

York Planning Board
Thursday, December 22, 2011, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum

Chairman Lew Stowe led the meeting. A quorum was determined with five people voting: Todd Frederick, Tom Manzi, Lew Stowe, Tom Prince (for Torbert Macdonald, Jr.), and Dave Woods. Alternate Dave Glazebrook was present. Torbert Macdonald was absent. Town Planner Christine Grimando represented the York Planning Department. Patience Horton took minutes. Political and Legal Studies students from the High School attended.

Public Input

There was no public input.

Field Changes

There were no field changes.

Minutes

Minutes of December 8, 2011, were reviewed. Changes were requested and given to the secretary for correction.

Motion: Dave Woods moved to approve the minutes for Thursday, December 8, 2011, as amended by the board. Todd Frederick seconded the motion, which passed, 5-0.

New Business

Outside Merchandise Display

Community Development Director Steve Burns talked about planning board amendments for the May 2012 Referendum. The first, Outdoor Merchandise Display, differentiates outdoor storage from retail display. Retail display allows customers to mingle with the products. With outdoor storage, merchandise is stored outside, as with a lumber yard, and the customer orders what is needed, or picks from a pile, and store personnel goes and gets product.

With outside retail, dead storage should be screened, and only the merchandise should be seen. Outdoor display for Rite Aid or Hannaford is not a concern so much as for a shop like Brenda's Bloomers, where people have to see the flower and birdhouse displays from the edge of the road. Steve Burns said that 1,000 square feet is appropriate outdoor display for all businesses, large or small. It is easiest to enforce and fairer for the large business, who under today's standards get less outdoor space, the bigger they get.

Chairman Lew Stowe opened the **public hearing**. **Brenda Elwell-Taylor** has "Maine's Tiniest Flower Shop." She is in a period until Valentine's Day when she will have no

business. She is in the 50 MPH zone. She has 52 square feet in front of her building for display. In spring she adds ladders, trellises and benches in front of her building to increase the display area. She hopes to bring the display to 100 square feet. The public hearing was **closed**.

Steve Burns described a buffer as a standard width measure into which bushes, tree, and shrubs are placed. Ten percent of the parking can exist in the bufferyard. Lew Stowe reopened the public hearing. Brenda Elwell-Taylor said her Brenda's Bloomers building in Route 1-5 is grandfathered and is nine feet inside in the setback. Closed.

With the amendment, merchandise has to come in from the buffer at night. Steve Burns said there are going to be violations given for damaging the buffer. The idea of making the outdoor standard in terms of 50 or 100 units of merchandise was offered by Tom Manzi and Tom Prince.

Flood Plain Management Ordinance Amendment for Commercial Bait Houses

Bate Houses are essential for the lobster industry and the working waterfront, which the state and FEMA have not understood before, said Steve Burns. It is important for us to be in compliance as a financial decision so that FEMA funds are available when needed. We are bringing this to a head in that Federal and State codes are being adjusted by local code. The \$3000 value limit doesn't work. Positioning over the high tide line is important, with one York bait house being half in front and half behind the high tide line. State might not respond to this now, but maybe in November, but they are going to have to sign on.

Parking in York Beach Village Center

The parking numbers for York Beach Village reach 1800 spaces. That comes from the 2008 study by Paradigm Engineering. The campground, Wild Kingdom, the lot behind Black Dog, private lots, and Ellis Park show there's a lot of parking, allocated and shared. People walk from business to business, especially from the Goldenrod to the Wild Kingdom, said Dave Woods. The Goldenrod is an anchor and part of the destination. Steve Burns said the parking study was flawed because the study added up the businesses but forgot how much the beach draws. The people park there and then do the businesses. The businesses count in shared parking. No changes were made to the amendment language since the last meeting.

Setback Changes

Steve Burns said that a citizen might say, Why can't I have a shed without a big setback in a residential neighborhood? The board discussed this and decided that one shed, 8 x 10 with eight feet at its highest point might look better than 10 cords of firewood with a blue tarp over it.

Pergolas that are 8 feet or less are to be treated like fences.

In York Beach, corner clearance for turning cars is very tight in some places, and you have to peek out and see around the corner. Vegetation had been an issue, but just build-

ings, like on Bay Street in the Beach Village, where a porch juts out, will be covered in the amendment. The clearance at each corner will be triangulated with the measurement of 20 or 30 feet with appropriate adjustments to different areas.

Home Occupations

Steve Burns said that a woman in York Beach brought this forward. She wants to do day care in York Beach, but it isn't allowed. She is in Class 1 Home Occupations. He said to get rid of the use differential between the zones, still keeping performance standards.

Refine Residential Use Definitions and Standards

Here you have a list of residential uses for each zone, said Steve Burns. Currently we define about one-third of the uses. There will be a list of uses and a list of definitions for each use. We have to get rid of expressly prohibited language, he said. We'll add dimensional standards later on. When you start changing definitions, it changes policy.

Manufactured housing is not equal to mobile homes. A manufactured home is different that a module housing and is allowed throughout the town. You can move manufactured housing anyplace in town. Manufactured housing is treated as a stick built house.

The review of the May referendum ordinance amendments ended.

Steve Burns said that as of January 1, 2012, fireworks will be legal in Maine. Town can regulate sale and use, but not possession. The fireworks ordinance is proposed for the May ballot. It is a safety ordinance. The merchant can come to York and be approved for retail, but the citizens decide about banning sale and banning use.

Steve Burns discussed the board's responsibilities to the upcoming York Police Station Project. Engineer Andrew Johnson is expected to make a preliminary application presentation to the planning board during the January review session. They have gone through the state and federal agencies, which will shorten the planning board's work. SMRT is the engineering firm.

Filed Change Thresholds

Christine Grimando said the Field Changes document has been revised. The planning board will review a field change within 2 weeks of submission. The two-week period is so she can post a meeting one-week ahead, in case the planning board has to come together for an ad hoc meeting.

Dave Woods went through the five bullet points that constitute a field change and said he did not see why any or all of them could not go to the CEO. Lew Stowe said the planning board took on the responsibility when we signed the Mylar. Christine Grimando agreed that the CEO should not make changes to an approved plan. Todd Frederick said the language should read that the Field Change can be reviewed during *the next scheduled meeting of the Planning Board*. Christine Grimando said she still needs a week ahead so she can mail the information to the board. Everyone agreed that the "next scheduled meeting" is the correct language. The item will go on to public hearing.

Comprehensive Plan Amendments: Capital Investment Plan January Summit Update

Christine Grimando told the board to think big, to have big drivers of change for areas like conservation and infrastructure when writing the Capital Investment Plan. What is the capital investment need in the long term? Parts possibly can be broken off and set in phases.

Lew Stowe said the meetings have to have a structure. There are areas of concern, like the impact of rising water and growth in the rural area. When Dean Lessard and others come in, we can fill in the blanks of the things we are already thinking of.

Tom Manzi talked about the high-tension lines along the ocean, only 20 feet from high tide. Some poles are braced by other poles on the ocean side. What is the sea level going to be? What is predicted by the state? Will there be a beach in 50 years?

Christine Grimando said we are getting a grant to study the rising sea level with Southern Maine Regional.

Dave Glazebrook wants to know where the information comes from that drives the million dollar projects. He works with environmental people. Should the tax base be enlarged?

Tom Prince said the first step is to ask if we have any way of fitting with the nine categories that format the existing plan. It would help us sort out what there is that we don't want to do and other stuff we do want to do. It would be a good first step to see if anything we have will fit into the format. Christine Grimando and Lew Stowe agreed.

Christine Grimando said we don't have an up to date build out analysis for what is needed now.

Todd Frederick said recreation areas, public space, open fields, active walking trails, and transportation are good subjects. Will there be increased access to the water, as now there are no boat launches.

Dave Glazebrook asked about the population trend—is it an older or younger population? Christine Grimando said that census data show an increase in households, but no increase in population.

Dave Woods said part time residency should be promoted for the benefit of the community that reaps the benefits of having 50% empty houses.

Christine Grimando said we don't want to repeat things that get outdated. We do need to conserve the land. She said we should use a broad-brush stroke to work with broader questions in developing the list of concerns. It should be a higher level than buying a fire truck.

Other business

- **Long Sands Plaza Findings of Fact**

Christine Grimando said the list of uses that are included in the Long Sands Plaza came from the zoning ordinance.

Motion: Todd Frederick moved to authorize the Chairman to sign the Findings of Fact for Long Sands Plaza; 127 Long Sands Rd.; Map & Lot 0044-0046. Dave Woods seconded the motion, which passed 5-0.

- **Nicole-Parlin Findings of Fact and Mylars**

Motion: Todd Frederick moved to approve the Findings of Fact and Mylars for Nicole-Parlin revision to a previously approved subdivision plan dated December 19, 2011. Dave Woods seconded the motion, which passed 5-0.

Christine Grimando said she was preparing a memo for the Walter Woods application.

The meeting adjourned at 9:40.