

York Planning Board
Thursday, December 17, 2015, 4:30 P.M.
York Public Library

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

Chairman Peter Smith called the meeting to order at 4:30. A quorum was determined with five people voting, Chairman Pete Smith, Board Secretary Gordon Eldridge (representing York Beach), Lew Stowe, alternate Wayne Boardman and alternate Kathleen Kluger. Mr. Boardman and Ms. Kluger were asked to vote in place of absent Lew Stowe and Amy Phalon, who arrived late. Shoreland Enforcement Officer/Stormwater Manager Leslie Hinz and Director of Planning Dylan Smith represented staff. Patience Horton took Minutes.

Public Hearing

No one came forward to speak.

Minutes

There were no minutes to review.

Field Changes

There were no field changes.

Planning Board Workshop on 2016 Zoning Ordinance Amendments and Policy Goals

- **Discussion/Review of Potential Shoreland Ordinance Amendments**
- **Discussion/Review Village Zoning District Amendments and Process**
- **Discussion/Review of York Village Affordable Elderly Housing Overlay District Expansion**
- **Discussion/Review Future Ordinance amendments**

Discussion/Review of Potential Shoreland Ordinance Amendments

Shoreland Enforcement Officer/Stormwater Manager Leslie Hinz said the State approved new ordinance and guidelines in January, 2015, which are being incorporated in York's ordinances. She went over the most pertinent changes, which include new definitions.

- "Certified Excavation Contractor" has to be State certified for any shoreland disturbance.
- "Footprint" is being added to current definitions. The State has put it in their guidelines.

- “Hazardous trees,” such as those caused by microbursts, is a good addition, she said.
- Any natural-occurring ledge or rock outcropping is not considered impervious in regard to lot coverage.
- “Temporary docks” are in those that are in place for a maximum period of six months.
- The State changed the definition of “stream” and “tributary stream.” Peter Smith said that the definition for a stream has the same wording as the definition for a tributary stream.
- Language was added clarifying the clearing and removal of vegetation during timber harvesting.
- “Footpaths” accessing the Shoreland is now a single definition.
- Shoreline stabilization for piers and docks has been added.
- The State requires the Forestry Department to conduct the removal of diseased trees. We are challenging that requirement with more restrictive practices. When a tree is damaged, an arborist from a tree company will determine if the tree is diseased, and then take it down.
- Under non-conforming structures, the State requires that any kind of expansion of a non-conforming structure shall be recorded with the York Town Registry of Deeds within 90 days.
- There is a new definition of “contractor certification requirements.” Contractors must meet State requirements before they do any type of service.
- Volume is measured in terms of 30% of the floor area. Our definition is more restrictive than the State’s. The Board engaged in considerable discussion.

Discussion/Review Village Zoning District Amendments and Process

A public hearing about the proposed York Village Center-1 (Core) and York Village Center-2 (Periphery) was held a week ago, December 10, 2015. At that time, Kinley Gregg was concerned about the impact of new zoning on historic properties. Rezoning her property, and that of her neighbor, Mr. Cutts, would allow for greater uses and density, which would not be appropriate. She had asked that the new zoning district not include their properties. This evening, Dylan Smith said that by leaving the underlying zone RES-1B, it would not take away what is in the intent of the York Village Zone, if Kinley’s property is not part of the new village zoning.

Cindy Perkin and Bonnie Bemis’s input from that earlier hearing were also mentioned but not elaborated on.

York Commons

The Board discussed whether York Commons would fit into the York Village District. Patricia Martine, Director of York Housing Authority, joined the discussion. The senior housing subdivision was build 30 years ago with 10,000 square feet allotted for each unit. The zone for York Commons is RES-1B with 25% coverage. The area of that cluster that is located by York Street could be buildable, if it had a smaller setback. The soil in that

area is soggy. If the setback was changed and if there was soil mitigation, there could be more senior housing.

Motion: Wayne Boardman moved to hold a public hearing on York Village Center-1 and York Village Center-2 on January 28, 2016. Kathleen Kluger seconded. The motion passed, 5-0.

Discussion/Review of York Village Affordable Elderly Housing Overlay District Expansion

Patricia Martine, Director of York Housing Authority, described the newly acquired five-acre property adjacent to the original 22 apartment YHA site. She would like to capture the density that is offered for the overlay district for the new development, which would allow a building with 12 units. The change in setbacks will allow more units on the existing parcel, as well.

The Chair opened and closed the public hearing. No one came forward to speak.

Motion: Kathleen Kluger moved to hold a public hearing on January 28, 2016, for consideration of expanding the York Zoning Ordinance, York Village Affordable Housing Overlay District, with reference to Map 44, Lot 50. Wayne Boardman seconded. The motion passed 5-0.

Discussion/Review Future Ordinance amendments

Lew Stowe and Gordon Eldridge have spent time with CEO Amber Harrison. She would like to see the word “adjoining” eliminated or changed in the ordinance with regard to averaging grade for heights in adjoining buildings. The ordinance should use the word, “existent.”

Dylan Smith said Lee Jay Feldman, Director of Southern Maine Planning and Development, is recodifying the zoning ordinance, reconfiguring regulations, looking at performance standards, and rearranging how they would be set up more efficiently.

Stormwater scientist, Kristi Rabasca, the author of the new stormwater chapter and ordinance for the Comp Plan, will also visit the Planning Board to discuss the status of her work. And the Energy Committee will be providing a draft with regard to energy issues for the November, 2016 referendum, as well.

Motion: Kathleen Kluger moved to authorize the Chair of the Planning Board to sign the Findings of Fact, Conclusions of Laws and Decisions, Planning Board, Town of York Maine, from November 12, 2015, regarding an application by York Colonial Center, Seacoast Property Holdings, LLC, owner, Christopher Badeau architect, tax map 0086 Lot 0001. Lew Stowe seconded. The motion passed 5-0.

Motion: Kathleen Kluger moved we authorize the Chair to sign the Findings of Fact, Conclusions of Laws and Decisions, Planning Board, Town of York, Maine, from December 10, 2015, regarding a site plan amendment application by Gardner S. Toby, Jr., 454 Beech Road, Eliot, Maine, for property located at 1021 U.S. Route 1, Tax Map and Lot 30-30A, 134-103, and 105. Wayne Boardman seconded. The motion passed 4-0-1, with Lew Stowe abstaining.

Motion: Kathleen Kluger moved that the Planning Board authorize the Chair to sign Findings of Fact, Conclusions and Laws and Decisions, Planning Board, Town of York, Maine, December 10, 2015, regarding an application by Divine Chocolate, Tax Map 0049, Lot 0053, 164 York Street, York, Maine. Wayne Boardman seconded. The motion passed 4-0-1, with Lew Stowe abstaining.

Adjourn
9:00