

**York Planning Board**  
**Thursday, January 24, 2013, 7:00 P.M.**  
**York Public Library**

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

Chairman Todd Frederick presided. A quorum was determined with four people voting: Chairman Todd Frederick, Board Secretary Lew Stowe, Dave Glazebrook, and alternate Brud Weger (for Dave Woods). Torbert Macdonald, Jr., Dave Woods, and alternate Al Cotton, Jr. were absent. Christine Grimando, the Town Planner, represented staff. Patience Horton took Minutes. Christine explained that if there were only three board members voting, the majority of 2 would pass a motion.

**Public Forum**

**Open to the public to address issues other than topics scheduled for a public hearing.**

No one came forward to speak.

**Minutes**

The minutes of January 10, 2013 were reviewed and changes were requested.

**Motion:** Lew Stowe made a motion to approve the minutes of January 10, 2013. Dave Glazebrook seconded the motion. 4-0.

**Public Input**

No one came forward to speak

**Field Changes**

There were no field changes.

- **Presentation by Karen Young, Coordinator for Mt. Agamenticus to the Sea Conservation Initiative**

Karen Young said she started as coordinator for Mt. Agamenticus to the Sea Conservative Initiative in October 2012. The group has a partnership of 10 organizations, including Kittery Land Trust, Great Works, and Wells Reserve. Conserved land of Mt. Agamenticus to the Sea runs through six towns. Over the years, 13,168 acres of open space has been set aside with the goal of over 18,000 contiguous acres for wildlife, native plant species, and recreation.

Lew Stowe described the 400 acres between York Beach and Route 1. Karen Young said that land is outside the Mt. Agamenticus focus area. Christine Grimando said that the York Land Trust works has parcels of conserved land in several parts of York and not just within Mt. Agamenticus to the Sea. Todd Frederick asked Karen how the Board

could help the Initiative with ordinances for the surrounding wetlands. Dave Glazebrook asked if the Initiative is part of the York River study. She said it is not.

Brud Weger asked where the best route is to reach the sea. She said there is a concentration of land in the Brave Boat Harbor area. It is linked to the York River then up to Mount A. Todd said the board might need further training. Does the Town have the correct approach to cluster? She suggested a more detailed workshop during a Planning Board meeting. Christine said the possibility of a workshop would run by the Board of Selectmen and the York Conservation Commission would be included. Lew observed that no application has ever been rejected because of habitat, even though it is always reviewed.

### **Outsourcing of Police Station/Connector Road Review—Lee Jay Feldman, SMRPC**

Todd Frederick said the Planning Board has not received any information relative to the police station or the connector road reviews. Approvals were rescinded. There has been discussion with Steve Burns. Lee Jay Feldman, an outsourcing planner who replaces J.T. Lockman from Southern Maine Regional Planning Commission, has come to discuss his role as town planner for this specific project in which he would advise the board as it goes through the review process. The Planning Commission is empowered to do that under State Statute.

Lee Jay Feldman, “Lee Jay,” said that he would sit in on several permitting meetings with DEP to make sure things are going as they should on the Town’s behalf. His role in this third-party review will be to communicate any concerns or issues to the board relevant to the permit being issued. Christine said her involvement would be 0%.

He is the senior planner at Southern Maine Regional Planning Commission. He spent 16 years with the City of Auburn, 4 as director of planning and 12 doing reviews. He spent four years with Sebago Technics as a planning specialist. He worked on projects for Key Bank in Lewiston, Valero Gas Station in Standish, a 100-lot subdivision in Dundee, and Dunkin Donuts in Auburn.

He will begin this project by taking about two weeks to review the existing information and review ordinances. Stormwater design will require different third-party review. The new application will be considered the only application, regardless of what happened historically. He has never worked on anything like this before, though he worked on controversial permitting for the gas station. He would sit in on meetings dealing with DEP. The applicant’s engineer needs to amend the permit and submit it to the Town. All violations will be resolved before anything is started. Working on this would be a priority. He will be working directly for the Planning Board, not for the Planning Commission or a contractor for the Town of York.

### **Public hearing on proposed Ordinance amendments**

- **Ord-1 Zoning Protecting the Capacity of the Stormwater Drainage System**

The Town Planner said this is an amendment about erosion control measures. The bulk of it is to prohibit dumping in water bodies, wetlands, and manmade drainage facilities. This would apply to any property, not just planning board applications or large properties. It says you shall not create sediment, you shall not erode off your lot, and you shall not dump materials into sensitive resources. This is a water quality ordinance.

Lew Stowe motioned to **open (and close) the Public Hearing**. No one came forward to speak. The board had no added concerns. Christine explained this is not the preference vote, but rather the vote to forward the amendment to the Selectmen.

**Motion:** Lew Stowe made the motion that we move it forward to the Selectmen for consideration in the May referendum. Dave Glazebrook seconded. Passed: 4-0.

- **Ord-2 Zoning; Enforcement Tools**

Christine said this strengthens the language in Article 19. It broadens the definition of violations, allows the Board of Selectmen to take earlier on violations, and provides an option for opposing daily fines starting as early as the first day of violations. She said the board had requested a change to remove certain ambiguity, however, this version misses one change the Planning Board requested. On Page 4, it says:

“Each **verbal** warning and a copy of written notices,” where the board wanted “Each warning and a copy of written notices.”

Lew Stowe moved to **open (and close) the Public Hearing**. No one came forward to speak. Brud Weger said in 19.5, the language suggests that if someone dumped a year ago and it was only discovered now, the fine **shall** be 365 x \$100, potentially astronomical. Christine pointed out that the language says the fine begins at the earliest time that evidence shows the violation existed. Lew thought **shall** could be softened with **may be**. A dictionary was consulted and the word “shall” was kept.

**Motion:** Dave Glazebrook said, “I’d like to make a motion to strike the word “verbal” from Section 19.3 where it says, “A summary of each verbal warning and a copy of written notices shall be maintained as a permanent record.” Brud Weger seconded. Vote: 4-0.

**Motion:** Dave Glazebrook made a motion to approve Amendment 2, Enforcement Tools, forwarded to the Selectmen. Lew Stowe seconded. Vote: 4-0.

### **Ord-3 Zoning & General ADU; Area and Performance standards**

Christine said this is an amendment to the existing general Accessory Dwelling Unit ordinance. It didn’t go forward last year. Key changes were made, and it was simplified. She briefly summarized the changes. This ordinance has been reclassified as a Zoning Ordinance:

Maximum size: 750 square feet or 50% maximum area of the total residence;  
One curb cut when practicable (so dual driveways are eliminated);  
New style language is requested by Code, but is not there now;  
Two-year delay between construction of the ADU after the principle;  
The unit is not more than 150 feet from principle residence; and  
No non-conformities shall be created or increased.

Lew said the term “ADU” has been eliminated throughout the new language. It is replaced by “accessory unit.” Christine said the Selectmen requested it would be called an accessory structure or an outbuilding instead of unit. They felt that you couldn’t call it a dwelling unit when calculating density. These are exempted from density. This would indicate the difference. How many dwelling units are allowed on a lot? It is a mixed message. Lew and Brud said it is confusing. The board decided to put it back in.

She suggested that a member of the Planning Board attending the Selectmen meeting to field the question and tell why they arrived at that. Todd suggested that a board member come to the selectmen’s meeting and each present one of the ordinances.

Todd asked that if the board votes to move it on and convince the Board of Selectmen to change the name back to ADU, could the Selectmen make the change? Christine said they could make changes at the first meeting and still forward it to a second public hearing.

Lew asked for clarification that ADUs could exist in the Shoreland zone. In watershed protection, Christine said, you would need 20 acres for your house (instead of 10). Lew said that in No. 2 the words “construction” and “creation” were used interchangeably and confusingly. The board chose “creation” in both cases. Lew noted that in No. 4, it says that the owner must occupy the principal or accessory unit as a principle resident and not receive rent for that unit. Both units cannot be rented out.

Lew Stowe moved to **open (and closed) the Public Hearing**. No one came forward to speak.

**Motion:** Brud Weger moved to forward this with the proposed changed as amended to the Board of Selectmen. Dave Glazebrook seconded. It passed 4-0.

- **MS4**

Christine Grimando said that York is a MS4 community. It is a Maine DEP stormwater standard from the Clean Water Act. This is based on water *quality* standard. York almost exclusively regulates for water *quantity*.

York is in it because the census bureau as determined that York has urban area. As of 2010, there was a gap between York and Kittery’s urban area. Now those areas meet. There are 28 communities in Maine in this. Its focus in on non-point source pollution caused by sprawl, like general increases in impervious services and parking lots.

We have to develop a 5-year stormwater management plan. Public awareness, education, and process have to be implemented. There will have to be maintenance plans, new ordinances, consolidation of stream water standards, inspections, documentations, and additional staffs brought on to implement and oversee the program. July 2013 is the major date for starting to implement. Some areas of York are not urbanized. How these things are applied in those parts of town will have to be discussed. Language will be developed for the Comp Plan. We will try to meet with Kittery, Portsmouth, Eliot and South Berwick.

### **Other business**

Lew Stowe said the Village Committee is making a presentation in February. A section of the Comp Plan has to be rewritten for that area. To get grant money for development of the downtown area, there has to be a plan. The committee has worked on 2-minute, 5-minute, and 15-minute walks, putting the 2-minute walk through a high-density area. The 2-minute walk goes past the old library, toward Viele's and the Governor's building. We talked to people out there. Would we go out to Woodbridge, or to the Bagel Basket, or the bank? The Comp Plan meets with about 80% of what the committee had come up with in 1999.

The selectmen had come to us about two years ago that we have a zone for the downtown for future ordinances. Now we are at the point where we are suggesting that we go ahead with the comp plan and the zoning, with the direction of this committee. We are going to make suggestions that we would be delegated to do that. The committee has done a tremendous amount of work. Todd Frederick said it would be great to get the charge from the Planning Board.

### **Adjourn**

9:10