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To: Steve Burns, Director of Community Development
From: Mike Sullivan, Parks and Recreation Director
Subject: Long Sands Restroom Project
Date: January 16, 2013

I have attached a copy of the project description for the replacement of the Long Sands Restroom Facility. In addition to the building being in poor condition it's also too small to adequately serve the large numbers of people who visit the beach during peak season. For that reason it is my hope that the Town would be able to expand the size of the building.

I have spoken to Bill Bullard from the Department of Environmental Protection to discuss regulations and permitting requirements. The current facility is located in a mapped D1 Front Dune Area. Bill advised that a new exemption in the Coastal Sand Dune regulations would allow a landward "minor expansion" of the structure over the existing impervious area. Since the existing building is surrounded by impervious area a landward expansion would be allowed. I have attached a copy of this ruling. Originally I had hoped to move the entire structure landward and restore the beach, however Bill also advised that if we move the building from its existing location no expansion would be allowed.

On behalf of the Town I would like to request that you review this project as it relates to the Town's own municipal shoreland zoning ordinance. I feel strongly that in the interest of public health and beach water quality the Town should make every effort to build a restroom facility that can more adequately handle the needs of the beach.

I am specifically interested in determining how much the building could be expanded but would also like to know if there are any other ordinances or regulations that may be problematic to this project.

Please let me know if you need anything more from me and thanks for your help!

PUBLIC RESTROOM REPLACEMENT (Long Sands Beach)

NEED: The current restroom facility on Long Sands Beach is in need of replacement. The facility is woefully inadequate to serve the large numbers of people who visit the beach during peak season. The concrete block building has deteriorated to the point where it will no longer hold paint, has become porous, difficult to clean and in general a poor representation for the community. The building lacks a utility room as well as storage space for supplies and equipment. Children's changing areas, handicapped accessible bathrooms and a lifeguard/first aid room are high priorities.

DESCRIPTION: The planned scope of the project will include removal of the existing Long Sands public restroom, re-align Long Sands Road around the existing traffic island opposite the existing restroom and create a large area for the construction of a new facility. The new facility would be more than three times the capacity of the existing, as well as provide for children's changing rooms, private handicapped accessible bathrooms, ample storage and a lifeguard/first aid room. The new "Long Sands Beach House" will be similar in size and style to the one currently being proposed at Ellis Park.

BENEFIT: The new facility will more adequately handle the demands of a large public beach, reduce long waiting lines and increase public health. The building would have the amenities of a modern facility, project a more favorable image of the Town's beaches and aid tourism in the community.

COST: The total cost for road and building construction is \$687,000

*(Subsection 30 as enacted by PL 2011, c. 64, §5 is
REALLOCATED TO TITLE 38, SECTION 480-Q, SUBSECTION
31)*

[RR 2011, c. 1, §60 (COR) .]

31. (REALLOCATED FROM T. 38, §480-Q, sub-§30) Minor expansions of structures in a coastal sand dune system. Expansion of an existing residential or commercial structure in a coastal sand dune system if:

A. The footprint of the expansion is contained within an existing impervious area; [RR 2011, c. 1, §61 (RAL).]

B. The footprint of the expansion is no further seaward than the existing structure; [2011, c. 538, §9 (AMD).]

C. The height of the expansion is within the height restriction of any applicable law or ordinance; and [RR 2011, c. 1, §61 (RAL).]

D. The expansion conforms to the standards for expansion of a structure contained in the municipal shoreland zoning ordinance adopted pursuant to article 2-B. [2011, c. 538, §9 (AMD).]

For purposes of this subsection, "structure" does not include a seawall, retaining wall, closed fence or other structure used to stabilize the shoreline or to prevent the movement of sand or water. For purposes of this subsection, expansion of an existing structure does not include a change from one type of structure to another.

[2011, c. 538, §9 (AMD) .]



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 re-constructed 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 beachgoers 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.