

York Planning Board
Thursday, April 23, 2015, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum; Appointment of Alternates

Vice Chairman Peter Smith called the meeting to order at 7:03. A quorum was determined with five people voting: Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe; Gordon Eldridge, who represents York Beach; and alternate Amy Phalon, Esq., was asked to vote as a full member. Alternate Wayne Boardman was present, but did not vote. Chairman Al Cotton was absent. Leslie Hinz, Town of York Stormwater Manager, and Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Review Findings of Fact

Motion: Todd Frederick moved to authorize the Chair, Peter Smith, to sign the Findings of Fact, Conclusion of Law, Decision to the Planning Board, Town of York, Maine, for Gardner S. Toby, Jr., 434 Beach Ridge Road, Eliot, Maine, for property on U.S. Route 1 and 21 U.S. Route 1, Map & Lot 30, 30A, 134, 103, and 105. Gordon Eldridge seconded. There was no discussion. The motion passed 5-0.

Before the following motion was made, the Board discussed the checklists used in approving Findings of Fact in Site Plan and Subdivision Review Sections 1.2 (Criteria of Approval), 6.3 (Preliminary Plan Approval), and 6.4 (Final Plan Approval). Lew Stowe said the Findings of Fisherman's Dock, LLC, only addressed waivers and did not respond to any other question on the checklist. A new checklist should be made, he said, by selecting criterion from each of the three lists and combining them to make a new list. Peter Smith **spoke into the record** that the Board shall make the item a high priority on its workshop agenda.

Motion: Amy Phalon moved that we approve the Findings of Fact and Conclusions of Law regarding an application by Fisherman's Dock, LLC, Map 0091 Lot 0004A, at 674 U.S. Route 1, York, Maine. Gordon Eldridge seconded the motion, which passed 4-0-1, with Lew Stowe abstaining.

Minutes

The April 9, 2015 Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the Minutes of April 9, 2015, as amended. Amy Phalon seconded the motion, which motion passed 5-0.

Field Changes There were no field changes.

Public Input

Greg Gosslin read a letter from **Sean Mitchell**, who owns the Bagel Basket and a vacant lot at 282 York Street. His properties are currently outside the boundaries of the Village Overlay District. Because of better allowances for density, setbacks, and other opportunities, Mr. Mitchell would like to have his properties included inside the Village Overlay District.

Joel LeFever, 106 York Street, is the director of the Old York Historical Society on York Street. His office building is zoned RES-1B, which is too restrictive. The properties across the street are zoned GEN-3. In November, he would like to see the zoning for the Historical Society office changed from RES-1B to GEN-3.

Planning Board Workshop on November 2015 Ordinance and Comprehensive Plan Amendments

The Board discussed the following five topics at this meeting.

- **Review Draft Stormwater Comprehensive Plan Chapter**
- **Review Draft Energy Comprehensive Plan Chapter with the York Energy Steering Committee**
- **Review the York Village Master Plan for incorporation within the Comprehensive Plan**
- **Review and potentially modify the Sewer Policy Map of the Comprehensive Plan**
- **Review November 2015 Ordinance Amendments**

Review Draft Stormwater Comprehensive Plan Chapter

Kristie Rabasca, President of Integrated Environmental Engineering, is the key author of the Stormwater chapter of the Town of York Comprehensive Plan. The main section of the chapter calls for meeting regional and national benchmarks for good stormwater practices. The benchmarks are taken from other communities that are successfully managing stormwater on their municipal parcels. How are stormwater systems financed? Things are getting more complicated, high tech, and expensive, she said.

The key is to control stormwater runoff. As the volume of runoff increases, it impacts streams and “scours” rivers. Brake dust, food waste, pet waste, litter buildup on the pavements, and pollutants run off. It has to be controlled in a responsible manner.

Most states and municipalities adhere to Low Impact Development (LID) to help manage stormwater runoff. In the case of buildings and parking lots, the amount of post-development runoff must not exceed the predevelopment runoff.

The Board is recommending the following goals for the Stormwater chapter.

- Conservation layout for subdivisions that will require 40-60% open space conservation requirements that focus on natural resources and green infrastructure.
- Establishment of a “clean water fund” that can be used for MS4 services, water pollution correction, and ground water protection.
- Stringent controls on septic systems and leach fields in areas where sewer is not available.
- Use of new stormwater standards requiring the use of the Intensity Duration Frequency Data from the Cornell Northeast Regional Climate Center for Flooding for all development. *Such evaluation shall be a priority of the Planning Board.*
- Integration of Low Impact Development (LID) management into Town Land Use Codes to treat stormwater in places as close to its source as possible with such tools as bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavement. LID is considered a sustainable stormwater practice.
- MS4 Clean Water Act. The permit requirement is more stringent with the issue of the 5-year general permit. Other MS4 permits should be examined across the nation. Maine permits have to be as stringent as New Hampshire and Massachusetts MS4 permits.
- The Town has adopted Federal and State standards in known floodplains and wetlands. The Town should work to identify more floodplains, especially coastal floodplains. The Town should obtain floodplain and wetland areas whenever possible to put into conservation.
- The Utilities Chapter has a four-paragraph stand-alone section that describes stormwater, which the Comp Plan must reference. It is a standalone Stormwater Inventory and Analysis and pertains to the Edwards and Kelsey Report.
- MS4, Separated Stormwater Sewer Systems, will require mapping for the entire storm drain system. It is intended to show that stormwater infrastructures are not contaminating water resources. There are three cities in Maine that have Stormwater User Fees. Their Stormwater systems are managed like a sewer district.

Motion: Vice Chairman Peter Smith requested a motion to move this subject, as presented and amended tonight, to a Public Hearing at the June 28 meeting. Amy Phalon so moved. Todd Frederick seconded. The motion passed, 5-0.

Review Draft Energy Comp Plan Chapter with the York Energy Steering Committee

The York Energy Steering Committee Chairman Rosanna Patane and Vice Chair Stephen Kosacz spoke about the Efficient Energy chapter, which is not ready for the November referendum. The Town of York voters had allotted \$400,000 for the Energy Committee to apply efficient “strategies that are worthy.” Solar panels have been installed on the Beach Fire Station. The most recent CMP electric bill at the firehouse was \$18.00, down from “several hundred.” The committee wants to obtain developed data to measure the energy use of the entire town, municipal operations, and in the community.

A Community Dialogue Workshop is planned for May 30, 2015, and will include discussions about energy in the home and business.

There is an effort planned to change York streetlights to LEDs, which give cost efficiencies of 60% to 80%. It will most likely be done without capital expenditure, because there are energy service companies that will come to York, finance, design, and install streetlight configurations. The costs are paid for by the Town's savings.

Review the York Village Master Plan for incorporation within the Comprehensive Plan

TDRC, the consultant developing the Master Plan, will make a presentation to the Selectmen on May 18, which the Planning Board members can attend.

Dylan Smith asked for a work group to prepare a new version of the Land Use Area 8 amendments, which will be referenced.

Review and potentially modify the Sewer Policy Map of the Comprehensive Plan

The proposed sewer policy map shows a Shore Road Service Area, a Priority Service Area, and Prohibited Area. The Priority Service Area, associated with density, could be expanded in the Route 1 area of Cape Neddick. The boundary between the Priority Area and the Shore Road Area has not yet been defined.

Motion: Amy Phalon made a motion to take the Sewer Policy Map, with the additional Priority Area, to a Public Hearing on June 25. Todd Frederick seconded. There was no further discussion. The motion passed 5-0.

Review November 2015 Ordinance Amendments

Other Business

Two Requests for Zoning Changes

Bagel Basket

Dylan Smith recommended that Sean Mitchell, owner of the Bagel Basket and a nearby vacant lot, should have his properties zoned in the Village Overlay District, where 75% lot coverage is allowed, instead of 25%, as allowed, in the GEN-3 zone. The Bagel Basket is inside the 5-minute village and "feels like" it is in the core area.

The chairman opened and closed the public hearing. No one came forward to speak.

Motion: Amy Phalon made a motion to move the changes to the York Village Center Overlay District for Lot 282, Map & Lot 50-119 to the May 28 Public Hearing. Todd Frederick seconded. The motion passed 5-0.

Old York Historic Society

Joel LeFever has requested inclusion of the Old York Historic Society building, located at 207 York Street, in the GEN-3 district. It is odd, said Dylan Smith, that the Meetinghouse, next-door, is not part of GEN-3, as well. No one from the Hospital has requested the Meetinghouse to be included in GEN-3, which would be advantageous for the Hospital.

Motion: Amy Phalon moved that we including the re-zoning of 207 York Street, the Historical Society's current administrative offices and the Meetinghouse, which is an abutting property, for the Public Hearing on May 28. Gordon Eldridge seconded the motion, which passed 5-0.

Adjourn

11:05