

Town of Mount Desert

Annual Town Meeting Warrant Fiscal Year 2021 – 2022

**As presented at the
Annual Town Meeting
May 3 & 4, 2021**

**Secret Ballot (Candidate) Election
May 3, 2021 8 a.m. – 8 p.m.
Somesville Fire Station**

**Drive-In Town Meeting
May 4, 2021
6 p.m.
Mount Desert High School Parking Lot**

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2021 Warrant Committee Report

The Warrant Committee, created by the Town Charter, is a committee of volunteers appointed by the Select Board, to review and make recommendations to the voters about all warrant articles. We see it as our mission to try to be independent eyes and ears on behalf of the voters. We currently number 23 members and have high meeting attendance and participation rates. Our members bring a diverse range of experiences and perspectives that results in better understanding for all.

For several months before town meeting the warrant committed meets weekly. Each week different town department heads attend our meetings, present their proposed budget and answer our questions. We also review all ordinance changes. We strive to not only understand the budgets and changes, but the circumstances driving them. We try to ask why and how as much as we ask how much.

We would like to express our sincere appreciation to those town and school officials who attend our meetings at our request. Please know that we greatly appreciate the time and effort you put into presenting your budgets and fielding our questions.

We take seriously the recommendations we make to you, the voter, about each warrant article. Our goal is to be able to provide you with the assurance that to the best of our abilities we have thoroughly scrutinized the warrant you will be asked to consider.

Our meetings are always open to the public and copies of the minutes are available. Normally they are Tuesday evenings in January, February and the first weeks of March at the Town Meeting Room and currently on Zoom.

In closing we would like to honor Warrant Committee member Tom Savage who served the Committee with distinction for many years. As a business owner and 7th generation resident of the Town, Tom understood firsthand the importance of citizen participation and healthy debate at the Warrant Committee. Tom brought common sense, fresh perspective and direct life experience to the issues of the day. We honor him for his service and for being a firm supporter our Town's businesses and institutions.

Respectfully submitted,

Phil Lichtenstein
Jerry Miller

Warrant Committee 2021

Phil Lichtenstein, Co-Chair
Jerry Miller, Co-Chair
Brian Henkel, Secretary

John Adams
Donna Beals
Blakeslee Bell
Tate Bushell
Katrina Carter
Owen Craighead Jr
Rodney Eason
William Ferm
Jesse Hartson
Ellen Kappes
Stephanie Kelley-Reece
Marina McGarr
Samuel McGee
Gail Marshall
Kathleen Miller
Timothy Murphy
Norris Reddish
Donna Reis
Craig Roebuck
Carmen Sanford



State of Maine

Hancock County, ss

2021

To: David Kerns, a Constable in the Town of Mount Desert

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Mount Desert, qualified by law to vote in Town affairs, to assemble in the **Somesville Fire House, 1157 Main Street, Mount Desert, Maine**, on **Monday, the third day of May AD 2021** at **seven-fifty o'clock** in the forenoon, then and there to act on Article 1; and immediately thereafter to act on Article 2 until **eight o'clock** in the evening.

AND to notify and warn said voters to reconvene in the **front parking lot, Mount Desert High 1081 Eagle Lake Rd, Bar Harbor, Maine** in said Town, on **Tuesday, the fourth day of May AD 2021** at **six o'clock** in the evening; then and there to act on Articles 3 through 57; all of said Articles being set out below to wit:

Pursuant to Title 21-A, §759(7), absentee ballots will be processed at the polls on May 3, 2021 every half hour beginning at 9:00 AM.

Election of Moderator

Article 1. To elect a Moderator by written ballot.

Election of Municipal Officers

Article 2. To elect one member to the Board of Selectmen for a term of three years, two members to the Mount Desert Elementary School Board for a term of three years, and one trustee to the Mount Desert Island Regional School District for a term of three years.

Non-Voter Recognition

Article 3. To see if non-voters shall be allowed, when recognized, to speak during the 2021 Annual Town Meeting.

Board of Selectmen recommends passage
Warrant Committee recommends passage (18 Ayes; 0 Nays)

Ordinances

For Articles 4 through 9, an underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

Article 4. Shall an ordinance dated May 4, 2021 and entitled "Town of Mount Desert Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2021 through June 30, 2022 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

Board of Selectmen recommends passage
Warrant Committee recommends passage (18 Ayes; 0 Nays)

Article 5. Shall an ordinance dated May 4, 2021 and entitled "Public Right-of-Way Ordinance" be enacted? ***See Appendix A.1 & .2 (pgs.21 - 35) A.2 Application (pg. 35-37)***

Board of Selectmen recommends passage
Warrant Committee recommends passage (18 Ayes; 0 Nays)

Article 6. Shall an ordinance dated May 4, 2021 and entitled "Amendments to the Land Use Zoning Ordinance to add a definition of footpath and exclude footpaths and sidewalks from certain setbacks" be enacted as set forth below?

Explanation: This Article changes the definition of "setback" so that footpaths and sidewalks are exempt from the definition and would therefore be allowed within a setback. In addition, the amendment will add a definition for "footpath".

SECTION 8 DEFINITIONS

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Footpath: A landscape path or cleared way for pedestrians with a travelled surface not exceeding 6 feet in width that may be improved and may include stairs. Footpaths are not for motorized vehicle use. Footpaths in the shoreland zone need to be meandering and stairs must meet State Shoreland Zone and Natural Resource Protection Act standards. See Code Enforcement Officer for allowable materials for footpaths in the Shoreland Zone.

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SETBACK: The horizontal distance measured in a straight line from any property line, shoreline, road (or edge of legally established right-of- way if no road exists) abutting a lot or property to the nearest part of a structure or other regulated object or area. Setback shall apply to all sides of a lot having shore frontage or road frontage, unless stated otherwise within this Ordinance. For the purpose of setback requirements, fences, walls, signs, roads, parking areas, footpaths, sidewalks & driveways shall not be considered structures, except that roads, sidewalks, walls, parking areas, and driveways must meet

shoreline setbacks. Where the setback is from a private right-of-way, the setback shall be equal to the property line setback requirements of the district in which the property is located.

Planning Board recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays)

Article 7. Shall an ordinance dated May 4, 2021 and entitled “Amendments to the Land Use Zoning Ordinance to remove footnote 4 from some permitted uses in the Resource Protection (RP) District to be in conformance with Shoreland Zoning Standards” be enacted as set forth be in below? **See Appendix B. (pgs.38- 40)**

Explanation: This Article removes footnote 4 from the following permitted uses: Clearing or Removal of Vegetation for activities other than timber harvesting; Excavation or Filling < 50 cubic yards; Excavation or Filling of >50 to 150 cubic yards; Excavation or Filling of > 150 cubic yards, and Road & driveway construction. This change will be in conformance to the State’s shoreland zoning requirements.

SECTION 3 LAND USE DISTRICTS

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3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

P	Use allowed without a permit (but the use must comply with all applicable land use standards)
C	Use allowed with conditional use approval from the Planning Board Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit
X	Use is prohibited
CEO	Use allowed with a permit from the code enforcement officer

VR1 VILLAGE RESIDENTIAL ONE
VR2 VILLAGE RESIDENTIAL TWO
VR3 VILLAGE RESIDENTIAL THREE
R1 RESIDENTIAL ONE
R2 RESIDENTIAL TWO
SR1 SHORELAND RESIDENTIAL ONE
SR2 SHORELAND RESIDENTIAL TWO
SR3 SHORELAND RESIDENTIAL THREE

SR5 SHORELAND RESIDENTIAL FIVE
 RW2 RURAL OR WOODLAND TWO
 RW3 RURAL OR WOODLAND THREE
 VC VILLAGE COMMERCIAL
 SC SHORELAND COMMERCIAL
 RP RESOURCE PROTECTION
 C CONSERVATION
 SP STREAM PROTECTION

See table of uses on See Appendix B (pg. 38- 40)

Planning Board recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays)

Article 8. Shall an ordinance dated May 4, 2021 and entitled “Amendments to Section 6A.6 Lighting-Outdoor” be enacted as set forth below? See Appendix C (pg.40-44)

Explanation: This Article amends the outdoor lighting standards in the LUZO by adding more current definitions, modifying the applicable review standards, and reorganizing the entire section.

Planning Board recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays)

Article 9. Shall an ordinance dated May 4, 2021 and entitled “Amendments to the Land Use Zoning Ordinance to clarify where the setback is measured from on a private road or right-of-way” be enacted as set forth below? See Appendix D (pg.45-47)

Explanation: This Article moves existing language under the definition of setback to Section 3.5, footnote C and modifies Table 3.5 to clarify where setbacks are measured from on a private right-of-way or road.

Planning Board recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays)

Gifts

Article 10. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional Gifts (MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on behalf of the Municipal Fire Department. It is understood that any funds received will be placed in the Fire Equipment Reserve Fund.

Board of Selectmen recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays)

Article 11. *To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other funds (including unconditional gifts of money) received during the fiscal year 2020-2021 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.*

Board of Selectmen recommends passage

Warrant Committee recommends passage (17 Ayes; 0 Nays)

Leases, Agreements, Easements, Deeds, Sales

Article 12. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Ticket Booth operators for a term of one (1) year beginning July 1, 2021 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Board of Selectmen recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays; 1 Abstention)

Article 13. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year beginning July 1, 2021 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Board of Selectmen recommends passage

Warrant Committee recommends passage (17 Ayes; 0 Nays; 1 Abstention)

Article 14. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen, to negotiate and enter into an agreement with the Neighborhood House Club, Inc. for management and maintenance of the municipal swimming pool, under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Board of Selectmen recommends passage

Warrant Committee recommends passage (18 Ayes; 0 Nays)

Fiscal Policy

Article 15. To see if the Inhabitants of the Town of Mount Desert will vote to approve July 1, each year, as the date on which all taxes shall be due and payable providing that all unpaid taxes on September 1, of each year, shall be charged interest at an annual rate of 6% (percent) per year. (Tax Club members are exempt within the terms and conditions of the Town's Tax Club Agreement.)

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 16. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to enter into a standard "tax club" agreement with taxpayers whereby: (1) the taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer's estimated and actual tax obligation for current year property taxes (real estate and/or personal); (2) the Town agrees to waive interest on timely payments; (3) the Town authorizes the Tax Collector to accept payment of taxes prior to commitment of taxes; (4) the agreement automatically terminates if two consecutive payments are missed and the taxpayer thereupon becomes subject to the same due date and interest rate as other, nonparticipating taxpayers; (5) only taxpayers who are paid in full on their property tax obligations may participate; and (6) interested taxpayers shall apply annually for participation by the date shown on the application, date and application format to be determined by the Tax Collector.

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 17. To see if the Town will vote to authorize the Tax Collector to accept pre-payment of property taxes not yet committed, not to exceed the estimated amount to be committed in 2021, with no interest to be paid on same.

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 18. To see if the Inhabitants of the Town of Mount Desert will vote to set the interest rate to be paid by the Town for abated taxes that have been paid at the rate of 3% (percent) per year.

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 19. To see if the inhabitants of the Town of Mount Desert will vote to authorize expenditures to pay any tax abatements granted by the Assessor, Board of Assessment Review, or Board of Selectmen together with any interest due thereon from the Town, during the fiscal year beginning July 1, 2021, in an aggregate amount not to exceed the property tax commitment overlay.

Board of Selectmen recommends passage

Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 20. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to dispose by public bid of Town-owned property, other than real property, with a value of ten thousand dollars (\$10,000.00) or less under such terms and conditions as it deems advisable.

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 21. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to sell at public auction or by advertised sealed bid, and to convey titles obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town any land and/or buildings, including trailers, in lieu of payment of taxes except that the Selectmen have the power to authorize redemption. Municipal Officers shall use the special sale process required by 36 M.R.S. § 943-C for qualifying homestead property if they choose to sell it to anyone other than the former owner(s).

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 22. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Municipal Revenue

Article 23. To see if the Inhabitants of the Town of Mount Desert will vote to transfer Five hundred thousand dollars (\$500,000.00) from the Undesignated Fund Balance Account #100-38300 to reduce the 2021 – 2022 tax commitment.

Board of Selectmen recommends passage
Warrant Committee recommends passage (17 Ayes; 0 Nays)

Article 24. Shall the voters of the Town of Mount Desert authorize the Town to appropriate an amount not to exceed \$357,500.00 from the Capital Gains Reserve Account number 400-24202 to pay for professional technical services associated with the design and bidding of the improvements to the Northeast Harbor Fire Station located at 21 Sea Street in the Village of Northeast Harbor, with said improvements being made to accommodate anticipated staffing, storage and equipment needs of the Town's fire department and ambulance service, and with said improvements to include but not be limited to staff quarters, meeting and general purpose rooms, equipment and gear storage and other fire,

ambulance and personnel needs identified during the design process, all as generally described and illustrated in the concept sketches located in **Appendix E Option 1 and Appendix E Option 2 pgs 49 – 53 Sketches**, and further to authorize the Board of Selectmen or its designee to execute any and all contracts and documents and do all things necessary or convenient to accomplish the project?

Board of Selectmen recommends (passage)
Warrant Committee recommends passage (15 Ayes; 1 Nay)

Article 25. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous sources for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$1,739,943.00
Warrant Committee recommends \$1,239,943.00 (17 Ayes; 0 Nays)

Municipal Appropriations

Article 26. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 200 through 221 General Government – Governing Body (Board of Selectmen), Municipal Management, Town Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human Resources, and Technology for the 2021 – 2022 Town Budget.

Gov. Body (Bd of Selectmen): \$35,301.00	Town Management: \$377,254.00
Town Clerk: \$123,032.00	Registrar: \$2,000.00
Elections: \$12,250.00	Planning Board: \$51,321.00
Finance: \$162,209.00	Treasurer: \$70,241.00
Tax Collector: \$20,574.00	Assessment: \$132,316.00
Code Enforcement: \$176,595.00	Unallocated: \$113,000.00
Human Resources: \$5,000.00	Technology: \$197,896.00

Board of Selectmen recommends \$1,478,989.00
Warrant Committee recommends \$1,478,989.00 (16 Ayes; 0 Nays)

Article 27. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 300 General Assistance Support for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$5,000.00
Warrant Committee recommends \$5,000.00 (16 Ayes; 0 Nays)

Article 28. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 350 Rural Wastewater Support for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$198,529.00
Warrant Committee recommends \$198,529.00 (16 Ayes; 0 Nays)

Article 29. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 406 Street Lights for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$25,750.00
Warrant Committee recommends \$25,750.00 (16 Ayes; 0 Nays)

Article 30. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 401 and 408 Public Safety – Police and Communications (Dispatch) for the 2021 – 2022 Town Budget.

Police: \$903,188.00

Communications: \$378,696.00

Board of Selectmen recommends \$1,281,884.00
Warrant Committee recommends \$1,281,884.00 (17 Ayes; 0 Nays)

Article 31. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 403, 404, and 409 Public Safety – Fire Department, Hydrants, and Emergency Management for the 2021 – 2022 Town Budget.

Fire: \$711,083.00 Hydrants: \$273,500.00 Emergency Management: \$1,000.00

Board of Selectmen recommends \$985,583.00
Warrant Committee recommends \$985,583.00 (17 Ayes; 0 Nays)

Article 32. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 501, 515, 520 and 525 Public Works - Roads, Waste Management, Buildings & Grounds, Parks & Cemeteries, and 530 Environmental Sustainability for the 2021 – 2022 Town Budget.

Roads: \$1,829,707.00

Buildings/Grounds: \$230,026.00

Parks/Cemeteries: \$49,318.00

Waste Management: \$594,675.00

Environmental Sustainability: \$26,000.00

Board of Selectmen recommends \$2,729,726.00
Warrant Committee recommends \$2,729,726.00 (17 Ayes; 0 Nays)

Article 33. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 505 and 506 Sewers (Wastewater)

Treatment) for the 2021 – 2022 Town Budget.

Sewer Capital: \$ 0.00

Sewer Operation: \$674,346.00

Wastewater Treatment

Northeast Harbor Plant: \$154,350.00

Somesville Plant: \$64,500.00

Seal Harbor Plant: \$112,258.00

Otter Creek Pump Station: \$33,000.00

Board of Selectmen recommends \$1,038,454.00

Warrant Committee recommends \$1,038,454.00 (17 Ayes; 0 Nays)

Article 34. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 605 Recreation (Public Pool ~Utilities & Maintenance) for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$5,900.00

Warrant Committee recommends \$5,900.00 (17 Ayes; 0 Nays)

Article 35. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 701 Economic/Community Development for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$10,000.00

Warrant Committee recommends \$10,000.00 (17 Ayes; 0 Nays)

Article 36. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 801 Debt Service for the 2021 – 2022 Town Budget.

Board of Selectmen recommends \$1,863,050.00

Warrant Committee recommends \$1,863,050.00 (17 Ayes; 0 Nays)

Article 37. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 851 Libraries, Village Improvement Societies, Recreation, and Public/Social Service Agencies for the 2021 – 2022 Town Budget.

Libraries: \$ 35,500.00

Village Improvement Societies: \$78,315.00

Recreation: \$90,000.00

Public/Social Service Agencies: \$128,032.00

Board of Selectmen recommends \$331,847.00

Warrant Committee recommends \$331,847.00 (16 Ayes; 0 Nays)

Article 38. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 991 Capital Improvement Plan transfers for the 2021 –

2022 Town Budget.

Board of Selectmen recommends \$613,607.00
Warrant Committee recommends \$613,607.00 (17 Ayes; 0 Nays)

Passover (?)

Article 39. To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit by \$0.00. **See Appendix G (pg. 56).**

Explanation: The State Legislature passed a “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for inflation and the Town’s tax base growth due to new construction. However, LD#1 allows Mount Desert voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot.

Board of Selectmen recommends a \$0.00 limit for the tax levy
Warrant Committee recommends (17 Ayes; 0 Nays)

Marina Proprietary Fund

Article 40. To see if the Inhabitants of the Town of Mount Desert will vote to ratify the Board of Selectmen’s approval of the Marina Proprietary Fund budget.

Revenue: \$792,659.00

Expense: \$792,659.00

Board of Selectmen recommends ratification
Warrant Committee makes no recommendation.

Elementary School Appropriations

Note: Articles 41 through 49 authorize expenditures in cost center

Article 41. To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$2,084,751.00
Warrant Committee recommends \$2,084,751.00 (15 Ayes; 0 Nays)

Note: 2020-21 Amount was \$1,687,060

Article 42. To see what sum the School Board will be authorized to expend for Special Education for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$769,150.00
Warrant Committee recommends \$769,150.00 (15 Ayes; 0 Nays)

Note: 2020-21 Amount was \$839,483

Article 43. To see what sum the School Board will be authorized to expend for Career and Technical Education for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Note: 2020-21 Amount was \$ -0-

School Board recommends \$0.00
Warrant Committee recommends \$0.00 (16 Ayes; 0 Nays)

Article 44. To see what sum the School Board will be authorized to expend for Other Instruction for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$86,651.00
Warrant Committee recommends \$86,651.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$ 84,880

Article 45. To see what sum the School Board will be authorized to expend for Student & Staff Support for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$504,364.00
Warrant Committee recommends \$504,364.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$ 443,219

Article 46. To see what sum the School Board will be authorized to expend for System

Administration for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$105,000.00
Warrant Committee recommends \$105,000.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$ 92,966

Article 47. To see what sum the School Board will be authorized to expend for School Administration for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$263,224.00
Warrant Committee recommends \$263,224.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$282,305

Article 48. To see what sum the School Board will be authorized to expend for Transportation & Buses for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$207,571.00
Warrant Committee recommends \$207,571.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$201,002

Article 49. To see what sum the School Board will be authorized to expend for Facilities Maintenance for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$585,847.00
Warrant Committee recommends \$585,847.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$446,172

Article 50. To see what sum the School Board will be authorized to expend for Debt Service and Other Commitments for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$301,397.00
Warrant Committee recommends \$301,397.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$317,132

Article 51. To see what sum the School Board will be authorized to expend for All Other Expenditures for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

School Board recommends \$75,000.00
Warrant Committee recommends \$75,000.00 (16 Ayes; 0 Nays)

Note: 2020-21 Amount was \$ 72,000

Note: Articles 41 – 51 authorize a total budget of \$4,982,955

Note: 2021 Amount was \$4,466,219

Note: 2020-

Note: Articles 52 – 54 raise funds for the Proposed School Budget

Hand Count

Article 52. To see what sum the voters of the Town of Mount Desert will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (**Recommend \$2,125,299.00**) and to see what sum the voters of the Town of Mount Desert will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2021 and ending June 30, 2022.

School Board recommends	\$1,806,548.00
Warrant Committee recommends	\$1,806,548.00 (16 Ayes; 0 Nays)

Explanation: The Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

Hand Count

Note: Articles 52, 53, & 54 raise a total town appropriation of **\$4,160,187**

Note: 2020-21 Total Town Appropriation was \$3,839,490

Article 53. To see what sum the voters of the Town of Mount Desert will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 for the period July 1, 2021 and ending June 30, 2022.

School Board recommends	\$301,397.00
Warrant Committee recommends	\$301,397.00 (16 Ayes; 0 Nays)

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town of Mount Desert's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters on November 6, 2001.

Note: Article 55 summarizes the proposed school budget and does not authorize any additional expenditures

Hand Count Vote Required for Article 54

Article 54. To see what sum the voters of the Town of Mount Desert will raise and

appropriate in additional local funds for school purposes (**Recommend: \$2,052,242.00**) for the period July 1, 2021 and ending June 30, 2022, which exceeds the State's Essential Programs and Services allocation model by (**Recommend: \$2,052,242.00**) as required to fund the budget recommended by the school Board.

The School Board recommends **\$2,052,242.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$2,052,242.00**: The State funding model underestimates the actual costs to fully fund the 2021-2022 budget.

The Warrant Committee recommends **\$2,052,242.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$2,052,242.00**: The State funding model underestimates the actual costs to fully fund the 2021 – 2022 budget. (17 Ayes; 0 Nays)

Explanation: The additional local funds are those locally raised funds over and above the Town of Mount Desert's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Mount Desert's budget for educational programs.

Note: Articles 52, 53, & 54 raise a total town appropriation of \$4,160,187.00

Note: 2020-21 Total Town Appropriation was \$3,839,490

Note: Article 55 summarizes the proposed school budget and does not authorize any additional expenditures

Hand Count

Article 55. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for the fiscal year beginning July 1, 2021 and ending June 30, 2022 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

School Board recommends	\$4,982,955.00
Warrant Committee recommends	\$4,982,955.00 (17 Ayes; 0 Nays)

Note: 2020-21 Total Budget was \$4,466,219

Article 56. In addition to the amount in Articles 41 – 55, shall the School Board be authorized to expend such other sums as may be received from state or federal grants or **programs** or other sources during the fiscal year 2021-2022 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds

not previously appropriated?

Note: Current Year Totals: \$ 548,376 (Includes COVID Relief Grants)

School Board recommends passage

Warrant Committee recommends passage (17 Ayes; 0 Nays)

Citizen's Petitions

Article 57. Shall the inhabitants of the Town of Mount Desert adopt a Resolution to Endorse a Declaration of a Climate Emergency and Emergency Mobilization Effort (attached as **Appendix E**)?

Explanatory Note: This article, and the Resolution herein referenced, directs the Board of Selectmen of the Town of Mount Desert to develop a plan to bring the activities of the Town government to zero carbon emissions by December 31, 2030, for presentation at the Annual Town Meeting of 2021.

Board of Selectmen recommends passage

Warrant Committee recommends (17 Ayes; 0 Nays)

(End of Warrant Articles)

Appendices

An underline indicates an addition and a ~~striketrough~~ indicates a deletion.

Appendix A.1 (Article 5; pg. 5)

PUBLIC RIGHT-OF-WAY ORDINANCE

TOWN OF MOUNT DESERT

EFFECTIVE MARCH 5, 1990

AMENDED MARCH 7-8, 1994

ENACTED MARCH 7, 2006

(Repeal and replace Street Opening Ordinance)

AMENDED MARCH 6, 2007

AMENDED MAY 5, 2009

AMENDED MAY 8, 2012

AMENDED MAY 7, 2013

AMENDED MAY 4, 2021

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Section 57.01 I. GENERAL INFORMATION

A. Purpose

This Ordinance has been enacted by the Town of Mount Desert to regulate the use of public rights-of-way in the interest of public safety and convenience, and to protect public infrastructure. It is applicable under the terms of a Right-of-way Opening Permit issued for an intended use; it is also applicable in the absence of a Right-of-way Opening Permit regardless if one is required or not for an intended use. This Ordinance is necessary to preserve the integrity, operational safety, and function of the right-of-way, including the public traveled way.

Section 57.02 B. Definitions: Definitions shown here pertain to both this Ordinance and the Application for Public Right-of-way Opening Permit.

1. Town shall mean the Town of Mount Desert.
2. Director shall mean the Director or Designee.
3. Contractor shall mean anyone working in the right-of-way under a Town Right-of-way Opening Permit.
4. Emergency shall mean any event, which may threaten public health or safety, where action is necessary to prevent personal injury, death or the loss or disruption of a private or public utility or service. The burden of proof of such emergency rests with the applicant.
5. Excavation shall mean any operation in which earth, rock, paving or like material, on, or below the surface of the ground, is moved, displaced, dug, trenched, tunneled or in any similar manner disturbed, except the agricultural tilling of soil or gardening.
6. Applicant shall mean a person applying for a permit required by this Ordinance.
7. Permittee shall mean a person who has obtained a permit as required by this Ordinance. An applicant may be any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
8. Right-of-way shall mean the entire width of every way and place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic, except for private roads and private ways. The definition shall include the area on, above and below the right-of-way, dedicated to public use, and any dedicated, but unaccepted street or way. The definition shall also include any publicly owned space or park. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service. The specific right-of-way will be as is described in the Town's Road Book on file at the town office and/or as established by the Board of Selectmen and/or as established by State Statute, as applicable.
9. Public Right-of-way shall mean the right-of-way.
10. Entrance shall mean direct vehicular access to property abutting the right-of-way.
11. M.D.O.T. shall mean the Maine Department of Transportation.
12. Technical and Design Standards shall mean the standards cited herein and adopted by the Town including the Maine Department of Transportation (MDOT) Standards and Specifications for Highways and Bridges, latest edition.
13. Utility shall mean a public utility, as defined in 35-A M.R.S.A. § 102 as it may be hereinafter amended and shall specifically include the non-regulated activities of such a

utility.

14. Traveled way shall mean the portion of the right-of-way that is typically paved and is used for vehicular traffic.

15. Pavement, paving, paved, pave, etc. shall refer to asphalt based hot mix bituminous concrete.

16. Designee shall mean an individual authorized by the Town with the Director's recommendation to act temporarily in the Director's capacity.

C. Regulations

Pursuant to the authority contained in the appropriate and applicable Statutes of the State of Maine, the following items, terms, instructions, and conditions shall be and are hereby adopted to regulate and control the application and issuance of Right-of-way Opening Permits granted by the Town, its agents and authorized employees, and the excavation, use and repair of rights-of-way by holders of Right-of-way Opening Permits.

D. Permits

A site visit by the Director to the proposed work area is required for any and all work proposed to be performed in the right-of-way and/or for any work located within 10-feet of the edge of the respective traveled way located in the right-of-way. A Right-of-way Opening Permit shall be obtained before any work is conducted within the aforementioned areas, except for emergency maintenance of an existing facility. If an opening is made for emergency purposes a written permit shall be obtained on the first business day thereafter. Work requiring a permit includes, but is not limited to:

- Water, sewer, and electrical utility work.
- Storm water management measures.
- Landscaping including earthen berms, shrubbery, pavers.
- Fencing.
- Any work within the right-of-way.

Issuance of a Right-of-way Opening Permit does not constitute an approval by any other Local, State or Federal entity. The Permittee is responsible for obtaining any and all other permits and approvals related to the proposed right-of-way opening. The Permittee shall bear, and be responsible for, all costs associated with the permits addressed herein.

E. Prohibitions

1. Private Utilities: New aboveground or belowground private utilities are to be constructed primarily on private property. Any utility construction that is parallel to the public right-of-way shall be on private property to the maximum extent possible, such extent to be determined by the Director, or designee, and in conformance with this ordinance. Further, in the case of "parallel" utility construction, where space allows, construction is not permitted inside the public right-of-way except to cross it at a ninety-degree angle or on a case-by-case basis. The Director shall evaluate each situation on a case-by-case basis and decide based on information available at the time. Private utilities are not allowed to be placed or constructed

in any Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, open ditches, etc.

Delete one line here for paragraph spacing.

2. Public Utilities: The Town will review any construction proposed by a public entity, e.g., the Mount Desert Water District, Versant, etc., with representatives of the public entity and a mutual location for the new construction shall be agreed upon. New construction of said public entity's assets, be they aboveground or belowground, will be prohibited from inside any Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, etc.

3. Reconstruction of existing aboveground or belowground utilities, be they public or private, will not be allowed inside any Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, etc. Any existing utilities inside said structures at the time of utility reconstruction are to be relocated outside of the Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, etc. and are to be constructed in conformance with this ordinance.

F. Violations

Any person, firm, corporation, or entity that violates, disobeys, refuses to comply with or resists enforcement of any provision of this ordinance shall be fined not less than \$100.00 or more than \$2,500.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this ordinance.

II. PERMIT APPLICATION

A. All applications shall be made on appropriate forms supplied by the Town.

B. All applications shall be made and signed by and in the name of the person, persons, firm, corporation or district for whom the work is to be done (i.e., the owner of the proposed facility) or the authorized agent for the same.

C. Every application shall contain:

- a) The name and address of the applicant or applicants,
- b) The type of work requiring the opening,
- c) An estimated time of when construction will begin and be complete.
- d) A sketch plan showing the location and size of the cuts to be made,
- e) An agreement that the applicant shall comply with all applicable rules, regulations and statutes of this State which pertain to highway and right-of-way openings; such agreements to be joint and several with multiple applicants,

- f) An estimate of the square yards of roadway and shoulder area to be opened,
- g) An estimated cost to replace the impacted areas of the right-of-way, based on the schedule included as part of the application. This amount shall be known as the "Total Permit Fee", and
- h) Every application shall be accompanied by a check in the amount of the estimated Total Permit Fee. This application fee is non-refundable. The Permittee shall be responsible for all final restoration of the affected area to the satisfaction of the Town. Upon satisfactory completion of the repairs, the permit shall be deemed complete. If satisfactory repairs are not done in a timely fashion and upon reasonable notice to the Permittee to do the same, the Town will accomplish the final restoration and bill the Permittee for the cost.

III. ADMINISTRATION

A. Issuance. The Director shall review the completed Right-of-way Opening Permit application on behalf of the Town, initial and date the same then provide it to the code enforcement officer for review and issuance if found to be in conformance with this ordinance.

B. Limitation. Permits for any portion of the right-of-way, the paved construction (shim or higher type construction) of which was completed within five (5) years prior to the date of the permit, must be referred to the Director before the permit is granted. Except in the case of an emergency, no work shall be done on any such section of the right-of-way until the Director has approved the permit. If the applicant can show that the need for an opening permit could not have been reasonably anticipated before that portion of the right-of-way was paved and has investigated alternate installation procedures, an "emergency" permit may be issued. For any Right-of-way Opening Permit issued within the 5-year period mentioned above, the Town may attach special conditions to the opening permit for which the Permittee will bear all associated costs.

C. Location. In no case shall a Right-of-way Opening Permit be issued to an applicant who has not applied for, or who does not hold a Location Permit, if one is required, for the same installation. Location Permit Applications may be obtained from the Code Enforcement Officer. Instructions for completing the Location Application are included on the application itself.

IV. PERMIT GENERAL CONDITIONS

1. Compliance with the terms and conditions of this permit shall be the responsibility of the Permittee. Costs associated with the terms and conditions of compliance will be borne in whole by the Permittee. The Town will not assume any liability for damages arising out of or resulting from a violation of the permit terms nor will the Town be responsible for any costs associated with the Permittee's compliance with this ordinance.

2. All costs associated with any and all portions of the construction related to this permit shall be borne by the Permittee.

3. The Town reserves the right to limit the permit by setting the time within which the work must be accomplished and may also prohibit work on Saturdays, Sundays, and holidays.

4. All work will conform to the most recent edition of the State of Maine DOT Standard Specifications Highways and Bridges, unless otherwise stated.

5. The Right-of-way Opening Permit will be applicable from the time the Town lifts the winter posting of its roads to the end of the first full week in November of each year. A Winter Right-of-way Opening Permit will be applicable the rest of the year. The latter will only be issued in an emergency or on a case-by-case basis upon recommendation by the Director to the Code Enforcement Officer. In any particular case, the applicant for a permit may appeal to the Town Select Board to make an exception to the time period and dates specified above. The appeal shall be accompanied by supporting data adequate to show why an exception should be granted. The Town may consider the appeal and the supporting data, may make an exception to the applicable date, and may specify the terms and conditions of the exception or, deny the appeal.

If a Winter Right-of-way Opening Permit is issued, the Director by virtue of this ordinance, may require the Permittee to provide temporary paving and to maintain the trench until the frost is out of the ground.

6. Permit conditions may include, but not be limited to, the following:

a) For right-of-way openings parallel to the centerline of the traveled way, a paved shim and overlay of the affected travel lane extending from the edge of existing pavement to the centerline of the traveled way may be required. A butt joint, minimum depth of 1-inch and 12-inches in width, adjacent to the center of the traveled way the entire length of the project area prior to paving will be required in this instance.

b) In addition, if, as determined by the Director the area to the opposite side of the centerline from the work lane has been damaged, a shim and overlay of the entire width and length of the roadway in the construction area will be required. if, for example but not necessarily limited to these examples: blasting lifts a section of the road; if there are excessive excavator bucket teeth marks in the pavement, or; if there are track marks in the pavement from the tracks of construction equipment and activities.

c) The final decision related to roadway repair and scheduling of said repairs, will be at the discretion of the Director.

7. The Total Permit Fee assessed to the Permittee is dependent on the damage done to the right-of-way.

8. In general, there is no opening fee if an installation is made completely within the area of and during Town initiated construction of portions of the right-of-way. Although an opening fee may not be charged, the Permittee will be billed for any damage that is not properly repaired in a timely manner to Town assets located in the right-of-way.

If traffic is to pass over the location, the trench shall be capped with 3 inches of cold mix bituminous pavement for openings made before construction of the Town project commences and shall be subject to the highway contract specifications made during Town project construction. The Permittee shall be responsible for maintaining the trench area until such time that the roadway falls under jurisdiction of the Town construction project.

9. Installations to be made under paved areas shall be designed to use the shortest possible distance under the pavement consistent with the particular installation involved. Depending upon the circumstances, the Director may require, or the Permittee may propose, a method of installation (such as tunneling or jacking) that will not cause damage to or opening of the pavement. When such method is required or proposed, the method to be used shall be developed by the Permittee for review and comment by the Director. Approval by the Director will not relieve the Permittee of their responsibility for performing the work in a satisfactory manner.

10. The Director shall consider, and require if conditions warrant, the installation of a conduit or sleeve of adequate design to permit the operating facility e.g., a water service pipe, electric power wire(s), cable TV, internet, etc. to be removed for repair or replacement to reduce the extent of the opening in the right-of-way to the practical extent possible. The conduit or sleeve shall extend a minimum of three-feet (3') beyond the existing edge of pavement of the roadway.

11. All installations under pavement and shoulders shall have not less than 24 inches of soil cover. Elsewhere cover shall be not less than 12 inches. Installations subject to freezing shall be sufficiently deep so that it will not be damaged by frost penetration.

12. All curb and sidewalk construction/restoration addressed with this permit shall comply with the Americans with Disabilities Act.

13. If the work covered by this permit disturbs or removes any existing property or right-of-way monumentation, the Permittee shall retain the services of a professional land surveyor licensed to practice in the State of Maine to reset the same.

V. OPENING LOCATION CONDITIONS

1. Town owned or privately owned existing installations may be adjusted in place, upon approval from the Director to clear Permittee construction within the right-of-way, except when replacement of a substantial portion of the existing installation is required, or when prohibited from adjusting it because of specific regulations or physical constraints e.g., ledge or slope of a pipe.

2. New installations, unless otherwise clearly indicated, shall mean proposed new installations or replacement of existing installations.

3. New installation under the normal paved traveled way will be permitted only where the applicant can show that a similar installation under or outside the shoulder (or outside the travel lane if there is no shoulder) is not practical and upon approval of the Director.

4. If portions of the infrastructure located within the right-of-way might be reconstructed in the foreseeable future, new installations shall be made at locations discussed between the Director and the Permittee in consideration of the future construction. The location of the Permittee's proposed assets shall be identified for the Director's use.

5. The Director shall consider the condition of the road, the type of installation, the size of trench, the proposed methods of construction, etc. and the experience of the Permittee's contractor(s) and may make such adjustments in the terms of this ordinance as may be practically justified.

6. New installations will not be permitted under and parallel to Town sidewalks. Crossings perpendicular to sidewalks are required.

7. Exceptions to the above locations may be made on a case-by-case basis upon approval the Director.

VI. TECHNICAL SPECIFICATIONS

1. The traveling public shall be adequately protected.

a) At least one-way traffic shall be maintained at all times during any work conducted in the right-of-way.

b) Work shall be signed, lighted and traffic control officers will be supplied when necessary. The Town will have final say when traffic control officers are needed. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration.

c) All Town signs that are removed or disturbed as a result of the work covered by this permit shall be temporarily relocated and shall remain in service until work is complete, as applicable. They will then be returned to their original locations.

2. Construction methods shall be such that excessive excavation and excessive destruction of pavement will be avoided. Pavements shall be cut in advance along the proposed edges of excavation and again prior to e.g., trench repair paving and final paving, full depth of the pavement, as applicable. All trench work shall comply with current OSHA and Bureau of Labor Standards regulations, as applicable. The Permittee shall reestablish the original lines and grades of the right-of-way to preconstruction conditions.

3. The backfill material shall be as follows:

a) General: Materials shall be natural soil or rock. All materials shall be free of organic or other weak, compressible materials, rubbish, trash, clay, vegetation, building rubble or frozen matter and other deleterious matter. The Director shall have the final say on what is acceptable backfill material if the question arises.

b) Aggregate Subbase Material (the layer from seven-to-18 inches below the bottom of the pavement) shall be sand or gravel consisting of hard durable particles as described in “a)” above, one hundred percent of which will pass a four-inch (4”) square mesh sieve. The gradation of the portion that will pass a three-inch (3”) square mesh sieve shall meet the requirements of the following table:

Sieve Size Percent Passing by Weight

¼-inch	25-70
No. 40	0-30
No. 200	0-7

c) Aggregate Base Material (the six-inch (6”) thick layer just below the bottom of the pavement) shall be sand or gravel consisting of hard durable particles as described in “a)” above, one hundred percent (100%) of which will pass a two-inch (2”) square mesh sieve. The gradation shall meet the requirements of the following table:

Sieve Size Percent Passing by Weight

2-inch	100
½-inch	45-70
¼-inch	30-55
No.40	0-20
No. 200	0-5

d) All other backfill shall be equivalent to material removed, except that special backfill of suitable material may be used immediately around pipe, cable, conduit, etc. or to replace material that cannot be compacted to the required compaction specifications.

4. Backfill material shall be uniformly distributed in layers of not more than twelve-inches (12”) and thoroughly compacted to the required compaction specifications by use of approved mechanical compactors before successive layers are placed.

5. Restoration of all curb and sidewalk areas disturbed during construction shall match preconstruction conditions unless otherwise directed by the Director.

6. Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition.

7. The edges of the proposed trench are to be cut full depth of the existing pavement prior to commencing any excavation work and prior to trench repair and final paving. Cuts are to be

made parallel and/or perpendicular to the centerline of the traveled way. Angled cuts will not be accepted. Permanent pavement shall be replaced to the full depth and extent of the existing pavement removed or as directed by the Director.

8. Pavement is to conform to the following specifications unless changes are agreed upon between the Director and the Permittee.

If the repair is made with a mechanical paving machine:

- a) Binder course (Base pavement): Two-inch (2") thick layer of 12.5 mm hot mix.
- b) Surface course: One-inch (1") thick layer of 9.5 mm hot mix.
- c) Sidewalks: As in a) and b) above or as directed by the Director.

If the repair is made using handwork:

- a) Two 1.5-inch (1.5") layers of 12.5 mm coarse hot mix for a total thickness of three-inches (3") e.g., the mix must be placed in two layers.

9. a) All openings of any kind made in the existing pavement of any Town public way under this opening permit,

- shall be temporarily repaired with a minimum two (2)-inch thick layer of cold patch within 24 hours of the opening being made unless other arrangements are agreed upon in advance with the Director and
- permanently repaired with pavement within 14 calendar days of the opening being made provided the nearest paving plant is in operation. If it is not, the cold patch trench repair will suffice until the hot mix plant is open. The cold patch shall be replaced with hot mix pavement within 14 calendar days after the opening is constructed and the nearest paving plant is open for business.
- All work is to be performed in conformance with the Town of Mount Desert's Public Right-of-way Opening Ordinance in affect at the time of issue of the Public Right-of-way Opening Permit.

b) Heavy equipment with metal tracks, including but not limited to, excavators and bulldozers, of any size:

- Shall not be unloaded directly from e.g., a trailer onto paved surfaces owned and maintained by the Town, including but not limited to, roadways and parking lots. The pavement must be protected by the use of rubber tracks on the equipment, plywood, or other means to prevent scarring or other damage to the pavement.
- Shall not be driven or "walked" on the pavement surfaces owned and maintained by the Town, including but not limited to, roadways and parking lots. The pavement must be protected by the use of rubber tracks on the equipment, plywood, or other means to prevent scarring or other damage to the pavement.

10. The Town reserves the right, after due notice in writing to the Permittee:

- a) To provide such supervision and inspection as it may deem necessary.
- b) To re-excavate and backfill as may be necessary.
- c) To clean up the area if the area is improperly and unsatisfactorily cleaned up.
- d) To charge the holder of the permit the cost of all work performed under reservations (a, b, and c above); which charge will be in addition to the normal fee for opening the right-of-way and said charge will be included in an invoice to the Permittee from the Town.

11. After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by a representative of the Town. If the final permit fee based upon actual measurements differs from the estimated permit fee, an adjustment will be made either in the form of a refund or bill showing the additional amount due.

12. All disturbed areas located in the right-of-way shall be repaired to preconstruction or better condition. This includes, but is not limited to, lawns, curbing, sidewalks, drainage conditions, sight distances and roadway surfaces. The Director shall determine the acceptability of the repairs.

13. The Permittee shall on a regular basis, or after notice by the Director, remove and sweep clean any dirt, mud, silt, or any other debris that accumulates on the pavement in the area of the project. Such action by the Permittee shall be done to the satisfaction of the Director and whenever deemed necessary by the Director.

14. The Permittee shall conduct all operations and maintain the area of all activities, including sweeping and implementing generally accepted dust control measures in streets and at the building site, as necessary, to minimize the creation of, and enhance the suppression of, dust. The Permittee shall control dust through periodic sweeping and wetting of project area or through the use of straw mulch in some cases, as applicable.

15. The Permittee shall maintain services of any and all private or public entities during the course of the work. Required interruptions shall be scheduled in advance with the affected parties and the work performed continuously so as to minimize the duration of interruption.

16. No gutters or ditches shall be obstructed such that the obstruction interferes with surface drainage. Temporary measures shall be implemented for runoff control to prevent sediment from discharging into the storm drainage system. Such measures shall conform to the most recent edition of "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices" as prepared by the Cumberland County SWCD. Such measures may include, but not be limited to, straw bale or stone dikes, silt fencing, temporary swales, and sediment traps.

17. All existing paved edges and existing paved underlying layers are to be tacked prior to the construction of any new pavement against them or on top of them.

VII. ABANDONED STRUCTURES

In general, and after discussion and approval from the Director, private structures owned by the Permittee or found by the Permittee located in the right-of-way that are to be abandoned or are found to be no longer in use, shall be removed to a minimum of twenty-four-inches (24") below the adjacent ground surface or the bottom of adjacent pavement and the excavation filled using native or imported granular materials.

VIII. RELOCATING EXISITING UTILITIES

If public or private entities or individuals have assets in place that would not be allowed to be there under this ordinance and have to replace them for any reason, they must be replaced in accordance with this ordinance without exception (unless granted as part of an appeal under this Ordinance).. All costs associated with this relocation shall be borne by the owner of the asset be they public or private entities or individuals. Failure to do so will constitute a violation under this ordinance and, as such, the property owner will be subject to the terms of Section I.F of this ordinance.

The same holds true for any work being done by the Town, including replacement, on a culvert, stone drain, etc. that has a prohibited pipe, etc. located in it as described in this ordinance. The prohibited item shall be relocated from within to outside of the Town's pipe, drain, etc. by its owner with the owner bearing all associated costs of the relocation.

Section 57.03 *IX. Right-of-way OPENING PERMIT FEE*

The Total Permit Fee will be as calculated on the "Application for a Right-of-way Opening Permit". After completion of the work described in the permit and the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by the Director. If the final permit fee based upon actual measurements differs from the estimated permit fee, an adjustment will be made either in the form of a refund or bill showing the additional amount due.

EXCEPTION: The Mount Desert Water District, a tax-exempt, quasi-municipal corporation doing business in the Town is exempt from the fees described herein. The water district customers are also taxpayers in the Town. As such, the cost of any fees imposed on the water district would likely be reflected in higher water rates to the users (ratepayers a.k.a. taxpayers). This exception does not absolve the water district from conforming with all other requirements of this ordinance e.g., they must conform to all other requirements of this ordinance.

X. WARRANTY TERMS

The Permittee is responsible for and agrees to guarantee all work to be free from defects in workmanship and material for a period of two (2) years from the completion of the work. The completion date for the work shall be agreed upon between the Director and the Permittee. The Permittee is responsible for contacting the Director to establish the effective completion date for the work, otherwise, it will be established by the Director..

If any settlement, cracking, pavement deterioration or similar problem occurs the Permittee shall

promptly repair such defect at no expense to the Town. If the Permittee fails to repair a defect upon notice from the Director that such a repair is required, the Town reserves the right to cause the repairs to be made with all costs incurred to be at the expense of the Permittee.

Section 57.04 XI. PERIOD OF ORDINANCE

This ordinance shall remain in effect for a period of fifteen (15) years from the last substantive amendment in May 2013, and will then sunset as of May 30, 2028, unless extended by Town Meeting.

Appendix A.2 (Article 5; pg. 5)

TOWN OF MOUNT DESERT

Application for a Public Right-of-Way Opening Permit

Property Owner: **Name**

Address

(a) Telephone Number

(c) Applicant: **Name**

Address

Telephone Number

Work Location: **Address**

Village _____

Map _____ **Lot** _____

Public Right-of-way width of roadway or street (contact town official).

Type of work:

Sketch: Attach a sketch of proposed opening on the attached 8 ½" X 11" sheet showing the dimensions used to calculate the Opening Permit Fee to be calculated on page 2.

Reason for work:

(d) Who will perform work:

(e) Estimated Schedule: Start Date _____ **End Date** _____

Does this work require a Town of Mount Desert Location Permit?

Total Permit Fee: (from next page)

By signing this application, the Applicant agrees to conform to the terms of the Town of Mount Desert's Public Right-of-Way Opening Ordinance in affect at the time of issue of the Public Right-of-Way Opening Permit.

(f) Applicants Signature _____ Date _____

i) Town Use Below

(g) Opening Permit Number _____

Reviewed By: _____ Initials _____ Date _____

Code Enforcement Officer _____

Public Works Director _____

Fee of \$ _____ collected this _____ day of _____, 20 _____

by _____.

(h) Town Official Signature

(The town officials signature modifies this document from an Application for a Public Right-of-Way Opening Permit to a Public Right-of-Way Opening Permit.)

a. Public Right-of-Way Opening Permit Fee Calculation

Calculation			
Surface Type:	(A) Unit Cost	(B) Estimated Impact (Number of units)	Impact Value (A) X (B)
Paved roadway	\$7.50 per SY ³	Article 58. SY	\$
Article 59. Paved sidewalk	\$5.00 per SY	Article 60. SY	\$
All curbing ¹	\$7.50 per LF ³		\$
Row-of-way area ²	\$5.00 per SY	Article 61. SY	\$

Article 62. areas	Concrete	\$25.00 per SY	SY	\$
Total Opening Permit Fee (Sum of all Impact Values) Minimum fee = \$150.00				\$

¹ Curbing fee is for removing and resetting existing curbing or for replacing damaged or destroyed curbing with curbing of the same materials.

² Area located between existing edge of roadway or sidewalk pavement and the outer limit of the public right-of-way. Might be gravel shoulders, grass, brush, etc.

³ SY = square yards; LF = lineal feet

1. All openings of any kind made in the pavement of any Town public way under this opening permit.

- shall be temporarily repaired with a minimum two-inch layer of cold patch within 24 hours of the opening being made and unless other arrangements are agreed upon in advance with the Director, or designee, and
- permanently repaired with pavement within 14 calendar days of the opening being made provided the nearest pavement plant is in operation. If it is not, the cold patch trench repair will suffice until the hot mix plant is open. The cold patch shall be replaced with pavement within 14 calendar days after the nearest pavement plant is open for business.
- All work is to be performed in conformance with the Town of Mount Desert's Public Right-of-Way Opening Ordinance in affect at the time of issue of the Public Right-of-Way Opening Permit.

2. Heavy equipment with metal tracks, including but not limited to, excavators and bulldozers, of any size:

- Shall not be unloaded directly from a trailer onto the pavement of any Town public way or parking lot. The pavement must be protected by plywood or other means to prevent scarring or other damage to the pavement.
- Shall not be driven or "walked" on the pavement of any Town public way. The pavement must be protected by plywood or other means to prevent scarring or other damage to the pavement.

Sketch: Application for a Public Right-of-way Opening Permit

The purpose of the sketch is to show the location of the proposed opening in relation to the public right-of-way. It is not necessary to sketch to scale but accurate locations relative to reference points such as fire hydrants, utility poles or intersections is required. A marked-up site plan showing the necessary information is acceptable. Make a note on this sheet that such a plan is attached.

Appendix B (Article 7; pg. 7)

Section 3.4 Permitted, Conditional, and Excluded Uses by District

DISTRICTS:			SR 1							
LAND USE:	VR 1 VR 2	R 1 R 2	SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP	VR3
MISCELLANEOUS										
Clearing or Removal of Vegetation for activities other than timber harvesting	P	P	CEO	P	P	CEO	P	C ⁸	<u>CEO</u> C ⁴	CEO
ESSENTIAL SERVICES										
A. Roadside distribution lines (34.5kv and lower)	P	P	CEO ⁹	P	P	CEO ⁹	CEO	C ⁶	C	CEO
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	P	P	CEO	P	P	CEO	CEO	C ⁶	C ⁶	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	P	P	C	P	P	C	C	C ⁶	C ⁶	C
D. Other essential services	P	P	C	P	P	C	C	C ⁶	C ⁶	CEO
Excavation or Filling < 50 cubic yards	P	P	CEO	P	P	CEO	CEO	C ⁸	<u>CE</u> C ⁴	C

DISTRICTS:			SR 1							
LAND USE:	VR 1 VR 2	R 1 R 2	SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP	VR3
Excavation or Filling of >50 to 150 cubic yards	CEO	CEO	CEO	CEO	CEO	CEO	CEO	C ⁸	C ⁴	CEO
Excavation or Filling of > 150 cubic yards	C	C	C	C	C	C	C	C ⁸	C ⁴	C
Fire Prevention Activities	P	P	P	P	P	P	P	X	P	P
Parking lot	C	C	X	C	C	C	C	X	X	C
Piers, Docks, Wharves, Bridges and other Structures and Uses Extending over or below the Normal High-Water line or within a wetland (refer to Section 6C.7)	X	C	C	C	X	C	C	X	X	C ¹²
Road & driveway construction	CEO	CEO	CEO	CEO	CEO	CEO	CEO	C ^{7, 8}	C ^{7, 4}	CEO
Service drops, as defined, to allowed uses	P	P	P	P	P	P	P	P	P	P

Note: Some footnotes have been deleted. – namely 1,2,3 & 5.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

⁶ See further restrictions in Section 6C.5.2

⁷ Only as provided in Section 6C.9.3

⁸ Single family residential structures may be allowed by special exception only according to the

provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

⁹ Permit not required but must file a written “notice of intent to construct” with CEO.

¹⁰ Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

¹¹ Mobile Food Vendors are allowed to operate without a permit or license for limited time events (up to three consecutive days and maximum of two events per year on the same property).

However, written property owner authorization is required to be posted for any Mobile Food Vendor activity on private property, regardless of whether or not a permit is required.

¹² Uses only allowed if associated with hotel/motel use

Appendix C (Article 8; pg. 8)

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS

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- .

6A GENERAL PERFORMANCE STANDARDS

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6A.6 Lighting - Outdoor

~~1. **Purpose.** To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town’s night sky which is an important part of the Town’s character.~~

~~2. **Requirements**~~

~~1. **Full cutoff.** All lights greater than *1800 lumens (a 100 watt incandescent light produces 1800 lumens) shall be shielded to direct all light towards the ground.~~

~~2. **Light trespass.** All light shall be directed away from adjacent properties. The light sources in flood and spot lights shall not be directly visible from adjacent properties. High intensity light sources shall not be directly visible to motorists on public roads.~~

~~3. **Excessive Lighting** may not be used to direct attention away from existing business and community lighting.~~

~~1. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to~~

~~minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 30 footcandles.~~

- ~~2. Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.~~

~~3. Recommended Best Practices:~~

- ~~1. **Motion sensors.** Use motion sensors to control flood and spot lights.~~
- ~~2. **HPS lights.** Use high pressure sodium (HPS) lights to minimize sky glow where color recognition is not needed.~~
- ~~3. **Non-security parking lights.** Turn off non-security parking lot lights after business hours to save energy and protect the night sky.~~
- ~~1. **Minimum amount of lighting.** Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.~~
- ~~5. **Shield or flush mount lights.** Fully shield or horizontally flush mount all lights.~~
- ~~6. **Signs and flags.** Illuminate signs and flags from above and shield all sports lighting.~~
- ~~7. **Guidelines for professional design.** Request that professionals follow Illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values.~~

~~4. Definitions~~

~~Lumen: Approximately the amount of light measured one foot from a candle. 1 lumen is approximately 1 foot candle.~~

~~*A 100 watt incandescent light produces 1800 lumens.~~

- ~~5. **Grandfathering.** These requirements apply only to new construction and lighting installations.~~

- ~~1. **Purpose.** To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town's night sky which is an important part of the Town's character.~~

~~2. Definitions~~

CCT (Correlated Color Temperature): The perceived color of a light source. High color temperatures (e.g. 4000K and 5000K) are rich in blue light, which is a source of night sky light pollution, glare and potential biological issues.

Dark Sky Friendly: Full cutoff, no light above the horizontal. For LED light sources, <3000K CCT. Up to 3100K will be allowed for manufacturing tolerance.

Direct Light: Light emitted below the horizontal from the lamp, off of the reflector or through the refractive lens or diffuser of the luminaire.

Fixture: The assembly that houses the LED(s) or lamps(s) and can include all or some of the following parts: a housing, mounting bracket or pole socket, lamp holder, ballast, power supply, reflector or mirror and/or a refractor or lens.

Floodlight or Spotlight: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Foot-Candles (FC) and LUX: Units of illumination. One FC is equivalent to 1 lumen per square foot and 1 LUX equals 1 lumen per square meter. 1 FC = 10.764 LUX. FC or LUX can be measured with Foot-Candle or LUX meters.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces such as a portico or roof overhang.

Lamp or LED: The component of a luminaire that produces the actual light.

Light Trespass: The excess light produced by a luminaire that extends beyond the boundaries of the property on which it is located.

High Intensity Discharge (HID) Fixtures: HID fixtures contain an arc lamp. HID fixtures in order of high to low efficiency are: Low Pressure Sodium (LPS) -pale yellow; High Pressure Sodium (HPS) - golden orange; Metal Halide - greenish white; and Mercury Vapor - purple-white. Mercury Vapor is considered obsolete.

LED Lighting: A solid state light source that emits light from a semi-conductor, light emitting diode junction (die) when voltage and current are applied. [Note: Current white LED's utilize a high efficiency blue LED (>10,000K) in combination with

phosphors that absorb blue spectra and re-radiate light energy into the green-yellow-red portions of the visible spectrum.]

Lumen: A unit of source light. One Foot-Candle is one lumen per square foot. A 100 watt incandescent, 26 watt CFL (compact fluorescent) and 17 watt LED lamp produce up to 1800 lumens. (See manufacturer's lamp packaging for the lamp's published lumen output).

Non-Specular Reflector: A diffuse reflector such as a painted white surface. Aluminized reflectors with a mirror like surface are specular reflectors.

Luminaire: A complete lighting system which includes a lamp or lamps or LED's and a fixture.

3. **Grandfathering of Nonconforming Lighting.** These requirements apply only to new construction and lighting installations. Upgrading any fixtures with Dark Sky units is highly recommended.
4. **Standards.** All public and private outdoor lighting installed in the Town of Mount Desert shall be in conformance with the standards established by this ordinance.

a. **Full Cutoff.**

- i. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire.
- ii. Any Floodlight or Spotlight luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.

b. **Light Trespass.** All light shall be installed so as to minimally illuminate adjacent properties (<0.1 FC or <1 LUX). Light from fixtures may be visible beyond the property line but brightness must be significantly attenuated to non-distracting levels by the use of shields, diffusers, indirect non-specular reflectors or other special optical designs. The images of lamps, arc tubes and LED dies shall not be directly visible.

c. **Excessive Lighting.** Excessive lighting may not be used to direct attention away from existing business and community lighting.

- i. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of

average to minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 50 Foot-Candles.

- ii. Light fixtures located on the ceilings of structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.

5. Exemptions. The following are exempt:

- a. Lighting required by the Federal Aviation Administration (FAA) for aviation control/safety;
- b. Church Steeples;
- c. Lights used by police, fire, and medical personnel during an emergency.

6. Recommended Best Practices:

The following best practices are not enforceable standards of this ordinance and should not be applied specifically to any project or application before the Planning Board or Code Enforcement Officer. Rather, outside of the enforceable standards of this Ordinance, these practices are suggested ways applicants can help improve the quality and sustainability of the Town's outdoor lighting.

- a. **Motion Sensors.** Use of motion sensors to control flood and spot lights should be considered when feasible.
- b. **LED Lights.** Use 2700K correlated color temperature LED lights for better color rendering, higher efficacy and lower maintenance than HID fixtures.
- c. **Non-security Parking Lights.** Turn off non-security parking lot lights after business hours to save energy and protect the night sky.
- d. **Minimum Amount of Lighting.** Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.
- e. **Shield or flush mount lights.** Fully shield or horizontally flush mount all lights.
- f. **Signs and flags.** Illuminate signs and flags from above and shield all sports lighting.
- g. **Guidelines for professional design.** Request that Architects, Engineers and Lighting Designers follow illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values and International Dark Sky Association and American Medical Association recommendations for Full Cutoff and <3000K color temperature for IDA Approved Dark Sky Friendly fixtures.

Appendix D (Article 9; pg. 7)

SECTION 3 LAND USE DISTRICTS

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Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	VR1	VR2	R1	R2
DIMENSIONS see Notes (b) (h¹)				
MINIMUM LOT AREA: A. with public sewer B. without public sewer. C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* * see Note (k)	10,000 sq ft 1 acre 5,000 sq ft 20,000 sq ft State Minimum	20,000 sq ft 1 acre 10,000 sq ft 20,000 sq ft State Minimum	1 acre 1 acre 20,000 sq ft 20,000 sq ft State Minimum	2 acres 2 acres 1 acre 1 acre State Minimum
MINIMUM WIDTH OF LOTS: Shore Frontage	N/A	N/A	N/A	N/A
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland Great Ponds Public or private road* * see Note (c) <u>Private Roads or property lines**</u> ** see Note (c) and Note (d)	75 ft N/A 20 ft 10 ft	75 ft N/A 30 ft 15 ft	75 ft N/A 30 ft 15 ft	75 ft N/A 30 ft 25 ft
MAXIMUM LOT COVERAGE	40%	40%	40%	40%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	20 ft	20 ft	20 ft	20 ft

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	SR1 see Note (f)	SR2 see Note (f)	SR3 see Note (f)	SR5 see Note (f)	VR 3 see Note (f)
DIMENSIONS see Notes (b) (h²)					
MINIMUM LOT AREA: with public sewer	1 acre	2 acres	3 acres	5 acres	5 acres
without public sewer	N/A	2 acres	3 acres	5 acres	5 acres
MINIMUM WIDTH OF LOTS: Shore Frontage	200 ft	200 ft	200 ft	200 ft	200 ft
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft	75 ft	75 ft	75 ft	75 ft
Great Ponds (n)	100 ft (n)	100 ft (n)	100 ft (n)	100 ft (n)	100 ft (n)
Public or private road* * see Note (c)	50 ft	50 ft	50 ft	50 ft	50 ft
Private Roads or property lines** ** see Note (c) and Note (d)	25 ft	25 ft	25 ft	25 ft	25 ft
MAXIMUM LOT COVERAGE	20%	20%	20%	20%	40%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	30 ft	30 ft	10 ft

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h¹)					
MINIMUM LOT AREA: A. with public sewer B. without public sewer C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* * See Note (k)	2 acres 2 acres 1 acre 1 acre State Minimum	3 acres 3 acres 1.5 acres 1.5 acres State Minimum	5,000 sq. ft.** 1 acre 5,000 sq. ft. State Minimum 5,000 sq. ft. ** See Note (p)	1 acre 1 acre N/A N/A N/A	3 acres 3 acres N/A N/A N/A
MINIMUM WIDTH OF LOTS: Shore Frontage	NA	NA	N/A	100 ft	250 ft
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland Great Ponds (n) Public or private road* * see Note (c) <u>Private Roads or property</u> <u>lines**</u> ** see Note (c) and Note (d)	75 ft N/A 60 ft 25 ft	75 ft N/A 60 ft 25 ft	75 ft N/A 10 ft or -0- ft from edge of public sidewalk 5 ft(o)	75 ft N/A 25 ft 5 ft	75 ft 100 ft (n) 50 ft 25 ft
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	N/A	10 ft	30 ft

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NOTES:

(b) Refer to setback as defined in Section 8.

(c) Public roads are measured from edge of road surface, or edge of legally established right of way if no road exists. Where the setback is from a private road or right-of-way, the setback shall be equal to the property line setback requirements of the district in which the property is located.

SECTION 8 DEFINITIONS

SETBACK: The horizontal distance measured in a straight line from any property line, shoreline, or road (or edge of legally established right-of-way if no road exists) abutting a lot or property to the nearest part of a structure or other regulated object or area. Setback shall apply to all sides of a lot having shore frontage or road frontage, unless stated otherwise within this Ordinance. For the purpose of setback requirements, fences, walls, signs, roads, parking areas & driveways shall not be considered structures, except that roads, walls, parking areas, and driveways must meet shoreline setbacks. ~~Where the setback is from a private right-of-way, the setback shall be equal to the property line setback requirements of the district in which the property is located.~~

Appendix E (Article 24; pg. 11)



Mount Desert Fire Department

Michael Bender, Fire Chief
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5111 Fax 207-276-5732

Web Address www.mtdesert.org
firechief@mtdesert.org

Project Background

The Town of Mount Desert was served by four independent, all-volunteer fire department until March 2001 when its first full-time fire chief was hired. Over the next fifteen years three additional full-time firefighters were added to supplement the on-call force which had begun to slip in numbers. This enable the station in Northeast Harbor to be staffed during daytime hours, seven days a week, when many of our on-call members would not be available. Outside those hours, coverage was dependent upon on-call firefighters responding from home. This system that we have utilized to deliver these services has performed adequately for many years. However, at this time a decline in the availability of our on-call firefighters coupled with increasing requests for services has adversely impacted the ability of our organization to meet the demands of the community and maintain the incident scene safety of our personnel.

Northeast Harbor Fire Station

The current Northeast Harbor Fire station, constructed 41 years ago, was built to serve the village of Northeast Harbor and house an all-volunteer fire and EMS department. Separate, nonprofit fire departments also existing to serve the villages of Seal Harbor, Somesville and Otter Creek. Although the station in Northeast Harbor has been well maintained, the current space was designed and constructed for an all-volunteer fire and EMS department during the 1980's and cannot adequately serves the needs of the department as it will transition to 24 hours a day, 7 days a week staffing model.

In 2019 plans were being developed to make improvements to the Northeast Harbor fire station to allow for firefighters and EMT's to work 24 hours shifts, resulting in around the clock fire and EMS coverage for the Town of Mount Desert. This required adding mixed gender sleeping quarters, kitchen/dining/dayroom facilities, meeting room, fitness room and additional storage. Over the past several months numerous options were investigated with most either being too expensive or not location friendly. Then in February of 2021, the Town was notified that the Northeast Harbor Ambulance Service would no longer be able to provide Emergency Medical Service to the community. It was decided that the fire department was best suited to assume the role of delivering these services to the Town. This changed forced us to take another look at how we intended to staff our fire stations and it soon became apparent that the department would need to increase staffing to meet the demands of both fire and EMS calls. In order to offer this coverage to a wider area, it made sense to split duty crews with two staff members assigned to the

Somesville station and two at the Northeast Harbor station. Each will be staffed 24 hours a day, 7 days a week with cross-trained firefighters/EMT's which is the most common fire service schedule in use today. As the call volumes continues to rise almost every year, our volunteer membership is harder pressed to be available around the clock, especially during the evening and weekend hours when many calls are handled. This around the clock coverage would aid in providing a more immediate response to calls both during the day and help ensure that advanced life support is available 24/7 as required by current ambulance certification level.

Included in this appendix is the conceptual plans to add a second story and a fourth truck bay on to existing Northeast Harbor fire station. This major renovation would include the removal of the roof and adding a second floor. Fire and EMS services would be temporarily relocated to the Seal Harbor and Somesville fire stations during construction. As you review these plans please keep in mind that these are conceptual only and may change slightly during the design phase. Article XX asks for authorization to use funds for professional technical services during this design phase. This will include, but not limited to detailed site, building, elevation and structural plans, HVAC, electrical and plumbing plans, permitting, construction drawings, costs estimates and final bid sets. Construction bids will be solicited and presented at the 2022 Town Meeting for review and requested voter approval.

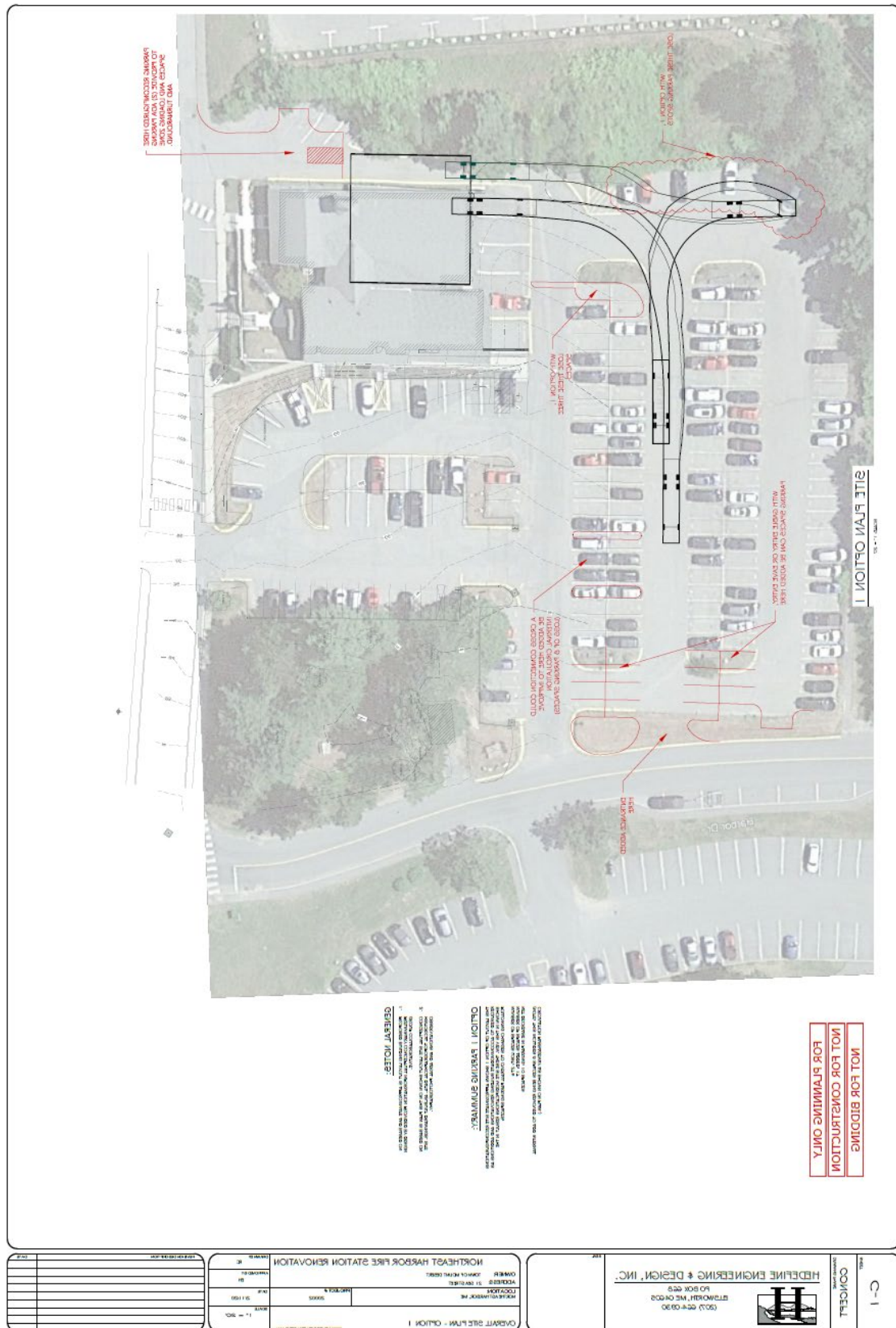
Summary

Over the last ten years, the Mount Desert Fire Department has slowly been transitioning from all volunteer staffing model to a combination department with a mix of full-time and on-call firefighters. I can assure you that it is not my desire or intention to create a fully paid fire department within the Town of Mount Desert but rather continue with this combination staffing model as long as we can maintain an on-call force. The community has been well served by the mostly volunteer fire departments and I strongly feel that this needs to continue to retain both the volunteer spirit and level of professionalism demonstrated by MDFD from its inception. None-the-less, I do believe that we have reached a crossroads in the evolution of the fire service in Mount Desert and must, for the benefit of our community, add more paid personnel to relieve the stress on both paid staff and volunteers alike. This project will allow for the department to continue with additional staffing plans that is based upon demands for service within our community.

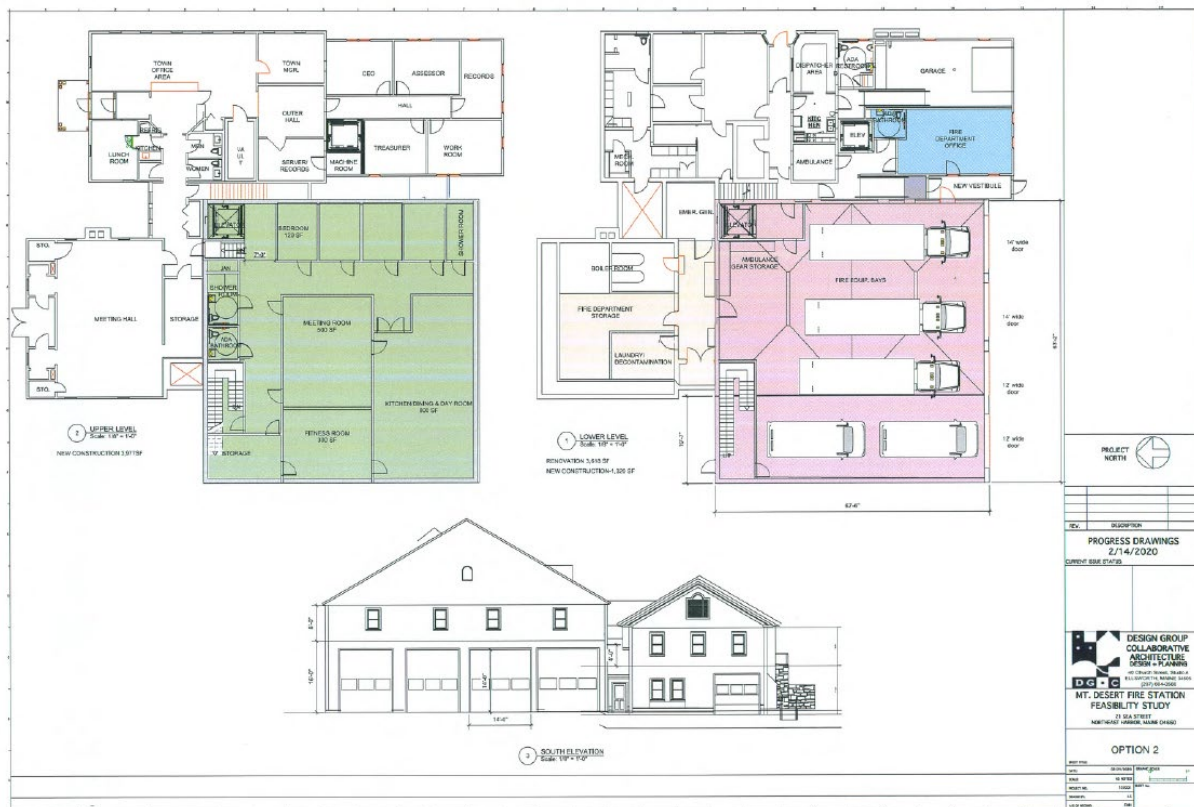
Sincerely,



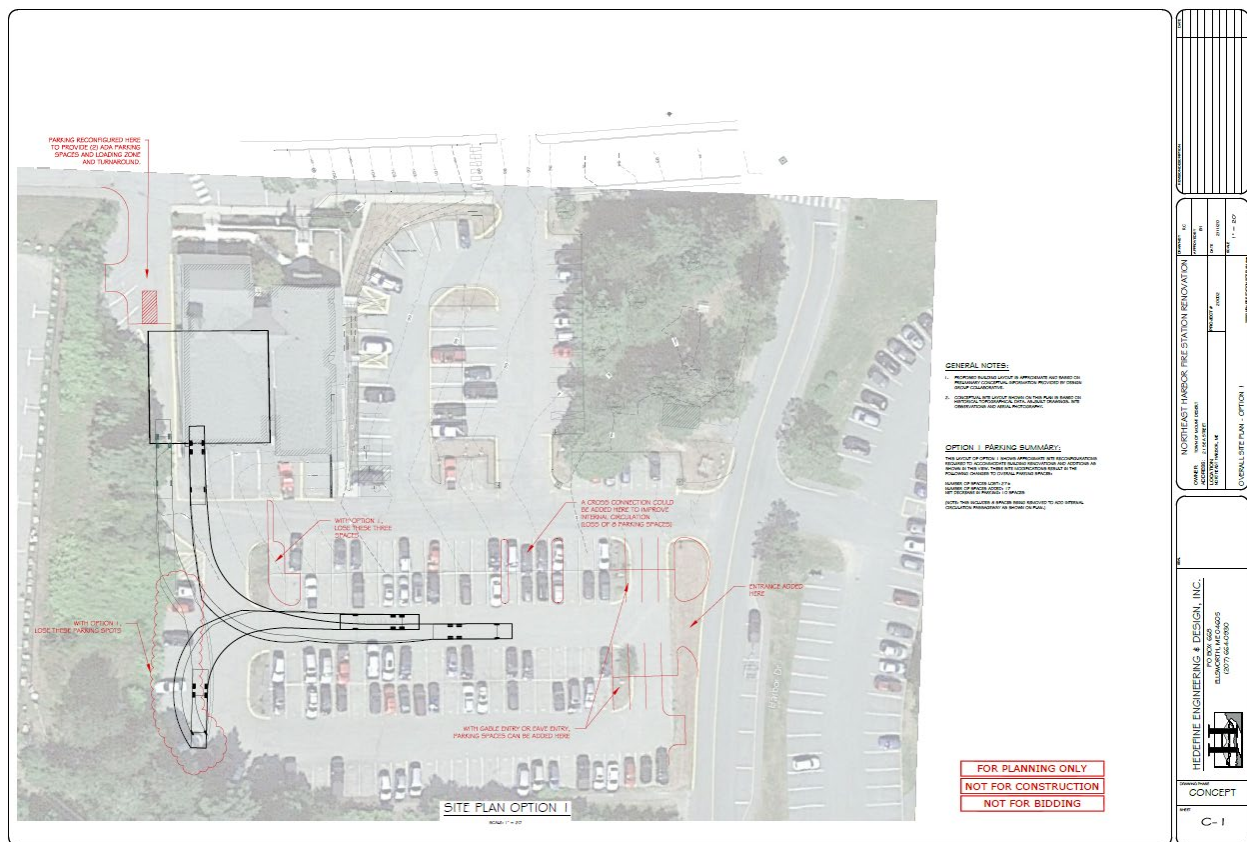
Michael D. Bender
Fire Chief



Appendix E Option 2 (Article 24; pg. 11)



Town of Mount Desert						
Opinion of Probable Cost for Construction of Fire Department Expansion: Option 2						
(Based on concept documents dated 2/20/20)						
PROJECT #:	20002	NOTES:	total values are rounded up to next 100			
DATE:	2/21/2020					
BY:	EH					
Checked/mod:	EH					
ITEM		UNIT	UNIT COST	QUANTITY	COST: Upper	Lower end
General Site Work		Lump	\$ 115,000	1	\$ 115,000	\$ 115,000
Electrical Service extension		Lump	\$ 12,000	1	\$ 12,000	\$ 12,000
Misc site demolition		Lump	\$ 12,000	1	\$ 12,000	\$ 12,000
General Building: new		SF	\$ 300	5297	\$ 1,589,100	\$ 1,324,250
General Building: reno		SF	\$ 250	3618	\$ 904,500	\$ 723,600
Ledge		Lump	\$ 51,000	1	\$ 51,000	\$ 51,000
New Generator		Lump	\$ 55,000	1	\$ 55,000	\$ 55,000
Project Contingency		Lump	410,800	1	\$ 410,800	\$ 343,928
				Total Opinion of	\$ 3,149,400	\$ 2,636,800
				Probable Cost:		



Appendix F (Article 57; pg. 20)

RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

PREFACE : This document was drafted and reviewed by the Climate Emergency Action Coalition in collaboration with the College of the Atlantic's sustainability group [Earth], and the Town of Mount Desert Sustainability Committee.

WHEREAS , in October 2018, the United Nations released a special report which projected that limiting planetary warming to 1.5°C target within this century will require an unprecedented transformation of every sector of the global economy by 2030;

WHEREAS , the Gulf of Maine is warming faster than other oceans around the world as a result of global

temperature rise. posing a serious risk to the fishing industry in Downeast Maine, as well as the state-wide economy. Additionally, climate change caused sea-level rise is eroding wetlands and beaches, increasing damage and vulnerability of the Town of Mount Desert and other coastal towns during severe storms;

WHEREAS , climate change has led to marked shifts in seasonal temperature changes. which threaten the

natural ecosystems of Mount Desert Island, economic activity such as tourism and seasonal recreation, and public health, such as an increase in tick-borne illnesses like Lyme Disease

WHEREAS , over 1480 local, county, and national governments worldwide, including the town of Bar Harbor, Portland, South Portland, and Brunswick have passed a declaration of Climate Emergency and committed to taking emergency action to restore a safe and stable climate

WHEREAS , restoring a safe and stable climate will require swift and immediate action on the part of communities across the nation and worldwide, and the Town of Mount Desert can initiate strong climate policies, procedures and infrastructure changes as part of an emergency climate response by towns throughout Maine;

NOW BE IT THEREFORE RESOLVED , the Town of Mount Desert declares that the climate emergency represents a clear and present danger to all life in the Town of Mount Desert and on Mount Desert Island, and is threatening the cultural, social and economic well-being of our community;

BE IT FURTHER RESOLVED , the Town of Mount Desert commits to an effort to reverse global warming and the current ecological crisis, which, with appropriate financial and regulatory assistance from State and Federal authorities, will:

(a) initiate additional greenhouse gas reductions and reduce as much as possible town-wide greenhouse gas emissions no later than December 31, 2030;

(b) prioritize zero-carbon solutions for local electricity, heating, and transportation systems towards the goal of a zero-emission, energy-independent Mount Desert Island as quickly as possible and no later than December 31, 2030; and,

(c) ensure a fair and reasonable transition for all residents;

BE IT FURTHER RESOLVED , the Town of Mount Desert Board of Selectmen directs the Sustainability Committee to work with key stakeholders, including local youth, to collaboratively plan the town's climate emergency response, including emergency climate mitigation and education programs, and to develop proposals to be submitted to the Board of Selectmen for implementation and integration into the Town of Mount Desert Comprehensive Plan;

;

,

;

BE IT FURTHER RESOLVED , that the Town of Mount Desert Board of Selectmen charges the Sustainability Committee with coordinating, in collaboration with key stakeholders, proposals for Town efforts towards the expedient reduction of greenhouse gas emissions across the community, as well as developing funding proposals to support such initiatives;

BE IT FURTHER RESOLVED , the Town of Mount Desert, in collaboration with key stakeholders, commits to engaging our residents and local stakeholders in educational activities and public

deliberations on the climate emergency, ensuring that local voices will participate in all climate initiatives;

BE IT FURTHER RESOLVED , the members of the Town of Mount Desert Board of Selectmen request the Town Manager to send this resolution to the Town's state and federal legislative delegations, to the Governor of Maine, and to the President of the United States

Given under our hands at Mount Desert this ____ day of _____ 2021, the Selectmen of the Town of Mount Desert:

John Macauley, Chairman

Matthew Hart, Vice Chairman

Wendy Littlefield, Secretary

Martha Dudman

Geoffrey Wood

Appendix G; Article 39; pg.14
Estimated Tax Rate

2012-2013 ESTIMATED TAX RATE						
		2012-2013	% Change	2011-2012	Increase / (Decrease)	
Municipal Budget (a)		\$7,392,382	1.79%	\$7,262,117	\$130,265	0.01794
Less Projected Revenues (b)		\$1,455,563	-2.33%	\$1,490,260	(\$34,697)	
Net Municipal Budget		\$5,936,819	2.86%	\$5,771,857	\$164,962	
Elementary School (c)		\$3,358,475	14.85%	\$2,924,277	\$434,198	
High School (d)		\$2,491,147	3.01%	\$2,418,314	\$72,833	
Hancock County Tax (e)		\$787,920	3.09%	\$764,268	\$23,652	
Amount To Be Raised		\$12,574,361	5.86%	\$11,878,716	\$695,645	
Assessed Valuation (f)		\$2,011,426,435	-0.48%	\$2,021,144,035	2011 Actual Valuation	
Estimated 2012-2013 Tax Rate		0.00625	6.14%	0.00589	\$0.00036	
2012-2013 TAX RATE / OVERLAY						
Est. 2012-2013 Valuation @ \$6.28		\$12,631,758		2011-2012 Tax Rate	\$5.89	per \$1,000
less 2012-2013 amount to be raised		\$12,574,361		2012-2013 Tax Rate	\$6.28	per \$1,000
Overlay		\$57,397		% Increase In Tax Rate	6.62%	
Each \$0.10 on the tax rate raises	\$198,200					
To Reduce Mill Rate by:	\$0.10	Requires either reducing		\$198,200		
	\$0.20	spending or increasing		\$396,400		
	\$0.30	revenues by some		\$594,600		
	\$0.40	combination thereof.		\$792,800		
	\$0.50			\$991,000		
	\$0.60			\$1,189,200		
	\$0.70			\$1,387,400		
	\$0.80			\$1,585,600		
	\$0.90			\$1,783,800		
	\$1.00			\$1,982,000		
(a) = Current Version of Budget						
(b) = 2012-2013 Projected Revenue						
(c) = Elementary School Budget						
(d) = High School Budget						
(e) = Hancock County Budget						
(f) = Change In Assessed Value						

Appendix G; Article 39; pg.14
Tax Levy Limit Worksheet

STATE PLANNING OFFICE - 2012 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET		
<p>CALCULATE 2010-2011 CHANGE IN REVENUE SHARING (previously "NET NEW STATE FUNDS")</p> <p>- Determine if revenue sharing increased or decreased. All towns should use calendar-year revenue.</p> <p>8. Calendar-Year 2010 Municipal Revenue Sharing \$53,439</p> <p>9. Calendar-Year 2011 Municipal Revenue Sharing \$53,649</p> <p>10. If Line 9 is greater than Line 8, then complete 10A & 10B below. Otherwise go to Line 11.</p> <p style="margin-left: 20px;">A. Multiply Line 8 by Line 7. \$54,718</p> <p style="margin-left: 20px;">B. Calculate Line 9 minus Line 10A. Enter result at right and skip Line 11. \$0 (If result is negative, enter "0".)</p> <p>11 If Line 9 is less than Line 8, then calculate Line 8 minus Line 9. Enter result at right. \$</p>		
<p>CALCULATE THIS YEAR'S (2012) MUNICIPAL PROPERTY TAX LEVY LIMIT</p> <p>- This year's Property Tax Levy Limit is last year's limit increased by the Growth Factor and adjusted for revenue sharing.</p> <p>12 Apply Growth Limitation Factor to last year's limit. (Line 1 multiplied by Line 7) \$6,174,986</p> <p>13 THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT</p> <p style="margin-left: 20px;">If Line 9 is greater than Line 8 (revenue sharing increased), you <u>MUST</u> subtract Line 10B from Line 12. This is <u>required</u>. OR If Line 9 is less than Line 8 (revenue sharing decreased), you <u>MAY</u> add Line 11 to Line 12. This is <u>optional</u>.</p> <p>- Enter result at right. \$6,174,986</p>		
<p>CALCULATE THIS YEAR'S (2012) MUNICIPAL PROPERTY TAX LEVY</p> <p>- The information needed for this calculation is on the 2012 <i>Municipal Tax Assessment Warrant</i>, filed in the Valuation Book. Use estimates if necessary.</p> <p>A. This year's Municipal Appropriations (Line 2, 2012 <i>Municipal Tax Assessment Warrant</i>) \$7,392,382</p> <p>B. This year's Total Deductions (Line 11, 2012 <i>Municipal Tax Assessment Warrant</i>) \$1,455,563</p> <p>C. If necessary, enter any revenue included in Total Deductions that paid for non-municipal appropriations, such as schools. (If all deductions paid for municipal appropriations, enter "0".) \$</p> <p>14 THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY (Add Lines A and C, and subtract Line B) \$5,936,819</p>		
<p>15 COMPARE this year's MUNICIPAL PROPERTY TAX LEVY to the LIMIT (Line 13 minus Line 14) \$238,167 (If the result is negative, then this year's municipal property tax levy is greater than the limit.)</p> <p>16 Did the municipality vote to <u>EXCEED</u> the limit <u>ONCE</u> (just this year)? <input type="checkbox"/> NO <input type="checkbox"/> YES (Voting to exceed the limit means the municipality will calculate next year's limit based on line 13.)</p> <p>If "yes", please describe why: _____ _____ _____</p>		
<p>17 Did the municipality vote to <u>INCREASE</u> the limit <u>PERMANENTLY</u> (for current and future years)? <input type="checkbox"/> NO <input type="checkbox"/> YES (Voting to increase the limit means the municipality will calculate next year's limit based on line 14.)</p> <p>If "yes", please describe why: _____ _____ _____</p>		
STATE PLANNING OFFICE - 2012 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET		

The Registrar gives notice that she will be in session at her office, 21 Sea Street, Northeast Harbor, in said Town of Mount Desert on last 5 business days before the Town Meeting April 26-30, 2021 from nine o'clock in the forenoon to four thirty o'clock in the afternoon of each day, and from five o'clock to seven o'clock in the evening on WEDNESDAY, April 28, 2021, before the Town Meeting for the purpose of receiving applications of persons claiming the right to vote in said Town.


Given under our hands at Mount Desert this 21st day of April 2021, the Selectmen of the Town of Mount Desert:

John Macauley, Chairman

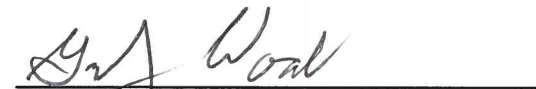


Matthew Hart, Vice Chairman

Wendy Littlefield, Secretary



Martha Dudman



Geoffrey Wood

Attest: A True Copy

Town Clerk, Mount Desert

RETURN ON THE WARRANT

Hancock County, ss

State of Maine

TO: The Municipal Officers of the Town of Mount Desert

I certify that I have notified the voters of the Town of Mount Desert of the time and place of the Annual Town Meeting by posting an attested copy of the within warrant as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION OF POSTING</u>
_____	_____	<u>Town Office, Northeast Harbor</u>
_____	_____	<u>Post Office, Northeast Harbor</u>
_____	_____	<u>Post Office, Seal Harbor</u>
_____	_____	<u>Post Office, Mount Desert</u>

being public and conspicuous places in said Town and being at least ten (10) days prior to the date of the Annual Town Meeting.

Dated at Town of Mount Desert: _____

Attest:

David Kerns, Constable
Town of Mount Desert