

# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

[www.yorkmaine.org](http://www.yorkmaine.org)

## SELECTMEN'S MEETING 7:00 P.M. MONDAY MARCH 28th 2011 YORK LIBRARY

### Call to Order-

### Pledge of Allegiance

### A. Minutes

-March 21st, 2011 Selectmen's Meeting Minutes

### B. Chairman's Report

### C. Manager's Report

### D. Awards

1. Parks and Recreation Summer Brochure

### E. Reports

**F. Citizens Forum** - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the town manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the town manager's office.

### G. Approval of Warrant #39

### H. PUBLIC HEARINGS

#### **1. May 2011 Ordinance Amendments:**

Ord-1 Change Language about the Date of Application Approval

Ord-2 Revise the Historic Site Boundary at the Town Farm

Ord-3 Define Commercial Functions

Ord-4 Amend the Farm Enterprise Overlay District

Ord-5 Amend the Standards for First Time Septic Variances

Ord-6 Repeal the Short Sands Park Ordinance

Ord-7 Establish Criteria for Emergency Beach Closure

- Ord-8 Amend the Business Directional Sign Ordinance
- Ord-9 Amend the Supplemental Building Ordinance
- Ord-10 Adopt a Property Assessed Clean Energy (PACE) Ordinance

2. May 2011 Special General Referendum Warrant

**I. ENDORSEMENTS**

**License Applications**

- Kathryn M.Weare dba The Cliff House & Motels Inc (Victualers, Liquor, Special Amusement)

**J. Old Business**

- 1. Discussion on Completion of Proposed Beach Street Infrastructure Improvements

**K. New Business**

- 1. Special Event Permit: Ampsurf East Week-Adaptive Surf Clinic
- 2. Property Redemption Requests for:
  - 210 Chases Pond Road
  - 214 Chases Pond Road
  - 220 Chases Pond Road
  - 238 Chases Pond Road

**L. Other Business**

**M. Citizens Forum**

**Adjourn**

## SELECTMEN'S MEETING

7:00 P.M. MONDAY MARCH 21st, 2011

### YORK LIBRARY

**Attendees:** Michael L. Estes, Mary Andrews, Tracy Jackson-McCarty, Edward W. Little, Robert G. Yandow, Town Manager Kathryn Danylik, Recorder and Members of the Press & Public.

**Call to Order-** Chairman Jackson-McCarty called the meeting to order at 7:02 PM

#### **Pledge of Allegiance**

#### **A. Minutes**

-March 14th, 2011 Selectmen's Meeting Minutes

Moved by Ms. Andrews and seconded by Mr. Little to approve the March 14<sup>th</sup> 2011 Selectmen's Meeting Minutes. Without objection so ordered.

#### **B. Chairman's Report**

Chairman Jackson-McCarty reminded the public of the Community Dialogue Forum that will be happening this Saturday, March 26<sup>th</sup> from 8:30 AM to 12:00 PM at the York High School Gymnasium. This is an opportunity for the public to come and discuss issues facing York and different topics that residents feel are important. This is an open forum for anyone to come and express their questions, comments, and concerns.

#### **C. Manager's Report**

Mr. Yandow reminded the public that nomination papers are available in the Town Clerk's Office. Papers must be returned to the Town Clerk by April 6<sup>th</sup>.

Mr. Yandow also reminded the public that there are openings on the York Village Sub-Committee: one citizen at large and two York Village resident positions. Please see Kathryn in the Town Manager's Office for an application.

#### **D. Awards**

#### **E. Reports**

**F. Citizens Forum** - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. All comments should be respectful in tone and should be directed to the chair. Comments should be

brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the town manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the town manager's office.

Public Comment: Joseph Lipton

### **G. Approval of Warrant #38-**

Moved by Ms. Andrews and seconded by Mr. Little to approve Warrant #38. Without objection so moved.

### **H. PUBLIC HEARINGS**

1. May 2011 Budget Referendum
2. May 2011 Budget Referendum Warrant

Moved by Ms. Andrews and seconded by Mr. Estes to open the public hearing on the May 2011 Budget referendum and the May 2011 Budget referendum Warrant.

Public Comment: Dave Marshall

Moved by Mr. Estes and seconded by Ms. Andrews to close the public hearing on the May 2011 Budget referendum and the May 2011 Budget referendum Warrant.

### **I. ENDORSEMENTS**

#### **License Applications**

- Robert Witham dba Bob's Beach Rentals (Floats)
- Diana Hickey dba Windbreaker Restaurant-Mimmo's (Victualers)

Moved by Mr. Little and seconded by Mr. Estes to approve the license application for Robert Witham dba Bob's Beach Rentals (Floats) and Diana Hickey dba Windbreaker Restaurant-Mimmo's (Victualers) subject to taxes, fees, and inspections being current and compliant with the usual noise stipulations. Vote 4-0 motion passes.

### **J. Old Business**

#### **1. Birch Hill Road Culvert Project**

This project involves removing the existing undersized road culvert. It will remove the existing pavement surface for approximately 500' and add new base gravel raising the elevation of the road 2 feet at the proposed new drainage structure. The new base gravel will be graded then base

and surface paved. This project will extend the life of the road and pavement surface, reduce shoulder gravel erosion into the York River and eliminate road closures during weather events. It will reduce the cost to the town for maintenance of the road and will make the road safer for motorist during all driving conditions.

Moved by Ms. Andrews and seconded by Mr. Little to authorize the Department of Public Works to secure environmental permits and to finalize a design for a thermoplastic bridge structure to replace the existing concrete box culvert adjacent to Roger's Brook/Shorey's Pond on Birch Hill Road. Vote 4-0, motion passes.

## **K. New Business**

### **1. Discussion on Proposed Beach Street Underground Utilities.**

On May 29<sup>th</sup>, 2009 the voters of York approved \$100,000 for York Beach capital infrastructure improvements. The approved improvements included installing underground utilities, street lights, and sidewalk enhancements in conjunction with the existing drainage project on Beach Street.

Moved by Mr. Estes and seconded by Mr. Little to authorize an expenditure of up to \$72,426 from the voter approved York Beach capital infrastructure improvements to Shaw Brothers, Inc. vote 4-0 motion passes.

### **2. Preference votes on the May 2011 Budget Referendum.**

The Board conducted their preference votes on the May 2011 Budget Referendum.

Moved by Mr. Estes and seconded by Mr. Little to remove article 38 regarding the disposal of town owned property at 21 Long Sands Road from the ballot. Vote 4-0 motion passes.

Article 1- 4-0  
Article 2- 4-0  
Article 3- 4-0  
Article 4- 4-0  
Article 5- 4-0  
Article 6- 4-0  
Article 7- 4-0  
Article 8- 4-0  
Article 9- 4-0  
Article 10- 4-0  
Article 11- 4-0  
Article 12- 4-0  
Article 13- 3-0-1  
Article 14- 4-0  
Article 15- 4-0  
Article 16- 4-0  
Article 17- 4-0  
Article 18- 4-0

Article 19- 4-0  
Article 20- 4-0  
Article 21- 4-0  
Article 22- 4-0  
Article 23- 4-0  
Article 24- 4-0  
Article 25- 4-0  
Article 26- 4-0  
Article 27- 4-0  
Article 28- 4-0  
Article 29- 4-0  
Article 30- 4-0  
Article 31- 4-0  
Article 32- 4-0  
Article 33- 4-0  
Article 34- 3-0-1  
Article 35- 4-0  
Article 36- 4-0  
Article 37- 4-0  
Article 38-Removed  
Article 39- 4-0  
Article 40- 4-0  
Article 41- 4-0  
Article 42- 4-0  
Article 43- 3-1  
Article 44- 4-0

**3. Approval of the May 21st 2011 Budget Referendum Warrant and forward to the voters.**

Moved by Mr. Estes and seconded by Ms. Andrews to approve the May 21<sup>st</sup> 2011 Budget Referendum Warrant and to forward the warrant to the voters. Vote 4-0, motion passes.

**4. Revisions to Transfer Station Permit Program.**

After the Transfer Station Permit Program was passed last year town staff ran into a series of administrative difficulties when relatives or friends of town residents, acting on the resident's behalf, we denied access to the transfer station because they did not qualify for a permit. As written, only residents or property owners were eligible to use the facility. Amendments to the Transfer Station Permit Program would add the language "designated party" to act on behalf of a resident or property owner. This amendment should address these circumstances.

Moved by Mr. Estes and seconded by Mr. Little to approve the recommended changes to the Transfer Station Permit Program. Vote 3-1 motion passes.

**5. Adopt Amendments to Selectmen's Policy on Transaction of Business and Public Participation.**

Moved by Ms. Andrews and seconded by Mr. Little to amend the Selectmen's Policy on Transaction of Business to include a second citizen's forum at the end of each meeting and to

initiate a 10:00 PM curfew for new discussion at Selectmen's meetings and to further move to amend the public participation policy to include a reference to the 10:00 PM curfew. Vote 4-0, motion passes.

**6. Special Event Permit Application: York Hospital 5K Road & Cross Country Race.**

Moved by Ms. Andrews and seconded by Mr. Little to approve the special event permit for the York Hospital's 5K Road and Cross Country Race that will be held on Saturday, June 4<sup>th</sup> 2011 from 8:30 AM t 10:30 AM. Vote 4-0, motion passes.

**7. Special Event Permit Application: Masonic Youth Charities Motorcycle Run.**

Moved by Ms. Andrews and seconded by Mr. Little to approve the special event application for the Masons York Lodge #22 AF &AM from the May 21<sup>st</sup>, 2011 Masonic Youth Charities Motorcycle Ride from 10:00 AM to 2:30 PM. Vote 4-0, motion passes.

**L. Other Business**

**Adjourn**

Moved by Ms. Andrews and seconded by Mr. Little to adjourn at 9:45 PM.



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

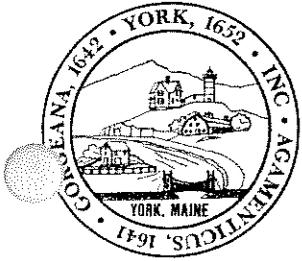
<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28, 2011	
<b>Regular</b> <u>X</u> <b>Work Session</b>	
<b>Subject:</b> Summer Brochure Bid for Parks and Recreation	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Kathryn Danylik
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to award the Parks and Recreation Summer Brochure Bid to Alliance Press in the amount of \$6,947.00 for 48 pages plus a cover, or \$7,343.00 for 52 pages plus cover.

**Discussion:** Please see attached memo

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By: Kathryn Danylik Reviewed By: Robert H. Gandon



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(207)363-1019

[www.yorkmaine.org](http://www.yorkmaine.org)

To: York Board of Selectmen  
From: Mike Sullivan, Parks and Recreation Director  
Subject: Bid award for summer brochure  
Date: March 22, 2011

The following bids were received for the Parks and Recreation Departments Summer Brochure:

Alliance Press, Brunswick, Maine:	48 pages plus cover - \$6,947.00
	52 pages plus cover - \$7,343.00
Graphic Image, Inc., Milford Connecticut	48 pages plus cover - \$7,480.00
	52 pages plus cover - \$8,180.00
J.S. McCarthy, Augusta, Maine	48 pages plus cover - \$11,853.00
	52 pages plus cover - \$12,066.00

I am recommending that the Board of Selectmen award the bid for the Parks and Recreation Departments Summer Brochure to Alliance Press, 3 Business Parkway, Brunswick Maine in the amount of \$6947.00 for 48 pages plus cover, or \$ 7343.00 for 52 pages plus cover.

# QUOTATION FORM

Town of York, Maine  
Parks and Recreation  
2011 Summer Brochure

Name of company submitting proposal: Alliance Press

Address: 3 Business Parkway

Brewsfield, ME 04011

Telephone: 207.504.8298

Name of company representative authorized to submit proposal:

Title: \_\_\_\_\_

Signature: [Handwritten Signature]

Total Bid Amount per specifications:  
48 pages plus cover

\$ 6,947  
(Price in numerals)

52 pages plus cover

7,343  
(Price in numerals)

48 pages plus cover:

\$ Six Thousand Nine Hundred Forty Seven  
(Price in words)

52 pages plus cover:

\$ Seven Thousand Three Hundred Forty Three  
(Price in words)

Quote for Sort and tray for bulk mail  
from a supplied list:

\$ 476 (Including delivery to post office)  
(Price in numerals)

Based on 8M records

# QUOTATION FORM

Town of York, Maine  
Parks and Recreation  
2011 Summer Brochure

Name of company submitting proposal:

JS McCashy

Address:

15 Darn Drive

Augusta Me 04330

Telephone:

622 6241

Name of company representative authorized to submit proposal:

Title:

Project Coordinator

Signature:

Sandy Riner

Total Bid Amount per specifications:  
48 pages plus cover

\$ 11,853<sup>00</sup>  
(Price in numerals)

52 pages plus cover

12,066<sup>00</sup>  
(Price in numerals)

48 pages plus cover:

\$ Eleven Thousand Eight Hundred  
(Price in words) Fifty Three <sup>00</sup>/<sub>100</sub>

52 pages plus cover:

\$ Twelve Thousand Sixty Six <sup>00</sup>/<sub>100</sub>  
(Price in words)

Quote for Sort and tray for bulk mail  
from a supplied list:

\$ 517<sup>00</sup>  
(Price in numerals)

## QUOTATION FORM

Town of York, Maine  
Parks and Recreation  
2011 Summer Brochure

Name of company submitting proposal: **Graphic Image, Inc.**  
Address: 561 Boston Post Rd  
Milford CT 06460  
Telephone: 203-877-8787/800-553-0220

Name of company representative authorized to submit proposal:

Title: President  
Signature: *John DeLong*

Total Bid Amount per specifications:  
48 pages plus cover

\$ 7480.  
(Price in numerals)

52 pages plus cover

8180.  
(Price in numerals)

48 pages plus cover:

\$ Seventhousandfourhundredeighty  
(Price in words)

52 pages plus cover:

\$ Eighthousandonehundredeighty  
(Price in words)

Quote for Sort and tray for bulk mail  
from a supplied list:

\$ 280.  
(Price in numerals)

**Legal Notice  
Notice of Public Hearing  
York Board of Selectmen Monday, March 28, 2011  
7:00 PM  
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed ordinance amendments to be considered at a May Special General Referendum, as follows:

1. Change Language About the Date of Application Approval
2. Revise the Historic Site Boundary at the Town Farm
3. Define Commercial Functions
4. Amend the Farm Enterprise Overlay District
5. Amend Standards for First Time Septic Variances
6. Repeal the Short Sands Park Ordinance
7. Establish Criteria for Emergency Beach Closure
8. Amend the Business Directional Sign Ordinance
9. Amend the Supplemental Building Ordinance
10. Adopt a Property Assessed Clean Energy (PACE) Ordinance

Printed copies of the proposed ordinance amendments (document dated March 3, 2011) are available at Town Clerk's office at Town Hall. Digital copies are available on the internet on the Town's web page ([www.yorkmaine.org](http://www.yorkmaine.org)).

#6195

3tYW 3/9,15,23

**Legal Notice  
Town of York  
PUBLIC HEARING NOTICE  
March 26, 2011  
York Library**

The Selectmen will hold a Public Hearing on March 28th, 2011 regarding:

- May 2011 Special General Warrant

#6195

2tP 3/18, YW 3/25



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## **PUBLIC HEARING NOTICE**

**March 28, 2011**

**7:00 PM**

**York Library**

The Selectmen will hold a Public Hearing on March 28th, 2011 regarding:

- **May 2011 Special General Warrant**

# **Proposed Ordinance Amendments**

to be considered at the

## **May 2011 Special General Referendum**

### Amendment

1. Clarify Language About the Date of Application Approval
2. Revise the Historic Site Boundary at the Town Farm
3. Define Commercial Functions
4. Amend the Farm Enterprise Overlay District
5. Amend Standards for First Time Septic Variances
6. Repeal the Short Sands Park Ordinance
7. Establish Criteria for Emergency Beach Closure
8. Amend the Business Directional Sign Ordinance
9. Amend the Supplemental Building Ordinance
10. Adopt a Property Assessed Clean Energy (PACE) Ordinance

**Draft Amendments to be voted in May 2011**

DRAFT – March 3, 2011

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*me: 0.5/3/11 M.A. Demawak*

**Amendment #1**  
*Clarify Language About the Date of Application Approval*

**Ballot Language:** The following language would appear on the ballot:

**Article X**

The Town hereby ordains amendment of the **Zoning Ordinance** to amend the definition of the phrase "Date of Issuance" with respect to board approvals, specifically amending Article 18-A, Application Review Procedures.

**Statement of Fact:** A permit or approval must be used within a set period of time or it will expire. In the Zoning Ordinance, the starting date for this timeline is known as the Date of Issuance. Current language in the Ordinance does not use consistent terminology in defining this starting point for approvals versus conditional approvals. The purpose of this amendment is to ensure that the starting time for approvals and conditional approvals each begins on the date of a board vote. This amendment is administrative in nature and is expected to have no fiscal impact on Town administration.

**Amendment:** Amend the language of §18-A.2.E, Expiration of Permits and Approvals, by revising the phrase, "Date of Issuance," as follows:

1. Date of Issuance is defined as follows:
  - a. With respect to a permit, the date of issuance shall be the date upon which the Code Enforcement Officer issues the written permit to the applicant.
  - b. With respect to an approval, the date of issuance shall be the date upon which the board *votes to approve* ~~approves~~ the findings of fact associated with the approval.
  - c. With respect to a conditional approval, the date of issuance shall be the date upon which the board votes to find the conditions precedent have been satisfied by the applicant (see §18-A.5.E.4.b.3).

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## Amendment #2

### *Revise the Historic Site Boundary at the Town Farm*

**Ballot Language:** The following language would appear on the ballot:

#### Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to update the boundaries of the Town Farm Historic Site to accommodate the boundary line adjustment approved by the voters in May 2010, specifically amending Article 12, Historic and Archeological Resources.

**Statement of Fact:** The Town Farm property received Historic Site designation in May 2008. At that time a portion of the property was exempted from this designation in anticipation of a future property exchange with an abutting property owner. That property exchange was approved by the voters in May 2010. This amendment will now establish the Historic Site boundaries to cover the entire area of the Town Farm property which is owned by the Town. This amendment is generally consistent with the Comprehensive Plan, and is expected to have no fiscal impact on Town administration.

**Amendment:** Amend §12.6, Historic Districts, Sites, and Landmarks Designated, by amending the description of Historic Sites as follows:

#### Historic Sites

Town Farm. Consists of two lots of land owned by the Town of York which were part of the Town Farm, consisting of: the cemetery lot near the corner of Ridge Road and Long Sands Road (no street address or tax lot number, but identified as burial ground #192 in the book, Maine Cemetery Inscriptions, York County Volume); and 178 Long Sands Road (0039-0025) *as its boundaries exist on May 21, 2011.* ~~except for that portion of the lot within the discontinued Central Maine Power right-of-way along the westerly sideline of 14 Ferncroft Road (0039-0027).~~ Use and development of this Historic Site shall be limited to...

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## **Amendment #3**

### *Define Commercial Functions*

**Ballot Language:** The following language would appear on the ballot:

**Article X**

The Town hereby ordains amendment of the **Zoning Ordinance** to define commercial functions, specifically amending Article 2, Definitions.

**Statement of Fact:** In May 2010 the Town first allowed a limited number of commercial functions on residential property, and immediately questions arose about interpretation of the regulation. Most of the questions came from people who rent their single-family homes by the week during the summer, and wanted to know if their weekly tenants could host parties, receptions, rehearsal dinners, weddings, and so forth. How many people could attend such an event before it requires a permit? The current code language does not establish a minimum size threshold. This amendment defines the term "Commercial Function" as any event for which the property owner receives compensation and at which 50 or more people are in attendance. Events with fewer people or which are held without any compensation to the property owner, such as a party for a family member, would not be regulated as a commercial function. This amendment is generally consistent with the Comprehensive Plan, and is expected to have no fiscal impact on Town administration.

**Amendment:** Insert a new definition for "Commercial Function" in Article 2, Definitions, as follows:

***COMMERCIAL FUNCTION:*** *An event for which a property owner receives compensation for the use of the property and at which 50 or more people are present. For clarification: "compensation for the use of the property" is intended to be broadly interpreted, meaning for instance that someone staying at a bed and breakfast or renting a house for a week-long stay has paid for their stay and therefore the owner has received compensation, even if there is nothing in the rental agreement specific to hosting an event at the property; and "event" includes any sort of large gathering such as, but not limited to weddings, receptions, reunions and parties.*

Recommended by the Planning Board:  
Recommended by the Board of Selectmen:

**Draft Amendments to be voted in May 2011**

DRAFT – March 3, 2011

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**Amendment #4**  
*Amend the Farm Enterprise Overlay District*

**Ballot Language:** The following language would appear on the ballot:

**Article X**

The Town hereby ordains amendments to the **Zoning Ordinance**, specifically amending Article Two, Definitions, Article Three, Establishment of Zoning Districts, and Article 10-G, Farm Enterprise Overlay District.

**Statement of Fact**

The purpose of this amendment is to clarify and tighten the controls in the newly adopted Farm Enterprise Overlay District, and to add the Rocky Acres Farm to the Overlay District. The definition of Agriculture-Related Use is amended, and a new standard is inserted specifically to prohibit certain commercial uses. The purpose is to ensure it is clear that high-impact commercial uses are not allowed through this Overlay District. This amendment is specifically consistent with Comprehensive Plan Town Goal 3.1: To promote a sound economic base and economic development that is consistent with York's small town coastal character, Town Goal 8.1: Encourage continued use of suitable lands for agriculture and forestry, and Future Land Use Area #16, To safeguard the State's agricultural and forest resources from development which threatens those resources. It is expected to have no fiscal impact on Town administration.

**Amendment:** Amend Article Two, Definitions, as follows:

**AGRICULTURE-RELATED USE.** A commercial enterprise at a working farm ; ~~operated for the enjoyment and education of the public~~ that may also generate additional farm income through: sale of farm products; educational/or outdoor recreation programs; farm tours; and similar activities associated with a principal agricultural use.

**Amendment:** Amend Article Three, Establishment of Zoning Districts, as follows:

**3.17 Farm Enterprise Overlay District**

The Farm Enterprise Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: Farm Enterprise Overlay District, ~~November 2, 2010~~ *May 21, 2011*". This map constitutes a registry of approved properties comprising the Farm Enterprise Overlay District. For a farm to qualify for inclusion in the Farm Enterprise Overlay District, the property owner must demonstrate that the total agricultural land is a minimum of five acres in size, and contains at least two contiguous acres on which agriculture has contributed to a gross annual value of at least \$2,000 per year.

**Draft Amendments to be voted in May 2011**

DRAFT – March 3, 2011

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The acreage minimum may be met by any combination of ownership, rental, or lease of agricultural land. The Farm Enterprise Overlay District map may be amended by referendum upon application for inclusion by a property owner that has demonstrated they meet the acreage and use requirements of the overlay district.

**Amendment:** Create Article 10-G, Farm Enterprise Overlay District

**10-G.2.a Allowed Agriculture-Related Uses**

Agriculture-related uses are permitted on agricultural land in the Farm Enterprise Overlay District. This section shall expressly supersede any conflicting provisions of Article Four. The following activities are considered agriculture-related uses. Other agriculture-related uses are permitted if the applicant can demonstrate that a proposed use is similar to the following, or can demonstrate that the proposed activity meets the definition of an agriculture-related use, as defined by this Ordinance:

- Processing and sale of agricultural products grown or raised within New England, such as a store to sell local produce, dairy, and/or flowers; farmers market; farm stand; farm bakery
- Commercial Stable
- Pick-Your-Own Establishment
- Agricultural Composting Operation
- Cider Pressing
- Maple Syrup Production
- Hay Rides
- Sleigh Rides
- Recreational trails for activities such as hiking and cross country ski trails
- Educational events such as farming and food preserving classes, and other activities qualifying as agricultural tourism
- Corn Mazes or Straw Bale Mazes
- Tree Farm

**10-G.2.b Prohibited Commercial Uses**

*It is not the intent of this District to allow substantially dissimilar uses in the Farm Enterprise Overlay District, such as a dirt bike track, ATV course, rodeo, water park, firing range, paint ball course, or similar high impact commercial activities not customarily associated with agriculture or agricultural tourism.*

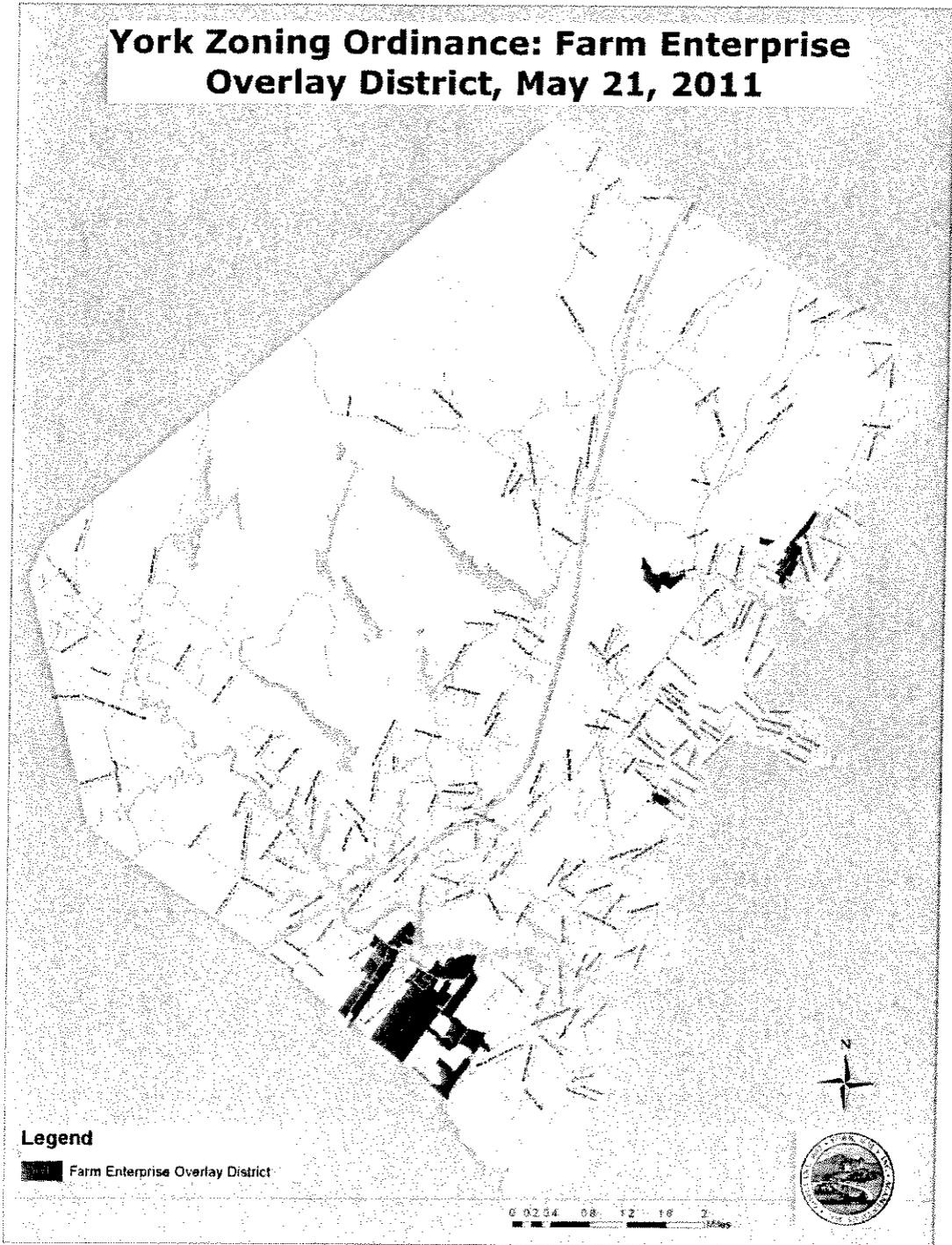
**10-G.2.c Special Events**

*Events with 50 or more people related to agricultural activities such as ox-pulls, horse shows, agricultural fairs and the like shall be reviewed and approved by the Board of Selectmen as special events.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

# York Zoning Ordinance: Farm Enterprise Overlay District, May 21, 2011



## Legend

 Farm Enterprise Overlay District

0 0.2 0.4 0.8 1.2 1.6 2  
Miles

**Draft Amendments to be voted in May 2011**

DRAFT – March 3, 2011

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**Amendment #5**  
*Amend Standards for First Time Septic Variances*

**Ballot Language:** The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Supplemental Plumbing Ordinance** to remove the requirement for the Board of Selectmen to approve new septic system variances, specifically amending §14, System Variance.

Statement of Fact: Adoption of this amendment will simplify administration of the Supplemental Plumbing Ordinance in a few cases and ensure consistency of the Town Ordinance to the State rules. Recent changes in State septic rules have eliminated the requirement for the Board of Selectmen to approve every first time system variance. A first time system variance is a deviation from the standard septic design requirements necessitated by unusual physical conditions on a lot, and it is intended to reduce the risk of making a lot unbuildable while ensuring proper sanitary function. The proposed amendment calls for the Local Plumbing Inspector to make decisions except when the State rules call specifically for a decision by the Selectmen.

**Amendment:** Amend Section 14, System Variance, to remove the requirement for approval of the Board of Selectmen, as follows:

~~14.1 An application for a New System Variance for a subsurface waste water disposal system shall conform to the following requirements:~~

~~14.1.1 Pursuant to Chapter 19 of the State Rules, an application for a New System Variance must receive each of the following:~~

- ~~a. LPI approval.~~
- ~~b. An indication from the Municipal Officers that the application is in compliance with Town of York ordinances relating to disposal systems.~~
- ~~e. Approval by the Maine Division of Environmental Health, when applicable under State Rules.~~

~~In making this determination the Municipal Officers in addition to considering all other relevant local ordinances must ensure that the application is in conformance with the following criteria:~~

*14.1 Decisions about First Time System Variances shall be made by the LPI except where the Maine Subsurface Waste Water Disposal Rules call for the Municipal Officers to make a decision.*

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14.2 *An application for a First Time System Variance shall meet or exceed all of the requirements of the Maine Subsurface Waste Water Disposal Rules, in addition to the following two local criteria:*

~~14.1.2~~ a. The soils test, variance application data, point score and system design have been verified by an independent site evaluator, licensed in the State of Maine working on behalf of the Town at the expense of the applicant.

~~14.1.3~~ b. A minimum point score of 75 is achieved.

Recommended by the Board of Selectmen:

**Amendment #6**  
*Repeal the Short Sands Park Ordinance*

**Ballot Language:** The following language would appear on the ballot:

**Article X**

The Town hereby ordains repeal of the **York Beach Village Corporation “Short Sands Park Ordinance”** in its entirety.

**Statement of Fact:** This Ordinance became a Town ordinance in 1977 when the Legislature terminated the York Beach Village Corporation. The Ordinance establishes a summertime curfew in Short Sands Park. The Ordinance is not necessary because Short Sands Park is managed by independent Trustees. The Trustees were established when the park land was dedicated for public use in 1887, and to this day the Trustees are solely responsible for the management and control of the Park. The Trustees, working jointly with the Board of Selectmen, have enacted Short Sands Park Regulations. This Ordinance, which was originally enacted in 1966 and amended in 1969 by the voters of the York Beach Village Corporation, should be repealed because its subject matter is more appropriately addressed in the Short Sands Park Regulations, and there is no need for two Town codes to regulate activities in a single Park.

**Amendment:** Delete this Ordinance in its entirety, as follows:

**CHAPTER IV**  
**SHORT SANDS PARK**

~~All the ordinances as contained herein, and all the rules and regulations of the York Beach Village Corporation do also apply to that area within the York Beach Village Corporation known as Short Sands Park and are enforceable by the York Beach Village Corporation Police Department.~~

**Section 1.—Vehicle Traffic**

~~The area within the limits of the York Beach Village Corporation known as Short Sands Park and Short Sands Beach, so called, shall be closed to pedestrians and to vehicle traffic between the hours of 12:00 M. [sic] and 4:00 A.M., E.S.T. during June, July, August and September each year.~~

**Section 2.—Exceptions**

~~Operators of vehicles may enter the Park area for the purpose of parking the vehicle with the intention of leaving the vehicle for overnight parking. In parking in the above described area, the operator and passengers must not remain in the area beyond that reasonable length of time that it takes to accomplish the parking of the vehicle.~~

**Section 3.—Penalties**

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~~The penalty for violation of the foregoing sections shall be a fine of not more than \$50.00 nor less than \$10.00 for each violation, to be paid to the use of said Corporation.~~

Recommended by the Board of Selectmen:

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**Amendment #7**  
*Establish Criteria for Emergency Beach Closure*

**Ballot Language:** The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Beach Ordinance** to establish criteria to guide the decision to close a public beach.

Statement of Fact: This proposal would amend the Town's Beach Ordinance to add criteria to help guide the decision of Town officials when considering beach closures. The proposed criteria would include, but not be limited to, closures during times of a disaster proclamation, when sharks are sighted near a beach, during times of strong rip currents, or during periods of excessive water pollution. The criteria also clarify that closures can be limited by area and/or user group.

**Amendment:** Insert new language into Section 10-A, Closure of Beaches, as follows:

**Section 10-A. Closure of Beaches**

The Town Manager, or in the Town Manager's absence the Town's Emergency Management Director or the Director of Parks and Recreation, shall have the authority to close a public beach in an emergency in order to protect public health and safety. The order may be issued verbally or in writing, and shall be as narrow or broad as is necessary to protect the public. Town Lifeguards and/or the Police Department shall be responsible for enforcing a closure order.

In this context, "emergency" shall be defined to mean any event which threatens to or actually inflicts damage to people or property and which requires immediate action to mitigate, prevent, control or contain.

*Situations where beach closure may be warranted also include, but are not limited to: any time a Town, County or State disaster proclamation is in effect; when sharks are sighted in close proximity to a beach; during times of dangerous rip currents; and when water pollution is excessive. Closures may be limited or partial, such as closing only the beach with excessive pollution rather than closing all beaches, or prohibiting swimming but allowing surfing when strong rip currents exist.*

**Recommendation:** Recommended by the Board of Selectmen:

## **Amendment #8**

### *Amend the Business Directional Sign Ordinance*

**Ballot Language:** The following language would appear on the ballot:

#### Article X

The Town hereby ordains amendments to the **Business Directional Sign Ordinance**.

#### Statement of Fact

Business directional signs are the white signs installed by the Town to direct travelers to local businesses. This amendment is an extensive update to the entire Business Directional Sign Ordinance, which was last amended in 1995. The proposal amends the format for greater clarity and eliminates obsolete language, as well as adds language regarding sign materials, sign format, location of signs, number of allowed signs, application process, and enforcement. This amendment is generally consistent with the Comprehensive Plan. It is expected to have no fiscal impact on Town administration.

### **SIGN CONTROL**

#### **Control of Signs**

1. ~~No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure or be visible from the outside of any structure in York except as specifically permitted in the Ordinances of the Town of York.~~
  
2. ~~In all zones other than the Protected Residential all signs or advertising devices shall be stationary and shall not contain any visible or moving or movable parts. Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the article or services available within said premises as permitted below:~~
  - a. ~~The total area of all signs permitted shall be not more than one hundred (100) square feet signboard area.~~
  - b. ~~Any sign shall be located not nearer than twelve (12) feet to any lot line or to the edge of any commonly traveled way.~~
  - e. ~~Illuminated signs are permitted, except no sign shall be intermittently illuminated, nor of a traveling light, animated or flashing light type.~~
  
3. ~~In all zoning districts, off premise signs of an informational or directional nature may be permitted. Informational or directional signs not larger than twelve (12) square feet, containing no advertising, are permitted to direct traffic flow, indicate~~

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parking space, identify points of interest, or locate businesses, or provide other essential information to guide vehicular or pedestrian traffic flow. (Added 1969)

4. ~~Signs in Protected Residential areas shall conform to the requirements listed in the Zoning Ordinance, Section IV, Subparagraph 6 (Page 20).~~

## **Town of York Business Directional Sign Ordinance**

### **SECTION 1. GENERAL PROVISIONS**

**A. Purpose**

*The purpose of this Ordinance is to promote the health, safety, and general welfare by (1) providing tourists, travelers, and other users of public ways in the Town of York with information and guidance concerning public accommodations, facilities, commercial services and points of scenic, cultural, historic, educational, recreational and religious interest; (2) reducing visual distractions which pose a hazard to drivers of motor vehicles and other users of public ways; and (3) preserving, enhancing and protecting the natural scenic beauty and other aesthetic features of the Town.*

**B. Exemption from Zoning Ordinance Sign Controls**

*Business directional signs permitted under the standards of this Ordinance shall not be subject to the Sign Standards of Article Sixteen of the Town of York Zoning Ordinance, which regulates all other permitting of signs in the Town of York.*

### **200.1 SECTION 2. DEFINITIONS**

~~B.~~ **A. Official Business Directional Sign:** ~~An Official~~ business directional sign erected and maintained in accordance with the Maine Traveler Information Services Act (Title 23 M.R.S.A., Chapter 21) and ~~this Ordinance these regulations~~ to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. *Use of the term "sign" in this Ordinance shall be interpreted as being a business directional sign unless otherwise specified.*

**A. B. Logo:** A single or multicolored symbolic design unique to a business or product, service facility, or point of interest and used to identify its project or services.

**C. Public Way:** Public way means any road capable of carrying motor vehicles, including, but not limited to, any State highway, municipal road, county road, unincorporated territory or other road dedicated to the public.

**D. Sign Assembly:** A sign assembly is the tiering of more than one official business directional sign on a support assembly.

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- E. Symbol: ~~There are two classes of symbols. The first class is a symbolic design~~ *A symbol is a design used to identify traveler services and published in the Manual of Uniform Traffic Control Devices, Chapter 2I, General Service Signs.* ~~approved for use by the National Advisory Council on Uniform Traffic Control Devices and adopted by the Maine Department of Transportation as set forth in Figure 2. The second class of symbols are those designs which may be adopted by the Maine Department of Transportation for a particular category of business or point of interest as set forth in Figure 3.~~
- F: Traffic Control Sign or Device: ~~Traffic control sign or device means a~~ *An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry, or airport or sign regulating traffic which has been erected by officials having jurisdiction over the public way.*

### 200.02 SECTION 3. LOCATION

#### A. General Requirements

1. ~~Official~~ *Business directional signs shall be located within the highway right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach the advertised destination* ~~a business, service, or point of interest.~~
2. The Board of Selectmen may authorize the installation of a sign which indicates the location of a business or service being straight ahead only if the Board should find that the lack of such a sign causes confusion to the motoring public. The burden of proof that sufficient confusion exists shall be with the applicant.
3. A business, service, facility or point of interest shall not be permitted more than one sign at any one intersection approach.
4. ~~Each place of business, service or point of interest shall be eligible for a maximum of~~ *There shall be no more than two* ~~three (3) official~~ *business directional signs per establishment.*
5. To qualify for an official business directional sign, the *destination represented on the sign* ~~business, service, or point of interest~~ must be within a *five* ~~ten~~-mile radius of the proposed location of the sign *and located within the Town of York.*
6. ~~Official~~ *Business directional signs shall be located so as to avoid visual conflict with other signs, to have the least impact on the scenic environment, and to take advantage of the natural terrain. Official business directional signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted, misleading, or otherwise confusing to the traveling public.*
7. *Whenever the Selectmen determine that a proposed sign assembly at a particular approach to an intersection will adversely affect highway safety or the visual quality of the immediate neighborhood, the Selectmen may impose more stringent standards*

*including prohibition. Whenever the Selectmen determine that a change in the distances, number of signs per assembly, and number of assembles at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Selectmen may waive the requirements contained in Sections 3.D and 3.E.*

**B. Interstate and Controlled Access Highways Prohibited Locations**

1. ~~Official business~~ Business directional signs shall not be permitted within the right-of-way of the interstate highway system ~~and~~ or fully controlled access highways.
2. Business directional signs shall not be permitted for businesses located on US Route 1.
3. New business directional signs shall not be permitted in the intersection of Routes 1 and 1A at York Corner.

**C. Lateral Clearances**

The near edge of official business directional signs shall be located at least ten feet outside the highway shoulder except that in areas where insufficient right-of-way exists to maintain this clearance, or where physical obstructions make such a distance impossible, the near edge shall be located the maximum practical lateral distance from the edge of the traveled way. In urban areas signs shall be at least one foot from the curb face.

**D. Distance**

~~Official business~~ Business directional signs must be within 1600 feet of the intersection where a change in direction is required unless otherwise permitted under Section ~~200-04~~ 3.A.7. In general, ~~official~~ business directional signs shall be at least 200 feet from traffic control signs or devices. ~~Official business~~ Business directional signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device. Traffic control signs or devices placed at intersection approaches subsequent to the placement of ~~official~~ business directional signs shall have precedence as to location and may require the relocation of ~~official~~ business directional signs. Successive business directional sign assemblies shall be spaced sufficiently apart for drivers to comprehend the message contained thereon. In general and where practicable, the minimum distance between sign assemblies shall be 200 feet.

**E. Sign Assemblies**

There shall be a maximum of ~~six (6) official~~ business directional signs per assembly and a maximum of ~~two (2)~~ assemblies to each approach to an intersection unless otherwise modified as provided in Section ~~200-04~~ 3.A.7.

**F. Vertical Distances**

Sign Assemblies shall be erected so as to provide a minimum of ~~three (3)~~ feet vertical clearance between the lower edge of the bottom sign and the surface of the highway. Signboard located near pedestrian and parking areas may be required to have a vertical clearance of ~~seven (7)~~ feet.

**200.03 SECTION 4. DESIGN, COLOR AND REFLECTORIZATON**

**A. General**

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1. Signs permitted under these regulations shall be uniform and standard in design, color, *font* and REFLECTORIZATION reflectorization.
2. Sign legends shall be specific in identifying the name of the appropriate business or their service.
3. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.

#### B. Size

1. Sign sizes, layout, and letter sizes shall conform to the dimensions and details shown in Figures 1 and 1a.
2. All signs in a sign assembly shall be the same size. *Each sign will be 10" high x 42" wide with a pair of galvanized #10 screw eyes and a pair of #10 galvanized rings attached.* ~~Sign sizes at a particular location must be consistent with the visual and aesthetic character of that location and with the sign sizes which have been previously approved.~~

#### C. Color and Lettering

- ~~1. Each sign will be 10" high x 42" wide with a pair of galvanized #10 screw eyes and a pair of #10 galvanized rings attached.~~
2. 1. Each sign will be lettered in black on a white background. Letters will be 4 inches high, minimum, *in Helvetica font.*
3. 2. *A directional legend shall be printed on the sign, on the far left side when a left turn is required, and on the far right side when a right turn is required. Signs that indicate a location straight ahead shall indicate distance/mileage on the far right side.*

3. The back of each individual sign will be painted a dark green unless it is a double faced sign.

#### D. Symbols and Logos

A symbol or logo may be used at the owner's option. If a symbol *or logo* is used, it shall be *located on the opposite end of the sign from the directional legend.* ~~identical to the appropriate design as set forth in Figures 2 and 3.~~

#### E. Reflectorization

The background, sign legend, and border of all official business directional signs may be reflectorized with ~~(See Section 200.05, MATERIAL)~~ reflective sheeting (*See Section 5, MATERIALS*) to show the same shape and color for both day and night.

~~E. Illumination is prohibited by special interior or exterior supplemental lighting will not be permitted.~~

#### G. Double Faced Signs

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If a sign has two sides, only one side of the sign shall be counted towards a calculation of the total allowed area of the sign per Section 4.B and number of signs per §3.A.4.

#### **200.04 WAIVER**

~~Whenever the Selectmen determine that at a particular approach to an intersection the standards for sign assemblies as set forth in Section 200.02E will adversely affect highway safety or the visual quality of the immediate neighborhood, the Selectmen may impose more stringent standards including prohibition.~~

~~Whenever the Selectmen determine that a change in the distances, number of signs per assembly, and number of assemblies at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Selectmen may waive the requirements contained in Sections 200.02D and 200.02E.~~

#### **200.05 SECTION 5. MATERIALS**

1. Sign panel material shall be *constructed from durable wood composite of high density overlaid plywood a minimum of one-half inch thickness, or other material of similar appearance and quality, suitable for the application of reflective sheeting, and sufficiently stable not to deform under normal conditions of weather and use.*
2. Signboards furnished by the applicant shall be installed by the Town on sign posts and mountings so constructed as to hold signs in a proper and permanent position.
3. Reflective sheeting shall consist of a smooth, flat, exterior film with spherical glass lens elements embedded beneath the surface and a pre-coated adhesive backing protected by a removable liner. Reflective sheeting shall meet the detailed requirements of Federal specifications LS-300B available at the office of the *Maine Department of Transportation in Augusta.*
4. All material furnished under this Section shall be durable and weather resistant.

#### **200.06 SECTION 6. INSTALLATION AND MAINTENANCE**

##### **A. General**

~~Official~~ *Business* directional signs shall be furnished by the owner or the applicant. The signs shall be installed by the Town at approved locations on sign posts furnished by the Town. The Town shall be responsible for the maintenance of the sign supports. *The Department of Public Works is responsible for installation and removal of signs as necessary.*

Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the Town.

The owners of ~~official~~ business directional signs which represent businesses, service facilities, or point of interest no longer offering such traveler assistance, or signs which are no longer applicable because of business name changes, business relocations, or for any other reason, shall notify the Town to have such signs removed. *Applicants/Owners*

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who fail to do so within 6 months of change will be subject to fines not to exceed \$100. Each day of violation of this Ordinance shall constitute a separate offence.

Failure to properly maintain the sign panel by the owner, including covering seasonal signs and notifying the Town that signs are no longer applicable, may result in removal of such signs by the Town.

#### B. Seasonal Basis

The owner of a business, service, or point of interest closed for 60 or more consecutive days at any one time shall be required to cover the directional legend (milleage and arrow) of official business directional signs during the off-season. The cover ~~will~~ shall be held firmly in place so as not to injure or deface the signboard.

Applicants for a ~~seasonal~~ business directional sign for a seasonal business shall state the beginning and ending of the operating season and shall notify the Town of any changes to the operating season.

### 200.07 SECTION 7. PERMITS-APPLICATION PROCESS

#### A. Review and Approval of Application

~~Application for an official business directional sign shall be made on forms furnished by the Town. Applications will be processed and permits issued in the order of receipt of the application by the Town.~~

#### A. Review Authority

~~Any~~ All applications for an official business directional sign is subject shall be to reviewed by the Board of Selectmen. The ~~Selectmen~~ Board shall have final responsibility and authority to interpret and administer all aspects of this Ordinance ~~determine the specific size and location of any sign.~~ Signs which do not ~~deemed to~~ meet the intent and purpose of the law or the criteria established in ~~these regulations~~ this Ordinance shall not be approved or erected.

#### B. Application Submittal

Application for a business directional sign shall be made on forms furnished by the Town and shall be submitted to the Department of Public Works. Applications will be processed and permits issued in the order of receipt of the application by the Town.

An existing business directional sign approval is valid for one year, unless renewed by the applicant. Applicants that wish to extend their existing business directional sign approval shall submit an application and fee for renewal before January 1<sup>st</sup>. Failure to submit a complete application and associated fee before January 1<sup>st</sup> will result in removal of signs by the Town.

#### C. ~~B.~~ Conformity with Laws

Business directional signs shall be allowed only for a destination which is in conformity with all applicable laws concerning licensing, zoning, and non-discrimination. Each application ~~The owner of each business, service facility, or point of interest identified on an official business for a new sign or renewal of an existing sign~~ directional sign shall ~~provide~~ include written assurance or relevant documentation to the Town that the subject site ~~existence of the business~~ is in conformity with all applicable laws concerning licensing, zoning, and non-discrimination.

The applicant for an ~~official~~ business directional sign shall *obtain and provide a written opinion certification* from an ~~appropriate municipal official~~ the Superintendent of Public Works, or their designee, that the proposed sign is in conformity with all applicable standards of this Ordinance and any other applicable public regulations ~~municipal sign ordinances~~.

D. Decision

1. *Approval. Applications reviewed by the Board of Selectmen for a Business Directional Sign that meet the requirements of this Ordinance shall be approved.*
2. *Reconsideration. In instances where an application is not approved, the Selectmen shall state the reasons for refusal and give the applicant an opportunity to correct any defects and then be reheard by the Selectmen within 30 days.*

E. Appeals

*Any person aggrieved by the decision of the Selectmen may, within 30 days of the Board's vote, appeal to the Board of Appeals.*

F. Variances

*The Selectmen may alter the specific requirements for the number and location of signs as set forth in Section 3A if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.*

G. Application Fees

1. *Application Fees. Application shall be accompanied by an initial permit fee of \$30.00 per sign installation. The initial permit fee will apply to installation for the remainder of the calendar year, but will not be pro-rated for any fraction of a year.*
- ~~2. *Renewal Fees. Renewal fees are \$10.00 per sign, per year.*~~
3. *Fees Not Refundable. The initial application fee and any annual renewal fees are not refundable for any reason.*

E. H. Non-Transferability

Permits for the installation of *business* directional signs are not transferable. Any change in ownership of a business, service, or point of interest shall require reapplication and approval of the sign.

F. Variances

~~The Selectmen may alter the specific requirements for the number and location of signs as set forth in Section 200.02A if an applicant for a license can show unusual hardship due to conditions of topography access or other physical characteristics.~~

200.08 HEARINGS

~~In instances where an application is not approved, the Selectmen shall return the application and fee stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard by the Selectmen within 30 days. Upon written request by the applicant, the Selectmen shall hear the matter and notify the applicant of~~

their findings and decisions. Any person aggrieved by the decision of the Selectmen may, within 30 days of the receipt of the notice thereof, appeal to the Board of Appeals of the Town of York.

**200.09 EXISTING OBDS IN YORK SECTION 8. NON-CONFORMING OFFICIAL BUSINESS DIRECTIONAL SIGNS**

- A. Existing official business directional signs in York that do not conform to this Ordinance will have one year from the date of passage of this Ordinance to conform with the Ordinance. *Failure to bring signs into conformity shall result in Town removal of the sign and forfeiture of the existing approval.*
- B. *Annual Reporting. It shall be the responsibility of the Director of the Department of Public Works to annually inventory all business directional signs, and to file a report with the Board of Selectmen. This report shall identify all non-conformities found and shall recommend necessary actions required to achieve full compliance. The Board of Selectmen may either concur with the recommendations of the Department of Public Works, or propose alternative actions to insure that all non-conforming signs are brought into compliance within one year of the date of report.*

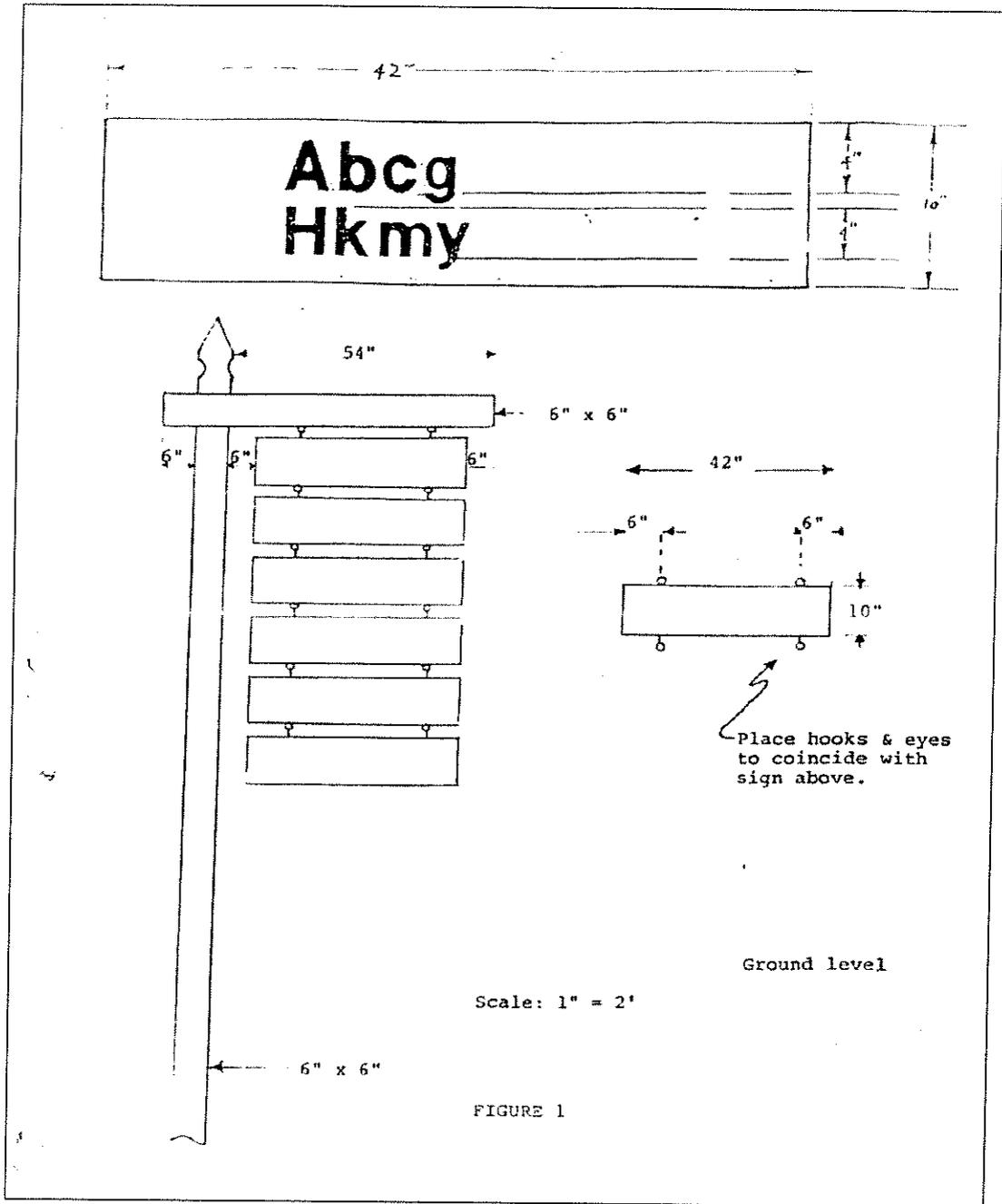
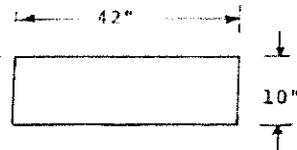
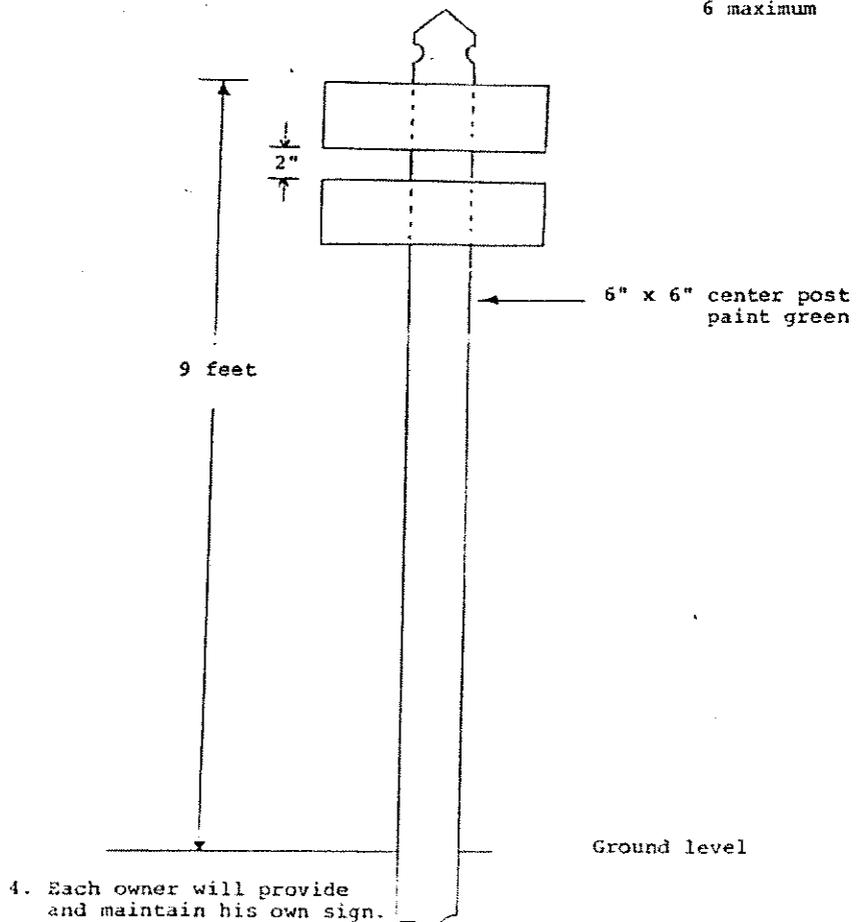


FIGURE 1

1. Each sign will be 10" high and 42" wide.
2. Each sign will be lettered in black on a white background. Letters will be 4 inches high, minimum.
3. The back of each individual sign will be painted dark green, unless it is a double faced sign.



Directional sign only  
6 maximum



4. Each owner will provide and maintain his own sign.

FIGURE 1A

Recommended by the Board of Selectmen:

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## **Amendment #9**

### *Amend the Supplemental Building Ordinance*

**Ballot Language:** The following language would appear on the ballot:

#### Article X

The Town hereby ordains amendment of the **Supplemental Building Ordinance** to supplement the administrative provisions of building code administration, and these amendments are retroactive to December 1, 2010.

**Statement of Fact:** The purpose of this amendment is to rectify minor administrative issues which resulted from last-minute changes made by the State immediately prior to their adoption of the new State-wide building code. This amendment clarifies that building permits are required, and that they expire after 3 years. It also clarifies that appeals are to be heard by the Board of Appeals. Finally, because the State is considering a bill to repeal the new State-wide building code, the proposal includes language which would retain the codes in York in the event the State repeals its adoption, and this provision is adopted retroactive to December 1, 2010. Lacking this language, the Town could be left without any building codes. This amendment is not expected to have any significant fiscal impact on Town administration.

**Amendment:** Amend the Supplemental Building Ordinance by adding new language, as follows, and renumber existing sections 6 and 7 as 9 and 10 respectively:

6. *Building permits are required as stated in Section R105 of the International Residential Code (IRC) and Section 105 of the International Building Code (IBC). Building permits shall expire for non-use as specified in Section R105.5 of the IRC and Section 105.5 of the IBC. In all cases, building permits shall expire 3 years after the date of issuance.*
7. *Appeals of this Ordinance and/or MUBEC shall be heard by the Board of Appeals, as specified in Zoning Ordinance §18.8.3.1.*
8. *If the State of Maine repeals MUBEC, the Town of York will adopt, administer and enforce the 2009 IRC, 2009 IBC, and the 2009 International Energy Conservation Code (IECC), each with the same exceptions and modifications as adopted by the State of Maine on October 11, 2010. (This section adopted retroactive to December 1, 2010.)*

Recommended by the Board of Selectmen:

## **Amendment #10**

### ***Adopt a Property Assessed Clean Energy (PACE) Ordinance***

**Ballot Language:** The following language would appear on the ballot:

#### **Article X**

The Town hereby ordains to adopt a new **Property Assessed Clean Energy (PACE) Ordinance**.

**Statement of Fact:** Maine PACE is a revolving loan program administered by Efficiency Maine and funded through a grant from the US Department of Energy. If this Ordinance is adopted, York homeowners will be eligible to apply for a PACE loan of up to \$15,000 to make energy efficiency improvements to their property. In order to be eligible for a PACE loan, the town in which the home is located must pass a PACE ordinance per state law (LD1717, passed in April 2010). By enacting this Ordinance, the Town is required to assist with public education and outreach, and may be asked to undertake minor administrative tasks, but this is the extent of the Town's responsibilities under this program.

**Amendment:** Adopt a new ordinance, as follows:

### ***Property Assessed Clean Energy (PACE) Ordinance***

#### **ARTICLE 1 - PURPOSE AND ENABLING LEGISLATION**

##### **1.1 Purpose**

*By and through this Ordinance, the Town of York declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town.*

##### **1.2 Enabling Legislation**

*The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, et seq.).*

#### **ARTICLE 2 - DEFINITIONS**

##### **2.1 Definitions**

*Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:*

1. *Energy Saving Improvement.* "Energy saving improvement" means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
  - A. *Will result in increased energy efficiency and substantially reduced energy use and:*
    - (1) *Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or*
    - (2) *Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or*
  - B. *Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.*
2. *Municipality.* "Municipality" means the Town of York.
3. *PACE Agreement.* "Pace agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. *PACE Assessment.* "PACE assessment" means an assessment made against qualifying property to repay a PACE loan.
5. *PACE District.* "Pace district" means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality's boundaries.
6. *PACE Loan.* "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. *PACE Mortgage.* "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. *PACE Program.* "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. *Qualifying Property.* "Qualifying property" means real property located in the PACE district of the Municipality.
10. *Renewable Energy Installation.* "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other

systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. Trust. "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

### **ARTICLE 3 - PACE PROGRAM**

#### **3.1 Establishment and Funding**

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

#### **3.2 Amendment to PACE Program**

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

### **ARTICLE 4 – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

#### **4.1 Town to Conform to Trust Requirements**

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

### **ARTICLE 5 – PROGRAM ADMINISTRATION AND MUNICIPAL LIABILITY**

#### **5.1 Program Administration**

- A. *PACE Administration Contract.* Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
  - ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
  - iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

- iv. *the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;*
- v. *the Trust, or its agent, will be responsible for collection of the PACE assessments;*
- vi. *the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;*
- vii. *the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.*

B. *Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.*

C. *Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.*

D. *Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.*

## **5.2 Liability**

A. *Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.*

B. *Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.*

Recommended by the Board of Selectmen:



development which threatens those resources. It is expected to have no fiscal impact on Town administration.

Planning Board recommends approval (5-0).  
Selectmen recommend approval ().

YES \_\_\_\_ NO \_\_\_\_

**FIVE:** The Town hereby ordains amendment of the **Supplemental Plumbing Ordinance** to remove the requirement for the Board of Selectmen to approve new septic system variances, specifically amending §14, System Variance.

**Statement of Fact:** Adoption of this amendment will simplify administration of the Supplemental Plumbing Ordinance in a few cases and ensure consistency of the Town Ordinance with State rules. Recent changes in State septic rules have eliminated the requirement for the Board of Selectmen to approve every first time system variance. A first time system variance is a deviation from the standard septic design requirements necessitated by unusual physical conditions on a lot, and it is intended to reduce the risk of making a lot unbuildable while ensuring proper sanitary function. The proposed amendment calls for the Local Plumbing Inspector to make decisions except when the State rules call specifically for a decision by the Selectmen.

Selectmen recommend approval ().

YES \_\_\_\_ NO \_\_\_\_

**SIX:** The Town hereby ordains repeal of the **York Beach Village Corporation "Short Sands Park Ordinance"** in its entirety.

**Statement of Fact:** This Ordinance became a Town ordinance in 1977 when the Legislature terminated the York Beach Village Corporation. The Ordinance establishes a summertime curfew in Short Sands Park. The Ordinance is not necessary because Short Sands Park is managed by independent Trustees. The Trustees were established when the park land was dedicated for public use in 1887, and to this day the Trustees are solely responsible for the management and control of the Park. The Trustees, working jointly with the Board of Selectmen, have enacted Short Sands Park Regulations. This Ordinance, which was originally enacted in 1966 and amended in 1969 by the voters of the York Beach Village Corporation, should be repealed because its subject matter is addressed in the Short Sands Park Regulations, and there is no need for two Town codes to regulate activities in a single Park.

Selectmen recommend approval ().

YES \_\_\_\_ NO \_\_\_\_

**SEVEN:** The Town hereby ordains amendment of the **Beach Ordinance** to establish criteria to guide the decision to close a public beach.

**Statement of Fact:** This proposal would amend the Town's Beach Ordinance to add criteria to help guide the decision of Town officials when considering beach closures. The proposed criteria would include, but not be limited to, closures during times of a disaster proclamation, when sharks are sighted near a beach, during times of strong rip currents, or during periods of excessive water pollution. The criteria also clarify that closures can be limited by area and/or user group. It is expected to have no fiscal impact on Town administration.

Selectmen recommend approval ().

YES \_\_\_\_ NO \_\_\_\_

**EIGHT:** The Town hereby ordains amendments to the **Business Directional Sign Ordinance**

**Statement of Fact:** Business directional signs are the white signs installed by the Town to direct travelers to local businesses. This amendment is an extensive update to the entire Business Directional Sign Ordinance, which was last amended in 1995. The proposal amends the format for greater clarity and eliminates obsolete language, as well as adds language regarding sign materials, sign format, location of signs, number of allowed signs, application process, and enforcement. This amendment is generally consistent with the Comprehensive Plan. It is expected to have no fiscal impact on Town administration.

Selectmen recommend approval ().

YES \_\_\_\_ NO \_\_\_\_

**NINE:** The Town hereby ordains amendment of the **Supplemental Building Ordinance** to supplement the administrative provisions of building code, a portion of this amendment is retroactive to December 1, 2010.

**Statement of Fact:** The purpose of this amendment is to rectify minor administrative issues which resulted from last-minute changes made by the State immediately prior to their adoption of the new State-wide building code. This amendment clarifies that building permits are required, and that they expire after 3 years. It also clarifies that appeals are to be heard by the Board of Appeals. Finally, because the State is considering a bill to repeal the new State-wide building code, the proposal includes language which would retain the codes in York in the event the State repeals its adoption, and this provision is adopted retroactive to December 1, 2010. Lacking this language, the Town could be left without any building codes. This amendment is not expected to have any significant fiscal impact on Town administration.

Selectmen recommend approval ().

YES \_\_\_\_ NO \_\_\_\_

**TEN:** The Town hereby ordains to adopt a new **Property Assessed Clean Energy (PACE) Ordinance.**

**Statement of Fact:** Maine PACE is a revolving loan program administered by Efficiency Maine and funded through a grant from the US Department of Energy. If this Ordinance is adopted, York homeowners will be eligible to apply for a PACE loan of up to \$15,000 to make energy efficiency improvements to their property. In order to be eligible for a PACE loan, the town in which the home is located must pass a PACE ordinance per state law (LD1717, passed in April 2010). By enacting this Ordinance, the Town is required to assist with public education and outreach, and may be asked to undertake minor administrative tasks, but this is the extent of the Town's responsibilities under this program.

Selectmen recommend approval ( ).

YES \_\_\_\_ NO \_\_\_\_

**ELEVEN:** Shall The Town vote to **authorize a Community Development Block Grant (CDBG)** application for an Economic Development Grant Program Category 2 in the amount of \$200,000, for the purpose of subsidizing the purchase of business equipment for Maine Coast Shellfish, which will create 7 new jobs. The Board of Selectmen is authorized to submit this application to the Department of Economic and Community Development, and if approved, is further authorized to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such programs. Furthermore, the Town is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

**Statement of Fact:** The Community Development Block Grant Program allows private businesses to receive economic development funds but requires grant funds to be distributed through and managed by the local government. Maine Coast Shellfish has asked that the Town of York assist them in obtaining a \$200,000 grant which will allow them to purchase equipment and create 7 new jobs. Voter approval is required prior to the application for or receipt of a grant award. Grant administration will be provided by Southern Maine Regional Planning Commission, and their fees will be paid from the grant award. The Board of Selectmen will enter into an agreement with Maine Coast Shellfish such that Maine Coast Shellfish will assume all financial responsibility for any grant conditions imposed by the State of Maine.

Selectmen recommend approval ( ).

YES \_\_\_\_ NO \_\_\_\_

**TWELVE** The Town hereby ordains amendment of the **Comprehensive Plan** to revise the policy relating to

vegetative buffer standards adjacent to the Cape Neddick River.

**Statement of Fact:** The purpose of this amendment is to help address the on-going water pollution problems of the Cape Neddick River. This amendment establishes a policy to increase the width of vegetative buffers along the Cape Neddick, and to restore lost vegetative buffers where possible because these help to stabilize river banks, protect water quality, conserve habitat, and enhance aesthetics.

Planning Board recommends approval (4-0).

YES \_\_\_\_ NO \_\_\_\_

\*\*\*\*\*

Dated at York this \_\_\_\_ day of \_\_\_\_\_  
Two Thousand Eleven

**BOARD OF SELECTMEN**

\_\_\_\_\_  
Tracy Jackson-McCarty, Chairman

\_\_\_\_\_  
Mary Andrews, Vice Chairman

\_\_\_\_\_  
Edward W. Little

\_\_\_\_\_  
Michael L. Estes

**NOTICE OF INTENT**

**TO PROCESS ABSENTEE BALLOTS**

**Title 21-A, Section 759**

I certify that pursuant to State of Maine, Title 21-A, Section 759, absentee ballots will be processed commencing at **8:00 A.M.** at the General Referendum to be held at York High School Gymnasium on:

**DATE: MAY 21, 2011**

Dated at York this \_\_\_\_ day of \_\_\_\_\_ Two Thousand Eleven

\_\_\_\_\_  
Tracy Jackson-McCarty, Chairman

\_\_\_\_\_  
Mary Andrews, Vice-Chairman

\_\_\_\_\_  
Edward W. Little

\_\_\_\_\_  
Michael L. Estes

**BOARD OF SELECTMEN**



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28, 2011	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b>	
<b>Subject:</b> Funding for York Beach Infrastructure Improvements	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Funding from the Tax Incremental Financing District
<b>PROPOSED MOTION:</b> I move to approve the expenditure of Tax Incremental Financing District funds in an amount not to exceed \$30,000 for completion of the York Beach Infrastructure Improvements.

**Discussion:** At our meeting on March 21, 2011 the Board of Selectmen approved the use of \$72,426 in voter approved funds for York Beach Infrastructure Improvements. During that discussion Public Works Director Dean Lessard indicated that this initial phase of work would be completed during construction of the FEMA Drainage Project so no further disruption would be necessary after the FEMA project is completed. Mr. Lessard also indicated that we did not have enough voter approved funds to complete work on all of the planned infrastructure improvements as only \$100,000 was approved. It is estimated that there will be a shortfall of approximately \$30,000 to complete the improvements. Use of Tax Incremental Financing Funds is appropriate for this project as the Maine Department of Economic and Community Development approved the TIF work plan which includes "in-district infrastructure and amenity improvements" as an authorized use.

**FISCAL IMPACT:** \$30,000

**DEPARTMENT LINE ITEM ACCOUNT:** Tax Incremental Financing District Funds

BALANCE IN LINE ITEM IF APPROVED: \$48,939.27

Prepared By: Robert M. Gandon Reviewed By: \_\_\_\_\_

# Short Spools Overhead Utility Relocation Estimated Costs

Date: March 15, 2011

Project No: 083058

By: John Mahoney

Item No	Description	Cost	Comments
	<b>Must be Completed this Spring</b>		
1	Underground Conduit and Light Foundations	\$ 47,488.40	Price from contractor based on unit costs
2	Brick Sidewalk and Granite Curbing	\$ 21,488.50	Adjusted Price from contractor based on unit costs
	5% Contingency	\$ 3,448.85	
	<b>Subtotal</b>	<b>\$ 72,425.75</b>	
	<b>Can be Completed as Funding Allows</b>		
3	Cost from Time Warner	\$ 3,537.00	Price from utility
4	Cost From CMP	\$ 25,000.00	This is a cost range of \$20,000 to \$30,000
5	Cost from Fair Point	\$ 7,527.00	Updated Estimate
6	Street Lights Materials and installation including conductors	\$ 20,000.00	Budget estimate based on Town & Country fixture
7	Connect New Utilities (electric and phone) to Existing Services	\$ 5,000.00	Allowance
	15% Contingency	\$ 9,159.60	
	<b>Subtotal</b>	<b>\$ 70,223.60</b>	
	<b>Total Cost</b>	<b>\$ 142,649.35</b>	



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28, 2011	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Special Event Permit Application: Ampsurf East Week-Adaptive Surf Clinic	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Kathryn Danylik
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the special event permit for Ampsurf East Week-Adaptive Surf Clinic on Thursday and Friday, August 18 <sup>th</sup> and 19 <sup>th</sup> 2011 from 7:00 AM to 3:00 PM. Event participants must conform to the surfing ordinance.

**Discussion:** All appropriate departments have been notified and have given approval.

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:

*Kathryn Danylik*

Reviewed By:

*Robert H. Gendron*



## Town of York, Maine Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: 3/11/11

Name of Event: Amps surf East Week- Adaptive Surf Clinic with Liquid Dreams Surf Shop

Type of Event: Adaptive surf clinic for the disabled community

Organization Name: Amps surf Phone #: Home base/805 441 5271/ East Coast Coordinator/603 828 7601

Organization Address: Association of Amputee Surfers C/O Dana Cummings 1255 Orcutt Rd ste B 31 City san Louis obispo State: CA Zip: 93403

Applicant Name: Dana Cummings Exec Director/ Kate Rocheleau East Coast Coordinator Phone #: 603 828 7601

Applicant Address: PO Box 1010 City: York State: ME Zip: 03911

Contact Name for Day of Event: Kate Rocheleau Contact Phone #: 603 828 7601

Date of Event: August 18<sup>th</sup> and 19<sup>th</sup> Day of Week: Thurs and Friday

Starting Time: 7 am- 3pm both days Aug 18<sup>th</sup> and 19<sup>th</sup> Ending Time: \_\_\_\_\_

Assembly Area: Liquid Dreams Surf Shop and Long Sands Bath house

Dispersal Area: Areas surrounding the bathhouse

Event Route: From Liquid Dreams Surf Shop, to Bath house, across the surrounding beach, in the water

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
50- 75

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):

\_\_\_\_\_ trailers to carry surfboards and equipment, special VA hospital vans for the disabled participants, wheelchairs, special equipment for disabilities. \_\_\_\_\_

Describe how group is organized and supervised to insure order: \_\_\_\_\_ We have a core leadership team, and 2 event coordinators, who work with the \_\_\_ Head of the adaptive sports programs (the VA hospitals and New Englands Disabled Sports) . Each participant is assigned an instructor from the program as as well as a "coach" from their local rehab hospital who work in sync . The lessons have been divided into blocks of time- with a break for lunch in between. \_\_\_\_\_ Event coordinators and leadership team constantly checking in to maintain order and organization. \_\_\_\_\_

Purpose of the Event: \_\_\_\_\_ To provide adaptive surf instruction to the disabled community- the majority of whom are disabled veterans. To connect them to the ,local community and provide for them the resources to achieve a better quality of life and independence via the healing power of surfing.

The above information is true to the best of my knowledge and belief.

Signature of Applicant: \_\_\_\_\_ Kate Rocheleau \_\_\_\_\_

**For Town Use Only:**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	_____
Public Works	_____
Parks/Recreation	_____
Village Fire	_____
York Beach Fire	_____
Code Enforcement	_____

Special Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Town Manager

Date

**SAMPLE SCHEDULE**

**Setup crew arrives\***

**7:30am**

**All other volunteers arrive\***

**8:00am**

**Volunteers briefing (all water staff must be present)**

**8:15am**

**Participants arrive\***

**Meet, Greet & Suit up etc..**

**8:30 -9:30am**

**Dry land instruction**

**9:30-10:00am**

**In water surf instruction**

**9:30-11:30am**

**Free surf**

**11:30-12:30pm**

**Lunch & tear down**

**12:30-1:30pm**

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: DEC 02 2008

ASSOCIATION OF AMPUTEE SURFERS  
C/O DANA M CUMMINGS  
1255 ORCUTT RD STE B-31  
SAN LUIS OBISPO, CA 93403

Employer Identification Number:  
68-0569858  
DLN:  
17053193336008  
Contact Person:  
CYNTHIA ROBINSON ID# 31517  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
May 9, 2008  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)



# CERTIFICATE OF LIABILITY INSURANCE

OP ID TY

DATE (MM/DD/YYYY)  
10/19/10

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Campbell-Taylor Insurance License # 0827709 P.O. Drawer 810 Arroyo Grande CA 93421 Phone:805-481-0664 Fax:805-481-3532	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____ PRODUCER CUSTOMER ID #: ASSOC-1	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Association of Amputee Surfers Ampsurf PO BOX 5045 SAN LUIS OBISPO CA 93403	INSURER A: Non-Profits Insurance Assoc.	NAIC #
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

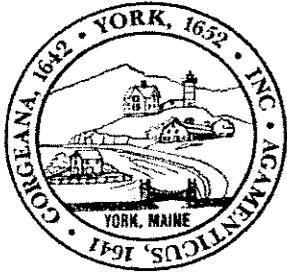
INSR LTR	TYPE OF INSURANCE	ADDL SUBR		POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
		INSR	WVD					
A	<b>GENERAL LIABILITY</b>			NIAC08082009	08/06/10	08/06/11	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
			X				PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							\$
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS							\$
	<input type="checkbox"/> NON-OWNED AUTOS							\$
	<b>UMBRELLA LIAB</b>						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE	\$
	<input type="checkbox"/> OCCUR							\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DEDUCTIBLE							\$
	RETENTION \$							\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						WC STATU-TORY LIMITS	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N					E.L. DISEASE - EA EMPLOYEE	\$
			N/A				E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Certificate Holder named as additional insured

**CERTIFICATE HOLDER****CANCELLATION**

000000	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28 <sup>th</sup> , 2011	
Regular <u>  X  </u> Work Session	
<b>Subject:</b> Redemption of Property: Map 0093/ Lot 0068 B: 210 Chases Pond Road.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Kathryn Danylik
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the redemption of Map 0098/ Lot 0068 B: 210 Chases Pond Road, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than May 28th, 2011.

**Discussion:** Please see attached memo for details

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By: Kathryn Danylik    Reviewed By: Robert H. Gandon



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28 <sup>th</sup> , 2011	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> _____	
<b>Subject:</b> Redemption of Property: Map 0093/ Lot 0028 A: 214 Chases Pond Road.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Kathryn Danylik
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the redemption of Map 0093/ Lot 0028 A: 214 Chases Pond Road, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than May 28th, 2011.

**Discussion:** Please see attached memo for details

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:

*Kathryn Danylik*

Reviewed By:

*Robert H. Gendow*



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28 <sup>th</sup> , 2011	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Redemption of Property: Map 0093/ Lot 0028 B: 220 Chases Pond Road.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Kathryn Danylik
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the redemption of Map 0093/ Lot 0028 B: 220 Chases Pond Road, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than May 28th, 2011.

**Discussion:** Please see attached memo for details

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:

*Kathryn Danylik*

Reviewed By:

*Robert H. Gendron*



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 24, 2011	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 28 <sup>th</sup> , 2011	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Redemption of Property: Map 0093/ Lot 0027: 238 Chases Pond Road.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Kathryn Danylik
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the redemption of Map 0093/ Lot 0027: 238 Chases Pond Road, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than May 28th, 2011.

**Discussion:** Please see attached memo for details

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:

*Kathryn Danylik*

Reviewed By:

*Robert H. Gandon*