

York Planning Board
Thursday, April 12, 2007, 7:00 PM
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams determined presence of a quorum. Glenn Farrell, Barrie Munro, Lee Corbin and Glen MacWilliams were present. Tom Manzi was absent. The alternate positions had not been filled. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised. The Wild Willy's application had been withdrawn and was not heard.

Public Input

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

Earl Bradley came forward. He owns a condo on Brickyard Court. The town had cleared out drainage ditches last year, but had not cleared out the retention pond. The ditches run freely, but he is worried that the pond might flood. Glenn Farrell answered that the public works department would be responsible for clearing it. Glen MacWilliams added that the pond would be discussed during the last item on the agenda, York Village Business Center.

Field Changes

JoAnn Fryer of CLD Engineers came forward and, after introducing Union Bluff applicant Brent Merritt, explained that plan changes for the function hall being built would include taking 80 square feet of the second floor patio, enclosing it, and turning it into a bar. The square footage of the footprint would decrease from 19,388 feet to 19,226 square feet. Secondly, she asked for relocation of the propane tanks to the area behind the Union Bluff, where others are already located. Thirdly, a pad for the transformer would be relocated behind the Union Bluff, as well. Fourthly, the addition of two windows was requested, neither of which face Gulf Street, behind the building. The board members commented that all the changes were improvements. Glen MacWilliams asked for documentation of the changes.

Motion Barrie Munro moved to approve the changes conditional to the completion of a new mylar. Glenn Farrell seconded the motion, which passed, 4-0.

Minutes

Review and approve draft minutes

This item was moved to the Other Business section of the agenda.

Application Reviews and Public Hearings

- **Highland Farm Phase 2. 1 North Meadow Lane, and 250 Cider Hill Road. Map & Lot: 0090-0029-A and 0090-0030. Continued consideration of preliminary review of a major subdivision.**

Engineer Steve Haight came forward, representing the applicant. He said that the unseasonably cold spring weather was not permitting the vernal pool assessment. He was willing to take questions from the board. Otherwise, he would come back in a month.

Motion Barrie Munro moved to defer the Highland Farm business until next review meeting, in May. Glenn Farrell seconded the motion, which passed, 4-0.

Glen MacWilliams read a letter into the record from **David Tibbetts** of the York Conservation Commission. It requested that a wildlife biologist who is independent of the developer be hired by the Town of York to assess the vernal pool, wetlands, and upland habitat areas.

Chairman Glen MacWilliams opened the **public hearing**. **Sharon England** came forward and said that in the past ten years, the average yearly rainfall in the seacoast had gone from 44 inches to 60 inches, and that number has to be considered with regard to the future of the area being developed.

- **PHN Subdivision Amendments. 2 Tree Tops Lane, 9 Tree Tops Lane, 5 Bernard Karfiol Way, and 58 Pine Hill North. Map & Lots: 0001-0002, 0001-0002-A, 0001-0008 & 0001-0011. Minor boundary line adjustments with neighbors**

Ben Walden from Attar Engineering came forward for approval of a minor two-lot lot-line adjustment. The change will not affect the size of the lots, but it would allow the neighbors to have additions on their homes. The board had asked for findings of facts and a final plan, which he had brought and presented to the board.

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

Motion Barrie Munro moved to approve the application and the findings of fact as having satisfied all of the requests made by the Board at an earlier meeting. Glenn Farrell seconded the motion, which passed, 4-0.

- **Sparhawk Subdivision – Minor Amendments. All lots on Harbor Side Drive. Map: 0070, Lots: 0005, 0005A, 0005B, 0005C, 0005D, 0005E & 0005F. Continued discussion of application for minor amendments to the approved subdivisions.**

Steve Burns said he had received the test pit results for this property. Bill Anderson of Anderson Livingston Engineers said that amenities, like streetlights and curbing, had been added to the plan. Some test pits had been moved, and the easement from Lot 1 had

been established. He had worked with abutter Ann Kendall to add plantings on both properties.

Glen MacWilliams opened the **public hearing**. Abutter **Helen Weinbaum** acknowledged that the previous plan had long since been accepted. Since then, it has been proven that the area cannot absorb rainwater like a sponge, because the greenery has been removed. As a result of the Mother's Day storm of 2006, Godfrey Pond Road, her road, was totally submerged, and her home was underwater for four days during which she could not use her car. The Sparhawk/Godfrey Pond area is the receiving area for a vast amount of water. A double culvert was added at a cost of \$6,000, but looking at the added drainage from the Windmill Acres area and the fact that the "sponge" is gone, any and all water running off the development will funnel down through that culvert into Godfrey Pond. She said she had asked for this to be studied before, but now, with these things happening, it is a greater concern.

Ann Kendall said that she was also worried about the runoff. Also, with the new tree planting, there should be metal signs put in place. Glen MacWilliams said such signs are on the plans. No one else came forward to speak, and he closed public hearing.

Responding to Helen Weinbaum, Glen MacWilliams asked if there is an amendment that addresses the storm water issue. Steve Burns said that, when the approval was made, the issue was removed. Bill Anderson said that the drainage will work. Water goes over to the side away from Helen Weinbaum. Barrie Munro said that during the early construction phase of York Village Business Center, a lot of silt went downstream. This board would be very upset if anything like that happened at Sparhawk.

Motion Lee Corbin moved to approve the change in the test pit area and to approve the minor amendments, as provided to the planning board this evening. Barrie Munro seconded the motion.

In discussion, Barrie Munro commented that this is a minor amendment to a previous approval. He asked the town planner if findings of fact had been included in the earlier approval. Steve Burns answered yes.

Vote The motion passed, 4-0.

- **Fazio/Woodbridge Square. 38 Woodbridge Road. Map & Lot 0050-0063-B. Final review of Major Site Plan Review application to construct a new office building.**

Jamie Lowery of Sebago Technics said that this application was last heard last month, in March. Some issues had to be continued to this meeting, including submittal of a letter from Rivergreen Bank about the applicant's capacity to meet the board's requirements for proof of financial capacity, which was complete. Elevation drawings from the architect, which were also requested, had been given to the board members. The added note about

the elevation drawing and about inclusion on the plan of the signature of the certified architect had been met.

The Chair opened and closed the **public hearing**. No one came forward to speak. Barrie Munro commented that the findings of fact were quite complete.

Motion Glenn Farrell moved to approve the findings of fact. Barrie Munro seconded the motion, which passed 4-0.

The mylars were signed at that time.

- **Wild Willy's Burgers. 765 U.S. Route One. Map & Lot: 0094-0013-A. Minor application for an outdoor walk-in cooler.**

This application was withdrawn, and there was no hearing.

- **American Legion. 9 Hannaford Drive. Map & Lot: 0053-0026. Sketch Review for a new 11,400 square foot community center.**

Glen MacWilliams recused himself from the hearing, leaving three board members present. Barrie Munro served as chair. Applicant Steve LaPointe spoke in lieu of engineer. Mike Livingston. The size of the legion hall would be less than 12,000 square feet, of which 3,200 would be function space. Steve LaPointe showed the location of the proposed building on a lot abutting Hannaford's. Beside the function hall and lounge—the building will be non-smoking, except for a smoking deck—there will also be a game room and kitchen facility. The board discussed the Central Maine Power easement, which would be outside the plan line.

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

Steve Burns described the hearing as a sketch review and said there was an issue, per Footnote H, with the setback and the parking lot layout. The setback could be either 50 or 80 feet. In this case, the 80-foot setback would be applied because there would be parking in front. The configuration in the plan did not satisfy footnote h. The 80-foot setback can only accommodate up to ten parking spaces between the building and the road. Glenn Farrell recommended reshuffling the parking. Barrie Munro agreed that there was adequate up land space to satisfy Footnote H.

The board used a checklist to guide them through the next items. Lee Corbin said that she would like to see a no-cut buffer outside the CMP 15-foot easement. Glenn Farrell informed the applicant about the required architect's stamp that must be on the plan. Steve Burns said that the delineation of the wetland has to be consistent with the wetland on the property, today. Financial capacity was discussed. Barrie Munro said that documentation would be needed to the effect that the bank will give the Legionnaires the money to build the building. Landscape ordinances will have to be met. Steve LaPointe told the board that Terrance Parker would be the landscape architect for the project.

Steve Burns explained that the preliminary and final approvals could be separate, or combined.

Lee Corbin reiterated the problem with the sketch plan: if the building is within 50 feet of the front of the property, there will be no parking in front. By pushing the building back to 80 feet, 10 parking spaces would be allowed between the building and the road.

- **York Village Business Center Amendments. 14 Cider Hill Road. Map & Lot: 0053-0009. Relocate hotel and replace two small mixed-use buildings with a single larger retail building.**

Glen MacWilliams had excused himself from the American Legion hearing, and he returned. All four board members were present for this hearing.

Jim Hanley came forward as the spokesperson for Engineering Alliance. In the year since approval for the York Village Business Center was made, the developer has finished the Phase 1 building improvements including the first two buildings, infrastructure, roads, and other required improvements. He wished to discuss a two-part plan modification with the board. Building 3 would be shifted, and two other buildings would be modified. One of those buildings is a proposed Rite Aid pharmacy, just off Route 91. Everything being proposed exceeds the required setbacks, Jim Hanley continued. He showed the locations for 73 parking spaces. He described lighting and signage. The plan proposes a wet-bottom pond to provide better filtration of storm water. Mitigation involves a 20,000 square foot area, with wetland plants, created at the back of the property near the Turnpike. The permit for the modified wetland area was sent to DEP three weeks before, and it is expected to pass approval. Jim Hanley further said that he has met with several agencies that have signed off on the plan, including fire, water, and public works. He had spent time with town engineer Steve Bradstreet, who gave him an “Okay” in a letter.

Architect Owen Slagle then presented the new drawings for the proposed hotel, which will have 57 rooms under the auspices of Microtel Hotel & Suites. He described the exterior as Hearty Plank and Shingle in moss and beige colors with architectural shingled roof, gray. There would be an enclosed pool. The height of the hotel would be 35 feet. A second building he designed would have 2800 square feet of retail and restaurant use. The siding and the colors would be the same as the hotel. There was a discussion about which side of that building would face the residence it abuts.

Scott Vlasac of Bruce Hamilton Architects then introduced the design for the Rite Aid pharmacy. He said the brick materials of the building were designed to compliment the bank next door. He described how the pharmacy’s design orients customers to the main entrance of the store. The windows, he pointed out, are not real and only there for aesthetics. Barrie Munro said that the scale of the raised RITE AID lettering would be an issue.

Glen MacWilliams asked for the wetland reports. Adele Fiorillo of NHSC Environmental Consultants said that the report she had presented was based on the New Hampshire method of evaluation. She talked about the history of the wetland boundary, which was first delineated by soil scientist Mike Cuomo in 1997, and then again a few years later by Woodlot Alternatives. The reports were comparable, and she confirmed the later one.

Speaking about the shared parking analysis, Peter Hedrick said that his report about shopping trends at Rite Aid would indicate that shopping would peak in December, which board members refuted. Barrie Munro said that there is up to four times the number of people in York in the summer than at Christmas. The chair instructed the shopping trends to be revisited.

Glen MacWilliams pointed out that the lighting design had not been certified. Steve Burns said there were too many lights in the buffer. Jim Hanley said that the lights are 20 feet high.

Glenn Farrell said that originally, the business center was created to accommodate a flow of people walking throughout. Now there is an extra curb cut and more traffic. A lot is being changed. Now buildings are being put closer to the road. The hotel has become a big square box, and the pharmacy has been added. The applicant has a chance to make a neat community. Glenn Farrell said that he hopes they will keep it that way.

Barrie Munro said that putting a pharmacy building like that (“ugly”) on Route 1 was a big concern to him. Jim Vlastic said that he did not want to argue about beautiful or ugly. He asked for guidelines. Glen MacWilliams referred to the scale of materials and fenestration. He asked about the roof that could not be seen, asking if it is flat (“yes”). He suggested softening the entrance door. Barrie Munro spoke about article 6.3.13.3 in reference to the southeast façade, which has to be broken up better by the windows and door than how it is presented. It looks like a factory, he said. He also reminded the applicants that when they first approached the planning board with the York Village Business Center, the idea was to establish a design precedent for future development along Route 1 in Zone 3. Glenn Farrell suggested the applicants look at York and York Harbor to see the windows and dormers, because what they are presenting has to look like the Village of York. The Rite Aid building as proposed does not have any character to it. Glen MacWilliams added that the back of the restaurant/retail building previously reviewed faces a primary road, and the design is not appropriate to the ordinance.

Jim Vlastic said the design is prototypical, and he understood that it does not fit in. He asked about the materials for the exterior: brick or clapboard siding? Glen Farrell said that siding makes a large building look smaller, and brick makes a large building look bigger. Lee Corbin asked about the imperviousness. Glen MacWilliams replied that with the added pharmacy building, the impact would increase substantially, which explains the added mitigation.

Steve Burns brought up the wetland, and the board discussed the retention pond. Because the pond was manmade, it is not affected by the York ordinances, but it is affected by the state ordinances. Glen MacWilliams asked if the pond is going to lessen the downstream problems at Brickyard Court, and he mentioned the input from Earl Bradley at the beginning of the meeting. Steve Burns said that the flooding problem at Brickyard Court seems to be caused by the fact that when that project was laid out in the 1980s, ownership of the easement and the drainage pond was never determined. It was not clear about who should maintain it. York Village Business Center is proposing amendments that would decrease the amount of down stream drainage. Jim Hanley said that his group had tripled the size of the retention pond.

Ken Livingston spoke on behalf of Rite Aid. He would take the comments back to Rite Aid. He asked whether the board preferred brick or clapboard. He asked if the board members could meet informally with the architects. Glen MacWilliams answered that they only met publicly with applicants. Glenn Farrell suggested that Ken Livingston bring in several sketches to the board.

Hotel architect Owen Slagle asked for comments about the hotel and restaurant. Glen MacWilliams replied that the pool building and the back of the restaurant building were his concerns. He asked that the buildings have more imagination. Glenn Farrell said that the hotel building looks more much like hotel buildings in Wells, and not so much like the Wentworth.

Landscape architect Terrance Parker summarized the landscape plan. There will be a concentration of landscaping between the abutting residences and the business center buildings. Nine dozen trees will be added to the mitigation area near the turnpike. There is a wetland planting plan for the retention area, which will include 50 trees, including red maples, and wetland shrubs.

Lee Corbin said she was concerned about the additional curb cut entrance from Route 1 and the increased traffic it will cause. The Peter Hedrick described the new four-lane configuration of Route 1 that will accommodate the business center. The construction of that section of road has begun.

Other Business/Adjourn

In other business, the March 8 minutes were reviewed. Glen MacWilliams and Lee Corbin described their corrections and gave a copy to the recording secretary.

Motion Barrie Munro moved to accept the March 8, 2007 minutes, as amended. Lee Corbin seconded the motion, which passed, 3-0. Glenn Farrell abstained from the vote, as he was not present at the meeting.

In other business, Steve Burns handed out information about a seminar called "Maine's Transportation Future," and another about "Development Transfer Workshop." The Union Bluff mylars were signed. The meeting adjourned at 10:20.