

**York Planning Board**  
**Thursday, April 28, 2011, 7:00 P.M.**  
**York Public Library**

Vice Chairman Todd Frederick called the meeting in place of Chairman Lew Stowe. He said there was a quorum. Todd Frederick, Dave Glazebrook, Torbert Macdonald, Jr., Tom Manzi, Tom Prince, and Dave Woods were present. Lew Stowe was absent. Tom Prince was asked to vote in place of Lew Stowe. Town Planner Christine Grimando represented Town Planning staff. Patience Horton took minutes. Community Development Director Steve Burns and Ben MacDougal of the Community Development Office presented several November 2011 Ordinance Amendments. The meeting lasted 3 ½ hours and was televised.

**Public Input**

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

No one came forward to speak.

**Field Changes**

There were no field changes.

**Minutes**

**Review and approve draft minutes**

The April 14, 2011 minutes were reviewed. Tom Manzi and Torbert Macdonald requested changes and gave them to the secretary for correction.

**Motion:** Tom Manzi moved to approve the amendments as amended. Tom Prince seconded the motion. The motion passed 5-0.

**New Business**

- *Workshop of November 2011 Ordinance Amendments*
- *Workshop of Draft Comprehensive Plan Amendments*
- *Discussion of possible dates and agenda for next York Beach Project Public Forum*

The following Ordinance Amendments and Comprehensive Plan Amendments were up for review. Because of time, the Board only got to the Ordinance Amendments. The Comprehensive Plan Amendments and discussion of dates for the York Beach Project were left for another workshop. Amendments that were discussed are highlighted in bold.

**Ordinance Amendments**

**Zoning Reformat**

Establish Low Impact Design Performance Standards  
Amend Non-Subdivision Road Standards

### **Amend Public Road Acceptance Ordinance**

Expand Cape Neddick River Tidal Buffers

Uses in Wetlands Municipal Protection Overlay District

Municipal Towers in the Wireless Communications Facilities Ordinance

### **Performance standards for docks**

#### **Sewer Hookup Waivers**

#### **Revise Sign Standards**

#### **York Beach Village Parking Standards Revisions**

Cluster Zoning Amendments

Minimize conflicts between residential and non-residential abutters

### **Comprehensive Plan Amendments**

Policy for the Green Enterprise Recreation District

New policies re: sustainability

New policies re handicapped accessibility

New policies re formula/franchise controls

Amend Shoreland and wetland policies

- **Performance standards for docks**

Ben MacDougal of Community Development said that as a result of a joint meeting of the Planning Board with the Harbor Board, held a few months ago, seven Best Management Practices for the Shoreland Overlay District docks will apply.

Design will call for shorter piers and longer ramps

Avoid placing docks above (\_\_\_\_)

Floats are not to rest in mud at low tide and/or must have stops

Floats must be stored in an upland area in winter

Docks can't be built out of toxic treated material

(6.)

(7.)

Dave Woods asked for a common definition for float stops. Torbert Macdonald said a float should not rest in the mud at low tide unless the Harbor Board approves it. If it were a navigational hazard, it would not be in the mud at all.

The sources of the Best Practices items come from DEP, Corps of Engineers and from reports by Michelle Dionne and Bud Brown. If it is necessary to put in a process for exceptions, those cases would go to the Board of Appeals, said Ben MacDougal.

Dave Woods said there should be language describing for "low tide." Ben MacDougal said the distance from low tide to the shore has to be spanned by the pier. New docks will have a shorter pier and a longer ramp. Thirty percent of the entire length could be pier. The ramps, as well as the floats, must be removed and stored at the end of the season. Torbert Macdonald said the relative lengths of the dock, ramp, and float should be decided by Code Enforcement on a case-to-case basis, since different landscapes have

different configurations. Ben MacDougal said there are different site circumstances, and docks are site specific.

Dave Woods asked how stringent DEP and the Army Corps are before the dock application comes to the Town for approval, where it might be denied. Ben MacDougal said the Town has stricter standards than DEP does, and the applicant should, and usually does, come into the office with pre-application work to get a general idea or a verbal okay from Code.

Todd Frederick asked how to define “new dock.” Ben MacDougal said new docks are completely new. Torbert Macdonald said all new material should be used, subject to these standards. He thought the definition of “upland” should be more specific.

- **Sewer Hookup Waivers**

Ben MacDougal said that when public sewer is accessible by a property, but the owner already has a septic system, there is a need for a sewer waiver to get around the hookup.

This ordinance amendment concentrates on malfunctions and dilapidated systems that must be hooked to the sewer. This is a public health issue. A one-year waiver would be available to everybody with properly working system. Systems near tidal waters, Shoreland, or near streams would not get further waivers. Systems put in since 1974 are more likely to have extended waivers because of better technology than those put in before that year. Ben MacDougal said the age information for a system’s design can be purchased from the State. All will have annual septic evaluations and sometimes longer between inspections, depending on the age of the septic system. Regular pumping has to be proven with records, every three years for the watershed, and five years in town. Reporting the pumping history is the responsibility of the waiver applicant. The inspections are contracted to Licensed Site Inspectors (LSIs).

Torbert Macdonald said sewer connection is required by the State if the sewer comes within 200 feet. A Sewer Hookup Waiver is null and void, if the septic system malfunctions. Then the waiver is null and void, and the applicant has to connect immediately. Tom Manzi asked if a household be required to hookup even when the owner feels he cannot afford it.

Dave Woods said a sewer bill is sent out quarterly, even though the property might not be connected, if the sewer line runs past the house. There would be undue hardship to people who do not have \$50K to hook up. Tom Prince asked how the Town knows a person’s financial condition. Ben MacDougal said they can get income information and compare it to poverty levels. Steve Burns said the Planning Board does not deal with sewer, directly. This amendment is here so the Board can work with the waivers.

- **Zoning Reformat**

Steve Burns said the reformed Use Table makes the zoning ordinance user-friendlier. Each zone is covered by its own chapter and has “just about” everything about its zone. Footnotes have been incorporated into the chapters. Article 4 has been transferred verbatim. Dave Woods found an error about take-out pizza, and Steve Burns said he isn’t surprised, because the table hasn’t been proofed. To do so, he wants to divide up the document and have each Planning Board member work with him, one for each section.

- **Establish Low Impact Design Performance Standards**

Steve Burns said that soil erosion has to be stopped because pollutants are in the soil. Erosion in the wetlands has to be stopped. If soil is eroding into the water bodies in the wetlands, the landowner is in violation and has to pay a \$100-a-day fine. There is a two-page guide recommending hay bales for barriers, which should be available at the library and the website.

- **Municipal Uses in Wetlands Protection Overlay District**

Steve Burns said wetland standards that allow 4300 square feet of fill, in wetland locations, were set ten years ago. It was used as a stopgap measure that went with Comp Plan standards providing that some wetland can be filled. At that time, a mitigation compensation program was developed. §6.1.3 minimizes wetland impact.

There are public projects and public infrastructure that are good for the Town. This amendment proposes that municipal use would be available to for public projects. Per 11.4.3, the taxpayer must see the benefit. Torbert Macdonald said there is an assumption that the road will alleviate problems. That may not be the case. He would like to have seen an amendment come before the land was purchased.

Steve Burns said the Board could cut back on work on the wetland fill amendment and concentrate on 11.4.3. Vice chairman Todd Frederick polled the board to either leave the amendment the way it is or to minimize the change. Dave Woods, Tom Prince, and Todd Frederick wanted to leave it as it is, and Torbert Macdonald and Tom Manzi wanted to narrow the change specifically for the town road.

- **Revise Sign Standards**

Christine Grimando led the discussion about Sign Standards. There is a proliferation of signs in York. The amendment has definitions. It covers emergency standards, and graphics. It describes the technique for measuring, permitting authority for each type of sign, dimensional sizes for businesses, and regulations for buildings with multiple businesses. This includes flag signs. Torbert Macdonald noted that neon is permitted, which he found appropriate in the Beach. Christine Grimando said LED should be cited for energy efficiency, and applicants are encouraged to come forward with LED lights or their equivalent. LED signs should be encouraged, not just allowed, said Torbert Macdonald.

Dave Woods talked about externally and internally lit signs, with light letters on dark backgrounds. He would like to see fewer externally lit signs. Christine Grimando said she hopes to see light colored letters on internally lit signs.

Dave Woods said signs with changeable light background with dark letters are not permitted and should be permitted. Strings of dangling light bulbs, “like in Tijuana,” should be forbidden, but small lights for wrapping trees are tasteful. Those currently are not permitted.

- **Parking standards in York Beach Village**

Christine Grimando reviewed the parking provision amendment. Credit for parking spaces can be substituted for some parking. Shared parking is a factor on a mixed-use site, however not every site has to provide parking. The amendment doesn’t include commercial uses or changes to other uses.

Torbert Macdonald said a business should be able to sell parking spaces or lease out parking spaces that are not being used. Steve Burns asked if there should be parking requirements for businesses. Torbert Macdonald said he doesn’t think anybody in the private sector should be responsible for parking. This should be considered a municipal function with, perhaps, an impact fee for new development.

### **New Business [Cont.]**

The following agenda items were not discussed during this meeting and will be heard at another workshop meeting.

- *Workshop of Draft Comprehensive Plan Amendments*
- *Discussion of possible dates and agenda for next York Beach Project Public Forum.*

### **Old Business**

There was no Old Business.

### **Other Business/Adjourn**

There was no Other Business.

The meeting ended at 10:30.