

York Planning Board
Thursday, February 24, 2011, 7:00 P.M.
York Senior Center

Call to Order, Determination of Presence of Quorum

Chairman Lew Stowe and Vice Chair Todd Frederick were absent, so a vote was taken so Tom Manzi could stand-in.

Motion Dave Woods moved to have Tom Manzi chair the meeting. Tom Prince seconded the motion. The motion passed 3-0.

Tom Manzi called the meeting at the York Senior Center to order and determined the presence of a quorum. Three board members were present: Tom Manzi, Tom Prince, and Dave Woods. Town Planner Christine Grimando represented Town staff. Patience Horton took Minutes. Many members of the Cape Neddick River Association were present to discuss the Cape Neddick River Comp Plan changes. This workshop lasted two and a half hours and was taped on video cam.

Public Input Torbert Macdonald went on to say that there are two lots that might be considered as flag or spaghetti lots. 7.6.1 addresses that. Christine Grimando said she will do the lot ratio.

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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 Minutes from February 10, 2011 were discussed. Corrections were requested by Tom Prince, who discussed them and gave them to the secretary.

Motion: Dave Woods moved we accept the minutes of February 10, 2011 as amended. Tom Prince seconded the motion. The motion passed 3-0.

Public Hearing on Proposed Comprehensive Plan Amendment

- **Buffer Policies for Cape Neddick River**

The document called **Amendment #1, Amend Vegetative Buffer Policies for Cape Neddick River**, had been distributed. Town Planner Christine Grimando said the amendment addresses policy for buffers in the Cape Neddick River, where there are ongoing pollution problems. Inadequate buffers, with unregulated sizes that have been grandfathered in, have a negative impact on water quality.

There are two versions of this Comprehensive Plan Amendment. One version was posted before February 16, 2011, and has been replaced with this one, tonight, which does have an error in that it is listed as a “Zoning Ordinance” document, rather than “Comprehensive Plan Amendment,” and it will be changed. This Comp Plan amendment reflects the ongoing dialogue with and guidance of the experts, Julia Peterson and Ben McDougal (Shoreland Code Enforcement Officer).

Christine Grimando also said that the second Public Hearing it is intended to follow-up on tonight’s agreed-upon language. If the language is not agreed upon tonight, it will be deferred by one voting cycle and then, instead of appearing on the May referendum, it will be on the November’s (2011). Tom Prince read the amendment aloud. The Chairman opened the **Public Hearing**.

Paul McGowan said the changed Comprehensive Plan puts the spotlight on the scientific aspects of vegetative buffers and other runoff. This has to be brought to attention to as soon as possible. We have to demonstrate progress.

Linda Scotland said that this is a major issue. The Cape Neddick River Association has made presentations to the Board of Selectmen and the Budget Committee. The river is dammed up at Chase’s Pond. The buffers are ignored and people are mowing to the edge of their lawns, and the runoff goes right into the river. The new [Shore Road] bridge has closed in the overflow of the tidal flow and also restrained the inward flow more than the old bridge did. There are health issues that have to be grasped. People are pumping their septic system in the Cape Neddick River and the watershed. She asked the Planning Board to move the Comprehensive Plan Amendment ahead as soon as possible.

Nancy Reilly asked what the current buffer rule is. Christine Grimando said that insufficient existing gaps in the buffer are not enforced. Dave Woods said that most of the bank land in the Cape Neddick River was developed before 1960, and people who own those properties feel they have vested rights to the old policies. The Town is hard pressed to do anything retroactively, he said. Linda Scotland said the Reillys have a house on the market and wonder if the property values are going down.

Phillippa Stratton asked about the language in italics in section 4 of the document.

Nancy Reilly said the buffers are 75 feet, but that 150 feet minimum is the scientific recommendation. The areas are not meeting the Shoreland standards. Tom Prince said that enforcement is important. Christine Grimando said the areas are not meeting the Shoreland Standards, and the Code Officer cannot fill old gaps. Tom Prince said he wants to establish what larger buffers should be.

Nancy Reilly that the river is not at the level required by the Federal Clean Waters Act for recreational activities. Paul McGowan said the people think they have a right to do these things.

Tom Prince said there is a concept of the No Cut Zone and another of the Private Access Points. He asked if the concepts are important. Christine Grimando said the private access points are places where people access the River. Larry Reilly said the no cut zones are where there are the 3-inch to 6-inch buffers.

Larry Reilly asked if there is a definition of a buffer. What is an effective buffer that will still give people their views? What is the limitation on the height of the buffer? Tom Prince said the definition of a buffer is really not there. Nancy Reilly said the invasive species in the buffer have to be removed.

Julia Peterson asked why the document restricts the River to tidal waters. Christine Grimando said that according to aerial photos, the water west of Route 1 is small. When prioritizing what everyone thinks of the Cape Neddick River, they think of the tidal part. Julia Peterson said the riparian of headwater streams plays a critical part to the river. She recommended that language about vegetative buffers along the tidal waters be edited to “along the areas of tidal influence.”

The Planning Board and the Cape Neddick Association discussed the language of the document. The motion to approve changes to the Comprehensive Plan contains the following points:

1. An error in the February 16 text referring to the Amendment of a Zoning Ordinance instead of an Amendment to the Comprehensive Plan is to be changed.
2. Language added: The words **and enforced are to be added** to the sentence “State minimum Shoreland standards have not proven adequate, so larger buffer requirements must be established **and enforced**.”
3. Language removed: The words **along the areas of tidal influence** are to be removed from the sentence “Two critical steps for improving water quality in the River are to protect remaining buffers ~~along the areas of tidal influence~~ and to re-establish lost buffers.”

The Chairman asked for a Motion based on the three points.

Motion: Dave Woods said, “So moved.” Tom Prince seconded the motion. The motion passed 3-0.

New Business

- *Preview of November 2011 Ordinance Amendments & discussion*

Christine Grimando used PowerPoint and made brief comments about the document, **Proposed Amendments for November 2011, Community Development Department February 24, 2011** regarding both Zoning and Comp Plan Amendments.

- **Harbor: Performance Standards for Docks** (best practices)
 - **Supplemental Plumbing: Sewer Hookup Waivers** (waivers, hookups)
 - **Cluster Subdivision Standards** (the transition has to become Board priority.)
 - **Minimize Conflict Between Residential and Non-Residential Abutters**
 - **Village parking standards** (re-think certain parking calculations)
 - **Sign Standards** (identify sign types and use in various parts of town)
 - **LID Standards** (what high- and low-tech products can be used. Owners should be given incentive. Propose road widths to prevent over-paving)
 - **Cape Neddick River Tidal Buffers** (larger buffers, restored lost buffers)
 - **Municipal Uses in Wetlands Protection Overlay District**
 - **WCF Towers in the Wireless Communications Facilities Ordinance** (new tower necessary for police)
 - **Zoning Re-Format Project** (Tom Manzi and Lew are already working on this effort to better organize the ordinances)
 - **The Green Enterprise Recreation District Subzones** (a visual of the Beach sub-districts as a tool for such projects as creation of connector road to Route 1.
 - **Comp Plan Amendments**
 - **Sustainability** (create the vision)
 - **Accessibility** (establish policy-ADA)
 - **Formula/Franchise Policy** (all chains can't be banned. Some are good for the economy and local character)
 - **Amend Shoreland and Wetland Policies** (set policies so setbacks are proportional to the size of the wetlands)
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- *Workshop of Draft Comprehensive Plan Amendment Re: York Beach Area*
 - *Check-in on upcoming joint meeting with Board of Selectmen*

Christine Grimando said the February 24 meeting with the Selectmen will give the Planners an opportunity to give a status report of accomplishments and plans.

Old Business

Christine Grimando said that Lew Stowe had been thinking about forming a York Beach Project study group. It may accelerate our elections, she said. This should be done soon.

Other Business/Adjourn

Tom Prince reminded everyone that the windstorm that had caused great damage and his lights to go out for three days, had occurred one year earlier tonight.

The meeting adjourned at 9:30.