

**York Planning Board
Thursday, February 27, 2013, 7:00 P.M.
York Public Library Kennebunk Room**

Call to Order, Determination of of Quorum, and Appointment of Alternates

Chairman Todd Frederick called the meeting to order at 7:00. He asked both alternates to vote as full members. A quorum was determined with five people voting: Todd Frederick; Board Secretary Lew Stowe; Al Cotton, Jr.; alternate Peter Smith; and alternate Amy Phalon.

It was Amy Phalon's second meeting. Brud Weger was absent. Christine Grimando, the Town Planner, represented staff. Patience Horton took minutes. The meeting was not televised. Leslie Hinz, MS4 code officer, participated in some discussion.

Public Input

Open to the public to address any issue other than the scheduled public hearings

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

There were no minutes to review.

New Business

- **Septic Committee Appointment**
- **Sustainable Water Project Update**
- **Cape Neddick Action Plan**
- **MS4 Ordinance for 2014**
- **Discussion Re: Performance Guarantees**
- **Staff Review of Town Projects**

- **Septic Committee Appointment**

Lew Stowe and Peter Smith are leading a subcommittee to review septic system inspections. They plan a workshop at the end of April. Planning board Chairman Todd Frederick said the goal is to make a draft code proposal. Deciding whether the buyer or seller will pay for septic system inspections at time of property transfer has been a major issue. Al Cotton said the funds shouldn't come from buyer, but from the owner.

The subcommittee consists of citizens Greg Gosselin, Bill Dignan, Helen Rollins, Linda Scotland, and is led by Lew Stowe (chairman) and Peter Smith (planning board member). They plan to have a workshop at the end of April, allowing for a month of preparation.

Motion: Lew Stowe moved to Chair the Septic Committee, consisting of Peter Smith, Lewis Stowe, Greg Gosselin, Bill Dignan, Helen Rollins, and Linda Scotland. Peter Smith seconded the motion that passed 5-0.

- **Sustainable Water Project Update**

Town Planner Christine Grimando updated the board on the 4-hour sustainable water workshop, held at the Union Bluff on February 11, 2014. Water quality professionals, including engineers, land architects, attorneys, and policy experts came from four states, the State EPA, Boston, Burlington, and the Jackson Lab in Durham. The Conservation Law Foundation and Wells Reserve were also there.

How can we get better water quality? What codes are going to be implemented? What is the framework that would enable the planning board to work with new projects? What can be done in the next year?

York is an excellent focal point for water quality improvement for many people outside the town, because there are a variety of elements to consider, like salt and fresh water, septic systems, and wells. People outside the Town want to participate in developing ideas. Christine said the Steve Burns is going to keep a blog to keep people involved. The biggest issue at this point is how to get the money to fund the projects.

- **Cape Neddick Action Plan**

In 2011, Town of York consultants made an action plan for clearing up the impaired water of the Cape Neddick River. Someone will be hired to organize the efforts, funding for which comes from the State. The action is separate from MS4, though there are overlaps. York gets MS4 points for this.

Its importance is in getting citizens directly involved with cleaning up the Cape Neddick watershed. The funding includes education and public outreach, and there are ways to measure progress. Leslie Hinz, MS4 stormwater code officer, said the grant period starts at the end of May.

- **MS4 Ordinance for 2014**

Leslie Hinz said the stormwater ordinance has to be in place by January 10, 2015, and the post construction counterpart ordinance is required by June 30, 2015. They follow a mandatory format. Leslie said an MMA attorney prepared the MS4 ordinances.

The ordinances are tied to the Site Plan and Subdivision Regs. Christine said the Site Plan and Subdivision Regs do not catch everything, and some MS4 ordinances might be tied to zoning.

The term “exempt person” should be defined. “Non stormwater” refers to things like grease, soap, cigarettes, oil, and fertilizer that are dumped into stormwater drains. Al Cotton said that one way to stop this, is to have all new storm drains go nowhere except into the sewer. How many times do you see people dumping stuff down the drain? It happens al the time, he said.

- **Discussion Re: Performance Guarantees**

Christine said the planning board has seen performance guarantees on previous applications. Sometimes the applicant escrows the money and periodically withdraws funds. If they did default, that would be covered by the performance guarantee.

- **Staff Review of Town Projects**

Christine proposed taking Town applications for review case-by-case. Having town projects outsourced is going to be expensive. In some ways we can't get away from staff reviewing. Whether or not to hire an independent can be something we vote on. Al Cotton suggested looking around to see if anyone else is doing that.

Other Business

- **Police Station Review Dates**

Lee Jay Feldman will be organizing planning board meeting nights for the police station/connector road review. When more meetings are necessary, we would double up on a workshop night.

- **Upcoming Meeting Agenda**

The Town Planner said there are many applications “brewing up.”

- **Lew Stowe's Concerns**

Lew said the board has never seen wetland mitigation used in an application. He has read about mitigation that was performed at the cost of \$70 thousand. In doing so, they are disturbing more than 4,200 square feet. Christine said she had never known the planning board to direct mitigation, but transfer development rights are similar. The board does not allow that.

When there is a road that is intersects the wetland a number of times, it is within code to fill those areas, because the right of way is not considered part of the lot and subject to different regulations.

- **Boson's Landing**

The owners of that gutted building have to be in business by April, or they will lose their grandfathering and their rights to a non-conforming lot. At that point, they could not build a place that size or that close to the water.

Adjourn

The meeting ended at 9:00.