

**York Planning Board**  
**Thursday, January 12, 2012, 7:00 P.M.**  
**York Public Library**

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

Chairman Lew Stowe conducted the meeting. A quorum was determined with five people voting: Todd Frederick, Tom Manzi, Tom Prince (for Torbert Macdonald), Lew Stowe, and Dave Woods. Dave Glazebrook and Torbert Macdonald were absent. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes.

**Note:** An agenda change. **Police Station and Access Road, 1051 US Route 1, Map and Lot 0094-0077** had been taken off and will most likely be heard during the February 9 application meeting.

**Note:** An agenda change. The Signing of Findings of Fact for **Walter Woods/Bay Berry Ridge** application was heard after the minutes.

**Public Input**

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

**Field Changes**

**Mark Graziano** for **Anthony's Food Shop** came forward to request his putting a roof and sides on an area used for as a retail greenhouse (with a cash register) at his store, Anthony's. Town Planner Christine Grimando said that when the new field changes amendment is in place, this matter would not have to come to the board.

This is not part of the original specification. The footprint does not change on the plan. Mark Graziano will still have to pull a code permit. The greenhouse area was part of the original 1996 approval. The current operation of the business will spread out into the newly enclosed space. Dave Woods asked about foundation. It is a slab of sidewalk grade, but Mark Graziano was unsure about the thickness.

**Motion:** Dave Woods moved that we approve the field change for **Anthony's** with the stipulation of a proper review of building code. The photo is attached as an exhibit rendering the proposed change. Todd Frederick seconded the motion. It passed 5-0.

**Walter Woods/Bayberry Ridge Application Signing of Findings of Fact**

Tom Manzi pointed out typos and syntax errors. The page numbers were mixed up. Lew Stowe was concerned of how placing the development into the wrong location "five feet over into the 250 foot setback" was confusing. There was discussion about conditional approval, but there was no further issue when the word "approximately" was used, thus

“approximately 250 feet.” The shape of the area that crossed over into the Shoreland was never described, said Lew Stowe.

**Motion:** Dave Woods moved that we approve the Findings of Fact draft, dated December 6, 2011, regarding the application by York Building & Design Center, Inc., and Walter O. Woods, Orin Lane, 254 Ridge Rd., and 17 Styles Lane, Map & Lots 0094-0084-R/j0032-0003/0094-0084-K, as amended by the board this evening. Tom Manzi seconded the motion, which passed 5-0.

Christine Grimando said she will make the requested changes to the Findings, and the chairman can sign the approval in her office the following day.

Dave Woods left the meeting to work on the deadline for his new car wash.

## **Minutes**

### **Review and approve draft minutes.**

The December 22, 2011, minutes were reviewed, and board members requested corrections.

**Motion:** Tom Prince moved to accept the December 22, 2011 as amended. Todd Frederick seconded the motion, which passed, 4-0.

## **Public Hearing**

### **Proposed amendment regarding Field Changes thresholds to the Site Plan and Subdivision Regulations**

Christine Grimando said there has been a previous public hearing and a workshop about this amendment to the Site Plan and Subdivision Regulations. There will always be a gray area about what fits into the field changes amendment, she said. Chairman Lew Stowe opened and closed the **Public Hearing**. No one came forward to speak.

Todd Frederick said that if an applicant has a field change and has to come before the board, the matter has to be heard during the next scheduled meeting of the planning board. Christine Grimando confirmed that the point is incorporated in the amendment.

**Motion:** Tom Prince moved that the proposed amendment for the Town of York Site Plan and Subdivision Regulations, with regard to the procedure for field changes, as presented, be approved. Todd Frederick seconded the motion, which passed, without discussion, 4-0.

### **Barrell's Grove 59 Beech Ridge Rd. Map & Lot 0086-0045-A; Final Review of a Major Subdivision application**

Bill Anderson reviewed the final DEP report. Individual driveways have been minimized because of wetland fills. Nos. 1 and 4, and 4 and 5 will share driveways. Twenty-two buffers have been added for stormwater control, the latest technology on stormwater management. Water filters through buffers that will not be cut or re-cultivated. Deed

descriptions disallow cutting in buffered areas, and monuments, permanent pipes with Bill Livingston's name and license number on them, will mark the corners of all the no-cut areas. The final approval for the common septic has been received. It had to go through many agencies. There are archeological restrictions. The covenants have been updated for the buffered area.

Christine Grimando said state approval has been received from DEP and DHHS. Ben MacDougal has finished the in-house review of the septic. A plan note should state there will be no docks at all, permanent or temporary. She recommended a plan note that cutting on the lots, whether it is 30 years from now or in clearing for construction, will require a permit. They are already needed for the road and site work, but there is a lot that has to be clarified with future cutting. She said the project is ready for final decision and approval.

Tom Manzi read a December 13, 2011, memo from the York Conservation Commission, which is not in favor of the 9-lot subdivision. The commission voted to uphold the Inland Fisheries and Wild Life review. This is a natural, sensitive resource area. If built as planned, this will permanently damage the natural site and waters of the York River and the Dolly Gordon Brook. A cluster subdivision would be a better fit.

Duane Jellison, DLJ Corporation, read from the DEP report that states the development will not unreasonably harm a long list of the activities and habitats for the fish and wild life.

DEP had confirmed presence of the vernal pool. The homeowners' association will regulate the maintenance of the buffers. Each homeowner will have an individual Shoreland permit as the lots are sold off—every house has to go through that. 95% of the non-linear runoff has to be treated. There are deed restrictions with regard to stormwater.

Lew Stowe said he is concerned about the ability to maintain the 100-foot buffer, keeping it no-disturbance and limited cutting. He asked to get monument markers on "our buffers, too." Todd Frederick and Christine Grimando both argued that the variation of the course of the lot, or its not being a straight line, makes it impossible to mark the buffers. Duane Jellison said he has to submit the plan with house and buffer location. Like every property owner has to know where the buffer is. Lew Stowe asked more for markers placed on the property lines, points on the property lines 100 feet back. Todd Frederick suggested using color on the plan to show the setback in a different color. Duane Jellison said that "in the interest of time," he will put 100-foot markers with Bill Anderson's name on the property lines.

Lew Stowe noted there is a stream running through the property. It has a 25-foot setback. It is crossed at the point when the land is first entered. Duane Jellison has purchased the lot with a fixed right of way, said Bill Anderson. That purchase has reduced the needed amount of fill. Stumps cannot be removed without the prior agreement between the applicant and DEP. The DEP report indicated that other methods in the future might replace the methods of buffering.

Todd Frederick talked about, and read from, the DEP report, noting that Maine DEP does not anticipate the project will violate State water quality law. There do not seem to be issues with aesthetic, navigational, soil erosion, fishery, or habitat. Dept of Disease Control sees no reason there will be an unreasonable adverse impact on resources in the area. No wetlands will be adversely impacted, same for the aquifer, watershed, and wetlands.

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

**Motion:** Todd Frederick said, Mr. Chairman, I move to approve the Barrell's Grove major subdivision application, location 59 Beech Ridge Rd., Map & Lot 0086-0045-A, with the three noted changes: a dock plan note, noting that no docks, temporary or permanent, are disallowed in the subdivision; that 100 foot suitable post markers will be placed on each property line; and all clearing and removal of vegetation from individual lots in the Shoreland zone requires a permit from a code enforcement officer and must be in accordance with Article 8, Shoreland overlay district specifically making 8.3.3 clearing and removal of vegetation for activities other than timber harvesting. Tom Prince seconded the motion. There was no discussion. The motion passed, 4-0.

Christine Grimando said the Draft Findings have been submitted. She asked for submission of the Amended Findings. She will have them at the next meeting. Duane Jellison said the Brown family is anxious to get this done. Christine Grimando said she has to have the signed Findings before the Mylars can be signed, at the next meeting, two weeks away.

**York Storage Solutions II 1950 US Route 1. Map & Lot 0100-0029. Sketch Review of a revision to a previously approved Site Plan for three additional storage buildings.**

Town Planner Christine Grimando introduced this sketch review for a storage company near Ogunquit on Route 1. It is an amendment to a previously approved plan. The owners have annexed property, and the use is allowed. The proposed buildings are behind the existing buildings. She recommends a site visit to see how the buildings fit into the envelope. Drainage, feedback from the Fire Chief, assurance that large trucks can get in and out have to be reviewed for this full application review.

Joe Cheever of Atar Engineering, Eliot, represents applicant Aaron Hall Corp. and Jonathan Hall, in attendance. There is a priorly approved application from 2006 for a 42,000 square foot storage building with detached office building. New abutting property has been bought. They are proposing 21,650 additional feet of storage. Current infrastructure of office, wastewater, and well are adequate for the expansion. There will be a total of 64,000 square feet in the end.

There has been a change in the roof pitch. It is more oriented to a southern exposure. Pavement around the building will, as it already is with the existing buildings, be 20 to 30

feet around the building, suitable for fire trucks and tractor-trailers. The front and rear existing vegetation meet the threshold. A landscape architect has reviewed this. The building is not sprinkled. As required by fire chiefs, the pavement meets the standards for the turning radii of the WB-50, a truck-type that requires these setbacks.

Applicant Jonathan Hall said the building will be built in two phases, with the 12,000 square foot being built first and then, in a year or two, the other buildings added, if possible. This is the smallest facility for Aaron Hall, Corp., and will remain as such.

Engineer Joe Cheever showed a proposed, additional pond, built to accommodate the 100-year storm. They are increasing the impervious and will now require a DEP storm water permit. The pond filters the flow before it is discharged. About two-and-a-half acres of sheet flow come off higher land from the south. It crosses the parcel and goes into the wetland. It has to be collected and bypassed through a culvert, together with the water coming off the developed area, before going into the wetland back in the form of sheet flow. The pond is called a solid filter pond. There is a 0% impact with water flow.

The storage units cannot store material that contaminate water, like fertilizer. The entranceways have one lane each way. Impervious lot coverage is 45%, though 50% is allowed in that zone. The storage center has 24-hour access entered with a punch code. Entering without the code sets off an alarm. The office was in a storage unit, but the former planning board (Barrie Munro) asked them to separate the office out and pull the office forward, hiding as much of the storage as possible. The office has clapboards and looks like a little house. There will be 10 lights on the new building, four plus four, and one on each end. The manager is jokingly referred to as the "Maytag Repair man." He is lucky if he gets more than four people coming in a day. Someone attempted to break into the office once. They and their license number were filmed on security video, and the police got a thief who had done quite a bit of burgling in the area. A black galvanized chain link fence surrounds the facility. The water from this property ends up in the Josias River in Perkins Cover. The roof design changed because snow will now melt more easily and falls to one side of the building, better for maintenance and safety.

Joe Cheever continued. The three proposed buildings will be built in three phases. Before Nos. 2 and 3 are built, the applicant would like to have gravel outdoor parking for boats and RVs. This space would be used for automobiles, trailers, including snowmobiles, and RVs. Jonathan Hall said at their other facilities, cars can only be stored if registered, and a copy of the registration and title must be on file. Restrictions including RVs having no fuel and being winterized so the area doesn't look like or turn into an RV park. Christine Grimando said there is a category for outdoor store and wholesale business and storage (Art 5, Route 1-6, p. 81), which will come to a close Use analysis. A site visit was set for Wednesday, January 25, at 1:00. Stonewalls form the boundaries. The vegetated buffers have been flagged. The planning board asked to stake the corners of the buildings. Joe Cheever said he will explain the water systems. There is a stockpile of materials from another site that is here, pending approval.

**New Business**

There was no new business

**Old Business**

There was no old business

**Other Business**

- Selectmen Tracy Jackson-McCarthy has asked planning board members to review the code of ethics.
- An email from Torbert Macdonald will be discussed at the next workshop as an item called “Review of Policy” on the agenda. Lew Stowe wants to have the discussion as part of an open meeting.
- The meeting adjourned at 9:46.