

York Planning Board
Thursday, February 19, 2015, 6:00 P.M.
York Public Library

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

Chairman Al Cotton called the meeting to order at 6:00. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Lew Stowe, and Gordon Eldridge (representing York Beach). Amy Phalon was absent. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

The following Applications that were posted for this meeting were postponed: **Dunne's Ice Cream; Division of Land/Estate of Rogers R. Norton Jr.; Bus Parking Facility; Susan Fried Revised Subdivision; Wineland Subdivision; and White Birch Lane.**

Work Session on Fractional Shared Unit Use(s) within the YBVC Zone (6-7pm)

Town Planner Dylan Smith: Two months ago, the owners of the Kearsarge House, the Morgillos, put together a sketch review for that property and since have gone through many iterations of a possible ordinance amendment proposing fractional share uses in the York Beach Village Center.

Applicant representative JoAnn Fryer (CLD Engineering): We have gone through the current ordinance to determine if there is a use that would meet what we propose. This is neither a residential dwelling use nor a hotel/motel use. Fractional share is the most viable use of the property. The Comp Plan talks about changes to the ordinance to support development in the Beach, which this serves.

Wells and Ogunquit have timeshare in their ordinance, but there is nothing specifically written in their zoning ordinance for either fractional or time-share uses. Because of the way the ordinances in York are written, there has to be a definition of this type of use. The use we are trying to accomplish is a hybrid between a dwelling and a hotel. A hotel is partially defined by length of stay, square footage, and the size of the kitchens. The units will be designed with minimal amounts of storage to discourage long-term visitors.

Dylan: The Comp Plan calls for increased density within the York Beach area. Any first floor within York Beach Village Center is required to be pedestrian oriented. This Kearsarge plan allows for that. With constraints, the hybrid use works.

The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Lew Stowe: As far as the York Ordinance goes, we are dealing with a dwelling unit. The size of a dwelling unit, rather than of a transient unit, seems to be 600 square feet, which would have any size kitchen. Researching it, I found the definition of a dwelling unit seems to be 600 square feet everywhere, from state to state.

JoAnn Fryer: However, there is a density restriction in the York ordinance. It says there can be three 600-square foot units on this property. Per zoning ordinance 5.4.11, “The maximum number of units shall not exceed 8 per building and shall not exceed 12 units per acre.” Based on the lot size we have, we would not be allowed to have more than 3.7 units.

Lew Stowe: This application has a new requirement. We should deal with density.

Chairman Al Cotton: That’s the thing that has to be changed.

Elaine Morillo: If the density requirement would be changed for dwellings, these units would be considered dwellings.

Al Cotton: It seems to be the logical thing to do.

Todd Frederick: Focusing on 5.4.11.a, which talks about 12 units per acre, it could be amended to read, “In mixed-use buildings, the maximum number of units shall not exceed the total square footage of the building (excluding the first floor) based on minimum unit size of 600 square feet (including porches and patios).” This cleans the language up and we don’t need to change six different sections of code.

JoAnn Fryer: If we took the total square footage of about 26,000 square feet, not counting the first floor, and divided it by 600, we’d have 43.3 units. We only want to have 24.

Peter Smith: And we don’t need something called a Fractional Share Unit amendment. We don’t need a definition, because this form is of ownership. Our ordinances are not intended to regulate ownership.

Elaine Morillo:	The footprint of the proposed building is	11,500 sq ft
	The land area is	13,460 sq ft
	Number of floors (including 1 st)	3.5 floors
	Floors above retail floor	2 floors
	Fourth floor (at back of building)	.5 floors
	In some places, the height limit is	40 feet
	The number of units currently planned	24 units
	Possible units w/ new changed density	43.3 units
	Number of planned units	24 units

Parking Calculation: Per 15.11.2b, multi-family dwellings with less than three bedrooms must have 1.5 spaces for each dwelling. With 24 units and 39 spaces, there is enough parking.

Dylan Smith: The applicant and Board can complete the ordinance amendment work at the next Planning Board meeting. There will not be a public hearing at the Planning Board level. A Public Hearing will be scheduled during Board of Selectmen review in March.

Public Forum No one came forward to speak.

Minutes

The January 22, 2015, Minutes were reviewed and changes were requested.

- **Motion:** Lew Stowe moved to accept the January 22, 2015, Minutes as amended. Todd Frederick seconded the motion, and the motion passed, 5-0.

Field Changes There were no field changes.

Review and Discussion of Potential 2015 Ordinance and Comp Plan amendments

Town Planner Dylan Smith and Stormwater SM4 Manager Leslie Hinz are writing the Stormwater chapter for the Comprehensive Plan. The chapter will discuss the best ways of moving forward and changing policies regarding stormwater runoff onto surface waters. Todd Frederick said the Sea Level Rise chapter was done about four years ago. Leslie Hinz plans to mimic what that chapter looks like, said Dylan Smith.

Motion: Peter Smith moved that we authorize the Chair to send a recommendation to the Town Planner to proceed with the scope of services for preparation of the Stormwater Chapter for the Comprehensive Plan, as proposed by Christine Rabasca of Integrated Environmental Engineering. Lew Stowe seconded. The motion passed 5-0.

Other Business

Traffic Problem

Lew Stowe and Amy Phalon have drafted a letter to Board of Selectmen regarding 40 people, or so, who say there is a traffic problem in the proposed Dunne's Ice Cream area of the Nubble. Lew and Amy want to pursue the issue.

Cliff House

Lew Stowe wants the Board to reconsider the "1985 date" in the Cliff House application at the next meeting.

Adjourn

8:05