

Proposed Comprehensive Plan Amendments

To be considered at the

November 2015 General Referendum

Draft: June 30, 2015

1. Adopt by reference, The York Village Master Plan, dated April 2015 within Volume 1: Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program;
2. Amend the Public Sewer Policy Map, dated April 27, 2015 within Volume 1: Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program;
3. Add a new “Stormwater Chapter” within Volume 2: York Comprehensive Plan Inventory and Analysis; and
4. Modify and add Stormwater Actions within Volume 1: Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program.
5. Modify the Introduction Chapter list to reflect the new Stormwater Chapter in Volume 2.
6. Modify the Stormwater section of the Utilities Chapter to reference the new Stormwater Chapter

Article X

The York Village Master Plan dated April, 2015

Ballot Language: The following language would appear on the ballot.

Article X

The Town hereby ordains amendments to the **Comprehensive Plan** to incorporate into the plan The York Village Master Plan dated April, 2015, specifically amending: Volume 1: Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program.

Statement of Fact:

Passage of this amendment would incorporate by reference The York Village Master Plan. The Village Master Plan contains detailed visuals, diagrams, substantive information and plan recommendations for the York Village Center Area regarding Streetscapes, Pedestrians and Bicycles; Roadways & Traffic; Curbside and Off-Street Parking; Utility Infrastructure; Trails and Open Space; Village and Architectural Character; Economic Development; Conceptual Budget & Funding; and details a Community Participation and Outreach Process that enabled development of the Master Plan. This amendment would adopt the York Village Master Plan as a reference and recommendation within Section 3 of Volume 1 of the Comprehensive Plan, specifically, Future Land Use Area #8- York Village Center Area.

Recommendations:

Recommended by the Planning Board:

Amendment: Insert a new plan recommendation into future land use section 3, “York Village Center Area,” Land Use Area #8 as follows:

11. *In 2011, the York Board of Selectmen initiated development of a York Village Master Plan by appointing a York Village Study Committee (VSC) that was charged with developing ways to revitalize York Village (specific to the York Village Center Area Land Use Area #8). The mission of this committee was, and continues to be, “to establish a framework that will promote the vitality and beauty of York Village as a dynamic, safe, and sustainable town center reflecting the history of a community that is both welcoming to visitors and supportive of staff.” In 2014, as a way to further this mission, the Board of Selectmen, at the request of the VSC, elected to hire a consultant to facilitate a public process to develop and craft with the VSC a comprehensive York Village Master Plan. As a result of this work The York Village Master Plan was completed in April, 2015 and contains detailed visuals, diagrams, substantive information and plan recommendations for the York Village Center Area regarding Streetscapes, Pedestrians and Bicycles; Roadways & Traffic; Curbside and Off-Street Parking; Utility Infrastructure; Trails and Open Space; Village and Architectural Character; Economic Development; Conceptual Budget & Funding;*

and details of the Community Participation and Outreach Process. As a way to cultivate the revitalization of the York Village Center Area the Town hereby incorporates the York Village Master Plan “A revitalization Framework to put the Village back in York Village” and supportive materials into the Comprehensive Plan by reference. The Town should implement the recommendations and pertinent information included within this York Village Master Plan document. Recommendations and information incorporated within the York Village Master Plan document shall supersede any conflicting provision(s) found within this section of the Comprehensive Plan.

Addresses issues 1, 2, 3, 4, 5, 6, 7 and 8

IMMEDIATE PRIORITY –SELECTMEN & PLANNING BOARD TAKE LEAD

Article X

Public Sewer Policy Map dated April 27, 2015

Ballot Language: The following language would appear on the ballot.

Article X

The Town hereby ordains amendments to the **Comprehensive Plan** to modify the Public Sewer Policy Map dated August 4, 2008, as referenced within: Volume 1: Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program.

Statement of Fact:

Passage of this amendment would change the Public Sewer Policy Map as referenced in Volume 1; Section 2-Town of York Goal 1.1.2-B **Public Sewer System**. The Map amendment would expand the public sewer Priority Service Area to the following locations: parcels located within the municipalities Growth Area as defined in the Comprehensive Plan specifically along the Route 1 Corridor; parcels abutting Route 1 in the area of Cape Neddick Village to just north of Mountain Road; parcels located off of River Road and the southern Cape Neddick River watershed; and parcels east of Shore Road to just north of Lake Carolyn, which is currently within the Shore Road Service Area. This amendment would potentially allow an opportunity for the York Sewer Department to provide public sewer hookup opportunities around the lower Cape Neddick River and Shore Road areas.

Recommendations:

Recommended by the Planning Board:

Amendment: Insert a new map reference date and consequently an amended Public Sewer Policy map as follows:

- B. **Public Sewer System**. This section sets forth the Town's policies regarding the areas served by public sewer. A map entitled, "Public Sewer Policy Map, York Comprehensive Plan, Policy Chapter, ~~August 4, 2008~~ *April 27, 2015*" is hereby adopted by reference. The policies reflected in this section and on this map should be reflected in the Zoning Ordinance. The policies are as follows:
 - 1. There are 3 distinct classifications of areas with regard to public sewer service policy, as follows:
 - A. **Priority Service Area**. Within the Priority Service Area, provision of public sewer throughout is a high priority. Within this area, the priority for expansion of sewer service is first to areas of marine clays (see the Surficial Geology map of the Natural Resources Chapter of the

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Comprehensive Plan Inventory & Analysis) and to areas in which there are concentrations of septic systems that are failing, and secondarily to other areas. Public sewer service in this area shall be from the York Sewer District.

- B. Shore Road Service Area. This area, in the vicinity of Shore Road, Pine Hill Road South, and Pine Hill Road North, is a priority for extension of public sewer service to serve existing development with failing on-site septic disposal, or with licensed overboard discharge systems. Under no circumstances should main extensions be permitted to facilitate new development. Public sewer service in this area could be from either the York Sewer District or Ogunquit Sewer District.

- C. Prohibited Area. It is inconsistent with this Plan to extend public sewer in the Prohibited Area. New service or main extensions shall be prohibited, except that the Board of Selectmen may permit sewer main extensions in this Area, provided such extensions are provided only to address properties with existing failed septic systems and not to accommodate new development. If such an exception to the rule is made by the Selectmen, public sewer service in this area could come from the York, Ogunquit or Kittery systems, and inter-municipal cooperation for such cases is encouraged.

- D. Southern Route 1 Service Area. This area, encompassing the Route 1-1 and Route 1-2 zones between the southern boundary of the York River and the Town of Kittery border, allows sewer extension to serve existing development, or any proposed development defined as Workforce Housing or Affordable Housing by the Town of York Zoning Ordinance. Under no circumstances shall main extensions be permitted to facilitate any other new development not specified as allowed in the Southern Route 1 Service Area. Public sewer service in this area shall be from the Kittery Sewer Department.

Article X

Stormwater Chapter; Inventory and Analysis

Ballot Language: The following language would appear on the ballot.

Article X

The Town hereby ordains amendment to the **Comprehensive Plan** to add a new chapter to Volume 2-Inventory and Analysis Section titled “Stormwater Chapter” for the York Comprehensive Plan Inventory & Analysis.

Statement of Fact:

Passage of this amendment to the Comprehensive Plan would add a Stormwater Chapter and associated appendix to the Inventory and Analysis Section of York’s Comprehensive Plan. The purpose of this chapter is to provide a detailed examination of York’s stormwater management program(s) as well as an inventory of regulations, municipal infrastructure, stormwater financing programs as well as provide detailed information on state and federal guidelines for stormwater management throughout town. The addition of this chapter will provide information on which policies related to stormwater management in Volume 1 of the Comprehensive Plan can be based upon.

Recommendations:

Recommended by the Planning Board:

Amendment: Insert a new Comprehensive Plan Chapter entitled, “*Stormwater Chapter*” that reads as follows: (Please see attached “*Stormwater Chapter for the York Comprehensive Plan Inventory & Analysis*” dated June 29, 2015 and associated appendix).

Article X

Stormwater Actions

Ballot Language: The following language would appear on the ballot.

Article X

The Town hereby ordains amendments to the **Comprehensive Plan** to amend and add the following Town actions as listed in Volume 1: Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program of the Comprehensive Plan: modify action 1.2.1 regarding cluster subdivisions; modify action 2.2.8 regarding use enterprise funds; add new action 5.2.7 regarding septic systems; modify action 5.6.3 regarding Low Impact Development; modify action 5.6.5 regarding the town's Municipal Separate Storm Sewer System (MS4) program; add new action 5.6.6 regarding storm frequency data; add new action 5.6.7 regarding a single unified stormwater ordinance and modify action 6.2.8 regarding floodplain and wetlands management.

Statement of Fact:

Passage of these amendments would help clarify and aid particular Town Goals and future policy directives/actions in the Comprehensive Plan, specifically as it relates to Stormwater Management practices as well as aim to ensure and promote desired development patterns and clean water practices throughout town.

Recommendations:

Recommended by the Planning Board:

Amendment: Amend town action 1.2.1 regarding open space/cluster layout for subdivisions as follows:

- 1.2.1 ~~Open space cluster layout~~ *Conservation layout* for subdivisions ~~should~~ *shall* be the preferred residential development pattern for the proposed rural zones and ~~should~~ *shall* be encouraged in the proposed residential zones. The strengths of this form of subdivision design are the preservation of ~~open space~~ *natural resources*, allowing creativity in lot layout and lessening some Town service delivery costs. In 2005 the Town adopted new cluster housing subdivision standards in the Zoning Ordinance. The focus of these amendments was to ensure the design of new cluster subdivisions would result in the protection of resources important to the Town while allowing development of private property. The Town ~~should~~ *shall* retain its ~~new~~ cluster standards *for applications where appropriate (such as in urban areas), refining them over time if necessary and shall review and modify its subdivision ordinance to incorporate of conservation subdivision concepts where appropriate.*

ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

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Amendment: Amend town action 2.2.8 regarding use enterprise funds as follows:

- 2.2.8 Enterprise funds have been established to enable revenues collected from program user fees to be dedicated to the operation of specific programs. Enterprise funds are similar to dedicated reserve funds and also operate on the principal that user fees ~~should~~ *shall* be dedicated to the program from which the fee is collected rather than simply depositing the monies in the Town general fund. Enterprise funds ensure monies are available to operate programs from the source that generated the monies, thereby decreasing the reliance on taxpayer support to fund these services. Many of the costs of the York Parks and Recreation Department, Sohier Park, and Mt. Agamenticus are funded by enterprise funds. The Selectmen and Budget Committee ~~should~~ *shall* work with Town management to extend this concept to other services. Potential options include *but are not limited to* the *Public Works, Code and Planning Department and the Harbormaster/Harbor Board, and a stormwater user fee which could be used for MS4 services, water pollution correction, groundwater protection, or floodplain management.*

IMMEDIATE PRIORITY - SELECTMEN & BUDGET COMMITTEE TAKE
LEAD ROLE

Amendment: Add new town action 5.2.7 regarding septic systems as follows:

- 5.2.7 *Because currently the Town's surface water impairments are primarily bacteria related, the Town shall enact stringent controls on septic systems for those areas where sewer is not available or for areas where it is available, but users have not yet connected. The Town already enacted a supplemental plumbing ordinance requiring that all septic systems be pumped according to a schedule which considers the type of system and its function. The Town shall consider additional requirements such as: requiring inspections at the time of property transfer, regular inspections of the full septic system (including leachfields), and surveyed coordinates to locate key features (such as tank access points, and leachfield corners for ease of GIS mapping).*

IMMEDIATE PRIORITY –STORMWATER MANAGER TAKES LEAD ROLE

Amendment: Amend town action 5.6.3 regarding Low Impact Development as follows:

- 5.6.3 Low Impact Development (LID) is an emerging concept which integrates innovated site design standards to manage storm water runoff from developed sites. The ~~“Maine Resources Guide for Land Use Planning” (Maine NEMO Program, 2005)~~ *United States Environmental Protection Agency* describes LID as follows:

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~~A new way of thinking about stormwater management is a highly effective strategy for controlling contaminated urban runoff. Low Impact Development strives to treat both rainfall and storm water runoff on the development site by retaining a sites [sic] natural infiltration and storage characteristics. Numerous opportunities exist within the developed landscape to control stormwater runoff close to the source, and the stormwater management should not be seen as stormwater disposal.~~

LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. LID has been characterized as a sustainable stormwater practice by the Water Environment Research Foundation and others.

~~LID employs lot level techniques to reduce the impact of development with multiple systems to reduce runoff volume through infiltration, retention, and evaporation; and to find beneficial uses for water rather than exporting it as a waste product down storm sewers.~~

~~Initially~~ *Specifically*, LID standards ~~should~~ *shall* be integrated into the Town's land use codes to allow LID design. As local experience is gained with LID practices, policies ~~should~~ *shall* be expanded to encourage or require LID design where appropriate. *The Town shall consider development of a local design guidance document, and local water quality models to restrict pollutant runoff from development sites as part of the standards revisions. When implementing the standards, the Town shall keep in mind Town Actions 5.5.1 and 5.5.2 to develop standards based on watersheds and cooperating with neighboring towns where watersheds cross town boundaries.*

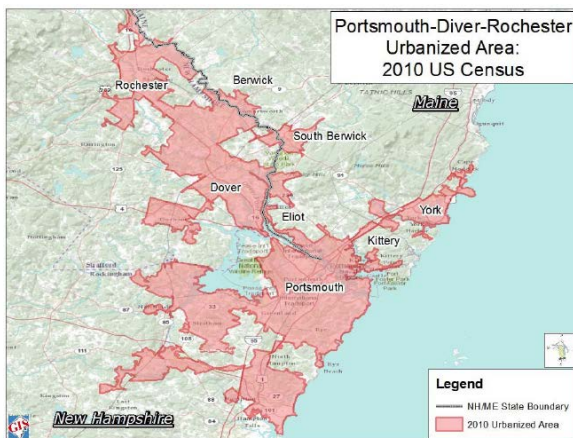
IMMEDIATE & ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE

Amendment: Amend town action 5.6.5 regarding the town's Municipal Separate Storm Sewer System (MS4) program as follows:

5.6.5 MS4. MS4 is the acronym for the Clean Water Act’s “Municipal Separate Storm Sewer System” provisions. In a sentence, MS4 is a program to minimize adverse impacts of stormwater runoff from developed lands to protect the quality of receiving waters such as wetlands, streams, rivers, lakes and the ocean. Studies nationwide have shown that non-point pollution is the primary source of water quality problems, and the MS4 program was created to address this. The days of managing stormwater only for flood control are past. Quantity and quality are now equal partners.

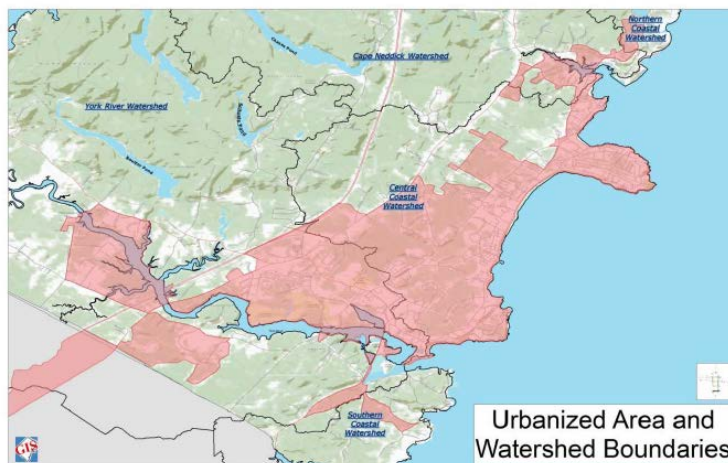
MS4 requirements are imposed on the Town by a General Permit adopted and administered by Maine DEP. The State adopts such permits once every 5 years. Maine’s first Permit became effective on July 1, 2003, the next Permit on July 1, 2008, and the current Permit on July 1, 2013. The 2013 General Permit is the first to include the Town of York.

MS4 must be applied within the Urbanized Area of York. The Urbanized Area is a geographic portion of the Town delineated by the US Census Bureau after each decennial census. York is included now because, following the 2010 US Census, the Urbanized Area in York is now determined to be contiguous with the Urbanized Area of the Portsmouth-Dover-Rochester Urbanized Area, specifically touching along Route One at the Kittery town boundary, as highlighted in the following overview map.



As this map indicates, portions of 5 towns comprise the Maine portion of the Portsmouth Dover-Rochester Urbanized Area. These include York, Kittery, Eliot, South Berwick and Berwick. Having been designated for a decade already, the other 4 communities formed a working group to address common MS4 requirements and to prevent duplication of efforts. York is now included in this group, known as “York County MS4.” This group also communicates and coordinates with other MS4 groups in Maine, which are located in the Portland, Lewiston/Auburn and Bangor areas.

While the minimum requirements imposed on the Town apply only within the Urbanized Area, the Town ~~should~~ *shall* administer some standards Town-wide or based on watersheds, as recommended in Comp Plan Policy #5.5.1. Water quality management policies are a natural candidate for watershed-based application. The following map shows the Urbanized Area within York, along with the watershed boundaries. There is no correlation between the two geographies.



Maine’s General Permit imposes extensive requirements on all regulated communities.

Requirements must be addressed in a Stormwater Program Management Plan which contains 6 minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

The Stormwater Program Management Plan encompasses the entire York County MS4 area. The Plan includes both unified policies and unique provisions specific to each community, as appropriate. Each town council or board of selectmen must endorse this plan in order for it to cover their municipality. Lacking such agreement, each town would be required to prepare and enact its own individual plan, which would be less efficient and more costly. This Plan, and policies enacted pursuant to it, must remain flexible, and most must be amendable within a 120 day timeframe per the State General Permit. Except for land use ordinances enacted by the voters, this necessitates that all other policies be reviewed and adopted by the

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Board of Selectmen. In all cases there shall be an opportunity for public participation during both the development and adoption processes. There will be 3 general types of policy measures enacted pursuant to this Plan. Each is highlighted below.

- Task-Specific Plans and Operational Policies. These are requirements for action by the Town. They commit to certain procedural tasks, like the manner in which the Town will raise public awareness, sweep streets, or inspect stormwater outfalls.
- Land Use Ordinances. These are codes, or sections of codes, enacted by the voters to establish performance standards or similar enforceable controls relating to stormwater quality.
- Financial Programs. These are commitments to spend money to maintain or improve stormwater infrastructure. This will include operating budgets where items such as personnel, operational and administrative costs are addressed. It will also include capital budgets where big-ticket items such as drainage system improvements are budgeted.

Taken as a whole, the State General Permit holds the Town accountable for implementation of required MS4 plans, policies, and codes. Having the document is only the first step. Where a plan, policy or code calls for action, there must be follow-up action undertaken by the Town to fulfill the requirement. Such action must be documented and the results evaluated. Failure to act, or failure to sufficiently document action will each result in violation of the State General Permit. It will be essential for the Town to budget for compliance with the MS4 requirements.

The MS4 Permit requirements become more stringent with each issuance of the 5-year General Permit. The Town of York shall periodically review other New England MS4 General Permits and how communities across the nation are implementing them. The Town shall be proactive about implementing or preparing to implement requirements that are imminent.

ON-GOING PRIORITY –STORMWATER MANAGER TAKES LEAD ROLE

Amendment: Add new town action 5.6.6 regarding storm frequency data as follows:

5.6.6 *In addition to the LID actions (5.6.3) which will help to mitigate pollution contributions from small storms, the Town shall develop new stormwater standards requiring use of the new intensity/duration/frequency data from the Cornell Northeast Regional Climate Center for flooding evaluations. The stormwater standards for all development shall also evaluate the 100-year flood at a minimum. The Town shall review the necessity of applying new standards every 5 years.*

IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE

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Amendment: Add new town action 5.6.7 regarding a single unified stormwater ordinance as follows:

5.6.7 In addition to town action 5.5.1 to apply land use policies on a watershed basis, develop a single unified stormwater ordinance that will promote appropriate stormwater standards on a watershed basis for all areas of town based on flooding issues and water quality protection.

IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE

Amendment: Amend town action 6.2.8 regarding floodplain and wetlands management as follows:

6.2.8 The Town's remaining floodplain *and wetland* areas are an important resource to help manage the amount of flooding associated with the all too frequent storms experienced in York. The Town has adopted federal and state standards to regulate development in known floodplains. The Town ~~should~~ *shall* continue current policy and work to better identify its floodplains, particularly coastal floodplains. Development within the 100 year floodplain area ~~should~~ *shall* only be permitted if there is no reasonable alternative on the property. *The Town shall encourage the placing of these floodplain and wetland areas into conservation wherever possible including areas that are 100 feet from high water marks, or are 2 feet above high water marks as recommended in the Edwards & Kelcey Stormwater Management Plan.*

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

Article X

Introduction Chapter dated 11/5/2013

Ballot Language: The following language would appear on the ballot.

Article X

The Town hereby ordains amendments to the **Comprehensive Plan**, specifically amending: the Introduction Chapter to include a new Item L “Stormwater” to the list of chapters.

Statement of Fact:

Passage of this amendment would incorporate the Stormwater Chapter into the list of chapters contained in the Introductory Chapter to the Comprehensive Plan.

Recommendations:

Recommended by the Planning Board:

Amendment: Insert the Stormwater Chapter into the list of Chapters in the Inventory and Analysis list on page 2 of the Introduction:

Upon completion, the outline for the Comprehensive Plan will be as follows, with underlined titles indicating stand-alone reports:

- I. Introduction
- II. Inventory & Analysis
 - A. Population
 - B. Housing
 - C. Land Use
 - D. Economic Base
 - E. Utilities
 - F. Transportation
 - G. Historic & Archaeological Resources
 - H. Natural Resources
 - I. Growth Projections
 - J. Municipal Facilities, Land & Services
 - K. Adaptation to Sea Level Rise
 - L. *Stormwater*

Article X

Utilities Chapter dated November 8, 2005

Ballot Language: The following language would appear on the ballot.

Article X

The Town hereby ordains amendments to the **Comprehensive Plan** to modify the Utilities Chapter to reference the Stormwater Chapter, specifically amending:
Volume II: Inventory and Analysis Section, Utilities Chapter.

Statement of Fact:

Passage of this amendment would incorporate a reference to the Stormwater Chapter, in the section of the Utilities Chapter that currently describes stormwater in the Town.

Recommendations:

Recommended by the Planning Board:

Amendment: Modify the Stormwater Section of the Utilities Chapter to read as follows:

Stormwater runoff is a major issue in the Town of York. Development over the past century, most notably in filled wetlands behind Long Sands Beach but in other areas as well, has resulted in many homes, roads and other improvements being located in areas that are subject to regular flooding. Continuing growth of the community has increased impervious surfaces, which increases stormwater flows, perpetuating and worsening drainage problems. However stormwater issues cannot be generalized to just the Long Sands Beach area. Examples of stormwater issues can be found throughout town at the parcel, neighborhood, and watershed levels, thus demonstrating the seriousness of the problem.

In 1977 the York Beach Village Corporation hired Cleverdon, Varney, and Pike Engineers to prepare a report on solution options for the drainage problems in their jurisdiction. This report, entitled, "Engineering Report on Storm Drainage Study July 1977," was the only serious study of the problem until recent action by the Public Works Department. The Public Works Department ~~has hired Aquarion Engineering~~ hired *Edwards & Kelcey* in 2005 to complete a report that ~~will~~ *scoped* out the nature of the drainage problems in the coastal watersheds between York River and Cape Neddick River. Additional engineering studies will be required following this scoping report, but this ~~is~~ *was* the first step in developing a comprehensive approach to drainage in this area.

The Town became subject to the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems on July 1, 2013, which imposes significant

additional requirements on the town to (1) manage their own stormwater infrastructure, and (2) require that private developers change their stormwater management practices. Because stormwater issues have become more complex, and affect many areas of the Town's operations and ordinances, a separate Stormwater Inventory and Analysis Chapter has been prepared for the Comprehensive Plan.

~~Topography is a primary determinant of drainage patterns. The Natural Resources Chapter of the Comprehensive Plan Inventory & Analysis will contain watershed data at a relatively coarse level, but more refined contour data is needed. The best available contour data available Town wide at this time is the 20' contour data shown on the USGS quadrangles. The Planning Department has arranged for a new series of aerial photos to be taken during the Spring of 2005, and from these photos contractors will be able to generate 2' contour data. The Public Works Department's drainage scoping report will be prepared once this 2' contour data becomes available in their study area (expected in Summer 2005). The stormwater section of this Chapter should be developed further following completion of the initial Aquarion Engineering report, and as other areas area evaluated subsequent to that first area.~~