

**TOWN OF YORK PLANNING BOARD
THURSDAY, OCTOBER 13, 2005, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:10. All the Planning Board members were present: Glenn Farrell, Barrie Munro, Richard Smith, Tom Manzi, Glen MacWilliams, and alternates Lee Corbin and Michelle Moody. GIS Manager Brett Horr represented staff. Town Planner Steve Burns, who had been quite ill, sat in the audience section for the first two-and-a-half hours and sometimes commented from the podium. Patience Horton took minutes. The chairman began by introducing the members of the board and the staff.

Barrie Munro said that information packet for the **Sanford Institution for Savings** review, scheduled sixth and last on the agenda, had arrived at the Planning Office far too late for distribution among the board members and would not be included that evening.

Motion Glen MacWilliams moved to defer the Sanford Institution for Savings application until a later time, because the board members were not prepared for the review. Glenn Farrell seconded the motion. The motion passed, 5-0.

Barrie Munro added that information from the Police Chief about burning the Mandarin Inn to make way for the new bank had not been received. The Police Chief and Fire Chief were not coordinated about it.

Public Input

Helen Rollins Lord, Chairman of the Historic District Commission (HDC), spoke about the conversion of the **Atlantic and Kearsarge Houses**. Reading from 7.5.12, she said that as part of the procedure, the Planning Board had to have an approval letter from the HDC. Barrie Munro told her that the HDC should provide the letter for the Planning Board to sign. Helen Rollins Lord said that the two buildings are eligible for historic landmark designation, but it was not put on the upcoming November ballot. Barrie Munro said that if the HDC could provide the Planning Board with the language for the warrant, the Planning Board would pass it on to the Board of Selectmen for placement on the May 2006 ballot.

Kate Baldwin, builder of the **Whippoorwill Subdivision**, came for approval of minor field changes. A drainage swale will be lined with riprap, rather than with vegetation, as previously approved. The swale will not be moved or altered in any other way.

Motion Glen MacWilliams moved to approve the change to the drainage swale on Osprey Lane. Richard Smith seconded the motion.

In discussion, Michelle Moody asked Kate Baldwin about the “friendliness” of the pedestrian area of that property, and Kate Baldwin described the ongoing maintenance of the

walking area. Barrie Munro then requested that the as-built plan show the stone-lined swale, as proposed. Kate Baldwin agreed it would.

Vote The motion allowing the plan change passed, 5-0.

Barrie Munro took the opportunity to announce that **Application Reviews** would not go past 10:00 that evening, and **Other Business** would not go past 10:30. Agenda matters not covered would be tabled or deferred.

Minutes

Review and approval of draft minutes

The September 8, 2005, Minutes were reviewed. Glenn Farrell was not present, but Michelle Moody was, so she was asked to vote on the Minutes. Michelle Moody found a syntax error in the **J&B LLC** application. There were no other comments or changes.

Motion Michelle Moody moved to accept the September 8, 2005, Minutes with the one change in wording. Glen MacWilliams seconded the motion, which passed, 5-0.

The September 22, 2005, Minutes had no comments.

Motion Glen MacWilliams moved to accept the September 22, 2005, Minutes as written. Lee Corbin seconded the motion.

In discussion, Michelle Moody, who had not been present at that meeting, talked about the procedure for making a preference vote, as described in the Minutes, where it said, "The motion failed when there was a tied vote." Brett Horr, who had represented staff at that meeting, explained that the phrase had meant that the Planning Board gave no preference. Michelle Moody replied that instead, the 2-2 tied vote should be included on the ballot with the preference, rather than leaving the board's preference blank.

Vote The motion to accept the Minutes passed, 4-0. Glenn Farrell abstained from voting, because he was not present.

Applications

Chairman Barrie Munro reminded the audience that the **Sanford Institution for Savings (SIS)** application would not be discussed that evening. The board members had a brief discussion about submittal deadlines. Glenn Farrell said that submittals from abutters were different from those of the applicant, and the abutters' submittals should be accepted at any time. Brett Horr explained that when he and Chairman Barrie Munro had put SIS on the agenda, SIS felt they were ready. Brett Horr and Barrie Munro hoped the information would be ready. He explained that their drainage study came in 15 minutes after "Tracy" left to deliver the SIS packets to the board members.

Anchorage Motel. 269 Long Beach Ave. Map 36/Lot 96A. Public Hearing will be limited to 10 minutes to present new information. Continued Final Review of a Site Plan Application to raze the existing house and construct a new hotel.

Chairman Barrie Munro opened by stating that the applicant's practice of allowing parking in the shoreland zone and on the Anchorage front lawn was an important issue and had to be discussed.

Saying she was hoping to reach final approval on behalf of Ray Ramsey, Applicant Attorney Peggy McGehee thanked the board and the public for their involvement. The site visit had gone well, she said. She then summarized everything that was incorporated in the Findings of Facts, with some changes, including a waiver request. Town Engineer Wright Pierce had had concerns about a catch basin. Peggy McGehee read the entire finding concerning Mitchell Road, including the fact that an alternate route will be provided during construction, if necessary, and the road will be re-graded, but not paved. Ray Ramsey will see that Mitchell Road is plowed during the winter months. There will not be a gate across the Road, but maybe one between the road and the annex.

Richard Smith asked, if the road is ever moved where it belongs, who would pay for it? Peggy McGehee answered that Ray Ramsey would. Michelle Moody pointed out discrepancies in the dates on the Findings of Fact. Project Engineer Bill Anderson explained that a last minute change from Public Works Director Bill Bray concerning the catch basin caused the error. He handed Michelle Moody a corrected copy. Barrie Munro asked about a landscape plan. Barrie Munro affirmed for the abutters that the corridor would be 12-feet wide for pedestrians or emergency vehicles. Glen MacWilliams asked about the proposed paving around the swimming pool, a structure in the shoreland zone. Bill Anderson said that all commercial structures have been kept outside of the shoreland.

Town Planner Steve Burns came to the podium and said that, if the applicant is putting drainage in the shoreland zone, a shoreland permit will be needed for that, per 18.2. He instructed the board to find the required findings with regard to shoreland excavation and grading and enter them into the record that night. In response, Barrie Munro read 18.2.6 (from P. 196).

Motion Tom Manzi moved that the Anchorage Motel application, as submitted, satisfies the requirements. Glen MacWilliams seconded the motion, which passed, 5-0.

Because the hotel will be placed on town sewer, Peggy McGehee had requested a waiver for the high intensity soil survey. Brett Horr read Article 6.3.32 (P 21) of the Site Plan Subdivision Regulations, which was followed by a motion.

Motion Glen MacWilliams moved to approve the waiver of the high intensity soil survey. Glenn Farrell seconded the motion. It passed, 5-0.

Motion Glen Farrell moved that the application, as processed, discussed, and amended, documents and satisfies the requirements of final approval, with the sole condition being the approval of the drainage plan by Bill Bray of the York Department of Public Works. Richard Smith seconded the motion, which passed, 5-0.

Barrie Munro said that in about 2001, the matter of dorm-style housing for seasonal labor came before the Planning Board. Parking in the shoreland zone and parking on the lawn came up as issues at that time, as well.

Applicant Ray Ramsey said that pay-for-parking is a grandfathered practice at the Anchorage. Barrie Munro said that the Findings of Fact from that past application considered the parking as a matter of concern with no required action on the part of the applicant. Glenn Farrell confirmed that Jackie Cormier had looked into it and went no further. Glen MacWilliams said that the parking should comply with zoning for screening and setbacks. Peggy McGehee said that the parking is a legal, non-conforming use and is in compliance with the shoreland.

Michelle Moody said she felt a legal opinion should be sought. Barrie Munro said that the appeal period had lapsed. Steve Burns went to the podium and said that the applicant refused to sign the draft Findings of Fact back then. The signed findings were changed. He agreed that it might be good to send it off to a lawyer. Glen MacWilliams agreed that a sound legal opinion was necessary. Calling it a matter that needs resolution, Barrie Munro asked Brett Horr of the Planning Office to convey the matter to the lawyer.

Bayberry Ridge Elderly Congregate Housing, 14 Styles Lane, Map 94/Lot 84R. Public Hearing. Application for Preliminary Review of a 17-unit elderly congregate housing subdivision with Community Center.

Applicant Walter Woods said that his original proposal for the property a year ago did not meet setback requirements. On a plan, he then showed the 100-foot setback and the 250-foot shoreland setback clearly marked. He was proposing only five units in the shoreland zone and 17 units and the community center outside the zone.

Chairman Barrie Munro opened and closed the **public hearing**. No one came forward. Barrie Munro said that some members of the board of the Spring Pond Homeowners Association had come into the Planning Office that week and inquired about buffering. They were requesting a berm as a buffer with shrubs on top to be completed before construction starts, if the plan is approved. Brett Horr pointed to the buffer area on the plan.

Brett Horr recommended accepting the preliminary plan as complete for purposes of review. Glen MacWilliams asked about certifications. He did not see architect or engineer's certification with respect to the building plans. Barrie Munro said that it would be dealt with later.

Motion Tom Manzi moved to accept the application as complete for purposes of review. Glenn Farrell seconded the motion, which passed. 5-0.

Motion Glenn Farrell moved to approve the waiver of 6.3.32, high intensity soil survey. Tom Manzi seconded the motion. The motion passed, 5-0.

Brett Horr recommended requesting a letter from the Fire Chief about a fire hydrant. Walter Woods said that the fire hydrant had already been added to the plan, and he showed its placement on the plan. Walter Woods also expressed his intention to offer gravel in some of the green space for cars and emergency vehicles to pull onto. He asked that he would not have to get letters from the different department heads, because he already had them from the prior application for the property.

Barrie Munro asked about density requirements, and if all the setback requirements were yet satisfied. Michelle Moody said that filling wetland should be avoided. Walter Woods mentioned that Soil Scientist Mike Cuomo had looked at the site and analyzed the road area. Walter Woods wanted to run a water main that would have very little impact on the wetland, up to the Blue Stone neighborhood. Glen MacWilliams said that Styles Lane does not meet Town standards. Walter Woods corrected him, saying that Town Engineer John Treat had signed off on it, though the town has not accepted some of it. He said it was built to town standards.

Glenn Farrell asked about the community center. Walter Woods said that it will be designed in ranch style, owned by the association, and contain the post office boxes inside. Michelle Moody asked, since the subdivision is congregate care housing, would someone be there to provide nursing? Walter Woods replied that nursing would be provided by York Hospital. Also, there will be a kitchen for meal delivery.

Barrie Munro asked about the vegetated buffer, which was shown on a previous plan. He suggested a site visit. Glen MacWilliams said that the declaration has to be adjusted to make it consistent with the association's owning the center. Glenn Farrell asked about the 25-foot easement for the water main reaching to the already-built Phase 1. Amending or attaching the easement was briefly discussed.

Motion Glen MacWilliams moved to accept the preliminary plan as submitted and discussed. Glenn Farrell seconded the motion. It passed, 5-0.

Walter Woods asked again if he would have to get the department letters. Barrie Munro answered that he would not.

Moulton Brook Storage Site Plan Amendment—Bog Road Map 91/Lot 22. Public hearing to add 2 storage buildings and add restroom facilities to existing shop.

Applicant Dave Gittins said that he wished to add two buildings to his complex of storage buildings with bays. His own work shop is in one of the storage buildings. On the plan,

he showed wood-framed buildings and driveways with gravel surfaces surrounded by forested wetlands. Al Frick had mapped out the plan. The buildings were being kept out of the wetlands. In all, the property has 30 to 40 acres, and the buildings, including the roads, take up about nine percent of the lot coverage. There is no drainage study of the entire site. When Barrie Munro asked how the drainage off the buildings will be diffused, Bill Anderson of Anderson Livingston Engineers, said that water from the roofs would go onto the gravel and then spread out as sheet flow. Dave Gittins said that he has been on that property for 20 years and has never had a problem with drainage coming off the roofs. Chairman Barrie Munro opened the **Public Hearing**.

Christopher Dennin of 53 Bog Road said that the location of his own house is restricted to one out of three acres he owns. It is the only buildable acre, because the other two acres are wetlands. Glenn Farrell assured Christopher Dennin that Dave Gittins would only build on the dry part of his land. Christopher Dennin described how the soccer field was built up because it was a wetland. As well, a neighbor with four acres was only able to build on one of the acres. He said the road gets wet on both sides, that the road is not wide enough, and that there will be a hardship for the homeowners. Glenn Farrell said that the application would not affect the road. Christopher Dennin asked about septic tanks and how far they have to be from the structure, adding that hardship will be caused by traffic and erosion to Moulton Creek, if any of the proposed additions are allowed.

Helen Rollins Lord was concerned about drainage and fill. She recommended those matters as highest concern in the event of a site visit.

Glen MacWilliams said that the plan does not define the brook very well. Bill Anderson said that there is a channel in the middle of the brook. There is a stream protection district on the south side of the road. Michelle Moody said that the board does not know what is off site and how big the wetland is. Glen MacWilliams added that the board would have to rely on the wetlands mapping. Glenn Farrell remembered that the board went through the same thing on Birch Hill Road, where Code Enforcement and Planning together did a zoning amendment. Barrie Munro said that the owner has a right to dispute the mapping, adding that a site walk will be necessary. Lee Corbin said that if the board is going to review the property for wetlands, a soil scientist should be present because she, personally, cannot tell what is wetland. Brett Horr said that in the past, aerial photography was used to survey a wetland.

Glenn Farrell changed the subject. In the past there had been a problem over fumes at the workshop, and there has not been a good answer to that. Dave Gittins said that the discharge from the paint shop used to face the parking lot. It is not farther away, but now it discharges straight up into the air. He had talked to "Bridges," who said it does not seem to be an issue any more.

Barrie Munro suggested a site walk on the **Walter Woods** property at 9:00 on Saturday, October 29, followed by a visit to Dave Gittins's **Moulton Brook** property at 10:30.

Dave Gittins asked if he would have to come back to the Planning Board after that. The answer was yes.

York Hospital Site Plan Amendment. 15 Hospital Drive, Map 50 Lot 34-A. Public Hearing to discuss moving existing Air Condensing Units behind screening and replace with outside refrigeration unit.

Chairman Barrie Munro asked if anyone wanted to speak to the York Hospital matter, but no one did. So the **public hearing** was opened and closed.

Representing York Hospital, Steve Pelletier pointed to the plan that showed how he wished to add 320 square feet to the Strater Wing. He held up a Mylar against the plan and showed the difference the new area would make to the footprint. There were no set-back issues or increase in lot coverage, he said. The architect and the fire chief had both determined there were no threatening life safety issues caused by the addition.

Motion Glen MacWilliams moved to accept the application as complete for purposes of review. Glenn Farrell seconded the motion. It passed, 5-0.

Motion Glen MacWilliams moved to accept the application as meeting the requirements of the ordinance. Glenn Farrell seconded the motion. It passed, 5-0.

Barrie Munro recommended that, as a courtesy to the hospital, board members should give the copies of the plan to staff for safekeeping against a future need. Board members then passed their packets down to Brett Horr.

Pine Hill Cottages. 64 Pine Hill Road. Map 1/Lot 2. Public Hearing to discuss a 5-lot subdivision.

Michelle Moody asked the chairman if she should recuse herself from the review because applicant Robert Satter has his real estate brokerage out of the same office from which she works. Barrie Munro accepted her recusal, and Michelle Moody left the room. Brett Horr said that because he did not receive mailing address information on time, three abutters from Ogunquit were not notified of the hearing until that same week. Barrie Munro said that the Southern Maine Regional Planning Commission's review of the matter led them to believe it was an inaccurate submission. A letter from Town Planner Steve Burns indicated that the application was incomplete for preliminary review. Robert Satter said that he had waited two years to get there, before the Planning Board, and he had submitted a new package by the deadline. Brett Horr said that there is question about how valid a 1989 traffic study is.

Robert Satter had brought engineer Ben Walden. Glen MacWilliams said that the drawings were incomplete, and the orientation of the plan did not match from one page to another. He added that engineering certification has to be on the site plan. Ben Walden

said that the lot lines were since delineated and stamped, and the orientation problem was repaired. Brett Horr gave a new copy of the plan to Glen MacWilliams.

Barrie Munro said that the matter could not be pursued at that time. It was 9:55, and, as he had said at the start of the evening, application hearings would end at 10:00. After some discussion, Robert Satter was offered the first slot on the October 27 agenda.

Robert Satter made a comment with great sentiment. He had met and married his wife in York and [years later] was coming back with her to live. By building this group of homes, he was also providing places for his children and a good friend.

Sanford Institution for Savings. 408 US Route 1. Map 53/Lot 8. Preliminary and Final Site Plan Approval and Route One Use Permit to put a new banking facility on the same location as the old Mandarin Inn Restaurant.

As stated at the beginning of the meeting, this item was taken off the agenda because its materials could not be distributed to board members on time.

Other Business/Adjourn

A fire hydrant issue was very briefly discussed without detail. It had to do with a letter from Greg Larson. Village Fire Chief Chris Ballentine had expressed an approval.

Motion Glen MacWilliams moved to accept the installation of a regular fire hydrant, instead of a dry hydrant. Glenn Farrell seconded the motion, which passed, 5-0.

The **Kearsarge House and the Atlantic House** in York Beach was the next item. The presentation was by builder John DeStefano. The final review of the application for the two buildings was deferred until the time when the density and parking requirements were complete. In the interim, he wished to take on some interior and exterior demolition and the shoring up of the buildings. Glenn Farrell suggested that such activities could affect grandfather rights.

John DeStefano introduced owners Harold Anderson and Don Rivers, as well as Historic District Commission's (HDC) Joe Lipton and Chairman Helen Rollins Lord, who had spoken earlier in the evening about conversion of the buildings. Per 7.5, the conversion has to be authorized by the HDC, said John DeStefano. Barrie Munro said that the board had told Helen Rollins Lord that the authorization would be signed, when received. Glenn Farrell said that the approval per 7.5.1.4 has to be given before the building permit can be issued. John DeStefano said that Steve Burns had suggested that he come to the Planning Board ahead of full approve to request permission to do the demolition work. Glenn Farrell said that also per 7.5.1.4, there must be a Planning Board review before the permit is issued. Brett Horr read a description of the proposed demolition, including razing exterior portions of the buildings. On the plan, John DeStefano showed areas of the exterior that have to come down. They included porches on both buildings and an apart-

ment building behind the Kearsarge House. He described the interior demolition was being requested, as well. Glenn Farrell said that the applicant is allowed to do some of the work, but the exterior changes have to have approval from the Planning Board before the permit is given. If the applicant does not get approved within two years, the grand-fathered status would be lost. Barrie Munro stressed the importance of a favorable HDC letter. Tom Manzi said he was concerned about demolishing part of the exterior before approval. "If approval cannot be given, what will the half-torn apart building look like to the tourists?" Glenn Farrell answered, "A crack house," which got a laugh.

Glenn Farrell noted that if approval were given at the scheduled November 10 review, demolition would then be quick. Glen MacWilliams stressed the importance of the quick arrival of the HDC approval letter. He said that it would also be good to receive a survey of the project. Barrie Munro added that the density factor was another showstopper. He said that the Findings of Fact will give the board a feeling that all the required information has been addressed. John DeStefano asked for confirmation that the asbestos, fixtures, plaster, cabinets, and other inside items can be taken out. Barrie Munro said that they could.

Helen Rollins Lord said that, in HDC's desire to follow procedure, the group had agreed not to write the authorization letter until they heard from the town attorney. However, the attorney is not cooperating and has not responded. She said that several times she had also asked the town manager to speak to the attorney, but the attorney had not responded.

In the final item of business, Andrew Sturgeon and Robert Schuler of **Irving Oil** said changes had been made to the gas station/convenience store without properly coming before the Planning Board for approval. Barrie Munro added that per 6.3.27.1 and .2, all outside goods, in this case, a commercial ice chest, must be screened. Andrew Sturgeon was seeking approval for a staircase that was not shown on the original plan, but had been designed to meet code. He had also overlooked approval for the color of the exterior, which had gone from gray to yellow, or for the siding, which had been changed from vinyl to Hearty Plank. Barrie Munro said that he did not think there was anything the board could do about the color, which, in that particular yellow, did not lend to a New England-y look the board strives to promote. Andrew Sturgeon asked if the proposal for the screening could go to Brett Horr. Michelle Moody said that it has to be Okayed by the board.

Motion Glenn Farrell moved to approve the after-the-fact changes of the stairs and the siding material. Tom Manzi seconded the motion, which passed, 5-0.

Motion Glenn Farrell moved to accept the color as changed. Richard Smith seconded the motion, which passed, 5-0.

The meeting ended. The time was 9:50.