

York Planning Board
Thursday, December 19, 2013, 7:00 P.M.
York Public Library
Kennebunk Room

Call to Order, Determination of Presence of Quorum

Chairman Todd Frederick called the meeting to order at 7:00. A quorum was determined with four people voting: Todd Frederick; Board Secretary Lew Stowe; Al Cotton, Jr.; and alternate Peter Smith, who voted as a full member. Christine Grimando, the Town Planner, represented staff. Patience Horton took minutes. The meeting was not in the usual boardroom and was not televised.

Public Forum

Open to the public to address any issue other than scheduled public hearings.

Field Changes

Bangor Savings Bank 460 U.S. Route 1

Applicant representative David Latulippe said the originally planned lighting control with motion detectors in the parking lot did not work as hoped. The applicant wished to go to a regular lighting system. The cost of putting in the original system would be very high and that cost would be difficult to recover.

Motion: Peter Smith moved that the following sentence be removed from plan note 6.3.6. "The perimeter light poles shall be controlled such that the lights can be dimmed at night and equipped with motion detectors so that the lights will illuminate should a vehicle or pedestrian travel through the parking lot." Lew Stowe seconded the motion, which passed, 4-0.

Minutes

November 14, 2013 and December 5, 2013

The November 14, 2103 planning board Minutes were reviewed and corrections were requested.

- **Motion:** Peter Smith made a motion to accept the November 14, 2013 minutes as corrected. Lew Stowe seconded the motion, which passed, 4-0.

The December 5, 2103 planning board Minutes were reviewed and corrections were requested.

- **Motion:** Peter Smith made a motion to accept the December 5, 2013 minutes as corrected. Lew Stowe seconded the motion, which passed, 4-0.

Field Changes

See Public Forum

New Business

- **Planning Board workshop on 2014 amendments**
- **Discussion Re: Approval Process for Applications**

Planning Board workshop on 2014 amendments

Community Development Director Steve Burns led a workshop on the May, 2014, ordinance amendments. There will be five amendments for the Planning Board to work on.

He said that Tim Miles hopes to put an auto repair garage in the Route 1-2 zone, 2 miles north of the Spur Road, near Abbott Brothers. Mr. Miles hopes to have several family businesses under one roof, including an auto repair shop, a shop for restoring and storing antique muscle cars, an antique shop his wife would manage, and a wood fabrication shop his son would manage. Wood fabrication is already allowed in the zone.

Mr. Burns said an open car lot should be buffered, as at the Bournival dealership. Town Planner Christine Grimando said Tim Miles is not proposing vehicle sales. He had said the muscle cars are too expensive to leave outside. Peter Smith said there is an issue with chemicals and fumes. Ms. Grimando said an auto body shop is prohibited in that zone. The ordinance must include an extensive list of things expressly prohibited in the zone. Steve Burns said a complete list of activities “allowed” should be included. Anything else is prohibited.

The president of the Elks, Tom Veronesi spoke. The Elks currently own the land Tim Miles hopes to buy. They have had difficulty selling the land because the current zoning has prohibited several businesses.

The Harbor Board was the subject of the next ordinance amendment. Dave Gittens and Joey Donnelly requested three changes to Harbor ordinances.

Fishermen from York should get preferential treatment at the moorings. People come from other places and want the same preferential treatment, but should not have it. Mr. Donnelly said services are there to help all commercial fishermen, not just lobstermen. The moorings are the key issue. Otherwise, when fishermen pay their fees, there is no discrimination in the use of the dock, or for hoist use or use of the bait sheds. Fees are paid on an annual basis.

Secondly, the Harbor Board wishes to regulate the hull speed of boats in the harbor and on the river. The Harbor Board also sought ordinance changes in regulating docks and floats and on the mudflat in relation to high and low tides.

The workshop continued with regard to the York Harbor Design Review Board. The Board of Selectmen requested that the organization of the Harbor Board would be in keeping with Robert's Rules of Order. That would mean that the board must have 5 members who are York residents appointed by the Selectmen. The members would have staggered appointments. There would have to be a secretary. There must be bylaws.

The 2014 ordinance amendment workshop continued with review of the Watershed Management Plan for Cape Neddick. The selectmen authorized the original study, which showed that the pollution problem is found in fresh water at low tide. At low tide, the water is full of bacteria from wildlife and waterfowl, from pet waste, and septic systems. The pet waste can be managed voluntarily by pet owners.

The amendment is targeted at the older septic systems. They begin to fail after about 20 years. They are not being serviced the way they have to. Systems must be tested to make sure they are not failing. When a failing septic system is found, the selectmen direct the town attorney so send a letter to the owner. There is a nine-month window to repair that situation. There is always an inspection when a property is sold.

Steve Burns wrapped up the ordinance workshop. Several years ago, requests came from the River House to set it up as a wedding venue. Richard Schmidt had a different setting for weddings on his 10 acres off Clay Hill Farm. The original ordinance licensed three events in a 30-day period. That was too restrictive. The amendment changes the limit to 12 per year, with three possible events in a calendar month.

- **Discussion Re: Approval Process for Applications**

This discussion referred to the Pine Ledge Subdivision, which was approved December 12, 2013. Board member Lew Stowe said that in not reviewing the 6.4 checklist for that approval, there were items the board missed reviewing. Stormwater, for example, is a section with 16 steps, and the board skipped over 5 of them, he said. He said that the board felt it can skip over stormwater and plan to cover it at final. He said that was an incorrect way to do it.

Town Planner Christine Grimando said the completeness check has to be acknowledged early. She suggested the board follow the list of submission requirements in 1.2, instead of 6.4. Lew Stowe replied that Section 1.2 is vague.

Ms. Grimando said that when she gives the board a memo saying she has reviewed an application for completeness relative to 6.4, the board doesn't have to do its own completeness check. Al Cotton said that when Christine says that something fits the standards, he believes her and supports that information. He said that 1.2 makes more sense than taking on the long 6.4 list. Steve Burns suggested there could be a poll taken

of what the major issues are early in the review, so it will be understood what issues need to be covered in detail.

Lew Stowe had also asked for discussion about performance guarantees for public improvements. It was explained that Article 10 outlines different forms of performance guarantees. Fundamentally, once a building is approved and built, it passes on to Code Enforcement. Peter Smith asked Lew to write out how Lew thought the process should go.

Other Business

- **Upcoming Meeting Agenda**

Mike Sullivan of Parks and Recreation is bringing two Town applications to the Board in January. One is for zoning interpretation for the Bog Roads Fields application. The other is a sketch review for Long Sands bathhouse. The board discussed the possibility of contracting external reviews of Town projects.

Adjourn

Pine Ledge Findings of Fact and Mylar signing

The board reviewed and signed the Findings and Mylar.