

YORK PLANNING BOARD
THURSDAY, SEPTEMBER 13, 2001
GRANT HOUSE

DRAFT MINUTES

PRESENT AT THE MEETING WERE CHAIRMAN AL BIBB, GLENN FARRELL, AND ALTERNATES DICK ARNOLD AND DAN REMICK, WHO WERE ASKED TO VOTE FOR ABSENT BARRIE MUNRO AND TORBERT MACDONALD, RESPECTIVELY, BY THE CHAIRMAN. REPRESENTING STAFF WERE TOWN PLANNER, STEVE BURNS AND VALLANA PRATT-DECKER, ENVIRONMENTAL ENGINEER/ASST. PLANNER/ASST. CEO FOR THE TOWN OF YORK. PATIENCE G. HORTON WAS THE RECORDING SECRETARY. THE MEETING WAS TELEVISED. THE MEETING WAS BROUGHT TO ORDER AT 7:00 P.M.

Review and approve Minutes of August 9 and August 23, 2001 meetings.

MINUTES OF THE AUGUST 9, 2001 PLANNING BOARD MEETING WERE REVIEWED. MR. BIBB FOUND ERROR IN THE SECTION DESCRIBING THE HEARING FOR THE FIRST PARISH CHURCH, SITE PLAN 49, LOT 55. THE CORRECTION READS, "MR. BIBB ASKED MR. MUNRO TO CONDUCT THE MEETING FOR THIS AGENDA ITEM," WHICH NEEDED TO BE ADDED AT THE END OF THE FIRST PARAGRAPH. LATER CORRECTIONS, IN THE THIRD PARAGRAPH, READ "MR. *Munro* OPENED BOARD DISCUSSION," AND "MR. *Munro* THEN OPENED THE PUBLIC HEARING," WITH CORRECTIONS EMPHASIZED IN ITALICS, REPLACING BIBB'S NAME WITH MUNRO'S. WITH THE CORRECTIONS IN PLACE, MR. FARRELL MOTIONED TO ACCEPT THE MINUTES, WHICH MR. REMICK SECONDED. THERE WAS NO FURTHER DISCUSSION, AND ALL VOTED IN FAVOR OF THEIR ACCEPTANCE, (4-0). REVIEW OF THE AUGUST 23 MINUTES REVEALED NO NEED FOR CHANGES. MR. ARNOLD AND MR. FARRELL MOVED AND SECONDED THE MINUTES ACCEPTANCE, WHICH PASSED, (4-0).

MR. ARNOLD, SPEAKING INTO THE RECORD, REFERRED TO THE AUGUST 9, 2001 DIRECTIVE TO THE FIRST PARISH CHURCH TO GO BEFORE THE HISTORIC DISTRICT COMMISSION AS PART OF THE APPROVAL PROCESS. HE STATED THAT FIRST PARISH REPRESENTATIVES REPLIED TO THE COMMISSION, AND THEN WITHDREW THEIR APPLICATION. MR. BURNS REPLIED THAT THEY HAD A CHANGE IN PLANS AND NEEDED TO COME BACK IN A LATER MONTH.

Thrasher, 7 Beechwood Ave, Map 38, Lot 130G, a Shoreland/Wetland Permit application to expand home into attic.

MS. PRATT-DECKER INTRODUCED THE MATTER, SAYING THAT THE PLANNING BOARD'S HEARING OF THIS APPLICATION WAS PART OF AN EFFORT TO MOVE THE BACKLOG OF SHORELAND/WETLAND APPLICATIONS ALONG QUICKER. SHE READ FROM THE DENIED DRAFT FINDINGS OF FACT. THE THRASHERS HAD BEEN WAITING SINCE JULY 7, 2000, A DATE THAT PLACED THE REGULATIONS UNDER OLDER, LESS STRINGENT RULES. THE PROPERTY IS ON LITTLE RIVER. IT IS GREATER THAN 10 ACRES. THE BUILDING SITS 6' FROM THE HIGH WATER MARK, WHERE IT WOULD CURRENTLY NEED TO BE 100'. SUMMARIZING THE FINDINGS, SHE SAID THE IMPERVIOUS SURFACE RATIO CURRENTLY EXCEEDS THE SHORELAND LIMIT OF 30%, COMING IN AT 31.6%. MATHEMATICALLY, THE FLOOR SPACE EXPANSION OF 672 SF WOULD EXCEED THE ALLOWABLE 30% ADDITION BY TOTALING 44.6%. THE DECISION TO DENY, LISTED IN ITEM (E) OF THE FINDINGS OF FACT, WAS DUE TO NON-CONFORMANCE WITH "SHORELAND/WETLAND SETBACKS AND EXPANSION ORDINANCES."

INCLUDED IN THE FINDING OF FACTS PACKAGE, A LETTER FROM CATHERINE AND FREDERICK THRASHER STATED THAT, THOUGH THEY KNEW THE APPLICATION WOULD BE DENIED, THEY CHOSE TO CONTINUE WITH THE APPLICATION IN ORDER TO APPLY FOR A VARIANCE, RATHER THAN MAKE CHANGES. ATTACHED TO THE FINDINGS, WHICH ALSO CONTAINED THE ABUTTER NOTICE, WAS A LETTER FROM ABUTTERS EDWARD AND MARJORIE WALLSTRON SHOWING NO OBJECTION TO THE THRASHERS' PLANS. MS. PRATT-DECKER STATED THAT SOME HISTORICAL INFORMATION ABOUT THE PROPERTY HAD NOT BEEN LOCATED.

MR. BIBB ASKED STAN MOODY, CONSERVATION COMMISSION CHAIRMAN TO COME TO THE TABLE AND JOIN THE DISCUSSION. THE PUBLIC HEARING WAS OPENED, AS MOVED BY MR. FARRELL AND SECONDED BY MR. ARNOLD. CATHERINE THRASHER WENT TO THE PODIUM AND ASKED HOW THE APPEALS PROCESS WORKS. MS. PRATT-DECKER DIRECTED HER ATTENTION TO THE BOTTOM OF THE SECOND PAGE OF THE DENIED FINDINGS OF FACT. MS. THRASHER THEN READ A STATEMENT, FIRST SAYING SHE WAS IMPRESSED WITH THE HELP SHE HAD GOTTEN FROM THE PLANNING OFFICE, BUT THAT SHE HAD TO QUESTION THE PROCESS, HAVING APPLIED JULY 7, 2000. SHE WAS INFORMED THAT, BECAUSE OF HER LOCATION, 49' FROM THE LITTLE RIVER, THE APPLICATION WOULD BE DENIED. LATER, SOMEONE CAME AND INSPECTED THE PROPERTY. ON DECEMBER 5, 2000, THE THRASHERS WERE TOLD THEY WERE 16TH ON THE SHORELAND/WETLAND, AND THAT THE COMMITTEE PROCESSED ABOUT 6 OR 7 APPLICATIONS A MONTH. THEY EXPECTED TO BE HEARD IN JANUARY, OR SO. ALL THESE MONTHS LATER, SHE FINDS HERSELF STILL AT 16TH ON THE LIST. FURTHERMORE, IN JUNE 2001, THEY ATTENDED A PLANNING BOARD MEETING AND HEARD MR. BURNS SAY A DECISION HAD TO BE MADE IN 35 DAYS. IN JULY 2001, SHE HAD BEEN TOLD HER APPLICATION WAS COMPLETE. BUT IN AUGUST, SHE RECEIVED A SPREADSHEET THAT STATED IT WAS INCOMPLETE. THEY TALKED ABOUT POSSIBLE CHANGES WITH THE PLANNING OFFICE, BUT THEIRS IS A TINY HOUSE, AND IF A 30% PROPORTIONAL EXPANSION IS ADDED, THEY WOULD "JUST GET A CLOSET" OUT OF IT. THERE ALSO WAS A SUDDEN MAILING ADDRESS CHANGE. PAST NOTICES HAD COME TO THEM IN TOWNSEND, BUT A RECENT ONE HAD BEEN SWITCHED TO YORK. THEY DIDN'T GET THE NOTICE UNTIL AFTER THE MEETING. NO ABUTTERS GOT THAT NOTICE, SHE SAID. THE NOTICE FOR THAT EVENING'S SEPTEMBER 13 MEETING GAVE HER ONLY FIVE DAYS NOTICE. SHE STATED THAT SHE WAS NOT FAULTING THE COMMITTEE OR THE CEO, BUT RATHER THE PROCESS, WONDERING IF IT IS NECESSARY TO WAIT 15 MONTHS FOR SOMETHING WITH AN AUTOMATIC DENIAL. SHE WAITED 450 DAYS, NOT 35 DAYS. IN LIEU OF THE INAPPROPRIATE PROCESS, SHE STATED THAT THEY WERE REQUESTING THE BOARD APPROVE THE APPLICATION AS IT STOOD, CITING THAT SHE WAS NOT BRINGING THE HOUSE CLOSER TO THE WETLANDS, NOR EXPANDING OUT. THE ARBITRARY FIGURE OF 30% IS NOT MUCH, SHE SAID, BECAUSE THE INITIAL HOUSE IS SO SMALL.

FREDERICK THRASHER CAME FORWARD TO OBJECT TO AN EARLIER COMMENT BY MR. FARRELL, WHO QUICKLY APOLOGIZED AND ADMITTED THAT HE HAD READ AND COMMENTED ON INFORMATION FROM THE WRONG FINDINGS OF FACT, HAVING NO FAMILIARITY WITH THE DOCUMENTS PRIOR TO THE ACTUAL HEARING. AT A LATER POINT IN THE MEETING, MR. MOODY ALSO FOUND HIMSELF READING FROM THE INCORRECT FINDINGS, APPARENTLY FOR THE SAME REASON.

MR. BIBB, RESPONDING TO MRS. THRASHER, STATED THAT THE BACKLOG OF WORK FOR THE SHORELAND/WETLAND COMMITTEE IS INTOLERABLE,

WHICH IS WHY SHE IS THERE AFTER SO MANY MONTHS. HE APOLOGIZED FOR THE DELAY. AN AUTOMATIC DENIAL STILL HAS TO GO THROUGH A LOT OF STAFF TIME TO DETERMINE IT. THIS BOARD CANNOT GRANT VARIANCES. IT HAS TO GO TO THE BOARD OF APPEALS, HE SAID, INSTRUCTING HER TO USE THE 30 DAYS TO APPLY TO THEM. SEEING THAT NO ONE ELSE WISHED TO SPEAK, HE CLOSED THE PUBLIC HEARING.

MR. BIBB BEGAN BOARD DISCUSSION BY STATING THAT EVERYTHING BUT THE AUTOMATIC DENIAL NEEDED TO BE DISCUSSED, STRESSING THAT THE PLANNING BOARD'S EXACT STAND ON THE THRASHER'S LACK OF COMPLIANCE HAD TO BE SPECIFIED AT THAT TIME TO PREPARE FOR THE BOARD OF APPEALS' REVIEW. MS. PRATT-DECKER SAID THAT, SINCE IMPERVIOUS SURFACE WAS NOT THE ISSUE, THE THRASHERS COULD STILL EXPAND UPWARD. MR. FARRELL QUALIFIED THE DENIAL, STATING, THAT THE APPLICATION HAD TO BE DENIED BECAUSE THE EXPANSION WAS OVER 30% AND WITHIN 75 FEET OF WETLAND, WHICH MR. BURNS REINFORCED BY CITING SECTION 8.3.11.4 (D), FOR STRUCTURES LESS THAN 75 FEET FROM THE HIGH WATER MARK. HE EXPLAINED THAT UPWARD EXPANSION IS FINE, IF IT DOESN'T EXCEED THE PRE-EXISTING HEIGHT OF THE STRUCTURE, WHICH THE PRESENT APPLICATION DID. STATING THAT THE PLANNING BOARD WAS HAPPY WITH ALL OTHER ASPECTS OF THE APPLICATION AND CITING SECTIONS 8.3.11.4 (A) AND (D), MR. BIBB SUGGESTED THAT THE BOARD VOTE ON ATTRIBUTING THE DENIAL OF THE APPLICATION TO THE THRASHER'S EXPANSION'S EXCESS OVER 30% IN VOLUME AND THE VIOLATION IN THE PROPOSED HEIGHT OF THE REMODELED STRUCTURE, WORDING WHICH MR. ARNOLD TURNED IN TO A MOTION, WHICH MR. REMICK SECONDED. IT WAS ACCEPTED UNANIMOUSLY, (4-0).

Charleston, 19 Beechwood Ave, Map 38 Lot 123. Shoreland/Wetland Permit Application to add dormers to an existing home.

MS. PRATT-DECKER INTRODUCED THE DENIED DRAFT FINDINGS OF FACT, STATING THAT THE APPLICANT, LYNNE E. CHARLESTON, HAS WAITED SINCE JULY 19, 2000 TO BE HEARD. THE LOT SIZE OF 7,108' MAKES IT A NON-CONFORMING LOT. THE PROPERTY IS ADJACENT TO A "HIGH FUNCTION AND VALUE" WETLANDS. SITE VIOLATIONS INCLUDED A SHED, PORCH, AND PATIO BUILT WITHOUT PERMITS. THE IMPERVIOUS SURFACE ON THE LOT COVERS ABOUT 50%. BUILDING EXPANSION IS 31.3%, JUST OVER THE CRITERIA. AT ONE TIME, THE BOARD OF APPEALS APPROVED A GARAGE ADDITION, ALLOWING THE VOLUME, 42%, TO EXCEED THE STATE SHORELINE REGULATION STANDARDS. MS. PRATT-DECKER REFERRED TO THE VIOLATIONS OF SAID STANDARDS ON AN ITEM-BY-ITEM REVIEW ON PAGE 2, SECTION 2 OF THE DENIED DRAFT FINDINGS OF FACT, STATING THAT IT IS COMMON TO FIND SUCH VIOLATIONS IN THE THRASHER'S NEIGHBORHOOD, WHICH HAS SMALL HOMES.

IN THE DENIED DRAFT FINDINGS ITEM 3, SHE POINTED OUT NON-COMPLIANCE IN 6 AREAS, STATING THAT THE HOME ALSO HAD A HISTORY OF HAVING A WET BASEMENT. A LETTER FROM ABUTTER PETER D. MARLOWE OF 15 BEECHWOOD AVENUE SAID THAT THE CHARLESTON FENCE IS ACTUALLY ON THE MARLOWE PROPERTY. MS. PRATT-DECKER AMENDED THIS FACT WITH THE COMMENT THAT MR. MARLOWE RECENTLY RECEIVED A STOP WORK ORDER FOR FILLING IN DRAINAGE ON HIS PROPERTY, AND THAT HE WAS COOPERATING WITH THE TOWN IN RESPONSE TO THAT. STILL REFERRING TO THE FINDINGS, SHE POINTED OUT THE 1992 PLOT PLAN AND THE 1998 DIGITIZED FLY-OVER MAP.

MR. FARRELL OPENED DISCUSSION WITH QUESTIONS ABOUT THE CALCULATIONS THAT ARRIVED AT THE 360 SF TOTAL FOR THE EXPANSION AND

THE BOARD OF APPEALS DECISION THAT ALLOWED FOR THE GARAGE. MS. PRATT-DECKER SAID THE GARAGE WAS APPROVED IN 1992, ALLOWING A 240 SF GARAGE TO BE BUILT WITHIN THE SETBACK. IT COULD NOT FIT WITHIN THE SETBACK RULES, OTHERWISE, BUT BECAUSE OF THE NON-CONFORMANCE OF THE LOT, AND BECAUSE OF ARTICLE 8.3.22, WHICH IS NO LONGER IN THE CODE, THEY GRANTED IT, ANYWAY.

MR. FARRELL MOTIONED FOR, AND MR. ARNOLD SECONDED THE OPENING OF THE PUBLIC HEARING. LYNN CHARLESTON, WHO SAID SHE BOUGHT THE PROPERTY IN AUGUST 1999, SPOKE FIRST. PASSING PHOTOGRAPHS AMONG THE BOARD MEMBERS, SHE SHOWED THE MEN WHAT SHE HAD BOUGHT: A 2-STORY CAPE, NOT A 1 1/2 STORY CAPE, SHE SAID. SHE WAS MOVED TO EXPAND BECAUSE HER SON, OVER 6' TALL, COULDN'T STAND UP IN HIS BATHROOM. SHE WAS NOT ASKING FOR FLOOR SPACE, JUST HEADSPACE. SHE WAS ALSO BEING ASKED TO CHANGE HER ENTRANCEWAY BY THE PLANNING OFFICE, WHICH SHE DIDN'T UNDERSTAND. SHE WANTED TO MAKE IT KNOWN THAT SHE HAD NO PROBLEM MOVING THE FENCE, AND THAT THE "WET BASEMENT" WAS MERELY CRAWL SPACE. SHE THEN INTRODUCED BUILDER RICHARD ELLS, WHO RE-STATED THAT THE PROPERTY IS A 2-STORY HOUSE, IN THAT THE SECOND FLOOR IS OCCUPIED. HE SAID THAT, AT 6'3", HE COULDN'T "STEP INTO THE BATHROOM. THE TOILET AND SINK ARE FOR A MIDGET." THE EXPANSION WILL REMAIN UNDER 30%, HE SAID. CURRENT CALCULATIONS WERE INCORRECT AND NOT BASED ON ONE DORMER BEING 2' X 30' AND THE OTHER 2' X 8'. HE BELIEVED THE EXPANSION WAS UNDER CODE. HE REFERRED TO ABUTTER ROBERT GREEN, WHO HAD EARLIER BUILT A SHED UNDER 100 SF WITH NO PERMIT REQUIRED. HE SAID THAT EVERYONE AROUND THERE HAS ONE. MR. BURNS INTERJECTED THAT IN TODAY'S CODE, THE LIMIT IS 64 SF. WITH NO OTHER SPEAKERS, THE PUBLIC HEARING WAS CLOSED.

MR. FARRELL BROUGHT UP THE ISSUE OF CALCULATION, STATING THAT THE NUMBERS CURRENTLY USED WERE DEVELOPED WITH THE WRONG FIGURES, AND THAT HE BELIEVED THAT WHEN CORRECTED, THE CHARLESTON APPLICATION WOULD MEET THE ALLOWED VOLUME CRITERIA. MS. PRATT-DECKER INSISTED THAT THE NUMBERS MUST BE REWORKED BY STAFF, RATHER THAN DURING SESSION. SHE FURTHER STATED THAT TOWN TAX RECORDS LIST THE PROPERTY AS A 1 1/2 STORY HOME AND THAT SINCE TAX CALCULATIONS ARE BASED ON THAT, SO ARE THOSE OF THE PLANNING OFFICE. CONCERNS OVER THE IMPERVIOUSNESS OF THE PATIO REMAINED AN ISSUE FOR STAFF, SHE SAID. MR. BURNS EXPLAINED THAT IN THE PAST, THE TOWN'S SHORELAND DECISIONS WERE NOT ALWAYS IN KEEPING WITH THE STATE'S RULES, WHICH LED YORK TO AN INCONVENIENT RELATIONSHIP WITH THE STATE. IT HAS TAKEN YEARS TO GET THE TOWN ON THE STATE'S GOOD SIDE, AGAIN. THE STANDARD NOW IS THAT EVERYTHING THAT IS NON-VEGETATIVE IS IMPERVIOUS. MR. FARRELL SAID THAT THE PATIO DOES NOT AFFECT THE EXPANSION AT HAND, BECAUSE IT IS STRICTLY A VOLUME EXPANSION. LOOKING UP FROM HIS CALCULATIONS, MR. MOODY SAID THAT AS FAR AS HE COULD SEE, THE CURRENT EXPANSION SEEMED TO BE 1396 CF, WHERE ONLY 364 ARE ALLOWABLE, BECAUSE THE PREVIOUS OWNER USED 2400 CF IN THE GARAGE EXPANSION. MR. BURNS STATED THAT A CEO MUST BE SENT OUT TO THE PROPERTY TO MEASURE.

MR. BIBB STATED HIS CONCERN, THAT ALL OTHER ISSUES OF THE MATTER BE ELIMINATED, EXCEPT THE VOLUME ISSUE. HE MOTIONED THAT IF NEW NUMBERS COMPLY WITH THE EXPANSION VOLUME CODE, THE PLANNING BOARD WOULD APPROVE IT. IF THEY DIDN'T FIT, THE BOARD WOULD DENY IT, AT WHICH POINT THE CHARLESTON'S COULD GO TO THE

BOARD OF APPEALS WITH ONLY THAT ONE ISSUE IN DISPUTE. MR. MOODY ADDED THAT THEY CONTINUE TO HAVE THE OPTION OF DECREASING THE SIZE OF THE DORMER. WITH THAT MR. BIBB'S MOTION MADE, MR. FARRELL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL VOTED IN FAVOR, (4-0).

MR. MOODY REMINDED THAT BOARD AND THE APPLICANTS THAT IT IS NOT THE FAULT OF THE SHORELAND/WETLAND COMMITTEE THAT APPLICATIONS ARE BACKED UP AND CONTINUE TO BACK UP. THERE IS A LACK OF STAFF TIME TO PREPARE THE APPLICATIONS, AND DIFFICULT APPLICATIONS CONTRIBUTE HEAVILY TO THE TAKING OF THOUSANDS OF HOURS OF STAFF TIME AND MANY MEETINGS TO GET THROUGH THEM ALL. THIS SAID, THE SHORELAND WORK AND HIS INVOLVEMENT FINISHED, HE LEFT THE MEETING.

Stonewall Kitchen, 2 Stonewall Lane, Map 42, Lot 9A. Amendment to Route One Use Permit to allow outside sale of seasonal items.

MR. BURNS INTRODUCED THE ITEM, SAYING THAT THE CURRENT PLAN, AS APPROVED, INDICATED THERE WOULD BE NO OUTDOOR SALES, UNLESS STONEWALL KITCHEN WERE TO COME BACK BEFORE THE PLANNING BOARD AND REAPPLY FOR THAT PARTICULAR ACTIVITY. MR. FARRELL AND MR. REMICK MOVED AND SECONDED THE OPENING OF PUBLIC HEARING, WHICH THE BOARD AGREED TO WITH A VOTE OF (4-0). JIM STOTT, ONE OF THE OWNERS OF STONEWALL KITCHEN, CAME FORWARD AND STATED THAT WITHIN A MILE OF HIS COMPANY, THERE ARE 10 BUSINESSES THAT USE THE EXTERIOR OF THEIR BUILDINGS FOR SALES. ONCE PERMITTED, HE HOPED TO SELL SUCH ITEMS AS CHRISTMAS TREES AND WREATHS, PUMPKINS AND GARDEN ACCESSORIES, AS THE DIFFERENT SEASONS DICTATE. HE PROMISED HE WON'T "MUCK" THE PLACE UP. (MR. BIBB SAID HE DIDN'T THINK MR. STOTT *could* MUCK THE PLACE UP.) MR. STOTT ASKED TO LEAVE PARTICULAR DATES OUT OF THE PERMIT, LEAVING HIM OPPORTUNITY TO CHANGE DISPLAYS AT ANY TIME OF YEAR. MR. BURNS FOUND NO ISSUE WITH ANY OF THE REQUEST. WITH NO ONE ELSE TO SPEAK, MR. BIBB CLOSED THE PUBLIC HEARING.

MR. ARNOLD STATED HE HAD NO OBJECTION TO THE PROPOSED CHANGE. MR. FARRELL STATED THAT ORDINANCES DICTATE THE SIZE OF OUTSIDE DISPLAYS. MR. BURNS, LOOKING AT ARTICLE 6.2.27, SPECIAL EVENTS, SAID THAT THE DISPLAY MUST MEET REGULATED SETBACKS. MR. FARRELL MADE THE MOTION TO APPROVE USE OF OUTDOOR DISPLAYS AS IN COMPLIANCE WITH ARTICLES 6.3.27 AND 6.3.26, WITH NO DATES FOR APPROVAL OR DURATION. MR. ARNOLD SECONDED THE MOTION, ADDING THAT A LETTER NEEDED TO BE ISSUED SAYING THAT THE APPLICATION IS APPROVED, GIVING STONEWALL KITCHEN GUIDELINES THAT ANYONE ELSE IN THE AREA WOULD GET. MR. BIBB ADDED TO THE MOTION THAT THE CHANGE WOULD NULLIFY PRE-EXISTING PLAN NOTES. ALL BOARD MEMBERS VOTED IN FAVOR OF THE MOTION, (4-0).

Sentry Hill at York Harbor, 2 Victoria Court, Map 57/Lot 79. Request to change 32 rental apartments to cooperative ownership.

INTRODUCING THIS CHANGE-OF-OWNERSHIP MATTER, MR. BURNS STATED THAT THE LEGAL REVIEW OF THIS ISSUE WAS THE MOST CURRENT AND MOST IMPORTANT ASPECT OF THE APPLICATION. THE APPLICANT HAD CLEARLY DELINEATED THE UNITS THEY DESIRED TO CONVERT FROM APARTMENTS TO COOPERATIVES, THUS MAKING THE TOWN ATTORNEY THE KEY PERSON IN THE MATTER. THERE WERE NO PROPOSED CHANGES IN FACILITIES, TRAFFIC, OR NOISE LEVEL FOR THE BOARD TO CONSIDER.

HE RECOMMENDED THAT THE BOARD APPROVE THE APPLICATION, IF THE TOWN LEGAL ADVISOR APPROVED IT. MR. FARRELL AND MR. ARNOLD MOTIONED AND SECONDED THE OPENING OF PUBLIC HEARING, WHICH WAS IMMEDIATELY CLOSED, BECAUSE NO ONE CAME FORWARD TO SPEAK. MR. ARNOLD AND MR. BIBB MOTIONED AND SECONDED TO APPROVE THE APPLICATION UPON LEGAL REVIEW, AS WRITTEN IN THE FINDINGS OF FACT. THERE WAS NO DISCUSSION. ALL VOTED TO PASS THE MOTION, (4-0).

WITH THE AGENDA ITEMS COMPLETED, MR. BIBB TURNED THE MEETING OVER TO MR. BURNS, WHO IN OTHER BUSINESS INTRODUCED THE PROCESS QUESTION SURROUNDING THE KITTELY WATER DISTRICT, WHICH HAD APPLIED TO SHORELAND/WETLANDS DISTRICT TO DIG A LINE UNDER THE YORK RIVER. THE QUESTION OF PROCESS, OVER WHETHER THE ISSUE WARRANTED THE APPLICATION BEING BUMPED TO THE TOP OF THE LIST AS A PRIORITY, WAS THE ISSUE AT HAND. IN THIS CASE, HE SAID, THE COMMUNITY'S WATER NEEDS WERE PROBABLY MORE IMPORTANT THAN SOME INDIVIDUAL'S ADDITION.

MIKE ROGERS FROM THE KITTELY WATER DISTRICT CAME FORTH TO SPEAK. HE SAID THAT THIS APPLICATION TO THE YORK BOARD WAS ONE MANY NECESSARY PERMIT APPLICATIONS TO AGENCIES IN MAINE CONCERNING A WATER QUALITY PROBLEM IN THE SCOTLAND RIDGE ROAD AREA. THE NEED TO BORE UNDER THE YORK RIVER, AS PART OF AN URGENT ENGINEERING FEAT TO BRING BETTER WATER TO CUSTOMERS CURRENTLY LIVING WITH RUSTY WATER, AND THE REPLACEMENT OF WATER MAINS, IS ESPECIALLY TIMELY BECAUSE IT CANNOT BE ACCOMPLISHED IN BELOW-FREEZING WEATHER WHEN THE BORING CONTRACTOR WON'T BE ABLE TO WORK BECAUSE OF FROZEN EQUIPMENT. FURTHERMORE, HE SAID, THE WORK HAS TO BE TIMED AROUND "MR. O'SHAUGHNESSY'S" VEGETABLE GARDEN, WHICH IS GOING TO SUBSTITUTE AS A RECEIVING PIT FOR THE PROJECT BETWEEN THE TOMATO HARVESTING AND PLANTING SEASONS. MR. ROGERS STATED IT WOULD BE MIRACULOUS IF EVERYTHING WERE IN PLACE BY WINTER, BUT THAT IT WOULD BE A POSSIBILITY, IF THE KITTELY WATER DISTRICT, WHICH ALSO SERVES 900 CUSTOMERS IN YORK, RECEIVED THE SHORELAND/WETLAND BLESSING. MR. BIBB RECOMMENDED THAT A LETTER BE WRITTEN JUSTIFYING THIS SUDEN ISSUE'S HIGH PRIORITY AND MOTIONED TO PLACE THE KITTELY WATER DISTRICT'S APPLICATION AT THE TOP OF THE YORK SHORELAND/WETLAND PERMIT APPLICATIONS STATUS LIST. MR. FARRELL SECONDED THE MOTION, AND ALL VOTED IN FAVOR OF IT, (4-0).

IN **Other Business**, MS. PRATT-DECKER SAID THAT MR. MOODY, CONSERVATION COMMISSION CHAIRMAN, WHO WAS NOT PRESENT AT THE TIME, WAS ADAMANT ABOUT CHANGING THE HEARING FORMAT FOR THE SHORELAND PROCESS. HE HAD STATED THAT HAVING THREE CHAIRS, MS. PRATT-DECKER, MR. BIBB, AND MR. MOODY, WAS AN ASPECT OF THE PROCESS HE FELT HAD TO CHANGE. AS PART OF THE EXPERIMENTING WITH DIFFERENT METHODS OF PRESENTING APPLICATIONS FOR APPROVAL, SHE HAD BEEN DETAILED IN ONE MATTER, BRIEF IN ANOTHER, USED BULLETS, AND OTHER IDEAS IN THE PRESENTATIONS, AND NOW NEEDED FEED-BACK ABOUT THE VARIOUS METHODS FROM THE BOARD. SHE ADDED THAT RECENTLY THE BOARD OF APPEALS HAD HEARD A DETAILED APPLICATION AND TURNED IT DOWN, CAUSING THE APPLICANT TO GO TO SUPERIOR COURT. MR. ARNOLD SAID THAT SEEING THE LOGICAL STEPS CAUSING THINGS TO BE DISPROVED MADE SENSE TO HIM.

MR. BIBB SAID THAT SUMMARIZING THE CRITERIA THAT HAS BEEN MET AND PASSED IS AN IMPORTANT STEP. MR. FARRELL SAID THAT THE

PLANNING BOARD MADE A COMMITMENT TO LISTEN TO THE BACKLOG, THAT APPLICANTS MUST BE CORRECTED BEFORE COMING BEFORE THE BOARD, AND THAT THE APPLICATION PACKAGE MUST BE COMPLETE BEFORE BOARD REVIEW. MR. BURNS EXPLAINED THAT THE EFFORTS HE HAS BEEN UNDERTAKING TO FINISH THE ZONING RE-WRITE WILL RESULT IN MORE FREE TIME FOR HIS HELP TO GO TOWARD MS. PRATT-DECKER'S OVERLY BURDENED WORKLOAD. THINGS WERE VERY DIFFICULT FOR MR. BURNS ("RIGHT NOW, IT IS KILLING ME") AND VERY, VERY DIFFICULT FOR MS. PRATT-DECKER.

MR. BIBB FELT THEY WERE MAKING PROGRESS WITH THE DENSE BACKLOG.

SPEAKING ABOUT MR. MOODY, WHOSE ROLL AND RESPONSIBILITY NEED TO BE HONORED, SHE SAID, MS. PRATT-DECKER STATED THAT MOODY FELT STRONGLY ABOUT REJECTING A LOT OF THE APPLICATIONS, AND THAT PROCESS IS HIS PRIMARY FOCUS FOR SOLVING THE OVERLOAD PROBLEM. HE BELIEVES THAT ANYTHING COMPLEX, CONTROVERSIAL, OR DETAILED SHOULD GO TO THE EXPERTISE OF THE SHORELAND/WETLAND COMMITTEE NOT THIS, THE PLANNING BOARD. MR. ARNOLD SAID, BUT MR. MOODY IS NOT MS. PRATT-DECKER'S SUPERVISOR. MR. BURNS AGREED, SAYING THAT ALL THREE CHAIRS OF THE SHORELAND/WETLAND BOARD HAVE TO VOTE TO GET APPLICATIONS MOVED OVER TO THIS, THE PLANNING BOARD, BUT THE TWO APPLICATIONS ON THE AGENDA TONIGHT WERE MR. BURNS'S DECISION, NOT MR. MOODY'S, AND MR. MOODY DID NOT NECESSARY LIKE IT THAT WAY. MR. FARRELL WONDERED WHY ONLY ONE SHORELAND ISSUE WAS PLANNED FOR THE NEXT PLANNING BOARD MEETING. MS. PRATT-DECKER SAID IT WAS BECAUSE SHE COULDN'T DO EVERYTHING. SHE WANTS TO HAVE THE THREE CHAIRS DECIDE WHICH BOARD SEES WHICH APPLICATIONS. SHE FELT THAT WAS CORRECT. SHE WANTED THE PROFESSIONAL STAFF TO REVIEW THINGS WHEN THEY COME IN. MR. ARNOLD SAID THAT MORE COMPROMISES HAVE TO BE MADE, TO WHICH MS. PRATT-DECKER REPLIED THAT SHE WAS NOT WILLING TO LET GO OF HER INTEGRITY.

A POSSIBLE WORKSHOP WAS IN THE MAKING FOR MR. BURNS, MS. PRATT-DECKER, AND TIM DECOTEAU OF THE CODE DEPARTMENT TO HOLD A WORKSHOP COVERING HISTORICAL SHORELAND/WETLAND DECISIONS THAT MIGHT EXPLAIN AND/OR INTERPRET WHY SOME PEOPLE MOVE AHEAD ON THE LIST AND OTHERS DON'T. MR. BIBB SAID YES IF IT IS HELPFUL, BRING IT TO THE MEETING. IT WAS ALSO ANNOUNCED THAT THREE OVERBOARD DISCHARGE SYSTEMS WERE BEING REMOVED FROM THE YORK RIVER. THE BOARD AGREED IT WAS GOOD NEWS. MR. BURNS ENCOURAGED BOARD MEMBERS TO ATTEND THE HABITAT PRESENTATION, OCTOBER 2, AT 5:30, AT THE HOSPITAL.

MR. ARNOLD MOTIONED TO END THE MEETING, WHICH MR. REMICK SECONDED. ALL VOTED FAVORABLY, (4-0). IT WAS 9:30 P.M.