

York Planning Board
Thursday, March 25, 2010, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Planning Board Chairman Tom Manzi determined the presence of quorum. Tom Manzi, Dave Woods, Todd Frederick, Torbert Macdonald, and Tom Prince were present. Lew Stowe was absent. Town Planner Christine Grimando represented the Planning Staff. This Workshop lasted three and-a-half hours and was televised. Patience Horton took Minutes.

Public Input

Open to the public to address any issue

About 20 students from the Politics and Legal Studies class were present. Their representative, **Matt Campbell**, came to the podium at Tom Manzi's request and explained they had a report on this meeting due Monday.

Field changes

There were no field changes.

Minutes

The February 25 and March 11, 2010, minutes were reviewed. Tom Manzi submitted changes to the secretary he wished to have made before there are board reviewed and approved.

The March 11 minutes were amended by board members and submitted to the secretary for correction.

Motion: Torbert Macdonald moved we approve the March 11, 2010 minutes as corrected. Tom Prince seconded the motion, which passed, 5-0.

New Business

- **Preference votes on the May 2010 amendments**

Town Planner Christine Grimando explained an error had been found in the Definition of a Structure, Item 14, and the board has to wait for that to come back for November, so only Items 13, 15, 16, and 17 were voted on. Board member Torbert Macdonald said the board should take them and approve them together with one vote.

Motion: Todd Frederick moved we approved Ordinance Amendments 13, 15, 16, and 17, and send them forward as such. Dave Woods seconded the motion. It passed, 5 –0.

- **Workshop on the Amendments slated for November 2010 referendum**

Christine Grimando gave a PowerPoint presentation briefly describing the following ordinance amendments for the November 2010, referendum. Please note: these minutes are set up so that comments from the PowerPoint presentation and the discussion from the meeting are grouped together. Information from the PowerPoint is found in *italics*.

York Beach Design Standards

Rural Character

Refine Elderly Congregate Housing Standards

Expand Workforce Housing Sponsoring Organization

Boat Building in the Shoreland Zone

Formula Restaurants

York Village Commercial Boundaries

Reconcile Zoning to the Harbor Ordinance

Wetland Mitigation

Sign Standard

Dock Changes

Fertilizers in the shoreland zone

Site Plan and Subdivision Regulations Revisions

York Beach Project

Public Hearing took place after the slide show.

Tom Blaisdell of South Side Road said in changing the **Rural Character** amendment, flexibility, like the inclusion of vegetable stands, horse farms with indoor rings, and pet boarding (as on 103 at the Payne Road) can benefit from mixed uses, and farms can survive better, and farmland will not be converted into subdivisions so easily. Board member Dave Woods said he sees farming as a for-profit commercial venture that should show a profit. Todd Frederick thanked Tom Blaisdell for stepping forth with the need for the change.

Jack Carley, a student, is concerned about fast food, which is delicious. He hoped Arby's could come to York. Christine Grimando said in York, there has been a difference between fast food and formula food established. We are not letting drive-thrus or fast foods in, including Arby's. The Chair **closed the Public Hearing**.

Chairman Tom Manzi asked board member Todd Frederick to talk about the **York Beach Site Walk**. The March 27 site walk is to help understand the 300 acres between the Wild Kingdom property stretching from Railroad Avenue to Route 1. The purpose is to educate the public, abutters, and citizens of the town. Resource maps have been made for people on the walk. Tom Manzi said this is the last un-fragmented block between the two rivers. High School students have been invited through their Principal. Two of the seven pieces of property are being reviewed. The attendees are asked to stay away from the animals and stay in groups. Wear boots.

York Beach Design Standards

The appearance of buildings in York Beach Village was discussed in a public forum on March 10 and will be again in April. The York Beach Subcommittee has been working on this.

In discussion: There is a roof pitch requirement. Murals will be allowed but the requirements for no blank facades will be maintained. Torbert Macdonald said accumulated changes could trigger review by the planning board. Christine Grimando said allowing significant changes over a three-year period is generous. The board has to work on a definition of what routine maintenance is. Dave Woods said repairs might be phased out over a period of several years based on cash flow, but public input thinks that it is a way to get around site review. Torbert Macdonald said people should be given as much time as they want after approval to get something done, though there are times when renovation turns to reconstruction. Dave Woods said having no timeline works if there are checks and balances. That way, thousands of dollars can be saved by not coming before the board. Christine Grimando said a provision for phasing can be built into the amendment. Torbert Macdonald suggested allowing 1/3 or more of a façade to be altered. Dave Woods said that, then, if another wall is altered within three years, the owner would have to come to Planning. Christine Grimando said keeping it to one or two years is a less difficult timeline.

With windows, if all three windows are replaced, they would have to come up to design standards. One would not. Christine Grimando said she would sit down with Code and bring the results about changes/improvements of an existing structure with regard to YB Design Standards back to the planning board.

Torbert Macdonald referenced the Atlantic House, the Goldenrod, and the Black Dog as traditional, historic structures. Dave Woods said the recurring thread is that we do not want to see York changed. He suggests that when a building is knocked down, the replacement simulates the original building. (Torbert Macdonald said if York Beach had an “Emperor of Ice Cream” a collection of old postcards could be gathered and, when a building is knocked down, the replacement would have to look like a building on a postcard.)

The group went on to discuss gutter, rain garden, and drainage systems.

Rural character

The Comp Plan supports traditional industry, including farming. Article 7 of the zoning ordinance needs new definitions and new performance standards for farmers’ markets, farm stands, and stores to sell produce.

In discussion: Torbert Macdonald picked up from the last workshop: Allow creation of individual overlays for each farm enterprise, so the zoning will not change in each area. This makes it easier for the neighbors. Christine Grimando said the overlay would be specific to specific farms of the certain size. Dave Woods said a ten-acre lot could have three acres plowed up and an ice cream stand erected, and receive farm status. Torbert

Macdonald said that person would have to wait for the next voting cycle to get the map changes so they can start a farm like that. Create a farm overlay for each farm, one at a time, and deal with it as a unique entity. It would be subject to performance standards. Christine Grimando said the farm would not be subject to a full site plan review, unless triggered. Dave Woods asked if there would be a necessary Mylar. Torbert Macdonald said it is balancing act, preserving the open rural economy in the midst of an urban society.

Todd Frederick though the RES-1A zoning might be a problem for the Blaisdell Bros. Farm. How many farms are there in the RES-1A zone? Christine Grimando said at the next workshop, she will bring a map of the parcels of agricultural use of a certain size. The board is going to help Tom Blaisdell find maximum flexibility for the maximum oversight.

Define Elder Congregate Housing Standards

A continuum care facility will include mature, disabled people, though they are under the age of 55. There should be an age floor. A disabled 11-year-old may not find this the correct setting in this.

In discussion: Board member Tom Prince said the ordinance stays the same, but the requirements of an accessible unit are extended to those under 55. Will this require a medical certificate? Christine Grimando said the Housing Association extends the disability specifically. It is more common with elderly housing to include disability as an exemption. We don't want to get away from a place for people with special needs. Christine Grimando said the incident was a violation, and the pre-55-year-old made a case to the board. The change that was requested was to expand the definition to make congregate case open to people with disabilities. Tom Prince said he does not see a major or minor problem, and if he had to vote today, it would be okay the way it is written.

Boat Building in the Shoreland Zone

Small boat building (under 25 feet) will be allowed in limited residential and mixed-use sub-districts other than the Shoreland Zone along the York River. The shop for building the small boats is limited in size.

In discussion: Christine Grimando said the proposal is to allow small boat building in other zones than the shoreland zone. A boat building shop 1200 square feet or larger goes to Planning, and the one smaller goes to Code. The purpose is to allow this traditional industry again throughout town. There are two separate issues. Dave Woods asked if an accessory use is possible, as a boat builder/cabinet maker who largely makes cabinets.

Expand affordable government housing options

In the conversion of buildings to affordable housing, a non-profit other than the York Housing Authority can provide housing.

In discussion: Torbert Macdonald said no matter how rigid or flexible the housing corporation (non-profit) is, what happens when somebody loses his or her job? Also, working with a 10 mile radius of Town of York doesn't make sense. Christine Grimando said the qualifications come from the non-profits, not from Planning. Dave Woods said the person may not live in York, but is working here. The only criteria should be that the person is employed fulltime by a York business. If someone were to apply for workforce housing and loses the job, that person would be asked to get another job with another York employer, or they would have to leave. Torbert Macdonald said we cannot treat families like that.

Torbert Macdonald said there are many questions to consider and there is political pressure to make this amendment. Approval of a qualified organization changing authority from York Housing is important, and all this cannot be done all of the sudden. Christine Grimando acknowledged the need for broader policy discussion and would rather have the conversation in context of 10-F.

Formula Restaurants

This ordinance amendment looks at formula restaurants with no more than 10 units in the chain with the thinking they are more regional. There is a ban on formula restaurants and fast food restaurants. Other franchises, like gas stations, are part of a chain. Franchise locations can be regulated by the planning board, as can aesthetics and building quality. She showed before and after pictures of Mashpee, Mass. as an example of conversion of a strip mall to a downtown area.

In discussion: Torbert Macdonald said he does not see why any national chain should be welcomed in York. We should be able to protect and preserve the town for locally generated businesses.

Tom Prince said the Meat House is a good business that wants to sell sandwiches in York and cannot do it. Dave Woods said we are trying to keep out MacDonald's and Dunkin' Donuts and all the big chains, but the small, regional chains, like the Meat House, which has 40 stores and is headquartered in York, can't sell a sandwich, but Circle K across the street can. Torbert Macdonald said *who cares* if anybody who is running a business wants to sell a sandwich? Anybody should be able to sell a sandwich. Tom Prince said we have local, limited enterprise. Maybe we don't want regional chains. Christine Grimando said we can address food preparation on site. Tom Prince said the board can fix the non-intended consequences and fix the technical ordinance. Torbert Macdonald said the ordinance has impacted local businesses. Dave Woods suggested allowing formula restaurants only in one very restricted part of town, which Christine Grimando said was not very viable and Torbert Macdonald said was equal to allowing in manufactured homes but not trailers. The term "non-intended consequences" was used several times to describe the effects of the current ordinance.

Alter Commercial Boundaries in York Village

This amendment changes the boundaries of the GEN-3 zone and creates an overlay district in York Village.

This was not discussed.

Harbor definitions.

This changes the definition of pier and moored float in the Harbor.

This was not discussed.

Wetland Mitigation

The Comp Plan clearly supports the adoption of a wetland mitigation policy. If the board is opposed to it, a new Comp Plan entry is necessary. Otherwise it should workshop a draft policy at the April Workshop and present the policy at a public hearing.

This was not discussed.

Sign Standard

This needs a major overhaul, but for the time being, minor changes will be made to this amendment.

This was not discussed

Dock Changes

These are on hold while the study is being evaluated.

This was not discussed.

Fertilizers in the Shoreland Zone

Education will come first with an amendment to follow.

This was not discussed.

York Beach Project

The Planning Board and the Board of Selectmen will hold workshops and/or public hearings running from April through August.

Old Business

The Leccese/Mackenzie Lot Line Adjustment Mylar was signed.

Other Business/Adjourn

The election of officers for the York Planning Board will come in late June or early July. The terms of David Woods, Lew Stowe, and Torbert Macdonald are up June 30, and there has not been any indication they might leave.

Last time, Torbert Macdonald had been asked to come up with 10 policy items the board should consider. This time, saying it would be fairer, he recommended each planning board member come up with the top five ranked policies the board should work on and then merge the lists. Tom Manzi agreed.

The meeting adjourned at 10:24.