

York Planning Board
Thursday, August 13, 2009, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Planning Board Chairman Tom Manzi introduced board members and staff with brief, gracious comments about each. There was presence of quorum. The entire board attended: Tom Manzi, Lew Stowe, Barrie Munro, Dave Woods, Todd Frederick, and Torbert Macdonald. Torbert Macdonald did not vote, as he was the alternate. Town Planner Christine Grimando represented the planning staff. Patience Horton recorded these minutes. This application hearing lasted four-and-a-half hours and was televised.

Public Input

Open to the public to address any issue other than the scheduled public hearings.

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

The June 25, 2009, York Planning Board minutes were reviewed for approval. Lew Stowe and Dave Woods amended the minutes, giving copies of changes to the recorder to correct for approval.

Motion: Lew Stowe moved to approve the minutes of June 25, 2009, as amended. Dave Woods seconded the motion. A voice vote was called, and five voted in favor, saying "aye."

The July 23, 2009, York Planning Board minutes were reviewed and amended by board members. Copies were given to the recorder.

Motion: Dave Woods moved to approve the minutes of July 23, 2009, as amended. Barrie Munro seconded the minutes. A voice vote was called, and five voted in favor, saying "aye."

Application Review

Smith Dignan LLC, 30 Mill Lane. Map & Lot. 0089-0037-E. Application for existing barn relocation on lot in the GEN-1 zone.

Town Planner Christine Grimando said per 6.1, Code Enforcement applies standards for the building permit for a project like this, and the Planning Board reviews the site plan application to determine that those standards of 6.1 are met to the greatest extent possible. No public hearing is necessary for this application, tonight, which is about moving a

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barn. There is no increase in traffic, impervious, or type of activity. The Town would be correcting the runoff along Mill Lane. There should be a plan note about erosion control. Fencing and screening are not on the plan, she said and must be added.

Applicant Jim Smith said the Town put culverts along Mill Lane about two months ago. They have opened up the flow of water, which had previously flooded his property. The screening and fencing runs along the north and west, then rejoins at the barn.

Applicant Bill Dignan said the adjacent lot was bought separately. The two lots of six acres and three acres were never combined. Lew Stowe asked what type of business was going in to the property. Christine Grimando said the hearing is not intended to approve use.

Motion: Todd Frederick motioned to approve the application. Barrie Munro seconded the motion. Chairman Tom Manzi called for a voice vote. All five voted in favor, saying “aye.”

The Smith Dignan hearing ended.

Application Reviews and Public Hearings

York High School, 1 Robert Stevens Drive. Map & Lot 0038-0005. Review of minor Site Plan application for a Music Wing Addition

Since Tom Manzi had been absent for many of the prior hearings, Lew Stowe presided over this review. Alan Kuniholm, of PDT Architects, Portland, Eric Dube, of Casco Bay Engineering, Portland, York School District Assistant Superintendent Jim Amoroso and several members of the building committee represented the application.

Christine Grimando introduced the application as the final review for a minor site plan for the 9,000+ square foot music wing for York High School. A Shoreland permit is required from the Planning Board. Preliminary Approval was given July 9. A full updated plan that includes the changes the board requested is required. A detailed maintenance plan for the catch pond, an update of the Findings of Fact, an update on stormwater management, and documentation of the DEP permit, which was requested at the last meeting, are all pending issues.

Architect Alan Kuniholm used an elevation of the existing high school and science wing to illustrate his talk. The intended addition will stay within the existing curb line along the wing, which will be about a story-and-a-half high and have metal siding. He switched to the plan of the music addition, which is comprised of a band room and chorale room, each about 3,200 square feet in size. A layer of small rooms, offices, uniform rooms, individual practice rooms--including keyboard rooms--and instrument storage rooms will surround and divide the chorale and band rooms. Because each space is greater than 1,000 square feet, an egress from the curved front of the wing will taper into a handicap ramp outside.

Engineer Eric Dube discussed impervious. Water will run off toward the south. The water from the future auditorium will run along the same path. The calculated amount of the future runoff has been figured into the capacity of the drainage system. Since the last meeting, a new wetland survey has been made. There are new factors for the pond setbacks, but by changing the pond shape a little, it has been possible to stay outside of the wetlands by 25 foot and still keep the 75-foot forested buffer. Eric Dube said he went to DEP with the new numbers, and the permit was “wrapped up” within a couple of days.

Eric Dube said the boundary survey has been executed, as required. It is incorporated into the plans and Mylars. Christine Grimando said that the sheet concerning resource protection for wetlands and the shoreland overlay had been removed from the plan and from the Findings of Fact.

The chairman called for a **Public Hearing**. Hearing no one, seeing no one, he closed the public hearing.

During board discussion, Barrie Munro asked about the exchange of information between the applicant and the engineers. Eric Dube there had been successful communication back and forth. He said the incomplete list of drainage items, as of July 29, was now complete. Asking for accountability in the maintenance of the drainage system, Barrie Munro wanted to know about the continuing maintenance of the various components of the drainage system. Torbert Macdonald said that according to the DEP approval, the system maintenance is the responsibility of the applicant. Christine Grimando said that the system maintenance agreement has been made with Parks & Rec.

Eric Dube said everything caught in the front retention pond area would be treated before the water is released to run into the Little River. Maintenance wise, Parks & Rec will clean oil, gas, and other debris that is trapped in the pond twice a year. Torbert Macdonald said Parks & Rec mostly cuts grass. This task is more complex. He asked if Parks & Rec is the correct agency for the job. Jim Amoroso said there are contractors around York who are interested in maintaining riprap and stonework, but whoever is maintaining the property should also maintain the pond. Parks & Rec has its own staff, and it is funded to take care of school facilities, including the pond. Torbert Macdonald went to Page 3 of the DEP, the removal of solvent material and construction debris. Eric Dube said the general contractor gets a contractor to take care of that construction waste.

Todd Frederick asked about the square footage, which appears as two different figures in the plans: 9,400 and 9,586. Eric Dube said the building is 9,586 square feet in size, but only 9,400 square feet are impervious.

Tom Manzi read an August 5, 2009, email from the fire chief. The issue is whether a fire truck can get in the space between the two buildings. That area is referred to as the courtyard. Alan Kuniholm said the distance is 20 feet between the buildings. Marilyn Levy, also with Alan Kuniholm’s firm, said the distance requirement is determined by construction type. In this case, the fire marshal is looking for 14 feet. Dave Woods wanted to

know about the requirement for a surface that can handle the weight of the fire truck in that space between the two buildings. Barrie Munro referred to the use of pavers for fire truck support across the lawn at the Anchorage. Eric Dube answered that the weight of the 30-ton truck is distributed to different wheels, which the gravel impervious surface is capable of handling. Marilyn Levy said, actually, her firm is waiting for a reply from fire chief about the impervious surface, which she personally planned to follow up on immediately. What is planned is similar to what already exists. The original courtyard was not paved. Christine Grimando said the board wants assurance that the area can be cleared. That assurance will be noted or documented, she added.

Jim Amoroso described the initial bidding processing for this project, which matches the method used for bidding the Middle School and the Town Library. In this case, a construction manager who interviewed and got fixed prices from contracting and subcontracting firms represented the building committee. This tactic created a significant savings over the tradition strategy of design, bid, and build.

Surveyor Bill Anderson had recently conducted a boundary survey of the high school property. The land, formerly estimated at 68 acres is actually a “hair under 65 acres.” At one time, a parcel piece was conveyed out for a historic house. There are little encroachments, like stonewalls and driveways, that have shaved off the edge in places.

Christine Grimando said, upon completion, professional certification showing compliance to design work will be expected. That and LEED certification compliance are remaining unfinished issues in her assessment.

Alan Kuniholm, who designed the wing, is a certified LEED architect. LEED stands for Leadership in Energy & Environmental Design and does not have an “s” at the end, he repeated. LEED certification was not an applicable requirement for municipal buildings in the Town of York at the time this project began. This project was funded in 2006. Article 9 is aimed at reducing long-term costs for the taxpayers of York. There are elements of energy savings that go into this music wing. It is a very tight building with as much natural day lighting as possible. It has good acoustics. It will be of huge value to the community. As with LEED buildings, energy-saving designs will add additional cost to the project, but in the long term, there will be a savings. It will be a return on the investment. The independent, mechanical propane system and the high efficiency boiler, for example, will return the investment and create energy savings.

Town Planner Christine Grimando said the Alan Kuniholm was not pleased with the ideal of providing professional certification. Some time ago, the board concluded that certification from design professions, such as architects and landscape architects, would allow design professionals to attest their own work. When she finished speaking, Alan Kuniholm said that he had changed his thinking about certification and would provide stamped and sealed plans in compliance with the board’s request.

Barrie Munro said the only items that involve ordinance or site plan regulations need to into the Findings of Fact. The outstanding items were reviewed and settled by the board

as follows. The stormwater management plan note would be added to the Mylar, and the subsequent maintenance arrangement would be noted in the Findings. The complete plan set will include reference to the denied waiver for the survey. As well, a consistent listing of the square footage, independent from impervious, has to be distinguished in the plan notes, as does the planned method of keeping the 14-foot access way clear. The adequate sprinkler capacity must be noted, as well as the presence of bathroom infrastructure for future completion.

In deciding the next steps to take, Planning Board members agreed there is no value to a conditional approval pending plan notes that only lack the final language to place them on the plan. Dave Woods suggested having Eric Dube make handwritten notes, as generalized in the above paragraph, which would complete the existing notes. Those handwritten notes would then be copied verbatim to the final Mylar in the coming days. Approval during this meeting would, therefore, be final, and not conditional. Christine Grimando said that if the board is comfortable having the six items formally added to the findings in the next few days. The method is allowable. Eric Dube said he would be happy to do that. The applicant team and the board were all pleased with the idea. Dave Woods suggested tabling the hearing to later in the evening.

Motion: Dave Wood moved to table the hearing for an hour. Todd Frederick seconded the motion, which passed, 5-0.

An "Hour" Later

Eric Dube and Alan Kuniholm returned with the rest of their group. Eric Dube and Christine Grimando then work together reviewing the Mylar and the annotated list that the balance out of the Findings. She told Eric Dube that the final version of the findings will be brought her office. Conditional approval will be completely avoided.

Motion: Dave Woods moved to approve the plan for the York High School music wing addition as submitted to the board this evening. Barrie Munro seconded the motion. The chair called for a voice vote. All five said "aye," and the motion passed.

The chairman congratulated the applicants.

D. Gross Single Family Dwelling, 213 Beech Ridge Road. Map & Lot 0085-0033. Application for a Special Use Permit for the Resource Protection District.

The town planner, Christine Grimando's memo about this application had been distributed to the applicant and planning board members. This application for a shoreland permit was being heard on the last possible deadline day to either accept or deny the application. Ultimately, the applicant will come to the planning board again, after the shoreland permit is decided. That will be for permitting construction on this property. Christine Grimando summarized the state of the application, which is a special use permit for a single-family home. She had gone through the criteria with David Gross one-by-one, and found that he does meet all the basic requirements regarding the amount he can

cut on the 20-acre lot. The focus of this review is the proposed house location on this sensitive land. The lot is fairly level, Christine Grimando said. The upland soil types are consistent. Notes will include floodplain management. The proposed septic design will include breathable fabric over the design to protect and guard against septic overflow. Natural runoff will be retained with berms and swales. Some of the land is substantially cleared, and a different area might be subject to more clearing for the construction of the house. It would be a benefit to the lot if the house were “scooted” south a little. Silt fencing and other erosion control will go around the 100-foot wetland buffer. All in all, the applicant meets the requirement of the approval.

Applicant Dave Gross handed out some pictures of the buffer. He discussed his position on the application. He does not want to accept the Gortex fabric septic design. Instead, a high-tech septic system that is being installed has a treatment plant, he said. That system is 1,000 feet from the river. He compared the appearance of the fabric-type design to the covered salt pile in Portsmouth. Dave Gross said he has watched stormwater runoff. The water runs well, and culverts are not needed. The positioning of the house has been complete and careful. If the building can stay where it is, he will have to use less fill. He was conservative by measuring the house five feet farther back from the setbacks. The house is good where it is planned now. The septic system and the well are in the best possible positions, he said. He will have to cut more trees for the treatment system.

The chairman called the **Public Hearing**. Hearing no one and seeing no one, he closed the hearing.

Christine Grimando said the Planning Board’s charge is to minimize the impact to the location of the house. Lew Stowe said he thought it was code enforcement’s role to determine the distance from the setback that the house should be. The town planner explained that the permit sought at this hearing is for a special use shoreland permit. Dave Gross’s land is a wetland of special significance that requires a DEP permit. Christine Grimando said wetland fill for the driveway or the house are not part of the planning board’s issuance. Those matters are of concern to Code.

Lew Stowe stated that he felt that the adjacent water way was a wetland of special significance and that it would require DEP review and approval. This is to be reviewed by York Wetland Resource Office. Dave Woods said the ordinance requires a 100-foot setback. Christine Grimando said the 100 feet is a given. Applicant Dave Gross said there is a 17-foot distance from the 100-foot buffer to one corner of the house, and 23 feet to the 100-foot buffer from another corner. Tom Manzi cited the Wells Estuarine report where it indicates that the house should be near the road. Torbert Macdonald said he does not agree with Michelle Dionne of Wells on this. In this, she does not take into account that, like everyone else with waterfront property, Dave Gross wants to be by the river. Todd Frederick thought 20 feet all around from the 100-foot setback would work. Dave Gross said he would accept “approximately 20 feet.” Approximate measurements do not go over with this board, and, after discussion, Dave Gross dropped the word “approximately” from the description.

Of the septic system, Dave Woods said the geo-tech fabric allows water to go through one way, but not the other. Topsoil of a clay mix will keep the water shedding off the surface. A silt fence is required for construction. Any remaining soil should be loamed and seeded. Dave Woods said plan notes should include treatment of the exposed soil at the construction site.

Motion: Todd Frederick moved to approval the shoreland permit with the items that have been discussed. Dave Woods seconded the motion.

During discussion, Lew Stowe expressed interest in moving that house back 50 feet, which had been suggested in Christine Grimando's memo. Barrie Munro said the substantive change in the location might result in clearing more trees.

The chairman called a **Voice Vote**. The vote was 4-1, with Lew Stowe voting "nay."

Stonewall Kitchen. 2 Stonewall Lane. Map & Lot 0042-0009-A. Revision to a Previously Approved Plan

Bill Anderson came forward to be heard on parking matters at Stonewall Kitchen. The extension parking on the Goodwin Property, discussed at a recent planning board meeting, is not needed, after all. The redesign and re-lining of the on-site parking lot, discussed previously, had been done. Tom Manzi asked how parking is delineated on the gravel part of the parking lot. Bill Anderson said that area could not be striped. Jerry Lewis, the physical plant director, has put stakes between rows, Bill Anderson said. That parking area is solely for employees, who know where to park. Christine Grimando said that this plan includes corner spaces that last time seemed impossible to configure. Dave Woods asked if outdoor tables were being taken into consideration in the new calculation. Bill Anderson said the patio tables are for people from the store to sit in. It is not restaurant seating. The tables do not affect the parking plan calculation. Dave Woods asked about the formerly approved warehouse expansion. Bill Anderson said it has expired and would have to be re-approved.

Motion: Lew Stowe moved to approve the plan as submitted for division of the parking with the understanding that the plan for the approved warehouse expansion has expired. Barrie Munro seconded the motion. The chairman called a voice vote, and all five voted in favor, saying "aye."

New Business

--Growth Area Workshop

The planning board has requested the selectmen to provide an edited version of the charge that empowers the planners to evaluate and make re-zoning recommendations of the 200 vacant acres, a/k/a "the growth area," at York Beach. That includes guidance in identifying the boundaries of the area. There is thought of incorporating the Mission Statement of the York Beach Village Planning Board Subcommittee into the charge the

selectmen have given the planning board. That subcommittee is now called the York Beach Subcommittee.

The planning board members would like to see the growth area as a mix of residential and commercial development. Torbert Macdonald said it would not be appropriate to have single-family homes there. It would be best to have apartments over businesses, workforce housing, public housing, and other non-traditional forms of housing. The idea behind the charge is to establish zoning and ordinances that attract certain types of mixed-use development, as permitted in Route 1 Zone 4. Barrie Munro called it economically viable housing. Tom Manzi called for a vibrant mix of businesses. He said that Cathy Goodwin of the Chamber of Commerce had received the wetland survey Oscar Plotkin had had made when he was interested in purchasing the land. This charge is the biggest challenge for the Planning Board since the Comp Plan re-writes 10 years ago. The board has to have the time, energy, interest, and sustainability to do this. It will take one-to-three years to do it, and three years is a long time to sustain an effort, Tom Manzi concluded.

The group discussed taking a York Beach Transition Zone "Safari." The PowerPoint presentation of multiple maps of the growth/safari area had fizzled out in the set-up this evening, so it could not be viewed or discussed. Some things are missing from the charge, like lot ownership, lot availability, and matters not yet explored, including parking, drainage, and sewage, Christine Grimando added. Perhaps the board would want to bring in a project manager as added assistance.

When should the initial safari be scheduled? Torbert Macdonald said it should be in the fall, before the ground freezes. Others agreed. Maps give good ideas about the land. They also show you where you can't go. Some constraints can bring opportunity. Land that cannot be built upon can be used for bike road and trails, Torbert Macdonald continued. It is important to consider a time when the beaches will be flooded and there isn't any money to shop, the traditional activities at York Beach.

Christine Grimando said the posting for the safari will require more time than just a week to notify all. Having a featured newspaper article about the opportunity to joint safari walk was suggested. Dave Woods said the walk could be done in a day. Ron Nowell knows the Beach area as a lifelong experience. Tom Manzi said Ron Nowell could be a sherpa/guide. Dave Woods suggested having a waiver of liability drawn up on behalf of the property owners. Christine Grimando recommended tying up pant legs pretty carefully. She counted 18 ticks, none sunken, on her after the last excursion on this property. Cameras are greatly desired on this walk.

The meeting ended. The time was 11:30.