

Voter Information Guide

November 5, 2019 General & Special Budget Referenda
York, Maine

VOTER INFORMATION GUIDE

The ballot voters will see this coming November will be different than in the past. Some preference votes and all statements of fact will no longer be printed on the ballot because these are prohibited by State law. This Voter Information Guide is offered to you by the Board of Selectmen 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.

ARTICLE ONE: The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending the definition of “building appurtenance” and “driveway” as follows:

Amendment: Amend Article 2, Definitions, by amending the following definitions:

APPURTENANCE, BUILDING: Any visible, functional, or ornamental objects accessory to and part of a building such as, but not limited to, heating, ventilation and air conditioning (HVAC) mechanicals, lightning rods, chimneys, ~~cupolas, etc.~~ solar panels, or ornamental objects such as weathervanes or cupolas.

DRIVEWAY: A route that provides vehicular access to a lot(s) or parking area from either a public or private right-of-way. For the purpose of this definition a driveway shall not consist of an access way around a building designed for emergency use, vehicular drive-through(s) as part of a particular development design, or parking area perimeter access ways used for on-site traffic circulation.

Statement of Fact: The purpose of these amendments is to clarify the definition of “building appurtenance” and the definition of “driveway” for code interpretation purposes. The actual language is provided on the ballot. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___

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TWO: The Town hereby ordains to amend the **Zoning Ordinance** by inserting a new definition and adding a section to Article 17 - Non-conforming Situations, which specifies that after an approved non-conforming structure expansion has been constructed that the Code Enforcement Department is provided with an as-built plan to ensure compliance with the permit, as follows:

Amendment: Amend Article 2, Definitions, by adding the following definition:

***AS-BUILT PLAN:** A construction or engineering plan prepared after the completion of construction, by a Maine-Licensed Professional Engineer or Land Surveyor, in such a manner as to accurately identify and depict the location of on-site improvements.*

Amendment: Amend Article 17 - Non-conforming situations, specifically section 17.2 - Non-conforming structures by adding “j” to the following:

J. In order to verify compliance with an approved plan for expansion of a non-conforming structure, an as-built plan shall be provided to the Code Enforcement Department prior to issuance of a final occupancy permit.

Statement of Fact: The purpose of this amendment is to ensure that an approved expansion of a non-conforming structure (typically a building constructed close to a neighbor’s property line) complies with the specifications approved by the Code Enforcement Department. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 4-1

YES ___ NO ___

THREE: The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending footnote “e” in section 5.2 - Schedule of Dimensional Regulations regarding street frontage exemptions for lots on cul-de-sacs, as follows:

Amendment: Amend Article 5- Dimensional Regulations, by amending the following definitions:

e. Street Frontage Exemptions - New building lots located at the end of a cul-de-sac may be designed to have *less street frontage than is required in the underlying zoning district but shall comply with the following:*

- *Have no less than 50 feet of street frontage along the circumference of the cul-de-sac, provided lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for lot frontage in that zoning district;*
- *The cul-de-sac is constructed to Town road acceptance standards (See Public Road Acceptance Ordinance for cul-de-sac construction requirements); and*

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- All minimum lot line setbacks shall be met.

Statement of Fact: The purpose of this amendment is to ensure a cul-de-sac is constructed to Town specifications prior to development of any lots that seek reduced street frontage on the cul-de-sac. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 4-1

YES ___ NO ___

FOUR: The Town hereby ordains to amend the **Zoning Ordinance**, to bring the Ordinance into compliance with State Rules, specifically amending Article 2 Definitions and Article 8 Shoreland Overlay District, as follows:

Amendment: Amend Article 2, Definitions, by adding the following definitions to be consistent with state shoreland minimum requirements:

STRUCTURE, EXPANSION (notwithstanding other sections of the ordinance, this definition pertains to the Shoreland Overlay District only): an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Amendment: Amend Article 8, Shoreland Overlay District, by amending section 8.3.6 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and uses extending over or beyond the Normal High Water Mark of a Waterbody or within a Wetland, and Shoreline Stabilization with the following:

8.3.6.9 A pier may be built only on a tract of land with river frontage on the York River existing as of March 5, 1977; and only on a tract of land with river frontage on the Cape Neddick River or shore frontage on Brave Boat Harbor existing as of May 20, 2017, provided that there is no pier presently on the land and that the following requirements are met:

- a. The total area of all floats associated with any single pier shall not exceed 200 square feet, except that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained and repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as "Public, Semi-Public, Institutional" per the use tables of Article 4 *that is defined as a municipal or commercial marina use. Commercial fishing uses, as defined in this ordinance, shall be allowed a total float size area not to exceed 400 square feet with any single pier.*
- b. Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.
- c. Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer.

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Amendment: Amend Article 8, Shoreland Overlay District, by amending section 8.3 - Structure by adding the following section pertaining to retaining walls:

8.3.11.8 Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

- a. The site has been previously altered and an effective vegetated buffer does not exist;*
- b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;*
- c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;*
- d. The total height of the wall(s), in the aggregate, are no more than 24 inches;*
- e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.*
- f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and*
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:*
 - i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;*
 - ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;*
 - iii. Only native species may be used to establish the buffer area;*
 - iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;*

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- v. *A footpath not to exceed the standards in §8.3.3.2 (a), may traverse the buffer.*

Statement of Fact: The purpose of this amendment is to ensure compliance with State minimum shoreland overlay district regulation guidelines by defining “Structure Expansion,” include a section regarding allowance of retaining walls within shoreland setbacks in certain circumstances. It also amends the section of the shoreland overlay district pertaining to float sizes associated with piers for marinas and commercial fishing uses. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___

FIVE: The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending the Workforce Affordable Housing Overlay District boundary map and Workforce Affordable Housing Overlay District section of the ordinance and the Open Space Conservation Subdivision Ordinance by adding a section that requires the incorporation of workforce affordable housing in subdivisions of 5 units or greater. Copies of the full text of the proposed amendment and the map are available from the Town Clerk.

Statement of Fact: The purpose of this amendment is to better achieve minimum guidelines pertaining to Maine municipalities assuring that workforce affordable housing is attainable in a community; that York continues to implement the Town’s Comprehensive Plan sections regarding affordable housing policies (State Goal 4, Town Goal 4.1 and Town Goal 4.2 in the Comprehensive Plan), and that the Town encourages and promotes affordable workforce housing opportunities for all of York’s citizens. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___

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SIX: The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending Article 2 Definitions, Article 4 Use Regulations, Article 8 Shoreland Overlay District, and Article 7 Special Provisions and the **Business Licensing Ordinance** by incorporating new use definitions and requirements for Medical Marijuana consistent with the Maine Medical Use of Marijuana Act. Copies of the full text of the proposed amendment are available from the Town Clerk.

Statement of Fact: The purpose of this amendment is to integrate new use definitions and standards in Town ordinances regarding medical marijuana only. The definitions and standards correlate to the recently amended Maine Medical Use of Marijuana Act. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___

SEVEN: Shall the voters authorize the Board of Selectmen to **take any and all actions, including the payment of associated legal and surveying costs, as are necessary to ratify and execute the proposed Town of York and First Parish Church Land Settlement**, which proposes to give title to certain land to the Town of York and First Parish Church as follows:

First Parish Church will have title to:

- Land under Church buildings, grounds and parking
- First Parish Cemetery
- First Parish Woodlands (land behind Church Cemetery)
- The Ramsdell House property (across from Hospital entrance)
- The Old Burial Yard
- The Emerson Wilcox House property

The Town of York will have title to:

- Land under the current Town Hall and land for the proposed expansion of Town Hall and Parking
- Land under the Old Gaol
- Land under the Remick Barn, Jefferds' Tavern, the Old School House and adjacent parking area

Statement of Fact: This Article authorizes the Board of Selectmen to negotiate and execute a final agreement with the First Parish Church. More information can be obtained on the Town Manager's page of the Town web site (www.yorkmaine.org).

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___

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EIGHT: Shall the Town (1) approve the **acquisition of approximately 106.2 acres of undeveloped land near York Village from the Mary McIntire Trust**, fronting on York Street, Raydon Road and Donica Road, being portions of parcels at 142 York Street and 50 Donica Road (the “Project”), plans for future use of which will be decided following acquisition; (2) appropriate a sum not to exceed **\$7,500,000**, plus any additional premium, for the costs of the Project; and (3) to fund this appropriation, authorize the Treasurer and Chairman of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$7,500,000, plus any additional premium, with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption(s), form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chair of the Board of Selectmen?

Financial Statement:

Total Town Indebtedness	
A. Bonds outstanding and unpaid	\$33,173,521
B. Bonds authorized and un-issued	1,400,000
C. Bonds to be issued if the Article is approved	<u>7,500,000</u>
Total	\$42,073,521

Costs: At an estimated interest rate of 2.3%, the estimated costs of these bonds over a period of 20 years will be \$1,884,562.50 interest or a total debt service of \$9,384,562.50

Validity: The validity of the bonds and the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Lawrence A. Graves, Town Treasurer

Board of Selectmen recommends a NO vote (5-0).

Budget Committee recommends a NO vote (4-3).

A **YES** vote authorizes an appropriation of **\$7,500,000**.

A **NO** vote authorizes an appropriation of **\$0**.

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Statement of Fact: This question asks the voters if they will purchase the Davis property for \$7,500,000. The purchase will be bond-financed over a period of 20 years, with a total cost including interest expected to be \$9,384,562.50.

The anticipated tax impact on a home assessed at \$400,000 would be approximately \$48/year, diminishing slightly each year over the course of 20 years. This is based on a 20-year bond, financed at 2.3% interest, with a first year's bond payment of \$541,312.50.

The Board of Selectmen recommends a NO vote: 5-0

The Budget Committee recommends a NO vote: 4-3

A NO vote is a recommendation against the purchase.

YES ___ NO ___

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Tally Sheet

Article 1: YES NO

Article 2: YES NO

Article 3: YES NO

Article 4: YES NO

Article 5: YES NO

Article 6: YES NO

Article 7: YES NO

Article 8: YES NO