

York Planning Board
Thursday, January 28, 2010, 7:00 P.M.
York Public Library

Planning Board Chairman Tom Manzi, Vice Chair Lew Stowe, and board members Todd Frederick, Dave Woods, Torbert Macdonald, and Tom Prince were in attendance. Torbert Macdonald filled the open and unfilled seat. Town Planner Christine Grimando and minutes secretary Patience Horton were present. The chairman formally introduced the board and welcomed the interested parties during the 7:45 public forum. This workshop/forum meeting was televised.

7:00 – 7:45 P.M.: The Planning Board will conduct the following Public Hearings on Proposed Ordinance Amendments.

Public Input - Open to the public to address any issue.

No one came forward to speak.

Field Changes

No one came forward for Field Changes.

Minutes – Review and approval of minutes.

The minutes of the January 14, 2010, York Planning Board meeting were reviewed. Changes were discussed and given to the secretary for correction.

Motion: Torbert Macdonald moved to approve the January 14 minutes as amended. Dave Woods seconded the motion, which passed, 5-0.

Public Hearings on Proposed Ordinance Amendments For the May 2010 General Referendum

Ord-1 Zoning	Cultural Facilities
Ord-2 Zoning	Definition of Structure
Ord-3 Zoning	Ground Mounted Mechanicals
Ord-4 Zoning	Functions of Residential Lots
Ord-5 Zoning	Change of Non-Conforming Use in the Watershed Protection Overlay District

Town Planner Christine Grimando said this hearing is the final hearing before the May referendum. This evening, an overview and public hearing will be given on each item followed by the preference vote on each item to send forward to the Selectmen.

Ord-1 Cultural Facilities

Christine Grimando said the purpose of this ordinance amendment is to allow the new use of Cultural Facility. A cultural facility, like an artist colony, can be established in any

zone, including the Route 1 Zone, as long as it meets the performance standards. Examples of performance standards are a minimum acreage, minimum square footage of the studios, setback requirements, and off street and on-grounds parking. There was no board discussion about Ord-1 Cultural Facilities.

Ord-2 Definition of Structure

Ben McDougal, Shoreland Officer and Assist and Code Enforcement Officer, explained the Definition of the Structure is to clarify and update the definition as it stands. He read the amendment.

Ord-3 Ground Mounted Mechanicals

Ben McDougal read the language of the proposed ordinance.

Ord-4 Functions on Residential Lots

Ben McDougal said the ordinance allows certain residential parcels to hold functions. He read off the criteria for the properties. Weddings, graduations, and family gatherings are possible functions.

Ord-5 Change of Non-Conforming Use in the Watershed Protection District

Ben McDougal said this ordinance amendment administratively shifts the jurisdiction of non-conforming use in the Watershed Protection District from the Board of Appeals to the Planning Board.

Chairman Tom Manzi opened the **Public Hearing**. **Barry Leivovitz** asked specifics about the parking allotment for the Cultural Facility artist colony. How can there be one-half parking space for each studio? **Community Development Director Steve Burns** answered that the one-half parking space is rounded up. Barry Leivovitz said there is potential fraud with artist studios possibly being used as summer places. Christine Grimando said, when Code Enforcement learns about any infraction, they will pursue it. Steve Burns added that Article 5, which disqualifies a hotel from being converted into condos, would apply the same density regulations to disqualify the possibility in this case. All having been heard, the Chairman closed the **Public Hearing**.

Motion: Torbert Macdonald moved we approve the forwarding of Article 1, Cultural Facilities, to the Board of Selectmen. Todd Frederick seconded the motion, which passed, 5-0.

While discussing the next article, Ord-2, **Definition of a Structure**, Torbert Macdonald recommended changes, and he read the revised version. The board members agreed the change, to include the covered woodpile as a structure, was appropriate.

STRUCTURE: Anything temporarily or permanently erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, and/or anything constructed or erected with a fixed location on or in the ground, exclusive of survey boundary markers and vehicles. Enclosure shall not be construed as pertaining to temporary tarpaulin covered enclosed entities such as a boat, cordwood, hay rolls, or bales.

Motion. Torbert Macdonald moved that we forward Article 2, Definition of Structure, to the Board of Selectmen. Lew Stowe seconded the motion, which passed, 5–0.

Todd Frederick asked how an emergency can be defined for the next article, **Ord-3, Ground Mounted Mechanicals**. Also, he said, since it is not in writing, how is the proximity of the equipment to the building next door judged? He said he was seeking a transparent process so that one circumstance would not be treated one way when someone else might meet a different decision. Ben McDougal said the position of the generator is determined by manufacturer recommendations. The definition of “emergency,” should be found on State, Federal, and FEMA websites. Tom Prince pointed out that the ordinance amendment has to fall within the setback requirement and is not about the use of emergency generators, as the discussion implied.

Motion: Torbert Macdonald moved to forward Article 3, Ground Mounted Mechanicals, to the Board of Selectmen. Dave Woods seconded the motion, which passed, 5-0.

There was no discussion about **Ord-4, Functions on Residential Lots**, or **Ord-5, Change of Non-Conforming Use in the Watershed Protection Overlay District**.

Motion: Torbert Macdonald moved we forward Article 4, Functions on Residential Lots, to the Board of Selectmen. Todd Frederick seconded the motion, which passed, 5-0.

Motion: Todd Frederick moved we sent Article 5 along. Torbert Macdonald seconded the motion, which passed, 5-0.

The first section of business for the evening was complete. The business turned to the main event.

7:45 P.M.: The Public Forum on the York Beach Project Begins

Chairman Tom Manzi welcomed the forum participants and introduced the Planning Board, summarizing each person’s involvement with the board and the York Beach Project. This meeting is a progress report of the work that has been done so far since August (2009), he said. Holding up a copy of Dr. Seuss’s *Horton Hatches an Egg*, he said, “This is required reading for this project, and represents the kind of devotion and care and attention to create our collective vision for York Beach and hatch it into a new reality that we can all be proud of.”

Tom Manzi continued. This is the largest block of land in the York Growth Zone. There will be a site walk with abutters, owners, and others. The area has recently flooded twice in two years. Through a grant from FEMA, we got to take care of the drainage. York Beach is a “brand” in the mind of the tourists.

The Board of Selectmen had given a Charge to the Planning Board, and it was read aloud.

Charge

Create a vision, through a public participatory process, for what the Town of York Beach wants to happen in the land area between York Beach Fire Department and Route One and provide proposals to the Board of Selectmen on Comprehensive Plan amendments, Zoning Ordinance Amendments for mixed commercial use/development and Design Standards. Recommendations will promote the maintenance and development of an attractive, economically viable, safe, family oriented environment with a vibrant mix of business uses. The time frame is 1-3 years with the Planning Board meeting with the Selectmen every three months on this topic.

Sections a. through k. organizing the evening's business were read. Throughout the evening, for the benefit of the public present and representing York Beach, Chairman Tom Manzi carefully explained the process as it was being laid out.

Public Forum on the Planning Board's York Beach Project

- a) Welcome and Introduction: by Board Chairman Tom Manzi
- b) Review the Assignment from the Selectmen to the Planning Board: by Tom Manzi
- c) Short Video on the History of York Beach: by board member Tom Prince
- d) Study Area Boundaries; What's Within the Area:
 - By Town Planner Christine Grimando
- e) Describe current Comprehensive Plan Policies: by board member Torbert Macdonald
- f) Describe current Zoning Policies: by board member Todd Frederick
- g) Share what we Heard from Municipal Department Heads
 - By Community Development Director, Steve Burns
- h) Describe York Beach's Competitive Advantage: by board member Dave Woods
- i) Explain our Plan to Engage Stakeholders: by board member Lew Stowe
- j) Start to get feedback with the initial survey: by Lew Stowe
- k) Ask for Volunteers from the Audience to Share their Survey Responses.

c) Tom Prince showed a Short Video on the History of York Beach

The video opened with narrator Tom Prince explaining the intent of the film, which is not quite complete. It was made to be educational, but there is nostalgia there. He stood at the end of the Beach.

The scene changed. **Ron Nowell** described the original structure of the town, including Bowdoin's Corner and three-and-a-half acres of marshland. The town was originally called Union Bluff, and the Nubble was called Cape Neddick. Union Bluff changed to York Beach in 1888.

A woman visiting from Concord, New Hampshire, back then, had written descriptions of Union Bluff, with illustrations, which Ron Nowell read aloud. The writer described the unobstructed, beautiful beaches, single houses, and a shanty where, apparently, the Cutty Sark is. Coaches brought folks to York Beach, and getting here was a slow process. He showed where the steam locomotive came in, by today's Fire Station. In 1897, the elec-

tric street railroad carried passengers from Kittery, through Kittery Point, Brave Boat Harbor, and York Harbor. By 1925, the street railroad went out of existence. The Goldenrod opened in August of 1896. It set up a family characteristic to the York Beach area.

Town Planner Christine Grimando contributed the next segment of the film, **Study Area Boundaries: What's Within the Area**. She lined up photos of York Beach, circa 1890, when there was no development and mostly open space. Photos showed the Railroad Avenue train station abutting horse stables. A banner advertising Ellis Garage spanned the avenue. One picture showed three generations of transportation together: a horse drawn wagon, a train, and an automobile. York Beach was developed for mass transit and walking, she said, but today, it has to accommodate automobiles. *How can we accommodate cars?* she asked. That is a major consideration for the York Beach Project.

The film continued with narrator, Tom Prince, showing more pictures and filling in facts out of the York Beach past. The Gay White Way was a theater and a dance hall, which burned down in 1952. The dance hall was replaced with a roller rink. One end of Short sands became known as Concordville, for accommodating people from Concord, New Hampshire who stayed there. Dover Bluff, at the Long Sands end of the beach, accommodated folks from Dover, New Hampshire. The lighthouse end of the Nubble was developed in the 1950s.

Rick Boston, proud steward of Ellis Park, said the Ellis, Mosley, and Garmen families, along with Martha Gordon donated the park in 1888 with the intention of providing enjoyment for the beach.

The views of the devastating 1946 flood, with people balancing across planks spanning flooded streets, came next. As he narrated, **Ron Nowell** stood on Railroad Avenue looking to across to the candy store where, he said, water topped half way up the window, in 1946. Flooding originates from the Short Sands (freshwater) Brook from or from the ocean. It is amazing how such a small brook could cause so much flooding, he said. In 1946, it ripped a gully down the Railroad Avenue. The storm of 1978 was an ocean storm, as was the 1998 No-name storm that reached four or six inches into the Goldenrod.

In the last segment of the movie, Hannah McIntire Sweeney spoke about the dangers of the 1952 hurricane. She was a cashier at Garfield's and was stranded there. Water burst through the storefront window, picked up an enormous commercial scale, and pulled it back out the window. There was no way to get home, she said. There was no safe way.

The audience applauded when the film was over.

e. Study Area Boundaries; What's Within the Area
By Town Planner Christine Grimando.

Christine Grimando ran through maps showing different aspects of York Beach, made by GIS Manager Brett Horr. The first map delineated the **Study Area and the Base Zone**

Districts from a bird's eye view. She pointed out the features of the maps, the zones that compartmentalize York Beach Village Center and the Residential and Route 1 Districts on the Project land between Route 1 and York Beach. That map illuminates the shoreland and wetland zones, flood zones, and FEMA flood zones.

The **10-foot contours map** illustrates the 70-foot rise in elevation from sea level to the highest point of the York Beach Project. Christine Grimando pointed to catchments areas and demonstrated the directions water takes as it flows from the high point to York Beach. The National Resource Conservation Service soils data describes the area as wetland, ledge, and sandy loam. Woodlot Alternatives Wetland Data, another chart, qualifies the individual wetlands for the relative worth and value.

f. Describe current Comprehensive Plan Policies

Torbert Macdonald said the United States Constitution makes no mention of the management of municipalities. Instead, all land use planning, including the Growth Management Act, comes from State Authority. To show land use ordinances are factual, hundreds of towns in Maine make Resource Inventories and Analyses in a collection of different categories, which are phased into policies called the Comprehensive Plan. There are ten policies, including Orderly Grown and Development. In York, the growth area is located between the York and Cape Neddick Rivers, and is east of the Highway.

If we do something that is not reflected in the Comp Plan, it would most likely be found that we can change the Comp Plan. The York Beach Project is the last undeveloped area to be developed in the current growth area we that has to be changed east of Route 1.

There are possibilities that can be reflected in the Comp Plan, including turning the transportation away from motorized vehicles with Wild Kingdom for off-beach parking. Route 1 can be the major commercial area, with York Beach as the family area. Ridge Road should be designated as residential. The Beach area will be the tourist center where affordable housing can be developed with apartments over stores and workforce housing at York Beach--all with the valid potential exercise of powers. These are extracts from the Comp Plan or they have underlying recommendations for the potential amendments.

g. Describe current Zoning Policies

Todd Frederick said the York Beach Project contains six zones and 370-plus acres in the six zones. The primary uses are residential, commercial, office, public, industrial, vehicular, rural, miscellaneous, and recreational. There are exceptions to the uses: dry cleaning and chemical laboratories for examples. There will be a service site walk at a future date.

h. Share What we Heard from Municipal Department Heads

Community Development Director, Steve Burns

Steve Burns described a planning board meeting on November 11, 2009, that featured the five department heads serving the Beach: Tom Neumann, Water; Tim Haskell, Sewer; Mike Sullivan, Parks; Dean Lessard, Public Works; and Dave Bridges, Fire.

At that meeting, **Tom Neumann** said there is plenty of water serving the Beach, but if there is development in the Project area, lines will have to be connected with the ones that area already have. The cost would be about \$1.5 million. **Tim Haskell** of the sewer department reported that York Beach has flow capacity problems. The system is near full capacity, the pump for which is under the little lighthouse in the parking lot. Also, there are issues with old pipes.

Public Works director **Dean Lessard** says there is a swamp in the middle of Wild Kingdom, which will make the access more difficult than average to build. He thinks the maintenance of the access road will be very difficult if he does not build anything that is not going to last. **Dave Bridges** of the Fire Department has to get his fire trucks up to Route 1. He wants the improvements to make it easier to get through that congestion in the Beach and past the parked cars on the edge of the road.

Steve Burns said **Police Chief Doug Bracy** offered the broadest response about positive change for York Beach during the meeting last November. It is important to control the flooding. Floods cause so many problems. Secondly, the expansion of the Beach will bring a “golden” standard for public facilities, like the Police Station and the Senior Center. Also, the “brand” of York Beach, has to improve and not detract from York Beach. It is a place for families. You have to enhance what families like. Also, there must be satellite parking, said Chief Bracy. There is the issue of evacuating the area in the event of an emergency.

Parks & Rec Director **Mike Sullivan** looks at the importance of open space, potentially with a greenway around the village, possibly making a connection between Mount A with York Beach. Consider the seasonality of York Beach and enhance the summer. Make the good season even better and then see about elongating it.

The basic gist, said Steve Burns, is that the constraints seem to bring opportunity, such as improving the water, the recreational facilities, and the public facilities. The challenge is to get input from the people with a stake in the future of York Beach and then to figure out what we want. He was talking about input from the community.

i. Describe York Beach’s Competitive Advantage

Dave Wood said there are not a lot of expansive beaches along the coast. We have a community advantage because we are family focused. In the ‘50s and the ‘60s, this was a community of blue-collar visitors. Now it is a community of middle and upper middle class guests who come from New York, Boston, Manchester, and Concord. We have seen more come on day trips lately.

That puts on a heavy demand for services, including a call for more parking water, sewer, and three-phase electrical power. Changes should not overshadow the branding of York Beach, which offers a lot that other coastal communities do not.

Along the same lines, Tom Manzi and Torbert Macdonald then had a discussion along the same lines. They had spent three days driving from Ipswich, Massachusetts to the

Kennebec River in Maine, turning right, toward the ocean, at every given opportunity. They found that very little of the property has coastal access because it is privately held. Along that trip, Salisbury Beach, Hampton Beach, York Beach, and Old Orchard Beach were most likely to welcome the casual tourist. And of all of those, only York is family friendly. Tom Manzi suggested reading up on Frederick L. Olmstead as influence for open space.

Explain our Plan to Engage Stakeholders

Lew Stowe presented his plan of organization for the project. It will take the combined efforts of the Planning Board and the Stakeholders about three years to complete. Usually the planning board just reviews applications, he said. Here we are planning. He handed out a copy of the phase project. Creating a baseline is the first step. It is what we are doing now, understanding what we have. After this will come: policy development. We will begin to draw a picture of the area. Eventually the Comprehensive Plan will be changed to adjust to the plan and the zoning ordinances based on that. There will be site walks. More public input will come soon, from a focus meeting at the Beach. Get people to come, Lew Stowe told the Stakeholders. Plus, there is a survey to fill out tonight.

k. Start to get feedback with the initial survey

Lew Stowe and some board members handed out a questionnaire, and the people who were there spent time working on their answers. He asked volunteers to come forward and discuss anything on the questionnaire.

Greg Charrom said a 600-mile trip from Rhode Island could have revealed more beach-locked areas. York is unique for being open to the public. There are many places in Rhode Island where a person can't get to the beach unless private land is crossed. You are also blocked from the beach on Cape Cod. York Beach is also unique because of the small businesses. In other places, hotel and business chains block the kind of uniqueness that York Beach has. Greg Charrom said he is glad York does not want McDonalds and Dunkin Donuts. There is nowhere else with rooms to rent. We should concentrate and encourage small business are part of the York Beach Project.

Barbara Charrom said traffic is important. She lives on a private road, and the traffic on Rogers Road and Ridge Road to Route 1 gets worse and worse, and keeps her from the full privacy she should have on her private road. She said we want this included in this Project because it is part of the potential growth of York.

Cliff Estes said he likes York Beach for its family orientation, its availability to all income groups, the fact it is not too pricey, nor too much overbuilt. He **does not like** the lack of an access road from Route 1, the disrepair of the flood drainage system, and that York Beach needs improvements, modernization, and parking. He does not like utility wires and poles that are there.

Ron Macalister of Woodbridge Road praised the chairman and board for slowing things down and making things deliberate for the Project. He has ridden his bike across the Wild Kingdom Land many times. He compared the possibility of creating a space like

Central Park, complete with attractions for families, and with bike trails and hiking trails. It is a beautiful piece of property, he said. It should be protected.

Steve Burns, a resident of York Beach, said he likes the longevity of some of the core businesses, and the stability of the Goldenrod (1896) and the Fish Market, there since the turn of the 20th Century.

When everyone had responded to the questionnaire, Tom Manzi asked for any comments on anything.

Joe Lipton, a York Beach resident and business owner, thanked the board. He wants to see the Beach enhanced and preserved. He asked for clarification of the size of the parcel, for he thought it was much smaller. Christine Grimando answered the area, as confirmed by the Selectmen, consists of 358 acres. Lew Stowe said Oscar Plotkin had 214 acres under contract a couple of years ago. Joe Lipton suggested zoning and use changes, maybe even inclusion of a community college, and Tom Manzi replied that we are still working on baseline, and then Torbert Macdonald told Joe Lipton he was way ahead of it. Tom Prince said we are taking steps; we are making an opportunity to join in on the process.

Barry Leivovitz said the notification for the meeting was not complete, and therefore the Beach community is not ready for these activities. The meeting, though, is getting everyone on the same page. He asked when the notice went out. Last week, was the answer, but this meeting does not require abutter notification, said Steve Burns. Barrie Leivovitz recommended waiting for the walk-through until drainage can be observed. Walk the dry season and walk the wet season, he said. This should not affect the property values in York. If anyone has a negative impact, they will fight tooth and nail. He is willing to be on a committee, if that is the only way he will have input.

Don Rivers of York Beach said this is really great that they're doing this in advance instead of going through a process where they have to backtrack. We like York Beach. Everybody loves it. Whatever you come up with, it has to enhance York Beach. That's the point of it. Tom Manzi asked Don Rivers how he would like to be involved. Don Rivers said he would love to be involved, maybe in the development point of view, but we haven't got to that yet.

Lew Stowe told those at the Forum, there will be a different survey for every stage, and the forum will be held the first Thursday of every month.

The meeting adjourned, without finishing the agenda, at 10:30.

This item was not covered:

3. Discuss Separations of Site Plan Standards from the Site Plan & Subdivision Regulations.