



# 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

## SELECTMEN'S MEETING 6:00/7:00 P.M. MONDAY FEBRUARY 27, 2012 YORK LIBRARY

**5:45PM: Executive Session: Personnel (Pursuant to M.R.S.A. Title 1, Section 405  
(6) (A)**

**6:00PM: Work Session - Planning Board Information**

**Call to Order**

**Pledge of Allegiance**

**A. Minutes**

- January 17, 2012 Special Selectmen's Meeting Minutes
- February 13, 2012 Selectmen's Meeting Minutes

**B. Chairman's Report**

**C. Manager's Report**

**D. Awards**

**E. Reports**

**F. Citizens Forum** - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda. 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 #35**

**H. Public Hearings**

1. **NEW BUSINESS LICENSE:** Global Montello Group Corp. DBA Mr. Mike's (Victualers and Liquor)
2. **NEW BUSINESS LICENSE:** Matthew Glode DBA Seacoast United Sports Club (Victualers)

3. **ORDINANCE AMENDMENTS:** May 2012 Special General Referendum
- Public Road Acceptance Ordinance Amendment
  - Emergency Management Ordinance Amendment
  - Fireworks Ordinance
  - Fires on Public Beaches
  - Control of Animal Noise
  - Commercial Bait House Standards
  - Outside Merchandise Display
  - Parking in York Beach Village Center
  - Setback Changes
  - Home Occupations
  - Refine Residential Use Definitions and Standards

**I. Endorsements**

License Applications

- Global Montello Group Corp. DBA Mr. Mike's (Victualers and Liquor)
- Stage Neck Inn, Inc. DBA Stage Neck Inn (Victualers, Liquor & Special Amusement)
- Kenneth Heavner DBA Cape Neddick Inn (Victualers, Liquor & Special Amusement)
- Mac's Convenience Stores, LLC DBA Circle K#7049 (Victualers & Liquor)
- Matthew Glode DBA Seacoast United Sports Club (Victualers)

**J. Old Business**

**K. New Business**

1. Move Ordinance Amendments to Second Public Hearing
2. MDOT Overweight Permit Request for Route 1 Project
3. MDOT Overweight Permit Request for Sewall's Bridge Project
4. Set Fee for Recycling Containers (Blue Bins)
5. Appointment of Assistant Code Enforcement Officer
6. Property Redemption Request: 9 Raccoon Ridge (Tax Map 2, Lot 29-A)
7. Property Redemption Request: 28 Prospect Street (Tax Map 25, Lot 52)
8. Special Event Permit Application: 2012 Spring Ride for Troops, 5<sup>th</sup> Annual – April 29, 2012
9. Special Event Permit Application: Seacoast Safari (2-day Bicycle Tour) – July 14<sup>th</sup> & 15<sup>th</sup>, 2012
10. Special Event Permit Application: Art in the Park – September 15, 2012

**L. Other Business**

**M. Citizens Forum**

**Adjourn**

## Excerpts from the Comp Plan regarding Open Space/Cluster Subdivisions

### 1. Shore Road/Pine Hill (Area #14)

Recommendation #(3) “Open space (cluster) layout should be the norm for new subdivisions (50% open space)”

### 2. Southside Road/Seabury Road/Route 103/Brave Boat Harbor & Western Pt (Area #16)

Recommendation #(3) “Open space (cluster) should be norm for new subdivisions (50% open space)”

### 3. Beech Ridge Road/Route 91 Area (Area #17)

Recommendation # (7) “Open space (cluster) layout should be strongly encouraged for new subdivisions”

### 4. Chases Pond & Scituate Road (Area #18)

Recommendation # (6) “Open space (cluster) layout should be strongly encouraged for new subdivisions”

### 5. Mountain Road/Logging Road/Clay Hill Road/Berwick Road (Area #19)

Recommendation # (5) “Open space (cluster) layout should be strongly encouraged for new subdivisions”

### 6. Mt. Agamenticus/Watershed Areas (12 sq. miles, 20% York’s total area) (Area #20)

Speaks of need to maintain rural, forested areas; limit roads (paved) but does not specifically cite cluster, perhaps due to low development pressure to date; does speak of TDR to keep land open

### 7. Route One Area (Area #21)

No specific mention of cluster but much verbiage on Rt 1 “One” as “very low intensity use zone” and Rt 1 “Six” as rural mixed use with 2 acre minimum

Also:

#### Town Goal 1.2: Managing Character of Development

Especially: 1.2.1 “Open space cluster layout for subdivisions should be the preferred residential development pattern for the proposed rural zones and should be encouraged in the proposed residential zones.”

#### Town Goal 4.2: Affordable Housing

Especially: 4.2.8: “The Town should consider allowing a density bonus, perhaps one unit per ten houses, to applicants who use the cluster housing concept that are prepared to construct one unit of affordable housing targeted to moderate income individuals.”

#### Town Goal 6.3: Keeping Large Unfragmented Habitat Blocks of Undeveloped Land

“Require cluster design for subdivisions within the blocks.”

#### Town Goal 8.1: Encourage Continued Use of Suitable Lands for Agriculture/Forestry

8.1.1 “A parcel currently used for agricultural purposes could be developed as an open space subdivision while still preserving the existing agricultural use in the required open space set aside.”

#### Town Goal 9.1: Preserve Historic/Archaeological Resources

Especially: 9.1.5: “In 2005 the Town adopted new cluster subdivision standards that expressly permit a cluster subdivision to be designed to protect historic or archaeological resources...”

#### Town Goal 10.1: To provide and enhance recreational areas

Including: 10.1.1 “Establishing the Natural Resources Protection Zone for the Mt. Agamenticus area to help preserve these forest lands for outdoor recreation.”

And 10.1.1 “Encouraging use of the open space design approach for new subdivisions to help ensure large amounts of presently open land subject to development as a new residential subdivision will remain undeveloped”

**CP 1**

**Creation of Future Land Use Area# 22: Green Enterprise Recreation Overlay District**

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

Article X

The Town hereby ordains amendments to the **Comprehensive Plan**, specifically adding a new Future Land Use Area to Section 3, Future Land Use Area # 22, Green Enterprise Recreation Overlay District.

Statement of Fact

This amendment adds a new section to Section 3 of York's Comprehensive Plan, which identifies issues and recommendations for all areas of Town. The proposal for this new Land Use Area is the result of an extensive two year public planning process conducted by the Planning Board on nearly 300 acre area spanning Route 1 to the West, Main Street to the north and east, Horn and Rogers Roads to the south, and to the parking lot across from the York Beach Fire Station to the east. The land encompasses a variety of natural conditions, much of it ecologically sensitive and significant, as well as a multitude of zoning districts. The proposal for Future Land Use Area #22 is to create an overlay zone for this complex and varied area that proposes to allow for careful development where the land can support it, conservation of the most sensitive lands, and low impact recreation and environmental tourism that befits the character of the land location of this rare, largely undeveloped coastal parcel. The overlay zone also calls for innovative zoning tools to be implemented that will allow for replicating building patterns of York Beach, avoiding strip development patterns along Route 1, and integrating recreation and conservation measures wherever possible. This amendment is expected to have no fiscal impact on Town administration.

**Amendment:** Create the following Future Land Use Area #22 in Section 3 of the Comprehensive Plan.

***Green Enterprise Recreation Overlay District***

***LAND USE AREA #22 on the FUTURE LAND USE MAP***

**DESCRIPTION OF PAST AND EXISTING LAND USE**

*The Green Enterprise Recreation Overlay District is an area in excess of 300 acres. It spans Route 1 to the West, Main Street to the north and east, Horn and Rogers Roads to the South, and Railroad Avenue in York Beach to the east. Currently held by multiple property owners, much of the land is undeveloped, with the largest exception being the inclusion of the entirety of York's Wild Kingdom Zoo and Amusement Park. The land includes a large wetland complex, much of which is included in the Shoreland Zone. This wetland, several streams, and smaller wetlands all coalesce into a single outlet which transits through natural and artificial water channels to exit*

*from a penstock on the popular tourist beach of Short Sands in York Beach Village. Thus, the quality and volume of the water discharge from this brook is both crucial to the tourist economy of York Beach and completely dependent on the hydrological conditions in the project area. The Town of York has recently purchased over 50 acres for municipal use, including plans for a public access road from Route 1 to York Beach, and a new police station. Currently, the property, located in the Town's Growth Area, is one of the largest undeveloped land areas in York east of US Route 1.*

### **DESCRIPTION OF EXISTING ZONING**

*This area consists of the following six base zones: Route 1-4, Route 1-5, RES-6, RES-7, GEN-3, YBVC. The zones that constitute the largest portion of land are Route 1-4 and GEN-3, together comprising approximately 2/3 of the land area. The Route One district is designated for small commercial activities and limited outdoor recreation, GEN-3 and YBVC offer extremely large ranges of use possibilities, with the Residential zones being comparatively restrictive. Similarly, the dimensional standards for each zone vary considerably, from 25% to 100% lot coverage, for instance, and associated differences in setbacks and density standards.*

*In addition to the above base zones, this area is also partially in the Mixed-Use Shoreland Overlay District, the Wetlands Protection Overlay District, and in a floodplain.*

### **ISSUES TO ADDRESS IN LOOKING TO THE FUTURE**

*This Land Use Area has been identified as a result of a thorough planning process over a two year period, after the Planning Board was given a charge in 2009, through the Board of Selectmen, to develop a vision for the land between Route 1 and the York Beach Fire Station for the maintenance and development of an attractive, economically viable, safe, pedestrian and family-oriented environment, with a vibrant mix of business uses. Towards that goal, the Planning Board identified issues through researching the history of the area, gathering vast data on existing environmental conditions, inviting in various Town Staff to share their perspectives at workshops, as well as meeting with environmental and economic development professionals for input. All of these meetings were open to the public for viewing and participation. Direct public input was solicited on various occasions through multiple public input meetings, a paper and online questionnaire, and in-person interviews conducted by the Planning Board in York Beach over the summer of 2010. In addition, the Planning Board performed a series of site visits. Below is a list of issues identified over the course of the planning process.*

*As the title **Green Enterprise Recreation Overlay District** suggests, any development of this land is to be done with the utmost consideration for the amount, type and intensity of development it can support while still meeting the goals of sustainability.*

1. **Infrastructure.** *This area will require costly water and sewer infrastructure, which will need to be strongly considered when considering any significant development of the property.*
2. **Transportation and Parking.** *The transportation and parking needs of York Beach should be strongly considered in the course of any improvements; this includes the likelihood of a new road between Route 1 and York Beach, shuttle service from parking areas, or other means of reducing the need of cars to enter downtown York Beach.*
3. **Water Quality.** *The existing condition of the land, with its large, healthy wetland complex, determines the quality of water entering Short Sands Beach, as well as to the ability of the area to infiltrate water. The goal of sustainability includes not impairing and protecting water quality, and not contributing to the flood risk of an already floodprone area -- critical concerns that need to figure prominently in any discussion of development or change here.*
4. **Character of Development.** *A goal for this area is ensuring that any commercial development that occurs be varied and vibrant mixed use and of a scale complementary with that of York Beach. Both single family housing and large, monolithic retail box stores were identified as development definitively not desired.*
5. **High Value Plant and Animal Habitat.** *This property has high plant and animal habitat value, as well as stormwater and flood retention value. This is evident from the research and data collected by the Planning Board on the existing conditions of this land, and reinforced by Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Maps which identify this land as important by several standards:
  - a. *regionally important for its place in a network of rare plant and wildlife communities, and its high wetland functions such as control of runoff and flood flow;*
  - b. *important for its natural stormwater control, water filtration, and erosion and sedimentation retention;*
  - c. *important to finfish habitat by virtue of the proximity of this undeveloped land to the Atlantic Ocean; its role as an undeveloped habitat block that provides support for plant and animal life has been noted;*
  - d. *and important as the location of rare plants and rare, threatened or endangered wildlife.**

*Due to the high habitat values of this property, and its proximity to the ocean and other forms of outdoor activities, much of this land is most appropriate for conservation or low impact recreation and entertainment.*

6. **Consistency with Historic, Pedestrian Oriented Character of York Beach.** *Any development in the area should be consistent with the historic character of the area,*

*particularly that of the distinct, walkable center of York Beach, born of its history as a seaside destination.*

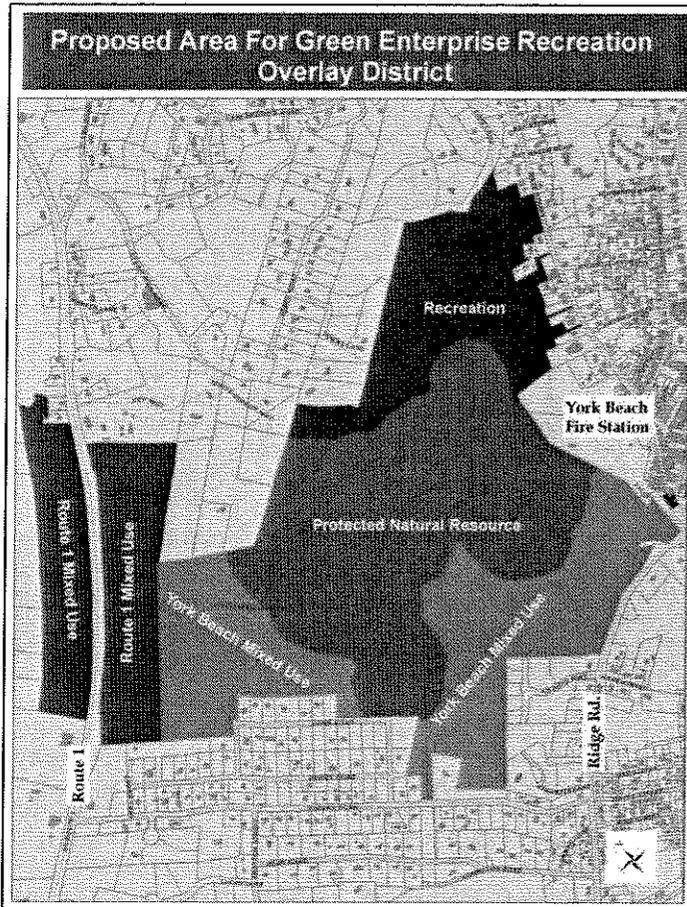
- 7. **Family Friendly Destination.** It has been repeatedly, and from many quarters, mentioned that it is important that this area remain a family-friendly destination, with food, entertainment, and amenities that continue to cater to family visits and vacations.*
- 8. **Public/Private Partnerships and Funding.** The current ownership of this property – both municipal and private – the infrastructure needs, as well as the suitability of much of this land for preservation and recreation, lends itself to public/private partnerships and potential support in the form of grants.*
- 9. **Growth to Support Existing Businesses.** Whatever growth may occur in this area, efforts should be made to ensure that it supports existing businesses, rather than detract from them. To this end, efforts need to be made to have growth be contiguous with existing downtown York Beach, to not mimic the sprawling patterns emerging on US Route 1 that so sharply contrast with that of the downtown, and foster connections with York Beach in terms of the physical and architectural character of the area as well as the range of family-friendly businesses and attractions. Thus, ideally development would occur from the York Beach end of the property, outward towards US Route 1, rather than the reverse.*
- 10. **Housing.** If housing is developed in this area, it should be housing that is integral to mixed-use development, as in apartments above ground floor commercial development, and/or of the kind that adds housing stock long identified as needed in York, such as that for seasonal workers or workforce affordable housing. It's imperative that any housing created be consistent with the village scale and character intended for development in this area.*
- 11. **Tourism.** Tourism is integral to York, York Beach, and the existing businesses on Route 1, and any new proposals that deal comprehensively with this area, whether development applications or Zoning amendments, should support tourism as a crucial and sustainable industry of York.*
- 12. **Pedestrian and Non-vehicular Needs.** Comprehensive Planning for this area provides an opportunity to give pedestrian and non-vehicular needs plenty of forethought. This includes prioritizing the ample opportunities for trail development, building pedestrian and bicycle access into any new roadway(s) built in this area, making sure there is connectivity between roads and trails in the area, and pursuing shuttle or trolley service plans that will contribute to a pedestrian-friendly environment and provide alternatives to car-only access to York Beach. This property could and should serve as an excellent connector between the trails and recreational opportunities of Mt. Agamenticus and the Atlantic Ocean, and provide the potential for increased parking for York Beach center.*

## PLAN RECOMMENDATIONS

*Specific Recommendations include the following:*

1. *A Green Enterprise Recreation overlay district should be created that employs tools that acknowledges the unique attributes of this land. To that end, the overlay should consist of four subdistricts, outlined below. Each of the recommendations below is made with the assumption that they will take place within the context of a new Green Enterprise Recreation District.*

- a. *Route 1 Mixed Use Area. This area should extend approximately 400 feet back from Route 1. This subdistrict would serve as one of the entrances to this property, and eventually to York Beach. Though it should be zoned for a different scale and*



*range of uses than York Beach, all effort should be placed to ensure that this area does not develop in a single-use strip development pattern, and that it be required to develop a traditional pattern that is an organic extension of the York Beach village area, and its recently adopted Design Standards, rather than an abrupt break from it. This area has great possibility as a transportation hub, allowing for a dense, viable mix of uses consistent with a downtown development pattern.*

- b. *York Beach Mixed Use Area. East of the Route 1 Mixed Use Area, and south of the Shoreland Zone that dominates the center of this overlay. This area should be most consistent with the existing York Beach area, in appearance, scale, and range of businesses.*
- c. *Recreation Area. The land east of Route 1 and north of the areas Shoreland zone is best suited for a dedicated recreation area, providing low impact outdoor*

*recreation areas, outdoor education opportunities, some outdoor entertainment, and with some small footprint, accessory commercial structures allowed.*

- d. *Protected Natural Resource Area. The Green Enterprise Recreation District contains wetland, streams, and vernal pools that are protected by local, state and federal regulations. This designation seeks to reinforce this status for wherever these resources are identified, and to refine the standards for development in the immediately adjacent Shoreland Zone. Currently permissive in the range of uses permitted in Shoreland, there is an opportunity to refine the performance standards of impact of those uses as they occur, so as to be compatible with these fragile natural resource areas.*

*IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

2. *York's Wild Kingdom is important to the tourism economy of York. This operation meets the much cited goal of keeping York Beach a family-friendly destination, with food, entertainment, and amenities that cater to family visits and vacations. It is located in the Route 1-4 zoning district, which currently allows a range of recreational establishment, making the site currently conforming. York's Wild Kingdom should continue to be supported by local regulations, with consideration given to its future maintenance and development.*

*ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

3. *There should be coordination between the Planning Board, the Board of Selectmen, Department of Public Works, and the York Sewer Department and York Water Department to develop an infrastructure masterplan for this area. The masterplan should prioritize improvements along with estimated costs and schedules for water, sewer, drainage, roadway, sidewalk, path, public space and streetscape projects.*

*MID-TERM PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

4. *The Town should pursue grants and potential partnerships with organizations such as the York Land Trust, the Nature Conservancy, The Trust for Public Land or state departments such as the State Planning Office, Inland Fisheries and Wildlife, and Maine Bureau of Parks and Lands, wherever possible for the acquisition and management of land deemed most suitable for dedicated recreation and conservation.*

*ON-GOING PRIORITY – SELECTMEN & PLANNING BOARD TAKE LEAD ROLE*

5. *The Town should support the continuing operation of existing businesses by rezoning areas within the Green Enterprise Recreation Overlay District adjacent to downtown York Beach to ensure they are complementary with existing character. Rezoning should also support the current Zoning goals for York Beach: that the area promote an attractive, inviting, safe, pedestrian-focused, family oriented environment; safeguard the historic flavor, character and diversity; safeguard clean healthy beaches; and help*

*support coordinated improvements to businesses, residences and public places through a predictable and timely process. This goal should be expanded to all developable land in this particular area.*

*ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

- 6. Recommendations for rezoning of this land do extend to the residential areas immediately outside of the District, such as those of Main Street, Church Street, Railroad Avenue, and Rogers Road. No changes are proposed to these near or abutting residential neighborhoods, and protecting them from any negative impacts of new commercial development should remain a high priority. It is also important that proper setbacks and buffers be established between any expansion of commercial activity and existing, adjacent residential areas.*

*ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

- 7. The Town should pursue transportation and parking solutions that ensure safe pedestrian access and movement, including safe paths and roads for all users, ADA compliant sidewalks, multi-modal transportation options, and new parking programs that ease York Beach's current parking constraints. The purchase of Town property in a portion of the study area provides the opportunity to create parking for downtown York Beach; ideally the cost of creating and maintaining new parking would be self-sustaining.*

*ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE*

- 8. Mechanisms need to be implemented to ensure that new private development supports the necessary infrastructure expansion, whether in the form of off-site improvements, impact fees, or the creation of a new or modified TIF district.*

*ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE*

- 9. To the extent possible, Zoning should encourage retail and restaurants geared towards families. Where Zoning cannot specify this in enough detail, it may be appropriate to begin an economic development effort to encourage the particular types of businesses seen to be most appropriate or needed here. A community economic development corporation is one option worth exploring as a means to consistently court businesses that might be a good fit with this property.*

*MID-TERM PRIORITY – SELECTMEN TAKE LEAD ROLE*

- 10. Expanded development in this area cannot be allowed to negatively impact the health of the beaches. To that end, all development should have Low Impact Development standards in place that ensure that the quantity of additional stormwater runoff is kept to a minimum and that stormwater quality is not impaired.*

*ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

- 11. New construction in this area should utilize renewable energy sources and green building technologies.*

*ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

12. *The creation of the Green Enterprise Recreation District provides an opportunity to define and promote green recreation, eco-tourism, and a vision of sustainable tourism based around the natural beauty of York. Promoting green recreation should be prominent in all Zoning changes and land management plans for this area.*

*ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

13. *New development proposals, public and private, should be reviewed keeping in mind the feedback received from the public of the need for more amenities to families vacationing in York Beach, providing seating, shade, bathrooms, and other facilities to make trips to York Beach more convenient and welcoming for visitors.*

*ON-GOING PRIORITY – PLANNING BOARD & SELECTMEN TAKE LEAD ROLE*

14. *The specifics of the Green Enterprise Recreation Overlay District should make clear that new residential development not be stand-alone single family housing, but rather take the form of apartments over businesses, as well as housing that addresses the need for either workforce affordable or seasonal worker housing. The District should be implemented in such a way as to grant the Town oversight as to the site layout, pattern, scale, and design of new residential development so as to be consistent with the existing built environment and optimize the protection of natural resources.*

*IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE*

15. *A combination of existing site conditions and the many unique goals for this area demand that innovative zoning tools be implemented to produce a combination of conservation, recreation, and sustainable development not possible using conventional zoning. Below are applicable tools recommended for inclusion in the creation of the Green Enterprise Recreation District:*

- a) *Transfer of Development Rights. TDR encourages transfer of growth from sensitive areas or areas desired for recreational space, to places that have been agreed to as desirable for more intense development or with the capacity to carry more intense development. This can create a mechanism for protection of certain lands, and an incentive for an increase in density or development options in others. Sending areas could be outside the District, while both sending and receiving areas could be within the District. Recommended elsewhere in this document, this could be an excellent opportunity to implement this tool and test its applicability in the District and beyond.*
- b) *Planned Unit Development. Developing a Planned Unit Development option for projects proposed in the District would allow for greater flexibility in pairing of*

*different land uses, comprehensive planning for a large area, and the ability to override dimensional requirements for individual lots in favor of an assessment of the cumulative impact over a large parcel. Current existing overlay districts in York, such as the York Village Hospital Overlay District, and the York Village Affordable Elderly Housing Overlay District, utilize some of these principles now, and provide a good starting point for creating a zone suited to the particular needs of this site.*

- c) Form Based Code. Implementing a form based code would provide the single most control over the character of new development. Form based code is a regulatory tool that places primary emphasis on the physical form of the built environment – including buildings, types of streets, and public spaces – with the end goal of producing a desired type of place. A form based code would be a new type of regulation in York, but not necessarily a more onerous one than the existing regulations it would supplant. Simple and clear graphic prescriptions for building height, building placement, and building elements (such as location of windows, doors, etc.) are used to ensure development respects the public realm. Highly prescriptive, much uncertainty would be removed for both the applicant and the Planning Board and Code Enforcement in determining not just minimum use and dimensional standards, but exactly what type of development the Town is striving for. Form based codes sometimes include or are paired with Design Standards to address specifics of architectural style preferences for an area, and the inclusion of Design Standards for this site is recommended as well.*

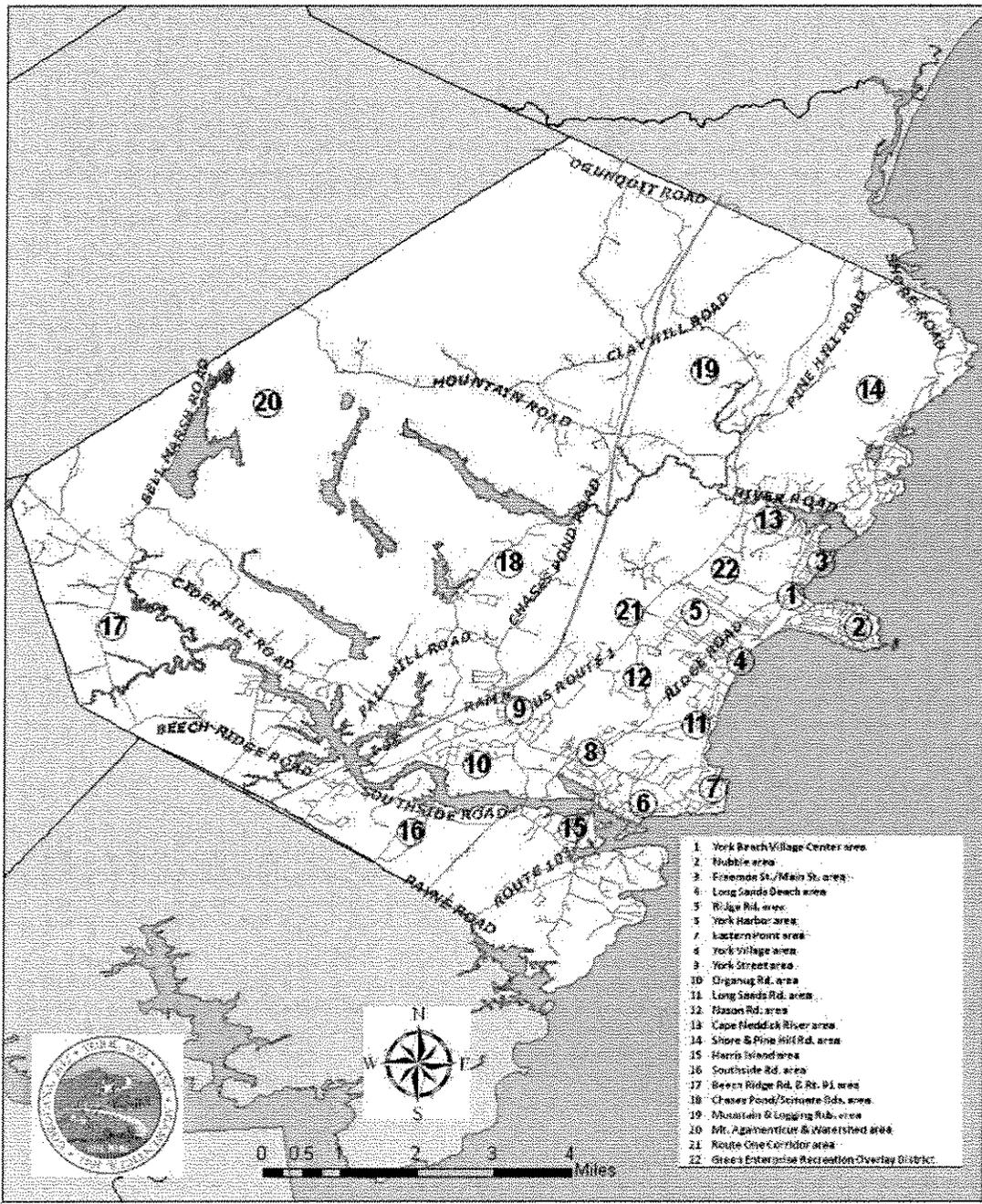
*This is not intended to be an exhaustive list of alternative planning tools; this land presents a unique opportunity to think outside the box of conventional development patterns and development review, with much environmentally, economically, and culturally depending on sustainable development and conservation. If other methods that allow for approaching this sensitive and pivotal land holistically are presented that further the many objectives listed above, they should also be considered, and the opportunity presented by the creation of the Green Enterprise Recreation District realized to the fullest extent possible.*

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

# Future Land Use Areas

## York Comprehensive Plan, Volume 1

### November 8, 2011



# **TOWN OF YORK COMPREHENSIVE PLAN CAPITAL INVESTMENT PLAN**

## **Introduction**

The State Growth Management Act requires all communities to prepare a Capital Investment Plan that establishes a framework for identifying and undertaking capital improvement projects identified in the Comprehensive Plan. York's Capital Investment Plan contains a summary of major capital improvement project needs, a general cost estimate for each capital project, and likely funding sources.

The main tool the Town will use to accomplish identified improvements is to seek appropriations through its Capital Improvement Program. York's Home Rule Charter requires the Selectmen and Budget Committee to prepare annually a Five Year Capital Improvement Program and to present this Plan for voter adoption. York, since 1991, has annually prepared a Five Year Capital Improvement Program and sought voter approval of the Program. The Selectmen and Budget Committee have usually reached consensus regarding the projects that warrant funding consideration, but several high priority projects have not yet been built because they did not receive voter support at the Town Budget Referendum.

The Fiscal Year 1999 Five Year Capital Improvement Program adopted by the voters is included at the end of this Capital Investment Program. The FY 99 Request column identifies the project and amount of funds requested by the Town Manager. The FY 99 column identifies the amount approved by the voters at the May 1998 Budget Referendum. Less than half of the monies requested by the Town Manager were approved by the voters. The School Committee was successful in obtaining support for all requested maintenance projects and a major renovation of York High School, but its requests to construct a new Middle School and renovate Coastal Ridge Elementary School were defeated.

## **Capital Investment Needs**

York's Capital Investment Plan includes a list of projects under the major headings of solid waste, sewage disposal, transportation, housing, water quality, municipal buildings/facilities, education, recreation, open space, and marine resources. The individual projects within these categories range from playing fields to transportation improvements to new schools. A capital project is a capital item that costs \$10,000 or more, that is durable and will last more than five years, and that is not needed annually. These capital items will become a fixed asset for the Town of York.

The investment plan also identifies actions the Town can implement to lessen the need for a specific capital facility. For example, using good quality standards to regulate the use of subsurface wastewater disposal systems (septic) lessens the public expenditure on sewer extensions and treatment. In short, avoiding the need for a capital facility expense is often as critical as providing a new capital facility or upgrading an existing facility.

## **SOLID WASTE/RECYCLING**

The Town should not require any new solid waste or recycling facilities over the 10 year planning period. The Town contracts with Waste Management to provide residential curb-side trash, recycling and bulky waste collection and disposal. The Town also operates a metals/white goods recycling facility at its former landfill site. The 1996 State approved closure of the Town's former landfill located off Witchtrot Road satisfied the most pressing solid waste capital facility need. The Town's decision to enter a long-term contract with Waste Management for collection and disposal services has stabilized the cost of solid waste services, allowed the Town to offer a premium quality service and greatly reduced the need for funds to construct capital facilities. In fact, the Town spends less on waste services now than it did in 1990.

## **PUBLIC SEWER SERVICE AND SEWAGE TREATMENT**

The York Sewer District, a quasi-public corporation managed by a publicly elected Board of Directors, and not the Town, is responsible for the public sewer collection and treatment system. The York sewer treatment plant was recently upgraded and there is sufficient estimated capacity to effectively handle York's sewer waste through at least the year 2010 and likely longer. The Sewer District also regularly works with private developers and property owners to extend sewer service to previously unserved areas.

Several needs exist, including the following:

1. Extending public sewer to existing areas of higher density development to lessen the likelihood of public health problems. The most needed extensions are in the proposed Residential zones and include the following areas: the unserved areas on the Nubble; the area east and west of Ridge Road from Weber Road to Mary Street; the Roaring Rock Road/Wavecrest Drive area; the Long Sands Road area, from York High School to its intersection with Ridge Road; the Heights; and the Abbey Road, Rt 1A and Main Street area near the Cape Neddick River. The Sewer District should prepare feasibility studies to identify the cost to deliver sewer to these areas and then work with local property owners to pay the cost of the needed extension. The Town should not directly commit local government funds to pay the cost of these sewer extensions.
2. Extending public sewer to areas located in the Route One-3 zone between the Spur Road and Fieldstone Estates is a high priority. This is the main commercial/nonresidential growth area for York. The lack of public sewer hurts both existing uses and the potential of attracting new uses. The cost to extend sewer to this area, about \$1.2+ million, exceeds the ability of existing property owners to pay. The Town should pursue grant funds and commit local tax revenues to help pay the extension cost. This extension will also benefit adjacent residential areas.
3. The York Sewer District should explore options to provide expanded/future sewage treatment services. The existing site likely offers few opportunities for additional treatment, unless improvements in technology decrease current space needs for treatment. York has given little thought to long-term treatment alternatives and direction from the Sewer District would be beneficial.
4. The Town should adopt Zoning Ordinances and Subdivision Regulation standards that defray the need for future sewer treatment plant expansions. The best method is to rely upon individual subsurface wastewater disposal systems (septic) to support residential development in the proposed Rural areas. Planning for individual treatment on-site makes sewer service an individual responsibility rather than a public or town-wide responsibility. Septic wastes will need to be treated at the sewer plant, but these wastes have low water demands and can be processed during periods of low flow from the public sewer system. Individual treatment systems to be built to more stringent design flows than State standards; encouraging regular maintenance pumping of individual systems; and discouraging sewer extensions in Rural zones.

#### **PUBLIC WATER SERVICE AND WATER QUALITY TREATMENT**

The York Water District, Kittery Water District and KK&W Water District all provide public water service to York residents. All are quasi-public districts managed by a publicly elected Boards of Trustees and operated in accordance with Public Utilities Commission guidelines. The Town of York is not responsible for water service or treatment, but the Town is a major customer of the York Water District for fire protection services (hydrants). The Town should assist water service by implementing the following approaches:

1. The Town should encourage the respective Water Districts to extend public water service to high priority areas. Water service extensions ensure a potable source of water and greatly aid in fire protection. Extensions are needed in unserved areas located in the proposed Residential zones and in some Rural areas. The Town should not commit public funds to pay the cost of the extension. The properties served by the extension should pay the cost of this new service.
2. The Town should strengthen existing Zoning Ordinances to aid in watershed protection as a means of helping to defray potential future capital facility costs associated with water treatment.
3. The Town should adopt Zoning Ordinances and Subdivision Regulation standards that lessen potential adverse impacts on groundwater quality which lessens potential future capital facility costs associated with water extensions and treatment. The intent is to rely on individual wells for water service in selected Rural areas; a private user responsibility rather than a municipal/public responsibility.

### **TRANSPORTATION & PEDESTRIAN AMENITIES**

The Town is responsible for maintaining over 115 miles of public roads in York. The State remains responsible for maintaining other public roads, including sections of the following: Route 1, Route 103, Route 91, Beech Ridge Road and Shore Road. The Maine turnpike and accompanying toll booths are maintained and operated by the Maine Turnpike Authority, and there are about 35-40 miles of private roads that are the responsibility of homeowners associations and individual property owners. Road construction and maintenance is one of York's 4 highest municipal expenditures.

1. The Town has annually appropriated between \$300,000-\$350,000 to resurface existing paved roads as part of a regular pavement maintenance program. The goal is to annually resurface 8-10% of York's roads to lessen their deterioration and long-term need for reconstruction. This is a good quality approach and warrants ongoing municipal expenditures.
2. A number of intersection improvements are identified in State Goal 2 of this Plan. The Town should work with the State and private developers, when appropriate, to accomplish these improvements. Town funds will be needed, likely \$250,000 over the next 10 years.
3. The Town should pursue the construction of new roads to enhance existing traffic circulation. The Bog-Spur Road connector can be accomplished by the expenditure of \$100,000+ in Town funds and should be pursued as a mid-range priority. Establishing a new access between Route One and York Beach, possibly through the Wild Animal Kingdom property, but will require cooperation with the property owner. This road construction project warrants exploration if the land can be acquired.
4. The Town should pursue sidewalk/pedestrian/bicycle improvements to high priority areas. The areas most in need include York Village Center, Woodbridge Road and the Nubble. Many area residents have requested sidewalks; the cost and feasibility of sidewalks in these areas should be explored.
5. The Town should replace existing road maintenance equipment in accordance with its replacement schedule, and acquire new equipment, when needed, to meet additional maintenance needs associated with Town acceptance of more public roads. The Town annually appropriates \$80,000-\$150,000 to meet equipment replacement needs. The equipment reserve fund is a good approach to help "level" these costs.

6. The Town of York Planning Board has adopted Zoning Ordinance standards that require applicants for new projects to construct roads, drainage and other infrastructure to minimum Town standards. Town voters have also adopted a Road Ordinance that establishes minimum construction standards for a road to be considered for public acceptance. These approaches are important tools the Town can use to avoid capital facility expenditures for new projects. No public expenditure needed for facility construction.
7. The Town of York should encourage and on occasion require the creation of a capital improvement district to enable the construction of needed infrastructure - roads, drainage, sidewalks and similar facilities - in an existing densely developed area that lacks needed facilities. The cost of the improvements would be paid by annual assessments on all property owners in the area in which the facility is constructed. The Nubble, Long Sands Beach and Ridge Road area are prime candidate sites to be established as improvement districts. The Town may want to commit a limited amount of public funds to assist in the construction of improvements in selected areas, such as drainage along Long Sands Beach.

### **PUBLIC SAFETY**

Public safety includes the police, fire and rescue squads operated by the Town of York. The Town has two separate fire departments, the York Beach Fire Department and York Village Fire Department and each relies on separate paid firefighters and volunteer members. The York Volunteer Ambulance Association is an independent organization that is privately funded, but the Association coordinates its activities with York's public safety personnel.

1. The Town should regularly replace the vehicle fleet used by the police department to ensure all vehicles are in good operating condition. The Town annually spends \$60,000-\$80,000 to replace aging vehicles.
2. The Town, in 1994, conducted a municipal facilities study. The study recommended the Town construct a new public safety complex - fire, police and ambulance facility - as a high priority. The existing police station is located in a former school that was not designed to serve as a public safety facility, and the police share this inadequate facility with the York Senior Center. The Town has frequently updated this facility, but it simply lacks appropriate space and lay-out to well serve its intended purpose. A new police - public safety facility is needed within the next 3-8 years. The estimated cost of new public safety complex is \$2,000,000+. The Town will likely need to bond this expenditure. The new complex should be more centrally located than the current facility in York Beach. The Police, however, should always retain a satellite facility in the York Beach area to deliver services during the summer tourism season.
3. The Town, in 1997 and 1998, committed needed funds to upgrade the police dispatch service system. The Town should commit future monies that may be needed to ensure the system technology remains current and meets the needs of York's citizenry. No cost estimate available.
4. The Town, in 1995, conducted a study to identify how best to deliver fire protection and emergency services. Construction of a new facility at a more central location to either replace both existing Fire Stations or only the York Village Fire Station was recommended as a high priority. The Town should likely retain the existing Beach Village Fire Station, but abandon and relocate the existing York Village Fire Station. The new Fire Station should be part of a public safety complex (reference 2 above) or at least provide facilities for the Ambulance Association. The proposed location is on Route One, between Route 91 and Nason Road. A potential cost estimate (fire & ambulance only) is \$900,000-\$1,200,000. Partial funding could be obtained from the sale of the existing

Village Fire Station and Volunteer Ambulance facilities, but most monies would need to be raised through a local bond proposition.

5. An additional recommendation in the 1995 Fire Study was to construct a satellite volunteer fire station in the Route 91/Beech Ridge Road area. It was recommended the Town pursue this as a cooperative approach with the towns of South Berwick and Eliot. This is a long-term priority and the cost is likely \$300,000-\$600,000 and should be bonded.
6. Both Fire Departments are generally well equipped for the respective size of the Departments, but existing equipment and vehicles should regularly be replaced. Prime fire vehicle needs in the next five years include 1 fire engine at each Department. Equipment reserve funds and additional Town appropriations will be needed to pay this cost.

### **MUNICIPAL FACILITY NEEDS**

Municipal operations include the services offered at the Town Hall; Town Manager, Assessing, Town Clerk, Finance and Code and Planning. It also includes the York Senior Center housed in York Beach at the Police Station.

1. The Town, in 1994, conducted a municipal facilities study. The highest priority was construction of a new Town Hall. The existing Town Hall has inadequate space, poor utility services, and it is not handicap accessible. In addition, the First Parish Church, not the Town, owns the land and it would likely be difficult to expand the existing building. The Selectmen, in 1996, proposed purchasing the Veile property located in York Village to serve as a new Town Hall site, but Town voters rejected this purchase. It is recommended the Town either construct a new facility or renovate the existing Town Hall to meet pressing facility needs. This project will likely cost a minimum of \$1,500,000 and could cost \$2,500,000. It is a mid-range priority. The cost of construction will likely need to be bonded. It is recommended that Town Hall remain in the Village Center area.
2. The Town, in 1998, entered a cooperative agreement with the York Water District and York Sewer District to implement a Geographic Information System (GIS). Preparing the needed data base and integrating Town operations with this system will likely require minimum capital appropriations of \$50,000 for each of the next 5-8 years. This amount can likely be funded by annual appropriations.
3. A recommendation in this Plan is to conduct a Village Center planning project that can be used to identify facility improvements and guidelines needed to direct future development in this area. The estimated cost of this project is \$30,000-\$40,000. The Town can likely obtain grant assistance and private donations to complete most of this project, but will also need \$10,000 in Town funds as match. York citizens defeated this request at the ballot in May 1998, but it warrants future requests for Town assistance.
4. Conducting additional inventories of wetland resources to determine their functional values is recommended in this Plan. To date, the Planning Board and Code and Planning Department have performed an inventory of all resources located between the York River to the south, the Cape Neddick River to the north, the Atlantic Ocean to the south, and I-95 to the west. Four future study areas likely remain and each will cost \$25,000-\$30,000 to inventory. The first study area should commence as a mid-range priority. Town appropriations is the most likely funding source.

### **RECREATION AND OPEN SPACE**

The York Parks & Recreation Department is responsible for providing recreational programs to York youth and adults and maintaining Town parks, beaches and playing fields and most public facilities. Its role in the maintenance of public facilities has increased dramatically over the past 4 years as it assumed tasks previously performed by the Highway Department, School Department and private contractors. Issues involved with retaining open space are also identified under this category.

1. York lacks the number of athletic fields recommended in State guidelines to provide for the recreational needs of a community of its size. Most athletic fields are located at 1 of York's 4 existing schools and the sites are being overused. The Town should increase the number of athletic fields and locate the facilities at sites other than the school grounds so these limited areas can best be used to meet educational needs. Estimated cost of \$75,000/field. Town capital appropriations, Parks and Recreation Department enterprise funds and private donations are the recommended approaches to obtain needed funds. It is also recommended that the Selectmen examine the establishment of an impact fee on new residential construction to help pay the cost of these improvements.
2. The Yorks Park & Recreation Department has assumed the prime responsibility of managing facilities such as the Mt. Agamenticus Lodge, Grant House at Goodrich Park and Sohier Park. The main capital needs at these facilities are building maintenance. The Town has established reserve and enterprise funds to assist with providing needed funds to maintain existing facilities. This is a good approach and should be continued.
3. The Yorks Park & Recreation Department is responsible for maintaining York's beaches. This Plan recommends a specific study be undertaken regarding management of Cape Neddick Beach, a project which will require assistance from the Department and minor Town funding. Improvements are needed at York's other beaches. Long Sands Beach requires at least two more additional steps, and Harbor Beach needs better quality restroom facilities. Fortunately, the Ellis Park Trustees construct most improvements at Short Sands Beach using revenues from the parking meters at the Beach. Town voters will also be asked in May 1999 to approve the establishment of a Beach Reserve fund to pay the cost of beach facilities through revenues obtained from parking meter receipts.
4. The York Parks & Recreation Department has required a growing fleet of vehicles to meet its regular maintenance responsibilities. It is critical the Town establish a regular equipment replacement program for the Department and annually seek Town appropriations to pay required costs.
5. The preservation of open space was ranked as a high priority at many of the Comprehensive Plan Neighborhood Meetings. Town voters, in May 1999, will be asked to establish an Open Space Protection Reserve Account. This Account will initially include funds from the sale of Town tax lien acquired property; likely \$80,000-\$100,000 by the June 1999. It is also recommended the Town request voter support of \$200,000 in annual appropriations to this account for a minimum of the next 5 years to support the purchase of significant natural areas. These monies can be used to leverage additional state, federal and private funds. The initial appropriation should be requested in May 2000. Potential targets for land purchases are identified in other sections of this Plan.

### **MARINE RESOURCES**

The York Harbor Master and York Harbor Board oversee operation of York's harbor and docks located in the York River channel. There are few immediate major capital needs as the most critical project, a maintenance dredge of the Harbor, was completed in 1996.

1. The York Board of Selectmen, in 1997, established a reserve account that can be used to provide monies to help pay the cost of future harbor dredges. Deposits to the fund are

obtained from use fees on vessels using the harbor. This is a far-sighted approach to meet future capital facility needs and warrants continuation. No annual appropriations of Town funds needed at this time. Next maintenance dredge likely needed in 12-20 years.

2. The Town, in the 1980's, established a Harbor improvement reserve account that can be used to pay for needed improvements to existing facilities. These funds have been used to expand existing dock facilities and purchase a vessel for the harbormaster. No new major capital costs are anticipated at this time. This fund also warrants continuation.
3. The Town should pursue constructing one or more access points to the York River for nonmotorized watercraft. A prime location is at Goodrich Park. The estimated cost of this facility is approximately \$55,000. Town appropriations, harbor capital reserve funds and potentially new user fees can be used to pay this cost. This is a mid-range priority.
4. A harbor pump-out facility should be provided to improve water quality in this area, and to discourage the practice of marine overboard discharges. To date, York's Harbor Board has resisted efforts to construct a facility. This approach, however, is not in the Town's best long term interest. The cost to construct a pump out facility is likely less than \$20,000. This is a mid-range priority.

### **EDUCATION FACILITIES**

The York School Committee, in late 1997, prepared a 10 year capital improvement program to meet the facility needs for York's student population. The plan recommended the following:

- Significant renovations to York High School to accommodate a student enrollment of 840. Cost estimate of \$5.5 million. This project was approved by York voters in May 1998 and construction will begin in 1999 with completion in the year 2000.
- Significant renovations to Coastal Ridge Elementary School to help house a total elementary school enrollment of 800. Cost estimate of \$3.5 million. This project was defeated by York voters in May 1998. The School Committee is revisiting this need and is preparing a project to meet ongoing needs. No specific time line available.
- Construction of a new Middle School at a cost of about \$14,000,000 to accommodate a student enrollment of about 840. This project was also defeated by York voters in May 1998. The School Committee is now examining potential renovation of the existing facility on Organug Road as well as a new facility, and will likely propose a new project proposal for Town consideration in May 1999. The existing Middle School is very overcrowded and additional classroom and core space is needed to meet both existing and future needs.
- Minor improvements to Village Elementary School consisting mostly of parking lot improvements. Cost estimate of \$100,000 was approved by York voters in May 1998 and the improvements should be completed in 1999. Additional site improvements are also likely needed at this school but no specific plans are now available.

The School Committee has requested these projects be funded entirely at the local level as the School does not believe State funds will be available. Town voters, in November 1997, and the Board of Selectmen, in August 1998, also approved the establishment of an impact fee on new residential construction to assist in paying the cost of this new construction. The impact fee will likely generate \$150,000+ annually to assist in paying the debt service the Town will incur to construct the school improvements. It is also recommended the School Committee aggressively pursue potential State funding to meet local facility needs. State funding programs are in transition and its also appears limited federal funds may become available and these could be used to defray the direct cost to York taxpayers.

### **OTHER FACILITIES**

1. The York Public Library, in 1998, purchased land at the Veile property in the Village Center to construct a new library. The existing library is simply too small to meet the needs of York's citizenry. The library will be raising some funds through private donations, but will likely approach the Town for a significant contribution. A public library is a critical public service and the Selectmen and Budget Committee should provide York voters the opportunity to decide if they want to contribute to its construction. The estimated construction cost of the Library is \$ 3,000,000, and the funding request to the Town will likely approach \$1,500,000.
2. The York Housing Authority operates Yorkshire Commons, the only public housing available in York. There is a crying need for additional public housing, particularly for the elderly and the Housing Authority has been working to locate a site and secure public funds for a new project. The Selectmen and Budget Committee should support requesting Town voters to provide Town funds to assist the Housing Authority in constructing a new facility. A recommended appropriation is \$100,000 to \$200,000 and this is an immediate priority. This amount can likely be paid back to the Town over the long-term through the Authority making a "payment in lieu of taxes".

## **Financing Mechanisms and Funding Sources TO CONSTRUCT CAPITAL IMPROVEMENTS**

A community should consider using a variety of approaches to pay for desired capital projects. Approaches recommended for the Town of York are outlined below. Many of these approaches are also described in the Town's response to State Goal 2, Public Facilities and Services.

### **"PAY-AS-YOU-GO" - 100% CURRENT YEAR FINANCING**

The "pay-as-you-go" method of funding capital improvements is the equivalent of paying cash, with the local property tax the usual revenue source. Thus, only projects a community can afford in a given year are funded. York routinely uses this approach to fund many of the capital improvements identified in its annual Capital Improvement Program. The "pay-as-you-go" approach ensures the maximum cost of projects undertaken does not exceed the Town's willingness and ability to pay. It, however, can foster postponement of "minor" capital item purchases that can result in greater future costs. It also does not work well for expensive projects because of the significant one year impact on the tax rate. The recommendation is to continue using the "pay-as-you-go" approach for appropriate capital projects.

### **"PAY-AS-YOU-USE" - DEBT FINANCING**

This debt financing approach typically involves issuing bonds to pay for a capital improvement. The cost of the improvement and debt interest are calculated in the debt repayment schedule, which is typically spread out in even increments over a specified period of time, usually from 5 to 20 years. This approach enables a community to use a capital improvement while it is paying for it, thereby avoiding a large municipal expenditure in a single year. It also offers predictability to the municipal budgeting process, since the annual amount needed to pay for the capital item(s) is known. Disadvantages to this approach include: payment of interest on the bond amount, costs associated with issuing a bond, and the fact that the annual debt payment amount must be repaid, regardless of a community's financial ability to make the payment in any given year.

York presently has a very low amount of bonded indebtedness; \$4,615,000 as of June 30, 1997, or less than 3% of the maximum amount permitted by State law. State law allows a municipality to incur 15% of its stated assessed valuation in long term debt, about \$180,000,000 for York. The only project for which York now owes debt is the 1990-1992 construction of Coastal Ridge

Elementary School. The Town's debt load likely will increase significantly over the next several years because of the voters decision in May 1998 to renovate York High School (\$5.5 million), the pending need to expand both the Middle School and Coastal Ridge Elementary School, and the desire to construct new or renovate existing municipal facilities. The Town should be prepared to assume a greater debt load as it is the only way to pay for such "big ticket" expenditures.

### **LOW INTEREST LOANS**

Low interest loans are often available for infrastructure financing, development of affordable housing, and similar types of projects. The Town should investigate these loan programs on a case-by-case basis as possible sources to reduce the cost of financing capital projects. York Housing Authority used this approach to construct York's only existing low income elderly housing complex.

### **IMPACT FEES**

The capital cost to provide new infrastructure to meet service demands caused by new development can be partly financed through the assessment of an impact fee. An impact fee can only be used to pay for capital items, and not replacement or maintenance costs. Town voters, in November 1997, granted the Board of Selectmen the authority to establish impact fees. The Selectmen, in August 1998, adopted Regulations to require an impact fee on new construction to help pay the cost of new school facilities. This fee will likely raise a minimum of \$150,000 in annual revenues that must be dedicated to pay specific school construction costs. It is also recommended that the Selectmen explore using impact fees to defray the capital cost of constructing new parks and recreation facilities and potentially municipal building needs.

Impact fees are not a panacea to pay the cost of all new infrastructure needs. The amount of the fee must carefully be calculated to reflect only the amount of demand caused by the new development, and the Town must strictly administer the fees collected. The Town Impact Fee Advisory Committee that worked in 1997 and 1998 to draft the Impact Fee Ordinance and subsequent Regulations recommended the Selectmen not pursue an impact fee to pay road construction costs because of difficulties in establishing a fair and equitable assessment formula.

### **EXACTIONS**

The Town of York Planning Board routinely requires applicants for new projects to construct the needed infrastructure to serve their project and to upgrade off-site facilities to meet new demands associated with their development. The common word for this is an exaction. For example, the Planning Board in its 1998 approval of Hannaford Brother's proposal to build a new grocery store required all on-site roads, parking, drainage, lighting, utilities and similar infrastructure to be constructed to Town standards. Off-site improvements were also required: payment of \$200,000 to the Town to reconstruct the Route 1/Route 91 intersection, extension of the public sewer via Route 1 so existing businesses could also be served, and additional road improvements to Route 1. Reconstruction of the Route 1/Route 91 intersection was identified as a high priority Town improvement and the funds secured from Hannaford will help address this need.

### **GENERAL RESERVE FUND**

A general reserve fund is the municipal equivalent of a savings plan. Once the purchase of a capital improvement has been planned and its cost has been estimated, a reserve fund is established to help pay for the capital item(s). A set amount of Town general fund revenues is deposited annually in the reserve fund and the improvement is purchased or undertaken when there are sufficient funds in the account. This approach helps to equalize the annual cost of paying for a capital improvement rather than paying the full amount in a single year. It also eliminates the interest and administrative cost of borrowing monies. York has long used general

reserve funds to aid in the purchase of equipment and other capital improvements that have a known service life. The Town should continue this practice.

### **DEDICATED RESERVE FUND**

A dedicated reserve fund involves setting aside user fees collected for a specific service to pay for capital facility improvements. York now uses this approach at its boat harbor as a percentage of the fees collected for harbor services are dedicated to harbor improvements. This is sound fiscal policy and warrants further exploration to determine if it may make sense for other programs. The Board of Selectmen have recommended two additional funds for voter approval in 1999 and both warrant support. These are:

- The Open Space Acquisition Program Fund whereby revenues from the sale of tax acquired property will be dedicated to the purchase of significant natural areas .
- The Beach Reserve Fund whereby a portion of the monies collected from parking meter fees will be dedicated to beach improvements.

A dedicated reserve fund is consistent with the overall Town goal of making persons responsible for causing a service demand to pay the cost of the service. The approach, however, has several shortcomings which should always be considered in establishing a new fund, including:

- The amount of fees collected can vary from year to year which lessens the predictability of using this source of funds to retire long term debt.
- Voters/taxpayers may be less willing to appropriate needed additional general fund revenues to construct a project if a dedicated reserve fund exists.
- The public may want to raise fees above acceptable levels simply to fund a desired project.
- Depositing user fees in a dedicated reserve fund decreases the Town's ability to use its revenues to help pay the cost of the highest priority need.

### **CAPITAL IMPROVEMENT DISTRICTS & SPECIAL ASSESSMENTS**

The Town should support the establishment of capital improvement districts to obtain monies from the direct beneficiaries of the improvement to pay the cost to construct needed improvements. The York Water District and York Sewer District routinely use this approach to fund the cost of public water and public sewer extensions. The Town government has not established specific capital improvement districts because of questions regarding the legality of this approach. In the late 1970's the Town assessed property owners on Airport Drive the cost to construct road and drainage improvements. The State Supreme Court subsequently ruled local governments like York could not use this approach. The Town abandoned its plans to upgrade Nicole Road using the same approach.

A specific recommendation in this Plan is to reexamine how and where capital improvement districts should be used to fund specific improvements. Examples of recommended areas and projects include: drainage in the Long Sands Beach area, sidewalks and drainage in the Nubble area, and public parking in the Village Center area. This approach is a key element of York's strategy to manage future growth. The Town also recognizes changes to State law may be needed to allow York to implement this approach.

### **GRANTS**

There are few significant grant programs and cost-sharing funds available to York through State and Federal agencies. The limited funding sources available, however, can reduce the municipal fiscal burden of undertaking certain capital improvements. Recent examples of grants the Town has received include: State Community Development Block Grants (CDBG) to extend water, sewer and road improvements to the Cormier Textile facility, Stonewall Kitchen, a Greater

Piscataqua Community Foundation Grant to renovate the Grant House, and State monies to purchase a DARE vehicle for the Police Department. The Town should be prepared to pursue grant programs that can help pay the cost of needed facilities. Local adoption of a Comprehensive Plan that is consistent with State requirements will make the Town eligible for certain grant sources that are now off-limits.

### **DONATIONS**

Donations of funds, equipment, or property by an individual, corporation, or foundation are rarely major or consistent methods of financing capital improvements, but they are an important sources that have greatly benefited the community. Many of the Town's most cherished areas, such as Steedman Woods, Goodrich Park, Ellis Park and now Hartley Mason Park, were either donated to the Town or are managed by non-profit entities for public use. The York Public Library is looking to private contributors to fund as much as \$1,500,000 of construction cost of the new library. Smaller scale projects have also happened because of the generosity of donors and volunteers. The playgrounds at York's elementary schools, restoration of the Grant House, and maintenance of flower gardens in the traffic islands at numerous intersections are but some of the donations. The role of the Town should be to encourage private donations that benefit the public and to acknowledge the efforts of those who contribute.

### **NEW FINANCING AUTHORITY**

State law greatly restricts the taxation options a municipality can use to pay service and capital facility costs. The Town should pursue amendments to State law to provide municipalities greater flexibility in raising revenues. Specific recommendations include the following:

- Granting municipalities the aforementioned authority to establish capital improvement districts and to assess property owners who receive a benefit to pay the cost of the project improvement.
- Granting municipalities the option to assess real estate transfer taxes on all real estate transactions and to use these funds to pay specific capital costs, such as school construction and open space acquisition.
- Granting municipalities that deliver services (mostly rescue services) to the Maine Turnpike Authority the authority to assess a fee on the Turnpike for the cost of the service. These funds could be used to defray the capital cost of needed emergency equipment.

Allowing municipalities greater authority to establish new forms of taxation raises the obvious concern that Towns will simply increase taxes. This authority, if used wisely, could lessen the reliance on the property tax and enhance a municipality's ability to better assess fees and taxes on the party that is causing the demand for the service.

- 1.3.11.2 To prevent the loss of architectural history which serves to give beauty and pleasure to residents, attract visitors and new residents, give the Town a particular character, and educate the community about its past;
- 1.3.11.3 To protect the outward appearance and architectural features of designated sites or landmarks and structures within designated districts;
- 1.3.11.4 To prevent the demolition or removal of designated sites or landmarks and significant historic structures within designated districts;
- 1.3.11.5 To preserve the essential character of designated districts by protecting relationships of groups of buildings and structures; and
- 1.3.11.6 To accept new buildings and structures in designated districts, which are designed and built in a manner which is in compliance with the character of the district.

#### 1.3.12 Concerning Cluster Subdivisions

As an alternative to conventional residential subdivision design, the purpose of cluster subdivision design is to protect important components of the natural and cultural environment while encouraging quality residential neighborhood design. The primary mechanism to accomplish this purpose is the reduction of individual lot sizes and dimensional standards, with the balance of land set aside into a common open space. There is an economic incentive to pursue cluster development by developers—reduced cost of infrastructure construction, and improved quality of development product—but this is of secondary importance compared to the public purposes of protection of natural and cultural resources.

The purpose of the open space may vary, but shall include one or more of the following public purposes:

- A. Protection of open space, particularly those un-fragmented blocks of land that are 550 acres or more in size as identified in the Existing Land Use Chapter of the Comprehensive Plan Inventory and Analysis. These areas are important for wildlife habitat (biodiversity), recreation, scenic values, and contributions to small town character.
- B. Provision of undeveloped corridor connections between adjacent un-fragmented blocks of land, particularly between those of 550 acres or more in size as this will magnify the open space value for biodiversity and for recreation.
- C. Protection of land for farming or forestry.
- D. Protection of historic and archaeological resources.
- E. Protection of cemeteries and burial grounds.
- F. Maintenance of existing public access to shoreland areas, or provision of new public access to shoreland areas.
- G. Preservation of scenic vistas from public ways or public lands.
- H. Protection of other unique natural or cultural features on a property, as may be determined to be of public benefit by the Planning Board. The Board may base such decisions on the Town's Comprehensive Plan, other local, regional and state policies, best available science, private studies, and other such references found to be credible by the Board. - **AMENDED 11/02/93 & 11/8/2005**

#### 1.3.13 Concerning Village Zones

The Comprehensive Plan recognizes the unique conditions in four village centers in Town, including York Village, York Harbor, York Beach, and Cape Neddick. Within each of these areas, standards relating to use, dimensions, density and design should be treated differently than in other areas of the community.

- A. Goal for the York Beach Village Area. Promote an attractive, inviting, safe, pedestrian-focused, family-oriented environment; safeguard the historic flavor, character and diversity; safeguard clean healthy beaches; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process. **AMENDED 11/04/08**

#### 1.4 Effective Date

This Ordinance shall take effect and be in force immediately upon its adoption.

#### 1.5 Schedule of Fees

Fees shall be charged for all permits and approvals required pursuant to this Ordinance.

- A. The Board of Selectmen shall adopt a schedule of fees for applications. The Board of Selectmen may amend the schedule as necessary. A public hearing shall be required prior to adoption or amendment.

# Community Development Department - Status of Work on Plan & Codes

2011 - 2012 Work Priorities

Updated: October 4, 2011

WORK TASK	Status	% Complete	Primary Staff Contact
<b>Comprehensive Plan Amendments</b>			
<b>November 2011</b>			
1 Changes in policy for the area between York Beach and Route One	awaiting public vote	99%	Christine Grimando
2 Establish policy about sustainability	awaiting public vote	99%	Christine Grimando
3 Establish policy about handicap accessibility	awaiting public vote	99%	Christine Grimando
4 Establish policy about formula/franchise controls in general	awaiting public vote	99%	Christine Grimando
<b>November 2012</b>			
Capital Investment Plan overhaul	started	1%	Christine Grimando
<b>Ordinance Amendments</b>			
<b>November 2011</b>			
1 Re-format Zoning Article 4 (Use Regulations)	awaiting public vote	99%	Steve Burns
2 Performance Standard to Control Soil Erosion	awaiting public vote	99%	Steve Burns
3 Beach Ordinance Changes for Ellis Short Sands Park	awaiting public vote	99%	Steve Burns
4 Change Date Range When Fires are Prohibited on Public Beaches	awaiting public vote	99%	Steve Burns
5 Municipal Towers in the Wireless Communications Facilities Ordinance	awaiting public vote	99%	Steve Burns
6 Sign Standards (Zoning)	awaiting public vote	99%	Christine Grimando
<b>May 2012</b>			
1 Establish Standards for Local Driveway Permitting	started	24%	Steve Burns
2 Emergency Management Ordinance Amendment	started	12%	Steve Burns
3 Fireworks Ordinance	started	50%	Steve Burns
4 Fires on Public Beaches	started	25%	Steve Burns
5 Control of Animal Noise	not started	0%	Steve Burns
6 Consolidate licensing policies and codes into a single code	started	15%	Steve Burns
7 Procedures for Board of Appeals	started	20%	Steve Burns
8 Floodplain Management Ordinance amendment for Bait Houses	started	22%	Steve Burns
9 Pergola Setback Exemption	started	50%	Steve Burns
10 Refine Residential Use Definitions and Standards	started	50%	Steve Burns
11 Mandatory Cluster Subdivision	started	50%	Steve Burns
12 Parking Standards	not started	0%	Steve Burns
13 Setbacks for Accessory Structures and Buildings	started	50%	Steve Burns
<b>November 2012 (tentative)</b>			
Refine Public/Semi-Public/Institutional Use Definitions and Use Lists	not started	0%	Christine Grimando
Accessory Dwelling Unit Standards	not started	0%	Christine Grimando
Right-Of-Way Standards	not started	0%	Christine Grimando
Cluster Subdivision Standards	not started	0%	Christine Grimando
Transfer of Development Rights Program	not started	0%	Christine Grimando
big changes to the Supplemental Plumbing Ordinance	not started	0%	Leslie Hinz

Press Release  
\*For Immediate Release\*

Public Meeting  
Cape Neddick River Water Quality Restoration Plan

The York Community Development Department and Watershed Solutions, Inc. will be holding a stakeholder meeting Wednesday, March 7, 2012 at 7:00 p.m. at Village Elementary School Gymnasium. The consulting team will give an overview of their work to date, and their plans for 2012. Property and business owners in the watershed, as well as interested parties are encouraged to attend. Feedback from the public is welcome.

The Cape Neddick River Association approached the Board of Selectmen in early 2011, asking the Board to commit to help clean up the pollution in the Cape Neddick River by funding several tasks relating to water quality. Instead, the Board of Selectmen directed staff to solicit proposals for a full-blown water quality restoration plan. This meeting is where you can start to get involved in the solutions.

We think it will be worth giving up an evening of TV - even if there will be new episodes of The Middle and Modern Family! Please join us!

For more information please contact Leslie Hinz at 363-1002 or [lhinz@yorkmaine.org](mailto:lhinz@yorkmaine.org)

**SPECIAL SELECTMEN'S MEETING  
8:00AM MONDAY, JANUARY 17, 2012  
YORK LIBRARY**

**Present:** Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Edward Little, Kinley Gregg, Scott Fiorentino, Town Manager; Robert G. Yandow, Recorder; Susan Scott, and members of the press and public.

**Call to Order**

**Pledge of Allegiance**

**1. Discussion of Budget FY13:**

Town Manager, Robert G. Yandow, provided Selectmen with the draft FY13 budget reflecting a 3.5% spending increase, and a reduction from \$790,000 to \$650,000 in use of Fund Balance monies as a means to offset taxes. Mr. Yandow stressed the importance in incrementally reducing reliance on Fund Balance monies as well as the need to address the cumulative impacts to the Town's infrastructure resulting from past and current budget decisions. This budget reflects the increase associated with the printing of tax bills and fuel costs for Police. The Tax Task Force (TTF) recommends a 2.5% spending increase. Mr. Yandow stated this was the first time in his six-year tenure he has differed from the TTF regarding the percentage for a spending increase. The proposed budget includes a 2% increase for collective bargaining agreements which expire June 30, 2014. Agreed terms included a zero increase the first year, 1% increase the second year, and a 2% increase in the third year. Mr. Yandow requests direction from the Selectmen as to whether or not they would like to maintain the 2.5% spending increase as recommended by the TTF with increased budget cuts or consider the budget as proposed.

**Discussion Points**

- Capital Improvement: Town to spend \$3.5 million per prior Tax Task Force recommendation.
- Capital Budget vs. Operating Budget: TTF would like infrastructure, paving and road maintenance should be in the Capital Budget. Paving costs include gravel and materials as well as

work associated with culvert installation and road paving. Town is paving less total miles of roadway; far less than the Consultant recommended amount of \$900,000 per year from six years ago.

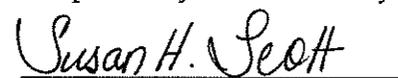
- Equipment: One-ton pickup truck was due to be replaced 2 to 3 years ago.
- Consideration of already increased taxes associated with new Police Station.
- School Ground Maintenance.
- Fee supported departments.
- IMS (Internet Mapping Services) to be updated and continued to be provided to public.
- PSAP (Public Safety Answering Point) to be dissolved at some future point because of State/County push toward regional services.
- Cost increases:
  - Cable tv and the streaming of municipal meetings;
  - Selectmen budget line item as it now includes dues for Maine Municipal Association;
  - Animal Control: Restore previously reduced hours for 2 part time AC officers who receive special training to deal with ...
- Selectmen budget review to be finalized by their next meeting on January 23, 2012.

Selectmen agreed with reducing use of Fund Balance monies by \$150,000 to the total of \$650,000, and discussed the recommendation from the Tax Task Force of a 2.5% spending increase. While some members were inclined to consider a 3% or higher increase in spending to maintain infrastructure, other members remained firm on retaining the lower 2.5% spending increase.

Town Manager Yandow confirmed that the budget information was available for public review, and stated that the Budget Committee will be meeting with both the Town and School officials come early February.

Motion by Ms. Andrews, seconded by Mr. Little to adjourn at 9:25am

Respectfully Submitted By:



Susan H. Scott; Recorder

**SELECTMEN'S MEETING**  
**6:00/7:00PM MONDAY, FEBRUARY 13, 2012**  
**YORK LIBRARY**

**Present:** Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Kinley Gregg, Scott Fiorentino, Town Manager; Robert G. Yandow, Recorder; Susan Scott, and members of the press and public.

**6:00PM: Executive Session: Real Estate (Pursuant to M.R.S.A. Title 1, §405 (6) (C))**

Moved by Ms. Andrews, seconded by Mr. Fiorentino to enter into Executive Session: Real Estate (Pursuant to MRSA Title 1, Section 405 (6) (C) at 6:05PM.

Moved by Ms. Andrews, seconded by Ms. Jackson-McCarty to exit the Executive Session: Real Estate (Pursuant to MRSA Title 1, Section 405 (6) (C) at 6:54PM.

**Call to Order**

**Pledge of Allegiance**

**A. Minutes**

- January 23, 2012 Selectmen's Meeting Minutes: Moved by Ms. Andrews seconded by Mr. Fiorentino to approve the January 23, 2012 Selectmen's Meeting Minutes as amended. Vote 4-0, motion passes.
  
- February 2, 2012 Special Selectmen's Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the February 2, 2012 Special Selectmen's Meeting Minutes. Vote 4-0, with, motion passes.

**B. Chairman's Report**

Chairman Jackson-McCarty congratulated Police Chief Doug Bracy for receiving an award from the State Police Association.

**C. Manager's Report**

Town Manager, Robert G. Yandow, congratulated Chief Bracy for recognition from the State Police Association, and congratulated Police officers Scott

Slauson, Scott Randall and Tyler Gagne for receiving Life Saving Awards. Mr. Yandow further congratulated Officer Scott Randall for receiving a second Life Saving Award as well Police Department Chaplain, Dr. Henry Guertin-Ouellette for receiving the Outstanding Contribution by a Civilian award. Mr. Yandow reminded residents that there will be some traffic disruption on York Street in the next few weeks due to the drainage project.

**D. Awards**

**1. Proclamation: May Sarton.**

Chairman Jackson-McCarty read the Proclamation Announcing May Sarton Day this coming May 3, 2012 on what would have been her 100<sup>th</sup> birthday. The May Sarton Centennial Symposium will occur May 3<sup>rd</sup> through May 6<sup>th</sup>, 2012.

Ms. Andrews stated that May Sarton was a truly special person.

**E. Reports**

**1. Charter Commission - Preliminary Report**

Charter Commission Chairman, Dave Marshall, discussed how York voters approved establishment of the Commission back in May 2010 so as to review how the Town of York was governed. The Commissioners met diligently over a period of a year and a half, and have unanimously approved the draft charter as presented. Increased public participation and oversight are common themes within the proposed charter. As statutorily required, the draft document was reviewed by an attorney, Mr. Keith Jacques, Esq., and deemed compliant. Copies of these materials will be provided at Town Hall, York Library and on the Town website.

Chairman Jackson-McCarty requested the Selectmen spend more time reviewing the document for a future workshop.

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

Public Comment: Chuck Stacey  
Nick Papin

Helen Rollins  
Rick Boston

**G. Approval of Warrant #33**

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve Warrant #33, without objection, so ordered.

**H. Public Hearings**

- **NEW BUSINESS LICENSE:** Jon Adelson DBA Rick's All Seasons Restaurant (Victualers and Liquor)

Moved by Ms. Andrews, seconded by Mr. Fiorentino to open the public hearing at 7:33pm, motion passes.

Public Comment: None.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to close the public hearing at 7:33pm, motion passes.

- **Sale of Town Owned Property:**

- 27 Haskell Way
- 40 Walt Kuhn Road
- 70 Walt Kuhn Road
- 302 Mountain Road
- 86 Scituate

Moved by Ms. Andrews, seconded by Mr. Fiorentino to open the public hearing at 7:34 pm, motion passes. MA/KG close at 7:37

Public Comment: Chuck Stacey  
Helen Rollins

Moved by Ms. Andrews, seconded by Ms. Gregg to close the public hearing at 7:37 pm, motion passes.

**I. Endorsements**

**License Applications**

.....

- Jon Adelson DBA Rick's All Seasons Restaurant (Victualers & Liquor)
- Cumberland Farms, Inc. DBA Cumberland Farms #5567 (Victualers & Liquor)
- Phyllis W. Fox DBA Fox's Lobster House (Victualers & Liquor)
- Stephen Dunne DBA Brown's Ice Cream (Victualers)
- Woods Family Inc. DBA Woody's Brick Oven Pizza (Victualers)
- Kevin Tacy DBA Foster's Downeast Clambake (Victualers, Liquor & Special Amusement)
- The Goldenrod DBA Lobster Cove (Victualers, Liquor & Special Amusement)

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the following license applications: Jon Adelson DBA Rick's All Seasons Restaurant (Victualers & Liquor), Cumberland Farms, Inc. DBA Cumberland Farms #5567 (Victualers & Liquor), Phyllis W. Fox DBA Fox's Lobster House (Victualers & Liquor), Stephen Dunne DBA Brown's Ice Cream (Victualers), Woods Family Inc., DBA Brown's Ice Cream (Victualers), Kevin Tacy DBA Foster's Downeast Clambake (Victualers, Liquor & Special Amusement), and The Goldenrod DBA Lobster Cove (Victualers, Liquor & Special Amusement). Vote 4-0, motion passes.

**J. Old Business**

**K. New Business**

**1. Proposed Additional Improvements to Short Sands and Long Beach Drainage Projects.**

Public Works Director, Dean Lessard, discussed previously voter approved drainage projects, and the increased scope due to additional grant monies as awarded through the State MPI program. Mr. Lessard confirmed he would provide the Selectmen a list noting each separate improvement for future review and approval by the Board.

Chairman Jackson-McCarty requested Rick Boston contact the Ellis Park Sands' Director to coordinate a time for a joint meeting with the Department of Public Works.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve that the Department of Public Works and Oak Engineers are authorized to finalize the design for the additional infrastructure improvements in conjunction with the Short Sands and Long Beach Drainage projects

based on the additional funding provided by the Maine Department of Transportation's Municipal Participation Initiative grant, and further, that construction bids be solicited from SUR Construction and their approved subcontractors to complete the additional infrastructure improvements. Vote 4-0, motion passes.

**2. Drainage Improvement Project on Broadway, Airport Drive Extension, Ocean Avenue Extension and Willow Street.**

Public Works Director, Dean Lessard, discussed preliminary plans for relocation of storm drainage components to assist with the lessening of chronic flooding in the Short Sands Beach area. If approved, Mr. Lessard will start meeting with property owners to negotiate possible easements with an expected start date to occur next winter. Mr. Lessard confirmed that copies of any DEP permit submittals would be provided to the Selectmen.

Mike Morrison, Swamp Inc., discussed a potential stormwater wetland restoration project which acts as an important component of the Town's current mosquito program for which he manages. The current drainage project contains a 2 ½ acre wetland parcel located off of Airport Drive Extension. This wetland not only contains 4 species of harmful mosquitoes but has been infiltrated with invasive plants and high amounts of sediment effectively prohibiting natural stormwater containment. If the Town were interested, this could be the first type of mosquito/stormwater treatment project in Maine.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to authorize the Department of Public Works to finalize the design, secure drainage easements and environmental permits, and solicit construction bids to replace and upgrade the existing drainage system on Ocean Ave Extension, Airport Drive Extension, Broadway and Willow Streets. Vote 4-0, motion passes.

**3. Appointment to Assessment Review Board**

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the appointment of Gregory R. Gosselin as Member to the Assessment Review Board with a term to expire June 30, 2014. Vote 4-0, motion passes.

**4. Approval of Purchase and Sale Agreements for Sale of Town-Owned Property**

Moved by Ms. Andrews, seconded by Mr. Fiorentino to authorize the Town Manager to sign Purchase and Sale Agreements for 302 Mountain Road, 86 Scituate Road and 27 Haskell Road. Vote 4-0, motion passes.

- 5. Property Redemption Request: 6 Eastern Ave. (Tax Map 36, Lot 73-A)**  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the redemption of Tax Map 0036, Lot 0073-A, 6 Eastern Avenue, as requested, subject to the attached conditions being met, and that all taxes, interest and administrative costs are paid in full by no later than April 13, 2012. Vote 4-0, motion passes.
- 6. Property Redemption Request: 8 Raccoon Ridge (Tax Map 2, Lot 29)**  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the redemption of Tax Map 0002, Lot 0029, 8 Raccoon Ridge, as requested, subject to the attached conditions being met, and that all taxes, interest and administrative costs are paid in full with the first installment of \$3,000 due by February 17, 2012, and the remaining balance due by no later than August 13, 2012. Vote 4-0, motion passes.
- 7. Application for License for Incorporated Civic Organization: Old York Historical Society 3/31/12**  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Application for License for Incorporated Civic Organization for the Old York Historical Society event, "Tap Tap Tap Jefferds Tavern Dinner", to be held on March 31, 2012 from 6:30pm to 9:00pm. Vote 4-0, motion passes.
- 8. Special Event Permit Application: Dawn Firespin 3/4/12**  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the special event permit application for the Dawn Firespin that will be held Sunday, March 4, 2012 from approximately 5:00am to 7:00am. Vote 4-0, motion passes.
- 9. Special Event Permit Application: 23<sup>rd</sup> Annual Decorator Show House 7/14/12 - 8/11/12**  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the special event permit application for the 23<sup>rd</sup> Annual Decorator Show House that will be held July 14 through August 11, 2012. Vote 4-0, motion passes.

**L. Other Business**

- Ms. Gregg inquired about roadwork on York Street, and whether the project had been stopped or delayed due to the impending Citizen's Petition regarding the traffic light. Mr. Yandow responded that in no way has his office or the Town requested any delay of work with regard to the drainage improvement project.
- Chairman Jackson-McCarty read letters from Janalee Moquin, Diane Brown, and Marci and Robert Cathey. Ms. Jackson-McCarty extended an apology to both Chuck Stacey and Helen Rollins for not responding to their prior questions. The Selectmen will research and respond to them both.

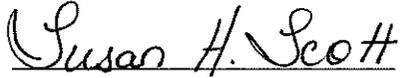
**M. Citizens Forum**

Public Comment: None.

**Adjourn**

Moved by Ms. Andrews, seconded by Ms. Gregg to adjourn at 10:04pm.

Respectfully Submitted By:



Susan H. Scott; Recorder



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 23, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Business License Applications (5): Mr. Mike's, Stage Neck Inn, Cape Neddick Inn, Circle K#7049, and Seacoast United Sports Club.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Susan Scott
<b>RECOMMENDATION:</b> Approve Business License Applications (5)
<b>PROPOSED MOTION:</b> <i>I move to approve the following licenses:</i> <ol style="list-style-type: none"><li>1. Global Montello Group Corp. DBA Mr. Mike's (Victualers)</li><li>2. Stage Neck Inn, Inc. DBA Stage Neck Inn (Victualers &amp; Liquor)</li><li>3. Kenneth Heavner DBA Cape Neddick Inn (Victualers, Liquor &amp; Special Amusement)</li><li>4. Mac's Convenience Stores, LLC DBA Circle K#7049 (Victualers)</li><li>5. Matthew Glode DBA Seacoast United Sports Club (Victualers)</li></ol> <i>...subject to taxes, fees and inspection being current and compliant with the usual noise stipulations.</i>

**Discussion:** Please see attached application for details.

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

Prepared By: Susan H. Scott

Reviewed By: Robert M. Gandon



# Town of York

186 York Street  
York, Maine 03909-1314

**TO:** Board of Selectmen

**FROM:** Kathryn Newell *KNewell*  
Code Enforcement Officer

**DATE:** February 23, 2012

**RE: LICENSE INSPECTIONS AND RECOMMENDATIONS**

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

Based on my review, I recommend the following position on the Licenses to be heard on February 27, 2012.

## ENDORSEMENTS

Global Mantello Group Corp.  
**DBA: Mr. Mike's**  
Victualer

**MAP 48/LOT 43-1**

Global Mantello Group Corp.  
c/o Alliance Energy LLC  
404 Wyman Street, Suite 425  
Waltham, MA 02451

**FACILITY**

Convenience Store w/Food Prep

**ZONE**

Rt. 1-3

**USE**

Conforming, Existing

**RECOMMENDATION**

Approval

Stage Neck Inn, Inc.  
**DBA: Stage Neck Inn**  
Victualer/Liquor

**MAP 58/LOT 10-B**

Stage Neck Inn, Inc.  
P. O. Box 70  
York Harbor, ME 03911

**FACILITY**

Restaurant/120 Seats

**ZONE**

BUS-1

**USE**

Conforming, Existing

**RECOMMENDATION**

Approval

Kenneth Heavner  
**DBA: Cape Neddick Inn**  
Victualer/Liquor/Special Amusement

**MAP 19/LOT 28**

Kenneth Heavner  
P. O. Box 249  
Cape Neddick, ME 03902

<b>FACILITY</b>	Restaurant/112 Seats
<b>ZONE</b>	Rt. 1-5
<b>USE</b>	Conforming, Existing
<b>RECOMMENDATION</b>	Approval

Mac's Convenience Stores LLC  
**DBA: Circle K #7049**  
Victualer

**MAP 48/LOT 23**

Mac's Convenience Stores LLC  
P. O. Box 347  
Columbus, IN 47202

<b>FACILITY</b>	Convenience Store w/food prep
<b>ZONE</b>	Rt. 1-3
<b>USE</b>	Conforming, Existing
<b>RECOMMENDATION</b>	Approval

Matthew Glode  
**DBA: Seacoast United Sports Club**  
Victualer

**MAP 94/LOT 51**

Matthew Glode  
P. O. Box 779  
Hampton, NH 03843

<b>FACILITY</b>	Sports Center/Coffee
<b>ZONE</b>	Rt. 1-4
<b>USE</b>	Conforming, Existing
<b>RECOMMENDATION</b>	Approval

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



Business Name Mr. Mike's York  
 Business Location 579 US-1  
 Telephone Number 207 363-3414

OWNER'S Name and Mailing Address Global Mantello Group Corp  
90 Alliance Energy LLC  
404 Wyman St., Suite 425  
Waltham, MA 02451 Att: legal

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		
Fire	✓ 2/2/12	EMail
Tax Collector	✓ 2/3/12	EMail

**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>48-43-1</u> Rt. <u>1-3 ss</u> License Year: <u>2012</u> No. Of Seats: <u>0</u> No. Of Parking Spaces: _____ New License (One Time \$30 Fee): <u>YES</u> NO Former Owner: <u>Alliance</u> License Renewal: YES <u>NO</u> 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 140 Consecutive Days? YES <u>NO</u>	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor _____ \$25.00 Special Amusement _____ \$25.00 Bottle Club _____ \$25.00 Theater _____ \$25.00 Dance Hall _____ Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): <u>N/A</u> _____ _____ 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.

11/30/12  
 Date

Edward J. Faneuil, EUP  
 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 Edward J. Faneuil, EUP

Business Manager Signature (If Applicable) \_\_\_\_\_

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Town Manager for the Board of Selectmen

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

AMT. RECD. \$ 150.00 RECEIPT NO. CK-6017308 RECEIPT DATE 2/1/12 55 MI PM MM MS 2/1/12

cc'd: Clerk ✓  
 Code ✓  
 Fire ✓

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



Business Name Mr. Mike's York  
 Business Location 579 US-1  
 Telephone Number 207 363-3414

OWNER'S Name and Mailing Address Global Mantello Group Corp  
40 Alliance Energy LLC  
404 Wyman St. Suite 425  
Waltham, MA 02451 Att: Legal

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	<u>3 FEB 12</u>	<u>KHWN</u>
Plumbing	<u>8 FEB 12</u>	<u>KHWN</u>
Fire		
Tax Collector		

**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>48-43-1</u> <u>Rt. 1-3</u> License Year: <u>2012</u> No. Of Seats: <u>0</u> No. Of Parking Spaces: _____ 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 <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="radio"/> <input checked="" type="radio"/> NO	<b>REQUESTING THE FOLLOWING LICENSES:</b> <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): <u>N/A</u> _____ ___ 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 11/30/12 Applicant's Signature Edward J. Faneuil, EUP

**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 Edward J. Faneuil, EUP

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

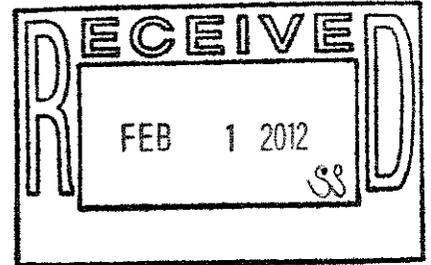


GLOBAL MONTELLO GROUP CORP. 800 South Street P.O. Box 9161 Waltham, MA 02454-9161 ph: 781-894-8800 fx: 781-398-9000

January 30, 2012

**VIA FED EX**

Town of York  
186 York Street  
York, ME 03909  
Attn: Susan Scott



Re: Global Montello Group Corp.

Dear Susan:

Global Montello Group Corp. is in the process of purchasing the Mr. Mike's convenience stores/gas station located in York from Alliance Energy LLC. Enclosed please find the completed Victualers License Application. Also enclosed is a check for \$130.00 to cover the cost of filing the application.

Please provide confirmation the above has been received, by date-stamping the additional enclosed copy of this letter. A self-addressed stamped envelope is included for your convenience.

Please let me know if you require additional information or documentation. I can be reached at 781-398-4133.

Sincerely,

Marla F. Belostock  
Contract Paralegal

Enclosures



# State of Maine

Department of Agriculture, Food and Rural Resources  
Division of Quality Assurance & Regulations  
28 State House Station, Augusta, ME 04333-0028  
(207) 287-3841

SERIAL NUMBER

69136

2-23386

November 21, 2011

December 31, 2012

LICENSE NUMBER

DATE OF ISSUE

DATE OF EXPIRATION

*This certifies that*  
**Mr Mike's #325**  
**Alliance Energy Corp**  
**404 Wyman ST, Suite 425**  
  
**Waltham, MA 02451-**

## CONVENIENCE STORE

**Location: 519 Route 1, York**

This certificate is valid only between the date issued and expiration date appearing herein. Only the named holder at the location for which issued may use it.

The person named herein is authorized to sell or manufacture food products, fuel and/or sell or repair weighing and measuring devices as permitted by law for the listed authorizations.

This certificate and/or each type of authorization represented is subject to suspension, revocation or cancellation as authorized by Maine Revised Statutes.

LICENSE TYPE

DESCRIPTION OF LICENSE AUTHORIZATIONS

FEE

License Type	Authorizations	Fee
Retail Meat	Prepackaged for Direct Sale	10.00
Retail Food Establishment	11 to 25 Beverage Containers(Redeem) Beverage Dispenser Coffee/Tea(prepared on site) Cold Foods (prepared on site) Dairy Products Frozen Food Fruit Juices Hot Foods (prepared on site) Hotdog Steamer Prepackaged Meat Prepackaged Food Produce (fresh) Ready to Eat Deli Items	50.00
Redemption Center		50.00
Retail Fuel	Nozzles: 14	112.00
Commercial Food Processor	Ice Manufacturing	50.00
<b>TOTAL:</b>		<b>272.00</b>



Department of Agriculture

Commissioner

EVERY LICENSE SHALL BE DISPLAYED ON THE LICENSED PREMISES IN A LOCATION EASILY SEEN BY THE GENERAL PUBLIC.

Division of Quality Assurance

Director

## Susan Scott

---

**From:** David Apgar  
**Sent:** Thursday, February 02, 2012 7:18 AM  
**To:** Susan Scott  
**Subject:** Inspection Completed - Mr. Mike's

Hi Susie,

I have completed a fire inspection at Mr. Mike's. Please proceed with the licensing renewal process.

Thank you,

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

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](mailto:town@yorkmaine.org). This footnote also confirms that this email message has been checked for the presence of computer viruses.

## Susan Scott

---

**From:** Mary-Anne Szeniewski  
**Sent:** Friday, February 03, 2012 1:44 PM  
**To:** Susan Scott  
**Subject:** RE: Business License - Outstanding Taxes Due?

All paid up

*Mary-Anne Szeniewski*  
Town Clerk/Tax Collector  
Town of York, Maine  
186 York Street, York, ME 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [mszeniewski@yorkmaine.org](mailto:mszeniewski@yorkmaine.org)  
p: (207) 363-1003, Ext. 272  
f: (207) 363-1009

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---

**From:** Susan Scott  
**Sent:** Friday, February 03, 2012 8:39 AM  
**To:** Mary-Anne Szeniewski  
**Subject:** Business License - Outstanding Taxes Due?

Hi there,

Any taxes due for Mr. Mike's?

Thanks, Susie.

*Susan Scott*  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (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 Stage Neck Inn  
 Business Location 8 Stage Neck Road  
 Telephone Number 207-363-3950

OWNER'S Name and Mailing Address W. Mark Foster / Stage Neck Inn  
237 Whipple Road  
Kittery, ME 03904

APPLICANT'S Name and Mailing Address Stage Neck Inn, Inc.  
P.O. Box 70  
York Harbor, ME 03911  
 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	✓ 2/13/12	
Tax Collector	✓ 2/14/12	SS

**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>58/10</u> License Year: <u>2011</u> No. Of Seats: <u>120</u> No. Of Parking Spaces: <u>147</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 <u>0</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>0</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input checked="" 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 2/13/12

Applicant's Signature \_\_\_\_\_

**Please Read and Initial the Following Statements:**

*(Handwritten notes: "I understand...")*

- 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 MRS Chapter 3811 through 3814

AMT. RECD. \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_ RECEIPT DATE 2/13/12 55 MI PM MM MS 2/14/12

*No Payment per 2/10/12 letter from Trish Vincent*  
*ced: Clerk ✓*  
*ced: CEO ✓*  
*ced: Fire ✓*



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

Business Name Stage Neck Inn  
Business Location 58 Stage Neck Road  
Telephone Number 207-363-3950

OWNER'S Name and Mailing Address W. Mark Foster / Stage Neck Inn  
237 Whipple Road  
Kitteny, Me 03904

APPLICANT'S Name and Mailing Address Stage Neck Inn, Inc.  
P.O. Box 70  
York Harbor, Me 03911

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	13 FEB 12	KAWAN
Building Structural		
Electrical		
Plumbing		
Fire		
Tax Collector		

**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>58/10</u> <u>BUS-1</u> License Year: <u>2011</u> No. Of Seats: <u>120</u> No. Of Parking Spaces: <u>147</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>0</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>0</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input checked="" 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 2/3/12

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.
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- 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 MRS Chapter 3811 through 3814

AMT. RECD. \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_ RECEIPT DATE 2/13/12 85 MI PM MM MS

No Payment

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 3/31/12

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

- |                                                          |                                                                  |
|----------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)  | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input checked="" 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>Stage Neck Inn, Inc.</u> DOB: _____			2. Business Name (D/B/A) <u>Stage Neck Inn</u>		
DOB: _____			Location (Street Address) <u>8 Stage Neck Rd</u>		
DOB: _____			City/Town <u>York Harbor Me</u> State <u>Me</u> Zip Code <u>03911</u>		
Address <u>P.O. Box 70</u>			Mailing Address <u>P.O. Box 70</u>		
City/Town <u>York Harbor Me</u> State <u>Me</u> Zip Code <u>03911</u>			City/Town <u>York Harbor Me</u> State <u>Me</u> Zip Code <u>03911</u>		
Telephone Number <u>207-363-3850</u>		Fax Number <u>207-363-8771</u>		Business Telephone Number <u>207-363-3850 x402</u>	
Federal I.D. # <u>01 032 0409</u>		Seller Certificate # _____			

3. If premises are a hotel, indicate number of rooms available for transient guests: 60
4. State amount of gross income from period of last license: ROOMS \$2,576,345 FOOD \$1,825,624 LIQUOR \$433,314
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: Phoebe Aggar-Prassey
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 9 Stage Neck Road
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
Phoebe Apgar-Pressley	7/16/55	York, ME
William Mark Foster	12/27/51	York, ME

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

Apgar-Pressley - York, ME  
Foster - Kittery, 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) Hotel with public dancing + cocktail lounge/restaurant + Seasonal Pool w/ food

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES  NO  Applied for: \_\_\_\_\_ *alc. Bev. Lic*

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? .5 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: Kennbunk Savings Bank - Mortgage + L.O.C

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 Harbor, Me on February 9, 2012

*(Signature)*

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

W. MARK FOSTER

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.

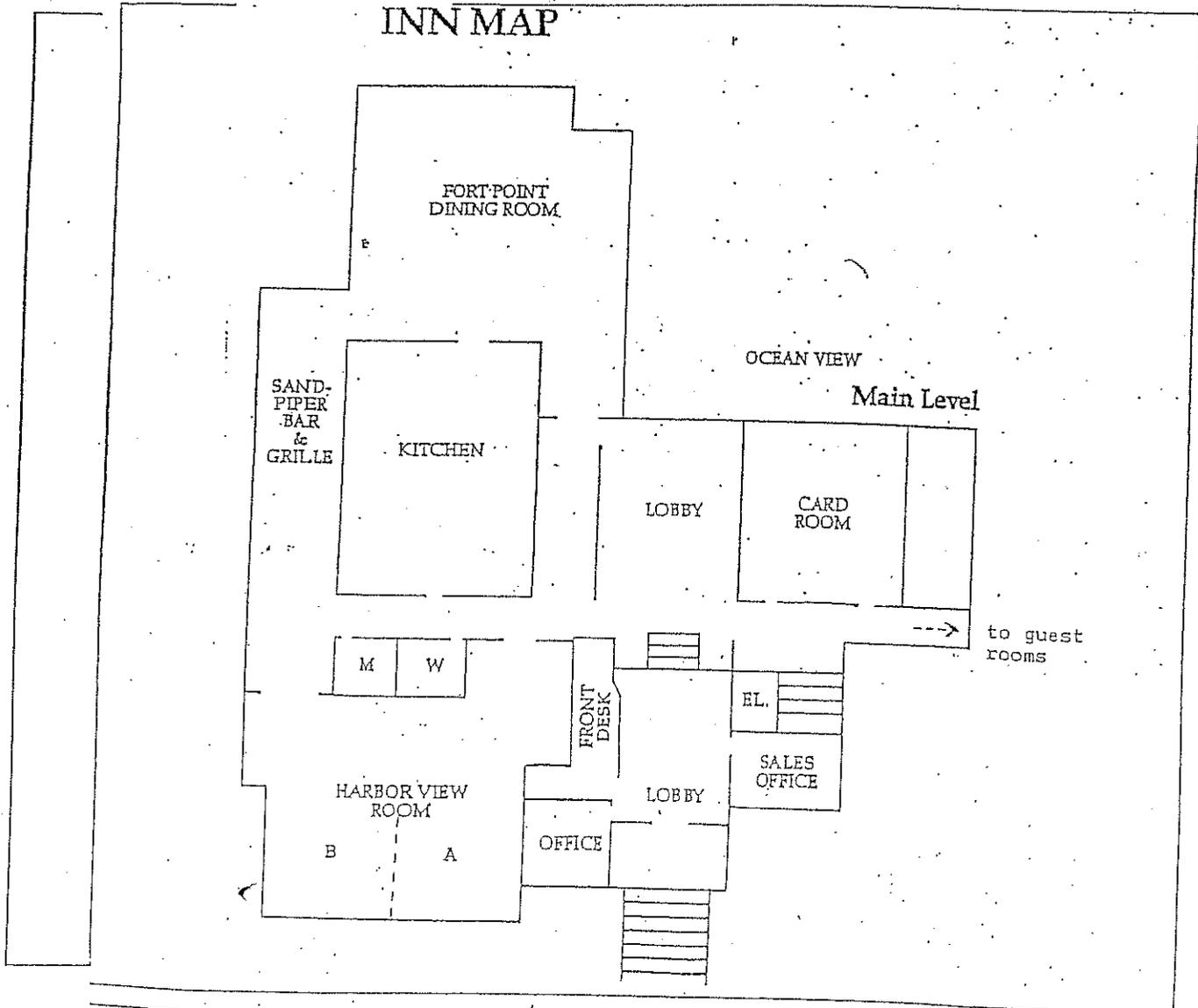




## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.



2012

▽ DETACH HERE ▽

# State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

**EST ID: 4990**  
**EATING AND LODGING**  
58 Rooms 120 Seats (in)

STAGE NECK INN  
STAGE NECK RD  
YORK ME 03909

STAGE NECK INN INC  
STAGE NECK INN  
PO BOX 70  
YORK HARBOR ME 03911-0070

EXPIRES: 12/28/2012

FEE: \$250.00

Mary C. Mayhew  
COMMISSIONER

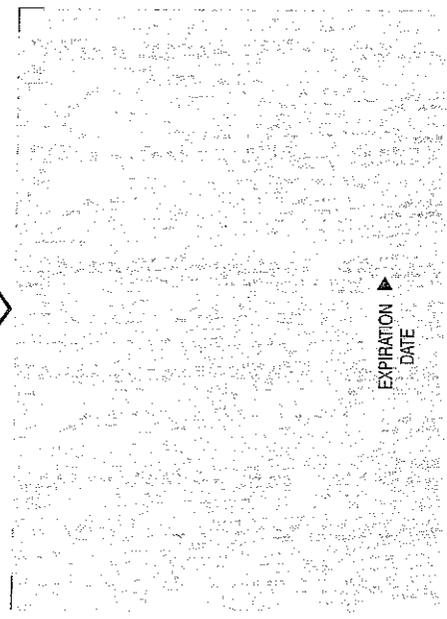
11033

NON-TRANSFERABLE



● THIS CARD TO BE CARRIED ON THE PERSON.  
THESE LICENSES VOID UNLESS VALIDATED.

DETACH ALONG DOTTED LINES ▽



EXPIRATION ▲  
DATE

Please be aware that smoking is now prohibited in outdoor eating areas, where food or drink is served to the public for consumption on the premises, 24 hrs. per day, 365 days per year. For free signs, please contact your local Healthy Maine Partnership at [www.healthymainepartnerships.org](http://www.healthymainepartnerships.org), or call 207 287 4626.

Rec 11/25/11

For 2012



# State of Maine

2011-2012

rec'd  
3/21/11  
TV



DEPARTMENT OF PUBLIC SAFETY  
Bureau of Liquor Licensing

License Number	Date of Issue	Date of Expiration
4026	04/01/2011	03/31/2012

THIS CERTIFICATE IS VALID ONLY BETWEEN THE DATE ISSUED AND EXPIRATION DATE APPEARING HEREIN. IT MAY BE USED ONLY FOR THE NAMED HOLDER AT THE LOCATION FOR WHICH ISSUED.

THE PERSON NAMED HEREIN IS AUTHORIZED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES WITH ALCOHOLIC CONTENT PERMITTED BY LAW FOR THE PERMITS DESIGNATED BELOW.

THIS CERTIFICATE AND/OR EACH TYPE OF PERMIT REPRESENTED IS SUBJECT TO SUSPENSION, REVOCATION OR CANCELLATION AS AUTHORIZED BY TITLE 28-A OF THE REVISED STATUTES.

COPY

**Owner(s):** STAGE NECK INN, INC.  
**Business:** STAGE NECK INN  
 8 STAGE NECK ROAD  
 YORK, ME

CODE	PERMIT TYPE/DESCRIPTION	FEE
1101	CLASS I - SPIRIT, VINOUS, AND MALT - HOTEL	\$900.00
2630	FILING FEE	10.00

Total Fees: \$ 910.00

Every license shall be displayed on the licensed premises in a conspicuous location in that part of the premises where liquor is served or sold, where it can easily be seen.

Bureau of  
Liquor Licensing

Commissioner

License fee is non-refundable

STAGE NECK INN, INC.  
 P.O. BOX 70  
 YORK HARBOR, ME 03911

## Susan Scott

---

**From:** David Apgar  
**Sent:** Monday, February 13, 2012 7:59 AM  
**To:** Susan Scott  
**Subject:** Inspection Completed - Stage Neck Inn

Hi Susie,

I have completed a fire inspection at the Stage Neck Inn. Please proceed with the licensing renewal process.

Thank you,

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

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## Susan Scott

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Tuesday, February 14, 2012 1:57 PM  
**To:** Susan Scott  
**Subject:** RE: Business License Renewal - Stage Neck

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](http://www.yorkmaine.org)  
e: [mszeniaewski@yorkmaine.org](mailto:mszeniaewski@yorkmaine.org)  
p: (207) 363-1003, Ext. 272  
f: (207) 363-1009

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**From:** Susan Scott  
**Sent:** Tuesday, February 14, 2012 11:37 AM  
**To:** Mary-Anne Szeniaewski  
**Subject:** Business License Renewal - Stage Neck

Mary-Anne,

Are there any outstanding taxes due for Stage Neck Inn?

Thanks, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

 Please consider the environment before printing this email.

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P.O. Box 70  
York Harbor, Maine 03911  
207 363-3850 / FAX 207 363-2221  
<http://www.stageneck.com>  
email: [reserve@stageneck.com](mailto:reserve@stageneck.com)

February 10, 2012

Susan Scott  
Town of York  
186 York Street  
York, ME 03909

Dear Susan:

Enclosed are our completed license renewal application for the Town of York and our renewal application for a liquor license.

I have not included payment (\$125) for the application or license endorsements, as we inadvertently paid the fee for Hotel/Motel with Cooking Facilities for the year 2010. The error was discovered last year and when I inquired with Kathryn she said we could reduce this year's fee by the same amount. She also indicated that there would be a \$25 credit left over from this year that can be carried to 2013.

If you have any questions, please call me anytime at 363-3850 ext. 402 or email [office@stageneck.com](mailto:office@stageneck.com).

Thank you,

A handwritten signature in cursive script that reads "Trish Vincent".

Trish Vincent  
Office Manager



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

Business Name Cape Neddick Inn  
Business Location 1273 US Route 1  
Cape Neddick, ME 03902  
Telephone Number 207-351-1145

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	2/15/12	
Building Structural		
Electrical		
Plumbing		
Fire	2/15/12	
Tax Collector	✓ 2/8/12	Email

OWNER'S Name and Mailing Address Kenneth Heavner  
PO Box 249  
Cape Neddick, ME 03902

APPLICANT'S Name and Mailing Address Kenneth Heavner  
PO Box 249  
Cape Neddick, ME 03902

Is applicant same operator as prior year?  Yes  No

**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: 0019 / 0028 / 11 / Rt. 1-5  
 License Year: 2012 - 2013  
 No. Of Seats: 120 112 SS  
 No. Of Parking Spaces: 90

New License (One Time \$30 Fee): YES  NO

License Renewal: YES  NO

Bed and Breakfast License: # of Rooms 0

Hotel/Motel with Cooking Facilities: # of Rooms 0

Is Your Establishment Closed for More Than 120 Consecutive Days? YES  NO

REQUESTING THE FOLLOWING LICENSES:

\$25.00 Victualers  
 \$25.00 Liquor  
 \$25.00 Special Amusement  
 \$25.00 Bottle Club  
 \$25.00 Theater  
 \$25.00 Dance Hall  
 Coin-OP Amusement (\$75 each or \$250 for 3 or more)

Nature of Entertainment (If Applicable):  
DMX music service

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 2/8/12

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. \$125.00 RECEIPT NO. CK-6699 RECEIPT DATE 2/8/12 MI PM MM MS 2/8/12

cc'd: Clerk  
CEO  
[initials]

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



Business Name Cape Neddick Inn  
 Business Location 1273 US Route 1  
Cape Neddick, ME 03902  
 Telephone Number 207-351-1145

OWNER'S Name and Mailing Address Kenneth Heavner  
PO Box 249  
Cape Neddick, ME 03902

APPLICANT'S Name and Mailing Address Kenneth Heavner  
PO Box 249  
Cape Neddick, ME 03902

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical	15 FEB 12	KRAVTON
Plumbing		
Fire		
Tax Collector		

**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>0019 / 0028 / 11 / Rt. 1-5</u> License Year: <u>2012 - 2013</u> No. Of Seats: <u>120 112 SS</u> No. Of Parking Spaces: <u>90</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>0</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>0</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 checked="" type="checkbox"/> \$25.00 Liquor <input checked="" 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>DMX music service</u> 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 2/8/12

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]

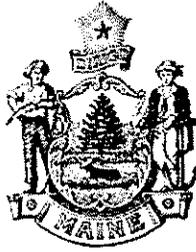
Business Manager Signature (If Applicable) \_\_\_\_\_

Date \_\_\_\_\_

Town Manager for the Board of Selectmen \_\_\_\_\_

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

**Department of Public Safety  
Liquor Licensing & Inspection  
Division**



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

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.

**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-OPTINONAL 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**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <i>Down East Resorts LLC</i> DOB: _____			<b>2. Business Name (D/B/A)</b> <i>CAPE Neddick Inn</i>		
<i>Kenneth David Heavner</i> DOB: <i>8-20-1941</i>					
DOB: _____			<b>Location (Street Address)</b> <i>1273 US Route 1</i>		
<b>Address</b> <i>1273 US Route 1</i>			<b>City/Town</b> <i>Cape Neddick</i>		<b>State</b> <i>ME</i>
<i>PO Box 249</i>			<b>Zip Code</b> <i>03902</i>		
<b>City/Town</b> <i>CAPE Neddick</i>			<b>Mailing Address</b> <i>P.O. Box 249</i>		<b>State</b> <i>ME</i>
<b>State</b> <i>ME</i>			<b>City/Town</b> <i>CAPE Neddick</i>		<b>Zip Code</b> <i>03902</i>
<b>Zip Code</b> <i>03902</i>			<b>Business Telephone Number</b> <i>207-351-1145</i>		<b>Fax Number</b> _____
<b>Telephone Number</b> <i>207-351-1145</i>			<b>Federal I.D. #</b> <i>01-0901-386</i>		
<b>Fax Number</b> _____			<b>Seller Certificate #</b> <i>1097708</i>		

3. If premises is a hotel, indicate number of rooms available for transient guests: 0
4. State amount of gross income from period of last license: ROOMS \$ 0 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: None
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: 4pm - 11 pm
9. Business records are located at: 1273 US Route 1 - Cape Neddick, ME 03902
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
Kenneth David Heaven	8-20-1941	Wincolnton, NC

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

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then 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)  
1273 US Route 1, Cape Neddick, ME

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? 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: Kennebunk Savings Bank & SBA

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: Cape Neddick, ME on 2/8/, 2012  
Town/City, State Date

Kenneth David Heaven Please sign in blue ink  
Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)

Print Name

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**

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

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, c589, §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, 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. 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 of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. 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.

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: Dowseast Resorts, LLC  
 Business D/B/A Name: Cape Meddick Inn
2. Date of Incorporation: 2/5/2001
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:

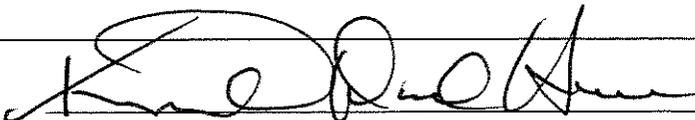
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Kenneth David Heaven	Cape Meddick, ME	8/20/44	100%	President

6. What is the amount of authorized stock? 100 Outstanding Stock? 100
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: \_\_\_\_\_ On: \_\_\_\_\_  
City/Town Date

 Date: 2/8/12  
 Signature of Duly Authorized Officer

\_\_\_\_\_  
 Print Name of Duly Authorized Officer

# License Certificate

No. 011-017

Municipality of York, Maine  
Office of the Municipal Clerk  
Date: February 28<sup>th</sup>, 2011

To all whom these presents may concern:

Know Ye, that Cape Neddick Inn Residing at 1273 US Route 1, Cape Neddick, Me 03902  
Receipt of which is hereby acknowledged, having complied with all the requirements  
of Law, Cape Neddick Inn has been duly licensed for a Victualers, Liquor and Special Amusement  
License in the Municipality of York, Maine.

This License is subject to the strict observance of all Laws and Regulations in such case  
made and provided, and is to continue the 30<sup>th</sup> day of April 2012- unless sooner revoked.

Mary-Anne Szeniawski  
Municipal Clerk

Seating Capacity: 112

05903

NON-TRANSFERABLE

CAPE NEDDICK ME 03902  
PO BOX 249  
CAPE NEDDICK INN  
DOWNEAST RESORTS, LLC

YORK ME 03909  
1273 US ROUTE 1  
CAPE NEDDICK INN

EST ID: 5005  
EATING PLACE > 75 SEATS  
120 Seats (Indoors)

EXPIRES: 06/12/2012

FEE: \$210.00

Mary C. Mayhew  
COMMISSIONER

State of Maine  
DEPARTMENT OF HEALTH AND HUMAN SERVICES



# State of Maine



DEPARTMENT OF PUBLIC SAFETY  
Bureau of Liquor Licensing

License Number  
**7577**

Date of Issue  
**06/18/2011**

Date of Expiration  
**06/17/2012**

THIS CERTIFICATE IS VALID ONLY BETWEEN THE DATE ISSUED AND EXPIRATION DATE APPEARING HEREIN. IT MAY BE USED ONLY FOR THE NAMED HOLDER AT THE LOCATION FOR WHICH ISSUED.

THE PERSON NAMED HEREIN IS AUTHORIZED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES WITH ALCOHOLIC CONTENT PERMITTED BY LAW FOR THE PERMITS DESIGNATED BELOW.

THIS CERTIFICATE AND/OR EACH TYPE OF PERMIT REPRESENTED IS SUBJECT TO SUSPENSION, REVOCATION OR CANCELLATION AS AUTHORIZED BY TITLE 28-A OF THE REVISED STATUTES.

**Owner(s):** DOWNEAST RESORTS, LLC  
**Business:** CAPE NEDDICK INN  
1273 ROUTE ONE  
CAPE NEDDICK, ME

CODE	PERMIT TYPE/DESCRIPTION	FEE
1101	CLASS I - SPIRIT, VINOUS, AND MALT - CLASS "A" RESTAURANT	\$900.00
2630	FILING FEE	10.00

Total Fees:

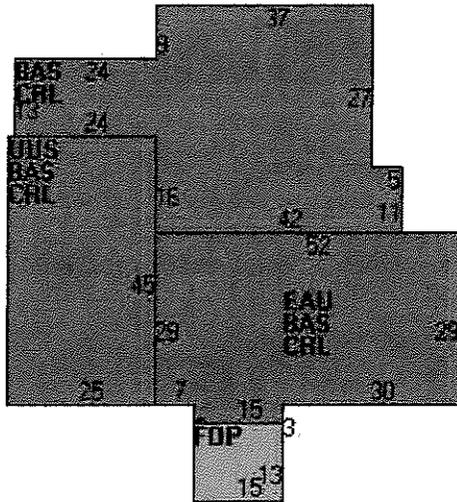
**\$ 910.00**

Every license shall be displayed on the licensed premises in a conspicuous location in that part of the premises where liquor is served or sold, where it can easily be seen.

Bureau of  
Liquor Licensing  
*John E Morris*  
\_\_\_\_\_  
Commissioner

License fee is non-refundable

DOWNEAST RESORTS, LLC  
PO BOX 249  
CAPE NEDDICK, ME 03902



**Subarea Summary** ([click here for a list of codes and descriptions](#))

Code	Description	Gross Area	Living Area
BAS	First Floor	4451	4451
CRL	Bsmt Crawl	4451	0
EAU	Attic, Expansion, Unfinished	1553	0
FOP	Porch, Open	195	0
UUS	Upper Story, Unfinished	1125	0
<b>Total</b>		<b>11775</b>	<b>4451</b>

Online Database for York, ME Powered by Vision Appraisal Technology

## Susan Scott

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Wednesday, February 08, 2012 3:44 PM  
**To:** Susan Scott  
**Subject:** RE: Business License Renewal - Cape Neddick Inn

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](http://www.yorkmaine.org)  
e: [mszeniaewski@yorkmaine.org](mailto:mszeniaewski@yorkmaine.org)  
p: (207) 363-1003, Ext. 272  
f: (207) 363-1009

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---

**From:** Susan Scott  
**Sent:** Wednesday, February 08, 2012 10:12 AM  
**To:** David K. Bridges; David Apgar; Christopher Balentine; Mary-Anne Szeniaewski  
**Subject:** Business License Renewal - Cape Neddick Inn

Hello All,

Please find the attached renewal application.

Thank you, Susie.

*Susan Scott*  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

 Please consider the environment before printing this email.

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**DEPARTMENT OF PUBLIC SAFETY  
LIQUOR LICENSING AND INSPECTION UNIT**

Present License Expires \_\_\_\_\_

**BUREAU USE ONLY**

LICENSE # ASSIGNED:
Class:
Deposit Date:
Amt. Deposited:

- Off-Premise Retailer – Malt Liquor ..... \$200.00
- Off-Premise Retailer – Table Wine ..... \$200.00
- Filing Fee ..... \$ 10.00

**NOTE:** if the place of business is located in an unincorporated place, the County Commissioners must approve the application. All such applications shall be accompanied by receipt of payment of the \$10.00 filing fee to the County Treasurer.

**Check Payable: Treasurer State of Maine**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <i>Mais Convenience Stores LLC</i>			2. Business Name (D/B/A) <i>Circle K #7049</i>		
DOB: <i>Circle K</i>					
DOB:			Location (Street Address) <i>454 U.S. Rte One</i>		
Address <i>PO Box 347</i>			City/Town <i>York</i>	State <i>ME</i>	Zip Code
			Mailing Address <i>PO Box 347</i>		
City/Town <i>Columbus</i>	State <i>IN</i>	Zip Code <i>47202</i>	City/Town <i>Columbus</i>	State <i>IN</i>	Zip Code <i>47202</i>
Telephone Number <i>812-319-9227X1047</i>	Fax Number <i>812-314-2010</i>	Business Telephone Number <i>207-363-9863</i>		Fax Number	
Federal I.D. # <i>980349472</i>			Seller Certificate # <i>R270958</i>		

3. List of Wholesale Value and Types of Merchandise in inventory: (Must be answered)

Edible Foods \$ \_\_\_\_\_ Tobacco Products \$ \_\_\_\_\_ Paper Goods \$ \_\_\_\_\_

Greeting Cards, Magazines, Newspapers \$ \_\_\_\_\_ Total of all other merchandise in inventory \$ \_\_\_\_\_

4. Is applicant a Corporation, Limited Liability Co. or Limited Partnership: Yes  No  (If Yes complete Corporate Questionnaire)

5. If manager is to be hired give name \_\_\_\_\_

6. If business is NEW indicate opening date: *NA* Business Hours: *24/7*

7. Is/Are applicant(s) citizens of the United States? Yes  No

**DEPARTMENT OF PUBLIC SAFETY  
LIQUOR LICENSING AND INSPECTION UNIT**

8. Is/Are applicant(s) residents of the State of Maine? Yes  No

9. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married:

Name in Full (Print Clearly)	DOB	Place of Birth
See attached		

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

Use a separate sheet of paper if necessary.

10. Has applicant(s) or manager(s) 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: \_\_\_\_\_

11. Will any law enforcement official benefit financially either directly or indirectly in our license, if issued?

Yes  No  If Yes, give name: \_\_\_\_\_

12. Has applicant(s) formerly held a Maine liquor license? Yes  No

13. Do applicant(s) own the premises? Yes  No  If No, give name and address of owner:

Irving Oil Corp, 190 Commerce Way, Portsmouth, NH 03801

14. Describe in detail where liquor will be stored: (Supplemental On/Off Premise Diagram Required) \_\_\_\_\_

Walk-in cooler area

15. Have you received any assistance financially or otherwise (including any mortgages) from any source other than your-

Mac's Convenience Stores LLC - Officer Listing

<u>NAME</u>	<u>TITLE</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>	<u>% OF OWNERSHIP</u>	<u>HOME ADDRESS</u>
Brian P. Hannasch	Sr. VP, U.S. Operations	10/03/1966	Carroll, IA	0%	8815 West SR 46 Columbus, IN 47201
Bruce Landini	VP, Midwest Operations	08/25/1971	Chicago IL	0%	4377 Westminster Place Columbus, IN 47201
Kathy C. Cunningham	VP, Administration and Benchmarking	03/01/1967	Indianapolis, IN	0%	661 S. Mutz Drive Columbus, IN 47201
Bill Bartolomeo	VP Operations Great Lakes	8/17/1953	Detroit, MI	0%	165 Hunt Club Drive (3A) Copley, OH 44321
Betty Watts	Assistant Secretary	03/27/1946	Nashville, IN	0%	6465 W. Co. Rd. 950 N Scipio, IN 47273





# State of Maine



DEPARTMENT OF PUBLIC SAFETY  
Bureau of Liquor Licensing

License Number	Date of Issue	Date of Expiration
1381	07/16/2011	07/15/2012

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THIS CERTIFICATE AND/OR EACH TYPE OF PERMIT REPRESENTED IS SUBJECT TO SUSPENSION, REVOCATION OR CANCELLATION AS AUTHORIZED BY TITLE 28-A OF THE REVISED STATUTES.

**Owner(s):** MAC'S CONVENIENCE STORES LLC  
**Business:** CIRCLE K #7049  
 454 US ROUTE 1  
 YORK, ME

CODE	PERMIT TYPE/DESCRIPTION	FEE
1155	CLASS VI - OFF PREMISE RETAILER, MALT	\$200.00
1176	CLASS VII - OFF PREMISE RETAILER, WINE	\$200.00
2630	FILING FEE	10.00

Total Fees:

\$ 410.00

Every license shall be displayed on the licensed premises in a conspicuous location in that part of the premises where liquor is served or sold, where it can easily be seen.

Bureau of  
Liquor Licensing

Commissioner

License fee is non-refundable

MAC'S CONVENIENCE STORES LLC  
P.O. BOX 347  
COLUMBUS, IN 47202

## Susan Scott

---

**From:** David Apgar  
**Sent:** Thursday, January 12, 2012 8:40 AM  
**To:** Susan Scott  
**Subject:** Inspection Completed - Circle K

Hi Susie,

I have completed a fire inspection at the (Irving) Circle K. Please proceed with the licensing renewal process.

Thank you,

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

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## Susan Scott

---

**From:** Mary-Anne Szeniewski  
**Sent:** Monday, January 23, 2012 10:14 AM  
**To:** Susan Scott  
**Subject:** RE: Business License Renewal - Circle K

Taxes are current

*Mary-Anne Szeniewski*  
Town Clerk/Tax Collector  
Town of York, Maine  
186 York Street, York, ME 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [mszeniewski@yorkmaine.org](mailto:mszeniewski@yorkmaine.org)  
p: (207) 363-1003, Ext. 272  
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---

**From:** Susan Scott  
**Sent:** Wednesday, January 18, 2012 4:11 PM  
**To:** David K. Bridges; David Apgar; Christopher Balentine; Mary-Anne Szeniewski  
**Subject:** Business License Renewal - Circle K

Another application for review.

Thanks, Susie.

*Susan Scott*  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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Needs Public Hearing



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

Business Name Seacoast United Sports Club  
Business Location 1050 US Route 1  
York, ME 03909  
Telephone Number 603.758.7118

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	}	
Building Structural		
Electrical		✓
Plumbing		
Fire	✓ 2/19/12	Email
Tax Collector	✓ 2/8/12	Email

OWNER'S Name and Mailing Address Charlie DBA Dirigo Sport Center  
40 ALBION ST  
Medford, MA 02155

APPLICANT'S Name and Mailing Address Matthew Glode  
Po Box 779  
Hampton NH 03843

Is applicant same operator as prior year?  Yes  No

**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>94/51</u> License Year: <u>2012</u> No. Of Seats: <u>N/A</u> No. Of Parking Spaces: _____  New License (One Time \$30 Fee): <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  License Renewal: YES <input type="checkbox"/> <input checked="" type="checkbox"/> NO  Bed and Breakfast License: # of Rooms <u>0</u>  Hotel/Motel with Cooking Facilities: # of Rooms <u>0</u>  Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> <input checked="" type="checkbox"/> NO	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <u>COFFEE ONLY NO FOOD.</u> <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.

1/30/12  
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) [Signature]

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager for the Board of Selectmen

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

AMT. RECD. \$105.00 RECEIPT NO. CK#20565 RECEIPT DATE 1/30/12 55 MI PM MM MS

1/30/12  
cc: CEO  
Clerk  
Fire

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



Business Name Seacoast United Sports Club  
 Business Location 1050 US Route 1  
York, ME 03909  
 Telephone Number 603.758.7118

OWNER'S Name and Mailing Address Charlie DBA Dirigo Sport Center  
40 ALBION ST  
Medford, MA 02155

APPLICANT'S Name and Mailing Address Matthew Glode  
Po Box 779  
Hampton NH 03843

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	2/7/12	OKS
Tax Collector		

**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>94/51</u> License Year: <u>2012</u> No. Of Seats: <u>N/A</u> No. Of Parking Spaces: _____  New License (One Time \$30 Fee): <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO License Renewal: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Bed and Breakfast License: # of Rooms <u>0</u>  Hotel/Motel with Cooking Facilities: # of Rooms <u>0</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 _____ \$25.00 Liquor _____ \$25.00 Special Amusement _____ \$25.00 Bottle Club _____ \$25.00 Theater _____ \$25.00 Dance Hall _____ 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 1/30/12

Applicant's Signature [Signature]

**Please Read and Initial the Following Statements:**

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- 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) [Signature]

Date \_\_\_\_\_

Town Manager for the Board of Selectmen \_\_\_\_\_

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

AMT. RECD. \$105.00 RECEIPT NO. CK:20565 RECEIPT DATE 1/30/12 55 MI PM MM MS

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



Business Name Seacoast United Sports Club  
 Business Location 1050 US Route 1  
York, ME 03909  
 Telephone Number 603.758.7118

OWNER'S Name and Mailing Address Charlie DBA Dirigo Sport Center  
40 ALBION ST  
Medford, MA 02155

APPLICANT'S Name and Mailing Address Matthew Glode  
Po Box 779  
Hampton NH 03843

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	1 FEB 12	KMM
Building Structural		
Electrical		
Plumbing		
Fire		
Tax Collector		

**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>94/51</u> Rt. <u>1-4</u> License Year: <u>2012</u> No. Of Seats: <u>N/A</u> No. Of Parking Spaces: _____  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 <u>0</u>  Hotel/Motel with Cooking Facilities: # of Rooms <u>0</u>  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 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  YES

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

1/30/12  
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) [Signature]

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager for the Board of Selectmen

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

## Susan Scott

---

**From:** Mary-Anne Szeniewski  
**Sent:** Wednesday, February 08, 2012 12:23 PM  
**To:** Susan Scott  
**Subject:** RE: Business License Renewals

I would say they are not liable for the previous person's debt. OK to grant their license.

*Mary-Anne Szeniewski*  
Town Clerk/Tax Collector  
Town of York, Maine  
186 York Street, York, ME 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [mszeniewski@yorkmaine.org](mailto:mszeniewski@yorkmaine.org)  
p: (207) 363-1003, Ext. 272  
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---

**From:** Susan Scott  
**Sent:** Wednesday, February 08, 2012 11:58 AM  
**To:** Mary-Anne Szeniewski  
**Subject:** RE: Business License Renewals

Mary-Anne,

Folks at Seacoast United Sports Club informed me that Impakt Sport that owes \$62.20 is the former building lease – How does this work for the new owner?  
(0094-0051) - Owes \$62.20 – **Impakt Sports** (that is what the personal property is assessed to at Map 94 Lot 51)

Thanks, Susie.

*Susan Scott*  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

 Please consider the environment before printing this email.

---

**From:** Mary-Anne Szeniewski  
**Sent:** Wednesday, February 01, 2012 10:59 AM  
**To:** Susan Scott  
**Subject:** RE: Business License Renewals

1. Paid up – York Lobster
2. Current - Ricks
3. Owes \$62.20 – Impakt Sports (that is what the personal property is assessed to at Map 94 Lot 51)

## Susan Scott

---

**From:** David K. Bridges  
**Sent:** Thursday, February 09, 2012 8:26 PM  
**To:** Susan Scott; David Apgar; Christopher Balentine  
**Subject:** RE: Business Inspection

I did that inspection last Friday and there is no problem with the coffee machine he wants to install. Let him have the license. Thanks Dave

---

**From:** Susan Scott  
**Sent:** Thursday, February 09, 2012 10:18 AM  
**To:** David K. Bridges; David Apgar; Christopher Balentine  
**Subject:** Business Inspection

Matt Glode at Seacoast United Sports Club said Fire did an inspection but I haven't received a confirmation from either department. Could someone let me know if they are all set?

Thanks, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

 Please consider the environment before printing this email.

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> Feb. 23, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> Feb. 27, 2012	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Action on proposed Ordinance Amendments	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Community Development Director
<b>RECOMMENDATION:</b> Following the public hearing, the Board should review each amendment, make changes as needed, and forward each of the amendments to the second public hearing, to be held on March 26 <sup>th</sup> .
<b>PROPOSED MOTION:</b> I move to forward the draft ordinance amendments to a second public hearing, to be held at 7 PM on March 26 <sup>th</sup> here in the Library.

**Discussion:** Staff have prepared 11 draft ordinance amendments for the Selectmen's consideration. These have been posted for a public hearing by the Board on Monday, February 27<sup>th</sup>. The Board should listen to public input received at the hearing, discuss each amendment, and decide whether or not any changes are to be made, and decide which to send forward for a second public hearing. Following a second public hearing, the Board will then decide which to forward for a public vote.

Prepared By:

Reviewed By:

**Notice of Public Hearing**  
**Board of Selectmen**  
**Monday, February 27, 2012**  
**7:00 PM**  
**York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed Ordinance amendments to be considered at a May 2012 Special General Referendum, as follows:

1. Public Road Acceptance Ordinance Amendment
2. Emergency Management Ordinance Amendment
3. Fireworks Ordinance
4. Fires on Public Beaches
5. Control of Animal Noise
6. Commercial Bait House Standards
7. Outside Merchandise Display
8. Parking in York Beach Village Center
9. Setback Changes
10. Home Occupations
11. Refine Residential Use Definitions and Standards

Printed copies of the text of these amendments (document dated February 2, 2012) are available at Town Clerk's office in Town Hall, and digital copies are available on the Town's Web page ([www.yorkmaine.org](http://www.yorkmaine.org)).

# Proposed Amendments

to be considered at the

## May 2012 Special General Referendum

### Amendments

1. Public Road Acceptance Ordinance Amendment
2. Emergency Management Ordinance Amendment
3. Fireworks Ordinance
4. Fires on Public Beaches
5. Control of Animal Noise
6. Commercial Bait House Standards
7. Outside Merchandise Display
8. Parking in York Beach Village Center
9. Setback Changes
10. Home Occupations
11. Refine Residential Use Definitions and Standards

**Amendment #1**  
*Public Road Acceptance Ordinance Amendment*

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

Article X

The Town hereby ordains amendment of the **Public Road Acceptance Ordinance** to require a July first effective date for all road acceptance actions.

Statement of Fact: The purpose of this amendment is to ensure that road acceptance does not incur a financial burden which has not been considered during the budget process.

**Amendment:** Insert a new Section 3.H, as follows:

*H. When a road is accepted by the voters, the effective date of road acceptance shall be the next July 1<sup>st</sup> following the vote.*

Recommended by the Board of Selectmen:

## Amendment #2

### *Emergency Management Ordinance Amendment*

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

Article X

The Town hereby ordains amendment of the **Emergency Management Ordinance** to alter the responsibilities of the Town's Emergency Management Director, Town Manager and Board of Selectmen, and to improve clarity of the code's language.

Statement of Fact: The purpose of this amendment is to improve consistency of language within the Ordinance, and to clarify the roles and responsibilities of parties involved in the Town's emergency response system.

**Amendment:** Amend the language of the Ordinance as follows:

### ~~Town of York's Emergency Management Ordinance~~

**Section 1. Title and Authority**

This ordinance shall be known and may be cited and referred to as the Town of York's Emergency Management Ordinance. It is authorized by 37B MRSA 781 – 834 as may be amended.

**Section 2. Intent and Purpose**

- A. It is the intent and purpose of this ordinance to establish an Office that will insure the complete and efficient utilization of all the Town's facilities to combat emergencies and disasters as defined herein.
- B. The Town of York's Emergency Management *Office Agency* will be the coordinating agency for all activity in connection with civil emergency preparedness.
- C. This ordinance will not relieve any town department of its normal legal responsibilities or authority nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.
- D. This ordinance shall be administered in conjunction with the appropriate elements of the ~~Town of York's Emergency Plan as adopted by the municipal officers of the town.~~

### Section 3. Definitions

- A. "Emergency Management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include without limitation, fire fighting, police, medical, health, emergency welfare, rescue, engineering, warning and communications services; evacuation of persons from stricken areas; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions of infrastructure protection; other related to civilian protection and additional activities necessary to the preparation for the carrying out of these functions.
- B. "Disaster" means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire, flood, earthquake, windstorm, wave action, oil spill, or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, hazardous materials incident, blight, drought, critical material shortage and explosion; said occurrence(s) being of significant scope as to exceed the normal ability of the town's resources to mitigate, respond to or recover from.
- C. "Emergency" means any event which threatens to or actually inflicts damage to people or property and which requires immediate action to mitigate, prevent, control, contain or from which normal recovery is beyond the scope of the normal resources of the town.
- D. "Emergency Preparedness Forces" shall mean the employees, equipment and facilities of all town departments, boards, and agencies; in addition, the term includes all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies.
- E. "Emergency Preparedness Volunteer" shall mean any person duly registered, identified, and appointed by the Town of York's Emergency Management Director.
- F. "Director" shall mean the *Town of York's Emergency Management Director of the Town of York's Emergency Management Agency as duly appointed as prescribed in this ordinance.*
- G. "*Office*" shall mean the *Town of York's Emergency Management Office.*
- H. "*Emergency Plan*" shall mean the *Town of York's Emergency Plan.*

#### **Section 4. Organization and Operation**

- A. Organization. The Director is hereby authorized to organize the Office of ~~Emergency Management~~ utilizing to the fullest extent possible the existing departments and agencies of the town.
- B. Operation. ~~The Director~~ There shall be *the* an executive head of the Office of ~~Emergency Management~~ who shall be known as the ~~Emergency Management Director~~. The Director shall be appointed by the Board of Selectmen. The Director shall head the Office of ~~Emergency Management~~ and shall work under the general supervision of the Town Manager with the concurrence of the Board of Selectmen. In emergency situations, the Director is authorized to hire assistants and employees. Such hires shall be temporary and shall not be considered full-time employees of the Town.
- C. Administration. The Director shall administer the Office of ~~Emergency Management~~ in accordance with the provisions of this ordinance, the provisions of the ~~Town of York's~~ Emergency Plan and any other related policies adopted by the ~~Board of Selectmen~~ *Municipal Officers* and the provisions of any applicable state and federal laws and rules which may apply in a particular emergency ~~situation~~ *situations*.

#### **Section 5. Emergency Proclamation.**

Whenever a local disaster exists or appears imminent, the ~~Town Manager~~ *Director*, his or her designee, or in the event of *his or her* ~~their~~ absence, the Chairperson of the Town of York's Board of Selectmen shall, by proclamation, declare that fact and that an emergency exists in the Town of York. A copy of the proclamation shall be posted in the same manner as a warrant calling a town meeting, with the return to be made by the person posting it and a copy of the proclamation shall be provided to the Town Clerk who shall retain it as a permanent record of the Town.

#### **Section 6. Emergency Powers and Duties**

- A. During any period when a local disaster has been proclaimed or when the Governor has proclaimed a disaster pursuant to 37B MRSA 742, the Director may promulgate such regulations as *deemed* ~~he may deem~~ necessary to protect life and property and preserve critical resources. Such regulations may include, but are not limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Preparedness forces or to facilitate the mass movement of persons from critical areas within the Town.
  - (2) Regulations pertaining to the movement of persons deemed hazardous or vulnerable to disaster.
  - (3) Such other regulations as may be necessary to preserve public health and safety.
  - ~~(4) The Board of Selectmen is authorized to compensate volunteer/call personnel for time spent during a declared emergency involving the Town of York.~~
- B. The Director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people and may bind the Town for the fair value thereof.
- C. The Director may require emergency services of any Town Officer or employee. If regular Town forces are deemed inadequate, the Director may require the services of such other personnel as can be obtained including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to all privileges and immunities provided by law.
- D. *The Board of Selectmen is authorized to compensate volunteer/call personnel for time spent during a declared emergency involving the Town of York.*

#### **Section 7. Termination of Emergency**

Whenever the *Town Manager* ~~Director or his designee~~, or in the event of her or his absence, the *Chairperson of the Board of Selectmen*, is satisfied that a local emergency or disaster no longer exists, he or she shall terminate the emergency proclamation by posting another proclamation so stating. The proclamation shall be posted in the same manner as the original one with a copy to the Town Clerk. Local representatives of the news media shall be advised of the termination of the emergency as soon as is practicable.

#### **Section 8. Duties of the Director of the Town of York's Emergency Management Agency**

- A. The Director shall be responsible to the *Town Manager* ~~Board of Selectmen~~ in regards to all phases of Emergency Preparedness activity. The Director shall be responsible for planning, coordinating and operating the Emergency Preparedness activity within the Town. The Director

shall maintain liaison with county, state and federal authorities and the authorities of nearby *municipalities* ~~municipalities~~ to insure the most effective response to an emergency. The duties of the Director shall include but not be limited to the following:

A.(1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for response in an emergency.

B.(2) Development of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness government services and public utilizes necessary for the public health, safety and welfare.

C.(3) Negotiating and concluding voluntary agreements with owners or persons in control of buildings or other property for Emergency Preparedness purposes and identifying suitable buildings for use as public shelters.

D.(4) Through use of educational programs, informing the Town's population about Emergency Preparedness matters and advising as to what actions should be taken during an emergency to protect life and property.

E.(5) From time to time, conducting public practice alerts and drills to familiarize the Town's population with emergency response procedures.

F.(6) Assuming such authority and conducting such activity as the Town Manager or the *Board of Selectmen* ~~Municipal Officers~~ may direct to promote and better execute Emergency Preparedness activities.

#### **Section 9. Emergency Plan**

The *Board of Selectmen* ~~Municipal Officers~~ shall adopt an Emergency Plan upon the recommendation of the Town Manager and the Director. The Plan shall complement this Ordinance and shall provide the framework within which Emergency Response activities shall happen.

#### **Section 10. Violations**

It shall be a violation of this ordinance for any person to obstruct, hinder or delay any member of the Emergency Preparedness *Forces* ~~organization~~ as

herein defined in the enforcement of any provision of this ordinance or any regulation promulgated under its authority. Any person, firm or corporation found to have violated any provision of this ordinance or any regulation promulgated under its authority in a court with jurisdiction to act on a complaint from the Town shall be subject to a fine of not more than five hundred dollars (\$500) which shall accrue to the Town.

**Section 11. Severability**

Should any provision of this ordinance be declared invalid for any reason by a court with jurisdiction to do so, such a declaration shall not affect the validity of other provisions of this ordinance or the ordinance as a whole it being the legislative intent that the provisions of this ordinance shall be severable and shall remain valid notwithstanding such a judicial declaration against one provision.

**Section 12. Conflicting Ordinances, Orders, Policies and Regulations**

At all times during declared periods of emergency, the provisions of this ordinance shall supersede all existing ordinances, orders, policies and regulations insofar as the later may be inconsistent therewith.

**Section 13. Effective Date**

This ordinance shall take effect immediately upon this passage by the voters at an annual or special town meeting in the Town of York.

Recommended by the Board of Selectmen:

## **Amendment #3** *Fireworks Ordinance*

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

Article X

The Town hereby ordains to adopt a new **Fireworks Ordinance**.

Statement of Fact: The purpose of this amendment is to prohibit the use and sale of consumer fireworks within the Town of York in order to protect public health. A new State law makes certain smaller fireworks legal to possess, use and sell in Maine as of January 1, 2012, but permits communities to regulate or prohibit such use or sale.

**Amendment:** adopt a new Ordinance, as follows:

### ***Fireworks Ordinance***

- DRAFT -

1. ***Purpose.*** *The purpose of this Ordinance is to control the use and sale of consumer fireworks in order to protect public health, safety and welfare.*
2. ***Authority.*** *The Town has authority to enact an ordinance to prohibit or restrict the sale or use of consumer fireworks per Title 8 M.R.S. §223-A.*
3. ***Definitions.*** *Terms used in this Ordinance shall be those defined in Title 8 M.R.S. §221-A. In addition, the following shall apply.*

Use – *The lighting or other setting off of consumer fireworks.*

*NOTE: In the interest of clarity, though not part of this Ordinance, the following is the State's definition of Consumer Fireworks:*

*“Consumer fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with the United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products:*

- A. *Missile-type rockets, as defined by the State Fire Marshall by rule;*
- B. *Helicopters and aerial spinners, as defined by the State Fire Marshall by rule; and*
- C. *Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes*

containing not more than 20 grams of chemical composition, as defined by the State Fire Marshall by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

4. **Prohibition.** *The use and/or sale of consumer fireworks shall be prohibited within the Town of York. (Note that use and sale of fireworks which are not included within the State definition of consumer fireworks, including but not limited to bottle rockets and sky rockets, are expressly prohibited or regulated by State law even though not addressed by this Ordinance. In short, just because you can buy something elsewhere does not mean you can use or sell it in York.)*
5. **Administration and Enforcement.** *The York Police Department shall administer and enforce this Ordinance.*
6. **Penalties.** *Penalties shall be as follows:*
  - A. **Fine – Use of Consumer Fireworks.** *Use of consumer fireworks in violation of this Ordinance shall be subject to a fine of not less than \$100 nor more than \$250 plus attorney costs for the first offense, or a fine of not less than \$250 nor more than \$500 plus attorney costs for each subsequent offense within a 2 year period.*
  - B. **Fine – Sale of Consumer Fireworks.** *Sale of consumer fireworks in violation of this Ordinance shall be subject to a fine of not less than \$500 nor more than \$1,000 plus attorney costs, for the first offense, or a fine of not less than \$1,000 nor more than \$2,500 plus attorney costs, for each subsequent offense within a 2 year period.*
  - C. **Seizure of Fireworks.** *The Town may seize consumer fireworks that it has probable cause to believe are to be used or sold in violation of this Ordinance. All fireworks lawfully seized under this Ordinance shall be forfeited to the State per Title 8 M.R.S. §237(2).*
7. **Appeals.** *Appeals with respect to this Ordinance shall be taken to York County Superior Court within 30 days.*
8. **Saving Clause.** *In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.*
9. **Effective Date.** *This Ordinance shall take effect on the date of passage by the voters.*
10. **Copy Provided to the State Fire Marshall.** *Per Title 8 M.R.S. §223-A(2), the Town Clerk shall file a copy of this Ordinance, and any amendment thereto, with the State Fire Marshall within 60 days of the relevant public vote.*

Recommended by the Board of Selectmen:

## Amendment #4

### *Fires on Public Beaches*

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

#### Article X

The Town hereby ordains amendment of the **Beach Ordinance** to alter the requirements for fires on public beaches.

Statement of Fact: The purpose of this amendment is to address on-going concerns of the Town's emergency services departments with the standards which apply for fires on public beaches. This amendment would limit fires to Long Sands Beach. It also brings in new restrictions - limits the frequency of fires to not more than 1 every 30 days; requires that the event sponsor of the fire pay in advance for fire and police services; reinforces statutory limits on materials which can be burned; requires the event sponsor to acknowledge the safety limitations associated with hosting a public fire; and strengthens the insurance requirements. Further, the amendment clarifies that, in addition to a permit from the Selectmen, an Open Burning Permit from the Fire Chief is also required.

**Amendment:** Amend Section 2-A, Fires, as follows:

#### Section 2-A. Fires

There shall be no fires of any kind on *Cape Neddick Beach, Harbor Beach or Short Sands Beach*. On *Long Sands Beach* ~~other public beaches~~ there shall be no fires of any kind starting on May 15 and ending on August 15. For the remainder of the year, from August 16 through May 14, a wood fire may be permitted for an organized function only if *both of the following permits are obtained prior to kindling the fire:* ~~all of the following conditions are met:~~

***A. Special Event Permit, from the Board of Selectmen.***

*The following criteria shall apply:*

1. The proceeds of any fundraising or sales must go to a charitable organization as defined in MRSA Title 9 §5003(1);
2. Hours for the fire shall not begin earlier than 5:00 PM and shall not end later than 10:00 PM;
3. The sponsor must clean up all debris after the fire is out, and this shall be completed before 1:00 AM.
- ~~4. The sponsor must obtain prior written approval of the Fire Chief with jurisdiction;~~
- ~~5. The sponsor must provide evidence of liability insurance for the fire; and~~
- ~~6. The sponsor must obtain a Special Event Permit from the Board of Selectmen.~~
4. *Not more than one fire on the beach shall be permitted within any single 30-day period. The first 30-day period shall commence on August 16<sup>th</sup>, and subsequent periods shall follow immediately upon conclusion of the prior period, with the last terminating on May 14<sup>th</sup>.*

5. *The sponsor must pay in advance for the provision of Police and Fire services at the event. This shall not apply if the Town itself is the event sponsor, or if the Board of Selectmen decides to waive this requirement. The amount to be paid shall be established by the respective Chiefs. An account shall be made for each Department for deposit of such funds, and the Chief shall have authorization to spend such funds to provide such event services.*
6. *Materials to be burned shall be restricted to those allowed under State law. The event sponsor shall review such requirements with the Fire Chief with jurisdiction.*
7. *At the time of application, the sponsor shall sign a form, to be provided by the Town, which acknowledges the possibility the event might need to be postponed or cancelled for legal safety reasons, and which commits the sponsor to cooperate with Town officials to address crowd control if this occurs.*
8. *The sponsor shall provide insurance in an amount equal to the maximum recovery allowed under the Tort Claims Act (\$400,000 as of February 1, 2012, but subject to change if the state law is amended). In addition, the sponsor shall, in writing, agree to indemnify and defend the Town in the event of any legal action resulting from the event.*

(NOTE: Advice from Bill Livengood, Esq., of MMA. He indicated the Town would not be liable in most cases (can't offer a 100% guarantee), and the Fire Chief would be OK unless being negligent in issuance of the Open Burning Permit. Both the Town and the Fire Chief are protected under the Tort Claims Act, and damages are essentially capped at \$10,000 plus the cost of defense. In his opinion, as long as the Fire Chief exercises reasonable care and is not acting in a negligent manner in issuing the Open Burning Permit, then the Town's exposure is minimal. Factors such as wind conditions, humidity, and other such matters are considered for issuance of all Open Burning Permits. He suggested it would make sense to have the event sponsor obtain insurance for the event, and to agree to indemnify and defend the Town in the event of a law suit. The Town Attorney could provide a standard form to use in this regard. He told me there is a new case coming through the US Court of Appeals which could have some impact on tort liability limits based on insurance coverage, but didn't think this would be a problem for us. In general he thought this was a pretty low risk issue for the community. He also suggested the Town contact its insurance provider if it is the sponsor of a beach fire to ensure our insurance covers the event.)

**B. *Open Burning Permit, from the Fire Chief with Jurisdiction.***

*In addition to the above requirement to obtain a Special Event Permit, State law (Title 12 M.R.S. §9321-6) requires an Open Burning Permit from the Fire Chief prior to kindling a fire on a beach. The issuance of a Special Event Permit from the Board of Selectmen cannot supersede the Chief's jurisdiction in this matter. Open Burning Permits are not issued prior to the day of the event because the Chief is required to consider the weather and other relevant factors on the day of the event. State law also specifies conditions under which the fire would need to be extinguished after being lit. In short, the sponsor of any event to have a fire on the beach will be dealing with some uncertainty up to and even during the event. If a fire must be postponed or extinguished because of such safety concerns, the sponsor of the event must help the Fire Chief explain to attendees the reasons for such action and must encourage people to respect the Chief's decision. Failure of the sponsor to cooperate in this manner shall be a basis for rejecting future applications for Special Event Permits for beach fires.*

Recommended by the Board of Selectmen:

## **Amendment #5** *Control of Animal Noise*

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

Article X

The Town hereby ordains amendment of the **Animal Control Ordinance** and the **Noise Ordinance** to control domestic animal noise.

Statement of Fact: The purpose of this amendment is to consolidate two nearly identical standards regarding control of domestic animal noise into one standard in the Animal Control Ordinance. This amendment was requested by the Animal Control Officer in order to establish a single standard with a single enforcement procedure.

**Amendment:** Delete Noise Ordinance standard for control of domestic animal noise, as follows:

### **SECTION 4: SPECIFIC PROHIBITIONS**

Activities defined in this Section are declared to be loud, disturbing and/or unnecessary noises regardless of the specific decibels generated.

- 4.1 ~~All domestic animal noise issues shall be controlled exclusively through the Animal Control Ordinance. Owning, possessing or harboring any domestic animal that frequently or for continued duration, makes loud and unreasonable sounds such that it creates a disturbance on other properties shall be prohibited. For the purpose of this Ordinance, a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. However, this shall not include a dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or for any other legitimate cause which teased or provoked the dog.~~

Amend the animal noise standards of the Animal Control Ordinance as follows:

#### **Section 8 – Animal Noise**

~~Per the Town of York, Noise Ordinance Section 4 – Specific Prohibition, owning, *Owning*, possessing, or harboring any domestic animal that frequently or for continued duration, makes loud and unreasonable sounds that it creates a disturbance on other properties shall be prohibited. For purposes of this~~

ordinance, a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10 (ten) minutes or barks intermittently for ½ (one-half) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. However, this shall not include a dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or for any other legitimate cause which teased or provoked the dog.

Recommended by the Board of Selectmen:

## **Amendment #6**

### *Commercial Bait House Standards*

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

Article X

The Town hereby ordains amendment of the **Floodplain Management Ordinance** to accommodate bait houses for commercial fishermen.

Statement of Fact: The purpose of this amendment is to remove a size limit which makes impractical new bait houses for commercial fishermen in York Harbor. This amendment is consistent with Comprehensive Plan Goal #7.3 – to provide opportunities for the existing commercial fishing industry to flourish in York. It is not expected to have a significant impact on the cost of Town administration.

**Amendment:** Amend the standards pertaining to bait houses in the coastal floodplains in Article VI, Section P.6, as follows:

- a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story. *In the A or AE zones, however, the floor area limit shall not apply.*

Recommended by the Harbor Board:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## Amendment #7

### *Outside Merchandise Display*

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to alter the standards for outside storage and outside display of retail goods in the Route One zones.

Statement of Fact: The purpose of this amendment is to more clearly distinguish between outside storage and outside retail display, and to simplify the standards for each in the Route One corridor. This amendment is expressly consistent with Comprehensive Plan policy #3.3.1, which calls for the Town to modify its outside display standards to help support an eclectic mix of small local businesses. It is not expected to have a significant impact on the cost of Town administration.

**Amendment:** Amend §6.3.27 as follows:

**6.3.27      *Outside Retail Display and Outside Storage for Nonresidential Users***

6.3.27.1      *Outside Storage. Outside storage shall mean the storage in an un-roofed area of products or materials associated with a business activity, and to which access by customers is limited primarily to product or material pick-up only (as opposed to shopping/browsing). In the Route One zones, outside storage shall be allowed as accessory to: any use in the Commercial Use Category; or any use that customarily stores large volumes of loam, gravel, fill, mulch, and other similar materials. All nonresidential uses, other than a hardware store, lumberyard, garden center, or antique store, in existence on August 14, 1997, that displayed goods for sale outside or stored goods outside, may continue to use the existing location and existing amount of square footage devoted to outside display or outside storage until August 14, 2000. Effective August 15, 2000, the outside display area for such uses shall be limited to a maximum area of 300 square feet. For all nonresidential uses occupying buildings with less than 5,000 square feet of retail space, outside display shall be allowed. The total area devoted to outside display for nonresidential uses occupying buildings with less than 5,000 square feet of retail space shall not exceed a maximum of 1,000 square feet. Outside display expressly refers to merchandise for retail sale, not to storage or sale of raw materials such as but not limited to loam, mulch, gravel, or fertilizer, packaged or in bulk piles. The outside storage display area shall meet the minimum setbacks of the zoning district, shall not occur in the bufferyards required in Section 6.3.9, shall not be located closer to the Route One than the*

*primary structure on the site, and shall not adversely impact vehicular or pedestrian safety or circulation. Outside storage shall follow the following standards: Effective August 15, 2000, all All outside storage of goods shall be screened by a method such as a solid fence a minimum of 6 feet in height, landscaping that provides a good quality visual buffer, or be located behind a building and screened from the view of motorists traveling on Route One. The storage area shall meet the minimum setbacks of the zoning district, shall not occur in the bufferyards required in Section 6.3.9, and shall not adversely impact vehicular or pedestrian safety or circulation in a public way.*

- 6.3.27.2 ~~A non-residential use that occupies greater than 5,000 square feet of retail space, not including a hardware store, lumberyard, garden center or antique store, that did not use outside display by August 14, 1997, or that begins operations on or after August 15, 1997, shall be prohibited from displaying goods outside for sale. Such a non-residential use may use outside storage, provided all storage complies with standards identified in 6.3.27.1.~~

*Outside Retail Display. Outside display of retail goods, in an un-roofed area where customers have ready access to such products, shall be allowed as an accessory use to any business with a retail component as follows.*

- A. *The total area allowed for outside retail display is:
  1. *for a property with 2,500 square feet or less of indoor retail space, 1,000 square feet of outside retail display per property;*
  - or*
  2. *for a property with more than 2,500 square feet of indoor retail space, 2,000 square feet of outside retail display per property.**
- B. *Outside retail display does not need to be screened from view, and parking is not required for such areas.*
- C. *Up to 10% of the outside retail display area may be located within the required bufferyards. This area shall be increased to 15% where the posted speed limit on the road in front of the business 50 MPH or faster. This limitation shall not apply to live plants – see §6.3.27.5.*
- D. *The outside retail display may not occur within or block designated parking spaces, traffic aisles, or wheelchair-accessible pedestrian ways.*
- E. *No component of the display shall be allowed if it would cause a safety risk to motorists, bicyclists or pedestrians because of its size, shape or placement (such as but not limited to objects which block sight distance, are sharp, or are large/immobile and located immediately adjacent to the road). Upon verbal direction from a Code Enforcement Officer, any such problem item shall be removed or relocated immediately.*
- F. *Such areas can straddle or cross onto a neighbor's property with that owner's permission.*

G. *Outside retail display which conforms to the standards of this section shall be permitted and shall not require specific permits or approvals from the Town.*

H. *Regarding vehicle display, see §6.3.29.*

I. *Regarding display of live plants, see §6.3.27.5.*

6.3.27.3 *Reserved. A hardware store, lumberyard, garden center or antique store that occupies greater than 5,000 square feet of retail space, that displayed goods for sale outside or stored goods outside prior to August 14, 1997, may continue to use the existing area(s), both location and square footage, devoted to outside display of goods for sale and outside storage of goods. Any expansion of the outside display or outside storage area(s) must comply with standards identified in Section 6.3.27.1.*

6.3.27.4 *Reserved. A hardware store, lumberyard, garden center or antique store that occupies greater than 5,000 square feet of retail space in existence on August 14, 1997 that did not use outside display by August 15, 1997, or that begins operating on or after August 15, 1997, shall be limited to a maximum area of 300 square feet. The display area shall meet the minimum setbacks of the zoning district, shall not occur in the bufferyards required in Section 6.3.9, and shall not adversely impact vehicular or pedestrian safety or circulation in a public way. Outside storage areas shall comply with standards identified in 6.3.27.1.*

6.3.27.5 A garden center, nursery or commercial business that offers living plant material for sale may display or store any amount of this material outside. Living plant material for sale may be located in the bufferyards required in Section 6.3.9, provided there is the required amount of permanent landscaping identified in Section 6.3.10.

6.3.27.6 A retail use is permitted to display goods for sale at special events, such as a sidewalk sale, tent sale, or similar event, provided such events do not occur for more than a maximum of fifteen days during any calendar year. Sale of holiday season trees, wreaths and boughs is permitted from November 20<sup>th</sup> through December 25<sup>th</sup>. All such outside display areas shall adhere to setback requirements of this Ordinance to the greatest extent practical as determined by the Code Enforcement Officer.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## Amendment #8

### *Parking in York Beach Village Center*

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to alter the parking standards in the York Beach Village Center base zone, specifically amending Article 15, Parking.

Statement of Fact: The purpose of this amendment is to reduce the Town's parking standards in the York Beach village area, thereby making the standards more appropriate to the pedestrian nature of the area. This amendment is consistent with the Comprehensive Plan future land use recommendation #2 for modification of parking performance standards in this village area. It is not expected to have a significant impact on the cost of Town administration.

**Amendment:** Insert new language as follows:

**15.2 *Alternative Parking Standards in the YBVC Zoning District***

*The parking standards of §15.1.1.2 are national standards based on suburban-style development, where people drive rather than walk from one use to the next. Such standards are completely unsuitable in a village area which is focused on pedestrian movement, and will in fact result in designs which are completely out of character with the Town's design goals for this village. Within a comfortable walking distance, there are more than 500 public and another 1,300 private parking spaces in and around the village. Despite this large number of spaces, on-site parking is deficient or non-existent on many properties. There is a high degree of shared parking by default – people tend to park only once for their entire stay in the village, and they walk to a variety of destinations. Though finding parking is not always easy, the village remains quite functional. With this as background, the following standards shall apply in the YBVC base zone.*

- A. *Alternative Standard for Required Parking in YBVC.* *Parking requirements in the YBVC base zone shall be 50% of that specified in §15.1.1.2, except that dwellings (§15.1.1.2.a & b) and non-residential uses that provide overnight accommodations (§15.1.1.2.c, d, e & n) shall comply in full with §15.1.1.2. Note that the following section (§15.2.B) nullifies the parking standards for certain changes or expansions of use.*
  
- B. *Change or Expansion of Non-Residential Use in YBVC.* *A change of use from one non-residential use to another non-residential use without building enlargement, or an expansion of a non-residential use without building enlargement, shall not trigger parking analysis nor require the provision of additional parking spaces beyond that which exist at the time of application, subject to the following requirements:*
  - 1. *if the new or expanded use provides overnight accommodations (as described in §15.2.A), each unit of overnight accommodation other*

*than workforce affordable housing shall have one dedicated parking space available for use of the occupants; and*

*2. the number of on-site parking spaces shall not decline.*

*C. Parking Non-Conformity in YBVC. The provisions of 17.4.B, which require lessening of non-conformity, shall not apply to parking in the YBVC base zone.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## Amendment #9 *Setback Changes*

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

### Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to reduce setbacks for small outbuildings within the Growth Area, to exempt certain pergolas from standard lot setback requirements Town-wide, and to establish corner clearances for fences at intersections, specifically amending Article 2, Definitions, and Article 5, Dimensional Regulations.

Statement of Fact: The purpose of this amendment is threefold. First, within the Growth Area designated in the Comprehensive Plan, the amendment allows up to one small outbuilding closer to lot boundaries than would be allowed for homes and bigger buildings. This is to help improve design options within the Growth Area, where development density is generally higher than in the remainder of Town. Second, this amendment exempts pergolas under 8' in height from the standard lot setback requirements Town-wide. These structures are similar to fences and with this amendment will be regulated in the same manner. Third, a new standard is established to ensure that new fences near road intersections will not block the sight distance of drivers and pedestrians. This amendment is generally consistent with the Comprehensive Plan and is not expected to have any fiscal impact to Town administration.

**Amendment:** Insert a new definition in Article 2, Definitions, as follows:

**MINOR ACCESSORY STRUCTURE OR BUILDING:** *An Accessory Structure or Building which in plan view is 150 square feet or smaller, which has no walls taller than 10 feet, and which has no essential service connections.*

**PERGOLA:** *An arbor or passageway without walls and with a roof of trelliswork on which climbing plants are grown.*

Add a new dimensional standard as follows:

#### **5.1.6 *Reduced Setback for Minor Accessory Structure or Building***

*To allow added flexibility for smaller buildings in certain zones, the minimum setback for up one minor accessory structure or building per lot shall be 5' from any property line rather than the standard setbacks for that base zone, if the property is located within the Growth Area and is in any of the following base zones: RES 1-A, RES1-B, RES-5, RES-6, RES-7, YBVC, GEN-3, RT 1-1, RT 1-2, RT 1-3, RT 1-4 or RT 1-5.*

Amend the Height and Setback Exemptions of §5.1.5 by inserting new language, as follows:

- 5.1.5.2 Setback Exception. The following types of structures shall be exempt from structure setbacks established in §5.2.1, 5.2.2, and 5.2.4: sidewalks, driveways, mailboxes, septic systems, utility poles, utility lines, flag poles, fences less than 8 feet tall, *pergolas less than 8 feet tall*, and retaining walls less than 4 feet tall.

Insert a new requirement to maintain safe sight distances at street intersections, as follows:

**5.1.8 *Corner Clearance Setbacks***

*To help maintain clear sight distance at street intersections, fences which would obscure sight distance shall be not be allowed within a triangle adjacent to each street corner. Such triangle shall be defined as having two sides at the inside edges of the intersecting streets (curb line, or edge of paving or gravel, not the edge of the right-of-way), with the third side being the triangle's hypotenuse connecting these two sides. The street sides of this triangle shall be 20' from the point of intersection, or in the case of rounded street corners, from the point of intersection of the street edge tangents.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## Amendment #10 *Home Occupations*

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

### Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to expand the types of uses which are allowed as small-scale home occupations, specifically amending Article 7, Special Use Provisions.

Statement of Fact: The purpose of this amendment is to allow all types of home occupations throughout the Town. Controls are already in place to limit the size and potential impacts associated with home occupations. This amendment is expressly consistent with the Comprehensive Plan's Town Goal 3.3 – to create conditions conducive to small-scale, local business start-up, success and growth. It is not expected to have any fiscal impact to Town administration.

**Amendment:** Amend the standards for Class 1 (small) home occupations from Section 7.4.2, Classes of Home Occupations, as follows:

- A. Class 1:
  - 1. Located within the principal residential structure only.
  - 2. Shall occupy 450 square feet or less of floor space. *For a Day Care Home, this measure shall include only areas accessible by the people being cared for and shall not include other interior space dedicated for this use.*
  - 3. Not more than one employee other than the home's occupants may work on-site at any time, and one additional on-site parking space shall be provided if there is such an employee.
  - 4. No outdoor activity or storage of materials shall be permitted, *except for a Day Care Home where outdoor space must be provided for the people.*
  - 5. Additional workers cannot gather even briefly on the property.

Remove the table of home occupations by class from §7.4.3, as follows:

**7.4.3 Types of Home Occupations Permitted by Class.** *The following types of home occupation uses shall be permitted:* ~~For each class of home occupation, the types of permitted home occupations shall comply with the following table in §7.4.3.A. The uses listed in this table shall be defined as specified in §7.4.3.B.~~

~~A. Home occupations may include only the following uses, as limited for each class in the following table:~~

	Class 1	Class 2	Class 3
Professional Offices	yes	yes	yes
Personal Services	no	yes	yes
Instructional Services	yes	yes	yes
Repair Services	no	yes	yes
Day Care Homes	no	yes	yes
Studios	yes	yes	yes
Trade Shop	no	yes	yes

~~B. The uses listed in the table of home occupation uses shall be defined as follows:~~

1. Professional Office: office space used for by professionals including, but not limited to architects, brokers, counselors, clergy, draftspeople, cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract managers, graphic designers, landscape designers, surveyors, salespeople, and travel agents. This shall exclude medical and dental offices.
2. Personal Service: space used for personal services including, but not limited to barbershops, beauty parlors, massage therapy, and manicure/pedicure shops.
3. Instructional Service: space used for instruction including, but not limited to music, dance, art, crafts, and tutoring.
4. Repair Service: space used for repair work including, but not limited to watch and clocks, small appliances, computers, electronic devices, small engines and lawnmowers.
5. Day Care Home: see definition in Article 2.
6. Studio: workshop of an artist or craftsperson, including, but not limited to artists, painters, sculptors, musicians, photographers, authors, weavers, jewelers, cabinetmakers, and woodworkers.

7. Trade Shop: space used by tradespeople including, but not limited to carpenters, plumbers, electricians and landscapers to store tools and materials and to prepare for off-site work.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

# Amendment #11

## *Refine Residential Use Definitions and Standards*

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

### Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to refine the definitions and standards for all residential uses, including modular housing and manufactured housing, specifically amending: Article 2, Definitions; Article 3, Establishment of Zoning Districts; Article 4, Schedule of Use Regulations; Article 6, Supplemental Use Requirements; Article 7, Special Provisions; Article 8, Shoreland Overlay District; Article 10, Watershed Protection Overlay District; Article 10-A, Elderly Congregate Housing Overlay District; Article 13, Manufactured Housing and Mobile Home Parks; Article 18, Administration; and Article 21, Severability and Conflict with Other Ordinances.

Statement of Fact: The purpose of this amendment is to establish a standardized list of the principal residential uses addressed by the Zoning Ordinance. This builds on an amendment passed in November 2011 to improve the format of the use tables. A definition is provided for each principal residential use, and the lists of residential uses in all base zoning districts and in the Shoreland Overlay District are amended to ensure consistency in use of terms. Elderly congregate housing is converted from an overlay district to a principal use regulated zone by zone. Policies about modular homes and manufactured housing, which are types of residential construction, are also included in this amendment. This amendment is consistent with the Comprehensive Plan, specifically with Policy #2.5.5 which calls for making the Town's land use codes more user-friendly, and with Policy #4.2.9 which calls for changes to bring the Town's modular housing and manufactured housing policies into conformity with State law. It is not expected to have a significant impact on the cost of Town administration.

NOTE: The highlighted notes throughout this amendment are not part of the amendment itself, but have been left in to help explain the author's intent for specific sections of this lengthy amendment. These will be not be added to the Zoning Ordinance if this amendment is enacted.

## ARTICLE 2

**Amendment:** Amend certain definitions within Article Two, Definitions, to relating to principal residential uses, as follows:

**BED & AND BREAKFAST:** *A residential use conducted family enterprise, operated by the resident owner within her/his own single-family dwelling residence, offering overnight accommodations to the general public on a transient basis, along with one or more meals for overnight guests. The operation is a secondary use to the primary residential function, and is not intended to have impacts significantly in*

~~excess of those of any other single-family dwelling such use shall not change the character of the residence. This definition shall preclude this use from being classified as a Home Occupation. (NOTE: changes to ensure consistent use of terms, and to add the "breakfast" part of the use to the definition.)~~

**BOARDING AND ROOMING HOUSE:** A residential use *conducted by the resident owner within her/his own single-family dwelling where 3 or more rooms are rented to people not part of the household on a month-to-month or longer duration, provided the rented rooms consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding or rooming house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents, at least month-to-month, as opposed to overnight or weekly guests.*

~~**DWELLING:** A building whose principal use is for residential purposes, and which has one or more dwelling units as permitted in the zone. A dwelling excludes a building or space used for an artist studio or a building used for transient rental accommodations, including a motel, hotel, lodging home, tourist home, inn or similar facility. (NOTE: deleted because this definition is no longer needed. "Dwelling Unit" is the critical definition and is referenced in the definitions of "Single-Family Dwelling," "Two-Family Dwelling" and "Multi-Family Dwelling.")~~

~~**DWELLING, SINGLE-FAMILY:** A single building containing one dwelling unit, with or without an accessory dwelling unit or accessory residential unit. (NOTE: newly defined.)~~

~~**DWELLING, TWO-FAMILY:** A single building containing two dwelling units, neither of which is an accessory dwelling unit or accessory residential unit. May also be referred to as a "Duplex." (NOTE: newly defined.)~~

~~**DWELLING UNIT:** One or more rooms used for or arranged for the use of one or more individuals living together as a single housekeeping unit. A dwelling unit is one or more rooms within a building for the use of one person or multiple people living as a family (as defined in Article 2), and contains living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. A dwelling unit excludes: a building or space used for an artist studio within a Cultural Facility; or a building or space used for transient rental accommodations including a motel, hotel, inn, or similar facility. (NOTE: amended and made more specific because this definition is the key to defining the uses: Single-Family Dwelling, Two-Family Dwelling, and Multi-Family Dwelling.)~~

~~(NOTE: no change to the definitions of **Elderly Housing** or **Elderly Congregate Housing**.)~~

~~**MOBILE HOME PARK:** "Mobile home park/manufactured home park or subdivision" means a contiguous parcel of land designed for the location of 2, 3 or~~

~~more manufactured housing units, which is licensed as a mobile home park by the Maine Department of Business Regulation. Mobile home parks are further categorized as:~~

- ~~a. Category A Mobile Home Parks. Those mobile home parks with fifteen or fewer spaces or lots for manufactured housing units.~~
- ~~b. Category B Mobile Home Parks. Those mobile home parks with more than fifteen spaces or lots for manufactured housing units.~~

~~(NOTE: this use category is eliminated because its name implied a park full of mobile homes, which were pre-1976 trailers which are prohibited anyway. It is replaced with the new use category, "manufactured housing park.")~~

**MOBILE HOMES, TRAILERS:** ~~"Mobile homes" and "trailers" are terms that may be used interchangeably, and mean any manufactured housing unit constructed prior to June 15, 1976. (NOTE: this term is discontinued throughout the ordinance. The concept is replaced with an age restriction for manufactured housing units established within Article 13 of the regulatory standards.)~~

~~(NOTE: no change to the definition of **Multi-Family Dwelling**.)~~

**TRANSIENT OCCUPANCY:** ~~A stay by the same person or group of people in overnight accommodations of a particular hotel, motel, inn, bed & breakfast or other such place for 30 days or less per calendar year. Room or suite assignments are not relevant in determining whether or not occupancy is transient. (NOTE: this definition is needed to clarify what is meant by "transient" in the definition of "Bed & Breakfast." It also has implications for "Hotel/Motel" and "Inn" uses.)~~

**MANUFACTURED HOUSING:** ~~A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported in two or fewer sections to a building site. A structural unit or units designed to become a dwelling unit, constructed on a permanent chassis in a manufacturing facility and transported by the use of its own chassis to a building site. (In common language, this is what people commonly refer to as "trailers" and "mobile homes," though these terms are not used in this context in this Ordinance.) This includes but is not limited to those units which the manufacturer certifies were constructed after June 15, 1976 in compliance with HUD standards. The manufactured housing unit is constructed with its utilities integral to the unit, and is designed to be used with or without a permanent foundation when connected to required utilities at the site. This definition is intended not to include Recreational Vehicles (RVs) as defined in this ordinance. (NOTE: this definition closely follows the statutory definition of 30-A §4358, but is different because modular housing is defined independently in York zoning, not as a type of manufactured housing. The State approach is extremely confusing because of their terminology, so I chose to follow the requirements without mirroring their terminology.)~~

**MODULAR HOME:** ~~A structural unit or units designed to become a dwelling unit, constructed in a manufacturing facility and transported by an independent chassis to a building site. This includes only those units which the manufacturer certifies are constructed in compliance with State laws and rules, including but not limited to Title~~

10, Chapter 951, and rules adopted under that chapter. The modular home is constructed with its utilities integral to the units, and is designed to be placed on a foundation and connected to required utilities at the site. (NOTE: this is a new definition which is currently lacking in our Zoning. By law, modular homes are treated just like any traditional stick-built house, so I've removed them from the category of manufactured housing as they are defined in statute. This is to prevent a by-right high-density manufactured housing park that is instead full of modular homes.)

**MANUFACTURED HOUSING PARK:** *A parcel of land under unified ownership and management, approved by the Town for the placement of 3 or more units of manufactured housing. (NOTE: This is a new use category to replace the former Mobile Home Park category. The definition closely follows the statutory definition of mobile home park, but terminology is adapted for our needs.)*

### ARTICLE 3

Amend §3.11, deleting the section which establishes the Elderly Congregate Housing Overlay District, as follows:

**3.11 ~~Reserved. Elderly Congregate Housing Overlay District~~**

~~The boundaries of this district are delineated on a map entitled, "York Zoning Ordinance: Elderly Congregate Housing Overlay District," dated May 6, 2004.~~

~~(NOTE: This Overlay District is being removed because the use "Elderly Congregate Housing" is now being addressed as a use in each base zoning district – the overlay is unnecessary with this change.)~~

### ARTICLE 4

Amend §4.1 by inserting a new subsection which lists the Principal Uses in the Residential Use Category, as follows:

**4.1 Base Zone Requirements.** The uses listed for each zone in this Article are permitted, and all others are prohibited.

**A. Residential Use Category, With Permit/Approval Jurisdiction.** *The following is a list of all the principal uses within the Residential Use Category. In the zone-by-zone listing of permitted principal uses in the Residential Use Category, any use listed for that zone shall be an allowed use, and uses from this list which are not listed shall be expressly prohibited. Where a permit or approval is required for establishment or modification of the use, the proper authority is identified below after the use. Where uses are referenced in overlay districts, permit or approval authority for the use shall be the same as in the base zones unless otherwise specified.*

- *Dwelling, Single-Family – CEO*
- *Dwelling, Two-Family – CEO*
- *Dwelling, Multi-Family – Planning Board*
- *Bed & Breakfast – Board of Appeals, by Special Exception per §18.8.2.2*
- *Boarding House – Board of Appeals, by Special Exception per §18.8.2.2*

- *Elderly Housing – Planning Board*
- *Elderly Congregate Housing – Planning Board*

**B. Other Use Categories.** Uses which are permitted or expressly prohibited are listed by category for each zoning district.

(NOTE: the following are the zone-by-zone amendments to the Residential Use Category listings for all base and Shoreland zones.)

Amend §4.1.1, for each of the RES base zoning districts, Residential Use Category, as follows:

**Residential Use Category (RES 1-A & RES 1-B)**

- Single-Family Dwelling
- Two-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) – Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extend as site built housing. See Article 13.~~
- ~~Temporary Mobile Homes – With permit from Board of Selectmen – see §7.1.~~
- Boarding or Rooming House – Maximum of 3 rooms for rent. Only permitted as an accessory use incidental to single family or two family dwellings.
- ~~Cluster Development~~
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling; Mobile Homes; Mobile Home Park.~~

**Residential Use Category (RES-2)**

- Single-Family Dwelling
- Two-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) – Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extend as site built housing. See Article 13.~~
- ~~Temporary Mobile Homes – With permit from Board of Selectmen – see §7.1.~~
- Boarding or Rooming House – Maximum of 3 rooms for rent. Only permitted as an accessory use incidental to single family or two family dwellings.
- ~~Cluster Development~~
- Bed & Breakfast
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling; Mobile Homes; Mobile Home Park, Elderly Housing.~~

### Residential Use Category (RES-3)

- Single-Family Dwelling
- Two-Family Dwelling
- ~~Manufactured Housing~~ (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13.
- ~~Temporary Mobile Homes~~ — With permit from Board of Selectmen — see §7.1.
- Boarding or Rooming House — Two rooms only. Only permitted as an accessory use incidental to single family or two family dwellings.
- ~~Cluster Development~~
- Bed & Breakfast — Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling, Mobile Homes, Mobile Home Park, Elderly Housing.~~

### Residential Use Category (RES-4)

- Single-Family Dwelling — Private garages are limited to the storage or parking of 3 motor vehicles.
- Two-Family Dwelling — Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner. *In addition, private garages are limited to the storage or parking of 3 motor vehicles.*
- ~~Manufactured Housing~~ (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13. Also, private garages are limited to the storage or parking of 3 motor vehicles.
- Boarding or Rooming House — Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~Cluster Development~~
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling, Mobile Homes, Mobile Home Park, Temporary Mobile Homes.~~

### Residential Use Category (RES-5)

- Single-Family Dwelling
- Two-Family Dwelling —Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) —Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extend as site built housing. See Article 13.~~
- Boarding or Rooming House —Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~Cluster Development~~
- Bed & Breakfast
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling, Mobile Homes, Mobile Home Park, Temporary Mobile Homes, Elderly Housing.~~

#### **Residential Use Category (RES-6)**

- Single-Family Dwelling
- Two-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) —Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extend as site built housing. See Article 13.~~
- Boarding or Rooming House —Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~Cluster Development~~
- Bed & Breakfast
- Elderly Housing
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling, Mobile Homes, Mobile Home Park, Temporary Mobile Homes.~~

#### **Residential Use Category (RES-7)**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) —Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extend as site built housing. See Article 13.~~

- Boarding or Rooming House — For not more than 4 persons conducted by the owner of record who is prime resident in the dwelling.
- Cluster Development
- Bed & Breakfast
- Elderly Housing
- ~~EXPRESSLY PROHIBITED: Mobile Homes, Mobile Home Park, Temporary Mobile Homes.~~

Amend §4.1.2, for each of the BUS base zoning districts, Residential Use Category, as follows:

#### **Residential Use Category (BUS-1)**

- Single-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles.
- Two-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles. Also, reference density standard of §5.4.4.
- Multi-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles. Also, reference density standard of §5.4.4.
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13. Also, private garages are limited to the storage or parking of 3 motor vehicles.~~
- Boarding or Rooming House – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~Cluster Development~~
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- ~~EXPRESSLY PROHIBITED: Mobile Homes; Mobile Home Parks; Temporary Mobile Homes.~~

#### **Residential Use Category (BUS-2)**

- Single-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles.
- Two-Family Dwelling – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner. *In addition, private garages are limited to the storage or parking of 3 motor vehicles.*

- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13. Also, private garages are limited to the storage or parking of 3 motor vehicles.~~
- Boarding or Rooming House – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- ~~Cluster Development~~
- Bed & Breakfast
- Elderly Housing
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling; Mobile Homes; Mobile Home Parks; Temporary Mobile Homes.~~

Amend §4.1.2, for the York Beach Village Center (YBVC) base zoning district, Residential Use Category, as follows:

**Residential Use Category (YBVC)**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13.~~
- ~~Temporary Mobile Homes~~ — With permit from Board of Selectmen — see §7.1.
- Boarding or Rooming House
- ~~Cluster Development~~
- Bed & Breakfast
- Elderly Housing
- ~~EXPRESSLY PROHIBITED: Mobile Homes; Mobile Home Parks.~~

Amend §4.1.2, for each of the GEN base zoning districts, Residential Use Category, as follows:

**Residential Use Category (GEN-1)**

- Single-Family Dwelling
- Two-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13.~~
- ~~Temporary Mobile Homes~~ — With permit from Board of Selectmen — see §7.1.

- Boarding or Rooming House
- Cluster Development
- Bed & Breakfast
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling; Mobile Homes; Mobile Home Parks; Elderly Housing.~~

#### **Residential Use Category (GEN-2)**

- Single-Family Dwelling
- Two-Family Dwelling
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13.~~
- ~~Mobile Home Parks~~
- ~~Temporary Mobile Homes — With permit from Board of Selectmen — see §7.1.~~
- Boarding or Rooming House
- Cluster Development
- Bed & Breakfast
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling; Mobile Homes; Elderly Housing.~~

#### **Residential Use Category (GEN-3)**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling – Only on lots served by public sewer and public water.
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) — Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13.~~
- ~~Mobile Home Parks — Manufactured housing parks are allowed only in the portion of this district described in §13.6 of this Ordinance.~~
- ~~Temporary Mobile Homes — With permit from Board of Selectmen — see §7.1.~~
- Boarding or Rooming House
- Cluster Development
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- ~~EXPRESSLY PROHIBITED: Mobile Homes.~~

Amend §4.1.4, for each of the ROUTE ONE base zoning districts, Residential Use Category, as follows:

### Residential Use Category (RT 1-1)

- Single-Family Dwelling —Route One Use Permit from CEO required.
- Two-Family Dwelling —Route One Use Permit from CEO required.
- ~~Temporary Mobile Home —With permit from Board of Selectmen—see §7.1.~~
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations; Article 13) —Route One Use Permit from CEO required.~~
- Boarding or Rooming House —Route One Use Permit from CEO required.
- ~~Cluster Development —Route One Use Permit from Planning Board required.~~
- Bed & Breakfast —Route One Use Permit from CEO required.
- Elderly Housing —Route One Use Permit from Planning Board required.
- ~~EXPRESSLY PROHIBITED: Multi-Family Dwelling; Mobile Home; Mobile Home Park.~~

### Residential Use Category (RT 1-2)

- Single-Family Dwelling —Route One Use Permit from CEO required.
- Two-Family Dwelling —Route One Use Permit from CEO required.
- Multi-Family Dwelling —Route One Use Permit from Planning Board required.
- ~~Temporary Mobile Home —With permit from Board of Selectmen—see §7.1.~~
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations; Article 13) —Route One Use Permit from CEO required.~~
- Boarding or Rooming House —Route One Use Permit from CEO required.
- ~~Cluster Development —Route One Use Permit from Planning Board required.~~
- Bed & Breakfast —Route One Use Permit from CEO required.
- Elderly Housing —Route One Use Permit from Planning Board required.
- ~~EXPRESSLY PROHIBITED: Mobile Home; Mobile Home Park.~~

### Residential Use Category (RT 1-3)

- Single-Family Dwelling —Route One Use Permit from CEO required.
- Two-Family Dwelling —Route One Use Permit from CEO required.
- Multi-Family Dwelling —Route One Use Permit from Planning Board required.
- ~~Temporary Mobile Home —With permit from Board of Selectmen—see §7.1.~~
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations; Article 13) —Route One Use Permit from CEO required.~~
- Boarding or Rooming House —Route One Use Permit from CEO required.
- ~~Cluster Development —Route One Use Permit from Planning Board required.~~
- Bed & Breakfast —Route One Use Permit from CEO required.
- Elderly Housing —Route One Use Permit from Planning Board required.
- ~~EXPRESSLY PROHIBITED: Mobile Home; Mobile Home Park.~~

### Residential Use Category (RT 1-4)

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- Single-Family Dwelling —Route One Use Permit from CEO required.
- Two-Family Dwelling —Route One Use Permit from CEO required.
- Multi-Family Dwelling —Route One Use Permit from Planning Board required.
- ~~Temporary Mobile Home —With permit from Board of Selectmen—see §7.1.~~
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) —Route One Use Permit from CEO required.~~
- Boarding or Rooming House —Route One Use Permit from CEO required.
- ~~Cluster Development —Route One Use Permit from Planning Board required.~~
- Bed & Breakfast —Route One Use Permit from CEO required.
- Elderly Housing —Route One Use Permit from Planning Board required.
- Elderly Congregate Housing — *East of Route One only.*
- ~~EXPRESSLY PROHIBITED: Mobile Home; Mobile Home Park.~~

#### **Residential Use Category (RT 1-5)**

- Single-Family Dwelling —Route One Use Permit from CEO required.
- Two-Family Dwelling —Route One Use Permit from CEO required.
- Multi-Family Dwelling —Route One Use Permit from Planning Board required.
- ~~Temporary Mobile Home —With permit from Board of Selectmen—see §7.1.~~
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) —Route One Use Permit from CEO required.~~
- Boarding or Rooming House —Route One Use Permit from CEO required.
- ~~Cluster Development —Route One Use Permit from Planning Board required.~~
- Bed & Breakfast —Route One Use Permit from CEO required.
- Elderly Housing —Route One Use Permit from Planning Board required.
- ~~EXPRESSLY PROHIBITED: Mobile Home; Mobile Home Park.~~

#### **Residential Use Category (RT 1-6)**

- Single-Family Dwelling —Route One Use Permit from CEO required.
- Two-Family Dwelling —Route One Use Permit from CEO required.
- Multi-Family Dwelling —Route One Use Permit from Planning Board required.
- ~~Temporary Mobile Home —With permit from Board of Selectmen—see §7.1.~~
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) —Route One Use Permit from CEO required.~~
- Boarding or Rooming House —Route One Use Permit from CEO required.
- ~~Cluster Development —Route One Use Permit from Planning Board required.~~
- Bed & Breakfast —Route One Use Permit from CEO required.
- Elderly Housing —Route One Use Permit from Planning Board required.
- ~~EXPRESSLY PROHIBITED: Mobile Home; Mobile Home Park.~~

## ARTICLE 6

Amend the header of §6.3, which establishes the applicability of performance standards in the Route One zones, specifically extending it to include multi-family development, as follows:

- 6.3 Performance Standards Applicable to all Non-Residential and multi-family uses in the Route One-1, Route One-2, Route One-3, Route One-4, Route One-5 and Route One-6 Zoning Districts.**

## ARTICLE 7

Amend Special Provisions pertaining to the temporary use of mobile homes to address this issue independently from the Use Tables in the base zones and overlay districts, as follows:

- 7.1 Temporary Use of ~~Manufactured Housing Unit Mobile Home~~ Applicable to ~~RES-1, RES-2, RES-3, YBVC, GEN-1, GEN-2, GEN-3~~ Districts**

Any person who can show good intentions of building a home may apply to the Board of Selectmen for a permit to locate a *manufactured housing unit or recreation vehicle* ~~mobile home or house trailer~~ on the proposed home site during the construction of said home for a period of one year. If the applicant, at the end of one year, has not finished the proposed home to a livable state, he may re-apply to the Board of Selectmen for a maximum of twelve (12) months extension of said permit. The Board of Selectmen, after being satisfied of good faith on the part of the applicant, may issue such permit for one year and extend such permit not to exceed twelve (12) months beyond the initial year. *This allowance shall apply within the following zones:*

- A. *RES 1-A, RES 1-B, RES-2, RES-3, YBVC, GEN-1, GEN-2 and GEN-3 base zoning districts;*
- B. *Watershed Protection Overlay District; and*
- C. *Shoreland Overlay District - Mixed Use subdistrict (Shoreland Permit from CEO also required), Limited Residential Subdistrict (Shoreland Permit from CEO also required) and Resource Protection Subdistrict (Special Use Permit from Planning Board per §18.2.7 also required), but prohibited in the Stream Protection Subdistrict.*

(This provision is not meant to exclude trailers used for the sole purpose of a "Construction Office" located at the building site. "Construction Office" trailers shall not be equipped with sleeping accommodations and shall be removed from the site within 30 days after occupancy of the principal use.)

(NOTE: the language of this section just needs simple clean up to mirror the new terminology about manufactured housing instead of mobile home.)

Insert a new section to limit the occupancy of Recreation Vehicles located outside campgrounds, as follows:

**7.1-A. Temporary Use of Recreation Vehicles**

*On any lot other than a campground, one recreation vehicle may be occupied overnight for not more than 1 week per calendar year. Occupancy by more units or longer than 1 week shall be prohibited.*

(NOTE: this new language will address problems we've been having with people using RVs on an extended basis, essentially establishing dwelling units without adequate density, utility connections, building codes, etc..)

Amend the Cluster Subdivision performance standards to specify that cluster subdivision is permitted in all base zones, as follows:

**7.6 Cluster Housing Subdivision Application**

~~The standards applicable to Cluster Housing Subdivisions, as amended by the voters on November 1, 2005, shall retroactively apply to any application accepted for review by the Planning Board on or after May 11, 2005, the date on which the first public hearing was posted for the amendments. The former cluster provisions shall apply to applications accepted prior to this date.~~

*Cluster subdivision shall be permitted in all base zoning districts. Permissibility within overlay districts is addressed as needed by district. The standards of this Section (§7.6) shall apply to all cluster subdivision.*

## ARTICLE 8

Amend §8.2.1.A, Shoreland Mixed Use Subdistrict, Residential Use Category, as follows:

**Residential Use Category (Mixed Use Shoreland)** – *Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.*

- Single-Family Dwelling – ~~Shoreland Permit from the CEO is required.~~
- Two-Family Dwelling – ~~Shoreland Permit from the CEO is required.~~
- ~~Home Occupations – Shoreland Permit from the CEO is required.~~
- Multi-Family Dwelling – ~~Shoreland Permit from the Planning Board required.~~
- Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) – ~~Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13. Shoreland Permit from the CEO is required.~~
- ~~Temporary Mobile Homes – With permit from Board of Selectmen (see §7.1) and Shoreland Permit from the CEO.~~
- Boarding or Rooming House – ~~Shoreland Permit from the CEO is required.~~
- ~~Cluster Development – Shoreland Permit from the Planning Board required.~~
- Bed & Breakfast – ~~Shoreland Permit from the CEO is required.~~

- Elderly Housing – Shoreland Permit from the Planning Board required.
- ~~EXPRESSLY PROHIBITED: Mobile Homes; Mobile Home Park.~~

Amend §8.2.1.B, Shoreland Limited Residential Subdistrict, Residential Use Category, as follows:

**Residential Use Category (Limited Res. Shoreland) – Shoreland**  
*permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.*

- Single-Family Dwelling – Shoreland Permit from the CEO is required.
- Two-Family Dwelling – Shoreland Permit from the CEO is required.
- ~~Home Occupations – Shoreland Permit from the CEO is required.~~
- Multi-Family Dwelling – Shoreland Permit from the Planning Board required.
- ~~Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13) – Single wide manufactured homes are allowed in GEN-2 only; double wide manufactured housing is permitted in all districts to the same extent as site built housing. See Article 13. Shoreland Permit from the CEO is required.~~
- ~~Temporary Mobile Homes – With permit from Board of Selectmen (see §7.1) and Shoreland Permit from the CEO.~~
- ~~Cluster Development – Shoreland Permit from the Planning Board required.~~
- Bed & Breakfast – Shoreland Permit from the CEO is required.
- Elderly Housing – Shoreland Permit from the Planning Board required.
- ~~EXPRESSLY PROHIBITED: Mobile Homes; Mobile Home Park; Boarding or Rooming House.~~

Amend §8.2.1.C, Shoreland Resource Protection Subdistrict, Residential Use Category, as follows:

**Residential Use Category (Res. Protection Shoreland) – Shoreland**  
*permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.*

- Single-Family Dwelling – Requires a Special Use Permit per §18.2.7.
- ~~Home Occupations – Shoreland Permit from the Planning Board required.~~
- ~~Temporary Mobile Homes – Requires a permit from Board of Selectmen (see §7.1) and a Special Use Permit per §18.2.7.~~
- ~~EXPRESSLY PROHIBITED: Two-Family Dwelling; Multi-Family Dwelling; Mobile Homes; Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13); Mobile Home Park; Boarding or Rooming House; Cluster Development; Bed & Breakfast; Elderly Housing.~~

Amend §8.2.1.D, Shoreland Stream Protection Subdistrict, Residential Use Category, as follows:

**Residential Use Category (Stream Protection Shoreland) – Shoreland** permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.

- No uses in this Category are permitted in this Subdistrict.
- ~~EXPRESSLY PROHIBITED: Single Family Dwelling; Two Family Dwelling; Home Occupations; Multi Family Dwelling; Mobile Homes; Manufactured Housing (per standards of Manufactured Housing Regulations, Article 13); Mobile Home Park; Temporary Mobile Homes; Boarding or Rooming House; Cluster Development; Bed & Breakfast; Elderly Housing.~~

Amend the second paragraph of §8.1.4.A to remove a reference to “mobile homes” as follows:

For purposes of the Shoreland Overlay District, “residential dwelling unit” shall be defined as: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family at a time, and containing cooking, sleeping and *sanitary toilet* facilities. The term shall include ~~mobile homes modular homes, manufactured housing units~~ and rental units that contain cooking, sleeping, and *sanitary toilet* facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. (NOTE: the language of this section just needs simple clean up to mirror the new terminology of Article 13 as revised.)

Insert new §8.1.5, Cluster Subdivisions, as follows:

- 8.1.5 Cluster Subdivisions. Cluster subdivisions shall be controlled as follows:*
- 1. By subdistrict, cluster subdivision is:*
    - a. allowed with Shoreland Approval from the Planning Board in the Mixed Use and Limited Residential subdistricts.*
    - b. prohibited in the Resource Protection and Stream Protection subdistricts.*
  - 2. Cluster subdivision shall be approved only upon demonstration that overall dimensional requirements for the Overlay District, including shore frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the Shoreland Overlay District shall be considered. (NOTE: paraphrased from State Shoreland Zoning Rules - Chapter 1000.)*

Insert new §8.2.4, Home Occupations, to address home occupations in the Shoreland Overlay District, as follows:

- 8.2.4 Home Occupations. Home occupations shall be controlled as follows:*
- 1. By subdistrict, home occupations are:*
    - a. allowed with a Shoreland Permit from the CEO in the Mixed Use or Limited Residential subdistrict.*

- b. *allowed with Shoreland Approval from the Planning Board in the Resource Protection Subdistrict.*
  - c. *prohibited in the Stream Protection Subdistrict.*
2. *Limits on the size of the home occupation shall follow the standards of §7.4.*

(NOTE: home occupations are pulled from the list of principal uses because they are accessory. While §7.4 addresses home occupations lot-by-lot throughout York, it does not address the Shoreland Overlay District restrictions so these needed to be picked up separately.)

## ARTICLE 10

Amend the lot size standard of the Watershed Protection Overlay District to prohibit cluster subdivision, as follows:

**10.4.1 Minimum Lot Size.** No lot shall be less than 10 acres in size in this Overlay District. Additional Town requirements regarding net buildable area shall not be applied to this lot size measure, but may apply to the minimum land area requirement in the underlying zoning district. *Cluster subdivision shall be allowed within this Overlay District.*

(NOTE: This proposed change is addressing a void in the current language of the Ordinance. It is entirely unclear whether or not a property owner could use a cluster design the way the Ordinance is currently written. This amendment expressly allows cluster.)

## ARTICLE 10-A

(NOTE: The following changes to Article 10-A are required simply to address elderly congregate housing zone by zone rather than as an overlay district. The policy content of the provisions remains unchanged, except that the boundaries of the zone have moved a bit because the overlay doesn't follow the base zone boundaries exactly. The only area of significant change is along the boundary just east of Route One.)

Amend the title and first two sections of Article 10-A, Elderly Congregate Housing Overlay District, to change it from an overlay district to performance standards, as follows:

### ARTICLE TEN-A ELDERLY CONGREGATE HOUSING STANDARDS OVERLAY DISTRICT

**10-A.1 ~~Applicability Elderly Congregate Housing Overlay District~~**

The provisions of this Article pertain to the Elderly Congregate Housing Overlay District as described in section 3.11.

**10-A.2 ~~General Standards Land Uses~~**

10-A.2.1 *Where the provisions of this Article are less restrictive than other provisions applicable to the base zoning district in which the elderly congregate housing*

*use is located, the standards of this Article shall supersede those of the base zone. The Elderly Congregate Housing Overlay District is an overlay district in which certain uses are allowed in addition to the uses otherwise allowed in the underlying zoning district. The provisions of the overlay district apply specifically to elderly congregate housing, including nursing homes that may be associated with the elderly congregate housing. Unless otherwise specified, all other uses shall comply with the standards of the underlying zoning district.*

10-A.2.2 *A nursing home, when not allowed in the base zoning district, shall be permitted as an accessory component to the elderly congregate housing use, subject to the limits of this Section. In addition to any use allowed in the underlying district, the following uses are permitted in the Elderly Congregate Housing Overlay District:*

a. ~~Elderly congregate housing~~

b. ~~Nursing homes, provided that, unless nursing homes are otherwise permitted in the underlying zoning district, a nursing home shall be permitted only if it is an integral part of an overall project that includes elderly congregate housing as the primary use and the nursing home as a secondary use. By "secondary" use is meant that the nursing home shall~~ *The nursing home shall contain no more than 50% of the total square footage of the elderly congregate housing component of the project. Kitchens, dining rooms, and other shared community space necessary to serve the elderly congregate housing shall be counted as part of the square footage of the elderly congregate housing even if they also will serve the nursing home.*

~~10 A.2.3 All other uses, unless specifically provided for in the underlying zoning district are prohibited.~~

## ARTICLE 13

(NOTE: modular homes and manufactured housing are variations on the use "single-family dwelling." As such, it is not appropriate to have these listed as separate uses under the Residential Use Category. To clean up the use list, all standards relating to modular homes and manufactured housing are moved to Article 13. Article 13 is targeted by Comp Plan Policy 4.2.9 for being revised to bring it into conformity with State law, so I have incorporated overall changes to accomplish this goal as well. It makes the amendment much longer, but you can't really clean up the use lists without doing this. It would have been extremely messy to amend the existing section, so this is proposed as a comprehensive replacement of the entire article.)

Amend Article 13, Manufactured Housing and Mobile Home Parks, to remove this type of housing from the use regulations and to bring this section of the Ordinance into conformity with State law, as follows:

## ARTICLE THIRTEEN

### **MODULAR HOMES, MANUFACTURED HOUSING AND MOBILE HOME MANUFACTURED HOUSING PARKS**

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Draft Amendments to be voted in May 2012

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*Modular homes and manufactured housing are construction types for dwellings and therefore are not listed as principal uses in Article 4. Standards pertaining to modular homes, manufactured housing and manufactured housing parks are established in this Article.*

### **13.1 Modular Homes**

*Modular homes shall be allowed in all places and subject to all requirements and restrictions as apply to a conventionally-constructed dwelling, subject to the following requirements:*

- A. If less than 28 feet in width, the long side of the modular home shall be generally parallel to the street.*
- B. The unit shall be placed on a permanent foundation which complies with building codes.*
- C. The unit shall have a pitched roof, with a pitch not less than 2 inches of rise per 12 inches of run.*
- D. The unit shall meet or exceed the minimum floor area required for dwelling units in the zone in which it is located, in zones where this is regulated.*
- E. A building permit shall be required prior to moving or locating a modular home, and compliance with the administrative provisions of §13.4 shall be required prior to issuance of this permit.*

### **13.2 Manufactured Housing**

*Outside a Manufactured Housing Park, manufactured housing shall be allowed in all places and subject to all requirements and restrictions as apply to a conventionally-constructed dwelling, subject to the following requirements for any unit moved into or within York:*

- A. Size. The minimum width of the unit shall be 14' and the minimum floor area of the unit shall be 750 square feet.*
- B. Width-Based Standards. If less than 28 feet in width:
  - 1. The unit shall be permitted only in those areas where Manufactured Housing Parks are permitted (see §13.3, below), and the long side of the unit shall be generally parallel to the street; and**

2. *If located on a corner lot at the intersection of 2 streets, the unit shall have attached side construction such as a garage, breezeway or other room, that results in a minimum width of 28 feet of structure facing each street.*
- C. *Foundation. The unit shall be placed on a permanent foundation which complies with building codes.*
- D. *Roof. The unit shall have a pitched roof, with a pitch not less than 2 inches of rise per 12 inches of run.*
- E. *Construction Standard. Manufactured housing units which are being moved into the Town of York shall comply with one of the following standards:*
  1. *the unit was constructed after June 15, 1976 and its construction is certified by the US Department of Housing and Urban Development; or*
  2. *the unit fully complies with State and Town residential construction, insulation, plumbing, electrical, and other codes as applicable to residential construction at the time the unit is moved into York.*

*Existing manufactured housing units which are lawfully located within York as of August 4, 1988, shall be permitted to remain, and may be moved to other locations within the Town.*

- F. *Permit Required. A building permit shall be required prior to moving or locating a manufactured housing unit, and compliance with the administrative provisions of §13.4 shall be required prior to issuance of this permit.*

### **13.3 *Manufactured Housing Parks***

*Manufactured housing parks shall be allowed subject to the following:*

- A. *Location. Manufactured housing parks shall be located in accordance with the following criteria:*
  1. *Base Zoning Districts. Any manufactured housing park shall be permitted within the GEN-2 zone, and those parks with 15 or less units of manufactured housing parks shall be permitted within that portion of the GEN-3 zone not located southeasterly of Ridge Road nor westerly of Old Post Road.*

2. Overlay Districts. No manufactured housing parks shall be permitted within the Watershed Protection Overlay District or within the Shoreland Overlay District.
- B. Density. The minimum size of the park shall be the sum of the following areas:
1. 5,000 square feet per manufactured housing unit if served by public sewer, or 12,000 square feet per unit if served by a central on-site controlled septic system or systems, or 20,000 square feet per unit otherwise; plus
  1. required road rights-of-way; plus
  2. required buffer strips; plus
  3. required open space; plus
  4. any setbacks required for the Shoreland Overlay District.
- C. Required Open Space. For a manufactured housing park served by public sewer, 10% of the total land area shall be reserved for recreational use of the park occupants. Such area shall generally be useful for the intended purpose (relatively flat and dry, and accessible to park occupants).
- D. Required Perimeter Setbacks. Minimum lot setbacks applicable in the base zoning district shall apply around the perimeter of the lot on which the park is located. These standards shall not be applied to sites within the park.
- E. Required Perimeter Buffers. A manufactured housing park shall establish and maintain a vegetated buffer strip of at least 50 feet in width along each portion of the external property boundary if density in the park is at least twice that of existing residential density on the adjacent lot, or if undeveloped is at least twice that of the maximum permitted residential density on that lot. No structures, streets or utilities shall be permitted within this buffer, except as necessary to gain access or provide service to the park and to maintain safe sight distances. The half of the buffer closest to the property boundary may be required to have additional plantings only to the extent required of other residential development.
- F. Utilities. Above-ground utilities shall be allowed in parks.
- G. Road and Traffic Issues.
1. Streets within a park shall be designed by a Maine-licensed Professional Engineer.

2. *All manufactured housing units within a park shall have direct access only to internal streets, not onto adjacent roads outside the park.*
  3. *Street design shall conform to all design and construction standards of the Site Plan and Subdivision Regulations and other Town codes, except as expressly superseded by Title 30-A MRSA §4358(3)(G).*
- H. *Groundwater Impacts. The party developing or expanding a manufactured housing park shall have the burden of proof that the development will not pollute a public water supply or aquifer.*
- I. *Miscellaneous Standards.*
1. *No dwelling units other than manufactured housing shall be permitted within a manufactured housing park.*
  2. *Each unit of manufactured housing shall comply with the standard of §13.2.E regarding HUD certification and construction standards.*
  2. *Conversion of a manufactured housing park to another use, or change of use of the units within the park shall require full compliance to all applicable regulatory standards such as lot size, density, and setbacks, and shall require prior approval of the Planning Board.*
  3. *The land within a manufactured housing park shall remain a single lot and shall remain under unified management, provided park occupants shall have the right to establish some form of joint ownership and management of the park.*
  4. *Establishment, expansion or modification of a manufactured housing park shall require approval of the Planning Board under the Site Plan and Subdivision Regulations.*
  5. *A building permit from the CEO shall be required for installation, relocation, or modification of each unit of manufactured housing within a park*

#### **13.4 Documentation of Tax Payment**

*Prior to issuance of a building permit for the location or relocation of any modular home or manufactured housing unit within the Town of York, the CEO shall require certification of payment of sales tax to the State of Maine in accordance with 30-A MRSA §4358(4).*

#### **13.5 State Preemption**

*State law establishes certain standards for manufactured housing parks which are less restrictive than and supersede local standards. See §21.3 for treatment of conflicting provisions.*

(NOTE: The new language above is the new Article 13. The strikeout language below is the language being replaced.)

### **13.1 — Applicability**

~~These regulations shall apply to all manufactured housing to be located in the Town of York or moved from one part of the town to another.~~

### **13.2 — Permit Requirements**

~~13.2.1 — Mobile Home Parks shall be regulated by the Town of York Planning Board in accord with this Article and all other applicable ordinances and regulations of the Town of York. Any Mobile Home Park shall have a Planning Board approved final plan before any building permit shall be issued by any office or agency of the Town of York. Except as approved by Section 13.8 of this Article such final plan shall be in accordance with all of the criteria requirements, design standards, and construction specifications set forth in the Town of York Planning Board Subdivision and Site Plan Regulations and any later amendments to those regulations, as well as any other Town ordinances or regulations which pertain.~~

~~13.2.2 — No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of York, or move a manufactured home from one lot or parcel of land to another, without a manufactured housing building permit from the Code Enforcement Officer. The Code Enforcement Officer shall issue the permit within 10 days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Article. In addition, a permit shall not be issued until a valid bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the firm, corporation or person who sold or provided the manufactured housing to the buyer siting the unit is presented to the Code Enforcement Officer. If no valid bill of sale is presented to the Code Enforcement Officer, the applicant for a permit shall present evidence of certification of payment of the sales tax in accordance with Title 36 M.R.S.A., Section 1760, Sub-section 40, and Section 1952-B.~~

### **13.3 — Prohibitions**

~~No person, firm, corporation or other legal entity shall initially locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or a manufactured housing unit which fails to meet the requirements of Section 13.5.~~

### **13.4 — Non-Conforming Structures**

~~Manufactured housing units which fail to meet the standards set forth in Section 13.5, which are lawfully established prior to December 28, 1989, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved, and expanded only if the expansion results in bringing the manufactured housing unit more in compliance with the standards of this Article. No non-conforming structure may be replaced by another non-conforming structure, but may be replaced by a manufactured home that meets the requirements of this Article. A non-conforming structure may be moved to a~~

~~different location on the same lot or parcel of land as long as all applicable standards of the particular Zoning District are met.~~

### ~~13.5 — Manufactured Housing Standards~~

~~13.5.1 — All manufactured housing proposed to be located within the Town or relocated from one lot to another within the Town, and built prior to June 15, 1976, shall meet the following safety standards:~~

~~13.5.1.1 — Town of York Building Code and any other applicable codes and ordinances.~~

~~13.5.1.2 — All electrical utilities shall comply with the National Electrical Code.~~

~~13.5.2 — All manufactured housing proposed to be located within the Town after December 28, 1989, shall meet the following design requirements:~~

~~13.5.2.1 — The minimum width shall be 14 feet.~~

~~13.5.2.2 — All units shall contain a minimum area of 750 square feet of living space.~~

~~13.5.2.3 — All units shall be placed on a permanent foundation which complies with the applicable requirements of the Town of York Building Code, except units located within a mobile home park may be placed on any one of the following:~~

- ~~a. — A full, poured concrete or masonry foundation.~~
- ~~b. — A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.~~
- ~~c. — A reinforced, floating concrete pad for which the Code Enforcement Officer shall require an engineer's certification if it is to be placed on soil rated with a high potential for frost action in the Soil Interpretation Records of the U.S. Soil Conservation Service.~~
- ~~d. — Any foundation which pursuant to the York Building Code is permitted for other types of single family dwellings.~~

~~13.5.2.4 — All units shall have a pitched, shingled roof of not less than 3 inch rise per 12 inches of run, except units located in a mobile home park shall have a roof pitch of not less than 2 inches rise per 12 inches of run.~~

~~13.5.2.5 — Exterior siding shall conform to any requirements for exterior siding of site-built housing in the Town of York.~~

### ~~13.6 — Location Requirements~~

~~13.6.1 — Manufactured housing units that are 14 feet to 27 feet in width (i.e., single wide manufactured homes) shall be permitted only in Zoning District GEN-2, and if located within a mobile home park, in those portions of Zoning District GEN-3 where mobile home parks are permitted.~~

~~13.6.2 — Manufactured Housing units that are 28 feet wide or wider (i.e., double wide manufactured housing) shall be permitted in all Zoning Districts of the Town of~~

~~York to the same extent and under all the same zoning, building codes and any other applicable Town and State requirements as for site-built housing.~~

~~13.6.3 Historic District. Within any historic district adopted by the Town of York, all manufactured housing shall meet all requirements of the district.~~

~~13.6.4 Category A Mobile Home Parks shall be allowed after meeting all applicable criteria in all areas of Zoning District GEN-2, except not within the Watershed Protection Overlay District, and in that portion of Zoning District GEN-3 not located southeasterly of Ridge Road nor westerly of Old Post Road.~~

~~13.6.5 Category B Mobile Home Parks shall be allowed in all areas of Zoning District GEN-2, except within the Watershed Protection Overlay District.~~

### ~~13.7 Dimensional Requirements~~

~~The requirements of this section shall not apply to manufactured housing units located within a mobile home park.~~

#### ~~13.7.1 Lot Lay-out~~

~~13.7.1.1 Any manufactured home less than 28 feet in width shall be placed with the long side facing the street, and shall comply with all lot area, frontage, coverage, setback and height requirements of the Zoning District within which it is located.~~

~~13.7.1.2 In addition, all manufactured homes less than 28 feet in width, located on a corner lot at the intersection of two streets, shall have attached side construction, i.e., garage and breezeway or room, that results in at least a 28 foot width of the manufactured home facing each of the two streets.~~

~~13.7.1.3 All manufactured housing 28 feet or greater in width shall comply with all applicable lot area, frontage, coverage, setback and height requirements for site-built housing in the Zoning Ordinances of the Town of York.~~

#### ~~13.7.2 Landscaping Requirements~~

~~All landscaping requirements for manufactured housing shall comply with all landscaping requirements for site-built housing in the Town of York.~~

### ~~13.8 Mobile Home Parks~~

~~13.8.1 Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions in other sections of this Ordinance or the York Planning Board Subdivision and Site Plan Regulations, the provisions of this Section shall prevail. The above statement shall take priority over the provisions of Section 21.2.~~

#### ~~13.8.2 Lot Area and Lot Width Requirements~~

~~Notwithstanding the dimensional requirements of the York Zoning Ordinance, lots in a mobile home park shall meet or exceed the following minimum lot area width requirements.~~

~~13.8.2.1 Lots served by public sewer: Min. lot area: 6,500 square feet  
Min. lot width: 50 feet~~

~~13.8.2.2 Lots served by individual subsurface waste water disposal systems  
Min. lot area: 20,000 square feet  
Min. lot width: 100 feet~~

~~13.8.2.3 Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:~~

~~Min. lot area: 12,000 square feet  
Min. lot width: 75 feet~~

~~NOTE: This provision does not replace or supersede any other municipal ordinances or regulations addressing central subsurface wastewater disposal systems.~~

~~13.8.2.4 The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.~~

~~13.8.2.5 Lots located within the Shoreland Overlay District shall meet the lot area, lot width and shore frontage requirements for that district.~~

### **13.8.3 Unit Setback Requirements**

~~13.8.3.1 On lots 10,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot. On lots less than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines of an individual lot. On lots within the Shoreland Overlay District, the side lot setback requirements shall be met.~~

~~13.8.3.2 On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within the Shoreland Overlay District, structures shall meet the front setback and setback from high water mark requirements of the York Zoning Ordinance.~~

### **13.8.4 Buffering**

~~13.8.4.1 If a park is proposed with a residential density at least twice the density of an adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous vegetated area not less than fifty feet in width which shall contain no structures or streets. The first twenty five feet of the buffer strip, as measured from the exterior~~

~~boundaries of the park shall contain evergreen shrubs and trees which form an effective year-round visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.~~

~~13.8.4.2 If two or more mobile home parks abut one another, an undisturbed buffer strip measuring at least 50 feet in width for each mobile home park shall also be maintained along abutting property lines.~~

### ~~13.8.5 Open Space Reservation~~

~~An area no less than 10% of the total area of those lots with a lot area of 10,000 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes. Generally, the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park.~~

### ~~13.8.6 Road Design, Circulation and Traffic Impacts~~

~~Streets within a park shall be designed by a Professional Engineer, registered in the State of Maine.~~

~~13.8.6.1 Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the York Planning Board Subdivision and Site Plan Regulations and the Town Road Specifications.~~

~~13.8.6.2 Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards:~~

- ~~a. Minimum right of way width: 23 feet~~
- ~~b. Minimum width of pavement: 20 feet~~

~~13.8.6.3 Any mobile home park containing more than 14 housing units shall have at least two street connections with existing public streets. Any street within a park serving more than 14 housing units, shall have at least two street connections leading to existing public streets, other streets within the park or other streets shown on an approved subdivision plan.~~

~~13.8.6.4 No individual lot within a park shall have direct vehicular access onto an existing public street.~~

~~13.8.6.5 The public street onto which the mobile home park gains access shall have a minimum paved surface width of 20 feet for mobile home parks with less than fifty housing units, and a minimum paved surface width of 24 feet for mobile home parks with fifty or more housing units.~~

~~13.8.6.6 The intersection of any street within a park and an existing public street shall meet the following standards.~~

- a. ~~Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.~~
- b. ~~Maximum Grade within 75 feet of Intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.~~
- c. ~~Minimum Sight Distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet.~~
- d. ~~Distance from Other Intersections. The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.~~

~~13.8.6.7 The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.~~

### **13.8.7 Ground Water Impacts**

~~13.8.7.1 Assessment Submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology and shall contain at least the following information.~~

- a. ~~A map showing the basic soils types.~~
- b. ~~The depth to the water table at representative points throughout the mobile home park.~~
- c. ~~Drainage conditions throughout the mobile home park.~~
- d. ~~Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.~~
- e. ~~An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.~~
- f. ~~A map showing the location of any subsurface waste water disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.~~

~~13.8.7.2 Standards for Acceptable Ground Water Impacts.~~

- ~~a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).~~
- ~~b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.~~
- ~~c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.~~
- ~~d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentrations.~~

~~13.8.7.3 Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.~~

~~13.8.8 Mobile home parks with more than fifty housing units shall be within a two mile radius from a fire station unless the appropriate fire chief has approved, in writing, the proposed on-site fire protection facilities.~~

~~**13.8.9 Balance of Housing Opportunities.**~~

~~13.8.9.1 No additional mobile home parks will be permitted in District GEN-2 if and when the total number of lots for manufactured housing units located on mobile home parks exceeds 20% of the total dwelling units in the GEN-2 district.~~

~~13.8.9.2 No additional mobile home parks will be permitted in that portion of District GEN-3 defined in Article 3, Section 3.7.3.1 where mobile home parks are permitted if and when the total number of lots for manufactured housing units located in mobile home parks exceeds 10% of the total dwelling units in that portion of district GEN-3 where mobile home parks are permitted.~~

~~13.8.10 No development or subdivision which is approved under this Section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and all other requirements of the Town's ordinances and subdivision regulations. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.~~

~~13.8.10.1 The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.~~

~~13.8.10.2 No dwelling unit other than a manufactured housing unit shall be located within the park.~~

### ~~13.9 Appeals~~

~~The procedure for appeals from decisions made under the provisions of this Article can be found in Section 18.8.~~

## ARTICLE 18

Amend the administrative provisions of §18.1 for the issuance of Route One Use Permits, as follows:

### 18.1 Route One Use Permits - Applicable to Route One-1, Route One-2, Route One-3, Route One-4, Route One-5 and Route One-6 Zoning Districts

#### 18.1.1 Route One Use Permit Authorization

*As used throughout this Ordinance, a Route One Use Permit is a permit issued by the CEO or an approval issued by the Planning Board for the establishment, modification or expansion of a use within any of the Route One base zones.*

~~The Code Enforcement Officer and the Planning Board are hereby authorized to hear and decide upon applications for Route One Use Permits in Districts Route One-1, Route One-2, Route One-3, Route One-4, Route One-5 and Route One-6 in accordance with State law and the provisions of this Article. The decision of the Code Enforcement Officer or the Planning Board may be appealed to the Board of Appeals, and thence to Superior Court.~~

#### 18.1.2 Jurisdiction Powers and Duties

The Code Enforcement Officer shall process and approve, ~~approve with modifications or conditions,~~ or deny all applications for Route One Use Permits on which the Officer is empowered to act pursuant to *Article 4, Use Regulations, the Schedule of Use Regulations, Article 4, Section 4.1.4*. The Code Enforcement Officer is also empowered to administratively review and approve applications to establish a new non-residential use or to change from one non-residential use to another, provided: the use occupies not more than 2,500 square feet of floor area of an existing building; the use does not have outside storage or display; the use does not involve the sale or lease of vehicles; the change does not create or worsen any non-conformity; impervious surfaces remain unchanged or are reduced; and the applicant is subject to the same performance standards which would apply for an application to the Planning Board. The Planning Board shall hear and approve, ~~approve with modifications or conditions,~~ or deny all applications for Route One Use Permits on which it is empowered to act pursuant to *Article 4, Use Regulations, the Schedule of Use Regulations, Article 4, Section 4.1.4*, except as noted above. No Route One Use Permit shall be issued unless authorization for it is made in this Ordinance.

#### 18.1.3 Activities Requiring Use Permits

A Route One Use Permit shall be required for any proposed land use or activity so indicated in *Article 4, Use Regulations, the Schedule of Use Regulations, Article 4, Route One Zoning Districts, Section 4.1.4*. A Route One Use Permit shall also be required for any proposed change in land-use category ~~(as~~

~~described in the Schedule of Use Regulations~~) and for the resumption of any conforming use which has been discontinued for ~~two (2)~~ years or more.

#### 18.1.4 Application Procedure

##### 18.1.4.1 Permit Issued by the Code Enforcement Officer

See §18-A.4.

##### 18.1.4.2 Permit Issued by the Planning Board

Applications submitted to the Planning Board shall be reviewed under the Site Plan and Subdivision Regulations. If the design and/or performance standards of the Zoning Ordinance are in conflict with those of the Site Plan & Subdivision Regulations, the standards of the Zoning Ordinance shall apply.

### ARTICLE 21

Amend §21.3 pertaining to conflicting ordinance requirements, as follows:

- 21.3** Exception to Sections 21.1 and 21.2 above: *modular homes, manufactured housing and manufactured housing parks* ~~Manufactured housing units and mobile home parks~~ governed by Article 13 shall comply with all ordinances and regulations in the Town of York. Where specific provisions of Article 13 conflict with other parts of this Ordinance, or with other Ordinances, the provisions of Article 13 shall prevail. (NOTE: the language of this section just needs simple clean up to mirror the new terminology of Article 13 as revised.)

Recommended by the Planning Board:

Recommended by the Board of Selectmen:



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 24, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Request for Overweight Permit From MDOT	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Permit
<b>PROPOSED MOTION:</b> I move to approve a construction over limit permit to the contractor selected by the Maine Department of Transportation for the Route 1 overlay paving project.

**Discussion:** The Maine Department of Transportation has requested an over limit permit in conjunction with their planned asphalt overlay project on Route 1 from the Spur Road to the Ogunquit town line. The over limit request is standard procedure whenever MDOT has a construction project within town or city limits as it is possible that the weight of construction equipment may exceed road weights limits, particularly if the roads have been posted for a lower limit during certain times of the year. There should be no impact to the town and it is recommended that the permit be approved.

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

Prepared By: \_\_\_\_\_

*Robert G. Yandow*

Reviewed By: \_\_\_\_\_



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

Robert Yandow, Town Manager  
Town of York  
186 York Street  
York, ME 03909-1314

1/18/2012

Subject: Hot Mix Asphalt Overlay  
Project No.: STP-1582(200)X  
Town of York

Dear Mr. Yandow:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

Scott Bickford  
Contracts & Specifications Engineer  
Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: Mr. Scott Bickford, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project No. STP-1582(200)X  
Location: Town of York

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of York** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF YORK**  
By the Municipal Officials

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project No. STP-1582(200)X

**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

A Construction Area located in the **Town of York** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in York County, Project No. STP-1582(200)X is located on Route 1, beginning 0.26 mi. north of Spur Road and extending northerly 6.5 mi. to the York/Ogunquit town line.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

*A. Must be procured from the municipal officers for a construction area within that municipality;*

*B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*

*(1) Withholding by the agency contracting the work of final payment under contract; or*

*(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*

*The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*

*C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*

*D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the **Town of York** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

## GENERAL GUIDANCE

### CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

**However, in this case we're dealing with *Construction Permits*** involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit *"for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation"*. According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

**By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.**

#### **Frequently Asked Questions:**

**A. Why sign the document in advance of the actual construction contract?**

**Response:** There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

**B. Different roads may require different levels of scrutiny. How is a posted road handled?**

**Response:** Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer ) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required ) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permits are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

**SPECIAL PROVISION 105**  
**OVERLIMIT PERMITS**

**Title 29-A § 2382 MRSA Overlimit Movement Permits.**

**1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

**2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality

**4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

**5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

**6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

**7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

**8. Gross vehicle weight permits.** The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

**9-A. Police escort.** A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

**10. Taxes paid.** A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

**11. Violation.** A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_ ; fax: 207-\_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

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Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # \_\_\_\_\_

Date:

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ and the Municipality of \_\_\_\_\_, as  
 principal, and \_\_\_\_\_  
 \_\_\_\_\_, a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
 usual place of business \_\_\_\_\_,  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ and 00/100 Dollars (\$ \_\_\_\_\_ )  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20.....

WITNESS:

Signature.....  
Print Name Legibly .....  
.....

SIGNATURES:  
CONTRACTOR:

.....  
Print Name Legibly .....  
.....

WITNESS:

Signature.....  
Print Name Legibly .....

SIGNATURES SURETY:

Signature.....  
Print Name Legibly .....

NAME OF LOCAL AGENCY: .....  
ADDRESS .....  
TELEPHONE .....

NAME OF SURETY  
SURETY ADDRESS:.....

BOND # \_\_\_\_\_



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 24, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
Regular <u>  X  </u> Work Session	
<b>Subject:</b> Request for Overweight Permit From MDOT	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Permit
<b>PROPOSED MOTION:</b> I move to approve a construction over limit permit to the contractor selected by the Maine Department of Transportation for the Sewall's Bridge Rehabilitation project.

**Discussion:** The Maine Department of Transportation has requested an over limit permit in conjunction with their planned Sewall's bridge Rehabilitation project. The over limit request is standard procedure whenever MDOT has a construction project within town or city limits as it is possible that the weight of construction equipment may exceed road weights limits, particularly if the roads have been posted for a lower limit during certain times of the year. It is anticipated that York Street and Organug would be the highways impacted by the rehabilitation project. There should be no impact to these roads and it is recommended that the permit be approved.

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

Prepared By: Robert S. Gannon

Reviewed By: \_\_\_\_\_



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

Mary-Anne Szeniaowski, Clerk  
Town of York  
186 York St.  
York, ME 03909-1314

Subject: Sewalls Bridge Rehabilitation  
Project No: 012665.00  
Town of York

Dear Ms. Szeniaowski:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George Macdougall  
Acting Contracts & Specifications Engineer  
Bureau of Project Development

**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

A Construction Area located in the **Town of York** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in the town of York, York County on Organug road over the York River.
- (b) (Organug Road) over the York River station 11+60.00 to station 18+25.00 and station 200+00.00 to station 201+00.00 of the construction plus approaches.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

- A. Must be procured from the municipal officers for a construction area within that municipality;*
- B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*
  - (1) Withholding by the agency contracting the work of final payment under contract; or*
  - (2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*

*The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*
- C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*
- D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the **Town of York** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: Mr. Scott Bickford, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project: 012665.00  
Location: Organug Road

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of York** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to haul non-divisible overlimit loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF YORK**  
By the Municipal Officials

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## GENERAL GUIDANCE

### CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

**However, in this case we're dealing with *Construction Permits*** involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "*for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation*". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

**By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.**

#### **Frequently Asked Questions:**

**A. Why sign the document in advance of the actual construction contract?**

**Response:** There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

**B. Different roads may require different levels of scrutiny. How is a posted road handled?**

**Response:** Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer ) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required ) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

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Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

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**OVERLIMIT PERMITS**

**Title 29-A § 2382 MRSA Overlimit Movement Permits.**

**1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

**2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

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**4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

**5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

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A. Must be procured from the municipal officers for a construction area within that municipality;

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(1) Withholding by the agency contracting the work of final payment under contract; or

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The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

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D. For construction areas, carries no fee and does not come within the scope of this section.

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A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

**9-A. Police escort.** A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

**10. Taxes paid.** A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

**11. Violation.** A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).  
PL 1993, Ch. 683, §B5 (AFF).  
PL 1997, Ch. 144, §1,2 (AMD).  
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PL 2003, Ch. 166, §13 (AMD).  
PL 2003, Ch. 452, §Q73,74 (AMD).  
PL 2003, Ch. 452, §X2 (AFF).

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_ ; fax: 207-\_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

-----  
Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # \_\_\_\_\_

Date: \_\_\_\_\_

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ **and the Municipality of** \_\_\_\_\_, as  
 principal, and \_\_\_\_\_  
 \_\_\_\_\_, a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
 usual place of business \_\_\_\_\_,  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ **and 00/100 Dollars (\$** \_\_\_\_\_ **)**  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20..... .

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....  
Print Name Legibly .....  
.....

.....  
Print Name Legibly .....  
.....

WITNESS:

SIGNATURES SURETY:

Signature.....  
Print Name Legibly .....

Signature.....  
Print Name Legibly .....

NAME OF LOCAL AGENCY: .....

ADDRESS .....

TELEPHONE .....

NAME OF SURETY

SURETY ADDRESS:.....

BOND # \_\_\_\_\_

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_; fax: 207-\_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

-----

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # \_\_\_\_\_

Date: \_\_\_\_\_

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ **and the Municipality of** \_\_\_\_\_, as  
 principal, and \_\_\_\_\_  
 \_\_\_\_\_, a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
 usual place of business \_\_\_\_\_,  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ **and 00/100 Dollars (\$** \_\_\_\_\_ **)**  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly .....

Print Name Legibly .....

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly .....

Print Name Legibly .....

NAME OF LOCAL AGENCY: .....

ADDRESS .....

TELEPHONE .....

NAME OF SURETY

SURETY ADDRESS:.....

BOND # \_\_\_\_\_



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 24, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Increased Cost for Blue Recycling Bins	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Price Increase for Sale of Bins
<b>PROPOSED MOTION:</b> I move to approve a price increase for the sale of blue recycling bins from \$7.50 to \$8.50 based on an increase in the cost to the town of York with the price increase taking effect July 1, 2012.

**Discussion:** Pursuant to Section 5.1 of *The Town of York Ordinance Regulating Solid Waste Collection, Recycling & Disposal* (attached) the Board of Selectmen are granted authority to establish rules and regulations "to govern the collection, transportation, separation, recycling and disposal of solid wastes generated by or located on the premises of residences." Section 3.1 of the duly adopted "*Mandatory Recycling For Residences & Special Residences Rules and Regulations*" requires that each residence shall purchase a town approved recycling container at a cost established by the Selectmen. The town clerk's office has been selling the blue bins for \$7.50; however our most recent shipment reflected an increase of approximately \$1.00 per bin. We are suggesting that a \$1.00 price increase be effective July 1, 2012 as that is when we expect to have sold all of our previously purchased containers.

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>

**BALANCE IN LINE ITEM IF APPROVED:**

Prepared By: Robert B. Gandon

Reviewed By: \_\_\_\_\_

**THE TOWN OF YORK ORDINANCE  
REGULATING SOLID WASTE  
COLLECTION, RECYCLING & DISPOSAL**

Adopted May 17, 2003

**SECTION 1: PURPOSE.**

1.1 REGULATE WASTE DISPOSITION. To allow the Town to regulate the disposal of solid waste to ensure that wastes are properly and cost effectively separated, collected, transported and disposed, to adhere to respective State and Federal environmental regulations and statutes, and to effectively manage the Town's transfer station and compost facility.

1.2 REQUIRE AND ENCOURAGE RECYCLING. To allow the Town to mandate and encourage the recycling of solid waste materials, to ensure that State goals regarding recycling are met, lessen degradation to the environment by reducing the volume of waste placed in landfills or burned at waste-to-energy plants and to manage solid waste disposal costs.

1.3 MANAGE THE COST OF WASTE DISPOSAL. To allow the Town to exercise local management of as many solid waste disposal costs as possible.

**SECTION 2: AUTHORITY.**

This Ordinance is adopted pursuant to the authority granted under Article VIII-A of the Maine Constitution, 30A MRSA § 3001 and 38 MRSA § 1304B and § 1305.

**SECTION 3: APPLICABILITY.**

This Ordinance shall apply to any person, firm, company or other legal entity generating, collecting, transporting, recycling or disposing solid waste materials within or from the Town of York, Maine.

**SECTION 4: DEFINITIONS.**

For purposes of this Ordinance and for rules and regulations adopted by the Board of Selectmen to implement this Ordinance, the following terms shall have the following meanings. Terms not defined shall have the customary dictionary meaning.

4.1 APPROVED RECYCLING CONTAINERS – Containers or bins approved by the Town, which shall be used for the purpose of separating recyclable materials and allowing the collection of these materials.

4.2 APPROVED REFUSE CONTAINERS – Tied plastic bags which may be placed in a covered metal or plastic container manufactured for the purpose of storing solid waste; or other containers approved by the Town, which shall be used for the purpose of separating

refuse and allowing the collection of these materials. Containers shall not have a capacity of more than 30 gallons nor weigh, when filled, more than 60 pounds.

4.3 BOARD OF SELECTMEN - The Board of Selectmen of the Town of York, Maine.

4.4 COMMERCIAL ESTABLISHMENT – Any and all commercial businesses, industrial facilities and structures containing five or more dwelling units that are not defined as “Residences” in this Ordinance.

4.5 COMMERCIAL HAULER – Any person, firm, company or other legal entity that collects and/or transports commercial or industrial solid waste of any kind as a business or for compensation, operating within the Town of York, Maine.

4.6 DISPOSAL FACILITY – A facility approved by the Board of Selectmen for use by the Town for the purpose of disposing Solid Waste, Refuse and/or Recyclable Materials.

4.7 FERROUS METALS – Any iron containing material categorized as #1 and #2 steel, cast iron and/or white goods containing light iron.

4.8 HAZARDOUS WASTE - Waste with inherent properties which make such waste dangerous to manage by ordinary means, including, but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous at any time by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other Federal, State or local laws, regulations, orders, or other actions promulgated or taken with respect thereto.

4.9 LIQUID WASTE – All unwanted or discarded material with sufficient liquid content to be free flowing, including by way of example and not by limitation, waste motor oil, antifreeze, paints, motor fuels, solvents, rinse water and septic tank sludge.

4.10 MANDATORY RECYCLABLE MATERIALS – All solid waste materials that the Board of Selectmen have determined by regulations adopted pursuant to this Ordinance that residences shall separate for the purposes of recycling.

4.11 MANDATORY RECYCLING – The requirement that person(s) must separate recyclables from their trash.

4.12 NON-FERROUS METALS – Any metal devoid of iron content, such as copper, brass, aluminum or lead.

4.13 PERSON – Any individual, firm, corporation, partnership, association, municipality, quasi-municipal corporation, school, State agency or any other legal entity.

4.14 RECYCLABLES – Manufactured and/or non-manufactured materials, substances and/or residues that may be re-used or reprocessed into a similar or different use.

4.15 RECYCLING – The separating, collecting and/or reprocessing of recyclables.

4.16 RESIDENCES – Any home, apartment or condominium. The term, “residence,” shall not include motels, hotels, rooming houses, tourist cottages and similar establishments; structures containing five or more dwelling units; and any commercial or industrial establishment.

4.17 SOLID WASTES – any acceptable discarded or unwanted solid organic or inorganic material with insufficient liquid content (except waste oil) to be free flowing.

4.18 TOWN – The Town of York, York County, Maine.

4.19 TOWN HAULER – The hauler(s) contracted or designated by the Town of York to collect and transport solid waste and/or recyclable materials from residences.

4.20 UNACCEPTABLE WASTE – Includes the following materials:

- a. Hazardous waste
- b. Bulk demolition or construction debris from building and roadway project or locations
- c. Liquid wastes
- d. Abandoned or junk vehicles
- e. Dead animals or portions thereof, or other pathological wastes
- f. Water treatment residues
- g. Tree stumps
- h. Automobile batteries

4.21 VOLUNTARY RECYCLABLE MATERIALS – All solid waste materials that the Board of Selectmen determine, by regulations established pursuant to this “Ordinance,” that the Town will encourage, but not require, residences to separate for the purpose of recycling.

4.22 VOLUNTARY RECYCLING – The standard that requests and encourages residences and commercial establishments to voluntarily separate recyclables from their trash.

4.23 WHITE GOODS AND SCRAP METAL – All large appliances, including by example and not be limitation, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners and all scrap metal, including by example and not by limitation, wire, metal fencing, sheet metals, clean metal barrels and bar stock.

## **SECTION 5: COLLECTION, TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTES FROM RESIDENCES.**

5.1 BOARD OF SELECTMEN AUTHORITY TO ESTABLISH RULES AND REGULATIONS – The Board of Selectmen is hereby granted the authority, after a duly noticed public hearing, to establish rules and regulations to govern the collection, transportation, separation, recycling and disposal of solid wastes generated by or located on the premises of residences. Rules and regulations may be enacted to implement any aspect of solid waste requirements for residences. The rules and regulations shall be reviewed and revised as required to satisfy the needs of the Town, changes in State and Federal laws and regulations and costs the Town may incur to provide solid waste management services to residences. The Board of Selectmen shall establish an effective date for rules and regulations, which are adopted. The rules and regulations shall be on file in the Town Hall.

The Selectmen are specifically authorized to adopt rules and regulations to require residences to perform mandatory recycling and to request and encourage participation in Voluntary Recycling. The rules and regulations adopted to implement Mandatory Recycling and/or Voluntary Recycling requirements shall, at a minimum, identify the solid waste materials that shall be subject to these requirements, the containers used to separate recyclables for collection, the frequency and method of collection, and the Town official responsible for implementing these rules and regulations.

The Board of Selectmen is specifically authorized to adopt rules and regulations to require refuse collected from residences to be delivered to a Town designated disposal facility.

5.2 PROVISION OF TOWN HAULER (S) – The Board of Selectmen shall ensure that all residences of the Town shall be provided with curbside collection service for refuse, not subject to mandatory recycling requirements, that is delivered to a disposal facility, by the Town Hauler(s). The originally scheduled routes, and any major amendments thereto, shall be published in a local newspaper widely circulated within the Town. The Board of Selectmen shall be authorized to enter into any contract necessary and to prescribe rules and regulations necessary to provide this service.

The Board of Selectmen shall be authorized to establish the method and frequency of collection of all mandatory recyclables and voluntary recyclables for residences and to enter into any contract necessary to provide a Town Hauler(s) involved with providing this service. If a Town Hauler(s) is contracted to provide the collection of mandatory recyclables and/or voluntary recyclables, the originally scheduled routes, and any major amendments thereto, shall be published in a local newspaper widely circulated within the Town. The Board of Selectmen shall be authorized to enter into any contract necessary to provide this service.

The Town shall be responsible for providing the service to residences located on streets or roads not maintained by the Town or the State of Maine, only in the event that the conditions of such streets or roads reasonably allow such collection. The Town shall use the following criteria to determine if road conditions are acceptable for the purpose of providing collection services: the road conforms to the road standards identified in Town ordinances and Planning Board Subdivision Regulations; and/or the road is a minimum of fourteen feet in width, is regularly maintained to easily allow year-round access and is less than one-quarter mile in length. The Public Works Director shall be designated as the Town official responsible for determining if a private road satisfies Town collection standards.

Only refuse, mandatory recyclables and voluntary recyclables shall be collected, subject to the rules and regulations adopted pursuant to this ordinance.

## **SECTION 6: COLLECTION, TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTE FROM COMMERCIAL ESTABLISHMENTS.**

6.1 REQUIREMENT TO DISPOSE OF SOLID WASTE – All Commercial Establishments are required to ensure all solid wastes, generated by or located on the premises of their establishments, are properly collected, transported, separated, recycled and/or disposed in accordance with the provisions of the ordinance and the laws of the State of Maine. Effective July 1, 2003 the Town shall not pay for the cost of disposing of commercial waste.

## SECTION 7: YORK TRANSFER STATION AND COMPOSTING FACILITY.

7.1 BOARD OF SELECTMEN AUTHORITY – The Board of Selectmen is hereby granted authority, after a duly noticed public hearing, to establish detailed operating rules and regulations for the York Transfer Station and Composting Facility. The rules and regulations shall be entitled, “Rules and Regulations to Operate the York Transfer Station and Composting Facility”. The rules and regulations shall be reviewed and revised as required to satisfy the needs of the Town, changes in State and Federal laws and regulations and the economics of operating the Transfer Station and Composting Facility. The Board of Selectmen shall establish the effective date for all rules and regulations enacted. The rules and regulations shall be prominently displayed at the site and on file in the Town Hall.

The rules and regulations shall identify the following operating concerns and may address other operating concerns identified by the Selectmen:

- a. The Town official responsible for supervising operation of the York Transfer Station and Composting Facility;
- b. The hours of operation of the York Transfer Station and Composting Facility; and,
- c. Fees for use of the York Transfer Station and Composting Facility and method of paying such fees.

7.2 YORK TRANSFER STATION AND COMPOSTING FACILITY USER IDENTIFICATION REQUIREMENT – All vehicles using the York Transfer Station and Composting Facility shall have attached in a conspicuous place a permit sticker, which shall be available at the Town Clerk’s office, Town Hall, York, Maine. The Board of Selectmen, after a duly noticed and called public hearing, is authorized to establish the cost of the permit sticker.

7.3 ACCEPTABLE WASTES – Only solid waste generated in the Town of York will be accepted at the Transfer Station and Composting Facility. The following solid waste materials **will not** be accepted:

- a. Mandatory and Voluntary Recyclable materials from residences and commercial establishments as defined by rules and regulations adopted pursuant to the Ordinance.
- b. Grubbing, stumps and tree butts
- c. Septic sludge, pesticides and chemicals
- d. Hazardous wastes
- e. Excessive quantities of brush unless prior approval is obtained from the Town official responsible for supervising the Transfer Station and Composting Facility operations.
- f. Dead animals or portions thereof or other pathological wastes.
- g. Other wastes identified by the Board of Selectmen.

7.4 REMOVAL OF ITEMS – No picking of solid waste or other materials within the Transfer Station and Composting Facility is permitted and no person shall remove

materials from the facility unless prior approval is obtained from the Town official responsible for supervising the facility operations.

7.5 LOITERING PROHIBITED – Loitering in or on the Transfer Station and Composting Facility property shall not be allowed. Use of or presence within the property without permission of the Town official responsible for supervising the facility operations, other than during posted hours of operation, shall be considered trespassing.

#### **SECTION 8: PENALTIES**

Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a minimum fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.

#### **SECTION 9: IMPLEMENTATION**

The Board of Selectmen shall be authorized to enter into any contract necessary to implement this Ordinance.

#### **SECTION 10: EFFECTIVE DATE**

The Ordinance shall become effective upon its adoption by Town vote.

**Mandatory Recycling For Residences & Special Residences**

**Rules And Regulations**

Adopted 4/22/91  
Amended 5/26/92  
Amended 11/14/95

(SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL ORDINANCE)  
RULES AND REGULATIONS

IN ACCORDANCE WITH SECTION 5.1 OF THE SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL ORDINANCE, THE TOWN OF YORK, BOARD OF SELECTMEN, HEREBY RESOLVE TO INITIATE A MANDATORY RESIDENTIAL RECYCLING PROGRAM AND TO ADOPT THE FOLLOWING RULES AND REGULATIONS TO GOVERN MANDATORY RECYCLING FOR RESIDENCES AND SPECIAL RESIDENCES. THESE RULES AND REGULATIONS SHALL BE ENTITLED: "RULES AND REGULATIONS TO GOVERN THE MANDATORY CURBSIDE COLLECTION RECYCLING PROGRAM FOR RESIDENCES AND SPECIAL RESIDENCES".

RECY2.DOC (ORDINANCES W) 11/14/95 djb

**YORK SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL  
ORDINANCE**

**RULES AND REGULATIONS TO GOVERN MANDATORY CURBSIDE  
COLLECTION RECYCLING PROGRAM FOR THE RESIDENCES AND  
SPECIAL RESIDENCES**

**SECTION 1. INTERACTION WITH RECYCLING COMMITTEE.** The Board of Selectmen shall consult with and request recommendations from the York Recycling Committee to establish initial or amended rules and regulations to implement Mandatory Recycling for Residences and Special Residences. The Committee shall provide recommendations regarding program operations, including by example and not by limitation: materials subject to Mandatory Recycling; frequency of collection of Mandatory Recyclables; selection of a Town Hauler to collect and market Mandatory Recyclables; establishments subject to these rules and regulations; and fees for services provided.

**SECTION 2. MANDATORY SEPARATION:** Each Residence and Special Residence is required to separate specific materials from the solid waste stream for recycling purposes.

**2.1 MATERIALS TO SEPARATE:** The following materials are subject to Mandatory Recycling requirements.

**2.1.1 GLASS,** including clear, brown, and green bottles and jars. All caps B and metal parts shall be removed and containers shall be cleaned. Glass shall not be broken.

**2.1.2 ALUMINUM,** including cleaned aluminum cans and other all-aluminum materials. Aluminum foil shall not be collected for recycling purposes. Cans shall be cleaned.

**2.1.3 STEEL CANS,** including all cans containing ferrous metals and the tops of these cans. All cans shall be cleaned.

**2.1.4 NEWSPAPERS,** including color printed and black and white newsprint. It is unnecessary to remove slick inserts. Newspapers shall be securely bundled or placed in paper bags for easy handling. No bundle shall exceed 40 pounds in weight.

**2.1.5 PLASTICS,** including #1 PET and #2 HDPE plastic containers. All materials must be cleaned and the tops removed. Containers should be crushed to decrease the volume of the containers in the collection container.

2.1.6 MAGAZINES, CATALOGS, PHONE BOOKS and MIXED PAPER including "junk mail" shall be recycled. This material must be bundled or placed in paper bags and may be co-mingled with newspaper. No bundle shall exceed 40 pounds.

2.1.7 CARDBOARD, MILK CARTONS and ASEPTIC CONTAINERS (juice boxes) shall be recycled. All containers must be clean with straws removed.

2.1.8 CORRUGATED CARDBOARD shall be recycled. All boxes must be broken down flat and bundled. Bundles may not exceed 40 pounds in weight or be larger than 2' x 2'.

**Section 3.0 RECYCLING CONTAINER REQUIREMENTS:** Each Residence and Special Residence is required to prepare the recycling materials as stipulated in Section 2, above, and to place all Mandatory Recyclable materials in a recycling container approved by the Town.

- 3.1 RESIDENCE:** Each Residence shall purchase a Town approved recycling container, a blue bin, from the Town at a cost established by the Selectmen. A replacement bin(s) may be purchased for a fee established by the Selectmen.
- 3.2 SPECIAL RESIDENCES:** The Town Hauler who collects recyclable materials shall stipulate the type of container which each Special Residence shall use. The Special Residences which are required to use a Town approved recycling container, a blue bin, shall purchase such recycling containers from the Town at a cost established by the Selectmen. A replacement bin(s) may be purchased for a fee established by the Selectmen.

The Special Residences which are required to use toters shall be provided an appropriate number of toters by the Town recycling program Town Hauler. Separate toters shall be used to collect newspapers and to collect co-mingled recyclable materials; glass, aluminum cans, steel/tin cans and plastics.

**SECTION 4.0 METHOD OF COLLECTION:** The collection of Mandatory Recyclables from Residences and Special Residences shall be subject to the following requirements.

- 4.1** The Town shall contract with a Town Hauler to provide curbside collection of Mandatory Recyclables from Residences once every other week, 26 times per year. This collection service shall occur on the same day as the services provided by the Town Hauler that collects Refuse from

Residences. Collection from Residences is subject to the limitations described in Section 5.2.3 of the "Solid Waste Collection, Recycling and Disposal Ordinance". The Town shall provide Residences notice of the collection schedule.

- 4.2 PLACEMENT FOR COLLECTION FOR RESIDENCES: Each Residence shall place all Mandatory Recyclable materials in a Town Approved Container, a blue bin. The Container(s) shall be placed at the back edge of the property side of the sidewalk (blocking of a sidewalk is prohibited), or where there is no sidewalk, three (3) to ten (10) feet from the edge of pavement or unpaved road, before 7:00 A.M. on the day of collection. Each Residence shall ensure that the recyclable materials and refuse which are both placed at curbside for collection are physically separated by about three feet.
- 4.3 COLLECTION SCHEDULE FOR SPECIAL RESIDENCES: The Town shall contract with a Town Hauler to provide curbside collection of Mandatory Recyclables from Special Residences. The Town and the Town Hauler shall determine the frequency of collection for each Special Residence, and shall provide each Special Residence a collection schedule. Most Special Residences will receive recycling collection services once every two weeks, however, some Special Residences, particularly seasonal establishments, may receive more frequent pick-up services during their months of operation.
- 4.4 PLACEMENT FOR COLLECTION FOR SPECIAL RESIDENCES: Each Special Residence shall place all Mandatory Recyclable materials in the appropriate recycling container specified by the Town and Town Hauler. All Special Residences which are required to use the Town approved recycling container, a blue bin, shall place the container bin at the back edge of the property side of the sidewalk (blocking of sidewalk is prohibited), or where there is no sidewalk, three (3) to ten (10) feet from the edge of the pavement or unpaved road, before 7:00 A.M. on the day of collection.

All Special Residences which are required to use toters, shall regularly place the toters in a location which is both accessible to the Town Hauler's collection vehicle and made known to the Town Hauler. These Special Residences shall be required to enter a Hold Harmless Agreement with the Town Hauler which permits the Town Hauler collection vehicle to access the premises of the Special Residence. The Special Residence shall take appropriate measures to lessen the likelihood that the toters for recyclable materials are not contaminated with non-recyclable materials.

**SECTION 5.0 FEE FOR COLLECTION SERVICE:** The Town shall pay all costs incurred by the Town Hauler to collect, transport and market Mandatory Recyclable materials. The only fee the Residence, or the Special Residences which must use recycling container bins, shall pay is the cost to purchase a Town approved recycling container.

**SECTION 6.0 DESIGNATED TOWN OFFICIAL:** The Town Public Works Director is the Town designated official for the management of the Town Mandatory Residential Curbside Collection Recycling Program for Residences and Special Residences. The Public Works Director may delegate responsibilities involved with the operation and management of this program.

**SECTION 7.0 DISTURBANCE OF RECYCLABLE CONTAINERS AND MATERIALS.** No person shall disturb Recyclable materials that have been placed at curbside in a recycling container or toter for collection by a Residence or Special Residence.

**SECTION 8.0 PENALTIES:** The Town Hauler, members of the York Recycling Committee and the designated Town solid waste official(s) may examine any Mandatory Recyclable materials to ensure that the separation and collection of these materials complies with the "Solid Waste Collection, Recycling and Disposal Ordinance" and these rules and regulations. The designated Town solid waste official(s) shall institute action for violations. The amount and nature of the penalty for each violation is identified in Section 8.0 of the "Ordinance".

**SECTION 9.0 DEFINITIONS:** The following definitions apply for the purpose of distinguishing a Residence from a Special Residence and to identify all establishments included in the above terms which are subject to the requirements of these rules and regulations.

- 9.1 RESIDENCE:** Any home, apartment or condominium complex with no more than four dwelling units.
- 9.2 SPECIAL RESIDENCE:** Any apartment, condominium complex, cottage colony, trailer park or campground with five or more dwelling units or spaces; including spaces which are rented for short-term occupancy. Special Residences shall not include motels or hotels, nor shall it include solid waste accounts other than those identified above which are presently considered commercial establishments by Town solid waste regulations.

**SECTION 10.0 EFFECTIVE DATE:**

- 10.1 The initial rules and regulations shall become effective as of 12:00 A.M., May 6, 1991.
- 10.2 The amended rules and regulations which incorporate provisions to stipulate recycling requirements for Special Residences, shall become effective as of 12:00 A.M., on June 1, 1992



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 10, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> appointment of Leslie Hinz as an Assistant Code Enforcement Officer	

<b>TO: BOARD OF SELECTMEN</b>
<b>FROM:</b> Stephen H. Burns, Community Development Director
<b>RECOMMENDATION:</b> I recommend the Board of Selectmen appoint Leslie Hinz as an Assistant Code Enforcement Officer/Land Use Officer and Shoreland Zoning Officer.
<b>PROPOSED MOTION:</b> I move to appoint Leslie Hinz as an Assistant Code Enforcement Officer/Land Use Officer and Shoreland Zoning Officer, this being a first time appointment for Ms. Hinz with respect to these duties. The term of these appointments shall be indefinite, at the pleasure of the Town Manager.

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**Discussion:** As I look to fill the gap left when Bob Young resigned as an Assistant CEO, I am first looking to cross-train current staff to make improved use of existing resources. My first recommended action is to expand the duties assigned to Leslie Hinz. Leslie is the Administrative Assistant in my Department, and is already an Alternate Local Plumbing Inspector. She is smart and a hard worker, and is looking to take on additional responsibilities within the Department. I have great confidence in Leslie. She is already very familiar with the zoning and land use aspects of our duties from her many years of work experience here and in other communities. Certainly more training will be required to hone her skills, but she will start from a solid base of knowledge. Per my discussions with Leslie, I don't necessarily see her moving into the areas of building inspection in the near future, but perhaps in

the long run that will change. For now, however, we have agreed she will focus on land use and shoreland work.

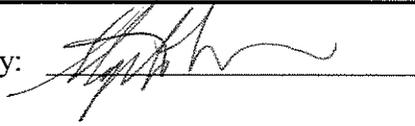
From the time the Board of Selectmen makes this appointment, Leslie will have one year to obtain her State certifications in Shoreland and Land Use. Leslie already has the required State legal certification.

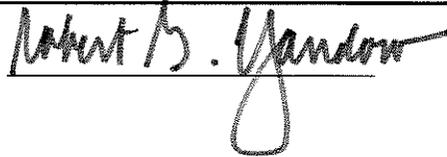
Leslie currently handles a significant portion of our plumbing work, issuing many of the plumbing permits and inspecting as inspections get backlogged. She has been involved from the start in our water quality work in the Cape Neddick River, and with septic tank pumping enforcement. She is also working on amendments to our Supplemental Plumbing Ordinance for consideration this fall.

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<b>FISCAL IMPACT:</b> none at this time.
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By: 

Reviewed By: 



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

### REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 16, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> _____	
<b>Subject:</b> Redemption Request: Tax Map 0002, Lot 0029-A – 9 Raccoon Ridge	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Susan H. Scott
<b>RECOMMENDATION:</b> To allow the redemption of Tax Map 0002, Lot 0029-A, 9 Raccoon Ridge the former property owner.
<b>PROPOSED MOTION:</b> I move to approve the redemption of Tax Map 0002, Lot 0029-A, 9 Raccoon Ridge, as requested, subject to the attached conditions being met, and that all taxes, interest and administrative costs are paid in full by no later than August 13, 2012.

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

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

Prepared By: Susan H. Scott

Reviewed By: Robert B. Yanson



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TO: Board of Selectmen

FROM: Susan H. Scott

DATE: February 16, 2012

RE: Tax Foreclosure Redemption: Map 0002, Lot 0029-A – 9 Raccoon Ridge

Jay Harriman Grey, son Geraldine Grey and the late Harvey Grey, former owners of property identified as Tax Map 0002, Lot 0029-A, located at 9 Raccoon Ridge in York, Maine, requests to redeem this property, on behalf of his parents, for which the Town has a tax lien for Fiscal Year 2010. The Town foreclosed on this property as of December 15, 2011 for non-payment of the FY10 tax lien.

We are recommending to the Selectmen that Jay Harriman Grey be allowed to redeem this property, on behalf of his parents, providing the following conditions are met:

**Condition #1** – Jay Harriman Grey, on behalf of his parents, pay all current taxes, interest and lien costs owed, which totals \$917.23 as of February 27, 2012.

**Condition #2** – Jay Harriman Grey, on behalf of his parents, pay Town Administrative costs involved with the processing of the foreclosure disposition, a total of \$200.00. This amount covers the cost of issuing a Quit Claim Deed and the administrative costs in processing this redemption.

**Condition #3** – Jay Harriman Grey, on behalf of his parents, shall pay in full, to the Town of York, all current taxes, interest, administrative costs and lien costs, which total **\$1,117.23** by no later than **August 13, 2012**. (Please note this figure may have added interest due on the date payment is made.)

**PARCEL INFORMATION**

**MAP/LOT/UNIT**

Map 0002, Lot 0029-A

**OWNER (S)**

Owners listed as Harvey A. and Geraldine Grey.

**PARTY REQUESTING REDEMPTION**

Jay Harriman Grey has requested, on behalf of his parents, to redeem the property.

**SIZE OF LOT**

.2 Acres

**ASSESSED VALUE**

\$26,700

**DESCRIPTION OF FORECLOSURE ACTION**

The Town has filed a tax lien on this property for the Fiscal Year 2010. The FY10 lien matured and was foreclosed on December 15, 2011.

**TAXES OWED/PAID**

The Tax Collector has confirmed taxes have been outstanding on this property since FY10. The total amount of taxes, interest and lien costs owed is \$917.23 as of February 27, 2012 which breaks down as follows:

<b>FY2012</b>	<b>\$ 253.82</b>
<b>FY2011</b>	<b>\$ 317.17</b>
<b>FY2010</b>	<b>\$ 345.64</b>

**Town of York**  
**Tax Map # 0002 0029 A**  
**Parcel Id 3390**  
**9 RACCOON RIDGE**  
**GREY HARVEY A/GERALDINE Since Apr 2005**  
**19 BRIMMER ST**  
**BOSTON MA 02108**

<b>Class</b>	1010 Single Fam MDL0	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	4144 4144	<b>Size Total</b>	8712 Square Feet
<b>FY</b>	2012		

**Owner (Current)**

GREY HARVEY A/GERALDINE  
 19 BRIMMER ST  
 BOSTON MA 02108

**Tax Assessment**

**CURRENT YEAR INFO 2012**

<b>Land Value</b>	<b>Improvements</b>	<b>Total Value</b>	<b>Tax Rate</b>	<b>True Taxes</b>	<b>Total Taxes</b>
\$26,100	\$600	\$26,700	9.35000	\$249.65	\$249.65

**PRIOR YEAR INFO 2011**

<b>Land Value</b>	<b>Improvements</b>	<b>Total Value</b>	<b>Total Taxes</b>
\$26,100	\$600	\$26,700	\$242.97

**Tax Title/Lien**

<b>Taking Date</b>	<b>Redemption Date</b>	<b>Petition Date</b>	<b>Foreclosure Date</b>	<b>Disclaimer Date</b>	<b>Title Redemption</b>
7/16/2009					
<b>Title Court</b>	<b>Title Court No</b>				

**A/R Inquiry**

<b>Bill Number</b>	<b>Sub System</b>								
2012 RE4015	Real Property Tax								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$124.83								\$124.83
2 nd	\$124.82								\$124.82
	<b>\$249.65</b>								<b>\$249.65</b>
							<b>2/27/2012 - Late Charges:</b>		<b>\$4.17</b>
							<b>Total Due:</b>		<b>\$253.82</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
8/16/2011	1 st	Billed	\$124.83	\$124.83		Posted
8/16/2011	2 nd	Billed	\$124.82	\$249.65	\$249.65	Posted

**A/R Inquiry**

<b>Bill Number</b>	<b>Sub System</b>								
2011 RE4011	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$306.73								\$306.73
							<b>2/27/2012 - Late Charges:</b>		<b>\$10.44</b>
							<b>Total Due:</b>		<b>\$317.17</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
7/18/2011		Transferred Principal	\$242.97	\$242.97		Posted
7/18/2011		Transferred Principal	\$63.76	\$306.73		Posted

**Town of York**  
**Tax Map # 0002 0029 A**  
**Parcel Id 3390**  
**9 RACCOON RIDGE**  
**GREY HARVEY A/GERALDINE Since Apr 2005**  
**19 BRIMMER ST**  
**BOSTON MA 02108**

<b>Class</b>	1010 Single Fam MDLO	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	4144 4144	<b>Size Total</b>	8712 Square Feet
<b>FY</b>	2012		

Bill Number	Sub System								
2010 TT122732	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$251.39		\$47.10	\$8.59					\$307.08
							<b>2/27/2012 - Late Charges:</b>		<b>\$38.56</b>
							<b>Total Due:</b>		<b>\$345.64</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
6/14/2010	1 st	Transferred Principal	\$251.39	\$251.39		Posted
6/14/2010	1 st	Transferred (Int./Pen.)	\$34.54	\$285.93		Posted
6/14/2010	1 st	Transferred (Int./Pen.)	\$12.56	\$298.49		Posted
10/25/2011		Fee	\$5.59	\$304.08		Posted
10/25/2011		Fee	\$3.00	\$307.08		Posted

Bill Number	Sub System								
2009 TT111818	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$249.45		\$96.69	\$8.54				\$354.68	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/16/2009	1 st	Transferred Principal	\$249.45	\$249.45		Posted
7/16/2009	1 st	Transferred (Int./Pen.)	\$40.08	\$289.53		Posted
7/16/2009	1 st	Transferred (Int./Pen.)	\$17.80	\$307.33		Posted
2/5/2010	1 st	Interest	\$15.55	\$322.88		Posted
2/5/2010	1 st	Payment	(\$9.06)	\$313.82		Posted
12/13/2010		Fee	\$5.54	\$319.36		Posted
12/13/2010		Fee	\$3.00	\$322.36		Posted
12/23/2010		Interest	\$23.26	\$345.62		Posted
12/23/2010		Payment	(\$345.62)	\$0.00		Posted

Bill Number	Sub System								
2008 TT100583	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$243.00		\$85.78					\$328.78	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
8/12/2008	1 st	Transferred Principal	\$243.00	\$243.00		Posted
8/12/2008	1 st	Transferred (Int./Pen.)	\$26.64	\$269.64		Posted
8/12/2008	1 st	Transferred (Int./Pen.)	\$18.90	\$288.54		Posted
2/5/2010	1 st	Interest	\$40.24	\$328.78		Posted
2/5/2010	1 st	Payment	(\$243.00)	\$85.78		Posted
2/5/2010	1 st	Payment	(\$18.90)	\$66.88		Posted
2/5/2010	1 st	Payment	(\$40.24)	\$26.64		Posted
2/5/2010	1 st	Payment	(\$26.64)	\$0.00		Posted

Bill Number	Sub System								
2003 TT20579	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$762.60		\$183.43	\$4.42				\$950.45	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/10/2003	1 st	Fee	\$4.42	\$4.42		Posted
7/10/2003	1 st	Interest	\$75.21	\$79.63		Posted
7/10/2003	1 st	Interest	\$21.16	\$100.79		Posted
7/10/2003	1 st	Transferred Principal	\$762.60	\$863.39		Posted
7/10/2003	1 st	Transferred (Int./Pen.)	\$37.84	\$901.23		Posted

**Town of York**  
**Tax Map # 0002 0029 A**  
**Parcel Id 3390**  
**9 RACCOON RIDGE**  
**GREY HARVEY A/GERALDINE Since Apr 2005**  
**19 BRIMMER ST**  
**BOSTON MA 02108**

Class	1010 Single Fam MDLO	Property Type	1 Residential		
Tax Code	4144 4144	Size Total	8712 Square Feet		
FY	2012				
7/10/2003	1 st	Transferred (Int./Pen.)	\$49.22	\$950.45	Posted
7/10/2003	1 st	Payment	(\$762.60)	\$187.85	Posted
7/10/2003	1 st	Payment	(\$49.22)	\$138.63	Posted
7/10/2003	1 st	Payment	(\$96.37)	\$42.26	Posted
7/10/2003	1 st	Payment	(\$42.26)	\$0.00	Posted

Bill Number	Sub System								
2002 TT20578	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$640.30		\$296.61					\$936.91	\$0.00
							2/27/2012 - Late Charges:		\$0.00
							Total Due:		\$0.00

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/26/2002	1 st	Interest	\$209.24	\$209.24		Posted
7/26/2002	1 st	Transferred Principal	\$640.30	\$849.54		Posted
7/26/2002	1 st	Transferred (Int./Pen.)	\$37.36	\$886.90		Posted
7/26/2002	1 st	Transferred (Int./Pen.)	\$50.01	\$936.91		Posted
7/26/2002	1 st	Payment	(\$640.30)	\$296.61		Posted
7/26/2002	1 st	Payment	(\$50.01)	\$246.60		Posted
7/26/2002	1 st	Payment	(\$209.24)	\$37.36		Posted
7/26/2002	1 st	Payment	(\$37.36)	\$0.00		Posted

Bill Number	Sub System								
2001 TT20577	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$572.90		\$145.78	\$7.42				\$726.10	\$0.00
							2/27/2012 - Late Charges:		\$0.00
							Total Due:		\$0.00

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/26/2001	1 st	Interest	\$6.54	\$6.54		Posted
7/26/2001	1 st	Fee	\$7.42	\$13.96		Posted
7/26/2001	1 st	Interest	\$60.90	\$74.86		Posted
7/26/2001	1 st	Transferred Principal	\$572.90	\$647.76		Posted
7/26/2001	1 st	Transferred (Int./Pen.)	\$36.68	\$684.44		Posted
7/26/2001	1 st	Transferred (Int./Pen.)	\$41.66	\$726.10		Posted
7/26/2001	1 st	Payment	(\$21.23)	\$704.87		Posted
7/26/2001	1 st	Payment	(\$6.54)	\$698.33		Posted
7/26/2001	1 st	Payment	(\$7.42)	\$690.91		Posted
7/26/2001	1 st	Payment	(\$551.67)	\$139.24		Posted
7/26/2001	1 st	Payment	(\$41.66)	\$97.58		Posted
7/26/2001	1 st	Payment	(\$60.90)	\$36.68		Posted
7/26/2001	1 st	Payment	(\$36.68)	\$0.00		Posted

Bill Number	Sub System								
2000 TT20576	Tax Title								
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$529.09		\$85.32			(\$8.94)		\$605.47	\$0.00
							2/27/2012 - Late Charges:		\$0.00
							Total Due:		\$0.00

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/14/2000	1 st	Adjustment	\$8.94	\$8.94		Posted
7/14/2000	1 st	Transferred Principal	\$529.09	\$538.03		Posted
7/14/2000	1 st	Transferred (Int./Pen.)	\$52.84	\$590.87		Posted
7/14/2000	1 st	Transferred (Int./Pen.)	\$32.48	\$623.35		Posted
7/14/2000	1 st	Payment	(\$529.09)	\$94.26		Posted
7/14/2000	1 st	Payment	(\$32.48)	\$61.78		Posted
7/14/2000	1 st	Payment	(\$43.90)	\$17.88		Posted
7/14/2000	1 st	Adjustment	(\$17.88)	\$0.00		Posted

**Town of York**  
**Tax Map # 0002 0029 A**  
**Parcel Id 3390**  
**9 RACCOON RIDGE**  
**GREY HARVEY A/GERALDINE Since Apr 2005**  
**19 BRIMMER ST**  
**BOSTON MA 02108**

<b>Class</b>	1010 Single Fam MDL0	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	4144 4144	<b>Size Total</b>	8712 Square Feet
<b>FY</b>	2012		

<b>Balance:</b>	<b>\$613.81</b>
<b>2/27/2012 - Total Late Charges:</b>	<b>\$49.00</b>
<b>Total Due:</b>	<b>\$662.81</b>

State of Maine  
Tax Lien Certificate  
2009

Doc# 2010023459  
Bk 15879 Pg 568  
Received York SS  
06/15/2010 9:21AM  
Debra L. Anderson  
Register of Deeds

003004

GREY HARVEY A/GERALDINE  
19 BRIMMER ST  
BOSTON, MA 02108

I, MARY-ANNE SZENIAWSKI, Collector of Taxes for the Town of York, a municipal corporation located in the County of York, State of Maine, hereby give you notice that a tax in the amount of \$251.39 has been assessed, and was committed to me for collection on August 4, 2009, against real estate in said Town of York, and against GREY HARVEY A/GERALDINE as owner(s) thereof, said real estate being described as follows:

Real Estate located at: 9 RACCOON RIDGE

Map Lot Description: 0002-0029-A

Registry of Deeds reference: B14492P273

Map and Lot numbers refer to such numbers as found on tax maps of the Town of York, prepared by: Town of York Maine and dated April 2009, on file at the Town of York municipal office.

I give you further notice that said tax, together with interest in the amount of \$12.56, which has been added to and has become part of said tax, remains unpaid; That a lien is claimed on said real estate, above described, to secure the payment of said tax; that proper demand for payment of said tax has been made in accordance with Title 36, Section 942, revised statutes of 1964, as amended.

Costs to be paid by taxpayer:

Statutory Fees and	
Mailing Costs	: \$34.54
Principal	: \$251.39
Interest	: \$12.56
	-----
Total	: \$298.49

*Mary-Anne Szeniewski*  
 MARY-ANNE SZENIAWSKI  
 Tax Collector  
 Town of York

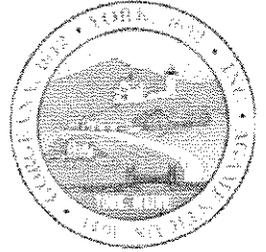
NOTICE: The municipality has policy under 36 M.R.S.A. Section 906 to apply all payments to the oldest outstanding tax obligation. If you are uncertain of the status on this property, contact the Tax Collector.

NOTICE: Partial payments do not waive a lien.

York, SS. State of Maine York, Maine June 15, 2010

Then personally appeared the above named MARY-ANNE SZENIAWSKI, Collector of Taxes, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

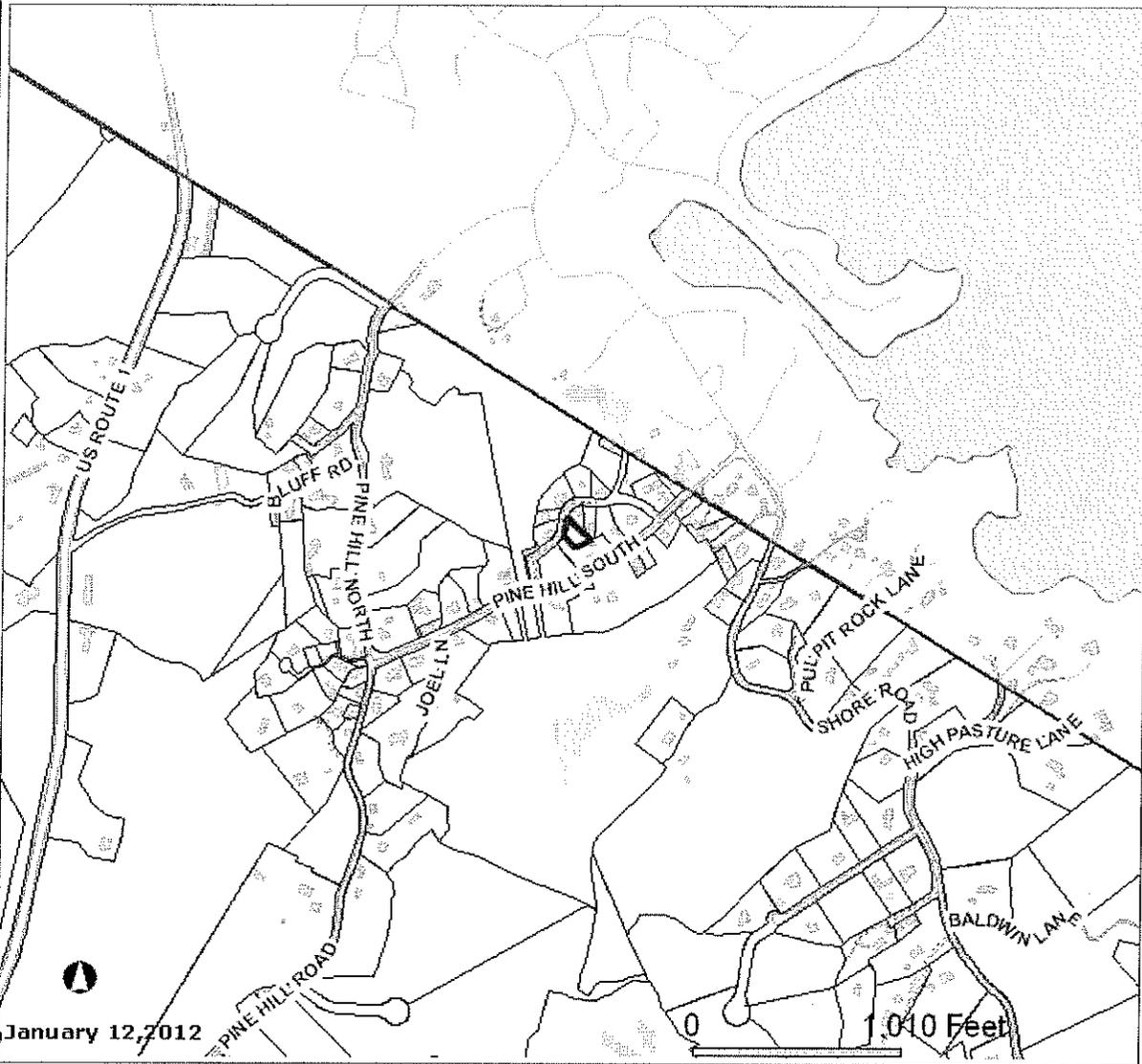
Before Me, Melissa A. Avery  
 Melissa A. Avery  
 Notary Public  
 December 29, 2012



**REDEMPTION REQUEST**  
9 Raccoon Ridge

**Subject Property Data**

Parcel ID	158-050
Old Parcel ID	0002-0029-A
Owner Name	GREY HARVEY A/GERALDINE
Prop Location	9 RACCOON RIDGE
Co-Owner	
Owner Addr	19 BRIMMER ST
Owner City	BOSTON, MA 02108
Land Area (Acres)	0.2
Land Value	26100
Building Value	600
Total Value	26700



January 12, 2012

**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

<b>Date Submitted:</b> February 16, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
Regular <input checked="" type="checkbox"/> Work Session _____	
<b>Subject:</b> Redemption Request: Tax Map 0025, Lot 0052 – 28 Prospect Street	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Susan H. Scott
<b>RECOMMENDATION:</b> To allow the redemption of Tax Map 0025, Lot 0052, 28 Prospect Street the former property owner.
<b>PROPOSED MOTION:</b> I move to approve the redemption of Tax Map 0025, Lot 0052, 28 Prospect Street, as requested, subject to the attached conditions being met, and that all taxes, interest and administrative costs are paid in full by no later than May 27, 2012.

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

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

Prepared By: Susan H. Scott

Reviewed By: Robert M. Yandow



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TO: Board of Selectmen

FROM: Susan H. Scott

DATE: February 16, 2012

RE: Tax Foreclosure Redemption: Map 0025, Lot 0052 – 28 Prospect Street

Thomasina K. Downing, former property owner of property identified as Tax Map 0025, Lot 0052, located at 28 Prospect Street in York, Maine, requests to redeem this property for which the Town has a tax lien for Fiscal Year 2010. The Town foreclosed on this property as of December 15, 2011 for non-payment of the FY10 tax lien.

We are recommending to the Selectmen that Thomasina K. Downing be allowed to redeem this property providing the following conditions are met:

**Condition #1** – Thomasina K. Downing pay all current taxes, interest and lien costs owed, which totals \$5,680.17 as of February 27, 2012.

**Condition #2** – Thomasina K. Downing pay Town Administrative costs involved with the processing of the foreclosure disposition, a total of \$200.00. This amount covers the cost of issuing a Quit Claim Deed and the administrative costs in processing this redemption.

**Condition #3** – Thomasina K. Downing shall pay in full, to the Town of York, all current taxes, interest, administrative costs and lien costs, which total \$5,880.17 by no later than **May 27, 2012**. (Please note this figure may have added interest due on the date payment is made.)

**PARCEL INFORMATION**

**MAP/LOT/UNIT**

Map 0025, Lot 0052

**OWNER (S)**

Owners listed as Thomasina K. Downing and Mara M. Khavari.

**PARTY REQUESTING REDEMPTION**

Thomasina K. Downing has requested that she be allowed to redeem the property.

**SIZE OF LOT**

.41 Acres

**ASSESSED VALUE**

\$174,700

**DESCRIPTION OF FORECLOSURE ACTION**

The Town has filed a tax lien on this property for the Fiscal Year 2010. The FY10 lien matured and was foreclosed on December 15, 2011.

**TAXES OWED/PAID**

The Tax Collector has confirmed taxes have been outstanding on this property since FY10. The total amount of taxes, interest and lien costs owed is \$5,680.17 as of February 27, 2012 which breaks down as follows:

<b>FY2012</b>	<b>\$1,660.70</b>
<b>FY2011</b>	<b>\$1,972.27</b>
<b>FY2010</b>	<b>\$2,047.20</b>

**Town of York**  
**Tax Map # 0025 0052**  
**Parcel Id 1794**  
**28 PROSPECT STREET**  
**DOWNING THOMASINA/KHAVARI MARA M Since Jan 1920**  
**PO BOX 407**  
**YORK HARBOR ME 03911-0407**

<b>Class</b>	1300 RES ACLNDV	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	1861 1861	<b>Size Total</b>	17860 Square Feet
<b>FY</b>	2012		

**Owner (Current)**

DOWNING THOMASINA/KHAVARI MARA M  
 PO BOX 407  
 YORK HARBOR ME 03911-0407

**Tax Assessment**

**CURRENT YEAR INFO 2012**

<b>Land Value</b>	<b>Improvements</b>	<b>Total Value</b>	<b>Tax Rate</b>	<b>True Taxes</b>	<b>Total Taxes</b>
\$174,700	\$0	\$174,700	9.35000	\$1,633.45	\$1,633.45

**PRIOR YEAR INFO 2011**

<b>Land Value</b>	<b>Improvements</b>	<b>Total Value</b>	<b>Total Taxes</b>
\$194,100	\$0	\$194,100	\$1,766.31

**Tax Title/Lien**

<b>Taking Date</b>	<b>Redemption Date</b>	<b>Petition Date</b>	<b>Foreclosure Date</b>	<b>Disclaimer Date</b>	<b>Title Redemption</b>
7/16/2009					
<b>Title Court</b>	<b>Title Court No</b>				

**A/R Inquiry**

<b>Bill Number</b>	<b>Sub System</b>								
2012 RE2739	Real Property Tax								
<b>Install</b>	<b>Billed</b>	<b>Adj. Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adj.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$816.73								\$816.73
2 nd	\$816.72								\$816.72
	<b>\$1,633.45</b>								<b>\$1,633.45</b>
									<b>2/27/2012 - Late Charges:</b>
									<b>\$27.25</b>
									<b>Total Due:</b>
									<b>\$1,660.70</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
8/16/2011	1 st	Billed	\$816.73	\$816.73		Posted
8/16/2011	2 nd	Billed	\$816.72	\$1,633.45	\$1,633.45	Posted

**A/R Inquiry**

<b>Bill Number</b>	<b>Sub System</b>								
2011 RE2739	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adj. Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adj.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,896.39								\$1,896.39
									<b>2/27/2012 - Late Charges:</b>
									<b>\$75.88</b>
									<b>Total Due:</b>
									<b>\$1,972.27</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
7/18/2011		Transferred Principal	\$1,766.31	\$1,766.31		Posted
7/18/2011		Transferred Principal	\$130.08	\$1,896.39		Posted

**Town of York**  
**Tax Map # 0025 0052**  
**Parcel Id 1794**  
**28 PROSPECT STREET**  
**DOWNING THOMASINA/KHAVARI MARA M Since Jan 1920**  
**PO BOX 407**  
**YORK HARBOR ME 03911-0407**

<b>Class</b>	1300 RES ACLNDV	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	1861 1861	<b>Size Total</b>	17860 Square Feet
<b>FY</b>	2012		

<b>Bill Number</b> 2010 TT121824		<b>Sub System</b> Tax Title							
<b>Install</b>	<b>Billed</b>	<b>Adj't Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adj't.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,665.38		\$117.81	\$8.59					\$1,791.78
								<b>2/27/2012 - Late Charges:</b>	\$255.42
								<b>Total Due:</b>	\$2,047.20

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
6/14/2010	1 st	Transferred Principal	\$1,665.38	\$1,665.38		Posted
6/14/2010	1 st	Transferred (Int./Pen.)	\$34.54	\$1,699.92		Posted
6/14/2010	1 st	Transferred (Int./Pen.)	\$83.27	\$1,783.19		Posted
10/25/2011		Fee	\$5.59	\$1,788.78		Posted
10/25/2011		Fee	\$3.00	\$1,791.78		Posted

<b>Bill Number</b> 2009 TT110907		<b>Sub System</b> Tax Title							
<b>Install</b>	<b>Billed</b>	<b>Adj't Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adj't.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,680.08		\$434.88	\$8.54				\$2,123.50	\$0.00
								<b>2/27/2012 - Late Charges:</b>	\$0.00
								<b>Total Due:</b>	\$0.00

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/16/2009	1 st	Transferred Principal	\$1,680.08	\$1,680.08		Posted
7/16/2009	1 st	Transferred (Int./Pen.)	\$40.08	\$1,720.16		Posted
7/16/2009	1 st	Transferred (Int./Pen.)	\$119.87	\$1,840.03		Posted
12/13/2010		Fee	\$5.54	\$1,845.57		Posted
12/13/2010		Fee	\$3.00	\$1,848.57		Posted
1/10/2011		Interest	\$274.93	\$2,123.50		Posted
1/10/2011		Payment	(\$2,123.50)	\$0.00		Posted

<b>Bill Number</b> 2008 TT99657		<b>Sub System</b> Tax Title							
<b>Install</b>	<b>Billed</b>	<b>Adj't Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adj't.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,647.54		\$422.58					\$2,070.12	\$0.00
								<b>2/27/2012 - Late Charges:</b>	\$0.00
								<b>Total Due:</b>	\$0.00

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
8/12/2008	1 st	Transferred Principal	\$1,647.54	\$1,647.54		Posted
8/12/2008	1 st	Transferred (Int./Pen.)	\$26.64	\$1,674.18		Posted
8/12/2008	1 st	Transferred (Int./Pen.)	\$128.12	\$1,802.30		Posted
1/26/2010	1 st	Interest	\$267.82	\$2,070.12		Posted
1/26/2010	1 st	Payment	(\$1,647.54)	\$422.58		Posted
1/26/2010	1 st	Payment	(\$128.12)	\$294.46		Posted
1/26/2010	1 st	Payment	(\$267.82)	\$26.64		Posted
1/26/2010	1 st	Payment	(\$26.64)	\$0.00		Posted

<b>Bill Number</b> 2007 TT88083		<b>Sub System</b> Tax Title							
<b>Install</b>	<b>Billed</b>	<b>Adj't Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adj't.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,760.68		\$446.31	\$8.32				\$2,215.31	\$0.00
								<b>2/27/2012 - Late Charges:</b>	\$0.00
								<b>Total Due:</b>	\$0.00

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/18/2007	1 st	Transferred Principal	\$1,760.68	\$1,760.68		Posted
7/18/2007	1 st	Transferred (Int./Pen.)	\$26.42	\$1,787.10		Posted
7/18/2007	1 st	Transferred (Int./Pen.)	\$129.38	\$1,916.48		Posted
12/11/2008	1 st	Fee	\$8.32	\$1,924.80		Posted
12/11/2008	1 st	Interest	\$274.91	\$2,199.71		Posted
1/9/2009	1 st	Interest	\$15.60	\$2,215.31		Posted
1/9/2009	1 st	Payment	(\$1,760.68)	\$454.63		Posted

**Town of York**  
**Tax Map # 0025 0052**  
**Parcel Id 1794**  
**28 PROSPECT STREET**  
**DOWNING THOMASINA/KHAVARI MARA M Since Jan 1920**  
**PO BOX 407**  
**YORK HARBOR ME 03911-0407**

<b>Class</b>	1300 RES ACLNDV		<b>Property Type</b>	1 Residential	
<b>Tax Code</b>	1861 1861		<b>Size Total</b>	17860 Square Feet	
<b>FY</b>	2012				
1/9/2009	1 st	Payment	(\$129.38)	\$325.25	Posted
1/9/2009	1 st	Payment	(\$290.51)	\$34.74	Posted
1/9/2009	1 st	Payment	(\$34.74)	\$0.00	Posted

<b>Bill Number</b>	<b>Sub System</b>								
2006 TT76141	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,622.63		\$302.46	\$8.21				\$1,933.30	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
8/9/2006	1 st	Transferred Principal	\$1,622.63	\$1,622.63		Posted
8/9/2006	1 st	Transferred (Int./Pen.)	\$25.28	\$1,647.91		Posted
8/9/2006	1 st	Transferred (Int./Pen.)	\$91.00	\$1,738.91		Posted
12/28/2007	1 st	Fee	\$8.21	\$1,747.12		Posted
12/28/2007	1 st	Interest	\$176.75	\$1,923.87		Posted
1/24/2008	1 st	Interest	\$9.43	\$1,933.30		Posted
1/24/2008	1 st	Payment	(\$1,622.63)	\$310.67		Posted
1/24/2008	1 st	Payment	(\$91.00)	\$219.67		Posted
1/24/2008	1 st	Payment	(\$186.18)	\$33.49		Posted
1/24/2008	1 st	Payment	(\$33.49)	\$0.00		Posted

<b>Bill Number</b>	<b>Sub System</b>								
2004 TT13923	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,426.87		\$244.97	\$5.00				\$1,676.84	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
8/18/2004	1 st	Fee	\$5.00	\$5.00		Posted
8/18/2004	1 st	Interest	\$138.72	\$143.72		Posted
8/18/2004	1 st	Transferred Principal	\$1,426.87	\$1,570.59		Posted
8/18/2004	1 st	Transferred (Int./Pen.)	\$33.42	\$1,604.01		Posted
8/18/2004	1 st	Transferred (Int./Pen.)	\$72.83	\$1,676.84		Posted
8/18/2004	1 st	Payment	(\$1,426.87)	\$249.97		Posted
8/18/2004	1 st	Payment	(\$72.83)	\$177.14		Posted
8/18/2004	1 st	Payment	(\$138.72)	\$38.42		Posted
8/18/2004	1 st	Payment	(\$38.42)	\$0.00		Posted

<b>Bill Number</b>	<b>Sub System</b>								
2003 TT13922	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$1,005.53		\$168.43					\$1,173.96	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/10/2003	1 st	Interest	\$99.17	\$99.17		Posted
7/10/2003	1 st	Transferred Principal	\$1,005.53	\$1,104.70		Posted
7/10/2003	1 st	Transferred (Int./Pen.)	\$37.84	\$1,142.54		Posted
7/10/2003	1 st	Transferred (Int./Pen.)	\$31.42	\$1,173.96		Posted
7/10/2003	1 st	Payment	(\$1,005.53)	\$168.43		Posted
7/10/2003	1 st	Payment	(\$31.42)	\$137.01		Posted
7/10/2003	1 st	Payment	(\$99.17)	\$37.84		Posted
7/10/2003	1 st	Payment	(\$37.84)	\$0.00		Posted

**Town of York**  
**Tax Map # 0025 0052**  
**Parcel Id 1794**  
**28 PROSPECT STREET**  
**DOWNING THOMASINA/KHAVARI MARA M Since Jan 1920**  
**PO BOX 407**  
**YORK HARBOR ME 03911-0407**

<b>Class</b>	1300 RES ACLNDV	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	1861 1861	<b>Size Total</b>	17860 Square Feet
<b>FY</b>	2012		

<b>Bill Number</b>	<b>Sub System</b>								
2002 TT13921	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$96.90		\$56.13					\$153.03	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
7/26/2002	1 st	Transferred Principal	\$96.90	\$96.90		Posted
7/26/2002	1 st	Transferred (Int./Pen.)	\$37.36	\$134.26		Posted
7/26/2002	1 st	Transferred (Int./Pen.)	\$7.57	\$141.83		Posted
7/26/2002	1 st	Interest	\$11.20	\$153.03		Posted
7/26/2002	1 st	Payment	(\$96.90)	\$56.13		Posted
7/26/2002	1 st	Payment	(\$7.57)	\$48.56		Posted
7/26/2002	1 st	Payment	(\$11.20)	\$37.36		Posted
7/26/2002	1 st	Payment	(\$37.36)	\$0.00		Posted

<b>Bill Number</b>	<b>Sub System</b>								
2001 TT13920	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$86.70		\$54.40					\$141.10	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
7/26/2001	1 st	Transferred Principal	\$86.70	\$86.70		Posted
7/26/2001	1 st	Transferred (Int./Pen.)	\$36.68	\$123.38		Posted
7/26/2001	1 st	Transferred (Int./Pen.)	\$6.30	\$129.68		Posted
7/26/2001	1 st	Interest	\$11.42	\$141.10		Posted
7/26/2001	1 st	Payment	(\$45.84)	\$95.26		Posted
7/26/2001	1 st	Payment	(\$6.30)	\$88.96		Posted
7/26/2001	1 st	Payment	(\$11.18)	\$77.78		Posted
7/26/2001	1 st	Payment	(\$36.68)	\$41.10		Posted
7/26/2001	1 st	Payment	(\$40.86)	\$0.24		Posted
7/26/2001	1 st	Payment	(\$0.24)	\$0.00		Posted

<b>Bill Number</b>	<b>Sub System</b>								
2000 TT13919	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$80.07		\$63.43	\$3.94		(\$5.96)		\$141.48	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

<b>Entry Date</b>	<b>Install</b>	<b>Trans Type</b>	<b>Amount</b>	<b>Balance Due</b>	<b>Amount Billed</b>	<b>Posted Flag</b>
7/14/2000	1 st	Transferred Principal	\$80.07	\$80.07		Posted
7/14/2000	1 st	Transferred (Int./Pen.)	\$46.88	\$126.95		Posted
7/14/2000	1 st	Transferred (Int./Pen.)	\$4.92	\$131.87		Posted
7/14/2000	1 st	Fee	\$3.94	\$135.81		Posted
7/14/2000	1 st	Interest	\$11.63	\$147.44		Posted
7/14/2000	1 st	Payment	(\$80.07)	\$67.37		Posted
7/14/2000	1 st	Payment	(\$4.92)	\$62.45		Posted
7/14/2000	1 st	Payment	(\$11.63)	\$50.82		Posted
7/14/2000	1 st	Payment	(\$44.86)	\$5.96		Posted
7/14/2000	1 st	Adjustment	(\$5.96)	\$0.00		Posted

<b>Bill Number</b>	<b>Sub System</b>								
1999 TT13918	Tax Title								
<b>Install</b>	<b>Billed</b>	<b>Adjt Bill</b>	<b>Int/Pen</b>	<b>Fee(s)</b>	<b>Refunded</b>	<b>Adjt.</b>	<b>Abated</b>	<b>Paid</b>	<b>Balance</b>
1 st	\$74.46		\$52.01	\$2.98				\$129.45	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

**Town of York**  
**Tax Map # 0025 0052**  
**Parcel Id 1794**  
**28 PROSPECT STREET**  
**DOWNING THOMASINA/KHAVARI MARA M Since Jan 1920**  
**PO BOX 407**  
**YORK HARBOR ME 03911-0407**

<b>Class</b>	1300 RES ACLNDV	<b>Property Type</b>	1 Residential
<b>Tax Code</b>	1861 1861	<b>Size Total</b>	17860 Square Feet
<b>FY</b>	2012		

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/15/1999	1 st	Transferred Principal	\$74.46	\$74.46		Posted
7/15/1999	1 st	Transferred (Int./Pen.)	\$34.75	\$109.21		Posted
7/15/1999	1 st	Transferred (Int./Pen.)	\$5.03	\$114.24		Posted
7/15/1999	1 st	Fee	\$2.98	\$117.22		Posted
7/15/1999	1 st	Interest	\$12.23	\$129.45		Posted
7/15/1999	1 st	Payment	(\$74.46)	\$54.99		Posted
7/15/1999	1 st	Payment	(\$5.03)	\$49.96		Posted
7/15/1999	1 st	Payment	(\$12.23)	\$37.73		Posted
7/15/1999	1 st	Payment	(\$37.73)	\$0.00		Posted

<b>Bill Number</b>		<b>Sub System</b>							
1998 TT13917		Tax Title							
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$71.91		\$50.94	\$2.98				\$125.83	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
7/24/1998	1 st	Transferred Principal	\$71.91	\$71.91		Posted
7/24/1998	1 st	Transferred (Int./Pen.)	\$34.54	\$106.45		Posted
7/24/1998	1 st	Transferred (Int./Pen.)	\$4.95	\$111.40		Posted
7/24/1998	1 st	Fee	\$2.98	\$114.38		Posted
7/24/1998	1 st	Interest	\$11.45	\$125.83		Posted
7/24/1998	1 st	Payment	(\$71.91)	\$53.92		Posted
7/24/1998	1 st	Payment	(\$4.95)	\$48.97		Posted
7/24/1998	1 st	Payment	(\$11.45)	\$37.52		Posted
7/24/1998	1 st	Payment	(\$37.52)	\$0.00		Posted

<b>Bill Number</b>		<b>Sub System</b>							
1997 TT13916		Tax Title							
Install	Billed	Adjt Bill	Int/Pen	Fee(s)	Refunded	Adjt.	Abated	Paid	Balance
1 st	\$66.81		\$91.61	\$2.77		(\$41.06)		\$120.13	\$0.00
							<b>2/27/2012 - Late Charges:</b>		<b>\$0.00</b>
							<b>Total Due:</b>		<b>\$0.00</b>

Entry Date	Install	Trans Type	Amount	Balance Due	Amount Billed	Posted Flag
6/26/1997	1 st	Transferred Principal	\$66.81	\$66.81		Posted
6/26/1997	1 st	Transferred (Int./Pen.)	\$38.29	\$105.10		Posted
6/26/1997	1 st	Transferred (Int./Pen.)	\$4.18	\$109.28		Posted
6/26/1997	1 st	Fee	\$2.77	\$112.05		Posted
6/26/1997	1 st	Interest	\$49.14	\$161.19		Posted
6/26/1997	1 st	Payment	(\$66.81)	\$94.38		Posted
6/26/1997	1 st	Payment	(\$4.18)	\$90.20		Posted
6/26/1997	1 st	Payment	(\$49.14)	\$41.06		Posted
6/26/1997	1 st	Adjustment	(\$41.06)	\$0.00		Posted

<b>Balance:</b>	<b>\$3,688.17</b>
<b>2/27/2012 - Total Late Charges:</b>	<b>\$331.30</b>
<b>Total Due:</b>	<b>\$4,019.47</b>

State of Maine  
Tax Lien Certificate  
2009

Doc# 2010023410  
Bk 15879 Pg 519  
Received York SS  
06/15/2010 9:21AM  
Debra L. Anderson  
Register of Deeds

002032

DOWNING THOMASINA/KHAVARI MARA M  
PO BOX 407  
YORK HARBOR, ME 03911

I, MARY-ANNE SZENIAWSKI, Collector of Taxes for the Town of York, a municipal corporation located in the County of York, State of Maine, hereby give you notice that a tax in the amount of \$1,665.38 has been assessed, and was committed to me for collection on August 4, 2009, against real estate in said Town of York, and against DOWNING THOMASINA/KHAVARI MARA M as owner(s) thereof, said real estate being described as follows:

Real Estate located at: 28 PROSPECT STREET

Map Lot Description: 0025-0052

Registry of Deeds reference: B3064P280

Map and Lot numbers refer to such numbers as found on tax maps of the Town of York, prepared by: Town of York Maine and dated April 2009, on file at the Town of York municipal office.

I give you further notice that said tax, together with interest in the amount of \$83.27, which has been added to and has become part of said tax, remains unpaid; That a lien is claimed on said real estate, above described, to secure the payment of said tax; that proper demand for payment of said tax has been made in accordance with Title 36, Section 942, revised statutes of 1964, as amended.

Costs to be paid by taxpayer:  
Statutory Fees and  
Mailing Costs : \$34.54  
Principal : \$1,665.38  
Interest : \$83.27  
-----  
Total : \$1,783.19

*Mary-Anne Szeniaowski*

MARY-ANNE SZENIAWSKI  
Tax Collector  
Town of York

NOTICE: The municipality has policy under 36 M.R.S.A. Section 906 to apply all payments to the oldest outstanding tax obligation. If you are uncertain of the status on this property, contact the Tax Collector.

NOTICE: Partial payments do not waive a lien.

York, SS. State of Maine York, Maine June 15, 2010

Then personally appeared the above named MARY-ANNE SZENIAWSKI, Collector of Taxes, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

Before Me, *Melissa A Avery*  
Melissa A. Avery  
Notary Public  
December 29, 2012

TAX COLLECTOR'S LIEN CERTIFICATE  
STATE OF MAINE

I, Mary-Anne Szeniaewski, Tax Collector of the municipality of York, Maine, in the county of York, said taxes having been duly and legally committed to me on the Tuesday, August 17, 2010, hereby certify that a tax of \$1,774.90, duly and legally assessed to Real Estate in said municipality as assessed against:

DOWNING THOMASINA/KHAVARI MARA M  
PO BOX 407  
YORK HARBOR ME 03911-0407

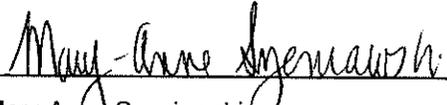
As owner/s thereof, and described as follows:

Map Lot: 0025 0052  
Account: RE  
Book: 3064 Page: 280  
Location: 28 PROSPECT STREET

AR\_ID: 58492

\* The above maps being on file at the York Town Hall, 186 York Street, York, Maine 03909, as of this date\*

Together with Interest of \$76.90 which has been added to and has become part of said tax, a total of \$1,851.80 remains unpaid; that a lien is claimed on said Real Estate, above described, to secure the payment of the said tax; that a demand for payment of said tax has been made of the said DOWNING THOMASINA/KHAVARI MARA M and sending certified mail, return receipt requested, to the last known address on the Wednesday, June 15, 2011, a notice in writing signed by me stating the amount of said tax, describing the Real Estate on which said tax is assessed, alleging that a lien is claimed on said Real Estate to secure the payment of said tax, and of said notice, in accordance with the provisions of Title 36, M.R.S.A., sections of 942 and 943 as amended.

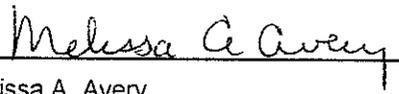
  
Mary-Anne Szeniaewski  
Tax Collector  
York, Maine

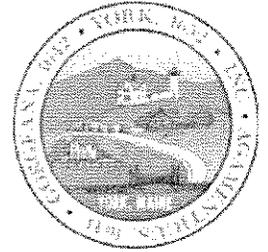
Additional Costs .....	\$ 13.00
Recording and Discharging Lien.....	\$ 26.00
Certified Mail - Return Receipt Requested.....	\$ 5.59
Total Additional Costs .....	\$ 44.59

Total Due: \$ 1,896.39

York, ss  
State of Maine  
Monday, July 18, 2011

Then personally appeared the above subscribed Mary-Anne Szeniaewski, Tax Collector, and acknowledged the forgoing instrument to be her free act and deed in her said capacity.

  
Melissa A. Avery  
Notary Public  
Commission Expires December 29, 2012



**REDEMPTION REQUEST**  
28 Prospect Street

**Subject Property Data**

Parcel ID 139-533  
 Old Parcel ID 0025-0052  
 Owner Name DOWNING THOMASINA/KHAVARI MARA M  
 Prop Location 28 PROSPECT STREET  
 Co-Owner  
 Owner Addr PO BOX 407  
 Owner City YORK HARBOR, ME 03911-0407  
 Land Area (Acres) 0.41000918  
 Land Value 174700  
 Building Value 0  
 Total Value 174700



January 25, 2012

**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.

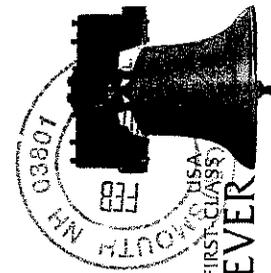
RECEIVED 2/13/12  
ATT: SELECT MEN of YORK/MAINE  
DEAR SIRs.

I would like to have  
A 3 MONTH GRACE TO PAY <sup>ERSON</sup> DOWN  
ABOUT MY BACK TAXES AT  
PROSPERITY ST. YORK BEACH, ME. 03801  
SINCERELY T.K. DOWNING 436-2786

S.K. Downing  
436 Broad St.  
Portsmouth N.H.  
03801



7011 2970 0000 2469 6011



FOREVER

RETURN RECEIPT  
REQUESTED

YORK, ME. SELECT MEN  
YORK ST. YORK MAINE  
YORK, MAINE 03809  
03909

00067857-05 \$5.30



U.S. POSTAGE  
PAID  
PORTSMOUTH, NH  
03801  
FEB 13 2012  
AMOUNT



# 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

February 16, 2012

Thomasina K. Downing  
423½ Broad Street  
Portsmouth, NH 03801

RE: Tax Foreclosure Redemption: Map 0025, Lot 0052 – 28 Prospect St.

Dear Ms. Downing:

Please be advised that the Board of Selectmen will be reviewing your request to redeem your property located at 28 Prospect Street at their upcoming meeting on **Monday, February 27, 2012**. The meeting is held at the York Public Library and begins at 7:00pm. I have attached a copy of the correspondence that will be sent to the Board prior to their meeting.

Please note, as requested in your letter received February 13, 2012, a 3-month or 90-day grace period from February 27, 2012 will provide a **payment deadline** of **May 27, 2012** for you to have paid all outstanding taxes to date.

If you have any questions or concerns, please do not hesitate to contact me at 207-363-1000, extension 222.

Sincerely,

Susan H. Scott  
Assistant to the Town Manager

## Susan Scott

---

**From:** Stephen H. Burns  
**Sent:** Friday, January 27, 2012 8:24 AM  
**To:** Susan Scott; Tracy Roy; Richard C. Mace; Mary-Anne Szeniewski  
**Subject:** RE: Redemption Request - 28 Prospect Street

Susie,

I have no concerns with this redemption.

Steve

Stephen Burns  
Community Development Director  
Town of York, Maine  
186 York Street, York, ME 03909  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sburns@yorkmaine.org](mailto:sburns@yorkmaine.org)  
p: (207) 363-1007

---

**From:** Susan Scott  
**Sent:** Wednesday, January 25, 2012 1:54 PM  
**To:** Tracy Roy; Richard C. Mace; Stephen H. Burns; Mary-Anne Szeniewski  
**Subject:** Redemption Request - 28 Prospect Street

Hello All,

Thomasina K. Downing is requesting to redeem property located at 28 Prospect Street (Map 25, Lot 52) which is land only.

Please let me know if you have any concerns, conditions, or if you are all set with this redemption request.

Tracy – could you provide me the total outstanding taxes and lien notices for the above property?

Thank you, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

 Please consider the environment before printing this email.

## Susan Scott

---

**From:** Richard C. Mace  
**Sent:** Wednesday, January 25, 2012 2:01 PM  
**To:** Susan Scott  
**Subject:** RE: Redemption Request - 28 Prospect Street

Let her have it!

## Richard C. Mace

*Tax Assessor*  
Town of York, Maine  
186 York Street, York, ME 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [rmace@yorkmaine.org](mailto:rmace@yorkmaine.org)  
p: (207) 363-1005, Ext. 261  
f: (207) 363-1009

 Please consider the environment before printing this email.

---

**From:** Susan Scott  
**Sent:** Wednesday, January 25, 2012 1:54 PM  
**To:** Tracy Roy; Richard C. Mace; Stephen H. Burns; Mary-Anne Szeniawski  
**Subject:** Redemption Request - 28 Prospect Street

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*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

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---

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## Susan Scott

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Wednesday, January 25, 2012 2:05 PM  
**To:** Susan Scott  
**Subject:** RE: Redemption Request - 28 Prospect Street

I have no concerns.

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

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**From:** Susan Scott  
**Sent:** Wednesday, January 25, 2012 1:54 PM  
**To:** Tracy Roy; Richard C. Mace; Stephen H. Burns; Mary-Anne Szeniaewski  
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Thank you, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 23, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> _____	
<b>Subject:</b> Special Event Permit Application: 2012 Spring Ride for the Troops	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Susan H. Scott
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the 2012 Spring Ride for the Troops to be held on Sunday, April 29, 2012 from approximately 7:30 AM to 11:15 AM.

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

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

Prepared By: Susan H. Scott

Reviewed By: Robert B. Yandow



# Town of York, Maine Special Event Permit Application

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

Date: 2-5-2012

Name of Event: 2012 Spring Ride for the Troops, 5th Annual

Type of Event: Breakfast and Escorted Motorcycle Parade leaving at 10:30am to Arundel, ME

Organization Name: Patriot Riders-NE Phone #: 978-500-2677

Organization Address: P.O. Box 1414 City: Newburyport State: MA Zip: 01950

Applicant Name: Fred Hardy Phone #: 978-500-2677

Applicant Address: 70 Bradford Street City: Rowley State: MA Zip: 01969

Contact Name for Day of Event: Fred Hardy Contact Phone # 978-500-2677

Date of Event: April 29th, 2012 Day of Week: Sunday

Starting Time: 7:30 am Ending Time: 11:15 am

Assembly Area: Parking Lot and Inn on the Blues, 7 Ocean Ave., York Beach, ME for Breakfast.

Dispersal Area: Short Sand Parking Lot (Ellis Trustees Parking Lot)

Event Route: exit Short Sands Parking Lot to North on Ocean Ave. to North on Main Street (1A) to North on Shore Road Please see amended route on page 3

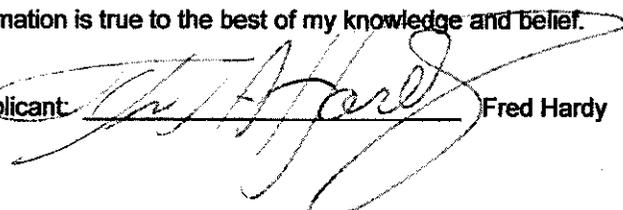
Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
200 to 400 persons

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc): 200 to 400 Motorcycles for an Escorted Scenic Ride through Maine Ending at Bentley's, 1601 Portland Road, Arundel, ME

Describe how group is organized and supervised to insure order: Patriot Riders and Local Volunteers to control parking and order. York Maine Police Departments Finest to escort parade through town.

Purpose of the Event: Fund Raiser to Send Care Packages to our Troops Serving Overseas by the AMVETS Post #1, Biddeford, ME and VFW Post 6977 York, ME

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

Signature of Applicant:  Fred Hardy

**For Town Use Only:**

Reviewed by:

<u>Department</u>	<u>Initials</u>	
Police Department	✓	2/15/12
Public Works	✓	2/17/12
Parks/Recreation	✓	2/8/12
Village Fire	✓	2/9/12
York Beach Fire	✓	2/8/12
Code Enforcement	✓	2/8/12

Concerned about road construction.

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

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## Susan Scott

---

**From:** Dean Lessard  
**Sent:** Friday, February 17, 2012 9:01 AM  
**To:** Susan Scott  
**Cc:** Robert G. Yandow  
**Subject:** RE: Special Event Permits - Third Request for Review

Susie

I have reviewed all of the Events. The only concerns I have is with the amended route of the Patriot Riders. Railroad Avenue and parts of Long beach Ave will still be under construction.



Dean

---

**From:** Susan Scott  
**Sent:** Thursday, February 16, 2012 10:53 AM  
**To:** Dean Lessard  
**Cc:** Robert G. Yandow  
**Subject:** Special Event Permits - Third Request for Review

Dean,

re: Art in Park, Cystic Fibrosis Seacoast Safari  
and Patriot Motorcycle Ride

This is my third request to you for review and approval of above Special Event permits. As you are out next week, I would greatly appreciate it if you could respond by tomorrow so I can get these on the next BOS agenda.

Thank you, Susie.

*Susan Scott*

*Administrative Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, Maine 03909-1314

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

e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)

p: (207) 363-1000, Ext. 222

f: (207) 363-1019

 Please consider the environment before printing this email.

---

**From:** Susan Scott  
**Sent:** Friday, February 03, 2012 8:18 AM  
**To:** Dean Lessard  
**Subject:** RE: Special Event Permit

Dean,

Have you had a chance to review the following Special Event Permits?

- Art in the Park (September 15, 2012)
- Cystic Foundation – Seacoast Safari (July 14 & 15, 2012)

Thanks, Susie

*Susan Scott*

*Administrative Assistant to the Town Manager*

Town of York, Maine

## Susan Scott

---

**From:** John Surowiec [jsurowiec@hirschcorp.com]  
**Sent:** Wednesday, February 15, 2012 10:26 AM  
**To:** Susan Scott  
**Cc:** Kevin M. LeConte  
**Subject:** RE: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride  
**Attachments:** 3 pages Amended Event Route for Permit Application.pdf

Hi Susan,

As we discussed today, I need to amend our event route plan. York Police Captain Kevin LeConte requested a confirmation of our route and we need to make a few adjustments. I have added a third page for the new route to our previous application form which is attached. I hope this will be satisfactory.

Please confirm receipt and thank you for your time today. I have also copied Police Captain Kevin LeConte for his use.

If you have any questions or concerns, please give me a call.

Sincerely,  
John E. Surowiec  
Secretary  
Patriot Riders-NE, P.O. Box 1414, Newburyport, MA 01950



**John E. Surowiec**  
Office Phone: (978) 762-8744 ext.17

---

**From:** John Surowiec  
**Sent:** Tuesday, February 07, 2012 8:55 AM  
**To:** 'sscott@yorkmaine.org'  
**Subject:** Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Hi Susan,

Please except the attached Special Event Permit Application for Sunday April 29th, 2012.

Bill Burnham and the Ellis Park Trustees have donated their parking lot at the Short Sand Beach for a Staging Area and the Inn on the Blues will be active & partaking as well for this Special Event for the Troops.

Please call me or email me anytime (978) 762-8744 ext.17 or call Patriot Rider President Fred Hardy at (978)-500-2677 should you have any questions or concerns.

Please keep me up to date with our progress.

Sincerely,  
John E. Surowiec  
Secretary  
Patriot Riders-NE, P.O. Box 1414, Newburyport, MA 01950

## Susan Scott

---

**From:** Stephen H. Burns  
**Sent:** Wednesday, February 08, 2012 2:48 PM  
**To:** Susan Scott  
**Subject:** RE: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Hi Susie,

I have no code issues with this. Thanks.

Steve

---

**From:** Susan Scott  
**Sent:** Wednesday, February 08, 2012 2:37 PM  
**To:** David K. Bridges; David Apgar; Christopher Balentine; Dean Lessard; Douglas P. Bracy; Kevin M. LeConte; Stephen H. Burns; Michael J. Sullivan  
**Subject:** FW: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

For Department head approval. Thanks.

*Susan Scott*

*Administrative Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, Maine 03909-1314

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

e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)

p: (207) 363-1000, Ext. 222

f: (207) 363-1019

 Please consider the environment before printing this email.

---

**From:** John Surowiec [<mailto:jsurowiec@hirschcorp.com>]  
**Sent:** Tuesday, February 07, 2012 8:55 AM  
**To:** Susan Scott  
**Subject:** Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

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Please keep me up to date with our progress.

Sincerely,

John E. Surowiec

Secretary

Patriot Riders-NE, P.O. Box 1414, Newburyport, MA 01950

## Susan Scott

---

**From:** Michael J. Sullivan  
**Sent:** Wednesday, February 08, 2012 5:12 PM  
**To:** Susan Scott  
**Subject:** RE: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Parks and Recreation has no problem with this event.

*Michael J. Sullivan, Director  
Parks and Recreation*

*Town of York, Maine  
186 York Street  
York, Maine 03909  
(207) 363-1040  
[msullivan@yorkmaine.org](mailto:msullivan@yorkmaine.org)*

---

**From:** Susan Scott  
**Sent:** Wednesday, February 08, 2012 2:38 PM  
**To:** David K. Bridges; David Apgar; Christopher Balentine; Dean Lessard; Douglas P. Bracy; Kevin M. LeConte; Stephen H. Burns; Michael J. Sullivan  
**Subject:** FW: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

For Department head approval. Thanks.

*Susan Scott  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019*

 Please consider the environment before printing this email.

---

**From:** John Surowiec [<mailto:jsurowiec@hirschcorp.com>]  
**Sent:** Tuesday, February 07, 2012 8:55 AM  
**To:** Susan Scott  
**Subject:** Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Hi Susan,  
Please except the attached Special Event Permit Application for Sunday April 29th, 2012.

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Please call me or email me anytime (978) 762-8744 ext.17 or call Patriot Rider President Fred Hardy at (978)-500-2677 should you have any questions or concerns.

## Susan Scott

---

**From:** David K. Bridges  
**Sent:** Wednesday, February 08, 2012 8:22 PM  
**To:** Susan Scott; David Apgar; Christopher Balentine; Dean Lessard; Douglas P. Bracy; Kevin M. LeConte; Stephen H. Burns; Michael J. Sullivan  
**Subject:** RE: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

We have supported this event in the past and will support it again this year. Dave

---

**From:** Susan Scott  
**Sent:** Wednesday, February 08, 2012 2:38 PM  
**To:** David K. Bridges; David Apgar; Christopher Balentine; Dean Lessard; Douglas P. Bracy; Kevin M. LeConte; Stephen H. Burns; Michael J. Sullivan  
**Subject:** FW: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

For Department head approval. Thanks.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

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---

**From:** John Surowiec [<mailto:jsurowiec@hirschcorp.com>]  
**Sent:** Tuesday, February 07, 2012 8:55 AM  
**To:** Susan Scott  
**Subject:** Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

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Sincerely,  
John E. Surowiec  
Secretary  
Patriot Riders-NE, P.O. Box 1414, Newburyport, MA 01950

## Susan Scott

---

**From:** Kevin M. LeConte  
**Sent:** Wednesday, February 15, 2012 11:37 AM  
**To:** Susan Scott  
**Subject:** FW: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride  
**Attachments:** 3 pages Amended Event Route for Permit Application.pdf

Susan

This event is fine with the police they will coordinate with the police for traffic



**Kevin M. LeConte**

*Captain*

Town of York, ME Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [kleconte@yorkpolice.org](mailto:kleconte@yorkpolice.org)

p: (207) 363-1031, Ext. 102

f: (207) 363-1033

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---

**From:** John Surowiec [<mailto:jsurowiec@hirschcorp.com>]  
**Sent:** Wednesday, February 15, 2012 10:26 AM  
**To:** Susan Scott  
**Cc:** Kevin M. LeConte  
**Subject:** RE: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Hi Susan,

As we discussed today, I need to amend our event route plan. York Police Captain Kevin LeConte requested a confirmation of our route and we need to make a few adjustments. I have added a third page for the new route to our previous application form which is attached. I hope this will be satisfactory.

Please confirm receipt and thank you for your time today. I have also copied Police Captain Kevin LeConte for his use.

If you have any questions or concerns, please give me a call.

Sincerely,

John E. Surowiec

Secretary

Patriot Riders-NE, P.O. Box 1414, Newburyport, MA 01950



**John E. Surowiec**

Office Phone: (978) 762-8744 ext.17

## Susan Scott

---

**From:** David Apgar  
**Sent:** Thursday, February 09, 2012 9:42 AM  
**To:** Susan Scott; David K. Bridges; Christopher Balentine  
**Subject:** RE: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Village Fire approval. - We will support the event by providing the appropriate apparatus where necessary.

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

---

**From:** Susan Scott  
**Sent:** Wednesday, February 08, 2012 2:37 PM  
**To:** David K. Bridges; David Apgar; Christopher Balentine; Dean Lessard; Douglas P. Bracy; Kevin M. LeConte; Stephen H. Burns; Michael J. Sullivan  
**Subject:** FW: Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

For Department head approval. Thanks.

Susan Scott  
Administrative Assistant to the Town Manager Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)<<mailto:sscott@yorkmaine.org>>  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

P Please consider the environment before printing this email.

\

**From:** John Surowiec [<mailto:jsurowiec@hirschcorp.com>]  
**Sent:** Tuesday, February 07, 2012 8:55 AM  
**To:** Susan Scott  
**Subject:** Town of York ME \* Special Event Permit Application \* 2012 Spring Ride

Hi Susan,

Please except the attached Special Event Permit Application for Sunday April 29th, 2012.

Bill Burnham and the Ellis Park Trustees have donated their parking lot at the Short Sand Beach for a Staging Area and the Inn on the Blues will be active & partaking as well for this Special Event for the Troops.

Please call me or email me anytime (978) 762-8744 ext.17 or call Patriot Rider President Fred Hardy at (978)-500-2677 should you have any questions or concerns.



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 23, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
<b>Regular</b> <u>  X  </u> <b>Work Session</b> _____	
<b>Subject:</b> Special Event Permit Application: Seacoast Safari: Cystic Fibrosis Cycle for Life (150 mile, two-day bicycle ride)	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Susan H. Scott
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the Cystic Fibrosis Cycle for Life two-day bicycle tour event to be held on Saturday, July 14, 2012 and Sunday, July 15, 2012.

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

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

Prepared By: Susan H. Scott

Reviewed By: Robert S. Yander



1/18/12 Emailed S. Simpson  
1/19/12 Emailed Dept. Head  
2/16/12 Email Dean

| Adding *tomorrows* every day.

January 2012

Robert Yandow, Town Manager  
Town of York  
186 York St.  
York, ME 03909

Dept. Head Sign Of  
✓ OPD CHANGE ROUTE  
✓ OPD (Beach) ✓ FD  
✓ PWD 2/17/12 (Village)  
✓ Code  
✓ Parks & Rec. (C)

Dear Robert Yandow:

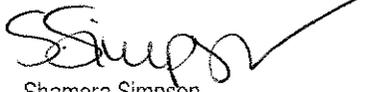
The Northern New England Chapter of the Cystic Fibrosis Foundation is once again planning the **Seacoast Safari: CF Cycle for Life** for the 2012 summer season. This 150/60-mile two-day bicycle tour will travel the coastline and mainland from Kittery, MA north into Saco, ME and ending in Biddeford, ME, with approximately 200 participants pedaling for a cure. Since its inception eleven years ago, Seacoast Safari: CF Cycle for Life has raised over \$629,000, helping to continue the battle against cystic fibrosis (CF), a genetic disease for which there is currently no cure. In order to accomplish this goal, I wanted to contact you today to inform you about our ride and ensure that we will have approval and support from the Town of York.

On Saturday, July 14, 2012, the cyclists will begin the tour at 6:45 a.m. from the Traip Academy in Kittery, ME. The cyclists will generally travel between 10-25 mph as they travel the route that brings them to the University of New England in Biddeford, Maine no later than 4:00 p.m. On Sunday, July 15<sup>th</sup>, they will return to Kittery from Biddeford along the same route completing their ride no later than 3:00 p.m.

We will be contacting all of the town managers and police chiefs along the route to communicate our plans and receive approval to cycle on the roads. Additionally, we will need to mark the route approximately every 1/2 mile with painted arrows on the street. We will mark the roads using only WHITE paint. These marks are used to confirm cyclists are traveling in the correct direction. We have planned to mark the roads in your town during the week of July 9<sup>th</sup>. **If you have any questions regarding the ride or if any additional permits are required, please contact me at (800) 757-0203.**

I hope this letter provides the information you will need to review our request and answer your logistical questions about the **Seacoast Safari: CF Cycle for Life**. If you have any questions or concerns, please do not hesitate to contact me at (800) 757-0203, and I would be more than happy to address any issues that you may have.

Please sign for your approval in the box below and return by email [ssimpson@cff.org](mailto:ssimpson@cff.org), via facsimile to 603-598-8167, or USPS to the address below. Thank you in advance for your time and consideration.

  
Shamera Simpson  
Development Director

<p>_____</p> <p><b>Robert Yandow, Town Manager</b></p> <p>_____</p> <p>or designee (Please Print Name)</p> <p>I, <b>Robert Yandow</b>, am authorized by the Town of York and grant permission to the Cystic Fibrosis Foundation's 2012 Seacoast Safari: CF Cycle for Life to use town roads and facilities for cyclists on July 14 &amp; 15, 2012.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 2012 Seacoast Safari 75 Mile Route Day 1

- 0.00 Left out of parking lot onto Williams Ave.
- 0.06 Slight right on Williams Ave.
- 0.10 Right onto Whipple Road/Route 103E
- 1.30 Continue onto Whipple Rd turns into Pepperell Rd/Route 103E
- 2.80 Continue onto Pepperell Rd turns into Tenney Hill Rd/Route 103E
- 3.10 Continue onto Brave Boat Harbor Rd/Route 103E
- 5.60 Continue to follow Route 103E/Lilac Lane
- 7.50 Turn right onto York St/Route 1A
- 9.70 Continue onto Long Beach Ave/Route 1A
- 11.05 Turn right onto Nubble Rd
- 12.00 Turn right onto Sohier Park Rd. Proceed to Nubble Light House parking lot.
- 12.05 Proceed back onto Sohier Park Rd
- 12.10 Turn right onto Nubble Rd
- 12.60 Continue onto Broadway St
- 13.20 Turn right onto Long Beach Rd
- 13.30 Slight left onto Ocean Ave
- 13.60 Turn right onto Main St
- 14.20 Slight left onto Cape Neddick Rd
- 14.60 **WATER STOP VFW**
- 14.60 Right onto Cape Neddick Rd
- 15.00 Sharp left onto Shore Rd
- 20.50 Right onto Main St/Route 1N
- 22.40 Right onto Bourne Ave
- 23.00 Left onto Ocean Ave
- 24.20 Continue onto Webhannet Dr
- 25.30 Slight right onto Church St
- 25.45 Left onto Mile Rd
- 26.40 Right onto Post Rd/Route 1N
- 29.20 Right onto Laudholm Farm Rd
- 29.60 left onto Skinner Mill Rd
- 29.75 **Right into WELLS RESERVE WATER STOP**
- 30.25 Right onto Skinner Mill Rd
- 30.75 Slight right onto Western Ave/Route 9E
- 34.60 Right onto Ocean Ave
- 37.10 Continue onto Ocean Ave/Shore Rd
- 37.80 Continue onto Turbats Creek Rd
- 38.20 Slight right staying on Turbats Creek Rd
- 38.25 Right onto Wildes District Rd
- 39.30 Slight right onto Mills Rd/Route 9E
- 40.60 Left continuing on Mills Rd/Route 9E
- 45.00 Continue on Route 9E/Pool St
- 47.60 Continue straight past the entrance to UNE
- 47.80 **WATER STOP Gas Station**
- 47.80 Left out of water stop onto Route 9E/Pool St.

## 2012 Seacoast Safari 75 Mile Route Day 2

- 0.00 Leave parking lot by tent.
- 0.05 Right onto Hills Beach Rd
- 0.20 Right onto Pool St/Route 9E
- 4.10 Right onto Alfred St/Route 9E
- 4.20 Slight right onto Main St/Route 9E
- 5.10 Right onto Beach St/Route 9E
- 6.00 Beach St becomes Ferry St
- 9.10 Left onto Seaside Ave/Route 9E
- 11.50 Left onto Temple Ave
- 12.80 Left onto Old Orchard Rd
- 14.10 Right onto Beach St.
- 15.00 Left onto Main St/Route 9W
- 15.80 Bear Left onto Alfred St/Route 9W
- 16.65 Left onto Graham St Ext.
- 16.90 Left onto West St
- 17.30 Left onto Hill St.
- 17.30 Rest Stop St. Louis Field**
- 17.30 Left onto West St.
- 22.40 Right onto Pool St/Route 9W
- 23.10 Becomes Mills Rd/Route 9W
- 27.40 Right onto Main St/Route 9W
- 28.10 Becomes School St/Route 9W
- 29.40 Right onto Maine St/Route 9W
- 29.60 Left onto Spring St/Route 9W
- 29.70 Becomes Western Ave/Route 9W
- 32.50 Becomes Port Rd/Route 9W
- 34.10 Left onto Post Rd/Route 1S
- 34.40 Water Stop Bull & Claw**
- 34.40 Continue on Route 1S
- 37.20 Left at Traffic Lights onto Mile Rd
- 38.10 Right onto Webhannet Dr
- 39.40 Continue onto Ocean Ave
- 40.50 Right onto Bourne Ave
- 41.20 Left at traffic lights onto Post Rd/Route 1S
- 41.60 Continue on Main St/Route 1S
- 43.10 Left onto Shore Rd
- 48.60 Sharp Right onto Cape Neddick Rd/Route 1A N
- 49.00 WATER STOP VFW**
- 49.00 Right onto Cape Neddick Rd/Route 1A S
- 49.60 Becomes Main St/Route 1A S
- 50.00 Becomes Railroad Ave/Route 1A S
- 50.10 Slight left onto Church St/Route 1A S
- 50.30 Right onto Long Beach Ave/Route 1A S
- 52.00 Becomes York St/Route 1A S

## Susan Scott

---

**From:** Michael J. Sullivan  
**Sent:** Thursday, January 19, 2012 1:41 PM  
**To:** Susan Scott; Charles J. Szeniaowski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David K. Bridges; David Apgar; Stephen H. Burns  
**Subject:** RE: Special Event Permit - CFF Bicycle Seacoast Safari

Parks and Recreation has no problem with this event. I would recommend that they be required to use athletic field paint on the roads. After a couple of rain storms the paint would be gone.

*Michael J. Sullivan, Director  
Parks and Recreation*

*Town of York, Maine  
186 York Street  
York, Maine 03909  
(207) 363-1040  
[msullivan@yorkmaine.org](mailto:msullivan@yorkmaine.org)*

Condition #1

---

**From:** Susan Scott  
**Sent:** Thursday, January 19, 2012 10:57 AM  
**To:** Charles J. Szeniaowski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit - CFF Bicycle Seacoast Safari

Please find another SEP for review/approval.

Thank you, Susie.

*Susan Scott  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019*

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## Susan Scott

---

**From:** David Apgar  
**Sent:** Thursday, January 19, 2012 11:05 AM  
**To:** Susan Scott  
**Subject:** RE: Special Event Permit - CFF Bicycle Seacoast Safari

Village Fire approval.

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

---

**From:** Susan Scott  
**Sent:** Thursday, January 19, 2012 10:57 AM  
**To:** Charles J. Szeniewski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit - CFF Bicycle Seacoast Safari

Please find another SEP for review/approval.

Thank you, Susie.

Susan Scott  
Administrative Assistant to the Town Manager Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)<<mailto:sscott@yorkmaine.org>>  
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f: (207) 363-1019

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## Susan Scott

---

**From:** Stephen H. Burns  
**Sent:** Thursday, January 19, 2012 11:34 AM  
**To:** Susan Scott  
**Subject:** RE: Special Event Permit - CFF Bicycle Seacoast Safari

Susie,

I have no code issues with this event.

Steve

Stephen Burns  
Community Development Director  
Town of York, Maine  
186 York Street, York, ME 03909  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sburns@yorkmaine.org](mailto:sburns@yorkmaine.org)  
p: (207) 363-1007

---

**From:** Susan Scott  
**Sent:** Thursday, January 19, 2012 10:57 AM  
**To:** Charles J. Szeniewski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit - CFF Bicycle Seacoast Safari

Please find another SEP for review/approval.

Thank you, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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## Susan Scott

---

**From:** David K. Bridges  
**Sent:** Thursday, January 19, 2012 7:34 PM  
**To:** Susan Scott; Charles J. Szeniaowski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** RE: Special Event Permit - CFF Bicycle Seacoast Safari

I agree with Mike for using a paint that will come off after a few rains. I would also suggest that the bikers wear bright clothing for visibility. The last 2 years we have had accidents involving bikers on Long Sands, not much room for mistakes. I see no problem if they agree to these suggestions. Dave

---

**From:** Susan Scott  
**Sent:** Thursday, January 19, 2012 10:57 AM  
**To:** Charles J. Szeniaowski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit - CFF Bicycle Seacoast Safari

Please find another SEP for review/approval.

Thank you, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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Condition #2

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## Susan Scott

---

**From:** Kevin M. LeConte  
**Sent:** Wednesday, January 25, 2012 2:26 PM  
**To:** Susan Scott  
**Subject:** RE: Special Event Permit - CFF Bicycle Seacoast Safari

Susan

I just spoke to the people at cff and they are going to change the route around shore road and cape neddick road. I will approve the event once they call me back.



**Kevin M. LeConte**

*Captain*

Town of York, ME Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [kleconte@yorkpolice.org](mailto:kleconte@yorkpolice.org)  
p: (207) 363-1031, Ext. 102  
f: (207) 363-1033

Condition # 3

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---

**From:** Susan Scott  
**Sent:** Thursday, January 19, 2012 10:57 AM  
**To:** Charles J. Szeniaowski; Kevin M. LeConte; Dean Lessard; Christopher Balentine; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit - CFF Bicycle Seacoast Safari

Please find another SEP for review/approval.

Thank you, Susie.

*Susan Scott*

*Administrative Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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## Susan Scott

---

**From:** Dean Lessard  
**Sent:** Friday, February 17, 2012 9:01 AM  
**To:** Susan Scott  
**Cc:** Robert G. Yandow  
**Subject:** RE: Special Event Permits - Third Request for Review

Susie

I have reviewed all of the Events. The only concerns I have is with the amended route of the Patriot Riders. Railroad Avenue and parts of Long beach Ave will still be under construction.

Dean

---

**From:** Susan Scott  
**Sent:** Thursday, February 16, 2012 10:53 AM  
**To:** Dean Lessard  
**Cc:** Robert G. Yandow  
**Subject:** Special Event Permits - Third Request for Review

Dean,

re: Art in Park, Cystic Fibrosis Seacoast Safari<sup>✓</sup>  
and Patriot Motor

This is my third request to you for review and approval of above Special Event permits. As you are out next week, I would greatly appreciate it if you could respond by tomorrow so I can get these on the next BOS agenda.

Thank you, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

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---

**From:** Susan Scott  
**Sent:** Friday, February 03, 2012 8:18 AM  
**To:** Dean Lessard  
**Subject:** RE: Special Event Permit

Dean,

Have you had a chance to review the following Special Event Permits?

- Art in the Park (September 15, 2012)
- Cystic Foundation – Seacoast Safari (July 14 & 15, 2012)

Thanks, Susie

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> February 23, 2012	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> February 27, 2012	
Regular <input checked="" type="checkbox"/> Work Session _____	
<b>Subject:</b> Special Event Permit Application: Art in the Park	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Susan H. Scott
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the Art in the Park event to be held on Saturday, September 15, 2012 from approximately 9:00 AM to 4:00 PM.

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

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

Prepared By: Susan H. Scott

Reviewed By: Robert M. Yandow



# Town of York, Maine Special Event Permit Application

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

Date: 1/11/2012

Name of Event: Art in the Park

Type of Event: Art Show

Organization Name: York Art Association Phone #: 363-4049

Organization Address: 394 York St. City: York State: ME Zip: 03909

Applicant Name: Mary Sweeney Phone #: msweeney5@mac.com  
363-6937

Applicant Address: 18 Gardners Crossing City: York State: ME Zip: 03909

Contact Name for Day of Event: Mary Sweeney Contact Phone # \_\_\_\_\_

Date of Event: 9/15/2012 Day of Week: Saturday

Starting Time: 9 am Ending Time: 4 pm

Assembly Area: Harmon Park

Dispersal Area: " "

Event Route: \_\_\_\_\_

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
YAA has insurance

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

Tents

Describe how group is organized and supervised to insure order: \_\_\_\_\_

YAA has a team of volunteers - driving vendor cars to park at ~~off-site~~ off-site parking & manned visitor tent

Purpose of the Event: Art Show

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

Signature of Applicant: Mary Sweeney

**For Town Use Only:**

Reviewed by:

**Department**

**Initials**

Police Department

✓ 1/18/12 Email

Public Works

✓ 2/17/12 Email

Parks/Recreation

✓ 1/18/12 Email

Village Fire

✓ 1/18/12 Email

York Beach Fire

✓ 2/3/12 Email

Code Enforcement

✓ 2/3/12 Email

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

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## Susan Scott

---

**From:** Dean Lessard  
**Sent:** Friday, February 17, 2012 9:01 AM  
**To:** Susan Scott  
**Cc:** Robert G. Yandow  
**Subject:** RE: Special Event Permits - Third Request for Review

Susie

I have reviewed all of the Events. The only concerns I have is with the amended route of the Patriot Riders. Railroad Avenue and parts of Long beach Ave will still be under construction.

Dean

---

**From:** Susan Scott  
**Sent:** Thursday, February 16, 2012 10:53 AM  
**To:** Dean Lessard  
**Cc:** Robert G. Yandow  
**Subject:** Special Event Permits - Third Request for Review

Dean,

rc: Art in Park, Cystic Fibrosis Seacoast Safari  
and Patriot Motorcycle Ride

This is my third request to you for review and approval of above Special Event permits. As you are out next week, I would greatly appreciate it if you could respond by tomorrow so I can get these on the next BOS agenda.

Thank you, Susie.

*Susan Scott*

*Administrative Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, Maine 03909-1314

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

e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)

p: (207) 363-1000, Ext. 222

f: (207) 363-1019

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**From:** Susan Scott  
**Sent:** Friday, February 03, 2012 8:18 AM  
**To:** Dean Lessard  
**Subject:** RE: Special Event Permit

Dean,

Have you had a chance to review the following Special Event Permits?

- Art in the Park (September 15, 2012)
- Cystic Foundation – Seacoast Safari (July 14 & 15, 2012)

Thanks, Susie

*Susan Scott*

*Administrative Assistant to the Town Manager*

Town of York, Maine

## Susan Scott

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**From:** Michael J. Sullivan  
**Sent:** Wednesday, January 18, 2012 9:53 AM  
**To:** Susan Scott; Christopher Balentine; Charles J. Szeniaowski; David K. Bridges; David Apgar; Dean Lessard; Stephen H. Burns  
**Subject:** RE: Special Event Permit 9-15-12

Parks and Recreation has no problem with this event.

*Michael J. Sullivan, Director  
Parks and Recreation*

*Town of York, Maine  
186 York Street  
York, Maine 03909  
(207) 363-1040  
[msullivan@yorkmaine.org](mailto:msullivan@yorkmaine.org)*

---

**From:** Susan Scott  
**Sent:** Wednesday, January 18, 2012 9:25 AM  
**To:** Christopher Balentine; Charles J. Szeniaowski; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit 9-15-12

Please find another SEP for review/approval.

Thanks, Susie.

*Susan Scott  
Administrative Assistant to the Town Manager  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019*

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## Susan Scott

---

**From:** David Apgar  
**Sent:** Wednesday, January 18, 2012 11:30 AM  
**To:** Susan Scott  
**Subject:** RE: Special Event Permit 9-15-12

Village Fire approval.

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

---

**From:** Susan Scott  
**Sent:** Wednesday, January 18, 2012 9:25 AM  
**To:** Christopher Balentine; Charles J. Szeniewski; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit 9-15-12

Please find another SEP for review/approval.

Thanks, Susie.

Susan Scott  
Administrative Assistant to the Town Manager Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)<<mailto:sscott@yorkmaine.org>>  
p: (207) 363-1000, Ext. 222  
f: (207) 363-1019

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## Susan Scott

---

**From:** Charles J. Szeniewski  
**Sent:** Wednesday, January 18, 2012 12:20 PM  
**To:** Susan Scott; Christopher Balentine; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Stephen H. Burns  
**Subject:** RE: Special Event Permit 9-15-12

This is an annual event that does not cause an issue for us . The off street parking takes care of our issues.

**Lieutenant Charles J. Szeniewski**  
*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniewski@yorkpolice.org](mailto:cszeniewski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 363-1033

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**From:** Susan Scott  
**Sent:** Wednesday, January 18, 2012 9:25 AM  
**To:** Christopher Balentine; Charles J. Szeniewski; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Permit 9-15-12

Please find another SEP for review/approval.

Thanks, Susie.

*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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## Susan Scott

---

**From:** Stephen H. Burns  
**Sent:** Friday, February 03, 2012 12:49 PM  
**To:** Susan Scott  
**Subject:** RE: Special Event permits

Susie,

No code issues for Art in the Park event.

Steve

Stephen Burns  
Community Development Director  
Town of York, Maine  
186 York Street, York, ME 03909  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sburns@yorkmaine.org](mailto:sburns@yorkmaine.org)  
p: (207) 363-1007

---

**From:** Susan Scott  
**Sent:** Friday, February 03, 2012 8:21 AM  
**To:** Stephen H. Burns  
**Subject:** Special Event permits

Hi Steve,

Have you had a chance to review the following Special Event Permits?

- Annual Decorator Show House
- Art in the Park (September 15, 2012)

Thanks, Susie  
*Susan Scott*  
*Administrative Assistant to the Town Manager*  
Town of York, Maine  
186 York Street, York, Maine 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [sscott@yorkmaine.org](mailto:sscott@yorkmaine.org)  
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**Susan Scott**

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**From:** David K. Bridges  
**Sent:** Friday, February 03, 2012 2:00 PM  
**To:** Susan Scott

*Art in the Park*

Both of those events are in the Village district so I have no problem Dave

Sent from my iPhone

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