

**TOWN OF YORK PLANNING BOARD
THURSDAY, OCTOBER 23, 2003, 7:00 P.M.
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Chairman Glenn Farrell started the meeting at 7:00. 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 were no motions made during the meeting.

Public Input

Helen Rollins Lord stated that all Planning Board meetings should be televised. She asked if there could be a three-year moratorium on granite curbing as a way to divert funds to make more studies and surveys possible. Glenn Farrell said that the televising of meetings was up to Selectmen, and that curbing is up to Public Works.

Mike Conlon, of South Side Road, spoke about proposed Shoreland Zoning revisions encompassed by the proposed York River Overlay. His own house has three sides to wetlands and the Dolly Gordon Brook. The proposed use of certain fertilizers on organic farms is more restrictive by the Overlay than that which is allowable by State. He told the Planning Board he does not want to see those stricter articles included in the proposed district.

Development Traffic Impact Analysis. General discussion with Bill Bray about traffic impact analysis for development application.

Bill Bray, the Public Works Director and a traffic engineer, spoke to the Board. After handing out copies of a traffic study he had conducted in Cape Elizabeth, as well as a MDOT, Maine Department of Transportation, handbook with rules concerning the driveway regulations, he said traffic studies assure safety before roads are built. They allow better access management, help place congestion mitigation responsibility on developers, save community money from having to make future improvements, and allow for the best plans to be developed. A traffic study is needed when vehicle trips become excessive, when a location is known as a high-crash area, and when there are problems at an intersection. Traffic studies the size of the Cape Elizabeth study cost approximately \$1400, but can run from \$10,000 to \$20,000 for large projects. In York, there are 17 high-crash locations, including the Post and Ridge Roads intersection. The intersection at York Corners also reaches maximum capacity at certain times on certain days. There should be more interconnectivity between properties along Rt. 1, he said, such as there is between the Hannaford parking lot and the gas station next to it.

Glenn Farrell said that in the applications that trigger traffic studies, thresholds are often either too high overlooked until incorporating them in the plan is difficult. He asked if Bill Bray would be willing to look at the subdivision regulations. Bill Bray said that he

would, adding that requirements that are flexible are the best. Steve Burns said that it might make sense to have a policy where the level of development at which a traffic study would be required is clearly stated. It would be good if an applicant could then work directly with the Public Works Director.

Dave Marshall said that with general checklists, projects often get held up because Public Works, or some other department, slows the process. There seems to be an inconsistency with the help people are getting. The Daisy Trading application got free help, but Randy Small will have to hire professional help for his traffic study. Glen MacWilliams said that Randy Small's project would have a bigger impact, so he is being required to supply a traffic study. Bill Bray said that he had tried to discuss the study with Randy Small's engineer last August, but the opportunity fell through. Bill Bray wants to know how the traffic is at the moment, a study the owner could perform on his own. Tom Manzi said it would be good if an applicant could consult with Bill Bray before appearing before the Planning Board. Bill Bray said that he also prefers to view a site before the application process begins. Glen MacWilliams commented that when predecessors caused traffic problems, the current guy has to pay for it. Bill Bray said that part of the benefit of a traffic study is the ability to allow everyone to pay his or her fair share toward the improvement. The accumulative effect of small projects is greater than that of large projects. If it isn't controlled in the beginning, the traffic will force its way into the neighborhoods. As well, MDOT needs to be part of the solution and help lay out the long-range plan for the Rt. 91 corridor. The growth of Rt. 91 is causing high-crash locations, which can be corrected by softening curves, and opening sight lines. An impact fee could help pay for the improvement at the cost of about \$500,000.

Randy Small – York Fitness Center. 1090 U.S. Route One. Map 94/Lot 49. Continuation of meeting and Public Hearing from October 9, 2003. Application to expand existing fitness center and eliminate approval to construct self-storage building on back of lot.

Tom Manzi asked about the excavation that has already taken place, apparently without a permit, on Randy Small's property. Randy Small answered that he had paid \$25 to Mark Badger and gotten a permit. The permit is not in the current application package, because it was part of the previous package.

Glenn Farrell asked Steve Burns if proper public hearing notice had been given for this application. Glen MacWilliams commented that he would prefer a listing of abutters, rather than use of a map outlining their locations. Steve Burns replied that there always is a list available.

Project engineer Mike Livingston began the discussion, saying that the difficult part about understanding the adequacy of the septic on the property was caused by not knowing the measure of the existing flow. It would take 3 or 4 months to gather such information, after installing a flow meter, and having the information analyzed. The immediate installation of a different type of system is premature and probably unnecessary. He said that the outdoor, overhead light about which there had been a complaint at the prior

hearing had been redirected. As for traffic, he referred to an August 18, 2003, letter from Bill Bray requesting a full traffic impact study during peak traffic on the Rt. 1 corridor. Mike Livingston spoke with Bill Bray at that time and was not made aware that there was any variance possible. Mike Livingston was under the impression that the study would cost between \$4,000 and \$6,000. A September 18 letter included the estimation that traffic would be increased by 15% with Randy Small's addition, yet Bill Bray continued to believe a full traffic study was necessary. The property is not on MDOT's high-crash site list. The applicant is confident that the change will not increase hourly trips by 100 during peak hours, triggering the study.

The chairman opened the public hearing, which he closed because no one spoke.

Glen MacWilliams commented that there wasn't appropriate communication between the applicant and Bill Bray, but that it seemed that what Bill Bray had thought was needed had not been specifically described. Bill Bray commented that the sight distance had been the biggest issue. Glenn Farrell suggested that Randy Small and Bill Bray meet at the site and see if the issues could be quickly taken care of, as a mortgage is being paid on a building that is not yet up. Steve Burns said that the traffic data had been taken from York's Animal Kingdom, already. Traffic data from Randy Small's property could be collected at a small cost during the hours of 6:00 to 8:00 in the morning and from 4:00 to 7:00 in the afternoon. Glenn Farrell asked what the proposed space would be used for. Randy Small said it will be a gymnasium, and that he will cover the cost by increasing his clients' memberships by \$4 a month, the first increase he has imposed since he opened.

Steve Burns suggested keeping the water meter on for a few extra months to determine if growth is greater than 15%. Barrie Munro asked if an increase in vegetation in front of the building was necessary, next to Hawk Motors. Randy Small said that somebody mowed over the shrubs that were originally there, but that the area can be brought back into compliance.

It was agreed that Mike Livingston would be monitoring the water flow and traffic occupancy of the property. The buffering and landscaping would be returned to its original requirements. The applicant would meet with Bill Bray over the traffic issue. Bill Bray would ultimately have to sign-off on the project. A forthcoming letter from MDOT was expected. A sign-off would be required from the Police Chief. When all conditions are met, the Planning Board will approve the application.

Franchises. Discuss concerns expressed by people about franchises, and explore options available to the Town to address concerns.

Steve Burns differentiated between franchises, like Dunkin Donuts, and company stores, like Hannaford's. He brought a publication called *Saving Face*, which he described as having cutting-edge ideas about how planning boards can regulate franchise design in their communities. "That is what has to be done in York," he said, "regardless of what these stores do everywhere else."

Dave Marshall said that that the subject of fast food is specifically the problem. Keeping small town character is difficult against a McDonald's or Burger King. Glen MacWilliams said that the brand and size of the corporate identity can be regulated, and in imposing standards, York should be able to discourage an organization from approaching. Glenn MacWilliams and Barrie Munro said they were willing to study the subject. Glenn Farrell said that if an applicant with 20 Dunkies comes in, it will be difficult to enforce the continued use of only one cash register, even when the fact is a plan note. Steve Burns said that a CEO should explain why Bagel Basket and Anthony's have 2 cash registers. Barrie Munro said, "We are not in concert with how best to move forward."

Water Resources Regulation. Discuss York River Overlay, Shoreland Zoning amendments, and other related issues. Define objectives and outline subjects for the proposed amendments to be drafted.

Steve Burns discussed some of the alternative approaches to the proposed York River Overlay District. The idea of there being 24" of natural soil as a standard for the septic code needs to be analyzed and advised on by an LPI. When Vallana Pratt Decker, an LPI, worked for the Town, she had indicated that the 24" standard was not going to solve the problem. Beside that issue, Steve Burns continued, making changes to the Shoreland map can be another way to protect the environment. A commercial Shoreland Zone has to be looked at. Resource Protection can be re-designated. Care has to be taken not to punish farms and tree farms with difficult mixed uses to the point where they feel forced to develop. The Board needs to decide how it wants to spend its time working on the many things before it, including the proposed 15% lot coverage issue. Barrie Munro suggested that the subjects get carved up. Glen MacWilliams thought that the protection of the York River Overlay would be the priority. Steve Burns said that the less controversial matters might be the best to start with, and then work up to the complicated ones.

Update Minutes/Other Business. Minutes were left to review, amend, and approve at a later meeting. Steve Burns handed out some general materials. The meeting ended at 9:20.