



Town of York

186 York Street
York, Maine 03909-1314

BOARD OF SELECTMEN'S MEETING AGENDA

6:15/7:00PM MONDAY, DECEMBER 16TH, 2013
YORK LIBRARY

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

6:15PM: Tax Task Force Interview
6:30PM: Conservation Commission Interview
6:45PM: Energy Efficiency Steering Committee Interview

Call to Order

Opening Ceremonies

A. Minutes

1. November 18, 2013 Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

E. Reports

1. Introduction of New Police Sergeant and New Police Officer
2. York Community Dialogue Report Regarding Davis Property

F. Citizens' Forum – The Citizens' 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 #24

H. Public Hearings

1. Continuation of Maynard Dock Application at 12 Barrel Lane Extension
2. Possible Sale of Town Owned Property at 41 Railroad Avenue

Extension

3. Possible Dangerous Building at 1 Justin Circle

I. Endorsements

Business Licenses:

1. Anthony Graziano DBA: Anthony's Food Shop Inc. (Victualers);
Located at 679 US Route One
2. Old York Historical Society (Victualers); Located at 3 Lindsay Road
3. Trustees of the Charity Fund of St. Aspinquid Lodge DBA: St.
Aspinquid Lodge #198 (Victualers/Flea Market); Located at 101 Long
Sands Road
4. Betty Weaver DBA: Lobster Barn (Victualers/liquor/Coin-Operated
Amusement); Located at 1000 US Route One
5. Cumberland Farms (Victualers); Located at 230 York Street
6. Michael McGrath DBA: View Point Hotel (Hotel/Motel with Cooking
Facilities); Located at 229 Nubble Road
7. Miller Brothers LLC DBA: St. Joes Coffee (Victualers); Located at 449
US Route One Suite 104
8. Miller Brothers LLC DBA: York 54 (Victualers/Liquor); Located at 449
US Route One Suite 105

J. Old Business

K. New Business

1. Discussion and Possible Action on Maynard Dock Application at 12
Barrell Lane Extension
2. Discussion and Possible Action on a Purchase and Sale Agreement
for 41 Railroad Avenue Extension
3. Discussion and Possible Action Regarding a Possible Dangerous
Building at 1 Justin Circle.
4. Energy Efficiency Committee Appointments
5. Conservation Commission Appointment
6. Tax Task Force Appointment
7. Pole Location Permit: Main Street

L. Other Business

M. Citizens' Forum

Adjourn

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, NOVEMBER 18TH, 2013
YORK LIBRARY**

Call to Order

Chairman, Ronald Nowell called the meeting to order at 7:00PM.

Present: Chairman Ronald Nowell, Vice Chairman, Kinley Gregg, Scott Fiorentino, Many Andrews, Torbert Macdonald, Town Manager, Robert G. Yandow, Recorder, Melissa M. Avery and members of the press and public

Opening Ceremonies

A. Minutes

1. October 7, 2013 Meeting Minutes
2. October 21, 2013 Meeting Minutes
3. November 4, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the October 7, October 21, November 4, 2013 Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Nowell stated that a recent article in a local paper gave the idea of a political conspiracy of him and Torbert both being absent from the last regular meeting, he denied that there was any truth to that. Also, Short Sands Park has received all of their permits and is ready to start on their project. Chairman Nowell also referred to conversation at a previous meeting regarding State Statute on eminent domain, and stated that it can only occur by the vote of the legislative body, not by the Board of Selectmen.

C. Manager's Report

Town Manager, Robert G. Yandow notified the public that a meeting has been arranged for Wednesday with the surveyors for the Town and York Wild Kingdom to hopefully come to an agreement on their boundary differences.

D. Awards

1. Village Survey Bid Award

The Town of York and the York Village Study Committee have been studying different ways to make York Village a more lively and attractive place for residents and visitors alike. On August 26, 2013 the Board of Selectmen approved the Village Study Committee's request to have an existing conditions survey of the Village Center completed.

The Town solicited bids from four local surveying companies. The following bid was received:

1. LinePro Land Surveying, Inc \$22,500.00

Chair of the Village Study Committee, Ron McAllister stated that though there was one only bid received for the survey project, the Committee believes that it is a good bid and feel that there is a lot of risk going out for bid again and delaying conduction of the survey. Director of Public Works, Dean Lessard recommended that LinePro Surveying, Inc be awarded the bid for the York Village Survey.

Ms. Gregg stated that she will recuse herself from voting on the motion due to the location of her residence being in the project area.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to award the York Village Survey bid to LinePro Land Surveying, Inc. in the amount of \$22,500.00 Vote 4-0-1, Ms. Gregg abstained, motion passes.

2. Salt Bid Award

In June the Department of Public Works requested competitive bid proposals through The Southern Maine Planning Commission for the purchase of sodium chloride (salt) for the 2013/2014 winter season. The following bids were received:

- | | | |
|----|----------------------------------|------------------------------|
| 1. | International Salt Company, Inc. | \$49.63 per ton – Delivered |
| | | \$49.00 per done – Picked up |
| 2. | Eastern Salt Company, Inc. | \$58.83 per ton – Delivered |
| | | \$53.83 per ton – Picked up |

Director of Public Works, Dean Lessard recommended that International Salt Company, Inc. be awarded the bid for the 2013/2014 Winter Salt Bid.

Moved by Ms. Andrews, seconded by Ms. Gregg to award the 2013/2014 Winter Salt Bid to International Salt Company for \$49.63 per ton. Vote 5-0, motion passes.

3. Short Sands Street Light Fixtures

The Department of Public Works solicited bids from three different lighting vendors that sell the Holophane utility post top street light fixtures that match

the fixtures previously installed on Beach Street. The following bids were received:

1. Graybar \$23,906.34
2. Wesco \$24,097.50
3. NorthEast Electrical \$24,408.00

Director of Public Works, Dean Lessard recommended that Graybar be awarded the bid for the Short Sands Street Light Fixtures.

Mr. Macdonald questioned the limitations in the warranty on Graybar's bid, Mr. Lessard explained that Holophane is the manufacturer of the lights and the warranty is through them not Graybar.

Mr. Fiorentino asked if the electrical work is included in the bid, to which Mr. Lessard answered that the electrical work is not included and they will go out to bid for the electrical work and installation in the next few weeks.

Ms. Gregg asked why there only 18 lights listed to be purchased when the project requires 25. Mr. Lessard answered, that when they previously purchased the lights for the Beach Street project, there was a "buy one get one free" sale and they purchased more lights than necessary for that specific project and they have been storing the extras from that previous order to fulfill the other 7 lights needed for this project.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the purchase of 18 Holophane utility post top street light fixtures from Graybar in the amount of \$23,906.34. Vote 5-0, motion passes.

E. Reports

None

F. Citizens' Forum – The Citizens' 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.

Public Comment: Ted Little
Helen Rollins
Charles Stacy
Mike Micciche
Pat O'Conner
David Chase

Jim Gambrill
Fred Knox

G. Approval of Warrant #20

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #20. Vote 5-0, motion passes.

H. Public Hearings

1. New Business: York 54

Moved by Ms. Gregg, seconded by Mr. Fiorentino open the Public Hearing at 7:42PM. No objection, so moved.

Public Comment: None

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the Public Hearing at 7:42PM. Vote 5-0, motion passes.

I. Endorsements

Business Licenses:

1. William Holler DBA: 3 Buoys Seafood Shanty and Grille (Victualers/Liquor)

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the following license: William Holler DBA: 3 Buoys Seafood Shanty and Grille, located at 2 US Route One for Victualers and Liquor, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

None

K. New Business

1. Discussion and Possible Action on Purchase and Sale Agreement with Chamber of Commerce

This item was originally on the November 4, 2013 agenda but it was at the request of absent Selectman Macdonald that the item be postponed until this meeting to be discussed and possibly acted upon with a full board.

The Chamber of Commerce has submitted a revised Purchase and Sale Agreement, reflecting the Selectmen's comments to the previous Purchase and

Sale Agreement regarding their offer to purchase 2.02 acres of town owned land located at 571 US Route One.

After discussion with Chris Kehl of the Chamber of Commerce, the Board decided to add a size limit and condition of use on the current proposed deed: "Any building to serve as a year-round Farmer's Market shall be limited in size to 3,500 square feet and limited in use to non-profit organizations and events."

Ms. Gregg stated that she believes she had a misunderstanding of the current proposal coming into the meeting and for that reason she is going to vote against.

Moved by Mr. Macdonald, seconded by Mr. Nowell to amend the Purchase and Sale Agreement with the Chamber of Commerce adding the following language, "Any building to serve as a year-round Farmer's Market shall be limited in size to 3,500 square feet and limited in use to non-profit organizations and events". Vote 4-1, Ms. Gregg against, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Purchase and Sale Agreement, as amended with the Chamber of Commerce for Town owned property at 571 US Route One. Vote 4-1, Ms. Gregg against, motion passes.

2. Discussion Regarding Dangerous Building at 1 Justin Circle

Town of York Code Enforcement Officer, Amber Harrison received a complaint on April 30, 2013 regarding a vacant structure being well beyond repair and a danger to the immediate area at 1 Justin Circle. After a visit to the property and discussion with the property owner, Ms. Harrison is asking for direction from the Board on the building, which in her opinion falls under the Town and State Statutes for a "Dangerous Building".

The Chairman stated that the Board should start the legal process for condemning said building.

3. Discussion and Possible Approval of Stormwater Management Plan

Stormwater Manager, Leslie Hinz and York County MS4 consultant, Kristie Rabasca of Integrated Environmental Engineering, gave a presentation regarding the Draft Stormwater Program Management Plan to be submitted to Maine Department of Environmental Protection by December 20, 2013. The presentation was required as a part of the Public Education and Outreach, under Part IV, H.1 of the 2013-2018 General Permit.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino that regarding the submission of the Draft Stormwater Management Plan: the Board approve the Draft Plan, with authorization to correct typographic and consistency errors as

discovered and authorize the Town Manager to sign the Certificate for the Draft Plan. Vote 5-0, motion passes.

Moved by Chairman Nowell, seconded by Ms. Gregg to adjourn the meeting for 10 minutes. Chairman Nowell then left the meeting.

In Chairman Nowell's absence from the meeting, Vice Chairman Gregg, now Acting Chair, called the meeting back to order at 9:03PM.

4. Historic District Commission Appointment

Ms. Gregg stated that she will be in opposition of the motion because, in her opinion the Historic District Commission should be an advocacy for historic preservation, not a commission with a variety of views, and after the interview and conversation with the applicant, the applicants profession, being a commercial real estate broker would bring in more of a pro-development prospective, to which Mr. Fiorentino saw as a positive influence and Ms. Gregg did not.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to appoint Kent White to the Historic District Commission as a regular member with a term expiring June 30, 2014. Vote 3-1, Ms. Gregg against, motion passes.

5. Discussion and Possible Approval of the Process to be Used for Hiring a Town Attorney

After discussion, the Board decided that each board member would submit to the Town Manager, proposed questions to ask during the interviews for Town Counsel and also, that any questions the public have for the potential Town Counsel would also be welcomed. The submitted questions will be gathered and presented at the December 2, 2013 Board of Selectmen's meeting.

6. Ana Gray Resignation

Ms. Andrews read Ms. Gray's Resignation letter into the record:
"To the Town of York Selectmen: After twelve years as a member of the Conservation Commission, it is time for me to tend my resignation from the Commission, as of November 3, 2013. I had planned to do so in person before the Board, but I am scheduled to work every Monday evening now and in the future, and therefore cannot attend. My time on the Conservation Commission has been very interesting and educational, with positive and encouraging decisions as well as some frustrations regarding the preservation of the natural resources of this beautiful town. I hope that the Town will continue to support and respect the "conservation" piece of this Commission. Respectfully, Ana I. Gray".

Moved by Ms. Andrews, seconded by Mr. Fiorentino to accept the resignation of Ana Gray, with regret. Vote 4-0, motion passes.

7. Application for License for Incorporated Civic Organization:
Museums of Old York

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the License for Incorporated Civic Organizations for the Old York Historical Society DBA: Museums of Old York Event at 3 Lindsay Road on Saturday, December 14, 2013 at 5:30PM. Vote 4-0, motion passes.

8. Pole Location Permit: Brixham Road

Moved by Ms. Andrews, seconded by Mr. Macdonald to approve the Pole Location Permit for one pole on Brixham Road in a southeasterly direction, 50 feet from pole #14. Vote 4-0, motion passes.

9. Special Event Permit: Art in the Park

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Special Event Permit for the York Art Association's "Art in the Park" on Saturday, September 13, 2014 from 9:00AM to 4:00PM. Vote 4-0, motion passes.

L. Other Business

Ms. Andrews stated that she feels a "Police Station Project Update" should be a standing item under Reports at every Board of Selectmen's meeting.

Mr. Macdonald reiterated a comment that Chairman Nowell previous made about the board being a collaborative board of equals with leadership coming from each member, so a lack of leadership would be an indictment on each of them. He also referenced the Comprehensive Plan and its role as a guide to the policy formulation of the Town and suggested a work-session for the Selectmen and Department Heads to have a dialogue about it.

Mr. Fiorentino feels that the Board looks to the Chairman to provide proper decorum and guidance and with that, he feels the need to question the leadership of Chairman Nowell. Mr. Fiorentino stated that his comments are not questioning the Chairman's character or pointing any blame, he is only questioning Chairman Nowell's effectiveness as the current Chairman. Based on the Chairman's actions over the past six months, his public animosity and criticism of several Town Officials, he feels that several pertinent discussions and decisions that are important to the Town of York have been delayed. He fears that the Chair's, at times, confrontational style, will result in a "vote of no confidence" in the Board of Selectmen as a whole. He feels that the Board may need to change course now as they head into the most difficult time of the year with budgets, May 2014 Referendum items and with the Police Station Project moving forward. Mr. Fiorentino also stated that most importantly, the current status quo of the past six months where the Chairman does not correspond with

the Town Manager cannot continue, that at a minimum, they need to have a respectable working relationship for the work of the Citizen's of York to get done.

Moved by Mr. Fiorentino, seconded by Ms. Andrews to take a vote of no confidence of current Chairman Nowell. Motion withdrawn.

Acting Chair Gregg noted for the record that Mr. Macdonald left the meeting at 9:36PM.

After discussion with the remaining Board members, Vice Chairman Gregg, Mr. Fiorentino and Ms. Andrews, Mr. Fiorentino requested of the Town Manager after getting the Town Attorney's input on the issue, to put "Discussion with Possible Action on the Effectiveness of the Chair" on the December 2nd Board of Selectmen's meeting agenda.

M. Citizens' Forum

Public Comment: Fred Knox

Adjourn

Moved by Ms. Andrews, seconded by Mr. Fiorentino to adjourn the meeting at 10:00PM

Respectfully submitted,


Melissa M. Avery, Recorder

**Ronald J. McAllister
188 Woodbridge Road
York, Maine 03909-1423**

E-mail: ronmcallister150@gmail.com Telephone: 207-363-1134

TO: Board of Selectmen
Town of York

FROM: Ron McAllister, Chair
York Community Dialogue Steering Committee

VIA: Rob Yandow
Town Manager

DATE: 26 November 2013

RE: Davis Property Report

Attached is the report of a joint venture involving the Town's Community Development Department and the York Community Dialogue -- a project undertaken at the request of the Board of Selectmen. The report identifies the principal issues surrounding the Town's possible purchase of land in York Village owned by the Davis family. The report also contains several recommendations for your consideration.

The YCD conducted three complementary events prior to drafting this report: a question and answer session (October 11), walking tours of the Davis property (October 26) and a series of small group discussions (November 2). The three events attracted approximately 150 participants. Note that somewhat fewer than 150 separate individuals were involved as some people came to two or even all three events.

Please let us know if you have any questions regarding the report. In addition to myself, the following individuals serve on the YCD's Steering Committee: Steve Burns, Carol Donnelly, Jud Knox, Charles Lawton, Ted Little and Helen Winebaum. I am sure each member of the committee would be pleased to go over their report with you. On their behalf, I want to thank you for involving the YCD in this important public policy matter.

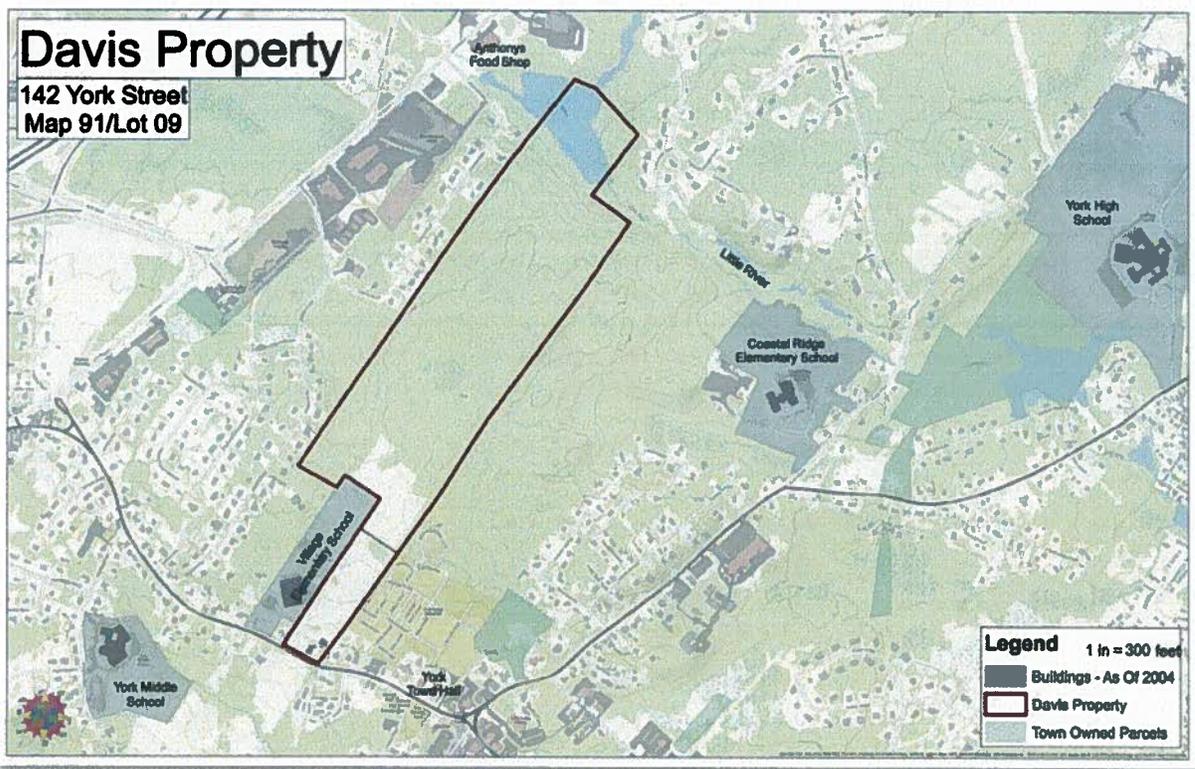
cc: The YCD Steering Committee

**York Community Dialogue:
Report to the York Board of Selectmen
November 26, 2013**

The Davis Property: York Village

Introduction.

At its September 23 meeting (2013), the York Board of Selectmen (BOS) authorized the town's Community Development Department (CDD) working with the York Community Dialogue (YCD) to hold a series of public conversations about the future of the Davis Property. This report is a record of the events that took place in October and November in response to the Board's request. The property in question occupies more than 100 acres of undeveloped land to be separated from the house and a ten acre parcel located at 142 York Street. The Davis family has expressed their interest in selling this tract of land and has offered the Town a right of first refusal on the property.



In October 2012, two of the three Davis brothers met with Town Manager Rob Yandow and CDD Director Steve Burns to express their interest in selling this tract of land to the Town. It was understood that they would like to see a decision made about this by May 2014 when the question could be placed before the Town Meeting referendum.

Those of us who have
walked the Davis land
know what a gem it is.

Charles Steedman



There are a number of questions about the land and about the purposes to which it might be put if it were to be purchased by the Town or by some other interested party. The events initiated at the request of the BOS were designed to uncover public sentiment about the property and to recommend a way forward. Since its inception in 2009, the YCD has been a neutral party in all public policy matters under discussion.

The YCD advocates neither for or against the idea of public ownership of the Davis Property. Its goal has been to provide an open forum for discussion and to create an opportunity to involve the public in this important public policy question. The YCD believes firmly that a diverse group of people can come together, share ideas and find the best way forward. The collaboration which took place around the Davis property helped to confirm “the wisdom of the crowd.”

The YCD has always been and remains a neutral party in this matter and other matters. They have advocated neither for or against the idea of public ownership. Their goal was to provide an open forum for discussion and an opportunity to get the public involved in the public policy process. That goal remained as true for the events focused on the Davis Property as they were in previous YCD events in 2010, 2011 and 2012.

The Three YCD/CDD Events

Three events were held to foster a thorough discussion of questions about the Town’s exercise of a right of first refusal on the Davis Property.

- ◆ **Friday October 11.** The first event of the series was a Q & A session at which people could ask anything they wanted about the property. Steve Burns, Director of the York Community Development Department, was prepared to field the questions. The YCD had researched the matter and posted on the Town’s website: www.yorkmaine.org what it believed to be the principal questions. Over 275 letters were sent to abutters and other interested parties inviting their participation. About 60 people turned out for the event which was held at the York Public Library.
- ◆ **Saturday October 26.** The second event was an opportunity to walk the property, departing from and returning to the Village Elementary School. Again, about 60 people attended this event. Some of those attending the event had been to the previous part of the program at the Library but most had not been.

We should take the time necessary to come up with a plan for the proper use of the property.

Dorothy Healy



The group was divided in two with Steve Burns and Code Enforcement Officer Amber Harrison each leading one of the groups. The tours lasted between 1.5 and 2 hours.

- ◆ **Saturday November 2.** The third event was typical of YCD forums held each of the last three years. After brief presentations by Steve Burns and Ron McAllister, the group of approximately 35 people was asked to suggest specific topics for small group discussions. The group generated a large number of possibilities which were winnowed down to six different subjects and then to four small group discussions ranging in size from 7-9 people each. The small groups talked for thirty minutes. Following the small group sessions, a note taker from each group reported to the larger group. Their notes became an integral part of this report.

Issues Raised by the Community

The various sessions raised a number of concerns. These are discussed below.

- ◆ **Price.** According to the Town's Assessor, the assessed value of the approximately 100 acres of unimproved land offered to the Town is approximately \$700,000. It is further understood that the Davis family has conducted its own appraisal of the property and has concluded that the fair market value of this land for development purposes might be in the neighborhood of \$5.5 million.
- ◆ **Value.** The disparity between the property's current assessed value and its estimated market value reflects the difference between unimproved land and land which might be put to more intense uses. A variety of conjectures have been offered as to the value of the property. Some suggested that it could be worth more if sold to a developer while others have suggested that it could be worth less— perhaps in the \$2.0 - \$3.4 million range — but this is purely speculative. Many people believe the \$5.5 million price tag is too much for the Town to spend and that spending that much could skew property values in Town. The house located on the property is reported to date from before 1692. We do not know if the existing Davis property boundaries represent an early land division but it is reasonable to assume that this is the case. If the boundaries do date to the 17th century this would add historic interest, adding another dimension to its value.

What is really needed to make the most of the Davis Property is a public-private partnership. The Town can't do it on its own.



Helen Winebaum

- ◆ **Access.** One aspect of the property which could dramatically affect its value is its access. Without inclusion of the lower ten acres (the York Street border), the property has problems with road and utility access. The only existing point of access for the Town would be through the Village Elementary School site – a facility already heavily trafficked when school and recreational programs are going on. Enhanced road access would require purchase of one or more lots on one of the residential streets adjacent to the property: Raydon Road or Donica Road. It is noted that there are three vacant lots on Donica Road but without a guarantee of access the value of the property would be impacted. Conceptual development plans prepared by the Davis family each show some access to York Street adjacent to the house, so their private development option would have greater impacts on the Davis family.
- ◆ **Possible Uses.** Clearly, uses will differ depending on whether the Town or a private developer were to acquire the property. Many people attending the YCD events seemed to steer toward preservation. Several people envisioned the land as perfect for conservation while at the same time questioning whether the Town can afford to acquire it at the offering price. Although the land is zoned GEN-3 -- meaning that some commercial uses would be allowed -- it is generally assumed that the highest economic use of the property would be for housing. Any residential or commercial development would require infrastructure investment and a resolution of the access problem because the property (without York Street access) is land locked. Among the Town uses proposed at the forum were: recreation, workforce housing, a new Town Hall, reserve land for future school needs, added sports fields, community gardens, open space, and active forestry. The open space question prompted members of the Steering Committee to ask whether a comprehensive look at open space planning might be a suitable task for the YCD in 2014.
- ◆ **Benefits and Costs to the Town.** The opportunity to acquire this land could benefit the town in innumerable ways. One participant suggested that the harvesting of forest products or leasing the land for farming could generate revenue for the Town. Another noted that having the a large tract like this, preserved and cared for, would be attractive to eco-tourists. Still another person speculated that developing the Davis property (in whole or in part) for new housing, could dampen development pressures in other parts of Town.

Perhaps the Town could delay the decision and offer the Family 'earnest money' as a sign of the Town's interest.



Brian McGann

Discussion about climate change led one participant to observe that the current High School may not be sustainable in its current location. The principal benefit for most of those in attendance was clearly in the preservation of reserve space which the Town (and not developers) should control. At the same time, one question left hanging is what might the Town be unable to do if it spends this much money for this land? This is part of the opportunity cost of buying the property.

- ◆ **The Comprehensive Plan.** The Town's Comp Plan is silent on the future uses of the land in question, though other Davis property across York Street is mentioned as being worthy of acquisition. At the same time, the Comp Plan's goal of promoting outdoor recreation does hint at the extension of athletic fields in this area. The only other consideration is the Plan's goal of extending sewer capacity to Donica Road and beyond if and when this lot were to be developed.
- ◆ **Environmental Impacts.** A group of four significant vernal pools has been identified on the property. This would seem to affect the type and density of housing that could be built there because a 750 foot federally required buffer zone would need to be protected around this part of the site. Based on current zoning (3/4 to 1-acre lots per dwelling), Steve Burns has estimated that approximately 60-70 units of cluster housing could be accommodated on the property. The impact of other types of development is uncertain at this time. It was noted at one of the YCD discussions that some sort of planned unit development could cluster the housing and leave open space for the enjoyment of the wider community. Drainage is a serious concern. One neighboring property owner described the problems she currently has with runoff and drainage. Intense development at the site would likely aggravate that situation. Remediation of drainage problems are likely to be costly.
- ◆ **Fiscal Impacts.** Economic considerations revolve around two major issues (exclusive of the cost and value questions addressed above): One is the impact on the Town of allowing a large housing development to be built on the Davis Property. There were concerns about the impact which scores of school children would have on the schools' physical facilities and staffing. The other fiscal issue raised was the benefit which increased tax revenues would have. It was suggested, however, that revenue from new housing units would not match the

The land doesn't have to be for conservation OR community housing OR for rationalizing infrastructure. It could serve ALL 3 purposes.

Dave McCarthy



municipal outlay necessary to serve these units: police, fire, plowing, paving, maintenance, school demand, etc. A community services analysis would help to answer this question.

◆**Political Climate.** Some doubts were raised about the ability of the Town to successfully manage a large property acquisition like the Davis land. A few people based their concerns on the confusion surrounding the construction of the new Police Station as well as about the Blinn property which the Town acquired but for which it has no apparent planned use. Others mentioned the Coventry Hall property purchased for a new Town Hall but still not being used by the Town. These doubts would seem to reflect a lack of confidence in Town government. Whether these doubts mean that the Town, therefore, should not exercise its right of first refusal was not determined.

Recommendations

Based on the three events that took place in October and November; given the dozens of question and answer exchanges, the numerous conversations between and among individuals; and considering the four small group discussions we witnessed, we have some recommendations to offer.

- 1. The Town should pay for a formal, professional appraisal to determine the market value of the property.** Until this issue is resolved, the question of how the town might benefit from its use (as housing or as open space or as something else) can not be answered. In addition to having the land appraised from a financial standpoint, an ecological/environmental assessment also be of value to citizens of the town. It would be helpful to look into the character and quality of the trees as well as about other flora and fauna found there. This type of work was recommended by the Town Manager for inclusion in the FY2014 budget but this was cut in the budget development process.
- 2. The Town should explore whether the May 2014 date for deciding whether to buy the land is a firm or flexible decision point.** It was suggested that some “earnest money” — \$25,000 - \$50,000 was suggested at the forum — offered to the Family would represent a show of good will on the part of the Town, considering that the time frame for conducting an assessment of the land’s worth would be

We need to think seven generations into the future when we make decisions about natural resources.

Torbert MacDonald



unlikely to happen in time for the looming referendum on the question.

3. **The Town should partner with the York Land Trust to acquire a conservation easement directed toward conservation of this pristine land in the heart of the Town's development district.** The Land Trust has acquired a great deal of experience with preservation of open space. It is a logical partner for the Town of York. An easement might be acquired for only a portion of the property. See Recommendation #4.
4. **Town should explore Public-Private-Partnership opportunities.** It was noted several times that the future of this land is not necessarily an either/or situation. The Town's acquisition of it would not necessarily mean conservation nor does private purchase necessarily mean housing. Many possibilities exist for a joint public-private venture or even a three-tiered partnership involving the Town, the Land Trust and a developer. It was suggested that the Town's acquisition would not necessarily or automatically mean "conservation." The Town could acquire the land and simply hold it for some future (unspecified) uses.
5. **The Town should discuss with the Davis Family whether there is room to negotiate a lower cash price.** Perhaps some form of exchange involving cash and an opportunity for a sizable charitable donation by the family would make a transaction possible. It is clear from what the Town was told by Malcolm Davis that estate planning is a driving force for the family at this point. We understand that it is likely to be easier to reach an agreement with the three Maine-based Davis brothers than it will be with a larger and more geographically dispersed group of descendants.
6. **Further opportunities for public review and discussion should be offered.** Considerable interest about the future of this centrally-located land exists in Town. Whenever a decision is made to put the question to a May referendum, there should be provision for transparency and open meetings about the question and what is learned as the Town moves toward a vote. The YCD would be happy to assist the BOS in this regard.

Conclusion

The Davis Family has owned this property for approximately 120 years. Mary McIntyre Davis was a generous citizen of the Town of York. This point was expressed clearly by multiple people who spoke at the October 11 meeting. The Davis Family has made land available to the Town for athletic fields at the Village Elementary. They have conveyed land to Central Maine Power in order that power could be brought to the Harbor. They have facilitated the Agamenticus-to-the-Sea project by transferring land to the York Land Trust on the Western side of York.

Although members of the Davis family did not attend any of the three events, they have been in communication with the Town and with the YCD. It is clear from those communications that the family is mindful of their mother's civic mindedness. It is also clear that they would like to come to some sort of agreement that is consistent with the "spirit and interest" of Mary McIntyre Davis. People attending the events in October and November would like to see a cooperative agreement struck between the Town and the family so that this resource will benefit all parties, marking another milestone in the legacy of the McIntyre-Davis families.

Both the Community Development Department and the York Community Dialogue came away from the events of October and November with a keen sense that those attending the programs understand that the Davis land provides an opportunity for the Town of York. Nowhere else in the Village is there so much undeveloped private property; property with potential to affect the quality of life in York for generations. This property represents a once-in-a-lifetime opportunity for the Town.

Submitted on behalf of the
Community Development Department and the
York Community Dialogue
November 26, 2013



PUBLIC HEARING NOTICE

December 6, 2013

8:00AM

12 Barrell Lane Extension

The Board of Selectmen will hold a Public Hearing on December 6, 2013 at 8:00AM at 12 Barrell Lane Extension regarding a Dock Application made by Steve and Pamela Maynard. The public hearing will be continued to the regular Selectmen's meeting on December 16, 2013.



PUBLIC HEARING NOTICE

December 16, 2013

7:00PM

York Public Library

The Board of Selectmen will conduct a Public Hearing on Monday, December 16, 2013 regarding the possible sale of Town Owned property at 41 Railroad Avenue



PUBLIC HEARING NOTICE

December 16, 2013

7:00PM

York Public Library

The Board of Selectmen will conduct a Public Hearing on Monday, December 16, 2013 to receive input concerning the Code Enforcement Officer's opinion that the outbuilding located at 1 Justin Circle (Map 0094-0084 Unit I) may constitute as a dangerous building.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Business License Applications (8)	

TO: BOARD OF SELECTMEN
FROM: Kathryn Newell; Assistant Code Enforcement Officer
RECOMMENDATION: Approve all Business License Applications (8)
PROPOSED MOTION: I move to approve the following licenses: <ol style="list-style-type: none">1. Anthony Graziano DBA: Anthony's Food Shop Inc. (<i>Victualers</i>); Located at 679 US Route One2. Old York Historical Society (<i>Victualers</i>); Located at 3 Lindsay Road3. Trustees of the Charity Fund of St. Aspinquid Lodge DBA: St. Aspinquid Lodge #198 (<i>Victualers/Flea Market</i>); Located at 101 Long Sands Road4. Betty Weaver DBA: Lobster Barn (<i>Victualers/liquor/Coin-Operated Amusement</i>); Located at 1000 US Route One5. Cumberland Farms (<i>Victualers</i>); Located at 230 York Street6. Michael McGrath DBA: View Point Hotel (<i>Hotel/Motel with Cooking Facilities</i>); Located at 229 Nubble Road7. Miller Brothers LLC DBA: St. Joes Coffee (<i>Victualers</i>); Located at 449 US Route One Suite 1048. Miller Brothers LLC DBA: York 54 (<i>Victualers/Liquor</i>); Located at 449 US Route One Suite 105 <p>... subject to taxes, fees and inspections being current and compliant with the usual noise stipulations</p>

Discussion: All appropriate departments have been notified and given approval; see attached emails.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: _____

Reviewed By: _____

Robert B. Yandow



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

TO: Board of Selectmen

FROM: Kathryn Newell *K Newell*
Code Enforcement Officer

DATE: December 11, 2013

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on December 16, 2013.

ENDORSEMENTS

Anthony Graziano
DBA: Anthony's
Victualers

MAP 0091/LOT 0008-C

Anthony Graziano
679 U.S. Route 1
York, ME 03909

**FACILITY
ZONE
USE
RECOMMENDATION**

Convenience Store/Deli/24 Seats
Rt. 1-3
Conforming, Existing
Approval

Old York Historical Society
DBA: Museums of Old York
Victualers

MAP 0049/LOT 0002

Old York Historical Society
P.O. Box 312
York, ME 03909

**FACILITY
ZONE
USE
RECOMMENDATION**

Food Prep/Cooking Classes
RES-1B
Conforming, Existing
Approval

Trustees of the Charity Fund of St. Aspinquid Lodge
DBA: St. Aspinquid Lodge #198 **MAP 0044/LOT 0048**
Victualers/Flea Market

Trustees of the Charity Fund
Of St. Aspinquid Lodge
P.O. Box 408
York, ME 03909

FACILITY	Fraternal Organization/100 seats
ZONE	RES-1B
USE	Conforming, Existing
RECOMMENDATION	Approval

Betty Weaver
DBA: Lobster Barn **MAP 0094/LOT 0053**
Victualers/Liquor/Coin-Op Amusement

Betty Weaver
P.O. Box 544
York, ME 03909

FACILITY	Restaurant/200 Seats
ZONE	Rt. 1-4
USE	Conforming, Existing
RECOMMENDATION	Approval

Cumberland Farms Inc.
DBA: Cumberland Farms #5567 **MAP 0050/LOT 0113**
Victualers

Cumberland Farms, Inc.
100 Crossing Boulevard
Framingham, MA 01702

FACILITY	Convenience Store
ZONE	GEN-3
USE	Conforming, Existing
RECOMMENDATION	Approval

Michael McGrath
DBA: View Point Hotel
Hotel/Motel w/Cooking Facilities

MAP 0025/LOT 0193-A

Michael McGrath
231 Nubble Road
York, ME 03909

FACILITY
ZONE
USE
RECOMMENDATION

Hotel/Motel with cooking facilities/
9 Rooms
RES-5
Conforming, Existing
Approval

Jason Miller
DBA: St. Joe's Coffee
Victualers

MAP 0054/LOT 0010

Jason Miller
618 Haley Road
P.O. Box 63
Kittery Point, ME 03905

FACILITY
ZONE
USE
RECOMMENDATION

Restaurant/8 Seats
Rt. 1-3
Conforming, Existing
Approval

Jason Miller
DBA: York 54
Victualers/Liquor

MAP 0054/LOT 0010-D

Jason Miller
P.O. Box 63
Kittery Point, ME 03905

FACILITY
ZONE
USE
RECOMMENDATION

Restaurant/30 Seats
Rt. 1-3
Conforming, Existing
Approval

TOWN OF YORK - (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name Anthony's Food Shop INC
 Business Location 1079 US Rt 1 York, ME
 Telephone Number 303-2322

OWNER'S Name and Mailing Address SAME

APPLICANT'S Name and Mailing Address SAME

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical	9 DEC 13	KRM
Plumbing		
Fire	4/2	Apgar
Tax Collector	4/1	Szeniewski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>91/8-C Rt. 1-3</u> License Year: <u>2013</u> No. Of Seats: <u>24</u> No. Of Parking Spaces: <u>30+</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>N/A</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
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Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date 3/8/2013

Applicant's Signature [Signature]

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature [Signature]

Business Manager Signature (If Applicable) _____

Date _____

Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD: 75.00 RECEIPT NO. 31492 RECEIPT DATE 3-29-13 MI PM MM MS 8

Erin O'Dea

From: David Apgar
Sent: Tuesday, April 02, 2013 5:56 AM
To: Erin O'Dea
Subject: FW: Inspection Completed - Anthony's Food Store

Hi Erin,

I completed this inspection back in Feb. They are all set.

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

From: David Apgar
Sent: Thursday, February 21, 2013 6:45 AM
To: Debra S. Burns
Cc: Kathryn A. Newell
Subject: Inspection Completed - Anthony's Food Store

Hi Deb,

I have completed a fire inspection at Anthony's Food Store (including the new bakery area). Please proceed with their license renewal.

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: None

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Erin O'Dea

From: Mary-Anne Szeniaewski
Sent: Monday, April 01, 2013 1:27 PM
To: Erin O'Dea
Subject: RE: Business License Renewal - Anthony's Food Shop

Current

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Erin O'Dea
Sent: Monday, April 01, 2013 11:15 AM
To: Mary-Anne Szeniaewski; David Apgar
Subject: Business License Renewal - Anthony's Food Shop

Hi,
Attached you will find a business license renewal for Anthony's Food Shop , located at 679 US Route 1., Map 91 Lot 8-C.
When you have a chance can you please review?
Thank you,
Erin

Erin M. O'Dea
Administrative Assistant to the Town Manager
Town of York, Maine
186 York Street
York, Maine 03909
Phone: (207) 363-1000 x222
Fax: (207) 363-1019
Email: eodea@yorkmaine.org

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name Old York Historical Society
 Business Location 207 York St.
York, ME 03909
 Telephone Number 207-363-4974

Parson's House
3 Lindsay

OWNER'S Name and Mailing Address Joel Lefever - OYHS
P.O. Box 312
York, ME 03909

APPLICANT'S Name and Mailing Address SAME

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire	12/9	Apgar
Tax Collector	12/6	Szeniewski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>50-362 49-2</u> License Year: <u>2013</u> No. Of Seats: _____ No. Of Parking Spaces: _____ New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
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Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

12/4/13
Date

Joel Lefever
Applicant's Signature

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature Joel Lefever

Business Manager Signature (If Applicable) _____

_____ Date

_____ Town Manager for the Board of Selectmen

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Friday, December 06, 2013 11:02 AM
To: Melissa M. Avery
Subject: RE: Business License - Old York Historical Society

They are tax exempt ☺

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Friday, December 06, 2013 10:21 AM
To: Mary-Anne Szeniaewski; David Apgar; David K. Bridges
Subject: Business License - Old York Historical Society

Good Morning,

Attached is a business license for Old York Historical Society located at 207 York Street (0050-0036).

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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Melissa M. Avery

From: David Apgar
Sent: Monday, December 09, 2013 6:22 PM
To: Melissa M. Avery
Subject: Inspection Completed - OYHS (Jefferd's Tavern)

Hi Missy,

I have completed a fire inspection at the Jefferd's Tavern and barn. Please proceed with their license renewal .

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: None

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name ST ASPINQUID LODGE No. 198
 Business Location 101 LONG SANDS RD.
YORK, ME 03909-0408
 Telephone Number 207-363-4817

OWNER'S Name and Mailing Address ST ASPINQUID LODGE No. 198
PO BOX 408
YORK, ME 03909-0408

APPLICANT'S Name and Mailing Address WALTER E. KYLONEN, CLERK
8 GEORGIA ST
YORK, ME 03909-1301

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing	10 DEC 13	KAWJW
Fire		
Tax Collector	3/21	Szenjowski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>44-48</u> <u>BES-1B</u> License Year: <u>2013</u> No. Of Seats: <u>40 Set Number</u> No. Of Parking Spaces: <u>50</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): <u>NA</u> <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

MAR 15, 2013
Date

Walter E. Kylonen, Clerk of Trustees
Applicant's Signature

Please Read and Initial the Following Statements:

- WJK I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- WJK I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- WJK I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- WJK I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- WJK I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature Walter E. Kylonen, Clerk Business Manager Signature (If Applicable) _____

Date

Town Manager for the Board of Selectmen

Issued pursuant to the provisions of Title 30A M.R.S.A Chapter 3811 through 3814

AMT. RECD. \$ 130.00 RECEIPT NO. 1070 RECEIPT DATE 3-20-13 MI PM MM MS

**St Aspinquid Lodge No. 198
A. F. & A. M.
P O Box 408
101 Long Sands Rd
York, ME 03909-0408**

March 18, 2013

Mr Rob Yandow
Town Manager
Town of York
P O Box 9
York, ME 03909

Dear Mr Yandow;

The Trustees of St Aspinquid Lodge No. 198, AF & AM hereby request to be re-licensed to conduct a Flea Market for the period of May through December 2013. The Flea Market will be in operation on Saturdays as it has in past years.

St Aspinquid Lodge has found the Flea Market to be a valuable service to the citizens of York as well as others wishing to sell items at our venue. Our Lodge provides a safe and convenient location for local residents as well as visitors of our community to buy and sell flea market type items. Many of our vendors appreciate the opportunity to set up here as opposed to setting up their merchandise at their homes. Our location is central to town and provides ample off-street parking for vehicles. We rent up to 49 spaces outside in the parking lot and have the required indoor male and female water closets and lavatories. We store tables and other support items at the end of each day of operation.

The income we derive from the flea market each year provides us with the flexibility to be relevant in our community with outreach and charity. We support numerous charitable causes, the most notable being support for; York Food Pantry, York County Homeless Shelter and Food Pantry, local Girl Scouts and Boy Scouts, York Police Department Operation Santa Claus, Angel Fund for unmet needs of York School Children, Child Identification Program at Village Elementary School and York Middle School, Shrine Circus trip for York school children, two \$1500 scholarships for York High School seniors, Additionally, we host three blood drives per year and make donations to such charities as Meals on Wheels and Waban.

Enclosed please find a check in the amount of \$55 for the Flea Market license. We have also submitted our renewal application for our victualer's license. If you need further information please contact Walter Kyllonen at 207-363-5473 or 207-415-5317. Thank you for your attention in this matter.

Sincerely,



Walter E. Kyllonen, Clerk

Trustees (Trustees) of the Charity Fund of Str Aspinquid Lodge

Erin O'Dea

From: Mary-Anne Szeniaowski
Sent: Thursday, March 21, 2013 8:59 AM
To: Erin O'Dea
Subject: RE: Business License Renewal - St. Aspinquid

All set, exempt.

Mary-Anne Szeniaowski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaowski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Erin O'Dea
Sent: Wednesday, March 20, 2013 9:30 AM
To: Mary-Anne Szeniaowski; David Apgar
Subject: Business License Renewal - St. Aspinquid

Hi,
Attached you will find a business license renewal for St. Aspinquid Lodge No. 198, located at 101 Long Sands Road, Map 44 Lot 48.
When you have a chance can you please review?
Thank you,
Erin

Erin M. O'Dea
Administrative Assistant to the Town Manager
Town of York, Maine
186 York Street
York, Maine 03909
Phone: (207) 363-1000 x222
Fax: (207) 363-1019
Email: eodea@yorkmaine.org

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name Hobster Barn Corp
 Business Location 1000 R+I
York
 Telephone Number 363-4721

OWNER'S Name and Mailing Address Betty Weaver
P.O. Box 544
York, Me 03909

APPLICANT'S Name and Mailing Address _____

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire	12/12	Bridges
Tax Collector	12/9	Szoniewski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>0094-0053</u> License Year: <u>1972</u> No. Of Seats: <u>200</u> No. Of Parking Spaces: <u>125</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input checked="" type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date 12/9/2013 Applicant's Signature Betty Weaver

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature Betty Weaver Business Manager Signature (If Applicable) _____

Date _____ Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$175 RECEIPT NO. 14044 RECEIPT DATE 12/9/13 MI PM MM MS
mma

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES 2/18/14

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Robster Barn Corp</u> DOB:			2. Business Name (D/B/A) <u>The Barn Seafood n Grill</u>		
DOB:			Location (Street Address) <u>1002 Rt 2</u>		
DOB:			City/Town <u>York</u> State <u>Me</u> Zip Code <u>03909</u>		
Address			Mailing Address <u>P.O. Box 544</u>		
City/Town		State	City/Town		Zip Code
<u>York</u>		<u>Me</u>	<u>York</u>		<u>03909</u>
Telephone Number		Fax Number	Business Telephone Number		Fax Number
			<u>363-4721</u>		<u>363-4849</u>
Federal I.D. #			Seller Certificate # <u>04786</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 659,041 LIQUOR \$ 195,686.
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Betty Weaver / Dale Hilbourne
8. If business is NEW or under new ownership, indicate starting date: _____
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: Larry Schopf Long Sands Rd. York, Me
10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Betty Weaver York, Me	12-28-46	York
Dale Hilbourne York, Me	11-15-56	York

Residence address on all of the above for previous 5 years (Limit answer to city & state)
York, Me

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? _____ Which of the above is nearest? 500'

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: Kennebunk Savings - Mortgage

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: York, Me. on 1/15, 20 13
Town/City, State Date

Betty Weaver
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE
Liquor Licensing & Inspection Unit
 164 State House Station
 Augusta, Maine 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Lobster Barn Corp
 Business D/B/A Name: The Barn Seafood & Grill
2. Date of Incorporation: 1974
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

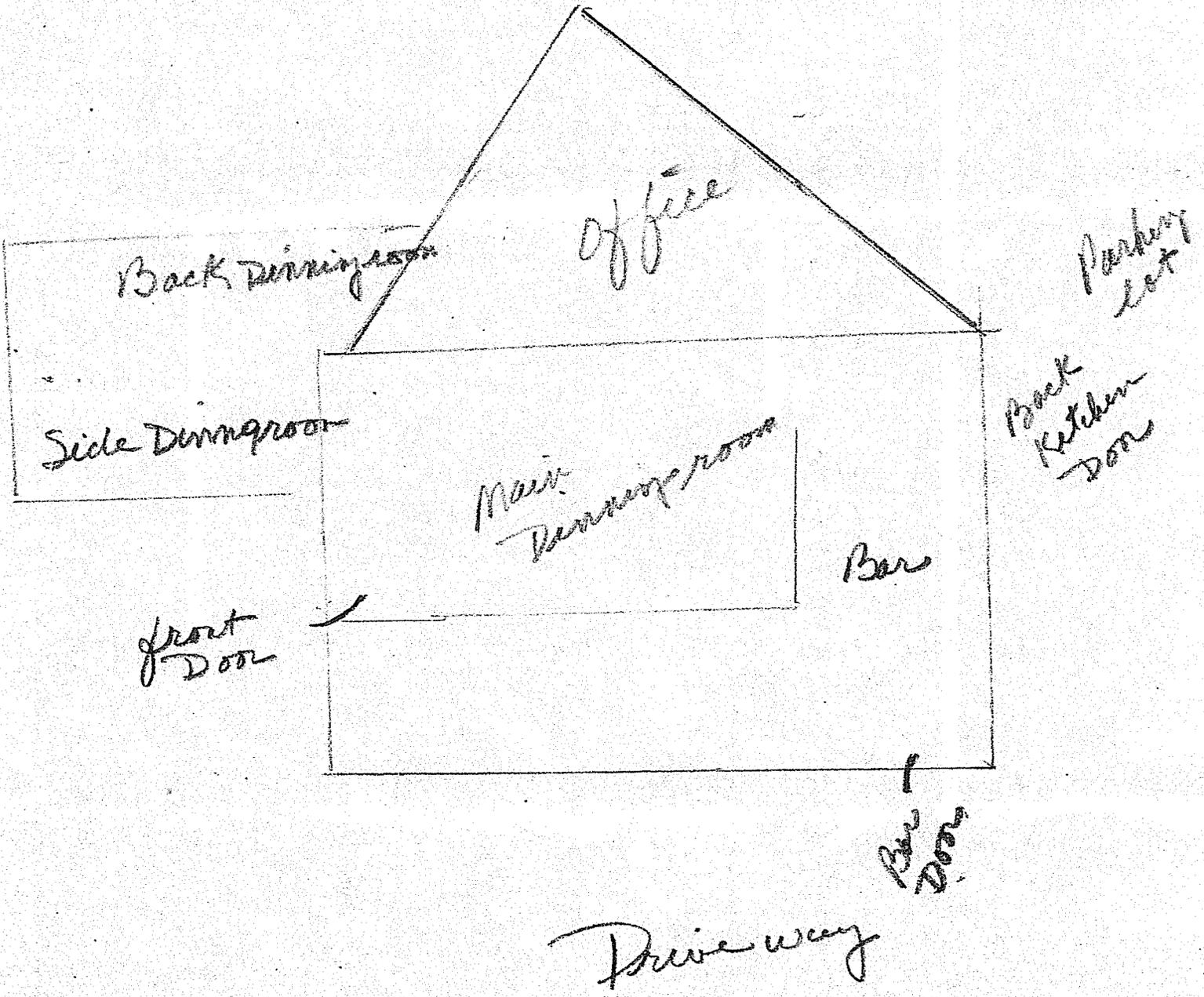
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Betty Weaver	P.O. Box 544 York, Me	12/28/46	49%	Pres./Treas.
Rosie Thompson	Mill Pond, Kittery, Me	6/16/45	51%	owner

6. What is the amount of authorized stock? 100k Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: _____
 Date of Conviction: _____ Offense: _____
 Location: _____ Disposition: _____
 Dated at: _____ City/Town _____ On: _____ Date _____

 Signature of Duly Authorized Officer Date: _____

 Print Name of Duly Authorized Officer

PREMISE DIAGRAM



STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A,
Maine Revised Statutes and herby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

- 1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses.
A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau.
2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant.
A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
[1993, c730, §27 (amd).]
3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners.
A. [1993, c.730, §27 (tp).]
4. No license to person who moved to obtain a license. (REPEALED)
5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Melissa M. Avery

From: Mary-Anne Szeniawski
Sent: Monday, December 09, 2013 3:07 PM
To: Melissa M. Avery
Subject: RE: Business License - Lobster Barn

Taxes are paid.

Mary-Anne Szeniawski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniawski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Monday, December 09, 2013 11:16 AM
To: Mary-Anne Szeniawski; David K. Bridges; David Apgar
Subject: Business License - Lobster Barn

Attached is the business license for the Lobster Barn at 1000 US Route One (0094-0053).

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

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Melissa M. Avery

From: David K. Bridges
Sent: Thursday, December 12, 2013 8:26 PM
To: Melissa M. Avery
Cc: David K. Bridges
Subject: RE: Lobster Barn

Lobster Barn is in the beach district and has been done. You can grant them their licenses. Dave

From: Melissa M. Avery
Sent: Thursday, December 12, 2013 9:21 AM
To: David K. Bridges; David Apgar
Subject: Lobster Barn

Have either of you done an inspection at the Lobster Barn?

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

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**TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION**



Business Name Cumberland Farms #5567
 Business Location 230 York St.
York Village Me. 03909
 Telephone Number 207-351-3087

OWNER'S Name and Mailing Address Cumberland Farms Inc.
Tax Department
100 Crossing Boulevard
Framingham, MA 01702

APPLICANT'S Name and Mailing Address Same as owner

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing	11 DEC 13	KYF/wm
Fire		
Tax Collector	3/21	Szenawski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>50-113 GEN-3</u> License Year: <u>2013-2014</u> No. Of Seats: _____ No. Of Parking Spaces: _____ New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ _____ _____ Bed and Breakfast (\$10 Per Room): Total _____ _____ Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date 3/6/13

Applicant's Signature [Signature] Richard Fournier
 Tax Manager

Please Read and Initial the Following Statements:

- RF I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- RF I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- RF I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- RF I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- RF I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature _____ Business Manager Signature (If Applicable) [Signature]
 Richard Fournier Tax Manager

Date _____ Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$ 75.00 RECEIPT NO. 299907 RECEIPT DATE 3-20-13 MI PM MM MS EO

Erin O'Dea

From: Mary-Anne Szeniaowski
Sent: Thursday, March 21, 2013 9:01 AM
To: Erin O'Dea
Subject: RE: Business License Renewal - Cumberland Farms

current

Mary-Anne Szeniaowski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaowski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Erin O'Dea
Sent: Wednesday, March 20, 2013 9:31 AM
To: Mary-Anne Szeniaowski; David Apgar
Subject: Business License Renewal - Cumberland Farms

Hi,
Attached you will find a business license renewal for Cumberland Farms #5567, located at 230 York Street, Map 50 Lot 113.
When you have a chance can you please review?
Thank you,
Erin

Erin M. O'Dea
Administrative Assistant to the Town Manager
Town of York, Maine
186 York Street
York, Maine 03909
Phone: (207) 363-1000 x222
Fax: (207) 363-1019
Email: eodea@yorkmaine.org

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TOWN OF YORK - (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name New Point Hotel
 Business Location 229 Nubble Rd
 Telephone Number 207-361-3261

OWNER'S Name and Mailing Address
Michael McGrath
231 Nubble rd York
ME 03909

APPLICANT'S Name and Mailing Address
Jessica Case
229 Nubble rd York
ME 03909

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	11/13	MM
Building Structural	11 DEC	MM
Electrical		
Plumbing	11	MM
Fire	11/4	Bridges
Tax Collector	11/4	Szeniewski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

<p>MAP/LOT: <u>25-193-A</u> License Year: <u>2013</u> No. Of Seats: _____ No. Of Parking Spaces: _____</p> <p>New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Bed and Breakfast License: # of Rooms _____</p> <p>Hotel/Motel with Cooking Facilities: # of Rooms <u>9</u></p> <p>Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>	<p>REQUESTING THE FOLLOWING LICENSES:</p> <p><input type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)</p> <p>Nature of Entertainment (If Applicable): _____</p> <p><input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____</p> <p><input checked="" type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total <u>\$25 - 950ites</u></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date 10-25-13

Applicant's Signature Jessica Case

Please Read and Initial the Following Statements:

I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
 I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
 I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
 I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department.
 I understand that I will not be granted/re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature [Signature]

Business Manager Signature (If Applicable) Jessica Case

Date _____

Town Manager for the Board of Selectmen

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$75.00 RECEIPT NO. 1062 RECEIPT DATE 10/28/13 MI PM MM MS

MM

Melissa M. Avery

From: David K. Bridges
Sent: Monday, November 04, 2013 9:16 PM
To: Melissa M. Avery
Cc: David K. Bridges
Subject: RE: Business License - Viewpoint Hotel

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Yes we have done the in section and you can grant them their licenses. Dave

From: Melissa M. Avery
Sent: Monday, November 04, 2013 9:38 AM
To: Mary-Anne Szeniewski; David Apgar; David K. Bridges
Cc: Melissa M. Avery
Subject: Business License - Viewpoint Hotel

Hello!

Attached is the Business License for Viewpoint Hotel (0025-0193-A). Let me know when you've had a chance to review!

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Monday, November 04, 2013 11:44 AM
To: Melissa M. Avery
Subject: RE: Business License - Viewpoint Hotel

Current with taxes

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Monday, November 04, 2013 9:38 AM
To: Mary-Anne Szeniaewski; David Apgar; David K. Bridges
Cc: Melissa M. Avery
Subject: Business License - Viewpoint Hotel

Hello!

Attached is the Business License for Viewpoint Hotel (0025-0193-A). Let me know when you've had a chance to review!

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name St Joes Coffee
 Business Location 449 U.S Rt 1 suite 104
York Me 03909
 Telephone Number 207-641-9227

OWNER'S Name and Mailing Address Miller Brothers LLC
PO Box 63
Kittery Point, ME 03905

APPLICANT'S Name and Mailing Address Jason Mill
P.O. Box 63
Kittery Point Me 03905

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire	11/14	Appgar
Tax Collector	12/12	Szeniewski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>54-10-D</u> License Year: <u>2013</u> No. Of Seats: <u>6</u> No. Of Parking Spaces: <u>33</u> New License (One Time \$30 Fee): YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> License Renewal: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been convicted of a Felony? YES (Please Explain) no NO _____

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date 11-4-2013

Applicant's Signature _____

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature _____

Business Manager Signature (If Applicable) _____

Date _____

Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$75 RECEIPT NO. 3409 RECEIPT DATE 11/4/13 MI PM MM MS

MMA

Melissa M. Avery

From: David Apgar
Sent: Thursday, November 14, 2013 4:46 PM
To: Melissa M. Avery
Subject: Inspection Completed - St. Joe's

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Missy,

I have completed a fire inspection at the St. Joes. Please proceed with their license renewal .

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: Testing, replacing non-working smoke detectors.

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Melissa M. Avery

From: Mary-Anne Szeniaawski
Sent: Monday, November 04, 2013 4:34 PM
To: Melissa M. Avery
Subject: RE: Business License - St. Joes

Follow Up Flag: Flag for follow up
Flag Status: Flagged

\$42.95 owed through November 30, 2013

Mary-Anne Szeniaawski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaawski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Monday, November 04, 2013 2:37 PM
To: Mary-Anne Szeniaawski; David K. Bridges; David Apgar
Cc: Melissa M. Avery
Subject: Business License - St. Joes

Attached is the Business License for St. Joes at 449 US Route One Suite 104 (0054-0010-D).

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

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Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Thursday, December 12, 2013 9:28 AM
To: Melissa M. Avery
Subject: RE: St Joes

Current

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Thursday, December 12, 2013 9:09 AM
To: Mary-Anne Szeniaewski
Subject: St Joes

Can you verify that St. Joes at 449 US Route One Suite 104 is current on their taxes?

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name York 54
 Business Location 449 US Route 1 Ste 105
York ME 03909
 Telephone Number 207-641-9224

OWNER'S Name and Mailing Address Miller Brothers LLC
PO Box 63
Kittery Point ME 03905

APPLICANT'S Name and Mailing Address Jason Miller
PO Box 63
Kittery Point ME 03905

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural	11 DEC 13	K/Kawen
Electrical		
Plumbing		
Fire	12/12	Apgar
Tax Collector	11/4	Szeriawski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>54-10-D</u> License Year: <u>2013</u> No. Of Seats: <u>30</u> No. Of Parking Spaces: <u>33</u> New License (One Time \$30 Fee): <input checked="" type="radio"/> YES <input type="radio"/> NO License Renewal: YES <input type="radio"/> <input checked="" type="radio"/> NO Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="radio"/> <input checked="" type="radio"/> NO	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

11/4/13
Date

[Signature]
Applicant's Signature

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature [Signature]

Business Manager Signature (If Applicable) _____

Date

Town Manager for the Board of Selectmen

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$130.00 RECEIPT NO. 3469 RECEIPT DATE 11/4/13 MI PM MM MS

[Signature]

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**The following licenses/permits must be obtained
prior to your permanent liquor license being issued:**

ON PREMISE LICENSES

- 11/4 Retailers Certificate- Maine Revenue Service 624-9693
- anytime Health License – Department of Human Services 287-5671
- ✓ Victualers License – City/Town where premise is located
- na Shellfish License – Marine Resources 624-6550
- na Dance License – State Fire Marshall’s Office 626-3882
- ✓ Federal I.D. Number – 1-800-937-8864 (Julie) or Soc. Sec. Number

OFF PREMISE LICENSES

- _____ Retailers Certificate- Maine Revenue Service 624-9693
- _____ Health License – Department of Human Services 287-5671 or
- _____ Agriculture License – Department of Agriculture 287-3841
- _____ Victualers License – City/Town where premise is located
- _____ Tobacco License – Department of Human Services 287-5671
- _____ Federal I.D. Number – 1-800-937-8864 (Julie) or Soc. Sec. Number

A handwritten signature or scribble in the bottom right corner of the page.

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
 Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

- Exact Corporate Name: Miller Brothers LLC
 Business D/B/A Name: York 54
- Date of Incorporation: June 9 2009
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Jason Miller	618 Haley Road Kittery PT ME	11/5/1970	50	Owner
Joy Alwin	618 Haley Rd Kittery PT ME 03005	10/11/1971	50	Owner

- What is the amount of authorized stock? 0 Outstanding Stock? 0
- Is any principal officer of the corporation a law enforcement official? Yes No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes No
- If YES, please complete the following: Name: _____
 Date of Conviction: _____ Offense: _____
 Location: _____ Disposition: _____
 Dated at: _____ City/Town _____ On: _____ Date _____

Joy Alwin
 Signature of Duly Authorized Officer
Joy Alwin
 Print Name of Duly Authorized Officer

11/5/13
 Date

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jason Miller	11/5/1970	Jackson NJ
Joy Alvin	10/11/1971	Cleveland OH

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Jason Miller - Kittery Point ME
 Joy Alvin - Kittery Point ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner:
First York Investments % Abbott & Associates 1 Chestnut St Arlington MA 02474

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 1200 sq ft restaurant
selling lunch & dinner - see diagram

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: 11/5/2013

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

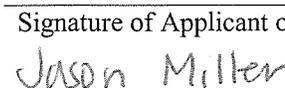
The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery Point, Maine on November 5, 20 13
Town/City, State Date

Please sign in blue ink


 Signature of Applicant or Corporate Officer(s)
Joy Alvin


 Signature of Applicant or Corporate Officer(s)
Jason Miller

STATE OF MAINE
Liquor Licensing & Inspection Unit
 164 State House Station
 Augusta, Maine 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Miller Brothers LLC
 Business D/B/A Name: York 54
2. Date of Incorporation: June 9, 2009
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

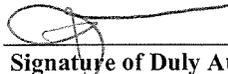
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Jason Miller	618 Haley Rd Kithny Pt ME	11/5/1971	50	owner
Joy Alvin	618 Haley Rd Kithny Pt ME	10/11/1970	50	owner

6. What is the amount of authorized stock? 0 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? () YES (✓) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (✓) NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: _____ City/Town On: _____ Date

 _____ Date: 11/5/10

Signature of Duly Authorized Officer

Joy Alvin
 Print Name of Duly Authorized Officer

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) Miller Brothers LLC DOB:			2. Business Name (D/B/A) York 54		
DOB:					
DOB:			Location (Street Address) 449 US Route 1 Suite 105		
Address 449 US Route 1 Ste 104			City/Town York		State ME
			Zip Code 03909		
			Mailing Address PO Box 63		
City/Town York		State ME	City/Town Kittery Point		State ME
Zip Code 03909		City/Town Kittery Point		Zip Code 03905	
Telephone Number 207-641-9224		Fax Number		Business Telephone Number 207-641-9224	
Federal I.D. # 27-0383992		Seller Certificate # R271079			

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: na
8. If business is NEW or under new ownership, indicate starting date: 12/9/13
Requested inspection date: 11/25/13 Business hours: 11am - 9pm
9. Business records are located at: 618 Haky Rd Kittery Point ME 03905
10. Is/are applicants(s) citizens of the United States? YES NO

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Print Name MURPHY

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00 ✓
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00 ✓
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

FILING FEE..... \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Monday, November 04, 2013 11:43 AM
To: Melissa M. Avery
Subject: RE: NEW Business License - York 54

Nothing owed because it is new.

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Monday, November 04, 2013 10:24 AM
To: Mary-Anne Szeniaewski; David K. Bridges; David Apgar
Cc: Melissa M. Avery
Subject: NEW Business License - York 54

Good Morning,

Attached is a business license for a new business at 449 US Route One, Suite 105 (0054-0010-D) called York 54.

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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Melissa M. Avery

From: David Apgar
Sent: Thursday, December 12, 2013 3:03 PM
To: Melissa M. Avery
Subject: FW: 54 - New Business

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

From: David Apgar
Sent: Thursday, December 12, 2013 6:51 AM
To: Catherine Harman
Subject: 54 - New Business

Hi Catherine,

I stopped at St. Joes yesterday to look at the new business called "54". The vent and hood system required for the new business will be completed Friday. Please accept this letter as sign-off in order to keep their license moving forward. I will notify Code Enforcement if there are any unexpected delays in its installation that would require the business to delay opening.

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

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AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Maynard Dock Application: 12 Barrell Lane Extension	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION:

Discussion: On Friday, December 6, 2013 the Board of Selectmen conducted an onsite public hearing at 12 Barrell Lane Extension. The public hearing was in regard to an application for a new dock (Piers, Wharfs, Landings, Floats and Moored Floats) and was conducted pursuant to Title 38, Section 1022 M.R.S.A. During the onsite public hearing the applicant, Steven Maynard, his attorney Sandra Guay and his representative Zack Taylor presented information on the proposed dock. Selectmen Gregg and Macdonald, along with members of the Harbor Board and the general public offered comments and asked questions of the applicant. After all input was received the public hearing was continued to the December 16, 2013 Selectmen's meeting. After the December 16th meeting the Selectmen will have 10 days to provide a written decision by mail to the applicant and all other interested parties.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert B. Gannon

Reviewed By: _____

Findings of Fact

by the York Harbor Board for
Maynard Dock Application
November 12, 2013

- This proposal plan was reviewed three times by the York Harbor Board.
 - September 5, 2012 (application found to be incomplete, tabled)
 - Board Attendees: D. Gittins, D. Webber, M. Sinclair, J. Donnell, & W. Cone
 - Harbor Master Staff: D. Day, D. Hutchinson, & J. Hogan
 - Public Attendees: J. Donnelly, Sarah Newick, & Kinley Gregg
 - Note: Sarah Newick withdrew herself as representative for this project approx. 3 weeks later.
 - May 1, 2013 (application withdrawn by counsel after discussion)
 - Board Attendees: D. Gittins, D. Webber, M. Sinclair, & J. Donnell
 - Harbor Master Staff: D. Day, D. Hutchinson, & J. Hogan
 - Public Attendees: J. Donnelly, B. McGann, D. Robbins, C. Steedman, B. Waddell, S. Guay, Z. Taylor, & K. Young
 - October 2, 2013 (application denied)
 - Board Attendees: D. Gittins, D. Webber, M. Sinclair, M. Donnell, D. Robbins, & J. Foote
 - Harbor Master Staff: D. Day, D. Hutchinson, & J. Hogan
 - Public Attendees: J. Donnelly, B. McGann, K. & J. Young, C. Stacey, S. Guay, Z. Taylor, & S. Maynard
- We have letters against the proposal for the September meeting from three neighbors.
 - Harry Hanson
 - Ann Hollingsworth
 - Steve Brooks
- Several Board members and Harbor Master staff, as well as public attendees J. Donnelly, D. Robbins, K. Young, C. Steedman, C. Stacey, & B. McGann testified against the construction of a dock at the proposed site at one or more of the dates listed above, stating that the area is already congested and is difficult to navigate, especially in high winds and/or strong moon tides.
- Ken Young, whose 40+ ft. commercial fishing boat has been moored directly in front of the proposed site for over 40 years, testified that in certain wind and tide conditions his boat will nearly ground out against the shore.
- Harbor Master Day measured a distance of 32 ft. between the Garrett's dock float and Ken Young's boat on a calm day. There is normally a boat with an 8 ft. beam tied up at Garret's dock leaving an opening of 26 ft.
- No favorable testimony was given by anyone at any review hearing except the applicant's contractor and counsel.

The information above is pertinent to the issue of navigational safety at the proposed site. It is the basis for the Harbor Board's denial of the application as to whether or not it will impede navigation or endanger vessels. The points below pertain to the York Zoning Ordinance for which compliance is required for approval by Code Enforcement.

• Pertinent Sections from Town of York Zoning Ordinance

8.3.6.9 Along the York River, a pier may be built only on a tract of land with river frontage existing as of March 5, 1977, provided that there is no pier presently on the land and that the following requirements are met:

a. New piers and floats shall not extend to within 100 feet of the opposite marsh bank. All measurements shall be made perpendicular to the normal high water mark of the natural shoreline. No measurements shall be made from any man-made structure.

b. To avoid interference with navigation, no pier or float combination shall extend into the channel more than 10% of the width of the channel at low tide.

c. Wharves, piers, and docks will be permitted on the York River, west (upstream) of Sewall's Bridge, only in areas where the low water channel is 50 feet or less from the high water mark. Wharves, piers, and docks will be permitted on the York River, east (downstream) of Sewall's Bridge, only in areas where the low water channel is 84 feet or less from the high water mark. No wharves, piers, or docks will be permitted in the Barrel's Mill Pond. All measurements shall be made perpendicular to the normal high water mark of the natural shoreline. No measurements shall be made from any man-made structure.

- At each of the three review hearings the applicants were advised of the above requirements.
- The normal high water reference point for the qualifying measurement ("84 ft. or less") was taken from a point of rip-rap at the neighboring Garrett's dock landing. It is clearly a "man-made structure", and the measurement clearly not taken "perpendicular to the natural shoreline".
- On Tuesday, June 24th, 2013 on the highest tide of the year (11.3 ft.) co-chairman Gittins marked the high water mark, and at the immediately following low tide (-1.7 ft.) , he and co-chairman Donnelly measured the distance between the two points to be 96 ft. The high water mark that was used was at the approximate location of the proposed structure, but still within the rip-rap. This was done as a good faith gesture just to get a relative sense of qualification. To measure beyond the rip-rap on the "natural shoreline" would have added several more feet.

Respectfully Submitted,

Joey Donnelly and Dave Gittins
Co-chairmen, York Harbor Board

YORK HARBOR BOARD MEETING

October 2, 2013

Harbor Board members-Chairman Gittins, Chairman Donnelly, Webber, Sinclair, Donnell, Robbins, Foote

Harbor Masters- Day, Hutchinson, Hogan

Public-Brian McGann, Kenny Young, Judy Young, Chuck Stacy, Mr. Maynard(applicant), Mrs. Guay(attorney for applicant), Zach Taylor(Riverside-Pickering project manager)

The York Harbor Board meeting for October, 2 2013 was called to order at 7:00 p.m. by Chairman Gittins.

1. The minutes from the September 4, 2013 were read into record and approved. **Motion to accept minutes by Donnelly, 2nd by Webber, HB votes 5-0 to accept the minutes.**

2. Review of Maynard dock application. An application was submitted to the HB for approval for constructing a dock at the Maynard property in York Harbor. Mr. Taylor, of Riverside-Pickering, made a presentation about the site and explained the new measurements that were in this updated application. This is the third time that an application has been reviewed for this site with no action taken on any of the previous applications. The HB has concerns over the measurements in the proposal that appear to be taken from a man made structure which is not allowed per the Town of York zoning ordinance. The HB also has concerns over the navigation in this area with large commercial vessels moored in front of the proposed dock. The applicant has an email, read into record by the applicant's attorney Guay, from the Army Corp of Engineers that states that a dock at this site could be allowed as it does not interfere with the federally dredged area of York Harbor. The federal dredged area is in the North basin and is approximately 200-300 yards from the proposed dock. It was noted by the HB that the AC of E did not inspect the site before giving it's O.K. in the email and the AC of E does not have to follow local guidelines before giving it's preliminary approval. HB, after discussion, still sees issues and concerns with navigation in this area by the adjacent mooring holders and the adjacent Garrett dock users. **A motion was made by Webber to "deny the application based on the project being a hazard to navigation", 2nd by Sinclair, HB votes 5-0.**

3. Dock Surveillance systems- Mr. Robbins has been looking into the proposals that were submitted by various companies and he has looked into what each bid actually includes for cameras and service. HB discussed what does the harbor need for a surveillance system on each dock. HB feels a simple camera system would be best that the HM could review if a problem or theft occurred. HB still feels that additional discussion needs to take place. **Sinclair makes a motion to appoint a "Surveillance system committee" of HM Hutchinson and HB members Robbins and Donnell to look into various surveillance systems. 2nd by Donnelly, HB votes 5-0.**

4. Donnelly to look into signs at Wiggly Bridge similar to the signs at Steedman Woods about marsh regeneration. Donnelly will contact the DPW about having signs made up.

5. Open- Webber says that the AC of E is optimistic about opening up the Arundel dump site next year. This could reduce the cost of dredging in the harbor since the site is a lot closer than the current open dump sites.

6. Harbor master report- Don Day's last meeting. Thank yous to the HB and HM's for helping him during his time as HM. One boat out. Buoys and mooring blocks are in. Hose has been replaced at TD#1 after it was vandalized. Hose cost \$250 to replace.

Motion to adjourn at 8:40 by Donnelly, 2nd by Webber, HB votes 5-0 to adjourn.

YORK HARBOR BOARD MEETING

September, 5, 2012

The HB meeting for Sept. 2, 2012 was called to order at 7:00. Members present were Co-Chairmen Joey Donnelly and Dave Gittins. Other members present were Cone, Donnell, Webber and Sinclair. Also present was HM Day and assistant HM's Hutchinson and Hogan. Also present was Brian Robbins, Brian McGann and Kinley Gregg. Tinker Newick came in at 7:30. *Dave*

1. Minutes from the August 1, 2012 were approved as amended. Motion to accept by Gittins, 2nd by Cone HB votes 6-0
2. Placement of the parking lot hoist at TD#1 has commenced and should be done by the end of the week. The hoist has been donated by Dave Webber and Jeff Donnell, thank you gentlemen!
Agenda moved around. Item #3 on the agenda is moved to later in the meeting.
4. HM's would like to build a 4 foot addition to the current HM shack at TD#2. Webber makes the motion to start the permitting process, Cone 2nd. Discussion-The building is very small 10X14 and was stuffed to capacity. The addition would help to store additional items that the HM's need inside and give them some more office space. One of the neighbors asked if the project needed to go in front of the Planning Board. HM stated that the Town of York Code Enforcement Office felt it wouldn't be necessary but would check on it. It was decided that better drawings of the project would be needed but the HM's needed to get the ball rolling on this project. *ave*
5. There currently is ~~21~~ *ave* unused moorings. October 15 is the cutoff date for boats to be placed on moorings to get credit for this calendar year unless arrangements have been made with the HM or HB.
6. A letter from Mr. Ramsey was read into record about his revocation of his unused mooring. Gittins makes the motion to deny the Ramsey appeal on the grounds of how long it's been unused. 2nd by Cone, HB votes 6-0.
7. The HB looked into the policy of Shared Dock Expenses on shared private floats. After discussion the board feels that it is best to keep the current policy in place and let the HM take care of any issues that come up when the moorings change hand.
4. Earlier agenda item moved to later in the meeting. Tinker Newick gave a presentation on the Heelan Dock application. Co-Chair Donnelly excuses himself from the HB citing possible conflict of interest. Two letters, one from Ann Hollingsworth and one from Steven Brooks, were read into record opposing the location of the dock. HM also expressed concern about the placement of the dock. At that time it was noticed by Co-chair Gittins that the application did not have the required Town of York dock application and the \$50 fee for the application. It was then decided to table the Heelan Dock application as incomplete and ended anymore discussion on the proposed dock.
8. Open Forum- Thank you goes out to the HM for a great job in helping to rescue two people from an overturned Boston Whaler at the Nubble. The brand new gate at Strawberry Island has been erected and looks great. Brian McGann is still crusading about the evasive lights in the Harbor area. The HB recognizes that it is still a huge issue in the Harbor but has no jurisdiction over lights that are added later on. Mr. McGann is advised to bring the issue up to the Town of York CEO.
9. HM's report- HM has some preliminary figures on the 2012 boating season so far. The one season only funds are up to \$5,297 which is up \$2,569 from last year. The transient boat category is down \$2,529 from last year. Transient is currently at \$7,760. The secretary forgot to write down the next category but the harbor is up \$495 from last year, total \$2,450. Total revenues from all categories is \$25,407. Our revenues are up roughly 500 from last year.
HM tying up loose ends around the harbor as the season ends, notes that more and more boats are starting to come out of the water each day.
10. Motion to adjourn by Donnelly, 2nd by Cone, 6-0 vote to adjourn.

YORK HARBOR BOARD MEETING

May 1st, 2013

Harbor Board members present- Co-Chairman Donnelly, Co-Chairman Gittins, Webber, Donnell, Sinclair Harbor Master Day, HM Hutchinson, HM Hogan
Public present-Brian McGann, Barry Waddell, Charles Steedman, Dave Robbins, Ken Young, Floyd Richards, Sandra Guay, Zachary Taylor

The York Harbor Board meeting for May 1st, 2013 was called to order by Co-Chair Donnelly at 7 pm.

1. The minutes from the April 3, 2013 HB meeting were read into record and a motion was made by Gittins to accept the 4/3/2013 minutes. 2nd by Webber, HB votes 5-0

2. A dock application by Floyd Richards was reviewed and discussed by the HB. The project is a rebuilding of a existing dock and will be roughly the same size as before. After discussion, the HB finds that the Richard's dock application meets all HB and town standards. Donnell makes a motion that the HB approve the Richard's dock application. 2nd by Webber, HB votes 5-0.

3. Steve and Pamela Maynard dock application- Co-Chair Donnelly excuses himself from the HB for this dock application review citing possible conflicts of interest. Co-Chair Gittins to chair the public hearing. A very detailed plan was submitted and a presentation was done on behalf of the Maynards by attorney Guay and project manager Taylor of Riverside Pickering about the dock application. HB explains to the applicant's representatives that the HB has had this project under HB review previously and is already familiar with this site. A number of concerns were brought up by the HB about measurements, where the dock is located, permit approvals, mooring conflicts, setbacks with an existing dock, etc. Co-chair Gittins opens up the discussion to the public for comment. Ken Young states that his mooring is right in front of the proposed dock and, on low tides and when the wind is blowing in the right direction, his boat will almost go aground on that shore. He has seen other large commercial vessels moored in that line of moorings actually go ashore on low tides. Young states that he has been using that mooring for 40+ years so he is very familiar with that particular stretch of water. Young concludes by saying that it would be a very bad idea to allow a dock at that location because of how fast the tide runs there and the general lack of space for boats to maneuver in that area. Charles Steedman speaks against the proposed dock as a user of the Garrett dock which is located adjacent to the proposed dock. Steedman states that he has trouble at times getting his boat into the slip that he uses on hard running tides/currents and that the proposed dock would make it nearly impossible to maneuver in that area. Donnelly also speaks as a user of the Garrett dock and reiterates that this would be a very bad idea to place this dock in an area that is already congested. Donnelly also reminds the HB that the HB has letters on file from adjacent property owners against this dock when the HB previously had a public hearing on this proposed dock. Harbor Master Day states that he would be against this dock because of the congestion already in that area with the existing docks and moorings. Co-Chair Gittins closes the public hearing part of discussion and HB starts to discuss this application. Attorney Guay then asks if it is possible to withdraw the application citing the numerous concerns that have been brought up. Co-Chair Gittins allows the application to be withdrawn.

4. Update on Harbor Permit renewals-As of May 1st, 2013, 109 of 180 slip spaces have responded and renewed. 71 still due in that category. 212 out of 295 mooring spaces have renewed. 83 due. It is expected that many that are due will renew very soon.

5. Survival training update. On April 3rd, 2013, the York fishermen attended a survival training class put on by McMillan Offshore. The training allowed 16 York fishermen to becoming compliant with new federal commercial fishing safety rules that have recently been passed. The York Sustainable Fishing Fund funded half of each fisherman's tuition to attend this class. The York Lobsterman's Association would like to thank the York Sustainable Fisheries Fund for their help in this event and the Y.L.A. plans on offering this course again next year.

6. Harbormaster's shack is about 80% complete and will be finishing up very soon.

7. Open Forum- Brian McGann explained how the Lusty family and the Newick family gave land to the town to construct Town Dock #2. Mr. McGann has questions on where exactly the boundary line is. McGann also feels that the construction of the HM shack is in violation of an agreement that the Newick family had with the town. McGann says that the Newick family has had a land survey done and they feel

that the HM shack is located on Newick land. The Harbormaster states that a town land survey shows that the shack is located on town owned land and that the town attorney has done a title search and confirmed that the town owns the piece of land in question which the HM's shack is located on. HB notes that this is not an issue that the HB can rule on and it is up to other town boards to discuss and mediate.

The York Harbor Marina would like to add a float to their float system. The float would be added inside a large slip and basically turn one large slip into two smaller slips. It would allow four boats to be able to tie up in that area instead of the current two boats. Gittins makes a motion to allow the YHM to add a float. 2nd by Sinclair, HB votes 5-0

8. HM Report- Capt. Leconte has a quote of \$4,800 for office furniture/filing cabinets for the HM shack. The old furniture is extremely dated and needs to be replaced. Capt. Leconte has said the police could fund \$2,800 dollars towards the purchase but would need harbor funds to raise the rest of the money. Gittins makes a motion to appropriate \$2,000 dollars to add to the police share of \$2,800 to purchase \$4,800 dollars of office furniture. 2nd by Webber, HB votes 5-0

HM Day would like the HB to approve some more money towards the HM renovation project. HM Day needs about \$1,000 dollars to pay for the last bit of construction materials. Gittins makes a motion to add \$1,000 dollars to help fund the construction of the HM shack., 2nd by Webber, HB votes 5-0

HM Day has been getting calls from people saying that they are commercial fishermen and should be able to get a mooring immediately per the Harbor Ordinance. The issue is that many of these people are not full time commercial fishermen. HM Day thinks that the Harbor Ordinance needs to have full time/part time commercial definitions. Sinclair says that he will look at what some of the neighboring towns have for rules for commercial fishermen and what these other towns have for ordinance definitions.

9. Motion to adjourn at 8:35 by Gittins, 2nd by Webber, HB votes 5-0 to adjourn.

38 §1022. LICENSE TO BUILD OR EXTEND; APPLICATION

38 §1022. LICENSE TO BUILD OR EXTEND; APPLICATION

Any person intending to build or extend any wharf, fish weir or trap in tidewaters, within the limits of any city or town, shall apply in writing to the municipal officers of the city or town, stating the location of the weir, the boundaries of the cove in which the weir will be constructed as identified on a map prepared by the Commissioner of Marine Resources, limits and boundaries, as nearly as may be, of the intended erection or extension, and asking license for the intended erection or extension. The applicant must notify all parties that may be directly affected by the proposed construction. Upon receiving an application, the officers shall give at least 3 days' public notice of the application in a newspaper, published in the town, or, if there is no newspaper published in the town, in a newspaper published within the county, and shall designate in the notice a day and time on which they or their designee will meet on or near the premises described, to examine the same and hear all parties interested. If, following such examination and hearing of all parties interested, the officers decide that such erection or extension would not be an obstruction to navigation or injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing the applicant to make such an erection or extension, and to maintain the same within the limits mentioned in such license. The applicant for license to build or extend a fish weir or trap shall first give bond to the town, with sureties, in the sum of \$5,000, conditioned that upon the termination of such license the applicant removes all stakes and brush from the location therein described. The municipal officers shall, within 10 days after the date of hearing, give written notice by mail of their decision to all parties interested. Any person aggrieved by the decision of the municipal officers, in either granting or refusing to grant a license as provided, may appeal to the Superior Court within 10 days after the mailing of such written notice. The court shall set a time and place for hearing and give notice thereof in the same manner as provided for a hearing before the municipal officers. The decision of the court must be communicated to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located. This decision is binding on the municipal officers, who shall issue a license, if so directed by the decision of the court, within 3 days after the decision has been communicated to them. If the appeal is sustained by the court in whole or in part, the appellant will have costs against the appellee. If the appeal is not so sustained, the appellee will have costs against the appellant. If any owner to whom a license has been issued or the owner's heirs or assigns fail to remove all stakes and brush within a period of one year after the termination of the license, as provided in section 1023, any person can remove the same without charge against the owner or the owner's heirs or assigns. [2011, c. 559, Pt. A, §36 (AMD).]

In the case of islands not within the jurisdiction of any town all powers of municipal officers to issue licenses to build weirs are conferred upon the owner or owners of such islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the Commissioner of Marine Resources, who shall, after a hearing at which all parties may be represented, decide as to the issuance of such license. [1973, c. 513, §22 (AMD).]

In the case of waters adjacent to unorganized or deorganized territory that is not an island, the Commissioner of Marine Resources shall have the powers of municipal officers to issue licenses under this section. Notwithstanding the provisions of this section governing procedures, the Commissioner of Marine Resources shall review the application and hold a hearing as if this were a lease application under Title 12, section 6072, subsections 5 and 6. [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §207 (AMD).]

Any licenses issued under this chapter shall constitute an approval and determination by the issuer thereof that the licensed wharf or weir constructed and operated within the limits imposed by such license does not adversely affect nor impair the interests of the issuer in such area, including navigation and the rights of private citizens in the area. Such license does not confer any right, title or interest in submerged or intertidal lands owned by the State. [1975, c. 287, §2 (NEW).]

SECTION HISTORY

1973, c. 513, §22 (AMD). 1975, c. 287, §2 (AMD). 1979, c. 631, §2 (AMD). 1983, c. 731, §4 (AMD). 1989, c. 890, §§A40, B206, 207 (AMD). 1999, c. 215, §1 (AMD). 2011, c. 559, Pt. A, §36 (AMD).

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Town of York

186 York Street
York, Maine 03909-1314

MEMO

TO: Robert Yandow, Town Manager

CC: York Harbor Board & Community Development Staff

FROM: Amber L. Harrison, CEO

DATE: December 5, 2013

RE: Dock Application for Maynard property (Map 57 Lot 49)

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

The purpose of this memo is to discuss the Dock application submitted by Pamela and Steven Maynard to the York Harbor Board. The Maynards have submitted a deck proposal to the York Harbor Board three times since September 2012.

It appears the dock proposal submitted by the Maynard's meets the Town's Land Use Ordinance as per Section 8.3.6. Particular attention should be given to the requirements under 8.3.6.9. Clarification on the methods of measurement taken by Riverside & Pickering Marine Contractors must be given to Code Enforcement prior to the issuance of a permit. The following requirements of Section 8.3.6.9. in bold, are those which need clarification:

8.3.6.9.a. New piers and floats shall not exceed to within 100 feet of the opposite marsh bank. **All measurements shall be made perpendicular to the normal high water mark of the natural shoreline. No measurements shall be made from any man-made structure.**

8.3.6.9.c. Wharves, piers, and docks will be permitted on the York River, west (upstream) of Sewall's Bridge, only in areas where the low water channel is 50 feet or less from the high water mark. **Wharves, piers and docks will be permitted on the York River, east (downstream) of Sewall's Bridge, only in areas where the low water channel is 84 feet or less from the high water mark.** No wharves, piers, or docks will be permitted in the Barrells Mill Pond. All measurements shall be made perpendicular to the normal high water mark of the natural shoreline. No measurements may be made from any man-made structure.



Town of York

186 York Street
York, Maine 03909-1314

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
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Finance/
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(207)363-1019

www.yorkmaine.org

If the Board of Selectman makes a decision approving the construction of the Maynard's dock, the Code Enforcement Office will require the aforementioned clarification on Sections 8.3.6.9.a. and 8.3.6.9.a. from the applicants in writing. These documents must be submitted to the Code Enforcement Office in order for a building permit to be issued for the proposed dock at 12 Barrell Lane Extension. Please let me know if you have any questions. I can be reached at 363-1002.

Amber L. Harrison
Code Enforcement Officer, Town of York

TOWN OF YORK
BOARD OF SELECTMEN

Application for Piers, Wharfs,
Landings, Floats and Moored Floats

APPLICANTS: Steve and Pamela Maynard

AGENT: Sandra L. Guay, Esquire
Woodman Edmands Danylik
Austin Smith & Jacques, P.A.
234 Main Street, P.O. Box 468
Biddeford, Maine 04005

CONTRACTOR: Zachary Taylor
Riverside & Pickering Marine
P.O. Box 368
Eliot, ME 03903



York Harbor Board
Application for Review of
Piers, Wharfs, Landings, Floats and Moored Floats
(please refer to most current revision to the Harbor Ordinance for definitions)

PART A

This application is submitted for: New Construction Changes to Existing

of a: Pier Wharf Landing Float Moored Float

1. Applicant(s) name Steve & Pamela Maynard c/o Sandra L. Guay, Esq.
2. Property owner(s) name Steve & Pamela Maynard
3. Applicants contact numbers (day) 207-284-4581 (evening) _____
4. Property address 12 Barrell Lane Ext.
5. Assessor's map # 57 (108), Lot # 49 (103), Lot size 0.52 acres

Applicant's Signature [Signature] / agent for owner

Date: 9/25/2013

Property owner's Signature [Signature] / agent for owner Date: 9/25/2013

\$50.00 APPLICATION FEE (Checks payable to: Town of York)

PART B

Please provide 8 (eight) copies of the following submittal data:

1. Proof of legal interest in the subject property.
2. A location map (use a portion of a USGS topo map or coastal chart).
3. A plan, certified by a professional engineer, that shows:
 - a. Identification of a fixed reference point on shore from which all seaward measurements are to be made. See Town of York Zoning Ordinance sect. 8.3.6.9
 - b. The location and dimensions of all the structures you propose.
 - c. Your property lines.
 - d. Shore frontage.
 - e. Ebb and flow tide direction.

- f. High water mark
- g. 0.0 mean low water mark.
- h. Low water mark
- i. Other structures in the area of the proposed project.
- j. Distances to: the navigable channel, any nearby navigation aids, and the opposite shore.
- k. North arrow.

4. A list of abutters within 150 feet (include abutters over water).

PART C

The Harbor Board reserves the right to request additional information to determine if the proposed project may be a hazard to navigation.

PART D

The Harbor Board has reviewed the above application and finds that the proposed project is is not a hazard to navigation. Other considerations leading to the Harbor Board's decision to approve deny the proposed project are explained in the attached copy of the Harbor Board's Finding of Facts. Any Harbor Board approval is conditioned upon all other Federal, State and Local approvals.

Harbor Board Co-Chairman _____

Harbor Board Co-Chairman _____

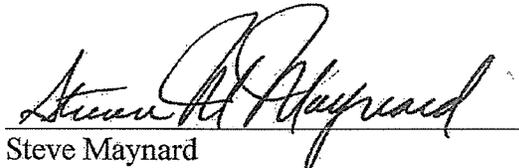
Harbor Board Members _____

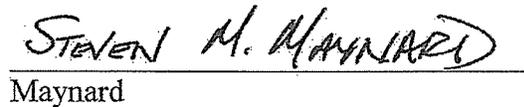
Date : _____

AUTHORIZATION

We hereby authorize our attorneys, Woodman Edmands Danylik Austin Smith & Jacques, P.A., together with our contractor, Riverside & Pickering Marine, to sign any Town of York permit or appeal applications on our behalf concerning the construction of a pier and float at our property located at 12 Barrell Lane Ext., York, Maine. We further authorize them to appear on our behalf and to represent us before any department, board or committee of the Town, including, but not limited to, the York Harbor Board.

DATED: April 17, 2013


Steve Maynard


Maynard

York Harbor Board Application of Steve and Pamela Maynard

1. Deed
2. Location Map
3. Plans and Survey
4. Visual Impact Plan
5. Location Photographs
6. State of Maine Submerged Land Easement
7. Maine General Permit (ACOE)
8. DEP NRPA Permit
9. Abutter List

DEED OF SALE BY PERSONAL REPRESENTATIVE

Know all by these present, that We, ANNE HEELAN, whose mailing address is 24 Winter Street, Portland, Maine 04102, and DAVID HEELAN, whose mailing address is 285 Brackett Street, Apt. 5, Portland, Maine 04102, duly appointed and acting as co-personal representatives of the ESTATE OF CONSTANCE R. HEELAN, deceased, as shown by the probate records of York County, Maine, Docket 2011-0685, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, for consideration paid grant to STEVEN M. MAYNARD and PAMELA S. MAYNARD whose mailing address is 42 Main Street, East Hampton, Connecticut 06424, as Joint Tenants, the real property situated in the Town of York, County of York, State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO

The current property address is 12 Barrell Lane Ext, York, Tax Map 57 Lot 49.

Signed, sealed, witnessed this 21 day of September 2012.

Rob E Estes
WITNESS

Anne Heelan
ANNE HEELAN
Co-Personal Representative
Duly authorized

Rob E Estes
WITNESS

David Heelan
DAVID HEELAN
Co-Personal Representative
Duly authorized

STATE OF MAINE

County of York

September 21, 2012

Personally appeared the above named Anne Heelan and David Heelan and acknowledged the foregoing instrument to be their free act and deed in their said capacity.

Before me,



Rob E Estes
Notary Public/Attorney at Law
Print Name:
Commission Expires:

MAINE R.E. TRANSFER TAX PAID

EXHIBIT A

Property Address: 12 Barrell Lane Ext, York, Maine

A certain lot or parcel of land with the buildings thereon situated in said York, at York Harbor, and lying on the Northeasterly side of the York River, known as the Eliza Ann Baker premises, bounded and described as follows, to wit:

Northerly by land now or formerly of Morgan Lamontagne; Easterly by land now or formerly of Morgan Lamontagne; Southeasterly by land now or formerly of Priscilla Brooks, formerly Outerbridge and Collins (by a division line surveyed by Albert Moulton, Jr., C.E. on July 1, 1936) and land now or formerly of Chauncey Williams; southwesterly by the York River. The above described parcel is subject to the easement of a Town Way along the River Bank. Also another certain lot or parcel of land situated in said York at York Harbor, adjacent to the above described parcel, bounded and described as follows, to wit:

BEGINNING at the Westerly corner of land formerly of the heirs of Sarah M. Varrell and now or formerly of Chauncey Williams, adjoining the first above described parcel on the Southeasterly side;

THENCE southeasterly or as the wall now stands fifty three and one-half (53 ½) feet;

THENCE south sixty degrees (60°) and fifteen minutes (15') West to the York River at low water mark;

THENCE Northwesterly by said York River to the Southeasterly side line of the above described parcel formerly of one Tucker;

THENCE Northeasterly by land formerly of said Tucker to the point of beginning.

Excepted herefrom is that portion of property conveyed to Duncan Hunter Mauran, as set forth on Plan depicting boundary line adjustment, which plan is dated May 17, 1970 and recorded in York County Registry of Deeds in Plan Book 49, Page 38, and also set forth in Deed recorded in said Registry at Book 1872, Page 763.

Being the same premises conveyed from Raymond V. Heelan, Jr. to Constance R. Heelan dated August 6, 2001 and recorded in the York County Registry of Deeds in Book 10909, Page 346.

End of Document

*Signature
Eaton & wife Services, LLC
Dr. Helen Taylor St. Ste 318
Brunswick, ME 04801*

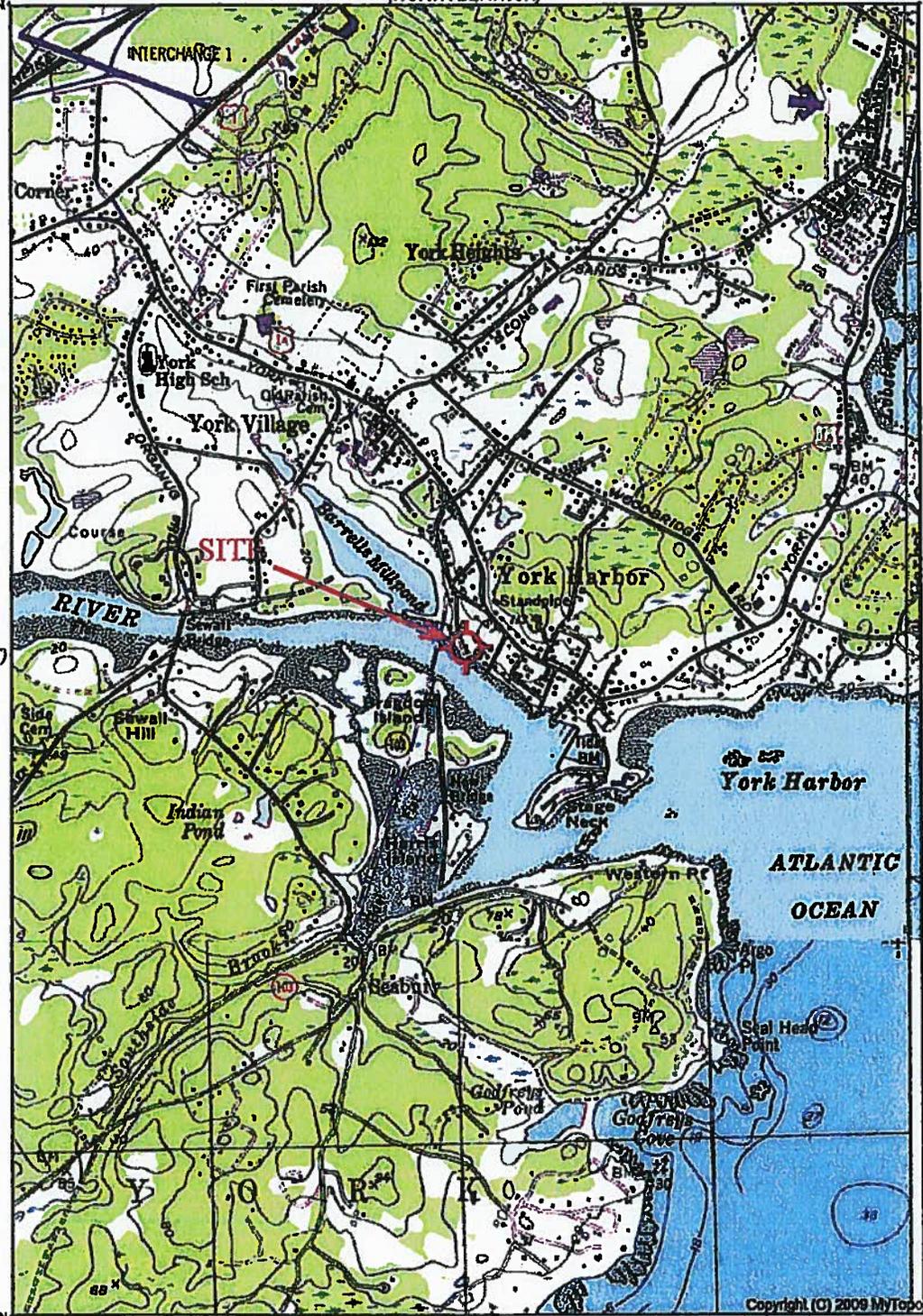
2011

YORK HARBOR QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES

(SOMERSWORT)

(WELLS)

070° 49' 08.05" W
043° 09' 28.85" N (NORTH BERWICK) 070° 37' 25.85" W
043° 09' 28.85" N



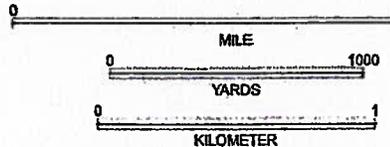
(DOVER EAST)

(YORK BEACH)

043° 06' 42.31" N
070° 40' 08.05" W (KITTERY) 043° 06' 42.31" N

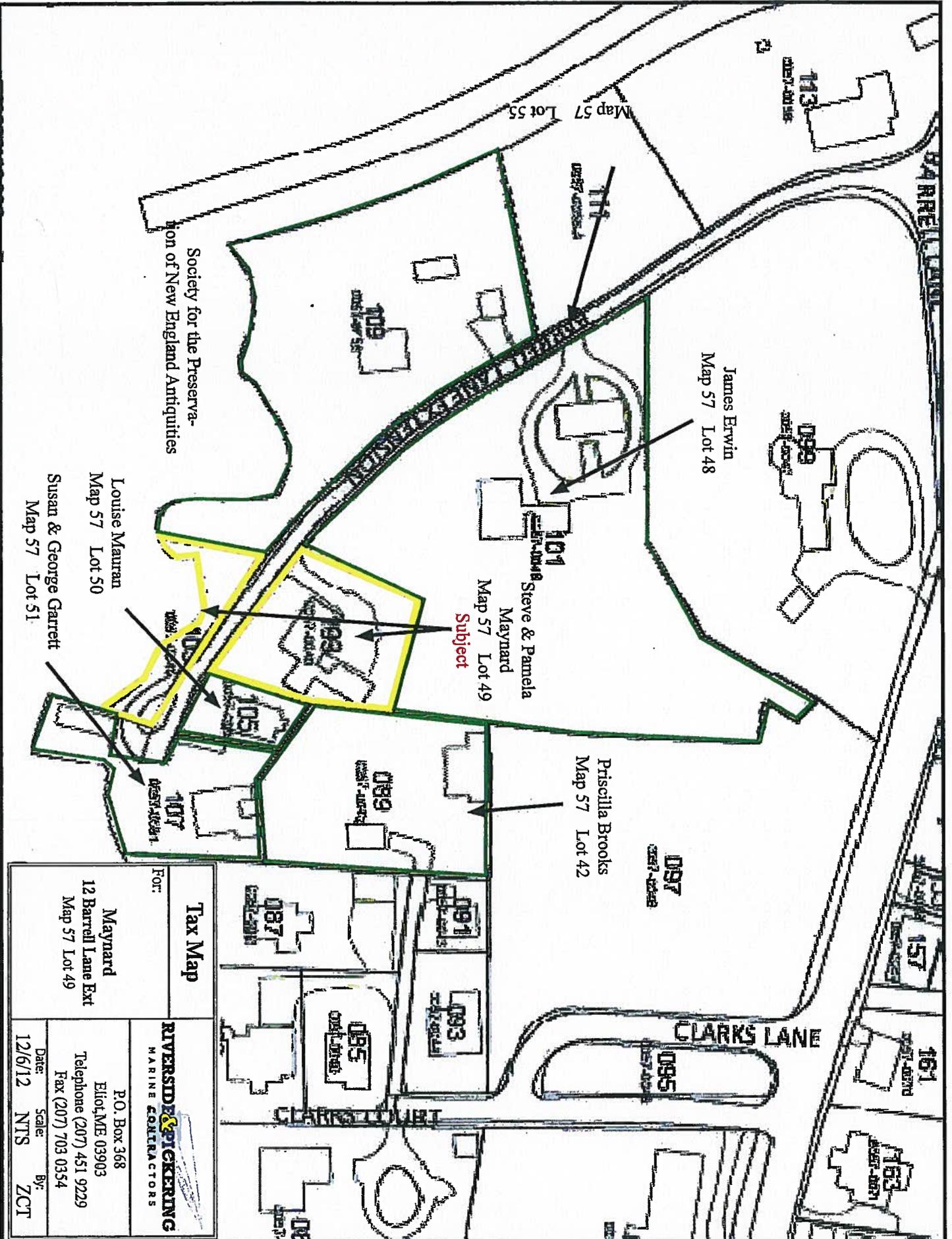
(PORTSMOUTH)

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000
Maps
North American 1983 Datum (NAD83)
Transverse Mercator Projection
To place on the predicted North American
1927 move the projection lines 10M N and
41M E



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Site Map		RIVERSIDE & TICKERING MARINE CONTRACTORS
For:		
Maynard		P.O. Box 368 Eliot, ME 03903
12 Barrell Lane Ext York, ME 03909 Map 57 Lot 49		Telephone (207) 451 9229 Fax (207) 703 0354
Date:	Scale:	By:
11/28/12	NTS	ZCT



Society for the Preservation of New England Antiquities

James Erwin
Map 57 Lot 48

Steve & Pamela
Maynard
Map 57 Lot 49
Subject

Priscilla Brooks
Map 57 Lot 42

Louise Mauran
Map 57 Lot 50
Susan & George Garrett
Map 57 Lot 51

Tax Map

For:

Maynard
12 Barrill Lane Ext
Map 57 Lot 49

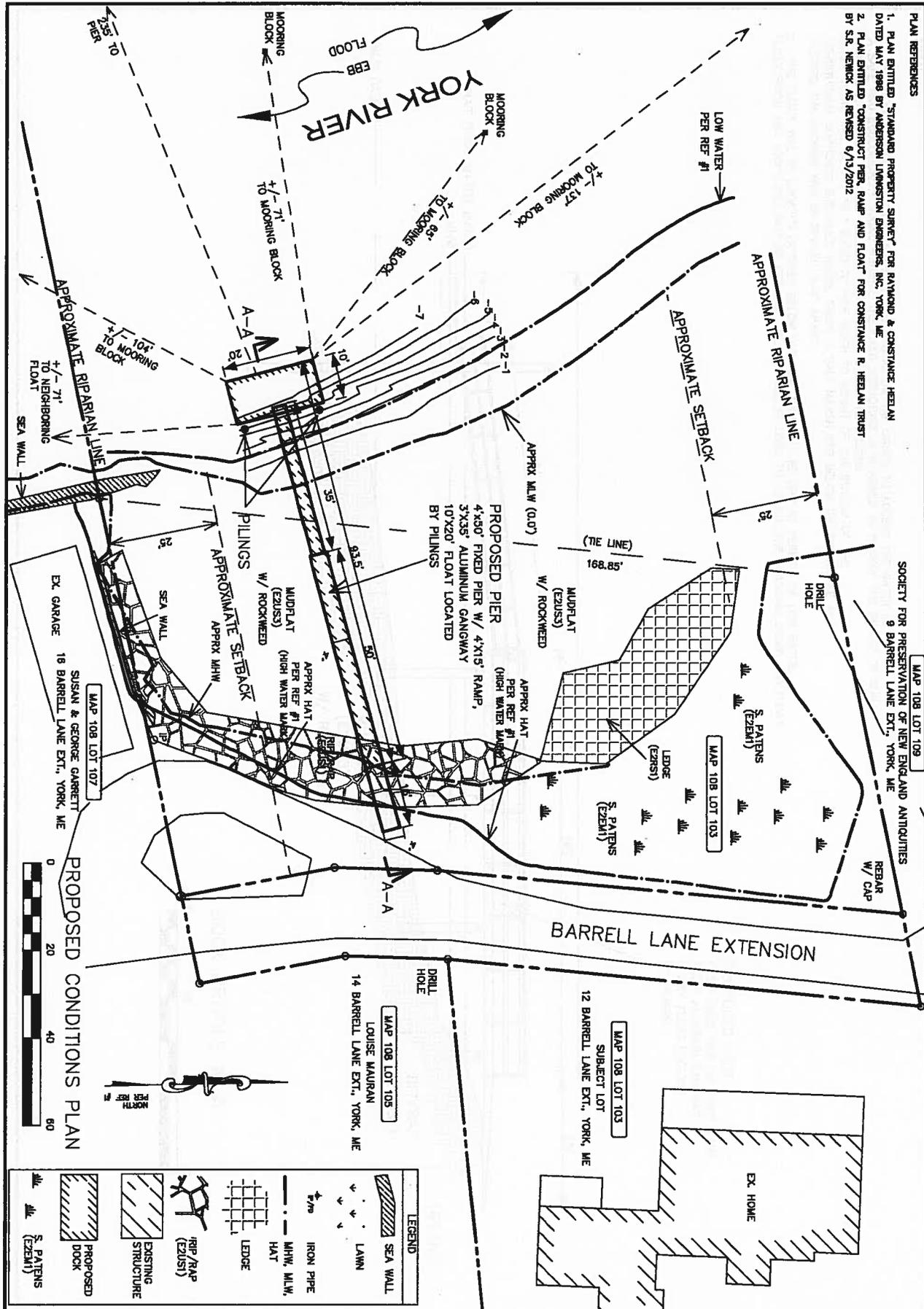
RIVERSIDE & PICKERING
MARINE CONTRACTORS

P.O. Box 368
Eliot, ME 03903

Telephone (207) 451 9229
Fax (207) 703 0354

Date: 12/6/12
Scale: NTS
By: ZCT

PLAN REFERENCES
 1. PLAN ENTITLED "STANDARD PROPERTY SURVEY" FOR RAYMOND & CONSTANCE HEBLAN DATED MAY 1989 BY ANDERSON LIVINGSTON ENGINEERS, INC. YORK, ME
 2. PLAN ENTITLED "CONSTRUCT PIER, RAMP AND FLOAT" FOR CONSTANCE R. HEBLAN TRUST BY S.R. NEWICK AS REVISED 6/13/2012



LEGEND	
	SEA WALL
	LAWN
	IRON PIPE
	MHW, MLW, HAT
	LEDGE
	RIP/RAMP (EZUS1)
	EXISTING STRUCTURE
	PROPOSED DOCK
	S. PATRONS (EZUS1)

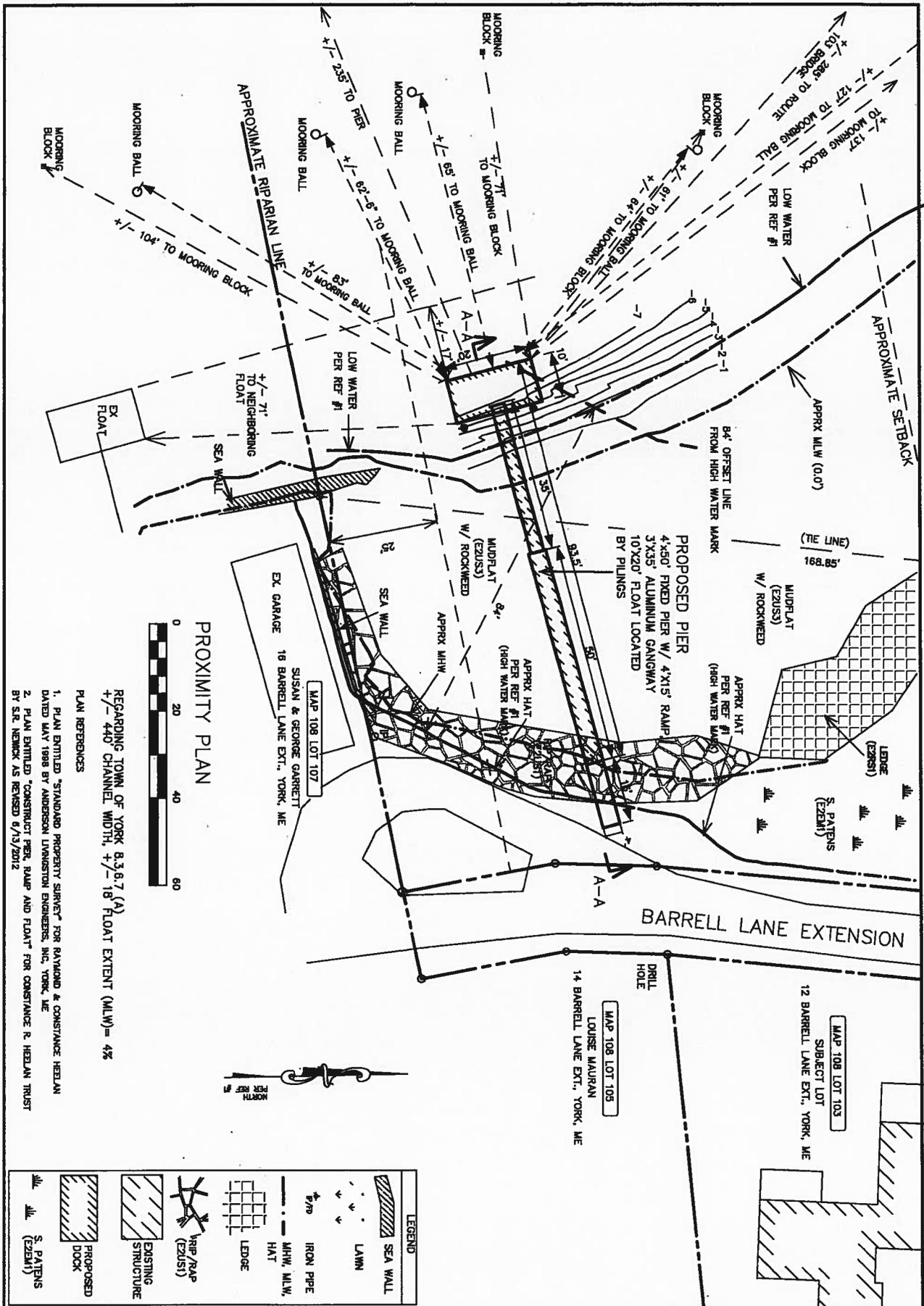
REVISIONS	
Date	Description
12/19/12	ADD PILING LOCATIONS
8/7/13	REVISED TO INCL. HAT OFFSET LINE & OTHER

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

STEVE & PAMELA MAYNARD
 PROPOSED PIER
 Address: 12 BARRELL LANE EXTENSION City: YORK, ME
 Map & Lot #: MAP 108 LOT 103 (57-48) Drawing Scale: 1"=20'

Date: 12/12/2012
 Drawn By: APF
 Checked By: ZCT
 Approved: _____ Date: _____
 Job Cost: _____

Sheet 2 of 3



PROXIMITY PLAN

0 20 40 60

REGARDING TOWN OF YORK 8.3, 8.7 (A)
 +/- 440' CHANNEL WIDTH, +/- 18' FLOAT EXTENT (M.L.W.) = 4%

PLAN REFERENCES

1. PLAN ENTITLED "STANDARD PROPERTY SURVEY" FOR RAYMOND & CONSTANCE HEEHAN DATED MAY 1988 BY ANDERSON LIVINGSTON ENGINEERS, INC., YORK, ME
2. PLAN ENTITLED "CONSTRUCT PIER, RAMP AND FLOAT" FOR CONSTANCE R. HEEHAN TRUST BY S.R. NEMICK AS REVISED 8/13/2012

LEGEND	
	SEA WALL
	LAWN
	IRON PIPE
	MHW, M.L.W.
	HAT
	LEDGE
	RIP/RAMP (EXISTS)
	EXISTING STRUCTURE
	PROPOSED DOCK
	S. PATEUS (EXISTS)

REVISIONS	
Date	Description
12/18/12	ADD PILING LOCATIONS
8/7/13	REVISED TO INCL. HAT OFFSET LINE & OTHER

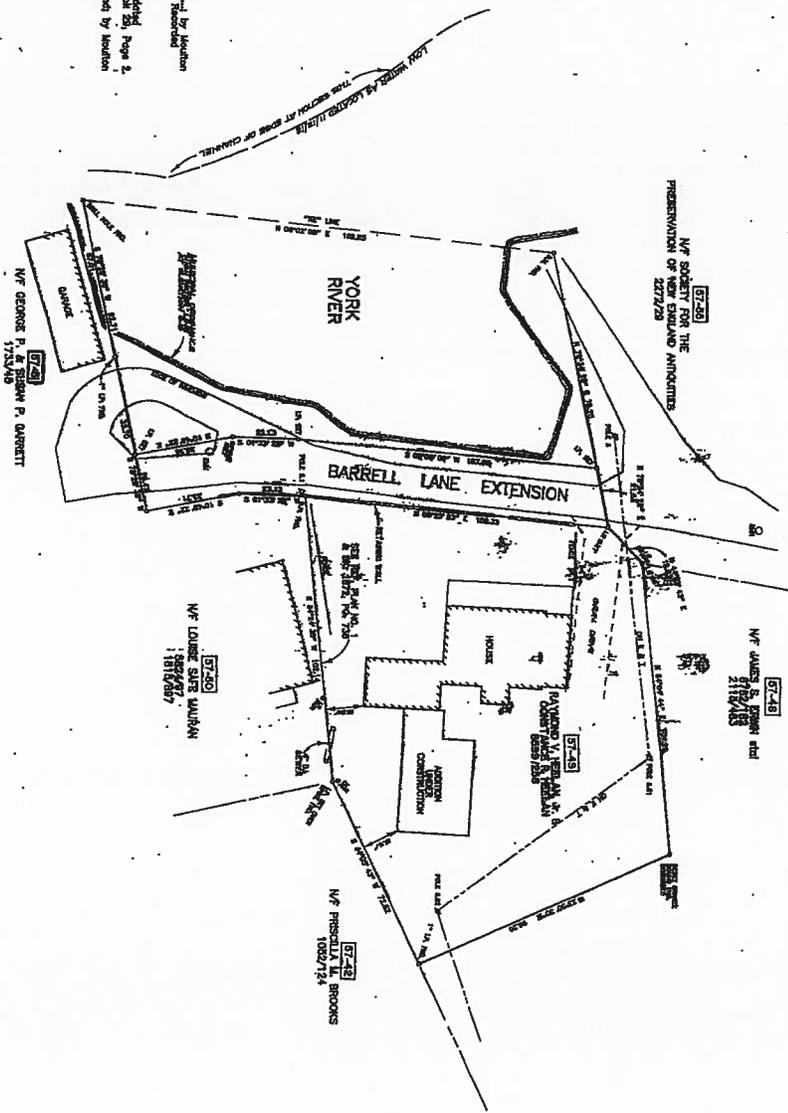
File # 564-12
 PROXIMITY PLAN

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

STEVE & PAMELA MAYNARD
 PROPOSED PIER

Date: 12/12/2012
 Drawn By: APF
 Checked By: ZCT

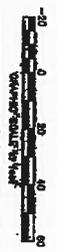
Address: 12 BARRELL LANE EXTENSION City: YORK, ME
 Map & Lot #: MAP 108 LOT 103 (57-49) Drawing Scale: 1"=20'



- REFERENCE PLANS:
- Plan showing Property of Benjamin Howe, measured by Gordon V. Helian, P.E., dated September 2, 1988. Recorded in York County Deeds, Book 189, Page 58.
 - Plan showing Property of Daniel S. Walker, dated September 22, 1988. Recorded in York County Deeds, Book 189, Page 2.
 - Plan showing Property of James S. Fryer, dated September 22, 1988. Recorded in York County Deeds, Book 189, Page 2.

NOTES:
 Level is Ordinance High Water Line, including flow.
 As shown on P.L. 189 of 1988.

FILE NO. 6858
 PLAN NO. 1984-880501



THIS SPACE IS SUBJECT TO THE
 EASEMENT OF A TOWN WAY ALONG
 THE RIVER BANK.

CERTIFICATION:
 This map, together with any other documents referred to herein, is a true and correct copy of the original as shown to me by the person or persons who claim to be the owner or owners of the property shown thereon.

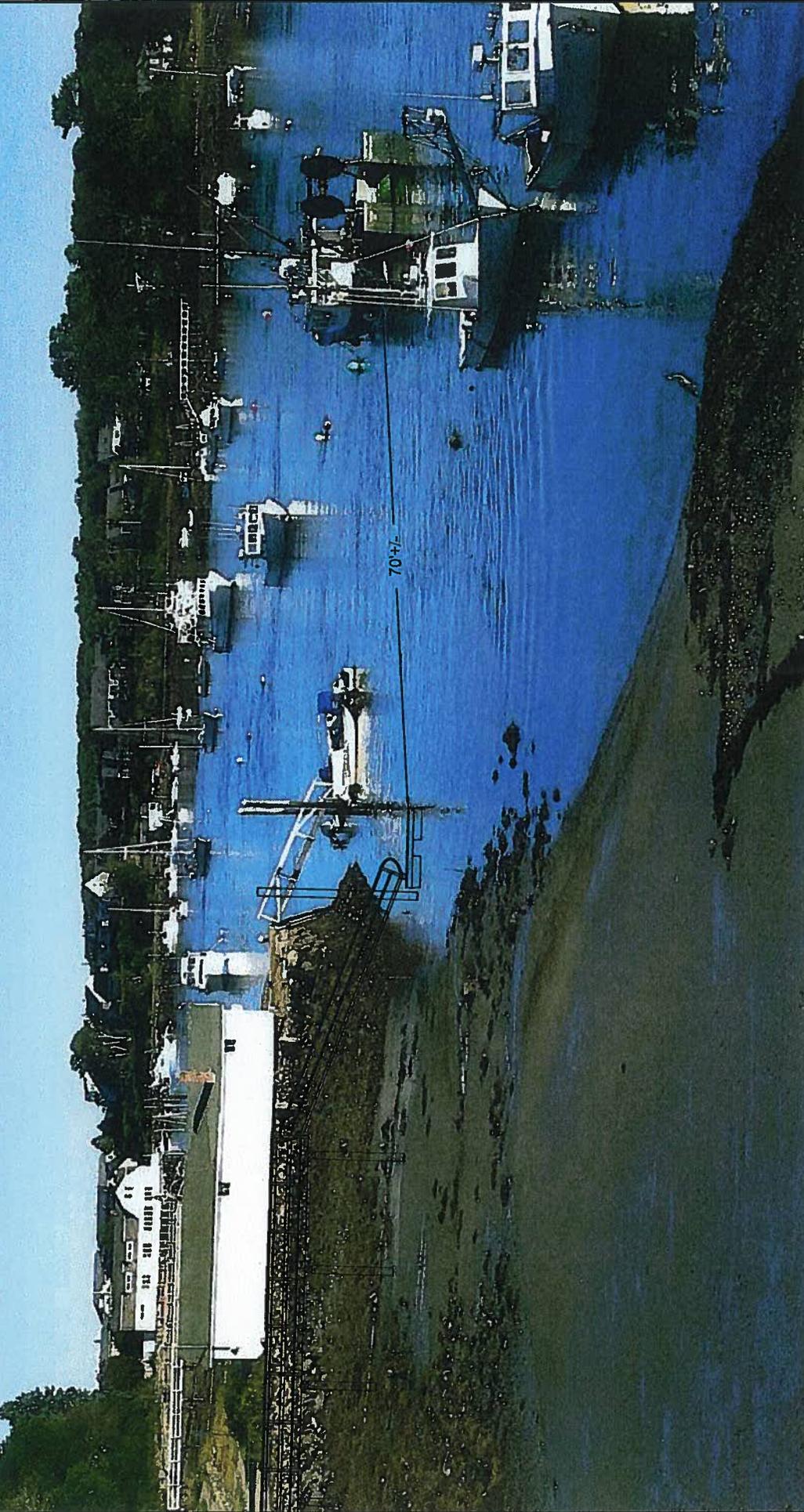


STANDARD BOUNDARY SURVEY
 FOR
**RAYMOND V. &
 CONSTANCE R. HELIAN**
 BARRELL LANE EXTENSION
 YORK, MAINE

Raymond V. Helian Registered Professional Engineer State of Maine No. 12345	Date of Survey 1984	Date of Plotting 1984
Constance R. Helian Registered Professional Engineer State of Maine No. 12345	Date of Survey 1984	Date of Plotting 1984

NOTES:

- 1) PLAN NOT TO SCALE.
- 2) RENDERING OF POTENTIAL DOCK IS AN APPROXIMATION OF THE SIZE AND LOCATION AS VIEWED FROM THE EASTERN END OF THE 103 BRIDGE.



File #: 564-12
 Sheet of

REVISIONS		
Date	Description	Approved



P.O. Box 368, Elliot, ME 03903
 Office: (207) 451-8229 Fax: (207) 709-0354

MAYNARD
POTENTIAL DOCK VISUAL IMPACT

Date: 9-24-13
 Drawn By: ZCT
 Checked By: _____

Address: 12 BARRELL LANE EXT City: YORK, ME Approved: _____ Date: _____
 Map & Lot #: MAP 108 LOT 103 Drawing Scale: 1:20 Title: _____

Maynard Photo Sheet #1

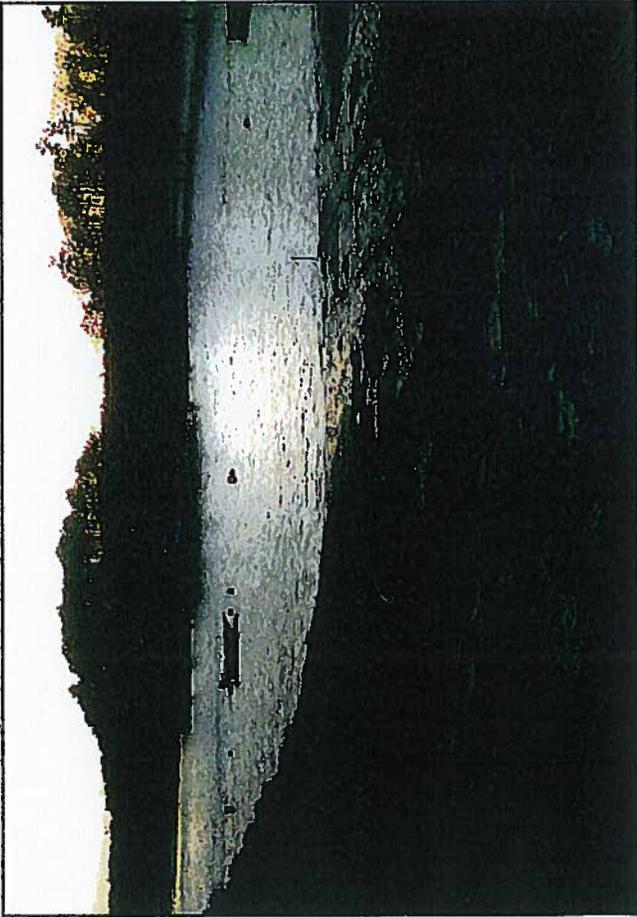


Photo #1

View looking West

View looking South

Photo #3

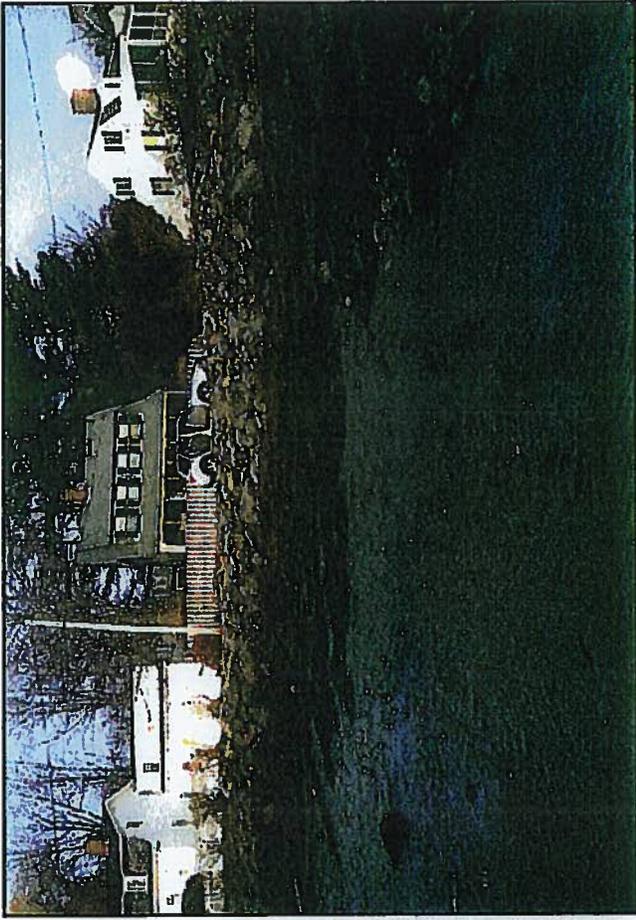
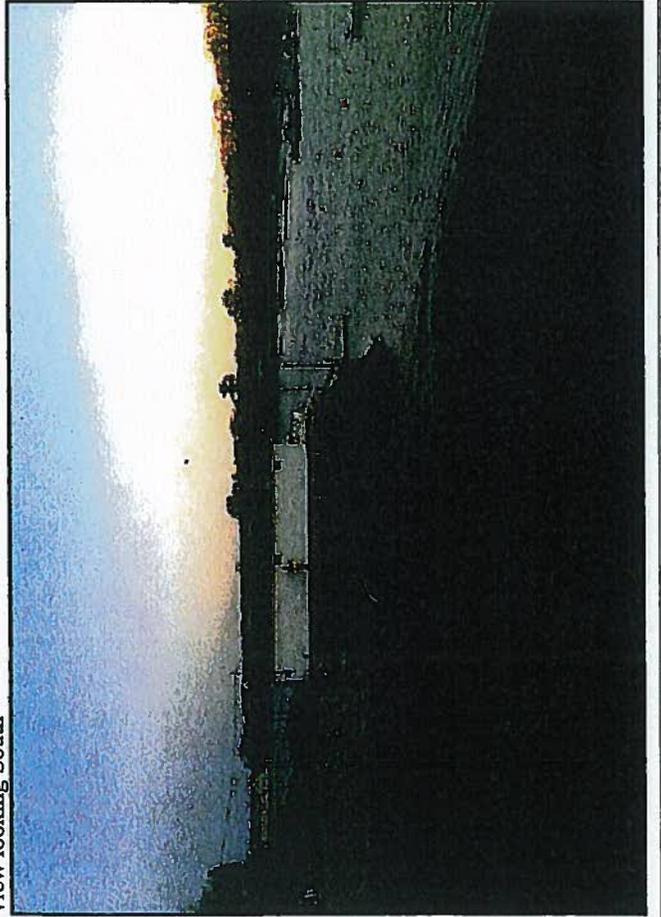


Photo #2

View looking East

*Photos taken at approximate 4:30PM on 11/26/12

For:

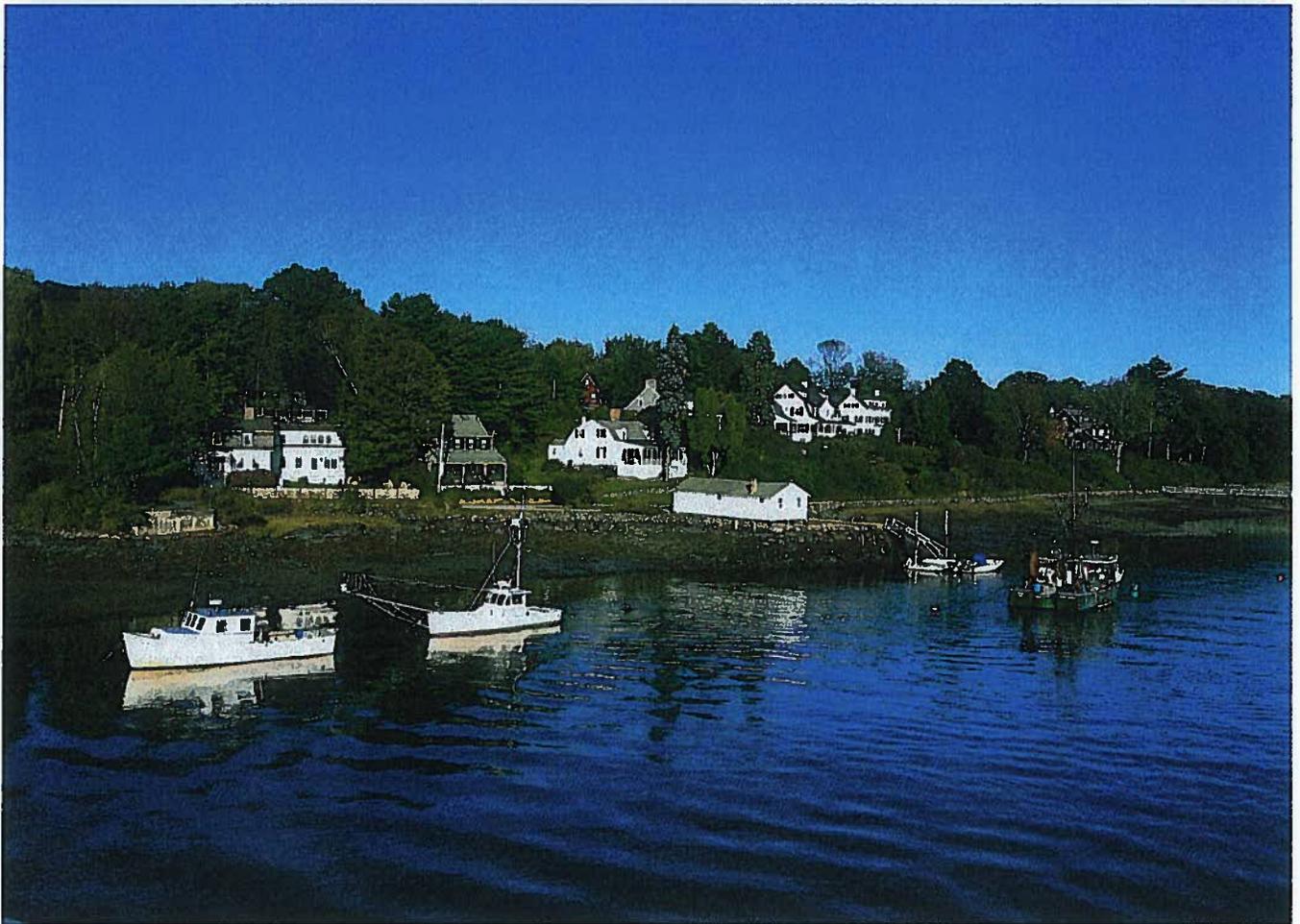
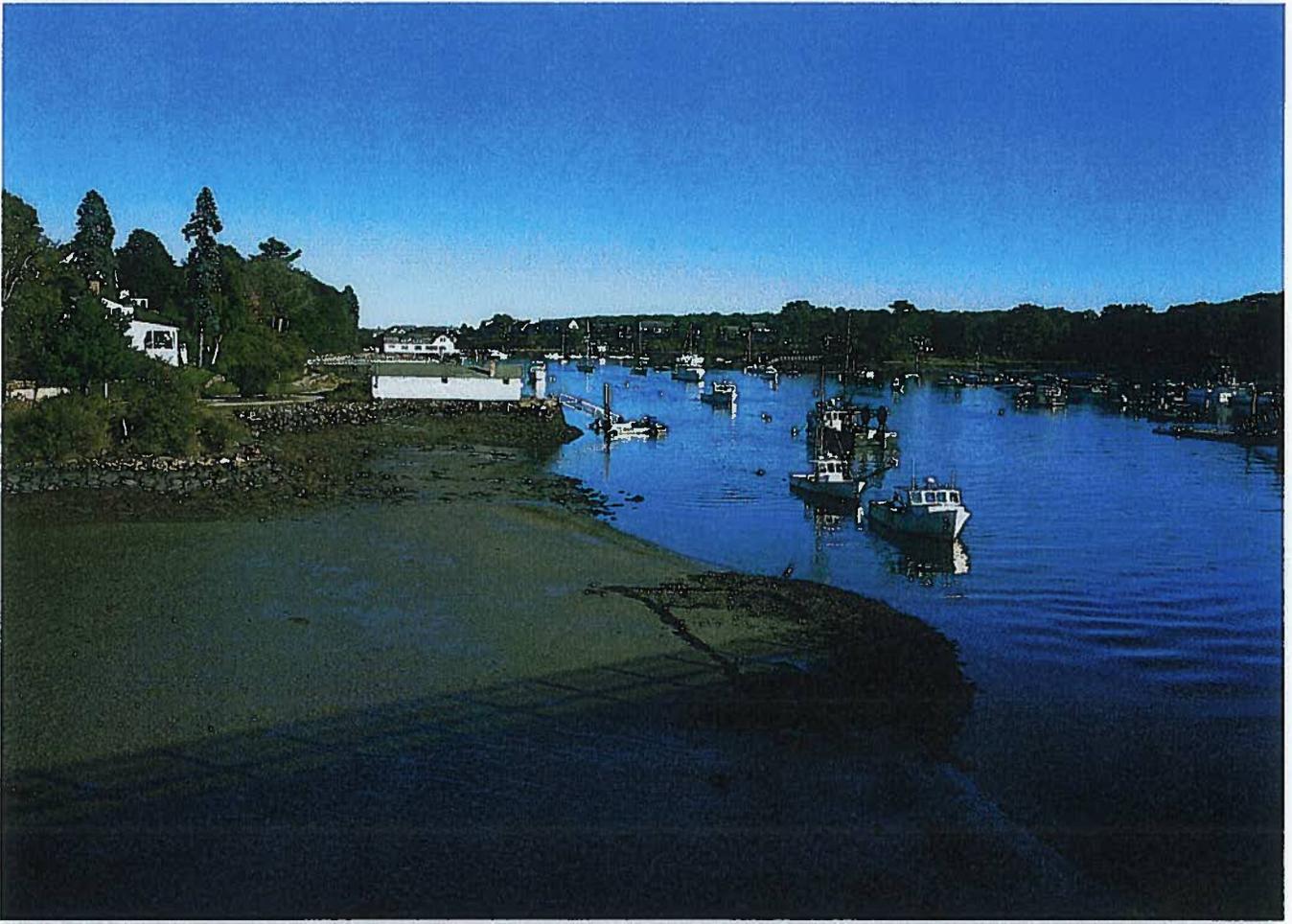
Maynard
12 Barrell Lane Ext
York, ME 03909
Map 57 Lot 49

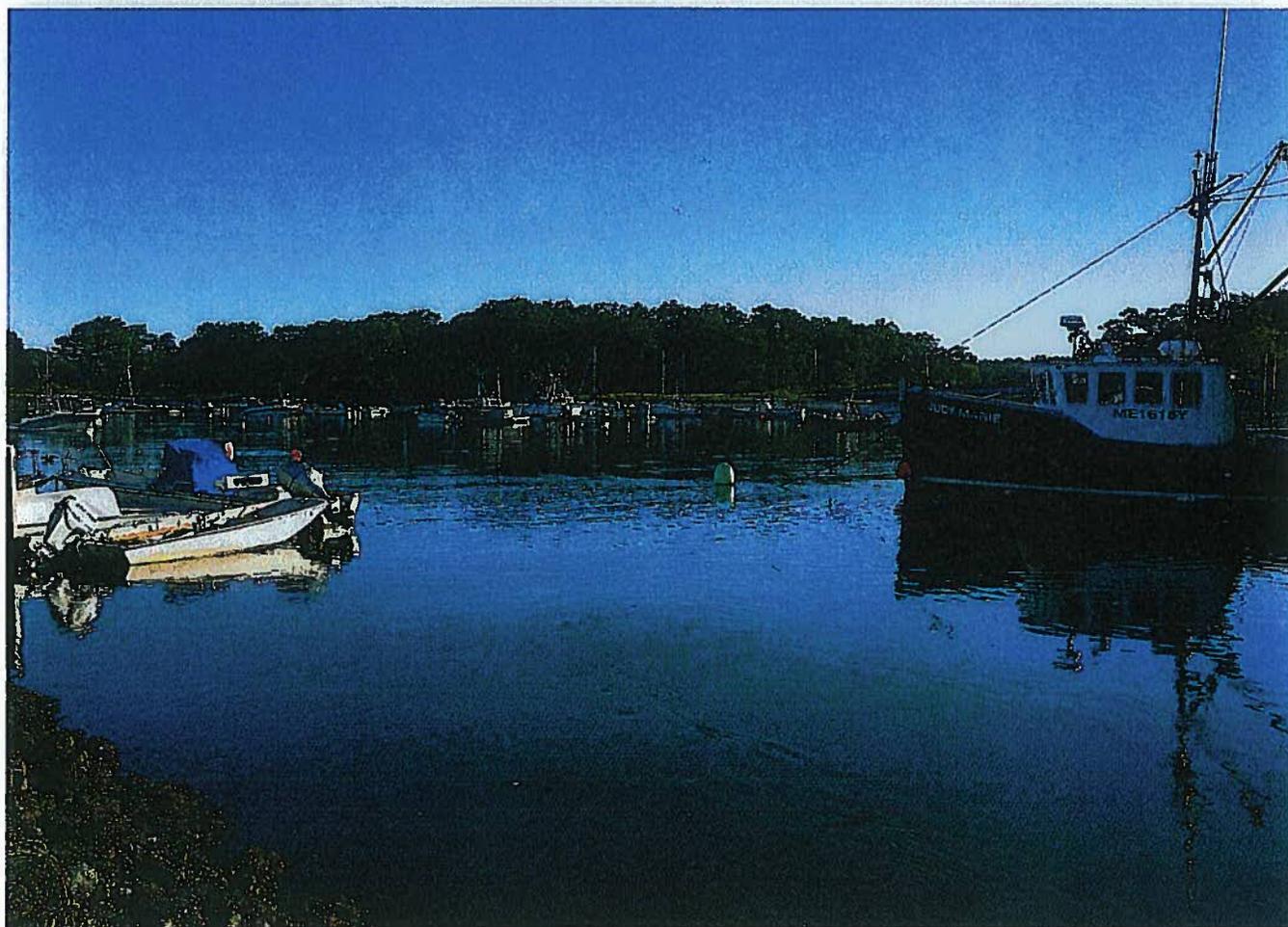
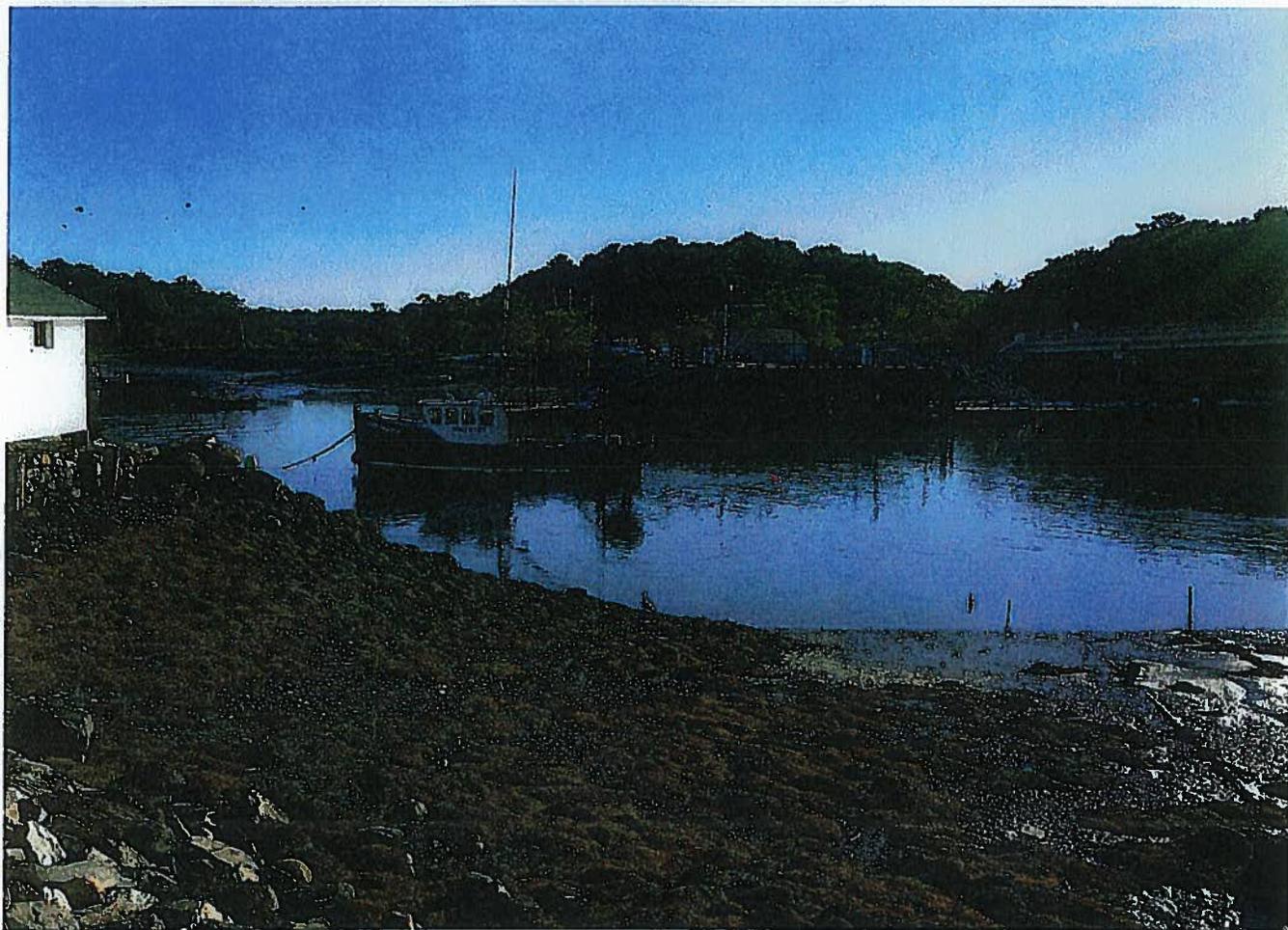
Photos Taken: 11/26/12

By: Z. Taylor



P.O. BOX 368, ELIOT, ME 03803
TELEPHONE (207) 451-9228 FAX (207) 493 0354





STATE OF MAINE
SUBMERGED LAND EASEMENT

No. 1538-E-42

This SUBMERGED LANDS EASEMENT (hereinafter Easement) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands. Please read the easement carefully, as you must abide by its terms.

This Easement is granted by the Division of Parks and Public Lands (hereinafter Grantor), an agency of the State of Maine Department of Agriculture, Conservation and Forestry, by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Sections 1801 & 1862, to **STEVEN M. AND PAMELA S. MAYNARD** (hereinafter Grantee) of **42 MAIN STREET, EAST HAMPTON, CONNECTICUT 06424**. Grantor hereby grants to Grantee, on the terms and conditions hereinafter set forth, an easement for use of the following described submerged land (hereinafter premises) situated in York County, Maine, to wit:

A certain parcel of public submerged land located in the York River, **Town of York, Maine**, totaling 285+/- square feet, abutting adjacent upland now owned by Steven M. Maynard and Pamela S. Maynard, as further described in Attachments A, B and C which are hereby incorporated into this Easement.

- 1. TERM:** Such easement shall hold for a term not to exceed 30 years commencing on March 7, 2013 and ending at midnight on December 31, 2042 and no longer.
- 2. USE:** Grantee is hereby authorized to use the premises for the purposes of a ramp, float and pilings for private recreational use as described in Department of Environmental Protection NRPA Application Number L-25858-4P-A-N and for no other purposes. No enlargement of structures or fixtures upon the premises shall be permitted without the prior written consent of the Grantor. No sand, gravel or other materials shall be removed from the premises and no materials may be deposited on the premises except as specifically authorized under this easement and applicable regulatory permits.
- 3. OTHER USES.** Grantor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of the premises, and the right of Grantor and its assigns to make other uses of the premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Grantee's use and enjoyment of the premises for the purposes stated in Paragraph 2 above.
- 4. FEES:** A registration and/or other fee, as established in the Submerged Act, Title 12 M.R.S.A. Section 1862, subsection 3, shall be paid upon commencement of the easement term and periodically throughout the term, as prescribed by that law and any amendments made thereto or replacement thereof.

5. AUTOMATIC CANCELLATIONS: In the event any regulatory agency of the United States or the State of Maine or any political subdivision thereof denies or disapproves any portion of any application by the Grantee for the use of the above described premises or any portion thereof, or that any court of competent jurisdiction invalidates any permit granted pursuant to such application, this easement shall be cancelled automatically as to the denied or disapproved use, and shall to that extent be null, void, and of no effect as of the date of such denial or disapproval.

6. ASSIGNMENT: The rights conveyed herein by the Grantor may be assigned by the Grantee upon written notification to the Grantor of the name and address of the new grantee. Such assignment shall only be permitted as part of the conveyance of the adjacent upland property to a new owner and is subject to the covenants and conditions of this instrument.

7. PROPERTY TAXES: Grantee shall pay all taxes, charges, assessments and other impositions levied upon the premises and the buildings, improvements, and fixtures thereon when due and payable.

8. INDEMNITY: Grantee agrees to defend or cause to be defended and to indemnify and hold the Grantor harmless against any and all claims, suits, causes of action, expenses and damages incurred by or brought against Grantor and arising or allegedly rising out of, in whole or part, the use or occupancy of the premises by Grantee, its invitees, contractors, agents and employees.

9. DEFAULT: If Grantee or its successor in interest shall fail to comply with any of the terms of this instrument, Grantor shall have the right at its option at any time thereafter to terminate this easement, re-enter and take possession of the premises after giving thirty (30) days advance notice in writing to Grantee or its successor in interest. If during said thirty (30) day period Grantee cures its default to the satisfaction of Grantor then termination shall automatically be vacated, otherwise the same shall remain in full force and effect. Such right of termination shall be in addition to any other legal or equitable rights or remedies which Grantor may have. If Grantor shall institute an action to enforce any provision of this easement, Grantor shall be entitled to recover reasonable attorney's fees.

10. MAINTENANCE: Grantee, at its sole cost and expense, shall at all times keep, or cause all improvements (regardless of ownership) to be kept, in as good condition and repair as originally constructed, except for reasonable use. Grantee shall not allow debris or refuse to accumulate on the premises. In addition to having the right to cancel this easement, Grantor shall have the right upon 30 days notice to remove such debris and refuse and collect the cost of such removal from the Grantee.

11. ABANDONMENT: Structures as described under section 2 of this easement shall be placed on the premises within two years of the issuance of this easement. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Grantee to install the structures within this time frame or to use and maintain the premises shall be deemed an abandonment. Upon determining that the premises or a portion thereof have been abandoned, the Grantor at its option may terminate this easement as to the entire premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 9.

12. NOTICE: Any notice permitted or required hereunder shall be deemed to have been given when actually delivered or when deposited in the U.S. mail, first-class postage prepaid, addressed as follows: To Grantor: Division of Parks and Public Lands, 22 State House Station, Augusta, Maine 04333, Attn:

Submerged Lands Program, and giving the easement number, or to such other address specified by Grantor by written notice hereunder. To Grantee: at the address hereinabove set forth for Grantee or at such other address as Grantee may have theretofore specified by written notice actually received by and placed of record with Grantor.

13. ADJUSTMENT OF TERMS: Grantor may adjust from time to time terms and conditions applicable to this easement, including the requirement of paying rent and/or fees, consistent with applicable law. Any such adjustment shall be effective following sixty (60) days written notice by Grantor to Grantee.

14. REVIEW OF USES: In accordance with Title 12 M.R.S.A. Section 1862, subsection 4, or other applicable law, Grantor shall review from time to time the purposes for which the land conveyed under this easement has actually been used, and in the event any such purpose is found to be inconsistent with the criteria set forth for under then applicable law for eligibility for an easement, the easement shall terminate on sixty (60) days written notice by Grantor to Grantee. If so authorized by Title 12 M.R.S.A. Section 1862, subsection 2 or other applicable law, Grantor may thereupon enter into a leasehold agreement with the holder of the easement.

15. MISCELLANEOUS: Grantee shall, in the use and occupancy of the premises, comply with the provisions of all applicable federal, State and local laws, regulations, ordinances and permits. No nuisance shall be permitted to exist on the premises. Grantor's agent shall be authorized to enter upon the premises and all improvements and structures thereon at any reasonable time to inspect the same and for the purpose of securing compliance with the terms and conditions hereof. Failure of either party to complain of any act or omission on the part of the other party, no matter how long the same shall continue, shall not constitute a waiver by said party of any of its rights hereunder.

16. EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT. Grantee hereby relinquishes any and all rights to the premises, or any portion thereof that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 & 1862, or otherwise.

In witness whereof the Grantor has hereunto set its hand this 26 day of March, 2013.

Grantor: Walter Harris Director, Division of Parks and Public Lands
Department of Agriculture, Conservation & Forestry

Attested: Carol DiBello

ATTACHMENT A
EASEMENT NO. 1538-E-42

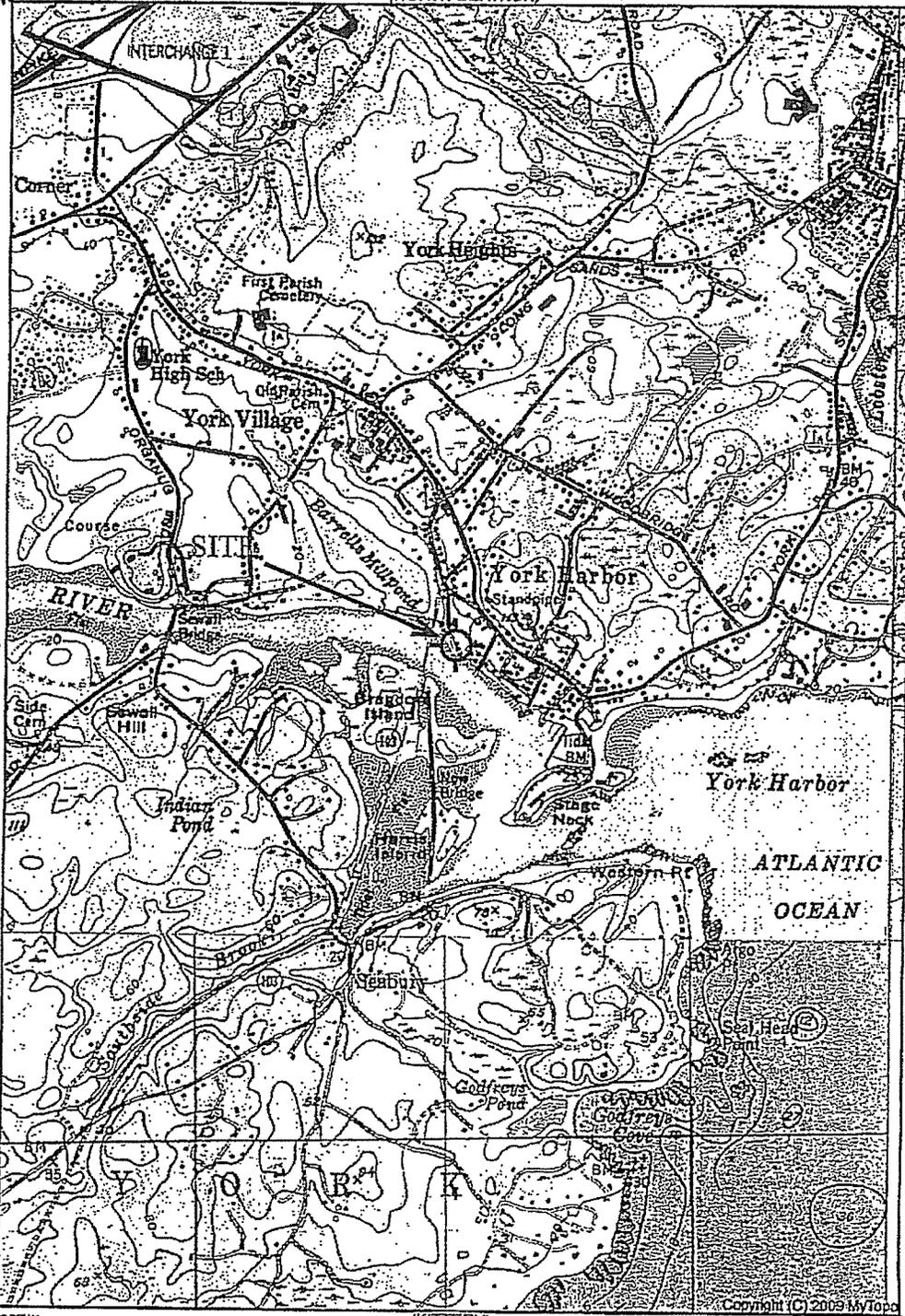
YORK HARBOR QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES (WELLS)

(SOMERSWORT)

070° 47' 03.15" W
043° 05' 29.85" N

(NORTH BERWICK)

070° 27' 25.50" W
043° 05' 29.85" N



(DOVER EAST)

(YORK BEACH)

043° 05' 42.31" N
070° 40' 03.05" W

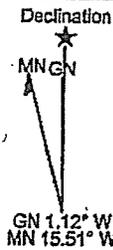
043° 05' 42.31" N

(PORTSMOUTH)

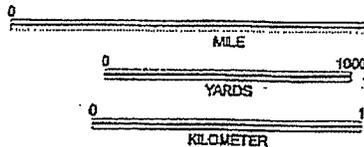
Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000
Maps

North American 1983 Datum (NAD83)
Transverse Mercator Projection

To place on the predicted North American
1987 move the projection lines 10M N and
41M E



(KITTERY)
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Site Map

For:
Maynard
12 Barrell Lane Ext
York, ME 03909
Map 57 Lot 49

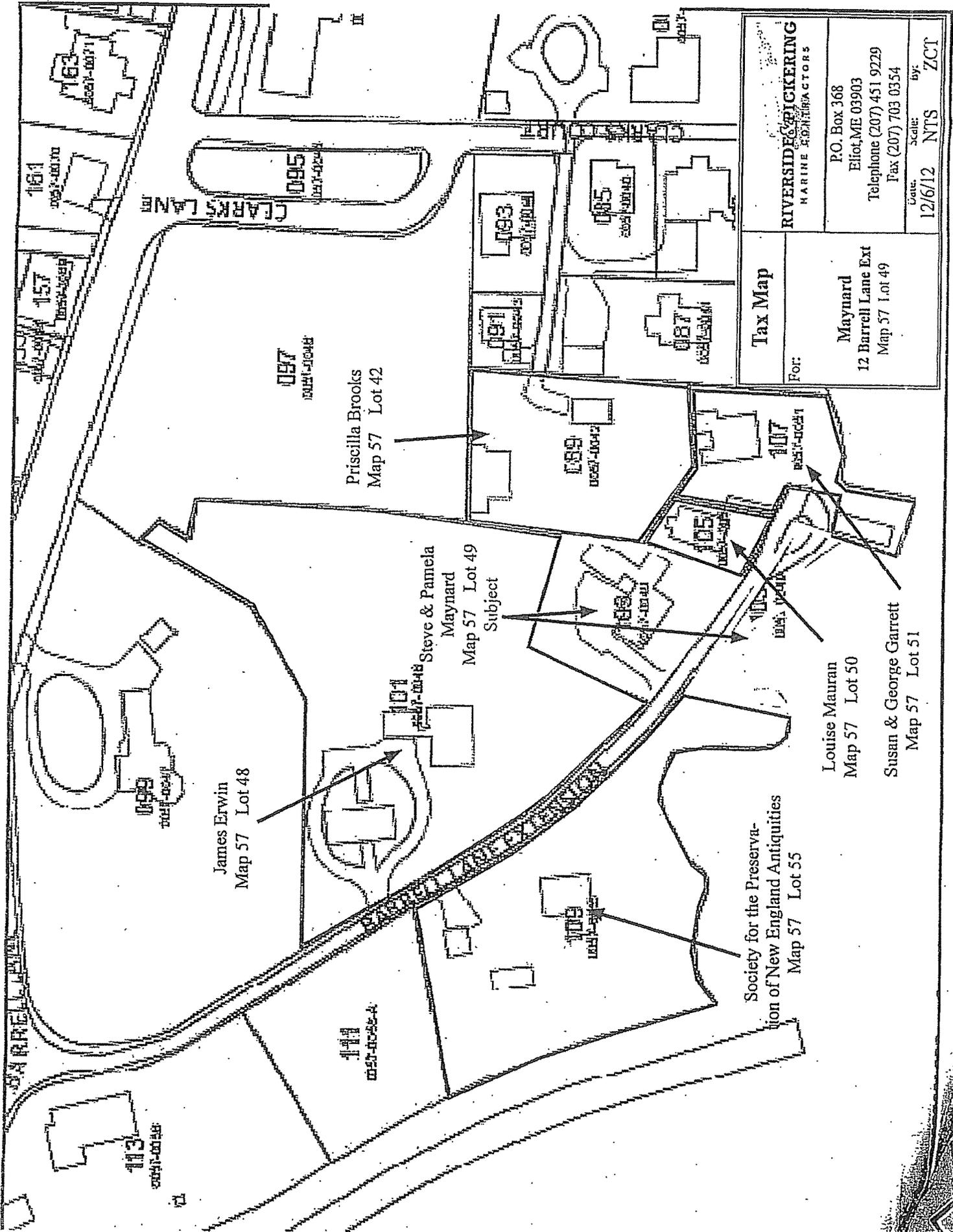
RIVERSIDE PICKERING
MARINE CONTRACTORS

P.O. Box 368
Elliot, ME 03903
Telephone (207) 451 9229
Fax (207) 703 0354

Date: 11/28/12
Scale: NTS
By: ZCI

Copyright (C) 2009 MyTopo

ATTACHMENT B
EASEMENT NO. 1538-E-42



Tax Map	RIVERSIDE SPICKERING MARINE SUPPLIERS	
	P.O. Box 368 Eliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354	
For:	Maynard 12 Barrell Lane Ext Map 57 Lot 49	Date: 12/6/12 Scale: NTS By: ZCT

James Erwin
Map 57 Lot 48

Steve & Pamela
Maynard
Map 57 Lot 49
Subject

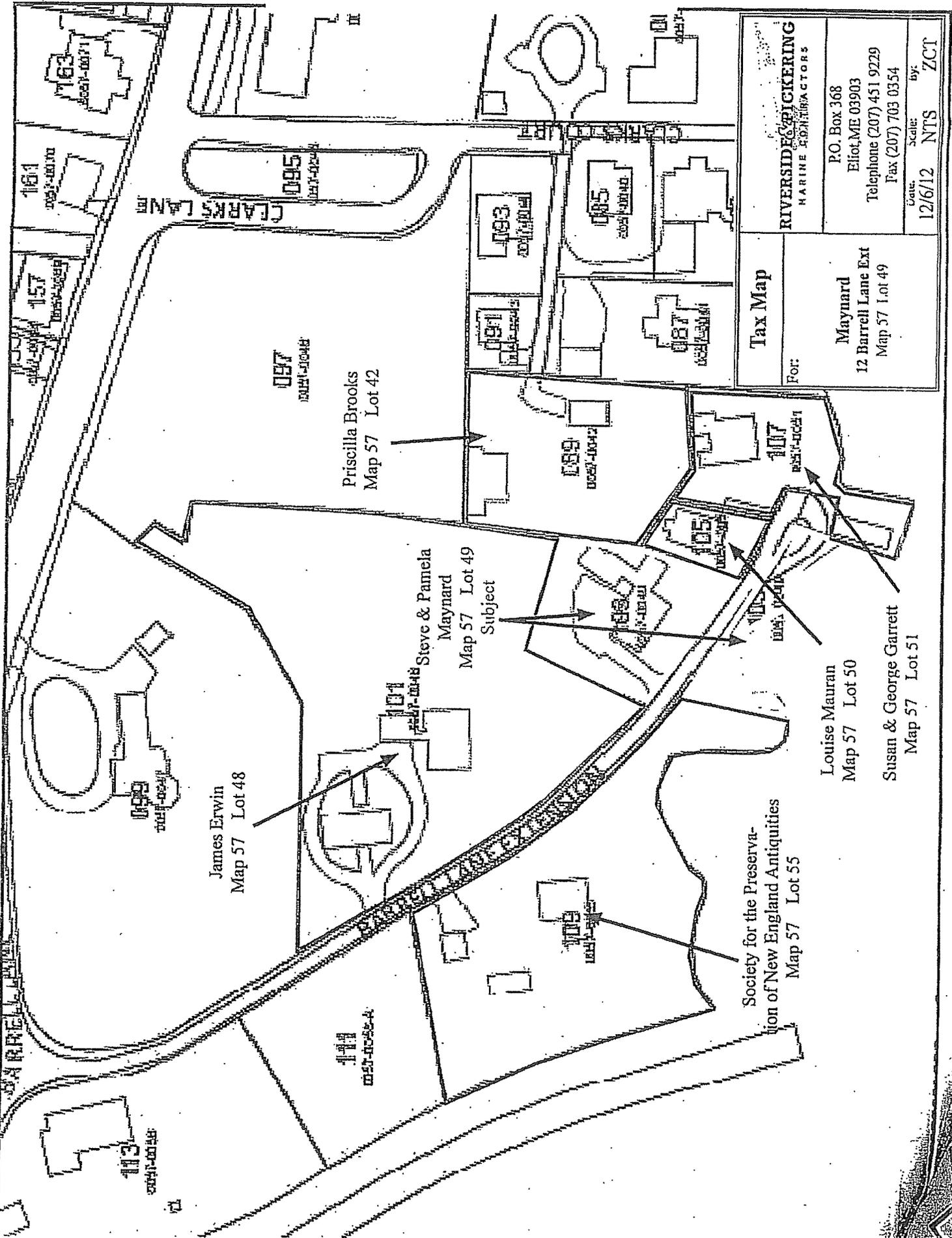
Priscilla Brooks
Map 57 Lot 42

Louise Mauran
Map 57 Lot 50

Susan & George Garrett
Map 57 Lot 51

Society for the Preservation
of New England Antiquities
Map 57 Lot 55

CLARKS LANE





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

STEVE & PAMELA MAYNARD
42 MAIN STREET
EAST HAMPTON, CT 06424

CORPS PERMIT # NAE-2012-02674
CORPS PGP ID# 12-355
STATE ID# NRPA

DESCRIPTION OF WORK:

Construct and maintain a 50'x 4' pile and timber pier with a 35'x 3' ramp leading to a 10'x 24' float in the York River at York, Maine. This work is shown on the attached plans entitled "STEVE & PAMELA MAYNARD, PROPOSED PIER" in four sheets dated "12/12/2012".

LAT/LONG COORDINATES : 43.1352676° N -70.6471986° W USGS QUAD: YORK HARBOR, ME

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine General Permit (GP). Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 41 of the GP (page 18) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 12, 2015. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 12, 2016.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS; PENDING [X], ISSUED [], DENIED [] DATE: _____

APPLICATION TYPE: PBR: _____ TIER 1: _____ TIER 2: _____ TIER 3: X LURC: _____ DMR LEASE: _____ NA: _____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 12/20/12 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 X, 404 _____ 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO _____, USF&WS NO _____, NMFS NO _____

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

JAY L. CLEMENT
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION
DATE 2-27-13



US Army Corps
of Engineers
New England District

PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2012-02674

1. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).
2. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. Any float(s) that do not extend beyond mean low water shall be constructed in such a way as to keep them elevated above the tidal bottom. Techniques include but are not limited to float stops, skids, blocks, or other practicable means.
5. Seasonal coastal structures such as ramps and floats that are removed from the waterway for a portion of the year shall be stored in an upland location above mean high water and not on tidal marsh.
6. In order to minimize potential impacts to fisheries and essential fish habitat, the pile driving operations shall conform to the Category 1 provisions of the Maine General Permit (attached).

43.1352676; 70.6471986

YORK HARBOR QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES

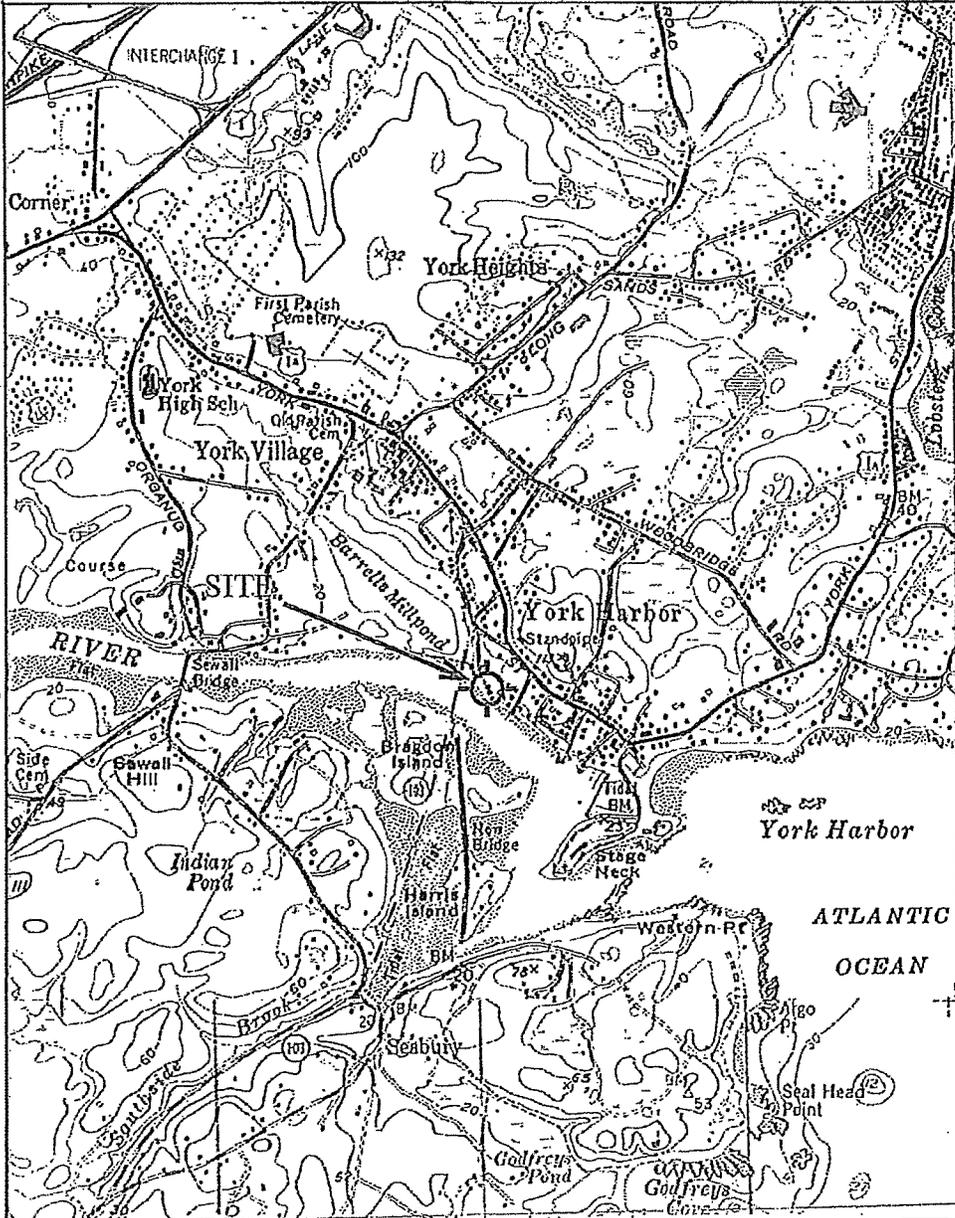
(SOMERSWORTI)

(WELLS)

070° 47' 03.05" W
043° 09' 23.55" N

(NORTH BERWICK)

070° 37' 25.95" W
043° 09' 23.55" N



(DOVER EAST)

(YORK BEACH)

RIVERSIDE & PICKERING
MARINE CONTRACTORS

STEVE & PAMELA MAYNARD
PROPOSED PIER

Date 12/12/2012
Drawn By APF
Checked By ZCT

Address 12 BARRELL LANE EXT. ELYON C. 17 YORK, ME. 03909

Map 103 1:25,000 1977-1981 2nd Edition

073° 09' 42.31" W
070° 49' 03.05" W

043° 09' 42.31" N

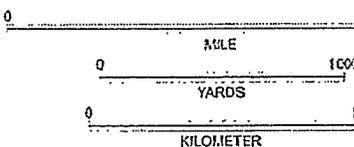
(PORTSMOUTH)

Declination



GN 1.12° W
MN 15.51° W

(KITTEERY)
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Site Map

For:

Maynard

12 Barrell Lane Ext
York, ME 03909
Map 57 Lot 49

RIVERSIDE & PICKERING
MARINE CONTRACTORS

P.O. Box 368
Eliot, ME 03903
Telephone (207) 451 9229
Fax (207) 703 0354

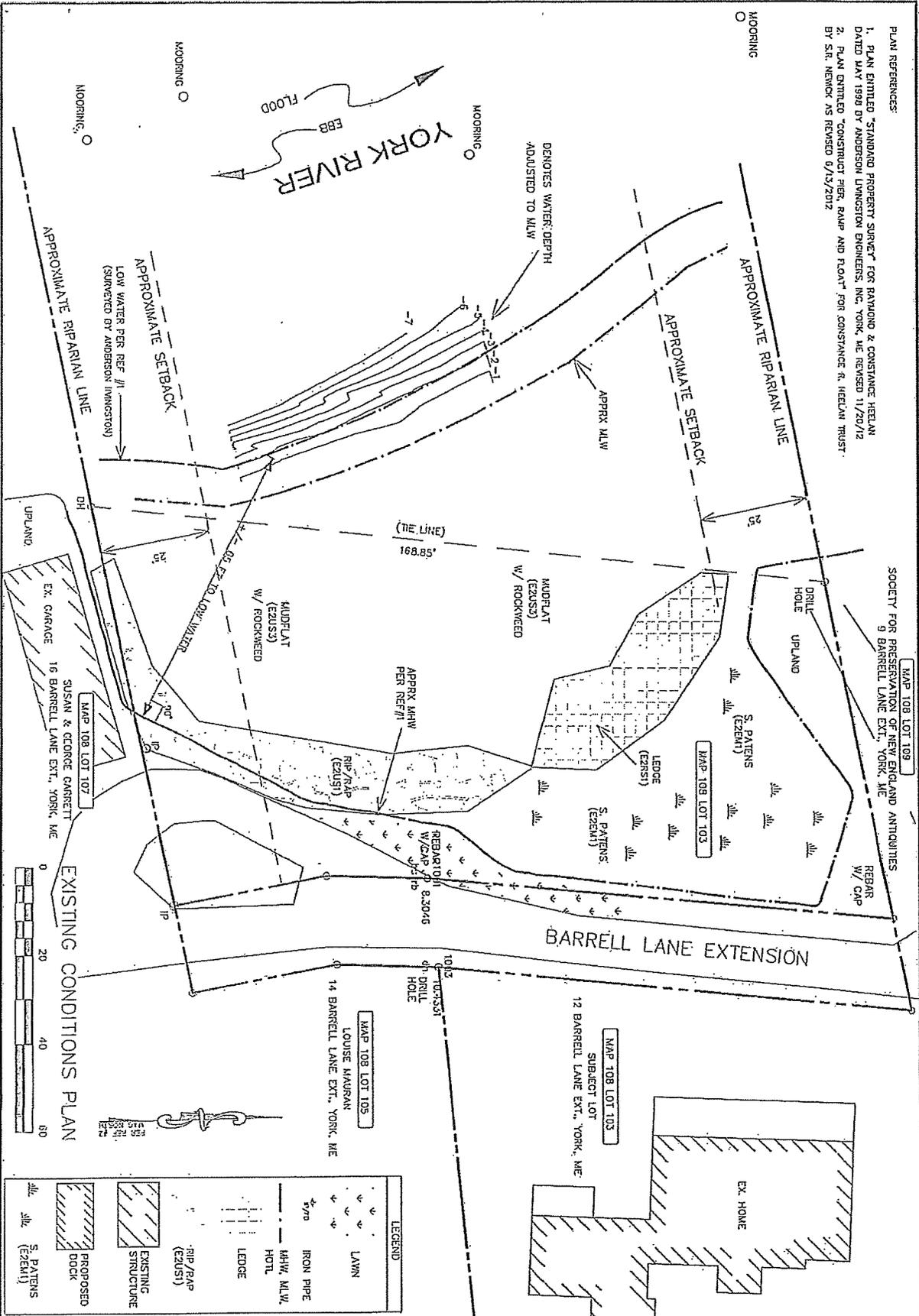
Date: 11/28/12 Scale: NTS By: ZCT

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000
Maps

North America 1983 Datum (NAD83)
Transverse Mercator Projection

To place on the predicted North American
1927 meridian the projection lines 16MN and
41ME

- PLAN REFERENCES:
1. PLAN ENTITLED "STANDARD PROPERTY SURVEY FOR RAYMOND & CONSTANCE HEELAN DATED MAY 1998 BY ANDERSON LIVINGSTON ENGINEERS, INC. YORK, ME REVISED 11/28/12
 2. PLAN ENTITLED "CONSTRUCT PIER, RAUP AND FLOAT" FOR CONSTANCE R. HEELAN TRUST BY S.R. NEWCK AS REVISED 6/15/2012



REVISIONS		
No.	Description	Approved
1		

RIVERSIDE & PICKERING
MARINE CONTRACTORS

STEVE & PAMELA MAYNARD
PROPOSED PIER

Address: 12 BARRELL LANE EXTENSION City: YORK, ME

Map & Lot #: MAP 103 LOT 103 (57-69) Drawing Scale: 1"=20'

Date: 12/12/2012

Drawn By: APF

Checked By: ZCT

Sheet 1 of 3

PLAN REFERENCES

1. PLAN ENTITLED "STANDARD PROPERTY SURVEY" FOR RAYMOND & CONSTANCE HEELAN DATED MAY 1999 BY ANDERSON LIVINGSTON ENGINEERS, INC. YORK, ME REVISED 11/20/12.
2. PLAN ENTITLED "CONSTRUCT PIER, RAMP AND FLOAT" FOR CONSTANCE R. HEELAN TRUST. BY S.R. NEWICK AS REVISED 6/13/2012

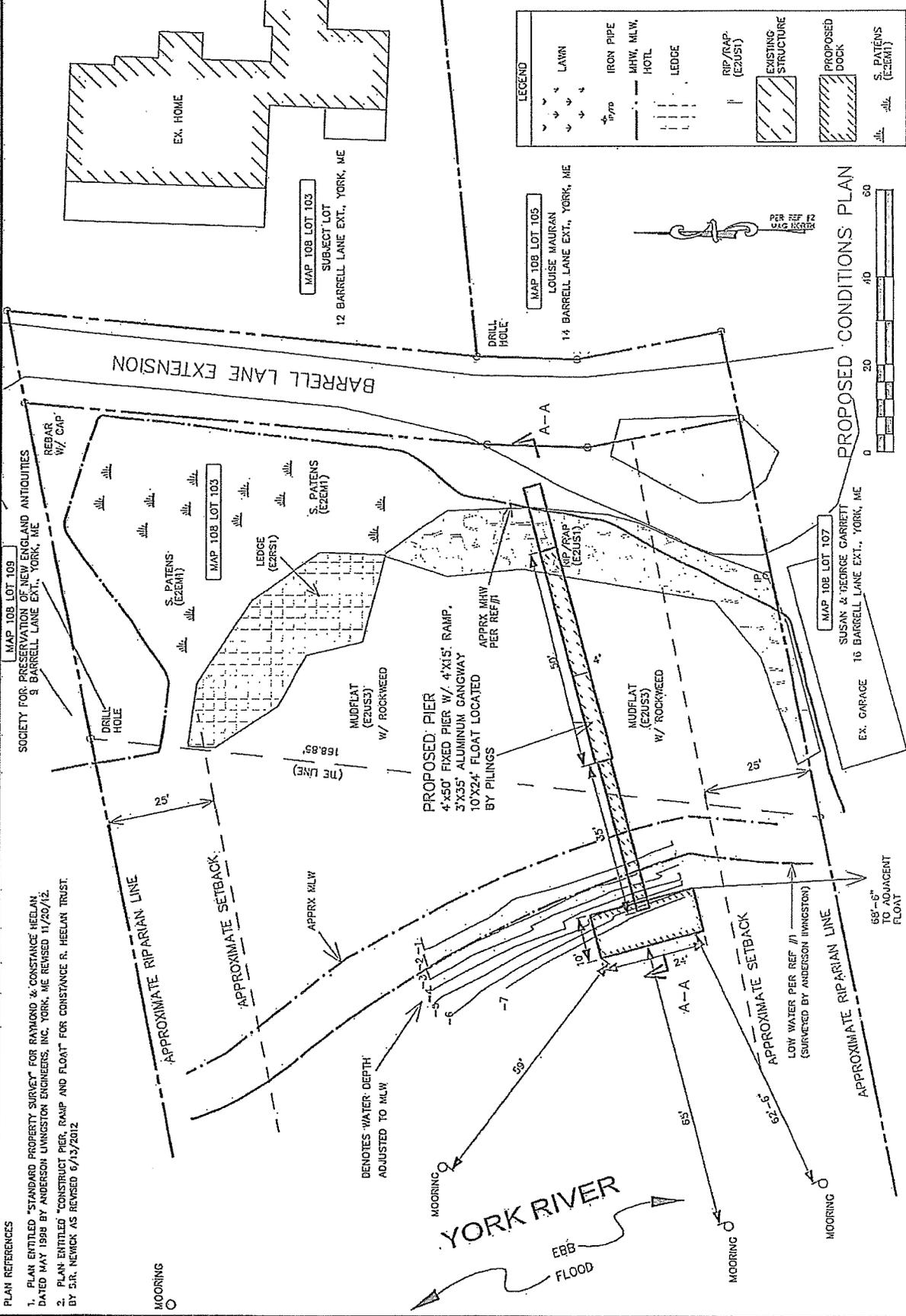
MAP 108 LOT 109
SOCIETY FOR PRESERVATION OF NEW ENGLAND ANTIQUITIES
9 BARRELL LANE EXT., YORK, ME

DATE: 12/12/2012
DRAWN BY: APF
CHECKED BY: ZCT
PROJECT: PROPOSED PIER
ADDRESS: 12 BARRELL LANE EXTENSION
CITY: YORK, ME
STATE: ME
MAP 108 LOT 103 (57-19)
CREATED BY: 12/20/12

RIVERSIDE PIGGING
MARINE CONTRACTORS

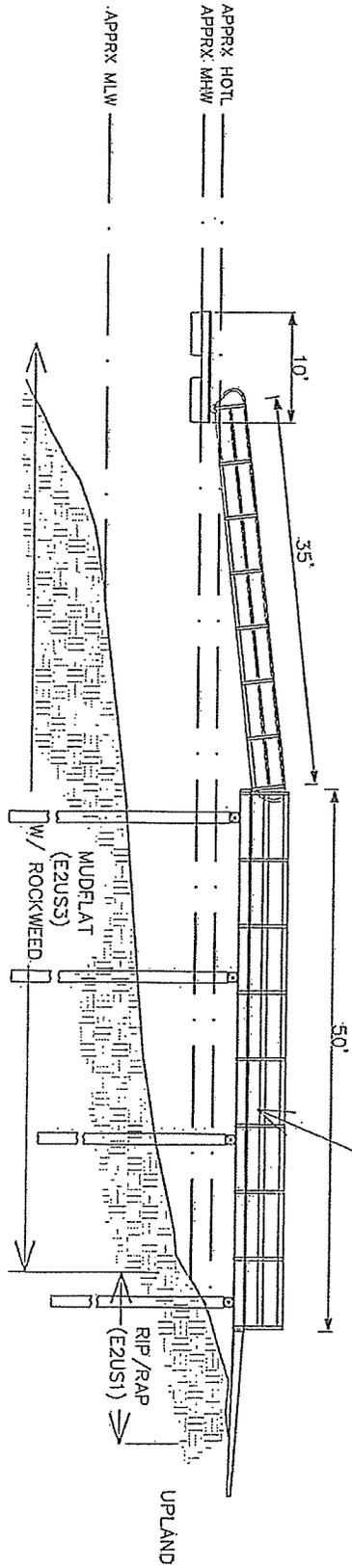
REVISIONS

FIG. # 564-12
SHEET 2 of 3



NOTES

1. THE DOCKING STRUCTURE HAS BEEN DESIGNED TO ALLOW THE OWNER TO ACCESS THE WATER IN A SAFE AND ECOLOGICALLY SOUND MANNER. THE OWNER IS LOOKING FOR DEEP WATER ACCESS AND ANCHORAGE OF A 32' SAILBOAT. THE DOCK AS DESIGNED, WILL BE ABLE TO PROVIDE SUFFICIENT WATER FOR SUCH VESSEL WHILE MINIMIZING THE LENGTH OF THE STRUCTURE NECESSARY TO DO SO. THERE IS AN EXISTING MOORING FIELD IN FRONT OF THE SUBJECT PARCEL AS WELL AS A DOCK DOWNSTREAM. THE PROPOSED FLOAT WILL BE GREATER THAN 50 FT AWAY FROM ALL MOORINGS AND FLOATS AND THEREFOR SHOULD NOT POSE ANY HAZARD TO NAVIGATION. IT SHOULD ALSO BE NOTED THAT THE PROPOSED FLOAT WILL BE LESS INTRUSIVE INTO THE NAVIGABLE CHANNEL THAN THE ADJACENT FLOAT WHICH IS LOCATED ONLY 45 FT +/- AWAY FROM THE NEAREST MOORING.
2. THE FLOAT WILL BE LOCATED ENTIRELY BELOW MLW AND THIS WILL BE ONLY AT PERIODS OF LOW WATER. FLOAT SKIDS AND STOPS WILL NOT BE REQUIRED. PILING WILL BE USED TO LOCATE THE FLOAT
3. THE PROPOSED STRUCTURE IS COMPARABLE IN SIZE AND SCOPE TO OTHER RESIDENTIAL DOCKS IN THIS AREA OF YORK RIVER AND WILL HAVE NO NEGATIVE IMPACTS TO EITHER AESTHETICS OR NAVIGATION.



PROPOSED PIER
 4x50' FIXED PIER W/ 4x15' RAMP,
 3x35' ALUMINUM GANGWAY
 10x24' FLOAT LOCATED
 BY PILING.

REVISIONS <table border="1"> <thead> <tr> <th>Date</th> <th>Description</th> <th>Approved</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Date	Description	Approved				STEVE & PAMELA MAYNARD PROPOSED PIER		Date: 12/12/12 Drawn By: APF Checked By: ZCT
Date	Description	Approved									
RIVERSIDE & PICKERING MARINE CONTRACTORS			Address: 12 BARRELL LANE EXTENSION City: YORK, ME	Approved: _____ Date: _____							
File # 564-12 Sheet 3 of 3			Prop & Lot #: MAP 103 LOT 103 (57-49) Drawing Scale: AS NOTED	Job Date: _____							



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

April 2013

Steve and Pamela Maynard
42 Main Street
East Hampton, CT 06424

RE: Natural Resources Protection Act Application, York,
DEP #L-25858-4P-A-N/L-25858-TW-B-N

Dear Mr. and Mrs. Maynard:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 822-6300 or at robert.green@maine.gov

Sincerely,

Robert L. Green, Jr., Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

STEVE AND PAMELA MAYNARD) NATURAL RESOURCES PROTECTION ACT
York, York County) COASTAL WETLAND ALTERATION
PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-25858-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-25858-TW-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A *et seq.* and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of STEVE AND PAMELA MAYNARD with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicants propose to construct a four-foot wide by 15-foot long landing and a four-foot wide by 50-foot long pile-supported pier with a three-foot wide by 35-foot long ramp, and a 10-foot wide by 24-foot long float. The pier will be constructed out of pressure-treated dimensional lumber and will be supported on four sets of cross-braced timbers, which will be driven into the substrate. The ramp and float will be constructed off-site and brought to the site by boat. The end of the float will extend approximately 115 feet beyond the mean high tide line and 25 feet beyond the mean low tide line, providing full-tide access at the float. The applicants propose to keep the ramp and float in place year round.

The project is shown on a plan sheet entitled, "Steve and Pamela Maynard, Proposed Pier," prepared by Riverside & Pickering Marine Contractors and dated December 12, 2012. The project site is located on the west side of Barrell Lane Extension in the Town of York.

B. Current Use of the Site: The upland portion of the site is highly developed with homes and lawn. The land slopes gradually down to a riprap rap slope that lines the coastal wetland. Piers are located on either side of the project site, including the Town of York's pier across the river from the project site.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicants submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicants also submitted several photographs of the proposed project site.

The proposed project is located in the York River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The surrounding area is developed with residential structures with piers. The proposed project will be similar in size and design to existing nearby structures and will be compatible with the existing character of the shoreline in the project vicinity.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to navigation or recreation.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

Soil disturbance will be limited to the installation of pilings, which is not expected to be a significant source of sediment.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The site of the proposed project is a moderate to low energy shore. The upland includes a 0.52-acre lot with 215 feet of water frontage that is developed with a house. The supratidal zone is heavily developed with a roadway that runs parallel to the shoreline and within 50 feet of the highest annual tide line. The intertidal zone is approximately 50 to 75 feet wide. The intertidal is composed of mudflats and a riprap slope along the shoreline. Rockweed is found in abundance on hard substrate.

Department staff reviewed a Geographic Information System (GIS) database that contains information provided by both the Department of Marine Resources (DMR) and the Department of Inland Fisheries and Wildlife (MDIFW). The GIS database indicates that tidal wading bird and waterfowl habitat (TWWH), defined as a Significant Wildlife Habitat in the Natural Resources Protection Act (NRPA), is found within the project site.

MDIFW reviewed the proposed project and stated that there are no Essential Wildlife Habitats at the project site. MDIFW commented that given the small size of the habitat, the lack of natural buffer, the existence of other private piers, and a nearby bridge crossing, the proposed project is not expected to result in a significant adverse impact to waterfowl and wading birds that use this habitat.

The DMR stated that the proposed project should not cause any significant adverse impact to marine resources.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicants propose to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly alter eight square feet of coastal wetland to construct the pier and to indirectly alter approximately 545 square feet of coastal wetland as a result of shading impacts from the pier, ramp, and float.

The Wetland Protection Rules interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for an NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicants submitted an alternatives analysis for the proposed project completed by Zachary Taylor of Riverside and Pickering Marine Contractors and dated December 13, 2012. The applicants investigated the availability of a mooring from the York Harbor Master, and learned that there is a multi-year waiting list for new boats. The Town pier is located across the river from the project site; however, mooring at the dock is time-restricted given the volume of users. The applicants chose the alternative to build a pier to provide immediate access to the water.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicants own a 35-foot sailboat that requires six feet of draft. The proposed pier is the minimum size necessary to provide sufficient draft during periods of low tide when the sailboat is moored at the end of the float.

C. Compensation. In accordance with Chapter 310 Section 5(C)(6)(b), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values since the project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicants have avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that CCA-treated lumber is cured as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.

- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of STEVE AND PAMELA MAYNARD to construct a landing and a pile-supported pier with a seasonal ramp and float, as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

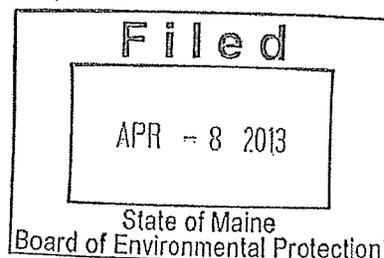
1. Standard Conditions of Approval, a copy attached.
2. The applicants shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 8th DAY OF April, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Karlus for
For: Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

RLG/L25858ANBN/ATS#75629&75756



Natural Resource Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET. SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

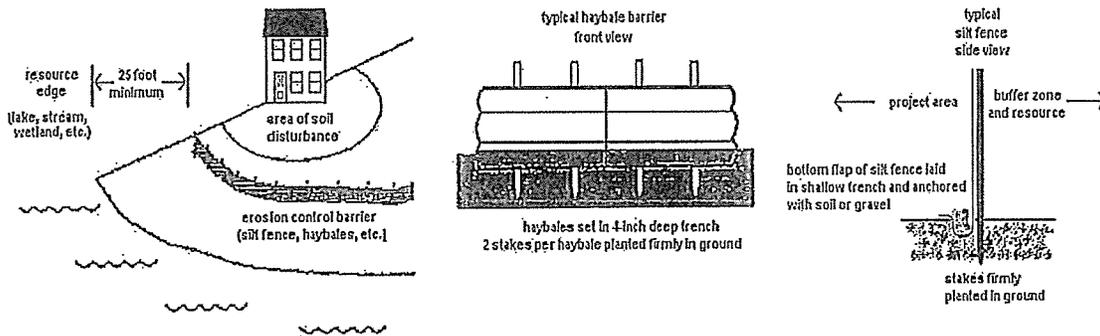


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?**To Protect Water Quality**

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

LIST OF ABUTTERS
12 Barrell Lane, Ext.
Map 57, Lot 49

Map	Lot	Owner	Mailing Address
57	42	Dovecoat, LLC	9 Clark's Lane York Harbor, ME 03909
57	43	Roberta Gray, Trustee Roberta Gray Rev. Trust	P.O. Box 1108 York Harbor, ME 03911
57	44	Ann Hollingsworth, Trustee	P.O. Box 43 York Harbor, ME 03911
57	46	Town of York	186 York Street York, ME 03909
57	48	Michael & Marion Mariner	P.O. Box 159 York Harbor, ME 03902
57	50	Louise Mauran	120 Congdon Street Providence, RI 02906
57	51	Susan & George Garrett	2600 Barracks Road, Apt. 111 Charlottesville, VA 22901
57	55	Society for Preservation of New England Antiquities	5 Portland Street S. Berwick, ME 03908



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <u> X </u> Work Session	
Subject: Purchase and Sale Agreement for 41 Railroad Avenue Extension	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION: I move to approve a Purchase and Sale Agreement in the amount of \$10,000 with James Logan and Isaiah Plante for the sale of town-owned property at 41 Railroad Avenue Extension.

Discussion: This property was approved for sale by the voters on May 21, 2011. The property has been listed for sale by the Gosselin Realty Group and was most recently marketed for a price of \$20,000. The property was analyzed by Albert Frick, site evaluator, in 2003 and Mr. Frick's finding was that construction of a dwelling and driveway on the lot would require wetland filling for both and as a result the lot has been determined to be unbuildable by the Code Enforcement Office.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert G. Yandow

Reviewed By: _____

10. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern. Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Sellers' real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

CONTINGENCY	YES	NO	DAYS FOR COMPLETION	OBTAINED BY	TO BE PAID FOR BY
1. SURVEY Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer
2. SOILS TEST Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer
3. SEPTIC SYSTEM DESIGN Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
4. LOCAL PERMITS Purpose: <u>What can be done with the land</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer
5. HAZARDOUS WASTE REPORTS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
6. UTILITIES Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer
7. WATER Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer
8. SUB-DIVISION APPROVAL Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
9. DEP/LURC APPROVALS Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer
10. ZONING VARIANCE Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
11. HABITAT REVIEW/WATERFOWL Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
12. FARMLAND ADJACENCY Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
13. MDOT DRIVEWAY/ENTRANCE PERMIT Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
14. DEED RESTRICTION Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
15. TAX STATUS/TREE GROWTH Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
16. OTHER Purpose: <u>to determine if road association or road maintenance fees are in place</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Buyer	Buyer

Further specifications regarding any of the above: 1. The buyers are aware that the town CEO determined this is a non buildable lot. 2. Seller to obtain Board of Selectman approval within 35 days from the effective date. 3. Buyer to provide Proof of Funds 10 days from Eff. date.

Unless otherwise specified above, all of the above will be obtained and paid for by Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

11. FINANCING: This Agreement is is not subject to Financing. If subject to Financing:
- This Agreement is subject to Buyer obtaining a cash loan of XXXXXXXXXX % of the purchase price, at an interest rate not to exceed XXXXXXXXXXXXXX % and amortized over a period of XXXXXXXXXXXXXX years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
 - Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within XXXXXXXXXXXXXX days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
 - Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee or Buyer's licensee.
 - After (b) is met, Buyer is obligated to notify Seller in writing if a lender notifies Buyer that it is unable or unwilling to provide said financing. Any failure by Buyer to notify Seller within two days of receipt by Buyer of such notice from a lender shall be a default under this Agreement.
 - Buyer agrees to pay no more than 0 points. Seller agrees to pay up to \$ XXXXXXXXXXXXXXXXXXXXXX toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
 - Buyer's ability to obtain financing is is not subject to the sale of another property. See addendum Yes No .
 - Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

12. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Gregory R. Gosselin (004040) of Gosselin Realty Group (2682)
 Licensee MLS ID Agency MLS ID
 is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

Gregory R. Gosselin (004040) of Gosselin Realty Group (2682)
 Licensee MLS ID Agency MLS ID
 is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form.

14. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

15. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

16. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

17. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

18. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original, faxed or other electronically transmitted signatures are binding.

19. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

20. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

22. OTHER CONDITIONS: none

23. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

24. ADDENDA: Yes Explain: _____ No

Buyer's Mailing address is P.O. Box 382, Bar Mills, ME 04004

BUYER	<u>11/26/2013</u>	DATE	BUYER	<u>11/26/2013</u>	DATE
James Logan			Isaiah E. Plante		

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is 186 Main Street, York, ME 03909

SELLER	<u>11/26/2013</u>	DATE	SELLER	DATE
Town of York				

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM.

SELLER	DATE	SELLER	DATE
--------	------	--------	------

The Buyer hereby accepts the counter offer set forth above.

BUYER	<u>12/3/13</u>	DATE	BUYER	<u>12/3/13</u>	DATE
-------	----------------	------	-------	----------------	------

EXTENSION:

The time for the performance of this Agreement is extended until _____ DATE

SELLER	DATE	SELLER	DATE
--------	------	--------	------

BUYER	DATE	BUYER	DATE
-------	------	-------	------



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MEMO



SHB

TO: File
FROM: Stephen H. Burns, Community Development Director and
Assistant CEO
DATE: December 3, 2013
RE: Status of Lot at 41 Railroad Ave Extension
Map 0027 - Lot 0001

Today I visited the property at 41 Railroad Ave Extension, which the Town owns and currently has on the market. There is a letter in the property file from Albert Frick (Albert Frick Associates, Inc., Soil Scientists & Site Evaluators) dated 8/19/03. This letter includes Mr. Frick's finding that the construction of a dwelling and driveway on this lot, "would require [wetland] filling for both..." Essentially, he indicated most of the lot is regulated wetland.

Although his wetlands assessment is more than a decade old, I find this lot to be unbuildable based on the information in hand.

Perhaps in the future, conditions or regulatory standards may change and this lot could be proven to be buildable. However, until that happens it is, in my opinion, unbuildable.

LAND - CUSTOMER SYNOPSIS



MLS#: 1083576 Status: Current
41 Railroad Avenue Extension, York, ME 03909

Kickout: No
List Price: \$ 20,000
Original Price: \$ 30,000
List Date: 03/16/13

Neigh'd/Assoc:

Assoc. Fee /Mo:

Directions: From I-95, to Route 1N, right onto Old Post Rd, left onto Ridge Road, right onto Railroad Avenue Ext, continue 0.4 miles to corner of Strawberry Lane, sign on property.

General/Land Information

Lot Size (Acr)+/-: 0.140 Road Frontage+/-:
Surveyed: Unknown Seasonal: No Zoning: RES-7
WtrFrt: No Water Body: Water Body Type:
Amt Wtr Frt+/-: WtrFrt Owned+/-: WtrFrt Shared+/-:

Remarks

Non-Buildable corner lot on a private road with a quick walk to either Long Sands or Short Sands Beaches. Convenient to shops & restaurants - BUYER RESPONSIBLE FOR DUE DILIGENCE. REFERENCE TOWN GIS MAP.

Property Features - NOTE: Check Detail Reports for complete list of Features

Site: Corner Lot, Level, Open
Driveway: No Driveway
Parking:
Location: Intown, Near Shopping
Restrictions:
Rec. Water: Public, Nearby, Oceanfront
View:
Roads: Private, Gravel/Dirt Road
Transportation: Major Road Access, Near Airport
Electric: No Electric
Gas: No Gas
Waste Water Disp.: Unknown
Water: Unknown

Tax/Deed/Community Information

Book/Page/Deed: 14922/287/ Map/Block/Lot: 27//1 Full Tax Amount/Yr: \$ 1,954 / (2012)
School District: York

Off Market Information

Information Provided by: Greg Gosselin GRG 004040



Office: Gosselin Realty Group 2682
Agent Phone: 207-363-2414 Ext:101
Email: greg@greggosselin.com
Virtual Tour: <http://www.realestateshows.com/show.php?mls=basic&id=614682>
LAini: GRG List Office: Gosselin Realty Group

Office: 207-363-2414
Agent Cell: 207-752-2353

Printed: 11/20/13





41 Railroad Ave Ext
Map 27/Lot 1

Subject Property Data

Parcel ID	136-297
Old Parcel ID	0027-0001
Owner Name	YORK TOWN OF
Prop Location	41 RAILROAD AVE EXT
Co-Owner	
Owner Addr	186 YORK STREET
Owner City	YORK, ME 03909
Land Area (Acres)	0.13999082
Land Value	147700
Building Value	0
Total Value	147700

Disclaimer

Town of York, ME makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of York, ME shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.





AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Possible Dangerous Building at 1 Justin Circle	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION: PROPOSED MOTION: I move to authorize the Code Enforcement Officer, working with the Town Attorney, to seek an order of demolition from Superior Court for removal of a building located at 1 Justin Circle pursuant to Title 17, Section 2851(4) M.R.S.A. I further move that a letter be sent to Harry Norton Sr. on behalf of the Board of Selectmen providing Mr. Norton with 30 days to remove the building before the order of demolition is pursued in Superior Court.

Discussion: On December 2, 2013 the Board of Selectmen voted to schedule a public hearing for December 16, 2013 regarding a possible dangerous building at 1 Justin Circle. The Town had received complaints about the building in question and Code Enforcement Officer Amber Harrison had communicated with the owner both verbally and in writing regarding the building. According to Ms. Harrison, the property owner, Harry Norton Sr., had agreed to demolish the building if he were allowed a variance on the time frame allowed to rebuild using the existing footprint. The Town's land use ordinance allows a non-conforming building that is demolished to be replaced in the same footprint; however construction must occur within two years. Mr. Norton indicated he would like a time frame of five to ten years to construct a new building so there has been no resolution to the matter.

The Town Attorney has recommended that the Selectmen authorize the Code Enforcement Officer, working with the town attorney, to seek an order of demolition in Superior Court. The Town has taken

a similar course of action in the past with another property. I would recommend however, that the Board of Selectmen send a letter to Mr. Norton advising him that the Code Enforcement Officer has been authorized to seek the order of demolition and provide him with a 30 day window to remove the building prior to the initiation of the court order process.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert B. Gannon

Reviewed By: _____



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 26, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 2, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Dangerous Building at Map 94 Lot 84 Unit I, 1 Justin Circle.	

TO: BOARD OF SELECTMEN
FROM: Amber Harrison, CEO
RECOMMENDATION: That the Board of Selectmen schedule a public hearing On December 16, 2013 to discuss the condition of the dangerous outbuilding at 1 Justin Circle (Map 94 Lot 84 Unit I).
PROPOSED MOTION: I move to approve scheduling a public hearing on December 16, 2013 to receive input concerning the Code Enforcement Officer's opinion that the outbuilding located at 1 Justin Circle (Map 94 Lot 84 Unit I) may constitute a dangerous building.

Discussion: See attached letter.

FISCAL IMPACT: Any costs to the town will be recuperated by a "special tax".
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Amber Harrison

Reviewed By: Robert M. Gandon



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

November 26, 2013

Town of York Board of Selectmen
186 York Street
York, ME 03909

RE: 1 Justin Circle, Map 94 Lot 84 Unit I; Dangerous Building

Dear Board,

On April 30, 2013 the York Code Enforcement Department received a complaint about "a structure...well beyond repair...and a danger to the area" at 1 Justin Circle. A York Code Enforcement Officer was later dispatched to the property to discuss the issue with the property owner. At that time the property owner disagreed with the Code Enforcement Officer over the dangerous structure and it has therefore been brought to your attention. The building seems to have been vacant for several years.

As a result of these events, I visited the property on August 8, 2013, to assess the situation, and see if I could find someone on the property to talk to. I did not find anyone residing there. I could clearly see from a distance that the building was in fact depreciated to a point that would raise safety concerns. The building leans several inches off of plumb, and has large holes through the roof. There are also several holes where animals have been entering and exiting the area under the building. I took a few photos of the concerning areas of the structure. I immediately sent a letter to the owner stating the situation, and that he would have 30 days to demonstrate that the building is safe or to have the building removed.

In the days after the receipt of that letter I had a conversation with the owner Harry Norton Sr. At that time he communicated to me that he would be willing to demolish the structure if he was allowed a variance on the time required to rebuild on the same footprint. The owner expressed that he would comply with demolition if given a time frame of five to ten years in which to rebuild using the existing structure footprint. I went on to explain that the Town of York's Land Use Ordinance contains specific standards on the demolition and rebuilding of a non-conforming structure.

Section 17.2.5 of the Ordinance states:

Except for buildings which are non-conforming with respect to required Shoreland setbacks, a non-conforming building can be demolished and

replaced with another building so long as the new building is no more non-conforming than the building that is removed. To qualify under this provision, the property owner or applicant shall have a Maine-licensed land surveyor locate the existing building on the lot and show it on a stamped plot plan. The new building shall be constructed within two years. Once the new building is in place and prior to the issuance of an occupancy permit, the surveyor must evaluate and certify that the new building is not more non-conforming than the prior building in any respect.

I have not heard anything from the owner since this conversation in October 2013, and his 30 day window to correct the issue is now closed.

Title 17 of the Maine Revised Statutes § 2851 states:

“Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.”

Therefore, it was my recommendation to the Board of Selectmen on November 18th, 2013, to send a legal notice to the owner giving him three possible options:

1. To remove the dangerous building.
2. To authorize the town to remove the dangerous building, and to assess a “special tax” to recoup costs.
3. To dispute the notice in Superior Court.

The procedure for this legal notice, the court process, and the “special tax” are all laid out in the Maine Revised Statutes Title 17, § 2851-2858. As a result of the November 18th meeting, the Board of Selectman have requested the topic be placed on the December 2nd agenda in order to select a date for the public hearing. The public hearing will be to discuss and determine the condition of the outbuilding at 1 Justin Circle as per Title 17 of the Maine Revised Statutes § 2851.



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Fax
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(207)363-1019

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SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

To:
1
York,

October 7
Harry H. Norton
PO BOX 4
York Beach
RE: 1 Just

1. Article Addressed to:

1 Justin Circle 94-84-I
Harry H. Norton, Sr.
P.O. Box 466
York Beach, ME 03910-0466

2. Article Number

(Transfer from service label)

7011 1150 0002 3272 6316

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Dear Mr.

The Code Enforcement Office has received complaints concerning the safety of your property (namely the garage/barn) at 1 Justin Circle in York (Map 94 Lot 84 Unit I). Title 17 of the Maine Revised Statutes Section 2851-2859 authorizes the Municipal Officers to determine if a building is considered "dangerous." York Code Enforcement Officers have visited the property and have discussed with you the condition of the dilapidated garage/barn with regard to the complaints we've received. It can clearly be seen from the sidewalk that the structure is beyond repair and has numerous holes in fact it is depreciated to a point that would raise safety concerns. The building leans several inches off of plumb, and has large holes through the roof. There are also several holes where animals have been entering and exiting the area under the building. Based on the visual evidence, I feel that your building may be considered a dangerous building. If you cannot demonstrate to me within the next 30 days that the building is in fact safe according to 17 M.R.S. 2851-2859, I will have to recommend to the Board of Selectmen that they take corrective action. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Amber L. Harrison

CEO

Town of York, ME

aharrison@yorkmaine.org

207.363.1002

CC: Robert Yandow, York Town Manager

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Bill Norton
Bill Norton

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below.

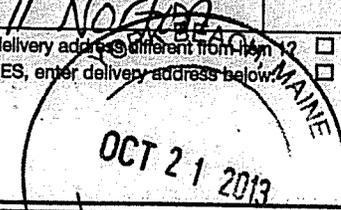
- Yes
- No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- G.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes



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§2851 **Title 17: CRIMES** **§2853**
Chapter 91: NUISANCES
Subchapter 4: DANGEROUS BUILDINGS

§2852. Appeal; hearing

An appeal from a decision of the municipal officers or county commissioners must be to the Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B. [1997, c. 6, §2 (AMD).]

SECTION HISTORY
 1965, c. 284, (RPR). 1979, c. 27, §4 (RPR). 1997, c. 6, §2 (AMD).

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§2808

Title 17: CRIMES

§2852

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2851. Dangerous buildings

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [1997, c. 6, §1 (AMD).]

1. Notice. The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

2. Notice; how published. When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

[1997, c. 6, §1 (AMD) .]

3. Order. The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[1997, c. 6, §1 (AMD) .]

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the

structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §1 (AMD). 1973, c. 143, §1 (AMD). 1979, c. 27, §§1-3 (AMD). 1997, c. 6, §1 (AMD).

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§2852

Title 17: CRIMES

§2854

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2853. Municipal officers may order nuisance abated

If no appeal is filed, the municipal officers of such municipality shall cause said nuisance to be abated or removed in compliance with their order, and all expenses thereof shall be repaid to the municipality by the owner or co-owner within 30 days after demand or a special tax may be assessed by the assessors against the land on which said building was located for the amount of such expenses and such amount shall be included in the next annual warrant to the tax collector of said town for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected. [1967, c. 401, §2 (AMD).]

In the case of any claim for expenses incurred in the abatement or removal of any wharf, pier, pilings or any portion thereof which extends beyond the low water mark, the special tax authorized by this section shall apply to the land from which such wharf, pier or pilings extended or to which they were adjacent, provided the owner of the land is also the owner of the said wharf, pier, pilings or portion thereof. [1973, c. 143, §2 (NEW).]

Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service or process, costs of removal of the structure, any costs incurred in securing the structure, pending its removal, and all other costs incurred by the municipality which are reasonably related to the removal of the structure. In addition to levying a special tax, the municipality may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner. [1979, c. 27, §5 (NEW).]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §2 (AMD). 1973, c. 143, §2 (AMD). 1977, c. 707, §§5-A (AMD). 1979, c. 27, §5 (AMD).

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§2855

Title 17: CRIMES

§2857

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2856. Securing dangerous structures

In addition to other proceedings authorized by this subchapter, a municipality shall have the right to secure structures which pose a serious threat to the public health and safety and to recover its expenses in so doing as provided in this subchapter. If a building is secured under this section, notice, in accordance with section 2851, subsection 1, shall be given. This notice need not be given before securing the structure if the threat to the public health and safety requires prompt action. [1979, c. 27, §6 (NEW).]

SECTION HISTORY
 1979, c. 27, §6 (NEW).

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§2856

Title 17: CRIMES

§2858

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2857. Recording of notice

The municipal clerk shall cause an attested copy of the notice to be recorded in the Registry of Deeds located within the county where the structure is situated. Recording of this notice shall be deemed to put any person claiming under the owner of a structure subject to proceedings under this subchapter on notice of the pendency of the proceedings. [1979, c. 27, §6 (NEW).]

SECTION HISTORY
 1979, c. 27, §6 (NEW).

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§2857

Title 17: CRIMES

§2859

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2858. Consent to removal

The owner and parties-in-interest of a dangerous structure may consent to its removal and to the recovery of the expenses incurred by a municipality by means of a special tax as set forth in this subchapter. Notices of the consent shall be recorded in the Registry of Deeds located in the county where the structure is situated. [1979, c. 27, §6 (NEW).]

SECTION HISTORY
1979, c. 27, §6 (NEW).

Data for this page extracted on 10/16/2012 08:27:36.

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Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Maine Revised Statutes

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§2858 **Title 17: CRIMES** **§2871**
Chapter 91: NUISANCES
Subchapter 4: DANGEROUS BUILDINGS

§2859. Summary process

In cases involving an immediate and serious threat to the public health, safety or welfare, in addition to any other remedies, a municipality may obtain an order of demolition by summary process in Superior Court, in accordance with this section. [1981, c. 43, (NEW) .]

1. Commencement of action. A municipality, acting through its building official, code enforcement officer, fire chief or municipal officers, shall file a verified complaint setting forth such facts as would justify a conclusion that a building or structure is "dangerous," as that term is defined in section 2851; and shall state in the complaint that the public health, safety or welfare requires the immediate removal of that building or structure.

[RR 2007, c. 2, §5 (COR) .]

2. Order of notice. Whenever a complaint is filed under this section, the justice before whom it is brought, acting ex parte, shall promptly issue an order:

- A. Requiring the owner and all parties-in-interest, as that term is defined in the statutes governing foreclosure by civil action, to appear and show cause why the building or structure should not be ordered demolished; [1981, c. 43, (NEW) .]
- B. Specifying the method of service of the order and the complaint; [1981, c. 43, (NEW) .]
- C. Setting a time and place for hearing the complaint, which shall be the earliest possible time but not be later than 10 days from the date of filing; and [1981, c. 43, (NEW) .]
- D. Fixing the time for filing an answer to the complaint if the court determines that an answer is required. [1981, c. 43, (NEW) .]

3. Enlargement of time; default. The court may for good cause shown enlarge the time for the hearing. If the owner or parties-in-interest, or any of them, fail to answer, if an answer is required, or fail to appear as directed, or to attend the hearing at the time appointed or as enlarged, the court shall order a default judgment to be entered with respect to the owner or parties-in-interest.

[1981, c. 43, (NEW) .]

4. Hearing. After hearing, the court shall enter judgment. If the judgment requires removal of the building or structure, the court shall

award costs to the municipality as authorized by this subchapter. The award of costs may be contested and damages sought in a separate action to the extent permitted by subsection 7.

[1981, c. 43, (NEW) .]

5. Appeal. No judgment requiring demolition issued pursuant to this section may be appealed. The owner of a building or structure which is the subject of an order issued under this section, or a party-in-interest, may appeal the award of costs, if any, or seek damages for wrongful removal pursuant to subsection 7.

[1981, c. 43, (NEW) .]

6. Stay. No judgment authorizing demolition may be stayed pending appeal, unless the court first determines that granting a stay would not pose a significant risk to the public health, safety or welfare.

[1981, c. 43, (NEW) .]

7. Damages. Any complaint that either seeks damages for the wrongful removal of a building or structure or challenges the award of costs must be filed no later than 30 days from the date of the judgment or order that is the subject of the appeal. The damages that may be awarded for wrongful demolition are limited to the actual value of the structure at the time of its removal. The provisions of Title 14, section 7552 do not apply. If the municipality should prevail, the court may award it its costs in defending any appeal which may include, but are not limited to, reasonable attorney's fees.

[1995, c. 450, §6 (AMD) .]

SECTION HISTORY

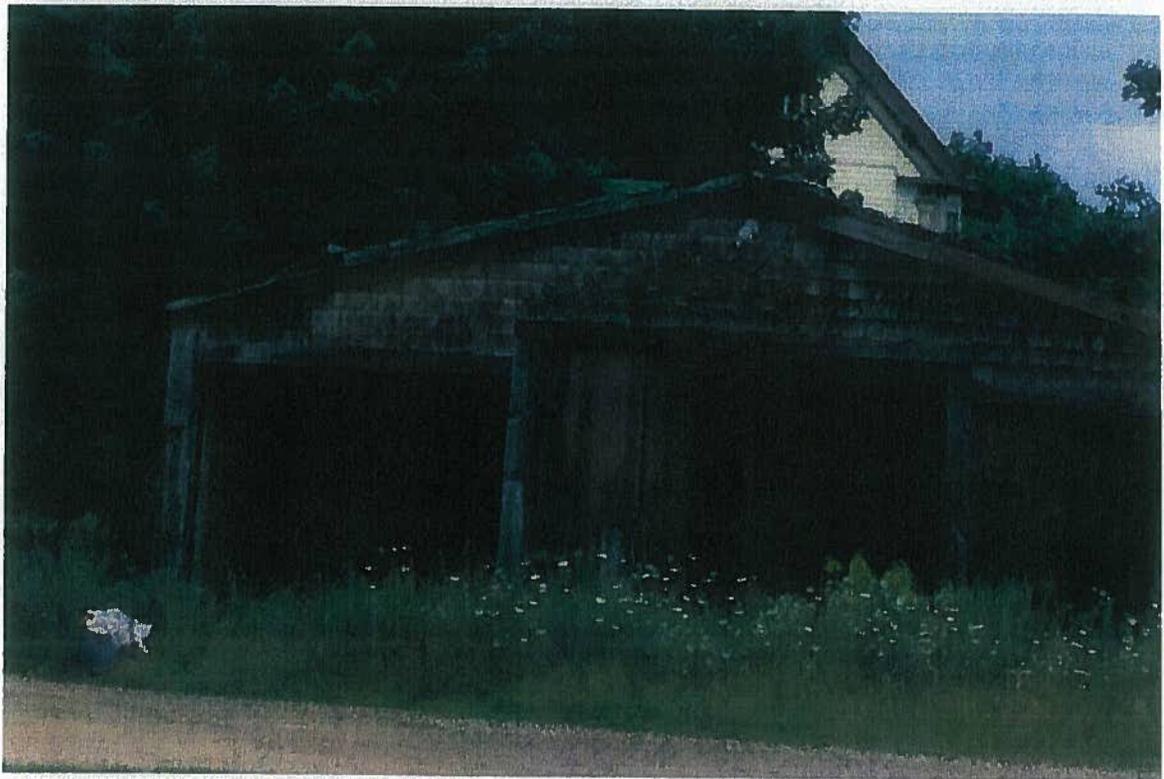
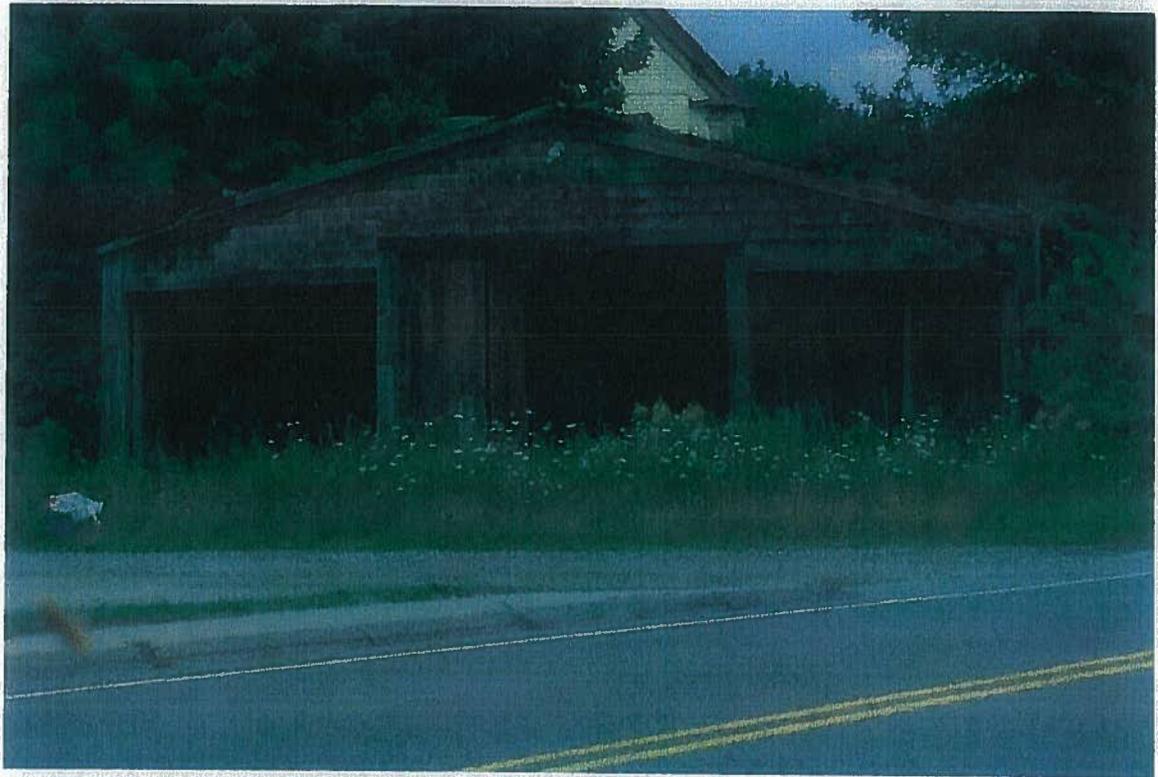
1981, c. 43, (NEW). 1995, c. 450, §6 (AMD). RR 2007, c. 2, §5 (COR).

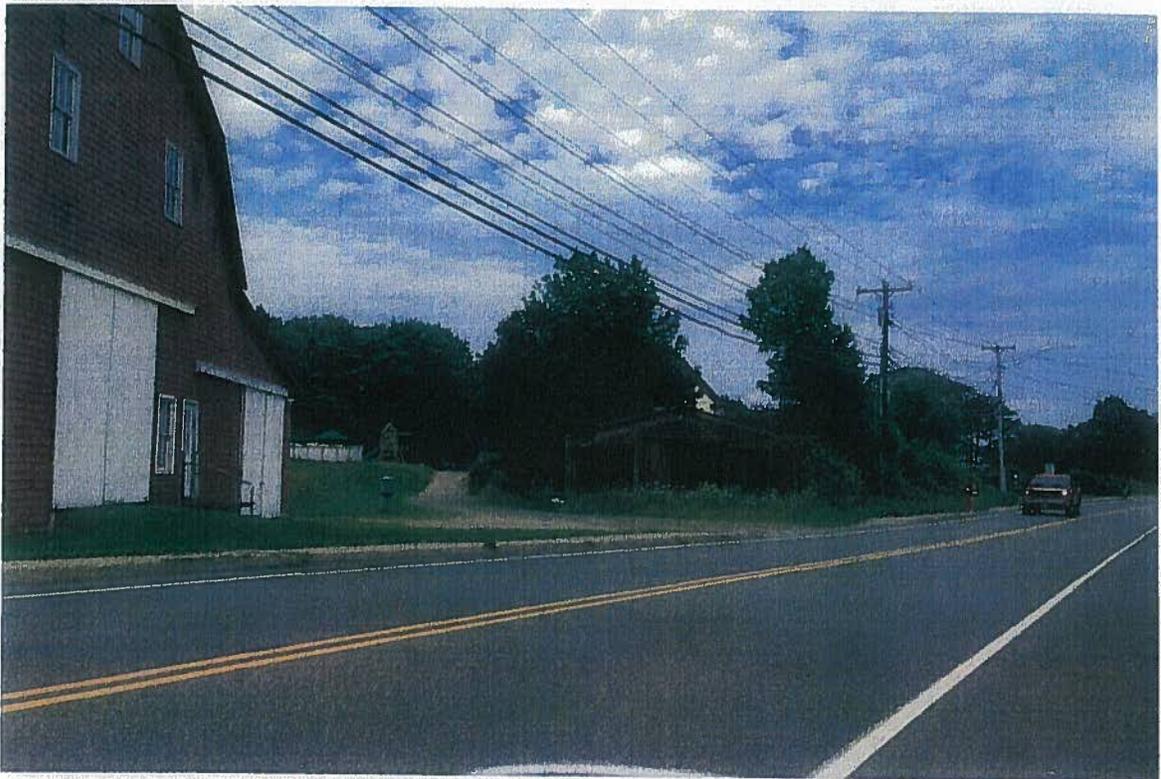
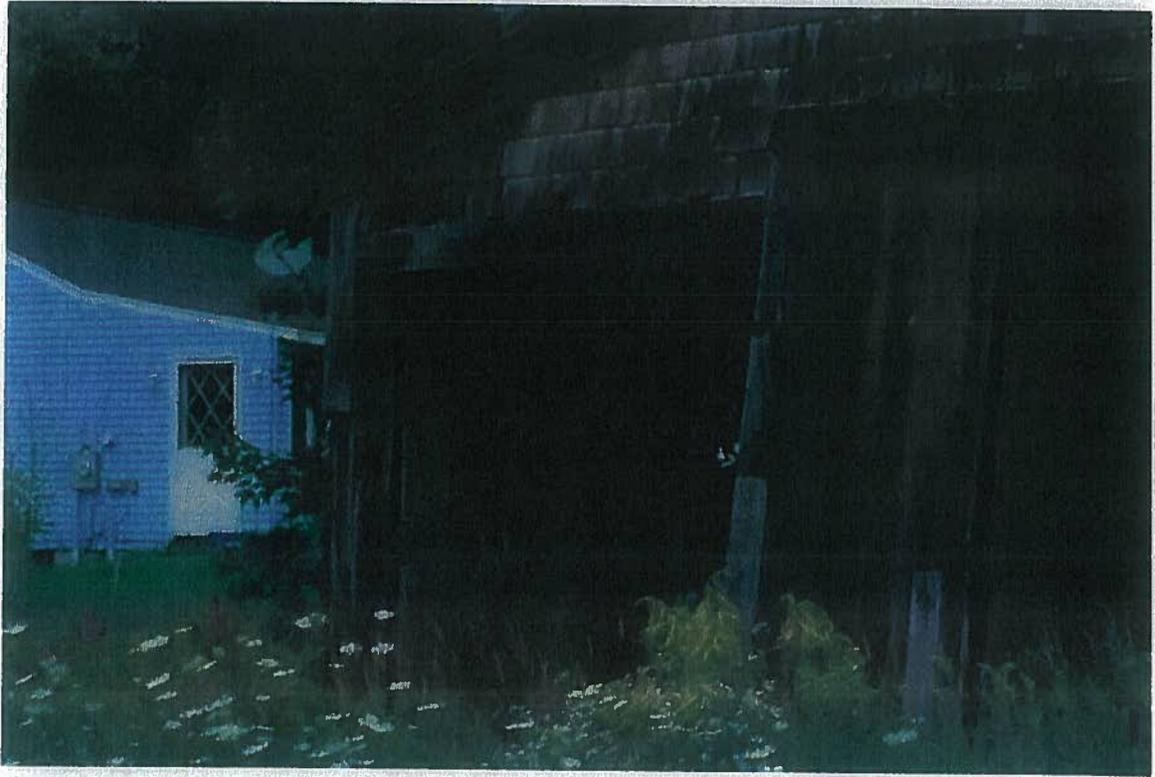
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**7 State House Station
State House Room 108
Augusta, Maine 04333-0007**







AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 10, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Appointments to the Energy Efficiency Steering Committee	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Appoint Chris Ring, Paul McGowan and Stephen Kosacz to their new positions in the Energy Efficiency Steering Committee and appoint Nan Graves as a new member to the Energy Efficiency Steering Committee.
PROPOSED MOTION: I move to appoint Chris Ring as a regular member of the Energy Efficiency Steering Committee with a term expiring June 30, 2015 I move to appoint Paul McGowan as an alternate member of the Energy Efficiency Steering Committee with a term expiring June 30, 2014 I move to appoint Stephen Kosacz as a Regular member of the Energy Efficiency Steering Committee with a term expiring June 30, 2014 I move to appoint Nan Graves as an alternate member of the Energy Efficiency Steering Committee with a term expiring June 30, 2016

Discussion: After four years of serving on the Energy Efficiency Steering Committee, Phyllis Newmann resigned from the Committee, leaving an open regular member term to be filled. The Committee's Chair requests that Chris Ring, a current alternate be moved to a regular member and fill the vacant term. Due to busy schedules, the Chair is also asking that Paul McGowan, a current regular member and Stephen Kosacz, a current alternate switch their current regular/alternate appointments.

Nan Graves, whom was interviewed before this meeting would be filling the vacant (if all other appointments are approved), alternate spot.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By:

Melinda M. Arroyo

Reviewed By:

Robert B. Gannon



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 10, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Appointment to the Conservation Commission	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Appoint Michael Modern to the Tax Task Force
PROPOSED MOTION: I move to appoint Michael Modern as a regular member of the Conservation Commission with a term expiring June 30, 2016

Discussion: Mr. Modern is due to be interviewed by the Board of Selectmen before the meeting on December 16, 2013.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By:

Melina M. Avery

Reviewed By:

Robert B. Gannon



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 10, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Appointment to the Tax Task Force	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Appoint Harry Kluger to the Tax Task Force
PROPOSED MOTION: I move to appoint Harry Kluger as a regular member of the Tax Task Force with a term expiring June 30, 2015

Discussion: Mr. Kluger is due to be interviewed by the Board of Selectmen before the meeting on December 16, 2013.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melina M. Avery

Reviewed By: Robert B. Gandon



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: December 10, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: December 16, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Pole Location Permit: Main Street	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the Pole Location Permit for Main Street
PROPOSED MOTION: I move to approve the Pole Location Permit for one pole on Main Street in a southerly direction, 30 feet from pole #26.

Discussion: The permit request has been reviewed by Dean Lessard, Director of Public Works and an onsite inspection of the area completed; Mr. Lessard has given his approval of the permit requested.

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melissa M. Avery

Reviewed By: Robert B. Gandon

Form 4503

Notification: 301137962
Work Order: 1000506132

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC ME ,
 dated 11/23/2013 , asking for permission, in accordance with law, to construct and
 maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances
 over, under, along or across certain highways and public roads in the location described in said application,
 permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,
 said facilities and appurtenances in the City / Town of York ,
 approximately located as follows:

1. Starting Point: 26
2. Road (State & CMP): Main Street
3. Direction: Southerly
4. Distance: 30' feet
5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____
 By: _____
 By: _____
 By: _____
 By: _____
 Municipal Officers

Office of the _____

Received and Recorded in Book _____ . Page _____

Attest: _____
 Clerk

Form 4501

Notification: 301137962

Work Order: 1000506132

CENTRAL MAINE POWER COMPANY APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: York, Maine

To the: City

Town

County of: York, Maine

Central Maine Power hereby applies for permission to:

Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

Central Maine Power Company and Northern New England Telephone Operations LLC ME jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: 26

2. Road (State & CMP): Main Street

3. Direction: Southerly

4. Distance: 30 feet

5. Number of Poles: 1

Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.

Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

Public Notice of this application has been given by publishing the text of the same

Not Published

In: _____

On: _____

CENTRAL MAINE POWER COMPANY

Northern New England Telephone Operations LLC ME

By: Elaine Tiherington

Date: 11/23/2013

By: Des Murphy Date: 11/27/2013

Melissa M. Avery

From: Dean Lessard
Sent: Wednesday, November 27, 2013 3:33 PM
To: Melissa M. Avery
Subject: RE: Pole Location Permit

Hi Missy

I have reviewed Pole location for Main Street from CMP. DPW recommends approval.

Thanks
Dean

Dean A. Lessard, P.E. | *Director of Public Works*

Town of York, Maine

186 York Street | York, Maine 03909

Phone: (207) 363-1010, Ext. 6201

Fax: (207) 363-1012

E-Mail: dlessard@yorkmaine.org

Online: www.yorkmaine.org

From: Melissa M. Avery
Sent: Wednesday, November 27, 2013 3:30 PM
To: Dean Lessard
Subject: Pole Location Permit

Attached is a Pole Location Permit for Main Street from CMP

Let me know when you've had a chance to review,
Happy Thanksgiving!

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine

186 York Street, York, ME 03909

Phone: (207) 363-1000 - Fax: (207) 363-1019

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