

York Planning Board
Thursday, July 23, 2015, 7:00 P.M.
York Public Library

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

Chairman Peter Smith called the meeting to order at 7:04. A quorum was determined with five people voting: Chairman Peter Smith, Vice Chairman Amy Phalon, Board Secretary Gordon Eldridge (representing York Beach), Lew Stowe, and Al Cotton. Alternate Wayne Boardman was present, but did not vote. Planning Director Dylan Smith represented staff. Patience Horton took Minutes

Public Forum No one came forward to speak.

Minutes

The June 25, 2015 minutes were reviewed and changes were requested.

- **Motion**: Al Cotton moved to accept the Minutes of June 25, 2015, as amended. Gordon Eldridge seconded the motion, which passed 5-0.

The July 9, 2015 minutes were reviewed and changes were requested.

- **Motion**: Al Cotton moved to accept the Minutes of July 9, 2015, as amended. Gordon Eldridge seconded the motion, which passed 5-0.

Field Changes

Richard Weir, 1520 U.S. Route 1, would like to modify the structural appearance of his approved garage building. He has not started work on it. The existing garage has a 4-to-12 pitch. The approved pitch of the new adjoining addition has a flatter, 2 to 12 pitch, making two different rooflines. This field change will allow the building to have one roof over both sections. It would have a 12-to-9 pitch stretching over both sections. The construction materials will be the same. A little window will be added in the upper area, for aesthetics.

Motion: Al Cotton moved to accept the field change as requested. Gordon Eldridge seconded. The motion passed, 5-0.

Application Reviews and Public Hearings

York Hospital Retail Care Facility. 343 US Route 1. Map & Lot: 0059-0001;
Owner: Alissa Bournival. The proposed site plan amendment is to convert the use from what was a former car dealership to a medical building, as well as storage/warehousing space.

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

York Hospital executive officer Steve Pelletier described the building as a walk-in medical center and pharmacy. The pharmacy will be available to patients who visit the walk-in center whether they have medical care or just came to fill a prescription. The pharmacy will not expand its business into the sale of any merchandise past the prescriptions it will be providing. It will not compete with retail pharmacies for sales of sundries.

Dylan Smith explained that an application for the former Bournival Dodge was approved in 1999. In 2009, then-Town Planner Christine Grimando conducted a compliance hearing because the landscaping did not comply with the 1999 plan. At that time, the applicant Bournival Dodge added plants to the front of the building, but missed some trees from the original plan. This current planning board has asked that those trees be installed as a condition of approval for the hospital application.

Dylan Smith said the new pharmacy use has warranted a traffic assessment by a certified traffic engineer. Bill Anderson responded that a traffic count has been updated. There are 11.7 trips in an hour. There is no drive-up window.

The applicant's landscape designer, Terrance Parker, had said that trees cannot go against the light poles, as on the 1999 plan. In the effort to meet the plant counts of the parking lot, Terrance suggested having six landscaped "islands" in the parking lot. Peter Smith had suggested putting in an island running along this side of the parking places, thereby putting trees between the light poles. Both Dick Bournival and York Hospital have complained that the plant count required by the York Planning Board is too high. It is unrealistic.

Wayne Boardman asked if there is anything, like vehicles, that will be stored in the backspace or elsewhere outside the building. If so, the applicant would have to come to the Planning Board again for approval of any approval of the plan.

Motion: Lew Stowe made a motion to approve the York Hospital retail facility at 343 US Route 1, Lot 0059-001, with the following condition, that if there is any additional usage anywhere in the building, the applicant would have to come back for a review, particularly with landscaping and traffic impacts. Gordon Eldridge seconded. There was no further discussion. The motion passed 5-0.

Public Hearing on Proposed Comprehensive Plan Amendments:

- A. Adopt by reference The York Village Master Plan, dated April 2015, within Volume 1: Policies, Capital Investment Plan, Regional Coordination Program, and Implementation Program.**

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

This amendment is about adopting, by reference, the York Village Master Plan to the Comprehensive Plan with respect to Land Use Area No. 8, York Village. Should there be

a conflict between the Master Plan (once adopted) and the current Comp Plan, the Master Plan recommendations will supercede the recommendations of the Comp Plan.

Lew Stowe spoke to the record. If the amendment is not approved by the voters, it will have to be rewritten. Personally, he hoped the Board will begin the work on zoning and design standards before the amendment passes.

Gordon Eldridge said he objects to the Master Plan. He doesn't "want to go with what's in it." Lew Stowe said it is a guideline for what we think the Village should be. Peter Smith said that the reason you would not vote for this is because you're not happy with the plan.

Motion: Amy Phalon moved that we place Article X, The York Village Master Plan, dated April 2015, to the Selectmen to be inserted as a new plan recommendation into Future Land Use Section 3, York Village Center area, Land Use No. 8, Item 11, as stated in the document. Seconded by Lew Stowe. There was no further discussion. The motion passed 4-1, with Gordon Eldridge against.

B. Amend the Public Sewer Policy Map, dated April 27, 2015, within Volume 1, Policies, Capital Investment Plan, Regional Coordination Program and Implementation Program.

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

This has to do with changing the August 4, 2008, public sewer map. The sewer district is currently doing a feasibility study for expanding sewer across the Cape Neddick River, along Shore Road, and then expanding sewer into Cape Neddick Village. That would make Cape Neddick a priority service area. [Subsequent bacteria control] would allow Cape Neddick Beach to prosper. Utility work is currently being done on Shore Road, and that is why there could be allowable expansion.

Motion: Amy Phalon proposed that we forward Article X, Public Sewer Policy Map dated April 27, 2015, with a new map reference, date, and consequently an amended public sewer policy map, as follows: Section B.1.A, a priority service area, and that we forward this article to the Board of Selectmen for placement on the November ballot. Al Cotton seconded. The motion passed 5-0.

C. Add a new "Stormwater Chapter" within Volume 2: York Comprehensive Plan Inventory and Analysis as well as reference the chapter in;

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

The June 25, 2015, meeting with stormwater consultant Kristy Rabasca led to changes in the stormwater chapter that she has been preparing for the Comp Plan.

Gordon Eldridge asked if, when the board accepts the work of an outside consultant [Kristy Rabasca], does it mean the Town is going to adopt everything that she “has come up with? Do we make decisions based on what they do in Pennsylvania”? Dylan Smith answered that this is not a recommendation, but a discussion of some of the issues with stormwater and MS4, Municipal Separated Stormwater Sewer Systems.

Motion: Al Cotton moved we insert a new Comprehensive Plan chapter, the Stormwater Chapter, into Volume 2 of the Comprehensive Plan Inventory and Analysis chapter and we forward this article to the Board of Selectmen for placement on the November ballot. Amy Phalon seconded. The motion passed 5-0.

D. Modify and add Stormwater Actions within Volume 1: Policies, Capital Investment Plan, Regional Coordination Program, and Implementation Program.

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

Lew Stowe read from Town Action 2.2.8, regarding Use Enterprise Funds. “Enterprise funds are similar to dedicated reserve funds and also operate on the principal that user fees *shall* be dedicated to the program from which the fee is collected, rather than simply depositing the monies in the Town General Fund.” He commented that stormwater use enterprise funds are not so much a user fee as much as they are based on impervious areas. These are not real estate taxes, he added. He has a sizeable driveway that will be subject to enterprise funds. Looking at a public parking lot, though, like the library parking lot, he asks how the user fee will be implemented in the public case?

Wayne Boardman suggested a situation where one neighbor might manage runoff very well. Should the neighbor next door, who has the same amount of impervious as the first neighbor and manages it in a comparatively poor fashion, pay the same fee?

Planning Director Dylan Smith said this is part of MS4, Municipal Separated Stormwater Sewer Systems. The fee is adjusted for different uses, like commercial vs. residential. A person has to have a feasibility study first to figure out how they want to be charged.

The Chairman asked for a motion on Town Action 2.2.8, Use Enterprise Funds. He was unable to obtain a motion from the board. Dylan Smith said that in the case the amendment is not forwarded to the Selectmen, 2.2.8 would go back to its original language.

Motion: Amy Phalon moved to add the New Town Action 5.2.7 regarding septic systems as part of stormwater actions as described in the document and forward it on to the Board of Selectmen for inclusion in the November ballot. Gordon Eldridge seconded. The motion passed 5-0.

Motion: The Chairman asked for a motion to move these Comprehensive Plan Amendments regarding 5.6.3, 5.6.5, 5.6.6, 5.6.7, and 6.2.8 forward with the exception of 2.2.8. Amy Phalon so moved. Gordon Eldridge seconded. The motion passed 5-0.

E. Modify the Introduction Chapter list to reflect the new Stormwater Chapter in Volume 2

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

This article makes reference to the stormwater chapter, which is subject to MS4, Municipal Separated Stormwater Sewer Systems. There was no discussion.

Motion: Amy Phalon moved that we insert the Introduction Chapter dated November 5, 2013, into the Stormwater Chapter and into the list of chapters in the Inventory and Analysis list on Page 2 of the introduction, where it will appear as “Item L, Stormwater” and forward it to the Board of Selectmen for inclusion on the November, 2015, ballot. Lew seconded. There was no discussion. The motion passed 5-0.

F. Modify the Stormwater section of the Utilities Chapter to reference the new Stormwater Chapter

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

The inclusion of the Utilities Chapter makes reference to the Stormwater Chapter in that it makes reference to MS4, Municipal Separated Stormwater Sewer Systems. There was no discussion.

Motion: Amy Phalon moved to forward the following action to the Board of Selectmen for inclusion on the November, 2015, ballot, modify the Stormwater Section of the Utilities Chapter to read as follows. “The Public Works Department hired Edwards and Kelcey in 2005 to complete a report that scoped out the nature of the drainage problems in the coastal watersheds between York River and the Cape Neddick River. The Town became subject to the general permit for stormwater discharges from Municipal Separate Stormwater Sewer Systems, MS4, on July 1, 2013.” Gordon Eldridge seconded the motion. There was no discussion. The motion passed 5-0.

Other Business

- Discussion of Farmers Market Definition

There have been complaints to the code office about people selling meals at the Farmers’ Market without proper licensing. The Chamber of Commerce is also allowing vendors who are selling things that are outside the town code definition of farmer’s market.

Al Cotton said the Town did not sell several acres, at a loss, to the Chambers of Commerce for the Farmers’ Market so merchants could compete with schools and churches by selling brownies and crafts. However products could fit into the definition of artisanal if, for example, in addition to selling farmers’ wild blueberries, the same farmer could make and sell blueberry pie.

Dylan Smith said that the Greater York Region Chamber of Commerce submitted a suggestion to make a definition change for the farmers' market and market activities for the May, 2016 ballot. Amy Phalon said farmers should not have to meet the definition of the market. The market should meet the [spirit] of the farmers. It is possible that craft vendors are welcomed to the market to help pay general overhead, or perhaps the Chamber is having a difficult time getting enough farmers to cover the overhead, she said.

Wayne Boardman reviewed the State definition of farmers' market that says each agricultural vendor must sell 75% of their daily sales of their own products. They can supplement with other food, fiber, or plants from an outside source to total not more than 25% of the daily sales. The name and location of the 25% farm source must be identified on the product or with signage in close proximity.

Dylan Smith suggested having the Chamber come to discuss this with the Board.

- **Discussion of Village Zoning**

Planning Director Dylan Smith talked about the status of the York Village Master Plan, zoning, and design standards. At the last meeting, Denis Lachman, of TDRC, had talked about ways to continue work on zoning and design standards for Land Use No. 8. The Town is not in a position to hire Denis's services to help facilitate and develop design guidelines with a subcommittee right now. Instead, the direction the Planning Board should take is to work on the zoning right now, making sure to put protective language into zoning to keep anything that "looks like a dormitory" in York Village.

A subcommittee can be formed, but based on timing and money, the design guidelines are on the back burner. The design standards subcommittee is in limbo. If the board wants to form a subcommittee, it would be conducted according the bylaws of the Planning Board using Robert's Rules. According to the bylaws, anyone can be brought onto the subcommittee at any time.

Motion: Amy Phalon moved that we form a subcommittee of the Planning Board to discuss and make decisions about zoning in Land Use Area No. 8, York Village, and that the initial membership will be Peter Smith, Lew Stowe, Amy Phalon, and Dylan Smith. Gordon Eldridge seconded. The motion passed 5-0.

Review of Findings of Fact

- **16 White Birch Lane, Map & Lot 0085-0020-C**

Motion: Al Cotton moved we authorize the chair to sign the Findings of Fact for 16 White Birch Lane as posted. Amy Phalon seconded the motion. The motion passed 5-0.

- **Main Street Restaurant LLC, 127 Long Stand Road, Map & Lot 0044-0046**

Motion: Lew Stowe made a motion to authorize the Chairman to sign the Findings of Fact for the Main Street Restaurant LLC, d/b/a the Central Restaurant, 127 Long Stand Road, Map & Lot 0044-0046. Al Cotton seconded the motion. The motion passed 5-0.

- **York Colonial Center, 4 U.S Route 1; Map & Lt 006-0001**

Motion: Lew Stowe made a motion to authorize the chair to sign the findings of fact for Colonial Center, 4 U.S Route 1; Map & Lt 006-0001. Gordon Eldridge seconded. The Motion passed 5-0.

- **17 White Birch Lane, Map & Lot 0085-0020-B**

Motion: Amy Phalon moved that we authorize the Chair to sign the Findings of Fact and Conclusions of Law and Decisions for 17 White Birch Lane, Map & Lot 0085-0020-B, and backdate it to today [July 23, 2015]. Gordon Eldridge seconded the motion. In discussion, Lew Stowe alluded to the Code Officer's work in enforcing the Shoreland boundary pavers, buffer, and propane tank. The motion passed 5-0.

- The **Kearsarge House** has compiled the legal papers needed for approval. The easement documents has to be filed at the registry in Alfred. The findings and mylar can be signed at the next Planning Board meeting.

Adjourn
10:25