

York River Watershed Study

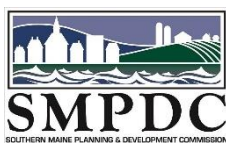
Regulatory and Non-Regulatory Recommendations Report

Southern Maine Planning and Development Commission

May 2018



This report was prepared for the York River Study Committee by Southern Maine Planning and Development Commission under award CZM NA17NOS4190116 to the Maine Coastal Program from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration or the Department of Commerce.



York River Watershed Study Regulatory and Non-Regulatory Recommendations

General Zoning Overview

The York River watershed is encompassed by four towns, with four different zoning and subdivision ordinances/regulations, comprehensive plans in various states of approval and updates and a number of other non-regulatory vehicles by which development activity may (or may not) take place within the watershed.

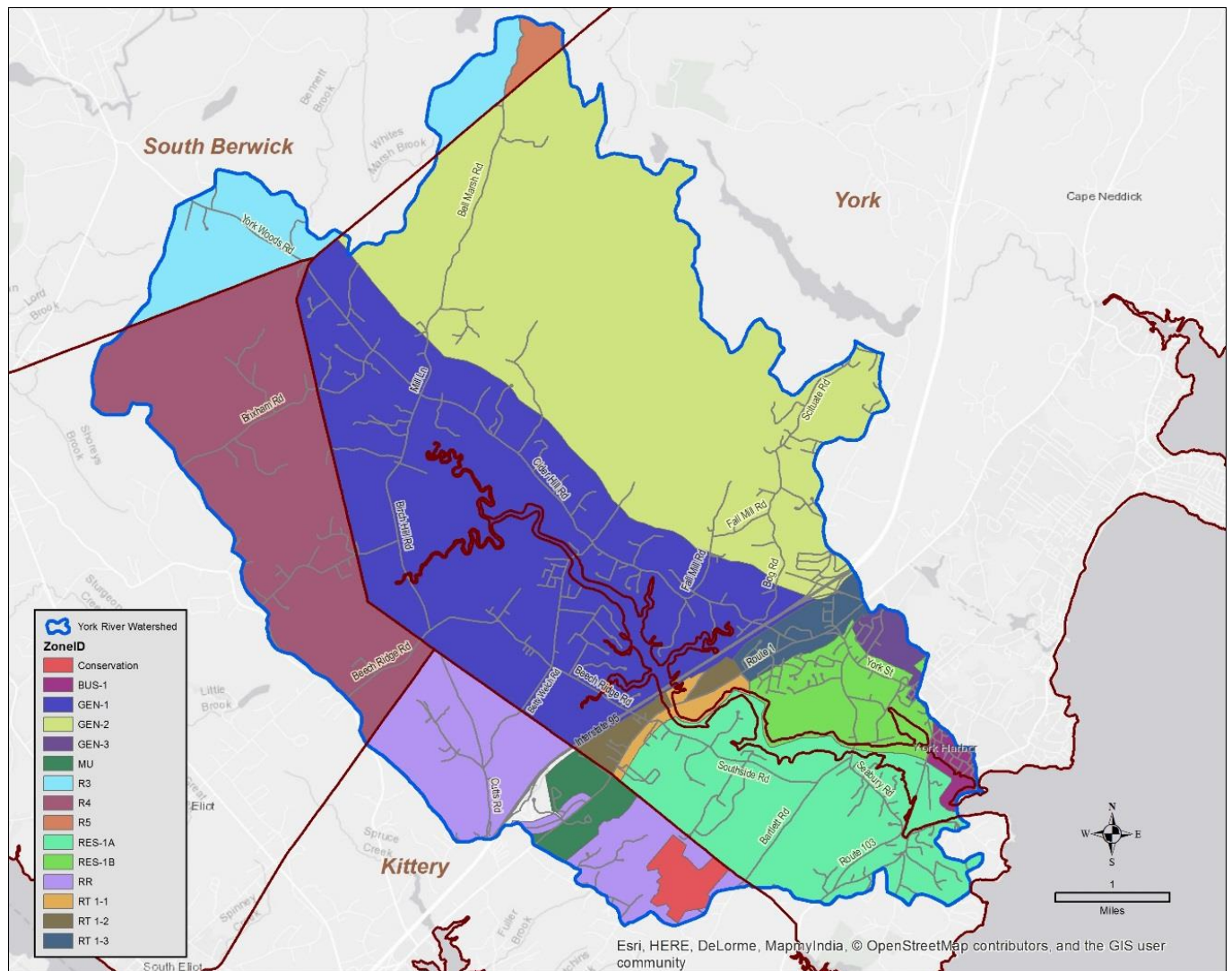
Zoning and subdivision review is probably the most critical part in assessing how and where development takes place within the watershed. While subdivision activity is governed principally by state statute, zoning with the watershed varies considerably by town. Fifteen zoning districts, a watershed overlay district, and four different shoreland overlay districts can be found in the watershed. Southern Maine Planning and Development Commission has conducted a Zoning Ordinance review of the zoning for the four towns. That review, which can be found as an attachment to this document (Attachment 1), is in a narrative form and contains descriptions of the zones as well as general descriptions of the shoreland zones.

Generally, the areas near the headwaters and the more undeveloped northern reaches of the watershed are covered by minimum lot sizes of three acres. As one moves towards the coast and Route 1, the zoning encourages more compact development and commercial uses. In the York Village area it is essentially a commercially zoned area. An exception to the zoning is in the rural parts of Kittery within the watershed where the minimum lot size is one acre. A composite Zoning Map can be found on the following page.

Shoreland zoning is an important consideration for the current and future health of the York River Watershed. The four towns deal with shoreland zoning in different ways – some expanding upon the minimum state guidelines and one (Eliot) mimicking the state guidelines. Due to the importance of shoreland zoning for water quality, wildlife habitat and possibly other resource protections, we attempted to provide a side by side comparison of the four ordinances based on their relevant standards (Attachment 2). This comparison is complicated by the ways which the communities define shoreland, the differences by zone in what is actually covered, and differences in standards by zone. A composite Shoreland Zoning Map can also be found on the pages that follow.

It should be noted that in shoreland zoning overlay districts a number of uses are restricted within the shoreland zone. These restrictions are much greater than many use restrictions in the general zoning districts. Some of the permitted uses that may impact water quality outside of shoreland areas can be found in the Zoning Ordinance Review attached to this document. A comprehensive review of those uses and their impacts on water quality was not compiled for this study.

Zoning York River Watershed



Map 1 Municipal Zoning within the York River Watershed

Non-Regulatory Overview

Comprehensive Plans

While Zoning and Subdivision ordinances are the basis by which local land use decisions are made, in Maine these decisions need to be based on a locally adopted Comprehensive Plan. While there are variables associated with the adoption of a plan (has it been reviewed by the state, how old is it, *etc.*) the crucial question is whether it has been adopted at the local level. Recommendations on zoning and subdivision should be borne out of a Comprehensive Plan. There must be some nexus between the Comprehensive Plan and the regulations which eventually find their way into a town ordinance.

All four towns have adopted Comprehensive Plans. Kittery is in the process of finishing an update and moving towards an adoption in the coming months. With this in mind, SMPDC conducted a review of the current Comprehensive Plans in the four towns (Attachment 3). In the case of Kittery we reviewed the pending Comprehensive Plan. The plans were reviewed for strategies and actions which might relate to recommendations for the York River Watershed. In particular these strategies address issues concerning water quality, wildlife habitat, land conservation, sea level rise, and other issues.

The volume of recommendations which might be applied to the York River Watershed are somewhat overwhelming. However, they do support strong resource protections for the watershed through both regulatory and non-regulatory means. As recommendations for watershed strategies are considered these Comprehensive Plans can and should provide backing for those concepts. They may be very specific such as the following “key” recommendation in the Kittery Plan:

“Working with the Kittery Land Trust, develop a STRATEGY FOR OPEN SPACE ACQUISITION, setting priorities for parcels to be included.”

Or:

“Should enact standards within York River Watershed that require both non-residential and residential developments of 5,000 sf or more of impervious surface to submit an impact statement assessing the development’s impact on such things as water quality, wildlife habitat, scenic vistas, historic resources, drainage, siltation, abutting development and town services including roads and traffic.”

Others may be more generic. However, while Comprehensive Plans are replete with ideas and strategies they are only as good as the implementation which follows.

Open Space Plans and Conservation Efforts

Open Space Plans create a framework by which to prioritize and conserve open space (and also recreational areas in some cases) within a community. In the case of the four communities, two of them - Eliot and South Berwick - have formally adopted an Open Space Plan. Both plans, through a public participation process and GIS analysis, developed priority areas for conservation either through possible acquisition, conservation subdivisions, easements or other means.

In Eliot, one of the defined priority areas was the headwaters to the York River and shown within the maps as part of that plan. In South Berwick some of the areas of the York River watershed were included, although mainly as their contribution to the diversity of the Mt. Agamenticus area. Importantly, many of these priority areas of the Mt A effort and the York River effort converge areas of the watershed. These plans and priority areas can provide valuable support to land acquisition and conservation efforts. It should be pointed out the plans also provide strategies by which to accomplish those goals. These plans can be found at http://www.southberwickmaine.org/boards&committees/conservation%20commission/OpenSpacePlan_2012.pdf.

The town of Eliot Plan is not on line but can be found at the Eliot Town office.

In the case of York and Kittery, no formal open space plans exist, although both communities have robust conservation programs through their land trusts and through the efforts of the MTA2C regional conservation effort, one of the most successful regional conservation programs in Maine. MTA2C has helped to conserve many of the over 6,300 acres of conservation lands in the Mt. A region. The MTA2C focus area information can be found at <http://www.mta2c.org/>.

The towns and the Land Trust roles in conservation and thus protection of the watershed is a critical component of any comprehensive strategy for the York River. This will be discussed in more detail, but currently over 25% of the watershed is conserved by conservation organizations, and critically the York and Kittery Water Districts for water supply protection. Obviously land conservation through fee title or easements may be the best method of protection for any watershed. The region has been incredibly successful in that regard.

In addition to the joint conservation efforts, the four communities in the watershed are bound together through their participation in the MS4 program. The MS4 designation results from town classification as an "Urbanized Area" as designated by the U.S. Census Bureau. With the designation comes increased federal requirements for stormwater treatment, education and planning. The four towns jointly have hired a stormwater engineering consultant to provide assistance on a yearly basis. It is yet one other area where the interests of the four communities merge with opportunities for joint management of stormwater issues which may concern the watershed.

Watershed Protection Strategies Matrix

The following matrix attempts to provide a framework for decision making on regulatory and non-regulatory strategies for the York River Watershed. Parsed out by individual community, it highlights many existing strategies that the four watershed towns currently employ for resource protections, proposes additional strategies that may be considered “best practices” for watershed protection, and presents recommendations on whether those strategies should be more fully developed and implemented by the communities.

Strategies that denote “see recommendations” are more fully described in the detailed recommendation section that follows. If a strategy states “should consider”, it is considered more of a long-term concept or idea and is listed as such in the recommendations section. Other land use or non-regulatory ideas are listed primarily as a way to document and highlight some of the important practices that may have been adopted either in the four-town watershed region or in other geographies.

The matrix also attempts to highlight whether a recommendation has been found in a Comprehensive Plan for the community. If so, it is denoted by “**(CP)**” (see Attachment 3 *Non-Regulatory Plan Review* for specific watershed protection strategies referenced in towns’ Comprehensive Plans).

Strategy	Regulatory			
	York	Eliot	South Berwick	Kittery
<i>Increase minimum lot sizes in watershed area (Minimum lot sizes greater than 3 acres)</i>	Gen-1 & Gen-2 Zones (CP)	Yes	Yes (CP)	No See recommendations (CP)
<i>Shoreland zoning beyond state minimum</i>	Yes, all wetlands are shoreland zoned, mitigation allowed for disturbance (CP)	No See recommendations (CP)	Yes, for certain streams in Mt A area and high rated wetlands (CP)	Yes, 100 ft for tributary streams

Strategy	Regulatory			
	York	Eliot	South Berwick	Kittery
<i>Shoreland zoning provisions beyond water/habitat protection</i>	Yes, for certain archaeological sites (CP)	No See recommendations	Yes, for certain archeological sites and scenic resources	Yes, need archeologist for any excavation. Special setbacks for certain uses.
<i>Cluster/Open Space provisions for subdivisions that protect key resources.</i>	Yes, not mandatory. See recommendations (CP)	Yes, mandatory in Critical Rural Area. See recommendations (CP)	Yes, not mandatory. See Recommendations (CP)	Yes, not mandatory. See recommendations (CP)
<i>Septic pump out ordinance</i>	Yes <ul style="list-style-type: none"> • General: ≥1x per 5 years • Rented by week during summer: ≥1x per year • Homes occupied by ≤2 people: ≥1x per 10 years • Tanks with advanced treatment: ≥1x per 10 years 	No Should consider	No Should Consider	No, considered a few years ago. Should consider
<i>Growth cap</i>	No, rescinded a few years ago	Yes, 30(?) per year	No, rescinded a few years ago	No

Strategy	Regulatory			
	York	Eliot	South Berwick	Kittery
<i>Differential growth cap (fewer permits in rural areas)</i>	No	No	No	No
<i>Net residential density calculation (subtracting wetlands, slopes, etc.)</i>	Yes, for subdivisions See recommendations (CP)	No See recommendations (CP)	Yes, for any division See recommendations (CP)	Yes, for subdivisions See recommendations (CP)
<i>Resource Protection areas removed for lot area calculations</i>	Yes	No See recommendations (CP)	Yes	No, but wetlands yes
<i>Beginning with Habitat (BWH) criteria in ordinances</i>	Only in cluster subdivisions but not required	No. See recommendations (CP)	No See recommendations (CP)	No See recommendations (CP)
<i>Watershed protection regulations/overlay including more restrictive use table</i>	Yes, but not for the York River Watershed specifically. See recommendations (CP)	No See recommendations (CP)	No See recommendations (CP)	No See recommendations (CP)
<i>Phosphorous loading analysis required for fresh water bodies</i>	No Should consider (CP)	No Should consider	Can require in subdivision	No Should consider

Strategy	Regulatory			
	York	Eliot	South Berwick	Kittery
<i>Nitrogen loading analysis required for estuarine/salt water bodies</i>	No Should consider	No Should consider	No Should consider	No Should consider
<i>Low impact development (LID) requirements and standards</i>	General statement, no criteria. See recommendations (CP)	No See recommendations	No, but encouraged See recommendations	No See recommendations
<i>Uses detrimental to water quality not permitted</i>	Only for shoreland zones (CP)	Only for shoreland zones (CP)	Only for shoreland zones (CP)	Only for shoreland zones (CP)
<i>Fertilizer and/or pesticide ordinance</i>	No Should consider (CP)	No Should consider	No Should consider	No Should consider (CP)
<i>Enhanced vegetative buffer requirements and vegetation cutting standards</i>	No Should consider (CP)	No Should consider	No Should consider (CP)	No Should consider
<i>On-site stormwater retention requirement more stringent than minimum</i>	See recommendations (CP)	See recommendations	See recommendations (CP)	See recommendations (CP)
<i>Storm frequency for design standards more stringent than minimum</i>	No Should consider (CP)	No Should consider	No Should consider	No Should consider (CP)

Regulatory				
Strategy	York	Eliot	South Berwick	Kittery
<i>Sea level rise overlay zone and associated development standards</i>	No See recommendations (CP)	No See recommendations	No See recommendations	No See recommendations (CP)
<i>Future marsh migration overlay zone and associated development standards</i>	No See recommendations (CP)	No See recommendations	No See recommendations	No See recommendations (CP)
Revenue Raising for Conservation				
Strategy	York	Eliot	South Berwick	Kittery
<i>Development Transfer Overlay District or other transfer of development rights strategies</i>	No (CP)	No (CP)	No (CP)	No (CP)
<i>Conservation impact fees</i>	No, considered six years ago Should consider (CP)	No Should consider	No, considered eight years ago Should consider	No Should consider
<i>Wetland mitigation fund</i>	No Should consider (CP)	No Should consider	No Should consider	Yes
<i>Fee in lieu of land dedication</i>	No, but set aside required (CP)	No	Yes	No

Regulatory				
Strategy	York	Eliot	South Berwick	Kittery
<i>Stormwater utility district</i>	No Should consider (CP)	No Should consider	No Should consider	No Should consider
<i>Open Space Fund</i>	No See recommendations (CP)	Yes	No See Recommendations (CP)	Yes
<i>Watershed TIF</i>	No Should consider (CP)	No Should consider	No Should consider	No Should consider

Regional Approaches				
Strategy	York	Eliot	South Berwick	Kittery
<i>Regional Watershed District</i>	No See Recommendations (CP)	No See Recommendations	No See recommendations (CP)	No See recommendations (CP)
<i>Regional reviews/comment of larger scale projects in watershed</i>	No See Recommendations (CP)	No See Recommendations	No See recommendations	No See recommendations (CP)

Regional Approaches				
Strategy	York	Eliot	South Berwick	Kittery
<i>Regional open space/conservation plan</i>	No See Recommendations (CP)	No See Recommendations (CP)	No See recommendations (CP)	No See recommendations (CP)
<i>Regional and/or local prioritization scheme for conservation of key watershed parcels</i>	No See Recommendations (CP)	No See Recommendations (CP)	No See recommendations (CP)	No See recommendations (CP)

Non-Regulatory Approaches				
Strategy	York	Eliot	South Berwick	Kittery
<i>Open Space Plan</i>	No See Recommendations (CP)	Yes, includes York River headwaters as priority	Yes, includes Mt Agamenticus areas as priority	Sort of See Recommendations (CP)
<i>State-approved Comprehensive Plan</i>	No	Yes	Yes	In process
<i>Incentive-based programs for voluntary LID implementation</i>	No See Recommendations (CP)	No See Recommendations	No See Recommendations	No See Recommendations

Strategy	Non-Regulatory Approaches			
	York	Eliot	South Berwick	Kittery
<i>Incentive-based programs for stormwater reduction efforts</i>	No See Recommendations (CP)	No See Recommendations	No See Recommendations	No See Recommendations
<i>Conservation Commission / York River Stewardship Committee review of development applications</i>	No See Recommendations (CP)	No See Recommendations	No See Recommendations	Conservation Commission review See Recommendations
<i>Incentivize and/or encourage property owners to implement LID stormwater practices (rain gardens, planting native plants, etc.)</i>	No Should Consider (CP)	No Should Consider	No Should Consider	No Should Consider
<i>Encourage relevant property owners to put land into farmland/or tree growth programs</i>	No Should Consider	No Should Consider	No Should Consider (CP)	No Should Consider (CP)

Conservation Subdivisions

The use of Conservation Subdivision techniques (for the purposes of this section we will group them with so called cluster subdivision) can be a particularly effective tool in preserving natural resource values in a developing environment. All four towns currently have the ability to require these as part of a development application in the watershed. In the case of the Town of Eliot it is mandatory in their Critical Rural area which includes the headwaters to the York River. In the town of Kittery while not mandatory in the Rural Residential areas they are strongly incentivized. In York and South Berwick they are developed through application procedures and discussions with the Planning Boards.

The build-out analysis provides a rationale for the towns to strongly consider Conservation Subdivisions for nearly all subdivision applications within the watershed. First, the chart below demonstrates how the use of a conservation subdivision may cut down on road lengths and reduce impervious surfaces within the watershed as opposed to conventional subdivision design. With impervious surfaces destined to increase opportunities to reduce those amounts should be considered. Such design could result in 20-25 miles of less roadway with a full build-out of the watershed.

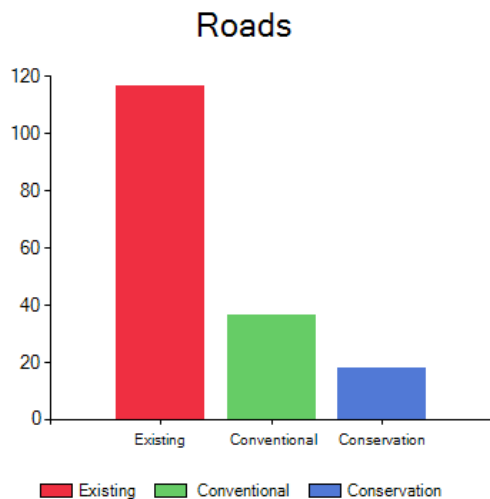


Figure 1 Miles of road that currently exist within the watershed as well as the potential additional miles of road that could be created under conventional development, or existing zoning and land use regulations, and under conservation subdivision requirements.

Well-designed Conservation Subdivisions can also mitigate impacts to wildlife habitat in a developing area. The developable parcels that overlap with areas of key natural resource features can be seen in the chart on the following page. While it is important to note that

number of units indicated would not be the actual number of units within that resource area, it is clear that the potential exist for a significant increase in residential development in or near the listed habitat features. Conservation Subdivisions provide an opportunity to address those impacts and can be particularly effective in protecting riparian habitat, and threatened animal and plant species.

The issue of sea level rise and associated marsh migration is also a critical concern within the watershed. The data shows an approximate possible impact of an additional 180 housing units within marsh migration areas. The GIS layers demonstrate on a parcel level those areas where marsh migration may occur and provides the relevant Planning Board and Planners the data by which to incorporate those areas into a conservation design.

Finally, although by definition, a conservation subdivision means land will actually be developed, once the land within the subdivision is set aside it can become part of the landscape of the regions conservation lands. Currently, 5,600 acres of the watershed (or 27%) is in conservation of some type. If one were to apply a conservation subdivision concept to the subdividable parcels another 2,200 acres could be added to the total bringing the total of conservation lands to nearly 37% of the watershed.

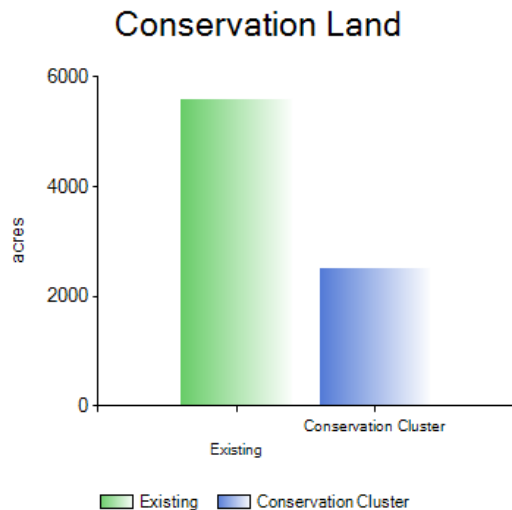


Figure 2 Acres of existing conserved land and additional acres that could be conserved if communities were to adopt conservation subdivision requirements for the watershed.

One of the historical drawbacks to conservation subdivisions has been their actual design. The York County region has numerous examples of conservation subdivisions where the land set aside has been an afterthought, wetlands or merely a buffer from surrounding properties. For that reason it is crucial that the data now available with the GIS analysis and the story map be

utilized by Planning Boards and Planners Further, the data can be referenced within the ordinance itself. As discussed later there may also be a means at some point in time for those representing the watershed to comment on larger scale projects within the water shed. It is also critical that the number of units permitted in the conservation subdivision be no more than that which might be allowed in a conventional subdivision. This directly points to the need for a density calculation to be conducted prior to setting the maximum allowable density on a parcel. The communities deal with this various ways.

Recommendations for Conservation Subdivisions

The following is a list of recommendations for towns to consider regarding Conservation Subdivisions requirements:

1. Ensure that the approved York River Stewardship Plan is listed within the purpose or standards section of the Conservation/Cluster ordinance.
2. Ensure that a “yield plan” is required in the Conservation/ Cluster ordinance defining “lands not suitable for development”, such as wetlands, poorly and very poorly drained soils, steep slopes, and possibly floodplains, and resource protection areas.
3. Ensure that an applicant provide both a sketch of a conventional plan and a cluster plan prior to a subsequent submission.
4. Reference the GIS data availability for analysis within the standards or purpose section of the ordinance.
5. Specifically highlight marsh migration, sea level rise, habitat, connectivity, riparian protection, historic resources (if it does not already exist) as features to be considered in an open space design.
6. Ensure within the process section of the open space ordinance that all factors be considered prior to the placement of house lots and roadways.

Changes to Conservation/Cluster Subdivisions may also be considered under the concept of a Regional Watershed Protection District to be discussed later.

Land Conservation in the Watershed

As noted in prior sections the 21,000 acre watershed currently contains over 5600 acres of conservation land or about 27% of the watershed. It should be pointed out that a significant amount of the acreage is owned by Kittery and York Water Districts, both quasi municipal organizations. For the purposes of this analysis we have assumed that to be conservation land.)

The York Land Trust, the Kittery Land Trust and the Great Works Regional Land Trust have been very active and successful in finding and completing land conservation deals within the Mt. Agamenticus area. The MtA2C effort has a long range goal of adding 6,000 acres of conservation land to the Mt A region. The Mt A region focus area and the watershed itself overlap to a significant degree.

The GIS data and the build-out analysis conducted for this study present a unique opportunity to examine the watershed, its attributes and the areas most susceptible to development pressure to create regional priorities for land conservation. This might occur jointly within the MtA2C effort and the York River Watershed planning process. Both Mt A2C and the York River Study Committee are already widely represented by the communities and various governmental and non-governmental organizations. The data and process for a conservation prioritization effort are already in place

In the development of their open space plans, both Eliot and South Berwick organized a public process for prioritization. The town of South Berwick used a co-occurrence model for developing their local priorities. The methods employed by South Berwick can be found in their Open Space Plan. The Beginning with Habitat program also uses a co-occurrence model to further define the areas most important for conservation on a landscape scale. The GIS data provided to date includes a number of features which are not included in the BWH data or other data sets, such as sea level rise, marsh migration, historic and archeological structures, recreation assets and impervious surfaces. It also includes the threats from a developing landscape which might impact any or all of these resources.

How best to fund those priorities is a more difficult issue. Two of the four towns (Eliot and Kittery) currently have an “Open Space Account” within their town operating or capital budget. Money placed in this account can be readily available for conservation purchases. Some communities annually appropriate cash to this account. Others may use proceeds from tax foreclosures, mitigation fees and other mechanisms. The Town of Wells has successfully used this account for a number of conservation purchases over the years. Many towns require open space set asides for subdivisions. In the event such a project is too small for useable open space they have the potential to ask for a fee in lieu of land dedication.

A more long term strategy for revenue raising for conservation would be the consideration of a conservation impact fee. The City of Saco and the town of North Berwick have successfully utilized this tool to assist in land conservation over the past decade plus. Impact fees are valuable when an area is seeing significant growth. The details on how to develop such a fee are too complex for this analysis. However, having a prioritization for conservation acquisitions is critical when designing an impact fee. It should be noted both York and South Berwick started to examine impact fees 5-10 years ago but stopped around the time of the recession.

Finally the Tree Growth and Farmland/Open Space Tax programs are actively taken advantage

of in the four town area. While such programs are not permanent protections, they do provide some short and possibly long term conservation opportunities within the towns. Sometimes towns (and/or assessors) may not actively promote these programs because of the loss of tax revenue. However it is a fairly simple option to highlight to watershed property owners.

Recommendations for Land Conservation in the Watershed

1. Convene a stakeholder group or utilize the existing framework of MTA2c and the York River Stewardship Committee to develop Conservation Priorities for the watershed. Utilize the GIS data and analysis from the build-out study and GIS layers to assist in that effort.
2. Work to establish Open Space Accounts in the communities where they do not currently exist. Fund such accounts through annual appropriations at town meeting, sale of foreclosed properties and other methods.
3. Actively promote the use of the Tree Growth and Farm/Open Space programs through the various assessors' offices.

Longer term Strategy

1. Look to establish conservation impact fees in the communities which can be used to supplement conservation purchases in the watershed.

Additional Zoning Strategies

Minimum Lot Sizes

As the build-out analysis demonstrated there is still a great deal of land available in the watershed for future development. For the most part the rural parts of the watershed are covered by minimum lot sizes of anywhere from two to predominantly three acres. The exception is within the RR zones in Kittery where the lot sizes are a one acre minimum and the potential building density per acre in Kittery is 0.46, which is much higher than the surrounding towns. A composite map of minimum lot sizes can be found on the following page. The proposed Kittery Comprehensive Plan has a "key" recommendation:

PROTECT EXISTING OPEN LANDS, including farmlands and wetlands from over-development by implementing effective strategies such as larger minimum lot sizes in the rural residential zone. As one way of preserving Kittery's rural character, review and revise the cluster zoning bylaw and provide incentives for developers to use the bylaw.

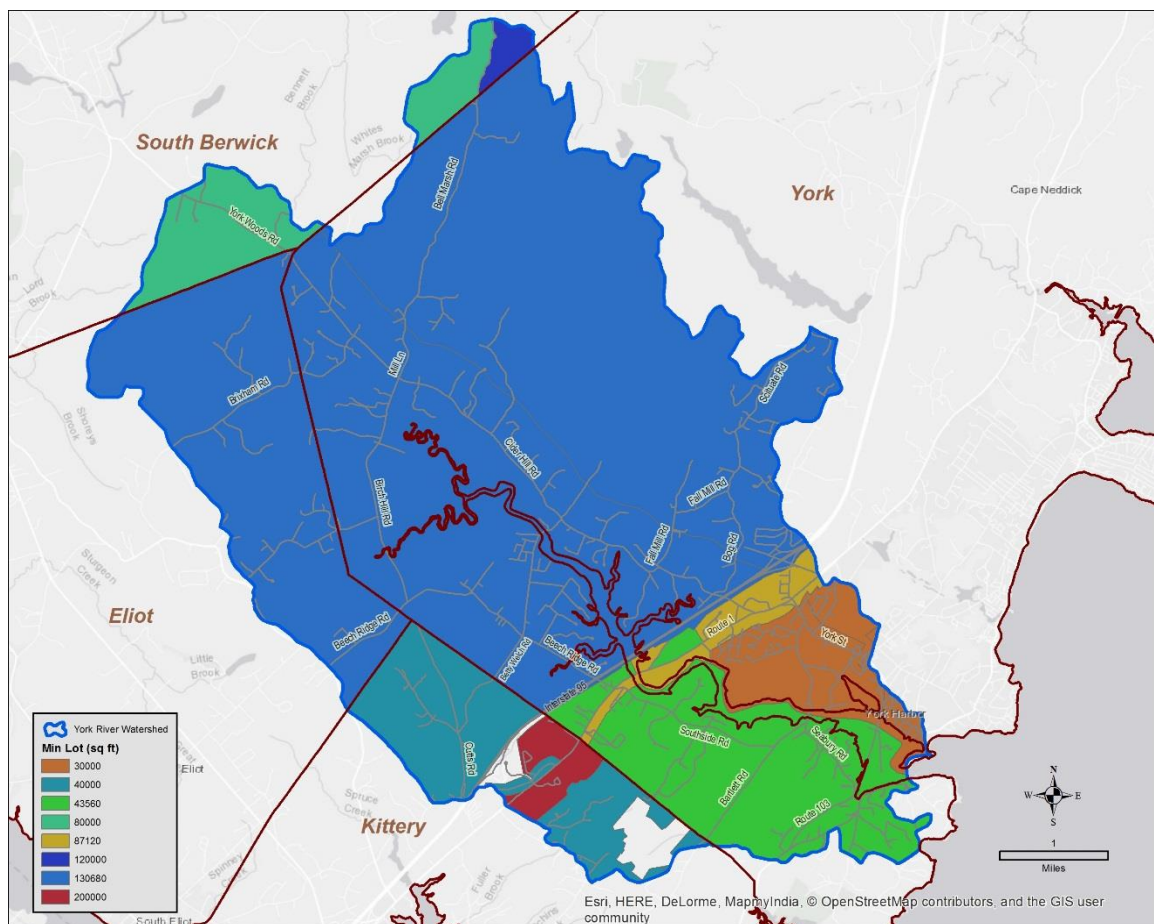
Clearly Kittery's Plan would be to increase minimum lot sizes in the zone that contains a great

deal of the watershed. While there is no magic formula for determining what those lot sizes should be, it would seem a minimum 2-3 acre lot size would be consistent with the surrounding communities.

Recommendation

1. Consider raising minimum lot sizes in Kittery's rural residential zones in the York River Watershed in a manner consistent with water quality protection and in keeping with goals of the Kittery Comprehensive Plan.

Composite Minimum Lot Sizes York River Watershed



Map 2 Minimum lot sizes within the York River Watershed based on towns' existing zoning.

Regional Watershed Zone

The York River Watershed provides an opportunity for a unifying principle for water quality related zoning considerations amongst the four communities. In fact, the four communities are already tied together through both their MS4/MPO designation and the Mt. A focus area. As

SMPDC conducted their zoning reviews of the four towns it was clear that there are many differences in how towns approach growth and development at this scale – particularly in the areas of shoreland zoning protections, approaches towards storm water treatment/water quality, historic preservation and conservation of archeological sites. As towns look to potentially adopt some of the listed recommendations, some of these strategies may be most appropriate specifically for the watershed rather than on a town wide basis.

Such a zone would enable a more efficient approach than amending various sections of four different ordinances -although it would still take approval from the relevant towns. Essentially changes could be inserted into the overlay. This is far easier than locating, changing, and codifying changes in the over 1,000 pages of ordinances that currently exist. It also continues to give the town control over their land use regulations. By merely setting up the overlay, the town may still approve or not approve various items that go in to it.

We have not found any examples of such as an approach in Maine for a river watershed. With the unique nature of the watershed, and the conservation efforts of the four communities it may be an innovative start. To begin, it could be fairly simple with minimal regulations. It is proposed as a vehicle for the future.

Recommendations

1. A York River Watershed Overlay Zone should be considered for the area containing the boundaries of the watershed. The zone may begin as an “umbrella” zone for ordinances changes and recommendations over time. To start, the zone may include items such as:
 - Notification to the York River Stewardship Committee when subdivisions within the watershed are proposed.
 - The utilization of the GIS data (to be available) when considering subdivisions open space development and other development activity.
 - LID recommendations for new projects by zone
 - Stream protection buffers which are consistent throughout the watershed.

Over time additional ideas such as might be considered:

- Septic pump out ordinances similar to the York model for the watershed.
- Fertilizer and pesticide ordinances within the watershed

Shoreland Zoning, Sea Level Rise, and Marsh Migration

Shoreland Zoning

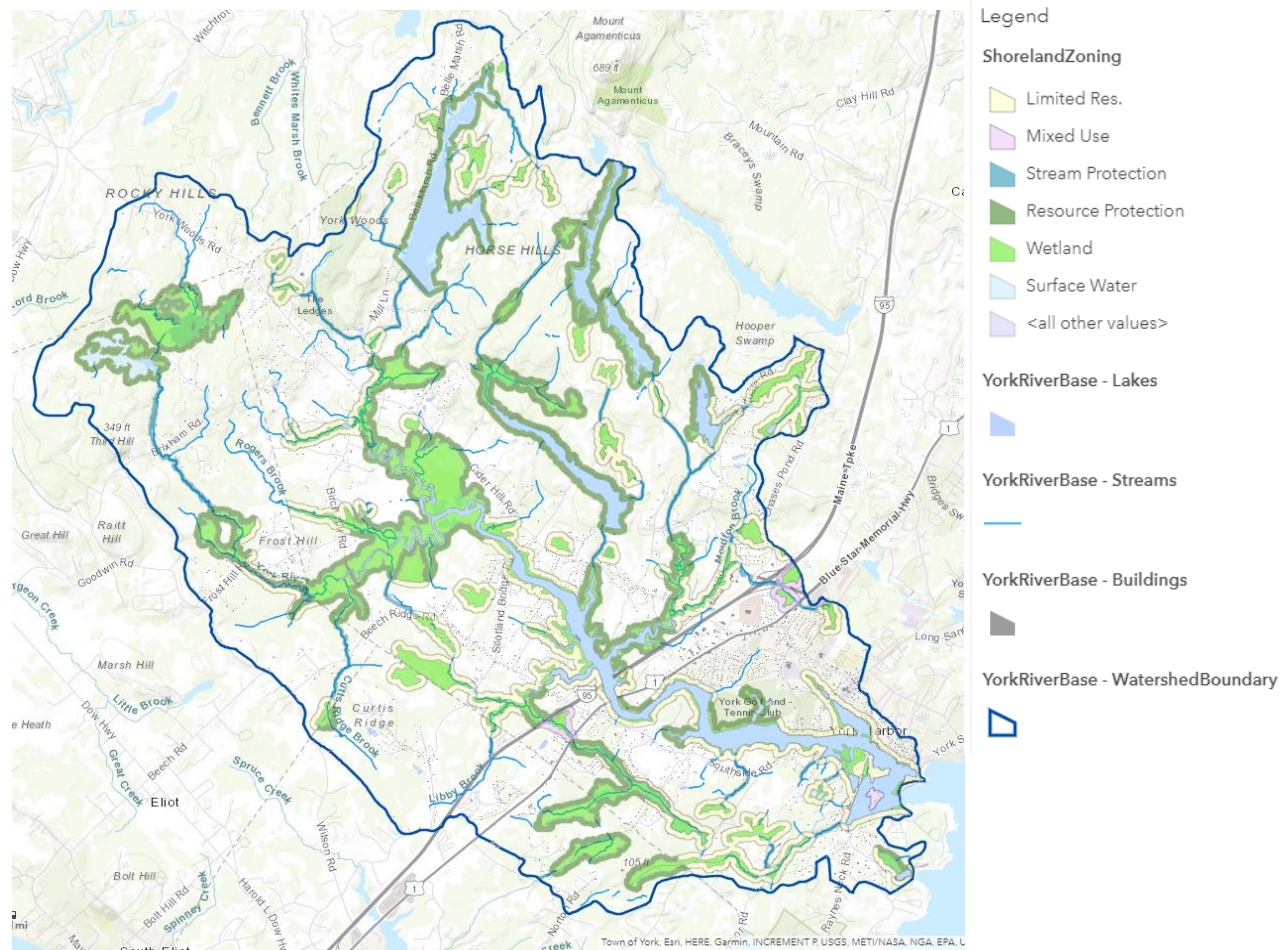
Shoreland zoning is perhaps the single most effective existing regulatory tool that towns have at their disposal to further protect and preserve water quality and resources within the York River Watershed. Enhancing shoreland zoning provisions can serve as both resource protection measures as well as climate adaptation strategies.

The State of Maine's Mandatory Shoreland Zoning Act (MSZA) requires municipalities to establish, administer, and enforce land use controls for areas surrounding coastal and inland wetlands, rivers, and certain streams to protect and conserve water quality, habitat, wetlands, and other important resources. At the local level, this is usually accomplished through the adoption of a shoreland zoning ordinance. MSZA establishes minimum standards for structure setbacks; minimum lot area and frontage; clearing limitations; timber harvesting limitations; erosion and sedimentation control; sewage disposal; and nonconformance provisions. Local shoreland zoning ordinances must comply with the minimum State standards; however, municipalities can, and are encouraged to, enact provisions beyond the minimum to better protect resources.

The four towns within the York River Watershed have all adopted local shoreland zoning ordinances that comply with MSZA minimum standards. However, the ordinances vary drastically from one town to the next, in part due to differences in base zoning districts, allowed land uses, and development standards. They also range in how stringent the regulations are in comparison with the MSZA minimums. For example, Eliot has adopted the state's model ordinance language, which includes only the minimum requirements. In contrast, York's shoreland zoning ordinance, which can be considered the most progressive of the four towns, contains multiple provisions that exceed the state minimums, including regulation of land use around all wetlands rather than just those required by MSZ. Both South Berwick and Kittery have adopted some provisions beyond the minimum requirements.

A comparison of the four towns' shoreland zoning ordinances can be found as an attachment to this document. Although the complexities of and significant variation in the ordinances complicates comparison, the attached document attempts to summarize similarities and differences among key provisions such as required setbacks, maximum allowable lot coverage, and minimum lot size.

Composite Shoreland Zoning York River Watershed



Map 3 Composite Shoreland Zoning map of the towns' current zoning.

Sea Level Rise and Marsh Migration

Sea level rise and marsh migration are of particular concern within the York River Watershed. Due to the tidal nature of the river and its tributaries, there are certain areas that are particularly vulnerable to increasing sea levels. At first glance, it might appear that much of the watershed that will be inundated by future sea level rise is already developed. However, the build-out analysis illustrates that there are still a number of parcels that could support future development that will be impacted by increasing sea levels, especially in the upper reaches of the York River in the towns of York and Eliot. In order to protect watershed resources and future development from rising seas, towns should consider implementing strategies that

conserve areas vulnerable to sea level rise and direct development away from those at-risk areas.

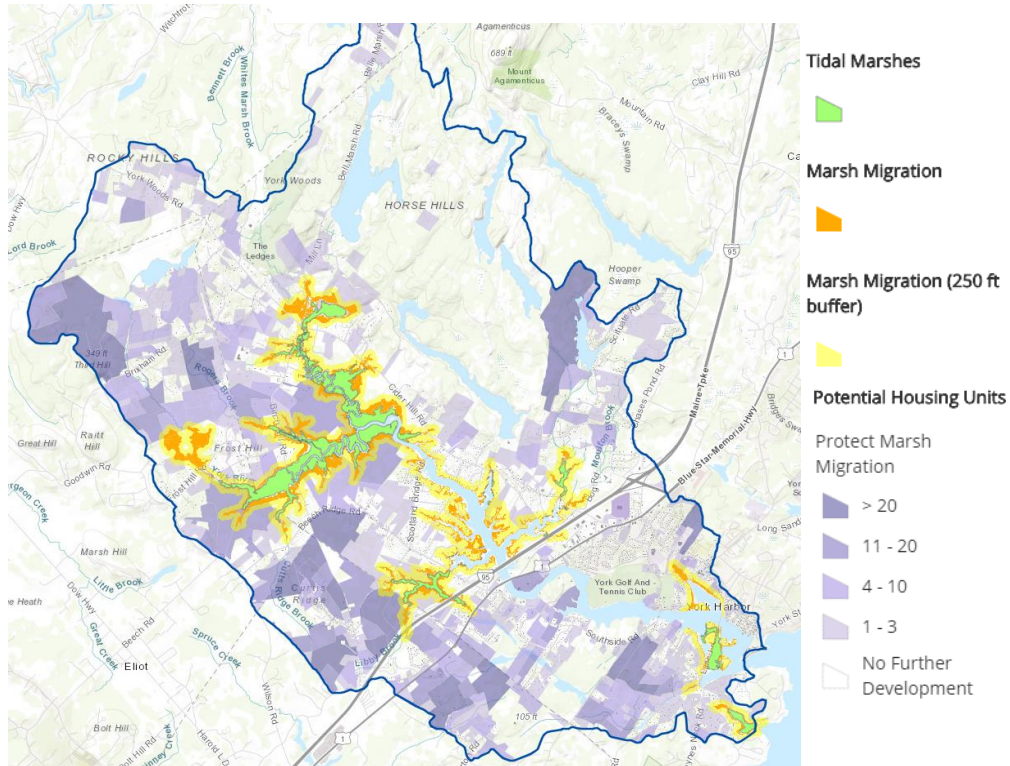
As sea levels rise, tidal marshes must gradually move, or migrate, landward as they cannot survive under a constant state of inundation. In order for this migration to occur and for marsh habitat to survive into the future, land areas adjacent to existing marshes need to be free of obstacles such as roads and buildings.

The four watershed towns all have regulatory protections for existing saltmarsh habitat, primarily through their shoreland zoning ordinances. However, none of the towns expressly protect future marsh areas or explicitly consider marsh migration in land use decisions. Shoreland zoning provides an existing regulatory structure for implementing climate adaptation strategies that address future conditions, including marsh migration and sea level rise. The four watershed towns, which will all experience impacts from sea level rise and marsh migration, have an opportunity to undertake proactive adaptation planning and implement novel measures to protect resources and development and enhance community resilience. Protecting land areas that will facilitate future marsh migration not only protects marsh habitat and the numerous resources it provides and supports, it also protects future development from natural hazards such as and sea level rise.

The map below shows potential marsh migration areas associated with a sea level rise scenario of six feet above the 2015 Highest Annual Tide (HAT). It also depicts those areas of potential new marsh surrounded by a 250-foot buffer to illustrate what land areas would be impacted if towns were to modify their shoreland zone boundaries to account for marsh migration areas. Additionally, it shows the total potential housing units that could be constructed under future build-out conditions if new structures were prohibited from the marsh migration areas and associated 250-foot buffer.

The build-out analysis (Figure 4) illustrates that removing future marsh migration areas and an associated 250-foot buffer from developable lands would result in a reduction of 181 potential new buildings within the watershed compared with the total number of potential buildings based on existing regulations. This could be achieved by incorporating those areas into towns' existing shoreland zoning. Prohibiting new buildings in the marsh migration areas and associated buffer would not only limit the number of potential new buildings and subsequent environmental impacts, it also would protect the long-term viability of the watershed's critical saltmarsh habitat by conserving those resources and enabling marshes to migrate landward in the future.

Marsh Migration Map York River Watershed



Map 4 Build-out analysis results for future marsh migration areas, or those areas identified as low lying portions of the non-tidal landscape that are adjacent to tidal marshes and could facilitate new marsh development if sea level increases by 6 feet. The map also shows a 250-foot buffer around those marsh migration areas to illustrate land that would be impacted if towns were to apply shoreland zoning buffers to future marsh migration areas.

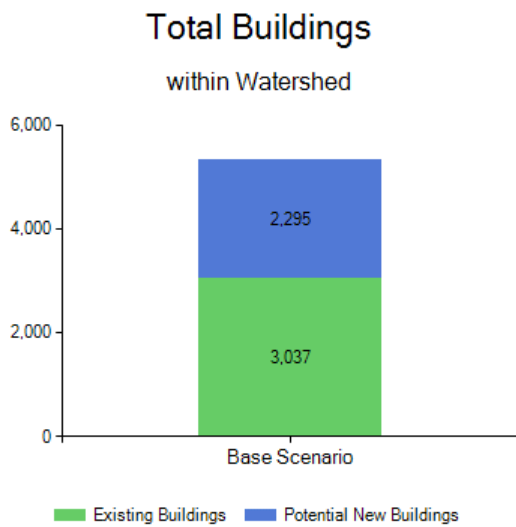


Figure 3 Existing buildings within the York River Watershed as well as potential new buildings that could be constructed under

future build-out conditions. As new development occurs, buildings and their necessary supporting infrastructure such as roads increase imperviousness within the watershed and subsequently increase stormwater flowing into local waterbodies.

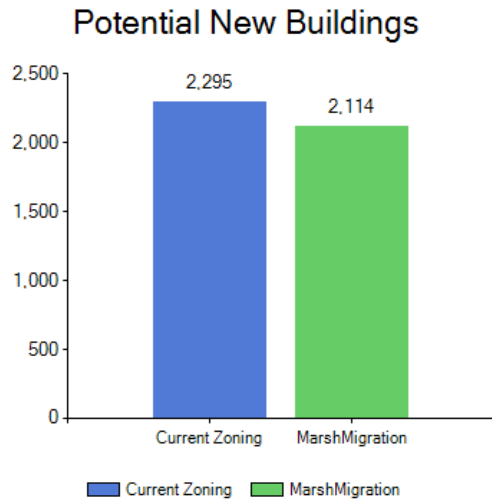


Figure 4 Comparison of the potential total number of buildings within the watershed under future build-out conditions based on current regulations and the potential total number of buildings if regulations prohibited buildings from being constructed in areas subject to future marsh migration and an associated 250-foot buffer.

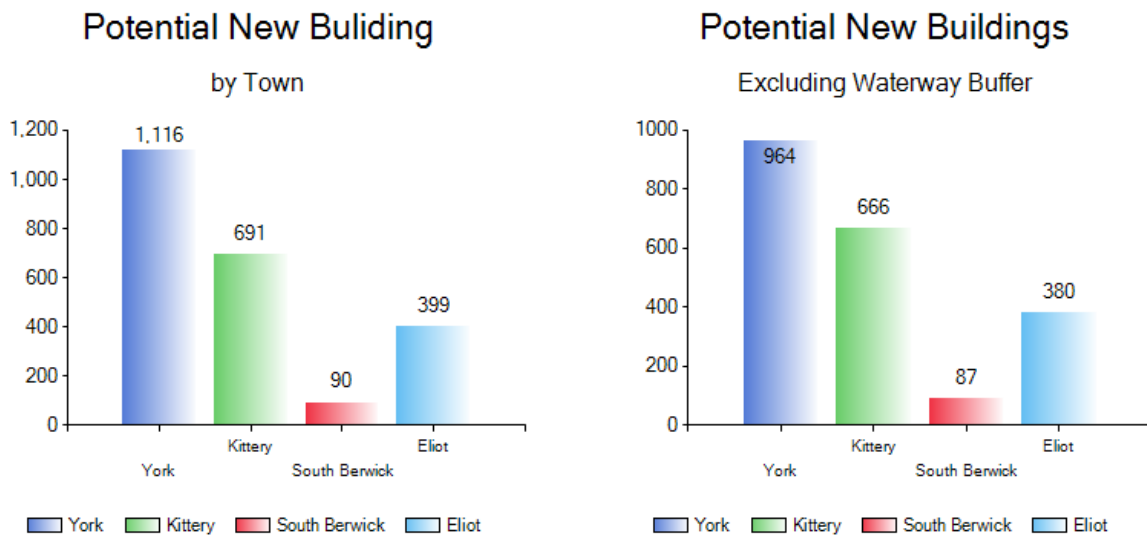


Figure 5 Potential new buildings in each town under future build-out conditions based on existing zoning regulations compared with potential new buildings if future development was prohibited in buffer areas 250 feet from ponds and rivers and 75 feet from streams.

Recommendations

The following is a list of recommendations for towns to consider regarding shoreland zoning requirements as well as sea level rise and marsh migration considerations, in no particular order:

1. Develop additional protective measures for wetlands and other waterbodies not addressed by shoreland zoning.
2. Apply shoreland zoning provisions to all streams and brooks.
3. Zone segments of streams and brooks that are designated as habitat for species of significance and/or concern as Stream Protection to protect vital resources such as wild brook trout habitat.
4. Apply additional protections to Inland Waterfowl and Wading Bird Habitat beyond the minimum shoreland zoning requirements.
5. Require or encourage development to utilize low impact development techniques in the shoreland zone.
6. Increase setbacks for primary structures within the shoreland zone or within specified areas that contain important resources.
7. Expand the boundary of the designated shoreland zone landward from coastal and inland waterbodies to enhance protection of water quality and critical resources adjacent to waterbodies as well as prepare for future conditions such as sea level rise and increased precipitation. There are several approaches that towns can employ to achieve this boundary expansion. One such approach is increasing the minimum required zone boundary (*i.e.* 250 feet from the normal high water line of ponds, rivers, saltwater bodies and upland edge of coastal wetlands and 75 feet from streams). A more protective approach is extending the waterward boundary of the shoreland zone landward, thereby increasing setbacks from waterbodies. In tidally influenced areas and those subject to inundation from future sea level rise, this can be achieved by designating the waterfront boundary of the shoreland zone as the landward extent of inundation of an appropriate sea level rise scenario (*e.g.*, 6.6 feet), rather than the Highest Annual Tide (HAT).
8. Zone areas susceptible to inundation from future sea level rise as Resource Protection under shoreland zoning and apply appropriate land use and development standards to those areas as an adaptation measure to protect them from future development.
9. Zone areas identified as supporting future marsh migration as Resource Protection under shoreland zoning and apply appropriate development standards to those areas to

ensure marshes can expand landward as sea levels increase, safeguard vital saltmarsh habitat, and protect future development.

10. Develop a Sea Level Rise and/or Marsh Migration Overlay and associated standards to accommodate future conditions, direct development away from areas at risk of future inundation, reduce density in those areas, promote open space, and enhance resource protection.
11. Specifically highlight marsh migration and sea level rise as features to be considered in siting of structures.
12. Remove areas that are susceptible to inundation from future sea level rise and/or those areas that will support future marsh migration from net residential acreage calculations.
13. Allow no more than one pier, dock, wharf, or similar structure extending or located beyond the normal high water line of a waterbody or within a wetland on a single lot.
14. Prohibit new piers, docks, wharfs, and similar structures extending or located beyond the normal high water line of a waterbody or within a wetland in areas where uplands adjacent to the waterbody are in the Resource Protection zone.

Stormwater Management and Low Impact Design (LID)

Stormwater Management

Stormwater and the pollutants it transports pose a significant threat to the health, biodiversity, and productivity of the York River Watershed. Stormwater runoff is generated from precipitation events that flow over land and impervious surfaces, such as paved surfaces, building roofs, and parking lots. As the water flows over the land, it accumulates and transports pollutants such as nutrients from fertilizers; animal waste; pesticides; trash; oil and grease; and sediment. Development within the watershed and resulting increases in impervious surfaces lead to increased stormwater runoff and consequently, more pollutants flowing into streams, ponds, and rivers. Studies demonstrate that degradation of water quality, as well as biodiversity and abundance of aquatic species, begins to occur when impervious cover within a watershed exceeds 10%, with severe degradation occurring beyond 25% impervious cover. However, detrimental impacts can occur with less than 10% imperviousness, especially when impervious surfaces are located adjacent to waterbodies.

There are currently 828 acres of impervious surface within the York River Watershed. Based on the build-out analysis, an additional 269 acres of impervious surface could be created under current zoning and land use regulations. Adopting measures that reduce the amount of potential new impervious surface, such as low impact development (LID) standards, as well as

implementing enhanced stormwater management practices could improve protection of water quality and watershed resources as future development occurs.

The four watershed communities are all regulated for stormwater discharge under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) as Municipal Separate Storm and Sewer (MS4) communities. As such, each town is subject to an MS4 permit, administered by the Maine Department of Environmental Protection (DEP), and is required to develop, implement, and enforce a stormwater management program in order to reduce discharge of pollutants from the municipal storm sewer system, or the network of catch basins, storm drains, roads, curbs, outfalls, and pipes that collect and transports stormwater.

The MS4 designation results from areas within the towns being classified as “Urbanized Areas”, which are generally defined as densely developed areas (*i.e.* census tracts and/or blocks) that meet specific population thresholds based on U.S. Census data. It is important to note that not all land areas within the towns are designated as “Urbanized Areas”, thus, the MS4 permit requirements for stormwater are not applicable throughout the entire town. Consequently, some of the towns’ stormwater regulations do not apply only to all portions of the town within the watershed. For example, while all four towns have ordinances regarding post-construction stormwater management, only South Berwick, Eliot, and York apply the requirements town-wide.

The MS4 designation of the four towns provides an existing framework for advancing innovative and effective stormwater management regulations and practices within the watershed to enhance protection of its resources. Additionally, the towns’ ongoing MS4 partnership through the Southern Maine Stormwater Working Group (SMSWG) offers an opportunity for continued and increased collaboration on stormwater initiatives within the watershed as well as in the broader region.

Low Impact Development

In addition to MS4 requirements, some of the towns include general language about low impact development (LID) in their stormwater-related regulations. However, none of the towns have LID standards or criteria for development. LID is a stormwater management approach based on the principle of managing runoff at the source and mimicking predevelopment hydrologic conditions. It aims to manage both the quality and volume of stormwater, often through the use of nature-based and nature “inspired” solutions such as strategic vegetation planting, bioswales, raingardens, and pervious pavement. Effective implementation of LID techniques requires a combination of sound, science-based site planning and structural design strategies.

LID not only minimizes development impacts on the natural environment and protects water quality, it also offers substantial economic benefits to communities, developers, and property owners. Economic benefits associated with LID include project cost savings for new development through reduction of conventional drainage infrastructure; land development

savings from a reduced amount of land disturbance; 33 – 50% reduction in home cooling from the use of natural vegetation and reduced paved areas; and 12-16% increase in property values¹. Furthermore, LID serves as a climate adaptation planning tool by mitigating impacts of future increases in precipitation and stormwater runoff.

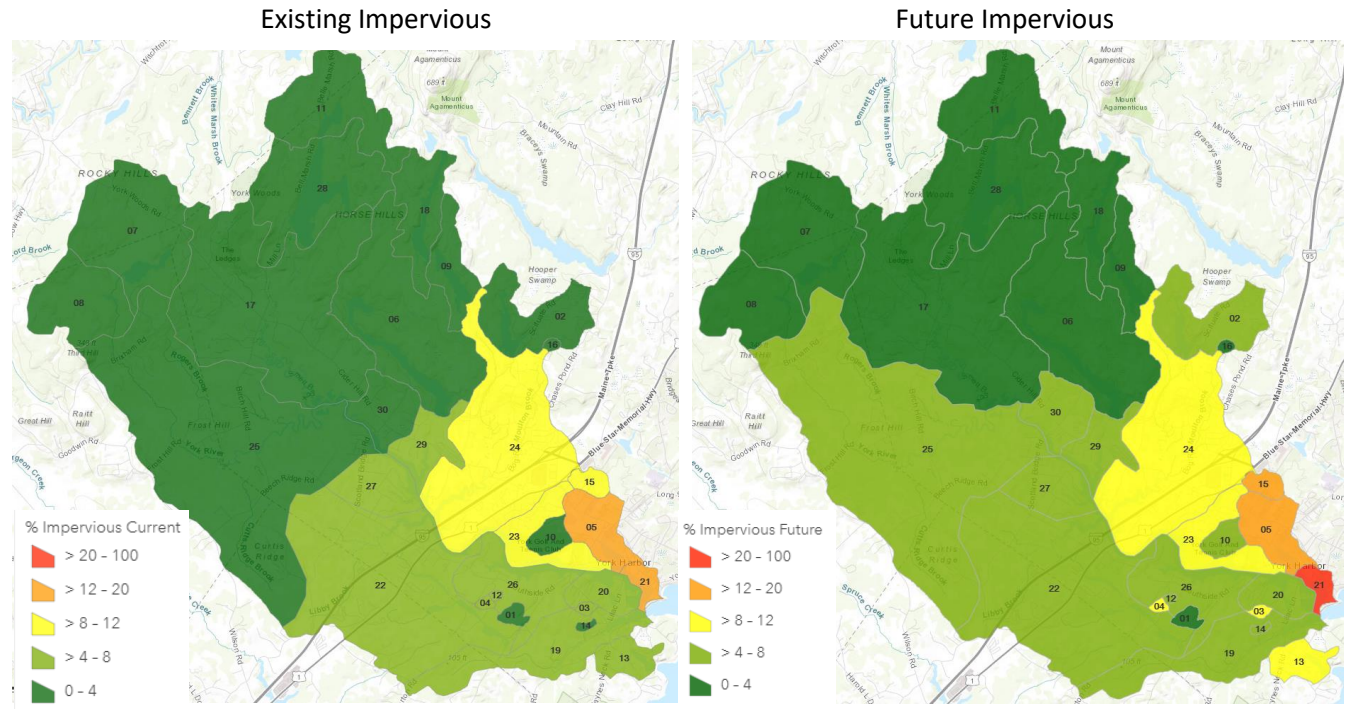


Figure 6 Comparison of existing (left) and future (right) impervious surface, displayed as a percentage of impervious coverage, within the watershed at the subwatershed scale.

¹ Fact Sheet: Economics and LID Practices. Forging the Link: Linking the Economic Benefits of Low Impact Development and Community Decisions. University of New Hampshire Stormwater Center.

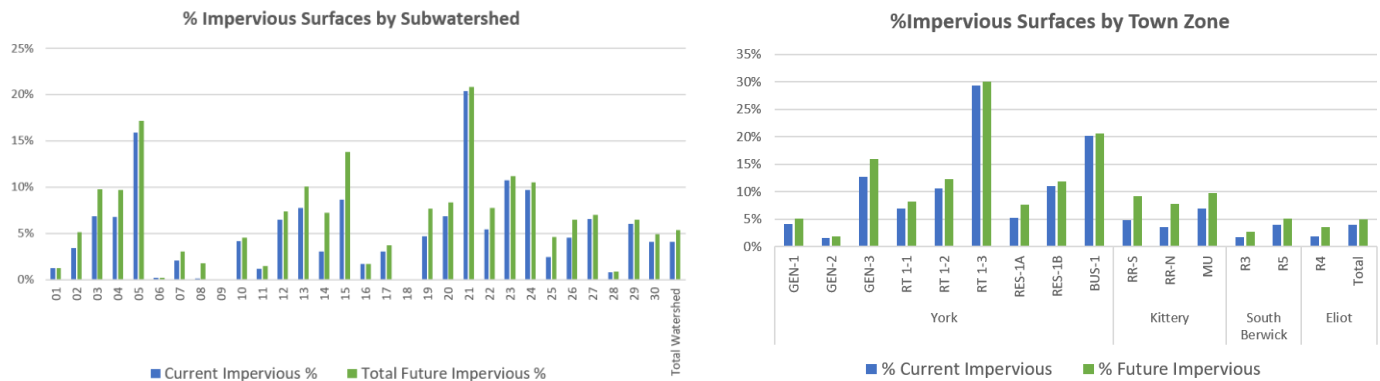


Figure 7 Current impervious coverage and estimated future impervious coverage under future build-out conditions within the York River Watershed presented at the sub-watershed level and by existing town zoning.

Recommendations

The following is a list of recommendations for towns to consider regarding stormwater management and LID, in no particular order:

1. Establish maximum coverage (*i.e.* impervious surface ratio) requirements for development for all zoning districts.
2. Encourage or require applicants to submit stormwater management plans that incorporate LID practices.
3. Develop LID standards and criteria for future development within the York River Watershed area and/or town-wide and incorporate in site plan and subdivision regulations.
4. Require submission of an operation and maintenance plan for LID infrastructure for subdivisions and other projects that exceed a specified threshold (*e.g.*, subdivisions of greater than 10 units).
5. Consider providing LID incentives or credits, based on an established crediting system, for voluntary implementation of LID techniques. Examples of incentives and/or credits include waiving certain permitting fees, waiving non-critical development requirements, and allowing greater density.
6. Apply MS4 permit requirements and stormwater management ordinances too all areas of the York River Watershed, not just in the designated Urbanized Areas/MS4 areas.
7. Require post post-construction stormwater management inspection certification reminders and reports.

8. Expand post-construction stormwater management inspection ordinance town-wide.
9. Require native vegetation buffers adjacent to all impervious surfaces within the watershed.
10. Require stormwater management systems/facilities associated with new development to have an identified party responsible for inspection and maintenance and include language in occupancy permits that stormwater structures shall be maintained by the property owner or drainage easement holder.
11. Conduct targeted education and outreach on appropriate stormwater management and yardscaping practices to watershed property owners to encourage behavior changes among residents, boards, and staff that help to conserve and protect watershed resources.
12. Adopt a Fertilizer and Pesticide Ordinance or regulations to control their use within the watershed.

Data Maintenance and Management

Although possibly not considered a high priority issue in a study such as this, we believe recommendations are in order for short and long term maintenance and support of the GIS data and accompanying analysis which were integral to the study. Over 20 GIS layers have been made available for local use, and new data on historic and archeologic resources, impervious surfaces and other natural resource concerns have been compiled for use by the York River Study Committee and watershed towns. As the project proceeds in the years ahead, the GIS information and accompanying attributes should be housed locally for easy access and updated when appropriate, if possible. The lack of municipal GIS capacity in the towns, with the exception of York, makes this a challenge.

It should be noted that Spatial Alternatives spent a great deal of time initially “fixing” parcel and attribute data among the four communities. As the boundaries of all parcels need to “close” and different data layers need to align in order to properly conduct a GIS-based build-out analysis, this was necessary, even if time consuming. Another issue encountered in the early stages of the build-out was that in some instances, the shoreland zoning digital maps did not accurately represent the language in the associated ordinance. Furthermore, for one town, there were two conflicting maps of shoreland zoning.

With the assistance of Spatial Alternatives, some broad recommendations on data maintenance are presented below. As with all GIS efforts, both funding and expertise are critical for data maintenance, manipulation, and analysis. If the York River Study Committee, or its successor, to be known as the York River Stewardship Committee, receives funding for continued watershed work, a small investment in GIS data management should be a priority. This would enable the Committee to conduct further research on areas of interest, such as changes in impervious surfaces, impacts to habitats, and revisions to local zoning and land use regulations.

Short Term Recommendations

1. Ensure that the GIS data is accessible in the short term through the SMPDC or a local community's ArcGIS online account.
2. The York River Stewardship Committee should investigate acquiring their own license from ESRI (inexpensive for non-profits).
3. Ensure that all four communities have access to both the GIS data layers and also the actual build-out features for assistance with Comprehensive Planning, conservation subdivision opportunities and open space planning, while keeping in mind the data is not developed for parcel level accuracy.
4. Encourage all 4 communities to continually examine the representation of shoreland zoning in their ordinances and how that information is presented on official Shoreland Zoning Maps.
5. Continue to work on the Historical and Archeological Map to ensure it includes updated data.
6. Ensure that Beginning with Habitat (BWH) data is updated yearly within the common data set for the watershed.

Long Term Recommendations

1. House all GIS and build-out data on a York River Watershed Website. (This could be short term depending on funding).
2. Coordinate quarterly meetings of relevant individuals in each town to discuss GIS and coordination and possible cost sharing.
3. Develop an application to make all layer viewing something more useful to the regular person, which might highlight lots being proposed for development and show the important layers and print out a map that can be provided to planning board or shown on a screen at planning board.
4. Attempt to standardize town boundary and shoreline boundary data including a standard set of attributes.
5. Continue to update impervious surface data and consider ways to analyze impervious surface changes to changes in water quality and the health of the river itself.

Attachment 1

Zoning Ordinance Review

York River Study

Zoning Ordinance Review for South Berwick, Kittery, Eliot and York

South Berwick:

R3 Zoning District – minimum lot size = 80,000 sf, coverage maximum = 20%

- Residential with some commercial uses permitted such as restaurants, convenience stores, veterinary offices and public facilities (public recreational center, civic center, library etc.)
- Permitted uses that pose threats to water quality: extractive, automobile junkyards
- Vegetated 6 ft wide buffers on all sides are required to screen commercial uses from residential

R5 Zoning District – minimum lot size = 120,000 sf, coverage maximum = 15%

- Residential with public facilities as noted in R3 above, campgrounds

Shoreland zoning is 250 foot from great ponds, rivers, streams, major wetlands, coastal/tidal wetlands, minor wetlands (2 acres or more when not major wetland), floodplains, certain local resources (Vaughn Woods, Balancing Rock, Spring Hill Overlook, the Gorge), 250-foot buffer for inland wading bird habitat, in the Resource Protection District also poorly drained soils and areas subject to undercutting and erosion if 2 or more acres in size.

Cluster subdivisions

- Yield (number of lots) cannot be more than allowed with conventional subdivision
- Lots in R3 cannot be less than 20,000 sf, Lots in R5 cannot be less than 30,000 sf
- Open space must be equal or greater than the sum of the area each lot was reduced in size from conventional minimum lot size.
- Open space must be owned by home owner's association, the Town or held as a conservation easement to a land trust

Kittery

MU Zoning District – minimum lot size = 200,000 sf on Route 1, otherwise, 80,000 sf, no coverage limits per se but see below.

- Retail uses, including parking are restricted to 30% of developable land
- Each lot must include 35% open space
- Mostly commercial, any new residential must be above first floor commercial
- Permitted uses include restaurants, grocery stores, parking lots/garages, retail, hospital, theatre, long-term nursing care facility, eldercare facility, research and development facility, specialty food or beverage facility
- Special exception uses that pose threats to water quality: service stations, mechanical services, sewage treatment facility, repair garages

- Vegetated 30 ft wide buffers with street trees every 25 feet required along road frontage

R-RL (Residential Rural) Zoning District – minimum lot size = 40,000 sf, coverage maximum is 15%

- Primarily residential with permitted agriculture and public recreation type uses
- Open space requirement is 15%
- Special exception uses that pose threats to water quality: mineral extraction, sawmill, piggery, commercial poultry, junkyard/salvage yard

C (Conservation) Zoning District – no dimensional standards

- Parcels in this zoning district are owned by the Town, the Town's inhabitants or the Kittery Land Trust
- No development allowed beyond accessory structures (such as restrooms) with a single special exception use for public facilities.

Shoreland zoning is 250 feet with 100 foot setback from shore, tributary streams, fresh and saltwater wetlands. There are also Resource Protection zones with 250-foot buffers for inland wading bird habitat.

Cluster subdivisions

- Only allowed in the R-RL zone
- Open space must be 50% of total area and at least 30% of the net buildable area
- Open space must be preserved in perpetuity re: easements, covenants etc.
- It appears that yield would be same as for conventional subdivision but calculations are complex.

Eliot

Rural Zoning District minimum lot size = 3 acres, coverage maximum is 15%

- Primarily residential with agricultural and recreation uses
- Only threats to water quality would involve allowed uses in that district that require frontage on 236 which is unlikely to occur within the watershed (parcel would have to be huge).

Shoreland zoning is 250 feet from great pond, river or saltwater, 250 ft from coastal or freshwater wetlands and 75 feet from streams

Open Space Subdivision

- No lot may be less than 20,000 sf
- Required in Critical Rural Overlay (but not sure if it exists) and allowed in Rural
- Open space must be equal or greater than the sum of the area each lot was reduced in size from conventional minimum lot size.
- Yield (number of lots) must be the same or less than conventional subdivision
- Open space must be retained by applicant, held by homeowner association, held by Town or held by land trust

York

General Notes:

- Timber harvesting is permitted in all zones except for Rt 1-1
- General farm, agriculture, nurseries use is permitted in all zones except for Bus 1
- Piers, docks, wharves, bridges, breakwaters, causeways are permitted in all zones except for Rt 1-3

Gen 1 Zoning District, minimum lot size = 130,680 sf w or w/o public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B
- Commercial: services, retail (under 2,500 ft), restaurants, repair/service establishments such as plumbing, heating, laundry/dry cleaning, commercial schools, daycare, lodging establishments, garden centers, outdoor sales such as lumber yard
- Office: professional offices, medical offices, laboratory or research facility
- Civic: nursing home, hospital, school, civic/cultural facility, religious facility, medical facility
- Industrial: printing/binding, bottling, machine shop, wood manufacturing & fabrication, bulk storage collection bin, waste transfer facility
- Vehicular: service station, auto repair, body shop, boat sale, storage & rental
- Rural: aquaculture, animal breeding, commercial stables, nurseries, veterinarian office
- Amusement: Indoor amusement, indoor and outdoor sports facilities, country club
- Misc: funeral home/mortuary, flea market

Threats to water quality would include the industrial and vehicular uses as well as some rural uses like a commercial stable

Gen 2 Zoning District, minimum lot size = 130,680 sf w or w/o public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B
- Commercial: services, retail (under 2,500 ft), restaurants, repair establishments, laundry/dry cleaning, commercial schools, daycare, lodging establishments, garden centers, outdoor sales such as lumber yard
- Office: professional offices, medical offices, laboratory or research facility
- Civic: nursing home, hospital, school, civic/cultural facility, religious facility, membership organization
- Industrial: printing/binding, bottling, machine shop, wood manufacturing & fabrication, bulk storage collection bin, waste transfer facility
- Vehicular: service station, auto repair, body shop, boat sale, storage & rental
- Rural: aquaculture, animal breeding, commercial stables, nurseries, veterinarian office, sand and gravel quarries
- Amusement: Indoor amusement, indoor and outdoor sports facilities, country club
- Misc: funeral home/mortuary, flea market

Threats to water quality would include the industrial and vehicular uses as well as some rural uses like a commercial stable and sand and gravel quarries.

Gen 3 Zoning District, minimum lot size = 43,560 sf w/o public water & sewer, 30,000 sf with public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B, multifamily (sewered only), elderly and elderly congregate housing
- Commercial: services, retail (under 2,500 ft), restaurants, repair establishments, laundry/dry cleaning, commercial schools, daycare, lodging, artisanal food/beverage facility
- Office: professional offices, medical offices, laboratory or research facility, television/radio studio
- Civic: nursing home, hospital, school, civic/cultural facility, religious facility, membership organization
- Industrial: printing/binding, bottling, machine shop, wood manufacturing & fabrication, bulk storage collection bin, waste transfer facility
- Vehicular: service station, auto repair, body shop, boat sale, storage & rental

- Rural: aquaculture, animal breeding, nurseries, veterinarian office, sand and gravel quarries
- Amusement: Indoor amusement, indoor and outdoor sports facilities, country club
- Misc: funeral home/mortuary, flea market

Threats to water quality would include the industrial and vehicular uses as well as some rural uses like a commercial stable and sand and gravel quarries.

Bus 1 Zoning District, minimum lot size = 43,560 sf w/o public water & sewer, 30,000 sf with public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B, multifamily (sewered only), elderly and elderly congregate housing
- Commercial: services, retail (under 2,500 ft), banks, restaurants, repair establishments, laundry/dry cleaning (sewered), daycare, outdoor sales such as lumber yard
- Office: professional offices, medical offices
- Civic: school, civic/cultural facility, religious facility, municipal use
- Industrial: bulk storage collection bin
- Vehicular: none permitted
- Rural: aquaculture
- Amusement: non-commercial bath house
- Misc: funeral home/mortuary

Threats to water quality appear to be less as compared to other zones' permitted uses

YVC 2 Zoning District, minimum lot size = 20,000 sf w/o public water & sewer, 10,000 sf with public water & sewer, coverage maximum is 75%

Uses

- Residential: 1-2 family, boarding house, B&B, multifamily (sewered only), elderly and elderly congregate housing
- Commercial: services including dry cleaning and banks (under 2,500 ft), restaurants and retail (under 3,500 sf), lodging/inns, commercial school, daycare, produce store (under 2,500 sf)
- Office: professional offices, government, municipal or school district offices, medical offices, television/radio studio
- Civic: civic/cultural facility, religious facility, municipal use, hospital, medical facility, school

- Industrial: printing/binding, bottling
- Vehicular: none permitted
- Rural: aquaculture, general purpose farm, agriculture & nurseries
- Amusement: Indoor amusement, open air performing venue, indoor and outdoor sports facilities
- Misc: funeral home/mortuary, gravestone engraving

Threats to water quality appear to be dry cleaning under commercial and 75% of a lot may be covered.

Rt 1 -1 (river protection) Zoning District, minimum lot size = 2 acres w or w/o public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B, elderly housing
- Commercial: daycare center
- Office: professional offices, municipal or school district offices
- Civic: civic/cultural facility, religious facility, municipal use, hospital, medical facility, school, nursing home, membership organization
- Industrial: none permitted
- Vehicular: none permitted
- Rural: general purpose farm, agriculture & nurseries, animal breeding
- Amusement: non-commercial bath house
- Misc: none permitted as primary use

Threats to water quality appear to be less as compared to other zones' permitted uses.

Rt 1 -2 (small scale) Zoning District, minimum lot size = 1 acre w or w/o public water & sewer, coverage maximum is 50%

Uses

- Residential: 1-2 family, multifamily, boarding house, B&B, elderly housing
- Commercial: services (under 5,000 sf), banks, restaurants, retail (under 5,000 sf), small lodging/inns, commercial school (under 5,000 sf), daycare, produce store (under 5,000 sf), shopping center (provided no single store exceeds 5,000 sf), garden center, animal boarding and grooming, repair/service facilities (plumbing, heating etc.), artisanal food and beverage facility
- Office: professional offices, municipal or school district offices
- Civic: civic/cultural facility, religious facility, municipal use, hospital, medical facility, school, nursing home, membership organization

- Industrial: printing/binding, machine shop, wood fabrication, manufacturing
- Vehicular: service station, auto repair, body shop, boat sale, storage & rental, sale of recreational type coaches, trailers, campers and snowmobiles
- Rural: general purpose farm, agriculture & nurseries, animal breeding
- Amusement: non-commercial bath house, fraternal clubs and organizations
- Misc: gravestone engraving, display

Threats to water quality include industrial and vehicular uses and the 50% lot coverage allowable

Rt 1 -3 (large scale) Zoning District, minimum lot size = 2 acres w or w/o public water & sewer, coverage maximum is 75%

Uses

- Residential: 1-2 family, boarding house, B&B, multifamily, elderly housing
- Commercial: services, banks, restaurants, retail (under 20,000 sf), hotel or motel, small lodging/inn, commercial school (under 5,000 sf), daycare, grocery store, laundry/dry cleaning, shopping center, garden center, animal boarding and grooming, repair/service facilities (plumbing, heating etc.), produce store, parking lot, artisanal food and beverage facility, animal boarding, grooming and sales, medical marijuana production facility, medical marijuana dispensary
- Office: professional offices, municipal or school district offices, laboratory or research facility, radio or television studio
- Civic: civic/cultural facility, religious facility, municipal use, hospital, medical facility, school, nursing home, membership organization
- Industrial: printing/binding, machine shop, wood fabrication, manufacturing, warehouse and distribution, wholesale business and storage, self storage, bulk fuel storage
- Vehicular: service station, auto repair, body shop, boat sale, storage & rental, sale of recreational type coaches, trailers, campers and snowmobiles, sale and rental of autos, trucks and mopeds, car wash facility
- Rural: general purpose farm, agriculture & nurseries, animal breeding
- Amusement: Indoor amusement, indoor and outdoor sports facilities, athletic clubs, fraternal clubs and organizations
- Misc: funeral home/mortuary, gravestone engraving, display

Threats to water quality include industrial and vehicular uses as well as some commercial uses such as dry cleaning and the 75% lot coverage allowable

Res-1 A Zoning District, minimum lot size = 87,120 sf w/o public water & sewer, 43,560 sf w public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B, elderly housing, elderly congregate housing
- Commercial: restaurants, lodging/inns only as added to single-family with 3-room max, hotels and motels, marinas - all uses allowable only on Harris Island
- Office: municipal or school district offices
- Civic: civic/cultural facility, religious facility, municipal use, school
- Industrial: bulk storage collection bins
- Vehicular: none permitted
- Rural: general purpose farm, agriculture & nurseries, aquaculture
- Amusement: country clubs
- Misc: no primary uses

Threats to water quality appear to be less than other zoning districts' permitted uses

Res-1 B Zoning District, minimum lot size = 43,560 sf w/o public water & sewer, 30,000 sf w public water & sewer, coverage maximum is 25%

Uses

- Residential: 1-2 family, boarding house, B&B, elderly housing, elderly congregate housing
- Commercial: restaurants, lodging/inns only as added to single-family with 3-room max, hotels and motels, marinas - all uses allowable only on Harris Island
- Office: municipal or school district offices
- Civic: civic/cultural facility, religious facility, municipal use, school
- Industrial: bulk storage collection bins
- Vehicular: none permitted
- Rural: general purpose farm, agriculture & nurseries, aquaculture
- Amusement: country clubs
- Misc: no primary uses

Threats to water quality appear to be less than other zoning districts' permitted uses

York Shoreland Zoning:

1. Criteria. The Shoreland Overlay District Map was based on designation of resources in accordance with the following criteria:

- a. Tidal waters, coastal wetlands, and inland wetlands contiguous to these resources regardless of their size, and those areas within 250 feet, horizontal distance, of the normal high water mark of such resources.

1. Exception. Where the Shoreland Overlay District overlaps the York Village Hospital Overlay District, the boundary of the Shoreland Overlay District and structure setbacks shall be measured from the upland edge of the coastal wetlands, not from the upland edge of the contiguous inland wetlands. The inland wetlands in this area are forested, as defined in the State's Chapter 1000 Shoreland Zoning Guidelines, and have an area significantly less than 10 acres. For both of these reasons, this exception to the local rule fully complies with State requirements. The exception is provided to more fully accommodate the public policy objectives of the York Village Hospital Overlay District. - AMENDED 11/06/2007

- b. Those areas within 250 feet, horizontal distance, of the normal high water mark of Bell Marsh Reservoir, Boulter Pond, Chases Pond, Folly Pond, Lake Carolyn, Middle Pond, Scituate Pond, Welchs Pond, Phillips Pond, and York Pond, including wetlands contiguous to these water bodies, and those areas within 250 feet, horizontal distance, of the normal high water mark or upland edge of such resources.
 - c. All inland wetlands with a contiguous area of 4 acres or more, and all areas within 250 feet of the upland edge of such wetlands.
 - d. Those lands lying within 75 feet, horizontal distance, of the normal high water mark of a stream designated on the Shoreland Overlay District Map.
 - e. The provisions of the Shoreland Zoning Overlay District also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond or located below the normal high water mark of a waterbody or within a wetland.

2. Subdistricts. The district is comprised of sub-districts as follows:

- a. Resource Protection Sub-district. This subdistrict shall include all areas that meet the criteria that follow. This designation shall supersede the classification of Limited Residential or Mixed-Use sub-district designations.

1. Coastal Wetlands. The wetland area itself.
 2. Inland Wetlands. The wetland area itself for inland wetlands with a contiguous area of 4 or more acres, or that are contiguous to coastal wetlands.
 3. Map-Designated Areas. All areas so designated on the Shoreland Overlay District Map.

4. Steep Slopes. Within the Limited Residential or Mixed-Use subdistrict, areas of 2 or more contiguous acres with sustained slopes of 20% or greater, as shown on the Shoreland Overlay District Map. The area of steep slopes may extend beyond the boundaries of the Shoreland Overlay District, but only that portion of the steep area that lies within the Shoreland Overlay District shall be designated as resource protection.

5. 100-Year Floodplain. Any Shoreland area included within the Velocity Zone on FEMA's Flood Insurance Rate Maps shall be classified as Resource Protection. Along the tidal reaches of the Cape Neddick River, York River and Brave Boat Harbor, any Shoreland area included in the 100-year floodplain on FEMA's Flood Insurance Rate Maps shall be classified as Resource Protection. Because the majority of these areas are narrow slivers of land which would not display legibly on the Shoreland Overlay District Map, these designations shall be determined on a case-by-case basis.

6. Bird Habitat Areas. The Resource Protection Subdistrict shall include upland areas adjacent to wetlands which are rated "moderate" or "high" value waterfowl and wading bird habitat by the Maine Department of Inland Fisheries and Wildlife, as shown on the Shoreland Overlay District Map.

7. Unstable Bluffs. The Resource Protection Subdistrict shall include the face of any unstable or highly unstable coastal bluff along tidal waters, as shown on the Shoreland Overlay District map. These areas are designated because they are subject to severe erosion or mass movement. The source of the mapping is by Maine Geological Survey.

Minimum Lot Size and Shore Frontage. The following minimum standards apply:

A. For a lot with residential use which is in the Shoreland Overlay District adjacent to Tidal Areas, a minimum land area of 30,000 square feet and 150' of shore frontage shall be required.

B. For a lot with residential use which is in the Shoreland Overlay District adjacent to Non-Tidal Areas, a minimum land area of 40,000 square feet and 200' of shore frontage shall be required.

C. For a lot with non-residential use which is in the Shoreland Overlay District adjacent to Tidal Areas, a minimum land area of 40,000 square feet and 200' of shore frontage shall be required.

D. For a lot with non-residential use which is in the Shoreland Overlay District adjacent to Non-Tidal Areas, a minimum land area of 60,000 square feet and 300' of shore frontage shall be required.

E. For a lot located within the BUS-3, RES-5, RES-6 or RES-7 base zoning district, with public sewer service, a minimum land area of 12,000 square feet shall apply regardless of the requirements listed in subsections “A” through “D” above. In the event the York Beach Village Center zone is established in November 2008, the 12,000 square foot standard shall apply in this zone as well.

Maximum Lot Coverage. The total area of all structures and other non-vegetated surfaces, which includes but is not limited to, driveways, parking areas and other areas from which vegetation has been removed within the Shoreland Overlay District, shall not exceed the least restrictive of the following: a. 70% of the land area of the lot, or portion thereof, located within the Mixed Use Subdistrict; b. 20% of the land area of the lot, or portion thereof, located within any other subdistrict of the Shoreland Overlay District; or c. 30% of the land area of the lot, or portion thereof, for an existing lot of record with a total area less than 12,000 square feet. d. Naturally occurring ledge and rock outcroppings are not counted as non-vegetative surfaces when calculating lot coverage for existing lots of record as of March 24, 1990 and in continuous existence since that date.

Uses prohibited:

1. Auto washing facilities;
2. Auto or other vehicle service and/or repair operations, including body shops;
3. Chemical and bacteriological laboratories;
4. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms;
5. Commercial painting, wood preserving and furniture stripping;
6. Dry cleaning establishments;
7. Electronic circuit assembly;
8. Laundromats;
9. Metal plating, finishing or polishing;
10. Petroleum or petroleum product storage and/or sale, except for storage on same property as the use occurs;
11. Photographic processing; and
12. Printing.

NOTE: each shoreland zone has its own exhaustive list of allowed uses. Not sure we need that level of granularity so just included the prohibited uses for all shoreland zones.

York's Overlay Districts

Wetlands Overlay - Any area that meets the definition of Inland Wetland, regardless of size, shall be considered a wetland subject to the provisions of the Wetlands Protection Overlay District.

Wetlands and Shorelands. The provisions of the Wetlands Protection Overlay District apply to all wetlands, regardless of size, as recommended in Goal 6.1.2 of the Comprehensive Plan. These provisions apply only to the wetlands themselves and not to the surrounding upland areas. Provisions of the Shoreland Overlay District apply to the larger wetlands and their associated uplands.

Wetland Permit. A Wetland Permit shall be required for any use, fill or alteration of a wetland, except that a property owner shall not be required to obtain a permit to cut trees for personal use such as firewood. Permitting is addressed in Article 18, and permit fees are addressed in Article One.

Permitted Uses. There shall be no use, including fill or alteration of any kind (including but not limited to construction, filling, dredging and removal of vegetation) in the Wetlands Protection Overlay District, except....

NOTE: restrictive conditions under which wetlands may be disturbed which we probably don't need to go into detail on.

Watershed Protection Overlay - The Watershed Protection Overlay District consists of that area in which surface and subsurface waters ultimately flow or drain into the public water supply, including the area of the ponds. The boundaries of this district are delineated on a map entitled, "York Zoning Ordinance: Watershed Protection Overlay District."

The following uses are permitted, provided all necessary state and local permits have been obtained and the use meets all applicable performance standards:

- Agriculture, excluding Animal Husbandry
- Single-family dwellings Open Space Uses accessory to the foregoing,
- Timber harvesting

A conditional use permit is required for the following uses:

- Expansion of uses
- Home occupations
- Public utility facilities
- Road construction (except for logging roads)

All other uses are prohibited.

Farm Enterprise Overlay District - The Farm Enterprise Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: Farm Enterprise Overlay District, November 5, 2013". This map constitutes a registry of approved properties comprising the Farm Enterprise Overlay District. For a farm to qualify for inclusion in the Farm Enterprise Overlay District, the property owner must demonstrate that the total agricultural land is a minimum of five acres in size, and contains at least two contiguous acres on which agriculture has contributed to a gross annual value of at least \$2,000 per year. The acreage minimum may be met by any combination of ownership, rental, or lease of agricultural land. The Farm Enterprise Overlay District map may be amended by referenda upon application for inclusion by a property owner that has demonstrated they meet the acreage and use requirements of the overlay district.

NOTE: information on this overlay is mostly an FYI - not sure we need it for our purposes.

Cluster Subdivisions

- Permitted in all zoning districts, for subdivisions of 10 lots or more but per Planning Board discretion can be applied to subdivisions of 3 lots or more.
- Required open space must be both 50% of the lot size and 50% of net developable area and must be applied concurrently, not sequentially
- Open space may be held fee-simple or as a conservation easement
- Yield (number of lots) cannot be more than conventional design would allow
- Lots cannot be larger than minimum lot size in the zone located nor can they be less than 20,000 sf if not sewered
- Coverage cannot be more than maximum allowable in zone

From ordinance as to purpose:

As an alternative to conventional residential subdivision design, the purpose of cluster subdivision design is to protect important components of the natural and cultural environment while encouraging quality residential neighborhood design. The primary mechanism to accomplish this purpose is the reduction of individual lot sizes and dimensional standards, with the balance of land set aside into a common open space. There is an economic incentive to pursue cluster development by developers—reduced cost of infrastructure construction, and improved quality of development product—but this is of secondary importance compared to the public purposes of protection of natural and cultural resources. The purpose of the open space may vary, but shall include one or more of the following public purposes:

A. Protection of open space, particularly those un-fragmented blocks of land that are 550 acres or more in size as identified in the Existing Land Use Chapter of the Comprehensive Plan

Inventory and Analysis. These areas are important for wildlife habitat (biodiversity), recreation, scenic values, and contributions to small town character.

B. Provision of undeveloped corridor connections between adjacent un-fragmented blocks of land, particularly between those of 550 acres or more in size as this will magnify the open space value for biodiversity and for recreation.

C. Protection of land for farming or forestry.

D. Protection of historic and archaeological resources.

E. Protection of cemeteries and burial grounds.

F. Maintenance of existing public access to shoreland areas, or provision of new public access to shoreland areas.

G. Preservation of scenic vistas from public ways or public lands.

H. Protection of other unique natural or cultural features on a property, as may be determined to be of public benefit by the Planning Board. The Board may base such decisions on the Town's Comprehensive Plan, other local, regional and state policies, best available science, private studies, and other such references found to be credible by the Board.

Attachment 2

Shoreland Zoning Analysis and Comparison

Shoreland Zoning Analysis and Comparison

Zone		Minimum Lot Size	Frontage	Maximum Lot Coverage ¹	Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation	Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
Residential	Adjacent to tidal	30,000 ft ²	150 ft of shore					
	Adjacent to non-tidal	40,000 ft ²	200 ft of shore					
Non-residential	Adjacent to tidal	40,000 ft ²	200 ft of shore					
	Adjacent to non-tidal	60,000 ft ²	300 ft of shore					
BUS-3	With public sewer	12,000 ft ² (*applies regardless of requirements listed in above rows)						
RES-5								
RES-6								
RES-7								
YBVC								
Mixed Use Subdistrict				≤70% of land area of lot, or portion thereof	100 ft (inland wetland ≥10 acres)		Allowed with Shoreland Approval from PB, only if dimensional requirements are met	Mineral exploration w/ permit from CEO; mineral extraction w/ permit from PB
					75 ft (inland wetland ≥4 but <10 acres)			
					35 ft on Harris Island			
Limited Residential Subdistrict				≤20% of land area of lot, or portion thereof	100 ft (inland wetland ≥10 acres)		Allowed with Shoreland Approval from PB, only if	Mineral exploration w/ permit from CEO;

¹ Total area of all structures and other non-vegetated surfaces, which includes but is not limited to, driveways, parking areas, and other areas from which vegetation has been removed within the Shoreland Overlay District. Naturally occurring ledge and rock outcroppings are not counted as non-vegetative surfaces when calculating lot coverage for existing lots of record as of March 24, 1990 and in continuous existence since that date.

Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage ¹	York		Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
				Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation		
			<i>(applies to any subdistrict other than Mixed Use)</i>	75 ft (inland wetland ≥4 but <10 acres)		dimensional requirements are met	mineral extraction w/ permit from PB
Resource Protection Subdistrict			Total ground floor area, including cantilevered or overhanging extensions, of all principal and accessory structures ≤1,500 ft ² (No variance) (§18.2.7.d)	100 ft, (or more: “greatest practical extent”) (coastal wetland or inland wetland ≥4 acres) except functionally water dependent structures. *No variance to terms of permit allowed) (§18.2.7.e)		Prohibited	<i>Residential Use:</i> Single-family dwelling w/ Special Use Permit (conditions in §18.2.7 must be met)
				<i>Non-conforming structures:</i> Existing single family residences may expand, regardless of setback, provided expansion complies with requirements <ul style="list-style-type: none"> Prohibited within 25 ft of high water line or upland edge, unless structures is entirely within 25 ft of boundary 			<i>Rural & Agricultural Use:</i> Aquaculture; general purpose farm, agriculture and nurseries; and timber harvesting w/ Shoreland Permit from CEO
Stream Protection Subdistrict						Prohibited	<i>Residential Use:</i> No residential uses allowed (8.2.1D)
							<i>Rural & Agricultural Use:</i> Aquaculture; general purpose farm, agriculture and nurseries; and timber

York							
Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage ¹	Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation	Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
							harvesting w/ Shoreland Permit from CEO
Existing lot of record with total area <12,000 ft ²			≤30% of land area of lot, or portion thereof				

Eliot							
Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage	Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation	Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
General Development District	≥ minimum required for lots located in the nearest adjacent non-shoreland zoning district: • Rural: 3 acres	≥ minimum required for nearest adjacent non-shoreland zoning district	70% of lot, or portion thereof, located within the shoreland zone if adjacent to tidal waters and rivers which do not flow to a great pond; or 20% of lot, or portion	≥25 ft from normal high water line			Private sewage disposal systems for allowed uses with permit issued by local plumbing inspector.
							Mineral exploration, permit from CEO required if >100 ft ² of surface area disturbed; mineral extraction with site plan review and approval by PB

Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage	Eliot		Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
				Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation		
			thereof, located within the shoreland zone if flows to great pond				Industrial use allowed with site plan review and approval by BP
Resource Protection			20% of lot, or portion thereof, located within the shoreland zone	250 ft, except for structures, roads, parking spaces, or other regulated objects specifically allowed in district, in which case, the following setbacks apply: 100 ft from normal high water line of great ponds or 75 ft from normal high water line of other water bodies, tributary streams, or upland edge of wetland			<i>Residential:</i> Single family structures may be allowed by special exception, two-family structures are prohibited. Private sewage disposal systems for allowed uses with permit issued by local plumbing inspector.
Stream Protection							<i>Residential:</i> 1- and 2- family residential, provided a variance from setback requirement is obtained from BOA. Private sewage disposal systems for allowed uses with permit issued by local plumbing inspector.
Limited Residential							
Limited Commercial							Mineral exploration, permit from CEO required if >100 ft ² of surface area disturbed; mineral

Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage	Eliot		Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
				Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation		
							extraction with site plan review and approval by PB. Private sewage disposal systems for allowed uses with permit issued by local plumbing inspector.

South Berwick								
Zone		Minimum Lot Size	Frontage	Maximum Lot Coverage	Setbacks (<i>Principal Structures</i>)	Buffer / Vegetation	Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
Resource Protection District	R1 and R1A	Tidal: 30,000 ft²		≤20% of the lot, or a portion thereof, including land area previously developed, of all structures, parking lots, and other non-vegetated surfaces	≥250 ft from normal high-water line of great ponds and rivers that flow to great ponds (<i>except for the Great Works River in the R1 and R2 Districts</i>)			Single-family residential structure allowed with PB permit, provided applicant meets certain conditions
		Nontidal: 40,000 ft²						
Limited Residential Shoreland District								
Minor Freshwater Wetland District						Activities ≤100 ft of normal high-water line: 25 ft undisturbed strip of vegetation shall be maintained between normal high-water line and activity; where sustained slopes >20%, 100 ft undisturbed strip of vegetation		

Kittery							
Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage (Impervious Coverage)	Setbacks (Principal Structures)	Buffer / Vegetation	Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
Rural Residential	40,000 ft²	≥150 ft per lot, ≥100 ft per dwelling unit	20%	100 ft			
Residential Suburban							
Residential Urban	20,000 ft²	≥50 ft	20% (vegetated surfaces must exceed 50% of lot area when it, being ≤10,000 ft²)				
Residential Village	8,000 ft²	≥50 ft	20%				
Residential Rural Conservation	80,000 ft²	≥250 ft					
Conservation							
Business Local	60,000 ft²	≥150 ft per lot, ≥50 ft	70%				
Business Local-1	(20,000 ft² minimum						

Zone	Minimum Lot Size	Frontage	Maximum Lot Coverage (Impervious Coverage)	Kittery Setbacks (Principal Structures)	Buffer / Vegetation	Cluster Subdivision	Allowable Uses – Detrimental to YRW Resources
	land area per dwelling unit)	per dwelling unit					
Business Park	120,000 ft ² (10,000 ft ² minimum land area per dwelling unit with sewer service)		20%				
Commercial	60,000 ft ²	≥150 ft per lot, ≥50 ft per dwelling unit	70%				
Industrial							
Mixed Use	40,000 ft ²		20%				
Transportation Maine Turnpike				N/A			

Shoreland Zoning Ordinance Applicability

York	<p>Certain setback requirements of the Shoreland Overlay District can apply to areas outside the District (beyond 250 ft from protected resources) and this is intentional.</p> <p>All land areas within 250 ft, horizontal distance, of:</p> <ul style="list-style-type: none"> • Normal high water mark of tidal waters, coastal wetlands, and inland wetlands contiguous to these resources regardless of their size. <ul style="list-style-type: none"> ○ Except where the Shoreland Overlay District overlaps the York Village Hospital Overlay District, the boundary of the Shoreland Overlay District and structure setbacks shall be measured from the upland edge of the coastal wetlands, not from the upland edge of the contiguous inland wetlands. The inland wetlands in this area are forested, as defined in the State's Chapter 1000 Shoreland Zoning Guidelines, and have an area significantly less than 10 acres. For both of these reasons, this exception to the local rule fully complies with State requirements. The exception is provided to more fully accommodate the public policy objectives of the York Village Hospital Overlay District. • Normal high water mark of Bell Marsh Reservoir, Boulter Pond, Chases Pond, Folly Pond, Lake Carolyn, Middle Pond, Scituate Pond, Welchs Pond, Phillips Pond, and York Pond, including wetlands contiguous to these water bodies, and those areas within 250 feet, horizontal distance, of the normal high water mark or upland edge of such resources. • The upland edge of inland wetlands with a contiguous area of ≥ 4 acres. <p>Those lands lying within 75 feet, horizontal distance, of:</p> <ul style="list-style-type: none"> • Normal high water mark of a stream designated on the Shoreland Overlay District Map. <p>The provisions of the Shoreland Zoning Overlay District also apply to any structure built on, over, or abutting a dock, wharf or pier, or other structure extending beyond or located below the normal high water mark of a waterbody or within a wetland.</p>
Eliot	<p>All land areas within 250 ft, horizontal distance of:</p> <ul style="list-style-type: none"> • Normal high water line of any great pond, river, or saltwater body, including all areas affected by tidal action • Upland edge of a coastal or freshwater wetland <p>All land areas within 75 ft, horizontal distance, of:</p> <ul style="list-style-type: none"> • Normal high water line of a stream. • Any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending beyond or located below the normal high water line of a water body or within a wetland
South Berwick	<p>All land areas within 250 ft, horizontal distance of:</p> <ul style="list-style-type: none"> • Normal high water line of any great pond, river, or streams • Upland edge of a major wetland • Upland edge of a coastal wetland, including all areas affected by tidal action • Normal high water line of any river or saltwater body • Minor wetlands ≥ 2 acres when not a major wetland • The Shoreland and Slope District • Floodplains and certain local resources
Kittery	<p>All land areas within 250 ft, horizontal distance, of:</p> <ul style="list-style-type: none"> • Normal high water line of any river or saltwater body • Upland edge of a coastal wetland, including all areas affected by tidal action • Land edge of a freshwater wetland connecting to a protection stream as identified on the Zoning Map <p>All land areas within 75 ft, horizontal distance, of:</p> <ul style="list-style-type: none"> • Normal high water line of a stream

Attachment 3

Non-Regulatory Plan Review

York River Study Project

Non-Regulatory Plan Review for South Berwick, Kittery, Eliot, and York

South Berwick:

Comprehensive Plan (reviewed 2006 Draft (couldn't locate Adopted 2007))

- **Town Goal: Land Use C:** Promote infill development (infill development is the use of vacant land in built up portions of Town).
 - Strategy 1: Examine the use of a Transfer of Development Rights Program, which would encourage the use of land in the R-1 and R-2 districts
 - Strategy 6: Examine the feasibility of “Contract Zoning” in which proposed developments are allowed to exceed established base densities. In return consider the developer paying a density transfer fee that is allocated to a Trust or similar vehicle for purchasing development rights in highly valued rural areas.
- **Town Goal: Land Use E:** Provide adequate management and controls of subdivisions and other divisions of land in rural areas to reduce invasive development.
 - Strategy 1: Maintain the Subdivision Ordinance requiring two plans to be filed when a development is proposed in the R-3, R-4 and R-5 districts, as well as the expanded portion of the R-2 district. Plans shall present both a clustered approach to the subdivision of land as well as a plan showing normal lot sizes in the district. The Planning Board shall have the option of choosing the plan, which is most representative of the principles and policies of the Comprehensive Plan.
 - Strategy 2: Review criteria for establishing and implementing a “Critical Rural Overlay Zone” with standards that restrict development.
 - Strategy 3: Examine and develop “Conservation Subdivision Guidelines”. Encourage the use of Conservation Subdivisions.
 - Strategy 5: Strongly encourage preserved lands within conservation subdivisions be contiguous with other preserved lands to create greenbelts.
 - Strategy 6: 6 Examine and develop standards for buffer zones around vernal pools and review and maintain standards for wetlands.
 - Strategy 7: Review and consider increasing lot sizes, frontage, and setback requirements in R-3, R-4, and R-5.
 - Strategy 10: Examine and encourage opportunities for the selling and buying of development rights to secure environmentally critical areas safe from development in the R-3, R-4, and R-5.
 - Strategy 11: Expand the R5 zone to incorporate land between Belle Marsh Road and White's Marsh.
- **Town Goal: Land Use F:** Expand some of the current high-density residential areas to accommodate further growth.
 - Strategy 3: Consider expanding high density residential development into R-2A. Examine increasing setbacks when approving cluster/conservation developments that adhere to Conservation Subdivision Guidelines.

- **Town Goal: Land Use G:** Develop standards for the rural zones, which avoid scattered strip development along country roadsides and other potential forms of sprawl.
 - Strategy 1: Maintain the R-3 and R-4 districts as zoning categories subject to more restrictive standards to protect rural character. Continue an R5 zone aimed at preserving natural resource systems within the Mt. Agamenticus area. Regulate uses according to their environmental impact.
 - Strategy 4: Consider increasing minimum lot sizes, frontages and setbacks in conjunction with density standard minimums.
 - Strategy 5: Incorporate inventories of cultural and historic structures, working forests and timber management activities, active farm lands, maintaining and expanding contiguous forestlands, protection of rare flora and fauna habitat, and insuring surface and groundwater quality to protect watersheds into build out and growth maps.
 - Strategy 6: Encourage Cluster/Conservation Subdivisions.
 - Strategy 7: Encourage private landowners and the Town to further the conservation efforts of the Mt. Agamenticus area.
 - Strategy 11: Encourage the buying of development rights for open space, and the placement of conservation easements.
 - Strategy 12: Promote enrollment in current use taxation programs such as Tree Growth, Farm, and Open Space.
 - **Town Goal: Land Use H:** Protect environmentally sensitive lands and severely restrict development where there are significant development limitations, including wetlands, steep slopes and flood plains.
 - Strategy 2: Continue to encourage programs to help landowners protect and preserve wildlife habitat, including fisheries and help them take advantage of conservation programs to preserve undeveloped lands.
 - Strategy 3: Continue existing development prohibitions on building in flood plain areas.
 - Strategy 4: Work closely with “Beginning with Habitat” to guide conservation efforts and its relation to development town wide.
 - Strategy 6: 6 Explore the possibility of the Conservation Commission and other Town commissions to study and recommend for the Town funding strategies for purchasing development rights, creating Trusts and Land Banks, density transfer fees, and other mechanisms proven effective in protecting environmentally sensitive lands.
 - Strategy 7: Continue to develop close working relationships with land trusts and conservation commissions such as the Great Works Land Trust, York Land Trust, Wells Conservation Commission, York Conservation Commission, and Eliot Conservation Commission for the Rural Districts
 - Strategy 10: Create a new Capital Reserve account called "Natural Resources & Recreation Development" and invest seed money for the upcoming fiscal year. Moneys obtained through efforts including those listed in strategies H7 - H9 and from other sources, can be secured for future acquisitions eventually defined and permitted by this account.

- **Town Goal: Land Use I:** Ensure as land is developed, networks for open space, transportation, and wildlife are developed and maintained.
 - Strategy 1: Amend the Zoning and Subdivision Ordinances to require that important natural resources, as defined in this Plan, are retained as land is developed. These resources and networks should be tied into a plan for open space.
 - Strategy 2: Retain natural cover and vegetation in developments.
 - Strategy 3: Create easements and buffer zones to protect areas of scenic value and the preservation of scenic vistas.
 - Strategy 4: Set aside recreational and passive open space in developments for contiguous greenbelt lands.
- **Town Goal: Natural Resources A:** Establish a system to continually monitor surface water quality for the purpose of maintaining or upgrading that quality
- **Town Goal: Natural Resources B:** Ensure that water quality is sufficient to provide for the protection and propagation of fish, shellfish and wildlife. Provide for recreation in and on the water
 - Strategy 1: Continue to require that developers demonstrate that projects will have no adverse impact on the quality of surface water resources.
 - Strategy 2: Continue to acquire easements and/or fee purchases of land, but also consider the potential impact and required infrastructure associated with increased public access.
- **Town Goal: Natural Resources C:** Require practices that minimize runoff, soil erosion and sedimentation, which may result in excess nutrients being added to surface waters.
 - Strategy 1: 1 As part of Subdivision review, continue to require impact studies demonstrating that runoff, soil erosion and sedimentation will be prevented or mitigated by adequate control measures
- **Town Goal: Natural Resources F:** Develop cooperative efforts with surrounding communities on issues related to watershed planning
 - Strategy 1: Establish with Berwick, North Berwick, York and Eliot, as well as other communities, a dialogue and exchange of information on watershed planning issues.
- **Town Goal: Natural Resources J:** Ensure that new development shall be designed to be compatible with existing topography and to preserve natural land cover and vegetation.
 - Strategy 1: Retain ordinance language that restricts land development on steep slopes, floodplains, wetlands and environmentally sensitive areas; promotes clustering; minimizes road length and provides for stream, river and great pond buffers.
 - Strategy 2: As part of Subdivision review, encourage retention of natural cover and vegetation to the maximum extent possible for example through the use of building envelopes.
- **Town Goal: Natural Resources K:** Ensure passive land uses through easements and buffer zones in areas of scenic value
 - Strategy 2: Revise Subdivision Ordinance to mandate protection of scenic areas.

- Strategy 3: Encourage development that considers preservation of scenic vistas and sets aside recreational and passive open space.
- **Town Goal: Natural Resources P:** Provide adequate protection for wetlands through buffer zones as currently defined in the Resource Protection and Shoreland Zoning sections of the Zoning Ordinance
- **Town Goal: Natural Resources U:** Protect the riparian habitat of all wetlands greater than or equal to two acres and vernal pools from development and modification such as filling and clear cutting
 - Strategy 3: Recognize the value of vernal pools in the Greater Mount Agamenticus Area as significant breeding habitat that supports other forms of wildlife and afford appropriate protection. Consider shoreland zoning.
- **Town Goal: Natural Resources W:** Establish a riparian buffer zone within wildlife corridors, include fisheries, as defined important by Inland Fisheries and Wildlife, Strafford Rivers Conservancy, Great Works Regional Land Trust, Maine Audubon and Maine Natural Areas Program on waterways such as the Salmon Falls estuary, Great Works River, and the greater Mount Agamenticus area.
 - Strategy 2: Establish conservation corridors between existing conservation lands.
 - Strategy 4: Work with Berwick, North Berwick, Wells, York and Eliot to create conservation corridors and, where appropriate, add existing protected lands.
- **Town Goal: Natural Resources X:** Maintain existing R4 and R5 zones and examine other zoning considerations to preserve large block habitat
 - Strategy 1: In areas of documented large block habitat included in the Greater Mount Agamenticus region, consider changing the current R3 zone to R4 or R5.
- **Town Goal: Natural Resources EE:** Promote joint efforts with all adjoining towns of to protect critical natural resource areas which cross Town and State Boundaries (such as the Great Works River, Salmon Falls River, the Mt. A Region and aquifers.)
- **Town Goal: Natural Resources FF:** Require the preservation of identified scenic views.
- **Town Goal: Natural Resources KK:** Work to preserve through a system of easements, set asides and acquisition, lands which contain unique natural resource values.
- **Town Goal: Natural Resources LL:** Consider designating Town owned open space lands as permanently conserved
- **Town Goal: Natural Resources MM:** Consider creation of a land bank to purchase high value open space and working landscape easements.

Conservation/Open Space Plan (2012)

- **Goal 3:** Set-up an Open Space Fund and seek methods to maintain and expand upon the Open Space Fund, with such funds to be used for conservation purchases by the town, by non-profit groups, and to be used as matching funds for purchases through grant programs and other sources.
 - Strategy c: Encourage the Council to adopt a policy whereby the proceeds from the sale of tax acquired property may be considered, on a case-by-case basis, for placement in an Open Space Account.

- Strategy d: Encourage the Council to adopt a process/policy whereby revenue received from the sale of land formerly in and taken out of Tree Growth and/or in the Open Space/Farmland Program is placed in the Open Space Account.
- Strategy e: As approved in Wells, seek to set aside a small amount of funds as an annual appropriation yearly at town meeting with such funds to be placed in the Open Space Account.
- Strategy f: When a particular open space opportunity, or as part of larger long-term effort to purchase open space, seek bond funding for the purchase of open space(s).
- Strategy g: Seek donations from developers – possibly in lieu of open space set asides – during the development approval process (sometimes a developer may be willing to contribute to an open space fund instead of providing open space as part of its development).
- Strategy h: Develop options for seeking private donations (such as requesting private donations for conservation with tax mailing) with dollars raised to go towards the Open Space Account.

Kittery:

[Comprehensive Plan 2015-2025](#) (March 2017)

- The Kittery Open Space Advisory (KOSAC) is tasked with maintaining an inventory of public open space and making recommendations to the Town Manager about acquiring and/or selling/gifting/transferring this space.
- **Town Goal 2: NATURAL RESOURCES, OPEN SPACE AND RECREATION GOAL:** Protect Kittery's natural resources including watershed, fresh water, wetlands and vernal pools, agricultural lands, forest resources, open space and recreation
 - Objective 2.1: Protect and preserve critical open spaces for passive recreation, visual impact and preservation of wildlife habitats, coastal (saltwater) wetlands, freshwater wetlands, and vernal pools
 - 2.1.1: Protect existing open lands, including farmlands and wetlands, from over-development by having larger minimum lot sizes in the rural residential zone
 - 2.1.2: Protect remaining farmland (including forests)
 - 2.1.3: Protect wildlife corridors
 - 2.1.4: Strengthen zoning regulations so that they better preserve critical open spaces and key natural features
 - 2.1.6: Consider endorsing York River Committee's Wild and Scenic designation efforts
 - 2.1.7: Preserve scenic vistas and views
 - Objective 2.2: Increase opportunities for recreation
 - 2.2.3: Reduce dog and horse waste at area beaches and parks through enhanced enforcement and public education
- **Town Goal 6: MARINE RESOURCES GOAL:** Protect the town's coastline, the working waterfront, and ensure appropriate access to and enjoyment of the water while protecting it from environmental impacts
 - Objective 6.1. Increase access to the waterfront

- Objective 6.3. Protect marine resources
 - 6.3.2: Education and advocacy effort to increase awareness in residents and business owners on effects of pollutants, pesticides, and stormwater runoff.
 - 6.3.3: Evaluate the Town Code regarding use of pesticides and herbicides with chemicals, in waterfront areas or town- wide
 - 6.3.8: Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters especially along public ways in in public parks
- **Town Goal 7: TO IMPROVE TOWN GOVERNANCE AND PROVIDE ADEQUATE PUBLIC FACILITIES AND SERVICES; INCREASE FISCAL CAPACITY RESPONSIBLY**
 - Objective 7.3: Provide adequate municipal services
 - 7.3.5: Continue to reduce or eliminate polluted Stormwater runoff to the extent practicable
- **Town Goal 8: ENSURE THAT THE TOWN’S REGULATIONS SUPPORT DESIRED LAND USES.**
 - Objective 8.1: Update Town Code and apply land use regulations to guide desirable development in appropriate locations
 - 8.1.3: Review and revise Town codes to account for the impacts of sea level rise and climate adaptation
 - 8.1.5: Encourage the protection of open space and landscape features within developments and/or in the no growth/limited growth areas.
 - Objective 8.2: Protect area north of Spruce Creek
 - 8.2.1: Work with the Kittery Land Trust to create a prioritized list of parcels for open space acquisition.
 - 8.2.2: Revisit the Cluster Ordinance to ensure it is effective in meeting its objectives.
 - 8.2.3: Consider increasing the minimum lot size in the Rural Residential zoning district to help protect additional open space and encourage the clustering of homes.
 - 8.2.4: Explore the feasibility and usefulness of a transfer of development rights bylaw.
 - Objective 8.4: Protect the working waterfront
 - 8.4.3: Ensure creative and innovative uses in the Shoreland Overlay Zone do not have to go through an onerous approval process if and when they trigger a Special Exception permit.
- **Town Goal 9: COASTAL COMMUNITY RESILIENCE GOAL: Establish short, medium and long term plans to address the effects of climate change, including increased storm frequency and strength, coastal erosion and rising ocean levels, and transition of both public and private energy consumption to low and zero impact methods**
 - Objective 9.1: Establish plans to address the effects of climate change.
 - 9.1.4: Monitor, plan for, and mitigate the potential effects of climate change on Kittery’s natural resources
 - Objective 9.3: Provide education and incentives to protect the environment and improve quality of life.

- 9.3.1: Develop policies that lessen the effects of the built environment on natural resources.
 - 9.3.3: Promote ecological practices
 - 9.3.5: Increase public awareness regarding need to protect the environment for future generations.
- Top 25 Recommendations (*not ranked/prioritized*):
 - 2: Working with the Kittery Land Trust, develop a STRATEGY FOR OPEN SPACE ACQUISITION, setting priorities for parcels to be included.
 - 7: Ensure historic properties, including buildings and landscapes, are preserved
 - 8: Reduce DOG AND HORSE WASTE at area open spaces through enhanced enforcement and public education
 - 10: PROTECT EXISTING OPEN LANDS, including farmlands and wetlands from over-development by implementing effective strategies such as larger minimum lot sizes in the rural residential zone. As one way of preserving Kittery's rural character, review and revise the cluster zoning bylaw and provide incentives for developers to use the bylaw
 - 14: Use the COMPREHENSIVE PLAN AND FUTURE LAND USE MAP as a guide for encouraging desirable new development in identified appropriate locations, while protecting open spaces, agricultural land, and natural and historical resources while keeping in mind that climate change and areas at risk will change the overlay map
 - 19: GUIDE DEVELOPMENT to areas already served by public utilities (8.1.2.), resulting in a more efficient and cost-effective use of these public services.
 - 22: Increase awareness in residents and business owners with regard to the EFFECTS OF POLLUTANTS, PESTICIDES, AND STORMWATER RUNOFF (6.3.1.) and evaluate Town Code regarding the use of pesticides and herbicides with chemicals, in waterfront areas and town-wide (6.3.2.). Providing Kittery Comprehensive Plan 2015-2025 Executive Summary - 34 EXECUTIVE SUMMARY information and incentives for greener practices will help to mitigate these environmental hazards.
- Top 24 Ripe Apples ("Low Hanging Fruit"):
 - Revisit cluster ordinance to ensure it is maintaining the goal of open space preservation.
 - Join regional coalition of surrounding coastal communities to work together around issues of sea level rise.
 - Work with the Kittery Land Trust to create a prioritized list of parcels for open space acquisition should there parcels come up for sale.
 - Consider endorsing York River Committee's efforts to designate the York River Watershed as a Federal Wild and Scenic River with the Mt. Agamenticus-to-the-Sea Initiative.
 - Increase awareness regarding dog feces ordinance and erect more signs with regulations pertaining to the conduct of dogs and their owners on beaches and other open spaces.
 - Prepare educational materials summarizing Kittery's water quality challenges and the effects of pollutants and pesticides.
- Some of designated future land use growth (*map on p. 48 pdf/ 40 Exec. Summary*) area overlaps with watershed. Natural Resource Areas lie within both current growth and limited growth areas and reflect Resource Protection and Shoreland Overlay Zones. The intent of this designation is to

protect the value of important natural resources. Where development is allowed, care must be taken to preserve environmental features. These areas that represent locations in Kittery that are either protected open spaces or critical natural resource areas where development should be restricted and managed to protect the natural environment. That is, these areas should be retained as natural areas and only natural resource related activities and low intensity recreational uses should be allowed

- Recommendations
 - Revise Zoning and Adopt New Tools
 - Review and revise Town Code to address potential impacts of sea level rise and climate adaptation
 - Open Space Planning
 - The Town should work cooperatively with adjacent communities, private conservation organizations, and the Southern Maine Regional Planning Commission to develop a regional open space plan that links open spaces in the individual communities into a regional system with connections as appropriate.
 - Natural Resources
 - The watersheds of a number of Kittery water bodies extend into Eliot and York. Sound watershed management requires that the entire geographic area of the watershed be addressed.
 - Continue to explore ways to work with its neighboring communities on improvements necessary to comply with emerging stormwater standards
 - Continue and seek to increase involvement in conservation initiatives, including, but not limited to, the efforts of the Rachel Carson preserve, Maine Heritage Trust, and the Mt. Agamenticus- to-the- Sea conservation initiative
 - Coordinate efforts with Kittery Water District and surrounding towns, monitor land use issues and impacts concerning the regional water supply.
 - Cooperate with neighboring communities and regional/local advocacy groups to protect water resources.

Eliot:

Comprehensive Plan (Adopted 2009)

- **Town Goal:** Future Land Use: To encourage orderly growth and development in appropriate areas of Eliot, while protecting the town's rural character, making efficient use of public services and preventing development sprawl.
 - Policy 2: Utilize various measures to direct growth to areas the community most desires it to occur, while protecting individual property rights.
 - Strategy 1: Consider a development transfer overlay district (as recently adopted by the town of Gorham) which permits a developer additional density to build in town growth areas upon payment of a predetermined fee, which is then used to support the purchase of conservation land in rural areas of the community.
 - Policy 3: Protect critical and natural resource areas from possible negative impacts of development

- Strategy 1: Develop priorities for open space conservation and/or recreation to be used in any land acquisition or conservation program, development transfer program and as part of the open space development ordinance.
- Strategy 2: Develop an open space development ordinance for subdivisions, which permits overall project density at the level permitted by the district, but sets aside open space for areas with critical natural resource and/or recreation values.
- Strategy 3: Establish critical rural areas as defined by Maine statute (critical rural areas must receive priority consideration for proactive strategies designed to enhance rural industries, manage wildlife and fisheries habitat and preserve sensitive natural areas) as shown on the future land use map
- Strategy 4: Within areas designated as critical rural areas establish open space development provisions, which: Require developers in critical rural areas to present both a conventional and open space development as part of a subdivision application. Include provisions for including beginning with habitat data mapping as part of application review. Specifically allow Planning Board/Comp Plan Review Committee 2009/2010 187 Planning Board to require an open space development in the critical rural areas, if such design will conserve valuable natural resources. Suggested ratios for preserved open space vs. developed lands shall be 50% open space vs. 50% developed. Density in an open space development shall reflect the same density as if the project were to be developed as a conventional subdivision.
- Strategy 5: Within other zones, establish open space development standards, which permit open space developments based on discussions between the Planning Board and applicant and upon review of site specific and surrounding natural resource and cultural features.
- Strategy 6: Develop local sources of funding for a conservation acquisition program in Eliot with a focus on developing and maintaining an open space fund through various mechanisms to be considered.
- Strategy 7: In areas with large blocks of unfragmented habitat (and as mapped within the beginning with habitat data found in this plan and at town hall), and possibly critical rural areas, discourage the creating of new roadways
- **Town Goal: Marine Resources:** To protect and maintain shoreland dependent industries in Eliot, improve water quality along the Piscataqua River and to maintain and protect current public access to the shore for both commercial and recreational uses.
 - Policy 3: Protect and maintain marine habitat and water quality
- **Town Goal: Water Resources:** To protect the quality and manage the quantity of the towns water resources including ponds, aquifers, rivers, streams and wetlands.
 - Policy 2: Protect significant surface water resources from pollution and improve water quality, where needed.
 - Strategy 1: Establish subdivision performance standards for mitigation of water quality- related development impacts in vulnerable watersheds.

- Strategy 3: Consider the development of additional shoreland protection standards in the Mt Agamenticus region, the York River Estuary (York River watershed) and in high value wetlands in the most rural parts of town.
 - Policy 3: Minimize pollution discharges through the upgrade and expansion of public sewer systems and wastewater treatment facilities
 - Policy 5: Cooperate with neighboring communities and regional/local advocacy groups to protect water resources.
- **Town Goal: Critical Natural Resources:** To improve and maintain sustainable ecosystems for the Town of Eliot.
 - Policy 1: Work to preserve rare and endangered plant and animal habitat and other important natural resource systems within Eliot and adjacent communities.
 - Strategy 1: Use “Beginning with Habitat” data (from the Maine Natural Areas Program and the Dept. of Inland Fisheries and Wildlife), mapping and data from the US Fish and Wildlife Service as guidelines to establish areas for habitat protection and for consideration during the Planning Board review process.
 - Strategy 3: Work with adjoining towns and local land trusts and conservation organizations to employ non-regulatory mechanisms to protect habitat both within and across town boundaries.
- **Town Goal: Agricultural and Forestry:** To protect the town’s agricultural and forest resources from increasing suburbanization and maintain these resources as a source of rural economic opportunity.
 - Policy 1: Through the use of best management practices work to preserve the town’s agricultural and forest heritage through both regulatory and non-regulatory means.
 - Strategy 1: Ensure that any new cluster development requirements allow for the protection of farmland and forest resources as a valid purpose for open space preservation
 - Strategy 7: Continue to work with land trusts, non- governmental organizations, and governmental programs in preserving farms and forests.
- **Town Goal: Historic and Archaeological:** To preserve the Town’s historic and archaeological heritage.
 - Policy 1: Increase town involvement in the preservation of the town’s unique cultural and historical assets.
 - Strategy 3: Ensure that mapping and knowledge of historic and prehistoric archeological sites is known to Planning Board and CEO as they act on development proposals and any impact on these resources are mitigated as part of the development approval process.
 - Policy 2: Provide town decision makers with the necessary support to protect the town’s most valued historical assets.
 - Strategy 1: Amend the subdivision regulations and/or conditional use language, which ensures that historical and archeological resources will be identified and if warranted, protect, if found within a proposed development.

Open Space Plan (2010)

- Recommendation to establish an Open Space Action Committee and the following working groups to implement the plan and its specific goals and priorities: Ordinance Development/Planning Board Liaison; Open Space Funding; Trail Development; Open Space Education.
- **Goal 1:** Use this plan to build bridges between groups dedicated to the conservation of natural resources and open space protection in Eliot and those who make decisions on these same resources (Selectman/Planning Board/Town meeting).
 - Strategy 3: Assign an individual from newly formed Open Space Action Committee to work with Planning Board on applications that concern focus areas and other resource values as prioritized in this plan (for instance assisting with subdivision applications that cross into focus areas; assisting with Open Space Development proposals).
 - Strategy 4: Meet with the Conservation Committees/Open Space Committees of adjoining towns to establish dialogue regarding resource areas which cross town lines.
- **Goal 2:** Seek methods to maintain and expand upon the existing Open Space Fund, with such funds to be used for conservation purchases by the town, by nonprofit groups, and to be used as matching funds for purchases through grant programs and other sources
- **Goal 3:** Strategy 2: Work with the Board of Selectman to apply permanent conservation easements on town owned properties (where appropriate).
- **Goal 4:** Strategy 4: Continue work with the Great Works Regional Land Trust, the MtA2C Coalition and other groups to advocate for conservation of focus areas and other resources identified in the plan
- **Goal 5:** Ensure that the work done as part of this plan is maintained and institutionalized as part of Eliot's long term planning focus.

York:

Comprehensive Plan (Adopted: 11/2/04, Amended: 11/5/13 and 11/3/15)

- Executive Summary
 - Principal Land Use Recommendations
 - Strongly encourage cluster layout(s)
 - Increase subdivision open space requirements
 - Strengthen shoreland/wetland standards
 - 50 foot setback for 1 to 4 acre wetlands
 - Protect all streams
 - Encourage town to purchase open space lands
 - Encourage preservation of Historic resources
- **Town Goal 1.2:** Manage the character of future residential and nonresidential development to ensure it reflects existing and desired development patterns.
 - 1.2.1: Conservation layout for subdivisions shall be the preferred residential development pattern for the proposed rural zones and shall be encouraged in the proposed residential zones. Strengths of form of design are the preservation of natural resources.

- Cluster standards in areas where appropriate (e.g., urban areas).
 - Shall modify subdivision ordinance to incorporate conservation subdivision concepts where appropriate.
- 1.2.4: Should allow establishment of backlots, lots with no frontage, particularly in proposed Rural Zones, as a way to limit the need for major road construction and encourage the use of shared driveways
 - *Potentially reduces impervious surface, but not a stated purpose of this section*
- 1.3.4: Town should expand its use of TDR to enhance protection of important natural resources.
- **Town Goal 1.4:** Support a broad vision of sustainability as a basis for policy decisions regarding growth, development, and protection of natural and scenic resources.
 - 1.4.1: New policy initiatives ... should strive to be grounded in principles of sustainability.
 - Includes encouraging sustainable land use patterns, creating safe and accessible public spaces, and protecting natural resources
- **Town Goal 2.2:** Promote municipal services and facilities that can provide for the health, safety, and welfare of York's residents in a cost-effective manner.
 - 2.2.5: The general philosophy should be that persons who cause the demand for a service should be the primary party that pays for the service. Several specific services which may warrant imposing a fee include: use of the York River for recreational boating...
 - 2.2.7: The Town has established dedicated reserve funds whereby use fees and other monies are allocated from a specific service to fund capital improvements for that service. ... Two additional funds are recommended for voter approval and both warrant support. These are: Open Space Acquisition Program whereby funds from the sale of tax acquired property is dedicated to the purchase of significant natural areas.
 - 2.2.10: PB has authority through Subdivision and Site Plan Regs and some Zoning Ordinances to require applicants for new projects to pay both on-site and off-site capital improvements needed to support the project.
 - Improve drainage, *stormwater infrastructure*
 - 2.2.13: Should continue current practice of assessing land for current use which decreases the need to develop the remaining vacant land simply for the purpose of paying property taxes. ... Should also research options to expand principal of taxing land based on current use to encourage property owners to keep undeveloped land open for public access. Land use and taxation policy are inseparable and creative ways to preserve open space.
- **Town Goal 5.1:** To provide a safe and adequate municipal water supply that meets or exceeds all State and Federal drinking water standards.
 - 5.1.1: Kittery Water District, which serves some York residents, relies on some ponds (Bell Marsh, & Boulter, Middle, & Folly Ponds) in York River Watershed
 - Watershed protection overlay district ordinance that limits types of uses & requires compliance w/ performance standards that lessen potential adverse impacts on water quality

- “Target for York should be to maintain and expand upon the excellent efforts that have been undertaken to date to protect these water supplies.”
 - Town should encourage York and Kittery Water Districts to continue purchases of lands w/in watersheds. ... Maintaining public ownership and control of lands w/in watershed is greatest single tool that can benefit long term water quality.
 - Any development of the district’s (*Water District?*) in water supply watershed areas is in direct contradiction to this Plan (*CP*).
 - Town shall work collectively w/ stakeholders to encourage the Districts to place conservation restrictions on these lands to ensure their protection in perpetuity. All options to achieve this level of land protection should be evaluated, and action taken as soon as possible.
 - Should amend current Watershed Overlay Protection District by establishing Natural Resource Protection Zone that includes the respective watersheds as well as other significant resource lands in the Mt. Agamenticus area. Consideration should be given to increasing lot sizes from the 3 acres presently permitted to a size better suited to protecting water quality and preserving other natural resources. Standards that address water quality impact should be reviewed as should measures to minimize future development in this area.
 - Lands located immediately adjacent to the water supply ponds are currently included in the Resource Protection Subdistrict of the Shoreland Zone. This Zone establishes a 250’ protective buffer (no use zone) around all ponds. The Town should continue this current practice and include all undeveloped shore frontage for the drinking water supply ponds in the Resource Protection Subdistrict.
 - Town should participate in ongoing effort related to cooperative management planning process for lands in the Mt. A area for managing land uses and resources which warrant protection via possible watershed master plan.
 - Town participation should include financial support.
 - Subsequent to preparation of this master plan, Town should work to implement the identified priorities.
 - Town should complement existing measures in Watershed Protection District by ensuring all streams that drain into major ponds are included in Stream Protection Subdistrict of the Shoreland Overlay Zone.
 - Protecting the stream channels is a prime way to help protect water quality.
- **Town Goal 5.2:** Protect and enhance the water quality of York’s major surface water supplies, particularly in the York River and Cape Neddick River.
 - 5.2.1: The visual character of the York River is important, and helping to preserve this character will directly benefit water quality. Specific action steps the Town should take include:

- Most undeveloped sections of the York River are now included in the Resource Protection Subdistrict of the Shoreland Overlay Zone and most other areas are in the Limited Residential Subdistrict. Town should continue this current Shoreland Overlay Zoning status. The Resource Protection zoning classification is a prime tool the Town can use to best manage the intensity of land uses around the headwaters and the tidal marshes of the York River
 - Town should consider including all streams which drain into the York River in the Stream Protection Subdistrict. Many of these streams are now unregulated.
 - Town should increase vegetation cutting standards adjacent to the York River and within the watershed from the current standard of 75' of a no-cut/no clearing zone to a minimum of 100'. Providing good quality vegetative buffers is a prime means to protect water quality. This standard, however, should not be used to prohibit property owners from maintaining existing open fields along the River which presently offer scenic views. Provision should be made for removal of invasive species.
 - Town currently regulates use of the York River through the Town Harbor Board regulations and the York Harbor Master. The Town should continue to exert management authority over use of the River.
 - Town should continue its efforts to eliminate the few remaining overboard discharge systems located along the York River. Eliminating these systems in high priority.
 - Town should work with DEP to ensure adequate fees are received from the owners of overboard discharges to enable good quality monitoring of their operations.
 - Town should protect lands along the headwaters of the York River, particularly the tidal flats. Ownership of these lands should be a prime target for use of the proposed Open Space Acquisition Fund. The Town can best make use of its limited funds by working cooperatively with the York Land Trust and others to purchase the property or obtain conservation easements.
 - Public access to tidal flats should continue
 - Town should require compliance with best management practices regarding soil erosion and sedimentation control in all areas of the York River watershed. Opening of too much land at any single point in time as well as poor timber harvesting practices can lead to unnecessary sedimentation of the River.
 - Town should review York Soil and Conservation Service's '96 inventory of resources important to protecting River water quality and should implement specific recommendations that make sense for the River.
- 5.2.3
 - Working to minimize the number of crossings of all streams is a high priority. The access/crossing points should be regulated.
 - Town should encourage the York Conservation Commission to continue current efforts to monitor water quality of local streams.
 - 5.2.4: Town hereby establishes a policy calling for phosphorous control in the watersheds of all York's Great Ponds – those in the Watershed Protection Overlay

District and Scituate Pond. Specific analysis and standards are to be developed following the completion of higher ranked priorities.

- 5.2.5: Consistent with a policy enacted by the Board of Selectmen on April 27, 2009, the Town supports a policy of water quality protection in all areas of York, with the goal of eliminating the need to post advisories or close public beaches due to water pollution.
- 5.2.7: Town's surface water impairments are primarily bacteria related, Town shall enact stringent controls on septic systems for those areas where sewer is not available or for areas where it is available, but users have not yet connected. Town shall consider additional requirements such as: requiring inspections at the time of property transfer, regular inspections of the full septic system (including leachfields), and surveyed coordinates to locate key features (such as tank access points, and leachfield corners for ease of GIS mapping).
- **Town Goal 5.3:** Protect and enhance the quality of ground water and ensure State water quality standards are met.
 - 5.3.1: Town should amend current zoning ordinances as recommended in the Future Land Use Section and State Goal 1, Orderly Development, to increase the minimum lot size in areas relying upon individual wells.
 - 5.3.4: Town should consider a standard which strongly encourages all septic systems to be pumped a minimum of once every three-four years.
- **Town Goal 5.5:** Utilize watersheds as the primary unit for managing water resources.
 - 5.5.1: Town's land use policies should be applied on a watershed basis. It is intended that this policy will be implemented concurrently with other policy implementation.
 - 5.5.2: Where watersheds cross town boundaries, an effort should be made to coordinate with the neighboring town or towns which share the resource.
- **Town Goal 5.6:** Manage stormwater to prevent flooding, pollution, and soil erosion.
 - 5.6.3: LID standards shall be integrated into the Town's land use codes to allow LID design. The Town shall consider development of a local design guidance document, and local water quality models to restrict pollutant runoff from development sites as part of the standards revisions. When implementing the standards, the Town shall keep in mind Town Actions 5.5.1 and 5.5.2 to develop standards based on watersheds and cooperating with neighboring towns where watersheds cross town boundaries.
 - 5.6.4: Zoning Ordinance should be amended to establish a logical, Town-wide system to control impervious surfaces.
 - 5.6.5: MS4 - Town shall periodically review other New England MS4 General Permits and how communities across the nation are implementing them. Town shall be proactive about implementing or preparing to implement requirements that are imminent.
 - MS4 must be applied within the Urbanized Area of York. While the minimum requirements imposed on the Town apply only within the Urbanized Area, the Town shall administer some standards Town-wide or based on watersheds, as recommended in Comp Plan Policy #5.5.1.
 - 5.6.6: Town shall develop new stormwater standards, in addition to LID (5.6.3) requiring use of the new intensity/duration/frequency data from the Cornell Northeast Regional Climate Center for flooding evaluations. The stormwater standards for all development

shall also evaluate the 100-year flood at a minimum. The Town shall review the necessity of applying new standards every 5 years.

- 5.6.7: Develop a single unified stormwater ordinance that will promote appropriate stormwater standards on a watershed basis for all areas of town based on flooding issues and water quality protection.
- **Town Goal 6.1:** Protect York's coastal and freshwater wetlands.
 - 6.1.1: Recommended the Town continue its evaluation of the value and resource characteristics of its wetlands.
 - General area priorities: Route 91 and Beech Ridge Rd area; Chases Pond, Mountain Rd, Logging Rd area; Southside and Western Point Rd area; and Shore Rd area.
 - Can assist Town in reformulating current Shoreland Ordinance to reflect a wetland's value and not solely its size.
 - 6.1.2: Town should review and revise current Ordinances designed to protect wetlands.
 - Already regulate fill activities in wetlands >1 acre and mandate setbacks for those >4 acres
 - Inland Wetland Ordinance requires protection of wetlands of any size located in former York Beach zoning districts
 - Town should continue current system of using subdistricts to help regulate activities in Shoreland Zone
 - Town should protect all significant streams by including them in Stream Protection Subdistrict
 - Current Ordinance only protects area located below confluence of 2 streams
 - Town should develop criteria for determining which streams should be protected
 - Should be supported by factual definition and set of conservation objectives.
 - Protection measures should include such things as setback standards and standards for vegetation removal or disturbance
 - Protected streams shall be shown on official Shoreland Map
 - Town should decrease min. size of wetlands subject to shoreland regulations.
 - All wetlands should be subject to fill regulations to be determined
 - The following wetland setbacks should also apply: 1–4 acres, no less than 50'; 4-10 acres, no less than 75', >10 acres, no less than 100'. Sole exception to setback should be wetlands located within Mixed Use Overlay Zone, primarily wetlands in Rt 1 area
 - Town should consider means for protection vernal pools and wildlife corridor zones. Consideration should be given to size and quality.
 - Should include fill and vegetation disturbance standards and setbacks
 - Town should increase no vegetation clearing zones around specific wetlands from current 75' to 100'.
 - Main area recommended is the York River Watershed

- Implementation should not result in elimination of clearings or maintenance of fields which no provide expansive views of River
- Town regulations could be strengthened to assign greater values to wetlands located within a larger system, including requiring project applicants to examine potential impacts on whole system rather than a singular wetland (*e.g. more holistic approach*)
- Town should merge provisions of Shoreland and Inland Wetland Ordinances to create a single Ordinance that regulates wetland resources
- Town should continue to support a policy of minimization, however, when that isn't possible, it should allow wetland mitigation/compensation as a means to grant flexibility in project construction when wetland impact is unavoidable and to ensure Town receives adequate compensation if fill occurs
 - Town adopted Ordinance amendments in '96 to implement locally controlled mitigation/compensation standards
 - Town should achieve significant compensation/mitigation if wetland fill occurs
 - Town policy on compensation/mitigation should focus on preservation and acquisition of additional wetland areas more than wetland restoration or creation
 - Compensation/mitigation is also appropriate for small scale projects
 - Compensation for many small non-conforming lots should take the form of financial payments to the Town for direct purchase of critical wetland areas
 - All wetland impacts should be avoided or minimum necessary when unavoidable
 - Compensation/mitigation should equal or exceed value of impacted wetland
- **Town Goal 6.2:** To recognize and protect important natural resource features to the greatest extent practical in managing future development.
 - 6.2.1: Town should manage layout of new residential subdivision to protect natural resource features to greatest extent possible, utilizing cluster design subdivisions where possible
 - 6.2.2: Town should enact Ordinance measures which help further protect natural resource features. Specific recommendations include:
 - Should create natural resource protection zone for lands in Water District and Mt. A area
 - Should use net developable acreage standards to determine minimum lot size for all lots (requires Ordinance amendment)
 - Should continue using impervious surface ratio to determine maximum amount of permitted coverage of any lot
 - Should implement mechanisms that will require preservation of forest resources, such as timber harvesting standards (requires Ordinance amendment)

- Should enact standards that require all properties to comply with sedimentation and soil erosion control standards (requires Ordinance amendment)
- Should enact standards within York River Watershed that require both non-residential and residential developments of 5,000 sf or more of impervious surface to submit an impact statement assessing the development's impact on such things as water quality, wildlife habitat, scenic vistas, historic resources, drainage, siltation, abutting development and town services including roads and traffic.
- 6.2.3: Town should establish an open space acquisition fund and regularly seek Town contributions to this fund
 - Recommended the Selectmen and Budget Committee seek a minimum appropriation of \$200,000 of Town monies per year for next five years to provide funds for this acquisition account. Selectmen can use monies to purchase sensitive natural resource lands, including scenic areas. Specific target areas for use of monies are identified in Future Land Use Section and include but are not limited to: Mt. Agamenticus area, York River and the "bovine field" off the Spur Road.
- 6.2.4: Town should encourage efforts of York Land Trust to seek private donations of land that will permanently be protected as open space.
 - Town can best assist Land Trust by working cooperatively with to achieve mutually beneficial purchases on property and preservation of such lands. Includes both working on open space subdivisions and land purchases
 - Town should also consider innovative ways to assist efforts of the Land Trust or private property owners to preserve their land
 - Town should investigate possibility of purchasing development rights to protect vulnerable areas
- 6.2.5: Town should adopt stronger standards to protect forested areas, which help identify Town's character. Specific policies Town should implement include:
 - Adopt Ordinances that encourage sustainable timber harvesting
 - Encourage use of open space subdivision layout
 - Require buffer strips for new house lots on certain public rds
 - Allow use of back lot development which decreases need to construct rds simply to create rd frontage for a new lot
 - Authorize PB to establish maximum "clear zones" on larger lots
 - Require permitting process for review of timber harvesting projects
- 6.2.6: Town should revise its current Subdivision Regulations and Zoning Ordinances to ensure protection of significant fish, bird, wildlife and plant habitat when new development is proposed.
 - Applicants should be required to conduct assessments of potential impacts on individual fish, bird, wildlife and plant species and habitats and identify measures to protect existing resources
 - Goal is to protect most significant areas while providing options that help preserve less critical areas

- 6.2.7: Support efforts to develop cooperative management approach to lands in Mt. A area
- 6.2.8: Development in 100 yr floodplain shall only be permitted if there's no reasonable alternative on the property. Town shall encourage the placing of these floodplain and wetland areas into conservation wherever possible, including areas that are 100 ft from HWMs, or are 2 ft above HWMs as recommended in the Edwards & Kelcey Stormwater Management Plan
- **Town Goal 6.3:** Recognize the importance of keeping large, unfragmented blocks of undeveloped land in the rural areas of York, and preserve these areas as appropriate.
 - 6.3.1: Town should actively manage areas (*IDD in Existing Land Use and Natural Resources chapters of Inventory & Analysis Section of Comp Plan*) of unfragmented blocks of undeveloped lands to ensure the retention of a diverse landscape in perpetuity and maintain connections between adjacent blocks.
 - Existing Town policies will need to be revised to implement protection of unfragmented blocks, and new policies may be required, such as:
 - Acquire land and/or conservation easements
 - Require cluster design for subdivisions within blocks
 - Prohibit paving of rds within blocks (allow re-paving of existing rds)
 - Prohibit Town from accepting any new rds within blocks
 - Pursue official abandonment of old woods rds owned by Town
 - Allow for Transfer of Development Rights
 - Designate Town-owned lands for conservation purposes
 - Reduce maximum allowable development density within blocks
 - Require regional review of applications for development within a block which crosses municipal boundaries
 - Require some form of multi-agency review for all new development and/or construction applications
 - Increase setbacks from important resources
- **Town Goal 6.4:** Recognize that SLR is occurring, and that storms are happening more frequently, with higher intensities and water levels. The Town should implement strategies to adapt to this situation.
 - 6.4.1: Town shall review floodplain management ordinance and land use ordinance to strengthen standards for new or replacement construction located in vulnerable tidal areas, or areas subject to freshwater flooding. The Town of York shall also review these ordinances provisions and enact amendments to protect existing properties and direct owners over time to modify their structures so that they are more resilient to sea level rise, storm surges, and rainfall events.
 - 6.4.10: Town should seek to allow tidal marsh areas to migrate when adjacent uplands are available for conversion to marsh, facilitating public or private land acquisition when appropriate
 - 6.4.11: Where tidal flows have been restricted because of existing road crossings or other development, Town should consider restoring more natural flows, by removing such restrictions or by expanding culverts or bridges

- 6.4.13: Town shall develop ordinance amendments that require new construction, redevelopment, additions, retrofits or modifications of property to incorporate porous materials, reduce total impervious area, and employ other techniques to reduce or slow run-off, capture and reuse rain water.
 - Shall be coordinated so that new requirements concurrently satisfy parallel MS4 requirements.
- **Town Goal 7.1:** Manage and maintain existing harbors to provide the greatest possible diversity of use.
 - 7.1.1: Town should establish specific access points for motorized and nonmotorized watercraft that use the York River and the harbor. Motorized watercraft access points should be concentrated east of Sewall's Bridge, as motorized craft should be discouraged from using the upper reaches of the York River. There is more flexibility in locating non-motorized watercraft points, but it is critical that public parking be provided near these accesses. The Town also should establish user fees to help pay the cost of maintaining and constructing new public accesses.
 - Town should re-examine current provisions regarding docks along York River and implement changes which accomplish:
 - Current standards which restrict the number of properties on which a dock can be constructed should be continued. The goal should be to strictly control the number of docks along the York River. Current ordinance allows 1 dock per property that existed in 1977
 - Continue current regulations which strictly control size and location of docks located west of Sewall's Bridge
 - Should allow longer docks, greater float sizes, and similar measures in areas located east of Sewall's Bridge to direct motorized watercraft to use this area
 - Allowing larger floats may lessen the need for new docks
 - Should pursue installation of a boat pump-out facility as a way to increase the range of services offered in its harbor and to lessen marine pollution
- **Town Goal 8.1:** Encourage continued use of suitable lands for agriculture and forestry.
 - 8.1.2: Town may want to consider a "transitory development rights" approach which involves the "set-aside" of development rights for a minimum period of time, during which a property owner could virtually avoid a tax bill if the owner agreed to "set-aside" their land for an open space use. However, if the owner chose to develop their property, they would be subject to all back taxes and a stiff penalty.
 - 8.1.3: Town should prepare new timber harvesting standards for Zoning Ordinance that apply to all lands and which fairly regulate sustainable harvesting operations. Clear-cutting land parcels prior to selling the land for house lots should be discouraged. Measures to be considered are a timber harvesting permitting process, reforestation and landscaping standards for subdivisions built on land which has been clear cut
 - Persons who choose to clear-cut their property should be subject to a change in tax status; from open space use to highest and best use.

- 8.1.6: Town should consider buying the development rights for selected large tracts of land.
- **Town Goal 9.1:** Encourage the preservation of York's historic and cultural resources, including historic and archaeological sites, historic buildings and architectural styles, and to make these resources a vibrant part of community.
 - 9.1.4: Planning Board should amend its Planning Board Subdivision and Site Plan Regulations, and recommend amendments to the Town Zoning Ordinance, as appropriate, to require proposed developments, as an element of the project review process, to identify archaeological and historical resources. In the event that such resources are identified, the applicant should be required to present appropriate documentation describing how such resources will be effected and what might be done to protect these resources
- **Town Goal 10.1:** To provide and enhance recreational areas and opportunities for York's residents and property owners.
 - 10.1.1: To meet recreational needs of Town residents:
 - Encourage use of the open space design approach for new subdivisions to help ensure large amounts of presently open land subject to development as a new residential subdivision will remain undeveloped
 - Establish an Open Space Acquisition Fund and regularly appropriating Town funds to allow Town purchase of important open lands.
 - Identify access points for both motorized and non-motorized watercraft along the York River and constructing needed parking facilities to better manage access.
 - 10.1.6: Town should pursue acquiring waterfront land, and in the case of Lake Carolyn ownership of the Lake itself, to offer expanded recreational opportunities for York residents. The goal is to establish small scale recreational use facilities at both lakes/ponds.
- **Capital Investment Plan: Public Water Service and Water Quality Treatment**
 - 2. Town should strengthen existing Zoning Ordinances to aid in watershed protection as a means of helping to defray potential future capital facility costs associated with water treatment.
 - 3. Town should adopt Zoning Ordinances and Subdivision Regulation standards that lessen potential adverse impacts on groundwater quality