

**York Planning Board**  
**Thursday, April 28, 2016, 7:00 P.M.**  
**York Public Library**

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

Chairman Peter Smith called this workshop meeting to order at 7:00. A quorum was determined with five people voting: Chairman Pete Smith, Vice Chair Amy Phalon, Gordon Eldridge (representing York Beach), Lew Stowe, and alternate Kathleen Kluger, who was assigned as a voting member in place of absent Al Cotton. Alternate Wayne Boardman was present, but did not vote. Director of Planning Dylan Smith represented staff.

**Public Forum**

No one came forward to speak.

**Minutes**

The minutes of April 14, 2016, were reviewed and one minor correction was requested.

**Motion:** Lew Stowe moved to accept the April 14, 2016, minutes as corrected. Amy Phalon seconded. The motion passed 5-0.

**Field Changes**

York Police Lieutenant Robert Scammon described the simulcast communication antennae that will be mounted at the top of the Cliff House Spa. The antennae will boost radio communications for fire trucks, police cruisers, and first responders when they are in that area. The new system will also enhance the safety of guests and employees at the hotel. In addition, it will provide more reliable communications for nearby properties along the cliff area. The antennae will rise about two feet above the top of the roof. It will be barely visible and blend into the "blue sky."

Motion: Amy Phalon moved to accept the field change for the Cliff House simulcast radio system, Tax Map 0004 Lot 0029, 591 Shore Road. Kathleen Kluger seconded. The motion passed 5-0.

**Interruption to the Agenda**

**Town of York Police Station Findings of Fact**

**Motion:** Amy Phalon moved to authorize the chair to sign the Findings of Fact for the application from the Town of York Police Station, Tax Map 111, Lot 27, at 9 Hannaford Drive. Kathleen Kluger seconded. The motion passed 5-0.

Chairman Peter Smith signed the findings and the entire board signed the plan Mylars.

## **Public Hearing regarding ordinance amendment proposed for the November 2016 General Referendum**

### **Definition of Building Height**

Town Planner Dylan Smith explained that the purpose of this ordinance amendment is to establish the "base" location for any measurement taken when determining maximum building height. That location is defined as the original "predevelopment grade" of the ground with the land in its natural state. The amendment requires that a land surveyor must certify the predevelopment grade. In addition, the amendment requires that a licensed professional engineer must certify the height of a building prior to the issuance of an occupancy permit if the finished height is within five feet of the maximum height allowed. This amendment applies retroactively to all applications on or after April 13, 2016.

The Chairman opened and closed the public hearing for this ordinance amendment. No one came forward to speak.

Motion: Kathleen Kluger moved to forward the Definition of Building Height amendment to the Board of Selectmen for their review. Amy Phalon seconded. The motion passed 5-0.

## **Discussion and Review of potential Ordinance and Comprehensive Plan initiatives proposed for November 2016**

### **SMPDC Site Plan and Subdivision Regulations Separation Project**

Kathy Connor appeared representing the Southern Maine Planning and Development Commission (SMPDC). She noted that this would be her last visit with the Planning Board for this project as their work on the project is finished, due to an exhausted budget.

Dylan Smith foresees the results of this effort continuing until the November 2017 referendum, with plenty of work to be accomplished before then. A Planning Board work group will be formed to address the content of each document going forward.

Amy Phalon summarized that the goal of the project is to make each document less confusing and more accessible. Any content changes will not be substantive as the rules are not being changed. However, the documents are being reorganized, trimmed down, and made more manageable.

### **Draft Energy Comprehensive Plan Chapter**

Rozanna Patane, Chairman of the Energy Steering Committee, discussed the recently completed Energy Chapter proposed for addition to the Comp Plan. The initial focus of this chapter is on gaining the community's commitment to sustainable energy efficiency strategies. An informational workshop for Town decision makers is being planned.

Motion: Amy Phalon moved to schedule a public hearing to review the proposed Comp Plan Energy Chapter. Kathleen Kluger seconded. The motion passed 5-0.

### **State Shoreland Rule Changes and Ordinance Amendments**

In the shoreland overlay, and not town wide, natural occurring rock outcroppings such as ledges are not counted when measuring impervious surface. Kathleen Kluger noted that the state guidelines do not use the word “impervious” in their definitions and explanations. The Town of York uses the word, “impervious” while the state guidelines use “non-vegetated” in the same context.

The Shoreland sub-committee will continue to review the issue of having two docks on one lot. One issue is that, while there are restrictions for docks on the York River and the Cape Neddick River, there are none for Brave Boat Harbor.

Motion: Amy Phalon moved to schedule a public hearing for the proposed shoreland rule changes and ordinance amendments. Kathleen Kluger seconded. The motion passed 5-0.

### **Wetlands Protection Overlay District section 11.3.2**

Section 11.3.2 is about restrictions related to crossing wetlands with utilities, driveways, or roads. It was noted that there is a fill restriction of 4,300 cubic feet. Questions include: what is the best location for a driveway?; how can the impact be kept reasonable?; are there other ways to place a driveway in the wetland? These are state statute issues that the Code Office, not the Planning Board, must interpret. The board will discuss these issues occur at the next meeting.

### **Vertical Plane**

Dylan Smith described a scenario where someone with a building close to a boundary could cantilever or otherwise extend it out over neighboring property or a defined buffer. He proposes adding language stating that boundary lines are understood to stretch in a vertical plane from the earth to the sky. It would be appropriate to place such wording in Article 3 of the town ordinances.

Motion: Amy Phalon moved to grant Dylan the authority to add the "vertical plane" language in Article 3. This will enable scheduling a public hearing. Kathleen Kluger seconded. The motion passed, 5-0.

### **Other Business**

Motion: Amy Phalon moved to authorize the chair to sign the Findings of Fact and Conclusions of Law regarding recent plan revisions as approved for the Cliff House, Tax Map 0004, and Lot 0029, at 591 Shore Road. Kathleen Kluger seconded the motion, which passed 5-0.

### **Adjourn**

Motion: Kathleen Kluger moved to adjourn. Amy Phalon seconded. The motion passed 5-0. The time was 9:50.