

York Planning Board
Thursday, May 22, 2014, 7:00 P.M.
York Public Library

1. Call to Order, Determination of Presence of Quorum; Appointment of Alternates

Vice Chairman Albert A. Cotton, Jr., called the meeting to order at 7:00. A quorum was determined with three people voting: Vice Chairman Al Cotton; Board Secretary Lew Stowe; and Peter Smith. Todd Frederick and Amy Phalon were absent. Town of York Stormwater Manager Leslie Hinz represented staff. Patience Horton took minutes.

2. Public Forum

Tim DeCoteau said that at the last public meeting, May 8, 2014, there was a denial for the Ciampa application. He was at this meeting to have the Findings of Fact signed by Chairman, Todd Frederick, who was absent. The board decided it was best to make the findings available with Todd Frederick's signature at Town Hall during the upcoming week, and for Tim DeCoteau to pick them up there.

Motion: Lew Stowe moved that we have the Chairman sign the Findings of Fact on a Shoreland permit for a lot in the Resource Protection Subdivision, Charlene Ciampa, Three Ciampa Drive, Tax Map 0090, Lot 0080-B. Peter Smith seconded the motion. The motion passed, 3-0.

3. Minutes

There were no minutes to review.

4. Field Changes

There were no field changes.

Public Hearings – Proposed Ordinance Amendments

- **MS4 Post Construction Stormwater Management Ordinance**

Leslie Hinz, Stormwater Manager for the Town of York, said this amendment is designed to adopt the new ordinance, "Post construction" and concurrently amend the Zoning Ordinance. It regulates any new development on land one acre in size or more. Applicants have to present a Best Management Plan to Town Hall and report on an ongoing basis that they are maintaining the system, showing that no pollutants are going into a storm drain. This amends §6.7. The chairman opened the closed the **public hearing**. No one came forward to speak.

This is a Municipal Separate Storm Sewer Systems (MS4) ordinance that requires stormwater cannot flow into a sewer system. Beside the original design engineer's inspection,

a third-party inspector shall inspect the facility according to State criteria annually, assuring the Town will receive a copy.

Ms. Hinz oversees that violations are issued by the Town and reported to DEP with Town of York Shoreland CEOs enforcing the ordinance. A “disturbed area” totals one accumulated acre or more.

Best Management Practices are described in the management plan. Any project that started on or after July 1, 2013, is required to file a plan.

- **MS4 Non-Stormwater Discharge Ordinance**

In this ordinance amendment, stormwater is defined as rain, or as in the catch phrase, “Only rain in the drain.” This addresses requirements of the Federal Clean Water Act and the Maine Small Municipal Separate Storm Sewer Systems (MS4). It is consistent with Comp Plan Article 5.6, Management of Stormwater to Prevent Flooding, Pollution, and Soil Erosion. It is prohibited to dump any material other than water into a water body, island wetland, or manmade drainage facility, including dumping of soil, yard waste, brush, trash, tires, or junk.

The Chairman opened the **Public Hearing**. **Dave Robbins** of 160 Shore Road, Cape Neddick, asked how material, like a dead tree, falling into his nearby pond is affected by the ordinance. Ms. Hinz replied this only has to do with the storm drain system.

- **Require Septic System Inspections at Time of Property Transfers**

The **Public Hearing** was opened and closed. No one came forward to speak. A Planning Board Subcommittee was assembled to write this ordinance amendment. When there is a transfer of property anywhere in York, it is **the seller’s responsibly** have the septic system inspected by a third-party licensed site evaluator or certified septic inspector. The report of which must be presented to the Town. Formerly, when **the buyers** provided inspections, per State law, the result did not have to be provided to the Town, to the Town’s disadvantage.

- **Application Procedures for Piers, Wharfs, Docks, and Floats**

Dave Robbins is an alternate member of the Harbor Board. This ordinance addresses the problem that an engineered plan submitted to the CEO was not always the same plan submitted to the Selectmen for final approval.

With this ordinance amendment, an engineer must certify that the building meets the requirements of the plan. Signature blocks for the Harbor, the CEO, and the Selectmen will all appear on the same Mylar, assuring consistency.

- **Application Procedures for Piers, Wharfs, Docks and Floats**

With this amendment, enforcement of administration for piers, wharfs, docks, and floats that are not related to shoreland zoning, shifts from the CEO to the Harbor Board.

- **Medical Marijuana**

Passage of this amendment creates local zoning controls that regulate medical marijuana as a land use. Business licensing is also required. This amendment restricts where growing, processing, and dispensary facilities are to be allowed. Cultivation and distribution are treated as a commercial business. In-home operations are not effected by this amendment.

The zoning provisions are dated retroactively to May 7, 2014, so new land uses will be locked out. After that date applicants would have to meet the ordinance if approved by the Town in November.

Land use applications would come under the Planning Board's purview. It will be allowed only in one Zone, Route 1-3, which is a commercial use zone.

The Chairman opened the **Public Hearing**.

Charles Ott spoke in favor of the ordinance as it has been proposed. He is in support of the cultivation and use of medical marijuana, and he would like to see it follow the reasonable standards that would be asked of a pizza parlor, a barbershop, a pharmacy, or any number of other enterprises. The public hearing was closed.

Mr. Stowe said people could grow up to five plants in their own homes. This helps define who the user is, how he's licensed, and also identify the caregivers. One registered dispensary will be allowed in York.

The police will have to signoff the security of all facilities, as crime sometime emerges with this business, and with Medical Marijuana being a cash-only business of an otherwise desirable illicit drug.

Home production as an accessory use shall be allowed in anybody's permanent year-round residence in any base zone and overlay zone with no requirement for land use permitting.

6. Preparing for June 26 Public Hearing on the Proposed Comp Plan amendment

7. In Other Business

At the end of the meeting, an unidentified woman spoke from her seat in the audience without coming to the mic or on camera. After a week of surfing, she got a bad ear infection, and there was a bad sewage smell on the beach. Ms. Hinz told her to call the Town in that case, so the property owner can be contacted and what's running into the wetland can be tested.

8. Adjourn

8:22