

York Planning Board
Thursday, July 28, 2011, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Lew Stowe conducted this meeting. A quorum was determined with five people voting: Todd Frederick, Torbert Macdonald, Jr., Tom Manzi, Lew Stowe, and Dave Woods. Tom Prince served as alternate. Dave Glazebrook was absent. Town Planner Christine Grimando represented the York Planning Department, and Patience Horton took Minutes. It was the tenth anniversary of her first meeting with the York Planning Board.

The meeting began with a discussion on **Ord-1, Zoning; Best Management Practices for Docks**, sent to the Selectmen on June 23, 2011. Out of all the five Proposed Ordinance Amendments forwarded to the Selectmen for placement on the November ballot, they did not approve this one. The Selectmen had mixed feelings about the amendment. One board member was especially in favor of the amendment, and one very opposed. The others were in between on it. Town Planner Christine Grimando said she would forward a memo to the Planning Board members to review. The Planning Board will work on it some more.

Public Input

There was no Public Input.

Field Changes

There were no field changes.

Minutes

The Minutes of June 23, 2011, were reviewed. Several Planning Board members suggested corrections.

Motion: Todd Frederick moved to approve the June 23, 2011, Minute as corrected. Tom Manzi seconded the motion. The motion passed, 4-0-1 with Dave Woods (not present) and Tom Prince (alternate) not voting.

Presentation

Jodi Castallo, Coordinator for the Mt. Agamenticus to the Sea Conservation Initiative, a non-profit, presented a background for the ongoing effort to preserve a corridor of land stretching through the six southernmost towns in Maine: Kittery, Eliot, South Berwick,

York, Wells, and Ogunquit. Mt. A to the Sea has preserved 2,749 acres. It is part of an overall goal to conserve 6,000 acres, which is anticipated to take 25 years.

The Mt. Agamenticus to the Sea Conservative Initiative, represented at this meeting by Jodi Castallo, consists of 10 Coalition Partners: the Wells Land Trust and Reserve; the Nature Conservancy; Great Works Regional Land Trust; Kittery Land Trust; York Rivers Association; The York Land Trust; Maine Dept. of Fisheries and Wildlife; U.S. Fish and Wildlife Service; The Trust for Public Land; and Maine Coast Heritage Trust. The Coalition Partners' goal is the preservation of 48,000 acres.

The Mt. A to the Sea Initiative has regional meetings twice a year, each time focusing on different aspects of land preservation. In the past, there have been extensive meetings on stormwater and wetlands. Several members of the York Planning Board have an interest in The Initiative and have attended meetings.

Torbert Macdonald said there is no integrated management plan for the 10 Coalition Partners. There is not enough money to purchase the needed land or easements. He said that in the '70s, "an Oklahoma oilman stood at the top of Mt. A. and saw that he could put 30,000 houses around it." Seeing that, the Town voted that no one should ever have that opportunity. It should become public land, instead, as money became available.

This coastal forest is the most diverse place in the State of Maine. The conservation area has rare, endangered, and threatened species. The State looks at it as a major part of its Wildlife Conservation Plan.

Torbert Macdonald said that Eliot has been the first to make clustering subdivisions mandatory. This is in respect to their rural area, including York Pond. It is the first the six southernmost towns to do so. Christine Grimando said the Planning Board has anticipated working toward mandating cluster developments for some time. It is desired especially west of I-95. As work develops, it would be good to run information by Jodi Castallo to find standards that will work for York.

Tom Manzi talked about water, saying that the Selectmen returned the docks amendment when it was forwarded them for referendum, he said, and you can't pick up a newspaper without reading about that water crises. There seems to be no concern that six communities live off this water.

Torbert Macdonald said there is an annual water quality report. There is a regional counsel. Private entities are part of a major issue, and long-range recommendations have to be planned for water districts. The Kittery Water District has clear-cut their York water supply, Bolter Pond. There is no management for that area, which is regulated for water quality but not for ecological management of the lands.

Dave Woods said that water is an expensive commodity. The water cost for his carwash is about \$6,000 a year, but there are people from Oklahoma who spend \$12,000 a month

for water for their carwash. Systems are being built where water, including rain, is collected from outside the carwash system, and no municipal water is used at all.

Lew Stowe said that Habitat also is an issue; the Planning Board has never rejected an application because of Habitat. How can such a diverse interest be protected?

Todd Frederick pointed out that long-term forested land management must be treated as a focus area for the Planning Board.

Public Hearings on Proposed Comprehensive Plan Amendments

Christine Grimando said that this evening's Public Hearings are the second and last for this set of proposed amendments. A preference vote for sending the Comp Plan Amendments to the Selectmen to go on the November ballot will be taken tonight.

- **CP-1 Policy Section 3: Future Land Use Area 22: Green Enterprise Overlay District**
- **CP-2 Policy Section 2: Sustainability Policy**
- **CP-3 Policy Section 2: Accessibility Policy**
- **CP-4 Policy Section 2: Formula Businesses Policy**

CP-1 Policy Section 3: Future Land Use Area 22: Green Enterprise Overlay District

The Planners went through the 14-page document, discussing and making corrections to the text. They talked about development rights density and transfers, which Christine Grimando said would be the topic of a fall workshop. Dave Woods said the people of York should be educated about development rights.

Motion: Dave Woods moved to send CP-1, Policy Section 3; Future Land Use Area 22: Green Enterprise Overlay District to the Selectmen for November, 2011, as discussed. Tom Manzi seconded the motion. The motion passed, 5-0.

- **CP-2 Policy Section 2: Sustainability Policy**

This amendment is not in the Comp Plan. It will be important and helpful to get a broad definition in the Comp Plan as a guiding principle, said Christine Grimando. The group discussed the document while editing it.

Motion: Torbert Macdonald moved we send Section 2: Sustainability Policy to the Selectmen to place on the ballot. Tom Manzi seconded the motion. The motion passed 5-0.

- **CP-3 Policy Section 2: Accessibility Policy**

After this amendment was discussed and edited, the following motion was made:

Motion: Torbert Macdonald moved we send CP-3: Policy Section 2: Accessibility Policy, to the Selectmen for placement on the ballot. Tom Manzi seconded the motion. The motion passed, 5-0.

- **CP-4 Policy Section 2: Formula Businesses Policy**

This Comp Plan amendment affirms the town's position on formula restaurants. We are not going to ban them all, said Christine Grimando. The group discussed the fact that most franchise money goes out of town. Local businesses that integrate into the community are favored over formula businesses. The group discussed and edited the amendment, removing some language.

Motion: Torbert Macdonald moved we send CP-4, Policy Section 2, Formula Businesses Policy, to the Selectmen for placement on the ballot. Tom Manzi seconded the motion. The motion passed, 5-0.

Preference Vote

Motion: Torbert Macdonald moved that we unanimously support all four of the policy Comp Plan additions as part of our **Preference Vote** on a unanimous basis. Dave Woods seconded the motion. The motion passed, 5-0.

Other Business

- **Maine Lobster Outlet Findings of Fact and Mylar signing**

The Findings of Fact for Maine Lobster Outlet were reviewed. Tom Prince noted that the agreement that had been made to have an exact count of the shrubbery in the affected area was not in the Findings. Christine Grimando said she believed it was not an issue included in the Motion to Approve the Revised Plan. Tom Manzi said that the information about traffic flow is inadequate to public safety, and because of that, he would not sign the Mylar. Christine Grimando said she will have language added, however, it is not a condition of the approval.

New Business

- Policy Work for 2012

Town Planner Christine Grimando handed out a list of tasks for the Planning Board to work on in the next year. It is called **2012 Comprehensive Plan & Ordinance Work, Draft July 2011.**

The list has Ordinance Amendments and their Documents to be amended.

- **Field Change Thresholds**
 - Site Plan & Subdivision Regulations
- **Parking Standards for Villages**
 - Zoning Ordinance

- **Capital Investment Plan**
 - Comprehensive Plan
- **Regional Coordination Program**
 - Comp Plan
- **Cluster Subdivision/Rural Zoning/ Rural Village follow-up**
 - Zoning Ordinance
- **Green Enterprise Recreation Overlay District Implementation**
 - Zoning Ordinance
- **York Village Committee work**
 - Comp Plan and/or Zoning
- **Definitions of Uses**
 - Zoning Ordinance
- **ADU Amendments**
 - Zoning Ordinance
- **ROW Standards**
 - Zoning Ordinance
- **Floodplain Changes, Accessory Structures**
 - Floodplain Management
- **Update on housing inventories, Economic Base, Housing Inventories**
 - Comp Plan
- **Supplemental Plumbing Septic Changes**
 - Supplemental Plumbing

The Planners commented on the list. **Field change thresholds** will hopefully be established, as will public hearings for field changes. Todd Frederick said abutters should be notified. Christine Grimando said this item is slated for the September agenda.

Torbert Macdonald said **Parking Standards for Villages** would be a good subject for a joint meeting with Board of Selectmen. He said that though the Planning Board has no role in **Capital Planning**, but the Board can rewrite an outdated section of the Comp Plan concerning Capital Planning because that section is in the Board's domain.

Cluster Subdividing should be mandatory in certain areas, or perhaps Town-wide. Clustering would be appropriate in rural villages. Cluster subdividing is part of the strategy to protect unfragmented blocks. Work with **Green Enterprise Overlay** would begin with the transfer of development rights amendments. **York Village Committee Work** is on the list as a placeholder.

The second part of **Definition of Uses**--the first part already completed--will organize uses for residential and commercial properties as an easier, comprehensive reference. The **Accessory Dwelling Units** amendment has to be revised in 2012. It is currently permitted through Code, but it has not worked out as planned. The **Floodplain Ordinance** should have minor changes, said Christine Grimando.

Torbert Macdonald said that **Capital Investment Plan** and **Cluster Subdivisions and Rural Village Follow-up** are the most important items on the work list. The Capital Plan is changing, and the Planning Board's function is integral. Bringing a halt to the cookie cutter subdivisions and going to mandatory clustering is a must. The only true **cluster housing** in York is across from the Cutty Sark.

Torbert Macdonald said that the Planning Board should have a member of the Planning Board participate in the Mt. Agamenticus to the Sea Conservation Initiative. He plans to go to those meetings and asked to be affirmed to do that. He suggested having an expert come to the board to discuss Cluster Housing.

Motion: Todd Frederick moved that Torbert Macdonald serve as a representative to the Mt. Agamenticus to the Sea Conservation Initiative. Dave Woods seconded the motion, which passed, 5-0.

Old Business

Lew Stowe said the Hospital is appealing the decision to preserve the fence and add the landscaping between hospital and abutter properties (April 14, 2011 Minutes). They are appealing because the Planning Board did not directly respond to Hospital's requests, said Torbert Macdonald. Lew Stowe and Torbert Macdonald will attend the hearing.

Other Business/Adjourn

- **Maine Lobster Outlet Findings of Fact and Mylar signing**
Done.

The meeting adjourned at 10:20.