

York Planning Board
Thursday, April 23, 2009, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Planning Board member Glen MacWilliams sat in for Chairman Tom Manzi, who was absent for this two-and-a-half-hour workshop. Co-chairman Lew Stowe was also absent, as was alternate Todd Frederick. Glen MacWilliams, Barrie Munro, and Dave Woods were present and comprised a quorum. Town Planner Christine Grimando represented the planning department staff. Community Development Director Steve Burns participated. Patience Horton recorded minutes, which were edited by Barrie Munro. The meeting was televised.

Public Input

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

Steve Burns proudly said the Town of York had recently won the 2009 Municipal Leadership Award from the Workforce Housing Coalition of the Greater Seacoast. It was the first time the award had been given. The desktop award is glass with the citation etched into it. Town Manager Rob Yandow, Town Planner Christine Grimando, Kathryn Danylik, Assistant to the Town Manager, workforce housing advisors Tom Manzi and Todd Frederick, who are members of the York Planning Board, Chamber of Commerce director Kathy Goodwin, and York Housing Authority director Patricia Martine, with Fiona McQuaide, accompanied Community Development Director Steve Burns at the ceremony.

Field Changes

There were no field changes.

Minutes: Review and approval of minutes.

The March 26, 2009 minutes were reviewed and approved without changes.

Motion: Barrie Munro moved to accept the March 26, 2009 minutes as written. Dave Woods seconded the motion, which passed 3-0.

New Business

Discussion of the following items for the November 2009 Referendum

Application Procedures

Draft Affordable Housing Ordinance Amendments

Steve Burns said the intention of this amendment is to streamline application procedures across all zones, including the new York Beach Village center zone. Currently, notification of abutters is required when a project reaches \$10,000 in costs. When there is no

knowledge of a notice because of the \$10,000 cutoff, abutters can appeal the permit within a given period. This proposed amendment creates an administrative procedure that requires notification of *all* abutters, despite the project cost. There is a benefit for the builder who will not have to wait for the appeal period to expire in order to begin construction. Currently, when a builder begins work before the appeal period ends, the builder runs the risk of a “surprise” appeal in middle of the initial work.

Dave Woods suggested use of a sign-off sheet for abutters as an alternative. Glen Mac-Williams saw the point of not having the hold time longer than 30 days. Steve Burns said the task should be delegated to the applicant, because it is to the applicant’s benefit, and it is not something the Town should have to enforce. The list of abutters is generated on the Internet. Abutters who are not notified and are opposed can still go to the Board of Appeals within 30 days. Steve Burns added that this administrative procedure would simplify the process for the staff—in fact, the staff will be very happy to hear the planning board favored this idea at the meeting.

Affordable Housing Draft Affordable Housing Ordinance Amendments

Steve Burns had met with York Housing Authority Director Patricia Martine to discuss housing provisions. She who did not feel that workforce housing apartment projects would be economically feasible as currently proposed. To allow a workable cash flow, the conversion of buildings to four apartments (if on sewer) should be a combination of two regular apartments and two affordable apartments. The regular rental units are needed to provide enough cash flow to make the workforce apartments economically sound.

Dave Woods thought the concept should not fall under the growth ordinance, and he cited Walter Woods’s elderly congregate housing, a project that took great navigation around and through the rules and regs to be economically workable. Barrie Munro said the Town permits a certain number of affordable housing units a year beyond the growth ordinance. With this newer approach, a four-plex could have 50% of the units at the market rate, and 50% affordable, but the permits would have to be granted at the same time on both. They can’t be separated and be financially viable.

Talking about apartments above stores, Dave Woods said that many York Beach owners have lost their right to have those apartments available, because the places have not been inhabited for so long, that the rights to have tenants have been lost. Steve Burns said since there is no parking at the beach, the apartments can’t be brought back, anyway. He said no one is doing anything about affordable housing except for senior housing. Barrie Munro said the proposed apartments above businesses in York Village is an outstanding idea that did not pass when it was proposed in 1991 because the boundaries were expanded beyond the Village center. Steve Burns said Cumberland Farms, right in the middle of the Village, was built the way it was (one flat story) because second and third floor apartments are prohibited. But there are one- or two-dozen other properties that have upstairs, livable space. A presentation has to be made to introduce the concept to the people of York.

Steve Burns had sent a copy of the affordable work force housing amendment to the board of selectman (Ted Little, Chairman), forwarding with it an idea of removing the apartment regulations from the growth ordinance.

The selectmen prefer the walk-to design rather than the village green design for work-force housing. They have no problem with the maximum lot coverage. The selectmen have concerns about design standards, and at this point find design standards arbitrary. Steve Burns thinks graphic representation, combined with text, will help overcome that opinion.

LEED Standards Draft LEED Standards Ordinance Amendment

Christine Grimando said the Town's interest in LEED (Leadership in Energy and Environmental Design) was kicked off by two high school students who made a presentation about it to the planning board a couple of years ago. Last May, the town passed a LEED Silver requirement for municipal buildings. For other buildings, green practices are encouraged. The Board of Selectmen had drafted a letter to the property owner of the proposed Walgreens building on Route 1 requesting green elements, which led the planning board to raise the issue of whether LEED requirements should be requested on non-residential, business buildings, as well. To meet the LEED Standard, building design must address and partially adhere to a list of wide-ranging green standards directed at minimizing the impact on the environment through the life of the structure.

To think further about this, Christine Grimando said she worked with ordinance amendments for new, non-residential buildings on and off Route 1, using 10,000 gross square feet as the cutoff point for triggering the LEED standard. If 15% of cost goes into the greening, then the builder can select to back down to a lower level of certification. The larger the project, proportionally, the less the builder will be spending. Many costs will be recouped. Dave Woods suggested the target size should be 7,000 square feet, and the requirement should also be made for additions.

Barrie Munro said he could not get on board with LEED requirements. He has reservations with the long list of alternative selections and the interacting factors, like public transportation. Christine Grimando said some buildings, like shopping malls, are only reached by car, making those buildings only able to obtain Silver ratings. Meeting 20 out of a list of 50 potential items allows for flexible decision-making, but he would rather change the ordinance to meet an improved environment, rather than have a group like LEED set the required standards. Glen MacWilliams described the US Green Building Council is a group of professional, certified members who work in accordance with the standards of LEED certification. He is a member of US Green Building Council. There are some buildings, like car washes and storage buildings that are not applicable and would be excluded from considering green principles. Dave Woods said if the green cost is 3% of the development on a smaller building, it should not be a hardship. Christine Grimando responded that the 10,000 square foot cutoff is a suggested figure, and the smaller the building, the more the cost proportion should go up. Steve Burns called LEED guidelines an example of performance-based ordinance. Whitefield, New Hampshire uses performance and comparison as the total standard for planning, and it works

well, and he admires that system. Barrie Munro disagreed that the Leeds system provides the same flexibility as a performance based negotiated system might.

Amend the outside display standards for Route One Draft Outside Display

Amendment

Christine Grimando said outside display violations are consistently made by small businesses. Large businesses don't need to display things the way small businesses do. The way the ordinance is written creates a disadvantage for the small businesses, so she has rewritten 6.3.27, making an amendment that lifts all the display standards and creates a wider range of display with the exception of impinging into the buffers and traffic safety.

Barrie Munro brought up auto displays at dealerships. What is the difference between inventory, storage, and display? If cars are stored, they must be buffered. Steve Burns said that Bourneville has not come into compliance with the plan approved in 1999. Glen MacWilliams commented that Planning seems to write ordinances as a way to overcome enforcement issues. Does this method create more problems? Small businesses are not high on the priority for enforcement, Steve Burns said. The group discussed basing outdoor display size according to building size. The display cannot impinge on required parking. After the group pondered different formulas, the proportional size of the outdoor display to the building's size made best sense at 25%. Dave Woods said 25% of a 3,000 square foot building, 750 feet, is a good size for outside display. Barrie Munro thought a cap of 1,000 square feet for the outdoor display should be the limit. Auto dealers have their own specific section of standards, Steve Burns said. There is no differentiation between a bags or a pile of anything written into the ordinance, so the amendment might need to specify what is or is not screened. They talked about which landscapers might or might not be grandfathered from with respect to new outdoor display rules. Barrie Munro suggested that consideration should be given to reviewing use definitions including that for Garden Center, this being relevant to the outdoor display discussion.

Architectural Standards for Route One zone Draft Building and Site Design

Amendment

Christine Grimando said by making a small change in the current standards, Planning would make it clearer to applicants about their responsibilities in complying with building designs in a given area. Glen MacWilliams said the amendment call for change in design requirements. With it, there is an attempt at trying to put new buildings in relationship with existing buildings, not just with what is next door. A ghastly building next to a ghastly building is not the goal, he said. A building will be in context with the surrounding community, not just to something adjacent. That is the intention of the amendment, concluded Glen MacWilliams.

Structure Definition Draft new definition of a Structure

Steve Burns spoke in place of Shoreland Resource Officer Ben McDougal, who had attended "one too many late night meetings this week." Steve Burns said York is consistent with the State about the description of a structure. But, in trying to put a prohibited shed within 40 feet of the shoreland setback, recently, a resident had put the building on wheels, which was not upheld by the Board of Appeals. There has to be criteria where

this, and other inventions, is not a structure. Small, portable things are okay in the shoreland zone, but once a person starts building a barbeque out of bricks, there has to be a definition to identify it. There was some discussion including removal of certain language from the amendment.

Pharmacies in the Route 1 Draft Schedule of Use Regulations Amendment

The ordinance allows pharmacies only in the Route 1-3 and Route 1-4 zones. This comes with the intention of nipping pharmaceutical over-saturation in the bud. A pharmacy's possible manipulation of primary and/or accessory use as a method of getting around the language was discussed. Glen MacWilliams said the board could decide if there are too many uses. It is not a violation of any anti-trust.

Comprehensive Plan Amendments

Steve Burns said seasonal houses do not have to be empty strictly during January, February, and March to qualify as seasonal houses. There is flexibility in the 90 consecutive days selected. This amendment changes the defined requirement that a place needs only one day of vacancy a year to make it seasonal.

Old Business

Walgreens

Christine Grimando said the signed Mylars are the only missing step in the Walgreens approval, but the applicant has not brought them in for signing. Walgreens wants a continuation of their application. They will have to come to the board and describe their situation. The board has no concern about it, having completed the review.

A site walk of the Miles Franey garden shed site is scheduled for 10:00 A.M. Monday, April 27, at 1399 US Route 1.

The meeting ended at 9:30.