

**York Planning Board
Thursday, May 24, 2007, 7:00 P.M.
York Public Library**

Call to Order, Determination of Presence of Quorum

Chairman Glen MacWilliams began the meeting at 7:00 and determined presence of a quorum. Beside Glen MacWilliams, Vice Chairman Tom Manzi, Barrie Munro, and Lee Corbin were in attendance. Glenn Farrell was absent. There were no alternates at the time. Steve Burns represented Planning Board staff. Patience Horton took minutes. The meeting was televised.

Public Input

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

No one came forward to speak.

Field Changes

There were no field changes.

Minutes

Review and approve draft minutes

There were no minutes to review.

Public Hearing on Proposed Ordinance Amendments

Conduct the first of four public hearings on the following proposed amendments to Town ordinances.

Ord-1	Road Spec.	Amend the Public Road Acceptance Ordinance
Ord-2	Zoning	Storm Water Management Standards
Ord-3	Floodplain	Control New Construction Below Elevation 12' at Beach
Ord-4	Zoning	Road and Right-of-Way Standards
Ord-5	Town Septic	Update the Town's Supplemental Septic Rules
Ord-6	Zoning	Density and Use Standards with Respect to Public Utilities
Ord-7	Zoning	Watershed Protection Overlay District
Ord-8	Zoning	Shoreland Amendments
Ord-9	Zoning	York Beach Zoning
Ord-10	Zoning	Vehicle Parking Limits in the RES-r Zoning District
Ord-11	Zoning	Beards of Design Review
Ord-12	Zoning	Special Exceptions
Ord-13	Zoning	Building on a Non-Conforming Lot
Ord-14	Zoning	Setback Rule in Existing Neighborhoods

Chairman Glen MacWilliams determined the order of the amendment hearings based on the preference of the audience. Most people indicated there were there for the **Ord-8, Shoreland Amendments**, which was where the meeting began.

Town Planner Steve Burns introduced the amendment by explaining some of the changes it would create, including the expansion the areas of Resource Protection (RP), uses for permanent docks, vegetation removal from all zones, protection of archeological sites, road and driveway standards, septic standards being brought to State law, setback changes, as well as the nature by which the Board of Appeals would conduct hearings, no longer following *de novo* guidelines. As well, Steve Burns showed the new map of the wetland areas, indicating ten places around York that will be added to Resource Protection because of wildlife protection. The State Department of Environmental Protection mandated the 10 areas, and the York is obligated to follow the rules. The chairman opened the **Public Hearing**.

Dan Soule, of Windmill Acres, said that he is part of the Code Enforcement Office Review Committee. He said that change in the ordinances is a good idea, but this is not what Code Enforcement had in mind. He lives in an area with 12 houses that will change from RES-1 to Resource Protection, making it impossible for the homes to have additions, sheds, and decks. He said that 14 properties in his area that are served by private sub-service wastewater systems would go into non-compliance. He would like to see this alleviated to make it better for the Town and the individual citizens. Steve Burns answered that on June 4, a meeting will be held for possibly readjusting the map.

After quoting a passage from a Steve Burns email she had received, "Your property is perfectly and completely covered with RP," **Jackie Grant** passed out copies of a current map of her property and vicinity, and then an RP map of the same area. The current zoning affects her front yard. The proposed change will affect every bit of her property. This jeopardizes her husband and her plan to make a B&B there when they retire. There can be no shed, no expansion of the current shed, no relocation of the garden, no change in the lawn, and no vegetable stand. She said that she and her husband do not know what their life on the property will be. She has one small window of opportunity to obtain a building permit, but had not planned to make an addition so soon. The resale value of the property is in question. Six hundred properties are affected these ways by this change, she said. She also thanked to board for the work they are doing on behalf of those who are affected.

No one else came forward to speak at that time. Glen MacWilliams kept the public hearing open and encourage others to come forward.

Steve Rowley came to the podium and said that he has similar concerns to those already expressed.

Bob Manzi lives on Mountain Road in the Lake Caroline area. He wanted to know how the changes would affect people there. The Lake Caroline is the most populated of all ten areas. Glen MacWilliams said that he would have a list put on the Planning Department

website made available to all of the citizens who are affected. The board members asked the planner if the Town has the ability to appeal, if there is recourse in addressing the boundaries, and if certain criteria can be waived. Steve Burns said that commercial shoreland zones do not have to be turned into resource protection. The RP protects pristine areas, and Lake Caroline is not pristine. He suggested creating a new map for the next hearing, and he described the schedule the process will take subsequently. All along, there is time to convince the State about the changes that York needs to have made.

The Public Hearing continued. **John Garafolo** described a home as an ongoing project. When he purchased his home on a good-sized lot, he was able to do what he wanted to do, because the land was in RES-1. Now change will be limited. **Tom Blaisdell** discussed his concerns about the impact of RP on farm uses. Portions of his farm are in the new zone, and others aren't. **Greg Gosselin** hopes to go into maple sugar harvesting and is not sure if that will be a possibility. He expressed his frustration over eventually not being able to add onto his home. He said that "they" don't understand at the State House how this will impact everyone. No one else came forward to speak. The public hearing was closed, and there was a break.

The second-most attended ordinance amendment was heard: **Ord-14, Zoning, Setback Rule in Existing Neighborhoods.**

Steve Burns explained the gist of the amendment, which had been requested by Code Enforcement after a particular Board of Appeals case in which it was ruled that setbacks for new dwellings are different than setbacks for existing houses or their additions. This amendment makes things more fair for the house undergoing an addition. The chairman opened the **Public Hearing.**

Alice Schlidt of Pine Hill Road South spoke first. She and her husband are neighbors of the Rossis, whose house was the center of the Board of Appeals case. The present interpretation is unfair because it says "yes" to new construction, and "no" to additions and remodeling. She urged the board to place the ordinance amendment on the warrant.

Jim Gilbert of Pine Hill South is also a neighbor of the Rossis, with whom he sympathizes over the appeals board decision. He said that no one had ever bothered to change the ordinance in the past, because everybody knew what it said. It had a long-standing interpretation. He said he would vote in favor of the change.

Attorney **Pat Bedard** represented **Robert Burns** of Raccoon Ridge. He said that the ordinance change is not appropriate in that it allows one to average front setbacks, if the building is new, but not if it is an addition. The building the Rossis proposed was not consistent with the neighborhood, a rural zone, when it was to be 16 feet from the road and 27 feet high.

Neil Schmidt of 31 Pine Hill Road South said that Robert Burns's house is high on a ledge, and the addition to the Rossi's house will not make it look larger than Robert Burns's. It won't be as high as his house.

Steve Rossi of Raccoon Ridge said that he hopes to build a garage so his 83-year-old mother can put her car in it in winter. He can use the extra space above for storage. He wants to follow the same rules and provision that have been in place for the past 100 years.

Attorney **Brian Aromando** said that proposing change to the general ordinance is a matter considering health, safety, and general welfare. The Town Planner proposed a change to help Steve Rossi. The different articles state the "new" can work, but additions cannot work. The argument is how the zoning ordinance applies to the Town of York.

Bob Burns said he has had his house on Raccoon Ridge since 1980. He handed out a drawing submitted by the Rossis with their building permit. He referred to it as a massive structure that does not fit in with the rest of the neighborhood. He said his house would fit into that garage. They are putting a very big house on a lot that is .17 acre. It will have a 37% ratio. The Comp Plan says that Pine Hill Road and Raccoon Ridge are zoned rural, but the Rossi house does not fit in with rural.

Yolanda Rossi of Raccoon Ridge Road said that Robert Burns's three homes in the area are all closer to the road that her proposed garage would make her. She said the Robert Burns has a house as high as her garage would be.

The Chairman closed the **Public Hearing**.

Lee Corbin said that board should look at the impact of Note K, and that the board should not get involved in the dispute between neighbors. Barrie Munro said that if the average house has a setback of 20 feet, the Planning Board is not going to allow less than 20 feet. He does not wish to approve something that should not become common practice. Lee Corbin added that the planning board looks at subdivisions, but the CEO has the purview of looking at single homes. Barrie Munro and Tom Manzi agreed.

The hearing moved on to **Ord-9, Zoning, York Beach Zoning**. Steve Burns said that the York Beach Renaissance Committee has been working at creating a zone for the Beach every Thursday morning for the past two-thirds of a year. In the new scheme, BUS-3 is replaced with two new zones, comprised by the area around Short Sands Beach and the Beach Village. The transition zone is periphery to that. There is a residential Zone. He has started an impact analysis. Some people are opposed to the transition zone. The performance standards are being created with regard to parking, lighting, and different design elements. The amendment is incomplete, and the summer season is starting. The committee members have become busy and do not have much time for this.

John Welch of Main Street showed places on the new zoning map that he believed were changed incorrectly, including Ellis Park, which he said by making residential, would

penalize him. Too much area is being taken out of the residential zone. He said that the business district is bigger than the existing one. He said that across from him, someone can now open a store and sell beer and cigarettes and be open until 11 or 12. If he wanted to live downtown, he would have.

Glen MacWilliams read an email into the record from **Joseph Smith, Frances Smith, and Elizabeth Fowkes**, dated May 20, 2007. They were not in favor of their property becoming part of the Transition Zone or the Business District. He also read an email from **John Wetzonis and Kathy Wetzonis**, dated May 22, 2007, who were concerned about the possible shift in the “quality” of their currently residential neighborhood as a result of the re-zoning.

Ord-13, Zoning, Building on a Non-Conforming Lot Steve Burns said that former board member Richard Smith brought this up. It has to do with lots that are cannot be split back out once they have been consolidated. The language now says that a person can build on them, only if they have different owners. What is proposed allows one owner, but it does not say the lot is build-able.

The chairman opened and closed the **Public Hearing**. No one came forward to speak. He asked if anyone was there for Ordinance Amendments 1-7 or 10 or 11. There appeared to be no one there for those hearings. Lee Corbin had editing suggestions and language changes. The board went through them and discussed and made changes for greater clarity. Glen MacWilliams read into the record the titles of the remaining ordinance amendments that did not require public hearings.

New Business

In new business, Steve Burns handed out the Temporary Events Code for the upcoming Barbeque Festival. He said that ultimately, the Selectmen should deal with the events ordinance. Barrie Munro pointed out that the code has no consideration for the restoration of vegetation, which would be significant after such an event. He suggested having the Selectmen attend a public hearing in conjunction with this ordinance.

In other business, Steve Burns had brought the mylars for Jefferds Tavern, but he said they were incomplete because a couple of sheets were missing. He said he hoped to have the applicant fix the mylars and then have the board sign them out of session.

Motion Tom Manzi moved to sign the mylars for Jefferd’s Tavern after the corrections had been made. Lee Corbin seconded the motion, which passed, 3-0. Barrie Munro abstained from the vote.

The meeting adjourned at 10:00.