

Planning Board
Thursday, January 8, 2009, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Vice-chairman Lew Stowe opened the meeting at 7:00 and determined presence of quorum. Lew Stowe, Barrie Munro, Glen MacWilliams, Dave Woods, and Alternate Todd Frederick were present. Tom Manzi was absent. Todd Frederick was asked to vote in place of Tom Manzi. There were five people voting. Town Planner, Christine Grimando, represented planning department staff. Patience Horton recorded minutes. The meeting was filmed on video camera.

Application reviews for **Highland Farm Phase 2** and **BAS Aldridge, LCC**, were moved from this agenda to the February 12, 2009, application hearing.

Public Input

Open to the public to address any issue other than the scheduled public hearings.

No one came forward to speak.

Field Changes

Bill Anderson of Anderson Livingston Engineers represented applicant Doug Ramsey and the Anchorage Inn on the rearrangement of the swimming pool and structures around it. He said Christine Grimando had reviewed the application and found everything in it allowable usage in the Shoreland Zone. The structures are proposed at 217 feet from the closest high water point. Bill Anderson continued that the area is not in the floodplain. The total impervious area of the pool, spa, and patio has been reduced from 4,790 square feet to 2,198 square feet, a 54% reduction.

Glen MacWilliams had written a memo on his take to this. He did not agree with Christine Grimando's recommendations, because nothing supports the expansion of a *non-residential* application in a residential shoreland zone where the underlying zone prevails. There is no exception for that situation in the MSA. The municipality has the ability to adopted exceptions. This represents potential conflict between Town of York ordinances and State Resource Protection. Christine Grimando said State law has just accepted York Shoreland ordinances. Glen MacWilliams reiterated there is no provision for non-residential applications. Barrie Munro said that with ambiguous situations like this, the board must rule for the applicant. He continued that this interpretation of residential activity within 250 of the high water mark would result with an incredible percentage of structures along the shore being non-conforming. Aware that the source document might not distinguish between the limited residential district and the non-residential district, Christine Grimando wanted to look at the legal language to see if there is a conflict or not. Lew Stowe said he had talked to Department of Environmental Protection at length, and they did not define the difference. Glen MacWilliams said the Board of Environmental Protection oversees this, not DEP.

Project engineer Bill Anderson could not see the conflict. The non-residential use can be expanded. Saying, “this is not pristine,” he pointed to the highway between the site and the ocean, and he showed the even closer protrusion of an older, small Anchorage building into the shoreland zone. Glen MacWilliams answered the ordinance has to determine if it includes both residential and commercial. Since this is commercial, he continued, he didn’t feel it was covered. Barrie Munro said the ordinance does permit accessory use when beyond the 100-foot mark. If this interpretation were enforced, he said, a large percentage of York Beach Village would be nonconforming. Christine Grimando said she has not seen language that prohibits what is being proposed.

Dave Woods said there is a large difference between this setting and a pristine block of land being developed for the first time, and there is a conflict in our zoning, and the project has to either be deferred or approved. Christine Grimando said the board has to decide if it violates law. If the item is deferred, she can get a legal interpretation. The question is whether or not the absence of non-residential use in the State’s language, constitutes a prohibition of Non-Residential Use any where with in the 250 set back from the high water mark which defines the Shoreland Zone.

Motion: Barrie Munro moved to defer this application until the next meeting, January 22, 2009. Lew Stowe polled each member of the Planning Board, and the motion passed unanimously, 5-0.

Minutes

Review and approve draft minutes—December 8 and December 18, 2008

The December 8, 2008, Planning Board minutes were reviewed. Changes were suggested by Planning Board members and handed to the recording secretary.

Motion: Glen MacWilliams moved to accept the December 11, 2008 minutes as amended. Barrie Munro seconded the motion, which passed, 5-0.

The December 18, 2008, Planning Board minutes were reviewed. Changes were suggested by Planning Board members and handed to the recording secretary.

Motion: Barrie Munro moved to accept the December 18, 2008 minutes as amended. Dave Woods seconded the motion, which passed, 3-0, with Barrie Munro, Dave Woods, and Lew Stowe voting.

Applications Reviews and Public Hearings

Highland Farm Phase 2. 1 North Meadow Lane and 250 Cider Hill Road. Map & Lot: 0090-0029-A and 0090-0030. Request to approve revisions to the General Declaration of Covenants, Restrictions, and Easements for the Meadow at Highland Farm, Phase I subdivision.

The Highland Farms application hearing was postponed until February 12, 2009.

Base Eldredge, LLC. 97 Raydon Road. Map & Lot 0091-0008-V. Sketch Plan application for a Route 1 Use Permit for a commercial showroom and storage space.

The Base Eldredge application hearing was postponed until February 12, 2009.

New Business

The **York Beach Village Planning Board Subcommittee** had come before the Planning Board three weeks earlier, on December 18, 2008. Since then, Vice Chair Dawn Fernald and other subcommittee members had compiled and analyzed information from the community survey that had been conducted in November and December. She brought forth the results of two popular scenarios, as she had been asked to do by Planning Board members during the December 18, 2008, meeting. She had brought a third scenario, as well. One hundred twenty-nine people replied to the survey. There had been two prior public input hearings.

She explained the public generally wants better access to York Beach, better traffic flow, and compliance with State road guidelines. Priorities also include, widening sidewalks, including along Ocean Avenue, improved crosswalk access and signage, signage for year-round traffic, streetlights (a change to be made by CMP), relocation of utility poles, installation of conduit for future lighting, installation of bike racks, and places for motorcycles and mopeds to park.

Scenario 1 calls for a change in the traffic pattern. It would make all primary roads in the York Beach Village Center area two-way year-round. Beach Street, Ocean Avenue Extension, Bay Street and Hawk Street would remain unchanged. The objective would be to make access to the beach easier, and to make it easier for people living on the Nubble to access Ridge Road South and the Post Office. Two-way on Church Street would potentially decrease traffic on Railroad and Ocean Avenues. Proposed two-way traffic on Railroad Avenue, however, would bring an end to parking on that street, which Fire Chief Dave Bridges had stated would improve right hand turns out of the Fire Station and fire and safety response to the north and east. However, this scenario would leave no room for short-term parking or delivery trucks to load and unload on Railroad Ave. Traffic crossovers at the intersection of Railroad and Ocean Avenues and Main Street might lead to more accidents and actually decrease the capacity of that intersection. In addition, reducing north-bound traffic on Ocean Avenue to only one lane could result in longer queues at this major intersection. There is also some question with respect to increasing traffic on Church Street, a residential street. The Sub Committee has determined that the cons outweigh the pros. The committee had decided that Scenario 1 does not work out in three of the four quality criteria:

- Improvement of Traffic Flow;
- Better Access to the Beach Area;
- Safer Environment for Vehicles and Pedestrians; and
- Improved Compliance with State Traffic Guidelines (satisfied by Scenario 1)

Scenario 2 calls for two-way traffic on Church Street and Long Beach Avenues and one-way on the others that make up the loop. Hawk Street would be extended as a two-way street out to Church Street. Bay Street between Franklin and Ocean Avenues would become a pedestrian mall. This would decrease the curb cuts on Ocean Avenue by one and move the traffic entering Ocean Avenue farther from the major intersection at Railroad, Ocean and Main Street. There would be a trolley/bus drop-off area on County Road. The subcommittee determined that this Scenario would provide better safety conditions, including less traffic congestion without in any way diminishing traffic or pedestrian capacity. Improvements would be made to the intersections of Railroad, Church, and Ridge Roads; Church Street, Long Beach Avenue, and Church Street Extension; and Ocean Avenue, Ocean Avenue Extension and Willow Avenue. Ocean Avenue Extension would be made one-way west with sidewalks constructed on the Ocean Side. The Committee determined that Scenario 2 satisfies the four quality criteria better than Scenario One.

Scenario 3, is also called “What If?” The Public Works Director, Dean Lessard, had submitted this “radical design” said Dawn Fernald. In Scenario 3, and she pointed to a map as she spoke, Ocean Avenue would be closed and turned into a pedestrian way. Hawk Street would be developed as an access to the Ellis Park parking lot and the Beach Area. The ball field would become parking. The overall change would call for additional parking at nearby public schools, or perhaps churches could raise money as non-profits by allowing parking.

In the ensuing discussion, Lew Stowe said an upcoming Planning Board/Select Board joint meeting on this subject was planned for January 26. Glen MacWilliams said that he likes Scenario 3 and wants to see public vetting for Scenario 3, asking it not be referred to as a “radical design.” Even taking the ball field is reasonable, considering the other good things that it might lead to. Barrie Munro said the extension of Hawk Street would impact a wetland, and if the ballpark were eliminated, it would have to be relocated. The What If is interesting, he said, but not necessarily easy to implement.

The chairman opened the **Public Hearing**. **Jim Carmody**, of 109 Airport Drive on the Nubble, is the Traffic Engineer for the City of Portland. He commended the York Beach Village Planning Board Subcommittee for their suggested improvements. The committee had obviously listened to people, he said. Portland is looking at bike racks and motorcycle/moped parking as well. In York Beach, improvements have to be made at intersections, especially where Long Beach Avenue and Church Street intersect. The third scenario is good for enhanced pedestrian traffic, but “ducks would have to be in a very good row” to make it happen. The parking that is permitted now by the Goldenrod does not meet the State requirement for clearing by intersections. Four-foot long rubber sections can create temporary islands or lanes for testing traffic patterns. Dean Lessard and Jim Carmody are both willing to advise, he said.

Dave Woods said his goal, as part of the Planning Board Subcommittee, is to pass the most likely scenario to the Selectmen so they can take that scenario to a professional for analysis, rather than having that advanced work fall back to a committee of laypeople.

Glen MacWilliams said the board could evaluate the plan at the next level. Barrie Munro said there are major things to consider, like the future of the ballpark, signage and striping. Dave Woods said the committee is unanimous about which scenario worked out best, based on what they did—Scenario 2.

Barrie Munro recapped the group's efforts. All before December 18, they had talked to: Public Works Director Dean Lessard, three times; Fire Chief Dave Bridges, four times; Police; Sewer; and Water District--all in a formal capacity. They had invited the public to every meeting, had conducted Breakfast Coffee "come Ins" for the public and had conducted a Public Survey. Committee member Fran Zanka had gone through much iteration. There was plenty of thought leading up to this point. Todd Frederick said there must have been countless numbers of volunteer hours. It was obviously not done of the back of a napkin.

The hearing ended.

- **Architectural Standards for Route 1 Commercial Development**
- **Ordinance Amendment—Green Building Practices for Private Commercial Development**

Glen MacWilliams said the Route One ordinance is missing a requirement for the board to ask the architect to demonstrate the precedent for building design that meets the Town's requirement: Colonial, Federal, or Georgian in influence. These influences are to be "incorporated" into the design. Christine Grimando said influence should expand into mass and scale, and take adjacent buildings into effect, as well. Glen MacWilliams said the Historic District in York Harbor calls for a building to be sympathetic with the current buildings. There is no reference period by which buildings have to comply.

Glen MacWilliams said there is a possibility to ask architects to relate to energy issues like lighting, sunlight, heat from the sun, earth energy, wind, and solar. A building could meet LEEDS requirements for energy and environmental design and still be Georgian, Colonial, or Federal. Basically, the architect has to show the historic reference. York would not be the first to do this. Christine Grimando said the change world mean modifying 6.3 and additional subsections and would include mass, scale, and color, as well as side and adjacent buildings.

Glen MacWilliams said the municipalities could require that applicant buildings are responsible to the carbon production issue and are environmentally sound. There is no LEEDS project in York. The building ordinances should include the reduction of carbon overall. The State wants ordinances in place by 2010 and 2012. York has adopted State energy standards, but York can exceed the standards. The group discussed an imaginary green carwash and what it might look like.

- **What's Ahead for the January 22 Public Hearing/Workshop**

Town Planner Christine Grimando said Community Development Director Steve Burns would be talking to the Selectmen and Planning Board about fiscal analysis, surveys and

judgments and how to judge such information correctly. As well, statistical methods for controls about affordable housing will be investigated.

Old Business

There was no Old Business

Other Business/Adjourn

Planning Board members signed Mylars for Moulton Storage.

The meeting adjourned at 10:00