

**York Planning Board**  
**Thursday, June 23, 2016, 7:00 P.M.**  
**York Public Library**

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

Vice Chairman Amy Phalon called the meeting to order at 7:00. A quorum was determined with five people voting: Vice Chair Amy Phalon, Board Secretary Gordon Eldridge, who represents York Beach on the board, Al Cotton, Lew Stowe, and alternate Kathleen Kluger, who was asked to be a voting member. Alternate Wayne Boardman was present but did not vote. Peter Smith was absent. Shoreland/Stormwater Manager Leslie Hinz was present for the Shoreland Overlay District hearing. Planning Director Dylan Smith represented staff.

**Public Forum**

No one came forward to speak.

**Minutes**

The minutes of June 9, 2016, were reviewed, and corrections were requested.

Motion: Al Cotton moved to approve the June 9, 2016 minutes as corrected. Kathleen Kluger seconded. The motion passed 5-0.

**Field Changes**

There were no field changes.

**Public Hearings—Proposed ordinance amendments**

**Article 8, Shoreland Overlay District**

This is the 2<sup>nd</sup> public hearing on Section 8.3.11.4 of the Shoreland Overlay District amendments. The amendments are the State's shoreland standards that Town of York is required to adopt. The Planning Board set up a committee to look at the changes, and they have created stricter requirements for the Cape Neddick River and Brave Boat Harbor than the State's.

About 90% of the language in the amendment is derived from the State's mandate. Wayne Boardman said that to help move the amendment through the ballot, the committee held off from making substantive changes to the State's language. Another level of changes to the ordinance will go to a new, second, subcommittee, on which Kathleen Kluger agreed to serve.

Vice Chair Amy Phalon opened the Public Hearing. No one came forward to speak.

Motion: Al Cotton moved to forward the Shoreland Overlay District Article 8 to the Board of Selectmen for their consideration. Kathleen Kluger seconded. The motion passed 5-0.

### **Definition of Wireless Communications Facility**

The Town Manager had asked for an updated definition of “Wireless Communications Facility” for the ordinance. In writing the revised ordinance, Dylan Smith looked at practical examples that other towns and cities in New England were using.

The new ordinance reorganizes and renames the components of wireless communication, which include the structures, towers, and antennas that supply wireless communication. The name for those things used to be “wireless communications facility,” which included everything but cell phones. Cell phones had a separate designation.

In the new definition, cell phones are categorized with all the other equipment, which is, as a whole, called “personal wireless facility.” The term “wireless communication facility” is archaic. The new definition that Town of York is adopting is found in U. S. Code Article 47 Section 332c.7.b, which Amy Phalon read aloud.

Vice Chairman Amy Phalon opened and closed the public hearing. No one came forward to speak.

Motion: Kathleen Kluger to move the definition of Wireless Communication Facility Amendment 4 to the Board of Selectmen. Gordon Eldridge seconded.

In discussion, the board members felt they were not familiar with the new ordinance, having just seen it for the first time. Dylan Smith agreed that, if the board hasn’t had a chance to review it adequately, he would request the Board of Selectmen to place the amendment “on hold” to give the board time to study it further.

Vote: 5-0.

## **Comprehensive Plan Amendment**

### **Energy Chapter**

Steve Burns had sent a memo asking the Planning Board to hold back from putting the Comp Plan Energy Chapter on the warrant until there was further public participation and/or surveys. He and the Selectmen were uncertain about policy development of the chapter. Several board members felt that, since Steve had not seen the newer, simplified version, he might change his mind. It might not be the best time to postpone the process for a year.

For the new version, Energy Committee Chair Rozanna Patane worked with Dylan Smith and Wayne Boardman to pare down the original 49 action strategies to ten. If you consider these ten action items, I don't think there would be a problem moving them forward, said Rozanna. Dylan said he doesn't feel the 10 items are too much to work with.

Vice Chair Amy Phalon opened the public hearing.

- Laurie Macdonald said that climate change is going to affect all of us. In the process of forwarding this chapter to the voters, the process should not be impeded or inhibited or influenced by anyone who has no legal role to play—no matter how well meaning they may be. That would be the Budget Committee, the Board of Selectman, and the Town Manager. The citizens of York should have the final say.

Laurie said Mother Earth is warming faster than predicted. We should not delay our actions, even for a short while. We have entrusted this matter to some of the best and brightest citizens of York. It is their conclusion that we need to get this to a public vote.

- Helen Rollins commented that many people in town are amazed that the Dockside Tiki Bar was approved. Also, the Cliff House should not have received a permit. According to growth cap zoning that was in force at the time, their permit should have expired three years after it was first issued, fifteen years ago. Also, she said that some years ago, a woman named Edith Baxter fought the Town to have a hotdog cart for her son at the Beach, and lost. How can there now be a food cart at the Dockside Tiki Bar?

Helen owns a 17<sup>th</sup> century house. She said there are 1800 historic buildings in York. Maybe down the road this chapter to the Comp Plan can have something about historic buildings. The smaller buildings use a lot of heat and put off a lot of heat, also.

- Susan Sulloway represented about 27 people tonight, she said. We share a strong commitment to move this chapter onto the ballot in November. To delay would be a mistake.
- Lee Cooper said delay makes no sense at all. The delay actually started in 2008, which would have been the best time to start this project.
- Bonnie Kelley said she did not see any reason not to send the chapter to the voters.

Amy Phalon closed the public hearing.

Rozanna said that the process must start with good statistical information, which we don't have. If we look at a greenhouse gas inventory for the town as a whole, we need to know what the energy profile is now. Volunteers are coming forward to help with data entry. As well, Lew Stowe said that he plans to come up with best practices for each of the ten actions that are being considered,

Kathleen Kluger commented, "Unless we have the document in place and agreed upon by the voters, what's the point"?

Lew Stowe added that, by delaying it to May 2017, next January, when we'll be talking about what we're going to do in May, we'll be right where we are right now.

Amy said that it will be up to the energy Steering Committee to get in front of the decision makers and the planners to get these items under way.

Al Cotton said he is skeptical, but will support the project. "The folks who are going to make this happen, the department heads and local civil engineers, are not in this room. Without them, it is not going to happen."

## **Review Future Planning Board Initiatives**

Dylan Smith reviewed a long list of Planning Board ordinance projects for 2017. The list includes food trucks. Storm surge and sea level rise vulnerability assessment is listed, as is Leslie Hinz and Kristy Rabasca's return for a stormwater ordinance.

## **Other Business**

Kathleen Kluger has been having difficulty opening Scott's email attachments. Others have been have difficulties receiving mail. Brett Horr has looked into this.

Motion: Lew Stowe moved for the Vice Chair sign the Findings of Fact for 12 Snap Hood Drive, Map & Lot 008-0059-A. All Cotton seconded. The motion passed 5-0.

Motion: Lew Stowe made a motion to approve the Findings of Fact for 20 Harris Island Road; Map & Lot 0063-0002, for signature by the Vice Chair. Al Cotton seconded. The motion passed 5-0.

Motion: Kathleen Kluger moved to have the Vice Chair sign the Findings of Fact regarding the application by RVDD Cliff House Acquisitions, LLC, Tax Map 0004 Lot 0029. Al Cotton seconded. The motion passed 5-0.

## **Adjourn**

Al Cotton moved to adjourn. Kathleen Kluger seconded. It was 9:50.