

York Planning Board
Thursday, July 27, 2017, 7:00 P.M.
York Public Library

Call to Order, Determination of Presence of Quorum; Appointment of

Alternates Chairperson Amy Phalon called the meeting to order at 7:00. A quorum was determined with five people voting, Chairperson Amy Phalon, Board Secretary Gordon Eldridge, Al Cotton, Lew Stowe, and alternate Wayne Boardman, who was appointed as a voting member in place of Pete Smith, who was absent. Alternate Kathleen Kluger was present, but did not vote. Patience Horton was the recording secretary. York Planning Director Dylan Smith represented staff. This workshop meeting lasted three hours.

Public Forum

- York resident David Chase addressed Green Enterprise District, questioning if it should remain open space or be developed. The road has to make the green zone accessible. “It must be a specific proposal for a specific right of way through undeveloped land that had been acquired by the Town for this purpose, including the design,” he said.
- York resident Ted Little said it has been 85 years since a connector road to York Beach was first envisioned. “There is nothing in the green enterprise district that is at issue with the road. Let’s do the people’s will. It is long overdue.”
- Lew Stowe then summarized Amy Phalon’s recent presentation to the Board of Selectmen in which she spoke of the Planning Board’s due diligence. Lew said she implied that in the past, the Select Board has put a roadblock on some of the Planning Board’s work, keeping the Planning Board from doing their job in a timely manner.

Field Changes

There were no field changes.

Public Hearings – Applications

117 Long Sands Road, York Housing Authority

Map/Lot: 0044-0050

Application is a modification to the onsite stormwater management plan per Maine Department of Environmental Protection (MDEP) requirements’ of approval.

Applicant Patricia Martine, director of York Housing Authority was present. Engineer Jeff Clifford of Altus Engineering, Portsmouth, was the spokesman.

Motion: Lew Stowe moved to reopen the application for York Housing Authority Map/Lot: 0044-0050. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Wayne Boardman moved to open the public hearing on York Housing Authority Map/Lot: 0044-0050. Gordon Eldridge seconded. The motion passed 5-0. No one came forward to speak, and the Chair closed the public hearing.

Dylan Smith: On March 9, 2017, the Planning Board approved this application for “expansion of the existing community center, addition of 16 housing units, and improvements to existing parking areas,” as described on the agenda. Since then, the Housing Authority obtained State and Federal permits, with conditions precedent (draft approval). The DEP required modifications to the stormwater management design. The concern was that the drainage system discharging through the level spreader would overload the level spreader. “We were encouraged to approach it with an added level spreader system,” Jeff Clifford said.

The issue is that the necessary 44 feet of contour for the new level spreader cannot fit on the terrain without running into the 100 foot shoreland setback. Every measure has been considered to make a design work, he said. The greatest space-saving design has a pipe outlet with water flowing into a plunge pool. The pool is lined with riprap. Are the pipe and pool structures? he asked the board. The answer was yes, and as such, the design cannot be used. The Town’s shoreland officers had already concurred that the pipe and pool are manmade structures which cannot fall into the 100 foot setback.

Jeff Clifford elaborated: While the York ordinance requires a 100 foot setback for structural setbacks in this situation, Maine DEP regulations require just 75 feet. We could have installed the pipe and pool with a 75 foot setback. In other towns in Maine, the plunge pool is considered landscaping, rather than as a structure in York. In other towns, we could have fit the pond anywhere based on the merit of it being landscaping.

Motion: Wayne Boardman moved to continue the discussion of the York Housing Authority site plan change, Map/Lot: 0044-0050 to August 10, 2017. Gordon Eldridge seconded. The motion passed 5-0.

Discussion and Review of 2018 Ordinance and Comprehensive Plan initiatives

- **Non-conforming situations (Lew Stowe and Gordon Eldridge’s workgroup).** In response to Dylan’s Smith’s request of Gordon to “paint a picture” showing how small the lots are in RES-7, Gordon had compiled four pages of figures showing overall lot sizes. A conforming lot in RES-7 should be 10,000 square feet, and virtually none come close to being that big. Gordon explained how, when he built his house on 1/20 of an acre in RES-7, the Code Office required him to change the setbacks. Originally the side setbacks were 2 feet and 3 feet. He had to pull those back to 6 feet on each side. The

front setback went from 10 to 20 feet. All this did not make the nonconforming lot conforming. Instead, it made the nonconforming lot less nonconforming.

Amy Phalon said that by definition, nonconforming lots and nonconforming structures are two different things. Lew Stowe said if you are nonconforming in one way, aren't you nonconforming in all ways? Dylan Smith said that the real issue has to do with nonconforming lots *with* nonconforming structures. It has to do with the bulk size of the structures that are getting built on small lots.

- **Green Enterprise Overlay District**

Dylan Smith called the language of this ordinance "prescriptive," in that there is little flexibility built into the potential uses in the four areas that make up the overlay. Now we are looking for appropriate uses, said Amy Phalon.

Dylan Smith: It would be easier if we expanded to the beach district. The work can be done in pieces. A subcommittee should be formed after the board is familiar with how Beach Parkway is going to be routed. The subcommittee should include someone from the Conservation Commission.

- **Cluster Ordinance**

Amy Phalon has renamed this the "Resource Protection Sustainable Subdivision." There was no discussion.

- **Parks Overlay Ordinance**

Dylan Smith has made a list of the town parks. The board members are optimistic this ordinance will be easy to write.

- **Continued Shoreland Ordinance Discussions**

The board needs to finish the Shoreland Zoning Ordinance revisions, hopefully with the help of a subcommittee. Linda Scotland of the Cape Neddick Watershed Organization, Leslie Hinz, the Shoreland Resource Officer, and Mike Morse, who has given input in the past, will hopefully return. The subcommittee will reconvene in September.

- **Route 1-3 Zone Expansion**

Not discussed.

- **Incorporation of Multi-generation Community Center into the Comp Plan**

Not discussed.

- **Comprehensive Plan Chapter Updates**

Town Manager Steve Burns had instructed the Planning Board to update one Comp Plan chapter at a time. Dylan Smith: There will be money to help this project. The Inventory and Analysis chapter will be done by staff. Amy Phalon recommended that the board members read the Comp Plan in full.

- **Committee/Workgroup Assignments**

Amy Phalon will form a workgroup with Kathleen Kluger to come up with a strategic plan for approaching committee and workshop assignments.

Minutes

There were no minutes to review.

Other Business

- The spiral bound hard copies for the Beach Parkway application are available at Town Hall.
- The Beach Parkway site walk will be held Thursday, August 3, at 3:00.

Findings of Fact

Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact for the Planning Board action of July 21, 2017, an application for L & L Enterprises, 1376 US Rte. 1, and Map/Lot: 0097-0018. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact of the Planning Board public hearing of July 13, 2017, for Best Western York In, 2 Brickyard Lane, and Map/Lot: 0097-0022-D. Gordon Eldridge seconded. The motion passed 5-0.

Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact for the Planning Board public hearing of July 21, 2017, for the York County Federal Credit Union, York, Tax Map & Lot 0053-0002. Gordon Eldridge seconded. The motion passed 5-0.

Adjourn

The meeting was adjourned the meeting at 9:42.