

**TOWN OF YORK PLANNING BOARD  
THURSDAY, JUNE 29, 2006, 7:00 PM  
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:00 by introducing the Planning Board, staff, and guests. Four members, Barrie Munro, Vice Chairman Glen MacWilliams, Glenn Farrell, and Richard Smith, were present. Tom Manzi, and alternate Lee Corbin were absent. The meeting, a joint workshop with the Board of Selectmen, was a continuation of the June 22, 2006, joint Planning Board/Selectmen meeting. All the Selectmen were present: Chairman Dave Marshall, Vice Chairman Dwight Bardwell, Len Dorian, Torbert Macdonald, and Mike Estes. Town Manager Rob Yandow was also present. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised.

Steve Burns announced a joint workshop for the Planning Boards of York, Eliot, Kittery, Ogunquit, South Berwick, and Wells, to be held Tuesday August 8, 2006 at the York Public Library. The subject is Low-impact Development Standards. It will be televised.

**Public Input**

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

Cliff Estes asked that the Planning Board give out details to the public about deletions being made on the Comp Plan. He said that he would be submitting other comments in writing. He left. There was no audience.

**Requests for Field Changes**

**Decide on requests from previously approved applicants**

Steve Burns said there were no field changes.

**Business**

- 1. Joint Meeting with Board of Selectmen.**
  - A. Discuss draft ordinance amendments and input received during the public hearing. Decide jointly what to post for the next public hearing, tentatively scheduled for the Selectmen's meeting on Monday, August 21. At a minimum including:**
    - Stream Protection Zone Boundaries**
    - Ordinance Clean Up**
    - Site Plan Review and Route One Use Permits**
    - Large-Scale Retail in York Harbor**
    - Propane and Oil Tank Anchoring**

Steve Burns said that the first item, **Stream Protection Zone Boundaries**, responds to the current conflicting standards of either measuring 75 feet from the edge of the wetland, or 75 feet from the stream itself. The amendment would specify measuring from the top of the bank. If a tributary is not on the map, it does not apply. Mike Estes said the voters do not realize what the effect will be until a year from now, when there is a new wetland map. Maybe the item should be taken off the ballot until voters know how it will affect their property. The group agreed with this.

About the second item, **Ordinance Clean-up**, Steve Burns said that 11 definitions that are not used anywhere in the ordinances are being pulled out. Barrie Munro referred to it as an administrative cleanup.

Steve Burns said the third item, **Site Plan Review and Route One Use Permits**, is a procedural change that responds to last winter's Kenny Churchill rodeo application, as well as a past situation with paintball events. Events like those have been out of the Planning Board jurisdiction, because there is no floor area at the event locations that qualifies them for PB involvement. Having ten or more parking spaces facilitating an event will now trigger Planning Board review. The amendment also authorizes the Selectmen to approve special one-time events, which will not have to come before Planning at all.

The fourth item, **Large Scale Retail in York Harbor**, was discussed. Steve Burns said that big box retail, like Super Target, Home Depot, and Shaw's, is allowed in BUS-1, BUS-2, and BUS-3 (the Beach). It should not be permitted in York Harbor. Eventually it would be feasible to allow it in the Route 1-3 Zone. Dave Marshall asked why big box retail could not be precluded altogether. Referring to an article Lee Corbin had passed around at an earlier meeting, Steve Burns said that the town has to have an accommodation for big stores. They cannot be just zoned out. Mike Estes said that a store could not be larger than 20,000 square feet. Steve Burns said when Eldridge lumber hit 20,000 square feet, they started a second entity as a second company, the kitchen and bath center. A lockable door between units is required to segregate the businesses. Barrie Munro asked the group if the amended change should go to the vote, and everyone nodded in agreement.

Steve Burns said **Propane and Oil Tank Anchoring** had been a direct request from York Beach Fire Chief Dave Bridges. Tanks can be buoyant, leaking, and floating, making them a danger for emergency personnel. He showed photos from the May flood with high water in areas not even considered on the hundred-years floodplain. Mike Estes said that the property owner is responsible for anchoring the tanks. There should be a permit for propane tanks in the floodplain. Dave Marshall thought that a permit should include approval from the Fire Chief.

Barrie Munro said that **Workforce Housing** would be the subject of an upcoming July 27 (fourth Thursday) question-and-answer workshop held with the **York Housing Authority**.

**B. Discuss draft comprehensive plan and ordinance amendments and input received during the public hearing. Selectmen to offer input to the Planning Board regarding changes to the Comprehensive Plan**

- **Growth Policy Amendments**
- **Policy Amendments Regarding Public Water and Public Sewer**
- **General Policy Amendments**
- **Update Accomplishments**
- **Amendments to Remove Excess Specifics**

Steve Burns gave a PowerPoint presentation about the Comp Plan amendments, showing maps he had shown at the meeting held a week ago. York is required to have a **Growth Zone and a Rural Zone**, basically between the two rivers and east of the Interstate. The boundary will be made with a map, not with verbal descriptions. With **Policy Amendments Regarding Public Water and Public Sewer**, the point is to set priorities where public water and sewer are and are not wanted. He showed the water district service areas on the map. He explained that in the effort to keep Ogunquit's Perkins Cove clean, Ogunquit Sewer District serves the York area near the town line, in places where septic has failed. But, Ogunquit will not provide service to new growth and development. York sewer could be extended to Cape Neddick Village, Bog Road, Perkins Court, and the Court House area. The area along Shore Road that is on the ocean should have sewer, because there are overboard discharge systems there. The big question is whether sewer is wanted to the west of the Turnpike. He also pointed out the area in the northwest section of the growth area that Rick Boardman said should not be included in expansion.

The third item, **General Policy Amendments**, has to do with implimentation of subdivision policies, rural density controls, transfer of development rights, the means of updating the Comp Plan, mobile home standards, water district land conservation, private land covenants, and rural fire protection. Nothing was added to the fourth item, **Update Accomplishments**. Steve Burns said the fifth item, **Amendments to Remove Excess Specifics** eliminates over-specific statements in the Comp Plan that entail too many details that are difficult to follow. The PowerPoint presentation ended and discussion began.

Chairman Barrie Munro said that perception that the Comp Plan is being weakened by changes can be tested by comparing the goals with what is prescribed in the Comp Plan. The boards discussed **Growth Policy Amendment**. Torbert Macdonald described "Red Maple Swamp," the land that Rick Boardman recommended be excluded from the Growth Zone, as "bony" and "swampy." Impact of impermeability from development of that area on the Cape Neddick River would be severe. It should be zoned rural, he said. On the other had, the infrastructure around York Beach, Ridge Road, and Blue Stone would accommodate density, were sewer and water can be added as one entity.

Steve Burns said that the matter at hand is to lay out the growth boundary. Mike Estes said that the water can be expanded everywhere, and should be for fire protection reasons. But sewer is the issue. To expand sewer to the rural area would be a mistake. Start

with Bog Road, Cape Neddick Village, the Court House, and Perkins Court. Barrie Munro said that areas in proximity to the Beach are more important, considering the pollution problems that exist in that area compared to the need or opportunity represented by Bog Road. Len Dorrian said that there is resistance to developing sewer in the Bog Road area because of a new State statute. Dwight Bardwell said that the Town owns 70 acres at Bog Road. I-95 is the barrier from putting water and sewer there. Glen MacWilliams talked about overboard discharge units, saying that the environment and growth drive the locations of sewer and water. Torbert Macdonald said that in the Lake Caroline area, where the lots are small and everyone is on septic and wells, residents have to carry in drinking water. Barrie Munro said that the failed septic systems are polluting the beaches, and it is these areas that should be given priority.

Dave Marshall said that just because the town owns property on Bog Road, the property does not have to be developed. The land is for athletic facilities, which include skating and swimming centers. If the land cannot be developed, playing fields can go out there. Dwight Bardwell wondered if there is a way for sewer to be developed for municipal use only. Barrie Munro wondered who is going to pay for sewer, if it is being taken to Bog Road. Mike Estes suggested that if the tollbooths are going to be replaced, a conduit crossing could be arranged.

Steve Burns went back to the **Growth Map** and suggested lopping off the top, west area, as Rick Boardman had recommended. The Growth Map and the Sewer Map will not be the same, he said. The sewer map will include the south end of the Route 1 area, because there is a trailer park there that has problems with septic. Torbert Macdonald said that the King Crest has septic problems, and that the land between Dolly Gordon Brook and Bartlett Road is a large area that would be in jeopardy if a sewer line is put across it.

### **Comprehensive Plan Amendments Planning Board to decide what to post for the next public hearing.**

**Water Resources Protection** Steve Burns said the language in conflict with the State's requirement that the towns cannot be stricter than the State also has to be struck. Soil quality standards for subdivisions were discussed. It is worthwhile to examine lot size by soil type, said Barrie Munro. Steve Burns said that in Rockingham County, New Hampshire, septic loading is by soil type. Poorer soils require bigger lots. The better land, the better density. Mike Estes asked if the size of the lot should be based on the soil's ability to support sewer. Torbert MacDonald said that the data are not in place to know what it implies, but that Beech Ridge Road is a good place for cluster because the great soil there can support communal septic. Dave Marshall added that putting the rule in the Comp Plan does not create a zone change. He did not want the language thrown out. Neither did Glen MacWilliams and Barrie Munro.

Steve Burns said some policies, including **affordable housing** (mobile and manufactured homes) are not consistent with State law, and they should be addressed. The removal of specific zone sections from the land use section was also mentioned briefly. The policy

about fire protection and public water should be replaced. The two fire chiefs will be working toward establishing that policy.

Richard Smith began discussing the **Covenant and Deed Restrictions** amendment proposed at the June 22, 2006 meeting by York resident Bion Pike. The amendment requires that, except for conservation land, all covenant and deed restrictions, especially from cluster housing, shall be prohibited west of I-95, because they might harm rural characteristics. Steve Burns said that the area is reduced by half when watershed, Town and State lands are considered. Richard Smith said the objective is to keep traditional values, including home occupations, protected from covenants that might disallow farm animals, RVs, boats, etc., while protecting open space as a part of the rural area. Richard Smith hopes to see a place where covenants do not displace traditional lifestyle. Glenn Farrell said that covenants being spoken of affect all subdivisions, not just clusters. Steve Burns suggested making the amendment a separate stand-alone issue.

There were no comments about Item 4, **Update Accomplishments**, except Steve Burns said that Cluster should be included as an accomplishment. Fill was briefly discussed. Torbert Macdonald proposed striking the first bullet on Page 31 (“the Town might require financial compensation for the fill of any wetland areas in this area . . .”), and the group agreed to this deletion.

**Business ended for the Selectmen’s participation, and they left.**

Chairman Barrie Munro asked for the next step with the Ordinance Amendments and Comp Plan. Steve Burns said there were upcoming meetings on August 21 for the Board of Selectmen, and August 24 for the Planning Board.

**Motion** Richard Smith moved that the Planning Board add the Covenant and Deed Restriction language to the Comprehensive Plan, as written. Glenn Farrell seconded the motion.

In discussion, Chairman Barrie Munro read a letter from Lee Corbin saying she strongly supports the amendment. It will help keep the rural character of the area, which is the reason she, and everyone else who lives there, lives there. Richard Smith said that Tom Manzi had compared the restricted area to an overlay zone. Glenn Farrell suggested it go onto the list for the next meeting, when more members might be there. The Chair repeated his concerns with respect to the amendment and called for a vote on Richard Smith’s motion.

**Vote** The motion failed, 2-0, with Richard Smith and Glenn Farrell voting for the motion, and Barrie Munro and Glen MacWilliams voting against.

The Chair suggested to Richard Smith that the matter needed further discussion, and that it was possible that a compromise might be reached.

The fact that Richard Smith and Glen MacWilliams's three-year terms with the Planning Board were close to over without any overture for continuation from the Board of Appeals was discussed. Steve Burns said that the Town Attorney had said that when a person is in a Town position, the person stays until he or she is replaced.

## **Minutes**

The **June 8, 2006, Minutes** were reviewed. There were no additions or corrections. The Chairman asked if the minutes were accepted. They were **accepted 3-0**, with Glenn Farrell abstaining because he was absent. There was no motion.

The **June 25, 2006**, minutes were reviewed. There were no additions or corrections. The Chairman asked if the Minutes were accepted. They were **accepted 4-0**, with all present members voting. There was no motion.

## **Other business/Adjourn**

There was no other business. The meeting was adjourned at 10:15.