

Quarterly Joint Meeting
York Board of Selectmen & York Planning Board
Thursday, March 23, 2017, 6:00 P.M.
York Public Library

The regular Planning Board meeting was preceded by a quarterly joint meeting with the Select Board and the Town Manager from 6:30 to 7:30pm. Planning Board Chairwoman Amy Phalon called the meeting to order at 6:00. Planning Board members Amy Phalon, Peter Smith, Lew Stowe and Kathleen Kluger were present along with the entire Select Board: Michael Estes, Dawn Sevigny-Watson, Todd Frederick, Chairman Robert Palmer, and Jonathan Speers. Town Manager Steve Burns and York Director of Planning Dylan Smith were also present. Planning Board members Gordon Eldridge and Wayne Boardman arrived later in the meeting.

Discussion: Improving the process for moving Planning Board initiatives to the Board of Selectmen

The Select Board should have more information about Planning Board and Planning Board Subcommittee initiatives before ordinances are forwarded to the Select Board for approval. The boards discussed possible ways to have better communication as ordinance and Comp Plan work develops. A liaison from the Select Board might attend Planning Board Subcommittee meetings. A Planning Board member might come before the Select Board and present projects and answer questions. A Planning Board work group (two people) might come before the Select Board with presentations.

The Short Term Residential Rentals (STRR) ordinance work was used as an example of likely failed communications. STRR Chairwoman, Kathleen Kluger said 101 man hours were spend developing the draft ordinance. Selectman Robert Palmer said he was impressed with the initial presentation on November 17, 2016 (Senior Center location) but, there had been no communication between the two boards since then. Selectwoman Dawn Sevigny-Watson said, “It would have been a perfect situation for a workshop allowing back and forth dialogue and questions before taking the work to the next level.”

Selectman Todd Frederick suggested using quarterly meetings [like this one] as an opportunity to present progress. He also suggested sending one selectperson to key Planning Board public hearings.

Town Manager Steve Burns: “The two boards have to agree with a purpose right out of the gate. You have to agree on the direction you are going with the 'big ones' from the start.”

Ongoing Planning Board Initiatives

Short Term Residential Rentals (STRRs)

Amy Phalon: STRRs are not permitted by any existing ordinance, and they are not listed in any Use Table. By virtue of not being listed, they are prohibited. This ordinance is intended to create a use and basic guidelines for people who are renting out their homes as a business.

Selectman Mike Estes: Any house with more than three bedrooms has to show the ability to park on the site. Parking will not be available at the High School any more. The cost for permitting of \$250.00 is not reasonable.

Todd Frederick said that since this was presented at the first joint meeting in November, 2016, the ordinance has gone “from zero to one hundred mph,” but there was silence between the two boards. The Planning Board hearing had a packed house. The Select Board public hearing had a packed house. “People are talking to me on the street about that ordinance,” said Todd. “Rarely do people talk to me about town government. They talked about that ordinance.”

Steve Burns: “How about Dylan and I draft something up and get it to both boards? How’s that?”

Energy Chapter of the Comprehensive Plan

Steve Burns: The chapter went “off the rails” because the early draft had too many (50) energy actions. When those actions were cut back to 10, that was not enough. Committee member Wayne Boardman said that the number of actions was not "cut back" but rather that the actions were "consolidated" in a way that the overall intent was not lost.

The Energy Survey results show that the community supports the energy plan.

Next Phase of Shoreland Zoning Changes

Work on Shoreland Zoning changes will be suspended until Brett Horr, “the GIS person,” is finished remapping the wetlands. The 1971 National Wetland Inventory maps are being used as the most recent wetland maps. New federal LIDAR wetland maps combined with aerial photography, to include infrared depiction, will be part of the package.

Mike Estes was outspoken about Wetland/Shoreland zoning changes. 1) We should go from regulating ten acres of watershed, which we do as a town, to four acres, which is what the state does. 2) State regulation of the wading bird habitat was “a flop.” Therefore, why do we still have that? 3) Our dock regulations should be in compliance with state law.

New Planning Board Initiatives

Revisions to Zoning 11.3.2 and 8.3.8.2 to distinguish access ways around parking lots from driveways

Dylan Smith: In some situations, as with the new York County Credit Union, access ways around and through parking lots are being treated the same as the driveways that gain access to those parking lots from the road. Based on the current ordinance specifics, builders are allowed to fill wetlands and encroach on the shoreland/wetland. In addition, there is no definition for “driveway.” The idea is to add clarity the term “driveway” and the related rules for filling wetlands to provide a driveway.

York Village sign standards

Dylan: We updated the village zoning last year and the next step is to assure conformity in village signs. We’ll be looking to the Historic District for input. State Street toward the river in Portsmouth is an excellent example of pleasant urban signage.

Mike Estes said he would like the Planning Board to solve the Rte. 1 sign standards problem where buildings with multiple tenants only have one 25 square foot sign to list them all on.

Zoning 6.3.13.4—Rte. 1 building materials and rooflines

Amend zoning regarding cementitious siding and PVC trim, which have become predominate building materials and should no longer require waivers.

Bike/Ped Master Plan

The recently completed Bike/Ped Master Plan including comprehensive mapping will be brought forward as part of the Comp Plan by reference.

Growth area boundaries in areas at risk due to sea-level rise.

Amy Phalon: “Within the next 50 years, we are going to be experiencing serious flooding problems. It might not be a good idea to continue growing, developing, and having high density, transportation, and infrastructure if it’s not going to be viable. That’s what we want to start look at and researching.”

Dylan Smith: “This would be a Comp Plan change called a Flood Plain Risk Ordinance, or maybe Flood Management Risk Ordinance. The idea would be to look at where the flooding potential area is.”

This work is being suspended until the new LIDAR maps arrive.

Parks Overlay Ordinance

Steve Burns: This would be a way to designate parks. There are about half-dozen Town parks, including Ellis Park, Sohier Park, Goodrich Park, and Moulton Park. The idea is to put an overlay in the zoning ordinance or a develop a standalone ordinance that identifies these areas as parks.

Other Discussion

There was no more discussion. The quarterly joint meeting of the Select Board and the Planning Board adjourned at 7:29pm.

York Planning Board - Workshop Meeting

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

Planning Board Chairwoman Amy Phalon called the meeting to order at 7:50. A quorum was determined with five people voting, Chairwoman Amy Phalon, Vice Chairman Peter Smith, Board Secretary Gordon Eldridge, Lew Stowe, and Al Cotton. Alternates Wayne Boardman, and Kathleen Kluger were present, but did not vote. Patience Horton took minutes. York Director of Planning, Dylan Smith, represented staff.

Public Forum

No one came forward to speak.

Public Hearings – Applications

1375 Rte. 1; Map/Lot: ~~0097-0018~~

~~Application is for a revision of an existing Planning Board approved sit plan for a mixed use lot to add a garage to be associated with the residential unit on the lot.~~

This application was not heard.

Preference Votes on May 2017 Ordinance Amendments

Article 8—Shoreland Overlay District

Chairwoman Amy Phalon asked those who prefer Article 8, Shoreland Overlay District, to raise their hands. There was a 5-0 preference.

Article 9—Green Buildings

Chairwoman Amy Phalon asked those who prefer Article 9, Green Buildings, to their hands. There was a 5-0 preference.

Discussion/Review November 2017 Comprehensive Plan Initiatives

Bike Ped Master Plan

Board members spent five minutes reviewing and made minor textural changes to this developing master plan document.

Energy Comprehensive Plan Chapter

Rozanne Patane, Chair of the Energy Committee, said that there is community-wide support for energy actions, but also noted that no one in the school system has stepped forward to create and implement an energy program for the High School students. There are directional statements for department heads and committees to go ahead with, but no one has stepped forward to do the work.

Rozanna plans to pass the next draft of the chapter on to teachers and the superintendent.

Capital Investment Plan - Funding of Sewer Projects

Dylan used outdated maps for reviewing the proposed sewer service expansion areas. Those were the only maps available, and the information was sketchy and incomplete. The outdated budget of \$1.2 million is likely to be increased. The current priority is to finish major sections of the Route 1-3 corridor up to the newly-acquired DOT barn, Old Post Road, and York Cliffs.

Discussion/Review November 2017 Ordinance Initiatives

Work on the Short Term Residential Rentals ordinance will restart soon, targeting the main concerns of the Select Board. The Planning Board is hoping to have work completed for the November 2017 referendum, but realizes that the May referendum is more likely. Kathleen Kluger said the areas of concentration are: 1) Short term rentals; 2) Town-wide community issues; 3) Parking on Garrison Avenue; and 4) Construction of homes built on inappropriate lot sizes.

STRR committees and work groups are thus composed:

- Short Term Residential Rental Committee:
Kathleen Kluger, Gordon Eldridge, Al Cotton, Lew Stowe,
- Work Group for nonconforming structures on nonconforming lots:
Lew Stowe and Gordon Eldridge
- Work Group for parking requirements related to nonconforming structures:
Lew Stowe and Gordon Eldridge

York resident Troy Williams is part of the STRR committee.

2017 Fall Ordinances Initiatives

1. Short Term Residential Rentals
2. Parks Overlay Zone
3. Sign standards for the Village and Rte. 1-3.
4. Wetland fill in parking areas versus access ways (driveways)
5. Acceptable Route 1 building materials
6. Shoreland (hold off until new data and LIDAR map are available)

Minutes

- Motion: Gordon Eldridge moved to approve the minutes of February 23, 2017. Pete Smith seconded. The motion passed 5-0.
- Motion: Lew Stowe moved to approve the minutes of February 27, 2017. Pete Smith seconded. The motion passed 5-0.
- Motion: Al Cotton moved to accept the minutes of March 9, 2017 as corrected. Pete Smith seconded. The motion passed 5-0.

In Other Business

Findings of Fact

- Motion: Gordon Eldridge moved to accept the Findings of Fact for York Housing; Tax Map Lot 0044-0050, 117 Long Sands Road, York, Maine. Al Cotton seconded. The motion passed 5-0.
- Motion: Al Cotton moved to accept the Findings of Fact for 369 Route 1. Pete Smith seconded. The motion passed 5-0.

Adjourn

Gordon Eldridge moved to adjourn.
9:40 p.m.