

**York Planning Board**  
**Thursday, June 26, 2008, 7:00 P.M.**  
**York Public Library**

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

Chairman Glen MacWilliams began the five-hour meeting at 7:00 by determining presence of quorum. Beside Glen MacWilliams, Vice Chairman Tom Manzi, Dave Woods, Lew Stowe, and alternate Todd Frederick were present. Barrie Munro was absent, and Todd Frederick was asked to vote in his place. Town Planner Christine Grimando represented planning department staff. Patience Horton took minutes. The meeting was televised.

**Nomination of Planning Board Officers**

Glen MacWilliams nominated Tom Manzi as Chairman of the York Planning Board. No other nominations for this were made. Board members wrote their choice on paper, and those were passed to the recording secretary, who announced that Tom Manzi would be the planning board chairman. Tom Manzi said that in football and in baseball, there is always one star, but he prefers soccer, which he likened to the planning board, where everyone touches the ball. Glen MacWilliams “passed the gavel” to Tom Manzi, who conducted the meeting from that point.

For Vice Chairman, Glen MacWilliams nominated Lew Stowe, who had once been the chairman of the committee to rewrite the entire Comp Plan, a project that had taken two years to complete, but was ultimately defeated in the referendum. Dave Woods seconded the nomination, and the motion passed, 5-0.

Lew Stowe nominated Barrie Munro, in absentia, as planning board Secretary. Dave Woods seconded the motion, which passed, 5-0.

The board discussed recruiting another alternate.

**Public Input**

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

**Alice Gruba** asked questions about the accessory dwelling ordinance, which does not allow accessory dwelling to people west of Route 1, like her, who do not have public sewer. Though she is not connected to public sewer, she wants to have accessory dwelling. Glen MacWilliams recommended the board look at that issue. Alice Gruba gave a letter to Town Planner Christine Grimando explaining her situation. Public input was closed.

## Public Hearings

The York Planning Board will conduct a Public Hearing regarding proposed ordinance amendments to be considered at the November General Referendum, individually in order, as follows:

Ord-1	Zoning	Expansion of Nonconforming Structures
Ord-2	Zoning	Board of Design Review
Ord-3	Zoning	Stormwater Run-off Requirements
Ord-4	Zoning	Building and Site Design Requirements
Ord-5	Floodplain Management	Control New Construction Below Elevate. 12” in the Beach
Ord-6	Zoning	Parking Reductions
Ord-7	Zoning	York Beach Zoning
Ord-8	Zoning	Overall Shoreland Zoning Amendments
Ord-9	Zoning	Shoreland Additional Resource
Ord-10	Zoning	Inland Waterfowl and Wading Bird Habitat
Ord-11	Zoning	Coastal Bluffs

[Secretary’s note: by the end of the evening, all amendments were forwarded to the selectmen except Ord-5 and Ord-6]

The following ordinance amendments were discussed out of order.

### **Ord-1, Zoning; Expansion of Nonconforming Structures**

Christine Grimando introduced this ordinance modification, which responds to Tim DeCoteau’s PowerPoint presentation given to the board several months ago. Tim DeCoteau had reviewed expansions that did not fit the characteristics of the neighborhoods. The modification addresses front and side setbacks to the benefit of the neighbors.

The chairman opened and closed the **public hearing**. No one came forward to speak. Lew Stowe suggested the rear of the property was not being referenced in the setback requirements, and Glen MacWilliams answered that the rear is also an adjacency. An accessory building, like a garage, could be allowed, and that building would be called an “ancillary” building.

### **Ord-8, Zoning; Overall Shoreland Zoning Amendments**

Community Development Director Steve Burns addressed the board. The bulk of shoreland amendments are required by the state. The rules have suddenly, radically changed. The board developed shoreland zoning amendments two years ago, but they reached snags when reviewed by the board of selectmen. An impact statement and detailed map show the substantive changes in the zoning. The changes include the ability of emergency utilities repair and road maintenance work to go ahead without a permit. There are several basic administrative changes because of new shoreland zoning, including the definition of a stream. A stream comes out of any water source and is resource protected until it flows into a manmade ditch or any other non-natural environment, including culverts.

The ordinance change also speaks to uses and mixed uses, including those of churches, stables, and docks. Property owners will see changes in vegetation clearing standards, which mirror state standards. Property owners with archeological sites will have to register with the Maine Historic Preservation Commission before getting a permit to dig in those areas. Parking setbacks also will come from state rules, and the rule that commercial fishermen can only store equipment at their houses has changed so fishermen can use other land they use. Recreational camps are not allowed in resource protection areas. Steve Burns emphasized the importance of passing the Ordinance Amendment 8. The **public hearing** was opened and closed. No one came forward to speak.

#### **Ord-9, Zoning; Shoreland Additional Resource**

Steve Burns said this ordinance amendment concerns areas of resource protection proposed by the Town. The areas are not associated with the state requirements. Institutions, like land trusts and the State of Maine own the areas affected by Ord-9. The **public hearing** was opened and closed. No one came forward to speak.

#### **Ord-10, Zoning; Inland Waterfowl and Wading Bird Habitat**

Steve Burns explained that since 1970, the rules have been updated and the habitat areas have been remapped. An academically-originated map proved incorrect, and the map for the entire state is being reworked. Steve Burns went over the different regions of shoreland protection, including Dolly Brook, and Godfrey's Cove, and Boulter Pond.

The chairman opened the **public hearing**. **Richard Mewer** was concerned about accessory structures inside the resource protection zone. He wants to put a shed in his backyard in a few years and hopes he can do it. Steve Burns said it would be possible, if it meets a 100-foot setback. The public hearing was closed.

#### **Ord-11, Zoning; Coastal Bluffs**

There has to be a 75-foot setback from unstable coastal bluffs. Such bluffs include the north end of the Route 1 York River bridge, and one end of the Route 103 bridge. He defined a bluff. He said one hundred forty-two property owners had attended a workshop about impact by the edge of coastal wetland and stream protection districts. The **public hearing** was opened and closed. No one came forward to speak.

#### **Ord-2, Zoning; Board of Design Review**

There had been an editing change since the last workshop. The ordinance amendment focuses on the way the planning board receives and reviews applications for the board of design review and how the board addresses how members are appointed. The planning board selects the officers who meet the qualifications for the board of design review. Design review has jurisdiction over expansions and renovations. The chairman opened and closed the **public hearing**. No one came forward to speak.

### **Ord-3, Zoning; Stormwater Run-off Requirements**

Christine Grimando said there had been change to the design capacity requirements for stormwater systems. Stormwater management plans have to be submitted. The 50- and 100-year storm events were discussed. Dave Woods said the 100-year storm has 6.5 inches in a 24-hour period. By those measures, the storm in 1996 that produced 19.2 inches in 24 hours would have been a 1500-year storm. These days, a spring rain might be considered a 50-year storm. Tom Manzi described a bell curve to illustrate the quantities. Glen MacWilliams said a storm event percentage should be based on the 100-year storm. Dave Woods suggested a 9-inch rain as the threshold for determining water storage ponds and tanks. Steve Burns said all the engineers use standard weather events. When viewing the sites and when planning for enormous amounts of water, you are approaching ponds that are very large and very ugly. Glen MacWilliams said the 100-year storm should be the standard, and roads are built to sustain that. The **public hearing** was opened and closed. No one came forward to speak.

### **Ord-4, Zoning; Building and Site Design Requirements**

Standards of design in the Route 1 zone can deviate from the standards the board wants, said Christine Grimando. Lew Stowe had taken on the chore of seeking architectural design styles from residential areas that might be the example for Route 1 design. The sources in Maine, York itself and Freeport, seem to hold the standard of Maine historical architecture. It is common to find barns that are converted into commercial buildings, as with Jefferd's Tavern, the hardware store, and Stonewall Kitchen, Lew Stowe said. The unique cottage charm of the Chamber of Commerce building in York captures the imagination, and cottage-style or barns could be written into the code without pictures. Tom Manzi pointed out how that franchised corporate design was becoming prevalent.

Tom Manzi opened and closed the **public hearing**. No one come forward to speak. Glen MacWilliams said historical-looking buildings (Colonial, Georgian, or Federal design) exist in the modern vernacular: colonial facades with boxes behind them, "like the old west," said Tom Manzi. Glen MacWilliams recommended moving requirements toward LEEDS certification. It points toward addressing the environment. Current standards also have more historical recommendations for Route 1, he said. Tom Manzi said the financial transactions (banks), drug (pharmacies), and quick shopping without going to the supermarket (gas station/convenience stores), are the primary commerce activities on Route 1. We are looking at the future, and it seems there is no constraint on those applicants who come in approved for windows and bring fake windows, Tom Manzi concluded.

Steve Burns said different parts of Route 1 serve different purposes, and the route is not a homogeneous blend of all different types of businesses. Compare Route 1 in York with Route 1 in Wells, where everything is all the same. Language has to be drafted that gets York away from the cookie cutter. LEEDS certification is environmentally, energy-friendly. Steve Burns reflected on design expert he had heard 15 years ago. This Brit,

Dr. Fleming served as an expert witness and took concepts of design taken to a “higher level.” Steve Burns thought Dr. Fleming could organize this entire ordinance very well.

#### **Ord-7, Zoning; York Beach Zoning**

Christine Grimando said an earlier ordinance amendment about construction in York Beach on land below Elevation 12”, had not been passed by the board of selectmen and did not move forward. Low-plain areas at Elevation 12” or lower, would require flood proofing.

The chairman opened and closed the **public hearing**. No one came forward to speak. Todd Frederick read that the definition of flood hazard occurs within 1% of a chance of flood. The issue of discounted flood insurance is an issue in the Beach. When downtown York Beach was taken off flood designation, insurance fees dropped drastically, said Dave Woods. York Beach floods at 12 inches of rain, but not at the level for the 100-year storm. Ord-7 encourages people to have flood proofing. Glen MacWilliams said he does not want to cause high premiums or kick in federal procedures that cause a new insurance criterion, but the regulation should reflect the need for safety provisions in elevations below 12’.

#### **Ord-6, Zoning; Parking Reductions**

Christine Grimando said during the May 29 meeting, it was requested that Article 15.1.1.4 be eliminated, because the board of selectmen did not want the planning board to continue to have the ability to grant parking waivers. Dave Woods said the planning board would have the ability to work according to its discretion, one property at time. Glen MacWilliams agreed. Christine Grimando said a different parking standard is needed. The **public hearing** was opened and closed. No one came forward to speak.

#### **Ord-7, Zoning; York Beach Zoning**

The proposed zoning was for the May 2008 ballot did not go to the voters, Christine Grimando explained. For this evening’s hearing, she had mistakenly posted the wrong map with the wrong boundaries. To illustrate the new proposal, she used a map called, “York Beach Village Center Zone Current Proposal.” It affects dimensional standards in the BUS-3 and RES-6 parcels, with a greater array of commercial uses.

The **public hearing** was opened and closed. No one came forward to speak. Glen MacWilliams said wide-scale changes are not the concern right now, but rather, national flood insurance standards are. If the ordinance does not go forward, it would be detrimental to the residents. Article 7 should supersede Article 5. Dave Woods said the ordinance brings non-conforming properties into conformity. Dave Woods went over proposed articles and discussed the changes he recommended.

Christine Grimando used an aerial photo of York Beach to delineate the non-conforming buildings in the Beach village. Dave Woods went through various proposed articles and discussed changes and nonconformities. Changes should allow inclusion of a pet shop, a baby-sitting service, and the sale of fresh, and local produce into business zone. Ellis Park, under current zoning, could not possibly do what it does with outdoor recreation

and concerts in the gazebo. The allowance of service stations, including sale of automobiles and light trucks, which are currently regulated by a footnote, should be eliminated. The new proposal allows commercial, paid-for parking, which is currently non-conforming, and campgrounds, trailer parks would also become conforming. The ordinance should be corrected to officially allow activities at the ball field in York Beach. Flea markets are not allowed per Footnote 64. Dave Woods detailed the impervious surface lot coverage for several lots, including Life is Good, Sweet Josie's, and the fish market, all with 100% lot coverage. These examples are among others that should encourage the York Planning Board to make the village center of York Beach conforming.

Christine Grimando followed-up by showing the current and alternate zone boundaries. The Ocean House currently sits in BUS-3, Dave Woods continued. The Ocean House should be taken out of the current zone so several residential condominiums cannot be converted into some store, like a Federal Express center. Christine Grimando put the chart of York Beach Village Alternate Boundaries on the easel. With the zoning change, York Beach Village will allow entertainment and parking, that zoning currently disallows. RES-7, where the Ocean House should sit, surrounds the BUS-3 area.

A large, undeveloped parcel, called Nancy Chase's field, sits in the BUS district. "Illegal parking" is the only activity on that barren lot, and otherwise, it can be compared to a blank slate with the possibilities of its development. Glen MacWilliams said the board would fall short, if that area were not included in the new business zone. A letter from the owner would be required either if she wants to fully stay in RED-7 or go to BUS-3. Dave Woods agreed to negotiate with her on that point.

The board discussed whether the zoning proposal should go to the board of selectmen. Selectman Kinley Gregg said the former proposal was dismissed by the selectmen, because they could not agree with the planning board about the "transition zone" on the first round. Glen MacWilliams said someone would have to approach and explain to the board of selectmen the ideas as reviewed by the planning board this evening. If the selectmen OK the proposal, maybe the public will follow. Chairman Tom Manzi said the board would vote on each of these.

**The board voted on each proposed ordinance amendment.** *[The recording secretary is not sure of the motion/seconded personnel on Items 9, 10, & 11. Please advise.]*

**Motion** With regard to **Ord-7**, Glen MacWilliams moved the planning board would decide to go forward to the board of selectmen with the proposed changes to the dimensional and use tables and with the proposed changes to the zoning map dated June 18, including the Chase's parcel. Todd Frederick seconded the motion, which passed, 5-0.

**Motion** Glen MacWilliams moved to accept the change to **Ord-1**, Zoning; Expansion of Nonconforming Structures, that were made this evening and pass the ordinance forward. Dave Wood seconded the motion, which passed, 5-0.

**Motion** Glen MacWilliams moved to send **Ord-2**, Zoning; Board of Design Review Forward. Dave Woods seconded the motion, which passed, 5-0.

**Motion** Dave Woods moved to go forward with the changes made to **Ord-3**, Zoning; Stormwater Run-off Requirements made this evening. Todd Frederick seconded the motion, 5-0.

**Motion** Dave Woods moved that the board pass forward **Ord-4**, Zoning; Building and Site Design Requirements. Todd Frederick seconded the motion, which passed, 5-0.

**Motion** Dave Woods moved *not* to forward **Ord-5** ahead at this time. Lew Stowe seconded the motion, which passed, 5-0.

**Motion** Dave Woods moved *not* to forward **Article 6** ahead at this time. Lew Stowe seconded the motion, which passed 5-0.

**Ord-7** voted on at top of list.

**Motion** Glen MacWilliams moved to pass ahead **Ord-8**, Zoning; Overall Shoreland Zoning Amendments to the selectmen. Dave Woods seconded the motion, which passed, 5-0.

**Motion** Dave Woods moved to forward **Ord-9**; Zoning, Shoreland Additional Resource, to the board of selectmen. Lew Stowe seconded the motion, which passed 5-0.

**Motion** Dave Woods moved to pass **Ord-10**, Zoning, Inland Waterfowl and Wading Bird Habitat, to the selectmen. Lew Stowe seconded the motion, which passed, 5-0.

**Motion** Dave Woods moved to pass **Ord-11**, Zoning; Coastal Bluffs, to the selectmen. Lew Stowe seconded the motion, which passed, 5-0.

### **New Business/Old Business/Other Business**

- The board discussed the necessity of sending a representative to the Board of Design Review. Lew Stowe nominated Todd Frederick to the design review board. Dave Woods seconded the motion. Todd Frederick accepted the motion.
- Glen MacWilliams said he would look at the proposed ordinance amendment for the Workforce Affordable Housing Overlay District to decide if he thought it should go forward or not. Dave Woods and Glen MacWilliams discussed the poor performance of non-profit and private sector housing as opposed to the success of government-subsidized housing. Glen MacWilliams asked the planning board to be supportive of the selectmen's approach to the subject, an approach that can be adjusted over time.

**Motion** Glen MacWilliams moved that the planning board support in principle the proposed overlay district ordinance while seeking future opportunity for amendments. Dave

Woods seconded the motion, which passed, 4-1. Todd Frederick voted against the motion.

- The priorities of the York Beach Zoning Subcommittee were discussed. Dave Woods said the first meeting had been held with planning board members Barrie Munro and Dave Woods, plus seven community members, including Dawn Fernald, Beth Dutton, Frank Zappa, Greg Gosselin, and Kristin Bailey. The group will meet every Thursday at 8:00 A.M. Members can communicate with email. Attention will be set on cleanliness of small passageways between buildings, the upcoming parking study, sidewalks, lighting, and overhead wires, among other subjects.

## **Adjourn**

The meeting ended at 11:45