

York Planning Board
Thursday, May 23, 2013, 7:00 P.M.
York Public Library

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

Vice Chairman Dave Woods called the meeting to order. A quorum was determined with three people voting: Vice Chairman Dave Woods, Board Secretary Lew Stowe, and alternate Al Cotton, Jr., who voted in place of Todd Frederick. Todd Frederick and Brud Weger were absent. Torbert Macdonald had been sworn the Board of Selectmen and this was the first meeting he was not on this board.

Motion: Lew Stowe moved to submit a letter to the Board of Selectmen to nominate Al Cotton as a full member of the York Planning Board. "Al's been on the board for almost a year. We welcome him." Dave Woods seconded the motion, which passed, 3-0.

Dave Woods thanked Torbert Macdonald, who was in the audience, for years he spent on the Planning Board. Even with the "sparring" between them, Dave said outcomes were better for the Town. Lew Stowe said he has known Torbert for 25 years and will continue to consider Torbert an excellent source of information. His greatest attributes are keeping the ordinances accurate and up to date. All Cotton said he'd had "the baptism of fire and Torbert was the minister on that one."

Public Forum

Torbert Macdonald said he will miss being on the Board. There has been substantive work done year by year. He said there will now be a quarterly meeting with the Selectmen and the Planners. On upcoming June 3, 2013, the Board of Selectmen will have a productive meeting to figure out where we are with the connector road and the police station. The two years the Planning Board spent on the Green Enterprise was not for naught, though it looks like it now.

He said he and Brud Weger had reviewed the applications for hiring a contract planner for the connector road and police station, but since things are not coming that fast, the board does not have to make the selection in haste and can postpone it until there are more than three members of the board here.

He commented on the **York Village Center Amendment**, one of the Comp Plan amendments being discussed this evening. The description of York Village being the center of economic life in the Town should be deleted. Quality and Quantity of storm-water should show up more in this document, per MS4. He was glad trees were mentioned in the document. There is a need for a general parking study. Metering would turn parking spaces over in greater frequency. There is an upcoming public safety study, which should determine whether traffic calming is an issue. He likes the idea of the town

common. Utility poles being removed? Lew Stowe replied there will be two types of poles, decorative light poles and electricity/cable poles.

That part about the Town Hall staying in the current location should have the words, “if possible” added. First Parish has the say about having the Town Hall building location on its land. The \$700K that the taxpayers paid for the Town Hall site is still empty because of the combination of economic troubles and a very poor building design that looked like something on Route 1 in Saugus. The fire station should be elsewhere.

Minutes

The minutes of May 9, 2013 were reviewed and changes were requested.

Motion: Lew Stowe moved that we approve the minutes as corrected. Al Cotton seconded the motion, which passed 3-0.

Field Changes

There were no field changes.

New Business

- **Board Discussion/Decision on Police Station/Connector Road RFP Responses & Interviews**

Town Planner Christine Grimando said that following up on RFP responses is not a critical factor. Al Cotton asked if any candidate has a time issue and would therefore not be able to take another job unless they have heard from us. She said none has. Dave Woods said this item should be deferred to the next agenda. Torbert Macdonald will not be on the board, but his continued input in this matter is important to the Planning Board. He can attend the meetings and voice his opinion on this through the public hearings.

Motion: Al Cotton moved we vote to put this item on the next agenda and to make sure it is front and center for board discussion. Lew Stowe seconded the motion, which passed 3-0.

New Business

- **Public Hearing on Proposed Ordinance Amendments to be considered at the November 2013 Special General Referendum**

Ord-4 Zoning Farm Enterprise Overlay District Amendment

Town Planner Christine Grimando said the Town has a Farm Enterprise District. Qualified properties in the district have a greater range of commercial flexibility for agricultural use. This applicant is Windswept Farm off Raines Road. They have to demonstrate that the land is engaged in some sort of productive use. There is an acreage requirement and an agricultural requirement. This is not a use permit. It is a zoning application.

Chairman Dave Woods **Opened the Public Hearing.** Attorney Tom Watson of Portsmouth said the land is owned by a two-person LLC called Pine Tree State Holdings. The farm has existed since about 1650, and the building since about 1750. It is a Nathan Raines homestead. There are 31.33 acres and it includes two farmhouses, one of which is a caretaker's home. There are no residents or caretakers on the property. The client has owned it since 2007. The property is used for haying. The client wants to transition from haying, a low impact operation, which is why they didn't want to be in the district, originally. They have not decided what they want to do to make the farm economically viable. A cheese operation? A winery? They own and operate a restaurant in Portsmouth and possibly want to use locally produced products.

We show that five acres are under cultivation and, two acres are contiguous. The gross value of the hay is \$2K per year. The hayfield is 1/3 to 40% of the entire fields. He showed this on a plan. Tom Blaisdel cuts the hay and gets to keep it. He is haying 10 acres. The ordinance does not require the landowner to pay out the \$2K, but rather that the required value is \$2K. Tom Blaisdel estimates it produces 500 bales a year with the value of \$2K. With a fertilization program, we would have 50% to 100% more. According to the USDA website, the price of hay is \$4.00 for a small bale, to \$7.75 for a large bale. This fits the purpose of the public ordinance, he said. This increases the economy in the town without changing its character.

Christine Grimando said we can have leeway in the need of a receipt of payment of \$2K. Al Cotton said the statement from the farmer would be a legally acceptable receipt. Dave Woods said he did not have an issue with proving the \$2,000 threshold.

Dave Woods said that the use that could be done on the land should blend in with the neighborhood. There should not be a lot of traffic. He asked for a definition of what will take place. Christine Grimando said the applicant would not have to provide those things until later in the process. Right now they need to demonstrate whether they are meeting the requirements or not.

Kinley Gregg said it looks good. She grew as up a neighbor to this land. Her family has always been afraid that houses would sprout up in that field. She is glad to see it has agricultural use, as opposed to residential.

Torbert Macdonald said this has been a farm for 300 years, and that \$6 is a good price. The threshold was put in there because of a State requirement. This is a nascent plan where people are going to make something. There is no question about it. The Chairman **Closed the Public Hearing.**

Ordinance-1 Zoning Cluster Subdivision Standards Amendment

The Town Planner said the Board has talked about possible changes in Article 7 of the Zoning Ordinance and will continue looking at additional standards. In 7.6, the change will require a new level of review called the Conceptual Design Review. It comes before

the Sketch Review. A required site walk is part of it. Hopefully the added review will provide greater discussion, and the applicant will be more predictable, and the board will be happier with it.

A total density formula for Conventional vs. Cluster is another big idea brought to the ordinance. What is the maximum number of units you can get? A visual has to be provided because the applicant might say, for example, they can get 20 lots, but we are not sure that conventional design can get anywhere near 20 lots. So a yield plan is necessary. It also asks that the Conservation Commission be brought in.

The Chairman **Opened the Public Hearing.** **Torbert Macdonald** said that in Procedure 7.6.1.b, where it says that, “The purpose of the open space may vary, but shall include one or more of the following,” 8 situations are offered that should be included.

Conceptual Design Review means getting the Conservation Commission in on the ground floor. The Yield Plan showing what you could get out of it as a conventional subdivision should be the basis for density. There should be no reward for switching from conventional to cluster subdivision when you are getting the ability too far in excess of the capacity of the land.

With open space, he would add, “The capacity of the easement should be certified or attested to by the York Land Trust.” The Trust is written into the ordinance. The Land Trust attests to the capacity of the easement holder to do the job. It stops developers from coming up with their own easement-holder corporation. The easement holder might come to town and operate their function without knowing about the town or undertaking the Comp Plan. In Street Frontage, there should be a provision that people share driveways. Frontage has no meaning in a cluster subdivision. The layout is dictated by the nature of the land.

All Cotton said he has been a member of the York Land Trust since it started. It is a private organization. Unlike how the York Planning Board is responsible to the Board of Selectmen, and unlike how York Housing Authority is responsible to the voters and audited by the State, the Land Trust is accountable only to their owner-members. How can we take our public trust and entrust it to a private organization? Christine said she would like to talk to the Land Trust about what a suitable easement holder is and actually list what a suitable easement holder would be. The Chairman **Closed the Public Hearing.**

Ord-2 Zoning

Seasonal Conversions Amendment

Christine Grimando said currently there are standards in Article 14 that cause problems for seasonal conversions. The requirement to meet the standards of all current building codes when converting causes the problem. The codes are difficult to meet, and the owner is often pushed into tearing the building down.

Dave Woods **Opened and Closed the Public Hearing.** No one came forward to speak. (There was no one left in the audience.) Lew Stowe said you don’t want to see these big

places on the Nubble torn down. Al Cotton said he lives in a house that has been converted. If you have 3” of space, and you can’t fill it with the code required 4” of insulation, you have to tear it down.

Ord-3 Zoning On Site Commercial Sign Requirement

Christine Grimando said the point of intent of the amendment is to make sure we’re not getting signs advertising businesses on other properties. We don’t want to double the commercial assignment. They decided to strike the work “existing” from the language.

- **Workshop on the following Comprehensive Plan amendment topics**

Comp Plan Amendment Topic: Sea Level Rise

Christine Grimando said the discussion should be saved for the full board. Lew Stowe said that the report that had been submitted to the board did not include information about fresh water. Also, it would be wrong to identify lots according to sea level rise, alone, and not include storm water. Dave Woods said it is important for people to know this information, because it affects the value of their property. We should educate this.

He added that he would like the Board to give thought to the idea of running planning board meetings with a “smidgen” of a time bracket. In Kittery, applications follow five-meeting criteria with strictly allotted time units at each meeting for each application.

Comp Plan Amendment Topic: York Village

Lew Stowe said the committee does not want to be instrumental in making the change section about alternates.

Comp Plan Amendment Topic: KACT

Christine said the urban area has to be identified. The whole town is not being affected, just the Growth Area.

Comp Plan Amendment Topic: MS4

Christine said it shouldn’t be as if we have to start redoing our ordinance. Our ordinance is currently focused on quantity, and this will make us look at quality. Dave Woods said we should do a public education outreach and include construction site, stormwater, and erosion control topics. At first, it is important to keep it as general as possible. It is going to get very specific.

Other Business

Lew said he is concerned about the Planning Board losing Torbert. He is always one step ahead of us. We have two more openings. We have to educate ourselves and move it along, because by the time you get the through 2-year term, you are just learning. The chairman asked for a motion to adjourn. “So moved,” said Al Cotton.

Adjourn

10:15