

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, APRIL 17, 2018

5:00PM - Budget Meeting with Select Board and Budget Review Committee

- Review of Operating and Capital Improvement Budget by Select Board and Budget Review Committee
- Budget Review Committee vote on Operating Budget and Capital Improvements Budget

1.0 CALL TO ORDER: 6:00PM

- 1.1 Roll Call of Members
1.2 Pledge of Allegiance

2.0 LIQUOR AND AMUSEMENT LICENSE PUBLIC HEARINGS

- 2.1 Backyard - Malt & Vinous Liquor License Application Renewal
2.2 Brix & Brine - Malt, Spirituous & Vinous Liquor License Application Renewal
2.3 Cornerstone - Malt, Spirituous & Vinous Liquor License Application Renewal
2.4 Cornerstone - Amusement License Renewal
2.5 Fresh - Malt, Spirituous & Vinous Liquor License Application Renewal
2.6 Smokey B's Gin Mill - Malt, Spirituous & Vinous Liquor License Application Renewal
2.7 That Place - Malt, Spirituous & Vinous Liquor License Application Renewal
2.8 That Place - Amusement License Renewal
2.9 The Trap - Malt & Vinous Liquor License Renewal

3.0 NEW BUSINES - PUBLIC HEARINGS

- 3.1 Amendments to Title VIII, Harbor & Watercraft Ordinance, Appendix I - Public Boat Ways Fees; and Appendix II - Mooring & Docking Fees
3.2 To Consider the Transfer of up to \$112,000 from the "Natural Disaster Emergency Repair Fund" for Repairs to the Marginal Way
3.3 Amendments to Title III, Public Service Ordinance, Appendix II - Solid Waste Disposal Fee Schedule
3.4 Public Comment and Questions Regarding the Proposed Article Submitted by Petition - "Shall "An Ordinance to Amend the Ogunquit Zoning Ordinance, Article 2 - Definitions, Page 43, Amended with Changes Effective June 12, 2018" be enacted?"

4.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

5.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

5.1 Fiscal Year 2018-2019 Budget - Public Q & A

6.0 UNFINISHED BUSINESS

6.2 Conservation Commission Proposed Trail on Town-owned Land

7.0 NEW BUSINESS

7.1 Municipal Officers Certification of Official Text of Proposed Ordinances for the June 12, 2018 Annual Town Meeting

7.2 Renewal of Dispatch Services Agreement for the Town of Wells to Provide Dispatch Services for the Town of Ogunquit

7.3 Bid Award - To Roof Replacement and Chimney Repairs at the Ogunquit Heritage Museum

7.4 Bid Award - Structural Assessment of the Ogunquit Village School

8.0 TOWN MANAGER'S REPORT

9.0 CITIZEN COMMENTS (For town topics not on the agenda)

The Select Board welcomes public comments and questions about Town-related issues that are not on the agenda. We ask that people keep comments on point and within 3 minutes.

10.0 OTHER BUSINESS

10.1 Select Board Reports and Announcements

11.0 ADJOURNMENT



LIQUOR
&
AMUSEMENT
LICENSE
PUBLIC
HEARING

OGUNQUIT

Beautiful Place by the Sea

PUBLIC HEARING NOTICE

The Ogunquit Board of Selectmen will hold a Public Hearing on Tuesday, April 17, 2018, 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)

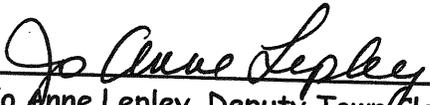
Brix & Brine	47 Shore Road
Cornerstone	228 Main Street
Fresh	173 Main Street
Smokey B's Gin Mill	422 Main Street
That Place in Ogunquit	331 Shore Road

MALT & VINOUS LICENSE (RENEWAL)

Backyard	178 Main Street
The Trap	117 Perkins Cove Road

AMUSEMENT LICENSE (RENEWAL)

Cornerstone	228 Main Street
That Place in Ogunquit	331 Shore Road


Jo Anne Lepley, Deputy Town Clerk

Posted by:


Patricia L. Arnaudin, Police Chief

Posted:

April 10, 2018
Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT

4.6.2018
@ 1:00pm

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW [] RENEWAL [X] FOR THE YEAR: 2018
CURRENT LICENSE EXPIRATION DATE: 5-15-18

BUSINESS NAME: Backyard
APPLICANT: Amy Thibeault
EMAIL: Backyard28@yahoo.com
BUSINESS REG #: 27-2018 ISSUE DATE: 3/28/18 MAP: 006 LOT: 40-C
OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 65

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 J. Renaudin</i>	[X]	[]	[X]	[]	04-10-2018
Fire Chief	<i>Mark Blinn</i>	[X]	[]	[X]	[]	4-10-18
Code Officer	<i>[Signature]</i>	[X]	[]	[]	[X]	4-6-2018

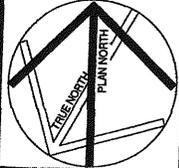
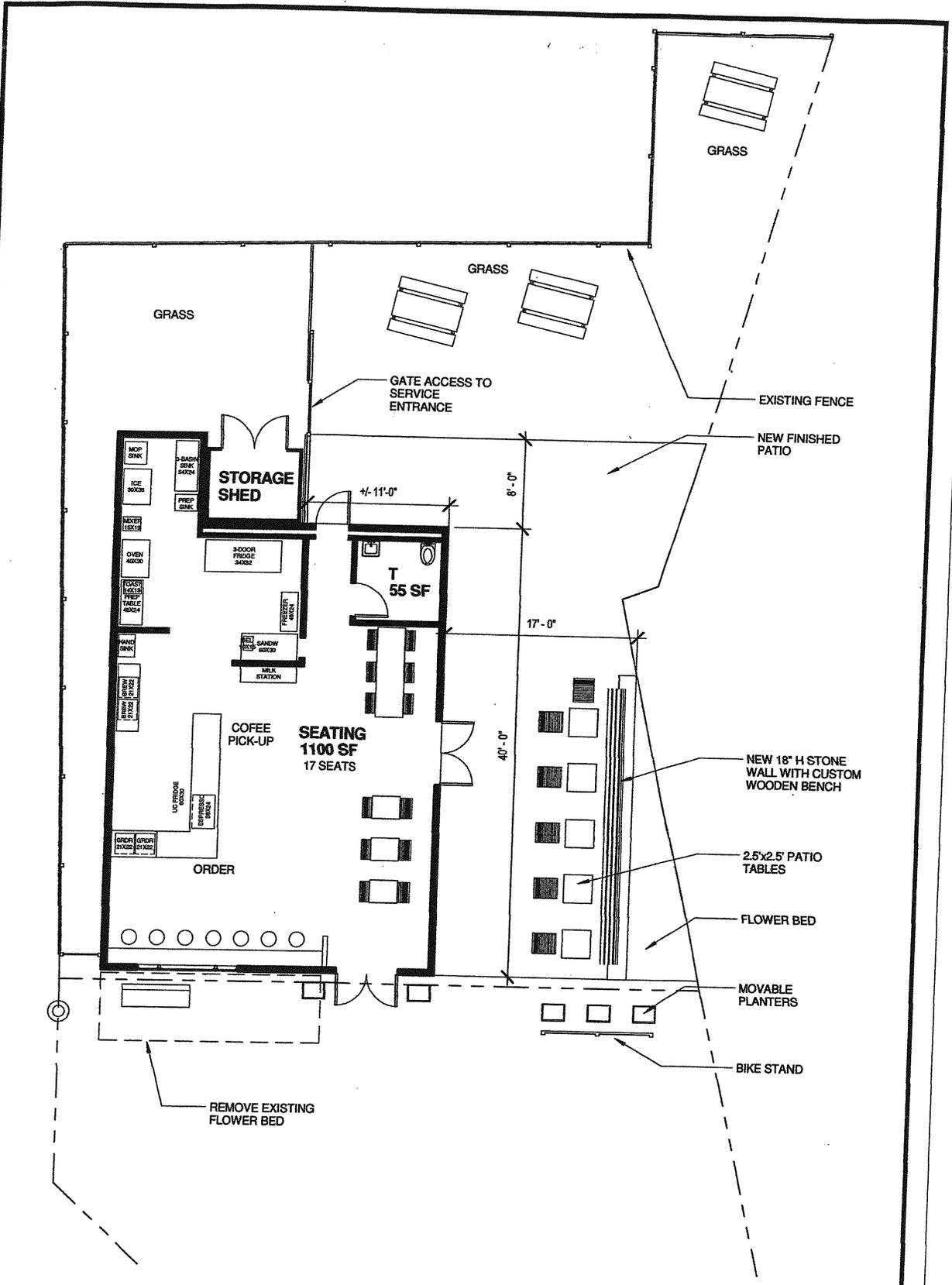
**ATTENDANCE AT PUBLIC HEARING IS REQUIRED
PLEASE READ THE FOLLOWING CAREFULLY BEFORE SIGNING**

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.

[Signature]
APPLICANTS SIGNATURE

FOR OFFICE USE ONLY

Application Fee: \$200 Date Paid: 3/28/18 Check/Cash Check #: 2849
Background Check Fee: \$ 21 (\$21.00 per person listed on application)
Business Reg. Fee: \$150.00 Paid prior to Liquor Application? YES NO
TOTAL PAID WITH APPLICATION: \$ 371.00 Received by: [Signature]
(Town Clerk's Office)
DATE POSTED: 4-10-2018 DATE HEARD: _____ APPROVED: _____ DENIED: _____



COFFEEHOUSE- "BACKYARD"
 178 Main Street Ogunquit ME

SCALE: 1/8" = 1'-0" DATE: 03.30.2012

DRAWING NUMBER

A101

JOB NUMBER 2305

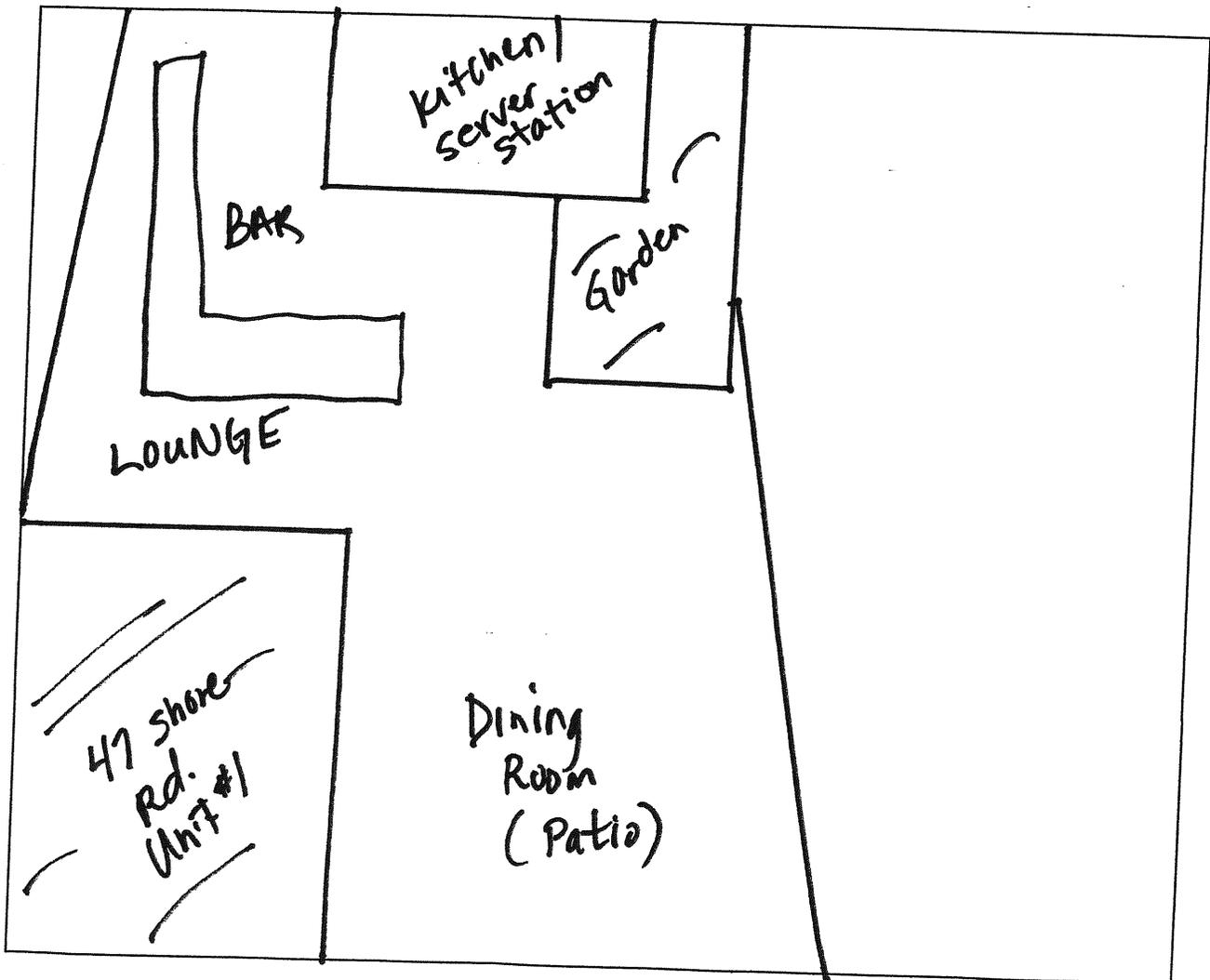
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



OGUNQUIT

Beautiful Place by the Sea

4-5-2018
@ 9:00am

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2018
CURRENT LICENSE EXPIRATION DATE: 6/7/2018

BUSINESS NAME: Native Grounds Inc DBA Cornerstone
APPLICANT: Native Grounds Inc DBA Cornerstone
EMAIL: Cornerstoneogt@gmail.com
BUSINESS REG #: 248-151 ISSUE DATE: 3/27/18 MAP: 7 LOT: 71A
OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 110

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. Dinardin</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	04-10-2018
Fire Chief	<i>Mark Ben</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4-10-18
Code Officer	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-5-18

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.

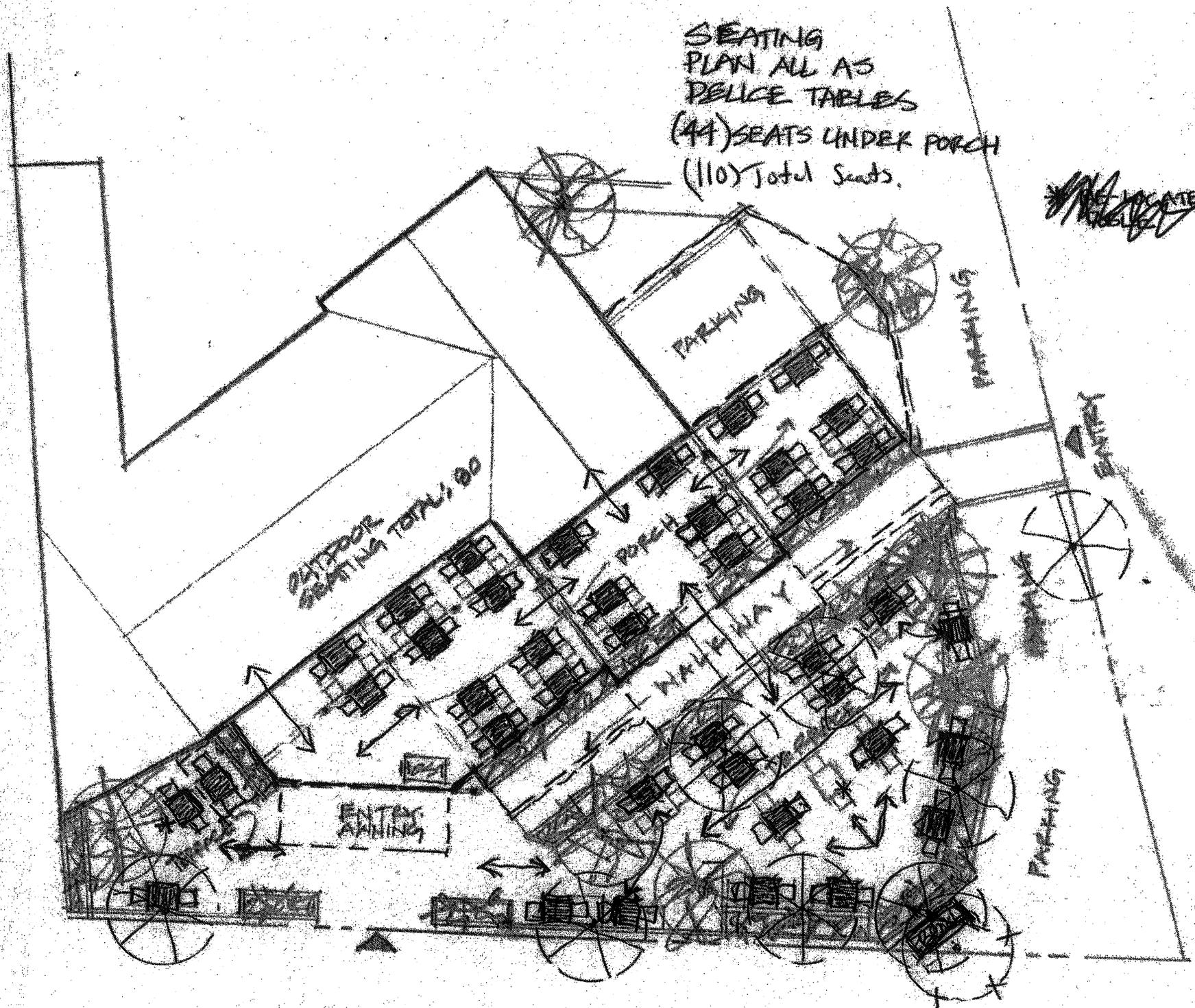
[Signature]
APPLICANTS SIGNATURE

FOR OFFICE USE ONLY

Application Fee: \$200 Date Paid: 3/27/18 Check/Cash Check #: 7662
Background Check Fee: \$ 63 (\$21.00 per person listed on application)
Business Reg. Fee: \$150.00 Paid prior to Liquor Application? YES NO
TOTAL PAID WITH APPLICATION: \$ 363.00 Received by: *[Signature]*
(Town Clerk's Office)
DATE POSTED: 4-12-2018 DATE HEARD: _____ APPROVED: _____ DENIED: _____

SEATING
PLAN ALL AS
POLICE TABLES
(44) SEATS UNDER PORCH
(110) Total Seats.

~~RELOCATED~~



OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT AMUSEMENT LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2018

BUSINESS NAME: Native Grounds Inc DBA Cornerstone

BUSINESS ADDRESS: 228 Main Street

BUSINESS PHONE # 207 646 4118

HOME PHONE #

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

BUSINESS REG # ~~0000~~

2018-151

ISSUE DATE: 3/27/18

MAP: 7

LOT: 71A

(Business Registration)

OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 110

NATURE OF BUSINESS: Restaurant

FORM OF ENTERTAINMENT: (Please be specific) Guitars, drums, sometimes amplified. No heavy rock music

APPLICANT: Michael Cavaretta

ADDRESS: 228 Main St Ogunquit, ME 03907

HAS YOUR LICENSE TO CONDUCT THIS BUSINESS EVER BEEN DENIED, SUSPENDED OR REVOKED?

YES NO

If, YES, please explain:

HAVE YOU ANY PARTNERS OR CORPORATE OFFICERS EVER BEEN CONVICTED OF A FELONY?

YES NO

If, YES, please explain:

NOTE - SPECIAL ATTENTION

APPLICATION MUST BE SUBMITTED NINETY DAYS (90) PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

Please consult Title IX, Chapter 3 of the Ogunquit Municipal Code for all provisions applicable to this license. "Entertainment" is defined as follows in said Code:

"Entertainment shall include dancing by and for patrons, any music, videogames, devices, machines and any other amusement, performance, exhibition, diversion or other activity with an entertainment value whether provided for or used by patrons, independent contractors, employees or proprietors.

Entertainment shall not include televisions or radios nor shall it include "background music" meaning music not involving live performers and not used for dancing and which music is only incidental to the primary activity offered."

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 since _____

Dana Busenick

 PROPERTY OWNER'S SIGNATURE

2018
 (Insert date when change was made)
[Signature]

 APPLICANT'S SIGNATURE

THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

1. All applications shall be accompanied by two (2) scale drawings at a scale of one (17") inch to ten (10') feet depicting the floors of the building in which the entertainment is to be located, all entrances and exits and all areas open to patrons indicating in each area the use made by patrons and indicating the floors and areas for which the applicant seeks a license.
2. Applicants for video game entertainment shall present, to scale, floor plans depicting the location and floor area of these devices and the location of the supervisor(s). Machines shall be listed by function and serial number.
3. Applicants for patron dancing entertainment shall present to scale floor plans depicting the location and size of the dance floor(s).
4. Each application shall constitute a new application and all required information must be included. Licenses expire on May 31st of each year.

FOR OFFICE USE ONLY

TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		Yes	No	Yes	No	
Police Chief	<i>Peter J. Linaudis</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04-10-2018
Fire Chief	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4-10-18
Code Officer	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-5-18

Received by: *[Signature]* Fee: \$ 1100 Date Paid: 3/27/18
 (Turn Clerk's Office)

Check/Cash 7662
 Filed with Liquor License Application

Date posted: 4-10-2018 Date Heard: _____ Date Approved: _____ Date Denied: _____

OGUNQUIT BOARD OF SELECTMEN

7.9.2018
 @ 8:30am

OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2018
 CURRENT LICENSE EXPIRATION DATE: 5/29/2018

BUSINESS NAME: Fresh LLC
 APPLICANT: JAMES OLIVER
 EMAIL: [REDACTED]
 BUSINESS REG #: 2018-173 ISSUE DATE: 4-2-2018 MAP: 6 LOT: 014
 OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 40

NOTE - SPECIAL ATTENTION

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TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		YES	NO	YES	NO	
Police Chief	<i>Patricia Alexander</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	04-11-2018
Fire Chief	<i>Mark Blair</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4-12-18
Code Officer	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-10-2018

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

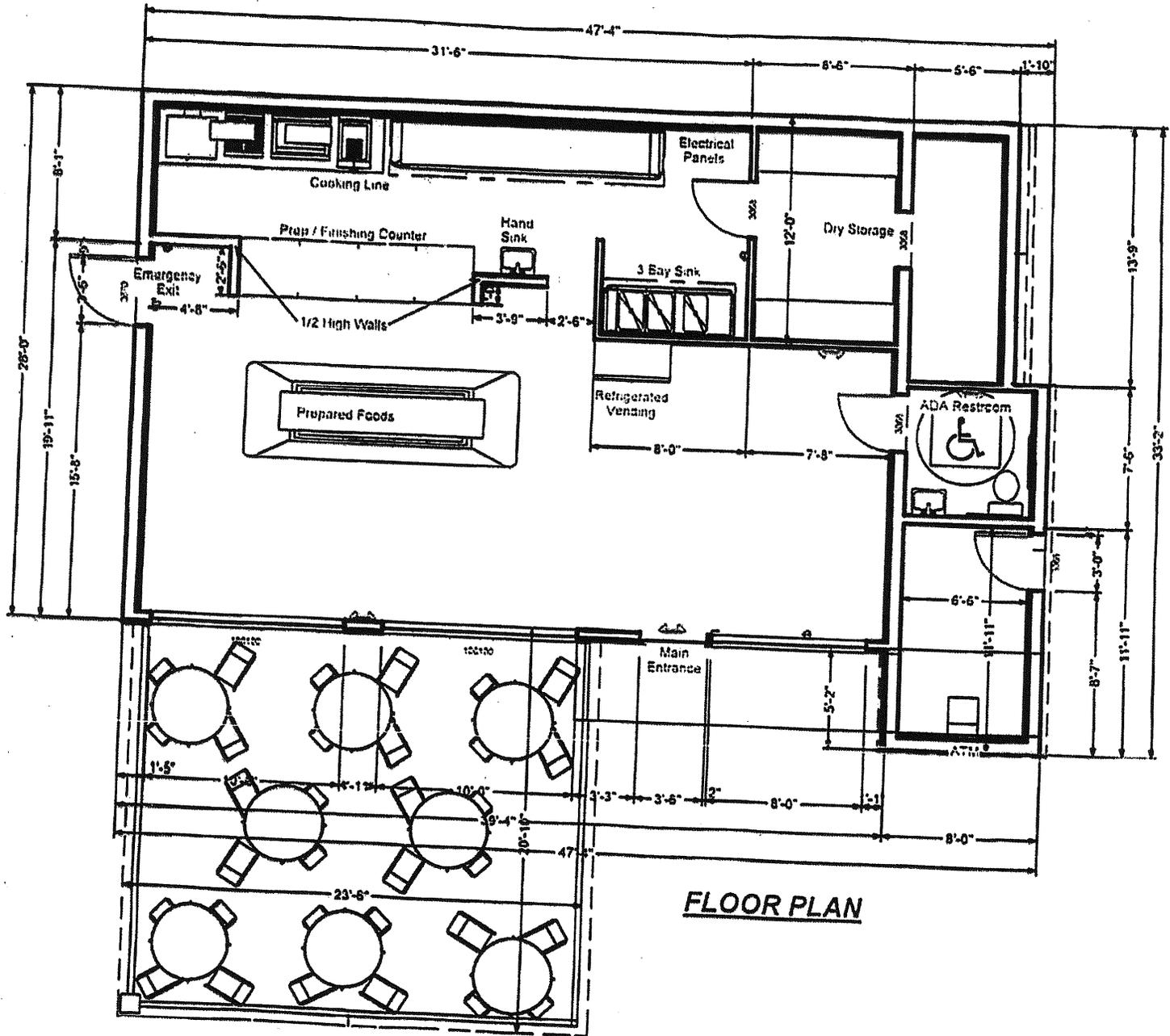
I, the undersigned applicant, acknowledge there has been no change to the business noted above by way of ownership, partnership, location, nature of business or structural change(s) to the building(s) housing the business. Knowingly supplying false information on this application is a Class D offense 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.

[Signature]
 APPLICANTS SIGNATURE

FOR OFFICE USE ONLY

Application Fee: \$200 Date Paid: 4/2/18 Check/Cash Check #: 1399
 Background Check Fee: \$ ~~42~~ (\$21.00 per person listed on application)
 Business Reg. Fee: \$150.00 Paid prior to Liquor Application? YES NO
 TOTAL PAID WITH APPLICATION: \$ 350.00 Received by: [Signature]
 (Town Clerk's Office)

DATE POSTED: 4-10-2018 DATE HEARD: _____ APPROVED: _____ IDENTIFIED: _____



FLOOR PLAN

OGUNQUIT

Beautiful Place by the Sea

4.9.2018
10:30am

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW <input type="checkbox"/> RENEWAL <input checked="" type="checkbox"/>	FOR THE YEAR: <u>2018</u>
CURRENT LICENSE EXPIRATION DATE: <u>4.23.2018</u>	

BUSINESS NAME: Smoky B's Gin Mill
 APPLICANT: Kristin Brown
 EMAIL: smokybinsmill@gmail.com
 BUSINESS REG #: 418-2018 ISSUE DATE: 2018 4-5-18 MAP: 008 LOT: 024
 OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: _____

NOTE - SPECIAL ATTENTION

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TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		YES	NO	YES	NO	
Police Chief	<i>Patricia J. Chandler</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	04-11-2018
Fire Chief	<i>Mark Stuy</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4-12-18
Code Officer	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-10-2018

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

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APPLICANTS SIGNATURE

FOR OFFICE USE ONLY

Application Fee: \$200	Date Paid: <u>4-5-18</u>	Check/Cash Check #: <u>1064</u>
Background Check Fee: \$ <u>42</u>	(\$21.00 per person listed on application)	
Business Reg. Fee: \$150.00	Paid prior to Liquor Application? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TOTAL PAID WITH APPLICATION: \$ <u>392</u>	Received by: <i>[Signature]</i> (Town Clerk's Office)	
DATE POSTED: <u>4-10-2018</u>	DATE HEARD: _____	APPROVED: _____

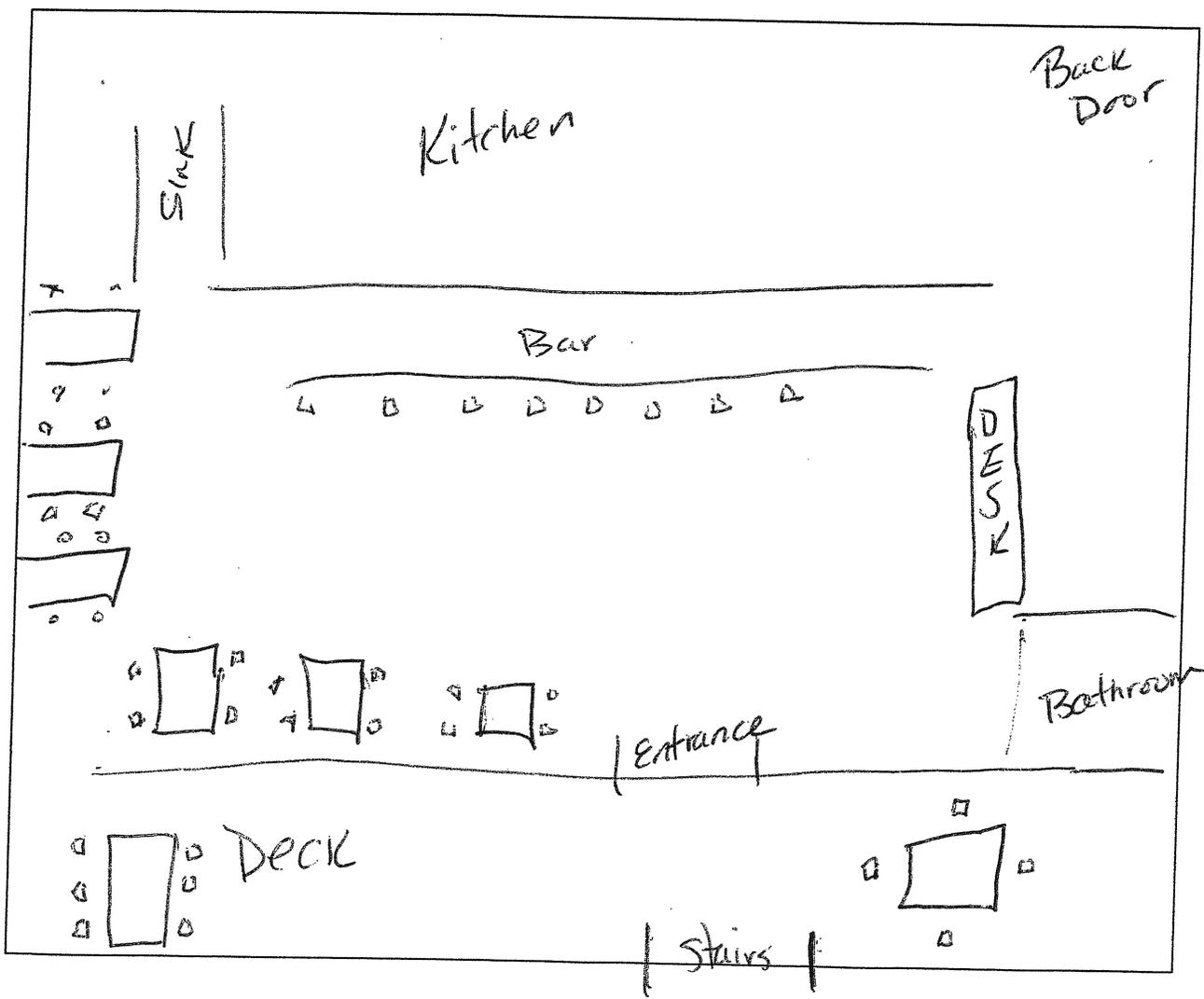
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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4.3.2018

C10:00am

OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2018

CURRENT LICENSE EXPIRATION DATE: 5/13/2018

BUSINESS NAME: Hold Em, LLC D/B/A that place in ogunquit

APPLICANT: Richard A. Dolliver

EMAIL: rdolliver123@hotmail.com

BUSINESS REG #: 2018-305 ISSUE DATE: 2/13/18 MAP: 3 LOT: 53

OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 96 Inside/28 Outside

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 J. Alexander</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	04-05-2018
Fire Chief	<i>Mark Brown</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4-6-18
Code Officer	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-3-2018

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

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[Signature]
APPLICANTS SIGNATURE

FOR OFFICE USE ONLY

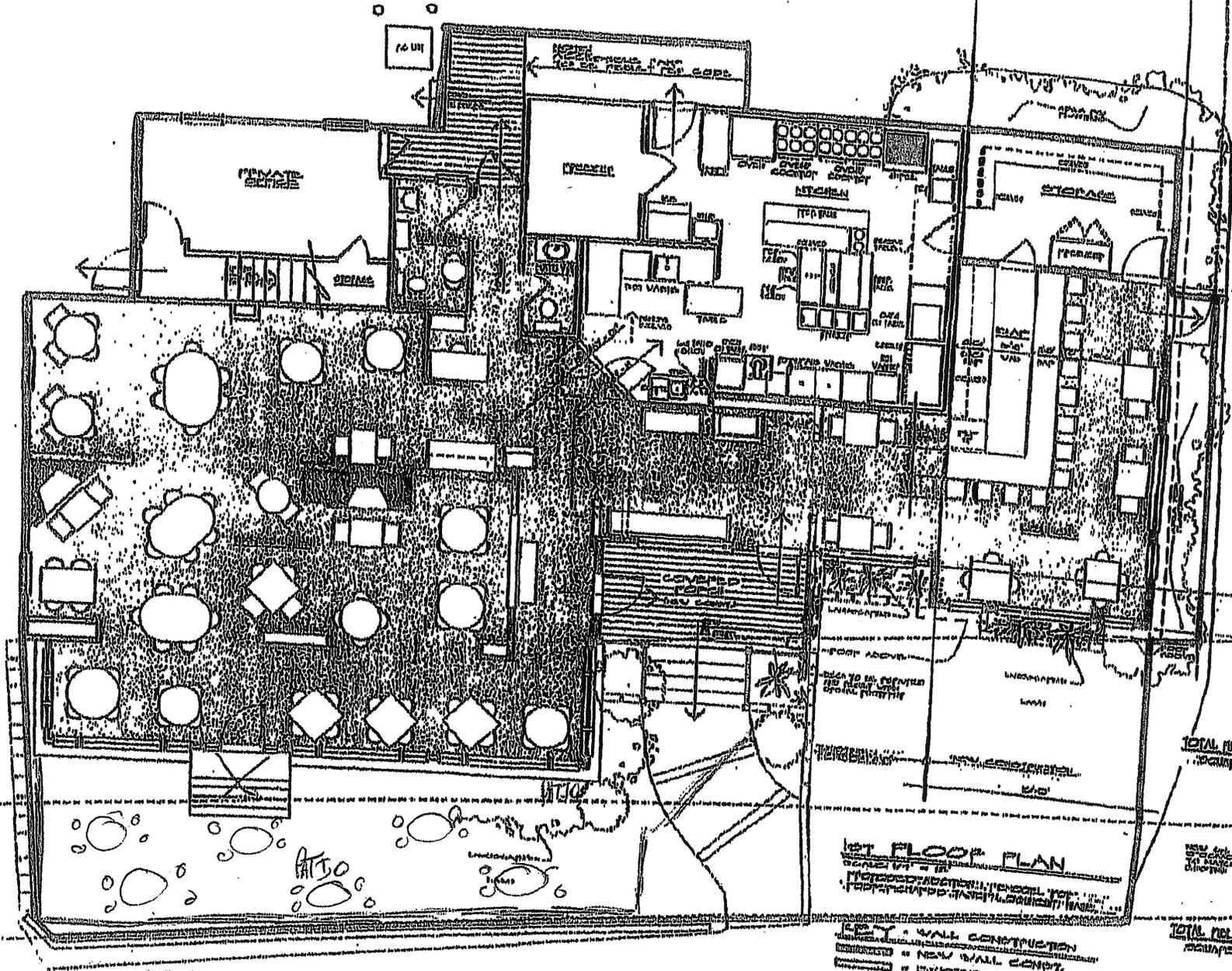
Application Fee: \$200 Date Paid: 2/13/18 Check/Cash Check #: 7562

Background Check Fee: \$ 21 (\$21.00 per person listed on application)

Business Reg. Fee: \$150.00 Paid prior to Liquor Application? YES NO

TOTAL PAID WITH APPLICATION: \$ 221.00 Received by: [Signature]
(Town Clerk's Office)

DATE POSTED: 4-10-2018 DATE HEARD: _____ APPROVED: _____ DENIED: _____



SHOPPE ROAD

1ST FLOOR PLAN

NEW WALL CONSTRUCTION
 EXISTING WALL CONSTRUCTION
 TOTAL NEW CONSTRUCTION

TOTAL NEW CONSTRUCTION
 SQUARE FEET = 12,500

TOTAL EXISTING CONSTRUCTION
 SQUARE FEET = 12,500

TOTAL 1ST FLR. CONSTRUCTION
 SQUARE FEET = 25,000

TOTAL 1ST FLOOR AREA
 SQUARE FEET = 12,500

TOTAL 2ND FLOOR AREA
 SQUARE FEET = 12,500

HASBUN ALLOWABLE DENSITY
 (SQUARE FEET PER 1,000 SQ. FT.)

TOTAL NO. OF SEATS
 TOTAL = 125 SEATS

NOT FOR CONSTRUCTION



OGUNQUIT AMUSEMENT LICENSE APPLICATION

NEW [] RENEWAL FOR THE YEAR: 2018

BUSINESS NAME: Hold Em, LLC db/a that place in ogunquit

BUSINESS ADDRESS: 331 Shore Road Ogunquit, ME 03907

BUSINESS PHONE # (207) 646-8600 HOME PHONE # ~~(207) 646-2725~~

BUSINESS REG # 2018-305 ISSUE DATE: 2/13/18 MAP: 3 LOT: 53

(Business Registration)

OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 96 Inside / 28 Outside

NATURE OF BUSINESS: Restaurant

FORM OF ENTERTAINMENT: (Please be specific)

Televisions
Satellite Radio

APPLICANT: Richard A. Dolliver ADDRESS: 331 Shore Road Ogunquit ME 03907

HAS YOUR LICENSE TO CONDUCT THIS BUSINESS EVER BEEN DENIED, SUSPENDED OR REVOKED?
YES [] NO

If, YES, please explain:

HAVE YOU, ANY PARTNERS OR CORPORATE OFFICERS EVER BEEN CONVICTED OF A FELONY?
YES [] NO

If, YES, please explain:

NOTE - SPECIAL ATTENTION

APPLICATION MUST BE SUBMITTED NINETY DAYS (90) PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

Please consult Title IX, Chapter 3 of the Ogunquit Municipal Code for all provisions applicable to this license. "Entertainment" is defined as follows in said Code:

"Entertainment shall include dancing by and for patrons, any music, videogames, devices, machines and any other amusement, performance, exhibition, diversion or other activity with an entertainment value whether provided for or used by patrons, independent contractors, employees or proprietors. Entertainment shall not include televisions or radios nor shall it include "background music" meaning music not involving live performers and not used for dancing and which music is only incidental to the primary activity offered."

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 since _____

(Insert date when change was made)

PROPERTY OWNER'S SIGNATURE

APPLICANT'S SIGNATURE

THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

1. All applications shall be accompanied by two (2) scale drawings at a scale of one (17") inch to ten (10') feet depicting the floors of the building in which the entertainment is to be located, all entrances and exits and all areas open to patrons indicating in each area the use made by patrons and indicating the floors and areas for which the applicant seeks a license.
2. Applicants for video game entertainment shall present, to scale, floor plans depicting the location and floor area of these devices and the location of the supervisor(s). Machines shall be listed by function and serial number.
3. Applicants for patron dancing entertainment shall present to scale floor plans depicting the location and size of the dance floor(s).
4. Each application shall constitute a new application and all required information must be included. Licenses expire on May 31st of each year.

FOR OFFICE USE ONLY

TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		Yes	No	Yes	No	
Police Chief	<i>Patricia L. Roudin</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04-05-2018
Fire Chief	<i>Michael Brown</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-6-2018
Code Officer	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4-3-2018

Received by: *JN* Fee \$ 100.⁰⁰ Date Paid 2/13/18
(Town Clerk's Office)

Check / Cash 7562

Filed with Liquor License Application

Date posted: 4.10.2018 Date Heard: _____ Date Approved: _____ Date Denied: _____

OGUNQUIT BOARD OF SELECTMEN

OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2018

BUSINESS NAME: The Trap EXPIRATION DATE: 06/07/2018

APPLICANT: Jason Evans EMAIL: perkinscovetrap@gmail.com
(Of present Liquor License)

BUSINESS REG # 2018-403 ISSUE DATE: 01-03-2018 MAP 3 LOT 75
(Business Registration)

OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 42 Total

NOTE - SPECIAL ATTENTION

*20 outside Deck
22 Inside*

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 Board of Selectmen. APPLICATIONS MUST BE SUBMITTED NINETY DAYS (90) PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		Yes	No	Yes	No	
Police Chief	<i>Blaise L. Renaudin</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>03-26-2018</u>
Fire Chief	<i>Mark Obier</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>3-23-2018</u>
Code Officer	<i>JH</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-30-18</u>

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.

Y
 APPLICANT'S SIGNATURE

FOR OFFICE USE ONLY

Application Fee \$ 200.00 Date Paid 1/3/18 Check / Cash _____
 Background Check Fee \$ _____ Check No. 1142
 Business Reg. Fee \$ 150.00
 Received by: Jo Anne Lepley, Deputy Clerk Total paid with application \$350.00
(Town Clerk's Office)
 Date posted: 4-10-2018 Date Heard: _____ Approved: _____ Denied: _____

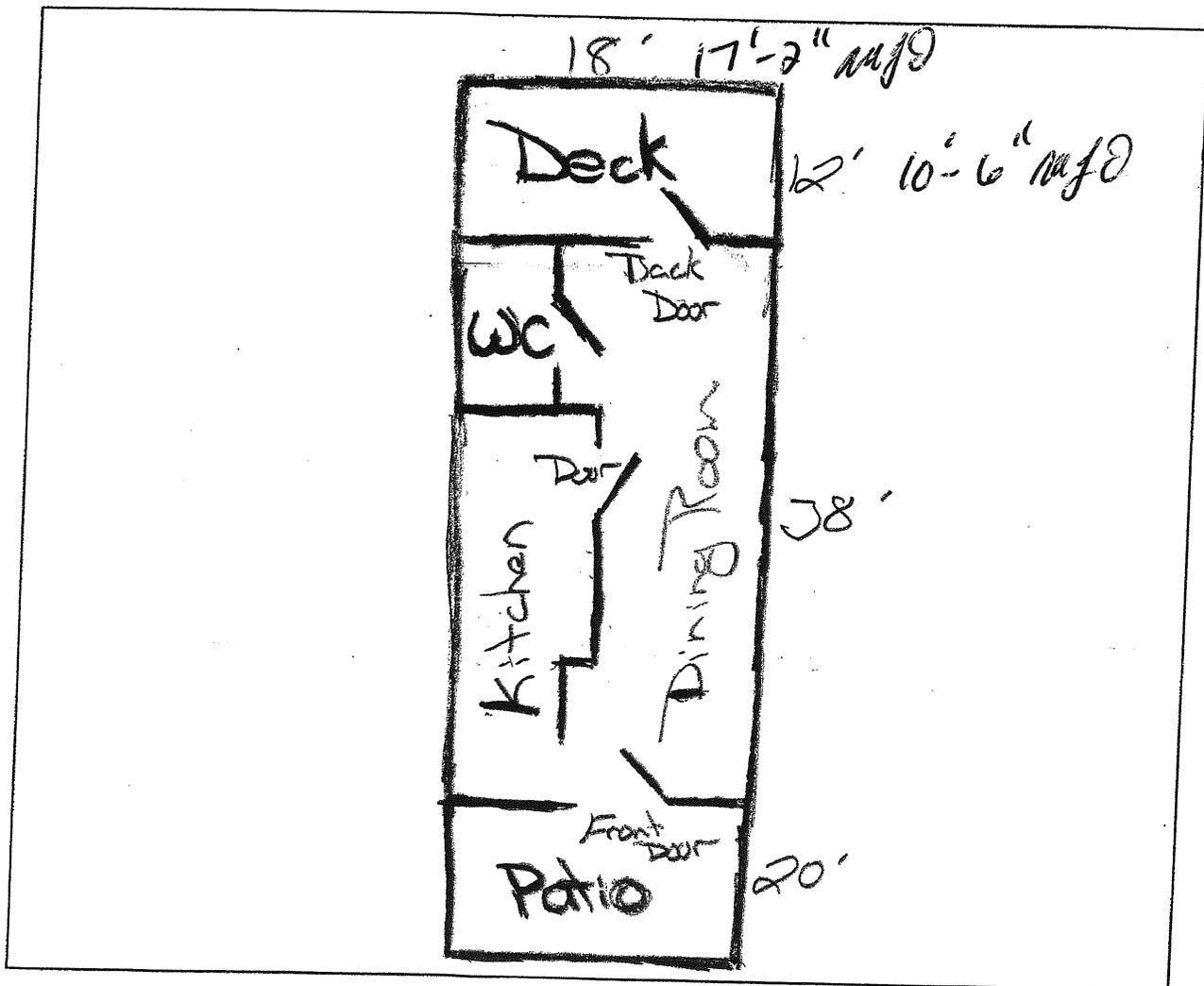
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

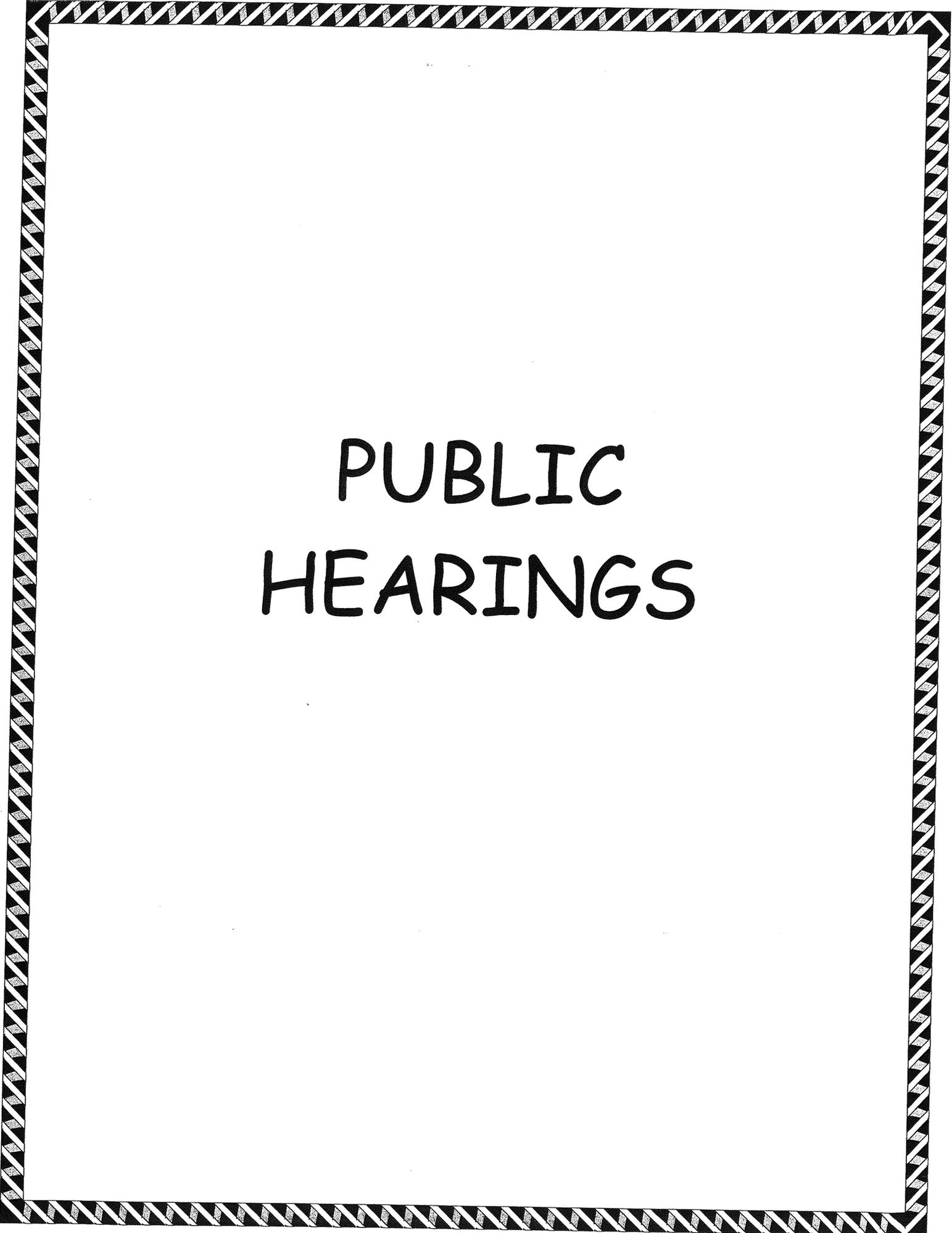
DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





PUBLIC HEARINGS

OGUNQUIT

Beautiful Place by the Sea

PUBLIC HEARING NOTICE

The Ogunquit Municipal Officers will hold a Public Hearing on **Tuesday, April 17, 2018**, at **6:00PM** in the Auditorium of the Dunaway Community Center, 23 School Street, Ogunquit, Maine to hold discussion and receive public comments relative to amendments to Ogunquit Municipal Code, Title VIII, Harbor and Watercraft Ordinance:

(Deletions are ~~struckout~~; additions are **bold & underlined**)

TITLE VIII OGUNQUIT MUNICIPAL CODE HARBOR AND WATERCRAFT ORDINANCE

APPENDIX I

PUBLIC BOAT WAYS FEES

Service Fees for use of the public boat ways shall be as follows:

1. **Winter Storage:** A flat rate of ~~\$300.00~~ **\$360.00** shall be charged which will include launching, retrieval and winter storage. Winter storage shall be from 10/15 to 5/15. (An additional charge of ten dollars (\$15) per day will be assessed for not having the watercraft out of the boatyard by May 15 up to five (5) business days, at which time the watercraft will be removed and stored at the owner's expense).
2. **Ways Use Fees:** ~~\$25.00~~ **\$50.00** for the first 24 and \$10.00 for each additional 24 hours.
3. **Winch Fees:** Transient winch users shall pay a ~~\$10.00~~ **\$25.00** fee per day for use of the winch.

These fees are subject to change at the discretion of the municipal officers.

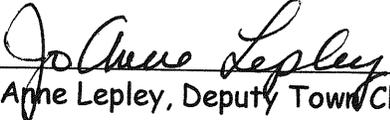
APPENDIX II

MOORING & DOCKING FEES

Mooring fees for Perkins Cove shall be assessed as follows:

1. **Mooring Fees:** ~~\$25.00~~ \$30.00 per linear foot (each fraction of a foot rounded up to the next); minimum annual fee of ~~\$625.00~~ \$750.00 for each mooring regardless of watercraft length, effective ~~January 1, 2005~~ January 1, 2019.
2. **Business Registration Fees:** \$150.00 annual fee for all commercial vessels due and payable by May 31 annually. (BOS 05/20/2014)
3. **Temporary Mooring Fees:** ~~\$25.00~~ \$30.00 per linear foot (each fraction of a foot rounded up to the next); minimum annual fee of ~~\$625.00~~ \$750.00 for each mooring regardless of watercraft length, effective ~~January 1, 2005~~ January 1, 2019.
4. **Docking Fees:**
 - Daily - ~~\$20.00~~ \$25.00 per hour/2 hr. max.
 - Transient - ~~\$60.00~~ \$75.00 per day/2 night max.
Extended stays subject to availability and Harbormaster's approval.
 - Seasonal - ~~\$250.00~~ \$350.00

These fees are subject to change at the discretion of the municipal officers.


Jo Anne Lepley, Deputy Town Clerk


Patricia L. Arnaudin, Police Chief

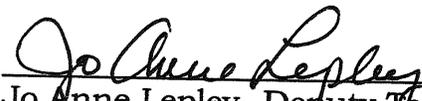
Posted: April 10, 2018
Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT

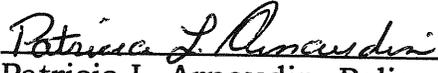
OGUNQUIT

Beautiful Place by the Sea

TOWN OF OGUNQUIT NOTICE OF PUBLIC HEARING

The Municipal Officers of the Town of Ogunquit will conduct a Public Hearing at 6:00PM on Tuesday, April 17, 2018, in the Auditorium of the Dunaway Community Center, 23 School Street to consider the transfer of up to \$112,000 from the "Natural Disaster Emergency Repair Fund" for repairs to the Marginal Way pursuant to Referendum #7 of the July 26, 2005 Special Town Meeting.


Jo Anne Lepley, Deputy Town Clerk

Posted by: 
Patricia L. Arnaudin, Police Chief

Posted: April 10, 2018

Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
Town of Ogunquit Web Page
WOGT-TV

OGUNQUIT

Beautiful Place by the Sea

PUBLIC HEARING NOTICE

The Ogunquit Municipal Officers will hold a Public Hearing on **Tuesday, April 17, 2018**, at **6:00PM** in the Auditorium of the Dunaway Community Center, 23 School Street, Ogunquit, Maine to hold discussion and receive public comments relative to amendments to Ogunquit Municipal Code, Title III, Public Service Ordinance:

(Deletions are ~~struckout~~; additions are **bold & underlined**)

APPENDIX II OGUNQUIT MUNICIPAL CODE Public Service Ordinance

Solid Waste Disposal Fee Schedule

HOUSEHOLD WASTE COMPACTOR

Uncompacted Loose Waste	\$.10/lb.
Bagged/Barrel Household Waste	One free 30-33 gallon trash bag/barrel disposal per day
Each additional 30-33 gallon bag disposal	\$1/bag
30-33 Gallon Cans	\$1/Each
Larger than 30-33 Gallons/Barrels	\$2/Each
Non-Permitted Rentals	\$2/Each

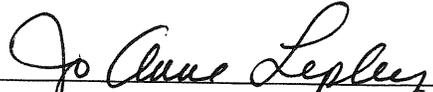
BULKY WASTE TRANSFER STATION

Air Conditioners	\$20/Ea.
Brush/Landscape	\$5.00 P/U Load
	<u>Residents: 1st yard Free/\$5.00 per yard after</u>
	<u>Commercial: \$5.00 per yard</u>
Car Tires	\$ 3/Ea. Max. 4/Day
Carpets (Weighed)	\$.10/lb.
Compostable Leaves	FREE
Couches, Chairs, etc.	\$10/Ea. Max. 2/Day
Electronics	
DVDs, VCRs, Stereos, Faxes	\$2/Ea.
CPUs, Speakers	\$4/Ea.
TVs, and Monitors	\$5/Ea. <u>\$5.00/each up to 13", \$10.00/each over 13"</u>
Large Floor Copiers	\$10/Ea.
Flattened Cardboard	FREE
Grass/Garden Waste	FREE

Iron	\$.05/lb.	
Landscape	\$10/Small PU Load	Max. 2 Loads/Day
Mattresses, Box Springs	\$10/Ea.	Max. 2 Sets/Day
Mixed Demolition	\$.10/lb.	
Small Bag/Barrel	\$3/Ea.	
Large Bag/Barrel	\$5/Ea.	
By Weight (Large Loads)	\$.10/lb.	
Rugs (by size)	\$.10 SQ FT	Max. 2/Day
Shingles	\$.10/lb.	
Sinks	\$3Ea.	
Toilets	<u>\$10.00/Ea.</u>	
Truck Tires	\$ 8/Ea.	Max. 2/Day
Tubs/showers	\$ 10/Ea.	
White Goods w/Freon	\$20/Ea.	Max. 2/Day
White Goods - No Freon	\$10/Ea.	Max. 2/Day
Wood Waste "Clean Only"	\$.05/lb.	Max. 2/Loads/Day
	<u>\$.08/lb, \$3.00 per bag</u>	

~~SILVER BULLET RECYCLABLE TRAILER~~ **RECYCLABLES**

Aluminum Cans	FREE
Glass	FREE
Newsprint / Magazines	FREE
Metal Cans	FREE
Office Paper (No Envelopes)	FREE
Paperboard (Cereal Boxes/Alike)	FREE
Plastic Milk Containers	FREE
Waste Oil	FREE


 Jo Anne Lepley, Deputy Town Clerk


 Patricia L. Arnaudin, Police Chief

Posted: <u>April 10, 2018</u> Dunaway Community Center Ogunquit Post Office Ogunquit Transfer Station WOGT
--

OGUNQUIT

Beautiful Place by the Sea

PUBLIC HEARING NOTICE

The Ogunquit Municipal Officers will hold a Public Hearing on Tuesday, April 17, 2018, at 6:00PM in the Auditorium of the Dunaway Community Center, 23 School Street, Ogunquit, Maine to hold discussion on the following proposed article submitted by petition for the June 12, 2018 Annual Town Meeting Warrant:

Shall "An Ordinance to Amend the Ogunquit Zoning Ordinance, Article 2 – Definitions, Page 43, Amended with Changes Effective June 12, 2018" be enacted?

Note: Underlines indicate proposed language to add, and ~~strikeout~~ indicated proposed removals of language.

Vending or Buyer Operated Retail Device

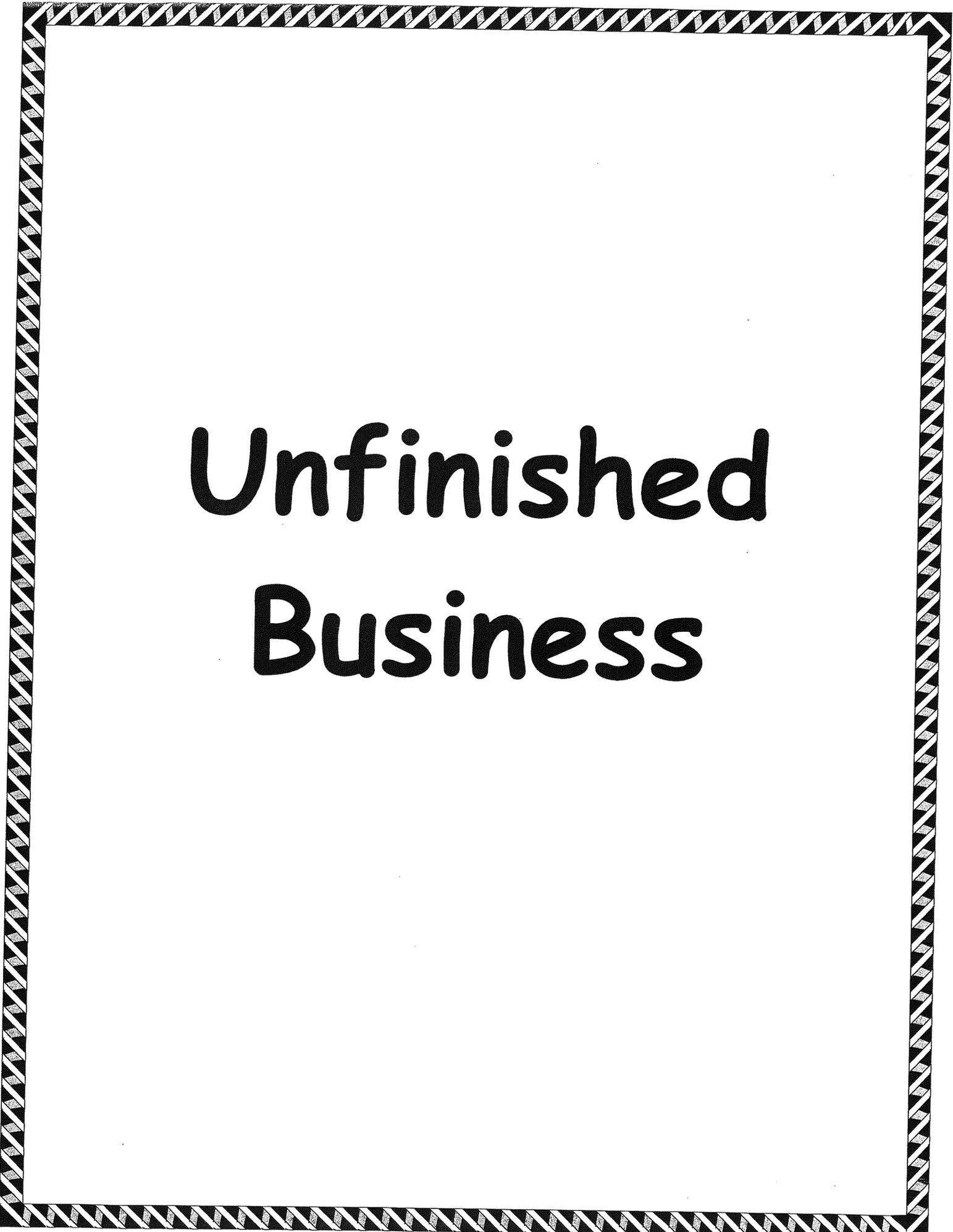
All coin operated or buyer operated devices including, but not limited to, soda vending machines, ice machines, gum ball dispenser, snack vending machines and the like. For the purposes of this Ordinance, buyer operated newspaper machines, gasoline pumps, automatic teller machines that are connected to a building, pay telephones, ~~and~~ automated multispace parking meters, and bike share kiosks are exempted from this definition, and therefore are not regulated by section 9.19. (Amended 6/12/12, ATM; Amended 6-12-18 Effective 6-13-17 6-12-18)


Jo Anne Lepley, Deputy Town Clerk


Patricia L. Arnaudin, Police Chief

Posted: April 10, 2018

Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT



Unfinished Business

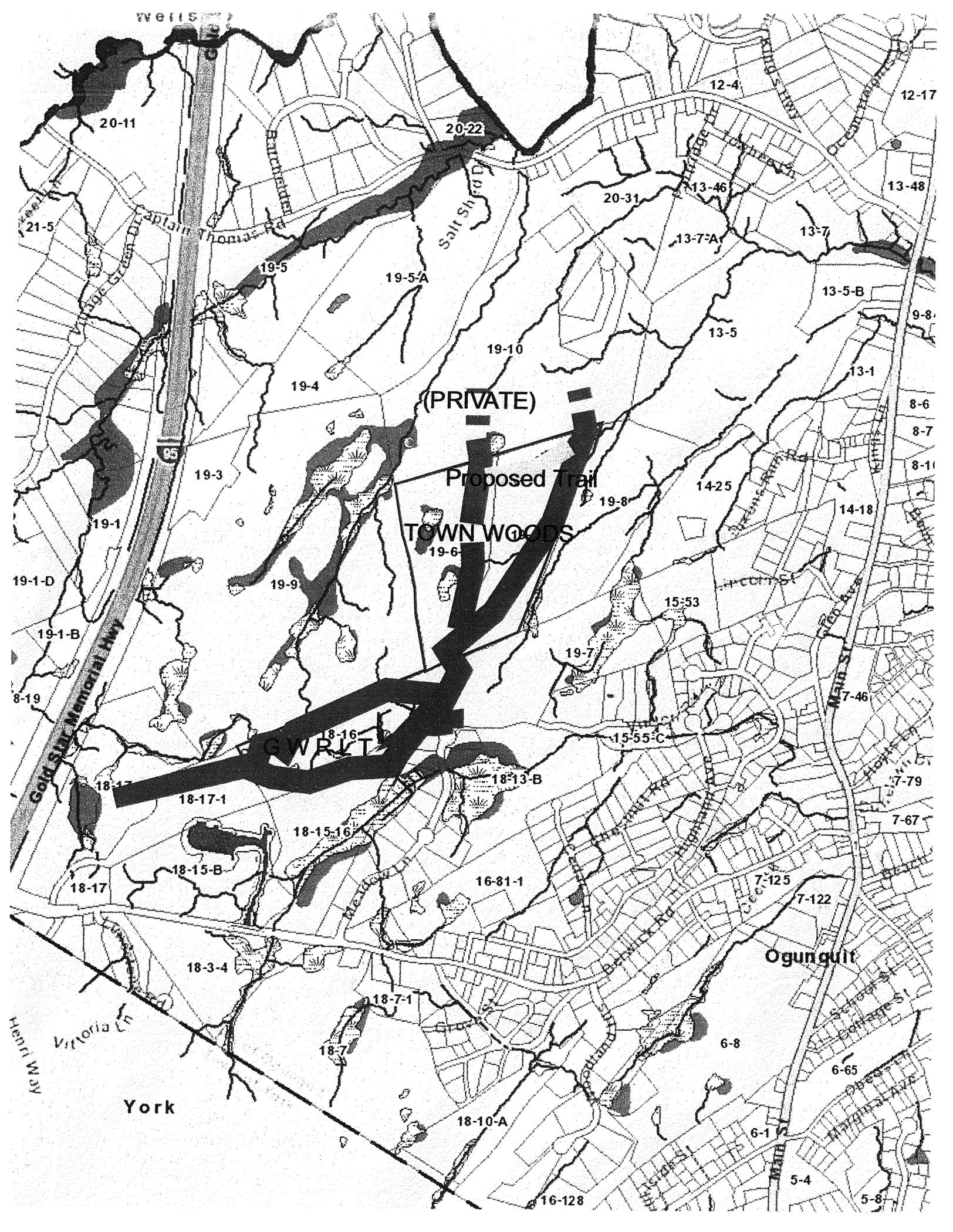
Conservation Commission Proposed Trail on Town Owned Land

The Con-Com would like to establish a relatively short connector / loop trail near the northern boundary of the Ogunquit Town Woods (light green line on included map). This proposed trail would expand the existing trail system (dark green lines on map) and allow people access to the Town Woods without abusing private land.

The Con-Com wishes to utilize the services of the "Serve with Liberty" group of volunteers who will be available on May 02. They are a dependable and dedicated group who can be relied upon to be available on that day. Any other volunteers from town will also be welcomed and appreciated.

We encourage the Select Board's approval of this proposal and we wish to dedicate this to the memory of Bill Baker.

Sincerely, Doug Mayer. Ogunquit Conservation Commission



20-11

20-22

12-4

12-17

21-5

20-31

13-46

13-48

19-5

19-5-A

13-7-A

13-7

19-10

13-5

13-5-B

9-8

19-4

(PRIVATE)

13-1

8-6

8-7

Proposed Trail

14-25

8-11

TOWN WOODS

19-8

14-18

19-1-D

19-9

15-53

19-1-B

8-19

15-55-C

QWRIT

18-16

18-13-B

7-79

18-17-1

18-15-16

7-67

18-17

18-15-B

16-81-1

7-125

7-122

18-3-4

18-7-1

Ogunguit

18-7

6-8

6-65

York

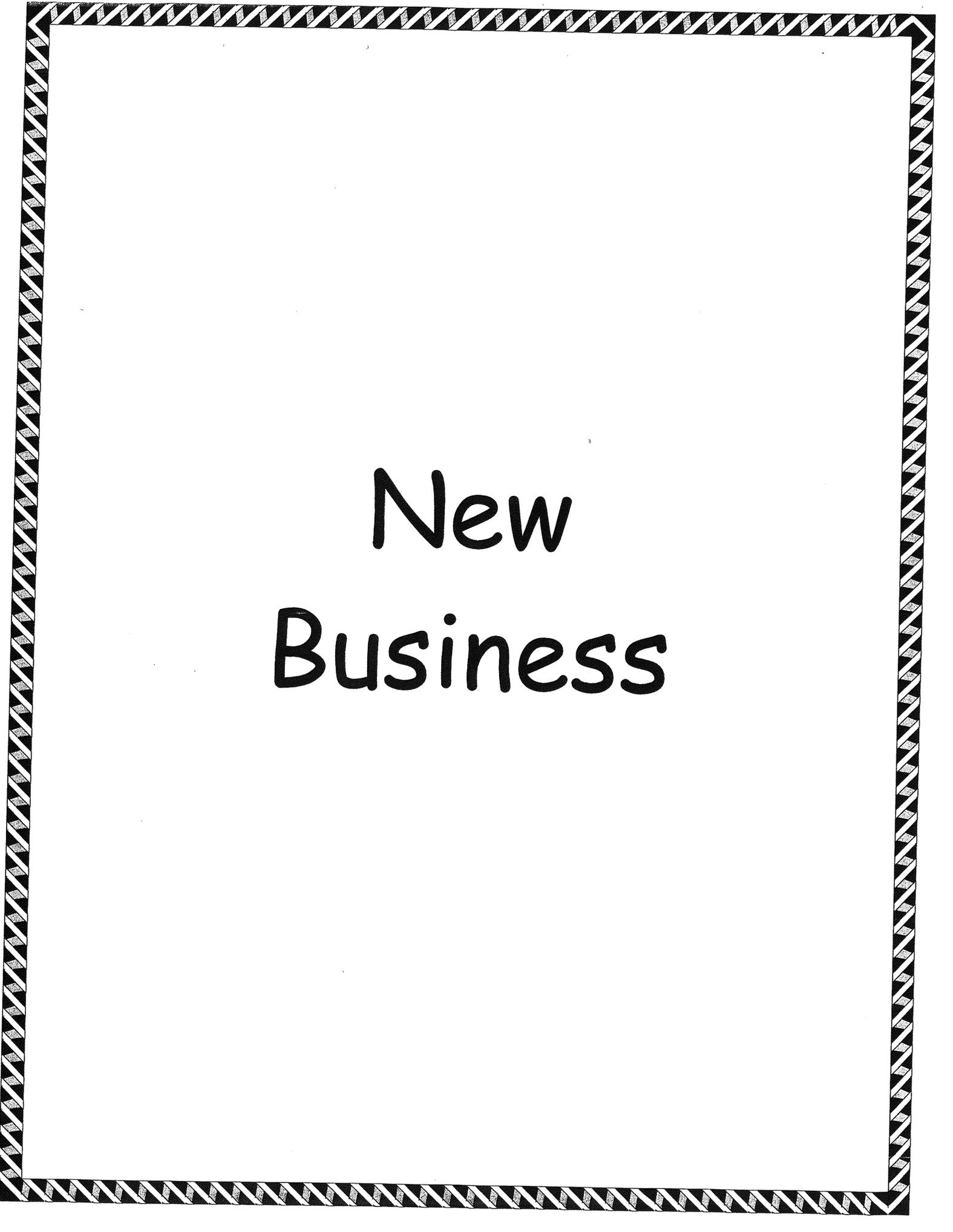
18-10-A

6-1

5-4

16-128

5-8



New Business

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED
ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Ogunquit, Maine:

We hereby certify to you that the documents to which we have affixed this certificate is a true copy of the official text of an ordinance entitled:

1. Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding Shoreland Zoning Updates" be enacted?
2. Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding Single Family Dwellings in Stream Protection Districts" be enacted?
3. Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding A-Frame Signs" be enacted?

Which is to be presented to the voters for their consideration voters on June 12, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 17, 2018

Charles L. Waite, III, Chair

Robert N. Winn, Jr., Vice Chair

John M. Daley

Richard A. Dolliver

Madeline S. Mooney

Ogunquit Select Board



MUNICIPAL OFFICES
23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875
(207) 646-5139 General Offices
(207) 646-9326 Land Use
(207) 646-9546 Town Clerk
E-mail: townofogt@maine.rr.com

April 9, 2018

To the Town of Ogunquit Select Board,

re: Proposed amendments to the Ogunquit Zoning Ordinance.

On February 26, 2018 the Ogunquit Planning Board voted to submit the enclosed three proposed Zoning Ordinance Amendments to you along with a request that said amendments be presented to the voters at the June 2018 Town Meeting.

1. Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding Shoreland Zoning Updates" be enacted?
2. Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding Single Family Dwellings in Stream Protection Districts" be enacted?
3. Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding A-Frame Signs" be enacted?

These proposed amendments were discussed by the Planning Board on:

Items 1 and 2:

February 12, 2018 Televised Workshop;

February 26, 2018 Televised Workshop and Public Hearing – Planning Board Voted to submit proposed changes to the Select Board.

Item 3

September 11, 2017 Workshop;

February 26, 2018 Workshop and Public Hearing – Planning Board Voted to submit proposed changes to the Select Board.

The Planning Board hereby respectfully requests that the proposed, enclosed amendments to the Ogunquit Zoning Ordinance be included on the warrant for the June 2018 Town Meeting.

Respectfully,

A handwritten signature in black ink that reads "Steve Wilkos". The signature is written over a horizontal line.

Steve Wilkos

Planning Board Chair

enclosures: two

pc: Town Manager (w/ enclosures)

Christine Murphy, Ogunquit Town Clerk (w/ enclosures)

**2018 Amendments to the Zoning Ordinance
Regarding Shoreland Zoning Updates**

ARTICLE 1 – GENERAL

....

1.3 District Boundary Locations: Zoning Map (Amended 11/4/08, Effective 4/1/09)

The location and boundaries of the above districts are hereby established as shown on the map entitled, “Town of Ogunquit Official Zoning Map”, dated June 9, 2015, prepared under the direction of the Ogunquit Planning Board and filed in the office of the Town Clerk. The Official Zoning Map shall be drawn at a scale of not less than 1 inch equals 2000 feet, and shall be certified by the attested signature of the Municipal Clerk. Said map, with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply (Amended June 9, 2015):

...

D. The Shoreland Zones shall be defined as being the land areas located within 250 feet, horizontal distance, of the:

1. normal high water line of any great pond or river,
2. upland edge of a coastal wetland, including all areas effected by tidal action, or
3. upland edge of a freshwater wetland, and all land areas within 75 feet, horizontal distance, of the normal high water line of a stream.

The jurisdiction of these zones shall also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a freshwater or coastal wetland.

The Shoreland Zones shall be further divided into the following six distinct zones, as follows:

1. **Shoreland Limited Residential District.** The Shoreland 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 Shoreland Limited Commercial District, or the Shoreland General Development Districts.
2. **Shoreland 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 Shoreland 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.
3. **Shoreland General Development Districts – Ogunquit Beach & Perkins Cove.** The General Development Districts include the following types of existing, intensively developed areas:

- a. Areas of two or more contiguous acres devoted to commercial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (1) Areas devoted to lodging, restaurant, retail trade and service activities, or other commercial activities; and
 - (2) Areas devoted to intensive recreational development and activities, such as, but not limited to trails and public beaches.
 - b. Areas otherwise discernible as having patterns of intensive commercial, recreational uses.
4. 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.
5. Resource Protection District shall include the following areas when they occur within the limits of any shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Shoreland Limited Commercial or Shoreland General Development need not be included within the Resource Protection District.
- a. In non-tidal shoreland areas, the land area below the upland edge or high water line of any freshwater wetland, river, or stream. In tidal shoreland areas, the Resource Protection District shall be defined as being the area below the ~~Maximum Spring Tide Levels~~ Highest Annual Tide (HAT) as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT) as determined by a land surveyor based on the nearest USGS benchmark. (Amended 6/10/14 Effective 6/11/14' Amended 6-12-18)
 - b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
 - c. 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.

- d. Within the Shoreland Zones, areas of two or more contiguous acres with sustained slopes of 20% or greater.
- e. Within the Shoreland Zones, 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. NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.
- f. 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.
- g. Any significant wildlife habitat, including significant vernal pools, as defined in the Department of Environmental Protection, Chapter 335, Rules on Significant Wildlife Habitats, whether or not they are included on the official zoning map. The location of significant wildlife habitats shall be determined by field measurements, made at the expense of the landowner or applicant, pursuant to Article 12 of this Ordinance.

....

ARTICLE 2 – DEFINITIONS

...

Bureau of Forestry (as referred to in Shoreland Zoning provisions)

State of Maine Department of Maine Forest Service

(Amended 11/4/08, Effective 4/1/09; Amended 6-13-17, Effective 6-13-17; Amended 6-12-18)

...

Coastal Wetland

All tidal and subtidal lands; all lands below any identifiable debris line left by tidal action, 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 which is subject to tidal action during the ~~maximum spring tide levels~~ Highest Annual Tide (HAT) as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT, as determined by a land surveyor based on the nearest USGS benchmark, as defined by this Ordinance. Coastal wetlands include all areas effected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the ~~maximum spring tide~~ Highest Annual Tide (HAT) are all considered to be coastal wetlands. Coastal wetlands may include portions of coastal sand dunes. (Amended 11/4/08, Effective 4/1/09, Amended 6/10/14 Effective 6/11/14)

...

Expansion of a Structure

An increase in the footprint, floor area, or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses. (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

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 expansion of floor area or ground area devoted to a use. (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

...

Floor Area, Gross

The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls. ~~plus the horizontal area of any unenclosed portions of a building such as porches and decks.~~ (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

...

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, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, ~~excluding recreational boat storage buildings,~~ finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, 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. (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

...

Hazard Tree

A tree with 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. (Amended 6-12-18)

...

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 property line, water body, tributary stream or wetland setback distances, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which meet the dimensional standards shall not be considered to increase nonconformity of a structure. Provided, however, 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 horizontally or vertically 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. (Amended 11/4/08, Effective 4/1/09, Amended 6-12-18)

...

Nonconforming Development or Condition

A lot, structure, or use ~~lawfully existing at the time of adoption or amendment of this Ordinance~~ that does not meet all of the applicable performance standards, which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. Colloquially, this is often referred to as a “grandfathered” lot, structure, or use. (Amended 6/12/12, ATM)

...

Nonconforming Structure

A structure or portion thereof, lawfully existing at the time of adoption or amendment of this Ordinance, that does not conform to the setback, height, ~~or lot coverage, or footprint~~, regulations of this Ordinance, which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

...

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. ; (Amended 6-12-18)

Normal High Water Line

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. In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland and not the edge of the open water. In the case of land adjacent to tidal waters, the normal high water line shall be considered to be the ~~Maximum Spring Tide Levels~~ Highest Annual Tide (HAT) as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT), as determined by a land surveyor based on the nearest USGS benchmark. (Amended 11/4/08, Effective 4/1/09, Amended 6/10/14 Effective 6/11/14; Amended 6-12-18)

...

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. (Amended 6-12-18).

...

Principal Use

~~The primary use to which the premises are devoted.~~

A use other than one which is wholly incidental or accessory to another use on the same lot. (Amended 6-12-18).

...

Sapling

A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level. (Amended 6-12-18)

Seedling

A young tree species that is less than four and one half (4.5) feet in height above ground level. (Amended 6-12-18)

...

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 two hundred and fifty (250) feet, horizontal distance, of the Highest Annual Tide; within two hundred and fifty (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. Includes the Shoreland Limited Residential District, the Shoreland Limited Commercial District, the Shoreland General Development Districts, the Stream Protection District, and the Resource Protection District (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

...

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. (Amended 6-12-18)

...

Stream

A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams, as depicted on the most recent, highest resolution version of the national Hydrography Dataset available from the edition of a United States Geological Survey 7.5-minute series topographic map, on the website of the United States Geological Survey or the National Map to the point where the body of water 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. (Amended 6-12-18)

The following additional water bodies, or portions thereof, also shall be considered as “streams,” for the purposes of this Ordinance:

High Rock Stream – Those portions above ground, as depicted on the Official Zoning Map.

Josias Branch - as depicted on the Official Zoning Map.

Leavitt Stream –As depicted on the official zoning map. (Amended 6/10/14 Effective 6/11/14)

Ocean Meadows Stream - as depicted on the Official Zoning Map.

Moody Pond and Moody Pond Outlet - as depicted on the Official Zoning Map.

North Village Stream - as depicted on the Official Zoning Map.

Quarry Stream - as depicted on the Official Zoning Map. (Amended 11/4/08, Effective 4/1/09)

...

Structure

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, small wind energy systems, carports, decks, arbors, pergolas, and other building features. Outside of any Shoreland Zone, the following items shall be exempted from the definition of a structure: signs, sidewalks, walkways, heat pumps, emergency generators, fences, walls, flagpoles less than 35 feet in height, patios, driveways, and parking lots including accessory bumpers and wheel stops.

Within any Shoreland Zone only the following items shall be exempted from the definition of a structure: fences, heat pumps, poles, wiring and other aerial equipment normally associated with service drops as well as 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 M.R.S.A. Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in M.R.S.A. Title 32, section 4700-E, subsection 8. Within any Shoreland Zone, the term structure shall include structures temporarily or permanently located such as decks, patios, and satellite dishes. (Amended 11/4/08, Effective 4/1/09, Amended 6/10/14, Effective 6/11/14; Amended 6-12-18)

...

Tidal waters

All waters effected by tidal action during the ~~maximum spring~~ highest annual tide (HAT) levels as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT), as determined by a land surveyor based on the nearest USGS benchmark. (Amended 11/4/08, Effective 4/1/09, Amended 6/10/14 Effective 6/11/14; Amended 6-12-18)

Timber Harvesting

The cutting and removal of timber for the primary purpose of selling or processing forest products. “Timber Harvesting” does not include the cutting or removal of vegetation within the Shoreland Zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 9.15.M, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*. (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

...

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. (Amended 6-12-18)

...

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 maximum spring tide levels as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT), as determined by a land surveyor, whichever is higher, based on the nearest USGS benchmark.~~ 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. (Amended 11/4/08, Effective 4/1/09, Amended 6/10/14 Effective 6/11/14; Amended 6-12-18)

ARTICLE 3 – NONCONFORMANCE

3.1 **General** (Amended 11/4/08, Effective 4/1/09)

...

C. Maintenance and Repairs

This ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the nonconforming use or nonconforming portion of a structure; and such other changes in a nonconforming 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.
(Amended 6/12/12, ATM; Amended 6-12-18)

...

3.3 Nonconforming Structures

...

C. Enlargements Controlled (Amended 6/12/12, ATM)

1. A nonconforming structure shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
2. ~~Outside of any Shoreland Zone, Upward~~ Horizontal and/or vertical extension of walls or any portions of buildings that increase the building volume that is already in violation of setback requirements shall be considered as a prohibited expansion of a nonconforming structure. Within any Shoreland Zone, such ~~upward~~ horizontal or vertical expansion of ~~nonconforming structures, that are nonconforming as to water body, tributary stream, or wetland setbacks,~~ shall be permitted, provided that it complies with ~~governed by~~ section 3.3.H. (Amended 6-12-18)
3. The addition of an open patio with no structures elevated more than three inches above original ground level shall not constitute the expansion of a nonconforming structure as of January 28, 1991.
4. The addition of steps or the enclosure of an existing porch shall not constitute the expansion of a nonconforming structure. But the addition of a deck does constitute the expansion of a nonconforming structure and therefore the deck shall meet all the dimensional requirements of this Ordinance.
5. Construction or enlargement of a foundation under an existing dwelling shall not be considered an expansion provided that:
 - a. the construction or expansion does not expand the habitable space of the structure; and
 - b. the completed foundation does not extend beyond the exterior dimensions of the structure.

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

...

H. Additional Requirements in any Shoreland Zone (Amended 11/4/08, Effective 4/1/09)

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 Table 703.1. A nonconforming 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 nonconformity of the structure and is in accordance with subparagraphs a, b, c, and d below.

~~No structure which is less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be extended toward the water body, tributary stream or wetland.~~

~~a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 3.3.H.3, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.~~

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. The addition of a patio is considered the expansion of a nonconforming structure and a new patio or expansion of a patio may not expand the footprint of the structure, existing on January 1, 1989, by more than 30%.~~

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 3.3.H.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.

~~e. The addition of steps or the enclosure of an existing porch is considered the expansion of a nonconforming structure and the addition or enclosure shall not expand the floor area or volume of the structure existing on January 1, 1989 by more than 30%.~~

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 3.3.H.1 or Section 3.3.H.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 may 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 3.3.H.1.b. (i) and Section 3.3.H.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 highwater 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. ~~Whenever a new, enlarged, or replacement foundation is constructed or placed beneath a structure which does not meet the setback requirements from a water body or a wetland, the structure and new foundation shall be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 3.3.H.2, Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 3.3.H.1.a above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.~~

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 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 3.3.H.3.

23. Relocation

- a. 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 property can be connected to the public sewer, or 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.
- b. 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, and (if not served by public sewer service) 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.
- c. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board or its designee shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance of Article 9.15.O. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:
 - (1) 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.

- (2) 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.

34. Reconstruction or Replacement

- a. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or is damaged or destroyed, regardless of the cause, by more than 50% of its market value of the structure before such damage, destruction or removal, may be reconstructed or replaced, provided that a permit is obtained within 18 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 nonconformity. 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 3.3.H.1 above, as determined by the ~~non-conforming floor area and volume~~ footprint of the reconstructed or replaced structure at its new location. If the total ~~amount of floor area and volume~~ 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 3.3.H.2 3 above.
- b. 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 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.
- c. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Section 3.3.H.2 3 above, the physical condition and type of foundation present, if any. (Amended 6/12/12, ATM)

4-5. Change of Use of a Non-conforming Structure

- a. The use of a structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.
- b. 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. (Amended 6-12-18)

ARTICLE 4 – ADMINISTRATION

...

- 4.6 Special Exceptions for Single Family Homes in Resource Protection** (Amended 11/4/08, Effective 4/1/09)
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:

...

- D. The total ~~ground floor area~~ 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. (Amended 6-12-18)

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ARTICLE 7 – DISTRICT REGULATIONS

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TABLE 703.1 – DIMENSIONAL REQUIREMENTS OF EACH ZONING DISTRICT
 (Amended 11/4/08, Effective 4/1/09)

MINIMUM LOT AREA (sq. ft.)																
DISTRICT	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP	
With public sewer & water	12,500	12,500	30,000	30,000	None	10,000 ¹	20,000	10,000 ¹	N/A	30,000-tidal 40,000-non-tidal	40,000	None ¹	None	NP	NP	
Without public sewer & water	30,000	30,000	60,000	60,000	N/A	N/A	20,000 ³	N/A	200,000 ⁴	30,000-tidal 40,000-non-tidal	N/A	N/A	N/A	NP	NP	
MINIMUM NET RESIDENTIAL AREA PER DWELLING UNIT (sq. ft.)																
DISTRICT	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP	
With public sewer & water	12,500	12,500	30,000	30,000	12,500	12,500	20,000	12,500	N/A	30,000-tidal 40,000-non-tidal	40,000	12,500	NONE	N/A	N/A	
Without public sewer & water	30,000	30,000	60,000	60,000	N/A	N/A	40,000	N/A	60,000	30,000-tidal 40,000-non-tidal	N/A	N/A	N/A	N/A	N/A	
MINIMUM STREET AND SHORE FRONTAGE (feet)																

DISTRICT	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
With public sewer & water	75	75	100	100	none ⁶	75	100	75	N/A	150-tidal 200-non-tidal	200	100	NONE	N/A <u>Note 2</u>	N/A <u>Note 2</u>
Without public sewer & water	100	100	100	100	N/A	N/A	100	N/A	250 ⁴	150-tidal 200-non-tidal	N/A <u>Note 2</u>				

SETBACKS (feet)

DISTRICT	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
Front ¹⁵	20	20	30	30	10 ⁷	20	30	20	50 ⁸	Note 2	Note 2	10 ⁷	15	N/A <u>Note 2</u>	N/A <u>Note 2</u>
Side and Rear ¹⁵	15	15	20	20	10 ⁹	10 ¹¹	15 ¹⁰	10 ¹¹	20	Note 2	Note 2	10 ⁹	NONE	N/A <u>Note 2</u>	N/A <u>Note 2</u>
From vernal pools (significant or non-significant, see sec. 1.3.F)	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75
From water bodies & wetlands that meet the criteria for inclusion in the Shoreland Zone	75	75	75	75	75	75	75	75	75	75	75	50	50	75	75

MAXIMUM BUILDING COVERAGE

DISTRICT	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
With public sewer & water	30%	30%	20%	20%	NONE	30%	30%	30%	N/A	20 ¹³	20 ¹³	20% ¹³	20% ¹³	0%	0%
Without public sewer & water	20%	20%	10%	10%	N/A	N/A	30%	N/A	20%	20 ¹³	N/A	N/A	N/A	0%	0%

MAXIMUM BUILDING HEIGHT¹⁴

DISTRICT	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
Feet	35	35	35	35	35	35	35	35	35	35	35	35	27	N/A 35'	N/A 35'
Stories	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	N/A <u>2 ½</u>	N/A <u>2 ½</u>

NOTES TO TABLE 703.1

- 1 For a residential use, the minimum lot area shall be 12,500 square feet.
- 2 Same as nearest adjacent non-shoreland zone.
- 3 For residential use, the minimum lot area shall be 30,000 square feet.
- 4 For residential use, the minimum lot area shall be 60,000 square feet and the minimum street frontage shall be 100 feet.
- 5 As required by the underlying district.
- 6 Residential uses, except accessory dwelling units on the 2nd floor above a commercial use, shall require a minimum street front of 75 feet.
- 7 The minimum front setback for a structure existing on the effective date of this Section shall be ten (10) feet or the existing structure's front setback, whichever is less. (Amended 4-01-06 ATM)
- 8 The minimum front setback for a structure existing on the effective date of this Section shall be fifty (50) feet or the existing structure's front setback. (Amended 4-01-06 ATM)
- 9 The side and rear setbacks for a structure abutting a residential use shall be fifteen (15) feet. The minimum side and rear yards for a structure existing on the effective date of this Section shall be the setback indicated above or the existing structure's setback, whichever is less. (Amended 4-01-06 ATM)
- 10 The side and rear setbacks for a structure abutting a residential use shall be twenty-five (25) feet. The minimum side and rear yards for a structure existing on the effective date of this Section shall be the setback indicated above or the existing structure's setback, whichever is less. (Amended 4-01-06 ATM)
- 11 The side and rear setbacks for a structure abutting a residential use shall be fifteen (15) feet.
- 12 There shall be a natural buffer of seventy-five (75) feet maintained between the Ogunquit River and any structure and tilling.
- 13 In the Shoreland Zones, the total area of all buildings, structures, parking lots and any other non-vegetated surfaces shall be included in the computation of maximum building coverage, and shall not exceed the indicated percentage of the lot area, or portion of the lot area thereof, located in the Shoreland Zone. See definition of *Building Coverage* in Article 2.
- 14 No structure shall contain more than two and one half (2 ½) stories or the indicated height.
- 15 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the-dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Articles 3.5 and 9.8. (Amended 6/12/12, ATM; Amended 6-12-18)

ARTICLE 9 – STANDARDS FOR SPECIFIC LAND USES

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9.15 Shoreland Zone Standards (Amended 11/4/08, Effective 4/1/09)

Pursuant to 38 M.R.S.A, § §435-449 and its Home Rule authority, the Town of Ogunquit places the following conditions, limitations and standards on any use, activity, or structure permitted in the Shoreland Zone:

C. Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or ~~Beyond~~ below the Normal High Water Line of a Water Body or Within a Wetland and Shoreline Stabilization. (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

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 Table 703.1 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 existing conditions, use, and character 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, dock, wharf 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 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.
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.
7. 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.
8. 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 20 feet in height above the pier, wharf, dock or other structure.

9. Vegetation may be removed in excess of the standards in Article 9.15.L 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 Article 9.15.O.

NOTE: A permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection for Shoreline Stabilization activities. (Amended 6-12-18)

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A, §480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D. Individual Private Campsites. (Amended 11/4/08, Effective 4/1/09, Amended 6-12-18)

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the Shoreland Overlay District, whichever is less, may be permitted.
2. When an individual 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.
23. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 75 feet from the normal high water line of rivers, streams, salt water bodies, tributary streams, or the upland edge of a wetland.
34. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles 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.
45. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.
56. 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.

67. When a recreational vehicle, tent, or similar shelter is placed on-site for more than 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.

L. Clearing or Removal of Vegetation for Activities other than Timber Harvesting
(Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

1. In any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district
2. ~~Except to allow for the development of permitted uses, and/or to remove hazard trees, storm damaged trees, and dead tree removal as described in Section M.~~

2. Within a strip of land extending 75 feet, horizontal distance, from any 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 this section, a “well distributed stand of trees and other natural vegetation” shall be defined as maintaining a rating score of 16 or more in any 25 foot by 50 foot rectangular (1250 square feet) area as determined by the following rating system:

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

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 subsection b above, "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 percent of the total volume of trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any 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 9.15.M paragraphs (2) and (2)(a) above.
 - d. Pruning of tree branches, on the bottom one-third of the tree is allowed.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, unsafe, or dead~~, or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section O below, unless existing new tree growth is present. The provisions of this paragraph shall not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.
 - 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 Article 9.15.L.2.
3. At distances greater than 75 feet, horizontal distance, from the normal high water line of any water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any 10 year period, selective cutting of not more than 40 percent of the volume of trees 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 40 percent calculations. For the purposes of these standards, volume may be considered to be equivalent to basal areas.

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 percent of the lot area within the shoreland zone or

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 any General Development 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 this section.

M. 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.(Amended 6-12-18)

N. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(L), 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 Article 9.15.L apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Table 703.1 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 Article 9.15.K 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 DEP 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. A coastal wetland; or
 - b. 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.(Amended 6-12-18)

O. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(L), 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; or as determined to be acceptable by the Code Enforcement Officer;
 - d. No one species shall make up 50% or more of the number of trees and saplings planted; or as determined to be acceptable by the Code Enforcement Officer.
 - 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; or as determined to be acceptable by the Code Enforcement Officer.
 - d. No one species shall make up 50% or more of the number of planted woody vegetation plants; or as determined to be acceptable by the Code Enforcement Officer. 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. (Amended 6-12-18)

MP. Erosion and Sedimentation Control (Amended 11/4/08, Effective 4/1/09; Amended 6-12-18)

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized 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.

NQ. Soils. (Amended 11/4/08, Effective 4/1/09)

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.

OR . Water Quality. (Amended 11/4/08, Effective 4/1/09)

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.

PS. Historic Sites. (Amended 11/4/08, Effective 4/1/09)

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.

**2018 Amendments to the Zoning Ordinance
Regarding Single Family Dwellings in Stream Protection Districts**

ARTICLE 7 – DISTRICT REGULATIONS

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TABLE 702.1 – LAND USES PERMITTED IN ZONING DISTRICTS

(Amended 6/12/12; 6/9/15; 6/14/16, ATM)

KEY

District

OFR	One Family Residential District
R	Residential District
RR1	Rural Residential District 1
RR2	Rural Residential District 2
DB	Downtown Business District
GB1	General Business District 1
GB2	General Business District 2
LB	Limited Business District
F	Farm District

Shoreland Zones:

SLR	Shoreland Limited Residential District
SLC	Shoreland Limited Commercial District
SG1	Shoreland General Development 1 – Ogunquit Beach
SG2	Shoreland General Development 2 – Perkins Cove
SP	Stream Protection District
RP	Resource Protection District

Reviewing Authority

MFS	Contact Maine Forest Service
C –	Permitted use with permit from Code Enforcement Officer
SPR–	Permitted use after Site Plan Review approval from Planning Board
A –	Allowed without a permit
NA -	Not Applicable
NP –	Not permitted
SUB -	Permitted after Subdivision Review Approval by Planning Board under Ogunquit Subdivision Regulations

See Footnotes at end of Table. All uses are subject to the general standards of Article 8.

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones					
										SLR	SLC	SG1	SG2	SP	RP
OPEN SPACE AND RURAL USES															
Active Recreation	NP	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Agriculture*	NP	NP	C	C	NP	NP	NP	NP	C	NP	NP	NP	NP	NP	NP
Animal husbandry for non-commercial purposes*	NP	C	C	C	NP	NP	NP	NP	A	SPR	NP	NP	NP	NP	NP
Animal husbandry for commercial purposes*	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	NP	NP	NP	NP	NP
Aquaculture	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Campground	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Cemetery	NP	SPR	SPR	SPR	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP	NP

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones					
										SLR	SLC	SG1	SG2	SP	RP
Clearing or removal of vegetation for activities other than timber harvesting	A	A	A	A	A	A	A	A	A	C	C	C	C	C	C
Emergency Operations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Essential Services - Roadside distribution lines (34.5kV and lower)	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C
Essential Services - Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	NA	NA	NA	NA	NA	NA	NA	NA	NA	C	C	C	C	SPR	SPR
Essential Services - Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	NA	NA	NA	NA	NA	NA	NA	NA	NA	SPR	SPR	SPR	SPR	SPR	SPR
Essential Services - Other essential services - not included above	C	C	C	C	C	C	C	C	C	SPR	SPR	SPR	SPR	SPR	SPR

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones						
										SLR	SLC	SG1	SG2	SP	RP	
Piers, docks, wharves, bridges & other structures extending over or below high water line or within a wetland, temporary or permanent*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPR	SPR	SPR	SPR	SPR	SPR
Service Drops, to allowed uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Soil and Water Conservation Practices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Surveying and Resource Analysis	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wildlife Management Practices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
RESIDENTIAL USES																
Dwelling accessory to business; above ground floor	C	C	C	C	C	C	C	C	C	C	NP	C	C	C	NP	NP

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones					
										SLR	SLC	SG1	SG2	SP	RP
Amusement center	NP	NP	NP	NP	NP	SPR	SPR	NP	NP	NP	SPR	NP	NP	NP	NP
Boarding house	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR	SPR	SPR	NP	NP
Business & professional office	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR	SPR	SPR	NP	NP
Commercial recreation	NP	NP	NP	NP	SPR	SPR	SPR	NP	NP	NP	NP	NP	NP	NP	NP
Day care center	NP	NP	NP	NP	NP	SPR	NP	SPR	NP	NP	NP	NP	NP	NP	NP
Funeral home	NP	NP	NP	NP	NP	SPR	SPR	NP	NP	NP	NP	NP	NP	NP	NP
Greenhouse	NP	NP	SPR	SPR	NP	SPR	SPR	NP	SPR	NP	NP	NP	NP	NP	NP
Kennel, veterinary hospital*	NP	NP	NP	NP	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP	NP
Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Marina	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPR	NP	NP

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones					
										SLR	SLC	SG1	SG2	SP	RP
Transient Accommodation Type 1 (TA-1) – Weekly Private Home Rental	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Transient Accommodation Type 2 (TA-2) – Bed-and-Breakfast*	NP	SPR	SPR	SPR	SPR	NP	NP								
Transient Accommodation Type 3 (TA-3) – Inn*	NP	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	SPR	NP	NP	NP	NP
Transient Accommodation Type 4 (TA-4) – Motel/Hotel ^{4*}	NP	NP	NP	NP	NP	NP	SPR	NP	NP	NP	SPR ²	NP	NP	NP	NP
Type 1 Restaurant*	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR	SPR	SPR	NP	NP
Type 2 Restaurant*	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR ⁶	SPR	SPR	NP	NP
Type 3 Restaurant*	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR ⁶	SPR	NP	NP	NP
Type 4 Restaurant*	NP	NP	SPR	NP	NP	NP									

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones					
										SLR	SLC	SG1	SG2	SP	RP
Type 5 Restaurant*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Type 6 Restaurant*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Wholesale business	NP	NP	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP	NP	NP	NP
Wireless Communications Facility - Communications tower*	NP	NP	NP	NP	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP	NP
Wireless Communications Facility - Antenna*	NP	NP	NP	NP	SPR	SPR	SPR	SPR	SPR	NP	SPR	SPR	SPR	NP	N P
GOVERNMENTAL, INSTITUTIONAL USES															
Houses of Worship	NP	NP	SPR	SPR	NP	SPR	SPR	SPR	SPR	NP	SPR	NP	NP	NP	NP
Schools, public & private	NP	NP	SPR	SPR	SPR	SPR	SPR	NP	SPR	NP	NP	NP	NP	NP	NP

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones					
										SLR	SLC	SG1	SG2	SP	RP
Tenting	A	A	A	A	NP	A	A	A	A	A	NP	NP	NP	A	NP
Yard Sale, as defined in Town Code	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

*These uses have specific performance standards in Article 9

Footnotes:

- 1 No retail sales or services may be offered or solicited except inside of the buildings in which the retail sales or service establishment are located, except for those exceptions indicated in Footnotes 5 and 10, below. (Amended 6/14/11 ATM)
- 2 TA-4 is only allowed in those portions of the SLC District, immediately adjacent to the GB2 District.
- 3 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.
- 4 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the-dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Articles 3.5 and 9.8.
- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the “Bait Wharf II” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such outdoor live lobster sales shall be permitted, and lobster sales shall be limited to live lobsters only, and any form of additional solicitation or promotion of other goods, products or services shall be prohibited (regardless of any other provisions of this Ordinance). (Amended 6/12/12 ATM, by a petitioned article)
11. Storage of recreational vehicles shall be exempt.
12. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
(Amended 6-12-18)

**2018 Amendments to the Zoning Ordinance
Regarding A-Frame Signs**

ARTICLE 8 – GENERAL STANDARDS APPLICABLE TO ALL LAND USES

...
8.12 Signs (Amended 6/8/10, 6/10/14)

A. General.

1. All signs in the Town of Ogunquit shall meet the following standards.
 - a. Free standing and/or A-frame signs shall be allowed only on private property where they can be placed no closer to the street than the front yard setback allows. Businesses which cannot meet this setback standard may utilize similar signage which must be affixed to the building.
 - b. Free standing and/or A-frame signs can be no larger than 6 square feet and any dimension may be no greater than 27" wide by 42" in height. Free standing and/or A-frame signs shall be counted towards the total amount of maximum sign area permitted on the property.
 - a c. No business or residential signs may be erected, altered, or relocated without issuance of a permit from the Code Enforcement Officer. Before issuing a permit the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce Article 8.12 and all permits issued thereto. (Amended 6/10/14 Effective 6/11/14)
 - b d. All business and residential signs shall be made of wood, metal or high density urethane board and may include raised or appliquéd wooden lettering or other graphics. The finished graphics of these signs may be carved, painted or of a vinyl material that resembles paint. Signs may not be surfaced with fluorescent or day-glow colors or other reflective material. Gold Leaf is permitted. The only exception from these material standards shall be for awnings or advertising signs, as provided by Section 8.12.B below, or for temporary commercial signs, as provided by Section 8.12.A.1.f below. (Amended 6/10/14 Effective 6/11/14)
 - e. Illumination is permitted only by steady, uncolored, external lighting.
 - d f. Signs shall be a maximum of 15 feet high.
 - e g. The measurement of sign area shall be based upon the outer perimeter of all boards, panels or sheets of materials as well as the spaces between these materials, but does not include the supporting posts or structural element outside the limits of such perimeter which does not form an integral part of the display. Only one side of a two-sided sign shall be counted in the calculation of allowable sign area. In determining the area of wall signs, the entire area within a continuous perimeter enclosing the extreme limits of the actual letters

and characters shall be measured. The area of background color will also be included if it differs from the color of the building itself.

~~f~~h. Temporary business sign(s) may be used by a new business while awaiting arrival of permanent sign(s), provided the sign is of a durable weatherproof material, however, temporary sign(s) shall be allowed only until permanent sign(s) is/are installed or for 60 days, whichever is the shorter period. Each temporary business sign shall be no larger in area or dimension than the conforming permanent sign that will replace it, and shall be placed in a manner and location in conformance with this ordinance, as if it were a permanent sign.

~~g~~i. Any sign which no longer advertises a business that is being conducted, a product being sold, or an activity or campaign being conducted, shall, within 30 days, be taken down and removed by the owner or tenant of the premises upon which such sign is located. This provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.

~~h~~j. Any sign, whether regulated by this section 8.12 or exempted from regulation pursuant to subsection 8.12.A.3 below, shall not be placed in rights-of-way or on other Town properties without express authorization of the Select Board.

2. The following types of signs shall be prohibited:

- a. Roof signs.
- b. Strings of pennants, inflated signs, tethered balloons, or banners, unless expressly allowed elsewhere in this Ordinance. (Amended 6/10/14 Effective 6/11/14)
- c. Flags, other than those of any nation, state, city, coalition or other political unit, including, but not limited to, military or veterans groups. In no event shall any flag of any type exceed fifty (50) square feet in area.
- d. Internally illuminated signs, including, but not limited to, neon or gas filled tubular signs, light emitting diode (LED) signs, digital signs, or electronic message center signs. This prohibition shall include signs located inside a building, when such signs are intended to be visible by pedestrians or motorists.
- e. Signs which physically or visually move, rotate or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement, or which emit audible sound or noise.
- f. Signs which appear animated or projected, or which are intermittently illuminated, or of a traveling, tracing, scrolling, or sequential light type, or signs which contain or are illuminated by animated or flashing light, including, but not limited to, electronic message center type signs, light emitting diode (LED) signs, or digital signs.
- g. Any signs, whether regulated by this section 8.12 or exempted from regulation pursuant to subsection 8.12.A.3 below, placed within the right of way of a public way, unless expressly authorized by the Select Board. Any sign which is placed in a

public way without such authorization, shall be removed by the Code Enforcement Officer, the Highway Department, or the Police Department. The Code Enforcement Officer shall attempt to ascertain the owner of the sign and within seventy-two hours of the sign's removal notify the owner of the location of the sign so it may be retrieved.

h. Free-standing "A-frame" or other portable signs, located on public or private property, other than those that meet the standards set forth in Section A(1)(a-b) above or those which are expressly exempted elsewhere in this Ordinance, or as authorized by the Select Board.

i. Signs which attempt or appear to attempt to direct movement of traffic or interfere with, imitate or resemble an official traffic sign, signal or device.

j. Signs which may prevent the driver of a vehicle from having clear view of an official sign or other traffic.

k. Off premises signs, unless exempted elsewhere in this section. The Town of Ogunquit shall not permit the erection of Department of Transportation Official Business Directional Signs, as defined in Title 23 M.R.S.A. §§ 1906 to 1925.

l. A business or advertising sign which is attached to, or painted on a: car, truck, bicycle, trailer, moped, scooter, and/or any other mechanized or human or animal powered form of transportation will be considered to be in violation of the sign ordinance if it is parked in such a manner, and/or has such limited use, as to suggest that it is being used to effectively achieve the result of announcing, directing, or advertising said business. (Effective 6/11/14)

3. Exemptions

The following shall not be included in the application of Section 8.12 and shall not be considered as being regulated by this Section 8.12 (Amended 6/10/14 Effective 6/11/14):

...

q. The Ogunquit Playhouse, Ogunquit Performing Arts, Leavitt Theater, Ogunquit Museum of American Art, and the Ogunquit Chamber of Commerce along with other town sanctioned committees or boards may erect portable, free standing and/or "A- frame" type on premises or off premises signs, collectively not to exceed ~~eight~~ twelve in number with no more than 4 signs placed at any one location within the town limits of Ogunquit, and each not displaying more than 12 square feet of sign area. Such signs shall be placed at the following locations: north corner of Wharf Lane and Shore Road; north corner of Beach Street and U.S. Route One; and Rotary Park. And must be placed in such a manner as to avoid hazards to pedestrian traffic; and shall have no attachments, such as balloons, flags, flyers, or any other loose item, to the sign or frame. The content and placement of such signs, as well as the allocation of signs among the groups, shall be approved annually by the Town Manager, as authorized by the Select Board. The Select Board may allow additional organizations with similar purposes, in addition to those listed

above, to erect free standing and/or "A-frame" type signs in accordance with these standards, as long as the collective number does not exceed the above-stated town-wide limit.

Office of the Town Manager

To: Select Board
From: Pat Finnigan
Date: April 11, 2018

RE: Renewal of Dispatch Services Agreement with the Town of Wells

Public safety and 9-1-1 dispatching services for the Town of Ogunquit are provided by the Town of Wells. Our 3 year contract is up for renewal (expires June 30). The proposed agreement keeps in place all the provisions of the existing agreement. The only substantive change is the fee schedule. We currently pay \$95,000 annually. The FY19 fee will remain at \$95,000.

FY19: \$ 95,000
FY20: \$100,000
FY21: \$105,000

The Town Managers meet periodically to discuss operations, as do the Police and Fire Chiefs.

Staff recommendation: Approval to renew the Agreement with the Town of Wells for dispatch services.

**RENEWAL
AGREEMENT FOR THE TOWN OF WELLS TO PROVIDE DISPATCH
SERVICES FOR THE TOWN OF OGUNQUIT**

1. Purpose:

To define the terms of the agreement between the Town of Wells ("Wells) and the Town of Ogunquit ("Ogunquit") (hereinafter collectively referred to as "the Parties") by which Wells agrees to provide public safety dispatch services to Ogunquit.

2. Term of Agreement:

This Agreement becomes effective on July 1, 201~~8~~⁵ and expires on June 30, ~~2018~~²⁰²¹. The Agreement may be extended for additional three-year terms upon the mutual agreement of the parties.

3. Termination and Automatic Renewal

The Agreement may be terminated in the following circumstances: (a) upon the mutual agreement of the Parties; (2) by either Party upon six (6) months prior written notice; or (3) by either party upon a party's breach (as defined in paragraph 10 hereof) in which event the party claiming breach may give written notice of such breach and of its election to terminate the Agreement effective on a specific date not less than 60 days following the date of mailing such notice to the other party by Certified Mail, Return Receipt Requested; provided, however, that the Agreement shall not terminate if the breach is cured during the notice term."

If the Agreement is terminated prior to the expiration of its term, payment for dispatch services shall be prorated to the date of termination.

If the Agreement is not terminated during its term, it shall automatically renew for an additional one year term.

4. Amendments

This Agreement may be amended at any time upon mutual agreement of the Parties. All amendments shall be in writing and shall be executed by duly authorized agents of each Party. The Party seeking an amendment shall submit a written request for said amendment to the other Party. The request shall clearly describe the proposed change and why it is desired. The responding Party shall schedule a review of the request within thirty (30) days of receipt and shall respond within forty-five (45) days from receipt. The responding party may approve, deny, or suggest modifications to the requested amendment.

5. Dispatch Services Provided:

During the term of the Agreement, Wells shall provide twenty-four (24) hour public safety dispatch services for Ogunquit including police, fire, and EMS. Additionally, Wells Dispatch will provide teletype service; IMC record management and technical support; digital recording of all phone and radio traffic; mobile terminal support; and twenty-four (24) hour telephone answering of the Ogunquit Police and Fire Business lines when ring-over. The operation of the Dispatch Center shall be the exclusive responsibility, and under the exclusive control of, Wells.

Upon request, Wells Dispatchers will provide: monitoring of Ogunquit cameras; notification of town personnel for emergencies relating to highway maintenance; notification of the Town Manager or Board of Selectmen when needed outside of normal business hours; and notification of any other public safety concerns as they arise.

6. Standing of Chiefs and Personnel:

The Fire and Police Chiefs of each Town shall have, within their municipalities, all of the powers, duties and responsibilities provided by state law and/or local ordinance, and the emergency personnel of each Town shall be deemed to be employees of only that Town for all purposes. Employees of the Dispatch Center shall be deemed to be Wells employees for all purposes.

7. Equipment:

Each Town shall purchase, provide and maintain in good working condition, at its own expense, all radio, telephone and other equipment for the dispatching operation hereunder serving exclusively its own residents. Upon termination, each Town shall be entitled to possession and ownership of the equipment it has provided. Town of Ogunquit shall be responsible, in each of the contract years (~~FY'16FY'19, 17-20 or 1821~~), of contributing Capital Equipment Costs of up to \$10,000 per year to Wells when formally requested in writing which is required for the joint dispatch services provided under this agreement.

8. Funding:

The Town of Wells will provide twenty four (24) hour dispatch services as described in Section 5 for an annual fee based on a July 1 to June 30 fiscal year, to be paid in two equal payments due and payable July 1 and January 1 of each year. The annual fee for each fiscal year during the term of the contract shall be as follows:

~~FY16FY19: \$90,000~~ 95,000

~~FY'17FY'20: \$90,000~~ 100,000

~~FY'18FY'21: \$95,000~~ 105,000

It is mutually agreed that Ogunquit may not be penalized should the voters fail to approve funding for this Agreement at its Annual Town Meeting; this Agreement is considered void as of the first day of the fiscal year for which funding was not approved and the Town of Wells is not required to provide any service as provided in section 5 for any length of time for which it is not compensated.

9. Quality Assurance and Funding for Additional Services and Service Level Upgrade:

To ensure the dispatching service is meeting the needs of the respective Towns and the public we serve, the Town Managers, the Police Chiefs, and Fire Chiefs, will meet at least annually to review operations and discuss any issues or problems to ensure the Dispatch Center is delivering the quality of service expected. If any operational concerns arise, the Police Chiefs and Fire Chiefs are expected to report the issue in a timely manner to the Director of the Dispatch Center so it can be addressed. The first report may be verbal, followed up by a written description of the issues to be addressed. The Dispatch Center staff, Police Chiefs and Fire Chiefs are expected to meet as necessary to address any operational concerns in order to improve the services provided to the public.

If Ogunquit requests in writing a higher level of service as provided in section 5, or, if there is an increase in dispatch service demands in Ogunquit and Wells as evidenced by the call volume increasing more than 20% during the term of the Agreement, the parties will negotiate a shared cost increase arrangement that would commence in the next fiscal year from when the request was filed. If a mutual resolution is not reached on an additional fee increase, Section 3 of the agreement may be invoked.

10. Breach:

A party is in breach of this Agreement if it fails to appropriate or make timely payment of its share of the costs, or to perform or comply with any of the terms, provisions, or conditions of this Agreement.

11. Notices:

Except as otherwise specified, any notice under this Agreement shall be in writing and shall be effective when actually delivered in hand or when deposited in the mail addressed to the Parties as follows:

Wells: Town Manager
Town of Wells
208 Sanford Road
Wells, ME 04090

Ogunquit: Town Manager
23 School Street
P.O. Box 875
Ogunquit, ME 03907-0875

12. Insurance/Liability/Indemnity:

“Each party shall insure its own emergency personnel and operations for not less than the limits of liability specified in the Maine Tort Claims Act and shall name the other party as an additional insured.

Each party shall be liable for the negligent, willful and intentional acts or omissions of its officer, agents, and employees (including public safety personnel), and shall indemnify, defend and hold the other harmless therefrom.”

13. Governing Law:

This Agreement shall be governed by the laws of the State of Maine.

14. Separability:

If any portion of this Agreement is held to be unconstitutional, invalid, or unenforceable, such determination does not invalidate or render unenforceable any other portion of the Agreement.

15. Adoption:

This Agreement takes effect upon completion of signatures for each Town’s duly authorized officials.

TOWN OF WELLS

Town Manager _____ Date _____
Jonathan Carter

TOWN OF OGUNQUIT

Town Manager _____ Date _____
Patricia Finnigan

RAM BUILT INC

Estimate

PO Box 104
West Kennebunk, Me 04094

T 802-688-8878
Email, rambuilt@yahoo.com

April 1, 2018
Attention: Darren
Town of Ogunquit

Project Location: Heritage Museum

Project Description:

Remove & Replace Cedar Shingle Roof on Addition Portion (1000 sq. ft.).
Re-point Chimney & Install Stainless Steel Chimney Cap.

Description	Quantity	Unit Price	Cost
Fire Rated 1/2" to 5/8" Red Cedar Shingles (Bundles)	80	115.33	9226.4
8 Cases Galvanized 2-3/8" Coil Nails	6	64	384
30 lb. Felt Paper	12	28.16	337.92
24 Gauge Stainless Steel Chimney Cap (Fabricated)	1	184.12	184.12
Disposal Of Roofing Materials	1	300	300
Type S Mortar (80Lb.)	2	23.11	46.22
Chimney Prep. And Repair Labor	16	45.00	720
Roofing Removal Labor	32	45.00	1440
Roofing Installation Labor	96	45.00	4320
	Total		16958.66
Notes: Upon Removal Of Roofing this estimates provides for minimum Substrate Repair. Any Major Rot or Defective Substrate is not covered within this estimate and Repairs or replacement would be Additional Cost.			
Upon acceptance of Proposal the cost of the Fire Rated Shingles would require pre payment, they are a special order Item.			

Thank You for your Business,

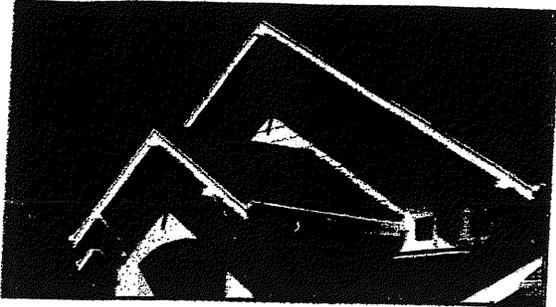
Robin Muir

Ram Built Inc.

RUCK ROOFING

6 Country Drive, Biddeford, ME 04005
(207) 632-3742 (603) 531-9027

Owner: Bill Ruck



ESTIMATE

Date: 10/16/17

Name: Ogunquit Heritage Museum

Address: Obeds Lane

City or Town: Ogunquit, ME

CONTACT INFORMATION

Phone: 207-289-5848

Alt#: _____

- Architectural Shingles
Lifetime _____
- Designer Shingle _____
- GAF Deck Armor _____
- GAF Weather Watch Ice and Water
3ft _____ 6ft _____ Complete _____
- GAF Stormguard Ice & Water _____

- Felt Buster _____
- GAF Weatherblocker Starter Strips
- Cobra Ridge Vent _____
- 8" Drip Edge _____
- Strip Old Shingles
- Haul Away Debris
- Tarp Walls and Ground _____
- Plywood Replacement
- Roof Repair
- Reflash Chimney _____
- Seamless Gutters _____
- Feet _____



Shingle style and color: Red Cedar shakes to match existing building

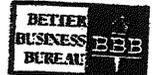
GAF/ELK

Comment: Remove wood shakes on L-section of building. Ice and water shield complete section. Install new shakes to match existing shakes nail with ring shank nails.

Total Price \$12,500⁰⁰

Customer
[Signature]
Ruck Roofing

- FREE ESTIMATES
- ROOFERS' INSURANCE
- WORKMAN'S COMP
- MANUFACTURERS' WARRANTY



RESIDENTIAL • COMMERCIAL • INDUSTRIAL

E-MAIL: BILLY@RUCKROOFING.COM

WWW.RUCKROOFING.COM



LICENSE# ME21864



Seacoast Roofing & Construction LLC

P.O. Box 92

Cape Neddick, ME 03902

207-363-0946

Date: 07/21/2017

Name: Ogunquit Heritage Museum

Location: 86 Obeds Lane, Ogunquit, Me

Tel: 646-0296 Charlotte

We herby propose to furnish the following labor and material necessary for the completion of:

Roof on addition (not main house)	
Strip existing cedar shakes	
Install new fire rated cedar shakes	
1 boot	12,000.00
1 vent	50.00
Trash	75.00
	<u>500.00</u>
	12,625.00

We propose hereby to furnish material and labor in accordance with the above specifications for the sum of twelve thousand six hundred dollars (12,625.00). Payment shall be as follows 1/2 upon acceptance, and 1/2 upon completion, all materials to be as specified. All work to be completed in a workmanlike manner according to specifications, per standard practices. Any alterations or deviations from the above specifications involving an extra cost will become an extra charge over the above estimate. All agreements contingent upon weather and delays beyond our control. Owners to carry fire and other necessary insurances, If either party commences legal action to enforce this agreement, the prevailing party shall be entitled to recover its reasonable attorneys fees and cost of litigation, as determined by a court.

Signed Electronically Kimberley Bieber - Member/Manager _____

Note: This proposal may be withdrawn if not accepted in 10 days.

ACCEPTANCE OF PROPOSAL, The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to perform the work as specified. Payments will be made as outlined above.

Signature _____

Date: _____

Joshua Carlisle
603 396 1746

Job Invoice

SOLD TO		DATE ORDERED	ORDER TAKEN BY
OGUNQUIT HERATJGK		9/12	
MUSEGUM		PHONE NO.	CUSTOMER ORDER #
Charlotte Tragarad		JOB LOCATION	
		86 OBEDS RD	
		JOB PHONE	STARTING DATE
		646 0296	
		TERMS	

QTY.	MATERIAL	UNIT	AMOUNT	DESCRIPTION OF WORK
44	Bundles = 11 sq Cedar shake		3800 ⁰⁰	Strip roof.
	Fasteners		400 ⁰⁰	address leaks
4	Grace Ice & water		500 ⁰⁰	Replace Plywood if needed. Ice & water whole roof
1	4" Boot		10 ⁰⁰	Re → Reob
6	1x4x16 Cedar Ridge Cap		250 ⁰⁰	
				MISCELLANEOUS CHARGES
				Disposal 300 ⁰⁰
				If needed plywood replacement 100 ⁰⁰ per sheet
				TOTAL MISCELLANEOUS 300
				LABOR
				HRS. RATE AMOUNT
				4 guys 6000 ⁰⁰
				7 Days
TOTAL MATERIALS			4660 ⁰⁰	TOTAL LABOR 6000 ⁰⁰

WORK ORDERED

DATE ORDERED

DATE COMPLETED

CUSTOMER APPROVAL SIGNATURE _____

AUTHORIZED SIGNATURE _____

TOTAL LABOR	6000 ⁰⁰
TOTAL MATERIALS	4660 ⁰⁰
TOTAL MISCELLANEOUS	300 ⁰⁰
SUBTOTAL	
TAX	
GRAND TOTAL	10960⁰⁰

Russell Hume
19 Prebble Lane
York, Maine 03909
207-363-7515

Proposal



September 12, 2017

PROPOSAL SUBMITTED TO:

Ogunquit Heritage Museum

DESCRIPTION

I hereby propose to furnish the materials and perform the labor necessary for the completion of Taking existing center chimney down to the roof line, replace the lead step flashing with new lead step flashing, and rebuild chimney. Including disposing of old brick and masonry off site, staging over wooden roof shakes so as not to damage them. A stainless steel chimney cap to seal off chimney will be provided and installed, Chimney will be non working at that point. All material is guaranteed to be as specified and the above work to be performed in accordance with above specifications and completed in workmanlike manner for \$5500.00. Payment will be due upon completion. Any change in the above specifications involving extra costs or labor will become an extra cost over and above the estimate. Owner will provide water and electricity at the job site. This proposal may be withdrawn if not accepted within 30 days.

Russell Hume

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made timely and as outlined above. Any monies not received within 10 days of billing date shall be charged interest at a rate of one and a half percent per month.

Signature _____ Date _____



Agreement for Limited Professional Engineering Services

This agreement is made solely between Becker Structural Engineers, Inc. and:

Town of Ogunquit Maine (Client)
PO Box 875
Ogunquit, ME 03907-0875
Attn: Patricia Finnigan, Town Manager

Becker Structural Engineers (BSE) will render professional engineering services in conjunction with the following project: **Ogunquit Village School Building Assessment**

Scope of Services:

Project includes a review of the structural condition of the 1906 Village School. We propose the following scope of service:

1. Visit the site to observe existing structural conditions and members that are exposed to view and readily accessible. If there are areas where structural members are concealed by existing finishes and if the areas are deemed critical to the purpose of assessing the general structural capacity of the building, we will identify areas requiring select demolition of finishes (access holes) to allow structural members to be viewed at a second site visit. The select demolition and associated clean-up or repair of finishes will be by a contractor engaged by the Town and not by BSE.
2. Review all prior building reports and previous structural work specified.
3. Perform structural analysis of existing framing in efforts to identify general structural capacities and limitations. Capacities will be reviewed with current International Building Code (IBC) minimums for the various uses considered. General concepts will be offered on how areas found to be under capacity may be reinforced to meet code requirements. Concepts will not be detailed for construction. Fully designed reinforcements or upgrades are considered beyond the scope of this proposal.
4. Perform a code study of the International Existing Building Code (IEBC) as it pertains to structural renovation considerations for the building. Code study will identify thresholds or triggers of additional work that need to be considered with large scale renovations or improvements. Code study will not include areas beyond structural (i.e. accessibility, energy, egress or fire safety considerations).
5. Compile a structural report identifying our findings and recommendations as they relate the scope identified above.
6. Meet with the Town staff to discuss our findings and recommendations.

Compensation

We will provide the above noted professional design services on a time and expense basis in accordance with the attached rate schedule, with a not-to-exceed (NTE) fee of \$6,500.00. This fee includes reimbursable expenses.

Schedule

We will begin our work within seven weeks following receipt of your written authorization to proceed. We anticipate delivering the report within three weeks of commencing (assumes 1 week of turn-around time associated with select demolition contractor, if needed).

This agreement is made solely between Becker Structural Engineers and the Town of Ogunquit, Maine, and all invoices are payable by the Town of Ogunquit, Maine. Other terms and conditions are incorporated as General Contract Terms and Conditions. If you agree with the terms and conditions set forth herein, please sign and date this agreement, initial the General Contract Terms and Conditions and return a duplicate to our office. We appreciate the opportunity to submit this proposal and look forward to working with you on this project.

OFFERED BY: **Becker Structural Engineers, Inc**

DATE: April 5, 2018



Paul B. Becker, P.E.
President

ACCEPTED BY: _____
Patricia Finnigan, Town Manager for the Town of Ogunquit, Maine

DATE: _____



General Contract Conditions

Client Initials _____

Professional Engineering Services

Fees for professional engineering services are based on the time worked on the project by staff personnel and our standard rate schedule. The total fee, except when stated lump sum, shall be understood to be an estimate, based upon Scope of Services. Lump Sum fees address professional fees. Reimbursable costs are not included in the Lump Sum fee unless specifically noted to be included.

Reimbursable Expenses

The following direct non-salary expenses will be billed to the client in accordance with our rate schedule:

1. Transportation and living expenses incurred for assignments outside the greater Portland area.
2. Automobile expenses plus toll charges for travel will be billed to and from our Portland office in conduct of work related to the project. Use of rental cars or trucks as necessitated by the project.
3. Communications charges - telephone, fax and internet.
4. Rental of specialized equipment from outside vendors.
5. Photographs for project record, postage and handling of drawings, printing and plotting costs associated with drawings and specifications.

Services of Others

On occasion, we engage the specialized services of individual consultants or other companies to participate in a project. When considered necessary, these firms will be used with your approval. The costs of such services plus a ten percent service charge will be included in our invoice.

Invoices

Invoices will be submitted monthly for services and reimbursable expenses and are due when rendered. Invoices shall be considered past due if not paid within 30 days after the invoice date and we may without waiving claim or right against the Client, and without liability whatsoever to the Client, terminate performance of the service. Retainers shall be credited on the final invoice. A service charge will be charged at 1.5% per month on the unpaid balance. In the event any portion or all of an account remains unpaid 90 days after billing, the Client shall pay the cost of collection, including reasonable attorney's fees and court costs.

Insurance

We are protected by Professional and General Liability Insurance. We will furnish information and certificates at your request. We will not be responsible for any loss, damage or liability arising from your negligent acts, errors and omissions and those by your staff, consultants, contractors and agents or from those of any person for whose conduct we are not legally responsible. In no event shall Becker Structural Engineers (BSE) be responsible for any loss, damage, or liability beyond the amounts, limits, exclusions and conditions of such insurance. In an effort to resolve any conflicts that arise during the professional services provided by BSE, the Client agrees that all disputes between BSE and Client shall be submitted to non-binding mediation unless the parties mutually agree otherwise.

Hidden Conditions

A structural condition is hidden if concealed by existing finishes or is not capable of investigation by reasonable visual observation. If we have reason to believe that such a condition may exist, the Client shall authorize and pay for all costs associated with the investigation of such a condition and, if necessary, all costs necessary to correct said condition. If the Client fails to authorize such investigation or correction after due notification, or we have no reason to believe that such a condition exists, the Client is responsible for all risks associated with this condition and BSE shall not be responsible for the existing condition nor any resulting damages to persons or property.

Opinion of Construction Costs

In providing opinions of probable construction cost, the Client understands that BSE has no control over the cost of labor, materials or equipment, or over the contractor's method of pricing, or over competitive bidding or market conditions, and that opinions of probable construction cost provided for herein are to be made on the basis of BSE qualifications and experience. BSE makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

Access to Site

Unless otherwise stated, BSE will have access to the site for activities necessary for the performance of the services. We will take precautions to minimize damage due to these activities, but we have not included in our fee the cost of restoration of any resulting damage. This cost, if any, will be borne by the Client.

Construction Observation

Construction observation shall consist of visual observations of materials, equipment or construction work for the purpose of ascertaining that the work is in general conformance with the contract documents and with the design intent. Such observations shall not be relied upon by others as an acceptance of the work, nor shall it be construed to relieve the contractor in any way from any obligation and responsibility under the construction contract. Specifically, but without limitation, our observation shall not require BSE to assume responsibilities for the means and methods of construction, nor for safety on the jobsite.

Ownership of Documents

All drawings, specifications and reports are instruments of service and shall remain the property of BSE. They shall not be reproduced, copied, lent or disposed of directly or indirectly nor used for any other purpose other than that for which they are specifically furnished and must be returned to BSE on completion of work, if requested. The client shall indemnify and hold harmless BSE for any damages for claims resulting from the use, modification or interpretation of BSE's instruments of service.

Unauthorized Changes

In the event the Client consents to, allows, authorizes or approves of changes to plans, specifications or other construction documents, and these changes are not approved in writing by BSE, the Client recognizes that such changes and the results thereof are not the responsibility of BSE. Therefore, the Client agrees to release BSE from any liability arising from the construction, use or result of such changes. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold BSE harmless from any, damage, liability or cost, including reasonable attorneys' fees and costs of defense, arising or resulting from such changes, except only those damages, liabilities and costs arising from the sole negligence or willful misconduct of BSE.

Risk Allocation

In recognition of the relative risks, rewards and benefits of the project to both the Client and BSE, the risks have been allocated so that the Client agrees that, to the fullest extent permitted by law, our total liability to the Client, for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement, from any cause or causes, shall not exceed the total amount of \$50,000 or the amount of our fee (whichever is greater). Such causes include, but are not limited to our negligence, errors, omissions, strict liability or breach of contract.

Termination of Services

This agreement may be terminated upon 10 days written notice by either party should the other fail to perform obligations there under. In the event of termination, the Client shall pay for all services rendered to the date of termination, all reimbursable expenses and all reimbursable termination expenses.

Applicable Law

Unless otherwise specified, this agreement shall be governed by the laws of the State of Maine.



RATE SCHEDULE

<u>Classification</u>	<u>Hourly Rate</u>
<i>Principal</i>	\$155.00
<i>Senior Associate</i>	\$140.00
<i>Associate</i>	\$135.00
<i>Senior Engineer</i>	\$125.00
<i>Project Engineer III</i>	\$115.00
<i>Project Engineer II</i>	\$105.00
<i>Project Engineer I</i>	\$95.00
<i>Staff Engineer</i>	\$90.00
<i>CAD/REVIT Senior Designer</i>	\$100.00
<i>CAD/REVIT Designer/Detailer II</i>	\$90.00
<i>CAD/REVIT Designer/Detailer I</i>	\$80.00
<i>Administration</i>	\$80.00
<u>Reimbursables</u>	<u>Charge</u>
<i>Mileage</i>	\$0.70/mile
<i>Blueprints / CAD Plots</i>	\$7.00/sheet (24X36)
<i>Photocopies</i>	\$0.20/sheet
<i>Scan/Finishing (E-mail)</i>	Cost plus 12%
<i>Communications Charge</i>	1.5% of amount invoiced
<i>Outside Consultants</i>	Cost plus 12%

Effective September 2017

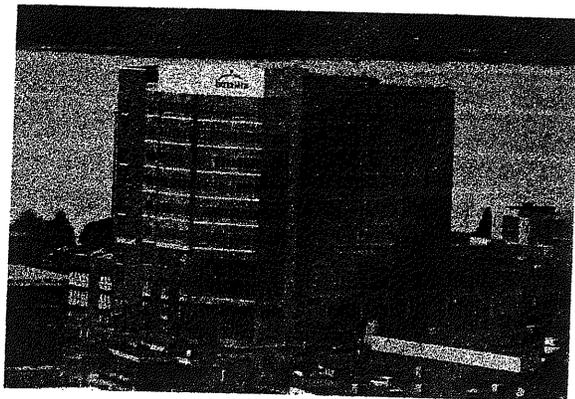
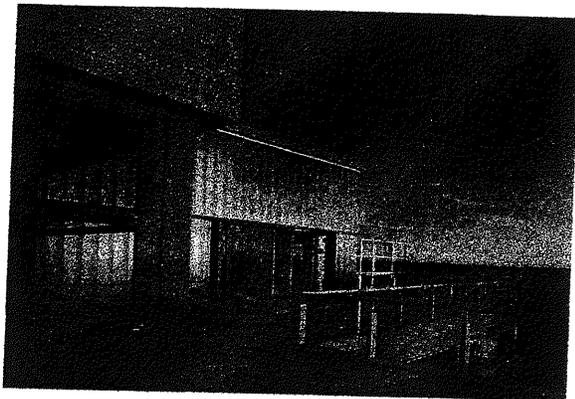


Becker Structural Engineers, Inc. was founded in 1995. We have built a successful practice by providing practical, cost-effective and innovative solutions on a wide range of challenging projects. We serve a diverse clientele including architects, contractors, developers, industry and government. Our project involvement includes work with new and existing buildings, parking structures and bridges. Our substantial experience with contemporary building design is complemented by an extensive background renovating and restoring historic structures.

Our staff allows us to deliver high quality service on multiple large projects simultaneously. Our approach to engineering projects combines classical engineering theory and practical experience, paired with the versatility and efficiency of today's computer software for 3D structural analysis and Building Information Modeling (BIM). We use AutoDesk Revit to create structural models which interact and coordinate with architectural and mechanical models to develop a comprehensive building model to aid in the coordination of systems.

Our design capabilities are complemented by our construction phase services, which include construction reviews for general conformance and implementation and administration of the IBC Special Inspections Program. We believe a strong job site presence contributes to enhanced quality and improved construction efficiency. Working with the owner, architects, contractor and testing agencies our office provides a full range of construction monitoring capabilities.

We credit our success to the outstanding architects, consultants and contractors who collaborate with us and to our dedicated staff who maintain the highest standards and integrity, which are essential in structural engineering.



building structures

- new buildings
- specialty structures
- modifications
- structural strengthening

investigation

- feasibility studies
- condition assessments
- structural evaluations

rehabilitation

- historic restoration
- seismic upgrades

parking structures

- new garages
- rehabilitation

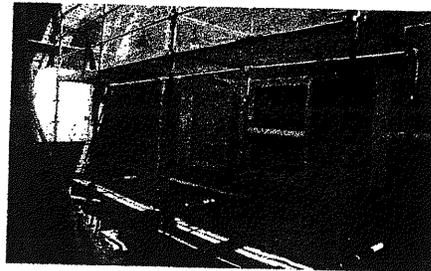
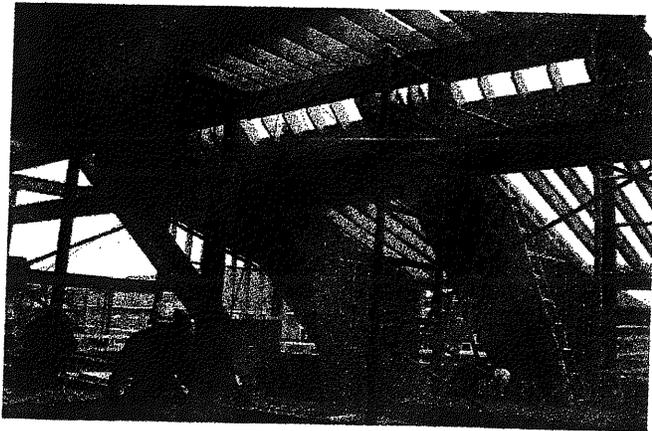
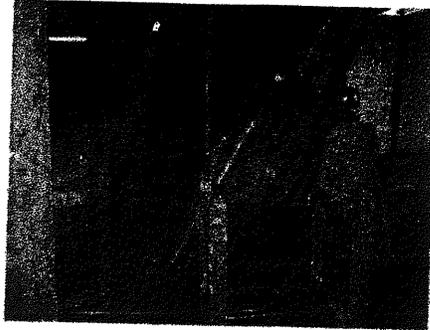
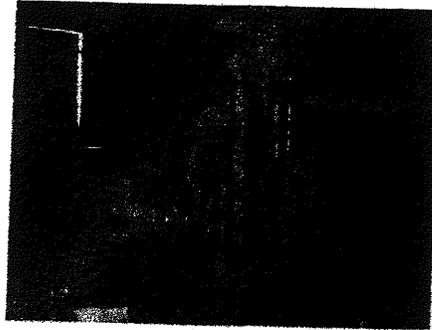
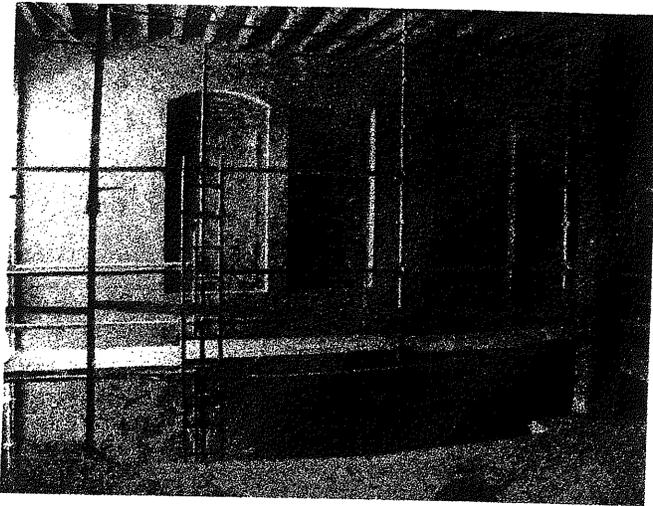
bridges

- new bridges
- rehabilitation
- load ratings

Renovations, Expansions and Vertical Additions

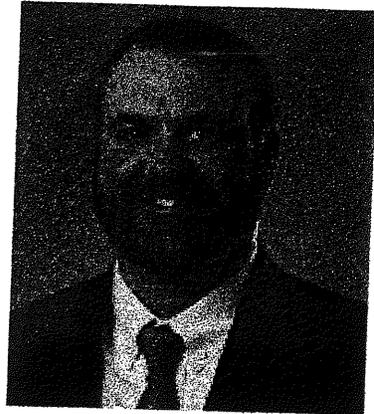
An important area of our practice focuses on the adaptive re-use of existing structures. By repurposing an existing building we have an opportunity to renew an existing resource and provide an increased level of structural safety. Our practice understands the engineering challenges associated with analyzing and updating an older structure. While we rely upon the International Existing Building Code (IEBC) to provide the framework to evaluate and update an existing structure it is our experience and resourcefulness that provides cost effective and value added solutions to these challenging projects.

Vertical expansions of an existing structure are unique projects. They most often require a strengthening of the existing gravity and lateral force resisting system in order to comply with current code requirements. Seismic strengthening is the most difficult because older structures were not built with those demands in mind, especially as it relates to details ensuring structural ductility. Steel structures often have new braced frames or moment frames added while concrete or masonry structures often have concrete or shotcrete shear walls added. Our office has successfully employed all of these methods.



Daniel S. Burne, P.E.
Associate

Dan has been with Becker Structural Engineers since 2000 and is a veteran of the U.S. Coast Guard. He has designed multiple commercial, medical, residential, educational and institutional facilities. He has expertise engineering with steel, wood, masonry, and concrete. Dan specializes in the design of Medical Facilities including structural support of specialized equipment. He is well versed in the analysis and structural rehabilitation of historical buildings, including period steel structures, historic timber frames and multi-story masonry structures. Dan has been part of many successful historic projects renovated in accordance with National Park Service standards. He has expertise in seismic upgrades of existing structures and structural strengthening. Dan has designed several multi-story collegiate facilities as well as multiple wood-framed housing facilities. He is responsible for construction administration and Special Inspections. Dan has served as project manager responsible for contract development, structural engineering, monitoring of budgets and schedules, and client relations on projects with construction costs in excess of \$25 million. He also possesses strong computer skills including RAM Structural Systems, RISA 3D, REVIT Structure and AutoCAD.



- EDUCATION** Vermont Technical College, Bachelor of Science, 2000,
Architectural Engineering Technology
Associate of Science, 1998,
Architectural and Building Engineering Technology
- PROFESSIONAL
REGISTRATION** Registered Professional Engineer in the State of Maine
(#10910)
- PROFESSIONAL
ASSOCIATIONS** American Institute of Steel Construction
Structural Engineers Association of Maine - President

Paul B. Becker, P.E., SECB
President

As the founder of Becker Structural Engineers in 1995, Paul has over thirty five years of structural engineering experience in New England and the Mid-Atlantic States. During his career he has gained specialized expertise in foundation support systems, earth retaining structures, steel framed building systems, cast in place, precast and post-tensioned concrete, masonry and timber construction. He has extensive experience in historic restoration, adaptive reuse, industrial and commercial expansions, concrete restoration, parking structures, failure investigations, value engineering, construction monitoring, and structural evaluations including material testing. His project experience includes commercial, industrial, municipal and educational facilities. Specialty topics include the design and anchorage of pre-cast concrete facades, the design of curtain walls utilizing light gage metal framing, stabilization of historic structures and the upgrading of existing structures, including seismic retrofits. He has served as lead design engineer and project manager responsible for establishing and monitoring schedules, budgets and quality control on projects with construction costs of up to \$40 million. Paul's computer program experience includes STAAD III, RISA-3D, RAM Structural System and AutoCAD. He is a Registered Professional Engineer in Maine, New Hampshire, Vermont, Massachusetts, Georgia, and Connecticut and holds a Master of Science degree in Civil Engineering with a Structural Specialization.



EDUCATION

University of New Hampshire,
Master of Science, 1989, Structural Engineering
Pennsylvania State University,
Bachelor of Science, 1980, Civil Engineering

**PROFESSIONAL
REGISTRATION**

Registered Professional Engineer in the States of Maine (#6554), Massachusetts (#39009), New Hampshire (#6258), New York (#86255) Vermont (#7773), Georgia (#033280), Connecticut (#20725), Rhode Island (#9067), Ohio (#74529), Certified in the Practice of Structural Engineering (#2285-0708)

**PROFESSIONAL
ASSOCIATIONS**

American Concrete Institute
American Institute of Steel Construction
American Society of Civil Engineers
Board Member of Maine Preservation
Structural Engineering Association of Maine

Mr. Alan Thibeault
Facilities Planner
University of New England
716 Stevens Avenue
Portland, ME 04103
207.797.7261

Representative Projects:

UNE Biomedical Building \$12M
UNE College of Dental Medicine Office \$12M
UNE College of Health Professionals \$7M
UNE College of Pharmacy Academic Building \$8M

Mr. Daniel Doughty
Director of Facilities Development

Maine Medical Center
22 Bramhall Street
Portland, ME 04102
207.871.2013

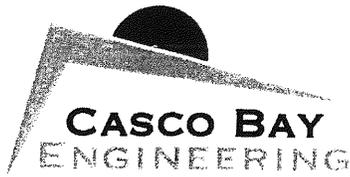
Representative Projects:

MMC Ambulatory Surgical Center \$28M
MMC Family Practice Office Building \$4M
MMC Parking Garage Restoration \$4M

Mr. Matthew Tonello
Project Executive
Consigli Construction Co.
15 Franklin Street
Portland, ME 04101
207.773.3000

Representative Projects:

Augusta Court Facility \$42M
Bates Chapel-Bates College Building Envelope Restoration \$4M
Framingham State University Dormitories \$42M
Maine Medical Center-Maine General Envelope Repairs \$4M



CIVIL & STRUCTURAL ENGINEERING

www.casco-bay-engineering.com

424 Fore St., Portland, ME 04101 Phone 207.842.2800 Fax 207.842.2828

January 26, 2018

Patricia A. Finnigan
Town Manager
PO Box 875
Ogunquit, ME 03907-0875

RE: Ogunquit Village School
Structural Engineering Assessment

Dear Patricia:

Thank you for considering Casco Bay Engineering for consulting engineering services for a structural assessment for the existing Ogunquit Village School (OVS) building. Based on the Request for Proposals that you sent us via email we are providing the requested information as follows:

- Executive Summary – Introduction, Project Description and Fee
- Qualifications – Resume and References
 1. Eric Dube, P.E. - Resume
 2. Rockland Recreational Center - Attachment A
 3. Bridgton Town Hall - Attachment B
 4. Rockland Library - Attachment C

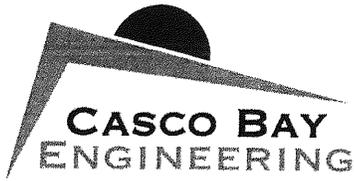
Casco Bay Engineering is prepared to start the project as soon as we receive a notice to proceed from the Town. We are prepared to complete the study within 3-4 weeks of project authorization.

Casco Bay Engineering has the required experience to not only provide the structural assessment but also to provide the Town with proper planning of the building use with a holistic approach for the future.

Please review our proposal and feel free to contact me with any questions.

Respectfully,

Eric Dube, P.E.
Casco Bay Engineering



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www.cascobayengineering.com

424 Fore St., Portland, ME 04101 Phone 207.842.2800 Fax 207.842.2828

EXECUTIVE SUMMARY

Casco Bay Engineering will provide a written assessment to the Town of Ogunquit for the Ogunquit Village School (OVS) that will address the structural integrity of the existing building. We recognize that this building is near and dear to the community. We welcome the opportunity to work with the Town, Select Board, and its citizens toward understanding and planning the future of the OVS.

Introduction

Casco Bay Engineering is pleased to provide the Town of Ogunquit this proposal to assess the structural integrity of the Ogunquit Village School (OVS), built in 1904, to help the Town determine the future use of this historical building.

Information provided by the Town states that the OVS has been used for multiple entities since it was last used as a school in 2004. Since 2004, other structural engineers have provided a limited assessment for the existing building at different times. New steel columns and reinforcing roof members were among a couple of items that were addressed.

Casco Bay Engineering would first investigate, then evaluate the overall conditions of the 114-year-old structure and then provide a written assessment of the structural integrity of the existing building. We will also provide a preliminary estimate of repair costs within the written report in order to enable the town to provide long term planning for the building.

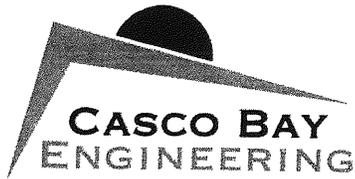
Project Description

Casco Bay Engineering proposes to provide the following services:

- Initial site visit, document the conditions of existing structure
- Review current documents and research provided by the Town
- Structural analysis of existing Foundation
- Structural analysis of existing above grade Framing
- Structural analysis of existing Roof Framing
- Provide planning assistance for the building's future use and limitations

Project Fee

Casco Bay Engineering proposes to provide the services above for a LUMP SUM fee of **\$7,500.00 (seventy five hundred dollars)**.



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424 Fore St., Portland, ME 04101 Phone 207.842.2800 Fax 207.842.2828

QUALIFICATIONS

Eric Dube, P.E.
Casco Bay Engineering
424 Fore Street
Portland, ME 04101
207-712-7022 cell

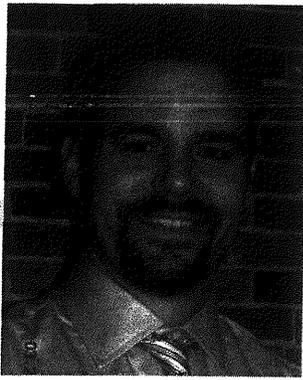
Eric Dube is a principal and co-owner of Casco Bay Engineering. He has over 25 years of Structural and Civil Engineering expertise. His experience ranges from medium-sized commercial buildings, high-end residential, to analysis and design of complex retrofits.

Eric's involvement with school projects, office buildings, industrial renovations, medical facilities, and retail complexes is a testimony to his versatility.

Eric is a member of MUBEC, Maine Uniform Building and Energy Code, an appointment by the Governor. Eric is a Maine native and well connected to the community.

Notable projects for your reference and consideration for similar projects to the Ogunquit Village School are:

- **Rockland Recreation Center – Attachment A**
Tom Lutrell
City Manager
270 Pleasant Street
Rockland, ME 04841
(207) 593-0636
- **Bridgton Town Hall – Attachment B**
Robert Peabody Jr.
Town Manager
3 Chase Street, Suite 1
Bridgton, ME 04009
(207) 647-8786
- **Rockland Library – Attachment C**
Rockland Public Library
Amy Levine
80 Union Street
Rockland, ME 04081
(207) 594-0310



ERIC DUBE, P.E.

VICE PRESIDENT

EDUCATION

Bachelor of Science, Arch. Engineering 1992
Wentworth Institute of Technology

REGISTRATIONS

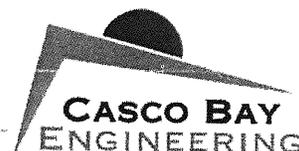
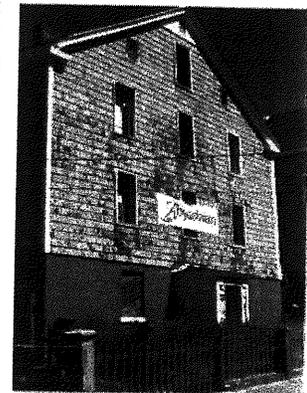
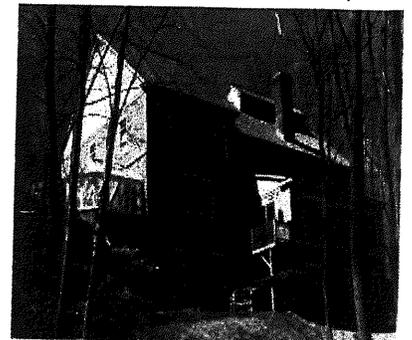
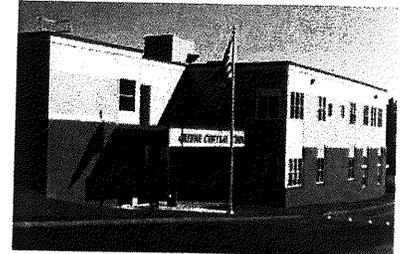
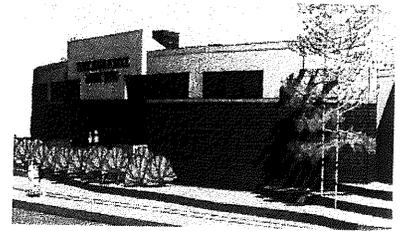
Maine, New Hampshire, New York, Texas

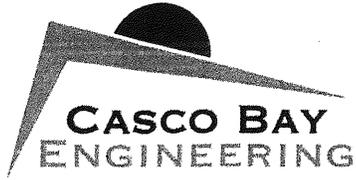
PROFESSIONAL AFFILIATIONS

State of Maine-Technical Building Codes & Standards Board
ACEC American Council of Engineering Companies
SEAM Structural Engineers Association of Maine
AISC American Institute of Steel Construction
ASCE American Society of Civil Engineers
AIA AIA, Maine Chapter, Affiliate Member
PSA Portland Society of Architects
RSU 5 School Board 2009-2012, Vice Chair
Town of Pownal Planning Board 2005-2010
Architalx Board of Directors 2007-2009

PROJECT EXPERIENCE

Lisbon High School Gymnasium, *Lisbon, ME*
Maine DOT Various Buildings, *ME*
Army National Guard Regional Training Institute, *Bangor, ME*
Congress Street Medical Office Building, *Portland, ME*
Portsmouth Naval Shipyard Dry Dock #1&3 Renovation. *Kittery, ME*
Rockland Community Center Renovation, *Rockland, ME*
Abyssinian Meeting House, *Portland, ME*
Abenaki Ski Lodge, *Wolfboro, NH*
Magic Lantern Theater, *Bridgton, ME*
Thomas Memorial Library, *Cape Elizabeth, ME*
Museum LA Renovation, *Lewiston, ME*
Wells Library Renovation, *Wells, ME*
Cliff House Renovation, *York, ME*
Old Orchard Beach Retail Complex, *Old Orchard Beach, ME*
Re-Max Office Building, *Auburn, ME*
Bayside Bowl, *Portland, ME*
Kennebec Pharmacy, *Augusta, ME*

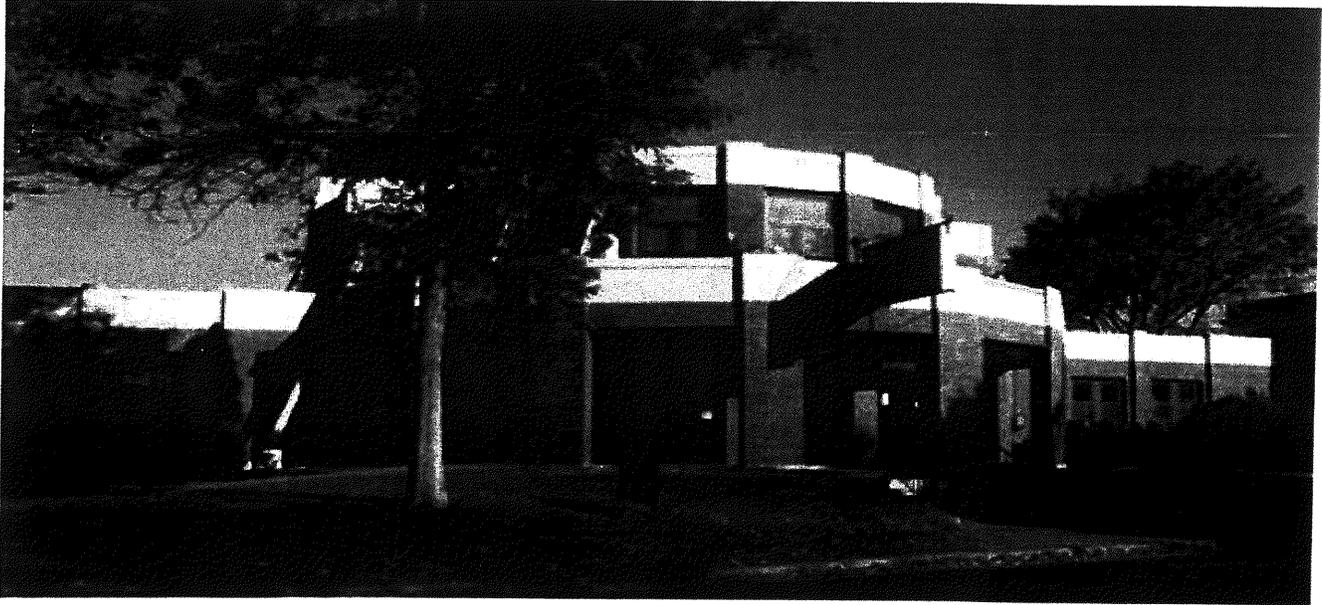




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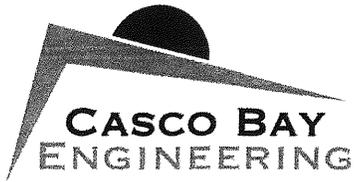
424 Fore St., Portland, ME 04101 Phone 207.842.2800 Fax 207.842.2828

Attachment A



ROCKLAND COMMUNITY RECREATION CENTER
ROCKLAND, ME
TFH ARCHITECTS

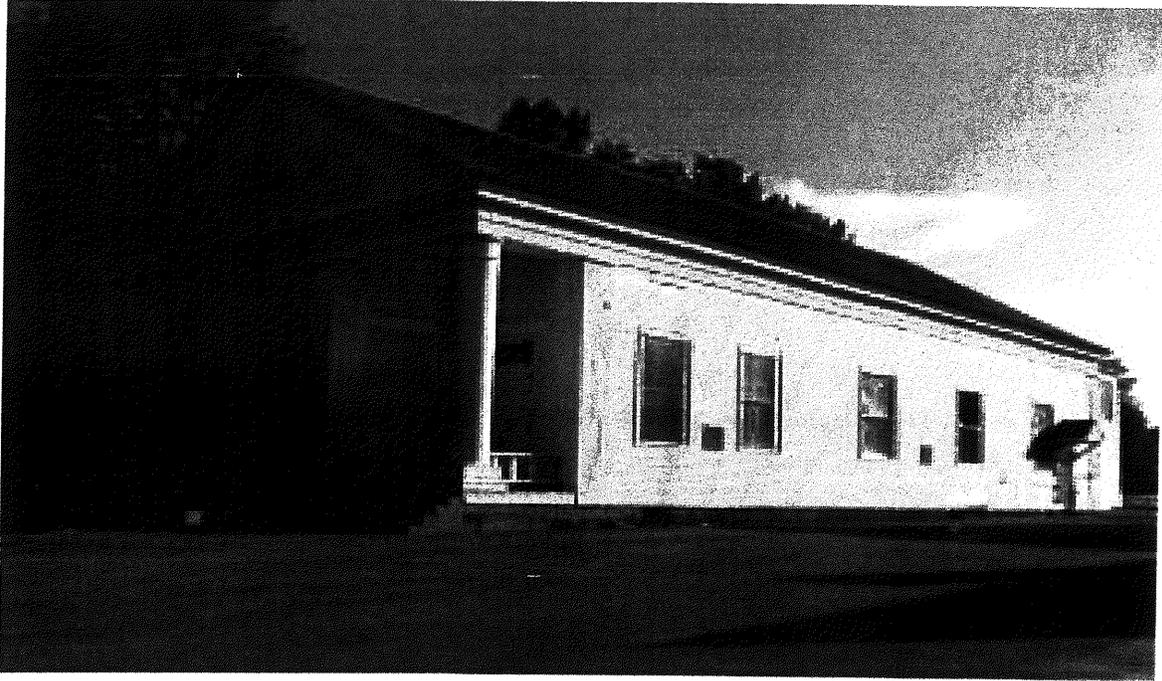
- Casco Bay Engineering's scope of work included repairs to the exterior of the building envelope such as the existing roof, the existing brick walls, the existing entry way and the basement area. The bulk of the work focused on providing a report to address existing moisture intrusion.
- Repair design included final drawings and specifications as well as provide analysis and design as required for the two-phased project
 - A. Repair Design Phase 1 – Exterior Sources of Water Intrusion/Regrade
 - B. Repair Design Phase 2 – Interior Repairs & Mold Removal



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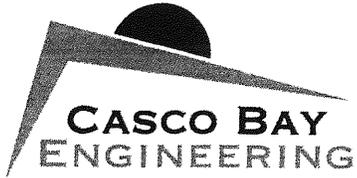
Attachment B



BRIDGTON TOWN HALL
BRIDGTON, ME

Bridgton Town Hall was built in 1852. Throughout its history, the Town Hall has been used for annual Town Meetings, socials, concerts, recreation and other community functions.

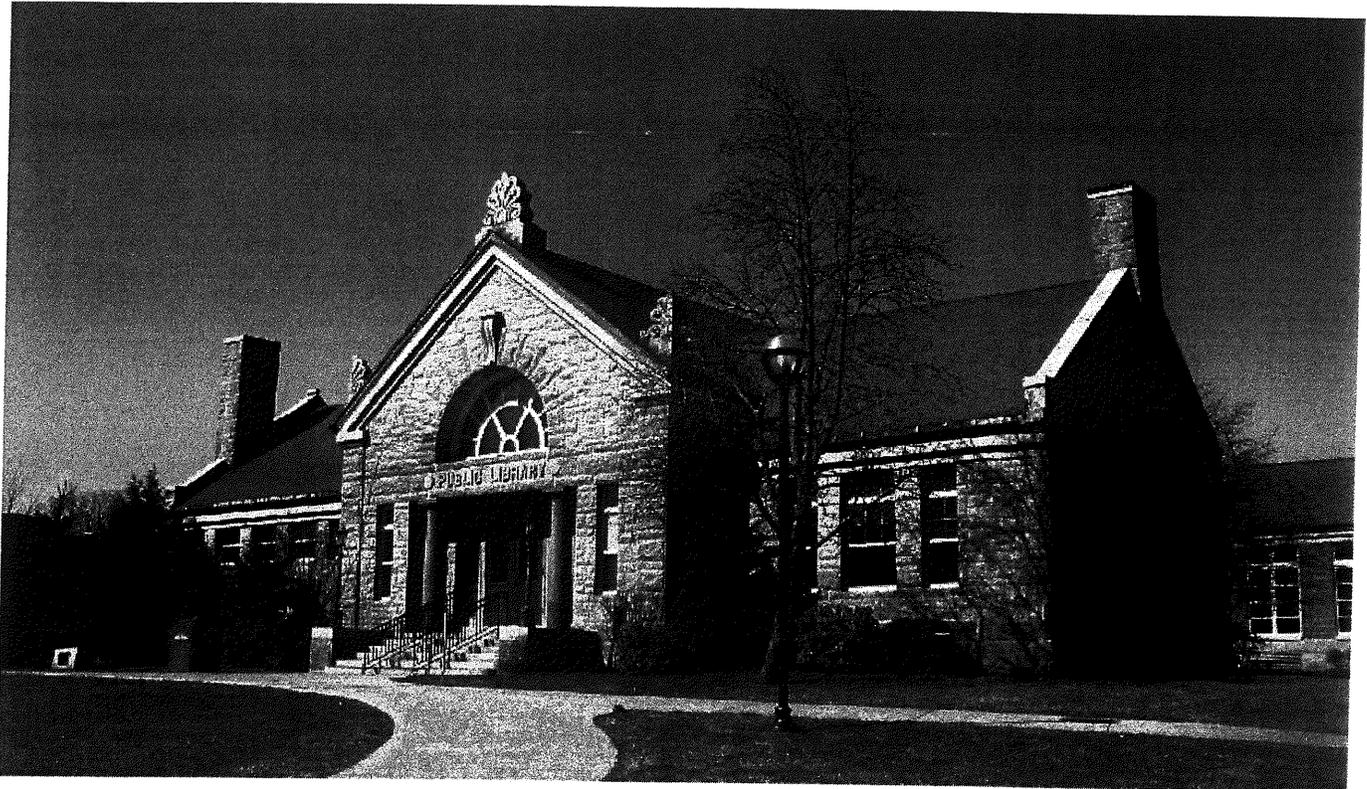
Casco Bay Engineering's services included visiting the site to document the existing interior conditions. An building analysis was completed of the existing structure, the existing insulation system, handicapped accessibility, moisture intrusion and the heating and ventilation systems. We also provided a hazardous materials evaluation including lead testing, mold testing, and asbestos testing for the interior of the building. We lastly provided a detailed cost analysis including a breakdown of items listed above in order to provide a phased construction approach.



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Attachment C



ROCKLAND LIBRARY ROCKLAND, ME

The Rockland Public Library is a historic library established in 1903.

Casco Bay Engineering's focus was to provide engineering services to assess the building envelope in regards to moisture intrusion. Existing construction drawings provided by the City of Rockland for the original building and a 2001 Wing Addition were used in assessment of the building envelope. Areas we reviewed were the West Entrance Parapet and Façade, Main Chimney, Drainage from West Gutters, Children's Garden Bulkhead, Non-Fiction Wing Roof Drain, North Wall Parapet, Arch Window Masonry and the South Parapet Chimney.



**Town of Ogunquit – Structural Engineer for Building Assessment at
Ogunquit Village School**

Fee Proposal

■ Ogunquit Village School Structural Assessment (fixed)..... \$9,330.00

Optional:

– Test Cut Services (Gale – fixed)..... \$1,200.00

– Contractor Services (budget estimate)..... \$1,500.00 – \$2,500.00

– Drone Survey..... \$800.00



Town of Ogunquit – Structural Engineer for Building Assessment at Ogunquit Village School

Understanding of Scope of Work/Approach

As part of their financial planning, the Town of Ogunquit is requesting proposals for a building assessment of the Ogunquit Village School's (OVS) structural frame in an effort to better understand the building's conditions and to assess any potential future use options. The OVS was constructed in 1906. The original school was lifted and relocated onto the framing of the first floor of the building currently on the site. When reviewing the framing in the attic space, the 1906 school roof and framing remains partially intact and is enclosed by the framing of the current structure. The OVS is unoccupied except for a maintenance shop on the ground floor. The first floor is unheated and currently used as storage. In reviewing the interior, it appears numerous types of construction have been utilized, such as solid masonry walls, concrete foundation, steel beams and columns, and wood floor and roof joists. Recent repairs have been made to the exterior walls in response to bowing of the exterior wall that appeared to be the result of overloading of the roof framing. These repairs consisted of adding additional steel columns within the exterior walls.

Based on our understanding of the project, we propose the following Scope of Services:

- Initiate the project by attending a kick-off meeting with OVS representatives to review the schedule for field services and deliverables, and coordinating building access.
- Review original plans, specifications, reports, and similar data made available to Gale. It is our understanding that original drawings are not available, although recent repair drawings may be available.
- Interview personnel familiar with the facility and the repair/renovation history.
- Perform a visual evaluation of the building's structural framing, including floor and roof joists, roof rafters, foundation walls and internal support walls. We will perform a basic field measure-up of the floors, roof and wall elevations, to assist with cost estimating. As we understand that a roof plan is not available for the original building, Gale will utilize aerial image photography to locate defects. Defects will be observed using binoculars from the ground. *Optional:* As an option to the above binocular survey, we will utilize our DJI Phantom Pro 4 UAV flight drone to take High Definition Images (20mp) of the roof. The drone is operated by a Gale employee who is a licensed FAA pilot. If an area is identified that needs closer inspection, our pilot will fly the drone closer to the areas of concerns for more detailed close-up images of the defects or concerns in question. General location of observed defects will be noted on photographs of the roof or elevations. AutoCad drawings will not be provided at this time.



- (Option) Coordinate the removal of representative locations of the interior ceiling or wall system to observe concealed framing and connections, such as floor joists and support columns. The intent of the test openings will be to determine the size and type of all framing members, observe potentially concealed defects and develop a basic framing layout.
 - Test cuts will be performed and repaired by a qualified contractor. A budget fee for the contractor has been included as an estimate at this time. This option can be discussed further with Ogunquit should the need arise.
- Evaluate the building structure and related accessory construction for general conformance with building code requirements and industry standards.
- Prepare a condition report providing:
 - Background information
 - Methodology used to evaluate the structure
 - Results of field testing (if performed)
 - Basic options for repair/renovations that are recommended for the short and long-term needs of the facility
 - Basic hand sketches of the observed framing layout to denote defects and areas of recommended repairs/augmentation, if required
 - Photographic documentation of general conditions
- Provide two (2) bound copies and an electronic copy of the report.
- Meet with Ogunquit on one (1) occasion to present and review the contents of the report and our findings.



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Proposed Milestone Schedule

<u>Event</u>	<u>Date</u>
■ Estimated Contract Award/Notice to Proceed.....	February 5, 2018
■ Complete field evaluations/testing.....	February 16, 2018
■ Submit Evaluation Report (draft)	March 2, 2018
■ Meet with Town to review options.....	March 7, 2018
■ Submit Final Report.....	March 16, 2018

Note: Gale is sufficiently staffed and capable of expediting the milestone schedule if required by Ogunquit.