

**York Planning Board**  
**Thursday, January 26, 2012, 7:00 P.M.**  
**York Public Library**

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

Chairman Lew Stowe conducted the meeting. A quorum was determined with five people voting: Todd Frederick, Tom Manzi, Torbert Macdonald, Jr., Lew Stowe, and Dave Glazebrook (For Dave Woods). Alternate Tom Prince was present. Dave Woods was absent. Town Planner Christine Grimando represented the York Planning Department. Community Development Director Steve Burns discussed ordinance amendments. Patience Horton took minutes.

**Public Input**

There was no public input.

**Field Changes**

There were no field changes

**Minutes**

The January 12, 2012, minutes were reviewed, and board members requested corrections.

**Motion:** Todd Frederick moved to accept the January 12, 2012 minutes as amended. Tom Manzi seconded the motion, which passed, 5-0.

**Public Hearings on Proposed Ordinance Amendments**

<b>Ord-8</b>	<b>Zoning</b>	<b>Outside Merchandise Display</b>
<b>Ord-9</b>	<b>Zoning</b>	<b>Parking in York Beach Village Center</b>
<b>Ord-10</b>	<b>Zoning</b>	<b>Setback Changes</b>
<b>Ord-11</b>	<b>Zoning</b>	<b>Home Occupations</b>
<b>Ord-12</b>	<b>Zoning</b>	<b>Refine Residential Use Definitions and Standards</b>

Community Development Director Steve Burns gave an overview of six ordinance amendments, including bait houses, which will be forwarded to the Selectmen by the Harbor Board, instead of by the Planning Board. After the overview, the amendments were reviewed in greater detail with public hearings and vote was taken to forward the amendments to the Selectmen.

**Ord-8 Outside Merchandise Display**

Mom and Pop businesses need outside more display along Route 1, said Steve Burns. The big corporations, like Hannaford, don't rely on such displays. The amendment gives smaller businesses a more generous and flexible standard.

**Ord-9 Parking in York Beach Village Center**

The new parking requirements are simpler. The current parking standard is not appropriate for York Beach, because it was not written in consideration of cars parking in one spot for the day and people walking around, instead of driving.

### **Ord-10 Setback Changes**

The amendment fine-tunes minor setback changes of fences and accessory structures.

### **Ord-11 Home Occupations**

Different uses have been based on zoning. Performance-based standards focused on physical characteristics, like use of space or impact on neighbors, will make all uses possible in all zones.

### **Ord-12 Refine Residential Use Definitions and Standards**

The use tables for residential use standards have a flaw. They were done without including policy. This amendment allows for better definitions of policy.

### **Bait House**

Floodplain management limits how big an expansion on a bait house can be when it is 200 square feet on the waterside of high tide. There was discrepancy between the State and FEMA. Steve Burns said he Googled the limits allowed by some big coastal states like Maryland, South Carolina, and Delaware. In Delaware, there is no limit to bait houses on the waterside of high tide. The “Feds” woke up about bait house building size, and the limits that apply where big ocean waves threaten the buildings. Consequently, bait houses have relaxed size limitations in places like the York River, said Steve Burns.

## **Public Hearings—Proposed Ordinance Amendments**

Steve Burns began a second review of the amendments.

### **Ord-8 Outside Merchandise Display**

There are two forms of outside display: storage and retail. The outside storage area is not for browsing, though at Eldridge, a customer might select some boards. Generally, an outside storage area is screened and not many people go there.

Small businesses (up to 2,500 ft) are allowed 1,000 square feet of outside display area for retail. Large businesses (over 2,500 square feet) are allowed 2,000 square feet. A retail area does not have to be screened. Some of the display is allowed in the buffer. Businesses in the 50 MPH zone have 15% more outdoor display. Steve Burns said he foresees issues with parking in handicapped access areas, safety (“no knights with spears leaning over bicycle paths”), and straddling displays over a property line without permission. The CEO will monitor the size of the outdoor retail display somewhat casually, and the CEO will work out corrections with the owner rather than issue violations. A person does not have to come in for a permit, except for vehicle display.

There had been a “bulk mulch war” between the Abbotts, the Gammons, and Coastal Landscaping over displaying mulch piles in the bufferzone. The Abbotts were grandfa-

thered into keeping their display in the bufferzone. The other two had to apply themselves to the ordinance. Chairman Lew Stowe opened the **Public Hearing**.

**Ann Humphrey**, York Corner True Value (not to be mistaken with Ace Hardware), stated that the planning board members have no idea of how long it takes to price things and lug them out to outside display areas. Lugging them in at night would eat into the other tasks done all day and cost more money on part-time help. She asked the board not to make her bring things in at night. They are not going to get stolen. She asked if she has to measure each piece to not exceed the 1,000-foot outdoor display area. She asked what grandfathering is and was told grandfathered means that the original use had to be legal.

**Brenda Elwell-Taylor**, Brenda's Bloomers, 1520 Route 1, agreed that moving things in and out creates a hardship, as is measuring the areas involved in the displays. She is 21 feet from the side of a road where cars travel at 50 MPH. She puts her things away at night. Steve Burns said that the measurements are approximate. Brenda Elwell-Taylor qualifies for 150 square feet in front of her house, because of the 15% rule.

#### **Ord-9 Parking in York Beach Village Center**

There are about 1,800 parking places within a certain radius of the Goldenrod, in York Beach Village. That includes private lots, the campground, Ellis parking, on-street parking, etc. The new ordinance is in consideration that people don't drive from use to use. In general, shared use activity cuts the parking standard to about one-half. When there are changes in the use or building, the merchant will not need to perform a parking analysis. The **public hearing** was opened.

One section still needed clarification about existing businesses and new construction being changed into dwelling spaces, said Town Planner Christine Grimando reading and commenting on an email by **Joe Lipton**, who was concern also about residential being made into office space. In both cases, the impact does not seem to be larger, she said.

#### **Ord-10 Setback Changes**

Within the growth zone, one minor accessory building can be placed on each lot. If there is a higher density, the accessory buildings can be closer to the lot line. Steve Burns said that RES-4, York Harbor, is not included in the amendment, nor are BIS-1 and BIS-2, because there would be local resistance.

Torbert Macdonald said there is a need for woodsheds that can hold four cords of wood. His wood sits without a roof to keep the rain and snow off. Different plausible sizes and shapes for the storage of four cords of wood, or possible bicycles, were discussed with the final standard being a three-sided, or four-sided open shed, 10 foot at the front and 8 foot at the back, shed roof, no peak, with no wall higher than 10 feet. The **public hearing** was opened and closed. No one came forward to speak.

#### **Ord-10 Setback Changes**

Corner clearance setbacks require change to the fence standard for management of vegetation blocking sight views. Standard buildings will no longer push up to the corner of

the lot. The amendment will require any fence or vegetation to be behind a triangle with an apex at the corner sides 20-feet from the apex. The apex and the hypotenuse will be 20-feet back to the 20-foot mark.

Pergolas are treated as fences that are 8 feet or shorter, continued Steve Burns. They might be seen as posts with latticework. Stonewall Kitchen has effective pergolas at the entry to the viewing gallery.

The chairman opened and closed the **public hearing**. No one came forward to speak.

### **Ord-11 Home Occupations**

Currently, home occupations can't have certain uses. With this amendment, all uses are allowed in all zones. Regulation falls back on performance standards.

In the **Public Hearing**, Steve Burns read a letter written in October, 2011, from Diana Flynn. The amendment is based on the letter, he said. She wants to see that home occupations are accepted in all parts of town. Hers is family daycare as opposed to daycare center. She will have only 13 children, age 2-6, per teacher. She named several family daycare centers around York. Family day care keeps children in neighborhoods.

Steve Burns said that performance standards are based on the zone. Performance standards might alter in different zones based on the number of employees, parking, impact limits, water quality, or solid waste. Square footage determines the number of outside employees.

### **Ord-12 Refine Residential Use Definitions and Standards**

Steve Burns said **Manufactured housing** has a Federal standard. The house arrives on its own chassis and goes on any ½ acre lot in the state. The Comp Plan was brought into compliance with State law about manufactured housing, but we are out of compliance with the state today. The ordinance amendment fully complies.

**Modular homes** are called “stick built,” and are built on an independent chassis. A State Housing Code regulates them. **Mobile homes** include modular housing. The **public hearing** was opened and closed. No one came forward to speak.

**Motion:** Torbert Macdonald said, I move that we forward Amendments 8, 9, 10, 11, and 12, in Zoning, to the selectmen. Dave Glazebrook seconded the motion. The motion passed without discussion, 5-0.

### **New Business**

Lew Stowe had prepared an outline for this discussion.

- **Workshop on Planning Board Conduct and Work Process**
- **Workshop on Comprehensive Plan Chapter: Capital Investment Plan**

#### **1. Review Project Review Meetings**

#### **2. Conduct of Review Process**

### **3. Conduct of board members and applicants**

#### **1. Review Project Review Meetings**

Lew Stowe suggested the chairman work with the Town Planner in scheduling application hearings before the board.

Torbert Macdonald suggested offering the GIS, and whatever other information the Town can offer, to the applicant during the sketch phase. By sharing it with and guiding the applicant during the early stage, both the Town and applicant have better groundwork. Hydro, soils, vegetation and habitat, watershed, wetlands, conservation, green enterprise—information can be made available to help the process. Christine Grimando said she could have information in the laptop and show layered information to the applicants and the board. An early site walk would help the process, too, said Tom Manzi. Christine Grimando explained that it is not mandatory to do GIS work in the sketch review process.

Stages of the application process were discussed. Similar work is done during the preliminary and final stages. Work from DEP and other authorities should be done in the earlier phase. The Findings of Fact are developed, along with other final work, at the very end, said Lew Stowe. Review with DEP is impossible until the permit applications are filed, said Christine Grimando. That can be a holdup in the process.

#### **2. Conduct of Review Process**

The order of business for preliminary hearings seems to be in correct order for the members of the board. It was agreed that a board member should begin every contribution by raising hand and being recognized by the chair. Lew Stowe asked if the round-table discussion back and forth with the applicant as the applicant sits in at a table facing the board table is effective. There were mixed feelings about how formal the conversation should stay.

Should the applicant address the board from the podium? Todd Frederick suggested rolling the spare podium into the central area. The chair should be addressed, “Mr. Chairman,” said Torbert Macdonald. Lew Stowe asked if the applicants and experts and the board members should be called by their surnames. In discussion, the board said for the most part: yes to surnames, though sometime “no.” Tom Prince suggested having the speaker put their name on folded paper and placing it in front of them on the podium for the board members to read.

“Moving the Question,” “Point of Order,” and “Out of Order” were defined and discussed.

#### **3. Conduct of board members and applicants**

- Todd Frederick, Dave Glazebrook, and Tom Prince said they had signed an ethics agreement, including conduct, when they joined the board.
- Tom Prince said he has seen conduct has gone beyond what should be expected.

- Torbert Macdonald said that we're a quasi-legal body making legal judgments. And to the degree that we stray from the text, we're letting the whole system down.
- Todd Frederick said that we are here to serve the public and to serve the town and make it a better place. That's what we choose to do. But, we need to respect one another's opinions.
- Tom Manzi said we should be able to disagree without being disagreeable. Most votes are not 5-0. It broadens our own perspective to listen to each other. Listening to each other is part of the respect we need to do our job.
- Tom Prince said he didn't think it appropriate for anyone to walk out of a meeting, that it is disrespectful. It is not the right conduct for a board member to do.

The discussion was basically along those lines.

The meeting wrapped up with plans to reorganize preparation for the next sketch review, which was discussed earlier in the meeting. Torbert Macdonald outlined ideas for the capital plan. Christine Grimando asked for any further feedback on the Barrell's Grove Findings of Fact, which will be presented to that applicant at the February 9<sup>th</sup> Planning Board meeting.

### **Old Business**

There was no old business.

### **Other Business/Adjourn**

- **Barrell's Grove Subdivision Mylars and Findings of Fact**

The work will be ready for the February 9 meeting.

The meeting ended at 11:00