

## 1. Planning Board Meeting Materials

### Documents:

2022-1-13 PLANNING BOARD AGENDA.PDF  
DRAFT FOF BRISTOL POINTE AMEND\_1.PDF  
DRAFT FOF CLIFF HOUSE AMENDED SITE PLAN.PDF  
WORKING LIST OF COMP PLAN GOALS AND STRATEGIES JAN 3 2022.PDF  
DECEMBER 23, 2021 PLANNING BOARD DRAFT MINUTES.PDF  
COPY OF WORK STATUS SPREADSHEET 2022-1-12.PDF



**Public Hearing Notice  
York Planning Board  
Thursday, January 13, 2022  
7:00 PM**

The York Planning Board will hold a remote meeting on Thursday, January 13, 2022, at 7:00 p.m. This meeting will take place using Zoom.

Virtual meetings are allowed pursuant to 1 M.R.S. § 403-B and per adoption of the “Remote Participation Policy” by the York Board of Selectmen on October 18, 2021.

Allow your computer to install the free Zoom app to get the best meeting experience.

**ZOOM MEETING INSTRUCTIONS**

You may join a Zoom webinar.

When: Jan 13, 2022 07:00 PM Eastern Time (US and Canada)

Topic: Planning Board Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87191523862>

For contributing public comments during the public hearing/comment portion of the agenda, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit \*9. You will be unmuted by the host when it is time for public comment/input.

**To join the meeting via a phone call you may do so by utilizing the following phone numbers:**

To join via iPhone one-tap:

US: +19292056099,,87191523862# or +13017158592,,87191523862#

Or to join via Telephone:

Dial (for higher quality, dial a number based on your current location): US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 871 9152 3862

International numbers available: <https://us02web.zoom.us/j/87191523862>

**To view and listen to the meeting live you may also go to the Town of York’s homepage or to the following URL on your computer or device: [https://townhallstreams.com/towns/york\\_meetings](https://townhallstreams.com/towns/york_meetings).**

Plans and agenda items can be found with the Planning Department at York Town Hall, and on the York Planning Board’s webpage under “Recent Agendas, Minutes and Meeting Materials.” Public comments may be taken for each item on the agenda during the estimated allotted time. Written comments should be submitted to the Planning Board via mail or emailed to [dsmith@yorkmaine.org](mailto:dsmith@yorkmaine.org) well in advance of the meeting.

*All meetings shall be adjourned no later than 10:30 PM, unless extended by unanimous consent of the Board.*

*Revised\_2022-1-5*

## **AGENDA**

- 1. Call to Order; Determination of Quorum; Appointment of Alternates**
- 2. Field Changes**
- 3. Public Forum**
- 4. Discussion/Review- Comprehensive Plan Update/Climate Action Plan**
  - A. Update on Climate Action Plan Process**
  - B. Update on Comprehensive Plan Process**
- 5. Discussion/Review- Possible Ordinance Amendments for November 2022**
- 6. Discussion/Review - Mechanism for Planning Board Motions**
- 7. Review- Findings of Fact**
- 8. Minutes**
- 9. Other Business**
- 10. Adjourn**

*All meetings shall be adjourned no later than 10:30 PM, unless extended by unanimous consent of the Board.*

*Revised\_2022-1-5*

***Findings of Fact, Conclusions of Law, & Decisions***  
***Planning Board, Town of York, Maine***

*Regarding an application for*  
**Bristol Pointe Mixed Use Development**

*Tax Map 50 Lot 123*

*Applicant*  
**Jefferson Homes, Inc**

***Findings of Fact***

***Street address:***

298 York Street, York, Maine

***Property ownership:***

Bristol Pointe, LLC

***Other parties to the application:***

None.

***Description of the existing use(s) of the property:***

The site was approved for 9 dwelling units, 2 office units and 2 commercial units within a single mixed-use building with structured parking below by the Planning Board on July 9, 2020.

***Description of the proposed use(s) of the property and the nature of the application:***

This site plan amendment consists of a mix of site and building changes to the previously approved plan. These include changes to: 1) Utility pole location; 2) Roof shingle color; 3) Building Trim material; 4) Front porch roof color; 5) Gable shingle color; 6) Siding color and material; 7) Trash bin area - adding a clear roof; 8) Chain link fences – removed; 9) Material for the low wall at the sidewalk; and 10) Electrical transformer location.

***Base zoning district:***

YVC-1 (York Village Center) District

***Overlay zoning district(s):***

None

***Other relevant regulatory districts:***

The property is located in the National Historic District

***List of materials submitted at each stage of the application process:***

Materials submitted for the December 23, 2021 Planning Board Meeting:

1. Application form dated 11/11/2021
2. Memorandum: *Site Plan Amendment Information, 298 York Street*. Prepared by Civil Consultants, Inc., Date 11/10/2021. (Information pertaining to site changes)

3. Memorandum: *Field changes made or proposed to be made to the project, Bristol Pointe, 298 York Street, York, Maine 03909.* Prepared by Weger Associates Architects, Date 11/11/2021. (Information pertaining to building and site changes)
4. Plan entitled: *Bristol Pointe Condo/Office Bldg, Site Plan Amendment, Tax Map 50 Lot 123, 298 York Street, York, Maine.* Prepared for *Jefferson Homes, Inc.* Prepared by Civil Consultants, Inc., Rev. Date 11/10/2021.
5. Plan entitled: *Plan Showing Changes & Proposed Changes, Bristol Pointe, 298 York Street, York, Maine 03909.* Prepared by Weger Associates Architects, Date 11/11/2021.

***Date(s) on which the Board met to consider the application:***

12/23/2021

***Date(s) on which the Board conducted a public hearing on the application:***

12/23/2021

***Brief description of substantive materials and testimony received at the public hearing:***

None

***List of public comment via letters and email.***

None

***List of staff and peer-review reports and Town Attorney legal opinions.***

1. Peer-review letters prepared by Long Meadow Planning & Landscape Architecture, LLC, dated 12/15/2021.

***Conclusions of Law***

***Planning Board Jurisdiction***

***Statutes:***

None

***Ordinances:***

York Zoning Ordinance, Section 18.15.B.1.A

***Site Plan and Subdivision Regulations:***

Section 5.5.4 Final Approval and Filing

***Permits Required:***

None

***Planning Board Approval Criteria***

*(Site Plan and Subdivision Regulations Article 1 Section 2)*

This amendment does not change the conclusions from previously approved Findings of Fact and approval criteria.

## ***Decisions***

***Date Application Accepted as Complete for Review:***

12/23/2021

***Waiver(s) Granted:***

None

***Decision(s) voted on by Planning Board:***

*(From the 12/23/2021 minutes)*

Motion to accept the application for a site plan amendment from Bristol Pointe, LLC, 298 York Street, Tax Map 50, Lot 123, and Map 115, Lot 235, as complete for review. The motion passed 5-0

Motion to approve for Bristol Pointe, LLC, 298 York Street, Tax May 50, Lot 123, site plan amendments on the previously approved site plan, as follows:

- 1) That the utility pole has been moved near the driveway. The motion passed 5-0.
- 2) That the roof shingle color used is dark grey and brown. The product used is Cambridge Weather Wood. The motion passed 4-1 with Kathleen Kluger voting no.
- 3) That siding material be changed from wood to Aztec composite material. The motion passed 5-0.
- 4) That the front entry roof color be changed from copper to black. The motion passed 5-0.
- 5) That the gable shingles be changed from wooden cream-color to Hardee shingles in Rich Espresso color. The motion passed 4-1 with Kathleen Kluger voting no.
- 6) That the siding color changes from wood and cream-color to Hardee Plank in Timber Bark. The motion passed 4-1 with Kathleen Kluger voting no [approving the change in material but not the change in color].
- 7) That a clear roof be placed over the trash bin area with planters on top of the exterior wall as originally planned. The motion passed 5-0.
- 8) That all chain link fences are removed from the site. The motion passed 5-0.
- 9) That the low wall at the sidewalk will be constructed with Perma Block. The motion passed 5-0.
- 10) That the electrical transformer will be shifted to the driveway side of the building, set at the rear of the property and screened with a low fence. The motion passed 5-0.

***Final Plan Approval Date:***

December 23, 2021

**Conditions for Final Approval:**

The electrical transformer fence color will be added to the plan.

**Expiration Date (if conditions are not satisfied):**

*“A conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact.”*

\_\_\_\_\_  
*Chair, Planning Board*

\_\_\_\_\_  
*Date*

***Findings of Fact, Conclusions of Law, & Decisions***  
***Planning Board, Town of York, Maine***

*Regarding an application for*

**Cliff House Deck & Pergola Addition Amended Site Plan**

*Tax Map 4 Lot 29*

*Applicant*

**RBDD Cliff House Acquisitions, LLC**

***Findings of Fact***

***Street address:***

591 Shore Road

***Property ownership:***

RBDD Cliff House Acquisitions, LLC.

***Other parties to the application:***

None

***Description of the existing use(s) of the property:***

Hotel

***Description of the proposed use(s) of the property and the nature of the application:***

The applicant is seeking approval to amend the previously approved Site Plan to extend balconies with decks on the existing hotel building and to add a pergola over an existing patio. The latter will not increase existing dining seating.

***Base zoning district:***

Residential -2 (RES-2)

***Overlay zoning district(s):***

A portion of the property lies within the Limited Residential Subdistrict within the Shoreland Overlay District. (Not the proposed development area)

***Other relevant regulatory districts:***

None

***List of materials submitted at each stage of the application process:***

***Materials submitted for the December 23, 2021 Planning Board Meeting:***

1. Application form dated 11/30/2021
2. Cover letter dated December 6, 2021 from Gorrill Palmer, includes *Pergola Addition* exhibit, prepared by Martini Northern.
3. Plan Entitled: *2<sup>nd</sup> Amended Overall Site Plan* Prepared by Gorrill Palmer, issue date 12/6/2021.



4. Previously Approved Plan Entitled: *Amended Overall Site Plan, The Cliff House Renovations & Additions*. Prepared by Gorrill Palmer, dated 5/10/2021.
5. Proposed Building Plans entitled: Rooms 429-433 Existing and Proposed Plans & Elevations, (Sht. A2.2) Balcony Sections (Sht. A4.1), prepared by Martini Northern, issue date 12/2/2021.
6. Structural Plans, Elevations and Details entitled: Cliff House Hotel Equinox, prepared by Jeff Hedmen, PE, stamped date 11/1/2021.

***Date(s) on which the Board met to consider the application:***

December 23, 2021

***Date(s) on which the Board conducted a public hearing on the application:***

December 23, 2021

***Brief description of substantive materials and testimony received at the public hearing:***

Public testimony included the following topics from the following abutters:

- None

***List of staff and peer-review reports and Town Attorney legal opinions.***

1. Compliance review letter prepared by Long Meadow Planning & Landscape Architecture, LLC dated 12/15/2021

<b><i>Conclusions of Law</i></b>
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***Planning Board Jurisdiction***

***Statutes:***

None applicable

***Ordinances:***

Section 18.15.B.1.D of the Zoning Ordinance

***Site Plan and Subdivision Regulations:***

Section 5.5.4 Final Approval and Filing

***Permits Required:***

None issued by the Planning Board

***Planning Board Approval Criteria***

*(Site Plan and Subdivision Regulations Article 1 Section 2)*

This amendment does not change the conclusions from previously approved Findings of Fact and approval criteria.

**Decisions**

***Date Application Accepted as Complete for Review:***

December 23, 2021

***Waiver(s) Granted:***

None

***Decision(s) voted on by Planning Board:***

Motion to accept the application from RBDD Cliff House Acquisitions, LLC, Tax Map 4, Lot 29, 591 Shore Road as complete for review. The motion passed 5-0

Motion to approve the amended site plan from RBDD Cliff House Acquisitions, LLC, 591 Shore Road, Tax Map 4, Lot 29, as presented. The motion passed 5-0

***Application Approval Date:***

December 23, 2021

***Conditions for Final Approval:***

None

***Expiration Date (if conditions are not satisfied):***

*“A conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact.”*

\_\_\_\_\_  
*Chair, Planning Board*

\_\_\_\_\_  
*Date*



## Working List of Comp Plan Goals and Strategies

1/4/21 ongoing draft

**Black Bold Text: Goals are from the Steering Committee 12/30/21 refined goals list**

**Blue Text: Steering Committee possible strategies that were mentioned during December goals discussion as well as those added at 1/3/22 SC meeting (goals 1-10 were discussed on 1/3/22)**

**Purple Text: Possible strategies brainstormed by CivicMoxie team**

### 1. Encourage and promote a variety of affordable housing opportunities (variety of prices and types?)

#### *Land Use Policies*

- a. Relax zoning requirements for affordable housing projects (i.e. density, setbacks, height). The Workforce Housing Overlay does this, but perhaps expand the area or extent of relaxed zoning requirements or relax requirements for a workforce project anywhere in town
- b. Create clear definitions and standards for a variety of housing categories:
  - i. Seasonal workers
  - ii. Retired
  - iii. Low income
  - iv. Moderate income
  - v. Workforce
  - vi. Size – smaller options
    1. ADUs
    2. Tiny house neighborhoods
- c. Consider amendments to zoning to reward structures that are built to be age-friendly (i.e. one floor, walk-in bathrooms, wide hallways). Don't need to be inhabited by older adults but can accommodate older adults.
- d. Encourage young families by creating neighborhoods that are connected in various ways like the spokes of a wheel.
- e. Allow Boards some additional discretion where possible. Zoning can be too black and white.
- f. Develop a town ordinance that allows a two unit two story full time residential building be built on a single residential zoned property with a maximum of 3,600 SF total in exchange for 50% of the property put into permanent conservation for forest or agriculture.
- g. Allow micro units?
- h. Create amendments to Town ADU rules to foster ADU creation.
- i. Expand the York Workforce Housing Overlay (was recently expanded down Route 1 South)

- j. Revise York’s land use policies to proactively support: a) aging-in-community; b) the attraction of younger, more diverse families to York; c) the creation of affordable housing and diversity of housing type (workforce, low-income, older adult).
- k. Explore an inclusionary zoning ordinance that requires a minimum of 10% of new housing units in any subdivision or multifamily housing development be affordable at 80% of area median income.
- l. Consider amendments to Town accessory dwelling unit rules to make it easier to create new units.
- m. Revise zoning language to allow multifamily housing in more places, with a focus on the BUS-1, RES-1A, RES-1B, GEN-3, and RT 1 zones.
- n. Explore zoning language to allow older, larger homes to be divided into smaller units.
- o. Explore providing additional incentives for below-market affordable housing such as density bonuses, parking relief, or other mechanisms to improve their financial feasibility.
- p. Encourage housing development that diversifies the town’s current housing stock in terms of housing sizes, types, prices, and ownership/rental opportunities

*Adopt financing tools to support economic feasibility of affordable housing/expanded housing options*

- q. Explore the use of the Affordable Housing TIF (Tax Increment Financing) tool to encourage additional below-market affordable housing.
- r. Provide direct support for below-market affordable housing, which may help fund organizations like York Housing Authority.

*Work regionally to develop solutions*

- s. Collaborate with surrounding communities on regional housing solutions

*Other*

- t. Prioritize affordable housing options for people who both live and work in York

Notes:

- Should not target GEN-3 for multifamily housing since it represents large forested areas.
- The term “character” is sometimes code for “reject diversity” (of people or building innovations).
- When get to the point of writing document, make sure to include user-friendly language and define any terms that could be hard to understand (this applies to all of the plan).

**2. Protect the quality and quantity of water resources in order to ensure the safety and affordability of public and private supply of fresh drinking water.**

*Conservation and resource protection*

- a. Enforcement of water conservation at times where in a drought situation (lawns are a particular problem).
- b. Consider a stormwater utility to improve the quantity and quality of stormwater.
- c. Strengthen the standards and enforcement of maintenance of private septic systems.
- d. Expand public sewer area

- e. Protect private wells from saltwater incursion (will become more of an issue with climate change)
- f. Reduce/limit density around water-sensitive areas.
- g. Consider mechanisms to permanently protect York Water District and Kittery Water District lands from development.
- h. Protect and manage groundwater recharge areas to ensure the long-term viability of groundwater supplies and private wells.
- i. Continue to seek opportunities to add to the safe yield of water supplies, including but not limited to continued cooperation with other districts.
- j. Evaluate and, if needed, enhance current Low Impact Development (LID) regulations to further limit impervious surfaces in new development by requiring new paving materials and methods and to require increased tree canopy.

*Education, awareness, and incentives*

- k. Education on water conservation measures
- l. Education on native landscapes
- m. Promote a town-wide pesticide educational program and pesticide policy for the community to embrace and stop any inappropriate use of pesticides, fertilizers, herbicides
  - a. Build off of Lawns to lobster initiative – ban pesticides and non-natural fertilizers from riverfront and ocean front homes/properties.

*Work regionally to develop solutions*

- n. Participate in local and regional efforts to monitor, protect and, where warranted, improve water quality.

Notes:

- York is riddled with old septic systems. Septic systems are a particular concern in Cape Neddick River area
- York's septic standards are currently more strict than the State. Enforcement of these standards is important.

**3. Preserve, protect and enhance all natural resources, including wetlands, wildlife and fisheries habitat, sand dunes, shore lands, scenic vistas and forests.**

*Land use policies*

- a. Strengthen noise ordinance and evaluate development impacts on community noise levels.
- b. Require planning board approval for the construction of any new roads that provide access to three or more potential building lots or requires the filling of wetlands.
- c. Require use of natural materials to stabilize erosion (i.e. vegetation to stabilize roads)
- d. Possible expansion of resource protection areas
- e. Identify wildlife corridors with animal-friendly requirements (large openings in fences and border materials) and development standards.
- f. Strengthen ordinances to limit excessive lighting and excessive noise (leaf blowers)
- g. Protect undeveloped tracts of land from development by revising zoning regulations to limit development in areas that are contiguous to large tracts of land or have high

habitat/carbon sequestration value and by pursuing public/private partnerships to protect critical and important natural resources such as through purchase of land or easements from willing sellers.

- h. Prioritize development within the urban compact area and outside of the coastal zone overlay and natural areas zones (adopt new zones or revise resource protection districts).
- i. Evaluate the Town's existing Open Space Conservation Subdivision Development Ordinance to identify possible ways to improve procedures and to require increased undisturbed natural spaces within new residential developments.
- j. Lower the size threshold at which new development must conduct a natural resource impact analysis.
- k. Evaluate the increase in ambient noise level possibly caused by increased traffic, deforestation and development and use information to inform land use regulations and construction methods, siting, etc., to minimize noise impact
- l. Through local land use ordinances, require the planning board (or other designated review authority) to include as part of the review process, consideration of pertinent BwH maps and information regarding critical natural resources.

*Conservation and resource protection*

m. Composting

- n. Working with regional and local conservation groups, promote a plan to place an average of 2% of existing privately owned undeveloped property of high conservation value into permanent conservation status.
- o. Increase tree canopy through a tree planting program or tree protection ordinance
- p. Seek to improve pollution management with a specific focus on nonpoint sources of pollution (e.g., onsite wastewater treatment systems, stormwater runoff).
- q. Explore the feasibility of instituting a ban on use and sale of plastics in York (plastic bags, bottles, eating utensils, cups, etc.). AND/OR Support low-tide daily clean-up of beaches during peak tourist season. Advocate for changes in the lobstering industry for the development of claw rubber band alternatives to reduce non-biodegradable waste on beaches and in coastal waters.

*Education, awareness, and incentives*

- r. Public education about importance and value of natural resources in York – clear advertising, ramp up enforcement of litter fines
- s. Distribute or make available information to those living in or near critical or important natural resources about current use tax programs and applicable local, state, or federal regulations.

*Work regionally to develop solutions*

- t. Continue to collaborate regionally and support the efforts of the numerous conservation organizations working in and around York to identify opportunities for management, planning, and regulation of shared critical and important natural resources. Examples include MtA2C initiative.
- u. Publicly endorse the York River Wild and Scenic Plan and contact federal lawmakers to advocate for this designation.

*Manage access and demand*

- v. Explore the feasibility of a crowd management system for access and use of coastal and other natural resources

Notes:

- Many roads in rural areas are private so there isn't enforcement of litter fines

**4. Safeguard agricultural and forest resources from development that threatens those resources.**

*Land use policies*

- a. Define small-scale farming
- b. Evaluate and, if necessary, improve the Farm Enterprise Overlay District to make it easier and more attractive
- c. Permit land use activities that support productive agriculture operations, such as roadside stands, greenhouses, and pick-your-own operations. Increase small-scale farming and community gardening on public and household land where appropriate.

*Conservation and resource protection*

- d. Maintain existing prime farmland in York to ensure that people who want to farm are able to
- e. Identify forest areas for protection
- f. Assess and periodically measure the reduction/increase in tree and forest coverage. Use this inventory to guide changes in land use policies to achieve goals of land conservation and increased tree canopy in the town.
- g. Promote agriculture and forestry best practices in a manner that also recognizes the need to ensure the protection of environmental resources and preserve areas identified as prime farmland soils to the greatest extent possible.
- h. Include agriculture, commercial forestry operations, and land conservation that supports them in local or regional economic development plans

*Education, awareness, and incentives*

- i. Encourage owners of productive farm and forest land to enroll in the current use taxation programs

Notes:

- Largest farmer in town is not enrolled in Farm Enterprise Overlay District

**5. Preserve, protect and enhance marine resources, and balance competing uses of waterways, lakes, rivers and other natural areas consistent with health, safety, economic sustainability, and conservation.**

- a. The Town should actively pursue the acquisition of riverfront property to provide for additional public access. Specifically, property for recreational uses above Sewall's Bridge and property for working waterfront/commercial uses below Sewall's Bridge.
- b. The Town should encourage and give preference to traditional commercial marine related businesses, such as: Lobstering, Tuna Fishing, Aquaculture, Shrimping, Fin Fishing, and Charter Boat Fishing.

- c. The Town should plan for and develop increased opportunities for residents to access and enjoy the Town's limited marine natural resources.
- d. The Town should plan for and take action to minimize erosion and the flow of sediment throughout York River.
- e. The Town should plan for and enact performance standards that minimize the effects of sea-level rise.
- f. The Town should continue to collect Harbor Usage Fees to maintain the marine infrastructure and set aside funds for future dredging.
- g. The Town should protect and manage critical habitat and natural areas of TOWN, State, and national significance, and maintain the scenic beauty and character of the coast, even in areas where development occurs.
- h. The Town should actively pursue state and federal grant/funds to help maintain and improve marine resources.
- i. Town should remove the collection of "trap taxes" to Town of York commercial fishermen.
- j. Erosion control
- k. Commercial fishing priority
- l. Address parking / explore parking options
- m. Three areas are identified for separation of goals/strategies specific to the following:

York Harbor-

- i. Town should put the rebuilding and expansion of Town Dock 2 on the 5/10 year Capital Plan. Town Dock 2 should be expanded to allow for commercial loading or unloading.
- ii. Town should establish a "pay to launch" system for Strawberry Island where daily users are charged a fee and residents of the town of York are exempt from any launch fees at Strawberry Island.
- iii. Town shall explore hiring a full time Harbor Master. ( might already be done)
- iv. Town needs to ensure that all users of the Town of York waters are being charged appropriate fees for areas that they are located at. Town should periodically explore if Harbor Fees are appropriate or enough to cover ever increasing costs with dredging and construction.
- v. Town should look at expanding the float system at Town Dock 1 to allow for greater dingy/tender tie-up for mooring holders.

York River-

- i. Town should have a separate legal review conducted to review the deed for the Grant House and to establish what can be built for access that is consistent with the Grant House deed's restrictions.
- ii. After legal review and establishment of parameters of Grant House property, a committee of Planning Board members, BoS members, Harbor Board members and various town officials should explore the building of a paddlecraft launch/paddlecraft dock at the property.



- iii. Property acquisition on the York River for another launch site or dock should be a priority for York.
- iv. Town should look into allowing neighborhood/larger shared docks eastward from the Route 95 Bridge. (In Growth area)
- v. Town should maintain or even further restrict docks in the area West of Route 95 Bridge.
- vi. Town should establish a Wild and Scenic Committee to give recommendations on management of the York River to the York Harbor Board. A clear plan of management should be established to ensure that the appropriate priorities are met.

#### Cape Neddick River/ Brave Boat Harbor

- i. Town should develop dock standards that are consistent with current policy and is based on current sizes of the docks in these areas.
- ii. CN and Brave Boat areas should consider establishing informal neighborhood boards or a process of where concerned residents of these areas can give feedback to the town boards that are tasked with managing these areas.
- iii. Pursue efforts to improve Cape Neddick River water quality
- n. Explore the feasibility and possible locations, if appropriate, for aquaculture in York. Develop a plan for same, if appropriate.
- o. Explore the feasibility of partnering with a local business or providing in some other way a water vessel pump-out facility or develop a Town plan for water craft waste.
- p. Explore the Town purchase or lease of land to reduce the pressure on York Harbor by directing paddlecraft launching to another location, while limiting impact to environmentally sensitive resources.
- q. Provide information about the Working Waterfront Access Pilot Program and current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.
- r. Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.

### **6. Support the increased use of, and access to, recreational resources to meet the needs of users while maintaining protections of critical habitat and drinking water.**

#### *Education, awareness, and incentives*

- a. Provide educational materials regarding the benefits and protections for landowners allowing public recreational access on their property. At a minimum this will include information on Maine's landowner liability law regarding recreational or harvesting use, Title 14, M.R.S.A. §159-A.

#### *Manage access and demand*

- b. Strengthen partnerships with other towns and with organizations.
- c. Create a comprehensive trail, open space, and recreational resources map and highlight opportunities to enhance connectivity and recreational access and complete missing

segments of bike and/or hiking trails, without compromising the rights and privacy associated with private landownership. Ensure that maps are built into the town's GIS system.

- d. Facilitate a strategic management and access plan with all resource owners/managers for York's water resources to balance recreational access with working water uses and conservation.

*Work regionally to develop solutions*

- e. Work with public and private partners to extend and maintain a network of trails for motorized and non-motorized uses. Connect with regional trail systems where possible

## **7. Mitigate negative adverse impacts of the tourism sector and expand benefits for residents.**

- a. Establish active transportation networks to connect people and places without requiring motor vehicles. Key connections include:
  - a. Village to beaches
  - b. Village to route 1 businesses
  - c. Affordable/workforce housing to services and businesses (e.g. route 1 York housing)
  - d. Connecting schools to nearby neighborhoods
- b. Formalize, fill gaps, and improve surfaces of existing village trails and/or augment with sidewalks/bicycle lanes.
- c. Create a transportation hub to reduce vehicle congestion in beach and village areas:
  - a. Create transportation hub including low fee parking with access to public transportation and active transportation options.
- d. Increase local resident parking at the beaches
- e. Advocate for a shuttle bus from parking at High School to beaches
- f. Develop more diverse transportation options
- g. Form Town-Tourism Industry Committee to address impacts and shared priorities.
- h. Create tourism impact fund in which large employers contribute to address industry impacts and fund community projects.
- i. Advocate for state passage of a local option hotel/motel taxes.
- j. Create a tourism workforce housing plan to expand housing supply to address industry's seasonal housing needs.

## **8. Support and diversify York's economic base.**

- a. Pursue the goals of the Green Enterprise Overlay District to develop a global showplace of sustainability for outdoor businesses and organizations while maximizing natural assets including four-season trails reaching from the Atlantic Ocean to York's Mount Agamenticus.
- b. Encourage recreational rental equipment companies such as cross-country skis, bikes, snowshoes.

- c. Bring back economic development position at Town Hall. Also a grant writer/manager
- d. Expand type of businesses allowed under York zoning
- e. Encourage *year-round* tourism and find better ways to convey all that there is to do in York, not just in the summer but also spring, fall, and winter.
- f. Expand year-round employment and higher-quality jobs and capitalize on growing industries.
- g. Target sites for new business growth, ensure adequate infrastructure serves the sites.
- h. Promote development of business incubator/co-working spaces.
- i. Create an Economic Development Committee to promote the town and sites.
- j. Work with Southern Maine Regional Planning Commission to promote target development sites and connect York to regional economic development initiatives.
- k. Produce a guide to locating/starting a business in York with profiles of successful firms.

**9. Decrease vehicle congestion—traffic (or vehicle miles traveled (VMT) in town**

- a. Firmly establish Complete Streets policies into Planning Board review policies, DPW paving and sidewalk planning, and CIP for bonded major road projects that require significant new investment for widening or adding sidewalks, shoulders/bike lanes, crosswalks, and other changes (e.g. crossing island to calm traffic or filling gaps in route 1 sidewalks from York Corners to York River). This strategy supports MDoT required Complete Streets options e documents in projects to which they contribute.
- b. Increase public transportation (example: Wells trolley system). Electric?
- c. Make roads in York more e-bike/bike friendly
- d. Small electric shuttle service
- e. Revisit no taxi policy?
- f. Skate boarding?
- g. Gain a more comprehensive understanding of transportation system user patterns, preferences, and demand by conducting an online and intercept survey of residents, employees/staff at town businesses, and tourists.
- h. Create a remote fee parking lot near I-95 (at Short Sands Road) and provide free frequent shuttle service to town beaches and visitor attractions. Price beach parking (lots and metered spaces) to be compatible or more expensive than remote parking.
- i. Provide transportation services to visitor and resident destinations such as beaches.

**10. Prepare for impacts of climate change.**

- a. Ensure that public facilities and Town staff are sustainable, resilient, and sufficient to address climate change vulnerabilities.
- b. Protect access to York from NH/MA – risk from Sea Level Rise (bridge connections)
- c. Prepare for potential impacts to York Sewer District (vulnerable location to Sea Level Rise)

*Land use policies*

- d. ~~Revise the Town of York Harbor Ordinance~~ all Town ordinances to address Sea Level Rise (SLR) projections, recognizing at least a three-foot SLR for planning purposes.
- e. Implement new zoning regulations for inland precipitation-based flooding areas as identified through the Town's climate planning efforts.
- f. Explore changes to zoning to provide flexibility and/or incentives for new housing that is energy efficient and/or designed to be resilient in the face of climate change, severe weather events, and storm surges, especially in vulnerable low-lying areas.
- g. Implement coastal resiliency overlay zoning to restrict/include additional requirements on properties in the projected SLR coastal area.
- h. Adopt temperature and flood resilience standards for all new and heavily renovated structures.
- i. Evaluate the current Town requirement regarding the removal of healthy trees and requirements for replacement plantings to consider tree planting as not only replacement but as new tree canopy in the town.
- j. Ensure that local codes and standards encourage small-scale renewable energy generation, including solar systems, and battery backups – CAP

*Infrastructure and services*

- k. Take steps to protect critical assets and infrastructure that will be impacted by flooding and temperature change by 2030 and 2050. – CAP
- l. Install and improve broadband service in York – CAP

*Education and outreach*

- m. Educate the public and visitors on the importance of water conservation related to personal and household water consumption, as well as landscape care. Emphasize water conservation during peak consumption and potential low supply times (July and August).

*Conservation and resource protection*

- n. Encourage the development of a new cost model or delivery approach for water usage that supports water supply operational costs while encouraging water conservation. Use a new cost model to ensure that high quality drinking water is available in equitable ways to the workforce, older adults, disabled, low-income residents, and group residences.

*Work regionally to develop solutions*

- o. Support and expand regional collaboration between water districts.

Notes:

- Weave climate throughout the plan rather than giving it its own chapter (don't want a mini CAP)
  - Other potential elements to weave throughout include: protect tax base, equity, community social, physical connectivity

**11. Reduce GHG (green house gas) emissions from 2020 levels by 50% or more by 2050.**

*Policies or standards*

- a. Adopt Maine Energy Stretch Code (IECC 2021) (more aggressive based code in energy savings requirements) – CAP
- b. Develop a plan to phase in energy building codes to reach net-zero carbon emissions for new construction by 2035. – CAP

- c. Identify opportunities for conservation of land or acquisition of land by the Town or nonprofits with a focus on growing contiguous tracts of land in ecologically fragile and climate-vulnerable areas of the town to accommodate sea level rise and limit impacts and to protect the Town's carbon storage in natural areas. – CAP
- d. Consider potential tax incentives and other benefits that might be available to convert existing subdivision open space into local gardens/orchards rather than landscaped and lawn areas to increase overall tree cover in York

*Infrastructure and services*

- e. Consider sustainable heating and cooling systems within Town facilities.
- f. Facilitate transition of all fleets operating in York to "green" EVs, including those operated by municipal entities, businesses, delivery services and those that use busses or trolleys – CAP
- g. Facilitate, promote and track the installation of EV charging infrastructure in York for residents, employees and visitors. – CAP

*Education and outreach*

- h. Implement strategies and programs to educate residents about the availability of alternative transportation options, including active transportation, public transportation, and electric vehicles, as well as walking and biking infrastructure (Complete Streets).
- i. Explore ways York can encourage businesses and industries that are related to the State's Climate Action Plan initiatives (clean energy, solar, etc.).

**12. Ensure the capacity of municipal resources to meet changing needs of the community. Plan, finance, and develop an efficient system of public facilities and services to accommodate population growth and economic development.**

- a. Streamline town licensing and permitting requirements/implement on-line applications; increase frequency of board meetings; consolidate application and review for zoning/water/sewer district.
- b. Increase Town capacity to address rising needs and expectations for services (Capacity and resources could be increased by hiring additional Town staff, committing to and funding more partnerships with nonprofits, or other methods).

**13. Improve coordination with local and regional entities, and maintain, expand and improve partnerships among public and private groups.**

- a. Support and expand regional collaboration for facilities and services
- a. Initiate or actively participate in regional and state transportation efforts
- b. *[strategies from other sections that are focused on regional coordination and partnerships may be moved to this goal]*

**14. Preserve the State's and the Town's historic and archaeological resources; promote and expand interest in an awareness of the historic characteristics of York.**

- a. Conduct a regular review of historic and archaeological assets and commit to acquiring/protecting sites using criteria such as: Level of endangerment; Opportunities for acquisition (underutilized, for sale, abandoned); Importance to the story of York (note this

Plan will not present an inventory of archaeological sites in accordance with current procedures and to protect these sites from public intrusion).

- b. Review the Comp Plan inventory of home by age (provided by Comp Plan process) to assess magnitude of historic assets in the town and inform Town policy regarding preservation incentives and possible purchase/protection priorities. Conduct further inventory work to assess buildings that are 100 years old or older for historic significance (age, events, residents).
- c. Support the formation of a new organization or the expansion of mission of an existing nonprofit to include advocacy, funding, education, and the provision of technical assistance (guidance on use of Historic Tax Credits, Energy efficient updates to properties, etc.) and other resources for owners of historic properties in York to encourage and support preservation and reuse.
- d. Assess the Historic Tax Credit application process and support any possible streamlining or simplification
- e. Consider instituting a one-year demolition delay for historic structures
- f. Improve historic building and architectural preservation elements by empowering the Local Historic Commission with oversight and incorporating preservation responsibilities into the Planning Board processes.
- g. Require all Town of York historic documents to be held within the town of York borders and fund the creation, maintenance, and security of this location designed to preserve artifacts and documents.
- h. Enhance the offering of historic programing, destinations, and narratives for residents and visitors.
- i. Fund and support in other ways the renewal of the Historic Markers initiative.
- j. Support the expansion of historic resources, stories, and visitor/resident destinations and activities in York. This can include: Incorporate in currently untold historic narratives of indigenous people and slavery; Create an historic trail highlighting York's history and including buildings, natural sites, events and narrative and interpretation; Coordinate and market a comprehensive package of opportunities including: Old Yorke programs and facilities; York Public Library displays and programs; A new historic trail(s); Other assets and destinations.

#### **15. Strengthen, expand and support community-oriented business opportunities.**

- a. Promote an economic climate that increases job opportunities and overall economic well-being. Encourage and enhance the vitality of York's businesses, resident benefits, medical resources, and public service sectors.
- b. Promote an inclusive and supportive environment to start and grow small businesses.
- c. Ensure York's land use policies support designated areas for development and the various multiple Town goals
- d. Continue implementation of the York Village Master Plan.
- e. Implement recommendations for expanded public parking, shared parking, parking wayfinding signs, etc.

- f. Create a “Village Partnership” group to focus on improving and promoting the Village Center with representatives of the town, businesses, the hospital, residents and property owners.
- g. Become a Maine Downtown Affiliate Program
- h. Expand community events and programming in York Village
- i. Expand public parking and reduce building parking requirements
- j. Target properties for business recruitment and create a business recruitment plan
- k. Work with Southern Maine Finance Authority to market its loan programs
- l. Create zoning and locations for food trucks and pop-up business options
- m. Expand business/commercial zoning along Route 1 and in other areas in town.
- n. Work with property owners to create incubator/test spaces for entrepreneurs looking to test the York market with a focus in women and minority entrepreneurs.
- o. Create option to pay water/sewer impact fees over time (if not currently available).

**16. Foster a socially and economically diverse population in the Town.**

- a. Develop land use and housing policies to proactively attract younger, more diverse families to York

**17. Ensure the needs of the Town’s increasing older adult population are met.**

- a. Adjust policies and services to meet the needs of a growing older adult population
- b. Promote the creation of programs and tools that will serve the needs of York residents as they age, and for those with disabilities

**18. Provide for connectedness, connectivity, and enhanced transportation options.**

- b. Explore the creation of a resident on-demand transportation system for York residents, focusing on older adults, those with mobility challenges, and those without access to vehicles. Alternately, create a larger shuttle system integrated with a visitor shuttle network.
- c. Explore additional inter-city transit options to Portland and/or Boston
- d. Pursue pedestrian and bicycle safety improvements and potential trail connections, particularly near the beaches and the York Public Schools
- e. Amend ordinance standards for subdivisions and for public and private roads as appropriate to foster transportation-efficient growth patterns and provide for future street and transit connections.

**19. Optimize and increase resources and capacity for recreation, social activities, and programming for the York community.**

- a. Evaluate current policies for community use of public school facilities and implement changes, if necessary, to make the most efficient use of these spaces and ease the reservation and use process for the community and organizations

- b. Support the construction and programming of an inter-generational community center and ensure there are flexible spaces that are appropriate for older adults and teens, as well as families, as well as suited to changes in needs and uses over time.

**20. Strive for excellence in education.**

DRAFT



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**York Planning Board**  
**Thursday, December 23, 2021; 7:00 P.M.**  
**York Public Library**

**Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates**

Chair Kathleen Kluger called the meeting to order at 7:00 P.M. A quorum was determined with five people voting: Kathleen Kluger, Vice-chair Wayne Boardman, Board Secretary Gerry Runte, Pete Smith, and alternate Kenny Church, who was appointed as a voting member. Al Cotton was absent. Alternate Ian Shaw was present but did not vote. Planning Director Dylan Smith represented staff. Chris Di Matteo was the peer reviewer. Patience Horton was the Recording Secretary, working remotely. Votes were tallied via roll call.

**Field Changes**

There were no field changes.

**Public Forum**

- Motion: Gerry Runte moved to open the public forum. Wayne Boardman seconded. The motion passed 5-0.

No one came forward to speak. The Chair closed the public forum.

**Application Reviews**

**Pine Ledge Motel, 1963 US Route 1**

**Map/Lot 0001-0004 owned by Michael Ramsey**

**Continuation of site plan review to re-develop existing seasonal workforce housing**

Bill Gerrish, Northeast Civil Solutions

Brandan Binette, Northeast Civil Solutions

This application was accepted for preliminary review on October 28, 2021. A site walk took place on Monday, November 15. Dylan Smith, Gerry Runte, Wayne Boardman, Pete Smith, and Al Cotton attended. The applicant and an abutter were present. The applicant had marked out the corners of the property.

For this evening's hearing, Chris Di Matteo provided the Board a revised review letter.

The issues of buffering and grading were discussed on the site walk. The road comes in from U.S. Rte 1 toward the east. The existing motel building is in the middle of a driveway that loops around the building and provides parking. It will be replaced with a new two-story building on a different part of the lot.

A section of the paved driveway is within the setback, 20-feet from the property line. The applicant proposed to minimize the disturbance and keep impervious areas where they are,

45 allowing the circling pavement to encroach into the 20-foot buffer and was planning to request a  
46 waiver to keep the asphalt in. But the Board members stressed that the pavement should be  
47 removed when the old building is removed. In that case, the landscape plan will have to be  
48 updated to meet the ordinance.

49

50 Another outstanding item from the site walk was Section 7.3, where changes to grades of 10-  
51 feet or more and slopes that exceed 20% must be waived. The applicant is asking for the  
52 project to be accepted with some areas in excess of the 10-foot difference and in excess of 20%  
53 grade in others. Chris Di Matteo concurred that that kind of site work is acceptable.

54

55 During the site walk, the initial assessment of traffic impacts was also discussed. The applicant  
56 feels that nothing has changed traffic-wise, and nothing has to be submitted. Chris Di Matteo  
57 said the Board can provide a waiver for a copy of the assessment, but per 15.a, the applicant still  
58 has to connect with DPW.

59

60 The York Water District serves the property, and capacity has been approved. Further  
61 documentation about system design is not required, but it should be requested per 4.1.4.

62

63 The Ogunquit Sewer District also serves the property, and they have also verified capacity.  
64 Though once again unnecessary by ordinance, Chris Di Matteo recommended that the Board  
65 request that they approve the system design, anyway.

66

67 Section 6.4.5 requires evidence that applicant has submitted the application to various Town  
68 departments. In addition to the Fire Department, the applicant is planning to contact Public  
69 Works and the Police Department.

70

71 A memo from Code Enforcement indicated that the use designation should be as an “existing  
72 non-conforming use.” By recommendation of the CEO, submission of a yearly affidavit stating  
73 the purpose, nature, and use throughout the year will be required.

74

- 75 • Motion: Pete Smith moved to grant preliminary approval for the application for  
76 employee housing, Michael Ramsey, 1963 U.S. Route 1, Tax Map 1, Lot 4, with the  
77 stipulation that the landscaping and grading design appears on the plan as stipulated in  
78 today’s discussion. Wayne Boardman seconded. The motion passed 5-0.

79

80

81 **Cliff House Revision, 591 Shore Road**

82 **Map/Lot 0004-0029 owned by RBDD Cliff House Acquisitions**

83 **The intent of this project is to review an amendment to an existing approved plan to install**  
84 **a pergola over the existing outdoor patio and extend seven existing guestroom decks.**

85

86 Jim Downs, Hospitality Management

87 Peter Milton, Developer/Contractor

88

89 The plan is to extend six decks out 10-feet, making them 14-feet long. They are extended over  
90 an existing structure, an above-ground tunnel that connects the buildings. Also, A pergola will  
91 be built in on the ocean side of the tunnel.

92

93 Chris Di Matteo said that information for DPW, Police, and Fire has not been submitted but  
94 may not be required. The Board decided that it was not required.

95

96 Chris said the applicant has provided a plan and has to submit draft Findings of Fact.

97

98 • Motion: Pete Smith moved to accept the application from RBDD Cliff House  
99 Acquisitions, LLC, Tax Map 4, Lot 29, 591 Shore Road as complete for review.

100 Gerry Runte seconded. The motion passed 5-0.

101 • Motion: Pete Smith moved to open the public hearing for RBDD Cliff House  
102 Acquisitions, LLC, Tax Map 4, Lot 29, 591 Shore Road. Wayne Boardman seconded.  
103 The motion passed 5-0. No one came forward to speak. The Chair closed the public  
104 hearing.

105 • Motion: Pete Smith moved to approve the amended site plan from RBDD Cliff House  
106 Acquisitions, LLC, 591 Shore Road, Tax Map 4, Lot 29, as presented.

107 Wayne Boardman seconded. The motion passed 5-0.

108

109 **Bristol Pointe, 298 York Street**

110 **Map/Lot 0050-0123, owned by Jefferson Homes Inc.**

111 **The intent of this project is to amend an existing approved plan to change the utility and**  
112 **placement, building materials/colors, and retaining wall materials.**

113

114 Brud Weger, Weger Architects

115 Geoff Aleva, Civil Consultants

116 Dave Lauze, Developer

117

118 The applicant requests the following amendments:

119 1) Utility pole placement

120 2) Roof shingle color

121 3) Trim material change

122 4) Front porch roof color

123 5) Gable shingle color

124 6) Siding color and material

125 7) Roofing over trash bin area

126 8) Chain link fences removed

127 9) Change in material for the low wall at the sidewalk

128 10) Relocation of the electrical transformer

129

130 The Chair stated that the applicant has completed work that was not approved. The applicant  
131 has made changes that the Mylars originally stipulated as a legal agreement. She said she had

132 personal issues that the changes were not in keeping with what was approved, and she felt that  
133 because of the changes, the building no longer fits into York Village.

134

135 Utility Pole

136 Geoff Aleva said that he was not accurate by putting the underground power source on the plan  
137 in the first place. Neither CMP nor the Town allow individual service to cross under a street for  
138 one building only. Ultimately, CMP decided where the pole and the transformer would be  
139 placed and has already put the pole close to the right-front corner of the building.

140

141 The original site plan should have shown overhead wires going to the pole, then going under-  
142 ground into the structure. He said he would have come to the Board right away with that  
143 change but did not find out about the pole until it was put in. By CMP's directive, the  
144 transformer will go at the end of the driveway near the edge of the property.

145

- 146 • Motion: Pete Smith moved to accept the application for a site plan amendment from  
147 Bristol Pointe, LLC, 298 York Street, Tax Map 50, Lot 123, and Map 115, Lot 235, as  
148 complete for review. Gerry Runte seconded. The motion passed 5-0.

149

150 The developer was in discussion with CMP at the time the pole went in, and he was told an  
151 easement was required. At the same time, CMP directed him regarding the new location for the  
152 transformer. CMP told him that if they did not put it in right away, it would take at least a year  
153 to get power to building. As it is, they might not have power until after February, 2022.

154

155 Roof Shingle Color

156 Kathleen Kluger said that in the original letter, there was a discussion about how hard it has  
157 been to get materials, but when it came to the color, no one wanted to wait to get the cream  
158 color. Of all the changes, she said speaking for herself, it looked as if by giving it a little more  
159 time, the roof could have remained cream-colored, as in the original plan.

160

161 Brud Weger said that it has been hard to get materials, and they went after the only color they  
162 could get at the time. If they waited a month or two, they were taking the risk of losing that  
163 product, altogether. Replacing products has already cost thousands of extra dollars. The  
164 decision was too hurried to come back to the Planning Board in advance.

165

166 The wood shingles were changed to Hardee Board because the customers/tenants said they do  
167 not want to paint the building every five years. The materials were ordered as far back as a year  
168 ago, during December of 2020. Once again, the decision to change was hurried and made too  
169 quickly to return to the Planning Board.

170

171 Ian Shaw said the applicant should have connected with the Planning Department as soon as  
172 they realized they needed to change. Kathleen Kluger said that in a circumstance like this, the  
173 applicant would have been moved up the list immediately.

174

175 Gerry Runte said that many of the changes were caused by expedient decisions based on supply  
176 issues. However, there are a few, like the clear roof over the trash area, the low street wall, and  
177 the concrete wall, that are entirely discretionary. Brud Weger said that those things are pending  
178 approval and have not been constructed yet.

179

180 The Chain Link Fence

181 There was a delapidated fence with old growth located at the back of the lot that was removed.

182

- 183 • Motion: Pete Smith moved to open the public hearing for Bristol Pointe, LLC, 298  
184 York Street, Tax Map 50, Lot 123. Gerry Runte seconded. The motion passed 5-0.

185

186 Peter Yauch said that the building looks like a giant Olive Garden that has been dropped into  
187 the Village. It is a monstrosity. He was surprised it was approved in the first place. He can't  
188 believe another one is going up next to it. It doesn't look how anything in the middle of York  
189 Village should look.

190

191 Kathleen Kluger closed the public hearing.

192

193 The Stonewall

194 Brud Weger proposed Techno Block for the concrete wall along the driveway, and he proposed  
195 a clear roof over the trash bin. The wall is shown on the landscaping plan with a metal planter  
196 on top, which should block any view of the corrugated clear plastic that lets the light in.

197

198 The discussion returned to the Utility Pole. Kathleen Kluger said that the Board wants to see  
199 something in writing from CMP. Geoff Aleva replied that they have been trying to get  
200 something out of CMP for months. Pete Smith said the applicant must give evidence that they  
201 are trying to get a response from CMP or at least something showing they have requested  
202 documentation.

203

204 Roof Shingle Color (including the front porch)

205 Kathleen Kluger said that the original black, metal roof of the porch has already been changed,  
206 and that discussion is included in another item.

207

208 Trim Material

209 Wayne Boardman said that the Planning Board liked the wood. The developer answered that  
210 the nine buyers did not want the upkeep of wood. The Board members had no further issue  
211 with the trim material.

212

213 The Gable Shingle Color (and the siding color)

214 Kathleen Kluger said the color of the gables went from Cream to Espresso. Wayne Boardman  
215 said he would not say no to the color changes of the gables and siding.

216

217 The Chain Link Fence

218 The Board favored its removal.

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The Concrete Walls (including the low street-wall and walls on both sides of the driveway) Geoff Aleva said that the original plan had masonry on the low wall by the sidewalk where the bench is. The original plans also called for painted modular block walls on both sides of the driveway. The applicant wants all three walls coordinated with painted modular block. The Board members had no argument with coordinating all three walls.

The Electrical Transformer Moving to the Back

Moving the transformer was required by CMP. The applicant plans to put up a four-or-five-foot, black screening fence around the transformer.

That discussion completed the list of 10 itemized items.

- Motion: Pete Smith moved to approve the site plan amendments to a previously approved plan from Bristol Pointe, LLC, 298 York Street, Tax May 50, Lot 123 as presented in the request list of November 11, 2021, excluding Item No. 10. There was no second. The motion failed.
- Motion: Pete Smith moved to approve for Bristol Pointe, LLC, 298 York Street, Tax May 50, Lot 123, site plan amendments on the previously approved site plan, as follows:
  - 1) That the utility pole has been moved near the driveway. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.
  - 2) That the roof shingle color used is dark grey and brown. The product used is Cambridge Weather Wood. Wayne Boardman seconded. The motion passed 4-1 with Kathleen Kluger voting no.
  - 3) That siding material be changed from wood to Aztec composite material. Wayne Boardman seconded. The motion passed 5-0.
  - 4) That the front entry roof color be changed from copper to black. Wayne Boardman seconded. The motion passed 5-0.
  - 5) That the gable shingles be changed from wooden cream-color to Hardee shingles in Rich Espresso color. Wayne Boardman seconded. The motion passed 4-1 with Kathleen Kluger voting no.
  - 6) That the siding color changes from wood and cream-color to Hardee Plank in Timber Bark. Wayne Boardman seconded. The motion passed 4-1 with Kathleen Kluger approving the change in material but not the change in color [therefore voting no].

- 262 7) That a clear roof be placed over the trash bin area with planters on top of the exterior  
263 wall as originally planned. Wayne Boardman seconded. The motion passed 5-0.  
264
- 265 8) That all chain link fences are removed from the site. Wayne Boardman seconded.  
266 The motion passed 5-0.  
267
- 268 9) That the low wall at the sidewalk will be constructed with Perma Block. Wayne  
269 Boardman seconded. The motion passed 5-0.  
270
- 271 10) That the electrical transformer will be shifted to the driveway side of the building,  
272 set at the rear of the property and screened with a low fence. Wayne Boardman  
273 seconded. In discussion, Kathleen asked if the fence color should be added to the  
274 motion. Ans: The color will be added as a condition of approval and plan note.  
275 The motion passed 5-0.  
276

277 **Minutes**

278 The December 9, 2021, minutes were reviewed but not approved.  
279

280 **Other Business**

281

282 Findings of Fact, Conclusions of Law, and Decisions

283 Planning Board, Town of York Maine

284 Regarding an application for BD Solar York, LLC

285 53 Major McIntyre Road

286 Map/Lot 0086-0034

287 Applicant BD Solar York, LLC  
288

- 289 • Motion: Gerry Runte moved to authorize the Chair to sign the Findings of Fact for BD  
290 Solar York, LLC, 53 Major McIntyre Road, Tax Map 86, Lot 34. Kenny Churchill  
291 seconded. The motion passed 5-0.  
292

293 **Other Business**

294

295 Other Business Item 1

296 Dylan Smith asked the Planning Board to consider withdrawing part or all of Article 8, which  
297 they had recently approved and sent to the Selectboard. Section 8.3.11 is in regard to fences in  
298 the shoreland overlay. When it was approved, the matter was not thoroughly reviewed. There  
299 should have been greater thought about fences in the shoreland that are placed along the edge of  
300 the wetlands, which ultimately cut up pasture for creatures.  
301

302 He suggested the Board could:

- 303 1) Allow him to write the language and propose an amendment at the Selectboard's meeting in  
304 January, 2022, or

305 2) Have the Planning Board reverse its decision to send the amendment to the Selectboard.  
306 This step would allow greater review and the ability for the Planning Board to write its own  
307 language to submit in November, 2022.  
308

309 Pete said there are safety issues to consider as part of it. Kathleen said it would be best for the  
310 Planning Board to write the amendment. Wayne Boardman commented that the request came  
311 from the Code Office, and it will not create a hardship if it is delayed.  
312

- 313 • Motion: Pete Smith moved to rescind the motion to approve forwarding Amending  
314 Article 8, specifically 8.3.11, Structures, having to do with exempting fences less than  
315 eight feet tall in the shoreland zone to the Selectboard. Wayne Boardman seconded the  
316 motion. The motion passed 5-0.  
317

318 Other Business Item 2  
319

320 Kathleen Kluger said that the first meeting after the holidays will be at the Police Department.  
321 If Board members have traveled or have entertained travelers to their homes for the holidays,  
322 perhaps we should consider doing self-tests before coming to the meeting.  
323

324 Other Business Item 3  
325

326 Gerry Runte said that a preliminary draft question for the May, 2022, referendum had been  
327 written and withdrawn. It had not been approved by the Climate Action Plan Steering  
328 Committee or the Planning Board. It did not indicate that the CAP would not create new  
329 requirements or budgetary issues. When people vote for it, they should not feel they are  
330 imposing any new financial burdens on themselves. A second draft was written and accepted  
331 by the Steering Committee and was being presented tonight for the Planning Board's approval.  
332

333 The proposed language is:

334 Shall the Town adopt the York Climate Action Plan as a non-binding set of  
335 recommendations for future policies and actions designed to prepare the Town  
336 for the physical impacts of climate change and to reduce emissions?  
337

338 No one disagreed with the wording. Kathleen Kluger commented that the Statement of Fact  
339 should show that the CAP will have no monetary request - "zero dollars" - or financial impact.  
340

341 Adjourn  
342 10:10 P.M.  
343

344 Respectfully submitted,  
345 Patience G. Horton  
346 Recording Secretary  
347



# Planning Office - Work Heading to Public Vote

Updated: January 12, 2022-DRAFT Subject to Change

WORK TASK	Status	% Complete	Primary Staff Contact
<b>Comprehensive Plan Amendments</b>			
<b>November 2022</b>			
New Comp Plan	started	35%	Consultant
<b>Ordinance Amendments</b>			
<b>May 2022 and beyond</b>			
Article 8 Shoreland Overlay District Changes (roof overhangs, pre and post pictures)	started	90%	Dylan Smith
Article 5 Dimensional Regulations	Started	90%	
Article 9 Sustainable Energy Efficient Buildings	started	90%	Dylan Smith
Floodplain Management Ordinance (utilities)	started	50%	Amber
Docks (Harbor Ordinance)	Started	65%	Dylan Smith
Open Space Conservation Subdivision Ordinance (Yield Plan)	not started yet	65%	Dylan Smith
Green Enterprise Recreation Overlay District (pg 170/172 of Comp Plan) New Zone	started	15%	Dylan Smith
Docks and Shoreland Protection, likely 8.3.6 and Permitted Uses in Resource Protection? (See email from Steve 1/15/2020, and Harbor Board 1/15/20)	not started yet	40%	Dylan Smith
Seasonal Employee Housing- define and performance standards	not started yet	0%	Dylan Smith
Better Route 1 Design Standards (Potentially Town Wide as well)	not started yet	0%	Dylan Smith
York Village Design Standards/ht (Consultant? form based code) Sign Standards	not started yet	0%	Dylan Smith
Eliminate Board of Design Review	not started yet	0%	Dylan Smith
Tiny Homes and Right to Farm (State Law Changes)	not started yet	0%	Dylan Smith
Affordable Housing_New Affordability Parameters/Amend Workforce Housing Standards/Requirements	not started yet	0%	Dylan Smith
IECC 2021 (Stretch Codes) Town wide	not started yet	0%	Dylan Smith
Floodplain Management Ordinance (New maps by May 2023?)	not started yet	0%	Amber
Res-1 B Zone rezone (Elderly)	not started yet	0%	Dylan Smith
Elderly Housing Ordinance (Overhaul)	not started yet	0%	Dylan Smith
Gen-3 rezone/evaluate	not started yet	0%	Dylan Smith
Future Hazards Overlay Ordinance (SLR Standards)	not started yet	0%	Dylan Smith
Parks Ordinance Amendments	not started yet	0%	Dylan Smith
Wireless TF (Small Cell Facilities)	not started yet	0%	Dylan Smith
Shoreland Ordinance and Solar Array's	started/Tabled	90%	Dylan Smith
Stormwater Ordinance (New MS4 permit comes out ??????)	started	10%	Dylan Smith
Shoreland Maps	not started yet	0%	Aaron/Brett/Dylan
short term rentals	started	25%	Dylan Smith
Food Trucks	started	5%	Dylan
Expansion of the Village Historic District (See HDC Proposal)	started	90%	HDC
Quorum for the BOA	not started yet	80%	Dylan Smith
Property Tax Ord?	not started yet	0%	?
Sea Level Rise and building standards (Future Flood Hazards Overlay Zone)	not started yet	0%	Dylan Smith
Cape Neddick Village Zoning and Standards	not started yet	0%	Dylan
Better non-residential performance standards outside of Route 1	not started yet	0%	Dylan Smith
Building Permit Abutter Notices	not started yet	0%	Dylan
Ordinance regarding Easement types (Paper Streets)?	started	40%	Dylan Smith/Rick M.
Noise Ordinance Amendment	not started yet	0%	Dylan and Owen?
Nonconforming situations (Height limits in RES-5 and RES-7)	started	90%	
Land Not Suitable for Development	Started	90%	Dylan
Section 7.5.1 (Why is it there?)	not started yet	0%	Dylan
Private Street Requirement Standards	started	40%	Dylan
Septic Ordinance	not started yet	10%	Leslie Hinz
Finish Reformatting Principal Uses and Integrating Zone-Specific Requirements	Not started yet	0%	Dylan Smith
Amend Article 18_A.2-e Expiration of Permit approvals (Match Building Code)	not started yet	0%	Dylan Smith
RES 1-B Setback Changes (Citizen request)	not started yet	0%	Dylan
Lot size (match subdivision standards) i.e. lot size factors	not started yet	0%	Dylan
Demolition Delay standards HDC/Alternative Construction Standards	not started yet	0%	HDC/Consultant
<b>November 2023 and beyond</b>			
Complete Streets Policy (Possibly May 2023)	Not started yet	0%	Bike/Ped
Site Plan/Subdivision Separation/Performance Standards	started	35%	Dylan Smith
Land Use Fees	started	45%	Dylan Smith
<b>Other concepts on the radar screen</b>			
Short Sands Road FBC and Regulating Plan			
SOL Smart Designation			
Shoreland Mapping			
Route 1 Access management Plan			