



Town of Camden
Select Board Meeting
August 23, 2016 – 6:30 PM
Washington Street Conference Room

Select Board meetings are broadcast live on Time Warner Channel 22 and
web streamed at www.townhallstreams.com/locations/camden-me

Agenda

A. Call to Order

B. Communications, Presentations, and Recognitions

1. Report of the Pathways Committee: Ribbon Cutting to celebrate the completion of the second section of the Riverwalk “Seabright” on September 10
2. Request to close Atlantic Ave on Saturday September 10 from 8:00a to 5:00p for the 3rd Annual Maker Faire.
3. Request by the Windjammer Festival to use the Public Landing from Thursday, Sept. 1 at 5:00 p.m. through Sunday, Sept. 4 at 4:00 p.m.

C. Citizen Comments (for items *not* on the agenda)

This time is set aside for members of the public to comment on any town-related issue that is not on the agenda.

D. Approval of Select Board Minutes of August 2, 2016

E. Public Hearings

1. Approval of request by Cottage Holdings LLC to construct a residential pier at 144 Bay View St.
2. Amendment to Zoning Ordinance, Article VIII, Section 5, Coastal Residential District (CR) to include the maintenance and construction of boats as an allowed use as follows:

“Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met and indoor storage, maintenance and construction of boats in buildings on lots of 5 or more acres in size provided that the storage facility was in existence on January 1, 2003 and is located at least 125 feet from any residential lot, boundary or a public way.”

F. Select Board Member Reports

G. Town Manager Report

H. Licenses - Victualers & Lodging Licenses

1. Long Grain at 31 Elm Street for a renewal victualer license
2. Marriner’s Restaurant at 35 Main Street for a renewal victualer license
3. Subway at 123 Elm Street for a renewal victualer license

I. New Business

1. Request of the Rte. 1 North Committee that the Town ask the Maine Department of transportation (MDOT) to conduct a speed study.

Background: The Rte. 1 North Committee was established to work with the Maine DOT to regarding the design for the reconstruction of Rte. 1 to preserve the scenic character of the road, minimize the environmental impact, and improve the safety of the highway for motorists, bicyclists, and pedestrians. One of the things the Committee supports is reducing the speed limit on the road, where it is currently 50 mph. MDOT Traffic Engineer Steve Landry, suggested that the Town request MDOT to conduct a speed study to determine if a lower speed was called for. Mr. Landry said the speed study could should that 50 mph is the appropriate speed, but it could show that it could be lower. He assured the Committee that the allowed speed limit would not be increased.

2. Set September 6 as the date for a Public Hearing to consider the recommendation of the Mid Coast Solid Waste Corporation Board that they be authorized to enter into a 5 year contract for the disposal of municipal solid waste for \$57.85 per ton with *ecomaine*, a non-profit corporation owned solely by municipalities organized under the laws of the State of Maine.

Background: At its meeting on August, 10, the Mid Coast Solid Waste (MCSW) Board of Directors voted to enter into a contract with *ecomaine* when the current contract with the Penobscot Energy Recover Corporation (PERC) expires in March 2018. The Board had an option to enter into a long-term contract with *ecomaine* at \$70.50 per ton. This recommendation was presented "in a spirit of cooperation and compromise" to allow the Towns to accomplish these goals:

- Continue their long history of working together and keep the MCSW Corporation together;
- Provide voters with an environmentally proven disposal option;
- Avoid the long term possibility of landfilling all of our solid waste
- Dispose of our solid waste at a lower tipping fee;
- Avoid the long term possibility of landfilling all of our solid waste
- Return in excess of \$1 million dollars to our communities
- Allow the maximum number of voters to vote on the issue
- Allow the MCSW Corporation the opportunity to better educate the voters;
- Provide certainty to the member towns regarding a reliable solid waste disposal option;
- Allow the MCSW Corporation to work with *ecomaine* and the citizens of our four communities to reduce the amount of solid waste generated and to improve our recycling rate;
- Allow the MCSW Corporation to actively manage our solid waste and recycling programs
- Allow MCSW Corporation to research and consider other facilities and methods that address solid waste management and recycling that promote best environmental practices

- Give the MCSW Board of Directors the flexibility to change to another facility, such as Fiberight, if another the facility is functioning and it is in the best economic and environmental interest of the MCSW Corporation.

3. Set September 6 as a Special Town Meeting to set the date taxes are due

Background: The June Town Meeting approved October 15 as the tax due sate. In order to have the tax bills mailed to provide sufficient notice to the taxpayers, the tax due date may nee to be changed to November. Setting the tax due date requires a vote of the Town Meeting.

4. Authorize payment of the 2016 Knox County Tax Assessment in the amount of \$1,196,237.22 and the Regional Communications Center Fees in the amount of \$127,714.

Background: Towns are assessed taxes to pay for County Government based on the town's valuation. An additional fee is assessed for 9-1-1 services (the Communications Center), based on 2010 census figures. The County is on a calendar fiscal year. These payments are due annually by September 1. This year Camden's share of the county tax is \$1,196,237.22 and the assessment for 9-1-1 services is \$127,714 for the total amount due to Knox County is \$1,323,951.22

5. Approval of Amendment to the contract with North East Mobile Health Services to provide emergency medical and transport services in Camden

Background: North East Mobile Health Services (NEMHS) provides emergency medical and transport services to Camden, Rockport, Lincolnville and part of Hope. The Towns have a 3-year contract for this service (until June 30 2017). Recently the Town of Hope voted to have NEMHS provide service to all of Hope. Due to this change it slightly reduces Camden's cost share of the contract. The purpose of this item is for the Select Board to approve to the lower contract price.

The amendment reduces the costs as follows: the FY17 cost is reduced from \$27,032 to \$25,311 and theFY18 cost is reduced from \$34,444 to \$32,252.

6. Appointment of Select Board members to the Emergency Medical Services (EMS) Review Committee

Background: Camden, Rockport, Lincolnville and Hope *have a committee which meets quarterly with NEMHS to discuss service performance and other EMS-related issues that the Town or NEMHS need to be aware of. Each Town appoints two people to serve on the committee.*

Adjourn

Workshop with the Planning Board

1. Discussion of proposed amendments to the Noise Ordinance
2. Discussion of Planning Board Recommendation regarding a policy for requesting a change to the Subdivision or Zoning ordinance.

3. Discussion of Planning Board Recommendation to include information regarding “Camden Maine Residential Rental Guidelines” in the property tax bills.

Adjourn

From: [Geoff Scott](#)
To: [Janice Esancy](#)
Cc: [Patricia Finnigan](#); [Donald A. White, Jr.](#)
Subject: SB Agenda Item
Date: Tuesday, August 09, 2016 9:24:41 AM

Hi Janice –

Please add to the Aug 16th SB agenda - Pathways update and request for Riverwalk Ribbon Cutting event for Sept 10.

Or something like that. We're planning an even to celebrate the completion of the Seabright section of the Riverwalk.

Thanks,

Geoffrey Scott
Custom Programs Director
gscott@hiobs.org +1 207-706-5056
PO Box 800
Camden, ME 04843



From: [Ken Gross](#)
To: [Janice Esancy](#)
Cc: ["David P Jackson"](#)
Subject: Request to close Atlantic Avenue on September 10 for Maker Faire
Date: Tuesday, August 16, 2016 11:05:05 AM

Hell Janice – could you put our request on the next agenda for the Select Board?

We would like to close Atlantic Avenue during the Maker Faire, all day on Saturday, September 10.
(We have closed Atlantic Avenue for this event for the past two years.)

Thanks! Is there anything more I need to do?

Ken Gross
Assistant Director
Camden Public Library
207-236-3440



Town of Camden Select Board Meeting August 2, 2016

Minutes

Present: Select Board Chair John French and Select Board Members, Don White, Leonard Lookner, James Heard, Marc Ratner and Town Manager, Pat Finnigan. Also present were citizens and members of the press.

A. Call to Order

The meeting was called to order at 6:30 pm.

B. Communications, Presentations, and Recognitions

- Safety Committee Mission and Policy

Pat Finnigan spoke regarding the making improvements to the overall safety record in the Town. She talked about the switch from Maine Municipal Association (MMA) as the Town's Insurer to Maine Employees Mutual Insurance Company (MEMIC). The newly formed Safety Committee, represented by each Department, would like to bring forward to the Select Board for endorsement their Mission Statement and Policy.

Don White made a motion to ratify the recommendation to establish a Safety Committee and their written Mission & Policy. James Heard seconded this and the motion passed 4-1, with Leonard Lookner dissenting.

Citizen Comments

There were no citizen comments

Don White asked that the Select Board place the Noise Ordinance on the August 23rd Agenda and invite the Planning Board and Police Chief to attend to make a recommendation so the Select Board can make a decision one way or another. John French stated that, in fact, this issue would be on the next Agenda. Don White also asked that the Energy Committee attend the September 6th Select Board Meeting to present their report of some weeks ago.

B. Approval of Select Board Minutes of July 12, 2016

Don White made a motion to accept the minutes as presented. Marc Ratner seconded this and the motion carried 5-0.

E. Old Business

1. Consideration of the FY17 Snow Bowl Budget

After much discussion from Citizens and the Select Board, Don White made a motion that the Camden Select Board approve the Snow Bowl Budget of \$920,000.00 for the 2016-2017 ski season and that Management give the Select Board detailed updates every two weeks beginning on

November 1st through March 31st next year, and before and after those dates, monthly reports. Marc Ratner seconded the motion and it passed 5-0.

It was the consensus of the Board to move to **H. Licenses** and then onto **I. New Business**

H. Licenses

1. Victualers & Lodging Licenses

Application by Fred Forsley, d/b/a Sea Dog Brewpub, Camden, LLC, for a victualers license.

Leonard Lookner made a motion to accept the Application by Fred Forsley, d/b/a Sea Dog Brewpub, Camden, LLC, for a victualers license. James Heard seconded this motion and it carried 5-0.

2. Liquor and Special Amusement Licenses and Permits (Public Hearings)

Application of Andrew and Shannon Stewart d/b/a The Drouthy Bear, for a Restaurant/Lounge (Class XI) Liquor License to serve spirituous, vinous and malt beverages.

Leonard Lookner made a motion to accept the Application of Andrew and Shannon Stewart d/b/a The Drouthy Bear, for a Restaurant/Lounge (Class XI) Liquor License to serve spirituous, vinous and malt beverages. James Heard seconded this motion and it passed 5-0.

I. New Business

1. Bid award: Public Works utility truck.

The Town received bids from the following:

- a) O'Connor Auto Park of Augusta: \$25,330.

James Heard made a motion to award the Public Works utility truck bid to O'Connor Auto Park of Augusta: \$25,330. Don White seconded this and the motion carried 5-0.

2. Bid Award: Repair and replacement of manhole covers.

The Town received bids from the following:

- a) Farley & Son, Inc: \$36,100.
- b) Ferraiolo Construction: \$65,260

Don White made a motion to award the bid for repair and replacement of manhole covers to Farley & Son, Inc: \$36,100. James Heard seconded the motion and it passed 5-0.

3. Bid award: Harden Ave./Rockbrook Drive Drainage projects.

The Town received bids from the following:

- a) Farley & Son, Inc: \$153,610
- b) Ferraiolo Construction \$218,665
- c) George C. Hall & Sons \$175,000

Leonard Lookner made a motion to award the bid for the Harden Ave./Rockbrook Drive Drainage projects to Farley & Son, Inc: \$153,610. James

4. Authorize acceptance funds from the State of Maine through the Local Road Assistance Program in the amount of \$54,464.

Don White made a motion to authorize acceptance funds from the State of Maine through the Local Road Assistance Program in the amount of \$54,464. Leonard Lookner seconded this and the motion carried 5-0.

5. Authorize issuance of a Tax Anticipation Note.

Leonard Lookner made a motion to authorize issuance of a Tax Anticipation Note in an amount not to exceed \$4,000,000 at an interest rate of 0.87% through Camden National Bank. Don White seconded this and the motion carried 5-0.

6. Appointment of members to the following Committees:

• Camden Conservation Commission (regular members - terms expire June 2019)

Douglas N. Johnson
Seth Meyer
Wayne Ruesswick

Don White made a motion to appoint the afore-mentioned members to the Camden Conservation Commission as Regular Members. Marc Ratner seconded this and the motion carried 5-0.

• CR Pathways Committee (2 regular members - terms expire June 2019)

Richard Stetson
Anita Brosius-Scott

Don White made a motion to appoint the afore-mentioned members to the CR Pathways Committee as Regular Members. James Heard seconded this and the motion passed 5-0.

• CR Pathways Committee (3 alternate members - terms expire June 2017)

Wyatt McConnell
Jane Self
Brian Lamb

Leonard Lookner made a motion to appoint the afore-mentioned members to the CR Pathways Committee as Alternate Members and James Heard seconded this. The motion carried 5-0.

• CEDAC (3 regular members)

Ellis Cohn (term expires June 2019)

Martin Cates (term expires June 2019)

Steve Matteo (term expires June 2018)

Don White made a motion to appoint the afore-mentioned members to CEDAC as Regular Members and James Heard seconded this. The motion carried 5-0.

• CEDAC (1 alternate member)

Jeff Senders (term expires June 2017)

Leonard Lookner made a motion to appoint the afore-mentioned member to CEDAC as an Alternate Member. Don White seconded the motion and it passed 5-0.

• Energy Committee (regular members: 2 (2019); 3 (2018); 3 (2017))

Anita Brosius-Scott (2019)

Marina Schauffler (2018)

Dana Strout (2017)

Brian Robinson (2017)

Ken Gross (2019)

Peter Kalajian (2018)

Peter Galloway (2017)

Sarah Holland (2018)

Don White made a motion to appoint the afore-mentioned members to the Energy Committee as Regular Members for the terms mentioned. James Heard seconded this and the motion carried 5-0.

• Harbor Committee (2 regular members - terms expire June 2019)

Richard Stetson

Ben Ellison

Leonard Lookner made a motion to appoint the afore-mentioned members to the Harbor Committee and Don White seconded this. The motion passed 5-0.

• Harbor Committee (2 alternate members - terms expire June 2017)

Stephen Gold

Drew Lyman

Leonard Lookner made a motion to appoint the afore-mentioned members to the Harbor Committee and Don White seconded this. The motion passed 5-0.

7. Appointment of Select Board liaison to the Middle School Building Committee:

Marc Ratner

Don White made a motion to appoint Marc Ratner as Select Board liaison to the Middle School Building Committee and Leonard Lookner seconded this. The motion passed 5-0.

F. Select Board Member Reports

The following reports were given:

Done White reported on the Route 1 Committee.

Leonard Lookner reported on the Harbor Committee.

Marc Ratner reported on the Conservation Committee, CEDAC and Energy Committees.

Leonard Lookner brought up the topic of the MCSW Committee and there was much discussion on the topic.

8. Set second meeting in August for August 23.

James Heard made a motion to change the second Select Board Meeting in August to the 23rd and Don White seconded this. The motion carried 5-0.

Adjourn

At 9:30 pm Don White made a motion to adjourn the meeting and James Heard seconded this. The motion passed 5-0.

Respectfully submitted,

Nora E. McGrath, Recording Secretary

Cottage Holdings, LLC
144 Bay View Street, Camden

Table of Contents

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<u>Document</u>	<u>Date</u>
Select Board Review Letter	August 16, 2016
Aerial Photo	July 2016
Site Location Map	July 2016
MDEP Permit	August 12, 2016
ACOE Permit	July 28, 2016
Submerged Lands Lease	July 14, 2016
Photo of Proposed Light	May 2016
Harbor Committee Comments	June 2, 2016
Civil Drawing: C1	May 31, 2016

August 16, 2016

John French, Chair
Town of Camden Select Board
29 Elm Street
Camden, Maine 04843

Project No. 2016-033

**RE: Select Board Review
Cottage Holdings, LLC Residential Pier
144 Bay View Street, Camden, ME**

Gartley & Dorsky Engineering & Surveying, Inc. submits this letter to the Town of Camden for Cottage Holdings, LLC, owner of the residence located at 144 Bay View Street in Camden, Maine. The owners propose to construct a private pier at this property. The Rights, Title and Interest of the property are summarized as follows:

Owner: Cottage Holdings, LLC
Subject Parcel: Map 126 Lot 51
Warranty Deed: Book 3521 Page 122
Zone: CR Coastal Residential District

Article VI Section 6 of the Town of Camden Harbor and Waterways Ordinance outlines the procedure for permits for piers in the Coastal Harbor. Gartley & Dorsky offers the following information to document that the proposed Cottage Holdings, LLC pier meets the Article VI Section 6 standards:

I. Harbor and Waterway Ordinance Article VI, Section 6. Procedure for Permit

- A. Any construction, renovation, or improvement of a mobile vessel hoist, pier, wharf, bulkhead, breakwater, marine railway or other structure shall require an application to the Code Enforcement Officer of the Town of Camden. Written application shall include the following information:
1. Evidence of submission of application for applicable State and Federal licenses, permits and approvals.
Attached are copies of the MDEP and ACOE permits along with the submerged lands lease.
 2. Evidence of submission of application for applicable Army Corps of Engineers licenses, permits and approvals.
Attached is a copy of the ACOE permit.
 3. A site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than 1 inch to 20 feet. The plan shall show:

- A. The length and width of the proposed project.
- B. The harbor line and wharf line, mean high water and mean low water.
- C. Side property lines as extended from the upland across the shores and flats.

See sheet C1 for all plan requirements.

- 4. An elevation showing the height of the structure in relation to mean high water and mean low water.

See sheet C1.

- 5. A pier or wharf section.

See sheet C1.

- 6. A plan showing the location and type of lighting.

The lighting is referenced on sheet C1, cut sheets were submitted to the planning board and a photo of the proposed light is attached.

- B. A permit under this section shall not be issued by the Code Enforcement Officer until all applicable State and Federal licenses, permits and approvals and local approvals under this section have been received.

The project has received permits/approval from the MDEP, ACOE and town of Camden planning board.

- C. The Code Enforcement Officer shall review the application for compliance with paragraph (A) above and the applicable requirements of the Town of Camden Zoning Ordinance. In the event the Code Enforcement Officer determines the application is complete, then the application, together with related documents shall be dated and forwarded within 10 business days to the Harbor Committee. The Harbor Committee shall within 10 business days of the date of receipt, convene a meeting for review of the application. The review and comments of the Harbor Committee shall be in writing, shall specifically address the standards in Article VI, Section 6, shall state the reasons for the comments and shall be forwarded to the Select Board for their review and action.

A copy of the Harbor Committee comments are attached.

- D. Upon receipt of the review and comments of the Harbor Committee, the Select Board (after a public hearing) shall either approve, approve with conditions or disapprove the proposed project, in accordance with the standards of Article VI, Section 6, of these Harbor Rules and Regulations.

- 1. If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.
- 2. If approved, the approval shall be in writing and shall not be effective until approval by the Planning Board under site plan review.

- E. The application, together with the action taken by the Select Board, shall be returned to the Code Enforcement Office within 60 days of the date that the application was determined to be complete unless otherwise mutually agreed to by the applicant and the Select Board.

- F. The Select Board shall review the project for compliance with the applicable provisions of the ordinance set forth therein above and, in addition thereto, the following standards. The Select Board, as part of its review, shall hold at least one public hearing

1. The Inner Harbor

That the proposed project will not:

1. Encroach into, interfere with, or pose a hazard to navigational channels.
2. Substantially interfere with access to and from existing mooring and berthing areas for both commercial and recreational uses.
3. Substantially displace or eliminate the existing mooring and berthing areas, both public and private, commercial and recreational.
4. Substantially interfere with public access to and use of the Harbor waters.

2. The Outer Harbor and Coastal Harbor

That the proposed project will not:

- A. Interfere with, or pose a hazard to, the navigational channels between the Inner Harbor and the bay and from the public vessel ramp to the main channel.
The proposed Cottage Holdings, LLC pier and float is well outside of the navigational channels between the Inner Harbor and the bay and from the public vessel ramp to the main channel. The Harbor Master stated to the Harbor Committee during it's review that the project would not interfere with or pose a hazard to navigation.
- B. Substantially eliminate or interfere with existing and designated mooring and anchorage areas and access thereto.
The proposed pier and float is outside of existing and designated mooring and anchorage areas and access thereto. The Harbor Master stated to the Harbor Committee during it's review that the project would not interfere with existing and designated mooring and anchorage areas or access thereto.
- C. Substantially reduce or interfere with existing shell fishing and clamming areas, and access thereto.
The area of the proposed pier and float has ledge outcrops and is relatively shallow and is not known as a fishing or clamming area.
- D. Interfere with public vessel launching and pier facilities.

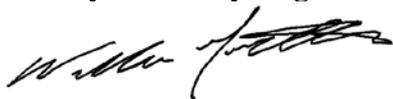
The proposed pier and float is not in the vicinity of the public vessel launching and pier facilities and therefore will not interfere with these public features.

- E. Substantially block or interfere with public rites of passage and uses of the shores and flats.
The pier is intentionally located over a ledge outcrop that is mostly covered in rockweed and difficult to walk over. The pier design allows for the public to travel under and/or around the pier depending on the tide. The proposed pier and float will not prohibit the uses of the shores and flats.
- F. Adversely affect small recreational boating activities to a substantial degree.
The proposed pier and float will have no adverse effect on small recreational boating activities. The shallow water in the area limits small vessels with a draft greater than 2-3 feet at low tide. Shallower draft vessels such as kayaks and canoes can readily maneuver beneath or around the fixed pier and the seasonal gangway and float.
- G. Construction of approved projects shall commence within one year from the date of approval by the Select Board and shall be completed within two years from the date of issuance of the building permit.
- H. The decision of the Select Board concerning issuance or denial of the permit may be appealed to the Superior Court by the aggrieved party within 30 days of the date of decision and in accordance with Rule 80B of the Maine Rules of Civil Procedure.
- I. Notwithstanding the above provisions of Article VI, Section 6, regular maintenance and emergency repair of piers, wharves, mobile vessel hoists, breakwaters, or bulkheads, as defined below, shall not require a permit under the Harbor and Waterways Ordinance, except as stated expressly in the following paragraphs of this provision.

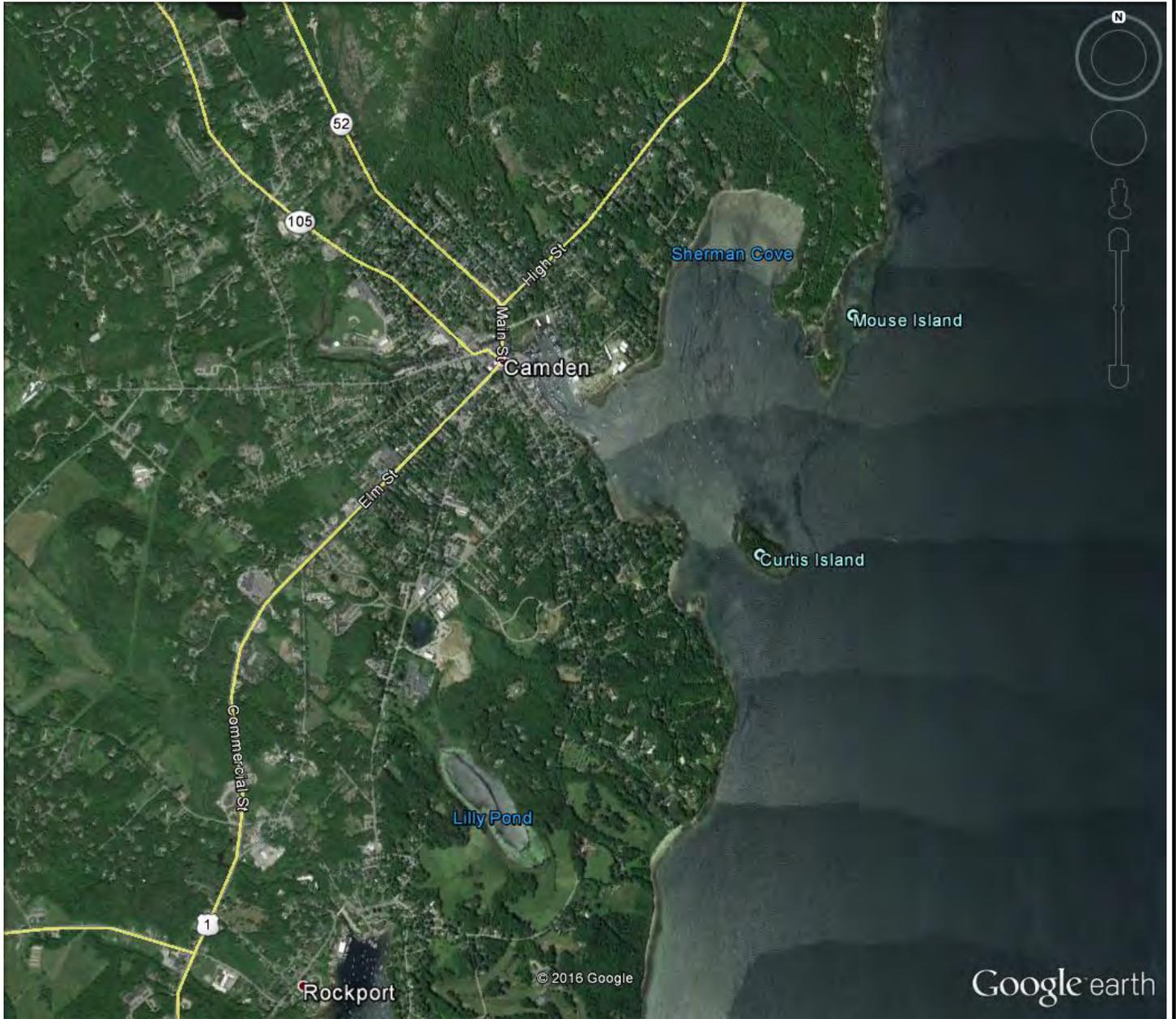
As part of the ACOE, Federal Permitting Process both the National Marine Fisheries Service and the US Fish and Wildlife provide review and comment. The MDEP gets review and comment from both the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. That process has been completed and all permits issued.

If you have any questions or require additional information please do not hesitate to call me at 236-4365.

Sincerely,
Gartley & Dorsky Engineering & Surveying, Inc.



William B. Gartley, P.E.
President





Site Location



DEPARTMENT ORDER

IN THE MATTER OF

COTTAGE HOLDINGS, LLC) NATURAL RESOURCES PROTECTION ACT
Camden, Knox County) COASTAL WETLAND ALTERATION
CRIB-SUPPORTED PIER SYSTEM) WATER QUALITY CERTIFICATION
L-27039-4P-A-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), the Department of Environmental Protection has considered the application of COTTAGE HOLDINGS, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: The applicant has submitted four different Permit by Rule Notification Forms (PBR), between 2004 and 2009, for activities ranging from repair of existing riprap, expansion of riprap, and the installation of an outfall pipe and a drainage system. The project site is located at 144 Bay View Street in the Town of Camden.

B. Summary: The applicant proposes to construct a crib-supported, partial-tide access pier with a seasonal ramp and float. The proposed pier system will be five feet wide by 150 feet long with a three-foot wide by 40-foot long seasonal ramp that will connect to a 16-foot wide by 22-foot long seasonal float. The pier will be supported by three cribs consisting of three-foot wide rough cut granite blocks stacked in pairs, with their lengths decreasing as they reach the height of the pier. The most landward crib will be located in the intertidal zone and will have a base consisting of two nine-foot long granite blocks. The second granite crib will also be located in the intertidal zone and will have a base consisting of two 11-foot long blocks. The third granite crib will be located in the subtidal zone and will have a base consisting of two 13-foot long granite blocks. The applicant also proposes to construct a set of five foot-wide by seven-foot long access stairs leading to the pier system. The project is shown on a plan entitled “Proposed Pier Plan,” with a latest revision date of June 17, 2016, and prepared by Gartley and Dorsky Engineering & Surveying, Inc.

C. Current Use of the Site: The 2.42-acre lot is developed with a single-family residence, two cottages, outbuildings, driveway, walkways, parking areas, and associated landscaping. A stormwater drainage system leads to a shoreline that has been stabilized with riprap. The parcel is identified as Lot 51 on Map 126 of the Town of Camden’s tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses (06-096 CMR 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site including an aerial photograph of the project site. Department staff visited the project site on June 23, 2016.

The proposed project is located in Ogier Cove of Camden Harbor, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The applicant reduced the visibility of the pier system from the scenic resource by designing a pier similar in scale, and by using similar materials, as other piers in Camden Harbor. The location and scale of the proposed pier is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resources in the project area. No upland vegetation will be disturbed. Any incidental disturbed areas will be restored by reseeded and hay mulching grassed areas or re-vegetating and mulching tree and shrub areas.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

Construction of the proposed pier, including the granite cribs, will occur from a barge with a crane. The granite cribs will be pinned to existing ledge outcrops. Most stockpiling of construction material will occur on the barge. Erosion and sedimentation control practices, during construction, shall be performed as outlined in the Maine Erosion and Sediment Control Best Management Practices (BMPs), dated 2003.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment, nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The shoreline is characterized by a five- to six-foot tall slope which has been stabilized with riprap. The intertidal area consists of a mixture of cobbles and fine sediments with ledge outcrops. Rockweed is common in the intertidal zone. No eelgrass beds were observed in the project area.

According to the Department's Geographic Information System (GIS) database an eelgrass bed is located to the south of the project site.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that there are no Essential or Significant Wildlife Habitats within the project site. MDIFW commented that the proposed pier system will be located at the entrance to Camden Harbor and adjacent to the town's mooring field. There are similar structures in the vicinity. In its comments, MDIFW requested that no large trees be removed from the shoreline during construction. The applicant responded that minimal, if any, upland vegetation will be disturbed during project construction.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use natural iron wood lumber to construct the pier. Also, as discussed in Finding 3, the applicant proposes to use erosion and sediment control during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 335 square feet of coastal wetland and to indirectly alter, due to shading, 1,219 square feet of coastal wetland to construct the proposed pier system.

The Wetlands and Waterbodies Protection Rules, 06-096 CMR 310 (effective January 26, 2009), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must

provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternatives analysis for the proposed project completed by Gartley and Dorsky Engineering and Surveying, Inc. The purpose of the project is to provide safe, recreational access to navigable water in a location that will allow the applicant to monitor watercraft for safety and security reasons. The applicant considered avoiding the impacts by not building the pier and sharing existing nearby private or public piers. However, there are no opportunities to share an existing private pier. The nearest boat landing is located approximately 0.5 miles away and the nearest marina is located approximately 0.4 miles away. The applicant stated that daily launching of its large boat is not practical and there is a wait list for moorings and slips at the marina. The applicant determined that there is no alternative that avoids coastal wetland impacts while achieving the stated purpose.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant minimized impacts by reducing the crib supports to the minimal size and amount needed to adequately support the pier. In an effort to minimize impacts to the coastal wetland, the pier will be located on a natural point of land and was designed to provide partial-tide access. The ramp and float will be in place seasonally with the ramp stored on the pier and the float stored in the upland during the winter months. The applicant determined that the proposed project minimizes impacts to the coastal wetland to the greatest extent practicable.

C. Compensation. In accordance with Chapter 310 Section 5(C)(6)(b), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values since the project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by the Department and MDIFW. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. § 480-P.

THEREFORE, the Department APPROVES the above noted application of COTTAGE HOLDINGS, LLC to construct a pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

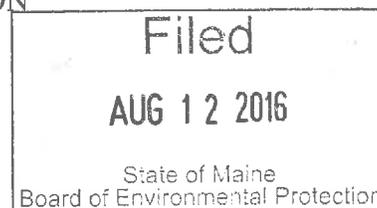
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 12TH DAY OF AUGUST, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*
For: Paul Mercer, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AL/L27039AN/ATS#80628



REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

Cottage Holdings, LLC
c/o Blake Silverman
91 Mosle Road
Far Hills, NJ 07931

CORPS PERMIT # NAE-2016-01272
CORPS GP ID# 16-326
STATE ID# NRPA/Tier 3

DESCRIPTION OF WORK:

Install and maintain a 5'x180' crib (3) supported pier leading to a 3'x40' ramp and 16'x22' float into Camden Harbor on property denoted as Map 126, Lot 51 at 144 Bay View Street in Camden, Knox Co., Maine. The structure will extend approx. 190 ft. below the MHW and the float will be secured using two granite blocks. The structure will be used for recreational use.

ADDITIONAL CONDITIONS: Attached as page 2.

LAT/LONG COORDINATES : 44.2026690 N 69.0548050 W USGS QUAD: Camden, Maine

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine General Permit (GP). Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 38 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR: _____, TIER 1: _____, TIER 2: _____, TIER 3: X, LURC: _____, DMR LEASE: _____, NA: _____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: June 16, 2016 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 X, 404 _____, 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO _____, USF&WS NO _____, NMFS NO _____

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://per2.nwp.usace.army.mil/survey.html

Peter Tischbein
PETER TISCHBEIN
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

Frank J. Del Giudice
FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION
DATE 7-28-2016



US Army Corps
of Engineers
New England District

ADDITIONAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2016-01272

1. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
2. The permittee understands that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
3. The project will be constructed in accordance with the permit application drawing entitled, "Cottage Holdings, LLC, Proposed Pier Plan", dated May 31, 2016, revised 6/17/16 as prepared by Gartley & Dorsky Engineering.
4. Any float(s) that do not extend beyond mean low water shall be constructed in such a way as to keep them elevated above the tidal bottom. Techniques include but are not limited to float stops, skids, blocks, or other practicable means.
5. Seasonal coastal structures such as ramps and floats that are removed from the waterway for a portion of the year shall be stored in an upland location above mean high water and not on tidal marsh.
6. The permit for the pier, ramp and float does not eliminate the need to obtain local harbormaster approval or conform to local harbor management plan.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF PARKS & LANDS
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

July 14, 2016

Mr. Blake Silverman
Cottage Holdings, LLC
91 Mosle Road
Far Hills, NJ 09731

RE: Submerged Lands Application

Dear Mr. Silverman:

The Bureau of Parks and Lands has completed its review of your application for a Submerged Lands conveyance and has determined that a lease will be granted. Enclosed are the Final Findings and Decision and two copies of the standard lease for signature. On Attachment C you will notice that berthing area has been added adjacent to the floats. This brings the lease into compliance with the existing Submerged Lands Rules.

The yearly lease rental fee for the period from January 1st through December 31st, based on the assessed land value and area under lease is \$150.00. The prorated amount of \$68.75 which represents 5½ months from July 14, 2016 through December 31, 2016 is due at this time.

Please sign both copies of the lease and return them to my attention along with your payment for 2016. A check should be made payable to **Treasurer, State of Maine**. Once executed by the Director, a signed lease will be returned to you.

If you have any questions, please feel free to contact me at (207) 287-4922 or by email to karen.l.foust@maine.gov. Thank you.

Sincerely,

Karen Foust
Submerged Lands Technician

enc: findings, invoice & leases (2)

RON HUNT, ACTING OPERATIONS DIRECTOR
PARKS & LANDS
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-3821
FAX: (207) 287-6170
WWW.MAINE.GOV/DACF/



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF PARKS & LANDS
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

SUBMERGED LANDS LEASE – FINAL FINDINGS AND DECISION

APPLICANT: Cottage Holdings, LLC

PROJECT LOCATION: Town of Camden

APPLICATION: The Bureau of Parks and Lands accepted Department of Environmental Protection NRPA Application No. L-27039-4P-A-N as an application for a submerged lands conveyance.

PROJECT DESCRIPTION: The applicant proposes to construct a pier, ramp and float for private recreational use on submerged lands in Ogier Cove.

REVIEW COMMENTS: Notification letters were sent to the municipality, abutters and Department of Marine Resources (DMR). No comments in opposition were received.

FINDINGS: Based upon its review of all information in the administrative record, the Bureau of Parks and Lands makes the following findings in accordance with Title 12 M.R.S.A. Sections 1801 & 1862 and pertinent regulations.

PUBLIC ACCESS WAYS:

The project will be associated with the applicant's private property and not on or adjacent to a public access point to the shore. As such, the Bureau finds that the project will not unreasonably interfere with public access ways to submerged lands.

PUBLIC TRUST RIGHTS:

The project will not unreasonably interfere with fishing, fowling, navigation, or other existing marine uses of the area.

RECREATION:

The project will not unreasonably interfere with recreation.

SERVICES AND FACILITIES NECESSARY FOR COMMERCIAL MARINE ACTIVITIES:

The project will not unreasonably diminish the availability of services and facilities necessary for commercial marine activities.

INGRESS AND EGRESS OF RIPARIAN OWNERS:

The project will not unreasonably interfere with ingress and egress of riparian owners.

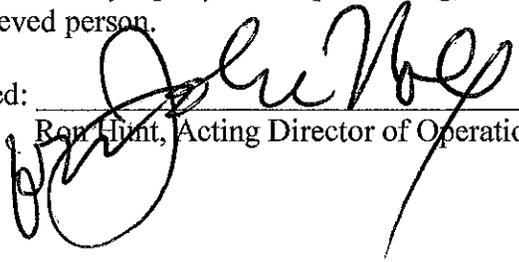
RON HUNT, ACTING OPERATIONS DIRECTOR
PARKS & LANDS
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-3821
FAX: (207) 287-6170
WWW.MAINE.GOV/DACF/

DECISION: In accordance with Title 12 M.R.S.A. Sections 1801 & 1862, the Director of the Bureau of Parks and Lands has determined that Submerged Lands Lease No. 1773-L-45 will be granted to Cottage Holdings, LLC.

APPEAL RIGHTS: In accordance with 5 M.R.S.A. section 11002 and Maine Rules of Civil Procedure 80C, this decision may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person.

Signed: 
Ron Hunt, Acting Director of Operations

Date: 7-14, 2016

STATE OF MAINE

SUBMERGED LANDS LEASE

No. 1773-L-45

This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.

This Lease is entered into by the Bureau of Parks and Lands (hereinafter Lessor), an agency of the State of Maine Department of Agriculture, Conservation and Forestry by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Sections 1801 & 1862, and **COTTAGE HOLDINGS, LLC** (hereinafter Lessee) of **91 MOSLE ROAD, FAR HILLS, NJ 09731**. Lessor hereby leases to Lessee, on the terms and conditions hereinafter set forth, the following described submerged land (hereinafter leased premises) situated in Knox County, Maine, to wit:

A certain parcel of public submerged land located in Ogier Cove, Town of **Camden**, Maine, totaling 1,273 +/- square feet, abutting adjacent upland now owned by Cottage Holdings, LLC as further described in Attachments A, B and C which are hereby incorporated into this Lease.

- 1. TERM.** This lease shall commence on July 14, 2016 and continue to December 31, 2045.
- 2. USE.** Lessee is hereby authorized to use leased premises for the purposes of a pier, ramp float and associated berthing for private recreational use as described in Department of Environmental Protection NRPA Application Number L-27039-4P-A-N and for no other purposes.
- 3. OTHER USES.** Lessor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of leased premises, and the right of Lessor to make such other uses of leased premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Lessee's use and enjoyment of leased premises for the purposes stated in Paragraph 2 above.
- 4. REGULATORY PERMITS.** Lessee shall be responsible for obtaining any and all permits required by any agency of the United States, the State of Maine, or any political subdivision thereof, having jurisdiction over the activities on the submerged lands contemplated by this Lease. Lessee's compliance with such permits and conditions thereof shall be a requirement of this Lease for all purposes including, without limitation, for purposes of defining the extent and purpose of any alteration or use of in, on, under, or over leased premises. Unless all required permits authorizing the uses contemplated hereby are issued prior to the expiration of the calendar year next following the creation of this leasehold, this Lease shall be void. In the event that any agency of the United States, the State of Maine, or any political subdivision thereof, denies or disapproves any portion of any application by Lessee for the use of leased premises or any portion thereof, this Lease shall be void as to the denied or disapproved use as of the date of such denial or disapproval. Rental payments made by Lessee for such denied or disapproved use may, upon proper request, be refunded or equitably adjusted, subject to a service charge. Failure by Lessee to abide by, or conform to, the terms and conditions of any such permit shall be an event of default hereunder.
- 5. ASSIGNMENT OR SUBLEASING.** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease,

Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

6. RENTAL. Annual rental shall be payable hereunder throughout the term hereof as follows, except that rental shall be no less than the minimum amount established by law:

\$150.00 per year.

Rental is payable on or before the first day of February each year throughout the term hereof, except as may be adjusted from time to time in accordance with Paragraph 7 below. Payment is to be made to the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333. Checks are to be made payable to the Treasurer, State of Maine.

7. RENTAL ADJUSTMENT. Lessor may adjust the rental from time to time as necessary to conform with its regulations and laws as they may be amended, but Lessor may not adjust rental for five years from the commencement date of this Lease. Subsequent adjustments may not be made more frequently than once every five years. Lessor shall give Lessee at least 120 days notice of such adjustment. In the event Lessee is unwilling to accept such adjustment, Lessee may terminate the Lease and vacate the premises within 120 days of Lessor's notice of adjustment.

8. TAXES. Lessee shall pay when due all taxes, charges, assessments and other impositions levied by any governmental entity upon the structures and improvements on leased premises or any operations or activities thereon.

9. INDEMNITY. Lessee shall defend, or cause to be defended, and indemnify and hold Lessor, its employees and agents, harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, the use or occupancy of leased premises by Lessee, its agents, contractors, employees, guests, invitees, permittees and sublessees.

10. MAINTENANCE. Lessee, at Lessee's expense, shall keep leased premises free of garbage, refuse, and other discarded material and shall maintain all improvements upon leased premises in good condition and repair.

11. GENERAL RESTRICTIONS. No nuisance shall be permitted on leased premises. No minerals, including, without limitation, sand and gravel, shall be removed from leased premises, and no rock, earth, ballast or other material shall be deposited upon leased premises, without the prior written consent of Lessor.

12. CASUALTY REPLACEMENT. In the event that the improvements and structures placed on leased premises are substantially destroyed by fire or other casualty, and Lessee does not, within two years following such casualty, rebuild or replace the affected improvements and structures, Lessor may cancel this Lease upon thirty (30) days notice to Lessee. Such rebuilding or replacement shall not be undertaken by Lessee without the prior written approval of Lessor.

13. DEFAULT. The following shall be deemed to be events of default hereunder:

A. Failure of Lessee to pay when due any rent payable hereunder;

B. Failure of Lessee to comply with any other provision of this Lease. When Lessee's failure is caused by circumstances beyond Lessee's control, Lessee shall bring about compliance within thirty (30) days of written notice of such failure, or, if such failure of compliance beyond Lessee's control cannot be cured within thirty (30) days, Lessee shall promptly and diligently undertake to cure such failure of compliance and cause the same to be cured as soon as the nature of the failure of compliance permits;

- C. A transfer by Lessee in fraud of creditors, or petition initiated by Lessee or adjudgement of Lessee as bankrupt or insolvent in any proceedings;
- D. Appointment of a receiver or trustee for all, or substantially all, assets of Lessee; or
- E. Abandonment by Lessee of any portion of leased premises.

Upon becoming aware of the occurrence of any such event of default, Lessor shall notify Lessee in writing. Notwithstanding section 13. B. above, if the default event has not been cured within 30 days of such notice, Lessor may, in addition to, and not instead of, any other remedies available at law or in equity, terminate this Lease without additional notice or demand to Lessee and enter onto and take possession of the leased premises. Lessee shall be liable to Lessor for all rent due hereunder and any loss and expenses incurred by Lessor by reason of such default or termination.

14. ENTRY. Lessor, its agents and representatives shall have access to leased premises and all improvements and structures thereon at all times for the purpose of inspecting and securing compliance with the terms and conditions of this Lease, and for all other lawful purposes.

15. NOTICE. Any notice required or permitted under this Lease shall be deemed to have been given when actually delivered, or when deposited in the United States mail, first class postage prepaid, addressed as follows: *To Lessor:* Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, ATTN: Submerged Lands Program. *To Lessee:* at the address given below by Lessee, or at such other address as Lessee may have theretofore specified by written notice actually received and placed of record with Lessor.

16. ALTERATION. Lessee shall make no alteration to leased premises, and shall place no improvements or structures in, on, or over leased premises except as specifically described in Paragraph 2 of this Lease, without Lessor's prior written consent.

17. IMPROVEMENTS. Upon the expiration, cancellation, or termination of this Lease, regardless of the reason therefore, Lessee shall have ninety (90) days to remove his property. Lessor, at its discretion, shall become owner of all improvements and structures upon leased premises not so removed. Lessor may, at its option, require Lessee to remove all such improvements and structures at Lessee's expense, and to restore leased premises to the condition in which they existed prior to the placement of any improvements or structures thereon.

18. OTHER APPLICABLE LAWS AND RULES. This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.

19. ABANDONMENT. Structures as described under section 2 of this Lease shall be placed on the leased premises within two (2) years of the issuance of this Lease. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Lessee to install the structures within this time frame or to use and maintain the leased premises shall be deemed an abandonment. Upon determining that the leased premises or a portion thereof have been abandoned, the Lessor at its option may terminate this lease as to the entire leased premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 13.

20. MISCELLANEOUS. This Lease shall be binding upon, and shall inure to the benefit of, Lessor and Lessee and their respective successors, assigns and legal representatives. Failure of either party to complain of any act or omission on the part of the other, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. A waiver by either party at any time, express or implied, of any breach of any provision of this Lease shall not be deemed a waiver of, or consent to, any subsequent breach of the same or any other provision. Lessee may not file this Lease of record, or cause or permit the same, without

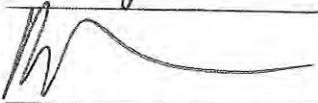
Lessor's prior written consent. Lessor makes no warranty of Lessee's leasehold estate, and in the event of any lawful ejectment of Lessee, Lessor shall refund to Lessee any rentals paid to Lessor for any period of Lease term then remaining. Lessee shall comply with all applicable laws, regulations and ordinances of governmental entities having jurisdiction over leased premises. This Lease contains the entire agreement of the parties and may not be modified except by a writing subscribed by both parties.

21. GENERAL RIGHT TO TERMINATE. Lessee shall have the right to terminate this Lease by notifying Lessor at least thirty (30) days prior to termination date. In terminating, Lessee agrees to vacate leased premises and remove all structures and personal property of Lessee located thereon, unless other arrangements have been made, with prior approval of Lessor, to transfer ownership or otherwise dispose of same. Rental payments made by Lessee for such terminated use may, upon proper request, be equitably adjusted, subject to a service charge.

22. EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT. Lessee hereby relinquishes any and all rights to leased premises, or any portion thereof that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 & 1862, or otherwise.

Accepted and agreed to on

July 27, 2016



(Lessee Signature)

Blake Silverman

(Print Name)

Manager

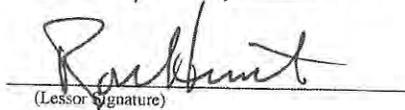
(Title)

91 Moske Rd

(Address of Record)

Far Hills, NJ 07931

July 29, 2016



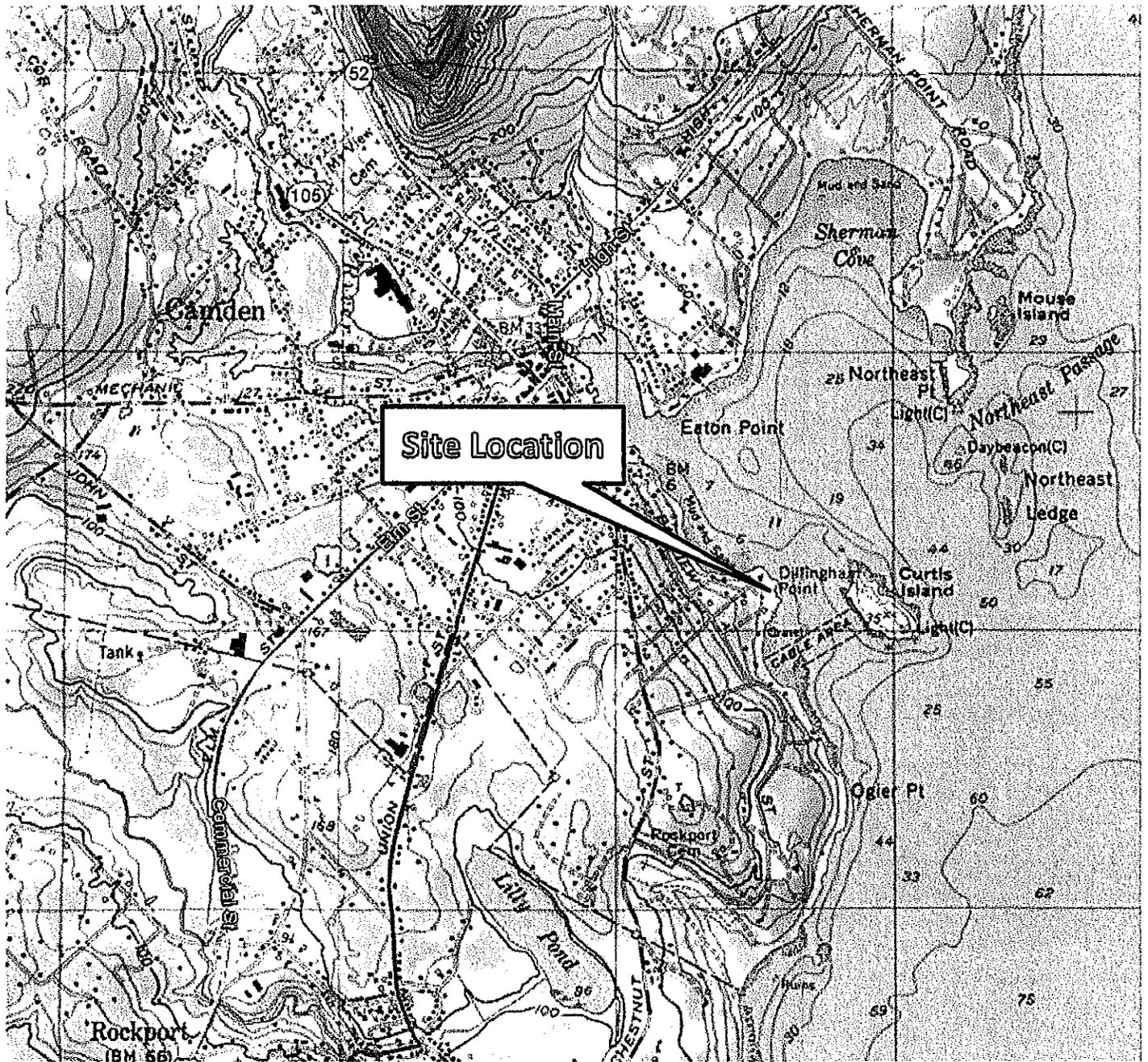
(Lessor Signature)

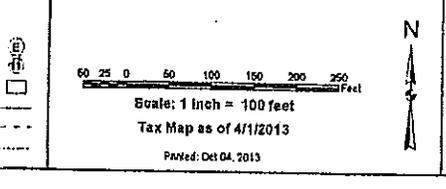
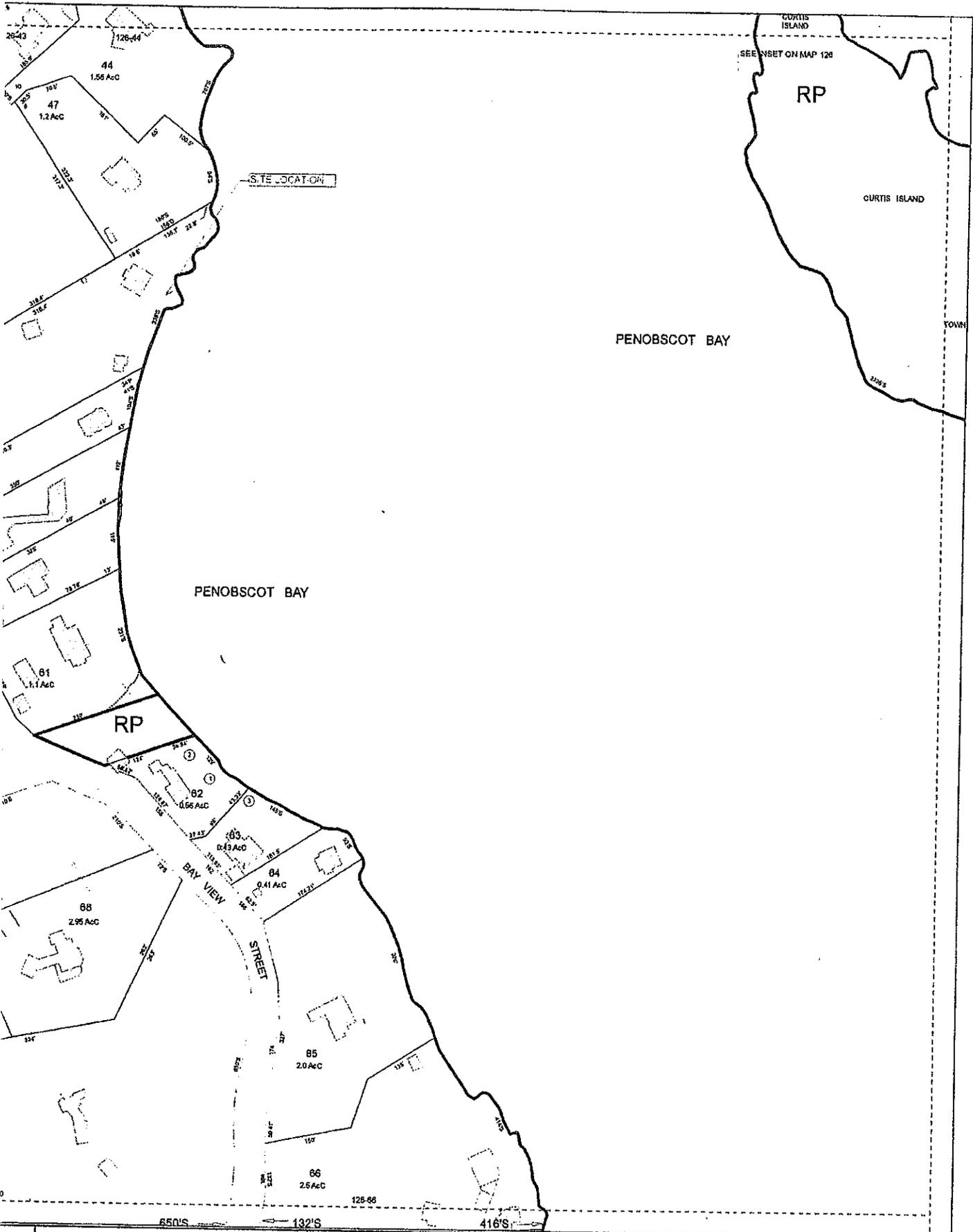
Ron Hunt

Acting Director of Operations, Bureau of Parks & Lands

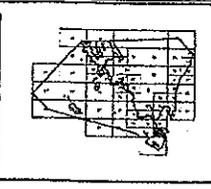
Department of Agriculture, Conservation & Forestry

State of Maine





5	120	124	127
6	119	125	
7	118	128	
	232		



TOWN OF
CAMDEN
 MAINE

MAP
126



PICTURE 1
DATE: 5-24-16

Camden Harbor Committee Review and Finding of Fact Checklist
CONCERNING CONSTRUCTION OF PIERS, WHARVES,
BREAKWATERS, BULKHEADS, AND LANDFILL



Project 144 Bayview Street

written application shall include the following information:

- Evidence of submission of application for applicable State and Federal licenses, permits and approvals.
- Evidence of submission of application for applicable Army Corps of Engineers licenses, permits and approvals.
- A site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than 1 inch to 20 feet. The plan shall show:
 - A. The length and width of the proposed project.
 - B. The harbor line, wharf line, mean high water, and mean low water lines.
 - C. Side property lines as extended from the upland across the shores and flats.
- An elevation showing the height of the structure in relation to mean high water and mean low water.
- A pier or wharf section.
- A plan showing the location and type of lighting if any.

Application Determined complete. Date: _____ Sent to Harbor Committee: _____
Harbor Committee Meeting Date: June 2, 2016

Select Board Review Standards

Article VI, Section 7, F, 2. The Outer and Coastal Harbor

The Harbor Committee opinion is that the proposed project will not:

A. Interfere with, or pose a hazard to, the navigational channels between the Inner Harbor and the bay and from the public vessel ramp to the main channel.

Yes _____, No XX Comments Majority Vote

B. Eliminate or interfere with existing and designated mooring and anchorage areas and access thereto.

Yes _____, No XX Comments There may be a need to move only one mooring probably not.

C. Reduce or interfere with ^{Substantially} existing shell fishing and clamming areas, and access thereto.

Yes _____, No XX Comments _____

D. Interfere with public vessel launching and pier facilities.

Yes _____, No XX Comments _____

E. Block or interfere with ^{Substantially} public rites of passage and uses of the shores and flats.

Yes _____, No XX Comments _____

F. Adversely affect small recreational boating activities to a substantial degree.

Yes _____, No XX Comments _____

Note per G, Construction of approved projects shall commence within one year from the date of approval by the Select Board and shall be completed within two years from the date of issuance of the building permit

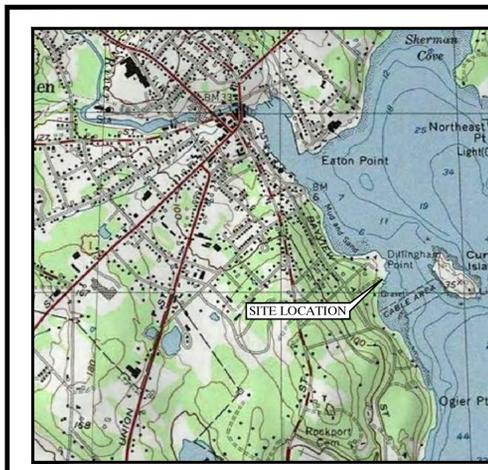
NOTE This document is not in conformance with the wording of the current Harbor Ordinance.

Final Comments: _____

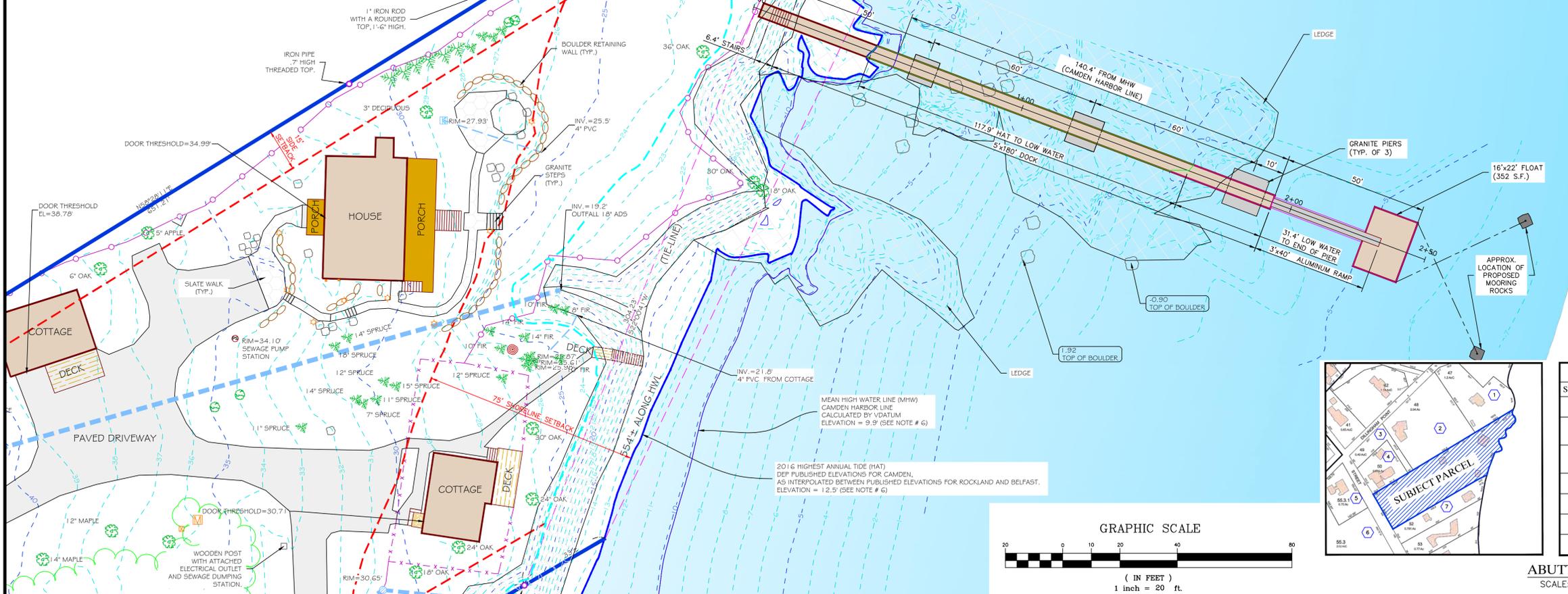
Recommendation: _____

_____ Chair Camden Harbor Committee

Date June 2, 2016



LOCATION MAP
SCALE: 1" = 1500'



TOWN OF CAMDEN PLANNING BOARD

DATE: _____

CHAIR: _____

LEGEND

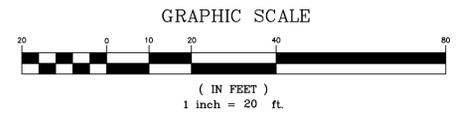
- SURVEYED PROPERTY LINE
- - - APPROXIMATE PROPERTY LINE
- STONE WALL
- 5/8" REBAR SET
- IRON ROD FOUND
- IRON PIPE FOUND
- GRANITE MONUMENT FOUND
- UTILITY POLE
- GUY ANCHOR
- OVERHEAD UTILITY LINE
- UNDERGROUND UTILITIES TRANSFORMER
- UNDERGROUND UTILITIES POWER METER AND CONTROL PANEL
- ★ LIGHT
- STOCKADE FENCE
- PICKET FENCE
- CHAIN LINK FENCE
- CATCH BASIN
- STORM PIPE
- SANITARY PUMP STATION
- CONIFEROUS TREE
- DECIDUOUS TREE
- VEGETATION
- STUMP
- BOULDER
- POST
- CEDAR HEDGE

GENERAL SITE NOTES:

- LOT INFORMATION:
PHYSICAL ADDRESS: 144 BAY VIEW STREET
TAX MAP: 126 LOT: 51
ZONING: COASTAL RESIDENTIAL DISTRICT (CR)
LOT AREA: ±2.42 ACRES
DEED: BK. 3521 PG. 122
- OWNER & APPLICANT:
COTTAGE HOLDINGS, LLC
C/O BLAKE SILVERMAN,
91 MOSLE RD., FAR HILLS, NJ 09731
- ENGINEER & SURVEYOR:
GARTLEY & DORSKY ENGINEERING & SURVEYING INC.
598 UNION STREET, P.O. BOX 1031, CAMDEN, ME, 04843
(207) 236-4365
- NOTES:
• THE PROPOSED PIER IS IN THE COASTAL HARBOR.
• RAILING LED LIGHTS SHALL BE PLACED ON EVERY OTHER POST (12' APART) ON ALTERNATE SIDES.
• OILS, GREASES AND OTHER CONTAMINANTS WILL NOT BE USED OR STORED ON THE PROPOSED PIER.

ABUTTING LAND OWNERS

SYMBOL	OWNER	INV. IN
1	SPALDING PARTNERS LLC P.O. BOX 954 CAMDEN, ME 04843	TAX MAP 126, LOT 47
2	SIX DILLINGHAM POINT LLC C/O DOROTHY STALNAKER MGR 23 BAY RIDGE RD, KEY LARGO, FL 33037	TAX MAP 126, LOT 48
3	FERNLEA REALTY TRUST (THOMAS A. PAYNE, TRUSTEE) 140 BAY VIEW ST, CAMDEN, ME 04843	TAX MAP 126, LOT 49
4	GRAY T. PAYNE 140 BAY VIEW ST, CAMDEN, ME 04843	TAX MAP 126, LOT 50
5	CRAIG W. PAMELA W. MUDGE PENOBSCOT AVE, CAMDEN, ME 04843	MAP 126 - LOT 55.3.1
6	SUE PENBERTHY PEAU 4 PENOBSCOT AVE, CAMDEN, ME 04843	MAP 126 - LOT 55.3
7	COVE COTTAGE, LLC 943 INLET CIRCLE, VENICE, FL 32428	TAX MAP 126, LOT 52

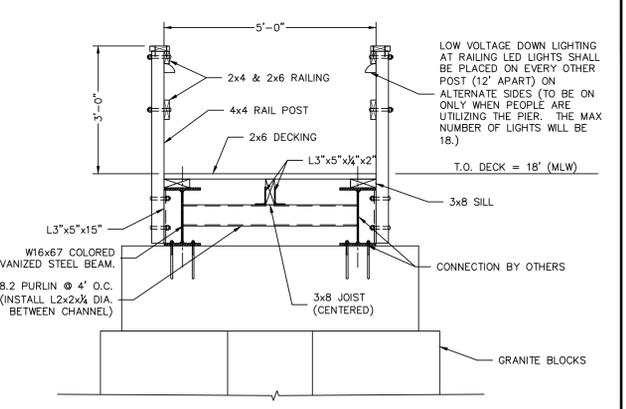


SURVEYOR'S NOTES:

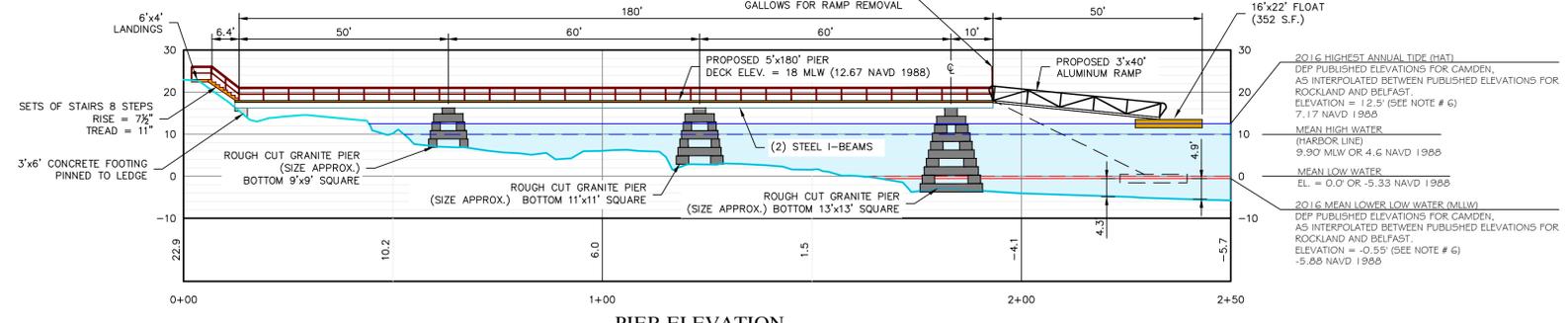
- THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINE ARE TAKEN FROM PLAN REFERENCE #1.
- ALL DIRECTIONS ARE REFERENCED TO THE MAINE COORDINATE SYSTEM OF 1983 (2011), EAST ZONE BASED ON AN RTK GPS SURVEY. ALL DISTANCES ARE GRID DISTANCES. THE COMBINED FACTOR OF 1.00007197 IS TO BE APPLIED TO CONVERT GRID DISTANCES TO GROUND DISTANCES.
- THIS PLAN IS THE RESULT OF AN ON THE GROUND FIELD SURVEY PERFORMED IN APRIL, 2016 AND MARCH 2016.
- OWNER INFORMATION IS TAKEN FROM THE TOWN OF CAMDEN TAX COMMITMENT PROVIDED BY VISION APPRAISAL, DATED APRIL 1, 2014.
- BOOKS AND PAGES REFERENCED ON THIS PLAN ARE RECORDED AT THE KNOX COUNTY REGISTRY OF DEEDS.
- ELEVATIONS ARE REFERENCED TO MEAN LOW WATER BASED ON STATIC GPS OBSERVATIONS PERFORMED ON APRIL 14, 2016 AND PROCESSED THROUGH THE NATIONAL GEODETIC SURVEY'S ONLINE POSITIONING USER SERVICE (OPUS). GPS DERIVED ELEVATIONS WERE CONVERTED USING VDATUM FROM NAVD 1988 TO MEAN LOW WATER BY ADDING 5.33'

PLAN REFERENCES:

- "BOUNDARY SURVEY, 144 BAY VIEW STREET" BY GARTLEY & DORSKY, ENGINEERING & SURVEYING, INC., SCALE: 1"=30', MARCH 22, 2016 WITH A LATEST REVISION 3, DATED 4/15/16. RECORDED AT PLAN BOOK 24, PAGE 115.



SCHEMATIC PIER SECTION
SCALE: 1/2" = 1'-0"



CIVIL PLAN NOTES:

- SEE SURVEY PLAN BY GARTLEY & DORSKY ENGINEERING & SURVEYING, FOR ORIGINAL SITE CONDITIONS.
- EROSION CONTROL MEASURE SHALL BE IMPLEMENTED DURING CONSTRUCTION IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES.
- ALL UTILITIES DEPICTED ON THIS PLAN ARE SCHEMATIC UNLESS NOTED OTHERWISE.
- THIS PLAN IS DRAWN ON A D-SIZED SHEET (24"x36") TO THE SCALE NOTED ON THIS PLAN. IF THIS PLAN IS RENDERED ON A DIFFERENT SIZED SHEET IT WILL NOT BE TO SCALE.
- ELECTRONIC DRAWING FILES (.DWG, .DXF, ETC) ARE PROVIDED SOLELY AS A CONVENIENCE AND SHALL NOT BE CONSIDERED "DRAWINGS OF RECORD" OR "CONSTRUCTION DOCUMENTS." ALL "DRAWINGS OF RECORD" OR "CONSTRUCTION DOCUMENTS," WILL BE HARD COPY DRAWING SHEETS OR .PDF ELECTRONIC FILES WITH PROFESSIONAL STAMPS AND SIGNATURES. ELECTRONIC FILES ARE SUBJECT TO ALTERATION AND THE RECIPIENT SHALL USE FILES AT THEIR OWN RISK.

PROPOSED PIER PLAN

COTTAGE HOLDINGS, LLC. BLAKE SILVERMAN

Gartley & Dorsky ENGINEERING & SURVEYING

598 Union Street, P.O. Box 1031, Camden, ME 04843-1031
Ph: (207) 236-4365 Fax: (207) 236-9855 Toll Free: 1-888-282-4365

PROJ. NO. 2016-033

C1

CLIENT/PROJECT: COTTAGE HOLDINGS, LLC. BLAKE SILVERMAN

LOCATION: 144 BAY VIEW STREET

TOWN: CAMDEN **COUNTY:** KNOX **STATE:** MAINE

SHEET TITLE: PROPOSED PIER PLAN

SCALE: 1" = 20'

DATE: MAY 31, 2016

DRAWN BY: LP

CHECKED BY: HEG

ADDED OIL, GREASE & CONTAMINANTS NOTE: 07/22/16

PER CAMDEN PLANNING BOARD: 06/17/16

REVISIONS:

NO.	REVISIONS	DATE
1	ABUTTERS, GALLOWES, LIGHTS	06/17/16
2	ADDED OIL, GREASE & CONTAMINANTS NOTE	07/22/16

**TOWN OF CAMDEN
SELECT BOARD PUBLIC HEARING**

Notice is hereby given that the Camden Select Board will hold a public hearing on Tuesday, August 23, 2016 at 6:30 p.m. at the Washington Street Conference Room concerning the following proposed Zoning Ordinance amendment:

**Zoning Ordinance, Article VIII, Section 5, Coastal Residential District (CR)
B. Permitted Uses:**

The following commercial uses:

~~(12)~~ (9) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met and indoor storage, maintenance and construction of boats in buildings on lots 5 or more acres in size provided that the storage facility was in existence on January 1, 2003 and is located at least 125 feet from any residential lot, boundary or a public way. (Amended) ~~11/11/03~~ 11/08/2016)

All persons interested may appear to be heard for or against the proposed amendment. The full text of the amendment is available at the Town Office, Monday through Friday from 8:00 am to 4:30 pm.

FOR TOWN OFFICE USE

\$20 Fee Paid on: _____ New Application: _____ Renewal Application: _____ Present License Exp. Date: _____

NEW LICENSE EXPIRATION DATE AFTER SELECT BOARD APPROVAL: _____

TOWN OF CAMDEN
VICTUALER LICENSE APPLICATION FORM

Applicant's Name: Ravin Nakjaroen
(Please list all applicants, if more than one)

Date(s) of Birth of all applicants: September 30, 1977

Business Name: Ravita Inc D/B/A Long Grain

Business Location: 31 Elm St. Camden, ME 04843

Business Mailing Address: 31 Elm St. Camden, ME 04843

Telephone Number: 207-236-9001 cell 207-691-4727 goodypik@aol.com

Describe briefly the food and drink services offered: dine in and take out Asian food, also serving beers and wine

1) On premise-meals served? Yes No _____ Seating capacity? _____

2) Take-out service? Yes No _____ Fast food? Yes _____ No
Sit Down? Yes No _____

3) Number of parking spaces provided:
a) On-site c) Leased off-site _____
b) Owned off-site _____ d) NA; Lawful nonconforming use _____ ("grandparented")

4) Has the number of seats in your eating establishment changed since the Town's last Victualer's License approval?
Yes _____ No If yes, please explain: _____

5) Have there been any changes in the operation of your eating establishment since the Town's last Victualer's License approval? (i.e. fast food to sit down; sit down to fast food, etc) Yes _____ No

6) Date of expiration of current State of Maine Human Services Eating License: _____
(Please attach a copy to this application, this certificate is issued from the State not the town)

7) Is your premises connected to an approved septic disposal system or the town's public sewer system?
Yes No _____

8) Has adequate provision been made for the storage and disposal of waste and garbage?
Yes No _____

- 9) If food is cooked on the premises, is there an approved vent from the cooking area to the outside? Yes No _____
- 10) Have you, as applicant, been convicted of a crime in the state of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application? Yes _____ No
- 11) Is there any formal charging instrument now pending against you in the state of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the applicant with the use of a dangerous weapon or of an offense involving use of a firearm against another person? Yes _____ No
- 12) Have you, as applicant, been adjudicated to be an incapacitated person pursuant to state law or, if such adjudication has occurred, that designation has been removed by order under Title 18-A, M.R.S.A., Section 5-307(b)? Yes _____ No
- 13) Have you, as applicant, been dishonorably discharged from the military forces within the past five (5) years? Yes _____ No
- 14) Are you an illegal alien? Yes _____ No
- 15) Have you had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of this application? Yes _____ No
- 16) Have you been adjudicated as having committed a juvenile offense pursuant to the laws of the state of Maine or any jurisdiction within five (5) years of the date of application? Yes _____ No

The applicant shall contact the Camden Fire Department (236-7950) to schedule a Life Safety Code inspection as referenced in the Camden Fire Prevention and Protection Ordinance. This application will not be accepted until signed off by the Camden Fire Department verifying that this facility complies with the Camden Fire Prevention and Protection Ordinance.



Signature of Camden Fire Department Inspector

8-4-16

Date



Signature of Applicant

8-4-16

Date

Please return the completed application to the Town Manager's Office on or before: _____ along with the appropriate license application fee (fee scheduled explained at the top of Page 1).

(Questions #9 - #15 pertain to Victualer Ordinance requirements. A copy of the full text of the Ordinance is available at the Town Clerk's Office.)

Approved by the Camden Select Board on _____, 201____.

=====

FOR CODE ENFORCEMENT & FIRE DEPARTMENT USE ONLY

- 1) Zone _____ 2) Tax Map _____ Lot _____ 3) Lot Size _____
- 2) Planning Board or Zoning Board approved restrictions or conditions: _____

- 4) Fire Chief's Annual Inspection (new and renewal applications) _____
Date of Fire Chief's Inspection: _____
- 5) Code Officer's Annual Inspection (new and renewal applications) Bill O'Donnell
Code Officer's inspection of establishment (new applications) _____
Date of Code Officer's Inspection (if applicable): 8.9.16

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 2253

EATING PLACE 30-75 SEATS 40 Seats (in)

LONG GRAIN
31 ELM ST
CAMDEN ME 04843

EXPIRES: 01/31/2016

FEE: \$195.00



ATTN LONG GRAIN
RAVITA INC
LONG GRAIN
31 ELM ST
CAMDEN ME 04843

Mary C. Mayhew
COMMISSIONER

NON-TRANSFERABLE

▽ DETACH HERE ▽

FOR TOWN OFFICE USE

\$20 Fee Paid on: _____ New Application: Renewal Application: _____ Present License Exp. Date: 7/31/18

NEW LICENSE EXPIRATION DATE AFTER SELECT BOARD APPROVAL: _____

TOWN OF CAMDEN
VICTUALER LICENSE APPLICATION FORM

Applicant's Name: Gerald Gabriele
(Please list all applicants, if more than one) Daniel & Rebecca Gabriele

Date(s) of Birth of all applicants: Gerald 5/8/
Daniel 12/14/55 Rebecca 1/8/58

Business Name: Marriner's Restaurant

Business Location: 35 Main St. Camden

Business Mailing Address: 35 Main Street
Camden, ME 04843

Telephone Number: 207.236.4949

Describe briefly the food and drink services offered: _____

1) On premise-meals served? Yes No _____ Seating capacity? _____

2) Take-out service? Yes No _____ Fast food? Yes _____ No _____
Sit Down? Yes No _____

3) Number of parking spaces provided:
a) On-site _____ c) Leased off-site 2
b) Owned off-site _____ d) NA; Lawful nonconforming use _____ ("grandparented")

4) Has the number of seats in your eating establishment changed since the Town's last Victualer's License approval?
Yes _____ No If yes, please explain: _____

5) Have there been any changes in the operation of your eating establishment since the Town's last Victualer's License approval? (i.e. fast food to sit down; sit down to fast food, etc) Yes _____ No

6) Date of expiration of current State of Maine Human Services Eating License: _____
(Please attach a copy to this application, this certificate is issued from the State not the town)

7) Is your premises connected to an approved septic disposal system or the town's public sewer system?
Yes No _____

8) Has adequate provision been made for the storage and disposal of waste and garbage?
Yes No _____

=====

FOR CODE ENFORCEMENT & FIRE DEPARTMENT USE ONLY

- 1) Zone _____ 2) Tax Map _____ Lot _____ 3) Lot Size _____
- 2) Planning Board or Zoning Board approved restrictions or conditions: _____

- 4) Fire Chief's Annual Inspection (new and renewal applications) _____
Date of Fire Chief's Inspection: _____
- 5) Code Officer's Annual Inspection (new and renewal applications) Bill O'Donnell _____
Code Officer's inspection of establishment (new applications) _____
Date of Code Officer's Inspection (if applicable): 8.1.16 _____

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 2240

EATING PLACE 30-75 SEATS 60 Seats (in)

MARRINERS RESTAURANT
35 MAIN ST
CAMDEN ME 04843-1703

EXPIRES: 12/28/2016

FEE: \$195.00



GABRIELE, GERALD, DANIEL & REBECCA
MARRINERS RESTAURANT
35 MAIN ST
CAMDEN ME 04843-1703

Mary C. Mayhew
COMMISSIONER

NON-TRANSFERABLE

STATE OF MAINE MAINE REVENUE SERVICES RESALE CERTIFICATE

THIS CERTIFICATE IS VALID
JANUARY 01 2015 THRU DECEMBER 31 2019



<u>Business Name and Location Address</u>	<u>Certificate Number</u>	<u>Business Type</u>
MARRINER'S RESTAURANT 35 MAIN ST CAMDEN, ME 04843-1703	0192344	RESTAURANT

This is to certify that the above named business is authorized to purchase tangible personal property for resale during the period identified on this certificate. **This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees. This certificate is void if the business has ceased operating or if the certificate has been altered.**

The aboved named business certifies that the following items will be resold as tangible personal property in the ordinary course of their business.

Presented to: _____ (Insert name of seller on photocopy) _____ (date) Presented by: _____
Authorized Signature (purchaser) _____ (date)

FOR TOWN OFFICE USE

\$20 Fee Paid on: _____ New Application: _____ Renewal Application: _____ Present License Exp. Date: _____

NEW LICENSE EXPIRATION DATE AFTER SELECT BOARD APPROVAL: _____

TOWN OF CAMDEN
VICTUALER LICENSE APPLICATION FORM

Applicant's Name:
(Please list all
applicants, if more than one)

Subway

Date(s) of Birth of all applicants:

Business Name:

Northern Maine Enterprises

Business Location:

123 Elm St

Business Mailing Address:

352 Warren Ave Ste 7
Portland ME 04103

Telephone Number:

(207) 878-1595

Describe briefly the food and drink services offered:

Sandwiches salads side

- 1) On premise-meals served? Yes No _____ Seating capacity? _____
- 2) Take-out service? Yes No _____ Fast food? Yes No _____
Sit Down? Yes No _____
- 3) Number of parking spaces provided:
a) On-site _____ c) Leased off-site _____
b) Owned off-site _____ d) NA; Lawful nonconforming use _____ ("grandparented")
- 4) Has the number of seats in your eating establishment changed since the Town's last Victualer's License approval?
Yes _____ No _____ If yes, please explain: _____
- 5) Have there been any changes in the operation of your eating establishment since the Town's last Victualer's License approval? (i.e. fast food to sit down; sit down to fast food, etc) Yes _____ No
- 6) Date of expiration of current State of Maine Human Services Eating License:
(Please attach a copy to this application, this certificate is issued from the State not the town)
- 7) Is your premises connected to an approved septic disposal system or the town's public sewer system?
Yes No _____
- 8) Has adequate provision been made for the storage and disposal of waste and garbage?
Yes No _____

- 9) If food is cooked on the premises, is there an approved vent from the cooking area to the outside? Yes No _____
- 10) Have you, as applicant, been convicted of a crime in the state of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application? Yes _____ No
- 11) Is there any formal charging instrument now pending against you in the state of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the applicant with the use of a dangerous weapon or of an offense involving use of a firearm against another person? Yes _____ No
- 12) Have you, as applicant, been adjudicated to be an incapacitated person pursuant to state law or, if such adjudication has occurred, that designation has been removed by order under Title 18-A, M.R.S.A., Section 5-307(b)? Yes _____ No
- 13) Have you, as applicant, been dishonorably discharged from the military forces within the past five (5) years? Yes _____ No
- 14) Are you an illegal alien? Yes _____ No
- 15) Have you had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of this application? Yes _____ No
- 16) Have you been adjudicated as having committed a juvenile offense pursuant to the laws of the state of Maine or any jurisdiction within five (5) years of the date of application? Yes _____ No

The applicant shall contact the Camden Fire Department (236-7950) to schedule a Life Safety Code inspection as referenced in the Camden Fire Prevention and Protection Ordinance. This application will not be accepted until signed off by the Camden Fire Department verifying that this facility complies with the Camden Fire Prevention and Protection Ordinance.

Signature of Camden Fire Department Inspector

Date

Signature of Applicant

Date

Please return the completed application to the Town Manager's Office on or before: _____ along with the appropriate license application fee (fee scheduled explained at the top of Page 1.

(Questions #9 - #15 pertain to Victualer Ordinance requirements. A copy of the full text of the Ordinance is available at the Town Clerk's Office.)

Approved by the Camden Select Board on _____, 201_____.

=====

FOR CODE ENFORCEMENT & FIRE DEPARTMENT USE ONLY

- 1) Zone _____ 2) Tax Map _____ Lot _____ 3) Lot Size _____
- 2) Planning Board or Zoning Board approved restrictions or conditions: _____

- 4) Fire Chief's Annual Inspection (new and renewal applications) _____
Date of Fire Chief's Inspection: _____
- 5) Code Officer's Annual Inspection (new and renewal applications) Bill Donnell _____
Code Officer's inspection of establishment (new applications) _____
Date of Code Officer's Inspection (if applicable): 7.26.16 _____

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 6898

EATING PLACE 0-29 SEATS 20 Seats (In)

SUBWAY
123 ELM ST
CAMDEN ME 04843-1932

EXPIRES: 06/05/2017

FEE: \$160.00

ATTN ANGELA PARENT
NORTHERN MAINE ENTERPRISE
SUBWAY
352 WARREN AVE STE 7
PORTLAND ME 04103



Mary C. Mayhew
COMMISSIONER

NON-TRANSFERABLE

▽ DETACH HERE ▽

The Maine Public Smoking Act, 22 M.R.S.A. §1542, prohibits smoking in any enclosed public place, including eating establishments. Pursuant to 22 M.R.S.A. §1550, smoking is also prohibited in all outdoor eating areas which are available for dining or beverage service, including self-service. Smoking by employees of any eating establishment is governed by the Workplace Smoking Act, 22 M.R.S.A. §1580-A, which requires employers to establish and post written policies concerning smoking or non-smoking by employees. In the event workplace smoking is allowed, employees may only smoke in designated smoking areas at least 20 feet from any entryway, vent or doorway, and in no event may environmental tobacco smoke be permitted to circulate into enclosed areas of the eating establishment. For free guidance regarding smoking policy and to receive smoke-free signage, please contact the Maine Center for Disease Control and Prevention's Partnership For A Tobacco-Free Maine at www.tobaccofreemaine.org or call 207-287-4627.

Knox County Commission

Knox County Courthouse

62 Union Street

Rockland, Maine 04841

Date: April 1, 2016

To: **CAMDEN** Selectmen, Assessors, or Council members

From: Knox County Administrator Andrew L. Hart



RE: County Taxes and Communications Fees

Pursuant to 30-A MRSA § 453, each county may establish a communications center and after entering into an agreement with a municipality to provide specific communications functions, receive a payment for these services. The communications funding formula is based on the year 2010 population figures. Fees for communications services are due and payable to the County no later than September 1, 2016. Please keep in mind that this is a fee for service, therefore, late payment charges will begin after September 1, 2016.

Pursuant to 30-A MRSA § 706 the County Commission shall apportion taxes on the municipalities, and the County may collect delinquent taxes and charge interest at the rate of 7% simple annual interest (36 MRSA 892-A). The county tax is due September 1, 2016, but late payment charges will begin on November 1, 2016 as defined by statute.

The rate of interest is established by the State Tax Assessor and the annual rate of interest for 2016 is 7% simple annual interest.

Enclosed you will find the County Administrator's Warrant, Assessors Return, Treasurer's Tax Statement, and an Invoice for Communications Services. There is also a copy of the Tax Assessment and Communications Fees spreadsheet for your information.

Should you have any questions about the tax assessment or communications fees, please do not hesitate to contact this office at 594-0420 or email me at ahart@knoxcountymaine.gov.

COUNTY ADMINISTRATOR'S WARRANT

STATE OF MAINE – KNOX, SS.

To the Selectmen, Assessors, or Council members of the municipality of **CAMDEN** in the County of Knox.

WHEREAS, the Knox County Commission, in their last session, resolved that the sum of **\$7,291,087** should be raised on the city, towns, plantation and unorganized places within said County, according to the directions of the law, for defraying the usual necessary charges of the County for the year ensuing; And Whereas, the Court of County Commission, held at Rockland, in and for the County of Knox, by adjournment on the **1st day of April, 2016**, ordered that the Administrator of the County Commission, in said County should send out warrants for assessing the city, town, plantation and unorganized places proportions thereof and paying the same;

And Whereas, upon a due apportionment of the said sum on the city, town, plantation and unorganized places in said County, your municipality's valuation being **\$1,198,200,000** the tax rate being **0.0009983619**, your municipality's proportion is found to be **\$1,196,237.22**.

YOU ARE THEREFORE HEREBY REQUIRED, in the name of the State of Maine, to access the said sum last mentioned, upon the inhabitants of said municipality, agreeable to the laws of the State, and cause the same in like manner to be collected and paid to **Marlene J. Libby**, treasurer of said municipality, to be paid by the same to **Kathy C. Robinson**, treasurer of said Knox County, or to the successor in said office, on or before the first day of **September 2016**.

HEREOF FAIL NOT, and make due the assessors' return where the names of the person or persons to whom your list or lists shall be committed, to the said county treasurer, as soon as may be after you shall have committed the same.

Dated at Rockland, the 1st day of April, 2016.

By order of the County Commission.



Andrew L. Hart, County Administrator

TO BE RETAINED BY MUNICIPALITY.

ASSESSORS RETURN

PURSUANT TO A WARRANT to us directed, from **Andrew L. Hart**, Administrator of the Court of County Commission for the County of Knox, dated the 1st day of April, 2016, we have assessed the estates of the inhabitants, and the estates of the non-resident proprietors of the municipality of **CAMDEN** in said County, the sum of **\$1,196,237.22** and have committed lists thereof to **Brenda Fisher**, tax collector of said municipality, with a warrant in due form of law for collecting and paying the same to **Marlene J. Libby**, treasurer of said municipality or the successor in office, to be paid by the same to **Kathy C. Robinson**, treasurer of the County of Knox, or the successor in said office, on or before the first day of September 2016.

IN WITNESS WHEREOF, we have hereunto set our hands at _____, the
_____ day of _____, 2016.

ASSESSORS OF CAMDEN

The Assessors are requested to complete the above return, under their hands, and forward the same to the Knox County Treasurer, 62 Union Street, Rockland, Maine 04841, immediately after the assessment is made.

TREASURER'S TAX STATEMENT

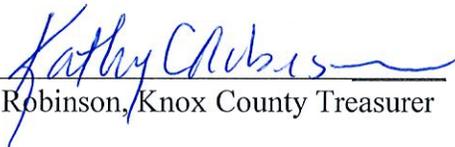
STATE OF MAINE – KNOX, SS.

To: **Marlene J. Libby**, Treasurer of the Municipality of **CAMDEN** within the County of Knox.

GREETING:

In the name of the State of Maine you are hereby required to transmit and pay your said municipality's proportion of the County Tax for the year 2016, being **\$1,196,237.22** to the County Treasurer on or before the first day of **September** of 2016. Failure to pay said taxes before the first day of **November** of 2016 will cause said taxes to be delinquent and interest will be charged at the rate of seven percent (7%) simple annual interest.

Given under my hand at Rockland in said County this 1st day of April, 2016.



Kathy C. Robinson, Knox County Treasurer

COMMUNICATIONS INVOICE FOR SERVICES

STATE OF MAINE – KNOX, SS.

TO: **Marlene J. Libby**, Treasurer of the Municipality of **CAMDEN** within the County of Knox.

You are hereby required to transmit and pay your said municipality's proportion of the Communications Fees for the year 2016, being **\$127,714** to the County Treasurer on or before the first day of **September** of 2016. Failure to pay said fees by the first day of **September** of 2016 will cause said fees to be delinquent and interest will be charged at the rate of seven percent (7%) simple annual interest.

Given under my hand at Rockland in said County this 1st day of April, 2016.



Kathy C. Robison, Knox County Treasurer

Knox County Taxes & Dispatch Fees 2016 Budget

MUNICIPALITY	2016	2% Overlay		Combined Tax & Fees
	<i>Certified State Valuations 1/27/2016</i>	0.0009983619	Dispatch/PSAP Fees	
	STATE VALUATION	COUNTY TAX		
Appleton	\$126,250,000	\$126,043.19	\$34,654	\$160,697
Camden	\$1,198,200,000	\$1,196,237.22	\$127,714	\$1,323,951
Cushing	\$295,100,000	\$294,616.59	\$40,395	\$335,011
Friendship	\$244,450,000	\$244,049.56	\$30,335	\$274,385
Hope	\$189,700,000	\$189,389.25	\$40,447	\$229,836
Isle Au Haut	\$85,250,000	\$85,110.35	\$1,922	\$87,033
Matinicus Isle Plantation	\$33,650,000	\$33,594.88	\$1,949	\$35,544
North Haven	\$425,150,000	\$424,453.56	\$9,348	\$433,802
Owls Head	\$362,600,000	\$362,006.02	\$41,606	\$403,612
Rockland	\$765,100,000	\$763,846.68	\$192,151	\$955,997
Rockport	\$996,250,000	\$994,618.03	\$87,688	\$1,082,306
St. George	\$800,150,000	\$798,839.27	\$68,228	\$867,068
South Thomaston	\$249,500,000	\$249,091.29	\$41,027	\$290,118
Thomaston	\$358,300,000	\$357,713.07	\$73,232	\$430,945
Union	\$224,550,000	\$224,182.16	\$59,486	\$283,668
Vinalhaven	\$490,850,000	\$490,045.93	\$30,678	\$520,724
Warren	\$296,900,000	\$296,413.65	\$101,408	\$397,821
Washington	\$141,750,000	\$141,517.80	\$40,210	\$181,728
Sub-Total	\$7,283,700,000	\$7,271,768	\$1,022,477	\$8,294,245
Unorganized Territory	\$19,350,000	\$19,318.30	\$0	\$19,318
Lincolnville		\$0	\$8,420	\$8,420
TOTAL	\$7,303,050,000	\$7,291,087	\$1,030,897	\$8,321,984

2016 Tax Assessment
\$7,148,124

Overlay
\$142,962

Assessment + Overlay= \$7,291,087

**Amendment
By and Between the Town of Camden
And
North East Mobile Health Services
For Emergency Medical Services**

Amendment effective as of July 1, 2016

This amendment will serve to update the agreed upon Contract Price subsequent to the Town of Hope changing its service area to include the entire town.

1. CONTRACT PRICE

In consideration for the services rendered to the TOWN pursuant to the terms of this Agreement NORTH EAST shall charge and the TOWN agrees to pay an annual subsidy to NORTH EAST as follows:

- For the contract year commencing on July 1, 2016 the subsidy shall be **\$25,311.00**
- For the contract year commencing on July 1, 2017 the subsidy shall be **\$32,252.00**

Payments of all annual subsidies may be made in equal quarterly payments that shall be due and payable on July 30th, October 30th, January 30th and April 30th of each year.

All other provisions of this Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this agreement:

Town of Camden
By:

Dated: _____

North East Mobile Health Services
By:

Dated: _____

Recommended revisions in red, deletions in yellow by Working committee: Police Chief Randy Gagne, Planning Board member John Scholz, and resident Dennis McGuirk 8/02/16

CHAPTER VIII TOWN OF CAMDEN POLICE
ORDINANCE

PART XII

PUBLIC NOISE AND CONDUCT ORDINANCE

Section 1 - Preamble

In accordance with the provisions of Title 30-A, Section 3001 of the Maine Revised Statutes, and by the authority granted therein under Section 3001, for the purpose of promoting the general welfare and providing for public safety and convenience, the Inhabitants of the Town of Camden adopt this Noise Ordinance.

The Town of Camden has determined by virtue of complaints to the Police Department and the Board of Selectmen from citizens, downtown merchants, and visitors to the Town, that certain conduct within portions of the Town designated in this ordinance, is preventing persons residing within those areas from fully enjoying their property and having a reasonable degree of quiet, particularly during nighttime hours, and is also preventing members of the public from enjoying public parks and other public spaces.

The Town further finds that reasonable regulations concerning noise are necessary in order to preserve a downtown area which is attractive to customers, visitors and residents and maintains a non-threatening environment within the downtown area, including public parks and public spaces.

The Town further finds that existing state laws and regulations do not fully and adequately address the difficulties experienced within the Town of Camden which are sought to be addressed by this ordinance, and that enforcement of such laws and regulations, when brought by officials not associated with the Town of Camden, is not sufficiently vigorous or timely in order to resolve the difficulties experienced in the Town.

Accordingly, exercising the home-rule powers conferred upon the Town, the Town does hereby adopt the following ordinance, which shall be referred to as the "Public Noise and Conduct Ordinance".

Section 2 - Prohibited Conduct and Acts

The following acts undertaken within the designated area of the Town of Camden as set forth in Section 4.0 (Exhibit A), are hereby declared to be a violation of this ordinance:

2.1 - Unreasonable, Loud and Raucous Noise

Yelling, shouting, hooting, whistling, singing, or the production of any other noise, in a loud and raucous manner, between the

hours of 11:00 PM and 7:00 AM on the following morning within the area set forth in Section 4.0 (Exhibit A), so as to unreasonably annoy or disturb the quiet, comfort, or repose of any persons located more than fifty feet (50') from the source of that noise shall be prohibited.

Chapter 8 Police Ordinance 07/30/12 page 123

2.2 - Obstructions of a Public Way

Knowingly and intentionally causing an unreasonable obstruction of a public way, road, street, sidewalk or walkway in a public park shall be prohibited within the designated area of the Town of Camden as set forth in Section 4.0 (Exhibit A).

2.3 - Unreasonably Loud Sound Production

The playing, using or operating of any radio, receiving set, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to unreasonably annoy or disturb the peace, quiet, comfort or repose of any other person located more than fifty feet (50') from the source of that sound shall be prohibited between the hours of 11:00 PM and 7:00 AM the following morning within the area set forth in Section 4.0 (Exhibit A).

2.4 - Unreasonable Sounds from Horns or Signaling Devices

The sounding of any horn or signaling device for an unnecessary or unreasonable length of time or for a purpose not associated with the proper and legitimate signaling activity undertaken in conjunction with the operation of a motor vehicle shall be prohibited within the areas set forth in Section 4.0 (Exhibit A).

2.5 - Unacceptable Noise Levels

Any sound level exceeding 65 dBA when measured at the property line and persisting for 5 minutes or more after 11:00PM is considered unacceptable unless a permit has been obtained in advance for a specific event.

Section 3 - Enforcement Procedure

3.1 Any violations of this ordinance shall be a civil violation, which shall be prosecuted through the issuance of a civil summons by the Camden Police Department in the same form and in the same manner of prosecution as would be the case with a parking violation. The regulations governing prosecution of parking violations are set forth in the Camden Code, Chapter VIII, Section 15-A, sub-section 1. Actions shall be prosecuted by the Camden Police Officers or by the Town Attorney in the District Court for Knox County, located in Rockland, Maine.

3.2 For any first violation of this ordinance, there shall be a civil fine or penalty imposed in an amount not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00). Each subsequent violation of this ordinance within a period of two (2) years from the date of the first violation, shall result in the imposition of a minimum civil fine or penalty of One Hundred Dollars (\$100.00) and a maximum fine or penalty of Two Hundred Fifty Dollars(\$250.00).

3.3 In addition to civil penalties for any violation of this ordinance, the Court shall require the violator to pay the Town reasonable attorney's fees incurred in connection with the prosecution of the violation, together with costs and filing fees incurred by the Town in connection with that prosecution.

Chapter 8 Police Ordinance 07/30/12 page 124

Section 4 - Designated Area

The provisions of this ordinance shall apply to all areas of the Town of Camden. ~~set forth in Exhibit A, attached to this ordinance and incorporated by reference herein.~~

Section 5 - Separability

In the event that any provision of this ordinance shall be held illegal, it is intent that all remaining provisions of this ordinance, which are not declared illegal, shall remain in full force and effect.

□

EXHIBIT A Designated Area

The designated area of this ordinance shall be:

1. ~~the following~~ All streets and ways or portions of streets and ways:

~~Atlantic Avenue~~

~~Bayview Street: portion from Main to Frye Street Chestnut~~

~~Street: portion from Elm Street to Frye Street Commercial~~
~~Street~~

~~Elm Street: portion from Main Street to School Street~~

~~Free Street~~

~~Main Street: portion from Elm Street to Mountain Street~~

~~Mechanic Street: portion from Main Street to Knowlton Street~~

~~Tannery Lane; and~~

2. All public sidewalks, public ways, public walkways, public parks, and real property owned by the Town of Camden or other public entity which abut such streets or ways. "Public parks" shall include, without limitation, Harbor Park and the dam site, the Camden Public Library grounds and Amphitheater, the Village Green, and the Public Landing.

Historical Notes: Adopted June 13, 1995 at Town Meeting

Modified August 9, 2016 at Select Board Meeting

JS copy

Noise Ordinance Research Summary

12/01/15

The materials provided in this binder represent a summary of the research compiled from December 2014 through September 2015 for the purpose of studying the need for a new town noise ordinance, or revisions to the existing Police Department Public Noise and Conduct Ordinance. The remainder of the research materials is in the CEO's files, Planning Board files, and the "working group's" files (Police Chief Randy Gagne, John Scholz, & Dennis McGuirk).

Index of Contents

- List of Summary Points for guidance in understanding the issues of excessive or disruptive noise in Camden
- List of permitted dBA levels for Maine Towns and other US Cities
- Text summary of measurements taken summer 2015 in Camden
- Charts showing cumulative results for sound level measurements taken at Cuzzy's and Smokestack Grill during summer 2015
- Town map with locations for Cuzzy's and Smokestack Grill
- Three charts providing dBA levels and impact/effect on human activity
- List of court cases with descriptions for noise ordinance decisions
- Three pages Public Noise and Conduct Ordinance presently in effect in Camden
- 5/10/15 Draft Noise Ordinance prepared by the Working Group and reviewed by the Planning Board with majority decision not to recommend it to the Select Board.
- Newspaper articles from 1994 Bangor Daily News and 1999 Village Soup referencing previous Camden Select Board noise ordinance discussions.

Summary Points

- There is a need to supplement the current public nuisance police ordinance to better deal with noise issues in Camden
 - The Current ordinance does not cover the whole town
 - Proprietors have asked for objective guidance so they can take appropriate measures to reduce the noise from their facilities to acceptable levels.
- The summer of 2015 Chief Gagne had more than 500 noise level measurements made in Camden each night covering 6 locations in Camden at 9:30PM, 11:30 PM and 1:30 AM.
- Current levels of nightly noise from these establishments are regularly 4 to 8 times as loud as what most towns consider acceptable (see Table 1 of towns and their allowed levels) and those recommended by the State of Maine (see Table 2).
- The standard way of measuring noise is the dBA value. This value mimics the sensitivity of the human ear to the full range of frequencies from bass to high treble.
 - A table of typical noise levels from various sources is provided.
 - Note that 10 dBA increase in noise measured by an instrument is heard as twice as loud by a person
 - The noise level decreases with distance from the source so that the perceived loudness is halved for each tripling of the distance.
- Public complaints are an important, but insufficient indicator of the magnitude of the town's noise problem, since most residents don't want to be (or be seen as) constant complainers and they do want local businesses to thrive.
- A noise ordinance supplement should address the regular generation of noise from properties, not the occasional event that is not replicated night after night.
- It is possible to reach good compromise levels that properly balance the interests of businesses and residents alike.
- Maximum noise levels can be allowed to be exceeded on special occasions (Schooner Days, Toboggan Nationals, Weddings, Amphitheater Events, etc.) via the permit process.
- The courts have upheld the validity of dBA based noise ordinances that are based on local conditions and not just generic. Subjective standards (e.g. "levels that are annoying," are often struck down by the courts.

AVERAGE DAYTIME MAXIMUMS			AVERAGE NIGHT TIME MAXIMUMS		
58	64	68	50	55	59
RESIDENTIAL	COMMERCIAL	INDUSTRIAL	RESIDENTIAL	COMMERCIAL	INDUSTRIAL



SOME PLACES ALLOW LEVELS UP TO 10dB HIGHER FOR ONE 10 TO 15 MINUTE PERIOD IN 24 HOURS

MAXIMUM ALLOWED NOISE LEVELS						
LOCATIONS	DAYTIME			NIGHT TIME		
	NOISE IN RESIDENTIAL ZONES	NOISE IN COMMERCIAL ZONES	NOISE IN INDUSTRIAL ZONES	NOISE IN RESIDENTIAL ZONES	NOISE IN COMMERCIAL ZONES	NOISE IN INDUSTRIAL ZONES

MAINE TOWNS	AUBURN	SUBJECTIVE STANDARD BASED ON DISTANCE AND AUDIBILITY					
	AUGUSTA	60					
	BANGOR						
	BATH	60	60	60	50	50	
	BELFAST	75	75	75	75	75	
	BRUNSWICK	55	60	70	45	50	
	BIDDEFORD						
	BUXTON	55	60	60	45	50	
	CASTINE	60	60	60	50	50	
	LEWISTON	50	60	70	50	60	
	NEW GLOUCESTER	60	60	60	50	50	
	OGUNQUIT	55	60	60	45	50	
	ORONO	50	60	70	40-45	50	
	ROCKPORT	55	75	85	45	55	
	SACO	55	60	65	45	50	
SANFORD	55	60	65	45	50		
SEARSPORT	60	70	70	50	60		
SKOWHEGAN	55	65	70	45	55		
WINDHAM	60	60	60	50	50		
YORK	55	60	68	45	50		
OTHER U.S. CITIES	ANCHORAGE	60	70	80	50	60	
	AUSTIN, TX	85					
	BELLEVUE, WA	55	60	70	45	50	
	BOSTON, MC	70	70	70	55	55	
	CHARLOTTE, NC	55	65		50	50	
	TUKWILA, WA	55	60	70	45	60	
	JUNIPER ISLE, FLA	65	65	65	65	65	
	SACRAMENTO, CA	55	50				
	SEATTLE, WA	60	65	70	50	55	
	KENT, WA	60	65	70		60	
SPOKANE, WA	60	65	70	50	55		

SUMMARY OF CAMDEN NOISE MEASUREMENT RESULTS

The maximum noise level most towns consider allowable at night, even in industrial zones is 60 dBA at the property line.

(See table of noise standards in Maine towns and the State of Maine recommended levels)

Nearly 500 nightly noise measurements were made in Camden the summer of 2015 (9:30 PM, 11:30 PM and 1:30 AM). The measurements were taken downtown in the vicinity of Cuzzy's and the Smokestack Grill as well as at the Snow Bowl. The measurements taken at the Snow Bowl were inconclusive as construction on the redevelopment project continued through the summer with only one evening wedding event scheduled at the lodge.

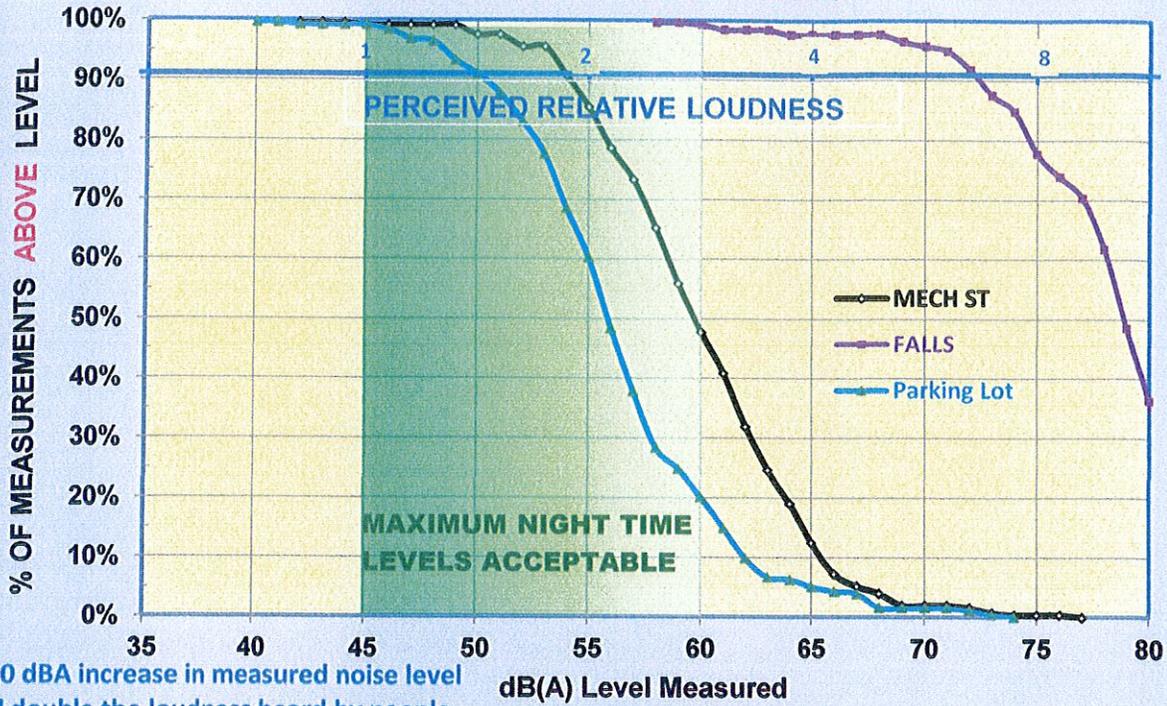
The downtown measurements show that:

- There is no difference in noise the levels measured at 9:30 PM and 11:30 PM
- Near Cuzzy's
 1. Nightly noise levels are louder than this standard **60%** of the time.
 2. These noise levels are regularly *twice as loud* as this maximum standard.
 3. Some of the measured noise levels are *4 times louder* than recommended for Commercial zones in Maine towns.
- Near the Smokestack Grill
 1. Nightly noise levels are louder than this standard **50%** of the time.
 2. These noise levels are regularly *twice as loud* as this maximum standard.
 3. Some of the measured noise levels are *4 times louder* than recommended for Commercial zones in Maine towns.

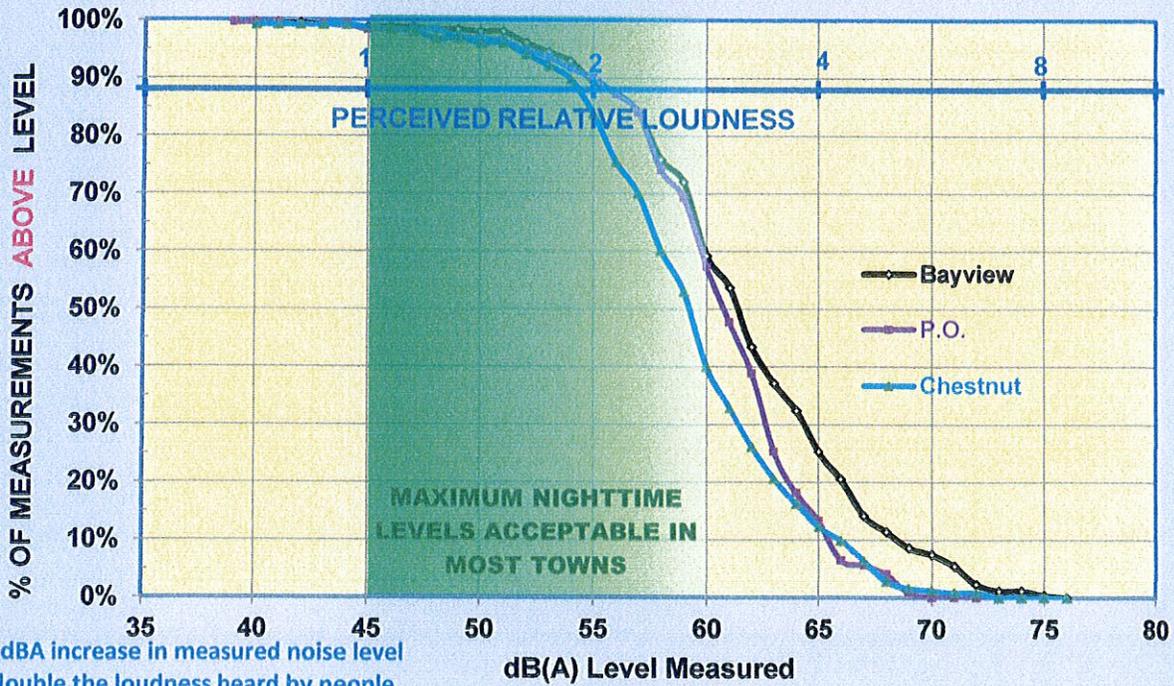
Practical corrective actions can reduce the nightly noise to the level recommended by the State.

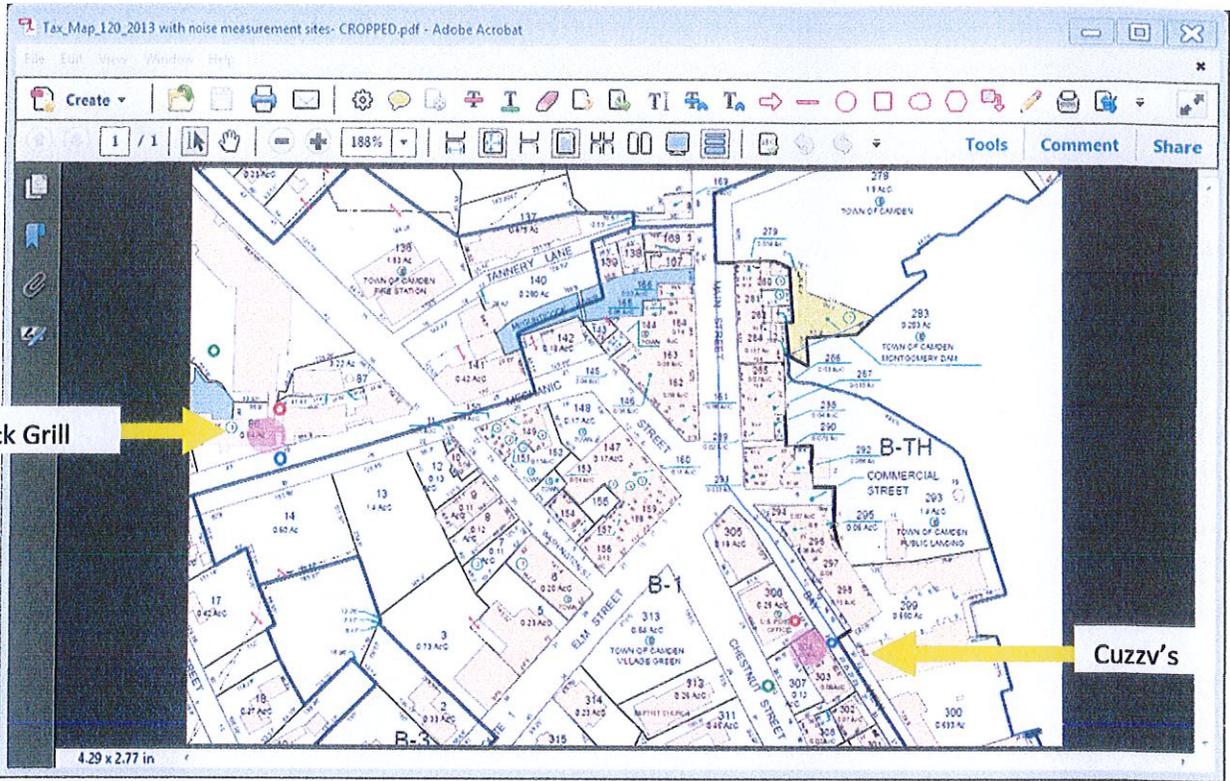
NOTE: A 10 dBA increase in measured noise level will double the loudness heard by people.

NEAR Smokestack Grill (all 3 times)



NEAR CUZZY'S (all 3 times)



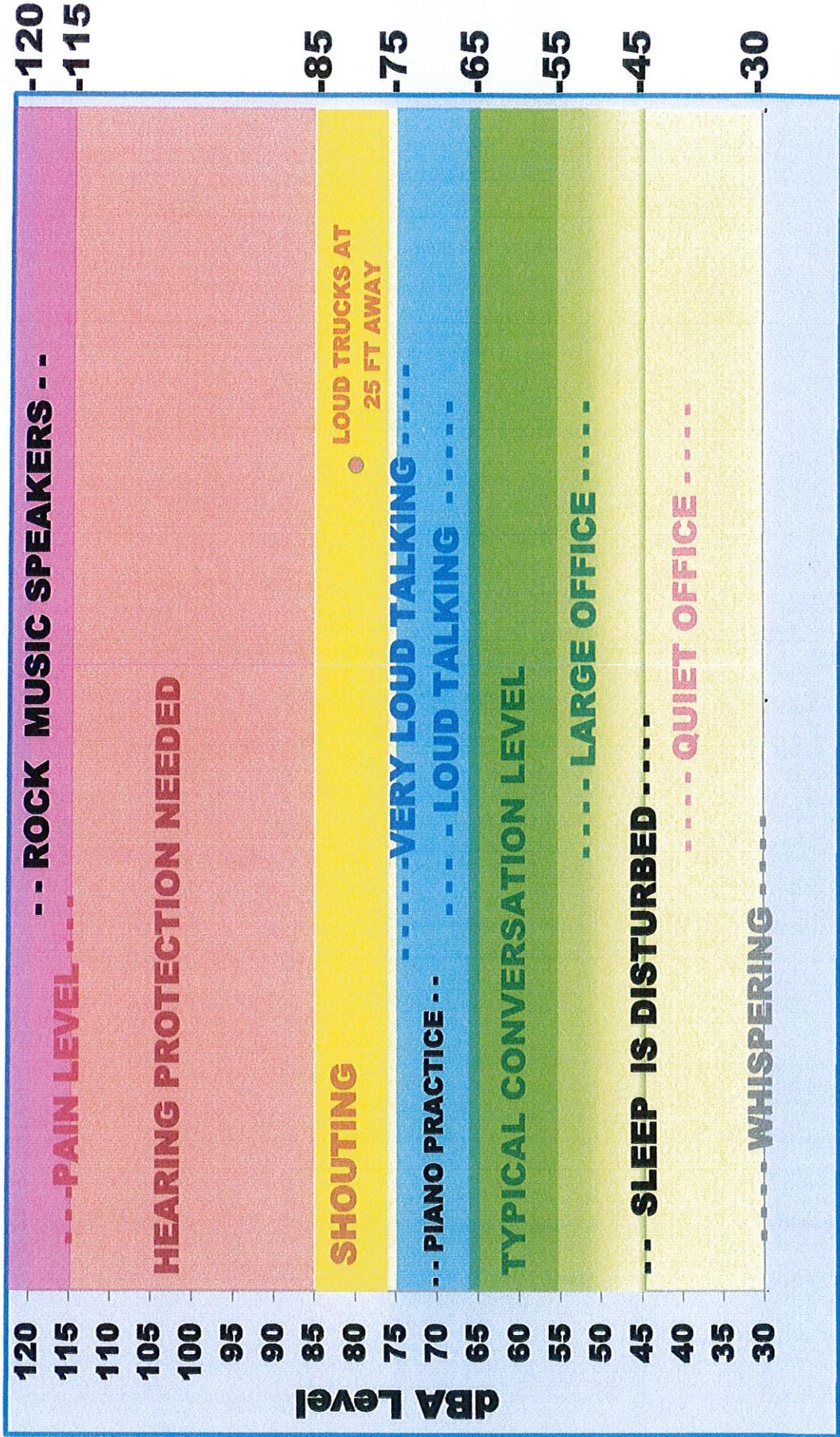


Smokestack Grill

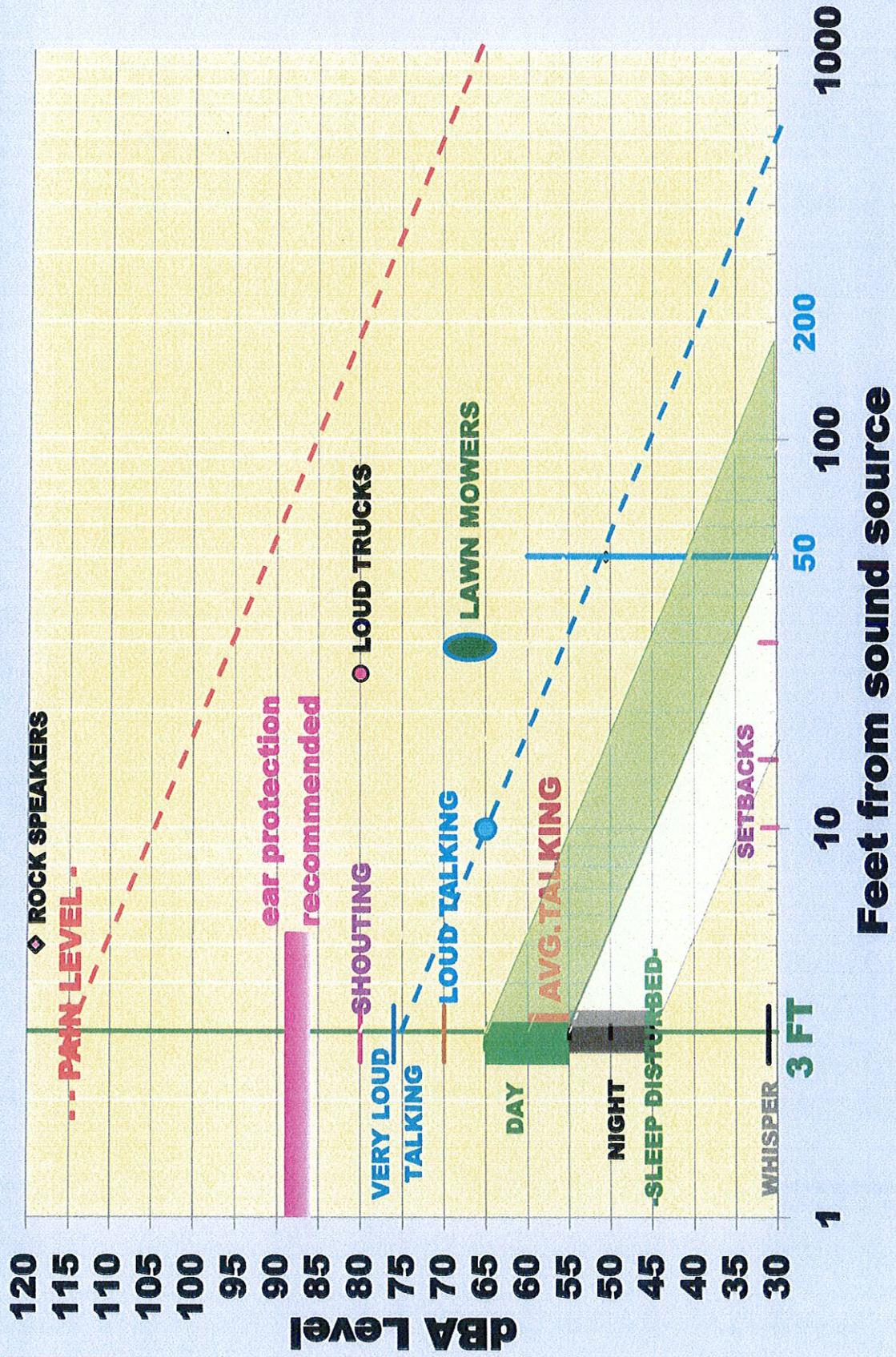
Cuzzv's

4.29 x 2.77 in

What dBA Levels Mean (at 3 ft. from source)



How Sound Levels Drop With Distance



**Table of sound levels L (loudness of noise)
with
corresponding sound pressure and sound
intensity**

Sound sources (noise) Examples with distance	Sound pressure Level L_p dB SPL
Jet aircraft, 50 m away	140
Threshold of pain	130
Threshold of discomfort	120
- Chainsaw, 1 m distance	110
Disco, 1 m from speaker	100
Diesel truck, 10 m away	90
Kerbside of busy road, 5 m	80
Vacuum cleaner, distance 1 m	70
Conversational speech, 1 m	60
Average home	50
Quiet library	40
Quiet bedroom at night	30
Background in TV studio	20
Rustling leaves in the distance	10
Hearing threshold	0

PLACE	YEAR	NOISE STANDARD TYPE	Noise Standard Content	COURT CHALLENGE RESULT	RATIONALE
VIRGINIA BEACH (VA Supreme Court)	2008	NOT quantitative	Prohibited "any unreasonably loud, disturbing and unnecessary noise in the city" that "disturb[s] or annoy[s] the quiet, comfort or repose of reasonable persons."	OVERTURNED	Unconstitutionally vague
TALLAHASSEE (Fla. Supreme Court)	2012	NOT quantitative	Banned operating radios loud enough to be heard 25 ft away	OVERTURNED	Unconstitutionally vague
ASPEN, Co.	2014	Quantitative	65 dBA before 7 PM & 60 dBA after 7 PM (Challenged as too restrictive for businesses on Restaurant Row)	ORDINANCE UPHELD	Standard was declared reasonable
Kilgore, Tx	2014	Quantitative	85 dBA	dismissed	complainant didn't show noise exceeded standard
HOUSTON, Tx	2014			OVERTURNED	Houston has no zoning, so any noise standard is too broad
CAROLINA	2006			OVERTURNED	NO CRITERIA FOR GRANTING EXCEPTIONS
OHIO RACETRCK	2006	MIXED	Bans excessive noise which causes a substantial and unreasonable interference with the following Plaintiffs' use and enjoyment of their property, all of which would be offensive or inconvenient to any person of ordinary tastes and sensibilities	ORDINANCE UPHELD	MEASURED NOISES WERE IN 75 dBA TO 94 dBA & these were judged unreasonable
ATHENS, Ga	2008	NOT quantitative	Banned sounds that are audible at various distances (up to 300 ft)	ORDINANCE UPHELD	Rejected challenge claim that using same standard multiple zone types restricts free speech
SARASOTA, Fla	2009	NOT quantitative	Banned playing radio loud enough to be heard 25 ft away	OVERTURNED	opens door to selective enforcement
BOONE, NC	2015	Quantitative	Nov 2015:In response to challenges, the council changed the town's noise ordinance of February 2012. It now restricts sound measured at or within 10 feet of a venue's property line to 70 dBA from 10 p.m. to midnight Friday and Saturday evenings and to 60 dBA from midnight to 2 a.m. Saturday and Sunday mornings. On weeknights, the standards are 70 dBA until 11 p.m. and 60 dBA after that.	ORDINANCE UPHELD	ordinance modified based on complaints

**CHAPTER VIII TOWN OF CAMDEN
POLICE ORDINANCE**

PART XII

PUBLIC NOISE AND CONDUCT ORDINANCE

Section 1 - Preamble

In accordance with the provisions of Title 30-A, Section 3001 of the Maine Revised Statutes, and by the authority granted therein under Section 3001, for the purpose of promoting the general welfare and providing for public safety and convenience, the Inhabitants of the Town of Camden adopt this Noise Ordinance.

The Town of Camden has determined by virtue of complaints to the Police Department and the Board of Selectmen from citizens, downtown merchants, and visitors to the Town, that certain conduct within portions of the Town designated in this ordinance, is preventing persons residing within those areas from fully enjoying their property and having a reasonable degree of quiet, particularly during nighttime hours, and is also preventing members of the public from enjoying public parks and other public spaces.

The Town further finds that reasonable regulations concerning noise are necessary in order to preserve a downtown area which is attractive to customers, visitors and residents and maintains a non-threatening environment within the downtown area, including public parks and public spaces.

The Town further finds that existing state laws and regulations do not fully and adequately address the difficulties experienced within the Town of Camden which are sought to be addressed by this ordinance, and that enforcement of such laws and regulations, when brought by officials not associated with the Town of Camden, is not sufficiently vigorous or timely in order to resolve the difficulties experienced in the Town.

Accordingly, exercising the home-rule powers conferred upon the Town, the Town does hereby adopt the following ordinance, which shall be referred to as the "Public Noise and Conduct Ordinance".

Section 2 - Prohibited Conduct and Acts

The following acts undertaken within the designated area of the Town of Camden as set forth in Section 4.0 (Exhibit A), are hereby declared to be a violation of this ordinance:

2.1 - Unreasonable, Loud and Raucous Noise

Yelling, shouting, hooting, whistling, singing, or the production of any other noise, in a loud and raucous manner, between the

hours of 11:00 PM and 7:00 AM on the following morning within the area set forth in Section 4.0 (Exhibit A), so as to unreasonably annoy or disturb the quiet, comfort, or repose of any persons located more than fifty feet (50') from the source

of that noise shall be prohibited.

2.2 - Obstructions of a Public Way

Knowingly and intentionally causing an unreasonable obstruction of a public way, road, street, sidewalk or walkway in a public park shall be prohibited within the designated area of the Town of Camden as set forth in Section 4.0 (Exhibit A).

2.3 - Unreasonably Loud Sound Production

The playing, using or operating of any radio, receiving set, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to unreasonably annoy or disturb the peace, quiet, comfort or repose of any other person located more than fifty feet (50') from the source of that sound shall be prohibited between the hours of 11:00 PM and 7:00 AM the following morning within the area set forth in Section 4.0 (Exhibit A).

2.4 - Unreasonable Sounds from Horns or Signaling Devices

The sounding of any horn or signaling device for an unnecessary or unreasonable length of time or for a purpose not associated with the proper and legitimate signaling activity undertaken in conjunction with the operation of a motor vehicle shall be prohibited within the areas set forth in Section 4.0 (Exhibit A).

Section 3 - Enforcement Procedure

3.1 Any violations of this ordinance shall be a civil violation, which shall be prosecuted through the issuance of a civil summons by the Camden Police Department in the same form and in the same manner of prosecution as would be the case with a parking violation. The regulations governing prosecution of parking violations are set forth in the Camden Code, Chapter VIII, Section 15-A, sub-section 1. Actions shall be prosecuted by the Camden Police Officers or by the Town Attorney in the District Court for Knox County, located in Rockland, Maine.

3.2 For any first violation of this ordinance, there shall be a civil fine or penalty imposed in an amount not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00). Each subsequent violation of this ordinance within a period of two (2) years from the date of the first violation, shall result in the imposition of a minimum civil fine or penalty of One Hundred Dollars (\$100.00) and a maximum fine or penalty of Two Hundred Fifty Dollars (\$250.00).

3.3 In addition to civil penalties for any violation of this ordinance, the Court shall require the violator to pay the Town reasonable attorney's fees incurred in connection with the prosecution of the violation, together with costs and filing fees incurred by the Town in

connection with that prosecution.

Section 4 - Designated Area

The provisions of this ordinance shall apply to areas of the Town of Camden set forth in Exhibit A, attached to this ordinance and incorporated by reference herein.

Section 5 - Separability

In the event that any provision of this ordinance shall be held illegal, it is intent that all remaining provisions of this ordinance, which are not declared illegal, shall remain in full force and effect.

EXHIBIT A

Designated Area

The designated area of this ordinance shall be:

1. the following streets and ways or portions of streets and ways:

Atlantic Avenue

Bayview Street: portion from Main to Frye Street

Chestnut Street: portion from Elm Street to Frye Street

Commercial Street

Elm Street: portion from Main Street to School Street

Free Street

Main Street: portion from Elm Street to Mountain Street

Mechanic Street: portion from Main Street to Knowlton Street

Tannery Lane; and

2. All public sidewalks, public ways, public walkways, public parks, and real property owned by the Town of Camden or other public entity which abut such streets or ways. "Public parks" shall include, without limitation, Harbor Park and the dam site, the Camden Public Library grounds and Amphitheater, the Village Green, and the Public Landing.

Historical Note: Adopted June 13, 1995 at Town Meeting

DRAFT NOISE ORDINANCE - revised 5/10/2015

Section 1. General

This ordinance sets standards for maximum acceptable sound levels to preserve the quality of living in Camden. These standards are consistent with the limitations used in other municipalities. The Select Board may grant temporary permits or exceptions for special circumstances or planned events.

In enforcing these provisions, it is not necessary for persons affected by the excessive noise to make a complaint or be identified as a complainant. It is sufficient that once a valid measurement of the excessive noise level is made by a police officer, a violation has occurred.

Under Title 17-A: Maine Criminal Code, Chapter 2: Offenses against Public Order, 501-A. Disorderly Conduct, the local authorities are responsible for enforcing the provisions of this statute in public places and on private property. Disorderly conduct constitutes "...making loud and unreasonable..." noises.

Section 2. Definitions

ADMINISTRATOR: The term "Administrator" means the Camden Town Manager, Camden Chief of Police, or their designee.

SOUND LEVEL, dB(A): Means the A-weighted sound pressure level measured by the use of a sound level meter (either Type I or Type II, as defined by American National Standards Institute Specifications, ANSI S1.4-1983) with the characteristics specified in ANSI Specifications, Section 1.4-1971.

DISTRICTS: For the purposes of this ordinance:

- (1) Residential District includes the zones designated as V, VE, CR
- (2) Commercial District includes the zones designated as B-1, B-2, B-3, B-4, B-H, B-TH, B-R, B-TR
- (3) Industrial District includes the zone designated as I
- (4) Rural District includes the zones designated as RU-1, RU-2, RR, RP

Section 3. Determination of Compliance with Permitted Sound Levels

- (1) The measurement of sound/noise levels shall be done at the property line of the property where the sound originates. Sounds originating in a public

space (e.g. public park, beach or other public facility), shall not exceed 65 dB for longer than 15 minutes when measured 10 feet from the source.

Section 4. Maximum Permissible Sound Levels

Unless granted permission by Camden's Select Board, sounds that persist for 30 minutes or longer may not exceed the levels defined below:

(1) In Residential & Rural Districts

Received in a Residential or Rural Zone	Received in a Commercial Zone	Received in an Industrial Zone
55 dBA (7AM-11PM) 45 dBA otherwise	60 dBA (7AM-11PM) 55 dBA otherwise	60 dBA (7AM-11PM) 55 dBA otherwise

(2) In Commercial Districts

Received in a Residential or Rural Zone	Received in a Commercial Zone	Received in an Industrial Zone
60 dBA (7AM-11PM) 50dBA otherwise	65 dBA (7AM-11PM) 55 dBA otherwise	70 dBA (7AM-11PM) 60 dBA otherwise

(3) In an Industrial District

Received in a Residential or Rural Zone	Received in a Commercial Zone	Received in an Industrial Zone
65 dBA (7AM-11PM) 55 dBA otherwise	70 dBA (7AM-11PM) 60 dBA otherwise	70 dBA (7AM-11PM) 60 dBA otherwise

The maximum noise levels defined above may be exceeded by no more than:

- (1) 5 dB(A) for a total of 15 minutes in any one hour period;
- (2) 10 dB(A) for a total of 10 minutes in any one hour period; or
- (3) 15 dB(A) for a total of 5 minutes in any one hour period.

76 **Section 5. Prohibited Activities**

77
78 The idling of trucks with gross weight over 10,000 lbs. for longer than 30
79 minutes is prohibited, except when it is the result of traffic congestion, the use of
80 a refrigeration vehicle in a commercial or industrial district, or when specifically
81 authorized by the Administrator.

82
83 Operating equipment for the clearing of snow or sweeping debris from parking
84 lots after 10PM is prohibited unless specifically authorized by the Administrator.

85
86 Construction activities between the hours of 10 PM and 7AM unless specifically
87 authorized in advance by the Administrator.

88
89

90 **Section 6. Sounds Exempted**

91
92 The following sound sources are exempted from the foregoing maximum
93 allowed levels:

94

95 (1) Sounds produced by domestic tools including, but not restricted to,
96 lawn mowers, leaf blowers, snow blowers, chain saws, pneumatic
97 hammers and other common construction tools between the hours of
98 7AM and 10PM;

99

100 (2) Sounds originating from Town-sanctioned events.

101

102 (3) Sounds created by the installation or repair of essential utility
103 services.

104

105 (4) Sounds created in response to emergencies and testing of emergency
106 equipment.

107

108 (5) Sounds produced by equipment operated by, or contracted for, by
109 the Town to restore or repair essential services.

110

111 (6) Snow removal equipment during snowstorms, and up to 24 hours
112 following a snowstorm.

113

114 Nothing in these exemptions is intended to preclude the Administrator from
115 requiring installation of the best available noise abatement technology consistent
116 with economic feasibility.

117

118 **Section 7. Temporary Permits and Exceptions**
 119

120 For circumstances where it is anticipated that sounds will be created that exceed
 121 the levels otherwise permitted, permission may be granted by the Administrator
 122 for a temporary permit or exception.

123
 124 In evaluating applications for temporary permits or exceptions, the
 125 Administrator shall consider the inputs from the Code Enforcement Officer, the
 126 Chief of Police, as well as the general public.

127
 128 Applications for an exception or temporary permit shall supply all the
 129 information identified in Appendix A.

130
 131 In authorizing an exception, the Administrator shall:

- 132
 133 a. Require that written notice by certified mail be given to all properties
 134 within 100 feet of the property seeking the exception or temporary permit.
 135 Such written notice must be delivered at least 10 days in advance of the
 136 event of interest.
 137
 138 b. Specify any additional mitigation measures or public notice requirements
 139 deemed necessary;
 140
 141 c. The Administrator shall consider any comments regarding the application
 142 and/or similar events which have occurred in the past. In general, it is
 143 recommended that no applicant be granted more than two (2) permits for a
 144 given property within a 28 day period.

145
 146 The temporary permit or exception may be revoked by the Administrator and
 147 the issuance of future permits withheld, if there is:

- 148
 149 (a) Violation of one or more conditions of the permit;
 150
 151 (b) Material misrepresentation of fact in the application; or
 152
 153 (c) Material change in any of the circumstances relied upon by
 154 the Administrator in granting the permit or exception.
 155
 156

157 **Section 8. Enforcement**
 158

159 Any violation of this ordinance shall be a civil violation which shall be
 160 prosecuted through the issuance of a civil summons by the Camden Police
 161 Department in the same form and manner as prosecution would be the case with

162 a parking violation. Actions shall be prosecuted by the Town Attorney in the
163 county district court.

164
165 For the first instance of a violation of these noise standards, a civil fine of \$100
166 may be imposed. If a second violation occurs within a 2 month period from the
167 first violation, a fine of \$200 will be imposed. For all subsequent violations
168 within a 2 year period, the fine will be increased by an additional \$100 for each
169 occurrence.

170
171 In addition to civil penalties for any violation of this ordinance, the Court shall
172 require the violator to pay the Town reasonable attorney's fees incurred in
173 connection with the prosecution of the violation, together with costs and filing
174 fees incurred by the Town.

175
176
177 **Section 9. Separability**

178
179 In the event that any provision of this ordinance shall be held illegal, it is the
180 intent that all remaining provisions of this ordinance, which are not declared
181 illegal, shall remain in full force and effect.

182
183
184 **Section 10. Appendix A**

185
186 The following information is required for any application for a temporary permit
187 or exception to the noise level standards contained in Section 4 of this ordinance.

- 188
189 (1) the nature, source, intensity and location of the sound;
190
191 (2) the period(s) of time the louder sound levels will occur;
192
193 (3) the reason(s) for which the normally permitted levels cannot be
194 met;
195
196 (4) any mitigating conditions the applicant will implement to
197 minimize the sound level violations;
198
199 (5) the name, address and means of contacting a responsible party
200 during the hours of operation for which the permit or exception is
201 requested;
202

203 A temporary permit or exception may also be granted if the Administrator
204 finds that all of the following conditions exist:

- 205
- 206 (a) There are exceptional or extraordinary circumstances or
207 conditions applying to the applicant's property or as to the
208 intended use thereof that do not apply generally to other
209 properties in the same zone;
210
- 211 (b) Such exception is necessary for the preservation and
212 enjoyment of a substantial personal or property right of the
213 applicant, such right being possessed by the owners of other
214 properties in the zone;
215
- 216 (c) The authorization of such exception does not endanger public
217 health or safety.

Camden debates ordinance for noise

By Bruce Kyle
Of the NEWS Staff

CAMDEN — The Camden Selectmen decided Monday to consider adding a chapter on noise to their growing book of ordinances, although there was some discord over whether the town has gotten too loud or some of its residents just too touchy.

After hearing complaints throughout the summer about rock music in the park, bank air conditioners and Sunday morning lawn mowers, the board agreed to have selectmen Jim Elliott and Barbara Dyer put together a draft ordinance for public comment this fall.

The first outcry came early this summer, when a dance at the Village Green had downtown businesses rocking against their will. At a meeting a month ago, the selectmen asked residents for comments on how to regulate use of the park, but instead got an earful about MBNA bank's whirring air conditioners, with a few choice words thrown in for those who fire up the Toro on a Sabbath dawn.

Since then, a sampling of noise ordinances gathered from other towns in Maine and beyond shows two basic approaches — arming police with decibel meters or limiting specific activities, such as lawn mowing, to specific times, such as after sunup. Elliott suggested that the latter may be the most affordable and reasonable tactic for Camden.

Before Camden passes an ordinance to control noise, however, it must first decide whether it's a problem best solved by a law or by good manners.

It's the law for Selectman Nanci Meisle, who said she has received "more calls on this than on any other issue since I've been on this board. That Bangor, Bath, Orono and Old Orchard Beach have passed ordinances in the last year and a half tells us something about our lives."

Dyer wasn't so sure. "This seems like much ado about nothing for Camden," she said. "I hope we don't go into another big ordinance on noise. I don't think Camden needs it. I think we can get along with each other better than that."

MBNA President Charles Cawley asked the board to hold another public forum on noise before it makes any decisions, suggesting that the anti-air conditioning comments heard last month may not reflect the views of most Camdenites. "I've heard of the foolishness of the last meeting," he said. "You don't have a very balanced view so far."

Shane Flynn of MBNA also called for a more thorough canvassing of residents before anything is written, noting that the road to litigation is paved with bad ordinances.

Meisle responded that many of the calls she has received had nothing to do with MBNA's cooling system, but with noise from the harbor, restaurants, lakes and the park next to the library.

Selectmen to consider noise ordinance re-write

By Gretchen Piston Ogden | Aug 13, 1999

Camden — In response to complaints from a local bed and breakfast owner, Camden selectmen discussed Monday whether the town's existing noise ordinance needs to be revised to cover construction activities in town.

The item was on the agenda at the request of Dennis Hayden, owner of Camden's Blue Harbor House, who spoke last week during the public input section of the selectmen's regular meeting, saying that his business has been adversely affected on several occasions by construction noise in the area.

"I've called the police, but they can't help because there's no ordinance to enforce," Hayden said.

Camden does have a noise ordinance, but according to Police Chief Terry Burgess, it's geared toward problems like loud bands performing on town property or loud noise in public parks, not at construction crews who often begin work early in the morning.

"You'd be hard-pressed to craft an ordinance that could deal with every loud noise," said Burgess.

Hayden enumerated several instances where he and his guests have been awakened by construction-related noise, beginning in mid-June when concrete trucks arrived at 6 a.m. to pour a foundation next door.

"They were done by 9," Hayden said, adding that it seemed to him that the pour could have begun later and still been done early in the day. He also brought up ditch repair on Route 1 during the week of July 1 from 7 to 8 a.m.

Then on Saturday, July 10, Bumblebee Construction began to jackhammer asphalt at 6 a.m. After some "heated discussion," they agreed to wait until 7 a.m., Hayden said, and were done by 8:30.

"I've had guests leaving early, and of course they tell their friends about their bad experience, then the friends don't come at all," Hayden said. "I realize that it's not reasonable or practical to de-noise Elm Street. My concern is that there should be some mechanism so when there's an unreasonable problem, residents can say 'stop it'."

Sid Lindsley, the chairman of the board of selectmen, said, "I sympathize with your problem, but I'd hope that common courtesy could come into play here, and that two neighbors could talk about these kinds of problems."

"I plow snow at 2 or 3 a.m.," said selectman John French. "If you go too far with this, I'll have to wait to clear your streets until after 7 a.m."

"You're talking about criminalizing a person's work habits," said Burgess. "It would be impossible to enforce."

The board had some questions about whether the existing ordinance could be construed to cover construction noise, and decided to have the town attorney review it and suggest any changes at the next regular selectmen's meeting.

Most provisions of the Public Noise and Conduct Ordinance cover the 11 p.m. to 7 a.m. timeframe.

The ordinance covers Atlantic Avenue, Bayview Street from Main to Frye streets, Chestnut Street from Elm to Frye streets, Commercial Street, Elm Street from Main to School streets, Free Street, Main Street from Elm to Mountain streets, Mechanic Street from Main to Knowlton streets, and Tannery Lane.

Hayden's bed and breakfast, located at 67 Elm St., is outside these areas.

To: Camden Select Board, Pat Finnigan
From: Camden Planning Board
Date: August 1, 2016
Re: Proposed Zoning Change Policy and Application

The Subdivision and Site Plan Ordinances have always had stated policies and applications for applicants to follow in their proposed projects. The policies stipulate how the applicant is to submit information to the Planning Board and what fees are associated with the application. No such policy or application has existed for an applicant wishing to change a Zoning or Subdivision Ordinance. With no stated policy or application in place, applications arrive at the Planning Board supported by a variety of documents and information, some helpful, some unnecessary and some with necessary information missing. This lack of policy creates confusion, uncertainty and frustration on the part of both applicants and the Planning Board. Additionally the Town experiences costs in processing these applications and unlike Subdivision and Site Plan applications has no opportunity to recover those costs.

For several years the Planning Board wanted to establish a standard policy and application for requesting a Zoning or Subdivision Ordinance change and now our schedule has allowed us time to develop such a policy. We have worked on this for several months with the intent of establishing a policy and application that:

- Are easy to understand
- Provide the Planning Board with information necessary to understand the request
- Provide a clearer path for an applicant
- Explain where the proposed change will occur
- Explain the impact of the proposed change
- Provide for the reimbursement of notification and advertising costs

During the development of this policy we have had regular reviews and communications with Kristin Collins, Town Attorney. We also had attorney Paul Gibbons review the policy since he has represented many applicants and would consider the proposed policy from the applicants' point of view. The comments from both attorneys have been incorporated into our final policy and application.

On July 21, 2016, the Planning Board reviewed the proposed policy and

POLICY FOR REQUESTS TO PLANNING BOARD FOR
ZONING AND SUBDIVISION ORDINANCE AMENDMENTS

A person (or persons) wishing to submit a request for the Planning Board to consider an amendment to the Camden Zoning Ordinance or Subdivision Ordinance should address a request to do so to the Chair of the Planning Board and include all of the following information in the format requested.

If the Planning Board, upon review of the information submitted, agrees to hold a hearing on the request, the requester shall be required to pay, in advance, (1) the estimated cost of advertising for the public hearing; and (2) the estimated cost of directly notifying any abutters or district residents, if such notice is required by ordinance or statute. At their discretion, the Planning Board may waive the fees for advertising and/or notice.

The following information shall be submitted with any request for an ordinance change:

1. Name(s), addresses and contact information for all petitioners:
2. Article and Section(s) of Ordinance to be amended:

Current Ordinance language:

Proposed Ordinance language:

The proposal for the amendment shall be presented in clear and concise language in a format consistent with the language and style of the Zoning/Subdivision Ordinance and be in conformance with the following:

- 1) The Purpose of the District(s) proposed for amendment;
- 2) Other language of the Ordinance; and
- 3) The Comprehensive Plan

3. Why is this change requested?
4. When properties within a district would be impacted by the proposed change, a map shall be provided showing such properties at a scale that is easy to read. A list of such affected properties should also be provided, showing street address and map and lot number for each property. If the change will apply across a district(s) then a list of those districts shall be provided.
5. Will there be any impact be on the affected properties such as changes in permitted uses?
6. Will there be any changes in Town services required because of this requested change?

NOTE: The Planning Board considers requests for ordinance amendments on a discretionary basis. Refusal by the Planning Board to consider or recommend an ordinance amendment is not subject to appeal. If a request is refused, the requester may seek or petition the Select Board to put the amendment forward to vote.

application you see before you now and approved it by a vote of 7-0. We now request that the Select Board vote to accept this policy and application and make them a part of standard Town procedures. This policy and application do not require a Town vote.

Thank you for considering this request,

Lowrie Sargent,
Chair, Camden Planning Board

To: Camden Select Board, Pat Finnigan
re: Camden residential Rental Guidelines
date: August 14, 2016
from: Lowrie Sargent, Chair Camden Planning Board

The Code Officer began receiving complaints about property owners using the internet via sites such as Air BnB and Home Away to illegally rent their residences or rooms. The bulk of the violations stemmed from rentals that did not satisfy the minimum stay requirements established by the Zoning Ordinance. Beginning in the fall of 2015, the Planning Board began a series of meetings to understand this issue. We primarily wanted to learn the extent of the violations and the impact those violations may have on the traditional residential neighborhoods and the commercial lodging businesses (inns, hotels & motels) in town. Based on that information, we needed to understand what corrective action the Town could take to control the violations and whether or not any changes to the Zoning ordinance should be proposed.

Our process was initially based on information received from the Code Officer and learned at Planning Board meetings where owners of commercial lodging businesses frequently participated. We eventually developed two questionnaires to elicit responses from a larger population. One questionnaire was designed only to gather information from the commercial lodging owners and the second from the public at large. After studying the results we arrived at the following conclusions:

1. As long as residential stays were seven days or longer, people did not object to having residential rentals in their neighborhood. We interpreted this to mean that the Ordinance as presently configured did not require changes.
2. While some commercial lodging businesses reported some negative impact on their business from residential rentals, few reported significant impact.
3. Some commercial lodging operators use internet search companies such as AirBnB or Home Away to help market their business.
4. Other Internet search companies pirate information from AirBnB or Home Away and place new ads, unbeknownst to the property owners. These pirate companies may place improperly worded ads that appear to be illegal.
5. A concern of the commercial lodging owners was to have residential properties pay the correct amount of taxes.
6. When the Code Officer learned about possible violations with residential rentals and approached the owners, he found that the owners were not aware of the Zoning Ordinance and once they were informed, most brought their properties into compliance.
7. If a residential rental ordinance violator refuses to comply, the corrective action is for the Code Officer to come to the Select Board and request they authorize hiring the town attorney to commence legal action. The penalty for non compliance is \$100 per day.

After arriving at these conclusions, the following actions were initiated:

1. The town's Assessor's Agent spoke at a public meeting and explained the personal

CAMDEN MAINE RESIDENTIAL RENTAL GUIDELINES

Camden has several ordinances that describe how residential property may be rented. The intent of these guidelines is to provide some basic guidance on the rental ordinances. For clarifications, please refer your questions to the Code Enforcement Officer at the Town Office. Be aware that some taxes must be paid on some rental properties. In general, if you rent furnished rooms or dwellings, you are obligated to pay personal property taxes on furnishings and contents (linens etc.) If you rent a room or a dwelling for fifteen days or more in a year, or fewer days if you use a rental agent, you are required to register with Maine Revenue Services and collect and remit Lodging Tax to the State. This tax is subject to a number of exceptions. You should consult with your tax advisor for clarification.

A. Dwelling Unit

Definition: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one person or family at a time, and containing living, sleeping, toilet and cooking facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units. **A DWELLING UNIT MAY NOT BE RENTED FOR PERIODS OF LESS THAN SEVEN (7) CONSECUTIVE DAYS.**
Zoning Ordinance Article III Section 2

Long-term Rentals: The Zoning Ordinance does not specify a time period which constitutes a long-term rental, so for the purpose of providing guidance to the owners of dwellings which are intended to be rented to tenants who intend to reside in the dwelling for more than a short-term or vacation rental, the following information is provided:

State Requirements: Smoke alarms, Carbon Monoxide detectors, Radon test disclosure, Lead Paint disclosure

Short-term Rentals/Vacation Rentals: Minimum Stay: Not less than seven consecutive days. **Must be a Dwelling Unit. May not be an Accessory Apartment.**

State Requirements: Smoke alarms, Carbon monoxide detectors

Taxes: State Lodging Tax, Personal Property Tax

B. Accessory Apartment

Definition: A second dwelling unit contained within a single family detached dwelling or an accessory building on the same lot as a single family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking. The single family dwelling, including any accessory building, shall: (1) contain no more than one accessory apartment: (2) be owner-occupied for the entire time during which the accessory apartment is occupied: The accessory apartment shall: (1) contain a total of less than 600 square feet, gross of living area: and (2) be occupied by a person or household for whom the apartment is the primary residence. Zoning Ordinance Article III Section 2

Long-term rentals of an accessory apartment would be permitted only if it is the primary residence of the tenant. See information in section A, above.

Short-term rentals of an accessory apartment are not permitted.

C. Homestay

Definition: (Nightly room rental) A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to guests; (2) is operated by the family or person residing permanently in the home; (3) employs no persons who are not residing permanently in the home; (4) exhibits no signs and conducts no advertising other than being listed with a referral service; (5) provides all parking onsite; and (6) gives no other exterior display or indication of the activity. A maximum of one homestay is allowed per multifamily building. Zoning ordinance Article III Section 2

Maximum of 3 guests occupying a maximum of 2 rooms.

(If there are more than 3 guests then this use becomes subject to much more specific standards and must be approved as a licensed Commercial Lodging Establishment (Inn). See Code Office).

Minimum Stay: 1 night.

State Requirements: In addition to the local requirements set out in the definition, the State requires smoke alarms and carbon monoxide detectors

This information is intended to provide general guidance to the owners of residential properties in Camden, and is not intended to provide a comprehensive list of all of the zoning, life-safety, insurance, tax, and legal requirements involved with the rental of residential properties. Therefore, the owners of residential properties who are contemplating renting out a dwelling unit or a room in their own home should consult with appropriate professionals, including the Camden Code Enforcement Officer, and your own insurance agent, accountant, and attorney to ensure that you have met the myriad of requirements set out in the Zoning Ordinance; Maine statutory law governing the obligations of landlords, taxes, and life safety requirements; and any insurance policy. There are rental agents who can also provide guidance, as well as the management of the rental of residential dwellings.

property tax program. The Code Office will share their information with the Assessor's Agent whenever they learn of a new residential rental property that might be obligated to pay personal property tax.

2. Since it seemed that informed property owners largely complied with the ordinances, the Planning Board will prepare a short Residential Rental Guidelines to explain the basics of the Zoning Ordinances. These Guidelines will be distributed to all property owners, Realtors and rental agents.
3. The Planning Board will meet again with the commercial lodging owners in the fall of 2016 to see if this year is different from last.

I had previously discussed with Pat the possibility of including this set of Guidelines in with the annual mailing of the Property tax bills in order to distribute the information to all the property owners without having the additional mailing costs for a separate mailing. It is our understanding that the Select Board needs to approve mailing this information along with the tax bills. Therefore, the Planning Board requests that the Select Board authorize including the