

Joint Meeting  
York Planning Board  
And  
Board of Selectmen  
Agenda  
Thursday April 29, 2004, 7:00 PM  
York Senior Center

Planning Board Chairman Glenn Farrell started the workshop at 7:00. Chairman Michelle Moody, Carol Allen, Mike Palumbo, Stanley Wilson, and Torbert MacDonald represented the Selectmen. Barrie Munro, Glen MacWilliams, Richard Smith, and Tom Manzi represented the Planning Board. Steve Burns represented the Planning Office, and Patience Horton took minutes. There were no motions made.

Business

**Proposed Schedule for November General Referendum. Discuss draft schedule of meeting and hearing dates required to prepare for the November 2004 General Referendum.**

Steve Burns explained the schedule he had handed out for work to be done for the November ballot. The comp plan amendments require two public hearings with a workshop in between. For zoning ordinances, the planning board must have two hearings, the selectmen must have two hearings, and a workshop of the groups in the middle was planned. Barrie Munro asked for a joint workshop for the zoning ordinances between the two planning board meetings for greater consensus, because public hearings could possibly produce the same input for both groups. Michelle Moody agreed that the idea was good. So, a joint workshop for the zoning ordinances was then scheduled for June 1. Torbert MacDonald asked about scheduling for ordinances made by members of the board of selectmen. Steve Burns replied that those would go through the planning board. Glen MacWilliams asked that the town ordinance that allows adjacent wetlands to be divided by manmade and/or natural barriers, be reexamined. The selectmen agreed to include the item on the work priorities agenda.

**Discus Materials Completed to Date. Review and discuss draft amendments to ordinances and the comprehensive plan as they stand at this time.**

Steve Burns presented the map of base zones, which was being prepared for public viewing at the library by the end of the following week. The shoreland overlay had been and was continually being revised, because the old shoreland map had errors in it. Resource protection presented many problems, including the flood plain area next to Long Sands, a designation which did not exist a couple of years ago, but became resource protected.

Torbert MacDonald suggested resource location boundaries, which Steve Burns said were already incorporated in the new map. Mike Polumbo asked if watershed drainage problems are taken into account. Michelle Moody asked if the issue of a wetland being separated by a road, a situation that had recently been brought forward in an application for property adjacent to Windmill Acres, is taken into account in the new map. To both questions, Steve Burns answered that the changes were in the map, but not in policies. Policy shift is not the issue right now. The work is on the map, he said.

Glenn Farrell moved the discussion to drainage problems, which Michelle Moody said was too big to develop for the November ballot. Barrie Munro suggested accumulating items, such as drainage, on a list. Steve Burns referred the task-by-task list, which the planning board had developed the previous July. He said he would print the list out and put it into each selectman's box. He also suggested putting referendum items on an annual voting schedule, so that the six-month posting process could be avoided.

Pointing out various aspects of the map, Steve Burns showed certain boundaries for different zones and the described the accommodations that had been made to achieve the boundaries. He said the designations for the different zones could be changed, if the boards want to change them. Barrie Munro said that the zones should reflect what is already there. Torbert MacDonald said that a parcel should not be split. Glenn Farrell suggested having two items on which the public could vote. The first would be that a lot couldn't be split between two zones, and the second was that a district boundary could be redrawn, if required. Carol Allen asked if home occupations would still be legal, if a gen-zone were changed to a res-zone. Steve Burns answered that they would.

In discussing the chapters of the forthcoming Inventory and Analysis, Glenn Farrell asked why a housing chapter should be at the end, when it will replace the housing chapter that is there. Torbert MacDonald said he had always suggested that chapters fit in like loose-leaf notebook pages, so they can replace sections without requiring that the entire book be reprinted. Steve Burns added that a cover page would explain the changes. The technological capability of the Town's scanning and printing equipment was discussed.

The discussion then went to affordable housing, which the Housing Authority will join in on solving.

Mike Palumbo and Torbert MacDonald expressed concern for possible abuse of the development of apartments for aged and/or infirmed family members, especially in the interpretation of the term, "demonstrated illness." There was a discussion about applicants' presentation of adequate proof that a family might qualify for such an apartment to be established.

The structure expansion item was briefly discussed, as was the policy change for buffers and setbacks. Torbert MacDonald suggested inclusion of language that a developer of certain properties shall not expand and encroach toward the water, an idea that the group met favorably. Steve Burns said that his office would draft language to that effect.

Finally, the amendment about restaurant seating in establishments that are not restaurants was discussed. Six seats seemed to be okay. Multiple tables cause a co-principle use. Torbert MacDonald said that the parking issue should be emphasized.

### **Other Business/Adjourn**

Torbert MacDonald handed out copies of §21, Ordinances in General, of the York Home Rule Charter, pointing out that the creation of ordinances by the planning board is not a charter function. He said that neither does §7 of the MMA Handbook for Planning Boards give ordinance creation, authority, nor jurisdiction to a planning board. He called this the chain of legitimacy in the interest of procedural and constitutional correctness. Barrie Munro commented that the planning board does give ordinances to the selectmen, and is correct in that. Both Glenn Farrell and Steve Burns commented that the comp plan does give the ability of creating ordinances to the planning board. Torbert MacDonald said he would prepare a brief on the item, and that the process that had become a custom may not be legal.

The meeting ended at 8:45.