

York Planning Board
Thursday, April 22, 2010, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi determined presence of a quorum. Tom Manzi, Dave Woods, Todd Frederick, and Torbert Macdonald were present. Lew Stowe and Tom Prince were absent. Town Planner Christine Grimando represented staff. Ben MacDougal, Shoreland Resource Officer, presented several of the ordinance amendments. This workshop meeting lasted just over three hours and was televised. Patience Horton took Minutes.

Public Input

No one came forward to speak.

Field Changes

There were no field changes

Minutes

The minutes of April 8, 2010, were discussed by the board members and given to the secretary for correction.

Motion: Torbert Macdonald moved we approve the April 8, 2010, minutes as corrected. Todd Frederick seconded the motion, which passed, 4-0.

New Business

• **Workshop on the Amendments slated for November 2010 referendum**

Ord-1	Zoning	York Beach Standards
Ord-2	Zoning	Farm Enterprise
Ord-3	Zoning	Refine Elderly Congregate Housing Standards
Ord-4	Zoning	Expand Workforce Housing Sponsoring Organizations
Ord-5	Zoning	Boat Building in the Shoreland Zone
Ord-6	Zoning	Formula Restaurant
Ord-7	Zoning	York Village Commercial Boundaries
Ord-8	Zoning	Reconcile Zoning to Harbor Ordinance Re: piers, moored floats, etc.
Ord-9	Zoning	Wetland Mitigation and Compensation
Ord-10	Zoning	Outdoor Chemical Application in the Shoreland District

Town Planner Christine Grimando gave a PowerPoint presentation briefly describing the ten ordinance amendments for the November 2010, referendum. Since the last workshop, March 25, 2010, only a few have changed substantively. Please note: these minutes are

set up so that comments from the PowerPoint presentation and the discussion from the meeting are grouped together. Information from the initial PowerPoint is found in *italics*.

- **Staff preview of amendments for November 2010**
- **Workshop on Amendments slated for November 2010 Referendum**

--*The **Design standards for York Beach** are closing in on final edits. Illustrations tie the document together. The document will stand along and is available on Town of York homepage for review.*

The last paragraph explains that green elements are encouraged and that either indication of “active or passive solar” can be included in the text, said Christine Grimando.

--*The **Farm Enterprise Overlay** introduces zoning provisions to increase support of agriculture and give a greater range for agricultural activity, including farmers’ markets, pick-your-own establishments, farm stands, farm bakeries, cider pressing, maple syrup production, and others.*

The chairman opened the public hearing. **Tom Blaisdell**, who initiated this amendment, read his letter to the board, referring to farm related activities as “agritourism,” a term coined by Ann Dillemoth of the American Planning Association, which refers to the on-site direct marketing of farm products. He gave out sections of the *Agricultural Tourism Guidebook* pertaining to possible examples of agritourism in York. Dave Woods said the ordinance should be loose enough so that years down the road, the farmers can continue to do what they want to do. How do you protect the farm from residential development? Todd Frederick said hayride and sleigh rides can both be nighttime activities, but if there is an 8:00 P.M. ban on such activity, the ban and the noise ordinance have to be changed.

Torbert Macdonald wants to see an unlimited rate on the things grown, sold, and processed on the premises, showing agritourism to an unlimited extent. Christine Grimando presented a map of farms 10 acres and greater in current open-space, tree-growth, and farm-use programs. We don’t separate farm and agriculture. Tom Blaisdell said to get Farmland Protection, there must be 5 acres.

*Redefine **Elderly Congregate Housing** Standards to include not just 55 and older, but also heads of households.* No further comments.

*The entity building **Workforce Affordable Housing** can be any qualified non-profit, which can include York Housing, but is not limited to it.* No further comments.

*Shops for **Building Small Boats** will be treated like a home occupation. It allows for small boat building regardless of location, but will only pertain to the manufacturing of wooden boats under 25 feet long.* No further comments.

--*Christine Grimando had added language to the **Formula Restaurant** amendment hoping to loosen the definition. If there are 10 or more other restaurants that are*

identical, it would be considered formula. What can be changed to selectively allow formula restaurants? How much are you opening the door?

She said that in the overall spectrum, regional restaurants are on the smaller end. Torbert Macdonald said the number in the chain is arbitrary and he does not know the right number. Dave Woods said he likes the smaller number. It keeps the “cheekiness” of York’s food offerings. The town wants as much on-site food prepared as possible. Commissary food prepared off-site should not be allowed. Christine Grimando said that would be hard to enforce. Todd Frederick said he does not want the food chain look. Christine Grimando said she will take the board’s direction on local character, small numbers, and regional locations, as well.

*--In altering **commercial boundaries** from the current zoning split down the middle of Main Street, Christine Grimando proposed changing the GEN-3 and RES-1B zones, as well as the village overlay that exists in that area. No further comments.*

*--**Harbor Definition:** A change in the definition of the pier and moored float will make the ordinance more consistent with the Harbor ordinance. Ben MacDougal said the amendment is to make minor changes in the definitions in the ordinance. The Planning ordinance will change to the same language as the Harbor ordinances. This pertains to a moored float.*

A Harbor Board and Planning Board joint meeting the following Tuesday will discuss dock policies on the York River and help determine if the policies should be tightened or loosened. Two outside consultants have written reports.

Ben MacDougal read the harbor ordinance aloud. Torbert Macdonald added language about extending from the shore. Ben MacDougal said he will suggest the change and maybe bring it to the public hearing. Dave Woods that swimming and sunning might be included and not just limiting the use to landing of a vessel.

--Mitigation Wetland

Ben MacDougal said, there is a huge change in wetland compensation and Mitigation Policy outlined in the five-page document. Wetland disturbance is allowed without compromising ecological wetland or wetland functions. Some degraded wetlands can be brought back to functionality. People would pay a fee into the wetland fund used for creating and enhancing wetlands and buffers. The applicant must demonstrate that the wetland impact is unavoidable. The value and type of the wetland is determined. It is preferred that the compensation location is on one sight. There are several different area ratios for reestablishing wetland. For example, 16:1 ration means if you distribute 10,000 square feet of wetland, 160,000 square feet has to be preserved. Monitoring is ongoing. In a joint effort with the town, the applicant and outside a consultant must follow the site in the follow-up years. There would be an application and permitting fee.

Town Goals 6.1.1, 6.1.2, and 6.1.3, call for protection of York’s coastal and freshwater wetlands. Torbert Macdonald said this issue has been grappled over in this town for 30

years, and he has been part of it. Private homeowners will most likely not take part in this. It is geared toward big development. He said the amendment is premature, and might be ready in three to five years.

Ben MacDougal said GIS stream mapping and watershed mapping show how water moves through areas. Functional assessments that would take a lot of money would be made on every wetland. That initiative would come from the Planning Department, said Torbert Macdonald. The Comp Plan is the legal framework for how we proceed to do analytical work. When this was recently discussed, there was a request for the top four or five priorities. Overlaps in those priorities show a common ground as the place to start policy. This policy is full of holes. Dave Woods said he does not disagree with Torbert Macdonald, but believes small steps will get us there. Todd Frederick said he cannot imagine the amount of money the analysis would take, but it is a good first step. Chairman Tom Manzi told Ben MacDougal to look at Torbert Macdonald's paragraphs and tell what has and what has not been done. Town Planner Christine Grimando said there is no suggestion that other sections are unimportant. If the main direction for the board is feedback on the document, then is the board ready to see it for a public hearing?

Torbert Macdonald said he does not like the project. It is designed to facilitate professional development. There has to be a fair and equitable way to make it accessible to the average citizen. He would like to see the creation of the study done incrementally at the cost of the developer, and not the cost of the town. As proposed, this is a private deal between the planning department and the developer to see what the compensation method is going to be. Christine Grimando asked if the board would review the amendment at the public hearing next month.

Motion: Todd Frederick wants to move this ordinance along to the next appropriate public hearing, May 22. Dave Woods seconded them motion.

In **discussion**, Torbert Macdonald asked what standards are in the public interest. Ben MacDougal said the values are going to be assessed and lost values will have to be replenished. Torbert Macdonald said he does not want Code to make the judgment call without the public hearing process with more exclusions and the planning board will have the final say on all the applications.

Vote: The motion passed, 3-1. Torbert Macdonald voted against the motion.

--Chemical Use in the Shoreland will be restricted with 100-foot and 75-foot buffers for smaller wetlands, lakes, and rivers.

Ben MacDougal said he does not know how much chemical application occurs this close to resource. With the change, owners will have to let Town know that they are going to live up to performance standards. He plans to call the chemical companies to let them know about the change and then seek enforcement on the suppliers. The purpose is to protect the water quality. The vegetative buffer is for 75 feet or 100 feet in the most sensitive areas. Torbert Macdonald called for a NEMO workshop. He would like to see

separate education for the professionals and the homeowners. He thought the amendment should not go on the November referendum. In response, Ben MacDougal replied it will, then, not come forward next month. Torbert Macdonald said to shift the amendment over to the education piece.

Old Business

There was no old business.

Other Business/Adjourn

There was not other business.

The meeting adjourned at 10:15