

**Comprehensive Plan Update  
Volume I**

Adopted May 22, 1999

As amended through November 6, 2018

**TOWN OF YORK, MAINE**

**COMPREHENSIVE PLAN UPDATE**

**VOLUME I**

Policies  
Capital Investment Plan  
Regional Coordination Program  
Implementation Program

**Adopted**  
**May 22, 1999**

**Amended**  
**November 6, 2018**  
**November 7, 2017**  
**November 3, 2015**  
**November 4, 2014**  
**November 5, 2013**  
**November 8, 2011**  
**May 21, 2011**  
**November 3, 2009**  
**November 4, 2008**  
**November 6, 2007**  
**November 7, 2006**  
**November 2, 2004**  
**November 6, 2001**  
**May 19, 2001**  
**November 7, 2000**

On November 2, 2004, this Plan was supplemented by a new Introduction Chapter. This new Introduction was the first in a series of stand-alone chapters that will eventually replace a 2-volume Plan. Anyone reading this document should also read the new Introduction Chapter, which is printed and available separately.

The following is a true copy of the Town of York's **Comprehensive Plan Update, Volume I**, as revised through November 6, 2018.

Attest: \_\_\_\_\_

*Mary J. Indiana, Deputy*  
Town Clerk

Date: \_\_\_\_\_

*11/15/2018*

# COMPREHENSIVE PLAN UPDATE

## TABLE OF CONTENTS

### **SECTION 1**

#### **EXECUTIVE SUMMARY**..... 1

|    |  |   |
|----|--|---|
| 1. | Introduction .....                       | 1 |
|    | Planning Process .....                   | 1 |
|    | Plan Elements .....                      | 2 |
|    | Principal Land Use Recommendations ..... | 3 |

### **SECTION 2**

#### **TOWN OF YORK GOALS AND ACTIONS HOW THE TOWN WILL ADDRESS THE TEN STATE GOALS** ..... 4

#### **STATE GOALS**

|         |  |    |
|---------|--|----|
| Goal 1  | - Orderly Growth and Development .....           | 6  |
| Goal 2  | - Efficient Public Facilities and Services ..... | 12 |
| Goal 3  | - Economy .....                                  | 24 |
| Goal 4  | - Housing Opportunities .....                    | 29 |
| Goal 5  | - Water Resources .....                          | 36 |
| Goal 6  | - Critical Natural Resources .....               | 49 |
| Goal 7  | - Marine Resources .....                         | 60 |
| Goal 8  | - Agricultural and Forest Resources .....        | 64 |
| Goal 9  | - Historic and Archaeological Resources .....    | 66 |
| Goal 10 | - Recreation and Open Space .....                | 69 |

#### **CAPITAL INVESTMENT PLAN** ..... 72

|     |  |    |
|-----|--|----|
| 1.  | Introduction .....   | 72 |
| 2.  | Capital Investment Needs .....   | 72 |
| 3.  | Solid Waste/Recycling .....  | 72 |
| 4.  | Public Sewer Service and Sewage Treatment .....                                  | 72 |
| 5.  | Public Water Service and Water Quality Treatment .....                           | 73 |
| 6.  | Transportation and Pedestrian Amenities .....                                    | 74 |
| 7.  | Public Safety .....  | 75 |
| 8.  | Municipal Facility Needs .....   | 76 |
| 9.  | Recreation and Open Space .....  | 76 |
| 10. | Marine Resources .....   | 77 |
| 11. | Education Facilities .....   | 78 |
| 12. | Other Facilities .....   | 78 |
| 13. | Financing Mechanisms and Funding Sources to Construct Capital Improvements ..... | 79 |
| 14. | “Pay As You Go” - 100% Current Year Financing .....                              | 79 |
| 15. | “Pay As You Use” - Debt Financing .....  | 79 |
| 16. | Low Interest Loans .....   | 79 |
| 17. | Impact Fees .....  | 79 |
| 18. | Exactions .....  | 80 |
| 19. | General Reserve Fund .....   | 80 |

|     |   |    |
|-----|---|----|
| 20. | Dedicated Reserve Fund.....                                 | 80 |
| 21. | Capital Improvement Districts and Special Assessments ..... | 81 |
| 22. | Grants .....  | 81 |
| 23. | Donations.....  | 81 |
| 24. | New Financing Authority.....                                | 81 |

|   |    |
|---|----|
| <b><u>REGIONAL COORDINATION PROGRAM</u></b> ..... | 83 |
|---|----|

### **SECTION 3**

|   |    |
|---|----|
| <b><u>FUTURE LAND USE - WHERE THE TOWN RECOMMENDS FUTURE LAND USE ACTIVITIES OCCUR AND RECOMMENDED GROWTH AND RURAL AREAS</u></b> ..... | 90 |
|---|----|

|     |   |     |
|-----|---|-----|
| 1.  | York Beach Village Center .....   | 94  |
| 2.  | The Nubble .....  | 98  |
| 3.  | Freeman Street and Main Street .....  | 102 |
| 4.  | Long Sands Beach .....  | 104 |
| 5.  | Ridge Road Area .....   | 109 |
| 6.  | York Harbor Village Center.....   | 112 |
| 7.  | Eastern Point Area - York Harbor.....   | 116 |
| 8.  | York Village Center Area .....  | 118 |
| 9.  | York Street - Route One to Village Center .....   | 123 |
| 10. | Orchard Farm/Organug/Lindsay Road Area .....  | 126 |
| 11. | Long Sands Road and Woodbridge Road.....  | 129 |
| 12. | Nason Road/Fieldstone Estates/Bluestone Area .....                                      | 132 |
| 13. | Cape Neddick River Area.....  | 134 |
| 14. | Shore Road/Pine Hill Road Area.....   | 137 |
| 15. | Harris Island .....   | 141 |
| 16. | Southside Road/Seabury Road/Route 103/Brave Boat Harbor<br>and Western Point Area ..... | 144 |
| 17. | Beech Ridge Road/Route 91 Area .....  | 148 |
| 18. | Chases Pond Road/Scituate Road.....   | 152 |
| 19. | Mountain Road/Logging Road/Clay Hill Road/Berwick Road .....                            | 156 |
| 20. | Mt. Agamenticus/Watershed Areas.....  | 160 |
| 21. | Route One Area.....   | 164 |
| 22. | Green Enterprise Recreation Overlay District.....                                       | 168 |

# **EXECUTIVE SUMMARY**

## **INTRODUCTION**

The Town of York is an attractive coastal community with a small town character enhanced by its natural and historic resources. Because of these attributes and its convenient location to major metropolitan areas to the south and north, York is a popular place to live and to vacation.

York's appeal as a vacation area and a desirable place in which to raise a family or to retire, has resulted in steady population growth. In the fifty year period, 1950 to 2000, York's population has grown fourfold. In the twenty year period, 1980 to 2000, the percent of year round population increase is estimated to be 56% or an average of 2.8% per year tapering off during the nineties to an average of 2%. Overall, this is a substantial growth rate compared to that of neighboring towns. But, it is important to note that during this period York has largely been able to maintain its small town character and its rural land south of the York River and west of Interstate 95. York has also preserved and even enhanced its historic resources during this period. The town's population density per square mile is still estimated to be less than that of any of its neighbors in southern Maine. In this overall context, it is important to note that during the summer vacation months, York's population increases by as much as 70% (approximately 50% of York's tax base is based on seasonal dwellings) and on a pleasant day in July may swell to three times its year round population placing an incredible strain on York's roads, parking capacity, tourist industry, beaches and rivers.

As a result of the growth which peaked during the seventies and eighties, York has experienced many changes. Residential and commercial development has caused the loss of open space and greatly increased traffic congestion. York's schools are over crowded and its public buildings no longer have the capacity to properly serve the needs of the town. During the nineties there has been an increase in development west of Interstate 95 and in the more rural areas north of the Cape Neddick River and south of the York River. All of this has caused concern among York's population for measures to hold town operating and capital expenses in check and to preserve York's small town character and its natural resources. During this period, York has enacted new ordinances to manage growth and to respond to the town's changing demographics. The provisions of York's Shoreland/Wetland Ordinance exceed State requirements. In 1996 York updated and revised its Route One Overlay Ordinance to better reflect the diverse needs of the Route One corridor. During the second half of the nineties, York enacted progressive ordinance provisions permitting and governing important initiatives such as housing for the elderly, congregate care facilities, and cluster/open space housing. As the period closes, York's Route One-3 Zone is developing at a rapid rate. This development will add substantially to York's tax and employment base while at the same time tending to exacerbate York's loss of open space and traffic burden.

This Comprehensive Plan is designed to be a composite of policy recommendations reflecting the input obtained from more than 1,000 town residents who attended the more than 38 public meetings which were held during the first and second quarters of 1998. Extensive input was obtained defining those town attributes which the public said they wanted preserved, and input defining the public's concerns for the future. The main focus of the plan has been to recommend policies and actions directed at managing growth, preserving the town's natural resources, its small town character, its rural areas, minimizing conflict between divergent uses, resolving York's growing facilities deficit and satisfying the States 10 Goals to the extent practicable.

## **PLANNING PROCESS**

Please see Section 2 (Town of York Goals and Actions how the Town will address the ten State Goals).

## **PLAN ELEMENTS**

**Goals, Policies and Actions:** This section is organized in accord with the requirements of the Comprehensive Plan Review Criteria Rule. Each section is supported by appropriate narrative and quantification.

**Land Use Section:** The Land Use Section, is a major element of the York plan involving the re-zoning of the entire town except for the Route One corridor. The objectives underlying this key element in York's Plan are:

- To establish zones which reflect existing use and development
- To establish an improved basis for managing York's future growth
  - Provide for the economical delivery of public services
  - Protect York's rural areas and natural resources
  - Prevent development sprawl
- To manage what residents have said they want in terms of use, scale, appearance, etc.
- To minimize conflict between dissimilar uses
- To protect York's diversity

**Regional Coordination:** This material describes regional opportunities and strategies for optimizing the economy and productivity potential of regional coordination.

**Capital Investment Plan:** This is an assessment of existing and projected Capital improvements that the Town of York should give serious consideration to. It comprises a list of physical elements critical to the town.

**Issues:** Each goal discussion and each land use segment begins with a statement of issues/concerns and opportunities. Some of these concerns are:

- Loss of small town character
- Loss of open space - visual resources
- Sprawl west of Interstate 95
- Impact of residential development on York's school budget
- Impact of increasing traffic
- Safety concerns
- Quality of life
- Parking
- Enforcement
- Increasing conflict between residential and non-residential uses in mixed use zones
- Impact(s) of development on wetlands
- Water quality
- Habitat
- Flood control
- Septage problems/poor soils
- Well drinking water quality/quantity concerns
- Potential loss of historic structures to new development and the renovation of existing structures
- Scale/mass
- Absence of "affordable" housing
- River and beach access
- Preservation of the ability to begin small businesses
- Development of "grandfathered" marginal land
- Impact of the non-conforming situations ordinance

## **PRINCIPAL LAND USE RECOMMENDATIONS**

The objectives, policies and actions for each land use zone are detailed elsewhere in this plan. What follows is a brief summary of the principal recommendations:

- Adopt new zones
- Identify those areas to be preserved as rural
- Identify growth areas
- Adopt rural versus residential zoning districts
- Consider explicit residential growth limitation ordinance
- Strongly encourage cluster layout(s)
- Increase subdivision open space requirements
- Subdivision phasing, restrict number of units per year
- Strengthen shoreland/wetland standards
- Protect vernal pools
- 50 foot setback for 1 to 4 acre wetlands
- Protect all streams
- Require net density standards for all lots
- Explore creating improvement districts
- Institute non-conforming situations safety net
- Encourage town to purchase open space lands
- Encourage preservation of Historic resources
- Encourage sewer and water expansion within growth areas

**COMMENT:** It should be noted that the content of this plan and the actions recommended are intended to reflect the Town of York's assessment of its needs and opportunities today and into the immediate future and may or may not reflect the views of other Maine municipalities or all of the State of Maine's targeted goals.

**EVERGREEN PROVISION:** It will be the recommendation of the York Comprehensive Plan Steering Committee that provision be made in this plan for orderly review and change so that this plan may through time continue to reflect the changing needs of the town.

**STATEMENT OF CONSISTENCY:** Any ordinance amendment proposed to the Town for a referendum vote shall include a Statement of Consistency. If the amendment is proposed by the Planning Board, this statement may be included as part of the impact statement required by the Town of York Home Rule Charter. The Statement of Consistency shall document the relationship, if any, between the proposal and the Comprehensive Plan. Regarding zoning ordinances in particular, MRSA 30-A §4352.2 states, "A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body."

In the event the proposal requires a Comprehensive Plan amendment to be found consistent, two ballot questions shall be proposed. The first shall be an amendment of the Comprehensive Plan. The second shall be the ordinance amendment. The ordinance amendment would be effective only if both amendments are approved.

## **SECTION 2. TOWN OF YORK GOALS AND ACTIONS HOW THE TOWN WILL ADDRESS THE TEN STATE GOALS**

The State Growth Management Law enacted by the State Legislature in 1987 and reenacted in 1992 identifies Ten State Goals each Town must address in preparing a Comprehensive Plan. Section 2 of York's Comprehensive Plan identifies York's approach to achieve each State Goal. Specific actions are recommended for Town voters or the Selectmen to implement.

The actions recommended in this Comprehensive Plan were developed by the York Comprehensive Plan Steering Committee appointed by the Selectmen. The Committee considered a wide array of public input and research to prepare the recommendations, including the following:

1. Public comment offered by over 100 participants at the Town-wide Comprehensive Plan meetings held in January 1998 and by over 900 participants at the Neighborhood Comprehensive Plan meetings held between February and June 1998.
2. A review of direction provided in York's adopted 1982 Comprehensive Plan and York's 1991 draft Comprehensive Plan.
3. A review of the effectiveness of past and present Town Ordinances, programs, services, facilities, and funding to achieve the intent of the State Goals.
4. A review of Ordinances, programs, and services used by other communities in Maine and the United States to best meet the needs of their communities.
5. This draft of the York 1999 Comprehensive Plan, concurrent with its submission for State review will be presented for understanding and discussion at a series of 10 weekly Zone meetings. A total of 700 personalized invitations have been mailed to a list of town's people who signed in at York's neighborhood meetings during the first half of 1998. In addition, there was a meeting announcement each week in the local newspaper. Concurrent with this major public hearing process were nine weekly televised presentations to the Board of Selectmen. The intent of this schedule is to optimize public participation prior to seeking final State approval and approval by the Town's legislative body.

The Comprehensive Plan Steering Committee has used a sequential numbering system to identify each Town Goal and Town Action that is recommended to achieve the State Goals. For example, Town Action 2.3.4 identifies the following:

- The first number is the number of the State Goal; State Goal 2.
- The second number is the number of the Town Goal in response to the State Goal; Town Goal 3.
- The third number is the specific Town Action recommended to achieve the Town's Goal for the State Goals; Town Action 4.

The Action Statement also identifies the Town policy-making body - such as the Selectmen - who is expected to take the lead role in implementing the Action. When the Board of Selectmen or Budget Committee is identified, the Town Manager will directly assist in this effort. When the Planning Board is identified, the Code and Planning Department will assist. It is fully expected that other Town boards and the citizenry will be involved in the implementation process.

The final information identified in the Action Statement is a recommended priority for its implementation, as follows:

- Immediate - The highest priority for implementation, generally recommended before lower priorities are pursued.
- Mid-Term - The mid-level priority for implementation, generally recommended



after immediate priorities have been addressed but before long-term priorities are pursued.

- Long-Term - The lowest priority for implementation, generally recommended after higher priorities are pursued.
- Ongoing - Priorities that require regular action, or periodic monitoring and/or action as needed.

These recommended priorities may require refinement to best address the needs of a changing and growing Town. The implementation timeframes are offered as a starting point, but are not intended to restrict or prevent lower priorities from being addressed out of sequence. Issues are to be addressed as there is interest, funding, and political willingness.

The Committee believes the recommendations identified in the Town's response to these State Goals, if implemented in conjunction with recommendations identified in Section 3 of this Plan, Future Land Use, will work well to meet the needs of York citizens over the next 5 to 10 years. These recommendations, however, are just that, recommendations at a specific point in time based upon information available at that time. Most of these recommendations will require a subsequent action of the Town - such as enactment of an Ordinance - to take effect. Town voters should look to this Plan for direction, but it is fully expected that the public debate which occurs during the public review process may alter the final shape of the recommendation in this Plan. This debate and public process should be embraced by all as it is the constructive review of each public policy that will help ensure the will of the citizenry is best met.

**STATE GOAL 1: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl.**

The Town of York has regularly strengthened its Zoning Ordinances and Subdivision Regulations since the early 1980's to address ongoing development pressures. Major enhancements have included but are not limited to the following:

- Increasing the minimum lot size from 20,000 sf to 2 or 3 acres in areas west of I-95, south of the York River and north of the Cape Neddick River; York's "rural" areas.
- Adopting ordinances specific to the Route One area that allow reasonable types of nonresidential development, provided the project satisfies performance standards that manage project impacts.
- Establishing a Watershed Protection Overlay District that strictly regulates uses that could affect the public water supplies for York and Kittery.
- Adopting Shoreland Zoning Ordinances stricter than those required by the State to help protect these critical natural resources.
- Allowing open space (cluster) as an alternative form of subdivision lay-out to help protect open space and reduce service delivery costs.

Current regulations clearly are not perfect, but development that has occurred in York over the last 15-20 years has been subject to thoughtful public review and has had to satisfy standards that people never even dreamed of as recently as the 1960's and 1970's.

The course recommended in this Comprehensive Plan is to build on existing regulations and provide more definitive standards to best direct future development and help protect York's many remaining rural areas and natural resources. The approaches recommended are often quite aggressive, and it is assumed these will not always be greeted with open arms by all residents or sectors of the community. Implementing many of these tools will also require greater public expenditures, particularly for the Code and Planning Department. The Town should not increase the complexity of current regulations unless it has adequate staff and financial resources to enable the timely and fair application of the standards.

**TOWN OF YORK GOAL 1.1: Direct growth and development to those areas of York that will allow the economical provision of public services.**

- 1.1.1. By statute, this Plan must establish a growth area, distinct from the remaining rural areas. The growth area is depicted on a map entitled, "Growth Area, York Comprehensive Plan, Policy Chapter, July 11, 2006." This map is hereby incorporated into this Plan by reference. The Town should establish policies and incentives to direct the majority of development and re-development within the designated growth area.

It is not intended that the growth area be directly adopted into the Zoning Ordinance or other Town ordinance. Instead, this Plan recommends four categories of zoning districts be established: village center zones (primarily within the growth area); residential zones (all within the growth area); Route One zones (some within the growth area); and Rural zones (all outside the growth area). While the remaining text of this Plan includes recommendations for each of these zones, it is expressly intended that the details associated with each zone must be decided at the time the amendment language is drafted. It is anticipated that the number of zones could change, that their names may be altered, and so forth.

The net effect of this approach is to retain the diversity of York's existing development

patterns, and encourage the desirable elements of such development in managing new growth. It recognizes York's traditional village centers, the more densely settled residential areas located east of Route One, the more open patterns of living west of Route One and the more heavily developed commercial areas along Route One. These zoning districts should help create a sharp contrast between the type of development located in the residential zone, and the rural character of development mostly located west of the Route One Zone. This approach should discourage homogenous suburban sprawl.

#### ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

1.1.2 The availability of public water supply and sewage disposal are key determinants of the character and intensity of growth in York. They are also important public services to existing development. This Plan hereby establishes policy regarding each of these public utilities.

A. Public Water Supply System. This section sets forth the Town's policies regarding the areas served by public water supplies. The policies written in this section should be reflected in the Zoning Ordinance. The policies are as follows:

1. Growth Area. The Growth Area is the priority area for provision of year-round public water. In the long term, public water should be provided throughout this area.
2. Residential Density. Inside the Growth Area, the maximum permitted residential density should be increased where public water service is provided. Outside the Growth Area, the maximum permitted residential density should not be related in any manner to the provision of public water service.
3. Well Ordinance. Consider expanding the jurisdictional area of the Town's Well Ordinance to cover the Growth Area as a means of providing an incentive to extend the water lines throughout. Policies in the Well Ordinance will need to be evaluated to ensure they are appropriate if the area of jurisdiction is expanded.

B. Public Sewer System. This section sets forth the Town's policies regarding the areas served by public sewer. A map entitled, "Public Sewer Policy Map, York Comprehensive Plan, Policy Chapter, April 27, 2015" is hereby adopted by reference. The policies reflected in this section and on this map should be reflected in the Zoning Ordinance. The policies are as follows:

1. There are 3 distinct classifications of areas with regard to public sewer service policy, as follows.
  - A. Priority Service Area. Within the Priority Service Area, provision of public sewer throughout is a high priority. Within this area, the priority for expansion of sewer service is first to areas of marine clays (see the Surficial Geology map of the Natural Resources Chapter of the Comprehensive Plan Inventory & Analysis) and to areas in which there are concentrations of septic systems that are failing, and secondarily to other areas. Public sewer service in this area shall be from the York Sewer District.

- B. Shore Road Service Area. This area, in the vicinity of Shore Road, Pine Hill Road South, and Pine Hill Road North, is a priority for extension of public sewer service to serve existing development with failing on-site septic disposal, or with licensed overboard discharge systems. Under no circumstances should main extensions be permitted to facilitate new development. Public sewer service in this area could be from either the York Sewer District or Ogunquit Sewer District.
- C. Prohibited Area. It is inconsistent with this Plan to extend public sewer in the Prohibited Area. New service or main extensions shall be prohibited, except that the Board of Selectmen may permit sewer main extensions in this Area, provided such extensions are provided only to address properties with existing failed septic systems and not to accommodate new development. If such an exception to the rule is made by the Selectmen, public sewer service in this area could come from the York, Ogunquit or Kittery systems, and inter-municipal cooperation for such cases is encouraged.
- D. Southern Route 1 Service Area. This area, encompassing the Route 1-1 and Route 1-2 zones between the southern boundary of the York River and the Town of Kittery border, allows sewer extension to serve existing development, or any proposed development defined as Workforce Housing or Affordable Housing by the Town of York Zoning Ordinance. Under no circumstances shall main extensions be permitted to facilitate any other new development not specified as allowed in the Southern Route 1 Service Area. Public sewer service in this area shall be from the Kittery Sewer Department.

- 2. Residential Density. Inside the Priority Service Area, the maximum permitted residential density should be increased where public sewer service is provided. Outside the Priority Service Area, the maximum permitted residential density should not be related in any manner to the provision of public sewer service.

#### ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.1.3. The Town should consider imposing a limit on the amount of residential growth permitted in each zoning district. The limit could be imposed on groups of zoning districts, for instance by limiting the number of permits issued in the rural zones. It could also be applied zone by zone since the Rural-4 zone is quite different than the other rural zones. This sort of policy would directly affect the distribution of growth in York. Extensive public involvement will be required to determine whether or not there is public support for this concept, and to design an appropriate mechanism if support exists.

#### MID-TERM PRIORITY - PLANNING BOARD TAKE LEAD ROLE

**TOWN OF YORK GOAL 1.2: Manage the character of future residential and nonresidential development to ensure it reflects existing and desired development patterns.**

- 1.2.1. Conservation layout for subdivisions shall be the preferred residential development pattern for the proposed rural zones and shall be encouraged in the proposed residential zones. The strengths of this form of subdivision design are the preservation of natural resources, allowing creativity in lot layout and lessening some Town service delivery costs. In 2005 the Town adopted new cluster housing subdivision standards in the Zoning Ordinance. The focus of these amendments was to ensure the design of new cluster subdivisions would result in the protection of resources important to the Town while allowing development of private property. The Town shall retain its cluster standards for applications where appropriate (such as in urban areas), and shall review and modify its subdivision ordinance to incorporate conservation subdivision concepts where appropriate.

#### ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.2.2. Consistent with direction provided in the Future Land Use Section, the Town should support the establishment of "improvement districts" to fund needed public infrastructure improvements. An improvement district is a mechanism that allows the Town to assess the property owner the cost to construct specific improvements in a defined area, such as the cost of drainage/stormwater facilities or roads in the Cycad Road area. Improvement districts are recommended for areas of existing dense development that are lacking basic infrastructure. This lack of infrastructure often causes problems with the development of existing vacant lots, many of which were created between 50 and 100 years ago.

#### MID-TERM & ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 1.2.3. The Town should adopt performance standards that manage the character of new development and significant renovations. These standards should reflect the diversity of York's existing development and be specific to different zoning districts. The standards can take many forms. For example:

- Implementing bulk/mass standards to regulate house size may be appropriate for the Nubble, but may be wholly inappropriate for the Rural zones.
- Conversely, requiring a structure setback of 100 feet while retaining a naturally forested buffer of 50 feet along the main road may work for the Rural-3 zone (Rt. 91 area), but it is the wrong approach for the Long Sands Beach area.
- Requiring both residential and nonresidential development along York Street to honor the appearance of existing historic structures may be warranted, but this approach makes little sense for the area along Ridge Road.
- Existing nonresidential performance standards for the Route One zones which require buildings to be New England in character, locate parking to the side and rear of the structure and to have the best building face look out onto Route One.

A common theme voiced throughout the Neighborhood Meetings conducted for the Comprehensive Plan and also during the recent Route One planning process was development should "look good" and fit into existing surroundings. The use of performance standards and appearance codes is a way to accomplish this goal.

#### IMMEDIATE & MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.2.4. The Town should allow the establishment of backlots, lots with no frontage, particularly in the proposed Rural Zones, as a way to limit the need for major road construction and to encourage the use of shared driveways which lessens the number of curb cuts. Backlots help property owners to achieve value from their land without the need to develop all of their property simply to pay for infrastructure costs. The proposal also must include provisions to prohibit the establishment of a right-of-way across the backlot to an unsubdivided area.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.2.5 The Town should allow nonresidential development to occur in areas designated in the Future Land Use Section. The Future Land Use Section has thoughtfully limited where nonresidential development can occur and identified performance standards which must be met. In addition, the amount of new nonresidential development which has occurred since 1990 has not appeared to outpace the community's ability to absorb this development and to allow the new use to prosper.

Existing non-conforming uses may continue to exist and may expand within the existing lot boundaries per current Ordinances. Existing conforming uses made non-conforming by zoning ordinance changes may expand within the lot boundaries and into adjacent property. In all cases the expanded use or expanded structure must meet current applicable performance standards and dimensional regulations to the greatest extent practical as determined by the Planning Board review and approval process.

#### ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.2.6 The Town should strongly consider buying the development rights for selected large tracts of land.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

### **TOWN GOAL 1.3: Manage the growth of residential development.**

- 1.3.1. The Town Planning Board should establish guidelines that require the phasing of subdivisions, particularly to reflect where the project is located. Phasing should be carefully linked to the growth boundary identified in recommendation 1.1.3 above. In short, phasing will be required for a lesser number of lots in a Rural zone than a Residential zone. Phasing is one of the strongest tools available to a community to ensure the costs of new service delivery do not outpace a community's ability to absorb such costs.

An example of phasing is the Planning Board's approach in 1997 in approving the 99 lot Whippoorwill Subdivision located off Route One. The approved phasing schedule stipulated the applicant could obtain a maximum of 20 occupancy permits in any single year, and there was no carry-over in occupancy permits if they were not used in one calendar year. Thus, if the applicant obtained 17 occupancy permits in 1999, the applicant would still be limited to 20 occupancy permits in any subsequent year and the 3 unused permits could not be obtained until the end of the project. By requiring phasing, it will take a minimum of 5-6 years to build out this project, regardless of market conditions for new house sales.

The Town should also consider requiring phasing by applicant, not only by project location. This proposed approach would allow the Planning Board to consider the total number of new projects a developer may propose in any given period, and to stipulate phasing to lessen the amount of impact by controlling the rate of development. For example, if an applicant obtains Planning Board approval to construct a 10 lot subdivision in 1999 and later in the year applies for a 7 lot subdivision in another location, the Board should consider phasing as if it were a single 17 lot subdivision. This recommendation will be difficult to implement because most applicants use multiple development companies, but it has merit in managing the rate of development.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.3.2. Reserved.
- 1.3.3. The Town should amend the Zoning Ordinances to require all new lots to satisfy net

buildable acreage requirements. The required deductions should be the same criteria established in the Planning Board Subdivision and Site Plan Regulations; poor soils, wetlands, steep slopes, easements and similar features. This should be implemented in concert with recommendation 1.3.2 above. The goal is to benefit orderly development by ensuring a property owner complies with the stricter standards identified in the Subdivision Regulations.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.3.4. An initial Transfer of Development Rights (TDR) system has been established on a limited basis (see Zoning Ordinance §7.6.4.B.3). The Town should expand its use of TDR to enhance protection of important natural resources such as, but not necessarily limited to wetlands, wildlife habitats, historic and archeological sites, and unfragmented blocks of open land. In general, the designated Growth Area should be the receiving area, although exceptions to this rule may be appropriate in certain instances.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 1.3.5 After the Maine Supreme Court upheld the Eliot growth cap, a citizen petition regarding a residential growth cap was submitted to York. This ordinance was approved by voters at the Special General Referendum in August 2000. A replacement ordinance was defeated at the November 2000 General Referendum, thus retaining the original ordinance. The Growth Ordinance, as adopted, expires after a few years. It reduces the rate of residential growth, allowing time for work on significant Comprehensive Plan implementation tasks including the Zoning Ordinance overhaul. Based on the number of new housing starts, York has consistently been one of the fastest growing communities in Maine. Establishment of a Town-wide residential growth cap for a fixed period is a reasonable means of avoiding excessive growth until the new directions of the Comprehensive Plan are incorporated into the Town's ordinances, regulations, capital plans and other policies.

#### IMMEDIATE PRIORITY – SELECTMEN TAKE LEAD ROLE

### **Town of Goal 1.4: Support a broad vision of sustainability as a basis for policy decisions regarding growth, development, and protection of natural and scenic resources.**

- 1.4.1 New policy initiatives added to the Comprehensive Plan or implemented in York's Ordinances should strive to be grounded in principals of sustainability. Broadly, sustainability is a concept that recognizes the interrelatedness of the energy, environmental, economic, development, and civic health of the Town, and the importance of ensuring that future generations can share in the many of York's resources that exist today. Currently, the Comprehensive Plan's goals for York's present and future, originating from many years of public input from residents regarding what they wish their community to be, touch on many aspects of sustainability. This includes the preservation of York's vast historic resources, municipal investment in critical infrastructure, encouraging sustainable land use patterns, fostering a strong local economy, supporting local agriculture and food production, promoting renewable energy systems throughout town, creating safe and accessible public spaces for various ages and abilities, protecting natural resources, and continued engagement of the citizens of York in determining the character of their community.
- 1.4.2 In order to better promote the concept and broad principles of sustainability and renewable energy systems throughout town as established in Town Goal 1.4 and subsequent town action 1.4.1; the Town shall, to the greatest extent practicable, implement the strategies, summary of actions and associated timeframes identified within the Energy Chapter of the Comprehensive Plan.

## **STATE GOAL 2: To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and development.**

The Town of York delivers an extensive array of public services to meet the needs and expectations of its 13,000 year-round residents and an equal number of seasonal residents. Services which are known or used by most include: 24 hour/day police and fire; road and drainage system maintenance; curbside residential trash, recycling and bulky waste collection and disposal, and paying the tipping fee for commercial establishments; maintaining public parks and York's beaches; offering year-round recreational programs for children and adults; operating a senior center; managing public docks and river moorings; planning and zoning, including enforcement of building codes; tax assessing and collection; and public education. Other, less well known services are also provided, such as: contributing to the cost of decorating the graves of veterans at the First Parish Cemetery, providing financial support to many local or regional non-profit service delivery organizations, and offering general assistance to those in need. The overall goal for York, like most towns, is to deliver good quality cost-effective services that residents feel are needed.

Many residents commented positively on the quality of York's public services at the Comprehensive Plan Neighborhood Meetings. Participants stated they feel York is a safe community and acknowledged the solid efforts of the York Police Department and its officers. Others noted the wide range of programs sponsored by the York Parks and Recreation Department stating the Department offers something for everyone. The York Beach and York Village Fire Departments, particularly the volunteers, both received high marks. The York School system was singled out for praise by many persons, with some stating the quality of York's schools is why they chose to live here. While still others stated the friendly manner in which York's municipal employees deliver services contributes to the community's small town character. Overall, many residents seem to be satisfied with the quality of York's municipal and educational services.

York, however, must now face the major service delivery challenge of how to pay the cost of much needed public facilities. While the community has done well in delivering services and regularly maintaining its existing infrastructure, it has long neglected the need for better quality public facilities. This pattern is perhaps best illustrated by the plight of the York Public Library. The need for a larger library was first recognized 60 years ago, but it is only now that a specific site and building design for a new library is nearing fruition. Other Town services, such as police and dispatch, are housed in undersized buildings that were designed for another type of use and renovated piece-meal to try to keep pace with current demands. York's existing school facilities worked well for over 20 years (1970-1990) with few improvements, but there is now a great demand for additional classrooms to serve the community's existing and growing population.

York's population has quadrupled in size over the last 45-50 years. This growth has resulted in change and heightened service demands. While York has used a variety of innovative approaches to pay service costs and help stabilize the tax rate for the last 8+ years, many residents are concerned the concurrent need for major facility improvements will result in a property tax increase they simply cannot afford. The Town's problem is heightened by its high valuation which often precludes receiving State monies to assist in facility construction. York has a significant need to upgrade and expand its existing facilities. It's population is also reaching a point where the Town may soon need to increase the number of employees to provide needed services. How the Town and its residents respond will help shape the community's future character.

### **TOWN GOAL 2.1: Direct most future residential and nonresidential development to areas that allow the economical provision of municipal services.**

2.1.1. This goal can best be achieved by implementing recommendations identified in the



Town's response to State Goal 1, how to encourage orderly growth and development, and those cited in the Future Land Use Section. Town Goal 1.1.1. describes the principal means by which this Goal can best be achieved.

PRIORITY IDENTIFIED IN THE RESPECTIVE SECTIONS NOTED ABOVE

- 2.1.2 The Town should locate most public facilities, including school facilities, in the proposed Residential Development and Village Center zones. This approach is particularly appropriate for the Town Hall, Town Library, and School facilities. Introducing such facilities to the proposed Rural Zones and zones which encourage nonresidential uses will detract from the community's small town New England character. Locating these public structures in the Residential and Village Center zones offer opportunities for open space, encouraging pedestrian use and retaining a traditional town lay-out.

ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

**TOWN GOAL 2.2: Promote municipal services and facilities that can provide for the health, safety and welfare of York's residents in a cost-effective manner.**

- 2.2.1 The highest priority should be to regularly maintain the Town's existing infrastructure. It makes little sense to construct new buildings or roads or buy new vehicles if the existing buildings, roads and vehicles are falling apart. The Town has wisely appropriated the monies needed each year (currently about \$340,000) to overlay and repair about 7-8% of its existing road system. The Town has also adopted a program to regularly replace most of its vehicle fleet before the cost of maintaining a vehicle exceeds its value. These Town practices make sense and should continue. In addition, for many years the Town has annually contributed monies to a designated equipment reserve/replacement fund and used these monies to level the cost of purchasing new equipment, such as a new fire truck. The amount of annual contributions to this fund have decreased, but this practice should continue and the annual amount of appropriations to these funds should be increased.

ONGOING PRIORITY - SELECTMEN & BUDGET COMMITTEE TAKE LEAD ROLE

- 2.2.2 The Town must ensure adequate resources and staff are available to implement new or expanded programs and regulations which the citizens say they want. As an example, the Planning Board has often advocated and York voters have subsequently adopted more stringent or complex zoning ordinances to regulate new development, but the funds have often been lacking to the Code and Planning Department to provide the required services to implement these ordinances. Similarly, taxpayers have asked for more maintenance of the Town's beaches, but have reduced the budget to provide the service. The Town should consider a practice of attaching a fiscal note for all new programs and regulations that are subject to a public vote. In short, the program or regulation does not take effect unless the monies needed to provide the service are also authorized.

IMMEDIATE/ONGOING PRIORITY - SELECTMEN & BUDGET COMMITTEE  
TAKE LEAD ROLE

- 2.2.3 York's home rule charter requires the Town to prepare a 5 year capital improvement project (CIP) program that is annually submitted to the voters for adoption. Preparing a 5 year CIP is an excellent practice and is a required component of the State Growth Management Act. The voters have regularly adopted the 5 year plan at the annual Budget Referendum, but have often failed to support individual line item requests when a specific funding proposal is presented (Actual funding is only requested at the Referendum in the year in which the project is to be built). The Town should continue its current practice

of preparing a 5 year CIP and devote adequate resources to ensure it is a good quality and realistic program that best meets the public need.

#### ONGOING PRIORITY - SELECTMEN & BUDGET COMMITTEE TAKE LEAD ROLE

- 2.2.4 The Town, in 1997, started to prepare a comprehensive Geographic Information System (GIS). The York Water District, York Sewer District and Town met to assess their collective and individual needs and agreed to jointly work to fund implementation of a GIS program. These entities should continue to work together to implement a GIS program, including how to ensure information remains current. This program warrants regular Town financial contributions to address the needs of all service providers. The Town will likely need to purchase new aerial photography every 10 years to retain accuracy of the information. The Town should also require new plans approved by the Planning Board to be submitted in a digital format so they can be readily incorporated in the GIS program.

#### IMMEDIATE PRIORITY - SELECTMEN, WATER DISTRICT, SEWER DISTRICT & BUDGET COMMITTEE TAKE LEAD ROLE

- 2.2.5 The Town currently relies upon an extensive system of user fees to help offset the direct cost of providing services. This diverse system of user fees applies to services such as parking meter fees, building permit fees, boat mooring fees, fees to participate in a program offered by the Parks and Recreation Department, and business directional sign fees. Fees are a critical source of local revenues as State law limits the authority of a municipal government to raise revenues through only the property tax or a use fee. The Town should adopt several practices regarding fee structures:

- Identify Town services for which a fee can or should be assessed. These services are often ones which a resident may periodically choose to use, such as obtaining a building permit, and which all residents may not regularly use. Conversely, it does not make sense to charge a fee for critical emergency services such as police.
- The amount of the fee should reflect the actual or prorated cost to deliver a service. For example, if it costs \$50/person to pay for supplies and instructors to field a youth recreation soccer team, the fee to all participants should be \$50 or a prorated amount of the cost minus revenues from other sources.
- The Town should regularly review its existing fee structures to ensure they reflect current service delivery costs.
- The Town must ensure its fees are regularly and fairly enforced and collected.

The general philosophy should be that persons who cause the demand for a service should be the primary party that pays for the service. Several specific services which may warrant imposing a fee include: use of the York River for recreational boating; use of Mt. Agamenticus area for recreational biking or walking; and use of Cape Neddick Beach. Implementation of an appropriate fee structure may allow the Town to deliver a service which may be difficult to support through tax revenues or help to maintain or improve existing infrastructure. The harbor fee which is used to fund harbor improvements and Ellis Park Trust use of parking meter fees collected at Short Sands Beach are good examples of the later approach.

#### IMMEDIATE PRIORITY - SELECTMEN & TOWN MANAGER CONDUCT COMPREHENSIVE REVIEW OF EXISTING FEES TO DETERMINE APPROPRIATE FEE AMOUNTS

- 2.2.6 Town voters and the Selectmen, in 1998, authorized York as the first Town in Maine to institute Impact Fees on new residential development to help pay the cost of new school facility construction to meet enrollment needs caused by new development. The fee requires a new house with 3 or more bedrooms, or an existing house which constructs additional bedrooms to pay a fee of \$1,300 or more. Impact Fees are a reasoned approach

to raise funds through non-property tax sources to assist in paying the cost of new school construction. The Town Ordinance stipulates the collection of fees for a period of at least 5 years. The Town should both collect the newly imposed fees and evaluate the success of the fee structure in fairly allocating school construction expenses and offsetting the amount of property taxes devoted to school construction.

The Selectmen should also evaluate the merits of applying impact fees to other municipal facility costs. The most appropriate potential expenses appear to be parks construction and public safety building construction. Although many communities assess impact fees for road improvements, the formula for assessing and collecting road impact fees in York does not appear to make sense.

#### IMMEDIATE PRIORITY FOR SCHOOL CONSTRUCTION IMPACT FEE MID-TERM PRIORITY FOR OTHER IMPACT FEES SELECTMEN TAKE LEAD ROLE

- 2.2.7 The Town has established dedicated reserve funds whereby use fees and other monies are allocated from a specific service to fund capital facility improvements for that service. For example, capital improvements to York's boat harbor are mostly funded through monies collected from use fees that are collected and allocated for harbor improvements. This is sound fiscal policy and warrants expansion to other programs. Two additional funds are recommended for voter approval and both warrant support. These are:

- Open Space Acquisition Program whereby funds from the sale of tax acquired property is dedicated to the purchase of significant natural areas. This fund will be presented for Town voter consideration. As discussed in other sections, the Town should also pursue annual Town appropriations to increase the amount of monies in the fund.
- Beach Reserve Fund whereby a portion of the monies collected from parking meter fees are dedicated to beach improvements. This fund will also be presented for voter consideration. Maintenance and capital improvements to York's beaches is a major expense and this approach ensures there will be monies available to help meet the need.

The Selectmen and Budget Committee should analyze the merits of this approach and determine if other programs warrant regular support through the establishment of dedicated funds.

#### IMMEDIATE PRIORITY - SELECTMEN & BUDGET COMMITTEE TAKE LEAD ROLE

- 2.2.8 Enterprise funds have been established to enable revenues collected from program user fees to be dedicated to the operation of specific programs. Enterprise funds are similar to dedicated reserve funds and also operate on the principal that user fees should be dedicated to the program from which the fee is collected rather than simply depositing the monies in the Town general fund. Enterprise funds ensure monies are available to operate programs from the source that generated the monies, thereby decreasing the reliance on taxpayer support to fund these services. Many of the costs of the York Parks and Recreation Department, Sohier Park, and Mt. Agamenticus are funded by enterprise funds. The Selectmen and Budget Committee should work with Town management to extend this concept to other services. Potential options include the Code and Planning Department and the Harbormaster/Harbor Board.

#### IMMEDIATE PRIORITY - SELECTMEN & BUDGET COMMITTEE TAKE LEAD ROLE

- 2.2.9 The Town should support the establishment of capital improvement districts to obtain monies from the direct beneficiaries of the improvement to pay for needed improvement costs in targeted areas of Town. This approach is discussed more fully in Goal 1, Orderly Growth and Development, and relevant sections of the Future Land Use Section.

#### ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 2.2.10 The York Planning Board has the authority through its existing Subdivision and Site Plan Regulations and some Zoning Ordinances to require applicants for new projects to pay for both on-site and off-site capital improvements needed to support the project. For example, approval of a new subdivision may require an applicant to build a road and drainage to town standards, extend a water and/or sewer line, construct sidewalks, street lights or utilities and similar improvements. An applicant may also be required to make improvements to existing roads to handle increased traffic and improve current drainage. The Planning Board has a powerful tool to ensure existing property owners are not saddled with the cost of constructing new improvements to serve new developments. The approach is quite simple, new developments must pay their own way.

#### ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 2.2.11 The Town should work with neighboring communities to use regional approaches to provide needed services. The most recent example of this approach is the 1998 decision of the York and Ogunquit Police Department to share dispatch services. This shared approach has improved the quality of service to both communities and allowed each to save on operating expenses. Other current examples include mutual aid fire/police/rescue agreements with Ogunquit; purchasing photocopy paper through Southern Maine Regional Corporations cooperative buying program, and the Kittery Water District providing service to customers located in York. The Town should consider regional approaches for other services, such as: a joint fire substation with Eliot and South Berwick in the Route 91 area; sponsoring a hazardous waste collection day with adjoining communities to both reduce costs and expand the number of times the program is operated annually; economic development services; GIS services and others.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 2.2.12 The Town, when there are minimal conflicts with private industry, should use Town facilities and services to generate monies to fund municipal services and reduce the burden of service costs on the taxpayer. Current examples include the lease of the Grant House and Mt. Agamenticus Lodge for private functions, use of Town owned land for a telecommunication tower, and the sale of advertising rights. The additional lease of Town owned land for telecommunication facilities has promise.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 2.2.13 The Town should continue the current practice of assessing land for current use which decreases the need to develop the remaining vacant land simply for the purpose of paying property taxes. Open space lands usually demand the least level of public services and are usually net tax assets. The Town should also research options to expand this principal of taxing land based on current use to encourage property owners to keep undeveloped land open for public access. Land use and taxation policy are inseparable and creative ways to preserve open space.

#### ONGOING PRIORITY FOR EXISTING CURRENT USE PRACTICE MID-TERM PRIORITY TO RESEARCH ALTERNATIVE MEANS OF TAXATION SELECTMEN TAKE LEAD ROLE

- 2.2.14 The Town should work with the State Legislature to expand the taxation and revenue options available to municipalities to reduce the reliance on property tax revenues. At present, the State relegates municipal taxation authority to property taxes and user fees. Potential local option targets include: establishing capital improvement districts (discussed in 2.2.9); assessing real estate transfer taxes (rate greater than current rate) to pay for school construction costs and/or open space acquisition; and creating meals and lodging

taxes. The ability to assess real estate transfer taxes to assist in paying school construction costs is particularly appealing because it may decrease York's need to assess impact fees on new construction, and the amount of tax paid would reflect the value of the property purchased.

IMMEDIATE PRIORITY ON REAL ESTATE TRANSFER TAXES - SELECTMEN TAKE  
LEAD ROLE

- 2.2.15 Provide adequate staff and financial resources through annual budget appropriations to provide a high quality of services at levels expected by York residents. Quality of service includes timeliness, accuracy, thoroughness and courtesy; customer friendly is the goal.

ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 2.2.16 In the areas not served by public water supplies, the York Beach and York Village fire departments should create a plan for developing water supplies for fire protection. Locations suitable for dry hydrants and water supply cisterns to aid in fire protection should be evaluated. The Town should consider enacting policies to require new development to share in the cost of site acquisition and construction of such supplies, with specific standards and mechanisms to be determined following further study of the matter. Once established, the Town should consider maintaining these facilities just as it pays for water service at fire hydrants in the public water supply service areas.

ON-GOING PRIORITY – FIRE DEPARTMENTS TAKE LEAD ROLE

**TOWN GOAL 2.3: Provide the educational facilities and services to support a high quality education for York students.**

- 2.3.1 The School Committee, in 1997, prepared a 10 year capital improvement project program that identified the amount of space and costs to provide good quality school facilities to accommodate existing and projected enrollments for the next 10 years; through 2008. School enrollment projections were prepared by Market Decisions, a firm with the expertise to do this job well. Town voters, in May 1998, were asked to adopt the proposed \$23 million capital facility program that included the following improvements:

- Renovate the existing York High School - \$5.5 million
- Construct a new York Middle School - \$ 14 million
- Renovate the existing Coastal Ridge Elementary School - \$3.5 million
- Construct parking facility improvements to York Village Elementary School - \$100,000

Town voters, at this election, approved the bonded indebtedness to renovate York High School and York Village Elementary School, but did not appropriate the requested funds for the Middle School or Coastal Ridge Elementary School.

The School Committee has implemented a solid planning approach to identify its capital needs. It is also working to construct the High School and Village Elementary School improvements funded by the voters and reexamining how best to provide facility improvements for both a new Middle School and renovation of Coastal Ridge Elementary School. The School Committee has also committed to annually preparing new 10 year school enrollment projections. The recommendation in this Plan is quite simple. The School Committee should continue its current practice of preparing a 10 year capital program for school facilities and the accompanying enrollment projections, and adjusting this program as needed to respond to changing enrollments. The School Committee should also advocate Town voter approval of the funds required to construct needed facilities.

IMMEDIATE & ONGOING PRIORITY - SCHOOL COMMITTEE TAKES LEAD ROLE

- 2.3.2 The School Committee should annually work with the Budget Committee and York citizens to present an operating budget that allows for the delivery of high quality education services to the students of York.

ONGOING PRIORITY - SCHOOL COMMITTEE TAKES LEAD ROLE

- 2.3.3 The School Committee should operate a good quality Adult Basic Education (ABE) Program that provides all York residents the opportunity to pursue ongoing learning. York voters rejected a request to establish a full-time ABE coordinator in 1998. This request should be resubmitted by the School Committee for voter consideration in 1999 and become an ongoing request of the Town. The School Committee should also consider establishing a fee structure for the courses offered that fosters the Adult Basic Education Program becoming as self-sustaining as possible.

IMMEDIATE PRIORITY - SCHOOL COMMITTEE TAKES LEAD ROLE

**TOWN GOAL 2.4: Provide a safe, efficient and well-maintained comprehensive transportation system including roads, pedestrian amenities and non-motorized vehicle trails.**

- 2.4.1 The Town, in 1983, adopted an Ordinance that established minimum standards a road must satisfy to be considered a public road; a road for which the Town must spend public monies to maintain. The Town will not accept a new road or an existing road for public maintenance unless all applicable standards are met. Road and drainage maintenance is one of the Town's most costly services and this Ordinance prevents the Town from becoming responsible for maintaining or upgrading a road which is deficient.

There are now over 110 miles of publicly maintained roads in York and 35-40 miles of privately maintained roads. If the Town was responsible for maintaining all currently private roads the annual Highway maintenance budget would likely increase by \$250,000 - \$300,000, and the Town would assume a potential road capital improvement (upgrading substandard roads to current standard) cost in excess of \$15,000,000. Notwithstanding this cost, the Town should also consider revising the current minimum pavement width standard of 20' to a lesser standard for roads which will only serve a minor amount of local only traffic. For example, in some neighborhoods, a 14' wide paved road may be more appropriate to support local traffic and reflect the character of the neighborhood. It would also help decrease long-term maintenance costs.

ONGOING PRIORITY TO RETAIN EXISTING ORDINANCE  
MID-TERM PRIORITY TO EXAMINE POTENTIAL ORDINANCE AMENDMENTS  
SELECTMEN, PLANNING BOARD & PUBLIC WORKS TAKE LEAD ROLE

- 2.4.2 The Town operates an effective program to regularly maintain existing public roads by annually appropriating sufficient funds to "hot-top" about 7-8% of York's roads. This maintenance schedule enables each public road to be resurfaced every 10-12 years which aids the quality of local transportation and lessens the long-term need to reconstruct the road. The Town should continue this current practice and periodically reassess the amount of paving being performed each year to ensure greater maintenance problems do not arise. Maintaining the existing public road system should be the Town's highest road improvement priority.

ONGOING PRIORITY - SELECTMEN/PUBLIC WORKS TAKE LEAD ROLE

- 2.4.3 York, like most Towns, has road intersections that often have traffic circulation problems or are high accident locations. Several of the most significant problem intersections in York and potential corrective actions follow:
- The monument at the center of York Village - Recommend realignment of

intersection and different traffic pattern within next 3 years.

- The layout of Old Post and Ridge Road - No specific improvements at this time.
- The layout of Long Sands Road and Ridge Road - No specific improvements at this time.
- Route 103 and Route 1A - No specific improvements at this time.
- Route 103 and Seabury Road - Use of neck-downs on Route 103 to decrease traffic speed, little opportunity to realign the road.
- Southside Road/Route 1/Beech Ridge Road - Prefer realignment of Beech Ridge Road to better "square" the intersection, although signalization may be an appropriate long-term approach. The adjacent intersection of Harvest Lane and Southside Road which has minimal sight distance to the east compounds the problems of this intersection.
- Mill Lane/Route 91 - Little opportunity for corrective action.
- Route 91/Route 1 - Relocation and signalization will likely be accomplished in 1999.
- Route 1/Orchard Farm Lane - Potential addition of left turn lane on Route 1 in the near-term should greatly benefit this problem intersection. Also, signalization and realignment of the existing Route 1/Route 91 intersection should create better gaps for people to exit this intersection.
- Clark Road/Route 1 - Little opportunity for corrective action.
- Rt. 1A/Route 1 (Cape Neddick) - Little opportunity for corrective action other than signalization, primarily a seasonal problem.
- River Road/Route 1 - Little opportunity for further corrective action other than signalization, primarily a seasonal problem.
- The alignment of North Village Road/Berwick Road - Prefer realignment of intersection to improve sight lines, a long term priority.

The solution many seem to prefer is to install a signal light. This approach often compounds existing traffic delays, but usually leads to a decrease in the severity of accidents. In addition, several of the intersections may not satisfy signalization warrant levels. The Town must work cooperatively with the Maine Department of Transportation to address many of these problem intersections.

#### SELECTMEN, PLANNING BOARD & PUBLIC WORKS TAKE LEAD ROLE CONSISTENT WITH ABOVE PRIORITIES

- 2.4.4 The Town of York Planning Board should reexamine current road construction standards specified in the Planning Board Subdivision and Site Plan Regulations to establish road construction standards, particularly road width and surface materials that reflect project transportation needs. Current standards often specify types of roads which are counter to York's desire to retain its small town and rural character. For example, if a subdivision is greater than 15 lots, the current standard requires a road to be 24' wide. The Planning Board, over the last 5 years, has used its authority to grant waivers to the standards to allow roads which make more sense for a project, but amending the Regulations to establish more reasonable standards is the preferred approach. The road standards should rarely require roads which are wider than 20' of paved surface (without pedestrian/bicycle amenities) and should allow narrow local access only roads that serve small subdivisions.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 2.4.5 The Town should adopt access management guidelines to regulate the amount and location of new curb-cuts along Route One and major rural roads in York, such as Route 103, Route 91, Beech Ridge Road, Shore Road and Mountain Road. Current Planning Board Subdivision and Site Plan Regulations identify standards, but these standards do not always provide the Board with adequate tools to limit the number of curb cuts. Key provisions that should be inserted in these Regulations and the Zoning Ordinance involve

residential driveways, both the need to advocate common driveways and to require turn-arounds on all driveways to prevent cars from backing out into major through roads.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2.4.6 The Comprehensive Plan Steering Committee heard significant support at the Comprehensive Plan Neighborhood Meetings for the Town to construct bicycle and pedestrian paths. The value of a walkable and bikable community for health, environmental benefit, added recreational opportunities, and alternative transportation cannot be underestimated. The Town of York recognizes the many economic, social, health and recreational benefits that will result in creating safe spaces to walk and bicycle, contributing towards networks that link our homes, downtowns, workplaces, parks, and beaches. Not only a benefit to residents, the scenic roads of York are a draw to visitors, as well. Specific recommendations to address this interest include the following:

- In 2015, the York Board of Selectmen appointed a York Bicycle and Pedestrian Committee that was charged with developing and implementing “a Master Plan for the Town of York to achieve the benefits of safe and accessible bicycling and walking”. As a result of the committee’s work the York Bicycle and Pedestrian Master Plan was completed in April of 2017 and contains existing condition inventories, public input summaries, and policy and infrastructure recommendations for the improvement of bicycle and pedestrian conditions throughout the Town of York. As a way to cultivate the improvement of bicycle and pedestrian conditions in York, the Town hereby incorporates the York Bicycle and Pedestrian Master Plan into the Comprehensive Plan by reference. The Town should implement the recommendations and pertinent information included within this Master Plan document.

#### IMMEDIATE PRIORITY – BICYCLE AND PEDESTRIAN COMMITTEE & PUBLIC WORKS DEPARTMENT TAKE LEAD

- Though bike lanes have been requested as an amenity in many parts of Town, road widening to create bike lanes is not the only technique available for a road. Wide outside lanes, traffic calming, improvements of sight distances and intersections, shared lane markings that indicate to drivers that they are on a road frequently also used by cyclists, can all be applied to contribute to more complete, inclusive streets. Areas of in particular need of bicycle oriented improvements are identified in the York Bicycle and Pedestrian Master Plan. The town should review the need for and type of bicycle accommodations on a context sensitive basis consistent with the idea of Complete Streets.

#### ONGOING PRIORITY – COMMUNITY DEVELOPMENT DEPARTMENT AND DEPARTMENT OF PUBLIC WORKS TAKE LEAD ROLE

- Efforts to improve pedestrian and bicycle routes should be made to coordinate with overlapping regional initiatives, such as the Maine Safe Routes to School Initiative, the East Coast Greenway, Seacoast Area Bicycle Routes (SABR), and path and trail planning efforts in surrounding communities.

#### MIDTERM PRIORITY – COMMUNITY DEVELOPMENT DEPARTMENT TAKES LEAD ROLE

- The Planning Board should assess the need for non-vehicular improvements (sidewalks, pedestrian paths, extended pavement width to support bicycle use) during the review of new subdivisions or commercial site plans, and require the applicant to construct appropriate improvements. Pedestrian and Bicycle facilities work best if they are incorporated into the original project design. Sidewalks are most appropriate for areas in the proposed Residential and Village Center zones, while pedestrian paths may be more appropriate for subdivisions in the proposed



Rural zones.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town, as an element of its Five Year Capital Improvement Program, should appropriate funds to construct desired pedestrian improvements. Areas of high priority for sidewalk installation are identified in the York Bicycle and Pedestrian Master Plan. The town should review the need for sidewalks on a context sensitive basis consistent with the idea of Complete Streets.

#### IMMEDIATE TO LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

- The Town should explore the use of existing paths and off-road areas to support pedestrian and bicycle activities and create safe connections between destination areas. Town voters appropriated funds in both 1997 and 1998 to upgrade Fisherman's Walk, and significant additional funds will be needed to complete this project. Other opportunities include paths along unused right-of-ways and through Water District lands near Mt. Agamenticus. Additional opportunities for formal off road paths are identified in the York Bicycle and Pedestrian Master Plan.

#### IMMEDIATE PRIORITY FOR FISHERMAN'S WALK & LONG TERM PRIORITY FOR OTHER AREAS - SELECTMEN TAKE LEAD ROLE

- 2.4.7 The Town should explore alternative approaches to aid in directing traffic to York's beaches. This includes pursuit of a public access road through land owned by the York Wild Animal Kingdom. It also includes better signage directing traffic to the beach and implementation of a pilot off-site beach parking program.

#### MID-TERM to LONG-TERM PRIORITY - SELECTMEN & PUBLIC WORKS TAKE LEAD ROLE

- 2.4.8 The Town should cooperatively work with the Maine Department of Transportation (MDOT) to prepare a long-term plan for road improvements to the Route One corridor. The Town discussed lay-out options for Route 1 during the Planning Board's Route 1 Planning Process in 1995-1996. The Town is now informally working with MDOT to address some issues, but a more definitive plan is needed to ensure future improvements are well coordinated. The lay-out of Route 1 has been a significant local issue in 1997 and 1998 because of several major development projects, including the Hannaford Brothers grocery store, the Whippoorwill Subdivision, the proposed York Crossing retail center, and the relocation of Stonewall Kitchens to the Town Route One parcel. Additional improvements are needed to Route One to address increasing traffic volumes and more right-left turn traffic. Many of the recommended improvements could be funded by developers as specific projects are approved. If MDOT assistance is unavailable, the Town should consider engaging the services of a consultant to perform a traffic management plan.

#### IMMEDIATE PRIORITY - PLANNING BOARD & PUBLIC WORKS TAKE LEAD ROLE

- 2.4.9 In the Transportation Chapter of the Inventory & Analysis Section of this Plan, the federal functional classification of roads was presented. This is the official designation of road type based on usage and purpose (arterial, collector or local) recognized by the state and federal agencies when dealing with transportation improvement projects, impact analyses, and project permitting. Also presented was a local assessment of roads' functional classes based on direct local knowledge and experience. The local perspective was markedly different than the federal designations. Because there are significant policy implications associated with the functional classification system, it is important for the Town to adopt its own classifications. The map entitled, "Local Assessment of Roadway

## IMMEDIATE PRIORITY – PUBLIC WORKS DEPARTMENT TAKES LEAD

- 
- Urbanized Area and Watershed Boundaries

2.5.1 York voters, in 1991, adopted a Home Rule Charter that significantly changed the open Town Meeting form of government the Town had used for centuries to conduct municipal business. In 2002, ten years post adoption and implementation of the current Charter, the Town should establish an ad-hoc Committee to assess the effectiveness of the Charter to operate the local government and meet the public need, and to offer recommendations, if any, regarding desired changes. It is appropriate for a Town to conduct periodic comprehensive assessments of its government structure and operations to ensure local needs are being met.

2.5.2 As the Planning Board has been doing since the adoption of the latest Comprehensive Plan in 1999, the Board should consider periodic (annual) updates of the Plan as a means of keeping the plan current.

## 22

- 2.5.3 The Town has made wide and wise use of cable television to telecast local meetings which has helped create a more informed electorate. The Town and School are also using an Internet Home Page to make more information available. The Town should continue to telecast local public meetings and implement ways to increase the knowledge of local residents about local government. The Internet also offers the potential advantage of allowing routine services to be delivered electronically rather than the customer coming to Town Hall.

ONGOING PRIORITY - SELECTMEN & SCHOOL COMM. TAKE LEAD ROLE

- 2.5.4 The Town should regularly participate in regional, state and national organizations, such as Southern Maine Regional Planning Commission, Maine Municipal Association and the International Conference of Managers Association, that enables the Town to be familiar with current technology and approaches to address public service needs. The old adage of learning from other's experiences applies to local government.

ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 2.5.5 The application for a building permit or even finding out such basic information as allowable uses, dimensional requirements, Town, State, and Federal permits needed, and overlay district requirements can be a daunting and confusing task for the citizen not involved with building/developing on a daily basis. It should be an objective of the Town to make this process as user friendly as possible for the Town residents. It is recommended that the existing Planning Office checklist be reviewed and updated periodically to insure completeness and clarity. It may be warranted to maintain an updated checklist on the Town's website. If applicants are more familiar with the requirements, the "time of service" by the Planning Department staff may be reduced.

IMMEDIATE AND ONGOING PRIORITY - PLANNING STAFF TAKES LEAD ROLE

**TOWN GOAL 2.6: Support Accessibility in the Human-Made Environment**

- 2.6.1 The federal American with Disabilities Act (ADA) prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. As part of this act, new development is required to comply with the ADA Standards for Accessible Design, which includes standards for outdoor spaces and indoor construction, such as handicapped parking spaces, wheelchair ramps, minimum sidewalk widths, dimensional requirements for entrance doors, textured surfaces on curb ramps, among other provisions. The Town of York supports creating an accessible environment for all ages and abilities that at minimum meets the standards outlined by the American with Disabilities Act.

### **STATE GOAL 3: To promote an economic climate that increases job opportunities and overall economic well-being.**

York is in the heart of the Greater Seacoast area. The region traditionally has experienced greater job growth, more diversified employment opportunities and lower unemployment than most any other region in Maine. In fact, the most common sign in York in 1998 was a plea for “help wanted” in the windows of many local businesses. The region’s sound economy has rarely required the Town to take a direct role in business attraction or retention, and some have labeled York as being “anti-business”.

York’s objective should be to ensure the community continues to benefit from the health of the region’s economy and York’s ideal location as a family oriented seasonal resident and tourist destination. One of York’s prime assets is its large number of well-maintained seasonal homes. Individually, these homes often look no different than a year-round residence located next door. Collectively, however, these homes are a major tax asset to the community that place little demand on the Town’s number one service cost; schools. In addition, the need for regular services to these homes, landscaping, renovations, and such, helps retain many self-employed or small service companies in York.

York should also avoid the trap of becoming simply a bedroom community where the parents travel south to the Portsmouth and Boston labor markets while the kids trek off to York schools. Fortunately, nearly 40% of York’s residents continue to work where they live. The decision of several small locally owned companies - Cormier Textile, Maine Coast Lumber, Maine Wood and Design, Stonewall Kitchens and Lofware - to locate or expand their operations in York within the last two years has shown that the Town can be more than a place where people lay their head down to sleep at night.

The general course recommended in this Plan is for York to identify land areas that are suitable for a variety of business activities, provided the business is prepared to “look good”, mitigate adverse impacts and be an asset to the community. Most local homeowners take great pride in maintaining their home and property well, and the Town simply wants business owners to adopt the same approach.

### **TOWN GOAL 3.1: To promote a sound economic base and economic development that are consistent with York’s small town coastal character.**

3.1.1 Consistent with recommendations identified in the Future Land Use Section, the Town should establish areas where appropriate nonresidential uses are specifically permitted, and clearly identify where nonresidential uses are prohibited. The Town should also require compliance with appropriate performance standards to ensure a proposed nonresidential use is compatible with the existing and desired character of an area. The areas in which nonresidential uses are recommended to be permitted include the following:

- Village Centers: York has four main village centers, York Village, York Harbor, York Beach and Cape Neddick. The intent is to establish zoning standards that retain or enhance the existing character of these respective centers, while allowing business to flourish.
- Long Sands Beach: This area should allow both restaurant and hotel development, the main nonresidential uses which now exist.
- Route 91/Beech Ridge Road area: This rural zone should also allow businesses that make products, such as James Taylor Furniture Company, and small scale retail uses, such as the Brixham Grange Hall.

- Route One: Appropriate sections of Route One area should serve as the Town's main commercial areas and a prime location for small scale industry. These areas are identified in the 1996 Route One Zoning Ordinance amendments.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3.1.2 York has always had a large number of local craftsman and entrepreneurs who have worked on the land on which they have lived. York should recognize the importance of these home based businesses to its local economy and adopt home occupation standards that fairly regulate such uses, while protecting against adverse impacts. All proposed home occupations should be required to obtain a permit from the Code Enforcement Officer to ensure appropriate Town standards are met. Three tiers of home occupation uses are proposed. The zoning districts in which each tier of home occupation is appropriate is identified in the Future Land Use Section. The tiers include:

- Class 1 Home Occupation: The use must occur in the primary structure and should be less than 450 sf in size. The uses would be primarily office/professional with minimal traffic impact and no retail sales. No more than 1 employee other than occupant would be allowed. These are low impact uses on the neighborhood. Class 1 home occupations are discussed as being appropriate for many of the proposed Residential zones.
- Class 2 Home Occupation: The use can occur in either the primary structure or an accessory structure (a garage, barn, etc.). A variety of uses would be allowed; office, service/repair, making products, and limited retail sales. There would be no more than 1 employee other than the occupant, minimal traffic and no night-time activity. The use should be no greater than 800 sf in size. Class 2 home occupations are discussed as being appropriate for some of the proposed Residential and Rural zones, and the Village Centers.
- Class 3 Home Occupation. The use can occur in either a primary or an accessory structure. A wide variety of uses would be permitted; office, service/repair, making products and limited retail sales. The maximum size of the use should be in the range of 1,600 sf of ground floor space and 2nd story use should be permitted. Other than the occupant, there would be no more than 3 employees. This tier of home occupation is recommended for some rural zones and the Route One zones.

Implementation of the proposed home occupation provisions is considered a key recommendation in this Plan.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3.1.3. Consistent with direction provided in the Future Land Use Section, the Town should adopt standards that recognize the importance of traditional industries to the local economy and private property owners. Three of the most significant traditional industries are agriculture, timber harvesting and fisheries. Timber harvesting is proposed to be recognized as a permitted use in all zoning districts, and the Rural-4, Natural Resource Protection zone, has been designed to encourage sustainable timber harvesting activities as the most beneficial form of land use. Agriculture is permitted in all Rural Zones and "right to farm" standards are recommended for several areas. Recommendations regarding fisheries are identified in State Goal 7, Marine Resources.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3.1.4. See public water supply and sewage disposal policies in §1.1.2.

3.1.5. The Town should encourage regional cooperation in pursuing economic development activities that benefit the community. York is part of the Greater Seacoast economy. The

Town lacks the funds and the need to independently pursue economic development, and could forge relationships with its neighboring communities to best provide services to its existing and future small businesses. The KEYS (Kittery, Eliot, York and South Berwick) reports produced in 1992 and 1994 provide excellent direction on how to pursue regional cooperation. The Town voters chose not to reauthorize funding for the KEYS organization in 1997, but it is an approach that warrants future attention, particularly if the economic euphoria of the mid-1990's begins to wane as it did in the late 1980's. A regional approach to addressing economic development issues also includes alliances with the Southern Maine Economic Development District; an active organization that can provide business loans and similar assistance.

#### MID-TERM & ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 3.1.6. The Town should pursue available State funds, when appropriate, to assist businesses to relocate to York or to expand existing operations. York's ability to obtain a Community Development Block Grant (CDBG) to pay the cost of road, water and sewer infrastructure improvements was a significant factor in Cormier Textile's decision to relocate to York in 1997. In 1999, the Town's ability to obtain CDBG monies to again pay infrastructure costs was a deciding factor in Stonewall Kitchen's decision to expand in York or relocate to another community. The Town, however, should target its grant acquisition efforts to businesses which clearly benefit the community and should not simply start to chase grant dollars for any business which asks. For example, manufacturing may offer advantages that additional retail sector growth does not.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

### **TOWN GOAL 3.2: To retain York's attraction as a family oriented seasonal resident and tourist community.**

- 3.2.1. Consistent with recommendations identified in the Future Land Use Section, the Town should establish areas where new and existing seasonal resident housing is encouraged. The main areas where this can occur include:

- The Nubble: The Plan recommends this area be zoned Protected Residential to help safeguard its continuation as an area of many seasonal homes.
- Back of Long Sands Beach and Ridge Road: This area should also be identified as a Protected Residential zone. A key recommendation that should encourage the construction of seasonal homes is to allow housing that does not exceed 2 bedrooms in size to be constructed at greater densities than 3 bedroom units.
- Freeman Street area: Little undeveloped land remains, but this area should continue to support seasonal residential housing.

In addition, the Town should amend current zoning to allow reasonable expansions of currently non-conforming structures if the intent is for the home to remain occupied seasonally. Reinvestment in aging cottages is important to the Town.

#### IMMEDIATE PRIORITY to MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 3.2.2. Tourism is a major component of the Town's economy. The Town can assist in supporting this industry by routinely implementing practices such as the following:

- Deliver services that support use of York's prime tourism beaches, particularly Short Sands Beach and Long Sands Beach.
- As owner of the Nubble (Cape Neddick) Lighthouse, the Town must ensure its maintenance and that of the surrounding Sohier Park. Both are prime tourist

- attractions.
- The Town should support the establishment of an “Improvement District” in the Short Sands Beach Village Center area that uses the funds of property owners and Town Capital Improvement Project funds to renovate existing infrastructure; sidewalks, lighting, streetscape amenities (benches, etc.), public parking, drainage, and others.
- The Town should improve road signage that helps direct the traveling public to prime tourist destinations.
- The Town should work with the private sector to establish a system of off-site parking and public transit to transport tourists (day-trippers) to York’s beaches and relieve current parking problems.
- The Town should work cooperatively with the Chamber of Commerce, York Beach Merchant’s Association, York Restaurant Association and similar groups to enhance communication between the public and private sector.

Most of the above recommendations are ongoing activities and do not represent one-time solutions.

#### IMMEDIATE TO LONG-TERM PRIORITIES - SELECTMEN TAKE LEAD ROLE

### **Town of York Goal 3.3: To create conditions conducive to small-scale, local business start-up, success and growth.**

- 3.3.1 Modify outside display standards in the Route One Zoning to enable an eclectic mix of local businesses to thrive along the corridor, and to help prevent a sterile, homogenized, “strip development” look from becoming the norm along the Route 1 corridor.
- 3.3.2 Streamline application standards and processes for small-scale business applicants as they start-up and expand.
- 3.3.3 Modify sign standards to permit extra, temporary signage for new small businesses during an initial start-up period.
- 3.3.4 Small business incubation should be encouraged through permitting buildings to house multiple business ventures simultaneously.

### **Town of York Goal 3.4: Policies on Formula Businesses**

- 3.4.1 As of 2004 the voters of York have supported a prohibition on formula restaurants and fast food restaurants in Town. Public workshops by the Planning Board in 2010 that debated loosening formula restaurant restrictions ultimately resulted in public and Planning Board resistance to any change to a policy that is generally viewed as successful. In light of the continued support for these existing policies, it is appropriate for the Town to continue to sustain a ban on formula and fast food restaurants.
- 3.4.2 There are many other types of formula businesses in Town, and many more possible, whether in the form of regional franchises or national chains, such as but not limited to banks, gas stations, supermarkets, auto dealerships, real estate companies, insurance companies and hardware stores. The reasons voiced for support of the continued ban on formula restaurants also have implications for other, non-restaurant business categories. No ban is proposed for other formula business categories. However, it is important to the community that new businesses support a strong local economy, with a variety of viable, locally owned businesses, that new businesses respect the scale and historic building patterns of the area.

- 3.4.2 New business designs and treatments that express corporate, franchise, or trademark identities should not take precedence over the Town's efforts to maintain the historic character of York, to support excellent building and site design, and to promote safe and inviting commercial places.



## **STATE GOAL 4: To encourage and promote affordable, decent housing opportunities for all Maine citizens.**

Many of the growth-related issues are a result of the protracted amount of housing growth in York since the 1950s. The amount and patterns of residential growth are of paramount concern, but are addressed by policies elsewhere in the Comprehensive Plan. In general, the goals of the Town are to ensure that housing is decent and safe for its occupants, that the mix of unit types is suitable for residents' needs, and that the Town fulfills its responsibilities to help provide affordable housing.

### **Town Goal 4.1 – General Housing Policies**

Housing in York is generally well built and well maintained. There are no concentrated areas of poverty and blight, and issues of unsafe housing are few and scattered. Except for affordability, housing issues are not severe in York.

- 4.1.1 **Age-Restricted Housing.** The Town has enacted three types of zoning provisions to allow for age-restricted housing: elderly housing, elderly congregate housing, and the York Village Elderly Affordable Housing Overlay District. The Overlay District is addressed separately under the heading of affordable housing policies. Both elderly and elderly congregate housing provisions are based on age, and income is not a relevant factor as far as the code requirements are concerned. Other housing relating primarily to age of residents, such as co-housing, hospice housing, and nursing homes, should be investigated and considered.

Elderly Housing. Occupancy of elderly housing is limited to people who are 62 years of age or older, or the spouse of someone of this age. There is also a provision that federally funded elderly housing must also permit people with handicaps to be eligible for the units. York permits elderly housing in locations with both public water and public sewer, which is a relatively small area of Town. The regulations provide for high density with some basic controls on site and building design to control neighborhood impacts. To date, Yorkshire Commons of the York Housing Authority is the only elderly housing property in York. A new provision should be added to the Zoning Ordinance to allow for small-scale elderly housing to be created without being located on public water and public sewer.

Elderly Congregate Housing. Occupancy of elderly congregate housing is limited to people who are 55 years of age or older, or the spouse of someone this age. This form of housing is permitted only east of Route One between the York and Cape Neddick rivers, with some densely developed areas excluded. In theory, this form of housing is based on the concept of the "continuum of care," which spans the range from independent living to assisted living to full-care living. A resident enters this housing at any level, and can then progress through to other more care-intensive levels as their needs change over time. As regulated in York, this is a form of elderly housing with a lower age limit and a minimal requirement for some type of shared community facilities. There are 3 elderly congregate care facilities in York at this time. The Sentry Hill facility has units which range from independent living cottages all the way to an Alzheimers care unit. Spring Pond Estates, and second facility, is comprised of a series of independent living units plus a rented community room with a minimal kitchen and a small room for a visiting nurse to hold hours for residents. Bayberry Ridge at Spring Pond is the third facility, and will also have a limited range of option for residents. The developer attempted to create a nursing home as part of the Spring Pond and Bayberry Ridge projects, but density conflicts with the Shoreland Overlay District prevented local permitting. At some point, the regulations associated with elderly congregate housing should be revised to require a stronger tie to the continuum of care concept.

Both the elderly and elderly congregate zoning provisions should be evaluated for possible improvements as outlined above.

York Village Elderly Affordable Housing Overlay District. See Section 4.2.2.

#### LOW PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.1.2 Seasonal Housing. As a summer destination, York has a large amount of seasonal housing, primarily concentrated near the beaches. It is important for the Town to retain a significant portion of this housing stock for seasonal use because it provides significant tax revenues without placing major demands on public services, especially schools. It is also important to ensure that code-deficient buildings are updated and made safe as they are expanded, improved, or converted to year-round use. Although some people still build new residences for seasonal use, the building codes do not permit any new buildings to be built to a lesser standard, so over time the building stock will become more homogenous. Much of the reason for on-going distinctions is based on the lack of year-round water supply. For those units on seasonal water, public water service needs to be discontinued at least 90 consecutive days, and this standard should be carried forward into the Zoning Ordinance. The definition of seasonal housing in the Zoning Ordinance is also inadequate and should be amended to be consistent with Town policy.

#### ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.1.3 Apartments. Apartments are an important component of the Town's housing stock. Most young households are not in a position financially to afford to purchase a home, so apartments are the most likely housing option. York's housing stock has a lower percentage of duplex and multi-family units than the surrounding areas, the county or the state. Not surprisingly, the number of residents in their late teens through mid-30s is far lower than expected for a population of York's size. Virtually no apartments have been constructed in York since 2000, and the impact on the age distribution will probably worsen if this pattern continues. Apartments are permitted in one residential zone (RES-7), in 2 commercial/village zones (BUS-1 & YBVC), one general zone (GEN-3), and in 5 Route One zones (all except Route One-1). In addition, historic buildings in the former York Harbor and York Beach village corporation areas can be converted into apartments as an incentive to conserve significant older buildings. The Residential Growth Ordinance has the effect of prohibiting apartments by virtue of limiting the number of units one applicant can have on the waiting lists at any one time. The Town should pursue policy amendments which encourage the development of some additional apartment units. Among other approaches, apartments should be permitted on upper floors above commercial spaces throughout Town, with minimal density limits where public sewer is available. The Residential Growth Ordinance should be amended to realistically allow applications for new apartment construction. The Town should also evaluate its ability to control condominium conversion of apartments because many rental units have been lost by conversion to ownership units. Other code amendments should be considered.

#### HIGH PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.1.4 Accessory Residential Units. To help families care for their extended family, the Planning Board proposed to allow homeowners to create a temporary in-law type of apartment attached to their home. Voters enacted this policy in November 2004. The units are permitted by Special Exception, and are subject to a number of limitations. Most significant is the requirement that the separate unit be eliminated when no longer used by the family member in need. Since its establishment, only 1 or 2 accessory residential units have been created. Accessory residential units are different than accessory dwelling units, and the Town should continue to permit both types of units.

## ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.1.5 Building Codes. The Town should continue to administer and enforce building and other related codes to ensure construction of safe dwellings and other structures. The national trend is leading towards adoption of uniform codes, and Maine is taking an increasingly assertive role in mandating certain codes. It is anticipated that a new statewide building code based on the International Building Code will be imposed on all communities on July 1, 2010. In the transition to the new statewide code, it is necessary to maintain the Town's fee system, currently enacted within the Town of York Building Code, because these fees fund a significant portion of the code enforcement and GIS functions, unless the Town transitions to funding these functions with general revenues. During the transition, it will also be important to look for conflicts between the new statewide building code and other Town-adopted codes, such as the Life Safety 101 code, and to repeal or modify the local codes to eliminate any conflicting provisions and ensure overall consistency. Finally, the Town needs to watch for situations where modifications of the statewide code requirements are warranted, and should adopt or lobby for such modifications as necessary.

## ONGOING PRIORITY - COMMUNITY DEVELOPMENT DEPARTMENT TAKES THE LEAD ROLE

- 4.1.6 Code Enforcement Staffing. The Community Development Department currently has 3 staff with full state certification as code enforcement officers. The Department's Administrative Assistant is certified as a Local Plumbing Inspector to help facilitate issuance of State plumbing permits. The Department Head is certified as a code enforcement officer in the areas of land use and shoreland zoning. The code enforcement workload on the Department has proven difficult to manage with just 3 code enforcement officers, so the additional staff with overlapping responsibilities has proven helpful. The Town needs to ensure it has adequate staff to perform required code enforcement functions, and that the staff is adequately trained for the demands of the work. Two of the full-time code enforcement officer positions are funded entirely with permit fees. Use of fees to pay a portion of code enforcement expenses has proven effective and should be continued, but poses a risk for loss of services as the economy lags and building activity and permit revenues wane. Alternately, the Town could fully fund the Department with general revenues and remove the Community Development Department from its reliance on permit fee revenues. Maintenance of Department staffing levels during such a transition will be critical.

## ONGOING PRIORITY - COMMUNITY DEVELOPMENT DEPARTMENT TAKES THE LEAD ROLE

### **Town Goal 4.2 – Affordable Housing Policies**

Despite the recent weakening of the real estate market, housing remains unaffordable in York, and in the seacoast region in general. Based on responses to recent surveys of voters and businesses in York, there appears to be solid support for the Town to begin to address its affordable housing deficit. The State requires that each community in Maine seek to address the problem of housing affordability. Specifically, Title 30-A MRSA §4326(3-A)(G) requires that municipalities must enact "land use policies and ordinances [that] encourage the siting and construction of affordable housing within the community." This statute goes on to add detail, "The municipality... shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality... that meets the definition of affordable housing." Simply put, York and all other municipalities throughout Maine need to do their share to resolve this statewide problem.

To determine the actual number of affordable housing units required, historical information is required. This number must be calculated annually, and will fluctuate based on the five-year

average specified in the statute. For 2009, 10 affordable housing units is the target to be achieved. This is calculated as follows:

| <b>Year</b>                | <b>Net Increase in # of Year-Round Housing Units</b> |
|----------------------------|--|
| 2008                       | 69   |
| 2007                       | 101  |
| 2006                       | 71   |
| 2005                       | 104  |
| 2004                       | 136  |
| Total New Units            | 481  |
| Average New Units Annually | 96.2   |
| <b>10% of Average</b>      | <b>10</b>  |

In making this calculation, the language of the statute must be interpreted. The statute refers specifically to “new residential development.” This is interpreted to mean the net increase in the number of year-round residential units. Annually it is the sum of newly constructed residential units, conversions of units from seasonal to year-round, accessory residential units, and accessory dwelling units. It does not include tear-downs/replacements, nor does it include homes moved from one lot to another.

So what does affordable mean? Affordable housing is defined by statute as, “a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area,” per Title 30-A MRSA § 4301(1). The area is defined by the US Department of Housing and Urban Development and includes the 5 communities of York, Kittery, Eliot, South Berwick and Berwick. In addition to the income limit for the household occupying the unit, total housing costs cannot exceed 30% of the combined gross income of all members of the household if the housing is to be considered affordable. For renters, total housing costs include both rent and utilities. For home owners, total housing costs include mortgage costs, taxes, insurance and condominium fees.

In late 2008 and early 2009, the Community Development Department conducted a series of 3 surveys relating to affordable housing. First was the survey of voters, which received a very high rate of response and was found to be statistically defensible. This survey demonstrated a solid base of support for the Town to take action. Taken as a whole, the survey results point to a willingness to consider policies which would increase the supply of affordable housing, whether by new construction of apartments or conversion of existing buildings into apartments. The survey results were also very clear that affordable housing must not come at the expense of destruction of character of the surrounding neighborhood. Scale and design will be important components of any solution. The survey results also were clear in showing strong opposition to funding affordable housing – by waiving impact fees or offering any sort of monetary subsidies.

In addition to the voter survey, the Department surveyed businesses and people who commute into York. Neither of these surveys received a strong response, and neither is considered statistically valid. Two of the resident survey questions, dealing with the issues of housing being a priority, were repeated in the business survey, and the responses received were very similar. One new issue was identified by these surveys – the business community strongly indicated there is not enough housing for seasonal workers. Details of both surveys are included in the Inventory & Analysis Section’s Housing Chapter.

4.2.1 General Affordability Policy. The Town shall continue to attempt to comply with State mandates about the creation of new affordable housing units. Code revisions for measures such as higher housing density and energy efficiency should be pursued to help achieve this goal by creating incentives for the private and non-profit sectors to create new affordable units in the amounts necessary to meet statutory goals.

#### ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.2.2 York Village Affordable Elderly Housing Overlay District. In May 2003 the Town created the York Village Affordable Elderly Housing Overlay District to accommodate the development of 104 units of affordable elderly housing by the York Housing Authority. This overlay district encompasses less than 20 acres of land. The District was created primarily to overcome density limitations of the Shoreland Overlay District in the area to be developed. The State permitted this override because the shoreland resource in question was a wooded wetland which the State did not require to be included in the Shoreland Overlay District. The affordability standard is not contained in the Zoning language, but needs to be inserted. The Town should retain this Overlay District, and should be open to opportunities to amend this District to increase the number of affordable housing units.

#### ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.2.3 Accessory Dwelling Units. In response to concerns about both housing affordability in general, as well as the ability of owners of larger homes to be able to afford to pay rising property tax bills, two members of the Board of Selectmen introduced the General Accessory Dwelling Unit Ordinance. It was enacted by the voters in November 2004. This Ordinance permits a small apartment to be added to an owner-occupied single-family home without considering this to be an increase in residential density. The ordinance establishes a number of controls to manage impacts and prevent abuse. A total of 24 1-bedroom units and 8 2-bedroom accessory dwelling units have been permitted as of December 31, 2008. All 1-bedroom units and up to 10 2-bedroom units annually are exempt from the requirement to obtain a Residential Growth Permit. Because there is no restriction on the income of people occupying either unit, these units are not necessarily helping the Town to comply with State affordable housing mandates, but this policy is certainly helping to increase the diversity of unit types available, presumably at relatively low rent costs. Continuing adjustments to maintain and improve the functionality of this Ordinance may be required.

#### ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.2.4 Workforce Affordable Housing Overlay District. After a decade of discussion in York on the issue of affordable housing for working families, two members of the Board of Selectmen introduced the Workforce Affordable Housing Overlay District. It was enacted by the voters in November 2008. This District is closely modeled on the existing zoning provisions for elderly housing and elderly congregate housing provisions, but targeted at working households rather than the elderly. Rental or ownership units are both accommodated, and the key provision provides for higher density to increase affordability. There are basic design controls, and a requirement that new construction must meet energy efficiency standards to help control energy costs for occupants. Based on results of the resident survey on affordable housing, it is clearly important to ensure good design to integrate affordable housing into a neighborhood. The design standards of this Overlay District should be amended to better address this public concern.

#### HIGH PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.2.5 Affordable Rental Units. Perhaps the most important conclusion to come from the affordable housing surveys is that conversion of existing buildings to affordable apartments is the affordable housing strategy most likely to win voter support. A direct question about this received 5:1 support, and it is consistent with the finding that residents are extremely concerned about protecting the character of their neighborhoods. As a result, a policy needs to be enacted which will facilitate the

conversion of existing buildings into affordable rental units. This will most likely be conversion of existing single-family homes into 2 or more affordable apartments, although non-residential buildings could also be converted. There was 2:1 support for disbursement of the units throughout Town, so wide geographic distribution should be allowed if possible. Ability to treat septic wastes will be the primary constraint for areas not served by public sewer. If scale of construction and building massing can be adequately addressed, it may make sense to permit new construction of affordable duplex or multi-family units as well. In all cases, affordable units must be controlled or managed to ensure they are rented year-round, at an affordable rate, to households whose incomes qualify under the State mandate limits. Because these will be rental units targeted at that portion of the population least able to purchase housing, condominium conversions must be prevented.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

- 4.2.6 Economies of Scale. Staff at the York Housing Authority have expressed a concern that economies of scale is a likely show-stopping issue for small-scale creation of affordable rental units in particular, and for affordable housing in general. Without some subsidizing mechanism, they do not believe it will prove economically feasible for any affordable units to be created in small numbers. If this is the case, small-scale conversion of existing buildings to affordable units will probably require that a portion of the units be market-rate units in order to subsidize the affordable units. As larger projects are contemplated, the economic realities may run directly counter to the public sentiment about controlling scale of projects and disbursing the affordable housing throughout Town. To deal with the project scale issues, an in-depth process of facilitated public engagement should be undertaken to help build a common understanding of the issues and determine if there is public support for larger-scale projects. A charrette with design professionals such as architects and landscape architects, with demonstrated successful experience in similar larger-scale projects, should be included as part of this process.

#### MID-TERM PRIORITY - YORK HOUSING AUTHORITY TAKES THE LEAD ROLE

- 4.2.7 Housing for Seasonal Workers. Tourism-related business in York peaks during the summer months, and businesses hire many seasonal workers. Some of the seasonal workers are students on vacation from high school or college, either from York or commuting to York from surrounding communities. There is also an influx of foreign workers. Housing for these workers is a big question. A few employers provide safe housing for these people, such as the dormitory at the Cliff House, but it is not clear where many of the other foreign workers live. There exists ample anecdotal information to suggest that people are living in cellars, sheds, and a variety of other unsafe and illegal accommodations. In the affordable housing surveys referenced above, the single strongest response to any question in any of the surveys was that York does not have enough safe, affordable housing options available for seasonal employees of York's organizations and businesses. This finding comes from the survey of businesses, the results of which are not statistically valid because of the low response. However, the strength of response indicates this may be a significant problem and is worthy of investigation. It is important for the Town to investigate this issue in order to develop factual information on which to base its seasonal worker housing policies, and to enact policies that ensure seasonal workers are not relegated to living in unsafe, overcrowded, unpermitted housing. The Town should support employers who provide safe and decent housing for seasonal workers. Allowance for dormitory-style housing should be considered. An effort should also be made to identify any unsafe, illegal dwellings and to take enforcement action to bring these into full compliance with all relevant codes. Practical, workable solutions are needed.

#### MID-TERM PRIORITY - COMMUNITY DEVELOPMENT DEPARTMENT TAKES THE LEAD ROLE

- 4.2.8 Donation of Properties. The Town of York has donated two properties to Habitat for Humanity. The first was donated in the late 1990s, and the second was donated in 2008. Habitat for Humanity constructed an affordable single-family home on the first property, and will soon be constructing an affordable single-family home on the second property. As a policy, the Town should continue the practices of donating suitable vacant properties, particularly those acquired by tax foreclosure, to organizations such as Habitat for Humanity to accommodate the construction of new affordable housing.

ONGOING PRIORITY - BOARD OF SELECTMEN TAKES THE LEAD ROLE

- 4.2.9 Manufactured Housing and Mobile Home Parks. In 2002, the Planning & Ordinance Committee determined that the policies in the Zoning Ordinance relating to manufactured housing and mobile home parks (Zoning Article 13) did not conform to State law. The Town's requirements are more restrictive than the State requirements, and the State requirements of MRSA Title 30-A §4358 expressly prohibit this. These provisions of the Zoning Ordinance should be reviewed, and amended as needed to ensure compliance with State law.

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 4.2.10 General Assistance. The Town should recognize that some individuals periodically experience problems in affording the cost of housing in York. The Town should be prepared to offer general assistance to those who truly experience need in meeting housing costs. This is a safety-net for those who have the lowest incomes.

ONGOING PRIORITY - BOARD OF SELECTMEN TAKES LEAD ROLE

**State Goal 5: To protect the quality and manage the quantity of the State's water resources including lakes, aquifers, great ponds, estuaries, rivers and coastal areas.**

One of York's most prominent features is its' water resources. York has a long and varied coastline; sandy beaches, salt marshes, and rocky high energy coasts. Its ponds and their watersheds provide sufficient water to serve the municipal water supply needs of both York and Kittery. The York River traverses the Town's east to west boundary and most of it is navigable. York's ocean and riverine setting is one of the prime reasons the community was first settled and remains a key factor in why people choose to live in the town.

York has historically taken many measures to protect its water resources. The York and Kittery Water Districts have been purchasing lands adjacent to their water supply ponds for nearly 75 years. These efforts were complemented in the mid-1980's by Town adoption of the watershed protection overlay district ordinance that helped managed the intensity of uses permitted in the watershed. York was also one of the first communities in the State to embrace shoreland zoning and continues to rigorously apply its requirements to both coastal and freshwater wetlands. While past and current practices have greatly contributed to the present quality of the Town's water resources and warrant continuation, additional measures are recommended in this Plan.

**Town Goal 5.1: To provide a safe and adequate municipal water supply that meets or exceeds all State and Federal drinking water standards.**

5.1.1 The Chases Pond reservoir is managed by the York Water District and serves as York's water supply. The Kittery Water District relies on several ponds in York to provide the municipal water supply for Kittery residents and businesses, and its water lines also serve York residents in the Route 91- Beech Ridge Road area. Ponds located in York owned by the Kittery Water District include Bell Marsh, Boulter Pond, Middle Pond, and Folly Pond.

Collectively, the York and Kittery Water Districts have done an excellent job of maintaining the quality of their respective municipal water supplies. The Districts have purchased many of the lands within the watershed, particularly those located immediately adjacent to the ponds. In addition, the Town of York, in 1987, at the urging of the Water Districts, adopted a watershed protection overlay district ordinance that limits the types of uses that can occur in the watershed and requires compliance with performance standards that lessen potential adverse impacts on water quality. The target for York should be to maintain and expand upon the excellent efforts that have been undertaken to date to protect these water supplies. These measures include the following:

- The Town should encourage the York and Kittery Water Districts to continue purchases of lands within their respective watersheds. Both Districts routinely set aside funds to acquire land. Maintaining public ownership and control of lands within the watershed is the greatest single tool that can benefit long term water quality.

**ON GOING PRIORITY - WATER DISTRICTS TAKE LEAD ROLE.**

- Any development of the districts' lands in the water supply watershed areas is in direct contradiction to this Plan, except as needed by the districts to manage their public water supplies. The Town shall work collectively with stakeholders to encourage the Districts to place conservation restrictions on these lands to ensure their protection in perpetuity. All options to achieve this level of land protection should be evaluated, and action taken as soon as possible.

**IMMEDIATE PRIORITY – CONSERVATION COMMISSION TAKES LEAD ROLE**



- The Town should amend the current Watershed Overlay Protection District by establishing a Natural Resource Protection Zone that includes the respective watersheds as well as other significant resource lands in the Mt. Agamenticus area. Consideration should be given to increasing lot sizes from the 3 acres presently permitted to a size better suited to protecting water quality and preserving other natural resources. Standards that address water quality impact should be reviewed as should measures to minimize future development in this area.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE.

- Lands located immediately adjacent to the water supply ponds are currently included in the Resource Protection Subdistrict of the Shoreland Zone. This Zone establishes a 250' protective buffer (no use zone) around all ponds. The Town should continue this current practice and include all undeveloped shore frontage for the drinking water supply ponds in the Resource Protection Subdistrict.

#### NO NEW ACTION NEEDED - ON-GOING PRIORITY

- The Town of York, York Water District, State of Maine, Nature Conservancy, Town of South Berwick and others are now engaged in a cooperative management planning process for lands in the Mt. Agamenticus area, an area which includes most of the Kittery and York watersheds. A specific master plan has not yet been prepared, but the parties are identifying how best to manage land uses and resources which warrant protection. The Town should participate in this effort and ensure cooperative management is the approach used for land use and regulation in the Mt. Agamenticus area. Town participation should include financial support. Subsequent to preparation of this master plan, the Town should work to implement the identified priorities.

#### IMMEDIATE PRIORITY - PARKS AND RECREATION DEPARTMENT AND CONSERVATION COMMISSION TAKE LEAD ROLE

- The Town should complement existing measures in the Watershed Protection District by ensuring all streams which drain into any of the major ponds are included in the Stream Protection Subdistrict of the Shoreland Overlay Zone. Many of these streams are single channels draining directly into a pond, often from very steep elevations. Protecting the stream channels is a prime way to help protect water quality.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- Neither the York or Kittery Water District presently allow recreational use of their water supply ponds. The Districts should continue this policy, particularly with respect to motorized water craft. Reducing the need for treatment is a sound means of protecting water quality.

#### ON-GOING PRIORITY - WATER DISTRICTS TAKE LEAD ROLE

- The York and Kittery Water Districts have created a temporary pipeline connecting several of their respective water supply ponds. This connection will allow either District to make temporary use of the other's water supply if problems arise. Similarly, the York Water District has pursued an interconnect with the Kennebunk-Kennebunkport-Wells Water District. Interconnecting existing water supply systems is an important means to reduce over-reliance on a singular source of water for a municipality's water supply.

#### MID-TERM PRIORITY - WATER DISTRICTS TAKE LEAD ROLE

- The Town, consistent with the future land use section, should encourage the York and Kittery Water Districts to pursue selective public water extensions as a means to provide water service to meet existing and new residential and non- residential needs.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

### **Town Goal 5.2: Protect and enhance the water quality of York's major surface water supplies, particularly the York River and Cape Neddick River.**

5.2.1 The York River has retained many of its classic features even though York will soon be celebrating its 350th anniversary as a municipality. At one of the neighborhood meetings a resident described a trip down the York River as a step back into history. The visual character of the York River is important, and helping to preserve this character will directly benefit water quality. Specific action steps the Town should take include:

- Most undeveloped sections of the York River are now included in the Resource Protection Subdistrict of the Shoreland Overlay Zone and most other areas are in the Limited Residential Subdistrict. The Town should continue this current Shoreland Overlay Zoning status. The Resource Protection zoning classification is a prime tool the Town can use to best manage the intensity of land uses around the headwaters and the tidal marshes of the York River.

#### ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should consider including all streams which drain into the York River in the Stream Protection Subdistrict. Many of these streams are now unregulated. A prime way to control water quality is to properly manage uses along the streams that flow directly into the River.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should increase vegetation cutting standards adjacent to the York River and within the watershed from the current standard of 75' of a no-cut/no clearing zone to a minimum of 100'. Providing good quality vegetative buffers is a prime means to protect water quality. This standard, however, should not be used to prohibit property owners from maintaining existing open fields along the River which presently offer scenic views. Provision should be made for removal of invasive species.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town has learned through 15 years of water quality testing in the lower Cape Neddick River that there is a significant water pollution problem. Clean water in the Cape Neddick River is a goal of the Town because it is important for public health, environmental health, the quality of life of York residents, and the Town's tourist economy. It is also directly related to the Town's established goal to ensure high water quality at public beaches, including Cape Neddick Beach (see Policy #5.2.5). A key determinant of water quality is the health and adequacy of riparian vegetative buffers. Providing good quality riparian vegetative buffers is a prime means to ensure: stability of the river banks; maintenance or improvement of water quality; conservation of fish and wildlife habitat; and protection of aesthetic values. Two critical steps for improving water quality in the River are to protect remaining buffers, and to re-establish lost buffers where feasible. State minimum shoreland standards have not proven adequate, so larger buffer requirements must be established and enforced.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town currently regulates use of the York River through the Town Harbor Board regulations and the York Harbor Master. The Town should continue to exert management authority over use of the River. Specific concerns include the use of motorized water craft, including the speed of such craft, where access to the river can occur and the location of private docks. These issues are discussed more thoroughly in State Goal #7, Marine Resources; please reference this goal.
- The Town should continue its efforts to eliminate the few remaining overboard discharge systems located along the York and Cape Neddick Rivers. The Town has been successful in working cooperatively with the State Department of Environmental Protection to convert several former overboard discharge systems to a standard subsurface wastewater disposal system. There are several remaining overboard discharges that cause potential water quality problems. Eliminating these systems is a high priority.

Existing overboard discharge system owners are also required to submit regular reports regarding the operation of the system. To date, this requirement has only sporadically been enforced. The Town should work with the State DEP to ensure adequate fees are received from the owners of overboard discharges to enable good quality monitoring of their operations. A potential approach to improve monitoring is for the Town to use (increased) fees collected from the owners to contract this function out to a subcontractor

#### IMMEDIATE PRIORITY - CODE AND PLANNING TAKE LEAD ROLE

- The Town should protect lands along the headwaters of the York River, particularly the tidal flats. Ownership of these lands should be a prime target for use of the proposed Open Space Acquisition Fund. The Town can best make use of its limited funds by working cooperatively with the York Land Trust and others to purchase the property or obtain conservation easements. The Town, however, should be cautious in supporting efforts of the Federal government to obtain ownership of these lands unless the Federal government is prepared to allow public access to the tidal flats.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- The Town should require compliance with best management practices regarding soil erosion and sedimentation control in all areas of the York River watershed. Opening of too much land at any single point in time as well as poor timber harvesting practices can lead to unnecessary sedimentation of the River.

#### MID-TERM PRIORITY - PLANNING BOARD AND CODE & PLANNING DEPARTMENT TAKES LEAD ROLE

- The York Soil and Conservation Service, in 1996, worked with the Town to prepare an initial inventory of resources important to protecting water quality within the York River watershed. The Town should review this report and implement specific recommendations that make sense for the River. The Town notes many issues raised in the report illustrate the York River is in relatively good condition. Development has generally happened responsibly and there are few major pressing issues.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 5.2.2 The Cape Neddick River is shorter in length than the York River and has a much smaller watershed. It offers few opportunities for navigational use. Unlike the York River which

extends from the Atlantic Ocean to beyond the Town boundary, the Cape Neddick River narrows to less than 50' in width only 3/4 mile from the shoreline of the Atlantic Ocean. It crosses Route One and its headwaters are near I-95. Specific actions the Town can take regarding the Cape Neddick River include the following:

- Prepare a beach management plan for use of the Cape Neddick beach. Reference the Future Land Use Section.

#### IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE.

- Houses dot most of the shoreline of the Cape Neddick River located east of Route One, however, the area west of Route One remains relatively undeveloped. The Town has included the area east of Route One in the Limited Residential Subdistrict of the Shoreland Zone and it is recommended this classification remain. Current regulation of the River west of Route One is a mixed bag. It is recommended that this section of the River and connecting streams also be included in the Limited Residential Subdistrict with a 100' setback and 100' no vegetation cutting zone.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- Implement best management practices for all areas within the Cape Neddick River watershed to lessen the likelihood of soil erosion and sedimentation problems.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should pursue the purchase of presently undeveloped marsh land along the Cape Neddick River. Cape Neddick River waterfront should be a prime candidate for the proposed Town open space acquisition fund.

#### ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- The Town should strongly encourage the York Sewer District extend public sewer to uses near the Cape Neddick River, particularly the Cape Neddick Campground and Cape Neddick Lobster Pound. These are large-scale users which have the greatest likelihood of having an adverse impact on water quality.

#### MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE WITH SEWER DISTRICT

- 5.2.3 There are a number of other river systems in York that are significant and which warrant Town consideration. These include the Little River and its accompanying watershed, the Josias River and Brave Boat Harbor. Specific actions the Town can take include:

- Including all streams which flow into York's surface water supply within the Stream Protection Subdistrict of the Shoreland Zone. Many of these streams are presently unprotected and warrant the protection that would occur through inclusion in the Stream Protection Subdistrict.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- Ensuring best management practices are implemented to control soil and erosion in stream protection areas.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- Working to minimize the number of crossings of all streams is a high priority. The

access/crossing points should be regulated. Stream crossings often result in fill activities and man-made narrowing of the stream channel.

#### ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- An approach that can work to further protect water quality resources in the Brave Boat Harbor area is to encourage additional Federal purchases of area lands. Much of the Brave Boat Harbor area is included in the Rachael Carson Wildlife Refuge which results in these lands becoming off limits to further development. The Town, however, should encourage greater public access for passive recreation to these lands.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- The coastal areas of Brave Boat Harbor should remain in the Resource Protection Subdistrict.

#### ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should encourage the York Conservation Commission to continue current efforts to monitor water quality of local streams. To date, most efforts have focused on the Little River and York River. It is critical to develop a long term inventory of water quality in York's streams and rivers to best gauge the impact of existing and future development.

#### ONGOING PRIORITY - CONSERVATION COMMISSION TAKES LEAD ROLE

- 5.2.4 The Town hereby establishes a policy calling for phosphorous control in the watersheds of all York's Great Ponds – those in the Watershed Protection Overlay District and Scituate Pond. Specific analysis and standards are to be developed following the completion of higher ranked priorities.

#### LONG TERM PRIORITY – CONSERVATION COMMISSION TAKES LEAD ROLE

- 5.2.5 Consistent with a policy enacted by the Board of Selectmen on April 27, 2009, the Town supports a policy of water quality protection in all areas of York, with the goal of eliminating the need to post advisories or close public beaches due to water pollution.

#### ONGOING PRIORITY - SELECTMEN AND COMMUNITY DEVELOPMENT DEPARTMENT TAKE LEAD ROLE

- 5.2.6 In 2011, at the request of the Cape Neddick River Association the Board of Selectmen initiated a study of the Cape Neddick River Watershed. The Cape Neddick Watershed Based Plan dated February 2014 is the product of that study. Over the course of many years, water testing has shown bacteria levels in the river exceeding the State water quality standard for fecal indicator bacteria. The Plan gives a comprehensive history of the watershed, possible causes of pollution, and an action plan for eliminating pollution, and it is hereby incorporated into the Comprehensive Plan by reference.
- The Cape Neddick Watershed Based Plan makes the Town eligible for 319 funds for implementing this Plan to restore this watershed and prevent further non-point source pollution. There is a separate Action Plan that facilitates grant funding. The Action Plan needs to be updated every few years to maintain eligibility.

#### ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD

- 5.2.7 Because currently the Town's surface water impairments are primarily bacteria related,

the Town shall enact stringent controls on septic systems for those areas where sewer is not available or for areas where it is available, but users have not yet connected. The Town already enacted a supplemental plumbing ordinance requiring that all septic systems be pumped according to a schedule which considers the type of system and its function. The Town shall consider additional requirements such as: requiring inspections at the time of property transfer, regular inspections of the full septic system (including leachfields), and surveyed coordinates to locate key features (such as tank access points, and leachfield corners for ease of GIS mapping).

IMMEDIATE PRIORITY - STORMWATER MANAGER TAKES LEAD ROLE

**Town Goal 5.3: Protect and enhance the quality of ground water and ensure State water quality standards are met.**

Much of York depends on groundwater resources to provide their regular drinking water supply. A large amount of York's land area is not served by public water and there is little likelihood some areas can realistically be economically served. It is critical the Town work to protect existing groundwater quality to the greatest extent practical. Specific actions the Town should take include the following:

- 5.3.1 The Town should amend current zoning ordinances as recommended in the Future Land Use Section and State Goal 1, Orderly Development, to increase the minimum lot size in areas relying upon individual wells.

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE.

- 5.3.2 The Town should work with private well-drillers to secure information on existing and new wells in York for the purpose of developing a comprehensive inventory of existing well locations, the depth of the well drilled, the amount of water flow from the well and the quality of the drinking water. The compilation of this information will provide a good representation of existing ground water resources. This work should require minimal Town investment as the data is generally available from well drillers and can be assembled/managed as a component (data layer) of York's GIS system.

Subsequent to compilation of this data, the Town should evaluate the information to determine if there are areas where groundwater quality resources are at risk. At risk areas warrant further examination regarding how best to preserve water quality, such as further lessening the intensity of permitted development or allowing development only if public water is available.

IMMEDIATE & ONGOING PRIORITY TO COMPILE DATA - MID-TERM &  
LONG-TERM PRIORITY TO IDENTIFY PROBLEM AREAS  
CODE AND PLANNING TAKES LEAD ROLE

- 5.3.2 The Town Planning Board Subdivision and Site Plan Regulations currently require a high intensity soil survey for any project of significant size. The Board should continue this current practice. The Board should also require modeling of proposed water usage patterns for larger projects to identify any potential adverse impacts on groundwater quality. This is particularly critical for a larger scale project that is a high water consumptive water user, such as a golf course.

ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 5.3.3 The Town, in 1991, adopted a subsurface wastewater disposal ordinance that established new guidelines for the construction of individual septic systems and larger

controlled systems. These standards have been an important tool in helping to protect groundwater quality by improving standards to which septic system must be built. The Town should ensure these standards, at a minimum, remain in effect to best regulate subsurface wastewater disposal system construction and use. The standards require an individual system to be built to the State's (former) moderate guidelines for design flow rather than the minimum standards, and also require an engineered design and monitoring plan for a larger communal system (over 1,000 gallons).

#### ONGOING PRIORITY - CODE AND PLANNING TAKES LEAD ROLE

- 5.3.4 The Town should consider a standard which strongly encourages all septic systems to be pumped a minimum of once every three-four years. A good way to help preserve ground water quality is to maintain the effectiveness of subsurface wastewater disposal systems. Regular pumping will contribute to such. The best way to achieve this objective is through a good quality public information campaign. In addition, the Town could request all area septic pumpers on an annual basis to provide a list of all septic systems pumped in the York area.

#### LONG-TERM PRIORITY - CODE AND PLANNING TAKES LEAD ROLE

- 5.3.5 See public sewer system policies in §1.1.2.
- 5.3.6 See public water supply policies in §1.1.2.
- 5.3.7 The Town has only two mapped sand and gravel aquifers of any size. Both are located in the Route 91 area, but neither is large enough to serve as a municipal water supply. The Town should ensure the intensity of development which occurs in these aquifer areas is appropriate. The lack of significant groundwater resources in a concentrated area emphasizes the critical need for the Town to protect its surface drinking water supplies.

#### ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE.

### **Town Goal 5.4: Protect high value areas, such as sand dunes and the coastline of the Atlantic Ocean.**

Few areas identified as sand dunes on York's more fragile coastline have been subject to significant new development which may cause major adverse impacts. York has protected its coastline for the last 15 years by strictly enforcing shoreland zoning requirements. Most development has been residential and few new lots and little new development has occurred at high density standards. Several issues arise in looking at coastal development in York. These include:

- 5.4.1 Few true sand dunes remain in York. Most have drastically been altered by man-made structures, particularly along Long Sands Beach/Route 1A. The Town should cooperatively work with the State to identify and implement reasonable rules for the use of York's remaining dunes, particularly its beaches.

York's beaches are public resources and routinely have been used for recreational activities. Current State rules often seek to limit any use of these areas and are in conflict with the State goal to encourage public access to coastal resources. For example, the State DEP only allowed the Town to construct new steps, including a handicap ramp, to Long Sands Beach if the stairway was a replacement for an existing structure. The net effect of this policy is the Town can only work to maintain existing accesses and not improve public access. More meaningful standards are warranted.

The Town and State should also recognize that it may not make sense to simply preclude development for sand dunes that have been compromised by man-made structures, such

as in the Long Sands Beach area. Development may be appropriate provided flood control measures are met and if the net affect is to lessen the impact on the back dune by allowing development in the front dune. This warrants further exploration.

#### LONG-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 5.4.2 The Town should adopt shoreland zoning standards that reflect existing use patterns and which are consistent with direction provided in the Future Land Use Section for areas along its coastline. This is particularly true for the Long Sands Beach/Short Sands Beach area. In this area, development along the shoreline is restricted to residential uses, but the underlying zones allow commercial uses.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

### **Town Goal 5.5: Utilize watersheds as the primary unit for managing water resources.**

The Town should apply its water resources management and regulations to watersheds where possible and practical. Watersheds are the logical unit because each defines a distinct resource system. Within each watershed, coordination and integration of policies to manage the unified system is essential to achieving desirable outcomes in an efficient manner. Within a watershed, smaller sub-watersheds can be distinguished from one another to refine further or differentiate policies, or to account for other circumstances such as the presence of a village or commercial area. The important concept is the use of natural system boundaries rather than arbitrary political boundaries wherever possible. Where watersheds cross town boundaries, coordination with the neighboring town will be important.

- 5.5.1 The Town's land use policies should be applied on a watershed basis. It is intended that this policy will be implemented concurrently with other policy implementation. For example, when the Town amends its storm water management practices and policies, it should do so by applying storm water standards logically throughout a watershed.

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

- 5.5.2 Where watersheds cross town boundaries, an effort should be made to coordinate with the neighboring town or towns which share the resource. This is already happening with the York River, where the Wells Reserve has initiated the York River Watershed Council, a steering committee involving the towns of Kittery, Eliot, South Berwick and York. It may be difficult or impractical to have a separate organization for each of York's 6 watersheds which cross town boundaries, but some level of coordination effort for each should be made.

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

### **Town Goal 5.6: Manage storm water to prevent flooding, pollution, and soil erosion.**

- 5.6.1 The Town should continue its participation in the National Flood Insurance Program. This Program requires the Town to enforce floodplain policies (the Floodplain Management Ordinance), and in return offers property owners the ability to obtain flood insurance.

#### ON-GOING PRIORITY – CODE ENFORCEMENT TAKES LEAD ROLE

- 5.6.2 In recognition of long-standing drainage and flooding problems, the Town hired Edwards



and Kelcey, a consulting engineering firm, to complete a storm water drainage study of an area that is roughly equivalent to the Town's designated Growth Area. A final report was released on July 7, 2006, entitled, "Final Report: Storm Water Management Plan." This study updates and replaces an earlier study by Clarendon, Pike and Varney in 1977 for the York Beach Village Corporation.

The Report summarizes an in-depth engineering analysis of the drainage and flooding issues in this area. The conclusion of the Report is that both structural (constructing new storm drains, outfalls, pumps, etc.) and non-structural (conserving wetlands, acquiring drainage easements, modifying policies, etc.) measures will be required. The Town needs to evaluate the recommendations of this Report, evaluate the cost of solutions in comparison to the availability of funds, and establish an implementation program for the combination of recommendations to be pursued.

#### IMMEDIATE PRIORITY – BOARD OF SELECTMEN AND PUBLIC WORKS DEPARTMENT TAKE LEAD ROLE

- 5.6.3 Low Impact Development (LID) is an emerging concept which integrates innovated site design standards to manage storm water runoff from developed sites. The United States Environmental Protection Agency describes LID as follows:

LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. LID has been characterized as a sustainable stormwater practice by the Water Environment Research Foundation and others

Specifically, LID standards shall be integrated into the Town's land use codes to allow LID design. As local experience is gained with LID practices, policies shall be expanded to encourage or require LID design where appropriate. The Town shall consider development of a local design guidance document, and local water quality models to restrict pollutant runoff from development sites as part of the standards revisions. When implementing the standards, the Town shall keep in mind Town Actions 5.5.1 and 5.5.2 to develop standards based on watersheds and cooperating with neighboring towns where watersheds cross town boundaries.

#### IMMEDIATE & ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE

5.6.4 The Zoning Ordinance should be amended to establish a logical, Town-wide system to control impervious surfaces. Impervious surfaces include rooftops, driveways, roads, parking lots, sidewalks, and other surfaces into which rainwater cannot permeate. It also can include soils which become highly compacted as a result of land development. Development increases the amount of impervious surface, which results in a multitude of changes to the water cycle. Most notably, surface water runoff is increased. There is great deal of scientific research that shows, in small watersheds (2<sup>nd</sup> order watersheds), a direct correlation between the amount of impervious surfaces and the ecological health of the streams in the watershed. The general rule of thumb is that impervious surfaces must be kept under 10% of the total area of the watershed in order to maintain the health of the stream ecology of the watershed. When evaluating larger watersheds (3<sup>rd</sup> order or larger), it is necessary to evaluate impervious cover by sub-watershed – the 10% rule doesn't

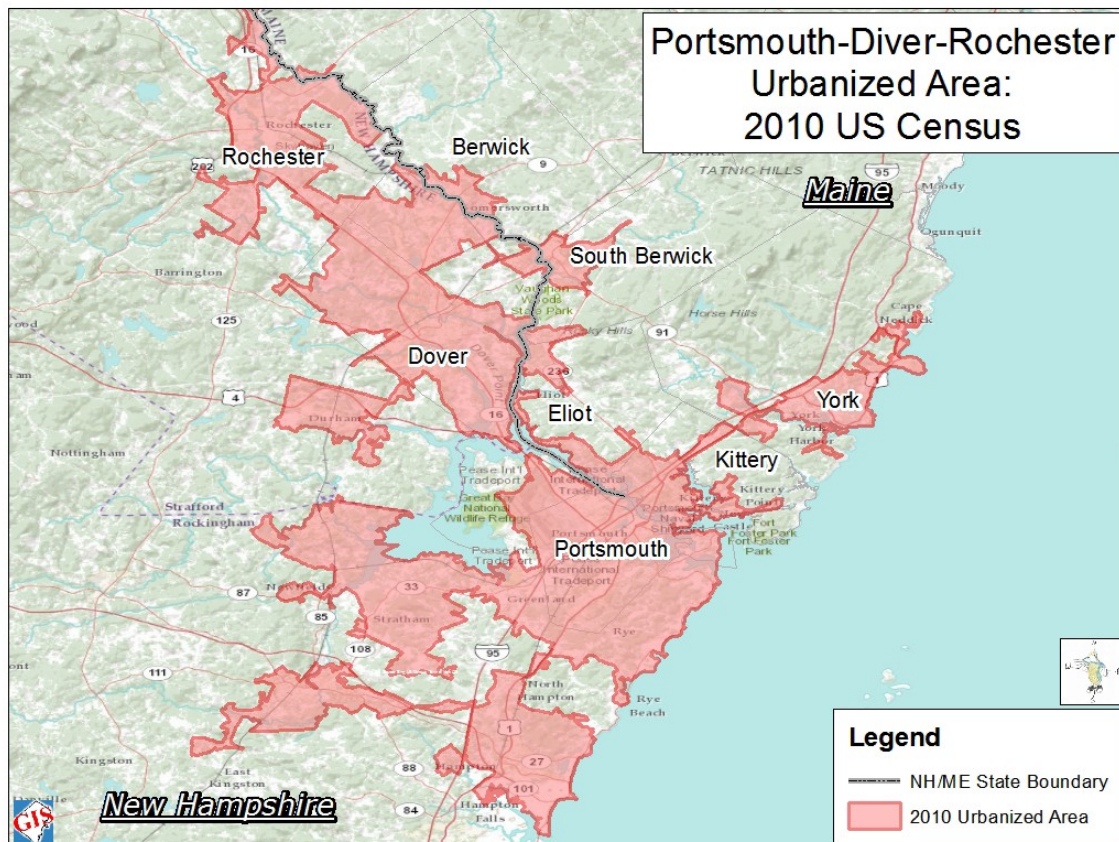
necessarily apply to larger watersheds.

#### IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE

- 5.6.5 MS4. MS4 is the acronym for the Clean Water Act's "Municipal Separate Storm Sewer System" provisions. In a sentence, MS4 is a program to minimize adverse impacts of stormwater runoff from developed lands to protect the quality of receiving waters such as wetlands, streams, rivers, lakes and the ocean. Studies nationwide have shown that non-point pollution is the primary source of water quality problems, and the MS4 program was created to address this. The days of managing stormwater only for flood control are past. Quantity and quality are now equal partners.

MS4 requirements are imposed on the Town by a General Permit adopted and administered by Maine DEP. The State adopts such permits once every 5 years. Maine's first Permit became effective on July 1, 2003, the next Permit on July 1, 2008, and the current Permit on July 1, 2013. The 2013 General Permit is the first to include the Town of York.

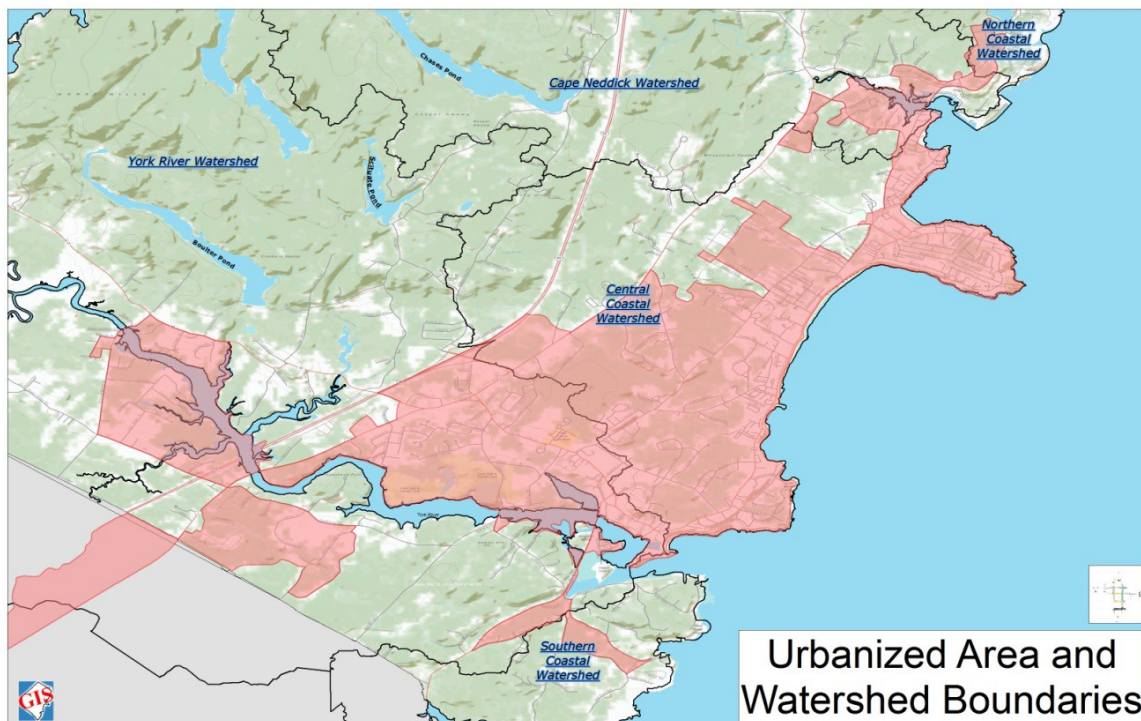
MS4 must be applied within the Urbanized Area of York. The Urbanized Area is a geographic portion of the Town delineated by the US Census Bureau after each decennial census. York is included now because, following the 2010 US Census, the Urbanized Area in York is now determined to be contiguous with the Urbanized Area of the Portsmouth-Dover-Rochester Urbanized Area, specifically touching along Route One at the Kittery town boundary, as highlighted in the following overview map:



As this map indicates, portions of 5 towns comprise the Maine portion of the Portsmouth-Dover-Rochester Urbanized Area. These include York, Kittery, Eliot, South Berwick and

Berwick. Having been designated for a decade already, the other 4 communities formed a working group to address common MS4 requirements and to prevent duplication of efforts. York is now included in this group, known as “York County MS4.” This group also communicates and coordinates with other MS4 groups in Maine, which are located in the Portland, Lewiston/Auburn and Bangor areas.

While the minimum requirements imposed on the Town apply only within the Urbanized Area, the Town shall administer some standards Town-wide or based on watersheds, as recommended in Comp Plan Policy #5.5.1. Water quality management policies are a natural candidate for watershed-based application. The following map shows the Urbanized Area within York, along with the watershed boundaries. There is no correlation between the two geographies.



Maine’s General Permit imposes extensive requirements on all regulated communities. Requirements must be addressed in a Stormwater Program Management Plan which contains 6 minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

The Stormwater Program Management Plan encompasses the entire York County MS4 area. The Plan includes both unified policies and unique provisions specific to each community, as appropriate. Each town council or board of selectmen must endorse this plan in order for it to cover their municipality. Lacking such agreement, each town would be required to prepare and enact its own individual plan, which would be less efficient and more costly.

This Plan, and policies enacted pursuant to it, must remain flexible, and most must be amendable within a 120 day timeframe per the State General Permit. Except for land use ordinances enacted by the voters, this necessitates that all other policies be reviewed and adopted by the Board of Selectmen. In all cases there shall be an opportunity for public participation during both the development and adoption processes. There will be 3 general types of policy measures enacted pursuant to this Plan. Each is highlighted below.

- Task-Specific Plans and Operational Policies. These are requirements for action by the Town. They commit to certain procedural tasks, like the manner in which the Town will raise public awareness, sweep streets, or inspect stormwater outfalls.
- Land Use Ordinances. These are codes, or sections of codes, enacted by the voters to establish performance standards or similar enforceable controls relating to stormwater quality.
- Financial Programs. These are commitments to spend money to maintain or improve stormwater infrastructure. This will include operating budgets where items such as personnel, operational and administrative costs are addressed. It will also include capital budgets where big-ticket items such as drainage system improvements are budgeted.

Taken as a whole, the State General Permit holds the Town accountable for implementation of required MS4 plans, policies, and codes. Having the document is only the first step. Where a plan, policy or code calls for action, there must be follow-up action undertaken by the Town to fulfill the requirement. Such action must be documented and the results evaluated. Failure to act, or failure to sufficiently document action will each result in violation of the State General Permit. It will be essential for the Town to budget for compliance with the MS4 requirements.

The MS4 Permit requirements become more stringent with each issuance of the 5-year General Permit. The Town of York shall periodically review other New England MS4 General Permits and how communities across the nation are implementing them. The Town shall be proactive about implementing or preparing to implement requirements that are imminent.

#### ON-GOING PRIORITY –STORMWATER MANAGER TAKES LEAD ROLE

- 5.6.6 In addition to the LID actions (5.6.3) which will help to mitigate pollution contributions from small storms, the Town shall develop new stormwater standards requiring use of the new intensity/duration/frequency data from the Cornell Northeast Regional Climate Center for flooding evaluations. The stormwater standards for all development shall also evaluate the 100-year flood at a minimum. The Town shall review the necessity of applying new standards every 5 years.

#### IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE

- 5.6.7 In addition to town action 5.5.1 to apply land use policies on a watershed basis, develop a single unified stormwater ordinance that will promote appropriate stormwater standards on a watershed basis for all areas of town based on flooding issues and water quality protection.

#### IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE

**STATE GOAL 6: To protect the State's other critical natural resources including without limitation wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas.**

Much of York is comprised of natural resource features which warrant protection. Water, rock and forests are the dominant land features.

York has an extensive shoreline along the Atlantic Ocean that consists of both sandy beaches and rocky high energy coasts. In addition, nearly 11% of York's 56 sq miles of land is either waterbodies or wetlands that are greater than 1 acre in size. York is also a land of steep slopes. Mt. Agamenticus is located less than 5 miles from the coastline of the Atlantic Ocean but steeply rises to a height of nearly 700 feet. The characteristics of York's soils is evidenced by the large number of stone walls that dot the landscape and the many craggy ledge outcrops along York's roads.

The land also provides good quality habitat for many species of animals, birds, amphibians and plants. In fact, the State inventory of significant fish, wildlife and plants identifies that rare or endangered plant species or important habitat areas are located throughout the community. York is a unique area in New England where the southern and northern forests meet to support a diversity of tree and plant species found in few other areas located this far north. With regard to this Plan, general use of the word "habitat" shall be considered in its most broad context, applying generally to any living creatures. General use of the terms "wildlife" and "wildlife habitat" shall be considered to include all forms of animal life, including but not limited to fish, amphibians, reptiles, mammals and birds.

The challenge confronting York is how to wisely allow the development of privately owned lands while protecting the quality of the area's natural resources. Clearly, much has been done well as York remains a land of abundant resources. For example, if you stand at the top of Mt. Agamenticus and look over the wide expanse of forest below it is hard to imagine there are over 8,000 homes and 13,000 year-round residents crouched in among the trees. In addition, many describe a trip up the York River as a step back into time, as long stretches of the River miraculously remain undeveloped. All is not well with York's natural resource base, but there are areas and resources that warrant saving.

The recommendations in this Plan build on current Ordinances and processes now being used to manage potential adverse impacts on York's natural resources. Many of these recommendations warrant immediate Town action to best position the community to responsibly manage future development.

**Town Goal 6.1: Protect York's coastal and freshwater wetlands.**

6.1.1 The York Planning Board and Code and Planning Department have been working since 1994 to provide better quality information regarding the value and resource characteristics of York's wetlands. To date, this analysis has included all freshwater wetlands located between the Atlantic Ocean to the east, the York River to the south, the Cape Neddick River to the north and I-95 to the west. This section of York has experienced the greatest intensity of development. Woodlot Alternatives, a firm of wetland scientists, has conducted the assessment using the New Hampshire Method for evaluating freshwater wetlands. The wetlands were identified by photo interpretation and on-site visits and the analysis produced a rating for 14 functional values of all area wetlands.

It is recommended the Town continue this evaluation. The general area priorities for continuing the assessment should be: a) Route 91 and Beech Ridge Road area; b) Chases Pond, Mountain Road, Logging Road area; c) the Southside and Western Point Road area; and d) the Shore Road area. The Mt. Agamenticus area is a lower priority because it is



experiencing few development pressures. It will likely take 1-2 years to accomplish the analysis of each area. It is an expensive undertaking; likely \$25,000+ per area, but it will produce valuable information that can assist the Town in reformulating its current Shoreland Ordinances to reflect a wetland's value and not solely its size. This information can be included in the Town Geographic Information System database.

#### MID-TERM TO LONG-TERM PRIORITY FOR PHASES OF ANALYSIS - PLANNING BOARD TAKES LEAD ROLE

- 6.1.2. The Town should review and revise current Ordinances designed to protect wetlands. The Town uses both State required Shoreland Ordinances and its own Inland Wetland Ordinance to regulate wetland resources. The Shoreland Ordinance generally parallels the State law and divides the shoreland area into four subdistricts, Resource Protection, Limited Residential, Mixed Use and Stream Protection. The Town has chosen to be stricter than State requirements by regulating fill activities in wetlands greater than one acre and mandating setbacks for wetlands greater than 4 acres.

The Inland Wetland Ordinance, commonly known as the Beach Wetland Ordinance, requires the protection of wetlands of any size located in the former York Beach zoning districts. It generally restricts fill activities and requires the connection to public water and sewer. In addition, the Town of York Planning Board has frequently obtained additional wetland protection through the use of its Subdivision and Site Plan Regulations in reviewing new proposals. The current wetland ordinances provide many protections for York's most fragile wetland resources. There are, however, several revisions which appear warranted. Specific recommendations include the following:

- The Town should continue the current system of using subdistricts to help regulate activities in the Shoreland Zone. The areas now included in Resource Protection are appropriate; mostly undeveloped sections of the York River and ponds which serve as a public water supply. The Future Land Use Section of this Plan also identifies specific recommendations regarding minor amendments needed to the current Limited Residential and Mixed Use Subdistricts. Two new designations are also proposed in this Section. The Long Sands Beach, Short Sands Beach and Village Center areas (except Cape Neddick) are proposed for designation as Limited Commercial, a new Subdistrict for York, but one which is authorized in the State Shoreland Law. A Marine Dependent Use Subdistrict is also proposed for lands involved with active marine oriented uses.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should protect all significant streams by including them in the Stream Protection Subdistrict. The current Ordinance only protects the area located below the confluence of two streams. The head waters of the stream are often some of the most critical areas that warrant protection from development activities. The Town should develop criteria for determining which streams should be protected. It is important that this provision be supported by a factual definition and set of conservation objectives. Protection measures should include such things as setback standards and standards for vegetation removal or disturbance. Protected streams shall be shown on the Town's Official Shoreland Map.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should decrease the minimum size of wetland subject to shoreland regulations. The recommendation is that all wetlands should be subject to wetland fill regulations to be determined. The following wetland setbacks should also apply: 1 to 4 acres in size no less than 50'; 4-10 acres no less than 75'; and wetlands

greater than 10 acres no less than 100'. The sole exception to the setback should be those wetlands located within the Mixed Use Overlay Zone, primarily wetlands in the Route One area.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should consider means for protecting “vernal” pools and wildlife corridor zones. Consideration should be given to the size and quality of the vernal pool in determining what standards should apply. Protection methods for consideration should include fill and vegetation disturbance standards and setbacks.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should increase no vegetation clearing zones around specific wetlands from the current standard of 75' to 100'. The main area recommended is the York River Watershed. Implementation of this proposal, however, should not result in the elimination of clearings or maintenance of fields which now provide expansive views of the York River. For example, the well maintained field near McIntire Garrison affords a beautiful unobstructed view of the River's salt marshes.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- Town Ordinances should recognize that wetlands are often part of a greater ecosystem and not isolated pockets of trapped water. Man-made structures, such as roads and houses, have frequently cut a once large wetland system into a series of smaller wetlands. The Town has data from the Woodlot Alternatives Study (Action 6.1.1) that identifies these wetland systems. Town regulations could be strengthened to assign greater values to wetlands located within a larger system, including requiring project applicants to examine potential impacts on the whole system rather than a singular wetland.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should merge provisions of the Shoreland and Inland Wetland Ordinances to create a single Ordinance that regulates wetland resources. This could best be accomplished by preparing a specific subchapter of the Shoreland Ordinance devoted to issues unique to York Beach wetlands. The York Beach Wetland Ordinance, adopted in the early 1970's, was very farsighted in requiring standards such as connecting to public water and sewer and looking at drainage issues. These standards should be melded into the Shoreland Ordinance provisions.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

In proposing these recommendations, the community must recognize the current Shoreland or Wetland Permit review process often requires considerable commitments of time and resources by both the applicant and Town. It is critical the Town provide the Code and Planning Department and Shoreland Wetland Permit Review Committee adequate staff resources to enable the thorough review of proposed projects to ensure compliance with Town standards.

- 6.1.3. The Town should continue to support a policy of minimization, however, when that is not possible, the Town should allow wetland mitigation/compensation as a means to grant flexibility in project construction when wetland impact is unavoidable, and to ensure the Town receives adequate compensation if fill activities occur. Wetland mitigation/compensation is often controversial and misunderstood, but it is a reality. It is a

recognized practice at both the Federal and State level. The Town adopted Ordinance amendments in 1996 to implement locally controlled mitigation/compensation standards and it is in the community's best long-term interests to ensure this program is in effect and well operated.

Many recent projects that have garnered both public support and Planning Board approval were only possible by permitting wetland fills. Examples of these projects include:

- The expansion of the Cape Neddick Country Club from a 9 hole to an 18 hole golf course, which resulted in the fill of over 1 acre of wetland and the disturbance of more than 3 total acres of wetland.
- Construction of the Sentry Hill Congregate Care Facility that resulted in the fill of nearly 10,000 sf of wetland to allow a critical road crossing.
- The Ledges Golf Course that resulted in the alteration of lands within the Kittery Water District area to ensure the best layout of the golf course.
- The proposed (Fall 1998) construction of a new York Library which will result in at least 7,000-10,000 sf of wetland fill.
- Hannaford Brothers construction of a grocery store at the Route One/Route 91 intersection which will result in nearly 15,000 sf of wetland fill, although none of these wetlands are subject to shoreland regulations.

These larger scale projects were dependent on the ability to fill some wetland areas to allow a good quality project layout. None of these projects could likely have gone forward without allowing these wetland fills. The impacts were considered unavoidable.

The Town, however, should achieve significant compensation/mitigation if wetland fill occurs. For larger projects, mitigation could include providing greater setbacks than normally required from other wetland resources on the property, or compensation, such as the purchase of adjacent wetlands. The Cape Neddick Country Club, for example, was required to purchase and preserve a 45 acre wetland on an adjoining parcel to compensate for the 3 acres of wetland alteration. Town policy on compensation/mitigation should focus on preservation and acquisition of additional wetland areas more than wetland restoration or creation. Quite simply, the best way to protect critical natural resources is to acquire public ownership of the resource. Ownership is much less subject to change than regulatory requirements.

Wetland compensation/mitigation is also appropriate to small scale projects. York has a large number of small non-conforming lots of record (4,000-10,000 sf) that consist mostly of wetlands. For example, a 1998 survey of 200 remaining undeveloped lots located behind Long Sands Beach revealed that nearly 109 were comprised almost entirely of wetland, 70 more were affected by wetland areas and only 22 appeared not to have significant wetland constraints. The Town and private property owners have had to struggle with the problem of how best to protect these wetland resources while recognizing individual private ownership of these long ago created lots. Wetland compensation/mitigation offers one of the best opportunities to allow limited residential development of these properties while safeguarding other wetland resources. Compensation for many of these small lots should take the form of financial payments to the Town so the Town can use the monies to directly purchase critical wetland areas. There are often few opportunities to provide on-site mitigation or compensation on a lot that is only 4,000+ sf in size.

Wetland compensation/mitigation is a complex and evolving practice and often requires considerable interaction among the applicant and Town. Effective implementation of this strategy will require sufficient staff and resources for the Code and Planning Department and Shoreland Wetland Permit Review Committee. A thorough analysis of all impacts on the wetland resource and recommendations on how best to mitigate these impacts is also needed. It is critical the Town goal remain to avoid all wetland impacts and to allow wetland fills and alterations only when the activity is unavoidable. In short, wetland fill



and the need for compensation/mitigation should be the exception, not the rule. All fill activity should be the minimum necessary to allow the project, and the compensation/mitigation provided by the applicant should equal or exceed the value of the impacted wetland.

ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

**Town Goal 6.2 - To recognize and protect important natural resource features to the greatest extent practical in managing future development.**

- 6.2.1. The Town should manage the layout of new residential subdivisions to protect natural resource features to the greatest extent possible, utilizing cluster design subdivisions where possible. The Town, in 1993, adopted an initial open space ordinance to provide greater flexibility in subdivision layout. The Town adopted new standards in 2005. See Policy #1.2.1 for additional information.

ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 6.2.2. Consistent with direction provided in the Future Land Use section and identified in State Goal #1, the Town should enact Ordinance measures which help further protect natural resource features. Specific recommendations include the following:

- Town should create the natural resource protection zone for lands in the Water District and Mt. Agamenticus area. Mt. Agamenticus is a Town treasure and warrants protection.
- The Town should use net developable acreage standards to determine the minimum lot size for all lots, and not only those created through the Planning Board review process. This will require an Ordinance amendment.
- The Town should continue the current practice of using impervious surface ratio to determine the maximum amount of permitted coverage of any lot.
- The Town should implement mechanisms that will require the preservation of forest resources, such as timber harvesting standards and protection of trees along rural roads. This will require an Ordinance amendment.
- The Town should enact standards that require all properties, not only those located in the Shoreland Zone or subject to Planning Board subdivision or site plan review to comply with sedimentation and soil erosion control standards. This will require an Ordinance amendment.
- The Town should enact standards within the York River Watershed that require both non-residential and residential developments of 5,000 sf or more of impervious surface to submit an impact statement assessing the development's impact on such things as water quality, wildlife habitat, scenic vistas, historic resources, drainage, siltation, abutting development and town services including roads and traffic.

PRIORITY DESCRIBED IN LAND USE SECTION or STATE GOAL 1 - PLANNING BOARD TAKES LEAD ROLE.

- 6.2.3 The Town should establish an open space acquisition fund and regularly seek Town contributions to this fund. This approach was one of the most strongly supported concepts discussed at the Comprehensive Plan Neighborhood Meetings. The question --  
- Would you agree to appropriate Town funds to preserve open space lands? --- was directly asked and a dollar amount was often cited. Participant support was always strong and sometimes unanimous. If this public sentiment truly exists within the community, there is a tremendous interest in using Town funds to buy significant lands.

It is recommended the Selectmen and Budget Committee seek a minimum appropriation of \$200,000 of Town monies per year for the next five years to provide funds for the open space acquisition account. The Selectmen can use these monies to purchase sensitive natural resource lands, including scenic areas. Specific target areas for use of these monies are identified in the Future Land Use Section and include but are not limited to: Mt. Agamenticus area, Lake Carolyn, Cape Neddick River, Brave Boat Harbor, York River and the "bovine field" off the Spur Road. Purchase of individual lands will require an open and informed public debate, but establishment of the fund should be pursued now rather than later. In short, the best way to protect land is to own it.

#### IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

- 6.2.4 The Town should encourage the efforts of the York Land Trust to seek private donations of land that will permanently be protected as open space. The York Land Trust has become an active involved organization which has been successful in receiving title to or easement on important natural areas in York. The organization's recent efforts and successes should be commended and can hopefully be emulated in the future. The Town can best assist the Land Trust by working cooperatively with the organization to achieve mutually beneficial purchases of property and preservation of such lands. This includes both working on open space subdivisions and land purchases.

The Town should also consider innovative ways to assist the efforts of the Land Trust or private property owners to preserve their land. The current practice of taxing land according to current use is the key provision. This provision, however, could be expanded to recognize property owners that allow their land to be used by the public at large. For example, if public use is permitted the tax is less, and the tax is greater if public use/access is prohibited.

The Town should investigate the possibility of purchasing development rights to protect vulnerable areas.

#### ON-GOING PRIORITY - SELECTMEN & PLANNING BOARD TAKE LEAD ROLE

- 6.2.5. The Town should adopt stronger standards to protect its forested areas. When York was first settled it was a land of great forests. These forest resources were used in the 17th and 18th century to support a ship building industry. Later, during the community's agrarian period, York became an area that was fairly barren of trees. Much of York is again a densely forested area. For example, a recent inventory of the York River watershed noted nearly 85% of the watershed consists of forest land. The amount of forest lands in York helps identify its character.

Specific policies the Town should implement to help further protect its forest resources include the following:

- Adopting Ordinances which encourage sustainable timber harvesting as opposed to the clear-cut of small wood lots.
- Encouraging the use of open space subdivision layout (as opposed to traditional layout) increases the likelihood of protecting contiguous forest areas.
- Requiring buffer strips for new house lots on certain public roads to help protect the scenic vista (trees) as you drive along York's public ways.
- Allowing the use of back lot development which decreases the need to construct roads simply to create road frontage for a new lot.
- Authorizing the Planning Board to establish maximum "clear zones" on larger lots which helps protect the existing forested cover.
- Require a permitting process for review of timber harvesting projects.

#### MID TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 6.2.6. The Town should revise its current Subdivision Regulations and Zoning Ordinances to ensure protection of significant fish, bird, wildlife and plant habitat when new development is proposed. These areas are often identified in the 1989 study conducted by the State Department of Inland Fisheries and Wildlife entitled, *Significant Fish and Wildlife Resources of Southern York County* (and subsequent updates). The ordinance updates should include language and definitions from the State's "Model Ordinance Language" for such resources as "Fisheries", "Natural Communities and Natural Areas" and "Wildlife Habitat". Applicants should be required to conduct assessments of potential impacts on individual fish, bird, wildlife and plant species and habitats and identify measures to protect existing resources. It must be recognized that any activity on a previously undeveloped tract likely will have some adverse impact on wildlife and the associated habitat. The goal is to protect the most significant areas, not all areas that sustain wildlife, while providing options that help preserve these less critical areas.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 6.2.7. Support efforts to develop a cooperative management approach to lands located in the Mt. Agamenticus area. This approach is now underway with the involvement of the State, the Nature Conservancy, the York Water District, and the towns of South Berwick and York. It warrants financial participation and political support from the Town of York to ensure its success.

#### IMMEDIATE & ON-GOING PRIORITY - PARKS & RECREATION DEPARTMENT AND CONSERVATION COMMISSION TAKE LEAD ROLE

- 6.2.8 The Town's remaining floodplain and wetland areas are an important resource to help manage the amount of flooding associated with the all too frequent storms experienced in York. The Town has adopted federal and state standards to regulate development in known floodplains. The Town shall continue current policy and work to better identify its floodplains, particularly coastal floodplains. Development within the 100 year floodplain area shall only be permitted if there is no reasonable alternative on the property. The Town shall encourage the placing of these floodplain and wetland areas into conservation wherever possible including areas that are 100 feet from high water marks, or are 2 feet above high water marks as recommended in the Edwards & Kelcey Stormwater Management Plan.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 6.2.9 Town policies regarding protection of the York and Cape Neddick River and the town's watersheds can be found under State Goal 5. Please reference this section.

### **TOWN GOAL 6.3: Recognize the importance of keeping large, un-fragmented blocks of undeveloped land in the rural areas of York, and preserve these areas as appropriate.**

- 6.3.1 Within York there are a series of un-fragmented blocks of undeveloped land, as were identified in the Existing Land Use and Natural Resources chapters of the Inventory & Analysis Section of this Plan. Locally these provide for landscape diversity. They provide for wildlife habitat, biodiversity, recreation, and contribute to the quality of life in York. As an example, these areas are important for the continuing health of native species because they are less susceptible to invasive species, which spread and thrive in disturbed areas. Their presence is an important feature which differentiates the Rural Area from the Growth Area. The Town should actively manage these areas to ensure the retention of a diverse landscape in perpetuity. It will also be important to maintain connections between adjacent blocks to ensure wildlife movement. Existing Town policies will need to be revised to implement protection of un-fragmented blocks, and new policies may be required. A list of policy options is included as a starting point, but it not meant to exclude other options:

- Acquire land
- Acquire conservation easements
- Require cluster design for subdivisions within the blocks
- Prohibit paving of roads within the blocks (allow re-paving of existing paved roads)
- Prohibit Town from accepting any new roads within blocks
- Pursue official abandonment of old woods roads owned by the Town
- Limit maximum length of private roads within blocks
- Allow for Transfer of Development Rights
- Designate Town-owned lands for conservation purposes
- Reduce maximum allowable development density within blocks
- Require regional review of applications for development within a block which crosses municipal boundaries
- Require some form of multi-agency review for all new development and/or construction applications
- Increase setbacks from important resources

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

### **TOWN GOAL 6.4: Recognize that Sea Level Rise is occurring, and that storms are happening more frequently, with higher intensities and water levels. The Town should implement strategies to adapt to this situation.**

A challenge facing York is the realization that sea level is rising, and intense rainfall events and storm surges are happening more frequently. According to the Maine Geological Survey (MGS), the State projects a 2' rise in sea level in the coming 100 years. An increase in sea level will have significant impacts on the coastal landscape. As the coastline moves inland, floodplains will rise, salt marshes will change, and erosion will worsen.

- 6.4.1 The Town of York shall review its floodplain management ordinance and land use ordinance to strengthen standards for new or replacement construction located in vulnerable tidal areas, or areas subject to freshwater flooding. The Town of York shall also review these ordinances provisions and enact amendments to protect existing properties and direct owners over time to modify their structures so that they are more resilient to sea level rise, storm surges, and rainfall events. This may include requiring additional elevation of the base floor of reconstructed buildings after flood damage, or in all cases of new or replacement construction.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 6.4.2 The Town shall incorporate sea level rise into its decision-making and design of transportation improvements, such as increasing road surface elevations and improving road subsurfaces, increasing the capacity of all stormwater management and drainage systems, and adjustment of bridge heights.

#### IMMEDIATE & ON-GOING PRIORITY – DEPARTMENT OF PUBLIC WORKS TAKE LEAD ROLE

- 6.4.3 The Town shall identify its public investments and infrastructure at risk from sea level rise impacts, and update this assessment every 10 years. Specifically, the Town shall analyze vulnerability to facilities and services, including but not limited to: town buildings; water and wastewater treatment plants and pumping stations; stormwater systems; town roads and bridges. The Town shall coordinate with other municipalities, and water and wastewater utility districts in this effort.

#### ONGOING PRIORITY –DEPARTMENT OF PUBLIC WORKS AND UTILITY DISTRICTS TAKE LEAD ROLE

- 6.4.4 The Town shall evaluate the costs and benefits of alternative means of adaptation to sea level rise and increasing frequency of storms when considering the location and design of new infrastructure or the reinforcing or retrofitting of existing infrastructure. Such evaluations should be incorporated into the budgeting, planning, siting, construction, replacement and maintenance of public infrastructure in a manner that is cost-effective and that maximizes the use of the infrastructure throughout its expected life span. In each case, the Town should consider the three alternatives of adapting; whether to reinforce, accommodate or retreat in the face of sea level rise.

ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE

- 6.4.5 The Town shall continue to improve analysis and mapping capabilities for identifying areas vulnerable to sea level rise and tidal flooding. The Town should acquire increasingly accurate Light Detection And Ranging (LiDAR) data, or other state-of-the-art elevation data as it becomes available from State or Federal sources, to update its vulnerability assessment and make informed decisions regarding sea level adaptation.

ONGOING PRIORITY – COMMUNITY DEVELOPMENT DEPARTMENT TAKES LEAD ROLE

- 6.4.6 Periodically, new LiDAR data and other elevation data shall be used to locate the position of the contour line at the highest annual tide level on the Town's Shoreland Zoning Map so that the Shoreland Zones are accurately depicted, as the shoreline position changes.

ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE

- 6.4.7 In addition to participating in the National Flood Insurance Program (NFIP; see Policy #5.6.1), the Town should participate in the Community Rating System (CRS). The CRS is an optional program administered by the Insurance Services Organization (ISO) to help communities in the NFIP to improve floodplain management by encouraging the use of sound adaptation practices. There are a broad range of mitigation options available to communities, and each participating community gets to decide what and how much it will do beyond the basic minimum compliance requirements. The incentives for communities to participate are lower adverse impacts during floods, and lower rates for flood insurance policy holders. Scores in this system run from 10 (for minimal participation) on down. The lower the score, the better the program. For each point received, the flood insurance rates in the community drop by 5%.

As of 2010 there are 22 communities in Maine which participate in the CRS. About half of these communities, including York, have a CRS score of 8, and none in Maine have scored better. York should strive to maintain a score of 8 or better.

ON-GOING PRIORITY – COMMUNITY DEVELOPMENT DEPARTMENT TAKES LEAD ROLE

- 6.4.8 The Town should consider the use of beach nourishment and the installation and maintenance of native beach dune vegetation, along appropriate areas of beach. In the long run, healthy dune vegetation along the back edge of the beaches and on the dunes could improve shoreline stability.

LONG-TERM PRIORITY – SELECTMEN TAKE LEAD ROLE

- 6.4.9 The Town should review its Shoreland zoning and consider provisions with the

objective of providing increased coastal buffer areas between developed areas and the shoreline, as properties are redeveloped, and should consider hard structures, such as seawalls, only when alternative options are unavailable.

**IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

- 6.4.10 The Town should seek to allow tidal marsh areas to migrate when adjacent uplands are available for conversion to marsh, facilitating public or private land acquisition when appropriate, as sea level rise causes these vital ecosystems to move landward.

**ON-GOING PRIORITY - CONSERVATION COMMISSION AND SELECTMEN  
TAKE LEAD ROLE**

- 6.4.11 Where tidal flows have been restricted because of existing road crossings or other development, the Town should consider restoring more natural flows, by removing such restrictions or by expanding culverts or bridges, should engineering studies indicate that potential flooding could be mitigated and flood storage capacity and ecological health of coastal marshes could be increased. Conversely, the Town should consider tide gates, one-way valve devices on drains, or other engineered measures when appropriate, but only if engineering studies indicate that potential flooding could be mitigated and other, more passive approaches are not feasible. This will require striking a delicate balance between maximizing the extent of tidal reach for environmental purposes versus controlling the tidal influence for property protection purposes.

**ON-GOING PRIORITY – CONSERVATION COMMISSION, SELECTMEN AND  
DEPARTMENT OF PUBLIC WORKS TAKE LEAD ROLES**

- 6.4.12 The Town shall support and participate in the recurring and continued development of local integrated models and continuous data collection, as funding permits or as grant opportunities arise, to help predict and track the impacts of sea level rise on properties, natural systems, and road and drainage infrastructure, through enhanced development and application of local hydrologic models and the use of downscaled climate models. This work must also seek to expand understanding of the inter-relationships between freshwater flooding events, sea level rise, and ocean storms, which is an important next step.

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

- 6.4.13 The Town shall develop ordinance amendments that require new construction, redevelopment, additions, retrofits or modifications of property to incorporate porous materials, reduce total impervious area, and employ other techniques to reduce or slow run-off, capture and reuse rain water. This shall be coordinated so that new requirements concurrently satisfy parallel MS4 requirements.

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

- 6.4.14 To help people become more educated about coastal risks, the Town needs to effectively share with the public its growing body of information about sea level rise and anticipated impacts of storm events. Detailed information and projections should be made available via the Town web page, most likely using the Town's on-line GIS resources.

**MID-TERM PRIORITY – COMMUNITY DEVELOPMENT DEPARTMENT AND  
SELECTMEN TAKE LEAD ROLE**

- 6.4.15 The Town shall create and maintain effective and ongoing paths for communicating its sea level rise and storm surge preparedness needs with the public and other local, regional, state, and national agencies. The Town should participate in regional and state efforts, and partner with other entities or organizations, to plan collaboratively for sea level rise adaptation, as such opportunities arise.

ON-GOING PRIORITY – EMERGENCY MANAGEMENT DIRECTOR AND  
COMMUNITY DEVELOPMENT DEPARTMENT TAKE LEAD ROLES

- 6.4.16 The geographic analysis prepared by Peter Slavinsky, Senior Coastal Geologist for the Maine Geological Survey, identifies areas inundated by higher sea levels with and without storm impacts. Building impacts and lengths of road inundation are projected. Input data and outputs from these analyses have been provided to the GIS Manager. The Town's Emergency Management Director should analyze this information to improve understanding of possible impacts during storm events, and to aid in preparing Town emergency response plans, and to help guide policy changes to reduce future storm impacts.

MID-TERM PRIORITY – EMERGENCY MANAGEMENT DIRECTOR TAKES  
LEAD ROLE

- 6.4.17 The Town shall encourage the school department to provide educational and outreach programs on how sea level rise and adaptation is affecting the Town of York, to involve the youth of the community in this issue.

LONG-TERM PRIORITY – CONSERVATION COMMISSION  
TAKES LEAD ROLE

**State Goal 7: To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public.**

The historical development of York reflects its coastal location along the Atlantic Ocean and the navigability of the York River, a tidal river. In the 1700's, York was a port for the shipping of timber and agricultural products. Many residents also earned their living fishing. York is no longer a shipping port, but the marine resources industry remains a significant part of the local economy.

A 1990 study of York's waterfront estimated that nearly 8% of persons working year-round in York earn their livelihood from the marine resources industry. Some are commercial fishermen, but others are just as likely to be a tour boat operator, a boat repairman or involved with the sale of lobsters/fish. York's ties to the sea helps establish its character as a coastal marine community.

The major change in the waterfront over the last century has been the increasing amount of use by recreation enthusiasts. Many choose to live in or visit York because of the access it offers to the Ocean and the York River. Despite an increasing amount of recreational pressure, York has a stable waterfront; one that is heavily used but is not completely overcrowded. Natural constraints limit the number of moorings that can be located in the York River, and the Town, nearly 20 years ago, adopted strict regulations regarding the size and number of new docks. Managing York's limited active waterfront area will be a growing challenge as the population of the Town continues to increase and more tourists eye it as a convenient get-away from Boston.

York's beaches are also a prime marine resource and offer many casual access to the Ocean. Tourists have been flocking to York's beaches since the 1890's and there are few signs that the amount of use is diminishing. On a hot July or August day, 5,000 vacationers may be sunbathing at Long Sands Beach. Cape Neddick Beach and Harbor Beach, often viewed as the "locals" beaches, are also experiencing increased use. Managing York's beaches is a major task and will likely require even greater Town financial resources in the future.

**Town Goal 7.1: Manage and maintain existing harbors to provide the greatest possible diversity of use.**

7.1.1 York depends on its harbor located within the York River to support its commercial fishing industry and recreational boating. The harbor regularly silts in from upriver activities and maintenance dredging is a critical issue to enable its on-going use. The Town should take the following specific actions to make best use of the existing harbor facilities.

- The Town should adopt a harbor management plan that identifies how long-term needs of the harbor can best be met. York has long used the services of a Harbor Board and Harbormaster to manage harbor operations. The Town has also adopted Ordinances to regulate use of the harbor. The management plan will help identify needed harbor improvements and how best to manage competing uses.

**MID-TERM PRIORITY - HARBOR BOARD**

- The Town has adopted Ordinances to assess user fees for services provided in the harbor. A portion of these fees is regularly devoted to a harbor capital improvement fund to allow maintenance of existing facilities and improvements to existing or new facilities. This is a sound practice and warrants continuation. The Town should also regularly examine its fee structure to determine if they are adequate to pay the cost of capital facility needs.

**ONGOING PRIORITY - SELECTMEN AND HARBOR BOARD TAKE LEAD ROLE**



- The Board of Selectmen, with support of the Harbor Board, at the 1996 Town Referendum, obtained public approval of an Ordinance to increase harbor fees with a portion dedicated to future maintenance dredging of the harbor. Regular maintenance dredging is critical to long-term and safe use of the harbor. The Town has acted wisely to set aside local funds that can be used to match monies from the Federal and/or State government to perform needed dredging. The Town should continue this current practice.

#### ONGOING PRIORITY - SELECTMEN AND HARBOR BOARD TAKE LEAD ROLE

- The Town should adopt specific zoning for Harris Island that recognizes its use as a private marina and public dock area. Harris Island does not neatly fit in any other zoning category. The Harris Island zone should recognize its unique characteristics.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should establish a marine dependent use overlay zone for the York Harbor coastline, from the Stage Neck Inn to Varrell's Wharf, areas that currently support marine dependent uses. This is the primary area in York that easily allows public access to the York River and the Atlantic Ocean. Establishing this as a marine dependent use zone may cause some conflicts with abutting residential uses, but it is a prime way to ensure existing public access does not disappear.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should establish specific access points for motorized and non-motorized watercraft that use the York River and the harbor. Motorized watercraft access points should be concentrated east of Sewall's Bridge, as motorized craft should be discouraged from using the upper reaches of the York River. There is more flexibility in locating non-motorized watercraft points, but it is critical that public parking be provided near these accesses.

The Town also should establish user fees to help pay the cost of maintaining and constructing new public accesses. Both motorized and non-motorized watercraft accesses are expensive. For example, a proposal to construct a small float facility for canoes and kayaks on existing publicly owned lands at Goodrich Park was estimated to cost in excess of \$60,000; and this at a site where parking was already available.

#### MID-TERM to LONG-TERM PRIORITY - SELECTMEN AND HARBOR BOARD TAKE LEAD ROLE.

- The Town should re-examine its current provisions regarding docks along the York River and implement changes which accomplish the following:
  - a. Current standards which restrict the number of properties on which a dock can be constructed should be continued. The goal should be to strictly control the number of docks along the York River, particularly west of Sewall's Bridge. The current Ordinance only allows 1 dock per property that existed in 1977.
  - b. The Town should continue current regulations which strictly control the size and location of docks located west of Sewall's Bridge
  - c. The Town should allow longer docks, greater float sizes and similar measures in areas located east of Sewall's Bridge to direct motorized watercraft use to this area. Current standards may be too restrictive in this area of high intensity watercraft use. Allowing larger floats may

lessen the need for new docks.

#### MID-TERM PRIORITY - PLANNING BOARD AND HARBOR BOARD TAKE LEAD ROLE

- The Town should pursue installation of a boat pump-out facility as a way to increase the range of services offered in its harbor and to lessen marine pollution. To date, the York Harbor Board has not supported this proposal, but it is a needed service. The Selectmen should cooperatively work with the Harbor Board to achieve this objective.

#### MID-TERM PRIORITY - SELECTMEN AND HARBOR BOARD TAKE LEAD ROLE

7.1.2 The harbor at Cape Neddick has limited use as a prime recreation area. Most individuals who own moorings own residences in the area. There are also few docks located along the River because of the extent of tidal action which occurs. The following specific recommendations are noted:

- The Town should not pursue dredging of the Cape Neddick River as a means to increase the amount of moorings. The configuration of this harbor provides little opportunity for significant levels of use.

#### NO ACTION NEEDED - HARBOR BOARD TAKES LEAD ROLE

- The Town should adopt standards to regulate the construction of docks along the Cape Neddick River and should prohibit docks which encourage motorized use.

#### LONG-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

### **Town Goal 7.2: The Town should encourage public access to its coastal resources.**

York has a very large coastline, little of which, however, can be used to support public access for commercial or recreational boating. Public access will largely entail visual and pedestrian access to make use of its sandy beaches, rocky coastline and its views. Specific actions the Town should take include the following:

7.2.1 The Town should adopt policies that encourage and allow public use of its sandy beaches, including Short Sands Beach, Long Sands Beach, Harbor Beach and Cape Neddick Beach. Examples of actions that are either recommended or underway are outlined below. All warrant public support.

- Cape Neddick Beach Plan - A beach management plan for the Cape Neddick Beach area (Reference Land Use Section, Cape Neddick River).

#### IMMEDIATE PRIORITY - SELECTMEN & PARKS AND RECREATION TAKE LEAD ROLE

- Long Sands Beach area - The Town actively maintains this Beach and provides a wide range of seasonal services. The Town has also invested capital funds to improve the quality of steps/ramps to the beach and these have proven a success.

#### ONGOING PRIORITY - SELECTMEN & PARKS AND RECREATION TAKE LEAD ROLE

- Short Sands Beach - The Ellis Park Trustees do well in maintaining this area. For example, recent improvements include a new sidewalk and gazebo and an upgraded playground.

#### ONGOING PRIORITY - SELECTMEN AND ELLIS PARK TRUSTEES TAKE LEAD ROLE

- Harbor Beach - The Hartley Mason Trustees are carefully addressing public access issues in their approach to developing the Hartley Mason Reserve Park. For example, the Trustees have worked with the Town to improve the cul-de-sac for vehicular traffic near the beach and are limiting public parking.

IMMEDIATE PRIORITY - SELECTMEN & HARTLEY MASON PARK TRUSTEES  
TAKE LEAD ROLE

- 7.2.2 The Town should preserve public use and access to the entire length of Fishermen's Walk. The Town has successfully obtained easements from several property owners along the Walk and is working to obtain additional easements. The Town has also recently funded improvements to maintain the walk. These are wise courses of action and warrant ongoing support. York's coastal walk is a jewel that few coastal communities enjoy and warrants preservation.

IMMEDIATE & ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

**Town Goal 7.3: Provide opportunities for the existing commercial fishing industry to flourish in York.**

- 7.3.1 Recognizing most commercial fishing operations in York are small individually owned operations, the Town should take the following actions to benefit the fishermen that comprise this industry:

- The Town has adopted provisions in its home occupation ordinance to allow reasonable use of an individual's property to support a commercial fishing occupation. The Town has also adopted provisions in its Shoreland Overlay District to provide for commercial fishing, and for small boat shops. These standards should be reviewed periodically and amended as needed to help ensure the longevity and vitality of the commercial fishing industry in York.

ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- The Town should allow multiple use of its docks for both commercial fishermen and recreational boaters and help provide adequate docking facilities for the private fishing fleet.

ONGOING PRIORITY - HARBOR BOARD TAKES LEAD ROLE

- The Town should ensure an appropriate number of its moorings are available for the commercial fishing fleet.

ONGOING PRIORITY - HARBOR BOARD TAKES LEAD ROLE

## **STATE GOAL 8: To safeguard the State's agricultural and forest resources from development which threatens those resources.**

Agriculture and timber harvesting remain important to individual families in York, but are no longer the cornerstones of the local economy. The number of active farms larger than 40 acres can be counted on one hand, and timber harvesting mostly occurs on small woodlots owned and managed by local residents. These activities, however, positively contribute to York's connection with its past and are a critical element of the community's small town character. Many persons have chosen to live in York's rural areas because they can raise horses, cows, chickens, llamas or similar animals. The goal for York should be to ensure existing agriculture and timber harvesting operations remain permitted activities and are not "priced" out of town.

### **TOWN GOAL 8.1: Encourage continued use of suitable lands for agriculture and forestry.**

- 8.1.1 Consistent with direction identified in the Future Land Use Section, the Town must ensure its Zoning Ordinances allow agricultural and forestry uses on appropriate lands. Agriculture and timber harvesting are proposed as permitted uses in the Rural Zones and the Natural Resource Protection Zone. These zones include nearly 80% of York's total land area. The Natural Resource Protection Zone is specifically being proposed as a way to encourage sustainable small scale timber harvesting activities and to reduce the likelihood of incompatible development.

An additional policy recommended in the Future Land Use Section that should help preserve agricultural and forest lands is the open space provision. A parcel currently used for agricultural purposes could be developed as an open space subdivision while still preserving the existing agricultural use in the required open space set aside. A good example of how this approach could work is the "Smith Field Subdivision". This 20 acre tract located off Route 91 near Maude Muller Spring was a former pumpkin field that was developed in 1994 as a 6 lot traditional subdivision. The resultant lots all are 3 acres in size with 200 feet of frontage on Route 91 which eliminated the former pumpkin field. An open space layout could have resulted in six 1 acre lots with about 100 feet of frontage and 12+ acres of the land being reserved for use as a pumpkin field.

#### **IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

- 8.1.2 The best single tool the Town now uses to preserve agricultural and forest resources is to tax land by its current use and not its highest potential use. This practice results in agricultural and forest land being assessed as open space, which usually has a value of about \$500/acre; a tax bill of \$7.30/acre at 1998 property tax mill rates. If the Town truly values its agricultural, forest and open space resources, it is critical this local practice remain in effect. If not, individual property owners may be forced to develop their land as house lots simply to pay the tax bill.

The Town may also want to pursue a more adventuresome approach to further protect agricultural, forest and open space resources; an avenue which may require an amendment to State law. The phrase that is being used to describe this approach is "transitory development rights". The approach involves the "set-aside" of development rights for a minimum period of time, perhaps twenty years. During this time a property owner could virtually avoid a tax bill if the owner agreed to "set-aside" their land for an open space use. However, if the owner chose to develop their property, they would be subject to all back taxes and a stiff penalty. Enrollment in the transitory development rights program would be renewable. This approach is similar to the current Maine Tree Growth Program.

#### **ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE**

- 8.1.3 The existing Town Zoning Ordinance only regulates timber harvesting activities that occur in the Shoreland Overlay Zone. This approach does not serve the Town well. The Town should prepare new timber harvesting standards that apply to all lands and which fairly regulate sustainable harvesting operations. Clear-cutting land parcels prior to selling the land for house lots should be discouraged. Measures to be considered are a timber harvesting permitting process, reforestation and landscaping standards for subdivisions built on land which has been clear cut.

York is fortunate that most property owners who now periodically timber their property are doing it well. A well managed timber lot keeps the property as open space which supports both wildlife habitat and outdoor activities. In addition, open space lands require minimal town services. The proposed zoning ordinance provisions should encourage timber harvesting activities performed in accordance with a forest management plan. Persons who choose to clear-cut their property should be subject to a change in tax status; from open space use to highest and best use. Woodlot owners should be involved in preparing the Ordinance.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 8.1.4 The Town should recognize "right to farm" provisions and require disclosure statements to this effect in the proposed Rural Zones and Natural Resource Protection Zone. These provisions will allow an existing farmer to continue to farm regardless of the type of development that may occur on a neighboring property. For example, the Planning Board, in its 1996 approval of the Jeffrey Drive Subdivision on Southside Road, required a deed covenant for all lots that recognizes the existence of the Blaisdall Farm and precludes a subdivision lot property owner from acting to curtail farming operations. Farming operations, like most businesses, may change to address market conditions. In short, the neighbors may have liked looking at the cows grazing in the field, but could be less than thrilled if the farmer chooses to slaughter the cattle and raise hogs.

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 8.1.5 The Town should encourage existing enterprises which benefit local farmers, such as the local Farmers Market which was established in 1995. The Farmers Market has created an avenue for small local farmers to sell their goods and produce. Town support includes measures such as allowing temporary directional signs steering visitors to the Market.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 8.1.6 The Town should consider buying the development rights for selected large tracts of land.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

## **STATE GOAL 9: To preserve the State's historic and archaeological resources.**

York, which will soon be celebrating its 350th anniversary as an incorporated municipality, has a rich archaeological, cultural and historic heritage. Homes built in the mid-to-late 18th century still proudly stand along York Street, and historic homes and sites can be found throughout the Town. Many local families descend directly from the early settlers, some from the 17th century, who helped found and develop York. Quite simply, York's history helps shape the community's present small town character and create a distinctive sense of place.

The goal should be to ensure York's past as an essential part of the community's future. Participants at the Comprehensive Plan Neighborhood Meetings spoke positively of York's historic character and identified it as a resource and presence that warrants preservation. This interest was perhaps best acknowledged by one participant who stated: "I get much of the same feeling in driving through the center of York Village today as I did in 1935." York residents, through groups such as the Old York Historical Society and its predecessor organizations, have banded together to protect the Town's past and increase local knowledge and awareness of the community's roots. History is alive in York and the decisions and actions of the local government can either support or neglect this rich heritage.

### **TOWN GOAL 9.1: Encourage the preservation of York's historic and cultural resources, including historic and archaeological sites, historic buildings and architectural styles, and to make these resources a vibrant part of community.**

9.1.1 Town voters adopted a Historic District Ordinance in 1985. The State of Maine approved it and the Town of York was one of only eight Maine towns designated as a "Certified Local Government". A CLG can locally regulate historic preservation activities and the Town is eligible for and regularly receives assistance from the State and Federal government in its preservation activities. The Ordinance creates specific procedures for designating historic sites, sets standards for preservation and establishes the "York Historic District Commission". It is considered a model Ordinance because it contains all the elements for effective management and designation of historic districts, sites, and landmarks. Currently York Village has a designated Historic District and there are five additional sites and landmarks. Preservation of York's heritage in the face of major population growth presents a significant challenge. It is premature to describe potential historic expansions until significant planning and community participation is undertaken. Route 1A from York Corner to the Village, Lindsay Road, and York Harbor, however, have an abundance of historic properties which have been identified in preliminary historic surveys.

The Town is fortunate that past and present owners of the many historic structures located in York have voluntarily chosen to retain the classic architecture of their homes. These individual efforts are commendable and should form the backbone from which to encourage other preservation minded owners of historic properties to become more active with the Historic District Commission. The Historic District Commission should develop a list of those structures with significant historic architectural content for the purpose of developing a high level of awareness among owners and the public alike of the historic value of properties so identified.

The implementation of this Town goal should include:

- Maintaining the York Historic Preservation Ordinance in a manner to retain CLG status.
- Increasing the number of designated York Historic properties.
- Exploring the possibility of rewarding owners who allow their properties to be officially classed as "Historic Sites" with tax relief of some appropriate type and

- amount as allowed pursuant to MRSA 30-A §5730.  
Providing a disclosure statement to potential purchasers of HDC designated Historic properties as to the status of the property.

#### IMMEDIATE PRIORITY - HISTORIC DISTRICT COMMISSION TAKE LEAD ROLE

- 9.1.2 The Historic District Commission, working in cooperation with Old York Historical Society, should prepare an inventory of historic structures and sites located outside of the proposed historic districts that could be nominated for potential designation as historic sites. Historic sites and buildings occur throughout the Town, however, they are rarely as concentrated as in the areas proposed as historic districts. Individual historic sites located outside a district can best be protected through the efforts of current owners and designation as historic sites. The Historic District Commission has the same regulatory authority for historic sites as historic districts.

Vandalism of remote historic sites has been a problem. All historic sites should be marked so the public is aware of their significance, and vandalism should be dealt with harshly.

#### MID-TERM PRIORITY - HISTORIC DISTRICT COMMISSION TAKES LEAD ROLE

- 9.1.3 The Historic District Commission and Old York Historical Society have both regularly engaged in studies of York's history to prepare a better quality inventory of York's past. The Commission and the Society should continue these efforts so the Town is better aware of buildings and sites which have historical significance. The Planning Board and other Town bodies, as well as the public, can use this information to assist in making decisions.

#### ONGOING PRIORITY - HISTORIC DISTRICT COMMISSION TAKES LEAD ROLE

- 9.1.4 The Planning Board should amend its Planning Board Subdivision and Site Plan Regulations, and recommend amendments to the Town Zoning Ordinance, as appropriate, to require proposed developments, as an element of the project review process, to identify archaeological and historical resources. In the event that such resources are identified, the applicant should be required to present appropriate documentation describing how such resources will be effected and what might be done to protect these resources, including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of the excavation or ground disturbance. The Subdivision Regulations and Ordinances generally address these concerns, but the requirements are sketchy. State law requires a municipality that wants to perform Department of Environmental Protection Site Location development reviews to adopt definitive guidelines to address archaeological and historic resources. The Town should do that which is necessary to obtain the review authority from the Department of Environmental Protection because it allows greater local control and streamlining of the development review/permitting process.

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 9.1.5 In 2005 the Town adopted new cluster subdivision standards that expressly permit a cluster development to be designed to protect historic or archaeological resources by placing these resources in the open space areas and forcing the development to other portions of the property. The Planning Board also has the authority to require protection of a portion of the land of conventional subdivisions. Where significant historical or archeological resources are identified on a property by the Historic District Commission, the Maine State Historic Preservation Commission or other experts, the Planning Board should ensure the protection of such resources to the maximum extent possible utilizing the provisions available under Town ordinances and regulations.

#### ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

- 9.1.6 The Town and School District should be a leader in safeguarding the historic character of the community by ensuring public buildings, when appropriate, reflect surrounding architecture and sites. Several buildings now used for public purposes are important historic sites, particularly the Town Hall, York Public Library, York Beach Fire Station and York Middle School (5-6 building). New facilities or renovations of these existing buildings are either being proposed or may soon be needed. The character of a community's public buildings can help set the tone for private developments and make all aware that the Town is prepared to meet the same standards it requires of others.

This can also be a difficult challenge for a local government. More stringent architectural standards may lead to increased construction costs and the need for greater financial support from local taxpayers. The Town recognized historic considerations in the method it used to dispose of the Brixham Grange Hall, acquired through a property tax lien, and in the renovation of Grant House at Goodrich Park. It also appears the York Library Trustees are designing a new Library that respects surrounding historic structures and keeps the Library in the Village Center, its traditional location. Public buildings in traditional public areas, such as the Town Hall in the Village Center are important elements in keeping the historic character of the Village. The Selectmen and Town voters should respect tradition and historic character in building new public facilities.

#### ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

- 9.1.7 The York School District and Old York Historical Society have long combined their resources to integrate York's history into the regular school curriculum. The experience enjoyed by 5th graders who live the life of colonial children at the buildings managed by the Historical Society in the Village Center best illustrates how education can be a prime benefit in advancing historical knowledge and concern. Parents also often participate in this exercise. The Town and School District should continue working with Old York Historical Society and others to promote local awareness of York's rich historical heritage. This statement is more a heartfelt acknowledgment of a current practice rather than a description of new efforts which must be launched.

#### ONGOING PRIORITY - SCHOOL DISTRICT & OLD YORK HISTORICAL SOCIETY TAKE LEAD ROLE



**STATE GOAL 10: To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.**

The Town owns little land that specifically has been set aside for parks or recreational use. Its largest park is the top of Mt. Agamenticus, about 175 acres, which the Town purchased in the early 1970's. The second largest, Goodrich Park, offers frontage on the York River and nearly 37 acres of mostly undeveloped forested land sandwiched between Route One and I-95. This Park was a gift to the Town in the early 1970's by Mary Marvin Breckenridge Patterson. Other publicly accessible lands are much smaller in size, but are significant because of their location. Long Sands Beach, Cape Neddick Beach, Harbor Beach, Harmon (Moulton) Park, and York's Community Gardens are some of the better known and most used by the public. The athletic fields at York's four public schools are also heavily used, particularly for organized recreation programs.

The Town has fewer parks and athletic fields than recommended by State guidelines for a community of its size. While State standards rank the Town as being fairly "park poor", the community affords abundant other opportunities for outdoor recreation. Collectively, the York Water District, Kittery Water District and State of Maine own nearly 5,000 acres of open forest land in the Mt. Agamenticus area. In addition, many private landowners allow their land to be used by hunters, fishermen, hikers and others. These recreational opportunities are available at little taxpayer expense.

Many participants at the Comprehensive Plan Neighborhood Meetings cited access to open lands and the diversity of recreational opportunities as a key reason why they chose to live in York. York offers access to the Atlantic Ocean and its coastline, fishing and boating in the York River, the forest lands surrounding Mt. Agamenticus, and well organized recreational programs for both children and adults. Golf, tennis, horseback riding and similar pursuits are also available at both public and private venues. York's goal is to retain the quality of existing recreational programs and ensure present opportunities remain available to future generations.

**TOWN GOAL 10.1: To provide and enhance recreational areas and opportunities for York's residents and property owners.**

10.1.1 Many of the measures identified in the Future Land Use Section of this Plan and the recommended actions the Town should pursue to address the guidelines of other State Goals (Goals 1-9), also identify how the Town should meet the community's recreational needs. These approaches include the following:

- Establishing the Natural Resource Protection Zone for the Mt. Agamenticus area to help preserve these forest lands for outdoor recreation.
- Pursuing a cooperative management plan with the York Water District, Kittery Water District, State of Maine, Nature Conservancy, Town of South Berwick, private property owners and others for the use of lands in the Mt. Agamenticus area.
- Encouraging use of the open space design approach for new subdivisions to help ensure large amounts of presently open land subject to development as a new residential subdivision will remain undeveloped. For example, the Whippoorwill Subdivision located off Route One and approved in 1997, allows 99 houses to be built on 98 acres of land, provided the applicant dedicated nearly 170 acres of other buildable land to permanent protection as open space. Walking/biking trails will also be built in the open space so it can meet the recreational needs of homeowners in the subdivision.
- Establishing an Open Space Acquisition Fund and regularly appropriating Town funds to allow Town purchase of important open lands. One of the prime ways to enable ongoing recreational uses is simply to buy the land or development rights

to the land on which the activity occurs. This is the approach the State of Maine used through the Land for Maine Future Board to purchase lands such as the 1,200+ acres it now owns in the Mt. Agamenticus area.

- Retaining the existing Route One-4 zone, also known as the “tourism/recreation zone”, allows a diversity of uses involved with outdoor recreation.
- Ensuring most rural zones allow recreational uses such as golf courses, cross-country ski trails, horseback riding, hiking trails and similar opportunities.
- “Identifying” access points for both motorized and non-motorized watercraft along the York River and constructing needed parking facilities to better manage access.
- Supporting improvements to Fishermen’s Walk to allow coastal access.

In short, the above approaches and others are intended to meet various community objectives, including the recreational needs of York residents. Reference other sections of this Plan to identify the respective priority and lead party to perform this action.

- 10.1.2 The York Parks & Recreation Department offers a wide array of recreational programs for both adults and children. Special events sponsored by the Department, such as the Nubble Light 5K Run and the Mt. Agamenticus Mountain Bike Rally, provide opportunities for York residents and visitors to compete and enjoy their sport. The Department is also responsible for maintaining York’s parks and beaches and providing services such as lifeguards. Most regular programs and special events the Department operates are paid directly by user fees charged to program participants. The Town has established an enterprise fund to help the Department provide services and manage its budget. This approach appears to be working well. No specific new actions are recommended for the Parks and Recreation Department except to continue its current efforts and pursue new approaches to providing recreational programs which participants are willing to support through appropriate user fees. The overall goal is to create a self-sustaining program.

#### ON-GOING - PARKS & RECREATION DEPARTMENT TAKES LEAD ROLE

- 10.1.3 The community now relies on the athletic fields at its four schools to meet the organized recreational needs of its residents, particularly its youth. There is too little land remaining at these four sites to allow expanding the size of the fields to meet the community’s need for more fields. The Town should actively pursue identifying new sites for additional athletic fields and appropriating Town funds to construct the fields.

#### MIDTERM PRIORITY - PARKS & RECREATION DEPARTMENT TAKES LEAD ROLE

- 10.1.4 Town voters, in November 1997, authorized establishment of an impact fee to help pay the cost of needed new school construction. The York Board of Selectmen, in August 1998, adopted regulations to implement the impact fee. The impact fee ordinance adopted by the voters grants the Selectmen the authority to establish a separate impact fee on new construction to pay capital facility costs for other Town services, such as new parks. The Board of Selectmen should study this option. Some of the need for additional park and athletic facilities is being generated by new residents, and an impact fee can be a prime tool in raising the funds needed to pay this capital construction cost.

#### MIDTERM PRIORITY - BOARD OF SELECTMEN TAKE LEAD ROLE

- 10.1.5 The Town, in its response to State Goal 7, Marine Resources, and other sections of this Plan, describes efforts it should take to best manage its public beaches. York’s beaches attract a large number of users on a hot summer day and also receive year-round use by walkers, surfers, pet owners and others. It is critical the Town manage its beaches well for their natural resource, tourism and recreational value. Refer to State Goal 7 and several of the individual land use area descriptions (Long Sands Beach, York Beach Village Center and Cape Neddick River area) for more specific direction regarding this action.

- 10.1.6 Few of York's Ponds allow multiple recreational opportunities. The York and Kittery Water Districts do not allow watercraft, fishing, swimming, ice skating or similar activities in the ponds used as municipal water supplies. Two ponds in York now used for multiple forms of recreation are Scituate Pond and Lake Carolyn. The Town should pursue acquiring waterfront land, and in the case of Lake Carolyn ownership of the Lake itself, to offer expanded recreational opportunities for York residents. Purchase of these lands will likely require Town appropriations, but the operation and maintenance of the small parks and parking areas can likely be supported directly by user fees. The goal is to establish small scale recreational use facilities at both lakes/ponds.

MIDTERM TO LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

- 10.1.7 In January 2017, the York Board of Selectmen established the Community Center Needs Assessment Committee which was tasked to examine the need for a multi-generation community center by residents and key stakeholders in the Town of York. With assistance from the University of New Hampshire the committee generated a document titled "Town of York, ME 2017 Recreation Needs Assessment and Planning Report." That report is hereby incorporated into the Comprehensive Plan by reference. Based on this report the Town should take steps necessary to conduct site feasibility studies, and support the development of a multi-generation community center in town.

IMMEDIATE TO MIDTERM PRIORITY – SELECTMEN & PARKS AND RECREATION DEPARTMENT TAKE LEAD ROLE

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

## **Introduction**

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

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

The Fiscal Year 1999 Five Year Capital Improvement Program adopted by the voters is included at the end of this Capital Investment Program. The FY99 Request column identifies the project and amount of funds requested by the Town Manager. The FY99 column identifies the amount approved by the voters at the May 1998 Budget Referendum. Less than half of the monies requested by the Town Manager were approved by the voters. The School Committee was successful in obtaining support for all requested maintenance projects and a major renovation of York High School, but its requests to construct a new Middle School and renovate Coastal Ridge Elementary School were defeated.

## **Capital Investment Needs**

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

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

## **SOLID WASTE/RECYCLING**

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

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

The York Sewer District, a quasi-public corporation managed by a publicly elected Board of Directors, and not the Town, is responsible for the public sewer collection and treatment system.

The York sewer treatment plant was recently upgraded and there is sufficient estimated capacity to effectively handle York's sewer waste through at least the year 2010 and likely longer. The Sewer District also regularly works with private developers and property owners to extend sewer service to previously unserved areas.

Several needs exist, including the following:

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

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

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

1. The Town should encourage the respective Water Districts to extend public water service to high priority areas. Water service extensions ensure a potable source of water and greatly aid in fire protection. Extensions are needed in unserved areas located in the proposed Residential zones and in some Rural areas. The Town should not commit public funds to pay the cost of the extension. The properties served by the extension should pay the cost of this new service.

2. The Town should strengthen existing Zoning Ordinances to aid in watershed protection as a means of helping to defray potential future capital facility costs associated with water treatment.
3. The Town should adopt Zoning Ordinances and Subdivision Regulation standards that lessen potential adverse impacts on groundwater quality which lessens potential future capital facility costs associated with water extensions and treatment. The intent is to rely on individual wells for water service in selected Rural areas; a private user responsibility rather than a municipal/public responsibility.

### **TRANSPORTATION & PEDESTRIAN AMENITIES**

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

1. The Town has annually appropriated between \$300,000-\$350,000 to resurface existing paved roads as part of a regular pavement maintenance program. The goal is to annually resurface 8-10% of York's roads to lessen their deterioration and long-term need for reconstruction. This is a good quality approach and warrants ongoing municipal expenditures.
2. A number of intersection improvements are identified in State Goal 2 of this Plan. The Town should work with the State and private developers, when appropriate, to accomplish these improvements. Town funds will be needed, likely \$250,000 over the next 10 years.
3. The Town should pursue the construction of new roads to enhance existing traffic circulation. The Bog-Spur Road connector can be accomplished by the expenditure of \$100,000+ in Town funds and should be pursued as a mid-range priority. Establishing a new access between Route One and York Beach, possibly through the Wild Animal Kingdom property, but will require cooperation with the property owner. This road construction project warrants exploration if the land can be acquired.
4. The Town should pursue sidewalk/pedestrian/bicycle improvements to high priority areas. Areas of high priority for sidewalk installation are identified in the York Bicycle and Pedestrian Master Plan. The town should review the need for sidewalks on a context basis consistent with the idea of Complete Streets.
5. The Town should replace existing road maintenance equipment in accordance with its replacement schedule, and acquire new equipment, when needed, to meet additional maintenance needs associated with Town acceptance of more public roads. The Town annually appropriates \$80,000-\$150,000 to meet equipment replacement needs. The equipment reserve fund is a good approach to help "level" these costs.
6. The Town of York Planning Board has adopted Zoning Ordinance standards that require applicants for new projects to construct roads, drainage and other infrastructure to minimum Town standards. Town voters have also adopted a Road Ordinance that establishes minimum construction standards for a road to be considered for public acceptance. These approaches are important tools the Town can use to avoid capital facility expenditures for new projects. No public expenditure needed for facility construction.
7. The Town of York should encourage and on occasion require the creation of a capital improvement district to enable the construction of needed infrastructure - roads,

drainage, sidewalks and similar facilities - in an existing densely developed area that lacks needed facilities. The cost of the improvements would be paid by annual assessments on all property owners in the area in which the facility is constructed. The Nubble, Long Sands Beach and Ridge Road area are prime candidate sites to be established as improvement districts. The Town may want to commit a limited amount of public funds to assist in the construction of improvements in selected areas, such as drainage along Long Sands Beach.

### **PUBLIC SAFETY**

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

1. The Town should regularly replace the vehicle fleet used by the police department to ensure all vehicles are in good operating condition. The Town annually spends \$60,000-\$80,000 to replace aging vehicles.
2. The Town, in 1994, conducted a municipal facilities study. The study recommended the Town construct a new public safety complex - fire, police and ambulance facility - as a high priority. The existing police station is located in a former school that was not designed to serve as a public safety facility, and the police share this inadequate facility with the York Senior Center. The Town has frequently updated this facility, but it simply lacks appropriate space and lay-out to well serve its intended purpose. A new police - public safety facility is needed within the next 3-8 years. The estimated cost of new public safety complex is \$2,000,000+. The Town will likely need to bond this expenditure. The new complex should be more centrally located than the current facility in York Beach. The Police, however, should always retain a satellite facility in the York Beach area to deliver services during the summer tourism season.
3. The Town, in 1997 and 1998, committed needed funds to upgrade the police dispatch service system. The Town should commit future monies that may be needed to ensure the system technology remains current and meets the needs of York's citizenry. No cost estimate available.
4. The Town, in 1995, conducted a study to identify how best to deliver fire protection and emergency services. Construction of a new facility at a more central location to either replace both existing Fire Stations or only the York Village Fire Station was recommended as a high priority. The Town should likely retain the existing Beach Village Fire Station, but abandon and relocate the existing York Village Fire Station. The new Fire Station should be part of a public safety complex (reference 2 above) or at least provide facilities for the Ambulance Association. The proposed location is on Route One, between Route 91 and Nason Road. A potential cost estimate (fire & ambulance only) is \$900,000-\$1,200,000. Partial funding could be obtained from the sale of the existing Village Fire Station and Volunteer Ambulance facilities, but most monies would need to be raised through a local bond proposition.
5. An additional recommendation in the 1995 Fire Study was to construct a satellite volunteer fire station in the Route 91/Beech Ridge Road area. It was recommended the Town pursue this as a cooperative approach with the towns of South Berwick and Eliot. This is a long-term priority and the cost is likely \$300,000-\$600,000 and should be bonded.
6. Both Fire Departments are generally well equipped for the respective size of the Departments, but existing equipment and vehicles should regularly be replaced. Prime fire vehicle needs in the next five years include 1 fire engine at each Department. Equipment reserve funds and additional Town appropriations will be needed to pay this

cost.

### **MUNICIPAL FACILITY NEEDS**

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

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

### **RECREATION AND OPEN SPACE**

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

1. York lacks the number of athletic fields recommended in State guidelines to provide for the recreational needs of a community of its size. Most athletic fields are located at 1 of York's 4 existing schools and the sites are being overused. The Town should increase the number of athletic fields and locate the facilities at sites other than the school grounds so these limited areas can best be used to meet educational needs. Estimated cost of \$75,000/field. Town capital appropriations, Parks and Recreation Department enterprise funds and private donations are the recommended approaches to obtain needed funds. It is also recommended that the Selectmen examine the establishment of an impact fee on new residential construction to help pay the cost of these improvements.



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

## **MARINE RESOURCES**

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

1. The York Board of Selectmen, in 1997, established a reserve account that can be used to provide monies to help pay the cost of future harbor dredges. Deposits to the fund are obtained from use fees on vessels using the harbor. This is a far-sighted approach to meet future capital facility needs and warrants continuation. No annual appropriations of Town funds needed at this time. Next maintenance dredge likely needed in 12-20 years.
2. The Town, in the 1980's, established a Harbor improvement reserve account that can be used to pay for needed improvements to existing facilities. These funds have been used to expand existing dock facilities and purchase a vessel for the harbormaster. No new major capital costs are anticipated at this time. This fund also warrants continuation.
3. The Town should pursue constructing one or more access points to the York River for nonmotorized watercraft. A prime location is at Goodrich Park. The estimated cost of this facility is approximately \$55,000. Town appropriations, harbor capital reserve funds and potentially new user fees can be used to pay this cost. This is a mid-range priority.
4. A harbor pump-out facility should be provided to improve water quality in this area, and to discourage the practice of marine overboard discharges. To date, York's Harbor Board has resisted efforts to construct a facility. This approach, however, is not in the Town's best long term interest. The cost to construct a pump out facility is likely less than \$20,000. This is a mid-range priority.

## **EDUCATION FACILITIES**

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

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

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

## **OTHER FACILITIES**

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

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

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

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

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

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

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

York presently has a very low amount of bonded indebtedness; \$4,615,000 as of June 30, 1997, or less than 3% of the maximum amount permitted by State law. State law allows a municipality to incur 15% of its stated assessed valuation in long term debt, about \$180,000,000 for York. The only project for which York now owes debt is the 1990-1992 construction of Coastal Ridge Elementary School. The Town's debt load likely will increase significantly over the next several years because of the voters' decision in May 1998 to renovate York High School (\$5.5 million), the pending need to expand both the Middle School and Coastal Ridge Elementary School, and the desire to construct new or renovate existing municipal facilities. The Town should be prepared to assume a greater debt load as it is the only way to pay for such "big ticket" expenditures.

### **LOW INTEREST LOANS**

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

### **IMPACT FEES**

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

recommended that the Selectmen explore using impact fees to defray the capital cost of constructing new parks and recreation facilities and potentially municipal building needs.

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

## **EXACTIONS**

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

## **GENERAL RESERVE FUND**

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

## **DEDICATED RESERVE FUND**

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

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

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

- The amount of fees collected can vary from year to year which lessens the predictability of using this source of funds to retire long term debt.
- Voters/taxpayers may be less willing to appropriate needed additional general fund revenues to construct a project if a dedicated reserve fund exists.

- The public may want to raise fees above acceptable levels simply to fund a desired project.
- Depositing user fees in a dedicated reserve fund decreases the Town's ability to use its revenues to help pay the cost of the highest priority need.

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

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

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

### **GRANTS**

There are few significant grant programs and cost-sharing funds available to York through State and Federal agencies. The limited funding sources available, however, can reduce the municipal fiscal burden of undertaking certain capital improvements. Recent examples of grants the Town has received include: State Community Development Block Grants (CDBG) to extend water, sewer and road improvements to the Cormier Textile facility, Stonewall Kitchen, a Greater Piscataqua Community Foundation Grant to renovate the Grant House, and State monies to purchase a DARE vehicle for the Police Department. The Town should be prepared to pursue grant programs that can help pay the cost of needed facilities. Local adoption of a Comprehensive Plan that is consistent with State requirements will make the Town eligible for certain grant sources that are now off-limits.

### **DONATIONS**

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

### **NEW FINANCING AUTHORITY**

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

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

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

## **TOWN OF YORK COMPREHENSIVE PLAN REGIONAL COORDINATION PROGRAM**

York is a home rule municipality governed by a Town Charter. It is not, however, an island unto itself. York's local government and its businesses and residents regularly work with neighboring communities to deliver services, manage natural resources and address economic needs, particularly tourism. The State Planning Office has also recognized York's role as an economic and service hub for surrounding rural communities and identified the town as one of the State's 95 regional service centers.

York shares its municipal boundaries with five other Maine communities, including Kittery to the southwest, Eliot to the northwest, South Berwick to the north, and Wells (less than 1/10th mile of common boundary) and Ogunquit to the east. Most of York's easterly and southerly boundary is formed by the jagged coastline of the Atlantic Ocean. Some of York's closest ties are with the communities it directly abuts.

York is also considered part of the greater seacoast area that includes coastal communities in both Maine and New Hampshire. This area is identified by the U.S. Census Bureau as the Portsmouth (New Hampshire) Metropolitan Statistical Area (MSA). Many residents in York routinely commute to Portsmouth or further south to the Boston area for employment. In addition, York's proximity to "tax-free" New Hampshire helps shape much of its local economy as retailers of items such as electronics, appliances and furniture rarely locate in town.

York has regularly demonstrated that it is willing to work with neighboring communities to address both common service needs and issues that transcend individual boundaries. This is perhaps best illustrated by the 1975 decision of the York Harbor Village Corporation and 1977 decision of the York Beach Village Corporation to dissolve their respective governments and merge with the Town of York's local government. There is no plan at this time to recreate independent village governments.

Approaches the community has undertaken or should implement to integrate regional concerns with local needs are highlighted below. Most of these actions are also identified in the Town's approach to address the objectives of the ten State Growth Management Act Goals, or in the Future Land Use Section.

### **TOWN REGIONAL COORDINATION APPROACH** **PUBLIC SERVICES & FACILITIES**

**APPROACH #1:** The community should routinely explore alternative ways, including regional approaches, to deliver existing and new services to provide the best quality service while helping to control costs.

Regional approaches the Town government and other community groups now use to deliver services include the following:

- Mutual aid for fire and rescue efforts with neighboring towns;
- York and Ogunquit, effective August, 1998, have entered a contract through which York provides public safety dispatch services for the Town of Ogunquit;
- York and Ogunquit summer seasonal police officers receive training through the same training program;
- York participates in the regional cooperative purchase program for photocopy paper sponsored by Southern Maine Regional Planning Commission;
- Town residents who live in the Rt 91 and Beech Ridge Road areas receive public water from the Kittery Water District rather than the York Water District;

- Town residents who live in the Shore Road area receive public water service from the Kennebunk, Kennebunkport & Wells Water District rather than the York Water District; and
- York is part of the York County government and receives jail and court services through the County.
- The Town contracts with a private company to collect and dispose of its trash, recyclables and bulky wastes. This private company delivers services to many communities in the seacoast area.
- Providing Town funds to support social service organizations that deliver services on a regional scale, such as Red Cross, Aids Awareness, Visiting Nurse Association and others.
- York works with several neighboring communities to negotiate terms of a cable television contract with a private vendor.

Town service and facility needs the Town should consider addressing through interlocal agreements with neighboring Towns include the following:

- Construct a fire station in the Rt 91/Beech Ridge Road area that can serve the needs of York, Eliot and South Berwick residents. This is a rural area for all 3 towns, and each experiences problems in providing good quality fire protection. A single centrally located and equipped fire station could best serve the needs of all 3 communities at a lesser capital and operating cost to each of the communities. This approach was recommended in a 1995 Fire Study conducted by the Town of York.
- York now operates a once per year program to accept hazardous wastes from its residents. The frequency of this service could likely be upgraded at no greater cost to the community by combining York's hazardous waste collection program with those sponsored by other neighboring communities.
- Expand areas in York now served with public water or public sewer by neighboring districts. Prime opportunities include the following:
  - Public water service extensions by the Kittery and York water districts in the Route 91 area. This will aid fire protection and facilitate inter-connection with the water system in South Berwick.
  - Public water service extensions by KK&W in the Shore Road area. This will aid fire protection, lessen potential public health problems associated with too much development on too small of lots, and enable a connection between the York and KK&W water supply systems.
  - Public sewer service extension service by the Town of Kittery to the area of Route One located south of Beech Ridge Road. This extension could resolve existing septic problems at the Caincrest Mobile Home Park and encourage the construction of multi-family housing on remaining underdeveloped lands.
  - Public sewer service extension by the Town of Ogunquit to residences located in the Pine Hill Road area. Many of the existing homes are built on very small lots that have or may soon experience septic problems.
- Examine potential benefits of establishing a regional housing authority to serve the mutual needs of neighboring communities; likely York, Eliot, Kittery, South Berwick and Ogunquit. Affordable housing, particularly housing to meet the needs of area seniors, is a priority in all of the above communities. A regional housing authority may enhance the area's ability to attract federal and state funds to support the construction of well located affordable housing without diminishing the ability of the housing authorities that now exist in the individual communities to manage existing housing complexes.
- The Town should pursue an interlocal agreement with neighboring communities to provide specialized services that may not require full-time staff. Potential



candidates include:

- Animal Control Officer and Sheltering of Strays;
  - Computer/Technology services; and
  - Operating a Geographic Information System.
- \* The York School Department should participate in regional efforts to provide good quality vocational training programs for York students. The York County Vo-Tech College offers many opportunities and it can play a vital role in offering programs that cannot be delivered at individual schools.
- The Town recently agreed to participate in a four town effort to examine factors involved with community “wellness”. Few towns in the area are well equipped to deliver social services at an individual level and can benefit from mutual efforts to deliver needed services.

### **TOWN REGIONAL COORDINATION APPROACH** **MUNICIPAL AFFILIATIONS & PROFESSIONAL DEVELOPMENT**

**APPROACH #2:** The Town should regularly participate in multi-town, regional and state-wide organizations that address issues that effect the local government and the community.

York can often best advocate its interests by working with communities that share similar concerns. In addition, the participation of its elected and appointed officials and staff in state- wide and regional organizations aids in the informal sharing of ideas; what has worked and what has failed. Most professional staff participate in one or more regional or state-wide organizations. For example, the City Clerk belongs to the Municipal Clerks Association, the Town Assessor participates in the Maine Association of Assessors, and the Police Chief is a member of the Maine Police Officers Association.

Specific actions include the following:

- The Town and School Department should encourage its staff and elected and appointed officials to participate in regional and state-wide organizations involved with local government. The Town should also pay the cost to be a member in the respective organization and to participate in training and meetings sponsored by the organization.
- The Town should be an active member in the Southern Maine Regional Planning Commission (SMRPC). SMRPC consists of representatives from all towns in the York County area and offers services in the areas of economic development, transportation, cooperative purchasing, solid waste management, planning and others. Membership will require the Town to pay annual dues.
- The Town is and should continue to be an active member of the Maine Municipal Association (MMA). The organization offers opportunities for state-wide advocacy regarding issues that directly affect municipalities and also provides direct services, such as providing municipal insurance coverage, legal advice and health care insurance for employees. The Town has saved a significant amount of money by participating in insurance and health care programs offered by MMA. Membership will require the Town to pay annual dues.
- The Town should encourage establishment of associations such as recently conceived Southern Maine Coastal Coalition to help empower local legislators to pursue legislation and fiscal policy that will benefit area communities.

### **TOWN REGIONAL COORDINATION APPROACH** **ECONOMIC DEVELOPMENT**

**APPROACH #3:** York should embrace regional approaches to address local economic development needs.

York is part of the greater seacoast region that has a diverse and healthy economy and a very low unemployment level. Many factors contribute to the present lofty status of the economy, not the least of which are efforts area businesses have undertaken to organize and market their products. Town government, however, has had a very checkered score-card in pursuing economic development initiatives. The Board of Selectmen decided to establish a local Economic Development Council in 1990, but it never achieved its initial objectives and Town voters subsequently abolished the Council in 1995. York was also one of four members in the KEYS (Kittery, Eliot, York and South Berwick) organization and its successor, the Southern York County Business Resource Council. However, Town voters, in 1997, did not appropriate York's requested share of \$6,000 in operating funds and the participating towns decided to disband the organization.

Specific regional approaches to economic development that are recommended include the following:

- York should be an active member in the Southern Maine Economic Development District (SMEDD) that includes towns in both York and Cumberland Counties. SMEDD offers local businesses access to revolving loan funds and technical assistance that are not available through other sources. It also has the potential to spearhead regional solutions to economic issues.
- KEYS and the Southern York County Business Resource Council are no longer active, but regional approaches are the best method to address economic development initiatives. York lacks the funds, need and sophistication to operate an independent organization to address economic development needs. The Town should periodically reexamine the interest of York's elected officials and citizenry and those in neighboring towns to reestablish an organization such as KEYS.
- The York Chamber of Commerce includes many business members that are not located in York. The Chamber also participates in the Coastal Chamber Coalition that helps market tourism in communities from Old Orchard Beach to Kittery. The Chamber has been very successful in its regional approach to marketing and this effort should continue.

### **TOWN REGIONAL COORDINATION APPROACH** **NATURAL RESOURCE MANAGEMENT**

**APPROACH #4:** York should work with neighboring communities and regional and state-wide organizations to obtain better quality information on the areas' natural resources and identify how to protect these resources.

York's natural resource features rarely share the same limited boundaries as the local government. Effective long-term management and protection of significant natural resources in York will require the cooperation and participation of many local, regional, state and national organizations and agencies. York can and should take a lead role in helping its residents and others to recognize the importance of its natural resource base, but will likely fail to safeguard these values unless others adopt similar approaches.

Specific actions that should be undertaken include the following:

The Town is engaged in a cooperative effort with the Town of South Berwick, York Water District, Kittery Water District, Nature Conservancy, State Department of Inland Fisheries and Wildlife, Southern Maine Regional Planning Commission and private property owners to develop a cooperative management plan for the Mt. Agamenticus area and its resources. This is the single most important project the Town should continue to help protect its significant natural resources. The Town should be prepared to commit local monies to this planning effort and subsequently to implement its recommendations.

The Town, throughout the 1990's, worked with the State Land for Maine Future Board to advocate for the State purchase of lands in the Mt. Agamenticus area. It appears additional funds may soon be made available to this State government organization. Also, other lands may be available for purchase in the greater Mt. Agamenticus area. The Town should commit monies in its proposed Open Space Acquisition Program fund to leverage potential State and private funds to purchase additional Mt. Agamenticus lands.

Community residents have worked with the Audubon Society to identify vernal pool resources in the Mt. Agamenticus area. This cooperative approach has furthered local and state knowledge of the importance of vernal pools and how regulations should be designed to protect the pool and the species which depend on these seasonal bodies of water. The Town should continue its participation in this study and similar research efforts.

The federal government, through the Rachel Carson National Wildlife Refuge, has purchased important coastal areas in the Brave Boat Harbor area, and also committed monies to restoring damaged salt marsh areas. The Town should advocate additional federal purchases in the Brave Boat Harbor area and should encourage these lands to be open to passive recreation use. The Town can also consider use of its proposed Open Space Acquisition Program funds to assist in this purchase, but this is a lesser priority area for the use of local funds than others.

The state government has proposed working with Southern Maine Regional Planning Commission and coastal communities to conduct a research program to heighten knowledge and management of coastal resources in southern Maine, particularly area beaches. York should pursue participating in this program, if it provides the Town an opportunity to play an active role in developing regulations to manage local beaches. York's participation in this project will likely require a financial contribution.

The Town should periodically invite residents and community leaders in neighboring towns to meet with York organizations to assess the status of information regarding natural resources and approaches and regulations each community uses to manage these resources. A conference sponsored once every two years could aid in furthering effective resource management.

### **REGIONAL COORDINATION PROGRAM** **CONSERVATION OF THE MOUNT AGAMENTICUS REGION**

**APPROACH #5:** The Mt Agamenticus Advisory Committee reported in 1976, that the Mt A region is "an island in a sea of development." Thirty years since that report, and this assessment is truer than ever. The Mount Agamenticus region remains an oasis of great natural beauty and biodiversity. This, despite the fact that Southern Maine and most of New England have continued to experience massive growth pressures in the decades since that assessment.

To protect and promote greater understanding of the geographical and biological interconnections within the Mt A region, 10 conservation organizations operating in southern Maine launched The Mt Agamenticus to the Sea Conservation Initiative – a landscape-wide conservation and planning effort encompassing the wildlife corridors and habitats and working lands extending from the hardwood forests and freshwater resources in the Tatnuck Hills and Mount Agamenticus to the ecologically-rich estuaries and saltwater shorelines. These organizations have established a focus area for conservation efforts that includes parts of six towns: Kittery, Eliot, South Berwick, Ogunquit, Wells

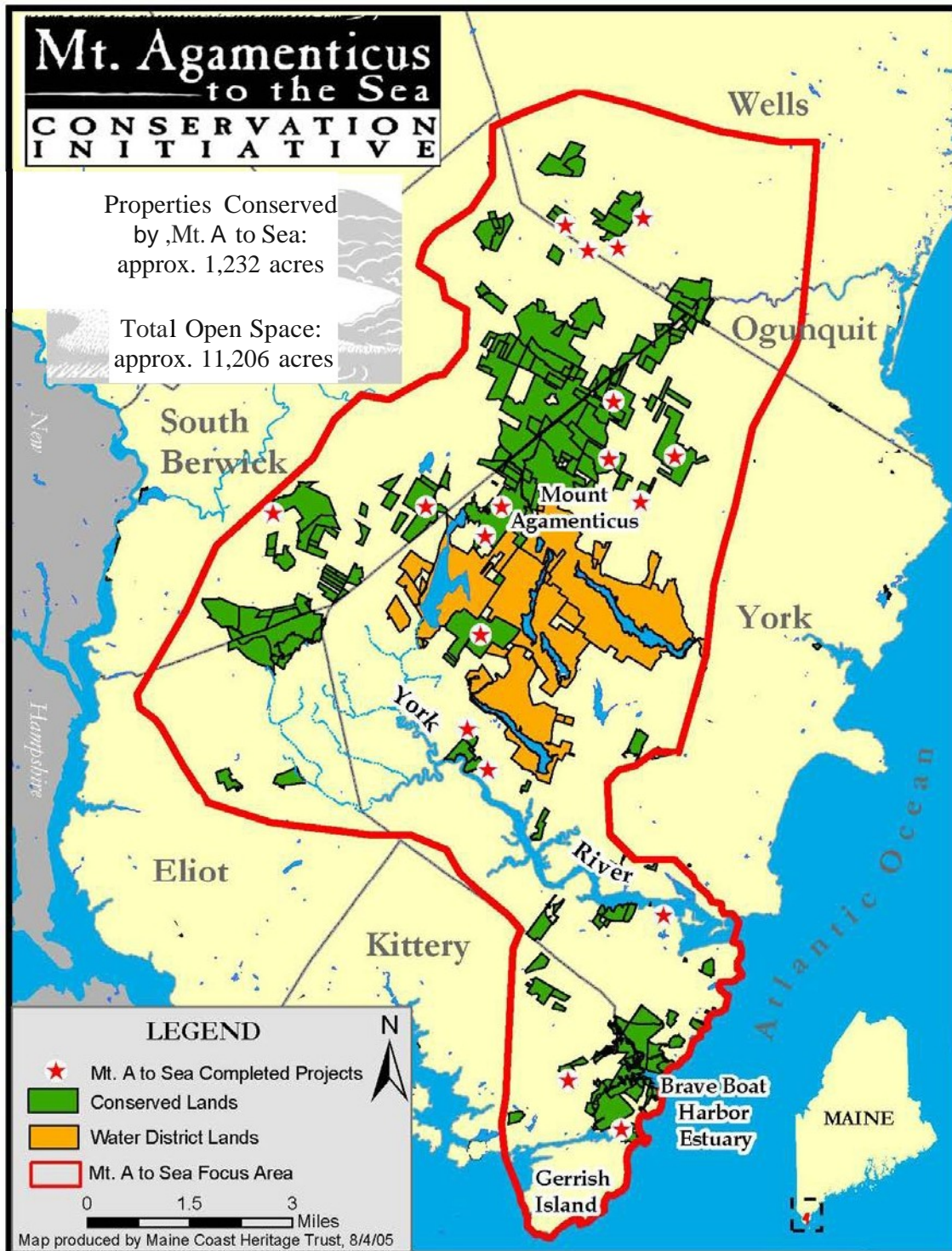
and York. A map of the area is included at the end of this Section.

In 2005, Mount Agamenticus to the Sea organization commissioned a Conservation Plan to guide and focus conservation efforts and to build on the decades of conservation work in this region. The Plan was developed with the input of more than 80 individuals, municipal officials, foresters, recreational interests and other stakeholders, so that the Plan reflects a community vision for this shared resource. The document, still an un-adopted draft as of July 2006, is available on the Internet at the following address: [www.mtatosea.org](http://www.mtatosea.org). The Conservation Plan provides an assessment of important resource values, threats to these resources, and priorities for conservation.

Maine's Growth Management Act directs communities to include in their comprehensive plans a regional coordination program. "A regional coordination program must be developed with other municipalities or multi-municipal regions to manage shared resources and facilities, such as rivers, aquifers, transportation facilities and others. The program must provide for consistency with the comprehensive plans of other municipalities or multi-municipal regions for these resources and facilities" (M.R.S.A. Title 30-A §4326.4). Planning for shared resources, such as the Mount Agamenticus region, is mandatory. Statutes also provide for tools to implement multi-municipal plans, most notably in the standards for cooperative growth management activities (see M.R.S.A. Title 30-A §4325).

It is the Town's objective to work collaboratively with other stakeholders to sustain this region's natural values in perpetuity. The Town of York hereby incorporates by reference the Conservation Plan for the Mount Agamenticus to the Sea Conservation Initiative (Draft 2005) into the Comprehensive Plan's Regional Coordination Program Section. The Town requests and encourages that the other 5 communities in the Mount Agamenticus region follow suit and adopt this Conservation Plan as part of their own comprehensive plans. Further, the Town challenges all 10 partner agencies that prepared the Conservation Plan to finalize the document (it is still a draft as of July 2006), officially endorse the Conservation Plan, and to pursue and uphold its policy recommendations.

As the towns in this region endorse the Conservation Plan as part of their comprehensive plans, they should work together to coordinate regulatory and enforcement activities in a manner that is mutually agreeable and permitted under the Growth Management Act.



## **SECTION 3. TOWN OF YORK FUTURE LAND USE**

### **WHERE THE TOWN RECOMMENDS FUTURE LAND USE ACTIVITIES OCCUR AND RECOMMENDED GROWTH & RURAL AREAS**

A major purpose of a comprehensive planning process is to provide direction regarding future land use. This Section, Section 3, Future Land Use, provides recommendations regarding where and how new development in York should occur.

The recommendations offered in this Section were developed by the York Comprehensive Plan Steering Committee appointed by the York Board of Selectmen. The Committee considered the views of many York residents and taxpayers and analyzed past and current land use concerns to prepare its recommendations. Approaches used by the Committee included the following:

1. Conducting Town-wide meetings and Neighborhood meetings to learn first-hand the concerns of York's citizens. The Neighborhood Meetings, held between February-June 1998, which attracted over 1,000 participants, were particularly valuable in identifying concerns regarding specific areas in Town.
2. Using information obtained through recent land use planning efforts, such as the Planning Board's Route One Planning Project that was conducted in 1995 and 1996. This effort culminated in Town voters adopting comprehensive revisions to the Town's 1982 Route One Zoning Ordinance in November 1996.
3. Reviewing direction provided in the York's adopted 1982 Comprehensive Plan and York's draft 1991 Comprehensive Plan.
4. Reviewing the effectiveness of past and present Town Zoning Ordinances and Planning Board Subdivision and Site Plan Regulations to achieve the desires of York's citizenry and the intent of the State Growth Management Law.
5. Reviewing how other communities in Maine and in the United States have addressed land use issues similar to those which are confronting York.

The approach the Committee has used to describe future land use recommendations in this Plan is similar to the method used in the 1991 draft Comprehensive Plan. The Committee divided the Town into land use areas where existing land use activities are often similar and where proposed future land uses likely will share many commonalities. These areas were also defined by participants at the Neighborhood Meetings. Many of these areas will be synonymous with the boundaries of the proposed future zoning districts.

Similar information is provided for each of the land use areas, including the following:

1. A brief summary of past and present land use activities.
2. A synopsis of existing Town Zoning Ordinances that apply to this area.
3. A description of issues raised by participants at the Neighborhood Meetings conducted for this area.
4. A list of recommended actions the Town should implement to address issues that affect this area. Each action statement also identifies an implementation timetable, the Town body which should take the lead role in implementing the action, and the issues which this proposed action address. The schedule is specified in the introductory text of Section 2, Town Response to State Goals.

The Committee believes the recommendations identified in this Section, if implemented in conjunction with recommendations identified in Section 2 of this Plan, Town Response to State Goals, will well serve the needs of York's citizens over the next 5- 10 years. The Committee developed most of these recommendations to be implemented as a "package" which attempted to balance the overall needs of the community. However, recommendations specific to an

individual area readily could be implemented as a standalone action.

The Committee further notes that these recommendations are just that, actions recommended at a specific point in time based upon information available at that time. Most of these recommendations will require a subsequent action of the Town-such as enactment of an Ordinance-to take effect. Town voters should look to this Plan for direction, but it is fully expected that the public debate which occurs during the public review process may alter the final shape of the recommendations in this Plan. This debate and public process should be welcomed by all as it is the constructive review of each public policy that will help ensure the will of York's citizenry is best met. In short, this Plan makes sense, but it should not be considered the equivalent of the Ten Commandments --- it is okay to make changes.

**LAND USE AREA/PROPOSED ZONE MATRIX**  
(Updated 11/08/2011)

| <b>LAND USE AREA</b> | <b>NAME</b>                                  | <b>PROPOSED ZONE</b>             |
|----------------------|--|----------------------------------|
| 1                    | York Beach Village Center                    | -                                |
| 2                    | The Nubble                                   | RES-3                            |
| 3                    | Freeman Street/Main Street                   | RES-3                            |
| 4                    | Long Sands Beach                             | RES-5                            |
| 5                    | Ridge Road                                   | RES-4                            |
| 6                    | York Harbor Village Center                   | -                                |
| 7                    | Eastern Point/York Harbor                    | RES-1                            |
| 8                    | York Village Center                          | -                                |
| 9                    | York Street from Route One to the Village    | RES-1                            |
| 10                   | Orchard Farm/York River Farm/Lindsay Road    | RES-1                            |
| 11                   | Long Sands/Woodbridge Road                   | York Village Center<br>and RES-1 |
| 12                   | Nason Road, Bluestone and Fieldstone Estates | RES-2                            |
| 13                   | Cape Neddick River Area                      | RES-2, RURAL-1,<br>RES-3         |
| 14                   | Shore Road/Pine Hill Road                    | RURAL-1                          |
| 15                   | Harris Island                                | -                                |
| 16                   | Southside Road                               | RURAL-1                          |
| 17                   | Beech Ridge Road/Route 91/Birch Hill Road    | RURAL-3                          |
| 18                   | Chases Pond/Scituate Road                    | RURAL-3, RURAL2                  |
| 19                   | Mountain Road/Logging Road                   | RURAL-2                          |
| 20                   | Mt. Agamenticus/Watershed/Clayhill Road      | RURAL-4                          |
| 21                   | Route One                                    | -                                |
| 22                   | Green Enterprise Recreation Overlay District | -                                |

A map entitled, "Future Land Use Areas: York Comprehensive Plan", dated November 8, 2011 locates the future land use areas discussed in this Section.



YORK COUNTY, MAINE  
 22 numbered locations for water quality monitoring  
 Major roads: Ogunquit Road, Mountain Road, Clay Hill Road, Pine Hill Road, Shore Road, Bell Marsh Road, Chases Pond Road, Ridge Road, Beech Ridge Road, Southside Road, Payne Road, US Route 1, Route 109  
 Scale: 0 to 4 miles  
 York County Seal

## **YORK BEACH VILLAGE CENTER LAND USE AREA #1 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

York Beach Village Center is a compact extensively developed area that has long been a major summer tourist area. As early as the 1890's residents of nearby states would flock to the area to enjoy a summer along Maine's southern coastline. The Village Center area is comprised of restaurants, hotels, many small retail shops, an amusement park/zoo, a campground, two churches, and a mixture of single family and multi-family homes. The names of the local businesses and their owners may have changed over the last 100 years, but the reason visitors continue to vacation at York Beach remains, it is a great place to spend a day or a week next to the Ocean.

The main attraction is Short Sands Beach, a publicly owned beach managed by the Ellis Park Trustees. The Trustees maintain both the beach and an adjacent park that includes a public parking lot, a playground, shower/bathroom facilities, grassy fields and a gazebo for summer concerts. The Trust has regularly been using the proceeds from parking fees collected to fund improvements to Ellis Park.

The heart of the commercial district is less than 1/20th square mile in size. The Goldenrod, Shelton's and Fun-O-Rama are some of the establishments familiar to both visitors and residents. Many of the structures in the area have local historic significance.

Most businesses now open only seasonally, particularly Memorial Day to Labor Day. The contrast between the peak of the summer tourist season when it is often difficult to find a parking space, and a long winter of closed shops when it is often rare to even spot a parked car is extreme. Only a handful of businesses, Garfields, the Fish Market, the Aqua Lounge, the Union Bluff hotel and a few others presently attempt to operate year-round. York Beach Village Center is the prime summer tourism area in York and will likely continue to serve this role.

### **DESCRIPTION OF EXISTING ZONING**

Most of the area is located in the BUS-3 zoning district. The standards for this area have changed little since the York Beach Village Corporation merged with the Town in 1977. The Zone permits the following uses: single family, two family and multi-family residential development; retail stores and service businesses; hotel/motels; restaurants; and public uses. The minimum lot size is 12,000 sf with public water and sewer, and 20,000 sf without these services or if only public water is available. Maximum lot coverage is 50% impervious surface ratio. Although much of the area has been commercially developed, there are no existing performance standards to regulate potential impacts associated with such development.

All land located within 250 feet of the Atlantic Ocean is also subject to the Town Shoreland Ordinance. The Town's decision to include this Shoreland area in the Limited Residential Subdistrict has adversely affected the expansion of existing businesses. Much of the area is also located in the Floodplain Overlay District. The Beach business area off Railroad and Ocean Avenues regularly floods during times of storm driven high tides. At present, little of the existing commercial development complies with Floodplain Ordinance requirements.

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

There is virtually no remaining undeveloped land in the Village Center area. Redevelopment and rehabilitation of existing businesses and buildings is the most likely scenario. The long-dreamed expansion of the tourism season to make York Beach a two or more season destination is also a possibility. The York Beach Village Center area is of prime importance to the health of York's

seasonal tourism industry and the following issues should be considered in future use of the area.

1. How to maintain York Beach as a family oriented tourism area.
2. How to maintain and enhance the economic vitality of the area.
3. How to encourage and provide alternative means of access to the York Beach Village Center area.
4. How to retain and reestablish the historic/period appearance of existing structures and encourage the rehabilitation of existing structures that are in decline.
5. How to enhance the existing pedestrian amenities and ensure a pedestrian-friendly area.
6. How to provide additional parking for both tourists and employees who work at local businesses. This includes alternative transportation.
7. How to assist in providing sufficient employees to support business enterprises.
8. How to lessen the impacts of flooding on existing businesses.
9. Current zoning standards, particularly dimensional requirements, are not consistent with current types of buildings and land use.
10. There is a conflict between the underlying business zone which allows nonresidential uses and the more restrictive Shoreland Overlay zone which only allows residential uses.

Business owners and property owners who attended the June 1, 1998 neighborhood meeting identified these issues in expressing their love for the Beach area and concern for its future.

### **PLAN RECOMMENDATIONS**

Little new development has occurred in the Short Sands Beach area over the last 20 years. There has been a significant amount of redevelopment, including projects such as the Ocean House Condominiums, Union Bluff Hotel and the Woods buildings. The recommendations in this Plan center on how to encourage further redevelopment of the area so it can continue long into the future as the heart of York's summer tourism industry. Specific recommendations for the York Beach Village Center area include the following:

1. A zoning district specific to the York Beach Village Center area should be created. This district should recognize existing land use patterns and allow new development and the redevelopment of existing buildings to emulate existing patterns. Regulatory standards should be altered to require new development and re-development to be pedestrian-oriented rather than vehicle-oriented. This should include re-evaluation of the types of uses permitted, dimensional standards, and intensity of development. Conditional or contract rezoning may be appropriate. Emphasis should be placed on the quality of design to enhance the built environment. Municipal capital spending should be consistent with these policy objectives as well, focusing on improving the quality of infrastructure and enhancing the streetscape.

Addresses Issues 1, 2, 4 and 9

#### **IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

2. Performance standards should be established in the Zoning Ordinance that new or renovated non-residential development must satisfy. There are no standards in the current Ordinance. Standards should address issues such as building appearance, pedestrian/visitor amenities, parking (likely off-site), signage, landscaping and drainage. The goal of these standards is to reflect the character of existing development, while ensuring desired improvements to the area and individual structures.

Addresses Issues 4 and 9

#### **IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

3. An on-going mutually beneficial working relationship should be established among the merchants in the York Beach area, the Ellis Park Trustees, the Town of York and others to achieve the common interests of the parties. This effort was initiated in the late 1980's

with work on Phase One of the York Beach Revitalization Plan, but evaporated in the early and mid-1990's. There appears to be renewed interest in a cooperative approach and this relationship should be fostered. Phase 1 of the York Beach Revitalization Plan should also be revisited to determine its applicability to current concerns.

Addresses Issues 1 and 2

**IMMEDIATE & ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE**

4. The York Beach area should be identified as a Capital Improvement District and existing development, new development, building renovation projects as well as the Town should all contribute to infrastructure improvements that will benefit the area. Prime infrastructure improvements to address include: drainage, sidewalks, streetscape features (benches, lighting, landscaping), and off-site parking. The Town should use its capital project budget to match funds generated through the proposed Improvement District.

Addresses Issues 2, 5, 6, and 8

**MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE**

5. Town zoning should be amended to specifically encourage and allow the creation of "seasonal worker housing", such as dormitory housing, to provide more living facilities for the employees of area businesses. This housing should be located in the York Beach Village Center area to lessen the need for transportation/parking. One way to encourage such housing is to eliminate existing residential density requirements in the Zoning Ordinance if the housing is located on the upper floor of an existing or new non-residential use.

Addresses Issue 7

**IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

6. Existing density requirements identified in the Zoning Ordinance should be adjusted to allow additional condominium development in the area. Standards in York's Ordinances discourage types and densities of housing that can best meet the interests of seasonal residents. Potential redevelopment of Church Street as condominium units could address this need. The size of individual condominiums should also be limited to two bedroom units if a density bonus is offered

Addresses Issue 1 and 2

**IMMEDIATE TO MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

7. The Town should pursue a long-term program to procure additional access to the York Beach area. The Wild Animal Kingdom Road has long been noted as a potential relief road and warrants further efforts to help make this approach work. An immediate approach is to create good quality and well located signage in York that clearly directs visitors to York Beach.

Addresses Issues 2 and 3

**MID-TERM & ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE**

8. The Town should seek a good quality public or private transportation system that uses existing parking facilities at the various school grounds or alternate sites for visitor parking and public transportation to drop-off visitors at the Beach. This project was tried for one year in the mid-1990's, but needs more public financial support and a longer trial period to determine if it can be successful.

Addresses Issues 2 and 6

**MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE**

9. The Town should work closely with the York Beach Village Merchant's Association to acquire new ground for parking within walking distance of the center of the Village.

IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

10. The Town should eliminate the existing conflict between the underlying business zoning and the more restrictive Limited Residential Subdistrict for the Shoreland Overlay Zone. The Shoreland Zone should allow commercial uses. The recommended Shoreland Subdistrict is the Limited Commercial Subdistrict.

Addresses Issue 10

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

## **THE NUBBLE LAND USE AREA #2 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The Nubble, which is about 1/4 sq. mile in size, is one of the most densely developed areas of York. There are over 650 homes and cottages carved out of or cemented into this massive craggy ledge outcropping on the edge of the Atlantic Ocean. Amidst this mixture of year-round and seasonal homes are a smattering of non-residential uses; hotels such as the Cutty Sark, the Villager, and the Lighthouse Inn and Carriage House, and restaurants such as Fox's, the Lighthouse, and Brown's Ice Cream. The tip of the Nubble is also home to the Cape Neddick Light Station, which the Town became the owner of in 1998.

If one could be transported back in time, the image of the Nubble would be quite different from today. Several large hotels dominated the coastline of the Nubble around the turn of the 20th century. Most had vanished by the 1950's and much of the Nubble assumed a pastoral view. There were a limited number of homes and long-term residents can remember when cows lazily grazed in the area. The Nubble was even home to a small airstrip until the early 1960's.

Much of the current character of the Nubble was forever cast in stone in the 1950's - 1960's when most of the area was subdivided. The resultant lots were as small as 4,000 sf, 40 ft of frontage with 100 ft of depth (the minimum lot size then in effect), and few were larger than 12,000 sf. Small cottages soon began to dot the landscape and the Nubble began to evolve into its current maze of houses standing shoulder to shoulder. Topographic constraints, such as small wetlands, ledge outcroppings, and poor soils, do not appear to have received much consideration in the initial lay-out of these subdivisions. These oversights continue to affect current development. The infrastructure in the subdivisions was also often lacking. Roads, drainage, public water and public sewer were rarely built well by the subdivider, and many lots were simply sold as "raw" land with no services installed.

Development on the Nubble looks and is different than most other areas of York. Fortunately, recent public water and sewer extensions have lessened problems associated with this density of development. The area's proximity to the Ocean also means much of the land is highly desired and valued and property owners have been willing to improve and invest in their houses. The existing development of the Nubble may not always have been kind to natural resource concerns, but the area is a vital and much beloved section of Town.

### **DESCRIPTION OF EXISTING ZONING**

All of the Nubble is located in the current RES-5 Zone. The standards for this zoning district have changed little since the York Beach Village Corporation merged with the Town in 1977. Single family uses are permitted, but duplexes and multi-family housing are prohibited. A limited range of nonresidential tourism related uses are also allowed; mostly restaurants and hotels. This zone allows one of the smallest minimum sized lots permitted in York; 12,000 sf if on water and sewer, and 20,000 sf if these services are not available. All lots must have a minimum of 100 feet of frontage, and the maximum lot coverage is 30% impervious surface ratio.

All land located within 250 feet of the Atlantic Ocean is also subject to the Town Shoreland Ordinance and is in the Limited Residential Subdistrict of this Overlay Zone. Single family residences are the main permitted use, provided they are setback a minimum of 100 feet from the normal high water mark of the Atlantic Ocean. In addition, existing hotels and restaurants are permitted to expand, provided such expansion occurs within the existing lot lines and satisfies all performance standards.

Two other zoning standards warrant mention. First, many of the lots on the Nubble are subject to provisions of the Town Inland Wetland Ordinance because they are located within 100 feet of a

wetland, regardless of its size. This zoning requires connection to public water and sewer, solutions to potential stormwater drainage concerns and restricts the filling of wetlands. Secondly, the Town has enacted a prohibition on new wells as a way to encourage public water extensions. Both of these provisions have affected land use patterns on the Nubble.

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

There is a limited amount of remaining raw land on the Nubble that is either undeveloped or which can be further subdivided. The area, however, is beginning to experience an increasing amount of redevelopment and the remaining unbuilt upon land is regularly being proposed for additional house development. The following issues were identified as concerns which should be addressed in considering future use of the Nubble area.

1. The existing amount of traffic on Nubble Road and Broadway and the likelihood of greater future traffic volumes. Public safety is a key issue.
2. The lack of pedestrian amenities - sidewalks - on most of the Nubble, and the need for such because of the number of people who frequently walk in the area - both residents and tourists.
3. The lack of public water and/or public sewer to all areas on the Nubble, and how the lack of these services adversely affects existing and future development.
4. The lack of a central drainage system for most of the Nubble and stormwater impacts on both developed and undeveloped lots.
5. The size, height, bulk and mass of new houses is often unlike existing homes. Concern with redevelopment of the Nubble as existing homes/cottages are demolished to construct new houses.
6. The poor quality of most remaining undeveloped/vacant lots of record (created in past subdivisions which do not satisfy current requirements regarding lot size and services) and how development of these lots may adversely affect neighboring properties. A major concern is stormwater impacts associated with the filling of areas that are small isolated drainage or wetland areas.
7. The conversion of existing seasonal homes to year-round homes and how these conversions may affect the seasonal character of existing neighborhoods and potentially the Town's need to deliver greater services, particularly education services.
8. Current zoning which has classified many lots on the Nubble non-conforming regarding lot size, setbacks and lot coverage, and how such status may inhibit reinvestment in existing homes and cottages.
9. Existing zoning which allows both single family residential uses and tourism related nonresidential uses, mostly hotels and restaurants. Also, the conflict between the underlying RES-5 zoning which allows the above nonresidential uses and how the Shoreland Overlay Zone, Limited Residential Subdistrict, prohibits such uses. The Shoreland Overlay Zone affects all areas located within 250' of the Atlantic Ocean.

Property owners, both residents and seasonal residents, who attended the June 8, 1998 Comprehensive Plan Neighborhood Meeting for the Nubble area, expressed a great fondness and love of the area. They identified most of the issues identified above in citing their concerns for the future.

### **PLAN RECOMMENDATIONS**

The Nubble has attracted much residential growth since the 1950's and 1960's. While much of the area has been developed, there remain a large number of lots. The Town views the Nubble as a Short-Term Residential Growth Area. Specific recommendations that should be implemented include the following:

1. Existing zoning allows both residential and tourism related non-residential uses. It should be amended to create a Protected Residential area. The interests of existing non-residential uses can be recognized by adopting 2 measures: a) locating properties along

Long Sands Beach Avenue, such as the Cutty Sark and the Villager, in another zone which allows both residential and nonresidential uses; and b) ensuring all existing uses which are non-conforming have the ability to expand, provided such expansion occurs within the existing lot lines and the use generally satisfies applicable performance standards. This change is recommended because the Town views the Nubble as a prime area to allow and encourage non-resident/seasonal housing.

Addresses Issue 9

#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. Home Occupations should be permitted, but they should be uses which are either unobtrusive to neighbors and do not exacerbate the existing density of development (Class 1 Home Occupation) or which are compatible with existing seasonal uses, such as a bed and breakfast operation.

Addresses Issue 9

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town should address public safety and traffic circulation issues in the near-term. This includes vehicular, pedestrian and recreational (bicycle, inline skates, etc.). Various approaches warrant investigation, with subsequent implementation of the preferred approach. The construction of sidewalks, creating a loop around the perimeter of the Nubble, would greatly improve safety. A potential solution may be to implement one-way one-lane traffic on the Loop with the other lane being reserved for non-vehicular use. If this is implemented, traffic calming measures may need to be implemented on roads such as Nicole and Cycad to lessen the amount of cut-through traffic.

Addresses Issue 1 and 2

#### IMMEDIATE to MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

4. The Town should encourage and pursue ways to support or require the upgrade of infrastructure on the Nubble. Fortunately, great strides have been made in extending public water and/or sewer to many areas of the Nubble since the early 1990's. These service extensions are critical to ensure the public health is not endangered from septic systems on undersized lots with generally poor soils, and to advance public safety through better quality fire protection. The Town should continue its current prohibition on new wells and to require water/sewer service connections as a condition of obtaining a building permit for a new structure.

The Town should also seek ways, such as the establishment of one or more Capital Improvement Districts, to emulate the past success of the Airport Drive road and drainage improvement project that was unfortunately ruled illegal by the courts in the 1970's. Airport Drive is one of the few areas on the Nubble with good roads and drainage that works. A cooperative effort between homeowner's who will pay the cost of the improvements and the Town which provides initial financing and management of the improvements is warranted. Drainage is a specific issue which could benefit from establishing appropriate Capital Improvement Districts.

Addresses Issues 4 and 6

#### IMMEDIATE to MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

5. The Town should explore adopting "bulk - scale" standards to more carefully regulate the size of houses which can be built. Many have expressed concern that new homes are becoming too large and are out of character with existing development. A specific concern is how the increasing size of homes along the perimeter of the Nubble may restrict current public views of the Ocean as one drives along Nubble Road. Adoption of such standards, however, will affect individual property rights, may lessen the likelihood of future investment in individual properties and may limit future increases in property values



associated with the larger more expensive home.

Addresses Issue 5

IMMEDIATE to MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

6. The Town should consider tax incentives to encourage existing seasonal homes to remain seasonal, or to encourage new homes to be used only seasonally. A tax or financial incentive would require creativity in its application, but may be warranted to ensure the Nubble does not become primarily a year-round area. This approach may also require amendments to State law.

Addresses Issue 7

LONG TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should consider allowing structure expansions, such as pools, decks, sheds, etc., that make an existing property more attractive and do not increase the amount of living space, even if such improvements exceed the current amount of permitted lot coverage.

Addresses Issue 8

IMMEDIATE to MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

8. The filling of remaining small or isolated wetlands on the Nubble should be permitted to allow the development of existing lots of record where no reasonable alternative is possible, provided the property owner contributes to specific drainage improvements that will benefit the area and to preservation of off-site wetlands. Most of the remaining wetland value, is limited to primarily stormwater/sedimentation control and accompanying nutrient attenuation. Most wetlands have been either created or altered by past development. This policy will support the previously approved (1950's - 1960's) development of the Nubble, the provision of better quality services and further protection of off-site critical wetlands. This will require amendments to the Inland Wetland Ordinance. However, great care should be given to protecting those wetlands which receive high points upon evaluation or are known to harbor wildlife on a regular basis even if only seasonally.

Addresses Issues 4, 6 and 8

IMMEDIATE TO MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

9. The Town should identify those wetland areas on the Nubble which have a high value and include them among the list of those important natural resources and open areas being considered for purchase in the proposed Town Land Bank Program.

Addresses Issues 3 and 6

IMMEDIATE AND ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE

10. See public water supply and sewer system policies in §1.1.2.

## **FREEMAN STREET AND MAIN STREET AREA LAND USE AREA # 3 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

This is a small area sandwiched between the York Beach/Short Sands Village Center to the south and the Cape Neddick River to the north. The land bordering Main Street, Route 1A, is its western boundary and the Atlantic Ocean its eastern boundary. This area was part of the former York Beach Village Corporation until this Corporation merged with the Town in 1977.

This is a densely developed area and little undeveloped or underdeveloped land remains. Single family housing, both year-round and seasonal, is the predominate use. There are only a few non-residential uses, including the Cape Neddick Campground, York Beach Camper Park, the Cape Neddick Lobster Pound Restaurant, Chases Garage, several small home based businesses, the York Sewer District Treatment Plant and offices, and the York Police Station and Senior Center. Most lots are quite small and are served by both public water and public sewer.

With the exception of Main Street/Route 1A, most roads/streets in the area are smaller in width than current Town minimum width requirements of 20'. These small width roads, minimal front setbacks for housing along the street, and the lack of sidewalks, contribute to the character of development and housing in the area.

This area approaches build-out and there is minimal opportunity to support additional growth unless the Town would drastically alter the current minimum lot size or density requirements.

### **DESCRIPTION OF EXISTING ZONING**

This area is now identified as the RES-6 zoning area, a protected residential zoning district. Most of the requirements for this district have changed little since the York Beach Village Corporation merged with the Town. Single family and two-family housing is permitted, as are home occupations. Non-residential uses are prohibited. The minimum lot size is 20,000 sf without water and sewer or 12,000 sf with these services. Maximum lot coverage is 30 percent.

As much of this area borders the Atlantic Ocean, it is also subject to Shoreland Zoning requirements. The main affect of these requirements is to stipulate a minimum setback of 100 feet from the Atlantic Ocean. The Town Inland Wetland Ordinance also applies and has required water and sewer extensions to allow development of some lots.

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

The extensive amount of existing housing development and lack of significant additional land to support new development lessens the effect amendments to the existing Zoning Ordinance can have on future development of the area. Most issues raised at the June 1 Neighborhood Meeting for this area centered on "livability" concerns and included the following:

1. Ensuring non-residential development does not creep into the area, and that single family housing remains the predominant use.
2. Ensuring improvements can be made to existing homes which have been rendered non-conforming as to dimensional regulations because of zoning changes. Residents expressed frustration with the inability to raze and replace an existing decrepit garage.
3. Ensuring pedestrian friendly streets that are easily walkable. Public safety was the major concern.
4. Ensuring traffic does not over-run the area.
5. Addressing drainage problems where they exist.

6. Examining the impact of converting seasonal summer homes to year-round homes.

### **PLAN RECOMMENDATIONS**

The goal for this area is to refine, not overhaul, existing zoning. The area should remain a protected residential area that accommodates reasonable types of new development and renovation of existing development. Specific recommendations include the following:

1. Reemphasize existing zoning that establishes this area as a protected residential zone that allows only single family and duplex housing and low impact (Class 1) home occupations.

- 2.

Addresses Issue 1

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The Town should adopt standards that recognize the large number of non-conformities; too little structure setback, too much lot coverage, and poor quality of existing buildings. The recommendation is to make new structure setbacks no greater than existing development and to allow an increase in lot coverage for smaller sized lots. Structure expansions, such as pools, decks, sheds, etc., that make an existing property more attractive and do not increase the amount living space, even if such improvements exceed the current amount of permitted lot coverage, should be considered. In addition, property owners should be permitted to demolish existing substandard structures that are non-conforming as to dimensional requirements and to replace them with a new structure that does not exacerbate existing non-conformities.

Addresses Issue 2

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town, in considering infrastructure improvements (roads, sidewalks, drainage) should retain the existing types and sizes of road to help maintain the existing character of residential development and avoid/lessen potential adverse impacts on adjacent properties. The Town should work closely with area property owners and residents in considering any proposed infrastructure improvements.

Addresses Issues 3 and 4

MIDTERM TO LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

4. See public sewer system policies in §1.1.2.
5. The Town should work cooperatively with area property owners and residents to assess the desirability of implementing "bulk-scale" standards to regulate new and renovated housing development. This area is similar to the Nubble in some respects, except there are not as many opportunities for Ocean views from public roads. The "bulk-scale" of new houses may not be in character with existing development.

Addresses Issues 1, 2 and 6

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

6. The Town should explore allowing homeowners opportunities to provide living facilities for seasonal workers. A potential approach is to allow single occupancy rental rooms in a dwelling, provided there is ample parking and a provision that the rental cannot be used year-round. This may be a difficult approach to implement, but offers some resolution to the difficulties York Beach merchants are experiencing in attracting adequate employees.

Addresses Issue Identified in York Beach Village Center Meeting

LONG TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

## **LONG SANDS BEACH LAND USE AREA #4 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

Long Sands Beach is nearly 8,000 feet in length and is the dominant physical feature in this area. On a hot sunny July or August afternoon there are as many as 5,000 vacationers recreating on this sandy beach. Long Beach Avenue/Route 1A parallels the entire length of the beach and separates the developed area from the Atlantic Ocean coastline. Only three uses, the Sun n' Surf Restaurant, Libby's Campground, and the Town's public bathhouses are located on the ocean side of Long Beach Avenue.

A variety of land uses occur in the area. There are a large number of residential houses, numerous large and small hotels/motels, several restaurants and a few convenience stores, most of which cater to the summer tourist business. Many of the residences are also rented out as seasonal tourist houses, and these residences as well as many of the hotels/motels are boarded up during the non-tourist season.

The area is extensively developed and little undeveloped or underdeveloped land remains. Most of the lots are quite small, 3,000-8,000 sf, and have only minimal frontage on a public street. Much of the area was subdivided long before the area was subject to any zoning regulation. Most of the area is served by both public water and public sewer.

There are several significant natural resource characteristics which affect development in the area. Long Sands Beach is a sand dune which was greatly altered by the construction of Long Beach Avenue. Much of the coastal marsh behind the Avenue remains and is a very wet area that is not conducive to development. Drainage in the area, specifically the management of stormwater and flooding, is a significant concern. A 1977 Study prepared by the Town identified severe development constraints imposed by stormwater concerns and made recommendations on how to better manage stormwater. Soils in the area are also not conducive to on-site septic.

Except for Long Beach Avenue and Long Sands Road, few of the roads in the area are built to existing Town standards and many are unpaved. Traffic circulation on Long Beach Avenue is also very poor in the summer because of the long expanse of Long Sands Beach and few cross connecting roads. The Town provides metered parking along the entire length of Long Beach Avenue as the primary public parking for the Beach.

### **DESCRIPTION OF EXISTING ZONING**

The area located north of Long Sands Road is part of the former York Beach Village Corporation and is in the RES-7 Zone, a general residential zoning district. The smaller area to the south of Long Sands Road was formerly part of the York Harbor Village Corporation and is in the BUS-2 Zone, a limited business district. The underlying zoning for these areas has changed little since the mid-1970's merger of the York Beach and York Harbor Village Corporations with the Town.

The RES-7 zone allows single family, two-family and multi-family housing, hotels/motels, restaurants, and public uses. These uses are ones which reflect the seasonal resident and tourism use of the area. The minimum lot size is 12,000 sf with water and sewer and 20,000 sf without these services. Maximum lot coverage is 30%.

The BUS-2 zone allows a wider range of non-residential uses than the RES-7 zone, but requires a minimum lot size of 30,000 sf if water and sewer are available and 1 acre if they are not. Permitted uses include single family residential, hotels/motels, restaurants, offices, service businesses, public uses and campgrounds. The BUS-2 Zone is one of only 2 zones in York which specifically allows campgrounds. The maximum lot coverage in the Zone is 25%.

Most of this area is also subject to the Shoreland Overlay Zone, both because of its proximity to the Atlantic Ocean and the former tidal wetlands on the inland side of Long Beach Avenue. The Town, in the late 1980's, established the area as being in the Limited Residential Subdistrict of the Shoreland Zone which restricts development to only residential uses. This causes obvious conflicts with existing non-residential uses. The Town addressed some of this conflict in the mid-1990's by allow existing restaurants and hotels/motels to expand within their existing lot lines. Shoreland Zoning has affected the type and character of development which has occurred in the area.

The Inland Wetland Ordinance also applies to the area north of Long Sands Road. This Zone requires water and sewer connections, addressing drainage issues and avoiding wetland fill. Many lots in the area have been subject to Inland Wetland Ordinance requirements.

A final zoning requirement which has affected the area is the Floodplain Overlay District. Much of this area is subject to coastal and freshwater flooding and new development or major renovation projects must address floodplain requirements.

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

Most issues affecting this area directly involve Long Sands Beach. The Town conducted several neighborhood meetings that included both year-round and seasonal residents. Few of the issues raised by the participants involved areas of Town other than the Beach. Concerns that were raised at these meetings and other issues which warrant attention are as follows:

1. Management of the beach is a significant concern. Issues include but are not necessarily limited to: cleaning the beach, particularly seaweed; better dog control; the need for better public access, particularly at Webber Road, near Long Sands Road and near the southern end of the Beach; better sidewalks; better lighting; controlling jet skies and similar watercraft (noise); and trash/littering of the beach. The consensus appeared to be that area residents want the Town to do more to help manage and improve the beach.
2. The area regularly floods during coastal storms and significant rainfalls causing property damage.
3. There is a conflict between uses permitted in the underlying zoning districts and the Limited Residential Subdistrict of the Shoreland Overlay Zone and this conflict has affected the quality of development and reinvestment in existing businesses.
4. Much of the existing development occurred before enactment of past and current zoning ordinances and does not comply with present dimensional or density requirements. Current standards often cause problems in renovating existing structures, some of which involve public health and safety concerns. The issue is how to allow needed reinvestment and renovation without causing overbuilding of the area.
5. There is little remaining undeveloped land in the area and that which remains is usually a non-conforming lot of record that is mostly or entirely wetland. These undeveloped areas are also usually important stormwater/flood control areas.
6. Long Sands Beach is an important feature of York's family oriented tourist environment, and this character needs to be retained.
7. Existing traffic circulation on Long Sands Beach is a serious seasonal problem. Public safety personnel have experienced problems in responding to emergency situations on the beach.
8. There are often conflicts between pedestrians, bicyclists, runners, in-line skaters and existing vehicle traffic. There is a sidewalk along Long Sands Beach but it is narrow and cannot accommodate all users.
9. There is often insufficient parking along the Beach to accommodate all users.
10. Many of the homes along Long Beach Avenue have been renovated, but others require rehabilitation. Concern has been expressed regarding the aesthetics/appearance of existing development.
11. The size, height, bulk and mass of new houses is often unlike existing homes. Concern has been expressed regarding how newer or renovated homes may conflict with the

- character of existing development.
12. Most of the streets/roads in this area do not meet current Town standards and are often in disrepair.
  13. Several streets, such as most of Railroad Avenue Extension, lack public water and public sewer and this adversely affects the ability to develop the area.

### **PLAN RECOMMENDATIONS**

If York had the luxury of viewing Long Sands Beach as a vacant undeveloped area and could now map out its future many of the existing concerns would be easy to resolve. This, however, is not the case. The Beach will likely always be an area that falls somewhat short of people's dreams, but there are measures the Town can implement to address some concerns. Specific recommendations include the following:

1. Establish a single consistent zoning district for all of Long Sands Beach, and regulate this area differently than the inland side (Ridge Road area) of the Beach. The recommendation is to establish a zone which recognizes the existing dual residential and tourism use of the Beach. This district should allow single family, two family and multi family housing, and tourism related uses such as restaurants, hotels/motels, and beach related retail uses. Home occupation Class 2 should be permitted with uses appropriate to the area. The Town should retain a small minimum lot size. The maximum amount of permitted lot coverage (impervious surface ratio) should also increase from the current limit of 30% to facilitate renovation of existing structures. Front structure setbacks along Long Beach Avenue should decrease to reflect the existing development patterns of houses built adjacent to the sidewalk. The intent is to create a zone that allows the Beach to be the Beach.

Addresses Issues 4 and 5  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The conflict between the underlying zoning and the Shoreland Overlay District should be eliminated by establishing this area as part of the Limited Commercial Subdistrict of the Shoreland Overlay Zone. This change should foster reinvestment and potential expansion of existing hotels and restaurants in an area where hotels have the greatest likelihood of success in York.

Addresses Issue 3  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town should enact creative measures to allow the renovation of existing houses that are non-conforming as to setbacks, lot coverage and similar standards. This is critical to the long-term health and appearance of the area. For example, an existing house can be demolished and retain its non-conforming lot coverage or setbacks if the appearance and scale of the new house reflects the character of the area. In short, a property owner can gain flexibility in use of their property provided Town guidelines are met.

Addresses Issues 4, 10 and 11  
IMMEDIATE to MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4. The Town should enact performance standards to manage non-residential development projects and these standards should be appropriate to this zone. At present, there are no performance standards to guide non-residential development.

Addresses Issue 6  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

5. The Town should attempt to preserve as many remaining wetland areas as practical to help protect natural resource values and lessen flood control problems. This will be

difficult to achieve because most wetland areas were subdivided into small individually owned lots as long as 100 years ago. A series of measures can be implemented to help achieve this goal:

- The Town should purchase critical wetland areas.
- The Town should allow transfer of development rights in which the density from a wetland in this area can be transferred to a non-wetland lot, provided the wetland lot is permanently protected. For example, the receiving property (property to which the density is transferred) could build a duplex on what is normally considered a single family lot.
- Amend the zoning ordinance to allow the preservation of off-site wetland areas in this zone to satisfy open space requirements for new open space subdivisions in selective areas.

This is an adventuresome approach to furthering wetland protection in this area but warrants full consideration and eventual implementation to help protect the greater public interest.

Addresses Issues 2 and 5  
ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

6. The Town should implement a good quality transportation system that uses existing parking facilities at the various school grounds or alternate sites for visitor parking and public transportation to drop-off visitors at the Beach. This project was tried for one year in the mid-1990's, but needs more public financial support and a longer trial period to determine if it can be successful.

Addresses Issues 7, 8 and 9  
MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. Drainage, stormwater and flood control is a significant issue in this area, both for new and existing development. The Town should pursue ways to provide or upgrade existing infrastructure in the area to better address drainage issues. A specific recommendation is to establish a Capital Improvement District for drainage improvements with fees assessed on all properties to help pay the cost to construct needed improvements.

The Town should also tackle this problem by requiring new development to construct effective on-site retention basins or use alternative construction approaches, such as homes being built on columns without basements or slabs, as a way to enhance flood control.

Addresses Issues 2 and 5  
MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE  
PLANNING BOARD TAKES LEAD ROLE ON ALTERNATIVE CONSTRUCTION

8. The Town should explore if "bulk - scale" standards are warranted to help regulate the character of new housing development in this area. This does not appear to be as great of a concern in this area as the Nubble, and the applicability of such standards to this area should perhaps follow implementation and evaluation of the effectiveness of the proposed standards for the Nubble.

Addresses Issue 11  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

9. See public water supply and sewer system policies in §1.1.2.
10. There are no easy solutions regarding how best to aid pedestrian use of the area. The

sidewalks on Long Beach Avenue are narrow and there are frequent blockages as vacationers prepare to lug their day's supplies to the beach. There is only a finite amount of area in which to build a road, allow public parking and construct sidewalks along Long Sands Beach, so creative solutions for how best to utilize and share this space are needed. A long-term approach that may warrant consideration is to eliminate parking along most of the beach to create a pedestrian lane. In the interim, public safety is aided by the fact that peak season congestion slows the speed of traffic.

Addresses Issues 7 and 8  
LONG TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

11. The Town Parks and Recreation Department and Board should be encouraged to assess how best to provide support services to the Beach area. The Town provides a wide range of existing services including lifeguards, beach clearing, trash pick-up, bathrooms and others. In addition, the Town has recently completed construction of numerous new stairway accesses to the beach and accompanying trash receptacle and lifeguard station improvements. The needs of the vacationing public are always evolving and the Town should be prepared to adjust its services to satisfy public demands.

Addresses Issues 1 and 6  
ONGOING PRIORITY - PARKS & RECREATION TAKES LEAD ROLE

12. A specific need in this area is additional restroom facilities. There is now only 1 public bathroom for 8,000 feet of beach. The Town should consider allowing additional non-residential development on one or more lots as an exaction (trade-off) for a donation of land to provide new restroom facilities.

Addresses Issue 1  
LONG-TERM PRIORITY - PARKS & RECREATION TAKES LEAD ROLE



## **RIDGE ROAD AREA LAND USE AREA #5 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

This area includes land located on both the east and west side of Ridge Road. Ridge Road is a major local road that connects the York Village Center area and Route One to York Beach. Most land abutting Ridge Road has been densely developed for residential use. Many of the existing lots range from 4,000 - 8,000 sf in size and few satisfy current minimum lot size requirements. There are few nonresidential uses, the Draft House being the largest.

Wetlands are a significant natural resource in the area and affect how development has occurred. The wetland inventory conducted for the Town by Woodlot Alternatives identifies four major wetland systems, one of which is larger than 100 acres and a second nearly 50 acres. The size and configuration of remaining wetlands has been greatly affected by the amount and location of existing development. The Town and private property owners are faced with a major problem as many of the remaining undeveloped lots that were subdivided as long as 100 years ago consist of wetlands.

The area has experienced a significant amount of both year-round and seasonal development over the last 20 years mostly because of its proximity to the Atlantic Ocean. The newer development has also included a townhouse project (Berger-Eastman Condominiums), an apartment building (Stone Ridge Apartments that are now being converted to condominiums) and an elderly housing project (Spring Pond Estates that was approved by the Planning Board in early 1997). These larger projects seem to blend well with the density of single family housing that has occurred.

### **DESCRIPTION OF EXISTING ZONING**

The area east of Ridge Road is part of the former York Beach Village Corporation and is in the RES-7 zone. The RES-7 allows single family, two family and multi-family housing as well as restaurants and hotels. The minimum lot size is 12,000 sf with water and sewer and 20,000 sf if both services are not available. This area is included in the same zone as land located along Long Sands Beach.

The area west of Ridge Road is in the GEN-3 zone. This is a general purpose zoning district that allows most uses; residential, retail, hotel, restaurants, service businesses and industry. The required minimum lot size is 30,000 sf with water and sewer and 1 acre if these services are not available. The zoning for this area dates to the 1960's.

Three other Ordinances also greatly affect how and where development can occur. The Ordinances are:

- The Shoreland Ordinance affects all wetlands greater than 1 acre in size and requires setbacks for wetlands greater than 4 acres in size. It is also more restrictive than the underlying RES-7 or GEN-3 zoning as only residential uses are permitted, the Limited Residential Subdistrict.
- The Inland Wetland Ordinance affects properties located east of Ridge Road that are within 100 feet of a wetland, regardless of the size of the wetland. This Ordinance restricts fill activities, requires connection to public water and sewer and stipulates no greater stormwater impacts can occur from the new development than current levels.
- The Floodplain Management Ordinance also applies as much of the area is within the federally recognized floodplain.

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

The Ridge Road area often appears to be the long lost forgotten cousin of York in looking at

much of the development that has occurred. Although the area offers few, if any, ocean views many of the lot sizes are as small or smaller than those adjacent to the Beach. In addition, few of the roads are paved or have any drainage facilities, and much of the area is without public water or public sewer. Despite or perhaps because of these constraints, residents who attended various neighborhood meetings spoke positively of the area. Issues which were cited include the following:

1. Most of the lots are quite small in size, from 4,000-8,000 sf, and often lack sufficient land area to support the existing use. A prime concern is the lack of public water and public sewer throughout much of the area. This adversely affects water quality which could endanger the public health. The unavailability of public water also raises fire protection issues.
2. Most of the roads are substandard. Very few are paved, many lack any drainage facilities and maintenance is often infrequent. The rights-of-way are also often too narrow to allow significant improvements. This adversely affects property values and extensive use of the area. Most of these roads are privately owned and maintained. The public roads are paved.
3. There is a significant amount of wetland constraints in the area and many of the undeveloped non-conforming lots of record have been laid out in these wetland areas.
4. Most of the soils are marginal to support a septic system. Potential development of lots without public sewer could lead to long-term water quality problems.
5. Ridge Road handles a significant volume of traffic but there are no pedestrian amenities/sidewalks to benefit people who live in the area. Many of the property owners who attended the neighborhood meetings addressed the need for safer means of access to Long Sands Beach.
6. The existing zoning for much of this area, GEN-3, allows a wide range of non-residential uses, but most of the development to date has been residential.
7. Sections of the area routinely flood during coastal storms and significant rainfalls and this flooding causes property damage.

### **PLAN RECOMMENDATIONS**

This area can sustain additional development if there are adequate public services, particularly public water and sewer, and to a lesser extent road and drainage improvements. It is an attractive area to allow additional development, both year-round and seasonal, because of its general proximity to York's beaches and other Town services, particularly schools. While there is little unsubdivided land remaining, that which has been subdivided, but unbuilt upon, is mostly small lots.

The overall recommendation is to recognize the Ridge Road area as a potential growth. The area is particularly well located for seasonal or second home construction. If the Town chooses to achieve this goal it will require the expenditure of public funds to both construct infrastructure improvements, and enable extensive work with the public to implement needed Ordinance revisions.

Specific Plan recommendations include the following:

1. The Town should establish a residential zoning district for this area that recognizes existing patterns of development and the area's potential to accommodate additional year-round and seasonal growth. This recommendation identifies it as a protected residential zone, a significant change from the current GEN-3 and RES-7 zoning. High residential density is recommended, and 2-bedroom and seasonal-only units could be offered density bonuses. The existing Berger/Eastman townhouse complex off Ridge Road is a good illustration of the type of housing which should be permitted.

Addresses Issue 6  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. Reserved.

#### Addresses Issue 4

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

3. See public water supply and sewer system policies in §1.1.2.
4. Recognizing the large number of small non-conforming lots of record, future zoning should grant flexibility in the amount of lot coverage and structure setbacks to facilitate the long-term upgrade of existing often substandard housing units. The intent is to encourage a long-term increase in property values.

#### Addresses Issues 1 and 6

#### IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

5. The Town should strive to preserve as many remaining wetland areas as practical as a means to protect natural resource values and lessen flood control problems. This will be difficult to achieve because most wetland areas were subdivided into small individually owned lots as long as 100 years ago. A series of measures can be implemented to help achieve this goal:
  - The Town should purchase critical wetland areas.
  - The Town should allow transfer of development rights where the density from a wetland in this area can be transferred to a non-wetland lot, provided the wetland lot is permanently protected. For example, this proposal would allow the receiving property (property to which the density is transferred) to build a duplex on what is normally a single family size lot.

This is an aggressive approach to furthering wetland protection, but warrants full consideration and eventual implementation to help protect the greater public interest.

#### Addresses Issue 3

#### ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

6. Infrastructure in this area is very substandard. Recognizing that this is a desired growth area, the Town should establish Capital Improvement Districts to finance road, sidewalk, drainage, and flood control improvements. All properties in the district would be assessed a fee to pay costs to construct the improvements. A concern in improving many of the roads and accompanying drainage is the limited size of existing rights-of-ways. The Town should allow narrower roads, perhaps as narrow as 16' if no curbs and 20' with curbs, to help control traffic speeds, lessen the amount of traffic that will use these residential streets as a cut-through/short-cut to the Beach, and to minimize adverse impacts on existing properties. The Town should also be prepared to accept these narrower streets.

#### Addresses Issue 2, 5 and 7

#### MID-TERM & LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. Ridge Road is a heavily traveled road with dense development on both sides. This Plan also recommends encouraging additional growth. Public safety and pedestrian access would benefit by the Town using its capital funds to construct a sidewalk or bike path along Ridge Road, particularly from Webber Road to the York Beach Post Office.

#### Addresses Issue 5

#### LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

## **YORK HARBOR VILLAGE CENTER LAND USE AREA #6 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The York Harbor Village Center is a small densely developed area of York. There is a mixture of uses, including hotels, restaurants, retail stores, professional offices, service businesses, boat launching, a yacht club, condominiums, bed and breakfast operations, single family residences, and the York Harbor Post Office. Few other areas in York support the wide array of seasonal and year-round uses found in the York Harbor Village Center. The Village Center is one of the most distinct areas in York and most residents and area businesses take great pride in calling it their home.

The Village Center extends along York Street to the Lancaster Building and includes the adjacent area along the banks of the York River. York Harbor Beach is a favorite destination for both residents and visitors, although most residents consider it a "locals" beach. A recent change is the ongoing development of Hartley-Mason Park located next to Harbor Beach. This land was gift deeded to the community as a "public pleasure ground" and the former homes on the property are being torn down to create this ocean- side park.

The York Harbor Village area historically has been a very tight-knit community of seasonal and year-round residents. Many of the homes are quite large and luxurious and many have retained their historic appearance. The Harbor area is also a walkable community. There are sidewalks along York Street and many of the short sidestreets and mostly local resident traffic use the narrow sidestreets. Few of the existing lots in the area satisfy current minimum lot size requirements, but the lay-out of the existing area has contributed to its livability. Similar to the York Beach Village Center and York Village Center - few seem to want to change the York Harbor Village Center area, but it likely could not be built today under current zoning.

### **DESCRIPTION OF EXISTING ZONING**

The Zoning that applies to the York Harbor Village Center area in 1998 is strikingly similar to the basic Ordinances established by the former York Harbor Village Corporation in the 1920's. The area is part of the BUS-1 zone which allows both residential uses and commercial establishments, including restaurants. The same uses were permitted in the 1920's code, but the minimum lot size requirement has increased over the years to 30,000 sf. An even larger lot is needed to support a duplex (1 acre), triplex (1.5 acres) or four-plex (2 acres).

Nonresidential uses must also satisfy performance standards established through the York Harbor Site Design Review Ordinance. There has been little new nonresidential development in the York Harbor Village Center since the 1980's and only minor development activities, particularly signs, have been subject to review by the 5 member York Harbor Site Design Review Board.

Shoreland Zoning also applies to uses located along the York River. All of this area is included in the Limited Residential Subdistrict which requires a minimum structure setback of 100' and restricts activities to residential uses. This Subdistrict classification has caused existing nonresidential uses along the waterfront, such as the Stage Neck Inn, Vinal's, and Varrel's Wharf to be ruled non-conforming uses. In addition, the setback requirement and maximum permitted lot coverage has caused problems for existing residential and nonresidential uses.

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

Most residents spoke lovingly of the York Harbor Village Center area at the York Harbor

Neighborhood Association meeting, but they also raised concern regarding its future. They like its appearance and the long-term ties of many residents to the area, but lament the amount of traffic, conflicts with several nonresidential uses and the changes that have occurred. Specific issues include the following:

1. How best to preserve the area's historic character and ensure new and renovated construction is consistent with this character. Building appearance was a major concern.
2. How to lessen or better manage conflicts between residents and nonresidential uses in the area.
3. Potential conflicts between the commercial use of the area's waterfront and the large residences that enjoy this same waterfront. This includes conflicts in zoning. Sections of the waterfront have long been used commercially, but the area is included in the Limited Residential Subdistrict of the Shoreland Zone which renders the uses non-conforming.
4. Concern that Harbor Beach was used mainly by residents, but is now experiencing increasing non-resident use, including concern that development of the Hartley-Mason Park may contribute to this pattern.
5. Fisherman's Walk and its continuation for public use.
6. How to decrease or better manage the amount of traffic on York Street.
7. How to better address pedestrian circulation and safety - make the Center a more "people friendly" area.
8. Desire for additional police presence in the Harbor area, particularly to assist in traffic management.
9. The availability of public parking along York Street; mostly a summer issue.

### **PLAN RECOMMENDATIONS**

The York Harbor Village Center is a mix of stately year-round and seasonal residences, year-round and seasonal small scale businesses and two thriving year-round hotels, the York Harbor Inn and the Stage Neck Inn. Many homes and businesses overlook the mouth of the York River and Atlantic Ocean. The area's zoning has remained virtually intact for over 50 years and it is largely built out. Amidst this scenario of long-term tradition, it may be too difficult for the Town to implement different approaches to address existing concerns. The Town will need to work closely with area residents in pursuing implementation of these recommendations. Specific recommendations include:

1. The Town should carefully evaluate the desirability of modifying the zoning in York Harbor. The current BUS-1 Zone includes areas such as Darcy Road and Axeholme Road that are very different from the heart of the Village Center. The zoning should recognize the interesting mix of existing uses and identify standards that ensure future new development and redevelopment of existing uses retain and complement the existing character. The scale and character of the neighborhood should be protected. Improvements to make walking and biking safer and more enjoyable should be considered. Use, dimensional, density and performance standards should all be evaluated. The extent to which significant changes are desirable is not clear at this time.

Addresses Issues 1, 2 and 3  
LONG-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The Town should explore ways to preserve the Village Center area's historic character. At present, only the Lancaster Building qualifies for oversight by the Historic District Commission. Programs for consideration are: regulatory design guidelines and good quality public education and outreach efforts to encourage voluntary compliance. The Town will need to provide staff assistance (Town funding) to the York Historic District Commission, perhaps through the Old York Historical Society, to help achieve this goal.

Addresses Issue 1

MID-TERM TO LONG-TERM PRIORITY -  
PLANNING BOARD AND HISTORIC DISTRICT COMMISSION TAKE LEAD ROLE

3. The Town should establish existing commercially developed areas of the waterfront, such as the Stage Neck Inn, as a Limited Commercial Subdistrict of the Shoreland Zone, and also should include several structures/properties in a Marine Dependent Use Zone. The intent is to eliminate the existing non-conforming status for Vinal's, the Yacht Club, Varrell's Wharf and similar businesses. This concern should be addressed during the rezoning process.

Addresses Issue 1, 2 and 3  
IMMEDIATE TO MID-TERM PRIORITY PLANNING BOARD TAKES LEAD ROLE

4. The Town and Hartley-Mason Estate should continue the current practice of limiting the amount of public parking near Harbor Beach as a means of managing the amount of use at Harbor Beach and the Hartley-Mason Estate. This current approach of establishing time restrictions for the on-street parking spaces should also continue.

Addresses Issues 4 and 9  
ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

5. The Town should pursue preserving public use of the Fisherman's Walk, and cooperatively work with private property owners to maintain this Walk and lessen potential conflicts with private property.

Addresses Issue 5  
IMMEDIATE & ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

6. The Town should explore alternative means of access to the Long Sands-Short Sands Beach area to help manage the volume of traffic on York Street.

Addresses Issue 6  
LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should install good quality signage to help direct people to the Long Sands-Short Sands Beach area.

Addresses Issue 6  
IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

8. There is a partial sidewalk system, desperately in need of improvement, throughout the Village Center area. Problems occur as people try to cross York Street. Possible improvements include installing extended curb bump-outs (narrow the width of the travel lanes) at selected locations to assist people in crossing the street, improving traffic direction legibility for drivers, and improving crosswalk placement and visibility. The Town may also need to erect more pedestrian crossing signs. The streets in York Harbor become quite narrow with parking along the street and this congestion usually forces cars to slow down which often benefits public safety.

Addresses Issue 7  
ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

9. There is an absence of sufficient parking along York Street in the summer to satisfy all potential users at locations people want to park. This causes problems, but it is a way to help manage the maximum number of users in the area. The Town's existing approach of establishing a time limit for on-street parking appears to be the best suggestion. There is

little vacant land in the area to support an off-street public parking lot, and locating such a lot could create conflicts with existing residences.

Addresses Issue 9

ONGOING PRIORITY - NO NEW ACTION LIKELY NEEDED SELECTMEN TAKE LEAD ROLE

10. Nonresidential uses in the York Harbor Village Center area must satisfy performance standards identified in the York Harbor Site Design Review Ordinance. This Ordinance also establishes a 5 member Board to make decisions on the required permits. The current Design Review Board process should be phased out, and this responsibility should be transferred to the Town entity that is proposed to be established to administer the design review standards recommended for uses that occur in other areas of Town. This transfer of responsibility also will eliminate the redundancy and conflicts that now exist between the York Harbor Site Design Standards and the Planning Board Subdivision and Site Plan Regulations.

Addresses Issue 1

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

## **EASTERN POINT AREA - YORK HARBOR LAND USE AREA #7 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

This is a transition area of often large and stately homes located between the heart of the York Harbor Village Center and the beginning of Long Sands Beach. Single family homes are the predominant use, but there is also a mix of condominiums, town houses, bed and breakfast operations and several apartments. There are only a few non-residential uses; the York Harbor Home, a private 68 bed nursing home, being the largest.

The eastern boundary of this Zone is the Atlantic Ocean and many of the homes along the coastline afford stunning views of the Ocean and the Nubble. York Street, also known as Route 1A, is the main thoroughfare and most of the short subdivision access roads feed into this street. With the exception of York Street, most subdivision roads experience little traffic. There is little remaining undeveloped land in this area.

### **DESCRIPTION OF EXISTING ZONING**

This area is located in the existing RES-4 Zone, a protected residential zoning district. The RES-4 Zone allows only single family housing, bed and breakfast operations, home occupations and public uses. The minimum lot size requirement is 30,000 sf with public water and public sewer, and increases to 1 acre if these services are not available. There has been little change to the zoning for this area for over 50 years, which includes when the York Harbor Village Corporation merged with the Town of York in the mid-1970's. All areas that border the Atlantic Ocean are also subject to the Town Shoreland Ordinance and are in the Limited Residential Subdistrict. Few significant conflicts occur between existing uses and the Shoreland requirements.

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

This is a relatively "quiet" area of York as most of the developable land has already been built upon and there are well established neighborhoods of similar homes. Most people consider this a desirable area to live. The goal for this area is to maintain the status quo rather than to pursue significant changes. Several issues, however, warrant attention.

1. How to ensure there is no significant change to existing patterns of development and the quality of neighborhoods and homes.
2. The need for public sewer to serve all homes in this area.
3. The amount and speed of traffic on York Street.
4. Pedestrian safety, particularly for people crossing York Street.
5. Status of the Fisherman's Walk and pedestrian access along the coastline.
6. Flood control during coastal storms. Several homes, particularly in the Cow Beach area, are routinely damaged by coastal storms and resultant flooding.

### **PLAN RECOMMENDATIONS**

The main recommendation for the York Harbor - Eastern Point area is to ensure area residents continue to enjoy their present quality of life. Zoning changes should be a fine-tuning and not an overhaul of existing requirements that have worked well over a long period of years. Specific recommendations for the area are as follows:

1. The area should remain a protected residential zone and current lot sizes and permitted uses should remain the same. Home occupations should be limited to Class 1.



#### MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. See public sewer system policies in §1.1.2.
3. Virtually all homes in this area rely on York Street as the main thoroughfare. The present volume of traffic on York Street likely will continue to increase, thus Town efforts should focus on public safety, particularly the speed of existing traffic. York Street is quite wide in several areas and there is little need for on-street public parking along most sections. Traffic calming measures, such as neckdowns where pedestrians most frequently cross the street, may aid in slowing the speed of traffic and increase pedestrian safety. These wide sections of road also could be striped as protected bicycle lanes.

Addresses Issues 3 and 4

#### MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

4. The Town should explore alternative means of access to the Long Sands-Short Sands Beach area to help manage the volume of traffic on York Street.

Addresses Issue 3

#### LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

5. The Town should install good quality signage to help direct people to the Long Sands-Short Sands Beach area.

Addresses Issue 3

#### IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

6. The Town should retain current street layouts, which are often quite narrow, as a way to retain existing residential character.

Addresses Issues 1 and 4

#### LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should not pursue constructing expensive and often ineffective infrastructure to protect private and public (roads) property from coastal storm damage. Several options exist for the most impacted private properties the homes should be flood proofed to the maximum extent practical; homeowners will need to recognize they may suffer repetitive losses and will be solely responsible for repairs; or the structures can be abandoned and the land dedicated to the Town, with the Town paying an adjusted value for the property. The most frequently damaged public road is along Cow Beach. The Town will need to repair this road after the storm, or could consider a cul-de-sac if problems become too costly.

Addresses Issue 6

#### LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

## **YORK VILLAGE CENTER AREA LAND USE AREA #8 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The center of York Village has long functioned as the heart of the community. It has been and remains a center of the town's cultural, spiritual, economic and public life. It is also one of the most recognized and cherished features of York and helps define the town's historic character. Two comments voiced by participants at the Comprehensive Plan Town-Wide Meetings capture this sentiment well. The first, "York is the quintessential New England Village." The second, "I get the same feeling today as I did 65 years ago in driving through the center of the village."

The First Parish Church and the small "green" it shares with the York Town Hall is considered the center of Town. The present Church dates to the 1700's and no one can remember when Town Hall was in any other location. The "green" is used even today as a meeting place for community events such as HarvestFest. The Church cemetery also harbors the remains if not the souls of many of the early settlers of York and their descendants.

The Center's ties to the past are forged by the grouping of historic structures managed by the Old York Historical Society. The structures include the Old Gaol, the oldest public building in America. Many cite the presence of these buildings are helping to bring history alive in York.

The Center's rank as an important area of commerce is perhaps best illustrated by noting that all banks located in York are within an easy walk of one another and the Town Hall. A blend of professional offices, retail stores, restaurants and service businesses also can be found in this compact area. York Hospital and its associated physicians have been a growing presence in the village center.

In reflecting on the above statements, a reader may assume the Village Center has been a stagnant area. This clearly has not been the case. The uses and buildings in the Village Center have constantly been adapted to meet the needs of the surrounding community. In the past 5 years alone, the former Methodist Church was converted to a craft shop, the former Powder House changed from an Attorney's office to an art gallery, a physician's office became a restaurant, and many other similar conversions of existing structures have occurred. Fortunately, in this era of change, the existing character has not been seriously harmed.

The Village Center area will likely continue to experience new and varied development pressures. York Hospital has committed to its current campus and must expand to remain competitive with other area hospitals. The York Public Library has closed on the purchase of the Emerson - Veile property and hopes to begin construction of a new 15,000+ sf library in early 1999. Town Hall is outgrowing its current quarters and needs additional room. And, it is recommended in a recent Town study that the York Village Fire Department be relocated. Even the First Parish Church, which has experienced tremendous growth in its congregation, is looking to expand. These public and community needs and those of the surrounding private businesses and residences will help shape the future of the Village Center.

### **DESCRIPTION OF EXISTING ZONING**

The area identified as the York Village Center is regulated by three often contrasting zoning districts. The GEN-3 zone applies to most of the area along York Street and Woodbridge Road. Moulton Lane, Axholme Road and section of Woodbridge Road near the York Water District offices are in the BUS-1 zone. While the area near the Town Hall and York Hospital is in the RES-1B zone.

The GEN-3 zone, a General Purpose zoning district, allows most uses; from single family residences to large scale retail, offices and service businesses, hotels, restaurants and industry. The minimum lot size is 30,000 sf if both public water and sewer are available and 1 acre if these

services are lacking. A nonresidential use in this area must also satisfy performance standards identified in Article 6 of the Zoning Ordinance -- how to address traffic, parking, lighting, stormwater and similar project impacts. Maximum lot coverage is restricted to 25% as measured using impervious surface ratio (ISR).

The BUS-1 zone, a limited business district, was initially established in the 1920's to regulate uses in this section of the former York Harbor Village Corporation. The minimum lot size is the same as in the GEN-3 zone, but a lesser range of uses is permitted. Single family, duplex and multi-family housing is permitted, as are retail stores, service businesses, professional offices and restaurants. Maximum lot coverage in this zone is 30% (ISR). There have been few significant changes to this zoning district since the York Harbor Village Corporation merged with Town of York in the mid-1970's.

The third zoning district that applies is the RES-1B zone. This is a protected residential zone that allows only residential housing, hospitals and public golf courses. The minimum lot size is 30,000 sf if both public water and public sewer is available, and 1 acre if there are no such services. The RES-1B zone allows 25% ISR as its maximum lot coverage, and the Article 6 performance standards apply to any nonresidential development.

A limited amount of land in this area is subject to requirements of the Shoreland Overlay Zone. Most wetlands are less than 4 acres in size and do not require setbacks for structures or no-cutting buffers for upland vegetation. All existing Shoreland areas, however, are identified as part of the Limited Residential Subdistrict, which creates a direct conflict with the wider range of uses allowed in the GEN-3 and BUS-1 underlying zones.

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

Many York residents spoke highly of the York Village Center area during the town-wide and neighborhood meetings. They like its historic character, the small green at the First Parish Church and Town Hall, and the area's number of shops, offices and public buildings. The main sentiment was to nurture and enhance the area's existing character, recognizing York Village Center is special and different from any other area in York. Specific issues which warrant attention include the following:

1. How best to preserve the area's historic character and ensure new and renovated construction is consistent with this character. Building appearance was a major concern.
2. How to decrease or better manage the amount of traffic on York Street.
3. The desire for additional police presence in the Village Center was cited, particularly to assist in traffic management.
4. How to better address pedestrian circulation and safety - making the Center a more "people friendly" area.
5. How to provide adequate public parking to support the area's restaurants, retail shops and offices.
6. Current Town Zoning, particularly the GEN-3 zoning district, is both too permissive, such as the wide range of type of uses permitted, and too restrictive, particularly the maximum amount of lot coverage and required minimum structure setbacks. Current standards often thwart the construction or renovation of buildings which residents feel belong in the Village.
7. The need to better define the purpose of the Village Center area was cited. Is it mostly a center to meet resident needs, or should it cater to tourists? Concern was expressed that the Village Center appears to lack focus.
8. Many voiced the need for a coordinated planning approach to ensure desired development occurs and that needed services are available to support this development.

### **PLAN RECOMMENDATIONS**

The York Village Center is viewed as a key area to forge the tie between York's past and future.

It helps create a sense of place for both York natives and new residents. In short, the Village Center helps define York. While there is little land to support large amounts of new development, there are opportunities for redevelopment of existing buildings and selective development of the few remaining parcels. The overriding goal is to ensure all new development or renovation of existing buildings contribute to rather than detract from the Center's character.

Specific recommendations that warrant implementation include the following:

1. The Town should establish a Steering Committee of area property owners, business owners, residents and public officials to prepare a specific master plan for the Village Center area. This Plan will address issues raised at the May 6 Neighborhood Meeting including traffic, streetscape improvements (street lighting, public benches, trash receptacles), pedestrian improvements, public parking, building design and zoning ordinance revisions. An additional issue that should be explored is the feasibility of replacing existing overhead utilities with underground utilities. The goal is to gently direct future development so existing positive features of the Village remain or are enhanced and negative characteristics are improved. Implementation of this project will require Town funding. The Committee should also address the matter of new or rebuilt/renovated non-residential building size and scale, and ways to keep the existing mix of residential and non-residential uses in the Village Center.

Specific response to issue 8, but also addresses issues 1-7  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The Town should revise current zoning to establish a specific Village Center zoning district. Use, dimensional, density and performance standards should all be evaluated. Policies and standards should be consistent with the history of the village and appropriate to the scale of this classic New England village. Good design and pedestrian scale and orientation should be emphasized.

The zoning district should encourage small scale street oriented offices, retail stores, service businesses, restaurants and public uses. Manufacturing uses, large scale businesses and offices, and uses which rely upon open areas for sales (auto sales and rentals, lumberyards, etc.) should be prohibited. This zone should also allow ongoing expansion of York Hospital, the Town's largest employer and a prime factor many residents cited in why they choose to move here. The intent of establishing a specific zoning district is to benefit the long-term health of the Village Center and aid in it serving as York's downtown area.

Specifically addresses Issues 1 and 6. Also addresses most other issues cited.  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town should consider ways to preserve historic structures in the Village. The current historic district is very small and includes only the buildings owned by Old York Historical Society, the First Parish Church, Town Hall, the Library and a private residence. The Town should be guided by Goal 9.1.1.

Addresses Issues 1 and 6  
MID-TERM PRIORITY - HISTORIC DISTRICT COMMISSION TAKES LEAD ROLE

4. The Town should commit public funds to construct pedestrian, streetscape, mini-park, drainage and road improvements identified in the Village Center Master Plan. York Village Center is an area of public buildings and commerce and the expenditure of public funds is warranted to help retain and enhance the area's character and functioning. An expanded sidewalk system will be critical to helping to tie this area together. Contributions from private property owners that construct new buildings or renovate existing buildings should be required to support these infrastructure improvements. It is not, however,

recommended that the Town establish this area as a Capital Improvement District as a way to construct all needed infrastructure improvements. These infrastructure improvements should be an outgrowth of the Plan identified in Issue 8.

Addresses Issues 2, 4, 5, 7 and 8  
MID-TERM & LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

5. The Town should expand the scope of the current Village Parking Association to establish it as a mandatory Capital Improvement District, and use funds raised through this District to construct additional public parking. Potential public parking areas should be identified in the Village Center Master Plan (Recommendation #1) and this proposed Improvement district will be a tool to implement appropriate Plan recommendations. An Improvement District is recommended as an appropriate tool to achieve additional public parking, even though Action 4 above, does not suggest this as an appropriate vehicle to accomplish other improvements.

Addresses Issue 5  
MID-TERM to LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

6. The Town should strive to retain the existing public presence in the Village Center area; the Library, Town Hall and a Post Office. The location of a community's main public buildings greatly contributes to defining the center of a community.

Addresses Issues 1 and 7  
ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should explore alternative means of access to the Long Sands-Short Sands Beach area to help manage the volume of traffic on York Street. It is also noted that alternative traffic lay-outs in the village center itself are part of the proposed Village Center Master Plan.

Addresses Issue 2  
LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

8. The Town should install good quality signage to help direct people to the Long Sands-Short Sands Beach area.

Addresses Issue 2  
IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

9. Shoreland areas in the Village Center area should be included in the proposed Limited Commercial Subdistrict rather than the current Limited Residential Subdistrict. This approach will eliminate the existing conflict between the Shoreland Overlay zone and the underlying zoning district. The Town, however, should examine the desirability of keeping areas within 250 feet of the York River in the Limited Residential Subdistrict.

Addresses Issue 6  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

10. York Hospital and the existing Middle School are critical community facilities. The Town should recognize conflicts will likely occur between these uses and surrounding residences and should ensure future expansions meet good quality performance standards to decrease the amount of conflict. In addition, the Town should encourage ongoing interaction/dialogue among the respective parties to address the issues.

Addresses Issue 2  
ONGOING PRIORITY - SELECTMEN & PLANNING BOARD TAKE LEAD ROLE

11. In 2011, the York Board of Selectmen initiated development of a York Village Master Plan by appointing a York Village Study Committee (VSC) that was charged with developing ways to revitalize York Village (specific to the York Village Center Area Land Use Area #8). The mission of this committee was, and continues to be, “to establish a framework that will promote the vitality and beauty of York Village as a dynamic, safe, and sustainable town center reflecting the history of a community that is both welcoming to visitors and supportive of staff.” In 2014, as a way to further this mission, the Board of Selectmen, at the request of the VSC, elected to hire a consultant to facilitate a public process to develop and craft with the VSC a comprehensive York Village Master Plan. As a result of this work The York Village Master Plan was completed in April, 2015 and contains detailed visuals, diagrams, substantive information and plan recommendations for the York Village Center Area regarding Streetscapes, Pedestrians and Bicycles; Roadways & Traffic; Curbside and Off-Street Parking; Utility Infrastructure; Trails and Open Space; Village and Architectural Character; Economic Development; Conceptual Budget & Funding; and details of the Community Participation and Outreach Process. As a way to cultivate the revitalization of the York Village Center Area the Town hereby incorporates the York Village Master Plan “A revitalization Framework to put the Village back in York Village” and supportive materials into the Comprehensive Plan by reference. The Town should implement the recommendations and pertinent information included within this York Village Master Plan document. Recommendations and information incorporated within the York Village Master Plan document shall supersede any conflicting provision(s) found within this section of the Comprehensive Plan.

Addresses issues 1, 2, 3, 4, 5, 6, 7 and 8

IMMEDIATE PRIORITY – SELECTBOARD & PLANNING BOARD TAKE LEAD

## **YORK STREET - RT. ONE TO VILLAGE CENTER LAND USE AREA #9 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

This area includes the section of York Street from Route One to the Town Library and the adjacent side streets; Raydon Road, Raydon Road Extension, Donica Road and Hilltop. The main use in the area is single family homes. Homes on York Street often date to the 18th and 19th century, but the side streets and most of the houses on these streets have been built since the early 1970's. Most residents consider this a desirable area to live, which is reflected in how well they maintain their homes and surrounding area.

There are only a handful of nonresidential uses and most of these are on the scale of a home occupation. Parsley's Welding, Ricker's Clock Repair and an art gallery are examples of these nonresidential uses. Another major use in the area is York Village Elementary School and the accompanying athletic field. The School is shoe-horned into a small cramped site, but it seems to fit well in the neighborhood. Yorkshire Commons, the only publicly supported elderly housing in York, also operates a small elderly housing complex just off of York Street.

Most lots in the area are similar in size because most were created through fairly recent subdivisions. This results in a lesser number of nonconformities than for most areas of York. These subdivisions, however, often lack basic infrastructure that is customarily found in suburban areas, particularly public sewer and sidewalks.

Two land features also warrant noting. A 3+ acre field located off York Street that offers picturesque views of the Indian Trail area as you approach the Village Center is one of the last significant open areas in this type of location. A Town treasure, many have spoken of as a site as one the Town should acquire. The "duck pond", managed by the Abbot family, is located off Raydon Road Extension and is a haven for domesticated and wild ducks.

### **DESCRIPTION OF EXISTING ZONING**

This area is located in two separate and wildly contrasting zoning districts. The area within 500 feet of York Street is in the RES-1B zone, a protected residential zoning district. Single family homes and home occupations are the only permitted uses. The minimum lot size is 30,000 sf if both water and sewer are available, and 1 acre if either or both of these services are lacking. Minimum setbacks and lot coverage requirements are characteristic of a suburban setting.

Most of the Raydon Road, Raydon Road Extension and Donica Road area are in the GEN-3 zone, a general development zoning district. This zone allows most uses, from single family houses to large scale industry and everything in between. Few residents likely grasp that they are living in such a permissive zone because most of the land has been devoted to housing and is protected by subdivision covenants. The minimum lot size is also 30,000 sf if both water and sewer are available, and 1 acre if either or both of these services are lacking. The GEN-3 zoning district is a carry-over from the 1960's when York only regulated the minimum lot size (20,000 sf) and prohibited only noxious uses.

Shoreland Zoning also applies to several wetlands in the area. All Shoreland areas are in the Limited Residential Subdistrict which restricts uses solely to residential development.

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

Traffic is a common companion to the homes abutting the beginning stretch of York Street. York Street/Rt 1A is the main thoroughfare for both residential and tourism traffic traveling to York's beaches or the Village Center. Travelers are greeted by a picturesque column of historic well

landscaped and maintained homes lining York Street. Many visitors likely form very favorable impressions of York because of the area's character. The challenge confronting York is how to retain the outstanding characteristics of this area and have it remain a desirable place to live in the midst of an increasing volume of traffic. Following are issues which warrant attention:

1. How to retain the historic character and quality of existing homes.
2. Can the residential character of this area be retained, or should it be permitted to become an area that also allows appropriate scale business and office uses.
3. The amount and speed of traffic on York Street, and conflicts between the existing volumes of traffic and the existing residential uses.
4. Pedestrian safety, particularly for people crossing York Street.
5. Should the Town work to protect the last remaining open space in the area.
6. Stormwater impacts on area waterbodies, particularly Barrells Mill Pond and the freshwater tributaries that feed this Pond.
7. The need for public sewer to replace aging septic systems, particularly along Raydon Road and Raydon Road Extension.

### **PLAN RECOMMENDATIONS**

The main recommendation for this initial stretch of York Street is to retain the historic character and charm of the area. Specific recommendations for the area are as follows:

1. This area should remain a protected residential zone and current lot sizes and permitted uses should remain the same. Home occupations should be limited to Class 1 standards. It is recommended that the Historic District Commission identify those properties in this area which possess historic significance and merit classification as a Historic Designated property. The Commission should develop a program to encourage the preservation of these properties.

It is uncertain, however, if the historic character of the York Street area can be preserved in the future by simply limiting uses to single family residences. Some towns have experienced much success in allowing appropriate scale office and retail uses in former historic homes along main thoroughfares such as York Street as a way to preserve their value. This has already occurred with several homes near the Rt 1/York Street intersection and others and may make long-term sense.

#### **Addresses Issues 1 and 2 ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

2. The present volume of traffic on York Street will likely continue to increase, thus Town efforts should focus on public safety, particularly the speed of existing traffic. The main means to achieve this goal will likely be police patrol and enforcement. York Street is already quite narrow to handle both vehicular and bicycle traffic, thus traffic calming (such as neckdowns) would likely have minimal benefit.

#### **Addresses Issues 3 and 4 ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE**

3. Residents of the Raydon Road, Raydon Road Extension and Donica Road area have expressed concerns regarding the amount of non-local cut-through traffic --- drivers trying to avoid the Route One signal lights. An approach that would curtail this traffic would be to establish a cul-de-sac along Raydon Road that would prevent through traffic to Route One. This proposal, however, would adversely affect traffic patterns for local residents too and could cause public safety concerns. The steep grade of Raydon Road as it approaches York Street is a particular concern, as is the amount of sight distance. Potential implementation of this proposal requires close interaction with local residents.



Addresses Issue 3  
MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

4. The Town should explore alternative means of access to the Long Sands-Short Sands Beach area to help manage the volume of traffic on York Street.

Addresses Issue 3  
LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

5. The Town should install good quality signage to help direct people to the Long Sands-Short Sands Beach area.

Addresses Issue 3  
IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

6. The Town should gauge public sentiment to spend public funds to acquire the Mary Davis field and retain it as permanent open space. The field offers picturesque views and is the last remaining open space along York Street.

Addresses Issue 5  
MIDTERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should expend public funds to ensure stormwater generated from the York Street area does not adversely impact the water quality of the beginning of Barrells Mill Pond and ultimately the York River.

Addresses Issue 6  
LONG-TERM PRIORITY - SELECTMEN & PUBLIC WORKS TAKE LEAD ROLE

8. Residents at the Neighborhood Meeting expressed interest in obtaining sidewalks. A sidewalk may make sense for the Raydon Road and Donica Road area because of the amount of cut-through non-local traffic. Sidewalks should be a lower priority for the Hilltop and Raydon Road Extension area as it mostly receives only local traffic.

Addresses Issue 3 and 4  
LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

9. The Town should pursue providing sewer to Raydon Road and Raydon Road Extension.

MID TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

## **ORCHARD FARM/ORGANUG/LINDSAY ROAD AREA LAND USE AREA #10 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

Single family housing is the predominate use in this area. Many of the houses along Lindsay Road were built 200 or more years ago as Lindsay Road was one of the first access roads between Massachusetts and the District of Maine. Few homes in the Organug and Orchard Farm area, however, have the same history. The greater Orchard Farm area contains over 200 homes and has accommodated a large share of the year-round growth York has experienced since 1970. This is one of the few areas in York -- because of the newer housing -- where most development satisfies current zoning requirements.

The York Golf and Tennis Club, York Middle School and York Hospital are the other major land uses in the area. The golf course borders the York River and is likely the only reason the entire area has not been subdivided into house lots. A school building, now the Middle School, has been located on this Organug Road site since the turn of the century. York Hospital is on the border of this area and is discussed as part of the York Village Center area. The few other nonresidential uses are very small and are operated from people's homes.

The area directly borders the York Village Center and in-town services such as schools, banks and the post office. It also allows easy access to both Route One and I-95. Current residents consider it a desirable area to live and it is rapidly approaching build-out under current zoning rules. The area clearly cannot serve as a prime growth area after the year 2000; it is now a maturing neighborhood.

### **DESCRIPTION OF EXISTING ZONING**

This area is located in the current RES-1B zone, a protected residential area. The only nonresidential uses allowed in the zoning district are golf courses and hospitals and home occupations. The minimum lot size is 30,000 sf if both public water and sewer are available and 1 acre if the services are lacking. This area was established as a protected residential zoning district in the early 1980's.

The land along the York River and Barrells Mill Pond is subject to the Town Shoreland Overlay Zoning Ordinance. Most of this area is in the Limited Residential Subdistrict, but some of the areas near the York Golf & Tennis Club golf course are located in the Resource Protection Subdistrict. The Resource Protection Subdistrict allows little use within 250 feet of the River and the Limited Residential Subdistrict requires a setback of 100 feet from the River's edge.

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

The prime land use in this area is year-round single family homes. Town zoning has limited use of the area to only homes for nearly 20 years and it is approaching build-out. Issues raised at the Neighborhood Meetings mostly center on those of an area that is aging well. Issues which warrant attention include the following:

1. How best to retain the existing residential character of the area.
2. Concern with how two large scale uses in the area, the York Middle School and York Hospital, cause traffic problems and conflicts with existing residential uses.
3. The volume and speed of traffic using the area's roads; including the likelihood that more cut-through traffic will occur from Route One through the Orchard Farm/Winterbrook area.
4. Pedestrian safety and the lack of sidewalks was cited by many participants in the respective neighborhood meetings as a prime concern.

5. Problems with existing stormwater drainage, both the volume and quality of stormwater.
6. Protection of water quality, particularly the York River.
7. Access to the York River, including the need for additional piers.

### **PLAN RECOMMENDATIONS**

The prime goal for the Town should be to ensure the area continues to be one residents want to call home. There is little additional land to support new development, so Town should concentrate on safeguarding what now exists. This is not considered as an area to encourage new development or redevelopment (greater density of housing). Specific recommendations include the following:

1. This area should continue as a protected residential zoning district. Only single family housing and Class 1 home occupations should be allowed. Density should remain moderate. The Town should not consider decreasing densities as a way to encourage additional growth. The existing land use pattern is well established and appears to make sense. The goal is to reemphasize existing zoning.

#### Addresses Issue 1 MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. See public water supply and sewer system policies in §1.1.2.
3. See public sewer system policies in §1.1.2.
4. The Town should use its capital project funds to construct sidewalks, bicycle paths or alternative improvements along the unserved sections of Lindsay Road, Indian Trail and Organug Road. An alternative that warrants examination, perhaps as an element of the proposed Village Center plan, is to restrict the lower end (from Indian Trail) off Lindsay Road and Organug Road to one-way traffic and to use the existing other paved lane as a pedestrian way. This approach could create a better pedestrian tie-in between the Steedman Woods and Hancock Wharf area and the center of York Village.

#### Addresses Issue 3 LONG-TERM PRIORITY - SELECTMEN & PLANNING BOARD TAKE LEAD ROLE

5. As residents experience an increase in non-local traffic using Orchard Farm as a cut-through from Route One to the Organug Road/Village Center area, the Town should consider implementing traffic calming measures.

#### Addresses Issues 3 and 4 LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

6. Drainage, particularly in sections of the Orchard Farm Subdivision, warrants attention. The Town may need to identify and install infrastructure improvements to ensure stormwater, both quality and quantity, is better managed. Sediment collection traps are needed in several areas to better control the amount of sediments entering nearby waterways.

#### Addresses Issues 5 and 6 MID-TERM & LONG-TERM PRIORITY - PUBLIC WORKS TAKES LEAD ROLE

7. The Town should cooperatively work with the York Golf & Tennis Club and area property owners to educate property owners about appropriate fertilizer use and lawn care in this highly developed area immediately adjacent to the York River and its tributaries. The York Conservation Commission should be assigned this task, and they should elicit the aid of the York Rivers Association.

Addresses Issue 6  
LONG-TERM PRIORITY - YORK CONSERVATION COMMISSION

8. Recommendations specific to access to the York River are described in the Marine Resources section of this Plan.

See State Goal #7 - Addresses Issue 7

## **LONG SANDS ROAD & WOODBRIDGE ROAD LAND USE AREA #11 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The Long Sands Road - Woodbridge Road area is a significant residential area in York. Single family homes, most of which are year-round residences, dot these streets and the accompanying side streets. The houses along Long Sands Road frequently date to the turn of the century, but most homes in the Woodbridge Road area are much newer. For example, the Hodgins Subdivision on Darcy and Eldridge Streets was established in the mid-1970's, but the last phase is only now being built. The houses along Sheru and Eureka Avenue date to the same period.

Single family housing, however, is not the only use. There is a surprising amount of nonresidential development. The Long Sands Mall is by far the largest nonresidential user and is the only mall in York not located on Route One. It is also a non-conforming use and cannot expand. Nonresidential uses along Woodbridge Road include Jenny's All-Around Shop, Paw Prints, the Little Red Hen, and the York Water District offices. This area is also one of the few in York that sports a significant amount of multi-family housing, both larger apartment buildings and converted single family houses.

Woodbridge Road and Long Sands Road both experience heavy amounts of traffic in both the winter and summer. Most recognize these streets offer short-cuts to the York Beach area by enabling a driver to avoid the York Harbor Village area. Traffic volumes on these streets likely will continue to increase as York experiences additional residential development and more tourists flock to York's beaches.

A large amount of Woodbridge Road is now connected to public sewer, but most of Long Sands Road lacks this basic service. This causes problems as many of the existing septic systems are quite old and were not built to current standards. While Long Sands Road may lack sewer, it is served by a sidewalk, a public improvement that is missing for most of Woodbridge Road.

Most of the area's available land has been purchased and developed so there is very little likelihood a significant amount of new housing will occur. Most of the remaining undeveloped land also is subject to severe wetland constraints. It is part of a large wetland complex that drains toward the Atlantic Ocean, but this wetland has been fractured by existing roads/streets. This wetland complex plays an important role in flood control and protecting water quality, and its forest resources also contribute to the area's character and sense of remaining open space.

### **DESCRIPTION OF EXISTING ZONING**

Two separate zoning districts now apply to this area; RES-1B, BUS-1 and GEN-3. All require the same minimum lot size, 30,000 sf if both public water and public sewer are available, and 1 acre if either of these services is missing. There are, however, significant differences regarding the type of uses permitted.

Most of Long Sands Road is in the RES-1B zone, a protected residential zoning district. Only single family houses and home occupations are permitted uses. The Woodbridge Road area is in the BUS-1 zone, a district which was initially created by the former York Harbor Village Corporation in the early 1920's. The BUS-1 zone allows single family residential, duplexes, triplexes and four-plexes, restaurants, and retail and service uses. The range of uses permitted has changed little since the 1920's or since the York Harbor Village Corporation merged with the Town in the mid-1970's. The area on Woodbridge Road from Moulton Lane west to the intersection with Long Sands Road is in the GEN-3 Zone which allows most any use that is allowed anywhere in York.

All new and expansions of existing nonresidential uses in the BUS-1 zone must obtain a permit

from the York Harbor Site Design Review Board. This Board reviews all proposals to determine compliance with performance standards in the York Harbor Site Design Review Ordinance. New nonresidential uses in the RES-1B zone are prohibited, but existing businesses which want to expand must satisfy the Town Ordinance's nonresidential performance standards (Article 6).

All wetland areas greater than one acre in size are also subject to provisions of the Town Shoreland Ordinance. The Limited Residential Subdistrict, a zoning district which allows only single family residential uses and requires a minimum structure setback of 75' to 100', applies to all wetlands greater than 4 acres in size. This Subdistrict also restricts the maximum amount of lot coverage based on the amount of impervious surface area.

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

There are many similarities among the Long Sands Road, and Woodbridge Road areas. The prime land use is year-round single family residential, but the current zoning often allows more intensive uses. Much of the area has been developed, and as additional development occurs, there will be a greater need to address the demands of these neighborhood areas. Issues which warrant attention include the following:

1. Current Town zoning often allows more intensive land uses than the primary existing use, year-round single family residences.
2. There is existing nonresidential development in the area, the Long Sands Mall being the largest. The current protected residential zoning for this use (RES-1B zone) adversely impacts this development, but few citizens have spoken positively regarding several proposals to allow an expansion of this use.
3. Many existing homes rely upon septic systems, but the age of these systems and general poor quality of the soils underscores the need for public sewer and public water service. Property owners who continue to rely on substandard septic systems could contribute to long-term water quality problems as these systems fail.
4. Many residents voiced concern with the volume and speed of traffic using many of the area's larger roads; particularly Woodbridge Road. Trucks were cited as a specific concern.
5. Pedestrian safety and the lack of sidewalks were cited by many participants in the respective neighborhood meetings as their number one concern.

### **PLAN RECOMMENDATIONS**

This area forms the backbone of much of the year-round housing in York. It is viewed by most as a desirable area to live. The prime goal for the Town should be to ensure it continues as an area residents want to call home. Specific recommendations include the following:

1. Establish the area as a protected residential zoning district. Only single family housing and Class 1 home occupations should be allowed. Density should remain moderate.

#### Addresses Issue 1 MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. See public water supply and sewer system policies in §1.1.2.
3. Many existing nonresidential uses in the area are conforming under current zoning, but will be rendered non-conforming if this area is established as a protected residential zone (Recommendation 1 above). The Town should grant flexibility in allowing these uses to continue and expand. A recommended approach is to allow expansions within existing lot lines, provided performance standards are met. This flexibility, however, should not apply to non-residential uses that are now non-conforming.

Addresses Issue 2  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4. See public water supply and sewer system policies in §1.1.2.
5. The Town should use its capital project funds to construct sidewalk or bicycle path improvements along the unserved sections of Woodbridge Road and Long Sands Road. The Town should also explore constructing a bicycle path on the former railroad right-of-way that could become a connecting link between Woodbridge and Long Sands Road.

Addresses Issues 4 and 5  
IMMEDIATE PRIORITY FOR WOODBRIDGE ROAD  
MID-TERM TO LONG-TERM PRIORITY FOR OTHER IMPROVEMENTS  
SELECTMEN TAKE LEAD ROLE

6. The Town must recognize that Long Sands Road and Woodbridge Road are important traffic collector roads for both resident and visitor traffic. It is unlikely the Town could or should try to significantly reduce the volume of traffic on these streets. Thus, the Town will need to rely on police patrol and enforcement to aid in safe travel.

Addresses Issue 4  
ONGOING PRIORITY - SELECTMEN & PUBLIC SAFETY TAKE LEAD ROLE

7. The area along Woodbridge Road from the York Water District office to the Long Sands Road intersection should be placed in the York proposed Village Center Zone (see Land Use Area #8) to better reflect the existing uses along this stretch of road.

Addresses Issues 1 and 2  
IMMEDIATE PRIORITY - PLANNING BOARD TAKE LEAD ROLE

## **NASON ROAD/FIELDSTONE ESTATES/BLUESTONE AREA LAND USE AREA # 12 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

Nason Road (a.k.a. Old Post Road) is a connecting link between Route One and the Beach and Village areas of York. Single family housing and several small nonresidential uses directly front on Nason Road. The housing is a real mixture. Most were built in the mid-1900's, but several date to the 18th century and a few were constructed in the last 10 years. Fieldstone Estates, developed in the late 1970's - early 1980's and Bluestone Estates, developed in the late 1980's - early 1990's, are the most significant subdivisions and are located on roads which connect to Nason Road. Nonresidential uses include a physician's office, a warehouse - storage building complex, a construction company, and several small home based businesses. Coastal Ridge Elementary School, one of York's two elementary schools, is also located in this area. A large amount of existing development conforms to existing zoning because it was built in the last 25 years.

Although the area is located close to the York Village Center it lacks most services and in many ways has a rural character. Public sewer is unavailable and there are no sidewalks along either Nason Road or the subdivision roads. The First Parish Church and Davis family own large undeveloped forested parcels (100+ acres) that abut the area and the Moody Farm, located at the intersection of Nason Road-Ridge Road-Long Sands Road, presents the classic New England scene of a white farm house looking out over an open field lined with stone walls and forests. These remaining open areas present opportunities for future housing development.

The Little River is the area's most significant natural resource. The River flattens out as it approaches the Atlantic Ocean, but in this area it is located at the bottom of a small valley that steeply rises to heights of 50+ feet. The area's soils are marginal to support extensive use of septic systems.

A signal light was installed at the Nason Road - Route One intersection in the mid-1990's to address public safety problems. The light has resulted in a reduction in the severity of accidents and has made it easier for traffic to turn left from Nason Road onto Route One. Traffic volumes on Nason Road likely will continue to increase as York experiences additional growth.

### **DESCRIPTION OF EXISTING ZONING**

All of this area is included in the GEN-3 zoning district, a general purpose district. This zone allows most uses; residential, retail, hotel, restaurants, service businesses and industry. The required minimum lot size is 30,000 sf with water and sewer and 1 acre if these services are not available. The uses permitted for this zone date to the 1960's and the minimum lot size was increased from 20,000 sf to its current size in the late 1970's.

The Town Shoreland Ordinance affects development along the Little River and several inland wetlands. All Shoreland areas are located in the Limited Residential Subdistrict and structures must be setback a minimum of 75 feet to 100 feet depending on the size of the wetland. The Town Floodplain Ordinance also applies to most of the Little River corridor.

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

The issues identified at the Neighborhood Meeting conducted for this area often focused on those associated with a residential area that is maturing. Specific issues which warrant attention include the following:

1. Potential conflicts between the underlying zoning which is very permissive and the



- predominate use which is single family housing.
- 2. Public safety concerns associated with the amount and speed of traffic on Nason Road. Residents cited the desire for bicycle and pedestrian paths.
- 3. Concern with traffic that is using Fieldstone Estates as a cut-through from Route One to Nason Road to avoid the existing signal light. Similarly, traffic from the Rogers Road area that is using the subdivision roads in Bluestone as a cut-through to Nason Road.
- 4. Potential need for public sewer in the area.

## **PLAN RECOMMENDATIONS**

Only one concrete proposal, amending existing zoning, is offered for this section of York. Other proposals will depend on the interests of area residents, how several large private landowners choose to use their property and how surrounding areas are developed. Specific recommendations include the following:

- 1. The zoning for this area should be changed from its current multi-purpose GEN-3 zoning to a Protected Residential zone, allowing single family residential and class 2 home occupations. Density standards would remain similar to current standards.

Addresses Issue 1

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

- 2. If current zoning is amended to allow only single family residential development, the Town also should adopt measures to allow existing nonresidential uses to expand. The recommendation is to allow any non-conforming use to expand within its existing lot lines, provided performance standards are met to the greatest extent practical.

Addresses Issue 1

### **IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

- 3. See public sewer system policies in §1.1.2.
- 4. See public sewer system policies in §1.1.2.
- 5. If residents believe nonlocal traffic is becoming too much in either the Fieldstone Estates or Bluestone area, the Town should work with local residents to create cul-de-sacs for these streets that would prevent cut-through traffic. This measure, however, also would affect local resident traffic patterns and should not be pursued unless most area residents want the cul-de-sacs. Town Public Safety personnel also should be involved in this decision.

Addresses Issue 3

### **LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE**

- 6. If either the Moody Farm or Davis property is proposed to be developed, the Selectmen and Planning Board should closely work with the developer and the Sewer District to accomplish a public sewer extension. The Town also may want to reconsider the required minimum lot size to better allow the public sewer extension to occur.

Addresses Issue 4 and Growth in the Town

### **ONGOING PRIORITY - SELECTMEN AND PLANNING BOARD TAKE LEAD ROLE**

## **CAPE NEDDICK RIVER AREA LAND USE AREA #13 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The Cape Neddick River is the dominant land form that defines the character of this area. Much of the residential development has been located to allow views of this tidal river and its coastline. The dynamics and appearance of the River have also changed dramatically since the State constructed the bridge across it. Few areas on the River now afford an opportunity to moor a boat.

Single family housing is the most common development. Most housing fronts on Route 1A or one of the short streets connected to this heavily traveled road. Route 1A is a major access to the York Beach area. There are only a few non-residential developments and most of these enterprises are located on the same property where the owner lives.

The lots in this area are rarely smaller than 1/2 acre and many range to 1 acre or greater. Much of the area's development occurred in the 1970's and 1980's which contributed to this pattern of lot sizes. Much of the area is served by public water, but none of the area is currently served by public sewer. The winding/curvy nature of Route 1A positively contributes to the area's character.

### **DESCRIPTION OF EXISTING ZONING**

Two existing zoning districts regulate land uses in this area. The RES-1A Zone, a protected residential zoning district, applies to the area located between the Cape Neddick River and 1000' on the southerly side of Rt. 1A. The area located further than 1,000 feet off the southerly side of Rt. 1A is in the GEN-3 Zone. This is a general purpose zoning district that allows most uses, from residential to industrial and everything in between.

The minimum lot size is the same for both the RES-1A and GEN-3 zones. A lot without public water and sewer must be 1 acre in size with 125 feet of road frontage, and a lot with these services can be as small as 30,000 sf. The GEN-3 zoning district dates to the 1960's when the Town regulated only the minimum lot size and not the type of use. It seems odd that a short residential street such as Abbey Road has houses which are located in two such vastly different zones, RES-1A compared to GEN-3.

All shore frontage along the Cape Neddick River, within 250 feet of the normal high water mark, is also subject to Shoreland zoning. The Limited Residential Subdistrict applies which limits development to residential uses and requires a setback of 100 feet of the rivers edge.

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

There is a limited amount of remaining vacant land in the area and the highly valued land with views of the Cape Neddick River has mostly been developed. The dominating presence of the River and accompanying issues such as water quality, public views, and access to the River, particularly Cape Neddick Beach, all warrant attention. Many of the issues described in this section were identified at a June 9, 1998 Neighborhood Meeting involving area residents. These are:

1. The amount and speed of traffic, particularly on Route 1A, was identified as a concern. Many cited public safety as their number one neighborhood issue.
2. Closely related to the above is the need for pedestrian and non-motorized vehicle

- improvements. This is a residential area and many residents enjoy walking where they live.
3. Maintaining the water quality of the Cape Neddick River is a concern. Many residents noted the need for a public sewer extension.
  4. The existing amount of use and what appears to be increasing use of Cape Neddick Beach was cited as a concern. Most consider this a "local" beach, but use by non-locals appears to be increasing. The main issue is how future use should be managed. For example -- Should more or less parking be provided? Should lavatory facilities be available? Should the Town clean the beach? and Are lifeguards needed? -- are some of the issues which warrant attention. Everyone appears to be interested in the same goal -- protection of the beach -- but there is much less agreement on how best to accomplish this objective.
  5. It is important to retain remaining open space along the River and the area's current character.
  6. There are conflicts in existing zoning, particularly the vast differences between the protected residential RES- A zone and the general purpose GEN-3 zone.

### **PLAN RECOMMENDATIONS**

The main thrust of the Plan recommendation is to place the land south of the Cape Neddick River into a Residential district compatible with existing use while placing the north side into a Rural district. There is a significant amount of existing protected residential development, especially on the south side, but most has occurred on moderate sized lots that average nearly an acre. Specific recommendations include the following:

1. That area south of the Cape Neddick River, east of the Route One Overlay Zone, west of Main Street and north of York Beach Village Center's northeast boundary is to become a residential zone with moderate to low density. This lot size is generally consistent with existing standards and should help protect water quality and open space. Class 2 Home Occupations should be allowed in this zone to complement the size and character of most existing small businesses.

The area south of the Cape Neddick River, east of Main Street to the York Beach Village Center northeast boundary is to become residential at a higher density than the area to the west. Most lots in this area are already very small. Sewer is strongly urged.

The area north of the Cape Neddick River, east of the Route One Overlay Zone, bordered on the north by the Ogunquit line and on the east by the Atlantic Ocean will be zoned rural, with standards appropriate to that area.

#### Addresses Issue 6 MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. See public water supply and sewer system policies in §1.1.2.
3. The layout of Route 1A is an important element of the area's character. This road, however, was not designed to accommodate present traffic volumes which results in public safety concerns, particularly for residents. The Town should adopt a long-term approach of attempting to divert some of the traffic by establishing an alternative access to York Beach; for example, the Wild Animal Kingdom road.

The Town and area residents, however, should not act in haste to redesign Rt. 1A. Widening or straightening the road or adding standard size (5 feet) bike lanes or sidewalks

could encourage increased traffic speeds which would exacerbate current safety problems. The immediate recommended approach is to increase the amount of public safety patrol so the traveling public is more aware of the police presence. Effective management of traffic flow and public safety is a complex issue and warrants careful analysis before rushing to implement a supposed solution. Residents may also need to accept that a growing community and healthy tourism industry means more traffic and busier streets and road.

Addresses Issue 1

IMMEDIATE PRIORITY FOR TRAFFIC ENFORCEMENT POLICE TAKE LEAD ROLE  
LONG-TERM PRIORITY FOR OTHER APPROACHES - SELECTMEN TAKE LEAD  
ROLE

4. Vegetation cutting along the Cape Neddick River should be carefully controlled to ensure stability of the river banks, maintain or improve water quality, conserve fish and wildlife habitat, and help protect the area's character. Protection of existing buffers should be strengthened, and lost buffers restored where feasible, as described in Policy Section 5.2.1.

Addresses Issues 3 and 5

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

5. The Town should pursue the acquisition of remaining open lands along the lower stretch of the Cape Neddick River to protect this shorefront and the area's character. The Town should work cooperatively with other entities to accomplish this objective.

Addresses Issue 5

MID-TERM to LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

6. The Town should establish a task force to address future use and management of Cape Neddick Beach. To date, Town efforts have often lacked focus. The task force should be presented a specific work program and period of time to accomplish needed work. The Steering Committee that worked to prepare this Plan adopted a specific policy of not simply identifying the need for more studies, but management of Cape Neddick Beach is a specific problem that warrants creation of a task force. Town funding should be provided to support efforts of the task force.

Addresses Issue 4

IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

## **SHORE ROAD/PINE HILL ROAD AREA LAND USE AREA #14 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF EXISTING AND PAST LAND USE**

The predominant use in this area is single family residential development, both year-round and seasonal homes. Most of the area east of Shore Road and along the Atlantic Ocean has been subdivided and developed. Some of the subdivided lands are more than 100 years old and often created very small lots, some less than 10,000 sf in size. Development in the area also includes "estates" valued at more than 1 million dollars that offer dramatic views of the Atlantic Ocean from the vantage point of houses perched above the craggy coastline. Most roads in these subdivisions are privately maintained and are constructed of gravel.

The western side of Shore Road offers only limited views of the coastline and much of the housing in this area is more modest. The main subdivision area is near Lake Carolyn. This subdivision dates to 1893, but little of the land was developed until the 1980's and 1990's. There are few other subdivision roads of any length on the west side of Shore Road from Lake Carolyn to the York - Ogunquit town line. The roads which exist are usually constructed of gravel and are privately maintained.

Development in the Pine Hill Road is similar in many respects to that which has occurred along Shore Road. Houses are densely packed together on small lots as you approach the York-Ogunquit town line, but they quickly spread out as you drive along this road to Route One. Also like Shore Road, most of the development directly fronts on Pine Hill Road and there are no major subdivision roads. The west side of Pine Hill Road is located within 500'- 700' of Route One.

This area witnessed a surprising amount of development during the late 1980's -1990's, about 100 new homes, when coupled with the fact the York Planning Board did not approve any new lots in this area during that period. This illustrates how the area has been subdivided, but not yet fully developed. There is also a large amount of open forested land between Shore Road and Pine Hill/Route One that has not yet been subdivided. It would be expensive to create roads to serve these lands, but the strong demand for residential lots in York may foster interest in this area.

There is also a limited amount of nonresidential development. The only significant nonresidential uses along most of Shore Road are the Cliff House (restaurant and hotel), York's largest taxpayer, and the Cape Neddick Country Club. The Country Club is now (1998 & 1999) expanding its existing 9 hole golf course to an 18 hole course, and the Cliff House is pursuing the extension of public water and a private force main sewer line. The sewer extension would occur via the Ogunquit Sewer District and this proposal has spawned several lawsuits in Ogunquit. Nonresidential uses which occur along Pine Hill Road are very small scale, mostly home occupations.

### **DESCRIPTION OF EXISTING ZONING**

This area is included in two protected residential zones, the RES-2 and RES-3 zoning districts. Single family residential is the main use permitted in both districts and there are only minor differences between the two zones, mostly the types of accessory uses permitted. The minimum lot size requirement is 2 acres with 200 feet of road frontage. The structure setback standards are 50 feet in the front and 30 feet to the side and rear. These areas were established as protected residential zones in the early 1980's. The former zoning districts required a minimum lot size of 20,000 sf and permitted most uses.

Shore Road stretches for over 3 miles between the Cape Neddick River to the south and the York/Ogunquit town line to the north and often mimics the rocky coastline of the Atlantic Ocean.

This coastline and several large inland wetlands are included in the Limited Residential Subdistrict of the Shoreland Zone. This Subdistrict of the Shoreland Overlay Zone causes few use conflicts because the underlying zone is also protected residential. Structure setbacks, vegetation cutting standards and stronger septic system requirements also apply to new development.

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

The existing development along Shore Road is often quite dense, includes both year-round and seasonal residents and has occurred on small lots created over 100 years ago. There is a major contrast between these developed areas and the large expanses of undeveloped wood land that often extend from about 1,000 feet off Shore Road to Pine Hill Road or Route One. Residents and property owners who attended the Neighborhood Meetings held for this area stated they like where they live, but are concerned with the amount of future development and long-term problems associated with the amount of existing development. Specific issues that warrant attention include the following:

1. The quality and character of future development. How will it blend with existing development. Concern that more nonresidential development may occur.
2. The amount of future development, particularly along Shore Road. Concern was specifically expressed regarding the loss of existing open space lands and potential adverse impacts on natural resources.
3. The amount and speed of existing traffic, particularly along Shore Road. Residents cited concern that the amount of traffic has increased because of current traffic problems trying to enter Ogunquit from Route One or I-95, and increases in the length of the tourist season.
4. How to safely provide for pedestrian and bicycle use of Shore Road.
5. Access to the coastline, including view access. This includes concern regarding the use of Cape Neddick Beach.
6. Concern regarding existing and future water quality that is associated with the extent of development. The potential need for a public sewer extension is coupled with this issue.

### **PLAN RECOMMENDATIONS**

The goal is to ensure the Shore Road area retains its existing character and is considered a desirable area to live. The scale of development should reflect the area's current rural character and it should not fall victim to becoming a "sprawling suburbia". Managing future traffic increases on Shore Road will be difficult, but it is a challenge worth pursuing. Most recent development has occurred on lots that were created over 100 years ago, but which were never built upon. There is also large amount of undeveloped land located between Shore Road and Route One/Pine Hill Road that has not yet been developed.

Specific recommendations are as follows:

1. The Town should adopt rural zoning for this area and consider implementing an explicit development control for the purpose of preserving the rural character of the area and minimizing development sprawl. Among the measures which might be considered are: the development district boundary ratio concept and, a CAP, establishing specific limit(s) on the number of new residential units which could be built in this area. Measures such as this would ensure a decreasing percentage of York's residential development occurs in this area for the period prescribed in the ordinance. This would help control future Town service costs and traffic considerations while preserving the rural nature of the area.

Addresses Issues 1 and 2  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The area is presently a protected residential zoning district that requires a minimum lot size of 2 acres. The recommended zoning district is rural, with standards appropriate to the area.

Addresses Issues 1, 2 and 6

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

3. Open space (cluster) layout should be the norm for new subdivisions, with a requirement that up to 50% of the “buildable” land and all significant natural resource areas remain as permanently protected open space. Although little unsubdivided land remains east of Shore Road, how the subdivision may impact Ocean views from Shore Road and how it looks when viewed from Shore Road is also a concern.

Addresses Issues 1 and 2

**IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

4. The Town should analyze existing traffic patterns on Shore Road and establish a program that limits the amount of annual new subdivision and single lot development which is permitted to add traffic to Shore Road. If new subdivision activity occurs in this area, the subdivision roads should be encouraged to connect to Pine Hill Road or Route One. This is an adventuresome approach that may be difficult to implement.

Addresses Issues 2 and 3

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

5. The Planning Board should encourage new subdivision proposals it reviews to include covenants to require new homes to be the size and quality of homes which are prevalent in the surrounding area.

Addresses Issue 1

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

6. See public water supply and sewer system policies in §1.1.2.
7. See public sewer system policies in §1.1.2.
8. Many residents who attended the area Neighborhood Meetings expressed interest in obtaining bicycle and walking paths in the Shore Road area. The preferred approach is to pursue the ongoing acquisition of land along the former railroad right-of-way to create a trail from the Cape Neddick River to the Ogunquit Town Line. This path could present 4 season recreational opportunities. The Town should explore the potential for the construction of a sidewalk or bike path along Shore Road, keeping in mind expense and consistency with area character in determining the project's feasibility. Shore Road is narrow in width with many blind curves and houses often are located at the road's edge. The Town can also benefit pedestrian and bicycle use of the area's main roads by strictly enforcing current speed limits and posting signage that these roads are used for these purposes.

Addresses Issue 6

**ONGOING PRIORITY to ACQUIRE LAND**

**LONG-TERM PRIORITY TO CONSTRUCT PATH**

**SELECTMEN TAKE LEAD ROLE AND WORK WITH PUBLIC SAFETY**

9. The Town should establish a task force to determine future use and management of the Cape Neddick Beach area. Issues include: the need for public facilities, including parking, restrooms, and sidewalks; the level of services to provide the beach, such as lifeguards, cleaning, and trash collection; traffic/pedestrian patterns on Shore Road near the beach; and conflicts with private property owners. The task force should be presented a specific task and period of time to accomplish this task. We note a specific goal of this plan was not simply to identify the need for more studies, but to view this as specific problem area which warrants attention. Funding should be provided to support the task force's efforts.

Addresses Issue 5

IMMEDIATE PRIORITY  
SELECTMEN TAKE LEAD ROLE & WORK WITH PARKS & RECREATION

10. The Town should pursue acquiring ownership of Lake Carolyn and establishing this a low intensity use park. Unlike most open bodies of water, the subsurface estate of Lake Carolyn is privately owned by a single family. In addition, there are limited opportunities for public access. The existing dam at Lake Carolyn also warrants repair. The proposed Town Open Space Acquisition fund could assist in this purchase.

Addresses Issue 2  
MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE



## **HARRIS ISLAND LAND USE AREA #15 ON FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

Harris Island and Bragdon Island and their connecting causeways jut out into York Harbor creating a sheltered mooring basin. It is proposed that Bragdon Island remain a part of the underlying zone but that Harris Island because of its existing uses be made a separate zone. The Town's only two municipal docks are located off the causeways which connect the two islands and are not affected by any of the proposed zoning changes.

The Dockside Restaurant and Guest Quarters (a hotel), owned and operated by the Lusty family, occupies most of Harris Island. The Lusty's also own and lease out land and facilities to York Harbor Marine, a privately operated marina. The marina has boat slips for rent and offers marine repair services, fuel sales and boat sales. The main uses on Bragdon Island are two single family residences.

Adjacent to Harris Island is a protected area known as the Wheeler Wildlife Refuge. Dredge spoils were deposited in this former salt marsh area in the 1970's, but tidal waters have again breathed life into this once barren area. It is now prime habitat for migrating waterfowl such as Great Blue Herons.

### **DESCRIPTION OF EXISTING ZONING**

Harris Island and Bragdon Island are included in the RES-1A zone, a protected residential zoning district that allows only single family houses and home occupations. The minimum lot size is 2 acres. Harris Island, however, is subject to a special clause for the RES-1A zone that specifically allows marinas, hotels and restaurants, (the existing types of uses). These special provisions do not apply to Bragdon Island.

The area is also subject to the Town Shoreland Zoning. Harris Island is the only area in York outside of Route One that is included in the General Development Subdistrict, the most permissive of the Shoreland Subdistricts. This Subdistrict allows most uses, requires a minimum structure setback of 35 feet from the Ocean and restricts lot coverage to 70% of impervious surface area. Bragdon Island is included in the Limited Residential Subdistrict which requires structure setbacks of 100 feet and limits lot coverage to 20%. The State and Town Floodplain Ordinance also applies to most of the area's shoreline.

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

The Comprehensive Plan Steering Committee did not conduct a neighborhood meeting specifically for the Harris Island area. The issues noted as warranting attention were identified through a variety of sources, including but not limited to: participation by the Lusty family in past planning projects, Town efforts to prepare a harbor management plan and the opinions of the Code and Planning Department and the Steering Committee. Issues regarding operation of the harbor, moorings and docks are addressed in State Goal 7, Marine Resources. Identified issues are:

1. The RES-1A zone, a protected residential zoning district, does not reflect the type of use that occurs on the Island.
2. Uses on the Island rely upon subsurface disposal systems to handle wastewater. This could lead to water pollution and it causes problems for proposals to further develop the Island.

3. The Shoreland Zoning Subdistrict, General Development, is very permissive, but it fail to recognize marine dependent uses. This Subdistrict classification could cause problems relative to minimum structure setbacks.
4. The area lacks adequate parking to handle the amount of people who use the docks and harbor in the summer. Vehicles park along Route 103 which raises public safety concerns.
5. The quality of the Wheeler Refuge as a wildlife preserve appears to be improving, but its location causes the area to be prone to chronic pollution problems.

### **PLAN RECOMMENDATIONS**

The recommendations in this Plan are intended to focus more attention on Harris Island and Bragdon Island as a discrete area in York. Specific recommendations include:

1. Harris Island should be included in a separate zoning district rather than regulated as a footnote to the current RES-1A zone. The proposed zone would allow the type of uses that now occur; hotels, restaurants, single family residences, marinas, boat sales and service, and public marine facilities. Density should be low without public water and public sewer, and high if these services are provided. Special dimensional requirements should be applied to marine dependent and marine related uses. Creating a specific zone should decrease the conflicts that now occur between existing uses and zoning district standards that have been designed for a protected residential zone.

Addresses Issue 1

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

2. The Town should develop a Subdistrict of the Shoreland Zone that is specific to this area. The current General Development Subdistrict is too permissive and does not recognize marine dependent uses. The proposed Subdistrict - the "Harris Island Subdistrict" - would allow the same type of uses as permitted in the underlying zone. Most uses should setback a minimum of 50 feet from the normal high water mark, but marine dependent and marine related uses should not require a minimum setback. This is a unique area of York and the Town should ensure its zoning standards recognize and support existing uses, particularly marine oriented uses.

Addresses Issue 3

#### **IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

3. The Town should encourage the York Sewer District to extend public sewer to Harris Island. Sewer would make it easier to offer marine pump-out facilities and would lessen potential problems associated with the amount of use that occurs on this small area.

Addresses Issue 2

#### **LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE**

4. The lack of adequate parking in the summer is a chronic problem for this area. The Town has used signage and marked spaces to regulate existing parking in the area as best as possible. The presence of the Wheeler Refuge and lack of land area along Route 103 limits the Town's options.

Addresses Issue 4

#### **LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE**

5. The prime tool the Town has to protect the Wheeler Refuge is public ownership. Public ownership lessens the likelihood of use disputes. Unfortunately, few other inexpensive tools are available to protect this area that was designed to hold dredge spoils rather than support wildlife. For example, the banks to the Refuge are quite steep, the area is

surrounded by roads, and there is little or no vegetated upland buffer between the road and the marsh. The Town also has little information regarding the "health" of this area. No specific recommendations are offered. The focus should be to monitor the area to ensure chronic pollution does not adversely impact its environmental health.

Addresses Issue 5

ONGOING PRIORITY - NO SPECIFIC ACTION REQUIRED  
SELECTMEN AND CONSERVATION COMMISSION TAKE LEAD ROLE

## **SOUTHSIDE ROAD/SEABURY ROAD/ROUTE 103/BRAVE BOAT HARBOR & WESTERN POINT AREA LAND USE AREA #16 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

This is a rural area framed by Route One to the west, the Atlantic Ocean to the east, the York/Kittery town line to the south and the York River to the North. It is nearly 6 sq. miles in size, about 10% of the total land area in York. The area's many waterbodies, particularly the Atlantic Ocean, York River and Brave Boat Harbor, and to a lesser extent Indian Pond, Godfrey Cove Pond, Dolly Gordon Brook and Southside Brook, have influenced historic and current land use patterns. Many of the area's homes have been located to allow dramatic views of these natural resources.

Natural resource dependent activities, agriculture, timber harvesting and commercial fishing, were some of the mainstays of early development in the area. These past uses continue to have a significant affect on current land use patterns as much of this area is owned by several large property owners, most of which were former farms. To date, many of these land owners have chosen not to sell or subdivide their land which has resulted in the many remaining areas of open land. The Blaisdell farm on Southside Road is also one of York's last remaining larger active farms.

This has never been an area of intense development such as has occurred in the York Village - York Street area, but it has experienced significant amounts of construction over the last 20+ years. Nearly 10% (106 homes) of the homes built in York since 1987 (1,200+ homes) have been built in this area of Town. New subdivisions have occurred along Pepperrell Way, Brave Boat Harbor Road, Ledgewood Drive, Deacon Road, Woodside Meadows Road and most recently Jeffrey Drive. Most of these homes exceed the median housing value in York, and most residents view this as a very desirable area to live.

Much of this area remains heavily forested as the former farm fields have been allowed to grow over and the housing development which has occurred has often been tucked away into the trees. The area's roads are rarely straight and the thick leafy canopy of specimen trees and occasional stone wall that hug the edge of the pavement help create a mystique in traveling along these ways. This area has its own feel, and much of the past and present development which has occurred has contributed rather than detracted from the area's character.

### **DESCRIPTION OF EXISTING ZONING**

All of this area is included in the RES-1A Zone, a protected residential zoning district that also allows agricultural and timber harvesting activities. The minimum lot size in this zone is 2 acres with 200 feet of frontage on a road. Structure setbacks are 50 feet front and 30 feet for the side and rear. This area was established as protected residential in the early 1980's. The prior zoning allowed 20,000 sf lots and did not restrict uses.

The Town Shoreland Zone also applies to much of this area because of the area's waterbodies, particularly the Atlantic Ocean, York River, Brave Boat Harbor, Dolly Gordon Brook and Southside Brook. Most wetlands in the area are associated with these resources. The majority of the Shoreland areas are in the Limited Residential Subdistrict which is consistent with the protected residential underlying zone. A short stretch near Rams Head is zoned Resource Protection.

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

Most of the area has a very rural and often secluded character because of the low density of existing homes and the significant amount of undeveloped open areas. It is uncertain, however, if present and future owners of these large tracts will continue to maintain these undeveloped areas as open land. The challenge confronting York is how best to retain the area's existing character as

more property owners choose to sell their land, which may be their primary asset, and allow it to be developed. Specific issues confronting this area include:

1. How best to retain the area's "rural" character. This issue includes the preservation of existing open (undeveloped) lands.
2. How to preserve or support the remaining agriculture which occurs in the area, particularly the Blaisdell farm on Southside Road.
3. How to protect significant natural resource features that exist throughout the area, particularly the York River, Brave Boat Harbor, Southside Brook, Dolly Gordon Brook and area ponds.
4. How to ensure the quality of new development equals that of existing homes. For example, many of the existing homes in the Western Point/Brave Boat Harbor/Godfrey Cove area are among the best (highest value) in York.
5. How to foster public safety, particularly vehicular travel. The Route One/Beech Ridge/Southside Road intersection and Brave Boat Harbor/Route 103/Seabury Road intersection are problem intersections.
6. How best to benefit pedestrian/bicycle safety and access, including access to public lands, without adversely impacting area's character.
7. Potential conflicts between ongoing development and traditional land use activities such as hunting.

### **PLAN RECOMMENDATIONS**

It is often a daunting task to preserve what now exists without overly infringing upon an individual's right to reasonable use of their property. The recommended approach is to use a variety of tools to manage the intensity of future development and to best protect significant natural resources and open areas. This will likely involve the expenditure of public funds in addition to adopting stronger zoning standards. Specific recommendations include the following:

1. The Town should adopt rural zoning for this area and consider implementing an explicit development control for the purpose of preserving the rural character of the area and minimizing development sprawl. Among the measures which might be considered are: the development district boundary ratio concept, and a CAP establishing specific limit(s) on the number of new residential units which could be built in this area. Measures such as this would ensure a decreasing percentage of York's residential development occurs in this area for the period proscribed in the ordinance. This would help control future Town service costs and traffic considerations while preserving the rural nature of the area.

Addresses Issues 1 and 2

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

2. The current zoning for this area is RES-1A, a protected residential zoning district that requires a minimum lot size of 1 acre with public water and sewer and 2 acres for all other situations. The recommended zoning district is rural, with standards appropriate to the area. For wooded lots along the existing main roads (except Western Point Road and Southside Road) incentives should be offered to maintain existing wooded areas along these roads.

Addresses Issue 1

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

3. Open space (cluster) layout should be the norm for new subdivisions, with a requirement that up to 50% of the buildable land and all of the significant natural resource areas remain as permanently protected open space. If the applicant agrees to retain 60% - 75% or more of the "buildable" land as permanent open space and the developed area is not readily visible from the main road, the applicant can receive a density bonus of 1 unit/lot for every 5 lots in the subdivision. The goal is to preserve existing character and natural

resources while still allowing development of suitable lands.

Addresses Issues 1 and 3  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4. The Town should encourage protection of the Blaisdell Farm, Rams Head Farm and Rams Head area on Southside Road by using the following approaches. The Rams Head area is the last large unspoiled open area adjacent to the York River located east of Route One.
  - The Town should use its Open Space Acquisition Program funds to purchase these lands or the residential development rights to these lands.
  - The Town should permit the transfer of development rights from these areas to developable areas along Bartlett Road on a 1 unit for 1 lot transfer basis.
  - The Town should establish a “right to farm” program that allows significant property tax deductions for lands in these areas that are used for agricultural or open space purposes. This approach also prohibits neighbors from interfering with customary agricultural practices. This approach may require changes to State law. While many may view the current tax bill on these properties as minimal, taxes remain a significant expense.

Addresses Issues 1, 2 and 3  
MID-TERM PRIORITY - SELECTMEN & PLANNING BOARD TAKE LEAD ROLE

5. See public water supply and sewer system policies in §1.1.2.
6. The Planning Board should encourage new subdivisions to include covenants requiring the size and quality of homes which is consistent with the neighborhood.

Addresses Issue 4  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

7. The Town should encourage the Federal government to continue to add to its existing holdings in the Rachel Carson National Wildlife Refuge as a way to protect this area, and consider using Town Open Space Acquisition Program funds to complement Federal dollars. The Refuge is a rich natural area that has experienced little recent disruption. The Town, however, should also encourage the Refuge to allow more regular passive public use (mostly walkers) in the reserve. Public access will help raise local consciousness of the need to financially support future acquisitions.

Addresses Issues 3 and 6  
MID-TERM/LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

8. The Town should ensure Town Shoreland Ordinances are strengthened to accomplish the following:
  - Establish areas along Brave Boat Harbor as Resource Protection Subdistrict.
  - Provide protection for all area streams as these are either direct tributaries to the York River or Brave Boat Harbor area as well as critical wetlands.
  - Increase vegetation cutting standards along currently undeveloped areas of the York River and Atlantic Ocean to a minimum of 100 feet.
  - Prohibit septic systems within 250 feet of the York River and 150 feet of any tributary stream.

Addresses Issue 3  
IMMEDIATE TO MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD

9. Many residents who attended the area Neighborhood Meetings expressed interest in obtaining bicycle and walking paths. The Town should strive to retain the existing character of these rural roads by not widening or straightening them or unnecessarily cutting or damaging the trees that line the roads. The Town should explore use of the former trolley right-of-way as a potential off-road bicycle path.

Addresses Issue 6

IMMEDIATE & ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

10. Investigate and then implement improvements to the Route 103/Brave Boat Harbor/Seabury Road intersection to lessen accident problems. Realignment of this intersection may be difficult, but neckdowns on Route 103 could reduce the speed of traffic as it approaches this intersection which could increase safety.

Addresses Issue 5

MID-TERM TO LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

11. Investigate and then implement improvements to the Beech Ridge Road/Southside Road/Route One intersection. MDOT has concluded this intersection meets signalization warrants, but installing a signal may be a drastic solution. There may be opportunities to realign some of Beech Ridge Road to improve the angle of the intersection.

Addresses Issue 5

## **BEECH RIDGE ROAD/ROUTE 91 AREA LAND USE AREA #17 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF EXISTING AND PAST LAND USE**

The York River is the dominant land feature in the Beech Ridge Road and Route 91 area. Both roads parallel its course and many area homes have been sited to enjoy views of or access to the River. The River's navigability led to this section of Town being one of the first area's beyond the Village Center that was inhabited. A significant number of the area's historic structures remain, such as McIntire Garrison, which is in a beautiful field next to the River and served as a fortress for area residents to ward off Indian attacks.

Current land use in the area is quite mixed. It is one of the few areas that is not located on Route One or in a Village Center that has a significant amount of nonresidential development. Most nonresidential uses are less than 10,000 sf in size and involve manufacturing, particularly making wood products. There are also two new golf courses, a 9 hole course at Highland Farms that opened in 1996, and the Ledges located off Witchtrot Road that opened in 1998. Other nonresidential uses include a few retail establishments, such as the Brixham Grange Hall and Cider Hill Greenhouses, several bed and breakfast operations, and several of York's last active farms, including the Zacharias farm.

An increasing number of new residents have also been attracted to the area's rural character and have chosen to call this expansive area of York home. In the 1950's and 1960's most homes were built immediately along Beech Ridge Road or Route 91. This changed through-out the 1970's, 1980's and 1990's as former forest lands and agricultural fields were sold and developed as residential subdivisions. Riverwood, located along Salt Water Drive, is one of the larger subdivisions approved in the last 25 years. Other developments of 10 or more lots include: Payneton Hill, Hemlock Ridge, High Pine Road, Thomas Road, York Shores and Tide Meadows. The ongoing development of this area as residential housing has lead to some conflicts with existing and new nonresidential uses.

Beech Ridge Road and Route 91 also differ from most other "rural" areas of York because large sections of both roads are maintained by the Maine Department of Transportation. Rt 91 is a significant east - west travel corridor and is the road many residents of the Dover-Rochester area take to visit York's beaches. The dual nature of these roads - winding narrow country roads that also serve as major transportation routes - leads to additional conflicts with area residents.

### **DESCRIPTION OF EXISTING ZONING**

Two zoning districts, the GEN-1 or GEN-2 zones, apply to this area. These are multi-purpose zoning districts that allow most uses; residential, retail and service businesses, offices, restaurants, hotels, industry, agriculture, and recreation. There are only minor differences between the GEN-1 and GEN-2 zones, such as gravel pits being permitted in GEN-2. The current minimum lot size requirement is 2 acres if either public water or sewer is available, and 3 acres if these services are lacking. All lots must have a minimum of 200 lineal feet of road frontage. All non-residential development must also satisfy applicable non-residential performance standards.

The Town Shoreland Ordinance also regulates activities in many areas, particularly the York River and many of its tributaries. Sections of the River that are presently undeveloped and most of the tidal flats near its headwaters are in the Resource Protection Subdistrict. This Subdistrict prohibits most development within 250 feet of the normal high water mark of the River. Other sections are in the Limited Residential Subdistrict. This zone limits the type of use to single family residential and requires a minimum setback of 100 feet from the River's edge. Use conflicts occur between the more permissive underlying zone and the more restrictive Shoreland



Overlay Zone. The Watershed Overlay Protection Zone is on the boundary of this area. This district generally limits uses to residential and agricultural and also requires a 3 acre minimum lot size. The intent of this district is to protect the drinking water supplies for both York and Kittery.

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

This area has experienced a significant amount of residential growth over the last decade, about 15% of all homes (187 homes) built in York. This additional development has resulted in the ongoing loss of former open fields and woodlands, led to more traffic on these rural roads and spurred the need for additional town services. Most area residents, including the many who moved there within the last 10 years, view this as a desirable area to live. A large amount of open land remains, but the spread of houses has fostered conflicts with some traditional land uses, such as hunting. Concern has also been raised regarding the current “general purpose” zoning.

Specific issues that warrant attention include the following:

1. The amount of future development that will occur in this area and its impact on remaining open space, the character of existing development and the need for additional town services.
2. Potential conflicts between current zoning that allows most uses and the desire of some residents to limit future uses to mostly residential. Concurrent with this, the need to allow a wider range of uses in some section(s) of the community to provide opportunities for manufacturing and traditional industries.
3. The appearance of future development, both residential and nonresidential. Buildings need to “look good”.
4. Potential conflicts between ongoing development and how many locals have traditionally used this area for activities such as hunting.
5. The amount and speed of existing traffic, particularly along Route 91.
6. The desire for more pedestrian and bicycle path improvements.
7. The need to protect the area’s natural resources, particularly the York River and its tributaries.
8. The interest in better public access to the York River, but ensuring such access does not compromise the health of the River.
9. Water quality was cited as a concern. Most of this area is not served by public water.
10. The need for better quality fire protection was cited by many.

### **PLAN RECOMMENDATIONS**

It is impossible for the Town to fully resolve the wide range of issues that arise in this area without seeking compromise. Some seek to change current zoning and land use to create a rural suburbia, others prefer no additional development, and strong sentiment lingers for this to be a minimal restriction area. This area warrants immediate attention by the Town as the remaining open lands will likely soon be subject to development if the economy remains healthy and people continue to flock to the seacoast area. The Comprehensive Plan Steering Committee believes implementing the recommended tools as a package will greatly help to address the issues confronting this section of Town.

1. The Town should adopt rural zoning for this area and consider implementing an explicit development control for the purpose of preserving the rural character of the area and minimizing development sprawl. Among the measures which might be considered are: the development district boundary ratio concept, and a CAP establishing specific limit(s) on the number of new residential units which could be built in this area. Measures such as this would ensure a decreasing percentage of York’s residential development occurs in this area for the period prescribed in the ordinance. This would help control future Town service costs and traffic considerations while preserving the rural nature of the area.

Addresses Issue 1  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The area is presently a general development district that allows most uses. The recommended zoning is rural, with standards appropriate to the area.

The intent is to allow a mix of uses while controlling the scale and impact of both residential and nonresidential uses. Residential development should have a rural character. All nonresidential uses must meet performance standards that regulate impacts such as traffic, parking, noise, lighting, appearance and litter.

Addresses Issues 1, 2, 3 and 4  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. Manufacturing uses should be permitted in this zone. However, a new manufacturing use shall conform to strict performance standards. Performance standards shall manage impacts associated with the use, and aid in it being compatible with adjacent development. In addition, traffic impacts, particularly trucks, will be strictly regulated and an applicant may be required to fund road improvements.

Addresses Issues 1, 2, 3 and 4 (Implement with Recommendations 1 & 2 above)  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4. The Town should give consideration to reserving an area for locating low impact non-residential uses such as light manufacturing and service businesses. In doing so the Town should take into consideration the impact on the York River Watershed, the local road system and any existing adjacent residential development.

LONG-TERM PRIORITY – PLANNING BOARD TAKES LEAD ROLE

5. Reserved.
6. The Town should encourage new homes along Route 91 to meet increased front setback requirements. A setback of 100 feet or so would help preserve the rural flavor of this major east-west connector. Many of the newer homes along Rt 91 have voluntarily been set back at least 100 feet. This appears to be much less of an issue along Beech Ridge Road as many of the existing homes directly abut the road.

Addresses Issues 1 and 3  
LONG-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

7. The open space (cluster) layout should be strongly encouraged for new subdivisions.

Addresses Issues 1, 3 and 7  
ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

8. Residents who attended area Neighborhood Meetings expressed interest in obtaining bicycle and walking paths in the area. Walking/biking paths should be a consideration in new subdivisions. With the exception of Route 91 and Beech Ridge and Scotland Bridge Road, existing traffic volumes are low enough on the area's rural roads to allow joint use by bicycles, pedestrians and vehicles. The Town can also benefit pedestrian and bicycle use of the area's main roads by strictly enforcing current speed limits and posting signage that these roads are used for these purposes.

Addresses Issue 5 and 6  
ON-GOING PRIORITY - SELECTMEN TAKE LEAD ROLE

9. The Town should establish additional protection for the York River Watershed by including all tributary streams in the Shoreland Overlay Zone. The stream protection zone should require minimum vegetated buffers of 75 feet and strictly limit use in these areas.

Addresses Issue 7

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

10. The Town should pursue acquisition of the tidal flats and headwaters of the York River and selected lands along its tributary streams by appropriate public entities such as, the Town of York or the United States Department of the Interior, Fish and Wildlife Service, Rachel Carson National Wildlife Refuge. Town monetary participation in this acquisition program should be looked at as a long term priority as these resources are less threatened than many other areas in York since much of the key river area is already protected by being in the Resource Protection Subdistrict of the Shoreland Zone.

Addresses Issue 7

LONG TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

11. Reference Town response to State Goal 5 and State Goal 7 for an outline of recommendations specific to allowing better access to the York River and protection of the River and its resources.

Addresses Issues 7, 8 and 9

12. The Town should encourage the extension of public water to serve new subdivisions and existing residential areas to benefit fire protection. One tool could be to require water extensions for new subdivisions for a distance greater than current requirements; for example, 2,500 feet vs. 1,500 feet.

Addresses Issue 10

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

## **CHASES POND & SCITUATE ROAD LAND USE AREA #18 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

Chases Pond Road and Scituate Road feature a mix of uses and lot sizes. The predominant use is single family housing, much of which directly fronts on either Chases Pond Road or Scituate Road. The larger subdivisions in the area were developed in the 1970's and occurred before the Town increased the minimum lot size from 1/2 acre to 3 acres. These subdivisions are located at Sunrise Terrace, Perkins Court, Old East Scituate Road and Preble Lane, and the Corn Swamp Road and Elizabeth Lane area. The increase in lot size often made it cost prohibitive to construct new subdivision roads and newer development has occurred on short gravel roads or directly along the main roads.

The area also includes a significant number of nonresidential uses. Examples of these uses include: public buildings such as the Town Public Works Garage, District Court House and treatment facility for the York Water District; small businesses such as Dixon Paving, Little River Auto and Bob's Auto Repair; and home occupations such as Arnold's Small Engine Repair and Windsor Hollow Farm that sells woolen products. In addition, many of the houses are small homesteads that raise small numbers of farm animals; horses, cattle, chickens and even llamas. These uses are consistent with the area's rural character.

Much of the area is forested. Fortunately, stretches of both Chases Pond Road and Scituate Road have not been developed and the forest lands directly abut the road, which creates a very rural character. In addition, some of the newer homes have been built far back from the main road and the property owners have chosen to leave a buffer of natural trees. Stone walls that harken back to when farming was the prime use also occur along stretches of the main roads.

Chases Pond Road and Scituate Road also lie at the base of Mt. Agamenticus and represent the eastern most reaches of the watershed for the public water supply. The York Water District obtains all of its water from Chases Pond and owns much of the surrounding land. The amount of District owned lands will help limit the maximum amount of development which may occur. Scituate Pond is not a public water supply and is one of the few larger ponds in York that is used for recreation.

Many of the area's parcels have poor soils or are wet. As the area also lacks both public water and public sewer these natural constraints must be recognized in considering the type and density of development which is appropriate. Scituate Road also follows its original lay-out and its many twists and turns and narrow width positively contribute to its character, but lessens the desirability of it safely supporting significant development.

### **DESCRIPTION OF EXISTING ZONING**

All of the area is in the GEN-2 Zone, a General Development Zoning District. The district allows most uses; single family housing, service businesses, retail, hotels, restaurants, industry and public uses. The only uses prohibited are noxious activities such as junkyards and landfills. The Town adopted performance standards in the mid-1980's that all nonresidential uses must satisfy.

The minimum lot size is 2 acres if the parcel has either or both public water and public sewer, and 3 acres if both of these services are lacking. The minimum lot frontage is 150 feet if services are available and increases to 200 feet if there are no services. As noted, the current lot size has had the net effect of reducing the number of new subdivisions developed on new roads, but it has not curtailed new housing starts.

Shoreland Zoning also applies to all wetlands greater than 1 acre. Most wetlands and waterbodies are included in the Limited Residential Subdistrict and require a minimum structure setback of

either 75 feet or 100 feet. Most of Chases Pond and a section of Scituate Pond, however, are included in the Resource Protection Subdistrict. This classification prohibits most uses from locating within 250 feet of the normal high water mark.

Areas that directly abut Chases Pond are also included in the Town's Watershed Protection Overlay Zone. This zone limits most uses to residential activities and requires a use to satisfy a wide range of performance standards.

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

The future use of Chases Pond Road and Scituate Road present many challenges for the Town. This has traditionally been an area where most uses could occur, and few such areas remain in York. In addition, while residents of this area have expressed concern regarding potential overdevelopment, some residents who live east of I-95 who participated in their respective Neighborhood Meetings suggested this as a good area to allow more growth. Issues which likely warrant attention include the following:

1. The amount of residential development has been increasing and residents at the area's Neighborhood Meetings suggested the Town should reexamine the current GEN-2 zoning. Participants stressed the need to protect residential uses.
2. Participants at the Neighborhood Meetings expressed concern regarding the amount of development that has occurred in the area and would like the Town to limit future development.
3. Concern was raised regarding the area's character and how new development has not always blended in well with this character. Several noted that Chases Pond Road serves as a gateway to Mt. Agamenticus and buildings along the road should "look good".
4. Concern was expressed regarding the area's natural resource base and how additional development could adversely affect these resources. The main concern was harm to the Mt. Agamenticus area.
5. Public safety was a major concern, both the amount and speed of traffic and the lack of pedestrian amenities.
6. Many stated they regularly use the woods and open lands around Mt. Agamenticus and they want to ensure these lands remain open to the public.
7. Water quality was cited as a concern. Most of the concern centered on the use of septic and the potential for overdevelopment.
8. Residents expressed interest in receiving better quality fire protection.

### **PLAN RECOMMENDATIONS**

How best to manage land use in this area likely will present a major challenge for the Town. Many residents stated they would prefer the area be primarily residential, but the community also needs lands that can be used for multiple purposes. The Comprehensive Plan Steering Committee believes the thoughtful implementation of recommendations in this section can achieve the goal of this being an attractive area to live while still allowing nonresidential uses. Specific recommendations include the following:

1. The area is presently a general development district that allows most uses. The recommended zoning is rural, with standards appropriate to the area. The intent is to allow a mix of uses while controlling the scale and impact of both residential and nonresidential uses. Residential development should have a rural, not suburban character. All nonresidential uses must meet performance standards that regulate impacts such as traffic, parking, noise, lighting, appearance and litter.

Addresses Issues 1, 2, 3 and 4  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The Town should adopt rural zoning for this area and consider implementing an explicit

development control for the purpose of preserving the rural character of the area and minimizing development sprawl. Among the measures which might be considered are: the development district boundary ratio concept, and a CAP establishing specific limit(s) on the number of new residential units which could be built in this area. Measures such as this would ensure a decreasing percentage of York's residential development occurs in this area for the period prescribed in the ordinance. This would help control future Town service costs and traffic considerations while preserving the rural nature of the area.

Addresses Issue 1  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. Manufacturing uses should be permitted in this zone. However, a new manufacturing use shall conform to strict performance standards. Performance standards shall manage impacts associated with the use, and aid in it being compatible with adjacent development. In addition, traffic impacts, particularly trucks, will be strictly regulated and an applicant may be required to fund road improvements.

Addresses Issues 1, 2, 3 and 4 (Implement with Recommendations 1 & 2 above)  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4. This area borders the municipalities only public water supply. It is critical future development does not adversely impact water quality.

Addresses Issues 2, 4 and 7  
ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

5. The Town should encourage new homes along both Chases Pond Road and Scituate Road to meet increased front setback requirements. A setback of 100 feet or so would help preserve the rural flavor of these roads. In addition, incentives to conserve naturally wooded buffers along these roads should be offered.

Addresses Issue 3  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

6. The open space (cluster) layout should be strongly encouraged for new subdivisions. The recommended open space standard is up to 50% of the "buildable" land and all significant natural resource areas remain as permanently protected open space. A key issue in this area is the preservation of existing forest lands and the character of the major roads.

Addresses Issues 1, 3 and 4  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

7. The Town should encourage the York and Kittery Water District's to continue their current approaches of purchasing undeveloped lands in their respective watersheds. This approach will help protect important natural resource areas.

Addresses Issue 4  
ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

8. The Town should strongly encourage and fully participate in efforts to prepare and implement cooperative management planning for the publicly owned lands in this area. Planning efforts should include:
  - How to minimize potential conflicts regarding the various approaches used to manage lands owned by different public entities.
  - How to address potential conflicts between use of these public lands and

adjacent private lands. For example, use of a path that crosses both public and private land.

- How best to protect vulnerable natural resources.

Addresses Issues 4 and 6

IMMEDIATE & ONGOING PRIORITY

SELECTMEN TAKE LEAD ROLE & WORK WITH PARKS & RECREATION

9. Participants at the Neighborhood Meetings cited public safety as a concern and stated they would like the Town to construct bicycle lanes in the area. The approach recommended in this Plan is to install signage and conduct public information efforts that emphasize Chases Pond and Scituate Road are multi-use roads and that pedestrians and bicyclists have equal access to the road. The Town should explore the potential for the creation of a bicycle lane, keeping in mind expense and consistency with area character in determining the project's feasibility.

Addresses Issues 5 and 6

ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

10. The Town should explore the feasibility of establishing a fire station in the area west of I-95 and should consider relocating one of the existing fire stations to decrease the response time to this area. In addition, the Town should require the construction of fire ponds and dry hydrants where possible to provide more water sources for fire protection.

Addresses Issue 8

MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

**MOUNTAIN ROAD, LOGGING ROAD, CLAY HILL ROAD, BERWICK  
ROAD AREA  
LAND USE AREA #19 ON THE FUTURE LAND USE MAP**

**DESCRIPTION OF EXISTING AND PAST LAND USE**

Mountain Road, Logging Road, Clay Hill Road and the surrounding roads definitely have a rural feel. Most roads are fairly narrow in width with only minor shoulders and trees frequently overhang or cast shadows on the road. Single family housing is the predominant use and most houses directly front on one of the area's main roads. Most homes are lived in year-round and are more modest than in other sections of Town. Few subdivisions have been developed that involved the construction of new subdivision roads.

Most nonresidential uses are quite small in size and operate as home based businesses. Exceptions include Clay Hill Farm (restaurant), Arrows Restaurant and Linney's Nursery. Most existing nonresidential uses blend in well and cause few if any adverse impacts. The most common problem is the need for local residents to help struggling out-of-towners to find their way to Arrows or how to get back to Route One. Navigating the roads in this area is a learned experience.

Most land in the area is heavily forested which is a sharp contrast from the 19th century when farming was the common land use. There are many large tracts of undeveloped land which are forested, and several landowners practice timber harvesting as the main land use. A series of streams, such as the Josias River and Clay Hill Brook, cut-through the area and drain most of the water easterly toward Ogunquit. Soils mostly consist of ledge and clay and there is little top soil. Many sections are also quite steep as the three hills of Mt. Agamenticus form the area's northwestern boundary.

Traffic in the area mostly consists of local residents, but more nonresident traffic appears to be on the increase. South Berwick's recent action to upgrade Berwick Road from a very poor quality gravel road to asphalt has resulted in more east-west travel along this route and more nonlocals are using Mt. Agamenticus for short-term duration recreation, particularly mountain biking. The Town also will soon complete the rebuilding of the lower section of Clay Hill Road which leads to Ogunquit and is nearly 50% complete with the upgrade of Josiah Norton Road from dirt to pavement. These later actions likely will spur additional housing development along these roads.

**DESCRIPTION OF EXISTING ZONING**

This area is now included in two very different zoning districts. The section of Chases Pond Road in this area and the area north of Clay Hill Road (from the intersection of Clay Hill Road and Mountain Road to the intersection of Clay Hill Road and Josiah Norton Road) and North Village Road is in the GEN-2 Zoning District. Most areas along Mountain Road, Logging Road, Greenleaf Parsons Road and the lower section of Clay Hill Road are in the RES-2 Zone, a protected residential zoning district.

The GEN-2 zone allows most uses, single family, retail/service businesses, offices, industrial, auto sales and repairs, indoor and outdoor recreation, gravel pits, agriculture and timber harvesting. The minimum lot size is 2 acres if either public water or sewer is available, and 3 acres if these services are lacking. This compares to the 20,000 sf minimum lot size permitted in the early 1980's.

The RES-2 zone only allows single family residential, home occupations, nurseries, agriculture and timber harvesting. The minimum lot size is 2 acres, regardless if public water and sewer services are or are not available. This area was established as a protected residential zone in the early 1980's.



There are several significant swamps and numerous small streams also subject to provisions of the Town Shoreland Overlay Zone. The wetlands are in the Limited Residential Subdistrict which restricts the use to single family housing and requires a setback from the wetland edge for all structures. The regulated streams are in the Stream Protection Subdistrict which stipulates no use within 75 feet of the stream's edge.

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

A significant number of homes were built in this large and meandering area over the last 10 years, most within eyesight of the area's major roads. This amount of development has caused concern among area residents. It also raises issues regarding the Town's cost of service delivery because of the distance to Town service centers. There are, however, many large tracts of undeveloped land remaining and most of these are heavily forested. Development in this area is mostly residential with some small scale nonresidential uses.

Specific issues which warrant attention include the following:

1. The amount and character of future development. A large percentage of new development has occurred along the major roads in the area which can cause problems with residents backing out of their driveways into the roadway, and which often adversely affects the presently forested roadside appearance.
2. The type of new development, particularly if nonresidential development occurs in a primarily residential area. Mixed use development was cited as a concern.
3. Conversely, the ongoing creep of suburbia into what is mostly a rural area and how this development pattern and the mindset of the people who often live in such developments adversely impacts (differs from) traditional land use activities.
4. The ability to recreate on the surrounding public and private lands, particularly those in the watershed and Mt. Agamenticus area. Many residents stated they routinely walk, bike and hunt in the Mountain area, and its presence is a key reason why they chose to live in this section of York.
5. The quality of drinking water and how it could be adversely impacted by additional developments.
6. The amount and speed of traffic on local roads.
7. The need for better quality fire protection.

### **PLAN RECOMMENDATIONS**

The main goals are to effectively manage the amount of new development and ensure it does not detract from the area's existing rural character. Much of this area has long been designated a protected residential zoning district and the existing nonresidential uses are small in size. Home scale businesses should be encouraged throughout this area, but larger scale uses should continue to be prohibited. The hope is the implementation of the approaches recommended below will achieve the main goals. Specific recommendations include the following:

1. The Town should adopt rural zoning for this area and consider implementing an explicit development control for the purposes of preserving the rural character of the area and minimizing development sprawl. Among the measures which might be considered are: the development district boundary ratio concept, and a CAP, establishing specific limit(s) on the number of new residential units which could be built in this area. Measures such as this would ensure a decreasing percentage of York's residential development occurs in this area for the period prescribed in the Ordinance. This would help control future Town service costs and traffic considerations while preserving the rural nature of the area.

2. The area should be established as a rural zone. Permitted uses include single family, class 3 home occupations, agriculture/animal husbandry, and timber harvesting. Class 3 home occupations will allow homeowners to operate small scale businesses. The current “forested” character of the undeveloped roadside should be conserved by offering incentives to maintain the naturally wooded buffers along the roads.

Addresses Issues 1, 2 and 3  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town should adopt provisions to allow existing non-conforming uses to continue and to expand. Expansions must occur within existing lot lines and must satisfy performance standards that are designed to control nuisance concerns; noise, odors, lighting, and similar impacts.

Addresses Issue 2  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4. New houses which occur on lots along major roadways should be required to construct driveways with turn-arounds on their property, and the Code Enforcement Officer should have the authority to stipulate driveway location. The intent is to improve public safety on the frequently traveled major roads.

Addresses Issue 1  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

5. Open space (cluster) layout should be encouraged for new subdivisions.

Addresses Issues 1, 3 and 7  
ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

6. The Town should support resident use of the Mt. Agamenticus area for recreational purposes by pursuing the acquisition of additional lands in this area and encouraging low intensity recreational use of these areas (reference Mt. Agamenticus/Watershed area discussion).

Addresses Issue 4  
ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should further protection of the area's natural resources by ensuring all streams are included in the Shoreland Overlay Zone. Many of the areas small streams are now unprotected.

Addresses Issue 1 and 5  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

8. There is little opportunity to reduce current traffic volumes and to control the speed of what is mostly local resident traffic. The best ways to aid this approach is to retain the current character of existing roads, to require similar road lay-outs in new projects and to encourage police patrol and enforcement of current speed limits.

Addresses Issue 6  
ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

9. Reserved.
10. The Town should strongly encourage and fully participate in efforts to prepare and implement cooperative management planning for the publicly owned lands in this area.

Planning efforts should include:

- How to minimize potential conflicts regarding the various approaches used to manage lands owned by different public entities.
- How to address potential conflicts between use of these public lands and adjacent private lands. For example, use of a path that crosses both public and private land.
- How best to protect vulnerable natural resources.

Addresses Issue 4

IMMEDIATE & ONGOING PRIORITY

SELECTMEN TAKE LEAD ROLE & WORK WITH PARKS & RECREATION

## **MT. AGAMENTICUS/WATERSHED AREAS LAND USE AREA #20 ON THE FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The Mt. Agamenticus area mostly consists of forested lands that have experienced only minimal development. This was not always the case as small farms with grazing animals was the predominant use less than 100 years ago. A walk through the woods reveals the stone walls that were used to identify property lines and coral livestock and the cellar holes of former farmhouses. There are also a large number of private (family) cemeteries that bear witness to the struggles of former residents to earn a living from this rocky land.

The lack of development in the area partly reflects the difficult (steep) terrain, the distance from Town roads and services and the interest of private land owners to use the land for timber harvesting activities. The amount of development also has been curtailed by the large amount of land in public ownership. Combined, the York Water District, Kittery Water District, State of Maine, Nature Conservancy and Town of York own over 5,000 acres. The Water Districts have improved their water reservoirs and impoundments, but have left most of the land in its natural state. Public ownership of this area has created an outdoor recreation area for hiking, mountain biking and hunting that is unequalled for any town located along the coast.

The little development which has occurred consists of single family houses, several of which also operate small home based businesses. Many of these lots comply or nearly comply with current minimum lot size requirements, 3 acres. To date, existing residential development has posed few significant threats to the area's natural resources. Greater problems have occurred through the indiscriminate abuse of the land by visitors, such as people who have chosen to illegally dump their household and business waste along one of the narrow gravel roads.

Mount Agamenticus and the surrounding land is clearly a local, regional and state treasure. It is an area where the northern forest meets the southern forest to create a unique mixture of plant species, some of which are endangered. Recent research efforts to identify vernal pool locations and blanding and spotted turtle habitat identified Mt. Agamenticus as prime habitat for these rare turtles. The view from the top of the fire tower at the Mountain spans from Mt. Washington to coastal Massachusetts, and gives the observer a better sense of how short the distance is from the coastal lowlands to the Mountain.

The presence of these fragile resources and the increasing amount of visitor use is also raising growing concern that the Mountain may be becoming overused. Recent efforts have been undertaken to get a better handle on the types of activities which are occurring at the Mountain and how they can best be managed.

### **DESCRIPTION OF EXISTING ZONING**

The underlying zoning district for all of this area is the GEN-2 Zone, a general purpose zone. This zone allows most uses including residential, commercial/service businesses, restaurants, hotels, offices, industrial, auto sales and repairs, outdoor and indoor recreation, gravel pits, agricultural and timber harvesting. The minimum lot size is 2 acres if either public water or sewer is available and 3 acres without these services. The zoning changed in the early 1980's by requiring an increase in minimum lot size.

Much of this area is also included in the Watershed Overlay Protection Zone. This Overlay Zone was established in 1987 to better regulate uses that occur in the respective watersheds for the York and Kittery Water Districts. The minimum lot size is 3 acres and the range of permitted uses is more restrictive than in the underlying GEN-2 Zone. Only single family houses, agriculture,

timber harvesting and home occupations are permitted, and all uses must meet strict performance standards.

All major ponds, including Bell Marsh Reservoir, Boulter Pond, Folly Pond, Welchs Pond, Middle Pond, nearly all of Chases Pond, and nearly half of Scituate Pond, are also located in the Resource Protection Subdistrict of the Shoreland Zone. This zoning status prohibits any development within 250 feet of the normal high water mark of the waterbody. There are other large wetland systems in the area and these are included in the Limited Residential Subdistrict of the Shoreland Zone which limits the type of use to residential and requires a setback from the wetland edge.

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

To date, little residential development and virtually no nonresidential development has occurred in this area that encompasses roughly 12 square miles, or over 20% of York's total land area. Many factors have contributed to this lack of development, including but not limited to, the remoteness of the area from town service centers, the large amount of publicly owned lands, the decision of current large land owners not to sell their vacant land and the topography of the area including poor soils. The undeveloped state of this area has presented York the opportunity to further protect and save an area which warrants saving. Identified issues include:

1. Water quality, particularly protection of York's and Kittery's water supply, is a prime concern.
2. Protection of the area's natural resources, including its forest lands, wildlife habitat, rare and endangered plant species, and wetlands, including vernal pools.
3. Concern regarding how future residential or non-residential development could adversely impact this area.
4. The relatively scattered pattern of existing development and its remoteness from Town centers greatly increases the cost to deliver Town services.
5. There are at least four public entities which own land in this area, the Town of York, York Water District, Kittery Water District and the State of Maine, Department of Inland Fisheries and Wildlife. There is a need for cooperative management of these public lands and an ongoing program to acquire additional land.
6. Potential conflicts between use of the area's public lands and adjacent private lands.
7. The need for better timber harvesting standards to regulate on-going timber harvest operations.

### **PLAN RECOMMENDATIONS**

The small amount of existing development of the area's natural resources underscores the need for the Town to act now to further protect this area. The past efforts of the State, town, the York and Kittery Water Districts, and many York residents has resulted in the public or quasi-public ownership of nearly 5,000 acres on the Mountain and surrounding watershed. The focus of the recommendations in this Plan is how best to achieve land and natural resource protection while preserving reasonable use of privately owned lands. Specific recommendations include the following:

1. The Town should establish this area as a rural zone, with standards focused on protection of the important natural resources which abound in this area. This proposed zone should require very low density and strictly limited uses. Performance standards similar to those now in effect for the Watershed Overlay Protection Zone would also apply to all development.

Addresses Issues 1, 2, 3, and 4

#### **IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

2. The Town should adopt standards to expand the number and type of wetlands included in the Shoreland Overlay Zone, particularly significant vernal pools and all area streams. Also, additional wetlands and waterbodies in this area should be considered for designation in the

Resource Protection Subdistrict.

Addresses Issues 1 and 2  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town should actively pursue the purchase of additional privately owned lands in the Mt. Agamenticus area. The Town's efforts require close cooperation with the ongoing efforts of the Nature Conservancy, York Water District and others who are working to purchase area lands. The proposed Town Open Space Acquisition fund could assist in accomplishing these purchases.

Addresses Issues 1, 2, 3, 4, 5 and 6  
IMMEDIATE AND ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

4. See public water supply and sewer system policies in §1.1.2.
5. The Town should strongly encourage and fully participate in efforts to prepare and implement cooperative management planning for the publicly owned lands in this area. Planning efforts should include:
  - How to minimize potential conflicts regarding the various approaches used to manage lands owned by different public entities.
  - How to address potential conflicts between use of these public lands and adjacent private lands. For example, use of a path that crosses both public and private land.
  - How best to protect vulnerable natural resources.

Addresses Issues 1, 2, 5, and 6  
IMMEDIATE & ONGOING PRIORITY  
SELECTMEN TAKE LEAD ROLE & WORK WITH PARKS & RECREATION

6. The Town should adopt reasonable timber harvest standards to regulate these activities, both inside and outside the Shoreland Overlay Zone. Sustainable timber harvesting is currently being practiced by local landowners and this use should be encouraged. A permitting process should be implemented for proper review.

Addresses Issue 7  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

7. The Town should ensure privately owned lands that are devoted to sustainable timber harvesting practices are assessed at a rate that fosters the long-term use of the property for this purpose. A companion method is to encourage the conveyance of the residential development rights to a non-profit entity through a conservation easement in return for the property owner retaining the timber harvesting rights. The intent is to encourage environmentally sound timber harvesting standards and to encourage the long-term preservation of open space.

Addresses Issues 6 and 7  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

8. The Town should discourage the extension of additional service/access roads into the area, particularly paved roads, as a means to manage development sprawl. The Town should also deliver emergency services only and not regular services such as trash/recycling pick-up to residences located on very substandard roads in the area.

Addresses Issue 2  
MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

9. Consideration should be given to implementing a transfer of development rights program directed at further preserving desirable forest area in this proposed natural resource protection area.

MID TERM PRIORITY - PLANNING BOARD TAKE LEAD ROLE

## **ROUTE ONE AREA LAND USE AREA #21 on the FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

Route One is a major north - south highway. Until construction of Interstate-95 in the late 1960's -early 1970's, it was the main highway that connected York to its southern and northern neighbors. Route One spans over 10.5 miles in York and it and I-95 form the boundary that separate the village area (eastern York) from the rural area (western York). Retail and service businesses choose to locate along the Route One corridor because of the heavy amount of seasonal and year-round traffic it experienced.

York's Route One corridor, partly because of its length, has many different characters. Unlike many Maine towns, including neighboring communities such as Ogunquit, Wells and Kennebunk, Route One does not pass through or form York's "downtown". There is a sharp contrast between Route One in Ogunquit that is intensely developed and where cars rarely travel more than 25 mph and the last 2 mile stretch of Route One in York that leads into Ogunquit. In York, this section is little developed and features an open 2 lane road with wide shoulders and a maximum speed limit of 50 mph (many treat 50 mph as a minimum speed limit).

The most densely developed areas along Route One in York are from Brickyard Court (Mic-Mac Hotel) to the south to Fieldstone Estates Drive to the north, and in the Cape Neddick Village area. The former area is the site of 2 shopping malls, the Meadowbrook Plaza, the new Hannaford Shop n' Save grocery store (opening in 1999), and 2 office parks, Cottage Place and Bragdon Commons. Several restaurants, convenience stores/gas stations, individual offices and retail stores, hotels and small industries are also located in this area. There are, however, many remaining open areas, particularly near the I-95 Spur Road. Many residents feel the "bovine field" next to the Spur Road and the Chamber of Commerce Visitors Center at the intersection of the Spur Road and Route One help define York's rural and historic character.

The Cape Neddick Village area is the one section of Route One in York where the highway narrows and the houses and businesses are built immediately along the road shoulder. These businesses are small locally owned enterprises such as Flo's Hot Dog Stand, Cranberry Hill Antiques, Pie-in-the-Sky bakery, Cat n' Nine Tails convenience store and Franey's Landscaping and Garden Center. Most of the homes are quite modest and are built on rather small lots with little road frontage. In the summer, the amount of traffic often makes it difficult to turn onto Route One from side roads such as Clark Road, Route 1A and River Road.

A frequent statement uttered by many York residents is that Route One in York does not look like Route One in other towns. Residents say this proudly and often oppose development they do not feel is consistent with York's character. For example, York is likely one of the few towns in Maine and perhaps along the eastern seaboard that does not allow fast food restaurants along Route One. How best to manage development along Route One is a complex challenge confronting York. It is an area where larger uses should locate, but it is equally important the area retain many of its current rural characteristics.

### **DESCRIPTION OF EXISTING ZONING**

The Town of York Planning Board, in 1995-1996, conducted a comprehensive planning process for the Route One area that led to the preparation and Town adoption of revised zoning ordinances. Over 65% of the electorate voted in favor of the Route One Ordinance amendments. Six zoning districts were established for this 10+ mile corridor as were performance standards to better manage impacts associated with nonresidential projects.

The Town adopted its initial zoning ordinances specific to the Route One area in 1982. The 1982 Ordinances divided Route One into three zones: HWY-1, a medium intensity use zone; HWY-2, a



high intensity use zone; and HWY-3, a fairly low intensity use zone. Most HWY-1 and HWY-2 land use located between the Mic-Mac hotel to the south and the Wild Animal Kingdom Road to the north. Performance standards were also established. The zoning districts, however, did not limit the amount of lot coverage or the number of housing units on a lot (density).

The Ordinances adopted in November 1996 reflected the direction provided during the Route One planning process. The goals were to ensure all uses along Route One “look good”, are located in appropriate areas and reflect the character of surrounding development. All nonresidential uses must satisfy extensive performance standards that address the impacts caused by a use (traffic, landscaping, lighting, etc.). Key features include requiring most parking being located to the side and rear of a structure and the need for good quality landscaping. In addition, density standards of 1 residential unit per minimum lot size were adopted. The general requirements of the six separate zones are outlined below.

Route One-1, the River Zone: This district includes the area on the east side of Route One from the York/Kittery Town line to River Bend Road, and the Goodrich Park area on the west side of Route One. It allows only single family residential, home occupations and small professional offices. The minimum lot size is 2 acres. This is a very low intensity use zone.

Route One-2, the Small Makes Sense Zone: This district allows a variety of small scale nonresidential uses; offices, retail stores and service businesses under 5,000 sf, restaurants and hotels, and single family residential. The area includes the west side of Route One from the York/Kittery Town line to Brickyard Court (except Goodrich Park), the area from Fieldstone Estates to Rogers Road on the east side of Route One, and the area from Nason Road to directly across from the Woods to Goods on the west side of Route One. The minimum lot size is 1 acre.

Route One-3, the Big Makes Sense Zone: This district requires a 2 acre minimum lot size and allows most uses, industrial, retail (less than 20,000 sf), service business, professional office, restaurants, hotels, and single family residential. This area allows the greatest amount of lot coverage of all zones on Route One and also the largest scale and greatest variety of uses. It is the zone where the Town wants large scale activity to occur. It includes from the Mic-Mac Hotel to Fieldstone Estates Drive on the east side of Route One and from Brickyard Court to Nason Road intersection on the west side of Route One.

Route One-4, Tourism/Recreation: This zone was designed to allow recreational and tourism related uses, including amusement parks, hotels, motels, small scale retail stores and small scale professional offices. It includes all of the York Wild Animal Kingdom and surrounding land on the east side of Route One, and from Woods-to-Goods to Randy Small's Fitness Center on the west side. The minimum lot size is also 2 acres.

Route One-5, Cape Neddick Village: This zone was established to allow new structures and uses to reflect the character of the existing village. The zone allows the following: small front and side setbacks; a moderate amount of lot coverage (50%); and small scale retail, office and service businesses, restaurants, and single family residences. The minimum lot size in this zone is 1 acre rather than the 2 acres required in most other Route One zones. It includes the land along both sides of Route One from where the road narrows from 4 lanes to 2 lanes to the Mountain Road area.

Route One-6, Rural Mixed Use: This zone includes the land along both sides of Route One from Mountain Road to the York/Ogunquit border. The area west of Route One approaches 1,200 feet in depth, but the area on the east side is only 500 feet in depth because of the large number of residences along Pine Hill Road. The zone allows industrial uses and small scale commercial uses, if the use is setback more than 100 feet from Route One and retains a naturally vegetated buffer that is 100 feet in depth, and it also allows single family residences. The minimum lot size is 2 acres.

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

The Comprehensive Plan Steering Committee did not conduct a specific Neighborhood Meeting for the Route One area. The Committee followed the Planning Board's lead and decided the 1995-1996 Planning Board's comprehensive Route One planning project greatly lessened the need for an additional public participation program. The Committee, however, received comments regarding Route One at the January-February 1998 town-wide meetings and at subsequent Neighborhood Meetings conducted for other areas of town. The issues described in this section were identified through the above processes:

1. The Town should manage land use along the Route One corridor to ensure appropriate scale uses occur in desired areas. All businesses should "look good" and cause minimal adverse impacts so they can be considered an asset to the community.
2. The Town should protect specific resources and areas along Route One, including the Spur Road entrance to York, the York River, the character of Cape Neddick Village and the rural character of the area leading into Ogunquit.
3. The Town should manage future traffic use along Route One and encourage the Maine Department of Transportation to recognize that Route One is a major local road artery and not simply a highway to move traffic to Ogunquit.
4. Public sewer service is needed for areas where development should occur that now lack this service.

### **PLAN RECOMMENDATIONS**

Specific recommendations include the following:

1. The Town should retain the comprehensive revisions to the Route One Zoning Ordinance adopted by voters in November 1996. The Planning Board engaged in a 2 year process of working with the public to identify a vision for Route One and prepare zoning ordinance amendments to implement this vision. The Board, during this process, also noted that this area Plan and the subsequent Ordinance amendments was being conducted as an element of the upcoming (1998 - 1999) Comprehensive Plan. The Route One area is divided into 6 zones which allow differing types and scales of uses. Detailed performance standards were adopted to manage the appearance, service demands, traffic impacts and similar issues associated with these uses. The Town, however, should regularly monitor the effectiveness of this Ordinance to achieve the stated goal - Route One should look good and serve the needs of both residents and visitors - and amend it as warranted.

Addresses Issue 1  
ON-GOING PRIORITY - NO SPECIFIC ACTION NEEDED  
PLANNING BOARD TAKES LEAD ROLE

2. The Town should amend the current Route One Zoning to establish a protective visual overlay zone for the area bordering the Spur Road. This area is currently zoned Route One-3 which allows large scale uses. For example, the proposed visual overlay zone could allow a use no greater than 5,000 sf per minimum lot size as determined by the amount of buildable land, and require effective screening from the Spur Road to help protect the existing visual character.

Addresses Issue 2  
IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. The Town should actively pursue the purchase of lands bordering both sides of the Spur Road to help protect the rural character many residents have spoken of fondly – the “bovine factor”. This land should be a prime candidate for use of the proposed Open Space Acquisition Program funds.

Addresses Issue 2  
IMMEDIATE TO LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

4. See public sewer system policies in §1.1.2.
5. See public sewer system policies in §1.1.2.
6. The Town should adopt new sign standards for Route One. This is an issue which was not completed during the Route One Zoning Ordinance revisions adopted in 1996. The sign standards should recognize the character of the area, a high travel highway corridor. Signage, however, should complement the desired appearance of the area. For example, larger signs may be appropriate if standards such as the following are met: signs must be made of wood, brick, or metal; no plastic materials; no interior lighting, only indirect lighting; and no lighted signs when a business is not open. The Town should also consider achieving this appearance for both existing and new businesses by establishing a time limit, perhaps 5 years, on how long a non-conforming sign can be used. This time limit should allow existing businesses to amortize the cost of the non-conforming signage before being required to erect new signage.

Addresses Issue 1  
MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

7. The Town should address increasing traffic volumes on Route One by requiring new developments to provide center left/right turn lanes in the area from the Mic-Mac Hotel to the south to Abbot Brothers to the north. The ongoing development of businesses in this area will create additional turning conflicts. The Town and State should also consider paying the cost of selected public improvements. Conversely, the other sections of Route One should maintain the current drive/traffic patterns that contribute to the area's character, particularly the center of Cape Neddick Village, and which help keep down speeds.

Addresses Issue 3  
ONGOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

8. The Town should install good quality signage to help direct people to the Long Sands/Short Sands Beach area.

Addresses Issue 3  
IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

9. The Planning Board should review the design criteria in the Route One Ordinance to improve the application or the Ordinance to different uses and structure sizes.

Addresses Issue 1  
ON-GOING - PLANNING BOARD TAKE LEAD ROLE

## **GREEN ENTERPRISE RECREATION OVERLAY DISTRICT LAND USE AREA #22 on the FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The Green Enterprise Recreation Overlay District is an area in excess of 300 acres. It spans Route 1 to the West, Main Street to the north and east, Horn and Rogers Roads to the South, and Railroad Avenue in York Beach to the east. Currently held by multiple property owners, much of the land is undeveloped, with the largest exception being the inclusion of the entirety of York's Wild Kingdom Zoo and Amusement Park. The land includes a large wetland complex, much of which is included in the Shoreland Zone. This wetland, several streams, and smaller wetlands all coalesce into a single outlet which transits through natural and artificial water channels to exit from a penstock on the popular tourist beach of Short Sands in York Beach Village. Thus, the quality and volume of the water discharge from this brook is both crucial to the tourist economy of York Beach and completely dependent on the hydrological conditions in the project area. The Town of York has recently purchased over 50 acres for municipal use, including plans for a public access road from Route 1 to York Beach, and a new police station. Currently, the property, located in the Town's Growth Area, is one of the largest undeveloped land areas in York east of US Route 1.

### **DESCRIPTION OF EXISTING ZONING**

This area consists of the following six base zones: Route1-4, Route 1-5, RES-6, RES-7, GEN-3, YBVC. The zones that constitute the largest portion of land are Route 1-4 and GEN-3, together comprising approximately 2/3 of the land area. The Route One district is designated for small commercial activities and limited outdoor recreation, GEN-3 and YBVC offer extremely large ranges of use possibilities, with the Residential zones being comparatively restrictive. Similarly, the dimensional standards for each zone vary considerably, from 25% to 100% lot coverage, for instance, and associated differences in setbacks and density standards.

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

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

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

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

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

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

6. **Consistency with Historic, Pedestrian Oriented Character of York Beach.** Any development in the area should be consistent with the historic character of the area, particularly that of the distinct, walkable center of York Beach, born of its history as a seaside destination.
7. **Family Friendly Destination.** It has been repeatedly, and from many quarters, mentioned that it is important that this area remain a family-friendly destination, with food, entertainment, and amenities that continue to cater to family visits and vacations.
8. **Public/Private Partnerships and Funding.** The current ownership of this property – both municipal and private - the infrastructure needs, as well as the suitability of much of this land for preservation and recreation, lends itself to public/private partnerships and potential support in the form of grants.
9. **Growth to Support Existing Businesses.** Whatever growth may occur in this area, efforts should be made to ensure that it supports existing businesses, rather than detract from them. To this end, efforts need to be made to have growth be contiguous with existing downtown York Beach, to not mimic the sprawling patterns emerging on

US Route 1 that so sharply contrast with that of the downtown, and foster connections with York Beach in terms of the physical and architectural character of the area as well as the range of family-friendly businesses and attractions. Thus, ideally development would occur from the York Beach end of the property, outward towards US Route 1, rather than the reverse.

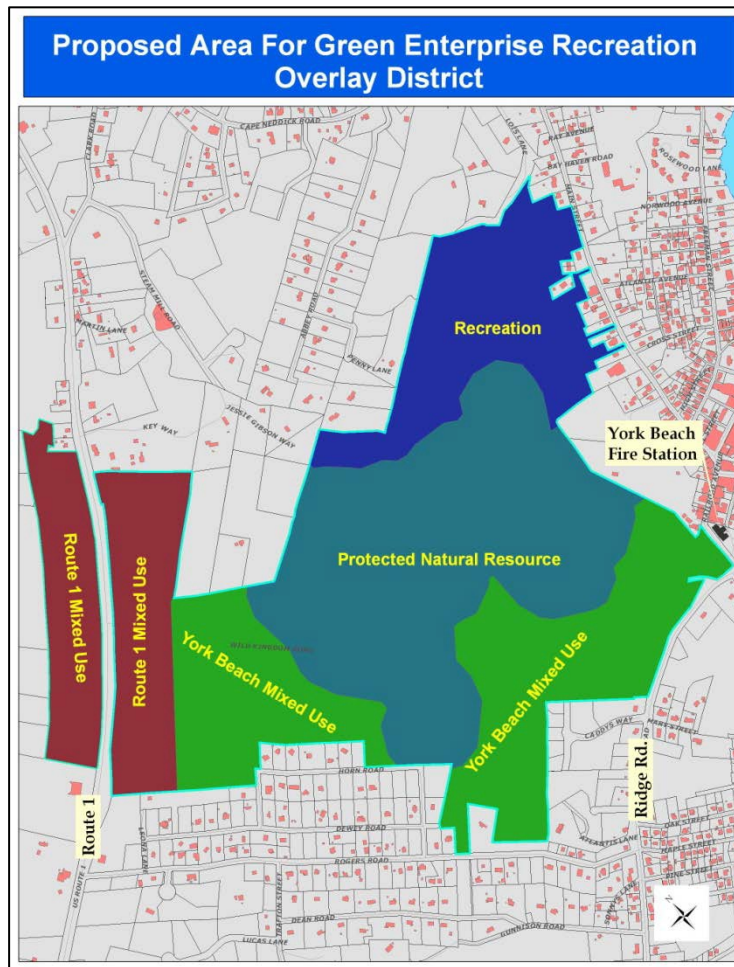
10. **Housing.** If housing is developed in this area, it should be housing that is integral to mixed-use development, as in apartments above ground floor commercial development, and/or of the kind that adds housing stock long identified as needed in York, such as that for seasonal workers or workforce affordable housing. It's imperative that any housing created be consistent with the village scale and character intended for development in this area.
11. **Tourism.** Tourism is integral to York, York Beach, and the existing businesses on Route 1, and any new proposals that deal comprehensively with this area, whether development applications or Zoning amendments, should support tourism as a crucial and sustainable industry of York.
12. **Pedestrian and Non-vehicular Needs.** Comprehensive Planning for this area provides an opportunity to give pedestrian and non-vehicular needs plenty of forethought. This includes prioritizing the ample opportunities for trail development, building pedestrian and bicycle access into any new roadway(s) built in this area, making sure there is connectivity between roads and trails in the area, and pursuing shuttle or trolley service plans that will contribute to a pedestrian-friendly environment and provide alternatives to car-only access to York Beach. This property could and should serve as an excellent connector between the trails and recreational opportunities of Mt. Agamenticus and the Atlantic Ocean, and provide the potential for increased parking for York Beach center.

## **PLAN RECOMMENDATIONS**

Specific Recommendations include the following:

1. A Green Enterprise Recreation overlay district should be created that employs tools that acknowledges the unique attributes of this land. To that end, the overlay should consist of four subdistricts, outlined below. Each of the recommendations below is made with the assumption that they will take place within the context of a new Green Enterprise Recreation District.
  - a. **Route 1 Mixed Use Area.** This area should extend approximately 400 feet back from Route 1. This subdistrict would serve as one of the entrances to this property, and eventually to York Beach. Though it should be zoned for a different scale and range of uses than York Beach, all effort should be placed to ensure that this area does not develop in a single-use strip development pattern, and that it be required to develop a traditional pattern that is an organic extension of the York Beach village area, and its recently adopted Design Standards, rather than an abrupt break from it. This area has great possibility as a transportation hub, allowing for a dense, viable mix of uses consistent with a downtown development pattern.
  - b. **York Beach Mixed Use Area.** East of the Route 1 Mixed Use Area, and south of the Shoreland Zone that is dominates the center of this overlay. This area should be most consistent with the existing York Beach area, in appearance, scale, and range of businesses.
  - c. **Recreation Area.** The land east of Route 1 and north of the areas Shoreland zone is best suited for a dedicated recreation area, providing low impact outdoor recreation areas, outdoor education opportunities, some outdoor entertainment, and with some small footprint, accessory commercial structures allowed.

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



**IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

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

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

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

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

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

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

5. The Town should support the continuing operation of existing businesses by rezoning areas within the Green Enterprise Recreation Overlay District adjacent to downtown York Beach to ensure they are complementary with existing character. Rezoning should also support the current Zoning goals for York Beach: that the area promote an attractive, inviting, safe, pedestrian-focused, family oriented environment; safeguard the historic flavor, character and diversity; safeguard clean healthy beaches; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process. This goal should be expanded to all developable land in this particular area.

#### ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE

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

#### ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE

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

#### ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE

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

#### ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE

9. To the extent possible, Zoning should encourage retail and restaurants geared towards families. Where Zoning cannot specify this in enough detail, it may be appropriate to



begin an economic development effort to encourage the particular types of businesses seen to be most appropriate or needed here. A community economic development corporation is one option worth exploring as a means to consistently court businesses that might be a good fit with this property.

#### MID-TERM PRIORITY – SELECTMEN TAKE LEAD ROLE

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

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

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

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

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

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

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

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

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

#### IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE

15. A combination of existing site conditions and the many unique goals for this area demand that innovative zoning tools be implemented to produce a combination of conservation, recreation, and sustainable development not possible using conventional zoning. Below are applicable tools recommended for inclusion in the creation of the Green Enterprise Recreation District:
  - a) Transfer of Development Rights. TDR encourages transfer of growth from sensitive areas or areas desired for recreational space, to places that have been agreed to as desirable for more intense development or with the capacity to carry more

intense development. This can create a mechanism for protection of certain lands, and an incentive for an increase in density or development options in others. Sending areas could be outside the District, while both sending and receiving areas could be within the District. Recommended elsewhere in this document, this could be an excellent opportunity to implement this tool and test its applicability in the District and beyond.

- b) **Planned Unit Development.** Developing a Planned Unit Development option for projects proposed in the District would allow for greater flexibility in pairing of different land uses, comprehensive planning for a large area, and the ability to override dimensional requirements for individual lots in favor of an assessment of the cumulative impact over a large parcel. Current existing overlay districts in York, such as the York Village Hospital Overlay District, and the York Village Affordable Elderly Housing Overlay District, utilize some of these principles now, and provide a good starting point for creating a zone suited to the particular needs of this site.
- c) **Form Based Code.** Implementing a form based code would provide the single most control over the character of new development. Form based code is a regulatory tool that places primary emphasis on the physical form of the built environment – including buildings, types of streets, and public spaces – with the end goal of producing a desired type of place. A form based code would be a new type of regulation in York, but not necessarily a more onerous one than the existing regulations it would supplant. Simple and clear graphic prescriptions for building height, building placement, and building elements (such as location of windows, doors, etc.) are used to ensure development respects the public realm. Highly prescriptive, much uncertainty would be removed for both the applicant and the Planning Board and Code Enforcement in determining not just minimum use and dimensional standards, but exactly what type of development the Town is striving for. Form based codes sometimes include or are paired with Design Standards to address specifics of architectural style preferences for an area, and the inclusion of Design Standards for this site is recommended as well.

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

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