

York Planning Board
Thursday, October 22, 2009, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Planning Board Chairman Tom Manzi introduced the board members and determined presence of quorum. Tom Manzi, Vice Chairman Lew Stowe, Todd Frederick, Torbert Macdonald, and alternate Tom Prince were present. Dave Woods was absent. Tom Prince voted in place of Dave Woods. Town Planner Christine Grimando represented Town Planning Staff. Patience Horton Took minutes. This workshop meeting lasted three hours and was televised. About a dozen York High School students attended part of the meeting.

Public Input

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

No one came forward to speak.

Field Changes

The Town Planner said there were no field changes.

Minutes: Review and approve October 8th draft minutes

Corrections and changes were noted by the board and given to the secretary.

Motion: Torbert Macdonald moved to approve the minutes. Lew Stowe seconded the motion, which passed 5-0.

New Business

Chairman Tom Manzi opened the Public Hearing and asked for a volunteer to introduce the high school group. **Greta Hayes**, a senior, said that Mr. Clark, the political and legal studies teacher, assigned the students to attend the meeting, take notes, and write a paper, so they could learn more about the community.

- **Community Development Department presentation on work to date on watersheds and surface water flows.**

Brett Horr, Geographic Information Systems Manager, Ben McDougal, Shoreland Resource Officer, and Tim Normandin, Contract GIS Staff, updated the board on watershed and surface water maps. Brett Horr described the hierarchy of the USGS watershed mapping system.

The USGS has broken the lower 48 states in regions for delineating water resource areas. York, Maine, is in the Major Resource Region stretching east from the upper Appalachian chain of Vermont. On a smaller scale, York is in the Saco River Sub-region, which spreads to Manchester, North Conway, and Lewiston. The River Sub-region is an area

drained by one river system. The Salmon Falls and Piscataqua River Cataloging Area includes the Ogunquit River and York River. The local Cape Neddick Watershed is a Coastal Watershed. It is the smallest unit in this USGS category system, said Brett Horr.

The Town has acquired 2-foot contours for mapmaking. The computer photographically lays contours over maps of the Earth. Brett Horr showed an example of the inaccuracy of the State's contour maps of the Shore Road and the Cape Neddick River, compared to a map with 2-foot contours accurately defining boundaries and hydraulic information. He showed how water flows around and into the Cape Neddick River. Torbert Macdonald said the Town website and the MRSA website have listed the State goals for protecting lakes and estuaries.

Jeff Normandin collects data for locating and mapping drainage systems in the Cape Neddick watershed. He calls the initial research phase, "boots on the ground" fieldwork. He showed a GIS map of the Nubble, where the housing is very dense. The map was marked to show culverts, catch basins, and manholes--all manmade features that control the water flow. Another picture illustrated how water flows off the Nubble either west, across Route 1A, or north toward Short Sands. Brett Horr showed the group a map that sections off areas to show where survey plans has been scanned into the system, making their information available.

Ben McDougal said he works with about 20 volunteers who test for bacteria in various mapped places around the Cape Neddick River. He said that at each test location, he can analyze the pollution activities from the houses around it. Tom Prince asked what contributes to poor water quality. Ben McDougal answered that primarily malfunctioning septic systems and agricultural waste do. Jeff Normandin add that changed features like culverts that have been moved and driveway culverts that have collapsed, also contribute to poor water quality.

Jeff Normandin said he has started collecting data on the York River Watershed and the Josiah Norton River Watershed. Brett Horr said the data is helping improve an understanding of water quality. Among things, the information helps make decisions about moving sewer into an area. There is no counterpart in any other Maine town that can approach this watershed research.

Chairman Tom Manzi asked the high school group how many have septic systems. Most raised their hands. He asked when the systems were last pumped. One said last summer. Others had two to five years since the systems had been pumped. Ben McDougal said every five years is the requirement. The chairman asked how to tell if a septic system has not been maintained. **Amy O'Brien** said, "the lawn would get gross, and a person can't flush the toilet."

Ben McDougal said the people put off septic system replacement because it costs \$15,000 to \$20,000. Lew Stowe said a functional septic system still could find its way to the Cape Neddick River. Hydraulic failure is when effluence surfaces onto the lawn, and

chemical failure happens when there is not enough soil between the system and the ground water to have enough treatment, said Ben McDougal.

Torbert Macdonald asked the students what distance there has to be between a well and a septic system. **Amy O'Brien** said 100 feet. If it is less, she said, the water gets contaminated for drinking. Torbert Macdonald said a property can have the septic system uphill and the well downhill. The State does not speak to that.

Tom Manzi asked the students what priorities the Town should have. **Alex Rennis** said water quality at the beaches is high priority because so much income for the town comes for tourists who swim in the rivers and oceans. "We owe it to them." **Scott Goodwin** said the environment is a high priority issue. **Lindsay Weigel** said the eco systems are delicate, plus we care about what the community looks like. The presentation and discussion of the watersheds ended, and the students left.

- **Workshop of Amendments for May 2010 Special General Referendum**

Christine Grimando and Ben McDougal led this workshop for the May 2010, ordinance amendments.

Definition of a Structure: Ben McDougal said the definition had originally been prepared for the November 2008 referendum, but the Selectmen tabled it. He read the definition. *Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of survey boundary markers and vehicles.*

Todd Frederick asked how a play structure or a car collection could be affected by it. Ben McDougal read the list of items the ordinance targets. Torbert Macdonald described a school bus on someone's property that was turned into a woodshed. He thought that should be included on the list.

Ben McDougal said a discrepancy in the amendment could be cleared up if the words "together with" could be taken out and "and/or" could be put in. It would clear up ambiguity, said Christine Grimando. Tom Prince said he was in favor of the change, as were others.

Ben McDougal next talked about the **Ground Mounted Mechanical Setback Exception**, which would allow compressors, generators, and propane tanks to sit close to a house, when certain conditions are met. Putting these mechanicals on concrete pads as close to the house as possible would have the least impact on a neighbor. Todd Frederick suggested permitting a generator by qualifying with a decibel reader. Ben McDougal said there is no noise meter for that. Tom Prince asked for a definition of "mechanical" as part of the amendment language. Torbert Macdonald did not see propane as mechanical with moving parts, but instead, is storage for gas. Ben McDougal answered the amendments is utility oriented. The visual is not an issue, and screening is not part of the issue. Todd Frederick said fuel oil tanks might be included.

Ben McDougal next discussed **Weddings**. Properties could have up to ten big, commercial weddings (wedding planner type weddings) in a year, in places where they are currently not permitted by the use tables. Permits for these would come from Code Enforcement. A property would have to have at least five acres, and there would be satellite parking. There would be no more than 250 guests. There would have to be adequate wastewater facilities. The noise ordinance would be recognized, and approval of the police department would have to be received.

The Selectmen would have to adopt a new fee for the weddings, said Ben McDougal. Torbert Macdonald said he would hate to see ten weddings in one month. Ben McDougal suggested no more than three a month on one property. As it is, weddings can be held without a permit at a person's home, when a participant is a member of the family. Tom Prince asked if other parties could go on. Christine Grimando said that with a big party, like a reunion or a retirement party, no permit is required.

Ben McDougal said an ordinance amendment would regulate **Chemicals in the Shoreland Zone** to protect water bodies from pesticides, herbicides, fertilizers, and other chemicals. No other town has this framework, and he is not sure if the amendment would be ready by May.

Torbert Macdonald said indicators from Great Bay show an increase in nitrogen from septic and runoff resulting in algae bloom, which ultimately kills off oceans. Ben McDougal said a condition of the permit would say that chemicals couldn't be applied when the ground is saturated, because the chemicals will wash off. A permit will be required for a ChemLawn truck. Areas within 100 feet of a water body will be regulated. Everything will be switched to organic. The amendment should be ready by November 2010. Torbert Macdonald suggested a NEMO presentation.

Christine Grimando described the cleanup amendment for administration of the change from **Nonconforming-Use-to-Conforming-Use** in the Watershed Protection District. The Board of Appeals arbitrates the nonconforming use to conforming use applications in the Watershed Overlay District, alone, while the Planning Board reviews all others. This amendment would switch the jurisdiction of nonconforming to conforming to the Planning Board.

Finally, said Christine Grimando, the new use of **Cultural Facility** will be added to the use table for the RES/BUS and GEN zones as a special provision to Article 7. This definition for an artist studio and cultural facility means a dwelling would not include the artist studio, so a family cannot live there. There will be no retail or commercial activity. There will be no off-street parking. Lew Stowe asked for the definition of "cultural facility," and Christine Grimando said it is yet to be defined.

Old Business

- Lew Stowe asked for the Board to work on the “front of the building” designation. Christine Grimando said it could be covered in a workshop.
- There was a discussion about the 17-day-rule for applicants to make submissions before a planning board meeting. Christine Grimando said the full amount of time is required because of postings, distribution, and study of the material.
- Torbert Macdonald pointed out that one section of the York River District in the Comp Plan has a blank page. Any Selectman may introduce an ordinance at any meeting, as happened in this case. He would like to show the Planning Board ordinance language he wrote that would fill the missing information.
- There will be a site visit Wednesday, October 28, to the Eldredge Lumber storage facility. The company is bringing forth a statement saying there is no illegal activity there.
- On November 4, at 4:00, there will be a site visit for a dock application of the York River. This area has unstable coastal bluffs, and a section of the bank, near the proposed dock, fell into the river at one time. It is a shoreland zone permit co-administered by several jurisdictions, including the Harbor Master.

Adjourn

The meeting ended at 10:00.