

**York Planning Board  
Thursday, July 14, 2011, 7:00 P.M.  
York Public Library**

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

Chairman Lew Stowe conducted this meeting. A quorum was determined with four members present: Todd Frederick, Torbert Macdonald, Jr., Tom Manzi, and Lew Stowe. Dave Glazebrook, Tom Prince, and Dave Woods were absent. The meeting lasted three and a half hours. Town Planner Christine Grimando represented the Town of York Planning Department, and Patience Horton took Minutes.

The second agenda item, **Knight ROW Extension**, was continued to the August Applications Review.

**Public Input**

**Open to the public to address any issue other than the scheduled public hearings.**  
There was no Public Input.

**Field Changes**

~~**York Hospital Field Changes: HVAC Unit and Oxygen Tank Relocation.** *These changes are not being heard this evening.*~~

**Minutes**

Minutes of June 23, 2011, were reviewed. Torbert Macdonald and Lew Stowe requested corrections.

**Motion:** Tom Manzi moved to approve the minutes as amended. Torbert Macdonald seconded the motion. The motion passed with 3-0-1. Todd Frederick did not vote. He was not present at that meeting.

**Application Reviews and Public Hearings**

**TJ's at the Sign of the Goose 1287 U.S. Route 1. Map & Lot 0015-0013. Landscaping Review of a previously approved Site Plan.**

Town Planner Christine Grimando said the applicant was before the board a few months ago for changes to the signage and related matters. This evening, the applicant has come to address the buffer between the applicant and neighbor's properties, to meet Art. 6.3. Terra Firma Landscape Architects was contracted by the applicant for this work. The **Public Hearing** was opened and closed. No one came forward to speak.

**Motion:** Torbert Macdonald moved that we find the applicant compliant with 6.3.10. Therefore we complete the approval of the amendment to a Previously Approved Site Plan and the Findings of Fact, dated March 10, 2011.

Christine Grimando said the Mylars had been signed and showed the changed location of the dumpster.

**Vote:** 4-0.

~~**Knight ROW Extension, 1901 U.S. Route 1; Map & Lot 0100-0014C. Revision to a previously approved Site Plan; the applicant has requested to be heard at the August meeting.**~~

**Barrell's Grove, 59 Beech Ridge Rd. Map & Lot 0086-0045-A; Final Review of a Major Subdivision application**

Christine Grimando said Preliminary Approval had been given at the last meeting. The project has been before the Planning Board since June, 2010, and there have been five review sessions covering key items. The application is complete, except for the hydrogeologic study. Some items are not accounted for in 6.4.17.

Septic review is still with the Town and in peer review. The Board had asked for a hydrogeologic study earlier in the process, but the applicant said the threshold for a study had not been hit. The applicant had requested its submission when the full application was ready to submit. Todd Frederick referred to the Minutes of the May 12, 2011, meeting, during which the motion was made and passed to have the hydrogeologic assessment provided during the final review stage. That motion had passed 4-0-1, with Torbert Macdonald abstaining.

**Motion:** Todd Frederick moved to accept the application as complete for final review. Tom Manzi seconded the motion. The motion passed, 3-1. Torbert Macdonald voted against the motion.

Torbert Macdonald said the issues of open space and the DEP requirements for the unstable Shoreland Zone coastal bluffs were unresolved. He did not know the applicant's standing with vernal pools. Christine Grimando said she didn't think that construction was planned in unstable coastal bluffs.

Project engineer Bill Anderson put the final set of plans on the easel. There were many changes since the last meeting, he said. The overall layout remains the same. There has been extensive work done on drainage and road construction. Almost all the water leaves through drainage pathways to Mill Creek or the York River.

The DEP application had gone out earlier this week, he said. Nine easements have been deeded to the DEP. Drainage from three different sub-areas draining into Mill Creek has been the biggest concern in the first review from the Town Engineer. There was an area

by the property line where some water ran into abutters' property, but the water was redirected into our ponds and buffers, so there is a net decreased runoff, said Bill Anderson. One ponding area is being eliminated.

Christine Grimando said the maintenance of storm water is not a subject in the covenants of the homeowners association. She asked how that is to be dealt with. Bill Anderson said the information was also sent to DEP, and it will be in corporate plan notes. He and Christine Grimando then discussed how certain setbacks are "nested."

Chairman Lew Stowe opened the **Public Hearing**.

**David Tibbitts** of the York Conservation Commission had been away, working in the Gulf on the oil spill ("It is still pretty bad."), and was not familiar with Barrell's Grove project. If the common area is being considered at any time as a conservation area, based on position of the septic systems and the disturbance in the area, there is no wildlife value to that particular area, he said. He asked if there had been any studies on vernal pools. Duane Jellison answered that there were no vernal pools of significance under the guidelines of the State of Maine. The Army Corps of Engineers had responded they have not jurisdiction over it, and did not review it.

David Tibbitts continued. The Conservation Commission is always concerned about habitat. There is documentation within one mile of the site, of the endangered New England Cottontail. Applicant Rob McKee said he had reviewed a study by Bud Brown that said there is no opportunity for the New England Cottontail to occupy this site.

Dave Tibbitts discussed the subsequent views that houses will have of the Interstate Bridge. They will result from the very popular practice of removing vegetation for the sake of a big lawn. From experience, he knew that subdivision developers with projects that "aren't going to fly," often "come back" with different wetland information. He warned that developers indicate the wetland wasn't as "bad" as it was thought before. Their attitude is that, if they adhere by the letter to every State or government ordinance, they're out of business.

David Tibbitts of the Conservation Commission also said that there is a significant amount of water in the sensitive soil, under the surface. He suggested this is being pushed to the maximum. Will we end up with many points of pollution coming from each house? he asked. In projects like this, that are aggressive with development, we have to ask if we are still acting on behalf of the river. The Chair **closed the Public Hearing**.

The Board members discussed the location of the houses. Torbert Macdonald said the house location on Lot 6 does not look certain. Bill Anderson said the houses shown on the plan are not in the only possible location. Houses can be moved around in the building envelopes, as voted at a prior meeting.

Torbert Macdonald said the average lawn calculates in at 30,000 square feet, or three-quarters acre. Plus, Lots 3 and 7 are shown to be just about exactly 100 feet from the archeological easement. How can anyone build within that setback line without violating the archeological site? he asked. Christine Grimando added that when the board approves houses with 100-foot setbacks, construction activity has gone into the setback. There is no way it cannot. There must be no violation of the setback, she said.

Torbert Macdonald said this land is a fragment of the Mount Agamenticus forest. It is being approached as virgin territory of no consequence. Really, it is sensitive and has poor soils. Understanding how the house sites impact on the eco-system is crucial. There are inadequate drainage systems. There are no final house sites. I have not voted for this as final review, he pointed out.

The Board went through **§6.4, Submission of Requirements for the Final Plan**. The outstanding issues of this long punch list were organized in a Memo to the Planning Board sent out the following day. **§7.3, Preservation of Natural and Historic Features** and **§7.2, Conformance with Comprehensive Plan**, were discussed. §7.3 includes the identification of trees 6” in diameter or larger that are intended to be preserved, which affects the building envelope.

Duane Jellison requested utilization of the CEO before construction to work as an advisor and suggest small field changes, such as the location of the driveway. Christine Grimando said that going by the direction on the plan is best.

Torbert Macdonald he does not want to see the applicant fill the envelope with buildings and lawn. No agreement can be made until the sizes of the buildings are understood. The Board wants the maximum permeable surface area. Maximum preservation of the landscape is called for under 7.3. He invited the applicant to look at 7.3 and come back with a plan. It is not a numerical standard, Torbert Macdonald said. It is a qualitative standard.

He instructed the applicant to design the open space and make its designation--per 17.13.3, either recreation, scenic, or wildlife--clear for the use intended in the context of the neighborhood as a whole. If the land were to be developed as a playing field, it would be Okayed by peer review by Michael Sullivan, Town of York Parks & Rec. Director. Christine Grimando said she is looking for limits to clearing on each lot, and some kind of maximum impervious footprint within those building envelopes.

Duane Jellison said he has asked the Planning Board for guidance through this entire application process for this application and didn't get it. Torbert Macdonald agreed that the Board had not given Duane Jellison the guidance he had sought.

## **New Business**

- **Election of Officers**

Torbert Macdonald nominated Lew Stowe Chairman. Tom Manzi 2<sup>nd</sup>, passing 4-0.

Torbert Macdonald nominated Todd Frederick V. Chair. Tom Manzi 2<sup>nd</sup>, passing 4-0.  
Todd Frederick nominated Dave Woods Secretary. Torbert Macdonald 2<sup>nd</sup>, passing 4-0.

**Old Business**

**Mylar signing for York Hospital Traffic Signing and Pavement Improvement Plan**

The meeting ended at 10:30.