

**York Planning Board**  
**Thursday, February 26, 2009, 7:00 P.M.**  
**York Senior Center**

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

Vice Chairman Lew Stowe served as chairman and determined the presence of quorum. Board members Lew Stowe, Barrie Munro, Glen MacWilliams, and Dave Woods were present. Chairman Tom Manzi and Alternate Todd Frederick were absent. There were four people voting. Town Planner Christine Grimando represented Planning Department staff. Patience Horton recorded minutes. Community Development Director Steve Burns and Town Manager Admin Assistant Kathryn Danylik participated. The meeting began at 7:05. It was recorded on video-cam. There was an adjustment to the agenda. The York Beach Subcommittee discussion was placed between the groundwater and affordable housing discussions.

**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 was no review and approval of minutes.

**New Business**

- **Groundwater. Presentation by John Hopeck, Bureau of Land and Water Quality**

Christine Grimando said abutters in some applications had brought up the issue of groundwater rights. John Hopeck of the Bureau of Land and Water Quality, part of the DEP, came to this meeting to explain some things and perhaps help the board determine if York's regulations need adjusting.

John Hopeck used a fish tank-like model he had brought to help explain the basics of a groundwater system. In the model, water is pumped to the top right of the tank, and the water sinks into the "earth" and makes its way to a "stream" at the top left. The Plexiglas fish tank-type box is approximately 18" x 12" and represents a cross section of five strata of yellow sands of different coarseness layered horizontally. Glen MacWilliams commented it looked like an ant farm he had as a boy. Twelve thin, glass tube "wells" sink in the sand to different depths. Some layers are barricaded from the next with a ribbon of "clay." A reservoir of water sits in a second tank connected behind the façade. The quiet black pump slowly releases water from the reserve tank into the groundwater model.

When water is put in at the top, the stream level at the other side stays the same. Pressure head makes the water higher at one end than at the stream. The places where the water comes out are called discharge areas. The whole function is called a hydraulic cycle. The height of the water is proportional to the pressure behind it. Gravity make the water move. When water moves from an area of high pressure to low pressure, it moves laterally. Dave Woods referred to water coming out of the wellhead of an artesian well in the spring. In that case, the pressure head has a higher elevation than the ground surface, explained John Hopeck.

**Porosity** and **permeability** are important terms in ground water science. Porosity is the space between particles, and permeability is the ability for water to flow through it. He held up a quart-size Pyrex measuring cup full of clear marbles. He estimated permeability of the cup of marbles to be 40%. The calculated formula depends on the size (diameter) and shape of particles. In bedrock, water flows rapidly along a fracture until it hits denser porosity and slows down. John Hopeck made many references to different mathematical concepts used in the analysis of groundwater.

Clay has 50- or 60% porosity. The denser the porosity, the less permeable it is. John Hopeck described an incident where a building sank into clay without proper preparation or understanding of the groundwater activity. The group discussed the site preparation that took place for the Rite Aid store in York. Soil was “loaded” before beginning construction requiring boring and subsequent measurements, ultimately applying pressure to squeeze water out. When water flows through an area, a building or a road only deters (and does not stop) the flow. Drains have to go in to intercept all the water. If over pressured, water will find another way out in ways that might hamper the construction.

The proposed digging out the shot rock at the new Walgreens site was discussed a couple of times during the workshop. Barrie Munro said removing the shot rock and replacing it with a more stable material might change groundwater patterns. When there is substantial compaction, he said, the board should require an engineering study specifying the outlet of the water. John Hopeck said measuring and putting in scheduled monitoring would provide the desired compaction calculations. Community Development Director Steve Burns said Town Engineer John Treat checks settling as part of the structural building review.

John Hopeck described the Poland Springs spring-fed plants in Hollis and Poland, where flow levels are analyzed and determined over various months and years. By observing minimum slow levels at those sites, it is possible to create stable year-round standards for the watershed.

John Hopeck infused red food color into one of the wells on the groundwater model. The dye slowly plumed out of the bottom of the well and passed through two of the layers of sand. The dye had been picked up by the creeping current initiated by the pump at the top right portion of the display. Slowly, the dye traveled with the water toward the low-pressure area he called the stream. He put blue dye into a shorter well. The two colors traveled in discrete flow paths, and both turned independently to the surface and the low-

pressure stream area at the end of the model's groundwater paths. The dyes did not cross the thin ribbons of clay, which John Hopeck called clay aquatards. The food color stains did not sink to the bottom of the tank. They moved laterally with the flow of the water.

Christine Grimando said Planning requires a developer to show the pre- and post- rate of stormwater flow for quantity and quality. She asked if the board should begin requiring groundwater statistics from applicants. Lew Stowe agreed that requests are made in terms of peak flow storm water, but not groundwater. John Hopeck explained the connection between stormwater and groundwater. The recharging of ground water occurs in the spring and, to some extent, in the fall. Recharging means saturation goes all the way down. Rain gardens are not going to matter in terms of water recharging, but are only good to control runoff. Nothing compares to grass in terms of absorption and recharging.

John Hopeck said DEP goes after pollution. The emphasis is on the quality, and not the quantity. Water quality certification is part of the Clean Water Act, but there is no mechanism for quantity.

Steve Burns discussed the build out of Cape Neddick and pollution sources that have not been pinpointed there. Brett Horr will be instituting a watershed map focusing on water quality. The conversation returned to the Walgreens application. Lew Stowe said there must be a means for monitoring the water levels. Barrie Munro wondered if the property could handle the runoff. We don't understand osmosis potential about water moving laterally, he said. Glen MacWilliams told John Hopeck he had shown the board how vulnerable the system that they can't see truly is. He spoke about making a possible change in recourse for the developer. John Hopeck answered the authority given by the legislature should guide the performance criteria for York's site regulations. Barrie Munro said if there is an existing problem influencing an application, it should be measured to determine how real the problem is. Before and after, said Glen MacWilliams, we want a baseline that requires adequate background information. John Hopeck said groundwater protection goes unnoticed until someone brings it to the town's attention.

At the end of the two-hour session, the Planning Board members saw that all the dye had moved all out of the model system with the groundwater current. The tank of water that fed the display had turned a dark murky purple.

## **Old Business**

- **York Beach Subcommittee Update**

--Dave Woods showed planning board members mock-up signs intended to guide traffic in and around York Beach. One of the blue prototypes pointed to the right, indicating Long Sands, and another one led to the Nubble. The Nubble is the most commonly requested destination at the Beach, he said. He discussed where the signs would go.

The subcommittee membership was discussed. One member had dropped out of the group, without proper notice, in order to take a college course. Glen MacWilliams said

there should be a way for group members to take a leave and then come back to the sub-committee. One member was enthusiastically participating in the group from Florida via conference calls.

Barrie Munro said there would be eight fewer parking spaces because of the 20-foot sight distance required at each intersection on Railroad Avenue.

--The Planning Board needs a second alternate, someone noted.

- **Affordable Housing. Follow-up to survey results presented at the January Workshop.**

Kathryn Danylik, the town manager's admin assist, had recently completed two surveys using a website called "Survey Monkey." The contacts for the survey had come from the Chamber of Commerce and from tax records. Of six hundred fifty letters that had gone out, 100 replies had been made. In the second survey, surveys went out to 78 commuters and 4% came back. That survey involved on-line computer logins, which might have been a hassle for the respondents. There were no answers from any of the seasonal employees. Neither survey was considered statistically valid, but an important issue was clearly noted: the support for seasonal worker housing is a very big concern for those who did respond. Steve Burns said there was useful information despite the small sampling. Dave Woods said foreign summer workers in York who have short-term visas find jobs through agencies in Boston and New York, and they are assigned where they will work. No dwelling arrangements are made for the workers either by the agencies or the employers, so they, usually "kids," are arriving here and have no place to stay, another housing situation to consider.

Steve Burns said 11 units (10% of annual overall housing) of workforce housing should be added to the community every year. So far, all housing authority dwellings have been created for the elderly. The survey made last fall shows that York citizens want housing created by converting single-family homes into duplexes. Accessory Dwelling Units can rent for \$2K a month (Dave Woods said, more like \$1200 a *week*), which isn't considered affordable. It is important to understand, Steve Burns said, that the person who occupies the unit determines if it is affordable, not the person who rents it out. The surveys and analyses that have been run must be properly documented.

Steve Burns said the policy chapter of the Comp Plan has not been evaluated in 10 years, since 1999. He would like to lead the people of York through a general discussion about the town that will reveal what they believe the town should be. That information could be matched up against the Comp Plan to see if the plan is on the right track.

The growth ordinance allows affordable, rent controlled units to grow at the rate of 25 units per year, so making them will not be density issue. A four-unit design should be made with decent designs and Comp Plan criteria, especially in the area of scale and mass. The elderly housing district does not require the housing to be affordable, but it should become that way. Also, manufactured housing and mobile home housing has to

fit into the Comp Plan. The Town cannot control the density more than the State does. Modular homes, as well as mobile homes, and dormitory style housing, where the employers are located, should be researched. A four-unit building could have three units that are affordable and one that is not. A boarding house is one house and is not subject to the growth ordinance. Affordable housing has to have rent control to be affordable. The conversion to apartments eliminates the density issue. A mechanism for determining income has to be decided. Also the application process has to be resolved.

The amendments packed into the upcoming November warrant make it huge, Steve Burns said. The passing of amendments from the Planning Board to the Board of Selectmen does not go well. The BOS is not prepared for the things forwarded to them by the PB. Should there be workshops to make it go easier? Perhaps the easiest public hearings should go in April, which would free things up for later.

- **Zoning Process Amendments. Discussion**

Christine Grimando said that in the standardization of the zone amendment process, all abutters should be notified **when a permit is issued**. Notice for shoreland permits should also be posted earlier, so people can appeal. In defining terms for the proposed document, Glen MacWilliams said the applicant lawyer should know from the start that the **applicant does the Findings of Facts**. Glen MacWilliams explained that **precedent conditions** must be met to have the application pass. **Subsequent conditions** are those “the applicant has to live with.” **Approval** comes from the **board**, and the **permit** comes from the **CEO**. The board agreed it is important to **open all public hearings before board discussion take place**, which has not always been the practice.

The meeting ended at 10:30.