

**TOWN OF YORK PLANNING BOARD
THURSDAY, APRIL 11, 2002
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MINUTES

Chairman Al Bibb began the meeting at 7:00 P.M. Planning Board members Barrie Munro, Dave Marshall, Glenn Farrell, and alternate Dan Remick, who voted in Torbert Macdonald's place, attended. Town Planner Steve Burns represented the staff. Patience Horton was the recording secretary. The meeting was televised.

Minutes

Minutes were not reviewed at the meeting.

Applications

York Housing Authority, Map 44/Lot 50. Application to amend Site Plan and Subdivision approval regarding curbing at new senior housing project.

Steve Burns introduced the matter, pointing out that the applicant proposed to remove some curbing, because it was a tripping hazard. His concern was over a potential drainage change implication.

Patricia Martine of the York Housing Authority said that in modifying the plan, the housing authority is looking for what is safest. John Mitchell, the landscape architect, showed that curbing was being taken away from Buildings B, C (in front), and from the community building (front). Other curbing remains. He clarified that drainage slopes away from the curbing. Curbing was never used for drainage control in these applications.

Mr. Munro and Mr. Farrell motioned and seconded to open the Public Hearing. No one spoke to the application, so the two men moved to close it.

Mr. Farrell motioned to approve the application subject to the Town Engineer's double check with regard to the drainage. Mr. Munro seconded. All voted in favor, 5-0.

York Sewer District, Raydon Road Extension. Application for Shoreland Permit for sewer line in the Shoreland Overlay District.

Mr. Burns introduced the matter, saying that the issue goes back 3 years when the sewer line was planned for one area and was then changed to Raydon Road. The Sewer District wants to replicate an earlier stream crossing. The Planning Department recommends the crossing, but wants them to try and do it later, when there is dryer weather.

Dave Marshall and Barrie Munro motioned and seconded to open the Public Hearing. Tim Haskell, Superintendent of the Sewer District asked for similar conditions to be issued that were put in once before relating to the gravity pipe. Stan Moody of the Conservation Commission agreed with the Mr. Haskell and Mr. Burns about doing the work during a dry time. Mr. Monroe and Mr. Farrell motioned and seconded to close the Public Hearing.

Barrie Munro moved to accept and approve the application requested, with the exception that the contractor do so at the driest possible time. Glenn Farrell seconded. There was no discussion. The vote was unanimous, 5-0.

S & J Collision, Map 59/Lot 22G. Application for a Route One Use Permit for new auto body shop on U.S. Route One.

Steve Burns introduced the matter, noting that a sketch review had been presented in February. This site, across from Bournival Dodge, required a Route One Use Permit. Chief Bracey was not present to discuss the deceleration lane. The 3/12 roof pitch requires a waiver, with which Steve Burns found no issue. A performance guarantee is required in the plan notes. There is a shared connection between two parking lots. They either need an easement, or they need to close that off. The deceleration lane is important according to Chief Bracey. The longevity of the proposed slope stabilization with 6 inches of mulch was questionable. The dumpster enclosure needs a waiver, if they don't want to enclose it. Hazardous gases are an issue. The sewer is okay. They want to run sewer line through their own wetlands, which, when reseeded, needs to have wetland vegetation.

Mr. Farrell and Mr. Munro motioned and seconded to open the Public Hearing. Owner Carl Beal introduced the partners and the builder. The landscaping plan by Woodburn has been done. Water and sewer line locations have been revised to run along the edge of the wetland where excavation material has been placed. They would go through the disturbed area. He showed the elevation plan. Having spoken to the Police Chief and the Public Works Director, he was left to understand that they would not require the deceleration lane. If the board determines it is necessary, he proposed negotiation with the Town for that work in the future.

Stan Moody of the Conservation Commission was concerned about slope stabilization, saying that it is a steep slope on which the bark isn't going to stay. Anything that can be done to improve the wetland will be of interest to all the abutters. The water and sewer is through spoiled ground, so while there, why not remove some of that and replace it with some other than highway mix, he suggested. Mr. Monroe and Mr. Marshall motioned and seconded to close the Public Hearing.

Barrie Monroe moved to approve the waiver allowing the 4/12 pitch to be replaced with the 3/12 pitch. Mr. Farrell seconded. Dave Marshall said that since the Route One ordinance was made in 1996, it should not be so easily waived. The idea is to have the look of colonial building, with steeper pitches. Also, if the Board supports the amendment, it has to deal with some of the building having a flat pitch. He thought they should go with the ordinance and not waive the pitch. Barrie Monroe replied that he was impressed with good appearance of what is proposed and that this will be one of the best looking shops of this nature in his recent recollection. The landscaping plan is one of the best committed to on Route One in recent history. The effort and intent merited consideration, with the cupola, Palladian window, and differentiated front and rear door styles as points of detail. Bill Littlefield stated he had painstakingly designed the building as colonial as possible. The needed 80 ft. clean span requires the lower roof pitch. The flat roof imitates colonial houses seen right out the window. There are other things he would like to have the eyes focus on than the roof. Mr. Marshall agreed to that, stating it needed to be modified in a motion.

Mr. Bibb called the vote on the pitch variance, which passed 4-1, with Dave Marshall against.

Dave Marshall motioned to grant a waiver for the office section to allow for a flat roof. Dan Remick seconded. The motion passed, 5-0.

Mr. Beal said that the mulch he intends to use is a coarse bark mix, endorsed by the DEP. It won't have to be weed-whacked. It doesn't wash off. Barrie Munro talked about how mulch ends up in the creek, saying grass would be better. Mr. Beal agreed to plant grass. Mr. Burns said that the highway mix would be good.

Regarding the acceleration lane, Mr. Bibb said that the Board goes with the Town Highway Department and the Police Department's recommendation. The applicant would carry full cost of the lane. An escrow account was discussed, remarking that a neighboring security company had escrowed \$5000.

Mr. Farrell motioned that the applicant be required to put aside \$5,000, with a 5-year time limit, for the study of that section of Route One, or for modification of Route One. Mr. Munro seconded the motion, which passed 5-0.

Mr. Bibb asked if they will enclose the dumpster. They agreed to.

Dave Marshall asked about buffering the 18-car storage area. Mr. Beal replied that the storage for those cars is at the rear and will be shielded by the building from most angles, by buffering from the sight-lines of southbound traffic, and by proposed screening for the northbound traffic. Barrie Monroe suggested they increase the vegetation on the left, making it denser. Mr. Beal answered he will get higher and more year-round planting, though the planting maturity is five years out.

John Luftus then assured the Board that dust fumes, vapors, and gases will be controlled with spray booth tunnels equipped with a filtration system so complete, a respirator system is not needed. He described the excellence of the shop, calling it the only shop in New England that will go that far. There is a lower usage of hazardous waste, producing only 15 gallons a thinner per month. The vapors are burned in a self-scrubbing system.

Dan Remick brought up vinyl siding. Atlantic Storage has vinyl siding. Discussion of Stonewall Kitchen's siding followed. Mr. Bibb said they need a waiver, if they go vinyl.

Dave Marshall moved to waive the wood requirement for the sides and back of the building, keeping the front in wood. Barrie Munro seconded the motion. In discussion, Mr. Marshall said that wood on metal is not the best. Mr. Munro said that there are more commercial buildings. Mr. Marshall said that it the Board's job to support Town or-

dinances. Mr. Bibb called the vote, which passed 4-1, with Dan Re-mick opposed.

Mr. Munro moved to acceptance the application for review, which Mr. Farrell seconded. It passed, 5-0.

Steve Burns ran through the conditions decided upon at the meeting. There was further discussion of the value of the wetland and the alteration of it. The uncovering of "exotic" plants in excavation of the transferred soils was brought up by Mr. Munro and explained by Mr. Moody, who stressed that such land must be re-vegetated with similar species.

Stonewall Kitchen, Map 42/Lot 9A, 2 Stonewall Lane. Application to amend Route One Use Permit to add a warehouse.

Steve Burns introduced the matter, saying that Stonewall Kitchen was approved 3 ½ years ago, including the future expansion for a café and a warehouse. They have come back to discuss building design and buffer.

Jerry Lewis, Stonewall's Director of Applications introduced his building, engineering, and architectural team, John DeStefano, Mike Livingston, and Steven Fleishman architect. He reported of a growing business in need of the 30,000 sq. ft. warehouse expansion. Mike Livingston showed the original plan with the buffer viewed from Route One. Mr. Fleishman, the architect, showed the elevation. The building will be of the same materials. Windows are added to aesthetics and natural light. The roofing will be the same. He showed a buffer of pines and undergrowth.

Mr. Munro and Mr. Marshall motioned and seconded the opening of the Public Hearing.

Steven Bracciotti stated he was originally an advocate of Stonewall Kitchen. It was supposed to look like a cottage. From Route One, it looks like a colonial with a factory building behind it. Was this an oversight? Mr. Fleishman said that the Board waived alternate schemes. Steve Burns said that the site walk after the shell was up allowed different roof treatments to be reviewed. Stan Moody spoke as a public citizen, remembering the discussion about the roof and how it could have been an issue. The buffer between Route One and the existing building, with the cut-through for the water line, which won't be re-vegetated, is marginal at all times of the year. They will be reducing the buffer for new construction. The buffer will have to be mighty dense to perform a buffer for a flat-sided building.

Mr. Monroe and Mr. Marshall motioned and seconded to close the Public Hearing.

Dave Marshall said that the Board chose not to take action on the side wall of the original warehouse. The owner would go in and add the modified roof, if the wall could be seen from Route One. That is in the original plan and has not been acted upon and should be. Mr. Bibb did not remember it that way. It was a matter of whether it was objectionable. Mr. Munro said that this doesn't have anything to do with the roof configuration for the addition. Mr. Marshall said that there are plan notes put on that developers never did.

John DeStefano said that there were different options on the roofline. A group from the Planning Board visited during construction. That was the time to decide. The consensus was to stay with the roofline the way it was. Mr. Marshall discussed the options at the time and the conditions for making changes, saying that the roof was conditional on the appearance of the warehouse side, once completed. Barrie Munro said that perhaps the Board should get clarification about this in the future, however it does not pertain to the warehouse addition that was before us that evening. Mr. Marshall said the Board did not enforce the condition, but it was a condition on the plan. Mr. Munro said that the issue was whether it was objectionable or not. It wasn't. Steve Burns suggested bringing in the original plan and pulling the minutes on the meeting.

Mr. Munro asked if the existing screen needed to be reinforced. Mr. Bibb asked if the Board can reserve the right to review after construction and then request, if necessary, the need to increase the buffer. Mr. Marshall said that that doesn't work. Mr. Farrell asked if it is enough to have the Board determine if the planning is adequate. Mr. Munro said that when entering off Raydon Road, there is no buffering of the propane tanks. Mr. Bibb asks if it is within the Board's authority to request that change. Steve Burns said, yes. Dave Marshall said that landscape architects usually come to the Board representing different applications, but why not here? Mr. DeStefano agreed to come back with a landscape plan for both the Raydon and the Route One sides.

Steve Burns reminded that the Fire Chief has to sign off on the size of the building.

Mr. Marshall motioned to table the application until the landscaping plan, as well as the former plan and earlier minutes, could be reviewed. Mr. Munro seconded the motion. Mr. DeStefano assured the

Board that the applicant would comply with the Planning Board. Mr. Bibb called the vote, which passed, 5-0. There was a short break.

The Ridge Subdivision, Map 38/Lot 4. Application for a proposed 12-lot subdivision on Ridge Road.

Steve Burns introduced the application, describing 11 new house lots covering a large geographic area from Long Sands Road to Ridge Road. No new roads were proposed. The intersection with Old Post Road has lots of accidents, and the police are involved in the review. Because it is between the High School and Coastal Ridge Elementary, the subdivision needs a sidewalk. There are flood issues, with the land located in the Flood Plane A Zone. There is question of whether the remaining land is buildable. There will be very few trees left in what is now a wooded area. Site distances and sidewalks will require more trees up front to come down, causing a big change to the street. Applicant Duane Jellison said that he presented a complete package a few months ago to Steve Burns. Marvin Swain had expressed concerns to him about the intersection of Ridge Road, which sits at a 30-degree angle coming onto Old Post. It needs to be turned into a T-intersection. Mr. Jellison is willing to commit money into escrow to change that intersection. He also wants to straighten Ridge Road. He will dedicate the land to the Town so it can change the intersection. He will remove a ledge to compensate for site distances. He originally proposed dividing the land into 12 lots (there was confusion about this), but there were 11 lots at that time. The remaining land is not part of the proposal and will be deeded separately. He hoped to donate the property abutting the ball fields to the Town for future playing fields. He plans to construct the sidewalks and put into each deed that they are to be used by the public, and the owner has to keep them free of snow and maintain them. The site distance problems will be reduced when a ledge is removed. Regarding the requested hydro geological study and Town water, septic designs that meet the Town and State standards have been made for every lot. Soil surveys show very good soils. He would rather not do a hydro geological study. Tim Haskel had said that there would be sewer there by about 2003.

Mr. Marshall and Mr. Munro motioned and seconded the opening of the Public Hearing. Dwight Bardwell, who lives across the street on Ridge Road, read a statement describing it as a dangerous road that will be impacted by 11 new driveways. His family was struck in the 1970s in their car with some severe medical consequences. He has seen cars sliding in winter, a car wind up in Little River, many accidents resulting in injuries, and 3 fatalities within 200 yards of his home. He suggested having one road in and one road out of the subdivision. The intersection needed to be re-engineered, and he suggested that

the Board require it to be so. He asked for a police officer present during peak-time construction, which would be in this case from 7:00 A.M. to 9:00 P.M.

Steven Bracciotti has lived in the neighborhood for 17 ½ years and arrived after the road was modified. Has seen increased traffic, especially summer traffic, when people access the Beach on Ridge Road. He has been rear-ended while trying to turn into his driveway. He described a fatality and a rollover near his home, stating that 11 houses will be a big impact on his neighborhood.

David Rocray of 134 Ridge Road said he is sympathetic about putting the houses in. On the chart, he showed an area on Ridge Road with a blind curve where he has seen cars coming out 2-abreast. He would like to see some straightening of the road. He described the intersection as a place where a driver has to exceed the stop sign to see what is coming down the road.

Tim Donahue of Old Post Road has been there since the late '60s. He spoke of Duane Jellison as an exceptional builder. He said it would be a great development. A traffic study will help with the 11 driveways. On Old Post Road, he has been passed on solid-yellow lines. There must be a different way to get people to the beach, he said. There were plans to bring in a spur from Stonewall Kitchen, and he hopes that will happen.

Tim Sheehan, an abutter said that the traffic is terrible. The Abutters' Notification was for 12 lots, and he wanted clarification how many, which Mr. Bibb explained. That twelfth lot, he stated, was totally under water about five years ago.

Ed McKenna elaborated on the water and flooding on the "12th lot," which he had seen under 1-ft.-deep running water when rain, plus melting snow, mixed. The Little River was cresting above the road. The Bay View area of the neighborhood was 3 feet deep in water. People were evacuated from homes and his clothesline was under water.

Stan Moody of the Conservation Commission said that Lots 1, 2, 3, and 4 could impact the wetland. Two re-pavings ago, there weren't speeders.

Russell Desmond, of 17 Desmond Lane, has been there 46 years and has observed the wetlands and the traffic. He spoke of displacement of wildlife, describing the area as the only wild area this side of Route One. He listed deer, Great Blue Herons, owls, ducks, geese, bats,

moose, deer, red fox, silver fox, beaver, snapping and other turtles, rabbits, porcupines, skunk, raccoon, toads, crickets as residents of the large tract of land. He said the animals would get pushed into residential areas, citing many deer-car accidents and cases of Lyme disease (including a nearby child, his own wife, as his dog as victims) already caused by living closely to wildlife. He suggested a Critical Edge Survey be required before the development is allowed. He talked about runoff and the alteration of his parents' pond caused by the addition of silt. He was concerned about failing septic systems and further pollution.

Mary Massey came to the neighborhood 7 years ago. The area has been great to her. She asked the Board to think of the long-term effects. She doesn't want to lose what is here. She was concerned about the safety of children. The roads in the area are not safe for kids.

Mr. McKenna brought up an article he saw in the paper about bacterial levels in Little River, the kids who play in that water, and bacteria's possible impact on health.

Mr. Bracciotti spoke again, saying that he recently filled five huge bags with trash and litter in the area. Empty alcoholic beverage containers filled three. He also called for a traffic study. Mr. Munro and Mr. Marshall motioned and seconded to close the Public Hearing.

Mr. Bibb said that the Board needs a site walk. He said the Board could put the requirement to have the houses hook onto the sewer, when available, in the deed, but that any septic system that fails before then is another story.

Mr. Burns clarified the lot number as 11, explaining that the "extra land" has to be proven useful for something, potentially. Jellison said that it would remain his own. He will receive it by deed. He was not asking to have it reviewed. It is not part of the proposal. Mr. Farrell said that the Board couldn't look at a portion of the overall lot without looking at one lot. Mr. Bibb said that the Board could not create a lot that is unbuildable, and that approving the subdivision creates the lot. Mr. Jellison proposed submitting a plan for the next meeting showing that extra land as a buildable lot.

Mr. Munro asked about the function of the hydro geological survey. Mr. Burns said that it answers what the ground water is doing under the site. Mr. Munro asked Mr. Jellison if, when it is in the deed that the owners have to connect to the sewer, would he see to it that they do so. Mr. Jellison answered, yes. Mr. Bibb raised the subject of the in-

ternal road. Mr. Jellison replied that he couldn't imagine running a road close to the wetlands and parallel to a road that already exists, saying that the lots meet all the requirements of the ordinances.

Al Bibb said the Board has a responsibility for safety. Mr. Jellison suggested that the speed limit be lowered by 10 MPH, but Mr. Burns said that it is the road design that determines the speed. Mr. Munro suggested that, given what has been heard and based on personal intuition, it wouldn't be untoward to have the applicant provide a compilation of traffic incidences over the past three years in front of the property. Mr. Marshall asked, how are we to judge the value of that data? Barrie Munro said that it is dangerous there, and 11 new curb cuts is going to aggravate the situation. He was concerned about Lots 1 and 2, which reminded him of Russian roulette. Mr. Marshall asked, what's wrong with looking at a cluster? Steve Burns said that the engineering question is what is optimal for safety. You don't need a traffic study. You need a configuration that is going to be safe. Mr. Farrell said that 350 feet of site distance is what Chief Bracey wants. He suggested Mr. Jellison go to a traffic engineer to tell him what might be safer. Mr. Jellison responded that his effort to try to comply involved removing the ledge and trees. He said he would go to a traffic engineer, and instead of asking for a survey, would have him give suggestions about maximizing safety. He assured them that building a cul-de-sac, building another road, and reducing the lots is not the answer. Mr. Marshall said that people are taking their lives into their hands. Mr. Bibb said that we have a responsibility to those people. Furthermore, Mr. Bibb was not convinced that the development in this area was feasible. Mr. Munro said that Lot 3 would never satisfy a site distance engineer. Mr. Farrell noted that some site lines were 350 ft, but that those of Lots 5 and 6 were 333, and that the numbers could not be accurate in that both could not have the same site distance. Mr. Munro asked for a sketch of how the road will be improved. Steve Burns said that he would like to have Doug Bracey there, for input. Duane Jellison said that he didn't create the intersection. Fifty lots have been built in the area in the last 15 years. Now he is building right on the intersection. He also said he would put the money in escrow.

Mr. Munro and Mr. Farrell motioned and seconded to accept the application for review. The motioned passed, with a 5-0 vote.

Mr. Munro and Mr. Marshall motion and seconded to table the application, which passed, 5-0.

Other Business

Mr. Burns brought up the Estes Oil fire, which has caused them to ask to run their business out of temporary construction trailers. Glenn Farrell motioned to let them use construction trailers. Mr. Munro seconded the motion, which passed, 5-0.

Barrie Munro reminded the Board the new wireless communication ordinance for the Town of York would be presented April 16, at 7:00 at a public forum presented between the Committee, the Planning Board, and the Board of Selectmen. The purpose of the meeting would be to obtain information and inform the public of the new technologies and laws. Michelle Moody explained that the Town is in litigation about the original request for a tower. The current ordinance allows towers of any height. People are being given the opportunity to have towers of different types.

Mr. Munro and Mr. Farrell motioned and seconded to adjourn, which passed unanimously, 5-0. It was 10:20.