

**York Planning Board**  
**Thursday, March 13, 2008, 7:00 P.M.**  
**York Public Library**

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

Chairman Glen MacWilliams began the four-hour meeting at 7:00. There was full attendance consisting of Glen MacWilliams, Vice Chairman Tom Manzi, Barrie Munro, Dave Woods, Lew Stowe, and alternate Todd Frederick. Town Planner Christine Grimando represented Planning Department staff. Patience Horton took minutes. The meeting was televised. Agenda item York School Department had requested a postponement.

**Public Input**

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

**Field Changes**

Jerry Lewis, Stonewall Kitchens Director of Facilities, presented a plan to alleviate pedestrian congestion. Jerry Lewis asked the board to create an exit and extended vestibule on the southwestern side, facing the parking lot. The chairman opened the **Public Hearing**. Charles Stacey of 101 Radon Road stated he was in favor of the change. The public hearing was closed.

**Motion** Lew Stowe moved to accept the design as presented. Barrie Munro seconded the motion, which passed, 5-0.

**Highland Farm Phase 2. 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot: 0090-0029-A and 0090-0030. Continued consideration of preliminary review of a major subdivision.**

The applicant had requested a postponement until the March 27 York Planning Board meeting. Previously, the board had requested the applicant come and describe the application for the sake the new planning board members. Town Planner Christine Grimando said the applicant would make that presentation at the March 27 workshop.

**Motion** Barrie Munro moved to grant the applicant, Highland Farm, the requested postponement until the 27<sup>th</sup> of March. Tom Manzi seconded the motion.

In discussion, Glen MacWilliams asked if the board was looking for a date to expedite the conclusion of the application. Barrie Munro replied neither the board nor the town would benefit from a strict date.

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

**Bayberry LP/Walgreens Pharmacy. 401 US Route 1. Map & Lot 0053-0002-A.**  
**Continued Sketch Review of a proposed Walgreens Pharmacy and additional commercial space.**

David Latulippe represented the Richmond Company, which had come before the York Planning Board two weeks earlier, on February 28. This evening, the applicant expressed confidence it can make the hydrology and storm water situation better through the use of rain gardens and a system that would capture rainwater from roofs and store it in tanks for irrigation. He introduced geo-technology and hydrologist Ron Gillespie (RW Gillespie & Associates, Portsmouth), who described the area's groundwater (that part of precipitation that sinks into the ground), runoff (that which does not), as well as a history of drought and flooding since 1998. Severe flooding in the Winterbrook neighborhood began approximately in the fall of 2005. He had monitored ground water since 2005. During the prior seven years, the aquifer had lost about 25 feet of water to drought. Since 2005, it had returned to a healthy, positive water table elevation of 58 to 60 feet and then stabilized in 2007 at 62 feet. The site is mostly silty clay, he said. Houses tend to treat wet basements with sump pumps, or sometimes (rarely) raise the house. The site cannot take any more runoff, he said. The precipitation that is not absorbed might go to the brook or perch on the clay.

The chairman opened the **Public Hearing. Dick Gowen**, of Winterbrook Drive, said that since 2005, the level of water has risen. He suggested the applicant put up a bond and see what happens with the proposed tanks for rainwater, in case the method does not work. The bond could go toward fixing the problem. He described the debris in the drainage ditch.

**Walter Ziobrowski**, of Four Pheasant Court, had researched the original fill permit and said it was good for filling the Bayberry property in 1996, and not 1998, when the fill actually took place. That permit was only for the temporary storage of materials. The materials were never removed, as the permit required. Walter Ziobrowski had had to re-grade his property as a result of the fill. Nine properties touch the Bayberry property. When Ron Gillespie took core samples of the property, he missed the former pond area. Walter Ziobrowski described a tree on his land that had moved along with the water. He left older minutes and deeds with the planning board chairman to be copied and reviewed.

**Charles Stacy** described the area as he remembered it as a child when the farmer could plow the acreage behind the fruit/vegetable stand.

**Katherine Moberg**, Rite Aid manager, said her customers are not pleased about another pharmacy coming into the area.

**Paul Stocks**, a direct abutter, showed the flow of water on the aerial photo. He suggested Walgreens hire an unbiased engineer to assess the situation. He thought the bond was a good idea. If the retention of the water lets go, who would be responsible for the abutters who are flooded out? He discussed the 12" culvert that cannot handle an overflow.

**George Warren**, of Flat Rock Drive, said before 1998, he could drive his lawn tractor in places that has become a swamp because of the drainage problems. He said he has the same problem with drainage as others.

The board asked questions of **Walter Ziobrowski**, who has lived in his house 17 years. He said there were 6,000 yards of materials put there, 20 feet high and a couple hundred feet spread out. Some material was removed by truck, while some other was bulldozed over. He showed where the pond was on the aerial. There are dirt and clay and water in three layers around his property. There were no water problems before 1998. He described a drain clogged with sand from many years of treatment at Orchard Farm.

**Ron Gillespie** There is clay in the area three to five feet below ground surface. He could not find the location of the former pond when he was taking samples.

**Al Palmer** of the Richmond Company said the first proposed drainage design presented at the February 28, 2008, York Planning Board meeting was not adequate and had been changed so a rainwater recovery system featuring a 10,000-gallon cistern/tank to gather the runoff would be implemented. The cistern would be of little consequence during the winter, but the water would be used for irrigation in the warmer months. There are two sets of regulations for the 20- and 50-year storms. State runoff cannot exceed pre-development quantity. The currently proposed plan with the storage tank and irrigation use meets and exceeds the standard with more pre-development runoff than there would be after installation. He also said putting grates over culverts is not practical.

**Allen Brown** of Woodcock Lane said the double culvert leading from the Cottage Place drain is filled with debris, sand, and rubbish. The area smells stagnant. There is no drainage.

The chairman closed the public hearing. Maureen McGlone discussed Walgreens's parking requirements, some of which are located at Cottage Place. She pointed out the sidewalks and the bike racks. A 35-foot buffer and 50-foot setback have been determined. Of the six-and-one-half acre site, three acres are used. Propane is planned. Electricity would come underground. The traffic movement permit is in place. Dave Woods asked if Cottage Place parking is being shared. He asked about the "future property line" indicated on the plan. Maureen McGlone answered that the future property line shown is an error. The property will not be subdivided. Dave Woods asked that that fact become a plan note. Barrie Munro inquired as to whether the fourteen parking spaces along the Cottage Place lot line were part of the Bayberry plot or part of Cottage Place. If they were part of Bayberry, he suggested that they did not satisfy the requirements of 6.3.11 and 6.3.11.1. The latter ordinance requires that parking lots shall have an eight foot landscaped strip around the perimeter. These fourteen spaces do not have this landscaped strip. The applicant stated various reasons why this would be impractical.

**Linwood Wilson** of Woodcock Lane spoke about the two phases being described. He asked about the required 70 parking spots and their the apparent shortage on the plan.

Concerned about car lights shining into his living room, **Walter Ziobrowski** asked about the elevation at the entrance to the property. Dave Woods asked how 18-wheelers would make it onto the Walgreens parking lot with the curb cuts the way they are and the south-bound lanes the way they are. Al Palmer replied that at the sketch plan level, the turning radii and curb cuts have not been worked out.

**Terrance Parker** described the proposed landscaping for the property. Barrie Munro noted the lack of screening on the south side. Terrance Parker explained the presence of certain plants in the area already and said the area was kept clear to avoid damage from snowplows. Todd Frederick asked the percentage of plants indigenous to South Maine. Terrance Parker said the number was very high.

Another Public Hearing in response to those statements was opened and closed. No one came forward to speak.

**Dean Lessard**, Town of York Director of Public Works, had observed the drainage swales around Winterbrook have problems partially because the area is flat. Public Works does not have the resources to clean the pipes after every event. He was not comfortable with the design being offered. Among alternative options that could be explored, he suggested moving the retention pond to the front of the property. It is not noticed until it fails. When it is in front of the lot, they notice it.

Architect **Mike Lasso** showed a conceptual sketch of the Walgreens building from the front and side borrowing bits and pieces of design elements from buildings in the area, including from SIS, also of his design. Hardy Plank siding, high cut-off light, and sensitivity to the neighbors are all being considered. As a reflectent, white roof design would lower air conditioning costs. He suggested superimposing a drawing of the future building on a photograph of the site, for the board to review. David Latulippe added that the offered building is not of Walgreens prototype. It is designed to fit its particular location. There was agreement that a more specific rendering was needed.

The chairman opened the **Public Hearing**. Linwood Wilson asked how the square footage of Rite Aid and Walgreens compares. Mike Lasso answered 14,700 square feet to 14,000 square feet. Linwood Wilson said he does not want lit up or scrolling signs. Glen MacWilliams replied that the planning board is not responsible for approving signage.

Lew Stowe asked for a topographical. Citing Walter Ziobrowski's problem with damaged foundation in the past, Barrie Munro encouraged a blasting survey of all houses in the area. He also asked Town Planner Christine Grimando to find the Cottage Place parking plan. The Bayberry/Walgreens hearing ended.

**York School Department. 469 U.S. Route One. Map & Lot 0048-0021. Application review of proposed changes to parking lot access.**

Postponed at applicant's request.

**New Business**

**Minutes**

There were no minutes to review.

The board discussed removing language from Subdivision Regulations Section 9.3. The Board was reminded that the Town Attorney had stated that it was unlawful to add a fourth level of approval. Dave Woods said the Walgreens application would be going through the same rationality as the Woodside Meadow application. He asked if the public hearing process has to be revisited in order to waive it. Barrie Munro suggested that the last sentence could be eliminated in that the subregulation as written gives the Planning Board the right to a final determination of the practicality and safety of the design. The board's decision should be final.

**Motion** Dave Woods moved the strike the last sentence of §9.3 of the Site and Subdivision Regulations, which reads, "Additionally, such improvements are required to obtain town meeting approval." Barrie Munro seconded the motion. The motion failed, 2-3 with Barrie Munro and Dave Woods in favor, and Glen MacWilliams, Tom Manzi, and Lew Stowe opposed.

The Town Planner was asked to try and come up with more appropriate language.

**Other Business/Adjourn**

Christine Grimando led the board in discussion of the proposed agenda for the upcoming March 27 workshop. The board signed mylars and findings of fact for the Ledges Golf Course application.