

**York Planning Board**  
**Thursday, March 24, 2011, 7:00 P.M.**  
**York Public Library**

Chairman Lew Stowe called the meeting and said there was a quorum. Todd Frederick, Torbert Macdonald, Tom Manzi, and Lew Stowe were present. Tom Prince and Dave Woods were absent. Town Planner Christine Grimando represented Town Planning staff. Patience Horton took minutes. Community Development Director Steve Burns presented several November 2011 Ordinance Amendments. The meeting lasted 3 ½ hours and was televised.

**Public Input**

**Open to the public to address any issue other than the scheduled public hearings.**

No one came forward to speak.

**Field Changes**

There were no field changes.

**Minutes**

**Review and approve draft minutes**

The March 10, 2011 minutes were reviewed. Lew Stowe, Todd Frederick, and Torbert Macdonald requested changes and gave them to the secretary for correction.

**Motion:** The Chairman asked for a motion to accept the minutes as amended. Tom Manzi said, "So moved." Torbert Macdonald seconded the motion. The motion passed, 4-0.

**Public Hearing on the Proposed Comprehensive Plan Amendment**

- **Buffer Policies for Cape Neddick River.**

This is the second hearing on Cape Neddick buffers. Steve Burns said that having greater vegetative buffers along the Cape Neddick River would lower the pollution that is caused by, among other things, faulty septic systems, animal pollution, and laundry brighteners. The water quality is getting worse. Shoreland Code Enforcement has been going door to door to see if anyone knows the sources of pollution. One straight pipe has been found, but nothing comes out of it.

There are few vegetative buffers along the river. Areas that are cleared should bring buffers back along the river, which is a tough enforcement task. The tidal areas are not the only place that is affected. This pollution goes back to Chase's Pond and the Mount Agamenticus area.

Chairman Lew Stowe summarized a letter from Eric V. Warnquist, who writes against the proposed changes. He says that the ordinance will result in the "taking" of his property. He is challenging that the Cape Neddick Association is a bonified organization.

The **Public Hearing** was opened. York High student, **Johnny Baker** was encouraged to come forward and comment. He said that if the Cape Neddick River is mentioned, why isn't the York River pollution an issue? Steve Burns answered that there is pollution in both rivers.

Steve Burns said that over the past four years, 150 water quality tests on the Cape Neddick River have failed. When 104 tests fail, the water is considered unsafe for swimming. When only 4 tests fail, shell fishing is unsafe. The test results are listed on the Town web page. DNA samples taken under the Cape Neddick bridge show animal waste. The Chairman closed the **Public Hearing**.

**Motion:** Torbert Macdonald moved we send Amendment One, as amended tonight, to the ballot. Tom Manzi seconded the motion, which passed, 4-0.

### **Preference Vote**

**Motion:** Chairman Lew Stowe asked for a preference vote for Amendment One. Torbert Macdonald said, "So moved." Tom Manzi seconded the motion, which passed, 4-0.

### **New Business**

- *Discussion of November 2011 Amendments*
  - *Preview of all amendments*

### **Ordinance Amendments**

Zoning Reformat

Establish Low Impact Design Performance Standards

Amend Non-Subdivision Road Standards

Amend Public Road Acceptance Ordinance

Expand Cape Neddick River Tidal Buffers

Municipal Uses in Wetlands Protection Overlay District

Municipal Towers in the Wireless Communications Facilities Ordinance

Performance standards for docks

Sewer Hookup Waivers

Revise Sign Standards

Village Parking Standards Revisions

Cluster Zoning Amendments

Minimize conflicts between residential and non-residential abutters

### **Comprehensive Plan Amendments**

Policy for the Green Enterprise Recreation District

New policies re: sustainability

New policies re handicapped accessibility

New policies re formula/franchise controls

Amend Shoreland and wetland policies

Town Planner **Christine Grimando** guided a PowerPoint presentation through the following information.

Community Development Director Steve Burns summarized the **Zoning Re-Format Project**, saying the new format will make the Zoning Ordinance easier to read. Zones and uses are logically organized with the cross-references. The 50-page section, Article 4, will be eliminated. All uses have definitions.

Steve Burns spoke on **Zoning: LID 1, Low Impact Development Standards**. These ordinances bring better erosion control. In **Non-Subdivision Road Standards (LID 2) and Public Road Acceptance Ord. (LID 3)**, changes are made to narrow the middle tier requirement for road width, dropping the 18' width, for roads that serve three or four houses, to 16 feet. Road width will have minimum size, as well as maximum size.

**Zoning: Expand Cape Neddick River Tidal Buffers** Steve Burns told the Planning Board that this ordinance might not make it for November, because the dialogue with the property owners along the River needs to be expanded first.

**Zoning: Municipal Uses in Wetlands Protection Overlay District** Steve Burns said that the Town is proposing a Police Station at the Beach, with a connector road to Route One. That road will take more than 4,300 square feet of fill to be built, more than the State allows. If the property is subdivided, the 4,300 square foot limit could be met. The limit gets divided up and goes away, said Steve Burns.

**WCF: Municipal Towers in the Wireless Communications Facilities Ordinance** Steve Burns said that with the need for a WTC, if the Town builds the tower and shares the tower with other wireless entities, the Town's cost of the project would be lowered.

#### **Harbor: Performance Standards for Docks**

Town Planner Christine Grimando said Shoreland Ordinance Officer Ben McDougal will present language for the best practice performance standards for docks.

#### **Supplemental Plumbing: Sewer Hookup Waivers 1 and 2**

Christine Grimando said Ben McDougal is writing the Supplemental Plumbing Amendment. If there is a failing system the owner is not repairing, the property has to connect to Town sewer. Currently, an existing statute that had been created by Code staff some time ago that determines the eligible for sewer hookup waivers. That statute is not regular over eligibility, and has to be rewritten.

#### **Zoning: Sign Standards**

Parking for York Village parking and York Beach Parking should be treated separately.

#### **Planning Board Priority Goal Zoning/Subdivision Regs: Changes to Cluster Subdivision Standards**

This ordinance mandates cluster standards. A subcommittee will be formed to work with cluster standards, which will have no quick fix. The Planning Board will have to dedicate some time to it, said Christine Grimando.

## **Green Enterprise Recreation District**

There is no language about sustainability in the Comp Plan. Christine Grimando described some options.

### **Accessibility: Establish a policy that supports the Americans with Disabilities Act and ADA compliance throughout the town.**

It is important for the Town to create a statement in support of the ADA. Issues like door widths and elevator placement in buildings, sidewalk width and sidewalk ramps are among considerations for the policy.

### **Formula/Franchise Policy.**

A statement about what formula/franchise means has to be made. The community opinion and addressing the other broader issues are needed.

### **Comp Plan: Amend Shoreland and Wetland Policies**

Many of the Shoreland and Wetland policies are outdated. With significant changes, we might strengthen regulations. In the less fragile areas, they should be loosed up. The amendments summarizations concluded.

- *Detailed discussion of Zoning Re-format, Sign Standards, Parking Standards*  
Chairman Lew Stowe led specific discussion on three ordinance amendments.

### **Sign Ordinance**

Christine Grimando said the sign ordinance hasn't been revised in a couple of decades. The size and shape is not specified, and greater clarity in the sign standards is called for. Torbert Macdonald said neon signs are basically prohibited, but there should be an exception at York Beach, where the glow of the neon light at the Goldenrod on a foggy August night is kind of nice.

Christine Grimando said temporary signs and notices can be displayed without a permit. Political signs can be up to 48 square feet. We have to consistent with the limits per State law. Todd Frederick for the definition of "identification signs."

Tom Manzi said that in some places, some buildings serve as a sign, and that is not treated in the ordinance. Lew Stowe suggested restricting signs to 10% of the wall area. Trucks that are signs cannot be allowed. The group discussed wether the post is included in the size of the sign (no). Todd Frederick said that strings of lights are sometimes displayed by car dealerships outside of the holiday season and that should be regulated.

Currently, no lights can be on signs in residential areas, including at Bed & Breakfasts.

Christine Grimando said A-frame signs might not work in the Village, because they might block sidewalks. Sandwich boards will be discussed. Flag signs are already covered, with one per store.

Tom Manzi said that nonconforming signs that are more than 30 years old are grandfathered, but those less than 30 years are not covered.

### **Parking Standards for Village areas**

Christine Grimando said that parking in the Village was established years before there were any parking standards. Torbert Macdonald said there is no off-street parking in the Village. Christine Grimando suggested implementing one parking space for every 400 feet in the restaurant, instead of requiring one space for every 3 restaurant seats. Torbert Macdonald said the amount of people in 400 square feet is not a constant.

### **Discussion of Policy for the Green Enterprise Recreation District**

There are 21 areas covered by the Comp Plan now, and Green Enterprise will be the 22<sup>nd</sup>. It is all new construction and includes concerns for habitat and wildlife

### **Zoning Re-format**

Board Chairman Lew Stowe said the new Use Table has to be introduced to the public. He suggested a primary step of giving drafts out to seven or eight people to review and discuss.

Steve Burns said that places have been highlighted where language has changed, but the cross-references cannot be highlighted in every single language change. Torbert Macdonald said there has to be a separate place to store all the items that have been amended. If everything amended is stored in a separate place, no one can accuse Planning of making sneaky changes. Article 4 can't just disappear. It has to be stored.

He said that by formatting some 10 or 20 pages of the use table now, it will be better than turning out 100 pages at once.

### **New Business**

Torbert Macdonald said the Charter Commission is establishing a Capital Plan Committee, which will include a member from the Planning Board. A Planning Board subcommittee should be formed for interviewing for that position. The Commission has finished the preliminary work. A deadline has extended by a year. The new police building has become the first priority, since the New Town Hall has been defeated twice.

### **Old Business**

There was no Old Business.

### **Other Business/Adjourn**

Steve Burns has contacted Flagg's RV Resort on Garrison Ave. at the Beach. It is apparent from their web site that trailers are being replaced with cottages. They told Steve Burns they were replacing trailers for trailers. By doing so, they will have less occupancy.

The meeting adjourned at 10:30.