

**York Planning Board
Thursday, April 26, 2007, 7:00 PM
York Public Library**

Call to Order, Quorum Determination, and Appointment of Alternates

Chairman Glen MacWilliams determined that there was a quorum. He introduced the board: Glen MacWilliams, Barrie Munro, and Lee Corbin, with Glenn Farrell coming in at 7:05. Tom Manzi was absent. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting 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

The April 12, 2007 planning board minutes were reviewed. Lee Corbin pointed out a syntax error, which Steve Burns said he would repair at his office.

Motion Lee Corbin moved to approve the minutes of April 12, 2007, as corrected. Barrie Munro seconded the motion, which passed 3-0.

Old Business

1. Enforcement Discuss enforcement issues

Code Enforcement managing officer Tim DeCoteau said there are enforcement issues the Planning Board is concerned with that should be given to Code Enforcement in the form of a prioritized list. He explained that he is short-staffed with only three people on his staff, including Cayce Dalton, who is a new officer learning the job. John Treat does the structural and improvement civil engineering inspections. Code Enforcement has added the Planning Board's new policy of design professionals' signing off to its tasks. All of the conditions the Planning Board expects from applicants are brought forth as part of the permit and are understood by the applicants. Barrie Munro said that accountability has become important. There are infractions by certain existing businesses, and the board needs a policy on how to approach these infractions. Tim DeCoteau answered he had a list dated September 20, 2006 of violators, but being short-staffed at the time, there was nothing he could do about it. However, he can try to determine if those individuals are in compliance or not. Barrie Munro pointed out that some of the public had come to the meeting that evening in an effort to meet on these issues. Tim DeCoteau said that he had

talked to the Town Manager about taking action, but the Manager said to wait for this meeting with the public. Glen MacWilliams said that the problem is that nobody steps in, and the violations are not being dealt with. Tim DeCoteau said that if someone sees a violation, Code Enforcement should be notified. Barrie Munro was concerned about the Accessory Use ordinance. Some businesses are expanding into accessory uses and violating other ordinances. Lee Corbin said that violations that harm the environment or abutters have priority **over** sight violations. She agreed that Tim DeCoteau's request for a prioritized list is a good idea.

Glen MacWilliams asked if some of the people who had received notice to attend this discussion would like to come forward to speak, but no one did. Steve Burns said that if a board member notices violations on a particular site, Steve Burns or Tim DeCoteau could check it without making a big production of it.

2. York Beach Renaissance Committee Discuss work to date on the zoning re-write for York Beach

Steve Burns said he had met with the Renaissance Committee just about every Thursday morning for several months. The committee is coming close to completing design standards while continuing to implement the Comp Plan. The Planning Board should let the draft go forward, even though the design standards and some of Steve Burns's work are not quite finished, because the group is in a position to move forward.

The chairman of the committee, Dawn Fernald, read a statement. In the past twenty years, there has been very little development in York Beach. In encouraging future redevelopment, the York Beach village center should have a central district that is pedestrian-, not vehicle-, oriented. Rezoning may be appropriate. Initial capitalization should be used to enhance infrastructure and streetscape.

Engineer Steve McNally said that in the York Beach Renaissance Committee, he sees a grass roots effort in planning, rather than one that is handed down from the top. He has offered the group a structured process for getting through the ordinance and design review, even though he is not part of the community. His father, who created a successful process plan for the Navy Yard, which contributed to its survival during base closures, has helped guide the process. Steve McNally has gotten guidelines from different towns by utilizing language from their community planning that carries over to development and direction for the Beach. He read the York Beach mission statement, which was displayed on an easel. He described it as positive and reasonable.

Glen MacWilliams said that he had not have time to work with the committee during the ordinance development period. He told the committee members that the Planning Board is supporting them. Glenn Farrell assured the committee that the Planning Board would send the ordinance amendment forward for public discussions. Steve Burns showed the Beach area on a GIS zoning map that included the BUS-3 zone (the Beach), the Route 1 Zone (Wild Kingdom), and the residential zone north of the beach village. The goal, he said, is to expand the current core zone. The York Beach Renaissance Committee is

meeting in a couple of weeks, on May 10, to conduct a public dialogue before they come back for a formal hearing before the Planning Board. Cindy Gould said that that meeting would be at 8:00 in the morning at the York Beach Fire Department. On behalf of the group, she thanked Steve Burns and Steve McNally for their help. Some clapped.

3. **Ordinance Amendments Discus draft amendments for the November 2007 General Referendum. Final prep before the May public hearing**

At 108 pages, these amendments are the biggest Steve Burns has written, he said. He summarized the first several amendments: road/drainage issues, public utilities, watershed issues, and residential code, and then Code Enforcement Officer Tim DeCoteau summarized new building code standards which were first adopted by the State of Maine in 1995. By using these codes, York will get a better ISO rating and will be consistent with other communities. Builders will be standardized with one code in different towns. He also talked about subsurface septic design based on science. Steve Burns concluded the introduction by mentioning Ord-15, Ord-16, Ord-17, and Ord-18 (Code 2003, Historic Designation, LD 1108, and Workforce Housing), which have not been written and will most likely not make it on the ballot this time.

Article Ord-1 Road Spec. Amend the Public Road Acceptance Ordinance

Steve Burns said this deals with standards of public roads, but does not include the Town Planner or the Planning Board in the process.

Article Ord-2 Zoning. Storm Water Management Standards

This amendment is still in rough draft form, Steve Burns said. He is working on it with Steve Bradstreet. The idea is to get an idea of where water goes on a property before and after it is developed. It includes discussion of 50- and 100-year storms for locations near arterial roads, and 25-year storms for the smaller road. The ordinance is a piece of a bigger problem, and if the rest does not fall into place, this part will not be effective. Glen MacWilliams asked about the maintenance of catch basins, conveyances, and culverts. Steve Burns asked if the Town Engineer should be brought in to educate the public, and Barrie Munro said that it would be a good idea.

Article Ord-3 Floodplain Control New Construction Below Elevation 12' in the Beach

Steve Burns showed a GIS map of Long and Short Sands featuring places below elevation of 12 feet that would be locally designated as "flood prone." Buildings put there would have to have flow-through technology. That would be affecting a significant number of houses. Those areas would be added to the floodplain areas that already exist.

Article Ord-4 Zoning Road and Right-of-Way Standards

Steve Burns described the amendment as a minimal set of road standards. Road construction standards include rules for intersections, drainage, and other factors. Glen Farrell suggested having an engineer look at the amendment.

Article Ord-5 Town Septic Update the Town's Supplemental Septic Rules.

Shoreland Resource Office Cayce Dalton said that the current septic rules are obsolete because houses are larger and the amount of clay in the soil has to be taken into consideration. The amendment addresses several special requirements, like non-residential systems using 1500 gallons per day, or three residences attached to one system. Waste water tanks should go on the calendar for inspection every two years. Glen MacWilliams asked how septic regulations are enforced. Cayce Dalton indicated that they are not being enforced very much. Tim DeCoteau said that Code Enforcement is extremely short handed. Systems have to be pumped and inspected at the same time. The engineer who designs the system is supposed to inspect it. He would like to schedule inspection years ahead. Glenn Farrell suggested that, when a system is pumped, the service company should send a notice to the Town. The companies that do it can be notified of the policy.

Article Ord-6 Zoning Density and Use Standards with Respect to Public Utilities

Steve Burns said that this amendment was requested by York Water District and concerns 100 feet of buffering around streams, advanced waste water system requirements which double the capacity of regular systems by adding oxygen to the mix, and storage of petroleum or hazardous materials that might get into the ground water. Tim DeCoteau said that there are commercially made kits available that can contain potential spills from home heating oil tanks. There are performance standards for refueling homes and tanks, and impounded vehicles will require inspection for leaking oil when they come into a yard.

Article Ord-7 Zoning Watershed Protection Overlay District

This amendment states that non-conforming **situations** cannot be expanded in shoreland.

Article Ord-8 Shoreland Amendments

Cayce Dalton said that there are 40 pages of refinements to the shoreland zoning in this amendment based on State requirements. Tim DeCoteau said that when the existing rule puts people in stream protection with 75 feet on either side, it becomes zoned for no expansion at all. If someone wants to expand the property, they cannot, because they are in stream protection. They cannot even ask for a variance.

Article Ord-9 York Beach Zoning

Steve Burns said that if the board waits until after the Renaissance's May 10 meeting, the members would have the advantage of the public comment on this item.

Article Ord-10 Zoning Vehicle Parking limits in the RES-4 Zoning District

Steve Burns likened this matter to a Hatfield and McCoy feud. There is an issue with a large number of vehicles on one particular lot. There was an idea to limit the number of cars according to what the driveway could hold. Then the idea changed to having three cars per lot. Barrie Munro suggested allowing three cars to be visible, and the rest of the cars could go inside. Glen MacWilliams said that indoor storage should be a permanent structure.

Article Ord-11 Zoning: Board of Design Review

Steve Burns said that the Board of Design Review has no alternates, and the set-up is not good. The amendment would bring that board along the same lines as the other boards with a chairman and officers. Design Review currently concentrates on new, non-residential buildings, but later, all non-residential buildings will be in their scope.

Article Ord-12 Zoning: Special Exceptions

Steve Burns said that the ordinance amendment deals with seasonal conversion standards and use tables.

Article Ord-13 Zoning: Building on a Non-Conforming Lot

Steve Burns said that former planning board member Richard Smith was behind the creation of this ordinance amendment, which makes it so that someone who has re-divided or is exempted from having to combine lots can be protected from the prohibition of building on a non-conforming lot.

Article Ord-14 Zoning: Setback Rule in Existing Neighborhoods

Steve Burns said that many Board of Appeals cases went to superior court on this matter concerning front setbacks. The amendment equalizes setbacks for new and expanding dwelling.

4. Comprehensive Plan. Discuss draft amendments for the November 2007 General Referendum. Final prep before the June public hearing.

Steve Burns said that very little is different in this amendment. There is mention of the new archeological object at Short Sands, and there are three paragraphs about historic districts.

Lee Corbin wanted to make an editorial change which led to a discussion of the words “conserve” and “preserve,” and which should be included with regard to un-fragmented blocks of land. Glen MacWilliams wanted “conserve” out of the language. Glenn Farrell thought leaving it in would create fewer limitations and make the language lenient. Lee Corbin and Barrie Munro both agreed to leave the word in the language. Steve Burns suggested posting the amendment with the words “and/or” to cover all bases.

New Business

In new business, Steve Burns asked if town engineer Steve Bradstreet should come to the planning board for the drainage hearing.

The TAGT Lobster Pound mylars were available, and the board members signed them.

Other Business/Adjourn

The meeting adjourned at 9:40.