

York Planning Board
Thursday, September 23, 2010, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Board Chairman Lew Stowe called the meeting to order and determined the presence of a quorum. Todd Frederick, Torbert Macdonald, Tom Manzi, Lew Stowe, and Dave Woods were present. Tom Prince was absent. Town Planner Christine Grimando represented staff. Patience Horton took Minutes. This workshop lasted until 10:30 and was televised.

Public Input

Open to the public to address any issue other than the scheduled public hearing.

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

Review and approve draft minutes.

The September 9, 2010, Minutes were reviewed. Corrections were requested and given to the recording secretary to change.

Motion: Tom Manzi moved we approve the August 12 Minutes as amended. Todd Frederick seconded the motion, which passed 5-0.

New Business

- **Eric Hopkins/York Energy Efficiency Energy Committee Presentation on the Property Assessed Clean Energy (PACE) Program**

Eric Hopkins initiated the Property Assessed Clean Energy ordinance, PACE. He came to introduce its workings and ask for feedback from the Planning Board and audience at home. His company is called York Energy Efficiency Committee, formed in 2005. It helps bring cleaner energy for homeowners and businesses. The department of Energy has a \$30 million fund to create a revolving loan fund administered by Efficiency Maine. Maine has many houses heated with heating oil. There is great dependency for oil in this cold climate. The older homes are not well insulated. The program puts the money into people's hands with low interest, long-term loans.

Methods of upgrading home heating systems include insulation, upgrading the furnace, upgrading the hot water system, and replacing windows (no as effective). PACE is not an assessment. It is a loan. A third-party financial partner will administer the program.

In Maine, PACE is not a first priority lien, which has kept the PACE program from being shot down. Payment is not collected through property taxes.

These are low interest, long-term loans. The program will create local jobs. Efficiency Maine will start making loans in winter, 2011. York homeowners can apply for loans once the Town has approved a PACE ordinance, subject to approval in May 2011.

The steps toward securing an Efficiency Maine loan include an energy audit that will identify the projects that can save the applicants at least 25% energy. Bids will be obtained. When a contractor is selected, 30% of the payment is disbursed. After installation and inspection, the balance of the funds is released. The monthly bills begin then.

To qualify, the homeowner does have to show, and the auditors have to identify, that 25% of the energy can be saved. The energy auditor from the beginning of the project comes back and signs off on the work.

An applicant has to have debt-over-income ratio less than 50%. A \$10,500 loan at 5% will require \$111.57 a month payment. If there are State incentives, they are deducted from the principal. The applicant is still eligible for State and Federal Tax Incentives.

Several things are unknown: the interest rate, who the financial partner will be, if incentives will remain in place, if oil prices will remain steady, whether promised savings will materialize.

It is necessary to have a special ordinance. It is that way because of the way the money comes down from the Department of Energy, said Erik Hopkins. **Steven Kosacz** of the Kittery Energy Committee said that when this energy program was developed by the DEP, they wanted to pass it out to the states through the PACE program. Each municipality had to manage PACE. The municipalities realized they didn't have the staff or resources to process it, so the second choice was to enable the residents to work directly with the State. Initially, property assessment brought the town's involved. Maine is the only state to exclude the property assessment element of it. It is the only state that has PACE available. The other states didn't eliminate the property assessment part of it, and they have to rework it. As people pay back their loans, they recharge the fund.

Dave Woods said there is only enough money to help 2,000 homes. If you meet the threshold of the 25% savings, he said, at today's pricing, there are \$560.00 savings per year, per house, with \$1050.00 annual indebtedness.

Town Planner Christine Grimando had spoken with program people in Kennebunk. They indicated that when the program is passed, the possibility of participation is open, but does not mandate participation. Lew Stowe said the applicant has to pay for the energy audit. Eric Hopkins said that will be between \$250 and \$500, depending on the size and complexity of the site.

Todd Frederick asked how many houses are eligible in York. George Gendron, a contractor and auditor in the Efficiency Maine program, said, "All of them." Sixty percent of the energy we consume in the United States is wasted. In Japan, 90% is utilized. The program has incentives, he said. People wanted to do substantial work, even with incentives, and they couldn't. Bank equity loans made it impossible. This program has long-range goals.

Todd Frederick asked how many homes in York would qualify for this program. George Gendron said any house that can demonstrate the 25%. Todd Frederick added there is the debt-income ratio. **Peter Bowman**, currently a State Senator from York, said, though he does not have the specific information about numbers of houses in York, he can likely get it. Torbert Macdonald asked him about bonds to fund the program. We assume that the State claims the carbon points York produced with this project, whereas York should be entitled to the points. With high participation, the Town should capture and sell them on the market, said Torbert Macdonald.

The presentation ended. Members of the board said they are interested in hearing more about it.

- **Planning Board and Harbor Board Joint Meeting regarding Dock Policies.** *The joint meeting will begin at 7:45.*

Shoreland Officer Ben MacDougal and Harbor Board Co-Chair Joey Donnelly joined the discussion of Dock Policies, introduced by Town Planner Christine Grimando. The selectmen requested a look at dock policies. Citizens have requested changes. In April, 2010, there were two presentations on the impact of docks, one by Michelle Dion of the Wells Reserve and a second by ECO analyst. There was no time for discussion at that time.

Joey Donnelly, Co-chairman of the Harbor Board, said before a dock can be built, it must meet certain qualifications and permission of the Harbormaster. The York River, the Cape Neddick River, and Brave Boat Harbor are under the auspices of the Harbor Board. The Harbor Board and the Planning Board Ordinances have matching vocabulary, for such terms as "dock" and "float," as of the November referendum. There has to be a study of the impact of having docks on the York River. We have had to approve docks we wished we hadn't needed to approve. But Selectmen think it should be easier for people to get docks. We need to know the impact of more docks on the York River. The DEP has never turned down a dock, Joey Donnelly continued. The York River is an exceedingly beautiful river. Consider how it would look in Florida, with a slip in front of every house. How many docks can a river like this healthfully have?

Lew Stowe said the study would focus on the area between Sewell's Bridge and Rice's Bridge (Route 1), about two miles. He read the section from the Comp Plan about current standards that restrict properties on which docks can be constructed. Any lot existing before 1977 can have a dock. To change the ordinances, Joey Donnelly, or someone

else from Harbor Board, would work with Ben MacDougal, the shoreland staff member responsible for writing such changes to the Comp Plan and Ordinance.

Joey Donnelly said there has to be a more comprehensive study of the York River. The primary purpose of the comprehensive study of the York River is to decide if the 50-foot measurement is arbitrary. If we move forward with changes, the obvious move would be to replace the 50-foot length with environmental standards for dock placement. We also changed the size of docks, if they are commercial. This is a vibrant lobster industry. We should not encourage power boating above Sewell's Bridge and the higher reaches of the river, but it is suitable for kayaking.

Torbert Macdonald said it is important to determine the value and worth of the York River. There has to be a study of the York River watershed with regard to total ecology. A study of the fish habitats of the York River has been done, as this is a highly value fishery resource. The marshes are nurseries that feed into the Gulf of Maine. Article 10-D of the York River Overlay District is a blank page [He held up the book]. There is a movement to name the York River a "Wild and Scenic River." That makes it eligible for study funds. Tom Manzi said there should be a moratorium on docks. Torbert Macdonald said there is, in that nearly all that could be built have been built.

Ben MacDougal showed maps of the inland fisheries, wildlife, shorebird habitat, tidal waterfowl, and wading waterfowl habitat. Docks are not allowed in resource protection.

Dave Woods asked that from Sewell's Bridge to Route 1, considering the land, based on the lots that meet the 70's criteria, how many docks could go in under the current ordinance. It is motorboats with the most destructive powers. Manmade structures aren't so terrible, he said. There are mussels on mooring chains cleaning the water. There is a push for more docks, because there is a high value to the properties with docks.

Todd Frederick said the impact of the docks on the River should be identified. Docks that can be built out can be clustered. They can have joint ownership, which is not a traditional way to look at it.

Ben MacDougal said **Best Management Practices** can be written, like pulling the float off the mud in the winter.

Torbert Macdonald said Bud Brown said that when you allow a float on the tidal flat, and it hits the flat, it causes erosion. He suggests putting the floats on footings. Torbert Macdonald agreed there should be best management practices.

Lew Stowe asked what can be strengthened. Ben MacDougal said the language has already been clarified in Zoning. We do attempt to change things that would have left us open to legal challenges.

Joey Donnelly said 5.2.1 of the Comp Plan, Page 34, pertains to the York River and lists how to improve the River in the mean time. Dave Woods suggested putting the question

to vote if the public wants to see the number of docks increase. How many docks can there be on the river, or as if the public wants to see it not increase. Torbert Macdonald said the process is to gather up the information and then analyze and craft the solutions. Here we are trying to come up with a solution.

The Harbor Board does not feel it should loosen its standards, at the same time, we should look at best practices, Joey Donnelly said. He took guests to the upper reaches of the York River and the fish hatcheries there. They said it is a tribute to stewardship by the people of York, who run the town without destroying it. He agreed to the best practices approach and said he would review that with his group. He thought the feet on the float is an especially good idea. Ben MacDougal would offer five to ten best practices, including transforming current docks to conform to standards.

Old Business

Christine Grimando discussed three matters of Old Business with the Board:

- **Distribution of Planning Board Goals List**
- **Discussion of Active Application List**
- **What's on the October Workshop Agenda?**

The Board reviewed the Planning Board Goal List, September, 2010, charting more than 30 items ranking in priority from High to Low. They discussed the importance of focusing on GEN zones, mandatory subdivision clustering, Town-wide design standards, and increased resource protection.

The Community Development Status of Work on Plan & Codes was reviewed.

The October Workshops previews May Amendments, including sign standards and the trash amendment. Lamar Cleo will speak to the Board on October 28. Dave Woods suggested hosting an insurance meeting about flood insurance premiums going high.

Other Business/Adjourn

The meeting adjourned at 10:30.