

Voter Information Guide

November 7, 2023 General & Special General Referenda
York, Maine

VOTER INFORMATION GUIDE

This Voter Information Guide is offered to you by the Selectboard to share with you the statements of fact and the Board's recommendations for each question.

This Guide also includes a tally sheet on the final page – a sheet you can mark up and take with you to the polls.

ONE: The Town hereby ordains to amend the Zoning Ordinance specifically section 7.6- Open Space Conservation Subdivision Application.

Statement of Fact: The purpose of this amendment is to modify section 7.6 of the zoning ordinance regarding Open Space Conservation Subdivision Applications by repealing that section of the ordinance and replacing it with a modified version of what currently exists. The intent of the proposed amendment is to ensure that there are clear procedures in place that developers must follow for obtaining an open space conservation subdivision approval from the Planning Board; that the open space theme, design and holder of a proposed open space is reviewed and approved by the Planning Board prior to reviewing and approving the proposed development portions (house locations, road locations, utility infrastructure) of a proposed open space conservation subdivision; that developers provide clear depictions regarding the number of dwelling units that can be located on a given lot if a conventional subdivision (not an open space conservation subdivision) was proposed; it seeks to ensure that wooded/vegetated buffers are established between existing public ways and a proposed open space conservation subdivision development; and implements Comprehensive Plan strategy 2.6 to better preserve the Town's natural resources.

Recommended by the Selectboard: 5-0
Recommended by the Planning Board: 5-0

Amendment: Amend Article 7- Special Provisions, specifically section 7.6 regarding Open Space Conservation Subdivision Application by repealing and replacing that section with the following:

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~~7.6 — Open Space Conservation Subdivision Application (formerly Cluster Housing Subdivision Application)~~

~~NOTE: Substantive revision to all of §7.6 was approved on November 5, 2013. All prior dates of amendment have been removed in the November 5, 2013 printing of this Ordinance for the sake of clarity. Prior amendments are identified by date in earlier printings.~~

~~Open space conservation subdivisions shall be permitted in all base zoning districts. Permissibility within overlay districts is addressed as needed by district. The standards of this Section (§7.6) shall apply to all open space conservation subdivisions.~~

~~7.6.1 — Procedures~~

~~Open space conservation subdivisions require subdivision approval by the Planning Board.~~

~~A. Proposed residential subdivisions that are not created through exemptions in the State Subdivision law are required to be designed as an open space conservation residential development based on the requirements in this ordinance when any of the following exists:~~

~~1. The residential subdivision is proposed to contain a private or public road that provides access to the lots/dwellings; or~~

~~2. The lot for which the residential subdivision is proposed abuts conservation land or land that can't be developed that is 10 acres or greater; or~~

~~———— 3. The lot to be subdivided is partially or fully located within the Cape Neddick or York River Watersheds (see the Natural Resources Chapter of the Comprehensive Plan for reference).~~

~~B. The Planning Board may waive the open space conservation subdivision requirement if the applicant can demonstrate why the open space conservation subdivision is not a reasonable design option for the parcel to be subdivided. When making this determination the Board shall consider the following:~~

~~———— 1. Lot shape/configuration;~~

~~———— 2. Protection of natural features such as slopes greater than 20%, wetlands, vernal pools, surface waters and stream location(s) on the lot would not benefit from an open space conservation design;~~

~~———— 3. The open space conservation design would not meet the intended purposes specified in zoning §1.3.12 Concerning Open Space Conservation Subdivision.~~

~~C. The applicant shall be responsible for justifying the proposed open space design, and identify a primary conservation theme, including but not limited to forest preservation, water quality preservation protection, farmland preservation, or viewshed protection. The conservation theme shall guide the location and use of the designated open space. For instance, if setting aside open space for agricultural use, there should be a demonstration that the open space has good agricultural soils, or if setting aside open space for protection of wildlife habitat, the design should be based on science and the expert opinion of a qualified wildlife biologist. (See also §7.6.3.B)~~

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~~D. The proposed holder of the open space shall be involved in the process of defining the open space and drafting appropriate restrictions and controls.~~

~~E. The first meeting with the Planning Board shall be Conceptual Design Review, and shall precede submission of a Preliminary Review application. During this stage in the review process the Board shall consider waiving the requirement for open space conservation development if the applicant can justify the open space conservation subdivision design option is not reasonable for the parcel based on letter B above. The reasons for or against granting a waiver of this requirement shall be detailed in the Planning Board application for preliminary and final approval and subsequent Findings of Fact if or when final approval is granted.~~

~~F. Conceptual Design Review shall include the submission of an Existing Site Resources Map, identifying both significant natural and cultural resources. It is not required that this be an engineered plan, and widely available Town or State public data are acceptable data sources. It shall include wetland and Shoreland areas, significant habitat corridors, rare or endangered habitat, roads and buildings within 100 feet of the property, indication of overall stormwater flow direction, species and sizes of significant trees, copses of trees, historic and cultural resources such as existing barns, trails, cellar holes, stone walls, and other noteworthy features unique to the property. It should be conveyed in a clear graphic style that is easy to read. The Existing Site Resources Map shall not include road layouts, house locations, or lot lines. The Planning Board may schedule a site walk to the property, using the Existing Site Resources Map. The intent of this phase of review for there to be an opportunity to build greater Planning Board, applicant, and open space holder consensus on critical resources and overall site design early in the review process, before the applicant proceeds into formal design of the project.~~

~~G. It is intended that the open space shall be designed first, and the built environment shall be constructed in the remaining area. During the Conceptual Design Review process, the Board shall determine whether or not the open space layout, design and configuration is appropriate based on purposes stated in §1.3.12. For sites with on-site septic, the Board shall balance the purposes to be achieved (as stated in §1.3.12) with the need to locate the septic system(s) on the best available soils. Other development considerations shall be of secondary importance.~~

~~The Board may require alteration of the open space configuration to maximize achievement of the purposes of open space conservation subdivision design. The Board shall include in its Findings of Fact the basis for its conclusions about the suitability of the open space conservation subdivision design with respect to the specific site.~~

~~H. An application for an open space conservation subdivision shall submit a Yield Plan, a visual showing the maximum number of lots that could reasonably be expected to be achieved through a conventional layout given conventional subdivision dimensional requirements and site conditions, and utilizing the net buildable area calculation used to determine maximum permitted density under Zoning 7.6.4.B, and defined in Site Plan and Subdivision Regulations Article 3. The Yield Plan is prepared to determine the base number of dwelling units to be permitted for the open space conservation subdivision proposal, to be submitted in conjunction with the net developable acreage calculations.~~

~~I. The York Conservation Commission shall be solicited for feedback on the site design during Conceptual Design Review.~~

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~~7.6.2 — Reserved — AMENDED 11/06/2018~~

~~7.6.3 — Open Space Standards~~

~~A. Open space shall be required to meet 2 standards. First, the open space must contain at least 50% of the total area of the property in order to comply with Comprehensive Plan policy #1.2.1. Second, the open space must contain at least 50% of the net developable area (as defined in the Subdivision Regulations) of the property in order to comply with Comprehensive Plan policy #6.2.1. These standards shall be applied concurrently, not sequentially (e.g. a site with land that is entirely buildable can place 50% of its land in open space and meet both standards simultaneously).~~

~~B. Design. The open space shall be designed to maximize achievement of the purposes described in Zoning §1.3.12. The applicant shall present a plan and narrative description to illustrate how this is to be accomplished. To the greatest extent possible, the open space should be in one large piece rather than separate pieces or narrow buffer strips that have little conservation value. The Board may require alteration of the layout and design of the subdivision open space to better achieve these purposes. The Board may solicit input on the efficacy of the open space design as needed, including but not limited to review by a third party wildlife biologist, a landscape architect, or another professional qualified to respond to the aspect of the application in question. Any technical assistance deemed necessary by the Planning Board to conduct the review shall be paid for by the applicant in accordance with Zoning 18-A.2.D.~~

~~C. Requirements. Any open space conservation subdivision open space area shall comply with all of the following requirements:~~

~~1. Open Space.~~

~~a. The open space may be held in fee simple ownership or as open space with a conservation easement placed upon it. In the event the open space is held by a qualified conservation organization, such as a land trust, the York Conservation Commission, or another body the Planning Board deems capable of land stewardship, a separate conservation easement may not be required if it can be demonstrated that the use, maintenance and other requirements of the open space will be continued in perpetuity. Reference to open space throughout §7.6 refers to either the fee simple or conservation easement arrangement.~~

~~b. The open space land shall be owned by the homeowners, the Town, or other entity acceptable to the Planning Board. In no case shall the homeowners association or private property owner be the holder of the conservation easement, or the holder of the open space if there is no approved, partnering conservation organization. In determining whether or not a party is acceptable, the Board shall base its decision on the ability of the owner to control, maintain, manage and protect the open space in a manner consistent with the subdivision approval.~~

~~c. If the homeowners take ownership of the open space land, the following shall be provided for:~~

~~1. the ownership shall pass with conveyance of the lots or residential units;~~

~~2. compulsory assessment of all related costs to each of the homeowners; and~~

~~3. a conservation easement shall be held by a qualified conservation organization.~~

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~~d. Control of Open Space. There shall be some form of legal arrangement made to ensure:~~

- ~~1. there is a plan for the use, management, maintenance and protection of the open space, and that specifies the responsibilities of the owner;~~
- ~~2. the owner is responsible for maintenance, taxes and insurance of the open space; and~~
- ~~3. the terms of the legal arrangement cannot be changed without prior approval of the Planning Board.~~

~~**2. Open Space Holder.** The Planning Board shall approve the open space, including terms, conditions, purpose, and open space holder. The open space holder must have a demonstrated capacity to fulfill the purposes of the open space. Capacity shall be determined by the ability of the organization to:~~

- ~~a. produce baseline documentation of the property;~~
- ~~b. perform monitoring and maintenance of the property on an annual basis, or more frequently, as needed;~~
- ~~c. have the capacity to seek remedies to violations of open space approval conditions, legally or through other enforcement measures;~~
- ~~d. have staff with suitable professional capacity, which may include land stewardship, wildlife biology, or other areas of expertise suitable to the primary purpose of the open space.~~

~~3. Open Space Conditions~~

~~a. The open space approval shall:~~

- ~~1. regulate the use, maintenance, management and protection of the open space land;~~
- ~~2. be established and remain with this land in perpetuity;~~
- ~~3. specify the method of management and maintenance;~~
- ~~4. establish responsibility for maintenance, taxes and insurance;~~
- ~~5. establish a mandatory inspection program for the open space, which may retain a qualified neutral third party to perform this duty, and which may involve the subdivision homeowners and the Conservation Commission, and which shall require annual inspections at a minimum; and~~
- ~~6. address other requirements deemed necessary by the Planning Board to achieve the purposes for which the open space is established.~~

~~4. The open space land shall be used and managed consistent with the purposes for which it was established.~~

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5. ~~The Planning Board strongly encourages the allowance of public access to and/or through designated open space. If access is to be provided the Board shall consider the following guidance:~~

~~a. The type of access shall be appropriate based on the plan for the open space, the clustered homes, and the traditional uses of the land;~~

~~b. Reasonable limitations may be placed on public access, including but not limited to type of access (pedestrian only, etc.), specific locations (along a trail or path, to the entire open space, etc.), and timing controls (access during daylight only, no access near vernal pools in the spring, etc.); and~~

~~c. The open space steward shall be permitted to temporarily restrict public access to prevent abuse. No such restriction shall be in effect for more than 90 days without application to and approval of the Planning Board. The Planning Board shall treat the matter as an application to amend the Subdivision Approval.~~

~~d. The Board shall expressly review public access issues during the Conceptual Design Review of any open space conservation subdivision application.~~

6. ~~Where ownership of the open space is to be held by the homeowners, all the open space lands shall be owned in common by a homeowners association.~~

7. ~~Ownership of open space and, where applicable, the conservation easement, shall be transferred from the developer in a timely manner. Where a third party will hold an easement or ownership, the transfer shall be made prior to the sale of any lot in the subdivision. Where a homeowners association is to be the holder of the land, the transfer shall take place within 30 days of establishment of the association.~~

7.6.4—Development Standards

A. Uses. ~~Open space conservation subdivisions shall be limited to single family, duplex and multifamily residential development as permitted in the base and overlay district(s) in which the lot is located. Each residential building shall be located on its own lot unless the proposed development is to be condominiumized. Regardless of the form of ownership all standards within §7.6.4 shall be depicted for adherence purposes.~~

B. Density.

1. ~~The standard calculation of density shall be total net developable area divided by the minimum lot size for the base and overlay zoning district(s) in which the lot is located. Open space conservation subdivision applications also must submit a yield plan in accordance with 7.6.1.H to determine the total number of lots and dwelling units permitted.~~

2. ~~Within the Shoreland Overlay District, the following shall apply regardless of any other provisions of this Ordinance:~~

~~a. On portions of the lot in Resource Protection and Stream Protection subdistricts, buildings and building lots shall be prohibited consistent with Article 8.~~

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~~b. On portions of the lot in Limited Residential and Mixed Use subdistricts that have frontage on a Shoreland waterbody, and one or more dwelling units are proposed to be located in the land area within the Limited Residential or Mixed Use Subdistrict, the parcel must have a minimum of 200 linear feet of shore frontage to allow its development as an open space conservation housing subdivision. The following standards shall also govern the lay out of such an open space conservation housing subdivision:~~

~~1. A minimum of 50% of the shore frontage shall be undeveloped and shall be dedicated as open space.~~

~~2. The configuration of the dwelling units within the Limited Residential or Mixed Use Subdistrict shall be staggered, and shall not be located in a row immediately adjacent to the minimum setback from the Normal High Water Mark of the protected waterbody. No more than 50% of the dwelling units located within the Limited Residential or Mixed Use Subdistrict can be located within 50 feet of the standard Shoreland setback.~~

~~3. The maximum number of dwelling units permitted in the Shoreland Overlay District shall not exceed the density standards of Zoning §5.2.3.~~

~~c. Buildable area within any area of the Shoreland Overlay District may be counted in the calculation of net developable area. The density standards of Zoning §8.1 shall apply, or others if more restrictive.~~

~~**C. Workforce Affordable Housing.** A proposed subdivision development that consists of ten (10) or more dwelling units shall include at least ten percent (10%) of the total number of dwelling units within the development as workforce affordable housing. All calculations for deciding the number of workforce affordable housing units required in a particular development shall be rounded up to the nearest whole number.~~

~~**Density Bonus.** A density bonus of twenty percent (20%) above that indicated by the yield plan shall be allowed if at least twenty five percent (25%), rounded to the nearest whole number, of the proposed dwelling units within a residential open space conservation subdivision development are defined as “workforce affordable housing” as determined by the Planning Board. The following standards shall also apply:~~

~~1. All dimensional, lot coverage, and open space standards as prescribed in this ordinance shall be adhered to; and~~

~~2. Proposed workforce affordable housing units shall be integrated within the design of the development and not be “stand alone” as determined by the Planning Board; and~~

~~3. The governance standards specified in §10 F.6 shall be followed for dwelling units defined as “workforce affordable housing.” This requirement shall be noted in the approved plan and Findings of Fact.~~

D. Dimensional Standards.

~~1. Lot Size. Building lots shall not be larger than the minimum lot size requirements specified in Zoning §5.2.1, §5.2.2 and §5.2.4. However, lots not served by municipal sewer service shall not be less than 20,000 square feet in total size.~~

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~~2. Street Frontage. Building lots shall have frontage on streets sufficient to provide access to the lot, but shall not be required to meet the frontage standards of Zoning §5.2.1, §5.2.2 and §5.2.4.~~

~~3. Setbacks from Lot Lines. Minimum structure setbacks specified in Zoning §5.2.1, §5.2.2, and §5.2.4 shall be reduced to 1/3 of the measurements specified in those sections.~~

~~4. Lot Coverage. Lot coverage shall be evaluated in aggregate for the entire open space conservation subdivision, and overall the open space conservation subdivision shall be required to comply with the standard for the zone(s) in which it is located.~~

E. Access. Unless as required in §7.6.1 A above and if a road is to be developed, access to lots in an open space conservation subdivision shall be from an internal road, not from existing road frontage.

F. Abutter Buffers. To protect neighborhood qualities outside the open space conservation subdivision, the following shall apply:

~~1. Setback. No building within the open space conservation subdivision shall be located closer than 50 feet to any property outside the open space conservation subdivision.~~

~~2. Buffers. On building lots, there shall be a 50 foot buffer along the property line of any abutting lots outside the open space conservation subdivision. This buffer shall be left undisturbed with natural vegetation, or at the direction of the Planning Board may be landscaped to enhance the buffer function. Roads and utilities shall be allowed to cross through buffers to access the subdivision, as well as to adjacent properties. — AMENDED 11/05/2013, 11/06/2018~~

7.6 Open Space Conservation Subdivision Application (formerly Cluster Housing Subdivision Application)

NOTE: Substantive revision to all of §7.6 was approved on November 5, 2013. All prior dates of amendment have been removed in the November 5, 2013 printing of this Ordinance for the sake of clarity. Prior amendments are identified by date in earlier printings.

Open space conservation subdivisions shall be permitted in all base zoning districts. Permissibility within overlay districts is addressed as needed by district. The standards of this Section (§7.6) shall apply to all open space conservation subdivisions.

7.6.1 Procedures

Open space conservation subdivisions require subdivision approval by the Planning Board. The approval is obtained after approval of a Conceptual Design Review followed by the Preliminary Plan Subdivision Application.

A. Design Requirements. Proposed residential open space conservation subdivisions that are not created through exemptions in the State Subdivision law are required to be designed as an open space conservation residential development based on the requirements in this ordinance when any of the following exists:

1. The residential subdivision is proposed to contain a private or public road that provides access to the lots/dwellings; or

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2. The lot for which the residential subdivision is proposed abuts conservation land or land that can't be developed that is 10 acres or greater; or
3. The lot to be subdivided is partially or fully located within the Cape Neddick or York River Watersheds (see the Natural Resources Chapter of the Comprehensive Plan for reference);
4. The lot to be subdivided is partially or fully located in the Town's Rural Area (See Town of York's 2022 Comprehensive Plan "Future Land Use Plan" chapter).

B. Conceptual Design Review. The first meeting(s) with the Planning Board shall be the Conceptual Design Review, shall include information as specified in §7.6.1 (B-F), and shall precede submission of a Preliminary Plan Subdivision application. During this stage in the review process the Planning Board shall consider waiving the requirement for open space conservation development, if the applicant can justify the open space conservation subdivision design option is not reasonable for the parcel based on §7.6.1.F. The reasons for or against granting a waiver of this requirement shall be detailed in the Planning Board application for preliminary and final plan approval and subsequent Findings of Fact.

As discussed below, the conceptual design review phase of the plan review process is primarily to ensure the open space design and conservation theme has been established and approved by the Planning Board prior to proceeding to preliminary and final subdivision plan approval. This phase of the review process provides opportunity for the Planning Board, applicant, and potential open space holder to build consensus on critical resources and overall site design early in the review process before the applicant initiates formal preliminary and final review/design of the project.

The Conceptual Design Review shall include the submission of an Existing Site Resources Map, identifying both significant natural and cultural resources; and a yield plan as described in 7.6.1.E. It is not required that this be an engineered plan, and widely available Town or State public data are acceptable data sources. The plan and supplemental documents shall include the following:

1. Wetland and Shoreland areas, significant habitat corridors, rare or endangered habitat, roads and buildings within 100 feet of the property, indication of overall stormwater flow direction, species and sizes of significant trees, groups/copses of trees, historic and cultural resources such as existing barns, trails, cellar holes, stone walls, and other noteworthy features unique to the property.
2. The plan should be conveyed in a clear graphic style that is easy to read.
3. The Existing Site Resources Map shall not include new road layouts, house locations, or lot lines.
4. During the conceptual design review the Planning Board may schedule a site walk of the property using the Existing Site Resources Map and other information provided by the applicant to depict the open space design and conservation theme.
5. The York Conservation Commission shall be solicited for feedback by the applicant regarding the open design and conservation theme during the Conceptual Design Review process with the Planning Board. Written comments from the Conservation Commission shall be provided by the applicant to the Planning Board for consideration.

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6. Any proposed holder of the open space shall be involved in the process of defining the open space and drafting appropriate restrictions and controls. (Note: Please see §7.6.2 for greater details on Open Space Design)

C. Open space design and conservation theme.

1. The applicant shall be responsible for justifying the proposed open space design, and identify a primary conservation theme, including but not limited to forest preservation, water quality preservation protection, farmland preservation, forest/wildlife corridor connectivity, or viewshed protection. The conservation theme shall guide the location and use of the designated open space. For instance, if setting aside open space for agricultural use, there should be a demonstration that the open space has good agricultural soils, or if setting aside open space for protection of wildlife habitat, the design should be based on science and the expert opinion of a qualified wildlife biologist. The open space design and conservation theme shall be approved by the Planning Board prior to submission of an application for preliminary plan approval. (Note: Please see §7.6.2 for greater details on Open Space Design)

2. The open space shall be designed to maximize achievement of the purposes described in Zoning §1.3.12. The applicant shall present a plan and narrative description to illustrate how this is to be accomplished. To the greatest extent possible, the open space should be in one large piece rather than separate pieces or narrow buffer strips that have little conservation value. The Planning Board may require alteration of the layout and design of the subdivision open space to better achieve these purposes. The Planning Board may solicit input on the efficacy of the open space design as needed, including but not limited to review by a third-party wildlife biologist, a landscape architect, or another professional qualified to respond to the aspect of the application in question. Any technical assistance deemed necessary by the Planning Board to conduct the review shall be paid for by the applicant in accordance with Zoning 18-A.2. D. (Note: Please see §7.6.2 for greater details on Open Space Design)

D. Intent of the open space design.

1. As specified above, it is intended that the open space shall be designed first, and the built environment shall be constructed in the remaining area. During the Conceptual Design Review process, the Planning Board shall determine whether the open space layout, design and configuration is appropriate based on purposes stated in §1.3.12. For sites with on-site septic, the Planning Board shall balance the purposes to be achieved (as stated in §1.3.12) with the need to locate the septic system(s) on the best available soils. Other development considerations shall be of secondary importance.

2. The Planning Board may require alteration of the open space configuration to maximize achievement of the purposes of open space conservation subdivision design. The Board shall include in its Findings of Fact the basis for its conclusions about the suitability of the open space conservation subdivision design with respect to the specific site. (Note: Please see §7.6.2 for greater details on Open Space Design)

E. Yield Plan Submission. During the Conceptual Design Review Phase of the application process, Yield Plans will be reviewed by the Planning Board after the open space design and conservation theme has been approved by the Planning Board as specified above. An application for an open space conservation subdivision development shall submit a Yield Plan, which shows the maximum number of lots/dwelling units that could reasonably be achieved through a conventional layout and design given conventional subdivision requirements, zoning requirements, and site conditions on the lot and within the

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underlying zoning or overlay district. The yield plan shall provide the net buildable area/acreage calculation used to determine maximum permitted density under Zoning §7.6.3.B and defined in Article 3 of the Site Plan and Subdivision Regulations. To aid the Planning Board in determining if a yield plan is considered “reasonably achievable” the applicant, at a minimum, shall illustrate the following:

1. Lots that comply with zoning dimensional requirements for the underlying zoning district including depicting structural setback lines within each lot.
2. Lots shall not be oddly shaped and must meet lot ratio requirements as defined in the Subdivision regulations. In general, lots should be rectangular/square and not consist of narrow portions of land that may be considered “spaghetti” or depicted as a “flag lot” in form.
3. If house lots are not served by public water or public sewer, or a combination thereof, lots shall show the rough locations of septic systems and water wells with the associated protective well radiuses.
4. Each lot shown in the Yield Plan shall indicate that the soils will support a house and septic system and be certified by a Maine Licensed Professional Engineer as such.
5. The presence of wetlands, slopes greater than 20% and ledge outcrop contained on each yield plan lot is considered reasonable for home, septic, well and driveway construction.
6. Road and driveway access to a lot or lots are “reasonably achievable” (e.g., no wetland fill and minimum, if any, stream, or wetland crossings).
7. The Planning Board may request other details needed to assess that the yield plan is deemed “reasonably achievable.”

F. Potential waiver of open space conservation subdivision requirement. The Planning Board may waive the open space conservation subdivision requirement if the applicant can demonstrate why the open space conservation subdivision is not a reasonable design option for the parcel to be subdivided. When making this determination the Planning Board shall consider the following:

1. Lot shape/configuration;
2. Protection of natural features such as slopes greater than 20%, wetlands, vernal pools, surface waters and stream location(s) on the lot would not benefit from an open space conservation design;
3. The open space conservation design would not meet the intended purposes specified in zoning §1.3.12 - Concerning Open Space Conservation Subdivisions.

7.6.2 Open Space Standards. Upon approval of the Conceptual Design Review, the Preliminary Plan Subdivision Application can be submitted, subject to the following criteria.

A. General. Open space shall be required to meet the following standards:

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1. The open space must contain at least 50% of the total area of the property if a portion of the property is within the Town's defined Growth Area (See Future Land Use Chapter of the Comprehensive Plan) or 60% of the total area if the entire property is located outside the Town's designated Growth Area(s) in order to comply with Comprehensive Plan Strategy 2.6.
2. The open space must contain at least 50% of the net developable area/acreage (as defined in the Subdivision Regulations) of the property if the property or portion thereof is located in a defined Growth Area and 60% if the property is located outside of the Towns defined Growth Area(s).
3. These standards shall be applied concurrently, not sequentially (e.g. a site with land that is entirely buildable can place 50% or 60% of its land in open space and meet both standards simultaneously).

B. Requirements. Open space areas defined within an open space conservation subdivision shall comply with the following requirements:

1. The following are ownership options for designated open space.
 - a. The open space may be held in fee-simple ownership or as open space with a conservation easement placed upon it. In the event the open space is held by a qualified conservation organization, such as a land trust, the York Conservation Commission, or another body the Planning Board deems capable of land stewardship, a separate conservation easement may not be required if it can be demonstrated that the use, maintenance, and other requirements of the open space will be continued in perpetuity. Reference to open space throughout §7.6 refers to either the fee-simple or conservation easement arrangement.
 - b. The open space land shall be owned by the homeowners, the Town, or other entity acceptable to the Planning Board. In no case shall the homeowners association or private property owner be the holder of the conservation easement, or the holder of the open space if there is no approved, partnering conservation organization. In determining whether a party is acceptable, the Board shall base its decision on the ability of the owner to control, maintain, manage and protect the open space in a manner consistent with the subdivision approval.
 - c. If the homeowners take ownership of the open space land, all the open space lands shall be owned in common by a homeowners association, and the following shall be provided for:
 - i. The ownership shall pass with conveyance of the lots or residential units;
 - ii. Compulsory assessment of all related costs to each of the homeowners; and
 - iii. A conservation easement shall be held by a qualified conservation organization.
 - d. Legal arrangement of the Open Space. There shall be some form of legal arrangement to ensure the following:
 - i. There is a plan for the use, management, maintenance, and protection of the open space, and that specifies the responsibilities of the owner.
 - ii. The owner is responsible for maintenance, taxes, and insurance of the open space; and

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iii. The terms of the legal arrangement cannot be changed without prior approval of the Planning Board.

2. The Planning Board shall approve the open space, including terms, conditions, purpose, and the open space holder prior to final approval. The open space holder must have a demonstrated capacity to fulfill the purposes of the open space. Capacity shall be determined by the ability of the organization to:

- a. produce baseline documentation of the property;
- b. perform monitoring and maintenance of the property on an annual basis, or more frequently, as needed;
- c. have the capacity to seek remedies to violations of open space approval conditions, legally or through other enforcement measures;
- d. have staff with suitable professional capacity, which may include land stewardship, wildlife biology, or other areas of expertise suitable to the primary purpose of the open space.

3. The open space approval shall include the following:

- a. Regulate the use, maintenance, management and protection of the open space land;
- b. Be established and remain with the land in perpetuity.
- c. Specify the method of management and maintenance;
- d. Establish responsibility for maintenance, taxes and insurance;
- e. Establish a mandatory inspection program for the open space, which may retain a qualified neutral third party to perform this duty, and which may involve the subdivision homeowners and the Conservation Commission, and shall require annual inspections at a minimum; and
- f. Address other requirements deemed necessary by the Planning Board to achieve the purposes for which the open space is established including, and as noted on the plan, where the applicant will place signage placards that field delineate the edge of open space boundary.

4. The open space land shall be used and managed consistent with the purposes for which it was established.

5. The Planning Board strongly encourages the allowance of public access to and/or through designated open space. If access is to be provided the Board shall consider the following guidance:

- a. The type of access shall be appropriate based on the plan for the open space, the clustered homes, and the traditional uses of the land;
- b. Reasonable limitations may be placed on public access, including but not limited to type of access (pedestrian only, etc.), specific locations (along a trail or path, to the entire open space,

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etc.), and timing controls (access during daylight only, no access near vernal pools in the spring, etc.); and

c. The open space steward shall be permitted to temporarily restrict public access to prevent abuse. No such restriction shall be in effect for more than 90 days without application to and approval of the Planning Board. The Planning Board shall treat the matter as an application to amend the Subdivision Approval.

d. The Board shall expressly review public access issues during the Conceptual Design Review of any open space conservation subdivision application.

6. Ownership of open space and, where applicable, the conservation easement, shall be transferred from the developer in a timely manner. Where a third-party will hold an easement or ownership, the transfer shall be made prior to the sale of any lot in the subdivision. Where a homeowner's association is to be the holder of the land, the transfer shall take place within 30 days of establishment of the association.

7.6.3 Development Standards

A. Uses. Open space conservation subdivisions shall be limited to single-family, duplex and multifamily residential development as permitted in the base and overlay district(s) in which the lot is located. Each residential building shall be located on its own lot unless the proposed development is to be condominiumized. Regardless of the form of ownership all standards within §7.6.3 shall be depicted for adherence purposes.

B. Density.

1. The standard calculation of density for a subdivision shall be determined by the density requirements of the underlying base zone, all applicable overlay districts and uses, and the subdivision regulations.

2. Within the Shoreland Overlay District, the following shall apply regardless of any other provisions of this Ordinance:

a. On portions of the lot in Resource Protection and Stream Protection subdistricts, buildings and building lots shall be prohibited consistent with Article 8.

b. On portions of the lot in Limited Residential and Mixed Use subdistricts that have frontage on a Shoreland waterbody, and one or more dwelling units are proposed to be located in the land area within the Limited Residential or Mixed Use Subdistrict, the parcel must have a minimum of 200 linear feet of shore frontage to allow its development as an open space conservation housing subdivision. The following standards shall also govern the lay-out of such an open space conservation housing subdivision:

i. A minimum of 50% of the shore frontage shall be undeveloped and shall be dedicated as open space.

ii. The configuration of the dwelling units within the Limited Residential or Mixed Use Subdistrict shall be staggered, and shall not be located in a row immediately adjacent to the minimum setback from the Normal High Water Mark of the protected waterbody. No

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more than 50% of the dwelling units located within the Limited Residential or Mixed Use Subdistrict can be located within 50 feet of the standard Shoreland setback.

iii. The maximum number of dwelling units permitted in the Shoreland Overlay District shall not exceed the density standards of Zoning §8.1.5

c. Buildable area within any area of the Shoreland Overlay District may be counted in the calculation of net developable area/acreage. The density standards of Zoning §8.1 shall apply, or others if more restrictive.

C. Workforce Affordable Housing. A proposed subdivision development that consists of ten (10) or more dwelling units shall include at least ten percent (10%) of the total number of dwelling units within the development as workforce affordable housing. All calculations for deciding the number of workforce affordable housing units required in a particular development shall be rounded up to the nearest whole number.

Density Bonus. A density bonus of twenty percent (20%) above that indicated by the yield plan shall be allowed if at least twenty five percent (25%), rounded to the nearest whole number, of the proposed dwelling units within a residential open space conservation subdivision development are defined as “workforce affordable housing” as determined by the Planning Board. The following standards shall also apply:

1. All dimensional, lot coverage, and open space standards as prescribed in this ordinance shall be adhered to;
2. Proposed workforce affordable housing units shall be integrated within the design of the development and not be “stand alone” as determined by the Planning Board; and
3. The governance standards specified in §10-F.6 shall be followed for dwelling units defined as “workforce affordable housing.” This requirement shall be noted in the approved plan and Findings of Fact.

D. Dimensional Standards.

1. **Lot Size.** Building lots shall not be larger than the minimum lot size requirements specified in Zoning §5.2.1, §5.2.2 and §5.2.4. However, lots not served by municipal sewer service shall not be less than 20,000 square feet in total size.
2. **Street Frontage.** Building lots shall have frontage on streets sufficient to provide access to the lot, but shall not be required to meet the frontage standards of Zoning §5.2.1, §5.2.2 and §5.2.4.
3. **Setbacks from Lot Lines.** Minimum structure setbacks specified in Zoning §5.2.1, §5.2.2, and §5.2.4 shall be reduced to 1/3 of the measurements specified in those sections.
4. **Lot Coverage.** Lot coverage shall be evaluated in aggregate for the entire open space conservation subdivision, and overall the open space conservation subdivision shall be required to comply with the standard for the zone(s) in which it is located.

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E. Access. Unless as required in §7.6.1-A above and if a road is to be developed, access to lots in an open space conservation subdivision shall be from an internal road, not from existing road frontage.

F. Abutter Setbacks and Buffers. To protect surrounding properties and neighborhood qualities outside the open space conservation subdivision, the following shall apply:

1. **Setback.** No building within the open space conservation subdivision shall be located closer than 50 feet to any property outside the open space conservation subdivision.

2. **Buffers.**

a. The applicant shall ensure vegetated buffers are clearly shown on subdivision plans and are clearly demarcated in the field prior to construction by adequate signage/placards.

b. Except in areas of the municipality designated by the Comprehensive Plan as a “Growth Area(s),” the open space conservation subdivision shall be designed to minimize the visibility of buildings from existing public roads. An open space conservation subdivision proposed outside of municipal designated Growth Areas shall provide a wooded/vegetated buffer strip no less than 50 feet in width along existing public roads.

c. New roads and utilities shall be allowed to cross through required wooded/vegetated buffers to access the subdivision, as well as to adjacent properties.

d. On building lots, there shall be a minimum 50 foot wooded/vegetated buffer along the property line of any lots outside the open space conservation subdivision.

e. All wooded buffers shall be left undisturbed with natural vegetation. The Planning Board may require additional landscaping to enhance the functionality of wooded/vegetated buffers.

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TWO: The Town hereby ordains to amend the Zoning Ordinance, specifically Article 18 Administration section 18.9 Site Design Review/Board of Design Review- Applicable to RES-4, BUS-1, BUS-2 Districts, Article 4- Use Regulations, specifically section 4.3 Additional Requirements, Article 6- Supplemental Use Requirements, specifically section 6.1 Non-Residential Performance Standards, 6.1.8 Setbacks and Screening, and 6.1.15 Drives, Parking, and Circulation and Article 16- Sign Standards, specifically section 16.9.6 Prohibited Signs and Displays.

Statement of Fact: The purpose of this amendment is to repeal the zoning ordinance section that established a Site Design Review/Board of Design Review for non-residential projects that take place in the RES-4, BUS-1, BUS-2 Districts and relocate certain performance standards specified in that section to other sections of the zoning ordinance in order to maintain development standards specified therein.

Recommended by the Selectboard: 5-0
Recommended by the Planning Board: 5-0

Amendment: Amend Article 4- Use Regulations, specifically section 4.3 Additional Requirements with the following.

4.3 Additional Requirements

A. Shoreland/Wetland Permits (All Districts): Certain activities within designated shoreland or wetland areas require a special permit. See Articles: 4 (Use Regulations); 8 (Shoreland Overlay District); and 11 (Wetlands Protection Overlay District).

B. Watershed Protection Overlay District (RES-2, GEN-1, GEN-2 Districts): Certain activities within the Watershed Protection Overlay District require a permit from either the Planning Board or Code Enforcement Officer. See Article 10.

C. Planning Board Subdivision/Site plan Review (All Districts): Subdivision/Site Plan approval is required from the Planning Board for:

1. All non-residential development, except that which must receive an Article 18 Route One Use Permit, which is greater than 5,000 square feet of floor space; or
2. The construction of 3 or more units for lease, rent or sale; or
3. The development of 3 or more residential house lots.

D. Route One Use Permit (Route One-1, Route One-2, Route One-3, Route One-4, Route One-5, Route One-6 Districts): Certain activities within the Route One Districts require a Route One Use Permit from the Planning Board or Code Enforcement Officer. See Articles: 4 (Use Regulations); 6.3 (Supplemental Use Requirements); and 18.1 (Administration).

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E. York Harbor Site Design Review (RES-4, BUS-1, BUS-2 Districts): The ~~Board of Design Review Planning Board~~ reviews all non-residential development within the confines of Zoning Districts RES-4, BUS-1 and BUS-2. See §18.9.

F. York Beach Design Review Standards (YBVC District): See §6.4.

Amendment: Amend Article 18- Administration, specifically section 18.9 Site Design Review/Board of Design Review- Applicable to RES-4, BUS-1, BUS-2 Districts with the following.

18.9 Site Design Review/Board of Design Review—Applicable to RES-4, BUS-1, BUS-2 Districts

18.9.1 Findings and Objectives

~~Excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, and certain residential areas hinders the harmonious development of the area, impairs the desirability of residence, investment or occupation in the area, limits the opportunity to attain the optimum use and value of land and improvement, adversely affects the stability and value of property, produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the inhabitants, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.~~

~~The purpose and objectives of site development requirements and the site design review procedure are to:~~

~~18.9.1.1 Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;~~

~~18.9.1.2 Discourage monotonous, drab, unsightly, dreary and inharmonious development;~~

~~18.9.1.3 Conserve the area's natural beauty and visual character and charm by insuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of the area's structures, signs and other improvements;~~

~~18.9.1.4 Protect and enhance the area's appeal to tourists and visitors.~~

~~18.9.1.5 Stabilize and improve property values and prevent blighted areas and thus, increase tax revenues.~~

~~18.9.1.6 Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus decrease the cost of governmental services.~~

~~18.9.1.7 Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.~~

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~~18.9.1.8 Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the area's favorable environment, and thus, to promote and protect the peace, health and welfare of the Town of York.~~

18.9.2 Board of Design Review

~~There is hereby established a Board of Design Review whose members, term, officers, and manner of transacting business shall be as follows:~~

~~18.9.2.1 Members. The Board shall consist of five members, each of whom shall be a resident of the Town of York. AMENDED 05/17/2014~~

~~18.9.2.2 Appointment; Term. The members of the Board shall be appointed by the Board of Selectmen for 3 year terms, maintaining a staggered rotation such that only one or two appointments expire each year. The Board of Selectmen shall appoint a qualified person to fill the vacancy for the remainder of any unexpired term. AMENDED 05/17/2014~~

~~18.9.2.3 Vacancies; Removal. Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. The Board of Selectmen may remove any member of the Board, after hearing, for misconduct or non performance of duty.~~

~~18.9.2.4 Officers. The Board shall elect a Chair, Vice Chair and Secretary at the first meeting on or after each July 1st. During the absence, disability or disqualification of the chairman and vice chairman, the remaining members shall select an acting chairman. AMENDED 5/17/2014~~

~~18.9.2.5 Quorum; Voting. A quorum shall consist of three members. The Concurrence of a majority of the members of the Board present and voting shall be necessary to determine any questions before the Board. AMENDED 11/07/2000~~

~~18.9.2.6 Meeting Records. The Board shall hold one regular meeting each month. However, a meeting need not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public records. The Board shall keep minutes of its proceedings and such minutes shall be public records.~~

~~18.9.2.7 Rules. The Board may adopt and amend by laws to govern the conduct of its business consistent with Robert's Rules of Order and the provisions of this ordinance. AMENDED 05/17/2014~~

18.9.3 Jurisdiction and Powers of the Board

~~18.9.3.1 No building permit shall be issued for a new non-residential building, and no sign permit shall be issued until the plans, drawings, sketches, and other documents required under Section 18.9.5 have been reviewed and approved by the Board in conformity with the criteria specified in Section 18.9.4.~~

~~18.9.3.2 Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the goals and objectives of Section 18.9.1. Where a building permit is required, it shall be the~~

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responsibility of the Code Enforcement Officer to determine whether a "substantial change" would result from the proposed action.

~~18.9.3.3 The Board may authorize variances from the site development requirements, off-street parking and loading and supplemental provisions of this ordinance which are subject to the jurisdiction of the Board, where it can be shown that by reason of exceptional size, shape or topographic conditions, or other special or unusual circumstances, the literal enforcement of such requirements would not allow reasonable development to take place. Variances shall be considered in conjunction with the site design review process and subject to procedural and appellate provisions applicable to such process.~~

~~18.9.4 Criteria and Standards~~

~~The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required under Section 18.9.5. These standards are intended to provide a frame of reference for the applicant in the development of the site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.~~

~~18.9.4.1 Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.~~

~~18.9.4.2 Relation of Proposed Buildings to Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.~~

~~18.9.4.3 Drives, Parking and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.~~

~~18.9.4.4 Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.~~

~~18.9.4.5 Utility Service: Whenever feasible, electric, telephone and other utility lines shall be underground. Any utility installations remaining above ground shall be located so as ——— to have a harmonious relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated.~~

~~18.9.4.6 Advertising Features: The size, location, design, color texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Individual off-premises signs shall not exceed three (3) square feet in area; on-premises signs shall, in aggregate, not total over one hundred (100)~~

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~~square feet in area, with no single sign exceeding fifty (50) square feet in area. No sign shall exceed ten (10) feet in any dimension. Illuminated signs shall be indirectly lit.~~

~~18.9.4.7 Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding areas.~~

~~18.9.4.8 Application of Design Standards: The standards of review outlined in Sections 18.9.4.1 through 18.9.4.7 above also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.~~

~~a. The Board shall also be guided by the objectives of Section 18.9.1, and such objectives shall serve as additional criteria and standards.~~

~~b. Unless otherwise authorized under this ordinance, the Board shall not have the authority to waive or modify the site development requirements of this ordinance, the requirements of the Zoning Ordinance or the requirements of any other applicable ordinance.~~

18.9.5 Procedure

~~A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the Board of Design Review:~~

~~a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off street parking and loading areas. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.~~

~~b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be removed or to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.~~

~~c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.~~

~~d. Specifications as to type, color and texture of exterior surfaces of proposed structures.~~

~~e. A sign plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.~~

Amendment: Amend Article 6- Supplemental Use Requirements, specifically section 6.1 Non-Residential Performance Standards, 6.1.8 Setbacks and Screening, and 6.1.15 Drives, Parking, and Circulation with the following.

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6.1 on-Residential Performance Standards -- Applicable to RES-1, RES-2, RES-3, *RES-4*, *BUS-1*, *BUS-2*, YBVC, YVC-1, YVC-2, GEN-1, GEN-2, and GEN-3 Districts

Any non-residential development and use shall meet or exceed the Performance Standards listed below ~~to the greatest extent practical.~~

6.1.8 Setbacks and Screening

6.1.8.7 *Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be screened from streets and pedestrian walkways.*

6.1.15 *Drives, Parking, and Circulation.*

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that provide for the safe transportation of pedestrian traffic. Safe pedestrian traffic ways, with adequate separation from vehicular traffic, shall be provided within and between sites for customer and employee access.

Amendment: Amend Article 16- Sign Standards, specifically section 16.9.6 Prohibited Signs and Displays with the following.

16.9.6 No signs shall be erected in Districts BUS-1, BUS-2, and RES-4 without written permission of the ~~Board of Design Review, the procedures for which are outlined in Zoning §18.9 Code Enforcement Officer~~ and shall be in accordance with the following standards:

- a. The size, location, design, color texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties;*
- b. individual off-premises signs shall not exceed three (3) square feet in area;*
- c. on-premises signs shall, in aggregate, not total over one hundred (100) square feet in area, with no single sign exceeding fifty (50) square feet in area;*
- d. No sign shall exceed ten (10) feet in any dimension; and*
- e. Illuminated signs shall be indirectly lit.*

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THREE: To see if the Town, pursuant to 23 MRSA Sec. 3025, will vote to accept fee simple title to a road known as Jordan’s Path and described as shown on a plan entitled “As Built Overall Plan Pine Ledge, 4 Turner Drive, Cape Neddick, Maine” and dated June 27, 2022, subject to the developer meeting the Public Road Acceptance ordinance procedural requirements and minimum road standards.

Statement of Fact: The Department of Public Works inspected Jordan’s Path as part of the Turner Drive road acceptance application in November of 2022. It was determined that the town accept ownership of the road at that time.

Recommended by the Selectboard: 5-0

FOUR: To see if the Town, pursuant to 23 MRSA Sec. 3025, will vote to accept fee simple title to a road known as Dory Drive and described as shown on a plan entitled “As Built Plan, Dory Drive, York, Maine” and dated December 13, 2022, subject to the developer meeting the Public Road Acceptance ordinance procedural requirements and minimum road standards.

Statement of Fact: The Department of Public Works has reviewed the Dory Drive application for road acceptance and has determined that the town accept ownership of the road once the Town receives the following:

- 1. An acceptable report by a Maine-licensed Professional Engineer which assess the road and its compliance with the standards of the Town’s ordinance and its compliance with general accepted engineering practices.**
- 2. Survey of monumentation and bearings and distances of property boundaries, sufficient to allow ready location of the right-of-way on the ground.**
- 3. A signed warranty deed for the property.**

Recommended by the Selectboard: 5-0

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Tally Sheet

Article 1: YES NO

Article 2: YES NO

Article 3: YES NO

Article 4: YES NO