

York, Maine
York Planning Board Workshop
Thursday, September 9, 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 Al Cotton, Pete Smith, and alternate Ian Shaw, who was appointed as a voting member. Gerry Runte was absent. Alternate Kenny Churchill was present but did not vote. Planning Director Dylan Smith represented staff. Patience Horton was the Recording Secretary working remotely. Votes were tallied via roll call.

Field Changes

There were no field changes.

Public Forum

Torbert Macdonald came forward. He said he agrees with the Planning Board's August 26 decision to deny preliminary approval to Long Sands Elderly Housing. He said that it was a reasonable and rational decision that was consistent with the Comprehensive Plan.

He would like the Planning Board to remove the Fernald Avenue neighborhood from the application of the elderly housing ordinance. He also asked for relief from the setbacks imposed upon his neighborhood. He would like to see duplexes allowed in his neighborhood, as well.

Regarding the Comp Plan rewrite, Torbert said that the ordinances are based on both the eight volumes of the York Resource Inventory and Analysis and on State mandates. Ordinances have to be sound, or they will be overturned. He said that the new Comp Plan must be structured as modifications of the old one, which should not be completely discarded.

While he was on the Planning Board, the Transfer of Development Rights was suggested as a way to help protect unfragmented blocks, but his Planning Board did not develop a method to enact it. He suggested this Planning Board pursue it.

He talked about the wireless communication ordinance. He said that Section 1.6, Technical Assistance, was overlooked in the recent approval for New Singular Wireless. That section allows the Planning Board to obtain technical, expert assistance, which the Planning Board did not do in this case. Torbert said that Professor Kent Chamberlain will be speaking at the library at 2:00 P.M. on September 21. Chamberlain is an expert on the physics of wireless communication and would be an excellent consultant for the Planning Board, Torbert concluded.

Kathleen Kluger closed the public forum.

Discussion/Review—Comprehensive Plan Update/Climate Action Plan Update on Climate Action Plan Process

Wayne Boardman said the upcoming, October 3 open house was set to both gather and present information, but, after consultation with CivicMoxie, the event has been canceled because of Covid. His group is examining an alternative and might go with a virtual, educational event. Such an event is being planned for November.

He continued. The CAP working groups submitted their recommendations to CivicMoxie on August 11. CivicMoxie has built a spread sheet around them and will prioritize the strategies.

Update on Comprehensive Plan Process

Kathleen said there will likely be an adjustment to the September 19 deeper dive, which she called the Comp Plan on steroids.

The entire auditorium and High School building are available to spread out the event, but it does not solve the issue of whether, because of Covid, people will want to come. A contingency plan is being discussed with CivicMoxie. The event might be moved to Zoom, but that doesn't leave much time to advertise its presence there. Perhaps there will be two events, one in person and one on Zoom.

Topic boards with a deeper level of detail are being developed and finalized by CivicMoxie.

There have been several outreach presentations.

Discussion—Possible Comprehensive Plan survey questions

A postcard will go out announcing the survey. It will have a QR code on it that will take a person online to complete the survey there. Otherwise, the survey will be going out with USPS the second week in October. Approximately 6,000 property owners and registered voters will receive surveys. The survey will be several pages long. There are 12 topics.

Dylan Smith said that the Planning Board, the Steering Committee, and CivicMoxie generally want to see major themes, ideas, and concepts-- like certain financing or establishment of a community recreation center. He said that the topic of natural resources is huge, the biggest theme that is coming up. Ian Shaw said that the small-cell wireless facility seems to be a strong topic. It fits into the theme of utilities.

Kathleen said that one of the topic boards has to do with pedestrian safety and walkability. It has been a common theme from every age group to which she has made a presentation. Wayne said that one theme could be small accessory dwelling units and tiny homes, where more people can

get affordable housing. Conservation preservation is a big topic, Kathleen said. CivicMoxie is already aware of many of the topics.

Review for Editing—Site Plan and Subdivision Regulations Articles 1-4

Kathleen deferred this to the next workshop.

Review—Findings of Fact

317 U.S. Route 1
Retail Shopping Center
Map/Lot 0059-0004
Applicant Garrett Homes, LLC

- Motion: Wayne Boardman moved to authorize the Chair to sign the Findings of Fact for the application of 317 U.S. Route 1, Retail Shopping Center, Tax Map 59, Lot 4, applicant Garrett Homes, LLC, as revised. Pete Smith seconded. There was no discussion. The motion passed 5-0.

AT&T Wireless Communications Facility
264 Long Beach Ave
Tax Map 36, Lot 97
Applicant New Singular Wireless, PCS, LLC

- Motion: Ian Shaw moved to authorize the Chair to sign the Findings of Fact for AT&T Wireless Communications Facility, 264 Long Beach Ave, Tax Map 36, Lot 97, Applicant New Singular Wireless, PCS, LLC, as amended. Pete Smith seconded. The motion passed 5-0.

York Beach Surf Club Amended Site Plan
780 York Street
Map/Lot 0038-0059
Applicant York Beach Surf Club, LLC

- Motion: Ian Show moved to authorize the Chair to sign the Findings of Fact for York Beach Surf Club Amended Site Plan, Tax Map 38, Lot 59, Applicant York Beach Surf Club LLC, as amended. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.

Long Sands Village--Elderly Housing Development
122 Long Sands Road
Tax Map 44, Lots 38-a and 38-b
Applicant James Paolini

Kathleen said that during the August 26 meeting, she gave out a supporting document to the applicant and Planning Board, which she followed with a presentation. During tonight's 9/9 meeting, she handed out a streamlined version of the 8/26 presentation and read it into the record. She asked the Board to approve it as an amendment to the already-written Findings of Fact. She read the following quotation into the record.

[Quote] "In the reasons for denial, I have listed that the subdivision did not meet the following Site Plan and Subdivision Regulations of 1.29, 7.1, 7.2, 7.6.1, 7.6.2, and 8.1.9.

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"The subdivision does not meet the following zoning ordinances: 1.3.1, 7.8.2.5 (not verified), and 15.1.1.2.

"This subdivision does not meet the other Town Land Use Codes in transportation and disposal of refuse from residences, Document No. 4.8.8.5, Article 4.2, and in Article 4.3, Solid Waste Collection, Recycling, and Disposal, ordinance Document No. 7.33, Article 1.2.

"This subdivision does meet conformity with the Comprehensive Plan, according to the following Site Plan and Subdivision Regulations, zoning ordinances, other land use codes, State statutes, and the Comprehensive Plan, such as:

- Site Plan and Subdivision Regulations 1.2.9, 2.4.2, 5.4, 7.1, 7.2;
- Zoning ordinances 1.3.1, 21.1, 21.2;
- State Statute Title 30-A, Section 4404 and Section Article 4352; and
- The Town of York Comprehensive Plan, Volume 1, Section 3, Land Area 11, Page 129, for Long Sands Road and Woodbridge Road." [End Quote.]

She said that the rest of what she said during the 8/26 hearing was an explanation of the decisions related to the ordinance, Site and Subdivision Regulations, Comprehensive Plan, and other Town codes.

The Board, especially Al Cotton, was split about whether or not the denial of preliminary approval was caused by the content of her above-summarized presentation. Kathleen said that she made it clear because, at the time, she said, "Because of all of this, I cannot and will not support this application." Wayne said that for him, her talk rationalized further investigation of the application, and that is why he voted against approval.

She said that the quoted material must go into the Findings of Fact because it explains the two-two vote that turned down the approval. That makes sense, she said, should the matter go before the Board of Appeals. Al Cotton, who had originally opposed the amendment, agreed.

Dylan said he plans to send the draft Findings to the Town Attorney.

Minutes

- Motion: Al Cotton moved to approve the Minutes for Thursday, July 22, 2021, with the corrections noted. Wayne Boardman seconded. There was no discussion. The motion passed 5-0.
- Motion: Al Cotton moved to approve the Minutes of Thursday, August 12, 2021. Ian Shaw seconded. There was no discussion. The motion passed 5-0.
- Motion: Al Cotton moved to approve the Minutes for Thursday, August 26, 2021, as corrected. Pete Smith seconded. The Motion passed 5-0.

Other Business

- 1) Kathleen said that there are six items for the next application review.
- 2) She asked if there is any objection to limiting the sketch reviews to 30 minutes. Discussion led to a “no” from the Board.

Adjourn

The next Planning Board meeting will be September 23, at 7:00 P.M.

The next Comp Plan Steering Committee meeting will be Monday, October 4, at 6:00 P.M.

The time was 9:50.

Respectfully submitted,

Patience G. Horton

Recording Secretary