

Charles L. Waite, III, Chair
Robert N. Winn, Jr., Vice Chair
John M. Daley
Richard A. Dolliver
Madeline S. Mooney



AGENDA
MEETING OF THE OGUNQUIT SELECT BOARD
TUESDAY, AUGUST 15, 2017

- 1.0 CALL TO ORDER: 6:00PM**
 - 1.1 Pledge of Allegiance
 - 1.2 Select Board Minutes - July 26, 2017
 - 1.3 Select Board Minutes - August 1, 2017
 - 1.4 Select Board Minutes - August 7, 2017

- 2.0 TOWN MANAGER'S REPORT**

- 3.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**
 - 3.1 Historic Preservation Commission - Appointment
 - 3.2 Board of Assessment Review - Resignation
 - 3.3 Zoning Board of Appeals - Reappointment

- 4.0 PUBLIC INPUT (FOLLOWING AGENDA ITEMS ONLY)**

- 5.0 PUBLIC HEARING - LICENSE APPLICATIONS**
 - 5.1 Hartwell House - Malt, Spirituous & Vinous Liquor License Renewal Application

- 6.0 PUBLIC HEARINGS & PRESENTATIONS**
 - 6.1 Year-End Interdepartmental Transfers - John Quartararo, Treasurer
 - 6.2 Year-End CIP Project Transfers - John Quartararo, Treasurer

- 7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS**
 - 7.1 Board & Committee Select Board Liaisons - Patricia Finnigan, Town Manager
Select Board Action on Board & Committee Liaisons
 - 7.2 Rules of the Select Board - Patricia Finnigan, Town Manager
Select Board Action on "Rules of the Select Board"
 - 7.3 Update of Town Committees (including Boards & Commissions) - Madeline Mooney, Select Board Member

- 8.0 ADMINISTRATIVE ITEMS - NEW BUSINESS**
 - 8.1 Amendments to Title VI - Bicycle & Pedestrian Ordinance - Jennifer Walker, Bike-Pedestrian Committee
Select Board Action on Proposed Amendments to Title VI - Bicycle Pedestrian Ordinance to be placed on the November 7, 2017 Special Town Meeting

- 8.2 Marijuana Ordinance - *Scott Heyland, Code Enforcement Officer*
Select Board Action on a Proposed Marijuana Ordinance to be placed on the November 7, 2017 Special Town Meeting Warrant
- 8.3 Shoreland Zoning Ordinance - *Scott Heyland, Code Enforcement Officer*
Select Board Action on a Proposed Shoreland Zoning Ordinance to be placed on the November 7, 2017 Special Town Meeting Warrant
- 8.4 Year-End Interdepartmental Transfers - *John Quartararo, Treasurer*
Select Board Action on the Transfer of Funds to Balance-out Department Balances as of June 30, 2017
- 8.5 Year-End CIP Project Transfers - *John Quartararo, Treasurer*
Select Board Action on the Transfer of CIP Inter-Projects Funds to Balance-out the Perkins Cove Improvement Project and to Redirect Funds from Completed Projects to New or Ongoing Projects.
- 8.6 Compact Utility Tractor Bid Award - *Patricia Finnigan, Town Manager*
Select Board Action Regarding the Award of the Bid for the Purchase of a Compact Utility Tractor for the Public Works Department

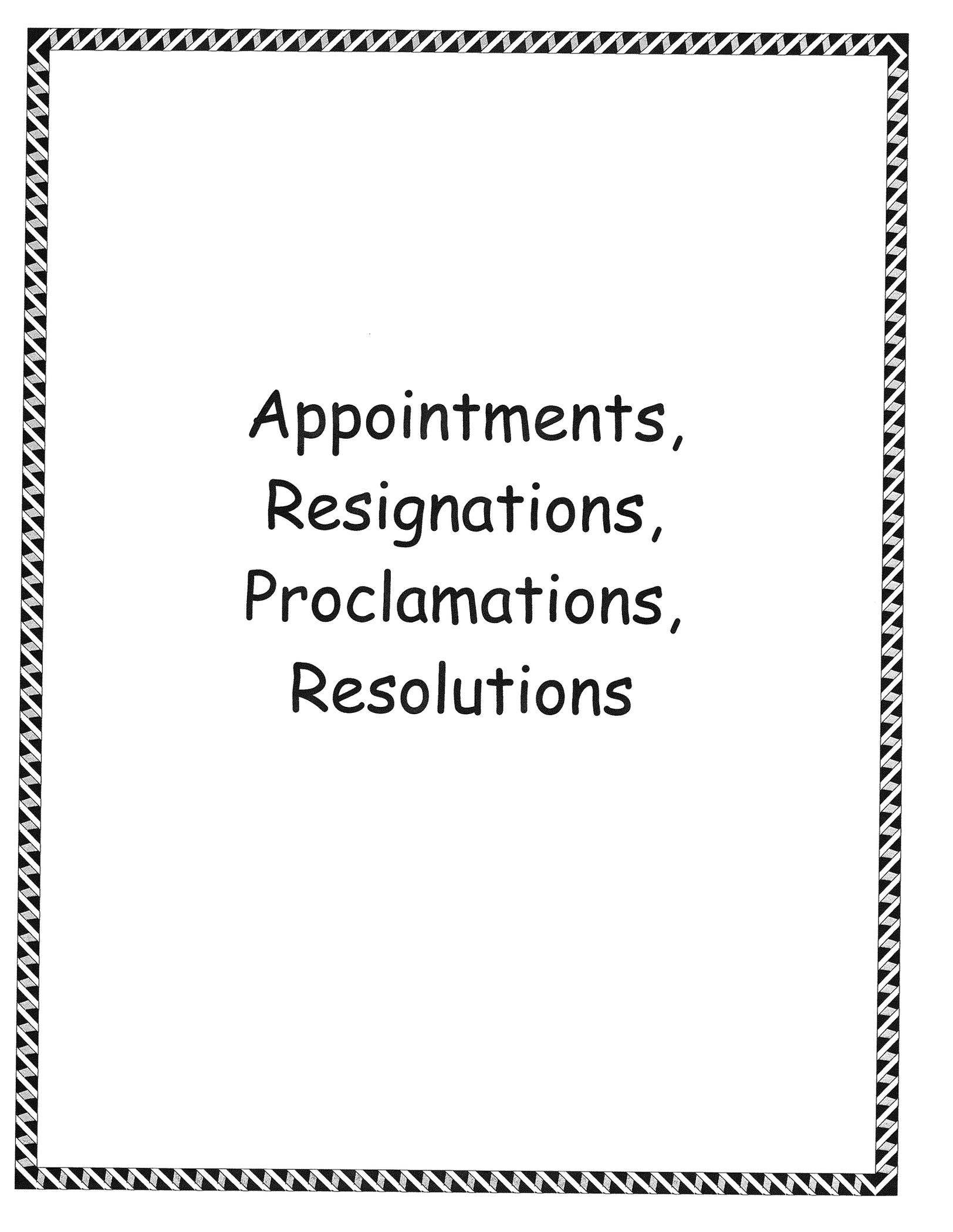
9.0 OTHER BUSINESS

10.0 MISCELLANEOUS BUSINESS - ORAL & WRITTEN COMMUNICATIONS - FOLLOW-UP

10.1 Public Input

10.2 Select Board

11.0 ADJOURNMENT



Appointments,
Resignations,
Proclamations,
Resolutions

Chairman Waite
Ogunquit Select Board

Dear Chairman Waite

I hereby tender my resignation from the Board of Assessment Review effective immediately for the reasons outlined below. I have a genuine concern that the Select Board is too closely aligned with the agenda of the Ogunquit Residents Alliance to the detriment of the town.,

Boriana Dolliver was a tireless and dedicated worker in her capacity as Chairman of the Parks and Recreation Committee and the town has benefited from her many activities . Nevertheless, and in spite of her accomplishments, she ran afoul of members of the ORA – specifically Madeline Mooney – who spearheaded a personal vendetta against her and did not support her bid for reappointment. No replacement has been appointed as yet.

This was the ORA’s response to the mailing Boriana sent out regarding converting the empty schoolhouse for use as a community center – the mailing was approved by the Town Manager. There is no stated Town policy regarding mailings. There were only three complaints received at Town Hall from people who did not receive the mailing. When Madeline questioned Boriana’s appointment, nine emails suddenly and mysteriously surfaced – eight were from the ORA Steering Committee. When Boriana was a member of ORA, Madeline Mooney rescinded her membership and returned her dues. When confronted about this illegal and unorthodox termination of her membership, Madeline backpedaled and accepted her dues. This totally unethical behavior demonstrates the lengths ORA goes to further their agendas.

ORA supporter, Bob Winn, has repeatedly demonstrated a lack of respect and lack of ethics. A cursory review of the tapes of meetings over the past two years shows him screaming at meetings, disrespecting Chair Dailey, acting Town Manager Mark O’Brian and other Select Board members. He has provided no explanation of why he recused himself during the investigation of the ex Town Manager, Tom Fortier. He violated the Town Charter by calling and involving the news media during the rat poison debacle and repeatedly denied it in spite of several witnesses testifying to the contrary. Further, he refused to go into an Executive Session about the issue and his lies were subsequently exposed at a public Select Board meeting.

It is regrettable that the current composition of the Select Board is biased toward the agenda of the ORA; this is not in the best interests of Ogunquit and ALL the residents.

Please let me know if there are any questions. Please read this letter into the minutes at the next Board meeting.

Respectfully,
Weston Elliott
75 Cedar Lane, Ogunquit

Weston S. Elliott
8/4/17

TOWN OF OGUNQUIT, MAINE
Received in the
Town Clerk's Office
on 08/09/17
at 4:00 PM

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

Rec. by CLM
Town Clerk

23 School Street, PO Box 2122, Ogunquit, Maine 03907
Telephone: (207) 646-9546 Fax: (207) 646-5920

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

New Re-Appointment Appointment from Alternate to Full Member

PLEASE ANSWER ALL QUESTIONS ON THE FORM

NAME: GLEN W. DEKATETSKY
RESIDENCE: 95 GRASSHOPPER LANE
MAILING (if different) PO BOX 1468 Ogunquit, ME 03907
E-MAIL ADDRESS gatorpomaine.rr.com PHONE: 207-590-8649

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

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

RELATED EXPERIENCE (Including other Boards/Commissions) ON BOARD

I am a: (check those that apply)

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

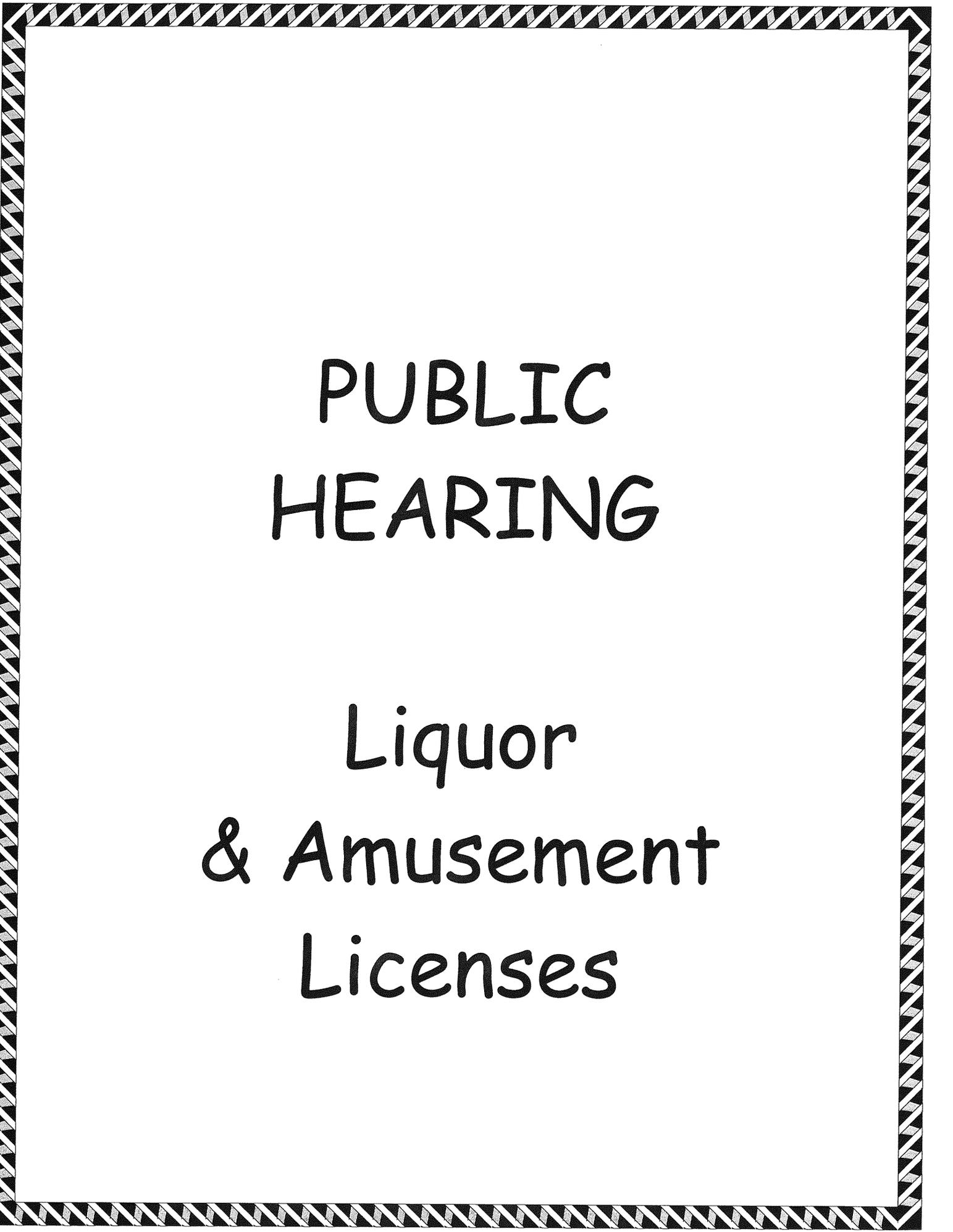
PLEASE SPECIFY REASON FOR APPLICATION TO THIS BOARD: _____

Please Circle

I have/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

8-9-17
Date



PUBLIC HEARING

Liquor
& Amusement
Licenses

OGUNQUIT

Beautiful Place by the Sea

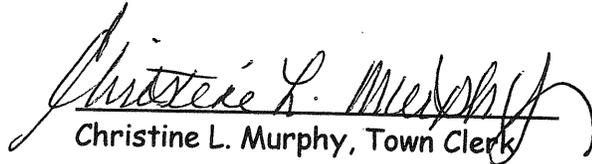
PUBLIC HEARING NOTICE

The Ogunquit Board of Selectmen will hold a Public Hearing on Tuesday, August 15, 2017, at 6:00 PM in the Auditorium of the Dunaway Community Center on School Street, Ogunquit, Maine for the following application(s):

MALT, SPIRITUOUS & VINOUS LICENSE (RENEWAL)

Hartwell House

312 Shore Road


Christine L. Murphy, Town Clerk

Posted by:


Patricia L. Arnaudin, Police Chief

Posted: August 8, 2017
Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT

OGUNQUIT

Beautiful Place by the Sea

8/2/2017
@ 9:00am

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW <input type="checkbox"/>	RENEWAL <input checked="" type="checkbox"/>	FOR THE YEAR: <u>2017</u>
CURRENT LICENSE EXPIRATION DATE: <u>8-15-17</u>		

BUSINESS NAME: Hartwell House One, LLC
 APPLICANT: JAMES AND PATRICIA HARTWELL
 EMAIL: hartise@aol.com
 BUSINESS REG #: 2017-183 ISSUE DATE: 2/5/16 MAP: 3 LOT: 6
 OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 41

NOTE - SPECIAL ATTENTION

Applicants must procure the signatures of the following Town Officials, submit an original drawing at a scale of one inch (1") equals ten feet (10') of all areas on the premises which are open to the public and return said drawing with this completed application to the Town Clerk before a public hearing can be scheduled by the Select Board. APPLICATIONS MUST BE SUBMITTED NINETY (90) DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		YES	NO	YES	NO	
Police Chief	<i>Patricia L. Rinaudo</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08-10-2017
Fire Chief	<i>Mark G. Gier</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8-10-2017
Code Officer	<i>JH</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8-10-17

ATTENDANCE AT PUBLIC HEARING IS REQUIRED
PLEASE READ THE FOLLOWING CAREFULLY BEFORE SIGNING

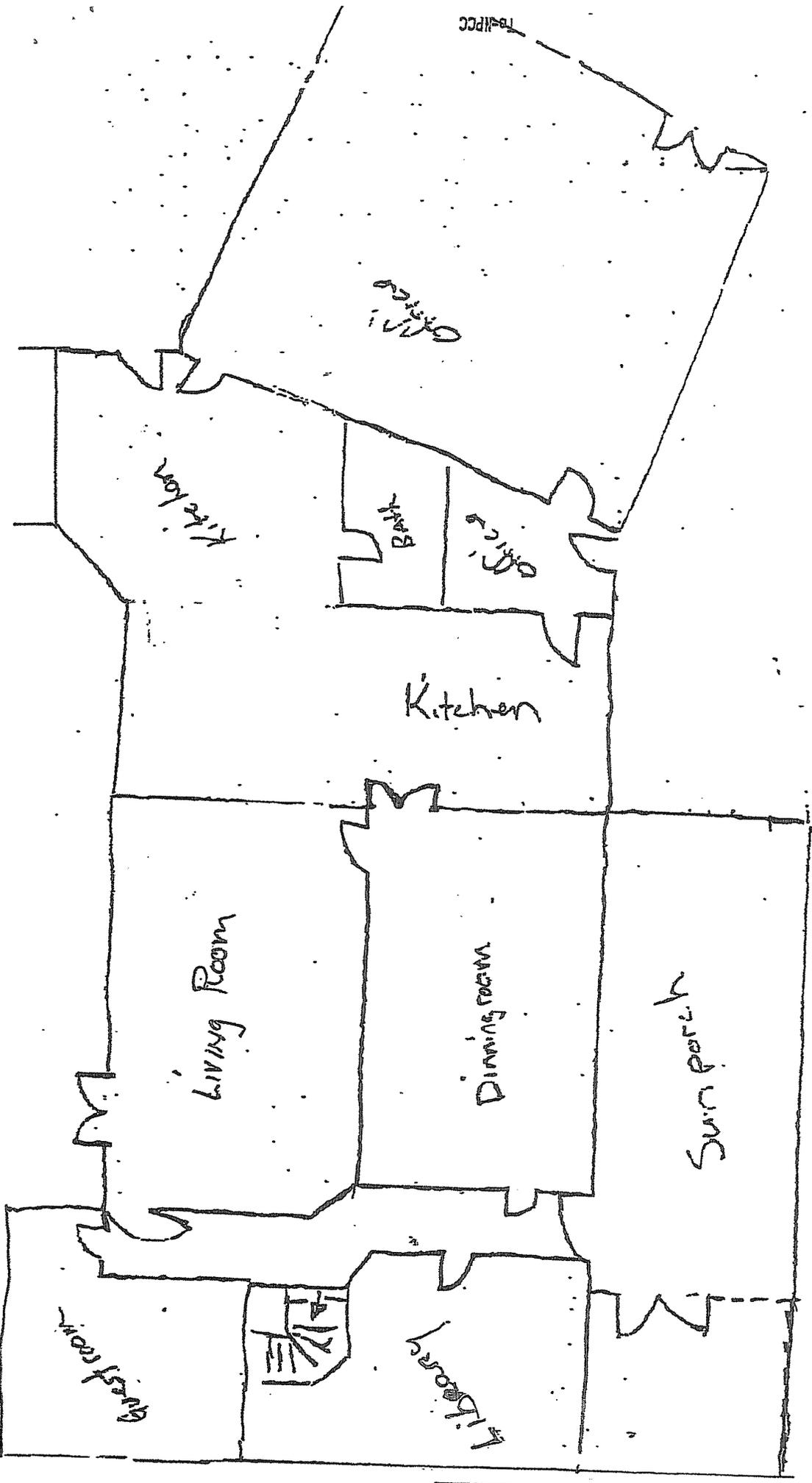
I, the undersigned applicant, acknowledge there has been no change to the business noted above by way of ownership, partnership, location, nature of business or structural change(s) to the building(s) housing the business. Knowingly supplying false information on this application is a Class D offense under the Criminal Code and is punishable by confinement of up to one (1) year or by a monetary fine of up to \$500 or both.

James H. Hartwell

 APPLICANTS SIGNATURE

FOR OFFICE USE ONLY

Application Fee: \$200	Date Paid: <u>7/27/17</u>	Check/Cash	Check #: <u>7760</u>
Background Check Fee: \$ <u>63</u>	(\$21.00 per person listed on application)		
Business Reg. Fee: \$150.00	Paid prior to Liquor Application? <input checked="" type="radio"/> YES <input type="radio"/> NO		
TOTAL PAID WITH APPLICATION: \$ <u>205</u>		Received by: <i>JM</i> (Town Clerk's Office)	
DATE POSTED: <u>8/8/2017</u>		DATE HEARD: <u>8/15/2017</u>	
APPROVED: _____		DENIED: _____	



ARCHITECTURAL DIAGRAM

Scale: 1/8" = 1'-0"

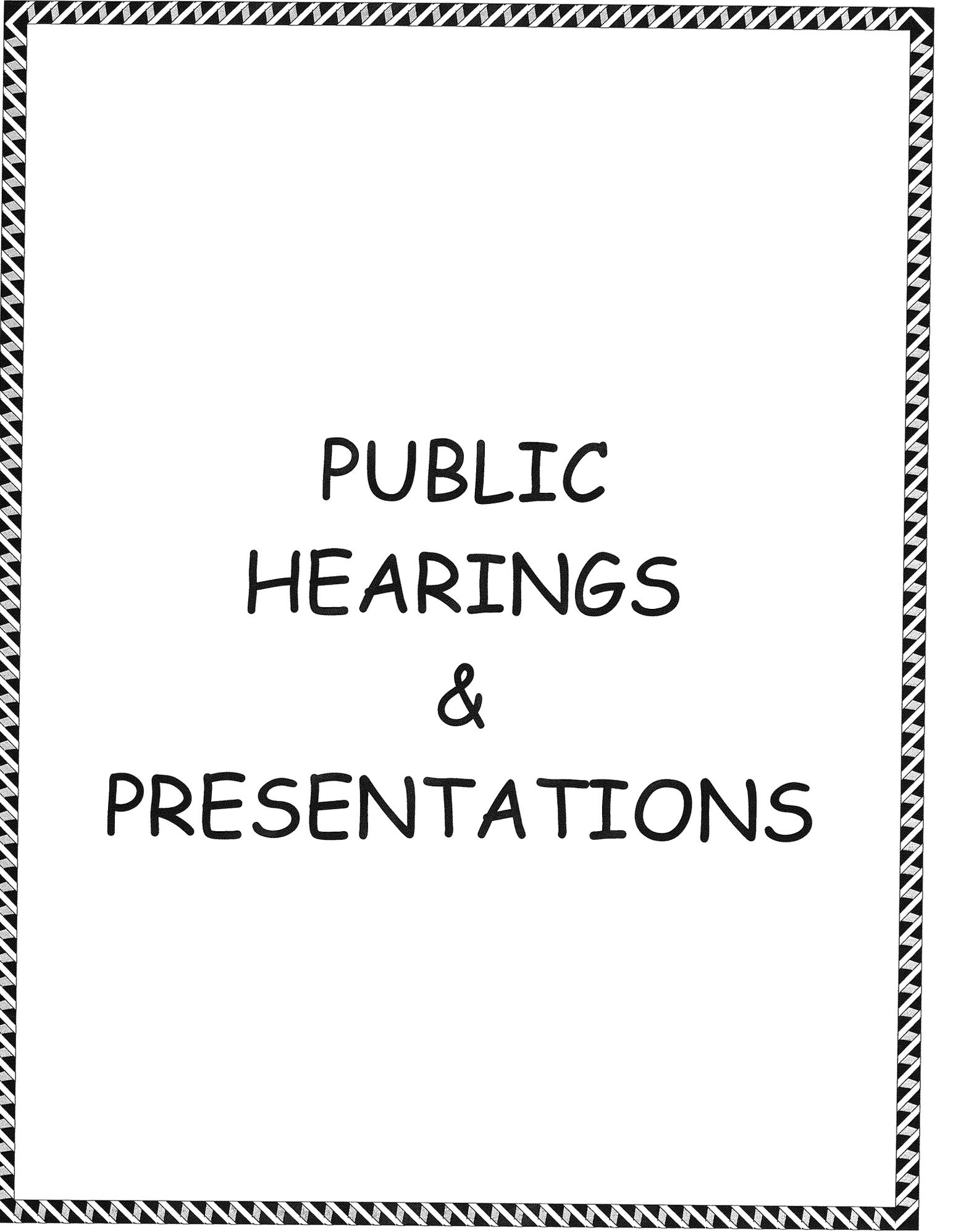
1/4" = 1'-0"

1/2" = 1'-0"

Hartwell House One, LLC

312 Shore Road

1st floor



PUBLIC
HEARINGS
&
PRESENTATIONS

event a previously funded budget article is not approved by majority vote, the appropriation for the previous fiscal year shall be construed as the appropriation for the current fiscal year.

- A. For those articles where the recommendations of the Select Board and Budget Review Committee differ, the Warrant Article shall include the Select Board's recommendation and the Budget Review recommendation as the two (2) voter choices. In the event of a tie vote and a previously funded budget article is not approved by majority vote, the Select Board's appropriation will prevail.

503.7 In the event a budget item appearing on a ballot for the first time or a petitioned article is not approved by majority vote, the item shall receive no funding.

503.8 In the case of petitioned warrant articles or special funding requests for budgetary items to be voted at a Special Town Meeting, the procedures required and the only public hearing shall be as otherwise set forth in Title 30-A, MRSA §2528.5.

503.9 No defeated warrant article shall be reconsidered until the next Annual Town Meeting.



Section 504 REVENUE AND EXPENDITURES

Anticipated revenues and taxation shall be identified on each appropriation account. The budget for all departments shall include all proposed expenditures, revenues and other funding sources.

Total expenditures shall not exceed total revenues and other funding sources.

The gross appropriation for each department shall not be exceeded except by vote at a Special Town Meeting or as provided for herein.

504.1 The Select Board shall have the authority to transfer appropriations between departments without exceeding the Town Meeting approved total budget. Such authority may be exercised during the fiscal year or at the end of the fiscal year, subject to a public hearing before taking such a vote. This authority is limited to an aggregate of a \$25,000 transfer to any one department and total transfers between departments shall not exceed 1% of the total municipal operating budget for the departments_{overall}.⁸

504.2 The Select Board shall have the authority to determine that a Capital Improvement Project is completed or abandoned, and to transfer up to \$25,000 in excess funds to another approved Capital Improvement Project.

The transfer may be completed during the year or at year end. Transfer(s) to be capped at \$25,000 annually. Transfer(s) are subject to any restrictions on the use of the funds by the

⁸ Charter Revision – Special Town Meeting – November 8, 2016

funding source and to a public hearing prior to completing the transfer.

Section 505 BORROWED FUNDS

The Town Treasurer, with approval from the Town Meeting, Special Town Meeting or the Select Board, is authorized to borrow money for approved expenditures in anticipation of revenue and taxation collection.

505.1 Such borrowings shall include, but not be limited to:⁹

- A. General Obligation Bonds
- B. General Obligation Bond Anticipation Notes
- C. Revenue Anticipation Notes
- D. Tax Anticipation Notes
- E. Operating Leases and;
- F. Capital Leases

Section 506 INDEPENDENT ANNUAL AUDIT

The Select Board shall designate a private firm of certified public accountants to make an independent audit of accounts and other evidence of financial transactions of the Town government for the current fiscal year and to submit its report and a management letter to the Select Board.¹⁰

Such accountants shall not maintain any accounts or records of Town business, but shall post-audit the records and documents maintained by the Town and any separate or subordinate accounts maintained by another office, department, or agency of Town government.

This information shall be published in the Annual Report which shall be made available to the voters no less than 90 days prior to the Annual Town Meeting.

Upon acceptance of the audited Financial Statements by the Select Board, the Audited Financial Statement shall be made available to the public on the Town's website.

⁹ Charter Revision – Special Town Meeting – November 8, 2016

¹⁰ Charter Revision – Special Town Meeting – November 8, 2016



Notice of Public Hearing

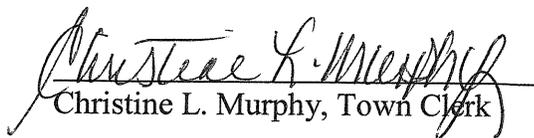
The Ogunquit Select Board will hold a Public Hearing on Tuesday, August 15, 2017 at 6:00 pm in the Auditorium of the Dunaway Community Center for the purpose of Interdepartmental Fund Transfers for FY 2016-2017. This action is taken pursuant to Article V, Section 504, Revenues & Expenditures, of the Ogunquit Town Charter.

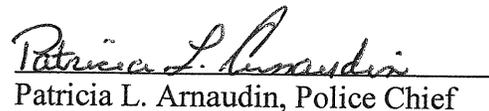
Transfers In:

410	General Government	\$25,000.00
411	Ogunquit Heritage Museum	\$345.00
414	Land Use	\$3,320.00
421	Police Department	\$1,265.00
422	Fire Department	\$3,740.00
425	Lifeguard Service	\$975.00
433	Harbormaster	\$5,195.00
442	Insurances & Benefits	\$7,260.00
465	Plover Management	\$4,170.00
Total Transfers In:		\$51,270.00

Transfers Out

430	Utilities	\$23,165.00
477	Civic Organizations	\$140.00
499	Debt Management	\$5,710.00
700	Current Year Miscellaneous Articles	\$10,585.00
800	Current Year Tax Commitment	\$11,670.00
Total Transfers Out:		\$51,270.00


Christine L. Murphy, Town Clerk


Patricia L. Arnaudin, Police Chief

Posted: August 8, 2017

Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT-TV

MEMO

To: Don Gerrish, Interim Town Manager
From: John Quartararo, Town Treasurer
Date: August 7, 2017



Re: FY 2017 Interdepartmental Transfers

I am requesting the Select Board act to authorize Interdepartmental Transfers to balance out the entire department balances as of June 30, 2017 except that the General Government Department will carry forward a deficit. That deficit will impact the year-end close-out and the Year-End Undesignated Fund Balance as of June 30, 2017. No single department request is for more than \$25,000 nor does the total requested amount exceed the 1% limit set by the Charter.

The causes of the various over expenditures by department are:

410 – General Government: the overage of \$44,016.85 is due to placing the Town Manager on Paid Leave. During that time the Town continued to pay him full salary and benefits while paying an unbudgeted stipend of \$17,625.00 plus taxes of \$1,938.75 and retirement of \$1,313.07 for the Acting Town Manager. The Town also paid Eaton Peabody Consulting an unbudgeted amount of \$22,339.71 for the cost of an Interim Town Manager. Finally, legal expenses which included issues concerning the Town Manager and the Director of Administrative Service were \$62,961.88 more than the budget. The net overall deficit for General Government is \$44,016.85 and the charter limits the transfer in to \$25,000, therefore there will be a \$19,016.85 deficit at year-end.

411 – Ogunquit Heritage Museum: the overage of \$343.35 is due to additional payroll week that was not planned for when the budget was presented and adopted.

414 - Land Use: the overage of \$3,318.23 is due to unbudgeted costs for the Comprehensive Plan.

421 – Police Department: the overage of \$1,261.21 is due to additional over time costs.

422 – Fire Department: the overage of \$3,736.33 is due to additional overtime costs.

425 – Lifeguard Service: the overage of \$973.26 is due to additional overtime costs.

433 – Harbor Master: the overage of \$5,193.80 is due to in-kind costs for the Footbridge Project

442 – Insurances and Benefits: the overage of \$7,258.06 is due an unexpected increase in the 2016 Worker's Compensation policy costs following the workers comp audit.

465 – Plover Management: the overage of \$4,165.50 is due to unbudgeted costS for the Plover Manager.

The suggested motion is:

Move to authorize FY2017 Interdepartmental transfers as follows:

Transfers into the following departments and amounts:

410 – General Government \$25,000
411 – Ogunquit Heritage Museum \$345.00
414 - Land Use \$3,320.00
421 – Police Department \$1,265.00
422 – Fire Department \$3,740.00
425 – Lifeguard Service \$975.00
433 – Harbor Master \$5,195.00
442 – Insurances and Benefits \$7,260
465 - Plover Management\$4,170.00

Total Transfers In **\$51,270.00**

Transfers from the following departments and amounts:

430 – Utilities \$23,165.00
477 – Civic Organizations \$140.00
499 – Debt Management \$5,710.00
700 – Current Year Misc Articles \$10,585.00
800 – Current Year Tax Commitment \$11,670.00

Total Transfers Out **\$51,270.00**

TOWN OF OGUNQUIT
GENERAL FUND YEAR-END BUDGET BALANCES AND REQUESTED INTER-DEPARTMENT TRANSFERS
AUG 7, 2017

DEPT	DEPARTMENT NAME	BUDGET	YTD EXPENDED	ENCUMBRANCES	YEAR-END BUDGET BALANCE	BUDGET TRANSFERS OUT	BUDGET TRANSFERS IN	REVISED BUDGET	REVISED YEAR-END BUDGET BALANCE
410	410 GENERAL GOVERNMENT	837,092.00	881,108.85	-	(44,016.85)		25,000.00	862,092.00	(19,016.85)
411	411 OGUNQUIT HERITAGE MUSEUM	12,861.00	13,204.35	-	(343.35)		345.00	13,206.00	1.65
412	412 RECREATION DEPARTMENT	8,000.00	3,135.27	2,500.00	2,364.73		-	8,000.00	2,364.73
413	413 OGUNQUIT PERFORMING ARTS	6,500.00	6,500.00	-	-		-	6,500.00	-
414	414 LAND USE DEPARTMENT	346,455.00	336,273.23	13,500.00	(3,318.23)		3,320.00	349,775.00	1.77
418	418 VISITOR SERVICES	291,791.00	278,090.20	-	13,700.80		-	291,791.00	13,700.80
421	421 POLICE DEPARTMENT	1,496,776.00	1,489,505.32	8,531.89	(1,261.21)		1,265.00	1,498,041.00	3.79
422	422 FIRE DEPARTMENT	1,270,921.40	1,274,657.73	-	(3,736.33)		3,740.00	1,274,661.40	3.67
425	425 LIFEGUARD SERVICE	168,475.00	169,448.26	-	(973.26)		975.00	169,450.00	1.74
430	430 UTILITIES	203,000.00	179,835.00	-	23,165.00	(23,165.00)		179,835.00	-
431	431 PUBLIC WORKS DEPARTMENT	752,620.00	709,472.95	-	43,147.05		-	752,620.00	43,147.05
432	432 TRANSFER STATION DEPARTMEN	316,471.00	310,987.30	-	5,483.70		-	316,471.00	5,483.70
433	433 HARBORMASTER'S DEPARTMENT	119,454.00	124,647.80	-	(5,193.80)		5,195.00	124,649.00	1.20
441	441 WELFARE DEPARTMENT	2,000.00	130.47	-	1,869.53		-	2,000.00	1,869.53
442	442 INSURANCE & BENEFITS DEPAR	149,700.00	156,958.06	-	(7,258.06)		7,260.00	156,960.00	1.94
450	450 ADMINISTRATIVE SERVICE DEP	443,673.00	431,387.44	-	12,285.56		-	443,673.00	12,285.56
451	451 CONSERVATION DEPARTMENT	18,174.00	10,525.50	4,528.27	3,120.23		-	18,174.00	3,120.23
453	453 INFORMATION SERVICES DEPT	56,130.00	54,859.71	-	1,270.29		-	56,130.00	1,270.29
458	458 CLAM WARDEN	9,207.00	4,616.27	-	4,590.73		-	9,207.00	4,590.73
462	462 MARGINAL WAY COMMITTEE	10,230.00	10,230.00	-	-		-	10,230.00	-
465	465 PLOVER MANAGEMENT	1,217.00	5,382.50	-	(4,165.50)		4,170.00	5,387.00	4.50
477	477 CIVIC ORGANIZATIONS	7,300.00	7,160.00	-	140.00	(140.00)		7,160.00	-
499	499 DEBT MANAGEMENT	806,434.00	800,720.88	-	5,713.12	(5,710.00)		800,724.00	3.12
700	700 CURRENT YEAR MISC ARTICLES	769,939.00	759,350.75	-	10,588.25	(10,585.00)		759,354.00	3.25
800	800 CURRENT YEAR TAX COMMITMEN	6,149,124.17	6,124,451.11	-	24,673.06	(11,670.00)		6,137,454.17	13,003.06
	01 GENERAL FUND	14,253,544.57	14,142,638.95	29,060.16	81,845.46	(51,270.00)	51,270.00	14,253,544.57	81,845.46



Notice of Public Hearing

The Ogunquit Select Board will hold a Public Hearing on Tuesday, August 15, 2017 at 6:00 pm in the Auditorium of the Dunaway Community Center for the purpose of CIP Inter-Project Transfers for FY 2016-2017. This action is taken pursuant to Article V, Section 504, Revenues & Expenditures, of the Ogunquit Town Charter.

Transfers Out

317-883	Jacobs Lot Replacement	\$14,653.40
117-282	Fire Department Air Packs	\$758.37
117-829	Public Works Trailer	\$55.00
317-830	Public Works Surf Rake	\$464.49
317-830	Public Works Surf Rake	\$2,610.55
317-811	Public Works Pick-up Truck	\$963.36
113-801	Agamenticus Park -2013	\$1,404.66
317-809	Fire Dept. Overhead Door Remotes	\$4,556.45
Total Transfers Out:		\$25,466.28

Transfers In

217-834	Perkins Cove Improvements	\$15,931.26
318-843	Public Works Truck	\$3,573.91
218-840	Tennis Court Repairs	\$1,404.66
218-838	Fire Dept. Ambulance	\$4,556.45
Total Transfers In:		\$25,466.28

Christine L. Murphy
Christine L. Murphy, Town Clerk

Patricia L. Arnaudin
Patricia L. Arnaudin, Police Chief

Posted: August 8, 2017 _____

Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT-TV

MEMO

To: Don Gerrish, Interim Town Manager
From: John Quartararo, Town Treasurer
Date: August 7, 2017



Re: CIP Project Transfers

I am requesting the Select Board act to authorize CIP Inter-Project Transfers to balance out the Perkins Cove Improvement Project which has an over expenditure of \$15,931.26 and redirect funds from completed projects to new or on-going projects..

217-834 – Perkins Cove Improvements: the overage of \$15,931.26 is due to the costs of diver and operator to connect the chains was more than expected. The project is now complete. The transfers in would be from **317-833 - Jacob’s Lot Replacement \$14,653.40; 117-282 – Fire Department Air Paks \$758.37; 117-829 – Public Works Trailer \$55.00, and 317-830 – Public Works Surf Rake \$464.49.**

The following projects are now complete and the excess funds would be redirected to similar projects or projects for the same department:

317-830 – Public Works Surf Rake, excess funds of \$2,610.55 and 317-811 – Public Works Pick-Up Truck \$963.36 redirected to **318-843 - Public Works Truck \$3,573.91.**

113-801 – Agamenticus Park – 2013, excess funds of \$1,404.66 redirected to **218-840 - Tennis Court Repairs \$1,404.66.**

317-809 – Fire Department Overhead Door Remotes, excess fund \$4,556.45 redirected to **218-838 – Fire Department Ambulance \$4,556.45**

The suggested motion is:

Move to declare the following CIP Projects completed and to transfer out the balance of funds:

- 317-833 - Jacob’s Lot Replacement \$14,653.40*
- 117-282 – Fire Department Air Paks \$758.37*
- 117-829 – Public Works Trailer \$55.00*
- 317-830 – Public Works Surf Rake \$464.49.*
- 317-830 – Public Works Surf Rake \$2,610.55*
- 317-811 – Public Works Pick-Up Truck \$963.36*
- 113-801 – Agamenticus Park – 2013 \$1,404.66*
- 317-809 – Fire Department Overhead Door Remotes \$4,556.45*

Total Transfers Out

\$25,466.28

Transfer balance of funds from completed CIP Projects into the following on-going and 2018 CIP Projects:

217-834 – Perkins Cove Improvements \$15,931.26

318-843 - Public Works Truck \$3,573.91.

218-840 - Tennis Court Repairs \$1,404.66.

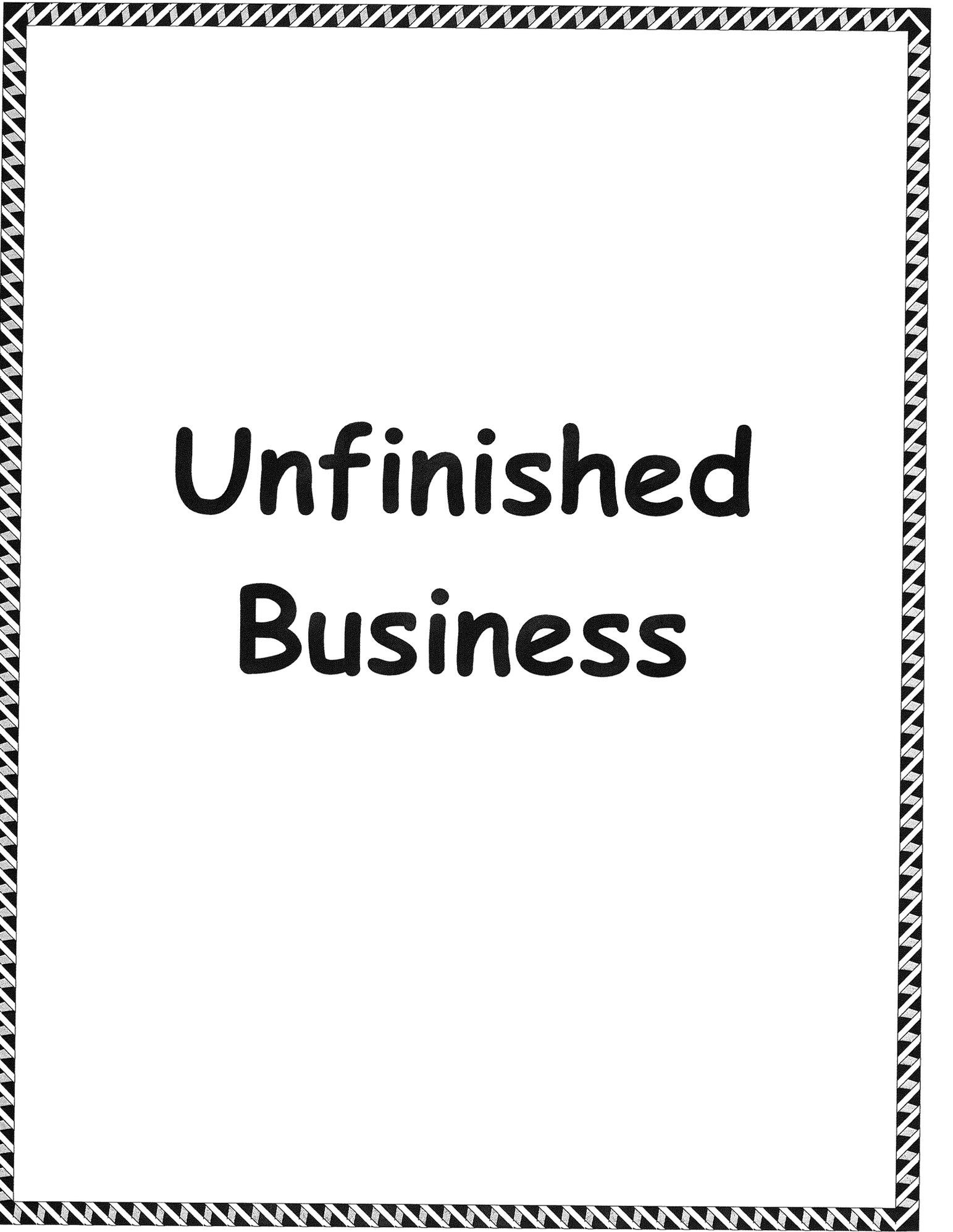
218-838 – Fire Department Ambulance \$4,556.45

Total Transfers In

\$25,466.28

TOWN OF OGUNQUIT
CIP INTER-PROJECT TRANSFERS
AUG 7, 2017

PROJECT	PROJECT NAME	FY 2017 BUDGET	FY 2017 YTD EXPENDED	FY 2017 ENCUMBRANCES	FY 2017 YEAR-END BUDGET BALANCE CARRIED FORWARD	FY 2018 BUDGET	BUDGET TRANSFERS OUT	BUDGET TRANSFERS IN	REVISED FY 2018 BUDGET
TRANSFERS BETWEEN PROJECTS									
217 834	834 PERKINS COVE IMPROVEMENTS	120,000.00	135,931.26	-	(15,931.26)	-		15,931.26	-
117 828	828 FIRE AIR PACKS	4,000.00	3,241.63	-	758.37	-	(758.37)		-
117 829	829 TRAILER - TAG-ALONG EQUIPM	8,000.00	7,945.00	-	55.00	-	(55.00)		-
317 830	830 DPW - BEACH CLEANING SURF	55,000.00	51,924.96	-	3,075.04	-	(464.49)		2,610.55
317 833	833 JACOB'S LOT REPLACEMENT	150,000.00	135,066.60	280.00	14,653.40	-	(14,653.40)		-
PERKINS COVE IMPROVEMENTS TXFRS		337,000.00	334,109.45	280.00	2,610.55	-	(15,931.26)	15,931.26	2,610.55
318 843	843 PW PLOW TRUCK W/WING & SAN	-	-	-	-	170,000.00		3,573.91	173,573.91
317 811	811 PICKUP W/ PLOW & SANDER	65,000.00	64,036.64	-	963.36	-	(963.36)		-
317 830	830 DPW - BEACH CLEANING SURF	2,610.55	-	-	2,610.55	-	(2,610.55)		-
218 840	840 PW TENNIS COURT REPAIRS	-	-	-	-	25,000.00		1,404.66	26,404.66
113 801	801 AGAMENTICUS PARK - 2013	1,404.66	-	-	1,404.66	-	(1,404.66)		-
PUBLIC WORKS TRANSFERS		69,015.21	64,036.64	-	4,978.57	195,000.00	(4,978.57)	4,978.57	199,978.57
218 838	838 FD AMBULANCE	-	-	-	-	200,000.00		4,556.45	204,556.45
317 809	809 FD - OVERHEAD DOOR REMOTES	12,000.00	7,443.55	-	4,556.45	-	(4,556.45)		-
FIRE DEPARTMENT TRANSFERS		12,000.00	7,443.55	-	4,556.45	200,000.00	(4,556.45)	4,556.45	204,556.45
TRANSFERS BETWEEN PROJECTS		418,015.21	405,589.64	280.00	12,145.57	395,000.00	(25,466.28)	25,466.28	407,145.57



Unfinished Business

Committee Liaison
Responses from Boards/Committees

Bicycle-Pedestrian Committee

Thank you for reaching out to get input as to how best to utilize a board liaison to the Ogunquit Bicycle-Pedestrian Committee; coming to our meetings & supporting the things we put forward to the board would be the basic & minimum way a liaison could help, off the top of my head. There is much more that would help if the liaison would be willing & had time to do more.

Charley LaFlamme
Chair, Ogunquit Bicycle-Pedestrian Committee
Hi Don,

Comprehensive Plan Committee

Please pass along this email to Pat Finnigan when she starts on August 14.

The Comprehensive Plan Committee started with 12 members and is now down to 9 members:

Karen Arel, Ogunquit Chamber of Commerce resigned when she retired, Roger Brown resigned when Madeline Mooney was elected to Select Board, Mark MacLeod resigned to join the Planning Board.

Can the Select Board make an announcement that the Comprehensive Plan Committee is looking for new members? As seen on the timeline during my August 1 presentation to the Select Board the committee still has a lot of work to do (slides attached). We will also ask new Ogunquit Chamber of Commerce president Sarah Potter to join to replace Karen Arel.

Also, when Barbara Dailey was Chair of the Select Board she was also our liaison. Barbara did a tremendous amount of work and was an invaluable resource. I would like to request the Select Board to appoint a liaison to the Comprehensive Plan Committee.

Best regards,

Steve

Conservation Commission

I want to discuss this with the Conservation Commission at our August meeting,

Bill Baker

Committee Liaison
Responses from Boards/Committees

Harbor Committee

Cheryl,

As to your question, I believe a meeting with the Committee or the Committee Chair would be in order. I would think that it would be of some benefit to see something tangible along with a discussion of each Committees position in the town as the Town sees it and as the Committee sees themselves going forward.

Tim Tower

Heritage Museum Committee

Hello everyone,

My thoughts would be to have any of the selectman check in with us periodically to see if we have any concerns. Sometimes the wheels get stuck and it helps to have a push. This would be a great start. Communication is key in working with all the committees. We have a great group that contributes in a number of ways. Periodic constructive and positive input would help make our group even stronger. We look forward to having any of the selectmen attend one of our meetings when they have time. Thank you for your attention and I look forward to working with all of you.

Sonny Perkins
Chairman
Ogunquit Heritage Museum

Parks & Recreation

I personally think Liaisons need to be appointed to each committee this will help the communication with the committee and town representative. This will help to making sure that town committees are in guidelines with the town's ordinance.

Jason Corbin

Performing Arts

Hello Cheryl!

Responding to your request re the utilization of committee liaisons:

Committee Liaison
Responses from Boards/Committees

We look forward to a relationship with a Select Member Liaison who has interest in what we do, and who might enjoy attending our performances from time to time.

While we historically have not needed liaison guidance in booking / executing our performance seasons, we would like to be able to seek liaison advice on specific and appropriate issues, as needed. We would also invite our liaison to work with us on special budget goals and requests of a capital nature.

We believe this kind of affiliation does not overly burden the liaison, but would be extremely helpful to us on occasion and at all times, mutually rewarding!

OK?

Cheers! Janel

OGUNQUIT

Beautiful Place by the Sea



MEMORANDUM

To: Ogunquit Select Board
From: Donald Gerrish, Interim Town Manager
Date: August 11, 2017
Re: Revisions to Select Board Rules

The attached document contains revisions based on the Select Board Workshop.

TOWN OF OGUNQUIT

07/31/2017 Draft

SELECT BOARD RULES

The Select Board shall transact all official business at a public meeting. The following items deal with the transaction of business at official meetings of the Select Board.

1. **Right to Know**

Except for Executive Sessions, the proceedings of all meetings/workshops of the Select Board are open to the public and broadcast on WOGT and streaming on the Town's web site

2. **Rules of Order**

Roberts Rules of Order shall govern the proceedings of all Select Board meetings.

3. **Regular Meetings and Workshops**

Regular meetings of the Select Board shall will be held on the first (1st) and third (3rd) Tuesdays of the month at the Dunaway Community Center regularly starting at 6:00pm. When the regular meeting date falls on a holiday the Select Board will reschedule to an alternative date. Workshops of the Select Board may be scheduled at regular Select Board meetings or on other dates and times to accommodate the Select Board's schedule.

Select Board members will be furnished with the date, time and place for each meeting along with an agenda and meeting material which information will also be posted on the Town's website. This information will be provided by the Town Manager's Office no later than 4:00pm on the Friday before the Regular Meeting or Workshop.

4. **Special and Emergency Meetings**

Special and Emergency Meetings of the Board may be called by the Chairman, or in the absence of the Chairman, by the Vice Chairman, or by a majority of the Board. The Select Board will be furnished with the date, time and place and an agenda (if necessary) by the Town Manager's Office. Meeting notification requirements are pursuant to State Statute.

5. **Requests for Agenda Items**

All Select Board requests for regular meeting agenda items must be submitted to the Town Manager along with supporting background material, or a position paper the Wednesday prior to the scheduled meeting date. The Chairman of the Board shall review agenda requests with the Town Manager to assure proper background and staff support has been afforded the item requested. If, in the opinion of the Chairman additional information and/or study are required, the requested agenda item will be postponed until proper preparation has been made. The Chairman of the Board will subsequently notify the affected Select Board member.

~~If the Chair refuses to place an item on the agenda that has been properly prepared, the written request of one Board member is sufficient to place the item on the Agenda for the next regular meeting.~~

6. Order of Business

- Call to Order
- Pledge of Allegiance
- Minutes
- Manager's Report
- Appointments/Resignations/Proclamations/Resolutions
- ~~Citizen Forums (Items not on the agenda)~~
- Public Hearings
- Presentations
- Unfinished Business
- New Business
- Miscellaneous Business
- Citizen Forums (Items not on the Agenda)
- Select Board Announcements
- Adjournment

7. Majority Vote

Three (3) affirmative votes are required for the transaction of business.

8. Select Board Action on Items

The following procedures are suggested:

1. Sponsor or Manager introduces and explains the item. Sponsor, Manager, staff, or others (as designated by sponsor or Manager) provide additional explanation or information. Any Select Board member may make a motion or my second the motion.
2. Select Board questions (no debate).
3. Public input.
4. Additional questions from Select Board (no debate).
5. Chair recites motion, if already made, or looks for motion (Note 1).
6. Select Board debate.
7. Amendments to motion (optional) and debate.
8. Vote on motion (amended, if applicable).

The passage, adoption or enactment of any item shall require three (3) votes on the prevailing side.

9. Public Forum period and guidelines:

- A. A Public Forum period ~~for up to thirty (30) minutes~~ shall be included at the beginning of every regularly scheduled Select Board meeting to allow citizens an opportunity to comment on non-agenda items or issues relevant to the performance of the duties of the Select Board.
- B. During the Public Forum period, speakers will not exceed a time limit of three (3) minutes and may only speak once.
- C. Citizens speaking during the Public Forum period must follow the same rules of decorum as described below.
- D. Citizens speaking during the Public Forum period may not make any comments that:
 - i. Disparage individual Select Board member, Town staff or other citizens;
 - ii. Address specific situations that are in litigation, including situations where the Town is a party to the litigation;
 - iii. Pertain to any personal disputes between themselves and other residents; or
 - iv. Make any comments referencing support or opposition for any candidate for political office or political causes.

10. Decorum and Order

The Chair shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Select Board

- A. During the Select Board meetings, Select Board members shall preserve Order and Decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the Rules of the Select Board. Select Board members desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine themselves to the question under debate and shall avoid all personalities and indecorous language. A Select Board member, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Select Board member is called to order while speaking, the Select Board shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Select Board member shall be permitted to proceed. If ruled to be not in order,

the Select Board member shall remain silent or shall alter the remarks so as to comply with Rules of the Select Board. All members of the Select Board shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Select Board and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. The Select Board shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Select Board. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Select Board. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Select Board shall require the Chair to act.

- B. Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Select Board. While the Chair shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager shall also be responsible for the orderly conduct and decorum of all Town employees under the Town Manager's direction and control. The Town Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by Town employees in Select Board meetings. Staff members or the Town Manager desiring to address the Select Board or members of the public shall be recognized by the Chair, shall state their name for the record, and shall limit their remarks to the matter under discussion. All remarks and questions addressed to the Select Board shall be addressed to the Select Board as a whole and not to any individual member thereof. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chair.
- C. Public members attending Select Board meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Select Board. Any person making personal, impertinent, ~~and~~ or slanderous remarks or who becomes boisterous while addressing the Select Board or while attending the Select Board meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Select Board for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate complaint signed by the Chair. In case the Chair shall fail to act, any member of the Select Board may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Select Board shall require the Chair to act.

- D. Public members desiring to address the Select Board shall be recognized by the Chair, shall state their name and address in an audible tone for the record, and shall limit their remarks to the question under discussion. All remarks and questions addressed to the administration of the Town shall be addressed to the Town Manager and not to any individual Town employee. No person shall enter into any discussion either directly or through a member of the Select Board without the permission of the Chair.

11. Anonymous Communications

Unsigned communications may not be introduced in Select Board meetings.

12. Suspension of Rules

Any provision of these rules not governed by the Charter or code may be temporarily suspended at any meeting of the Select Board by a vote of four (4) or more Select Board members. The vote on the suspension shall be taken by yeas and nays and entered upon the records.

13. To Amend Rules

These rules may be amended or new rules adopted by majority vote of the Select Board. An amendment must be submitted in writing at a preceding meeting and shall be placed on the Agenda under the order of new business.

14. Correspondence to the Select Board

See attached proposed policy.

15. Town Mailings to Residents

Any Town financed mailings to Ogunquit citizens shall be approved in advance by the Select Board unless required by Town Charter or laws of the State of Maine.

Draft

Draft

Draft

SELECT BOARD POLICY

ON CORRESPONDENCE ADDRESSED TO THE SELECT BOARD

PURPOSE: The Select Board receives correspondence from residents and business owners both on a wide variety of issues and in multiple formats. These formats may include regular mail, email and phone calls. The purpose of this policy is to establish a process by which written communications will be managed in order that the Select Board, staff and the initiators of such correspondence will have an understanding and an expectation of how the correspondence will be managed.

1. **GENERAL GUIDELINES:** Any correspondence (written or electronic) received at the Town Office addressed to any Select Board member in their official capacity will be copied and made available to the full Select Board. Correspondence that is received at the Town Office but is addressed in a personal manner to a Select Board member shall only be shared with the full Select Board at the discretion of the Select Board member receiving the correspondence. The correspondence will not be referenced by the individual Select Board member unless copies have been made available to the full Select Board.
2. **EMAIL CORRESPONDENCE RECEIVED:** The Select Board acknowledges that all emails received and sent that concern the government of the Town of Ogunquit are public documents regardless of the email account. (Personal accounts, accounts in the names of spouses etc. included). Email correspondence that is received at the generic email account in the Town Office will be responded to with a courteous reply by the Town Manager's Administrative staff. This response will be a limited acknowledgment that the email has been received and shared with the Select Board and senior staff. The response will not divulge the individual email addresses of the members of the Select Board. The response will include a disclaimer to the following effect: "Your message has been forwarded to the Select Board. Responses from individual Select Board members may or may not reflect any position of the full Select Board".
3. **EMAIL CORRESPONDENCE RESPONSES:** Upon receipt of an email, a determination will be made to classify the correspondence as either a political or Select Board level policy issue or an administrative issue. Administrative staff as determined by the Town Manager will respond to the administrative emails with copies provided to the full Select Board. All emails that are of a political or Select Board level policy nature will be forwarded to the full Select Board and the Manager will await instruction before any response is provided by staff. Select Board members that respond individually to emails from constituents received via the Town Office will forward the response to the administrative staff so that the correspondence can also be shared with the full Select Board and the Town Manager. Select Board members who receive individual emails will determine if the email should be forwarded to all Select Board members based on the content of the email.

Agenda Item for Select Board meeting on August 15, 2017

Topic: Update of Town Committees (including Boards & Commissions)

Sponsor/Select Board: Madeline S. Mooney

Goal: The purpose, programs, staffing levels, and resource requirements of Town Committees need to be updated and supported by the Town government. The volunteer work of official Town Committees is critical to the operation of the Town of Ogunquit.

Background: The Charter states that the Select Board is responsible for the purpose (mandate) and direction of each Board and Committee. Many of the committee by-laws, purpose and staffing levels were set long ago. As an example, of the current 32 vacancies across the 15 Town Committees, 20 are alternates leaving 12 full-member vacancies. Do the staffing levels reflect current mandates, and should we devote resources to the difficult job of recruiting alternates if they are not required by law or the proceedings?

It is an opportune time as we begin FY 2017, with a new Town Manager and Select Board, to meet with each Town Committee to review their purpose, programs and composition to determine if they are current, what Ogunquit needs, and what resources are necessary.

Process Ideas:

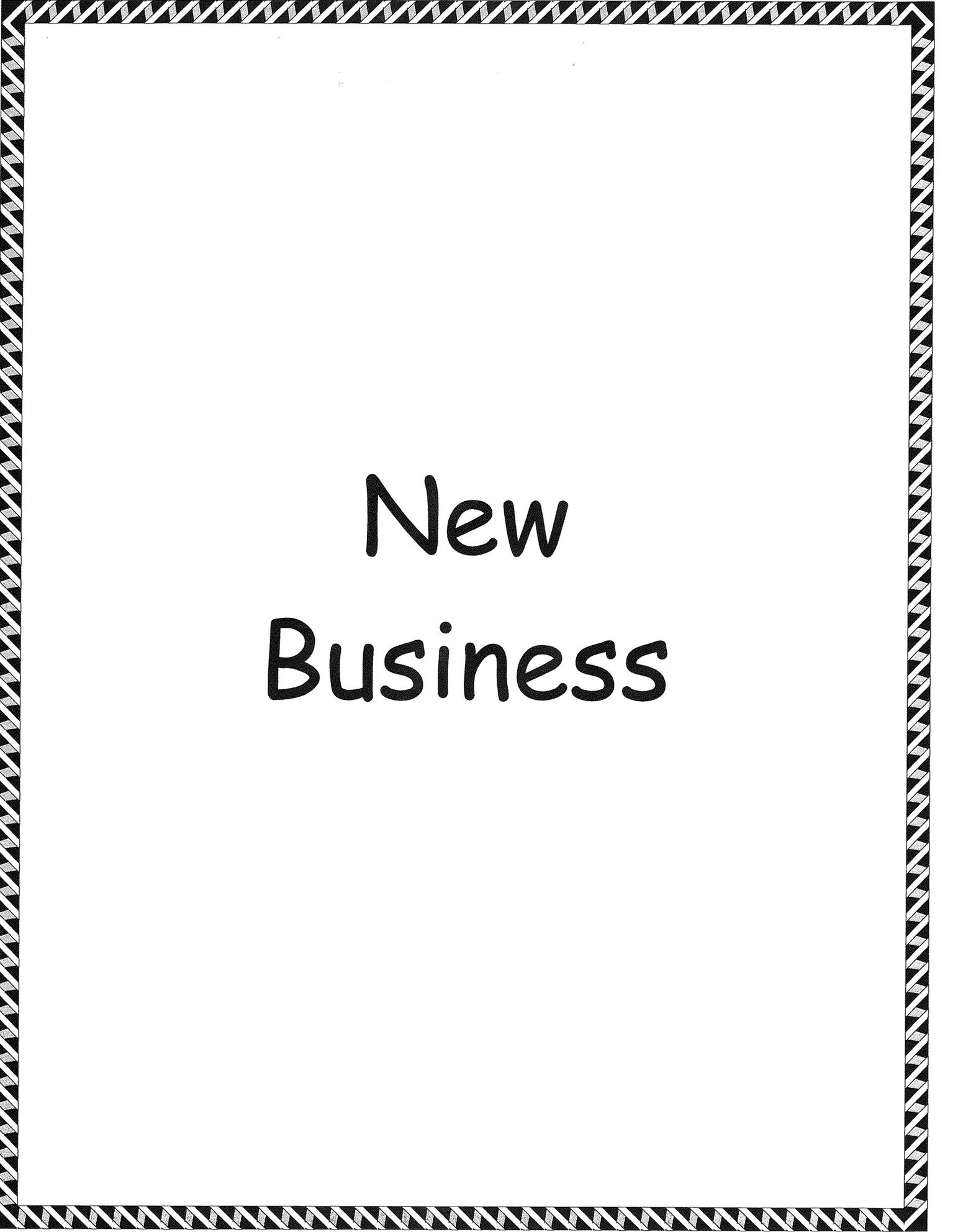
Select Board members and Town Manager should have a discussion with each of the Town Committees for 30-45 minutes each. An idea is to start with those not required by law. Each Committee would be asked to share specific information in advance. These discussions could be held in a dedicated workshop(s) or before regularly scheduled Select Board meetings. Another option is to have individual Select Board members attend Committee meetings.

Information Needed in Advance:

- 1) Copy of by-laws
- 2) Current Description of Committee Purpose
- 3) Regular Meeting Schedule. Are meeting minutes prepared?
- 4) What is posted on the Town web site?
- 5) Priorities/Programs/budget (one page max)

Additional Discussion at Workshop:

- 1) Staffing: Composition (voters, property owners, adjacent municipalities); Current and optimal level? Alternates needed where not required by law? Recruiting comments/ideas
- 2) Resources needed from Town and other Committees
- 3) Comments & ideas



New Business

Town of Ogunquit
Complete Streets Policy

Recommended by the Town of Ogunquit Bicycle-Pedestrian Committee

Adopted:

1. Vision and Purpose

The vision of the Town of Ogunquit (Town) is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel. Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well-being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities.

2. All Users & All Modes

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The Town of Ogunquit Bicycle-Pedestrian Committee (Bicycle-Pedestrian Committee) shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

3. Project Considerations

Early consideration of all modes for all users will be important to the success of this Policy. Those planning and designing projects that affect public streets will give due consideration to all roadway users from the very start of planning and design work. This will apply to all roadway projects, including those involving new construction, reconstruction, repaving/rehabilitation or roadway retrofit. Roadway retrofits may include changes in the allocation of the right-of-way and pavement space on an existing roadway, such as changes to the number and use of lanes, changes in lane widths, and/or reconfiguration of on-street parking. When applying for and reviewing projects for funding purposes regardless of funding source, Complete Street practices and principles will be included, as appropriate, for all projects that affect the public right-of-way. When a new roadway is proposed within a new or current development, the Bicycle-Pedestrian Committee shall advise the Planning Board if a Complete Streets design should be considered.

4. Exceptions

Facilities for all users will be considered in the construction, reconstruction, retrofit, repaving, and rehabilitation of Town streets, except under one or more of the following conditions:

- a. A project involves only ordinary maintenance activities designed to keep assets in serviceable condition, such as mowing, cleaning, sweeping, spot repair, concrete joint repair, or pothole filling, overlay parking projects, or when interim measures are implemented on temporary detour routes.
- b. The Town Staff (or Project Manager) determines there is insufficient space to safely accommodate new facilities and a parallel or nearby facility provides a reasonable level of similar accessibility to destinations.
- c. The Town Staff (or Project Manager) determines there are relatively high safety risks.
- d. The Town Staff (or Project Manager) or Town Select Board exempts a project due to the excessive and disproportionate cost of establishing a bikeway, walkway, or transit enhancement as part of a project in relation to the anticipated number of users.
- e. As part of its Development Review process the Planning Board may waive sidewalk requirements based upon its former, structured waiver provisions.
- f. The Town Staff (or Project Manager) determines that the construction is not practically feasible or cost-effective because of significant or adverse environmental impacts to historic resources, streams, flood plains, remnants of native vegetation, wetlands, steep slopes, or other critical areas, or due to impacts on neighboring land uses, including impact from right-of-way acquisition.
- g. The project involves a roadway that bicyclists and / or pedestrians are prohibited by law or the roadway falls outside an established existing bus transit route or where it is reasonably determined a future bus transit route will not occur.

Documentation shall be publicly available and exceptions for Town projects shall be reviewed and recommended by the Bicycle-Pedestrian Committee prior to being granted by [accountable person or committee, e.g. Town Manager, Director of Public Works, Bicycle-Pedestrian Committee]. For private projects, the owner shall document the exception and approval shall be considered and recommended by the Bicycle-Pedestrian Committee prior to being granted by [accountable person or committee, e.g. Select Board, Planning Board].

5. Network

Complete Streets are planned, designed, maintained, and operated to enable safe, convenient, appealing, and continuous travel networks for all users. The goal is to formalize the planning, design, operating, and maintenance of streets so that pedestrians, bicyclists, motorists, and bus riders of all ages and abilities are able to safely move from destination to destination along and across the street network. Complete Streets can be achieved through network level improvements, through integration into single location projects, or incrementally, through a series of small improvements or maintenance activities.

Transportation improvements will include facilities and amenities, as appropriate, that are recognized as contributing to Complete Streets, which may include pavement markings and signs; street and sidewalk lighting; sidewalks and pedestrian safety improvements such as medians / pedestrian refuges, curb extensions, and crosswalk improvements; improvements that provide Americans with Disabilities Act (ADA) compliant and full accessibility such as curb ramps and accessible pedestrian signals; transit accommodations including bus shelters and improved pedestrian access to transit stops and centers; bicycle detection at intersections and bicycle accommodations including, shared use lanes, paved shoulders, wide travel lanes or bike lanes as appropriate; bicycle parking; and street trees, landscaping, street furniture, and adequate drainage facilities, including opportunities for “green” stormwater management facilities and practices.

6. All Agencies and All Roads

The design of new, rehabilitated, or reconstructed facilities should anticipate likely future demand for bicycling, walking, transit, and motorist use and should not preclude the provision of future improvements.

The Town will coordinate and collaborate with other transportation agencies, including MaineDOT and the Southern Maine Planning & Development Commission, and other users of the public right-of-way, such as utilities and public transportation providers, to ensure that the principles and practices of Complete Streets are embedded within their planning, design, construction, and maintenance activities.

7. Design Standards and Guidelines

The Bicycle-Pedestrian Committee and the Planning & Codes Office in the Town shall adapt, develop and adopt policies, design guidelines, zoning and performance standards and other guidelines based upon resources identifying best practices in street design, construction, operation and maintenance. These resources include but are not limited to the AASHTO Green Book; AASHTO Policy on Geometric Design of Highways and Streets; AASHTO Guide for Planning, Designing and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; NACTO Urban Bikeway Design Guide; Manual on Uniform Traffic Control Devices; Highway Capacity Manual and

Highway Safety Manual; and US Access Board Public Right-of-Way Accessibility Guidelines. While fulfilling this Complete Streets policy, the town will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

The picture below is a good example of how a Complete Street in the Town of Ogunquit could be designed.



Source: East Carolina University, 2016

The photograph below is taken on Route 1 in South Portland, ME. It is a good example of a Complete Street design here in southern Maine.



Source: SMPDC, 2016

8. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

9. Performance Measures

The Town will define performance measures to track the progress of implementation of this Policy and supporting documents, such as the Comprehensive Plan. Such measures shall include, but not be limited to: improvements in safety for all roadway users; increased capacity and connectivity for all modes of transportation; usage (such as mode share) of biking, walking and transit; miles of bicycle and pedestrian facilities; and attainment of ADA compliance. Such measures shall be incorporated into relevant plans, manuals, policies, processes and programs. The Planning & Codes Office shall work with other departments and agencies to track such performance measures, as appropriate.

10. Implementation

The implementation of Complete Streets will begin with a series of broad changes to local policies governing streets, and then as physical, measurable changes to those streets. The implementation process can be summarized in four main phases, some of which may overlap in time.

- a. Form Committee; Identify Responsible Parties & Develop Implementation Plan:
The first step shall be to identify responsible parties and stakeholders, and develop an implementation plan with clearly defined steps, measurable performance indicators, data reporting procedures, and a process by which projects are prioritized for execution and funding. This work shall be done by or at the direction of the Bicycle-Pedestrian Committee or their respective designees. The Committee shall meet monthly and as the need arises to review, and evaluate for compliance with this Policy, any:
 - Major developments;
 - Roadway projects;
 - Capital improvement projects;
 - Regulatory issues, and/or;
 - Recommendations for policies, construction improvements, public services and programs, budgets and other measures to advance the Complete Streets goals and design principles.
- b. Review and Revise Existing Regulating Documents:
The second step shall be to review all existing codes, ordinances, standards, etc. to determine whether they require updating in order to further the Complete Streets goals, and to be sure there are no rules or guidelines that would hinder the development and redevelopment of Complete Streets. Any needed amendments or modifications should be drafted and submitted for adoption as soon as possible.

The Bicycle-Pedestrian Committee shall review all future land use and transportation plans to be sure that the Complete Streets goals for connectivity and safe, efficient multi-modal transportation are incorporated - if not, plan amendments and updates should be drafted and recommended.

c. Provide Training:

The third step shall be to provide (or continue to) provide education to staff and public officials on the principles and practices of Complete Streets.

d. Review Funding and Capital Improvement Procedures:

The fourth step will be to review the procedures for obtaining funding for street projects and any existing or proposed capital improvement plans, to be sure projects will advance the Complete Streets policies and ensure Complete Streets are prioritized and able to receive funding. The [IMPLEMENTATION COMMITTEE] shall identify current and potential future sources of funding for street improvements (including possible public/private partnerships).

e. Measure Performance and Report Findings:

In order to monitor the implementation and success of the Complete Streets policy, the Planning & Codes Office and Bicycle-Pedestrian Committee shall regularly monitor the performance measures previously aforementioned.

The Bicycle-Pedestrian Committee shall determine measurement criteria and parties responsible for regular measurements and/or surveys for each item based on clearly identified short- and long-term goals. An annual report of all measured performance indicators shall be provided to the Select Board and any other groups deemed necessary or advisable by the Bicycle-Pedestrian Committee.

**TITLE VI
BICYCLES, OTHER WHEELED GOODS
AND
PEDESTRIAN ORDINANCE**

Chapter 1 Purpose and Authority

101 Purpose

The purpose of this Ordinance is to provide for the ¹safe operation of wheeled goods in Ogunquit. Regulations found in this Ordinance are in addition to those provided by State statute. State laws shall apply to pedestrian movement in Ogunquit.

102 Authority

Town authority to regulate vehicles, including ²wheeled goods, is found in ~~Title 30 of the Maine Revised Statutes~~ Maine State Revised Statutes, Title 29-A. This authority is specifically delegated to the Select Board.

103 Definitions

103.1 Bicycle: ³A device ~~primarily upon which a person may ride that is propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator. and has 2 tandem wheels, either of which is more than 20 inches (20") in diameter.~~

103.2 ⁴Wheeled Goods: A device that moves on or is equipped with wheels (i.e., bicycle, skate board, roller skis, roller skates, in-line skates or roller blades, tandem bicycle, tricycle, bicycle trailer, unicycle, recumbent bicycle, electric-assist bicycles, pedicab).

103.3 Pedestrian: A person on foot or an operator of a wheelchair or 4-wheeled or 3- wheeled motorized wheelchair.

¹ Section 101 – STM 11/3/2009

² Section 102 – STM 11/3/2009

³ Section 103.1 – STM 11/3/2009

⁴ Section 103.2 – STM 11/3/2009

**TITLE VI
BICYCLES AND OTHER WHEELED GOODS
AND
PEDESTRIAN ORDINANCE**

Chapter 2 Wheeled Goods and Bicycles

201 Operation

201.1 A person shall not operate ¹any wheeled goods or bicycles ²in an unsafe and hazardous manner so as to endanger the operator or other people or property.

201.2 A person shall not operate ³any wheeled goods or bicycles ⁴so as to impede or hinder traffic.

201.3 A person operating ⁵any wheeled goods or bicycles shall ~~not~~ pass motor vehicles unless the motor vehicles are stopped or nearly stopped, and the operator can pass the other vehicles safely. safely at the person's discretion and own risk. Such passing shall may be to the left or right only while proceeding in the same direction as traffic. Passing a motor vehicle on the left shall only occur when: a) a line of motor vehicles are waiting to make a right-hand turn in the right lane; b) a motor vehicle is stopped in the right lane; and c) a bus is stopped in the right lane.

201.4 A person shall not operate ⁶any wheeled goods on a sidewalk except that young children riding bicycles having wheels. No person shall propel a bicycle and/or a wheeled good on any sidewalk or within any sidewalk area except for children age 10 and under who are accompanied by an adult.

201.5 A person operating a wheeled good or bicycle upon a roadway at a speed less than normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the operator of the wheeled good or:

201.5.1 When overtaking and passing another wheeled good operator or bicycle in the same direction;

¹ Section 201.1 – ATM 6-9-2009

² Section 201.1 – STM – 11/3/2009

³ Section 201.2 – ATM 6-9-2009

⁴ Section 201.2 – STM – 11/3/2009

⁵ Section 201.3 – STM – 11/3/2009

⁶ Section 201.4 – STM – 11/3/2009

- 201.5.2 When preparing to make a left turn at an intersection or into a private road or driveway;
- 201.5.3 When proceeding straight in a place where right turns are permitted; and
- 201.5.4 When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, wheeled goods, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.
- 201.6 Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this Town applicable to a driver of a vehicle, except as to special regulations in this chapter and except to those provisions of laws and ordinances which by their nature can have no applicability.
- 201.7 The operator of a wheeled good or bicycle emerging from an alley, driveway or curb shall, upon approaching a sidewalk of the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.
- 201.8 No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars (of a bicycle).

202 Parking

- 202.1** A person shall park a bicycle at racks or designated areas where provided. Otherwise, the person shall park such bicycle in such manner as not to interfere with traffic or pedestrian movement.
- 202.2** A person shall not park a bicycle in front of or secured to any of the following:

 - 202.2.1** Entrances to buildings or other structures;

202.2.2 Fire Hydrants;

203 **Fines and Penalties**

203.1 Fines and penalties provided by Maine statutes shall apply for all violations including local ordinances. In addition, the following provisions shall apply for impounded bicycles.

203.2 Where any bicycle has remained parked for any period exceeding twenty-four (24) hours, authorized officials may remove and impound the bicycle. The owner may recover the bicycle upon payment of ten dollars (\$10).

203.3 Where the ownership of an impounded bicycle is known or may be reasonably ascertained, the Chief of Police shall notify the owner that such bicycle has been impounded. Any bicycle not claimed within thirty (30) days shall be considered abandoned, and the Town may dispose of any abandoned bicycle.

204 **Prohibitions**

204.1 No person shall use, ride or operate, or attempt to use, ride or operate ^{7/8}the following wheeled goods (i.e., skateboard, roller skates, roller blades or in-line skates) on U.S. Route One, Shore Road, Beach Street, River Road, Hoyt's Lane, Berwick Road, Perkins Cove Road, Wharf Lane and the ramp between the Upper and Lower Lots, or upon a lawful sidewalk, or upon private property without permission from the property owner. Bicycles are permitted on the aforementioned roads.

⁹All wheeled goods, including bicycles, are not permitted on the Marginal Way.

The operation of ¹⁰all wheeled goods, including bicycles, is permitted within a public parking area, if undertaken in a manner which does not interfere with the flow of traffic associated with vehicular parking and vehicular and pedestrian passage.

204.2 Children age 10 and under who are accompanied by an adult may ride a bicycle or other wheeled good on any sidewalk. Any person over the age

⁷ Section 204.1 – ATM 6/9/2009

⁸ Section 204.1 – STM 11/3/2009

^{9/10} Section 204.1 – STM – 11/3/2009

of 12 shall not ride a bicycle or other wheeled good on any lawful sidewalk. Any person shall not ride a bicycle or other wheeled good ~~or~~ on Marginal Way, on any private property without permission of the owner, on Ogunquit Beach from May 15 until September 15 of each year, or in a fashion which causes damage to any municipal property. A bicyclist is permitted to walk a bicycle over any grassy area, wooded trail, or any paved surface, including sidewalks, reserved for pedestrian use.

204.3

Any person convicted of a violation of this Ordinance shall be liable to a penalty of not more than twenty-five dollars (\$25) and may suffer in the sound discretion of the court forfeiture of his/her interest in the ¹¹wheeled goods in question to the Town of Ogunquit for disposition in such manner as the court may direct.

DRAFT

¹¹ Section 204.3 – STM – 11/3/2009

**TITLE VI
BICYCLES AND OTHER WHEELED GOODS
AND
PEDESTRIAN ORDINANCE**

Chapter 3 Pedestrian Ordinance

301

State Statutes to Apply

~~State statutes~~ Maine State Revised Statutes, Title 29-A regulating pedestrian movement shall apply to all streets in Ogunquit. Penalties provided by Maine State Revised Statutes, Title 29-A statutes shall also apply.

DRAFT

**TITLE VI
BICYCLES AND OTHER WHEELED GOODS
AND
PEDESTRIAN ORDINANCE**

Chapter 4 Prior Ordinance Repealed

401 | Prior inconsistent or conflicting provisions of the "Traffic and Parking Ordinances - Ogunquit Village Corporation", adopted on May 17, 1976, and other ordinances pertaining to traffic, parking, and pedestrians are repealed.

Comment [JT1]: This may need to be changed once this ordinance is repealed and replaced with new language at Town Meeting

DRAFT

**TITLE VI
BICYCLES AND OTHER WHEELED GOODS
AND
PEDESTRIAN ORDINANCE**

Chapter 5-A An Ordinance Restricting the Distribution of Commercial Handbills

501-A Title

This Chapter shall be known and may be cited as the “Ordinance Restricting the Distribution of Commercial Handbills.”

502-A Purpose

The purpose of this Ordinance is to protect the public health, safety and welfare by prohibiting the distribution of commercial handbills in certain areas of the Town where that activity has generated serious issues affecting the safety of pedestrians, free flow of vehicular traffic, littering problems that diminish aesthetics and the environment and, regarding aggressive solicitation, protecting the safety and privacy interests of Ogunquit residents and visitors.

503-A Authority

Authority to enact this Ordinance is found generally in the Maine Revised Statutes, 30-A M.R.S.A. § 3009, which authorizes the municipal officers of any Maine municipality to enact an Ordinance protecting sidewalks and public ways, and in the general authority of Maine municipalities to enact ordinances to protect the public health, safety and welfare.

504-A Definitions

As used in this Ordinance, the words listed below shall have the following meanings:

504-A.1

Restricted Areas are those areas in Ogunquit where the distribution of commercial handbills has generated serious issues of pedestrian safety, vehicular traffic congestion, and aesthetic and environmental problems from littering and are specifically designated as follows:

- U.S. Route 1 (and extending out 50' feet from the edge of the existing pavement);
- Shore Road (and extending out 50' feet from the edge of the existing pavement);

Title VI – Bicycle and Pedestrian Ordinance, Chapter 5-A – An Ordinance Restricting the Distribution of Commercial Handbills

- Beach Street (and extending out 50' feet from the edge of the existing pavement);
- Town public parking lots;
- Town MSW transfer station;
- Ogunquit Beach;
- Marginal Way; and
- Within the actual travel way of any public street.

504-A.2 Aggressive Solicitation means to pursue or verbally or physically accost citizens, either intentionally or recklessly, in an effort to pass out, distribute or otherwise disseminate commercial handbills to them where the person being solicited is likely to fear imminent bodily harm or the commission of a crime against his property or is likely to feel intimidated into accepting the commercial handbill.

504-A.3 Commercial Handbills means any written or printed materials promoting or offering for sale or trade any goods or services.

505- A Restricted Activities

505-A.1 No person, firm or corporation shall pass out, distribute or otherwise disseminate commercial handbills in restricted areas to pedestrians or occupants of motor vehicles.

505-A.2 No person, firm or corporation shall engage in aggressive solicitation with regard to passing out, distributing or otherwise disseminating commercial handbills anywhere within the Town.

505-A.3 No person, firm or corporation shall staple or otherwise affix any commercial handbills to any publicly owned property or utility pole in any public right-of-way, nor shall any person, firm or corporation affix commercial handbills to motor vehicles parked anywhere in the Town unless the owner or operator thereof specifically requests or authorizes the same.

506-A Limitations

Nothing in this Ordinance shall be deemed to regulate in any manner distribution or dissemination, whether orally or by printed materials, of any religious, political, community-based, charitable or other noncommercial

Title VI – Bicycle and Pedestrian Ordinance, Chapter 5-A – An Ordinance Restricting the Distribution of Commercial Handbills

message or materials. To the extent a handout or other written material purports both to fall within this section’s exemption and to promote the sale or trade of goods or services, the restrictive provisions of this Ordinance shall apply if it appears from the commercial handbill that a material purpose in such handbill is to promote the commercial sale or trade of goods or services.

507-A Enforcement

This Ordinance may be enforced either by any law enforcement officer or the Town’s Code Enforcement Officer.

508-A Penalties

The penalty for violations of this Ordinance, except where otherwise specified by State law, shall be a fine of not less than One Hundred Dollars (\$100) for a first offense and by a fine of not less than Five Hundred Dollars (\$500) for each subsequent offense by the same person, firm or entity or by another individual on behalf of a person, firm or entity previously found in violation of this Ordinance. Fines collected for violations of this Ordinance shall be recovered for the sole use and benefit of the Town of Ogunquit.

509-A Severability

If any provision of this Ordinance is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

510-A Effective Date

This Ordinance shall become effective immediately upon adoption by the Board of Selectmen. **(Adopted September 17, 2002)**

Comment [JT1]: This will need to be changed when this is adopted via Town Meeting

OGUNQUIT PLANNING BOARD
ORDINANCE AMENDMENT
PUBLIC HEARING
AUGUST 24, 2017 at 6:00 P.M.
DUNAWAY CENTER AUDITORIUM

An Ordinance to Amend
Ogunquit Zoning Ordinance
Article 7 Section 7.2.G Land Use Controls

G. Retail Marijuana Prohibition

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, as either a principal use or an accessory use, are expressly prohibited in Ogunquit.

No person or organization shall develop or operate a business that engages in retail sales of marijuana or any retail marijuana-product, both as defined by 7 M.R.S.A. § 2442.

NOTE: This is a new stand alone Ordinance; language has been removed from Title X – Zoning Ordinance to create this NEW Shoreland Zoning Ordinance with updates.

Title XVIII Shoreland Zoning Ordinance

1. Purposes. The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. Authority. This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. Applicability. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river
- upland edge of a freshwater wetland,
- coastal wetlands

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending over or located below the normal high-water line of a water body or within a wetland.

4. Effective Date of Ordinance; April 4, 1998 , Effective date of amendments; April 1, 2009

5. Availability. A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty- five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
9. **Districts and Zoning Map**
- A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
- Resource Protection
 - Limited Residential
 - Limited Commercial
 - General Development I
 - General Development II
 - Commercial Fisheries/Maritime Activities
 - Stream Protection
- B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
- C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
- D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and

rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted

12. Non-conformance

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non- conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

(1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

(2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. A building permit is not required for painting or general maintenance, provided there are no repairs or replacement of structural components. Check with the code enforcement office if your project is questionable.

C. Non-conforming Structures

(1) **Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body.

tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

- (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
- (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
- (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
- (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure shall not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
- (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are

legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
- (2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the new foundation may not be elevated more than three feet higher than the foundation being replaced, and the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.
- (3) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation.

Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- (4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within ~~eighteen~~ 12 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a

structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

- (5) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another non-conforming use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.
- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. This determination of no greater impact shall be made according

to criteria in Section 12(C)(5).

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

- A. **Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, need not be included within the Resource Protection District.
- (1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs
- B. **Limited Residential District.** The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.
- C. **General Development I District.** The General Development I District includes the following; areas of two or more contiguous acres devoted to residential use or recreational activities or a mix of such activities.
- D. **General Development II District.** The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I

District. Portions of the General Development District I or II

may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

- E. **Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited

- F. **Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

- G. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses,

Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (a) Shelter from prevailing winds and waves;
- (b) Slope of the land within 250 feet, horizontal distance, of the shoreline;

- (c) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (d) Available support facilities including utilities and transportation facilities; and
- (e) Compatibility with adjacent upland uses.

14. **Table of Land Uses.** All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (permit may be required and the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement

Officer LPI - Allowed with permit issued by the Local Plumbing

Inspector Abbreviations:

RP - Resource Protection GD General Development I and General

Development II LR - Limited Residential CFMA - Commercial

Fisheries/Maritime Activities LC - Limited Commercial SP -

Stream Protection

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Table 1. Land Uses in the Shoreland Zone

Land Uses	Districts					
	SP	RP	LR	LC	GD	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO ¹³	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses	PB ⁴	PB ⁹				
A. One and two family residential, including driveways			CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no ¹⁰	no ¹⁰	PB ¹⁴	PB	PB ⁵
D. Industrial	no	no	no	no	PB	PB ⁵
E. Governmental and institutional	no	no	PB	PB	PB	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO	PB ⁵
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	yes	yes

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Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland	CEO ¹¹ PB ⁵					
Temporary						
Permanent						
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	CEO	CEO
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	6 CEO	6 CEO	12 yes CEO	12 yes CEO	12 yes CEO	12 yes CEO
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	6 PB	6 PB ⁶	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB	PB
D. Other essential services	PB ⁶	6 PB	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ⁵
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁷	PB	PB	PB	no
26. Road construction	PB	no ⁸	PB	PB	PB	PB ⁵
27. Land management roads	yes	13 PB	yes	yes	yes	yes
28. Parking facilities	no	no ⁷	PB	PB	PB	PB ⁵
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

- 1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
- 2 Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- 3 In RP not allowed in areas so designated because of wildlife value.
- 4 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- 5 Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
- 6 See further restrictions in Section 15(L)(2).
- 7 Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- 8 Except as provided in Section 15(H)(4).
- 9 Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special are allowed in the respective district.
- 10 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
- 11 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- 12 Permit not required; but must file a written "notice of intent to construct" with CEO.

13 Permit not required; but must file a written "notice of intent to construct" with CEO13
 Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, activities or occupations which are conducted without customers or clients coming to the premises.

14 TA-4 is only allowed in those portions of the SLC District, immediately adjacent to the GB2 District.

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NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

(1)

(a) Residential per dwelling

unit

Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
-------------------------------	------------------------------------

- | | | |
|---|---------------|------------|
| (i) <u>Within the Shoreland Zone</u>
<u>Adjacent to Tidal Areas</u> | <u>30,000</u> | <u>150</u> |
| (ii) <u>Within the Shoreland Zone</u>
<u>Adjacent to Non-Tidal Areas</u> | <u>40,000</u> | <u>200</u> |
- (b) Governmental, Institutional, Commercial or Industrial per principal structure
- | | | |
|---|---------------|-------------|
| (i) <u>Within the Shoreland Zone</u>
<u>Adjacent to Tidal Areas, Exclusive</u>
<u>of Those Areas Zoned for</u>
<u>Commercial Fisheries and</u>
<u>Maritime Activities</u> | <u>40,000</u> | <u>200</u> |
| (ii) <u>Within the Shoreland Zone</u>
<u>Adjacent to Tidal Areas</u>
<u>Zoned for Commercial</u>
<u>Fisheries and</u>
<u>Maritime Activities</u> | <u>NONE</u> | <u>NONE</u> |
| (iii) <u>Within the Shoreland Zone</u>
<u>Adjacent to Non-tidal Areas</u> | <u>60,000</u> | <u>30</u> |
- (c) Public and Private Recreational Facilities
- | | | |
|--|---------------|------------|
| (i) <u>Within the Shoreland Zone Adjacent</u>
<u>to Tidal and non-tidal areas</u> | <u>40,000</u> | <u>200</u> |
|--|---------------|------------|
- (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
 - (3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
 - (4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
 - (5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each

additional dwelling unit, principal structure, or use.

-
- (6) Clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.
-

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I & II District(s) the setback from the normal high- water line shall be at least twenty five (25) Fifty (50) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water- dependent uses.
- (b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix A), shall be set back a minimum of one hundred and twenty- five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
- (c) The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed 20 percent of the lot, including land area previously developed or built upon.
- (d) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not

exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height, in the General Development II district the height shall not exceed 27 feet This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Cupolas and similar structures, with no floor area, are exempt from this limit.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the most current version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage .

- (4) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which

cannot be stabilized with vegetative plantings;

- (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
- (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection.

- (5) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not

extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization

- (1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing developed or natural beach areas.
- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

(7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.

(8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

- (5) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
- (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.
- (b) Revegetation must occur in accordance with Section 15(S).
- (8) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- (9) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
- When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
 - Revegetation must occur in accordance with Section 15(S).
- 10.-A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
- (1) The total deck area attached to the structure does not exceed 700 square feet;

- (2) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
- (3) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
- (4) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 15(B); and
- (5) The construction of the deck complies with all other state and federal laws.

D. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high- water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the

Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities

E. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage and or sales of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Junk yards, recycling yards, lumber processing or sales.
- (6) Commercial painting, wood preserving, and furniture stripping
- (7) Dry cleaning establishments
- (8) Electronic circuit assembly
- (9) Laundromats, unless connected to a sanitary sewer
- (10) Metal plating, finishing, or polishing
- (11) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (12) Photographic processing
- (13) Printing
- (14) Vehicle sales, repair or body repair or painting.

F. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for

structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

G. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or

driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone except:
 - (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be setback as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland. At no time may the Planning Board reduce the set back to less than 50 feet.
- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).
- (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an un-scarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an un-scarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto un-scarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<u>Grade (Percent)</u>	<u>Spacing (Feet)</u>
<u>0-2</u>	<u>250</u>
<u>3-5</u>	<u>200-135</u>
<u>6-10</u>	<u>100-80</u>
<u>11-15</u>	<u>80-60</u>
<u>16-20</u>	<u>60-45</u>
<u>21 +</u>	<u>40</u>

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

H. Signs. The sign permit requirements shall follow the town of Ogunquit zoning ordinance.

I. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine

Construction General Permit is required if the construction will result in one acre or more of disturbed area. extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

J. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

K. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within (100) feet horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within (75)feet, horizontal distance, of any property line without written permission of the owner of such adjacent property
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
- (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

L. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within

seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.

RELATING TO TIMBER HARVESTING STANDARDS:

Title 38 M.R.S.A. section 438-A provides that, notwithstanding other provisions of the Mandatory Shoreland Zoning Act, the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Maine Forest Bureau pursuant to Title 12, section 8

O. Timber Harvesting – Statewide Standards

- (1) **Shoreline integrity and sedimentation.** Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) **Slash treatment.** Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

- (b) Adjacent to great ponds, rivers and wetlands:
- (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
- (a) **Option 1 (40% volume removal), as follows:**
- (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.
- (b) **Option 2 (60 square foot basal area retention), as follows:**
- (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

- (c) **Option 3 (Outcome based)**, which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

- (4) **Skid trails, yards, and equipment operation.** This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.
- (a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
- (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
- (c) **Setbacks**
- (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
- (ii) Where such setbacks are impracticable, appropriate techniques shall be used

to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (5) **Land Management Roads.** Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.
- (a) Land management roads and associated ditches, excavation, and fill must be set back at least:
- (i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;
 - (ii) 50 feet, horizontal distance, from the normal high-water line of streams; and
 - (iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams
- (b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

- (d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an un-scarified filter strip no less than the width indicated in the setback requirements in
Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (f) **Road closeout and discontinuance.** Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (g) **Upgrading existing roads.** Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
- (h) **Exception.** Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions,

sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (i) **Additional measures.** In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) **Crossings of waterbodies.** Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
 - (a) **Determination of flow.** Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - (b) **Upgrading existing water crossings.** Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).
 - (c) **Other Agency Permits.** Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
 - (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
 - (e) **Notice to Bureau of Forestry.** Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

- (i) a map showing the location of all proposed permanent crossings;
 - (ii) the GPS location of all proposed permanent crossings;
 - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits;
and
 - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- (f) **Water crossing standards.** All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
- (i) concentrated water runoff does not enter the stream or tributary stream;
 - (ii) sedimentation of surface waters is reasonably avoided;
 - (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
 - (iv) fish passage is not impeded; and,
 - (v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

- (g) **Bridge and Culvert Sizing.** For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows or with a cross-sectional area at least equal to 3 times the cross-sectional area of the river, stream, or tributary stream channel.
 - (ii) Temporary bridge and culvert sizes may be smaller than provided in

Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high- water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

(iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be

designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

(v) **Exception.** Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the

disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

- (h) **Skid trail closeout.** Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
 - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (i) **Land management road closeout.** Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
- (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
2. it shall be designed to provide an opening with a cross-sectional area at least 3½ times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

<u>Average slope of land between exposed Mineral soil and the shoreline (percent)</u>	<u>Width of strip between exposed mineral soil and shoreline</u>
<u>0</u>	<u>25</u>
<u>10</u>	<u>45</u>
<u>20</u>	<u>65</u>
<u>30</u>	<u>85</u>
<u>40</u>	<u>105</u>
<u>50</u>	<u>125</u>
<u>60</u>	<u>145</u>
<u>70</u>	<u>165</u>

(8) Definitions. Unless otherwise provided herein, this Section O-1 incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, "Forest Regeneration and Clearcutting Standards", and Chapter 21, "Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas".

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation

shall be limited to that which is necessary for uses expressly authorized in that district.

- (2) Except in areas as described in Section P(1), above, within a strip of land extending one- hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<u>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</u>	<u>Points</u>
<u>2 - < 4</u>	<u>1</u>
<u>4 - < 8</u>	<u>2</u>
<u>8 - < 12</u>	<u>4</u>
<u>12 in. or greater</u>	<u>8</u>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees

totaling 12 points (36- 24 =12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.

- (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).
- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present,

then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

- (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If

new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

- (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
- (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
- (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
- (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

- (ii) Stumps from the storm-damaged trees may not be removed;
- (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
- (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent

zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along a river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
- (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:
http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
- (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
- (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

- (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or rip-rap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is

established.

- (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- U. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- V. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- W. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.
listing and location of Historic Places in their community.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the

provisions of 30-A M.R.S.A. section 2691.

- (3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is required for the replacement of an existing road culvert when:
- (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is no longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its

receipt.

- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
- (5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

- D. Procedure for Administering Permits.** Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;

- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in

areas subject to tides,

based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100- year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
 - (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.
- F. **Expiration of Permit.** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- G. **Installation of Public Utility Service.** A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. **Appeals**

- (1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
 - (a) **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by,

the Planning Board in the administration of this Ordinance shall be appealed directly to superior court; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance shall be appealed to the Zoning Board of Appeals.

NOTE: Whether an administrative appeal is decided on an "appellate" basis or on a "de novo" basis, or whether an enforcement decision is appealable to the board of appeals, shall be the decision of the municipality through its specific ordinance language. The Department is not mandating one alternative over the other. If a municipality chooses appeals procedures different from those in Section 16(H), it is recommended that assistance be sought from legal counsel to ensure that the adopted language is legally sound.

- (b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.
- (2) **Variance Appeals.** Variances may be granted only under the following conditions:
- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - 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;

- 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.
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for
- access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)
- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
 - (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) **Administrative Appeals**

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its

own decision.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- (ii) The person filing the appeal shall have the burden of proof.
- (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written

decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

- (5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), 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 (45) days from the date of any decision of the Board of Appeals.
- (6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

- (1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) **Code Enforcement Officer**
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - (c) The Code Enforcement Officer shall keep a complete record of all essential

transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

- (3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. **Definitions**

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck

or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental green-house products.

Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat / vessel / watercraft – used or capable of being used as a means of transportation on the water, including seaplanes, amphibious vehicles, and any other variable use craft when navigating or moored on the water, with the exception of human powered vessels under eight feet in length. The boat, vessel, watercraft may be used interchangeably.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Boat house- a non-habitable structure designed for the purpose of storing boats and boating equipment.

Bureau of Forestry – State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service.

Coastal wetlands may include

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary

stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Dock, pier, mooring, wharf- a structure, on or above the water that serves as securing a boat.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single- family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the footprint of a structure, including all

extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floating accessory objects- such as, but not limited to, anchored swim/diving platform, inflatable raft or other object used for play on the water, boat lifts.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

- (1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

- (2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to,

waterfront dock, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes and uses that primarily provide general public access to coastal or inland waters.

Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Habitable – a space in a building for living, sleeping, cooking and eating

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not

include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of

nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or

amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use - a use other than one which is wholly incidental or accessory to another use

on the same lot.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

<u>Fryeburg</u>	<u>Hadley</u>	<u>Limerick</u>
<u>Lovewell</u>	<u>Medomak</u>	<u>Ondawa</u>
<u>Alluvial</u>	<u>Cornish</u>	<u>Charles</u>
<u>Podunk</u>	<u>Rumney</u>	<u>Saco</u>
<u>Suncook</u>	<u>Sunday</u>	<u>Winoosk</u>

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated floodplain wetlands from that

point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

(1) in the case of electric service

(a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

(b) the total length of the extension is less than one thousand (1,000) feet.

(2) in the case of telephone service

(a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

(b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

Sustained slope - a change in elevation where the referenced percent grade is

substantially maintained or exceeded throughout the measured area.

Tidal waters – all waters affected by tidal action during the highest annual tide.

Timber harvesting- the cutting and removal of timber for the purpose of selling or processing forest products. Timber harvesting does not include the cutting or removal of vegetation within the shoreland when associated with any other land use activities.

Timber harvesting and related activities-the construction and maintenance of roads use primarily for timber harvesting and other activities related to timber harvesting.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such

vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high

velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

OGUNQUIT

Beautiful Place by the Sea

MEMORANDUM

To: Ogunquit Select Board
From: Steve Shepard, Public Works Supervisor SS
Date: August 9, 2017
Re: John Deere 2025R Compact Utility Tractor

Four bids were received:

Chad Little Outdoor Power Equipment	\$18,965.61
North Country Tractor	\$20,958.99
Hammond Tractor	\$21,500.00
Hall Implement Co.	\$26,075.85

After review of the bids, it is my recommendation to award the bid to Chad Little Outdoor Power Equipment.

TOWN OF OGUNQUIT
BID FORM

The undersigned, having carefully read the bid specifications, hereby propose and agree to furnish as follows:

John Deere 2025R Compact Utility Tractor

Bid \$ 18,965.61

Signed:	<u>Jeffrey A Brannen</u>		
Printed Name:	<u>Jeffrey A Brannen</u>		
Title:	<u>Sales</u>		
Firm:	<u>Ched Little outdoor Power Equipment</u>		
Address:	<u>7 Glasgow rd</u>		
	<u>Scarborough ME 01274</u>		
Date:	<u>8/1/17</u>		
Phone #	<u>202 883-9000</u>	Fax#	<u>202 883-9012</u>
E-mail	<u>jbrannen@chedlittleoutdoorpower.com</u>	FID	<u>01-0502533</u>

TOWN OF OGUNQUIT
BID FORM

The undersigned, having carefully read the bid specifications, hereby propose and agree to furnish as follows:

John Deere 2025R Compact Utility Tractor

Bid \$ 20,958.89

Signed:	<u></u>		
Printed Name:	<u>Thomas M Swan Jr.</u>		
Title:	<u>Sales</u>		
Firm:	<u>North Country Tractors</u>		
Address:	<u>8 Shaws Ridge Rd.</u>		
	<u></u>		
Date:	<u>7/21/17</u>		
Phone #	<u>207-324-5246</u>	Fax#	<u>207-324-2241</u>
E-mail	<u>Toms@northcountrytractors.com</u>	FID	<u></u>

TOWN OF OGUNQUIT
BID FORM

The undersigned, having carefully read the bid specifications, hereby propose and agree to furnish as follows:

John Deere 2025R Compact Utility Tractor

Bid \$ \$21,500.00

Signed:	<u>Allan L Twitchell</u>		
Printed Name:	<u>ALLAN L. Twitchell</u>		
Title:	<u>Sales Mgr.</u>		
Firm:	<u>HAMMOND TRACTOR CO. Auburn</u>		
Address:	<u>1110 Minot Ave.</u> <u>Auburn Me. 04210</u>		
Date:	<u>7-20-2017</u>		
Phone #	<u>207-782-8921</u>	Fax#	<u>207-782-0996</u>
E-mail	<u>ALLAN@HAMMONDTRACTOR.COM</u>	FID	<u>01-0391178</u>

TOWN OF OGUNQUIT
BID FORM

The undersigned, having carefully read the bid specifications, hereby propose and agree to furnish as follows:

John Deere 2025R Compact Utility Tractor

Bid \$ 26,075.85

Signed:	<u>Robert P Jackman</u>		
Printed Name:	<u>Robert P. Jackman</u>		
Title:	<u>Sales Manager</u>		
Firm:	<u>Hall Implement Co</u>		
Address:	<u>1 John Deere Rd</u> <u>Windham, Me 04062</u>		
Date:	<u>7/17/17</u>		
Phone #	<u>207-892-6894</u>	Fax#	<u>892 2469</u>
E-mail	<u>bob@hallimplementco.com</u>	FID	<u>092 008</u>

Unable to Supply 2025R as this unit has been discontinued and will be replaced later this fall with a new version. There is no longer factory availability of it. Unit bid is the New 2032R next size up from the 2025R.