

## DeCarlo Brown

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**From:** Amber Harrison  
**Sent:** Friday, February 4, 2022 11:38 AM  
**To:** Dylan Smith; Robin Kerr  
**Cc:** Robin Cogger; DeCarlo Brown  
**Subject:** RE: Article 10 and the Mount A project parking area  
**Attachments:** 100\_0346.jpg; 100\_0350.jpg; opening day - Copy.jpg; T.O.Y - YWD agreement clean.pdf; YWD Mt A letter 022521.pdf; YPD letter of support.pdf; P&R Board letter of support.pdf; YBFD Parks and Rec Letter of support.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

This email can be used as documentation of interpretation from the code office to the planning board with regards to the application for expanded parking and bathrooms at Mount A. After review of the ordinance, it does not appear that the Planning Board has the ability to waive lot coverage. With that said, the lot is already over 10,000sf of impervious and the uses existed prior to 1987 (see photos), therefore it is an existing "grandfathered" use that is allowed to expand per article 10.7.2. The PB can't waive lot coverage, and they don't need to because it's already an existing non-conforming use. Likewise, the parking area at the top of the mountain is in an existing, non-conforming location (with regards to setbacks for parking areas), but should be allowed to expand under article 10.7.2. (see also letters of support attached).

Please feel free to use this correspondence from the code office with the Planning Board in support of the project moving forward under article 10.7.2.

Thank you,  
Amber

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**From:** Dylan Smith <dsmith@yorkmaine.org>  
**Sent:** Friday, January 28, 2022 1:54 PM  
**To:** Robin Kerr <rkerr@yorkmaine.org>; Amber Harrison <aharrison@yorkmaine.org>  
**Cc:** Robin Cogger <rcogger@yorkmaine.org>; DeCarlo Brown <dbrown@yorkmaine.org>  
**Subject:** RE: Article 10 and the Mount A project parking area

Amber-

After review of Article 10 I am interested to get your take on section 10.7 Nonconformities, as it appears as though the expansion of the parking areas/bathroom/driveway corresponds with the Planning Board being able to grant this expansion based on section 10.7.2 as this use (and/or structures) has existed prior to 1987. In my opinion That would make section 10.4.4 not pertinent to this proposed expansion and the PB (as permitted through conditional use) could keep moving forward with review and approval. That's my 2 cents.

Best,  
Dylan

Dylan L. Smith  
Planning Director

Town of York  
186 York Street  
York, Maine 03909  
(207) 363-1007

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**From:** Robin Kerr <[rkerr@yorkmaine.org](mailto:rkerr@yorkmaine.org)>  
**Sent:** Thursday, January 27, 2022 9:16 PM  
**To:** Amber Harrison <[aharrison@yorkmaine.org](mailto:aharrison@yorkmaine.org)>  
**Cc:** Robin Cogger <[rcogger@yorkmaine.org](mailto:rcogger@yorkmaine.org)>; DeCarlo Brown <[dbrown@yorkmaine.org](mailto:dbrown@yorkmaine.org)>; Dylan Smith <[dsmith@yorkmaine.org](mailto:dsmith@yorkmaine.org)>  
**Subject:** RE: Article 10 and the Mount A project parking area

Just to provide some background this is the waiver request and basis:  
Regulation: Town of York Zoning Ordinance Article 10 Watershed Protection Overlay District Section 10.4.5 Lot Coverage.  
Waiver Request: To waive the maximum impervious cover of 10,000 SF.  
Basis for Waiver: The Town of York and the York Water District have implemented the watershed protection overlay district in order to protect the water supply for the town coming from Chases Pond. While this project does provide a parking lot in the area, vehicles are currently parking along the roadway creating pollutants that are not treated prior to reaching the pond. While this project increases the impervious area in the watershed, it will treat stormwater that is currently going untreated.

Happy to share more information to include a support letter from the water district, lease agreement, and reasons why porous pavement isn't best application here if its helpful?

Best,  
Robin

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Robin L. Kerr, Conservation Coordinator  
Mail: 186 York Street, York, ME 03909  
207.361.1102 | [www.agamenticus.org](http://www.agamenticus.org) | 



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**From:** Dylan Smith <[dsmith@yorkmaine.org](mailto:dsmith@yorkmaine.org)>  
**Sent:** Thursday, January 27, 2022 8:33 PM  
**To:** Amber Harrison <[aharrison@yorkmaine.org](mailto:aharrison@yorkmaine.org)>  
**Cc:** Robin Cogger <[rcogger@yorkmaine.org](mailto:rcogger@yorkmaine.org)>; Robin Kerr <[rkerr@yorkmaine.org](mailto:rkerr@yorkmaine.org)>; DeCarlo Brown <[dbrown@yorkmaine.org](mailto:dbrown@yorkmaine.org)>  
**Subject:** Article 10 and the Mount A project parking area

Amber, can you let the PB know the take they should have on section 10.4.4 in zoning regarding the impervious cover and the proposed parking area? It seems as though this is a possibly okay? This came up as there was a review memo

that called for the PB to waive this provision, of which I don't believe the PB has authority to do so and of which you could possibly not grant a building permit if you deemed a violation.

Best,  
Dylan

Dylan L. Smith  
Planning Director  
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