



Town of Mount Desert  
Board of Selectmen  
Agenda

**Special Meeting**  
**Monday, February 13, 2023**

**Location: Public can now attend meeting in person. Meetings will continue to be offered via Zoom see bottom of pg. 2 for connection details Per Maine CDC, COVID transmission rate is LOW; masks are not required.**

- I. Call to order at 4:00 p.m.**
- II. *Public please hold comments until the BOS Chairman opens the agenda items for public comment***
- III. Appointments/Recognitions/Resignations**
  - A. Request appointment of Christopher Baker as full-time FF/EMT-P at an initial base rate of \$26.75 to be increased to \$28.24 upon successful completion of a 6-month probationary period, effective date of February 16, 2023*
- IV. Selectmen's Reports**
- V. New Business**
  - A. Proposed Land Use Zoning Ordinance Articles*
  - B. Short-Term Rental Ordinance (Draft Discussion; Public Hearing scheduled for 2/21/2023 at 5pm)*
  - C. Alewife Ordinance*
  - D. Proposed Harbor Ordinance Article*
  - E. Sunset Clause Removal:*
    - a. Building and Street Numbering Ordinance*
    - b. Dog Ordinance*
    - c. Harbor Ordinance*
    - d. Limiting Motor Vehicle Access to Great Ponds Ordinance*
    - e. No Swimming Ordinance*
    - f. Public Road Acceptance*
    - g. Rural Wastewater Treatment Support Program Ordinance*
    - h. Solid Waste Ordinance*
    - i. Use of Public Places Ordinance*
  - F. DRAFT Annual Town Meeting Warrant review and votes*
- VI. Other Business**
  - A. Such other business as may be legally conducted*
- VII. Adjournment**

The next regularly scheduled meeting is at 6:30 p.m., **Tuesday**, February 21, 2023 in the Meeting Room, Town Hall, Northeast Harbor AND via remote access: see pg. 2 for zoom access to the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/248566175?pwd=RmozZjBOVWhUTQrRXR5QzFEZEEyQT09>

**Meeting ID: 248 566 175**

**Password: 919872**

One tap mobile

+13126266799,,248566175#,,,,0#,,919872# US (Chicago)

+16468769923,,248566175#,,,,0#,,919872# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

**Meeting ID: 248 566 175**

**Password: 919872**

Zoom security now requires a password on all zoom meetings, so the recurring BOS meeting now has a password.

**APPOINTMENTS**

**RECOGNITIONS**

**RESIGNATIONS**





## *Town of Mount Desert*

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](http://www.mtdesert.org)

[firechief@mtdesert.org](mailto:firechief@mtdesert.org)

# Memo

To: Durlin Lunt, Town Manager

From: Mike Bender, Fire Chief

CC:

Date: February 7, 2023

Re: Appointment of Full Time Firefighter/EMT

I would like to make the recommendation and request that the Board of Selectman appoint Christopher Baker to the positions of full-time Municipal Firefighter/EMT at the probationary base rate of \$26.75, effective February 16, 2023.

The Hiring Team conducted an oral interview with Chris on February 2<sup>nd</sup> and it was a unanimous decision to recommend he be offered one of the open full-time positions as Firefighter/Paramedic. Reference checks were conducted on February 6<sup>th</sup> and all gave positive remarks regarding Chris, including his immediate supervisor. Chris comes to us with a great deal of knowledge and experience as both a full-time firefighter and a licensed EMT-Paramedic.

If confirmed by the Board, he will fill one of the 3 open positions we have in the department for paramedics.

Thank you.



**NEW BUSINESS**





Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance Regarding Lots within the Village Commercial District in the Village of Northeast Harbor” be enacted as set forth below?

***Explanation: This Article amends Section 3.5, footnote P to clarify that the minimum lot size of 1000 square feet only applies to lots within the village of Northeast Harbor.***

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

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Notes:

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(p) For only those lots in the Village of Northeast Harbor 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.

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Shall an ordinance dated May 2, 2023, entitled “Amendments to the Land Use Zoning Ordinance to change the Land Use District designation of Tax Map 003: Lot 026 and Map 003: Lot 027” be enacted as set forth below?

***Explanation: This Article changes Tax Map 003, Lot 26 and Map 3, Lot 27 from Shoreland Residential Two (SR2) to Residential Two (R2).***

**SECTION 3 LAND USE DISTRICTS**

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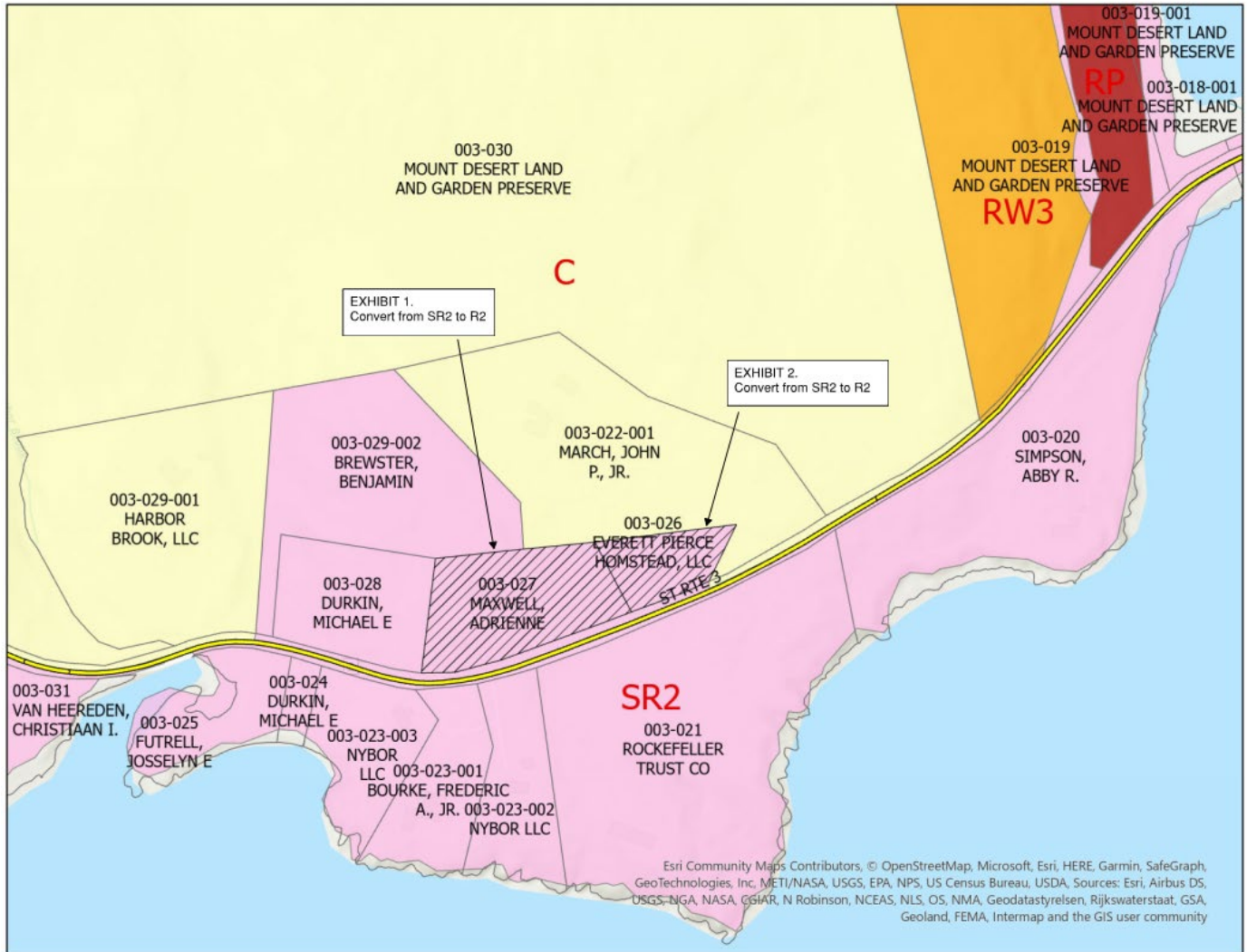
**3.3 Map Changes:** Amended at:

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Town Meeting of May 2, 2023: change Tax Map 003, Lot 026 and Tax Map 003, Lot 027 from Shoreland Residential Two (SR2) to Residential Two (R2).

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**See draft map on following page**



Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to clarify the dimensional requirements for one-Family and two-family dwellings” be enacted as set forth below?

*Explanatory Note: This warrant article amends the LUZO section 6.B.11.3(2) to clarify that the dimensional standards for a duplex are not doubled until a second duplex structure is added.*

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

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### **6B.11 Lots**

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#### **3. Requirements for lots wholly outside the Shoreland Zone**

1. Lots abutting more than one road. Lots which abut more than one road shall have the required setbacks along each road used as an entrance or exit.

2. ~~Additional~~ Dimensional requirements one-family or two-family dwellings. One-family and two-family dwellings are allowed in all districts, as indicated in Section 3.4, subject to the following:- All dimensional requirements shall be met separately for each and every one-family dwelling on a lot. ~~For each additional or~~ All dimensional requirements shall be met separately for each and every two-family dwelling on a lot, ~~all dimensional requirements shall be met separately for each one-family or two-family dwelling.~~

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

Shall an ordinance dated May 2, 2023 and entitled "Amendments to the Land Use Zoning Ordinance to add Residential Storage Building/Shed as permitted uses in Section 3.4" be enacted as set forth below?

***Explanation: This Article adds Residential Storage Building/Sheds as allowed uses so that property owners can build these structures without being tied to a residential dwelling unit.***

### **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 following pages  
Section 3.4 Permitted, Conditional, and Excluded Uses by District

<b>DISTRICTS:</b>										
<b>LAND USE:</b>	<b>VR 1 VR 2</b>	<b>R 1 R 2</b>	<b>SR 1 SR 2 SR 3 SR 5</b>	<b>RW 2 RW 3</b>	<b>VC</b>	<b>SC</b>	<b>C</b>	<b>RP</b>	<b>SP</b>	<b>VR3</b>
<b>RESIDENTIAL</b>										
Dwelling 1 & 2 Family	CEO	CEO	CEO <sup>(d)</sup>	CEO	CEO	CEO <sup>(d)</sup>	C	C <sup>8</sup>	C <sup>4</sup>	X
Dwelling, Multiple	C	C	C	C	C	X	C	X	X	X
Accessory Residential Dwelling Unit	CEO	CEO	CEO	CEO	CEO	C	C	C <sup>8</sup>	C <sup>4</sup>	C <sup>e</sup>
Accessory structures including structural additions and guest houses <sup>(e)</sup>	CEO	CEO	CEO	CEO	CEO	CEO	C	C <sup>8</sup>	C <sup>4</sup>	X
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X	X
<u>Residential Storage Building/Shed</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>C</u>	<u>C<sup>8</sup></u>	<u>C<sup>4</sup></u>	<u>X</u>
Mobile Home Park	C	X	X	X	X	X	X	X	X	X

- (c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.
- (d) See Section 6B.11.3 (Lots)
- (e) Accessory residential dwellings in the VR3 District must be for staff housing only.

See table of uses on following pages

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**SECTION 8 DEFINITIONS**

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**RESIDENTIAL STORAGE BUILDING/SHED:** A structure or building used primarily for storage purposes.

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

Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to remove the air landing sites” be enacted as set forth below?

***Explanatory Note: This Article removes air landing sites from section 6B in the ordinance.***

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

### **6B.1 Agriculture**

In non-shoreland areas, all spreading, or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209). In shoreland areas, all spreading, or disposal of manure shall comply with Section 6C.1.

### **6B.2 ~~Air Landing Sites~~ RESERVED**

~~No air landing site shall be developed or used for such purpose without Conditional Use Approval of the Planning Board.~~

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

*NOTE: Need to change table of contents*

Shall an ordinance dated May 2, 2023 and entitled "Amendments to the Land Use Zoning Ordinance regarding the definition of Marina and Expansion of Use" be enacted as set forth below?

***Explanatory Note: This Article adds language to the definitions for Marina's and Expansion of a Use to clarify that the Harbor Master regulates moorings and that an expansion of use does not include adding moorings.***

### SECTION 8 DEFINITIONS

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**EXPANSION OF A USE:** The additional use of more footprint of a structure, land or water area devoted to a particular use; additional one or more weeks of the use's operating season; or additional business hours of operation. Excludes moorings that are regulated by the harbormaster.

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**MARINA:** A business establishment having frontage on navigable water and providing for hire docking facilities or moorings at its location unless such uses are incidental to the principal use of the property. In addition, it may also provide other services such as: boat storage and repair; boat sales; boat hauling and launching; bait and tackle sales; sale of marine supplies and marine fuel. Placement of moorings are exclusively regulated by the Harbor Master consistent with the Harbor Ordinance and Maine Revised Statutes, Title 38, Chapter 1.

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



Shall an ordinance dated May 2, 2023 and entitled "Amendments to the Land Use Zoning Ordinance to amend the deadline for establishment of use" be enacted as set forth below?

***Explanation: This Article changes the timeframe for establishment of use for a conditional use from 12 months to 24 months.***

**SECTION 5 CONDITIONAL USE APPROVAL**

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**5.5 Deadline for establishment of use**

Unless more restrictive criteria are required in another section of this Ordinance, the proposed use must be established ~~within twelve (12)~~ twenty-four (24) months of the date of approval of the Conditional Use Application. Otherwise, the approval lapses and a new application is required. The beginning of construction or the commencement of business shall constitute establishment.

Planning Board recommends passage

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

Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to correct the date for when a lot was be created for purposes of applying the access provisions in 6B.11(2)” to be enacted as set forth below?

***Explanatory Note: This Article makes a house keeping correction to date for when a lot was be created for purposes of applying the access provisions in 6B.11(2).***

#### 6B.11 Lots

1. Minimum lot size. See section 3.5.

2. Access.

**1. Lots created on or after ~~June 6~~May 5, 2015.** No lot created on or after ~~June 6~~May 5, 2015, shall be built upon or otherwise developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one or more private roads) or by ownership of land abutting the public way. If more than 2 lots are accessed by the same private road, then it must meet the Street Design and Construction Standards of Section 5.14 of the Subdivision Ordinance. If no more than 2 lots are accessed by the same private road or driveway, then it must meet either the said Street Design and Construction Standards or the Driveway Construction standards of Section 6B.6 of this Ordinance. A pre-existing primary access drive that serves up to 2 existing lots need not meet the requirements of Section 6B.6. All such lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Code Enforcement Officer.

In determining whether lots maintain safe access, the Code Enforcement Office may seek guidance from the Fire Chief.

**2. Lots created before ~~June 6~~May 5, 2015.** Any lot created before ~~June 6~~May 5, 2015, shall not be further built upon or otherwise further developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one or more private roads) or by ownership of land abutting the public way, but the said private road or driveway need not meet the requirements of Section 6B.6 of the Land Use Zoning Ordinance. All such lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Code Enforcement Officer. In determining whether lots maintain safe access, the Code Enforcement Officer may seek guidance from the Fire Chief.

Planning Board recommends passage

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

Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to **clarify where the setback is measured from a road or right-of-way**” be enacted as set forth below?

***Explanatory Note: This Article clarifies where a road setback is measured from.***

**SECTION 3 LAND USE DISTRICTS**

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

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NOTES:

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

(c) Setbacks from pPublic and private 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.~~

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

Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance regarding the footprint limitation for principal and accessory structures in the shoreland zone” be enacted as set forth below?

***Explanatory Note: This Article provides a housekeeping change to make the local ordinance consistent with Shoreland Zoning by increases the footprint limitation for principal and accessory structures in the shoreland zone from 15% to 20% which is more consistent with the State guidelines.***

## SHORELAND ZONING STANDARDS

### 6C.8 Principal and Accessory Structures

6. ~~15%~~**20% footprint limitation.** The total footprint area of all structures, parking lots and other -vegetated surfaces, within the shoreland zone shall not exceed ~~fifteen~~**twenty** (~~15~~**20**) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the Shoreland Commercial District adjacent to tidal waters, where lot coverage shall not exceed seventy (70) percent.

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

# Short-Term Rental Licensing Ordinance

## Discussion Draft

### I. Purpose

The Town of Mount Desert recognizes the desire of some property owners to rent their legal residential unit(s) as short-term rentals. The Town of Mount Desert also recognizes that the ability for some property owners to rent their residential dwelling unit and/or their accessory dwelling unit as a short-term rental has contributed to their ability to remain as a year-round resident of the Town of Mount Desert. At the same time, there are legitimate concerns about the increase in number of short-term rentals and the undue impacts they can have on the quality of life and quiet enjoyment of properties within the vicinity of short-term rentals. It is the intent of this ordinance to allow the continued reasonable short-term rental of legal residential properties in the Town of Mount Desert, while minimizing the negative impacts said short-term rentals could generate. This will be accomplished by a licensing program that enables the Town to monitor and track the number of short-term rentals within its borders and includes modest performance standards intended to protect property owners, renters, and neighbors.

### II. Applicability

- A. Permitted short-term rentals. Legally existing residential dwelling units may be used as short-term rentals upon the issuance of a short-term rental license for the premises in accordance with the requirements of this ordinance.
- B. Prohibited short-term rentals. No person may offer for rent, operate, or otherwise use any residential dwelling unit in the Town of Mount Desert for short-term rentals if such person has not secured and maintained a valid short-term rental license for the premises.
- C. Lodging establishments exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this chapter: hotels, motels, bed-and-breakfasts, boarding houses, and inns.
- D. Hosted home stays exempt. Hosted home stays are exempt from the licensing requirements and standards of this chapter.

### III. Validity and Severability

If any section, subsection, clause or phrase of this chapter shall be found to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this chapter and, to that end, the provisions of this chapter are hereby declared severable.

### IV. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

HOSTED HOME STAY – A residential dwelling unit that is occupied, including overnight, by the Owner during the short-term rental period. In the case of a one-family residential dwelling with a legally permitted accessory residential dwelling unit, the owner shall reside in either unit during the short-term rental period. There is no minimum night stay required for hosted home stay short-term rentals.

OWNER — An individual person or persons or an entity that is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the Hancock County Registry of Deeds or Registry of Probate.

RESIDENTIAL DWELLING UNIT — As defined in the Town of Mount Desert Land Use Zoning Ordinance.

SHORT-TERM RENTAL — The use, control, management or operation of a legally existing dwelling unit offered, in whole or in part, for rent for transient occupancy for dwelling, sleeping or lodging purposes for fewer than 28 consecutive nights, for compensation, directly or indirectly, excluding motels, hotels, bed-and-breakfasts, boarding houses, inns, and hosted home stays. A short-term rental does not include: legally existing dwelling units that are rented no more than twice per calendar year and for less than a total of 14 days in a calendar year; or when relatives and friends stay for no monetary compensation.

SHORT-TERM RENTAL GUEST — Any person who rents, licenses, occupies or has the right to occupy a dwelling unit pursuant to a short-term rental.

## **V. Requirements**

- A. License required. No short-term rental shall be advertised, rented, or operated without first obtaining a short-term rental license. A short-term rental license shall be valid for the calendar year for which the license is issued. The property must remain in compliance with the requirements of this ordinance.
- B. Registration Procedure.
  1. All applications, and associated fees, for short-term rental licenses shall be filed with the Town on forms provided for this purpose.
  2. The applicant shall provide all the information requested on the short-term rental registration application form, including, the following information: owner or owner's representative contact information, property information, number of short-term rental guests allowed, and emergency contact information.
  3. A proposed short-term rental may only be registered by the legal owner of the proposed short-term rental unit or an authorized representative.
  4. Non-refundable fees for a short-term rental registration/renewal shall be as adopted, by order of the Board of Selectmen for the Town of Mount Desert, and may be amended from time to time. Such fee must be submitted with the registration form at the time of registration and/or renewal.

5. A registration number will be given to each unit registered. Registrations are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.
- C. Inspection. Anytime that a short-term rental application is submitted for a property, the short-term rental applicant shall certify on the short-term rental application that the proposed short-term rental property complies with the short-term rental standards in this ordinance and with applicable Building Code requirements. The Code Enforcement Officer may inspect the licensed premises to determine compliance with the short-term standards. However, said inspection shall not be required as a condition of license issuance.
  - D. Short-term rental license renewal. Short-term rental licenses shall expire on December 31 of each calendar year. Short-term rental license holders may renew such license by submitting a renewal application, via a renewal process established by the Town. After the effective date of this ordinance, any duly licensed short-term rental may continue operating as long as the license is current and renewed for the current calendar. If the license is not renewed by the expiration date the license expires, and this protection clause no longer applies.
  - E. Transferability.
    1. Short term rental licenses issued under this ordinance shall be transferable to a new owner as of the day the new owner acquires possession of the property and shall expire on December 31. A new license shall be required the following year.
  - F. Notice. The short-term rental license holder must post in plain sight near the entrance of the dwelling a notice that identifies the short-term rental license number and the name, address, phone number(s), email address of the owner of the short-term rental and/or the owner's local contact person, and the maximum number of short-term rental guests allowed.

## **VI. Standards**

- A. At the time of issuance of a license, and at all times during the continuance of a short-term rental license, the property taxes and any applicable water and/or sewer fees associated with the property to be rented as a short-term rental shall not be in arrears.
- B. Street number per Town 911 standards
- C. Smoke alarms. Smoke alarms shall be installed in each bedroom, outside each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story of the short-term rental unit (including basements and habitable attics).
- D. Carbon monoxide alarms. If a short-term rental unit has an attached garage or a fuel-fired appliance, a carbon monoxide alarm shall be installed outside each bedroom in the immediate vicinity of the bedrooms.
- E. Gas alarms are required per the applicable rules of the State of Maine.

- F. Portable fire extinguishers. At least one appropriately sized portable fire extinguisher shall be mounted in a prominent location within the short-term rental unit.
- G. Parking. Short-term rental guests and their guests are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other property in the neighborhood. The owner must provide sufficient off-street parking for all overnight short-term rental guest vehicles. The number of short-term rental guest vehicles allowed at the short-term rental shall be limited to the number of off-site parking spaces designated by the applicant. Garage parking spaces not allowed for short-term rental guest use shall not be used to meet this short-term rental parking requirement.
- H. Trash shall be removed from the short-term rental unit on at least a weekly basis while the property is being rented as a short-term rental.
- I. Occupancy limits. The maximum occupancy of a short-term rental shall be limited to no more than two short-term rental guests per bedroom, plus two additional Short-term rental guests total for the entire dwelling unit. By way of example, the maximum capacity for a three-bedroom dwelling short-term rental is eight short-term rental guests (i.e., three bedrooms multiplied by two short-term rental guests, plus an additional two short-term rental guests, for a total of eight short-term rental guests).

## **VII. Suspension and Revocation of License**

A license for a short-term rental may be conditioned, suspended, or revoked by the Board of Selectmen after a public hearing if the Board of Selectmen determine that a violation of this Ordinance, any applicable statute, ordinance, or regulation, or short-term rental license certification, condition, or criterion has occurred.

- A. Violations of this chapter. Violations of this chapter include, but are not limited to, the following:
  - 1. Providing false or misleading information on an application, or renewal application, for a short-term rental license;
  - 2. Failure to comply with the parking provisions of this ordinance;
  - 3. Failure to acquire and/or display the required short-term rental license number or include the license number in any advertising of the licensed premises;
  - 4. Violation of any short-term rental license certification, condition, or criteria;
  - 5. Violation of any statute, ordinance, or regulation applicable to the short-term rental property.
- B. Complaints concerning short-term rentals. The Town shall establish and maintain a log of all complaints for each short-term rental received and substantiated by the Town. The Town shall seek the correction of all substantiated complaints by the short-term rental license holder.
- C. Suspension or revocation of license. The Board of Selectmen may condition, suspend, or revoke a short-term rental license, following a public hearing, on the basis of the licensee's noncompliance with this chapter, any applicable law, ordinance, or regulation, or short-term rental license certification, condition, or criteria. Registrants who have previously had a registration(s) revoked



pursuant to this Ordinance, shall be allowed to obtain a license for the subject property in the future only by order of the Board of Selectmen.

- D. Penalties. Any person, including but not limited to a landowner, a landowner's agent or a contractor or firm, or corporation, who violates any provision or requirement of this Ordinance, or disobeys, refuses to comply with, or resists the enforcement of, any provision of this ordinance or who starts construction or under-takes a land use activity without a required permit, shall be penalized in accordance with 30-A M.R.S.A. Section 4452.
- E. Appeal. A decision by the Board of Selectmen to proceed against an alleged violator for violations of this Ordinance is not appealable to the Zoning Board of Appeals.

DRAFT

## **Alewife Ordinance**

Shall an ordinance dated May 2, 2023 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, 2023 through June 30, 2024 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

Shall an ordinance dated May ==, 2023, and entitled “Amendments to the Town of Mount Desert Harbor Ordinance” be enacted as follows?

*Explanatory Note: These amendment to the Harbor Ordinance are to bring the definition of “resident” into line with State statute, 38 M.R.S. § 11(1), and to provide better oversight for moorings located outside the harbors of the Town.*

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**Town of Mount Desert  
Harbor Ordinance**

**Enacted May 2, 2017  
Amended May --, 2023**

**Article I – Definitions**

**Resident** - Any person who ~~owns property in the Town of Mount Desert, or any person who rents property with their boat registered in town and the excise tax paid in town occupies a dwelling within the Town of Mount Desert for more than 180 days in a calendar year.~~

**Article VII – Moorings: Assignment, Standards, Specifications, and Waiting List**

**7.5 - Mooring Registration and Permit**

All moorings located in all harbors and all other tidal waters of the Town of Mount Desert shall be registered annually, prior to March 1st, with the Harbor Master, and a permit shall be obtained from the Harbor Master. All moorings not registered by April 15th each year shall be removed by the owner, and the mooring privilege shall be revoked. ~~Moorings located outside the harbors of the Town of Mount Desert existing as of the effective date of this Ordinance do no need to register with the Harbor Master. All new moorings placed outside the harbors of the Town of Mount Desert after the effective date of this Ordinance must register annually with the Harbor Master in compliance with this provision.~~

**Sunset Clause Removal Articles:**

*a. Building and Street Numbering Ordinance*

Shall an ordinance dated May 2, 2023 and entitled "Ordinance Regulating the Building and Street Numbering in the Town of Mount Desert" be enacted?

**ORDINANCE REGULATING THE BUILDING AND STREET NUMBERING  
IN THE TOWN OF MOUNT DESERT**

**As adopted at Annual Town Meeting March 6, 7, and 8, 1995 and  
As aAmended May 5, 2009  
Amended May 2, 2023**

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~~14. This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

*b. Dog Ordinance*

Shall an ordinance dated May 2, 2023 and entitled "Amendments to the Town of Mount Desert Dog Ordinance" be enacted?

**TOWN OF MOUNT DESERT DOG ORDINANCE**

**Adopted March 1, 1965  
~~Amended March 2, 1970, March 5, 1973, and~~  
~~Amended May 5, 2009~~  
**Amended March 2, 1970**  
**Amended March 5, 1973**  
**Amended May 5, 2009**  
**Amended May 2, 2023****

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1) **Miscellaneous Provisions**

A) This ordinance, as amended, is adopted pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 4, Chapter 141 (30-A M.R.S.A. § 3001, *et seq.*), and Title 7, Part 9, Chapter 725, § 3950 (7 M.R.S.A. § 3950).

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

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

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

*c. Harbor Ordinance*

Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Town of Mount Desert Harbor Ordinance” be enacted?

**Town of Mount Desert Harbor Ordinance**

**Enacted May 2, 2017**  
**Amended May 2, 2023**

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**Article II – Applicability, Authority, & General Provisions**

**2.1 - Effective date of the Ordinance**

This Ordinance shall become effective upon adoption by the legislative body ~~and shall, in compliance with section 5.3 of Town of Mount Desert Charter, remain in effect for a period of fifteen (15) years from the effective date.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

*d. Limiting Motor Vehicle Access to Great Ponds Ordinance*

Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert Ordinance Limiting Motor Vehicle Access to Great Ponds” be enacted?

**Town of Mount Desert Ordinance**  
**Limiting Motor Vehicle Access to Great Ponds**

**Enacted May 5, 2009**  
**Amended May 2, 2023**

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~~Section 12: This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to***

**be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.**

*e. No Swimming Ordinance*

Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert No Swimming Ordinance” be enacted?

**Town of Mount Desert No Swimming Ordinance**  
**re Upper Hadlock Pond, Lower Hadlock Pond and Jordan Pond**

**Enacted May 5, 2009**  
**Amended May 2, 2023**

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~~8. This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

*f. Public Road Acceptance*

Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Town of Mount Desert Public Road Acceptance Ordinance” be enacted?

**Public Road Acceptance Ordinance**

**As adopted May 5, 2009 Annual Town Meeting**  
**Amended May 8, 2018 Annual Town Meeting**  
**Amended May 2, 2023 Annual Town Meeting**

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

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

*g. Rural Wastewater Treatment Support Program Ordinance*

Shall an ordinance dated May 2, 2023 and entitled “Rural Wastewater Treatment Support Program Ordinance of the Town of Mount Desert” be enacted?

**RURAL WASTEWATER TREATMENT SUPPORT PROGRAM ORDINANCE  
OF THE TOWN OF MOUNT DESERT**

**ENACTED MARCH 1, 2004  
AMENDED MARCH 7, 2006  
AMENDED MARCH 6, 2007  
AMENDED MAY 5, 2009  
AMENDED MAY 2, 2023**

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**8.0 Period of Ordinance**

**8.1**

The effective date of this Ordinance is: ~~May 5, 2009~~ May 2, 2023

~~8.2~~ This Ordinance shall expire and be of no force or effect on ~~May 7, 2024~~.

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

*h. Solid Waste Ordinance*

Shall an ordinance dated May 2, 2023 and entitled "Solid Waste Ordinance of the Town of Mount Desert" be enacted?

**SOLID WASTE ORDINANCE  
of the  
TOWN OF MOUNT DESERT**

**ENACTED MAY 6, 2014  
Revised and Enacted May 8, 2018  
Amended May 2, 2023 Annual Town Meeting**

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**SECTION 11: EFFECTIVE DATE; SUNSET**

This Ordinance shall become effective upon the date of enactment for a period ~~not to exceed 15 years, unless amended or repealed prior to the expiration of this 15 year period.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

*i. Use of Public Places Ordinance*

Shall an ordinance dated May 2, 2023 and entitled "Town of Mount Desert Use of Public Places Ordinance" be enacted?

**TOWN OF MOUNT DESERT  
USE OF PUBLIC PLACES ORDINANCE**

**Enacted May 5, 2009  
Amended May 2, 2023**

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~~1. This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***



# **Town of Mount Desert**

## **Annual Town Meeting Warrant Fiscal Year 2023 – 2024**

**As presented at the  
Annual Town Meeting  
May 1 & 2, 2023**

**Secret Ballot (Candidate) Election  
May 1, 2023 8 a.m. – 8 p.m.  
Town Office Meeting Room**

**Open Floor Town Meeting  
May 2, 2023  
6 p.m.  
Neighborhood House  
1 Kimball Rd, Northeast Harbor, ME 04662**

**Greeting**

State of Maine

Hancock County, ss

2023

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 **Town Hall Meeting Room, 21 Sea St. Northeast Harbor, Maine**, on **Monday, the first day of May AD 2023** 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 **Neighborhood House, 1 Kimball Rd, Northeast Harbor, Maine** in said Town, on **Tuesday, the second day of May AD 2023** at **six o'clock** in the evening; then and there to act on Articles 3 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 1, 2023 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 two members to the Selectboard for a term of three years, one member 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 2023 Annual Town Meeting.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Ordinances**

**For Articles 4 through **xx**, an underline indicates an addition, and a ~~strikethrough~~**

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

indicates a deletion.

**Article 4.** Shall an ordinance dated May 2, 2023 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, 2023 through June 30, 2024 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert.”

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 5.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Town of Mount Desert Harbor Ordinance” be enacted?

**Town of Mount Desert  
Harbor Ordinance**

**Enacted May 2, 2017  
Amended May 2, 2023**

**Article I – Definitions**

**Resident** - Any person who ~~owns property in the Town of Mount Desert, or any person who rents property with their boat registered in town and the excise tax paid in town~~ occupies a dwelling within the Town of Mount Desert for more than 180 days in a calendar year.

**Article VII – Moorings: Assignment, Standards, Specifications, and  
Waiting List**

**7.5 - Mooring Registration and Permit**

All moorings located in all harbors and all other tidal waters of the Town of Mount Desert shall be registered annually, prior to March 1st, with the Harbor Master, and a permit shall be obtained from the Harbor Master. All moorings not registered by April 15th each year shall be removed by the owner, and the mooring privilege shall be revoked. ~~Moorings located outside the harbors of the Town of Mount Desert existing as of the effective date of this Ordinance do no need to register with the Harbor Master. All new moorings placed outside the harbors of the Town of Mount Desert after the effective date of this Ordinance must register annually with the Harbor Master in compliance with this provision.~~

**Explanatory Note:** These amendments to the Harbor Ordinance are to bring the definition of “resident” into line with State statute, 38 M.R.S. § 11(1), and to provide better oversight for moorings located outside the harbors of the Town.

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 6.** Shall an ordinance dated May 2, 2023 and entitled “Ordinance Regulating the Building and Street Numbering in the Town of Mount Desert” be enacted?

**ORDINANCE REGULATING THE BUILDING AND STREET NUMBERING  
IN THE TOWN OF MOUNT DESERT**

**As adopted at Annual Town Meeting March 6, 7, and 8, 1995 and  
As aAmended May 5, 2009  
Amended May 2, 2023**

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~~14. This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 7.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Town of Mount Desert Dog Ordinance” be enacted?

**TOWN OF MOUNT DESERT DOG ORDINANCE**

**Adopted March 1, 1965  
Amended March 2, 1970  
Amended March 5, 1973  
Amended May 5, 2009  
Amended May 2, 2023**

- 1) **Miscellaneous Provisions**
- A) This ordinance, as amended, is adopted pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 4, Chapter 141 (30-A M.R.S.A. § 3001, *et seq.*), and Title 7, Part 9, Chapter 725, § 3950 (7 M.R.S.A. § 3950).
- B) The effective date of this Ordinance is: May 5, 2009.

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

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

*Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.*

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 8.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Town of Mount Desert Harbor Ordinance” be enacted?

**Town of Mount Desert  
Harbor Ordinance**

**Enacted May 2, 2017  
Amended May 2, 2023**

**Article II – Applicability, Authority, & General Provisions**

**2.1 - Effective date of the Ordinance**

This Ordinance shall become effective upon adoption by the legislative body ~~and shall, in compliance with section 5.3 of Town of Mount Desert Charter, remain in effect for a period of fifteen (15) years from the effective date.~~

*Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.*

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 9.** Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert Ordinance Limiting Motor Vehicle Access to Great Ponds” be enacted?

**Town of Mount Desert Ordinance**

**Limiting Motor Vehicle Access to Great Ponds**

**Enacted May 5, 2009  
Amended May 2, 2023**

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**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

~~Section 12: This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

Selectboard recommends (passage)

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

**Article 10.** Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert No Swimming Ordinance” be enacted?

**Town of Mount Desert No Swimming Ordinance  
re Upper Hadlock Pond, Lower Hadlock Pond and Jordan Pond**

**Enacted May 5, 2009  
Amended May 2, 2023**

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~~8. This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

Selectboard recommends (passage)

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

**Article 11.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Town of Mount Desert Public Road Acceptance Ordinance” be enacted?

**Public Road Acceptance Ordinance**

**As adopted May 5, 2009 Annual Town Meeting  
Amended May 8, 2018 Annual Town Meeting  
Amended May 2, 2023 Annual Town Meeting**

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

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

*Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.*

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 12.** Shall an ordinance dated May 2, 2023 and entitled “Rural Wastewater Treatment Support Program Ordinance of the Town of Mount Desert” be enacted?

**RURAL WASTEWATER TREATMENT SUPPORT PROGRAM ORDINANCE  
OF THE TOWN OF MOUNT DESERT**

**ENACTED MARCH 1, 2004  
AMENDED MARCH 7, 2006  
AMENDED MARCH 6, 2007  
AMENDED MAY 5, 2009  
AMENDED MAY 2, 2023**

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**8.0 Period of Ordinance**

**8.1**

The effective date of this Ordinance is: ~~May 5, 2009.~~ May 2, 2023

~~8.2 — This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

*Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.*

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 13.** Shall an ordinance dated May 2, 2023 and entitled “Solid Waste Ordinance of the Town of Mount Desert” be enacted?

**SOLID WASTE ORDINANCE  
of the  
TOWN OF MOUNT DESERT**

Enacted MAY 6, 2014  
Revised and Enacted May 8, 2018  
Amended May 2, 2023

SECTION 11: EFFECTIVE DATE; SUNSET

This Ordinance shall become effective upon the date of enactment ~~for a period not to exceed 15 years, unless amended or repealed prior to the expiration of this 15 year period.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 14.** Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert Use of Public Places Ordinance” be enacted?

TOWN OF MOUNT DESERT  
USE OF PUBLIC PLACES ORDINANCE

Enacted May 5, 2009  
Amended May 2, 2023

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~~1. This Ordinance shall expire and be of no force or effect on May 7, 2024.~~

***Explanatory Note: This amendment eliminates the sunset provision in the ordinance to be consistent with amendments to the Town Charter dated May 2, 2022 referendum election.***

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 15.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance Regarding Lots within the Village Commercial District in the Village of Northeast Harbor” be enacted as set forth below?

***Explanatory Note: This Article amends Section 3.5, footnote P to clarify that the minimum lot size of 1000 square feet only applies to lots within the village of Northeast Harbor.***

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



**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

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Notes:

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(p) For only those lots in the Village of Northeast Harbor 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.

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

**Article 16.** Shall an ordinance dated May 2, 2023, entitled “Amendments to the Land Use Zoning Ordinance to change the Land Use District designation of Tax Map 003: Lot 026 and Map 003: Lot 027” be enacted as set forth below?

***Explanatory Note: This Article changes Tax Map 003, Lot 26 and Map 3, Lot 27 from Shoreland Residential Two (SR2) to Residential Two (R2).***

**SECTION 3 LAND USE DISTRICTS**

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**3.3 Map Changes:** Amended at:

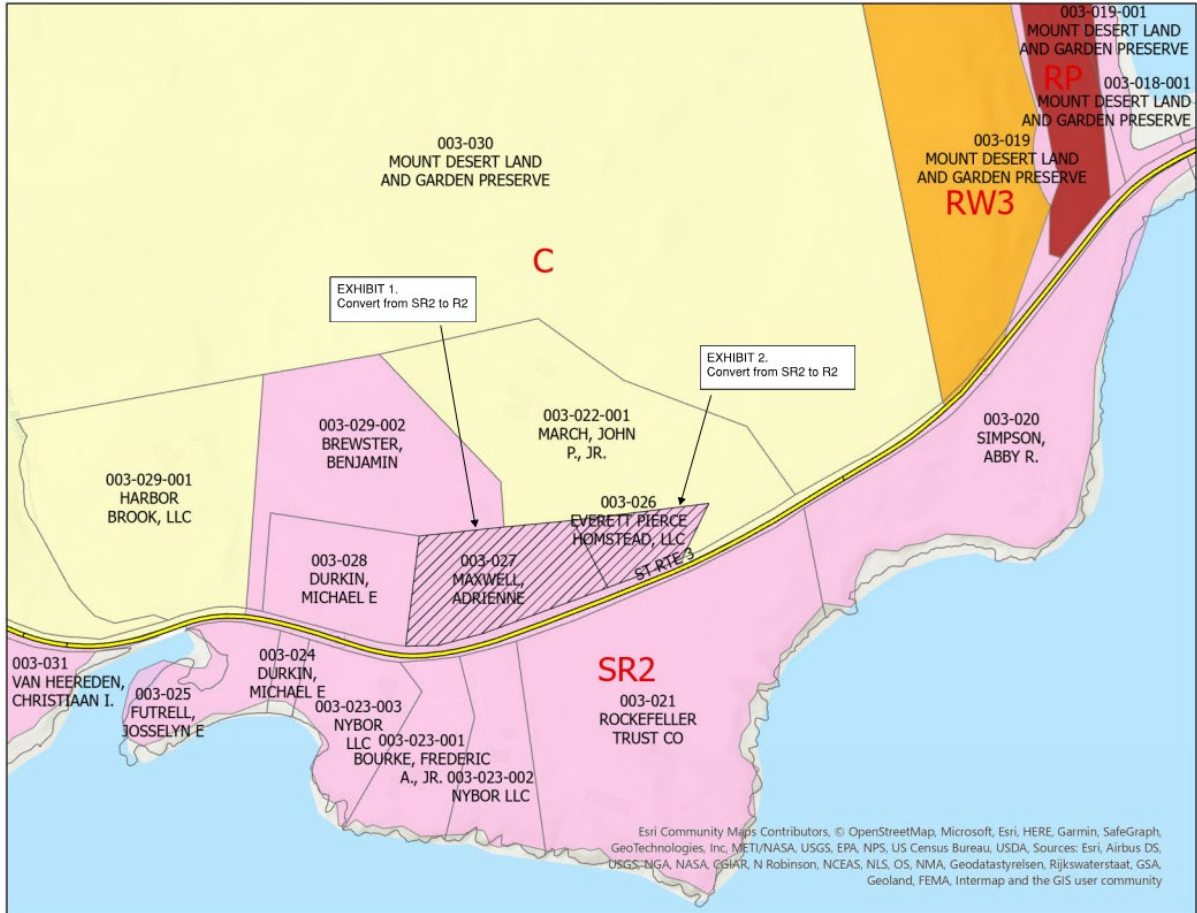
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Town Meeting of May 2, 2023: change Tax Map 003, Lot 026 and Tax Map 003, Lot 027 from Shoreland Residential Two (SR2) to Residential Two (R2).

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**See draft map on following page**

**BLACK** – voted or Non-BOS/ **GREEN** – Ready to review/ **RED** – Not ready



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

**Article 17.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to clarify the dimensional requirements for one-Family and two-family dwellings” be enacted as set forth below?

**Explanatory Note:** This warrant article amends the LUZO section 6.B.11.3(2) to clarify that the dimensional standards for a duplex are not doubled until a second duplex structure is added.

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

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**6B.11 Lots**

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**3. Requirements for lots wholly outside the Shoreland Zone**

1. Lots abutting more than one road. Lots which abut more than one road shall have the required setbacks along each road used as an entrance or exit.

2. ~~Additional Dimensional requirements~~ one-family or two-family dwellings. One-family and two-family dwellings are allowed in all districts, as indicated in Section 3.4, subject to the following:- All dimensional requirements shall be met separately for each and every one-family dwelling on a lot. For each additional or All dimensional requirements shall be met separately for each and every two-family dwelling on a lot, all dimensional requirements shall be met separately for each one-family or two-family dwelling.

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

**Article 18.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to add Residential Storage Building/Shed as permitted uses in Section 3.4” be enacted as set forth below?

***Explanatory Note: This Article adds Residential Storage Building/Sheds as allowed uses so that property owners can build these structures without being tied to a residential dwelling unit.***

**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

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

- 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

<b>DISTRICTS:</b>										
<b>LAND USE:</b>	<b>VR 1 VR 2</b>	<b>R 1 R 2</b>	<b>SR 1 SR 2 SR 3 SR 5</b>	<b>RW 2 RW 3</b>	<b>VC</b>	<b>SC</b>	<b>C</b>	<b>RP</b>	<b>SP</b>	<b>VR3</b>
<b>RESIDENTIAL</b>										
Dwelling 1 & 2 Family	CEO	CEO	CEO <sup>(d)</sup>	CEO	CEO	CEO <sup>(d)</sup>	C	C <sup>8</sup>	C <sup>4</sup>	X
Dwelling, Multiple	C	C	C	C	C	X	C	X	X	X
Accessory Residential Dwelling Unit	CEO	CEO	CEO	CEO	CEO	C	C	C <sup>8</sup>	C <sup>4</sup>	C <sup>e</sup>
Accessory structures including structural additions and guest houses <sup>(e)</sup>	CEO	CEO	CEO	CEO	CEO	CEO	C	C <sup>8</sup>	C <sup>4</sup>	X
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X	X
<u>Residential Storage Building/Shed</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>C</u>	<u>C<sup>8</sup></u>	<u>C<sup>4</sup></u>	<u>X</u>
Mobile Home Park	C	X	X	X	X	X	X	X	X	X

- (c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.
- (d) See Section 6B.11.3 (Lots)
- (e) Accessory residential dwellings in the VR3 District must be for staff housing only.

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**SECTION 8 DEFINITIONS**

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**RESIDENTIAL STORAGE BUILDING/SHED:** A structure or building used primarily for storage purposes.

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

**Article 19.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to remove the air landing sites” be enacted as set forth below?

***Explanatory Note: This Article removes air landing sites from section 6B in the ordinance.***

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

**6B.1 Agriculture**

In non-shoreland areas, all spreading, or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209). In shoreland areas, all spreading, or disposal of manure shall comply with Section 6C.1.

**~~6B.2 Air Landing Sites~~ RESERVED**

~~No air landing site shall be developed or used for such purpose without Conditional Use Approval of the Planning Board.~~

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

**Article 20.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance regarding the definition of Marina and Expansion of Use” be enacted as set forth below?

***Explanatory Note: This Article adds language to the definitions for Marina’s and Expansion of a Use to clarify that the Harbor Master regulates moorings and that an expansion of use does not include adding moorings.***

SECTION 8 DEFINITIONS

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EXPANSION OF A USE: The additional use of more footprint of a structure, land or water area devoted to a particular use; additional one or more weeks of the use's operating season; or additional business hours of operation. Excludes moorings that are regulated by the harbormaster.

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MARINA: A business establishment having frontage on navigable water and providing for hire docking facilities or moorings at its location unless such uses are incidental to the principal use of the property. In addition, it may also provide other services such as: boat storage and repair; boat sales; boat hauling and launching; bait and tackle sales; sale of marine supplies and marine fuel. Placement of moorings are exclusively regulated by the Harbor Master consistent with the Harbor Ordinance and Maine Revised Statutes, Title 38, Chapter 1.

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

Article 21. Shall an ordinance dated May 2, 2023 and entitled "Amendments to the Land Use Zoning Ordinance to amend the deadline for establishment of use" be enacted as set forth below?

Explanatory Note: This Article changes the timeframe for establishment of use for a conditional use from 12 months to 24 months.

SECTION 5 CONDITIONAL USE APPROVAL

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5.5 Deadline for establishment of use

Unless more restrictive criteria are required in another section of this Ordinance, the proposed use must be established within twelve (12) twenty-four (24) months of the date of approval of the Conditional Use Application. Otherwise, the approval lapses and a new application is required. The beginning of construction or the commencement of business shall constitute establishment.

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

**Article 22.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to correct the date for when a lot was be created for purposes of applying the access provisions in 6B.11(2)” to be enacted as set forth below?

***Explanatory Note: This Article makes a house keeping correction to date for when a lot was be created for purposes of applying the access provisions in 6B.11(2).***

6B.11 Lots

1. Minimum lot size. See section 3.5.

2. Access.

**1. Lots created on or after ~~June 6~~May 5, 2015.** No lot created on or after ~~June 6~~May 5, 2015, shall be built upon or otherwise developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one or more private roads) or by ownership of land abutting the public way. If more than 2 lots are accessed by the same private road, then it must meet the Street Design and Construction Standards of Section 5.14 of the Subdivision Ordinance. If no more than 2 lots are accessed by the same private road or driveway, then it must meet either the said Street Design and Construction Standards or the Driveway Construction standards of Section 6B.6 of this Ordinance. A pre-existing primary access drive that serves up to 2 existing lots need not meet the requirements of Section 6B.6. All such lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Code Enforcement Officer.

In determining whether lots maintain safe access, the Code Enforcement Office may seek guidance from the Fire Chief.

**2. Lots created before ~~June 6~~May 5, 2015.** Any lot created before ~~June 6~~May 5, 2015, shall not be further built upon or otherwise further developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one or more private roads) or by ownership of land abutting the public way, but the said private road or driveway need not meet the requirements of Section 6B.6 of the Land Use Zoning Ordinance. All such lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Code Enforcement Officer. In determining whether lots maintain safe access, the Code Enforcement Officer may seek guidance from the Fire Chief.

Planning Board recommends passage

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

**Article 23.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance to clarify where the setback is measured from a road or right-of-way” be enacted as set forth below?

***Explanatory Note: This Article clarifies where a road setback is measured from.***

**SECTION 3 LAND USE DISTRICTS**

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

.  
. .  
NOTES:

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

(c) Setbacks from pPublic and private 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.~~

Planning Board recommends passage

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

**Article 24.** Shall an ordinance dated May 2, 2023 and entitled “Amendments to the Land Use Zoning Ordinance regarding the footprint limitation for principal and accessory structures in the shoreland zone” be enacted as set forth below?

*Explanatory Note: This Article provides a housekeeping change to make the local ordinance consistent with Shoreland Zoning by increases the footprint limitation for principal and accessory structures in the shoreland zone from 15% to 20% which is more consistent with the State guidelines.*

**SHORELAND ZONING STANDARDS**

.  
. .  
**6C.8 Principal and Accessory Structures**

.  
. .  
**6. ~~15%~~20% footprint limitation.** The total footprint area of all structures, parking lots and other -vegetated surfaces, within the shoreland zone shall not exceed ~~fifteen~~twenty (15~~20~~) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the Shoreland Commercial District adjacent to tidal waters, where lot coverage shall not exceed seventy (70) percent.

Planning Board recommends passage

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



**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

**Article 25.** Shall an ordinance dated May 2, 2023 and entitled “**Short-Term Rental Licensing Ordinance**” be enacted as set forth below?

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

### **Gifts**

**Article 26.** 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.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

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

**Article 27.** 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, 2023 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 28.** 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, 2023 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 29.** 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.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 30.** To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to enter in to a ten-year (10) lease with the Town of Cranberry Isles, for 123 parking spaces in the Town Office Municipal parking lot, under terms and conditions the Board deems advisable. A copy of the lease document shall be on file at the Town office and available for public inspection no less than seven (7) days prior to the Town Meeting and that copy shall be certified as accurate by the Town Clerk.

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

**Article 31.** Shall the residents of the Town of Mount Desert (the Town) vote to accept XXXXX, being a private road located in the Village of XXXXX off the XXX Road, approximately XXX feet in length, and presently owned by XXXX, and as requested by same in their correspondence to the Town dated XXXXX, as Public Roads, in conformance with the Towns Public Road Acceptance Ordinance as amended at the May 8, 2018 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 XXXXXX to the Town.

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

**Article 32.** Shall the residents of the Town of Mount Desert (the Town) vote to accept the existing private sanitary sewer mains located XXXXX as public sanitary sewer mains, a total length of sewer mains being approximately XXX feet, and presently owned by XXXX and as requested by same in their correspondence to the Town dated XXXX, as public sewers, and not including any building sewers, with said acceptance based on written documentation dated XXXXX 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 3, 2022 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 XXXX to the Town.

### **Fiscal Policy**

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

**Article 33.** To see if the Inhabitants of the Town of Mount Desert will vote **Investment Policy.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 34.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard to **SIDEWALK PROJECT.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 35.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard to **TENNIS COURT PROJECT.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 36.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard to **CRANBERRY ISLES PARKING LOT PROJECT.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

### **FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

#### **1. Total Town Indebtedness**

<b>A.</b>	Bonds outstanding and unpaid:	\$X,XXX.00
<b>B.</b>	Bonds authorized and unissued:	\$X,XXX.00
<b>C.</b>	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.



Treasurer, Town of Mount Desert, Maine

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

**(If Articles XX, XX and XX 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	<u>\$X,XXX.00</u>
	Articles X, XX, & XXX	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.

Treasurer, Town of Mount Desert, Maine

**Article 37.**

To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard to accept and expend on behalf of the Town additional state, federal and other funds (including gifts and grants, as well as funds received under the American Rescue Plan Act and similar legislation) received during the fiscal year 2023-2024 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 38.** 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.)*

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 39.** 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.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 40.** 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 the subsequent year, with no interest to be paid on same.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 41.** 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.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 42.** 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 Selectboard together with any interest due thereon from the Town, during the fiscal year beginning July 1, 2023, in an aggregate amount not to exceed the property tax commitment overlay.

Selectboard recommends (passage)

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

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

**Article 43.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard to dispose by public bid of Town-owned property, other than real property, with a value of thirty thousand dollars (\$30,000.00) or less under such terms and conditions as it deems advisable.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 44.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard 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).

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 45.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Selectboard to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

### **Municipal Revenue**

**Article 46.** To see if the Inhabitants of the Town of Mount Desert will vote **sell the generator to the High School.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 47.** 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 2023 – 2024 tax commitment.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

**Article 48.** 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 2023 – 2024 Town Budget.

Selectboard recommends \$2,165,157.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 49.** To see if the Inhabitants of the Town of Mount Desert will vote to transfer the balance held in the Police Training Cost Reserve account 4040100-24405 to the Police Capital Improvement Reserve account 4040100-24405.

**Explanatory Note: Police training went to a fully integrated system with BHPD in 2020. The balance of the Police Training Cost Reserve as of December 31, 2022 is \$66,769.24. The actual transfer amount will differ based on subsequent pro-rata allocation of portfolio performance.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 50.** To see if the Inhabitants of the Town of Mount Desert will vote to transfer the balance held in the Assessor Capital Improvement Reserve account 4020500-24206 to the Assessor Revaluation Reserve account 4020600-24207.

**Explanatory Note: The Vision Server was the only asset assigned to the Assessment Capital Improvement Reserve, which is no longer needed due to cloud hosted service. The balance of the Assessment Capital Improvement Reserve as of December 31, 2022 is \$8,540.53. The actual transfer amount will differ based on subsequent pro-rata allocation of portfolio performance.**

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

### **Municipal Appropriations**

**Explanatory note: articles XX, XX, and XX amend previously approved appropriations.**

**Article 51.** Amend PW (Highway) warrant article appropriation for FY22 to agree to audited expenditure figure

- o As of now, known overage of \$45,141 (1.57% overage) (36,427 per Budget analysis + 8,714 in expenditures accrued through audit)

Selectboard recommends \$XXX.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 52.** To see if the Inhabitants of the Town of Mount Desert will vote

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

to ratify the overdraft that occurred in Debt Service for the year ended June 30, 2022, in the amount of \$2,381.09. The overdraft was charged to the Undesignated Fund Balance. Said overdraft was caused by actual interest on certain debt service payments exceeding budgeted expectations. Total appropriations for the fiscal year ended June 30, 2022 for department 801 “Debt Service” were \$1,863,050 and total expenditures recognized in said fiscal year amount to \$1,865,431.09.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Article 53.** To see if the Inhabitants of the Town of Mount Desert will vote to amend appropriations for department 801 Debt Service for the fiscal year ending June 30, 2023 from \$1,736,705 to \$1,746,000. The difference in original and revised appropriations will be charged to the Undesignated Fund Balance, subject to actual variance(s) in audited activity. Such amendment in appropriations is necessitated primarily by the difference in interest expense budgeted for and actually incurred for Bond Series 2018 Road Projects.

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (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 200 through 221 General Government – Governing Body (Selectboard), Municipal Management, Town Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human Resources, Technology, and Contracted Municipal and Community Oriented Services for the 2023 – 2024 Town Budget.

<b>Gov. Body (Bd of Selectmen): \$36,770.00</b>	<b>Registrar: \$2,500.00</b>
<b>Town Clerk: \$139,940.00</b>	<b>Planning Board: \$52,263.00</b>
<b>Elections: \$14,500.00</b>	<b>Treasurer: \$94,179.00</b>
<b>Finance: \$201,152.00</b>	<b>Assessment: \$143,212.00</b>
<b>Tax Collector: \$19,520.00</b>	<b>Unallocated: \$113,000.00</b>
<b>Code Enforcement: \$212,484.00</b>	<b>Technology: \$220,887.00</b>
<b>Human Resources: \$55,400.00</b>	<b>CMCOS: \$143,000.00</b>
<b>Town Management: \$432,064.00</b>	

Selectboard recommends \$1,880,871.00  
Warrant Committee recommends \$XXX.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 300 General Assistance Support for the 2023 – 2024 Town Budget.

Selectboard recommends \$5,000.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)



**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

**Article 56.** 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 2023 – 2024 Town Budget.

Selectboard recommends \$222,066.00  
Warrant Committee recommends \$XXX.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 406 Street Lights for the 2023 – 2024 Town Budget.

Selectboard recommends \$11,250.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 58.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 401, 405, 407, and 408 Public Safety – Police, Shellfish, Animal Control, and Communications (Dispatch) for the 2023 – 2024 Town Budget.

**Police: \$1,166,478.00                      Animal Control: \$4,980.00**  
**Shellfish: \$3,403.00                      Communications: \$456,295.00**

Selectboard recommends \$1,631,156.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 59.** 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 2023 – 2024 Town Budget.

**Fire: \$2,267,334.00   Hydrants: \$273,500.00   Emergency Management: \$1,000.00**

Selectboard recommends \$2,541,834.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 60.** 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 2023 – 2024 Town Budget.

**Roads: \$2,004,068.00                      Buildings/Grounds: \$278,510.00**  
**Parks/Cemeteries: \$60,202.00                      Waste Management: \$743,619.00**

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

***Environmental Sustainability: \$35,750.00***

Selectboard recommends \$3,122,149.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 61.** 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 2023 – 2024 Town Budget.

***Sewer Capital: \$ 0.00***

***Sewer Operation: \$745,157.00***

***Wastewater Treatment***

***Northeast Harbor Plant: \$197,850.00***

***Somesville Plant: \$79,000.00***

***Seal Harbor Plant: \$152,258.00***

***Otter Creek Pmp Station: \$35,500.00***

Selectboard recommends \$1,209,765.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 62.** 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 2023 – 2024 Town Budget.

Selectboard recommends \$5,900.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 63.** 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 2023 – 2024 Town Budget.

Selectboard recommends \$10,000.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Article 64.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 851 Third Party Request Agencies for the 2023 – 2024 Town Budget: Village Organizations, Recreation, and Public/Social Service Agencies, and Historical/Museums.

***Village Organizations: \$XXX.00***  
***Recreation: \$XXX.00***

***Public/Social Service Agencies: \$XXX***  
***Historical/Museums: \$XXX.00***

Selectboard recommends \$XXX.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**BLACK – voted or Non-BOS/ GREEN – Ready to review/ RED – Not ready**

**Article 65.** 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 2023 – 2024 Town Budget.

Selectboard recommends \$1,209,234.00  
Warrant Committee recommends \$XXX.00 (XX Ayes; XX Nays)

**Written Ballot required for Article xx**

**Article 66.** To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit by \$XXX.00. **See Appendix XYZ (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.*

Selectboard recommends (passage)  
Warrant Committee recommends (passage) (XX Ayes; XX Nays)

**Marina Proprietary Fund**

**Article 67.** To see if the Inhabitants of the Town of Mount Desert will vote to ratify the Selectboard’s approval of the Marina Proprietary Fund budget.

**Revenue: \$852,080.00**                      **Expense: \$852,080.00**

Selectboard recommends (ratification)  
Warrant Committee makes no recommendation

**Elementary School Appropriations**

**Note: Articles XX through XX authorize expenditures in cost center**

**Article 68.** To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

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