

York Planning Board
Thursday, November 20, 2014, 7:00 P.M.
York Senior Center

Call to Order, Determination of Presence of Quorum; Appointment of Alternates

Chairman Al Cotton called the meeting to order at 7:09. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Todd Frederick, Board Secretary; Lew Stowe; and alternate Amy Phalon, Esq., who was asked to vote as a full member. Town Planner Dylan Smith represented staff. Patience Horton took minutes.

Public Forum

Attorney Elisa Tibbitts is the applicant representative of the new owners of the Baldhead Cliff House. At the time the owners bought the property, they also purchased a single-family house on the adjoining property. They are petitioning for a zoning change so the house can be rented out. The zoning change would only affect property within the limits of the boundaries of that rental property. They hope to bring this forward for the May referendum.

She had met with the neighbors on October 1, 2014. They are in favor of having the property used as planned, but do not want these to include any other abutting properties to have the same benefit. She had notified the neighbors of this meeting tonight, and some were here. She has kept them involved in the process.

Lew Stowe suggested Comp Plan changes are necessary because this is a major change for the plan. The ordinance has to agree with the Comp Plan. Ms. Tibbitts had discussed this with Steve Burns, and both felt it is already consistent with the Comp Plan. Lew Stowe did not share that idea, asking to see the larger master plan for the property and development.

In Public Comment, **John Emerson** talked about being an abutter in one of 18 homes in Braeburn Park. They have formed an Association that borders Braeburn Cove. They have obtained rights to access the Cove. Kayaks and other boats are launched there. The Cove is approached by aluminum stairs. The Association is concerned that if the Baldhead Cliff House owns a property near there, they will use the cove. Elisa Tibbitts said she had not heard of this concern. Todd Frederick asked for a map of these properties and will seek assurance in protecting this cove in perpetuity.

Helen Rollins, a member of the Septic Subcommittee, commented on Article 3 (Require Septic System Inspection at Time of Property Transfers), which had failed in the recent November, 2014 ballot. She was concerned that this measure, which was for public safety, had so many missteps. The Board must review how things went and how to make things go smoother going forward. Peter Smith suggested moving the amendment for-

ward again, using different wording. The language could state that “Either the buyer or seller pays for the mandatory inspection, and it does not matter which party has it done.” Helen Rollins added that it must not fail again.

Minutes There were no Minutes.

Field Changes There were no field changes.

Anchorage Motor Inn; 265 Long Beach Avenue
Map & Lot 0036-0096, this proposal is to add a small addition that will contain an elevator and stairway for ADA accessibility on the existing motel.

Applicant Engineer Bill Anderson went over the current plans for the Board. The only remaining issue was the missing P.E. stamp. Bill told the Board the stamp will appear on the building permit next week. Chairman Al Cotton opened and closed the **Public Hearing**. No one came forward to speak.

Bill Anderson asked if there could be a conditional approval that evening. Lew Stowe told him Findings of Fact and Approvals are not granted conditionally by this Board.

Motion: Todd Frederick moved to continue the application to December 11, 2014. Peter Smith seconded, and the motion passed unanimously.

The York Planning Board will conduct a Public Hearing regarding proposed ordinance amendments to be considered at the May 2015 Special General Referendum.

- 1) Artisanal Food and Beverage Ordinance
- 2) Elimination of the Sunset Clause Regarding Outside Displays along Route One
- 3) Sign Standards and Digital Displays
- 4) Matching Density and Minimum Lot size on the Watershed Protection Overlay District.

Discussion

Amendment 1 **Artisanal Food and Beverage Ordinance**

Chairman Al Cotton opened the **Public Hearing**. Selectman Torbert Macdonald told the Planning Board it has no authority under State law or the Charter to originate ordinances, but that any Selectman may introduce any ordinance at any meeting. He originated this ordinance amendment because York is lagging in the artisanal food market. This zoning amendment is copied from Kittery and it is being put into York’s context. Its addition it would expand the Town’s economy, were a bakery or a brewpub become an anchor to our village center.

The Board discussed the zoning changes. GEN areas are possible for artisanal manufacturers. Mr. Macdonald thought GEN-1 or GEN-2 would be good for this use. Lew Stowe argued that those are residential zones. Dylan Smith added that a very large brewery could be put in GEN-1 or GEN-3, and this use should be restricted to a zone that limits the size to 2,500 square feet. Mr. Macdonald agreed to eliminate the GEN areas and would be considered as we review the GEN areas relative to and possible rezoning.

Amendment 2

Elimination of the Sunset Clause Regarding Outside Displays along Route One

Al Cotton opened and closed the **Public Hearing**. No one came forward to speak. With no issues from the Code Office and no further comments from the Board, Dylan Smith moved the discussion to the next topic.

Amendment 3

Sign Standards and Digital Displays

Dylan Smith: This issue is being raised to make it clear that Code Enforcement is aware of and understands the weight of §16.9.3.b.

The Board made suggestions refining the intent of the amendment. Todd Frederick read, “The flashing LED sign is prohibited.” Al Cotton contended that the time/temperature and fuel price signs are informational, without being promotional.

Dylan Smith reiterated the point of the amendment is to direct that Code Enforcement adhere to Section 16.9.3.b in the ordinance.

Amendment 4

Matching Density and Minimum Lot sized on the Watershed Protection Overlay District.

After reading the ordinance, Lew Stowe commented, “It’s good.” All agreed. The meeting moved ahead.

Other business

Planning Board Workshop on Proposal 2015 Zoning Amendments

Amy Phalon described how she, Lew Stowe, and the Town Planner Dylan Smith drove through the GEN-3 Zone looking at uses and comparing them to the Comp Plan. The board spent time reviewing and assigning the uses of GEN-3, separating the types of uses between the north side of the little River (largely residential) and the south side (commercial and industrial).

Review Designee Option within Article 8 Section 8.3.11.4

Within ordinance Section 8.3.11.4.f and g, the Planning Board has the option to appoint a designee to review foundation relocations, reconstructions, and replacements. A Certified Shoreland Administrator or a Code Enforcement Officer can be appointed to do the review.

Motion: Peter Smith moved that the Planning Board utilize the designee option and assign the Code Office employees as designee regarding to 8.3.11.4.f and g. Amy Phalon seconded. The motion passed 3-2, with Ms. Phalon and Mr. Stowe opposed.

Board Training for January 22, 2015

The Planning Board training will most likely be in February or March.

Adjourn

10:23