

**York Planning Board**  
**Thursday, March 28, 2013, 7:00 P.M.**  
**York Public Library**

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

Chairman Todd Frederick presided. A quorum was determined with five people voting: Todd Frederick; Vice Chairman Dave Woods; Board Secretary Lew Stowe; Torbert Macdonald, Jr.; and alternate Brud Weger. Alternate Al Cotton, Jr. was present, but did not vote. Dave Glazebrook was absent. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes.

Todd Frederick read a letter of resignation from Dave Glazebrook, who said the increase in his workload and travel has forced him to resign.

**Public Forum**

**Open to the public to address issues other than topics scheduled for a public hearing.**

No one came forward to speak.

**Minutes**

The **February 21, 2013** and the **February 28, 2013** minutes were reviewed and changes were requested.

**Motion:** Torbert Macdonald moved to approve the February 21 minutes as amended. Dave Woods seconded. Passed 5-0.

**Motion:** The chairman asked for a motion to approve the minutes of February 28 as amended. Torbert Macdonald said, "So moved." Dave Woods seconded. Passed 5-0.

**Field Changes**

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

**Tom Brennan**, part owner of the Maine Ice Cream House in Cape Neddick, plans to install a 14 x 16 square-foot patio-block patio where customers can sit. The adjoining business, a frame shop, wants to reallocate parking, which will give the Ice Cream House enough parking to allow the patio. Currently, they are using picnic tables on grass. Town Planner Christine Grimando said this had come before the board last fall, and now has more specifics.

**Motion:** Dave Woods moved we approve the field change for the Ice Cream House for a 14 x 16 foot patio. Lew Stowe seconded the motion, which passed 5-0.

## **Applications Reviews and Public Hearings**

### **Brookside Ridge 254 Ridge Road & 13 Styles Lane. Map & Lot 0032-0003, 0094-0084-M. Lot Line Adjustment to previously approved subdivision plan**

Walter Woods introduced the application. He has two parcels, one of which is a conservation easement owned by the York Land Trust. It was one of the first Land Trust acquisitions, established in 1996. The Land Trust has been a great steward, he said. There have never been any violations. The other lot has two houses. The lot line change will allow a third home for daughter Haley and create a family subdivision. It will lighten insurance liability and tax bills. The parcels are 3.6 acres of useable land and 11.9 acres of easement, totaling 15.5 acres. He contacted the Land Trust yesterday and told them about this hearing.

Torbert Macdonald's concerns were of the use of conservation land toward calculation of buildable land, and the notification of the Land Trust. He said the applicant is adding the conservation area to the other holding in order to have sufficient area to put another house on the land. He said the 24-hour notice the Land Trust was given was insufficient.

Town Planner Christine Grimando said that if these were to be joined as one lot, the buildable land is being calculated in total for that lot, but the Land Trust land cannot be developed. We take wetlands out, she said. We take restricted easements out. But there are leftover calculations that still allocate a certain amount of potentially developable land. Walter Woods said Whippoorwill is an example. It has a very large conservation area, and the acreage was used in the calculation of developable. The open space was used as density. At the final planning board meeting for Whippoorwill, it was set forth and put into a land trust that the remaining land be left as is. Dolly Gordon was the same, he said.

Walter said the reason he is here this evening is because the plan note for the original subdivision that created this lot, the conservation lot, and these two 1-acre lots specifically says he has to come back to the board if he is doing any type of lot line adjustment or amendment. The town planner said the area and the terms cannot and do not change. Whether these lots are consolidated or not, these lots do not change. A note should be added that there is no further development potential.

Torbert said the conservation land couldn't be counted as developable land for density purposes. The Land Trust is not comfortable with this; why would we go ahead in violation of their trust? Christine replied that the conservation easement stays if the lot line changes.

Chairman Todd Frederick opened the **Public Hearing**. **Priscilla Cookson** of the Conservation Commission said the commission's concerns are that there is no possibility for development to come out of this. The **Chair closed the Public Hearing**.

Torbert said a motion should be made delaying this action until the easement holder, York Land Trust, has weighed in on it. Christine Grimando said that proper legal notice was made; Walter does not have to notify them of what he is doing on his property.

**Motion:** Dave Woods moved that we approve the lot line adjustment for Brookside Ridge, 254 Ridge Road & 13 Styles Lane; Map & Lot 0032-0003, 0094-0084-M. Brud Weger seconded.

**Amendment** Todd Frederick said he wanted to amend the motion to include the vacating of the 4F agreement, which is located in two places, including on an old plan sheet located in Book 9286, Page 318, and dated 1/28/99.

**Second Amendment** A note must be made stating that the property to the west of the CMP easement is to remain wild in perpetuity. Dave Woods and Brud Weger accepted the amendments. Dave Woods asked to **move the vote**. There was a 4-1 vote to move the vote, with Mr. Macdonald against.

**Vote:** 4-1 (Torbert Macdonald against)

**Carriage House Expansion 14 Gorgeana Way. Map & Lot 0048-0026-A. Final Review of a subdivision application for additional units at an existing multi-family site**

Christine Grimando said this is a major subdivision on 4.2 acres. There are already 18 apartments. This application will add eleven 2-bedroom apartments and three new buildings. The workforce-affordable overlay district will have as many as 35 units. Preliminary approval was given December 13, 2012. Jeff Clifford of Altus Engineering said that since December, notes about workforce housing and the performance guarantee have been added.

The Chair opened the **Public Hearing**. **Jim Smith** abuts on Dusty Lane to the south. He is supportive of the project, but is concerned about landscaping and lighting. He assumes there will be cutting in the vegetative buffer. He does not want high intensity spotlights or security lights. He was informed that in a residential project like this, no lighting standards exist. Christine confirmed that and said that all abutter concerns would be addressed. **Public Hearing was closed.**

Landscape architect Terrance Parker said he counted every tree and plant in the zone. Nothing has to be added. It meets the Route 1 plant requirements. There are two large trees in the center of the buffer. Additional plants will be necessary to fill in the “holes” under the canopy made by the trees. Planting more plants in the under story should be phased in over 24 months. There would be no invasives, either counted or planted. He said the workforce-housing dollar has to be stretched. Christine Grimando recommended putting in a note saying the vegetative buffer would be maintained.

Patricia Martine, Director of the York Housing Authority, said the existing fence has been repaired and 30 feet of new fence has been added. It extends to the edge of the gar-

age. Jeff Clifford said the lighting is proposed for the individual doors, but not for the parking lot. Patricia said the buildings are very well managed with on-site presence. There is a tenant selection plan and a management plan. There won't be trailers or unregistered vehicles in the parking lot.

Chairman Todd Frederick read through the Information Survey.

- 6.4.1 All information on preliminary plan **OK**
- 6.4.3.1 Public water supply **OK**
- 6.4.3.3 Central Water Supply **OK**
- 6.4.4.1 Public Sewage Disposal **OK**
- 6.4.4.2 Private Sewage Disposal **OK**
- 6.4.4.3 Engineered Septic Systems **OK**
- 6.4.5 Letter to department heads **OK**
- 6.4.5 Landscape plan **OK**
- 6.4.7 Plan improvements **OK**
- 6.4.8 Reserved **OK**
- 6.4.9 Streets and boundaries **OK**
- 6.4.10 Open space **OK**
- 6.4.11 Cession to Town of public open space **OK**
- 6.4.12 Town agreement with proposed open space **OK**
- 6.4.13 Monuments **OK**
- 6.4.14 Site Plan Street and stormwater design **OK**
- 6.4.15 Soil sediment **OK**
- 6.4.16 Stormwater management **OK**
- 6.4.17 High intensity soil survey (**waived**)
- 6.4.18 Cost estimates **OK**
- 6.4.19 Deed restrictions (not applicable)**
- 6.4.20 Proposed topo **OK**
- 6.4.21 Elevation drawings **OK**
- 6.4.22 Plot plan **OK**
- 6.4.23 Waivers **OK**
- 6.4.24 Elevation drawing **OK**
- 6.4.25 Performance guarantee **OK**
- 6.4.26 Code compliance **OK**
- 6.4.27 Findings of facts **OK**
- 6.4.28 Financial capacity **OK**

#### Attachment B

- 6.3.1 Traffic use permit **OK**
- 6.3.2 Parking (**They asked for reduction**) **OK**
- 6.3.3 Noise **OK**
- 6.3.4 Dust fume vapors **OK**
- 6.3.5 Odor **OK**
- 6.3.6 Glare and Lighting **OK**
- 6.3.7 Water runoff **OK**

- 6.3.8 Erosion control **OK**
- 6.3.9 Buffer yard **OK**
- 6.3.10 Landscaping the buffer yard **OK**
- 6.3.11 Landscaping for parking **OK**
- 6.3.12 Utilities **OK**
- 6.3.13 Building and site design requirements **OK**
- 6.3.14 Explosive materials **OK**
- 6.3.15 Chemical or fuel oil **OK**
- 6.3.16 Refuse disposal **OK**
- 6.3.17 Preservation of landscape **OK**
- 6.3.18 Open space **OK**
- 6.3.19 Construction of off-side improvements **OK**
- 6.3.20 Impact on municipal services **OK**
- 6.3.21 Performance guarantee for improvements **OK**
- 6.3.22 Standards for improvements **OK**
- 6.3.23 Provisions of pedestrian amenities **OK**
- 6.3.24 Handicapped **OK**
- 6.3.25 Calculation of building site **OK**
- 6.3.26 Determination of property ownership **OK**
- 6.3.27 Outside display and outside storage **OK**
- 6.3.28 Planning Board waivers **OK**
- 6.3.29 Site display **OK**

Christine Grimando said that with proper posting, the Mylars could be signed on April 5 and the application finalized at the April 11 meeting. The waivers are for vinyl; the full traffic assessment, 6.3.33; and the high intensity soil survey, 6.3.32.

**Motion:** Dave Woods made the motion that we bundle the three requested waivers for vinyl siding, “full-blown” traffic study, and the soil intensity survey. Torbert Macdonald seconded. There was no discussion. The vote was 5-0.

**Motion:** Dave Woods moved that we approve the Carriage House Expansion at 14 Gorgeana Way, Map & Lot 0048-0026-A, which will be the Town’s first workforce affordable housing project. Torbert Macdonald seconded the motion, which passed, 5-0.

## **New Business**

### **Preference votes on May 2013 general amendments**

Todd Frederick asked the board members for a show of hands for each ordinance amendment, indicating their preference to send the ordinance amendments forward to the selectmen. The board members voted unanimously on all three.

- **Protecting the capacity of Storm Water**
- **Enforcement tools**
- **Zoning and general assessment**

## **RFP Next Steps**

Christine Grimando said bids close April 11 for the contract planner for the for the police station and connector road. Todd Frederick assigned Brud Weger and Torbert Macdonald to review the resumes and recommend two or three candidates for interviews. She said she had transmitted a request to the selectmen about a clerk of the works, and they had not yet responded. Torbert said there should be a third party taking a valid boundary survey.

## **York Colonial Center 4 US Route 1. Map & Lot 0086-0001. Preliminary review of a site plan and subdivision for a building with retail and office space on the first floor with apartments above**

Christine Grimando said this is a 624 square foot retail or office building with apartments above. It was built in the footprint of a demolished commercial building. It has been approved for a sewer extension coming from Kittery.

Torbert Macdonald said a waiver has been requested for having a professional engineer create and sign the site plans. That does not meet York Planning Board standards. It's premature to submit them to us without having an engineer sign them.

**Motion:** Torbert Macdonald moved that we delay any further consideration of this proposal until we are in possession of engineer created, stamped and signed plans. Dave Woods seconded.

**Friendly amendment,** Dave Woods said he has had work created by a graphic designer and them stamped by a certified engineer. Torbert say all right, if they are engineer stamped and signed plans.

**In discussion,** Christine said that her copies of Plan Sheets 4-9 have been stamped and signed to show a joint project. Several of the sheets do not have to be stamped (landscape and elevation), and utilities are usually stamped, but this isn't. Brud Weger said that legally, this practice of partial stamping is acceptable in a limited fashion. Dave Woods commented that getting proper information and timing from this applicant is like pulling teeth. The motion is that we should not hear this until the applicant comes back, in a straightforward manner, without giving bits and pieces to the planner.

**Vote:** The board passed the motion 5-0.

## **In Other Business**

Nancy Lambert said something has to be done about the amendment that exempted the Town from the wireless amendment. This week, the Town inappropriately voted 3-2 to sign the lease agreement allowing the construction of the lattice 140-foot lattice tower. She said the vote was made without a **Public Hearing**. A location within the area reserved for utility towers is across the street from the proposed Route 1 entrance to the connector road.

Torbert commented that the people voted for that waiver for the Town to be exempted from its own ordinance. The planning board has no jurisdictional authority in the review of this. Nancy Lambert said she wants a future dialogue to change the procedure. Torbert recommended she bring the issue before the selectmen or possibly make a petition. She did not understand where the language for the warrant originated and would like to find out. Al Cotton said we are changing the way York looks to the visitor. The spike up into the sky is unfortunate and we'll certainly rue that.

## **Old Business**

### **Findings of Fact and Mylars for York School Department amendments**

**Motion:** Lew Stowe made a motion to approve the Findings of Fact regarding York School Department, Map & Lot 0038-0005, One Robert Stevens Drive. Dave seconded. Passed 5-0.

The applicant submitted the plans on paper, not Mylar, because they were not being filed in Alfred.

### **Full Board Member**

A coin was tossed to determine if Al Cotton or Brud Weger would replace Dave Glazebrook as a full member of the board. That request will be submitted to the selectmen. Al Cotton called "heads" and won the toss.

## **Adjourn**

10:15