

**York Planning Board  
Agenda  
Thursday, October 12, 2006, 7:00 PM  
York Public Library**

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

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

**Public Input**

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

**John Finley** discussed a wind generator he wishes to install for producing electricity for his two houses. It will cost him about \$12,000, which will include wiring into the Central Maine Power grid. He will possibly need a height variance for it, if it is between 70 and 100 feet high. If it is not on a separate tower, it might be attached to his house.

**Jack MacDonald**, of York Harbor, discussed what he perceived to be a ballot discrepancy in the Shoreland Zone, under certain circumstances, which would limit the footprint of new construction to 1000 square feet. He stated that as described it was a misrepresentation of what was required and constituted an illegal taking.

**Field Changes**

Engineer Steve Height asked for a change to the vertical elevation and road width for Highland Farms 1. He showed a plan with cross sections for the before and after plans. In the current proposal, cuts and fills will be minimized. Six percent grades would be increased to nine percent. Slopes would be increased to a ratio of two as apposed to the town requirement of three. The road will be smaller, 20 to 22 feet, paved, with 24 feet wide at the entrance, which is not an issue with DPW, because it will be a private road. Looking at the plans, Barrie Munro commented that there should not be a problem for snow removal at the nine percent grade for the short distance it lasts. Lee Corbin asked if it will have a "thank you ma'am," and Steve Haight replied that no, there would be no "dipsy doo" and no "roller coaster." Glen MacWilliams said that the change seems more appropriate for the site. Barrie Munro commented that it is more in keeping with the Comprehensive Plan than are the Town's current Sub-Division and Site Plan regulations. Glen MacWilliams asked for a scale plan of the road profile at one-to-one that includes the drainage change. The matter was deferred for two weeks.

## **Minutes**

No Minutes were reviewed at this meeting.

## **Application Reviews**

**Cottage Place—Lighting Amendment.** 433 U.S Route One Map & Lot: 0054-0010-A. Application for a minor amendment to the Route One Use Permit.

Dave Ferland explained that he wished to change the existing lighting to commercial 12-foot pole lights.

Chairman Glen MacWilliams opened and closed the Public Hearing. No one came forward to speak.

Engineer Bill Anderson showed the board the planned lighting that will be placed along the edge of the pavement and the property line. Barrie Munro was concerned about light spilling outside the property boundaries onto neighboring properties or into traffic. He further stated that the lighting has to meet the overall standard in §6.1.5, and meet the permitted candlepower as allowed in §6.3.6.2 and §6.3.6.4. Glen MacWilliams asked for a professional stamp from the lighting engineer who created the plan.

**Sparhawk Subdivision—Minor Amendments.** All lots on Harbor Side Drive. Map: 0070. Lots 0005, 0005A, 0005B, 0005C, 0005D, 0005E, & 0005F. Application for a minor 4-lot subdivision.

Project engineer Bill Anderson described some additions the new owner of this project wanted to make. The septic for Lot 1 will stay on Lot 1. Before there had been an easement for it on Lot 2. Every lot has septic of its own. The owner also wants to have a stonewall entrance and granite curbing. Bill Anderson also described drainage changes.

Glen MacWilliams said that previously, an abutter had been concerned about blasting. Glenn Farrell said she was also concerned about the buffer. Bill Anderson showed the new buffer plan. Abutter Ann Kendall came forward and said that the buffer was previously agreed at 50 feet, but that part of it was being changed to 30 feet. Glenn Farrell explained to Bill Anderson that in the approved plan, the buffer is 50 feet, and a change to 30 feet for some of that area has not been approved. Glenn Farrell asked for a landscape plan for that 30-foot area, so the buffer can be decided on next time. He asked if the granite curbs will affect the drainage, and Bill Anderson replied that the plan continues to have swales at both sides, and a culvert under the road. Bill Andersen also agreed to meet with Ann Kendall to reach an agreement with respect to new buffering. The Board did not take any action on the requested changes.

**Pine Hill Estates Subdivision.** 121 Pine Hill Road. Map & Lot 0100-0021. Application for a minor 4-lot subdivision.

Dawn Hill presented the application. She first introduced her partner in the project, Meg Goldberg. They proposed to build a 4-lot subdivision on the land that lies between their two houses on Pine Hill Road. The lots vary in size from five to eight acres. Each lot will have large frontage and setbacks that are bigger than required. There will be buffers with no cutting. An old cemetery on the site will be delineated. Public Works director Bill Bray had asked that one tree come down to allow for greater sight distance.

The chairman opened the public hearing. Abutter **David Weare** said that his nearby land is landlocked, and he would like to buy or trade land to get access to it. Glen MacWilliams recommended he talk to the owners directly about it. The public hearing was closed.

Certification was discussed. Steve Burns said that there was nothing being done that required certification. Public Works will certify Plan Note 29. Glen MacWilliams asked about the design certification for the driveway cut, and Barrie Munro answered that when the work is done, an engineer certifies it.

**Motion** Glenn Farrell moved to approve waivers §6.3.3.A.4 (trees larger than 24”), §6.3.32 (high intensity soil survey), §6.3.3.A.7 (delineation of areas with high water tables), §6.3.27 and §6.4.16 (storm water drainage plan), and §6.4.28 (documentation of applicants’ financial capacity). Barrie Munro seconded the motion, which passed 5-0.

**Motion** Glenn Farrell moved to approve the Finding of Facts Items 1, 2, and 3, with one additional engineering certification for removal of rock and clearing for site lines. Barrie Munro seconded the motion, which passed, 5-0.

**Highland Farm Phase 2. 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot: 00900029-A and 00990-0030. Continued consideration of preliminary review of a major subdivision.**

Steve Haight said that the application was accepted at the last hearing. He had since gotten a letter from Steve Burns detailing the issues. The main issue is whether the board will waive public water.

The Chair opened the public hearing. **Carol Donnelly** of the York Rivers Association put a photo of the upper reaches of the York River on the easel. She described the area as a marsh estuarine eco-system and priority watershed, as defined by Wells Reserve. Alteration of Highland Farms property will have irretrievable effects on the wetlands, upland buffers, marshes, and in the preservation of fresh and salt water.

**Charlie Steedman** spoke against the subdivision. Anyone who values the York River, its health, and upper reaches knows that putting house lots with impervious surfaces where this is proposed is one of the worst ideas. He showed a map made by the Maine Coast Heritage Trust, a partner in the Mt. Agamenticus to the Sea Initiative. The map showed water district, conservation, and high priority land for conservation. Putting

houses at Highland Farms is out of proportion with what is already there, he said. It will have a huge impact on the river.

**Sharon England** also brought a map. She showed Boulter Pond and said the area around it is more of a wildlife habitat than a “corridor.” The blasting, earth moving, and traffic brought about by this development are among other serious concerns. She said that because of global warming, there are shorter periods when water soaks back into the vernal pools. She discussed existing flooding that runs off the Highland Farms area.

**Derrick Ahl** lives off Route 91, and he frequents the trails in the area. He is concerned about endangered species like the Blanding Turtle. He also asked about the historic marker, a cairn on the Highland property. He talked about how traffic backs up at the Routes 91 and 1 traffic light for a quarter mile, sometimes. How much worse will that get when there are 28 more homes, he asked.

**John Michniewicz** of 22 Rumsey Road said that is concerned about the water supply and about sustaining septic systems in the watershed. The new homes could cause a catastrophe to the Kittery water supply.

**Ludwig Kemen** wanted to know who is responsible to the people of Rumsey Road when, after five days of heavy rain, water will flow right over the road. He was also concerned about herbicides and pesticides contaminating the water. Will York supply drinking water to the neighborhood, he asked. He is concerned that the applicant will go ahead with the plan the Town tells them to use, and then, when it falls short and becomes a civil matter, the neighborhood people will have to fight an expensive battle.

**Joanna Weston** said she supported the concerns of everyone who had spoken that night. The Chair closed the public hearing.

Glen MacWilliams spoke to Ludwig Kemen’s concern, saying that there are new state regulations about water and the effect of water on private and public land. Glen MacWilliams did not have any ideas about the possible civil action, but he suggested that Ludwig Kemen write specific questions in a letter to the Town Attorney.

Glen MacWilliams asked for a confirmation from the applicant’s attorney, Jim Katsaifias, that the applicant is willing to extend the time for review to 60 days from that evening’s date (October 12). The attorney replied that the extension was all right.

The waiver permitting wells over public water was discussed. Glenn Farrell said that the waiver allows less wells and less houses. Barrie Munro said that some lots still do not satisfy the standards of the ordinances or subdivision regulations.

**Motion** Barrie Munro moved to deny the request for the waiver. Glen MacWilliams seconded the motion, which passed, 5-0.

Engineer Steve Haight said that with public water being brought in, the development would have to be denser to compensate for the increased expense. Addressing a different matter brought up during the public hearing, he also said that there is no evidence that the cairn on the property is historical. It is interesting, but there is no record of it as a historical artifact.

Jeff Cantara of Gove Environmental Services said that he was not sure that the vernal pools were indeed vernal pools. They should be assessed during the breeding season, from April to May. He showed on the chart potential vernal pools in Lots 22, 26, 17, 16, 15, and 14. The pools might be amphibian habitat. For turtles, the applicant is planning to put an underground connector between the pool on Lot 26 and that on Lot 22. He said there is no fill proposed in any vernal pool.

Glen MacWilliams said that there is open space on Phase 1, and there should be connectivity between Phase 2 and Phase 1. Steve Haight replied that he would put both phases on the same plan for the future. Barrie Munro commented that there is about 30% increase in impervious surfaces. Glen MacWilliams asked if the board wants to ask the applicant for cluster design, as opposed to this traditional design. Steve Haight answered that the ordinance does not require presentation of a cluster scenario to the board, and that the applicant wishes to continue to present a conventional layout. Barrie Munro said that it would not be unreasonable for the applicant to show a 21-lot layout as a “sweetener.” Steve Haight replied that the water and density issues are tied together. The infrastructure cost has to be offset by the density. He added that he was not being adversarial in this position.

Glen MacWilliams referred to Barrie Munro’s comment that there was a 30% increase in impermeable surface area. The board wants to mitigate the impervious surfaces and lessen the non-point pollution. The board wants quality from an environmental view. It would like to see fewer than 27 lots without having to re-visit the water supply waiver. Town Planner Steve Burns said that the reason for refusing the waiver request was based on the recommendation of the Fire Chief and the Water District. Nothing can be added to the Boulder Pond watershed, but the storm water issues have to be dealt with. Barrie Munro again stated that the addition of six new building lots constituted a potential increase of 30% of impervious surface and other attendant usage impacts and that to ignore this was to ignore all of the public input to date. Steve Haight said that he will return with a plan showing the grading, the individual houses with septic locations, buildings and lawns, and he will incorporate Phase 1 with the open space lots. The hearing ended.

**Union Bluff Function Hall. 4 & 6 Beach Street. Map: 0024, Lots: 0043 & 0043-B.**  
**Application for Final Review of a major site plan.**

Engineer JoAnn Fryer said that the applicant received preliminary plan approval on January 12, 2006. Since then, the location of the trash receptacles had been decided, an adjustment to the retaining walls was made, the 6-and-a-half-foot setback creating a little sidewalk had been made, an ADA accessible ramp had replaced stairs for access from Gull Street, an emergency way had been established in the rear, reconfiguration of the

satellite parking lot was complete, and updated parking calculations had all been achieved. She reviewed the basic concept of removing the cinema, replacing it with a multi-use building with satellite parking next to the post office and shuttle service for function guests.

Chairman Glen MacWilliams opened the public hearing. Mike Passanisi, representing himself and the other abutters of 2, 4, and 6 Gull Street, gave Steve Burns a list of pre-conditions to consider before approval. The Public hearing was closed.

JoAnn Fryer said that she could certify the plans. The Findings of Fact were subject to approval.

**Motion** Glen Farrell moved to conditionally approve the plan as submitted with additional notes dated October 12, 2006, from the applicant, and to vote on the Findings of Fact at the next meeting. The motion passed, 5-0.

Builder John Destefano told the board he wished to have a pre-construction meeting and then start demolition as soon as possible. Chairman Glen MacWilliams told him that that could be done after the Findings of Fact are signed. Steve Burns added that John Destefano could come back for approval of a demolition plan in two weeks.

**Other Business/Adjourn.**

There was no other business. The meeting adjourned. The time was 10:30.