



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

BOARD OF SELECTMEN'S MEETING AGENDA

6:00/7:00PM MONDAY, FEBRUARY 23, 2015
YORK LIBRARY

6:00PM: Executive Session: Town Manager's Performance Review, Pursuant to
M.R.S. § 405.6.A

Call to Order

Opening Ceremonies

A. Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

1. Contract for Long Sands Bathhouse Project RFP

E. Reports

1. York Community Services Association – Michelle Surdoval
2. Leeward Landing – Robert Werner

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

G. Approval of Warrant #34

H. Public Hearings

1. Proposed Ordinance Amendments for May 2015 General Referendum
 - a) Elimination of the Sunset Clause Regarding Outside Display Along Route 1;

- b) Amendment of Sign Standards (Digital Displays throughout Town);
 - c) Match Density and Minimum Lot Size in the Watershed Protection Overlay District;
 - d) Amend Gen-3 Permitted Uses within the Gen-3 Zoning District;
 - e) Amend RES-2 Commercial Uses as it relates to Motels/Hotels;
 - f) Establish Sign Standards for "Gateway Signs;" and
 - g) Establish Standards for Local Driveway Permitting
2. Maynard Dock Application

I. Endorsements

Business Licenses: Cliff Realty Corporation DBA: Cape Neddick Country Club, and Global Montello Group Corporation DBA: Mr. Mike's

J. Old Business

1. Overview Discussion about the Long Sands Projects and Anticipated Timeframe for Completion
2. Discussion and Possible Action: Amending the Long Sands Bathhouse Committee Charter and Appointments to the Long Sands Bathhouse Municipal Building Committee
3. Discussion and Possible Action: Maynard Dock
4. Discussion and Possible Action: Geothermal Option for the Proposed Community Auditorium
5. Discussion and Possible Action: Health Insurance Opt-Out Policy
6. Discussion and Possible Action: Proposed Ordinance Amendments for May 2015 General Referendum

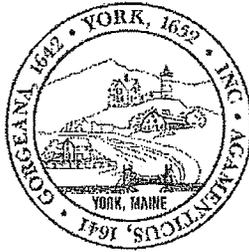
K. New Business

1. Discussion and Possible Action: Transferring Heating Assistance Funds to YCSA
2. Property Redemption: 2 Pasture Lane
3. Discussion and Possible Action: Request to Change Restrictions Imposed on Property at 8 Gunnison Road

L. Other Business

M. Citizens' Forum

Adjourn



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 20, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 23, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Consultants Proposals – Long Sands Beach Master Plan Project	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The RFP'S for Long Sands Beach Master Plan generated a great deal of interest and the Town received eight excellent proposals from multidisciplinary consulting firms and project teams. We have listed the competing firms below along with their total cost. Selectmen should note that three of the firms submitting proposals included construction administration services as part of their cost structure. These services were not specified in the RFP. With that in mind we have acknowledged it when applicable and deducted the cost to provide an accurate comparison for your review.

Ransom Consulting , Inc., Portland, Maine	109,879
Wright Pierce, Portland, Maine	152,580 94,500 (Less Con. Admin. -58,080)
BH2M, Gorham, Maine	155,400
Oak Point Associates, Biddeford, Maine	180,975 144,390 (Less Con. Admin. -36,585)
Woodard & Curran, Portland, Maine	229,725
Milone & MacBroom, Portland, Maine	233,779
Parsons & Brinckerhoff, Boston, Ma.	235,960 192,312 (Less Con. Admin. -43,648)
Kleinfelder, Augusta, Maine	240,000

The Review Committee included Mike Sullivan, Dean Lessard, Dylan Smith and Stu Dawson. Each member reviewed the proposals individually and ranked them based on the consultants understanding of the project, experience with similar projects, quality of staff, use of sub-consultants, cost, location of office and manager, references and misconduct. Once complete, the Committee met as a group to discuss the various aspects of each proposal and share observations, questions or concerns. Ultimately four finalists were selected and invited to give presentations and attend a Q&A session with the Review Committee, they were; Wright Pierce, Ransom Consulting, Oak Point Associates and Parsons and Brinkerhoff.

Concluding the presentations the field was narrowed to two finalists; Parsons and Brinkerhoff and Ransom Consulting. Individual meetings were held with both firms to further communications and discuss the consultants responsibilities in more detail. Consultants were allowed to adjust their estimates based on services added or deleted, depending on how they each bid the project. The Committee's goal was to establish a clear and transparent understanding of the services required and to insure there would be no surprises for either party once the contract was awarded. Parsons and Brinkerhoff revised their price to \$164,805.83 and Ransom Consulting revised their price to \$135,340.42. We have attached the revised proposals from both Firms.

The Committee is unanimous in its decision to recommend to the Board of Selectmen that they award the contract to Ransom Consulting, Inc. of Portland , Maine in the amount of \$135,340.42. We feel comfortable that the Firm has a good understanding of the project and has put forth a solid, cost effective proposal.

Another option available to the Board would be to select Parsons and Brinkerhoff as the Review Committee's second option. They presented themselves as a strong, experienced team and exhibited enthusiasm for the project. The Committee was impressed with the building architect. All things considered, it is fair to say that the deciding factor for the Committee was cost.

Finally, a third option for the Board would be to disregard the Committee's recommendations and start the review process from the beginning.

RECOMMENDATION: We recommend the Board award the contract for consulting services for the Long Sands Beach Master Plan Project to Ransom Consulting, Inc. of Portland, Maine in the amount of \$135,340.42.

PROPOSED MOTION: Move to award the contract for consulting services for the Long Sands Beach Master Plan Project to Ransom Consulting, Inc. of Portland, Maine in the amount of \$135,340.42.

FISCAL IMPACT: \$135,340.42

DEPARTMENT LINE ITEM ACCOUNT: Capital – Bathhouse, Drainage projects and MPI Grant.

BALANCE IN LINE ITEM IF APPROVED: \$1,651,660

PREPARED BY: _____ REVIEWED BY:  _____

Table 1 - Costing

Tasks	Ranson			Mitchell & Assoc.		CWS Architects		TY LIN		Titcomb Assoc.	Total
	Sr. Eng	Proj. Eng	CAD	Sr. LA	LA	Sr. Architect	Architect	Sr. Traffic Eng.	Traffic Eng.	Surveyor	
	\$135.00	\$110.00	\$75.00	\$125.00	\$85.00	\$130.00	\$85.00	\$158.69	\$83.21	\$125.00	
Data Coordination	\$2,970.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$634.76	\$665.68	\$750.00	\$5,020.44
Review of Survey Data										6	
Traffic counts								4	8		
Geotechnical borings											
Preliminary Design Reports	\$2,295.00	\$3,960.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,269.52	\$3,161.98	\$0.00	\$10,686.50
Traffic control plan		2						8	38		
Geotechnical investigation	15	2									
Drainage evaluation	2	32									
Permitting	\$1,080.00	\$7,920.00	\$600.00	\$750.00	\$1,700.00	\$1,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,350.00
Bathhouse	6	40	8	6	20	10					
Drainage	2	32									
Conceptual Plan - 30%	\$270.00	\$4,400.00	\$3,000.00	\$2,125.00	\$3,100.00	\$2,340.00	\$2,040.00	\$1,586.90	\$0.00	\$0.00	\$20,861.90
3 concepts/street	2	32	40	4	16			8			
3 concepts/bathhouse				12	36	18	24				
Cost Estimate		8		1	8			2			
Preliminary Design - 50%	\$0.00	\$7,920.00	\$3,000.00	\$1,500.00	\$5,440.00	\$1,560.00	\$4,250.00	\$1,269.52	\$1,331.36	\$0.00	\$26,270.88
Bathhouse						12	30				
Realize/intersection		32	18					4	8		
Parking/ped/bicycles		24	18	6	20			4	8		
Streetscape/landscape				6	44						
Drainage		16	4								
Final Design - 100%	\$405.00	\$4,840.00	\$3,600.00	\$750.00	\$3,060.00	\$4,160.00	\$14,110.00	\$634.76	\$0.00	\$0.00	\$31,559.76
Bathhouse						32	166				
Plan and profile	2	36	20								
Drainage/erosion control	1	4	4					4			
Landscape				4	24						
Details		4	24	2	12						
Construction Administration	\$405.00	\$2,640.00	\$0.00	\$250.00	\$680.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,975.00
Bid docs	2	20		1	8						
Bid review and recom.	1	4		1							
Meetings	\$4,860.00	\$440.00	\$0.00	\$4,750.00	\$0.00	\$4,940.00	\$0.00	\$4,125.94	\$0.00	\$0.00	\$19,115.94
Selectmen (3)	12			12		12		12			
Public (3)	12			12		12		12			
Building Committee (3)	12			12		12					
Pre-Bid meeting		4		2		2		2			
Totals	\$12,285.00	\$32,120.00	\$10,200.00	\$10,125.00	\$15,980.00	\$14,300.00	\$20,400.00	\$9,521.40	\$5,159.02	\$750.00	\$130,840.42
Rendering Allowance (if requested)					\$1,500	\$3,000.00					\$4,500.00
3D Plan (up to 3)											
										Total with Allowance	\$135,340.42



**Notice of Public Hearing
Board of Selectmen
Monday, February 23, 2015
7:00 PM
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed ordinance amendments to be considered at the May 2015 General Referendum, as follows:

1. Elimination of the Sunset Clause Regarding Outside Display Along Route 1;
2. Amendment of Sign Standards (Digital Displays throughout Town);
3. Match Density and Minimum Lot Size in the Watershed Protection Overlay District;
4. Amend Gen-3 Permitted Uses within the Gen-3 Zoning District;
5. Amend RES-2 Commercial Uses as it relates to Motels/Hotels;
6. Establish Sign Standards for “Gateway Signs” and
7. Establish Standards for Local Driveway Permitting

Printed copies of the text of this amendment(s) (draft document dated January 23, 2015) are available with the Town Clerk at the Town Hall, and digital copies are available on the Town’s Web page (www.yorkmaine.org).



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 17, 2015

ACTION

DATE ACTION REQUESTED: February 23, 2015

DISCUSSION ONLY

SUBJECT: Business License Application (1)

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All appropriate departments have given approval; See "Department Approvals" on page two of the application.

RECOMMENDATION: Approve the Business License(s) attached.

PROPOSED MOTION: I moved to approve the following licenses: *Global Montello Group Corporation DBA: Mr. Mike's for Food Service; Located at 519 US Route One, and Cliff Realty Corporation DBA: Cape Neddick Country Club for Food Service, Liquor and Special Amusement; Located at 650 Shore Road* subject to taxes, fees and inspections being current and compliant with the usual noise stipulations.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: _____ REVIEWED BY: _____

THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Mr. Mike's York

Street Address: 519 U.S. Route 1, York, ME 03909

Business Owner: Global Montello Group Corp. Business Manager: N/A

Mailing Address: 800 South Street, Suite 500 Mailing Address: _____
Waltham, MA 02453

Phone Number: 781-706-6355 Phone Number: _____

E-mail Address: VanAuker@AllianceEnergy.com E-mail Address: _____

Please indicate who is to be the Primary Contact with the Town: OWNER or MANAGER

Is the Business Owner same as the prior year? YES NO

Please indicate which Licenses or Local Approvals you seek:

Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: _____

Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: 0

Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: _____

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	2-27534	549	
Expiration Date(s):	12/31	3/1/14	
Classification(s):	Retail Food/Meat	Liquor	

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Global Montello Group Corp.
Signature by Andrew Sufka, EVP

Have you ever been convicted of a Felony? YES NO

Business Manager: _____
Signature

Have you ever been convicted of a Felony? YES / NO

(If either person has a Felony conviction, please attach an explanation of the circumstances)

FOR OFFICE USE ONLY

FEES		Amount	Map - Lot: 0048 - 0043 - 0001	
Application and First License (\$60)		60.00	Processed By: mmavery	
Subsequent Licenses (\$30 each)		-	Received Date: 1/6/2015	
New License Fee (\$50)		-	Amount Received: \$ 60.00	
License Amendment (\$25)		-	Check # 33707 or Cash <input type="checkbox"/>	
Other: _____		-	LICENSE #: _____ - _____	
TOTAL DUE		\$ 60.00		
Department Approvals		Date of Approval		Special Conditions (Attached if Necessary)
Code Enforcement	_ N/A	1/15/2015 K. Newell		YES <input type="radio"/> NO <input checked="" type="radio"/>
Fire	_ N/A	2/16/2015 D. Appgar		YES <input type="radio"/> NO <input checked="" type="radio"/>
Police	✓ N/A			YES <input type="radio"/> NO <input type="radio"/>
Tax Collector	_ N/A	1/8/2015 M. Szeniewski		YES <input type="radio"/> NO <input checked="" type="radio"/>
Board of Selectmen _____ Town Manager for the Board of Selectmen			_____ Date	YES <input type="radio"/> NO <input type="radio"/>

THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: CAPE NEDDICK COUNTRY CLUB

Street Address: 650 SHORE ROAD, CAPE NEDDICK, ME. 03902

Business Owner: CLIFF REALTY CORP. Business Manager: PAUL HASELTINE

Mailing Address: PO Box 2249 Mailing Address: 353 OCEAN AVE

OGUNQUIT ME 03907 WELLS, ME 04090

Phone Number: 207.361.2011 Phone Number: 207.251.9897

E-mail Address: INFO@CNCCGOLF.COM E-mail Address: HEZ@CNCCGOLF.COM

Please indicate who is to be the Primary Contact with the Town: OWNER or MANAGER

Is the Business Owner same as the prior year? YES NO

Please indicate which Licenses or Local Approvals you seek:

Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: _____

Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: 75

Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: _____

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	<u>Liquor</u> 5722	<u>HEALTH</u> 4938	<u>Tobacco</u> 20929
Expiration Date(s):	3/28/15	2/16/2015	3/31/15
Classification(s):	B CLASS I		

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: [Signature] PRES. Have you ever been convicted of a Felony? YES NO

Business Manager: [Signature] GEN MGR. Have you ever been convicted of a Felony? YES NO

(If either person has a Felony conviction, please attach an explanation of the circumstances)

FOR OFFICE USE ONLY

FEES		Amount	Map - Lot: <u>0100 - 0003</u>
Application and First License (\$60)		60.-	Processed By: <u>mmavery</u>
Subsequent Licenses (\$30 each)		60.-	Received Date: <u>1/16/2015</u>
New License Fee (\$50)		—	Amount Received: \$ <u>120.00</u>
License Amendment (\$25)		—	Check # <u>19483</u> or Cash <input type="checkbox"/>
Other: _____		—	LICENSE #: _____ - _____
TOTAL DUE		\$ <u>120.00</u>	
Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	<u>— N/A</u>	<u>1/26/2015 K. Newell</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Fire	<u>— N/A</u>	<u>2/17/2015 D. Bridges</u>	<input checked="" type="checkbox"/> YES NO
Police	<u>— N/A</u>	<u>2/11/2015 O. Davis</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Tax Collector	<u>— N/A</u>	<u>1/16/2015 M. Szeniewski</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Board of Selectmen _____ Town Manager for the Board of Selectmen _____ Date _____			YES NO

Melissa M. Avery

From: David K. Bridges
Sent: Tuesday, February 17, 2015 3:36 PM
To: Melissa M. Avery
Subject: Re: Cape Neddick Country Club

This is one of those that things are not compliant NOW but most likely will be by the time they open. You can grant their license and I'll re-check before they open. Dave

Sent from my iPhone. Dave

On Feb 17, 2015, at 2:25 PM, "Melissa M. Avery" <mmavery@yorkmaine.org> wrote:

Hi Dave,

The fellow at the Cape Neddick Country Club said that he had his Fire inspection done already, but I hadn't heard anything from you yet. Is it all set?

Missy

Melissa M. Avery
Assistant to the Town Manager

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

Please consider the environment before printing this email.

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Parks and
Recreation
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Fax
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(207)363-1019

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To: Board of Selectmen
From: Mike Sullivan, Parks and Recreation Director
Subject: Long Sands Master Plan – Project Schedule
Date: February 20, 2015

Steve had asked that I review the project schedule for the Long Sands Master Plan Project with the Board of Selectmen at their February 23rd meeting. The following was included in the RFP in order to provide a time frame for the project.

"The Consultant shall indicate its commitment to an expeditious completion of the work. It is the Town's preference that the consultant shall commence work on the project within seven (7) days of the date of the contract award date, and all required easements, design and permitting work will be completed no later than September 1st, 2015, and that the final construction documents and deliverables will be provided no later than October 15th, 2015. Ability to achieve this schedule should be described by the Consultant."

The majority of the Consultants submitting proposals have provided a schedule that is consistent with the October 15th deadline. As the project progresses it is our intent to bid the construction of the bathhouse separate from the drainage and road improvements. With that said our goal for both projects is for construction to begin in November of 2015 and be completed by late spring 2016.

This is an aggressive schedule and it is essential the consultants stay mindful of scheduling benchmarks. This will be critical with respect to the bathhouse piece as the project is limited to winter construction only.



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 20, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 23, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Long Sands Bathhouse Building Committee	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: I would like to recommend that the Board of Selectmen amend the Long Sands Bathhouse Building Committee Charter to allow for seven (7) voting members instead of (5) five voting members, as was previously approved by the Board. The purpose of the amendment would be to enable the Selectmen to appoint all of the current applicants.

RECOMMENDATION: To amend the Bathhouse Building Committee Charter to allow for seven (7) voting members instead of five (5) voting members, as was previously approved by the Board.

PROPOSED MOTION: Move to amend the Bathhouse Building Committee Charter to allow for seven (7) voting members instead of five (5) voting members, as was previously approved by the Board.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY:

REVIEWED BY: _____

Municipal Building Committee – Committee Charter

Long Sands Bathhouse

Ad Hoc Committee. The Municipal Building Committee is an ad hoc committee created by and answerable to the Board of Selectmen. It shall operate until completion of the new bathhouse facility or until terminated by vote of the Board of Selectmen.

Membership. The Committee shall be comprised of seven (7) voting members, five (5) of which shall be members at large appointed by the Board of Selectmen, one member of the Budget Committee appointed by the Budget Committee, one (1) member of the Parks and Recreation Board appointed by the Parks and Recreation Board, and one (1) ex-officio (non-voting) member of the Board of Selectmen, also appointed by the Board of Selectmen. A quorum for the purposes of voting shall require a minimum of four (4) members present and voting, and decisions shall be by majority vote.

Meetings. All meetings of the Committee shall be broadcast on channel 3, and minutes shall be taken in accordance with Roberts Rules of Order. Minutes shall be provided to the Town Clerk upon approval of the Committee.

Scope of Responsibilities. The Committee shall advise the Board of Selectmen with respect to construction of the Long Sands Bathhouse and with respect to related matters as are required to complete the project. Further, the Committee shall supervise the process for construction of the Bathhouse as required by the Town of York Home Rule Charter.

Project Goal. It is the goal of the Town to successfully complete the Bathhouse project, within the approved budget, and in a manner that results in full compliance with all applicable laws. Success will be determined by receipt of an occupancy permit for the building. The goal is to have the project completed in time for the 2016 beach season (May 1st, 2016)

Duties: The Committee Shall:

1. Become familiar with the plans, permits and approvals necessary to complete the project.
2. Develop an understanding of project budgets and project costs.
3. Advise the Board of Selectmen through the process of building construction, and as necessary, recommend to the Board of Selectmen modifications necessary to complete the project within the limits of the approved budget.
4. Serve as the Town's liaison with the design consultants.
5. Solicit any decision of the Board necessary to successfully complete the project.
6. Implement the decisions of the Board of Selectmen with regards to the project.

7. Serve as the Town's liaison with the Construction Manager.
8. At least once a month, report to the Board of Selectmen about the physical and budget status of the project.

Modification of the Committee Charter. Any time after the formation, the Committee may propose to the Board of Selectmen any modification of its Charter believed necessary to enhance the ability to achieve the above stated project goal. The Board of Selectmen may accept, modify or reject proposed changes.



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 20, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 23, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Long Sands Bathhouse Municipal Building Committee Appointments	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Joseph Lipton, Stu Dawson and Jim Bartlett all applied for membership to the Long Sands Bathhouse Municipal Building Committee

RECOMMENDATION: Appoint all the applicants to the Long Sands Bathhouse Municipal Building Committee

PROPOSED MOTION: I moved to appoint Joseph Lipton, Stu Dawson and Jim Bartlett as members to the Long Sands Bathhouse Municipal Building Committee.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: _____ REVIEWED BY: _____



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 18, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 23, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Capital Request	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Include a geothermal proposal as a capital warrant in May 2015. The project would be a bid alternate of the York Community Auditorium should it pass in May. The voters would also have the opportunity to pass the geothermal option to replace the base LP boiler and standard air conditioning. The result would be \$23,000 per year of operational savings. The amount of the capital request is \$450,000. The payback (19.56 yrs.) seems lengthy but with a space designed to be highly efficient the quick payback items are already included; displacement ventilation, digital controls, R20 walls, R30 roof, natural light, and automatic lighting controls. The buried wells will have a lifetime of 2-3 times the payback period – this accounts for \$264,000 of the cost of the project.

RECOMMENDATION: The recommendation is to put the geothermal proposal forward allowing the voters to be the deciders in May.

PROPOSED MOTION: "I moved to add the Geothermal Proposal for the York Community Auditorium to the Capital Plan for May 2015"

FISCAL IMPACT: \$450,000 capital project, \$23,000 annual operating savings, 19.56 yr. simple payback

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Zak Harding

REVIEWED BY: [Signature]

York Community Auditorium

Geothermal Proposal

From: Zak Harding, Director of Facilities

To: York School Committee & York Board of Selectmen

Date: 02/19/2015

The geothermal project has a modest positive value over the twenty-year repayment period. LP price is the base for energy savings as an LP boiler is the base energy cost assumption. Geothermal will use more kWh due to the pumps but the extra usage is calculated in the annual energy savings amount.

Loan Amount	450,000
Coupon / Discount Rate	3%
Total Repaid	591,750
Calculated yearly energy savings	23,000
Total of annual energy savings	645,638
LP inflation rate per 20yr avg.	4%
NPV of annual cash-flow	\$9,165
1st year with an annual positive cash-flow	yr 10 / 2016

Maine Historical Compound Annual Growth Rates (CAGR) for Fuel Oil and Propane As of February 25, 2013			
Fuel Oil		Propane	
Period	CAGR	Period	CAGR
5 years	2.8%	5 years	-2.2%
10 years	8.8%	10 years	4.8%
20 years	7.9%	20 years	4.0%

The school committee has been supportive of the geothermal option as a stand-alone warrant; they have not taken a vote on the \$450,000 capital item.

The geothermal pumps and heat exchangers will be added to our HVAC service agreement. The added cost will be incurred whether we add an LP boiler or geothermal heat exchanger to our system. An estimate based on our current service agreement; which comes out to \$0.36 per square foot at YHS. Adding a net 20,000 SF will add roughly 7,200 to our service agreement.

The maintenance staff is responsible for routine trouble shooting; responding to user issues (my room is too hot/cold/stuffy) via the controls system. Repairs if needed are done through our service agreement.

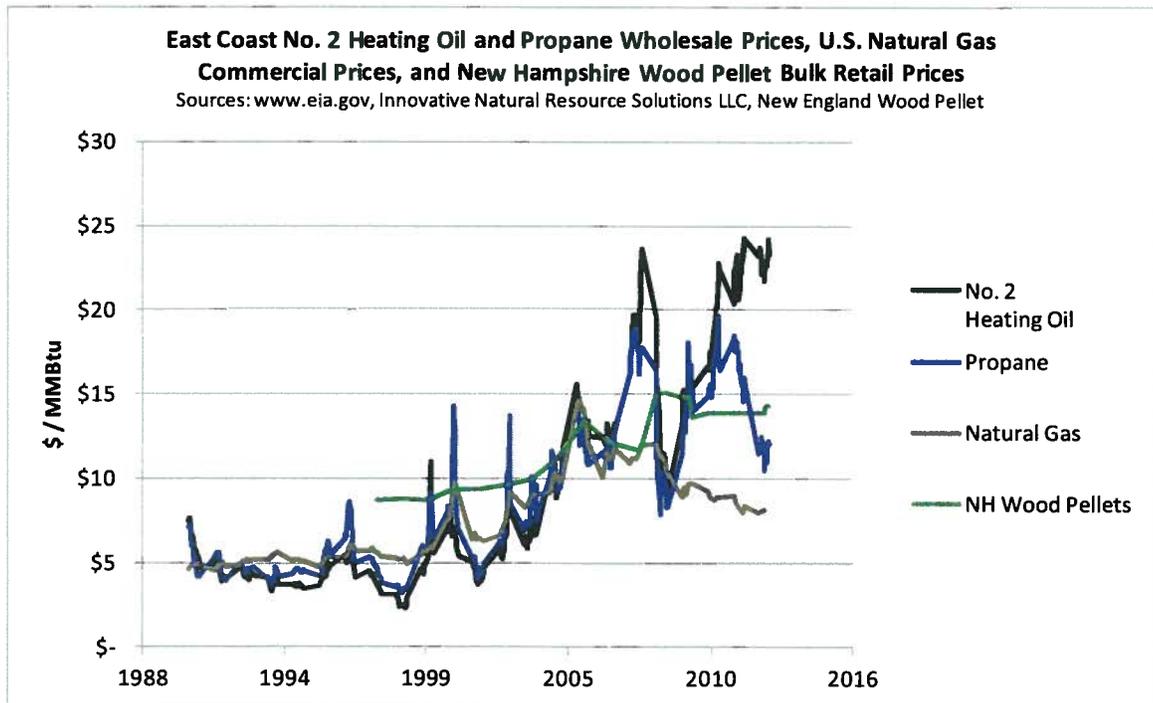
Most items are covered by our full service contract. Without a service agreement we would have to maintain a licensed boiler operator on staff.

The geothermal is a closed loop system. The water is treated so corrosion is not an issue, it does not mix with the heating loop that runs through the building.

The listed life on the pumps and other HVAC equipment is twenty-years. The piped sealed wells, which account for \$264,000 of the \$450,000 should be in the ground 2-3 times longer. They are PVC sealed in a special grout and are not exposed to the weather. The geothermal is a closed loop system. The water is treated so corrosion is not an issue, it does not mix with the heating loop that runs through the building.

This is a Green project that breaks even based on historic LP price inflation. Current LP prices are at lows not seen in years but as the graph below (from 2013) shows variability for all fuels is significant across a multi year span. This is the case where a twenty-year look we have two options: An LP boiler which is inexpensive up front but more costly on an annual basis versus geothermal which has significant up front cost but less expensive to operate.

With the twenty-year cost being a slight advantage to the geothermal it is a reasonable and responsible project to give the voters a chance to decide on in May.





REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 6, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 23, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: In-lieu of Insurance Policy for Non-union Personnel	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

1. Amend the policy as recommended and proposed below
2. Amend the policy in a different manner than recommended below
3. Leave the policy unamended

RECOMMENDATION: Amend the existing non-union personnel policy to provide applicable employees an amount equal to 25% of the employer premium, of the coverage they would otherwise be eligible for, to employees who waive medical coverage as the result of obtaining coverage through an outside source. In the instance of married spouses both employed by the Town, and eligible for medical insurance, the Town agrees to provide coverage to the employees at no cost. The employer will provide coverage in the most cost effective manner to the Town.

PROPOSED MOTION: We move to amend Section V, Article B of the Non-Union Personnel Policy effective July 1, 2015 to provide non-union employees eligible to enroll in medical insurance an annual reimbursement equal to 25% of the employer premium (savings) for the coverage they would otherwise be eligible to receive. In the instance of two benefits eligible non-union spouses, the Town will provide medical insurance at no cost to the family in the most cost effective coverage possible.

FISCAL IMPACT: \$20,343

DEPARTMENT LINE ITEM ACCOUNT: Multiple – benefits budgeted by department

BALANCE IN LINE ITEM IF APPROVED: TBD

PREPARED BY: Liam Gallagher, Human Resources Director REVIEWED BY: 



Town of York

186 York Street
York, Maine 03909-1314

To: Board of Selectmen
From: Liam Gallagher, Director of Human Resources
Subj: Non-union Personnel Policy; Medical Insurance Opt-out Incentive
Date: February 6, 2015

The Board of Selectmen has discussed the proposed policy change on two previous occasions, both times concluding the discussion by requesting additional market information. In essence, the Board is being asked to consider the benefit inequity between the non-bargaining employee group (42% of full-time employees) and the unionized workforce (58%) on this policy issue.

As you will see from the enclosed municipal market comparison, there appears to be a relationship between the level of incentive and the amount of employees declining medical insurance through their employer. Of the seventeen municipalities who responded, fifteen provide incentives to those who waive medical coverage and of those fifteen, the averaged range was \$1,500 - \$6,714.

Drawing meaningful conclusions from the market comparison is complicated by the fact some municipalities, particularly the larger cities, have differing levels of benefits across multiple unions and employee groups. Additionally, multiple municipalities offer incentives to employees who elect coverage less than what they would otherwise be eligible for. For example, if an employee was eligible for family coverage but elected single coverage they would be provided an incentive in recognition of that; a policy change we are not proposing.

One issue that has not been previously discussed, but should be addressed while we are discussing the policy, is how the Town manages medical insurance for married benefits eligible employees. Presently, one spouse generally covers the other under a family policy allowing the other spouse to be eligible for the opt-out incentive. After soliciting input from other municipalities I would propose the Town amend the non-union policy to provide medical coverage for the two employees at no cost with the stipulation that the employer would provide that coverage in the most cost efficient manner possible; a proposal that appears to be common in other municipal organizations.

To speak to providing coverage in the most cost efficient manner, the Town would have the ability to evaluate whether a family plan or two single plans, depending on their family status, would be more cost effective. For example, based on current rates, a family medical insurance plan costs \$20,951 and a single plan cost \$9,340. In the instance the married spouses had no additional dependents it would be more advantageous for the employer to provide two single plans than one family plan, a savings of \$2,271. Currently, benefits eligible employees, including spouses, can elect the coverage of their choosing potentially increasing the Town's costs.

The cost to implement the policy change, as proposed, would be \$20,343.



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 19, 2015

ACTION

DATE ACTION REQUESTED: February 23, 2015

DISCUSSION ONLY

SUBJECT: May 2015 Special General Referendum Ordinance Amendments

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: This is the first Board of Selectmen public hearing on the following proposed ordinance amendments: Elimination of the Sunset Clause Regarding Outside Display Along Route 1; Sign Standards (Digital Displays throughout Town); Match Density and Minimum Lot Size in the Watershed Protection Overlay District; Gen-3 Zoning District Permitted Uses; RES-2 Commercial Use Amendment; Establish Sign Standards for "Gateway Signs" and; Establish Standards for Local Driveway Permitting. Town Attorney has reviewed the proposed ordinance amendments and offered very minor edits, which I can address with the Board. The Town Manager has alerted me that the proposed "Standards for Local Driveway Permitting" ordinance is not ready to be placed on the ballot for May and should be pulled in order to review and evaluate the provisions located within the ordinance at a committee level. The Board has the option of approving the ordinances as presented to be placed on the May ballot, amending/editing the proposed ordinances and holding another hearing in March, or not accepting or pulling the proposed ordinance from being considered by the voters in May.

RECOMMENDATION: To forward the proposed ordinance amendments with the exception of "Standards for Local Driveway Permitting" to a second public hearing, to be held on March 23, 2015

PROPOSED MOTION: I move to forward the proposed ordinance amendments with the exception of "Standards for Local Driveway Permitting" to a second public hearing, to be held on March 23, 2015.

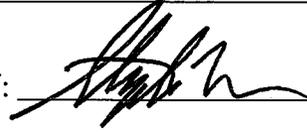
FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: Dylan Smith, Town Planner

REVIEWED BY:



A handwritten signature in black ink, appearing to be 'Dylan Smith', written over a horizontal line.

Proposed Amendments

to be considered at the

May 2015 Special General Referendum

Amendment

1. Elimination of the Sunset Clause Regarding Outside Display Along Route 1
2. Sign Standards (Digital Displays throughout Town)
3. Match Density and Minimum Lot Size in the Watershed Protection Overlay District
4. Gen-3 Zoning District Permitted Uses
5. RES-2 Commercial Use Amendment
6. Establish Sign Standards for “Gateway Signs”
7. Establish Standards for Local Driveway Permitting

Amendment #1

Outside Retail Display on Route 1

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to eliminate the sunset clause located under article 6.3.27.2 regarding outside display standards of retail goods within Route 1 Zoning Districts.

Statement of Fact: The purpose of this amendment is to continue to allow for outside display of retail goods per the standards established in Article 6-Special Provisions, Section 6.3.27.2. **Outside Retail Display.** The outside display standards, as established in May 2012, have been consistent with ensuring standards for visual appearance of commercial properties along Route 1 and will continue to allow businesses, within reason, to display goods for patrons and visitors alike.

Amendment: Eliminate the sunset clause located in 6.3.27.2, as follows:

- 6.3.27.2 **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. Outside retail display shall not involve any substantive physical change to or development of the property. It is simply an allowance to place product outside.
 - G. Such areas can straddle or cross onto a neighbor's property with that owner's permission.
 - H. Except for vehicle display (see §6.3.29), 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

~~SUNSET CLAUSE: Section 6.3.27.2 shall take effect immediately upon passage by the voters, and shall remain valid until June 20, 2015. After this date, outside retail display shall be prohibited. It is expected this allowance for outside retail display will be continued, with or without modification. This Sunset Clause is provided to allow evaluation of the impacts of this section's standards, and to make adjustments if needed without causing long term adverse impacts.~~

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

Amendment #2

Sign Standards (Digital Display)

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to add language to section 16.4.1 enumerating what illuminated signs are prohibited and to clarify that fuel price displays shall comply with pertinent sections of section 16.9 of the sign ordinance.

Statement of Fact: The purpose of this amendment is to reference the prohibitive signs and displays section of the ordinance in order to clarify illumination standards within the sign ordinance and to include reference to digital displays of fuel prices within section 16.9.3 of the ordinance.

Amendment: Add and alter language in section **16.4 Illumination of Signs** and **16.9 Prohibited Signs and Displays** of the zoning ordinance as follows:

16.4.1: ~~Except as prohibited in section 16.9 of this ordinance externally and internally illuminated signs~~ Permitted signs that are externally or internally illuminated shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare. ~~Internally lit signs shall not cause undue glare.~~

16.9.3: Flashing, moving or animated signs, movable electric signs, changeable signs, intermittently lit signs, digital, or signs that display electronic images or video are not permitted. Signs indicating *fuel prices*, time and/or temperature are permitted provided they meet the other provisions of this Section.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #3
*Match Density and minimum lot size in Watershed Protection
Overlay District*

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

Article X

The Town hereby ordains amendment of **Zoning Ordinance** 10.4.1 to ensure that minimum lot size density requirements within the overlay district are consistent with the purpose and intent of the overlay district ordinance and how it relates to density requirements of the underlying zoning district (predominately the Gen-2 Zoning District).

Statement of Fact: The purpose of this amendment is to ensure that the 10 acre minimum lot size density requirements of the Watershed Protection Overlay District are consistent within the underlying district.

Amendment: Article 10 section 10.4.1 to read as follows:

10.4.1 Minimum Lot Size. No lot shall be less than 10 acres in size in this Overlay District. *No lot shall contain more than one (1) dwelling unit with a maximum size of 5,000 square feet.* 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 *with the same density ratio* shall be allowed within this Overlay District.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #4

Gen-3 Zoning District Permitted Uses

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend the permitted use section of the General-3 Zoning District (GEN-3), specifically amending Article 4.2, Business, Village and General Districts.

Statement of Fact: The purpose of this amendment is to focus and permit a majority of non-residential uses south of the Little River (reference of the Little River can be found within the Natural Resources Chapter of the York Comprehensive Plan titled “Surface Waters and Watersheds”) within the Gen-3 district. The majority of parcels located north of the Little River within the district are small and overwhelmingly residential. This amendment is intended to better meet the priorities found within the future land use areas 5, 8, and 12 of the Town’s Comprehensive Plan.

Recommendations:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment: In Article 4, Use Regulations, Specifically, “Permitted Uses in the Gen-3 zone” Amend the following use category’s to read as follows:

Commercial Use Category (GEN-3)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses (~~South of the Little River~~Permitted south of the Little River only only)
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises (~~South of the Little River~~Permitted south of the Little River only)
- Banks (with or without drive-through window) (~~South of the Little River~~Permitted south of the Little River only)
- Antique Shops
- Laundries and Dry Cleaning Facilities (on public sewer) (~~South of the Little River~~Permitted south of the Little River only)

Draft Amendments to be voted in May 2015

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- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment (~~South of the Little River~~ Permitted south of the Little River only)
- Lodging and Tourist Homes/Inns (~~South of the Little River~~ Permitted south of the Little River only)
- Restaurants (~~South of the Little River~~ Permitted south of the Little River only)
- Ice Cream Stands (~~South of the Little River~~ Permitted south of the Little River only)
- Florists (~~South of the Little River~~ Permitted south of the Little River only)
- Garden Centers (~~South of the Little River~~ Permitted south of the Little River only)
- Pet Shops (~~South of the Little River~~ Permitted south of the Little River only)
- Commercial Schools (*on public sewer*)
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; *Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property*; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Production Facility; Medical Marijuana Registered Dispensary.

Office Use Category (GEN-3)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices (~~South of the Little River~~ Permitted south of the Little River only)
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic (~~South of the Little River~~ Permitted south of the Little River only)
- Laboratory or Research Facility (~~South of the Little River~~ Permitted south of the Little River only)
- EXPRESSLY PROHIBITED: Radio or Television Studio.

Civic & Public Use Category (GEN-3)

- Cemeteries
- Civic Use
- Cultural Facility (*on public sewer*)
- Essential Services
- Hospitals (~~South of the Little River~~ Permitted south of the Little River only)
- Medical Facility (~~South of the Little River~~ Permitted south of the Little River only)

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- Membership Organization (~~South of the Little River~~ Permitted south of the Little River only)
- Municipal Use
- Nursing Homes (*on public water and sewer*)
- Religious Use
- School
- Utility District

Industrial Use Category (GEN-3)

- Printing, Binding, Publishing and Related Arts and Trades (~~South of the Little River~~ Permitted south of the Little River only)
- Bottling of Beverages (~~South of the Little River~~ Permitted south of the Little River only)
- Machine Shop, Assembly, Packaging, or Manufacturing (~~South of the Little River~~ Permitted south of the Little River only)
- Wholesale Business and Storage in a Roofed Structure (~~South of the Little River~~ Permitted south of the Little River only)
- Wood Manufacturing and Fabrication (~~South of the Little River~~ Permitted south of the Little River only)
- Bulk Storage Collection Bin (~~South of the Little River~~ Permitted south of the Little River only)
- EXPRESSLY PROHIBITED: Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals; Waste Transfer Facility.

Vehicular Use Category (GEN-3)

- Vehicle Service Stations, Auto Repair Garages (~~South of the Little River~~ Permitted south of the Little River only)
- Auto Body Repair Shops (~~South of the Little River~~ Permitted south of the Little River only)
- Place for Repair, Sale, Rent or Storage of Pleasure Boats
- EXPRESSLY PROHIBITED: Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (GEN-3)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries

- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Animal Breeding (Small Domestic Animals)
- Harvesting of Wild Crops
- Veterinary Establishment, Kennel, or Similar Establishment – Provided that in commercial zones animals are kept wholly indoors.
- EXPRESSLY PROHIBITED: *Commercial Stables*; Mineral Exploration; Sand/Gravel Pits, Quarries, etc.

Recreation & Amusement Use Category (GEN-3)

- Indoor Amusement/Entertainment/Assembly Place (Enclosed) (*South of the Little River*~~Permitted south of the Little River only~~)
- Indoor Sports Facility (No Gambling) (*South of the Little River*~~Permitted south of the Little River only~~)
- Outdoor Sport and Amusement Facilities Conducted for Profit
- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House for Non-Commercial Purposes.

Miscellaneous Use Category (GEN-3)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Flea Markets (*South of the Little River*~~Permitted south of the Little River only~~)
- Mortuary, Undertaking or Funeral Establishment (*South of the Little River*~~Permitted south of the Little River only~~)
- Place for Exhibition, Lettering or Sale of Gravestones (*South of the Little River*~~Permitted south of the Little River only~~)
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses

- EXPRESSLY PROHIBITED: Casino; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses.

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

Amendment #5
RES-2 Commercial Use Amendment

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend the motels/hotels commercial use category of the RES-2 District to include expansion of existing motel/hotel facilities to a contiguous lot under the same ownership as the existing motel/hotel facility, specifically the lot located at 76 Bald Head Cliff Road.

Statement of Fact: The purpose of this amendment is to expand the motel/hotel use that is currently permitted in the RES-2 zone on the existing Cliff House Resort and Spa property to an adjacent property at 76 Bald Head Cliff Road that is also owned by the same parent entity that owns the Cliff House.

Amendment: Amend Article Four, specifically the Motels/Hotels Section of the Commercial Use Category of the RES-2 District as follows:

Motels/Hotels- Only facilities which existed as of March 30, 1985 and which have a master plan approved by the DEP may expand. Expansions may only be within the owner's lot of record and contiguous lots owned by that owner as of March 30, 1985. *Expansion may also be permitted on 76 Bald Head Cliff Road (Map 156, Lot 17), provided that is determined by the Town Planner to be a contiguous lot owned by a legal entity under the control of the owner of the adjacent hotel property as of April 23, 2014.* These motel and restaurant facilities and their permitted expansions are to be considered a conforming use in this district.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #6 *Sign Standards (Gateway Signs)*

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to add language to section 16.2-Sign Types by defining “Gateway Signs” as well as dimensional standards for “Gateway Signs” within section 16.5.2-Dimensional Standards by Sign Type. The ordinance also adds language to section 16.3-Performance Standards by specifying that a permit application for “Gateway Signs” must receive approval from the Board of Selectmen with comment from the Code Enforcement Officer and Public Works Director prior to receiving a permit to construct a “Gateway Sign.”

Statement of Fact: The purpose of this amendment is to provide a reasonable standard for Town approved gateway signs that communicate an identifiable village or area within the Town of York.

Amendment: Add a definition of “Gateway Sign to 16.2-Sign Types and re-number that section in alphabetical order. When renumbered in alphabetical order the inserted definition will read as follows.

16.2.9 Gateway Signs: A gateway sign is a freestanding sign, constructed within a public right-of-way, or adjacent lot, which communicates the name of the Town or village area.

Amendment: Add language to section 16.3-Performance Standards, specifically section 16.3.1 to read as follows:

16.3.1 No new, additional or enlarged commercial sign shall be erected or placed within the Town of York except as provided below. No person, firm, corporation or organization shall erect, enlarge, or replace any sign described above without first obtaining a permit from the Code Enforcement Officer, except as exempted by this Ordinance. All permit applications shall include a drawing showing all dimensions, types of materials, and illumination proposals. *An application for a “Gateway Sign,” as permitted in this ordinance, shall obtain written approval from the Board of Selectmen after receiving comment by the Code Enforcement Officer and Public Works Director.*

Amendment: Add a new section to 16.5.2-Dimensional Standards to read in alphabetical order as follows:

16.5.2.5 Gateway Signs

- | *a. Gateway Signs shall not have a sign area greater than 12 square feet or be greater than 8' from the adjacent ground grade to the top of the sign.*

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

Amendment #7
Establish Standards for Local Driveway Permitting

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

Article X

The Town hereby ordains amendment of the **Street Opening and Culvert Ordinance** to expand the scope of this Ordinance to include regulation of driveways onto public ways.

Statement of Fact: The purpose of this amendment is to manage access onto public roads while protecting the safety of those people traveling on the streets and those using the driveways.

Amendment: Rename the Ordinance by inserting language as follows:

Driveway, Street Opening and Culvert Ordinance

Amend Section 1, Purpose, to broaden its scope, as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to protect the safety of the traveling public, and to protect public *transportation and* infrastructure from undue adverse impacts by ensuring all work in Town Streets, *State Roads within the compact area* and public rights of way are properly constructed.

Amend Section 2, Applicability, to broaden its scope, as follows:

SECTION 2: APPLICABILITY

The provisions of this Ordinance apply to any excavation, construction, filling, *Driveway or Culvert* installation work which occurs in a public street, Sidewalk, right of way, except as follows:

- D. State Highways and State Aid Roads outside the Urban Compact Area.

Amend Section 3, Definitions, to add terms, as follows in alphabetical order:

SECTION 3: DEFINITIONS

For the purpose of this ordinance, the following definitions will apply. If not defined in this ordinance, words, terms and phrases will have their commonly accepted meaning.

ACCESS - A public or private point of entry or exit from land adjacent to a public highway used by motor vehicles as defined in Title 29-A MRSA, Chapter 1, Section 101. The specific point may be described as an entrance or a driveway depending upon the land use and volume of traffic generated by that use.

ACCESS POINT – The intersection of an existing or proposed access with the public right of way.

APPLICANT – The person applying for the permit. Normally, this will be the owner of the property.

CORNER CLEARANCE – The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway excluding its radii.

DRIVEWAY – A type of access that serves one of the following land uses: Residential (up to 4 dwelling units); home-based occupations; forest management activities; farming; low impact industrial (e.g. substations). Driveways may consist of surface material such as mineral soil, gravel, asphalt or other natural or man-made material constructed or created by repeated passage of on-road vehicles.

ENTRANCE – A type of access that serves one of the following land uses: residential (serving five or more dwelling units); housing developments; retail, office, or service business including department store, strip mall, convenience store, gas station, auto repair shop, restaurant, or similar use.

MAINE DOT, MDOT – The Maine Department of Transportation.

OFFICIAL SPEED LIMIT – The speed limit set by Maine DOT and maintained by the Town of York, or limited by statute as defined in Title 29A, MRSA, Chapter 19, Section 2024.

SIGHT DISTANCE – The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in the access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of the traveled way. The height of the hypothetical person's view is considered to be 3.5 feet above the pavement and the height of the object being viewed is considered to be 4.25 feet above the pavement.

STATE or STATE AID HIGHWAYS – Highways designated by Maine DOT as a State or State Aid Highway pursuant to Title 23, MRSA, Section 53.

URBAN COMPACT AREAS – Areas defined and established pursuant to Title 23, MRSA, Section 754.

Amend the definition of “Public” in Section 3, Definitions, to address responsibilities on State Roads within the Urban Compact, as follows:

PUBLIC – In the context of a public street, sidewalk, right-of-way or drainage way, public means *a that the facility or property which the Town of York either owns, or holds an easement for use and/or maintenance, or is otherwise responsible for maintenance (such as State roads within the Urban Compact).*

Amend §6.2.C, as follows:

€ B. Responsibilities of the Superintendent of ~~Public Works~~

Insert a new Section 7: Driveways, as follows:

SECTION 7: DRIVEWAYS

7.1 General Provisions

- A. **Permit Required.** *A Driveway, Street opening and Culvert Permit shall be obtained from the Superintendent prior to installing a new driveway or altering an existing driveway onto any public street or public right-of-way. If driveway installation requires excavation through a public street or sidewalk a Street Opening Permit shall also be required, and-all shall be applied for and considered concurrently.*
- B. **Dig Safe.** *Compliance with 23 MRSA §3360-A shall be required.*
- C. **Technical and Safety Standards.** *Compliance with the following standards shall be required:*
 - 1. **Sight Distance**
Where driveways or new streets enter an existing street, vehicular sight-distance shall conform to standards established by the Maine DOT as contained in their publication, Chapter 299, Highway Driveway and Entrances Rules, PART A: Driveway Rules. For driveways frequently accessed by large vehicles, greater sight distance will be required according to Maine DOT guidelines. The minimum allowable sight distances for all accesses onto all local roads in the Town of York and all state and state aid highways inside the urban compact area are set forth in Table 1.

Table 1 - Sight Distance	
<i>Official Speed Limit (MPH)</i>	<i>Minimum Sight Distance (Feet)</i>
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

2. **Number of Driveways (including provisions for shared driveways).** *To the maximum extent practical no more than two (2) driveways shall be permitted for ingress and egress purposes.*
 3. **Driveway Width.** *To the maximum extent practical the driveway width within the road right of way must be between 12 and 22 feet inclusive. The width of a driveway is the distance across the driveway, excluding radii, measured parallel to the highway.*
 4. **Corner Clearance.** *Unless there is no feasible alternative the minimum corner clearance for driveways is 75 feet for un-signalized intersections and 125 feet for signalized intersections except that at no time will a driveway be located on the radius of the two intersecting roadways.*
 5. **Turnaround Area and Parking.** *Driveways will be designed such that all maneuvering and parking of any vehicles will take place outside of the road right of way and such that vehicles may exit the premises without backing onto the traveled way or shoulder of the road.*
 6. **Intersection Angle/Radius of Edges.** *To the maximum extent practical, the driveway will be constructed perpendicular to the roadway at the access point. The minimum radius on the edge of a driveway, if any, must be 10 feet.*
- D. **Repair of Incidental Damage.** *If work on the driveway damages any public infrastructure, all such damage shall be repaired before use of the driveway may commence.*

- E. **Storm Water Drainage.** *The applicant shall design and install all improvements as to maintain or improve the storm water drainage in the public right-of-way.*
- F. **Inadequate Performance.** *Any driveway installed pursuant to a Driveway Permit which contradicts the standards, terms and conditions of the Permit shall be removed or fixed by the property owner if so ordered by the Superintendent.*

7.2 Standards

A. Responsibilities of the Applicant

- 1. *The applicant shall be responsible for preparing and submitting to the Superintendent an application for the proposed street opening. This application shall:*
 - a. *Be on a form provided by the Public Works Department;*
 - b. *Describe the anticipated users of the proposed driveway;*
 - c. *Provide a plan and materials specifications for work within the right-of-way and 25' onto the lot to be served;*
 - d. *Detail the plan for traffic control and protection of public safety during work within the right-of-way;*
 - e. *Include any other required permits; and*
 - f. *Provide other information relevant to the application.*
- 2. *The applicant shall be responsible for completing all work in accordance with the Driveway Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.*
- 3. *The applicant shall be fully responsible to correct any damage caused to Town property identified by Town inspection. All costs are the responsibility of the applicant.*

B. Responsibilities of the Superintendent

- 1. *The Superintendent, or his or her designee, shall be responsible for reviewing and deciding on each Driveway Permit application received. The Superintendent shall have authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions in order to protect the integrity of the public street and public safety. Each decision regarding a Driveway Permit application shall be made in writing, and shall detail the requirements to be met by the applicant. Only*

written requirements specified as part of the Permit shall be binding on the applicant.

2. *The Superintendent, or his or her designee, shall be responsible for obtaining independent expert technical assistance when he or she believes it is necessary to protect the public interest, and for obtaining reimbursement from the applicant for the Town's costs in obtaining such independent expert assistance prior to issuance of the Permit.*
3. *The Superintendent, or his or her designee, shall be responsible for inspecting all work completed pursuant to a Driveway Permit, and for identifying and ordering correction of any damage to Town property which may have occurred as a result of the installation.*

Renumber existing sections 7 through 11 as sections 8 through 12, respectively.

Amend the language of Section 8, Appeals, to address driveways by generalizing this standard, as follows:

SECTION 8: APPEALS

Any action by the Town pursuant to this Ordinance may be appealed to the Board of Appeals. Necessary forms, submittal requirements, and fees shall be specified by the Board of Appeals. The application for an appeal must be submitted within 30 days, subject to the following exception: once physical work commences pursuant to a ~~Street Opening Permit or Culvert Installation~~ Permit, the applicant foregoes their right to appeal the standards, terms and conditions imposed as part of that Permit.

Recommended by the Board of Selectmen:



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 6, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 9, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Transfer Remaining Heating Assistance Funds to York Community Services Association	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

1. Transfer remaining emergency heat assistance funds from the Town of York to York Community Services Association
2. Retain emergency heat assistance funds for continued administration by the Town of York.

RECOMMENDATION: Transfer remaining emergency heat assistance funds from the Town of York to York Community Services.

PROPOSED MOTION: We move to transfer the remaining emergency heat assistance funds in the amount of \$12,600.17 to York Community Services Association for the continued purpose of providing heating assistance to York residents.

FISCAL IMPACT: \$12,600.17

DEPARTMENT LINE ITEM ACCOUNT: Heat Fund

BALANCE IN LINE ITEM IF APPROVED: \$0

PREPARED BY: Liam Gallagher, HR Director

REVIEWED BY: 



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 17, 2015

ACTION

DATE ACTION REQUESTED: February 23, 2015

DISCUSSION ONLY

SUBJECT: Property Redemption – Tax Map 0003-0018; 2 Pasture Lane

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

1. Approve the Property Redemption Request for the total taxes, interest and costs due
2. Deny the Property Redemption Request and keep the property under Town ownership

RECOMMENDATION: Approve the Property Redemption Request from Gary and Candice Bracy for 2 Pasture Lane

PROPOSED MOTION: I moved to approve the property redemption of Tax Map 0003-0018, located at 2 Pasture Lane, as requested, subject to the condition that all taxes, interest and administrative costs are paid in full by no later than April 25, 2015 by cash or certified bank check.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: _____
Melissa M. Avery, Assistant to the Town Manager

REVIEWED BY: _____



TO: Board of Selectmen
FROM: Melissa M. Avery, Assistant to the Town Manager
DATE: February 17, 2015
RE: Tax Foreclosure Redemption: Map 0003-Lot 0018; 2 Pasture Lane

Gary and Candice Bracy, former property owners of property identified as Tax Map 0003, Lot 0018, located at 2 Pasture Lane in York, Maine, request to redeem this property for which the Town has a tax lien for Fiscal Years 2012, 2013 and 2014. The Town foreclosed on this property as of January 22, 2015 for non-payment of the FY2012 tax lien.

We are recommending to the Selectmen, that Gary and Candice Bracy be allowed to redeem this property providing the following condition is met:

Condition #1 – Gary and Candice Bracy shall pay in full, to the Town of York, all past year(s) and current years taxes, interest, administrative and lien costs, which total **\$9,268.18** by no later than **April 25, 2015** with cash or a certified bank check.

FY2012 TAXES AND INTEREST	\$1,412.08
FY2013 TAXES AND INTEREST	\$2,603.18
FY2014 TAXES AND INTEREST	\$2,561.68
FY2015 TAXES AND INTEREST	\$2,491.24
ADMINISTRATIVE/LIEN COSTS	<u>\$ 200.00</u>
	\$9,268.18

Parcel Information

Map-Lot
0003-0018

Owner(s)
Gary and Candice Bracy

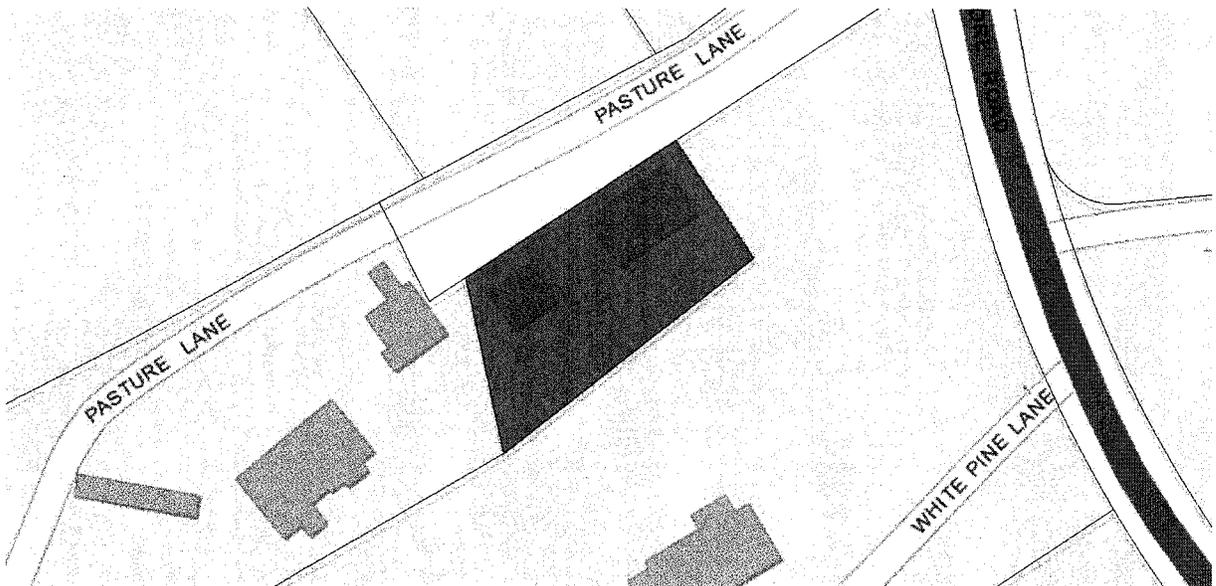
Party Requesting Redemption
Gary and Candice Bracy

Size of Lot
.2 Acres

Assessed Value
\$217,700

Description of Foreclosure Action

The Town has filed a tax lien on this property for the Fiscal Years 2012, 2013 and 2014. The FY12 lien matured and was foreclosed on January 22, 2015.



Summary

Detail

Notes

Payment Plan

Access

- Tax Map # 0003 0018
- Linked to Tax Map # 0003 0018

- BRACY CANDICE/GARY C
- Linked to BRACY CANDICE/GARY C

- Parcels Linked to Tax Map # 0003 0018

Filters

Year

Sub System

Active A/R

Hide zero balance

Late Charges

As of Date

Display

Keep Setting

Daily Interest Amount \$1.55

Year id	Sub System	Bill Number	Billed	Interest	Fee	Paid	Balance Due	Late Charges	Total Due	1st Due	2nd Due	Up To 1
2015	Real Property Tax	RE952	\$2,422.48				\$2,422.48	\$68.76	\$2,491.24	\$1,211.24	\$1,211.24	\$1
2014	Tax Title	RE953	\$2,441.49				\$2,441.49	\$120.19	\$2,561.68	\$2,441.49		\$2
2013	Tax Title	RE939	\$2,325.63		\$9.48		\$2,335.11	\$268.07	\$2,603.18	\$2,335.11		\$2
2012	Tax Title	RE946	\$1,189.72		\$9.11		\$1,198.83	\$213.25	\$1,412.08	\$1,198.83		\$1
2011	Real Property Tax	RE949	\$2,143.05	\$25.07		\$2,168.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
			\$10,522.37	\$25.07	\$18.59	\$2,168.12	\$8,397.91	\$670.27	\$9,068.18	\$7,186.67	\$1,211.24	

Refresh

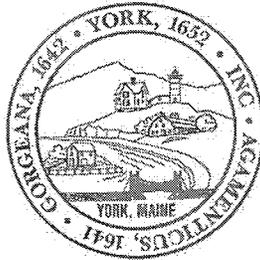
Search

2/12/15

Gary Bracy and Candice Bracy would like to redeem property ownership of 2 pasture lane, York, Maine 03909, from the Town of York due to unpaid taxes.

Gary C. Bracy
Gary Bracy

Candice Bracy
Candice Bracy



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 19, 2015	<input type="checkbox"/> ACTION
DATE ACTION REQUESTED: February 23, 2015	<input checked="" type="checkbox"/> DISCUSSION ONLY
SUBJECT: 8 Gunnison Road	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Board of Selectmen letter dated July 21, 1994, placed conditions limiting expansion or change of use for 8 Gunnison Road because the structure and septic were installed without permits and neither met State nor Town code requirements with regards to wetland setbacks. Property owner's Land Use Consultant has submitted a letter requesting the BOS to absolve conditions placed on structure.

RECOMMENDATION: Conditions remain in place, unless property owners contractually agree to Town Sewer and Water hookups, remove illegal septic system, submit engineer's report and wetland delineation. Foundation replacement per Section 8.3.11.4.e. could occur if the aforementioned conditions are met.

PROPOSED MOTION: Motion to keep conditions in place unless property owners connect to public utilities, remove illegal septic system, submit engineer's report and wetland delineation, and must obtain a seasonal conversion and a building permit from the Code Office.

FISCAL IMPACT: NA

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Amber Harrison, CEO/LPI/LHO REVIEWED BY:





Town of York

186 York Street
York, Maine 03909-1314

MEMO

TO: Steve Burns, Town Manager and Board of Selectmen
FROM: Amber L. Harrison, CEO
DATE: February 19, 2015
RE: 8 Gunnison Road (Map 30 Lot 8-H)

The purpose of this memo is to evaluate the request made by Tim DeCoteau, Land Use Consultant, on behalf of Richard and Wendy Taylor at 8 Gunnison Road (M30 L8-H). Decoteau's letter dated January 12, 2015, requests that the Board of Selectmen remove the restriction on any expansion of their cottage in exchange for a commitment on their part to connect to public sewer. A letter from the Board of Selectmen dated July 21, 1994, restricted the expansion and replacement of the structure due to the numerous zoning violations listed (see attached). The following zoning ordinance violations were listed and still exist today:

1. The septic system was installed and done so without obtaining a septic permit. This area has very poor soils, and because the system was illegally installed initially, it cannot be granted a system variance.
2. The dwelling unit was constructed without a building permit and because of the required zoning setbacks, this structure would not have been issued a permit without a variance granted by the Board of Appeals.
3. The building does not satisfy current setbacks from a wetland per Section 8.3.11.2. Town Zoning Ordinances require a minimum setback of 100 feet from a wetland body of this size. The structure located on this property is set back only 55 feet from the left side (as facing the house), about 85 feet to the rear and 45 feet to the right. There does not appear to be any measures which could bring the house into greater conformance with the required wetland setbacks.
4. The septic system that has been installed does not meet current setback requirements from the Shoreland area. This zoning requirement is 100 feet setback, and at most, the current septic system is set back approximately 40 feet. There does not appear to be any remedial measures which you can take to bring this septic system into complete conformance with Shoreland requirements.

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

5. The building does not satisfy minimum square footage requirements to qualify as a dwelling unit per Section 5.3.1.1. Town Ordinances require minimum square footage of 600 square feet of living space. This unit has approximately 550 square feet. However, this unit cannot be expanded to come into conformance with the minimum square footage requirement because of the existing zoning violations for wetland setbacks for the structure and septic system.
6. This building never received a well permit for installation of the well which should've been installed per the Town's Well Ordinance.
7. A large amount of fill has been placed on the property in the wetland area. This fill has reduced the size of the former wetland. The Town has not required the removal of said fill but has noted that this area is to remain an unbuildable area on the lot.

The letter clearly states that the Selectmen found the continued use of the existing structure permissible, but it is not possible to expand the building. Repairs and interior renovations are possible, but an expansion is prohibited. In addition, the letter also stated it is not permitted to tear the structure down with the expectation that a new house or another type of building could be constructed. The future use of this parcel is restricted to the structure that is already there, both its size and use.

During the summer of 2014, I received numerous inquiries regarding the Board of Selectmen's letter and conditions on the structure and use at 8 Gunnison Road. As a result I procured a legal opinion from the Town Attorney Mary Costigan specifically reviewing the Board of Selectmen's conditions placed on the property in the July 21, 1994 letter. Mary Costigan stated the following in an August 5, 2014 email:

"The 7/21/94 letter and the 12/4/97 quitclaim deed pertain to the redemption of property following a tax lien foreclosure. According to the 7/21 letter, the property in question has numerous zoning violations that could not be corrected. However, the Town agreed to allow the property owner to redeem the property based on the understanding that the owner could continue to use the property as it existed then, but that the building cannot be expanded or replaced. Repairs and interior renovations would be permitted, but that is the extent of work that is permitted on the property. It was made clear in the 7/21 letter that the restrictions would be applicable to all future owners and that all potential buyers should be



Town of York

186 York Street
York, Maine 03909-1314

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(207)363-1000

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General Assistance
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Parks and
Recreation
(207)363-1040

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

www.yorkmaine.org

put on notice. As stated in the 7/21 letter, “the future use of this parcel will be essentially restricted to the structure that is already there, both its size and scope.”

The 12/4/97 deed does not change that. The deed simply gave the foreclosed property back to the owner. The deed recognized that the owner made enough improvements to the property to allow occupancy, but that is very far short of saying the building is somehow legal. It is important to note that the 7/21/94 letter contemplated redemption of the property, so it is clear that the restrictions set forth in the letter were intended to apply after the property was redeemed. Therefore, any owner of that property is only permitted to repair the structure or renovate the interior. No enlargement or replacement is permitted.”

After consulting with the York Sewer District Superintendent Tim Haskell, it is clear that a Town sewer line runs down Ridge Road and is roughly less than 400 feet from the structure at 8 Gunnison Road. Likewise, upon consultation with Todd Hill, Utility Services Coordinator at the York Water District, a deep water main is available for hook-up on Ridge Road and is less than 400 feet away from the structure on 8 Gunnison Road.

My recommendation is that the Board of Selectmen’s 1994 conditions remain in place. However, I do recommend the Board of Selectmen amend the conditions requiring the property owners connect to Town sewer and year-round water services, fully remove the illegal septic system, and obtain seasonal conversion and building permits for internal repairs and renovations not extending beyond the limits of section 8.3.11.4.e. The aforementioned Zoning Ordinance section states:

“Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection “f” below. This section shall expressly supersede any conflicting provisions of §17.2. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with subsections “b” and “d” above, and the foundation does not cause the structure to be elevated by more than 3 additional feet, as measured from the uphill side of the structure

(from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.”

Therefore, if a building permit is obtained to simply replace the foundation in the same footprint without a horizontal expansion, a three foot vertical addition may be garnered. This option may alleviate the mold issues while allowing some internal expansion for the property owners but this allowance is only available once year-round water and sewer hook-ups have been installed. In order to receive a building permit for the aforementioned foundation replacement, the property owner must submit a certified wetland delineation, an engineer’s report attesting to the structural integrity of the dwelling unit in that a new foundation and a three foot vertical expansion would be viable (and that the building code at the time of construction was met), and a seasonal conversion application. Once all certified documents have been submitted, the property owners must allow an inspection of the structure to ascertain that all life safety and seasonal conversion standards have been met per Article 14. Upon completion of the project, the owners must submit an engineer’s report attesting that section 8.3.11.4.e. and the conditions of this Memo have been met.

I recommend the property owner inform the Board of Selectmen if they can meet the aforementioned conditions suggested by the Code Officer. If the property owner feels they can meet the conditions suggested, then the Board of Selectmen can amend the conditions from the 1994 letter to include the CEO’s new conditions. Once this is accomplished, it is suggested that the property owner schedules an appointment with the CEO to create an action plan and timeline to obtain some relief from the Board of Selectmen’s 1994 conditions while adhering to all current State and Town Zoning Ordinances.



Amber L. Harrison
Town of York Code Enforcement Officer

30-8-14

January 12, 2015

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

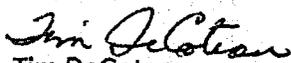
Re: 8 Gunnison Road
Request relief from 1989 Selectmen's condition on this property.

Dear Selectmen,

The Taylors have been coming to York Maine for many years and have always wanted to buy a cottage for themselves. They had looked long and hard but had a limited budget which limited their options. Finally they found 8 Gunnison Road and it seemed like a good fit for them. It was only during the latter part of the purchasing process of this property that problems started to arise. There is a gap in the town records that caught the Taylors unaware. They were not aware of the property's history or the condition that there was to be no expansion of this small dwelling put on the property by an earlier Board of Selectmen. This condition was part of an agreement between the Selectmen and a previous owner in 1989 to resolve zoning and building violations. This restriction is not found in the deeds and was not prominent in the town records available to the Taylors when they first looked at this property.

By then the Taylors were already excited about the property and were committed to buying it, thinking that they could make the cottage work. They did not anticipate Wendy Taylor's adverse reaction to mold in the basement bedroom. The basement is partially finished, it is damp, moldy and subject to flooding. This finished space in the basement is basically unusable and there is currently no other expansion allowed. The Taylors are requesting that the Board of Selectmen remove the restriction on any expansion of their cottage in exchange for a commitment on their part to connect to public sewer whenever it becomes available. The basis for this request is the fact that the septic system is of unknown quality and is subject to flooding and thus causing water pollution. The Sewer District is proposing to extend public sewer on Ridge Road this year which will bring sewer to the intersection of Gunnison and Ridge within 350 ft. of this cottage.

For Rich and Wendy Taylor, and their son, I would like to thank the Board of Selectmen for considering this request.


Tim DeCoteau,

Land Use Consultant
202 Libby Road
West Newfield, Maine 04095
207-850-0558

30-814

(Area Code 107)

Manager's Office	363-1000
Enforcement Office	363-1002
Recorder's Office	363-1004
Assessor's Department	363-1005
Fire Department	363-1009



Selectmen's Office	363-1000
Town Clerk/Tax Collector	363-1003
Finance Department	363-1004
Planning Department	363-1007
Public Works Office	363-1010

Town of York

P.O. Box 9
York, Maine 03909

July 21, 1994

Phyllis Rothwell
10 Pinocrest Estates
Lee, NH 03824

Dear Ms. Rothwell:

The Board of Selectmen, at their meeting of July 12, 1994, decided to honor your request to redeem Parcel 30/Lot 8H. In honoring your request, the Selectmen also felt it critical to send you a letter identifying the limitations on future use of this property that exists because of the large number of current zoning violations. At a minimum, this property does not comply with the following Town Zoning Ordinance requirements:

1. The building does not satisfy current front setback requirements from Gunnison Road. The Zoning Ordinance requires a minimum setback of 30 ft., and at most, the building is setback about 20 ft.
2. The building does not satisfy current setbacks from a wetland. Town Zoning Ordinances require a minimum setback of 100 ft. from a wetland body of this size. The structure located on this property is set back only 35 ft. from the left side as facing the house, about 85 ft. to the rear and 45 ft. to the right. There does not appear to be any measures which could bring the house into greater conformance with the required wetland setbacks.
3. The septic system that has been installed does not meet current setback requirements from the Shoreland area. This zoning requirement is 100 ft. setback, and at most, the current septic system is set back approximately 40 ft. There does not appear to be any remedial measures which you can take to bring this septic system into complete conformance with Shoreland requirements.
4. The septic system which was installed was done so without obtaining a septic permit. According to Tim DeCoteau, CEO, it does not appear that it is possible to build a system which would comply with all State and Town standards. This area has very poor soils, and because the system was illegally installed initially, it cannot be granted a system variance. The inadequacy of the septic system clearly places limitations on the future use of this parcel.
5. The dwelling unit which was constructed was initially built without a building permit. The Town is requiring you to take measures to bring this building into the greatest conformance possible. However, you should be aware the Town never would have issued a permit to construct this dwelling.

6. The building does not satisfy minimum square footage requirements to qualify as a dwelling unit. Town ordinances require minimum square footage of 600 sq. ft. of living space. This unit has approximately 550 sq. ft. However, this unit cannot be expanded to come into conformance with the minimum sq. ft. requirement because of all the other zoning violations which exist, primarily the front setback, the wetland setback and the seepage problem.

7. This building never received a well permit for the well which has been installed. The Town is requiring you to conduct a water test to identify water quality, but will not issue a well permit.

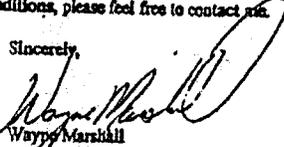
8. A large amount of fill has been placed on the property in the wetland area. This fill has reduced the size of the former wetland. The Town will not require you to remove this fill, but notes that this will be an unbuildable area on the lot. We believe it would be permissible to add a small amount of additional fill on top of that which has already been placed provided it is graded out, loamed and seeded immediately to stabilize the area. This additional fill material should be used only for the purposes of stabilizing the rear yard area.

The net result of this large number of violations is that in allowing the redemption, it is recognized that the structure that was built was not a permitted dwelling unit. It is permissible to continue use of the existing building, but it is not possible to expand the building. Repairs and interior renovations will be possible, but an expansion is prohibited. In addition, it is not permitted tear this building down with the expectation that a new house or another type of building could be constructed, nor another type of building. The future use of this parcel will be essentially restricted to the structure that is already there, both its size and use.

The Selectmen strongly advise you to make this information available to any party who may purchase the lot from you and to ensure this information is also conveyed in any subsequent sales. A copy of this letter will be placed in the Code Enforcement Office and Tax Assessor's file for this property. In allowing the property's redemption, the Selectmen want to ensure that it is on record the number of violations which exist, as well as the limitations on future use, and advise you to make this information available to all other interested parties.

If you have any questions regarding any of these conditions, please feel free to contact me.

Sincerely,


Wayne Marshall
Town Planner

cc: Mark Green, Town Manager
Tim DeCoteau, CEO
Mary-Anne Szenlawski, Town Clerk/Tax Collector
Richard Young, Tax Assessor
Tom Marcoux, Finance Director
Tom Murphy, Town Treasurer

WEM/alm

THIS IS NOT A BOUNDARY SURVEY

MORTGAGE LOAN INSPECTION

No. 791-02

TO CENDANT MORTGAGE CORP. AND FIRST AMERICAN TITLE INSURANCE CO.
I hereby certify that the location of the dwelling shown on this plan did not conform with the local zoning laws in effect at the time of construction. The property does not fall within a special flood hazard zone.

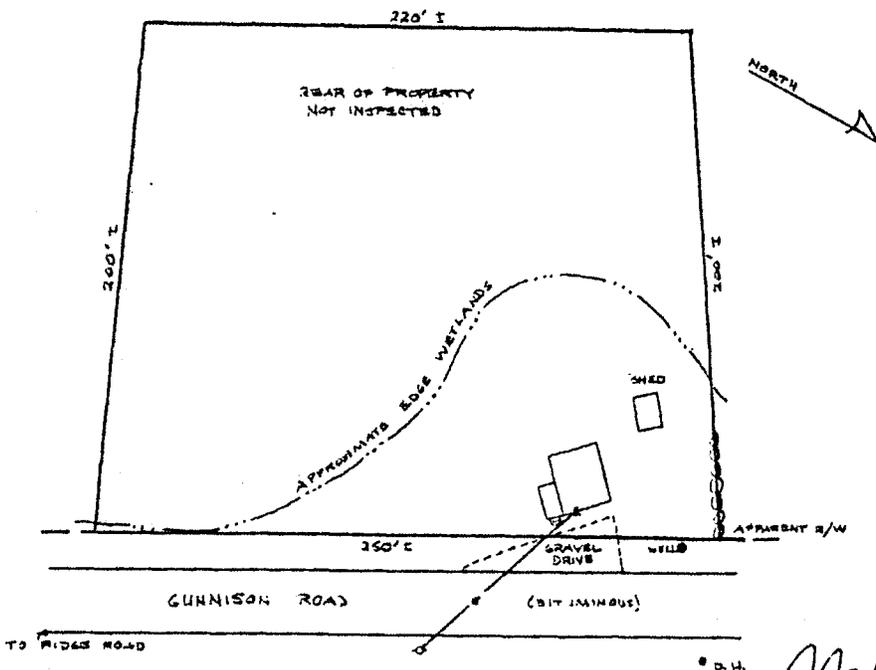
12 Gunnison Road
York
Maine

** See attached comment sheet **

Buyer: Dona M. Patterson
Seller: Nelson E. Doody

BOOK 7154 PAGE 282 COUNTY York

The dwelling is a one story wood framed structure on a concrete foundation



THIS IS NOT A BOUNDARY SURVEY. This plan is based strictly on information provided by others and does not take into consideration any conflicts which abutting descriptions may contain. This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording

Date 12-8-00 Scale 1"=50' Drawn by AC

Tilcomb Associates Falmouth, Maine