

**York Planning Board
Thursday, May 27, 2010, 7:00 P.M.
York Public Library**

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi determined the presence of quorum. As well as Tom Manzi, Lew Stowe, Dave Woods, Todd Frederick, and Torbert Macdonald were present. Tom Prince was absent. Town Planner Christine Grimando represented the planning office. This workshop meeting lasted three hours and was televised. Patience Horton took minutes.

Minutes

There were no minutes.

Public Input

No one came forward to speak.

Field Changes

There were no field changes.

Public Hearings on Proposed Ordinance Amendments

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| Ord-1 Zoning | York Beach Design Standards |
| Ord-2 Zoning | Farm Enterprise Zone |
| Ord-3 Zoning | Refine Elderly Congregate Housing Standards |
| Ord-4 Zoning | Expand Workforce Housing Sponsoring Organizations |
| Ord-5 Zoning | Boat building in the Shoreland Zone |
| Ord-6 Zoning | Formula Restaurants |
| Ord-7 Zoning | York Village Commercial Boundaries |
| Ord-8 Zoning | Reconcile Zoning to Harbor Ord. re: piers, moored floats, etc. |

The board decided to hold all eight public hearings together and then have board discussion.

Ord-1 Zoning York Beach Design Standards

The chairman of the Historic District Commission, **Bob Cutts**, said he likes the design standards and has an idea he felt should be included. If applicants were directed to the HDC before coming to the Planning Board for design review, the applicant might have a better inclination to make a building more historical in nature. They can have good examples to mimic to keep the colonial ambience.

Public Hearing: Ord-2 Farm Enterprise Zone

Tom Blaisdell said agriculture products should include trees and woodlots. The qualities that classify a farm should not depend on \$2,000 in farm income. Thirdly, he said setbacks should be according to overlay boundaries, not lot lines, because lot lines are sometimes a conglomerate of many deeds assembled over many years. A bore radius of 50 miles to acquire products for the farm shop is too limiting. Torbert Macdonald said the regulation keeps products from coming from China. Dave Woods said cheese from Vermont should be allowed. Tom Blaisdell replied that New England would be the best reach.

Bob Cutts, speaking as a landowner, said the performance standard for temporary parking might be more flexible than the 50-footback. It doesn't seem the parking setback would be so critical in this case.

Ord-3: Refine Elderly Congregate Housing Standards

Ord-4: Expand Workforce Housing Sponsoring Organizations

Ord-5: Boat building in the Shoreland Zone

Ordinance Amendments 3, 4, and 5 did not draw public input.

Ord-6 Formula Restaurants

Fred Knox, of Long Sands Road, said a few years ago, he was involved in the ban against fast foods at York. By referendum, at a vote of 3,500 to 400, fast food chains were prohibited. That came up a few years later when Dunkin Donuts challenged the ordinance and failed. Fred Knox asked what a formula restaurant is. Tom Manzi read the definition. A formula restaurant stands alone, has a standardized menu, workers wear the same uniform, the interior and exteriors have the same color schemes from one restaurant to another, and the design and the signage are standardized.

With this Ordinance Amendment 6, Formula Restaurants, by definition, there is more restaurant flexibility. The restaurant might have originated in York or New England. The seating must be under 75 people. 75% of the units must be in New England.

Fred Knox said he is nervous about this idea, pointing to Wild Willies, Rick's, and Ruby's as targets for going out of business. Dave Woods said Wild Willies could not come into York today by the current standards, but this amendment opens the door for small, locally owned (New England) businesses. Lew Stowe said the Weathervane would fall into this. Dave Woods said, the Town is closing a loophole. If the Town doesn't change the current ordinance, it probably would not stand up in court.

Fred Knox said the restaurant people in York don't know about this amendment, and they should before it goes through.

Ord-7 York Village Commercial Boundaries

Ord-8 Reconcile Zoning to Harbor Ordinance re: piers, moored floats, etc.

Ordinance Amendment 7 and Ordinance Amendment 8 did not draw public input.

Board Discussion

Ord-1 York Beach Design Standards

Town Planner Christine Grimando said the only change is wording in the caption boxes. Torbert Macdonald said language should be inserted about review and recommendation from the Historic District Commission and showed where those changes should be made.

Todd Frederick cited the York Beach Subcommittee, recommending the chairman write a thank you to each individual. The chairman of that group, Dave Woods, read off the list of people who worked on it.

Committee member **Jim Carmody** came forward and said there were many members working countless hours. The document is easy to read because of the good writing and the good illustrations. There is nothing going into York Beach like Rite Aid, where the windows are covered up, he said. Here, the windows have to display wares.

Dave Woods added that a huge amount of the work was done by the Town Planner. For someone who came into a new community with a new profession, she embraced it and helped maintain clarity during the process.

Ord-2 Farm Enterprise Zone

Dave Woods said land can be changed into tree farms, a valid agricultural product. Tom Blaisdell said there is a State Tree Farm program. Torbert Macdonald said the same specific language should remain in the changed version and striking the “not” would sufficiently indicate approval of tree farms.

The ordinance calls for five contiguous acres. Christine Grimando suggested all the acres do not have to be contiguous and said two contiguous acres was appropriate. Also, Torbert Macdonald said the merchandise should be grown or raised within New England.

Lew Stowe said odors from farm composting might be a problem for abutters. Maybe there should be a performance standard. Torbert Macdonald replied that the aspects of composting are covered with “what composting is not.” Dave Woods said the ratio of one stabled horse per three acres should not be specifically addressed in the amendment. Why mention it at all?

Horsewoman **Laura Mitchell** was asked to come forward to answer questions. She said the rule of thumb is 2 acres of pasture per 2 horses. Plenty of people do not keep their horses to pasture. More than two horses can be kept per acre. After discussion, the board decided to keep a limit out of the amendment. Todd Frederick added sleigh rides to the list of farm occupations because there was no winter activity as an example.

Dave Woods said parking should be allowed without a required setback. People come in for an activity, as long as it is not daily. Christine Grimando said there is a temporary

event permit for parking. Parking should not be on the street. Lew Stowe said the Right to Farm should be in the language of the document. Christine Grimando said there is no map of the overlay, but it is being done. The chair closed the **Public Hearing**.

Ord-3: Refine Elderly Congregate Housing Standards

There was no further discussion about this ordinance amendment.

Ord-4 Expand Workforce Housing Sponsoring Organizations

Christine Grimando said it is now specific that other non-profits than York Housing can be sponsored organization for workforce housing. Private groups must partner with a non-profit to do so.

Ord-5 Boat building in the Shoreland Zone

Torbert Macdonald said boat building is permitted in RES-2 and RES-7. Dave Woods said this is not allowed in York Beach Village Center. Christine Grimando said this boat building is an artisan activity, wooden boats, and no fiberglass. She will insert the definition of a small boat into the language.

Ord-6 Formula Restaurants

Christine Grimando said since the Planning Board is not open to national chains, this is a fair, reasonable way to include restaurants from small groups. The Board of Selectmen requested the amendment. Torbert Macdonald asked, how can the Meat House not sell sandwiches? With considering formula restaurants, we are opening Pandora's box. Dave Woods said he supports the amendment, using Mainiac restaurant as an example. The ordinance made them fit into a shoebox. They couldn't use their successful business model because of the York Planning Board ordinances, and they failed. It's okay to start a franchise and move out, like Wild Willie's, but you can't start in Wells and come to York.

Torbert Macdonald looked at Footnote 66, which states a retail store can make sandwiches with food sold in the store. Christine Grimando said it is a request from the Board of Selectmen. Torbert Macdonald said for administrative purposes, we agree to separate restaurants out from retail stores. severing one issue from the other. Todd Frederick said "retail store" has to be defined. Dave Woods said, separating them out , we keep the same verbiage attached about the 12 locations and the New England base. Torbert Macdonald said they are logically separable.

Motion: Torbert Macdonald moved we separate Article 6 into two parts and call Article 6 "Formula Restaurants" and call Article 9 "Grocery Store" or "Retail Center." Dave Woods seconded the motion, which passed 5-0.

Dave Woods said the Article 66 language has to be changed to fit the plan.

Ord-7 York Village Commercial Boundaries

Christine Grimando said this amendment to fixes irregular zoning in York. The Board of Selectmen also requested it. There were no discussions and no changes.

Ord-8 Reconcile Zoning to Harbor Ord. re: piers, moored floats, etc.

Christine Grimando said the new ordinance will make the planning board ordinances consistent with the current language used by the Harbor Board. It is an administrative cleanup.

New Business

There was no new business.

Old Business

Dave Woods announced a June 5 (Saturday) site walk of the York Beach Project.

Mylars were signed for Perkins Subdivision and Eldredge Lumber Showroom .

Todd Frederick said York was not selected by the EPA for a grant hopefully applied to a survey about York Beach.

The meeting ended at 10:00.