

**York Planning Board**  
**Thursday, December 17, 2009, 7:00 P.M.**  
**York Senior Center**

**Call to Order, Determination of Presence of Quorum**

This meeting took place at the Senior Center. Planning Board Vice Chairman Lew Stowe introduced the board members and determined presence of quorum. Lew Stowe, Dave Woods, Torbert Macdonald and alternate Tom Prince were present. Board Chairman Tom Manzi and Todd Frederick were absent. Tom Prince voted in Tom Manzi's place. Town Planner Christine Grimando represented Town Planning staff. Patience Horton took Minutes. This workshop lasted just under two hours and was recorded by a cam-corder.

**Public Input Open to the public to address any issue**

**Andy Wang** wished to add a weather-protecting breezeway to the front of his Green Leaf Restaurant at the Meadowbrook Plaza. Though the project will be permitted under Code Enforcement guidelines, all physical modifications to a previously permitted plan at Meadowbrook must come to the Planning Board first. He brought a mock-up showing the revision. An engineered plan was not necessary. The proposed breezeway juts half-way out onto the 10-foot sidewalk, leaving five feet of passageway, suitable by ADA standards for wheelchair passage. Lew Stowe read a letter from Meadowbrook owner, King Weinstein granting permission to construct the breezeway.

The structure will prevent cold air from sweeping into the restaurant. Town Planner Christine Grimando commented the seating will make the area subject to the outdoor display ordinance. The breezeway will be built according to building code.

Dave Woods suggested that a pocket door or sliding door should be used, if feasible, for better control of the cold air and sidewalk clearance. Tom Prince hoped it blends in well with the rest of building. Torbert Macdonald said he was "good with it."

**Motion:** Dave Woods moved that we approve the air-lock entrance at the Green Leaf Restaurant, and they should look into using a sliding entry door versus a swing-out door. Torbert Macdonald seconded the motion, which passed, 4-0.

**Workshops on Proposed Ordinance Amendments for the May 2010**

**General Referendum**

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| <b>Ord-1: Zoning</b> | <b>Zoning Cultural Facilities</b>  |
| <b>Ord-2: Zoning</b> | <b>Definition of Structure</b>   |
| <b>Ord-3: Zoning</b> | <b>Ground Mounted Mechanicals</b>  |
| <b>Ord-4: Zoning</b> | <b>Weddings</b>  |
| <b>Ord-5: Zoning</b> | <b>Change in Administration of Non-Conforming Use in the Watershed Protection Overlay District</b> |

**Ord-1, Zoning for Cultural Facilities:** Christine Grimando said the ordinance amendment responds to the Town's lack of a use encompassing a cultural, artistic community. By putting their property into trust perpetuity, **Mary Leigh Smart** and **Beverly Hallam** will bring forth their vision of such an artist community. The land use is being understood and modeled after a private school, and will not be specific to the Smart/Hallam property, but will extend Town-wide.

Consultant Steven Moore said artist communities in Saratoga Springs, New York, and Peterborough, New Hampshire (McDowell Colony), have been turned to as models in defining this cultural facility in Article 2.4.7, "Cultural Facility." The cultural facility is a non-commercial, nonprofit art center existing of artists' studios. The studios are in small buildings. The artists stay for a limited time span. The studio "kitchens" are adequate for very limited food preparation, based food preparation facilities in motels, which also models the length of stay for the artist, more than 30 days and less than 365 days.

The standard lot size requirement is a five-acre minimum. Each artist studio has square footage that supports the lot size. Ten studios total 50,000 feet, or 5,000 square feet each. Those figures support criteria for either public sewer and water supply, or wells and septic systems on site, said Steven Moore.

Remote parking, with use of a shuttle van, is based on one-half vehicle per studio, and two per studio residence. If that proves to be a burden, said Steven Moore, the applicant would like to return to the board with an alternative. He asked Mary Leigh Smart and Beverly Hallam if he had missed any pieces in his presentation, but neither needed to add anything.

Planning Board members discussed this ordinance amendment. Dave Woods said the parking configuration could be more efficient if, per 15.1.1.2, one full space is allotted per studio unit and one full space per residential unit. Dave Woods also suggested that items made at the Colony could be sold on site. Speaking for the benefactors, Steve Moore said the feeling of the cultural facility is lessened by the presence of a storefront.

Torbert Macdonald said that putting an exact limitation on teaching groups, described in the definition as "small groups of 12 or less," would best be referred to as "small groups," without the specific number. He wondered why Route 1 would be excluded as a location for an artist colony.

Tom Prince the language about wells and septic should be removed.

**Dan Harrigan**, a member of the public listening to the Arts Colony Hearing, said his home and land are on Route 1. He asked if the pertaining use would include his home. Dave Woods said there would have to be a new use for the Route 1 Zone, as well, and a footnote on the application saying "Route 1 Use Permit Required" would solve that.

Mary Leigh Smart made sure there would be no parking at the individual studios, and was assured there would not. The hearing ended on a successful note.

#### **Ord-4: Zoning, Weddings**

Ben McDougal, Shoreland Resource Officer and Assistant Code Enforcement Officer, read through 10 criteria for obtaining a permit to hold a wedding at a private home. They include size of party: 250; lot size: 5 acres; a maximum of 10 weddings a year, with no more than 3 in a given month; parking rules; wastewater facilities guidelines; noise ordinance observation; distance from an abutter's property (200 feet); and hours of celebration (over by 11:00 P.M.). Permission has to come from the police for parking and possible traffic control.

**Dan Harrigan**, who owns the River House on Route 1, came to the Planning Office and brought this forth. He receives requests to hold large weddings at his home. He has had inquiries about and/or held functions for York Hospital, as well as non-profits, like Olde York and academic conferences, on his large property. Home enterprises are allowed in all zones, Torbert Macdonald said, and they are controlled through performance standards.

Ben McDougal said, per the amendment, the function location is specific to residential lots. There will be no more than 3 functions in 30 days. It should also be indicated there will be only one function every thirty days, or 12 functions in a year.

The word "weddings" is too narrow for the events that can take place there, said Dan Harrigan. Torbert Macdonald said "function" should cover everything. There is no function louder than a wedding. The noise ordinance has to be adhered to, he said.

Ben McDougal said parking is the primary purpose for police presence. If the property cannot accommodate the parking, there has to be satellite parking. If the parking rules are abused at an event, most likely, the police will not give the property owner a second chance. The Board decided the parking ratio should be one parking place for every three people, requiring about 83 spaces per function, including staff.

#### **Ord-2: Zoning, Definition of Structure**

Ben McDougal read the Definition of a Structure with changes requested by the Planning Board during the last workshop. Dave Woods looked for loopholes by going through a woodpile/canoe & tarp scenario he had relayed before. Christine Grimando said that ultimately, one has to trust that people will be reasonable with these definitions.

#### **Ord-3: Zoning, Ground Mounted Mechanicals**

Ben McDougal said this ordinance amendment deals with reduced setbacks for a variety of mechanical apparatuses on small lots. They will be positioned, "as close to the house as manufacturers specify," and the least impact on neighbors will be considered. The front setback will be no less than 15 feet, and the rear and side setbacks will be no less than 5 feet. The mechanicals will be screened for sound and aesthetics. Torbert Macdonald said adequate screening will be as determined by Code Enforcement. An electric generator cannot possibly meet the noise ordinance. The term "emergency electric gene-

rators” should be used, rather than just “generators”. A generator could have housing, he concluded. Ben McDougal said the building wall might absorb some sound.

**Ord-5: Zoning, Change in Administration of Non-Conforming Use in the Watershed Protection Overlay District**

This final Ordinance Amendment for the May, 2010, Referendum is strictly an administrative change that required no discussion at this meeting.

The **Sparhawk** Field Change Mylars and the **Union Bluff** Mylars and Findings of Fact were signed.

The meeting ended at 8:45.