

**TOWN OF YORK PLANNING BOARD
THURSDAY, SEPTEMBER 11, 2003, 7:00 P.M.
YORK PUBLIC LIBRARY**

Chairman Glenn Farrell started the meeting at 7:05. Barrie Munro, Dave Marshall, Glen MacWilliams, and alternates Richard Smith, who voted in place of absent Dan Remick, and Tom Manzi attended. Town Planner Steve Burns represented the Planning Office. Patience Horton took Minutes. The meeting was televised. There was 1 motion made during the meeting.

Public Input

Fred Knox of 298 Long Sands Road spoke against allowing Dunkin' Donuts into town. He explained that years ago, petitions opposing fast food restaurants were circulated and enthusiastically signed, driving fast food places away. Glenn Farrell explained that the Planning Board is not attempting to put fast food in York. Fred Knox said that one thing leads to another, and that Dunkin' Donuts would pave the way for other places. Supporters applauded when he finished.

Cynthia Raymond said she didn't understand how the application got to this point. She said Dunkin' Donuts should be reviewed and gotten rid of. More applause.

Kathy Walcott, who lives on Donica Road, called the turnout onto Donica from Dunkin' Donuts a negligent option. It is sometimes impossible to turn south on Rt. 1 from there. There are 25 school-age kids on Donica Road who will have to compete with the overflow of donuts-and-coffee traffic every morning while they wait for the bus. Applause.

John Fennessey and Scott Wharton had organized Donica Road neighborhood meetings. They gave the board members a memo with 9 Points of Concern resulting from the meetings, including traffic, the run down appearance of Meadowbrook Plaza caused by the owner's lack of investment, pollution in nearby Little River, the sewer tie-in, hours of operation for Dunkin' Donuts and Enterprise Rent-a-Car, landscaping, and buffers.

Michael Palumbo suggested creating a pass-thru from Meadowbrook to Dunkin' Donuts to prevent people from using other shortcuts.

Stan Moody, Cape Neddick, does not like franchises and wondered how the big super-market came in and killed the local groceries. Beside that, as a caveat, he said that at the Appeals Board the previous evening, Plans from 2001 and 1998, including those for the Davis Subdivision and all pre-dating Steve Burns's tenure, were not properly signed back then by Planning Board members, causing current problems.

Fred Knox said that the casino was voted down, 10-1, because of their power. The people wanted the Stop-and-Shop. Glenn Farrell said that the Board has to interpret what the ordinance says, and do it fairly. Steve Burns added that land use codes are not an excuse to discriminate.

Minutes The August 14, 2003, Minutes were reviewed.

MOTION Barrie Munro moved and Dave Marshall seconded to approve the August 14, 2003, minutes as written. The motion passed, 5-0.

Pine Hill Road Realty Trust. 64 Pine Hill North. Map 1/Lot 2. Public Hearing. Application for Sketch Plan Review. Proposal for 6-lot subdivision to be called Pine Hill Cottage Homes. To be represented by Granite State Phoenix Corp., Robert Satter, President.

Robert Satter said he wishes to develop 15.4 acres next to the Ogunquit town line into six lots, selling about half and keeping the others for his family. The lots will vary from 1.5 to 4 acres in size. The homes will be cottage-type, to fit into the neighborhood. Traffic will be minimal, about 50 trips a day. The subdivision will not connect to Rt. 1. For the benefit of the neighbors having problems with septic tanks, he will extend the sewer line and offer neighbors to connect. The property is in two zones, and there is wetland and shoreland there.

Steve Burns said his issues on Pine Hill North include access to Lot 5 from the cul-de-sac. Lot 6 cannot have its driveway cross wetland. There is a strange lot that by the standard of Subdivision Regulation §7.6.7 might be considered a flag lot, with the ratio of the length to width greater than 4:1.

The Chairman opened the public hearing. Tom Bonneville, who lives near the Pine Hill property, praised Robert Satter, saying it is great that he is going to develop the property for his own use. "Plus," said Tom Bonneville, "I want a sewer."

Stan Moody, Conservation Commission and Cape Neddick, stated there would be a 35-ft setback in the mixed-use zone. There must be no clear cutting. He suggested that the board examine every aspect very carefully.

James Hartgrove, an abutter, said that he will benefit from the sewer line and is in favor of the proposed subdivision. He had seen Robert Satter's subdivision in Wells, and he praised it. There had been no clear-cutting there.

Sharon Dash, an abutter, said that guarantees do not always work out. Some other development in the area has not turned out as promised, with properties being rented out and some homes having 5 cars out front. She asked if people on Rt. 1 could hook onto the sewer system, when extended. She said that Pine Hill Road is narrow and scary with people driving too fast there.

Glenn Farrell acknowledged that circumstances could change and the lots might have to be sold, at some point. He explained that that is the reason for making sure details get on the plan, for everyone's protection.

Woody Hazelton, 58 Pine Hill North, lives where people speed. The addition of 5 houses isn't going to add to the problem, he said. He called it a sensible plan. The quality will come through, he said, with Bob Satter's family living there. Plus, he said, he needs the sewer.

Wayne C. Perkins, who lived in the area for 60-some-odd years, was concerned about drainage. He described a lot his daughter owns at the bottom of a hill where all the drainage comes down across her property. He asked that the water that flows to Pine Hill Road be controlled.

Ann Collier said that she and her husband, Marvin, have lived in the Ogunquit side of Pine Hill for years. Pine Hill is a beautiful neighborhood, and she is concerned that the character will change with the coming of another development. The developer should keep what is beautiful. She is concerned about preserving the wetlands. She is concerned about traffic. A past traffic study has shown cars typically move from between 30 and 45 MPH in that 25 MPH zone. More cars will most like increase the potential for danger.

Project engineer Ken Wood addressed the abutters concerned about run-off by describing the swales, buffer, and retention areas that will prevent an increase of water traveling downstream from the developed property. It will proceed at the existing rate. He acknowledged that the strangely shaped lot is the applicant's greatest concern, wondered if it is a flag lot, and asked for input about it from the board. If necessary, reconfiguring the road is a possibility. It is important to the design that some lots stay larger than the ordinance requires.

The Chairman closed the public hearing. Steve Burns described his site walk over the steep, in places rocky, lot. Whether sewer connection will come from Ogunquit or York remains an issue. Ogunquit is particularly concerned about effluence possibly reaching Perkins Cover. Barrie Munro then said that flag lots are associated with subterfuge involved in tricking a planning board to accept an oddly shaped lot to satisfy the minimum lot size requirements. That clearly was not the case. He suggested letting the developer agree not to divide the lot any further. Glenn Farrell said that any adjusting of lot lines should be done before the review process begins. Barrie Munro asked what the footage on the lot facing the cul-de-sac would be, adding that there must be at least 50 feet.

The applicant said that cutting trees would be avoided. Barrie Munro asked if it is necessary to identify specimen trees. Glenn Farrell answered that it will be. Barrie Munro mentioned sight distances. Steve Burns suggested that Bob Satter go straight to the Public Works department with questions. Richard Smith asked if the road is a town road. The answer was no. Bob Satter said that he understood that there would be no more drainage coming off the property after building the homes than there was before. Steve Burns was concerned if whether the Shoreland property was in York or Ogunquit.

Bob Satter asked if there was anything blatantly wrong with the project. Everyone on the Board agreed that they had no objections at that point. They discuss a site walk, to be held after the Ogunquit Board meets in the following couple of weeks. Ann Collier added that she plans to have a survey of the westerly boarder of certain property done, to see if it goes into York.

Meadowbrook Plaza LLC. 649 U.S. Route One. Map 91/Lot 8Y. Public Hearing. Application for a Route One Use Permit, Site Plan Approval, Shoreland Permit and Floodplain Approval to convert a portion of the building formerly used by Dexter Shoe and Coastal Christmas to restaurant use, and to add to the north of the building for a service business. This application was remanded to the Planning Board by the Board of Appeals. This meeting will be limited to establishing the procedure to be followed, and to decide on the scope of issues to be reviewed. Discussion of the substantive issues relating to this application (traffic, litter, compliance with codes, etc.) will be deferred to one or ore future meetings but comments from the applicant, abutters and the general public regarding process and scope will be accepted.

Steve Burns explained to the Planning Board that the Board of Appeals had remanded the Planning Board's prior approval of the application solely because 3 abutters inadvertently had not been notified of a hearing. That nullified and dissolved the approval. The Board has an accepted application. That accepted application was not dissolved. There was new information around the application. The utility lines will not be going through the easement, making the landscape design an important issue. Traffic remained an issue. Also to consider: Tom Manzi, Richard Smith, and Glen MacWilliams were new to the board since the last hearing on the matter. The Board must decide what the process should be in continuing with the application, though it is not certain when the next hearing will take place.

Barrie Munro asked about conditional elements. Steve Burns said that every issue out there, including traffic, would be reevaluated. Glen MacWilliams said that the application has to be complete before the board can approve it. Glenn Farrell brought up the State traffic study as a requirement before approval. Steve Burns said that the public works director must decide if the traffic study is truly needed. Also, the zoning and subdivision amendments have changed since the application was first brought forward. Furthermore, the Sewer District planned to put the property on the sewer system.

Attorney Greg Orso spoke for the applicant, whose expenses to date are \$96,000—not all legal fees. The process started last October with a definition of fast food and whether or not Dunkin' Donuts meets the ordinance and can be allowed. A variety of issues have made the applicant incapable of having any work done on the project for months. The Town had said that to avoid spot zoning, the applicant has to have the whole project together, and not one business at a time. Only a few days before the last meeting, May 8, the applicant learned out that Mr. Bray suddenly wanted the Donica Road access developed. That meant changing the plan again. The new idea of adding the sewer to the project also changes plans and creates new levels of concern for the owner and for Enterprise

Rent-a-Car. In recreating the process, his client wants to let those who were not notified be heard, but he does not want to go all the way back to the fast food issue.

Steve Burns said that the Board of Appeals did not say that only the 3 people should be heard. Chairman Glenn Farrell added that anyone who wants to speak during public hearing would be heard. He then opened the public hearing for a discussion of how the application will be heard in follow-up meetings.

Stan Moody, Cape Neddick, said that the Planning Board has to be careful to avoid any semblance of conditional approval, making sure everything is in order before making a final determination. Michael Palumbo agreed with Stan Moody and recommended going back to the point of progress of March, 2003 and then building from there. John Fennessey mentioned some of the 9 issues brought up during public input, saying that the applicants have to be businesses and neighbors, both. Glenn Farrell stated that the application will be reviewed, and as that is happening, the neighbors can come and bring issues forward.

Greg Orso asked if the owner could start with building the projects, referring to financial losses from having empty stores. Glenn Farrell said that the Board would only review one application at a time. Dave Marshall pointed out that the applicant has chosen uses that maximize the property. There is risk involved in doing that. High traffic is what is needed to make money. Steve Burns suggested that Greg Orso go to the different parties, like the Sewer District, or Bill Bray about traffic, and work things out ahead of time to save time and make things go forward.

Mr. Weinstein of Meadowbrook Plaza LLC stressed that Enterprise might not be willing to wait very much longer. There are 2 other possible tenants willing to go in. Dave Marshall told him to have the other possibilities go to the Planning Department. Steve Burns said that Mr. Weinstein does not want to have the building work done until he knows what the Department of Transportation is going to expect. The phasing is up to the developer, he said. Answering Mr. Weinstein's question as to whether work can be done on the building, Glenn Farrell said that interior—but not exterior—changes can be made.

Tammy Finn of 46 Donica Road stood and reminded the Planning Board that 28 houses with 75 people, 25 of whom are kids, are stuck with the outcome that will affect their quality of life.

Barrie Munro stated an apology for the Town's error relating to the abutter notification, which delayed the progress on the application. He described the Planning Board's effort to be "transparent" in its efforts to announce meetings, reviews, and changes in context by publishing notification and making the public process highly accessible.

Other Business/Adjourn Steve Burns said that Sewer District had notified engineer Mike Livingston of the extension of sewer out to Ridge Road to serve the Ridge subdivision. The meeting adjourned at 9:20.