

**York Planning Board**  
**Thursday, June 13, 2013, 7:00 P.M.**  
**York Public Library**

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

Chairman Todd Frederick called the meeting to order. A quorum was determined with five people voting: Chairman Todd Frederick; Vice Chairman Dave Woods; Board Secretary Lew Stowe; Al Cotton, Jr.; and Brud Weger. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Todd Frederick said that the board has received no new information from the Town about the police station/connector road.

**Public Input**

**Torbert Macdonald, Jr.**, said that as a selectman, has no conflict of interest discussing the selection of the planning consultant. He and Brud Weger had reviewed the proposals together. He thought Ransom Consulting is competent but too closely tied to business with the Town. Planning Decisions is lead by a young man who is a full town planner for another town. How can he give full attention? He can call on technical authorities, but one such is Gorrill Palmer, who is identified to the project. SYT leans too heavily toward the technical. CMA is the "Goldilocks." They could identify the political situation. One is a member of a nearby planning board. Another is a town officer (NH town). Torbert urged the board to select CMA as the contract planner.

**Field Changes**

There were no Field Changes.

**Minutes**

The minutes of May 9, 2013 were reviewed and changes were requested.

**Motion:** Al Cotton moved we accept the minutes as amended. Brud Weger seconded the motion, and it passed unanimously.

**New Business**

- **Board Decision on Police Station/Connector Road RFP Responses & Interviews**

Dave Woods is concerned whether CMA is coming up to speed on our ordinances. Otherwise, they would be the hands down. Brud Weger said that CMA can come up to speed. Some of the guys are on planning boards. Todd Frederick said we contract with other groups if what group we select does not meet all the requirements. Al Cotton said he kept a record of the application proceedings, and CMA had the highest score. Lew

Stowe said that if we need counsel from a lawyer, it would seem we would not use the Town attorney.

Todd Frederick said having a consulting planner puts a firewall between the Planning Board and the Town in the event that the Town Manager or anyone at Town Hall is giving undue influence to the Planning Board. There are four applicants. Each group came in for 45 minutes, and we asked them questions. CMA wasn't his favorite. He preferred "the younger fellow" with Planning Decisions, whose business partner wasn't there. He gave an informative presentation, said Todd.

Lew Stowe said that we need to develop a contract. Todd said that the hourly rates given in all the presentations were similar. There are boilerplate contracts. Dave Woods said that political position, expertise, and billing factors are all needed to make a good decision. He said he was leaning toward Ransom, and he would like to have Ransom and CMA come back. Brud Weger suggested asking prepared questions. The board decided to have the interviews soon, in July or in early August. At the end of the second round of interviews, a decision can be made. Christine Grimando said she would help put the questions together.

**Motion:** Lew Stowe moved that we cut the applicants down to two and establish an additional review process with stated questions for the applicants for this contract--it being Ransom and CMA. Dave Woods seconded the motion, which passed, 5-0.

**Sea Latch Motor Inn 277 Long Beach Avenue. Map & Lot 0036-0082. Continued Preliminary Review of a major site plan for renovation and new construction on the site of an existing motor inn.**

This meeting continued from the May 9, 2013 Preliminary Review hearing. Chairman Todd Frederick asked the applicant to point out new information since the last time. Charlie Nickerson, a geotechnic engineer from RW Gillespie & Associates provided new information. Grass sidewalks, grass parking, and grass access (driveway) are now planned, all with or without reinforcement. By redesigning the coverage on the site with grass parking, construing an estimated 4,500 square feet, the number of parking spaces can go from 46 to 83 permeable spaces. Grass parking is constructed of sand over a 12" compacted base layer. The thickness is calculated to support and distribute wheel loads. In the winters, these areas would not be plowed.

Charlie Nickerson showed three different types of turf reinforcement make of high-density polyethylene. These reinforced grids have a thicker, stronger weave pattern than those presented before, and these can sustain more loading. The compacted aggregate base is designed to allow the best percolation possible. The sub-base material is primarily sand, loam, and crushed stone. Joe Cheever said the existing soils have around 3" to 4" of percolation per hour, which is increased to 4" to 6" with the use of loam and sand. The rolls of reinforcement are cut to length. The parking field would be laid out consistent to the wheel load, not with the joints. Guests can get to the check in without using the grassy sidewalk. The grassy reinforcement is expected to have rich grass fullness.

Landscape Architect Terrance Parker said the success of the grass is conditional to the use of fertilizer. Since the aeration process will be interrupted with the meshes, you want deep layers of topsoil and free-draining sandy loam. All Cotton said he knows someone with two spaces of grass parking who has never had a problem with it. Every spring, he just throws on some fertilizer, seed, and lime.

Joe Cheever said they are proposing three separate areas of parking with three cross sections. There will be reinforced grass in two, and grassy pavers in one. He said we need clear conditions a) that we use grass parking and it doesn't count as coverage; b) that the parking area will not be plowed and that only the access asphalt will be plowed; that c) no salt will be used for snow and ice removal on the final plan, Terrance will have a complete, enforceable maintenance program of fertilizer, water, and aeration for the grass pavers. We will put in notes how they would grow back again, if there is ever a need for that. Todd Frederick said he wants the area to look natural and for no chemical fertilizers to be used. Dave Woods said there should be no salt or sand, and added that, if it is an issue, potassium fluorite could be used for snowmelt.

Bill Eaton of Eaton Traffic Engineering and Design has done a traffic assessment. In peak hour traffic, from 10:00 A.M. to 6:00 P.M, if steady all-day traffic includes every single vender (maintenance people, propane, pool maintenance, waste removal, etc.), shift changes for staff, and all others using the rear entrance, you would possibly get about 42 trips for one day (21 in, 21 out). A sign would be added saying "Employees Only." Eastern Ave. takes people back to Ridge Road, he said. In several years, only one accident has been reported on the High School Drive at Webber Road.

Joe Cheever said improvements to Eastern Ave. from Webber road (about 230 feet) will include 2 speed bumps on Webber. Vegetation will cut along 300 feet of Webber. Lew Stowe said that the upgrade of the road would have to be Okayed by the property owners, whose properties extend from their frontage to the middle of the road. Maybe we should add to the conditions that we would only do the improvements to the road if the owners give us access, said Joe Cheever.

He said the applicant is offering three inches of supplemental gravel on top of what is there now. Christine Grimando said these roads don't meet any current standards. New development is expected to make improvements. Lew said that you can't build a road and fill in the ditch. Christine said they are two different issues: road improvement and water coming off the road.

Joe Cheever said there will be a note addressing dumpster location, which will be beside the gate. It will be picked up regularly, and an odor-controlling product will be used at each pickup, twice a week at peak season.

The chairman **opened the public hearing.** **Torbert Macdonald** said the Sea Latch has always existed without using Eastern Avenue. The problems for that neighborhood will increase when the back entrance is used. Deeper soil and fewer chemicals are better for

processing the traffic pollution. There are more ways it can be treated. Wind will blow the odor and pollution into the neighborhood. A gate with an electronic access would keep the traffic down.

**Jim Shields**, of 281 Long Beach Ave., said the Sea Latch has been an outstanding neighbor. He has reviewed the project and agrees with it. Bob Poulin told him what he is going to do. I was concerned about the private road being leveraged beyond what this project was intended, said John Shields. He is concerned that the Planning Board will form a solution and the owners along Eastern Ave. will pay for the upgrade. Being on the south of the Sea Lath and on the ocean side of the wetlands, and as a civil engineer and a landscape architect, he knows where the blockages are.

**Priscilla Cookson** of the York Conservation Commission said we are trying to set a precedent for other properties to restore themselves. Will grassy parking happen in York? Is there increased fertilizer use? We should ask that vegetation not be cut down. There is so little vegetative buffer. To cut anything down, is that necessary? It is going to make a significant habitat for migrating birds.

**Deborah MacDonald** of Webber Road spoke on behalf of Ed McKenna as well. He saw that there are other private roads that are not approved for commercial use. Deborah said the abutter Marion O'Brien is not in favor of any commercial use of the road, either. Recently a truck leaving, and a car coming in, had to back up. This will be a common occurrence. Tonight, there has been confirmation that the amount of traffic will increase. There are concerns about how the culvert pipe will be subject to heavy use. The improvement of the buildings is fine, but the association should not have to pay for improvements for a commercial road. The speed bumps would be in front of my house, but maybe more than two are needed. There are drainage issues. She feels strongly that as a resident, she is being pushed over, that there has not been enough consideration for the residents.

Sea Latch owner **Bob Poulin** said he was involved in the development of Eastern Avenue in the late '80s. There is a serious drainage problem, but it is not his problem. When people moved in, they should have been concerned about the drainage then. Regarding the driveway and commercial property, if the abutters give up commercial traffic for their property, he will too. When someone put a drain from Eastern Ave. to the Sea Latch property, it ran downhill. I didn't put the culvert under the road. In 1905, the manor house of the Sea Latch was the only house here. Entrance onto Eastern Ave. is a use I have, and it is a use I don't want to have to give up. The neighbors are not willing to make a proper road. And you get what you deserve. The sidewalk was built by the Town of York at my insistence.

Abutter **Marilyn Shields** said this renovation is going to be an asset to this section of the road. Her house was built in 1870. She has been on a planning board. She is a licensed land architect. Grassy pavers have been used all over the country and in Europe. Does more fertilizer have to be used? Grass grows fast. It filters out pollutants. Cutting back

the vegetation on the corner will not be detrimental. We won't lose songbirds. We share a driveway with Bob Poulin. When they come for garbage, they come carefully.

**Julianne Coite** of 6 Eastern Avenue said her road and Webber Road are wide enough for one car and some people to go up and down. They go to cottages—kids, carriages—and cars and trucks could make a negative difference. He [Poulin] put up a fence to stop grandmothers take grandchildren to the beach.

**Madelyn Lim** said “they” said they could gravel the road 3” deep. What happens in the winter when the snowplow takes the gravel? Will he pay for the plowing? If they plow in the winter, it goes everywhere. And what makes him think the garbage smell won't come. She wants to see the deodorizer promised in writing. The chairman **closed the Public Hearing.**

Lew Stowe said he doesn't see why the application can't go forward. Dean Lessard is not going to do anything to a private way. This is about the health and safety of abutters. We also have the right to have an outside engineering group come in and assess the situation. If a propane truck comes to the road that is flooded, it is not safe. Brud said propane trucks use that road all the time. You can't say it is an excellent road for what is being done. I like the electric control gate because I know that people are going in and out. The commercial trucks are already using that entrance.

Christine told Joe that an abutter doesn't want speed bumps. Joe said that they are making a list and are trying to listen and react. A gating mechanism allowing only authorized vehicles using a keypad or card is on the list, he said. The board can put in a note about the sidewalk issue.

Chairman Todd Frederick read through the **6.3 Submissions for Preliminary Plan.**

- 6.3.1 Reserved
- 6.3.2 A boundary survey **OK**
- 6.3.3 An existing conditions plan **OK**
- 6.3.4 The location of natural features **OK**
- 6.3.5 Impact statements **SUBMITTED**
- 6.3.6 Plan showing proposed development **OK**
- 6.3.7 Grading and landscape design **OK**
- 6.3.8 Assessment of traffic impacts **OK**
- 6.3.9 Deed **OK**
- 6.3.10 Proof of ownership **OK**
- 6.3.11 Easements and rights-of-way **OK**
- 6.3.12 Phosphorous Pollution **Not Applicable**
- 6.3.13 Scenic Resources **OK**
- 6.3.14 Historic and archaeological resources **Letter Pending**
- 6.3.15 Map **OK**
- 6.3.16 Habitat blocks **OK**
- 6.3.17 Proposed streets **OK**

- 6.3.18 Reserved
- 6.3.19 Lot lines **OK**
- 6.3.20 Land proposed for public use **OK**
- 6.3.21 Reserved
- 6.3.22 FEMA **OK**
- 6.3.23 Reserved
- 6.3.24 Sewage disposal **OK**
- 6.3.25 Water supply system **OK**
- 6.3.25 Public water/wells **OK**
- 6.3.26 Fire Chief letter **Not Received Back**
- 6.3.27 Sketch and narrative description **OK**
- 6.3.28 Sewers, water mains **Existing sewer main OK**
- 6.3.29 Temporary markers **OK**
- 6.3.30 Sight distances **OK**
- 6.3.31 Reserved
- 6.3.32 High intensity soil survey **OK**
- 6.3.33 Traffic impact analysis **OK**
- 6.3.34 Waivers **OK**
- 6.3.35 Review fee **OK**

Todd said that the vinyl fence around the dumpster should be stockade wood.

**Motion:** Brud Weger moved we approve the preliminary application for Sea Latch Motor Inn, 277 Long Beach Avenue, with the suggestions and recommendations made by the board. Al Cotton seconded. It passed 5-0.

**Route 1 Bank Proposal, 460 U.S. Route 1, Map & Lot 0048-0024.** Sketch Review for a Route 1 Use Permit application for a new bank.

This bank will go next to Irving where currently there is a single-family residence built in 1880. They have spoken to HDC and will have a review. The site is  $\frac{3}{4}$  acre, and the lot has 23% coverage. It is on Town water and sewer. The bank will have 2,300 square feet with a double drive-thru. The proposed coverage is 47% and the allowable is 75%. The property has a minimal impact on stormwater. The low traffic impact is one-way in, one-way out. There is a bump-out in the center lane, and there will be a left hand turn into the site. The best façade will face the street. The materials will be chosen to match the ordinance. The bank name is not disclosed. The building has New England character.

A waiver is requested for the side setback to have a 20-foot landscaping buffer and the rear to have a 30-foot landscaping buffer. The building has not been designed. The inside lane of the two lane drive-thru is an ATM. Three spaces in front have been opted out for 5 or 5- $\frac{1}{2}$  stacked spaces in the back, which include employee parking. Carriage House apartments are behind. The people living there walk through on the grass going to Hannaford, so the property will be accommodated with sidewalks.

Dave Woods disclosed he is an abutter from across the street and has no financial interest. The office building up the street has a right turn only, he said. Maybe the Town could request DOT to come and review the area for safe left hand turns. The time was 10:30.

**Motion:** Dave Woods said, I'd like to make a motion that we continue the meeting and adjourn at 11:00 at the latest. Al Cotton seconded, and the board approved unanimously.

Todd Frederick side the buffer waiver was probably okay, and that the Town Planner would look into that.

**Davis Drive Subdivision Amendment; 1 & 3 Davis Drive; Map & Lot 0040-0023/0040-0023-B; Application revise a previously approved plan by combining two lots into one, and adding one additional dwelling unit.**

Applicant Peter Davis said he hopes to make two lots in to one, which will give him the net buildable to build a single additional home. He is tearing down an existing garage/barn and abandoning a septic system because sewer is available. This is a condominium because these houses are not on separate lots and the form of ownership changes.

Christine said that the septic system will be abandoned when her in-house LPI accepts a letter from a septic hauler that says that the system can be either pumped, or crushed and filled. The Chair **opened and closed the public hearing**. No one came forward to speak.

**Motion:** Dave Wood said, I'd like to make a motion that we approve the Davis Drive Subdivision Amendment, 1 & 3 Davis Drive, Map and Lot 0013-0043, as submitted, with a stipulation that a licensed septic tank company provides documentation to where the tanks were pumped and there are pictures taken of where the septic tanks are demo-ed and the area filled. Lew Stowe seconded it, and the board approved unanimously.

**Moreau Shoreland Foundation Replacement & Rebuild 1 Agamenticus Ave.; Map & Lot 0013-0043; Review of an application for a tear down and rebuild for a single family home not meeting Shoreland setback requirements.**

Architect Pat Rocheleau, Rocheleau Custom Homes, said the Moreaus are tearing down and rebuilding their home and foundation, which is on a 0.16-acre lot. It is a nonconforming lot within a 100-foot zone abutting a wetland that is just greater than 10 acres. They visited the Planner and Code Enforcement last fall. They were told to get the house out of the 100-foot zone as much as possible. They did not exceed the pervious surface calculations. The Chair **opened and closed the Public Hearing**. No one came forward to speak. They will most likely have a full basement. The gravel sidewalk shown on the plan will probably be switched to pavers. Todd Frederick asked for an aerial GIS photo.

**Motion:** Dave Woods moved that we approve the Moreau Shoreland Foundation Replacement and Rebuild, 11 Agamenticus Ave., Map & 0013-0043, as submitted with the corrections and caveats of which Christine spoke: the plan sheet changes would be so

that existing proposals are shown on one sheet; lot coverage numbers would be adjusted to match the addendum; and the aerial form the appendix. A Findings of Fact will be submitted before signatures are given. Seconded by Al Cotton; approved 5-0.

### **Other Business**

The Selectmen Appointment Recommendations and reappointments will be reviewed during the first meeting in July.

### **Ellis Short Sands Park Bathhouse Findings of Fact**

### **Adjourn**

11:00