

**York Planning Board
Thursday, July 8, 2010, 7:00 P.M.
York Public Library**

Call to Order, Determination of Presence of Quorum

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

Planning Board Organizational Meeting

Election of Chair, Vice Chair, and Secretary

Postponed until Board of Selectmen Appoints are made.

This item was deleted. The Selectmen had not voted on the expired terms of three members of the Planning Board.

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

Minutes of June 24 were reviewed. Changes were requested by Board members and given to the recorder for correction.

Motion: Dave Woods moved to approve the June 24, 2010 minutes are amended. Torbert Macdonald seconded the motion, which passed 5-0.

Application Reviews and Public Hearings

Yorke Fields 590 U.S. Route 1. Map & Lot 0042-008. Request for extension of Preliminary Site Plan approval

The applicant requested a second extension of the preliminary approval, which was given in December, 2009. Attorney Greg Orso said diligent work has been done, and some licenses had been acquired. JoAnn Fryer, consultant to the Maine Department of Transportation, spoke as a citizen and as a consultant to MDOT. On behalf of Bradford Foley, Project Manager, she said he regrets that the review cannot be expedited. CLD Engineering has used due diligence, but it has become necessary to request a preliminary plan approval extension.

Torbert Macdonald said there was to be a right-turn-in and right-turn-out traffic pattern. The change to having an island down the middle of Route 1 seems to be a substantive change to a plan given preliminary approval. How would fire equipment coming north from the Village get over the island? Greg Orso said the island has been designed so the trucks can get over it. Town Planner Christine Grimando said the Board had approved two entrances to the site in December. The selection will be based on when and if the DOT design is decided. No limit on 5.4.2 determines how many times the approval can be extended. JoAnn Fryer showed the planned traffic island. It has a gap to turn left into the development. There is no traffic signal. There is a turnout lane. A public meeting for MDOT is scheduled in two months. Greg Orso added that the utility applications have been submitted.

Motion: Dave Woods moved to approve a six-month extension of York Fields running to January 8, 2011. Todd Frederick seconded the motion.

In discussion, Torbert Macdonald and Tom Prince abstained from voting because they were not part of the original approval or extension.

Vote: The motion passed 4-0.

York Hospital 15 Hospital Drive; May & Lot 0050-0034; Revision to a previously approved Site Plan for proposed oxygen tank relocation and fence relocation.

Christine Grimando said this request to relocate an oxygen tank is an amendment to a previously approved plan. As well, there is a proposal for relocating the fence. There are no code issues, but the evaluation of the abutter is to be considered.

Representing the Hospital, Steve Pelletier said the oxygen tank is near the handicapped-parking stall. The parent company that owns the tank wants it moved, as its location is not within the company's safety guidelines. The benefit to the abutters includes an end to the noise made while filling the tank. Moving the tank will make way for the installation of the serenity garden the Piscataqua Garden Club has designed for the area. Eric Weinberg of Altus Engineering said the upgrade to white spruce, with a fuller understory, is beneficial. The lighting will not change. One parking stall will be subtracted. There is a net increase of 275 square feet impervious. The abutting areas will be reshaped for better drainage. Clark James, of hospital staff, said the same tank will be moved. It holds 1500 gallons. It is a non-flammable gas. It contains liquid that changes to gaseous. A backup tank will be relocated at the same time. The tank cannot stay where it is because the truck cannot line up to the valve correctly.

Eric Weinberg said a fence had been planned along the property line between the hospital and Kinley Gregg's property. It will make greater privacy for the serenity garden. The fence built in 2008 was voluntary, but there was no opportunity to safety plow snow away from the sidewalk area. There are icing issued. As well, there is an uncomfortable

perception of tunneling. In winter, Kinley Gregg's property can be seen from that entranceway. The proposed amount of fencing is increased from 145 feet to 220 feet. It stretches from all the way up the hill to the road.

Tom Prince said that according to Christine Grimando's memo, there must be a demonstration that the proposed screen is at least equal to the existing screen. Eric Weinberg said that at this time of year, the fence does nothing. The effect of the fence and what it will block in winter can be demonstrated. The fence height can be raised from 6 feet, currently, to 8 feet. Steve Pelletier said the decorative side would face the abutter. The Chairman opened the **Public Hearing**.

Kinley Gregg of Lindsay Road said the hospital building causes the tunneling effect, not the fence. The vegetation is not there much of the year. The grade change from the hill is four feet, already. A six-foot fence will bring effectiveness of the fence to two feet, knee-high. Also, people do not understand the signage for the hospital access road. They dangerously exit the wrong way down the entrance by her house.

Clark James conducts snow removal for the hospital at the Lindsay Road entrance. There are guardrails on both sides. There are safety issues. The abutter fence was put in voluntarily by the hospital. Lew Stowe asked if the proposed fence will be the same height. Eric Weinstein said the fence will be lower, but if it were 10 feet, it might provide the same height. Tom Prince asked how well the guardrail affects snow removal. Eric Weintraub said snow would go over the guardrail. Steve Pelletier hopes to make an offer about vegetative buffer that will work. Lew Stowe said the Board has the right to ask the applicant to be reasonable and protect the abutters.

Kinley Gregg said it is a quality of life issue. Torbert Macdonald suggested accepting the combination of the fence and arborvitae with a ten-foot fence on the property line. Kinley Gregg replied that she has advocated for a fence along the access, but was told plantings are not viable because it is wet there. Torbert Macdonald suggested an arborist come in to suggest a solution. Christine Grimando said an 8-foot fence is the maximum allowable, and that is not waivable.

Abutter **Bob Cutts** said the area is in the prime historic district in York. All the growth on Kinley Gregg's side loses its leaves in the fall. He recommended using a laser line to determine the sight line. He said Kinley Gregg should see a mock-up of what the change would look like. Steve Pelletier said hospital staff analyses how traffic can best flow through the site. Sometimes people do not obey signs when driving to the hospital. **The Public Hearing was closed.**

Motion: Torbert Macdonald moved we approve the relocation of the oxygen tank as described. David Woods seconded the motion, which passed 5-0.

Torbert Macdonald said there will not be a resolution of the fence issue this evening. They need to see an arborist, and the fencing should be established to Kinley Gregg's satisfaction. Board members agreed to postpone the approval.

Motion: Torbert Macdonald moved that we defer the decision and advise the applicant to instruct the abutter to a satisfactory decision. Dave Woods seconded the motion.

In discussion, Lew Stowe said to vote in favor of moving the fence. Torbert Macdonald said the decision would not be made that night, because the two parties are willing to negotiate.

Vote: The motion passed, 3-2, with Lew Stowe and Dave Woods voting against.

Caswell Farms 908 U.S. Route 1; Map & Lot 0097-0062; Application for a Route 1 Use Permit for a mixed-site

Christine Grimando said this Route 1 review is for a historic house that has been repaired and restored. It is residential property. The applicant wishes to convert it to a commercial structure. Most of the construction is complete. The review is hinged on the use. Currently there is an apartment on site. The bulk of the space could be for day care, possibly a coffee shop, though not at the same time. It would also be suitable for retail or office space.

Applicant Bob Cutts said he bought the property four-and-a-half years ago. In hindsight, he would not have tackled the project. Regulations and requirements from the code of-fice have been hard to meet. He read a statement detailing the sequent of requirements. He said that if ordinances are intended to reserve small town character, consider the use of waivers to show this respect.

Christine Grimando said the stormwater numbers work. Some vegetation will have to be removed. The drainage has been altered over the past couple of years to a detention pond. There is a buffer yard requested along the edges of the property. There is a letter of support from the Museums of York. The only remaining issue is the parking sites. The DPW director has assessed the traffic sight distances. The septic system is adequate capacity for what is proposed. Code Officer Ben MacDougal's reported there has to be a site evaluator statement that acknowledges adequate capacity.

The board went over the 6.3. Performance Standard checklist that Bob Cutts filled out. The rear setback makes the property nonconforming. Christine Grimando said 6.3.1, Traffic Safety, can be satisfied with a traffic report that is pending from the Town. That is the only element missing from 6.3. Every other item in 6.3 had been satisfied. The Chairman opened the **Public Hearing**.

Abutter **Bertram Canfield** is concerned about parking and lighting. His house sits 300 feet back and 100 feet south of Bob Cutts's. There is greenery in the buffer, but a prior owner on Bob Cutts's property had done clear-cutting at one time. Bob Cutts had brought fill in, said Bertram Canfield. Water comes into Bertram Canfield's property. The dumpster is closer his house than it is to Bob Cutts's. There is not enough shrubbery. The site distance to Route 1 is very difficult for Bob Cutts, but not at his own

house, said Bertram Canfield. Bob Cutts might consider right-turn-only when leaving the property. Torbert Macdonald suggested having a solid wood fence on the southern edge of the parking lot.

Sarah Onion of the Gazebo School in York Village said she is a potential tenant for this property and is hoping to move her daycare center there. The children's outside play area is toward Route 1 from the back parking area and will be fenced in. She would ask people to only turn right onto Route 1 when leaving the property.

Bob Cutts said he understands the concerns about traffic flow. There might be a flash of lights when cars head toward the back of the property. There might be a flash of light when cars are leaving as well. It would be fine to move the dumpster farther back on the property. There is one handicapped parking space on the plan.

Motion: Torbert Macdonald moved we waive the requirement for buffer yards per 6.3.9.

The motion went un-seconded. Torbert Macdonald said there should be no requirements in the way of ornamental plantings. Buffer should be naturally recurring along the southern edge. The motion was removed because no one seconded it.

Dave Woods called it an erroneous application process for a small project. Bob Cutts went ahead and restored a residential house and turned it into a commercial development. We should look it as a new commercial development. Christine Grimando replied you don't want this to be a pattern. With residential to commercial, you are dealing with new impacts, like traffic and glare. Torbert Macdonald said with the buffer yard screens, you are trying to screen from what's passing by. Christine Grimando said she is concerned it is too open and unspecific if there is nothing to prevent a side yard. Torbert Macdonald asked what is being gained with a buffer yard requirement. Lew Stowe said it is buffered from light and noise. Torbert Macdonald suggested putting a fence in the corner of the driveway. Todd Frederick said both waivers are for buffer yards. One can be applied. Keep the trees you want to keep. No waiver is necessary.

Bob Cutts said there are no plants in the buffer zone. He was asking for the waivers in specific areas. There are additional trees not depicted on the plan where the detention pond has to be. Tom Prince said the plan should be updated with what is there and what should be proposed. A waiver might not be necessary. The applicant was instructed to comply with 16.3.10 and bring in a stamped plan by a landscape architect showing what vegetation is there and the proposed plantings. The board will then decide to keep the plan or waive it.

Christine Grimando said the right-turn-out will most likely put a delay on the day care situation. Dave Woods said it would be prudent for Bob Cutts to have a right turn island. Torbert Macdonald said the board might have an additional application review on the upcoming workshop day. Sarah Onion said she must leave her current location at the end of August.

New Business

There was no new business.

Old Business

There was no new business.

Other

The Harbor Boards wants a joint meeting at the September workshop.

The Eldredge Lumber abutters have filed for an appeal heard next Wednesday

The meeting ended at 10:45.