

**WARRANT  
FOR THE  
2005 ANNUAL TOWN MEETING  
OF THE  
TOWN OF OGUNQUIT**

**TO:** FREDERICK M. RUBINO, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

**GREETINGS:** In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on Saturday, the second (2nd) day of April, 2005 A.D. at nine o'clock in the morning (9:00 a.m.) until six o'clock in the evening (6:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

- Article 1:** To elect a Moderator to preside at said meeting. [Note: this question is not intended to be acted upon as part of the official secret ballot at the Annual Town Meeting.]
- Article 2:** To elect two (2) Selectmen for three (3) year terms to commence at the conclusion of the 2005 Annual Town Meeting.
- Article 3:** To elect a Wells-Ogunquit Community School District Trustee for a three (3) year term to commence on July 1, 2005.
- Article 4:** Shall the existing Zoning Ordinance, more specifically referenced at Article 1.3.D and Footnote 13 in Table 703.1, be amended with respect to Lot and Building Coverage Requirements in the Shoreland Overlay District as set forth in a document labeled Amendment A on file in the Office of the Town Clerk to be effective immediately? [Submitted by the Planning Board]
- Article 5:** Shall the existing Zoning Ordinance, more specifically referenced at Article 2, 7.2.B, 8.1, 8.13, 9.6, 9.12 and 10, be amended with respect to Lot, Street and Driveway Definitions and Standards as set forth in a document labeled Amendment B on file in the Office of the Town Clerk to be effective immediately? [Submitted by the Planning Board]
- Article 6:** Shall the existing ordinance entitled "Zoning Ordinance", more specifically referenced at Article 3 be amended with respect to Nonconformance Provisions as set forth in a document labeled Amendment C on file in the Office of the Town Clerk to be effective immediately? [Submitted by the Planning Board]
- Article 7:** Shall the existing Zoning Ordinance, more specifically referenced at Article 8.13 be amended with respect to Traffic Impacts and Preservation of Level of Service as set forth in a document labeled Amendment D on file in the Office of the Town Clerk to be effective immediately? [Submitted by the Planning Board]
- Article 8:** Shall the existing Zoning Ordinance, more specifically referenced at Articles 4.5 and 9.8 be amended to enact housekeeping miscellaneous changes as set forth in a document labeled Amendment E on file in the Office of the Town Clerk to be effective immediately? [Submitted by the Planning Board]
- Article 9:** Shall the existing Zoning Ordinance, more specifically referenced at Table 703.1 be amended to decrease the permitted residential densities as set forth in a document labeled Amendment F on file in the Office of the Town Clerk to be effective immediately? [Submitted by the Planning Board]

**Article 10:** Shall the Town vote to raise and appropriate the sum of \$572,529 for General Government expenditures? (Note: if this article is defeated, the appropriation for General Government will default to \$540,910 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 11:** Shall the Town vote to raise and appropriate the sum of \$365,058 for Land Use Department expenditures? (Note: if this article is defeated, the appropriation for the Land Use Department will default to \$310,344 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 12:** Shall the Town vote to raise and appropriate the sum of \$1,448,041 for Police Department expenditures? (Note: if this article is defeated, the appropriation for the Police Department will default to \$1,355,000 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (3-2).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 13:** Shall the Town vote to raise and appropriate the sum of \$1,116,813 for Fire-Rescue Department expenditures? (Note: if this article is defeated, the appropriation for the Fire-Rescue Department will default to \$1,030,000 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 14:** Shall the Town vote to raise and appropriate the sum of \$789,274 for Public Works Department expenditures? (Note: if this article is defeated, the appropriation for the Public Works Department will default to \$719,551 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (3-1).

**Article 15:** Shall the Town vote to raise and appropriate the sum of \$453,177 for Transfer Station expenditures? (Note: if this article is defeated, the appropriation for the Transfer Station will default to \$408,298 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 16:** Shall the Town vote to raise and appropriate the sum of \$71,613 for Harbormaster expenditures? (Note: if this article is defeated, the appropriation for the Harbormaster will default to \$68,477 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 17:** Shall the Town vote to raise and appropriate the sum of \$5,100 for General Assistance expenditures? (Note: if this article is defeated, the appropriation for General Assistance will default to \$5,100 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 18:** Shall the Town vote to raise and appropriate the sum of \$52,900 for Insurance expenditures? (Note: if this article is defeated, the appropriation for Insurances will default to \$46,412 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 19:** Shall the Town vote to raise and appropriate the sum of \$251,557 for Administrative Services Department expenditures? (Note: if this article is defeated, the appropriation for the Administrative Services Department will default to \$267,091 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 20:** Shall the Town vote to raise and appropriate the sum of \$23,845 for Conservation expenditures? (Note: if this article is defeated, the appropriation for Conservation will default to \$22,007 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 21:** Shall the Town vote to raise and appropriate the sum of \$43,003 for Information Services Department expenditures? (Note: if this article is defeated, the appropriation for the Information Services Department will default to \$37,000 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 22:** Shall the Town vote to raise and appropriate the sum of \$20,895 for Civic Organizations expenditures? (Note: if this article is defeated, the appropriation for Civic Organizations will default to \$20,000 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 23:** Shall the Town vote to raise and appropriate the sum of \$400,111 for Debt Management expenditures? (Note: if this article is defeated, the appropriation for Debt Management will default to \$364,970 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 24:** Shall the Town vote to raise and appropriate the sum of \$36,000 for a new Police Vehicle? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 25:** Shall the Town vote to raise and appropriate the sum of \$12,000 for a Traffic Monitoring Trailer? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "NO" vote (4-0).

**Article 26:** Shall the Town vote to raise and appropriate the sum of \$40,000 for Fire Station building improvements? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 27:** Shall the Town vote to raise and appropriate the sum of \$43,000 for Fire-Rescue breathing apparatus? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 28:** Shall the Town vote to raise and appropriate the sum of \$10,000 for Fire-Rescue life saving and extraction equipment? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 29:** Shall the Town vote to raise and appropriate the sum of \$20,000 for General Government computers? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 30:** Shall the Town vote to raise and appropriate the sum of \$25,000 for erosion repairs to the Marginal Way? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 31:** Shall the Town vote to raise and appropriate the sum of \$12,725 for new equipment for the local cable television access channel WOGT? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 32:** Shall the Town vote to raise and appropriate the sum of \$40,000 for a new exit booth at the Main Beach? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 33:** Shall the Town vote to raise and appropriate the sum of \$25,000 for a new stairway at the Main Beach? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee has no recommendation (4-0).

**Article 34:** Shall the Town vote to raise and appropriate the sum of \$25,000 to install automatic plumbing devices in the public restrooms? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 35:** Shall the Town vote to raise and appropriate the sum of \$35,000 for a new Public Works pick-up truck with plow? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 36:** Shall the Town vote to raise and appropriate the sum of \$15,500 towards lease payments for the Public Works Back-Hoe? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 37:** Shall the Town vote to raise and appropriate the sum of \$10,000 for Public Works plow equipment? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 38:** Shall the Town vote to raise and appropriate the sum of \$25,000 to be deposited into the previously established Land Conservation Reserve Fund? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 39:** Shall the Town vote to raise and appropriate the sum of \$300,000 for a revaluation of real and personal property; and furthermore, to authorize the use of up to \$300,000 from the undesignated surplus fund balance so that no tax dollars are used for this project? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 40:** Shall the Town vote to raise and appropriate the sum of \$326,000 for new sidewalks, provided that authority to spend said funds is contingent upon reimbursement of 75% of such expenditures from Transportation Enhancement Program monies administered by the Maine Department of Transportation? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 41:** Shall the Town vote to raise and appropriate the sum of \$5,000 for the Town's 25<sup>th</sup> Anniversary? (Note: if this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).

Budget Review Committee recommends a "YES" vote (4-0).

**Article 42:** Shall the Town vote to raise and appropriate the sum of \$30,000 to contract with the Ogunquit Chamber of Commerce to provide visitor information services, provided, however, that if this article is defeated, the appropriation for this item shall be \$0?

Board of Selectmen recommends a "YES" vote (3-2).

Budget Review Committee recommends a "NO" vote (4-0).

**Article 43:** Shall the Town vote to raise and appropriate the sum of \$3,000 as a contribution to the Ogunquit Chamber of Commerce towards the cost of a 4<sup>th</sup> of July fireworks display, provided, however, that if this article is defeated, the appropriation for this item shall be \$0?

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "NO" vote (4-0).

**Article 44:** Shall the Town vote to raise and appropriate the sum of \$12,000 to pay for the costs associated with public safety and clean-up for the 4<sup>th</sup> of July fireworks event, provided, however, that if this article is defeated, the appropriation for this item shall be \$0?

Board of Selectmen recommends a "YES" vote (4-1).

Budget Review Committee recommends a "NO" vote (4-0).

**Article 45:** Shall the Town vote to authorize the Board of Selectmen to deposit unexpended funds (up to the budgeted amounts) from the Unemployment accounts and Benefits Pay accounts included in the operating budgets of the various departments into the previously established Unemployment Reserve Fund and Employee Benefits Fund?

**Article 46:** Shall the Town vote to authorize and/or approve an order of the Board of Selectmen to discontinue a public easement on a portion of Agamenticus Road, so called, more particularly depicted as a 3,143 square foot parcel of land on a plan entitled "Standard Boundary Survey of Property Claimed by Robert and Sue Ann Pollard" dated December 21, 2004; and furthermore, to authorize the Board of Selectmen to convey, by quit-claim deed under such terms and conditions as the Selectmen deem to be in the Town's best interest, the discontinued portion of said road to the abutters, Robert and Sue Ann Pollard?

**Article 47:** Shall the Town vote to allow the Highway Department to plow and sand private roads on which the Town holds a recorded public easement during the upcoming winter season as otherwise allowed by Title 23 M.R.S.A. §3105 and previously authorized by a vote on Article 3 of a Special Town Meeting held on November 5, 2002, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

**Article 48:** Shall the Town authorize the Board of Selectmen to apply for and accept grant funds, donations and gifts; and authorize the Selectmen to spend such funds for the purposes intended as allowed by law?

**Article 49:** Shall the Town vote to authorize the Board of Selectmen to expend an amount of money, not to exceed one third (1/3) of the 2005 annual budget during the period from January 1, 2006 to the completion of the 2006 Annual Town Meeting; excepting such costs associated with winter road maintenance and general assistance which may, of necessity, exceed such limits?

**Article 50:** Shall the Town vote to fix the date when 2005 property taxes shall be due and payable as that date occurring 45 days after the date of tax commitment; and further, that interest at the rate of 7.75% per annum shall accrue from and after that date as allowed by law?

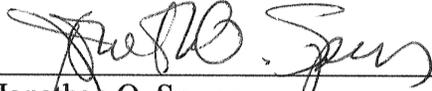
**Article 51:** Shall the Town vote to pay no more than 3.75% per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town's annual overlay, or if necessary, against the Town's undesignated surplus fund balance?

**Article 52:** Shall the Town vote to authorize the Board of Selectmen to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant article in which to redeem his/her property upon payment of all taxes, liens, interest and other applicable costs; and furthermore, shall the Town vote to authorize the Board of Selectmen to execute and deliver quit claim deeds, without covenant, for the conveyance of such property and/or the removal of tax liens from public records as justice may require?

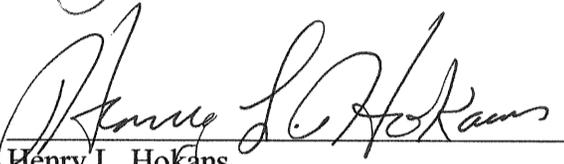
**Article 53:** Shall the Town vote to authorize the Board of Selectmen to dispose of town-owned surplus property upon such terms and conditions as the Selectmen may deem to be in the best interests of the Town as otherwise allowed by law?

**Article 54:** Shall the Town vote to continue using the secret ballot method of conducting Town Meetings and approving all budget appropriations? (Note: a "NO" vote may result in a future warrant article to repeal the amendment to the Town Charter enacted by vote on Article 2 at a Special Town Meeting held on June 8, 2004.) [Non-Binding Referendum]

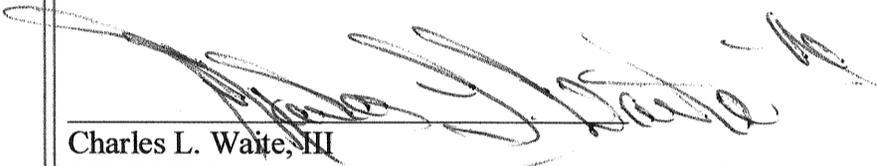
Given under our hands this 15th day of February, 2005, A.D. in Ogunquit, Maine, by the Board of Selectmen, acting in their capacity as the municipal officers. ATTEST:



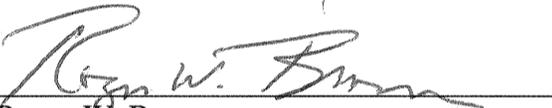
Jonathan O. Speers  
CHAIRMAN, BOARD OF SELECTMEN



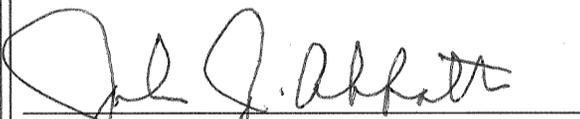
Henry L. Hokans  
VICE-CHAIRMAN, BOARD OF SELCTMEN



Charles L. Waite, III  
SELECTMAN



Roger W. Brown  
SELECTMAN



John J. Abbott  
SELECTMAN

VOTER INFORMATION: The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

RETURN OF WARRANT CERTIFICATION

In the Town of Ogunquit, County of York, State of Maine, ss.

Pursuant to the foregoing Warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit therein named to meet at the time and place for the purpose therein stated by posting upon the 11<sup>th</sup> day of March, 2005, A.D., a copy of said Warrant at the Dunaway Community Center, Ogunquit Memorial Library, and the Ogunquit Post Office, those being three (3) conspicuous and public places in said Town.



Frederick M. Rubino, Chief of Police  
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

\_\_\_\_\_  
Office of the Town Clerk

**Amendment A**  
**An Ordinance to Amend the Ogunquit Zoning Ordinance**  
**With Respect to Lot and Building Coverage Requirements**  
**In the Shoreland Overlay District**  
**January 24, 2005**

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**Article 1 – General**

\* \* \* \* \*

1.3 District Boundary Locations: Zoning Map

\* \* \* \* \*

- D. In non-tidal shoreland areas, the Resource Protection District shall be defined as being the land area within seventy-five feet of the normal high water line, measured horizontally, of any freshwater wetland, river or stream. In tidal shoreland areas adjacent to the Perkins Cove Limited Business District and the Perkins Cove Residential District, the Resource Protection District shall be defined as being the upland land area within 50 feet of a contour line at an elevation 10.0 feet above mean sea level as determined by a land surveyor based on the nearest USGS benchmark. In any other tidal shoreland areas and coastal wetlands adjacent to any other Districts, ~~the Resource Protection District shall be defined as being the upland and any land area within 75 feet of a contour line at an boundary elevation 10.0 feet above mean sea level as determined by a land surveyor based on the nearest U.S.G.S. benchmark, whichever is greater, of the upland edge of a coastal wetland and saltwater body.~~

**Article 7 – District Regulations**

**TABLE 703.1 – DIMENSIONAL REQUIREMENTS OF EACH ZONING DISTRICT**

*Amend Footnote #13, as follows:*

\* \* \* \* \*

- 13 In the Shoreland Overlay District, the total area of all structures, parking lots and other non-vegetated surfaces shall not exceed twenty (20%) percent of the lot area or portion thereof located in the district, regardless of the maximum building coverage requirement in the underlying District. ~~In the General Business District and the Limited Business District, it shall not exceed forty (40%) percent. In the Downtown Business District and the Ogunquit Beach Business District, it shall not exceed sixty (60%) percent. In the Perkins Cove Residential District and the Perkins Cove Limited Business District, it shall not exceed eighty (80%) percent.~~

\* \* \* \* \*

**Amendment B**  
**An Ordinance to Amend the Ogunquit Zoning Ordinance**  
**With Respect to Lot, Street and Driveway Definitions and Standards**

**January 24, 2005**

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\*\*\*\*\*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**Article 2 – Definitions**

\*\*\*\*\*

*Driveway*

A vehicular access-way serving not more than two ~~dwelling units~~ lots containing dwelling units, or leading to the parking area of nonresidential uses on only one lot.

\*\*\*\*\*

*Frontage, Street (Adopted November 6, 2001)*

~~The portion of a lot nearest the public right of way and between the front lot line and the front setback line.~~

The street frontage shall be the length of the front lot line, along its boundary with a street. If the street right-of-way is curved, the length of the street frontage shall be the length of the arc of the curve.

*Frontage on Backlot (Adopted November 6, 2001)*

~~On backlots, so called, which do not have a lot line along a public street, frontage is the side of the lot that abuts on one or both sides of a deeded access road that passes through the backlot from one lot line to its opposing lot line (see Article 8.1). On backlots that have a deeded access road that ends either at the edge of the lot (before entering the lot) or ends within the lot, frontage may be designated on any side of the lot that the owner may choose. Thereafter, if the owner of the lot wishes to change the frontage, there must be sufficient setback of all structures to meet the current front setback on the side being new designated as the front side of the lot.~~

\*\*\*\*\*

*Lot Area (for lots not created by a subdivision as defined by this Ordinance)*

The area of land enclosed within the boundary lines of a lot, minus land below the normal high water line of a water body or upland edge of a wetland, and areas beneath ~~roads~~ public or private streets serving more than two lots

*Lot Area (for a lot or lots where a subdivision is created, as defined by this Ordinance)*

The area of land enclosed within the boundary lines of a lot, minus land not suitable for development, pursuant to the definition of “net residential area” in Article 2 of this Ordinance, and to section 9.8 of the Ogunquit Subdivision Regulations.

*Lot Line*

The lines bounding a lot as defined below:

*Front Lot Line*

~~On an interior lot~~ The line separating the lot from the public or private street or right-of-way. On a corner or through lot which fronts on two streets, the line separating the lot from the street which is the address of the lot.

*Rear Lot Line*

The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line.

*Side Lot Line*

Any lot line other than the front lot line or rear lot line.

\* \* \* \* \*

*Net Residential Area*

As of the April 2, 2005 effective date of this provision, the net residential area of a lot or lots subject to subdivision review shall be calculated by taking the total area of the lot and subtracting, in order, the following areas not suitable for development:

1. Land within street rights-of-way, or below low, medium or high volume driveways
2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot.
3. Portions of the lot shown to be in a 100-year floodplain as defined by the most recent Federal Emergency Management Agency Flood Insurance Rate Maps.
4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
  - a. slopes greater than 33%.
  - b. organic soils.
  - c. wetland soils.
  - d. coastal sand dunes.
5. Portions of the lot subject to any other rights of way, if the use of the land for development is restricted.
6. Portions of the lot located in the resource protection zone.
7. Portions of the lot covered by surface waters.
8. Portions of the lot utilized for storm water management facilities.

For a lot or lots not contained within or constituting a subdivision, the net residential area shall equal the lot area for lots not created by a subdivision, as defined by this ordinance.

\* \* \* \* \*

*Setback*

An open area adjacent to the ~~property~~ front, side or rear lot line, as defined by this Ordinance, which is shall not and may not be occupied by structures, as defined by this Ordinance, including any roof eaves, soffits or overhangs.

\* \* \* \* \*

*Setback, Front*

A setback adjoining a street. The horizontal distance from the front lot line to the nearest part of a structure, including any roof eaves, soffits or overhangs.

*Setback, Rear*

A setback adjoining the rear lot line. The horizontal distance from the rear lot line to the nearest part of a structure, including any roof eaves, soffits or overhangs.

*Setback, Side*

A setback adjoining the side lot line. The horizontal distance from the side lot line to the nearest part of a structure, including any roof eaves, soffits or overhangs.

\* \* \* \* \*

*Street*

A public or private way providing frontage to a lot, which meets the standards of Article 10 of the Ogunquit Subdivision Regulations, or if legally nonconforming, is recorded established or maintained under public authority or a way shown on a plan of a subdivision duly approved by the Planning Board at the Registry of Deeds, or accepted by the municipal legislative body.

*Local Residential Street*

Any street which affords direct access to houses and places of business which do not generate significant amounts of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type. A street servicing a lot or lots containing less than fifteen (15) dwelling units.

*Collector Streets*

Any street servicing a lot or lots containing at least fifteen (15) dwelling units, or lots with commercial or industrial development. A collector street that carries the traffic to and from between the major arterial streets to and the local access residential streets, or directly to destinations or to serve local traffic generators between arterial streets and commercial or industrial uses.

*Arterial Streets*

Major traffic routes connecting communities or substantial portions of communities. Route One, Shore Road and Berwick Road are the arterial streets in Ogunquit

*Street Line*

The exterior line of a street right-of-way, which separates it from abutting lots.

*Street Frontage*

The length of the longest contiguous portion of the front lot line. (Note: Frontage, street is defined earlier)

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**Article 7 – District Regulations**

**7.2 Land Use Controls**

\* \* \* \* \*

- B. All new lots, new structures and additions to structures shall meet the minimum dimensional requirements for the district in which they are located as detailed in Table 703.1. For a lot or lots contained within or constituting a subdivision, the Planning Board shall require a high intensity soil survey to assure that the amount of net residential area has been calculated in compliance with the definition of net residential area, as set forth in Article 2 of this Ordinance. If more than one principal building is located on a lot, the buildings shall be separated by a distance equal to twice the minimum side setback for the district in which they are located. On lots owned by a condominium association with a number of principal buildings including, but not limited to, single-family dwellings, setbacks between the principal buildings must be at least twice the minimum side setback of the district. Except, clustered or planned unit developments that meet all the applicable requirements of Article 9.6 may deviate from the requirements of Article 7.2.B. ~~The effective date of this amended Article 7.2.B is April 9, 2001.~~

## **Article 8 – General Standards Applicable to All Land Uses**

### **8.1. Access To Lots – Street Frontage Required for All Lots**

- ~~A. No building permit shall be issued to erect any structure on a lot without frontage on a public way unless an access road meeting the following criteria has been constructed within a deeded right of way, a minimum of twenty feet in width. The access road shall be constructed to a minimum width of twelve feet if serving one dwelling unit; and fifteen feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving between three and eight dwelling units shall meet the road design and construction standards of the Planning Board Standards for Reviewing Land Subdivisions but need not be paved. Any access road serving more than eight dwelling units shall meet the road design and construction standards of the Planning Board Standards for Reviewing Land Subdivisions.~~
- ~~B. No building permit shall be issued to erect a structure which is located more than 100 feet from a public or private road unless an access road meeting the construction standards of Section 8.1 .A has been constructed.~~

Any new lot created after April 2, 2005, whether or not it is part of a subdivision, shall contain the required street frontage, pursuant to Table 703.1 of this Ordinance, on either a legally existing public or private street, or on a newly created public or private street meeting the standards of Article 10 of the Ogunquit Subdivision Regulations.

\* \* \* \* \*

### **8.13. Traffic Impacts and Street Access Control (page 68-71).**

\* \* \* \* \*

#### **B. Driveway Design.**

1. General. Driveway design shall be based on the estimated volume using the driveway classification defined below.
  - a. Very Low Volume Driveway: any driveway that serves one or two dwelling units.

a.b. Low Volume Driveway: any driveway that is not a very low volume driveway and serves less than 25 vehicle trips per day.

b.c Medium Volume Driveway: Any driveway that is not a very low volume, low volume or high volume driveway.

e.d High Volume Driveway: any driveway that serves a Peak hour volume of 400 vehicles or greater.

2. Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.
3. Vertical Alignment. A driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Low Volume driveways shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume driveways should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the driveway shall not exceed 8 percent.

#### 4. Very Low Volume Driveways

Very low volume driveways may be one or two way operation, with a minimum width of 12 feet.

#### 4.5 Low Volume Driveways ~~Entering onto Route 1.~~

- a. Skew Angle. Low Volume driveways shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
- b. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.
- c. Driveway Width. The width of the driveway shall be between 12 feet and 16 feet, with a preferred width of 16 feet.
- d. Curb-Cut Width. Curb-cut width shall be between 22 feet and 44 feet, with a preferred width of 36 feet.

#### 5.6 Medium Volume Driveways.

- a. Skew Angle. Medium Volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 70 degrees.

- b. Curb Radius. Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way driveways, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.
- c. Width. On a two-way driveway the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way driveway the width shall be between 16 feet and 20, with a preferred width of 16 feet.
- d. Curb-Cut Width. On a two-way driveway the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way driveway the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

6.7 High Volume Driveways.

- a. Skew Angle. High Volume driveways shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 70 degrees.
- b. Curb Radius. Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.
- c. Curb Cut Width. Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.
- d. Entering and exiting driveways shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.
- e. Width. Driveway widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.
- f. Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and channelization islands.

C. Driveway Location and Spacing for Driveways ~~Entering Route 1 or a Side Street within 100 feet of Route 1.~~

The following standards shall apply to all new driveways ~~entering onto route 1 or entering a side street within 100 feet of Route 1~~, except those located in the Downtown Business District.

- 1. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon driveway volume and intersection type.

If based on the criteria below, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

**MINIMUM STANDARDS FOR CORNER CLEARANCE**

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection	Intersection
	Signalized	Unsignalized
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250

2. Driveway Spacing. Driveways shall be separated from adjacent driveways and property lines as indicated below, ~~in order to allow Route 1 to effectively serve its function of conducting through traffic.~~ This distance shall be measured from the driveway point of tangency edge to the driveway point of tangency edge, excluding radii, for spacing between driveways and from the driveway point of tangency edge, excluding the radius, to a projection of the property line at the edge of the roadway, for driveway spacing to the property line.

**MINIMUM DRIVEWAY SPACING**

Driveway Type	Minimum Spacing to Property Line <sup>1</sup> (feet)	Minimum Spacing to Adjacent Driveway by Driveway Type <sup>2</sup>			
		<u>Very Low or</u> (feet)	Medium (feet)	High w/o RT * (feet)	High W/RT ** (feet)
<u>Very Low or Low</u> Volume	5-0	—	***		
Medium Volume	10	—	75		
High Volume (w/o RT)*	75	—	75	150	
High Volume (w/ RT)**	75	—	75	250	500

- 1 Measured from point of tangency edge of driveway, excluding radii, to projection of property line on roadway edge.
- 2 For two more driveways serving a single parcel, or from a proposed driveway from an existing driveway. Measured from point of tangency edge of driveway to point of tangency edge of adjacent driveway, excluding radii.

\* High volume driveway without right turn channelization

\*\* High volume driveway with right turn channelization

\*\*\* Very Low or Low volume driveways are not permitted in combination with other driveway types on a single lot.

- D. Number of Driveways. The maximum number of driveways onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of driveways independent of frontage length.

1. No low volume traffic generator shall have more than one two-way driveway onto a single roadway.

2. No medium or high volume traffic generator shall have more than two two-way driveways or three driveways in total onto a single roadway.

E. Construction Materials/Paving.

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing is required around all raised channelization islands or medians.
2. All driveways shall be paved with bituminous concrete pavement within the street right-of-way. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

\* \* \* \* \*

**Article 9 – Standards for Specific Land Uses**

\* \* \* \* \*

**9.6 Clustered or Planned Unit Residential Development**

A. Standards

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential developments and other projects located in the Town, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

1. There shall be compliance with all other applicable provisions of State and local law;
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures shall be considered;
3. There shall be no approval, ~~without appeal,~~ of any proposed development which ~~exceeds the allowable net residential densities permitted~~ does not provide at least the minimum net residential area, as defined by this Ordinance, for each dwelling unit proposed, in for the district in which it is to be located, according to Table 703.1. The maximum number of dwelling units shall be calculated by dividing the minimum net residential area per dwelling unit according to Table 703.1, into the net residential area of the entire parcel or tract.
4. Within a cluster development or planned unit residential development, if multiple lots are proposed, an individual lot may contain less than the minimum net residential area per dwelling unit, or less than the minimum lot area, as long as the overall net residential area per dwelling unit for the entire parcel or tract is met. For the purposes of this Ordinance, net residential density shall be established by the area of residual space available for residential development after deduction of vehicular rights of way and land not buildable because of drainage, subsurface conditions or other natural impediments.

\* \* \* \* \*

**9.12 Multi-Family Developments**

Multi-family developments may be approved by the Planning Board in accordance with the Land Use Table of this ordinance. All proposals to construct multifamily developments shall be in conformance with the appropriate standards of Article 8 and the design requirements below.

A. Applications for approval shall include: a map of the area; dimensions, boundaries and principal elevations of the land for which approval is sought; the names of all property owners within 100 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.

B. Design Requirements.

1. Density.

a. ~~The net residential area acreage for multi-family developments shall be calculated according to the definition in Article 2 of this Ordinance. by taking the total area of the lot and subtracting, in order, the following:~~

- ~~i. 15% of the area of the lot to account for roads and parking.~~
- ~~ii. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.~~
- ~~iii. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.~~
- ~~iv. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
  - ~~(a) slopes greater than 33%.~~
  - ~~(b) organic soils.~~
  - ~~(c) wetland soils.~~
  - ~~(d) 50% of the poorly drained soils unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.~~
  - ~~(e) coastal sand dunes.~~~~
- ~~v. Portions of the lot subject to rights of way.~~
- ~~vi. Portions of the lot located in the resource protection zone.~~
- ~~vii. Portions of the lot covered by surface waters.~~
- ~~viii. Portions of the lot utilized for storm water management facilities.~~

b. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential ~~acreage~~ area of the entire parcel or tract shall be divided by the minimum lot size net residential area per dwelling unit required in the District, according to Table 703.1. A high-intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted. No building shall be constructed on soil classified as being very poorly drained.

\* \* \* \* \*

## **Article 10 – Street Design Standards**

### 10.1 Minimum Standard for Street Design and Construction

The design of streets shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent subdivided and open land.

### 10.2. Acceptance of Streets and Ways

- A. A street or way constructed on private lands by the owner(s) and not dedicated for public travel prior to the date of enactment of this Ordinance, may be laid out by the Board of Selectmen for acceptance at Town Meeting as a public street or way upon the following conditions:
1. The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town;
  2. A plan of the street or way shall be recorded in the York County Registry of Deeds at the time of its acceptance;
  3. A petition for the laying out and acceptance of the street or way shall be submitted to the Board of Selectmen upon a form to be prescribed by the Ogunquit Road Commissioner. The petition shall be accompanied by a plan, profile and cross section of the street or way, prepared by a Professional Engineer registered in the State of Maine, certifying the road has been built in accordance with the plan, as follows:
    - a. The plan shall be drawn to a scale of no more than fifty feet to one inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. The plan shall show the north point, the location and ownership of all adjoining lots of land passageways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contour at not greater than two foot intervals, all angles, bearings and radii necessary for the plotting of the street and lots of their reproduction on the ground, the distance of the nearest established street or way, together with the stations of their sidelines.
    - b. The profile of the street shall be drawn to a horizontal scale of no more than fifty feet to one inch, and a vertical scale no more than five feet to one inch. The profile shall show the profile of the side lines and center line of the street and the proposed grades thereof. Any buildings abutting on the street shall be shown on the profile.
    - c. A cross section of the street or way shall be drawn to a horizontal scale of five feet to one inch and a vertical scale of one foot to one inch.
    - d. The plan shall show the location and size of the proposed water and/or sewer mains in accordance with this Article.
- B. Any new public or private streets shall be constructed according to the Street Design and Construction Standards of Article 10 of the Ogunquit Subdivision Regulations. ~~The street or way shall be constructed in accordance with the following specifications:~~

1. ~~General:~~

- a. ~~All streets shall intersect at right angles wherever possible, but under no circumstances shall they intersect at an angle of less than 60 degrees.~~
- b. ~~"T" intersections formed on opposite sides of the same collector shall not be closer than 200 feet center line to center line.~~
- c. ~~Street lines at intersections and curves shall be so as to permit adequate visibility for both pedestrian and vehicular traffic.~~
- d. ~~Curves shall have a minimum center line radius of 100 feet.~~
- e. ~~Curb lines radii at street intersections shall be at least 20 feet.~~
- f. ~~A dead end street or cul de sac shall not exceed 1,000 feet in length and shall be provided with a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum outside radius of 50 feet.~~
- g. ~~Grades of all streets shall be reasonably minimum, but in no case shall the grade be less than one half percent or more than six percent unless specifically approved by the Planning Board and the Ogunquit Road Commissioner.~~
- h. ~~The construction of all streets will include the removal of all stumps, roots, brush, perishable materials and all trees not intended for preservation. All loam, loamy material and clay shall be removed from the street or way to the depth specified by the Ogunquit Road Commissioner.~~
- i. ~~All streets shall have a crown to provide for proper drainage. The crown shall be a minimum of 1/8 inch per running foot to a maximum of 1/4 inch per running foot of roadway width.~~
- j. ~~The right of way lines of all streets shall be marked with granite monuments sufficient to reproduce the right of way lines.~~

2. ~~Local Residential Streets:~~

- a. ~~All local residential streets shall have a minimum street right of way width of 50 feet.~~
- b. ~~The street shall be graded to a subgrade of not less than 12 inches in the roadway location and driveway areas, and not less than eight inches in the sidewalk area below the parallel to the finished grade on the plans, profiles and cross sections of said street or way. The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When minimum length of 300 feet (or the entire length of the street if it is less than 300 feet) has been excavated to subgrade and this subgrade properly prepared for the gravel, the Ogunquit Road Commissioner shall be notified. His written approval of the subgrade must be obtained prior to the placing of the gravel.~~
- e. ~~The roadway shall be built to a minimum thickness of 12 inches with heavy road gravel which meets the approval of the Ogunquit Road Commissioner. The gravel shall be placed in compacted layers of not more than eight inches each in the sidewalk areas. Before any surface material is placed on the roadway, sidewalk or driveway areas, the work shall again be inspected and approved in writing by the~~

~~Ogunquit Road Commissioner. The roadway, sidewalk and driveway areas shall then be covered with two inches of bituminous concrete properly prepared and laid in two courses of one inch each in accordance with specifications prepared by the Ogunquit Road Commissioner.~~

~~d. The 50 foot minimum width of the street right of way shall be divided in the following manner:~~

~~i. a 20 foot roadway consisting of two 10 foot lanes for traffic.~~

~~ii. at least one side shall also have (in order):~~

~~(a) a curbing made of bituminous concrete or better with a minimum height of six inches;~~

~~(b) a three foot esplanade;~~

~~(c) a five foot sidewalk, unless adequate pedestrian walkways are provided elsewhere; and~~

~~(d) at least a six foot buffer zone.~~

~~3. Collector Streets: All collector streets shall be designed and constructed in accordance with the specifications for local residential streets, except that paved traveled surface shall be at least 24 feet in width. (Revised June 11, 2002)~~

~~4. Arterial Streets: All arterial streets shall have a minimum right of way width of 68 feet and a roadway of 40 feet in width.~~

~~a. The street shall be graded to a subgrade of not less than 24 inches in the roadway location and driveway areas below the parallel to the finished grade as shown on the plans, profiles and cross sections of said street or way. The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet) has been excavated to subgrade and this subgrade properly prepared for the gravel, the Ogunquit Road Commissioner shall be notified. His written approval of the subgrade must be obtained prior to the placing of the gravel.~~

~~b. The roadway shall be built to a minimum thickness of 18 inches with heavy road gravel which meets the approval of the Ogunquit Road Commissioner. The gravel shall be placed in compacted layers of not more than six inches in the sidewalk areas. Before any surface material is placed on the roadway, sidewalk or driveway areas, the work shall again be inspected and approved in writing by the Ogunquit Road Commissioner.~~

~~e. The roadway, sidewalk and driveway areas shall then be covered with three inches of bituminous concrete properly prepared and laid in two courses of 1 1/2 inch each in accordance with specifications prepared by the Ogunquit Road Commissioner.~~

C. All engineering work, including the setting of grade stakes necessary for the construction of streets and sidewalks, and storm sewers shall be performed by the developer at no expense to the town.

D. Any sewers, drains, including house drains and catch basins which are to be built in the street or sidewalk and all underground utilities and their respective services, shall be constructed before any road material is placed. The sole exception shall be for house connections to serve lots where no construction has begun prior to the placing of such road material.

E. Whenever it shall be deemed necessary by the Planning Board, after consulting with the Road Commissioner, that a storm sewer shall be constructed to serve the street under consideration, such storm sewer shall be completed before the gravel or road material is placed. The storm sewer shall be built by the developer at no expense to the town in accordance with the following:

The developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Road Commissioner. When the street has been accepted, the storm sewers shall be deeded to the Town public sewer at no cost to the Town.

F. When reasonably available, a water main of at least eight inches in diameter must exist for the use of buildings, residents and occupants for the street to be accepted. The Chief of the Ogunquit Fire Department must, in writing, certify that adequate water services for sufficient fire protection exists. It shall be the policy of the Town to require such fire hydrants as may be required for fire protection at the same time as the installation of the water main.

10.3 Acceptance of Street and Ways Required by the Public Interest

Notwithstanding the provisions of any other Section, the Board of Selectmen may at any time lay out for acceptance at Town Meeting any street or way in the Town as a public street or way whenever the general public interest so requires. The cost of maintaining the street or way shall be borne by the Town after its acceptance.

10.4 Curbs

Curbing of a type approved by the Road Commissioner may be required by the Planning Board on both sides of any proposed street.

10.5 Easements

The Planning Board may require easements for sewage, other utilities, drainage and stream protection. In general, easements shall not be less than ~~20~~ 30 feet in width. Wider easements may be required.

10.6 Report by the Planning Board and Road Commissioner.

No street or way shall be laid out or accepted by the Town Meeting until the Planning Board and the Road Commissioner shall have made a careful investigation thereof, and shall have reported to the Board of Selectmen their recommendations in writing with respect thereto.

10.7 Private Streets and Ways, Not Intended to be Offered to the Town

Private streets and ways may be constructed within the Town, with the intention that they remain private, upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in written form, that the proposed private street will meet all of the Street Design and Construction Standards of Article 10 of the Ogunquit Subdivision Regulations, be adequately maintained, will provide sufficient spaces for emergency vehicle access, will conveniently serve its intended properties and will not exceed the maximum permissible lengths established by the Town.

**Amendment C**  
**An Ordinance to Amend the Ogunquit Zoning Ordinance**  
**With Respect to Nonconformance Provisions**

**January 24, 2005**

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**Article 3 - Nonconformance**

\* \* \* \* \*

**3.2 Nonconforming Uses**

**A. Nonconforming Use Defined**

A use of land, building, or structure lawfully existing at the time of adoption or amendment of this Ordinance, that is not permitted in the district in which it is located.

**B. Resumption Prohibited**

A lot or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, even if the owner has not intended to abandon the use.

**C. Nonconforming Use of Part of a Building**

A nonconforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use nonconforming.

**D. A Structure Nonconforming as to Use**

Except for single family dwellings, a structure, nonconforming as to use shall not be enlarged unless the nonconforming use is terminated.

**E. Nonconforming Use of Land**

A nonconforming use of land may not be extended into any part of the remainder of a lot of land. A nonconforming use of land which is accessory to a nonconforming use of a building shall be discontinued at the same time the nonconforming use of the building is discontinued.

**G. Change of Use**

A legally existing nonconforming use may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Planning Board. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise,

potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards in Articles 8 and 9 of this ordinance shall apply to such requests to establish new nonconforming uses.

### **3.3 Nonconforming Structures**

#### **A. Nonconforming Structure Defined**

A structure or portion thereof, lawfully existing at the time of adoption or amendment of this Ordinance, that does not conform to the setback, height, or lot coverage regulations of this Ordinance.

#### **B. Maintenance Permitted**

A nonconforming building or structure may be maintained or repaired but no alterations which alter the essential use, density, footprint or facade shall be made except those required or permitted by law or Ordinance.

#### **C. Enlargements Controlled**

A nonconforming structure shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the zone in which it is located. The addition of an open patio with no structures elevated more than three inches above original ground level shall not constitute the expansion of a nonconforming structure as of January 28, 1991. The addition of steps or the enclosure of an existing porch shall not constitute the expansion of a nonconforming structure. But the addition of a deck does constitute the expansion of a nonconforming structure and therefore the deck shall meet all the dimensional requirements of this Ordinance. Construction or enlargement of a foundation under an existing dwelling shall not be considered an expansion provided that:

1. the construction or expansion does not expand the habitable space of the structure; and
2. the completed foundation does not extend beyond the exterior dimensions of the structure.

Construction or enlargement of a foundation shall be subject to the Municipal Plumbing Laws (30-A MRSA, Chapter 185, Subchapter III) requiring new soils documentation.

#### **D. Relocation**

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and Rules.

#### **E. Reconstruction**

Any nonconforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or the owner's agent, may be restored or reconstructed, provided that the restoration or reconstruction shall not enlarge the overall floor space, or height of the building, or cause the building to become more nonconforming. A permit for such reconstruction must be obtained and actual reconstruction must be commenced within 12 months and completed within 24 months of the damage or destruction. Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed.

#### F. Discontinuance

Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming uses of the structure may be revived at any time provided that the conforming uses comply with the requirements of Articles 8 and 9.

#### G. Nonconforming Structures, Lack of Required Parking or Loading Space

A structure which is nonconforming as to the requirements for off-street parking space shall not be enlarged or altered unless off street parking space is provided for the original structure sufficient to satisfy the requirements of this Ordinance and unless additional off street parking space is provided for such enlargement or alteration of the original structure sufficient to satisfy the requirements of this Ordinance. A structure which is nonconforming as to requirements for off-street loading space shall not be enlarged or altered unless off-street loading space is provided for the original structure or use sufficient to satisfy the requirements of this Ordinance and unless additional off-street loading space is provided for such enlargement or alteration of the original structure sufficient to satisfy the requirements of this Ordinance. Section 3.3.G shall not apply to changes in a permitted use that will not require additional parking nor to alterations that will not require additional parking.

#### H. ~~Intensification/Conversion~~

~~The use of any nonconforming structure shall be neither enlarged nor intensified, and shall not be converted to any other use except in conformance with all of the relevant requirements of this Ordinance.~~

#### I H. Additional Requirements in the Shoreland Overlay District

1. The addition of a patio is considered the expansion of a nonconforming structure and a new patio or expansion of a patio may not expand the footprint of the structure, existing on January 1, 1989, by more than 30%.
2. The addition of steps or the enclosure of an existing porch is considered the expansion of a nonconforming structure and the addition or enclosure shall not expand the floor area or volume of the structure existing on January 1, 1989 by more than 30%.
3. When a foundation is placed beneath a structure which does not meet the setback requirements from a water body or a wetland, the structure and new foundation shall be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board. The Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.
4. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be extended toward the water body, tributary stream or wetland.
5. When a structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland is damaged or

destroyed by more than 50% of its market value before such damage or destruction, reconstruction shall be in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Section 3.3.1.3 above, the physical condition and type of foundation present, if any.

6. The use of a structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses

### 3.4 Nonconforming Lots

#### A. Nonconforming Lots Defined

A lot which lawfully existed at the effective date of adoption or amendment of this Ordinance, and does not meet the area, frontage or width requirements of the district in which it is located.

#### B. Vacant Lots

A nonconforming vacant lot may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except minimum lot size-area, minimum net residential area per dwelling unit, and street frontage can be met. Variance of yard or other requirements not involving minimum lot area, minimum net residential area per dwelling unit, or width street frontage shall be obtained only by action of the Zoning Board of Appeals.

#### C. Built Lots

A legally nonconforming lot, which does not meet the lot area or street frontage requirements, or both, that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) or use(s) on such lots may be repaired, maintained, improved, enlarged, changed or relocated only in conformity with all other dimensional requirements of this Ordinance except besides those requirements of lot area, lot width, or lot street frontage which made the lot nonconforming. If the proposed changes or enlargement of the such structure(s) cannot meet the dimensional requirements of this Ordinance besides lot area or street frontage, a variance shall must be obtained from the Board of Appeals in accordance with Section 5.2.B, prior to any approval process.

D. "Improved" Lots in Subdivisions

For purposes of this section, lots shown on a subdivision plan approved by the Planning Board and recorded in the Registry of Deeds shall not be treated as lots held in common ownership if the owner or his predecessor has substantially improved each lot by the paving of streets and the installation, where available, of public sewer and of utility services.

E. Contiguous Built Lots

If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendments of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use exists on each lot, the nonconforming lots may be conveyed separately or together, providing all state law and local ordinance requirements are complied with.

F. Contiguous Lots: Vacant or Partially Built

If two or more contiguous lots are in single ownership of record at the time of adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance, and if one or more of the lots is vacant or contains only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards except where ~~rights have vested, or the lots have frontage on parallel streets and state laws are complied with.~~

G. ~~Intensification/Conversion~~

~~The use of any nonconforming lot shall be neither enlarged nor intensified, and shall not be converted to any other use except in conformance with all of the relevant requirements of this Ordinance.~~

HG. Nonconforming Lot with Two or More Single-Family Dwellings (Adopted June 11, 2002)

\* \* \* \* \*

3.6 Nonconforming Developments

~~A nonconforming development is permitted to continue. Expansion of the use in any manner shall require conformance to all requirements of this ordinance.~~

**Amendment D**  
**An Ordinance to Amend the Ogunquit Zoning Ordinance**  
**With Respect to Traffic Impacts and Preservation of Level of Service**

**January 24, 2005**

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**Article 8 – General Standards Applicable to All Land Uses**

\* \* \* \* \*

**8.13 Traffic Impacts and Street Access Control**

- A. General. Provision shall be made for vehicular access to all development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and the design criteria below.
1. The vehicular access to the development shall be arranged to avoid traffic use of local residential streets.
  2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
  3. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. No development shall increase the volume:capacity ratio of any street above 0.8 nor reduce the street’s Level of Service to “D” or below, unless the applicant constructs traffic improvements or agrees to reasonable conditions of approval to mitigate the traffic impacts of the proposed development. If the volume capacity ratio of the existing street giving access to the proposed development already exceeds 0.8, or the level of service of streets or nearby intersections leading to the proposed project are already at “D” or below, the application shall be denied unless the applicant can improve the street or intersection capacities or level of service so that no further diminution of the level of service will occur, should the project be constructed.
  4. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.
  5. Accessways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

6. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use
  - a. when such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or
  - b. when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

\* \* \* \* \*

ATTEST:

A TRUE COPY

Judy S. Kagiliery, Town Clerk

DATED: June 22, 2005

**Amendment E**  
**An Ordinance to Amend the Ogunquit Zoning Ordinance**  
**With Miscellaneous Changes**

**January 24, 2005**

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**Article 4 – Administration**

\* \* \* \* \*

**4.5 Permit Administration**

\* \* \* \* \*

- D. Within two business days of the receipt of a permit application the Code Enforcement Officer shall decide whether the information in the application is sufficient to determine whether, under the ordinance, the permit should be issued, or if the application is otherwise inadequate. If the Code Enforcement Officer feels the application is insufficient or inadequate, the Code Enforcement Officer shall at once notify the applicant in writing, indicating what necessary information is required to correct the application. If the application is not so corrected, it shall be denied.
1. When an application conforms to the provisions of this ordinance and other codes and ordinances of the town, upon payment of the required building permit fees, and any outstanding planning board or consultant review fees, the Code Enforcement Officer shall within 14 working days of its receipt issue the permit. The Code Enforcement Officer shall notify the Tax Assessor and keep a copy of the application/permit in a permanent file in code enforcement office.

**Article 9 – Standards for Specific Land Uses**

\* \* \* \* \*

**9.8 Hotels, Motels**

For traffic safety on and immediately adjoining each motel or hotel, to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with.

- A. The minimum lot size for any hotel or motel shall contain not less than three acres of total area. The minimum frontage shall be ten times the posted speed limit of the most traveled way serving the development but not less than two hundred feet lot width at the street and throughout the first two hundred feet of depth of the lot back from the street.
- B. No part of any building shall be closer than sixty feet to the front lot line, rear lot line or either side line of the lot. A green space, not less than twenty feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot

line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.

- C. Buildings shall not cover more than fifteen percent of the area of the lot.
- D. If a stove for cooking is installed in rental units, each rental unit shall be considered a dwelling unit and the facility shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district.
- E. Each rental unit shall contain not less than two hundred square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each rental sleeping room shall not be less than twelve by fifteen feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
- F. On each lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- G. Building construction plans shall be reviewed and approved by the State Fire Marshall's Office.
- ~~H. Parking stalls shall be designed to accommodate the traveling public by a minimum stall width of 11 feet and stall depth of 23 feet for perpendicular stalls. Angled parking stall width and depths shall be increased by 10% and 25% above the standards contained in this ordinance.~~

**Amendment F**  
**An Ordinance to Amend the Ogunquit Zoning Ordinance**  
**To Decrease the Permitted Residential Densities**  
**January 24, 2005**

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\*\*\*\*\*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

**Article 7 – District Regulations**

\*\*\*\*\*

Amend the following portion of Table 703.1, Dimensional Requirement of Each Zoning District, as follows. All other portions of the Table 703.1 not shown as amended shall remain unchanged.

**TABLE 703.1 – DIMENSIONAL REQUIREMENTS OF EACH ZONING DISTRICT**

MINIMUM LOT AREA (sq ft)

	<u>OFRD</u>	<u>RD</u>	<u>RRD1</u>	<u>RRD2</u>	<u>PCRD</u>	<u>DBD</u>	<u>GBD1</u>	<u>GBD2</u>	<u>LBD</u>	<u>PCLBD</u>	<u>OBBD</u>	<u>RPD</u>	<u>FD</u>	<u>SOD</u>
With public Sewer & water	<del>10,000</del> <u>12,500</u>	<del>10,000</del> <u>12,500</u>	30,000	30,000	<del>40,000</del> <u>12,500</u>	None	<del>7,500<sup>1</sup></del> <u>10,000<sup>1</sup></u>	20,000	<del>7,500<sup>1</sup></del> <u>10,000<sup>1</sup></u>	None	None <sup>1</sup>	30,000	N/A	<sup>2</sup>
Without public Sewer & water	30,000	30,000	60,000	60,000	30,000	N/A	N/A	20,000 <sup>3</sup>	N/A	N/A	N/A	None	200,000 <sup>4</sup>	<sup>2</sup>

MAXIMUM RESIDENTIAL DENSITY (dwelling units per 40,000 square feet of net residential area)  
MINIMUM NET RESIDENTIAL AREA PER DWELLING UNIT (sq ft)

	<u>OFRD</u>	<u>RD</u>	<u>RRD1</u>	<u>RRD2</u>	<u>PCRD</u>	<u>DBD</u>	<u>GBD1</u>	<u>GBD2</u>	<u>LBD</u>	<u>PCLBD</u>	<u>OBBD</u>	<u>RPD</u>	<u>FD</u>	<u>SOD</u>
With public Sewer & water	<del>4</del> <u>12,500</u>	<del>4</del> <u>12,500</u>	<del>1.5</del> <u>30,000</u>	<del>1.5</del> <u>30,000</u>	<del>4</del> <u>12,500</u>	<del>4</del> <u>12,500</u>	<del>4</del> <u>12,500</u>	<del>4</del> <u>20,000</u>	<del>4</del> <u>12,500</u>	None	<del>4</del> <u>12,500</u>	<del>0</del> <u>N/A</u>	N/A	<sup>2</sup>
Without public Sewer & water	<del>1.5</del> <u>30,000</u>	<del>1.5</del> <u>30,000</u>	<del>0.67</del> <u>60,000</u>	<del>0.67</del> <u>60,000</u>	<del>1.5</del> <u>30,000</u>	N/A	N/A	<del>1.5</del> <u>40,000</u>	N/A	N/A	N/A	<del>0</del> <u>N/A</u>	<del>0.67</del> <u>80,000</u>	<sup>2</sup>

\*\*\*\*\*

**NOTES TO TABLE 703.1**

- 1** For a residential use, the minimum lot area shall be ~~10,000~~ 12,500 square feet.
- 2** See Section 7.2.D regarding minimum lot area per dwelling unit, ~~maximum density~~ and minimum shore frontage for lots in the Shoreland Overlay District.

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