

York Planning Board
Thursday, November 19, 2015, 7:00 P.M.
York Senior Center

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

This meeting was held at the York Senior Center. Chairman Peter Smith called the meeting to order at 7:10. A quorum was determined with five people voting: Chairman Pete Smith; Vice Chairman Amy Phalon, Esq.; Lew Stowe; Gordon Eldridge, who represents York Beach; and Al Cotton. Alternates Kathleen Kluger and Wayne Boardman were present, but did not vote. Director of Planning Dylan Smith represented staff. Patience Horton took Minutes.

2. Public Hearing

Torbert Macdonald spoke as a resident of York. He told the board they are the most intelligent board in 35 years. They made a mistake in misinterpreting Footnote n for the building height at the Cliff House. Footnote n was written to accommodate different roof styles, not roof heights. The 2002 Board of Appeals originally used it to extend the elevator shaft, only, to make it ADA compliant.

- 3. Minutes** The November 12, 2015 minutes were reviewed. Changes were requested.

Motion: Al Cotton moved that we accept the November 12, 2015, minutes as presented. Amy Phalon seconded. The motion passed 5-0.

- 4. Field Changes** There were no field changes

5. Planning Board Workshop

a. Definition of lockout.

The board worked on making a definition of the word “lockout.” Dylan Smith said it exists as an accessory to a primary use of hotel/motel and boarding house. It exists as an adjoining room or adjoining suites. Amy Phalon said the definition is not needed. Al Cotton agreed that “lockout” was created for the one building in York Beach, the Kearsarge.

Motion: Al Cotton moved to table this until it is needed. Amy Phalon seconded. The motion passed 4-1 with Lew Stowe opposed.

b. Review town attorney’s version of Cliff House Findings of Fact

Dylan Smith said the applicant handed in draft findings to which the Town Attorney has made changes. Pete Smith said the town attorney does not regard this as an application for a permit, but rather as an application for revisions to the 2002 Site Plan. Under the Conclusions of Law, she inserted proposals to the 2002 plan. Language was “tightened up.”

Lew Stowe said the matter is going to the Appeals Board and will most likely come back to the Planning Board. He said he assumes the original Planning Board would not have approved six stories based on the 2000 ordinance. He takes the position that the 2002 board never looked at the document. We based our approval on what the Planning Board did at that time plus the Appeals Board’s approval. It was actually the Appeals Board that approved it at that time, he said.

Dylan Smith said the height issue will go to Code Officer Amber Harrison on the building height, “anyway.”

Motion: Al Cotton moved that we accept the Findings of Fact for the Cliff House, including the changes made, and that we authorizes the Chair to sign the Findings of Fact. Amy Phalon seconded. The motion passed 3-2, with Lew Stowe and Gordon Eldridge against.

c. Review Potential Shoreland Ordinance Amendments

Dylan asked the board to write up and email him questions and comments about changes in the State shoreland regulations to prepare ahead for the meeting.

d. Review Village Zoning District Amendments and Process

Dylan said the Village Study Committee met earlier today, November 19, and went over zoning changes, including defined areas, uses, dimensional requirements, and parking requirements. He asked for the board to submit questions and comments about Village performance standards.

He reviewed a map of the York Village subdistricts, the core and the periphery. The differences between the core and periphery mostly has to do with the dimensional requirements.

One example of performance standards would be that if a developer can’t provide enough parking for a project, the performance standards allowance might be adjusted by the Planning Board to require less parking for that project. Wayne Boardman said it is better to have too little parking than too much.

Between now and the May referendum, said Dylan, we have to have one public hearing. In addition, we will have two the informative sessions specifically geared toward for landowners in the village zone and land owners of properties that abut the zone. There will be maps of both existing and proposed zoning.

e. **Review other potential Ordinance Amendments**

To be reviewed at a more appropriate time.

6. Other Business

At the next meeting, December 10, Leslie Hinz will describe coordination of the Shoreland Ordinances with Federal and State Regulations. These shoreland changes are for the May ballot.

At the December 17 meeting, the change of use application for Diving Chocolate at the Down East Building will be heard as well as the second public hearing for the

Adjourn

9:38