

**York Planning Board**  
**Thursday, June 27, 2013, 7:00 P.M.**  
**York Public Library**

**Discussion and Selection of York Planning Board Contract Planner for the Police Station/Connector Road project (not an agenda item)**

This paragraph summarizes the last fifteen minutes of an hour-long interview of applicants Ransom Consulting and CMA, candidates for Contract Planner in the Police Station/Connector Road application. In discussion, Brud Weger said Ransom Engineering is a better communicator and will be more transparent. Their price is higher, and that is a consideration. Dave Woods said it is good to know what the budget item is. It helps to go forward with a known value for the community. Lew Stowe said the Ransom applicant was specific with the fee, and that was a positive thing. Al Cotton said chemistry is a huge factor. The skills are clearly there on both sides. He still feels more comfortable with CMA. Todd Frederick felt the Ransom Consulting presenter was well informed of the RFP and understands what is called for. CMA's \$7,500 quote was vague and "fluffy," and could go much higher than that. CMA did not understand the firewall that hiring them was supposed to create.

**Motion:** Lew Stowe said, I make a motion that we hire Ransom Consulting Engineers as the contract planner for the Town of York Police Station/Connector Road project. The contract will be negotiated with the Planning Board. Brud Weger seconded the motion.

**Friendly Amendment:** Todd Frederick added the names of all the original applicants to the motion: Ransom Consulting Engineering, SMRPC, CMA, and SYT Design.

**Vote:** The motion passed with all in favor, 5-0.

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**Call to Order, Determination of Presence of Quorum, and Appointment of Alternates**

Chairman Todd Frederick called the meeting to order. A quorum was determined with five people voting: Chairman Todd Frederick; Vice Chairman Dave Woods; Board Secretary Lew Stowe; plus alternates Al Cotton, Jr. and Brud Weger, who both served as full voting members. Town Planner Christine Grimando represented staff. **Leslie Heinz** from the Code Enforcement came to talk about MS4. Patience Horton took minutes.

## **Public Forum**

No one came forward to speak.

## **Minutes**

The minutes of June 13, 2013 were reviewed and changes were requested.

**Motion:** The chairman asked for a motion to accept the June 13, 2013, minutes as amended. Al Cotton said, So moved. Dave Woods seconded, and it passed unanimously.

## **Field changes**

There were no field changes.

## **New Business**

### **Public Hearings on Proposed Ordinance and Comprehensive Plan Amendments to be considered at the November 2013 Special General Referendum**

<b>Ord-1 Zoning</b>	<b>Cluster Subdivision Standards Amendment</b>
<b>Ord-2 Zoning</b>	<b>Seasonal Conversions Amendment</b>
<b>Ord-3 Zoning</b>	<b>On-Site Commercial Sign Requirement Amendment</b>
<b>Ord-4 Zoning</b>	<b>Farm Enterprise Overlay Density Amendment</b>
<b>Ord-5 Zoning</b>	<b>Watershed Protection Overlay Density Amendment</b>
<b>Ord-6 Comp Plan</b>	<b>Sea Level Rise Amendments: Inventory &amp; Analysis/Policy</b>
<b>Ord-7 Comp Plan</b>	<b>Municipal Separate Storm Sewer System (MS4) Amend</b>
<b>Ord-8 Comp Plan</b>	<b>KACTS</b>
<b>Ord-9 Comp Plan</b>	<b>York Village Center, Land Use Area 8</b>

The order was changed to accommodate the applicants who were present.

### **Ord-4 Zoning      Farm Enterprise Overlay Density Amendment**

Christine Grimando said farming is not a single use enterprise. The Farm Overlay offers flexibility in the use of farmland. Adding another applicant will change the overlay map. Lew Stowe suggested including Map and Book information on the map. Tom Blaisdell has written a letter describing the farming and the value of this proposed farm overlay, she said.

Chairman Todd Frederick opened the **Public Hearing**. Attorney **Kerry Anne Newman** spoke for applicants Brian and Dee Dee Cadeau. She said that with the inclusion of the letter from Tom Blaisdell, they have met all three criteria for the application.

**John Gregg** has been the immediate neighbor of the Cadeau property, Wind Struck Farm, since 1967 and shares 1,000 feet of common boundary. A huge amount of open

space in the area has sadly been lost to development. He hopes the board will look favorably on this application. Todd Frederick closed the **Public Hearing**.

**Motion:** Dave Woods said, I make the motion that we send this on to the Selectmen for their purview, and it would be Amendment #4, Farm Enterprise Overlay District Addition, with Map and Book being added in the heading and body and also in the map, as well. Lew Stowe seconded the motion, which passed 5-0.

### **Ord-7 Comp Plan Municipal Separate Storm Sewer System (MS4) Amendment**

Todd Frederick read from the Comp Plan, Chapter 4.8.b.1, emphasizing situations when the Planning Board will work with the Selectmen for the best possible plan for the Town. Christine Grimando said this MS4 mandate comes out of the Clean Water Act. Most codes focus on water quantity and the damage it does. This takes up water quantity. The plan and policies have to be put in place within 120 days of July 1. The MS4 area is Eliot, Rochester, Dover, Portsmouth, Kittery, and South Berwick.

Christine Grimando introduced **Code Officer Leslie Heinz**, the point person on MS4 implementation. Leslie said we are working with an engineering consultant whose work is funded through Southern Maine Regional Planning.

The ultimate goal of public involvement is to have clean water going into the stormwater drains. York County MS4 will implement strategies to educate the public toward the practice of clean water. TV advertisement, newspaper ads, and clean water awareness posters will increase education and public awareness. The reduction and elimination of illicit discharge are evaluated through the monitoring of drains and culverts, she said.

The Cape Neddick River is an impaired watershed. In the eight-mile corridor along Route 1, construction sites are evaluated for erosion and stormwater runoff. The Town offers classes through DEP to teach and certify contractors of the Public Works Department's erosion prevention strategy. Contractors must demonstrate that they understood what was covered during the workshop. Inspection will also be done by Code Enforcement during post-construction. Pollution prevention and good housekeeping are also encouraged as when concerned citizen clean up beaches and such activities. The chairman opened the **Public Hearing**.

**Pricilla Cookson** of the Conservation Commission said that with MS4, it is important to pay attention to new construction and details of renovations that are coming up. Where is the water going? There is a bad habit of using wetlands as retention ponds, especially along the Route 1 corridor. The **Public Hearing** was closed. The board did not have to take action on this MS4 amendment.

### **Ord-1 Zoning Cluster Subdivision Standards Amendment**

Town Planner Christine Grimando said the Board has talked about overhauling these standards for some time. Lew Stowe said definitions of Homeowners, Developers, and Conservation Easements have to be clearer. Can the developer own the open space?

Christine said the board has to approve the open space or easement holder. The intent is to not have the homeowners be the conservation holder. Dave Woods said the fee of the holder of the open space is not well defined. Christine said the developer negotiates this fee.

Lew Stowe asked who would maintain a cluster where 50% of the open recreational space would be owed by the homeowners. Christine said there are two possibilities. If the association owns that property, there needs to be a conservation easement on it. Otherwise, that property can be given to a conservation organization without an easement. The board will be reviewing the maintenance of the space, and the space will be monitored by the conservation organization that is involved.

If they don't have a conservation organization on board that can agree to maintenance of the space, they don't get approval. The board approves valid conservation organizations, based on the criteria in the proposal. If the homeowners want to change the organization, they could approach the board with an amendment to the site plan.

The Board placed language into the ordinance amendment: That the open space held by the conservation easement must be governed by a conservation organization.

This language was also added: Open space may take one of two forms. And it shall be referred to in the following way throughout, either as total fee or as easement.

The last sentence of the document will indicate that road and utility access is allowed through the buffer.

**Motion:** Lew Stowe recommended that we approve the Amendment #1, Cluster Subdivision Standards Amendment, to be forwarded to the Selectmen for their approval. Dave Woods seconded, and the board voted 5-0.

## **Ord-2 Zoning      Seasonal Conversions Amendment**

The Town Planner, Christine Grimando, said that the existing restrictions have unintended consequences. Buildings are being torn down instead of being brought up to code. This amended ordinance loosens up the terms for conversion. It adds a density requirement. Dave Woods suggested parts of the original house might not have been legally constructed in that a permit might not have been taken out. The chairman opened and closed the **Public Hearing**. No one came forward to speak.

**Motion:** Dave Woods made a motion that we pass Amendment #2 on to the Selectmen, as edited and referenced by the Board. It was seconded by Al Cotton and voted on unanimously.

### **Ord-3 Zoning      On-Site Commercial Sign Requirement Amendment**

Christine Grimando said currently there is no performance standard that makes it clear that your sign has to be on the property where the business is located. We had thought of using the language that the sign can be on the lot itself or on an easement adjacent to that property, but that has gone poorly with Code Enforcement and has to be reconsidered. It is recommended to stay with “your sign has to be on the property where the business is located.” Easements are not being allowed in the placements of commercial signs. No new creations of easements are being shared.

**Motion:** Dave Woods made a motion that we pass Amendment #3, Sign Standard Amendment, as discussed and edited, on to the selectmen. Brud Weger seconded the motion. It passed 5-0.

### **Ord-5 Zoning      Watershed Protection Overlay Density Amendment**

Christine Grimando said this applies to the minimum lot size of 10 acres. It is low density zoning which promotes better water quality. With this amendment, if you have 10 acres, you could build three single-family homes in that district. An ADU could not be placed there, either now or then. Brud Weger requested the amendment be rewritten. The group agreed and decided to hold off on this and wait.

### **Ord-6 Comp Plan    Sea Level Rise Amendments: Inventory & Analysis/Policy**

Christine Grimando said that York is the first town in the state to address sea level rise. Current conditions and policy recommendations have been put together. The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Lew Stowe asked how we can take a lead role with our lack of knowledge. We don't have a good baseline. Christine said the board will hold public hearings and workshops. Lew said there are different types of analysis systems like LIDAT light detection and couture lines. Technical expertise will be added, she replied. The community rating systems are taken into account for flood insurance rates.

Dave Woods said we are going to require flood proofing of building structures using different technologies. We have to calculate that building's height and find the number for Ground Zero. We need to name that number. Two feet doesn't work because that average height will change with time. Historically, flood level is 12 feet, he said, and Sea Level Rise is 2 feet. If you take 12 as Ground Zero you have a 42-foot building from the existing dirt. That's fair. Brud Weger suggested language that the maximum building height will be measured from the height of the flood plain that is in existence upon construction.

Lew Stowe said that every time we identify where the flood plain is, it varies by area. Usually we have to have someone evaluate what the **Base Line** is.

**Dave Woods made a statement for the Public Record.** The Town of York is still not in the FEMA designated Flood Zone. Yet, it's coming. I believe it is October when the

new map will become certified, and *then* we will be in a flood zone. If you want to have flood insurance, now is the time to do it, because you will be grandfathered in to an AO2 rating, if you are down in York Beach. That is opposed to an X or a B rating. One building that I own costs \$1,700 a year on flood insurance. Under the new classification, it would turn to over \$20,000 a year for flood insurance. If you ever need to finance property, the bank will require you to have flood insurance. If you want to save some money, now is the time to do it.

**Motion:** Dave Woods made a motion to move Sea Level Rise Amendment: Inventory & Analysis/Policy forward to the selectmen. Brud Weger seconded the motion, and the board passed it unanimously.

### **Ord-8 Comp Plan KACTS**

We are in this regional transportation organization that makes policy recommendations, said Christine Grimando. There is a funding component. It includes public transportation and bicycle and pedestrian policy.

**Motion:** Lew Stowe moved that Ordinance 8, the Kittery Area Comprehensive Transportation System, commonly known as KACTS, be forwarded to the Selectmen. Al Cotton seconded the motion. It passed 5-0.

Dave Woods said if you put York in the anagram first, KACTS would be YACTS. Brud Weger said if Kittery-York were first, it would be KYACTS.

### **Ord-9 Comp Plan York Village Center, Land Use Area 8**

Christine Grimando said the York Village Study Committee has put together a report and held public meetings and public outreach events to get feedback on issues of the Village. Their work is substantial. One recommendation is a Comp Plan amendment to reflect their findings. Lew Stowe said he is on the VSC. One question is how to get this information out to the public. We are especially focusing on traffic patterns. The Comp Plan should have been upgraded some time ago, he said.

These zones will most likely be Form Based, said Lew. The committee is more interested in the design of the two-minute area than how to zone it. They turn to the Planning Board about how to zone it. The Chairman opened the **Public Hearing**.

**Kinley Gregg** spoke as an individual, commenting on yesterday's memo addressed to the Selectmen from Ron Macalister, Chairman of the York Village Study Committee. He wrote and the situation was that Selectman Kinley Gregg was displeased that an Amendment based on a Village Study Committee's report and PowerPoint presentation bypassed the Board of Selectmen in the form of an agenda item, which would have been correct Parliamentary Procedure. Instead, there was a 45-minute Work Session that Kinley regarded as chitchat.

She commented on the 25 points of the memo. Negative reactions include **Parking:** the village center is almost *all* parking. **Removal of utility poles:** an expensive priority.

**Detailed streetscape plan:** retaining expensive consultants. **Minutia:** bike racks, benches, streetlights, drinking fountains, color regulation, flowerpots (she said she just doesn't get it). **Development of master plan:** more expensive professionals. **Three-D modeling in the Comp Plan** (just doesn't get it).

She spoke positively of keeping **Town Hall** where it is, moving **the Fire Station** (but who would approve a large-capital building at this time?). **A Visual Identity Committee** and a **Finance Tax Increment** should be approved, Kinley said. The Chairman closed the **Public Hearing**.

Todd Frederick said that we have to sit with the Select Board. Initiating Comp Plan amendments rests with us, but their success depends on more feedback. Dave said if we pass it, it might fall dead. Lew said there are things she questions, but there is nothing that she eliminates in total. The Committee had CMP and Fairpoint come in and tell us what it would take, he said. But we did not even ask for bids. The location of the Town Hall and the fire station are both in the Comp Plan now. Traffic patterns are the big thing. The \$500,000 is a good stimulus to get the project going, he said.

Dave Woods said the Comp Plan is one thing, but there is still a lot of work that can be done with the Comp Plan being just as it is. Lew said to get to the zoning changed, you have to go to the Comp Plan. This Village Study Committee is just reaching out to the public now. We have enough Comp Plan consistency to move ahead now. It is worth updating the Comp Plan.

### **Proposed meeting with Board of Selectmen regarding Police Station/Connector Road Project**

Todd Frederick said there is a meeting on July 10 with the Planning Board, the Board of Selectmen, and the Conservation Commission to discuss "what went wrong and how to right" the Police Station/Connector Road project. Personally, he is concerned that by going to that joint meeting, he would be meeting with a potential applicant who will come before this board. He has told the Town Manager he is not attending, and he has asked the fellow Planning Board members to make up their own minds about attending. If a Planning Board member attends, he said, it should be as a citizen.

### **Joint Meeting with the Board of Selectmen in August**

Christine said that there is a joint meeting with the Board of Selectmen in August (either the 12<sup>th</sup> or 26<sup>th</sup>). We will present an agenda of what we want to cover.

### **Other Business**

Ellis Short Sands Park Bathhouse findings of fact

### **Adjourn**

10:30