

York Planning Board
Thursday, June 23, 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 present: Dave Glazebrook, Tom Prince, Torbert Macdonald, Jr., Lew Stowe, and Dave Woods, who came in about one-half hour late. Todd Frederick and Tom Manzi were absent. Tom Prince was asked to vote in place of Todd Frederick. Dave Glazebrook was asked to vote in place of Tom Manzi. Torbert Macdonald, Jr., and Tom Prince left fifteen minutes early, at 10:30. Town Planner Christine Grimando represented the York Planning Department, and Patience Horton took Minutes.

Public Hearings on Proposed Comprehensive Plan Amendments

- CP-1 Policy Section 3: Future Land Use Area 22: Green Enterprise Overlay District**
- CP-2 Policy Section 2: Sustainability Policy**
- CP-3 Policy Section 2: Accessibility Policy**
- CP-4 Policy Section 2: Formula Businesses Policy**

Public Hearings on Proposed Ordinance Amendments

- Ord-1 Zoning Best Management Practices for Docks**
- Ord-2 Zoning Reformat Article 4, Use Regulations**
- Ord-3 Zoning Performance Standard to Control Soil Erosion**
- Ord-4 Zoning Revisions to Sign Standards**
- Ord-5 Zoning Parking Standards for York Beach Village Center**

The agenda order was shifted, and the **June 9, 2011 Minutes** were reviewed as the second item. The agenda order was shifted to accommodate **Joe Lipton**, the only audience member beside Selectman Kinley Gregg.

The chairman opened the **Public Hearing**. Joe Lipton came to speak about **Ord-5 Zoning; Parking Standards for York Beach Village Center**. He said he has volunteered lots of time as the parking committee chairman and he had handed a report in to the Board of Selectmen. He recently noticed that the Planning Board was making parking changes without contacting the parking committee. There is a large call for changes in parking, he said. Is there a list of businesses that need parking? he asked. He had put together a business/parking inventory and compared what the parking requirements are now, under the current ordinances, with what is being proposed. Employee parking is a problem, he said. If the employees were added up, they would take 30% of the parking. The ballpark has overnight parking. He suggested changing one motorcycle per parking

space to four motorcycles. Trolley services just go from Long Sands to Short Sands. Before, there was a bigger route.

There should be transference of parking rights when businesses change uses, as if his business was changed to retail or the bowling alley became a restaurant. With the new road, we are about to bring more traffic and vehicles into the Beach while we are reducing the requirement for parking. There is no adequate parking for York Beach in the winter, said Joe Lipton.

He said that the Kearsarge House has been approved for 19 residences, six retail shops, and one café. Nineteen parking spaces are required. There is a big potential loss of parking should Nancy Chase discontinue providing the 150 spaces on her land. There are other parking lots that can be converted. If the Goldenrod wants to add 25 seats, they couldn't because they can't get the parking.

Torbert Macdonald said the Board of Selectmen selected the Parking Committee. The Parking Committee report was given to the Selectmen, and there was no feedback about the report. Joe Lipton, said Torbert Macdonald, considers parking spaces ownership worth money to him. He asked Joe Lipton, if this ordinance amendment passes, would you have fewer assets to sell? Joe Lipton said it is a possibility. Torbert Macdonald asked Joe Lipton if he would continue working on his inventory report. Joe Lipton said he did not know why he should volunteer any more time. He had made a lengthy report and no one even knows about it.

Torbert Macdonald said this fully formed ordinance is being approved without explication about what it is. It is premature to send it to anybody. Why don't we have an inventory to know the total number of public and private spaces? By analyzing the data, we can we can go forward, and without it, it doesn't make sense at all. Parking in the Beach is a fit subject for the first joint meeting with the Board of Selectmen. Why did the Town lease land back to York's Wild Kingdom for \$6,000 a year? Oscar Plotkin proposed to develop the road area, when he was considering developing the same land. He envisioned a return of \$15,000 to \$30,000 a day for parking.

Tom Prince said the ordinance was originally proposed to cover York Village and York Beach Village. We are not looking at the complete picture, he said. There are different needs for the two villages. Town Planner Christine Grimando agreed that there are different standards. Dave Glazebrook said there have to be different standards for the different types of parking. He questioned whether an inventory could be done before the next Board of Selectmen meeting.

Dave Woods, author of **Ord-5 Zoning Parking Standards for York Beach Village Center**, joined the others at the conference table, having just arrived. He said he had been thinking about the Beach parking problem for many years. When the evening dinner demand is peaking in the Beach, there are not enough restaurant seats to accommodate everyone. Yet, there are still many available parking spaces that are empty. We are not trying to fix the 340 days a year when everything is great, but we are looking at those

25 days of summer when people are waiting 2 ½ hours to feed their families, he said. By this ordinance change, seating and occupancy will be determined by safety regulations set by Fire and Police Safety Standards, rather than the current standard of the seat-to-parking ratio.

Torbert Macdonald spoke about parking at York's Wild Kingdom. He said that there wouldn't be three voters at the referendum, "including me," who know what is going on. The Town bought land; the land came with parking; and the land with parking was automatically leased back to the seller. He said he would like to see the business relationship between the Town and the Wild Kingdom. This matter should also be discussed with the Board of Selectmen at the next joint meeting, he said. Peak demand for parking has to be satisfied at the Beach.

Joe Lipton addressed the Planning Board again. Life Safety should be integrated into the discussion. A restaurant with 150 seats would have 213 seats allowed through Life Safety regulations. Christine Grimando said that the standards are relaxed as written on this new ordinance amendment. Joe Lipton asked if every business can increase its seating to Life Safety Regulations with no additional parking. He commented that this ordinance might only help people in the Beach who own land.

Torbert Macdonald said that Title 38, Conflict of Interest, dismisses any official who has a direct or indirect pecuniary interest from the vote.

Torbert Macdonald asked for the ordinance amendment to be deferred.

Dave Woods said he had no problem holding the amendment for the May, 2012 referendum, as he wants a good ordinance that is going to help downtown York Beach and all the customers who come there.

Motion: Dave Woods moved that we hold back the submission of **Ord-5, Zoning, and Parking Standards for York Beach Village Center**, until May 2012. Dave Glazebrook seconded the motion, which passed 5-0.

Minutes

Review and approve draft minutes

The minutes of June 9, 2011 were reviewed with few corrections.

Motion: Tom Prince moved that we accept the Minutes of June 9, with the corrections given to the secretary. Dave Glazebrook seconded the motion. The motion passed 5-0.

Public Hearings on Proposed Comprehensive Plan Amendments

CP-1 Policy Section 3: Future Land Use Area 22: Green Enterprise Recreation Overlay District

A map of this district was put on an easel before the planning board members. There are approximately 400 acres involved in the Wild Kingdom Park, said Christine Grimando.

The Planning Board has been working on the Green Enterprise Recreation Overlay District (CP-1) since the Selectmen gave charge to it, and it has taken a lot of work. The map is not in the Comp Plan. She emphasized recreational opportunities. She discussed possible zones and the opportunity for innovative planning. She located the delicate low impact areas and areas corresponding to upland and developable land and the places where development can and cannot occur.

Torbert Macdonald said that the existing zone, Route 1-4, allows retail of up to 20,000 square foot in York Beach. Route 1-4 allows more than any of us want to see. Christine Grimando said this is a Comp Plan amendment overlay, that should be addressed it both Zoning and in the Comp Plan. It has not yet been determined how the overlay would work in relation to the base zones. The board has affirmed that we are not going to change the base zones at this time. Torbert Macdonald said that the uses of Route 1-4 can be kept, but you have to state in the overlay that you are going to change the allowance to fit the overlay zone. Christine Grimando said she wants the board to work it out but does not want to get too specific right now.

The board specifically reviewed and edited the language of **CP-1 Policy, Section 3: Future Land Use Area 22: Green Enterprise Recreation Overlay District**. Dave Glazebrook said he did not want to “cherry pick,” and that he agreed with the language of the amendment as it stood. Some members of the planning Board recommended changes and made edits. Selectman **Kinley Gregg** came to the podium and suggested changes.

Consensus for CP-1

The Board reached consensus on **CP-1 Policy, Section 3: Future Land Use Area 22: Green Enterprise Recreation Overlay District**.

The meeting continued with the discussion and editing of CP-2, CP-3, CP-4, Ord-1, Ord-2, Ord-3, and Ord-4.

CP-2 Policy Section 2: Sustainability Policy

Christine Grimando made a brief statement on sustainability as a basis for policy decisions and read Town Goal 1.4, protecting natural resources and promoting renewable resources.

CP-3 Policy Section 2: Accessibility Policy

Christine Grimando said this policy supports Town Goal 2.6, and is in accordance with federal law. Some verbiage was sections were discussed and edited.

CP-4 Policy Section 2: Formula Businesses Policy.

Christine Grimando said she gets a lot of calls about the design and form of businesses on Route One. The Planning Board has addressed restaurants in the past. The issue at this time is how chain gas stations, pharmacies, real estate offices, banks, and etc. fit into the town. There would not be an issue if they were properly installed.

Dave Woods said that a business that brings in a food staple from a corporation, like Starbucks or Dunkin Donuts, could do so without using the name. It is under the radar and not a hot button. Torbert Macdonald said it isn't simply the brand name, it is the package it comes in and what it does. Christine Grimando said that we are getting to these goals.

Ord-1 Zoning Best Management Practices for Docks

There was discussion about the location of floats placed over or on wetland vegetation, acknowledging that sometimes there is no possible option. The Board edited the text of Ord-1.

Ord-2 Zoning Reformat Article 4, Use Regulations

The Board edited the text of Ord-2.

Ord-3 Zoning Performance Standard to Control Soil Erosion

The Board edited the text of Ord-3.

Ord-4 Zoning Revisions to Sign Standards

Christine Grimando proposed a simpler standard for illuminated signs. The applicant would submit a photograph with the lighting plan to show that zero light is emitted at the property line. One hundred square foot signs should be divided to different businesses, with the property owner deciding how the sign should be divided up between the tenants. One single-business sign would not exceed the 48 square foot limit. Freestanding signs can be used if there are multiple frontages. The owner would choose which side shows the full display on the frontage. Neon signs that were legally permitted can stay. Christine Grimando said it is important to get the sign ordinance out. The pixelated signs are bothersome. Dave Woods said the strings of landscape lighting around tree branches should be permitted, but strings of large lights, as used at used car lots, should not. The Board members edited the amendment.

There were no **Public Hearings** during the Ordinance Amendment review (save Joe Lipton to Ord-5), as no one was in the audience to speak.

Motion: Dave Glazebrook moved we approve **Ord-1, Zoning, Best Management Practices for Docks** and forward it to the Selectmen. Dave Glazebrook seconded the motion. The motion passed, 3-0 (with Tom Prince and Torbert Macdonald absent).

Motion: Dave Glazebrook moved we approve, **Ord-2, Zoning, Reformat Article 4, Use Regulations**, and forward it to the Board of Selectmen with noted changes. Dave Woods seconded the motion. The motion passed, 3-0.

Motion: Dave Woods moved we approve **Ord-3, Zoning, Performance Standard to Control Soil Erosion**, and forward it to the Board of Selectmen with noted changes. Dave Glazebrook seconded the motion. The motion passed 3-0.

Motion: Dave Glazebrook moved we approve **Ord-4, Zoning, Revisions to Sign Standards** with noted changes. Dave Woods seconded the motion, which passed 3-0.

The group had voted *not* to send **Ord-5, Zoning, Parking Standards for York Beach Village Center**, to the Selectmen earlier in the meeting.

New Business

There was no New Business

Old Business

There was no Old Business

Other Business/Adjourn

- **July 14th Election of Officers**

The meeting adjourned at 10:45.