

York Planning Board
Thursday, April 14, 2011, 7:00 P.M.
York Public Library

Chairman Lew Stowe called the meeting and announced a quorum. Todd Frederick, Torbert Macdonald, Tom Prince, Lew Stowe and Dave Woods were present. Tom Manzi was absent. Alternate Tom Prince was asked to vote in place of Tom Manzi. This was the first meeting for alternate **Dave Glazebrook**. Town Planner Christine Grimando represented Town Planning staff. Patience Horton took minutes. The meeting lasted 3½ 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 **January 13, 2011** Minutes were reviewed.

In discussion, Torbert Macdonald recommended striking the sentence, “Tom Prince said he would lean toward board approval, as a one-time use, based on the intent.” After discussion, the Board left the sentence in. Corrections were noted and given to the secretary.

Motion: Todd Frederick moved to approve the January 13, 2011 minutes as corrected. Tom Prince seconded the motion, which passed, 4-0-1. Torbert Macdonald abstained.

- The **March 24, 2011** minutes were reviewed. Changes were noted and given to the secretary.

Motion: Todd Frederick moved to approve the March 24, 2011 minutes, as corrected. Torbert Macdonald seconded the motion, which passed 4-0. Tom Prince did not vote, as he was absent from the meeting.

Leeward Landing. 90 US Route One. Map & Lot 0086-0004-F; Application for a Route One Use Permit to add an edition to the retail building and add parking spaces

Architect Mark Weger spoke on behalf of Leeward Landing. It is a thrift store on Route One where the Leather Loft used to be. The thrift store has two locations and in consoli-

dating them to this site, this addition will be added for the furniture department. Four employee parking spaces and the screened dumpster will go behind the new building. There are 23 spaces proposed for the front, including one handicapped. The lot coverage is 19.2%. The setbacks are okay. The outdoor lights will not spill on to abutting property. Sheet flow goes into the detention pond down the slope behind the building.

Town Planner Christine Grimando pointed out that this is not a full site plan review, as it is a Route One Use Permit that does not trigger the full review. A traffic assessment is not required. A sight distance analysis was done, and the distances are okay. The sides of the building will stay unobstructed in the event fire trucks might need to get to the back of the building. The addition is 16 feet lower than the existing roofline. Christine Grimando confirmed that per 6.3.2, the light will not bleed off the property. Mark Weger showed a diagram of how neighboring houses will not see the building, even in winter. Torbert Macdonald suggested a tree count to meet the 6.3.10 standard, 75 units per 100 square feet.

The Chair **opened and closed the Public Hearing**. No one came forward to speak.

Engineer Mike Livingston said he had designed the storm water system in consideration of a 100-year storm event. Torbert Macdonald said the water flowing over the 14-foot elevation drop will be moving fast and will have to be captured and slowed down. The drainage system is under peer review at the present time.

Ledges Golf Course: One Ledges Drive; Map & Lot 0089-0045A; Revision to a Previously Approved Site Plan: Application to construct a building for the storage of golf carts.

Applicant Pat Rocheleau got the original permit for this golf course in 1995. In 2007, he came for the addition of a clubhouse. This application adds a cart barn to the campus. The new golf cart fleet is electric-powered, not gas. The new carts will go indoors. The outdoor lighting will not glare toward the abutter.

Project Engineer Mike Livingston described how runoff from the roof will run into a stone trench around the building and go into an underground catch basin. All new impervious flow will go directly to the pond, which is designed to meet the 100-storm event.

Christine Grimando said this is a revision to a previously approved site plan. The property is located in GEN-3 Zone where there are non-residential standards. The building is 5,000 square feet. The drainage is being peer reviewed. A waiver has been submitted regarding a reduction in the dept of the screening. The abutting home has approximately 190 feet of backyard existing vegetation. Lighting will be shielded. Occupancy of the building will be determined when a project engineer or design professional submits a certificate of completion. Pat Rocheleau said he does not plan to take delivery of the golf carts before the building is complete. He hopes to open by July 4. The **Public Hearing was opened and closed**. No one came forward to speak.

Motion: Torbert Macdonald moved we grant the waiver regarding the depth of the buffer from 20 ft to 10 ft. Dave Woods seconded the motion. The motion passed 5-0.

Motion: Torbert Macdonald moved we give conditional approval for the Ledges Golf Course pending peer review of the drainage design. Occupancy will not be granted until the building and the proposed site work is complete. Dave Woods seconded the motion, which passed 5-0.

York Hospital. 15 Hospital drive; Map & Lot 0089-0045-A; Amendment to a Previously Approved Site Plan: Application for Fence Removal and On-Site Traffic Improvements.

Steve Pelletier and Mark James were applying for these amendments to a previously approved site plan. When they came before the Board in July 2010, traffic coming down the one-way Lindsay Road entrance the wrong way was identified as an ongoing concern. Since August, traffic specialist Bill Bray has been testing the road and has come up with 20 individual specifications for changes. During the original 45-hour traffic survey at the hospital, he found that 3,000 vehicles entered the hospital campus, mostly from York Street, and the 27 cars exited inappropriately, turning right onto Lindsay Road. Construction barrels and other barricades were placed to manage better traffic flow, and then a second study was conducted during a second 45-day test in October. At that time, the inappropriate traffic count went from 27 to 13.

Motion: Torbert Macdonald moved that we approve the amendment to a previous site plan for York Hospital for traffic improvement and for the signing and pavement marking improvement plan. Dave Woods seconded the motion, which passed, 5-0.

Application for Fence Removal

Town Planner Christine Grimando explained that the Hospital hoped to substitute the existing fence with a vegetative screen. Zoning ordinances and Site Plan and Subdivision Regulations do not have guidelines for fence design, leaving fencing to be figured out during Planning Board review. The proposed change would enhance wetland health. Steve Pelletier said the Hospital is sensitive to abutters. The current fence creates a hazardous situation in heavy snowstorms because snow blowers have to stop in the middle of the entrance and move to let drivers by.

On behalf of the Hospital, Steve Pelletier said, four offers had been made to Kinley Gregg, including moving the fence closer to her property and putting plantings on both sides. Landscape architect Terrance Parker (not present) had suggested the current proposal of substituting the fence with a vegetative screen as an equal or better screen against traffic the building (surgery center). Steve Pelletier also said abutter Bob Cutts believes the natural screening will be a good backdrop for the historic district. A letter to that effect had been submitted to the Town Planner.

Mark James pointed out the proposed entrance, site lines, and the location of the existing fence. A variety of tree species are recommended. The buffer will be superior to the fence at the time of planting and get fuller over time, he said. Ten-foot and 14-foot trees are available. Todd Frederick asked how the site will be accessed to plant the trees. Mark James said mats will be used to get the construction equipment across.

The chairman opened the public hearing. Abutter **Kinley Gregg** read and made comments from her four-page memo, which included two photos of the entrance and one photo of flag signage on the entrance advertising "Compassion." If the fence were moved toward the lower grade of her property, as the hospital proposed, she said, the height would drop from 8-feet to 4-feet.

Earlier during the day of this meeting, Kinley Gregg had come into Town Hall to retrieve an illustration she had used during the 2007 application hearing. It had not been retained, though it was part of the application. She stressed that the illustration should have been archived along with everything else and that she needed it. Kinley Gregg also said she felt the Hospital was bullying her.

Dave Woods referred to Bill Bray's statement that having snow up against the fence is a hazard during snow removal, but the planning board of lay people in 2007 had looked at the plan and did not see to potential hazard for snow removal.

Torbert Macdonald said that Bill Bray, at that time head of Town of York DPW, did give approval of the road configuration at the time of construction. He said he missed the problem at that time. On the scale of 1 to 10, what is the level of safety hazard?" he asked Bill Bray. "Four or so," said Bill Bray, which Torbert Macdonald said was moderate to low.

Tom Prince said the vegetative buffer prevents noise and offers visual buffers. He asked Kinley Gregg what the fence offers that the trees do not offer. She said the fence is a solid, opaque screen that screens the 1st floor of a three-story building, and that the fence also prevents her from seeing cars. The vegetative screening, on the other hand, has gaps and is ineffectual screening, she said. She called the proposal a disaster. She said there is a lack of trust. Torbert Macdonald said the hospital had made a concession to her in the 2007 agreement for the fence. The fence should be retained and the hospital can go ahead with the planting. We should keep the fence and take the plantings with it.

Motion: Torbert Macdonald moved that we approve the landscape plan for the hospital allowing the maintenance of the landscaping and the retention of the fence. Todd Frederick seconded the motion.

In discussion, Todd Frederick said the fence was placed there in 2007 by the hospital at the request of the abutter. He is also concerned about the replacement of the plantings if they die. Christine Grimando said 10B of the Hospital Overlay, speaks to mitigation for the lot. There is nothing code-wise to say the fence could not be swapped out, if the change were equivalent. Torbert Macdonald said the board has often and erroneously

acted against abutters. He is the progenitor of the Hospital Overlay District, which allows for higher density. Should the motion pass and the plantings come forward, then the fence will remain, he said. The hospital can bring it back and the board can see it again. At this point, it would be a mistake to have the fence come down, because the board would be renegeing on the reason the fence was put in the first place.

He said abutters have to be treated as special cases, and sometimes the board has acted against the abutters. Having the fence come down would renege the reason the fence was put up in the first place. It is best to keep the fence and take the plantings. The hospital has the right to go to the Board of Appeals, if the Planning Board denies it.

Vote: The Chairman moved the motion. The motion passed 3-2 with Todd Frederick, Torbert Macdonald, and Lew Stowe in favor; and Tom Prince and Dave Woods opposed.

Business New

Christine Grimando demonstrated the new method the Town is using for review of the different York Beach maps, like Shoreland, wet areas, Wild Kingdom, Fire Station, and Town land. The new application will allow toggling back and forth from one map to another more simply.

She handed around *Planning Across Borders* meeting information. Peers from neighboring town across Southern Maine will meet for developing ideas.

Old Business

Motion: Torbert Macdonald approved the Findings of Fact as read for TJ's at the Sign of the Goose. The motion passed 4-0-1, with Todd abstaining as absent for the hearing.

The meeting ended at 10:30.