

**TOWN OF YORK PLANNING BOARD**  
**THURSDAY, APRIL 28, 2005, 7:00 PM**  
**YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the workshop meeting at 7:00. All the board members were present: Barrie Munro, Glenn Farrell, Richard Smith, Glen MacWilliams, Tom Manzi, and alternates Lee Corbin and Michelle Moody. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised and videotaped. There were three motions made.

Barrie Munro asked the board how they wished to approach discussion of the ordinance amendments. He felt Items 1, 2, 8, and 12 were particularly substantive. Michelle Moody and Glen MacWilliams both agreed that those should be discussed first. Michelle Moody suggested putting time limits on the public input. Barrie Munro asked for a 10-minute time limit on each public comment.

**Public Input Open to the public to address any issue other than issues scheduled for public hearings on the agenda.**

Ron Nowell said that he had recently gone before the Board of Selectmen to describe backhoe activity he had seen at the 2<sup>nd</sup> Parish cemetery near Hickory Meadows. He was concerned because gravesites in that area are not well monumented, and it is not legal to disturb ground within 25 feet of a cemetery. He read part of a memo from Steve Burns. Ron Nowell indicated that someone had inferred that he was lying about seeing the backhoe. He said that no one from the Town went to look at the backhoe.

Tom Blaisdell referred to a letter he had sent Town Planner Steve Burns about the proposed ordinance amendments being discussed that evening. He was not sure if classifying occupations by lot size was a good idea. He asked if nursery schools fit into the same category as home day care centers. He said that poor drainage from cluster housing is a very big issue. The drainage from the cluster subdivision next to his farm makes some of his farmland unusable. He supports Item 8, York River Overlay because he believes in protecting the York River. He also said that with surface ratios, it would be more favorable if the fields around the center lot on a farm, which is the one with the buildings on it, could be calculated into the formula when determining the surface ratio.

Barrie Munro closed the public input hearing. He said that the Planning Board does not have the ability to enforce the Ron Nowell's backhoe issue, and that Ron Nowell had spoken to the Planning Board as if it was not doing its job. Steve Burns said that the intention of digging near the cemetery was included in the plan notes. Two geologists, including a forensic geologist, had inspected the area with ground radar and reported that there were no bodies in the area near where the digging was desired. Glen MacWilliams said that the issue had to do with being within the 25-foot setback.

**Motion** Glen MacWilliams moved to request Code Enforcement to look into the report of violation at the cemetery at Hickory Meadows off Route 91. Richard Smith seconded the motion, which passed, 5-0.

### **Minutes Review and approval of draft minutes of April 14, 2005.**

Glen MacWilliams said that if something is said and recorded in the Minutes that sets the board up for an error down the road, the Minutes have to be corrected. Michelle Moody said that the videotape should be reviewed in some cases to correct the Minutes.

Glen MacWilliams asked for clarification in the April 14, 2005 Minutes, that the manufacturing or use of vinyl siding has no negative effects on the environment, *as compared to wood*. Lee Corbin said that CEO Decoteau's name should be corrected from Tom to Tim.

**Motion** Glen MacWilliams moved to accept the April 14, 2005 Minutes as submitted and amended. Tom Manzi seconded the motion, which passed, 5-0.

### **Business**

#### **1. Public Input opportunities. Describe the opportunities for public participation in the ordinance and Comprehensive Plan Amendments.**

Barrie Munro said that with the ordinances being very important, he would like to have seen more than two interested people come in to speak. He reviewed what had been passed in the November 2004 election: the new introduction, population, housing, and existing land use chapters. He summarized the upcoming issues: utilities, natural resources, the economic base, and possibly growth, as well as 15 changes to land use zoning, home occupation, and permitted use changes that would encourage small business starts. It is currently difficult to adjudicate cluster housing because of the current guidelines, he said. A wetlands protection bonus would help York protect wetlands from development. Voters will decide if an affordable housing bonus might be available to certain cluster subdivisions. Also, the Watershed Overlay District has to be considered, as does the bus-as-a-structure issue.

#### **2. Ordinance Amendments. Review the 15 draft amendments and decide what to forward to the Board of Selectmen for the first public hearing.**

The fifteen Proposed Ordinance Amendments are

1. Zoning Ordinance--Home Occupations and Permitted Uses
2. Zoning Ordinance--Cluster Subdivisions
3. Zoning Ordinance--Route One Building Design Standards
4. Zoning Ordinance--Increase Buffers for Elderly Congregate Housing
5. Zoning Ordinance--Change Boundaries of the BUS-3 Zone in York Beach

6. Zoning Ordinance--Alter Regulation of Condominium Conversions
7. Zoning Ordinance--Traffic Impact Mitigation on Town Roads
8. Zoning Ordinance--York River Watershed Overlay District
9. Zoning Ordinance--Historic Landmark Designation of Mt. Agamenticus Summit
10. Zoning Ordinance--Historic Landmark Designation of Grant House
11. Zoning Ordinance--Bus-as-a-Structure Issue
12. Zoning Ordinance--Reduce Permitted Uses in the GEN Zones
13. Zoning Ordinance--Septic System Setbacks in the Shoreland Overlay District
14. Zoning Ordinance--Amend the Shoreland Overlay District Boundaries and Map
15. Zoning Ordinance--Structure Expansion Limits in the Shoreland Overlay

As decided earlier, the most substantive amendments were discussed first. Regarding Item 1, Home Occupations and Permitted Uses, Richard Smith said that since the outdoor storage space is doubled from Class 1 to Class 2, it should be doubled from Class 2 to Class 3, making the space limit 3,200 square feet. Lee Corbin agreed. Richard Smith asked about the screening for parking. Glen MacWilliams said that the screening is an outstanding requirement for parking. Parking lots are not consistent with residential uses. Glenn Farrell suggested striking the last three lines of 7.4.5 General Stands—Parking that begins, “and shall not be located....” That was agreed to.

Tom Manzi asked in what zones lobstering and fishing is allowed. Steve Burns said they were allowed throughout the town. Referring to Tom Blaisdell’s comment during the Public Input, Steve Burns said that nursery schooling is not included as a home occupation, because schools are listed in the use table. Lee Corbin said that telecommuting is not listed as a home occupation. Steve Burns said that telecommuting is an extension of a regular job and is not a home business. Lee Corbin asked about the fees and suggested they be raised to \$25, \$50, and \$100, according to the small, medium, and large zones. Steve Burns described the Town’s administrative services connected with the home business fees, which led Glenn Farrell to suggest that the fees be set at \$50, \$100, and \$200.

The discussion went to Zoning Ordinance Item 2, Cluster Subdivisions. Steve Burns went over the basic changes, saying that the initial focus on cluster design is being shifted to the design of the open space. If a builder who can build a cluster does not build a cluster, there will be a penalty. There will be two bonus situations, a bonus for affordable housing and one for wetland protection. If the builder chooses cluster housing, public access will be part of it, or there will be a penalty. Michelle Moody said that developments with more than 10 lots should be eligible for cluster design, but that developments with fewer houses should be able to elect to build with cluster guidelines. Steve Burns suggested adding the language that under *compelling circumstances*, the board may allow a cluster with as few as three lots.

Richard Smith brought up the closing of cluster housing open space property from the public for the protection of the open space, if necessary. He suggested that the land could be closed for 30 days, and beyond that, the Planning Board would decide on the length of extended time. After discussion, the board decided to limit the closure to 60 days over a 12-month period.

Affordable housing was discussed. Steve Burns suggested that developers or Habitat for Humanity could figure out how affordable the residences should be. Lee Corbin said that given the cost of cluster housing, affordable housing would end up costing an awfully lot. Barrie Munro said that it is important not to let people on assistance feel like second-class citizens. Glenn Farrell said that people on affordable housing would have a difficult time coming up with association fees. He said that the growth ordinance would cause a problem in creating affordable housing. Glen MacWilliams said that the criteria for affordable housing don't have to be established by the board, but rather, the board is offering the opportunity to create affordable housing. Glenn Farrell said that he wanted the matter voted on separately.

The board discussed Item 8, the York River Watershed Overlay District. Steve Burns described how perennial, or year-round streams would have 100-foot setbacks, and others would still have 75-foot setbacks. Looking at Section 10-D.2.A, Standards, Barrie Munro asked if there was a definition of industrial sludge. Tom Blaisdell supplied a definition that the board decided to add to the language of the amendment.

Discussing the Watershed Overlay District, Steve Burns showed a map with the stream protection zone. He referred to it as an interim measure. Barrie Munro said that adding another layer of complexity is not great, but it will be on the warrant, so the board should make it as good as possible. Richard Smith said that there would be problems, if the ordinance insists on 100-foot setbacks from streams town-wide. Landowners would fight it. Glen MacWilliams said that the idea is to protect the York River, and why wouldn't anyone support that? What is being offered meets the Comp Plan and is in the best interest of the environment. Steve Burns said that it is scientifically understood that the sediment drops out of the water at 100 feet. That is the reason the 100-foot setback is being established.

**Motion** Glen MacWilliams moved that the Planning Board stand in support of the Overlay District, including the added language contributed by Tom Blaisdell. The Board will go forward with the hearings. Barrie Munro seconded the motion.

In discussion, Barrie Munro said that one approach was to discuss the district, and the other is to take the "guts" out of the overlay district and incorporate them into the existing ordinances. Steve Burns said that the second approach could be done, but that it would require a lot of time he really did not have.

**Vote** The motion passed, 3-2, with Barrie Munro, Glen MacWilliams, and Tom Manzi for, and Richard Smith and Glenn Farrell opposed.

Steve Burns reviewed the text of Amendment 8, the York River Watershed Overlay District. His comments encompassed lot coverage, buffers, restoration of damaged buffers, scouring, and silt. He said that the proposed leech field standard is better than the one in place today. The board discussed the eradication of overboard discharge systems into the

river. The systems were replaced with septic systems, making the York River overboard discharge system free.

Michelle Moody went over a chart of possible uses in the different general zones, indicating which uses were considered inappropriate and were eliminated. Steve Burns described two places on the shoreland zoning map where the contiguous standards for wetlands under four acres were not met. One was on Radon Road, and another at the Beach, near the Cutty Sark Hotel.

**Motion** Glen MacWilliams and Richard Smith moved and seconded to adjourn the meeting. All were in favor. The time was 10:30