

LONG SANDS BATHHOUSE

Property and Facilities Inventory

This document is one of a series of staff reports to document important information about properties owned and utilized by the Town of York. It is an attempt to compile and make available relevant information about properties to ensure the institutional knowledge is not lost over time.



January 29, 2021

LONG SANDS BATHHOUSE

Location: 178 Long Beach Ave.



Facility: The Long Sands Bathhouse is located on this property. This is the only public bathroom facility along Long Sands Beach. The current building is a single-story building. There is one exterior year-round public bathroom. On the inside are the women's bathroom, men's bathroom, first aid room, lifeguard storage, and a utility room. There was a ribbon-cutting ceremony on July 9, 2018.

Town Acquisition: The property, as currently configured, was acquired in two distinct stages.

1. The Town of York acquired the original parcel upon termination of the York Beach Village Corporation. In Section 2 of the legislation that repealed the Village Corporation (L.D. 1809), it is established that ownership of all property of the Village Corporation was transferred to the Town as of October 15, 1977.

The York Beach Village Corporation purchased this property from Roger R. and Paul M. Norton for \$100 on May 31, 1957. The Nortons retained a right to utilize the ramp to access Long Sands Beach from Route 1-A. This acquisition was authorized by a vote of the Village Corporation on March 19, 1957. This vote authorized the Corporation Board of Assessors to find and purchase land

suitable, "for the purpose of making and maintaining rest room facilities," at Long Sands Beach. Total costs was not to exceed \$9,000.

2. The Town of York acquired additional land, which was added to the original parcel, when it purchased 5,008.8 square feet of land from the estate of Roger R. Norton, Jr. on June 2, 2016, for \$5,008.80. Voters authorized this purchase at the General Referendum on November 3, 2015 (see Article 15). This newly acquired land was added to the existing lot with the intention of accommodating construction of the new Long Beach Bathhouse. The new bathhouse, now constructed and in use, is located on the landward side of the original bathhouse, and the road was moved to accommodate this change. The concrete deck on the ocean side of the bathhouse is the remainder of the old bathhouse.

Deed References:

- Book 1872, Pages 395 – 396 (the 1957 deed)
- Book 17246, Pages 954-955 (the 2016 deed, with accompanying plot plan)

Deed Restrictions: There are no restrictions listed on either deed, except that the Nortons retained the right to use the ramp for access onto Long Sands Beach.

Survey and Monumentation: It is unclear what surveys and monuments exist for this property. There is a detailed plot plan attached to the 2016 deed, but this is not a survey.

Relationship to Bond Funds: The more recently acquired property and the bathhouse building were funded in large part with bond funds. In the bond issued in November 2013, \$687,000 was obtained for this project. This was tax-exempt financing. The final payment scheduled for this project is November 2034.

Land Use Permits & Approvals: Building, plumbing and dune permits were obtaining in 2017 for the current facility.

Other Information:

- *MS4 Area.* The property is located within the census-designated urbanized area and is therefore potentially subject to Municipal Separate Storm Sewer System (MS4) requirements of the Clean Water Act.
- *Permitting Complexity.* Early on, as the bathhouse replacement project was being considered, the Parks & Recreation Director requested an evaluation of the permits and approvals needed to replace and expand the bathhouse. The Community Development Director prepared an evaluation based on information then in hand. A copy of this review is attached for future reference. Additional complexities presented themselves in terms of the State's dune regulations and ownership of the Route 1A right-of-way:
 - Regarding the dune rules, these rules were changed by direction of Governor LePage in a manner that permitted the building to be expanded landward. Had this not happened, the State likely would not have been able to approve the expansion of the building.
 - Regarding land ownership, the Town had assumed the State owned the right-of-way under Route 1A, and that it would be able to acquire the land just inland from the building if the State road was moved west. In fact, the ROW had never taken by the State, so the Town was obligated to negotiate with the Norton estate to acquire land uncovered when the road was moved inland. The second deed was the product of this negotiation.
- *Project Budget.* As originally envisioned, the Parks & Recreation Director approached the Budget Committee to seek two authorizations for the bathhouse replacement project. In the first year, the Director requested funds for project design. This would inform the community about the likely cost of the project. Funding in a subsequent year would pay for project construction. The Budget Committee rejected this approach and requested a single voter action for design and construction. To obtain an estimated project cost, the Town approached the engineering firm which had very recently designed and permitted construction of the then-new bathhouse at Ellis Short Sands Park. The budget was thus set with best available information, and voter authorization to spend \$687,000 was granted on May 18, 2013 (see Article 42). Construction was delayed a year because of the property issue detailed above, and in the end the project cost exceeded the amount of bond funds available. The voters were asked to supplement the budget by \$216,000 with funds available in the Municipal Building and Land Fund account. Voters approved this additional expenditure on November 7, 2017 at a Special Budget Referendum (see Article One).
- *Sea Wall.* None of the sea wall matters are included in this write-up.

Property Deed

Acquisition by York Beach Village Corporation - 1957

1872 PAGE 395

Know all Men by these Presents

That Roger R. Norton and Paul M. Norton both of York in the County of York and State of Maine

in consideration of one dollar and other good and valuable consideration being a total in all of less than one hundred (\$100.00) dollars

paid by the Inhabitants of the York Beach Village Corporation, a municipal corporation and body politic created by law, of York in the County of York and State of Maine

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Inhabitants of the York Beach Village Corporation its successors and assigns forever all our right, title and interest in and to a certain lot or parcel of land situated on the southeasterly side of U. S. Route 1-A, also known as York Street and Long Sands Road, at York in the County of York and State of Maine, all within the limits of the York Beach Village Corporation and more particularly ~~being a corner of a lot in the rear of the Long Sands Beach Bathhouse~~ bounded and described as follows:

Beginning at a point which point is in the granite curbing which forms the northwesterly side of the sidewalk located on the southeasterly side of U. S. Route 1-A at Oceanside, so called, where a projection of the base line of the "rip-rap" or foundation wall of the southerly side of the "ramp" or road leading onto the Long Sands Beach intersects with said granite curbing. The aforesaid base line being hereinafter referred to as "Line A". Thence running southeasterly on the course of the aforesaid Line A one hundred twenty-five (125) feet to a point; thence turning and running northeasterly to a point, hereinafter to be described, on another line hereinafter known and referred to as "Line C". Said Line C being parallel to and every where one hundred and twenty-five (125) feet distant from said Line A measured on a perpendicular having its base on Line A. Said point being situated on said Line C at a point which is one hundred and twenty-five (125) feet measured on Line C in a southeasterly direction from the point where said Line C intersects the granite curbing which forms the northwesterly side of the sidewalk located on the southeasterly side of said U. S. Route 1-A. Thence turning, at the point described on said Line C, and running northwesterly on the course of said Line C one hundred twenty-five (125) feet to a point in the granite curbing aforesaid where said Line C intersects with it; thence turning and running southwesterly by and along the line of the granite curbing which forms the northwesterly side of the sidewalk aforesaid to the "ramp" or road leading onto Long Sands Beach and then continuing across said ramp on the line of said curbing to the point of beginning. However, reserving to the grantors their heirs and assigns a right of way for all the usual purposes of a way and by foot, team, wagon or motor vehicle over said ramp, as the same now exists, to said Long Sands Beach from said U. S. Route 1-A.

1872 pg 396
to Harry H. Norton by quit-claim deed dated January 16, 1937 and
duly recorded in York County Registry of Deeds book 893, at page 63,
and which the grantors herein inherited as the heirs-at-law of the
said Harry H. Norton, their father, late of York deceased.

To have and to hold, the same, together with all the privileges
and appurtenances thereunto belonging, to the said
York Beach Village Corporation its successors and assigns forever,
heirs and executors forever.

And we do further warrant with the said grantee, its successors
and assigns, that we will warrant and warrant defend the
premises to the said grantee, its successors
forever, against the lawful claims and demands of all persons
claiming by, through, or under us.

In Witness Whereof, we the said Roger R. Norton

and Loretta M. Norton

wife

of the said

Roger R. Norton and Paul M. Norton, a single man,
joining in this deed as Grantors, and relinquishing and conveying
all right by descent and all other rights in the above described
premises, have hereunto set our hand and seals this thirty-first
day of May in the year of our Lord one thousand nine
hundred and fifty-seven.

Signed, Sealed and Delivered
in presence of

Myron O. Bent
Myron O. Bent
Myron O. Bent

Roger R. Norton
Loretta M. Norton
Paul M. Norton

State of New Hampshire
Rockingham } ss.

May 31, 1957.

Personally appeared the above named Roger R. Norton
and Paul M. Norton and severally

and acknowledged the above instrument
to be their free act and deed.

Before me,

York, Myron O. Bent
Received MAY 21 1970 at 4 h 30 m P.M.
and recorded from the original

Notary Public
My Commission Expires
2-1-31

Town deed

Acquisition by Town of York - 2016



BK 17246 PGS 954 - 955 06/03/2016 10:26:14 AM
INSTR # 2016020525 DEBRA ANDERSON
RECEIVED YORK SS REGISTER OF DEEDS

PERSONAL REPRESENTATIVE'S DEED OF SALE

(TESTATE ESTATE)

ROGER R. NORTON, III, of York, Maine, duly appointed and acting Personal Representative of the Estate of Roger R. Norton, Jr., deceased, testate, whose Will was duly admitted to probate in the Probate Court for York County, Maine, Docket No. 2009-0616, and not having given notice to each person succeeding to an interest in the property hereby conveyed at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, FOR CONSIDERATION PAID, grants to the **TOWN OF YORK**, a Maine municipal corporation and body politic having a mailing address of 186 York Street, York, Maine 03909, certain real property, together with any improvements thereon, situate in the Town of York, County of York and State of Maine, being a portion of the property described in deed dated December 10, 1993 and recorded in the York County Registry of Deeds in Book 6869, Page 107, containing 5,008.8 square feet, which portion is shown as the striped area on the Plot Plan attached hereto as Exhibit A and made a part hereof by reference.

Being a portion of the same premises conveyed by deed of Alfred L. Nutter, Deputy Sheriff, to Harry H. Norton dated January 16, 1936 and recorded in the York County Registry of Deeds in Book 893, Page 63.

WITNESS my hand and seal as of this 2 day of June, 2016.

WITNESS:

Roger R. Norton, III
Name: Roger R. Norton, III

Roger R. Norton, III

Roger R. Norton, III,
Personal Representative of the
Estate of Roger R. Norton, Jr.

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

June 2, 2016

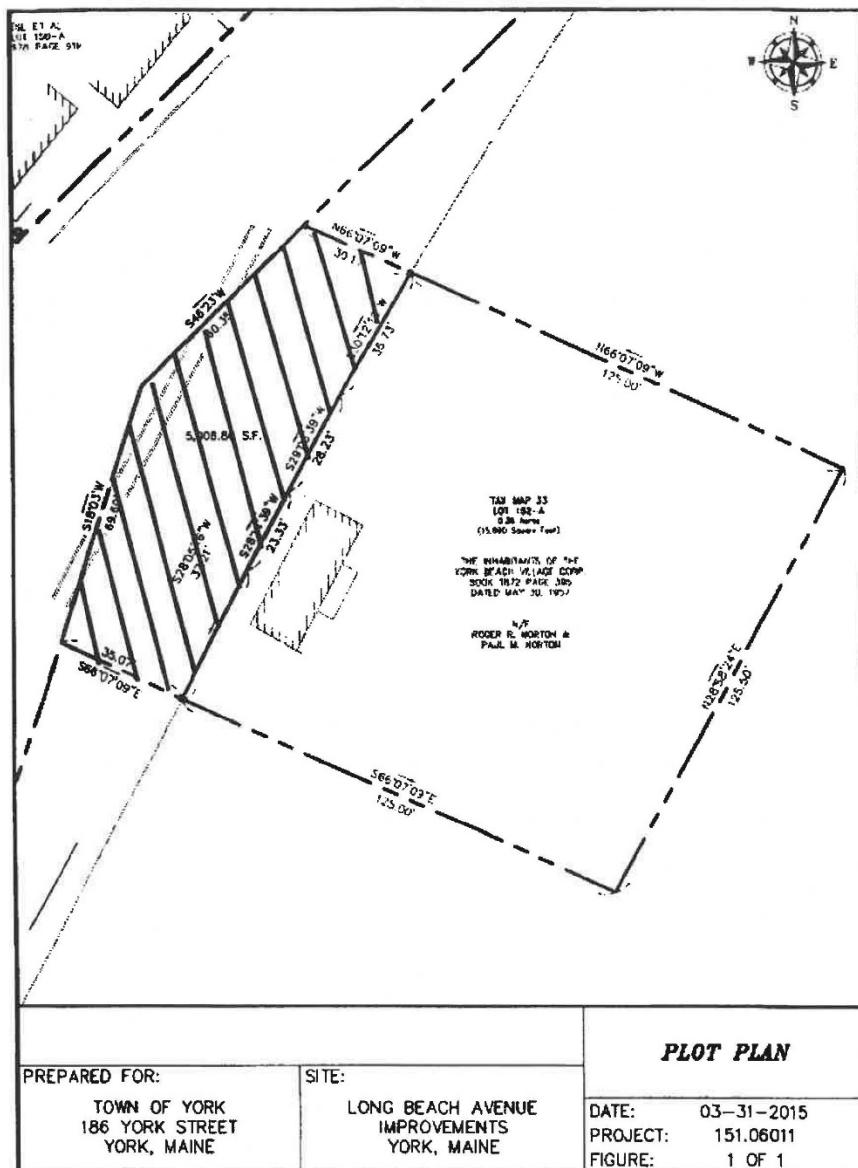
Personally appeared the above-named Roger R. Norton, III, Personal Representative as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Benjamin M. Leach
Print Name: Benjamin M. Leach
Notary Public Attorney at Law # 4970
Notary Commission Expires:

ap-→
→ Portland, ME. 04104-3029
Bennett, Shur
DPO Box 929

EXHIBIT A
[Depiction of Property]



State Law That Terminated the York Beach Village Corporation

This Act was presented to the Governor by the Senate on JUN 17 1977
and has become law without his signature.
(Constitution, Article IV, Part Third)

Received in the office of the Secretary of State JUN 30 1977.

STATE OF MAINE

JUN 30 1977

CHAPTER

62

P & S LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

H. P. 1601 — L. D. 1809

AN ACT Repealing the York Beach Village Corporation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the following legislation is necessary to carry into effect the intent of the citizens of York Beach Village Corporation to consolidate the corporation with the Town of York; and

Whereas, in the interests of good government and the welfare of the people within the York Beach Village Corporation the following legislation is necessary; and

Whereas, it is vital that the duties and responsibilities of the Town of York with respect to the future of York Beach Village Corporation be carefully spelled out; and

Whereas, it is vital that the voters of the entire Town of York, including the voters of York Beach Village Corporation, be permitted to vote upon the merits of the proposed legislation as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P&SL 1901, c. 455, repealed. Subject to the provisions of section 14 of this Act, chapter 455 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Beach Village Corporation," is repealed.

Sec. 2. Rights, etc., of the York Beach Village Corporation vested in the Town of York. Upon the acceptance of this Act as provided in section 14 hereof, all real and personal property, or any interests therein, then owned by the York Beach Village Corporation, together with all accounts receivable, choses in action and all other rights and benefits that may be either then due and payable to, or would accrue to, or for the benefit of the York Beach Village Corporation, but for this Act, shall be and become the property of the Town of York without the payment of any consideration; the town being hereby vested with all rights and powers of holding, disposing of or enforcing of such rights so acquired. All litigation pending in any court involving the York Beach Village Corporation shall not abate and shall be prosecuted or defended, as the case may be, by the Town of York and the Town of York shall, in all instances, be held to be the successor in interest to the York Beach Village Corporation. The Town of York shall prosecute the litigation in accordance with the intention of the Overseers of York

617-1

Beach Village Corporation, which intention shall be expressed in a document to be signed by the overseers and directed to the selectmen to be filed with them after the effective date of this Act, it being the Legislature's intention that the litigation shall proceed according to the original intention of the Overseers of York Beach Village Corporation.

Sec. 3. Contracts, etc., to be assumed by the Town of York. Upon the acceptance of this Act, as provided in section 14, all responsibilities, duties, contracts, obligations and liabilities of the York Beach Village Corporation incurred or undertaken prior to the acceptance of this Act, shall be assumed and performed by the Town of York. The term "liabilities" shall include, but not be limited to, the maintenance and snowplowing of all publicly accepted roads and ways in the York Beach and the provision and construction of drains according to a vote of the York Beach Village Corporation and to the plans and specifications drawn in response to the vote. The York Beach Village Corporation will submit to the Town of York a map outlining such roads and ways. "Obligations" shall include obligations voted at the 1977 meeting of the York Beach Village Corporation.

Sec. 4. Police department. The Town of York shall maintain the staffing level of the York Beach Police Department at York Beach based on the minimal level of staffing existing at York Beach in the summer of 1977, it being the intention of the Legislature that at a minimum the current level and types of police protection and the maintenance of sufficient numbers of police personnel to provide adequate protection to citizens at York Beach be maintained so as to provide adequate police protection for the geographical area, particularly during the summer months of each year. In connection with the provision of police services to York Beach, the Town of York shall maintain and provide sufficient equipment and a physical facility at York Beach to be used as a base for police operations. The reserve officers of York Beach Police Department shall be placed on the list of reserve officers of the Town of York for consideration for appointment by the selectmen of the Town of York at their last meeting to be held in March of 1978.

The present Chief of the Police Department of York Beach shall be integrated into the Police Department of the Town of York at the level of Sergeant. His salary shall continue at its present level until the normal end of the York Beach Village Corporation fiscal year, at which time his salary will be commensurate with a sergeant position in the Town of York Police Department.

The present Sergeant of the Police Department of York Beach shall be integrated into the Town of York Police Department at the level of a patrolman.

Police personnel at York Beach now paid by CETA funds or part-time funds need not be integrated into the Town of York Police Department, except for reserve officers as above.

Sec. 5. Fire department. The Town of York shall maintain and provide financial support for the York Beach Fire Department at least as on its present basis and shall continue the practice of the York Beach Village Corporation in making incremental payments of such financial support of at least \$1,000 per payment until funds are exhausted. The Town of York shall assume any and all existing obligations of York Beach Village Corporation with respect to the York Beach Fire Department. The Town of York shall appoint, as Chiefs, persons elected by the York Beach Fire Department. Existing trucks and equipment of the York Beach Fire Department will remain in the York Beach Fire Department station. The York Beach Fire Department will continue to have its existing sphere of key availability for fire zones C and D according to the map entitled "Territorial Responsibility of Fire Departments" in accordance with an agreement between the municipal officers and the fire department chiefs of York, York Beach and Ogunquit. The fire inspector for fire zones C and D shall continue to be appointed from the membership of the York Beach Fire Department and with the approval of that department. The

present building utilized by the York Beach Fire Department will be continued in its present use and may also be used for public purposes for a public meeting hall area, except for that portion of the building known as the "firemen's room." It is understood that the Fire Department itself may determine the applicability and use of the permanent-man concept.

The Legislature recognizes that there exists certain deed restrictions with respect to real estate owned by the York Beach Village Corporation and used by the York Beach Fire Department. A certain portion of land has been given by the York Beach Village Corporation to the York Beach Fire Department. The Legislature intends that the town abide by any and all restrictions, covenants and conditions with respect to gifts, conveyances and other transfers to the end that the Legislature's intention be carried out that the Fire Department is to remain and continue as on the present basis.

Sec. 6. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 14 hereof, all ordinances then in force in the York Beach Village Corporation, including the zoning bylaws, the building code and those relating to traffic and parking control, to the bathing beaches and to public health and safety, shall become valid and enforceable ordinances within the Town of York. All such ordinances of the York Beach Village Corporation as set forth in the pamphlet entitled "York Beach Village Corporation, York Beach, Maine, Charter and Ordinances as of 1972," as further amended from time to time by York Beach Village Corporation, are hereby ratified, confirmed and declared valid and a copy of the ordinances shall be filed with the Town of York by the York Beach Village Corporation as of the effective date of this Act, except that such filing shall not be construed as a prerequisite to validation. As between such ordinances and the ordinances of the Town of York existing as of the effective date of this Act, the stricter of the ordinances shall control. All building permits, variances, special permits and other licenses issued or granted by the York Beach Village Corporation prior to the acceptance of this legislation by the voters of the Town of York shall remain in full force and effect in accordance with their terms when issued or granted.

Sec. 7. Existing facilities to be maintained. Upon and after the acceptance of this Act as provided in section 14 hereof, the Town of York shall maintain all street lights and signs, fire hydrants, parking meters, traffic signals and signs, public beaches, public walks, sewer and drainage systems and public parks as they exist at the time of such acceptance or as they may be from time to time improved. The Town of York shall maintain the parking meters at York Beach at least at their present level and placement.

With respect to Short Sands Park, so-called, located in York Beach, the town shall continue the cooperative arrangement which Short Sands Park enjoys with York Beach in sharing duties and responsibilities similar to the 1977 agreement which the park has with the York Beach Village Corporation. The Town of York shall continue the practice of York Beach in enforcing police power ordinances over the park.

With respect to Sohier Park, the town shall assume the duties and responsibilities of York Beach concerning the park and the town shall abide by all restrictions, covenants and impositions of trust contained in conveyances with respect to the park. The town shall specifically assume the duties and responsibilities under a certain lease now existing with respect to the use of facilities at the park. The town shall continue a representative from the York Beach geographical area on the park Committee. The town shall further carry forward and discharge the responsibilities of York Beach with respect to the so-called "Five-Year Plan" with respect to improvements on the park. The Overseers of York Beach Village Corporation shall provide the Selectmen of the Town of York with documentation of the "Five-Year Plan" after the effective date of this Act.

The town shall maintain all restrooms, lifeguards and beach cleaning at the level existing during the summer of 1977 so as to continue the favorable economic impact of such activities in the York Beach geographical area.

Sec. 8. Employees; personnel. The existing full-time Highway Department employees of York Beach shall become employees of the Town of York.

Sec. 9. Administrative services. The Town of York shall provide adequate personnel and facilities to carry out all administrative duties of the Town of York, including functions relating to police protection and administration at a location within the York Beach geographical area, it being the intention of the Legislature that because of the press of administrative problems at York Beach, particularly in the summer, the town place an administrator, at least on a part-time basis, after the effective date of this Act, to handle matters relating to police protection and other administrative matters.

Sec. 10. Planning Board and Board of Appeals appointments. The Town of York shall maintain at least one member on its Planning Board and one member on its Appeals Board from the York Beach geographical area.

Sec. 11. Park next to fire station. The Town of York shall continue to maintain the land next to the fire station presently used for recreational purposes and as a park area in the same fashion. The Board of Overseers of York Beach Village Corporation shall furnish the Selectmen of the Town of York with a statement concerning the mode and type of use of the park area and the Selectmen shall follow the mode of use insofar as possible, giving preference to those organizations indicated to be entitled to such preference by the Overseers of York Beach Village Corporation.

Sec. 12. Deeds, documents town to abide by. The Town of York shall abide by all restrictions, covenants, trusts and any and all encumbrances or limitations upon the use of land with respect to real estate which it acquires pursuant to the terms of this Act.

Sec. 13. Authority and documents. The Overseers of York Beach Village Corporation are authorized and empowered to execute any and all such documents, including but not limited to, instruments of conveyance and assignments, as may be necessary to carry this Act into effect and their authority to so act shall extend until such date as their terms would have expired but for the passage and acceptance of this Act. The town shall use the Overseers of the York Beach Village Corporation as they are constituted on the effective date of this Act as an advisory board to its Board of Selectmen in order that any transition with respect to the consolidation operates as smoothly as possible and the town shall involve those overseers actively in the transition in any problems occurring as a result thereof and shall fully consider their advice and recommendations with respect to solutions.

Sec. 14. Referendum; effective date; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Town of York at a special meeting thereof held on or before September 1, 1977, provided that the warrant calling such meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing annual and special meetings of the town, except voting on the article relating to this action shall be accomplished by written ballot to be prepared for the meeting by the town clerk. The town clerk shall prepare proper ballots upon which this action shall be reduced to the following question:

"Shall 'An Act Repealing the York Beach Village Corporation,' as passed by the First Regular Session of the 108th Legislature, be accepted?"

Qualified voters of the town shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same.

In view of the emergency cited in the preamble, this Act shall take effect for all purposes hereof on October 15, 1977, if accepted by the inhabitants of the Town of York by a majority of the legal voters present and voting at the meeting.

The results of the vote taken at the meeting as specified shall be declared in open meeting by the municipal officers of the town and a certificate of the result of the voting shall be filed by the clerk of the town with the Secretary of State.

IN HOUSE OF REPRESENTATIVES,.....1977

Read twice and passed to be enacted.

.....*Speaker*

IN SENATE,.....1977

Read twice and passed to be enacted.

.....*President*

Approved.....1977

.....*Governor*

617-5

Scope of Permitting Jurisdiction
For
Bathhouse Replacement/Expansion

MEMO



TO: File
FROM: Steve Burns, Community Development Director
DATE: January 17, 2013
RE: Local Permitting Jurisdiction – Long Sands Bathhouse
187 Long Beach Ave
Map 0033 /Lot 0152-A

OVERVIEW

In a January 16th memo, Mike Sullivan has asked for Department input on the capital budget proposal to replace/expand the Long Sands Bathhouse. He wants to know how local requirements will limit or impact the project, which is yet to be designed.

BEST GUESS AT THIS TIME

My best guess at this time is that the Long Sands bathhouse can be expanded landward. There probably is no code-imposed size limit on the expansion. To bring any certainty to this matter, it will be essential to survey the property, showing all improvements and regulatory boundaries with respect to the property boundaries. This is a complex location and a unique facility, and the permitting won't be simple. Here are a couple key points to bear in mind:

1. Local approvals/permits are required, in this order: Planning Board, Board of Selectmen, voters, and CEO. It's going to take some serious time to get through this, just as Sohier Park did.
2. There are 2 potential show-stoppers which must be avoided, and either will prevent any expansion:
 - a. To expand the building, it must be fully conforming with respect to base zone setbacks. This means a 20' setback from the road and 12' from all other property boundaries. If it doesn't conform completely then the expansion is prohibited (Zoning §17.2.1.2).
 - b. The bathhouse must be found by the Planning Board to be a functionally water dependent use. I think it is, as I outlined in my write-up, but ultimately the Planning Board must decide.
3. There will be a need to add green space, but there any amount will suffice.

4. There will be a delicate balance between the State dune requirement to continue with the existing site and the local requirements to limit construction only to the landward side of the high tide line. Depending on the survey, this could be tricky.

BACKGROUND INFORMATION

- **OWNERSHIP**

Rick Mace provided a deed for the lot, which is roughly square and 125' along each side. The deed dates back to 1957 so it is impossible for me to tell if any of the landmarks referenced in the deed are still in existence as they were at that time. The sidewalk and the ramp onto the beach are both referenced, but these could have changed over the years. As far as I know, there is no survey of the property and the building.

- **BUILDING FILE**

The building file has architectural plans from 1995 when the building was reconstructed and the new roof/second floor added. There isn't a property survey in the file.

- **PLANNING BOARD FILE**

There is no Planning Board file for this property. The Board's review of the Shoreland Permit in 1995 is documented only in the building file.

JURISDICTION

This application falls under 2 ordinances – Zoning and Floodplain Management. The relevant sections of each are identified here. Plumbing and building codes will also kick in, but they aren't relevant at this early point in the process.

- **ZONING ORDINANCE**

I have flagged all the relevant sections of the Ordinance below. A summary of my interpretations follows.

§4.1.1 The use is "Municipal," which is allowed in RES-7.

§4.2.1.1 Public bathhouses are allowed on the ocean side of Long Beach Ave, but are subject to approval of the Planning Board, Board of Selectmen, and the Legislative Body (referendum vote). This provision places the application process and decision-making in the hands of the Planning Board regarding use, Shoreland Zoning and Floodplain compliance. The CEO will also have

Floodplain responsibilities, along with building and plumbing code responsibilities.

§5.2.1 Base zone dimensional regulations of RES-7 apply. There are 3 aspects to these dimensional requirements, as follows:

- Lot. Per the deed and base zoning, the lot appears to be fully conforming with respect to size and road frontage. There is no lot depth requirement in this zone.
- Buildings/Structures. Without knowing the lot boundaries, I can't tell where the existing building does or does not comply with required setbacks. The required setbacks are 20' from the front lot line along Long Beach Ave, and 12' from all other lot lines. I'm confident the building complies with the building height limit of 35'.
- Impervious Surface Ratio. This zone limits lot coverage to 30%. Because the lot is pretty big and much of it appears to be on the beach itself, so this may or may not be conforming. I can't tell without a survey of the lot and all impervious surfaces. Note also the *lot coverage* standards of the Shoreland Overlay District.

§8 Shoreland Overlay District. Lots of applicable material here, so I'll identify each topic below:

- §3.8. Per this section, I think this site will be split between the Resource Protection and Limited Residential subdistricts. I won't be able to define the boundary between these zones, so this will need to be addressed on the survey. The survey will need to identify the landward extent of the coastal wetland (Zoning) and the boundary of the V-zone (Floodplain), and must use these to show the boundary between these 2 subdistricts.
- 8.1.1.C & E. The lot exceeds the 12,000 s.f. area requirement, except that land area below the high tide line isn't counted per §8.1.4.B. It is doubtful whether it complies with the required 200' of shore frontage, either. Both of these need to be documented in the survey. It's probably not critical either way.
- 8.1.3.b. Maximum lot coverage in Shoreland is only 20%, so this may be an issue. Because land below the high tide line can't be factored into this calculation, it is unlikely this standard is met. Note that Shoreland lot coverage is a different measure than the *impervious surface ratio* used in the base zones, so the survey needs to reflect each calculation.
- §8.2.1.A & C. The use is "Municipal," which is allowed in both the Limited Residential and Resource Protection subdistricts.

- §8.3. Various design standards will apply, and of those that do apply most won't be difficult for the designers to demonstrate compliance:
 - 8.3.2 – erosion and sedimentation control
 - 8.3.4 – stormwater runoff
 - 8.3.8 – road and driveway construction
 - 8.3.13 – water quality protection
 - 8.3.14 – essential services
 - 8.3.15 – parking areas
- §8.3.11. This is one of the drop-dead provisions with regard to any enlargement or expansion of the facility. This section imposes shoreland setbacks, but exempts *functionally water dependent uses*. Based on the definition of this use in Article 2, I believe the bathhouse is a functionally water dependent use because it is absolutely necessary for public access to Long Sands Beach. Thousands of people use this beach and I believe that providing this admittedly minimal sanitary facility is an integral part of providing responsible public access to our public waters. Still, this will be a decision of the Planning Board when they review this project. I think this is consistent with the Planning Board's 1995 application to add the second floor, as I read those findings of fact, but this might require a little research into the Zoning in effect at that time.

- §17.2 Non-conforming structure standards may apply, but it is not clear at this point. We need a survey of the lot to know if the building is conforming or non-conforming, but today and as proposed. My best guess is that almost the entire building is non-conforming with respect to the 20' front setback.
- §17.3 Non-conforming lot standards may apply, but it is not clear at this point how. This probably won't matter much anyway.
- §17.4 Non-conforming design standards will probably apply. Existing and proposed lot coverage will be relevant, and I don't know about any other design standards at this point. This can probably be addressed by adding some amount of green space on the lot.

- **FLOODPLAIN MANAGEMENT ORDINANCE**

The entire property is located in the V and AO zones of the 100-year floodplain. This means there is no question about the applicability of the Floodplain Management Ordinance. This Ordinance will affect this application twice, once when the Planning Board does its review, and again when the CEO issues a building permit. The Planning Board review under Article IX, Review of Subdivision and Development Proposals [by

the Planning Board], is sort of a “mom and apple pie” review, with very general standards that shouldn’t be at all difficult to meet. The CEO is required to do more heavy lifting. In this regard, Article VI, Development Standards, applies. Here are the specific sections of this Article which apply:

- A. All Development. Some general standards about anchoring against flotation, use of appropriate materials, and use of appropriate construction methods and design.
- B. Water Supply. Simply guard against flood water infiltration. Simple enough.
- C. Sanitary Sewage Disposal. Prevent infiltration of flood waters into the sewer system, and prevent the discharge of sewage into the flood waters. At Short Sands this required some design attention per the York Sewer District, so anticipate this again at Long Sands. Still, it’s nothing Earth-shattering.
- G. Non-Residential. Must have drainage paths around the building, and needs to be either elevated or flood-proofed. I still am not sure how we get to the flood-proofing provision, but that’s what we were told for the bathhouse at Short Sands and it’s the same AO zone.
- P. Coastal Floodplains. There’s a bunch of stuff here, but **the biggie is the requirement that new construction to be landward of the high tide line**. Here the survey will be critical. This could force the building to be pulled towards the street. We’ll also need to get a read on “new construction,” which means anything built since the Town started participating in the National Flood Insurance Program. I don’t know when that was so I’ll need to do some research.

OTHER ISSUES

- MS4

Clean stormwater requirements of the MS4 portion of the Clean Water Act are about to become a primary responsibility of the Town, starting on July 1st this year. In short, MS4 is about ensuring stormwater quality is high so we don’t pollute our receiving waters, like the Atlantic at Long Sands Beach. I know you get it, but this design has the potential to be a high visibility demonstration project of stormwater treatment. Pervious pavement, added green space, and probably other aspects of the building and site design will all come into play. Maybe a sod roof even??? I suspect there won’t be applicable regulatory requirements for another year or two, but they won’t be too far off. The regulatory requirements will be all about clean water at our beaches so this

building and site should be designed with this in mind. It should be a showcase so the Town can lead by positive example.

- **GREEN BUILDINGS CERTIFICATION**

Zoning Article 9 requires that all new municipal buildings have a green design. This means LEED certified. However, it exempts buildings with less than 5,000 square feet of floor area, so this is not a requirement for this building and site. Given this is a summer-only building, I'm not sure that LEED would even be appropriate here, but I think it should be investigated. Again, this goes back to being a high-profile building, and a green building investment would speak highly of the Town for decades to come. This would probably cost a bit more than standard construction. First point of contact should be Christine Grimando, Town Planner. She has some knowledge of this stuff, and she should be able to point you in the right direction.

- **DESIGN COMPETITION**

Because this is one of the most highly visible public buildings in York, design of the building and site would be a prime opportunity for a design competition. A design competition is an open process where designs are broadly requested, and there is some sort of public vetting process to choose the most appropriate design. The success of this design will speak of the character of York for decades to come, and this process is a great way to ensure the design resonates with the people of York.

- **HIDDEN WIRELESS ANTENNA**

The design of the building might allow for the incorporation of some sort of hidden wireless antenna arrays. Wireless phone reception in the Long Beach area is poor to non-existent for many carriers, and this is an opportunity to improve that for beach-goers and nearby property owners. Hidden means the antenna arrays would be integrated into the building design and not readily discernible by the typical person. We currently have one example of a hidden antenna array in York Village – in the pillars on the steeple of the former Methodist church on York Street. If this proved feasible, the Town could gain a revenue stream from the wireless carrier, and perhaps that revenue stream would be sufficient to operate and maintain the facility in perpetuity without burdening the property taxpayers. It may also turn out that the building is too low and carriers won't be able to use it. It's worth investigating, though. Bob Scamman at the Police Department has some related experience, so it might be good to start by speaking with him.