

**York Planning Board**  
**Thursday, October 28, 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, Tom Prince and Lew Stowe were present. Dave Woods was absent. Tom Prince voted in place of Dave Woods. Town Planner Christine Grimando represented staff. Community Development Director Steve Burns and Shoreland Resource Officer Ben McDougal participated. Members of the Harbor Board, Dick Meyer (Secretary), Joey Donnelly (Co-chair), Dick Murzick, David Webber, Jeff Donnell, Mike Sinclair (Co-chair), and Dave Gittins were present to participate in the joint meeting. Patience Horton took Minutes. This workshop lasted until 10:53 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 October 14, 2010, Minutes were reviewed. Corrections were requested and given to the secretary to change.

**Motion** Chairman Lew Stowe asked for a motion to approve the amended minutes. Torbert Macdonald said, "So moved." The motion passed with a show of hands, 5-0.

**Guest Speaker: LaMarr Clannon, Maine NEMO Program, Presentation on Non-point Source Pollution.**

LaMarr Clannon said NEMO, an educational non-profit, has no enforcement authority in the areas of land use and water quality. She said that non-point source pollution is found in Maine lakes, streams, and bays.

In a natural landscape, 50% of the water is infiltrated, 40% evaporates, and 10% is runoff. In a city, though, 15% percent is infiltrated, 30% evaporates, and 55% runs off. Development impacts water quality with bacteria, sediments, nutrients, petroleum derivatives, pesticides, herbicides, and heavy metals. As sediment moves, it picks up and carries those pollutants. The equivalent of ten Exxon Valdez spills gets washed into the ocean every year just from petroleum derivatives washing off the roadways.

Students from the civics class at YHS were attending the meeting as a homework assignment. Mark Bucklass, came to the podium and commented that the growth area, in red, on the chart LaMarr Clannon was using, was concentrated at the ocean. Torbert Macdonald replied that the State had mandated a growth area and a rural area, and the red on the map tracks the growth area. The State is telling the Town to protect resources and concentrate growth in certain areas, but right by the ocean is the most precious area.

LaMarr Clannon discussed how vegetative buffer protection absorbs pollution. Homes with no buffer show an increase in phosphorus output. Vegetation holds the soil. It is the cheapest and best thing that can be done to protect water quality. A lawn is not buffer. It is smooth, and water flows directly across the lawn. Water should be treated like a resource we are trying to conserve.

Roof runoff is very clean and should be soaked back into the ground to recharge ground water. She showed a diagram of an infiltration area with a layer of sand and a layer of topsoil. Engineered systems like a rain garden can exist near gas stations and other high-risk areas. Gravel has lots of holes in it, she continued. Water goes through pavement with porous holes. It is good for parking lots. Porous concrete is used for sidewalks. Such surfaces remove pollutants.

Lamar Clannon said, "Don't forget to dream," and started her slide show of green roofs. More than being beautiful, green roofs insulate buildings and extend the lifespan of the roof. It is a bird and butterfly habitat. Stuttgart has 16 of them. There are green roofs in Japan, Barcelona, Boston, and Portland. Half of the Chicago City Hall skyscraper has a green roof.

Houses are the most important places to have rain gardens. Landscaping for stormwater treatment is the most important thing that can be done. It infiltrates the water as it comes down. If stormwater treatment is not required, and no one is treating anything, we all need to step up and do everything we can. The local homeowners must have responsibility.

**In discussion**, Steve Burns said there is no area too small to have a very large impact. We licensed the development of York Beach at 100% lot coverage without the use of any sort of treatment for runoff. LaMarr Clannon said the State is accountable to the legislature, and that is not enough. Torbert Macdonald said that you can try to work to increase awareness through education, but there is no end for the need for enlightenment.

- **Planning Board and Harbor Board Joint Meeting Regarding Dock Policies**

The Harbor Board met with the Planning Board to review activity relative to docks, and to consider the potential of making recommendations. Planning Board Chairman Lew Stowe said changes in the dock situation in the Harbor would lead to changes in the Comp Plan. The groups will implement changes for the docks, revise current standards,

and ultimately control the number of docks on the river, particularly west of Sewell's Bridge, he said. A resident has specifically challenged the fifty-foot measurement.

Harbor Co-chair, Joey Donnelly, said the Harbor Board agrees with the recommendations of the Comp Plan, despite the 50-foot requirement to low tide. They have had to approve some docks they wish they didn't have to. He asked what the impact of docks is, something his Board had hoped would be answered in reports, but were not. We need to do more studies after the initial studies, he said.

Torbert Macdonald said the non-point source study of the river was done. He held up a map of the river with the non-point source problematic area. Designating the river as a Wild and Scenic River would open up federal coffers to get more money for the study. Any action to open up the river for new standards or increased utilization is premature. We should see what new studies come up.

Joey Donnelly said there should be no changes made until we have more significant information about what the impact is (as of last May). The court has said a float with an access ramp to the shore is not a dock because it has no pilings. The changes of high and low water marks were discussed. Both boards agreed the high water mark is the highest of the year. The low is where the water always is.

Lew Stowe asked, based on current standards, how many more docks could be built. Ben McDougal said six-to-ten west of Sewell's Bridge. Joey Donnelly said we don't know what the impact of that many docks would be. Ben McDougal said Bud Brown, who consulted, said there were only four or six locations that are acceptable along that stretch. Christine Grimando said if we change standards, we would have less new docks.

The dock currently being requested was discussed. "Bud" had suggested legs on the dock, which Ben McDougal called "float stops." They reduce the 90% percent of the float that sits on the mudflat to 15%. Lew Stowe said all floats should be removed in winter. We should be looking at design requirements, he said, so, if someone were building a dock, they would have to consider those. Joey Donnelly said you might have the float shorter and the gangway longer. Joey Donnelly said the Comp Plan does not encourage docks west of Sewell's Bridge. The ones there are in poor repair.

Tom Manzi asked what resource deals with unsafe conditions. Ben McDougal said the Harbormaster has the most authority. Joey Donnelly said the Harbormaster checks docks and tells owners they need repairs and checks to see when they are done. If the docks are not used for more than two years and are in disrepair, the owner can re-apply for that dock.

- **Preview of May 2011 Amendments**

Community Development Director Steve Burns outlined 10 amendments. There are four Zoning Ordinances amendments under the Planners' jurisdiction. They are Numbers 3, 4, 5, and 10.

- 3) Zoning Ordinance--Date of Application Approval
- 4) Zoning Ordinance--Revise Historic Site Boundary at the Town Farm
- 5) Zoning Ordinance—Define Commercial Functions
- 10) Zoning Ordinance—Farm Enterprise Zone

The ten amendments are lightly summarized here.

1) **Street Opening and Culvert Ordinance.** This is a repeal to the current regulations.

2) **Supplemental Plumbing Ordinance.** This is a change in the administrative issuance of septic variances.

3) **Zoning Ordinance--The Date of Application Approval**

This amendment aligns standards to be consistent between different boards. Where one version says, “grant,” and another says “approval,” a small change will give both boards the same language, as in “the votes to approve.”

4) **Zoning Ordinance—Review Historic Boundary at the Town Farm**

This is a matter of a boundary line adjustment coinciding with the property line.

5) **Zoning Ordinance—Define Commercial Functions**

There is a maximum of 500 people at commercial functions, but there is no minimum standard. This fact, and others, makes the current Commercial Functions Amendment very difficult to enforce.

6) **Short Sands Park Ordinance**

The York Beach Police enforce the parking standards at Ellis Park, but the park trustees are not part of the Town. The ordinance proposes an amended relationship between the Park and the Board of Selectmen to settle the problem.

7) **Beach Ordinance—Establish Criteria for Beach Closure**

Criteria will be established designating when and how which beaches will be closed in an emergency.

8) **Consolidated Licensing Ordinance**

Codes, policies, and statutes are being consolidated and organized into one ordinance.

9) **Directional Sign Ordinance**

York does not use the State’s default black and white street sign system. This amendment allows the updating of the sign policy.

10) **Zoning Ordinance—Farm Enterprise Zone**

There is uncertainty about the range of activities allowed in this zone. Can they include paintball, ATVs, and rodeos? The Board should look at the standards for the farm overlay zone.

**In discussion**, Torbert Macdonald asked Steve Burns if the Planning Board can amend the process making cluster subdivisions mandatory. Steve Burns said the zoning would have to be changed for mandatory cluster, with the voters' signoff.

Torbert Macdonald said that by amending Site Plan #7.17.2, there would be shift-off emphasizing fences, as well as greenery, in minimizing sound pollution. He suggested assigning the terms "both" or "and/or" when describing use of both fencing and greenery, or one or the other.

- **Goals Workshop**

The Planners went over the Planning Board Goal List, October 2010. That list had been prioritized at an earlier workshop. Here is a small sampling from this night.

Policy should be created around green recreation that ties York Beach with Mount A, makes a benefit to the tourist economy.

The Board should look at the development of watershed policies. Then maybe zoning should be based on watersheds. There should be enforcement of septic pumping. Watershed maps should determine where the septic pumping would be.

Unfragmented blocks west of 95 should be protected for habitat (a high priority).

There should be an increase in water protection for the Cape Neddick and York Rivers.

Steve Burns said he had been to 1,100 night meetings since 1990.

## **Other Business**

In November, Christine Grimando is holding a public input forum about sign standard revisions for directional signs.

### **Signing of Mylar and Findings of Fact for Guard Foundation Replacement.**

**Motion:** Todd Frederick moved to approve the Findings of Fact for the Gard Foundation Replacement, 4 Sea Rose Lane. Tom Prince seconded the motion, which passed 4-0. Torbert Macdonald abstained from the vote.

The meeting adjourned at 11:53.