

York Planning Board
Thursday, January 22, 2015, 7:00 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 7:00. A quorum was determined with five people voting: Chairman Al Cotton; Vice Chairman Peter Smith; Board Secretary Todd Frederick; Gordon Eldridge (representing York Beach); and alternate Amy Phalon, Esq., who was appointed as a voting member. Lew Stowe was absent. Town Planner Dylan Smith represented staff. Patience Horton took Minutes.

Public Forum No one came forward to speak.

Minutes

The January 8, 2015, Minutes were reviewed and changes were requested.

- **Motion:** Gordon Eldridge moved to accept the January 8, 2015, Minutes as amended. Todd Frederick seconded and the motion passed, 5-0.

Field Changes There were no field changes.

Public Forum

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

The ordinance amendments are:

- a) Elimination of the Sunset Clause Regarding Outside Display along Route 1
- b) Amendment of Sign Standards (Digital Displays Throughout the Town)
- c) Match Density and Minimum lot Size in the Watershed Protection Overlay District
- d) Define and include an Artisanal Food and Beverage Use
- e) Amend Gen-3 Permitted Uses within the Gen-3 Zoning District
- f) Amend Res-2 Commercial Uses as they relate to Motels/Hotels
- g) Establish Sign Standards for "Gateway Signs"
- h) Match Variance Requirements with State Law

Discussion

- a) **Elimination of the Sunset Clause Regarding Outside Display along Route 1**
Dylan Smith: The 2011 Planning Board created display guidelines so Route 1 businesses could display their ware outdoors. The Board at that time wanted to judge how well the new display standards worked. Since then, the Code Office has had no problem with the ordinance, and different businesses have also indicated the display guidelines work well. The Planning Board recommends eliminating the sunset clause. Todd Frederick was on

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the Planning Board at the time the amendment and sunset clause were established. He referred to it as what the Board described as a “test drive.”

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

Motion: Todd Frederick moved to forward Amendment No. 1, Outside Retail Display on Route 1, to the Board of Selectmen. Gordon Eldridge seconded the motion, which passed, 5-0.

b) Amendment of Sign Standards (Digital Displays Throughout the Town)

Dylan Smith: The digital sign standards are guidelines to help the Code Office recognize sign standards when they are issuing digital sign permits. Currently, signs indicating time and temperature have been allowed, and now signs showing fuel prices are being added to the standards with this amendment. The **Public Hearing** was opened and closed. No one came forward to speak.

Motion: Todd Frederick moved we forward Amendment 2, Sign Standards (Digital Display), to the Board of Selectmen. Peter Smith seconded the motion, which passed 5-0.

c) Match Density and Minimum Lot Size in the Watershed Protection Overlay District

Dylan Smith: The intent of this amendment is to allow one dwelling unit per 10 acres in the Watershed Protection Overlay District. This ordinance currently allows three dwelling units per 10-acre lot. The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Peter Smith proposed two additions to the amendment language:

- No lot shall be less than 10 acres in size in the overlay district.
- No lot shall contain more than one dwelling unit with a maximum size of 5,000 square feet.

Al Cotton proposed one addition to the amendment language:

- Any subdivision with the same density ratio shall be allowed within this overlay district.

The Board accepted all three additions.

Motion: Peter Smith moved that we forward Amendment 3, Match Density and Minimum Lot Size in Watershed Protection Overlay District, with the proposed amendments, to the Board of Selectmen. Todd Frederick seconded the motion, which passed 5-0.

d) Define and include an Artisanal Food and Beverage Use

Dylan Smith: The ordinance wording is based on Kittery’s zoning ordinances for all commercial and industrial districts. In York, the qualifying districts that permit restaurants might also allow manufacturing, bottling. According to the Comp Plan, a commer-

cial use going into a residential area might not be encouraged. The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Amy Phalon had worked with York Beach restaurateur Joe Lipton, and they made the following list of concerns the Board should consider before submitting this ordinance amendment to the Selectmen.

1. Though it is a very good idea, the ordinance is too general. The definition of artisanal or specialty foods and beverage has to be more specific. How different is the definition from what is already practiced? With Flo's Hotdogs selling its special sauce, as an example, isn't the ordinance already in force?
2. How does the new ordinance interact with restaurants that are already in place? If someone opens a restaurant on Long Sands, they would still have to provide parking, but this new use category doesn't.
3. How does the ordinance impact other businesses that sell their own food and other non-relating items like jam and tee shirts? How does it impact other businesses?
4. With alcoholic beverages, the owner has to go in with State laws and licenses.
5. The artisanal food movement is highly successful in places like Vermont. This ordinance amendment should be specific to York.

Dylan Smith clarified: All parking standards must be met per Article 15 and the ITE manual. A brewpub must meet State standards. It must have two combined uses, like restaurant and brewery and have two different licenses. The two uses can be operated in the same building.

Todd Frederick: He does not want to support the amendment the way it is written. A big shift in an amendment like this could cause a problem that, once passed, could not be taken away. Chairman Al Cotton asked for an artisanal subcommittee with Amy Phalon and Todd Frederick as co-chairs. He encouraged others from the public and from the Board of Selectmen to join. The ordinance will not be forwarded to the Board of Selectmen.

Motion: Peter Smith moved that we form a subcommittee to study the issues of Artisanal and Specialty Food and Beverage. Amendment 4, Artisanal Food and Beverage Ordinance, will not be forwarded to the Board of Selectmen. Todd Frederick seconded. The motion passed, 5-0.

e) Amend Gen-3 Permitted Uses within the Gen-3 Zoning District

Dylan Smith: The Gen-3 District has parcels north and south of the Little River. The amendment follows the recommendation of the Comp Plan, which suggests that the northern area should be zoned residential, with the development of a village district on the South side. Commercial, and industrial uses would locate on the south side, too. The Chairman opened and closed the **Public Hearing**. No one came forward to speak.

Motion: Todd Frederick moved to forward Amendment 4, Gen-3 Zoning District Permitted Uses, to the Board of Selectmen, as amended this evening. Peter Smith seconded the motion, which passed, 5-0.

f) Amend Res-2 Commercial Uses as it relates to Motels/Hotels

Dylan Smith: The owners of the Cliff House Resort want a zoning change for a slight expansion use to incorporate 76 Bald Cliff Road into hotel services. It is a reasonable expansion. The Town Attorney has identified this as a continuation of spot zoning. It is not categorized as new spot zoning.

Chairman Al Cotton: The Chair has received notice that absent Board member Lew Stowe is in opposition to this. Mr. Cotton opened the **Public Hearing**.

Applicant representative **Alisa Tibbitts** said the property is to be used as a rental unit that is not required to be owner-occupied and can be booked through central management of the Cliff House Hotel.

Abutter **John Emerson** sees no reason for a residential unit to be incorporated into the Cliff House Hotel. It affects his house, the cove, and the other residents. It is time to stop giving the Cliff House special consideration. The Chair closed the Public Hearing.

Motion: Peter Smith made a motion that we forward Amendment 5, Res-2 Commercial Uses, as it relates to Motels/Hotels, as amended, to the Board of Selectmen. The motion passed, 3-2, with Todd Frederick and Gordon Eldridge opposed.

g) Establish Sign Standards for “Gateway Signs,”

Dylan Smith: Representatives of Village businesses have asked for larger greeting signs saying, “Welcome to York Village.” This amendment allows a larger sign, permitting for which must go through reviews by Code, Public Works, and the Selectmen. With this amendment, the maximum sign size changes from 6 square feet to 12 square feet. The Chairman opened and closed the **public hearing**. No one came forward to speak.

Motion: Todd Frederick moved forward Amendment 7, Establish Sign Standards for “Gateways Signs,” to the Board of Selectmen. Peter Smith seconded the motion, which passed, 5-0.

h) Match Variance Requirements with State Law

Dylan Smith: There is no issue about the language or the wording. The ordinance amendment will not be pursued.

Printed copies the text of the amendment (draft document dated January 2, 2015) are available with the Town Clerk at the Town Hall, and digital copies are available on the Town’s Web page (www.yorkmaine.org) under the Community Development Department “Announcements and Postings.”

Kearsarge House Fractional Share Use

Dylan Smith: This is a potential demo and rebuild for a building that will have fractional share units. The building is the Kearsarge House.

Applicant representative JoAnn Fryer: The units will be sold in 1/6 fractional shares, which means the fractional owner uses one week every six weeks, a weekly turnover. In keeping with the Comp Plan, the turnover is good for other businesses in the York Beach Village area.

Developer Terry Elsemore: The Company I represent has sold more than \$700 million of fractional share inventory in 27 years, and has been successful with every project. The new building will be very nice looking and have nice retail spaces. It will have seasonal clientele, not only here for the summer months, but coming back year round. If a person buys all six fractions of a unit, there will be language in the deed that will keep them from becoming York residents.

Gordon Eldridge: Did you have an idea what the winter activities might be for people who come in winter? Answer: People could go to the local ski resorts, only a few hours away. There is an onsite concierge, a services coordinator who will create a roster of activities in York, Ogunquit, and other local communities.

JoAnn Fryer: The studios will be about 450 square feet in size. The remaining units will be 800 to 1,200 square feet in size, except one three-bedroom corner unit with the best view. It will be around 1,500 to 1,800 square feet.

The studio units and each double unit will have one parking space in the designated parking lot. Additional parking space is provided for each portion of a fractional share unit that may be separately occupied.

JoAnn Fryer continued: Based on parking for each fractional unit, we have all the parking spaces we need. The number of units is still in flux. If someone brings an extra car, there are places where we will lease spaces without using public parking.

Peter Smith: If a person had a residence in a condo, they would have to provide 1.25 parking spaces. With a single family dwelling in York Beach, they would have to provide 2 spaces. Your requirement of 1 parking space per fractional share is a big advantage to the developer.

Todd Frederick: It is positive to develop the Beach, but I am looking for the loopholes. Where there is one problem, several others may pop up. There is a parking problem at the Beach already. If the lot is full on the 4th of July, how many spaces went to the building because the ordinance was relaxed?

JoAnn Fryer: The parking lot revision shows we have about 40 spaces available.

Peter Smith: If so, the parking situation is being covered fairly and does not burden the Town.

The Chairman of the Board instructed the applicant to bring information about fractional share ordinances from other ocean-side or lake communities in New England, including Ogunquit.

Other Business

Board Training Date

The meeting with the Town Attorney will be held at 6:00 on a forth Thursday, before a regular Planning Board workshop. The date has not been decided. The other Boards will be invited to attend the one-hour meeting.

Site Walks

On January 21, 2015, at 10:00, there was a site walk for **Division of Land/Estate of Roger R. Norton Jr.**, End of Skylark Lane and 28 Oceanside Ave West, Map & Lot 0032-0035. Gordon Eldridge, Peter Smith, Lew Stowe, and Dylan Smith attended.

On January 21, 2015, 11:30, there was a site walk for Bus Parking Facility, 1021 US Route 1, Map 30, Lot 0030 & 0030A. Lew Stowe, Gordon Eldridge, Peter Smith, Amy Phalon, and Dylan Smith attended.

Sign Findings of Fact

Motion: Peter Smith moved that we authorize the Chair to sign the Findings of Fact for the **Bullshirts Addition**, 1070 U.S. Route 1, York Maine, Tax Map 94 Lot 50. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Peter Smith moved we authorize the Chair to sign the Findings of Fact for **1520 U.S. Route 1 Expansion**, 1520 U.S. Route 1, Map & Lot: 0010-0004. Gordon Eldridge seconded. The motion passed 5-0.

Adjourn

9:45