

York, Maine
Planning Board Meeting Minutes
Thursday, March 11, 2021; 7:00 P.M.
Remote Meeting via Zoom

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

Chair Kathleen Kluger called the meeting to order at 6:00 P.M. A quorum was determined with five people voting: Kathleen Kluger, Vice-Chair Wayne Boardman, Board Secretary Gerry Runte, Al Cotton, and Peter Smith. Alternate Ian Shaw was appointed as a voting member in Peter Smith's stead on one application, Moorehouse Place. Kenny Churchill was absent. Planning Director Dylan Smith represented staff. Patience Horton took Minutes. Votes were tallied via roll call. The meeting lasted three-and-a-half hours.

Planning Board/Selectboard Quarterly Meeting (6:00-7:00 P.M.)

Marilyn McLaughlin-Murray, Selectboard

Kinley Gregg, Selectboard

Todd Frederick, Selectboard Chair

Mike Estes, Selectboard

Robert Palmer, Selectboard

Chair Kathleen Kluger's Planning Board progress report

Kathleen Kluger: [Since the last joint meeting] the Planning Board has completed final approvals and Findings of Fact for 7 applications, including 1) Gulf Hill (52 homes—open space subdivision) and 2) Moorehouse Place (52-units, affordable workforce). Two applications are midway, including 1) a two-store retail development on Route 1-South. 2) There are nine applications in the queue that are nearing acceptance and can go on the agenda. 3) Of the completed applications, one was a fast-track COVID-related request.

For ordinance reviews and hearing, we worked on 1) the stormwater setback exemption (which is going forward to ballot), 2) the open space conservation subdivision amendment (still under review), and 3) the ground mounted solar array (put off by the Selectboard at this time). We have also worked on 1) Docks in the Resource Protection Zone (which was deferred by the Planning Board), and 2) the Green Enterprise Zone. 3) The Planning Board did a minor revision of its bylaws. 4) We made major revisions to the Findings of Fact documents for applicants and developers. 5) We have begun the Comprehensive Plan update (Comp) and the Climate Action Plan (CAP) process.

The Comp Plan Update Steering Committee

Committee Chair Kathleen Kluger said that she has been putting together members for the Comp Plan Update Steering Committee, which will have 13 people, including the tag team of two Selectboard members. The Committee will include two students from York High. The meetings

for each committee (the Comp and the CAP) will take place monthly and last about one-and-a-half hours. Public outreach will be enacted not only by the Planning Board, but also by the steering committees and members of work groups. All meetings will be open to the public. Agendas will be published, and Zoom meeting links will be available for all Zoom meetings.

The Climate Action Plan Steering Committee

Co-chair Wayne Boardman said that Rozanna Patane is the other CAP Co-chair. The CAP is trying to run things in parallel with the Comp Plan update, and that works well for the consultant, Susan Silberberg of CivicMoxie. There will be a kickoff meeting with the two committees and the consultant on March 23. The CAP will have approximately 12 members. It has a broad array of participants.

Discussion about Steering Committees with the Selectboard

Todd Frederick: The steering committees seem to be made up only of members or leadership of existing Town committees. It is not diverse.

Kathleen Kluger: Susan Silberberg encouraged us to include people for the steering committees who came to the interview process last year. She recommended finding the balance of members of the steering committees from committees and boards in Town. Some people contacted me, said Kathleen, and asked to be on a steering committee. There will be many opportunities for public outreach.

Mike Estes said that thirteen members to organize meetings seems over the top. He also implied that having the work done by the assigned steering committee members does not constitute enough of the public input the Selectboard expects.

Peter Smith: We have selected and have a contract with CivicMoxie to advise us and operate the whole thing. We will do what CivicMoxie proposes and knows how to do. They are talking about setting up a significant number of highly specialized work groups to address all the gatherings for collecting public outreach data.

Kathleen Kluger: There have been five outreach efforts now. There will be more outreach to complete the steering committees.

Dylan Smith: There were 15 groups we looked at. They represent local businesses, Parks & Rec, and the YCSA. The Planning Board has taken into account geographical locales like the Beach, the Harbor, Cape Neddick, out on Route 91, and the Mountain.

Peter Smith: The steering committees are going to work with the consultant and set agendas, policy, and procedure. Work at the workgroup level will include understanding what the general public is interested in.

Al Cotton: We are going to have different people come in under different capacities.

Marilyn McLaughlin-Murray implied that the consultant should turn to the Selectboard for guidance. Steve Burns replied that, per the contract, CivicMoxie goes only to the Planning Board if they have any questions, not the Selectboard.

Conversation with the Selectboard about the Green Enterprise Overlay District

Dylan Smith: One Planning Board task is to rezone what we have come to call the York Beach Corridor District. Al Cotton and Pete Smith have formed a workgroup with me to look at the basic Green Enterprise Recreational Overlay District, which is the Short Sands Road area. The district is made up of Town property as well as York's Wild Kingdom. In our analysis so far, we are running into roadblocks with the Comp Plan. The question is whether the Selectboard wants us to look at the potential zoning district changes knowing that the Comp Plan is going to be in the updating process that might change the ordinance.

Mike Estes: We want to move forward with zoning ordinances. We are not shutting down for two years to do the Comp Plan.

A conversation with the Selectboard about the Open Space Conservation Ordinance.

Dylan Smith said that there are multiple problems that need to be changed with the existing open space ordinance. To move ahead, we are also working with recommendations the Conservation Commission is making, he said. It is clear that developers must submit acceptable yield plans in the early stage of the process.

Kathleen Kluger: The standards that have to be met by developers for creating open space subdivision are difficult to follow. There are sections in the ordinance have to be "tightened up."

The discussion with the Selectboard ended. The time was 7:00 P.M.

Field Changes

There were no field changes.

Public Forum

Chair Kathleen Kluger opened the public forum without objection.

1. Janet Drew asked if there is a list of people for the steering committees.
2. Susan Patterson asked if the cost of maintaining upkeep of Mt A will be passed on to visitors.

Kathleen Kluger closed the public forum.

Application Reviews

Mount Agamenticus Parking & Bathroom Improvements—Sketch Plan, 17 & 21 Mt A Road

Map/Lot 0095-0008 & 0093-0025 owned by Town of York and York Water District

The intent of this project is a sketch plan for new parking facilities and bathrooms at Mount Agamenticus

Robin Cogger, Parks & Rec Director

Stephanie Hubbard, Wright-Pierce Engineering

Robin Kerr, Conservation Coordinator at Mt A

Don Neumann, Water District Superintendent

Gary Stevens, Assistant Superintendent, YWD

Steve Burns, Town Manager

Robin Cogger: York voters have already approved this project for infrastructure improvements through a special general referendum of July, 2020. For this project, we have worked with many groups, especially the York Water District, which owns the property where some of the existing parking areas and the access road lie. The plan has been also directed by multiple traffic count studies, planning and visionary workshops with partnering landowners, the Selectboard, and a steering committee. Parking and traffic assessments have been made by the Southern Maine Planning and Development Commission.

Robin Kerr: Mount A was a dilapidated ski area. Now it is one of the last undeveloped forests in coastal New England. There are an abundance of vernal pools and rare plants and animals. There is a vast network of trails. It attracts over 50,000 visitors each year. Parking is over-capacitated and is a public safety concern. The portable toilets that are there now are costly, insufficient, and people don't like them.

Stephanie Hubbard: This plan provides continued access to the summit and authorized trails on Water District property. The easement will be widened from 49.5 feet to 66 feet. The infrastructure improvement will allow parking and restroom facilities on Water District property while still providing protection of York Water District's interest. It formalizes parking areas and allows composting Clivus Multrum toilets. It provides maintenance of the Town's existing power and telecommunication rights. The plan provides clarification of the Town's responsibility and ability to maintain the road by directing the Town to include signage, parking enforcement, paving, and widening.

Currently, at the top, there is a primary parking lot with consequential overflow parking. That area includes seasonal, port-a-potty restrooms. At a point 0.2 miles from the base, there is a small makeshift satellite parking area. At the base, there should be designed parking stalls in an organized parking area, where restrooms are also needed. There is ongoing high-volume parking along Mountain Road. All these things are being addressed.

Pete Smith: It looks like the plan is for about 150 to 155 total parking spaces. Parking is self-limiting in the parking areas; people will be able to park in unassigned spaces if they are willing to pay \$35 parking tickets. The drawing shows boulders are being put in place all the way down to the Center for Wildlife along Mountain Road. Those are to control parking there.

Dylan Smith: The Planning Board needs to look at Article 10, a Site/Sub Reg that really hasn't been looked at before. How does this use fit into a nonconforming situation? It will require a conditional use permit. It will be important that Robin Cogger and Stephanie Hubbard (Wright-Pierce) to make sure we interpret and address the conditional use permit for the project correctly. The Planning Board will have to act on a waiver of parking in the setback, which is already part of the current problem.

Dylan Smith said the he will not be doing the reviews, because Steve Burns, the Town, is the applicant.

- Motion: Peter Smith moved to open the public hearing for Mount Agamenticus Parking & Bathroom Improvements, Map/Lot 0095-0008 & 0093-0025. Gerry Runte seconded. The motion passed unanimously.
- Janet Drew: There might end up being a trolley or buses involved in bringing people up there.

Kathleen Kluger closed the public hearing and said that as with all other projects, the lighting must be dark sky compliant.

Discussion/Review—Comprehensive Plan Update/Climate Action Plan Steering Committee Functionality/Assignments

Dylan Smith: The Planning Board is setting up steering committees as suggested in the contract with CivicMoxie. One of the bullet points of the contract is that the committees are broad and inclusive. They must represent the community of public and private interests, geographic diversity, business and organizational segments, age, income, race, and gender diversity. It is up to the Planning Board to see that it is being done.

Wayne Boardman: I am 100% comfortable that once our steering committees get up and running, the Selectboard members will be quite comfortable with the diversity that we have on the committees. We will have to be clear to the Selectboard that the steering committees are not the ones making decisions. They are helping organize and publicize responsibilities for the working groups.

Kathleen Kluger: There is a partial list of people who have committed to the Comp Plan Steering Committee.

1. Ian Shaw has agreed to participate on the steering committee for the Planning Board.

2. Troy Williams, Williams Realty Partners and the Chamber of Commerce
3. Chuck Laughton, an economist and representative of the Committee to Combat Racism and Bias
4. Nan Graves, Budget Chair and former member of the Energy Steering Committee
5. Mike Sinclair, Chair of the Harbor Board
6. Stephanie Byrne, a Conservation Commission member who lives in a strategic area
7. Dave Herbein, School Committee Chair
8. Jud Knox, York Housing Authority
9. Todd Frederick and Kinley Gregg, the Selectboard tag team
10. David Webber, Shellfish Commissioner
11. Dave McCarthy of the Bike and Pedestrian Committee
12. Two Juniors from the York High School representing a school group

Wayne Boardman said that it is important to reach out to different organizations. The people who have committed to the CAP from different organizations can be considered regular citizens of York.

1. Marilyn McLaughlin-Murry and Robert Palmer, Selectboard tag team
2. Brenda Alexander, School Committee
3. Karen Arsonault, Water District board member
4. Lydia Bloom, the State Rep, will participate when she can. She is on the Climate Commission for the State.
5. Lillian Hubbard from a lobstering family
6. Jennifer Hunter, York River Study Committee
7. No one from the Budget Committee yet
8. No one from the York Public Library yet
9. Maccabee, Ready for 100
10. Ron McAllister, York Community Forum
11. Michelle Surdoval, York Community Services Association

Al Cotton: These are all hardworking people who want to make things go better for the Town of York. That is a good standard that we back 100%.

**Discussion /Review—New Ordinances for November 2021
Green Enterprise Short Sands Road Area Rezoning**

Dylan Smith: We are going to call it the York Beach Corridor, a unique zone that mimics the points mentioned in the Comp Plan as it relates to the Green Enterprise district.

Al Cotton: We originally thought we would simply be extending the zone from York Beach toward Route 1. But now it is obvious we found certain things, like single-family housing, that are recommended in the Comp Plan, but are not in the rules for the Green Enterprise District.

Pete Smith: There is a transition as you go from Route 1 to the Beach where we are trying to involve some of the basic standards that make sense in that area. Sections that might make sense in the Route 1 might not make sense at the Beach--but they do make sense on this road.

Al Cotton: We are taking one bite at a time, and the first bite is to work around the new Short Sands Road to make sure it works the way it is supposed to be in tying Route 1 and York Beach.

Open Space Conservation Subdivision Development Ordinance

Dylan Smith: I plan to have something about open space conservation subdivisions for you to review in April. If anyone has specific comments regarding sections of that ordinance, send them to me in a bullet point fashion. I can consider and maybe incorporate them.

Minutes

- Motion: Al Cotton moved to approve the Planning Board Minutes of Thursday, February 25, 2021 as written. Pete Smith seconded. The motion passed unanimously.

Other Business

1) Preference Vote for Stormwater Management Facility Setback Exemption Footnote K.

Dylan Smith: Preference votes aren't put on ballots anymore. They are put in the Voters' Guide. You might want to change your individual preference vote for the Voters' Guide if the Selectboard has made changes the Planning Board did not recommend. However, in the case of Stormwater Management, they did not make changes.

Kathleen asked for those preferring the amendment: Four voted yes. One voted no, Kathleen Kluger.

2) Findings of Fact Moorehouse Place Workforce Affordable Housing Phases 1 and 2 Tax Map 0059, Lots 0021 and 0021-A Jeff Clifford, Attar Engineering

Because Peter Smith recused himself, Planning Board alternate Ian Shaw was appointed as a voting member for this application.

Dylan Smith: The Planning Board typically requires a standard plan note regarding a performance guarantee. That is often a letter of credit or a performance bond. It assures that public improvements are completed. In this case, Subsection 10.6 of the Site/Sub Regs are part of the Moorehouse Place final approval. With it, the applicant is entering into a binding

agreement with the Town as provided in Zoning Section 6.3.21.2 and Site/Sub Reg 10.6. In essence, the applicant agrees that, as a condition, no lots will be sold until public improvements, including erosion control, are complete.

Jeff Clifford agreed to put a plan note that specifies this on the final plan. It relates to the performance guarantee aspect of the conditional agreement, per 10.6.1.

- Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact for Workforce Affordable Housing Phase 1 and 2, Tax Map 0059, Lots 0021 and 0021-A, with the understanding there will be a footnote clarifying the security requirements. Wayne Boardman seconded. The motion passed unanimously.

**3) Findings of Fact
Larson Lane Amended Subdivision Plan
Tax Map 0086, Lots 0004 and 0004-A
Applicant Mark Gay**

- Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact for Larson Lane Amended Subdivision Plan, Tax Map 0086, Lots 0004 and 0004-A. Wayne Boardman seconded. The motion passed unanimously.

**4) Findings of Fact
53 Rogers Road Subdivision, 53 Rogers Road
Map/Lot 0094-0083, owned by Beach Side Cove, LLC**

Dylan Smith said that at an earlier meeting, Pete Smith moved to waive 7.6, Open Space Subdivision Ordinance, in that there would be a deed restriction in the Homeowners' Association documents. The deed restriction would disallow further development in the open space. However, the statement was missing from the Homeowners' Association documents. The Board amended the Findings to include that the open space shall be protected through deed restriction.

- Motion: Al Cotton moved to authorize the Chair to sign the Findings of Fact for Beachside Cove Condominium Subdivision, Plan Tax Map 0094 Lot 0083, with the changes as approved by the Board this evening. Gerry Runte seconded. The motion passed unanimously.

Adjourn

The meeting adjourned at 9:30.
Respectfully submitted,
Patience G. Horton
Recording Secretary