

York Planning Board
Thursday, March 22, 2012, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Lew Stowe determined a quorum with three people voting: Tom Manzi, Dave Woods, and Lew Stowe. Todd Frederick, Dave Glazebrook, Torbert Macdonald, Jr., and Tom Prince were absent. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes.

Public Input

Open to the public to address any issue other than the scheduled public hearing.

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

Review and approve draft minutes.

The March 8, 2012, minutes were reviewed, and board members requested corrections.

Motion: Dave Woods moved to approve the March 8, 2012 minutes as amended. Tom Manzi seconded the motion. The motion passed, 3-0.

New Business

- **Guest Speaker—Mike Cuomo re: wetland delineation**
- **Planning Board Workshop on November 1012 Ordinance Amendments**

Guest Speaker—Mike Cuomo re: Wetland Delineation

Soil and wetland scientist Mike Cuomo talked to the board about identifying boundaries around wetlands and about characteristics of the wetland, including manmade wetlands, and he showed a method of delineating wetland saturation using color chips that look very much like paint chips.

He said there are restrictive state and federal wetland standards concerning wetland fill. State and Federal regulations have stringent requirements and strive to limit impervious surface area. The definitions made by the state, and both the state and the towns are all aiming for the same thing. Michael Cuomo said the problem is in discerning wetland when some wetland is obvious some is not.

The Corps of Engineers Wetlands Delineation Manual (1987) identifies wet, hydric soils. Using “paint chips” supplied in the manual, the level of soil saturation can be determined by matching colors. A similar manual identifies and classifies wetland vegetation.

The wetland delineation manual gets larger with each ensuing edition, he said, because there is more information added each time. The guidelines in the manual allow a soil scientist to place the survey flags at the edge of the regulated wetland. By following the manual, every soil scientist should be putting the flag in the same place every other scientist would put it. Two soil scientists might have different opinions about a color, say chartreuse vs. *dark* chartreuse, and both could think they are right.

The analysis is based on science. Hanging the flag is an art beyond the science, he said. The contour of the land dictates what the soil looks like. I review plants both in the wetland and upland areas, he said. The same plants might be growing in different types of areas. We look for dominant plants, and count stems for predominance in distinguishing the boarder of the wetland.

It is very difficult to determine wetland boundaries in the winter. When there was great overhead coverage, and no GPS, the area would first be reviewed from a plane. In flagging, there might be 100 flags in 10 acres. At the boarder of the wetland, it isn’t always easy to figure what’s going on, said Michael Cuomo.

The soil colors matter because they tell the long-term wetness of the soil. The soil has to be wet to the surface for three weeks in order to cause color changes showing saturation. There signs of vegetative debris, which shows that water has disturbed and moved the debris, give more information about water level. There might be silt line stains on the trunks of trees showing saturation level. The tree might send out additional roots that are exposed above the soil. Delineation of the wetland is based on characteristics of the combination of plants, soils, and hydrology.

Lew Stowe asked if York is getting wetter. Michael Cuomo said yes, there have been decades when drainage was ignored. We are paying the price for the increase in impervious. We have more runoff because of development. Lew Stowe asked about the effectiveness of rain gardens. They are basically a man-made wetland. Dave Woods said he has a six-month-old retention pond and is seeing vegetation in it. His pond is not being addressed by ordinance, which concerned him. Mike Cuomo said that manmade wetlands systems are exempt from any ordinance.

A vernal pool is a subset to wetlands. Vernal pools support specific animal and vegetative life. We find them in the spring when we go to a wetland with standing water. There are some species that can only thrive in vernal pools, and we look for their presence. An above-average presence of fairy shrimp, spotted salamanders, or wood frogs can lead to the vernal pool being considered “significant” as defined by the State of Maine. The spring is the optimal time for counting such species. Lew Stowe had said there are seven vernal pools in the 400-acre connector road lot.

Crooked, jagged lines we see on surveys are caused by having lines drawn to connect the flags on the plan. The surveyors use precision to reference the flags, and they draw straight lines to connect them. Flag lines reflect the boundary. When the boundary is straight, fewer flags reflect that accurately.

In general, soil drains freely, but that does not happen here. At a certain depth there is a change in the consistency of the soil, and as the water hits clay or silt, the water moves laterally because of the restrictive features.

The new drainage system in York Beach has caused the water table to drop two feet, said Mick Cuomo. Eventually, the vernal pools will disappear. The regulated wetlands in the area will dry up.

Tom Manzi asked if the planning board could hire a soil scientist to review key projects. Mike Cuomo said it might be helpful to have a consultant with whom the board can work. Christine Grimando said there is always peer review on drainage, and the board has the right to request outside assistance paid for by the applicant.

Plants change over the course of the year. The shrubs and trees will still be there after the winter, but the herbaceous layers change rapidly and are obscured in the snow. That also depends on the site. Dave Woods suggested making an ordinance requiring wetland delineations to be determined only during certain times of the year. Mike Cuomo replied that might not be easy for every soil scientist to work with.

Planning Board Workshop on November 2012 Ordinance Amendments

Town Planner Christine Grimando introduced this amendment workshop. Article 2 is the first phase of the Amendment #X, Refine Public, Semi-Public & Institutional Use Definitions and Standards. This is part of a larger project to re-format the use tables in Article 4, which describe what is allowed in each zone, so you can quickly check what is allowed.

The goal is to define the uses, both old and new, she said. Does it make sense when they are categorized zone by zone? Not all the existing uses make sense anymore, and they have to be re-categorized. This is not to expand upon, but to have make more sense. Some things don't fit into any category, so we have to make new categories said.

Cemeteries. The board decided that in definition, cemetery graves and/or columbaria (vault for urns) would not be above ground. Dave Woods said someone might want to build a columbarium someday. He said "no" to pet cemeteries.

Civic Use. This is land intended for the use of the community, said Christine Grimando. Civic use includes municipal offices, museums, post offices, libraries, etc. A community center can be a performing arts theater. Basically, these are places of public assembly. You might want some form of civic use in any part of town, but what form should civic use take in a neighborhood? Dave Woods said scale should form "the breakout." Lew

Stowe said some other term should be used than civic use, and that it might be called “cultural facility.”

Essential Services. This category is for electric lines, gas, phone, cable, etc. Will there be an ordinance about where these services are located? Some services, like Sewer District, will have to be separated out from this.

Hospital. Christine Grimando said hospitals include in-patient health care and related services, but **Medical Facility** provides freestanding doctor’s offices, including dentist offices. Medical Facility excludes emergency services.

Membership Organizations. These are business establishments. Is there a problem if we don’t define it? Should it come down to what zones we are going to allow them in?

Non-Profit. Dave Woods said non-profits should be defined by mass and scale.

Municipal use. This pertains to property owned by the Town of York, like the School Department and buildings and land intended for town use. This includes the police station and fire. The library is under Civic. It is both public and private.

Nursing home. Undergoing no change.

Public Buildings. The category has been eliminated.

Religious Institution. These are places of worship, like churches, synagogues, temples, etc. They are places of assembly. They are allowed in all the zones. They include rectory and office space.

Schools. Public and private schools cannot be distinguished one apart from the other. Trade schools, “places that make jam,” and other crafting places might want to break away and need another category, said Christine Grimando.

Utility districts. No change

When the board had finished reviewing the definitions, Chairman Lew Stowe said he wants the full board present before voting on this.

Other Business/Adjourn

- **Other Meetings:** **Conservation Subdivisions**
 Additional Application Review Meeting Date
 Visit to Groundnut Hill Nurseries
- **Findings of Fact for York Housing Authority**

Town Planner Christine Grimando said the board is off schedule and the applications are increasing. There was discussion of adding an extra application hearing in April on the third Thursday.

She said she hopes to talk about the other ordinance amendments during the April workshop. The accessory dwelling unit changes can be done in the April workshop. The use definitions for the November referendum are time consuming, but we can do it, she said. The Comp Plan is on a different schedule, so it buys us more time with the Capital Investment Plan rewrite. The conservation subdivision standards, the new cluster standards, and transfer development rights are big projects.

The police station and connector road have top priority at the first April meeting. York Storage Solutions, a foundation replacement application, Sohier Park, Maine Lobster Foundation, the Route 1 convenience store, and Cape Neddick Golf Park are all hoping to be heard in April.

Motion: Dave Woods moved that we are going to have the additional meeting on the 19th. Tom Manzi seconded the motion. The motion passed 3-0.

Motion: Dave Woods moved that we approve Lew Stowe to sign the Findings of Fact dated March 15, 2012, for the York Senior Housing Inc., Map & Lot 0044-0050, also listed as 4 Pine Grove. Tom Manzi seconded the motion, which passed 3-0.

Christine Grimando said Hill Nursery had been invited to come to a planning board meeting at his location and talk about different things on a landscaping plan.

The meeting ended at 9:50.