

York Planning Board  
Thursday, August 23, 2007, 7:00 PM  
York Public Library

**Call to Order, Determination of Presence of Quorum**

Chairman Glen MacWilliams began the meeting at 7:00 and determined presence of a quorum. Beside Glen MacWilliams, Vice Chairman Tom Manzi, Barrie Munro, Lee Corbin and alternate board member Lew Stowe were in attendance. Dave Woods was absent, and Lew Stowe was asked to vote in his place. Community Development Director Steve Burns represented Planning Department staff. Patience Horton took minutes. The meeting was televised.

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

**David Ranta** of the **York-Ogunquit United Methodist Church** told the board he wished to put eight solar panels on the south roof of the Methodist Church, located just north of the Lobster Barn on Route 1. The panels would be independent of the roofing. Barrie Munro said that the panels should not detract from the existing architecture. Glen MacWilliams said he had never even noticed the south-facing roof of the Methodist Church. Lee Corbin asked that the board see a sample of the panels in order to get an idea of how the appearance might change. Dave Ranta offered to supply a photograph with superimposed panels or present a schematic drawing. Fee was discussed. Steve Burns said it is not possible to waive the fee, which would probably be \$100. Dave Ranta specified that he does not wish to find out, after making a continuous application, that nothing is possible. It was decided he would do the application with staff and then come to the meeting for review.

Abutter **Jennifer Lynch** came to speak about the **Scudiere Application** for re-division of the Scudiere property. She asked the board to re-think its August 9 decision to divide the property. There are 12 abutters for whom the legality of the situation has to be considered, she said. The fact that the new lot cannot meet the road frontage requirements serves the argument that the land cannot be divided without a variance. The applicant has to have variance for the frontage. Glen MacWilliams replied that currently the board is concerned with the Findings of Facts, which is on the agenda for review later in the meeting. He was not sure if the board would sign the Findings or not.

**Field Changes** There were no field changes to be made.

**Minutes** for **July 12, 2007**, were reviewed. Lee Corbin made minor changes that Steve Burns recorded and would enter into the document before posting the approved minutes on the web. Glen MacWilliams discussed the board's pattern of making conditional approvals. There were three made in the July 12 meeting, though not all passed. He said conditional approval is an open door for an applicant not to have a complete application.

**Motion** Barrie moved to approve the July 12 Minutes as discussed and amended. Tom Manzi seconded the motion, which passed, 5-0.

The Minutes from **August 9, 2007**, were reviewed. Lee Corbin made small changes that were recorded by the recording secretary for change before submitting them to Steve Burns for web posting. Barrie Munro read passages he had added to the minutes, particularly the final paragraph of the Scudiere application, and those passages were recorded and approved. Barrie Munro also read passages from a letter about Class 1 Home Occupations from Diane Flynn, into the record.

**Motion** Tom Manzi moved to approve the August 12, 2007 minutes as discussed and amended. Lee Corbin seconded the motion, which passed, 5-0.

### **Public Hearings on Proposed Comprehensive Plan Amendments**

**CP-1 Inv & Analysis Historic & Archeological Resources Chapter**

**CP-2 Inv & Analysis Update the Natural Resources Chapter**

**CP-3 Policy Watersheds management policy**

**CP-4 Policy Storm Water Management Policies**

**CP-5 Policy Un-fragmented Blocks of Undeveloped Land**

**CP-1** Community Development Director Steve Burns discussed the five Comp Plan amendments. The new **Historic & Archeological Resources Chapter** replaces the old, out of date chapter. It points to the unique and/or noteworthy assets the town has. The chapter lays out information, and does not establish policy. Archeological and historic sites must not be damaged, and the Maine Historic Commission oversees that effort. He showed several maps of prehistoric resources, locations of shipwrecks, and cemeteries (219 total count in York). He showed a map of three historic districts, including York Harbor and York Cliffs, with 90 properties and 18 local landmarks among them. He showed maps of York dated 1652, 1665, 1775, and 1794 that will be connected to the Historic Chapter.

**CP-2** Steve Burns discussed the **Natural Resources Chapter**, showing State-prepared maps of Coastal Bluffs and Coastal Landside Hazards. He showed an elevation contour and slope maps prepared by Brett Horr using the Town's GIS.

**CP-3** Steve Burns discussed **Watersheds Management Policy**. Watersheds can be a basis for regulatory purposes by establishing more appropriate regulatory standards.

**CP-4** Steve Burns said that as part of **Storm Water Management Policy**, the Town currently participates in the national flood insurance program, and continued participation should be a policy of the Town. Impervious surface standards are inconsistent throughout the different zones, and that problem is addressed with this amendment. As well, John Discher of the Planning Office is refining stream order. Steve Burns explained stream order and said that Cape Neddick River is possibly fourth order, and York River,

fifth order. Previously York River was thought to be the only and highest forth order steam, with Cape Neddick River being third order.

**CP-5** The **Unfragmented Blocks of Undeveloped Land** amendment serves to create policy. Pointing to a map, Steve Burns explained there are three large unfragmented blocks around Mount Agamenticus that have three or four thousand acres between them. The Comp Plan calls for protecting these resources, he said. Unfragmented blocks to the east of the turnpike are disconnected from these three blocks by the turnpike, itself. In discussion, among other changes, Lee Corbin suggested specific language about pursuing the official abandonment of the old woods road, which were once owned by the Town.

**Motion** Lee Corbin moved to accept amendments with the changes that were made and to have the Comp Plan Amendments passed forward to the Selectmen. Barrie Munro seconded the motion. The motion passed, 5-0.

### **Old Business Findings for Scudiere. Review and finalize the findings.**

The board discussed the Scudiere Findings of Fact, which had been written and submitted by Attorney Greg Orso. Lee Corbin and Barrie Munro felt that the findings laid out the conclusions well, and they were in favor of approving them. Glen MacWilliams suggested going back and reviewing the video of the hearing (August 9). Tom Manzi said he disagreed with the decision and did not want to sign the Findings. Steve Burns said that the appeal period begins when the Planning Board signs the Findings. They can be signed at the next meeting. Lee Corbin read the decision aloud.

**Motion** Glen MacWilliams moved to send the Scudiere Findings of Fact back to the applicants' legal counsel to differentiate between facts and conclusions. Tom Manzi seconded the motion, which passed, 4-0. Lew Stowe did not vote.

### **New Business**

#### **1. Work Priorities for the Coming Year It's that time of the year again when the Board needs to start thinking about what to work on in the coming year.**

Steve Burns said that he would be working with the new Town Planner when that person begins. He talked about the overload of amendments the Board or Selectmen had received, including the York Beach and Workforce Housing Amendments. Those were dropped, which reduced the amount of published information from 120 to 80 pages. The remaining zoning amendments still left the Selectmen with quite a bit of work. The Planning Board should take over the challenge of Shoreland and the Beach, he said. The use tables are "screwy" with pages and pages of footnotes, and the Planning Board should look at that. Manufactured Housing and Workforce Housing should be brought into compliance with the State. Sign standards and design standards should be amended. Among minor issues, he continued, the front yard setback rule should be reconsidered. Updating to the International Residential Code and International Building Code has been requested by the Code Enforcement Officer. The York Beach Fire Chief has recommended updating to a newer version of the life safety code.

- 2. Training Opportunities** The Community Development Department will host a series of local workshops for members of the Town's land use boards. This will be a discussion of ideas currently being developed, and an opportunity to request specific topics.

Steve Burns said that more time should be spent developing the capacity of Planning Board members to be more effective and efficient. He wants to bring people in for a regular program of training with workshops, beginning with Town Attorney Durward Parkinson, to discuss due process, and the dos and don'ts of operating as a board with controversial applications. These trainings, held in the fall and the spring, would be offered to members of the Town's other land use boards and committees.

- 3. Net Build-able Area and Density** Discuss these concepts as they are applied in subdivisions and cluster subdivisions.

Lew Stowe has suggested this topic to Steve Burns. Lew Stowe said he wished to review it with Steve Burns before bringing it to the board.

**Other Business/Adjourn** Steve Burns described a computer program owned by the Town of York. It will help organize time and activities for Planning, Code Enforcement, and other groups. It will also track complaints and violation. He described Southern Maine Regional's computerized models of what the zoning could support.

The meeting ended at 10:10.