

1 **York Planning Board**  
 2 **Thursday, June 25, 2015, 7:00 P.M.**  
 3 **York Public Library**  
 4

5 **Call to Order, Determination of Presence of Quorum; Appointment of**  
 6 **Alternates**  
 7

8 Vice Chairman Peter Smith called the meeting to order at 7:00. A quorum was deter-  
 9 mined with four people voting: Peter Smith, Lew Stowe, Gordon Eldridge (representing  
 10 York Beach), and alternate Wayne Boardman, who was asked to vote as a full member.  
 11 Board member Amy Phalon and Chairman Al Cotton were not present. York Planning  
 12 Director Dylan Smith represented staff. The recorder, Patience Horton, was not present  
 13 and prepared these minutes by reviewing the online stream.  
 14

15 **Public Forum** No one came forward to speak.  
 16

17 **Minutes**

18 The June 11, 2015, Minutes were reviewed and changes were requested.  
 19

- 20 • **Motion:** Lew Stowe moved to approve the minutes with noted changes for June  
 21 11, 2015. Seconded by Gordon Eldridge, the motion passed 4-0.  
 22

23 **Field Changes**  
 24

25 Project representative Ryan McCarthy requested a field change for **Hales' Landscaping,**  
 26 **Tax Map 0094 Lot 0048.** Two weeks ago, they received a waiver allowing a metal  
 27 building with a metal roof. They have since decided to build a traditional framed build-  
 28 ing with red vinyl clapboard siding and a traditional shingled roof. Everything else, the  
 29 wood shingle front façade, windows, and cupola, will stay the same, as previously ap-  
 30 proved.  
 31

32 **Motion:** Lew Stowe moved that we approved the engineering change for Hales' Land-  
 33 scaping, Tax Map 0094 Lot 0048. The change consists of using vinyl clapboard siding  
 34 and dark gray architectural shingles for the roof. Gordon Eldridge seconded. The motion  
 35 passed 4-0.  
 36

37 **Application Reviews and Public Hearings**  
 38

39 **Cowboy Café. 4 Bog Road, Map & Lot 0090-0084-N. Owners: Charon and Kenny**  
 40 **Churchill. The proposed ice cream stand includes renovation of the interior of an**  
 41 **existing building, delineation of parking spaces on site, provision of outdoor seating,**  
 42 **and a takeout window.**  
 43

44 Nick Lounborn from CLD Engineering was present with applicant Ken Churchill. At  
 45 Lew Stowe's request, Nick "ran down" his responses to Dylan Smith's memo of June 9,  
 46 2015.

47

48 A Nick Lounborn's responses to Dylan Smith's comments

49

- 50 i. There was a request to show the limited residential Shoreland boundary. It
- 51 has been added to the plan. Note 7 has been corrected on both Sheets 1 and 2.
- 52 ii. The 24" trees on the parcel are outside the range of the Cafe building. The ap-
- 53 plicant has requested a waiver. The incorrect size of tree diameters, a typo,
- 54 referenced in the waiver of 6.3.3, will be corrected.
- 55 iii. The applicant is requesting a waiver to the HISS map.
- 56 iv. The Town Engineer provided comment about the stormwater plan on June 11,
- 57 2015,. He approved the proposal.
- 58 v. The applicant has included setback lines on the plan. The lines are outside the
- 59 shoreland setback lines.
- 60 vi. The Town Engineer has verified the drainage meets the Town standards.
- 61 vii. Dean Lessard has expressed he has no further concerns regarding traffic.
- 62 viii. The Town Engineer has reviewed and approved the stormwater plan.
- 63 ix. The applicant is requesting a waiver to the HISS map.
- 64 x. The two-foot azalea trees along the edge of the parking area will most likely
- 65 grow in a reasonably amount of time. They will be three to four feet high at
- 66 maturity.

67

68 B Nick Lounborn's responses to Dylan Smith's recommendations

69

- 70 i. The septic system meets the requirement for the ice cream stand. Portable re-
- 71 strooms were once on the plan, but have been removed.
- 72 ii. Trash cans will be shielded unless they are used in public. Outside trashcans
- 73 are for the patrons. Trash generated by the staff will be stored inside the stand
- 74 until it is taken to the barn or hauled away. Note 18 says that adequate facili-
- 75 ties to collect and dispose of refuse and recycle solid waste, in an environmen-
- 76 tally-friendly manner, shall be provided.
- 77 iii. Six picnic tables are depicted the north of the paved walkway.
- 78 iv. Chief Bracey and Dean Lessard made department heads' comments. They
- 79 were concerned about sight distances, will be been remedied by clearing
- 80 brush. Don Neumann had thought the meter pit could be in a parking space,
- 81 but has proved to be outside the parking space. A split rail fence will separate
- 82 the meter and the parking space.
- 83 v. Per Note 23, two snow removal storage areas have been put on the plan.
- 84 Though the facility is seasonal, snow would be pushed off the edge of the
- 85 driveway and parking areas.
- 86 vi. The gravel walkway will not be blocked by any parking spaces.
- 87 vii. [Applicant's description unclear.]

88        **viii.**    A waiver is being requested for the performance guarantee. Mr. Churchill has  
89                    a letter from the bank saying he has the capacity to finish the work. The per-  
90                    formance guarantee can be struck from the waiver request and re-submitted  
91                    per 6.3.2.1.  
92

93        --Charon Churchill has signed the application.

94        --If there are plans to add a kitchen, the applicant will go back to Code.

95

96        Vice Chairman Peter Smith opened and closed the **Public Hearing**. No one came for-  
97                    ward to speak.

98

99        **Motion:** Lew Stowe moved to waive Section 6.3.2, Boundary Survey. Gordon Eldridge  
100                    seconded. The motion passed, 4-0.

101

102        **Motion:** Lew Stowe moved that we waive Section 6.3.3.a.7, Existing Vegetation, and  
103                    specifically identifying 24” diameter dbh. Gordon Eldridge seconded. The motion  
104                    passed 4-0.

105

106        **Motion:** Lew Stowe moved that we accept the waiver section 6.3.32, High Intensity Soil  
107                    Survey. Gordon Eldridge seconded. The motion passed 4-0.

108

109        **Motion:** Lew Stowe moved to waive section 6.4.25, Performance Guarantee. Gordon  
110                    Eldridge seconded. The motion passed 4-0.

111

112        Dylan Smith asked to have two standardized general notes removed from the plan, the  
113                    performance guarantee note and the pre-construction note.

114

115        Peter Smith required that Note 19 includes the words “Shall be required.” Notes about  
116                    buffering the parking lot with azaleas 4 feet high at maturity and that trash from the staff  
117                    will be retained or kept in the barn must be included.

118

119        **Motion:** Lew Stowe moved to approve the application for the Cowboy Café, 4 Bog  
120                    Road, Map & Lot 0090-0084-N, to include the additions as stated by the chair. Gordon  
121                    Eldridge seconded. The motion passed 4-0.

122

## 123        **Discussion on York Village Zoning Amendments for May 2016**

124

125        The discussion was led by Denis Lachman of TDRC, The Downtown Revitalization  
126                    Committee, and Dylan Smith, the York Planning Director. Gordon Eldridge, Wayne  
127                    Boardman, Peter Smith, and Lew Stowe represented the York Planning Board, and  
128                    Chairman Ron McAllister, Toni DeSoto, and Scott Stevens represented the Village Study  
129                    Group during the discussion.

130

131 The focus of the discussion was the future design standards that will be set in place in  
 132 conjunction with the new zoning for York Village. Denis Lachman had guided the Vil-  
 133 lage Study Committee through writing the Master Plan last winter. A new committee,  
 134 called the Planning Committee, will do the design standards work, next.

135  
 136 The Planning Committee is the framework and leg work for this phase, Denis Lachman  
 137 said. In meetings, the committee will talk to the neighbors and explain to them what  
 138 zoning changes are coming and how they are going to affect them. If they don't partici-  
 139 pate, nothing goes forward. The committee "brings the conversations," Denis said.  
 140 Every event is an opportunity to look for more candidates to broaden the knowledge of  
 141 the Village.

142  
 143 It is very important for the committee to draw up a Mission Statement that will help focus  
 144 them sharply. They will have to post meetings, keep minutes, and report to the Planning  
 145 Board.

146  
 147 It is the job of the Village Study Committee to put the new Planning Committee together.  
 148 The Planning Board has other work. They make major changes to the Site Plan and Sub-  
 149 division Regulations, the Comp Plan changes, and other related zoning changes outside  
 150 the village.

151  
 152 Vice Chairman Peter Smith named several potential members who had shown interest in  
 153 joining the Planning Committee, including Selectman Todd Frederick, Planning Board  
 154 members Amy Phalon, Peter Smith, and Lew Stowe, Study Committee member Toni  
 155 DeSoto, and citizens Gloria Gustafson, and Bryce Waldrop.

156  
 157 **Motion:** Lew Stowe proposed a directive to set up a Zoning and Design Standards Sub-  
 158 committee for the York Village Center area. Gordon Eldridge seconded. The motion  
 159 passed 4-0.

160

## 161 **Public Hearing on Proposed Comprehensive Plan Amendments**

162

163 [The hearings are not in the order of the agenda. Items 6C and 6D were reviewed before  
 164 6A and 6B.]

165

166 **6C Add a new "Stormwater Chapter" within Volume 2, York Comprehensive Plan**  
 167 **Inventory and Analysis.**

168

169 **6D Modify and add Stormwater Actions within Volume 1, Policies, Capital Invest-**  
 170 **ment Plan, Regional Coordination Program and Implementation Program.**

171

172 Kristie Rabasca, the key author of the Stormwater Chapter of the Comp Plan, led this re-  
 173 view. The introduction and first chapters of the Stormwater Chapter describe how the  
 174 Town of York manages stormwater and regulates developers. Chapter 2, Benchmarking,  
 175 describes best practices in other parts of the country. The third chapter analyses the dis-  
 176 crepancies between the other places in the United States and York, and that analysis leads

177 to recommendations and policies for Town action. Historically, the Town has done a  
 178 very good job managing stormwater, regulating developers, and keeping natural re-  
 179 sources free of impairments.

180  
 181 In Portland, there is an imposed stormwater user fee on commercial and residential prop-  
 182 erties. If people are not willing to promote infiltration and put green infrastructure into a  
 183 project, they will be charged a fee in order to help mitigate the cost associated with the  
 184 storm drain infrastructure. That is called the Stormwater User Fee. In that case, people  
 185 who own property in the community are charged a monthly or annual fee based on an av-  
 186 erage impervious cover for an average parcel of land.

187  
 188 All MS4 State permits have to follow the EPA lead. They cannot be less stringent than  
 189 the EPA lead. Developers in the State of Maine are using intensity, duration, and fre-  
 190 quency data generated by the Cornell University Northeast Regional Climate Center for  
 191 State stormwater standards.

192  
 193 The Vice Chairman opened and closed the **Public Hearing** for the Stormwater Chapter  
 194 and Actions comp plan amendments. No one came forward to speak.

195  
 196 **Motion:** Wayne Boardman made the motion to move the proposed Stormwater Chapter  
 197 and Goals, as presented, to Public Hearing on July 23. Gordon Eldridge seconded. There  
 198 was no further discussion. The motion passed 4-0.

199

## 200 6. **Public Hearing on Proposed Comprehensive Plan Amendments**

201

202 **A. Adopt by reference, The York Village Master Plan, dated April 2015 within Vol-**  
 203 **ume 1: Policies, Capital Investment Plan, Regional Coordination Program, and Im-**  
 204 **plementation Program, Specifically in Land Use Area #8, York Village Center.**

205

206 Chairman Peter Smith opened and closed the **Public Hearing**. No one came forward to  
 207 speak.

208

209 **Motion:** Wayne Boardman moved to adopt, by reference, the York Village Master Plan,  
 210 dated April 2015, within Volume 1 of the Comprehensive Plan, and that this Master Plan  
 211 shall supercede any conflicting provisions as found within this section i.e. Land Use Area  
 212 #8, York Village. This will be scheduled for a Public Hearing on July 23, 2015. Gordon  
 213 Eldridge seconded. There was no further discussion. The motion passed 4-0.

214

215 **B. Amend the Public Sewer Policy Map, dated April 27, 2015, within Volume: Poli-**  
 216 **cies, Capital Investment Plan, Regional Coordination Program and Implementation**  
 217 **Program**

218

219 Vice Chairman Peter Smith opened and closed the **Public Hearing**. No one came for-  
 220 ward to speak.

221

222 **Motion:** Gordon Eldridge moved to schedule a public hearing on July 25, 2015, for the  
223 amendment of the Public Sewer Policy Map, dated April 25, 2015, within Volume 1 of  
224 the Comprehensive Plan. Lew Stowe seconded the motion, which passed 4-0.  
225

226 **7. Public Hearing on Proposed November 2015 Ordinance Amend-**  
227 **ments**

228  
229 **A. To amend the definition of hotel/motel specifically as it relates to cooking facility**  
230 **size limitations.**

231  
232 **B. To amend the Recreational & Amusement Use Category within the General De-**  
233 **velopment 3 (Gen-3) district regarding permitting open air venues for theatrical and**  
234 **musical performances south of the Little River.**

235  
236 **C. To amend the York Beach Village Center (YBVC) district industrial use cate-**  
237 **gory regarding bottling of beverages as accessory to an artisanal food and beverage**  
238 **facility; and,**

239  
240 **D. To amend the density provision as it relates to dwelling units within a mixed use**  
241 **building in the York Beach Center (YBVC) district in conjunction with newly cre-**  
242 **ated and vacant lots.**

243  
244 Vice Chairman Peter Smith opened and closed the **Public Hearings**. No one came for-  
245 ward to speak.

246  
247 The Planning Board will not move Ordinance Amendment 7D, the York Beach density  
248 provision, to the Board of Selectmen.

249  
250 **Motion:** Gordon Eldridge moved to forward the following amendments to the Board of  
251 Selection for their consideration: Definition of Hotel/Motel; Recreational & Amusement  
252 GEN-3 amendment, with added language; “Open air venue/areas for theatrical and musi-  
253 cal performances with capacity for not to exceed 300 persons;” and Bottling of beverage  
254 clarification in artisanal food and beverages facility. Wayne Boardman seconded. The  
255 motion passed 4-0.

256  
257 **Other Business**

258  
259 **Motion:** Lew Stowe moved to approve the Findings of Fact for York Hospital Coordi-  
260 nated expansion, approved May 28. Gordon Eldridge seconded. The motion passed 4-0.

261  
262 **Adjourn**  
263 11:15