

**TOWN OF YORK PLANNING BOARD
THURSDAY, NOVEMBER 17, 2003, 7:00 P.M.
YORK BEACH SENIOR CENTER**

Glenn Farrell started the meeting at 7:00. Barrie Munro, Dave Marshall, Glen MacWilliams, and alternates Richard Smith and Tom Manzi attended. Town Planner Steve Burns represented the Planning Office. Patience Horton took Minutes. There was one motion made to approve Minutes.

Public Input

Mike Conlon spoke against the proposed rezoning ordinance changes and the proposed Amendment 4, York Overlay Watershed District, asking, why is it needed? He and his brother-in-law, Tom Blaisdell, run a farm on South Side Road, and the strict standards associated with Amendment 4 will not only bring hardship, but also encourage their thinking toward subdividing the farm, as their neighboring farms have done. Items like the increased buffer and building setbacks are stricter by the proposed standards than even the State guidelines. Furthermore, the River is not polluted.

Minutes

Motion Barrie Munro moved to accept the October 23, 2003, Minutes, as written. Dave Marshall seconded the motion, which passed, 5-0.

Workshop Business

Structures and Buildings. Discussion, with CEOs about controlling height of both buildings and structures, along with related definition issues.

Mark Badger and Tim DeCoteau, both Code Officers, brought up the conflicting ordinances over structures and heights. They discussed silos, water towers, chimneys, flagpoles--which could be limited to 35 feet so not to accommodate cellular technology--and church steeples--which heights could be subject to special exception. Mike Conlon suggested an exemption for windmills, and Torbert MacDonald said windmills had a federal preemption.

Revised Septic Standards. Discussion, with CEOs/LPIs, about improving septic standards.

Mark Badger said that around York, there is rarely more than 15" of soil available for accommodating septic systems. In many areas, 8" to 12" are the norm. Torbert MacDonald said that in the York River Watershed Overlay, 24" will be required for conventional systems, and engineered systems can be included in the exceptions. As well, those with a Lot of Record from 1987 will get to build, though they may not have been able to in the past. With York already asking for 1/3 larger septic tanks than the State requires,

the current requirements are more stringent than the State's, said Mark Badger. Mike Cuomo, LPI, thought that the naturally vegetative buffers along the water systems would do the most to protect the water systems. Barrie Munro said that silt is the biggest river quality problem. Septic systems that pre-treat were discussed with favorable remarks, and in general, the Board thought the 24" requirement was a good idea.

Franchise Regulation. Discuss Barrie Munro's research on this issue and provide direction for further action.

Barrie Munro talked about the strategy behind fighting "formula business," rather than "franchises," as described in the book *Saving Face*, by Ronald Fleming, about how Prohibited Use established by certain cities in California, Port Jefferson, and Sanibel Island has prohibited unwanted businesses. The first steps these successful towns took involved making lists, first of things they were trying to achieve, and secondly of things they are trying to forbid. Dave Marshall assigned Barrie Munro and Glen MacWilliams to work together with the goal of drafting an town-wide, not just Rt. 1, ordinance.

York River Overlay. Discuss Planner's draft and provide direction for further action.

Steve Burns said that buffers of 100 feet would be a huge part of protecting storm water quality from problems of industrial sludge, pesticides, herbicides, and the underground storage of petroleum. Mike Conlon described the impervious water runoff from the subdivisions next door to his property. He emphasized that setbacks would restrict the farming lifestyle and make subdivision of his land a possibility. The Jeffrey farm was zoned out of animal husbandry, which resulted in its subdivision. Torbert Macdonald pointed out that there is no restriction on agriculture written into the proposed York River Overlay.

Setback in Mixed Use Shoreland. Discuss Planner's draft and provide direction for further action.

Steve Burns described the effort to increase the 35-foot setback currently required in Mixed Use Zone to residential standards of buffers 75 feet deep and setbacks of 100 feet. The Board was favorable to the idea.

Minor Dimensional Variances. Discuss Planner's draft and provide direction for further action.

Steve Burns said that this had to do with road frontage and setbacks. The Board members agreed with the draft.

Shoreland Expansion Limits. Discuss Board of Appeals' request and Planner's draft, and provide direction for further action.

This proposal will provide clarity for expansion of existing nonconforming structures, making it so that accessory structures cannot be expanded, and how to deal with expansion when the original building no longer stands will be refined. Mark Badger added that there is a problem of semantics over the terms “building height” and “structure.” Glenn Farrell asked for feedback on the matter, and the consensus was that everything is good in the language, except for the term for structure, which needs to be straightened out.

Site Plan Review Authority. Discuss Planner’s draft and provide direction for further action.

Steve Burns explained that this draft proposes that Site Plan criteria take precedence over Rt. 1 Use criteria when the two overlap concurrently on a permit. Site Plan has few standards. Rt. 1 Use has about 28 standards. This will eliminate parallel tracks. The Board members agreed with the proposed draft.

Other Business/Adjourn

Steve Burns said that the Old York Historical Society owns a property split by 2 zones. They are pursuing its consolidation into 1 zone.

The meeting ended at 10:05