

**York Planning Board
Agenda
Thursday, August 10, 2006, 7:00 PM
York Public Library**

Chairman Glen MacWilliams began the meeting at 7:00 by introducing the Planning Board and staff. Glen MacWilliams, Glenn Farrell, Barrie Munro, Tom Manzi and alternate Lee Corbin were present. Board member Richard Smith was absent. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised. Lee Corbin voted in place of Richard Smith

Public Input. Open to the public to address any issue other than issues scheduled for public hearings on this agenda.

Greg Desires said that from appearing before the Planning Board about fifteen times over thirty years with different projects, and from watching Planning Board on TV, he knows the process is already difficult for the applicant. It seems that the Planning Board treats the applicant as if the applicant is doing something wrong. It is not true in other towns, and the attitude does not have to be like that. Chairman Glen MacWilliams replied that the board members would do their best to be friendly. With no one else to speak, the Public Input session was closed.

Requests for Field Changes. Decide on requests from previously approved applicants.

Ben Walden of Attar Engineering spoke on behalf of York Storage Solutions. He said that the copies of the site plan and grading plan he had just handed out had been stamped. The fence along the edge of the pavement would cause a problem in snow, so he was requesting to move it to the other side of the buffer. He also asked to move the well from behind the building to a more accessible spot in front of the building. Thirdly, the proposed change from a riprap swale along the 2-to-1 slope behind the building to a grass swale should remain riprap.

Tom Manzi asked about the wastewater exclusion zone. Ben Walden said the distance would be 140 feet, where the restriction is 100 feet. Lee Corbin asked how the radius would affect the abutter when the well is moved. Ben Walden answered that the radius goes 50 feet into the abutting property. Steve Burns said that Route 1 ordinances, rather than subdivision regulations, regulate the property. Ben Walden said that the well is being moved for maintenance purposes, and the applicant is having difficulty installing the well where it is planned.

Motion Glenn Farrell moved to accept the changes. Barrie Munro seconded the motion. There was no discussion. The motion passed, 4-1. Lee Corbin was opposed.

Application Reviews and Public Hearings.

TAGT, LLC, 360 U.S. Route One. Map & Lot: 0053-0009-B. Application for a Route One Use Permit to expand building and add second building.

Construction Manager John DeStefano described the two phases of the project. First will be an addition for storage to the existing building. The second phase will consist of a detached building with cooler storage, and an office added on at a later time. The loading dock, which had been an objection to the Board because it was designed to face Route 1, has been moved so the office will hide it. John DeStefano also described the proposed landscaping by Terrance Parker. Plants and trees will be distributed to five areas around the property, and should screen the proposed loading dock. The building materials will match the current materials. There will not be an increase in employees. The traffic count requested by Public Works Director Bill Bray showed that not much traffic comes in and out of the site.

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

Lee Corbin asked what trucks would come onto the property. Applicant Greg Desires said anything from pick-up trucks, to TAGT's own box trucks, to semis will be pulling up to the building. The biggest tractor-trailers will only be there between midnight and 4:00 A.M. When they are not loading and unloading but are still on the property, they would be parked between the two buildings. Barrie Munro commented that he had seen box trucks and trailer trucks parked at TAGT that very day. Lee Corbin asked about the backup-up warning beeps the trucks make. The trucks will beep as a safety precaution when backing, Greg Desires said.

Motion Glenn Farrell moved to accept as the application complete for purposes of review. Barrie Munro seconded the motion, which passed, 5-0.

Barrie Munro said that the TAGT property currently has 10 dead deciduous trees and 13 dead shrubs. Greg Desires said that Salmon Falls Nursery is waiting for fall and will then replace them. Those trees and shrubs have been tagged. Barrie Munro said there should be a watering program. The Board needs to minimize the failure of the landscaping. Replacing dead landscaping should not be an easy solution to poor planting and maintenance practices. Glen MacWilliams agreed that there should be criteria that allow the Board to deal with the failure rate of the landscaping.

Motion Barrie Munro moved to waive §6.3.13, in that the loading dock and garage doors as resubmitted are positioned behind the existing main building, are 300 feet from Route 1, and the existing and proposed landscaping satisfies the requirements of the ordinance. Lee Corbin seconded the motion.

In discussion, Tom Manzi questioned whether the buffer is wide enough to be effective. He also said that the landscaping currently in place is not healthy. Greg Desires an-

swered that the landscaping has been in place for less than two years and has to be given time. Tom Manzi said that date for constructing the second half of Phase 2 has not been set, but that the building is part of the shielding plan.

Vote The motion passed, 4-1, with Tom Manzi opposed.

Barrie Munro said that the landscape plan had not been certified. In addition, he explained that a plan note would have to be added indicating that each design professional must certify that the finished work is consistent with the plan.

Motion Barrie Munro moved that all design professionals must certify that the as built satisfies the plan. Tom Manzi seconded the motion, which passed, 5-0.

An aspect of the new landscape plan was briefly discussed between Barrie Munro and Glen MacWilliams regarding a provision that must be made for the replacement of dead plant materials.

Motion Glenn Farrell moved for conditional approval of the application based on an agreement between Tim Haskell (Sewer Department) and Greg Desires concerning the flow issue with the existing building.

No one seconded the motion. Glen MacWilliams stated that the motion had failed.

Steve Burns listed the outstanding issues. The waiver on the site plan had been granted earlier during the meeting. The professional certification of the new landscaping plan (certification and maintenance) remained outstanding. Certification of the building plan remained outstanding. Sewer District approval remained outstanding.

Glen MacWilliams asked the applicant to come back before the Board with these matters completed. John DeStefano asks if conditional approval was possible at that time. The Chairman's answer was no.

Unscheduled Interruption Regarding Storage Solutions' Field Change

Rick Knight of Pine Hill Road asked if he could speak. He just had come into the hearing room after watching part of the meeting on live TV. He owns the land next to the Storage Solutions property. He said that land around there is bony. The moving of the Storage Solutions well will impact his land. Once the well is in, he, for his own purposes, will have to stay 100 feet away from it. He would have liked it if the applicant had come and discussed moving the well with him. If the 100-foot distance turns out to be the only place where he can put his septic, Storage Solutions will not have to move their well, and he will have a big problem.

Motion Tom Manzi moved that, in light of the information from the abutter, the Planning Board would like to rehear the Storage Solution proposal with the abutter present, so that it can be reconsidered. Barrie Munro seconded the motion.

In discussion, Glenn Farrell said there is no ordinance addressing the issue. Therefore there are no grounds for turning it down. Steve Burns said that it is a property rights issue and should be heard.

Vote The motion passed, 5-0.

Highland Farm Phase 2 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot: 0090-0030. Application for major subdivision. Consideration for conceptual or preliminary review.

Steve Haight began by introducing Attorney James Katsiaficas. Steve Haight said a geotechnical engineer had been consulted over the pending issue of whether the proposed subdivision would degrade the Bolter Pond water supply. Lots 10, 11, and 12 are in the Watershed Protection District. The general conclusion of the geotechnical engineer was that the development, as proposed, would not affect the water supply.

Tom Manzi spoke out that the board members had just been given “reams of stuff we have to digest immediately.” He asked the chairman what the fair process is for taking in information. The matter was not addressed until later.

Steve Haight discussed wildlife corridors. He said the applicant had not hired Woodlot Alternatives, as the Board requested, but rather Golden Environmental Services. He showed the map they had made of the wildlife corridor with arrows reaching from Mount Agamenticus to either end and around Bolter Pond. Wildlife travels around one end of Bolter Pond or the other and then continues toward the York River, without ever going through the Highland Farm land, he explained.

The pump station and how far it can reach was the third issue Steve Haight had been asked to discuss. He did not receive an answer from the Water District, and for the time being would continue to use the 21-lot layout designed to rely on wells. Jim Katsiaficas began to speak about the 19 state and local criteria for subdivisions.

Reading from Ordinance §5.10, Tom Manzi spoke out again, saying that submission of supplemental information must be made a minimum of 17 days before a hearing, and that materials, such as the “reams” newly presented to the Board by the applicant’s representatives, could not be considered at that meeting. Jim Katsiaficas apologized and went on, attempting to explain the contents of his letter to the Planning Board dated August 10, 2006, that day, which he had just handed out. Barrie Munro said that the Board would only deal with the information that arrived in the appropriate time.

Steve Burns said that the matters still at hand included the 10-acre lot decision and the overlay district. Glen MacWilliams added that the Planning Board had not yet discussed and may not agree with the opinion letter from the town attorney. Nor had the board members had an opportunity for a site walk. The group conferred and settled on Monday, August 21 at 8:00 A.M., for which Steve Burns would send out an abutter notice and §5.8, Rules for Site Visit.

The Chair opened the **Public Hearing. David Tibbitts of the York Conservation Commission** said that the wildlife corridor has to be addressed. As well, the Swamp Darter fish is a threatened species for which there are only four habitat ponds/streams in Maine, three being in York, and one being Bolter Pond. The Department of Wildlife and Fisheries has recommended a 250-foot buffer for the Swamp Darter. The endangered Blanding Turtle is on the north side of Bolter Pond and the south side must be examined for its nests. The spotted turtle is threatened and also in that area. Steve Burns asked David Tibbitts to review the letter from Golden Environmental Services, and David Tibbitts agreed to.

Speaking against about the wildlife corridor proposed by Golden Environmental Services, **Sharon England**, of 28 Rumsey Road, said that when Bolter Pond freezes, the deer come right over it. When there is no ice, deer swim it. As she had at the last Highland Farm public hearing, she discussed the historical marker located on the Highland Farm and asked if protection for it is being considered. She talked about non-source pollution, runoff, fertilizers, petroleum, and bacteria the 21 homes will add to the pond. As well, the subdivision will bring more foot and recreational traffic. Her background and interest in rainwater collection allowed her to calculate that millions of gallons of rainwater that will run off the homes annually. She talked about the negative impact of hydro seeding. The most important concern is clean water for the generations to come, Sharon England concluded.

Joanne Muckenhaupt of Thomas Road said that Phase 1 is enough and is already regrettable. She said she would like to see it stopped and something else happen than Phase 2.

Karen Arsenault stressed that Highland Farm is in the middle of the Mount Agamenticus to the Sea Initiative. The developer does not understand how a wildlife corridor works. Wildlife does not just go to the right or to the left. A housing development in the middle does not work.

Derek Ahl said that he thought the Golden Environmental Services review was not scientific. He also was highly opposed to the plan as proposed. He added that many animals, like deer, raccoons, and turtles, swim across Bolter Pond.

Patrick Roy of 13 New Boston Road said that he is against any building on the Phase 2 land.

Chairman Glen MacWilliams closed the Public Hearing. Barrie Munro read §1.3.1 from the ordinance manual regarding the protection of the water supply. Salient points included plant diversity, minimal road building, and a negligible ill affect on natural beauty. He also read from Comp Plan §6.2.2, Protection of Fresh Water Resources. The applicant should be encouraged to accommodate the spirit of the Comp Plan and the ordinances, Glen MacWilliams said. Barrie Munro also referenced Ordinance 7.6.1.A, which gives the applicant the sole authority whether or not to utilize cluster design. He said that given the differences in the requirements for the preservation of open space and natural resources between cluster design and traditional site planning, the Board should seek ways and means to minimize the differences.

There was a discussion of whether or not the Town Attorney should be invited to attend the forthcoming site visit for the purpose of understanding the circumstances being debated.

Motion Barrie Munro moved to invite the Town Attorney to attend the site walk. No one seconded the motion, and it was withdrawn.

Motion Barrie Munro moved that the Town Attorney be requested to review the latest submissions by the applicant's attorney. Tom Manzi seconded the motion, which was carried, 5-1.

Motion Barrie Munro further moved that someone from Woodlot Alternatives accompany the Planning Board on the site walk and write his or her finding to the Board. Glenn Farrell seconded the motion, which passed, 5-0.

Saying that the application is still at the same point where it was several months ago, Steve Haight asked what the Board wants the applicant to produce next. Barrie Munro explained that the Board is attempting to determine if the site plan satisfies the intent of the resource protection language in the Comprehensive Plan, the Ordinances, and Subdivision Regulations. Steve Burns added that the water issue, whether or not a waiver is required, is still a key question. Glenn Farrell said that the zoning would not allow the Board to prevent development, as an abutter had hoped earlier during the Public Hearing.

Jim Katsiaficas said he hoped the application could be Approved for Completeness during the September 14 meeting. Steve Burns stressed that the water issue is the key point. The plan presented at an earlier meeting showing the layout with town water did not meet town standards. The clock is ticking once the preliminary plan is approved, he said. Tim Katsiaficas said that the clock started ticking 30 days after the public hearing on the sketch plan.

Diane Goodwin. 1300 and 1318 U.S. Route One. Map & Lot: 0015-0017 and 0097-0009. Application for a minor amendment to an approved subdivision.

Diane Goodwin of 159 Clay Hill Road said she wanted to update the subdivision with new setbacks, eliminate easements for Parcel A, and utilize newly located viable test pits on the lots. Parcel A had a septic easement on the original plan, which was removed because of new test pits.

The Chair opened and closed the **public hearing**. No one came forward to speak.

Real Estate Broker Chuck Landry explained the details of the change. The new test pits on Lots 1, 2, and 3 necessitated the elimination of the septic easement. Zoning changes went from Route 1-6 to Route 1-5, and the Stream Protection Zone had been designated requiring a 100-foot setback, which has been met. Steve Burns said that the property is an existing, approved subdivision. The applicant removed the easements and has updated the zoning boundary.

Motion Glenn Farrell moved to approve the amended plan. Lee Corbin seconded the motion. There was no discussion. The motion passed, 5-0.

Twin Lights Amendment. 6 & 7 Udell Park. Map & Lot: 0033-0045 and 0033-0045C. Application for a boundary line adjustment to an approved subdivision.

Gary Smith represented the developer First Step Land Development and the owners of Lots 3 and 4, which are 4600 square feet and 4654 square feet, respectively. There was an original error in deeding the land from one owner to the other, and this application is intended to fix the mistake. A new deed will be drafted.

The Chairman opened the **Public Hearing**. **Kevin Guy** of 31 Beacon Street said that the developer forgot to this and other things. Wetlands have been filled. The area is draining poorly. The ditch has been filled. Kevin Guy has been in York since 1942. He has a wet yard because wetlands are filled in. He asked asks to be included on the abutter list. Steve Burns said that Town Engineer John Treat had indicated that Twin Lights was built as planned.

Maureen Buckley of 42 Beacon Street said she had issues with drainage. She met with Twin Lights engineer Mike Livingston, and they walked the property. She had a letter dated September 2, 2004 detailing the situation, including the Lot 6 berm having been overfilled. Mike Livingston had recommended an as built be done. The berm was cleared, but the as built was not done. She met with Code Enforcement Officer Tim Decoteau about it.

Glen MacWilliams read the September 2, 2004 letter from Mike Livingston. It recommended grading of the culvert, which may not meet plans. Glenn Farrell agreed that an as built is necessary. Barrie Munro said that there might be a violation with regard to the plan. Glen MacWilliams said he wanted to know all the issues concerning the site.

Other Business/Adjourn

Glen MacWilliams spoke about a memo concerning proposed changes in site plan subdivision regulations, drainage, and storm water runoff. Preservation of natural land forms in the face of cutting driveways and the maximum change in elevation should have a trigger for Planning Board Review, commented Barrie Munro.

Steve Burns said that the Board of Selectmen was planning to hold a public hearing on the Bell Marsh Road issues, but he was not sure if it had been held yet, or not.

Steve Burns handed out an article from *Governing*, August, 2006, that referenced Mount Agamenticus to the Sea.

Barrie Munro described a PowerPoint presentation he saw about absorption of beneficial storm water, low impact development, and identification of surfaces that mitigate runoff.

The meeting was adjourned at 10:10.