

York Planning Board
Thursday, May 22, 2008, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams began the four-hour meeting at 7:00 by declaring presence of quorum. Along with Glen MacWilliams, Vice Chairman Tom Manzi, Barrie Munro, Dave Woods, Lew Stowe, and alternate Todd Frederick were present. Town Planner Christine Grimando represented planning department staff. Patience Horton took minutes. The meeting was televised.

Public Input

Open to the public to address any issue.

The public input was opened and closed. No one came forward to speak.

Field Changes

Seth Spiller said the water main at Cape Neddick Village was buried more shallow than expected. He requested a field change to fix the problem by increasing the height of the grade over the pipe. The change had been okayed by the town engineer and by MDOT. Public Works Director Dean Lessard also approved of the change. Seth Spiller displayed a diagram with red and green lines showing the approved grading plan and the proposed grade. The slope was minor to begin with and would remain so. He showed a photo of the location and described the amount of cover.

Seth Spiller also asked to remove the approved “eyebrows” above the doors at the back. They made sense given the height of the original wall plan, however, the wall turned out lower than planned, and the little roofs became unnecessary. He talked about the grade and slope of the building along the concrete base. Barrie Munro said there had been discussion about facing that concrete with stone, because the foundation faces Route 1. Seth Spiller answered that idea was not pursued because very little foundation would be seen.

He talked about changing the floor of the garage. Barrie Munro said the plan change was complicated, and since the building is substantial, and the setback so small, the board should review all aspects of the new proposal. Lew Stowe noted a change in the doorways, which Seth Spiller said was meeting public safety requirements. Siding and roof color are planed as natural, uncolored shakes.

Seth Spiller had handed out a brochure about Skystream wind turbines (windmills) he currently installs on properties outside York. They are mounted on un-tethered monopoles and range in height from 35 to 60 feet. The inverter is inside the pole, so the windmill “plugs” right into the house. He asked the board if he could install one at the Cape Neddick Village property for demonstrations. He showed the optimal location on the plan. Glen MacWilliams said the board likes to see things like this, but the height

restriction is a barrier. He recommended Seth Spiller return to the board with appropriate language to present as an ordinance allowing the wind turbines.

Christine Grimando asked about the distance the turbine could be from the building. Seth Spiller said close proximity shortens the electrical run. If the tower ever comes down, the tower is the least of the problems, compared to everything else going on in that bad a storm. A windmill of this type would cost \$12,000 to \$15,000 to install. It was designed for a theoretical one-acre lot with a backyard in New Jersey. Dave Woods asked if the windmill could come two feet shorter to go through an ordinance change, which would allow for a 33-foot mast, excluding the blades.

Motion Barrie Munro moved to approve the removal of the rear “eyebrow” roofs located above the doors. Tom Manzi seconded the motion, which passed, 5-0.

The group discussed the requested change in wall height. Glen MacWilliams asked for an elevation plan showing the change in height from 12 feet to 10 feet for the first floor. The elevation plan would update Pages A1 and A2 of the planning sheets.

Motion. Dave Woods moved to change the door location, shown on Sheets A2 and A1, dated January 21, 2008, as requested. Tom Manzi seconded the motion. Glen MacWilliams added the **friendly amendment** changing approved height change from 12 feet to 10 feet, which Dave Woods **accepted** as part of his motion.

Vote The motion passed, 5-0.

Motion Barrie Munro moved to approve the requested changes to Item 3, Siding (gray cedar), and Item 4, Roof Color (natural-colored shingles and white trim). The motion passed, 5-0.

Barrie Munro said the board has to find a way to site mechanisms, such as wind turbines. Dave Woods said height limitations are waived for TV antennas and chimneys. The mast is not the problem. The addition of the blades to the to the overall height is the problem. Seth Spiller was asked again to come up with language for a possible ordinance amendment that would deal with the height created by the blades.

Minutes

Dave Woods left the room for a phone call. Alternate Todd Frederick replaced Dave Woods during the short absence. The minutes from **April 24, 2008**, planning board meeting were reviewed. Tom Manzi said the workshop housing report had been attributed to Steve Burns but was actually given by Tom Manzi. Glen MacWilliams amended information from several pages, including a section describing Public Trust.

Motion Tom Manzi moved approve the April 24 minutes as amended. The motion passed 4-0, with Todd Frederick voting, and Dave Woods and Lew Stowe not voting. Lew Stowe had not been present April 24. After that, Dave Woods returned to the table.

New Business

- **Expansion of Non Conforming Structures. Discussion of proposed amendments to Zoning Article Seventeen.**

The board of selectmen had turned down this item for the May warrant. It concerns height restrictions for non-conforming structures on non-conforming lots. Lew Stowe said vertical expansion should not be greater than that of residential structures at the side or front. Glen MacWilliams said adjacency is considered, including what is across the road. Town Planner Christine Grimando said sub-sized lots are the essence of the amendment. Barrie Munro said the buildings should be no higher than the average of the adjacent buildings. Dave Woods suggested using a radius as the definitive measure.

- **Zoning Article Eighteen-Board of Design Review Discussion of a proposed amendment of Zoning Ordinance §18.9, Site Design Review/Board of Design Review—Applicable to RES-4, BUS-1, BUS-2 Districts**

The board discussed various sections of Article 18.9. Christine Grimando said the planning board appoints two of its own members to become chairman and secretary of the design review board. The board would work on new construction and/or expansion projects, taking architectural changes, landscaping, parking, etc. into consideration. A current problem in York Harbor is when code enforcement does not pass the application on to board of design review, and the board of design review cannot work with the application within 30 days, the applicant gets the permit anyway. Barrie Munro said as much of the original language should be retained as possible, while still making improvements to the process for administrative purposes. Glen MacWilliams said the formation of a town wide board of design review has not proceeded for a number of years, but he hopes to see it do so soon.

- **Supplemental Use Requirements-Stormwater Run-off Discussion of a proposed amendment of Zoning §6.1.6 and §6.3.7, Storm water Run-off. Requirement of a Stormwater Management Plan inclusion in Article Two of a definition of Stormwater Management Plan.**

Glen MacWilliams said professional engineers should certify design drawings on matters of upstream runoff into the Route 1 area. Christine Grimando said that as is, the engineer works for the Town, and is paid by the applicant. John Treat and Stephen Bradstreet are the two engineers used by the Town. She added that the application has to be submitted, if there is an increase in impervious surface area. A 50-year storm would determine the amount of runoff the property handles in terms of 150% of the standard runoff in that situation.

- **Zoning §6.3.13 Buildings and Site Design Requirements Discussion of proposed Amendment to Building and Site Design Requirements**

The group discussed the standards for Route 1 non-residential structures per §6.3 with regard to trees, vehicles, and adjacent buildings. Dave Woods said the buildings should have a New England look. Lew Stowe offered to get help in defining what a New England Look is using photographs from the Historic District Commission.

Motion Barrie Munro moved to have Lew Stowe coordinate the stylistic intent for Route 1 with help from the Historic District Commission and/or the York Historical Society. Dave Woods seconded the motion, which passed, 5-0.

Municipal Capacity. Discussion of draft of the Municipal Capacity chapter for the Comprehensive Plan.

Tom Manzi led the discussion, giving many examples of municipal capacity including: How many boats can come up to the dock? How many kids can come to the schools? How many acres does the York Land Trust hold? What is the ratio of police per habi- tant? How many miles of roads are there? He said to think of the things that create the story of York's capacity. In the municipal capacity, how can a critical public building, like town hall, be replaced, if it were lost? What is the capability of the volunteer boards? There are things assumed to always be there. Lew Stowe said the knowledge is based on the assets. Barrie Munro said to note the capital needed to support the projected growth. Tom Manzi said to focus on how much it would cost to replace these things. Glen MacWilliams said there is a quantifiable asset value of York.

New Business

- **Toll Plaza Legal Opinion**

Christine Grimando read an email memo addressed to Rob Yandow from Atty. Leah B Rachin of Bergen & Parkinson (town attorney) in Kennebunk. Per 5-MRSA, the toll plaza is under the administration of Maine Department of Transportation, and the turnpike must be constructed under its supervision. The Town does not have any jurisdiction over the tollgates. This opinion makes three sources that have indicate that Planning has no jurisdiction over the tollgates.

- **York Beach meeting of May 29**

A meeting is planned for Thursday, May 29, at the York Beach Firehouse, so information can be explained, and discussion can be held regarding the progress of York Beach improvements.

- **Subcommittee Inquiries.**

The board discussed the interview process for five people who have submitted applications for places on the York Beach improvements subcommittee. Tom Manzi suggested having the candidates in before the board to say why they are interested in the subcommittee. Barrie Munro suggested showing less pressure by interviewing before only two people. Glen MacWilliams said the original Renaissance Committee members had not applied as committee members. Barrie Munro said it would be difficult to have the subcommittee move forward without members of the renaissance committee. Tom Manzi said there has to be a mix between the board and the committee, or the credibility would be lost. Dave Woods and Barrie Munro agreed to do the interviews. The volunteers should be residents of York.

Other Business/Adjourn

Christine Grimando said that when **Old York Historical Society** brought their site plan to the board for a follow-up change at the last meeting, their issue concerned a change in the landscape plan, which should be amended to the plan, but is not. It was not certain whether to change the overall plan to reflect the landscaping plan, or vice versa.

Anchorage Mylars were signed reflecting the field changes made at the last meeting.

The meeting adjourned at 10:50.