

**York Planning Board  
Thursday, August 12, 2010, 7:30 P.M.  
York Public Library**

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

Board Chairman Lew Stowe called the meeting to order and determined the presence of a quorum. Lew Stowe, Tom Manzi, Todd Frederick, Dave Woods, and Tom Prince were present. Torbert Macdonald was absent. Town Planner Christine Grimando represented staff. Patience Horton took Minutes. This application hearing lasted just under four hours and was televised.

**Public Input**

**Open to the public to address any issue other than the scheduled public hearing.**

There was no public input.

**Field Changes**

**Eldredge Lumber:** Dan Remick asked for a field change allowing additional landscaping on Route 1, including a rock wall around the sign. It is a change to the initial plan. Lew Stowe said it is not a substantive change. There is no change to the drainage swale. Dave Woods said it is landscape design and does not have to go onto the Mylar.

**Motion:** Todd Frederick moved that Tom Prince substitute for Torbert Macdonald. Tom Manzi seconded the motion. The motion passed, 4-0.

**Motion:** Dave Woods moved we accept the site plan design submitted by Eldredge Lumber to redo landscaping at the front of their building. Todd Frederick seconded the motion. The motion passed, 5-0.

**Minutes**

**Review and approve draft minutes.**

The **July 1, 2010** minutes for the **York Beach Subcommittee** were reviewed. No corrections were requested.

**Motion:** Todd Frederick moves to approve the York Beach minutes of July 1. Tom Prince seconded the motion. The motion passed, 5-0.

The **July 8, 2010 York Planning Board Minutes** were reviewed. Lew Stowe had grammatical errors he passed to the recording secretary. No other corrections were requested.

**Motion:** Dave Woods moved we accept the Planning Board meeting minutes of July 8, 2010. Todd Frederick seconded the motion. The motion passed, 5-0.

The **July 22, 2010 York Planning Board Minutes** were reviewed. Christine Grimando requested relocating the two Rumsey Road paragraphs to the Field Changes section.

**Motion:** Todd Frederick made the motion we approve the July 22 minutes as corrected. Lew Stowe seconded the motion. The motion passed, 5-0.

## **Application Reviews and Public**

### **Gard Foundation Replacement; 4 Sea Road Lane. Map & Lot: 0033-0109; Application for a foundation replacement in the Shoreland Zone**

Christine Grimando said if a structure does not meet the shoreland setbacks, the expansion could be 30%. It is important to make sure the setback is not further encroached where the structure does not meet shoreland setbacks and there is an opportunity to meet the setback. This lot is small and there is not much leeway.

The Board of Appeals has granted the location of the footprint. The expansion can be the amount the footprint was allowed to increase. The Board of Appeals did not address whether volume of expansion was allowed. They did not state the amount of expansion. The applicant wants an 81% area of expansion.

Applicant **Steve Gard** of 8 Seacoast Lane said the house is being changed from a two-family to single-family house. It is being moved farther from the wetlands. It is nonconforming by side setback and street setback. The Board of Appeals variance meets all four criteria limited to volume expansion and 20% of the footprint. Because of the way the ordinance works, the square footage counts toward that volume, or is it limited to the two-story structure. Christine Grimando said the foundation replacement of the shoreland-zoning article is not together with the expansion sections.

The stairways and their part in determining the square footage were discussed. Dave Woods suggested using a circular stair. Steve Gard agreed to check that possibility. Tom Manzi moved to open the **Public Hearing**. Todd Frederick seconded the motion.

**Stephen Pittorino** has lived next door for 40 years. He said the area is in the flood zone. There is water in the basement. He has a decent view of the ocean, but will have no view when this building goes in. He said no more than 35 feet is being allowed per the ordinance in the Gard application. He said the whole new foundation is being installed, and it is larger. When reconstructed it has an 81% increase in square footage.

Christine Grimando read an email dated August 5 from Susan Ceglarski. She is the personal representative of her parents' estate at 7½ Oceanside Ave., which was acquired by them in 1965 and is now shared by five siblings. The height change from 22 to 31 feet will take away their view to the beach. The enlarged foundation will also increase the house size and add to the drastic change. The applicant's dilapidated fence is falling down on her property and could cause harm to people on her property.

Stephen Pittorino spoke again, saying an ordinance should not adversely affect the value of neighboring property. The Chairman closed the **Public Hearing**.

The board discussed the original 2000 application for a new house at this site that was denied by the planning board. It went to the Board of Appeals, but this is not the same house. The variance for 32% was not given for any specific house plan. Dave Woods commented that the BoA appeal runs into perpetuity. Appeals Board gave a variance to go up to 44% on volume, a 50% increase. Tom Prince commented that the PB's guidelines of an increase in the footprint by 20% have been set by the Appeals Board.

Dave Woods said if the Planning Board goes by the formal motion to 44%, the setbacks would remain as proposed. Christine Grimando said the variance language should be simply stated. The proposed gross floor area would have to come off the plan.

**Motion:** Todd Frederick moved to approve the shoreland permit for foundation replacement at 4 Sea Rose Lane, Map & Lot: 0033-0109 and moves to allow for an increase in foundation volume by 44% and increase the overall footprint by 20%. The addition of steps and decks will be required to meet the setback. Dave Woods seconded the motion.

**Friendly Amendment:** Dave Woods added, "We request that there is a certified survey with pin placement, and that the pins be installed so everyone can see where everything is into the future, and that lot coverage is specified."

**In discussion,** Tom Manzi said there was a fault in the way notification was given. Board discussion led to the conclusion there was no error in the notification process by the Town Planner.

**Second Friendly Amendment:** Dave Woods amended the motion. "The building on the plan is not to exceed 953 square feet, which is just 20%."

**Vote:** The motion passed 4-1 with Tom Manzi voting against the motion.

The Gard Foundation Replacement hearing ended.

**Old York Quarry Fabrication Shop; 129 Beech Ridge Rd. Map & Lot: 0077-0018.**  
**Sketch Review of a Minor Site Plan for construction of a stone fabrication facility.**

Tom Prince said he had a potential conflict of interest. The applicant is his past brother-in-law. Tom Manzi said it constitutes a family member's interest, and Tom Prince withdrew from the voting and joined the audience to view the hearing.

**Michael Delsesto** presented the application, and business partner **Larry Willey** was also present. Michael Delsesto described the production of veneered granite products for homes and buildings, but not countertops. The quarry is not on the subject property. The workspace will be inside a Morton's Building, commonly used as a horse barn. It will be situated so no one will be aware of the activities inside and behind the barn.

The noise from the saw cannot exceed certain OSHA levels. Acoustical paneling will also absorb noise inside the building. A wet system using water lubricates and collects dust particles. Stone dust will not go into the environment.

There will be three to four employees. There are no paved areas. The land will stay as rural as possible. Todd Frederick asked about the manufacturing sound when the doors are open. Michael Delsesto said they will have decibel levels of manufacturers with opening and closing doors. The quarry is off Old Mountain Road. The site is in GEN-1. Dave Woods asked for the existing vegetation conditions. Michael Delsesto said there will be two to three trucks with tri-axel trips a day. The Chairman opened the **Public Hearing**.

**Phil Bufithis** of Beech Ridge Road has three children. The area where trucks are proposing to enter is a dangerous area. He lives around the corner. A person is going to get hit. There will be an accident. This will be an adverse affect in terms of traffic.

**Sandra Estes** of 132 Beech Ridge Road said she was hit by a car on the same corner when she got off the school bus in 7<sup>th</sup> grade. There was an increase in traffic from the Loom Factory. Trucks and diesel trucks block the driveway and shake the house when they go by.

**Gary MacIntyre** is a direct abutter, living on Beech Hill Road for 60 years. He suggested putting the facility on Bell Marsh Road, which is far as you can get in York without going to Berwick, he said. He said his land is useless if this goes in. The drainage will go onto his land (10 acres). The drainage goes to the York River. He does not want to listen to forklifts.

**Walter Mouton** of Beech Ridge Road asked questions. Do they have a wet saw now? What is the maximum capacity of this operation? How much granite can they put out in one day? On hot days? Is the operation similar to quarrying with heavy equipment? Is this the extension of a quarry? The zoning prohibits quarries. Similar uses to quarries should be prohibited. What is the buffer zone for the front lot? How will the granite be loaded and unloaded? Backup signals? Diesel motors? Dusty roads? The weight limit is 100,000 pounds. The Barrels Bridge needs repair. Can tractor-trailers get in there? It is very difficult to get out onto Route 1. The lot is configured like an amphitheater with sound coming straight out. There should be a habitat study.

**Martha Moulton** introduced herself as Walter's other half. She showed a picture of the application land. She said this use is similar to quarry use. Granite fabrication is an extension of the quarry because it manufactures stone. She interpreted many 6.1, non-residential performance standards, tying in truck traffic, accessibility to Route 1, incompatibility with abutters, trespass action, and the probable 80-decibel noise levels during the day.

**Town Planner Christine Grimando** said the site is a historic field that has been farmed since the 1600s. There are letters from two residents on Beech Ridge Road saying they do not need the aggravated health issues.

**Steve Jackson** of 159 Beech Hill Road, three properties down from the site, said he is concerned about the sound levels. The road is already coming apart from frost heaves where they are putting this facility.

**Kim Peck** lives two houses down and is concerned about traffic, including school buses and the trucks currently coming down the road. The road is posted for four to six weeks in the spring, closed from frost heaves.

**Joanne Maus** complains and worries about the radioactive dust and breathing problems. Her neighbor has lung cancer. From 7:00 A.M on, traffic barrels down the street, including flatbeds and 18-wheelers.

**Keith Polich** of 154 Beech Ridge Road is concerned about the residential area. He works at the Shipyard and is aware of radiation. It will remain and exist no matter what you do with particles of granite. It is bringing contamination to an area where it doesn't exist now. Erosion control will have to exist constantly because of flooding issues. With granite, radiation is inherent.

**Tom Giffen** of 133 Beach Ridge Road said the zoning ordinance suggests the land is an important natural and historic resource. This must be a transparent and unbiased review. He is worried about getting his home investment back. Industry will bring down home values. This is a large piece of wildlife habitat and important water supply. With the performance standards, the line of sight toward Eliot must be 10 feet for every ten miles per hour. This is a quiet rural neighborhood. Per Section 6.1.2, he is concerned with truck traffic, manufacturing noise, water treatment noise, coming and going noise, maintenance of facility, dust going over his property line, odor, nighttime lighting, poorly drained soil, water run off, stone waste--all per 6.1.2--plus the character of rural York, per 6.1.12, and the metal building.

**Alan Goodwin** has lived in Beech Hill Road for 20 years and is an abutter to the north. His concerns include noise, mowing, tractors, fork trucks, the industrial equipment in the building, water runoff, of which maybe 50% runs into his property. That affects his driveway. He land is the lowest abutter to this property. If there is one industrial use, then will there be more? Perhaps an industrial park?

**Casey Giffen** said her children are outside every day. She has a full line of sight to the facility. She's worried about dust. Will it be quiet during the day? It threatens the quality of life and solitude.

**Diana Dent** lives on a dangerous corner. Her family was in the quarry business, and she has worked in the business. Either way trucks go, it is a bad route. It's a dirt road. The

culvert is bad. All the runoff goes into the York River. There should be concerns about stone dust and wildlife. It is a residential area. What other sites have they looked at?

**George Chapman** lives five houses down. He is the “Mayor of Beech Ridge,” its oldest resident, 86 years old. Three industries have come in, including the Gilcrest Barn Farm, and Macumber Loom, which was a quiet, self-contained operation. There was a pottery factory on the west end of Beech Ridge Road. Some businessmen have home businesses, he said. This is different. How many trucks a day? How many gallons of drainage per hour? Dust? This is something serious.

**Motion:** Todd Frederick moved that we do a site visit and notify the abutters of the site walk. Tom Manzi seconded the motion. The motion passed, 4-0, with Tom Prince sitting out.

### **Close Public Hearing**

Because of the late hour, many people hoping to speak to the Public Hearing did not get the chance. Chairman Lew Stowe opened board discussion on continuing the Public Hearing at a later time. Christine Grimando said the continuation does not require abutters’ notices. The continuation will be August 26, 2010 at 7:00 in the Library. It will be the only thing on the agenda. She asked the applicant to break down lot coverage according to driveway and footprint.

### **The Ice House; 28 Long Sands Road; Map & Lot 0050-0048; Review of a Minor Site Plan application for renovation and expansion of the Ice House.**

Christine Grimando said the applicant had fulfilled all the requirements that complete the application. Applicant David Ferland said the buildings will look how they were initially built 120 years ago. **Scott Fiorentino** has been the architect on the team. He showed the elevation and described how the front has been preserved. It is 8,000 square feet of offices. Ninety percent is committed for office use by tenants. It is state of the art office facility. It is called the Captain John Dennett House. He further described the renovation.

**Bill Anderson** said the parking and asphalt have been moved to the rear. A fence is at the back. The abutters, the Bemises, have agreed to the fence and the reduction of the right of way from 35 to 25 feet. Dave Woods said if the asphalt is permeable, there is a need for a plan that does not allow sand. Only salt can be used. It should be part of the parking lot maintenance plan. Parking and Lot Coverage had been the only two remaining factors. The Chairman opened the **Public Hearing**.

**Bonnie Bemis** said it is agreed that the privacy fence will be installed within 60 days of construction startup. She encouraged the Planning Board to approve.

**Carol Allen** asked about the original footprint and learned there could be addition to it. She was concerned about the water and drainage. Christine Grimando said there are drainage features on the plan. Drainage will be very much improved.

**Motion** Dave Woods moved that we allow the 19 parking spaces that would be a reduction under 15.1.1.4 and that we allow the lot coverage to go to 52% in 10-E.2. Tom Manzi seconded the motion. The motion passed, 5-0.

Town Planner Christine Grimando reviewed the updates to the application. The Findings of Fact have been received. The Financial Capacity letter has been received attesting the ability of the application to take on the project. The Historical and Archeological letters of acceptance have been received. Substantive issues have been voted on like lot coverage and parking. The Fire Chief's note was included once the abutter issues were resolved. Wetlands and parking and traffic uses are accurately reflected in the plan.

**Motion** Todd Frederick moved we grant waivers as requested: **Site Plan and Subdivision Regulations** §6.3.16, Undeveloped Habitat Blocks; **Site Plan and Subdivision Regulations** §6.3.32, High Intensity Soil Survey; **Site Plan and Subdivision Regulations** §6.3.25, Performance Guarantee; **Zoning** §6.1.8.3, Parking Setbacks and Screening; and **Zoning** §10-E-2, Lot Coverage. Tom Manzi seconded the motion. The motion passed, 5-0.

**Motion:** Dave Woods moved that we give final approval to The Ice House, 28 Long Sands Road, Map & Lot 0050-0048, as presented. Tom Manzi seconded the motion. The motion passed, 5-0.

### **New Business**

There was no New Business

### **Old Business**

There was no Old Business

### **Other Business/Adjourn**

The Findings of Fact and Mylars were signed for Caswell Farm and York Hospital Oxygen Tank Relocation

The meeting adjourned at 11:15.