

York Planning Board Public Hearing
Thursday, February 17, 2022, 7:00 P.M.
Via Zoom

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

Chair Kathleen Kluger called this public hearing of the Planning Board to order at 7:00 P.M. A quorum was determined with five people voting: Kathleen Kluger, Vice-chair Wayne Boardman, Peter Smith, Al Cotton, and Board Secretary Gerry Runte, who joined the meeting at 7:10 P.M. Alternate Ian Shaw was present, but did not vote. Alternate Kenny Churchill was not present. Planning Director Dylan Smith represented Town Hall Staff. Patience Horton was the recording secretary. Votes were tallied via roll call.

Public Forum

There was no public forum.

Public Hearing—Article 8—Shoreland Overlay District (Docks in the Resource Protection Subdistrict)

This meeting is a public hearing for a proposed amendment to a zoning ordinance. The request to amend the zoning ordinance originated with the Board of Selectmen. Per the Town of York Home Rule Charter Section 21, an ordinance may be introduced by any member of the Board of Selectmen at any regular or special meeting. State Law M.R.S Title 30-A, Section 4352, Zoning Ordinances, requires that there be a public hearing for any proposed new zoning or amendment to an existing zoning ordinance. The Selectboard requested that the Planning Board hold this hearing in addition to the one they will conduct on Monday, February 28, at 7:00 P.M.

- Motion: Al Cotton moved to open a public hearing to a proposed amendment for Article 8, Shoreland Overlay District, Docks in the Resource Protection Subdistrict. Seconded by Pete Smith, the motion passed 4-0.

Chair Kathleen Kluger opened the public hearing.

Charley Steedman has been out on the York River for more than 75 years. The York River is worth protecting fiercely. Any change in the status for docks on the York River has to be considered in a context of the new Comp Plan and the Climate Action Plan.

Karen Arsenault: The river is exceptional for its clean water, salt marsh habitat, resilience to climate impact, biodiversity, and rare and endangered plants and wildlife. The York River Wild & Scenic designation, Maine DEP, and the Nature Conservancy acclaim its healthy condition and prioritize its protection. The Town has made recommendations to sustain its use and resource protection. Those recommendations do not include docks. The Comprehensive Plan and the Climate Action Plan attest and adhere to the respect of the river's natural state to which the voters agree.

Jennifer Hunter: The Town and Harbor Board's existing ordinance does not allow docks in Resource Protection. Revisions to dock development should be consistent with Town goals, the protection and management plan, the Comp Plan, and the Climate Action Plan. The map provided with the amendment does not match the categories of coastal wetlands, coastal bluffs, inland wetlands, the 100-year flood plain, bird habitat areas, or unstable coastal bluffs. Overall,

the amendment is confusing and will create more problems. I hope the Planning Board concurs and does not support placement of the amendment on the May ballot, she said.

Gail Gilcrest said the Statements of Fact state incorrectly that this amendment clarifies where docks are permitted and prohibited. The abrupt wording in the amendment “in short, docks are permitted in the water,” lends confusion to what already is a confusing situation. This proposed amendment is not a simple clarification. It is an affront to the people of York who developed the Climate Action Plan and the Comp Plan. I hope the Planning Board will consider not allowing it to appear on the May ballot, she said.

Mike Sinclair, Harbor Board Chair, said this ordinance change is being rushed through. Performance standards have to be developed before dock amendments can go further. He is concerned about erosion of steep slopes and unstable bluffs. There must be vegetation and bank stabilization before a dock is built. If steep slopes and unstable bluffs are not protected, sedimentation will lead to forced dredging. It cost \$2,900,000 to dredge York Harbor three years ago.

Ala Reid said this plan conflicts with other sections of the ordinance. It creates more problems than it solves. It does not support the vision laid out in the Comp Plan. The language of it is too broad and sweeping. If this passes, York will have to live with the unintended consequences of this language for years to come. The Planning Board needs to take the lead. There has to be balance for more recreational access and an equal desire to protect our rivers and other significant natural resources. She asked the board to do what they can to keep this amendment off the May ballot.

Torbert Macdonald said that the amendment is contrary to the Comp Plan, current law, State rules, and climate action. If it passes, docks will be protruding into the salt marshes in the upper river where right now someone can witness erosion of the salt marsh from Scotland Bridge. The silt ends up in the harbor, which will have to be dredged again. The Selectboard is accelerating a process that the citizen-taxpayers can't afford.

Doreen McGillis said that the voters of York have said over and over again they are in favor of strict zoning measures that protect the York River. They do not wish to lose the restrictions on docks. This ordinance amendment should be withdrawn. This is not what we want for our beautiful river. It is time for us all to be vigilant and not let this amendment go onto the ballot.

Gerry Runte read an email communication from Nan Graves. She will not support any dock ordinances until the community adopts the new Comprehensive Plan.

Gerry read an email communication from Arthur & Eliza Peters, Peter & Kathleen James, and Elizabeth Johnson. They support property owners' rights to build under the existing requirements, but it seems like the only intention of this amendment is to allow more docks and piers on the river without considering the loss of scenic value and the impact on recreational users. They believe ordinance changes should be consistent with the Comprehensive plan and the Climate Action Plan, and these are not.

- Motion: Al Cotton moved to close the public hearing for the proposed amendment to the Shoreland Overlay Resource Protection Zone. Seconded by Pete Smith, the motion passed 5-0.

Chair Kathleen Kluger said State law requires the Planning Board to post and publish notice of the public hearing. The Planning Board has fulfilled its requirement to do so.

Planning Director Dylan Smith encouraged the people who testified to go to the February 28 hearing when the Selectboard decides whether to send the amendment to the May 2022 special general reference.

Al Cotton pointed out that the language in the Statement of Fact implies that the Planning Board recommends putting the amendment on the ballot. Dylan Smith said that what appears to be a preference vote is boiler plate language. It does not mean the Planning Board approves of the amendment.

The Planning Board's preference vote will be in the Voter Information Guide.

- Motion: Gerry Runte moved that when Planning Board hearing is conducted and submitted back to the Selectboard, the statement that that a preference vote was made by the Planning Board should be disregarded.

The motion was not seconded.

- Motion: Pete Smith moved that the Planning Board request and recommend that this amendment (docks in the shoreland overlay) will not be forwarded to the Selectboard for the May ballot. Seconded by Al Cotton, the motion passed 5-0.

Other Business

The Selectboard's public hearing on this amendment will be Monday, February 28, on Zoom.

Adjourn

7:50

Respectfully submitted,
Patience Horton