

York Planning Board
Thursday, September 22, 2016
~~**6:00 P.M.**~~ / **7:00 P.M.**
York Public Library

~~Work Session with the Board of Selectmen (6-7 p.m.) (Cancelled)~~

Call to Order, Determination of Quorum; Appointment of Alternates

Chairman Amy Phalon called the meeting to order at 7:00. A quorum was determined with five people voting, Chairman Amy Phalon, Vice Chairman Peter Smith, Board Secretary Gordon Eldridge (who specifically represents York Beach), Al Cotton, and Lew Stowe. Alternate Kathleen Kluger was present, but did not vote. Alternate Wayne Boardman was absent. Town Planner Dylan Smith represented staff. The Board of Selectmen did not comprise a quorum and could not conduct their meeting with the Planning Board tonight.

Public Forum

No one came forward to speak.

Minutes

The September 8, 2016 minutes were reviewed and changes were requested.

Motion: Al Cotton moved to accept the minutes of September 8, 2016 with the corrections as noted. Pete Smith seconded. The motion passed 5-0.

Field Changes

There were no field changes.

Public Forum on November 2016 Proposed Ordinance Amendments

At the request of the Board of Selectmen, Dylan Smith had posted a public forum for this evening, so the board could answer questions and get feedback about the proposed November ordinances that are moving forward. The Selectmen requested this forum because they are concerned if the Wetland/Shoreland amendment should be forwarded, tabled, or removed altogether. Dylan gave short summaries about the five ordinance amendments.

- 1) Interpretation of District Boundaries
- 2) Wetland Protection Overlay District [Tabled]
- 3) Definition of Wireless communications Facility;
- 4) Definition of Building Height;
- 5) Expansion of the York Village Center Local Historic District.

Motion: Peter Smith moved to open the public forum on the November 2016 proposed ordinance amendments as listed. Al Cotton seconded. The motion passed 5-0.

- Ted Mottola, a member of the Board of Appeals, spoke as a resident. The definition of telecommunications might not meet the regulations of new technologies. He also said he appreciates the new approach to determining building height and wished it had been in force when his neighbor built his house.

With no one else coming forward to speak to the public forum, the Chairman closed the public hearing.

Discussion / Review Ordinance Initiatives for May 2017

- **Short Term Rentals**

Dylan Smith reminded the group that recently, a member of the public, Eleanor Ross, had brought the issue of parties, traffic, parking, and noise brought about by people in short term rentals, (STR), to the Board's attention. The problem has been going on for years, Dylan said. This year has seen tremendous growth in web-based booking services like Airbnb and Craig's List. STRs create problems that impact neighborhood character.

Currently, we don't have a way of keeping an eye on these things, he said. It is not new, but is more prominent, and it is getting worse. If STRs are considered businesses, they should be subject to business licensing ordinances with definitions along the line of hotel/motels, single family dwelling units, and transient occupancy. These ordinances address stays of 30 days or less. The term "transient guests" might be a good way to look at and adjust the current code to meet this situation.

Business registration would be required. Safety inspections made by Fire and Code would also be conducted. There would be an application fee, probably around \$200, to accommodate the processing of the license.

Motion: Peter Smith moved that the Planning Board form a subcommittee to study the major impacts of short term rentals in the Town of York, with the result of proposing potential solutions to the Town Planner. Gordon Eldridge seconded. The motion passed 5-0.

The board discussed the possible mix of personnel for the STR Subcommittee, including Kathleen Kluger, Al Cotton, the Town Planner, Eleanor Ross and others drawn from Code Enforcement and the York Professional Realtors community. The new subcommittee will meet (most likely) Wednesdays at 10:00, location undecided.

Motion: Lew Stowe moved for Chairman Amy Phalon to contact the Board of Selectmen chair to discuss such subcommittee. Peter Smith seconded. The motion passed 5-0.

Current and Future Comprehensive Plan Initiatives

- **Discussion/Review Energy Survey**

The Planning Board has been charged by the Board of Selectmen to survey a sampling of the electorate concerning their feelings about energy conservation in general and the Energy Chapter in particular. The feedback of the survey will determine the placement, or not, of the Energy Chapter on the ballot in May 2017. At the same time, the Department of Public Works and the Department of Parks & Recreation are each conducting surveys about projects they are hoping to bring about.

Although Board members have already reviewed the draft survey, are two items are to be added to it. Dylan Smith proposed the following.

- “What types of energy conservation, energy generation projects / programs would you like to see”?
- “Do you think York should expend units of financial resources to reduce greenhouse gas emissions”?

People who receive the survey will be randomly selected from the list of registered voters. They will receive it in the mail. A survey professional and town volunteer, Michelle Martine is assisting with the creation and distribution of the survey, which is intended to be as unbiased as possible.

Motion: Peter Smith moved to accept the Energy Committee’s potential survey questions as presented on this form and as amended by tonight’s discussion. Al Cotton seconded. The motion passed 5-0.

[Public Hearing was opened.] Rozanna Patane, Chairman of the Energy Committee, said that once complete and analyzed, the survey should support the placement of the Energy Chapter on the May 2017 ballot. At that time, the Town Planner will start the public hearing process again. The 10 action points might be amended too, she said.

Dylan said the completed surveys should be reviewed by two members of the Planning Board together with two members of the Board of Selectmen. That group of four will also analyze and make recommendations based on the results.

Other Business

- Motion: With the change to make the word “areas” singular on Page 3, Peter Smith moved to authorize the Chair to sign the Findings of Fact for the application of the Town of York for bathhouse replacement located at Tax Map 0033-0152-A. Al Cotton seconded the motion. The motion passed 5-0.

- Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact for the York Country Federal Credit Union, Tax Map & Lot 0053-0002. Peter Smith seconded. The motion passed 5-1, with Lew Stowe opposed.
- Motion: Peter Smith moved to authorize the Chair to sign the Findings of Fact for the Fisherman's Dock septic system alteration, Tax Map 0091-0004-A. Al Cotton seconded. The motion passed 5-0.

Peter Smith believes it is important that all legal documents the Planning Board generates require title, page number, and date on every page.

Dylan Smith said that the Selectmen would like the Planning Board to produce a document with detailed information about the Shoreland Overlay District, in order to educate the Selectmen and the public about the Shoreland Overlay before revisiting the amendment for placement on the ballot. This includes an explanation of what going "above and beyond" the State statute means. This means reinstating the Shoreland Subcommittee, said Dylan.

The meeting order in October has been switched.

Application hearings will be held on October 27, the 4th Thursday.

The work session will be held on October 13, the 2nd Thursday.

Adjourn

Motion: Peter Smith moved that we adjourn. Al Cotton seconded.
The motion passed 5-0. It was 8:50.