

**YORK PLANNING BOARD  
THURSDAY, OCTOBER 11, 2001  
GRANT HOUSE**

MINUTES

PRESENT AT THE MEETING WERE CHAIRMAN AL BIBB, BARRIE MUNRO, GLENN FARRELL, AND ALTERNATE DICK ARNOLD, WHO WAS ORIGINALLY ASKED TO VOTE IN DAVE MARSHALL'S ABSENCE. REPRESENTING STAFF WAS TOWN PLANNER, STEVE BURNS. PATIENCE HORTON WAS THE RECORDING SECRETARY. THE MEETING WAS TELEVISED. IT STARTED AT 7:00.

MINUTES OF THE SEPTEMBER 21, 2001 MEETING WERE DISCUSSED. NO CHANGES WERE NECESSARY. MR. MUNRO AND MR. ARNOLD MOTIONED AND SECONDED TO ACCEPT THEM. ALL VOTED IN FAVOR, (4-0). MR. MARSHALL ARRIVED AFTER THE MINUTES WERE APPROVED, AND MR. BIBB ASSIGNED MR. ARNOLD TO VOTE IN TORBERT MACDONALD'S PLACE.

PUBLIC HEARINGS

TOBEY ARENA, MAP 30A/LOTS 30 & 30A, U.S. ROUTE ONE. REQUEST FOR EXTENSION OF ROUTE ONE USE PERMIT. TOWN PLANNER BURNS SUMMARIZED THE FINDINGS OF FACT. BUILDERS OF THE INCOMPLETE TOBEY ARENA WERE APPLYING FOR AN EXTENSION BEFORE THEIR CURRENT APPROVAL, WHICH WAS ISSUED TWO YEARS AGO, WAS ABOUT TO ELAPSE. THE RULES STATED THAT, IF THE RULES HADN'T CHANGED, THEY WOULD BE ELIGIBLE FOR A LIMITED EXTENSION OF TIME. THE APPLICANT HAD BUILT A WELL IN LIEU OF THE PREVIOUSLY EXPECTED USE OF TOWN WATER BEING BROUGHT UP ROUTE ONE, WHICH MARKED THE ONLY SUBSTANTIVE CHANGE IN THE ORIGINAL PLAN. CHAIRMAN BIBB ASKED FOR COMMENTS FROM THE APPLICANT, BUT NO REPRESENTATIVE RESPONDED. MR. FARRELL MOVED TO OPEN PUBLIC HEARING. MR. MUNRO SECONDED. NO ONE SPOKE TO THE APPLICATION, AND THE HEARING WAS CLOSED. MR. FARRELL MOTIONED TO GRANT THE EXTENSION ON THE BASIS THAT NO ZONING HAD CHANGED FOR THE SITE IN THE TWO-YEAR PERIOD. MR. ARNOLD SECONDED. THERE WAS NO DISCUSSION. ALL VOTED IN FAVOR, (5-0).

FIRST STEP LAND DEVELOPMENT, MAP 33/LOT 45, 18 BEACON STREET. SKETCH PLAN REVIEW FOR 7-LOT SUBDIVISION.

MR. BURNS SUMMARIZED THE FINDINGS OF FACT, RECOMMENDING THAT THE APPLICATION BE DENIED OUT OF PRINCIPLE. THE PROJECT, A FIVE-ACRE LOT NEAR LONG SANDS, LACKED ADEQUATE INFORMATION ABOUT WATER, SEWER, NET FOOTAGE INFORMATION REGARDING PERIMETERS, AS WELL AS AN INADEQUATE STREET-FRONT, 50-FT. BUFFER ZONE. AS WELL, THREE LETTERS FROM ABUTTERS HAD BEEN RECEIVED, AND THERE WERE FOUR WHO DID NOT GET NOTICE, AT ALL. CHAIRMAN BIBB ASKED THE APPLICANT TO PRESENT.

PAUL HOLLIS, PRESIDENT OF FIRST STEP LAND DEVELOPMENT, CALLED THE SUBDIVISION "TWIN LIGHTS." HE SHOWED ITS LOCATION IN A BLOWN-UP 1930S PHOTOGRAPH OF A TOURIST HOTEL, 500 FEET FROM THE OCEAN, WHICH EXISTED ON THE SITE UNTIL 1937, WHEN IT BURNED. THE UDELL FAMILY WAS THE FORMER OWNER. HE NAMED THE POTENTIAL USES FOR THE SITE, INCLUDING RESIDENTIAL. HE SHOWED AN ANDERSON LIVINGSTON ENGINEERS, INC. PLAN, WHICH ALREADY BEEN ALTERED ONCE, AT MR. BURNS'S RECOMMENDATION, TO ACCOMMODATE THE OVER-10-ACRE WETLAND CONNECTED TO THE PROPERTY AND THE SUBSEQUENTLY REQUIRED 100-FT SETBACK. EACH OF THE SEVEN LOTS MEASURED BETWEEN 10,000 AND 15,000 SQ. FT., WITH A SINGLE CUL-DE-SAC DRIVEWAY GOING IN. THE PLAN SHOWED ABOUT 2,000 SQ FT FOOTPRINTS, AS WELL AS SEWER AND WATER INFRASTRUCTURE. HE COMPARED HIS PROPOSED DENSITY WITH THE

NEARBY SANDPIPER, SAYING THAT NEITHER DENSITY NOR USE WERE APPARENT DETERMENTS.

MR. HOLLIS STATED THAT HE LISTENS TO HIS NEIGHBORS AND WISHES TO COMPLY WITH THEIR INSIGHTS AS WELL AS HE CAN. HE RECOGNIZES THE BUSY NATURE OF SUMMERTIME BEACON STREET AS A PASS THROUGH FROM RIDGE ROAD TO THE BEACH FOR BOTH CARS AND PEDESTRIANS, WHO LACK A SIDEWALK. HE HOPED TO INCORPORATE A SIDEWALK INTO HIS PLAN. HE HOPED TO SCHEDULE HIS BUILDING PLAN WITH NO STREET CONSTRUCTION NOISE OR TRAFFIC DURING THE SUMMER. HE EXPECTED THERE IS LEDGE IN THE STREET THAT WILL NEED BLASTING. HE WAS CONCERNED ABOUT DRAINAGE. THE SIGNIFICANT WETLANDS FILL UP WHEN IT RAINS HARD, AND LOTS 6 AND 7, SEEM TO BE A NATURAL POOLING DETENTION CENTER. HE IS AWARE THAT PEOPLE IN THE AREA HAVE FLOODED BASEMENTS IN THE WINTER. HE BELIEVED THAT THE NATURAL PLACE IS TO PUT THE WATER WOULD BE INTO HIS WETLANDS, BUT THOUGHT THAT PERHAPS THE TOWN WOULD LET HIS GROUP REMEDY A PART OF THE PROBLEM BY CLEARING PROBABLE BLOCKED CULVERTS, ABOUT WHICH DRAINAGE ANALYSIS IS NEEDED. HE ENDED HIS PRESENTATION.

MR. BURNS CONCURRED THAT A QUESTIONABLE CULVERT UNDER THE OLD RAILROAD LINE COULD BE DYSFUNCTIONAL. MR. ARNOLD ASKED FOR THE GROVES AND BEAULIEU PROPERTIES TO BE IDENTIFIED, NOTING THAT, ACCORDING TO LETTERS, THOSE ABUTTERS WERE CONCERNED ABOUT DRAINAGE AND POLLUTANTS, INCLUDING FROM ASPHALT. THEN MR. MUNRO AND MR. ARNOLD MOTIONED AND SECONDED THE OPENING OF THE PUBLIC HEARING. STEVE GROVES, OWNER OF GROVES COTTAGES HAD MET WITH MR. HOLLIS TWO TIMES. HIS CONCERN WAS ABOUT DRAINAGE OFF BEACON STREET THAT SHOULD NATURALLY TRAVEL INTO THE FIRST STEP PROPERTY, BUT INSTEAD, BECAUSE SOMEONE FILLED IN SOME WETLANDS A FEW YEARS A GO, CAUSES WATER TO FLOW LESS DIRECTLY TO THE BEACH. SECONDLY, MR. GROVES HAD ASKED MR. HOLLIS TO MOVE THE SUBDIVISION DRIVEWAY FOR A SECOND TIME, EVEN FARTHER AWAY THAN IN CURRENTLY PLANNED. HE ACKNOWLEDGED THE ADVANTAGE OF A SIDEWALK, AND SPEAKING SPECIFICALLY INTO THE RECORD, HE SAID HE SUPPORTED THE CONSTRUCTION SCHEDULE THAT WOULD KEEP TRUCKS OFF THE STREET. HE VOICED CONCERN ABOUT THE SEWER LINE THAT WOULD HAVE TO BE BLASTED AND ITS EFFECT ON HIS HOUSE, WHICH IS FOUR FEET FROM THE BEACON STREET. FOR THIS REASON, HE ASKED THAT THE SEWER LINE BE MOVED. HE STATED THAT HE WAS NOT NOTIFIED OF THAT EVENING'S PLANNING BOARD HEARING. ON A CHART, HE SHOWED THE PATH DRAINAGE HAS TAKEN ON HIS PROPERTY SINCE A WETLAND PORTION OF THE SUBDIVISION PROPERTY HAD BEEN FILLED IN FOUR OR FIVE YEARS AGO. MR. GROVES DESCRIBED THAT FILLED-IN WETLAND ON THE TWIN LIGHTS PROPERTY AS A PLACE WHERE HIS WIFE USED TO ICE-SKATE. BOARD MEMBER MR. ARNOLD ALSO STATED HE HAD SKATED THERE.

DONALD BRISTOW-CARRICO, A RESIDENT OF YORK CAME FORWARD. SPEAKING OUT OF CONCERN FOR THE ENVIRONMENT, HE ASKED THE BOARD MEMBERS TO EXHIBIT INTEGRITY ABOUT MAINTAINING THE BUFFER ZONE AROUND THE WETLAND. HE ASKED THEM TO MAKE THE WATER ISSUE DECISIONS CAREFULLY AND IN NO WAY FILL IN THE WETLANDS.

KEVIN BUCKLEY, 32 BEACON STREET, LIVES ADJACENT TO THE AREA MR. GROVES STATED HAD BEEN FILLED IN 3 TO 5 YEARS AGO. DRAINAGE IS HIS MAJOR CONCERN. SEVERAL YEARS AGO, HE REMODELED HIS BASEMENT, BUT FIVE MONTHS LATER, IT FLOODED FOR THE FIRST TIME, WHICH HAS BEEN ONGOING EVER SINCE. HE IS CONCERNED ABOUT CHANGING THE CONTOUR OF THE LAND ANY MORE THAN IT HAS BEEN. MR. ARNOLD ASKED HIM IF HE HAD NOTICED THE CHANGE OF FLOW. MR. BUCKLEY ANSWERED THAT THE WATER GOES ACROSS THE STREET AND THAT THERE IS MORE STANDING WATER IN CERTAIN PLACES.

JOHN DEWITT, AN ABUTTER TO THE SUBDIVISION WHO LIVES CLOSER TO THE BEACH, SAID THAT HIS PROPERTY FLOODS EVERY YEAR, AND THAT THERE ARE TWO CULVERTS THAT ARE A MAJOR PART OF THE PROBLEM. HE THOUGHT IT WAS THE '93 STORM THAT FLOODED HIS BASEMENT WITH 43 INCHES OF WATER. HE RECOGNIZES HE IS AT MOTHER NATURE'S

MERCY. HE SAID THAT WHEN THE TIDE COMES IN, THE WATER IN THE AREA STAYS TRAPPED. HE THOUGHT A TRENCH COULD BE ADDED TO OPEN UP THE FLOW IN THE AREA. HE IS VERY CONCERNED ABOUT WHAT WATER WILL BE ADDED TO HIS PROBLEMS BY THE NEW SUBDIVISION'S CHANGES.

CHARLIE OFFEN CAME FORWARD AND STATED THAT HE WANTS TO SEE THE PROPERTY DEVELOPED. HE THOUGHT THAT THE BUILDER DID A FIRST CLASS JOB ON OTHER PROJECTS IN THE TOWN. HE WAS CONFIDENT THAT THE BUILDER WOULD MAKE DRAINAGE AND OTHER IMPROVEMENTS.

STAN MOODY OF THE CONSERVATION COMMISSION STATED HE HAD PREVIOUSLY DISCUSSED THIS APPLICATION AT THAT COMMITTEE'S RECENT MEETING. THE DRAINAGE IS PART OF BRIDGES SWAMP--NOW WITH THE UPSCALE NAME OF SPRING FARM--DRAINAGE SYSTEM TO THE OCEAN. HIS COMMITTEE'S CONCERN, HOWEVER, DEALS WITH THE SALT WATER THAT REGULARLY COMES UP CLOSE TO THIS PROPERTY. THE PROPERTY MIGHT NEED MORE BUFFERING BECAUSE OF ITS SALT HABITAT. BECAUSE OF ARTICLE 7.6.7(B), THERE WAS A POSSIBILITY THAT 50% OF DWELLINGS WOULD NEED AN ADDITION 50% BUFFER FROM THE WETLANDS.

FOR THE RECORD, MR. BURNS READ LETTERS RECEIVED BY THE PLANNING DEPARTMENT. ONE, DATED OCTOBER 3, 2001, AND SIGNED BY RUSSELL J. AND JUNE A. BEAULIEU, OF YORK BEACH, STATED THAT 12 HOUSES ALREADY EXIST IN THE AREA'S FLOOD ZONE. THEY COMMENTED ON THE TREES, SHRUBS, AND GRASSES, AND THEIR SUBSEQUENT ABSORBENT FACTORS, THAT WILL BE LOST WITH THE ADDITION OF SEVEN MORE HOUSES. THEY WROTE OF THE VARIETY OF ANIMALS FOR WHICH THE AREA IS A SANCTUARY AND THEIR CONCERN ABOUT THE POLLUTION FROM THE SUBSEQUENT RUN-OFF.

A LETTER OF OCTOBER 2, 2001, FROM JACK AND JUDI GROVES STATED THEY ARE RETIRED TEACHERS, LIVE IN YORK ANNUALLY FROM MAY THROUGH OCTOBER, AND ARE CONFIDENT THE FINAL SUBDIVISION COULD BE ATTRACTIVE. THEIR CONCERNS INCLUDE FLOODING AND THE PROBABLE NEED FOR A CULVERT ON THE SUBDIVISION PROPERTY, THE NATURE OF THE VEGETATION OCCUPYING THE PROPOSED 50 FT. BUFFER, THE PRESERVATION OF CERTAIN TREES THE UDELL FAMILY HAD REQUESTED BE OBSERVED, AS WELL AS OTHER NATURAL BEAUTY ON THE PROPERTY, AND THE RELOCATION OF THE ENTRANCE TO THE SUBDIVISION TO THE WEST SIDE OF LOT 7.

MR. BURNS ALSO READ OCTOBER 9, 2001 E-MAIL FROM BOB BEAULIEU INTO THE RECORD. HE OPPOSES THE SUBDIVISION ALTOGETHER, STATING THAT BEYOND THE TRAFFIC AND LOSS OF OPEN SPACE, THE DEVELOPMENT OF "EVERY SQUARE FOOT OF LAND WITHIN A MILE OF THE BEACH," JEOPARDIZES THE SOLITUDE AND THE QUIET OF THE PLACE, WHICH, HE SAYS, IS THE ESSENCE OF YORK BEACH.

MR. BIBB THEN READ FROM CHARLES HOFF, WHO STATED THAT HE HAD MET WITH MR. HOLLIS AND LIKES HIS PLAN.

MR. BIBB STATED THAT THE BOARD COULD NOT MAKE RECOMMENDATIONS WITHOUT FULL NOTIFICATION OF ALL ABUTTERS AND OPENED BOARD DISCUSSION. MR. MARSHALL WAS CONCERNED ABOUT THE WETLAND FILLING JUST 3 TO 5 YEARS AGO, WHICH HE THOUGHT NEEDED TO BE INVESTIGATED. MR. BURNS REPLIED THAT UNTIL LAST NOVEMBER, THE FILLING REGULATIONS WERE LIGHT. MR. ARNOLD SAID HE THOUGHT THE LAND MUST BE BELOW SEA LEVEL, SINCE THE WATER WON'T FLOW. HIS CONCERN WAS WHETHER THE LAND EVEN COULD BE DRAINED. MR. FARRELL SAID THAT THE BLASTING ISSUE WAS ALSO IMPORTANT, AND THAT CAMERAS HAVE TO BE SET UP TO FILM THE PROCEDURE IN ORDER TO LIMIT THE LIABILITY.

BILL ANDERSON, OF ANDERSON LIVINGSTON CAME FORWARD, STATING HE HAD LOOKED AT THE DRAINAGE. DURING STORM TIDE, THE AREA ON THE WEST SIDE OF THE ROAD IS BELOW WATER LEVEL, HE SAID. OPENING UP A CULVERT BY THE OLD RAILROAD BED WILL ASSIST WATER FLOW. THE BACK OF THE SUBDIVISION PROPERTY SERVES DRAINAGE FROM

SPRING POND. HE SAID THAT HIS GROUP IS FIGURING OUT WHAT DIFFERENT STORM LEVELS WILL DO TO THE PROPERTY. AS FOR THE SMALL, FILLED-IN AREA, HE SAID, HE THINKS HE KNOWS HOW IT OCCURRED, BUT THAT THE MAJOR WETLAND AREA HAS NOT BEEN AFFECTED BY IT.

MR. MUNRO SAID THAT THE BOARD HAS A PROPENSITY TO BE RESPONSIBLE FOR PROBLEMS THAT EXIST, AND IT WANTS THE DEVELOPER TO MITIGATE THE PROBLEMS. ANY DEVELOPMENT MUST NOT EXACERBATE AN EXISTING PROBLEM. HE SAID HE KNOWS MR. HOLLIS WILL TRY TO IMPROVE ON THE EXISTING SITUATION. HE SAID HE DIDN'T BELIEVE THAT MR. MOODY'S REFERENCE TO ARTICLE 7.6.7(B) WAS APPROPRIATE TO THIS APPLICATION, AND THAT DIFFERENT KEY WORDS WERE UTILIZED, AND ALL DIDN'T APPLY. MR. ARNOLD TOUCHED ON ONE ABUTTER'S CONCERNS ABOUT PRESERVING THE VEGETATION AND NATURAL RESOURCES IN THE AREA. MR. BIBB, SPEAKING OF HIS PAST, POSITIVE EXPERIENCES WITH MR. HOLLIS, TOLD THE ABUTTERS TO BE A LITTLE MORE AT EASE, IF POSSIBLE. HE SAID THAT MR. HOLLIS TAKES NEIGHBORS' CONCERNS INTO CONSIDERATION AND IS A COOPERATIVE DEVELOPER. MR. MUNRO NOTED THAT THOUGH THE MATTER OF DRAINAGE IS USUALLY PART OF THE FINAL PLAN REVIEW, IN THIS CASE, IT WOULD HAVE TO BE PART OF THE PRELIMINARY PLAN. WITH FINAL WORDS ON THE SUBJECT, MR. HOLLIS REPLIED THAT HE WOULD GET THE BEST WATER CONTROL PERSON IN THE STATE OF MAINE TO REMEDY THE SITUATION. MR. MUNRO SAID THE PLANNING BOARD IS NOT RESPONSIBLE FOR CORRECTING EXISTING PROBLEMS, SUCH AS DRAINAGE PROBLEMS. IT IS TO ENSURE THAT THE PROPOSED DEVELOPMENT DOES NOT CAUSE NEW DRAINAGE PROBLEMS OR WORSEN EXISTING PROBLEMS.

**When Pigs Fly Bakery, Map 53/Lot 22H, Brickyard Lane. Request for a Route One Use Amendment.**

TOWN PLANNER STEVE BURNS PREFACED THE FINDINGS OF FACT BY STATING THAT THIS MATTER WAS NOT A WETLANDS NOR SHORELAND PROPERTY, AND WAS JUST ABOUT THE ONLY ONE IN TOWN. THE ORIGINAL BUILDING AND TWO EXTENSIONS WERE APPROVED IN THE PAST. THIS APPLICATION FOR A PAVED APRON AROUND THE BUILDING FOR SHIPPING AND OTHER USES WAS READY TO ACCEPT, HE FELT. THE APPLICANT HAD MODIFIED THE OLD PLAN AND FIXED IT WITH HAND NOTES. THEY PROVIDED A DRAINAGE ANALYSIS BY A PROFESSIONAL ENGINEER, AND THERE WERE INSIGNIFICANT CHANGES. THE FIRE AND POLICE CHIEFS STILL NEED TO SEE THE APPLICATION. MR. BIBB COMMENTED THAT THEY HAD ADDED PROPANE TANKS.

BRAD PATERSON CAME FORWARD, REPRESENTING THE OWNER. HE STATED THAT THE APPLICANT HAD FOLLOWED MR. BURNS'S INSTRUCTIONS FOR MAKING THE APPLICATION. MR. MUNRO MOTIONED AND MR. MARSHALL SECONDED THE OPENING OF THE PUBLIC HEARING.

STAN MOODY CAME FORWARD AS A CITIZEN OF YORK. HE QUESTIONED THE ALREADY ORDERED 30 FT. NO-CUT ZONE THAT HAD BEEN APPROVED IN CONNECTION WITH ORDINANCE 6.3.9.2, IN AUGUST OF 1996. MR. BIBB CLARIFIED THAT THE 30 FT BUFFER WAS NOT BEING REDUCED.

MR. FARRELL MOTIONED TO APPROVE THE APPLICATION CONDITIONALLY WITH THE AMENDMENTS AS SHOWN BY MR. BURNS AND SUBJECT TO THE FIRE CHIEF'S APPROVAL. MR. ARNOLD SECONDED THE MOTION, WHICH ALL APPROVED, VOTING 5-0.

**Indian Hill, Map 99/Lotw 42 and 42A, North Village Road. Final Subdivision Review.**

MR. BURNS SUMMARIZED THE FINDINGS OF FACT. THIS IS A 4-LOT DIVISION AT THE NORTH VILLAGE ROAD AND BERWICK ROAD INTERSECTION. THIS IS IN FOR FINAL APPROVAL. THERE IS NO ROAD CONSTRUCTION. THE APPLICATION IS READY TO ACCEPT. THERE IS A WAIVER FOR AN ELEVATION BENCHMARK, BECAUSE IT IS A HILLTOP, AND THERE IS NOT FLOOD PLAN NEAR THIS PROPERTY.

MR. MARSHALL MOVED AND MR. ARNOLD SECONDED THE MOTION TO ACCEPT THE PLAN FOR FINAL REVIEW, WHICH WAS AGREED TO UNANIMOUSLY WITH A 5-0 VOTE. CHAIRMAN

BIBB ASKED THE APPLICANT IF HE WANTED TO SPEAK. JOHN HUGHES CAME FORWARD AND FIRST APOLOGIZED TO A GRACIOUS DICK ARNOLD OVER ANOTHER MATTER. HE THEN SPOKE OF COMPLIANCE WITH THE BOARD'S WISHES OVER VEGETATION REMOVAL, A 400-FOOT TOWER, AND ACCESS OF A BACK LOT, WHICH HE SAID IS BEING KEPT OPEN WITH THE OPTION OF USING AS A RIGHT-OF-WAY.

MR. FARRELL THEN MOVED, AND MR. ARNOLD SECONDED, THE OPENING OF THE PUBLIC HEARING. STAN MOODY, CONSERVATION COMMISSION, CAME FORWARD AND SAID THAT A VERY SMALL WETLAND EXISTS ON THE PROPERTY, AND THE ROAD SHOULD BE MOVED TO COMPENSATE FOR IT. MR. BIBB REPLIED THAT IT WAS A MAN-MADE WETLAND. MR. HUGHES STATED THAT THE NATURAL WETLAND ON THE PROPERTY WOULD NOT BE AFFECTED IN ANY WAY. WITH NO OTHER COMMENTS, CHAIRMAN BIBB CLOSED THE PUBLIC HEARING.

MR. MUNRO MOTIONED TO GRANT THE WAIVER OF NTG OF 1929, WHICH MR. ARNOLD SECONDED. ALL VOTED IN FAVOR OF THE MOTION, 5-0.

MR. MUNRO OPENED THE DISCUSSION OF THE ROADSIDE BUFFER, BECAUSE THE LIMITATION OF THE VEGETATION REMOVAL HAD NOT BEEN DISCUSSED. HE SAID THAT DUE TO THE TREES, THERE WERE PLACES WHERE THE UNDER-STORY WON'T GROW, BECAUSE THE BUFFER WOULDN'T BE ESTABLISHED. IN KEEPING THE PROPERTY AESTHETIC AND UNOBTRUSIVE, THE ISSUE IS THE SIZE OF THE BUFFER. MR. BURNS SAID THAT PEOPLE GENERALLY WANT TO SEE CLEARLY TO THE ROAD AND DON'T WANT TO BE HIDDEN, NECESSARILY. MR. FARRELL SAID THAT THE 50-FT. NO-CUT BUFFER WOULD BE LIMITED TO ALL VEGETATION. MR. MUNRO ADDED THAT NO TREES COULD BE CUT CLOSER TO 50 FT FROM THE ROAD. MR. MARSHALL MOVED TO APPROVAL ITEMS 1-7 IN THE OCTOBER 1 JOHN HUGHES MEMO, WITH THE EXCEPTION OF ITEM 2, WHICH WILL STATE THAT NO REMOVAL OF VEGETATION WITHIN 50 FT OF THE TWO HIGHWAYS CAN BE MADE. MR. MUNRO SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL VOTED IN FAVOR, (5-0). THE MATTER WAS FOLLOWED BY A SHORT BREAK.

**York Sports Center, Map 94/Lot 51, U.S. Route One. Request for Preliminary Site/Route One Use Permit Review.**

STEVE BURNS SUMMARIZED THE FINDINGS OF FACT. THE PROPOSED SPORTS CENTER OF 24,000 SQ. FT. WAS PROPOSED TO GO IN JUST ACROSS ROUTE ONE FROM YORK'S WILD KINGDOM. THOUGH THERE ARE WETLANDS ISSUES, THEY ARE OF LITTLE IMPACT. THE APPLICANT HAS ADDRESSED THE PLANNING DEPARTMENT'S ISSUES, EXCEPT FOR THE TRAFFIC IMPACT ANALYSIS. THE BULK OF THE INFORMATION IS NOT TECHNICALLY COMPLETE. THE BOARD CAN ACCEPT IT WITH THE PROVISION THAT THE IMPACT ANALYSIS BE COMPLETED, HE SAID. THE WATER LINE UP ROUTE ONE IS AN ISSUE. THE FACT THAT THIS IS PARTIALLY A FABRIC BUILDING IS ANOTHER ISSUE.

MR. BIBB THOUGHT THE HEARING SHOULD BE A SKETCH REVIEW, PROVIDING COMMENTS TO THE APPLICANTS. MR. MUNRO CONCURRED, AND NO ONE OBJECTED.

KEVIN BARRETT, PRESIDENT OF YORK SPORTS CENTER, HAS BEEN A RESIDENT 16 YEARS. HE GAVE A FACILITY OVERVIEW, SITE VIEW DISCUSSION, LANDSCAPE DESIGN, AND TIME LINE FOR THE \$MILLION INDOOR SPORTS FACILITY. HE SHOWED THE TURF SURFACE, WHICH REQUIRES NO MOVING, NO WATERING, AND IS ALWAYS GREEN. THE FIELD WILL HAVE A TRACK AROUND THE PERIMETER. HE SHOWED THE SETBACK FEATURES, ENTRANCES, UNPAVED PARKING LOT, DRAINAGE AND WATER FACILITY DESIGN, WOODEN SERVICES BUILDING, AND INTRODUCED JOHN DESTEFANO OF PORTSMOUTH, CONSTRUCTION MANAGER FOR THE PROJECT AND JACK KEENER OF RUBB BUILDING SYSTEMS, OUT OF SANFORD.

JIM DANFORTH OF RUBB FABRIC BUILDING SYSTEMS SHOWED CONSTRUCTION DETAILS, BEGINNING WITH THE 23 TO 25 FT SIDEWALLS AND THE BOLTED-TOGETHER FRAME SYSTEM OVER WHICH THE FABRIC-SKIN IS STRETCHED. HE DISCUSSED THE EFFICIENT VAPORIZATION OF THE FABRIC SKIN IN THE EVENT OF A FIRE, ITS QUICK REPLACEMENT BY RUBB,

AND THE RELATIVE EASE IN HEATING THE LARGE SPACE. TERRANCE PARKER, A REGISTERED LANDSCAPER IN THE STATE OF MAINE, THEN SHOWED PROPOSED PLACEMENT OF TREES.

ACCESS TO THE CENTER THROUGH THE PARKING LOT OF THE ADJOINING THE CHURCH WAS SHOWN, AS WERE THE LOCATION OF THE 65 PARKING SPACES INTENDED FOR THE FACILITY, WHEN AT FULL TILT. THE EXPECTED HOURS OF 4:00 P.M. TO 9:00 P.M. DURING THE WEEK AND 8:00 A.M. TO 6:00 P.M. ON THE WEEKEND WERE PROPOSED. THE PARKING LOT COULD TURN TRAFFIC OVER EVERY HOUR, BUT NOT IN THE FIRST OR SECOND YEAR. YORK SPORTS CENTER REPRESENTATIVES HAD BEEN DISCUSSING THE OUTCOME OF WHIPPOORWILL'S TRAFFIC ENGINEER'S TRAFFIC PATTERN USE STUDY. THE SPORTS CENTER'S DESIGN HAD NOT BEEN MADE, BUT IT WAS BELIEVED THAT START-UP TRIPS GENERATED DURING THE WEEK WOULD BE LESS THAN 200, AND 350 DURING THE WEEKEND. MR. MUNRO EXPRESSED CONCERN ABOUT THE SAFETY OF MERGING DRIVEWAY TRAFFIC AT THE ENTRANCE. ENTERING TRAFFIC AND DEPARTING TRAFFIC, OR, DEPARTING TRAFFIC LEAVING AT THE SAME TIME WILL SOMETIMES HAVE TO CROSS LANES AT THE ENTRANCE. MR. MUNRO ASKED THAT CONSIDERATION BE GIVEN TO CORRECT THIS POSSIBLE PROBLEM. IF TURNING LANES ALONG ROUTE ONE WILL BE NECESSARY, THEY WANT TO HELP AND COMPLY, THEY SAID.

MR. BIBB ASKED MR. BURNS ABOUT THE 9% GRADE BEING PROPOSED FOR THE ROUTE ONE ENTRANCE/EGRESS, THINKING IT TOO STEEP FOR ICE AND SNOW CONDITIONS. JACK KEENE, SITE ENGINEER FOR THE PROJECT, IN EXPLAINING THE GRADE, AGREED WITH MR. BIBB TO MEET THE ORDINANCES. MR. MUNRO WAS CONCERNED ABOUT MERGING TRAFFIC FROM THE ADJACENT BUILDING. MR. BURNS SAID IT WOULD BE PICKED UP IN THE FINAL PLAN.

MR. BARRETT, PRESIDENT OF THE CENTER, STATED THAT HIS GROUP DIDN'T EXPECT TO CONDUCT A TRAFFIC STUDY. HIS APPLICATION WAS MADE JULY 20, 2001, AND THE TOWN'S REPLY WAS GIVEN SEPTEMBER 15. MR. BARRETT HAD ONLY HEARD OF THE POSSIBILITY OF HAVING TO PERFORM THE STUDY A WEEK BEFORE THAT EVENING'S MEETING, AND AT THAT TIME THE STUDY WAS SUGGESTED, NOT REQUIRED. HE ASKED FOR MORE APPROVAL THAN THE SKETCH PLAN COULD GIVE. HE BELIEVED THAT THE TURNING LANE MUST BE APPLIED, AND WOULD NOT ARGUE WITH THAT. HE SAID HE HOPED HE COULD OPERATE FOR THE FIRST YEAR BEFORE PUTTING IN THE TURNING LANE, JUST A WHIPPOORWILL HOMES DID. HE ASKED THAT HE NOT HAVE TO WAIT UNTIL NOVEMBER TO BEGIN, OTHERWISE CONSTRUCTION WILL HAVE TO WAIT ANOTHER YEAR, WHICH MAKES HIM SORRY FOR THE COMMUNITY TO HAVE TO WAIT. IF HE COULD START NOW, HE COULD OPEN IN JANUARY 2002, HE SAID.

STAN MOODY OF THE CONSERVATION COMMISSION SPOKE. HE SAID THAT THE PLAN HAD CHANGED SINCE HE FIRST SAW IT. THIRTY-FIVE FOOT BUFFERS WERE BEING REQUIRED, AND HE WISHED THEY WERE LARGER. HE SAW CONCERN WITH THE SEPTIC SYSTEM, WITH PART OF IT BEING UNDER THE PAVEMENT. MOSTLY, HE FOUND OTHER PROBLEMS WITH RELOCATION OF ABUTTER MCGEARY'S WELL, WHICH IS LOCATED CLOSE TO THE LOT LINE. NO ONE ELSE CAME FORWARD. MR. BIBB CLOSED THE PUBLIC HEARING.

MR. BIBB ASKED ABOUT THE HEIGHT, WHICH MR. BURNS LOOKED UP, TO REPORT THAT THE BOW ROOF OF 37 FT HEIGHT WOULD MAKE THE HEIGHT REQUIREMENT. MR. FARRELL RESPONDED TO MR. MOODY'S QUESTION ABOUT THE SEPTIC SYSTEM UNDER THE PARKING LOT, SAYING IT IS DONE PLENTY OF TIMES THAT WAY, ESPECIALLY UNDER GRAVEL, AS THIS WAS. MR. BIBB DISCUSSED THE FABRIC COLOR WITH A REPRESENTATIVE FROM RUBB, WHO EXPLAINED WHY THE WHITE ROOF WOULD BE LESS OBTRUSIVE THAN A GREEN ONE. MR. DANFORTH OF RUBB ADDRESSED MR. ARNOLD'S QUESTION ABOUT THE EFFICIENT PROPANE DRIVEN, SEALED STRUCTURE, INFRARED RADIANT HEATING SYSTEM FOR THE BUILDING. HE ASSURED MR. BIBB THAT, SHOULD THE BUILDING BURN, NO CHILD WOULD FALL UNDER FLYING, HOT, MELTING FABRIC. MR. BIBB AND MR. MUNRO ASKED FOR SPECIFICATIONS ABOUT THE DRIVEWAY AND OTHER OUTDOOR LIGHTING, THAT IT NOT GLARE ONTO OTHER ROADWAYS.

MR. MUNRO SAID THAT SUBDIVISION REGULATION 6.3.33 ABOUT THE PARKING AND TRAFFIC STUDY SHOULD BRING THE YORK SPORTS CENTER, THE DEPARTMENT OF TRANSPORTATION, AND THE TOWN DEPARTMENT OF PUBLIC WORKS TOGETHER IN A STUDY, SO THAT THE APPLICATION CAN BE SATISFIED. HE NOTED THAT AT FIRST THERE WOULD BE MORE THAN 40, BUT LESS THAN 400 VEHICLE TRIPS, EXCEPT UNDER SPECIAL CIRCUMSTANCES. HE SAID THE ORDINANCE (6.3.33) IN THIS CASE DOESN'T QUESTION WHETHER OR NOT ROUTE ONE HAS ADEQUATE CAPACITY TO HANDLE 400 ADDITIONAL VEHICLE TRIPS PER DAY, WHAT IS BEING QUESTIONED IS A SAFE DESIGN FOR ENTERING AND EXISTING THE PROPOSED DEVELOPMENT. SINCE IT WOULD BE NECESSARY TO INVOLVE THE DOT, MR. MUNRO THOUGHT A TRAFFIC STUDY COULD BE DEFERRED MAKING IT A CONDITION OF APPROVAL FOR AN OCCUPANCY PERMIT. HIS QUESTION WAS WHETHER OR NOT ROUTE ONE CAN TAKE IT. HE SAID HE THOUGHT THIS BOARD HAD THE RIGHT TO WAIVE AND DEFER THAT. MR. ARNOLD ASKED THAT IF THAT IS PREVENTING APPROVAL, CAN THE BOARD LIMIT THE SPORTS CENTER TO ONLY 40 SPACES UNTIL THE TRAFFIC STUDY IS DONE?

MR. BURNS SAID THAT HE HAS CONCENTRATED ON THE COMPLETENESS OF THE APPLICATION AND NOT NECESSARILY ITS DEPTH. MR. MARSHALL RETURNED TO THE ISSUE OF THE CONSTRUCTION MATERIALS. RUBB'S REPRESENTATIVE ANSWERED HIM THAT THE SIDEWALLS ARE 11 FT. METAL PANELS. MR. MUNRO SUGGESTED THAT THE ENTRANCE STRUCTURE DOES NOT SATISFY ROUTE ONE DESIGN ORDINANCE 6.13.3. MR. MUNRO DID NOT AGREE WITH MR. BURNS THAT THE 50 FOOT SETBACK AUTOMATICALLY WAIVED 6.13.3. MR. MUNRO WONDERED IF THE BUILDING SATISFIES THE SPIRIT OF ORDINANCE 6.13.3. MR. BURNS ANSWERED THAT THE 50 FT BUFFER LETS IT MEET THE ORDINANCE. GOING BACK TO THE TRAFFIC ANALYSIS, HE SAID THAT THE SAFETY OF THAT LOCATION IS THE ISSUE. A TURNING LANE MIGHT NOT BE NECESSARY IN YEAR 1, BUT THEY CAN PUT THE MONEY INTO THE TURNING LANE, LATER. HE COMPARED THE TRAFFIC WITH THAT OF THE STOP AND SHOP, BOURNEVILLE AUTOMOTIVE, AND WHIPPOORWILL HOUSING. MR. FARRELL SAID THAT, IF THERE WERE A SET TIME LIMIT, HE WANTS TO SEE THAT AS MUCH IS TAKEN CARE OF AS POSSIBLE. LATER, IF A TRAFFIC STUDY SAYS THEY NEED AN ADDITIONAL LANE, THEY CAN ARRANGE FOR IT THEN. MR. MUNRO OBSERVED THAT THE APPLICANT WOULD HAVE TO INVOLVE THE MDOT IN ORDER TO SATISFY THE TRAFFIC STUDY REQUIREMENT. MR. MUNRO THOUGHT THE APPLICANT HAD TO SOLVE THE PROBLEM WITH THE STATE BEFORE THE PROJECT STARTS. BUT, IN THE WHIPPOORWILL CASE, THE STATE SOLVED IT AFTER-THE-FACT, HE SAID. MR. FARRELL SAID THAT IF THE BOARD APPROVES IT FIRST, THEN THEY HAVE TO GET THEIR STATE APPROVALS. MR. BURNS SAID THAT THEY ARE NOT GOING TO SIGN OFF, IF IT IS NOT GOING TO BE SAFE. HE SAID THERE WAS A MEMO INDICATING WHAT YORK SPORTS CENTER NEEDED AS OF 9/13/01.

MR. FARRELL SUMMARIZED THEIR NEED FOR TRAFFIC STUDY, A SIGNOFF BY A LICENSED PLUMBER, AND PROOF THAT THE MCGEARY WELL SITUATION HAS BEEN TAKEN CARE OFF. AS WELL, A LETTER STATING THAT THE DRIVEWAY GRADE MEETS THE POLICE CHIEF'S SATISFACTION IS NECESSARY. MR. MUNRO ADDED THAT THE SOLUTION TO THE TRAFFIC SITUATION THAT SATISFIES THE MAINE DEPARTMENT OF TRANSPORTATION AND THE YORK POLICE DEPARTMENT WAS NECESSARY.

THERE WAS SMALL DISCUSSION ABOUT THE DRAINAGE FROM THE GUTTERS INTO THE POND AND THE 15-INCH CULVERT DRAINAGE SWALE THAT KEEPS IT FROM COMING DOWN THE DRIVEWAY. MR. MUNRO ASKED IF THE RETENTION POND WOULD SLOW THE DRAINAGE DOWN BEFORE IT GOES INTO THE WETLAND AT THE REAR OF THE LOT. MR. MUNRO SAID THAT THE POND SLOWS THE DRAINAGE DOWN BEFORE IT GOES IN TO THE WETLAND TO THE REAR OF THE LOT. STAN MOODY CONFIRMED THAT THERE WOULDN'T BE FLASH RUNOFF BECAUSE OF GRAVEL DRIVEWAY. HE STATED A WISH FOR THE 35 FT BUFFER IS TO BE LARGER, BUT UNDERSTOOD IT IS ACCEPTABLE AS PLANNED. SNOW REMOVAL NEEDS REGARDING A COMPARATIVELY UN-LANDSCAPED PORTION OF THE PROPERTY WAS DISCUSSED WITHOUT RECOMMENDED CHANGE. MR. MUNRO ASKED THAT THE APPLICANT REVIEW THE LANDSCAPING PLAN FOR SCREENING THE PARKING AREA FROM THE ADJOINING LOT. HE CITED FOUR ORDINANCES IN SUPPORT OF THIS REQUEST, 6.3.9.1, 6.3.8.3, 6.3.10 AND 6.3.11. MR. MUNRO SPECIFICALLY REQUESTED THAT THE PLANTING BE CONTINUED TO

INCLUDE THE UPPER PARKING AREA.

CHAIRMAN BIBB ASKED THE APPLICANT TO REPLY. HE ASKED FOR THE ABILITY TO DO SITE WORK WITHOUT BUILDING THE STRUCTURE, BEFORE THE TRAFFIC STUDY IS COMPLETED. MR. BURNS ANSWERED THAT MOVING INTO SITE WORK BEFORE FINISHING THE APPROVAL PROCESS CAN BE COSTLY WHEN UNFORESEEN CHANGES MUST LATER BE ACCOMMODATED. CHAIRMAN BIBB APOLOGIZED TO THE APPLICANT, SAYING THE BOARD COULD NOT APPROVE THE APPLICATION WITHOUT THE PLANNER'S RECOMMENDATION. THE APPLICANT ASKED IF MAKING THE NUMBER OF PARKING SPACES LESS THAN FORTY, AND THE NUMBER OF TRIPS LESS THAN 400, COULD THEY COME BACK FOR RE-APPROVAL. MR. BURNS ANSWERED THAT THE PLAN WOULD HAVE TO BE AMENDED AND THEN RE-APPROVED, REQUIRING YET MORE TIME. MR. BIBB REITERATED THAT THE BOARD CAN'T APPROVE WHAT THE PLANNING DEPARTMENT CAN'T RECOMMEND FOR APPROVAL, AND THAT THERE WAS NOT MUCH THAT COULD BE DONE AT THAT TIME. MR. ARNOLD MOTIONED TO TABLE THE APPLICATION UNTIL THE NEXT MONTH, WHICH MR. MARSHALL SECONDED. THERE WAS NO DISCUSSION. THE MOTION WAS PASSED, 5-0.

#### **OTHER BUSINESS**

MR. BURNS ASKED IF ANYONE HAD READ THE *Scanning News*, YET, AND ACTED SURPRISED. HE PASSED OUT VOLUME 1, ISSUE 1, DATED AUGUST 8, 2001. TOWN EMPLOYEES ARE SCANNING TOWN DOCUMENTS INTO A COMPUTER DATABASE THAT CAN BE RETRIEVABLE BY ALL YORK CITIZENS AND OTHERS. THE INSTRUCTIONS FOR DOING SO ARE IN THE *News*. HE JOKED THAT THIS WAS THE METHOD OF GETTING RID OF THE FILE CABINETS ON THE SECOND FLOOR OF THE TOWN OFFICES.

MR. MARSHALL INQUIRED ABOUT THE TRAFFIC CONTROL OFFICER AT THE MIDDLE SCHOOL, WHERE THERE WAS APPARENTLY NO ONE DOING THE JOB. HE SAID THAT IF THERE WERE TO BE A CHANGE IN THAT POSITION ASSIGNMENT, THE CONTINGENCY FOR THAT CHANGE HAD TO BE APPROVED, WHICH IT HADN'T. HE RECOMMENDED THAT THEY BE ASKED TO "COME BACK" AND DO SO.

MR. MUNRO AND MR. ARNOLD MOTIONED AND SECONDED THE ADJOURNMENT AT 10:10 P.M.