

**SELECTMEN'S MEETING**  
**7:00 P.M. MONDAY SEPTEMBER 8th, 2008**  
**YORK LIBRARY**

**MINUTES**

**Attendees:** Michael L. Estes, David F. Marshall, Catherine R. Goodwin, Kinley Gregg, Edward W. Little, Robert G Yandow, Town Manager and, Kathryn Danylik, Recorder, and Members of the Press & Public

**Call to Order-** Called to order at 7:02 PM

**Pledge of Allegiance**

**A. Minutes**

Moved by Ms. Gregg and second by Mr. Marshall to approve the August 8<sup>th</sup>, 2008 Selectmen's Meeting Minutes. Without objection so ordered.

**B. Chairman's Report-**

Chairman Estes reported that Coastal Access is putting together a regional workshop at the Wells National Estuarine Research Center on September 23<sup>rd</sup>, 2008 from 4:00 PM-8:00 PM if anyone would like to attend.

**C. Manager's Report-**

Mr. Yandow reported that despite our efforts the temporary traffic light at Route One and Beech Ridge Road will be removed. MDOT has rejected the request from Representative Windol Weaver to keep the light however they will conduct a warrant analysis of the intersection in October to look at the intersection and the need for a light.

Mr. Yandow stated that we have sent out notifications to real estate agencies in town for the marketing of Pine Mountain Road and there has been a good response so far.

Mr. Yandow reported that the Mosquito Control Program so far has had no positive tests in Maine, but in New Hampshire, Vermont and Massachusetts there have been positive tests with mosquitoes for West Nile. Connecticut has had some human cases and New Hampshire has had 5 animal deaths from EEE.

**D. Reports**

E. **Citizens Forum** - Open to audience for comments or questions on items to be addressed on this agenda; or, to propose items for board consideration.

**Public Comment:** Ron Nowell  
Dwight Bardwell  
Charles Stacy

F. **Approval of Warrant #10-**

Moved by Mr. Little and seconded by Mr. Marshall to approve Warrant #10, without objection so ordered.

G. **PUBLIC HEARINGS**

<b>Article</b>	<b>Ordinance</b>	<b>Subject</b>
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<b>2</b>	<b>Zoning</b>	<b>Expansion of Nonconforming Structures</b>
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Moved by Mr. Marshall and seconded by Mr. Little to open the Public Hearing on Article 2 Zoning Expansion of Nonconforming Structures

Public Comment: Ron Nowell

Moved to close Ms. Goodwin and seconded by Mr. Little to close the Public Hearing on Article 2 Zoning Expansion of Nonconforming Structures.

<b>3</b>	<b>Zoning</b>	<b>Board of Design Review</b>
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Moved to open Mr. Marshall and seconded by Mr. Little to open the Public Hearing on Article 3 Zoning Board of Design Review

Public Comment: John Stewart  
Ron Nowell  
Dwight Bardwell

Moved by Mr. Little and seconded by Ms. Gregg to close the public hearing on Article 3 Zoning Board of Design Review

<b>4</b>	<b>Zoning</b>	<b>Stormwater Run-Off Requirements</b>
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Moved by Ms. Goodwin and seconded by Ms. Gregg to open the public hearing on Article 4 Zoning Stormwater Run-Off Requirements

Public Comment: Ron Nowell  
Barrie Munro

Moved by Ms. Goodwin and seconded by Mr. Little to close the public hearing on Article 4 Zoning Stormwater Run-Off Requirements

<b>5</b>	<b>Zoning</b>	<b>Building and Site Design Requirements</b>
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Moved by Ms. Goodwin and seconded by Mr. Marshall to open the public hearing on Article 5 Zoning Building and Site Design Requirements

Public Comment: None

Moved by Ms. Goodwin and seconded by Mr. Marshall to close the public hearing on Article 5 Zoning Building and Site Design Requirements

**6                    Zoning                    York Beach Zoning**

Moved by Mr. Marshall and seconded by Ms. Goodwin to open the public hearing on Article 6 Zoning York Beach Zoning

Mr. Estes read a letter from Kathy and Rick Boston into the record

Mr. Estes read a letter from Nancy Chase into the record

Public Comment:     Ron Nowell  
                              Cliff Estes  
                              Jean Kerrigan  
                              Dwight Bardwell  
                              Charles Stacy  
                              John Welch  
                              Dawn Fernald  
                              Bill Burnham  
                              Barrie Munro  
                              Gerladine Bardwell  
                              Beth Fowkes  
                              Joseph Lipton  
                              Rick Boardman  
                              Nancy Chase  
                              David Brinkman  
                              Valerie Doran  
                              Helen Rollins Lord  
                              Fred Knox  
                              Kristen Bailey

Moved by Mr. Little and seconded by Ms. Goodwin to close the public hearing on Article 6 Zoning York Beach Zoning

Chairman Estes called a break at 9:45PM

The meeting was called back to order at 9:55 PM

<b>7</b>	<b>Zoning</b>	<b>Overall Shoreland Zoning Amendments</b>
<b>8</b>	<b>Zoning</b>	<b>Shoreland Additional Resource Protection Area</b>
<b>9</b>	<b>Zoning</b>	<b>Inland Waterfowl and Wading Bird Habitat</b>
<b>10</b>	<b>Zoning</b>	<b>Coastal Bluffs</b>

Moved by Ms. Goodwin and seconded by Mr. Marshall to open the Public hearing on Article 7 Overall Shoreland Zoning Amendments, Article 8 Shoreland

Additional Resource Protection, Article 9 Inland Waterfowl and Wading Bird Habitat and Article 10 Coastal Bluffs.

Public Comment: None

Moved by Mr. Little and seconded by Ms. Goodwin to close the public hearing on Article 7 Overall Shoreland Zoning Amendments, Article 8 Shoreland Additional Resource Protection, Article 9 Inland Waterfowl and Wading Bird Habitat and Article 10 Coastal Bluffs.

**11 Residential Growth Extend Sunset Date**

Moved by Mr. Little and seconded by Ms. Goodwin to open the public hearing on Article 11 Residential Growth Extend Sunset Date

Public Comment: None

Moved by Mr. Little and seconded by Mr. Marshall to close the public hearing on Article 11 Residential Growth Extend Sunset Date

**2. November 4<sup>th</sup>, 2008 General Referendum Warrant**

Moved by Mr. Marshall and seconded by Mr. Little to open the public hearing on the November 4<sup>th</sup>, 2008 General Referendum Warrant

Public Comment: None

Moved by Mr. Marshall and seconded by Ms. Gregg to close the public hearing on the November 4<sup>th</sup>, 2008 General Referendum Warrant

**H. ENDORSEMENTS**

**License Applications**

- Roy and Irene Johnson dba Rocky Acres Farm (Victualers)
- Woods Family Inc. dba Daily Grind (Victualers)
- Rebecca Sacchetti dba 1730 Harbor Crest Inn (Bed and Breakfast)
- Garry Dominquez, et al dba Harbor Hill Inn (Bed and Breakfast)
- Garry Dominquez, et al dba Harbor Cliffs Inn (Bed and Breakfast)
- John and Nancy Stern dba Pie In The Sky Bakery, Inc (Victualers)
- Patrick Rocheleau dba The Ledges Golf Course (Victualers and Liquor)
- Gary and Roberta Merrill dba Maine Course Restaurant, LLC (Victualers)
- Joseph Hogan dba Sentry Hill at York Harbor (Victualers and Liquor)

Moved by Ms. Gregg and seconded by Mr. Marshall to approve license applications for Roy and Irene Johnson dba Rocky Acres Farm (Victualers), Woods Family Inc. dba Daily Grind (Victualers), Rebecca Sacchetti dba 1730 Harbor Crest Inn (Bed and Breakfast), Garry Dominquez, et al dba Harbor Hill Inn (Bed and Breakfast), Garry Dominquez, et al dba Harbor Cliffs Inn (Bed and Breakfast), John and Nancy Stern dba Pie In The Sky Bakery, Inc (Victualers), Patrick Rocheleau dba The Ledges Golf Course (Victualers and Liquor), Gary and

Roberta Merrill dba Maine Course Restaurant, LLC (Victualers), Joseph Hogan dba Sentry Hill at York Harbor (Victualers and Liquor). Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations, without objection so ordered.

**I. Old Business**

**J. New Business**

1. Approval of Proposed Ordinance Amendments and forward the November 4th, 2008 General Referendum Warrant

<b>Article</b>	<b>Ordinance</b>	<b>Subject</b>
<b>2</b>	<b>Zoning</b>	<b>Expansion of Nonconforming Structures</b>

Moved by Mr. Marshall and seconded by Mr. Little to move Article 2 Zoning Expansion of Nonconforming Structures forward to the November 4<sup>th</sup>, 2008 General Referendum. Vote 4-1 motion passes, Ms. Goodwin against

<b>3</b>	<b>Zoning</b>	<b>Board of Design Review</b>
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Moved by Mr. Marshall and seconded by Mr. Little to not move Article 3 Zoning Board of Design Review forward to the November 4<sup>th</sup>, 2008 General Referendum Vote 4-1 motion passes, Ms. Gregg against.

<b>4</b>	<b>Zoning</b>	<b>Stormwater Run-Off Requirements</b>
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Moved by Mr. Marshall and seconded by Ms. Goodwin to move Article 4 Zoning Stormwater Run-Off Requirements forward to the November 4<sup>th</sup>, 2008 General Referendum. Vote 5-0 motion passes.

<b>5</b>	<b>Zoning</b>	<b>Building and Site Design Requirements</b>
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Moved by Ms. Gregg and seconded by Mr. Little to move Article 5 Zoning Building and Site Design Requirements forward to the November 4<sup>th</sup>, 2008 General Referendum. Vote 1-4 motion fails, Mr. Marshall in favor.

<b>6</b>	<b>Zoning</b>	<b>York Beach Zoning</b>
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Moved by Mr. Little and seconded by Ms. Goodwin to move Article 6 Zoning York Beach Zoning forward to the November 4<sup>th</sup>, 2008 General Referendum. Vote 3-2 motion passes, Mr. Marshall and Ms. Gregg against.

<b>7</b>	<b>Zoning</b>	<b>Overall Shoreland Zoning Amendments</b>
<b>8</b>	<b>Zoning</b>	<b>Shoreland Additional Resource Protection Area</b>

<b>9</b>	<b>Zoning</b>	<b>Inland Waterfowl and Wading Bird Habitat</b>
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<b>10</b>	<b>Zoning</b>	<b>Coastal Bluffs</b>
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Moved by Mr. Marshall and seconded by Ms. Gregg to move Articles 7 Zoning Overall Shoreland Zoning Amendments, 8 Zoning Shoreland Additional Resource Protection Area, 9 Zoning Inland Waterfowl and Wading Bird Habitat and 10 Zoning Coastal Bluffs forward to the November 4<sup>th</sup>, 2008 General Referendum. Vote 5-0 motion passes.

**11 Residential Growth Extend Sunset Date**

Moved by Mr. Little and seconded by Ms. Gregg to move Article 11 Residential Growth Extend Sunset Date forward to the November 4<sup>th</sup>, 2008 General Referendum. Vote 5-0 motion passes.

**2. Preference votes on the November 4<sup>th</sup>, 2008 General Referendum**

**Article 1-**Affordable Housing

3-2

**Article 2-** Expansion of Nonconforming Structures

4-1

**Article 3-** Board of Design Review

Not Put through to the Voters

**Article 4-** Stormwater Run-Off Requirements

5-0

**Article 5-** Building and Site Design Requirements

Not Put through to the Voters

**Article 6-** York Beach Zoning

3-2

**Article 7-** Overall Shoreland Zoning Amendments

5-0

**Article 8-** Shoreland Additional Resource Protection Area

5-0

**Article 9-** Inland Waterfowl and Wading Bird Habitat

5-0

**Article 10-** Coastal Bluffs

5-0

**Article 11-** Residential Growth Extend Sunset Date

5-0

**Article 12-** Citizens Petition

0-5

**Article 13-** Comprehensive Plan Amendment

4-1

**3. Approval of the November 4<sup>th</sup>, 2008 General Referendum and move forward to the voters**

Moved by Ms. Gregg and second by Mr. Marshall to forward the November 4<sup>th</sup> 2008 General Referendum as amended by the Board of Selectmen to the voters. Vote 5-0 motion passes

**4. Committee Re-appointment to the Tax Task Force**

Moved by Mr. Marshall and seconded by Mr. Little to re-appoint Harold O'Rourke to the Tax Task Force. Vote 5-0 motion passes.

**5. Special Event Permit: York Art Association**

Moved by Mr. Marshall and seconded by Ms. Gregg to approve the special event permit application for the York Art Association Annual Fundraiser that will take place on Saturday Sept 13<sup>th</sup> 2008 from approximately 9:00 AM to 4:00 PM. Vote 5-0 motion passes.

**K. Other Business**

Thank You to all who make the beaches and the public areas safe and beautiful for tourists

**Adjourn**

Moved by Mr. Marshall and seconded by Mr. Little to adjourn at 11:51 PM.

Respectfully Submitted By:

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Kathryn Danylik