

**YORK PLANNING BOARD
THURSDAY, SEPTEMBER 27, 2001
GRANT HOUSE**

THE MEETING STARTED AT 7:00. CHAIRMAN AL BIBB INTRODUCED HIMSELF AND PLANNING BOARD MEMBERS GLENN FARRELL, BARRIE MUNRO, DAVE MARSHALL, ALTERNATE DICK ARNOLD, WHOM MR. BIBB ASKED TO VOTE IN TORBERT MACDONALD ABSENCE, AND ALTERNATE DAN REMICK. STEVE BURNS, TOWN PLANNER, REPRESENTED STAFF. PATIENCE HORTON WAS THE RECORDING SECRETARY. THE MEETING WAS TELEVISED.

REVIEW AND APPROVE MINUTES OF SEPTEMBER 13, 2001 MEETING

MR. ARNOLD STATED THAT MS. HORTON'S MINUTES WERE SUBSTANTIVE, THOROUGH, AND ACCURATE RECORDS OF THE MEETING. MR. FARRELL MOTIONED TO ACCEPT THE SEPTEMBER 13 MINUTES, AS WRITTEN, WHICH MR. BIBB SECONDED. THERE WAS NO DISCUSSION, AND ALL VOTED IN FAVOR OF APPROVAL, 5-0.

WORK SESSION WITH PLANNING & ORDINANCE COMMITTEE

SUSAN TROWBRIDGE, VICE CHAIRMAN OF THE PLANNING AND ORDINANCE COMMITTEE SAID THAT DEVELOPMENT OF THE ORDINANCE WAS ON TRACK. A FIRST DRAFT WAS EXPECTED COMPLETED BEFORE CHRISTMAS, THOUGH ARTICLES 3 AND 4 FOR THE ZONING AND OVERLAY DISTRICTS WERE NOT FINISHED. BASE ZONING COULD NOT BE FINALIZED UNTIL COMMUNITY MEETINGS ARE FINISHED AT THANKSGIVING-TIME. THE TEAM WAS CURRENTLY ON DRAFT 7. QUALITY CONTROL, FULL IMPLEMENTATION OF THE CONTENTS OF THE PLAN AND REPLICATION OF THE CURRENT ORDINANCE FOR THE SEMI-FINAL DRAFT, WERE OF GREAT CONCERN. FINAL POLISHING WAS SCHEDULED FOR BETWEEN THANKSGIVING AND EARLY DECEMBER. MEANWHILE, THERE ARE THREE MEETINGS A WEEK. CORRECTLY TRANSLATION OF THE COMPREHENSIVE PLAN INTO THE NEW ORDINANCE REMAINED AN OUTSTANDING CONCERN.

MR. BURNS SAID SOME STATE RULES ARE COMING THROUGH THAT ARE AFFECTING THE ORDINANCE. CHANGES IN THE SUBDIVISION RULES ARE EXPECTED IN THE NEXT COUPLE OF YEARS, AND OTHER OPEN ISSUES WERE BEING COLLECTED. THE BUDGET FOR SENDING OUT NOTIFICATIONS AND E-MAIL NOTIFICATIONS HAD BEEN WIPED OUT EITHER BY LACK OF MONEY OR A VIRUS, WHICH DESTROYED THE MAILING LIST OUT OF HIS COMPUTER.

FOR HER SECOND ITEM, SPECIAL INTERESTS, MS. TROWBRIDGE SAID THAT AS WELL AS FORTHCOMING RURAL MEETINGS AND NEIGHBORHOOD MEETINGS, SMALL, TOWN-WIDE, SPECIAL ISSUES MEETINGS WERE AT HAND, IN FACT B&B AND ELDERLY-CONCERN MEETINGS WERE BOTH HELD THAT SAME DAY. MR. BURNS SAID THERE WAS A BLURRING OF DISTINCTIONS BETWEEN THE SIX KINDS OF ELDERLY CARE THAT ENCOMPASS THE CATEGORY OF ASSISTED CARE LIVING. THROUGH THE MEETINGS, DIFFERENT VIEWS FROM DIFFERENT ELDERLY CENTERS SHOW A NEED FOR FLEXIBILITY IN THE CATEGORIZATION. THE GAMUT OF THE INCOME DIVIDES THE ELDERLY BETWEEN THE YORK HOUSING AUTHORITY, SPRING POND, AND SENTRY HILL, BUT THE DESIRE TO KEEP THE AGING IN PLACE, AS HEALTH CARE NEEDS CHANGE, IS COMMON TO ALL THREE FACILITIES. AS WELL, IT IS BEING LEARNED FROM THE MEETINGS THAT NOBODY WANTS TO BE NEAR THE FACILITIES. NOT-IN-MY-BACK-YARD, SAID MS. TROWBRIDGE. MR. BURNS SAID THAT KEEPING EVERYTHING SINGLE-FAMILY ALLOWS FOR LESS OPPORTUNITY FOR DIVERSITY IN ECONOMIC STATUS. THE QUESTION OF WHAT IS WRONG WITH HAVING THE ELDERLY IN YOUR COMMUNITY AND OTHER ISSUES OF SOCIAL CONSCIENCE ARE BEING RAISED IN THE MEETINGS, SAID MS. TROWBRIDGE.

HOME OCCUPATIONS ARE A SPECIAL INTEREST, SAID MR. BURNS. HOME OCCUPATION STATUS, LIKE THE DIFFERENCES BETWEEN B&Bs AND INNS, WILL BE DEFINED BY THEIR

IMPACTS. IN THE CASE OF B&Bs, THE AVAILABILITY OF BUILDING NEW, AS OPPOSED TO CONVERSIONS, WILL DEPEND ON WHETHER IT SITS IN A ZONE IN WHICH NEW HOTELS CAN BE BUILT. MR. BIBB ASKED IF WHEN THE ORDINANCES ARE BROUGHT TO A VOTE, IF THE COMP PLAN CAN BE VOTED FOR CHANGE, AS WELL. MR. BURNS REPLIED THAT HE HOPED SO, THAT IT WOULD BE A PACKAGE DEAL. HE SAID THE VOTERS WOULD BE ASKED ON THE BALLOT IF THEY WANTED TO CHANGE THEM. HE SAID THAT ZONING DEPENDS ON THE COMP PLAN.

AS HER THIRD ITEM, MS. TROWBRIDGE BROUGHT UP THE ADAPTIVE REUSE OF HISTORIC BUILDINGS, BUT WAS NOT SURE HOW TO FIND INDIVIDUALS WHO MIGHT ATTEND THAT SPECIAL INTEREST MEETING. MR. ARNOLD SAID THAT 50-YEAR-OLD BUILDINGS WITH OWNERS WHO CONFORM TO THE HISTORIC ORDINANCE NOW ARE LIKELY MATCHES WITH THAT CATEGORY. MR. FARRELL, WHO MAINTAINS A HISTORIC BUILDING ON WOODBURY AVENUE AND STRIVES TO MAINTAIN ITS HISTORIC FACTORS, EXPLAINED THAT ADAPTIVE REUSE ALLOWS HIM TO MAKE CHANGES TO UPDATE THE BUILDING, AS IN THE STAIRCASES, YET GIVES HIM INCENTIVE TO CHANGE IN CONFORMANCE WITH THE STANDARDS.

MR. BIBB COMMENDED MS. TROWBRIDGE FOR DOING SUCH A HARD JOB SO EXCELLENTLY. MR. MUNRO ASKED TO SEE THE CHANGES IN DRAFT 7, AS HE WANTED TO DISCUSS THEM WITH THE BOARD AT THEIR OCTOBER 25 WORKSHOP.

WORK SESSION WITH CAPITAL PROGRAM ADVISORY COMMITTEE

MR. MUNRO INDICATED THAT ON SEPTEMBER 18, THERE HAD BEEN A MEETING OF THIS NEW CAPITAL PROGRAM ADVISORY COMMITTEE, WHICH BRINGS THE SCHOOL DISTRICT IN WITH THE TOWN ON THE COMPREHENSIVE PLAN'S LOOK TO THE FUTURE WITH THEIR FINANCIAL, CAPITAL OUTLAY. PUBLIC INVOLVEMENT AND THE NEED TO KEEP THE PUBLIC INVOLVED THROUGH THE REFERENDUM PERIOD WERE IMPORTANT ISSUES. MR. BURNS SAID THAT THE ACTUAL BUDGET ON WHICH THE PUBLIC VOTES, 12 PAGES ABOUT WHERE TO GET THE MONEY AND HOW TO SPEND IT, CAN BE SEPARATED INTO "BUDGET" AND "CASH" SEGMENTS. RECOMMENDATIONS FOR IMPROVING FACILITIES WERE BEING SOUGHT FOR THE OCTOBER 15 DEADLINE, WHEN RESPONSES FROM DIFFERENT COMMITTEE ARE DUE. AS A VERY BRIEF FIX OF THE COMP PLAN PIECE FOR THE MAY VOTE, HE SAID, THE PLANNING BOARD NEEDS TO "TAKE OUT SPECIFICS IN TERMS OF DOLLARS," AND SET THE DIRECTION IN WHICH TOWN PLANNING CAN GO. HE SAID THE BOARD COULD INFLUENCE GENERAL POLICY OBJECTIVES AND ASK IF MONEY IS FOCUSED ON WHAT WAS SAID IT WOULD GO TOWARD. THE BOARD HAS THE OPPORTUNITY TO REPRESENT WHAT IS GOOD FOR THE TOWN, AND SET THE GENERAL PARAMETERS. LITTLE DETAILS, LIKE BEAN COUNTING, DON'T MATTER. WHAT DOES IS THE BOARD'S ABILITY TO INFLUENCE SPENDING FOR THE TOWN AND SET GENERAL PARAMETERS. MR. MUNRO SAID THE PLANNING BOARD SHOULD BECOME MORE VISIONARY THAN IT HAD BEEN IN THE PAST. MR. ARNOLD SAID THE BOARD WOULD DEVELOP A BETTER IDEA OF WHERE GROWTH IS GOING TO HAPPEN UNDER THESE CIRCUMSTANCES.

DISCUSSION WITH CODE ENFORCEMENT OFFICER'S REGARDING SHORELAND APPLICATION REVIEW PROCEDURES

VALLANA PRATT-DECKER CAME FORWARD IN HER CAPACITY OF ASST. PLANNER AND CODE ENFORCEMENT OFFICER TO DISCUSS THE STATUS OF THE SHORELAND/WETLAND COMMITTEE. MR. BIBB ALSO INTRODUCED STAN MOODY, CHAIRMAN OF THE CONSERVATION COMMISSION. MR. FARRELL SAID IT WAS FAMILY HOUR.

MS. PRATT-DECKER HANDED OUT PERMIT APPLICATION PACKETS FOR THE MARTELL RESIDENCE ON RIDGE ROAD AND WALKED THE BOARD MEMBERS THROUGH THE PAPERS. SHE SHOWED THE COMPUTERIZED GIS MAP, SAYING THAT THE LOT WAS ENTIRELY A WETLAND AT VARIOUS POINTS, WHICH WAS MISSED BY THE PLANNING OFFICE. THE THREE CEOs HAD STRATEGIZED THE PROPERTY RIGHTS AND REALIZED THEY SHOULD HAVE PERMITTED THE APPLICATION THROUGH THE SHORELAND/WETLAND COMMITTEE. SHE SHOWED THAT THE APPLICATION WAS FILED IN APRIL 2000 AND THE PERMIT WAS ISSUED APRIL 23, 2000. THE LAND IS A VEGETATED, VACANT LOT AND WAS SOMETIMES COMPLETELY UNDER

WATER. SHE SHOWED PAGE 3, THE APPLICANT'S SITE PLAN FOR CAPE-STYLE HOME 196 FEET TO A WETLAND BOUNDARY, POINTING OUT THE CEO'S NOTE OF EROSION CONTROL. THE NEXT SECTION WAS THE BUILDING PERMIT FOR A 28 X 37 CAPE-STYLE HOME. NEXT SHE SHOWED THE CEO LEVEL SHORELAND PERMIT, ISSUED APRIL 24, 2000, INCLUDING THE BUILDING PERMIT WITH THE STANDARD EROSION CONTROL BOILERPLATE. SHE SHOWED THE MARCH 26, 2001, BUILDING PERMIT FOR INCREASING THE HOUSE FOOTPRINT. ON THE NEXT PAGE, SHE SHOWED COMPLAINTS RECEIVED BY THE CODE ENFORCEMENT OFFICE BECAUSE MARTELL HAD GONE INTO FULL CONSTRUCTION AND THE PROPERTY WAS STRIPPED BARE UNDER THE PERMIT. WHEN Ms. PRATT-DECKER WENT TO THE SITE ON AUGUST 28, THE MINOR VIOLATION PERMIT WASN'T POSTED, THOUGH THERE WAS ONE. SHE AND OTHERS FOUND IT A SURPRISE THAT THE APPLICANT AND CONTRACTOR WERE VERY COOPERATIVE. NEXT SHE SHOWED THE MAP IN DETAIL, SAYING THAT THE SITE WAS CAUGHT IN A PROBATE FAMILY DISPUTE. ON THE 1998 AERIAL FLY-OVER GIS MAP, THE BIG, WHITE AREA WAS THE WETLAND IN CONCERN, AND THE GRAY WAS THE SHORELAND ZONE. WHEN SHE SAW IT ON AUGUST 28, THE LAND HAD BEEN CLEARED. WHAT WAS LEFT HAD TRANSITION WETLAND VEGETATION ON IT. NOW, IT IS IN CONSTRUCTION. THE DRAINAGE FACILITIES HAVE BEEN REPAIRED. SHE WANTED TO STAY CONSTRUCTIVE AND SAY THAT THE APPLICATION DIDN'T GO THROUGH THE CORRECT PROCEDURES. SHE WANTED TO MITIGATE ENVIRONMENT DAMAGE. SHE WAS BEFORE THE PLANNING BOARD SEEKING GUIDANCE, MAINTAINING A BALANCE OF RESPECT OF PROPERTY RIGHTS. SHE DIDN'T GO THROUGH COMMITTEE OR PUBLIC NOTICE PROCEDURE, EITHER. THE PROPERTY IS PART OF ONE OF THE LARGEST WETLANDS IN THAT PART OF TOWN. IT WOULD HAVE TO HAVE A 100-FOOT SETBACK, BUT, IF IT WERE BEING PERMITTED, IT WOULD NOT MEET THE SETBACKS. SHE STATED SHE WANTED PROMOTE A FAIR EQUITABLE CLEAN UP MODE.

MR. BURNS STATED THAT THE THREE DIFFERENT CEOs HAVE DIFFERENT IDEAS ABOUT WHAT GOES TO COMMITTEE AND WHAT DOESN'T. HE BELIEVED THE ENVIRONMENTAL DAMAGE SHOULD BE MITIGATED AND THE PROPERTY OWNER'S RIGHTS HONORED. MS. PRATT-DECKER SAID THAT THE CEOs FEEL STRONGLY THAT IF AN APPLICANT HAS A PERMIT, THEY CAN BUILD A HOUSE, AND THAT THERE ARE DIFFERENT LEVELS OF EXPERTISE AMONG THEM. IT WAS AN ERROR. THE MARTELL'S ARE COOPERATIVE APPLICANTS.

MR. MARSHALL ASKED IF THIS PROCESS OF REVIEWING THE APPLICATION IS THE PROCEDURE FOR CORRECTING IT. MR. BURNS ANSWERED THAT THE PLANNING BOARD IS SUPPOSED TO GUILD THE WETLANDS COMMITTEE. MR. MARSHALL ANSWERED THAT IT IS A PERSONNEL ISSUE, INTERNAL, A MISTAKE MADE BY A MEMBER OF THE STAFF. MR. BURNS SAID THAT THERE IS NOT ENOUGH TIME TO DO THE JOB RIGHT EVERY TIME. MR. MARSHALL SAID NOT TO BRING THE APPLICANT BACK BEFORE THE COMMITTEE.

MR. FARRELL SAID THAT THERE WAS CURRENTLY A BACKLOG OF 20 MISTAKES THAT HAVEN'T BEEN ADDRESSED FROM A MANAGEMENT STANDPOINT. MR. ARNOLD REMINDED EVERYONE OF THE BACKLOG OF 58 SHORELAND CASES. MR. MOODY SAID THAT IT IS NOT THE COMMITTEE'S BACKLOG. IT IS A BACKLOG OF TOWN STAFF TIME. THEY ARE OVERWORKED. THE VOTERS VOTED DOWN INCREASE IN TOWN STAFFING. THAT'S THE HOLDUP.

MR. BIBB ASKED WHAT THEY WERE DISCUSSING. HE THOUGHT THAT MS. PRATT-DECKER HAD COME TO ASK HOW TO PROCEED CORRECTLY. THOUGH THE APPLICANT IS COOPERATIVE, IT IS NOT WORTH IT TO SEE THEM, HE SAID. MR. MOODY NOTED THAT THE TOWN COULD RESCIND THE PERMIT, BUT THAT HE DOESN'T THINK THE TOWN WANTED TO DO THAT. MR. FARRELL SAID THAT ONE COULDN'T RELY ON A CEO, THAT IF THEY MAKE A MISTAKE, THEY ARE NOT LIABLE FOR IT.

MR. BIBB, RE-DIRECTING THE PROBLEM FOR A SECOND TIME, TOLD MS. PRATT-DECKER TO DO HER BEST TO MITIGATE. MS. PRATT-DECKER ASKED THE PANEL IF THEY THOUGHT SHE SHOULD ALLOW THE APPLICANT TO BUILD A BIGGER HOUSE. MR. BIBB ANSWERED THAT THE PERMIT FOR THE BIGGER HOUSE HAD BEEN ISSUED. MR. BIBB ASKED IF MIKE CUOMO, PROPOSED BUILDER OF THE SEPTIC SYSTEM, WAS SHOWING CONFLICT OF INTEREST BY DELINEATING THE WETLANDS AND THEN DESIGNING THE SEPTIC SYSTEM, ALSO. HE COULD

SPECIFY THE WETLAND LOCATION AND KNOW EXACTLY WHERE TO PUT THE SYSTEM. MS. PRATT-DECKER EXPLAINED WHY THE STATE ALLOWS IT.

MR. MOODY REQUESTED THE CONSERVATION COMMITTEE RECEIVE A SUMMARY OF THE SITUATION AND SOLUTION, WHICH MS. PRATT-DECKER AGREE TO DO BY MAKING A NOTE TO THE FILE STATING DISCREPANCIES AND MITIGATION WITH A COPY TO MR. MOODY.

MR. MUNRO ASKED IF TRIAGE GROUP STILL EXISTED. MOODY REPLIED THAT THEY MEET WITH A PHONE CALL AND DECIDE IF THINGS GET FORWARDED TO THE COMMITTEE. COMMITTEE PREP TIME AND THE SHORELAND PREP TIME FOR THE PLANNING BOARD REQUIRE THE SAME AMOUNT OF TIME. THEY PROCESSED ONE APPLICATION AT THE LAST MEETING AND TWO AT THE ONE BEFORE THAT, HE SAID. MR. MUNRO SAID THAT TRIAGE SHOULD EITHER ALLOCATE WHO SHOULD DO IT WITH RESPECTIVE TO THE TWO DIFFERENT GROUPS, WITH THE PLANNING BOARD AS THE FALL BACK, OR ALLOCATE THEM ON THE BASIS OF THEIR COMPLEXITY. MR. MOODY SAID THAT THEY DON'T SEE THAT MANY PERMITS, BECAUSE THEY HAVEN'T BEEN PREPARED, BECAUSE STAFF DOESN'T HAVE TIME.

MR. FARRELL SAID THAT THE PLANNING OFFICE IS THE GROUP MOST COMPETENT TO REVIEW THE APPLICATION, BUT IT CAN'T GET THE TIME TO REVIEW THEM THOROUGHLY. IT IS ONE BIG WHEEL, HE SAID, WITH STEVE BURNS AT THE HUB. HE SAID THAT IF YOU WANT TO SEE HOW IT WORKS, GO WATCH GROUNDHOG DAY. ALL LAUGHED, EXCEPT MR. BURNS, WHO SAID, NO, THAT MOVIE HAS A HAPPY ENDING.

OTHER MATTERS

MR. BIBB READ A NOTICE FROM SELECTMEN ABOUT STAFF APPROVALS, REQUESTING THAT THE PLANNING BOARD ADD A NOTE TO COMMERCIAL APPROVALS. HE STATED THAT THIS WAS ALREADY STANDARD OPERATING PROCEDURE. HE ALSO SAID THAT THE SELECTMEN HAD CALLED A WORK SESSION FOR OCTOBER 1, AT 7:00, AND WANTED THE PLANNING BOARD TO ATTEND. AT THAT TIME THERE WERE PLANS TO WATCH A VIDEO ON BUILD-OUT-ANALYSIS AND DISCUSS B&B REGULATIONS AND HOSPITAL OVERLAY ZONE.

ADJOURN

MR. MARSHALL MOTIONED TO ADJOURN, WHICH MR. FARRELL SECONDED. ALL VOTED IN FAVOR, 5-0. THE TIME WAS 8:35.