

**WARRANT
ANNUAL TOWN MEETING
HARPSWELL, MAINE
MARCH 10, 2007**

Cumberland, s.s.

State of Maine

To any Constable or Resident of the Town of Harpswell:

You are hereby required in the name of the State of Maine to notify and warn the inhabitants of the Town of Harpswell qualified to vote in Town affairs to assemble at Harpswell Islands School, Route 24, Harpswell, Maine on Saturday the tenth day of March, 2007 at 9:00am of said day, to act on Articles 1 through 4.

The business meeting to act on Article 5 and others that follow will begin at 10:00am.

**Art. 1 — To choose a Moderator to preside at said meeting.
(POLLS WILL OPEN AS SOON AS ARTICLE ONE HAS BEEN ACTED UPON
AND WILL CLOSE AT 5:00 P.M.)**

Art. 2 — To choose by secret ballot one Selectman, who shall be an Assessor and Overseer of the Poor, for a three-year term; Town Clerk, Tax Collector and Treasurer, all for three-year terms; Road Commissioner for remaining two-year term; and one M.S.A.D. # 75 Director for a three-year term.

Art. 3 — To vote by secret ballot on the following Referendum Question:

Shall the authority granted by a previous petition and vote, to begin the process of withdrawal from SAD 75 including the authorization to raise and spend money on said withdrawal process, be terminated?

Art. 4 — To vote by secret ballot on the following Referendum Question:

To see if the Town will vote to raise and appropriate \$108,378 for Curtis Memorial Library in Brunswick.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 5 — Shall an ordinance entitled “2007 Amendments to the Official Shoreland Zoning Map of the Town of Harpswell to Remove the Shoreland Residential Zoning District Designation of a Portion of Property Located at 1410 Harpswell Neck Road (Mitchell Field) and identified as Assessors’ Map 13, Lot 4” be enacted?

Recommended by Selectmen

(The proposed Official Shoreland Zoning Map of the Town of Harpswell, dated March 10, 2007 and prepared by the Harpswell Planning Office is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at the Town Meeting.)

Art. 6 — Shall an ordinance entitled “2007 Amendments to the Basic Land Use Ordinance, Subdivision Ordinance and Shoreland Zoning Ordinance to Establish the Rural and Village Districts as Part of Implementation of the 2005 Comprehensive Plan Update” be enacted?

*Recommended by Selectman Haible
Not Recommended by Selectmen Alexander and Chatterjee*

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town meeting.)

Art. 7 — Shall an ordinance entitled “2007 Amendments to the Official Shoreland Zoning Map of the Town of Harpswell” be enacted, thereby repealing and completely replacing the current Official Shoreland Zoning Map with a single, town wide Official Zoning Map, such ordinance to be effective only if Article 6 is also enacted at the March 10, 2007 Town meeting?

*Recommended by Selectman Haible
Not Recommended by Selectmen Alexander and Chatterjee*

(The proposed Official Zoning Map of the Town of Harpswell, dated March 10, 2007 and prepared by the Harpswell Planning Office is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at the Town Meeting.)

Art. 8 — Shall an ordinance entitled “2007 Amendments to the Definitions Addendum and Basic Land Use Ordinance Regarding Accessory Residential Units” be enacted?

Recommended by Selectmen

The Town of Harpswell Definitions Addendum shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend the Definitions Addendum as set forth below:

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Accessory Residential Unit -

- i. A second dwelling unit contained within a single family detached dwelling or an accessory building on the same lot as a single family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking.
- ii. The accessory residential unit shall not be greater than 750 square feet or 50% of the total square footage of the primary dwelling, whichever is more restrictive.
- iii. The accessory apartment shall be secondary, incidental and subordinate to the single family residential or commercial use.

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The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 11, regarding Approval Standards, as set forth below:

SECTION 11. STANDARDS

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11.12. "In-Law" Apartments. Accessory Residential Units. ~~An apartment for a relative related by blood, marriage or adoption to the record owner(s) of the property~~ accessory residential unit may be added to any dwelling unit provided that (a) the property is owner-occupied; (b) that Harpswell is the principal residence of the occupant(s) of the accessory residential unit; (c) a building permit is obtained; ~~(e)~~ (d) all of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met; and ~~(d)~~ (e) all requirements of the Maine Subsurface Wastewater Disposal Rules in accordance with 22 M.R.S.A. § 42, as may be amended from time to time, are met; and (f) all requirements of the Maine State Minimum Lot Size Rules 12 M.R.S.A. § 4807, as may be amended from time to time, are met. ~~The immediate removal of the "in-law" apartment shall be required upon discontinued use or occupation of the "in-law" apartment by the above-qualified relative of the record owner(s). The record owner(s) shall be responsible for informing the Code Enforcement Office when such use or occupation is discontinued. The record owner(s) shall annually register with the Code Enforcement Officer the legal name, mailing address and relationship to the record owner(s) of the relative occupying the "in-law" apartment and shall maintain a certificate of compliance with the Code Enforcement Officer. The Code Enforcement Officer shall have the right to inspect all "in-law" apartments~~ accessory residential units to ensure compliance with this section.

Art. 9 — Shall an ordinance entitled "2007 Amendments to the Definitions Addendum, Subdivision Ordinance and Shoreland Zoning Ordinance Regarding Community Docks" be enacted?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk's Office, the Town Planning Office and will also be available at Town meeting.)

Art. 10 — Shall an ordinance entitled "International Building Code of the International Code Council (2003 edition)," as has been on file in the Town Clerk's Office, be enacted in whole thereof, save and except such portions as are deleted, modified, or amended as shown on the attached?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk's Office, the Town Planning Office and will also be available at Town meeting.)

Art. 11 — Shall an ordinance entitled "International Residential Code of the International Code Council (2003 edition)," as has been on file in the Town Clerk's Office, be enacted in whole thereof, save and except such portions as are deleted, modified, or amended as shown on the attached?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk's Office, the Town Planning Office and will also be available at Town meeting.)

Art. 12 — Shall an ordinance entitled “International Existing Building Code of the International Code Council (2003 edition),” as has been on file in the Town Clerk’s Office, be enacted in whole thereof, save and except such portions as are deleted, modified, or amended as shown on the attached?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town meeting.)

Art. 13 — Shall an ordinance entitled “2007 Amendments to the Shoreland Zoning Ordinance Regarding the Expansion of Non-conforming Structures” be enacted?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town meeting.)

Art. 14 — Shall an ordinance entitled “2007 Amendments to the Basic Land Use Ordinance and Shoreland Zoning Ordinance Regarding the Relocation, Reconstruction or Replacement of Non-conforming Structures” be enacted?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town meeting.)

Art. 15 — Shall an ordinance entitled “2007 Amendments to the Basic Land Use Ordinance and Shoreland Zoning Ordinance Regarding the Height of Structures” be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 11.3, regarding Principal and Accessory Structures, as set forth below:

11.3. Principal and Accessory Structures

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11.3.2. Height of Structures. All principal and accessory structures ~~and expansions of existing principal and accessory structures which are permitted~~ shall not exceed thirty (30) feet in height. All expansions of principal and accessory structures that increase the footprint of the structure shall not exceed thirty (30) feet in height. For any principal or accessory structure existing as of March 10, 2007 that lawfully exceeds thirty (30) feet in height, such structure may be expanded without the need for a variance provided that (a) the expansion does not increase the footprint of the structure; and (b) the expansion does not exceed the greatest height of the existing structure. Expansions of non-conforming structures must comply with all other expansion limitations of this Ordinance. The Code Enforcement Officer shall review any proposed expansion of a structure and shall determine, in writing, whether the requirements of this subsection are met prior to the issuance of any permit. This provision subsection does not apply to structures having no floor area, such as transmission towers, windmills, antennas and similar structures.

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The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 15.2, regarding Principal and Accessory Structures, as set forth below:

15.2. Principal and Accessory Structures

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15.2.2. Principal or accessory structures and expansions of existing structures ~~which are permitted in any Shoreland Zone~~ shall not exceed thirty (30) feet in height. All expansions of principal and accessory structures that increase the footprint of the structure shall not exceed thirty (30) feet in height. For any principal or accessory structure existing as of March 10, 2007 that lawfully exceeds thirty (30) feet in height, such structure may be expanded without the need for a variance provided that (a) the expansion does not increase the footprint of the structure; and (b) the expansion does not exceed the greatest height of the existing structure. Expansions of non-conforming structures must comply with all other expansion limitations of this Ordinance. The Code Enforcement Officer shall review any proposed expansion of a structure and shall determine, in writing, whether the requirements of this subsection are met prior to the issuance of any permit. Any non-residential structure exceeding 2,500 sq. ft. must apply for Site Plan Review. This subsection provision does not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

Art. 16 — Shall an ordinance entitled “2007 Amendments to the Shoreland Zoning Ordinance Regarding Expansions of Non-Conforming Uses” be enacted?

Recommended by Selectmen

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 10.4, regarding Expansions of Non-Conforming Uses, as set forth below:

10.4. Non-Conforming Uses

10.4.1. Expansions. Expansions of non-conforming uses are prohibited, except that nonconforming residential and institutional uses may, after obtaining a permit from the Codes Enforcement Officer, be expanded within existing ~~residential~~ structures or within expansions of such structures as permitted in Section 10.3.1 above; provided, however, expansions of non-conforming institutional uses in the Resource Protection Districts are prohibited.

Art. 17 — Shall an ordinance entitled “2007 Amendments to the Shoreland Zoning Ordinance Regarding Retaining Walls” be enacted?

Recommended by Selectmen

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 15.2, regarding Principal and Accessory Structures, as set forth below:

15.2 Principal and Accessory Structures

15.2.1 Setbacks

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15.2.1.4. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement; provided, however, that low retaining walls and associated fill necessary for erosion control need not meet the structure setback requirement if the following conditions are met:

15.2.1.4.1. The site has been previously altered and an effective vegetated buffer does not exist;

15.2.1.4.2. The wall(s) is(are) at least 25 feet, horizontal distance, from the maximum high-water line of a water body, tributary stream, or upland edge of a wetland;

15.2.1.4.3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

15.2.1.4.4. The total height of the wall(s), in the aggregate, are no more than 24 inches;

15.2.1.4.5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;

15.2.1.4.6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

15.2.1.4.7. A vegetated buffer area is established within 25 feet, horizontal distance, of the maximum high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

15.2.1.4.7.1. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;

15.2.1.4.7.2. Vegetative plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

15.2.1.4.7.3. Only native species may be used to establish the buffer area;

15.2.1.4.7.4. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the maximum high-water line or upland edge of a wetland; and

15.2.1.4.7.5. A footpath not to exceed the standards set forth in Section 15.15.2.1 of this Ordinance may traverse the buffer.

Amend Section 15.16, regarding Earthmoving, Erosion and Sedimentation Control, as set forth below:

15.16 Earthmoving, Erosion and Sedimentation Control

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15.16.1.3. Permanent stabilization structures such as retaining walls or riprap. Permanent stabilization structures permitted by this section must be approved in advance, in writing, by the Code Enforcement Officer and shall be no larger than necessary to stabilize the area. No retaining wall shall be approved if there is an alternative method of stabilization available.

Art. 18 — Shall an ordinance entitled “2007 Amendments to the Shoreland Zoning Ordinance Regarding Pruning of Dead Tree Branches” be enacted?

Recommended by Selectmen

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck-out~~):

Amend Section 15.15, regarding Clearing of Vegetation for Development, as set forth below:

15.15. Clearing Of Vegetation For Development

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15.15.2.2

• • •

Pruning of dead tree branches, on the bottom one-third (1/3) of ~~a coniferous trees~~ is permitted.

Art. 19 — Shall an ordinance entitled “2007 Amendments to the Basic Land Use Ordinance Regarding the Jurisdiction of the Board of Appeals” be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 12, regarding Administration, as set forth below:

12.3.1.1. Administrative Appeals: To hear and decide appeals, on an appellate basis, where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of the Town's land use ordinances; and to hear and decide administrative appeals, on a *de novo* basis, where it is alleged that there is an error in any order, requirement, decision or determination made by, ~~or failure to act by,~~ the Code Enforcement Officer or Local Plumbing Inspector in the administration or enforcement of the Town’s land use ordinances, the Maine Subsurface Waste Water Disposal Rules, Internal Plumbing Code, Minimum Lot Size Law and Regulations, and Rules for Conversion of Seasonal Dwelling Units into Year-Round Residences in the Shoreland Zone; provided, however, that the Code Enforcement Officer’s or Local Plumbing Inspector’s exercise of his or her discretionary judgment whether to pursue enforcement activity under the Town’s land use ordinances, the Maine Subsurface Waste Water Disposal Rules, Internal Plumbing Code, Minimum Lot Size Law and Regulations, and Rules for Conversion of Seasonal Dwelling Units into Year-Round Residences in the Shoreland Zone is not subject to appeal.

Art. 20 — Shall an ordinance entitled “2007 Amendments to the Subdivision Ordinance Regarding Subdivision Application Review Process” be enacted?

Recommended by Selectmen

The Town of Harpswell Subdivision Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 8, regarding Submissions of Documents and Review Schedule, as set forth below:

SECTION 8. SUBMISSION OF DOCUMENTS AND REVIEW SCHEDULE

8.1. Application Review Process

8.1.1. Pre-application Conference

An applicant for any subdivision is encouraged to present a sketch plan to the Planning Board prior to submitting material required for a complete application.

A sketch plan shall show, in simple sketch form, a proposed layout of roads, lots, buildings, and other features in relation to existing conditions. It will be helpful to both the applicant and the Planning Board for site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. It is also recommended that the sketch plan be superimposed on or accompanied by a copy of the Town's Tax Map(s) on which the land is located.

8.1.2. Preliminary Plan

An applicant for subdivision review shall prepare and submit to the Planning Board a preliminary plan for study, and, if necessary, alteration and modification, prior to the submission of a final plan. Preliminary plans shall comply with the requirements set forth in Section 8.3 and shall be reviewed using the same approval standards as for final plans. The applicant shall not submit the final plan until the applicant has received from the Planning Office written notice of the Planning Board vote to approve the preliminary plan. Approval of the preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan.

8.1.2.1 Preliminary Plan Approval Expiration

Within one (1) year of preliminary plan approval, the applicant shall submit the final plan, which shall be prepared in accordance with Section 8.3, or else said preliminary plan approval shall expire.

8.1.3. Final Plan

A final plan shall comply with the requirements set forth in Section 8.3 and include the following additional items:

- (a) Space for the signatures of a legal majority of the Planning Board, the date of approval, and the words "Approved by the Town of Harpswell Planning Board, pursuant to 30-A M.R.S.A. § 4401 et seq., as may be amended from time to time.";
- (b) One (1) or more original drawing meeting the requirements of the Cumberland County Registry of Deeds for the recording of plans;
- (c) Identification of all terms and conditions of approval adopted by the Planning Board, including the following standard condition of approval: "The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.";
- (d) Proper identification of the location of all permanent monuments; and
- (e) A performance guarantee in accordance with the requirements of Section 10.

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8.3.2. A Subdivision Plan

The subdivision plan shall consist of one (1) or more maps to a scale of not more than fifty (50) feet per inch, ~~and shall reserve space for the signatures of a legal majority of the Planning Board, the date of approval, and the words "approved by the Town of Harpswell Planning Board, pursuant to 30-A M.R.S.A. § 4401 et seq., as may be amended from time to time."~~ One (1) or more original drawing meeting standards for recording at the Cumberland County Registry of Deeds shall also be submitted. The following information shall either be shown on the subdivision plan or accompany the application for the subdivision plan:

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8.5. Determination of Complete Application

Within thirty (30) days of receipt of a subdivision plan and fee, the Planning Board shall notify the applicant in writing whether or not the application is complete, and if incomplete, of any additional submissions which are required.

A fee schedule for subdivision applications shall be established and revised from time to time by the Selectmen after notice, public hearing, and recommendation of the Planning Board in conformance with 30-A M.R.S.A. § 4355, as may be amended from time to time. Application fees shall be payable by check to the Town. Application fees are to be paid at the time of submission of a preliminary plan or at the time of submission of a final plan for those applications that file a preliminary and final plan simultaneously.

Art. 21 — Shall an ordinance entitled “2007 Amendments to the Basic Land Use Ordinance and Road Ordinance Regarding Dead End Roads in Subdivisions” be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 11, regarding Standards, as set forth below:

Section 11. Standards

• • •

OTHER AREAS OF TOWN²

| | AREAS LOCATED OUTSIDE OF A SUBDIVISION | AREAS LOCATED WITHIN A SUBDIVISION |
|--------------------|--|------------------------------------|
| • • • | | |
| ROAD FRONTAGE (FT) | 150 ³ | 150 ⁵ |

5. The frontage requirement for lots on a hammerhead or T-shaped turnaround for dead end roads in a subdivision may be reduced to fifty (50) feet where no future road is either feasible or provided for on the subdivision plan, provided that all of the requirements of the Town of Harpswell Road Ordinance are met.

The Town of Harpswell Road Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 4, regarding New Road and Driveway Construction Standards, as set forth below:

| <u>TYPE OF ROAD</u> | <u>COLLECTOR ROAD</u> | LOCAL ROAD serving 5 or more lots or <u>dwelling units</u> | LOCAL ROAD serving 3 or 4 lots or <u>dwelling units</u> |
|---------------------|-----------------------|--|---|
|---------------------|-----------------------|--|---|

• • •

| <u>Minimum Radii at Turn Around Cul de Sac at Dead Ends with Island</u> | | | |
|--|------------|--------------|------------|
| Property Lines | <u>N/A</u> | <u>5060'</u> | <u>50'</u> |
| <u>Outer Traveled Way or Pavement Edge</u> | <u>N/A</u> | <u>3550'</u> | <u>40'</u> |
| <u>Inner Traveled Way or Pavement Edge</u> | <u>N/A</u> | <u>25'</u> | <u>20'</u> |

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Amend Section 6, regarding Subdivision Roads, as set forth below:

Section 6. Subdivision Roads

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6.5 Cul-de-sacs and dead end roads that provide the sole vehicular access to improved or improvable land in the subdivision shall be provided with a suitable turning circle or turnaround, as applicable, at the closed end.

6.5.1 A hammerhead turnaround, whether temporary or permanent, shall be constructed to specified road standards for a distance of fifty (50) feet and shall be located at a ninety degree (90°) angle to the road it serves.

6.5.2 A T-shaped turnaround, whether temporary or permanent, shall be constructed to specified road standards for whatever minimum distance is necessary for each lot that it serves to meet frontage requirements.

6.5.3 All turning circles shall be constructed to the standards set forth in Section 4 of this Ordinance.

6.5.4 Temporary turning circles may be allowed where future road extensions are planned, provided that all lots are designed to provide the required frontage along the road extension after the removal of the turning circle.

Art. 22 — Shall an ordinance entitled “2007 Amendments to the Definitions Addendum and Site Plan Review Ordinance Regarding Yard Sales” be enacted?

Recommended by Selectmen

The Town of Harpswell Definitions Addendum shall be amended as follows (additions are underlined and deletions are ~~struck-out~~):

Amend the Definitions Addendum as set forth below:

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Yard Sale - is the sale of goods from a residential premises, whether advertised in local media, by signs, or otherwise, as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or the sale, at the seller’s place of residence, of all or part of the household goods, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization’s premises.

The Town of Harpswell Site Plan Review Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck-out~~):

Amend Section 3, regarding Applicability, as set forth below:

SECTION 3. APPLICABILITY

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3.2. The following activities shall not require site plan review approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

- 1) The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory structures.
- 2) The placement, alteration, or enlargement of a single manufactured dwelling or mobile home dwelling, including accessory structures on individually owned lots.
- 3) Agricultural activities.
- 4) Timber harvesting and forest management activities.
- 5) The establishment and modification of home occupations.
- 6) Yard sales that do not exceed 3 consecutive days and of which there are no more than 2 on one premise in a single calendar year.

Art. 23 — Shall an ordinance entitled “2007 Amendments to the Site Plan Review Ordinance Regarding Parking Layout Standards” be enacted?

Recommended by Selectmen

The Town of Harpswell Site Plan Review Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck-out~~):

Amend Section 15, regarding Approval Standards and Criteria, as set forth below:

SECTION 15. APPROVAL STANDARDS AND CRITERIA

15.7. Parking

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15.7.2 Layout and Design

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| Parking Angle | Stall Width | Skew Width | Stall Depth | Aisle Width* |
|---------------|--------------|--------------|---------------|----------------------------|
| <u>90°</u> | <u>8'-6"</u> | <u>8'-6"</u> | <u>18'-6"</u> | <u>12'-0" one way only</u> |
| 60° | 8'-6" | 10'-6" | 18'-0" | 16'-0" one way only |
| 45° | 8'-6" | 12'-9" | 17'-6" | 12'-0" one way only |
| 30° | 8'-6" | 17'-0" | 17'-0" | 12'-0" one way only |

* Aisle width is doubled for two way traffic.

Art. 24 — Shall an ordinance entitled “2007 Amendments to the Site Plan Review Ordinance Regarding Minor Changes to Site Plans” be enacted?

Recommended by Selectmen

The Town of Harpswell Site Plan Review Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 16, regarding Post Approval Activities, as set forth below:

SECTION 16. POST APPROVAL ACTIVITIES

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16.4. Minor Changes to Approved Plans or Activities Requiring Site Plan Approval

Minor changes in approved site plans or activities identified in Section 3 of this Ordinance that were in existence at the time of first adoption of this Ordinance may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the approval standards or alter the essential nature of the proposal. The Code Enforcement Officer shall provide written notice to the Planning Board and all property owners within five-hundred (500) feet of the development of the fact that a minor amendment to the site plan has been approved. The minor amendment shall not become effective until forty (40) days after the date the Code Enforcement Officer provides such written notice to the Planning Board and all property owners within five-hundred (500) feet of the development; during that forty (40) day time period, the Planning Board may elect to exercise jurisdiction over the proposed amendment and require that the applicant submit a formal application for an amendment to an approved site plan for review and approval by the Planning Board and, in such event, the proposed amendment shall not become effective unless and until approved by the Planning Board. Any change approved by the Code Enforcement Officer pursuant to this subsection must be endorsed in writing on the approved plan by the Code Enforcement Officer. Failure of any property owner to receive the notice sent under this subsection does not invalidate any action taken by the Code Enforcement Officer.

Art. 25 — Shall an ordinance entitled “2007 Amendments to the Definitions Addendum, Basic Land Use Ordinance, Shoreland Zoning Ordinance, Site Plan Review Ordinance, Subdivision Ordinance and Floodplain Management Ordinance Regarding Technical Changes” be enacted?

Recommended by Selectmen

The Town of Harpswell Definitions Addendum shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend the Definitions Addendum as set forth below:

•••

Comprehensive Plan - ~~the "Comprehensive Plan for Harpswell, Maine" adopted March 1993~~ the "2005 Update of the Harpswell Comprehensive Plan" adopted March 2005, and any amendments to the plan that have been subsequently adopted by the voters of the Town. Map No. 5 of the 1987 Comprehensive Plan is also included.

The Town of Harpswell Subdivision Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 9, regarding Approval Standards, as set forth below:

SECTION 9. APPROVAL STANDARDS

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9.15. Traffic

•••

9.15.3. Road Design and Construction Standards

9.15.3.1. The road design and construction standards contained in the Harpswell Road Ordinance must be met by all roads within developments reviewed under this Ordinance, regardless of whether the road is intended to be public or private. If the applicant can provide clear and convincing evidence that an alternate road design is necessary to preserve community character and the resulting design will not create safety or maintenance problems for the Town: ~~±~~ the Planning Board may waive the travel way width, shoulder width, or slope requirements of the Harpswell Road Ordinance.

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Authorize and direct the municipal officers, in consultation with the Town Planner, within 30 days of the 2007 annual Town meeting, to renumber and revise cross-references contained in the Definitions Addendum, Basic Land Use Ordinance, Shoreland Zoning Ordinance, Site Plan Review Ordinance, Subdivision Ordinance and Floodplain Management Ordinance as may be necessary as a result of any warrant articles relating to these ordinances adopted by the 2007 annual Town meeting.

Art. 26 — Shall an ordinance entitled "2007 Amendments to the Town of Harpswell Sign Ordinance" be enacted?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk's Office, the Town Planning Office and will also be available at Town meeting.)

Art. 27 — Shall an ordinance entitled "2007 Amendments to the Town of Harpswell Wireless Telecommunications Facilities Ordinance Regarding the Height of Facilities" be enacted?

Recommended by Selectmen

The Town of Harpswell Wireless Communications Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 8, regarding Standards of Review, as set forth below:

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8.2.4 Height. A new wireless telecommunications facility must be no more than ~~200~~ 300 feet in height.

• • •

8.2.8 Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. Required lighting shall be up-shielded to minimize the visual impact to local residents; provided, however, that such shielding is permissible by FAA or other applicable state and federal requirements. ~~However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.~~

8.2.8.1 Security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable; provided, however, that the proposed lighting does not exceed 20’.

• • •

8.2.10 Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

8.2.10.1. Guyed towers should use daytime visual markers (e.g., bird diverter devices) on the guy wires to prevent collisions by local and migratory bird species.

Art. 28 — Shall an ordinance entitled “2007 Amendments to the Town of Harpswell Solid Waste Ordinance” be enacted?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town meeting.)

Art. 29 — Shall an ordinance entitled “2007 Amendments to the Town of Harpswell Harbor and Waterfront Ordinance” be enacted?

Recommended by Selectmen

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town Meeting.)

Art. 30 — Shall an ordinance entitled “2007 Amendments to the Town of Harpswell Shellfish Ordinance” be enacted?

Recommended by Selectmen

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town Meeting.)

Art. 31 — Shall an ordinance entitled “Town of Harpswell Emergency Management Ordinance” be enacted?

Recommended by Selectmen

(The proposed ordinance is attached, and is available for review and inspection at the Town Clerk’s Office, the Town Planning Office and will also be available at Town meeting.)

Art. 32 — To see if the Town will vote to participate in a multijurisdictional Pine Tree Development Zone program entitled the Midcoast Military Redevelopment Zone and to authorize the Board of Selectmen to exercise all such authority as is necessary and reasonable to implement such program.

Recommended by Selectmen

(Information regarding the proposed Military Redevelopment Zone is available at the Town Office, online and will also be available at Town Meeting.)

Art. 33 — To see if the Town will vote to raise and appropriate \$111,158 for elected officials’ salaries and travel reimbursement, for which Tax Collector and Town Clerk are full-time positions, and when the Selectmen fill a vacancy in any elected position, they are authorized to establish the annual payment, at their discretion, but in no case in an amount less than three-quarters of the amount in this Article.

Recommended by Selectmen

| | 2007 | 2006 |
|----------------------|--------------|--------------|
| Selectmen, Chair | \$6,000 | \$8,000 |
| Selectman | 6,000 | 7,500 |
| Selectman | 6,000 | 7,500 |
| Tax Collector | 38,579 | 37,455 |
| Town Clerk* | 36,579 | 33,682 |
| Treasurer | 6,000 | 6,000 |
| Road Commissioner | 6,000 | 6,000 |
| Travel Reimbursement | <u>6,000</u> | <u>6,000</u> |
| | \$111,158 | \$112,137 |

Note: Travel Reimbursement to be based on submitted documentation

*Town Clerk is also Registrar of Voters and receives \$2,000 which is budgeted in Article 34.

Art. 34 — To see if the Town will vote to raise and appropriate the sum of \$1,097,682 for General Administration, Offices, Employee Benefits, Risk Management, Legal, Memberships, Boards & Committees and Operations and Maintenance of Town-owned buildings, properties and vehicles.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

| | 2007 | 2006 |
|--|--------------------|--------------------|
| Administration & Registrar | \$267,537 | \$256,962 |
| Assessing | 86,545 | 84,401 |
| Public Information | 9,000 | 11,000 |
| Tax Collector's Office | 33,234 | 32,659 |
| Town Clerk's Office | 48,735 | 49,018 |
| Codes Enforcement Office | 102,331 | 110,339 |
| Planning Office | 75,794 | 67,950 |
| Treasurer's Office | 2,000 | 2,250 |
| Employee Benefits: Retirement | 41,060 | 32,671 |
| Employee Benefits: Health Insurance | 177,295 | 154,449 |
| Employee Benefits: Social Sec/Medicare | 57,064 | 63,200 |
| Employee Benefits: Disability | 2,220 | 2,160 |
| Risk Management | 49,676 | 48,287 |
| Legal | 45,000 | 50,000 |
| Memberships: MMA | 6,987 | 6,987 |
| Memberships: Midcoast Council of Business Develop. & Planning | 7,859 | 0 |
| Memberships: Greater Portland Council of Governments | 0 | 5,239 |
| Memberships: Chamber of Commerce | 750 | 750 |
| Town Boards/Committees | 4,770 | 4,820 |
| Town Buildings, Property & Vehicles | 71,245 | 64,300 |
| Old Town House & Commons | 3,580 | 3,465 |
| Town Dock | 2,000 | 1,500 |
| Town Landings | <u>3,000</u> | <u>6,200</u> |
| | \$1,097,682 | \$1,058,607 |

Art. 35 — To see if the Town will vote to raise and appropriate the sum of \$839,083 for Public Works and for operations and personnel at the Recycling Center & Transfer Station.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

| | 2007 | 2006 |
|----------------------|------------------|------------------|
| Snow Removal | \$391,500 | \$362,500 |
| Road Maintenance | 75,000 | 85,000 |
| Road/Street Signs | 3,000 | 2,000 |
| Recycling & Transfer | <u>369,583</u> | <u>382,693</u> |
| | \$839,083 | \$832,193 |

Art. 36 — To see if the Town will vote to raise and appropriate the sum of \$339,061 for Protection & Safety.

| | <i>Recommended by Selectmen</i> | |
|------------------------------|---|------------------|
| | <i>Recommended by the Budget Advisory Committee</i> | |
| | 2007 | 2006 |
| Emergency Services | | |
| ▪ Oper./Ins./Training | \$150,000 | \$150,000 |
| ▪ Traditional Capital | 75,000 | 85,000 |
| ▪ ALS, Phone & Central Comm. | 16,000 | 19,200 |
| ▪ Fire Warden | 2,000 | 2,000 |
| ▪ Emergency Management | 2,750 | 2,750 |
| New Meadows River Watershed | 1,000 | 1,000 |
| Street Lighting | 30,000 | 28,380 |
| Harbor Management | 39,911 | 41,745 |
| Animal Control | <u>22,400</u> | <u>22,388</u> |
| | \$339,061 | \$352,463 |

Art. 37 — To see if the Town will vote to raise and appropriate the sum of \$453,037 and appropriate \$26,000 from the Vehicle Replacement Account for Law Enforcement, Communications Services and Shellfish Conservation.

| | <i>Recommended by Selectmen</i> | |
|---|---|------------------|
| | <i>Recommended by the Budget Advisory Committee</i> | |
| | 2007 | 2006 |
| General Law Enforcement | \$259,657 | \$258,036 |
| Summer Contract | 0 | 16,296 |
| Communications | 26,248 | 10,478 |
| Shellfish Conservation: Marine Patrol | 165,132 | 149,864 |
| Shellfish Conservation: Boat Operations | <u>2,000</u> | <u>2,000</u> |
| | \$453,037 | \$436,674 |

Art. 38 — To see if the Town will vote to raise and appropriate the sum of \$27,230 for Health and Welfare and related Agencies.

| | <i>Recommended by Selectmen</i> | |
|----------------------------|---|-----------------|
| | <i>Recommended by the Budget Advisory Committee</i> | |
| | 2007 | 2006 |
| General Assistance | \$12,250 | \$13,000 |
| Community Health & Nursing | 2,000 | 2,000 |
| Independence Association | 1,500 | 1,500 |
| CED | 730 | 730 |
| Coastal Transportation | 1,000 | 1,000 |
| People Plus | 1,500 | 1,500 |
| Senior Spectrum | 1,500 | 1,500 |
| Hospice | 1,500 | 1,500 |
| Family Crisis Shelter | 500 | 500 |
| Sexual Assault Response | 250 | 250 |
| Tedford Shelter | 1,000 | 1,000 |
| Big Brothers/Big Sisters | 500 | 500 |
| Respite | 1,000 | 1,000 |
| Hunger Prevention | <u>2,000</u> | <u>2,000</u> |
| | \$27,230 | \$27,980 |

Art. 39 — To see if the Town will vote to raise and appropriate the sum of \$93,151 for Cultural and Recreational Programs.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

| | 2007 | 2006 |
|----------------------------------|-----------------|-----------------|
| Orr's Island Library | \$11,000 | \$11,000 |
| Cundy's Harbor Library | 11,500 | 11,500 |
| Harpswell Historical Society | 2,000 | 2,000 |
| Pejepscot Historical Society | 500 | 500 |
| Memorial Observances | 1,200 | 1,200 |
| Harpswell Community Broadcasting | 35,000 | 40,000 |
| Recreation Department | 24,696 | 24,040 |
| Recreation Programs | <u>7,255</u> | <u>7,255</u> |
| | \$93,151 | \$97,495 |

Art. 40 — To see if the Town will vote to raise and appropriate the sum of \$48,000 for capital reserve accounts.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

| | 2007 | 2006 |
|--------------------------|-----------------|-----------------|
| Boat & Motor Replacement | \$4,000 | \$3,000 |
| Voting Machines | 3,000 | 3,000 |
| HCBC Digital Conversion | 5,000 | 5,000 |
| Vehicle Replacement | 12,000 | 12,000 |
| Copier Replacement | 1,500 | 2,500 |
| Generator Replacement | 8,000 | 0 |
| Computer Server | 2,500 | 0 |
| Dry Hydrant | <u>12,000</u> | <u>0</u> |
| | \$48,000 | \$25,500 |

Art. 41 — To see if the Town will vote to appropriate \$110,000 from undesignated fund balance to be set aside in the capital reserve road replacement account for a future project to be proposed and considered at a subsequent Town Meeting.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Art. 42 — To see if the Town will vote to raise and appropriate the sum of \$633,231 for Debt Service.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Art. 43 — To see if the Town will vote to raise and appropriate the sum of \$50,000 for the Holbrook Foundation.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Art. 44 — To see if the Town will vote to authorize the Board of Selectmen to negotiate the terms and accept delivery of an easement deed for a dry hydrant fire protection system from Dipper Cove Association on property located off Dipper Cove Road, a portion of Tax Map 35, Lot 91.

Recommended by Selectmen

Art. 45 — To see if the Town will vote to authorize the Town to enter an Emergency Services Agreement with Harpswell Neck Fire and Rescue, Inc. on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town.

Recommended by Selectmen

Art. 46 — To see if the Town will vote to authorize the issuance of up to \$75,000 in general obligation bonds or notes and to loan the proceeds thereof to Harpswell Neck Fire & Rescue, Inc. (the “Department”) to finance the acquisition by the Department of a new pumper fire truck, with such dates, maturities, denominations, interest rate(s) and other details of the bonds and the loan as the Board of Selectmen shall determine.

Recommended by Selectmen

Total estimated debt service of this bond issue is \$81,289, of which principal is \$75,000 and estimated interest at 4.19% over 3 years is \$6,289.

FINANCIAL STATEMENT – TOWN OF HARPSWELL: The issuance of bonds by the Town of Harpswell (the “Town”) is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town as of the date of this Town Meeting:

| | |
|---|--------------|
| * Bonds Now Outstanding and Unpaid | \$ 2,310,834 |
| * Interest to be Repaid on Outstanding Bonds | \$ 319,993 |
| * Total to be Repaid on Bonds Issued | \$ 2,630,827 |
| * Additional Bonds Authorized But Not Yet Issued | \$ 50,000 |
| * Total Additional Bonds (now proposed) | |
| to be Issued if Approved by Voters | \$ 75,000 |
| * Estimated of Potential New Interest | \$ 6,289 |
| * Total Additional Bonds To Be Issued and Estimated Interest if Approved by Voters | \$ 2,762,116 |

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity.

Marguerite M. Kelly, Town Treasurer

Art. 47 — To see if the Town will vote to raise and appropriate the sum of \$15,000 to hire an independent consultant to assess emergency services needs, particularly capital assets.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Art. 48 — To see if the Town will vote to raise and appropriate the sum of \$135,000 for the purchase of a Brush Truck to be owned by the Town, such amount to be held in an interest-bearing dedicated emergency services vehicle reserve account (separate from the Town's general fund) until such time as disbursement of payments is necessary, as determined by the Board of Selectmen.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Note of explanation: Any consultant authorized by Article 47 shall assist the Town in determining the need for future emergency services vehicles beyond the Brush Truck. The Town will retain ownership of any vehicles purchased with such emergency services vehicle reserve account funds. Subsequent Town Meeting votes would be required to further fund the reserve account and to authorize further appropriation of reserve account funds (including interest).

[Article 49 shall be passed over if Article 48 is approved].

Art. 49 — To see if the Town will vote to raise and appropriate the sum of \$135,000 for the purchase of a Brush Truck to be owned by the Town.

Art. 50 — To see if the Town will vote to raise and appropriate the sum of \$4,500 for additional insurance coverage for its volunteer fire and rescue providers.

*Recommended by Selectmen Chatterjee and Haible
Not Recommended by Selectman Alexander
Recommended by the Budget Advisory Committee*

Art. 51 — To see if the Town will vote to raise and appropriate the sum of \$13,000 and appropriate \$7,431 of remaining administrative funds from the Oil Tank Replacement Program for Phase II of a Water and Septic Study.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Art. 52 — To see if the Town will vote to raise and appropriate the sum of \$6,000 for a salary survey of non-elected positions.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

Art. 53 — To see if the Town will vote to raise and appropriate the sum of \$5,000 for economic development purposes.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

- Art. 54 — To see if the Town will vote to raise and appropriate the sum of \$5,000 for handicap accessibility improvements at voting sites and for vault improvements.**
Recommended by Selectmen
Recommended by the Budget Advisory Committee
- Art. 55 — To see if the Town will vote to raise and appropriate the sum of \$2,000 to initiate planning and commemorating 250 years of the Town’s incorporation in 2008.**
Recommended by Selectmen
Recommended by the Budget Advisory Committee
- Art. 56 — To see if the Town will vote to raise and appropriate the sum of \$6,000 for contracting services that relate to the monitoring, analysis and advocacy of proposed legislation at the State legislature.**
Recommended by Selectmen Chatterjee and Haible
Not Recommended by Selectman Alexander
- Art. 57 — To see if the Town will vote to fix the date of September 15, 2007 as the date when the first one-half of taxes shall be due and payable, with interest on the first installment to start after that date, and the date of December 15, 2007 as the date when the second one-half of taxes are due and payable, with interest on the second installment to start after that date, and to see if the Town will vote to charge a 10% rate of interest on unpaid taxes.**
Recommended by Selectmen
- Art. 58 — To see if the Town will vote to authorize the Tax Collector to accept prepayment of taxes not yet committed, as a services to our taxpayers. Any excess prepaid in over the amount finally committed shall be repaid without interest. (36 M.R.S.A. § 506). (Excess payment of \$10.00 or less may be credited to 2008 taxes).**
Recommended by Selectmen
- Art. 59 — To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 6% for the period of assessment and to authorize such interest paid or abatements granted to be appropriated from overlay funds or, if necessary, from undesignated fund balance.**
Recommended by Selectmen
- Art. 60 — To see if the Town will vote to authorize and direct the Board of Selectmen, at its discretion, to sell by sealed bid or public auction and to convey by quit-claim deed any real estate acquired from tax sources by the Town, or to convey the property to the prior owner upon payment in full of all taxes, interest and charges incurred by the Town. The Board of Selectmen reserves the right to reject any and all bids.**
Recommended by Selectmen
- Art. 61 — To see if the Town will vote to authorize the Board of Selectmen to accept conditional and unconditional gifts of money and to appropriate such funds for any purpose for which the Town has appropriated funds.**
Recommended by Selectmen

Art. 62 — To see if the Town will vote to authorize the Board of Selectmen to spend an amount not to exceed 3/12 of the budgeted amount in each budget category of the 2007 budget from January 1, 2008 to the 2008 Annual Town Meeting.

Recommended by Selectmen

Art. 63 — To see if the Town will vote to authorize the Board of Selectmen to sell by public bid or other competitive process any and all personal property deemed excess by the Board of Selectmen pursuant to such restrictions as the Board of Selectmen may impose.

Recommended by Selectmen

Art. 64 — To see if the Town will vote to authorize the Board of Selectmen to appropriate amounts not to exceed \$155,000 from Municipal Revenue Sharing, \$1,610,000 from non-property tax revenue, and \$240,000 of undesignated fund balance to reduce the tax commitment.

Recommended by Selectmen

[Article 65 shall be passed over if Article 64 passes.]

Art. 65 — To see if the Town will vote by written ballot to increase the property tax levy limit of \$1,935,913 established for Harpswell by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than that property tax levy limit.

The Selectmen hereby give notice that the Registrar of Voters will be available at the Town office during regular business hours for the entire week preceding said meeting to receive applications of persons claiming the right to vote at said meeting and to make corrections to the list of voters. Registrations will be accepted at the meeting.

Given under our hand this First day of March, A.D. 2007
Harpswell Board of Selectmen

Samuel W. Alexander, Chairman

J. Katherine Chatterjee, Selectman

Amy R. Haible, Selectman