

**York Planning Board Meeting**  
**Thursday, September 25, 2014, 7:00 P.M.**  
**York Public Library**

**1. Call to Order, Determination of Quorum; Appointment of Alternates**

Chairman Al Cotton called the meeting to order at 6:04. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe; and alternate Amy Phalon, who was asked to vote as a full member. Interim Town Manager Steve Burns and Town Planner Dylan Smith represented staff. Patience Horton took minutes.

**2. Work Session with the Board of Selectmen (6:00-7:00 P.M.)**

The entire Board of Selectmen was present: Chairman Mary Andrews, Robert Palmer, Ron Nowell, Torbert Macdonald, and Jonathan Speers.

This joint workshop meeting was built around questions the Planning Board had prepared for the Selectmen.

**Question: The future planning of the Sewer District of the town directly affects growth of the Town. It should be out in front of that development with zoning infrastructure. What do we see utility districts being incorporated into the town in the future?**

Ron Nowell: The Sewer and Water Districts and the private roads have no competition. All the assets would have to be purchased at prohibitive expense. It is cheaper to operate with them, rather than attempt to purchase them. The Planning Board should get copies of Minutes from the Water and Sewer Districts and get copies of their Master Plans. The Board should be receiving notification of all future MMA workshops. Town Council Mary Costigan is willing to do a workshop with the Planning Board.

Steve Burns: Mary Costigan helped implement a law when she was in the legislature. It allows towns to establish new public infrastructure by bringing property owners, utility districts, and the Town together. The project must be approved per referendum. When the work is done, everybody in that zone who directly benefits from the new utility has to pay the full bill. The law has not been used. It's got to be a tough sell.

**Question: The Planning Board has been short a full member from the Beach for months. Can the requirement be adjusted so that the current alternate, who resides close to, but not in, York Beach can become a full member of the Planning Board?**

Torbert Macdonald: One of the conditions when the four villages were consolidated was that the Beach got a seat on the Board of Appeals and one on the Planning Board. To

change the requirement, an amendment to the consolidation act would have to be made to the Legislature.

Ron Nowell suggested doing away with the term “York/York Beach.” He preferred using the geographic definition: You go Long Sands Road to Webber Road on Garrison, then down Webber Road to Ridge Road and down Ridge Road and up Garrison, the two house lots and cut across through Norton’s Pond, and back up through there until you almost hit the road beyond where Turner’s Garage was and then you follow the old Atlantic trolley tracks to the center of the Cape Neddick River and then from the center of the Cape Neddick River you follow the Atlantic Ocean all the back to Long Sands Avenue. So, it’s a fairly big area.

**Question: The police station project seems to be stalled. What’s the projected time line?**

Mary Andrews: The Police Station is not stalled. The Selectmen must follow a process. The project has to be re-bid. A building committee is being formed. The Selectmen are deciding what has to be taken off the project in order to resubmit. There is not enough money for the project. We are moving forward.

**Question: Has there been consideration that in the Police Station application, the applicant’s direct contact to the Town could be other than the Contract Engineer?**

Steve Burns: “Authorized Rep” is a better term to describe the person at the point of communication. That person, as John Destefano does for Stonewall Kitchen, takes questions from the Selectmen to the Building Committee and brings answers back the next month. The Board of Selectmen cannot make decisions on the fly at a meeting. There is no way to shorten the process for a public project. The only role the Planning Board will have in continuing the Police Station is in reviewing amendments that come back for approval.

Ron Nowell: There are legal issues surrounding the Police Station, a tangled mess. There will be no going ahead when there are legal problems hanging over our heads. There are more legal issues than just boundary issues. Beside, the Town does not have the money for what the Planning Board has approved.

**Question/Comment: The impact of commercial business in the GEN areas, especially in the GEN-3 zone in the Village, which is primarily residential, has to be assessed to understand what can be done in the GEN-3 area of Town.**

Steve Burns: The No. 1 priority in reassessing the Village is in preserving the commercial aspect of it. The Village Study Committee is charged with defining and carving out the zone and protecting the village. Before you take out the commercial, protect the village. Half of the village is in GEN-3.

**Question: The development of the Long Sands area has taken a turn toward year-round development. Homes are on postage stamp lots. There are four story houses with 6-, 10-, and 15-foot setbacks. Is there some way it can be controlled?**

Ron Nowell: Right now there is nothing that can stop it.

**Question: There is a swamp near Oceanside and water coming over it at high tide. It has to be resolved at some point. Would there have to be some kind of a pumping station? It will be a very big expense.**

Torbert Macdonald: Sewer and Water will have to be relocated away from the beach to Ridge Road. A stormwater utility will most likely have to be created to pump fresh water that has come into the swamps out to sea. These are large infrastructure costs.

**Question: There are inordinately tall buildings where people make the footprint smaller in order to better conform to setback and zoning requirements. They then gain extra height to compensate for the lost square footage of building space. Can that loophole be closed?**

Ron Nowell: The codes in York Beach are crazy. You only have to have a one-foot setback. Those things should be addressed. That's the problem, old building codes.

**Question: Bringing the Comprehensive Plan up to date should be considered. Most of it has not been reviewed for five years, and some chapters have not been reviewed in over ten years.**

Torbert Macdonald: The Capital Plan is obsolete and needs to be addressed more than all the other sections of the Comp Plan.

Steve Burns agreed. The Capital Plan is not only weak and outdated, it is also over specific for a Comp Plan. The Planning Board has the key piece in looking at what the main policy drivers of good capital planning are. The Capital Planning Committee aims to accommodate the long-term needs of the community as they put together the six-year capital program. The voters then adopt the six-year plan and vote on individual budget items for Year 1. During their October 6 meeting, the Selectmen will discuss how capital planning could work better.

It was 7:00. The Planning Board/Selectmen joint meeting ended, and the Planning Board meeting continued.

## **Minutes**

- The September 11, 2014 minutes were reviewed and amendments were requested.

**Motion:** Lew Stowe made the motion to approve the Minutes for September 11, 2014, as corrected. Amy Phalon seconded the motion, which passed, 5-0.

## **Proposed Amendments to be considered at the May 2015 General Referendum**

### **1. Artisanal Food and Beverage Ordinance**

Dylan Smith: This is about the bakery that wants to bake for it's own restaurant and then take it the bread out to sell other places. Restaurants and manufacturing is a regular business practice copied from the Route One "Gourmet Alley" in Kittery. Should there be a size limitation? Would there be a problem with existing restaurants? The Board gave Dylan the nod to start drafting the amendment.

### **2. Outside Display Along Route One**

Dylan Smith: There is a sunset clause to eliminate. Though the amount of outdoor display has been growing, there haven't been any negative issues. The Board agreed it was time to write the amendment and get rid of the clause.

### **3. Sign Standards (Digital Displays throughout Town)**

Todd Frederick: Zoning §16.9.3 prohibits digital displays, yet they are being allowed. Dylan was asked to find out from Code why they are interpreting the section differently and allowing digital signs, which are seen especially at gas stations. Lew Stowe referred to a 10-page detailed document about signage in York.

### **4. Match Density and Minimum Lot Size in Watershed Protection Overlay District**

Dylan Smith: GEN-2 density standards do not match up with the 10-acre Overlay. It was not intended that you could have three residential dwellings on one ten-acre parcel. It would be easy to clarify that.

### **5. Food Trucks**

Dylan Smith: People come into Town Hall to see about permitting food trucks, but York has had a prohibition on vending since 1982. We can see how it is regulated in other communities. Dylan intended to send out information about that to the Board.

### **6. Variance Requirements (Definition for Variance in State) Article 2 and 18**

Dylan Smith: That is a matter of simply copying the State definition into our ordinance.

### **7. GEN Districts (What to do?)**

Lew Stowe: A subcommittee should be formed to go over uses and dimensional requirements for GEN-3. There are uses that could be eliminated, including in the Village. It will most likely go to ballot in November, 2015, rather than May.

### **8. Massage Licensing**

Reserved for Board of Selectmen.

### **9. Driveway Standards**

Reserved for Board of Selectmen.

### **10. Other????**

- Dylan Smith: The Board is considering looking at the “smaller but taller” homes at the Beach for November 2015. A good first step in researching the subject would be by talking to Code.
- The Board discussed formalizing an Ordinance and Regulation Subcommittee. Article 11, Subcommittees, of the Planning Board Bylaws, directs formation of a subcommittee.

### **In Other Business**

- The Board took a Site Visit to 17 White Birch Lane on Friday, September 12, 2014, at 10:00. Lew Stowe, Todd Frederick, and Al Cotton attended. At the time, Lew Stowe commented that he was disappointed that, because there were not many abutters on the walk, they might not have been interested in the application. The comment was published in the York Weekly. Lew has received seven emails about it, which the Town Planner will distribute to the Board.
- The November 20 and December 18, 2014, Planning Board Workshop meetings will be held at the Senior Center.

### **Findings of Fact**

**Motion:** Todd Frederick moved to authorize the Chair to sign the Findings of Fact for the York Chamber of Commerce, Application Tax Map 121, Lots 81-82, One Stonewall Lane; U.S. Route One. Seconded by Lew Stowe, the motion passed unanimously.

### **Adjourn**

8:25