



2003- 2004 WARRANT COMMITTEE

The Warrant Committee for the 2004 Annual Town Meeting consists of twenty-eight residents appointed by the Board of Selectmen for three-year terms. Members of the Warrant Committee are grouped into six subcommittees and in those sub-committees and as a whole, the Committee hears presentations and studies requests for budget articles and the other warrant articles. The Warrant Committee is the only body of town government which has its recommendation on every article published in the Warrant.

We have met as a Committee since September on nine occasions, plus each subcommittee has also met independently and members of several subcommittees have attended meetings of other town Boards and Committees. We received presentations from the Department heads regarding their budget requests, a presentation by the Human Resources Committee on compensation for town employees, third-party requests from organizations seeking an appropriation from the Town; presentations by the School Board and Administration on the status of their budget requests and by the Planning Board and the Ordinance Review Committee on proposed LUZO changes which appear in the warrant as well as materials and follow-up discussions on other ordinances and articles appearing before the voters on this Annual Town Meeting Warrant. Town Manager Mike MacDonald and other town officials have been in regular attendance at our meetings and provided us with the most recent budget and warrant article information and we appreciate the time they have given us.

We have tried to consider each Warrant Article at least once before voting our recommendation at our final meeting on January 13, 2004. The finalization of the warrant has been particularly late this year, and as late as January 6, 2004, we were presented with significant changes - these late developments make it particularly difficult for the Warrant Committee to do the best it can do as it affords us little time to consider and debate the proposals.

The Town benefits greatly from the dedication of its professional staff and administrative officers, its department heads and employees, and the many volunteers who serve the Town. As a Committee, we have again enjoyed an open and candid dialogue with school administrators and Board members. As individuals and as a Committee, we thank all of those who have appeared before us and provided us with information on the budget and other Articles in the Warrant.

In our annual reports to the Town over the last several years, we have used this report as an opportunity to bring items of concern to the voters of our Town. This year, we have again noted an increase in the number of organizations seeking a contribution from the town as "third party requests". Almost all of the groups seeking support are worthwhile causes, a number of which received federal or state funding in the past, but must now find other and additional sources to keep their programs up and running. We have had a great deal of discussion on what the Town can and should be expected to do in response to these requests, and we have ended up focusing on those organizations which directly benefit residents of the town and tried to avoid recommending funding for organizations that appear to duplicate each other's efforts. Our ultimate recommendation is less than was presented in last year's warrant, and we want the voters to know that this is a difficult area and one on which we have spent much time and attention.

We have also discussed the recent presentation of articles on the warrant as referendum questions. The consensus of the committee as a whole (our vote was 17 - 1 on this issue at our meeting on January 6) is that articles like those presenting the Sewer Ordinance and the Rural Wastewater Support Program Ordinance are better presented as articles to be debated on the Town Meeting floor. They can be voted on by secret ballot if there is a concern about other methods of voting, but we respect that at Town Meeting all who choose to attend have the opportunity to hear the give-and-take of debate as the opinions of our fellow voters are stated and tested.

Finally, the lateness of the hour when the municipal budget and warrant have been developed this year has prompted much discussion in our committee about what can be done to make the process better. We would urge the Administration and the Board of Selectmen to consider adopting a policy requiring that items requested for the municipal budget be identified in late November or at the beginning of December or postponed for consideration until the next year. Exceptions would need to be made for emergencies and/or for changes required by unforeseen year-end figures. Moving the "final" budget discussion back a month from what it was this year would allow us the chance to more fully debate what we recommend to the voters.

The Warrant Committee cannot place any article in the Warrant, it can only recommend action to be taken by the town at Town Meeting. We react to what is proposed by the Board of Selectmen, the School Board, and the Planning Board. Given the size of the increase requested in this year's budget, we once again urge the development and adoption of a plan for future capital expenditures for our buildings and infrastructure that will anticipate these projects and provide for them in ways that will minimize both their impact on the mill rate and in the total interest paid on the debts incurred. Development of such a plan must be given priority by the Town Manager and the Board of Selectmen. We again also urge the Town to explore options for financing that fall between the 1-year appropriation of funds authorized by Town Meeting and the (usual) 20-year commitment we have signed for bonds. Reserve accounts are one way to save for these expenses and short-term loans are another option we have suggested be considered. Each of these is an attempt to spread the total impact of expenditures over time, but our ability to see which options are best can really only exist when there is a long-term plan in place to show us what kinds of expenses are anticipated in the years to come.

As members of the Warrant Committee, we appreciate the privilege of serving the Town. Our dedication to the Town carries us through the hours of reading, of listening, and of discussing this process requires. Our shared commitment also lets us appreciate and (even) enjoy our differences and keep smiling. We would encourage other residents of the Town interested in becoming members of the Committee to come to one of our meetings and to contact us, the Town Office, and/or the Board of Selectmen. The effectiveness of our Committee is enhanced by our ability to accurately reflect the concerns of the residents of Mount Desert. Please consider joining us. Thank you.

Chair - Bill Ferm

Vice-Chair - Tom Richardson

Secretary - John Macauley

2003 - 2004 WARRANT COMMITTEE SUBCOMMITTEES

PUBLIC TRANSPORTATION & BUILDINGS

Sam Blanchard
Jim Bright
Sherwood Carr
Bobby Dodge
Owen Craighead, Jr.

PUBLIC SANITATION

Frederick Brown
Mark Hamlet
Julianna Reddish-Smith
Rob Shea
Dennis Smith

COMMUNITY SERVICES & RECREATION

Donna Beals
Ann Dalton
Bill Hodgkins
Carmen Sanford - CH

PUBLIC SAFETY

Albert Hamor
Dana Haynes
David Higgins
John Macauley - CH

MUNICIPAL ADMINISTRATION

Mike Bender
John Gannon
Tom Richardson - CH
Hank Schmelzer

PUBLIC EDUCATION

Ellen Brawley
Bill Fern
Pat Foster - CH
Gary Fountain
Gail Gee
Jerry Miller

State of Maine

Hancock County, ss

2004

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 first day of March AD 2004 at **SEVEN FIFTY O'CLOCK** in the forenoon, then and there to act on Article 1; and immediately thereafter to act on Articles 2 through 4 until six o'clock in the evening.

AND to notify and warn said voters to reconvene in the **Higgins-Demas Auditorium, Mount Desert Island Regional High School, 1081 Eagle Lake Road, Bar Harbor**, on Tuesday, the second day of March AD 2004, at **SIX O'CLOCK** in the evening; then and there to act on Articles numbered 5 through 59; 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 March 1, 2004 at the following times: 8:30 AM, 9:00 AM, 9:30 AM, 10:00 AM, 10:30 AM, 11:00 AM, 11:30 AM, 12:00 PM, 12:30 PM, 1:00 PM, 1:30 PM, 2:00 PM, 2:30 PM, 3:00 PM, 3:30 PM, 4:00 PM, 4:30 PM, 5:00 PM, and 5:30 PM

Article 1. To elect a Moderator by written ballot.

Article 2. To elect two members to the Board of Selectmen for a term of three years each, two members to the Superintending School Board for a term of three years each; and one Trustee of the Mount Desert Island Regional School District for a term of three years.

REFERENDUM VOTE

Article 3. Shall an ordinance entitled "Sewer Ordinance" be enacted? (*This will repeal and replace the Town Sewers and Drains Ordinance, which was originally effective October 25, 1988*). A complete copy of the proposed ordinance is available in the Town Clerk's Office. The text of the ordinance is also appended to the warrant as Appendix A.

Board of Selectmen recommends to enact.
Warrant Committee recommends to enact.

REFERENDUM VOTE

Article 4. Shall an Ordinance entitled “Rural Wastewater Treatment Support Ordinance” be enacted?

A complete copy of the proposed ordinance is available in the Town Clerk’s Office. The text of the ordinance is also appended to the warrant as Appendix B.

Board of Selectmen recommends to enact.
Warrant Committee recommends to enact.

Article 5. To see if non-voters shall be allowed, when recognized, to speak during the 2004 Annual Town Meeting.

Board of Selectmen recommends passage.
Warrant Committee recommends passage.

Article 6. To see if the Inhabitants of the Town of Mount Desert will vote to approve an expenditure of \$500 from the Dog Welfare - Credit Reserve Account to the Southwest Harbor Animal Shelter as a donation.

Board of Selectmen recommends passage.
Warrant Committee recommends passage.

Article 7. To see if the Inhabitants of the Town of Mount Desert will vote to establish the annual compensation for Selectmen services at \$1,200 per Selectman.

Board of Selectmen recommends passage.
Warrant Committee recommends passage.

Article 8. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as 2004 Revenue through Excise Taxes, Service Fees and miscellaneous sources. (Refer to pg. 30)

Board of Selectmen recommends	\$1,737,909
Warrant Committee recommends	\$1,737,909

Article 9. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Elected Officials, Administration, Assessor, Tax Collector/Treasurer, Code Enforcement Officer and Town Clerk in the 2004 Town budget. (Refer to pages 30 – 33)

Board of Selectmen recommends	\$ 492,568
Warrant Committee recommends	\$ 487,068

Article 10. To see what sum the Inhabitants of the Town of Mount Desert

will raise and appropriate for Public Safety - Police in the 2004 Town budget. (Refer to page 34)

Board of Selectmen recommends	\$ 319,624
Warrant Committee recommends	\$ 315,624

Article 11. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Safety - Fire in the 2004 Town budget. (Refer to page 35)

Board of Selectmen recommends	\$ 275,676
Warrant Committee recommends	\$ 266,376

Article 12. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Communications in the 2004 Town budget. (Refer to page 35)

Board of Selectmen recommends	\$ 165,676
Warrant Committee recommends	\$ 160,676

Article 13. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works - Highway/Streets/Roads in the 2004 Town budget. (Refer to page 36)

Board of Selectmen recommends	\$ 938,550
Warrant Committee recommends	\$ 878,550

Article 14. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works - Waste Collection/Disposal in the 2004 Town budget. (Refer to page 37)

Board of Selectmen recommends	\$ 345,246
Warrant Committee recommends	\$ 334,246

Article 15. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Buildings & Grounds and Parks & Cemeteries in the 2004 Town budget. (Refer to pages 32 and 37)

Board of Selectmen recommends	\$ 122,026
Warrant Committee recommends	\$ 112,026

Article 16. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Compliance/Mandates in the 2004 Town budget. (Refer to page 38)

Board of Selectmen recommends	\$ 410,829
Warrant Committee recommends	\$ 395,829

Article 17. To see what sum the Inhabitants of the Town of Mount Desert

will raise and appropriate for Other Services, for the fiscal year beginning January 1, 2004 and ending December 31, 2004: (Refer to page 38)

	2003	Selectmen recommend	Warrant Com recommend
NEH Library	\$10,000	10,000	10,000
Seal Hbr Library	4,000	4,000	4,000
Somesville Library	5,800	5,500	5,500
Seal Hbr Improve Society	18,700	18,700	18,700
Mt Desert Nursing Assoc	16,500	16,500	16,500
Showers (Chamber)	7,500	5,450	5,450
Neighborhood House	14,000	14,000	14,000
Downeast Transportation	450	450	450
Down East Horizons	5,600	5,600	5,600
MD Nursery School	5,000	1,050	1,050
MDI Historical Society	500	500	500
Somesville VIS	1,000	1,000	1,000
Community Health/Counseling	1,429	1,429	1,429
American Red Cross	1,000	500	500
Island Explorer Pub. Transprtation	14,000	14,000	14,000
Eastern Area on Aging	400		400
Island Connection	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
TOTALS	\$106,879	\$99,679	\$100,079

Article 18. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Recreation in the 2004 Town budget. (Refer to page 38)

Board of Selectmen recommends	\$ 62,697
Warrant Committee recommends	\$ 62,697

Article 19. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Rural Wastewater Support Program in the 2004 Town budget. (Refer to page 38)

Board of Selectmen recommends	\$ 177,000
Warrant Committee recommends	\$ 177,000

Article 20. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works – Sewer Capital & Debt in the 2004 Town budget. (Refer to page 39)

Board of Selectmen recommends	\$1,376,683
Warrant Committee recommends	\$1,376,683

Article 21. To see what sum the Inhabitants of the Town of Mount Desert

will raise and appropriate for Public Works - Sewer Treatment for Northeast Harbor, Somesville, Seal Harbor and Otter Creek in the 2004 Town budget. (Refer to pages 39 - 41)

Board of Selectmen recommends	\$ 523,723
Warrant Committee recommends	\$ 518,723

Article 22. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for the harbors of Northeast Harbor, Seal Harbor, Bartlett Narrows Harbor and Somes Harbor in the 2004 Town budget. (Refer to pages 42 - 43)

Board of Selectmen recommends	\$ 280,068
Warrant Committee recommends	\$ 247,568

Article 23. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Finance in the 2004 Town budget. (Refer to page 44)

Board of Selectmen recommends	\$ 26,500
Warrant Committee recommends	\$ 26,500

Article 24. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Personnel (Insurance, FICA and other costs) in the 2004 Town budget. (Refer to page 44)

Board of Selectmen recommends	\$ 673,236
Warrant Committee recommends	\$ 760,948

Article 25. To see if the Inhabitants of the Town of Mount Desert will vote to transfer \$400,000 from the Credit Reserve account to the 2004 budget to be used to reduce 2004 taxes.

Board of Selectmen recommends passage.	
Warrant Committee recommends passage.	

Article 26. To see what sum the Inhabitants of the Town of Mount Desert will authorize the School Board to expend for personnel for the fiscal year beginning July 1, 2004 and ending June 30, 2005, from the foundation allocation, unexpended balances, tuition receipts, local appropriations, state subsidy, and other receipts for the support of schools. (Refer to pages 47 - 52 for Elementary School budget)

School Board recommends	\$1,726,228
Warrant Committee recommends	\$1,726,228

Article 27. To see what sum the Inhabitants of the Town of Mount Desert will authorize the School Board to expend for operating expenses for the fiscal year beginning July 1, 2004 and ending June 30, 2005, from the foundation allocation, unexpended balances, tuition receipts, local appropriations, state subsidy, and other receipts for the support of schools.

School Board recommends	\$ 463,144
Warrant Committee recommends	\$ 463,144

Article 28. To see what sum the Inhabitants of the Town of Mount Desert will vote to authorize the School Board to expend for debt service for the fiscal year beginning July 1, 2004 and ending June 30, 2005, from the foundation allocation, unexpended balances, tuition receipts, local appropriations, state subsidy, and other receipts for the support of schools.

School Board recommends	\$ 545,318
Warrant Committee recommends	\$ 545,318

Article 29. Shall the voters of the Town of Mount Desert appropriate \$80,000 from the earnings on the investment of school construction bonds issued for the Town of Mount Desert school building project, which sum shall be used to partially fund the debt service payment which is included in the 2004-2005 school budget?

School Board recommends passage.
Warrant Committee recommends passage.

Article 30. To see what sum the Inhabitants of the Town of Mount Desert will appropriate from the foundation allocation for school purposes (recommended \$1,325,426) and to see what sum the Inhabitants of the Town of Mount Desert will raise as the local share of the foundation allocation for the period July 1, 2004 to June 30, 2005.

School Board recommends	\$1,273,426
Warrant Committee recommends	\$1,273,426

Article 31. To see what sum the Inhabitants of the Town of Mount Desert will raise in additional local funds for the period July 1, 2004 to June 30, 2005 for the support of schools. (Hand count required).

School Board recommends	\$1,197,376
Warrant Committee recommends	\$1,197,376

Article 32. In addition to the amounts in **Articles 26, 27, and 28**, shall the Town appropriate and authorize the School Board to expend additional state, federal and other funds received during the fiscal year 2004-2005 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

Current Year Totals: \$71,780

School Board recommends passage.
Warrant Committee recommends passage.

Article 33. Shall an ordinance entitled "Town of Mount Desert Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking of alewives shall be as follows: For the year January 1, 2004 through December 31, 2004, there shall be no taking of Alewives in the Town of Mount Desert."

Board of Selectmen recommends to enact.
Warrant Committee recommends to enact.

Article 34. Shall an ordinance entitled "Special Amusement Permit Ordinance" be enacted? A complete copy of the proposed ordinance is available in the Town Clerk's office. The text of the ordinance is also appended to the warrant as Appendix C.

Board of Selectmen recommends to enact.
Warrant Committee recommends to enact.

For Articles 35 through 40 , an underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

Article 35. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance (LUZO) of the Town of Mount Desert as set forth below?

3.3 Map Changes: Amended at: ~~Town Meeting and not yet shown on map:~~
Town Meeting March 2, 1992 change Map 29 Lot 2-3 to Shoreland Commercial.

Town Meeting March 2, 1993 change Map 10 Lots 156 and 157 from Shoreland Residential Two to Residential Two.

Town Meeting March 6-7, 1995 change Map 10 Lot 48, known as Ripples Pond Tract, from Resource Protection District to Residential One District.

Town Meeting March 4, 1997 change Tax Map 009 Lots 011, 012, 017 001, 017 002, 019, 019 001, 020, 036, 037, 038, 039, 040 001, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, and

Tax Map 010 Lots 010, 012, 013, 014, 015, 016, 017, 018, 018 001, 020, 021, 022, 023, 024, 024 001 from Residential Two to Residential One.

Article 35 continued:

Town Meeting March 4, 1997 change Tax Map 011 Lot 029-002 (Bartlett's Landing) from Resource Protection to Shoreland Commercial.

Town Meeting March 2, 2004 change Tax Map 9 Lot 8-2, Tax Map 17 Lots 22-3, 22-2, 22-1 from Shoreland Residential Five to Residential Two.

Town Meeting March 2, 2004 change Tax Map 10 Lot 67 from Shoreland Residential Five to Rural Woodlands Three, except for the area 250 feet from the shore which will become Shoreland Residential Two.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 36. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance (LUZO) of the Town of Mount Desert as set forth below?

Section 3.5 Permitted, Conditional, and Excluded uses by District

LAND USE: COMMERCIAL cont'd	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
Seasonal produce sales (including firewood)	€ <u>CEO</u>	€ <u>CEO</u>	€ <u>CEO</u>	€ <u>CEO</u>	€ <u>CEO</u>	€ <u>CEO</u>	€ <u>CEO</u>	X

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 37. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance (LUZO) of the Town of Mount Desert as set forth below?

6.9 Preserving the Town's Character: The proposed use shall be consistent with protecting the general character of the Town, conserving the natural beauty of the area and shall not tend to change the historical or cultural character of the neighborhood. Such use shall be similar to a use specified as P, CEO or C in Section 3.5 and shall be in accord with the Comprehensive Plan.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 38. Shall the Inhabitants of the Town of Mount Desert amend the Subdivision Ordinance of the Town of Mount Desert as set forth below?

4.2.1 Information on the Applicant

1. Name of applicant (Owner)
2. Name of ~~Applicant~~ agent (if other than owner) with attached authorization for agent by owner.
3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach copy of Secretary of State's Registration.
4. Name of Applicant's authorized representative and authorization.
5. Name, address, and number of Registered Professional Engineer, Land Surveyor, or Planner.
6. Address to which all correspondence from the Board should be sent.
7. What interest does the Applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
8. What interest does the applicant have in any property abutting parcel to be subdivided?
9. State whether preliminary plat plan covers entire, contiguous holdings of owner.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 39. Shall the Inhabitants of the Town of Mount Desert amend the Subdivision Ordinance of the Town of Mount Desert as set forth below?

4.6 Submission of Final Plat Plan

4.6.1 Within ~~6~~ 2 months of the date of ~~Completeness Review as set forth in Section 4.4 above,~~ the end of the Public Hearing in 4.5 above, the subdivider shall submit the Final Plat Plan to the Board. Failure to submit the Final Plat Plan within the designated time period shall require the submission of a new subdivision application, unless such delay is caused by the applicant complying with Section 5.2.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 40. Shall the Inhabitants of the Town of Mount Desert amend the

Subdivision Ordinance of the Town of Mount Desert as set forth below?

Article 40 continued:

5.14 Street Design and Construction

5.14.1 Widths of rights-of way for road construction shall be not less than fifty (50) feet. The design and construction of all streets and roads shall be in accordance with the State Aid Road Specifications of the State of Maine Department of Transportation. Where an access road from a public road or highway is required to serve 3 or more lots, said access road shall be in accordance with the standards given below:

Street Construction Standards

Minimum Right of Way Width	50 ft
Minimum pavement <u>road</u> Width	<u>16</u> 18 ft
Minimum Grade	.5%
Maximum Grade*	<u>12</u> 10 %
Minimum Centerline Radius	150 ft
Minimum Tangent between Curves of reverse alignment	50 ft
Roadway Crown	1/4 in/ft
Minimum Angle of street intersection** (degrees)	75
Maximum Grade within 75 ft of intersection	2%
Minimum curb radii at intersections	<u>14</u> 15 ft
Minimum R/O/W radii at intersections	10 ft
Minimum width of shoulders (each side)	3 ft
Minimum thickness of material after compaction	18 in

Street Materials:

Aggregate Sub-base Course	(Maximum Sized Stone 4 in)
Crushed Aggregate Base Course	3 in
Hot Bituminous Pavement	Total Thickness
Surface Course	1 in
Base Course	1 in

* Maximum grade may be exceeded for a length of 100 feet or less, upon approval of the Planning Board

** Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

**ARTICLES 41 THROUGH 43 PERTAIN TO CLUSTER SUBDIVISION AND
WORKFORCE HOUSING AND NEED TO BE CONSIDERED TOGETHER:**

Article 41. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance of the Town of Mount Desert as set forth below?

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.,

DISTRICTS	VR1 (h)	VR2 (h)	R1	R2
DIMENSIONS see Notes: (b) <u>(i)</u> (j) (k)				
MINIMUM LOT SIZE: <u>A.</u> with public sewer <u>B.</u> without public sewer <u>C.</u> Cluster Subdivision w/sewer* <u>D.</u> Cluster Subdivision w/o sewer* <u>E.</u> Workforce Subdivision* * see Note (k)	10,000 sq ft 1 acre <u>5,000 sq ft</u> <u>20,000 sq ft</u> <u>State Minimum</u>	20,000 sq ft 1 acre <u>10,000 sq ft</u> <u>20,000 sq ft</u> <u>State Minimum</u>	1 acre 1 acre <u>20,000 sq ft</u> <u>20,000 sq ft</u> <u>State Minimum</u>	2 acres 2 acres <u>1 acre</u> <u>1 acre</u> <u>State Minimum</u>
MINIMUM WIDTH OF LOTS: on shore on road <u>--Cluster Subdivision*</u> <u>--Workforce Subdivision*</u> * see Note (l)	N/A* 75 ft <u>50 ft</u> <u>-0- ft</u> * see Note (e)	N/A 100 ft <u>50 ft</u> <u>-0- ft</u>	N/A 100 ft <u>50 ft</u> <u>-0- ft</u>	N/A 100 ft <u>50 ft</u> <u>-0- ft</u>
SETBACKS FROM: normal high water line of a water body or upland edge of a wetland public road*, right of way property lines** * see Note (c) **see Note (d)	75 ft 20 ft 10 ft	75 ft 30 ft 15 ft	75 ft 30 ft 15 ft	75 ft 30 ft 25 ft
MAXIMUM LOT COVERAGE	40%	40%	40%	40%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	20 ft	20 ft	20 ft	20 ft

continued...

Article 41 continued:

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	SR1 (f)	SR2 (f)	SR3 (f)	SR5 (f)
DIMENSIONS see Notes (b) (i) (j) (k)				
MINIMUM LOT SIZE: with public sewer	1 acre	2 acres	3 acres	5 acres
without public sewer	N/A	2 acres	3 acres	5 acres
MINIMUM WIDTH OF LOTS: on shore	250 ft	250 ft	250 ft	250 ft
on road	150 ft	150 ft	150 ft	150 ft
SETBACKS FROM: normal high water line of a water body or upland edge of a wetland	75 ft	75 ft	75 ft	75 ft
public road*, right of way	50 ft	50 ft	50 ft	50 ft
property lines** * see Note (c) **see Note (d)	25 ft	25 ft	25 ft	25 ft
MAXIMUM LOT COVERAGE	15%	15%	15%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	30 ft	30 ft

continued...

Article 41 continued:

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC (g)	SC	C
DIMENSIONS see Notes (b) (i) (j) (k)					
MINIMUM LOT SIZE: <u>A.</u> with public sewer <u>B.</u> without public sewer <u>C.</u> Cluster Subdivision w/sewer* <u>D.</u> Cluster Subdivision w/o sewer* <u>E.</u> Workforce Subdivision* * see Note (k)	2 acres 2 acres <u>1 acre</u> <u>1 acre</u> <u>State Minimum</u>	3 acres 3 acres <u>1.5 acres</u> <u>1.5 acres</u> <u>State Minimum</u>	5,000 sq ft 1 acre <u>N/A</u> <u>N/A</u> <u>N/A</u>	1 acre 1 acre <u>N/A</u> <u>N/A</u> <u>N/A</u>	3 acres 3 acres <u>N/A</u> <u>N/A</u> <u>N/A</u>
MINIMUM WIDTH OF LOTS: on shore on road <u>--Cluster Subdivision*</u> <u>--Workforce Subdivision*</u> * see Note (l)	250 ft 175 ft <u>50 ft</u> <u>-0- ft</u>	250 ft 175 ft <u>50 ft</u> <u>-0- ft</u>	N/A 20 ft <u>50 ft</u> <u>-0- ft</u>	100 ft 50 ft <u>N/A</u> <u>N/A</u>	250 ft 150 ft <u>N/A</u> <u>N/A</u>
SETBACKS FROM: normal high water line of a water body or upland edge of a wetland public road*, right of way property lines** * see Note (c) ** see Note (d)	75 ft 60 ft 25 ft	75 ft 60 ft 25 ft	75 ft 10 ft or -0- ft from edge of public sidewalk 5 ft	75 ft 25 ft 5 ft	75 ft 50 ft 25 ft
MAXIMUM LOT COVERAGE	15 %	15%	75%	75%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	N/A	10 ft	30 ft

Article 41 continued:

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

NOTES:

- (a) Uses in Conservation District are regulated by Section 2.4. No structures are permitted in Resource Protection District.
- (b) All distances shall be measured horizontally in a straight line.
- (c) Measured from edge of right-of-way where legally established or, where not, from edge of paved road surface.
- (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) SC setback from shore 75 feet except for water related structures.
- (f) A newly created lot, any portion of which is within the State Mandated Shoreland Zone, and which increases the number of lots wholly or partially within the State Mandated Shoreland Zone, must have at least the minimum shore frontage required by this section.
- (g) Primary residential use in a 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.
- ~~(h) Except for lots within a PUD which shall conform to Section 5.A in the Subdivision Ordinance.~~
- (i) (h) Height: Structures shall not exceed forty (40) feet. In exceptional cases, which meet the standards of this ordinance and will not adversely affect the skyline of the Town, a Conditional Use Permit may be issued, notwithstanding the above height limitations. Placement of fill with the intention of circumventing this height requirement is prohibited.
- (j) (i) All lot lines abutting a road in a subdivision approved after March 4, 1997 shall run to the middle of the road's right-of-way.
- ~~(k)~~ (j) Lots abutting a cul de sac may have a width of lot on a road or right-of-way that is not less than 50% of the minimum width of lot required for the District in which it is located, provided that the width of lot at the required setback from a road or right of way equals the normal required width of lot for the District in

which it is located.

Article 41 continued:

- (k) Minimum Lot Size for Cluster Subdivision and Workforce Housing development shall only apply to lots in a subdivision that is approved by the Planning Board under the cluster development provisions.
- (l) Minimum Width Requirements for Cluster Subdivision and Workforce Housing development shall only apply to lots in a subdivision that is approved by the Planning Board under the cluster development provisions.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 42. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance (LUZO) of the Town of Mount Desert as set forth below?

SECTION 15. DEFINITIONS

~~PLANNED UNIT DEVELOPMENT: Planned Unit Developments, PUDs, are undertaken in a manner that treats the developed area as an entirety to promote efficient use of land including the creation of common open space, a reduction in the network of road and utility systems, and the retention of natural characteristics of the land. PUDs may not be used, however, to increase the overall net density of development permitted in any zoning district.~~

QUALIFIED WORKFORCE HOUSING ENTITY: Non-profit organizations, public agencies, or private corporations, whose fundamental purpose promotes year round housing opportunities for the professional, business, or service sectors.

WORKFORCE HOUSING: Housing that is more economically viable for the year-round working community.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 43. Shall the Inhabitants of the Town of Mount Desert amend the Subdivision Ordinance of the Town of Mount Desert as set forth below?

3.3 ~~**Planned Unit Development** Planned unit developments, PUDs, are undertaken in a manner that treats the developed area as an entirety to promote efficient use of land including the creation of common open space, a reduction in the network of road and utility systems, and the retention of natural characteristics of the land. PUDs may not be used, however, to increase the overall net density of development~~

~~permitted in any zoning district.~~

Article 43 continued:

~~5.A PLANNED UNIT DEVELOPMENTS~~

~~**Purpose** The purpose of these provisions is to provide for new concepts in subdivision for housing development in all areas in VR-I and VR-II districts which are on public sewer, and to encourage the preservation and protection of land in accordance with the Comprehensive Plan while resulting in:~~

- ~~1. An efficient use of land resulting in shorter networks of utilities and streets without an increase in the net density of the development.~~
- ~~2. A pattern of development which preserves trees, outstanding natural topography and geological features and prevents soil erosion.~~
- ~~3. Common and recreational areas.~~

~~**5.A.1 Basic Requirements** Notwithstanding any other provisions of this Ordinance to the contrary, the Planning Board may permit Planned Unit Development if it finds that all of the following criteria will be met:~~

- ~~1. Overall net density shall be based on developable land.~~
- ~~2. Except as provided herein, PUDs shall allow single family dwellings and shall meet all other requirements for a residential subdivision without waivers. Two family and multi-family dwellings shall not be permitted.~~
- ~~3. In a PUD, any part of a lot on an accepted town or state road shall have substantial buffering along its entire length. The intent of this section is to ensure that the PUD shall have minimal visual impact from the road.~~
- ~~4. There shall be a substantial vegetative buffer of the PUD along all external property lines. Existing vegetation along these lines shall not be thinned or cut.~~
- ~~5. Each dwelling lot shall be connected to public sewer.~~
- ~~6. Each lot in a PUD shall meet all dimensional requirements for the District in which it is located except as herein specified:~~
 - ~~a. No lot shall have an area of less than 10,000 square feet.~~
 - ~~b. Any lot abutting an accepted town or state road shall have a frontage and area no less than normally required in the District.~~
 - ~~c. Lots may have a minimum frontage of 50 feet provided that the minimum lot width at the point of the building closest to the road shall be 75 feet.~~
- ~~7. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in~~

~~the District.~~

Article 43 continued:

~~The common land is intended to be of benefit to each lot owner. The developer shall demonstrate how the common land will function as an integral part of the PUD. The Planning Board may disallow the PUD status of any subdivision, which does not integrate the common land in a clearly functional way within the total Plan. Common land may not need to meet lot size requirements (i.e. road frontage and size of lot).~~

~~8. All common land shall be for recreation or conservation purposes only and shall be owned jointly or in common by the owners of lots; by a trust or association in which each member is deemed to covenant and agree to be jointly and severally liable to maintain, at their cost and expense, all common land. At least 50% of the common land shall be left to its natural state. Any of the remaining common land may be used for private non-intensive, personal or association recreation. Common land shall not be used for the storage of vehicles, trailers, boats or other personal property. The covenants shall be made part of the Final Plan.~~

~~9. Subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreation or conservation uses may be erected on the common land.~~

~~10. All road requirements shall be met and a performance bond shall be required unless financial capability is clearly demonstrated.~~

~~11. All dwelling units in a PUD shall be connected to a common water supply and distribution system, either public or private, unless the developer clearly demonstrates to the Planning Board that:~~

- ~~(a) adequate groundwater is available at locations proposed for individual water systems; and~~
- ~~(b) the water source(s) proposed for individual water systems is safe from both on-site and off-site contamination.~~

5.16 CLUSTER SUBDIVISION DEVELOPMENT

- 5.16.1. Purpose: The purpose of the cluster subdivision development standards is to encourage new concepts of cluster housing with maximum variations of design that will result in:

Article 43 continued:

1. permanently protected open space and recreational areas;
2. a pattern of development that preserves the natural beauty of the site, trees, outstanding natural topography, wildlife habitat, and to prevent soil erosions;
3. an environment in harmony with surrounding development and/or the traditional community characteristics;
4. a more creatively designed development than would be possible through strict application of other sections of the Land Use Zoning Ordinance;
5. uses of land that promote efficiency in public services and facilities with small networks of utilities and streets;
6. development of housing that is more economically viable for the year-round working community.

5.16.2. Plan Design Requirements

1. Permitted Zones and Uses: Cluster Subdivisions are permitted in all Zones except for Shoreland, Conservation, and Resource Protection Zones.
2. Density:
 - a. The density of the subdivision shall not exceed the density requirements of the zone in which it is located. Density is calculated by applying the minimum lot sizes to the developable portion of the parcel (i.e. not wetland or steep slope). Workforce Housing will use the entire parcel. Density requirements and density bonuses for workforce housing shall be calculated from lines (A) and (B) of the minimum lot size standards in the LUZO Dimensional Requirements Section 3.6.
 - b. Multiple Zoning Districts: If the parcel being subdivided is located in more than one zoning district, the overall density of the subdivision shall not exceed the combined density requirements of the districts in which the subdivision is located.
 - c. Workforce Housing Density Bonuses: Projects that include covenants held by a qualified workforce housing entity may receive density bonus as follows:
 1. An increase of up to 50% in the gross residential density of

the site may be permitted if at least 50% of the residential units are conveyed with covenants designed to benefit the creation and preservation of workforce housing.

Article 43 continued:

2. An increase of up to 75% in the gross residential density of the site may be permitted if 100% of the residential units are conveyed with covenants designed to benefit the creation and preservation of workforce housing.
3. Open Space requirements: The cluster subdivision must include open space that meets the following requirements:

 - a. The total area dedicated for open space must equal or exceed the sum of the area by which the building lots are reduced below the minimum lot size otherwise required for the respective zone (i.e. the non-cluster subdivision minimum lots size). Open Space requirement for Workforce Housing: When calculating the open space requirement for qualified workforce housing development, the density bonus units shall be excluded.
 - b. The open space shall be accessible to the residents of the development.
 - c. The open space may be used for low-intensity recreation, subsurface wastewater disposal, agriculture, or other passive outdoor living purposes and for preserving the natural features of the site. The open space shall not include rights-of-ways, parking areas, tennis courts, swimming pools, or other areas of impervious surface, or similar recreational development. The use of open space may be further limited or controlled at the time of final subdivision approval if necessary to limit impact to adjacent properties.
 - d. Whenever possible, some portion of the open space must be located adjacent to the existing public road(s) serving the development so as to preserve a rural or traditional appearance from such roads.
 - e. The open space shall be protected by a legal instrument satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for its intended purpose. The legal arrangements shall specify ownership of the open space area, responsibility for maintaining the limitation on the uses, payment of taxes, insurance and other fees, and any other specifications deemed necessary by the Planning Board. Any association or entity formed to own or maintain the open space shall not be dissolved without the consent of the Planning Board.
 - f. The open space may not be further subdivided, except:

1. part or all of the common open space may be conveyed for public ownership with approval by the Town; or

2. easements may be granted for underground utilities.

Article 43 continued:

4. Development Layout: Each lot or building must be an element of an overall plan for the entire parcel. When the development consists of the creation of lots, the plan shall establish a building envelope for each lot within which the buildings will be located. When the development involves the construction of multiple buildings on one (1) or more lots, the plan shall show the general location of each building. The plan shall show the location and size of all building envelopes, roads, utility easements, common areas, common structures, parking areas, footpaths, and private yard space related to individual residential units. The placement of buildings and treatment of spaces shall reflect the purpose of this section and meet all other relevant requirements of this Ordinance.
5. Road frontage requirement: Only the lot over which the main access road lies shall meet the required road frontage for the zone in which it is located. Other lots may have less or no road frontage, as determined by the Planning Board.
6. Setbacks: The Planning Board may reduce the side and rear setback requirements for the internal lot lines of the project, but not the setbacks from the boundaries with adjacent parcels.
7. Public land and facilities: The Town must approve any provisions for the maintenance and upkeep of public land and facilities within subdivision.
8. Protection of natural and scenic features: building envelopes, proposed buildings, roads, or other improvements shall be located to preserve the existing scenic and natural features of the property to the greatest extent practicable.
9. Streets: access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow removal, street maintenance, refuse collection, and other delivery and collection services.
10. Drainage: adequate provision shall be made for management of storm water runoff and erosion control.
11. Sewage Disposal: The subdivision shall be served by public sewer or

shared subsurface systems, unless the Planning Board finds that these systems are not practicable or permissible under the State of Maine Plumbing Code.

Article 43 continued:

12. Water Supply: The subdivision shall be connected to a common water supply and distribution system unless the Planning Board finds that:
 - a. Adequate ground water is available at all locations proposed for individual water systems, and;
 - b. the ground water source (s) proposed for the individual water systems is safe from both on-site and off-site contamination.
13. Utilities: all utilities shall be installed underground unless specifically waived by the Planning Board. Transformer boxes, pumping stations, and meters shall be screened from view from public locations.
14. Buffering: forest management, planting, landscaping, disposition and form of buildings, fencing, and screening shall be used to integrate the proposed development with the landscape and the character of any surrounding development.

Planning Board recommends to enact.

Warrant Committee recommends to enact.

Article 44. To see if the Inhabitants of the Town of Mount Desert will vote to accept any or all of the following Private Road names:

Farm Lane

Board of Selectmen recommends passage.

Warrant Committee recommends passage.

Article 45. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654) or Unconditional Gifts (MRSA 30-A §5655), equipment or funds on behalf of the Municipal Fire Department. It is understood that any funds received will be placed in the Fire Equipment Reserve Fund.

Board of Selectmen recommends passage.

Warrant Committee recommends passage.

Article 46. To see if the Inhabitants of the Town of Mount Desert will 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 2004 for Town purposes, provided

that such additional funds do not require the expenditure of local funds not previously appropriated.

Board of Selectmen recommends passage.

Warrant Committee recommends passage.

Article 47. To see if the Inhabitants of the Town of Mount Desert will vote to transfer any balance in the Surplus account on December 31, 2004 over one hundred thousand dollars (\$100,000) to the Credit Reserve Account.

Board of Selectmen recommends passage.

Warrant Committee recommends passage.

Article 48. To see if the Inhabitants of the Town of Mount Desert will 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 _____ (percent) per year.

Board of Selectmen recommends the state maximum.

Warrant Committee recommends 7% (percent) per year.

Article 49. 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.

Board of Selectmen recommends passage.

Warrant Committee recommends passage.

Article 50. To see if the Inhabitants of the Town of Mount Desert will set the interest rate to be paid by the Town for abated taxes that have been paid at the rate of _____ (percent) per year.

Board of Selectmen recommends the state minimum.

Warrant Committee recommends 3% (percent) per year.

Article 51. To see what sum the Town will vote to raise and/or appropriate to pay overpayment of taxes (due to abatement) and applicable interest granted during this fiscal year.

Board of Selectmen recommends appropriation for abatement expenses from overlay

Warrant Committee recommends appropriation for abatement expenses from overlay

Article 52. 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) or less under such terms and conditions as it deems advisable.

Board of Selectmen recommends passage.
Warrant Committee recommends passage.

Article 53. 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 passage.
Warrant Committee recommends passage.

Article 54. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

Board of Selectmen recommends passage.
Warrant Committee recommends passage.

Article 55. To see if the Inhabitants of the Town of Mount Desert will approve a compromise and negotiated agreement substantially in the form on file with the Town Clerk between the Town and the retired police chief to resolve a dispute over retirement benefits; and authorize the expenditure of monies as set forth in that agreement of \$64,000 in fiscal year 2004 and \$23,712 in fiscal year 2005; and authorize the Chair of the Board of Selectmen to execute such an agreement on behalf of the Town. A copy of the agreement 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.

Statement of Fact: The Town personnel policies reference special police retirement plan under the Maine State Retirement System. The Town did not implement such a plan. The former chief and the Town have tentatively reached an agreement to resolve a dispute, subject to review and approval by the Town meeting. The agreement would result in the payment this year of a lump sum of \$64,000 to the former chief so that he might buy an annuity to fund part of the difference in retirement benefits (also accounting for the retroactive effect of this agreement to his date of retirement on September 1, 2003) and a payment of \$23,712 next year to help defray the federal and state income tax impact of this payment. The cost to "buy up" to the police retirement benefit for the former chief would be substantially more than the amounts requested by this warrant.

Board of Selectmen recommends passage.
Warrant Committee recommends passage.

Article 56. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to lease the building and land under the building at 124 Main Street, Tax Map 24 Lot 106 known as the former Town Office building to Great Harbor Maritime Museum, a non-profit Maine corporation 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 against passage.

Article 57. 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.

Article 58. To see if the Inhabitants of the Town of Mount Desert will vote to accept a Conditional Gift (MSRA 30-A, §5654) of a public Right of Way easement from the owners of 11 Sea Street (Map 24, Lot 101) for the purpose of constructing a public sidewalk at the property owner's expense and to authorize the Board of Selectmen to enter into agreements under terms and conditions as it deems advisable.

Board of Selectmen recommends passage.
Warrant Committee recommends against passage.

Article 59. To see if the Inhabitants of the Town of Mount Desert will vote to accept a Conditional Gift (MSRA 30-A, §5654) of a public Right of Way easement from the owners of 116 Main Street (Map 24, Lot 102) for the purpose of constructing a public sidewalk at the Town's expense and to authorize the Board of Selectmen to enter into agreements under terms and conditions as it deems advisable.

Board of Selectmen recommends passage.

Warrant Committee recommends passage.

(End of Warrant Articles)