

York Planning Board
Thursday, March 11, 2010, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Vice Chairman Lew Stowe determined the presence of a quorum. Lew Stowe, Dave Woods, Todd Frederick, Torbert Macdonald, and alternate Tom Prince were present. Tom Manzi was absent. Tom Prince voted for Tom Manzi. Town Planner Christine Grimando represented Planning staff. This application hearing lasted three-and-a-half hours and was televised. Patience Horton took Minutes.

Lew Stowe said Torbert Macdonald had been made a full, voting member of the planning board. There is an opening for another alternate.

Public input

Helen Rollins Lord praised absent Tom Manzi for handling a possible *ex parte* communication well.

Field Changes

There were no field changes

Minutes

There were no minutes to review.

Applications

Leccese/MacKenzie Lot Line Adjustment. 23 Josiah Norton Rd., 12 North Village Rd., and 14 North Village Rd; Map & Lot: 0099-0030/0033/0033-A. Revision to a Previously Approved Subdivision Plan.

Christopher Mende came to adjust the lot lines. In 1981, the planning board had approved a two-lot subdivision. The Lot A parcel was originally owned by Phillip and Rossanna McLaughlin and ultimately went to Carman Lecesse (pronounced Le Cease). Lot B is referred to as the Freeman parcel. He showed where the original boundaries were, outlined in green on the survey, and then showed different boundaries, in pink, according to a survey done later by Anderson Livingston Associates. There are overlapping parcels registered at the Registry of Deeds. The proposed settlement is to create two 2-acre parcels. Carman Lecesse will get road frontage in the transaction.

On the current map, the Freeman parcel is in the RES-2 zone, and the Lecesse parcel is entirely in the GEN-2 zone. With the change, the Freeman parcel will be two-thirds in the RES zone and one-third in GEN.

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

Torbert Macdonald said the plots are no more nonconforming than before. This kind of problem is usually solved in a civil process, however, in this case, the Town could not act by simply redrawing the lot lines.

Motion: Todd Frederick moves to approve the lot line adjustment for the Leccese/Mackenzie properties at 23 Josiah Norton Rd, 12 North Village Rd, and 14 North Village Rd; Map & Lot: 0099-0030/0033/0033-A, and further moves to redirect the Town Planner to move to amend zoning map changes as appropriate. Torbert Macdonald seconded the motion, which passed, 5-0.

York Hospital. 15 Hospital Drive. Map & Lot 0050-0032/0034; Revision to a Previously Approved Site Plan to construct a small building addition and amend phasing requirements

Christine Grimando said this is a change to an approved site plan. Representing York Hospital, Steve Pelletier announced an open house for completion of the exterior of the new surgery wing. The hospital is enhancing the breast care program with digital mammography and breast radiology, the only unit with software of this kind in the state of Maine. It is necessary to build an addition at the end of the Hancock Wing for that. The area currently houses a dumpster and medical gas storage shed. Both will be relocated near by. The addition is 2,800 square feet on two floors. There are no changes in lot coverage or setbacks.

The Chairman opened the **Public Hearing**. Helen Rollins Lord said there is another Breast MRI set-up in Scarborough, Maine, part of Maine Medical. Steve Pelletier replied that he wasn't sure the two units have the same software. The **Public Hearing** closed.

Motion: Todd Frederick moved to approve the York Hospital expansion to an approved site plan at 15 Hospital Drive, Map & Lot 0050-0032/0034, with the footprint area of 1400 square feet addition to the York Hospital for the Breast MRI and other pertinent uses. Dave Woods seconded the motion, which passed, 5-0.

Steve Pelletier continued. York Hospital has different projects encompassed in an approved plan: The Surgery Center, the exterior of which is complete; the Private Patient Room Project; relocation of site parking; and the helipad—which has been completed; and Surgery Center Phase 1—which is also complete. The economy went “ka-fluey.” Everything is approved and the language bond covers everything, but we don't see the projects coming on board for zero to three years, said Steve Pelletier. Project engineer Eric Weinberg of Altus Engineering (Portsmouth) Eric Weinberg said 5.

Christine Grimando said enough of the project has been constructed to show the approval is not in jeopardy. If they are not doing it simultaneously, phasing language should be in place for the existing site plan with corresponding language to release the money. If it is delayed, the amount of money to cover it will be changed, too. This is not a strict ordinance, Subdivision Regulation 5.5.5. All four projects have a performance bond for 2% of the value. We are holding their money, now.

Todd Frederick said a two-phased plan should hold two distinct bonds, with the planning department retaining the master plan. Christine Grimando reiterated that the approval is secure and the time frame, even up to 10 years, is not a legal issue. Steve Pelletier said they will most likely come back and pull a bond for the private room project first.

Dave Woods said this is a dramatic field change. If the order of projects is wrong tonight, if the site parking goes before the private room project, you could come back to us with another field change. The **Public Hearing** was opened and closed. No one came forward to speak.

Motion: Dave Woods moved we grant approval to changing the existing Site Plan for York Hospital, 15 Hospital Drive, Map & Lot 0050-0032/0034, to reflect the field change so they can employ a phasing scheme as in a style not devious to reflect the requirements of 7.3.0 of the Site Plan Subdivision Regulations. Torbert Macdonald seconded the motion, which passed, 5-0.

Abenaki Self-Storage. 65 Bog Road. Map & Lot 0091-0022. Revision to a Previously Approved Site Plan to erect an additional storage building

Bill Anderson of Anderson Livingston Engineers spoke for the applicant. A new cabinet shop moved into the building where one had moved out. An additional building is required for cabinetwork fabrication. Moulton Brook runs through the property. In the building of the new building, it will be necessary to contain the increased storm water. He showed how it flows off the property on the plan. The soil scientist, Al Fricke, had recommended expanding the septic system rather than putting in another system.

The Chair opened the **Public Hearing**. Abutter **Jeff Rosinski** had met with the town planner, Christine Grimando two days before. He has water on his property all year round. There is discrepancy about whether his property is a wetland or not. He wants a drainage evaluation. He was told to get a peer review of the drainage study, not at his expense. He deals with light noise, lights, and fumes from that property. Buffering is an issue.

Christine Grimando said they are proposing a machine shop, which is allowed in the base zone, but not in the shoreland zone. We need to get these conditions field-verified. The applicant brought forward documents from the Planning Board approval, five years ago when it was considered shoreland boundary. The stream on the plan is entered in handwriting, "stream." If there is any stream protection, that is an issue. Torbert Macdonald said there has to be a site walk. This is a complex drainage area.

Bill Anderson said it sounds like a gigantic wetland encompasses these buildings. It has been mapped as wetland and shoreland zone. With the wetland, there could be a couple of small wetlands. The word "stream" on the plan might have been added without the proper knowledge of if it is a stream. A site walk would be helpful.

Torbert Macdonald said whether it is a stream or not should be part of the peer reviews. Bill Anderson said the base GIS is very good, however, some of the wetlands are taken

from old maps. Be careful with what you overlay. Dave Woods said the gravel drives are impervious surfaces. Ground wells can be added to fix the sheet flow. Per 9.8.13, each applicant will submit a statement about reducing stormwater with the use of rain gardens and/or other devices. Torbert Macdonald said he wants more than the standard issue detention ponds. There should be more infiltration on site. Bill Anderson said what runs off the roof draws into the stone edges at the base. Todd Frederick asked about 7.2.2, hazardous and noxious fumes. What steps will be taken? Jeff Rosinski said it is not a problem except on low pressure days. Matthew Lord will speak about fumes and lights at the next meeting.

Tom Prince wants to know more about the verification of the shoreland zone. Christine Grimando asked for board consensus regarding peer review of the stream. Todd Frederick said the peer review should be done before the site visit. Lew Stowe asked Christine Grimando to make a list of issues to send to the board and applicant.

The Gables at Eastern Point 6 Norwood Farms Rd. Map & Lot 0052-0011. Preliminary Review for conversion of a nursing home facility to duplexes

Christine Grimando suggested a completeness check regarding zoning criteria 18a. There are pending issues for which Items 7, 8, & 9 are substantial and need to be reviewed. Small issues that she did not think would stop the application include Article 6.3.3, land not deemed suitable for development; areas with high water table; Article 6.3.7, landscape plan; and 7.3, preparation of natural resources, cuts and fills, and grading. Alteration of an abutting property is an issue, as consent has not come from the abutting property owner. The applicant has taken that off the table until they talk to the abutter.

Motion: Dave Woods moved to accept the submitted the preliminary plan for completeness of review. Todd Frederick seconded the motion, which passed 5-0.

For the applicant, Joe Carronade reviewed the property. The lot is in RES-4. There is 155 feet of frontage on Norwood Farms Road, with very little vegetation. There is a parking lot and the old building. There are a couple of ledge outcroppings on the property. There are no steep slopes. The land is suitable for development. The lot is currently 84% impervious. That is being reduced to 48%. 879 square feet of the existing building is over the setbacks. There are no stormwater structures on the property. He showed the sewer easement and the location of the overhead light pole and power lines.

Joe Carronade showed the footprint and the proposed entrance to the property and explained the grading and drainage plan. The sidewalk will be extended. Each unit will have a two-car garage, with extra space for the overflow parking totaling two more cars per unit. He did not know about trash removal. Compared to the current setting, there will be reduced water usage and sewer. The drainage will be treated with a rain garden. The patios will be built with permeable pavers. At least one building will be built in the first year, and the rest will be market driven.

Architect Matt Banow described two buildings that will have walkout basements. The utility page shows the existing overhead electric line that serves Harbor House and Nor-

wood Farms Road. Those lines will be underground. A transformer will serve the buildings. The propane will hopefully be below ground, depending on the ledge base. Dave Woods suggest one tank with designated lines for each resident. There will be AC on each building and the location for the outdoor compressors has not been determined. There are safe sight distances for highway access. There will be only one light at the entrance and one overhead light above each garage door, plus one by the front door.

The Chair opened the **Public Hearing**. **Meg Nichols** of 571 York Street said she has a direct view of Harbor Home and is delighted with the change. There are several children living on the corner of Norwood Farms and Millbury who sometimes play on the street. Helen Rollins Lord renovated her home. There were several “derelict” apartments in the area that have been converted and maintain the summer community. She is concerned about light pollution, the preservation of the junipers, the landscaping, and what trees will be torn down. She hears air conditioning units. Traffic is an issue. It is time to eliminate the on-street parking. It is ridiculous to allow for 24 cars for six condos. She does not see the need for any additional parking.

Nick Papin, representing the residents of 589 York Street, an abutting property, gave a letter to each member of the Planning Board. His group is concerned that there will be no disruption of electrical service for more than four hours. Several boulders were placed at some time on the property line. They request removal of the boulders per the landscape plan. The corner of the patio in Unit 3 violates the setback requirements. The drainage plan must indicate that the drainage will not make it worse for their property.

Dave Woods said that when replacing an old building, the closest point of the old building can be moved laterally around the property line without violating the setback requirement. He checked the measurements on the plot plan and suggested that everything lined up correctly, except, perhaps, one of the patios. Charles Hugo, the landscape designer, was waiting to meet with the abutters about privacy so a visual and sound buffer can be established.

Lawrence O’Connell is an abutter on 585 York Street. He asked about the prospects for continuing the sewer from Norwood Farms Road toward Roaring Rock Road, including his home. He hoped the owners and developers on Gables at Norwood Farms might get on board to have this area hook in. He also mentioned the nuisance of the truck idling and refrigerator buzzing noises of the food truck that used to pull into the nursing home.

Project attorney **Greg Orso** said he would talk to Lawrence O’Connell about the sewer line.

Carolyn Payson of 589 York Street, Condo 4 of the Norwood Circle Condominiums, said she is the only year-round, permanent resident. The association is concerned about setbacks. What if they build the Gables, and they don’t sell? She hopes not to see boats and ski-doo’s stored outside. She keeps her summer windows open and will be unhappy to hear air conditioning.

Martin McRae had communicated with the town planner about patios and lighting. His unit abuts the end of the Gables at Norwood property and hopes he can continue to cross through that property when he is walking to Norwood Farms Road.

Helen Rollins Lord hopes the demolition can occur before windows are opened for summer. She is glad the power lines will be buried. She hoped shields could go on the streetlights. Dave Woods said CMP can come and modify a light fixture so it is not as bright in her direction.

Christine Grimando said part of the old building is possibly historic. Greg Orso said they are meeting with Historic District Commission. It will take two to three weeks for demolition, which will include installation of silt fences, construction fences, only one construction entrance, limited hours (8:00-4:30), and hygienic plans for hazardous materials. Debris will be taken of the lot in an appropriate manner to a LEED certified site where 60% of the materials will be recycled.

Lew Stowe went over 17.1.4.1, Change of Nonconforming Use, regarding one building being replaced by three; Footnote 53, review by the Board of Appeals for special exception; 17.3.4, Nonconforming Design; and 17.4, Variances documentation of what is less conforming—in this case, reduction of size.

Motion: Torbert Macdonald moved to waive the High Intensity Soil Survey. Todd Frederick seconded the motion, which passed, 5-0.

Dave Woods and Lew Stowe discussed 17.2.2.1, Enlargement of a Non Conforming Structure with regard to the patio and the front of the building. Greg Orso said those factors are not expansions. Torbert Macdonald suggested using permeable pavements throughout the drive area, a state of the art the hospital is using. Greg Orso said they would look into it. They are currently reducing from 84% to 48% permeable.

New Business

A site walk of the David Gross property on Beech Ridge Road is scheduled for Wednesday, March 17, 2010, at 10:00

A site walk of the **York Beach Project** is scheduled for Saturday, March 27, 2010.

Old Business

Other Business/Adjourn

The meeting closed at 10:30.