

TOWN OF YORK PLANNING BOARD
THURSDAY, MAY 26, 2005, 7:00 PM
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Chairman Barrie Munro began the meeting at 7:00. Barrie Munro, Richard Smith, Glen MacWilliams, Tom Manzi, and alternate Michelle Moody were present. Glenn Farrell and Lee Corbin were absent. Town Planner Steve Burns represented staff. Patience Horton took minutes. Two motions were made, and the Chairman took a consensus. Barrie Munro asked Michelle Moody to vote in place of Tom Manzi. She said she would recuse herself during the Cape Neddick Village hearing. He then introduced the members of the board and the staff. As a procedural guideline, he said that the meeting would not continue past 10:30.

Public Input

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

Minutes

Review and approval of draft minutes.

The May 12, 2005 Minutes were reviewed. Glen MacWilliams and Michelle Moody both requested changes. Glen MacWilliams added detail to the discussion of the 6.4.2 waiver pertaining to the Cape Neddick Village application, and he clarified the Planning Board's request to have Code Enforcement investigate an alleged violation at the cemetery by a contractor for Hickory Meadows. Michelle Moody handed a copy of line-editing corrections to the recording secretary without having to discuss them.

Motion Glen MacWilliams moved to accept the May 12, 2005 Minutes, as amended. Tom Manzi seconded the motion, which passed, 5-0.

Cape Neddick Village. 1132, 1136, & 1244 U.S. Route One. Map 22/Lots 13A and 13C, and part of Map 97/Lot 5. Final discussion about an application for a Route One Use Permit multi-use commercial development. Tabled from the May 12th meeting.

Town Planner Steve Burns said that applicant Seth Spiller had previously been asked to address the incomplete plan set, the inventory of building materials, plan notes, and the acquisition of professional stamps. Barrie Munro inquired about the changed specs for the south side of the building where windows were suggested for the bathrooms or some other "creative" treatment of the otherwise plain elevation was requested. Seth Spiller replied that the change concerned a future building, which was not part of the first phase. Barrie Munro said that before the Board approves that building, the south side elevation would have to be taken into consideration.

Glenn MacWilliams said that it appeared that the air conditioning units would be sitting in a setback, where the architectural plan stated that they could be optionally mounted on the roof. Seth Spiller indicated that he now understood that the AC units could not go into the setback. Barrie Munro said that he wanted the details about the air conditioning units included in the Findings of Fact. Steve Burns said that the note would not be included on the Mylar. There was discussion about utilities being allowed in the setbacks, but Glen MacWilliams said that the air conditioning was mechanical, and did not qualify as a utility.

Barrie Munro said that an abutter across Route 1 had asked that, if there were a turning lane due to the increased volume of traffic caused by Cape Neddick Village, would traffic encroach onto the abutter property. Seth Spiller said he had spoken to DOT about the turning lane, and DOT had indicated that the road would not be widened, but that striping would be added to indicate the turning lane. Barrie Munro replied that it is premature to take the matter further.

Motion Glen MacWilliams moved to accept and approve this application based on amendments to the Findings of Fact. Tom Manzi seconded the motion, which passed, 4-0 (with Michelle Moody not voting).

The board members proceeded to sign the Mylars. Steve Burns commented that applications are seldom granted without conditions, making it unusual for the Board to sign Mylars during a hearing.

Comprehensive Plan Amendments Discuss each of the 5 draft chapters which have been drafted. If additional time is required by the Board, discuss procedural options.

The document referenced in this section is called the *Proposed Comprehensive Plan Amendments; Materials posted for consideration at the November 2005 General Referendum*. The draft being discussed is dated March 29, 2005 and includes the following five items:

1. Economic Base Chapter, Inventory & Analysis
2. Utilities Chapter, Inventory & Analysis
3. Transportation Chapter, Inventory & Analysis
4. Natural Resources Chapter, Inventory & Analysis
5. Growth Projections Chapter, Inventory & Analysis

Town Planner Steve Burns said that Items 1 and 2 were furthest along, while, Item 4 has the most gaps. The first Public Hearing is planned for posting on June 3, a week away, and then there will be a month's notice between the posting and the hearing. Barrie Munro said that on top of the five chapters, there are 17 Ordinance Amendments to put forward for November, but that that number could grow to 20 or 21. Barrie Munro thanked the staff for its tremendous effort in moving these items quickly, and he encouraged the people of York to become involved with the process sooner, rather than later, to

be most effective with their input. Steve Burns said that the documents would be posted on the web as they become available, and that extra sets still be available at the Library and from the Town Clerk, as well.

Barrie Munro asked the board members which items they thought should be prioritized. Glen MacWilliams said he thought the process should start by focusing on Natural Resources, because all planning depends on the significance of Natural Resources. He said that he had personally put a lot of time into the chapter. Of all the resources, water resources should come first, and in order, surface water should be followed by ground water, and then the relationship between geology and water will enter the picture. Disposal and drainage are related to the soil. The overall condition that exists is that all these things relate. The Board has to pay attention to what goes into the oceans from the land-side, he said. The Town's responsibility to protect all the water is clear. Tom Manzi added that he would like to see a paragraph about the gift the glaciers gave us, making York a unique creation.

The conversation moved to Scenic Resources and the requirement for photos and narratives to complete the descriptive chapter. Michelle Moody wondered if going off the road would be part of gathering information about the sites. Barrie Munro answered, yes, because those hidden areas are part of the fifty-six square miles the make up the town.

Tom Manzi said that the estimate that the sea level will raise two feet in 100 years is a significant consideration, because current building is going on so close to the water's edge. Steve Burns said that that two-foot per 100 years is a policy figure from the State. Steve Burns had recently received aerial photography of the town that will come in handy when looking at building plans. For example, with that two-foot estimation, Long Sands Road will not be a through-road in 100 years. There will other implications for the transportation chapter. There will be a big ripple effect all the way to the headwaters of the York River, he said. It will influence decisions about flooding in York Beach, which will affect issues like underground utilities.

Chairman Barrie Munro moved the discussion to the Economic Base Chapter, which is replete with tables and graphs about employment, housing, retail, tourism, and commuting practices. Steve Burns said that David Purcell, the chapter's author, has a particular strength in economics, which shows in the chapter. Glen MacWilliams said that the analysis of the information should be moved from the last three pages to the first three pages of the chapter, so that a reader does not have to wade through so much material before understanding the conclusions.

Barrie Munro moved the discussion to the Transportation Chapter. As Steve Burns showed a map of the town, he pointed out collector roads, which connect to other towns and are indicated in red, and he showed the local roads, in blue. He said that Bill Bray thought that some roads that are categorized as local roads, like Mountain Road, are really collector roads. Ultimately, the roads can be reclassified through lobbying. Steve Burns showed specialized GIS maps called Road and Bridge Jurisdiction, Road and Bridge Conditions, and a Highway Safety map. He said that the narrative does not dem-

onstrate the descriptive language of someone native to York, and the text needs adjustment to impress more local knowledge. The transportation information will help redefine traffic patterns, he said.

Referring to the Bridge Condition map, Michelle Moody said that Rices Bridge and Cooks Bridge have been repaired and should be taken off of Table 7, Bridge Conditions of Concern. Tom Manzi said that it would be good to know how many school children ride the bus and how far they ride. For example, if children don't ride the bus, why not? Michelle Moody brought up the availability and accessibility of York's Wild Kingdom, mentioning that the discussion between the Kingdom and the Town has been attempted, but ended. She said that the transportation system for the new Senior Center has not been included and should be. Also, people generally make day trips to the beaches here. It would be better if they would stay for several days. Tom Manzi asked about people who drive to the Post Office to pick up their mail, as opposed to there being Rural Free Delivery. Michelle Moody said that those would be good statistics to include, adding that there are four post offices, and two of them refuse to deliver.

The discussion moved to Growth Projections. Barrie Munro commented that by 2025, all the available, buildable land would be gone. Steve Burns predicted that the situation would be a concern by 2010. Barrie Munro said that some of the ordinance changes that can be made could lessen build-out, significantly. Steve Burns said that the chapter needs more explanation and graphics in order for the reader to visualize the information better. Barrie Munro agreed that the presentation is very abstract.

Steve Burns said that the Utilities Chapter had been updated since the last review. Michelle Moody said that she was happy to see that tower stealth technology had been included in the chapter. Barrie Munro commented that on a trip from Vermont, he had seen some cell towers that were disguised as trees, and "they were not that bad."

The group took a five-minute break.

Site Plan & Subdivision Amendments. Discuss draft amendments prepared by the Town Planner and dated May 3, 2005.

This section of the meeting was based on the May 3, 2005 document from the Town Planner Steve Burns called *Proposed Amendments to the Site Plan & Subdivision Regulations*. The index includes the following 13 items:

1. Eliminate contents of Article 4 as currently written because its two sections don't make sense as a stand-alone article.
2. Site visits.
3. Address Ex Parte Communications
4. Set submittal deadlines for supplemental information.
5. Toughen up the historic/archaeological standards
6. Alter the fee schedule

7. Expand the completeness requirements to include information about overlay zoning districts
8. Define the purposes/goals of the different stages of the review process: conceptual, preliminary, final.
9. Update all the statutory references in the regulation.
10. Add performance standards to address each of the criteria of approval of §1.2
11. Plat Standards
12. Approval required prior to site work.
13. Number of submittals required.

Steve Burns said that the content of the regulations have to be overhauled. He hoped to get rid of the Route 1 Use process, ultimately, saying there should be only one process for all areas. For example, if Dunkin Donuts had gone to Woodbridge Road, they would not have had to come to the Planning Board at all, and gotten passed by the State. He added that Dunkin Donuts is going to the Board of Appeals on June 22, however, he had heard that they might have already withdrawn. Barrie Munro added that if sufficient criteria existed, it would speed up the entire process. There would be more specifics regarding standards for all types of applications.

The Board went over the contents of the Proposed Amendments. Some amendments created more discussion than others. For Item 1, Steve Burns said that the Site Plan Regs should be clearly different than Subdivision Regs. Item 2 sets ground rules for Site Visits, which can be attended by any interested party. Regarding Item 3, Steve Burns said that rules about *ex parte* communication are included for the benefit of future board members. The Board then discussed Submittal Deadlines, Item 4. Steve Burns described the amount of time he requires for reviewing an application for completeness, and how he and the Chairman work together setting the agendas for upcoming meetings. One week in advance would be sufficient time for submittal deadlines, he said. Steve Burns also described a spreadsheet system he had devised for documenting all the activity of each applicant. He also described the current insufficiency of the space he has at Town Hall, and how he hopes to make it more efficient.

Steve Burns said that regarding Item 5, Archeological, the Board has become clear that it wants the archeological considerations to be part of the beginning stages of the review process. In Item 6, Fees, Steve Burns said that Finance Director Jenny McCann is recommending that the Board draft an ordinance amendment allowing the conversion of the fee schedule. The fees are not reflecting the administrative costs, which include the Planner's time, physical, perpetual archival costs (which is about \$500 alone), and the recording secretary's fee. Steve Burns said that he is currently turning away sketch reviews because they are not a requirement, and there is not time to do them. Glen MacWilliams said that perhaps the change in the fee schedule would be helpful in getting people to come forward with more complete reviews. Barrie Munro said that the money would go into earmarked accounts, rather than a general fund. Steve Burns said that the financial controls are already in place to make sure that the money is accounted for. Each applicant's money will be carefully tracked, because it has to be refunded, if it is not

spent. Regarding Item 7, Completeness to Inclusion of Overlay District Information, Steve Burns said that inclusion of overlay district information would help make sure that all the board members have all of the references.

Regarding Item 8, Stages of the Review Process, Steve Burns used the recent Highland Farms application as an example of how the Board did not pick up on flaws in the design concept early in the review process. The changes in Item 8, he said, would “leave the door open so we have a way out, if something is missed . . . We are creating the right to say that something was missed along the way.” Barrie Munro added that the item should receive legal review.

Steve Burns said that Item 9, Statutory References, acknowledges the matching of regulations with State Statutes, which is a requirement of the State Legislature. Glen MacWilliams suggested giving specific reference to those statutes. In Item 11, Plat Standards, Steve Burns said that the Board is trying to standardize and make sense of what it says it wants when an applicant drafts a plat. Glen MacWilliams said that “plan sheet” is a better term for what is being discussed, than “plat.”

Chairman Barrie Munro suggested skipping the last two items, Approval Prior to Site Work, and Number of Submittals Required, because time was running short.

Consensus Chairman Barrie Munro asked for a consensus that Item 8, *Define the purposes/goals of the different states of the review process: conceptual, preliminary, final*, should undergo a legal review. Polling each person individually, the Chairman got positive responses from each member to go forward.

Work Priorities. First discussion about Work Priorities for the coming year.

Steve Burns said that as part of the road closure for the upcoming sewer line construction, sidewalks for pedestrians and bicycle routes could be installed. The Planning Board should have a coherent idea of what it wants about sidewalks. Also, affordable housing can be looked at in the coming year. The idea of cottage homes, with 8 small cottages on about two acres, would be good to look at. He said that Patricia Martine, of York Housing Authority, wants to broaden the idea. Steve Burns was not sure if the Planning Board has time for to address affordable housing. Thirdly, the consolidating of adjoining, non-conforming lots will be another issue this coming November, he said. Also, Michelle Moody asked Steve Burns if he thought the Selectmen want the Planning Board to take on Growth Ordinance. Steve Burns replied that it should be handed back to them. Barrie Munro agreed that growth is not something the Board should have to be encumbered with, but should analyze certain issues connected to it.

Barrie Munro adjourned the meeting. The time was 10:30.