

York Planning Board
Thursday, January 28, 2016, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum; Appointment of Alternates

Chairman Peter Smith called the meeting to order at 7:35. The delay was caused by a problem in the sound system. A quorum was determined with five people voting: Chairman Pete Smith, Vice Chair Amy Phalon, Gordon Eldridge (representing York Beach), Lew Stowe, and Al Cotton. Alternates Wayne Boardman and Kathleen Kluger were also present, but did not vote. Director of Planning Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum

No one came forward to speak.

Minutes

The January 14, 2016 minutes were reviewed. Changes were requested.

Motion: Al Cotton moved to accept the January 14, 2016, minutes as corrected. Amy Phalon seconded. The motion passed 5-0.

Field Changes

Ryan McCarthy, from Tidewater Engineering, represented Steve and John Hale of Hales' Landscaping. The board had approved a use permit for them on June 28, 2015. They wanted to add a 275 gallon diesel storage tank behind the new building for refueling heavy equipment. As required in 6.3.15, it will have a containment dyke. It is 100 feet from the property line and cannot be seen from the road.

They asked for a second field change, to change the plantings on Route 1 from the approved five Beech trees to nine Weeping White Spruce, which will screen the property equally adequately.

Chairman Pete Smith opened the public hearing. No one came forward to speak.

Motion: Amy Phalon moved to approve the field change for Hales' Landscaping, 1114 Route 1, Map & Lot 0094-0048. Al Cotton seconded. The motion passed 5-0.

The York Planning Board will conduct a Public Hearing regarding proposed ordinance amendments to be considered at the May 2016 Special General Referendum.

A. York Village Center Zoning Districts

B. York Village Affordable Elderly Housing Overlay District Expansion

Senior Town Planner Dylan Smith introduced the amendment, written by a Planning Board subcommittee. Existing zoning in the Village Center, currently GEN-3, is permissive as far as use goes but is restrictive as far as dimensional requirements are concerned. Currently, most (78%) of the 87 parcels in the proposed York Village Center Zone-1 and York Village Center Zone-2 (YVC-1 and YVC-2) are nonconforming. The new ordinance will make 80% of the lots conforming.

The amendment is intended to promote a pedestrian-oriented atmosphere by encouraging business locations in street levels along York Street, Long Sands Road, and Woodbridge Avenue. New buildings or existing buildings within the zone would be required to have at least 50% of the ground floor square footage that is toward the street, or toward the front of the building, to have some sort of retail business. The remaining 50% of the ground floor, upper levels, and the rear can be residence.

Chairman Pete Smith opened the public hearing.

Joyce Andersen presented a letter from three neighbors along Long Sands Road. **She and her husband, Harvey Reid** (No. 72 Long Sands Road), **David and Cynthia Francis** (No. 78), and **Scott and Arthur Berger** (No. 64) are requesting that their properties will be in YVC-2. They feel their tax burden is not appropriate in RES-B. They would like to take advantage of commercial opportunities in YVC-2 not available in RES-B. This proposed change will not cause any alteration of the character of the neighborhood.

Board member Amy Phalon responded. She said the three properties are residential and would not fit into the zone. The zone would split between one side of the street and the other. The subcommittee purposely did not want expansion north of Avon Road.

The public hearing continued. One of the three neighbors, **David Francis** of 78 Long Sands Road “respectfully disagreed” with Ms. Phalon. The three houses provide major thoroughfares for people walking into the Village from elderly housing and the shopping center. Directly across the street are a commercial real estate office and the Masonic hall.

Kinley Gregg thanked the Planning Board for removing her property from Village Center Zone-2. Though the goal is to lessen the number of non-conforming properties, a lot of single family residences will be non-conforming by virtue of their being single family residences, she said.

Patricia Martine found that the wording was unclear about first floor businesses in several types of housing. It was not clear that the requirements are for lots with frontage on York Street, Woodbridge Avenue, and Long Sands Road. The board made note of that problem in the wording.

Elizabeth McPhee of 304 York Street, resides in a building that is zoned for residential, multi-dwelling, and business. She asked if she will be grandfathered if there is a change of use. Dylan Smith told her she will, and if she wants to make a different use, she should apply through code office.

Dylan Smith said another hearing before the Board of Selectmen will be held February 29, 2016. Changes can be made then, but substantive changes will require addition of another public hearing on March 28, 2016.

Motion: All Cotton moved that we forward to the Selectmen, for public hearing, zoning ordinance amendments called York Village Center-1 and York Village Center-2 (YVC-1 and YVC-2), as presented tonight, with the addition of the properties at 64 Long Sands Road, 72 Long Sands Road, and 78 Long Sands Road to the York Village Center-2 zone. Lew Stowe seconded. The motion passed 4-1 with Amy Phalon opposed.

(B) York Village Affordable Elderly Housing Overlay District Expansion

Patricia Martine, Director of the York Housing Authority, said a five acre parcel, located next to the Elderly Housing Facility, has been purchased for a second building. A great deal of the land is wet, but there are some uplands on the front half where a building can go.

Chairman Pete Smith opened and closed the public hearing. No one came forward to speak.

Motion: Al Cotton moved to forward to the Board of Selectmen an amendment to the York Village Affordable Elderly Housing Overlay District expansion, including the ballot language as presented to us. Amy Phalon seconded. The motion passed 5-0.

Review Potential Ordinance and Comp Plan Initiatives for November 2016

Dylan Smith said preparation of the stormwater chapter for the November 2016 referendum will be a major effort for the board, as it needs to reflect the State Shoreland Standards. The board will also be working with Lee Jay Feldman on separating the Site Plan and subdivision Regulations.

The Energy Committee is working on the Energy Chapter. They are trying to get a draft completed by March.

A Utility Chapter focused on policies and the expansion of utilities to the Cape Neddick River is also needed. Al Cotton said a septic ordinance should be part of the conversation.

Lew Stowe said there is nothing in the shoreland ordinance about setbacks from the ocean. If you want to put a building on a lake, the setback is 150 feet. Someone building a hotel on a cliff can put the building 20 feet from the ocean.

Wayne Boardman said the Town is looking ahead to replacing all the street lights with LED fixtures. It will be a good time to write a lighting ordinance.

8. Other Business

Dylan Smith said that if the Planning Board members have any specific questions for the Code Enforcement Office and Amber Harrison, to give them to him to forward to her.

Motion: Al Cotton moved to form a subcommittee of the Planning Board, for the purpose of studying the shoreland ordinance, with Lew Stowe as chair, and Wayne Boardman and Kathleen Kluger as members. Amy Phalon seconded. The motion passed 5-0.

Adjourn

9:30