

**York Planning Board**  
**Thursday, January 31, 2008, 7:00 P.M.**  
**York Senior Center**

**Call to Order, Determination of Presence of Quorum**

Chairman Glen MacWilliams called the four-and-a-half hour workshop to order at 7:00. He determined presence of a quorum. All the board members were present. Beside Glen MacWilliams, Vice Chairman Tom Manzi, Barrie Munro, Lew Stowe, Dave Woods, and alternate Todd Frederick attended. Town Planner Christine Grimando represented Planning Office staff. Community Development Director Steve Burns was present. Patience Horton took minutes. The meeting was taped by video camera

**Minutes Review and approve draft minutes**

No minutes were reviewed.

**Workshop on Proposed Ordinance Amendment**

**York Beach Zoning Discuss proposed zoning amendment and direct with respect to revising and forwarding to the Board of Selectmen**

Town Planner Christine Grimando explained that most recent of many public hearings for the ordinance amendment had been held one week prior, on January 24, in the York Public Library conference room. The York Beach Renaissance Committee had worked on a revision since then.

**Cliff Estes** said that out of fairness to the people at home, the public should not speak at this meeting. Steve Burns answered that workshop bylaws say anyone can participate as the board chooses. Planning Board member Barrie Munro said this meeting was the last planning board hearing on the proposed York Beach amendment, which was to be followed by the board of selectmen's upcoming meetings on February 25 and March 24. Those meetings would include public hearings. Planning Board Chairman Glen MacWilliams said the board does not want a back-and-forth discussion with audience members this evening. Planning Board member Dave Woods responded that questions should be answered for both the board and the residents, which was agreed to by other board members.

Steve Burns began the presentation, showing slides of York Beach Village on a large screen. During the prior week, planning office staff had make revisions to the zoning ordinance and the draft design guidelines. Their focus on the pedestrian aspect of the village led them to the conclusion that the best way to actualize the walking traffic might be to turn Railroad Avenue into a pedestrian plaza stretching from Ocean House to Parras Pizza House, preferably by 2010. The walking mall plaza design would increase the excitement of being in York Beach, Steve Burns suggested. The current car/pedestrian ratio on that street is about 70/30. Shifting the street to a pedestrian plaza would change to car/pedestrian ratio to about 30/70. Steve Burns showed a charette of Oxford,

Massachusetts as example of the charette as an excellent tool in designing and planning both public and private spaces.

Steve Burns read the Mission Statement from the York Beach Village Design Review Standards. Tom Manzi suggested putting the Mission Statement at the top of the document. For convenience, the Mission Statement is included here:

**“To promote an attractive, inviting, safe pedestrian-focused, family oriented environment; to safeguard York’s historic flavor, character, and diversity; to safeguard York’s clean, healthy beaches; and to help support coordinated improvements to businesses, residences, and public places through a predictable and timely process.”**

After the slide show, the page-by-page review of York Beach Zoning Ordinances and the Design Review Standards began. The ballot language for the Draft Ordinance Amendments, which consists of Article Ord-1 and the Statement of Fact, dated January 31, 2008, was read aloud and is included here for convenience.

**Article 1**

**“The Town hereby ordains amendments to the Zoning Ordinance to rezone the village area around Short Sands Beach, specifically amending: Article 1, General Provisions; Article 2, Definitions; Article 3, Establishment of Zoning District; Article 4, Use Regulations; Article 5, Dimensional Regulations; Article 6, Supplemental Use Requirements; Article 7, Special Provisions; Article 8, Shoreland Overlay District; Article 16, Sign Standards and; Article 17, Non-Conforming Situations.”**

**Statement of Fact**

**“This amendment eliminates the current BUS-3 zone in the village area adjacent to Short Sands Beach, and establishes two new zones: York Beach Village Center and York Beach Village Transition. Areas currently zoned BUS-3 not encompassed by these two new zones shall be zoned RES-7. These zones are established to implement the policies of the Comprehensive Plan to establish new village zoning in York Beach. The amendment is consistent with the Future Land Use Policies for Land Use Area#1, York Beach Village Center area, but is not consistent with Land Use #13, Cape Neddick River area. The amendment is not expected to have a significant fiscal impact on the Town.”**

After the ballot language was read, the board discussed how far the Transition Zone should go. Steve Burns said that during his review of Ord-1, he came to a part of the Comprehensive Plan that indicates that “South of the Cape Neddick River, east of the Route One Overlay Zone, west of Main Street, and north of York Beach Village Center’s northeast boundary is to become a residential zone with moderate to low density.” That area is referred to in the Comp Plan as #13, Cape Neddick River Area. York Beach Village is referred to in the Comp Plan as #1, York Beach Area. He explained the new zoning and mixed use proposed for #1 creates a conflict with the Comp Plan. According

to the Comp Plan, #13 must remain residential. The conflict had been overlooked in prior reviews, said Steve Burns.

During discussion, Tom Manzi suggested a Comp Plan change, but Steve Burns said there was no time to post it for inclusion in the May warrant. Barrie Munro said the amended ordinance should be submitted, as proposed. He asked if there was any alternate to that. The possibility of rewriting parts of the Draft Ordinance Amendments was discussed. Christine Grimando said the posting was due the next day, February 1, and a major re-write would prevent the document from inclusion on the board of selectmen's schedule. The first notice has to appear in the newspaper the following day. Glen MacWilliams opened the Public Hearing.

**Steve McNally**, the engineering advisor to the Renaissance Committee, did not understand how the intent of the Comprehensive Plan could have been overlooked.

**Cathy Goodwin** of the York Beach Renaissance Committee said her group had been working on this matter with the planning department for one-and-a-half years and wondered how she had never heard about this aspect of the Comp Plan. She suggested spending time that evening rewriting the section with respect to appropriate use.

Board member Barrie Munro suggested passing the ordinance package to the board of selectmen with a footnote that there may be a problem and to ask for guidance. He recommended either changing the Comp Plan or tabling the document. Cathy Goodwin said there had to be an opportunity to withdraw the entire document, because significant changes would create a angry firestorm, as might the idea of closing Railroad Avenue.

Glen MacWilliams acknowledged the disappointment and suggested that the language of the Zoning Ordinance Article 1 could interpret the zone description as north of where it is. Lew Stowe said the Comp Plan does ask for a zone for the Beach. After further discussion, the board decided dropping some language from the Statement of Fact could save the ordinance amendment.

**Motion** Barrie Munro moved to strike the following language from the ballot language, Article: Ord-1, Statement of Fact, “. . . but is not consistent with Land Use #13, Cape Neddick River Area. The amendment is not expected to have a significant fiscal impact on the Town,” and replace it with, “. . . and is consistent with the Land area No.1, as referenced on Page 83, under Plan Recommendations, Policy #1.”

Dave Woods seconded the motion, which passed, 5-0.

For convenience, the reworded Statement of Fact looks like this:

**Statement of Fact**

**“This amendment eliminates the current BUS-3 zone in the village area adjacent to Short Sands Beach, and establishes two new zones: York Beach Village Center and York Beach Village Transition. Areas currently zoned BUS-3 not encompassed by**

**these two new zones shall be zoned RES-7. These zones are established to implement the policies of the Comprehensive Plan to establish new village zoning in York Beach. The amendment is consistent with the Future Land Use Policies for Land Use Area#1, York Beach Village Center area, and is consistent with the Land area No.1, as referenced on Page 83, under Plan Recommendations, Policy #1.**

The board continued through the remaining 34 pages of the document, discussing multi-family housing with consideration to density and lot size, affordable housing, and setbacks. Christine Grimando described code enforcement's administration of design standards. Unsecured heating oil tanks had become an issue since, according to Dave Woods, six had floated around the beach village in the last big flood. The board drafted language for the zoning ordinance about securing unsecured tanks. Lot coverage, density, and parking lots for York Beach were discussed. The allowable height for buildings increased from 35 to 40 feet. The approved uses included gas stations, rooming houses, and commercial parking.

**Joe Lipton** of the Renaissance Committee brought up restaurant seating, and the board clarified that 75 seats would be allowable in the transition zone, and more than 75 seats would be allowable in restaurants on four of more acres.

The York Beach Village Design Review Standards, 42 pages, were discussed. **Dawn Fernald**, Chairman of the York Beach Renaissance Committee, said, if the Beach does not turn out to be pedestrian oriented, then the committee has failed. The new policy idea of creating the pedestrian plaza introduced by Steve Burns is too much right now, she said. Joe Lipton added he thought it should be considered someday.

The board discussed expansion of sidewalks and public space policies. Steve Burns said he wanted to rewrite the section about high density with mixed use the following morning, before the next planning board's deadline. Steve Burns's idea of offering a 10% cut in the parking requirement for businesses that put bicycle racks out front was well received. Bike racks would encourage bicycles, and they would help lower automobile traffic at the same time. There was a consensus that standards for recreation and amusement uses require a location of feet or more from the center of Main Street.

The use of the Historic District Commission regulations for 75-plus-year-old buildings was discussed in terms of the demolition delay. Demolition of buildings damaged beyond the point of repair, as in a fire, would be extended for proper research of its construction. The board also discussed the treatment of mechanical equipment (like vents and air conditioners) on the roofs and backs of buildings. Entrances on building facades, and the prohibition of Hardy Plank siding were discussed, as was flood proofing, which Glen MacWilliams indicated would be an issue for the board to cover at a later date. Steve Burns pointed out that the section headed "landscaping" had no language or description, because landscaping is not needed when the lots have 100% coverage. Vending machines would not face the street, but would be located between buildings.

Glen MacWilliams said that since some board members have a vested interest in the outcome of the Draft Ordinance Amendments, some residents had requested that Dave Woods step away from the board for this decision. After discussion of the possible conflict of interest, Dave Woods agreed to recuse himself. Alternate Todd Frederick was asked to vote in his place.

**Motion** Barrie Munro moved to adopt the Draft Ordinance Amendments as discussed and amended, eliminating specific reference to Railroad Avenue as the preferred location for a pedestrian plaza, but retaining a pedestrian plaza as a desirable future policy. Dave Woods seconded the motion, which passed, 4-1, with Tom Manzi against the motion.

**Motion** Barrie Munro moved to pass the document from the York Planning Board on to the York Board of Selectmen, with changes and amendments as discussed this evening. Lew Stowe seconded the motion, which passed, 5-0.

The meeting ended at 11:30.