

**TOWN OF YORK PLANNING BOARD
THURSDAY, AUGUST 25, 2005, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the workshop meeting at 7:05. Barrie Munro, Richard Smith, Glen MacWilliams, and alternates Lee Corbin and Michelle Moody attended. Glenn Farrell and Tom Manzi were absent. Michelle Moody was asked to vote in place of Glenn Farrell, and Lee Corbin voted for Tom Manzi. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised. The Chairman began the meeting by introducing the board and the staff.

Presentation on Proposed Cluster Development Amendment
The Planning Board will make a 15-minute presentation to the public to explain the proposed Zoning Amendment for cluster subdivisions.

Barrie Munro read from his document, Cluster Subdivisions. One portion read, "The objective [of cluster development] is to optimize the appearance of open space, forested areas, and meadows, while allowing the same development potential as is permitted by the underlying zone and conventional site planning." Michelle Moody then explained the ten-lot requirement to qualify as a cluster subdivision, and said that as few as three lots can be eligible, if it seems right. Steve Burns explained the annual inspections of conservation easements by a third-party inspector. He said that these changes in the ordinance were made so that mistakes made in the six-or-so clusters already approved will not be repeated. He said that the open space will be determined first, and the development will be created around it. Glen MacWilliams detailed development standards. Barrie Munro said that the ordinance is critical with respect to the development of the large parcels of land that are available for development.

At the next Planning Board meeting, the cluster housing provisions for wetlands protection will be discussed. Steve Burns said that the Selectmen had "killed off" the affordable housing part of the ordinance changes, saying that more time was needed to look at it. In York River Watershed District, the buffers have changed. Rather than keeping the proposed standard buffer of 100-feet throughout the district, the formula for buffer size is based on current buffer sizes, with 25 feet added to what exists. Areas currently with zero buffering will therefore have 25-foot buffers.

Public Input
Open to the public to address any issue other than issues scheduled for public hearings on the agenda.

Stan Moody, Conservation Commission, was first asked about the Shipyard, which had, the day before this meeting, been saved from Department of Defense closure after many months of uncertainty. He said he was retired from the shipyard after 27 years there, and that the shipyard is most likely the best at what it does in the entire world. About cluster subdivision housing, he said that the proposed cluster amendment is wonderful in the

opinion of the Conservation Commission. He said that when Glen MacWilliams had been explaining the development standards earlier in the meeting, he had described setback measurement from the upland edge of a *water body*, whereas the Conservation Commission has been requesting that the language describes the setback from the upland edge of a water body *or a wetland*. The chairman said that note would be taken of that.

Business

The agenda items were discussed out of order. Items 1 and 3, **Meet with Acting Town Manager and Project Inspections**, were followed by Item 4, **HDC Design Guidelines**, and then Item 2, **Work Priorities for 2005/2006**. Items 1 and 3 were covered together in the first discussion.

1. Meet with Acting Town Manager. Discuss issues pertaining to code enforcement and occupancy permits as these relate to approvals granted by the Planning Board

3. Project Inspections. Discuss policies relating to the inspection of Board-approved projects.

Code Enforcement Officer Mark Badger came in the Acting Town Manger's place. Chairman Barrie Munro directed everyone to the July 15, 2005 letter from Town Planner Steve Burns to Town Attorney Durward Parkinson, Re: Planning Board Inspection, and to the July 21, 2005 reply. Durward Parkinson's recommendation was "to have the Code Enforcement office or Town Engineer conduct these inspections and prepare a written report for the Planning Board's consideration." The board discussed motioning to change the policy, but Steve Burns said that he had already written the recommendation up for plan notes, and that a motion would not be necessary.

Mark Badger then discussed occupancy permit issues. He said that the Code Office and Planning Office share the Town Engineer, John Treat, who understands complicated construction components. A Building Code and Safety Code Compliance Engineer is also hired, Gordon Stewart. Some activities are financed by Planning, some by Code Office.

Mark Badger described computer software currently being installed, which will computerize permit issuance, applications, fees, tickler reminders, as well as provide features that will improve the tracking and speed of projects and improve the general system.

Barrie Munro said that appearance, color, materials, and plantings matter to the Planning Board. Mark Badger said that Code Office is not focusing on those items, and neither are John Treat or Gordon Stewart. Of the two engineers, John Treat comes closest to following the Planning Board conditions.

Richard Smith said that winter might cause something to be lacking, and the applicant might have to have a temporary occupancy permit. Michelle Moody asked what a temporary permit is, and if it is the same permit the Bournival Chrysler dealership has. Mark

Badger said that Bournival has an expired temporary occupancy permit they got in 2000. The project was delayed because DOT was supposed to do some things that were put off. The property is not properly landscaped, there are too many lights, and some cars are being parked where they should not be parked, on the site of a torn down auto body shop. He said that Bournival is aware of the problems. Michelle Moody suggested fining applicants to make sure the work gets done.

Glen MacWilliams said that the Board had been told by the Town Attorney not to do inspections. The board can do observations, but inspections require expertise. However, it is important to know that the provisions of a temporary permit have been met. Barrie Munro said there has to be a limit on the temporary occupancy permit. There are things that are necessary for the completion, or it has to be made punitive. Mark Badger said that Code Enforcement has no problem if an application needs Steve Burns or the Planning Board's okay before issuing the permit. Michelle Moody said that the application has to come back to the board with a checklist. Steve Burns said that as it gets more complicated, his time is still as difficult for working on such things. Glen MacWilliams said that a project's designer in charge is the person who is responsible for certification of completion. Anyone who is licensed to certify should be responsible for the follow-up. In that event, the Planning Office wouldn't have to pay for certification. Professional certification addressed to the CEO would trigger issuance of the permit. He agreed that certification of that nature could become useful and not be a bother for Steve Burns. Steve Burns said that the Planning Board should still visit sites to see how well its expectations are being met and how its process unfolds. Barrie Munro asked to continue the matter to another meeting.

4. HDC Design Guidelines. Discuss the new design guidelines published by the HDC.

Steve Burns passed out copies of the front cover of the York Historic District Commission's new brochure, "Design Guidelines for Historic Districts and Sites," which he said will be mailed out and also published on the Web.

2. Work Priorities for 2005/2006. Discuss work priorities for the coming year. Reference a July 12th memo by the Town Planner.

Steve Burns had handed out his three-page, July 12, 2005 Memo to the Planning Board regarding Work Priorities for the Coming Year, which includes **Updating the Inventory & Analysis Section of the Comp Plan; Sidewalk/Pedestrian/Bicycle Policies; York Beach Revitalization; Overhaul of Shoreland Overlay District Map; Growth Ordinance Update;** and **Transition to Digital Document System.** He briefly reviewed the items.

Michelle Moody wanted to discuss Growth Ordinance Update with regard to how much the Planning Board is willing to do for the Selectmen. Steve Burns answered that it is not the Planning Board's decision about which of the Selectmen's requests it is willing to do.

Glen MacWilliams said that language in the Growth Ordinance Update portion could be created to tie up loopholes in the building moving, replacement buildings, and the differential (zone-by-zone) cap portions, as mentioned in the Memo. The board discussed whether or not Growth would go on the November ballot. Barrie Munro recommended a non-binding survey on the ballot. He asked that Glen MacWilliams create the necessary language for that section of the ordinance and then asked the Planning Board to recommend that the Board of Selectmen conduct a survey. Steve Burns said that these efforts could be offered as solutions to the Selectmen.

Steve Burns said that he had a large backlog of applications and is trying to cut down on the number of projects. Most of what he has done as Town Planner over the years has had to do with zoning, subdivisions, and the Comp Plan, and he has not done any “fun projects” that have to do with the quality of life in York, like the bicycle/pedestrian project. Glen MacWilliams responded that the public should know how much Planning contributes to the quality of life that people have in York. Revitalization of York Beach also has to do with that. Steve Burns mentioned that the Kittery Water Dept and other projects were unfortunately done without taking opportunities for sidewalks into consideration.

Barrie Munro held up the list of Work Priorities from a year ago and said that about 80 percent of it has been done. He invited the board members put other business that comes up over the coming year on the list, so the new items could be prioritized, as well. Barrie Munro asked Stan Moody of the Conservation Commission, who was the sole member of the audience that evening, if the Commission can provide a chapter about natural resources for the Comp Plan, and Stan Moody answered that it would.

Steve Burns said that he had offered a \$7,500 grant to bring in people to write about streetscape issues. Glen MacWilliams asked if the board is interested in paying for private enterprise to do that kind of work, and Steve Burns answered that the board does not have time to get involved. The possibility of adding a meeting for holding a two-hour workshop so the Renaissance Committee can update the board about its progress was discussed. Michelle Moody suggested adding September 29 to the schedule.

Discussing Digital Documentation, Steve Burns said that he was not sure what document imaging system would be used to put things out on the Web. As for the Shoreland Overlay District Map, it was probable that the entire wetland map would have to be rebuilt from scratch. He explained that, ultimately, the Planning Board and the Board of Selectmen should be able to request whatever maps they require. Barrie Munro asked about the drainage study, which Steve Burns said had a stalled pending delivery, partially because Public Works Director Bill Bray has been out.

Other Business/Adjourn

- Barrie Munro read the hand-written memo From Valerie Doran to the Planning Board dated 8/23/05. He also referred to the August 24, 2005 Memo to Jennie,

McCann, Karen Steadman, and Steve Burns regarding non-residential activity involving traffic, noise, and congestion problems. It stated that Mr. Brochu has “made changes to eliminate the issues.”

- Barrie Munro read a memo about 6A and the Growth Ordinance. Michelle Moody responded that there should be a workshop about it, or have York Housing Authority get involved. Steve Burns said that the housing authority should seek some code changes on their own. Glen MacWilliams said that a number of different avenues about accessory dwelling should be explored.
- Barrie Munro said that Mark Sullivan of the Sohier Park application has requested language about the design for paving that the Planning Board desires. Glen MacWilliams and Tom Manzi have developed the language for a note, Barrie Munro said. It has to do with textured accent areas with color that contrasts the black paving.
- Regarding affordable housing, Michelle Moody said that in Wells, 20% of housing must be affordable in a new 55-plus project. It is based on income level, and it is for Wells residents, first. She said that Arundel has also added language in their growth ordinance for residents and property owners.
- Tom Manzi, Michelle Moody, and Barrie Munro had gone to the Board of Appeals hearing about Dunkin Donuts. Appeals Board would not honor Planning Board’s request about rehearing it. Michelle Moody said that the only criteria Appeals had was whether or not it was being heard within 30 days. Barrie Munro said that the Planning Board has to be careful on how it reacts to the actions of other boards. Michelle Moody said that when an issue like this comes up, there should be a way to make sure Planning knows Appeals has the right code in front of them. Steve Burns said that they did not violate code.
- Barrie Munro said that Attorney William Daily spoke for about an hour in the Bayberry Ridge appeal hearing. Steve Burns then spoke for about 45 minutes using §10.8.3.3 as support. Steve Burns prevailed.
- Steve Burns referred to the David Ballou Proposed Zoning E-mail of August 09, 2005, in which David Ballou said he felt the Town should not regulate condo conversions. Steve Burns said that he had asked David Ballou to make a presentation to that point at the final hearing.
- Upcoming reviews include Sparhawk, the Anchorage, and York Housing Authority Phase 3, as well as the J&B site visit. Michelle Moody suggested putting all public hearings at the beginnings of meetings, followed by workshops, as they do in Wells. Barrie Munro said that the disadvantage of that is that participants would still have to wait for the resolution. Lee Corbin added that the workshops trigger other ideas that the public might want to bring forward.

The meeting then adjourned. It was 9:25.