

**TOWN OF YORK PLANNING BOARD  
THURSDAY, JANUARY 26, 2006, 7:00 PM  
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Before the meeting started, Planning Board members signed Mylars for Eldridge Lumber.

Chairman Barrie Munro began the meeting at 7:00. All the board members were present: Glenn Farrell, Barrie Munro, Richard Smith, Glen MacWilliams, Tom Manzi, and alternates Lee Corbin and Michelle Moody. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised.

**Public Input. Open to the public to address any issue other than issues scheduled for public hearings on this agenda.**

Cathy Goodwin of the York Chamber of Commerce said that, a few years ago, the group that evolved into the York Beach Renaissance Committee began with the idea of having a sidewalk replacement project, but soon found that it could not be done without affecting the entire infrastructure of the Beach. Using the 1990 master plan that Town Planner Steve Burns had in his office, the committee leaped ahead to create the ordinance proposal that is before the Planning Board this evening. The first public hearing for the ordinance will be a PowerPoint presentation held before the Selectmen during their upcoming Monday meeting. She added that imposing a parking impact fee (the final item on this agenda) would unfairly charge developers twice, the first time in taxes.

**Minutes Review and approval of minutes: December 8, 2005; December 15, 2005; and January 12, 2006.**

**December 8, 2005**

**Motion** Tom Manzi moved to approve the December 8, 2005, Minutes as submitted. Glenn Farrell seconded the motion, which passed, 5-0.

**December 15, 2005**

Glen MacWilliams said that information about a Plan Note was missing from the York Village Business Center Minutes of the December 15 meeting. Because the Business Center is to have multiple buildings, the plan note indicates that the developer must come before the Planning Board for approval of each individual, subsequent building prior to the issuance of its permit. The board and the applicant had agreed to the plan note during the December 15 meeting, and the fact that the plan note exists must be inserted into the corrected Minutes of that meeting.

**Motion** Tom Manzi moved to approve the December 15, 2005, Minutes, as amended. Glenn Farrell seconded the motion, which passed, 5-0.

## **January 12, 2006**

In the Union Bluff Function Hall application, Glen MacWilliams asked that the word “signage” become included in a certain description. In Bayberry Ridge Elderly Congregate Housing, language was changed to properly describe “common building certification.” In Atlantic House, Glen MacWilliams suggested a better way to express the change in the parking ordinance. Also in Atlantic House, Peter Dunfey’s name was corrected.

**Motion** Tom Manzi moved to approve the January 12, 2006, Minutes, as amended. Glen MacWilliams seconded the motion, which passed, 5-0.

## **Business**

### **Public Hearing for Amendments to the Site Plan & Subdivision Regulations**

- **Professional Certification and Inspections**
- **Driveway Construction in Subdivisions**
- **Timeframe for Construction**
- **Impact Statement Requirement**

Chairman Barrie Munro said that this was the second hearing for these amendments, and that if no substantive changes are made, “they become law.” Steve Burns gave an overview of the four amendments. Professional Certification and Inspections states that design professionals have the responsibility to inspect and certify that a project is built as shown on the plans. Driveway Construction in Subdivisions is designed to prevent homeowners from deciding on driveway designs. In the past, owners have interfered with drainage engineering. With the most recent change, a couple of possible driveway locations can now be designed from which the owners can choose. Timeframe for Construction completion will encourage projects to be finished in a timely fashion, or a penalty will be reflected in the financial security. “Finish, or pay,” said Steve Burns. The final amendment, Impact Statement Requirement, will require a statement from all applicants under site plan regulations about such items as transportation, road network, the scale of the project, the number of people to be employed there, and the size of the building,

Barrie Munro **opened the Public Hearing** for comments about these four Site Plan & Subdivision Regulation Amendments, but no one came forward to speak, so the **Public Hearing was closed**.

During board discussion, Glen MacWilliams suggested language changes in the Professional Certification amendment, which Steve Burns recorded. There were no changes suggested for the second or third items, and in the amendment about impact statements, Tom Manzi suggested adding parking to the transportations systems section of the requirements.

## **Ordinance Amendments**

### **Conservation Commission Request Requested amendment of the Shoreland Zoning regarding setback requirements for new septic systems.**

Chairman Barrie Munro said that the main question about this amendment was whether or not the Planning Board should bring it forward to the May ballot. Michelle Moody reviewed the history of the Town's interpretation of the septic system setback. For 12 years it went a certain way, until the town attorney changed the interpretation. Steve Burns added that a year ago, the Cape Neddick Village applicant suggested and successfully changed the interpretation, so that the 100-foot setback only applies if there is a standing body of water. In a wooded wetland, that setback does not apply. It is not a shoreland setback.

Barrie Munro polled the board members. Richard Smith said that he had been talking to soil scientist Mike Cuomo about it, and understood that the ordinance would "push" the setback beyond the state's requirements. Glen MacWilliams said he was in favor of going forward with the amendment as written, as there are critical fresh water storage aquifer storage areas to consider. Tom Manzi said he would like to see a return to the original twelve-year practice. Glenn Farrell said that Richard Smith was correct in asking for justification for the setback and correct in wanting scientific knowledge for whatever is the best distance, instead of an arbitrary number. Lee Corbin said she agreed with Richard Smith and Glenn Farrell.

Stan Moody of the Conservation Commission pointed out that two italicized subparagraphs in the amended ordinance would put the ordinance back the way it was interpreted for the 12 years.

**Motion** Richard Smith moved to put the amendment off until November in order to get some facts and figures and a better way to come up with an alternative. Glenn Farrell seconded the motion.

In discussion, Michelle Moody said that the amendment should go to the public hearing in February. After that, the Planning Board can give a preference vote about whether or not the public should support it. Tom Manzi said that the motion was out of order. It was not the issue on the table. Glenn Farrell said the Memo from Steve Burns gave three options for the amendment, including putting it on the November ballot, so the motion was not out of order.

**Vote** The motion to put the amendment on the November ballot passed, 3-2, with Richard Smith, Glenn Farrell, and Barrie Munro in favor, and Glen MacWilliams and Tom Manzi against.

**May Ordinance Amendments These will be coming to the Planning Board from the Board of Selectmen for a single public hearing by this Board on February 23<sup>rd</sup>. Discuss these drafts and prepare for the public hearing.**

Steve Burns explained the three amendments of interest to the Planning Board: Professional Certification, Condo Conversion Standards, and the new overlay district amendment with its lot coverage issue. About that new district, the York Village Municipal Overlay District, Barrie Munro said he was concerned about the 30-foot setback provided therein and the provision for a large municipal building to be very close to somebody else's property. He thought that those abutting properties should be protected. To do so, Glenn Farrell suggested adding language to the extent that other restrictions may be imposed. Steve Burns suggested taking language from Zoning Ordinance 10-B.2.d, which concerns lot coverage for the hospital zone.

On a map Steve Burns had made using the GIS system, he showed the extent of the new overlay district, as well as those properties currently owned by the Town. He described the large tracts of land behind Town Hall and First Parish Church, including the Davis property, whose owner recently died.

**Motion** Glen MacWilliams moved to bring Item 3, **Zoning Ordinance—York Village Municipal Overlay District**, with the added language from Ordinance 10-B.2.d, forward for the May referendum. Barrie Munro seconded the motion, which passed 5-0.

The discussion went to Item 2 of the Zoning Ordinances for the May Referendum, Condominium Conversion Standards. Specifically, the board discussed proposed certified home inspectors. Glen MacWilliams said there are no private building inspectors. In Maine, they are Code Enforcement Officers. Under MRSA Title 17, Chapter 91, Subchapter 4, the CEO can make a determination about dangerous buildings. Maybe the CEO can also inspect buildings being proposed for condominium conversion, just as they would for any new building permit or for remedies affecting dangerous buildings. Lee Corbin suggested adding language about a written report from the CEO.

In Item 1, Professional Certification of Project Compliance, there was very little discussion.

**November Ordinance Amendments Review the list of amendments in the works for November, and review work completed to date.**

There was brief discussion in this category, which included 6 amendments. Barrie Munro said the board was in agreement about 1) **Bed & Breakfast Amendments**; 2) **York Beach Village Amendments**; 3) **Rewrite Article 17**; 5) **Amend Board of Appeals' Authority for De Novo Hearings**; and 6) **Apply Campground Regulations Town-Wide**. He recommended deferring 4) **Building Size and Scale Limits**.

Michelle Moody and Barrie Munro discussed an issue the Board of Appeals has about an exception in seasonal conversions they want the Planning Board to help take out of the ordinance, the details of which Steve Burns said he would look into.

Michelle Moody suggested writing a letter to the Selectmen so there can be more Planning Office staff.

There was a short break.

**York Beach Renaissance Committee Requests Review materials submitted by the Chamber for the York Beach Village Area and discuss process and timing.**

Steve Burns said that the York Beach Community Visioning Meeting, held several weeks ago, had been taped and should be aired on TV. The Beach should have a Design Review Board. The Comp Plan calls for one Design Review Board for the entire town. He suggested that the one that is in place for the Harbor could be extended to the Beach. Glenn Farrell replied that having two separate review boards would allow for shorter agendas and different concerns. Steve Burns asked how to assemble a new municipal committee, perhaps from the Board of Selectmen, but not from him. He has no time for that, he said.

Dave Woods represented the York Beach Renaissance Committee. Barrie Munro said that Planning Board could appoint an *ad hoc* committee to determine what exists and determine a long-term view of what the Beach should become. He assigned Glen MacWilliams as the Planning Board liaison with that committee. Steve Burns said that the first emphasis is on parking, about which the Planning Board should ask the Board of Selectmen to establish a policy in the Beach. Steve Burns said that a management plan is needed for each of the three beaches. There is a range of things that are to be done. He went over ideas about necessary information that has to be gathered. It would be good to figure out how many people are at York Beach. A management plan is needed for Short Sands. He said that it would be good to find out who is in redevelopment in York Beach. Who is going to be in charge of making sure it all works? There was discussion about establishing a Tax Increment Financing (TIF) district. Barrie Munro recommended continuing to consider the impact fee, the final item on this agenda, in abeyance until the TIF Program is understood. Dave Woods talked about how he believed free enterprise would ultimately solve the parking problem. He said he did not want to see the town come up with money to fix York Beach.

**Natural Resources Chapter of the Comp Plan The rough draft Chapter has been posted for a public hearing in February. Discuss this draft and prepare for the public hearing.**

Steve Burns flipped through and explained a number of colorful maps on the easel. Brett Horr had created most of them. They were specifically made for the Natural Resources Chapter of the Comp Plan. Their titles included the Geology Map of the Town of York, River Systems, Flood Plains with Regard to Watershed, Existing Land Use by Water-

shed, Conservation Lands, Public Access to Coastal Waterbodies, Stream Order, Soils by Slope, Farmland Soils, and Potential Contamination Sources. Steve Burns said the other maps are adapted by reference. The analysis section has been added. That text and mapping will be available to Planning Board members in February. Barrie Munro asked the board if the chapter should be available for the vote in May or should wait until November. Everyone agreed that the work is important and should be out in May. Michelle Moody suggested making a Scenic Resources map. Barrie Munro graciously thanked Steve Burns.

**Parking Impact Fee Discuss the idea of establishing an impact fee to be charged when developers can't provide parking themselves.**

It was decided during the York Beach Renaissance discussion during this meeting that this item was premature.

**Other Business/Adjourn**

Barrie Munro asked if there was any other business. There was none. The meeting was adjourned. It was 10:30.