

York Planning Board
Thursday, December 20, 2016, 7:00 P.M.
York Public Library

Call to Order, Determination of Quorum; Appointment of Alternates

Chairperson Amy Phalon called the meeting to order at 7:00 p.m. A quorum was determined with five people voting: Amy Phalon, Vice Chairperson Pete Smith, Board Secretary Gordon Eldridge, Al Cotton, and alternate Kathleen Kluger, who was appointed as a voting member. Lew Stowe was absent. Alternate Wayne Boardman was present, but did not vote. Planning Director Dylan Smith represented staff.

Public Forum

Ed McKenna asked if the meeting would follow the order of the agenda.

Minutes

There were no minutes to review.

Public Hearings

- **Transient Residential Rentals (TRR)**

TRR Subcommittee Chairperson Kathleen Kluger said the purpose of the subcommittee is to develop a TRR ordinance or TRR standards. There is no intention of limiting the tradition of renting rooms or homes in York.

Motion: Al Cotton moved to open the public hearing. Pete Smith seconded. The motion passed 5-0.

- Leann Leverone of 21 Garrison, said there are two 55-foot tall TRR guest houses on her street. Some neighbors were so distressed by the noisy activities there, they moved away. Other neighbors closed the public access to the beach through their property, because of the irresponsible behavior of the renters.
- Maureen Regan, Owner of Sea Side Vacation Rentals and President of the National Vacation Rental Management Association, asked how many people the Town plans to hire to inspect TRRs. Homes are already required to have safety equipment, like smoke detectors and carbon monoxide detectors. More safety regulations are not needed.
- Mark Johnson of 93 North Bald Head Cliff Road, said there is a good rental environment in York. There are noise regulations, septic system inspections, and parking and traffic regulations. How is a TRR regulation going to improve the situation without bringing unintended consequences? A \$200 licensing fee is too expensive for some TRR hosts.
- Anita French owns Periwinkle Properties. She personally checks renters in and makes sure they are complying with parking, occupancy, and trash pickup.

- Greg Goselin, a realtor in York, thinks TRR regulation should be made by the State. Having all regulations originate from the state level would allow the same regulations to apply in all Maine communities.
- Ed McKenna said the Cape Elizabeth TRR ordinance is very strict. Violations can result in fines. In York, we could create regulations that are too light. They would be “enforced with a shoulder shrug.” The same ordinance that applies to Bed & Breakfasts should apply to TRRs.
- Joe Benson said that rather than penalizing the rest of us who do a good job, fines should be imposed on landlords who don’t do a good job.
- Richard Leverone of Garrison Avenue wanted to know why the Town is allowing buildings that have no height restrictions and can house 20 people to be built on nonconforming lots.
- Shandell Morse worried that the house being built next door might be a rental that holds 20 people.
- Craig Schriefer said there are rules already for noise and haphazard parking in the street. Neighbors can call the police and shut them down.
- Kathleen Rose has property at 12 Pine Street. She doesn’t want to pass added costs over to her guests because she has been given added fees.
- Mike Ouelled has 2 rentals. What will be defined as bedrooms? Will he be penalized if his records are inspected and are not accurate to the oomph degree? How will this affect his overall tax burden? What are the fees going to be? What will the licensing process be like? What will the fines be and how will they be applied?
- Audrey Steward said that a 6,000 square foot house is going in next to her home. There are no regulations on the books in York preventing 50 people from going into the house.
- David Bridges, the Fire Chief and Fire Inspector of the York Beach Fire Department, told the board that at one time, a fire broke out in a transient rental house. The 20 people staying there went into another TRR house that already had 20 people. There were 40 renters together. He could not “control” them. The Town had no way to “control” them. The State had nothing to “control” them. There are rental properties he has had trouble with since 1991, and he hasn’t gotten help from the Fire Marshall or Code Enforcement. He said that what everybody thinks is controlled by ordinance or code is actually very difficult to enforce with rental properties, because of the way the ordinance is written.

Motion: Kathleen Kluger moved to schedule a second public hearing on the proposed Transient Residential Rental Ordinance for January 26, 2017. Gordon Eldridge seconded. The motion passed 5-0.

Discussion/Review Energy Comprehensive Plan Chapter Survey Results

The statistics from the Energy Chapter survey has come in. Scott Hastings has displayed the information in pie charts, which the board reviewed at this meeting. They agreed

that the numbers of responses in each category should be displayed below each pie chart. Amy Phalon said that the colors should be changed.

Rozanna Patane, Chairperson of the Energy Subcommittee, said there is a general assumption that moving York closer to clean energy is going to cost more money and raise taxes. The opposite is true. The street lamp project has been on hold for two years and would have saved the town \$100,000, if it had been enacted at the start.

Discussion / Review Ordinance Initiatives for May 2017

Green Building LEED Silver Certification Requirement for Municipal Building

Subcommittee Chairperson Wayne Boardman said that he and Carl Chretien, a subcommittee member and a “green builder” himself, reviewed the draft ordinance. Carl Chretien said that instead of sticking strictly to LEED certification, it is a very good idea to research several different efficiency systems that could save 30% over State code. That would make it possible to select the system that makes the most sense at the time. Carl had also suggested using the expression “Sustainable Buildings” instead of “Green Buildings,” the full term being “Sustainable Energy Efficient Buildings.”

Dylan Smith said the Board of Selectmen will most likely recommend developing the Sustainable Energy Efficient Buildings initiative as a policy, rather than as an ordinance. Wayne Boardman said he respectfully disagrees; without an ordinance requirement, it will be too easy to slip below the targeted 30% reduction.

Motion: Peter Smith moved that we hold a public hearing during the January 26, 2017 meeting of this Board to amend Article 9 with a new title of Sustainable Energy Efficient Buildings. Al Cotton seconded. There was no discussion. The motion passed 5-0.

Discussion / Review Ordinance Initiatives for May 2017

Shoreland Ordinance

Chairperson Amy Phalon has drafted a letter to the Board of Selectmen stating that the Planning Board supports the Shoreland Chapter of the Comp Plan. The letter clearly states that the Planning Board made specific changes to Article 8, as the Selectmen had requested, that all nonconforming structures in the Shoreland Overlay District will correspond to State guidelines.

Motion: Peter Smith moved that we schedule the Shoreland Ordinance Amendment for the public hearing on January 26, 2017. Al Cotton seconded. The motion passed 5-0.

Discussion of Board Training

TBA

Adjourn

Motion: Pete Smith moved to adjourn.

The time was 9:45.