

TOWN MEETING WARRANT ARTICLES
MUNICIPAL ELECTION & RSU 21 REFERENDUM
TUESDAY JUNE 8, 2021 – 8 AM TO 8 PM
ANNUAL TOWN MEETING WEDNESDAY
JUNE 9, 2021 - 7PM
ARUNDEL MUNICIPAL BUILDING

ARTICLE 1: To choose a moderator to preside at said meeting and to vote by written ballot.

ARTICLE 2: To choose by secret ballot (2) Selectmen for a (3) three-year term; one (1) Regional School Unit #21 (RSU#21) Director for a (3) three-year term; two (2) Budget Board members for three (3) year terms, two (2) Budget Board members for two (2) year terms, two (2) Budget Board members for one-year terms.

NOTE: All Exhibits of the proposed Land Use Ordinance Amendments A thru F are attached to the Original Warrant. Copies are in the Town Report Book or on the Town of Arundel Website.

Article 3: Shall the Town vote to adopt an Ordinance entitled "Amendments to the *Arundel Residential Growth Ordinance*?" Text of proposed amendments are presented in Exhibit A

Planning Board Recommends Adoption

Article 4: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance section 3.2 adding a separate definition of 'Accessory Sheds' and amending sections 6.2.1, 6.3.1 and 6.10.1 to list *Accessory Sheds* as permitted uses, and amend sections 6.2.3, 6.3.3 and 6.10.3 to establish side and rear yard setbacks for *Accessory Sheds* in the R2, R3, and R4 districts. The definition and setback requirements are presented in Exhibit B

Planning Board Recommends Adoption

Article 5: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance to add Home Occupations Type 1 and Type 2 in the R2, R3, and R4 districts?" Text of the proposed amendments and additions are as follows:

- Amend section 6.2.1.9 Home Occupation/~~Business~~ Type 1
- Add section 6.2.2.10 Home Occupation Type 2 and renumber subsection
- Amend section 6.3.1.9 Home Occupation/~~Business~~ Type 1
- Add section 6.3.2.11 Home Occupation Type 2 and renumber subsection
- Add section 6.10.1.10 Home Occupation Type 1
- Amend section 6.10.2.13 Home Occupation Type 2 and renumber subsection

Planning Board Recommends Adoption

Article 6: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance section 8.6.1 *Restrictions to Dimensional Standards* in compliance with DEP Chapter 1000 Section 15A and renumber the rest of section 8.6?" Text of the proposed additions are as follows:

8.6.1. Restrictions to Dimensional Standards

The following restrictions govern lot dimensions and acreage in the shoreland zone:

- a. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- b. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land.
- c. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- d. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is

constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Planning Board Recommends Adoption

Article 7: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance current section 8.6.2.5 *Criteria for Granting Special Exceptions* in the Shoreland Overlay District?" Text of the proposed revisions are presented in Exhibit C.

Planning Board Recommends Adoption

Article 8: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance current section 8.6.3.5 *Criteria for Granting Special Exceptions* in the Stream Protection District?" Text of the proposed revisions are presented in Exhibit D.

Planning Board Recommends Adoption

Article 9: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance current section 8.6.1.4, 8.6.2.4, and 8.6.3.4 *Minimum Lot Frontage requirements in the Shoreland RP, SO, and SP Districts*?" Text of the proposed revisions are presented in Exhibit E.

Planning Board Recommends Adoption

Article 10: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance to delete the expired 9.3.14 sections 1 and 2 *Registration of Existing Contractor Yards* since the registration period is no longer relevant?" Text of the proposed revisions are presented in Exhibit F.

Planning Board Recommends Adoption

ARTICLE 11: Shall the town vote to raise and appropriate the sum of **\$103,015** for the General Government Account?

Board of Selectmen recommends Yes
Budget Board recommends Yes

EXPLANATION: Covers four (4) budgets which are Selectmen, Planning Board, Appeals & Professional Services. Professional Services covers Audit, Attorney Fees, Election materials and various software programs needed for general functions that include motor vehicle, tax collection and assessing programs to name a few.

ARTICLE 12: Shall the town vote to raise and appropriate the sum of **\$893,715** for the Town Hall Administration Account?

Board of Selectmen recommends Yes
Budget Board Recommends Yes

EXPLANATION: Generally, this budget covers the operation and maintenance of the Arundel Municipal Building and those employees who primarily work out of the building within the departments of Administration, Town Clerk and Land Use Offices.

ARTICLE 13: Shall the town vote to raise and appropriate the sum of **\$665,697** for the operations of the Arundel Fire-Rescue Service Account?

Board of Selectmen recommends Yes
Budget Board recommends Yes

EXPLANATION: This appropriation covers three budgets, Fire-Rescue that manages the Building, fulltime staff and chiefs position, equipment maintenance, training. Volunteer Call Company for those who have various skills and time to offer assistance at emergencies and the per diem employees who provide 24/7 EMS coverage with the Ambulance and other emergency equipment when necessary.

ARTICLE 14: Shall the town vote to raise and appropriate the sum of **\$60,279** for the Civil Services Account?

Board of Selectmen recommends Yes
Budget Board recommends Yes

EXPLANATION: Funds are set aside for ambulance billing, animal shelter support, along with emergency preparedness and dispatch services offered through the City of Biddeford.

ARTICLE 15: Shall the town vote to raise and appropriate the sum of **\$850,004** for the Public Works Department Account?

Board of Selectmen recommends Yes
Budget Board recommends Yes

EXPLANATION: All expenses related to the personnel, maintenance, and materials for upkeep of the towns roadway system, culverts, bridges, are included in this budget.

ARTICLE 16: Shall the town vote to raise and appropriate the sum of \$117,998 for the Town Transfer/Recycling Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Transfer Station operated by Casella Waste System per contract two days a week. Funds are also set aside for Building and Equipment maintenance of town owned property and continued reporting and testing on the Town's capped landfill along with residential water system monitoring.

ARTICLE 17: Shall the town vote to raise and appropriate the sum of \$94,682 for the General Assistance Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Arundel provides assistance to those citizens that qualify and need support when they have fallen on hard times. The department also provides special services during Thanksgiving and Christmas and coordinates support provided by other agencies either with direct contact or by reference.

ARTICLE 18: Shall the town vote to raise and appropriate the sum of \$378,406 for the Recreation Account?

Board of Selectmen recommend Yes

Budget Board recommends Yes

EXPLANATION: The department provides recreation & leisure services to the citizen. Many of these activities were sideline as a result of COVID-19 but this budget reflects a full schedule of activities and programs for the new fiscal year.

ARTICLE 19: Shall the town vote to raise and appropriate the sum of \$185,000 for police protection. Funding covers two patrol officers for a total of 80 hours per week.

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: The town contracts with the York County Sheriff's Office for two patrol deputies. The Funds cover salaries, benefits, training, uniforms and equipment for these officers.

ARTICLE 20: Shall the voters authorize the Board of Selectmen, upon majority vote of the full Board of Selectmen, to exceed by no more than 5% annually, the amount authorized for each account approved in Article 11 through 19 above, so long as the amount spent for the sum total of those Articles does not exceed the total appropriations approved for those Articles.

ARTICLE 21: Shall the town vote to raise and appropriate the sum of \$39,250 for the purchase of a new cruiser for the York County Sheriff's Department to support the town's contract deputies.

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Every four years the town is requested by the Sheriff's Office to replace the existing Cruisers. The town chose to only purchase one in this budget cycle with another being requested next year. Presently the cruisers have roughly 80,000 miles on them and when they are replaced the old cruisers come back to the town to be used or sold as the Town's needs dictate.

ARTICLE 22: Shall the town vote to raise and appropriate the sum of \$507,226 for the Road Construction Reserve Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Funding is set aside for paving of our road system based on a ten-year maintenance program developed by the Public Works Department. The program may be modified based on the various conditions but at this time we expect to utilize the funds on Limerick Road, Brimstone Road, Sinnott Road, Lochlannach Lane & Roaring Brook Drive.

ARTICLE 23: Shall the town vote to raise and appropriate the sum of \$100,000 for the Public Works Capital Equipment Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Funds set aside are presently being utilized for equipment that has been leased/purchased and includes a bobcat, roadside mower and frontend loader.

ARTICLE 24: Shall the town vote to raise and appropriate the sum of \$60,000 for the Arundel Fire-Rescue Capital Reserve Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: These funds in combination with funds from the Utility Safety TIF are assisting in the third year of a five year agreement on the new Rescue Pumper.

ARTICLE 25: Shall the town vote to raise and appropriate the sum of \$8,850 for the Recreation Department Bus Reserve Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: The Town through lease/purchase agreement purchased a 2017 Freightliner Bus for the Recreation Department this is year three of this five-year agreement.

ARTICLE 26: Shall the town vote to raise and appropriate the sum of \$8,000 for the Eastern Trail Account?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: This funding covers the yearly dues owed to the Eastern Trail Alliance (5,000) and the general maintenance performed by our Public Works Department (3,000) for the trail system in Arundel.

ARTICLE 27: Shall the town vote to raise and appropriate the sum of \$10,907 for Social Service Agencies?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Various non-profits request funds. These funds assist them to carry out their services which include residents of Arundel.

ARTICLE 28: Shall the town vote to raise and appropriate the sum of \$14,000 for the Kennebunk Free Library?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: Yearly the Library request funds from the community to assist in the General Operations of the Library. Our contribution provides the ability of our residents to utilize the Library.

ARTICLE 29: Shall the town vote to raise and appropriate the sum of \$2,500 for the Kennebunk, Kennebunkport, Arundel Chamber of Commerce?

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: These funds assist the Chamber in their operations to promote and assist local businesses.

ARTICLE 30: Shall the town vote to appropriate the sum of \$2,344,956 from estimated revenues to be used to reduce the tax commitment as follows: Yes

Taxes (not commitment) \$995,902

License & Permits \$109,760

Intergovernmental Revenue \$537,079

Service Charges \$402,215

Fund Balance \$300,000

Board of Selectmen recommends Yes

Budget Board recommends Yes

EXPLANATION: These funds are anticipated for collection and are used directly to reduce the amount to be raise by local tax collection.

ARTICLE 31 through ARTICLE 42 are the regular "housekeeping articles" to set the tax due dates and rate of interest for uncollected or abated taxes, authorize collection and to authorize the Board of Selectmen to accept grants, enter into 5-year contracts and to sell tax acquired property according to Maine Statutes.

Exhibit A

Proposed Amendments to the 2008 Residential Growth Ordinance

1.1 TITLE

This ordinance shall be known as the “Residential Growth Ordinance of the Town of Arundel, Maine” and will be referred to herein as “this ordinance.”

1.2 DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Arundel Land Use Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

~~RESIDENT: An individual who has established his or her primary residence in the Town of Arundel as the place to which he or she intends to return after any period of absence prior to the date on which the person applies for a permit. For the purposes of this Ordinance, an individual must provide evidence that his or her primary residence is in Arundel. Such evidence may include:~~

- ~~a) registration to vote in the Town of Arundel;~~
- ~~b) payment of motor vehicle excise tax to the Town of Arundel; or~~
- ~~c) issuance of a Maine resident fishing and/or hunting license in the Town of Arundel.~~

RESIDENTIAL BUILDING PERMIT: A permit to create a new dwelling unit, issued by the Code Enforcement Officer after ascertaining that the proposed dwelling would meet all of the relevant requirements of this ordinance, the Arundel Land Use Ordinance, and the Arundel Building Code.

RESIDENTIAL GROWTH PERMIT: A permit issued by the Code Enforcement Officer certifying a Building Permit’s compliance with the terms and restrictions of this Ordinance.

1.3 PURPOSES:

The purposes of this ordinance are to:

- (a) allow growth of the population of the town at a rate that would not impose an undue burden upon the provision of community services (including education, fire and police protection, road maintenance, waste disposal, health services and welfare) and which would be compatible with the orderly and gradual expansion of said services in accordance with the town’s Comprehensive Plan;
- (b) maintain the predominantly rural character of the town;
- (c) provide for the local housing needs of Arundel’s existing residents, while accommodating Arundel’s “fair share” of population growth in York County and in the immediate subregion (~~which grew at the rate of about 2% per year between 1990 and 2000~~);
- (d) ensure fairness in the allocation of building permits;
- (e) ensure that the Building Permit issuance system does not prevent the creation of a reasonable number of multiple dwelling units simultaneously; and
- (f) ensure that the commencement of construction for an approved permit is both imminent and timely.

1.4 EXEMPTIONS

- (a) This ordinance shall not apply to the repair, replacement, reconstruction, or alteration of any existing building structure as long as no additional dwelling units are created by such construction.
- (b) This ordinance shall not apply to a Seasonal Cottage that is located within a Seasonal Resort development as defined in ~~Section 2~~ sections 3.2 and 9.3.37 of the Land Use Ordinance.

- c) This ordinance shall not apply to an Accessory Apartment as defined in sections 3.2 and 9.3.1 of the Land Use Ordinance.
- (d) This ordinance shall not apply to up to 4 units of affordable housing in any calendar year period, so long as the developer / builder implements a plan to ensure that the housing units remain affordable in perpetuity. The plan for maintaining affordability shall be submitted to and approved by the Arundel Board of Selectman and, if the units are reviewed by the Arundel Planning Board, by the Planning Board as well. For purposes of this ordinance, “affordable housing” shall mean affordable housing as defined by 30-A M.R.S.A. §5002(2) and any pertinent MSHA regulations. The number 4 in the first sentence of this subsection shall automatically be replaced annually with the whole number that is greater than 10% of the number of permits for new residential dwellings set by this ordinance for the current year.

1.5 GENERAL REQUIREMENTS

All new dwelling units within the Town of Arundel, whether year-round or seasonal unless exempted under the provisions of Section 1.4 above, shall be in conformity with the provisions of this ordinance. No new dwelling unit shall be constructed which fails to meet the requirements of this ordinance.

1.6 ADMINISTRATION

The procedure for administration of this ordinance shall be as follows:

- (a) The Code Enforcement Officer shall administer the “~~Building~~ Residential Growth Permit Selection System” as described in paragraph 1.7 below, in the case of *all* residential building permit applications.
- (b) The Code Enforcement Officer shall ensure that all of the endorsements on the Building Permit application form have been completed before issuing any residential Permit. A Residential Building Permit without these endorsements is invalid.
- (c) Every Residential Building Permit shall be displayed in a conspicuous place on the premises under construction, and shall not be removed until all work covered by the permit has been approved.

1.7 ~~BUILDING~~ RESIDENTIAL GROWTH PERMIT SELECTION SYSTEM:

- (a) Up to four (4) dwelling units shall be granted Residential ~~Building~~ Growth Permits in any calendar month, in addition to any unissued permits that may have accrued in the preceding months. ~~provided that~~ No more than forty (40) dwelling units shall be granted Permits in each calendar year.
- (b) Applications for Residential Building Permits shall be submitted to the Code Enforcement Officer only by the owner of record of the property.
- (c) Upon submittal of an application, the Code Enforcement Officer shall note the date and time the application was received. Within three business days after submission of the application, but before the end of the calendar month in which the application is submitted, the Code Enforcement Officer shall determine if the application is complete under the requirements of the Arundel Land Use Ordinance, the Arundel Building Code and any other pertinent ordinance or regulation. If an application is incomplete, the Code Enforcement Officer shall return the application to the applicant with a written statement as to what information must be submitted in order to be complete. Upon submission of the necessary information to render the application complete, the Code Enforcement Officer shall again note the date and time the additional information was submitted. Only complete applications shall be considered for selection in the subsequent calendar month.
- (d) Applications for Residential Building and Growth Permits shall be issued on a monthly basis from all pending applications.

In the event that there are more applications than permits available, permits shall be issued by the Code Enforcement Officer ~~on the basis of points earned according to the following system:~~ in the order in which a complete application was submitted.

~~(e) —~~

~~4 points for each year (six months or more) for which the applicant has been a resident of the town of Arundel on a continuous basis immediately preceding submission of the application;~~

~~4 points for each year (six months or more) which the applicant has been the owner of record of the subject property;~~

~~3 points for each year (six months or more) which the subject property has been a lot in an approved subdivision;~~

~~2 points for each month the application has been waiting for a permit.~~

~~In the case of a tie, Permits shall be awarded in the order in which a complete application was submitted.~~

- (e) No more than two (2) Residential Building and Growth Permits shall be granted in any single month to any one person, firm, or corporation. No more than six (6) Residential Building Permits shall be granted in any calendar year to any one person, firm, or corporation. In the case of a duplex or multi-family dwelling, the permit shall not be issued until the application has been selected to adequately cover all of the proposed dwelling units in the structure.

1.8 EXPIRATION OF PERMITS

- (a) Residential Building and Growth Permits ~~selected and~~ issued in accordance with this ordinance shall expire after four (4) months, unless foundations have been completed
- (b) Upon expiration of a Residential Growth Permit, that permit shall become available to be issued to another applicant during the same calendar year in which it was issued.
- (c) All unissued Residential Growth Permits shall expire at the end of the calendar year.

1.9 NON-TRANSFERABILITY:

Residential Building Permits and Residential Growth Permits shall be site-specific, and shall be valid for construction only on the lot specified on the application. However, said permits shall be transferable to new owners of the lot, should the property change hands. A Residential Building and/or Growth Permit, which is transferred not in accordance with this ordinance, shall be nullified and revoked by the Code Enforcement Officer.

1.10 CONFLICT WITH OTHER ORDINANCES:

This Ordinance shall not repeal, annul, or in anyway impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

1.11 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.12 EFFECTIVE DATE:

The effective date of this Ordinance is the date of adoption of Town vote.

1.13 REVIEW PROCEDURE

In accordance with Title 30-A MRSA, §4360, this ordinance shall be reviewed by the Planning Board every three (3) years. In its review, the Planning Board shall conduct at least one (1) public hearing in order to determine whether this ordinance is still necessary and if it should be adjusted to meet current conditions. Following the public hearing the Planning Board shall make its recommendations to the Board of Selectmen.

1.14 AMENDMENT PROCEDURE

An amendment to this Ordinance may be initiated by:

- (a) a majority vote of the Planning Board and;
- (b) a majority vote of the Municipal Officers; or
- (c) a written petition signed by registered Arundel voters numbering at least 10% of the votes cast in the Municipality at the last gubernatorial election.

An amendment to this Ordinance may be adopted by:

- (d) a simple majority vote of Town Meeting if the proposed amendment is recommended by both the Planning Board and Board of Selectmen.
- (e) A 2/3 majority vote of Town Meeting if the proposed amendment is not recommended by both the Planning Board and the Board of Selectmen.

In either case, the Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the town meeting at which it will be voted upon. Notice of the hearing shall be posted at least ten (10) days in advance in a newspaper of general circulation in the area.

1.15 VIOLATIONS

- (a) A violation of this ordinance shall be deemed to exist when any person, firm or corporation engages in any construction activity directly related to the erection or placement of a dwelling unit upon any land within the town of Arundel, without having first obtained a Residential Building and Growth Permit from the Code Enforcement Officer.
- (b) If a dwelling has been constructed or placed without a Residential Building Permit, it shall also be deemed a violation for any person firm or corporation to sell, lease, rent or convey such dwelling, or for any person or family to occupy such dwelling until such permit has been duly issued.

1.16 PENALTIES:

- (a) Any person, firm, or corporation being the owner or having control or use of any residential building constructed in violation of any of the provisions of this Ordinance, shall be penalized in accordance with Title 30-A MRSA, §4452 Each day such a violation (construction activity) continues after notification by the town or its agents shall be considered a separate offense.
- (b) If a dwelling unit has been constructed contrary to the provisions of this ordinance and then sold, leased, rented or conveyed for residential use, the vendor, lessor, landlord or conveyor shall be penalized in accordance with Title 30-A MRSA, §4452.
- (c) If a dwelling unit has been constructed contrary to the provisions of this ordinance and is then occupied by the builder or his family, for residential use, the builder shall be penalized in accordance with Title 30-A MRSA, §4452.

Exhibit B

Proposed Definition and Dimensional Standards for Accessory Sheds

3.2 Definitions

ACCESSORY SHED: A wooden structure with a footprint of no greater than one hundred twenty (120) square feet and a roof peak of no greater than fifteen (15) feet used for accessory storage purposes and not for human habitation.

6.2.3 SPACE & BULK REQUIREMENTS IN THE R-2 DISTRICT

<u>Side Yard Setback- Accessory Shed</u>	<u>15 feet</u>
<u>Rear Yard Setback-Accessory Shed</u>	<u>15 feet</u>

6.3.3 SPACE & BULK REQUIREMENTS IN THE R-3 DISTRICT

<u>Side Yard Setback- Accessory Shed</u>	<u>20 feet</u>
<u>Rear Yard Setback-Accessory Shed</u>	<u>20 feet</u>

6.10.3 SPACE & BULK REQUIREMENTS IN THE R-4 DISTRICT

<u>Side Yard Setback-Accessory Sheds</u>	<u>25 feet</u>
<u>Rear Yard Setback- Accessory Shed</u>	<u>25 feet</u>

Exhibit C

Proposed Amendments to Special exceptions in Shoreland Overlay District

8.6.2.5. Criteria for Granting Special Exceptions:

The Planning Board may grant a special exception of the 50-foot setback from forested and shrub-scrub wetlands in the Shoreland Overlay District cited in section 8.6.2.4 above provided that the all of the following criteria are met:

- a. The Special Exception shall not be granted as a remedy for a violation of Shoreland Zoning setbacks requirements.
- b. The affected parcel must be a lot of record prior to June 14, 2017 and has no alternative site for a single-family dwelling unit on the property
- c. The forested wetland must be an isolated wetland less than 4 acres in non-contiguous area and must not be a part of a larger non-forested wetland nor wetlands associated with a stream.
- d. The wetland must not be a significant vernal pool.
- e. The gradient of the bordering upland is pitched away from the wetland.
- f. There are no slopes exceeding 20% in the SO setback area.
- g. Setback reductions are not eligible for wetlands associated with Brimstone Brook, Goff Mill Brook, Richardson Brook, Upper Thatcher Brook and Duck Brook.

Exhibit D

Proposed Addition of Special Exceptions in the Stream Protection District

8.6.3.5. Criteria for Granting Special Exceptions:

The Planning Board may grant a special exception of the 75-foot setback from the resource in a Stream Protection District under extraordinary circumstances and provided all of the standards below are met:

- a. The Special Exception shall not be granted as a remedy for a violation of Shoreland Zoning setbacks requirements.
- b. The affected parcel is not within the Upper Thatcher Brook, Richardson Brook, Goff Mill Brook, or Duck Brook watersheds;
- c. The affected parcel must be a lot of record prior to June 14, 2017 and has no alternative site for a single-family dwelling unit on the property outside of the Stream Protection District;
- d. The setback shall be no less than 50 feet from the upland edge of the resource and associated wetlands
- e. The encroachment into the SP District is permitted only for a single-family residential unit and not accessory structures, walls, decks, permanent boardwalks, paved trails/paths, non-native vegetation or other similar landscape elements;
- f. The applicant compensates for the loss of existing overstory and understory vegetation from the encroachment on the opposite side of the watercourse or along the stream corridor;
- g. The gradient of the bordering upland in the impact area is a natural reverse gradient away from the stream and associated wetlands;
- h. There are no slopes exceeding 20% in the impacted area of the SP district

Exhibit E
Amendments to Shoreland Dimensional Standards

AMEND 8.6.1.4. Space & Bulk Requirements for the Resource Protection District as follows:

Dimensional Standards	Min/Max.	Use
Shore Frontage on <u>Brimstone Pond or Kennebunk River</u> for Residential and Recreational Uses	Minimum	200 feet
Shore Frontage on <u>Brimstone Pond or Kennebunk River</u> for Commercial & Institutional Uses	Minimum	300 feet

AMEND 8.6.2.4. Space & Bulk Requirements for the Shoreland Overlay District as follows:

Dimensional Standards	Min/Max.	Use
Shore Frontage on <u>Brimstone Pond or Kennebunk River</u> for Residential and Recreational Uses	Minimum	200 feet
Shore Frontage on <u>Brimstone Pond or Kennebunk River</u> for Commercial & Institutional Uses	Minimum	300 feet

AMEND 8.6.3.4. Space & Bulk Requirements for the Stream Protection District as follows:

Dimensional Standards	Min/Max.	Use
Shore Frontage on <u>Brimstone Pond or Kennebunk River</u> for Residential and Recreational Uses	Minimum	200 feet
Shore Frontage on <u>Brimstone Pond or Kennebunk River</u> for Commercial & Institutional Uses	Minimum	300 feet

Exhibit F

Deletion of Registration of Existing Contractor Yard

9.3.14 CONTRACTOR YARDS

Proposed Contractor Yards, as defined in section 3.2, must obtain either a Site Plan or Conditional Use permit from the Planning Board and meet the following performance standards prior to commencing operations.

1. Exemption of Existing Operations:

~~All existing non-conforming business operations meeting the definition of a Contractor Yard 1 or Contractor Yard 2 as of June 10, 2015 may be reclassified and operate at their current location as a Contractor Yard 1 or Contractor Yard 2 provided that the business complies with the registration process described in section 9.3.14.2 and the performance standards of Section 9.3.14.2.c for Contractor Yard 1 and Section 9.3.14.2.d of this Ordinance for Contractor Yard 2 operations.~~

2. Registration of Existing Contractor Yards

~~All existing non-conforming contracting operations as described in Section 9.3.14.2 shall register as an *Existing Operation* with the Planning Board by August 1, 2020. Any existing non-conforming Contractor Yard that fails to register as an *Existing Operation* by August 1, 2020 shall be deemed a~~

~~non-conforming use and shall not expand in scope or intensity of its current operations or in the number of employees until first obtaining a Conditional Use Permit from the Planning Board. Existing nonconforming contractor businesses that were established in violation of the Arundel Land Use Ordinance may be subject to legal action by the Town. (Amended June 12, 2019)~~

a. Application Submissions: Applicants seeking status as an *Existing Operation* shall submit an application to the Planning Board on forms provided by the Town of Arundel. Submissions shall include ten (10) copies of the following:

- ~~1) Recent aerial photograph or topographic survey prepared by a licensed land surveyor showing parcel property lines, vegetative, structural, and/or topographic buffering of adjacent properties, location of all outdoor and indoor material storage areas, existing structures, outdoor lighting fixtures, equipment storage areas, fuel storage areas and fueling pads, driveways and parking lots;~~
- ~~2) Inventory of all construction and transportation equipment stored at the site by the business;~~
- ~~3) Inventory and average quantities of materials stored at the business site;~~
- ~~4) Mitigation measures currently employed to minimize odors, dust, noise, and other off site nuisances;~~
- ~~5) Information on the number of average daily truck trips off site, the amount of bulk material imported and exported off site on a monthly basis; and~~
- ~~6) A non-refundable registration fee of \$200.~~

b. Registration Process:

~~Within 30 days of receiving a complete application, the Planning Board will hold a public hearing. All property owners located within 200 feet of the proposed Contractor Yard will be notified at least 7 days prior to the public hearing. Within 30 days of the public hearing, the Planning Board shall~~

~~determine whether the existing business activity will be registered or be required to implement mitigation measures to meet the standards of Section 9.3.14.2.c for a Contractor Yard 1 and Section 9.3.14.2.d for a Contractor Yard 2.~~

c. Performance Standards for Existing Contractor Yards 1

~~Any operation existing as of June 10, 2015 that meets the definition of a Contractor Yard 1 and is located in the R1, R2, R3 or R4 districts must meet the following minimum performance standards:~~

- ~~1) All parking and storage areas shall be visually buffered from both the street and abutting properties. (Amended June 12, 2019)~~
- ~~2) That any storage yard illumination shall consist of shielded down light fixtures and shall not shed more than 0.05 lumens at the property line.~~
- ~~3) All materials likely to produce odors, dust, debris, or similar nuisances shall be contained either within an enclosed structure or container, or in a manner in which these nuisances shall not adversely impact adjacent properties.~~
- ~~4) No more than four (4) vehicles used by the business shall be stored on the site and the type of vehicles shall be limited to the following:

 - ~~a) No more than one (1) vehicle classified as a Code 25 vehicle or a Code 30 vehicle as illustrated in Figure 9.3.14 1~~
 - ~~b) No more than one (1) vehicle as a Code 35 vehicle or a Code 40 vehicle as illustrated in Figure 9.3.14 1~~
 - ~~c) Tractors and construction equipment stored on the site shall be limited to an aggregate weight of 35,000 pounds.~~
 - ~~d) Hours of Operation: Construction equipment shall not be operated or loaded or unloaded on the site between the hours of 10 PM and 6 AM.~~~~

d. Performance Standards for Existing Contractor Yards 2

Any operation existing as of June 10, 2015 that meets the definition of a Contractor Yard 2 and that is located in the R1, R2, R3, or R4 districts must meet the following minimum performance standard:

1) Space and Bulk Standards:

Minimum Lot Size	5 acres
Minimum Side & Rear yard setback for storage and employee parking areas	25 feet
Minimum Front Yard Setback for storage areas	
• Public street	50 feet
• Private way	20 feet
Minimum Accessory Building setback	20 feet
Minimum Principal Building setbacks	Same as underlying district

- ~~2) Driveway entrances from the street to parking and storage areas shall not be located within fifty (50) feet of any adjacent residential property.~~
- ~~3) All parking and storage areas shall be visually buffered from both the street and abutting properties. (Amended June 12, 2019)~~
- ~~4) Any storage yard illumination shall consist of shielded down light fixtures and shall not shed more than 0.05 lumens at the property line.~~
- ~~5) All materials likely to produce odors, dust, debris, or similar nuisances shall be contained either within an enclosed structure or container, or in a manner in which these nuisances shall not adversely impact adjacent properties.~~
- ~~6) Existing asphalt paving operations shall provide an enclosed structure to house pavers, screeds, and other asphalt equipment in order to minimize odors and fumes for adjoining properties.~~
- ~~7) Hours of Operation: Construction equipment shall not be operated or loaded or unloaded on the site between the hours of 10 PM and 6 AM.~~
- ~~8) Parking: One parking space shall be provided for each employee and no more than two parking spaces for customers.~~

Renumber the rest of section 9.3.14

