

York Planning Board
Thursday, January 10, 2013, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Todd Frederick presided. A quorum was determined with five people voting: Chairman Todd Frederick, Board Secretary Lew Stowe, Torbert Macdonald, Jr., Dave Glazebrook, and alternate Al Cotton Jr., who voted in place of Dave Woods. Dave Woods was absent, as was alternate Brud Weger. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Public Input

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

Field Changes

There were no field changes.

Minutes

No minutes were reviewed.

Application Reviews and Public Hearings

Paolini Subdivision 27 Paul Street. Map & Lot 0094-0086-B. Sketch review of a major subdivision

Bill Anderson represented applicant Jamie Paolini for this partial cluster (7 units)/partial-conventional development on 2-1/4 acres. It is at the end of Skylark Lane at Paul Street. The streets around the area are private gravel streets that lead into Ridge Road. The entire site is wooded, except a power line easement. Wetlands have been mapped. Last year, Mike Cuomo confirmed there is a significant vernal pool. Bill Anderson proposes to tie into sewer and bringing water in from Ridge Road, making improvements to Skylark and keeping and widening the gravel road. He would pave it where it intersects with Ridge Road. Tonight, the applicant is mostly looking for input about the streets.

The Chair **Opened the Public Hearing**. **Alice Atwood** has Lots 38 and 39. There are summer residents in that neighborhood. There are children and pets. What will seven more houses do to our wells? We pay to maintain a private road. It is a narrow road that can't be widened. Ambulances can't get up there when trucks are coming down. Drainage is another concern.

Mark Greevey takes care of the road and collects money from the neighbors. Who will do the plowing on Paul Street? They are penalizing us, he said.

Linda Earle lives in the house at the end of Skylark. She is worried about the dangers to her small child. Her door is six feet from the road and speed is a big concern. What about blasting or the vernal pool?

Steve Atwood, at 21 Skylark Lane, asked if the deed for the end of the Skylark right-of-way even exists. The chairman **Closed the Public Hearing**.

Torbert Macdonald asked about sewer. Bill said there were some test pits. They could bring sewer in to Skylark. Torbert said he was having a difficult time visualizing 50% of the area being dedicated to the open space. The open space is largely a wetland or a vernal pool. Bill Anderson said there would be about the same number of lots if they went conventional.

Bill Anderson said that in order to bring water in, they would come in from Ridge Road, which would likely require blasting. He thought they might be able to get wells. Torbert asked who is on the well now and who is getting water from the York Water District in that neighborhood. Bill said he wasn't sure.

The road is his major concern for this sketch review, Bill said. If that passes, they can go from there. They need a right-of-way on Paul Street or some of the lots wouldn't work. The area was developed with private roads. Just because this subdivision abuts Paul Street, it doesn't automatically give us the right to use it.

It's not going to work to build a road that meets the right-of-way standards and is paved, he said. It would have to meet all the radii and the 50-foot right-of-way. It can't be widened for two lanes to pass. The abutters don't want to see a road with speed. Putting in an 18- to 20-foot road and becoming part of the association is realistic.

Todd read per 8.4.1, Subdivision Regs, that "The street that is access to the development, neighboring streets, and to and from the development shall be suitably improved by the developer to accommodate the amount and type of traffic generated by the proposed development." The board is not going to approve a development that does not have Town-standard access, he said.

Bill Anderson said that when they widen it, they would be improving the level of service. They would present a traffic study to the Board showing the impact on Ridge Road. Christine Grimando said that none of the neighboring roads are Town road. They do not come close to the standard for either private subdivision roads or Town roads.

Todd said that if the board chooses, they could do a site walk. The Board's interests to consider would be: water, sewer, proposed right-of-way, access, drainage, cluster or traditional design, topo, location of existing conditions, and location of building envelopes. Torbert added three: the nature of the land, who will hold the land, and where will public access be?

Alice Atwood added that the sewer pipe is only 4". Is that enough to serve all the other houses? With the widening, damage to the well on Lot 38, and to a well on another property, will create hardship for those people. The depth of her well is 485 feet. Mark Greevey's well is 800 feet deep.

Pine Ledge Residential Subdivision. 4 Turner Drive. Map & Lot 0099-0001-E; Preliminary Review of a major cluster subdivision application

Joe Cheever represented DLJ Corporation, Robert McKee from Atlantic Construction, and Jeff Jellison from Century 21, Atlantic Realty. He responded to Town Planner Christine Grimando's January 3, 2013 Memo.

The **6.3.24.2** waiver is to waive submittal of the HHE-300 form for each septic system. Right now, each lot has a viable test pit and a footprint of a septic system that fits each lot. There's an exception. Three lots will share a chambered septic system on Lot 15, a 40,000 square foot lot. It will still be developable. That is a gravity system. The soils on that site support the configuration for that lot and all footprints on the plan, as proposed by the Soil Scientist.

Christine Grimando said that the CEO does not need a full design now. She will be looking for a letter to come from the Site Evaluator. The submittals will include proper detailed assurances that the site will be functional for the septic required to serve. We have enough information for this, she said. The lots can hold systems. They will need to submit full, separate septic system permits when they are ready, but they don't have to design them now, at this stage.

Motion: Dave Glazebrook moved to grant a waiver to 6.3.24.2. Lew Stowe seconded the motion. There was no further discussion. The motion passed 4-1 with Torbert Macdonald against.

9.5.8 The waiver request of the requirement for two means of access.

Joe Cheever said the Fire Chief and Police Chief met with the applicant after the sketch review. They were okay with one access only, if the road could meet Town standards for roads with cul-de-sacs and turnarounds. There also has to be a 30,000-gallon fire cistern.

Motion: Dave Glazebrook made the notion that we waiver to 9.5.8. Lew Stowe seconded. No discussion. Passed 5-0.

7.8 Waiver request to exclude the 100-foot protective radius required around wells.

Joe Cheever said that Ordinance 7.8 says that you can't put wells next to the road. It is an issue that road salt gets into ground water and wells. It is not a point source like a septic system or oil spill. NHDES has a guideline for limiting the amount of solvable salt getting into a well. It emphasizes drainage. It is crucial to get the salty water down to the wetland where it can get into larger volumes of water and dilute. If there is an area in

front of a house where a salty little puddle forms year after year, sooner or later it gets into the ground and into the well. Best management practices, rather than specific setbacks, are the best ways to limit the impact of salt in a well.

However, he doesn't need a waiver for wells near roads, though he thought he would. He has reconfigured things and now there are no wells closer than 100 feet from the road.

Wells on Lots 10, 14, 26, and 30 require waivers because of their proximity to septic. "Cynthia" from R.W. Gillespie, is drafting the Hydrologic Survey for this application, which will be presented at the final review. Joe believes he is still meeting the intent of the ordinance by asking for a waiver for the 100-foot well protection radius on those four lots. In one case he plans to propose installation of two engineered septic systems that are close to each other. In that case, drinking water will still be supplied within the allowable nitrate levels. The system is called "well exclusion," as opposed to "well inclusion." This will be described when the Hydrologic Survey is complete.

Joe said there will be a 100-foot radius around all wells, except in the four special cases where he will ask for a waiver. With them, the radii will be between 85 (or 90) feet to 70 feet, or as written. Those radii create barriers to septic systems, back up septic systems, roads, and sub-service storage tanks. As a mitigating factor, casing will be provided, as required, by the State of Maine on those four wells.

Christine said that with the Town's salting policy, only private roads have the option to "sand only." Also, the State allows reduction of the 100-foot well radius. Therefore the Planning Board has the ability to reduce the well radii. If it were a local ordinance, the Planning Board could not change it.

Joe Cheever responded to more items in Christine Grimando's January 3, 2013 memo.

Affordable Housing The five single family workforce houses, 15% of 33 houses, are not located in the Workforce Housing Overlay District, but are in cooperation with the York Housing Authority, which will choose who's qualified to own the houses.

Open Space/Common Land. Lots 1, 2, and 3 will be open space. The common land and the rights-of-way will be with the homeowners' association. At some point, the Town will be requested to take over the road. Joe said that they have to find an easement holder. He will come back with a presentation.

Landscaping and screening

A resolution has been made with the Smiths. They will have trees planted in certain locations. There haven't been any conclusions with Kim Joyce and Brenda Losada.

Stormwater Runoff

This will be held back and presented at the final.

Fire Cistern

The footprint is on the plan. Specifications of the dry hydrant will be at the Final. It will be 1,200 feet from the farthest house.

Sight Distance. The sight distances from Turner Drive are 350 feet looking right on Logging Road and 260 feet looking left on Logging Road. A “Slow Children” sign will be required. A traffic-calming configuration will be established.

7.6.1 Cluster Subdivision Standards. There is nothing new from the last meeting. The NGE-29 data will be on the final plan. The two street connections have been discussed. Wildlife biologist Bud Brown’s vernal pool study has not been presented. Vernal pools have been plotted on the existing conditions plan. There are 11 of them, none of which are significant.

Todd Frederick **Opened the Public Hearing.**

Roland Labrie said he lives on the left, turning into Turner Drive from Logging Road. Is the road is going to stay where it is or be shifted? When you pull out of Turner, and look west, you may have a 300-foot sight distance, but right now it is 130 feet because the hardwood brush in the ditch blocks the view. If Dean Lessard is clearing that now, who is going to do that in perpetuity? Directly across the street is Stony Brook where there are 14 houses. He has been counting cars in and out of Stony Brook and some days he gets up to 200.

Dave Linney said, “It will not be the last minute before they are going for the final plan to come up with notes on the plan about the effect it will have on the nursery, where things have to be protected. The storm water and drainage have to continue through no matter what deed or easement may eventually be given, such as Great Works Land Trust. Also, abutters to Turner Drive would like to get their situations finalized before it comes up to the final plan and the planning board has to make a decision right. I was surprised that it was not all low-income housing. Tonight I find it is only 5 houses. That was a change to what was presented initially.”

Kim Joyce said the applicant has agreed to the gate they requested. The applicant didn’t agree on the well matter. The well will be protected. Our well is 26 feet from the road. According to the ordinance, it should be 100. They are asking for a waiver for four lots to be 65 or 70 feet away from the road. She does not understand, **she said to the record**, why they are not being held to the same standard. **Joe Cheever** commented that this is an ongoing negotiation.

Gregory Baker of the York Conservation Commission said the codes are there for a reason, and we’re trying to adhere to them. Very few hydrologic models are predictable, and that’s why they’re called models. You need more information. He hopes more people will come to the next hearing.

Roland Labrie, again, asked about road placement. Joe Cheever said we're going to center the new road in a 50-foot right-of-way. Roland said the gravel road is closer to his house than the centerline of the 50-foot right-of-way. The Chair **Closed the Public Hearing**.

Lew Stowe asked Joe Cheever about buffers at active streams at wetland crossings. Are culverts going in there and buffer areas being established? Joe said those are wetland crossings, not stream crossings. He had submitted the grading and design plan per 6.3.1. Lew said that the wetlands near the roadway should be marked out as a buffer area and a wetland.

Torbert Macdonald asked for submission of a Sketch and Narrative, prepared by a professional engineer, and the Post-Stormwater Drainage Plan per 6.3.27, which he read aloud. The submission shall also indicate whether the drainage system will be below ground or above ground. It calls for a narrative description that covers the measures the applicant has taken to control stormwater that is leaving the property, plus a description of the expected total runoff leaving the site. Swales, underground piping, and the capacity of abutting downstream properties to manage a 100-year storm will be addressed by the applicant.

Joe Cheever replied that the requirement was met in the last paragraph of the cover letter of his initial application where he presented all the requirements needed to meet the ordinance, DEP, and Chapter 500 stormwater management (quantity and quality) requirements. He said he mentioned the 100-year flood requirements there. The paragraph includes the statement that no offsite flooding or water quality degradation is anticipated. Several sheets of grading plans were submitted during and support the preliminary application. He said that the Hydrologic Survey and Stormwater Report are key components to the application. They are not finished.

Lew Stowe said that in Preliminary, he likes to be almost 90% "there." Because of the missing stormwater and the well radius calculations, he feels we are about 25% there.

Chairman Todd Frederick summarized open items. The applicant has responsibilities to negotiate with abutters. The applicant will return to the Board with information about its relationship with the Great Words Land Trust. And, as Torbert pointed out, per 6.3.27, the applicant will have to evaluate and address the capacity of abutting downstream properties to manage 100-year storms.

Adjourn

10:35