

**TOWN OF YORK PLANNING BOARD
THURSDAY, MAY 11, 2006, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:00 by introducing the board and the staff. Barrie Munro, Vice Chairman Glen MacWilliams, Glenn Farrell, Richard Smith, and alternate Lee Corbin were present. Tom Manzi came in at 9:00. Lee Corbin was asked to vote in place of Tom Manzi, until he arrived. 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 issues scheduled for public hearings on this agenda.

No one came forward to speak.

Requests for Field Changes Decide on requests from previously approved applicants

No one came forward to speak.

Application Reviews and Public Hearings

Clay Hill Farm Subdivision 220 Clay Hill Road. Map/Lot 0099-0070. Application for a minor subdivision. Continued from the April 13, 2006 meeting.

Engineer Steve Haight described the proposed four-lot subdivision sharing the same grounds as the existing restaurant, Clay Hill Tavern. A private gravel driveway, 22 feet-wide, will be built off Marsh Brook Lane to two houses. Three waivers are involved. The first waiver, regarding 24" trees, had been granted by the Board at a prior meeting. Steve Haight said he was seeking final approval.

York Beach Fire Chief Dave Bridges spoke about sprinkler systems, which might eventually be required in all new dwellings. Each sprinkler head, he explained, has an individual sensor, so that, unlike what is seen in the movies when the sprinkler goes off, only the heads being triggered by the fire operate, and not all go off at once. He described how cisterns can provide sprinklers to homes that are within about three miles of the cistern when a neighborhood that has no hydrants, though putting a cistern is an expensive burden for the developer. A residential sprinkler operating off the well with a pump, as proposed in this case, protects the one house. Code Enforcement and the Fire Department inspect sprinkler standards. Lee Corbin asked how fires are fought in cases where rural houses have no sprinkler setups. Chief Dave Bridges described a recent local fire for which tanker trucks were brought in from several communities. The setup time was drawn out, and damage to the building was more extensive because of the delay.

Barrie Munro opened and closed the **Public Hearing**. No one came forward to speak.

The Town's consulting engineer, Steve Bradstreet, spoke next. He had forwarded a letter dated May 11, 2006, to the Planning Board, in which the subject was action on stormwater management and road design for the Clay Hill Farm subdivision. He thought the possibility that the road might eventually become public would cause a situation where the drainage culvert would flow through private property (Clay Hill property). He said that as long as the construction procedures are maintained, the development should not have stormwater quality or quantity impact.

Waivers were discussed. Steve Burns said that instead of granting the waivers, conditions could be granted. Richard Smith was concerned about the five existing houses that use Marsh Brook Road and how the added traffic will unfairly change the conditions and maintenance of the road. Steve Haight replied that the people who are there maintain the lane, and an agreement has been made with those current owners. Glen MacWilliams said that Marsh Brook Lane should be upgraded to a 20-foot width because it serves more than five lots. Also, there is an issue of maintenance of the culverts. The upgrade of the road was discussed. Steve Burns clarified an upgrade was not necessary. The road was exempt from Subsection 5.5.1 because the Town had discontinued it. Lee Corbin said that there will be increased wear and tear to the road with the new houses, and she suggested the developer enact a slush fund for mitigation purposes. Richard Smith said that with an additional three or four lots being built later on, perhaps the Town should be asked to share in fixing the road. Steve Haight said that the owners have agreed to maintain the road. The applicant does not plan to upgrade the whole thing, just the intersection of Marsh Brook and Clay Hill Roads, plus put in the new road (driveway), which will be 20 feet wide with 1-foot shoulder, which is what the DPW requested. Barrie Munro said that the mitigation is in the improvement to the intersection. Glenn Farrell said that if the road does not meet town standards, the CEO should notify the applicant. The applicant cannot be asked to upgrade Marsh Brook Road.

Motion Glen MacWilliams moved to grant two waivers, §9.5.9, road paving and shoulder width, and §9.7.1, thickness and base materials. Glenn Farrell seconded the motion.

In discussion, Glen MacWilliams asked if the Planning Board could request improvements. Steve Burns answered that it cannot do anything on private roads. Barrie Munro said that under subdivision regulations, the Board can request upgrading of ancillary roads and other infrastructure.

Vote The motion passed, 4-1. Glen Williams was opposed.

Glen MacWilliams said that the road maintenance agreement should include maintenance of culverts on private property affected by the drainage. Steve Haight said that the 12' culvert drains onto the applicant's own property. Steve Bradstreet said that if the water says on its own property, the applicant can grant its own easement. The problem is that later, if the Town accepts the road, the culvert becomes a public structure that will drain across private land. Steve Burns suggested a plan note indicating that the road will remain private and never be dedicated to a municipality.

The Chairman and the Board graciously thanked Fire Chief Dave Bridges for the fire safety discussion.

Motion Glen MacWilliams moved to accept the proposed arrangement for fire safety using the sprinkler system in lieu of the cistern and fire pump. Glenn Farrell seconded the motion.

Friendly Amendment Steve Burns asked to include the term “NFPA 13-R” when referring to the accepted sprinkler system, which Glen MacWilliams accepted as a friendly amendment.

Vote The motion passed, 5-0.

The necessary redrafting of the Road Maintenance Agreement was discussed. Glen MacWilliams said the agreement did not include the name of the private road. That, plus the incorporation of the NFPA 13-R information into the plan notes constituted the **precedent conditions**.

Motion Glenn Farrell moved to approve the precedent conditions of 1) redrafting the road maintenance agreement and specifying the road name; and 2) preparing a plan note that incorporates “NFPA” into the sprinkler system description. Richard Smith seconded the motion.

In discussion, Glen MacWilliams commented that the board should have a policy about contiguous road standards moving on approving conditions, to which Barrie Munro agreed.

Vote The motion passed, 4-1, with Glen MacWilliams opposed.

Brixham Montessori Friends School 18 Brickyard Court. Map/Lot 0059-0022-C. Application to change use from office to private school.

Executive Director of Brixham Montessori Friends School, Alica Johnson-Grafe, spoke of her wish to put a playground behind the school.

Chairman Barrie Munro opened and closed the **Public Hearing**. No one came forward to speak.

Town Planner Steve Burns said that the change of use application being presented was several years old, and that the plans from that earlier application had changes on them made in magic marker. The parking is ample. Alica Johnson-Grafe added that pavement would not be removed for the fenced-in playground.

Motion Glenn Farrell moved to approve the application. Lee Corbin seconded the motion, which passed, 5-0.

Kennebunk Savings Bank 2 Hannaford Drive. Map/Lot: 0053-0027-2. Application to add more parking

Barrie Munro commented that landscaping had to be discussed. Applicant representative Paul Fowler said that the bank was completed late last year, and that money had been set aside to make sure the landscaping and addition parking would be done. The bank parking often reaches 85% capacity, and more is needed. The civil engineer had determined that there are eight possible additional spaces, which include one already paved. The others have to have asphalt added. Steve Burns said that the property is not even close to lot coverage capacity, describing the way the empty land curves around to the back.

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

Motion Glen MacWilliams moved to approve the change. Glenn Farrell seconded the motion, which passed, 5-0.

Regarding landscaping, Barrie Munro said that the property missed the three-dimensional sense of what the landscaping plan had proposed. He had taken pictures of the sparsely planted site, which he showed to board members. Paul Fowler said he had spoken to the landscape architect, and the materials that were approved for the site had not yet arrived. Neither had the lot been loamed and seeded. Barrie Munro asked for the applicant's level best to make the spot a showplace. Paul Fowler assured him the landscaping would be completed to the satisfaction of the plan—but he could not say when that would be.

York Village Business Center 14 Cider Hill Road. Map/Lot: 0053-0009. Application for design of second building

Jim Hanley with Engineering Alliance said he was presenting two things: modifications for the original building, Building 1, and the elevations for proposed Building 2. Dave Gleason, of Gleason Architects in Stratham, began by showing the elevation of the original building with an added bank drive-thru canopy at the end.

Barrie Munro opened and closed the **Public Hearing**. No one came forward to speak.

Richard Smith suggested there be growth control on banks. Glen MacWilliams asked about the windows above the canopy. Dave Gleason answered that the windows had been regrouped. Barrie Munro said that the flat roof of the canopy is unappealing and should be pitched. Richard Smith suggested a railing to which the architect agreed. Steve Burns said that the front, exposed side has to have detail, and Dave Gleason said that it would be pleasing to look at.

Motion Glenn Farrell moved to approve the plan change with drive-thru window that will have the proposed colonial railing on top of the canopy. Richard Smith seconded the motion.

Friendly Amendment Barrie Munro made a friendly amendment that the blank wall will be modified with architectural detail.

Vote The motion passed, 5-0.

Dave Gleason brought out elevations for Building 2, a symmetrical gray (“Monterrey Taupe”) building with a prominent stone chimney in the middle. He passed around the cultured stone that will comprise the chimney. The building will have gray architectural asphalt shingles. He showed the back of the building where the air condition units will be. That side of the building will be facing the proposed hotel. Mechanical equipment for the restaurant in Building 2 will be on the roof, there in the back. Glen MacWilliams requested screening of the equipment. Dave Gleason suggested screening it with widow’s walk type treatment. Barrie Munro asked about landscaping. Glenn Farrell said that since the walls made of Hearty Plank cannot rot, plantings could grow up the walls.

Motion Glenn Farrell moved to approve the architectural rendering for the second building. Richard Smith seconded the motion

Friendly amendment. Glen MacWilliams said that the added treatment for the screening of the rooftop mechanical equipment should be added to the motion, which Glenn Farrell agreed to.

During discussion, Glen Farrell read into the record a memo from Don Neumann, to Steve Burns dated April 27, 2006, on the subject of York Village Business Center, which included, “. . . I had heard through the contractor that the developer wanted to start phase II next month but not complete all of the water work. My answer is a big NO!”

Vote The motion with the friendly amendment passed, 5-0.

Compagna Subdivision Amendment. 99 U.S. Route One. Map/Lot: 0087-0062. Boundary line adjustment for two lots in an old subdivision (shown as a single lot on the tax maps).

Mike Livingston of Anderson Livingston Engineers discussed the 1978 plan of this property originally with 4 lots on Route 1. Lots 1 and 4 were conveyed, and Lots 2 and 3 were retained by the original owner and then merged together by the Town. He was asking for a lot line that would return the one large lot into two separate, conforming lots.

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

Steve Burns mentioned an application fee of \$500. He said that the waivers were appropriate for the adjustment of an easement. Both lots conform to the zoning ordinance. The problem is with the sight distance, which, according to a Bill Bray memo, has to be 750 feet in both directions. The sight line falls short from both properties. The board members discussed an alternative access to Harvest Lane, which runs along the back of the property. They also talked about the possibility of cutting a driveway from the origi-

nal curb cut and going with an easement across that property to the second lot. A third option would be to cut a second curb cut. Mike Livingston said that that second driveway would not get the 750-foot sight distance, either. Steve Burns said that the shared driveway seemed to be the answer. Richard Smith said that an easement could be taken away from the lot size. Barrie Munro recommended that the applicant investigate accessing Harvest Lane, and based on that outcome, the Board would entertain the other modifications discussed. He also said that the board has the right to ask Bill Bray to reconsider.

Comprehensive Plan Amendments. Discuss possible policy amendments for the November 2006 General Referendum.

Steve Burns said that the Amendment titles for the November referendum had to be posted by 5:00 P.M. the following day. After that, there would be time to make changes to the text.

He showed the latest version of the **growth map**, saying that in 1999, it was believed there were ten or twelve years of growth remaining. The town is already through one-half of that, he said, and ten or twelve years of growth cannot be handled now. Looking at the map, Glen MacWilliams suggested that the tendril extending up out of the Beach area and north along Route 1 was not a growth area. Barrie Munro suggested eliminating GEN-1 from the map, specifying that growth occurs in the residential areas, including GEN-2. Steve Burns brought out an earlier growth map that basically limited the growth area to a concentrated region between the two rivers and east of Route 1. The board members favored the earlier, original map.

The **Public Water** map was discussed. Steve Burns said that the growth zone has priority for receiving public water. The western part of town is difficult to connect, and the north and south areas are labeled as “optional” on the map. The map showed areas of prohibition, where neither Kittery nor York Water Districts can bring water into expansions. In discussion the Board agreed to make the GEN-1 zone part of the optional area for receiving public water.

Steve Burns pointed out Priority areas for **Sewer** expansion, including Pine Hill, Lake Caroline (where there are some overboard systems), and the Cliff House. Areas south of the river, the west, and the north are in prohibition zones. The parameters of the different areas on this map will probably shift to watershed boundaries, in the coming years, Steve Burns said.

General Policy. Covenants in rural zones were discussed. Richard Smith felt that rural zones have to be protected from cluster housing covenants that would restrict Class 3 occupations. The Comp Plan indicates protection of rural areas. Barrie Munro disagreed with Richard Smith’s discussion of the impacts of cluster covenants on rural areas and stated the further discussion was needed. Richard Smith asked if things can be changed, and Steve Burns answered that they could after the first public hearing.

Minutes Review and approve draft minutes

Motion Glen MacWilliams moved to accept the April 13, 2006, Minutes as amended. Richard Smith seconded the motion, which passed, 5-0.

Motion Glen MacWilliams moved to accept the April 27, 2006, Minutes as written. Richard Smith seconded the motion, which passed, 5-0.

Other Business/Adjourn

In other business, Tom Manzi said that as a result of the board's April 27 discussion about visual ordinance violations along Route 1, he did an assessment along the road. Some photos were gathered as examples for a database that can be generated for the purpose of discussion and study. Glen MacWilliams said that the information will help fix problems, but also, the properties that have done well should be included to show the positive side. Barrie Munro asked that anyone who wanted to help with the database could do so. Brett Horr will ultimately put it into a PowerPoint presentation. The reference for the violations is §6.3.27 on P. 107. The photos Barrie Munro passed out showed commercial trucks permanently parked in front of properties and a front-end loader stored in front of another place. The properties are not garden supply oriented and do not have living plant materials for sale, Barrie Munro specified. Steve Burns said that he will go through a list with Code Enforcement, but there is difficulty in looking at the tables because a lot of the places with the violations do not have a definition.

In other business, Glenn Farrell said that there should be a legal decision about Bell Marsh Road. The Town did not abandon the road property. The Land Trust does not want it wider. There is nothing that says it has to be brought up to standards. Steve Burns said that he delivered a letter about the road from Barrie Munro to Board of Selectmen Chair Dave Marshall saying that the 5-year-old decision to pave it should be reversed.

In other business, Steve Burns said he has revised meeting schedule. Also, there is no new applicant for the Planning Board's alternate position made by Michelle Moody's leaving.

In Other business, Kenny Churchill's March 22 request received a May 3 response saying that the Town cannot deal with temporary events. He has to meet the standards. And the rodeo cannot happen in the Shoreland Zone. A special events ordinance is needed. Kenny Churchill might come in for it next year.

The meeting adjourned at 10:20.