

**York Planning Board**  
**Thursday, May 26, 2011, 7:00 P.M.**  
**York Public Library**

Chairman Lew Stowe called the meeting to order. There was a quorum. Todd Frederick, Dave Glazebrook, Torbert Macdonald, Jr., Tom Manzi, Lew Stowe and Dave Woods were present. Tom Prince was absent. Alternate Dave Glazebrook did not vote. Town Planner Christine Grimando represented Town Planning Department staff. Patience Horton took minutes. Community Development Director Steve Burns presented some November 2011 Ordinance Amendments. The meeting lasted 3 ¾ 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 approve draft minutes**

There were no minutes to review.

**Public Hearings on Proposed Ordinance Amendments**

**Ord-1 Sup. Plumbing**

**Ord-2 Zoning**

**Ord-3 Zoning**

**Ord-4 Zoning**

**Ord-5 Zoning**

**Ord-6 Zoning**

**Ord-7 Zoning**

**Sewer Hookup Waivers**

**Best Management Practices for Docks**

**Reformat Article 4, Use Regulations**

**Performance Standard to Control Soil Erosion**

**Municipal Uses/Wetlands Protection District**

**Revisions to Sign Standards**

**Parking Standards York Beach Village Center**

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**Ord-1 Sup. Plumbing**

**Sewer Hookup Waivers**

Community Development Director Steve Burns said the discussion about this sewer hookup waiver problem started in 2007. Many people never hooked up when their sewer waivers expired. Sewer District had no way to enforce it and asked the Town to do it. Code Enforcement staff was not consistent with the way waivers were granted. Therefore the waivers were not fair. This should be a policy established by voters, not staff, said Steve Burns.

When the sewer is within 50 feet of a septic system, a property has to hook up, unless there is a waiver. Anyone with a septic system can get a one-year waiver. If the septic is

near important resources, there will not be additional waivers. There will be no additional waivers if the septic is older than 37 years, based on and moving forward from the benchmark of 1974, when designs changed. An inspection will be conducted every year on older systems. There are different intervals between inspections according to the age of the system.

Of financial hardship, Torbert Macdonald said it is an arbitrary sense of equity when one is directing who has to buy into the system and who does not. Low income should be the only condition not to hook up. Other waiver renewals are inconsistent. The waivers are gained easily and for too long a time. Economic standards keep systems that are marginal.

Lew Stowe said that by instituting waivers, there are holds on the implementation in the growth area, which has 1/3 of the homes in town. Steve Burns asked how waivers would be implemented. Torbert Macdonald said the Town should be going in the area putting sewer the growth area. Leniency is the impediment to doing that.

Tom Manzi asked if some systems could be fixed. What is malfunction? Steve Burns said there would be a definition of a failed septic system in the ordinance.

Dave Woods said that a \$30,000 hookup is a burden and, for most, a hardship. Torbert Macdonald said State Statute refers to distances of 200 feet for hookups. York is ledge-y. Soil conditions defeat the purpose for septic systems. Septic systems are all over the growth area. The Comp Plan's goal is to increase the density of the growth area. It is an impediment to sewer policy and I am against it, he said.

Steve Burns said septic systems were first identified by designers' or installers' names in about 1974-1975. About 10% of the septic systems in town are identified. Torbert Macdonald said the Sewer District has to take a cost analysis, if there are 30% of failed systems in the area. If the property owner has to be hooked up and septic cannot be repaired, the original 70% are going to avoid hooking up. That will not be economical logic.

Tom Manzi said the ordinance is aimed at the 30% or more people who have waivers. It opens the door on anyone in the growth area. How can it be logical to let the mass opt out? Steve Burns said it is the responsibility to direct the Licensed Plumbing Inspector to inspect on a case-by-case basis. There is no substantive guidance in the statute about this right now. The policy is being made at the staff level. The voters should make it. It affects all new sewers being installed.

Torbert Macdonald said that this would defeat the purpose of getting sewer through the growth area. That is an unintended consequence. He said the Planning Board should put a full press on the Board of Selectmen, because putting sewer in the growth area is the biggest problem in the town today. Everyone agreed the Board of Selectmen should be pressed about this. After small discussion, the Planning Board members decided to pull it out, so it would not be going to vote.

## **Ord-2 Zoning            Best Management Practices for Docks**

The best eight best management practices for docks are:

- 1) A dock shall be designed to have a shorter pier and a longer ramp.**
- 2) The pier must be elevated at least 5 feet above wetland vegetation.**
- 3) The maximum width of the pier is 4' for single-family use and 5' for shared use.**
- 4) Avoid placing docks above the wetland vegetation if there is an option.**
- 5) Floats shall not rest in the mud at low tide unless the Harbor Board approves.**
- 6) If a float must rest in the mud at low tide, the float must be equipped with "float stops" to reduce the surface area that rests in the mud. Float stops are pieces of material attached to the bottom of the float that reduce the surface area from resting in the mud by at least 80%.**
- 7) Floats must be removed from the water body and wetland during winter months (December 1 through April 1). The float must be stored in an upland (non-wetland) area.**
- 8) Use of toxic treated materials is prohibited without proper mitigation as specified by the Department of Environmental Protection.**

Dave Woods suggested using a term, such as "river bottom," rather than "mud" to describe the mudflat. In Item 5, the work "should" was changed to "shall." Steve Burns said Ben MacDougal, the shoreland code officer, heads up this ordinance amendment. The dock Best Management Practice resulted from a discussion between the Planning and Harbor Boards and concerns constructions of new docks, dock replacement, and dock placement. Floats must be removed during the winter. Toxic treated material is prohibited.

## **Ord-3 Zoning            Reformat Article 4, Use Regulations**

Steve Burns explained that Reformat of Article 4 Use Regulation has had three changes since the last workshop. He had missed elderly housing in RED-3. There was a small change in the RES-5 category for hotel and motel. On Page 85, he took out a footnote.

He requested more help from the Planning Board members to take out typos and make other corrections. Dave Woods suggested making a brochure for each zone, so an applicant could have a hand-held version. Dave Woods had already proofed three GEN zones. Tom Manzi had worked with Steve Burns in his office.

## **Ord-4 Zoning            Performance Standard to Control Soil Erosion**

Steve Burns said this amendment is proposed for low impact development. Soil erosion has pollutants attached to it. Soil erosion would be a violation of Town Code. Torbert Macdonald recommended making information about soil erosion available through posters, the web page, or library exhibit.

## **Ord-5 Zoning            Municipal Uses in the Wetlands Protection Overlay District**

Steve Burns said that in the recent referendum, the voters had said "yes" on creating the road to the Beach. The new police facility will be built there under current wetland stan-

dards. It will have a 1-mile road with more than 4,300 square feet of fill needed, more than allowable for the one lot alone. If Town subdivides the lot, the 4,300-foot fill can be met. You cannot drop anything in a wetland except crossings, said Steve Burns. This amendment says that municipal uses are allowed in the wetland, uses like Water, Sewer and roads that exist for the Public Benefit.

Lew Stowe said he is not in favor of the amendment. Every public use should stand on its own merit. Torbert Macdonald said he had gotten calls about this double standard. Question 38 on the ballot about the police station was “tricky,” he said, letting the government do what a public citizen cannot do. Steve Burns said that the government is different from an individual. Steve Burns had written Article 11 with an exemption for subdivisions, and it was written in on purpose.

Dave Glazebrook said that if the Town can build the road without this loophole, then do it. How can we get rid of the loophole that is there now?

Steve Burns said that wetland fill is free for one-family housing. Torbert Macdonald said that filling the wetland is irresponsible and is not optimal just because it is for Public Benefit. He would rather see a policy adopted for waivers, and then defer the issue of how we are going to assign mitigation and fulfillment.

Steve Burns said the logic didn’t make sense. Todd Frederick said to continue to use the loophole to make it work. Maybe the loophole will go away. He said to let the public vote on it. Torbert Macdonald asked, “what if they say no? Then you go back to the loophole.” The value of Public Benefit became the topic of discussion for a while.

Lew Stowe asked Steve Burns to come up with better wording for the Ordinance Amendment.

**Motion:** Torbert Macdonald moved not to post this amendment. Tom Manzi seconded the motion. The vote passed 3-1-1 with Torbert Macdonald, Tom Manzi, and Lew Stowe voting not to post it; Todd Frederick voting to post the amendment; and Dave Woods abstaining from the vote.

## **Ord-6 Zoning          Revisions to Sign Standards**

Town Planner Christine Grimando discussed changes made to the sign amendment since the last workshop, including the prohibition of signs above rooflines. The guidelines for sign illumination of signs had not changed. She said it is good to keep the standard for internally lit signs as it is. She suggested a reaching lumen maximum limit for signs.

They discussed disallowing pixtrelated LED signs (looks like TV). They discussed the possibility of increasing allowable sign size on Route 1 from 48 to 64 square feet, but after Dave Woods described how a person going by at 40 mph can only read four words, the Planning Board kept the Route 1 sign size at 48. Christine Grimando said special

considerations were being made to RES-1A and RES-1B, where more signs are needed for multiple businesses. Those signs should be limited to 100 square feet.

Dave Woods said the owners of currently existing illegal rooftop signs on Route 1 would argue that the signs have been grandfathered.

### **Ord-7 Zoning      Parking Standards York Beach Village Center**

Torbert Macdonald thought the amendment should be put off because it is premature. People in the Beach feel that parking should be a municipal function. Parking is part of the property value it accrues to. In moving to that standard, the board won't have a survey of places in the village about who has parking rights where. Dave Woods said the Beach Village needs a standard for parking. The amendment should be left on to see if it makes sense for the area. Can parking be sold or transferred? If the parking ratio went from three to six seats per space, the fire chief would cut of the maximum, anyway.

### **Workshop on Comprehensive Plan Amendments**

The board did not have time to discuss this agenda item. It will be postponed until the June workshop.

### **Old Business**

There was no old business

### **New Business / Adjourn**

There was no new business. The meeting adjourned at 10:45