

York Planning Board
Thursday, March 26, 2009, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi determined presence of quorum and opened the four-hour workshop by introducing the full attendance of board members: Tom Manzi, Barrie Munro, Glen MacWilliams, Dave Woods, Lew Stowe, and alternate Todd Frederick. Planning Board alternate candidate Valerie Gunn was absent. There were five people voting. Kathryn Danylik, Town Manager Admin Assist, and Steve Burns, Community Development Director, participated in some of the discussions. Town Planner Christine Grimando represented planning department staff. Patience Horton recorded minutes. The meeting was televised. The agenda sequence was changed for convenience.

Public Input

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

No one came forward to speak.

Field Changes

There were no field changes.

Minutes: Review and approval of minutes.

There were no minutes to review

New Business

Design Standards: Discussion of draft York Beach Design Standards.

Town Planner Christine Grimando had prepared a memo about York Beach design standards, dated March 19, 2009. She said the York Beach Village Planning Board Subcommittee had recently mostly worked on streetscape and infrastructure. Last year, the former Renaissance Committee had produced a design standard document with a broader spectrum than the Beach Village alone. This new document reflects the core Beach area and architectural standards for private property exteriors, including roofs and facades. Beside the language for AD document, which is approaching completion, the focus is on clear visual representation of the target streetscape. There is a question if Tax Incentive Financing, TIF, can be used to help pay for the creation of the design standards document, specifically the artistic renderings that the document requires.

Dave Woods, a planning board advisor to the York Beach Subcommittee, described the pictures as the key to the success of the document. They will be costly, not Polaroids, and the value of the document will be determined by the quality of the pictures/diagrams. York Beach will have the first design standard outside Route 1, but the Route 1 design standard is a written description and not so effective compared to this anticipated one,

which will include pictures and diagrams. The Town will benefit greatly from this design standard document, Dave Woods concluded.

Barrie Munro, the Planning Board's other advisor to the York Beach Village Planning Board Subcommittee, discussed problems the Sub Committee has been having as it seeks to come up with standards that are specific enough to be administered by the CEO and a point at which new construction and or renovation should become the responsibility of the Planning Board. Time, cost and achieving the objectives of the ordinance are driving factors. Mr. Munro suggested that when Code Enforcement is confronted with a design problem it is not comfortable with, it should have the right to buck it up to the Planning Board. Both Planning and Code staff have been helping with ideas and language for the Architectural Design Standards ordinance.

Christine Grimando said that for a site plan to have to come before the Planning Board is usually triggered for any building of 5,000 square feet or more, or for businesses that require 25 or more parking spaces. But if someone in York Beach is replacing, for example, front steps in kind, the new steps could be replaced with no permit needed. The point where York Beach building projects are triggered to come to the planning board could be based on the project's percentage of change to the façade, or some other requirement. She asked the board to think about what that mechanism could be. Barrie Munro said the meeting with Code Enforcement on the subject suggested the possibility of using a 25% change to the façade. Anything greater than that or involving a new building would be the responsibility of the Planning Board.

Glen MacWilliams recommended including a zoning map for the Beach area as part of the ordinance. He questioned certain anomalies in the York Beach architectural spectrum that should not be part of the new style, particularly the Southwest motif. Tongue in cheek, he asked, why not Romanesque? He asked that if use of stucco is successful in other parts of town, why not adobe with heavy timbers and flat roofs in York Beach? With regard to south West Architecture, Dave Woods explained that when that style was implemented, Salmon Falls was creating a shortcut to hide bad rooflines. Lew Stowe said through this design standard effort, standardizing or homogenizing should not be considered. Barrie Munro agreed that style should be sympathetic to blend the new with the old.

The board discussed Code Enforcement's interpretation of the specific styles that are represented. How much initial decision and stylistic interpretation should be left to Code? The Historic District Commission makes stylistic interpretations itself, yet Planning Board is expecting Code Enforcement to make interpretative determinations in a very short time and without the advantage of discussion among members. Dave Woods said a difference in coming to Planning Board vs. Code Enforcement is in the amount of time it takes to be reviewed and permitted. Code has to do it in a day. Someone would lose money in their business waiting to fit into the Planning Board's schedule, because Planning Board can't help the person get open in time.

Dave Woods brought up the subject of vinyl. He hopes to see there is no vinyl siding on street fronts, keeping it limited to narrow alleys. Vinyl is good fireproofing, he said, but it should not be used on new buildings. Salt spray from the street damages vinyl. There are other materials that look better. Barrie Munro agreed that the focus should be on controlling the facades, making them interesting and harmonious. Lew Stowe said the architectural style really has to be identified. Glen MacWilliams asked what *is* the architectural style of York's Wild Kingdom, adding that there should be a zoning district specifically maintaining its look at that location.

Christine Grimando said vinyl is prohibited. Dave Woods said there are other treatments that might require more maintenance, but look much better, at the same cost, than vinyl. Glen MacWilliams said vinyl is a possibility and has been permitted for some buildings in the Route 1 zone where builders have asked for vinyl as an economic solution. They presented samples and product specifications and cost and maintenance estimates that have been important in convincing the board to waive the prohibition of the material.

Speaking about the design standard document, Barrie Munro said that because of a shortage of personnel, the subcommittee currently lacks the expertise to put the document together and to quickly bring it to the planning board. Glen MacWilliams, at that point, offered his ability and expertise to assist with the completion of the design standard document. Christine Grimando said the financial piece, the possibility of working with TIF funds instead of Town money, would be determined if TIF for the York Beach project passes with the new budget.

Chairman Tom Manzi opened and closed the **Public Hearing** for the draft York Beach Design Standards. No one came forward to speak. Christine Grimando acknowledged that "the [document] format works," and the focus moved to the next matter.

Affordable Housing. Discussion of draft Affordable Housing Ordinance Amendments.

Steve Burns and Kathryn Danylik presented the language for the Affordable Housing Ordinance. Steve Burns said two Comprehensive Plan changes and five ordinance amendments were being lined up, some for the November 2009 referendum, and some for a later vote. Last fall, certain York citizens, including voters and commuters, had been surveyed about affordable housing. The results have prompted some changes for the Comp Plan. The current Comp Plan chapter on affordable housing was written in 1988. In bringing the plan up to date, Steve Burns thought it would be prudent to review current sentiment through public hearings, and compare how it is now to what it was then.

A proposed Comp Plan change updates town-housing policies, including those for the elderly housing overlay zone. The policies are so outdated, that to bring things up to today's standards, the entire chapter had to be deleted and rewritten. The first step is to document the surveys that were done last fall, allowing them to be reviewed for policy direction and then worked into the amendments. Steve Burns continued. Small-scale elderly housing, without access to water or sewer, should be allowed to exist. So should

high-density, elderly congregate continuing care in the form of a nursing home, as with Spring Pond Phase II. Seasonal housing is another issue, and a better definition is needed for seasonal housing. Currently a unit that can't be occupied every day of the year, usually because there is no water, is "seasonal." Water is shut off for three months. Currently there is no flexibility about which months, and there should be. Another housing issue: guest workers. There are dorms at the Cliff House and the Anchorage. They were, but no longer are, looked at as accessory use. Lew Stowe asked for the difference between motel rooms and dorms, and Steve Burns answered there is no definition for "dorms."

Steve Burns talked about apartments. Last year's survey opened up the policy of allowing buildings to be converted into year-round apartments. In the past ten years, aside from all the single-family units, only one three-unit apartment building was built. He referred to the phenomenon of how young people (in their twenties) move away from York because they can't afford to buy a house here. It is another housing weak point.

With accessory *residential* units, ARUs, (as opposed to accessory *dwelling* units, ADUs), a unit is installed for a family member who needs living assistance from a household member(s). The apartment unit goes away and is converted back into living space by removing the kitchen, when the family no longer needs it for a residence. There have been about 3-dozen of temporary ARUs created since inception, but only a few ADU units.

People should be able to get affordable apartments, and it should be easier to do and it should be so anywhere in town, Steve Burns continued. The concept of affordability falls on the renter. The renter demonstrates the amount of rent that can be paid. Rather than putting the burden on the landlord to make a place affordable, the burden is on the renter to show how much can be paid. Basically, a person making 80% of the town's medium income is eligible for affordable housing.

Steve Burns spoke of the Comp Plan concept of the Town having some suitable land to donate for the Habitat for Humanity, or similar project, which the Town has done before. The Comp Plan also considers mobile home parks. Town policies do not match up to state statutes and have to change. What were once known as "trailers" evolved over time into "mobile homes," which evolved into "manufactured housing." Public discussions will be necessary to winnow out town sentiment, and a new policy cannot be ready by November.

The amount of additional apartment housing will initially depend on the ability for an apartment building to tie into the infrastructure. Parking will most likely have to be added, but there cannot be a penalty if the parking area adds to lot coverage. "Real" family housing, units with three full bedrooms, has to be part of the plan. When building divides into multiple units, the builder will have to include at least one three-bedroom unit. And because of the way incomes can change over time, leases can last for only a year and income will have to be reviewed annually. There cannot be locking-in or allowance for seasonal leases. And if affordability is given up, Steve Burns said, so is density.

Kathryn Danylik discussed a proposal to allow apartments, of at least 600 square feet in size, to exist over office or commercial use businesses in York Village, the GEN-3 zone. Steve Burns said in the Village, there is no density requirement for the upper floors. Dave Woods thought the idea should be incorporated to Route 1 as well. There is zero incentive to go “vertical” on Route 1, Steve Burns said, as with space above such a business like Rite Aid is unlikely to have an apartment. Christine Grimando said there is potential for upper-floor apartments in the Village right now. Board members said they would like to see the same idea extended to Route 1.

Because of the Growth Ordinance, Steve Burns said, a developer couldn’t have more than three applications pending at one time. If four units are planned, currently, an application is put in for the three units, and then after three years, the fourth can be submitted. Apartments should not have to wait for that, he said. Group applications should be made all at one time. The applicant is not exempt from having to wait, but it is sensible for an application for a multi-family building to be made at one time.

Steve Burns talked about plotting out a small affordable housing community. Perhaps mixing a few little businesses into the neighborhood could offer some diversity, as a planner from Bar Harbor first showed him. The ideal would be to get away from always having to use a car for everything. A person could walk to a little grocery store or little coffee shop that is nestled into the neighborhood. This is called a Walk-To design. The Communal design relates the positions of all the buildings with the surrounding buildings. Side yards and back yards might be adjoined, and colors, textures, roof pitch, and all visual elements are taken into the attractive neighborhood design. Buildings can cluster around a central tree or lawn, or the whole group can be pedestrian oriented with garages out back.

Lew Stowe objected to the concept, saying it is not part of the survey. It is like a cluster, but less dense. Glen MacWilliams said with the Communal Design, order and flexibility work together. The environment is the reason we have relationships, he said. Here is a “relatable” community where relationship comes first. It is why we live in villages, anyway, he concluded. Tom Manzi then read a paragraph about the common space of the Walk-To design, which comprises 10% of the property. Barrie Munro thought 10% would be too small for such communal space. Steve Burns said 10% would be used for active design. The discussion ended. Steve Burns said he would like to return soon to discuss more aspects of these possible Comp Plan amendments.

Old Business

- **May 2009 Ordinance Amendment Preference Votes**

- Ord-1 Zoning; **Definition of Variance**
- Ord-2 Accessory Dwelling; **ADUs East of Route 1**
- Ord-3 Accessory Dwelling; **Maximum Gross Floor Area**
- Ord-4 Zoning; **Small Wind**
- Ord-5 Zoning; **Yard Sale Signs**
- Ord-6 Zoning; **Permits and Violations**

Ord-7 Supplemental Plumbing; **Definition: Controlled System**

Ord-8 Zoning; **Shoreland Zoning Minor Corrections**

Ord-9 Wireless Communication Facilities & Zoning; **Water/Sewer Districts Antenna**

Ord-10 Residential Growth & Zoning; **Growth Ordinance Changes**

The board discussed these ordinance amendments, after which they expressed preference, or no none, for the each item with a show of hands at the prompt of the chairman. One item was missing from the original list. It had to do with provisions for measuring building height, and it had been reluctantly taken off the referendum. The Board of Selectmen had thought height should be measured from new grade, and the Planning Board thought it should be measured from existing grade. In light of the confusing nature of the issue, it was thought best to take the item off the ballot at this time. The preferences follow:

--Ord-1 Definition of Variance (Zoning)

All five members of the Planning Board voted preference for the first Ordinance Amendment. There was no discussion.

--Ord-2 ADUs East of Route 1 (Accessory Dwelling)

Lew Stowe said the idea of allowing an ADU, Accessory Dwelling Unit, built as small building on a small lot in a dense area, with no sewer, doesn't make sense, and the units should be attached to the original building. The purpose of this ordinance amendment, said Glen MacWilliams, is to allow the ADUs, as long as they meet the setbacks without the property exceeding the 4-1 impervious surface ratio. Four board members showed preference for the amendment in the preference vote, and Lew Stowe did not. (4-1).

--Ord-3 Maximum Gross Floor Area (Accessory Dwelling)

This item was not reviewed and there was no preference vote. The item proposes the maximum size of an ADU at 900 square feet, instead of 750, with the idea the 750 square feet of living spaces wastes building materials in its construction. No preference vote.

--Ord-4 Small Wind (Zoning)

The maximum capacities of small wind machines have evolved since the Planning Board initially suggested their potential for different uses. The Board of Selectmen wants to see municipal generators limited to 50 Kilowatt capacity, whereas the Planning Board had offered up a recommendation of 100 Kilowatts. The BOS suggest limiting private windmills to 20 Kilowatts, and the PB had recommended 50 Kilowatts. Though the planners had recommended limited, but carefully selected, zones for placements of the wind machines, the BOS has written into the amendment that windmills will be allowed in all base zones, as long as they do not interfere with ocean views. Negative visual impact can be the basis of denial. Shared ownership will not be allowed, in keeping the current State statute.

--The planning board showed unanimous preference without discussion for **Ord-5, Yard Sale Signs; Ord-6, Permits and Violations; Ord-7, Definition of Controlled System; Ord-8, Shoreland Zoning Minor Corrections; and Ord-9, Antenna Provisions for Water and Sewer Districts.**

--Ord-10, Growth Ordinance Changes, was not a Planning Board issue. Steve Burns said in his work with the Planning Board over the years, he has worked to keep the members' attention away from growth. It is very complicated and time consuming, and he did not want to see the board members deter from the responsibilities they already face. For

those reasons and others, he told the board he hopes the board will continue to steer away from residential growth as part of its concerns.

New Business [Cont.]

LEED Standards Ordinance Amendments

Christine Grimando has written a first draft amendment for LEED (Leadership in Energy & Environmental Design) certified, non-municipal buildings. Site Plans and Subdivision regulations will have a checklist so applicants can see what standards they can meet.

There are no LEED certified buildings in York. Glen MacWilliams said this is an effort to raise the standard beyond current environmental design and energy conservation parameters. The real estate community resists LEED guidelines, developed by the U.S.

Green Building Council, because of added cost, about 15%, and that might keep the amendment from being passed. However, the cost is returned on the investment. Christine Grimando said specialty buildings, like big metal buildings, are often too expensive or impractical for LEED design.

Other Business/Adjourn

Glen MacWilliams described an upcoming meeting at the Kittery Trading Post about local transportation issues, specifically the Route 236 corridor. The meeting closed at 11:00.