chairman opened the public hearing, and no one came forward to speak.

Christine Grimando said the area is designated as residential, and when businesses were added, it became nonconforming use. This is an existing site with medical offices already, and going forward with this one is redundant use. With a gray area there, there should be some discussion if this comes forward again.

**Vote:** The chairman called the vote. The motion passed, 5-0.

**Barrells Grove. 59 Beech Ridge Rd; Map & Lot 0085-0045-A;** Sketch Review of a Major Subdivision application

Christine Grimando said this is a major subdivision on an unstable coastal bluff and is a limited residential shoreland in a flood zone. The chairman said they had not gotten through the full sketch review at the last hearing, so it is continuing here. The 6.4 Submissions for Final Plan had not been reviewed, and many key items had not been discussed.

Applicant **Duane Jellison** introduced a new site plan. Because the former layout of the road went right through the paper cul-de-sac, it created problems. This plan takes the road around the paper cul-de-sac. The survey reflects historical significance. There are two legal opinions about the right of way.

Consultant Emerson "Tad" Baker, a certified archeologist and professor at Salem State, has been doing fieldwork in York since 1982. He located the two sites of interest on the Barrel Grove land in 1985. He suggested that by placing a 162-foot easement (50 meters) around the whole property, the area would be designated for archeological work. The Historic Preservation Commission would authorize site work as part of the DEP permit. This, the Old Mill Creek #1, is the first of the two sites of potential national significance. It is at least 300 years old. It is one of the earliest sawmills in the United States, dated 1634. It was a tidal mill, running with the tide, in and out. There is one in South Berwick, as well. A village of buildings around the sawmill is also significant. The site does not need to be explored as long as it can be protected. Shovel test pits 50 meters square and about 30 or 35 feet apart, about a few-hundred test pits, will pin point what resources there might be. An amount of archeological work will be done before the State signs off on it. The Historic Preservation Commission will not sign off on the sale until they are cleared.

Tad Anderson said the work could be done in October, 2010. It would have to be approved by the State and the York Planning Board, both. The information will go on the deed and be recorded. Project engineer Bill Anderson showed the original plan of the old right-of-way created by Blaisdell, saying the lots have been rearranged. By moving the road for the new layout, one of the lots was lost. Christine Grimando asked what open space is planned. Bill Anderson answered there is considerably more open space. Where 1.0 percent is requested, this has 1.6 percent.

There was a discussion about wetlands. Christine Grimando said the Board has not seen the wetland delineation report yet. When we have that information, we will have to go out there and walk it, she said. The small, isolated inland wetlands do not constitute wetlands and don't need a setback at all. If there are contiguous shoreland wetlands, we can't waive setbacks at all.

### **Public Hearing**

**Linda Goulette** asked where the common area will be. She said the abutters from Saltwater Drive and the Riverwood Homeowners Association had not been notified of this meeting. Christine Grimando explained how the site's radius determines the mail notification. Linda Goulette asked the Board to deny the habitat waiver. Also, she is concerned about sewer disposal fields. She does not want them in her back yard. There are wetlands behind her house and she is worried about runoff. Who is going to maintain disposal fields, and who is going to pay for that? What about power outages, traffic impact from 9 new houses, and are there to be covenants allowing RV parking, lobster traps or swing sets?

**Sean Tenant** asked who will be responsible for the sewage disposal field. It has a finite life. He is also concerned about drainage from the site, which runs down the boundary of his lot and backs up in storms.

**Tom Feeney** of Saltwater Drive represents the Riverwood Homeowners Association. They were not notified of this meeting or the previous meeting. This association's sole purpose is to watch over and maintain the common leech field in Riverwood Estates (47 houses). The group is proactive and concerned about keeping the field up and running. In storms, they use portable generators. This is at the annual cost of the homeowners of \$1,000. They are concerned that any additional leech fields will impact theirs.

Torbert Macdonald asked, when the pumps fail, where does the effluent go? Tom Feeney said the gray water moves down to the streets and is pumped up to the fields. In a power outage, the water sits there, and doesn't go through the system.

**Jack Holbrook** is an abutter across the creek on the north side and owns land on both sides of the creek. He pointed to a specific 2.56 acre area designated on the plan. We need deed restriction for common land, there. It would be nice to put that land under conservation land, he said, as he had done with some of his own land. The Riverwood leech field septic system and this new leech field are next to each other. Now there are

nine more in the same general area with 47. Someone's got to look at the cumulative effect. The ground can only take so much. This is a huge area. Where is it all going?

The Chairman closed the **Public Hearing**. Bill Anderson said the nitrate plume system is very good. Each house will have its own pump design. A generator pumps the systems when the electricity is out. Each lot is pretreated to further reduce nitrate loading. Torbert Macdonald said the plume is the concern for the abutters. He asked for a larger indicator than the butterfly pattern. It heads mostly southerly and not in the direction of the collective field.

Torbert Macdonald said waivers for the landscape plan and the wildlife plan should not be given. Wildlife should be protected and a careful look at the habitat should be taken. He also wants to know what the system will look like when there are huge impulses of rain occurring within weeks, as in March 2010, when in four storms, 12 inches of rain topped the common water table.

Christine Grimando asked for details of Section 6. One issue is in making sure that the paper road is still there. Something in the plan must show that the access to the paper road will not be lost.

Torbert Macdonald said if the road to is to be built around the Woodsman's right of way, it is violated and then nonconformity halts everything. Abutter **Pam Woodman** said the lot is being protected now as a nonconforming lot. She feels that it is the Town's responsibility to pay for the work being done, because the Town had approved the right of way. Applicant Duane Jellison said what he has done has not caused any problems or conflict. The Town Planner told Pam Woodman it is not the Woodman's responsibility to pay for the work.

Christine Grimando said distinction between contiguous and non-contiguous wetland setback has not been determined. It is a key issue. That calls for a site visit that can be made before the report arrives. The waiver request for the landscape plan is defined in Article 6.4 and includes installation of additional plantings and also asks for other information like topography. The second waiver for a habitat and wildlife study of the side, per 6.3.16, cannot be decided without fuller information.

Bill Anderson showed a series of maps supporting the applicant's request to waive the habitat study. Torbert Macdonald explained the Board wants to know what highly valued plant and animal habitats are in there. Duane Jellison asked to keep in mind that with nine lots on 42 acres, there is plenty of room for animals to live amongst the residents. Torbert Macdonald answered it is impossible to judge what a wildlife biologists will find.

Lew Stowe asked to have the plans for both septic systems examined together. Christine Grimando said the Code Officer cannot look at everything, only what he is required to do. Torbert Macdonald said the engineer will be able to look at the field and compare the two to figure out the potential interactions between the two systems. He suggested having Bradstreet do the comparison.

Torbert Macdonald spoke directly to Duane Jellison about the developer's success and responsibility. This project is symptomatic of yesteryear and yesteryear thinking. If the beauty of the land is to be preserved, the direction is not with yesterday's layout. The families are now smaller, housing less traditional. Building should go in a new direction, possibly including cluster design. Duane Jellison answered that being able to make money within the ordinances requires him to keep doing what he's doing.

Christine Grimando recommended no approval of the landscape plan waiver. If the applicant is willing to deliver the plan at a later time, and it becomes a part of the potential application at the final stage, it can be waived at that time.

Tom Manzi recommended letting the public speak again. **Tom Sweeney** of the Homeowners Association asked the Board to come and see the leech field. The board agreed it was important to do so soon. The sketch review hearing ended.

## **New Business**

### **Preference Votes on the November 2010 Amendments**

**Motion:** Torbert Macdonald moved we unanimously move 14, 15, 16, 17, 19, and 20. Todd Frederick seconded the motion.

**In Discussion,** Tom Prince had seen some comments were made in town concerning rodeos and horse shows. He asked if we are comfortable that those concerns are adequately addressed. Christine Grimando answered that a temporary event permit process is available for such events.

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

## **Old Business**

### **Other Business/Adjourn**

The meeting adjourned at 10:25.

### **Signing of Ice House Findings of Fact and Mylars**

The board members signed these items.