

**York Planning Board
Thursday, June 24, 2010, 6:00 P.M.
York Public Library**

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi called the meeting to order. There was a quorum with Tom Manzi, Lew Stowe, Dave Woods, Tom Prince and Torbert Macdonald present. Todd Frederick was absent. Tom Prince was asked to vote in Todd Frederick's place. Town Planner Christine Grimando represented staff. Patience Horton took Minutes. This workshop meeting hearing lasted three-and-a-half hours and was televised.

6:00 P.M.

Discussion with Town Manager

Rob Yandow told the board the Blinn property was closed on last week. In 2006, the Town contracted to conduct an analysis for the police station's location. SMRT architectural firm of Portland reviewed the list of possibilities and used criteria based on needs and came up with a matrix of potential sites. The Horn property was the best, if there were an access road from Route 1 to the Beach.

Oscar Plotkin then optioned the Horn property, and Town of York went on to other things. The Abbott property was nearly purchased, but the vernal pool in the middle of it stopped that. The negotiation for the CMP building was ruled out because of the \$5,000,000 asking price. Last summer (2009) Oscar Plotkin's "problems" became known, but he had the options and controlled the properties until they expired. The Town negotiated with the Horn brothers for 41.85 acres. Oscar Plotkin had commissioned a very large environmental study, which was given to the Town. Information about two major vernal pools had not been paid for, so Town of York got that later. There are 14 vernal pools in all.

Wild Kingdom would not sell their road because they did not want to lose control of it. The Horn property combined with the Blinn property would allow access to Ridge Road. The Horn property closed on May 28, 2010, and the Blinn property closed on June 15, 2010. Now there will be access all the way to the Beach.

Maine DOT does not allow police access directly from Route 1 because the road is over 40 MPH for traffic. The access to the police station will be off the access road, instead. Dave Woods asked if there will be a place in the Beach where people can go directly for police help. Rob Yandow said it has not been developed yet. Lew Stow asked if the abutters have been keep informed. Rob Yandow said there are good relationships both with the owners south of the Blinn property and the people at the Zoo. A stop light on Route 1 might be approved over time.

6:30 P.M.

Presentation on proposed changes to the Wireless Communications Facilities Ordinance

Craig Hitchings and Shawn Romanowski of the Southern Maine Office of Communications Technology described the upgrade of public safety systems to support State Police and other State agencies. The State is going through a \$50 million IT upgrade in the communications infrastructure involving transmission towers and construction sites.

Mount Agamenticus has an equipment tower that fits the need. They have spoken to the Fire, Police, Park Manager, and Town Manager about putting the equipment on a tower already there. It would be leased from the Water District. It would be a win-win for York and for the State by preventing about a \$1 million cost. This arrangement has canceled the need for a public hearing.

7:00 P.M. Start of Regular Meeting

Public Input

Open to the public to address any issue.

No one came forward to speak

Field Changes

There were no field changes.

Minutes

Review and approval of minutes

The June 10, 2010 minutes were reviewed for changes. Torbert Macdonald and Lew Stowe requested changes.

Motion Torbert Macdonald moved to approve the June 10, 2010 minutes as amended. Lew Stowe seconded the motion, which passed, 5-0.

Public Hearings on Proposed Ordinance Amendments

- | | |
|--------------|---|
| 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 | Shops for Building Small Boats |
| Ord-6 Zoning | Formula Restaurants |
| Ord-7 Zoning | On-Site Food Preparation |
| Ord-8 Zoning | York Village Commercial Boundaries |
| Ord-9 Zoning | Reconcile Zoning to Harbor Ord. regarding Piers & Moored Floats |

Christine Grimando said it is the last opportunity to make changes before forwarding the Ordinance Amendments to the Board of Selectmen. The Chairman opened the **public hearing** for all the amendments. Some items did not need to be addressed.

Ord-1 York Beach Design Standards Public Hearing

The York Beach Design Standards were developed by the YB Subcommittee and the Planning Board. **Joe Lipton** of York Beach said though the accessory building limit is 300 square feet, as a restaurant owner, he needs outside equipment or a cooler. Is there only one accessory building allowed on the lot? How can the accessory structure deal with the front façade? If he built a deck over the parking lot, would that be a primary structure if the deck is connected to the building? Christine Grimando said there is no limit to the number of accessory structures, if they meet the setback. Joe Lipton said the design standards require transparent windows, but he has bathroom windows he wishes to cover. He would like to put fake windows in the mechanical room.

Tom Prince asked if, according to York Beach Design Standards, a permit is needed to paint a building. Christine Grimando said, if you paint the building the same color, no permit is needed. If it is painted a different color, you have to get a permit. The Board decided the words “using the same color” will be struck from the ordinance language.

Ord-6 Formula Restaurants Public Hearing

The public hearing continued. **Joe Lipton** said Dunkin Donuts was turned down. Would the rest be allowed under that decision? With the zoning changes at the Beach, shouldn't the design standards be in place before rezoning? There has already been a vote on these formula restaurants (DD), and now we are trying to change it.

Kinley Gregg said lifting the ban on formula restaurants will harm the local businesses.

Ord-8 York Village Commercial Boundaries Public Hearing

Kinley Gregg questioned the rationale behind changing the zoning in York Village. It is needless to include the Gaol. The hospital district has an overlay. The residential properties are being impacted by putting the hospital in the zone. Christine Grimando said the board of Selectmen requested the expansion of the village area. The overlay does not overlap the hospital overlay. Kinley Gregg said she does not want her property to back up to a GEN-3. There was no one else to speak. The **public hearing was closed**.

Ord-1 York Beach Design Standards

Christine Grimando said changes include entrance orientation with the sidewalk primarily for the front. Around the building there should be no blank façade. First floor openings to areas not used by the public do not require transparency.

Motion Torbert Macdonald moved to adopt Christine Grimando's amendments as written.

As a **Friendly Amendment**, Dave Woods recommended inserting “of glazing” into the ordinance language to talk out any question. Lew Stowe seconded the motion, which passed, 5-0.

Motion Dave Woods moved that on Page 5, “using the same color” be omitted. Torbert Macdonald seconded the motion, which passed 5-0.

Motion Torbert Macdonald moved that we send the York Beach Design Standards to the Selectmen for consideration. Lew Stowe seconded the motion, which passed 5-0.

Ord-2 Farm Enterprise Zone

Christine Grimando said the amendment is intended to offer farms that meet certain qualifications a degree of greater flexibility. Speaking on behalf of Tom Blaisdell, she said the amendment indicates that farm enterprise activity cannot be a nuisance to the neighborhood. Smells and farm noises are not considered nuisances. This concerns a more flexible form of farms and farm activities. If there are five acres of contiguous land, the farm can be registered with the State. A smaller parcel of land might qualify, if something is worked out with the state. Tom Prince suggested striking the word “excessive.” Torbert Macdonald said the first sentence should be dropped.

Motion Torbert Macdonald moved to remove the first sentence of Paragraph 6, Farm Enterprise. Dave Woods seconded the motion. The motion passed, 4-1, with Tom Prince voting against.

Motion Torbert Macdonald moved we approve the agricultural Farm Enterprise Zone Ordinance as amended tonight and send it to the selectmen for their consideration. Dave Woods seconded the motion, which passed, 5-0.

Ord-3 Elderly Congregate Housing Standards

Christine Grimando said currently, congregate housing can be occupied only by people 55 or older. The amended ordinance would allow a disabled person who is an adult and head of household to live there.

Motion Dave Woods made the motion that we adopt this as amended and forward it to the Selectmen. Torbert Macdonald seconded the motion, which passed, 5-0.

Ord-4 Expand Workforce Housing Sponsoring Organizations

The amendment makes it clear that York Housing is not the only organization that can sponsor housing in the town. Dave Woods proposed dropping the word “corporation” because of tax law. Torbert Macdonald thought it was not a good idea, and Christine Grimando said the change could be made subject to a check for consistency with the State language. Kinley Gregg read the definition from the web. It said the correct language is with the word “corporation.”

Motion Torbert Macdonald moved we approve Article 4, Expand Workforce Housing Sponsoring Organizations, as written and send it to the selectmen for their consideration. Tom Manzi seconded the motion, which passed. 5-0.

Friendly Amendment

Torbert Macdonald moved that the Town will keep a map or registry of approved farm overlay districts. Tom Prince seconded the motion, which passed, 5-0.

Ord-5, Shops for Building Small Boats

Christine Grimando said the amendment seeks to encourage traditional boat building uses in town. It is an accessory use in a restricted area for wooden boat, 25 feet or less.

Motion Torbert Macdonald moved to approve Amendment 5 and send it forward. Tom Prince seconded the motion, which passed, 5-0.

Ord-6 Zoning, Formula Restaurants

Christine Grimando said Article 6 changes the current definition of formula restaurants, which are currently banned in every zone in town. Restaurants with standard menus, employee uniforms, color scheme, and same architectural standards do not fit into this definition of “formula.” There can be up to 12 other restaurants, 75 percent of which are in New England. Seating is limited to 75 people. Otherwise, the restaurant cannot be in York. Dave Woods suggested language that the restaurant “prepare or dispense food or beverages from the location for sale to the public.”

Tom Prince said the definitions make it more complex and open the potential for litigation. He did not feel anything is gained for moving it forward. If more complexity is added, the board might not want to move it forward.

Lew Stowe suggested putting formula restaurants only in Route 1-3, but not in the rest of town. Torbert Macdonald said the people did vote 7-1 to ban formula restaurants. When Joe Lipton said after many years of development of design standards, why cut loose something into the world when there are not design standards? Tom Prince said the board requests to discuss this with the Selectmen. It is not consistent with the Comp Plan, and it adds more ambiguity, complexity, and confusion. Torbert Macdonald said the letters to the editor have been 100% against it.

Motion Lew Stowe moved that we don’t send Article forward because the people voted 7-1 to keep formula restaurants out of town. It is a violation of what has come before. Formula restaurants are not of small town character. This will allow formula restaurants in GEN-2 and GEN 3 zones, and there is no compelling reason to go forward. Torbert Macdonald seconded the motion, which passed 4-1. Dave Woods voted against the motion. Christine Grimando said she would write up what the board’s process has been.

Ord-7, On-Site Food Preparation

Torbert Macdonald called this the “meat house ordeal.” The Meat House was selling meat and unable to sell sandwiches.

Motion Torbert Macdonald moved we approve the language for on site food consumption per Footnote 66.

Friendly Amendment

Dave Woods added that there would be no onsite food consumption, only offsite consumption. The amendment was incorporated into the motion.

Vote The motion passed, 5-0.

Ord-8, York Village Commercial Boundaries

Christine Grimando said the two zones in the Village, RES-1B and GEN-3, will be consistent, which will give a greater range of commercial uses. This change was requested so there will be more village-like zoning. Dave Woods suggested having the people in the Village come up with a subcommittee for the same process that the Beach had. This will define what is in the village.

Motion Tom Prince moved that we do not send the ordinance Article 8 forward for the reason that the possible gain is nebulous, the impacts are unknown, and no one on the planning board can figure out the benefit that will come from this. Dave Woods seconded the motion, which passed, 5-0.

Ord-9, Reconcile Zoning to Harbor Ordinance regarding Piers & Moored Floats

Christine Grimando said this is not a policy change. It makes the zoning ordinance and the moored float and pier language consistent with the Harbor Board. The two sets do not match up right now.

Motion Torbert Macdonald moved we approve and send Article-9, Reconcile Zoning to Harbor Ordinance Regarding Piers & Moored Floats to the Board of Selectmen. Dave Woods seconded the motion, which passed 5-0.

New Business

Draft Survey

The planners discussed the draft survey. Lew Stowe said it would be best to learn about activities than about money issues. Torbert Macdonald thought asking what is missing at the Beach would be smart. Dave Woods said there are not enough available seats for eating. Tom Prince said to make the survey simple.

The Board decided to use three questions about York Beach:

- What do you like?
- What do you not like?
- And what's missing?

They plan to wear tee shirts with the town emblem and fill out a card while they are talking to people. The work should be done by August 15.

Workshop on Planning Board Goals

Torbert Macdonald had asked board members to focus on the Comp Plan and make priorities for the board's workload. He said the protection of abutters and protection of rural areas in controlling development were his concerns. The protection of abutters was apparent in the landscaping in the Eldredge application.

Lew Stowe referred to the Evergreen Provision, which gives the Planning Board the right to change the Comp Plan. The board needs to go back into the Comp Plan and do an overview. It should be re-written for the York Beach Area.

Tom Prince said a review of the Comp Plan should look at the concept of preservation of open space. Zoning and usage in York Village, and design standards town-wide are all needed.

Dave Woods said the incentives for one and two-bedroom apartments above commercial businesses should be reviewed. Performance standards should be established for new or renovated residential areas. Site design ordinances for non-residential areas in York Harbor should be phased out and transferred to the Planning Board. Also figure out what is the feasibility of replacing overhead utilities with underground utilities? Torbert Macdonald added there has to be bicycle and pedestrian planning, the transfer of development rights, watershed planning.

The meeting ended at 10:30.