

York Planning Board
Thursday, July 23, 2009, 7:00 P.M.
York Senior Center

Call to Order, Determination of Presence of Quorum

The meeting had been relocated from the York Public Library. Because of this, the start was delayed 15 minutes. Planning Board Vice Chairman Lew Stowe presided until 8:20, when Chairman Tom Manzi arrived. Lew Stowe announced a quorum. The group consisted of Tom Manzi, Lew Stowe, Barrie Munro, Dave Woods, and alternate Torbert Macdonald. Todd Frederick was absent. Community Development Director, Steve Burns, made several of the presentations. Kinley Gregg attended on behalf of the Board of Selectmen. Susan Morse of the York Weekly was the only audience member. Town Planner Christine Grimando represented planning department staff. Patience Horton recorded these minutes. The meeting lasted four-and-a-quarter hours.

Public Input

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

No one came forward to speak.

Field Changes

No one came forward to speak.

Minutes

Review and approve draft minutes

There were no minutes to review.

Board members discussed the relocation of the meeting. Torbert Macdonald questioned the validity of a public hearing resulting from inaccurate public announcements. Christine Grimando said the hearing was displaced because of the annual book sale at the library. The requirement, according to the Comp Plan, is for a 30-day notice. In this case, three weeks ago, the relocation of the meeting to the Senior Center was published in the paper. A second notice had been put in the paper the following week, but it erroneously returned to the library as the location, rather than the Senior Center. For tonight's meeting, signs directing people to the Senior Center in York Beach had been placed at Town Hall and on the library door, said Christine Grimando. She had spoken with the Maine Municipal Attorney who said that, if there were signs indicating the new location, it would still be a legitimate public hearing.

The board members concurred: there were no York citizens attending the public hearing. Without them, the hearing would not achieve its objective. Barrie Munro suggested waiting another month. Christine Grimando said that by doing that, the timing would be off, and the items would not make the November referendum. Steve Burns said the Comp Plan amendments have to be delivered to the Selectmen on September 10. Torbert Macdonald said there is a double loss when people not only do not show up, but also cannot watch the hearing on television. Barrie Munro said the board has to satisfy the require-

York Planning Board Minutes

July 23, 2009

Page 1 of 6

ments and cannot rely on consequential hearings from the selectmen. Torbert Macdonald read from the Declaration of Public Policy. Deliberations are to be conducted openly. Clandestine meetings without the attendance of the public defeat the purpose. He added that in the Beach, it is the public opinion that no one is being listened to. Barrie Munro responded that this work and this public hearing are the opportunity to inform the Board of Selectmen how to discuss transition. Steve Burns said the public hearing can be postponed again for September 3 and the second meeting could still get in. If the public meeting is not done tonight, it is no showstopper. If it has to be delayed six months, it's okay. Lew Stowe said the planning board should have all hearings on TV. Steve Burns said the expectation that the planning board has to get out of the conference room for the book sale should be raised with the Board of Selectmen.

Lew Stowe opened and closed the public hearing. No one came forward to speak.

Other Business, TAGT Route 1 Use Permit Expiration

This item was moved from the end of the agenda. Christine Grimando said the TAGT permit had been expired for a year. Barrie Munro said the applicant should return for an approved plan change for the requested, new addition, rather than approach the permit in anyway more expensive. Christine said TAGT has a full Route 1 site plan that has to be checked for code changes. Steve Burns summed up. TAGT applied to build a lobster pound in 2003. In 2006, the applicant wanted a storage building and loading dock. The applicant went ahead and changed the dock, but the second building was never started. The applicant has to represent the original plan as a revision. The discussion about TAGT ended.

Public Hearings on Proposed Comprehensive Plan Amendments Discuss each amendment and direct staff with respect to revision and posting for the second public hearing

CP-1 Inventory & Analysis; Housing Chapter

Steve Burns said the housing chapter material provides a record of the events that led to the current housing policy: what was done and what was found. It adds good documentation to the housing chapter.

CP-2 Policy: Section 2: Housing Policies

Steve Burns said the existing housing chapters are out of date. They have no reference to accessory dwelling units, elderly housing, affordable housing, and general housing policies. The housing chapters are updated with the new ordinance amendments. Age restricted housing and seasonal housing have also been brought up to date. The new section about apartments is added. The absence of people between high school age and their 30s might be related to the lack of apartments, he said. More has to be done to diversify the housing stock.

Steve Burns said statewide building codes will be in affect July, 2010. Torbert Macdonald asked about code enforcement personnel who depend of fees for their salaries. He felt it was an appropriation to cover the salaries with that way. It is time to agree it is no

longer feasible. In reply, Steve Burns asked why the general public should pay for the building inspector. Maintaining staffing levels has to be considered. The budget committee, the selectmen, and voters—all could be part of switching things over. But for the time being we're hooked on fees.

Steve Burns continued. There are three types of elderly housing overlays, that of Yorkshire Commons, congregate housing, and the elderly housing overlay in an affordable district/zone. Steve Burns said Shoreland restrictions kept congregate housing from including a nursing home. Steve Burns said the planning board has to look at nursing homes and health-related, hospice-dedicated entities, also. Torbert Macdonald made language changes to the amendment to make the Housing Policies section work better. He said energy efficiency standards must be added to all housing sections of the Comp Plan. Connotations of similar words like “should” and “shall” were discussed.

Steve Burns talked about first-time building conversions to apartment dwellings. Others have recommended that 20 or 30 units have to be created to make an apartment project pay. In York, there has to be a market for each level of affordability. The presentation of a design Charette would show results of apartment unit plans.

Community Development plans to focus on substandard housing during the 2010 tourist season and face the problem of people living in unsafe situations for extended periods. Steve Burns continued. There are no standards for worker housing, dormitories, and the standards for migrant workers are minimum. There is no licensing for hospitality providers. Tom Manzi said there is a loophole and asked what it would take to have standards. Steve Burns said establishment of standards might be an issue for the Seacoast Workforce Housing Coalition to study. Barrie Munro said a study would identify housing that is less than safe and provide guidance for improving it. Torbert Macdonald said a study would not stop an eminent tragedy. Board of Selectmen member Kinley Gregg presented edited language to the Town Planner.

CP-3 Inventory & Analysis: Municipal Capacity

Christine Grimando said the municipal capacity amendment adds job opportunities. It also contributes to the overall economic well-being and needs of small businesses to the existing goals of the Comp Plan. It addresses small-scale business start-ups, modifies outdoor display standards, and streamlines permit applications. Dave Woods said banners should not be allowed as temporary signage. Christine Grimando said the signage ordinance should be written in 2010. Steve Burns said if there is going to be a banner, there has to be a code to allow it. The inventory chapter and municipal capacity sections were not handed out because they were planned for discussion at the next workshop.

CP-5 Policy: Bicycle and Pedestrian Policies in Section 2: Transportation Policies, Capital Investment Plan; Section 3: Future Land Use Areas.

Christine Grimando said, based on the frequency of bike issue being raised, bicycle policies have to be added and reconfigured. The improvement to bicycle and pedestrian amenities in town are a personal interest for her. The emphasis of negative and fatalistic

language in the Comp Plan Transportation Chapter has to be shifted so bike and pedestrian transportation can become integral transportation in the town. Barrie Munro said Woodbridge Road is an example of an obstacle to change. Changes might cost a lot of money, though there are other places, like old rights of ways, which are not obstacles. Torbert Macdonald said there is land among the 200 acres between Route 1 and the Beach that can be pathways to the Beach. Christine Grimando said different bicycle groups in the Seacoast area work toward getting more bike trails. They might become involved. Kinley Gregg and Torbert Macdonald passed language changes to the town planner.

Policy CP-6: Section 2: Quality of the Town's Water Supply

Christine Grimando read the quality of water policy statement. It was created at the request of a resource officer Ben McDougal. This comp plan amendment provides language to increase and enhance the Town's major water supplies of the York and Cape Neddick Rivers. The Cape Neddick River could possibly close in the event of bad beach tests resulting from water pollution. Treatment would involve going upstream and identifying the pollution sources. The Board of Selectmen has endorsed a version of the policy with stronger language. Steve Burns said the language of this amendment follows the lead of the Selectmen.

Old Business

Transition Area Zoning Project. Continued Discussion

Chairman Tom Manzi led this discussion. During a joint meeting, the Board of Selectmen assigned the Planning Board to a fact-finding mission into the 200 acres forfeited by Oscar Plotkin, who had had a contract on the land. The land stretches from York Beach to Route 1, and includes York's Wild Kingdom. Tom Manzi asked the board members to give ideas about the assignment. He likened their individual talks to musicians' solo "riffs."

In Tom Manzi's riff, he said he wants the guidance of a mission statement. He also saw the assignment as the increase in the workload. Lew Stowe said he likes the given project, wants it well structured, and foresees it as a two- or three-year undertaking. Barrie Munro passed for the time being. Torbert Macdonald saw the meeting and did not participate in it. He found it remarkably disconcerting. He does not know how the board of selectmen wants the planning board to orient itself. York Beach has eaten up too much of the public agenda with no discernable effect. The Horns property has the potential to have housing density on it. It could be a new village. The potential is there for making it green, vital, and viable. Dave Woods said the planning board's charge is to look at zoning and make it land specific, which involves deciding if zoning is right in that area. Several hundred acres give an opportunity to do things differently. It will create tax revenue for the town. Here is an opportunity for parking for the Beach. This can become a destination area.

Steve Burns said selectman chair Mike Estes wants to know what the Planning Board thinks should be there since Oscar Plotkin left. Look at the physical plan and character of place planning. What is important to the community? What is the character we want? How do we engage the public? After so much work was done, it was very hard to change York Beach zoning. Christine Grimando said it is important to make the connections and get public input. Torbert Macdonald said that not all land is created equal. The plan has to be compatible with the land. Here is a chance to build a green, world-class destination. Steve Burns said the board should invite design people, who can do a Charette, come illustrate the possibilities. Selectman Dave Marshall had asked for a grant for this. The Planning Board has to interact with such visionary people who are at high level. Also, continued Steve Burns, the Planning Board has to get the Board of Selectmen in on the project from Day 1. Getting leadership from the Board of Selectmen and holding on to that support will be critical, he said. Keep the selectmen engaged, so they will defend the planning board's position to the end.

Barrie Munro said zoning plans cannot be made until the board knows what is trying to be accomplished. Torbert Macdonald said the selectmen are looking at re-zoning a 200-acre package in the middle of the growth mandate. Planning has to find a creative way to keep the rural character and retain small town character. It has to be made so it does not constantly flood out. Barrie Munro said the parcel should have direct access to Route 1. Torbert Macdonald supported a planned unit development master plan, which was what Oscar Plotkin wanted.

Tom Manzi said he wanted to make a mission statement that is to the point. The planning board members then made suggestions for the language of it. Instead of a mission statement, it was called the Charge. After discussion and composing, they came up with this statement:

- Create a vision, through a public participatory process, of what the Town would like to see happen in the area which Oscar Plotkin had under contract in York Beach, to be known as the York Beach Growth Area, and to make the proposal in the form of Comp Plan and Zoning Amendments and Capital Spending Recommendations.

Christine Grimando said the next phase includes mapping out the land and walking it. The overall undertaking is a two-, three-, or maybe four-year process. Torbert Macdonald said that the State of Maine wants to establish development standards. Steve Burns said the Charge gets the Comp Plan and zoning process going. He suggested holding a design competition, which has never been done before. Torbert Macdonald liked the performance space idea from the Plotkin presentation. He referred to David Vale, of Bowdoin College, a "guru of tourism," who could come and pitch green tourism.

Steve Burns suggested taking a "safari" on this land and to other areas, too, like some of the beaches from Boston to Portland. The public has to be engaged in the process. Town officials, like Public Works, the Fire Departments, the Conservation Commission, and Police should be included in the entire scope. Charette consultants might cost \$40,000, but

they are the type of resources we need. As part of the preparations for requests for proposals, there could be a design competition with the best selected. These steps put us at July of next year, when the money comes--July 1, 2010.

A Charette is a multi-day event to bring in different experts and the public, too, Steve Burns continued. Railroad Avenue could have a Charette. Someone with a flip chart takes ideas about Railroad Avenue is quickly sketched up. Graphic and Visual possibilities are displayed and changed with new ideas. At the end, we are left with a set of recommendations. More public input follows, and after that, and the design professionals go ahead and work on those recommendations. Different approaches are made using consultants.

With rain coming in the next several days, the board postponed the safari scheduled for the following morning. The board agreed how to notify the public about the re-scheduled safari. That walk was planned for Friday, July 31, 2009, at 10:00.

The meeting adjourned at 11:15.