

**York Planning Board**  
**Thursday, September 24, 2015, 6:00 P.M.**  
**York Public Library**

**Call to Order, Determination of Presence of Quorum; Appointment of Alternates**

Chairman Peter Smith called the meeting to order at 6:00. A quorum was determined with five people voting: Chairman Peter Smith; Vice Chairman Amy Phalon, Esq.; Board Secretary Gordon Eldridge, who represents York Beach; Lew Stowe; Al Cotton; and alternates Kathleen Kruger and Wayne Boardman, who were present but did not vote. Director of Planning Dylan Smith represented staff. Patience Horton took Minutes.

**Work Session with Board of Selectmen (6:00 to 7:00 P.M.)**

Four selectmen, Robert Palmer, Dawn Sevigny-Watson, Torbert Macdonald, and John Speers attended this joint work session. The fifth selectman, Todd Frederick, was not present. Pete Smith, Amy Phalon, Lew Stowe, Gordon Eldridge, Kathleen Kruger, Al Cotton, and Wayne Boardman were the Planning Board participants. Town Manager Steve Burns also attended the discussion, which was facilitated by Director of Planning Dylan Smith. During the discussion about York Village, Robert Palmer “weighed in” that he is a property owner in the Village.

Torbert Macdonald said his understanding was that, after the Kearsarge House approval, the Planning Board would return the York Beach Village Center and reassess density standards, reverting them to the pre-approval status. Instead of changing to the original, he said, the new density requirements seem to have been applied to all York Beach Village. Dylan Smith replied that the Planning Board decided to allow unlimited density for all mixed use buildings in YBVC. Vacant lots alone are reverting back to the original density requirements.

The group discussed the development of the new Village District. One amendment going before the voters in November has to do with adopting the Village Master Plan and the development of the new district. At the end of October, people who live in the village or about the village will be notified about sessions offered by the Planning Board. People can learn about the map, the district bounds, uses, and be able to compare what is existing now with what is proposed. Presentations about dimensional requirements will come later.

The two boards discussed the definition of “farmers’ market.” A discussion with the Chamber of Commerce pertaining to the definition was coming up next on the agenda, after this workshop. The Code Office had recently received complaints about food vending and people selling crafts, said Dylan Smith. Al Cotton said the funding from the Department of Agriculture does not support crafts, and the operation should strictly be a

farmers' market. The food they put out competes with commercial restaurants. The crafts compete with crafts shops, he said.

Steve Burns said Cathy Goodwin was the director of the Chamber when that farmers' market began in 2003. The definition being used today came from the Chamber at that time. Having gone to this farmers' market and several others, the mix between farm goods and crafts is pretty typical, he said, but the market should have that prevalence of the farm products.

The Planners and the Selectmen finished up by talking about the need for safe pedestrian passageways on the Nubble. Dylan Smith said that Assistant Planner Scott Hastings will be forming a biped committee when the updated master plan for the Nubble and the Beach is developed. Steve Burns said he plans to put money placeholders into the Capital Program for sidewalks on Ridge Road, Whipple Road, Woodbridge Road, and the Nubble, most likely in the 2017 budget. The time was 8:00.

**Planning Board Public Forum** No one came forward to speak.

**Planning Board Minutes** There were no minutes to review.

### **Field Changes**

Josh Stauble of Stauble Realty said the approved engineering and design plans did not have the best layout for his needs. He wants to change the green area in front of the northern side of the building to gravel. It is a 19 by 30 (570 square foot) area. It should be gravel because there will be an overhead door in front of that unit. This will be better for plowing, too. It keeps him in the 24% foot coverage range, under the 25% allowed. There will not be parking in the area. The parking will be as on the plan.

**Motion:** Amy Phalon moved that we approve the field change for 16 White Birch Lane, as amended. Al Cotton seconded the motion. There was no further discussion. The motion passed 5-0.

### **~~Application reviews and public Hearings~~**

The York High School building committee removed this application from the agenda.

**~~York High School Auditorium, 1 Robert Stevens Drive.  
Map & Lot: 0038-0005; Owner: Town of York. Sketch plan review for proposal to  
demolish the existing auditorium and mixed use room at the York High School and  
replace with a larger auditorium, lobby, and additional small rooms.~~**

**Farmers' Market Definition** – Discussion with the York Chamber of Commerce

A proposal had been put forward on behalf of the Chamber of Commerce by Mike Estes; Holly Roberts, Executive Director of the Chamber of Commerce; Stephanie Oeser Program Manager; and Amy Tibideau, Chairman of the Chamber of Commerce. They spoke on behalf of the Farmers' Market.

**Mike Estes** told the Board that, instead of changing the definition of Farmer's Market, the Chamber would like to have an amendment made allowing them to continue as they are. Currently there are 12 local farmers. Farmers are becoming a thing of the past, he said. We are expanding the format to allow participation of crafters, farmers, and purveyors of prepared food. They are State licensed or use commercial kitchens.

Al Cotton said the issue of the expansion of this market is based on the current definition. The Town sold land for the purpose of supporting farmers. The Dept. of Agriculture put up funds to help the farmers. The Dept. of Agriculture does not support jewelry makers and it does not support latte makers. It is about farmers and farmers products.

Mike Estes said the 2013 land purchase from the Town was approved by the Board of Selectmen. They are aware that our intention was to expand the farmers market, he said. The Chamber got USDA approval and borrowed money from by USDA to buy the additional land. The Chamber then came before the Planning Board for approval to expand the farmers market, which we were granted.

Amy Phalon said that the Board wants the farmers' market to give an opportunity for farmers to have a place to sell their food and their products, a place for people to come and buy.

Al Cotton said that if a farmer raises blueberries and sells blueberry pie, that's appropriate, or the farmer makes something from his trees, that's appropriate. The farmer can use corn fields to make corn chowder, Alpaca wool or sheep products to make weavings at home, Christmas trees, furniture. The definition includes fish and fish products, including lobsters. Maple syrup. Those fit with the definition of local growers.

Amy Phalon added that crafts and prepared food present unfair competition to businesses that are taxed and licensed and have established places of business within Town. Mike Estes reminded the Planning Board of Stonewall Kitchen, which had begun at this farmers' market. They would buy berries, make jam in their garage, and bring their products to the farmers' market to sell. We can ban that type of business from the Town of York, he said, but I don't think that's our best interest moving forward. We are trying to get it to the point where it is legal, he said.

Chamber Executive Director **Holly Roberts** said that they aren't doing anything now selling farm products and crafts that they weren't doing in past years. This has been the practice under the original definition. Maybe there is an opportunity to change the title of our market, she said.

**Amy Tibideau**, Chairman of the Board of York Chamber of Commerce, said she has been to a lot of farmers' markets has seen people selling soaps and jewelry at them. The crafts bring people in, and the farmers get the extra business they normally would not have gotten. She said that the growth of the market is because there are so many different things. We hate to limit it at this point when they you're starting to see the ball rolling, she said.

Al Cotton said that the farmers are not getting the opportunity they need. The market was underwritten by the taxpayers of this town and state, he said. The crafters have many other avenues for them to sell their crafts. People who sell prepared food at the market have plenty of avenues to do that in the private sector without taking advantage of the taxpayer funds.

Amy Tibideau said they wish to present a different definition for the farmers market and put it before the voters to determine whether the community would like the definition to be changed.

Wayne Boardman read the **Maine State definition of a farmers' market**, "Farm and food products including fruits, vegetables, dairy meats, poultry, also fish, grain products, maple products, and apple cider fruit juice." It doesn't include crafts, he said. It says that a person may not sell farm food products unless 75% of the products offered by that person is grown and processed by that person with the balance from another farm that is identified as such.

Al Cotton read the **current definition of "farmers' market" in York** is, "An open air market where farmers sell produce and food they raise or create to the general public."

Al read the **new definition being proposed**: "A weekly gathering place where farmers, prepared food vendors, and craft artisans sell their products to the general public. The emphasis, being on consumers having authentic experience meeting producers face to face. There must be two or more farmers at the set place, and each must sell at least 75% of their grown or raised products. Prepared food vendors sell products prepared by the vendor at a state licensed or commercial kitchen. Artisan crafters sell products that are completely handcrafted in their home shop."

Dylan Smith noted that this hearing came about because the Code Office received complaints that led them to look at the definition of "farmers' market." The planning board is not against craft people selling products that are produced on a local farm, he said. The intent of the farmer's market definition should be, "Farm and food products."

Dylan said the original farmers' market definition from 2003 was adopted in 2010. When the Board of Selectmen granted the additional parcel to the Chamber for expansion in 2013, the definition became law. When the Planning Board approved site plan expansion of the farmers' market in 2014, the same definition was in place.

Chairman Peter Smith opened the **Public Hearing**. **George Emmons**, a freelance photographer, participates in the farmers' market. He had researched a number of farmers' markets throughout southern Maine and found that when they have crafters come in and sell their product, the amount of business rose for everyone.

Vendor **Martha Fenn King**, who sells bouquets of homegrown flowers, agreed that without the crafters and artisans, there would not be as much foot traffic for the farmers' market. If there were only farmers, they might not be able to sell enough of their products. Crafts help make a well-rounded market.

Al Cotton replied that crafters are competing with people who are using local stores and have made private investments to do that. The farmers' market has public support for the farmers and should not be helping crafters sell their jewelry—it is a huge concern.

**Robert Benedetto** said there are ample opportunities throughout the town for those crafts to be displayed.

Dylan said it is common for crafts to be an accessory use to add an element to an open air or farmers market. Different towns have different definitions. Crafts are a way to promote farmers' markets, and the farmers' market could be permitted that way.

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Pete Smith said that by running it the way it is being run is bringing a lot of traffic for the farmers. An easy solution would be to call it the Farmers' and Crafts Market, he said. Change the name. Make a new definition for a farmers and crafts market. The way to fix that is for the Chamber to come and ask for another or new change of use.

**Motion:** Al Cotton moved that we confirm the definition of Farmers' Market as expressed in the 2010 York Public Record. Amy Phalon Seconded.

**In discussion**, Lew Stowe explained that the definition can stay as it is. If it becomes a new change of use, a new definition could be developed. Amy Phalon said that according to the Maine Farmers' Market Federation website, a lot of the markets with crafts and other merchandise are called "community markets." Perhaps something can be developed along those lines.

Al Cotton **moved the vote** and said that the Chamber can come in with a new proposal, but for the time being, they are confined to the definition they should have been confined to all along.

**Vote:** The motion passed 4-1, with Peter Smith against.

Lew Stowe explained that the Chamber should come back with a change of use, not a change of definition, and bring in documentation about the numbers of booths, traffic, parking—not hard, fairly simple. We're not asking for an architect or traffic expert, he said. This is so there is a record of what they are going to do moving forward.

## **Planning Board Workshop on 2016 Zoning Amendments and Policy Goals**

- **Discussion /Review of Village Zoning.**

Dylan said that the boundary map for Village zoning and uses are currently on line. The Village Committee is working on dimensional standards. The Board will “go public” at the end of October, notifying people who live in the village and abut the village about the meeting. There will be presentations with maps showing the district bounds, and what is existing compared to what is proposed.

**Other Business** There was no other business.

**Adjourn**

9:00