

York Planning Board
Thursday, November 20, 2008, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Tom Manzi opened the meeting and determined Presence of Quorum. Tom Manzi, Barrie Munro, Glen MacWilliams, Lew Stowe, Todd Frederick, and Valerie Gunn were present. Dave Woods was absent. Todd Frederick was asked to vote for Dave Woods. There were five voting members at the meeting. Town Planner, Christine Grimando, represented planning department staff. Patience Horton recorded minutes. The meeting was televised.

Public Input

Joe Lipton, a resident and business owner from York Beach, commended the York Beach Village Planning Board Subcommittee (YBVPBS) for their assistance to the Board. He suggested having the Community Development Director oversee the subcommittee and act as lead man, available for people's concerns. No one else came forward to speak, so the Chair closed the Public Input.

Field Changes

There were three Field Changes: Anchorage Motor Inn; Cape Neddick Village; and Woodside Meadows.

Bill Anderson spoke for Anchorage Motor Inn. Since the last field change, the trellis on the ocean side of the pool had been removed from the plan. A hot tub had been added where the trellis had been. The configuration of the pool was allowable, because it was already there.

The changes have made it less non-conforming, and the amount of impervious surface has decreased. The current pool size of 918 square feet will be replaced with a pool of 1,552 square feet. Christine Grimando read Article 4, which describes the neighborhood: limited residential with hotels and motels allowed. Swimming pools are an accessory use, and therefore permitted. Glen MacWilliams asked if the use is expanded, could it be expanded greater into the shoreland zone. Tom Manzi said the change created a decrease in the impervious surface.

The pros and cons of expanding into the shoreland zone were discussed, as requested by the Chair. Glen MacWilliams said the expansion of the pool is allowable because the imperviousness has been reduced, but expansion of use in the Shoreland Zone might not be desirable. Barrie Munro said that since the several pools that are proposed are an accessory use to a permitted use in the Limited Residential Shoreland Zone and are outside the 100-foot setback from the high water mark, they should be permitted. Glen MacWilliams told the applicant the board does not wish to see an expansion of use in the Shoreland Zone. Tom Manzi asked the applicant if the hot tub could fit in some other place. Bill Anderson said it was possible. There was a reference to stricter Shoreland Zone regu-

lations per new State legislation that were not yet in force given the date of the application.

Motion Barrie Munro moved to approve the plan as submitted and discussed. The motion failed, 2-3, with Barrie Munro and Todd Frederick in favor, and Tom Manzi, Glen MacWilliams, and Lew Stowe opposed.

The applicant was referred to the Shoreland Code Enforcement Officer. Glen MacWilliams said it is important to respect the State's interpretation of what the Shoreland Zone should look like. The issue of whether or not the State's interpretation was in force or not was not resolved.

In the second request for a Field Change, **Seth Spiller, Architectural Design Build**, reviewed the changes requested and approved in the past, including soffits to soften the visual impact of the rear façade, and shed dormer roofs above each of the windows. The Board approved leaving dormers off the plan because the height of an obscured wall was reduced. Other changes were made months ago, but the intent had not changed since July. At this time, Seth Spiller requested the Board members to sign the Mylars for Cape Neddick Village, which were approved in May. Glen MacWilliams asked about the air conditioning condensers, located at grade. They were included on the plan, but not on the elevation. Seth Spiller clarified the reduction of four AC units by half last May, which Glen MacWilliams accepted. Barrie Munro requested limits on the noise from the AC units. Glen MacWilliams then discussed snow removal from the outside stairs with Seth Spiller.

Motion Glen MacWilliams moved to sign the Mylars, as they exist. Barrie Munro seconded the motion, which passed, 5-0.

In the third request for a Field Change, Steve Haight requested approval of a plan for utility access to the **Woodside Meadow Subdivision**. He offered to make the request a plan amendment, but the board declined the offer. All the conduits to the subdivision will be made below ground. The Board looked at the plan. Glen MacWilliams said he had no problem with the field change.

Motion Glen MacWilliams moved to approve the request. Barrie Munro seconded the motion.

In discussion, Tom Manzi asked how much disruption the installation would cause to the neighborhood. Steve Haight said it would be slight since the work would be in the soft shoulder and not in the road.

Vote The motion passed, 5-0.

Minutes

There were no Minutes to review.

New business

York Beach Village Planning Board Subcommittee. Recent Activity Update

Planning Board members Barrie Munro and Dave Woods facilitate this Subcommittee, which meets weekly. This evening, Beth Dutton, Francis (Fran) Zanka, and Tracy Jackson-McCarty represented several aspects of the YBVPBS. Beth Dutton's concerns and expertise are in quality of life and historic preservation. Tracy Jackson-McCarty's lineage in York Beach goes back 80 years. Architectural standards is her field. Fran Zanka is retired from a career in public works and civil engineering. He said sewer is the first most important step toward improving the Beach Village, and the first action of the subcommittee was to go to and discuss this priority with Sewer Department. Fran Zanka said the group is focused on improving the streetscape, design standards, drainage, parking, lighting, water and wastewater, sidewalk widths and locations, and the re-location of the overhead power lines. Fran Zanka had met with Public Works Director Dean Lessard, and said Dean Lessard was the logical person to manage the overall project.

On upcoming December 4, at 7:00 P.M., in the Library conference room (where this meeting is held), a public hearing will be held so people can say what they would like to see at the Beach. The proposed 2010 financial appropriation for the May 2009 referendum will be part of the discussion. Glen MacWilliams said the fire chiefs and public works should be invited.

Beth Dutton discussed the survey being prepared for distribution and analysis. Items of concern include one-way vs. two-way traffic, whether parking should be in the village or near the village, sidewalk width, and how often various types of residents and travelers come to the Beach Village. Town Planner Christine Grimando said the information gathered from the survey could influence plans and budgets. There is a time crunch for getting the information in, though. The people designing the drainage abatement plan need the information by January 2009.

Tracy Jackson-McCarty said Lew Gosselin and Brent Merritt are both on the subcommittee. Speaking for this Sub Committee, she said that present and new design standards appropriate to the York Beach Village Center Zone are being analyzed with a time target to place the matter on the November 2009 Warrant. An initial draft of a proposed Architectural Design Standards ordinance has been given to Town Planner Christine Grimando for staff review along with proposed Submission and Procedure recommendations. Christine Grimando, however, indicated that the focus at this time is on infrastructure and streetscape matters. Glen MacWilliams suggested an overlay zone dealing with TIF. Design changes might be met with a secondary overlay zone.

Lew Stowe gave a presentation he had written as a Master Plan for York Beach. It contains concepts for making and deploying plans and policies. The ensuing discussion included compliments to Lew Stowe. Todd Frederick commended the YBVPBS for its hard work. Christine Grimando plans to compile the names of about 60 businesses in the Beach Village. Todd Frederick said the electrical wires should go behind the Railroad Avenue buildings.

York Beach Infrastructure. Recap of November 3 meeting with the Board of Selectmen including Infrastructure Master Plan discussion.

The November 3, 2008 joint meeting with the Board of Selectmen had included a discussion about the Infrastructure Master plan. Glen MacWilliams said the Selectmen had not seen Lew Stowe's Master Plan, and he made the following motion.

Motion Glen MacWilliams moved to share the Infrastructure Master Plan with the Board of Selectmen, including additions made this evening. Barrie Munro seconded the motion, which passed, 5-0.

The Board and visitors took a brief recess.

Wind Energy. Workshop of a draft small wind energy ordinance

Christine Grimando had nicknamed the Wind Energy ordinance Article X, which the Board then reviewed. Data did not yet reveal the dent that wind energy might make in the current energy consumption. The potential noise impact is still unknown. Article X aims to allow small individual wind towers, most likely west of I-95.

Christine Grimando had received many calls about small wind turbines. Some calls had been from high school students who hope to put a turbine at their school. Their vision is not exactly where Christine Grimando sees small wind turbines being placed, she said, but a municipal ordinance addressing certain properties and circumstance would accommodate the high school kids and others. Glen MacWilliams said that ordinance could make wind development an accessory use. Imagine the complexities of putting wind turbines in the shoreland zone, where the wind happens to be the very best, he said.

Christine Grimando said the small wind generators would cost private property owners between 14 and 18 thousand dollars. The Town of Kittery has a 50-kilowatt windmill, a suitable municipal size, and that is what York should have. Barrie Munro said 10-kilowatt turbine would service a residence, but there should be a larger size available if the output was to be shared, however, Seth Spiller, continued Barrie Munro, has said at an earlier meeting that the utility company does not want shared generators.

Barrie Munro suggested that the analysis of where wind generator systems might be located should probably concentrate on GEN-1, GEN-2, and RES-2 zones. He indicated that these zones, to varying degrees, allow mixed use and require, and usually offer, larger lot sizes. He also suggested that Route 1, Zones 2, 3, and 4 might also offer suitable opportunities. Commercial uses might benefit from the use of wind energy. Glen MacWilliams requested cutting out some Article X language about rural area and growth areas, and he said visual and environmental impact would be factors.

Decibels were discussed, and 50 decibels was considered a low standard. The acoustics at that level are compared to sound going through an apartment wall. Setbacks were dis-

cussed. The stand setback elsewhere has been equal to 1.1 times the height of the pole. Barrie Munro was concerned about the pole height and safety.

Christine Grimando said height would be distinguished between 80- or 100-feet, the maximum level for municipalities and locations that are not municipalities. Barrie Munro said 100 feet is the requisite to go above trees already in the area. Lew Stowe said, if one doesn't work, it has to be removed. Glen MacWilliams thought the lot size could regulate the height. One hundred feet could be the cap, or less than that could be figured by lot size. Barrie Munro discussed the performance standards, including the offered noise level at 55 decibels. Christine Grimando said decibels should be shaved off by five, dropping them to 50 at the dwelling.

Tom Manzi questioned calling wind generators "turbines," which relate to jets and waterpower in tunnels. "Rotors" is a better word than "turbines," he said. Wind generators can have different blade configurations. He asked if there were a lightning rod aspect of the towers. Glen MacWilliams replied the windmill is an electrical appliance, and it is grounded. Barrie Munro called for an expert's advice about the noise. Christine Grimando said there shouldn't be obstructions. If one is placed in a development where there is a rule about no clearing, then there will be no clearing. Todd Frederick asked if a tower could have an antenna as well. Barrie Munro asked if it could be the location for radio towers. Glen MacWilliams answered that the shadow flicker would cause interference in both cases. It would be important to keep them clear of historic landmarks, and could be located, perhaps, in unseen places like the Cliff House. There is the visual and environmental impact to consider. Lew Stowe asked about abandonment of use and obsolescence. What would trigger action in those cases? How long it would take to act on an impaired or malfunctioning wind generator? Barrie Munro said it would be as quick as the neighbor who notices it contacts the CEO. Lew Stowe suggested having a wind generator re-certified after a period of time. The responsibility would be on the owner to re-certify every three years. Todd Frederick added he would like to see a maintenance plan for the tower and turbine included in the ordinance.

Other Business/Adjourn

In other Business, Glen MacWilliams said the term for YBVPBS members should be the same as for planning board members, three years. Barrie Munro asked for a policy about subcommittee attendance. Members should call ahead when they will be absent. Glen MacWilliams added that, if the public wishes to give information during a subcommittee meeting, the public would be invited to speak and be part of the record when they do.

The meeting adjourned at 11:10.