

**York Planning Board**  
**Thursday, October 25, 2007, 7:00 P.M.**  
**York Public Library**

**Call to Order, Determination of Presence of Quorum**

Chairman Glen MacWilliams began the two-and-a-half hour meeting at 7:00 and determined presence of a quorum. Beside Glen MacWilliams, Vice Chairman Tom Manzi, Barrie Munro, and alternate board member Lew Stowe were in attendance. Dave Woods was absent, and Lew Stowe was asked to vote in his place. 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 other than the scheduled public hearings.**

No one came forward to speak.

**Field Changes**

There were not field changes.

**Minutes**

There were no minutes to review.

**Old Business**

There was no old business.

**New Business**

**1. Proposal by Bridget Rhinehart and Hannah Mitchell to incorporate LEED Green Building standards into construction of public buildings.**

Bridget Rhinehart and Hannah Mitchell, high school seniors in Mr. Clark's advanced placement political science class, made a PowerPoint presentation proposing silver certification from the U.S. Green Building Council (USGBC) on future city buildings built in the Town of York. Certification for Leadership in Energy and Environmental Design (LEED) requires compliance to construction standards in such areas as water efficiency, energy management, material selection, and indoor environmental quality. LEED certified buildings cost about 1.9 percent more than conventionally designed buildings cost, Bridget Rhinehart read from her script, and the financial gains returned by the benefits of the design exceed additional expenses.

Glen MacWilliams opened the **Public Hearing**. **Joe Lipton** asked that the group applaud the young women, the “youth of today,” for being part of the public process. Everyone clapped. The public hearing was closed.

Glen MacWilliams said he had been involved in Green Building Construction. There has to be an ordinance in towns for moving toward certifications in local public buildings, he said. An amendment to the zoning regulations might utilize the process. Bridget Rhinehart replied that she and Hannah Mitchell plan to go to the selectmen with their proposal. An attorney had offered assistance with writing the proposal. Glen MacWilliams asked the planning board if they would support such an amendment, and each member answered yes. Tom Manzi said that the new town hall would be next public building built. It could become LEED certified.

**2. York Beach Re-Zoning. Discussion with York Beach Renaissance Committee on the current status of the proposed zoning changes, and remaining work to be done going forward. Address whether additional opportunities for public input should be offered.**

Cathy Goodwin, President of the York Chamber and member of the York Beach Renaissance Committee, and Dawn Fernald, Chairman of the York Beach Renaissance Committee, sat at a table and spoke to the board. Cathy Goodwin said the Renaissance Committee hopes to get a packet, including Ordinance 9, York Beach Zoning, forward to the Board of Selectmen by the end of December. The plan calls for an expanded York Beach Village downtown area, as well as a mixed-use area with residences and businesses combined. She read the Mission Statement.

Beach area residents had shown concern about the eastern transition zone, so at one time, that area has was eliminated from the general transition zone. It was later re-admitted, because it was felt important for businesses to be included in the area, which configuration also fits into the mission. Currently, the group is working at matching use tables to the zone. Renaissance members are also studying elements to include in the required Impact Statement. Placing parking lots in the adjacent zones would solve the parking availability issue. That way, there might be enough parking to fit the requirement, Cathy Goodwin continued. Determination of whether or not design standards should be mandatory or voluntary is still up in the air. Community Development Director Steve Burns had provided a simplified version of South Portland’s design standards for the committee to consider. It can be discussed with the Planning Board next month, when the Renaissance Committee returns for another review.

The Chair opened the **Public Hearing**. No one came forward to speak, so it was closed.

Lew Stowe said he agrees with the vision statement, but he thinks it provides fuel for restricting development, as well as encouraging it. He suggested making design standards mandatory in the village center, and voluntary in the transition areas. Barrie Munro said the requirement on Pages 12 through 18 of the design standards should be mandatory. It is a great document, he said, if York Beach developers can learn to live up

to it. He suggested the Planning Board determine whether or not a plan satisfies design requirements, rather than having Code Enforcement make the decision. Glen MacWilliams said the Board has to have copies of South Portland's design standards. If they went with Barrie Munro's idea of making the Page 12 through 18 section mandatory, it would reduce the size of the design standards, Glen MacWilliams said.

Town Planner Christine Grimando discussed the time line for reaching the various deadlines. The final presentation would be scheduled for January 24, 2008, notices for which would be sent out at the beginning of January. Barrie Munro suggested having two meetings before then. Glen MacWilliams said the Renaissance Committee can go to Christine Grimando with issues, as can the Board members.

The board and the applicant discussed zones and uses. Barrie Munro asked how to arrange for non-residential activity that can be comfortable for the residential community. In that instance, mass and scale, lot coverage, and uses are important. Glen MacWilliams said the current transition zone includes residential and commercial properties that interface. Barrie Munro said things will change, and the ideal would be to have an understanding up front of how things might change. As he had at prior York Beach Renaissance hearings, Barrie Munro asked for an impact statement and was told one would be submitted. Barrie Munro asked again for information describing the existing situation for both the eastern transition zone and for the village center expansion area, including lot sizes and uses for both sides of Main Street, lot coverage, if possible, and the net buildable acreage for the Village Center expansion area.

Glen MacWilliams said the next hearing would be on November 29. A public hearing would then be scheduled for December 13. The final public hearing on January 24 would have notices sent out in early January. The board and applicant discussed preparation for submittal to the Selectmen. Cathy Goodwin suggested moving documents to the Selectmen immediately. Glen MacWilliams suggested doing so after the November 29 meeting, at which time the Planning Board will conduct a vote of confidence. Barrie Munro added that he hopes to see gas stations eliminated from both zones in York Beach.

Glen MacWilliams generalized the importance of avoiding of *Ex Parte* communication, and referred to the town website for further guidelines about this important concern.

**3. Open Flag Requirement. Discussion of potential change to the code to permit each business to have an open flag.**

Christine Grimando said the flags reading OPEN are not officially allowed in York, but they are all over the place. The Planning Board has an opportunity to regulate what the OPEN flags and other advertising flags look like. Questions include: What are their measurements; Are the flags lighted?; Are the Poles Lighted?; And what will they look like? Tom Manzi said permits are necessary for temporary signs and banners, but asked What about sandwich boards? Glen MacWilliams referred to a clever, plain, checkered racing flag outside Meadowbrook Plaza that very simply advertises the model racetrack, inside. Barrie Munro commented that Freeport does not have flags on their Front Street.

Glen MacWilliams opened the **Public Hearing**. **Joe Lipton** of York Beach said the grandfathered signs in York Beach, including Fun-o-rama, Union Bluff, and the Goldenrod, where there is even neon, would not be permitted in today's standards. These signs create competition that is difficult to meet by new businesses with restricted signage. Sign zoning is not enforced, he said. He was told to take a sign down from his nightclub, and it would have been fair if the other 76 violators had been asked to take theirs down, too, but they were not. He wanted to put up several American flags, and was told he could not. There is no common ground, he said. The entire sign ordinance needs to be looked at. It will be difficult to enforce, and it will also be difficult to decide what is grandfathered, or not. The chairman closed the public hearing.

Glen MacWilliams said the ordinances change, and the process is flexible. The board creates an opportunity for public betterment, and some people, but not all, comply. Barrie Munro said that if the sign ordinance is correctly enforced, the sign or flag will never be in a location that is dangerous to the public. Glen MacWilliams reminded the board that they do not enforce anything, but rather propose changes in the law. The board should tell Code Enforcement to enforce the law and have the ordinances upheld. Lew Stowe asked how many signs are out there. Christine Grimando answered that about one-third of all violations are sign violation, which are very difficult to enforce. Barrie Munro commented there are 100 violations on Route 1, alone. Christine Grimando was asked to write a letter to Code Enforcement about feedback concerning sign issues.

**Motion** Barrie Munro moved that Town Planner Christine Grimando will write a letter to Code Enforcement requesting analysis and feedback about sign issues with possible suggestions for action the planning board could take. Lew Stowe seconded the motion, which passed 4-0.

**4. Front Setback Requirements in Existing Neighborhoods. Discussion of the issue of unequal treatment of new construction vs. building additions.**

Glen MacWilliams said that during a recent review involving this ordinance, the opponent made the implications of the weaknesses in the ordinance very clear. In kind, the Town should look at how to deal with setback issues.

Christine Grimando read some of the background materials out loud. The Town is making an is an effort to bring Item K into consistence with Footnote B, considering how this part of the ordinance has been interpreted and enforced for years. Currently, enforcement of Footnote K is interpreted that a Code Enforcement Officer can waive the minimum requirements on new construction and can include additions (expansions) into that interpretation.

Barrie Munro said the opponent to the subject application disagreed with that interpretation of Footnote K. That disagreement is detrimental to the town. It disagrees with the standards of the town. The amount of the setback can be waived should be

consistent with the average setbacks of the street, with the 15-foot minimum. In the case of new construction, the setback can be the average of the houses around it. In the case of expansion, some people feel that is unfair. Barrie Munro asked Christine Grimando to put language together that would determine what is needed for setbacks in immediate neighborhoods.

**5. Planning Board Workshop Schedule. Discuss the need for additional workshop meetings beyond the current schedule.**

York Beach Zoning is considered a priority in the workshop schedule, with January 4, 2008, as the drop-dead date for that work's completion. Workforce Housing is not a priority. The Workforce Housing Committee had been disbanded. Barrie Munro said that the dedicated people of the workforce committee will go back to work on it.

Barrie Munro said the Shorelands should be dealt with before Workforce Housing, anyway. Glen MacWilliams said there would not be substantive changes to Shoreland ordinances, but size and species criteria with bearing on the area must be defined. The State mandate is specific about whether or not an area is buildable.

Workforce Housing is faced with the question of whether units should be owned or rented. If the units go on the open market, it would mean losing control of what had been created. Lew Stowe said the subject is for presentation to the Selectmen. Glen MacWilliams said the criteria have not yet been identified. Tom Manzi suggested having a workshop with the building community to find out why it is not trying to fill the demand of affordable housing.

## **Other Business/Adjourn**

Glen MacWilliams said applicants come for guidance and resolution from the Planning Board during workshops. **Diane Flynn** is coming forward concerning R-6 Home Occupations. She has sent a letter that will be read into the record when the board addresses those issues.

Regarding *Ex Parte* communication, Glen MacWilliams explained an abutter letter was written to him, which was passed on to the Planner (then Steve Burns). It was distributed to the Planning Board at the distress of the writer, who did not want the letter to be made public. Communication has to be fair and have equal footing. What *Ex Parte* is, and how the Planning Board will deal with it, will show up on the Town website.

Finally, there are application reviews coming up that Lew Stowe and Dave Woods have seen nothing of in their terms as Planning Board members. They must familiarize themselves with all open applications that come before us, though one has been postponed many times, Glen MacWilliams said. New board members must review older applications in order to participate.

The meeting ended at 9:45.

