

**York Planning Board**  
**Thursday, October 23, 2008, 7:00 P.M.**  
**York Public Library**

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

Chairman Tom Manzi opened the meeting and determined Presence of Quorum. As well as Tom Manzi, Glen MacWilliams, Lew Stowe, and Alternate Valerie Gunn were present. Barrie Munro, Dave Woods, and Todd Frederick were absent, and Valerie Gunn was asked to vote in Dave Woods's place. There were four voting members at the meeting. Town Planner Christine Grimando represented planning department staff. Patience Horton recorded minutes. The meeting was televised.

**Public Input** was called. No one came forward to speak.

**Field Changes**

**Cape Neddick Village—Hemlocks revisited**  
**Anchorage Motor Inn Field Change**  
York Hospital

**Cape Neddick Village**

Seth Spiller of Architectural Design said his landscaper approved the planting of Hemlocks and had provided a letter to that effect. Seth Spiller also said the parking lot light he hoped to have approved was like those found at Eldridge Lumber, the York Public Schools, and Rite Aid. He distributed a luminosity report he had gotten at Rockingham Electric. The light, intended for the parking lot, is part of the first phase of the project. It has a low profile and can cast light in any direction without interfering with adjacent lighting. Glen MacWilliams asked to see how the lamp sits on the site plan and said the lamp is a substitute for the already approved illumination. He asked for a revised site plan showing the position of the proposed light. There was no further discussion on this matter.

**Anchorage Motor Inn Field Change**

Bill Anderson, of Anderson Livingston Engineers, said the proposed field changes are in the pool area. The pool itself would have a companion wading pool with a fountain. The pool house would be rebuilt with a pergola open wood structure at one end. The footprint will remain the same, but the structures are in a different configuration. Glen MacWilliams noted that the pergola and pump house are additions to the plan. He said the pergola goes within the 250-foot shoreline setback, which is the problem with the filed change. Applicant Ray Ramsey said he would remove anything within the shoreland Zone. Bill Anderson went on to describe the paving stone.

**Motion** Glen MacWilliams moved to accept the proposed changes as shown, with the exception of the proposed pergola that is within the 250 feet of Shoreland. As well, the changes for the existing building will be included in the final change. Lew Stowe seconded the motion, which passed, 4-0.

## **York Hospital**

Judd Knox, on behalf of York Hospital, showed the Board an updated rendition of the proposed surgery wing of the Hospital. There are architectural enhancements, including a peaked roof. He showed the correct representation of the wing, because he did not want to cause a problem by switching the appearance. He did not want the Planning Board to later say the new version is not what was approved.

**Motion** Glen MacWilliams moved to accept the York Hospital changes as shown. Lew Stowe seconded the motion, which passed, 4-0

## **Minutes**

The October 9, 2008, Planning Board Minutes were reviewed. Glen MacWilliams noted minor changes and passed the changes to the Recorder.

## **Change in Agenda Order**

Chairman Tom Manzi changed the agenda, putting the Public Hearings for Site Plan and Subdivision Regulations after the New Business/Wind Energy Workshop.

## **New Business Wind Energy. Wind energy workshop in anticipation of developing a small wind energy ordinance.**

Christine Grimando described the organization of the workshop. Several people with wind energy expertise had been gathered to give the Planning Board input. The discussion included Dean Scontras and Rick Benoit of Ra Power Solutions of Capt Neddick, which deals with rural energy resources, Jeff Goodwin, and Seth Spiller.

Dean Scontras said current high gasoline prices and fossil fuel problems on the environment are good reasons to go with wind energy. Nine percent the rest of the United States (not Maine) has a dependency on oil heat, but Maine has a 90% dependency of oil. Electricity generated by wind is not a silver bullet. All kinds of alternate energy will be used in the departure from coal and oil dependency. Coastal Maine is the "Saudi Arabia" of wind, Dean Scontras continued. Maine is rich with wind. The stronger the wind that comes in from the ocean, the greater the output of electricity can be. Small Wind Projects and community wind projects will supply electricity to farms, homes, towns, and businesses.

The issue of allowing people to have wind turbines is political. The first step is to come up with an ordinance encompassing setbacks, tower heights, and decibel rate requirements. A windmill for the average homeowner costs between \$12,000 and \$80,000. The payback is best on a commercial scale. There is a tax reduction incentive for installing windmills. Surplus energy, beyond what the homes use, is sold onto the grid. Dean Scontras explained the Cap & Trade method of taxing over-productive oil- and coal-fired plants.

Morris Hill has 28 wind turbines, built by GE and provided to the community by a private developer, at no cost to the community. Each turbine supplies 300 homes with electricity.

Glen MacWilliams said York has a height ordinance of 35 feet, so at this time, York cannot put even one wind turbine anywhere. The closest guideline is found in the height and location of cell towers. Tom Manzi said to be effective, wind-generating towers must be around 200 feet high. Utility poles are only 30 or 40 feet high. The 35-foot rule has to do with fire equipment that can't provide service to higher distances. Wind turbines have to be on solid a concrete base and the turbine has to be above the trees to prevent turbulence caused by the buildings and trees. Christine Grimando said State incentive initiatives dictate that a town cannot prohibit the Smaller Wind Powered generators.

Rick Benoit, also of Ra Power Solutions, said Cape Elizabeth and Eliot have both passed an ordinance for small turbines. Seth Spiller said prohibiting them will not be an option. Dean said the payback is the important thing. The people or the town want to know what they are going to get.

The Chairman opened the **Public Hearing**. Bill LeFleur when he had bought a pellet furnace, the payback was estimated to take about 15 years. Instead, payback seems to complete after five years, Bill LeFleur said. His savings last winter (2007-2008) were \$1500. Windmills are great, and the higher the windmill is, the more wind you get and that affects how many can get windmills. Dean Scontras said it's possible to design and build low energy and zero-energy homes that have a residential wind appliance. The goal is for people to achieve independence by having their individual wind generators. Without wind audits, most people fail at this. Putting the machines in wind rich areas is 100% critical. York has great locations where wind coming off the ocean can be captured 100 feet up. The sun stirs the wind. At night, the sun and the wind go away. In Saco, there is a 50-kilowatt wind generator that never spins because it is not in a god place.

Another speaker at the workshop, Jeff Goodman, of Cape Neddick, said the typical noise level is 55 or 60 decibels. Wind generators are basically alternators with magnets sweeping over magnets, rotors and (*what's this word?*). Lew Stowe asked about storing electricity. Rick Benoit said the grid acts as a battery and stores the electricity, so if the electricity is not being used, it will go on the grid. Glen MacWilliams wanted to know about zoning, property lines, and setbacks.

Christine Grimando made a PowerPoint presentation called "Small Wind Overview," the theme of which concerns creating a Small-Wind Ordinance in response to the raising cost of energy. She said, wind turbines have gone on rooftops and towers. She compared the heights of windmill poles with flagpoles, and she showed slides of 50 kilowatts turbines in Saco and Kittery. Wind turbines are described in terms of Big Small-Wind and Small Small-Wind. Small wind turbines would not be useful on wind farms. She showed images of how wind farms can look, some congested with windmills, and some beautiful. A height limit of 35 feet prevents success. Current ordinances in Maine allowing the windmills have been established in Eliot, Rockport, Damariscotta, Wiscasset, and Cape

Elizabeth. Christine Grimando showed a specification chart of allowances in different communities. Everywhere, the “fall zone,” where the tower might fall, is 1.1 times of total tower height. Fifty percent of the tower height serves as the setback length from property lines. Maine islands are looking to this technology because their energy costs are higher. Generally, ordinances enable CEOs to process wind turbine installation, because they facilitate expeditiously, where planning boards tend to slow things down.

Christine Grimando said initially, in writing the Small Wind Ordinance, a working definition would be made. Dense or historic areas should be self-limiting. Ordinance concerns would include height, setbacks, land area, number per lot, and number of lots allowed for a shared system. Performance standards include appearance, signs (no advertising or signs), lighting, and shadow flicker through the blades of the spinning propeller. Screening is not an issue, because buffering interferes with the wind. Safety issues include repair, failure, blade clearance, access (could a kid climb it?), and decommissioning, when its use is over. The Group broke for 10 minutes and returned to the Wind Energy Workshop.

Participant Jeff Goodwin said there is need for wind turbines in the rural zones, but that area is not necessarily the best place to put them. A windmill could go on a property and could be turning out electricity within a couple of months. Glen MacWilliams suggested that the GEN zones could be best. Valerie Gunn wondered about offshore, but Glenn MacWilliams said that would have visual objections. The Federal Government is currently offering \$2,000 tax credit, Jeff Goodwin said, for windmill installation.

The subject went to solar energy. There are a number of solar installations in York. New solar applications have to come to the Planning Board for approval, if the units are located on Route 1. Wind, sun, geothermal, and water are potential energy sources. Tom Manzi suggested determining the Town’s energy consumptions. Christine Grimando said her office had made request of the power companies, but could not get the data. She said she would contact the Energy Committee to discuss the impact of energy consumption. The information would be used in a public education form. Jeff Goodwin said he could bring the addresses of the local installations of the Small Wind projects. He assumed the Board had seen the one at the Bush Estate at Walker Point. The discussion about Wind Energy ended

## **Amendments**

### **Site Plan and Subdivision Regulations §2.3 Amendment to Subdivision Rules and §2.3 Fees. Inclusion of fee for Revisions to Approved Plans.**

Christine Grimando said this Site Plan and Subdivision Amendment the fee for revisions to approved plans to \$200. Glen MacWilliams asked if when reviews are made, the fee has always been paid. He thought reviews should wait until the fees were paid.

**Motion** Lew Stowe moved to accept the change in the §2.3 Amendment. Glen MacWilliams seconded the motion, which passed, 4-1.

**Site Plan and Subdivision Regulations §6.1, Submissions for Sketch Plan. Amendments to §6.1.2, specifically adding a description of the proposed stormwater drainage plans to the Sketch Plan submission requirements.**

Christine Grimando explained request for a stormwater drainage plan be part of Sketch Plan requirements, instead of the Preliminary Review requirements. The amendment is not a substantive change, so it can be made in these hearings. The plan shows the capacity of stormwater on downstream properties in the event of a 100-year storm. In the crafting of the ordinance, a few words were changed (capability to capacity) or added (“by the applicant”).

**Motion** Glen MacWilliams moved to accept the changes for Article 6, as discussed this evening. Valerie Gunn seconded the motion, which passed, 4-0.

**Site Plan and Subdivision Regulations §6.3, Submissions for Preliminary Plan. Amendments to §6.3.3, specifically adding stormwater and drainage requirements to the existing conditions plan; to §6.3.5, amending the requirements of the stormwater management impact statement; and to §7.3.27, amending the requirements to stormwater management narrative.**

No comments were made.

**Site Plan and Subdivision Regulations 64 Submissions for Final Plan. Amendments to §7.4.16.1, requirements of a Stormwater management plan.**

No comments were made.

**Site Plan and Subdivision Regulations §9.7, Street Construction Standards. Amendment to §9.7.2.5, culvert standards, including changes to minimum culvert size.**

Street constructions standards would make culvert size change from 13 inches to 15 inches, based on the expected stormwater volume during 100-year floods. There was no further discussion prompted by this issue.

**Site Plan and Subdivision Regulations §9.8 Stormwater Management. Amendments to §9.8.2, changing the stormwater management system design requirements for post-development peak discharge, and pre-development levels; §9.8.3, granting the right of the Town to access drainage easements and swales; §9.8.4, required width of drainage easements; §9.8.6, changes to addition of an upstream run-off calculations in Preliminary Plan submission; §9.8.13, Low Impact Design Standards; §9.8.14, regarding maintenance of stormwater management structures.**

Christine Grimando pointed out the following changes:

In §9.8.2 words were deleted—“major water body” should be "water body.”

In §9.8.3 refers to public drainage easement

In §9.8.4 excessively wide road widths are reduced for access

In §9.8.6, the minimum drainage pipe size is changed from 12” to 15.”

In §9.8.13, the application must make a written statement about the upstream runoff conditions during the preliminary phase of the application. Glen MacWilliams requested the last sentence removed from the amendment language.

In §9.8.14, Maintenance of stormwater structures is in perpetuity.

**Motion** Glen MacWilliams moved to accept these Site Plan and Subdivision Regulation Amendments as permitted this evening. Lew Stowe seconded the motion, which passed, 4-0

**Site Plan and Subdivision Regulations—Site Plan Subdivision Consistency.**  
**Amendments are proposed through the Site Plan and Subdivision Regulations, including the Articles: Article Three, Article Five, Article Six , Article Seven, Article Eight, Article Nine, Article Ten, Article Eleven.**

**Article One** There were no substantive changes in this article about commercial developments, just clarifications, said Christine Grimando. Glen MacWilliams thought the language around High Intensity Soil Survey should be cleaned up.

**Motion** Glen MacWilliams moved to accept Article One as amended this evening. Lew Stowe seconded the motion, which passed, 4-0.

**Article Five** Language was simplified. Changing “will” to “shall” in at least one area has to do with specific reference to obligation.

**Motion** Glen MacWilliams moved to accept the changes to Article Five, as suggested. Lew Stowe seconded the motion, which passed, 4-0.

**Article Six** Certain items are not needed for minor submission (topographical maps). The amendment has minor language issues. Capitalization will be used to emphasize some words.

**Motion** Glen MacWilliams moved to accept the changes as suggested. Lew Stowe seconded the motion, which passed, 4-0

**Article Seven** calls for description of general standards and clean up of language surrounding surveying monuments. Glen MacWilliams offers the addition of the work “reinforced” to the phrase “a drilled stone of reinforced concrete with a galvanized steel post.”

**Motion** Lew Stowe moved to accept the changes to Article Seven. Glen MacWilliams seconded the motion. Glen MacWilliams seconded the motion, which passed, 4-0.

In **Article 8**, minor language changes were made. No discussion was made.

**Motion** Lew Stowe moved to accept Article 8. Glen MacWilliams seconded the motion, which passed, 4-0.

**Article Nine** Words were eliminated (“major” in 9.8.2) or changed (“will not” should be “shall not”).

**Motion** Lew Stowe moved to accept Article Nine. Glen MacWilliams seconded the motion, which passed, 4-0.

**Article Ten** Minor words were changed for clarity.

**Motion** Lew Stowe moved to approve Article 13. Glen MacWilliams seconded the motion, which passed, 4-0.

**Article Eleven** Changes are made to language about site plan, registry of deeds. Board discussed word “cleared”, which is then added to the language.

**Motion** Lew Stowe moved to approve Article Eleven. Glen MacWilliams seconded the motion, which passed, 4-0.

## **Other Business Adjourn**

The Mission Statement of the **York Beach Village Planning Board Subcommittee** (YBVPBS) was discussed. The pedestrian focus, infrastructure, and concentration on all things that relate to York Beach Village were considered, and the Mission Statement was modified.

The Joint meeting of the Planning Board and the Select Board will be held November 3, 2008. The subject will be the **YBVPBS**. The Subcommittee has met with Public Works and Sewer Department and is writing a narrative of what they have heard. In discussion of the master plan, Glen MacWilliams said the development, not the content, should be the initial steps. Lew Stowe offered to work with the Subcommittee and make an outline. Tom Manzi said he wanted to discuss renewable energy during the meeting.

**Email Addresses** Christine Grimando discussed posting email addresses on the Town web page all the other boards have this there. There would be *Ex Parte* concerns. Perhaps everything received by a planning board member could be “shot” to everyone.

### **Looking ahead.**

Upcoming Workshops will include wind energy, affordable housing, and the Comp Plan chapter about Municipal Capacity.

The Cape Neddick House Mylars and Findings of Fact, plus the Cape Neddick Village Mylars were signed. The meeting adjourned at 11:00.