

VOTERS PASSED ALL ARTICLES.

WARRANT
SPECIAL TOWN MEETING
HARPSWELL, MAINE
JUNE 15, 2024

Cumberland, s.s.

State of Maine

To Tracy H. Gaudet, a 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 the Harpswell Community School, 308 Harpswell Islands Road, Harpswell, on Saturday, the fifteenth day of June, 2024 at 10:00am of said day, to act on Articles 1 through 6.

Art. 1 – To choose a Moderator to preside at said meeting.

Art. 2 – Shall an Ordinance entitled “Floodplain Management Ordinance for the Town of Harpswell, Maine” be enacted with a date of applicability June 20, 2024?

Recommended by Select Board

(Note: A “Yes” vote will repeal and replace the Town’s previously enacted floodplain management ordinance with the proposed floodplain management ordinance. The proposed ordinance is available for review and inspection at the Town Clerk’s Office, online at Harpswell.maine.gov, and will also be available at the Town Meeting.)

Art 3 – To see if the Town will vote to authorize the Select Board to enter into a multi-year lease of not more than 25 years with Francis M. Bichrest and/or his authorized family representative(s) for the use of Town property on or adjacent to Holbrook Street for the operation of a replacement commercial wharf, on terms and conditions that the Select Board deems to be in the best interest of the Town.

Recommended by Select Board

Art 4 – Shall an ordinance entitled “2024 Amendments to the Site Plan Review Ordinance Regarding Inspection Assistance for the Code Enforcement Office” be enacted?

Recommended by Select Board

**2024 Amendments to the Site Plan Review Ordinance
Regarding Inspection Assistance for the Code Enforcement Office**

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

Amend Section 16. Post Approval Activities in the Site Plan Review Ordinance by inserting a new subsection 16.4 Inspection Assistance and renumbering the existing subsections 16.4, 16.5, and 16.6 as subsections 16.5, 16.6 and 16.7:

16.4. Inspection Assistance

The following provisions shall apply to any project that includes as part of the approved plan the construction of a structure or structures with a combined footprint of more than five thousand (5,000) square feet or capital improvements including but not limited to roads, drainage facilities, underground utilities, and similar facilities.

16.4.1 Pre-Construction Notice – At least ten (10) working days prior to the start of construction of any improvements, the owner or his/her contractor, engineer or other agent shall notify the Code Enforcement Office in writing of the planned start of construction.

16.4.2 Inspection of Construction – Prior to the start of construction the Code Enforcement Officer shall determine whether inspection of the improvements will be the responsibility of the Code Enforcement Officers or whether the Town will need to retain outside assistance in conducting the inspections of some or all of the facilities.

16.4.3 Outside Inspection Services – If the Code Enforcement Officer determines that outside assistance is needed to provide for the inspection of some or all of the improvements, the owner or his/her agent shall deposit an amount equal to two (2) percent of the estimated costs of the improvements subject to outside inspection to pay for the costs of the inspections. The funds shall be held in a separate account and shall be used only for the purpose of inspecting the improvements. If there are any unexpended funds in the account at the satisfactory closeout of all construction activity, the remaining balance shall be returned to the owner or her/his agent. If the inspection fund is drawn down by more than ninety (90) percent and the Code Enforcement Officer determines that there is a need for further outside inspection services, the owner or her/his agent shall deposit an additional one (1) percent of the estimated construction costs in the account. Once the initial deposit is made, the Code Enforcement Officer shall arrange for appropriate inspection services from a qualified individual or firm.

16.4.4 Inspections – The Code Enforcement Officer or outside inspector shall conduct periodic inspections of the improvements. If the inspecting official finds that any of the improvements are not being or have not been constructed in accordance with the approved plans, conditions of approval, and/or the Town’s ordinances, the Code Enforcement Officer or outside inspector shall prepare a written report documenting the deficiencies. The report shall be provided to the owner, his/her agent, and his/her engineer and/or contractor and to the chair of the Planning Board. The Code Enforcement Officer shall take any necessary steps to ensure compliance with the approved plans. If the owner fails to correct the deficiencies, the Code Enforcement Officer shall refer the matter to the Select Board for enforcement action.

Art 5 – Shall an ordinance entitled “2024 Amendments to the Town’s Ordinances To Comply With the State Housing Law” be enacted?

Recommended by Select Board

**2024 Amendments to the Town's Ordinances
To Comply With the State Housing Law**

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

Amend the Definitions Addendum by deleting the definition of Accessory Residential Unit and replacing it with a definition of Accessory Dwelling Unit (ADU) to read as follows:

~~Accessory Residential Unit—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.~~

- ~~1. The accessory residential unit shall not be greater than seven hundred fifty (750) square feet or fifty percent (50%) of the total square footage of the primary dwelling, whichever is more restrictive.~~
- ~~2. The accessory apartment shall be secondary, incidental and subordinate to the single family residential or commercial use.~~

Accessory Dwelling Unit (ADU) – A self-contained dwelling unit located within or attached to a one-unit residential structure, or within an accessory or freestanding structure on the same lot as a principal one-unit residential structure for use as complete, independent living quarters, with provision for living, sleeping, bathing, and cooking that complies with the standards of Section 11.12 of the Basic Land Use Ordinance. The accessory dwelling unit shall be secondary, incidental and subordinate to the principal one-unit residential use.

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

Amend the Basic Land Use Ordinance by deleting Section 11.12 Accessory Residential Units and replacing it with a new Section 11.12 Accessory Dwelling Unit (ADU):

~~11.12. Accessory Residential Units. An 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; (d) all of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met; (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 CEO shall have the right to inspect all accessory residential units to ensure compliance with this section.~~

11.12. Accessory Dwelling Unit (ADU). One accessory dwelling unit (ADU) may be added to any lot with a principal one-unit residential structure without having to meet the minimum lot area per dwelling unit requirement for the ADU, provided that it meets all of the following standards:

(a) The owner of the property shall occupy either the principal dwelling unit or the ADU;

(b) Any ADU within or attached to the principal structure or within an accessory or freestanding structure shall have a maximum of seven hundred fifty (750) square feet of floor area;

(c) If the ADU is located within or attached to the principal structure, the design of the ADU, including its entrance from the outside, shall maintain the appearance of a one-unit residential structure;

(d) Any addition to the principal structure or an accessory structure to create the ADU shall comply with the property line and road setbacks. If the principal or accessory structure is nonconforming with respect to any setback, the addition shall not increase the nonconformity;

(f) The location of a freestanding structure on the property for use as an ADU shall comply with the property line and road setbacks and shall not obscure the front of the principal structure;

(g) Written evidence shall be provided to the Plumbing Inspector before the issuance of any permits needed to create the ADU that a subsurface wastewater disposal system(s) to serve both the principal unit and the ADU is or will be sized to meet the design sewage flows for the two units in accordance with the Maine Subsurface Wastewater Disposal Rules; and

(h) If an existing subsurface wastewater disposal system will be used, written evidence that the system is properly functioning shall be submitted to the Plumbing Inspector prior to the issuance of any permits needed to create the ADU.

Art 6 – Shall an ordinance entitled “2024 Amendments to the Basic Land Use Ordinance Regarding Conversion of an Existing One-Unit Residential Use to a Two-Unit Residential Use” be enacted?

Recommended by Select Board

**2024 Amendments to the Basic Land Use Ordinance
Regarding Conversion of an Existing One-Unit Residential Use
to a Two-Unit Residential Use**

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

Amend Section 11.1 Minimum Lot Standards by adding a Note 6 to the table of standards to read as follows:

11.1. Minimum Lot Standards

AREAS OF TOWN NOT SUBJECT TO SHORELAND ZONING^{1,2,3,&6}

| | AREAS LOCATED OUTSIDE OF A SUBDIVISION | AREAS LOCATED WITHIN A SUBDIVISION ⁴ |
|--|--|---|
| MIN. LOT SIZE (S.F.) PER DWELLING UNIT | 40,000 | 80,000 |
| ROAD FRONTAGE (FT) | 150 ³ | 150 ⁵ |
| PROPERTY LINE SETBACK (FT) | See Section 11.3.1 | See Section 11.3.1 |
| ROAD SETBACK (FT) | See Section 11.3.1 | See Section 11.3.1 |
| STRUCTURE HEIGHT (FT) | 35 | 35 |

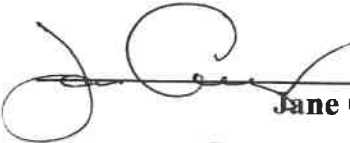
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6. Notwithstanding the minimum lot size per dwelling unit requirement in the table, an existing one-unit residential structure with three or more bedrooms may be converted to a two-unit residential structure with a total number of bedrooms equal to or less than the number of bedrooms in the existing structure even if it is nonconforming with respect to the minimum lot area requirement if all of the following conditions are met:
 - a. The structure is located on a lot that is not part of a subdivision;
 - b. The one-unit residential structure was in existence on the lot as of April 1, 2024;
 - c. Written evidence shall be provided to the Plumbing Inspector before the issuance of any permits needed to reconfigure the structure that a subsurface wastewater disposal system(s) to serve both units is or will be sized to meet the design sewage flows for the two units in accordance with the Maine Subsurface Wastewater Disposal Rules; and
 - d. If an existing subsurface wastewater disposal system will be used, written evidence that the system is properly functioning shall be submitted to the Plumbing Inspector prior to the issuance of any permits needed to reconfigure the structure

The Select Board hereby gives 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 6th day of June, 2024.


Kevin E. Johnson


Jane G. Covey


David I. Chipman
Harpswell Select Board