

Heath Ouellette, Chair  
John M. Daley, Vice Chair  
Richard Dolliver  
Lindsey M. Perry  
Robert N. Winn, Jr.



## **Ogunquit Select Board September 1, 2020**

### **Agenda**

*This meeting is being conducted remotely via Zoom. Please see access links below.*

#### **4:30 pm. Committee Interviews**

- Age Friendly Community Committee
- Sustainability Committee

#### **5:00 p.m. Select Board Workshop with the Parks & Recreation Committee**

- Discussion of Work Plans and Priorities
- Ogunquit's 40<sup>th</sup> Anniversary Celebration
- Communications
- Discuss adding Alternate Members to the Committee

#### **6:00 p.m. Select Board Meeting**

##### **1.0 Welcome and Call to Order**

##### **2.0 Finance Report – Town Manager**

##### **3.0 Select Board Update**

A. Training for Town Committee, Commissions, and Board Members – Wednesday, September 23, 6:00-8:00 pm via Zoom

- 1) Roles and Responsibilities
- 2) Freedom of Access Act
- 3) Code of Ethics

B. Attorney Opinions

- 1) Committee Member Terms and “De Facto” Members
- 2) Compatibility of Offices for Committee Members
  - a) Planning Board and Ogunquit Historic Preservation Committee
  - b) Board of Assessment Review and Zoning Board of Appeals

C. Answers to Other Public Questions

D. Discussion of Civility in a Time of Change

- 1) Further Thoughts from Select Board Members
- 2) Next Steps

#### **4.0 Public Comments**

The Select Board welcomes public comments and questions about agenda items and Town-related matters, and we ask that people keep comments brief and to the point (3 minutes). We also ask that if you have a complaint or concern, it would be most helpful if you also offer a solution or solutions. Please begin your comments by stating your name and your affiliation with Ogunquit (i.e. resident, taxpayer, voter, business owner, etc.) or state the Town you are from.

#### **5.0 Consider Using a Consent Agenda as Allowed in Robert's Rules of Order**

Background: A Consent Agenda, as outlined in Robert's Rules of Order, can help the Select Board streamline meetings, and accomplish its business.

Suggested Action: The Select Board approves the following addition to our rules:

"A consent agenda may be presented by the Chair at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. At the discretion of the Select Board, removed items from the consent agenda may be taken up either immediately after the consent agenda, placed later the agenda, or taken up at a future meeting."

#### **6.0 Consent Agenda**

6.1 Minutes – August 11, 2020

6.2 Minutes – August 18, 2020

6.3 Minutes – August 25, 2020

6.4 Appointment to the Ogunquit Heritage Museum Committee  
Sarah Lefferts (current Alternate) – Member  
Term to expire in 2023

6.5 Acceptance of the Phase II "Keep ME Healthy" Grant Funds

#### **7.0 Liquor and Amusement Licenses**

#### **8.0 Presentations, Proclamations, Resolutions & Communications**

8.1 Rotary: 2-Cent Sale

8.2 Chamber of Commerce: Annual Labor Day Weekend Sidewalk Sale and OgunquitFest

8.3 Charter Commission: Public Hearing September 2 at 6:00 p.m. via Zoom

8.4 COVID-19 Community Task Force

#### **9.0 Old Business**

#### **10.0 New Business**

10.1 Discussion with the Town Attorney and Decisions Regarding the Process to Conduct the Voter Eligibility Appeal Hearing

## 10.2 Appointments to Town Committees

### A. Appointment of Members to the Age Friendly Community Committee and Set Terms

The Committee has positions for 7 Members as follows:

3 Members with terms to expire June 30, 2023

3 Members with terms to expire June 30, 2022

1 Member with a term to expire June 30, 2021

#### Applicants (alphabetical):

Marc Clermont (new applicant)

Cheryl Cruickshank (new applicant)

Charley LaFlamme (new applicant)

Louesa Gillespie (new applicant)

Patience Sundaresan (new applicant)

### B. Appointment of 1 Member and 2 Alternates to the Harbor Committee

1 Member with a term to expire in 2023

2 Alternates with a term to expire in 2021

#### Applicants (alphabetical):

Carole Aaron (new applicant)

Josh Audet (current alternate)

Jay Smith (current alternate)

Percy Stevens (current member)

## 10.3 Discussion of November 3, 2020 Special Town Meeting Warrant Articles

### A. Capital Improvement Projects

### B. Conservation Commission:

1) Capital Project funding

2) Ordinance Amendment

### C. Zoning Ordinance Amendments

## 11.0 Town Manger Report

11.1 Agamenticus Road Project Next Steps: Public Meeting - September 10 at 6:00pm via Zoom

11.2 Report on the Implementation of the Select Board's Temporary Waiver of Certain Ordinances Regarding Outside Sales, Expansion and Uses of Business Property, Outdoor Amusements and Other Activities during the COVID-19 State of Civil Emergency.

11.3 Other Updates

**12.0 Public Comments** - The Select Board welcomes public comments and questions about agenda items and Town-related matters, and we ask that people keep comments brief and to the point (3 minutes). We also ask that if you have a complaint or concern, it would be

most helpful if you also offer a solution or solutions. Please begin your comments by stating your name and your affiliation with Ogunquit (i.e. resident, taxpayer, voter, business owner, etc.) or state the Town you are from.

### 13.0 Select Board Comments

#### Adjourn

#### **How to Participate in the Select Board Meetings**

This meeting is being conducted remotely during the COVID-19 State of Emergency for the safety of the public and participants. The Town uses Zoom for the public to participate live during the meeting.

**Public participation.** There are several ways to observe the Select Board meetings, but joining by Zoom is the only way to speak directly to the Select Board to voice any questions or comments.

**Connecting by computer or mobile device:** Register in advance or at the time of the meeting:

[https://ogunquitpd-org.zoom.us/webinar/register/WN\\_yj-KeNyDQuSpNIOqt10aPw](https://ogunquitpd-org.zoom.us/webinar/register/WN_yj-KeNyDQuSpNIOqt10aPw)

After registering, you will receive a confirmation e-mail with information to join the meeting.

**Connecting by land line/telephone:** If you want to call in to the meeting, dial:

1-312-626-6799 (ID 85198609330#) or 1-929-436-2866 (ID 85198609330#)

Password: 8395739

\*\*\*\*\*

This meeting will be broadcast live on WOGT (Channel 3 or 1302), live streamed on the Town website [www.townhallstreams.com/towns/ogunquit\\_maine](http://www.townhallstreams.com/towns/ogunquit_maine) and it will be recorded for future viewing on WOGT and on the Town's web site.

# Workshop

## **4:30 p.m. Committees Interviews**

Attached are the applications of all people being considered for appointment or reappointment to committees at this meeting. Applicants are listed alphabetically.

- Carole Aaron
- Josh Audet
- Marc Clermont
- Cheryl Cruickshank
- Louesa Gillespie
- Charley LaFlamme
- Sarah Lefferts
- David Nosnik
- Percy Stevens
- Jay Smith
- Patience Sundaresan

### Age Friendly Community Committee

- Marc Clermont
- Cheryl Cruickshank

### Sustainability Committee

- David Nodnik

Committee List (attached)

## **5:00 p.m. Select Board Workshop with the Parks & Recreation Committee**

### Discussion Topics:

- Work Plans and Priorities (Mission attached)
- Ogunquit's 40<sup>th</sup> Anniversary Celebration
- Communications
- Discuss adding Alternate Members to the Committee (By Laws attached)

Received in the  
Town Clerk's Office

TOWN OF OGUNQUIT, MAINE  
TOWN CLERK'S OFFICE

23 School Street, PO Box 875, Ogunquit, Maine 03907-0875  
Telephone: (207) 646-9546 Fax: (207) 646-5920

03/17/20  
9:45  
CLM  
Town Clerk

**APPLICATION FOR APPOINTMENT TO TOWN  
COMMITTEE/BOARDS/COMMISSION**

New  Re-Appointment  Appointment from Alternate to Full Member

Please answer all questions on the form

NAME: Carole Aaron  
RESIDENCE: 136 Pine Hill Road North - unit #2  
MAILING (if different): \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

**Please check your choices and list in order of priority by marking 1, 2, 3, etc.**

- |  |   |
|--|---|
| <input type="checkbox"/> Bike-Pedestrian Committee       | <input type="checkbox"/> Parks & Recreation Committee       |
| <input type="checkbox"/> Board of Assessment Review      | <input type="checkbox"/> Performing Arts Committee          |
| <input type="checkbox"/> Comprehensive Plan              | <input type="checkbox"/> Planning Board                     |
| <input type="checkbox"/> Conservation Commission         | <input type="checkbox"/> Recycling Committee                |
| <input checked="" type="checkbox"/> Harbor Committee     | <input type="checkbox"/> Shellfish Conservation Commission  |
| <input type="checkbox"/> Heritage Museum Committee       | <input checked="" type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Historic Preservation Committee | <input type="checkbox"/> Other _____                        |
| <input type="checkbox"/> Marginal Way Committee          | <input type="checkbox"/> Other _____                        |

Related experience (Including other Boards/Committees/Commissions) \_\_\_\_\_

I'm asking for re-appointment to the ZBA. In addition, I would like to be named an alternate on the Harbor Committee.

I am a: (check those that apply)

Year- Round Resident  Summer Resident  Ogunquit Property Owner  
 Registered Voter in Ogunquit

Why would you like to serve on this committee? I live outside the Cove and feel a different viewpoint would be as asset to this Committee. I served on the Budget Review Committee and have worked with Fred Mayo in the past

Please check appropriate box

I have  have not  attended at least two (2) meetings of the Board for which application is being made.

If appointed, I agree to attend all meetings when I am able and will inform the Chairperson when I am not able to attend.

Carole Aaron  
Signature of Applicant

3/17/20  
Date

on 07/29/20  
8:45

TOWN OF OGUNQUIT, MAINE

TOWN CLERK'S OFFICE

23 School Street, PO Box 875, Ogunquit, Maine 03907-0875

Telephone: (207) 646-9546 Fax: (207) 646-5920

CM  
Town Clerk

**APPLICATION FOR APPOINTMENT TO TOWN**

**COMMITTEE/BOARDS/COMMISSION**

New  Re-Appointment  Appointment from Alternate to Full Member

Please answer all questions on the form

NAME: Joshua Audet  
RESIDENCE: 324 Shore Rd Ogunquit, ME 03907  
MAILING (If different): \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

**Please check your choices and list in order of priority by marking 1, 2, 3, etc.**

- |  |  |
|--|--|
| <input type="checkbox"/> Bike-Pedestrian Committee       | <input type="checkbox"/> Parks & Recreation Committee      |
| <input type="checkbox"/> Board of Assessment Review      | <input type="checkbox"/> Performing Arts Committee         |
| <input type="checkbox"/> Comprehensive Plan              | <input type="checkbox"/> Planning Board                    |
| <input type="checkbox"/> Conservation Commission         | <input type="checkbox"/> Recycling Committee               |
| <input checked="" type="checkbox"/> Harbor Committee     | <input type="checkbox"/> Shellfish Conservation Commission |
| <input type="checkbox"/> Heritage Museum Committee       | <input type="checkbox"/> Zoning Board of Appeals           |
| <input type="checkbox"/> Historic Preservation Committee | <input type="checkbox"/> Other _____                       |
| <input type="checkbox"/> Marginal Way Committee          | <input type="checkbox"/> Other _____                       |

Related experience (Including other Boards/Committees/Commissions) Lobsterman  
in Perkins Cove, served on Harbor Committee in  
the past.

I am a: (check those that apply)

Year- Round Resident  Summer Resident  Ogunquit Property Owner  
 Registered Voter in Ogunquit

Why would you like to serve on this committee? Lobsterman out of  
perking Cove

Please check appropriate box

I have  have not  attended at least two (2) meetings of the Board for which application is being made.

If appointed, I agree to attend all meetings when I am able and will inform the Chairperson when I am not able to attend.

[Signature]  
Signature of Applicant

7/24/2020  
Date

Received in the

# Application for Appointment to Town Committees or Boards

Town of Ogunquit, Maine

Town Clerk's Office

23 School Street, PO Box 875  
Ogunquit, Maine 03907

Telephone: (207) 646-9546 townclerk@townofogunquit.org

On 11/30/14  
at 11:30

Rec. by AM  
Town Clerk

NAME: Marc Clermont

RESIDENCE: 28 Village Green Drive

MAILING (If different): \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

New appointment  Request for reappointment

**Please check your choice(s). List by priority by marking 1, 2, 3 if more than one selection.**

- Age Friendly Community Committee
- Marginal Way Committee
- Bicycle-Pedestrian Committee
- Ogunquit Village School Re-use
- Board of Assessment Review
- Parks & Recreation Committee
- Budget Review Committee
- Performing Arts Committee
- Comprehensive Plan Committee
- Planning Board
- Conservation Commission
- Shellfish Conservation Commission
- Harbor Committee
- Sustainability Committee
- Heritage Museum Committee
- Zoning Board of Appeals
- Historic Preservation Commission
- Other areas of interest (describe below)

**Relevant experience** (including service on other Boards/Committees) \_\_\_\_\_

Have been POA; Convserator for Senior Family Members; Navigated Nursing home needs  
Supporting legal concerns; trusts; searched for housing; end of life concerns. Have a personal  
passion for seniors enjoying their community

**I am a:** (check those that apply)

- Resident
- Seasonal Resident
- Registered to Vote in Ogunquit
- Ogunquit Property Owner (residential)
- Ogunquit Property Owner (business)
- Non-resident
- Non-resident (business owner)
- Non-resident (work in town)

**Reasons for wanting to serve on this committee:** \_\_\_\_\_

Want to contribute where I can to help the needs of Ogunquit retirees-seniors who will be the  
majority of our population in under 15 years. The more we set ourselves up for success... the  
more we will all enjoy our town and community. Friends and connecting with others is a big part  
of aging..along with services-housing and want us to engage in a holistic approach for all.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Application for Appointment to Town Committees or Boards

Town of Ogunquit, Maine

Town Clerk's Office

23 School Street, PO Box 875  
Ogunquit, Maine 03907

Telephone: (207) 646-9546 townclerk@townofogunquit.org

Received in the  
Town Clerk's Office  
On 08/25/20  
at 10:00  
Rec'd by CLM  
Town Clerk

NAME: Cheryl Cruickshank  
Please print

RESIDENCE: 68 Beachmere Place

MAILING (If different): \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

New appointment  Request for reappointment

**Please check your choice(s).** List by priority by marking 1, 2, 3 if more than one selection.

- Age Friendly Community Committee
- Marginal Way Committee
- Bicycle-Pedestrian Committee
- Ogunquit Village School Re-use
- Board of Assessment Review
- Parks & Recreation Committee
- Budget Review Committee
- Performing Arts Committee
- Comprehensive Plan Committee
- Planning Board
- Conservation Commission
- Shellfish Conservation Commission
- Harbor Committee
- Sustainability Committee
- Heritage Museum Committee
- Zoning Board of Appeals
- Historic Preservation Commission
- Other \_\_\_\_\_

**Relevant experience or interests** (including service on other Boards/Committees):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Have you attended meetings of the committee you're applying to serve on?** Yes  No

I am a: (check all that apply)

- Resident
- Seasonal Resident
- Registered to Vote in Ogunquit
- Ogunquit Property Owner (residential)
- Ogunquit Property Owner (business)
- Non-resident
- Non-resident (business owner)
- Non-resident (work in town)

**Reasons for wanting to serve on this committee:** During the winter, I live  
in a very active retirement community in Florida and I  
would like to help the Town of Ogunquit become more age friendly

Cheryl Cruickshank  
Signature of Applicant

8/4/2020  
Date

# Application for Appointment to Town Committees or Boards

Town of Ogunquit, Maine

Town Clerk's Office

23 School Street, PO Box 875

Ogunquit, Maine 03907

Telephone: (207) 646-9546

townclerk@townofogunquit.org

TOWN OF OGUNQUIT, MAINE

Received in the

Town Clerk's Office

On 08/07/19  
at S. Clark

Rec. by CLM  
Town Clerk

NAME: Louesa Gillespie \_\_\_\_\_

RESIDENCE: 19 Israel Head Road, Ogunquit \_\_\_\_\_

MAILING (if different): \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

New appointment  Request for reappointment

**Please check your choice(s). List by priority by marking 1, 2, 3 if more than one selection.**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 1. Age Friendly Community Committee | <input checked="" type="checkbox"/> 3. Marginal Way Committee     |
| <input type="checkbox"/> Bicycle-Pedestrian Committee                   | <input type="checkbox"/> 2. Ogunquit Village School Re-use        |
| <input type="checkbox"/> Board of Assessment Review                     | <input type="checkbox"/> Parks & Recreation Committee             |
| <input type="checkbox"/> Budget Review Committee                        | <input type="checkbox"/> Performing Arts Committee                |
| <input type="checkbox"/> Comprehensive Plan Committee                   | <input type="checkbox"/> Planning Board                           |
| <input type="checkbox"/> Conservation Commission                        | <input type="checkbox"/> Shellfish Conservation Commission        |
| <input type="checkbox"/> Harbor Committee                               | <input type="checkbox"/> Sustainability Committee                 |
| <input type="checkbox"/> Heritage Museum Committee                      | <input type="checkbox"/> Zoning Board of Appeals                  |
| <input type="checkbox"/> Historic Preservation Commission               | <input type="checkbox"/> Other areas of interest (describe below) |

Relevant experience (including service on other Boards/Committees) \_\_\_\_\_

Currently on Marginal Way, past on Comprehensive Plan and Planning Board

**I am a:** (check those that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> x. Resident                             | <input type="checkbox"/> Seasonal Resident             | <input type="checkbox"/> <input checked="" type="checkbox"/> Registered to Vote in Ogunquit |
| <input checked="" type="checkbox"/> x Ogunquit Property Owner (residential) | <input type="checkbox"/> Non-resident                  | <input checked="" type="checkbox"/> Ogunquit Property Owner (business)                      |
| <input type="checkbox"/> Non-resident                                       | <input type="checkbox"/> Non-resident (business owner) | <input type="checkbox"/> Non-resident (work in town)  |

Reasons for wanting to serve on this committee: I care about the long term planning for our community

*Louesa M. Gillespie*  
Signature of Applicant

Date: July 30, 2019

**Application for Appointment to Town Committees or Boards**

**Town of Ogunquit, Maine**

**Town Clerk's Office**

23 School Street, PO Box 875

Ogunquit, Maine 03907

Telephone: (207) 646-9546 townclerk@townofogunquit.org

TOWN OF OGUNQUIT, MAINE  
Received in the  
Town Clerk's Office  
on 07/29/19  
at 1:15  
By CLM  
Town Clerk

NAME: Charley LaFlamme

RESIDENCE: 423 North Village Rd Ogunquit

MAILING (If different): \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

New appointment  Request for reappointment

**Please check your choice(s).** List by priority by marking 1, 2, 3 if more than one selection.

- 1-  Age Friendly Community Committee
- Marginal Way Committee
- Bicycle-Pedestrian Committee
- Ogunquit Village School Re-use
- Board of Assessment Review
- Parks & Recreation Committee
- Budget Review Committee
- Performing Arts Committee
- 2-  Comprehensive Plan Committee
- Planning Board
- Conservation Commission
- Shellfish Conservation Commission
- Harbor Committee
- Sustainability Committee
- Heritage Museum Committee
- Zoning Board of Appeals
- Historic Preservation Commission
- Other areas of interest (describe below)

**Relevant experience** (including service on other Boards/Committees) As the chair of the Ogt Bicycle/Pedestrian Committee I spear-headed the application for the town to be an "Age Friendly Community Committee" & have attended many meetings with AARP & a few conferences as

- I am a:** (check those that apply)
- Resident
  - Seasonal Resident
  - Registered to Vote in Ogunquit the AFC rep from ogt.
  - Ogunquit Property Owner (residential)
  - Ogunquit Property Owner (business)
  - Non-resident
  - Non-resident (business owner)
  - Non-resident (work in town)

**Reasons for wanting to serve on this committee:** I served on the last Comp Plan Committee.

C. LaFlamme  
Signature of Applicant

7-29-19  
Date

TOWN OF OGUNQUIT, MAINE

TOWN CLERK'S OFFICE

23 School Street, PO Box 875, Ogunquit, Maine 03907-0875

Telephone: (207) 646-9546 Fax: (207) 646-5920

on 08/31/2020 at 3:05

Rec. by CUM

APPLICATION FOR APPOINTMENT TO TOWN

Town Clerk

COMMITTEE/BOARDS/COMMISSION

New

Re-Appointment

Appointment from Alternate to Full Member

Please answer all questions on the form

NAME:

Sarah Liffers

RESIDENCE:

MAILING (if different):

E-MAIL ADDRESS:

PHONE:

Please check your choices and list in order of priority by marking 1, 2, 3, etc.

- Bike-Pedestrian Committee
- Board of Assessment Review
- Comprehensive Plan
- Conservation Commission
- Harbor Committee
- Heritage Museum Committee
- Historic Preservation Committee
- Marginal Way Committee
- Parks & Recreation Committee
- Performing Arts Committee
- Planning Board
- Recycling Committee
- Shellfish Conservation Commission
- Zoning Board of Appeals
- Other \_\_\_\_\_
- Other \_\_\_\_\_

Related experience (Including other Boards/Committees/Commissions) OPA

I am a: (check those that apply)

- Year-Round Resident
- Summer Resident
- Ogunquit Property Owner
- Registered Voter in Ogunquit

Why would you like to serve on this committee?

Please check appropriate box

I have  have not  attended at least two (2) meetings of the Board for which application is being made.

If appointed, I agree to attend all meetings when I am able and will inform the Chairperson when I am not able to attend.

Signature of Applicant Sarah Liffers

Date 8/7/2020

Received in the  
Town Clerk's Office

**TOWN OF OGUNQUIT, MAINE**  
**TOWN CLERK'S OFFICE**

on 08/27/2020  
at 11:25

23 School Street, PO Box 875, Ogunquit, Maine 03907-0875  
Telephone: (207) 646-9546 Fax: (207) 646-5920

Rec. by CLM  
Town Clerk

**APPLICATION FOR APPOINTMENT TO TOWN**  
**COMMITTEE/BOARDS/COMMISSION**

New     Re-Appointment     Appointment from Alternate to Full Member

*Please answer all questions on the form*

NAME: DAVID NOSNIK, CPA  
RESIDENCE: 809 SHORE RD, CAPE NEDDICK, ME 03902  
MAILING (If different): \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

**Please check your choices and list in order of priority by marking 1, 2, 3, etc.**

- |  |   |
|--|---|
| <input type="checkbox"/> Bike-Pedestrian Committee       | <input type="checkbox"/> Parks & Recreation Committee             |
| <input type="checkbox"/> Board of Assessment Review      | <input type="checkbox"/> Performing Arts Committee                |
| <input type="checkbox"/> Comprehensive Plan              | <input type="checkbox"/> Planning Board                           |
| <input type="checkbox"/> Conservation Commission         | <input type="checkbox"/> Recycling Committee                      |
| <input type="checkbox"/> Harbor Committee                | <input type="checkbox"/> Shellfish Conservation Commission        |
| <input type="checkbox"/> Heritage Museum Committee       | <input type="checkbox"/> Zoning Board of Appeals                  |
| <input type="checkbox"/> Historic Preservation Committee | <input checked="" type="checkbox"/> 1 Other <u>Sustainability</u> |
| <input type="checkbox"/> Marginal Way Committee          | <input type="checkbox"/> Other _____                              |

**Related experience (Including other Boards/Committees/Commissions)** I am the Treasurer/Director of the Ogunquit Chamber of Commerce; I was the Chairman of the Board of Project Esperanza an AIDS patients support non-profit organization in Dallas, TX; and I was the Treasurer/Director of the Old Shepard HOA in Plano, TX

I am a: (check those that apply)

Year- Round Resident     Summer Resident     Ogunquit Property Owner  
 Registered Voter in Ogunquit

**Why would you like to serve on this committee?** I would like to contribute to helping Ogunquit remain "the beautiful place by the sea" by participating in the process of creating and maintaining the conditions, under which residents and businesses can co-exist with nature in productive harmony for the benefit of present and future generations.

Please check appropriate box

I have  have not  attended at least two (2) meetings of the Board for which application is being made.

If appointed, I agree to attend all meetings when I am able and will inform the Chairperson when I am not able to attend.

[Signature]  
Signature of Applicant

8/27/2020

Date

on 06/23/2020  
at 1:40

TOWN OF OGUNQUIT, MAINE

TOWN CLERK'S OFFICE

23 School Street, PO Box 2122, Ogunquit, Maine 03907

Telephone: (207) 646-9546 Fax: (207) 646-5920

Rec. by

[Signature]  
Town Clerk

**APPLICATION FOR APPOINTMENT TO TOWN BOARDS**

New  Re-Appointment  Appointment from Alternate to Full Member

**PLEASE ANSWER ALL QUESTIONS ON THE FORM**

NAME: JAY SMITH  
RESIDENCE: 425 SHORE RD  
MAILING (if different) \_\_\_\_\_  
E-MAIL ADDRESS \_\_\_\_\_ ONE: \_\_\_\_\_

**Please check your choices and list in order or priority by marking 1, 2, 3, etc.**

- |   |   |
|---|---|
| <input type="checkbox"/> Bike-Pedestrian Committee                      | <input type="checkbox"/> Parks & Recreation Committee       |
| <input type="checkbox"/> Board of Assessment Review                     | <input type="checkbox"/> Performing Arts Committee          |
| <input type="checkbox"/> Comprehensive Plan                             | <input type="checkbox"/> Planning Board                     |
| <input type="checkbox"/> Conservation Commission                        | <input type="checkbox"/> Recycling Committee                |
| <input checked="" type="checkbox"/> Harbor Committee (Alt) Re-Up        | <input type="checkbox"/> Shellfish Conservation Commission  |
| <input checked="" type="checkbox"/> Heritage Museum Committee Exp. 2021 | <input checked="" type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Historic Preservation Committee                | <input type="checkbox"/> Other _____                        |
| <input type="checkbox"/> Marginal Way Committee                         | <input type="checkbox"/> Other _____                        |

RELATED EXPERIENCE (Including other Boards/Commissions) \_\_\_\_\_

I am a: (check those that apply)

Year- Round Resident  Summer Resident  Ogunquit Property Owner  
 Registered to Vote in Ogunquit

PLEASE SPECIFY REASON FOR APPLICATION TO THIS BOARD: Have the relevant background

**Please Circle**

I  have not attended at least two (2) meetings of the Board for which application is being made. I agree to attend all meetings, except in case of sickness or emergency, and will advise the Chairperson when I am unable to attend, if appointed.

[Signature]  
Signature of Applicant

6/22/20  
Date

Received in the  
Town Clerk's Office  
09/24/2020  
1:50

TOWN OF OGUNQUIT, MAINE  
TOWN CLERK'S OFFICE

23 School Street, PO Box 875, Ogunquit, Maine 03907-0875  
Telephone: (207) 646-9546 Fax: (207) 646-5920

APPLICATION FOR APPOINTMENT TO TOWN  
COMMITTEE/BOARDS/COMMISSION

App. by CLM  
Town Clerk

New  Re-Appointment  Appointment from Alternate to Full Member

NAME: Percy Stevens  
RESIDENCE: 22 Winter Hills Rd. Ogunquit, Me.  
MAILING (if different): \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

Please check your choices and list in order of priority by marking 1, 2, 3, etc.

- |  |   |
|--|---|
| <input type="checkbox"/> Bike-Pedestrian Committee       | <u>2</u> <input checked="" type="checkbox"/> Parks & Recreation Committee |
| <input type="checkbox"/> Board of Assessment Review      | <input type="checkbox"/> Performing Arts Committee                        |
| <input type="checkbox"/> Comprehensive Plan              | <input type="checkbox"/> Planning Board                                   |
| <input type="checkbox"/> Conservation Commission         | <input type="checkbox"/> Recycling Committee                              |
| <input checked="" type="checkbox"/> Harbor Committee     | <input type="checkbox"/> Shellfish Conservation Commission                |
| <input type="checkbox"/> Heritage Museum Committee       | <input type="checkbox"/> Zoning Board of Appeals                          |
| <input type="checkbox"/> Historic Preservation Committee | <input type="checkbox"/> Other _____                                      |
| <input type="checkbox"/> Marginal Way Committee          | <input type="checkbox"/> Other _____                                      |

Related experience (Including other Boards/Committees/Commissions) Harbor Committee

I am a: (check those that apply)

Year- Round Resident  Summer Resident  Ogunquit Property Owner  
 Registered Voter in Ogunquit

Why would you like to serve on this committee? Continue working with current committee

Please check appropriate box

I have  have not  attended at least two (2) meetings of the Board for which application is being made.

If appointed, I agree to attend all meetings when I am able and will inform the Chairperson when I am not able to attend.

Percy Stevens  
Signature of Applicant

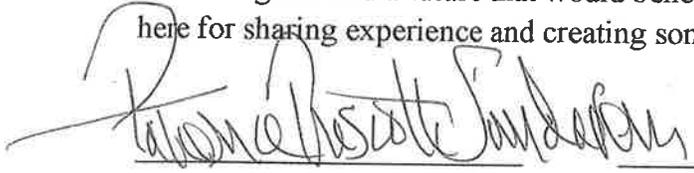
7-26-20  
Date



- Ogunquit Property Owner (residential)       Ogunquit Property Owner (business)
- Non-resident       Non-resident (business owner)       Non-resident (work in town)

**Reasons for wanting to serve on this committee/work on this topic**

It interests me because this committee presents the opportunity to truly engage with many people in the community, encourage them to also be involved in working together toward common goals and a future that would benefit all community members. There is a real chance here for sharing experience and creating something enduring and meaningful for Ogunquit.



**Signature of Applicant**



**Date**



## **Town of Ogunquit Age Friendly Committee**

**Whereas:** We are committed to being a welcoming, diverse community that is safe, secure, inclusive and considerate of all people, of all ages, and all perspectives;

**Whereas:** We are committed to having a sustainable, excellent quality of life for residents, businesses, and visitors now and into the future;

**Whereas:** We are committed to undertaking efforts to promote active aging by optimizing personal independence and opportunities that will enhance people's health and safety;

**Whereas:** We are committed to promoting ways for the people of our community to engage in the social, economic, and civic life of our community;

**Whereas:** We are committed to being a livable community where the town's public places, spaces, and infrastructure are maintained and developed in ways that benefit people of all ages;

**Whereas:** We are committed to removing barriers of all types that may prevent people from remaining in their homes as they age;

**Whereas:** We are committed to working collaboratively with volunteers and organizations that will support people's well-being, and allow and inspire residents to age safely and independently in our community;

**Whereas:** Ogunquit is a member of the AARP's Age Friendly network which has identified eight livability standards for communities to work toward to offer a desirable quality of life to its population: the built environment, transportation, housing, social participation, respect and social inclusion, civic participation and employment, communication, and community support and health services.

**Whereas:** Ogunquit is committed to being a great place where residents, businesses, and visitors thrive;

**Therefore,** The Ogunquit Select Board hereby establishes the Age Friendly Committee to advise the Select Board on matters related to making Ogunquit an Age Friendly Community based on the AARP's eight focus areas, and other relevant issues.

**Membership:** The Age Friendly Committee will consist of 7 members. The terms will be for three (3) year terms, however for the initial terms, 3 of the members be appointed for 3 years, 3 members will be appointed for 2 years, and 1 member will be appointed for 1 year.

**Duties:** The Age Friendly Committee is an advisory committee to the Select Board and will work on issues referred to it by the Select Board or as mutually agreed upon based on joint discussions between the Select Board and the Committee. The following tasks are provided for the Committee to begin its work. These will be updated and changed as the Committee develops its annual work plan.

- Advise the Select Board on actions Ogunquit can take regarding the AARP's Age Friendly eight livability standards.
- Perform an age-friendly community needs to assessment to determine what people identify as Ogunquit's "Age Friendly" needs and develop an action plan based on the results.
- Research and recommend strategies, policies and projects to the Select Board that will address the results of the needs assessment and enhance Ogunquit's livability.
- Provide community education and outreach and be a community resource regarding aging and thriving.

Dated: June 30, 2020

# AARP LIVABLE COMMUNITIES

## What is a Livable Community?

*The term means different things to different people. Here's our definition*

### AARP Livable Communities

A livable community is one that is safe and secure, has affordable and appropriate housing and transportation options, and offers supportive community features and services. Once in place, those resources:

- enhance personal independence;
- allow residents to remain in their homes and communities as they age; and
- foster residents' engagement in the community's civic, economic, and social life.

## Livability Principles



Livable, age-friendly communities make for happier, healthier residents of every age, in all life stages.

**"A livable community is one that is safe and secure, has affordable and appropriate housing and transportation options, and offers supportive community features and services."**

— AARP Policy Book, Chapter 9: Livable Communities

Communities can be designed to promote physical independence, dignity, and opportunities for community engagement and choice as the population ages. But proper planning is needed. People of varying physical abilities can live more independent and meaningful lives through innovative design and modifications. Technological advances also have a significant impact. Accessibility features, types of activities, facilities, housing, road design, walkability, transportation, and supportive services all affect whether and for how long people can remain in their community as they age.

Policymakers on the federal, state, and local levels have important roles to play in designing and maintaining — and at times, retrofitting — communities to be active places where residents of all ages, including those 50 and older, can participate fully.

The following principles set out the broad goals for policymakers, both in establishing such communities generally and in the specific areas of land use, housing, and transportation.

- Creating Livable and Sustainable Communities
- Effective Planning
- Housing
- Affordable Housing
- Housing Accessibility
- Supportive Services in Housing
- Fair Housing
- Maintaining and Repairing Housing
- Transportation
- Transportation Planning
- Safe Driving and Livable Travel Environments
- Vehicle Design and Safety
- Vehicle Automation and Fully Self-Driving Cars
- Community Transportation
- Accessible Transportation

**Town of Ogunquit**  
**Sustainability Committee**

**Whereas:** As a community we are committed to ensuring a high quality of life for residents, businesses and visitors both today and into the future;

**Whereas:** We are committed to undertaking efforts to protect and preserve our natural resources, improve energy efficiency, use alternative energy sources, reduce our carbon footprint; and

**Whereas:** We are committed to responsibly adapt to climate change, maintain economic vitality, support smart growth and development, and be stewards of our environmental and economic resources;

**Therefore,** to accomplish these objectives the Select Board hereby establishes a Sustainability Committee to advise the Select Board on sustainability, climate adaptation and resiliency issues, and work collaboratively Ogunquit residents and surrounding communities.

**Membership:** The Sustainability Committee will consist of 5 members and 2 alternates. The terms will be for three (3) year terms, however for the initial terms, 2 of the members be appointed for 3 years, 2 members will be appointed for 2 years, and 1 member will be appointed for 1 year. Alternates serve 1-year terms.

**Duties:** The Sustainability Committees will be responsible to the Select Board and will perform tasks as directed by the Select Board which include:

- Advise the Select Board on energy programs, projects, and policies which will reduce the community's reliance on fossil fuels and reduce the community's carbon footprint
- Research and recommend strategies, policies and projects to the Select Board that will achieve energy conservation and use renewable energy for Town projects.
- Make recommendations for ordinances, policies, projects and objectives to address actions to make Town properties more energy efficient
- Provide community education and outreach and be a community resource to help homeowners and businesses understand sustainability issues and make decisions that can reduce their energy consumption
- Research, evaluate and recommend projects that result in energy cost savings, return on investment, and environmental benefit.
- Promote capital projects that are designed to take into consideration climate change and future environmental challenges in order to minimize destruction from natural disasters and preserve both natural and financial resources.

Dated: November 19, 2019

BOARDS/COMMITTEES	TOWN	TERM	STATUS	APPLICATIONS RECEIVED
<b>AGE FRIENDLY COMMUNITY COMMITTEE</b>				
<b>Note: 7 Members</b>		2023		Marc Clermont
		2023		Cheryl Cruickshank
		2023		Louesa Gillespie
		2022		Charley LaFlamme
		2022		Patience Sundaresan
		2021		
<b>Select Board Liaison</b>				
<b>BIKE-PEDESTRIAN COMMITTEE</b>				
Jennifer Walker	Ogunquit	2022	Member	
John Cavaretta	Ogunquit	2022	Member	
Priscilla Botsford	Ogunquit	2023	Member	
Bruce Byorkman	Ogunquit	2023	Member	
Charles LaFlamme	Moody	2021	Member-Chair	
Bob McBreen	Ogunquit	2021	Member	
Gregory Testa (not seeking reappointment)	Ogunquit	2020	1st Alternate	
Paul Jean	Ogunquit	2020	2nd Alternate	
Alice Pearce, Chamber of Commerce			Liaison	
Patricia Arnaudin, Police Chief			Liaison	
<b>Select Board Liaison</b>				
<b>BOARD OF ASSESSMENT REVIEW</b>				
		<b>Alternate - 1 Yr.</b>		
Glenn Deletsky	Ogunquit	2023	Member	
Peter Kahn	Ogunquit	2023	Member	
Kirk Lavoie	Ogunquit	2022	Member	
Paul Breen		2021	1st Alternate	
Vacant		2020	2nd Alternate	
<b>Select Board Liaison</b>				
<b>BUDGET REVIEW COMMITTEE</b>				
		<b>Alternate - 1 Yr.</b>		
Jerry DeHart	Ogunquit	2023	Member	
Kate Mitsch*	Ogunquit	2021	Member	
Frederick Lynk	Ogunquit	2021	Member	
Thomas Sellers, III	Ogunquit	2022	Member	
Scott Vogel	Ogunquit	2023	Member	
Michele Tourangeau	Ogunquit	2021	1st Alternate	
Carole Aaron	Ogunquit	2020	2nd Alternate	
<b>* Election to fill seat in Nov. 2020</b>				
<b>Select Board Liaison</b>				
<b>BUILDING COMMITTEE (Dunaway-OVS)</b>				
<b>CHARTER REVIEW COMMISSION</b>				
Amy Forbes	Ogunquit		Member	Elected
Peter Griswold	Ogunquit		Member	Appointed
Patricia Hussey	Ogunquit		Member	Elected
Gary Latulippe	Ogunquit		Member	Elected
Wendy Levine	Ogunquit		Member	Elected
Gordon Lewis	Ogunquit		Member	Elected
Terry Ann Lunt	Ogunquit		Member	Appointed
Robin Millward	Ogunquit		Member	Appointed
William Sawyer	Ogunquit		Member	Elected
<b>Select Board Liaison</b>				
<b>COMPREHENSIVE PLAN</b>				
				Melissa Bednarowski
				Elaine Cooper
				Peter Kahn
				Charley LaFlamme
				Robin Millward
				Marsha Northrop
<b>Select Board Liaison</b>				

BOARDS/COMMITTEES	TOWN	TERM	STATUS	APPLICATIONS RECEIVED
<b>CONSERVATION COMMISSION</b>	<b>Alternate - 1 Yr.</b>			
<i>Vacant</i>		<b>2020</b>	<i>Member</i>	
J. Douglas Mayer	Ogunquit	<b>2023</b>	Member	
Pamela Sawyer	Ogunquit	<b>2023</b>	Member	
Patience Prescott Sundaresan	Ogunquit	<b>2021</b>	Member-Chair	
Laura Brogan	Cape Neddick	<b>2021</b>	Member	
William J. Lee	Ogunquit	<b>2022</b>	Member-Vice Chair	
George Cundiff	Ogunquit	<b>2022</b>	Member	
<i>Vacant</i>		<b>2020</b>	<i>1st Alternate</i>	
<i>Vacant</i>		<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liaison</b>				
<b>HARBOR COMMITTEE</b>	<b>Alternate - 1-Yr.</b>			
<i>Percy Stevens, Jr.</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	<i>Percy Stevens</i>
Robert McIntire	Ogunquit	<b>2021</b>	Member	
John "Jack" Gordon	Ogunquit	<b>2021</b>	Member	
Steven Perkins	Ogunquit	<b>2022</b>	Member	
William "Tim" Tower III*	Ogunquit	<b>2022</b>	Member- Chair	
<i>Jay Smith</i>	<i>Ogunquit</i>	<b>2020</b>	<i>1st Alternate</i>	<i>Jay Smith</i>
<i>Josh Audet</i>	<i>Ogunquit</i>	<b>2020</b>	<i>2nd Alternate</i>	<i>Josh Audet</i>
<b>Select Board Liaison</b>				<i>Carole Aaron</i>
<b>HERITAGE MUSEUM COMMITTEE</b>	<b>Alternate - 1-Yr.</b>			
<i>Gary Littlefield</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	
<i>Eva Nudelman (not seeking reappointment)</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	<i>Sara Lefferts</i>
<i>Patricia Weare</i>	<i>Cape Neddick</i>	<b>2023</b>	<i>Member</i>	
<i>Peter Woodbury</i>	<i>Ogunquit</i>	<b>2023</b>	<i>Member</i>	
Susan Meffert	York	<b>2021</b>	Member	
John Ross	Ogunquit	<b>2021</b>	Member	
Jay Smith	Ogunquit	<b>2021</b>	Member	
Marc Saulnier	Ogunquit	<b>2022</b>	Member	
L.F. "Sonny" Perkins	York	<b>2022</b>	Member-Chair	
<i>Vacant</i>		<b>2020</b>	<i>1st Alternate</i>	
<i>Sara Lefferts</i>	<i>Ogunquit</i>	<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liaison</b>				
<b>HISTORIC PRESERVATION COMMISSION</b>	<b>Alternate - 1Yr.</b>			
<i>Summer Nystedt (not seeking reappointment)</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member - Chair</i>	
<i>Marsha Northrop</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	<i>Marsha Northrop</i>
Marcia Williams	Ogunquit	<b>2021</b>	Member	
Kerry Ellen Enright	Ogunquit	<b>2022</b>	Member	
Helen Horn	Ogunquit	<b>2022</b>	Member	
<i>Elaine Cooper</i>	<i>Ogunquit</i>	<b>2020</b>	<i>1st Alternate</i>	<i>Elaine Cooper</i>
<i>Vacant</i>	<i>Ogunquit</i>	<b>2020</b>	<i>2nd Alternate</i>	<i>Sheldon Drucker</i>
<b>Select Board Liaison</b>				
<b>MARGINAL WAY COMMITTEE</b>	<b>Alternate - 1-Yr.</b>			
<i>Louesa Gillespie</i>	<i>Ogunquit</i>	<b>2023</b>	<i>Member</i>	
<i>Joan Griswold</i>	<i>Ogunquit</i>	<b>2023</b>	<i>Member-Chair</i>	
<i>Vacant</i>		<b>2020</b>	<i>Member</i>	
Elaine Cooper	Ogunquit	<b>2021</b>	Member	
<i>Vacant</i>		<b>2021</b>	<i>Member</i>	
Paul Breen	Ogunquit	<b>2022</b>	Member	
Gail Brother	Bedford, MA	<b>2022</b>	Member	
<i>Kristen Arnold</i>	<i>Ogunquit</i>	<b>2020</b>	<i>1st Alternate</i>	
<i>Vacant</i>		<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liaison</b>				
<b>PARKS &amp; RECREATION COMMITTEE</b>				
Jason Corbin	Ogunquit	<b>2022</b>	Chair	
Ian Kaiser	Ogunquit	<b>2021</b>	Vice Chair	
Larry Carlson	Ogunquit	<b>2021</b>	Member	
Amy Forbes	Ogunquit	<b>2023</b>	Member	
Jennifer Lewer	Ogunquit	<b>2023</b>	Member	
Michelle Low	Ogunquit	<b>2022</b>	Member	
Kay Moore	Ogunquit	<b>2023</b>	Member	
<b>Select Board Liaison</b>				Robert Cruickshank

<b>BOARDS/COMMITTEES</b>	<b>TOWN</b>	<b>TERM</b>	<b>STATUS</b>	<b>APPLICATIONS RECEIVED</b>
<b>PERFORMING ARTS COMMITTEE</b>				
<i>Miki Ann Boyd</i>	<i>Wells</i>	<b>2020</b>	<i>Member</i>	Mikie Ann Boyd
<i>Patricia Mason</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	Patricia Mason
<i>Eva Nudelman (not seeking reappointment)</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	
<b>Vacant</b>		<b>2020</b>	<i>Member</i>	Sarah Lefferts
Steve Einstein	S. Berwick	<b>2021</b>	Member	
Vincent D'Errico	North Berwick	<b>2021</b>	Member	
Janel Lundgren	Cape Neddick	<b>2022</b>	Member-Chair	
Lesley Mathews	Ogunquit	<b>2022</b>	Member	
<b>Vacant</b>		<b>2022</b>	<i>Member</i>	
<i>Charlotte Streeter</i>	<i>Wells</i>	<b>2020</b>	<i>1st Alternate</i>	Charlotte Streeter
<b>Vacant</b>		<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liason</b>				
<b>PLANNING BOARD</b>				
	<b>Alternate - 1-Yr.</b>			
Steve Wilkos	Ogunquit	<b>2023</b>	Member-Chair	
Robert Whitelaw	Ogunquit	<b>2023</b>	Member	
Jacqueline Bevins	Ogunquit	<b>2021</b>	Member	
Mark MacLeod	Ogunquit	<b>2021</b>	Member-Vice Chair	
Priscilla Botsford	Ogunquit	<b>2022</b>	Member	
Elaine Cooper	Ogunquit	<b>2020</b>	1st Alternate	
<b>Vacant</b>		<b>2020</b>	<i>2nd Alternate</i>	
				Steven Meller
<b>Select Board Liason</b>				
<b>SHELLFISH CONSERVATION COM.</b>				
	<b>Alternate - 1-Yr.</b>			
<i>Everett Leach</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	
Arthur Damren	Ogunquit	<b>2021</b>	Member	
Craig Thiede	Ogunquit	<b>2021</b>	Member	
Leonard Wyman	Ogunquit	<b>2022</b>	Member	
George Cundiff	Ogunquit	<b>2022</b>	Member-Chair	
<b>Vacant</b>		<b>2020</b>	<i>1st Alternate</i>	
<b>Vacant</b>		<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liason</b>				
<b>SUSTAINABILITY COMMITTEE</b>				
	<b>Alternate - 1-Yr.</b>			
Patience Prescott Sundaresan	Ogunquit	<b>2020</b>	Member	
Laura Brogan	Cape Neddick	<b>2021</b>	Member	
<i>Paul Jean</i>	Ogunquit	<b>2021</b>	<i>Member</i>	<i>Resigned</i>
<i>Jake Roche</i>	Ogunquit	<b>2022</b>	<i>Member</i>	<i>Resigned</i>
Paul Breen	Ogunquit	<b>2022</b>	Member	
Priscilla Botsford	Ogunquit	<b>2021</b>	1st Alternate	
Marjorie Katz	Chestnut Hill, MA	<b>2021</b>	2nd Alternate	
				David Nosnik
<b>Select Board Liason</b>				
<b>ZONING BOARD OF APPEALS</b>				
	<b>Alternate - 1-Yr.</b>			
Jerry DeHart	Ogunquit	<b>2023</b>	Member	
Jay Smith	Ogunquit	<b>2023</b>	Member-Chair	
Michael Horn	Ogunquit	<b>2021</b>	Member	
J. Douglas Mayer	Ogunquit	<b>2022</b>	Member	
Peter L. Griswold	Ogunquit	<b>2022</b>	Member	
Carole Aaron	Ogunquit	<b>2021</b>	1st Alternate	
Glenn Deletetsky	Ogunquit	<b>2021</b>	2nd Alternate	
<b>Select Board Liason</b>				
<b>SELECT BOARD</b>				
Heath Ouellette	Ogunquit	<b>2023</b>	Chair	
John Daley	Ogunquit	<b>2021</b>	Vice Chair	
Richard Dolliver	Ogunquit	<b>2023</b>	Member	
Lindsey M. Perry	Ogunquit	<b>2022</b>	Member	
Robert N. Winn, Jr.	Ogunquit	<b>2021</b>	Member	
<b>WELLS-OGUNQUIT CSD TRUSTEES</b>				
Boriana Dolliver	Ogunquit	<b>2022</b>	Member	
Aneliya Georgieva-Petrov	Ogunquit	<b>2021</b>	Member	
Heather Sittig	Ogunquit	<b>2023</b>	Member	

# The Ogunquit Parks & Recreation Mission

## **Purpose:**

- To provide entertaining, healthy, educational and recreational activities and events for our residents and community members. Part of this mission is raising a general public awareness of the many parks and open areas that Ogunquit has to offer. By hosting events in some of these areas, we hope to increase traffic to less populated parks and attractions.
- To make the locations of these parks more widely known, by posting addresses, map information, pictures, hours, etc. on our page on the town website.
- To coordinate and organize the ongoing beautification of our town independently and through partnerships with other organizations, departments and committees who support our mission.

## **Goals:**

- Engaging residents so we can strategically work in conjunction with other activities and events already in place and organized by such entities as the Ogunquit Chamber of Commerce, Ogunquit Visitor Services, Information Services, Ogunquit Heritage Museum Committee, and Ogunquit Performing Arts Committee, in order to schedule, publicize and promote all town activities, and drive attendance.
- To create a presence on the town's website and utilize social media and other free resources to market and promote our activities and events.
- To build a volunteer base from which we can draw manpower on an as-needed basis.

## **Projects:**

- Music in the Park (possibly partnering with the Rotary)
- Seasonal Employee Orientation
- Summer Sandcastle Contest
- Ogunquitfest activities (partnering with the Chamber)
- Christmas by the Sea activities (partnering with the Chamber)

[The following are tentative ideas/ works in progress]

- Patriots Day activities (partnering with the Chamber)
- Monday Night Movies at the Leavitt Theater
- Neighborhood Block Party
- Winter Skating Rink (weather permitting)
- Seasonal Farmer's Market
- Group trips - ex. Boston Flower Show
- Story Slams (Like NPR's "The Moth")
- Community potluck suppers

# OGUNQUIT

*Beautiful Place by the Sea*

## TOWN OF OGUNQUIT PARKS COMMITTEE BY-LAWS

### ***ESTABLISHMENT: RESPONSIBILITIES***

There shall be a Parks Committee, which shall consist of residents appointed by and responsible to the Board of Selectmen. The responsibility of the Parks Committee is to advise the Selectmen regarding proposed plans for all of the Town's parks, open spaces and cemeteries, as well as, required maintenance, upkeep and operational policies to promote maximum benefit to the community.

The Parks Committee will work in cooperation with the Town Manager, Recreation Director and the Public Works Department Director regarding recommendations from the Parks Committee, which are to be brought to the Board of Selectmen for their review and/or approval.

The Parks Committee will make recommendations to the Board of Selectmen regarding the following parks, cemeteries, unspecified burial grounds and open spaces: Dorothea Grant Common, Veterans' Park, Fireman's Park, Roby's Pond aka Moody Pond, Cedar Lane Skating Pond, Agamenticus Ball Park, Littlefield Park, Perkins Cove Rotary Park, Ocean Street Park, Frazier Pasture Road Park, Perkins Cove Triangle, Pine Hill North Triangle, Bourne Lane Triangle, Riverside Cemetery, Locust Grove Cemetery, and the Old Burying Ground.

### **MEMBERSHIP: APPOINTMENT/TERMS**

The Parks Committee shall be composed of <sup>1</sup>seven (7) full members, each of whom shall be appointed by the Board of Selectmen.

Ex-officio members of the Parks Committee will be the Chairperson or his/her delegate from each of the Town's other committees related to the management of Town parks (i.e., Winn House Committee, Dorothea Grant Park Committee, the Marginal Way Committee and any other like-committee that may be formed in the future.

### **QUALIFICATIONS**

Committee members shall be residents of the Town of Ogunquit. In the first year, three (3) members shall be appointed to two (2) two-year terms and two (2) members shall be appointed to a one (1) year term. Thereafter, all appointments shall be for two (2) years.

---

<sup>1</sup> BOS – 12/04/2007

# Finance Report

FY21 Year-to-Date (August)

Preliminary FY20 Year-end (6/30/2020)

## Office of the Town Manager

To: Select Board  
From: Pat Finnigan  
Date: August 28, 2020

RE: Monthly Y-T-D Financial Report

As we complete nearly 2 months of the fiscal year and with Labor Day weekend a week away, our financial results are consistent with prior fiscal years. What is remarkable is that these results are despite being more than 5 months into the COVID-19 pandemic which has completely changed our lives and how we do business.

### Monthly of August Finance Report

Our budget norm is a front-loaded budget which is geared to summer activities, tourism, and hospitality. That is what we have seen to date. The departments which normally have the most activity this time of year: The Police Department with the addition of Community Service Officers, Visitor Services, the Lifeguards, Facilities (restrooms, bathhouses, sanitation and waste collection), the Transfer Station, and Fire/EMS have not only been active and fully operational they have been more busy due to the special circumstances we are working under and the added responsibilities we have to keep our residents and visitors safe.

The seasonal staffing model we use is geared to allow us to staff-up when necessary and to pare back if the demand is not there. Due to the extra precautions we have had to employ and the numbers of people visiting, not only have we not been able to cut back, we could have used more people. The summer season is not over, and we hope the good weather holds at least until November! I want to commend the Ogunquit Town employees throughout the organization for their outstanding work. It would have been notable in a normal year, but it is remarkable in the time of this pandemic.

**Expenses.** On the expense side, the budget is on track. If expenditures were spent in the same amount every month, each department would be at about 16%. You will see the outliers – the departments which have their heavy season in the summer, exceeding that. You will also note that with few exceptions, most departments are under that.

It needs to be understood that we have incurred expenses in excess of the budget which are related to health and safety precautions which we have had to implement due to COVID-19. Fortunately, both the federal and State government have made some funding available to assist us. Those funds are available only if we apply for them and are willing to commit to properly manage and account for them. My thanks to Special Projects Manager Dave Riccio for working with *all* the departments to identify and account for their expenditures and develop the grant applications which make it possible for the Town to receive funding reimbursement for COVID-19 related expenses. This Select Board agenda includes notification of the Town receiving the second round of funding to supplement the first round of the “Keep ME Healthy” grant.

**Revenues.** While managing our expenditures was and continues to be our on-going priority, the greater unknown as we developed the budget in May was what we could expect in revenues particularly the Parking Lot revenues. Although we hoped people would act responsibly to keep themselves and others safe from the virus and would visit Ogunquit, we did not know if they would.

Thanks to a number of factors including that people love Ogunquit, the glorious beach weather since July, and Maine's commitment to keep people safe which has given us a reputation as a healthy destination, the parking lot revenues have been exceptionally strong. I hope to have an updated report from Visitor Services for the Select Board meeting, but the preliminary results (shown on the monthly report) are that parking revenues have exceeded the total amount budgeted for the year. Keep in mind, we budgeted the parking revenues very conservatively due to the many unknowns we were facing and continue to face. We do not know what the fall or next spring will hold for us regarding COVID-19 and other economic factors; we are not out of the woods.

My sincere thanks to all our Visitor Services employees led by Ray Hamlin and Gene McSweeney for stepping up and out front this season. Taking on the task of being the face of Ogunquit – even though their faces are masked, hasn't been easy. Yet our amazing Ogunquit Ambassadors are hospitable and take great care to keep our visitors and themselves healthy. Some of our long-time Visitor Services employees reluctantly had to sit out this season due to their own or family members' vulnerabilities. We have missed them and wish them well.

Special thanks to the employee of our Facilities staff. They have always had an important job keeping the bathrooms clean and sanitized, and keeping the Town trash-free. That took on a whole new dimension this year with the heightened awareness and additional directives from the CDC regarding cleaning, sanitation, and handwashing. The Facilities employees led by Facilities Manager Daren Dixon have been trained in new health protocols, and safety standards, and had to learn and implement new cleaning and hygiene regimens. Trash collection and cleaning bathroom facilities is an essential but often thankless job. My thanks to this dedicated group of employees who are playing a key role in keeping our community healthy and are economy strong.

This year I have had more people contact me to express thanks for our Facilities employees. This recent e-mail is an example:

*"We just returned from spending our annual two week summer vacation in Maine. Our family, the ten of us, rented a house in Perkins Cove. Although we come from a state that is considered to be doing well regarding the Covid-19 virus, we were, all, extremely impressed with how Ogunquit is handling all the guidelines regarding Covid-19. We felt very safe throughout our stay due to all the measures that have been implemented. From the wearing of masks, to most stores requiring you use the provided hand sanitizer before entering, to restaurants taking a phone number (for contact tracing), we were really amazed. In addition, I had not used a public restroom since March. But spending 6-7 hours a day at the Ogunquit Beach, I found the need on various days to give in and use the restrooms. Wow!!! In the best of times, I don't believe I have ever seen public restrooms so clean. As much as we have always loved our time in your beautiful Ogunquit, we, especially, loved this year's vacation. Thank you for providing us such a very much needed enjoyable vacation. You all deserve a great big pat on the back for all your efforts to make your area run so well."*

You will see a new look to the Finance Reports. They are organized in a way that is easier to follow and will make it easier to track expenditures and revenues. This is the result of converting our finance software system. This was a tremendous organizational effort which involved establishing a new chart of accounts, transferring all the data, and training the staff in the Town Clerk and Treasurer's Office to conduct our business transactions using this new system, and training the Department Directors so they can properly manage and account for their department financial operations. This transition has helped us streamline many of our operations – and it will save the Town \$40,000 annually. My thanks and congratulations to Treasurer Mandy Cummings for taking on this complex task and successfully completing it. Mandy has made many improvements in our operations – and she's done it in less than one year. Her first anniversary with us is Sept. 3.

### **Year-end FY2020**

The preliminary, unaudited results for the fiscal year that ended June 30, 2020 show that we ended the year in the black with expenditures under the budget and revenues exceeding budget. My thanks to the Department Directors who are all conscientious about managing their departments and strive to stay within budget, and find cost savings throughout the year when possible. As you will recall, when COVID-19 hit us in March and started to create adverse economic conditions here, I put a spending freeze into effect on non-essential expenses. The combination of that, our sound budget management throughout the year, the efforts of our management team allowed us to have this successful fiscal outcome.

On the revenue side, most of the year was before the pandemic hit. Property tax collections were within normal collection rates. We are acutely aware this could change during this fiscal year.

### **Looking ahead**

We know that the remainder of FY21 will be challenging and remains uncertain due to a number of factors. We will continue to monitor and manage our expenditures, look for cost savings, and try to maximize opportunities for non-property tax revenues. Although property tax collections were strong through July, our taxpayers both residential and business are each experiencing the negative impacts of the current economy and the uncertain future. Although we have not been as hard hit as some areas, we are not immune to the adverse affects of an economic downturn. Just as we cannot let our guard down in adhering to health and safety protocols, we cannot take our prosperity for granted. We need to continue to invest in our infrastructure, essential services, and the unique aspects of Ogunquit that make us the *Beautiful place by the Sea* where people can live and visit safely.

# Ogunquit *Maine*

*Beautiful Place by the Sea*



To: Pat Finnigan, Town Manager  
From: Mandy Cummings, Treasurer  
Date: August 25, 2020  
Re: Budget Review Committee Meeting

As requested, attached please find the expenditure and revenue reports for the current fiscal year through 8/25/20 for the meeting with the Budget Review Committee. Although the time we are living in are anything but normal due to the pandemic, eight weeks into the fiscal year, the expenditures are tracking normally for the summer season.

The current year expenditures for non-seasonal functions and departments should be around 16.7% at the end of August. Departments which are above that threshold include the departments which provide the traditional tourist-based summer services: Visitor Services, Lifeguards, bathhouses, and sanitation. A few variances of note:

- General Government: This is due to the onetime software conversion payment. This software conversion will save the Town approximately \$40,000 annually.
- Insurances: Due to the timing of policy renewal payments.
- Civic Organizations: This is a one-time payment to the Historical Society of Wells and Ogunquit
- Conservation Commission: Funding for the river and ocean Water Quality monitoring and testing program
- Sustainability Committee: The Town's initial payment toward funding the 6-Town Regional Sustainability Program which Ogunquit participates in.

While the year to date expenditures are within the normal range due to the front-loaded nature of Ogunquit's tourism and hospitality-based economy, we are carefully managing all expenditures to ensure that we remain on budget as the year progresses.

When the budget was prepared, we were uncertain about what kind of season Ogunquit would have and the impact of COVID-19 on both the private sector and the Town. The approved revenue budget was based on conservative revenue projections not knowing if people would feel comfortable traveling and visiting Ogunquit. Revenues for the current year to date are stronger than our worst case but realistic projections. Although the summer was off to a slow start, as the summer has progressed, the weather has improved, and Maine has remained one of the healthiest States in the country and the Northeast, visitors have come. We have already collected more in Parking Lot revenue than was budgeted for the

entire year. Keeping in mind we budgeted revenues conservatively and projected approximately half of what we would typically collect in parking revenue in a normal year. While the parking lot revenues received to date is heartening news that we wish to see continue, we recognize that we face much uncertainty as the year continues.

Regarding property tax collections, below is the FY20 collections with a comparison of property tax collections in prior years. As a reminder, in recognition of the financial strain people may be experiencing, the Select Board extended the date when taxes were due before interest would be charged from May 15 to July 15.

**Property Tax Collections**

<b>Fiscal Year</b>	<b>Committed</b>	<b>Tax Receivable</b>	<b>Collected</b>	<b>% Collected (by June 30)</b>
2020	11,662,286.08	372,554.27	11,289,731.81	96.81% *
2019	11,474,537.08	546,286.71	10,928,250.37	95.24%
2018	10,952,904.89	235,622.49	10,717,282.40	97.85%
2017	10,853,235.75	167,055.61	10,686,180.14	98.46%

\*As of July 15th (Due date extended due to COVID-19)

Finally, attached is the preliminary, unaudited expenditure and revenue reports for the year ending June 30, 2020. I want to emphasize these are *preliminary and not audited* and subject to minor adjustments. The Town completed a successful budget year where expenditures were under budget and revenues exceeded the budgeted amount. Both of these positive results will allow us to add to the Town’s Unassigned Fund Balance (the Town’s savings account and “rainy day” fund).

Please let me know if you need any additional information. I look forward to meeting with the Budget Review Committee and discussing these and other budget matters.

## Expense Summary Report

Fund: 10

August

Account	Budget Net	Curr Mnth Net	YTD Net	Unexpended Balance	Percent Spent
<b>110 - General Government</b>	<b>1,163,379.00</b>	<b>155,368.38</b>	<b>246,168.79</b>	<b>917,210.21</b>	<b>21.16</b>
<b>1000 - General Government</b>	<b>276,575.00</b>	<b>51,221.00</b>	<b>72,483.73</b>	<b>204,091.27</b>	<b>26.21</b>
<b>1010 - Select Board</b>	<b>8,612.00</b>	<b>0.00</b>	<b>0.00</b>	<b>8,612.00</b>	<b>0.00</b>
<b>1020 - Town Manager</b>	<b>143,382.00</b>	<b>8,500.78</b>	<b>18,785.59</b>	<b>124,596.41</b>	<b>13.10</b>
<b>1030 - Treasurer</b>	<b>112,972.00</b>	<b>6,746.40</b>	<b>14,966.43</b>	<b>98,005.57</b>	<b>13.25</b>
<b>1040 - Town Clerk</b>	<b>121,024.00</b>	<b>7,491.48</b>	<b>16,322.63</b>	<b>104,701.37</b>	<b>13.49</b>
<b>1050 - Elections</b>	<b>15,722.00</b>	<b>0.00</b>	<b>48.60</b>	<b>15,673.40</b>	<b>0.31</b>
<b>1060 - Administration</b>	<b>180,752.00</b>	<b>11,273.04</b>	<b>24,759.98</b>	<b>155,992.02</b>	<b>13.70</b>
<b>1070 - Information Services</b>	<b>105,205.00</b>	<b>2,676.43</b>	<b>7,181.33</b>	<b>98,023.67</b>	<b>6.83</b>
<b>1080 - Insurances</b>	<b>199,135.00</b>	<b>67,459.25</b>	<b>91,620.50</b>	<b>107,514.50</b>	<b>46.01</b>
<b>120 - Public Safety</b>	<b>4,072,726.00</b>	<b>273,922.08</b>	<b>754,227.56</b>	<b>3,318,498.44</b>	<b>18.52</b>
<b>1210 - Police Department</b>	<b>1,833,909.00</b>	<b>101,470.99</b>	<b>304,843.54</b>	<b>1,529,065.46</b>	<b>16.62</b>
<b>1215 - Animal Control</b>	<b>2,596.00</b>	<b>100.00</b>	<b>649.56</b>	<b>1,946.44</b>	<b>25.02</b>
<b>1220 - Visitor Services</b>	<b>313,094.00</b>	<b>27,636.21</b>	<b>62,250.53</b>	<b>250,843.47</b>	<b>19.88</b>
<b>1230 - Fire/EMS Department</b>	<b>1,532,175.00</b>	<b>78,874.11</b>	<b>240,148.07</b>	<b>1,292,026.93</b>	<b>15.67</b>
<b>1240 - Harbormaster</b>	<b>145,012.00</b>	<b>6,893.07</b>	<b>14,202.48</b>	<b>130,809.52</b>	<b>9.79</b>
<b>1250 - Lifeguard</b>	<b>245,940.00</b>	<b>58,947.70</b>	<b>132,133.38</b>	<b>113,806.62</b>	<b>53.73</b>
<b>130 - Highway/Waste Management</b>	<b>1,703,910.00</b>	<b>79,834.34</b>	<b>202,318.50</b>	<b>1,501,591.50</b>	<b>11.87</b>
<b>1310 - Public Works</b>	<b>1,115,474.00</b>	<b>58,289.64</b>	<b>125,746.06</b>	<b>989,727.94</b>	<b>11.27</b>
<b>1340 - Transfer Station</b>	<b>375,004.00</b>	<b>13,835.06</b>	<b>46,947.62</b>	<b>328,056.38</b>	<b>12.52</b>
<b>1350 - Utilities</b>	<b>213,432.00</b>	<b>7,709.64</b>	<b>29,624.82</b>	<b>183,807.18</b>	<b>13.88</b>
<b>135 - Buildings</b>	<b>591,864.00</b>	<b>37,658.84</b>	<b>93,885.75</b>	<b>497,978.25</b>	<b>15.86</b>
<b>1310 - Facilities</b>	<b>511,714.00</b>	<b>33,555.28</b>	<b>87,027.19</b>	<b>424,686.81</b>	<b>17.01</b>
<b>1320 - Dunaway Center</b>	<b>56,100.00</b>	<b>0.00</b>	<b>2,146.15</b>	<b>53,953.85</b>	<b>3.83</b>
<b>1330 - Bathhouses</b>	<b>24,050.00</b>	<b>4,103.56</b>	<b>4,712.41</b>	<b>19,337.59</b>	<b>19.59</b>
<b>140 - Land Use</b>	<b>379,236.00</b>	<b>20,498.72</b>	<b>58,677.45</b>	<b>320,558.55</b>	<b>15.47</b>
<b>1400 - Land Use</b>	<b>190,840.00</b>	<b>10,343.84</b>	<b>25,379.33</b>	<b>165,460.67</b>	<b>13.30</b>
<b>1410 - Code Enforcement</b>	<b>127,171.00</b>	<b>7,362.57</b>	<b>16,806.60</b>	<b>110,364.40</b>	<b>13.22</b>
<b>1420 - Assessing</b>	<b>43,125.00</b>	<b>2,792.31</b>	<b>13,412.52</b>	<b>29,712.48</b>	<b>31.10</b>
<b>1440 - Planning</b>	<b>18,100.00</b>	<b>0.00</b>	<b>3,079.00</b>	<b>15,021.00</b>	<b>17.01</b>
<b>150 - Health &amp; Welfare</b>	<b>13,500.00</b>	<b>0.00</b>	<b>8,000.00</b>	<b>5,500.00</b>	<b>59.26</b>
<b>1510 - General Assistance</b>	<b>2,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,000.00</b>	<b>0.00</b>
<b>1520 - Civic Organizations</b>	<b>11,500.00</b>	<b>0.00</b>	<b>8,000.00</b>	<b>3,500.00</b>	<b>69.57</b>
<b>160 - Culture &amp; Recreation</b>	<b>42,272.00</b>	<b>1,671.04</b>	<b>4,072.48</b>	<b>38,199.52</b>	<b>9.63</b>
<b>1610 - Recreation</b>	<b>16,700.00</b>	<b>0.00</b>	<b>0.00</b>	<b>16,700.00</b>	<b>0.00</b>
<b>1630 - Museum</b>	<b>25,572.00</b>	<b>1,671.04</b>	<b>4,072.48</b>	<b>21,499.52</b>	<b>15.93</b>
<b>170 - Committees</b>	<b>78,933.00</b>	<b>4,066.84</b>	<b>15,110.33</b>	<b>63,822.67</b>	<b>19.14</b>
<b>1710 - Bike Pedestrian Committee</b>	<b>1,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,500.00</b>	<b>0.00</b>
<b>1720 - Conservation Commission</b>	<b>30,500.00</b>	<b>4,026.82</b>	<b>7,551.06</b>	<b>22,948.94</b>	<b>24.76</b>
<b>1730 - Shellfish Conservation</b>	<b>7,050.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7,050.00</b>	<b>0.00</b>

## Expense Summary Report

Fund: 10

August

Account	Budget Net	Curr Mnth Net	YTD Net	Unexpended Balance	Percent Spent
<b>170 - Committees CONT'D</b>					
1740 - Marginal Way Committee	14,300.00	20.01	39.26	14,260.74	0.27
1750 - Piping Plover Committee	5,833.00	0.00	0.00	5,833.00	0.00
1760 - Sustainability	10,250.00	0.00	7,500.00	2,750.00	73.17
1770 - Ogunquit Performing Arts	9,500.00	20.01	20.01	9,479.99	0.21
<b>180 - Debt Service</b>					
1802 - 2003 Transfer Station Land	13,970.00	0.00	0.00	13,970.00	0.00
1803 - 2004 Perkins Cove Bulkhead	19,640.00	0.00	0.00	19,640.00	0.00
1804 - 2004 Perkins Cove Bulkhead	28,766.00	0.00	0.00	28,766.00	0.00
1805 - 2005 Transfer Station Land	22,494.00	0.00	0.00	22,494.00	0.00
1806 - 2006 Transfer Station	128,358.00	0.00	0.00	128,358.00	0.00
1808 - 2008 Ladder Truck	121,627.00	0.00	0.00	121,627.00	0.00
1810 - 2010 RTE 1 Project	141,224.00	0.00	0.00	141,224.00	0.00
1812 - 2012 Bond Issue	78,542.00	0.00	0.00	78,542.00	0.00
1813 - 2013 Bond Issue	45,633.00	0.00	0.00	45,633.00	0.00
1814 - 2014 Bond Issue	31,347.00	0.00	0.00	31,347.00	0.00
1816 - 2016 Bond Issue	30,656.00	0.00	0.00	30,656.00	0.00
1817 - 2017 Bond Issue	84,599.00	0.00	0.00	84,599.00	0.00
1818 - 2018 Bond Issue	66,287.00	0.00	0.00	66,287.00	0.00
1819 - 2019 Bond Issue	95,858.00	0.00	0.00	95,858.00	0.00
1820 - 2020 Bond Issue	80,390.00	0.00	0.00	80,390.00	0.00
<b>190 - Transfers</b>					
1910 - School	5,615,933.00	0.00	920,550.23	4,695,382.77	16.39
1915 - County	766,590.00	0.00	0.00	766,590.00	0.00
<b>195 - Reserves</b>					
1910 - Compensated Absences	40,000.00	0.00	0.00	40,000.00	0.00
1915 - Unemployment Fund	3,000.00	0.00	0.00	3,000.00	0.00
1925 - Eco-Maine Closeout	15,000.00	0.00	0.00	15,000.00	0.00
1955 - Wage Adjustments	30,000.00	0.00	0.00	30,000.00	0.00
<b>Final Totals</b>	<b>15,505,734.00</b>	<b>573,020.24</b>	<b>2,303,011.09</b>	<b>13,202,722.91</b>	<b>14.85</b>

## Revenue Summary Report

Fund: 10

August

Account	Budget Net	Curr Mnth Net	YTD Net	Uncollected Balance	Percent Collected
<b>110 - General Government</b>	<b>629,500.00</b>	<b>61,329.33</b>	<b>134,901.10</b>	<b>494,598.90</b>	<b>21.43</b>
<b>1000 - General Government</b>	<b>629,500.00</b>	<b>61,329.33</b>	<b>134,901.10</b>	<b>494,598.90</b>	<b>21.43</b>
1007 - Interest on Tax	10,000.00	2,896.72	3,463.62	6,536.38	34.64
1010 - Interest Income	20,000.00	0.00	623.13	19,376.87	3.12
1020 - Vehicle Excise	415,000.00	38,867.15	91,241.52	323,758.48	21.99
1022 - Agent Fees	5,000.00	701.00	1,766.00	3,234.00	35.32
1025 - Boat Excise	1,000.00	49.60	588.20	411.80	58.82
1030 - State Revenue Share	8,000.00	2,252.40	5,324.41	2,675.59	66.56
1035 - State BETE Reimbursement	375.00	0.00	0.00	375.00	0.00
1040 - Homestead Reimbursement	30,000.00	0.00	8,415.00	21,585.00	28.05
1042 - Veteran Reimbursement	800.00	0.00	1,136.00	-336.00	142.00
1045 - Business Reg Fees	55,000.00	900.00	5,225.00	49,775.00	9.50
1050 - Liquor & Amusements	13,000.00	0.00	1,152.00	11,848.00	8.86
1055 - Dog Licenses	500.00	0.00	0.00	500.00	0.00
1060 - Hunting/Fishing Licenses	25.00	0.00	2.00	23.00	8.00
1065 - Tree Growth Penalty	2,800.00	0.00	0.00	2,800.00	0.00
1070 - Payment in Lieu of Tax	4,000.00	0.00	0.00	4,000.00	0.00
1075 - Franchise Fees	50,000.00	14,388.86	14,388.86	35,611.14	28.78
1080 - Copy Fees	3,000.00	153.00	184.20	2,815.80	6.14
1085 - Marriage Licenses	3,000.00	88.00	136.00	2,864.00	4.53
1097 - Workers Comp Dividend	8,000.00	0.00	0.00	8,000.00	0.00
1099 - Micellaneous Revenue	0.00	1,032.60	1,255.16	-1,255.16	---
<b>120 - Public Safety</b>	<b>1,390,250.00</b>	<b>692,009.68</b>	<b>1,246,542.21</b>	<b>143,707.79</b>	<b>89.66</b>
<b>1200 - Public Safety</b>	<b>327,750.00</b>	<b>20,270.79</b>	<b>39,636.24</b>	<b>288,113.76</b>	<b>12.09</b>
1100 - Parking Fines	40,000.00	9,420.79	15,410.53	24,589.47	38.53
1110 - SRO Reimbursements	55,000.00	0.00	0.00	55,000.00	0.00
1115 - Weapons Permits	50.00	0.00	0.00	50.00	0.00
1120 - Background Checks	500.00	0.00	0.00	500.00	0.00
1130 - Ambulance Fees	162,000.00	0.00	8,470.71	153,529.29	5.23
1150 - Mooring Fees	60,000.00	6,390.00	8,265.00	51,735.00	13.78
1155 - Harbor Haul Out	500.00	0.00	0.00	500.00	0.00
1160 - Hoisting Fees	700.00	150.00	225.00	475.00	32.14
1165 - Docking Fees	9,000.00	4,310.00	7,260.00	1,740.00	80.67
1175 - Accident Reports	0.00	0.00	5.00	-5.00	---
<b>1220 - Visitor Services</b>	<b>1,062,500.00</b>	<b>671,738.89</b>	<b>1,206,905.97</b>	<b>-144,405.97</b>	<b>113.59</b>
1200 - Revenue Offset	5,000.00	-12,967.36	-25,243.03	30,243.03	-504.86
1205 - PC Lot#6	160,000.00	58,420.00	116,766.00	43,234.00	72.98
1210 - MB Lot#1	415,000.00	307,526.00	538,694.00	-123,694.00	129.81
1215 - LL Lot#2	60,000.00	47,363.00	88,271.00	-28,271.00	147.12
1220 - FB Lot#3	125,000.00	115,214.00	200,186.75	-75,186.75	160.15
1225 - NB Lot#4	112,000.00	75,277.25	132,673.25	-20,673.25	118.46
1230 - OB Lot#5	130,000.00	79,756.00	141,158.00	-11,158.00	108.58
1335 - Hotel Passes	15,000.00	1,750.00	9,250.00	5,750.00	61.67
1340 - EE Passes	15,000.00	-1,200.00	-1,000.00	16,000.00	-6.67
1350 - Beach Passes	25,000.00	500.00	5,850.00	19,150.00	23.40
1355 - Overnight Passes	500.00	100.00	300.00	200.00	60.00
<b>130 - Highway/Waste Management</b>	<b>113,000.00</b>	<b>6,478.29</b>	<b>14,775.97</b>	<b>98,224.03</b>	<b>13.08</b>
<b>1300 - Highway/Waste Management</b>	<b>113,000.00</b>	<b>6,478.29</b>	<b>14,775.97</b>	<b>98,224.03</b>	<b>13.08</b>
1200 - URIP/LRAP	8,000.00	0.00	0.00	8,000.00	0.00
1210 - Disposal Fees	100,000.00	6,147.00	14,157.00	85,843.00	14.16
1215 - Haulers License	500.00	0.00	0.00	500.00	0.00

**Revenue Summary Report**

Fund: 10

August

Account	Budget Net	Curr Mnth Net	YTD Net	Uncollected Balance	Percent Collected
<b>130 - Highway/Waste Management CONT'D</b>					
1220 - Recycled Product	4,500.00	331.29	618.97	3,881.03	13.75
<b>140 - Land Use</b>	140,450.00	57,625.50	71,029.00	69,421.00	50.57
<b>1400 - Land Use</b>	<b>140,450.00</b>	<b>56,125.50</b>	<b>69,529.00</b>	<b>70,921.00</b>	<b>49.50</b>
1300 - Building Permits	124,000.00	52,428.00	64,259.00	59,741.00	51.82
1305 - Plumbing Permits	4,000.00	127.50	180.00	3,820.00	4.50
1310 - Planning Board Fees	7,000.00	2,500.00	3,000.00	4,000.00	42.86
1315 - Electrical Permits	2,800.00	320.00	580.00	2,220.00	20.71
1320 - Street Opening Permits	250.00	100.00	250.00	0.00	100.00
1325 - Excavator License	500.00	300.00	450.00	50.00	90.00
1330 - ZBA Fees	200.00	0.00	160.00	40.00	80.00
1335 - Blasting Permits	0.00	150.00	150.00	-150.00	----
1340 - Review Fees	500.00	0.00	0.00	500.00	0.00
1345 - Fence Permit	700.00	200.00	300.00	400.00	42.86
1355 - Sign Permits	500.00	0.00	200.00	300.00	40.00
<b>1455 - Land Use Securities</b>	<b>0.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>-1,500.00</b>	<b>----</b>
1300 - Pine Hill Rd. North	0.00	1,500.00	1,500.00	-1,500.00	----
<b>160 - Culture &amp; Recreation</b>	1,000.00	149.00	214.81	785.19	21.48
<b>1600 - Culture &amp; Recreation</b>	<b>1,000.00</b>	<b>149.00</b>	<b>214.81</b>	<b>785.19</b>	<b>21.48</b>
1450 - Event Contributions	500.00	0.00	0.00	500.00	0.00
1455 - Museum Donations	500.00	149.00	214.81	285.19	42.96
<b>170 - Committees</b>	5,000.00	0.00	0.00	5,000.00	0.00
<b>1700 - Committees</b>	<b>5,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>5,000.00</b>	<b>0.00</b>
1500 - Clam Licenses	5,000.00	0.00	0.00	5,000.00	0.00
<b>Final Totals</b>	<b>2,279,200.00</b>	<b>817,591.80</b>	<b>1,467,463.09</b>	<b>811,736.91</b>	<b>64.39</b>

08/25/2020 10:54  
331mcummings

TOWN OF OGUNQUIT  
2020 PRELIM YEAR END

06.30.20

P 1  
glytbdud

FOR 2020 13

ACCOUNTS FOR: 01	GENERAL FUND	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
410	GENERAL GOVERNMENT	-679,360	-679,360	-710,008.68	-76.35	30,648.68	104.5%
411	OGUNQUIT HERITAGE MUSEUM	-2,500	-2,500	-1,814.00	.00	-686.00	72.6%
412	RECREATION DEPARTMENT	-4,500	-4,500	-1,130.50	.00	-3,369.50	25.1%
414	LAND USE DEPARTMENT	-170,000	-170,000	-195,831.08	.00	25,831.08	115.2%
418	VISITOR SERVICES	-51,000	-51,000	-26,716.00	.00	-24,284.00	52.4%
421	POLICE DEPARTMENT	-119,600	-119,600	-137,053.01	.00	17,453.01	114.6%
422	FIRE DEPARTMENT	-90,000	-90,000	-220,105.09	.00	130,105.09	244.6%
431	PUBLIC WORKS DEPARTMENT	-15,520	-15,520	-24,551.91	.00	9,031.91	158.2%
432	TRANSFER STATION DEPARTMENT	-105,800	-105,800	-91,973.45	.00	-13,826.55	86.9%
433	HARBORMASTER'S DEPARTMENT	-71,950	-71,950	-72,160.60	.00	210.60	100.3%
442	INSURANCE & BENEFITS DEPART	-12,000	-12,000	-14,776.30	.00	2,776.30	123.1%
450	FACILITIES & PARKS	-2,000	-2,000	-2,276.00	.00	276.00	113.8%
453	INFORMATION SERVICES DEPT	-50,000	-50,000	-61,423.84	.00	11,423.84	122.8%
458	CLAM WARDEN	-5,500	-5,500	-6,740.00	.00	1,240.00	122.5%
462	MARGINAL WAY COMMITTEE	0	0	-10,919.00	.00	10,919.00	100.0%
800	CURRENT YEAR TAX COMMITMENT	-12,297,286	-12,297,286	-12,319,588.48	.00	22,302.40	100.2%
900	PARKING LOTS	-1,932,000	-1,932,000	-2,139,849.47	.00	207,849.47	110.8%
TOTAL GENERAL FUND		-15,609,016	-15,609,016	-16,036,917.41	-76.35	427,901.33	102.7%



08/25/2020 10:56  
331mcummings

TOWN OF OGUNQUIT  
2020 PRELIM YEAR END

06.30.20

P 1  
glytdbud

FOR 2020 13

ACCOUNTS FOR: 01 GENERAL FUND	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
410 GENERAL GOVERNMENT	859,039	859,039	847,260.88	.00	.00	11,778.12	98.6%
411 OGUNQUIT HERITAGE MUSEUM	28,419	28,419	25,597.70	.00	.00	2,821.30	90.1%
412 RECREATION DEPARTMENT	18,800	18,800	15,110.81	.00	.00	3,689.19	80.4%
413 OGUNQUIT PERFORMING ARTS	9,500	9,500	9,500.00	.00	.00	.00	100.0%
414 LAND USE DEPARTMENT	373,294	373,294	344,716.32	.00	.00	28,577.68	92.3%
418 VISITOR SERVICES	313,094	313,094	268,130.84	.00	.00	44,963.16	85.6%
421 POLICE DEPARTMENT	1,839,814	1,839,814	1,795,778.21	.00	.00	44,035.79	97.6%
422 FIRE DEPARTMENT	1,481,413	1,481,413	1,370,608.86	.00	.00	110,804.14	92.5%
425 LIFEGUARD SERVICE	245,940	245,940	245,843.61	.00	.00	96.39	100.0%
430 UTILITIES	196,815	196,815	195,759.00	.00	.00	1,056.00	99.5%
431 PUBLIC WORKS DEPARTMENT	1,072,724	1,072,724	1,005,128.63	.00	.00	67,595.37	93.7%
432 TRANSFER STATION DEPARTMENT	358,311	358,311	345,984.50	.00	.00	12,326.50	96.6%
433 HARBORMASTER'S DEPARTMENT	144,475	144,475	127,125.21	.00	.00	17,349.79	88.0%
441 WELFARE DEPARTMENT	2,000	2,000	.00	.00	.00	2,000.00	.0%
442 INSURANCE & BENEFITS DEPART	183,800	183,800	192,845.12	.00	.00	-9,045.12	104.9%
450 FACILITIES & PARKS	635,313	635,313	531,110.48	.00	.00	104,202.52	83.6%
451 CONSERVATION DEPARTMENT	22,275	22,275	21,760.58	.00	.00	514.42	97.7%
453 INFORMATION SERVICES DEPT	105,205	105,205	99,692.11	.00	.00	5,512.89	94.8%
458 CLAM WARDEN	7,450	7,450	5,044.25	.00	.00	2,405.75	67.7%
462 MARGINAL WAY COMMITTEE	10,400	10,400	20,188.40	.00	.00	-9,788.40	194.1%
465 PLOVER MANAGEMENT	5,983	5,983	5,382.50	.00	.00	600.50	90.0%
477 CIVIC ORGANIZATIONS	8,500	8,500	8,500.00	.00	.00	.00	100.0%
499 DEBT MANAGEMENT	918,899	918,899	919,273.29	.00	.00	-374.29	100.0%
700 CURRENT YEAR MISC ARTICLES	83,000	83,000	83,000.00	.00	.00	.00	100.0%
800 CURRENT YEAR TAX COMMITMENT	6,238,497	6,684,554	6,647,208.11	.00	.00	37,345.65	99.4%
TOTAL GENERAL FUND	15,162,960	15,609,017	15,130,549.41	.00	.00	478,467.35	96.9%

# Select Board Update

## Town Attorney Opinions

### 1. Committee Members Terms – Duration

### 2. Compatibility of Offices

- Planning Board and Ogunquit Historic Preservation Committee
- Board of Assessment Review and Zoning Board of Appeals

**Attorney Opinion re: Committee Terms**

From: Mary E. Costigan  
Sent: Thursday, August 6, 2020 11:45 AM  
To: Scott Heyland  
Subject: RE: Board appointments

Scott:

In the absence of any explicit language to the contrary, it is generally accepted practice that members of municipal board continue to serve until reappointment or a replacement is appointed. To have a hard stop at the end of the term could result in delays in the Board's duties.

MMA has the following guidance on the issue:

"If the term of office of a board member expires and neither the person holding the office nor another person has been appointed or elected to fill the position, it is arguable that the person who was serving in that position (i.e., the incumbent) may continue to hold office under the previous term until he or she has been reelected or reappointed or until another person has been chosen and sworn in. An incumbent board member who continues to serve under those circumstances would be what is called a "de facto" member of the board. McQuillin, Municipal Corporations (3rd ed. rev.), §§ 12.102, 12.105, 12.106. However, the legal basis for this "holdover" theory is stronger where an elected board is involved. To be safe, it is advisable to have an ordinance or charter provision clearly authorizing a board member to continue to serve."

Mary  
Mary Costigan  
Bernstein Shur

---

From: Scott Heyland  
Sent: Tuesday, August 4, 2020 10:10 AM  
To: Mary E. Costigan  
**Subject: Board appointments**

Hi Mary-

Will you please confirm that Board members whose term is up, and who have submitted reappointment paperwork, but have not yet been officially reappointed by the Select Board are still members in good standing to serve on their Board (Planning Board, Zoning Board....) and that they may legally participate and vote on applications, and all other Board business, during the interim time period between the date their term is up and the date the Select Board confirms their reappointment.

Thank you  
*Scott Heyland*  
*Director of Codes and Planning*  
*Town of Ogunquit*  
[ceooigt@townofogunquit.org](mailto:ceooigt@townofogunquit.org)  
207-646-9326

**Attorney Opinions re: Compatibility of Offices – Committees**

The following opinions were provided by Town Attorney Mary Costigan regarding whether it is allowed for a person to serve on:

1. Planning Board and the Ogunquit Historic Preservation Committee
2. Board of Assessment Review and Zoning Board of Appeals

**1. Planning Board and Ogunquit Historic Preservation Committee**

**From:** Mary E. Costigan  
**Sent:** Thursday, August 6, 2020 11:57 AM  
**To:** Scott Heyland  
**Subject:** RE: Incompatible offices

Hi Scott –

Because decisions of the Historic Commission can be appealed to the Planning Board, you should not have anyone serving on both boards.

Mary

**Mary E. Costigan**  
**BERNSTEIN SHUR**

---

**From:** Scott Heyland  
**Sent:** Wednesday, August 5, 2020 1:43 PM  
**To:** Mary E. Costigan  
**Subject:** FW: Incompatible offices

Hi Mary, in addition to my question as to whether a Board member can serve in good standing after their term expires is the question below.

*Scott Heyland*  
*Director of Codes and Planning*  
*Town of Ogunquit*  
[ceooigt@townofogunquit.org](mailto:ceooigt@townofogunquit.org)  
207-646-9326

---

**From:** Pat Finnigan  
**Sent:** Wednesday, August 5, 2020 11:02 AM  
**To:** Scott Heyland  
**Subject:** Incompatible offices

Hi, Scott –

At the Select Board meeting last night, the question came up whether a member of the Planning Board (full member or Alternate) can also serve as a member or alternate of the Ogunquit Historical Preservation Committee (OHPC). The question came up because the OHPC makes recommendations to the Planning Board on certain matters.

Would you please ask Mary Costigan that question.

Any information regarding the relationship between the Planning Board and the OHPC will help Mary. For instance any requirements that OHCP is required, or requested to make recommendations on certain projects to the Planning Board.

Do we have an ordinance or By-laws that describe the purpose of the OHPC?

Thank you!

- Pat

---

## **2. Board of Assessment Review and Zoning Board of Appeals**

**From:** Mary E. Costigan

**Sent:** Friday, August 28, 2020 9:58 AM

**To:** Heath Ouellette

**Cc:** Pat Finnigan

**Subject:** RE: Committee Members: Ability to serve on 2 Boards

Hi Heath –

Correct. Municipalities are not required by law to have a Board of Assessment Review (in the absence of a BAR, appeals are brought to the county). Although your charter requires it, it is optional under state law.

**Mary**

**Mary E. Costigan**

BERNSTEINSHUR

---

**From:** Heath Ouellette

**Sent:** Friday, August 28, 2020 8:51 AM

**To:** Mary E. Costigan

**Cc:** Pat Finnigan

**Subject:** Re: Committee Members: Ability to serve on 2 Boards

Hi Mary,

To follow-up... our Town Charter indicates you can't serve on more than 1 required board/commission/committee. Is the Board of Assessment Review is required. The law suggests we may form one, but are not required. Is that true?

Warm Regards,

**Heath Ouellette**

Ogunquit Select Board Member Chair

*Together, for a Better Ogunquit*

---

**From:** Mary E. Costigan

**Sent:** Thursday, August 27, 2020 3:44 PM

**To:** Pat Finnigan

**Cc:** Heath Ouellette

**Subject:** RE: Committee Members: Ability to serve on 2 Boards

Hi Pat –

I was cleaning up emails and saw that I did not respond to this one – sorry about that. I see no conflict between the two boards, so one person could serve on both.

- Mary

Mary E. Costigan

**From:** Pat Finnigan  
**Sent:** Wednesday, August 19, 2020 8:50 AM  
**To:** Mary E. Costigan  
**Cc:** Heath Ouellette  
**Subject:** Committee Members: Ability to serve on 2 Boards

Hi, Mary –

The Select Board continues to make annual appointments to the boards and committees. The question come up regarding one appointee: Can a person be a member on the Board of Assessment Review and the Zoning Board of Appeals, based on our current Charter, or any state law that would govern this that you are aware of?

Thank you

- Pat

Patricia A. Finnigan, Town Manager  
Town of Ogunquit  
23 School St./P.O. Box 875  
Ogunquit, ME 03907  
207-646-6211

**Charter:**

Section 801 TOWN BOARDS, COMMITTEES AND COMMISSIONS

The Select Board shall appoint a Board of Assessment Review, Planning Board, Zoning Board of Appeals and any other Boards as required by State Statutes. All boards shall conduct their business in accordance with the rules set forth in this Charter. Members of boards required by law shall be registered voters of the Town of Ogunquit. No eligible member may serve on more than one required committee or board simultaneously. Members of appointed Boards, Committees and Commissions, not required by law, shall be registered voters, property owners or full time residents of the Town of Ogunquit. Registered voters and property owners from adjacent municipalities may also be considered for the Select Board's approval of an appointment to an appointed Board, Committee or Commission, provided that the Ogunquit residents, property owners who comprise the respective Board, Committee or Commission are in a majority. The Select Board may also create and appoint members to other Town committees as needed.

-----

# Consent Agenda

Minutes – August 11, 2020

Minutes – August 18, 2020

Minutes – August 25, 2020

Appointment of Sarah Lefferts as a Member to the Ogunquit Heritage Museum Committee - Term to expire in 2023

Acceptance of the Phase II “Keep ME Heathy” Grant Funds

**Keep Maine Healthy**  
**2020 Municipal COVID-19 Awareness Campaign – Round 2**  
**Financial Assistance Available for Maine Municipalities and Tribal Governments to Help Keep Maine Residents and Visitors Safe This Summer and Fall**

**Funding Period: August 1 – October 31, 2020**

**Applications must be Submitted to Maine CDC by Friday, July 31, 2020**

Municipalities and Tribal governments are best positioned to create local education and prevention plans to encourage Maine businesses, residents and summer visitors to follow best practices to prevent the spread of the Coronavirus and COVID-19 infections during the reopening of the State's economy and as we resume many summer and early fall recreational activities quintessential to the Maine experience.

As part of the Keep Maine Healthy initiative, the Department of Health and Human Services (DHHS) has created the 2020 Municipal COVID-19 Awareness Campaign to encourage municipalities and Tribes to implement their own COVID-19 prevention, education and protection plans in partnership with DHHS. Municipalities and Tribes that submit plans approved by DHHS will be reimbursed for costs associated with approved public health education and prevention activities during the funding period from August 1 through October 31, 2020.

Maine's public health agency within DHHS, the Maine Center for Disease Control & Prevention (CDC) will oversee this initiative. Applications must be submitted to CDC by **Friday, July 31, 2020**. You can email the completed Application to [michael.abbott@maine.gov](mailto:michael.abbott@maine.gov). Or, if you wish to send a paper version of this Application, please mail to:

Michael Abbott P.E., C.G., Interim Associate Director  
Division of Environmental & Community Health  
Maine CDC  
286 Water Street  
Augusta, ME 04333

***Who is eligible to apply for funding?*** All municipal and Tribal governments in Maine are eligible to apply for available funding using this Application. Municipalities or Tribal governments who wish to partner with community organizations, including visitor centers, public health groups, or chambers of commerce, to implement approved prevention and education activities will be allowed to subcontract. Note: Municipalities and Tribes already participating in the Keep ME Healthy program are eligible to apply for additional funding under Round 2.

***How much funding is available for each municipality or Tribe?*** The amount of funding available for reimbursement to each municipality or Tribe will be based on the plans and budgets they request, subject to limits. Such limits will be based on whether proposed expenditures are consistent with this initiative as well as factors such as the year-round population combined with an estimate of the increase in population during the peak of the summer tourist season, as this number will influence the amount of work needed to complete the tasks involved in COVID-19 prevention activities.

***What kinds of prevention activities should be included in the plan?*** Local prevention and education plans should include a point of contact for the municipality or Tribal government and one or more of the following:

- **Public education activities:** This could include printing and posting of existing State or national COVID-19 prevention information and/or developing local educational activities that are consistent with CDC guidelines. Costs eligible for reimbursement would include staff time for planning and education activities and costs for signage, materials, website development, brochures and mailing.
- **Physical distancing and public health support:** This could include fences, tape, and signage for physical distancing in public spaces and closed streets; providing staff to limit crowds in front of restaurants, bars, beaches and other sites; new traffic pattern signage and education; purchases of personal protective equipment and hand sanitizer to be made available for staff, visitors, and for use at public locations; and extra cleaning supplies and additional staff time required for enhanced cleaning and management of public spaces and restroom facilities.
- **Local business assistance:** This includes staff time for a Code Enforcement Officer, Local Health Officer, local law enforcement, or other person designated by the municipality or Tribe to be the local contact for educating of local businesses on best practices. This may include following up on public complaints and, for certain cases, providing information to State officials when there is a potential public health violation that cannot be quickly resolved through educating the business or individual.

***What project expenses are not eligible for reimbursement?*** Work performed outside of the funding period (August 1 – October 31, 2020) is not eligible for reimbursement. However, salaries for staff already hired or redeployed and working on eligible activities can be paid with these funds for the duration of the state contract. Costs to cover work associated with upcoming election activities are not eligible. Capital costs will be reviewed on a case-by-case basis.

***How will the CDC determine which municipalities and Tribes will be approved?*** Each Application will be reviewed for completeness and a determination that the proposed activities and budgets are consistent with the goals of this program as outlined above.

***When will the approved applications be announced?*** Funding recipients will be informed on or before August 7, 2020. Cost settled contracts will be awarded to all approved municipalities and Tribal governments. Upon award, the Department will begin working with the awarded entity to establish contracts and to finalize budgets based upon the award amount. Contracts will include reporting requirements and the mechanism for reimbursement of expenses. Contract budgets, which will include subcontractors, will be reviewed for allowable expenses.

***Are there specific requirements in place for the administration of these grants?*** This grant is being issued under the Corona Virus Relief Fund (CRF), CFDA # 21.019; therefore, the Federal Uniform Guidance 2 CFR 200 applies to the administration of these grant funds. Specifically, award recipients (municipal and Tribal governments) and sub-recipients (your community partners) must adhere to all applicable federal requirements, including Office of Management Budget (OMB) guidance: Title 2 C.F.R. subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. §200). Due to the nature of these grants, it is almost certain that you will be considered a sub-recipient of the State. Additionally, if you enlist the aid of your local partners, you may be creating additional subrecipient

relationships. Please be especially mindful of the “sub-recipient” requirements set forth in 2 CFR 200.330 and 2 CFR 200.331.

Thank you for your interest in 2020 Municipal COVID-19 Awareness Campaign to protect public health. Actions taken by municipal and tribal representatives will greatly aid the State in our efforts to prevent the spread of the Coronavirus and COVID-19 infections in Maine. Please complete the Application below, including a project narrative and a budget detailing anticipated expenses for the activities indicated, as well as anticipated subcontracts and related expenses. If you need additional information or have questions about this Application, please contact Michael Abbott at 207-287-5684 or 207-592-2174 (mobile). Or, send your questions via email to [michael.abbott@maine.gov](mailto:michael.abbott@maine.gov).

**2020 Municipal COVID-19 Awareness Campaign  
APPLICATION**

Please complete this form and return to the CDC no later than **July 31, 2020**. Applications received after this date will not be eligible for funding.

**Contact Information for Municipality or Tribe**

Name of Municipality or Tribe: <b>Town of Ogunquit</b>		County: <b>York</b>
Population (Year-round): <b>1,330</b>	Estimated Summer Peak Population: <b>38,000+</b>	
Municipal or Tribal Representative, Name: <b>David M. Riccio</b>		Title: <b>Special Projects Manager</b>
Mailing Address (Street or Box #): <b>P.O.Box 875</b>		
City: <b>Ogunquit</b>	State: <b>ME.</b>	Zip Code: <b>03907</b>
Phone: <b>207-400-2701</b>	Email: <b>driccio@townofogunquit.org</b>	

**Municipality or Tribe public health protection plan will include the following activities (check all boxes that apply):**

**Public Education**

- Print and post COVID-19 Educational Signs**
- Create and distribute COVID-19 Informational Brochures**
- Provide educational campaign on local social media platforms**
- Develop training events for local businesses (online or in person)**
- Develop educational pages on Municipality or Tribe website**
- Other similar items (please describe in one sentence or less):**

---

**Public health protection plan (continued):**

**Physical Distancing and Public Health Support**

- Post signs and install physical barriers to limit congregation, encourage social distancing
- Close streets to expand outdoor dining and pedestrian opportunities
- Provide staff to control congregations in front of restaurants, bars, at beaches and parks
- Provide personal protective equipment (PPE) and hand sanitizer for staff and public use
- Increase sanitization of public spaces, including benches, picnic tables, public restrooms
- Other similar items (please describe in one sentence or less):

---

**Local Business Assistance**

- Provide Local Health Officer, Code Enforcement Officer and/or other designee of Municipality or Tribe to act as contact for educating local businesses and individuals on best practices. Duties to include one or more of the following:
  - Provide proactive education and training to areas businesses on compliance with best public health practices and DECD check-list guidance
  - Follow up on complaints received by Municipality, Tribe or State licensing agency. This will include contacting or visiting the business or individual and educating them on COVID-19 guidance
  - Report public health violations to appropriate State licensing agency
  - Refer criminal activity to local law enforcement.

**Resource Name and Contact Information (include phone number and email address):**

Scott Heyland Code Enforcement Officer 207-646-9326 ceoogt@townofogunquit.org

- 
- Other similar items (please describe in one sentence or less):
-

---

## **One Page Narrative**

**Provide a brief 1-page narrative describing additional public health activities unique to the Municipality or Tribe (e.g., name specific parks, beaches, recreational areas or other public spaces that will be included in plan).**

**Also include, within the narrative, an explanation for each item selected that describes how the costs were determined and will be tracked.**

## **Budget**

**Complete the attached budget detailing anticipated expenses for the activities indicated in the plan. This should include anticipated subcontracts and related expenses.**

**Municipalities are responsible for promptly submitting revised budgets for approval should there be any deviation of planned activities or identified subcontracts. Reimbursement of expenses will not be approved unless they correspond to the submitted, approved budget.**

**NOTE: If a municipality intends to subcontract with an organization, then the organization needs to be identified and the contracting vehicle must be submitted to the Department. If a subcontract is for \$25,000 or more of the requested funding, then the organization receiving the subcontract must also submit a budget for the Department's approval.**

Town of Ogunquit Action Plan Narrative  
2020 Municipal COVID-19 Awareness Campaign Round 2

After several months of adjusting to a tourist season impacted by COVID-19, the Town of Ogunquit is refining a number of approaches as related to dealing with the dissemination of public health information, educating residents, visitors, and staff regarding COVID-19 protocols and enforcing those protocols for non-compliant individuals and business entities. As a beachfront community of 1,330 year-round residents, the community swells to a population in excess of 38,000 individuals, encompassing year-round and seasonal residents, overnight visitors and day-trippers. Given the COVID-19 situation, we entered the high tourist season anticipating a significant reduction in the number of visitors to town. However, our experience has been quite the opposite.

While visitation to the community has declined substantially during the week, on a number of weekends, visitation to the community has exploded and appears to be consistent with and, in several instances, greater than has been experienced in past seasons. This onslaught of visitors has stretched our resources to their limit and has resulted in difficulties in maintaining our public safety protocols. Crowds have gathered with a total disregard for physical distancing protocols on our beaches and in parking lots. Excessive crowds in our downtown business district have required additional staff in order to keep people moving and physically distanced.

We are seeking funding in the amount of \$132,410.00 through Round 2 of the Keep Maine Healthy Grant initiative in order to address the issues noted above. In order to facilitate the deployment of public safety personnel, we have researched and analyzed the desirability of installing an integrated, strategically placed camera system at various locations throughout town. This system will allow the Police Department to remotely monitor these problematic areas on an on-going basis and deploy personnel immediately to address the issue. The system as it is envisioned will place cameras at each of our three (3) beach locations, Perkins Cove and in our central business district. The cost of the system will be recognized as a capital item with an approximate cost of \$16,250.00.

Another addition to our protocols will be further engagement with our business community. The town will be hiring seven (7) additional ambassadors to proactively engage with local businesses to ensure that proper physical distancing and health/safety protocols are being followed. Given the crowds that we have been experiencing as a result of the exceptionally hot/humid weather, many of our

businesses do not have the additional staff available to address health/safety protocols as well as conduct their normal business activities. As ambassadors are hired, they will be given eight (8) hours of training and then be deployed into the field. These individuals will be seasonal employees and as such will be paid an hourly rate with no provision for benefits. Uniforms will be provided to identify their function within the community. Estimated costs for this program are \$55,860.00.

Lastly, the town will again be partnering with the Ogunquit Chamber of Commerce to further the public health and safety message to local residents, businesses and visitors. The Chamber has actively been engaged with visitors to the community notifying them of the most current COVID-19 protocols in place. The Chamber anticipates that the costs associated with continuing their current programs as well as initiating new messaging campaigns which are to begin shortly will approximate \$18,754.00. In order to continue current programs and engage in additional messaging, the Chamber anticipates further personnel expenditures of \$15,494.00.

We again thank the State of Maine for recognizing the importance and commitment of local governments to Keep Maine Healthy. Thank you for considering our second application seeking funding. The Town of Ogunquit is committed to remaining a safe and welcoming community for our residents, visitors and local business partners. Additional funding from Round 2 of this program will allow us to achieve our program objectives.

Maine Department of Health and Human Services



<b>AGENCY NAME:</b>	Town of Ogunquit
<b>PROGRAM NAME:</b>	Keep Maine Healthy
<b>AGREEMENT START DATE:</b>	8/1/2020
<b>AGREEMENT END DATE:</b>	10/31/2020
<b>DHHS AGREEMENT#:</b>	

**EXPENSE SUMMARY**

LINE	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5		
1	<b>EXPENSES</b>	<b>TOTAL PROGRAMS</b> (this agreement)	<b>Public Education</b>	<b>Physical Distancing and Public Health Support</b>	<b>Local Business Assistance</b>		
2							
3	<b>PERSONNEL EXPENSES</b>						
4	SALARIES/WAGES	56,296	18,765	18,765	18,765		
5	FRINGE BENEFITS	1,088	363	363	363		
6	THIRD PARTY IN-KIND (Match Only)						
7	<b>TOTAL PERSONNEL EXPENSES</b>	<b>57,383</b>	<b>19,128</b>	<b>19,128</b>	<b>19,128</b>		
8	<b>CAPITAL EQUIPMENT PURCHASES</b>	<b>16,250</b>	<b>5,417</b>	<b>5,417</b>	<b>5,417</b>		
9	<b>SUB-RECIPIENT AWARDS</b>	<b>18,754</b>	<b>9,201</b>	<b>1,800</b>	<b>7,753</b>		
10	<b>ALL OTHER EXPENSES</b>						
11	OCCUPANCY - DEPRECIATION						
12	OCCUPANCY - INTEREST						
13	OCCUPANCY - RENT						
14	UTILITIES/HEAT						
15	TELEPHONE						
16	MAINTENANCE/MINOR REPAIRS	508		508			
17	BONDING/INSURANCE						
18	EQUIPMENT RENTAL/LEASE						
19	MATERIALS/SUPPLIES	37,685	11,306	15,828	10,552		
20	DEPRECIATION (Non-Occupancy)						
21	CLIENT-RELATED TRAVEL						
22	OTHER TRAVEL						
23	CONSULTANTS - DIRECT SERVICE						
24	CONSULTANTS - OTHER						
25	INDEPENDENT PUBLIC ACCOUNTANTS						
26	TECHNOLOGY SERVICES/SOFTWARE						
27	THIRD PARTY IN-KIND (Match Only)	830	277	277	277		
28	SERVICE PROVIDER TAX						
29	TRAINING/EDUCATION						
30	MISCELLANEOUS - Restroom Cleaning Equipment	1,000		1,000			
31							
32	<b>SUBTOTAL - ALL OTHER EXPENSES</b>	<b>40,023</b>	<b>11,582</b>	<b>17,612</b>	<b>10,828</b>		
33	INDIRECT Costs						
34	<b>TOTAL ALL OTHER EXPENSES (Lines 32, 33)</b>	<b>40,023</b>	<b>11,582</b>	<b>17,612</b>	<b>10,828</b>		
35	<b>TOTAL EXPENSES (Lines 7, 8, 9, 34)</b>	<b>132,410</b>	<b>45,328</b>	<b>43,957</b>	<b>43,126</b>		

Memorandum of Understanding

Between: The Town of Ogunquit and The Ogunquit Chamber of Commerce  
Regarding: Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign Grant  
Date: July 28, 2020

The Town of Ogunquit seeks to partner with the Ogunquit Chamber of Commerce in order to secure funding through the Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign Round 2. This funding will be utilized to provide public awareness as to the current protocols in place within the community as they relate to social distancing, the wearing of masks and providing a safe and welcoming environment within the community for summer visitors, residents and businesses. Additionally, the partnership will provide education and oversight to the local business community to ensure that proper CDC protocols are being adhered to, so that public health and safety will be maintained at the highest level.

The Ogunquit Chamber of Commerce will be a sub-recipient in terms of their relationship to the Town for the purpose of this grant application. As such, the Chamber will provide the Town with a budget reflecting the expenses which the organization anticipates incurring within the period of performance, which is August 1, 2020 through October 31, 2020. The Chamber will provide the Town with all applicable documentation required to submit for the reimbursement of awarded funds. The Town will aggregate this documentation within their submission and will pass-through all applicable reimbursements to the Chamber within thirty (30) days of receipt.

This Memorandum of Understanding represents the entire understanding between the Town of Ogunquit and the Ogunquit Chamber of Commerce.

Signed this day 28 July 2020, by:



Patricia A. Finnigan  
Town Manager



Alice Pearce  
Executive Director- Ogunquit Chamber of Commerce

Ogunquit Chamber of Commerce  
Keep Maine Healthy Campaign Proposed Budget  
July 29, 2020

<u>Public Education</u>	<u>Proposed Expenditure</u>
Salary Expense	\$ 6,990.12
Fringe Benefits Expense	750.88
Materials/Supplies	<u>1,460.00</u>
Total Public Education	\$9,201.00
 <u>Physical Distancing/Public Health</u>	
Materials/Supplies	\$1,800.00
 <u>Local Business Assistance</u>	
Salary Expense	\$7,000.96
Fringe Benefit Expense	<u>752.04</u>
Total Local Business Assistance	\$7,753.00
 Total Proposed Campaign Budget	 <u>\$18,754.00</u>

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Division of Contract Management  
11 State House Station  
109 Capitol Street  
Augusta, Maine 04333-0011  
Tel.: (207) 287-3707; Fax: (207) 287-5031  
TTY: Dial 711 (Maine Relay)

August 12, 2020

Via Electronic Mail: [driccio@townofgunquit.org](mailto:driccio@townofgunquit.org)

OGUNQUIT TOWN OF  
David M. Riccio  
PO Box 875  
Ogunquit, ME 3907

SUBJECT: Notice of Conditional Contract Award under DHHS' Request for Applications "Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign"

Dear David M. Riccio:

This letter is in regard to the subject Request for Applications (RFA), issued by the State of Maine Department of Health and Human Services. The Department has evaluated your proposal using the criteria outlined in the RFA, and the Department is hereby approving your request for funding to support your submitted plan as per the following conditions and specifications.

Funding amount approved: \$92,687.00

Due to the limited availability of remaining funds for this program, we are not able to award the full amount requested in your application. Please contact us with any questions about this decision.

This Notice of Conditional Contract Award is subject to execution of a written contract and, as a result, this Notice does NOT constitute the formation of a contract between your organization and the Department. As such, your organization shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to the Department is executed. The Department further reserves the right to cancel this Notice of Conditional Contract Award at any time prior to the execution of a written contract. The Department will reach out to you to begin the process of developing the written contract.

This written contract will cover allowable expenses, based upon the approved plan, retroactive to August 1, 2020. Please note that included as a part of the terms and conditions of the written contract are the Cost Principles specified in the Uniform Guidance, 2 CFR 200 Subpart E – Cost Principles <https://www.ecfr.gov/cgi-bin/text-idx?SID=9dc986444f8e1a9665d4eee9c76c77fc&mc=true&node=sp2.1.200.e&rqn=div6>. Expenditures that are made outside of the terms and conditions of the written contract, including the Uniform Guidance Cost Principles, will not be eligible for reimbursement. Additionally, expenditures can only be paid for by one funding source. Awardees may not submit allowable expenditures for reimbursement under this program that are, or may, also be eligible for reimbursement from other available federal or other public funding source for COVID-19 relief that is now, or that becomes available during the term of this Agreement. The written contract will require your agency to keep records to this effect as well as to support reimbursable expenses.

The Uniform Guidance requires the Department to monitor each subrecipient of these funds. As such, the written contract will require regular reporting to assess the progress of these projects which are being funded.

For costs not approved by this Contract Award, additional resources may be available to assist, including:

- FEMA Public Assistance. Please visit the MEMA website at <https://www.maine.gov/mema/grants/public-assistance-grant-program>. For questions, contact [maine.recovery@maine.gov](mailto:maine.recovery@maine.gov).
- State of Maine, Bureau of the Budget. Coronavirus Relief Fund Payments for 25% Local Match on FEMA Public Assistance. Please refer to the link for more information: <https://www.maine.gov/budget/sites/maine.gov.budget/files/inline-files/Final%20Announcement%20of%20CRF%20for%20FEMA%20match%20for%20Web%20Posting.pdf>.

Thank you for your interest in doing business with the State of Maine.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Abbott", with a horizontal line extending to the right.

Michael Abbott P.E., C.G.,  
Interim Associate Director  
Maine Center for Disease Control and Prevention  
Department of Health and Human Services

# Presentations

- Ogunquit Rotary
- Ogunquit Chamber of Commerce
- Charter Commission
- COVID-19 Task Force



# Ogunquit Rotary 2¢ Sale Raffle

Tickets \$5.00

1st Prize \$1500

Donated by Red Door Title, Gail Bergeron Broker  
Re/Max Realty One, and Aland Realty

2nd Prize: 2 Nights Lodging at Nellie Littlefield Inn and  
Spa and Dinner for two donated by Heath Ouellette,  
Realtor, Keller Williams Coastal Realty

3rd Prize: 2 Nights Lodging at Hanson Enterprises  
Property (Juniper Hill Inn, Milestone,  
or Gorges Grant Hotel) and breakfast at Raspberri's

4th Prize: \$250 Gas Card donated by  
Kennebunk Savings Bank

SCAN ME



Visit [Ogunquitmerotary.org](http://Ogunquitmerotary.org)  
for more information  
or scan  
QR Code

**DRAWING ON  
DEC 13th**



August 27, 2020

Mr. Heath Ouellette  
Select Board Chair  
Town of Ogunquit  
PO Box 875  
Ogunquit, ME 03907

Dear Heath:

First, thank you and the entire Select Board for your support of our special event permits this year. We have a couple of updates we'd like to share with you all.

- 1) Annual Labor Day Sidewalk Sale – Our special event permit allows this activity on Saturday, September 5. A few months after the approval of this permit, the Ogunquit Select Board voted to support waivers to the zoning that would have normally forbid outside sales other than on this day. We genuinely appreciate this support of our local businesses and our local economy and we have heard from many businesses that the ability to sell outdoors has made a tremendous difference in helping them to survive this season.

Given that outdoor sales are temporarily permitted until November 3, we are planning to expand the "event" and promote it for the entire Labor Day holiday weekend (Friday, September 4-Monday, September 7). We are hoping this will create the opportunity to both welcome more visitors to the community and spread them out over the course of four days, rather than a focus on one day.

- 2) OgunquitFest – We are reimagining OgunquitFest for this year. We had hoped to host some of the weekend's outdoor signature events. However, we surveyed those who participate in our crafters' fair at the beach, and only one third of them expressed interest in attending; we also discovered that all their other craft fairs for the entire year have been canceled. In addition, car shows, parades and indoor activities have been canceled throughout the past several months and into the upcoming months.

Rather, our events committee is focusing on creating a series of outdoor events that would spread guests throughout our community, rather than encouraging them to congregate in larger groups at any one specific venue. We will be meeting in early September to finalize our alternative event plans and will be sure to include our Chamber recovery committee, the town task force, and Select Board as we move forward to begin to finalize plans.

Please let me know if you have questions or need additional information.

Thanks,

A handwritten signature in black ink, appearing to read "Alice Pearce". The signature is fluid and cursive, written over a light blue horizontal line.

Alice Pearce  
Executive Director



**Charter Review Commission**  
**Statutory Public Meeting- Public Hearing**  
**September 2, 2020**  
**6:00 p.m.**

*This meeting is being conducted via Zoom*

Public participation: To attend, please register in advance or during the meeting at:  
[https://ogunquitpd-org.zoom.us/webinar/register/WN\\_y\\_RrQCSGQQiu\\_FSuEYKinQ](https://ogunquitpd-org.zoom.us/webinar/register/WN_y_RrQCSGQQiu_FSuEYKinQ)

Telephone: 929 436 2866 or 312 626 6799  
Webinar ID: 831 5008 8442

**AGENDA**

1. Call to Order

2. Introduction of Commission Members and Roll Call

3. Old Business

a) Review and approve the minutes from the August 4, 2020 meeting.

4. New Business

- a) Overview of meeting aims and objectives; meeting management; "Why a Charter".
- b) Public input
- c) Commission's views on Charter Preamble (time permitting)

5. Future Meetings

Next meeting is scheduled for September 15 at 9.00 a.m. when the Commission will review public input and related topics and agree next steps in the work program.

6. Adjournment

\*\*\*\*\*

Within 30 days after its organizational meeting, the Charter Commission must hold a public meeting to receive information, views, comments, and other material relating to its functions. 30-A M.R.S.A. § 2103(5)(A).

\*\*\*\*\*

This meeting will be on the Town website [www.townhallstreams.com/towns/ogunquit\\_maine](http://www.townhallstreams.com/towns/ogunquit_maine) and it will be recorded for future viewing on WOGT (channels 3 and 1302) and on the Town's web site.

# Voter Eligibility

State Statue

<http://legislature.maine.gov/statutes/21-A/title21-Asec163.html>

**Title 21-A: ELECTIONS**  
**Chapter 3: VOTER REGISTRATION**  
**VOTER ELIGIBILITY**

**§111. General qualifications**

A person who meets the following requirements may vote in any election in a municipality, including a biennial municipal caucus held pursuant to section 311. [PL 2005, c. 387, §1 (AMD).]

**1. Citizenship.** The person must be a citizen of the United States.

[PL 2005, c. 387, §1 (AMD).]

**2. Age.** The person must be at least 18 years of age, except that, to vote in a political party's primary election or municipal caucus, the person must be at least 18 years of age as of the date of the next general election.

[PL 2005, c. 387, §1 (AMD).]

**3. Residence.** The person must have established and maintain a voting residence in that municipality.

[PL 2005, c. 387, §1 (AMD).]

**4. Registration.** The person must be registered to vote in that municipality.

[PL 2005, c. 387, §1 (AMD).]

**5. Enrollment.** The person must be enrolled in a party in that municipality to vote at that party's caucus, convention or primary election, unless otherwise permitted by the party pursuant to section 340.

[PL 2005, c. 387, §1 (AMD).]

**SECTION HISTORY**

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §1 (AMD). PL 1987, c. 423, §2 (AMD). PL 2005, c. 387, §1 (AMD).

**§112. Residence for voting purposes**

Voting residence is governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

**1. Residence.** The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

A. The following factors may be offered by an applicant and considered by a registrar in determining a person's residence under this section. The registrar need not find all of these factors to be present in order to conclude that an applicant qualifies to register to vote in the municipality:

- (1) A direct statement of intention by the person pursuant to section 121, subsection 1;
- (2) The location of any dwelling currently occupied by the person;
- (6) The place where any motor vehicle owned by the person is registered;
- (8) The residence address, not a post office box, shown on a current income tax return;
- (9) The residence address, not a post office box, at which the person's mail is received;

**Title 21-A: ELECTIONS**  
**Chapter 3: VOTER REGISTRATION**  
**VOTER ELIGIBILITY**

(10) The residence address, not a post office box, shown on any current resident hunting or fishing licenses held by the person;

(12) The residence address, not a post office box, shown on any motor vehicle operator's license held by the person;

(14) The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection; or

(16) Any other objective facts tending to indicate a person's place of residence. [PL 2009, c. 253, §10 (AMD).]

B. [PL 1993, c. 695, §2 (RP).]

[PL 2009, c. 253, §10 (AMD).]

**2. Change.** A change of residence is made only by the act of removal, joined with the intent to remain in another place. A person can have only one residence at any given time.

[PL 1985, c. 161, §6 (NEW).]

**3. Residence retained.** A person does not lose the person's residence if the person temporarily leaves home and goes to another country, state or place in this State with the intent of returning.

[PL 1993, c. 695, §3 (AMD).]

**4. Separate residence.** The place where a person's family resides is presumed to be the person's place of residence, but a person may acquire a separate residence if the person takes another abode with the intention of remaining there. This subsection does not apply to uniformed service voters, students and others covered by subsection 7.

[PL 2003, c. 407, §5 (AMD).]

**5. Spouse may have separate residence.** A married person may be considered to have a residence separate from that of the person's spouse for the purposes of voting or holding office. For those purposes, residence is determined as if the person were single.

[PL 1993, c. 695, §3 (AMD).]

**6. Voting in another state.** A person loses the person's voting residence in this State if the person registers to vote in another state or votes in another state's election, either in person or by absentee ballot. That person is not eligible to register or vote in this State until the person again qualifies under section 111.

[PL 2007, c. 455, §5 (AMD).]

**7. Uniformed service voters, students, institutional patients, Indians.** A person does not gain or lose a residence solely because of the person's presence or absence while employed in the uniformed service or the merchant marine of the United States, while a student in any institution of learning, while kept in any institution at public expense or while residing upon any Indian or military reservations. This subsection may not be construed to prevent a student at any institution of learning from qualifying as a voter in the municipality where the student resides while attending that institution.

[PL 2003, c. 407, §5 (AMD).]

**8. Voting residence retained.** A person who has gained a voting residence in a municipality retains it, if the person so desires, when the person becomes a patient at a federal institution or an

**Title 21-A: ELECTIONS**  
**Chapter 3: VOTER REGISTRATION**  
**VOTER ELIGIBILITY**

employee of a federal agency where the person is required to reside on land ceded to the Federal Government by the State. This subsection applies to a member of the uniformed service, merchant marine or the National Guard who is required to be in a place other than that in which the person has gained a voting residence.

[PL 2003, c. 407, §5 (AMD).]

**9. Federal property.** A person residing on federal property, except as stated in subsection 5, is eligible to register and vote in the voting district in which the federal property is located.

[PL 1985, c. 161, §6 (NEW).]

**10. Becoming 18 on federal property.** A person who becomes 18 years of age while residing on federal property as a patient at a federal institution or an employee of a federal agency, or while in the uniformed service, is considered to have gained a voting residence in the municipality in which the person resided at the time the person became such a patient, employee or member of the uniformed service.

[PL 2003, c. 407, §6 (AMD).]

**11. Spouse of member of uniformed service or merchant marine.** A person may have the same voting residence as that person's spouse who is a member of the uniformed service or merchant marine. A member of the uniformed service or merchant marine on active duty, whose spouse has a place of residence in this State, may establish a residence in the place of residence of the spouse by filing an affidavit with the registrar declaring an intention to reside in that place upon severance from the uniformed service or merchant marine.

[PL 2003, c. 407, §6 (AMD).]

**12. Spouse may have separate residence.**

[PL 1985, c. 614, §5 (RP).]

**13. Voting in another state.**

[PL 1985, c. 614, §5 (RP).]

**14. Persons incarcerated in correctional facilities.** The residence of a person incarcerated in a correctional facility, as defined in Title 34-A, section 1001, or in a county jail does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration.

A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously established a fixed and principal home to which the person intends to return.

[PL 1997, c. 436, §21 (AMD).]

**15. Nontraditional residence.** A person may have a nontraditional residence, including, but not limited to a shelter, park or underpass. A person's residency is not subject to challenge on the sole basis that the person has a nontraditional residence.

[PL 1993, c. 473, §5 (NEW); PL 1993, c. 473, §46 (AFF).]

**SECTION HISTORY**

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §5 (AMD). PL 1987, c. 93 (AMD). PL 1993, c. 473, §§3-5 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 695, §§2-4 (AMD). PL 1997, c. 436, §§20,21 (AMD). PL 2003, c. 407, §§5,6 (AMD). PL 2007, c. 455, §5 (AMD). PL 2009, c. 253, §10 (AMD).

**Title 21-A: ELECTIONS**  
**Chapter 3: VOTER REGISTRATION**  
**VOTER ELIGIBILITY**

**§112-A. Proof of identity for voting purposes**

Any of the following forms of documentation may be offered by an applicant and considered by a registrar in verifying the identity of an applicant who is registering to vote under this chapter and whose name does not already appear in the central voter registration system as a registered voter. The registrar need not request or consider all of these forms of documentation in order to verify an applicant's identity. [PL 2009, c. 253, §11 (NEW).]

**1. Government-issued photograph identification document or credential.** A government-issued photograph identification document or credential, including, but not limited to, a current and valid United States passport, military identification, driver's license or state identification;

[PL 2009, c. 253, §11 (NEW).]

**2. Other government-issued identification document.** A government-issued identification document without a photograph, including, but not limited to, a certified birth certificate or a signed social security card;

[PL 2009, c. 253, §11 (NEW).]

**3. Other official documents.** An official document, including, but not limited to, a document confirming eligibility determinations for public benefits, a utility bill, a bank statement, a government check, a paycheck or other government document that shows the name and address of the voter; or

[PL 2009, c. 253, §11 (NEW).]

**4. Verified unique identifier for new voters.** A verified unique identifier for new voters, including the voter's Maine driver's license number, Maine identification number or the last 4 digits of the voter's social security number that are successfully verified through the central voter registration system verification.

[PL 2009, c. 253, §11 (NEW).]

SECTION HISTORY

PL 2009, c. 253, §11 (NEW).

**§115. Restrictions**

**1. Certain persons may not register or vote.**

[PL 2001, c. 516, §1 (RP).]

**2. Voting restricted to district.** In a municipality that has voting districts, a voter may vote using only the ballot or ballots for the district in which the voter resides on election day.

[PL 2003, c. 447, §5 (AMD).]

**3. Correct name and address on incoming voting list.** A person whose name, or residence address in a municipality that has voting districts, does not appear correctly on the incoming voting list on election day may not vote at any election until it is corrected as provided in section 661.

[PL 2005, c. 453, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §2 (AMD). PL 1995, c. 459, §13 (AMD). PL 2001, c. 516, §1 (AMD). PL 2003, c. 447, §5 (AMD). PL 2005, c. 453, §11 (AMD).

**Title 21-A: ELECTIONS**  
**Chapter 3: VOTER REGISTRATION**  
**VOTER ELIGIBILITY**

**Article 1: REGISTRATION**

**§121. Exclusive power of registrar**

The registrar has the exclusive power, subject to section 163, to determine whether a person who applies for registration as a voter meets the qualifications prescribed by this Title. [PL 1985, c. 161, §6 (NEW).]

**1. Oath may be required.** In making this determination, the registrar may require any person who testifies before him concerning his qualifications or those of another to swear to the truth of his statements.

[PL 1985, c. 161, §6 (NEW).]

**1-A. Identification and proof.** Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before the deadline for mail or 3rd-person registration set forth in section 121-A, but that the applicant may register in person no later than the deadline for in-person registration set forth in section 121-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the closed period for outside registrations. The registrar shall send the notice required by section 122 to all voters whose applications were received by mail or a 3rd person by the 21st day before election day no later than the 18th day before election day.

A person who registers in person shall show proof of identity and residency. If satisfactory proof of identity and residency can not be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot. If the person shows satisfactory proof of identity and residency prior to voting on election day, the person's ballot is not challenged.

[PL 2011, c. 534, §4 (AMD).]

**2. Political party not a qualification.** The registrar shall be impartial as to the political party of the applicant in determining the applicant's voting qualifications.

[PL 1989, c. 313, §1 (AMD).]

**Title 21-A: ELECTIONS**  
**Chapter 3: VOTER REGISTRATION**  
**VOTER ELIGIBILITY**

**§163. Appeal**

In a municipality that does not have a registration appeals board, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's registration application, the person may appeal in writing to the municipal officers. The appeal must be filed within 30 days after receipt of notice of the registrar's decision. The municipal officers shall immediately fix a time and place for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the municipal officers may affirm, modify or reverse the decision of the registrar of voters. The municipal officers shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the municipal officers to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure. [PL 2019, c. 371, §9 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §19 (AMD). PL 1999, c. 426, §9 (AMD). PL 2005, c. 453, §34 (AMD). PL 2007, c. 455, §10 (AMD). PL 2009, c. 253, §15 (AMD). PL 2019, c. 371, §9 (AMD).

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

#### §1. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 161, §6 (NEW).]

**1. Absentee voter.** "Absentee voter" means a person who qualifies under section 751 to cast an absentee ballot.

[PL 1997, c. 436, §1 (AMD).]

**1-A. Affidavit.** "Affidavit" with respect to an absentee ballot envelope means the portion of the envelope that includes the voter's signature, the aide certificate and the witness certificate.

[PL 2003, c. 447, §1 (NEW).]

**2. Any election.** "Any election" means primary and general elections and referenda, whether regular or special.

[PL 1985, c. 161, §6 (NEW).]

**2-A. Armed Forces members; members of the Armed Forces.**

[PL 2003, c. 407, §1 (RP).]

**3. Ballot label.** "Ballot label" means that portion of the cardboard, paper or other material to be placed within the ballot frames of a voting machine containing the items required of a paper ballot.

[PL 1985, c. 161, §6 (NEW).]

**4. Business day.** "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.

[PL 1985, c. 161, §6 (NEW).]

**5. Candidate.** "Candidate" means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

[PL 1985, c. 161, §6 (NEW).]

**6. Caucus.** "Caucus" means a meeting of a political party or committee.

[PL 1985, c. 161, §6 (NEW).]

**6-A. Central voter registration system.** "Central voter registration system" means a single electronic information system and database for voter registration information maintained by the Secretary of State and used by all municipal jurisdictions in the State.

[PL 2005, c. 453, §1 (AMD).]

**7. Challenged ballot.** "Challenged ballot" means a ballot cast by one whose eligibility to vote has been questioned during election day.

[PL 2003, c. 447, §2 (AMD).]

**8. Circulate.** "Circulate" means the presenting of a petition to a voter with an accompanying request that the voter sign it.

[PL 1985, c. 161, §6 (NEW).]

**9. Clerk; municipal clerk.** "Clerk" or "municipal clerk" means the clerk, deputy clerk or assistant clerk, where directed by the clerk to carry out duties under this Title, of a municipality.

[PL 1985, c. 161, §6 (NEW); PL 1985, c. 357, §1 (AMD).]

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

**10. Closed period.** "Closed period" means that time period when the registrar may accept only those voter registration applications presented in person. [PL 1985, c. 161, §6 (NEW).]

**11. County office.** "County office" means the office of judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney or county commissioner. [PL 1985, c. 161, §6 (NEW).]

**11-A. Declared write-in candidate.** "Declared write-in candidate" means a write-in candidate who has filed a declaration to be a write-in candidate pursuant to section 722-A. [PL 2009, c. 253, §1 (NEW).]

**12. Disputed ballot.** "Disputed ballot" means a ballot whose validity has been questioned during the recount process. [PL 1985, c. 161, §6 (NEW).]

**13. Distinguishing mark.** "Distinguishing mark" means a mark on a ballot of a type or in a place not specifically permitted by this Title, which indicates the apparent intent of the voter to make the voter's ballot distinguishable in a manner that is fraudulent or inconsistent with an honest purpose. A stray mark on the ballot or mark made on or in the voting indicator or near the candidate's name or space for a write-in candidate that differs from the instructions at the top of the ballot is not a distinguishing mark unless it is of such a character or is made in such a manner that it manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose. Marking the write-in space on a ballot with the name of a fictitious person, a deceased person or a person from outside the State who could not be a candidate for that office is not a distinguishing mark unless it is made in such a manner that manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose. [PL 2005, c. 404, §1 (AMD).]

**13-A. Domestic partner.** "Domestic partner" means the partner of a voter who:

A. Has been legally domiciled with the voter for at least 12 months; [PL 2007, c. 122, §1 (NEW).]

B. Is not legally married to or legally separated from another individual; [PL 2007, c. 122, §1 (NEW).]

C. Is the sole partner of the voter and expects to remain so; and [PL 2007, c. 122, §1 (NEW).]

D. Is jointly responsible with the voter for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. [PL 2007, c. 122, §1 (NEW).]

**14. Election official.** "Election official" means a warden, ward clerk, deputy warden or election clerk. [PL 1997, c. 436, §2 (AMD).]

**15. Election year.** "Election year" means the calendar year within which a particular election is held. [PL 1985, c. 161, §6 (NEW).]

**16. Electoral division.** "Electoral division" means an area set off for election purposes. It may include the entire State. [PL 1985, c. 161, §6 (NEW).]

**17. Enroll.** "Enroll" means to enlist as a member of a political party. [PL 1985, c. 161 §6 (NEW)]

**18. Federal office.** "Federal office" means the office of the United States Senator or Representative to Congress. [PL 1985, c. 161, §6 (NEW).]

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

**19. General election.** "General election" means the regular election of state and county officials occurring biennially in November.

[PL 1985, c. 161, §6 (NEW).]

**20. Immediate family.** "Immediate family" means a person's spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, the half-brother or half-sister of a person's spouse, or the spouse of a person's half-brother or half-sister.

[PL 2009, c. 253, §2 (AMD).]

**21. Incoming voting list.** "Incoming voting list" means the printed list of all of the voters in a municipality that is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; year of birth; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots, absentee ballots or whether a voter needs to show identification before voting; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the incoming voting list relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. The residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the incoming voting list, and the words "address is confidential" must be printed on the list instead.

[PL 2011, c. 342, §4 (AMD).]

**22. Major party.** "Major party" means a political party polling the greatest or the next greatest number of votes cast for Governor at the last gubernatorial election. [PL 1985, c. 161, §6 (NEW).]

**23. Members of the Armed Forces.** [PL 1985, c. 614, §3 (RP).]

**23-A. Member of the merchant marine.** "Member of the merchant marine" means a person, other than a member of a uniformed service or a person employed, enrolled or maintained on the Great Lakes or the inland waterways, who is:

A. Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States or a vessel of foreign-flag registry under charter to or control of the United States; or [PL 2003, c. 407, §2 (NEW).]

B. Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel described in paragraph A. [PL 2003, c. 407, §2 (NEW).]

**24. Minor party.** "Minor party" means a political party other than a major party.

[PL 1985, c. 161, §6 (NEW).]

**25. Municipal committee.** "Municipal committee" means a city, town or ward committee of a political party. [PL 1985, c. 161, §6 (NEW).]

**26. Municipal officers.** "Municipal officers" means the mayor and aldermen or councilors of a city, the selectmen or councilors of a town and the assessors of a plantation.

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

[PL 1985, c. 161, §6 (NEW).]

**27. Municipality.** "Municipality" means a city, town or plantation. [PL 1985, c. 161, §6 (NEW).]

**27-A. Official tally tape.** "Official tally tape" means the first tape produced by an electronic tabulating machine that tallies the final vote totals at the conclusion of voting and that is attached to the zero tape produced by the machine prior to the start of voting.

[PL 2001, c. 310, §2 (NEW).]

**27-B. Overseas voter.** "Overseas voter" means:

A. A person who resides outside the United States and who was qualified to vote in the last place in which the person was domiciled in the State before leaving the United States; or [PL 2003, c. 407, §3 (NEW).]

B. A person who resides outside the United States and, except for such residence, would be qualified to vote in the last place in which the person was domiciled in the State before leaving the United States. [PL 2003, c. 407, §3 (NEW).]

**27-C. Elections determined by ranked-choice voting.** "Elections determined by ranked-choice voting" means any election described in paragraph A or B in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative; and [PL 2019, c. 320, §1 (AMD).]

B. General and special elections for the offices of United States Senator and United States Representative to Congress. [PL 2019, c. 320, §1 (AMD).]

*Paragraph C and the blocked paragraph of subsection 27-C, as created by Public Law 2017, chapter 316, section 1, were vetoed pursuant to a people's veto on June 12, 2018 in accordance with the Maine Constitution Article IV, Part Third, Section 17.*

**28. Party.** "Party" means a political organization which has qualified to participate in a primary or general election under chapter 5. [PL 1985, c. 161, §6 (NEW).]

**29. Peace officer.** "Peace officer" means state police officer, local police officer, sheriff, deputy sheriff or constable. [PL 1985, c. 161, §6 (NEW).]

**30. Political committee.** "Political committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle. [PL 1985, c. 161, §6 (NEW).]

**30-A. Pollwatcher.** "Pollwatcher" means a party worker who remains in the voting place outside the guardrail enclosure for the purpose of viewing the voting process, keeping track of the voters who have voted or challenging voters whose qualifications appear to be in question.

[PL 2001, c. 310, §2 (NEW).]

**31. Population.** "Population" means the population determined by the last Decennial Census of the United States.

[PL 1985, c. 161, §6 (NEW).]

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

**32. Primary election.** "Primary election" means the regular election for the election of nominees of a party for the general election. [PL 1987, c. 423, §1 (AMD).]

**33. Protective counter.** [PL 2009, c. 253, §3 (RP).]

**33-A. Public counter.** "Public counter" means a separate counter built into a voting device that records the total number of ballots cast or tabulated on the voting device for an election.

[PL 2009, c. 253, §4 (NEW).]

**34. Public official.** "Public official" means a person elected or appointed to serve the people.

[PL 1985, c. 161, §6 (NEW).]

**35. Question.** "Question" means any proposition submitted to the voters. [PL 1985, c. 161, §6 (NEW).]

**35-A. Ranked-choice voting.** "Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected. [IB 2015, c. 3, §2 (NEW).]

**36. Referendum.** "Referendum" means an election for the determination of a question.

[PL 1985, c. 161, §6 (NEW).]

**37. Register.** "Register" means to enlist as a voter. [PL 1985, c. 161, §6 (NEW).]

**38. Registrar.** "Registrar" means the registrar or deputy registrar of voters of a municipality.

[PL 1997, c. 436, §4 (AMD).]

**39. Regular election.** "Regular election" means an election or a referendum held at a regular time prescribed by statute. [PL 1985, c. 161, §6 (NEW).]

**40. Residence.** "Residence" means that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

[PL 1997, c. 436, §5 (AMD).]

**40-A. Signature.** "Signature" includes a signature stamp and a signature written by another registered voter on behalf of an individual in accordance with the procedure set forth in section 153-A and, for an individual who is unable to sign that individual's own name, a mark.

[PL 2005, c. 196, §1 (NEW).]

**40-B. Residence address.** "Residence address" means the street and number or other designation indicating the physical location of a person's residence.

[PL 2005, c. 453, §2 (NEW).]

**41. Special election.** "Special election" means an election other than a regular election.

[PL 1985, c. 161, §6 (NEW).]

**42. State office.** "State office" means the office of Governor, State Senator, Representative to the State Legislature or presidential elector. [PL 1985, c. 161, §6 (NEW).]

**43. Street address.** [PL 2005, c. 453, §3 (RP).]

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

**43-A. Third person or 3rd person.** "Third person" or "3rd person," with respect to an absentee ballot, means a person, other than the clerk or an immediate family member of a voter, who delivers an absentee ballot to a voter. [PL 1999, c. 645, §1 (NEW).]

**44. Township.** "Township" means unorganized territory. [PL 1985, c. 161, §6 (NEW).]

**45. Treasurer.** "Treasurer" means a person appointed by a candidate or a political committee to accept or disburse money to promote or defeat a candidate, party or principle. A person who collects money to be transferred to the treasurer of a candidate or committee is not a treasurer.

[PL 1985, c. 161, §6 (NEW).]

**45-A. Undeclared write-in candidate.** "Undeclared write-in candidate" means a write-in candidate who has not filed a declaration pursuant to section 722-A. [PL 2009, c. 253, §5 (NEW).]

**46. Uncontested office.** "Uncontested office" means an office where, as of the final date for filing primary nomination petitions, either:

A. Only members of one party have filed as candidates for nomination for that office; or [PL 1985, c. 161, §6 (NEW).]

B. Only one unenrolled nominee has filed as a candidate for that office. [PL 1985, c. 161, §6 (NEW).]

**46-A. Uniformed service.** "Uniformed service" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard, the commissioned corps of the United States Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration.

[PL 2003, c. 407, §4 (NEW).]

**46-B. Uniformed service voter.** "Uniformed service voter" means:

A. A member of a uniformed service on active duty who, by reason of active duty or service, is absent from the place of residence in the State where the member is otherwise qualified to vote; [PL 2003, c. 407, §4 (NEW).]

B. A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or [PL 2003, c. 407, §4 (NEW).]

C. A spouse or dependent of a member referred to in paragraph A or B who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote. [PL 2003, c. 407, §4 (NEW).]

**47. Voter.** "Voter" means a person registered to vote. [PL 1985, c. 161, §6 (NEW).]

**47-A. Voter participation history.** "Voter participation history" means the indication in the central voter registration system of whether a voter has cast a ballot in a certain election, as reflected on the incoming voting list for that election. [PL 2005, c. 453, §4 (NEW).]

**47-B. Voting booth or voting station.** "Voting booth" or "voting station" means the location within a voting place where voters may mark their ballots or record their votes screened from the observation of others. "Voting booth" or "voting station" includes the area, location, booth, table or

# Title 21-A: ELECTIONS

## Chapter 1: GENERAL PROVISIONS

### Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

enclosure where voting takes place and includes any voting machine, voting device or accessible voting system placed in the voting booth or voting station. [PL 2007, c. 455, §1 (NEW).]

**48. Voting district.** "Voting district" means an area set off from another in the same municipality for voting purposes. It includes wards and precincts. In a municipality that has only one voting district, it means the entire municipality. The first breakdown of a municipality is a ward. Further breakdowns of a municipality are precincts. [PL 1997, c. 436, §6 (AMD).]

**48-A. Voting indicator.** "Voting indicator" means the space provided for marking a vote in accordance with a particular type of ballot. [PL 2003, c. 447, §3 (NEW).]

**49. Voting place.** "Voting place" means the building in which ballots are cast at an election.

[PL 1985, c. 161, §6 (NEW).]

**50. Warden.** "Warden" means the presiding officer at a voting place. [PL 1985, c. 161, §6 (NEW).]

**51. Write-in candidate.** "Write-in candidate" means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect the candidate.

[PL 2009, c. 253, §6 (AMD).]

**52. Write-in indicator.** "Write-in indicator" means the space provided, in accordance with a particular type of ballot, for marking a write-in vote. [PL 1997, c. 436, §7 (NEW).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§1,19 (AMD). PL 1985, c. 614, §§2,3 (AMD). PL 1987, c. 423, §1 (AMD). PL 1993, c. 447, §1 (AMD). PL 1995, c. 459, §1 (AMD). PL 1997, c. 436, §§1-7 (AMD). PL 1999, c. 426, §1 (AMD). PL 1999, c. 645, §1 (AMD). PL 2001, c. 310, §§1,2 (AMD). PL 2001, c. 637, §1 (AMD). PL 2003, c. 407, §§1-4 (AMD). PL 2003, c. 447, §§1-3 (AMD). PL 2005, c. 196, §1 (AMD). PL 2005, c. 364, §1 (AMD). PL 2005, c. 404, §1 (AMD). PL 2005, c. 453, §§1-4 (AMD). PL 2005, c. 568, §1 (AMD). PL 2007, c. 122, §§1, 2 (AMD). PL 2007, c. 455, §1 (AMD). PL 2007, c. 515, §2 (AMD). PL 2009, c. 253, §§1-6 (AMD). PL 2011, c. 342, §4 (AMD). PL 2017, c. 316, §1 (AMD). PL 2019, c. 320, §1 (AMD).

# Committee Appointments

- Age Friendly Community Committee
- Harbor Committee

BOARDS/COMMITTEES	TOWN	TERM	STATUS	APPLICATIONS RECEIVED
<b>AGE FRIENDLY COMMUNITY COMMITTEE</b>				
<b>Note: 7 Members</b>		2023		Marc Clermont
		2023		Cheryl Cruickshank
		2023		Louesa Gillespie
		2022		Charley LaFlamme
		2022		Patience Sundaresan
		2021		
<b>Select Board Liaison</b>				
<b>BIKE-PEDESTRIAN COMMITTEE</b>				
Jennifer Walker	Ogunquit	2022	Member	
John Cavaretta	Ogunquit	2022	Member	
Priscilla Botsford	Ogunquit	2023	Member	
Bruce Byorkman	Ogunquit	2023	Member	
Charles LaFlamme	Moody	2021	Member-Chair	
Bob McBreen	Ogunquit	2021	Member	
Gregory Testa (not seeking reappointment)	Ogunquit	2020	1st Alternate	
Paul Jean	Ogunquit	2020	2nd Alternate	
Alice Pearce, Chamber of Commerce			Liaison	
Patricia Arnaudin, Police Chief			Liaison	
<b>Select Board Liaison</b>				
<b>BOARD OF ASSESSMENT REVIEW</b>				
	<b>Alternate - 1 Yr.</b>			
Glenn Deletesky	Ogunquit	2023	Member	
Peter Kahn	Ogunquit	2023	Member	
Kirk Lavoie	Ogunquit	2022	Member	
Paul Breen		2021	1st Alternate	
Vacant		2020	2nd Alternate	
<b>Select Board Liaison</b>				
<b>BUDGET REVIEW COMMITTEE</b>				
	<b>Alternate - 1 Yr.</b>			
Jerry DeHart	Ogunquit	2023	Member	
Kate Mitsch*	Ogunquit	2021	Member	
Frederick Lynk	Ogunquit	2021	Member	
Thomas Sellers, III	Ogunquit	2022	Member	
Scott Vogel	Ogunquit	2023	Member	
Michele Tourangeau	Ogunquit	2021	1st Alternate	
Carole Aaron	Ogunquit	2020	2nd Alternate	
<b>* Election to fill seat in Nov. 2020</b>				
<b>Select Board Liaison</b>				
<b>BUILDING COMMITTEE (Dunaway-OVS)</b>				
<b>CHARTER REVIEW COMMISSION</b>				
Amy Forbes	Ogunquit		Member	Elected
Peter Griswold	Ogunquit		Member	Appointed
Patricia Hussey	Ogunquit		Member	Elected
Gary Latulippe	Ogunquit		Member	Elected
Wendy Levine	Ogunquit		Member	Elected
Gordon Lewis	Ogunquit		Member	Elected
Terry Ann Lunt	Ogunquit		Member	Appointed
Robin Millward	Ogunquit		Member	Appointed
William Sawyer	Ogunquit		Member	Elected
<b>Select Board Liaison</b>				
<b>COMPREHENSIVE PLAN</b>				
				Melissa Bednarowski
				Elaine Cooper
				Peter Kahn
				Charley LaFlamme
				Robin Millward
				Marsha Northrop
<b>Select Board Liaison</b>				

BOARDS/COMMITTEES	TOWN	TERM	STATUS	APPLICATIONS RECEIVED
<b>CONSERVATION COMMISSION</b>	<b>Alternate - 1 Yr.</b>			
<i>Vacant</i>		<b>2020</b>	<i>Member</i>	
J. Douglas Mayer	Ogunquit	<b>2023</b>	Member	
Pamela Sawyer	Ogunquit	<b>2023</b>	Member	
Patience Prescott Sundaresan	Ogunquit	<b>2021</b>	Member-Chair	
Laura Brogan	Cape Neddick	<b>2021</b>	Member	
William J. Lee	Ogunquit	<b>2022</b>	Member-Vice Chair	
George Cundiff	Ogunquit	<b>2022</b>	Member	
<i>Vacant</i>		<b>2020</b>	<i>1st Alternate</i>	
<i>Vacant</i>		<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liaison</b>				
<b>HARBOR COMMITTEE</b>	<b>Alternate - 1-Yr.</b>			
<i>Percy Stevens, Jr.</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	<i>Percy Stevens</i>
Robert McIntire	Ogunquit	<b>2021</b>	Member	
John "Jack" Gordon	Ogunquit	<b>2021</b>	Member	
Steven Perkins	Ogunquit	<b>2022</b>	Member	
William "Tim" Tower III*	Ogunquit	<b>2022</b>	Member- Chair	
<i>Jay Smith</i>	<i>Ogunquit</i>	<b>2020</b>	<i>1st Alternate</i>	<i>Jay Smith</i>
<i>Josh Audet</i>	<i>Ogunquit</i>	<b>2020</b>	<i>2nd Alternate</i>	<i>Josh Audet</i>
<b>Select Board Liaison</b>				<i>Carole Aaron</i>
<b>HERITAGE MUSEUM COMMITTEE</b>	<b>Alternate - 1-Yr.</b>			
<i>Gary Littlefield</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	
<i>Eva Nudelman (not seeking reappointment)</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	<i>Sara Lefferts</i>
<i>Patricia Weare</i>	<i>Cape Neddick</i>	<b>2023</b>	<i>Member</i>	
<i>Peter Woodbury</i>	<i>Ogunquit</i>	<b>2023</b>	<i>Member</i>	
Susan Meffert	York	<b>2021</b>	Member	
John Ross	Ogunquit	<b>2021</b>	Member	
Jay Smith	Ogunquit	<b>2021</b>	Member	
Marc Saulnier	Ogunquit	<b>2022</b>	Member	
L.F. "Sonny" Perkins	York	<b>2022</b>	Member-Chair	
<i>Vacant</i>		<b>2020</b>	<i>1st Alternate</i>	
<i>Sara Lefferts</i>	<i>Ogunquit</i>	<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liaison</b>				
<b>HISTORIC PRESERVATION COMMISSION</b>	<b>Alternate - 1Yr.</b>			
<i>Sumner Nystedt (not seeking reappointment)</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member - Chair</i>	
<i>Marsha Northrop</i>	<i>Ogunquit</i>	<b>2020</b>	<i>Member</i>	<i>Marsha Northrop</i>
Marcia Williams	Ogunquit	<b>2021</b>	Member	
Kerry Ellen Enright	Ogunquit	<b>2022</b>	Member	
Helen Horn	Ogunquit	<b>2022</b>	Member	
<i>Elaine Cooper</i>	<i>Ogunquit</i>	<b>2020</b>	<i>1st Alternate</i>	<i>Elaine Cooper</i>
<i>Vacant</i>	<i>Ogunquit</i>	<b>2020</b>	<i>2nd Alternate</i>	<i>Sheldon Drucker</i>
<b>Select Board Liaison</b>				
<b>MARGINAL WAY COMMITTEE</b>	<b>Alternate - 1-Yr.</b>			
<i>Louesa Gillespie</i>	<i>Ogunquit</i>	<b>2023</b>	<i>Member</i>	
<i>Joan Griswold</i>	<i>Ogunquit</i>	<b>2023</b>	<i>Member-Chair</i>	
<i>Vacant</i>		<b>2020</b>	<i>Member</i>	
Elaine Cooper	Ogunquit	<b>2021</b>	Member	
<i>Vacant</i>		<b>2021</b>	<i>Member</i>	
Paul Breen	Ogunquit	<b>2022</b>	Member	
Gail Brother	Bedford, MA	<b>2022</b>	Member	
<i>Kristen Arnold</i>	<i>Ogunquit</i>	<b>2020</b>	<i>1st Alternate</i>	
<i>Vacant</i>		<b>2020</b>	<i>2nd Alternate</i>	
<b>Select Board Liaison</b>				
<b>PARKS &amp; RECREATION COMMITTEE</b>				
Jason Corbin	Ogunquit	<b>2022</b>	Chair	
Ian Kaiser	Ogunquit	<b>2021</b>	Vice Chair	
Larry Carlson	Ogunquit	<b>2021</b>	Member	
Amy Forbes	Ogunquit	<b>2023</b>	Member	
Jennifer Lewer	Ogunquit	<b>2023</b>	Member	
Michelle Low	Ogunquit	<b>2022</b>	Member	
Kay Moore	Ogunquit	<b>2023</b>	Member	
<b>Select Board Liaison</b>				Robert Cruickshank

<b>BOARDS/COMMITTEES</b>	<b>TOWN</b>	<b>TERM</b>	<b>STATUS</b>	<b>APPLICATIONS RECEIVED</b>
<b>PERFORMING ARTS COMMITTEE</b>				
<i>Miki Ann Boyd</i>	<i>Wells</i>	<i>2020</i>	<i>Member</i>	Mikie Ann Boyd
<i>Patricia Mason</i>	<i>Ogunquit</i>	<i>2020</i>	<i>Member</i>	Patricia Mason
<i>Eva Nudelman (not seeking reappointment)</i>	<i>Ogunquit</i>	<i>2020</i>	<i>Member</i>	
<b>Vacant</b>		<b>2020</b>	<b>Member</b>	Sarah Lefferts
Steve Einstein	S. Berwick	<b>2021</b>	Member	
Vincent D'Errico	North Berwick	<b>2021</b>	Member	
Janel Lundgren	Cape Neddick	<b>2022</b>	Member-Chair	
Lesley Mathews	Ogunquit	<b>2022</b>	Member	
<b>Vacant</b>		<b>2022</b>	<b>Member</b>	
<i>Charlotte Streeter</i>	<i>Wells</i>	<i>2020</i>	<i>1st Alternate</i>	Charlotte Streeter
<b>Vacant</b>		<b>2020</b>	<b>2nd Alternate</b>	
<b>Select Board Liason</b>				
<b>PLANNING BOARD</b>				
	<b>Alternate - 1-Yr.</b>			
Steve Wilkos	Ogunquit	<b>2023</b>	Member-Chair	
Robert Whitelaw	Ogunquit	<b>2023</b>	Member	
Jacqueline Bevins	Ogunquit	<b>2021</b>	Member	
Mark MacLeod	Ogunquit	<b>2021</b>	Member-Vice Chair	
Priscilla Botsford	Ogunquit	<b>2022</b>	Member	
Elaine Cooper	Ogunquit	<b>2020</b>	1st Alternate	
<b>Vacant</b>		<b>2020</b>	<b>2nd Alternate</b>	Steven Meller
<b>Select Board Liaison</b>				
<b>SHELLFISH CONSERVATION COM.</b>				
	<b>Alternate - 1-Yr.</b>			
<i>Everett Leach</i>	<i>Ogunquit</i>	<i>2020</i>	<i>Member</i>	
Arthur Damren	Ogunquit	<b>2021</b>	Member	
Craig Thiede	Ogunquit	<b>2021</b>	Member	
Leonard Wyman	Ogunquit	<b>2022</b>	Member	
George Cundiff	Ogunquit	<b>2022</b>	Member-Chair	
<b>Vacant</b>		<b>2020</b>	<b>1st Alternate</b>	
<b>Vacant</b>		<b>2020</b>	<b>2nd Alternate</b>	
<b>Select Board Liason</b>				
<b>SUSTAINABILITY COMMITTEE</b>				
	<b>Alternate - 1-Yr.</b>			
Patience Prescott Sundaresan	Ogunquit	<b>2020</b>	Member	
Laura Brogan	Cape Neddick	<b>2021</b>	Member	
<i>Paul Jean</i>	Ogunquit	<b>2021</b>	<i>Member</i>	Resigned
<i>Jake Roche</i>	Ogunquit	<b>2022</b>	<i>Member</i>	Resigned
Paul Breen	Ogunquit	<b>2022</b>	Member	
Priscilla Botsford	Ogunquit	<b>2021</b>	1st Alternate	
Marjorie Katz	Chestnut Hill, MA	<b>2021</b>	2nd Alternate	David Nosnik
<b>Select Board Liason</b>				
<b>ZONING BOARD OF APPEALS</b>				
	<b>Alternate - 1-Yr.</b>			
Jerry DeHart	Ogunquit	<b>2023</b>	Member	
Jay Smith	Ogunquit	<b>2023</b>	Member-Chair	
Michael Horn	Ogunquit	<b>2021</b>	Member	
J. Douglas Mayer	Ogunquit	<b>2022</b>	Member	
Peter L. Griswold	Ogunquit	<b>2022</b>	Member	
Carole Aaron	Ogunquit	<b>2021</b>	1st Alternate	
Glenn Deletetsky	Ogunquit	<b>2021</b>	2nd Alternate	
<b>Select Board Liason</b>				
<b>SELECT BOARD</b>				
Heath Ouellette	Ogunquit	<b>2023</b>	Chair	
John Daley	Ogunquit	<b>2021</b>	Vice Chair	
Richard Dolliver	Ogunquit	<b>2023</b>	Member	
Lindsey M. Perry	Ogunquit	<b>2022</b>	Member	
Robert N. Winn, Jr.	Ogunquit	<b>2021</b>	Member	
<b>WELLS-OGUNQUIT CSD TRUSTEES</b>				
Boriana Dolliver	Ogunquit	<b>2022</b>	Member	
Aneliya Georgieva-Petrov	Ogunquit	<b>2021</b>	Member	
Heather Sittig	Ogunquit	<b>2023</b>	Member	

Special Town Meeting  
November 3, 2020  
Warrant Articles  
for discussion

1. Capital Project Funding Requests
2. Zoning Ordinance Amendments:
  - Floodplain Management Ordinance
  - Subdivision Ordinance

## Office of the Town Manager

To: Select Board  
From: Pat Finnigan  
Date: August 28, 2020

*RE: Capital Project Funding Requests for the November 3, 2020 Special Town Meeting*

Due to the uncertain economic times, the Select Board determined that the Town should not include any capital project funding in the FY21 Budget that was voted on at the July 14 Town Meeting. The Select Board and the Budget Review Committee discussed considering a pared down capital project budget for the Special Town Meeting depending on where the Town ended FY20 and our overall economic conditions.

Knowing that we did not want to ask taxpayers to take on more financial obligations than necessary, we asked the Departments to carefully consider whether they had any capital requests that couldn't or shouldn't wait until the June 2021 Town Meeting. In considering whether to present a project for consideration, the criteria included:

1. Does it address a public safety issue
2. Does it address a workplace safety issue
3. Is it essential to our ability to perform our work
4. Will it improve productivity significantly
5. Will waiting until June prevent us from accomplishing our work
6. Will waiting until June be substantially more costly
7. Will waiting until June have known negative consequences
8. Will the project save costs over time making it prudent to act now

The following funding request are being requested for consideration for the Special Town Meeting Warrant on November 3, 2020.

### **Fire/EMS Department: \$78,000 for EMS Equipment**

*Please note: The Town will be submitting requests for federal grant funding. In the event we do not receive the grants, we need to make the Select Board aware of the need for this EMS equipment.*

- EMS Chest Compressor: \$18,000 (1 unit). The Town purchased a chest compressor 2 years ago. We have 2 ambulances and this equipment should be on each ambulance so they are fully equipped, and the Paramedics have the necessary life-saving equipment when they respond to cardiac medical calls.
- Cardiac Monitors: \$58,000 (2 units). These monitors are part of our essential life-saving equipment used in the Town's Emergency Medical Services. The request is to replace (trade in and upgrade) the equipment. The equipment is nearing the period when it will not be able to be serviced.

### **Police Department: \$20,00 Police Chief Vehicle (used)**

- The Police Chief's 2011 Chevrolet Tahoe has been taken off the road and has been out of service since May when it failed to pass State inspection. It is beyond repair (see photos attached). It is thoroughly rusted and not road worthy. The request is to purchase a used 2015 Chevrolet Tahoe.

### **Public Works: \$193,000 LED Lighting Conversion**

- Streetlight Conversion to LED: \$175,000. The Town has started to convert its lighting to LED fixtures (the Shore Rd project). Converting the 313 streetlights (the “cobra lights” on CMP poles) is the next step in the Town’s ability to improve lighting, save costs, and have control over this public safety infrastructure. The annual estimated cost savings of \$55,000 annually will cover the financing costs within the first 3 to 5 years depending on how we structure the project resulting in a reasonable payback period and positive return on investment.
- Public Works Garage LED lighting: \$18,000. The lighting at the Public Works garage is inadequate for the employees to see what they are doing and to perform their work safely. This request is to retrofit the lighting to improve productivity, safety, and energy efficiency. This project is eligible for a rebate (estimated \$4,000) from Efficiency Maine.

### **Transfer Station: \$17,500 2 Roll-Off Containers (replacements)**

- The Transfer Station has maintained and repaired the roll-off containers, but they have reached the point where they need to be replaced. The recommendation is to replace 2 roll off containers at \$7,000 each. These were put into service in 2007 when the Transfer Station opened. The expected life is 10 years with regular maintenance.

### **Conservation Land Acquisition: \$300,000**

- This request was presented last spring to be on the June 2020 Warrant. This request is for funding to be used toward the \$1.19 million cost to purchase the 157-acre parcel off North Village Road (see attached map). The land would be preserved for public access for passive recreational uses. The Town would not be responsible for its maintenance. Great Works Regional Land Trust would be responsible for the stewardship and management of the land. There is \$75,000 in the Town’s Land Conservation Fund that would go toward this funding request making the net \$225,000.

This information is being provided for your preliminary review and discussion. The Budget Review Committee is scheduled to consider capital project requests at its meeting on September 3. Your thoughts and suggestions to staff and the BRC would be appreciated.

# Chest Compression System



## LUCAS 3, version 3.1, Chest Compression System

LUCAS® Chest Compression System provides benefits to cardiac arrest patients by delivering Guidelines-consistent, high-quality chest compressions even under difficult conditions and for extended periods of time. The device allows you and your team to work more efficiently without having to compromise on your own safety.

The LUCAS 3.0 CPR Chest Compression System is a lifesaving device. It enables medical professionals to best save lives of sudden cardiac arrest and avoid neurological damage during an event by supplying a steady supply of oxygen to both the heart and the brain.

The LUCAS 3 creates life-sustaining circulation through its effective and uninterrupted chest compressions. Studies show the LUCAS compressions are able to sustain a higher blood flow to both the brain and the heart compared to manual compressions.

Not only this, but as any first responder knows, manual CPR is nothing short of tiring, with performance difficult to sustain over sustained periods of time (even minutes). The LUCAS 3 provides patients with the needed chest compressions, ultimately freeing rescuers to focus on other required duties to best save lives.

August 20, 2020

Chief Ed Smith  
Ogunquit Fire Department  
13 School St  
Ogunquit, ME 03907

Chief Smith,

This letter is to inform you of my recommendation to upgrade the current Lifepak 15 monitors. There are several components that the newer models have that will provide much better patient care from the department. Most notably is the ability to provide rapid temperature monitoring as well as the ability to transmit 12-Lead EKG's to the receiving hospital. In the world of COVID-19 the ability to rapidly determine febrile patients provides a window to people who may be potentially exposed to the virus. Even without COVID, the rapid detection of septic patients and the ability to provide timely care can reduce morbidity and mortality in a disease process with a 40% mortality rate.

The ability of the monitor to transmit 12-lead EKG's will improve STEMI care to our patients as well. Rapid determination of ST elevation myocardial infarctions with timely activation of a cardiac catheterization lab reduces the time to revascularization in these patients. Every minute gained in the identification and treatment is heart muscle saved.

By improving the ability of the monitors to encompass these features, I believe the fire department has the ability to make real differences in the outcomes of our patients. If there is anything I can do to answer any questions about this, please let me know.

Very respectfully,



Robert Brown, DO  
Medical Director  
Ogunquit Fire Department

# What's new with V4?

Upgrades that elevate user experience

- Lighter without sacrificing reliability
- Display any lead and still capture continuous paddles impedance data from defibrillation electrodes
- More durable and responsive keypad with additional tactile feedback
- Enhanced shock analysis software (SAS) for patients with implantable devices
- Includes well-known benefits: easy-to-use, durable, escalating energy to 360 joules, Glasgow algorithm with ST trend monitoring

Enhancements	V4	V2	V1
1. <b>Reduced weight (7%)</b>	•		
2. <b>Capture impedance from standard defibrillation pads while monitoring any lead</b>	•		
3. <b>Keypad improvements—enhanced tactile feedback and upgrades to increase durability</b>	•		
4. <b>Enhanced AED analysis algorithm</b>	•		
5. <b>Restriction of Use of Hazardous Substances (RoHS) compliant</b>	•		
6. <b>STJ values on 12-lead printout</b>	•	•	
7. <b>Enhanced data software—capture continuous waveforms from all channels</b>	•	•	
8. <b>Continuous temperature monitoring</b>	•	•	
9. <b>AC/DC power</b>	•	•	



# LIFEPAK 15 monitor/defibrillator



For further information, please visit our website at [strykeremergencycare.com](http://strykeremergencycare.com)

LIFEPAK 15 is a complete acute cardiac care response system designed for basic life support (BLS) and advanced life support (ALS) patient management protocols. **INTENDED USE:** LIFEPAK 15 intended for use by trained medical personnel out-of-doors, in indoor emergency care settings, and is designed to be used for ground transportation. Monitoring and therapy functions may only be used on one patient at a time. Manual mode monitoring and therapy functions are intended for use on adult and pediatric patients. Automated external defibrillation (AED) mode intended for use on patients  $\geq$  8 years of age.

**INDICATIONS FOR USE – MANUAL DEFIBRILLATION:** Indicated for termination of certain potentially fatal arrhythmias, such as ventricular fibrillation and symptomatic ventricular tachycardia. Delivery of energy in synchronized mode is a method for treating atrial fibrillation, atrial flutter, paroxysmal supraventricular tachycardia and, in relatively stable patients, ventricular tachycardia. **CONTRAINDICATIONS - MANUAL DEFIBRILLATION:** Contraindicated in treatment of PEA and asystole. **AED MODE:** To be used only on patients in cardiopulmonary arrest. Patient must be unconscious, pulseless, and not breathing normally before using defibrillator to analyze patient's ECG rhythm. In AED mode, the LIFEPAK 15 is intended for use on pediatric patients  $\geq$  8 years of age. **CONTRAINDICATIONS - AED MODE:** None known.

**INDICATIONS FOR USE – MONITORING. ACQUIRING 12-LEAD ECG:** 12-lead electrocardiogram used to identify, diagnose, and treat patients with cardiac disorders and is useful in early detection and prompt treatment of patients with STEMI. **MONITORING SPO<sub>2</sub>, SPCO, AND SPMET:** Pulse oximetry indicated for use in any patient who is at risk of developing hypoxemia, carboxyhemoglobinemia, or methemoglobinemia. SpO<sub>2</sub> monitoring may be used during no motion and motion conditions, and in patients who are well or poorly perfused. SpCO and SpMet accuracies have not been validated under motion or low perfusion conditions. **MONITORING NONINVASIVE BLOOD PRESSURE:** Intended for detection of hypertension or hypotension and monitoring blood pressure trends in patient conditions. NIBP monitoring not indicated for neonatal patients <1-month-old. **MONITORING ET/CO<sub>2</sub>:** Used to detect trends in level of expired CO<sub>2</sub>, used for monitoring breathing efficacy and treatment effectiveness in acute cardiopulmonary care. **MONITORING INVASIVE PRESSURE:** Indicated for use in patients who require continuous monitoring of physiological pressures to rapidly assess changes in patient's condition or response to therapy. May also be used to aid diagnosis. **MONITORING CONTINUOUS TEMPERATURE:** Indicated for use in patients who require continuous monitoring of body temperature. **MONITORING CONTRAINDICATIONS:** None known.

Operating Instructions provide important information to help you operate LIFEPAK 15. Become familiar with all terms and warnings. **GENERAL DANGER:** Explosion hazard. **GENERAL/THERAPY/MANUAL DEFIBRILLATION WARNINGS AND CAUTION:** Shock or fire hazards • Possible patient skin burns and ineffective energy delivery • Possible device failure, damage, inability to deliver therapy, shutdown, loss of power during patient care, improper device performance • Possible electrical interference with device performance or with other equipment • Safety risk • Failure to detect change in ECG rhythm • Possible failure to detect out of range condition • Possible interference with implanted electrical device • Possible paddle damage • Possible incorrect energy delivery. **CPR METRONOME WARNING:** CPR delivered when not needed. **SYNCHRONIZED CARDIOVERSION WARNING:** Possible lethal arrhythmia. **NONINVASIVE PACING WARNING:** Possible inability to pace, interruption of therapy, ineffective pacing, and patient skin burns. **PEDIATRIC ECG MONITORING AND MANUAL MODE THERAPY:** Possible patient skin burns. **AED WARNINGS:** Possible misinterpretation of data or ECG misinterpretation • Pediatric patient safety risk. **ECG MONITORING WARNING:** Possible misinterpretation of ECG data. **12-LEAD ECG WARNINGS:** Possible inability to obtain diagnostic quality 12-lead ECG or inaccurate diagnosis • Possible incorrect treatment with reperfusion therapy. **SPO<sub>2</sub>, SPCO, AND SPMET WARNINGS AND CAUTION:** Shock or burn hazard • Inaccurate pulse oximeter readings • Possible skin injury • Possible strangulation • Inaccurate SPO<sub>2</sub>, SPCO and/or SPMET readings • Possible equipment damage. **NIBP MONITORING WARNINGS AND CAUTION:** Possible loss of IV access and inaccurate infusion rate, circulation impairment or inaccurate blood pressure or oxygen saturation readings • Possible patient harm • Equipment damage. **ET/CO<sub>2</sub> MONITORING WARNINGS AND CAUTION:** Fire hazard • Possible inaccurate patient assessment or inaccurate CO<sub>2</sub> readings • Possible strangulation • Infection hazard • Possible equipment damage. **IP MONITORING WARNINGS:** Possible inaccurate pressure readings, air embolism, blood loss or loss of sterility • Possible patient injury or equipment damage • Possible lethal arrhythmia • Increased intracranial pressure. **TEMPERATURE MONITORING WARNINGS:** Possible inaccurate temperature readings • Infection hazard • Possible strangulation. **VITAL SIGN/ST SEGMENT TRENDS WARNING:** Inaccurate interpretation of patient status.

U.S. Federal law restricts this device to sale by or on the order of a physician.

Please consult Operating Instructions at [www.physio-control.com](http://www.physio-control.com) or call 800.442.1142 for complete list of indications, contraindications, warnings, cautions, potential adverse events, safety and effectiveness data, instructions for use and other important information.

**Manufactured by:**  
Physio Control, Inc., 11811 Willows Road NE, Redmond, WA, 98052 U.S.A. • Toll free 800 442 1142 • [strykeremergencycare.com](http://strykeremergencycare.com)

**Distributed in Canada by:**  
Stryker Canada, 2 Medicorum Place, Waterdown, Ontario L8B 1W2 Canada • Toll free 800 668 8323

## Emergency Care

This document is intended solely for the use of healthcare professionals. A healthcare professional must always rely on his or her own professional clinical judgment when deciding whether to use a particular product when treating a particular patient. Stryker does not dispense medical advice and recommends that healthcare professionals be trained in the use of any particular product before using it. The information presented is intended to demonstrate Stryker's product offerings. A healthcare professional must always refer to operating instructions for complete directions for use indications, contraindications, warnings, cautions, and potential adverse events, before using any of Stryker's products. Products may not be available in all markets because product availability is subject to the regulatory and/or medical practices in individual markets. Please contact your representative if you have questions about the availability of Stryker's products in your area. *Specifications subject to change without notice.*

Stryker or its affiliated entities own, use, or have applied for the following trademarks or service marks: LIFEPAK. All other trademarks are trademarks of their respective owners or holders.

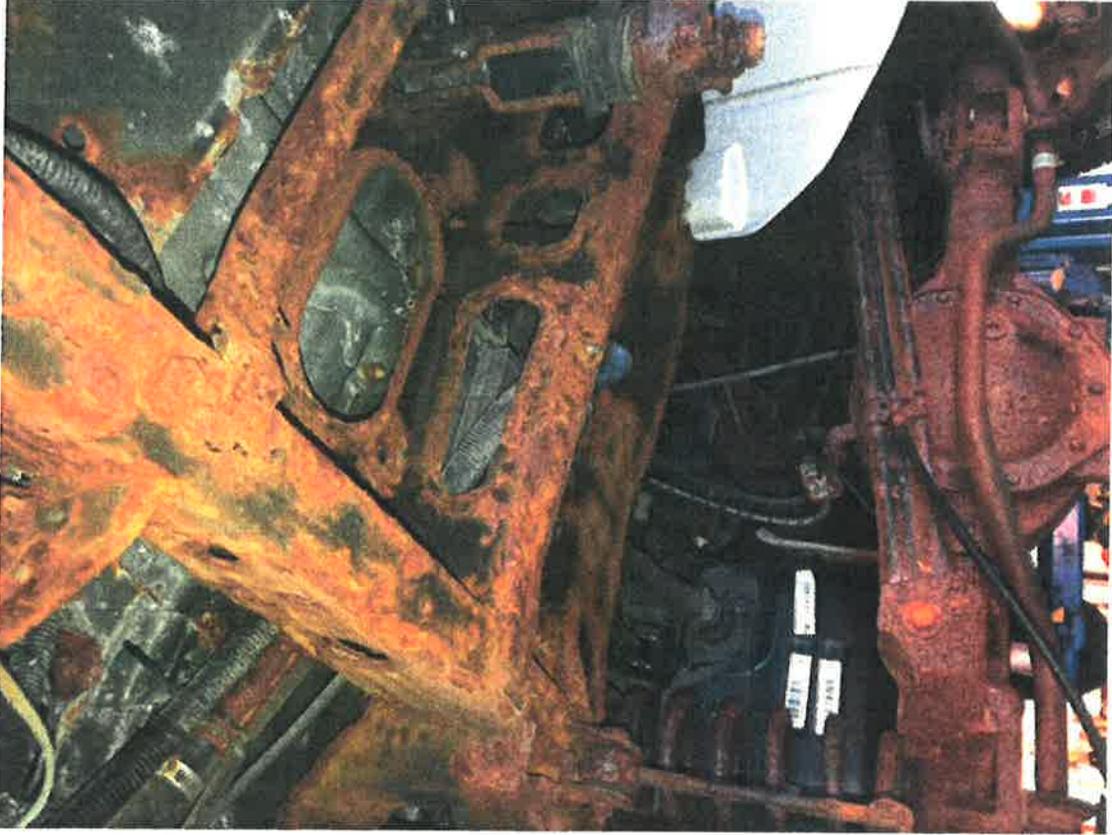
The absence of a product, feature, or service name, or logo from this list does not constitute a waiver of Stryker's trademark or other intellectual property rights concerning that name or logo.

Copyright © 2020 Stryker. GDR 3342933\_A

*2015 Chevrolet Tahoe*



Police Chief Vehicle - Condition



Police Chief Vehicle - Condition



Police Chief Vehicle - Condition



Police Chief Vehicle - Condition

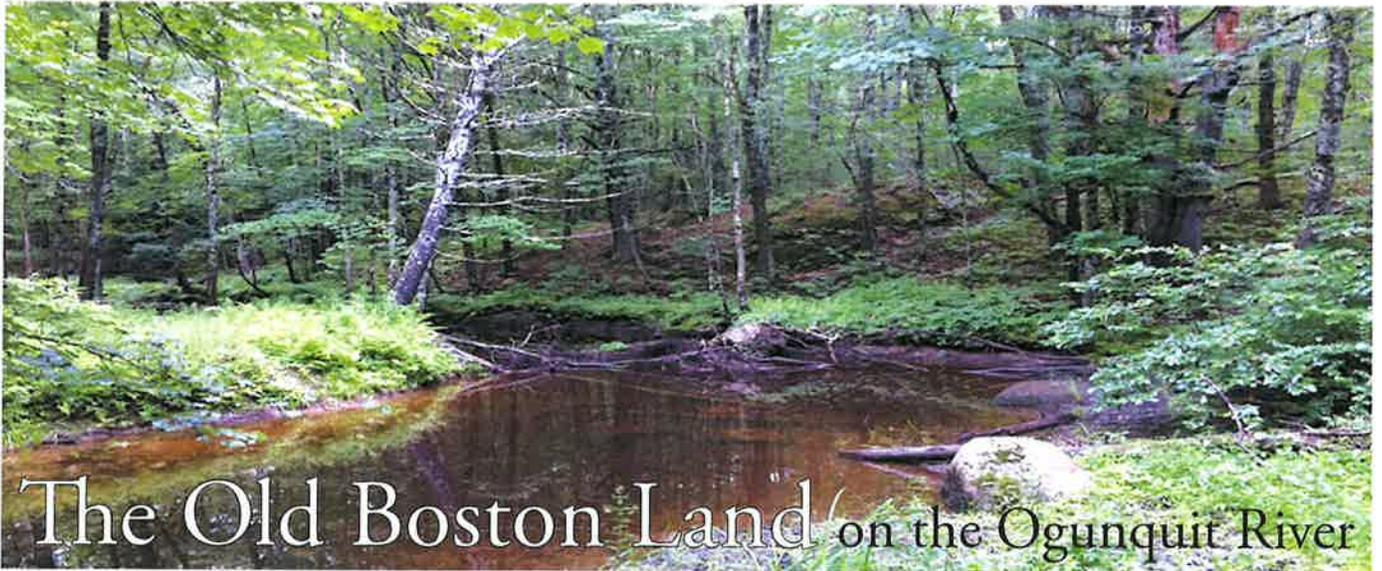


Transfer Station  
Roll-off Containers



Transfer Station  
Roll-off Containers





# The Old Boston Land on the Ogunquit River

At 157 acres and with 2,000 feet of frontage on the Ogunquit River, the Old Boston Land is the largest undeveloped land parcel in Ogunquit. This historic tract, held by the same family for centuries, sits astride North Village Road with more than 2,800 feet of scenic frontage.

Thanks to conservation-minded landowners, Great Works Regional Land Trust (GWRLT) has a purchase option on the land and has until December 31, 2020 to raise needed funds. If the campaign succeeds the land will be purchased, owned and managed as a preserve by GWRLT, with public access for traditional uses such as hiking, hunting and snowshoeing.

This natural, forested land – with river frontage, tributary streams, vernal pools and forested wetlands – plays an important role in cleaning and filtering water flowing into the Ogunquit River. It abuts York Land Trust’s Hilton-Wynn Preserve and will add significant conserved acreage to that preserve and some 6,000 acres of nearby conservation lands.

The Old Boston Land features historic foundations and a cemetery associated with the historic farm. In addition to its importance to Ogunquit, this land is a high conservation priority for the Mt. Agamenticus to the Sea (MtA2C) Conservation Initiative.

**Location: Ogunquit**

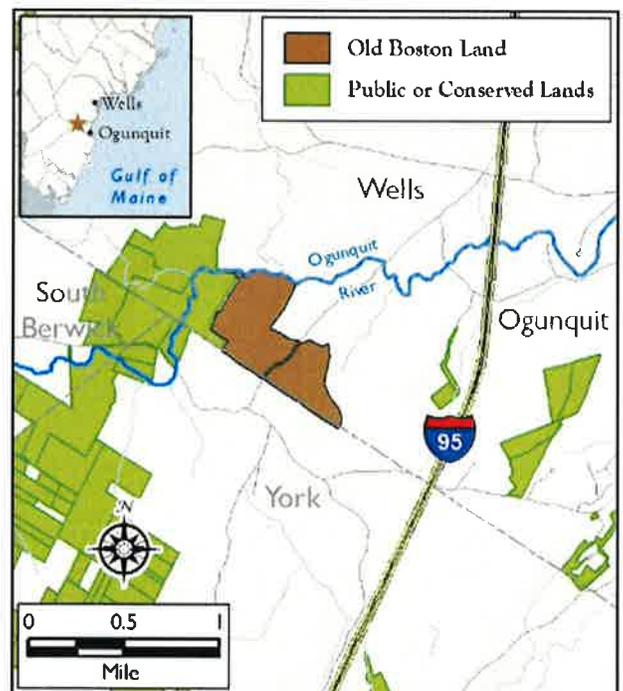
**Project size: 157 acres**

**Total cost: \$1.19 million**

**Raised as of Dec. 2019: \$863,000**

**Need: \$327,000**

*Fundraising covers land acquisition costs, pooled stewardship funds, improvements for recreation, and operational support.*



This is a project of Great Works Regional Land Trust in partnership with Maine Coast Heritage Trust and the MtA2C Conservation Initiative. GWRLT has until December 31, 2020 to raise \$1.19 million for the project.

Great Works Regional Land Trust | Beach Plum Farm | 610 Main St, Ogunquit | (207) 646-3604 | info@gwrlt.org



## **OGUNQUIT CONSERVATION COMMISSION**

August 28th, 2020

Dear Chair Ouellette and Select Board Members,

The Conservation Commission met via Zoom webinar on August 20th for our regular monthly meeting. One of our discussions at that meeting was in regard to the proposed acquisition of land on the North Village Road proposed for conservation by the Great Works Regional Land Trust, and others.

The Conservation Commission voted unanimously (6-0) to issue the following statement of support to the Select Board of Ogunquit:

The Ogunquit Conservation Commission is in favor of the conservation of land known as the Old Boston Farm property located on and near the North Village Road in Ogunquit.

If there are any questions or we can provide any additional comments, please contact me.

Sincerely,  
Patience Prescott-Sundaresan, Chair



## OGUNQUIT CONSERVATION COMMISSION

August 28th, 2020

Dear Chair Ouellette and Select Board Members,

The Conservation Commission met via Zoom webinar on August 20th for our regular monthly meeting. Two items were decided at that meeting that I bring here to the attention of the Select Board.

These issues are presented to you in contemplation of your preparation of the November warrant knowing that deadline is approaching. Item One is the Conservation Commission's statement of request related to a CIP item that is meant to be an annually occurring request placed before the voters. Item Two is a request that a proposed language change in the Ogunquit Ordinance be placed before the voters.

Item One - The Conservation Commission voted unanimously (6-0) to recommend and ask that the Select Board place the following on the November warrant:

Request from the voters of the Town of Ogunquit to approve and fund \$25,000. for the "Land Conservation Fund"

Item Two - The Conservation Commission voted unanimously (6-0) to request that the Select Board place the following on the November warrant:

Request for change of language as noted below, new language in red, remove struck through language.

### TITLE XIII OGUNQUIT MUNICIPAL CODE CONSERVATION COMMISSION ORDINANCE

#### 103 Definitions

Conservation Land shall be defined as land, owned in fee or by easement **either** by the Town of Ogunquit **or an applicable Conservation Organization**, which, either by its own value or in conjunction with other **conserved** ~~town-owned~~ parcels will be useful to advance one or more of the following objectives:

Thank you for your consideration, if there are any questions or we can provide any additional comments, please contact me.

Sincerely,  
Patience Prescott-Sundaresan, Chair

# MEMO

TO Pat Finnigan, Chris Murphy, Cheryl Emery  
CC Steve Wilkos and Scott Heyland  
FROM Maryann  
DATE August 25, 2020  
RE Proposed Amendments to The Floodplain Management Ordinance and  
Subdivision Regulations  
For the November 2020 Town Meeting

Attached are paper copies of the above-noted documents, along with cover letters from the Planning Board to the Select Board requesting they be placed on the November 2020 Town Warrant for voter consideration.

Technical difficulties prevent me from scanning and sending you electronic copies.

Maryann

*Beautiful Place by the Sea*

Land Use Office  
Post Office Box 875  
Ogunquit, Maine 03907-0871

Tel: 207-646-9326  
ceogt@townofogunquit.org

August 25, 2020

To the Town of Ogunquit Select Board,

Re: Flood Plain Management Ordinance Amendments.

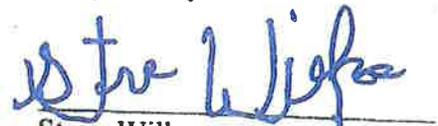
On August 24, 2020, the Ogunquit Planning Board held a Public Hearing regarding amendments to the Town of Ogunquit Flood Plain Management Ordinance. On that same date the Board voted to submit the enclosed proposed amendments to you along with a request that said amendments be presented to the voters of Ogunquit at the November 2020 Town Meeting.

Pursuant to the above request please find the following:

- Review/summarization memo prepared by Code Enforcement Officer Scott Heyland dated August 3, 2020;
- Final Proposed Draft with red underlined and blue strike throughs of proposed changes.

The Planning Board hereby respectfully requests the proposed, enclosed amendments to the Town of Ogunquit Flood Plain Management Ordinance be included on the warrant for the November 2020 Town Meeting.

Respectfully



Steve Wilkos  
Planning Board Chair

Enclosures: as noted  
Pc: Town Manager (w/ enclosures)  
Town Clerk (w/ enclosures)

*Beautiful Place by the Sea*

Land Use Office  
Post Office Box 875  
Ogunquit, Maine 03907-0875

Tel: 207-646-9326  
ceoot@townofogunquit.org

## MEMORANDUM

Date: August 3, 2020  
To: Town of Ogunquit Planning Board  
From: Scott Heyland-Director of Codes and Planning  
RE: Floodplain Management Ordinance Amendments

---

In the spring of 2020 Staff from the Maine Floodplain Management Program offered to review our Floodplain Management Ordinance. This Ordinance regulates all activities within areas of Special Flood Hazard. The last update was 02/09/2009. This is not a mandatory update but includes suggested updates.

Generally, the amendments contain updated dates and references as well as updates to the definition sections.

Please review the proposed changes.

When the Preliminary Flood Maps are finalized we will only be required to amend Article 1 to include the new dated "Flood Insurance Rate Map and Study".

8-10-2020

FLOODPLAIN MANAGEMENT ORDINANCE  
FOR THE  
TOWN OF OGUNQUIT, MAINE

Language to be added is in RED and underlined.

Language to be removed is in ~~BLUE~~ and struck through.

---

ENACTED:

February 9, 2009

Date

CERTIFIED BY:

Name \_\_\_\_\_

Title \_\_\_\_\_

Affix Seal:

\_\_\_\_\_

FLOODPLAIN MANAGEMENT

ORDINANCE

CONTENTS

<u>ARTICLE</u>	<u>PAGE</u>
I. PURPOSE AND ESTABLISHMENT	2
II. PERMIT REQUIRED	2
III. APPLICATION FOR PERMIT	<del>2</del> <u>3</u>
IV. APPLICATION FEE AND EXPERTS FEE	<del>4</del> <u>5</u>
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS	5
VI. DEVELOPMENT STANDARDS	<del>6</del> <u>7</u>
VII. CONDITIONAL USE REVIEW	<del>15</del> <u>16</u>
VIII. CERTIFICATE OF COMPLIANCE	<del>16</del> <u>17</u>
IX. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS	<del>16</del> <u>17</u>
X. APPEALS AND VARIANCES	<del>17</del> <u>18</u>
XI. ENFORCEMENT AND PENALTIES	<del>19</del> <u>20</u>
XII. VALIDITY AND SEVERABILITY	<del>20</del> <u>21</u>
XIII. CONFLICT WITH OTHER ORDINANCES	<del>20</del> <u>21</u>
XIV. DEFINITIONS	<del>20</del> <u>21</u>
XV. ABROGATION	<del>26</del> <u>27</u>

## ARTICLE I- PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Ogunquit, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Ogunquit, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Ogunquit, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Ogunquit has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001 -3007, 4352, and 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Ogunquit having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Ogunquit, Maine.

The areas of special flood hazard, Zones A, A1-30, AO, and/or V1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study \_Town of Ogunquit, Maine, York County," dated January 5, 1983 with accompanying "Flood Insurance Rate Map" dated July 15, 1992 and "Flood Boundary and Floodway Map" dated July 5, 1983, which are hereby adopted by reference and declared to be a part of this Ordinance.

## ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Ogunquit, Maine.

### ARTICLE III -APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development; [Items H-K.3. apply only to new construction and substantial improvements.]
- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
  - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
    - a. in Zones AI-30, AO, and V1-30 from data contained in the "Flood Insurance Study \_Town of Ogunquit, Maine," as described in Article I; or,
    - b. in Zone A:
      - (1) from any base flood elevation data from Federal, State, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and IX.D.;
      - 2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

- (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
  2. highest and lowest grades at the site adjacent to the walls of the proposed building;
  3. lowest floor, including basement; and whether or not such structures contain a basement; and,
  4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
  1. a Floodproofing Certificate (FEMA Form 81-65, ~~3/09 08/99~~, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
  2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VI-30, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
  3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
  4. a certified statement that bridges will meet the standards of Article VI.M.;
  5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

## ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50.00 for minor development or \$100.00 for new construction or substantial improvements shall be made out to the Town of Ogunquit and paid to the Town Clerk or the Code Enforcement Officer. A copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

## ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  - 1. the base flood data contained in the "Flood Insurance Study \_Town of Ogunquit, Maine," as described in Article I.;
  - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H. 1 .b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
  - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b, the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
  2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of Article VI.G. 1 .a, b, and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

## **ARTICLE VI - DEVELOPMENT STANDARDS**

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:
1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. use construction materials that are resistant to flood damage;
  3. use construction methods and practices that will minimize flood damage; and,
  4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
  2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures:
  3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
    - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
    - b. at least three feet if no depth number is specified.
  4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article TII.H.1.b; Article V.B.; or Article IX.D.
  5. Zone V 1-30 shall meet the requirements of Article VI.P.

- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone A 1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
    - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
    - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article -.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
  - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
  - b. at least three feet if no depth number is specified; or,
    - together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI.G. 1.
4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or
  - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.
5. Zone VI-30 shall meet the requirements of Article VI.P.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

Zone A1-30 shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
  - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
  - (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.
2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
  3. Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:
    - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
    - b. at least three feet if no depth number is specified; and,
    - c. meet the anchoring requirements of Article VI.H.1.c.
  4. Zone A shall:
    - a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article VI.H.1.b.; Article V.B; or Article IX.D.; and
    - b. meet the anchoring requirements of Article VI.H.1.c.
  5. Zones V 1-30 shall meet the requirements of Article VI.P.
- I. **Recreational Vehicles** - Recreational Vehicles located within:
1. Zone A1-30 shall either:
    - a. be on the site for fewer than 180 consecutive days,
    - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
    - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H. 1.

2. Zone VI-30 shall meet the requirements of either Article VI.I.1 .a. or b., or Article VI.P.

J. Accessory Structures   Accessory Structures, as defined in Article XIV, located within Zones AI-30, AO, and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

~~1. be 500 square feet or less and have a value less than \$3000;~~

1.2 have unfinished interiors and not be used for human habitation;

2.3 have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

3.4 be located outside the floodway;

4.5 when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

5.6 have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone A1-30 riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Boundary and Floodway Map", unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1 -30 and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

- b. is consistent with the technical criteria contained in ~~Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended)~~. FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones AL-30 and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. Enclosed Areas Below the Lowest Floor \_ New construction or substantial improvement of any structure in Zones A 1-30, AO, and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles; "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Enclosed areas are not "basements" as defined in Article XIV;
  2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
    - a. be engineered and certified by a registered professional engineer or architect; or,
    - b. meet or exceed the following minimum criteria:
      - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
      - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
      - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
  3. The enclosed area shall not be used for human habitation; and,
  4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. Bridges - New construction or substantial improvement of any bridge in Zones A1-30, AO, A, and V 1-30 shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
  - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
  - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A1-30, A, and V1-30 shall:
  - a. have the containment wall elevated to at least one foot above the base flood elevation;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
  - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
2. Zone AG shall have adequate drainage paths around containment walls on slopes, to guide floodwater away from the proposed walls.
3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
  - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
  - b. at least three feet if no depth number is specified; and,
  - c. shall meet the requirements of Article VI.N. 1 .b. & c. 13

0. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AI-30, AO, A, and VI-30, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. **Coastal Floodplains** -

1. All new construction located within Zones AI-30, A, and VI-30 shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VI-30 shall:
  - a. be elevated on posts or columns such that:
    - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
    - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
    - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
  - b. have the space below the lowest floor:
    - (1) free of obstructions; or,
    - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,

- (3) constructed **to enclose** with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
  - c. require a registered professional engineer or architect to:
    - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55/~~February, 1986~~); and **June 2000.**
    - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
3. The use of fill for structural support in Zone VI-30 is prohibited.
  4. Human alteration of sand dunes within Zone V 1-30 is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
  5. ~~The enclosed areas may be used solely for parking vehicles, building access, and storage.~~ **The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.**
  6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
    - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
    - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
    - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
    - d. The structure shall have unfinished interiors and shall not be used for human habitation.

Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.

- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

## **ARTICLE VII - CONDITIONAL USE REVIEW**

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

- A. Review Procedure for a Conditional Use Flood Hazard Development Permit
  1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
  2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
  3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
  4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
  5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.
- B. Expansion of Conditional Uses
  1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

## **ARTICLE VIII - CERTIFICATE OF COMPLIANCE**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
  - 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
  - 2. for structures in Zone V1-30, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
  - 1. review the required certificate(s) and the applicant's written notification; and,
  - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

## **ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a timeshare interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

## ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Ogunquit may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
1. a showing of good and sufficient cause; and,
  2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
  3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
  4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
    - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
    - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

- c. that the granting of a variance will not alter the essential character of the locality; and,
  - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
  - 1. other criteria of Article X and Article VI.K. are met; and,
  - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
  - 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
  - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
  - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
  - 2. such construction below the base flood level increases risks to life and property; and,
  - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify, and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain

and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in the floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

**ARTICLE XI - ENFORCEMENT AND PENALTIES**

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A M RSA § 4452.
- B. The penalties contained in Title 30-A M RSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer may, upon indentifying a violation, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial ~~denial of flood insurance~~. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## **ARTICLE XII - VALIDITY AND SEVERABILITY**

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## **ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

## **ARTICLE XIV - DEFINITIONS**

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Accessory Structure** - means a small-detached structure that is incidental and subordinate to the principal structure.

**Adjacent Grade** - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Area of Shallow Flooding** - means a designated AG zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

**Base Flood** - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** - means any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building** - see Structure.

**Certificate of Compliance** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Code Enforcement Officer** ~~any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.~~ A person certified under Title 30-A MRSA, section 4451 (including exceptions in section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

**Conditional Use** - means a use that because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

**Development** - means any ~~change caused by individuals or entities~~ man-made change to improved or unimproved real estate. This includes including but is not limited to, ~~the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures;~~ mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials. ~~public or private sewage disposal systems or water supply facilities.~~

**Elevated Building** - means a non-basement building

- a. built, in the case of a building in Zones AI-30, A, or AG, to have the top of the elevated floor, or in the case of a building in Zone V 1-30, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AI-30, A, or AO, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case

of Zone VI-30, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

**Elevation Certificate** - An official form (FEMA Form 81-31, ~~03/09~~ ~~08/99~~, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

**Flood or Flooding** - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Flood-prone Area** - means any land area susceptible to being inundated by water from any source (see flooding).

**Floodplain Management** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood-control works, and floodplain management regulations.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** -mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Historic Structure** -means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior,  
or

2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum**-means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this Ordinance.

**Manufactured Home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is desired for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - means, for purposes of the National Flood insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of (lie structure. It also includes, but is not limited to: accessory structures as provided for in Article VII., mining, drudging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, darns, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL).

**New Construction** - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. (Ogunquit's initial floodplain management regulations were dated March 31, 1975.)

North American Vertical Datum (NAVD) – means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsistence and the increasing use of satellite technology.

**100-Year Flood** - see **Base Flood**.

**Recreational Vehicle** - means a vehicle which is:

- a. built on a single-chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts
- c. designed to be self-propelled or permanently towable by a motor vehicles; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** -

- a. means the channel of a river or other **water course** and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Start of Construction** - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any singular or successive reconstructions, repairs, rehabilitations, additions, or other improvements of a structure, the cumulative cost (value) of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the first improvement project following the effective date of **November 07, 2001**. In determining whether a development project constitutes a substantial improvement, the total cost (value) of all reconstructions, repairs, rehabilitations, additions, or other improvements shall be accrued over a period of 5 years from the time of the first permit application following the effective date of **November 7, 2001**. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

**Variance** - means a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - means the failure of a structure or development to comply with a community's floodplain management regulations.

## **ARTICLE XV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). [The most previous floodplain management ordinance was dated 12/11/96]

Town Of Ogunquit  
Post Office Box 875  
Ogunquit, Maine 03907-087

Planning Board  
Tel 207 646-9326

*Beautiful Place by the Sea*

July 22, 2020

To the Town of Ogunquit Select Board,

re: Proposed amendments to the Ogunquit Subdivision Regulations.

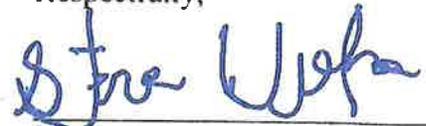
On March 9, 2020 the Ogunquit Planning Board held a Public Hearing regarding amendments to the Town of Ogunquit's Subdivision Regulations. On May 26, 2020 the Planning Board voted to submit the enclosed proposed Subdivision Regulations Amendments to you along with a request that said amendments be presented to the voters at the November 2020 Town Meeting.

Pursuant to the above-noted request please find the following:

1. Proposed Amendments to the Town of Ogunquit Subdivision Regulations (Final Draft);
2. Lee Jay Feldman's, SMPDC February 17, 2020 Memorandum Summary of Proposed Amendments to the Town of Ogunquit Subdivision Regulations.

The Planning Board hereby respectfully requests that the proposed, enclosed amendments to the Ogunquit Subdivision Regulations be included on the warrant for the November 2020 Town Meeting.

Respectfully,



Steve Wilkos  
Planning Board Chair

enclosures: as noted

pc: Town Manager (w/ enclosures)  
Ogunquit Town Clerk (w/ enclosures)



**To:** Ogunquit Planning Board  
**From:** Lee Jay Feldman  
**Date:** 2/17/20  
**Re:** Subdivision draft changes

---

In order to layout the changes proposed in an orderly fashion, I have drafted this memo which will try to explain a majority of the changes in a manor not as confusing as trying to interpret all of the strikethroughs and underlines in the document.

- There have been several terminology changes in order to make the document consistent with current terminology used today. Those change include:
  - Selectmen changed to Select Board
  - Planning board changed to Planning Board
  - Code Enforcement Officer changed to Director of Codes and Planning
  - Professional Civil Engineer changed to Licensed Engineer
- Change documents sited in the regulations from a date the document was originally published to wording which says “ The Most recent Version” This change is proposed due to the fact that those documents noted in the regulation do get updated from time to time and it is easier to have this as a rolling citation rather than needing to amend this document to update cited documents.
- We have also proposed to do the same for the State Subdivision law itself. Rather than including the document verbatim to the state law, the most effective way to note the subdivision law is to use MRS title 30-A 4401. This is because the state law changes almost on a yearly basis based on the Legislative agenda and the need to always tweak the law this way the town will not need to again amend this document every time there is a change.
- There is a proposal to eliminate a number of the definitions found in this document which are either not consistent with the definition found in the zoning ordinance or not relevant to a subdivision review. If the later is the

case, the ordinance indicates that the definition found in the zoning ordinance is the ruling definition.

- Bring Article 1 Purpose and Statutory Review Criteria up to minimum state standards which have not been part of the town's review previously
- In Article 6 the Preliminary Plan Submission it is proposed to eliminate 6.2.13 Estimated Traffic Generated as part of the submission but now require a full Traffic Impact Study be done for all subdivisions which will include Trip Generation information as part of the submittal.
- We are suggesting but not requiring that Low Impact Development (LID) standards be used for stormwater design which has not been a true consideration in the past. This change will now signal to the developers that we want to see better alternatives for stormwater rather than the typical TR-20 design.
- A proposal has also been included that will move the decision making process to 45 days rather than 30 days so that the Planning Board does not feel a need to make a decision that may need an additional meeting to make the 15 days pushes the ability to make determinations out one additional meeting.
- Other additional changes include:
  - Fines going from \$1,000 to \$2,500 in line with State law in accordance with MRSA 30-A Section 4452
  - Including the Historic Preservation Commission by requirement to now be involved in the project review.
  - Changing the need for Mylar to be recorded in the York County Registry of Deeds to 20# White paper which is a new state law.
  - There are several other minor changes as well but nothing that has the impact as those changes above.

The professional consulting team responsible for the recodification underway in town has been reviewing these changes and has made previous comment on them.

# TOWN OF OGUNQUIT

## SUBDIVISION REGULATIONS

Final Proposed Draft

**Adopted November 5, 1985**

**Amended April 2, 1988**

**Amended April 3, 2000**

**Amended November 6, 2001**

**Amended June 11, 2002**

**Repealed and Replaced, with Amendments,  
as Subdivision Regulations, May 24, 2004**

*(Pursuant to Procedure approved at April 12, 2004 Town Meeting)*

**Amended October 18, 2004**

**Amended May 9, 2005**

**Amended September 12, 2005**

**Amended July 24, 2006**

**Amended December 10, 2007**

**TABLE OF CONTENTS**

<b>ARTICLE 1</b>	<b>Purpose and Statutory Review Criteria .....</b>	<b>1</b>
<b>ARTICLE 2</b>	<b>Authority &amp; Administration.....</b>	<b>3</b>
<b>ARTICLE 3</b>	<b>Definitions.....</b>	<b>4</b>
<b>ARTICLE 4</b>	<b>Administrative Procedure.....</b>	<b>7</b>
	4.1 Purpose .....	7
	4.2 Agenda .....	7
	4.3 Order of Business .....	7
<b>ARTICLE 5</b>	<b>Sketch Plan .....</b>	<b>8</b>
	5.1 Sketch Plan Purpose.....	8
	5.2 Sketch Plan Meeting Procedure .....	8
	5.3 Sketch Plan Submissions.....	8
	5.4 On Site Inspection.....	8
	5.5 Follow-up and Acceptance of Sketch Plan .....	9
	5.6 Rights not Vested .....	9
	5.7 Establishment of File.....	9
<b>ARTICLE 6</b>	<b>Preliminary Plan for Subdivision.....</b>	<b>10</b>
	6.1 Procedure .....	10
	6.2 Submissions .....	10
<b>ARTICLE 7</b>	<b>Final Plan for Subdivision .....</b>	<b>16</b>
	7.1 Procedure .....	16
	7.2 Inspection of Required Improvements .....	18
	7.3 Submissions .....	19
	7.4 Final Approval and Filing.....	21
	7.5 Plan Revisions After Approval.....	21
	7.6 Public Acceptance of Streets, Recreation Areas .....	21
<b>ARTICLE 8</b>	<b>Enforcement .....</b>	<b>23</b>
<b>ARTICLE 9</b>	<b>General Requirements.....</b>	<b>24</b>
	9.1 Purpose .....	24
	9.2 Subdivision Plan Conform to Comprehensive Plan .....	24
	9.3 Relationship of Subdivision to Community Services .....	24
	9.4 Retention of Proposed Public Sites & Open Spaces .....	24
	9.5 Preservation of Natural and Historic Features.....	25
	9.6 Land Not Suitable for Development .....	25

	9.7	Blocks .....	26
	9.8	Lots.....	26
	9.9	Easements for Natural Drainage Ways .....	27
	9.10	Utilities.....	27
	9.11	Additional Requirements .....	27
	9.12	Required Improvements .....	27
	9.13	Dwelling Size .....	30
<b>ARTICLE 10</b>		<b>Street Designs &amp; Construction Standards .....</b>	<b>31</b>
	10.1	General Procedure and Requirements .....	31
	10.2	Street Classification Definitions .....	32
	10.3	Street Design Standards.....	33
	10.4	Street Construction Standards.....	37
	10.5	Storm Drainage Design Standards.....	39
	10.6	Storm Drainage Construction Standards.....	40
	10.7	Additional Improvements and Requirements.....	40
	10.8	Design and Construction Plans .....	41
	10.9	Performance Bond or Surety.....	41
<b>ARTICLE 11</b>		<b>Release of Performance Bond or Surety .....</b>	<b>42</b>
<b>ARTICLE 12</b>		<b>Waivers of Submissions or Review Standards.....</b>	<b>42</b>
<b>ARTICLE 13</b>		<b>Appeals.....</b>	<b>42</b>
<b>ARTICLE 14</b>		<b>Severability and Effective Date .....</b>	<b>42</b>

## ARTICLE 1 PURPOSE AND STATUTORY REVIEW CRITERIA

1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. When reviewing any subdivision as defined in Article 3 of this regulation for approval, the ~~Planning Board~~Planning Board shall consider, but not be limited to, the following criteria and before granting approval, shall determine that the proposed project:

1.1.1 Will not result in undue water or air pollution. In making this determination, it shall at least consider:

- a) The elevation of the land above sea level and its relation to the flood plains;
- b) The nature of soils and subsoils and their ability to adequately support waste disposal;
- c) The slope of the land and its effect on effluents; ~~and~~
- d) The availability of streams for disposal of effluents; and
- e) The applicable State and local health and water resources rules and regulations;

1.1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;

1.1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

1.1.4 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results;

1.1.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

1.1.6 Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

1.1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste if municipal services are to be utilized;

1.1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

1.1.9 -Is in conformance with a duly adopted subdivision or other applicable project regulation or ordinance, comprehensive plan, development plan or land use plan, if ~~any;~~any. In making this determination, the ~~Planning Board~~Planning Board may interpret these ordinances and plans;

1.1.10 The subdivider has the financial and technical capacity to meet the standards of this section;

1.1.11~~0~~ Whenever situated, in whole or in part, within 250 feet of any wetland or great pond, as defined in Title 38, sections 435 through 490, or within 250 feet of tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water; and

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under the Town's shoreland zoning, adopted pursuant to 38 M.R.S.A., chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of 30-A M.R.S.A. Section 4401, subsection 1, on September 23, 1983.

Formatted: CM27, Left, Indent: Left: 0.81", Hanging: 0.25", Right: 0.06", Space After: 14.35 pt, Line spacing: At least 14.4 pt, Tab stops: Not at 1"

Formatted: Font: 11.5 pt

1.1.12+ Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water

~~1.1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;~~

1.1.13 Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

1.1.14 All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

1.1.15 Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

1.1.16 The proposed subdivision will provide for adequate storm water management;

1.1.17 If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

1.1.18 For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.~~1.1.19 The developer has adequate financial and technical capacity to meet the standards of this section.~~

Formatted: Body Text Indent

1.1.19 All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

1.1.20 Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Board may request technical assistance from the Maine Department of Agriculture, Conservation and Forestry, Bureau of Forestry, to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to 32 M.R.S.A. Chapter 76. If the Board requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the Board within 30 days of receipt of the Board's request. If the bureau notifies the Board that the bureau will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester.

Formatted: Indent: Left: 0.5", Hanging: 0.06"

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in 12 M.R.S.A. Section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Formatted: Indent: Left: 0.56", First line: 0.44"

Formatted: Indent: First line: 0.44"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

## ARTICLE 2 AUTHORITY AND ADMINISTRATION

### **2.1 Authority**

- 2.1.1 These standards have been prepared in accordance with the provisions of Title 30-A, section 4401 through 4407.
- 2.1.2 These standards shall be known and may be cited as "Subdivision Regulations of the Town of Ogunquit, Maine."

### **2.2 Administration**

- 2.2.1 The ~~Planning Board~~Planning Board of the Town of Ogunquit, hereinafter called the Board, shall administer these standards. The ~~Planning Board~~Planning Board may call upon the ~~Code Enforcement Officer~~Director of Codes and ~~or~~ Planning or the Town Planner for assistance in administering these standards. (Amended June 11, 2002)
- 2.2.2 The provisions of these standards shall pertain to the creation or the amendment of all the subdivisions as herein defined within the boundaries of the Town of Ogunquit.

## ARTICLE 3 DEFINITIONS

3.1 Definitions found in a standard Webster's Dictionary of the current decade will apply to all words not already defined herein or in Ogunquit's Zoning Ordinance. Words used in the present tense include the future; plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used/occupied". The terms "Code" and "Ordinance" are to be considered interchangeable. All definitions found in Article 2 of the Ogunquit zoning ordinance shall be the controlling definition with the exception of those definitions found below including the definition of Subdivision found here.

### **3.1.1 *Abutting***

~~Having a common border with, or being separated from such a common border by an alley, easement, street, road, public way or private way.~~

Formatted: Indent: Left: 0.5"

### **3.1.21 *Comprehensive Plan***

A document or interrelated documents and maps, as defined by Title 30-A M.R.S.A sec. 4301.

### **3.1.3 *Contiguous Lot***

~~For the purposes of these regulations, a lot shall be considered to be contiguous if either or both of the following conditions exist:~~

- ~~a) The lots adjoin or are conterminous at any point or line, or~~
- ~~b) If two adjacent lots are separated at any point by a water body less than forty (40) feet wide.~~

### **3.1.42 *Developed Area***

~~Any area on which a site improvement or change is made, to include buildings, landscape, parking area, etc.:~~

Formatted: Strikethrough

Formatted: Strikethrough

### **3.1.5 *Essential Services***

~~The construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.~~

### **3.1.63 *Final Plans of Subdivision***

The final drawings on which the developer's plan of a subdivision is presented to the ~~Planning Board~~Planning Board for approval and which, if approved, may be filed for record with the Municipal Clerk and county.

### **3.1.74 *Flood, Base***

Means the Flood having a one (1%) percent chance of being equaled or exceeded in any given year. (Adopted May 10, 1983)

**3.1.85 High Intensity Soil Survey**

A map prepared by a Certified Soil Scientist, identifying the soil types down to one-eighth (1/8<sup>th</sup>) acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**3.1.96 High Water Mark, Normal**

a) **Coastal Waters**

That line on the shore of tidal waters reached by the shoreward limit of the rise of the median tides between the spring and the neap.

b) **Inland Waters**

That line on the shore and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or vegetation due to the prolonged action of the water. In places where the shore or bank cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.

~~3.1.10 Industrial Park or Development~~

~~An area zoned and planned for varied industrial uses and developed and managed as a unit, usually with provisions for common services for the users.~~

~~3.1.11 Living Unit~~

~~This term applies to residential dwelling units and shall include single, duplex and multi-family dwellings, apartments, efficiencies and condominiums. Each individual unit which functions as a separate dwelling quarters shall be a dwelling unit.~~

~~3.1.12 Person~~

~~Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.~~

~~3.1.13 Planning Board~~

~~The Planning Board of the municipality created pursuant to Article 6 of the Town of Ogunquit Zoning Ordinance, and the laws of the State of Maine, as amended.~~

~~3.1.10 Outstanding River Segments~~

~~See MRS Title 12 Section 402~~

~~3.1.14117 Preliminary Plan of Subdivision~~

~~The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.~~

**3.1.15128 Resubdivision**

Formatted: Font: Bold
Formatted: Font: Not Bold
Formatted: Font: Italic
Formatted: Indent: Hanging: 0.5"

The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

~~3.1.16 *Street*~~

~~The word "street" means and includes such public or private ways as alleys, avenues, boulevards, highways, roads, streets and other right-of-ways. The term "street" shall also apply to areas on plans designated as "streets", etc..~~

~~3.1.17~~<sup>139</sup> *Subdivision*

The word "Subdivision" shall be defined as in Title 30-A M.R.S.A sec. 4401, subpart 4. (~~See Appendix for a copy of the Statutory Definition.~~)

For the purposes of this regulation, the word "subdivision" shall not include condominium conversions of existing projects pursuant to the Condominium Act, Title 33 M.R.S.A. sec. 1601-101, *et seq.*, or other such functional divisions of existing projects allowable under law.

~~3.1.18 *Structure or Structures, New*~~

~~"New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.~~

~~3.1.19~~<sup>140</sup> *Tract or Parcel of Land*

"Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

## ARTICLE 4 ADMINISTRATIVE PROCEDURE

### 4.1 Purpose

4.1.1 The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

### 4.2 Agenda

4.2.1 In order to avoid unnecessary delays in processing applications for subdivision review, the Land Use Office, in consultation with the ~~Planning Board~~ Planning Board Chair, shall prepare an agenda for each regularly scheduled meeting.

4.2.2 Applicants shall request to be placed on the ~~Planning Board~~ Planning Board's agenda through the Land Use Office provided all materials are submitted in conformance with the board's procedures.

4.2.3 ~~Applicants who attend a meeting, but who are not on the Planning Board~~ Planning Board's agenda, may be heard, but only after all agenda items have been completed and then only if a majority of the Board so votes.

### 4.3 Order of Business

The ~~Planning Board~~ Planning Board shall process and review each ~~applicant application~~ in a similar and equitable manner. In order to accomplish this, the Board shall follow the procedures set forth in the following Articles, for each stage of the review process.

## ARTICLE 5 SKETCH PLAN

### 5.1 Sketch Plan Purpose.

The purpose of the sketch plan meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

### 5.2 Sketch Plan Meeting Procedure

- A. The applicant shall present the Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the subsequent application.
- C. The Planning Board shall set the date of the on-site inspection as part of the sketch review process. ~~is selected.~~

### 5.3 Sketch Plan Submissions

Fifteen copies of the sketch plan and all supporting materials must be submitted 14 days prior to a regularly scheduled ~~Planning Board~~ Planning Board meeting, in order to be placed on the Board's agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan, which does not have to be engineered ~~and may be a free hand penciled sketch~~, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's tax map(s) on which the land is located. The Sketch Plan shall be accompanied by:

- 5.3.1. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision; and
- 5.3.2. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed development.
- 5.3.3. A completed sketch plan application form and a fee to be set by the ~~Selectmen~~ Select Board.
- 5.3.4. In addition, the applicant shall pay a fee of \$1500 to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional \$750 be

deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$750 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant

#### **5.4 On-Site Inspection**

Within thirty days of the sketch plan meeting, the Board shall hold an on-site inspection of the property, ~~and inform the applicant in writing of the required contour interval on the Preliminary Plan.~~ The applicant shall place "flagging" at the centerline of any proposed streets or drives, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged."

The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Board. Minutes shall be taken in the same manner as for regular meetings.

#### **5.5 Follow-up and Acceptance of Sketch Plan**

At its next meeting following the on-site inspection, the board should discuss the inspection and note various conditions or features found. If the Board finds the sketch plan acceptable, it should then ~~write a letter to the applicant highlighting its findings from the inspection, giving give~~ any general guidance to the applicant regarding the future submittal of a preliminary plan application, ~~and informing the applicant of the contour interval to be required for the preliminary plan application.~~ If the Board finds the sketch plan unacceptable, it should indicate its decision to the applicant in writing, and the applicant shall be required to submit a new, modified sketch plan application if it wishes to proceed with the proposed project.

#### **5.6 Rights not Vested.**

The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

#### **~~5.7 Establishment of File.~~**

~~Following the sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting and subsequent preliminary and final subdivision plan applications shall be maintained in the file.~~

## ARTICLE 6 PRELIMINARY PLAN FOR SUBDIVISION

### 6.1 Procedure

6.1.1 Within six (6) months after acceptance of the sketch plan by the ~~Planning Board~~Planning Board, the developer shall submit an application for a Preliminary Plan to the Land Use Office. Fifteen copies of the preliminary plan and all supporting materials must be submitted at least 14 days prior to a regularly scheduled ~~Planning Board~~Planning Board meeting in order to be placed on the Board's agenda. Failure to ~~do so~~ submit an application and plan within the six (6) month time frame shall require resubmission of the sketch plan to the Board. The Preliminary Plan shall resemble approximate the layout shown on the sketch plan as well as any recommendations made by the Board.

~~6.1.2~~ 6.1.2 The application for the preliminary plan shall be accompanied by a fee previously established to be set by the ~~Selectmen~~Select Board. ~~If a public hearing is deemed necessary by the Board,~~ An additional fee shall be required to cover the costs of advertising associated with the public hearing.

The Board may continue to require replenishment of the escrowed funds for consulting fees as authorized in sect 5.3.4, so that it may continue to employ consultants during the preliminary plan application review, if necessary.

6.1.3 The applicant, or the applicant's duly authorized representative, shall attend the meeting of the ~~Planning Board~~Planning Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's review of the plan until the next meeting at which the applicant is present.

6.1.4 At least ~~14~~ 14 days prior to the ~~Planning Board~~Planning Board meeting at which an application for preliminary plan of a subdivision is initially presented, the Land Use Office shall:

1. Issue a dated receipt to the applicant.
2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
3. Notify the Town Clerk and the ~~Planning Board~~Planning Board of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

6.1.5 ~~Within thirty days~~ Forty five days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete at a scheduled meeting and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

6.1.6 Upon determination that a complete application has been submitted for review, the Board shall determine whether or not to hold a public hearing on the preliminary plan application.

**Formatted:** Outline numbered + Level: 3  
+ Numbering Style: 1, 2, 3, ... + Start at: 1  
+ Alignment: Left + Aligned at: 0.5" + Tab after: 1" + Indent at: 1"

**Formatted:** List Paragraph, Left, No bullets or numbering, Tab stops: Not at 6.75"

**Formatted:** Indent: First line: 0"

**Comment [11]:** This time frame does not work if the submittal is 14 days prior to the next meeting this may need to be pushed out to 45 or 60 days.

In the event that the ~~Planning Board~~Planning Board determines to hold a public hearing on an application for approval of a subdivision, it shall hold such hearing within ~~thirty (30)~~Forty Five (45) days of receipt by it of a completed application and shall cause notice of the date, time and place of such hearing to be published in a newspaper of local circulation, at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. A copy of the notice shall be sent by first class mail to abutting landowners and to the applicant, at least ten (10) days prior to the hearing. The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. In addition, the notice of the hearing shall be posted in at least three prominent public places within the municipality at least ten (10) days prior to the hearing.

Comment [12]: again not sure this time frame works

- 6.1.7 The Land Use Office shall notify the director of public works, police chief, and fire chief of the proposed subdivision application. The Board shall request that these officials review the application and comment upon the adequacy of their department's existing capital facilities to service the proposed development. The Land Use Office shall also notify the Conservation Commission of the application, request comments on whether the application meets the standards of Town ordinances with respect to environmental matters, and invite the Commission to participate in any scheduled hearings.
- 6.1.8 Within thirty (30) days of a public hearing or within sixty (60) days ~~of receiving a completed application, of finding the application complete~~ if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, the ~~Planning Board~~Planning Board shall take action to give preliminary approval, with or without ~~conditions modifications or deny disapprove~~ such preliminary plan. The reasons for any ~~conditions modifications~~ required or the grounds for ~~denial disapproval~~ shall be stated upon the record of the ~~Planning Board~~Planning Board and shall be issued in writing to the applicant.
- 6.1.9 When granting approval of a preliminary plan, the ~~Planning Board~~Planning Board shall state the conditions of such approval, if any, with respect to:
- 6.1.9.1 The specific changes which it will require in the final plan;
- 6.1.9.2 The character and extent of the required improvements for which waivers of submissions or review standards may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare;
- 6.1.9.3 The construction items for which cost estimates and performance guarantees will be required as a prerequisite to the approval of the final plan, pursuant to section 10.9.
- 6.1.10 Approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the ~~Planning Board~~Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final plan, the ~~Planning Board~~Planning Board may require additional changes as a result of further study of the project in final form or as a result of new information obtained at any public hearings.

## 6.2 Submissions

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the ~~Planning Board~~Planning Board, pursuant to Article 12. Fifteen copies of all materials shall be delivered to the Land Use Office, at least fourteen days prior to a regularly scheduled ~~Planning Board~~Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

**6.2.1 Application & Checklist.** Completed Preliminary Plan Application Form and Preliminary Plan Application Submissions Checklist

**6.2.2. Location Map.** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

6.2.2.1. Existing subdivisions in the proximity of the proposed subdivision.

6.2.2.2. Locations and names of existing and proposed streets.

6.2.2.3. Boundaries and designations of zoning districts.

6.2.2.4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

**6.2.3 Preliminary Plan.** The preliminary plan drawing sets may be printed or reproduced on paper, and shall show all dimensions in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read.

**6.2.4 Identification of Project.** Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

**6.2.5 Right, Title or Interest.** Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.

**6.2.6 Survey.** A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30A M.R.S.A. section 4401.

**6.2.7 Existing Deed.** A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

**6.2.8 Proposed Deed Restrictions.** A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

**6.2.9 Proposed Sewage Disposal.** An indication of the type of sewage disposal to be used in the subdivision.

6.2.9.1. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the sewer district stating the district has the capacity to collect and treat the waste water shall be provided.

6.2.9.2. When sewage disposal is to be accomplished by subsurface ~~waste water~~wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

**6.2.10 Proposed Water Supply.** An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the ~~servicing~~-water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

**6.2.11 Plan Details. The following information shall be included on the plan or plans:**

6.2.11.1 The date the plan was prepared, ~~north-point~~arrow, and graphic map scale.

6.2.11.2 The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.

6.2.11.3 A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

6.2.11.4 The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.

6.2.11.5. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

6.2.11.6. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.

6.2.11.7. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

6.2.11.8. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

6.2.11.9. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

6.2.11.10. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

6.2.11.12. The proposed lot lines with approximate dimensions and lot areas.

- 6.2.11.13. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 6.2.11.14. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
- 6.2.11.15. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
- 6.2.11.16. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

**6.2.12. Hydrogeologic Assessment.** A hydrogeologic assessment prepared by a Certified Geologist or ~~Registered-Licensed~~ Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and

- a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on the 1:24,000 scale "Significant Aquifer Maps," by the Maine Geological Survey; or
- b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

~~6.2.13. Estimate of Traffic Generated. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.~~

~~6.2.134. Traffic Impact Analysis. For subdivisions involving 40 or more parking spaces or projected to generate more than 200 vehicle trips per day, a traffic impact analysis, prepared by a Registered-Licensed Professional Engineer with experience in traffic engineering, shall be submitted for all proposed subdivisions. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions~~

6.2.145. **Wildlife Habitat Areas.** Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Program the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.

6.2.156. **Historic Sites.** All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic ~~Places, or Places, or~~ have been identified in the comprehensive plan as sensitive or likely to contain such sites.

## ARTICLE 7 FINAL PLAN FOR SUBDIVISION

**7.1 Procedure.** The following are the procedures for the final plan application for a subdivision:

- 7.1.1 Within six months after the approval of the preliminary plan, the applicant shall submit fifteen copies of an application for approval of the final plan with all supporting materials to the Land Use Office. Application copies must be submitted at least fourteen days prior to a regularly scheduled meeting of the Board, in order to be placed on the Board's agenda. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.
- 7.1.2 If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.
- 7.1.3 All applications for final plan approval for a subdivision shall be accompanied by an application fee ~~previously established~~ set by the ~~Board of Selectmen~~ Select Board. ~~If a public hearing is deemed necessary by the Board, an~~ Additional fees shall be required to cover the costs of advertising and postal notification. The Board may continue to require replenishment of the escrowed funds for consulting fees as authorized in sect 5.3.4, so that it may continue to employ consultants during the final plan application review, if necessary.
- 7.1.4 Prior to submittal of the final plan application, ~~all the following~~ approvals from outside agencies shall be obtained in writing, where applicable additional outside agencies may include other agencies beyond those listed below:
- 7.1.4.1. Maine Department of Environmental Protection, under the Site Location of Development Act.
  - 7.1.4.2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a storm water management permit or a waste water discharge license is needed.
  - 7.1.4.3. Maine Department of Human Services, if the applicant proposes to provide a public water system.
  - 7.1.4.4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
  - 7.1.4.5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

7.1.4.6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

- 7.1.5. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission and Ogunquit Historic Preservation Commission prior to submitting the final plan application.
- 7.1.6. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the Board's review of the plan until the next meeting which the applicant attends.
- 7.1.7. At the meeting at which an application for final plan approval of a subdivision is initially presented, the Board shall issue a dated receipt to the applicant.
- 7.1.8. Within ~~Forty Five days~~thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Comment (I3): 45 or 60 days????
- 7.1.9. Upon determination that a complete application has been submitted for review, the Board shall direct the Land Use Office to issue a written notice to the applicant, indicating its complete status. The Board shall determine whether to hold a public hearing on the final plan application.
- 7.1.10. If the Board decides to hold a public hearing, it shall hold the hearing within ~~Forty Five days~~thirty (30) days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing. A copy of the notice shall be sent by first class mail to abutting landowners and to the applicant, at least ten (10) days prior to the hearing. The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. In addition, the notice of the hearing shall be posted in at least three prominent public places within the municipality at least ten (10) days prior to the hearing. Comment (I4): ?????
- 7.1.11. Where a subdivision is located within five (500) feet of a municipal boundary, the Town Clerk and the ~~Planning Board~~Planning Board of the adjacent municipality involved shall be notified at least ten (10) days prior to the hearing. Comments and recommendations made by the ~~Planning Board~~Planning Board of the adjacent municipality shall be given due consideration in the deliberations and decision-making process of the Ogunquit ~~Planning Board~~Planning Board.

7.1.12 Before the ~~Planning Board~~Planning Board grants approval of the final plan, the applicant shall file with the municipal treasurer either a certified check, bond letter of credit or other surety to cover the full cost of the required improvements. Any such surety, such as a letter of credit, performance bond, or other development agreement shall be satisfactory to the Board of ~~Selectmen~~Select Board, the Town Manager, and the ~~Director of Codes and Planning~~municipal attorney as to form, sufficiency, manner of execution, and ease of management. The surety shall clearly indicate a period of time of at least one (1) year within which required improvements must be completed, with an option for renewal by the ~~Board of Selectmen~~Select Board should the project not be completed with the specified time period. The certified check, bond, or other surety, shall include an amount required for recreation land or improvements as specified. The applicant shall present a copy of the receipt from the town treasurer for the certified check, or a letter from the Town Manager indicating approval of the surety, before the ~~Planning Board~~Planning Board grants approval of the final plan.

7.1.13 Within ~~thirty-Forty Five~~ days from the public hearing or within sixty days of receiving a complete application, ~~if no hearing is held~~, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

Formatted: Not Highlight

## 7.2 Inspection of Required Improvements

7.2.1 At least five (5) days prior to commencing construction of required improvements, the applicant shall notify the ~~Director of Codes and Planning~~Code Enforcement Officer, in writing, of the time when he or she proposes to commence construction of such improvements. ~~The Director of Codes and Planning or his/her designee shall, so that the Board of Selectmen~~ can cause inspection to be made to assure that all municipal specifications and requirements ~~will~~shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the ~~Planning Board~~Planning Board.

7.2.2 If the ~~Code Enforcement Officer~~Director of Codes and Planning shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he shall so report to the ~~Board of Selectmen~~Select Board and ~~Planning Board~~Planning Board. The ~~Select Board of Selectmen~~ shall then notify the applicant and if necessary, the company or agency backing the surety, and take all necessary steps to preserve the municipality's rights under the surety. ~~No plan shall be approved~~ reviewed by the Planning Board as long as the applicant is in default on a previously approved plan.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

- 7.2.3 If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the ~~Code Enforcement Officer~~ Director of Codes and Planning that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the ~~Code Enforcement Officer~~ Director of Codes and Planning may, upon approval of the ~~Planning Board~~ Planning Board, authorize modifications provided these modifications are within the spirit and intent of the ~~Planning Board~~ Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvement required by the Board. The ~~Director of Codes and Planning~~ Code Enforcement Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the ~~Planning Board~~ Planning Board at its next regular meeting.
- 7.2.4 The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

### 7.3 Submissions.

- 7.3.1. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches, ~~in size, and shall have a margin of two inches outside of the borderline on the left side for binding and a one inch margin outside the border along the remaining sides.~~ Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable-based 20# white paper ~~transparency~~ to be recorded at the Registry of Deeds, and fifteen full size paper copies of the plan shall be submitted.

Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled ~~Planning Board~~ Planning Board meeting in order to be placed on the Board's agenda.

- 7.3.2. The final plan shall include or be accompanied by the following information.
- 7.3.2.1 Completed Final Plan Application Form and Final Plan Application Submissions Checklist
- 7.3.2.2 Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- 7.3.2.3 The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- 7.3.2.4 An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
- 7.3.2.5 An indication of the type of water supply system(s) to be used in the subdivision.

- 7.3.2.5.1 When water is to be supplied by an existing public water supply, a written statement from the ~~servicing~~ water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
- 7.3.2.5.2 When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
- 7.3.6 The date the plan was prepared, north ~~point~~arrow, graphic map scale.
- 7.3.7 The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- 7.3.8 The location of any zoning boundaries affecting the subdivision.
- 7.3.9 If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- 7.3.10 The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- 7.3.11 The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a ~~Professional registered~~ land surveyor. The original reproducible plan shall be embossed with the seal of the ~~registered Professional~~ land surveyor and be signed by that individual.
- 7.3.12 Street plans, meeting the requirements of Article 10.
- 7.3.13 A storm water management plan, prepared by a ~~Licensed registered~~ professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (most recent version), ~~(1995)~~. The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- 7.3.14 An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, ~~most recent version, March 1994~~. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed

subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

- 7.3.15 If applicable, the location of any streets, public improvements, or open spaces shown in the comprehensive plan or capital improvements program, that fall within the boundaries of the proposed subdivision.
- 7.3.16 All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the ~~Board of Selectmen~~Select Board are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- 7.3.17 The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- 7.3.18 Evidence that the applicant has the financial and technical capacity to implement the project.
- 7.3.19 The location and method of disposal for land clearing and construction debris.

#### 7.4 Final Approval and Filing

- 7.4.1 Upon the granting of final approval pursuant to sec. 7.1.13 above, the plan shall be signed by ~~a majority of the those~~ Members of the ~~Planning Board~~Planning Board who voted on the final plan approval. -Requisite numbers of signed copies shall then be filed by the applicant at the York County Registry of Deeds (YCRD). After filing at the YCRD, the applicant shall submit to the Ogunquit Land Use Office and Tax Assessor's Office, paper copies of the plan filed at the YCRD that shows the YCRD recording marks and the YCRD book and page number. Any subdivision not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the ~~Planning Board~~Planning Board as herein provided, shall become null and void.
- 7.4.2 At the time the ~~Planning Board~~Planning Board grants final plan approval, it may permit the plan to be divided into two (2) or more ~~sections~~phases subject to any conditions the Board deems necessary in order to insure the orderly development of the plan. The applicant may file a section of the approved plan with the Municipal Tax Assessor and the Registry of Deeds if said section constitutes at least ten (10) percent of the total number of lots contained in the approved plan. In these circumstances, plan approval of the remaining sections of the plan shall remain in effect for three (3) years or a period of time mutually agreed to by the Municipal Officers, ~~Planning Board~~Planning Board and the subdivider.

#### 7.5 Plan Revisions After Approval

7.5.1 No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the ~~Planning Board~~Planning Board and endorsed in writing on the plan, unless the plan is first resubmitted and the ~~Planning Board~~Planning Board approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void and the Board shall institute proceedings to have the plan stricken from the records of the Municipal Tax Assessor and the Registry of Deeds.

#### **7.6 Public Acceptance of Streets, Recreation Areas**

7.6.1 The approval by the ~~Planning Board~~Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement or other open space shown on such plan.

7.6.2 When a park, playground or other recreation area shall have been shown on the plan, approval of the plan shall not constitute an acceptance by the municipality of such area. The ~~Planning Board~~Planning Board shall require the plan to be endorsed with appropriate notes to this effect. The ~~Planning Board~~Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

**ARTICLE 8 ENFORCEMENT**

- 8.1 No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein, shall hereafter be filed or recorded in the Registry of Deeds until a final plan thereof shall have been approved by the ~~Planning Board~~Planning Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such final plan by the ~~Planning Board~~Planning Board.
- 8.2 No person, firm, corporation or other legal entity may convey, offer or agree to convey land in a subdivision which has not been approved as required by ~~this section-these regulations~~ and shall be punished by a fine of not more than ~~\$1,000.00-the recommended penalty described in MRS 30-A 4452. for each such conveyance, offering or agreement.~~The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of ~~these regulations,this section.~~
- 8.3 No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the ~~Planning Board~~Planning Board.
- 8.4 Not only is making a subdivision without ~~Planning Board~~Planning Board approval a violation of the law, but also within such a subdivision is grading or construction of roads, grading of land or lots or construction of buildings until such time as a final plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and enforced as provided in these standards and until the original copy of the final plan so approved and endorsed has been duly recorded in the York County Registry of Deeds.

## **ARTICLE 9 GENERAL REQUIREMENTS**

### **9.1 Purpose**

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

### **9.2 Subdivision Plan Shall Conform to Comprehensive Plan**

9.2.1 Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

### **9.3 Relationship of Subdivision to Community Service**

9.3.1 Any proposed subdivision may be reviewed by the Board with respect to its effect upon existing services and facilities. The final plan shall include a list of the construction items that will be completed by the developer prior to the sale of the lots and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to, schools, including busing; road maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; runoff water, disposal drainage ways and/or storm sewer enlargement with sediment traps.

9.3.2 The board may further require the developer of a subdivision to provide accurate cost estimates to the Town for the above services and the expected tax revenue of the subdivision.

### **9.4 Retention of Proposed Public Sites and Open Spaces**

9.4.1 Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10%) percent of his total area for recreation. It is desirable that areas reserved for recreation be at least five (5) acres in size and easily accessible from all lots within the subdivision.

9.4.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or play field, should be relatively level and dry and have a total frontage on one (1) or more streets of at least two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

9.5 **Preservation of Natural and Historic Features**

9.5.1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (6" or more), the replacement of trees and vegetation, with native species graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

9.6 **Land Not Suitable for Development**

9.6.1 The Board shall not approve for development such portions of any proposed subdivision that:

9.6.1.1 Are situated below sea level.

9.6.1.2 Are located within the one hundred (100) year frequency flood plain as identified by an authorized Federal or State agency or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey, unless the applicant shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two (2) feet above the one hundred (100) year frequency flood. Elevation not to include filled or made land or if the applicant presents material which ensure:

1. That proposed developments are consistent with the need to minimize flood damage;
2. That all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage;
3. That adequate drainage is provided so as to reduce exposure to flood hazards;
4. That new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water and require that on-site waste disposal systems be located so as to avoid impairment of them or contamination form them during flooding; and
5. That construction within the one hundred (100) year flood plain conforms to the U.S. Army Corps of Engineers Flood Proofing Regulations.

Formatted: No underline

9.6.1.3 Are located on land which must be filled or drained or on land created by diverting a water-course, except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural

bodies of water ten (10) acres or more in size).

9.6.1.4 Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land Use Planning in Maine (as revised in February, 1975 most recent version).

Where soils are rated fair for septic sewage disposal, the minimum area of that soil shall be forty thousand (40,000) square feet.

#### 9.7 Blocks

~~9.7.1 In blocks exceeding eight hundred (800) feet in length, the Planning Board may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide footpath be included. The Planning Board shall require the subdivider to provide for the proper maintenance of any such easement.~~

#### 9.7.8 Lots

9.7.8.1 The lot's size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Land that is not suitable for development, that is required to be subtracted from lot areas by the definition of "Net Residential Area" in Article 2 of the Zoning Ordinance, shall not be included in the calculation of the lot areas.

9.7.8.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

9.7.8.3 The subdividing of the land shall be such as to provide that all lots shall have the minimum street frontage as per the Ogunquit Zoning Ordinance.

9.7.8.4 Double frontage lots and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages or topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

9.7.8.5 Side lot lines shall be substantially at right angles or radial to street lines.

9.7.8.6 Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit or prohibit future resubdivision in accordance with the requirements contained in these standards.

9.7.8.7 If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirement lot size, it may not be combined with a lot on the other side of the

stream, tidal water or road to meet the minimum lot size of these standards or for the purposes of on-site disposal.

9.87.8 Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than 5:1.

#### 9.89 Easements for Natural Drainage Ways

9.89.1 Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

#### 9.94 Utilities

9.94.1 The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

9.94.2 Utilities shall be installed underground except as otherwise approved by the Board.

9.94.3 Utilities shall be installed in a timely manner during street construction so as to prevent re-excavation of the finished street.

#### 9.104 Additional Requirements

9.104.1 Street trees, esplanades and open green spaces may be required at the discretion of the ~~Planning Board~~ Planning Board. Where such improvements are required, maintained and replaced for a period of one (1) year from planting, they shall be incorporated in the final plan and executed by the subdivider as construction of the subdivision progresses.

9.104.2 The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip of at least twenty (20) feet planed with appropriate shrubbery between abutting properties that are so endangered.

#### 9.112 Required Improvements

9.112.1 The following are required improvements: monuments, street signs, streets, sidewalks (when appropriate), water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

#### 9.122.2 Monuments

9.122.2.1 Permanent monument shall be set at all corners and angle points of the subdivision boundaries and at all street intersections and point of curvature.

9.122.2.2 Monuments shall be stone or granite located in the ground at final grade level and indicated on the final plan. The minimum monument size shall be four (4) inches square at the top and three (3) feet in length. After they are set, drill holes, a half an inch (1/2) deep, shall locate the point or points described above.

### 9.13+2.3 **Water Supply**

9.13+2.3.1 A public water supply system with fire hydrants shall be installed at the expense of the subdivider or, if in the opinion of the Board, service to each lot by a public water system is not feasible, the Board may allow individual wells to be used.

9.13+2.3.2 The subdivider shall demonstrate by actual test or a signed affidavit from an authorized representative of the servicing water company that water meeting Public Health Service, Drinking Water Standards, (Most Recent Version)+962 can be supplied to the subdivision at the rate of at least three hundred fifty (350) gallons per day per dwelling unit and at an adequate pressure for fire fighting purposes.

9.13+2.3.3 Storage shall be provided as necessary to meet peak domestic demands and fire protection needs.

9.13+2.3.4 The subdivider shall demonstrate in the form of signed affidavits from the servicing water company or by engineering reports prepared by a civil engineer registered-Licensed in the State of Maine that the proposed subdivision will not result in an undue burden on the source, treatment facilities or distribution system involved or provide adequate assurance that such source, treatment facility or distribution system will be modified to meet the expanded needs.

9.13+2.3.5 The minimum water main permitted shall be eight (8) inches and shall be installed at the expense of the subdivider.

9.13+2.3.6 The water supply system shall be designed and installed in accordance with requirements of the Maine Department of Human Services.

~~9.12.3.7 Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other ground water sources.~~

9.13.7+2.3.8 If a central water supply is provided by the subdivider, location and protection of the source and design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the Manual for Evaluating Public Drinking Water Supplies, Public Health Service No. 1180 (Most Recent Version)(+969).

9.13+2.4 **Sewage Disposal**

9.13+2.4.1 A sanitary sewer system shall be installed at the expense of the subdivider or, if in the opinion of the Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used. In no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning Maine (Most Recent Version) as revised February, 1975.

9.13+2.4.2 A developer shall submit plans for sewage disposal designated by a professional civil engineer ~~registered~~ licensed in the State of Maine in full compliance with the requirements of the State of Maine Plumbing Code and/or Department of Environmental Protection.

9.13+2.4.3 Where a public sanitary sewer line is located within one thousand five hundred (1,500) feet of a proposed subdivision at its nearest point, the subdivider shall connect into such sanitary sewer line with a main not less than eight (8) inches in diameter, provided the appropriate municipal agencies certify that extending the services will not be a burden to the system.

9.14+2.5 **Surface Drainage and Storm Water Management** (~~Amended April 3, 2000~~)

9.14+2.5.1 Where a subdivision is traversed by a water course, drainage way or future sewer line or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and other property owners, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over other properties of such nature, width and location as the Board ~~of municipal engineer~~ deems adequate.

9.14+2.5.2 The developer shall provide a statement from a civil engineer, licensed ~~registered~~ in the State of Maine, that the proposed subdivision or site plan will not create erosion, drainage or runoff problems either in the subdivision or site plan or other properties. The developer shall submit a surface drainage plan showing ditching, culverts, easements and other proposed improvements. Adequate provisions shall be made to manage any storm water flows generated by a development. All development subject to subdivision and/or site plan review shall meet the following standards for storm water management.

1. Storm water shall be detained on the site using the natural features of the site to the greatest extent possible.

2. The rate of storm water flows from the site after development shall not exceed the predevelopment rate of storm water flow from the site unless the applicant can demonstrate, through engineering studies, that no negative impact on down gradient drainage facilities due to increased storm water runoff rates from a site will result.
3. The quality of the storm water flows off site shall be addressed. Retention of the first one-half (1/2) inch of runoff from a storm event for twenty-four (24) hours or other storm water quality improvement measure shall be necessary to minimize or eliminate sediments and other contaminants, including, but not limited to domesticated animal offal, from the storm water leaving the site.
4. In addition to any other applicable requirements of this Ordinance, any development which would require a storm water management permit from the Maine Department of Environmental Protection (DEP) under 389 MRSA 420-D shall comply with rules adopted by DEP pursuant to the statute. ~~(1 thru 4~~  
Adopted April 3, 2000)(Most Recent Version)

~~9.12.5~~14.3 Topsoil shall be considered part of the subdivision. Except for surplus from roads, parking areas and building excavations, it is not to be removed from the site.

~~9.12.5~~14.4 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

~~9.14~~2.5.5 To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline and extending thirty-five (35) feet inland from all points along the normal high water mark shall be limited in accordance with the following provisions:

1. No more than thirty (30) percent of the length of the strip shall be clear-cut to the depth of the strip.
2. Cutting of this thirty (30) percent shall not create a clear-cut opening in this strip greater than thirty (30) feet wide for ~~every one~~every one hundred (100) feet of shoreline.
3. In the remaining seventy (70) percent length of the strip, cutting shall leave sufficient cover to preserve natural beauty and control erosion.

~~9.13~~ **Dwelling Size**

~~No dwelling unit shall provide less than six hundred fifty (650) square feet of habitable floor space.  
(Adopted April 2, 1988)~~

## ARTICLE 10 STREET DESIGN AND CONSTRUCTION STANDARDS

### 10.1 General Procedures and Requirements

10.1.1 The ~~Planning Board~~ Planning Board shall not approve any subdivision plan unless proposed street(s), whether they are to be offered to the public for acceptance or to remain private, are designed and constructed in accordance with all State and local ordinances as well as the specifications contained in these regulations. When provisions or standards herein specified are more restrictive than zoning or other ordinances, these standards and requirements shall apply, but in any case, the most rigid requirement of either this standard, the zoning or other ordinance shall apply whenever they may be in conflict. Final subdivision approval by the ~~Planning Board~~ Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of acceptance by the municipality or any street, easement or other open space.

10.1.2 Subdividers shall submit to the ~~Planning Board~~ Planning Board, as part of an integral part of the plot plan and application for subdivision approval, the following information:

1. Applicant's name, address, telephone number, signature and date;
2. Names of the owners of record of the land upon which the proposed street is located;
3. A statement of any legal encumbrances on the land upon which the proposed way is located;
4. The anticipated beginning and ending dates of each major phase of street construction; and
5. A plan view, centerline view and typical cross section view of the proposed street(s).

#### 10.1.3 Plans

The plans and illustrations submitted as part of the application shall include the following information.

1. The date and scale of the plan;
2. The direction of TRUE north;
3. The beginning and ending points with relation to accepted town ways and any planned or anticipated future extensions of the streets proposed for acceptance. (All terminal points and the centerline alignment shall be identified by survey stationing.);
4. The roadway and roadway limits with relation to existing buildings and established landmarks;

5. Dimensions, both linear and angular, necessary for locating subdivisions, lots, easements and building lines;
6. The lots as laid out and numbered on the proposed street showing the names of all owners of abutting property;
7. All natural waterways and watercourses in or on land contiguous to the proposed street;
8. The kind, size, location, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and/or watercourses;
9. Complete curve data shall be indicated for all horizontal and vertical curves;
10. The turning radii at all intersections;
11. All centerline gradients;
12. The limits and locations of all proposed sidewalks and curbing;
13. The location of all existing and proposed overhead and underground utilities to include, but not be limited to, the following: public water supply systems, sanitary sewer system, electric power line poles or underground vaults, telephone line poles or underground vaults, fire hydrants, street lights, fire alarm boxes; and
14. Such other information as may be required by the ~~Planning Board~~ Planning Board as may be deemed essential for proper evaluation and action.

10.1.4 Upon receipt of an application for subdivision approval which includes proposed streets, the ~~Planning Board~~ Planning Board shall confirm, in writing, the classification of the proposed streets. ~~The streets~~ The Public Works Director shall comment and confirm the proposed street classification based on the plan. ~~In addition, the commission of said application and its classification shall request a review and comment on the proposed street plan.~~

10.1.5 In addition to other fees for subdivision reviews, a fee is herein established to partially defray the cost of technical, legal and administrative services required for the review, processing and inspection of roads and streets. This fee is to be paid by the developer to the Town Clerk at the time of his application for road and street construction.

## 10.2 Street Classification Definitions

### 10.2.1 Arterial Street

An arterial street shall be defined as a major thoroughfare which serves as a major traffic way for travel between and through a town.

### 10.2.2 Collector Street

A collector street shall be defined as a street servicing at least fifteen (15) units of residential development or streets which serve as feeders to arterial streets and collectors of traffic from minor streets.

### 10.2.3 Local Residential Street

A local residential street shall be defined as a street servicing less than fifteen (15) units of Residential development.

### 10.2.4 ~~Planning Board~~ Planning Board Determination

The classification of a proposed street shall be made by the ~~Planning Board~~ Planning Board after its consideration of land use or a Comprehensive Plan adopted by the town. Said determination may be made by the ~~Planning Board~~ Planning Board prior to the formal application after submission of all information that may be required for that purpose.

## 10.3. Street Design Standards

10.3.1 Design standards shall be defined as paved streets with such appurtenances as curbs, esplanades, paved sidewalk(s), ditches, culverts, under drain and/or storm water drainage systems. All proposed streets shall be designed and constructed to meet the design standards of this section.

10.3.1.1 Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of the preliminary plan.

10.3.1.2 All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.

10.3.1.3 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety and their appropriate relation to the proposed use of the land to be served by such street. Grades of streets shall conform as closely as possible to the original topography.

- 10.3.1.4 In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot side easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
- 10.3.1.5 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the ~~Planning Board~~ Planning Board.
- 10.3.1.6 In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits right-of-way and/or pavement, widths shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.
- 10.3.1.7 Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- 10.3.1.8 Where a subdivision or limited access highway borders on or contains a railroad right-of-way or limited access highway, the ~~Planning Board~~ Planning Board may require a street approximately parallel to and on each side of such right-of-way as applicable, at a distance suitable for the appropriate use of the intervening land as for park purpose in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
- 10.3.1.9 Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the plan, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the plan when a proposed widening or realignment is shown on the official map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.
- 10.3.1.10 Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (streets parallel to arterial streets providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line or such other treatment(s) as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 10.3.1.11 Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the official map as

such exists or streets on an approved subdivision plan for which a bond has been filed.

10.3.2 The following design standards apply according to street classification:

<u>DESCRIPTION</u>	<u>TYPE OF STREET</u>		
	<u>Arterial</u>	<u>Collector</u>	<u>Local Residential</u>
Minimum right-of-way width	68'	50'	50' (Amended 6/11/02)
Minimum pavement width	40'	24'	20' (Amended 6/11/02)
Minimum Sidewalk width	5'	5'	4'
Minimum grade	0.5%	0.5%	0.5%
Maximum grade	6.0%	6.0%	6.0%
Minimum centerline radius	800'	230'	150'
Minimum tangent between curves of reverse alignment	300'	200'	100'
Maximum Roadway crown	1/4"/foot	1/4"/foot	1/4"/foot
Minimum Roadway crown	1/8"/foot	1/8"/foot	1/8"/foot
Minimum angle of street intersections (see Note below)	90 degrees	90 degrees	90 degrees
Maximum Grade at intersections (within 75' of intersection)	2%	2%	2%
Curb radii at intersection 90 degrees	30'	20'	15'
Minimum property line radii at intersection	20'	10'	10'
Minimum width of shoulders (each side)	3'	3'	3'
Minimum sight distance	250'	200'	150'

**NOTE:** Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one street approaches another between sixty and ninety (60-90) degrees, the former street should be curved approaching the intersection.

### 10.3.3 Centerline

The centerline of the roadway shall be the centerline of the right-of-way.

### 10.3.4 Dead End Streets

Dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii of the turn-around at the terminus of the dead end: property line/right-of-way – 65', outer edge of pavement – 50'. The maximum length of a dead end street, including the cul-de-sac, shall be 1000 feet.

### 10.3.5 Grades, Intersections and Sight Distances

10.3.5.1 Grades of all streets shall conform in general to the terrain and shall not be less than one-half (1/2) of one percent, nor more than five (5) percent for arterial, industrial and commercial streets, six (6) percent for collector streets or six (6) percent for minor streets in residential zones, but in no case, more than two (2) percent within fifty (50) feet of any intersection.

10.3.5.2 All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the ~~Planning Board~~ Planning Board so that clear visibility shall be provided for distances specified in paragraph 10.3.2, Minimum Sight Distances.

10.3.5.3 Cross (four (4) cornered) street intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

10.3.5.4 Street intersections and curves shall be so designed as to permit adequate visibility for pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level two (2) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

### 10.3.6 Sidewalks

Sidewalks where installed shall meet the minimum requirements as set forth herein.

10.3.6.1 Bituminous Sidewalks

1. The gravel aggregate sub-base course shall be not less than twelve (12) inches in thickness;
2. The crushed aggregate base course shall be not less than two (2) inches in thickness; and
3. The hot bituminous pavement surface course shall be not less than two (2) inches in thickness, after compaction.

10.3.6.2 Portland Cement Concrete Sidewalks

1. The sand base shall be not less than six (6) inches in thickness; and
2. The Portland Cement Concrete shall be reinforced with six (6) inch square, number ten (10) wire mesh and shall be not less than four (4) inches in thickness.

10.3.6.3 Curbing

Curbing shall be quarried granite, bituminous concrete or cement, with a minimum height of six inches, and shall be installed on a thoroughly compacted gravel base of six (6) inches minimum, except bituminous curbing shall be installed on a three (3) inch thick bituminous pad.

10.4 **Street Construction Standards**

10.4.1 Minimum thickness of materials after compaction:

**STREET MATERIALS**

**MINIMUM REQUIREMENTS**

	<u>Arterial</u>	<u>Collector</u>	<u>Local Residential</u>
Aggregate sub-base course (Maximum sized stone – 4")	18"	18"	18"
Crushed aggregate base course	4"	3"	3"
Hot bituminous pavement (after compaction)			
Total thickness (after compaction)	3 ¼"	2 ½"	2 ½"
Surface course (after compaction)	1 ½"	¾"	¾"

Base course (after compaction)                      1 ¾"                      1 ¾"                      1 ¾"

Hot bituminous pavement conforming to the standards set herein shall be used on all streets within the Town or village centers and on all arterial roadways. Hot bituminous pavement also shall be used on heavily trafficked streets, through streets and where deemed necessary by the ~~Planning Board~~Planning Board. Liquid asphalt may be used in more rural areas where the traffic volume is low and where through traffic is minimal. The final determination of the paving shall be made by the ~~Planning Board~~Planning Board.

#### 10.4.2 Preparation

- 10.4.2.1 Before any clearing has started on the right-of-way, the center line of the new road shall be staked and side staked at fifty (50) foot intervals. Limits of clearing shall be marked by stakes or flagging distances from the center line shall be obtained from the cross sections.
- 10.4.2.2 Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable material. All ledge, large boulders and tree stumps shall be removed from the right-of-way.
- 10.4.2.3 Tree stumps and other organic materials shall be removed to a depth of two (2) feet below the subgrade of the roadway. Soils which are designated as being poor or very poor for road fill by the Soil Suitability Guide for Land Use Planning in Maine, as revised February, 1975 (Most recent version) shall be removed from the street site to a depth of two (2) feet below the subgrade and shall be replaced where necessary with soils listed by the Soil Suitability Guide as being good or fair for road fill.
- 10.4.2.4 Side slopes shall not be steeper than a slope of three (3) feet horizontal to one (1) foot vertical, graded, fertilized and seeded. Planting strips to be lined at the rate of ten (10) pounds of a 10-10 fertilizer per one hundred (100) square feet or equivalent and seeded with a conservation mix meeting the standards of the York County Soil and Water Conservation District.

#### 10.4.3 Bases and Pavements

##### 10.4.3.1 Bases

- 1. Aggregate sub-base course – Gravel aggregate sub-base shall not contain particles of rock exceeding four (4) inches in any dimension; and

2. Aggregate base course – Crushed aggregate base shall not contain particles of rock that will not pass the two (2) square sieve.

#### 10.4.3.2 Pavement Joints

Where pavement placed joins existing pavement, the existing pavement shall be along a smooth line and to a neat, even, vertical joint.

#### 10.4.3.3 Curbs and Gutters

1. Street curbs and gutters shall be installed as required by the ~~Planning Board~~Planning Board; and
2. Curbs shall be vertical except when sloped curbs are specifically allowed by the ~~Planning Board~~Planning Board.

### 10.5 **Storm Drainage Design Standards**

10.5.1 Adequate provision shall be made for disposal of all storm water collected in streets and areas tributary to the street system and underground water through ditches, culverts, under drain and/or storm water drainage systems.

10.5.1.1 All storm water systems shall be designed to meet the criteria of a twenty five (25) ← ~~year~~ storm based on rainfall data from Weather Bureau records in Portland.

Formatted: Indent: Left: 0", Hanging: 1.75", Tab stops: Not at 2"

10.5.1.2 Appropriate conveyances for outlets to drainage systems must be provided. Asphalt coated steel culverts and asphalt coated steel pipes or equivalent shall be used where drainage is required.

10.5.1.3 In any case, the minimum pipe size for any storm drainage pipe shall be twelve (12) inches. Catch basins of an appropriate size and type shall be installed where necessary and shall be located generally at the curb line. Catch basins shall be placed away from the line of traffic flow, however, shall be adequate to design and strength to accommodate vehicle traffic.

10.5.2 Upstream drainage shall be accommodated by an adequately size system for ~~existing~~ conditions and future potential development in the upstream drainage area or areas tributary to the proposed town way. The adequacy of the proposed system(s) shall be determined by the ~~Planning Board~~Planning Board.

10.5.3 Existing or future downstream drainage requirements shall be studied to determine the effect of proposed drainage. The applicant shall demonstrate to the satisfaction of the Planning Board that the storm drainage will not, in any way, ~~overload~~ existing or future storm drainage systems downstream from the proposed street.

10.5.4 Where open ditches, channels, streams or natural drainage courses are used either to collect or discharge storm water, adequately sized perpetual easements shall be provided and appropriate erosion control measures taken. No storm water will be permitted to drain across a street or across an intersection.

**10.5.5 Under Drainage Systems**

Where subsurface solids are of the nature to require an under drainage system, under drains shall be installed and discharged not to degrade the environment.

10.5.5.1 An under drainage system shall be installed to properly drain all springs or areas where the ground water level is too high and would cause a hazard to the stability of the roadway base.

**10.6 Storm Drainage Construction Standards**

10.6.1 All material used for storm drainage construction shall be in conformity with State of Maine Specifications for Highways and Bridges, most recent version. In addition, the quality of storm water flows off the street shall be addressed. Retention of the first half (1/2) inch from a storm event for twenty-four (24) hours by an oil and gas separator catch basin (properly maintained) or other storm water quality improvement measures may be necessary, as determined by the ~~Planning Board~~ Planning Board, to minimize or eliminate sediments, hydrocarbons or other contaminants from the storm water leaving the right-of-way. Whenever possible, Low Impact Development Standards (LID) shall be incorporated into the site design.

Formatted: Indent: Left: -0.25", Hanging: 1.25", Tab stops: Not at 1.75"

**10.6.2 General Construction Requirements**

10.6.2.1 Trenching shall be accomplished in accordance with all appropriate State and federal safety requirements.

10.6.2.2 Drain alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drainage is obtained in writing from the ~~Planning Board~~ Planning Board.

10.6.2.3 Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. In straight runs, manholes shall be placed at a maximum of four hundred (400) feet intervals.

10.6.2.4 When necessary, outlets shall be terminated in an end wall or concrete construction or shall be rip-rapped to prevent erosion or other appropriate

measures taken. Facilities for energy dissipation shall be provided where necessary.

## 10.7. Additional Improvements and Requirements

### 10.7.1 Erosion Control

Procedures shall be undertaken, both during preparatory, construction and cleanup stages to prevent soil erosion and water pollution. A plan shall be prepared meeting the standards of the York County Soil and Water Conservation District.

### 10.7.2 Cleanup

Following street construction, the developer and contractor shall conduct a thorough cleanup of stumps and other debris from the entire road or street right-of-way.

### 10.7.3 Street Name, Street Signs, Street Lights

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the ~~Planning Board~~Select Board. Street name signs shall be furnished and installed by the developer. The type, size and location shall be subject to the approval of the ~~Planning Board~~Planning Board. Street lighting shall be installed as required by the ~~Planning Board~~Planning Board.

10.7.4 A residential neighborhood, development or subdivision with clearly defined geographical boundaries may have on (1) sign located at the primary entrance not to exceed twelve (12) square feet. ~~(Adopted November 6, 2001)~~(Most Recent Version)

## 10.8 Design and Construction Plans

10.8.1 Plans and illustrations submitted in accordance with Section 10.2.3 (Plans) shall be designed and prepared by a ~~professional~~-civil engineer licensed registered in the State of Maine. No construction will be permitted until the ~~Planning Board~~Planning Board has approved the ~~plans~~the plans. No lot in a subdivision may be sold, leased or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these standards up to and including that lot.

10.8.2 Utilities, where available, shall be installed prior to the street construction phase so as to avoid re-excavation of the finished street.

10.8.3 Prior to the commencement of each major phase of construction, the ~~Code Enforcement Officer~~Director of Codes and Planning shall be notified.

10.8.4 Upon completion of street construction and prior to a vote by the ~~Board of Selectmen~~Select Board to submit a proposed town way to a Town Meeting, a written certification signed by a ~~professional Civil Engineer registered/licensed~~ in the State of Maine shall be submitted to the ~~Board of Selectmen~~Select Board, at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements set forth herein.

**10.9 Performance Bond or Surety**

10.9.1 Pursuant to the procedures set forth in section 7.1.11, prior to the time of the approval of the final plan application, the applicant shall tender either a certified check payable to the Town, or other such surety or performance bond payable to the Town in the amount of one hundred (100) percent of the cost of streets, and completing all grading, paving, storm drainage and utilities specified in the application.

10.9.2 Prior to the release of such check, bond or other surety, the ~~Planning Board~~Planning Board shall determine to its satisfaction, in part by the written certification required pursuant to Section 10.8.4, that the proposed street and any other improvements meet or exceed the design and construction requirements set forth in the application and this ordinance.

#### ARTICLE 11 RELEASE OF PERFORMANCE BOND OR SURETY

- 11.1 Before a subdivider may be released from any obligation required by this guarantee of performance, the Board shall require certification from the ~~Director of Codes and Planning or Planning~~ Director of Codes and Planning or ~~Municipal Engineer or~~ appointed licensed engineer and whatever other agencies and departments that may be involved to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinance.

#### ARTICLE 12 WAIVERS OF SUBMISSIONS OR REVIEW STANDARDS

- 12.1 Where the ~~Planning Board~~ Planning Board finds that unnecessary hardships may result from strict compliance with the required application submissions or where there are special circumstances of a particular plan, upon written request of the applicant, the Board may waive application submissions so that substantial justice may be done and that the public interest be secure, provided that such waivers will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Zoning Ordinance.
- 12.2 Where the ~~Planning Board~~ Planning Board finds that unnecessary hardships may result from strict compliance with particular review standards, or that due to special circumstances of a particular plan, the provision of certain required improvements or compliance with particular review standards is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, upon written request of the applicant, the Board may waive compliance with such review standards, subject to appropriate conditions, provided that such waivers will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Zoning Ordinance.

#### ARTICLE 13 APPEALS

- 13.1 Any appeal from an action of the ~~Planning Board~~ Planning Board in administering the provisions of these regulations shall be made to the Superior Court in accordance with state law.

#### ARTICLE 14 SEVERABILITY AND EFFECTIVE DATE

- 14.1 The invalidity of any provision of these regulations shall not invalidate any other part.
- 14.2 These regulations shall take effect immediately on adoption of the same by the ~~Planning~~ Planning Board.

**Appendix**  
**Maine Revised Statutes Annotated**

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the Second Special Session of the 122nd Legislature, which adjourned July 30, 2005, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

**Title 30-A, §4401, Definitions**

\* \* \* \* \*

**4. Subdivision.** "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. ~~{2001, c. 651, §51-3 (am.) .}~~

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

~~{2001, c. 359, §1 (am.) .}~~

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

~~{1989, c. 104, Pt. A, §45 and Pt. C, §10 (new) .}~~

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

~~{2001, c. 651, §1 (am.) .}~~

D.

~~{2001, c. 359, §2 (rp) .}~~

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

~~{2001, c. 359, §3 (new) .}~~

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

~~{2001, c. 359, §3 (new) .}~~

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

~~{2001, c. 359, §3 (new) .}~~

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a

continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

~~{2001, c. 359, §3 (new).}~~

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

~~{2001, c. 359, §3 (new).}~~

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

~~{2001, c. 359, §3 (new).}~~

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

~~{1989, c. 104, Pt. A, §45 and Pt. C, §10 (new).}~~

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

~~{1989, c. 104, Pt. A, §45 and Pt. C, §10 (new).}~~

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

~~{1989, c. 104, Pt. A, §45 and Pt. C, §10 (new); c. 497, §2 (amd).}~~

H.

~~{2001, c. 651, §2 (rp).}~~

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

- (1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or
- (2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

~~{2001, c. 651, §3 (new).}~~

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

~~{2001, c. 359, §5 (amd).}~~