

York Planning Board
Thursday, September 22, 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 five people voting: Todd Frederick, Tom Manzi, Torbert Macdonald, Jr., Lew Stowe, and Dave Woods. Alternate Tom Prince was present. Alternate Dave Glazebrook was absent. Town Planner Christine Grimando represented the York Planning Department, and Patience Horton took Minutes.

Public Input

There was no Public Input.

Field Changes

There were no field changes

Minutes

The September 1, 2011, Minutes were reviewed and board members requested corrections.

Motion: Todd Frederick moved to approve the September 1 Minutes as amended. Dave Woods seconded the motion, which passed, 5-0.

Application Reviews and Public Hearings

- **York Hospital 15 Hospital Drive: Map & Lot 0050-0034; Amendment to a Previously Approved Site Plan: Application for Fence Removal and review of landscaping York Hospital**

Eric Weinberg of Altus Engineering introduced hospital representatives Steve Pelletier, Judd Knox, and Mark James. He thanked the board members for attending the site walk. He acknowledged that this is a sensitive issue.

York Hospital proposed to remove the fence along the road/driveway leading to the surgery center. The Hospital is not asking why the fence should not be removed. The #1 reason York Hospital wants the fence removed is for safety, said Eric Weinberg. He explained that on April 14, the York Planning Board approved the combination of landscaping and the retention of the fence along the surgery center driveway. The Findings of Fact were approved on June 9, 2011. The hospital applied to the Board of Appeals in August, 2011, and the Appeals Board remanded the decision to the Planning Board.

Even though the original application was denied, 17 trees have been planted. He hoped that as of last Thursday's site walk (September 15, 2011), the Board had gotten a better understanding of the issues. He had a plan showing the location of the 17 trees, including four arborvitaes planted the previous year. Some trees were added to the plan to shield the Bollard lights. More trees were physically added "today," the day of this hearing. The applicant hospital has proposed additional trees.

What results is a great buffer, Eric Weinberg said. The buffer is beyond the landscape requirements. The trees are 15- to 18-feet tall. If the application is approved, the Hospital will work with the abutter and install three more trees on her property. He went over the plan, showing how the 17 trees were slightly moved, against the previous plan, and he identified the riprap corridor.

The Chair opened the **Public Hearing**. Abutter **Kinley Gregg** said that the biggest building in the town is in her back yard. She told the Board, "You saw the gap between my house and hospital property on the site walk. When leaves drop there will be a bigger view." She described a "wall of light" on the sidewalk created by the lighting under a canopy. That light is seen above the level of the current fence. She said that only "three minutes ago," did she see the trees that were planted earlier this morning. She reminded the Planning Board that, per ordinance, it could impose stricter setbacks and buffers. She asked that the board respect the original setback and buffer.

John Gregg spoke secondly during the public hearing. He addressed safety and snow removal. He said it is safer to keep the fence, because getting out of control in a car with the fence present is better than not having the fence there at all. With snowplowing, he suggested changing the angle of the plow so it will all go off to the side.

Engineer Eric Weinberg said that there are guardrails on both sides of the driveway. The guardrails will stay. Currently, plowing toward Lindsay Road involves lifting the snow up and over the rail. Light is seen from the distance, like the light from the Nubble. You can see that light now, and it is still going to be there.

Clark James said the light on the canopy is 13 feet high. It is on a timer to go off at 8:00 P.M.

Kinley Gregg said that she doesn't see light through the fence. If the fence is removed, she will see the light all the way down to her property.

Torbert Macdonald suggested that once the fence is taken down, it could be put on the edge of Kinley Gregg's back yard. Dave Woods said that the elevation difference is too dramatic for the relocated fence. It might not shield her view very well. Tom Prince was also against moving the fence. He said the additional landscaping installations on hospital land, plus the proposed plantings on Kinley Gregg's property, directly, would be an acceptable solution and an appropriate compromise. As well as that, shields on the lights would decrease the glare, concluded Tom Prince.

Todd Frederick said that the planting activities have taken place since the denial to move the fence. Tonight, the applicant is offering additional plantings. He thought peer review would verify what the proposal and the conclusion match. The Hospital plows out to Lindsay Road, he noted. The road being plowed is one-way. Sometimes the plow trucks have to go the wrong way.

Tom Manzi said the green buffer replaces the brown fence buffer. He said a significant effort has been made to make the change more than it was, both at the road, at the other side of the wetland, and on the abutter's property. The best effort has been to make it equivalent or better.

Town Planner Christine Grimando said using peer review to verify that what is on the plan with what is on the ground might be appropriate, but at the same time, certifying it as an as-built plan can be requested. The plan would be stamped, vouching by the landscape architect that what is on the ground is on the plan.

Torbert Macdonald said that if he were the abutter and could get a 6-foot fence for free, he'd accept that. Instead of being reactive, he would rather see a proactive process. The hospital has been willing to do anything to make things correct. There has been mutual cooperation. Christine Grimando said that moving the fence back to the property line would mean moving through the wetland.

Lew Stowe said that Kinley Gregg does not want to remove the fence. The lights are going to be exposed. The headlights and visual traffic will be seen through the gap when the fence is gone. A culvert causes the gap. The hospital wants to add more trees there. Christine Grimando said the planting is okay in the wetland, unless there is standing water there. Lew Stowe said if Kinley Gregg allowed the hospital to put three trees on her property, it would fill the gap.

To remove the fence.

Mark James said plows and Bobcat loaders have to go the wrong way when they move the snow. That is the only way we can get snow over the fence, he said.

Torbert Macdonald said that headlights are never in the direction of the house, though they might be at the moment of turning. He said that if Kinley Gregg asked the hospital to put more than three trees on her property, the hospital would have to do that.

Motion: Dave Woods moved we approve the removal of the fence in reference to the plan dated September 22, 2011; and that the current Bollards going up the road on the fence side shall be shielded from the abutting property; and that your landscape architect submit a certified, stamped plan upon completion; and that we change the period of time referenced in 7.17.3 from a one year to five year period. Tom Manzi seconded the motion, which passed, 5-0.

New Business

- Meeting with Don Neumann, Superintendent of York water District

Don Neumann had watched as the Planning Board made comments about the York and Kittery Water Districts broadcast during the board's workshop meeting in August 2011. He felt that some of the information was inaccurate, and he came before the Planning Board with a PowerPoint presentation to straighten things out, he said.

He said timber harvesting is not pretty. Miles of road are carved out, but it is necessary. Some of the timber harvests of the Water District have been aggressive. "We have gone back and looked at them." York has contracted a new Forester. A Forester plans and supervises timber harvesting, including noting sensitivity to the habitat there. York woodlands are mapped out with so many locations that, with a harvest every two-to-three years, it would take about 50 or 60 years to get everything refreshed.

York has formed a reciprocating relationship southern Maine water districts. They serve each other in emergencies, as when an algae bloom overcame Chase's pond, other districts helped meet York's water demand. Both the York and Kittery Water Departments support the Mount A to the Sea and the York Land Trust challenge campaigns. York and Kittery's Water District partnership has been official since 2004. Kittery and York's trails for recreational users are linked. The Kittery Water District's supply and conservation practices are as excellent as York's, said Don Neumann. They share the same rules of use. The plan surrounding the recent harvest of trees surrounding Kittery's water supply had been checked by York's Code, and was approved. Kittery has bent over backwards for us, said Don Neumann. He recommended the Planning Board to "Get to know your neighbor."

Illegal activity taking place in the watershed led the police department to make a member of the York Water District, Gary Stevens, a reserve police officer. He does his regular water district tasks and keeps an eye out for misuse of the watershed.

Don Neumann addressed the anticipation of Sebago Lake's becoming the Seacoast's water source. (During the July 28, 2011 Planning Board meeting, Torbert Macdonald had said that water districts are looking to link up to Sebago Lake as a water source. That would make the lakes here moot, he said. There is an interest in piping water under the Piscataqua from Sebago Lake to towns in the Seacoast, said Torbert Macdonald.) Don Neumann said that Kittery Water District has begun plans for a \$25 Million treatment plant. Why would anyone pipe water down from Sebago?

Don Neumann talked about non-revenue, unaccounted-for (lost) water. Over ten years, unaccounted-for water has dropped 18.3% from 46.7 million gallons. The water district has recovered 100 million annual gallons from the combined categories and most of those lost gallons are back in the revenue chain.

The York Water District produces one gallon of water for 0.6¢. One gallon of bottled water is equivalent in price to 166 gallons of York District water, said Don Neumann.

In July and August, 2.5 million gallons are required every day. The year-round average is 1 million gallons (mg) per day. The York treatment plant can process 4 mg per day. There will be a tremendous cost, \$350K to \$400K, to lay pipe under Sewell's Bridge when it is rebuilt.

- **May Amendment Preview**

Community Development Director Steve Burns gave the overview for the May 2012 Ordinance Amendments, the development of which he will share with the York Planning Board and Town Planner Christine Grimando. The writing of three ordinances is complete: Pergola Setback Exemption, Fireworks Ordinance and, Refine Residential Use Definitions and Standards in Zoning. Steve Burns described the proposed amendments.

1) Floodplain Management Ordinance Amendment for Commercial Bait Houses

This amendment will change allowable size of the bait houses and change the flood-proofing requirements.

2) Pergola Setback Exemption (completed) Pergolas will have the same setback requirements as fences.

2) Establish Standards for Local Driveway Permitting

3) Fires on Public Beaches

Bonfires are allowed on Harbor Beach and Long Beach, but there is discussion that maybe they shouldn't be.

4) Fire works Ordinance (completed)

Fireworks are coming around to being legal. This draft amendment will have to go to the Board of Selectmen.

5) Emergency Management Ordinance Amendment

Emergency Management ordinance does not sit well with the Police Chief, continued Steve Burns.

6) Control of Animal noise

Control of animal noise means that noise from a domestic animals is taken out of domestic ordinance and into animal control ordinance.

7) Consolidate Licensing Codes and Policies

There are 22 licenses the State says the Town has to participate in. Steve Burns wants a single ordinance created that "jives" all 22 for the Town with the State's. He called it "one stop shopping."

8) Procedures for Board of Appeals

The application procedure for the Board of Appeals has to stand independently of those of other boards because Appeals functions in a very different fashion.

9) Refine Residential Use Definitions and Standards in Zoning (completed)

The definition of "dwelling" currently used does not differentiate one type of dwelling with another.

New Business

Upcoming Workshop Agendas

The subject of the group's discussion included Torbert Macdonald's work with writing the Capital Investment Program into the Charter; Steve Burns commented that the Comp Plan is on the Planning Board's shoulder; and Torbert Macdonald said that Cluster Housing should be mandatory throughout the whole town. Steve Burns answered that when cluster is mandatory, public access cannot be mandatory. Steve Burns plans to meet with Steve Walker of Inland Fisheries and Wildlife to discuss the best way to apply TIF funds rose from parking meter revenue.

Other Business/Adjourn

Findings of Fact and Mylar signings: Yorke Fields and York Hospital

Motion: Torbert Macdonald moved that we accept the Findings of Fact regarding an application by York Hospital, 15 Hospital Drive for an amendment to the York Hospital Coordinated Expansion, dated August 11, 2011. Dave Woods seconded the motion, which passed, 5-0.

Motion: Torbert Macdonald moved that we accept the Findings of Fact Tax Map 42/ Lot 8 (121/001) 590 U.S. Route One; York Maine, "Yorke Fields," dated August 30, 2011. Dave Woods seconded the motion, which passed, 5-0.

The meeting ended at 10:30.