



Town of Mount Desert  
Board of Selectmen  
Agenda

**Special Meeting**  
**Monday, February 26, 2018**  
**Location: Meeting Room, Town Hall, Northeast Harbor**

- I. Call to order at 4:00 p.m.**
- II. Old Business**
  - A. *Review and Votes on Warrant Articles for May 7 and 8, 2018 Annual Town Meeting*
- III. Other Business**
  - A. *Such other business as may be legally conducted*
- IV. Adjournment**

The next regularly scheduled meeting is at 6:30 p.m., Monday, March 5, 2018 in the Meeting Room, Town Hall, Northeast Harbor



## Town of Mount Desert

Claire Woolfolk, Town Clerk  
21 Sea Street, P.O. Box 248  
Northeast Harbor, ME 04662-0248

### Listing of Non-Standard Warrant Articles 2018 Annual Town Meeting

	<u>Pending</u>	<u>Completed</u>
<b>Ordinances</b>		
Article 6. – Solid Waste Ordinance <i>Appendix A</i>		X (TS)
Article 7. – Public Road Acceptance Ordinance		X (NM)
Article 8. – CUA Amendments		X (NM)
Article 9. – Land Use 1 & 2 Family Dwelling		X (NM)
Article 10. – Land Use Shoreland Corrections <i>Appendix B</i>		X (NM)
Article 11. – Land Use Rooming Houses		X (NM)
Article 12. – Land Use Min. Area Per Dwelling Unit in VC District		X (NM)
Article 13. – Land Use Footnote G		X (NM)
Article 14. – Land Use Footnote O		X (NM)
Article 15. – Land Use New Lot amendment		X (NM)
Article 16. – Land Use Animal Husbandry		X (NM)
<b>Leases, Agreements, Easements, Deeds</b>		
Article 21. – Island Housing Trust A Road Acceptance	X (TS)	
Article 22. – Island Housing Trust B Sewer Acceptance		X (TS)
Article 23. – DOT Agreement/Rt 198 <i>Appendix C 1&amp;2</i>	X (TS)	
<b>Fiscal Policy</b>		
Article 24. – DOT/Rt 198 Funding	X (TS)	
Article 25. – DOT/Rt 198 Carry Forward		X (TS)
Article 26. – Northeast Harbor Village Streetscape Design <i>Appendix D</i>	X (TS)	
Article 27. – Sylvan Road Drainage Project <i>Appendix E</i>	X (TS)	
Article 28. – Unused State Revolving Loan Funds (SRF)		X (TS)
<b>Municipal Revenue</b>		
Article 39. – Bicycle Access		X (TS)
Article 40. – Crosswalks A <i>Appendix F</i>	X (TS)	
Article 41. – Crosswalk Design B	X (TS)	
Article 42. – Summit Road Improvements		X (TS)
Article 43. – Northeast Harbor Village Green Irrigation System		X (TS)
<b>Moratorium</b>		
Article 76. – Marijuana Moratorium		X (DL)

# **Town of Mount Desert**

## **Annual Town Meeting Warrant Fiscal Year 2018 – 2019**

**As presented at the  
Annual Town Meeting  
May 7 & 8, 2018**

**As of 2/23/2018**

## **Table of Contents**

**Warrant Committee Report**

**Warrant Committee**

**Greeting**

**Election of Moderator**

**Election of Municipal Officers**

**Non-Voter recognition**

**Animal Welfare**

**Ordinances**

**Gifts**

**Leases, Agreements, Easements, Deeds**

**Fiscal Policy**

**Selectman Compensation**

**Municipal Revenue**

**Municipal Appropriations**

**Marina Proprietary Fund**

**Elementary School Appropriations**

**Appendix A:**

**Appendix B:**

**Appendix C:**

**Appendix D:**

**2018-2019 Estimated Tax Rate**

**20xx Municipal Property Tax Levy Limit Worksheet (LD 1)**

**Municipal Expenditure Budget**

**Municipal Revenue Budget**

**Municipal Capital Improvement Plan**

**Marina Expenditure Budget**

**Marina Revenue Budget**

**Marina Capital Improvement Budget**

**Mount Desert Elementary School Department Budget**

**Warrant Committee Report**

report is usually 1 ½ pages

**Warrant Committee 2017-2018**

**Phil Lichtenstein, Co-Chair**  
**Jerry Miller, Co-Chair**

**Donna Beals**  
**Gordon Beck**  
**Ellen Brawley**  
**Samuel Burr**  
**Katrina Carter**  
**Owen Craighead**  
**Rodney Eason**  
**William Fern**  
**Jesse Hartson**  
**Brian Henkel**  
**Ellen Kappes**  
**Marina McGarr**  
**Samuel McGee**  
**Kathleen Miller**  
**Tim Murphy**  
**Frank Norris**  
**SeAnn Norris**  
**Norris Reddish**  
**Thomas Savage**  
**Seth Singleton**

Greeting

Comment [JN1]: ensure that Willis will be available to post Warrant, if not, it should be directed to someone who will be available to post and sign the return

State of Maine

Hancock County, ss

year

To: James K. Willis, Jr., 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 seventh day of May AD 2018 at seven-fifty o'clock in the forenoon, then and there to act on Article 1; and immediately thereafter to act on Article x until eight o'clock in the evening.

AND to notify and warn said voters to reconvene in the Kelley Auditorium, Mount Desert Elementary School, 8 Joy Road, Northeast Harbor, Maine in said Town, on Tuesday, the eighth day of May AD 2018 at six o'clock in the evening; then and there to act on Articles x through xx; 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 7, 2018 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 terms of three years, one trustee to the Mount Desert Island Regional School District for a term of one year, and one trustee to the Mount Desert Island Regional School District for a term of three years.

Comment [CW2]: Martha's Seat

Comment [CW3]: Heather Jones and Caroline Pryor

Comment [CW4]: Tony Smith

Comment [CW5]: Mia Thompson

Non-Voter Recognition

Article 3. To see if non-voters shall be allowed, when recognized, to speak during the 2018 Annual Town Meeting.

Board of Selectmen recommends
Warrant Committee recommends (XX Ayes; XX Nays)

Animal Welfare

**Article 4.** To see if the Inhabitants of the Town of Mount Desert will vote to approve an expenditure of \$500.00 from the Animal Welfare Reserve Account #4040700-24204 to Acadia Veterinary Hospital as a donation for the benefit of the Town of Mount Desert Feral Cat Program.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Ordinances**

For Articles x through xx, an underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

**Article 5.** Shall an ordinance dated May 8, 2018 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, 2018 through June 30, 2019 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 6.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Solid Waste Ordinance of the Town of Mount Desert" be enacted? **See Appendix A (pg. ~~XX~~)**

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 7.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Public Road Acceptance Ordinance regarding street design and construction standards" be enacted as follows?

**Explanatory Note: This amendment will correct the reference to where the required road standards can be found.**

**Public Road Acceptance Ordinance**  
*As adopted May 5, 2009 Annual Town Meeting*  
*Amended May 8, 2018 Annual Town Meeting*

The Citizens of the Town of Mount Desert do ordain a Public Road Acceptance Ordinance be adopted as follows:

WHEREAS, the Town has identified several private roads where maintenance including: plowing, sanding, grading and bituminous repairs have been requested of the Town by the

private owners, and

WHEREAS, the Board of Selectmen have requested that private/public roads be identified and listed along with an assessment of their condition, size, use, benefit to the public and future need, and

WHEREAS, it is the intention of this ordinance to identify those private roads which by the nature of their condition, use and location would be more appropriate with a "Public" designation.

NOW, THEREFORE BE IT RESOLVED, that to become "public", a road or road section must meet the following conditions:

1. The road must meet the "Street/Road Design and Construction Standards" of the Mount Desert Land Use Zoning Ordinance ("LUZO") Subdivision Ordinance, which standards are currently listed in ~~LUZO c. 6B.18~~ Section 5.14.
2. The current private owner(s) are willing to sign over all title, rights and responsibilities without reservations to the 50' wide, right of way. Legal costs of the deed to the own shall be borne by the private owner(s).
1. The current private owner(s) shall ask the Public Works Director to certify in writing to the Board of Selectmen that the above-stated conditions have been met.
2. The current private owner(s) shall provide to the Town Manager evidence of good and marketable title in and to the proposed road in the form of an attorney's title opinion letter or a commitment for title insurance.
3. The Town Manager shall request from an attorney a letter certifying that said attorney's title opinion letter or said title insurance commitment sufficiently protects the Town's interests.
4. Upon receipt of the afore-mentioned two letters, the Selectmen will recommend the request for "Public" Designation as an article in the next succeeding regular Town Warrant. Following Town Meeting approval, the Town of Mount Desert will accept title and all future rights and responsibilities, including maintenance, repair and replacement as necessary and the road shall be deemed "Public". The Selectmen may, at their option, agree to placing potential acceptance of a road on the warrant, contingent on its reconditioning by the private owner(s) after approval by Town Meeting and before becoming "Public".
5. When a road is accepted by the Town Meeting as a "public" road, and after the deed for the land beneath said road has been duly recorded at the Hancock County Registry of Deeds, the road shall be placed on any "Road Inventory" regularly kept by the Town.

NOW THEREFORE BE IT FURTHER RESOLVED should the current owner(s) fail, or be unwilling, to meet the above-stated conditions, then:

1. The road shall remain private;



2. All repairs and maintenance of the road and its appurtenances shall be the responsibility of the owner(s) at the sole cost of the owner(s);

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

The effective date of this Ordinance is: May 5, 2009.

This Ordinance shall expire and be of no force or effect on May 7, 2024.

Planning Board recommends passage  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 8.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance regarding amendments to Conditional Use Permits" be enacted as follows?

**Explanatory Note:** *This amendment allows the CEO to approve minor amendments to Conditional Use Permits and clarifies that the requirements for an application and approval for other amendments are the same as they are for the original application.*

**2.4 Conditional Uses.** Conditional uses may be permitted only after review and approval by the Planning Board – except where the Code Enforcement Officer is authorized under the Standards of Section 5.6 to authorize minor changes in the placement and size of improvements for an approved conditional use permit – and only if specific provisions for such conditional uses are made in this Ordinance. The Standards of Section 6A and the applicable standards of Section 6B and 6C of this Ordinance shall apply at all times.

### **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, 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**

## **SECTION 5 CONDITIONAL USE APPROVAL**

.

.

.

### **5.6 Amendment**

An amendment to a Conditional Use Approval may be issued by the Planning Board only:

1. in conformity with the procedural and substantive requirements set forth in Section 6A and the applicable standards of Section 6B and 6C;
2. on finding that there have been significant changes of conditions or circumstances; and
3. when justified by a statement of findings of fact and reasons.

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Ordinance, and the conditional use permit and approved site plan are amended accordingly.

Minor changes. The Code Enforcement Officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit if the Code Enforcement Officer determines that the changes are consistent with the findings made by the Planning Board in connection with the approval of the conditional use permit and the standards of Section 6 of the Land Use Ordinance. The Code Enforcement Officer must also make a separate determine whether the minor changes are consistent with the standards of Section 6 of the Land Use Ordinance.

Other Changes. Changes to an approved conditional use permit, other than minor changes in the placement and size of improvements, shall require amendment to the conditional use permit by the Planning Board. The requirements for application and approval of a conditional use permit amendment shall be the same as the requirements for original application and approval.

Planning Board recommends passage

Warrant Committee recommends (XX Ayes; XX Nays)

**Article 9.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance to allow the CEO to approve 1 and 2 family dwellings and accessory structures in the Village Commercial and Shoreland Commercial" be enacted as follows?

***Explanatory Note: This amendment will allow the CEO to approve 1 and 2 family residential dwellings in the Village Commercial and Shoreland Commercial Zones.***

#### **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
- X** Use is prohibited
- CEO** Use allowed with a permit from the code enforcement officer

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- 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 following pages

Section 3.4 Permitted, Conditional, and Excluded Uses by District

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
<b>RESIDENTIAL</b>									
Dwelling 1 & 2 family	CEO	CEO	CEO <sub>(d)</sub>	CEO	<u>GCEO</u>	<u>GCEO<sub>(d)</sub></u>	C	C <sup>B</sup>	C <sup>4</sup>
Dwelling, Multiple	C	C	C	C	C	X	C	X	X
Accessory Residential Dwelling Unit	CEO	CEO	CEO	CEO	CEO	C	C	C <sup>B</sup>	C <sup>4</sup>
Accessory structures including structural additions and guest houses <sub>(c)</sub>	CEO	CEO	CEO	CEO	<u>GCEO</u>	<u>GCEO</u>	C	C <sup>B</sup>	C <sup>4</sup>
	C	C	X	C	C	X	X	X	X

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
Cluster and Workforce Subdivisions									
Mobile Home Park	C	X	X	X	X	X	X	X	X
<small>(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.  <small>(d) See Section 6B.10.3 (Lots)</small> </small>									

Planning Board recommends passage  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 10.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Land Use Zoning Ordinance to Correct Errors in Consistency with State Mandated Shoreland Zoning" be enacted as follows? *See Appendix B (pg. XX)*

**Explanatory Note:** *This Article amends the Land Use Zoning Ordinance in specific matters to be consistent with mandatory State Shoreland Zoning Rules as required by the Maine Department of Environmental Protection as to those matters.*

Planning Board recommends passage  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 11.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance to allow rooming houses in the Village Commercial Zoning district" be enacted as follows?

**Explanatory Note:** *This amendment will allow rooming houses in the village commercial district.*

**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
- X** Use is prohibited

**CEO Use allowed with a permit from the code enforcement officer**

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- 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 following pages

**Section 3.4 Permitted, Conditional, and Excluded Uses by District**

LAND USE:	Districts									
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP	
<b>COMMERCIAL</b>										
Retail Stores: clothing, hardware, paints, grocery, books, art, gifts, antiques, etc.	X	X	X	C	CEO	X	X	X	X	
<u>Rooming House</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
Services 1: personal (wholly enclosed), hairdressing, barber, tailor, dressmaker, sewing, tanning parlor, etc.	C	C	C	C	CEO	X	C	X	X	

**6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES**

**6B.20 Rooming House**

1. Rooming Houses must meet all applicable life safety standards.
2. No more than one rooming house per lot is allowed
3. All sleeping rooms shall be a minimum size of 70 square feet for one occupant and 120 square feet for two occupants, plus 50 square feet for each additional occupant.
4. Residents must have access on-site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on-site must be available to the residents.
5. No cooking is permitted in any sleeping room. No cooking facilities are permitted in any sleeping room.
6. No bathroom facilities are permitted in any sleeping room. There shall be a minimum of 1 bathroom facility per floor.

**SECTION 8 DEFINITIONS**

1. **ROOMING HOUSE.** A building or portion thereof that does not otherwise qualify as a one or two-family dwelling, and that provides sleeping accommodations for a total of 16 or fewer people on a transient basis (i.e., no less than 30 days) or on a permanent basis; the rooming house shall provide an onsite shared cooking facility for access by all occupants, but there shall be no other separate cooking facilities for individual occupants.

Planning Board recommends passage  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 12.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance and Town of Mount Desert Subdivision Ordinance regarding Minimum Area Per Dwelling Unit in Village Commercial District" be enacted as follows?



**Explanatory Note: This amendment will create a minimum area per dwelling unit in the Village Commercial District. For example, a legally established lot of 3500 square feet with public sewer could have up to 3 dwellings units.**

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

<b>DISTRICTS</b>	<b>RW2</b>	<b>RW3</b>	<b>VC</b> see Note (g)	<b>SC</b> see Note (e), (f) and (g)	<b>C</b> see Note (f) for those properties that are within the shoreland zone
<b>DIMENSIONS (b) (h')</b>					
<b>MINIMUM LOT AREA:</b> 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 see note (g) see note (g) ** See Note (p)	1 acre 1 acre N/A N/A N/A	3 acres 3 acres N/A N/A N/A
<b>MINIMUM WIDTH OF LOTS:</b> Shore Frontage	NA	NA	N/A	100 ft.	250 ft.
<b>SETBACKS FROM:</b> normal high water line of a water body (stream), tributary stream or upland edge of a wetland Great Ponds (n) public or private road* property lines** * see Note (c) ** see 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	75 ft. N/A 25 ft. 5 ft.	75 ft. 100 ft. (n) 50 ft. 25 ft.

				5 ft. (o)		
MAXIMUM COVERAGE	LOT	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS		30 ft.	30 ft.	N/A	10 ft.	30 ft.

NOTES:

- .
- .
- .

(p) For lots within the Village Commercial District that have public sewer, the minimum lot area required for each dwelling unit on a single lot is 1000 square feet.

- .
- .
- .

**Town of Mount Desert Subdivision Ordinance**

- .
- .

**5.7 Lots and Density**

- 5.7.1 The lot size, width, depth, frontage, shape and orientation and the minimum setback lines shall be in accordance with the Land Use Zoning Ordinance.
- 5.7.2 Where individual, on-site sewage disposal systems are to be utilized, the size of each lot shall be based on soil characteristics, and shall, as a minimum, conform to M.R.S.A. Title 12, Section 4807- A as amended.
- 5.7.3 The Planning Board shall determine if a division of land will be reviewed as a Cluster, a Workforce or a Conventional subdivision.

In order to conform to Section V of the Comprehensive Plan, special consideration shall be given to the preservation of open space and the character of the community in which the development is proposed.

1. Land Subdivisions: Density requirements shall be in accordance with Land Use Zoning Ordinance, Section ~~3.53-6~~ Dimensional Requirements for Districts. Dimensional requirements remain as stated in the Land Use Zoning Ordinance, Section ~~3.53-6~~.
2. Non-land subdivisions (multiple units within a single structure): Overall net density shall be in accordance with Land Use Zoning Ordinance, Section 3.5 Dimensional Requirements for Districts ~~not exceed two dwelling units per minimum lot size in the district.~~
3. Overall net density shall be determined by the total number of proposed dwelling



units and the total acreage (including open spaces and recreational areas) within the subdivision.

Planning Board recommends passage  
 Warrant Committee recommends (XX Ayes; XX Nays)

**Article 13.** Shall an ordinance dated May 8, 2018 and entitled regarding standards for residential uses in the Shoreland Commercial District" be enacted as follows?

**Explanatory Note: This amendment will change the requirements of Footnote G so that the requirement that residential uses meet the adjacent residential district standards only applies in the Shoreland Commercial District.**

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

DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
<b>DIMENSIONS (b) (h')</b>					
<b>MINIMUM LOT AREA:</b>					
A. with public sewer	2 acres	3 acres	5,000 sq ft.	1 acre	3 acres
B. without public sewer	2 acres	3 acres	1 acre	1 acre	3 acres
C. Cluster Subdivision w/sewer*	1 acre	1.5 acres	5000 sq. ft. see-note-(g)	N/A	N/A
D. Cluster Subdivision w/o sewer*	1 acre State Minimum	1.5 acres State Minimum	State Minimum see note-(g) 5000 sq. ft. see-note-(g)	N/A N/A N/A	N/A N/A N/A
E. Workforce Subdivision* * See Note (k)					
<b>MINIMUM WIDTH OF LOTS: Shore Frontage</b>	NA	NA	N/A	100 ft.	250 ft.
<b>SETBACKS FROM: normal high water line of a</b>					

water body (stream), tributary stream or upland edge of a wetland		75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Great Ponds (n)		N/A	N/A	N/A	N/A	100 ft. (n)
public or private road*		60 ft.	60 ft.	10 ft. or -0- ft. from edge of public sidewalk	25 ft.	50 ft.
property lines**		25 ft.	25 ft.	5 ft.(o)	5 ft.	25 ft.
* see Note (c)						
** see Note (d)						
MAXIMUM COVERAGE	LOT	15%	15%	75%	70%	15%
MINIMUM BETWEEN BUILDINGS	DISTANCE PRINCIPAL	30 ft.	30 ft.	N/A	10 ft.	30 ft.

**NOTES:**

- (b) Refer to setback as defined in Section 8.
- (c) Measured from edge of road surface, or edge of legally established right of way if no road exists.
- (d) In all districts restrictions on setback of structures from property lines may be varied or nullified by written agreement with the abutting property owner. Said agreement or a copy of said agreement showing signatures shall be filed at the Municipal Office.
- (e) The minimum SC setback from shoreline is 75 feet except for functionally water-dependent structures.
- (f) Within the shoreland zone: No new lot shall be created except in conformity with all of the requirements of this Ordinance for the district in which it is located. In addition to shore frontage, refer to Section 6B.10.4.3 for the required minimum lot width. For the required measurements, refer to shore frontage and minimum lot width in Section 8.
- (g) Primary residential use in a Shoreland Commercial District must meet the dimensional requirements of the adjacent residential district. This requirement does not apply to projects that include covenants held by a qualified workforce housing entity.

Planning Board recommends passage  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 14.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance add lots in the Village Commercial District to

**Footnote O** be enacted as follows?

**Explanatory Note: This amendment will add lots in the Village Commercial to Footnote O which will permit them to have a 0-foot setback.**

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

NOTES:

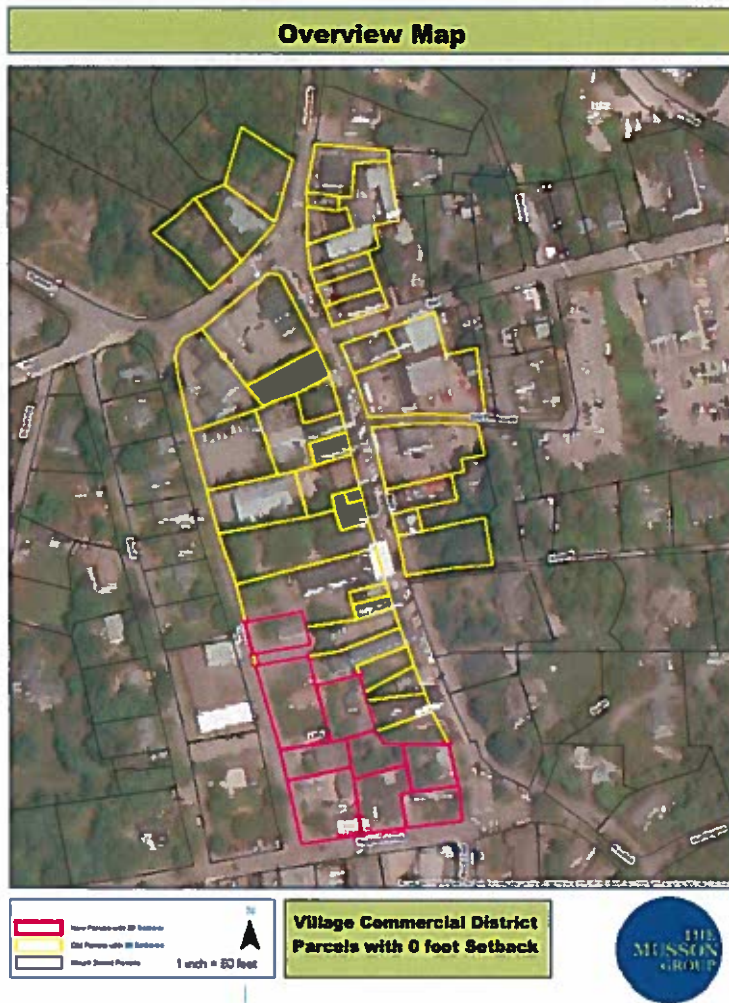
- .
- .
- .

(o) Setback from property lines in Village Commercial:

New or newly renovated structures on the following lots and any future subdivision of said lots may have a -0- foot side-setback if constructed in accordance with the current editions of the NFPA 101 Life Safety Codes & NFPA 5000 Building Construction and Safety Code, Maine State adopted codes, except on the side where affected lots abut structures whose primary use is residential. Rear setbacks are unaffected.

Tax Map 024: Lots 063-002, 073 through 081, 081-001, 082 through 086, 088 through 090, 102, 104, 106 through 108, & 109-003/109-004 Tax Map 026: Lots 004-001, 004-002, 008-002, & 057 through 063. (Added May 3, 2011)

Tax Map 024: Lots 64 through 072 (added May 8, 2018)



**Planning Board recommends**

Warrant Committee recommends (XX Ayes; XX Nays)

**Article 15.** Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance regarding the normal high-waterline setback from Map 009, Lot 120-010-001" be enacted as follows?

**Explanatory Note:** Map 9, Lot 120-10-1 is a newly created lot. The lot was created

**from Map 9, Lot 120-10 which has a 100-foot setback from a great pond. This amendment adds this standard to the new lot.**

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

.  
.  
.

**NOTES:**

(n) The setback from the normal high-water line of a great pond is 100 feet, except for these lots where the setback is 75 feet, indicated below.

**Map-Lot IDs for 75 ft. setback**

**Map-Lot IDs for 100 ft. setback**

**Long Pond & Echo Lake:**

All Lots

**Little Round Pond:**

012-018  
012-019  
012-019-001

**Little Round Pond:**

012-015-001  
012-020

**Round Pond:**

011-120  
011-122  
011-123  
011-124  
012-013

**Round Pond:**

011-90  
011-118  
011-119

**Little Echo Lake:**

009-098  
009-099  
009-100  
009-101  
009-102

**Little Echo Lake:**

009-107  
009-120-010  
009-120-010-001  
009-120-011  
009-097  
009-107-003

**Planning Board recommends passage**

Warrant Committee recommends (XX Ayes; XX Nays)

**Article 16.** "Amendments to the Town of Mount Desert Land Use Ordinance regarding Animal Husbandry and Animal Husbandry 2" be enacted as follows?

**Explanatory Note: This amendment would make the animal husbandry standards below applicable to all districts.**

**6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES.**

**6B.18. Animal Husbandry & Animal Husbandry 2 in the Village Commercial and Shoreland Commercial Districts**

- 1. Permit Required.** A building permit is required for the construction of a henhouse and chicken pen.
- 2. Number and Type of Chickens Allowed.**
  1. The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.
  2. Only female chickens are allowed. There is no restriction on chicken species.
- 3. Non-Commercial Use Only.** Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
- 4. Enclosures.**
  1. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard. Chickens shall be secured within the henhouse during non-daylight hours.
  2. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- 5. Odor.** Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- 6. Predators, Rodents, Insects, and Parasites.** The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.
- 7. Waste Storage and Removal.** Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Planning Board recommends passage



Warrant Committee recommends (XX Ayes; XX Nays)

#### Gifts

**Article 17.** 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  
Warrant Committee recommends (XX Ayes; XX Nays)

#### Leases, Agreements, Easements, Deeds, Sales [revise as necessary]

**Article 18.** 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, 2018 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  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 19.** 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, 2018 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  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 20.** 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  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 21.** Shall the residents of the Town of Mount Desert (the Town) vote to accept Farnham's Way and Sydney's Way, both being private roads located in the Village of Somesville off the Beech Hill Road, approximately 1,040 feet in length and 320 feet in length, respectively, and presently owned by the Island Housing Trust, and as requested by same in their correspondence to the Town dated February 9, 2018, as Public Roads, in conformance with the Towns Public Road Acceptance Ordinance as amended at the May 5, 2009 annual Town meeting and further, to authorize the Municipal Officers to execute all things necessary or convenient to facilitate successful completion of the transfer of ownership of the roads from the Island Housing Trust to the Town.

**Comment [CW6]:** Need reference to Redefine (TS)

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 22.** Shall the residents of the Town of Mount Desert (the Town) vote to accept the existing private sanitary sewer mains located in Farnham's Way and Sydney's Way as public sanitary sewer mains, a total length of sewer mains being approximately 1,200 feet, and presently owned by the Island Housing Trust and as requested by same in their correspondence to the Town dated February 9, 2018, as public sewers, and not including any building sewers, with said acceptance based on written documentation dated January 7, 2009 provided to the Town from the professional engineer of record responsible for the design and construction monitoring of the installation of the sewer mains for conformance to Town standards, with said documentation stating that the sewer mains meet the requirements of the existing Sewer Ordinance as amended at the May 8, 2012 annual Town meeting and generally accepted engineering practice and further, to authorize the Municipal Officers to execute all things necessary or convenient to facilitate successful completion of the transfer of ownership of the sewer mains from the Island Housing Trust to the Town.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 23.** Shall the Town of Mount Desert be authorized to enter into an agreement with the Maine Department of Transportation (the Agreement), a copy of which is included herein in Appendix D.1 the Agreement, in conformance with their Municipal Partnership Initiative program, for technical and construction services related to improvements of State Route 198 beginning approximately 0.10 miles (528-feet) northerly of its intersection with Sargeant Drive then proceeding in a northerly direction approximately 1.10 miles plus or minus on State Route 198 ending at or near a point in State Route 198 at or southerly of its intersection with State Route 233, said beginning and ending points shown on the attached project site map included herein in Appendix D.2 Site Map, with said improvements to be completed in 2018 - 2019 and in accordance with the Agreement including, but not necessarily being limited to, reclaiming (grinding and leaving in place) the existing pavement, grading and compacting these materials, construction of new base and surface pavement layers on the reclaimed materials, construction of four-foot (4') wide extended shoulder on each side of the road, drainage improvements and other typical roadway improvements associated with projects of this kind, and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all

**Comment [CW7]:** Need corrected agreement (TS)



things necessary or convenient to enter into this agreement with the Maine Department of Transportation? **See Appendix D.1 The Agreement (warrant pgs.XX-XX) and Appendix D.2 Site Map (warrant pg.XX) (placeholders at this time).**

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

### Fiscal Policy

**Article 24.** Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$500,000.00 (five hundred thousand dollars) to fund the Town's 50%-50% cost share for construction of roadway improvements to Route 198 in accordance with the agreement with the Maine Department of Transportation described in Article 1 above; and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the project?

### FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

**1. Total Town Indebtedness**

A.	Bonds outstanding and unpaid:	\$X,XXX.00
B.	Bonds authorized and unissued:	\$X,XXX.00
C.	Bonds to be issued under this Town Meeting Article	\$X,XXX.00
	<b>TOTAL</b>	<b>\$X,XXX.00</b>

**2. Costs**

At an estimated interest rate of xx% for a term of xx years, the estimated costs of this bond issue will be:

Principal	\$X,XXX.00
Interest	\$X,XXX.00
Total Debt Service	\$X,XXX.00

**3. Validity**

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

*Kathryn A. Mahan*  
Treasurer, Town of Mount Desert, Maine

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 25.** Shall the Town of Mount Desert be authorized to allocate any unspent funds originally appropriated in connection with the 2017-2018 State Route 198 Maine Department of Transportation's Municipal Partnership Initiative approved at the May 2017 Town Meeting to the work described in Article XX and Article XX, above?

Board of Selectmen recommends  
 Warrant Committee recommends (XX Ayes; XX Nays)

**Article 26.** Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$4,500,000.00 (placeholder amount) to finance professional technical and construction services associated with improvements to Main Street located in the Village of Northeast Harbor (the Project) to improve the appearance, functionality and vitality of the Main Street area beginning at or near the intersection of Main Street with Summit Road then continuing in a southerly direction along Main Street ending at or near the intersection of Main Street with Neighborhood Road, with said improvements to be in general conformance with the report prepared by consultants to the town entitled "Northeast Harbor Village Center Plan - Final Report" dated December 19, 2016, further described in said report as Area 1A - Main Street and generally described and illustrated in the site plan located in Appendix E Site Plan and to include, but not necessarily be limited to improved sidewalks, grading, drainage, roadway, utilities, including burying the overhead utility wires, plantings, lighting and other amenities and appurtenances required to complete the improvements, and further shall the Board of Selectmen be authorized to execute all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the Project? See Appendix E (pg. XX)

**Comment [CW8]:** Tony NEH Village Improvement

**FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

**1. Total Town Indebtedness**

A.	Bonds outstanding and unpaid:	\$X,XXX.00
B.	Bonds authorized and unissued:	\$X,XXX.00
C.	Bonds to be issued under this Town Meeting Article	\$X,XXX.00
	TOTAL	\$X,XXX.00

**2. Costs**

At an estimated interest rate of xx% for a term of xx years, the estimated costs of this bond issue will be:

Principal	\$X,XXX.00
Interest	\$X,XXX.00
Total Debt Service	\$X,XXX.00

**3. Validity**

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Kathryn A. Mahar  
Treasurer, Town of Mount Desert, Maine

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 27.** Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed **\$1,000,000** (placeholder amount at this time) to finance professional technical and construction services associated with improvements to **Sylvan Road, Pine Road, Spruce Road and Tennis Club Road** located in the Village of Northeast Harbor (the Project) and generally described and illustrated in the site plan located in **Appendix F Site Plan** to address surficial and subsurface drainage functionality in the general area to include, but not necessarily being limited to, improved grading, drainage, catch basins, storm drain pipes, roadway surfaces and appurtenances required to complete the improvements, and further shall the Board of Selectmen be authorized to execute all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the Project? **See Appendix F (pg. XX)**

Comment [CW9]: Tony Sylvan Rd Drainage

**FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

**1. Total Town Indebtedness**

A.	Bonds outstanding and unpaid:	\$X,XXX.00
B.	Bonds authorized and unissued:	\$X,XXX.00
C.	Bonds to be issued under this Town Meeting Article	\$X,XXX.00
	TOTAL	\$X,XXX.00

**2. Costs**

At an estimated interest rate of **xx%** for a term of **xx** years, the estimated costs of this bond issue will be:

Principal	\$X,XXX.00
Interest	\$X,XXX.00
Total Debt Service	\$X,XXX.00

**3. Validity**

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Kathryn A. Mahar  
Treasurer, Town of Mount Desert, Maine

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

---

**FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

**(If Articles 24, 26 and 27 are Approved in Total)**

**1. Total Town Indebtedness**

A.	Bonds outstanding and unpaid:	\$X,XXX.00
B.	Bonds authorized and unissued:	\$X,XXX.00
C.	Bonds to be issued under Town Meeting	\$X,XXX.00
	<b>Articles 24, 26, &amp; 27</b>	
	TOTAL	\$X,XXX.00

**2. Costs**

At an estimated interest rate of xx% for a term of xx years, the estimated costs of this bond issue will be:

Principal	\$X,XXX.00
Interest	\$X,XXX.00
Total Debt Service	\$X,XXX.00

**3. Validity**

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue (or Amortization) varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

*Kathryn A. Mahar*

Treasurer, Town of Mount Desert, Maine

---

**Article 28.**

Shall the residents of the Town of Mount Desert vote to authorize the use of funds that remain from those borrowed from the Maine Municipal Bond Bank (MMBB) through the State of Maine Revolving Loan Fund (SRF) and administered by the Maine Department of Environmental Protection (MDEP) for the upgrade to the Northeast Harbor wastewater treatment plant in 2013-2014, with a remaining balance of approximately \$53,000 (fifty-three thousand dollars) and for the upgrade of the Bracy Cove wastewater pumping station in 2016- 2017, with a remaining balance of approximately \$400,000 (four hundred thousand dollars) for a total amount of remaining funds of approximately \$453,000 (four hundred and fifty three thousand dollars) to finance professional technical and construction services associated with improvements to the Town's wastewater collection and conveyance system, with said improvements being subject to review and authorization by the Maine Department of Environmental Protection (MDEP), said improvements to include but not be limited to, and in no particular order of priority, and on a funds available basis, replacement of an existing wastewater pumping station metal wet well circa 1970's located off Manchester Road in the Village of Northeast Harbor with a new precast concrete wet well

in the same general area as the existing one; replacement of the existing vitrified clay circa 1970's sanitary sewer pipe that conveys sewage from Sinclair Road to Manchester Road enroute to the wastewater treatment facility; and upgrading the electronics control system at the Gilpatrick Cove wastewater pumping station and associated appurtenances and incidentals to complete the improvements and, based on recommendations to them by Public Works staff, to authorize the Municipal Officers to execute all things necessary or convenient to facilitate successful completion of the improvements.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 29.** 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 2018-2019 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 30.** 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 8% (percent) per year. *(Tax Club members are exempt within the terms and conditions of the Town's Tax Club Agreement.)*

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 31.** 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 current 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  
Warrant Committee recommends (XX Ayes; XX Nays)



**Article 32.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to accept pre-payment of property taxes, with no interest to be paid on same.

**Comment [admn10]:** Add language & statute about non-refundable?

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 33.** 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 4% (percent) per year.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 34.** 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, 2018, in an aggregate amount not to exceed the property tax commitment overlay.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 35.** 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  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 36.** 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.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 37.** 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  
Warrant Committee recommends (XX Ayes; XX Nays)

### Municipal Revenue

**Article 38.** To see if the Inhabitants of the Town of Mount Desert will vote to transfer **Four hundred thousand dollars (\$400,000.00)** from the **Undesignated Fund Balance Account #100-38300** to reduce the 2018 – 2019 tax commitment.

**Comment [JN11]:** Board of Selectmen determine this amount

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 39.** Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$100,000.00 (one hundred thousand dollars) from the **Capital Gains Reserve Account, #400-24202**, in order to retain professional services for planning, technical study/studies and design (the Project) related to roadway improvements, including but not limited to, bicycle access and safety improvements, to State Route 3 (Peabody Drive), between the intersection of State Routes 198 and 3 (Pedder's Corner) in the Village of Northeast Harbor and the intersection of the Stanley Brook Road and State Route 3 in the Village of Seal Harbor; subject to the Town's Bicycling Committee (the Committee) investigating alternative funding sources including but not limited to Private, State and Federal (Others) funding in an effort to reduce the Town's commitment of the aforementioned \$100,000.00 (one hundred thousand dollars) for the Project with the understanding that the Committee shall demonstrate good faith efforts to raise funds from Others and to have received written commitments from Others to provide funds by the date certain of December 31, 2018, with said written commitments being documented by the Public Works Director as the Committee's liaison to the Board of Selectmen and presented in writing by the Public Works Director to the Board of Selectmen, such that the Town's share of the cost of the Project shall be the aforementioned \$100,000.00 (one hundred thousand dollars) reduced by the amount of funding the Committee has raised and obtained written commitments for as described above but in no case shall it exceed the aforementioned \$100,000.00 (one hundred thousand dollars), and further, shall the Board of Selectmen of the Town be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to the accomplishment of the Project, including to accept any gifts, grants or contributions to the Town, including conditional gifts to the Town the sole condition of which is that the contributed funds be dedicated to the Project?

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 40.** Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed **\$75,000 (placeholder amount at this time)** from the **Capital Gains**

**Reserve Account, #400-24202**, to finance professional technical and construction services associated with improvements to up to seven (7) pedestrian crosswalks located in the Villages of Northeast Harbor, Pretty Marsh and Somesville and as shown on the site plan located in **Appendix G Site Map** to include, bringing the crosswalks into general compliance with the appropriate regulatory agencies and requirements of same, including but not necessarily being limited to, the Maine Department of Transportation's publication "MaineDOT Guidelines on Crosswalks" and the Americans with Disabilities Act requirements for crosswalks with said improvements to address, but not necessarily being limited to, improved access, safety, effectiveness and appurtenances required to complete the improvements, and further, shall the Board of Selectmen be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project? **See Appendix G (pg. XX)**

**Comment [CW12]:** Crosswalks A

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 41.** Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed \$50,000.00 (placeholder amount at this time) from the **Capital Gains Reserve Account, #400-24202**, to finance the professional evaluation of the Town's remaining crosswalks not described in **Article 27** above, those being approximately 40 (forty) in number, located throughout the Town, to assess them relative to factors including, but not necessarily limited to, accessibility, safety, location and effectiveness, and to make recommendations for improvements to the crosswalks, and further to prepare designs of the recommended improvements to the crosswalks, to prepare construction documents and to solicit competitive bids for the improvements to address and to include bringing the crosswalks into general compliance with the appropriate regulatory agencies and requirements of same, including but not necessarily being limited to the Maine Department of Transportation's publication "Maine DOT Guidelines on Crosswalks" and the Americans with Disabilities Act requirements for crosswalks and further, shall the Board of Selectmen be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project?

**Comment [CW13]:** Crosswalks B

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 42.** Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed \$40,000 from the **Capital Gains Reserve Account, #400-24202**, to finance the evaluation and design of improvements to the Town's infrastructure within the bounds of a portion of Summit Road located in the Village of Northeast Harbor beginning at or near its intersection with Main Street then proceeding westerly along Summit Road ending at or near its intersection with Church Road with said improvements including, but not necessarily limited to, the traveled way, sanitary sewer lines, storm water management and sidewalks, and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to accomplish the project?



Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Article 43.** Shall the Town of Mount Desert be authorized appropriate an amount not to exceed \$50,000.00 from the **Capital Gains Reserve Account, #400-24202** to fund the design and construction, including all materials, equipment and labor, of a subsurface irrigation system, for the so-called Village Green and the lawn area adjacent to the Yachtsman Facility, both being located in the Village of Northeast Harbor and as shown on the attached map in Appendix Site Map (placeholder at this time); and further, shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to accomplish the project?

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**APPROPRIATION FROM CAPITAL GAINS RESERVE ACCOUNTSUMMARY**  
(If Article ?? through Article ?? are Approved in Total)

Article XX Bicycle Access & Safety	\$100,000.00
Article XX Crosswalk Construction	\$ 75,000.00
Article XX Crosswalk Evaluation	\$ 50,000.00
Article XX Summit Rd Evaluation & Design	\$ 40,000.00
<u>Article XX Village Green Irrigation</u>	<u>\$ 50,000.00</u>
Total Appropriation Requested	\$315,000.00

**Article 44.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends \$1,129,462.00  
Warrant Committee recommends \$1,129,462.00 (XX Ayes; XX Nays)

**Municipal Appropriations**

**Article 45.** 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), Town Management, Town Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human Resources, and Technology for the 2018 – 2019 Town Budget.

<i>Gov. Body (Bd of Selectmen): \$34,550.00</i>	<i>Town Management: \$337,782.00</i>
<i>Town Clerk: \$115,132.00</i>	<i>Registrar: \$1,188.00</i>
<i>Elections: \$4,441.00</i>	<i>Planning Board: \$49,760.00</i>
<i>Finance: \$89,937.00</i>	<i>Treasurer: \$120,198.00</i>
<i>Tax Collector: \$16,463.00</i>	<i>Assessment: \$131,131.00</i>
<i>Code Enforcement: \$156,682.00</i>	<i>Unallocated: \$118,650.00</i>
<i>Human Resources: \$5,000.00</i>	<i>Technology: \$211,596.00</i>

**Comment [admn14]:** Check budget report to include 15k for software

Board of Selectmen recommends	\$1,392,510.00
Warrant Committee recommends	\$1,392,510.00 (XX Ayes; XX Nays)

**Article 46.** 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 2018 – 2019 Town Budget.

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

**Article 47.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends	\$187,900.00
Warrant Committee recommends	\$187,900.00 (XX Ayes; XX Nays)

**Article 48.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends	\$30,850.00
Warrant Committee recommends	\$30,850.00 (XX Ayes; XX Nays)

**Article 49.** 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), 405 Shellfish and 407 Animal Control for the 2018 – 2019 Town Budget.

**Police: \$825,747.00**  
**Shellfish: \$3,806.00**

**Communications: \$367,885.00**  
**Animal Control: \$2,513.00**

Board of Selectmen recommends \$1,199,951.00  
Warrant Committee recommends \$1,199,951.00 (XX Ayes; XX Nays)

**Article 50.** 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 2018 – 2019 Town Budget.

**Fire: \$595,896.00 Hydrants: \$273,500.00 Emergency Management: \$1,000.00**

Board of Selectmen recommends \$870,396.00  
Warrant Committee recommends \$870,396.00 (XX Ayes; XX Nays)

**Article 51.** 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 2018 – 2019 Town Budget.

**Roads: \$1,709,383.00 Buildings/Grounds: \$219,909.00**  
**Parks/Cemeteries: \$45,592.00 Waste Management: \$589,645.00**  
**Environmental Sustainability: \$20,000.00**

Board of Selectmen recommends \$2,584,529.00  
Warrant Committee recommends \$2,584,529.00 (XX Ayes; XX Nays)

**Article 52.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 505 and 506 Sewer Operations and Wastewater Treatment for the 2018 – 2019 Town Budget.

**Sewer Capital: \$ 0.00 Sewer Operation: \$628,955.00**  
**Wastewater Treatment**  
**Northeast Harbor Plant: \$140,750.00 Somesville Plant: \$56,000.00**  
**Seal Harbor Plant: \$104,958.00 Otter Creek Pmp Station: \$29,500.00**

Board of Selectmen recommends \$960,163.00  
Warrant Committee recommends \$960,163.00 (XX Ayes; XX Nays)

**Article 53.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends \$5,900.00  
Warrant Committee recommends \$5,900.00 (XX Ayes; XX Nays)

**Article 54.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends \$44,000.00  
Warrant Committee recommends \$44,000.00 (XX Ayes; XX Nays)

**Article 55.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends \$1,444,014.00  
Warrant Committee recommends \$1,444,014.00 (XX Ayes; XX Nays)

**Article 56.** 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 2018 – 2019 Town Budget.

**Libraries: \$33,500.00**                      **Village Improvement Societies: \$54,000.00**  
**Recreation: \$89,750.00**                      **Public/Social Service Agencies: \$156,711.00**

Board of Selectmen recommends \$333,961.00  
Warrant Committee recommends \$333,961.00 (XX Ayes; XX Nays)

**Article 57.** 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 2018 – 2019 Town Budget.

Board of Selectmen recommends \$560,621.00  
Warrant Committee recommends \$560,621.00 (XX Ayes; XX Nays)

**Written Ballot required for Article xx**

**Article 58.** To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit by \$X,XXX.00. See Appendix H (pg. XX).

*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  
Warrant Committee recommends (XX Ayes; XX Nays)

**Marina Proprietary Fund**

**Article 59.** 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: \$674,643.00      Expense: \$674,643.00

Board of Selectmen recommends  
Warrant Committee makes no recommendation

**Elementary School Appropriations**

**Note: Articles 50 through 60 authorize expenditures in cost center**

**Article 60.** To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 61.** To see what sum the School Board will be authorized to expend for Special Education for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 62.** To see what sum the School Board will be authorized to expend for Career and Technical Education for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 63.** To see what sum the School Board will be authorized to expend for Other Instruction for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 64.** To see what sum the School Board will be authorized to expend for Student & Staff Support for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 65.** To see what sum the School Board will be authorized to expend for System Administration for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 66.** To see what sum the School Board will be authorized to expend for School

Administration for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 67.**        To see what sum the School Board will be authorized to expend for Transportation & Buses for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 68.**        To see what sum the School Board will be authorized to expend for Facilities Maintenance for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 69.**        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, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Article 70.**        To see what sum the School Board will be authorized to expend for All Other Expenditures for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

School Board recommends        \$X,XXX.00  
Warrant Committee recommends    \$X,XXX.00 (XX Ayes; XX Nays)

**Note: Articles 50 – 60 authorize a total budget of \$X,XXX.00**

**Note: Articles xx – xx raise funds for the Proposed School Budget**

**Article 71.** 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 \$X,XXX.001,530,843.00) 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, 2018 and ending June 30, 2019.

School Board recommends           \$X,XXX.00  
Warrant Committee recommends   \$X,XXX.00 (XX Ayes; XX 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.*

**Article 72.** 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, 2018 and ending June 30, 2019.

School Board recommends           \$X,XXX.00  
Warrant Committee recommends   \$X,XXX.00 (XX Ayes; XX 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.*



**Written Ballot Vote Required for Article xx**

**Article 73.** To see what sum the voters of the Town of Mount Desert will raise and appropriate in additional local funds for school purposes (Recommend: \$X,XXX.00) for the period July 1, 2018 and ending June 30, 2019, which exceeds the State's Essential Programs and Services allocation model by (Recommend: \$X,XXX.00) as required to fund the budget recommended by the school Board.

The School Board recommends \$X,XXX.00 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$X,XXX.00: The State funding model underestimates the actual costs to fully fund the 2018-2019 budget.

The Warrant Committee recommends (XX Ayes; XX Nays) \$X,XXX.00 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$X,XXX.00: The State funding model underestimates the actual costs to fully fund the 2018 – 2019 budget.

*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 XX, XX, & XX raise a total town appropriation of \$X,XXX.00**

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

**Article 74.** 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, 2018 and ending June 30, 2019 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 \$X,XXX.00  
Warrant Committee recommends \$X,XXX.00 (XX Ayes; XX Nays)

**Article 75.** In addition to the amount in Articles xx – xx, 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 2018-2019 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Current Year Totals: \$X,XXX.00

School Board recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**Citizen's Petitions**

None at this time

**Moratorium**

**Article 76.** Shall an ordinance dated May 8, 2018 and entitled "Town of Mount Desert Marijuana Moratorium" be enacted as follows?

Comment [CW15]: Durlin/BOS

**TOWN OF MOUNT DESERT MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS, RETAIL MARIJUANA STORES, AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, the "Marijuana Legalization Act" has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (the "Act") authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and

retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities, and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the current ordinances of the Town of Mount Desert (the "Town") do not include any regulations related to retail marijuana stores, retail marijuana establishments, or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs within the Town of Mount Desert raises legitimate and substantial questions about the impact of such establishments, stores, and social clubs on the Town, including questions about the compatibility of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with existing uses and development in residential, commercial, and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Town's police and fire departments; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores, or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Town has potentially serious implications for the health, safety, and welfare of the Town and its residents; and

WHEREAS, the Town needs time to review the Act and to review its own ordinances and regulations to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances and regulations governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the Town, under its home rule authority, its police power generally, and under 30-A M.R.S.A., chapter 187, subchapter 3 ("land use regulation"), as provided by the Marijuana Legalization Act, or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on such retail

marijuana establishments and retail marijuana stores and retail marijuana social clubs;  
and

WHEREAS, the Selectboard, the Town Staff, the Ordinance Review Committee, and the Planning Board, with the professional advice and assistance of the Chief of the Police Department, shall study the Town's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs;

NOW, THEREFORE, be it ordained by the Town Meeting of the Town of Mount Desert, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the Town Meeting does hereby declare a moratorium on the location, operation, or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect on the date of its enactment by the Town Meeting, and shall be applicable as of that date. The moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Ordinance, unless extended, repealed, or modified, for the express purpose of drafting an amendment or amendments to the Town's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with existing and permitted uses in residential, commercial, and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Town.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40), and (41), that may be proposed to be located within the Town on or after the effective date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan, or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board, or other Town official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Town on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, or board of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no person or organization shall develop or operate a business that engages in retail or wholesale sales of products or merchandise for which a substantial portion of its business is to prepare, cultivate, distribute, or ingest marijuana or retail or wholesale sales of such products or merchandise of the kind that are commonly offered for sale or used at so-called head shops, retail marijuana social clubs, or retail marijuana establishments, including, without limitation, water pipes, hashish pipes, glass pipes, pipe screens, bongs, vaporizers, scales, rolling papers, hydroponic equipment, and grow lights and general tobacco products in so-called smoke shops; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and



BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Board of Selectmen recommends  
Warrant Committee recommends (XX Ayes; XX Nays)

**(End of May 8, 2018 - Warrant Articles)**