

York Planning Board
Thursday, October 27, 2011, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Lew Stowe conducted this meeting. A quorum was determined with five people voting: Todd Frederick, Tom Manzi, Torbert Macdonald, Jr., Lew Stowe, and alternate Tom Prince. Alternate Dave Glazebrook was present. Dave Woods was absent. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes. It is my 250th set of minutes for York Planning.

Public Input

During public input, Community Development Director Steve Burns said that the outdoor display standards are complicated for the businesses on Route One. The standards do not create a climate conducive to small businesses. Standards cannot be nice just to the big stores like Hannaford and Rite Aid.

After the most recent amendments to the display standards were made, a complaint came in about the display at Brenda's Bloomers, and she came to Planning with the problem. She had tried to bring the display into compliance but was still found in violation. The rules should be made in accordance with what the businesses on Route One do, said Steve Burns. Are there other businesses that have concerns similar to Brenda's Bloomers, and does the Planning Board want to make a change?

Brenda Elwell-Taylor, owner, said she has had her little store since 1999. She sells wedding florals and birdhouses. It is hard to get cars to stop in a 50 MPH zone. Florals used to be 85% of her sales, now they are 55%. It is because of the economy. She depends on the birdhouses and the birdhouse displays in front. "Katherine" had come to her shop and said she was in violation of the display ordinance. Starting the next day, everything had to be on the side of the shop. Brenda Elwell-Taylor said her issue is with staying in business. She could do it from home but is passionate about her shop. It is hard work dragging the birdhouses in and out every day. She is 21 feet from the road. The building was built in 1959. This has taken a big bite in revenue. She wants a sign on the side. She needs more lighting.

Steve Burns said the outside display has to be behind the front buffer. She cannot have anything in front of that. There are bigger shops than her 14' x 20' shop that have the same problem. It is not just the small shops.

Howard Koepfel said his shop, Lost and Found Antiques, is small. He wants to advertise, but people are going past at 50 MPH there, too. There is selective enforcement, just

because someone picks up the phone and then out comes Code Enforcement. He can't put out a sign, because he's over-signed. He is 75' back.

Greg Gosselin, a business owner in town, said that there is the character of York. It is important to understand that these small businesses are integral to the town, and we need to work with these small businesses.

Anne Humphrey said outdoor displays, like Christmas trees, are important to have. In 1997, some ordinances were changed, but some could keep things the way they were. It is important to keep business owners in on all discussions about displays. She hopes that all of the business owners will be able to continue to do it.

Leena Regan also supports Brenda's Bloomers. She recalled the time when displaying things outside, like vegetables and Coca-Cola in a cooler case, was part of the American way. If we discontinue putting things outdoors, we won't be making as much business. We will be closing our doors.

Steve Burns asked the planning board for direction, if they want to pursue that. He suggested their coming up with some options. Torbert Macdonald said it is crazy for Brenda Elwell-Taylor not to be able to put her stuff in front of her building. Tom Prince said his greatest concern is the safety issue being so close to Route One. Dave Glazebrook said the bigger stores don't need so much latitude, because they can advertise. Neither does he want a bunch of junk down the road, like two piles of woodchips, for sale. Todd Frederick said that where some of these businesses are located, there is faster traffic. But when Brenda's Bloomer reduced the display, business went down. Tom Manzi said there is a sense of city-ness to have stuff on the sidewalk. Lew Stowe said parking has to be considered with the display.

As part of the Public Input, Steve Burns went on and read an email from **Diana Flynn**. It requests an ordinance amendment so family daycare can exist in all areas of town. It keeps children in their own neighborhood. Dave Glazebrook said he lives near a family daycare provider and is not aware of traffic caused by it. Steve Burns said permits originally went to people with professional licenses based on Class 1, 2, and 3 performance standards.

Field Changes

There were no field changes.

Minutes

The minutes of October 13, 2011, were reviewed. Board members requested changes.

Motion: Tom Manzi moved to approve the October 13, 2011, as amended. Todd Frederick seconded the motion, which passed, 5-0.

New Business

- **May 2011 Ordinance Amendments**

Community Development Director Steve Burns said he will supervise development of the seven May 2012 ordinance amendments, and Town Planner Christine Grimando will do the November, 2012 amendments.

The Board of Appeals Ordinance Amendment

Steve Burns explained how the Appeals Board process is very different than that of the Planning Board, and he discussed the necessary changes to be made in their procedures.

Bait House Flood Ordinance

Steve Burns explained that the cost of building a bait house under the current ordinance is too expensive. The fishermen don't want to waterproof a bait shack. They want breakaway panels, so water can flow through. Steve Burns had contacted the State Shoreland coordinator, who says the proposed ordinance change will be fine.

Mandatory Cluster Housing

Steve Burns said that if you mandate cluster, you have to make public access an option, otherwise, you are taking property rights away from the owners. Should lots be divided up with the wetlands included, or not? Torbert Macdonald said that a density bonus incentive in the form of extra units should be given for cluster housing. The developers benefit from having smaller costs for smaller infrastructures. Steve Burns said design standards reflect in density. Christine Grimando said it would be good to develop a cluster-housing workshop with Eliot Planning. Dave Glazebrook said we should look outside the state for information.

Parking in York Beach Center

Steve Burns said the Ellis Park is the biggest attraction in York Beach. The major core of 300 parking spaces located there leaves a balance of 1500 parking spaces in York Beach Village, including those at York's Wild Kingdom. The parking requirement based on restaurant seating should be cut in half and, if the number of seats is changed, the use and parking analysis figures should not have to be changed.

Setbacks

With this ordinance amendment, pergolas are to be treated like fences, as they do not have closed walls.

- **CDBG Application**

Steve Burns described the Community Development Block Grant federal program. Cormier Textile had received one and improved sewer leading to their building. They made tank covers. They are no longer in York. Maine Coast Shellfish has moved into the same building and are applying for a \$200K grant. They wholesale seafood. There will

York Planning Board

October 27, 2011

Page 3 of 4

be job openings for 11 people, including seven of low to moderate income. In order to receive money, the application has to be in good standing with the planning board. We have no issues with this, said Steve Burns. There is no additional building required. The Planning Board will affirm that there is nothing wrong with the building, and it is okay to bring equipment into it.

Motion: Todd Frederick moved to approve the Town of York CDBG application to benefit Maine Coast Shellfish, that the site is in compliance with codes, and that the proposed grant will further goals of the York Comprehensive Plan. Tom Prince seconded the motion, which passed 5-0.

- **Comprehensive Plan Amendments: Capital Investment Plan**

Town Planner Christine Grimando had handed out a section of the Comp Plan to show the board a sample of how out of date it is. She asked the board to look at the “big picture” to get to the goals for an update. Consider where the town is headed and what the board might need to do. Maybe there should be a summit on this.

Lew Stowe suggested having two board members work with Christine Grimando. David Glazebrook suggested developing a questionnaire to determine objectives and goals. Torbert Macdonald said the ocean is going to become a liability. We have to consider that impact on capital planning. There is a build-out in Wells based on current ordinances. Lew Stowe said that in Phase 2 the board would be meeting with other towns.

- **Field Change Thresholds**

Christine Grimando said she is trying to add clarification to what a field change is or is not. Changes come up during mid-construction and have to be expedited. They do not alter a previously approved project with this. They are small changes and not substantive. It is time for more clarity. Lew Stowe asked if field changes go on the Mylar. Christine Grimando said they don't have to be included in everything.

Old Business

There was no Old Business

Other Business/Adjourn

York Hospital Findings of Fact

Motion: Tom Prince moved we approve the Findings of Fact, dated October 18, 2011, regarding an amendment to the York Hospital Coordinated Expansion. Torbert Macdonald seconded the motion, which passed, 5-0.

The Meeting ended at 10:30.