

**York Planning Board**  
**Thursday, February 23, 2012, 7:00 P.M.**  
**York Public Library**

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

Chairman Lew Stowe conducted the meeting. A quorum was determined with five people voting: Todd Frederick, Tom Manzi, Torbert Macdonald, Jr., Lew Stowe, and Dave Woods. Alternate Dave Glazebrook was present and Tom Prince was absent. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes.

**Public Input**

There was no public input.

**Field Changes**

There were no field changes

**Minutes**

The February 9, 2012, minutes were reviewed, and board members requested corrections.

**Motion:** Todd Frederick moved to accept the February 9, 2012 minutes as amended. Dave Woods seconded the motion, which passed, 4-0.

Conservation Commission Chair David Tibbitts spoke before the planning board. Member Mike Mahlmann was also there. David Tibbitts said the commission serves as a limited resource to the planning board because of the current ordinances.

David Tibbitts explained the hierarchy of State-level permitting. The DEP distributes information to Maine Inland Fisheries and Wildlife, which does a wildlife review to see if there is critical habitat or endangered species on the site. DEP looks at shoreline setbacks and wetlands, which the Army Corps also reviews. Wetlands trigger the reviews. U.S. EPA is concerned with water quality issues and was last involved during the Highland Farms application, because the property backed up against Bolter Pond, Kittery's water source.

Torbert Macdonald referred to the Site Plan Subdivision Regs 6.3.4, which states the location of natural features shall be depicted on the plan. It was not clear how the features would be depicted, he said. He also referenced 7.3, preservation and maximization of natural and historic features.

David Tibbitts said the Barrell's Grove property is a significant natural area that should have been shown on the plan, but wasn't. It is a riparian area, significant for feeding shore birds. The York River is a 400-acre habitat block with a diversity of birds and fish. Lew Stowe asked if a project has ever been denied because of wildlife. The answer was no. Torbert Macdonald said the board has to proactively find out what the natural fea-

tures are, instead of waiting for them to be submitted by the applicant. The GIS is a good start. Ultimately, we will need our own wildlife biologist.

Christine Grimando said the board puts a lot of faith in professional expertise and has the ability to ask the applicant to pay for a third-party professional. She said that what we lack are thresholds that go beyond our regulations, indicating what can and cannot happen in certain areas. We need ordinance follow-up, she said.

Lew Stowe asked if the wildlife maps are accurate for the spotted turtle and the New England Cottontail. David Tibbitts said there are only between 300 and 350 New England Cottontails in the state. The species moves around on the landscape looking for proper habitat. There are a number of historic sites in York where the animal has been documented and has moved to other sites.

Christine Grimando said she hopes the Conservation Commission can be a partner with the planning board in a collaboration developing the ordinance. The Conservation Commission, Land Trust, and Planning Board could work together working on the initial stage.

Lew Stowe said there should be a conservation commission report required from the developer on every subdivision. Christine Grimando agreed that the developer does not have to do that yet.

Torbert Macdonald said per 6.3.3, we should expect this information as part of Conditions on Site prior to development submitted as a requirement of the Preliminary Plan requirement.

David Tibbitts said he is a wildlife biologist, specializing in native plant species. He's worked for the US Forest Service, US Park Service, Maine Inland Fisheries and Wildlife, and National Oceanic and Atmospheric Administration. Commission member Mike Mahlmann said he likes the idea of have a conservation commission report to the planning board early in the process.

Dave Woods suggested that the Conservation Commission give the Planning Board a wish list of the information they would want to supply.

## **Planning Board Workshop**

### **Comprehensive Plan Chapter: Capital Investment Plan**

In an effort to begin an overdue update of the Comprehensive Plan, the town planner and the planning board went through the Capital Investment section, Pages 65 through 72, to decide if items should be discussed, updated, reviewed, excluded, etc. That effort included the introductory paragraphs, plus the sections called Solid Waste/Recycling; Public Sewer Service and Sewage Treatment; Public Water Service and Water Quality Treatment; Transportation and Pedestrian Amenities; Public Safety; Municipal Facility Needs;

Recreation and Open Space; Marine Resources; Education Facilities; and Other Facilities.

Christine Grimando made a cautionary point. We never want these things to be inconsistent. We want to make sure we can propose something that gets rid of contradictions. Torbert Macdonald said that we should not make up what the various entities might consider their capital investment. We need to find out what their plans are.

Lew Stowe said that we are working on long-range plans. Cost estimate for each capital project is not in our realm.

The group spent a good portion of the evening listing and strategizing changes to be made to the Comp Plan.

### **Transfer of Development Rights**

Town Planner Christine Grimando said development rights, including the green enterprise overlay district, are identified in the Comp Plan. TDR is a tool for putting high-density development in certain areas. Transferred property is put into consecration in perpetuity in order for the developer to get a density bonus. Receiving one allows someone to have more growth than they would normally get.

She gave a Power Point presentation that outlined reasons municipal programs usually do not work. Design character considerations for each part of town with regard to TDR and details for implementation were also presented.

### **Other Ordinance Initiatives for November 2012**

Christine Grimando went over four ordinance initiatives for the November 2012 ballot. Workshops will begin in May.

### **Definitions and Use Lists**

Christine Grimando has a rough draft of definitions and uses for the March workshop. Some existing definitions will be eliminated. Community Development Director Steve Burns had worked on this in the past with board members Lew Stowe and Tom Manzi.

### **Accessory Dwelling Unit Standards**

The addition of a small apartment would allow two dwelling units on one lot. The board should refine the meaning of "secondary," she said. The little unit is scaled to the house, has a shared driveway with the house, and is not part of a second principle building on the lot. It can be 900 square feet in size.

### **Right of Way Standards**

This ordinance changes the frontage requirements for back lots. It is a consideration for times when something similar to an old logging road is used for the purpose of frontage.

## **Supplemental Plumbing**

### **Old Business**

Five parties from the Bayberry Ridge application have gone to the Board of Appeals with issues against planning board procedures. Applicant Walter Woods is indirectly involved, said Christine Grimando. The board discussed the possibility of having no one attend the hearing. Todd Frederick said the Findings of Fact, as the record of the action, can “speak” for the board.

**Motion:** Dave Woods made a motion that Lew Stowe represents the Planning Board at the upcoming Board of Appeals session. Tom Manzi seconded the motion, which passed 3-2, with Todd Frederick and Torbert Macdonald against.

### **New Business/Adjourn**

Torbert Macdonald said the MMA is giving a session covering the role of planning board members regarding the legal issue of ex parte communication. Every new member should attend the session on March 14, 2012, he said.

The site walk for the police station and access road will be at 10:30 on Thursday, March 1, 2012, leaving from the Union Bluff parking lot.

The meeting ended at 10:30.