

**TOWN OF YORK PLANNING BOARD
THURSDAY, MAY 25, 2006, 7:00 PM
YORK PUBLIC LIBRARY**

Chairman Barrie Munro began the meeting at 7:00 by introducing the board and the staff. Barrie Munro, Vice Chairman Glen MacWilliams, Richard Smith, Tom Manzi, and alternate Lee Corbin were present. Lee Corbin voted in place of absent Glenn Farrell. Town Planner Steve Burns represented staff. Patience Horton took minutes. The meeting was televised.

Public Input

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

No one came forward to speak.

Public Hearings

A public hearing will be held for each of the following draft ordinance amendments

1. **Zoning Ordinance--Historic Landmark Designation of Trinity Church**
2. **Zoning Ordinance--Landmark Designation for Historic Building Conversions**
3. **Zoning Ordinance--Shoreland Setback Variances**
4. **Zoning Ordinance--Board of Design Review**
5. **Zoning Ordinance--Contiguous Non-conforming Lots**
6. **Zoning Ordinance--Non-conforming Design**
7. **Zoning Ordinance--Non-conforming Residential Density**
8. **Zoning Ordinance--Expansion of Non-conforming Use**
9. **Zoning Ordinance--Bed & Breakfast Standards**
10. **Zoning Ordinance--Campground Regulations**
11. **Zoning Ordinance--Front, Side and Rear Lot Lines**
12. **Zoning Ordinance--Stream Protection Zone Boundaries**
13. **Zoning Ordinance--Ordinance Clean-Up**
14. **Zoning Ordinance--Site Plan Review and Route One Use Permits**
15. **Zoning Ordinance--Large-Scale Retail in York Harbor**

The audience was sparse, consisting of a journalist, a couple of high school students, and Helen Rollins Lord. Chairman Barrie Munro discussed how best to approach to public hearings, and the board decided to open a hearing for each ordinance amendment, individually.

1. Review Ordinance Amendments. Discuss input received at public hearings and decide on action to be taken on each draft amendment. Per direction from the Board of Selectmen, discuss policy about expansion of non-conforming buildings

1. Zoning Ordinance--Historic Landmark Designation of Trinity Church

The public hearing was opened and closed. No one came forward to speak, but Helen Rollins Lord did give a thumbs-up from the audience.

Motion Glen MacWilliams moved to approve the amendment. Tom Manzi seconded the motion, which passed, 5-0 [after this, ordinance amendment approval by vote was unnecessary].

2. Zoning Ordinance--Landmark Designation for Historic Building Conversions

Town Planner Steve Burns explained that this amendment allows buildings to receive historic designation through referendum vote. The Atlantic and Kearsarge Houses had received this designation before applying for conversion. The chairman opened the **Public Hearing**. Helen Rollins Lord said that there are perhaps 2,000 buildings in York that fit the profile for historic designation. She said she was concerned about the definition of density, asking that it be tightened up. The public hearing was closed.

Steve Burns said that density bonus had to do with 600 square feet of floor space. Richard Smith asked if the density was relative to the original building floor space or to the new part. He thought it should only be the old part, and Lee Corbin and Tom Manzi agreed. Barrie Munro thought that the density of the underlying zone would be the determinant. Helen Rollins Lord said that it would be nice to see the buildings turned into something other than studios. The necessity of economy for the developer was reflected in the small square footage density bonus. Tom Manzi asked Helen Rollins Lord about the term "contributing property," which appears twice in the amendment. Helen Rollins Lord answered that the architectural characteristics that "contribute" to the historic nature of the property. She cited the old Sears kit houses as an example. Lee Corbin asked her if anyone could be forced into historic designation. Helen Rollins Lord answered that in other communities, buildings can be forced into it, but it is voluntary in York.

3. Zoning Ordinance--Shoreland Setback Variances

Steve Burns said that the amendment was in response to a request from the Board of Appeals. Originally, a proposed variance standard was based on expansion that would make a house no bigger than the ten nearest houses. However, Appeals wanted a specific number, rather than an average. At a recent workshop, the Planning Board suggested that the footprint could not be greater than 1,000 square feet, and that number worked. The chairman opened and closed the **Public Hearing**. No one came forward to speak.

Lee Corbin made sure that 1,000 square feet was not the total building size. Barrie Munro clarified that the building can expand upwardly off that footprint. He also said that the 1,000 square feet would include the garage. Everyone agreed with the amendment.

4. Zoning Ordinance--Board of Design Review

Steve Burns said that design standards have been established for the Harbor, and jurisdiction should be expanded to the Beach, which would have its own standards as a BUS-3 zone (business, not residential). Glen MacWilliams is the chairman of the York Beach Renaissance Committee. He said there is a rule that if the committee does not act within 30 days of a submittal, it is automatically approved. He felt that does not make sense and that at a certain point, decision should be made by the Board of Appeals.

Barrie Munro opened and closed the **Public Hearing**. No one came forward to speak. Steve Burns explained that per Article 14, there are limitations of site plan review authority. Applications concerning 10,000 square feet or less would go to the Design Review Board. Larger ones would go to the Planning Board. The reformed review board would include two alternates from the Beach, or anyplace in town, because the Review Board's jurisdiction should be town-wide. Staffing additional boards would be a problem, Steve Burns continued. For example, the second alternate position for a Planning Board candidate has remained empty for several weeks. He also said that the Design Review Board should give input to the process, and he suggested that those members attend the upcoming June 22 Planning Board meeting.

Lee Corbin asked about a deleted sentence in the amendment regarding time constraint on the Planning Board beginning with the period when application materials are received. She did not want to see the applicant strung out, waiting. Steve Burns pointed out that there is a two-month maximum time constraint.

5. Zoning Ordinance--Contiguous Non-conforming Lots

Steve Burns explained that the State dictates what to do in the Shoreland Overlay District, and the State has new shoreland nonconforming guidelines about minimum lot size. Lots that are ½ acre or smaller are a problem. In RES-4, -5, and -6, there has to be 12,000 square foot lot size, and the lot must have water and sewer. The owner can consolidate contiguous lots, sequence them, and then re-divide.

The chairman opened and closed the **Public Hearing**. No one came forward to speak. After a short discussion, the Planning Board determined it was happy with the ordinance amendment the way it was written.

6. Zoning Ordinance--Non-conforming Design

Steve Burns said that there were no criteria for nonconforming design amenities. If a lot does not conform, it has a non-conforming design. Glen MacWilliams said that the question would be how to qualify improvements. The improvements, or lack thereof, would be substantive, definitive, and at the board's discretion. Steve Burns said that the burden is on the applicant show that they are making it better. Steve Burns said that Code Enforcement enforces the ordinance, and that general zoning standards are not just Planning Board issues. Give the applicant the baseline and have them demonstrate the ability to

comply. Tom Manzi said the applicant should come clean about the amount of conformity there is. The board members agreed the applicant should cite the case for improving or decreasing non-conformity

7. Zoning Ordinance--Non-conforming Residential Density

Steve Burns explained that when very small buildings have too much residential activity on a small lot, the envelope is maxed out. If the standard is exceeded, there is non-conforming density, and the benefit of getting smaller setbacks is lost. The chairman opened and closed the Public Hearing. After discussion, all agreed to remove Section 17.5b from the amendment.

8. Zoning Ordinance--Expansion of Non-conforming Use

Steve Burns explained that the expansion of nonconforming use is not allowed. Otherwise, coming in before the Planning Board and going through public process would be required. The **Public Hearing** was opened and closed. No one came forward to speak. In further discussion, Glen MacWilliams pointed out an area where he wanted to see the language cleared up. Barrie Munro commented that the amendment updates the permitted uses. The board members were in agreement with the amendment.

9. Zoning Ordinance--Bed & Breakfast Standards

Steve Burns said that Peter O'Connor requested a rewrite of the amendment. At the Selectmen's request, a house will have to be at least ten years old before a Bed & Breakfast can be established in it. The **Public Hearing** was opened and closed. No one came forward to speak. The chairman asked if the board was in concert with the matter as presented, and the board indicated that it was.

10. Zoning Ordinance--Campground Regulations

Steve Burns said that currently there are two separate sets of standards for campgrounds, one for the Harbor and one for some other, but not all, areas of town. This ordinance amendment would apply those same campground standards everywhere except in BUS-2 zone. With these standards, there is less density in a campground (about 6 sites per acre), especially compared with Wells (sardines). The chairman asked if the board was in concert with what was presented, and the board indicated that it was.

At Richard Smith's suggestion, Chairman Barrie Munro opened the **Public Hearing for Amendments 11-15**, the remainder of the list. No one came forward to speak, so the chairman closed the Public Hearing.

11. Zoning Ordinance--Front, Side and Rear Lot Lines

Steve Burns said that with "crazy lots," there can be buffers on the front, side, and rear, but currently there is no consistency about what and where the front, side, and rear are.

This ordinance defines them. After short discussion, the chairman asked if the board was in concert with respect to Amendment 11, and the board indicated that it was.

12. Zoning Ordinance--Stream Protection Zone Boundaries

Steve Burns described how streams that run through wetlands often dissipate and lose their definition, making the 75-foot horizontal distance from the channel for Shoreland zoning difficult to determine. Where the channel disappears, the measurement will be taken from the edge of the wetland, according to the amendment.

In discussion, Glen MacWilliams suggested that the Conservation Commission be brought in to give input on the amendment.

13. Zoning Ordinance--Ordinance Clean-Up

Steve Burns explained that there were basically no changes proposed in the Floodplain Standard, but the amendment cleans up language and deletes words that are not needed. Also, Article 5 has conflicting information about shore frontage that should be corrected. The chairman asked if everyone was in concert with the amendment, and the board replied that it was.

14. Zoning Ordinance--Site Plan Review and Route One Use Permits

Steve Burns said that the amendment clarifies Site Plan Review by the Planning Board, especially in determining what comes before the Planning Board and what does not. It provides for situations like Kenny Churchill's rodeo-with-no-floor-space application to qualify for site plan review, by coming under the added 10-parking-spaces requirement.

15. Zoning Ordinance--Large-Scale Retail in York Harbor

Steve Burns said that at this time, big box retail could be allowed in York Beach or in York Harbor, but that this amendment would limit it to the Beach. Lee Corbin said that the Town cannot say no about big box across the board. Barrie Munro suggested that that expanding the area of Route 1 so that big box can take place 750 feet back, with good traffic control, would be ideal. He asked if everyone was in concert with the amendment, and every answered that they were.

With the ordinance amendment discussion and Public Hearings over, some points of **Other Business** came up.

- Steve Burns said that Patricia Martine of York Housing Authority was drafting a proposal for workforce housing.
- Steve Burns said that he had received a request to change Indian Pond on the map to demonstrate it as a limited shoreland with less than four acres. On the other

hand, Dave Gittins, who had employed Albert Frick to survey a different area, was not going to pursue re-designation of that wetland.

- Steve Burns then went over his Memo to Barrie Munro, dated May 17, 2006, Regarding Non-Conforming Structure Expansion Amendment, which had been drafted at the request of the Board of Selectmen. A person has to have ten criteria to meet before expanding, all listed in the amendment. The expansion cannot have an adverse impact on the neighbors. Vertical nonconformity cannot be expanded. Section F limits expansion based on area.

Lee Corbin said she is opposed to further nonconformance, and that the interpretation of nonconformance is too liberal. Barrie Munro said that intrusion into a setback cannot be permitted and the only expansion is vertical.

There was a short break at which time Richard Smith left for the evening.

2. Visual Preferences. Continuing discussion about the good, the bad, and the ugly sites up and down Route One.

Tom Manzi conducted a narrative for a PowerPoint presentation of photos he and Barrie Munro had recently taken driving up and down Route 1. He asked the board to keep in mind the question of whether the sights matched the ordinances and the wishes of the people of York. It comprised of snapshots of properties of varying taste, including York Corner Garden (truck), Hannaford, Eldridge Lumber (kayaks), Abbott's construction (trucks), Campbell's, Frankie & Johnny's, the Old Elk's building, an early strip mall, the old Pineledge Motel sign (and other signage), Hannaford in Wells, the Blue Canoe in Wells, the metal building by Hawk Motors in York, the Meadowbrook Plaza (U-shaped with a huge parking lot in the middle), Atlantic Place, Organic Nursery (abandoned) and Creation Place (both nonconforming uses in a residential zone), the Meat House, Wild Willie's, the Prison Store, Stonewall Kitchen, and others. He said that between 13,000 and 20,000 cars enter York by looking at Stonewall Kitchen every day.

Barrie Munro said that he would like to gather volunteers to improve the pictures and sort them out. Steve Burns said that photos could be used to compare and select different treatments, as with porches or signs. The sign ordinance is weak, he commented.

Lee Corbin asked about the **Elks property** where the vegetation had recently and accidentally been razed to prepare for construction. Steve Burns said that they had stopped everything, and their landscape architect is working on a plan.

3. Storm Follow-up. Discuss ideas for the Planning Board to follow up on this huge storm. Compile information, evaluate impacts, and see what is to be learned from this experience with respect to land use planning.

[This meeting was the first to take place after devastating rainfall and flooding] Glen MacWilliams said that water should be dealt with in terms of watersheds when mitigating

the water problems the town has. Steve Burns said that the failed culverts were large contributors to the problems. An upcoming contour map will be very helpful in gaining knowledge. He said that the Mighty Josias is the river that did the most damage. He showed a map that GIS Manager Brett Horr had compiled. It combined photographs and locus. There was a problem with propane tanks that were not anchored down, said Steve Burns. The water and soil coming off the York Village Business Center construction site was a problem. The Hickory Meadow retention pond was dry, when it should have been full, which must have caused been an engineering mistake. The challenge is how to protect for the future.

Minutes

Review and approve draft minutes

Corrections to May 11, 2006 Minutes were described by Barrie Munro and Glen MacWilliams. Copies of the corrections were given to the secretary.

Motion Glen MacWilliams moved to accept the minutes as amended. Tom Manzi seconded the motion, which passed, 4-0.

Other Business/Adjourn

The meeting was adjourned at 10:40.