

**TOWN OF YORK PLANNING BOARD
THURSDAY, APRIL 27, 2006, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:05 by introducing the Board and the staff. All the members were present: Barrie Munro, Vice Chairman Glen MacWilliams, Glenn Farrell, Richard Smith, Tom Manzi, and alternate Lee Corbin. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised. The Chairman said the agenda order was shifted so Other Business could be discussed earlier in the meeting.

Public Input

Open to the public to address any issue

No one came forward to speak

Business

Parking at Ellis Park. Discussion about parking trends and parking availability at Ellis Park. Trustees invited to participate.

Barrie Munro referred to the March 29, 2006 letter from William Burnham, Chairman of the Ellis-Short Sands Park Trustees. Then William Burnham made a presentation and began by naming the different Ellis Park trustees and associates who had come with him to the evening's meeting. He reviewed the contents of his letter. During sunny, weekday summer days, the parking lot is maxed out to capacity from 11:00 A.M. to 4:00 P.M., perhaps a few hours longer on weekends. Parking is available before and after those hours, and it is not allowed overnight. New meters have been purchased. They will be in effect from 7:00 A.M. to midnight and will give more specific information about usage and capacity. He humorously guaranteed parking availability on rainy days. The Chairman thanked him for his input.

Renaissance Subcommittee Charge Discuss the charge for the duties of this subcommittee. Subcommittee members invited to participate.

Dawn Fernald, Nick Papin of the York Trolley Company, and Cathy Goodwin, President of the York Chamber of Commerce, represented the Board's subcommittee. They sat at a table facing the Planning Board. Barrie Munro said that the Renaissance Committee (a/k/a Design Review Committee) was established by the Planning Board to deal with design issues in York Beach. Glen MacWilliams said that, as Planning Board liaison to the Renaissance Committee, he had noticed that the Beach business community is interested in many things beyond the buildings, like the ambiance, lighting, and the street-scapes of York Beach Village. He suggested that the committee be allowed to come up with different kinds of criteria that are relevant for the Beach.

The Board discussed the separation between ordinances and design criteria. Glenn Farrell said that the Planning Board does not have time to do design work, and that he believed the subcommittee wants to do it and has good ideas. Barrie Munro said that at some point, the Planning Board had scaled back the Renaissance Committee's responsibilities. Cathy Goodwin asked for clarification of the extent of territory the Design Review Committee should have. Would there be a different review committee for each part of town? Should Renaissance just worry about the Beach? They had presented the planning office with a set of ordinances about building height, but had not gotten anything back about it, she said. They had also presented a rough look at the streetscape and parking spaces they felt could be removed, which are elements of the infrastructure and go beyond building design.

Barrie Munro said that the Comp Plan indicates there should be one Design Review Board for most of the town. He felt the Beach has to be looked at separately, because of its unique needs. But for now, the Beach and Harbor should be combined. Glen MacWilliams said he thought that the regulations and standards for the Beach and Harbor should be separated. Cathy Goodwin said that Renaissance is not interested in the town-wide design review board. Steve Burns said that design review for the Harbor goes back to the '20s and can be expanded beyond the Harbor and include the Beach. Steve Burns also said that there would be no requirement for Harbor people to be on the Beach's review board. Having design control and adaptation of design standards is new to the Beach. Design flexibility can be offered through rezoning. Basic standards can be established with an ability to consider different ideas and defer regulations. Cathy Goodwin asked if Renaissance would develop the design standards and then hand them over to the town. Steve Burns answered, yes. The November referendum was referenced. Cathy Goodwin mentioned the different TIF scenarios she was preparing to publish in preparation of the November referendum. She plans to show how much money the community will gain, if the tax is approved and established, as opposed to how the money would be sent out to the county, without TIF's institution.

Other Business

At he said he would at the beginning of the meeting, Chairman Barrie Munro interrupted the Agenda by discussing the following matters he had presented to the Board in his list of outstanding matters entitled **Other Business—Planning Board Meeting April 27, 2006**.

Elk's site tree clearing. Barrie Munro said that there had been a problem in communication between the contractor and the landscaper when it came to the clearing of land for the new Elks' Club. Tom Manzi said that just a few days ago, the lot had been selectively cut, but that two days later, the entire property was nude. Steve Burns agreed that they had originally cleared it correctly and then took everything. The landscape architect was never called to flag the trees that would be saved. Glen MacWilliams said it was a violation of the site plan ordinance.

Motion Glen MacWilliams moved to require the applicant to redesign the landscaping in the areas where the buffer was disturbed, present the plan to the Board, and then have applicant implement the plans to restore the buffer. Glenn Farrell seconded the motion.

In discussion, creating a time period in which the work should be done was suggested. Lee Corbin felt that it should be done in during the planting season, by the end of June. The Board discussed whether punitive action should be taken against the applicant. Glenn Farrell did not want the Elks' work stopped. Barrie Munro thought work should stop and a pre-construction meeting should occur, which Glenn Farrell said would not guarantee communication, seeing that communication was already proven to be faulty at the site, anyway.

Amendment Glen MacWilliams amended the motion by adding two final sentences.

Motion Glen MacWilliams moved to require the applicant to redesign the landscaping in the areas where the buffer was disturbed, present the plan to the Board, and then have the applicant implement the plans to restore the buffer. The landscape professional who designs the landscape plan will provide the Planning Board with follow-up certification. The work will be completed during the planting season, by the end of June. Glenn Farrell agreed with the amended motion.

Vote The motion passed, 5-0.

In other business, Barrie Munro led the discussion about **CMP supplemental landscape planning**. Responding to a phone call, he had visited the Beech Ridge Road neighborhood, where he saw that the arborvitae that had been planted there, as mitigating buffer by CMP, was inadequate. As agreed, there is \$20-thousand in escrow available for possible additional buffering that must be used by August 2006, or returned to the CMP. He asked for creation of a committee with one member each from the Planning Board, the Board of Selectmen, and the Conservation Commission to review the entire CMP right-of-way and determine if further planting is necessary. Glenn Farrell nominated Barrie Munro to the committee. Glen MacWilliams seconded it, and a vote was not necessary. Barrie Munro asked that letters requesting participation go to the Selectmen and the Conservation Commission.

In other business, in **Passaconaway by the Sea** Steve Burns explained that the Board of Appeals had deferred the applicant's appeal to the court system. In doing so, it had determined that Planning Board would not review Passaconaway again until 45 days after the court decision.

In other business, in the **Bell Marsh Road** matter, a letter had been sent to Selectmen Chairman Dave Marshall.

In other business, Oscar Plotkin, hopeful developer of the **Wild Animal Kingdom** land, had been in York recently. Tom Manzi had heard him speak and said that Oscar Plotkin was a sophisticated developer who was romancing York with his ideas of developing

about 200 acres, which Steve Burns explained would include additional abutting acreage the developer was seeking to attain. Barrie Munro said that the ordinances were well in place for the Planning Board to deal with a proposal of this magnitude. Steve Burns showed a map of the targeted land, pointing out a big swamp that forms a major obstacle right in the middle of it, splitting the project up into different packages. Barrie Munro had understood that 20-thousand square-foot buildings were being considered, which are not economically feasible. He said that as a member of the Planning Board, he will be responsible to the ordinances, and that the Board can govern the sense of scale for this project.

In other business, the Board discussed **Enforcement**. Barrie Munro said that despite efforts to have violations corrected, especially on Route 1, he has not seen very much improvement. The improperly placed parking of garden construction equipment and the visible storage of construction materials bother him. He did not think there was a permit for the truck, which is constantly at the green grocer's, to be there. The inadequate screening at Bourneville has been going on for six years. Glenn Farrell thought it would be good if the Board could acknowledge somebody who has done something right. In doing so, Tom Manzi said a Dog and Star list would be created.

In other business, Atlantic House Mylar Status. Steve Burns said that the Town Attorney had asked for \$10-million in insurance for the gas line under the street leading to Atlantic House. That request is holding things up for the applicant, as he searches for a more economical approach. As well, Don Rivers had come to the Planning Office with a proposal to park 31-employee cars offsite at the High School, from whence the workers could be shuttled into their jobs at the Atlantic House. He had not yet asked the Town for permission to do that, so the idea was not acceptable, and so, Atlantic House does not have a permit, concluded Steve Burns.

In other business, Scotland Bridge over the York River has an old main the Kittery Water District agreed to remove several years ago. They have to be contacted about it.

And finally, in other business, regarding the **Route 1 Design Ordinance 6.3.13**, Barrie Munro said that the Board should define the range of color and contrast that will meet its expectations for Route 1.

There was a short break

Ordinance Amendments. Discuss possible ordinance amendments for the November 2006 General Referendum.

1. Zoning Ordinance—Historic Landmark Designation of Trinity Church
2. Zoning Ordinance—Landmark Designation for Historic Building Conversions
3. *Zoning Ordinance—Seasonal Conversion Appeals (Off)*
4. Zoning Ordinance—Shoreland Setback Variances
5. Zoning Ordinance—York Beach Village Amendments
6. Zoning Ordinance—Non-conforming Situations Amendments

7. Zoning Ordinance—Bed & Breakfast Amendments
8. Zoning Ordinance—Apply Campground Regulations Town-wide
9. Zoning Ordinance—Define Front, Side and Rear Lot Lines
10. Zoning Ordinance—*Shoreland Map Amendments (Off)*
11. Zoning Ordinance—*Shoreland Septic System Setback (Off)*
12. Zoning Ordinance—Stream Protection Zone Boundaries
13. Zoning Ordinance—Eliminate Old Floodplain Management Definitions
14. Zoning Ordinance—Amend Planning Board’s Site Plan Review Authority
15. Zoning Ordinance—Cap Maximum Retail Size in the Beach and Harbor

Steve Burns said that **Items 3, 10, and 11 (Seasonal Conversion, Shoreland Map, and Shoreland Septic)** were not ready and would not be continuing to the November 2006 referendum. The Board members discussed the other amendments. Steve Burns said that the Historic District Commission and the Atlantic House requested **Items 1 and 2, Historic Designation**, respectively. Once a building is designated as a landmark, it remains historic in character. **Item 3 (Seasonal Conversion) is off the list.** The **Item 4, Setback Variances**, conversation began with a formerly offered concept that a house should be proportional to the other houses in the neighborhood, i.e., large houses can be built where there are large houses, already. The Board of Appeals, said Steve Burns, had proposed that there are circumstances where a house should be modest, proposing the basement footprint limit to 24’ X 36’. Glenn Farrell thought the footprint should be bigger, with the cost of land being high. He proposed a 1250 square foot footprint. Lee Corbin thought 1000 square feet would be good, and everyone agreed to that.

Item 5 (YB Village Amendment). Steve Burns showed a map of the BUS-3 zone boundary in York Beach, proposing its division, with one-half that is residential separated from the other half that has commercial-mixed use. After discussion, Glenn Farrell suggested leaving it as it is, and Richard Smith agreed with him. Tom Manzi did not understand making the change. Glen MacWilliams wanted input from the Beach Design Committee before deciding. Barrie Munro said that it probably would not go onto the November ballot, which would be okay. Steve Burns talked about a rezoning process that would be generated from the applicant’s need. It would prevent the Board from having to pre-guess zoning. Tom Manzi asked if the different elements of the **York Beach Village Amendment** could stand alone. Steve Burns said all the matters in Item 5 had to do with Renaissance Committee and should stay together.

Item 6 (Nonconforming Situations). The Board discussed the approach to rejoining properties that had been subdivided. In **Item 7 (B&Bs)**, they discussed of the ordinance that states a guest could not stay in a B&B for more than 90 days, because of the “transient standard.” Glen MacWilliams thought that the limit should be longer to match up with the summer season, and he suggested 120 days. In **Item 8 (Campgrounds)**, Steve Burns explained that there are two separate sets of campground standards in York, and there are several areas of York that have no campground standards at all. The standards regulate such things the number of campsites per acre and safe access to each site. The proposed ordinance will enable the one York Harbor standard to cover all the campgrounds in the town. In **Item 9 (Front-Side-Rear)**, Steve Burns said that “owner’s

choice” seems to be the best approach when deciding where the front, rear, or side of a property should be. **Items 10 and 11 (Shoreland Map and Shoreland Septic System)** are not ready and are not going forward.

Steve Burns discussed **Item 12 (Stream Protection)** wherein stream protection extends 75 feet out from the bank of a stream or from the edge of the wetland that is at the edge of the stream, and **Item 13 (Old Floodplain Definitions)**, about the elimination of unused floodplain management definitions. **Item 14 (Plan Review Authority)** is the result of the recent rodeo question, where, as with the Paintball Park in the past, there is no Planning Board jurisdiction over a site with no floor. With the proposed amendment, in cases where there are ten or more parking spaces, an application becomes eligible for Planning Board review (forget the floor). Finally, **Item 13 (Maximum Retail Size Cap)** addresses the circumstance where there is no cap to the amount of space for buildings in the BUS-3. With the amendment, potential size will be reduced to 2500 square feet.

Comprehensive Plan Amendments. Discuss possible policy amendments for the November 2006 General Referendum.

Chairman Barrie Munro said that the items comprising this matter would be divided up and discussed at upcoming meetings.

State Shoreland Rule Revisions. Discuss new rules adopted by the State, which may require local revision of Shoreland Zoning within 2 years.

This matter also was deferred to a latter discussion.

Other Business

In other business, a letter from Clifford Estes to the Planning Board and the Town Planner, dated April 13, 2006, Regarding Zoning Changes will be reviewed and discussed at the next meeting, said the Chairman.

Minutes Review and approve draft minutes of the April 13, 2006 meeting.

The mistakes of the April 13 Minutes were reviewed. An annotated copy of the draft minutes was given to the secretary for correction. There was not vote accepting them.

Adjourn

The meeting was adjourned at 10:00.