

SPECIAL SELECTMEN'S MEETING
6:30 P.M. MONDAY AUGUST 20, 2007
YORK LIBRARY

Normal Business will Begin at 6:30 pm. Continued Public Hearings and Action on the Public Hearing Items will Begin at 7:00 pm

Minutes

ATTENDEES: Michael L. Estes, David F. Marshall, J. Dwight Bardwell, Kinley Gregg, Edward W. Little and Robert G. Yandow, Town Manager, Karen Steadman, Recorder, and Members of the Press & Public.

A Videotape of the meeting is available in the Town Manager's office for clarification purposes.

Call to Order - Chairman Estes called the meeting to order at 6:30 pm.

Pledge of Allegiance

Chairman's Report

Mr. Estes presented Karen Steadman, Assistant to the Town Manager and Recorder to the Selectmen with a plaque and much appreciation for the 19 years of service she has provided to the Town of York. August 17th was her last full day of work for the town and Mr. Estes thanked her and noted she will be sorely missed.

Mr. Estes noted he and Ms. Gregg would not be available for the September 10th meeting and therefore the Board would be meeting next on September 17th. The Board will vote on the 17th to forward the ordinances to the general referendum in November.

Manager's Report None

Mr. Estes advised the public that due to the length of the meeting they would be taking normal business out of order and leaving the public hearing on zoning ordinances until last. They would take agenda items in the following order:

Citizen Forum
Warrant

Bid Award
Licenses
Old Business: Items 1 and 2
New Business: Items 1 through 5

Mr. Bardwell suggested they do the Citizen Forum last as the TV did say the meeting was at the regular time of 7:00 pm.

PUBLIC HEARINGS

1. License Applications (New)

- CNH Mercantile, Inc. dba The Marketplace at Cape Neddick House (Victualer)
- Catherine Morgillo dba The Treasured Treat (Home Occupation / Food Prep)

Moved by Mr. Bardwell and seconded, to open the public hearing for new license applications. Without objection, it was so ordered.

Public comment: None

Mr. Estes asked for a motion to close the public hearing. Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

Warrant Approval #8 Moved by Mr. Bardwell and seconded, to approve Warrant #8. Without objection, it was so ordered.

Bid Award

- Police Vehicle

Mr. Yandow asked the Board to take the Police Vehicle Bid off the agenda as Chief Bracy had not provided him with any recommendation as yet.

- Salt Bid

Moved by Mr. Bardwell and seconded, to award the 2007/2008 winter salt bid to Morton Salt Company at \$53.89 per ton delivered and \$51.00 per ton picked up. Vote: 5-0. Motion passes.

H. ENDORSEMENTS

License Applications (New)

- CNH Mercantile, Inc. dba The Marketplace at Cape Neddick House (Victualer)
- Catherine Morgillo dba The Treasured Treat (Home Occupation / Food Prep)

Moved by Mr. Bardwell and seconded, to approve the new license applications as read, subject to taxes and fees being current and a CEO final inspection. Without objection, it was so ordered.

License Applications (Renewals)

- Nancy & John Stern dba Pie in the Sky Bakery (Victualer)

Moved by Mr. Bardwell and seconded, to approve the license subject to taxes, fees and inspections being current and compliance with the Noise Ordinance. Without objection, it was so ordered.

Old Business

1. Reconsider the Agreement for the Atlantic House

Moved by Mr. Marshall and seconded, to reconsider and open for discussion the agreement for the Atlantic House. Vote: 5-0. Motion passes.

Peter Dunfey, Representative for Atlantic House gave the Board background on the project and explained once again why the Board has been asked to approve an agreement for an encroachment on town property for the Atlantic House when it was removed and then put back in the same place.

Steve Burns, Director of Community Development, explained that the Planning Board did not know the second floor would be removed, only the front porch and the Planning Board does not have the authority to give the Atlantic House the agreement they are looking for. Mr. Burns noted he cannot explain why it took Mr. Dunfey so long to bring this request forward to the Selectmen.

Joanne Fryer, Representative for CLD Engineers, addressed the Boards' concerns about the encroachment on the town's right of way, noting that after much research at the registry, no documentation was found for this particular part of the road, or an actual layout with an exact width of the road. During the renovation several areas of the encroachment were removed and what is left is less the 10 sq. feet. The encroachment does not affect use of the roadway or the sidewalk with a minimum of 6' on the sidewalk and 13' in the travel-way.

Ms. Fryer also explained the timing of this request; which was approved by the Planning Board in February 06, noting it was a very long process with the attorney having to certify the building where it is, therefore the building needed to be built prior to having the certification done and then coming to the Board for approval of the agreement. The Town Manager was contacted about this and they worked with the Town Attorney for many months.

Mr. Burns suggested the Board table the request if they were not comfortable with the agreement and he would put together a copy of the plans for the Board to review.

Moved by Mr. Marshall and seconded, to table discussion on the Atlantic House until the next meeting. Vote: 5-0. Motion passes.

Mr. Estes advised the Board would go back and do the Citizen Forum. He noted that this was a lengthy meeting and asked the audience if they were here to speak on a public hearing item they wait until the public hearing. He also noted citizens would be held to 3 to 5 minutes each.

Citizens Forum - Open to Audience for comments or questions to be addressed on this agenda or items for consideration on future agendas.

Public comment:	Torbert Macdonald	Helen Rollins Lord
	Bob Tarbox	Charles Stacey
	Ron Nowell	Cliff Estes
	Bob Zakaim	Dave Emery
	Mike St. Laurent	

Old Business

2. School Consolidation Plan

Susan Gendron wrote a letter to the School Board on the Regional Planning Committee. She also spoke about the formation of the Committee that was to work on the consolidation plan that will need to go to the voters in January. The Committee should be comprised of 1 Selectman, 1 School Board member and 1 Citizen at large. The deadline for this is August 31st.

Moved by Mr. Marshall and seconded, to appoint Dwight Bardwell as the Representative of the Board of Selectmen to serve on the Committee. Vote: 5-0. Motion passes.

New Business

1. Pole Location Permit for Long Beach Avenue

Moved by Mr. Bardwell and seconded, to approve the pole location permit for Long Beach Avenue. Without objection, it was so ordered.

2. Pole Location Permit for Old Mountain/County Road

Moved by Mr. Bardwell and seconded, to approve the pole location permit for Old Mountain and County Road. Without objection, it was so ordered.

3. Redemption Request for Map 96/Lot 135; 151 Mountain Road

Moved by Mr. Little and seconded, to approve the redemption of 151 Mountain Road by the former owner, subject to payment of all taxes, interest and fees by no later than October 12, 2007. Vote: 5-0. Motion passes.

4. Sign Application for Ramsdell Rogers Post 56 American Legion

Moved by Mr. Bardwell and seconded, to approve a sign application by Ramsdell Rogers Post 56 - American Legion for three road signs to be located at the York/Kittery line, the York/Ogunquit line and the intersection of Route 91/Ferry Lane North. Vote: 5-0. Motion passes.

5. Boards & Committee Appointments:

Richard Schoff	Historic District Commission
Alyssa Brown	Municipal Social Service Review Board
Karen Wight	Municipal Social Service Review Board
Frank Kalwell	Sohier Park Committee (Alternate)

Moved by Mr. Bardwell and seconded, to appoint the applicants as read. Without objection, it was so ordered.

PUBLIC HEARINGS

Mr. Estes advised the Board that the possible conflict of interest brought forward to the Board last week on Estes Oil sales to York Housing has been sent to the Maine Municipal Association for an attorneys opinion.

It was decided by a poll of the Board that Mr. Estes should continue in the discussion on Affordable Workforce Housing.

Moved by Mr. Bardwell and seconded, to open the public hearing on zoning ordinance amendments, Ord-8 through Ord-13. Without objection, it was so ordered.

Mr. Estes noted that Steve Burns would give a brief explanation for each ordinance amendment.

2. Proposed Ordinance Amendments (continued from August 13, 2007)

Ord-1	Road Spec.	Amend the Public Road Acceptance Ordinance
Ord-2	Zoning	Storm Water Management Standards
Ord-3	Floodplain	Control New Construction below Elevation 12' in the Beach
Ord-4	Zoning	Road and Right-of-Way Standards
Ord-5	Town Septic	Update the Town's Supplemental Septic Rules

Ord-6	Zoning	Density and Use Standards with Respect to Public Utilities
Ord-7	Zoning	Watershed Protection Overlay District
Ord-8	Zoning	Shoreland Amendments

Moved by Mr. Bardwell and seconded, to open the public hearing. Without objection, it was so ordered.

Mr. Burns advised the Board that this amendment was to do with the Department of Environmental Protection mandated revisions and therefore he turned the floor over to Cayce Dalton, Resource Protection Officer.

Mr. Dalton gave the Board a summary of the ordinance amendments and a brief explanation of the mandated regulations set forth by the DEP.

Public comments: Bob Cutts

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

~~Ord 9 Zoning Vehicle Parking Limits in the RES 4 Zoning District (Removed August 13th by Board.)~~

Ord-10	Zoning	Board of Design Review
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Moved by Mr. Bardwell and seconded, to open the public hearing. Without objection, it was so ordered.

Mr. Burns told the Board this was an administrative fix of the old York Harbor area, specifically the Planning Board Representative on the York Harbor Site Design Review Board should not automatically be the Chair of the Committee. This change clarifies the process of the Planning Board appointment. The change also clarifies the York Harbor Site Design Review Board jurisdiction along with the time requirement of 30 days from the date the CEO receives the application.

Public comment: None

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

Ord-11	Zoning	Special Exceptions
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Moved by Mr. Bardwell and seconded, to open the public hearing. Without objection, it was so ordered.

Mr. Burns gave the Board a brief summary on the amendments being made to the section on special exceptions.

Public comment: None

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

Ord-12 Zoning Building on a Non-Conforming Lot

Moved by Mr. Bardwell and seconded, to open the public hearing. Without objection, it was so ordered.

Mr. Burns gave the Board a brief explanation of this amendment, noting that the change was a fix for an oversight that was created during a previous amendment to non-conforming lots.

Public comment: None

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

Ord-13 Growth Amendments to the Residential Growth Ordinance

Moved by Mr. Bardwell and seconded, to open the public hearing. Without objection, it was so ordered.

Mr. Burns gave a summary of changes made to the residential growth ordinance, noting changes made came from the directions given by the Board, i.e. purpose statement, the 2nd type of affordable housing on page 99, a new exemption for houses remaining small, an exemption for long-term owners of land, and the clarification limit every 3 years.

Public comments: Dave Emery
 Richard Cutts
 Bob Cutts
 Jim Nadeau

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

New Business

6. Approve Affordable Workforce Housing Ordinance and forward to the ~~November General Referendum~~ next public hearing (changed by Chair)

Moved by Mr. Little and seconded, to forward the final presentation of the Affordable Workforce Housing Ordinance to the next public hearing, scheduled for September 17, 2007. Vote: 2-3. Motion fails (Mr. Bardwell, Mr. Marshall and Ms. Gregg against)

The Chair called a 5-minute break at 11:00 pm. The meeting was called back to order at 11:15pm.

7. Approve Proposed Ordinance Amendments and forward to the ~~November General Referendum~~ next public hearing (changed by Chair)

Without objection, the Chair took Ord-3 and Ord-8 out of order so Staff could finish up and go home.

Ord-3 Floodplain Control New Construction below Elevation

Mr. Burns went over the reasons for this ordinance change and then turned the floor over to Tim DeCoteau for any questions the Board may have. Mr. DeCoteau explained the different flood zones and how elevations are established. He also explained the difference between residential and commercial buildings for regulations on flood-proofing.

Moved by Mr. Bardwell and seconded, to move Ord-3 to the next public hearing. Vote: 5-0. Motion passes.

Ord-8 Zoning Shoreland Amendments

Mr. Burns reminded the Board they separated out the Hospital Overlay District and made it a stand alone ordinance.

Moved by Mr. Little and seconded to accept what was in Ord-8 under Article 3.8.1 Criteria, Subsection A.1 Exception, as a stand alone ordinance and move to the next public hearing.

A friendly amendment was added to the motion: to send this forward to the November General Referendum.

The friendly amendment was accepted by Mr. Little. Vote on entire motion: 4-0-1. Motion passes. (Ms. Gregg abstained)

Mr. Burns gave a brief explanation on the remaining changes to the shoreland amendments, noting the state mandated most of the changes that are being made.

Moved by Mr. Marshall and seconded, to forward Ord-8 to the next public hearing. Motion Withdrawn

Moved by Ms. Gregg and seconded, to take-out Section 8.1.4.c from Ord-8, as it splits lots and in the process creates more non-conforming lots. Vote: 5-0. Motion passes.

Moved by Mr. Bardwell and seconded, to move Ord-8 to the next public hearing with changes. Vote: 5-0. Motion passes.

Ord-10 Zoning Board of Design Review

Moved by Mr. Marshall and seconded, to remove this amendment and not forward at this time. Vote: 4-0-1. Motion passes. (Ms. Gregg abstained)

Ord-4 Zoning Road and Right-of-Way Standards

Moved by Ms. Gregg and seconded, to drop Ord-4. Vote: 5-0. Motion passes.

Ord-1 Road Spec. Amend the Public Road Acceptance Ordinance

Moved by Ms. Gregg and seconded, to change to minimum standards of 18' & 20' local roads and 24' collector road widths and send Ord-1 forward to the next public hearing. Vote: 5-0. Motion passes.

Ord-2 Zoning Storm Water Management Standards

Moved by Mr. Marshall and seconded, to remove Ord-2 Storm Water Management Standards. Vote: 5-0. Motion passes.

Ord-5 Town Septic Update the Town's Supplemental Septic Rules

Moved by Mr. Bardwell and seconded, to send forward to the next public hearing with changes. Vote: 5-0. Motion passes.

Ord-6 Zoning Density and Use Standards with Respect to Public Utilities

Moved by Mr. Bardwell and seconded, to move Ord-6 forward to the next public hearing. Vote: 5-0. Motion passes.

Ord-7 Zoning Watershed Protection Overlay District

Mr. Burns gave the Board a brief explanation of this change. He also noted the York Water District wanted this system put into place. It is a better system if the power goes out.

Moved by Mr. Bardwell and seconded to remove Ord-7 from going forward at this time. Vote: 5-0. Motion passes.

~~Ord-9 Zoning Vehicle Parking Limits in the RES-4 Zoning District (Removed by Board 8/13/07)~~

Ord-11 Zoning Special Exceptions

Ord-12 Zoning Building on a Non-Conforming Lot

Moved by Mr. Bardwell and seconded, to move Ord-11 and Ord-12 forward to the next public hearing with stated changes as written. Vote: 5-0. Motion passes.

Ord-13 Growth Amendments to the Residential Growth Ordinance

Moved by Mr. Marshall and seconded, to support additional units as a separate item that deals with a lottery system. Vote: 5-0. Motion passes.

Moved by Mr. Bardwell and seconded, to move Ord-13 to the next public hearing without small housing units as proposed in Subsection E.2. Vote: 5-0. Motion passes.

Moved by Mr. Little and seconded, to include Section 5.B as written into Ord-13. Vote: 4-0-1. Motion passes. (Mr. Marshall abstained)

Moved by Mr. Marshall and seconded, to include the dwelling units amended definition into Ord-13 as recommended in the memo by Steve Burns dated August 3, 2007. Vote: 5-0. Motion passes.

Other Business

Adjourn There being no objection, the meeting adjourned at 1:15 pm.

Submitted by,

Karen Steadman
Recorder/Secretary