

York Planning Board
Thursday, November 17, 2016; 6:00 P.M.
York Senior Center

Call to Order, Determination of Quorum; Appointment of Alternates

Chairperson Amy Phalon called the meeting to order at 6:00 pm. A quorum was determined with five people voting: Amy Phalon, Vice Chairperson Pete Smith, Board Secretary Gordon Eldridge, Lew Stowe, and Al Cotton. Alternates Wayne Boardman and Kathleen Kluger were present, but did not vote. Town Stormwater/Shoreland Manager Leslie Hinz was present, as was York resident Linda Scotland, a member of the Shoreland Overlay Subcommittee. Planning Director Dylan Smith represented staff.

All five Selectmen attended the Work Session with the Board of Selectmen that took place from 6:00 to 7:45 p.m. The Selectmen were Dawn Sevigny Watson, Jon Speers, Robert Palmer (Chairperson), Todd Frederick, and Mike Estes. Town Manager Steve Burns was also present.

Discussion/Review Ordinance Initiatives for May 2017

Kathleen Kluger reported to the Selectmen on the Transient Residential Rentals. She is the Chair of the TRR Subcommittee. Kathleen, Gordon Eldridge, and Al Cotton are committee members, and Dylan Smith is the staff advisor. The group is developing the TRR ordinance, its permitting process, and the standards for rentals offered by property owners who invite paying guests to stay in their personal dwellings.

Steve Burns knows of an online business that can curtail many of the efforts involved in developing the TRR ordinance. It makes note of TRR property owners in York who advertise their TRRs on the web. It gathers guest information as guests check in. It can even provide a 24/7 call-in center that will respond to tenant violations. The Town staff and subcommittee members do not have time to do this work, Steve said. The average licensing fee would be about \$250.00 per TRR property, if these check-in and call center services are part of the regulation of TRR operations.

Article 9-Green Buildings and the requirement for LEED certification

Wayne Boardman reported on Green Buildings and LEED certification. There are several alternatives to LEED standards, he said. He is impressed with the Maine Advance Building Program, which provides guidelines aimed at producing buildings that have about 35% more energy efficiency than those under the Maine Uniform Building and Energy Code Requirement, the minimum State requirement. With Maine Advance, the Town would get a rebate of \$1.75 per square foot, up to \$175,000.00. The Fire Station in Saco, Police Station in Gorham, York Hospital Office Building in

Kittery, the Wells High School renovation, and the Western Maine Medical Office Building in Norway were all built under the Maine Advance guidelines, said Wayne.

In discussion, Carl Chretien, a professional green builder, consultant, and a part time, contract employee for the Code Office introduced himself. He is willing to work with Wayne and Dylan in developing a Green Buildings policy.

Shoreland

Kathleen Kluger returned to the easel to describe the work of the Shoreland Zoning Subcommittee on Article 8, the Shoreland Overlay District ordinance. The group is headed up by Lew Stowe and includes Kathleen, Wayne Boardman, and town resident Linda Scotland. Leslie Hinz and Dylan Smith are the staff advisors.

The Selectmen have come to hear the subcommittee explain how five of the proposed, local ordinances go “above and beyond the new State mandate.”

The State DEP requirements are summarized below.

The language of the new DEP State-mandated ordinance is available through Town Planner Dylan Smith’s office. Here are the five points Kathleen explained to the group.

- 1) The entire timber harvesting application will “go to the State.” CEO Amber Harrison recommends a one-step, simpler process of review and approval by the Maine Bureau of Forestry, instead of having both State and local permitting processes.
- 2) Cape Neddick and Brave Boat Harbor will share the same protections that the York River has.
- 3) The Subcommittee recommends ending the current ordinance that allows double and oversized lots to have two docks. Instead, one lot can have only one dock.
- 4) Expansion of Structures that do not comply with Setback Requirements. The new State DEP requirements and changes to the York Ordinance of expansions within the two hundred fifty feet protection area makes new applications and approvals dependent on specific landowner circumstances. In most cases, within 100 feet, you may expand by 30% or the maximum square footage as stated in the Shoreland Guidelines. The committee recommends no expansion at all within twenty-five feet of the normal high water line of a water body, tributary, or upland edge of a wetland.
- 5) Property owners must maintain a vegetated buffer strip 100 feet from water bodies. To maintain water view, they may cut such vegetated strip down no greater than 3.5 feet.

Chair Amy Phalon opened discussion for the Board of Selectmen. Robert Palmer thought having a spread sheet showing the parameters of the old shoreland ordinance vs. the new would help educate people of the changes.

Steve Burns said that the Shoreland map will best show what is more restrictive than the State requirements. In general, where the State talks in terms of open water-body wetlands, we include wooded wetlands. The State has a 10-acre minimum, whereas we go down to 4-acre minimum. Local ordinance is more restrictive in terms of tributary protection, tributary stream protection, wooded streams, smaller wetland, and wooded wetland protection.

In discussion, Mike Estes said the Selectmen would like to sell off some of the land that was designated for the York Beach Police Station that was never built. He asked if the “Green Enterprise Zone” is ready to go to the voters. [This matter was placed on the list of priorities later in the meeting.]

Robert Palmer asked if the seven zones between Stonewall Kitchen and Cape Neddick, could be fewer. Dylan Smith answered that there is a tiered approach to the zoning along there. It strategically prevents strip development. Changing the tiered layout can encourage strip development, he said.

The joint meeting between the Planning Board and the Board of Selectmen ended. The time was 7:45. After a break, the Planning Board proceeded with its November 17, 2016 workshop meeting.

Public Forum

No one came forward to speak.

Minutes

The November 10, 2016 minutes were reviewed and changes were requested.

Motion: Pete Smith moved to accept the minutes of November 10, 2016, with clarifications. Lew Stowe seconded. The motion passed 5-0.

Field Changes

Irving Oil, 454 Route 1 Map & Lot 0048-0023

Daniel Fahey told the Planning Board that Irving Oil is upgrading its building to meet a more attractive brand standard. This will include of a strip of red LED lights trimming the canopy, which will not be bright. The accompanying “icon sign” has been approved per 6.3.6, by the Code Office.

Motion: Pete Smith moved to approve the field change for the application for the Irving canopy sign located at 454 Route 1, Map & Lot 0048-0023. Al Cotton seconded. In

discussion, Wayne Boardman commented it is good to see the full cutoff lights under the canopy. The motion passed 5-0.

Discussion / Review Ordinance Initiatives for May 2017

- **Follow-up on Work Sessions with Board of Selectmen**

The board decided to stay with State mandated guidelines on “the 25-foot expansion.”

Motion: Peter Smith moved to direct the Chair of the Planning Board to communicate to the Board of Selectmen that the Shoreland Subcommittee has completed their work, and the Planning Board will move the proposed ordinances forward with one change, the option to bring the 25-foot Shoreland expansion to State minimum guidelines for May, 2017. Al Cotton seconded. The motion passed 5-0.

Update on Current and Future Comprehensive Plan initiatives Discuss Board Training

Kathleen Kluger thought bringing in an IT specialist to explain equipment and members’ access to emails would be very good. Board members need to be consistent about where we send emails, she said.

Other Business

- Writing a State-certified Comp Plan is a two year process, said Dylan. Consultants will be hired to help do it. A State certified Comp Plan qualifies the Town to make certain applications and receive certain money we’re not qualified for now.
- The Energy Survey had been sent to a sample of approximately 1/3, or 1,200, of the voters. Of that amount, more than 300 had been returned. Only 6-10% was expected. They have not been reviewed.
- The money from Kittery Area Comprehensive Transportation for York Village revitalization has been set aside. Dean Lessard is in charge of that project.
- The York Village Revitalization Steering Committee has about 10 members, but they are not yet sworn in. Peter Smith is on the committee.
- “MS4 is drawing closer.”
- The December Workshop meeting will be held Tuesday, December 20, 2016, instead of Thursday December 22.
- Dylan and Wayne plan to meet with Carl Chretien and discuss green buildings.

Adjourn

Pete Smith moved to adjourn. The time was 9:15.