

**York Planning Board
Thursday, June 10, 2010, 7:00 P.M.
York Public Library**

Call to Order, Determination of Presence of Quorum

Board Chairman Tom Manzi called the meeting to order and determined the presence of a quorum. Tom Manzi, Todd Frederick, Lew Stowe and Torbert Macdonald were present. Dave Woods and Tom Prince were absent. Town Planner Christine Grimando represented staff. Patience Horton took Minutes. This application hearing lasted just over four hours and was televised.

Public Input

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

No one came forward to speak.

Field Changes

Patricia Martine represented York Housing Association. Simple changes are requested for two buildings built during the first phase. She requests awnings over the doorways and the benches to protect them from damage. There is a setback problem. Building C does not meet the side and rear 50-foot setback. Christine Grimando described elderly overlay housing, which this is, vs. congregate housing.

Motion: Torbert Macdonald moved to approve the field changes allowing the York Senior Housing to modify the awnings and benches and whatever else is necessary. Todd Frederick seconded the motion, which passed 4-0

Minutes

Review and approve draft minutes from May 13 and May 22, 2010.

The May 13 minutes were reviewed and Lew Stowe made minor changes.

Motion: Lew Stowe moved to approve the May 13 minutes as amended. Todd Frederick seconded it. Tom Manzi called for a voice vote, and all voted in favor, saying aye.

The May 22, 2010 minutes were reviewed. Torbert Macdonald pointed out corrections to be made.

Motion: Todd Frederick moved to approve the May 22 minutes as amended. Lew Stowe seconded the motion, which passed, 4-0.

Application Reviews and Public Hearings

Ruby's Wood Grill. 433 US Route 1. Map & Lot 0054-0010-A Application for a Route 1 Use Permit for an existing restaurant and an amendment to a Previously Approved Plan

Town Planner Christine Grimando said Ruby's was an original part of Cottage Place, approved in the '80s. Changes have been incremental. The site now extends past an expansion area. Is the parking adequate for the entire site? Engineer Bill Anderson said there is an expansion area on the original land that was outside the original condo declaration area. The deck on the back was closed in. The patio area is new. Due to the expansion, the parking area has to be assessed. There is co-use of parking, with offices using spaces in the day that the restaurant uses at night. Because of this, there has never been an issue with not enough parking. Christine Grimando compared this situation to the parking proposed by Walgreens. Part of the adjacent parking would be used, though the parking was not owned. Bill Livingston showed the shared dumpster location off behind the building. There are no lighting changes. There is a vegetable oil recycling bin near the building.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak. Lew Stowe said the covered area is not conducive to the Route 1 area and asked if it can be upgraded to look more acceptable. Torbert Macdonald said the board is promoting awnings in York Beach. Christine Grimando said the permits were pulled for the construction, not the awnings. Todd Frederick said it is hard to identify the lighting on the plan and requested that lights with regard to any application be put on the plan.

Motion: Torbert Macdonald moved we approve the Route 1 use permit and amend it to the previously approved plan for Ruby's Grill. Todd Frederick seconded the motion, which passed, 4-1.

Caswell Farm. 908 US Route 1. Map & Lot 0094-0062. Application for a Route 1 Use Permit for a mixed use site. The applicant has requested this be heard at the July review meeting.

Barrels Grove. 59 Beech Ridge Rd. Map & Lot 0086-0045-A Sketch Review of a Major Subdivision application.

Bill Anderson described the land off Beech Ridge Road on the York River and Mill Creek. Ten houses on 44 acres are planned. There is room for 10% open space. There is soil for the septic system far from the river and Mill Creek. Nine houses will use that septic. The 10th will be separate and have its own system. Each lot will have its own

primary and reserve septic systems, each with its own sewer line. Christine Grimando said there is nothing to prohibit separate systems being together.

The Blaisdells owed the land previously and created a paper road ending in a cul-de-sac. There was a design for a bridge to go over a creek. It was set up to give one particular lot legal frontage. It is not a problem, Bill Anderson said. It was not built. Christine Grimando said the board cannot approve something that creates nonconformity. You cannot have a competing paper road. It is a code issue.

Bill Anderson identified another issue. He showed where the road will be crossing wetlands. Those road crossings are limited to three. The road will have the same setbacks as buildings. The board can reduce the setback, he said. The total fill will be 12,000 feet for everything, including wetlands.

Bill Anderson noted that at no place does the mark between high and low tides less than 50 feet, which is a requirement for dock placement.

Duane Jellison said the paper cul-de-sac will remain the frontage. He is not planning to put a road through there. Christine Grimando said it does not make sense to have a paper and real road in the same location. There would be competing road rights in overlapping spots. Only one can stay. Bill Anderson said it should go across the proposed site and would have more impact.

Torbert Macdonald said that there has to be repercussions for cutting. Duane Jellison said there is no problem enforcing restrictions on cutting that are put in the plan through protective covenants. Bill Anderson said there is an issue of sight distance, where there is 1,000 to one side and considerably less to the other.

Chairman Tom Manzi opened the **Public Hearing**. **Dick Myrick** of Barrels Farm Road is concerned about the difficult sight distance east on Beech Ridge Road. If the road is improved to a town road, will it limit access to his road? His septic is on the west side. He has an easement for a pipe under the road. He wants to make sure electric and water will not be changed.

Pamela and Kenneth Woodman are concerned that the paper road is being changed, as it is their frontage. Their lot crosses over the creek. According to the plan, it and the existing right of way cross over each other. Does that change their access to the frontage? They are worried about losing the right to access the other portions of their property. Will the proposed septic system be a common one? Pamela Woodman asked. It is hard to believe that if they are in the same area and one fails, that the others would not fail. Also, the legality of their lot and the access to the frontage to the approved cul-de-sac would no longer exist. They have been approached by the applicant to swap some land and exchange frontage. Torbert Macdonald said the destruction of the paper frontage that was legally created would create a nonconforming lot. The board cannot approve anything that creates nonconformity.

Abutter **Jean Holbrook** pointed out her property, split by the York River and continuing to the other bank. She talked about many factors. Small creeks surround the applicant's land. Runoff is important to understand. One abutter is missing from the map. The high water mark has to be determined exactly because the legal definition of things in shoreland and zoning is determined by the high water mark. The plan does not have the shoreland border designated. The Land Trust was looking into acquisition this land and their research should be understood. There is an abundance of wildlife habitat. The applicant property has five wetlands and three wetland crossings. Homeowners must take specific responsibility of their septic system. Pipes run from lots to leech fields on Lot 10. Submitting a modification to the prior plan might be a way to make the two plans consistent.

Jack Holbrook said his wife had alluded to Lot 10, where there is a huge leech field with about 50 houses tied in, the Riverwood Drive Subdivision. This adds 10 more. 60-something house will be pumping into the field. The house on Lot 10 will sit between two systems. The soil from the test pits is marginal, and there have been problems with the fields.

The **Public Hearing** was closed. Todd Frederick said the layout of underground utilities will have to include emergency power for the septic when the power goes out. Lew Stowe said the septic system area cannot be accepted as a common open area for recreation. The wetlands might call for peer review. Torbert Macdonald said because low tide off the peninsula is occupied by habitat, stormwater management and runoff will be paramount to the project. Very little cutting should be allowed. The Conservation Commission should participate in this review with regard to open space and wetlands.

The Ice House. 28 Long Sands Road. Map & Lot 0050-0048. Sketch Review of a minor Site Plan application for renovation and expansion of the Ice House.

David Fernald, financial planner, described the derelict building he and his business partner had acquired. He hopes to restore and expand the building based on its original design and not to use the front area for parking. Twenty-five spaces are needed. Perhaps parking can be used in the public spaces across the street. He will work with abutters regarding the spaces.

Bill Anderson described how the Ice House is falling apart. A land swap was made with the Bemises, which will allow parking in the rear. Still there will not be enough parking to avoid putting it in the front. Twenty feet of buffer is required to residential property, and the planning board can reduce it to eight feet. The house is in the Village Center overlay and GEN-3, also. Currently, the lot coverage is 36.37 %, which will be increased to 58.9%, whereas, 50% is allowed in the zone.

Architect Scott Fiorentino showed pictures demonstrating the original caliber of the main building and barn structure. They will raze the existing garage, preserve the tower, pick up the house, and lift it back six feet. Porches will be added, as they once were. It is important to keep the parking lot away from the front of the building.

Torbert Macdonald said the Bemises claim two of the parking spaces in their easement cover a shallow dug well. They must continue to have to have full access to the well. He said there is too much impermeable surface. The question is how to prevent that water from going out onto the street. A gouge in the north side of the lawn was created with a bulldozer several owners ago.

The chairman opened the Public Hearing. **Carol Allen** and her sister, **Karen Payne**, showed a copy of the *York Independent* to the board. The headline read, "How Prepared is York When Disaster Strikes?" They described the effects of Mother's Day Storm, 2006, flooding the parking lot they own nearby, caused by clogged drains. They said no expansion should be allowed in this area until the water problems are fixed.

Bonnie Bemis said she used to own the Ice House. Currently, she lives behind it, up the hill. She is thrilled it will be fixed up. There is a 35' right of way to her house that runs through some of the proposed parking spaces. There is a shallow-dug well with a submersible pump for watering landscape. Can it be moved? They require the ability to use the small, shallow-dug well. She is concerned about the office traffic glare in the darker months. The five-foot setback should be 10 feet. The fence and gate should be solid, so the whole fence is on the lot line. The easement should be protected.

Allen Jerry said the water coming down on the front side of the Ice House goes to the only drain in the area. There is a partially collapsed culvert in the area and a failed system by the monument. No one else came forward. The **Public Hearing** was closed.

Lew Stowe asked if the pond on the north side of the property is Town property. **Claude Bemis** said the town has not cleared any land, and there is no excess runoff created by the Town. The water from the Ice House area goes to a drain and into the pond by the library. Christine Grimando said when the application is submitted, they will have to state they have not added to the stormwater. Torbert Macdonald said it is part of the drainage problem in the Village that the Town will contribute to.

Robert Fernald summarized the issues. Lot coverage and permeable will hopefully drop, bringing permeable below 50%. It is important to work with the Bemises and the abutters. Lighting glare will be considered. Parking is the big problem. Torbert Macdonald said he wants to see a front lawn with rain gardens. Christine Grimando said nonconformity might be removed from the front, and the applicant might come out by a head by swapping them out with the rear.

Robert Fernald asked to combine the preliminary and final reviews at the next meeting. The application is for a minor site plan, less than 8,500 square feet.

Motion: Torbert Macdonald moved that we allow the applicant to combine preliminary and final reviews. Todd Frederick seconded the motion, which passed, 3-1. Lew Stowe voted against.

New Business

Old Business

The date, time, location, and invitation list were discussed for Barrie Munro's appreciation dinner. Proposals were made but not finalized.

Other Business/Adjourn

The meeting adjourned at 11:15.