

York Planning Board
Thursday, October 13, 2016, 7:00 P.M.
York Public Library

Call to Order, Determination of Quorum; Appointment of Alternates

Chairman Amy Phalon called the meeting to order at 7:00 pm. A quorum was determined with five people voting: Chairman Amy Phalon, Vice Chair Peter Smith, Board Secretary Gordon Eldridge (who specifically represents York Beach), Lew Stowe, and Al Cotton. Alternates Wayne Boardman and Kathleen Kluger were present, but did not vote. Town Planner Dylan Smith represented staff.

Public Forum

No one came forward to speak.

Minutes

The September 22, 2016 minutes were reviewed. Changes were requested.

Motion: Pete Smith moved to accept the minutes of September 22, 2016 with the recommended changes. Al Cotton seconded. The motion passed 5-0.

Field Changes

There were no field changes.

Public Hearings—Applications

York Sewer District, 21 Bay Haven Road; Map & Lot 0020-0052.

The proposal is for a revision to a previously approved site plan and includes upgrading the disinfection system by constructing a 20 x 32 foot building, adding new chemical storage tanks, miscellaneous instrumentation equipment, piping, and wiring conduit to the site.

Dylan Smith introduced the application, a revision to a plan approved in 1993 and governed by 6.5.6. The impervious surface area has been reduced by 440 square feet. The project has low impact on the surrounding areas. It is located above the flood plain and is not currently threatened by sea level rise.

Tim Haskell, Superintendent of the York Sewer District, represented the application. This is a single story, brick-veneered building that will house two 2,500-gallon chlorine tanks. The chlorine tanks will then sit next to the chlorinator, he said. With the old design, the chlorine tanks were higher on a hill, and the chlorine had to travel a distance

to the chlorinator. This new location is closer, which also improves the reaction time for treatment.

Motion: Peter Smith moved to accept the application for review. Al Cotton seconded. The motion passed 5-0.

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

- Jack Hayes lives at 45 Bay Haven Road, next to the sewer department. He asked if the fencing will be changed. Tim Haskell said it will not be changed.

The chairman closed the public hearing.

Tim Haskell said that chlorine is the only odor that might be released during chlorination, and the Sewer District works to prevent that. There are mandatory state codes that have to be followed, and there are industrial codes for air exchange in this building—but, this is not a process building. It is strictly housing two 2,500 gallon plastic tanks full of chlorine.

Motion: Al Cotton noted that the Assistant Planner has said all the requirements have been met and recommends that the board approve this application. He then moved to approve this plan of the York Sewer District at 13 Bay Haven Road, Map & Lot 0020-0052. Pete Smith seconded the motion. There was no discussion. The motion passed 5-0.

Discussion/Review Ordinance Initiatives for May 2017

Short Term Rentals [STRs]

Kathleen Kluger, chairman of the Short Term Rentals Subcommittee, said the group, including herself, consists of Town Planner Dylan Smith, Al Cotton, and Gordon Eldridge. Kathleen hopes to see members of the community and Board of Selectmen join the committee. Gordon Eldridge has researched and summarized ordinances for references to STRs. Al Cotton wrote minutes for the group's first two meetings. The group has identified goals and defined "Short Term Rentals." Dylan Smith said STRs are to be permitted town wide. He read the draft definition, which follows.

A 'dwelling unit' (including an accessory dwelling unit) where a person rents part of or all of the units for transient occupancy of 30 consecutive days or less during a calendar year. Generally, a short term rental is zoned a residential use. The definition does not include hotel/motel, Bed & Breakfast, lodging homes/tourist homes, or Inn."

Pete Smith noted that the Portland City Council is conducting a public hearing on Short Term Rentals at the same time that this planning board meeting is going on. It is a timely coincidence on a new variation of an old problem.

Shoreland Overlay District Educational Outreach

Dylan Smith said that the upcoming joint meeting with the Board of Selectmen on November 17, at 6:00 p.m. at the York Senior Center, will be followed by a regular Planning Board workshop. The main reason for the joint meeting is so the Planning Board can explain the new Shoreland Ordinance to the Selectmen. The PB is also taking the opportunity to discuss the development of the ordinance for Short Term Rentals, as well as other ordinance possibilities for May, 2017.

We did go above and beyond the State Statute in a few sections of the new Shoreland ordinance, said Dylan. Lew Stowe said the Code Office implements State rules right now, anyway, where our ordinance is silent. Dylan stressed that the Planning Board should not try to convince anyone that what is in place right now is wrong.

The Shoreland Committee consists of Planning Board members Kathleen Kluger, Lew Stowe and Wayne Boardman, Town Planner Dylan Smith, Shoreland/Wetland Officer Leslie Hinz, and York resident Linda Scotland. The next Shoreland Subcommittee meeting is planned for Tuesday, October 25, 2016, at 10:30 at Town Hall.

Article Nine—Green Buildings and the requirement for LEED certification.

Dylan Smith explained that municipal buildings that are over 5,000 square feet could be built under LEED (Leadership in Energy and Environmental Design) Silver Certification, but don't have to. In 2011, the Maine Building and Energy Code requirements became more stringent. It is best to look at more options than just LEED.

Planning Board and Energy Committee member Wayne Boardman said there are many initiatives other than LEED. He described the Maine Advance Building Initiative which requires building designs to have energy efficiency that is 30% higher than Code requires, in return for financial incentives of up to \$1.50 per square foot with a \$175,000 ceiling.

Dylan said, "It should be a policy—not a zoning issue." To this Wayne replied, "If it is a policy, there are not teeth to it. Nobody votes on policies." Amy called it a step backward. Pete said, "If it is policy, it is not going to work. It needs to be stated in an ordinance that the Planning Board can turn to." Dylan agreed. It should be a modification to the ordinance.

Wayne plans to work with Dylan on the next draft.

Current and Future Comprehensive Plan Initiatives

Among others, the Bike Trails System and Stormwater Utility are included.

Other Business

- The Energy Chapter survey is ready to go out to a random sample of voters. One-third of the 3,700 people who voted last May will receive the one-page survey in the mail to fill out and send back. We are hoping to get 500 back, said Dylan.
- The Harbor Board reviews general architectural and landscaping applications for commercial uses in York Harbor. Of five members, one must be from the Planning Board. Currently there are two members and an application waiting to be reviewed.

Motion: Peter Smith nominated Amy Phalon to be a member of the Harbor Board. Gordon Eldridge seconded. The motion passed 5-0.

Adjourn

Motion: Al Cotton moved that we adjourn. Pete Smith seconded. The motion passed 5-0. It was 9:15.