

TOWN MEETING WARRANT

TUESDAY JULY 14, 2020
AND WEDNESDAY JULY 15, 2020

To Roger Taschereau, a Constable or resident of the Town of Arundel in the County of York, State of Maine

GREETINGS

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Arundel in said county and state, qualified by law to vote in town affairs: to meet at the **Mildred Day School Gymnasium** in said town on Tuesday, the 14th day of July, A.D. 2020 at eight o'clock in the forenoon then and there to act upon Article #1 and by secret ballot on Article #2 as set out below, polling hours therefore to be from eight o'clock in the forenoon until eight o'clock in the evening. The Registrar of Voters will hold office hours while the polls are open to accept the registration of any individual eligible to vote, to accept new enrollments and to correct any error or change in name or address on the voting list.

And to notify and warn said inhabitants to meet at the Mildred Day School Gymnasium in said town on Wednesday, the 15th of July, 2020 A.D. at seven o'clock in the evening, then and there to act on Articles #3 thru #44 as set out below, to wit.

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

ARTICLE 2: To choose by secret ballot one (1) 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, and two (2) Budget Board members for two (2) year terms.

ARTICLE 3: Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance section 1.8.2.1c and 1.8.2.1.d (1) *Citizen Petitions*, deleting the existing text per the advice of the Town Attorney "? A copy of the Ordinance is attached to the original Town Meeting Warrant as **Exhibit A**, copies of which are available at the office of the Town Clerk.

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 *Automobile and Watercraft Sales* and amending the definition of *Retail*?" Text of the proposed additions are as follows:

AUTOMOBILE AND WATER CRAFT SALES: A business that sells new and/or used automobiles, trucks, construction or farm equipment, all terrain and universal terrain vehicles, snowmobiles, watercraft, marine equipment, and similar modes of transportation.

RETAIL: The sale of goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail sale business ~~shall not an~~ does not include automobile service station, automobile and watercraft sales, a garden center, a farm stand or a restaurant.

Planning Board Recommends Adoption

ARTICLE 5: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 3.2 deleting the definition of *Arterial Collector Streets* and creating two new and separate definitions of *Arterial Street* and *Collector Street* “? Text of the proposed additions are as follows:

ARTERIAL (STREET): A street or highway which serves as a major traffic way for travel through Arundel and to adjoining municipalities, including the following streets:

<u>US Route 1 (Portland Road)</u>	<u>Limerick Road</u>
<u>Maine Route 111 (Alfred Road)</u>	<u>Log Cabin Road</u>
<u>Maine Route 35</u>	

COLLECTOR (STREET): A local street or highway which serves as a major collector route for minor streets and private ways, including the following:

<u>Brimstone Road</u>	<u>Irving Road</u>	<u>River Road</u>
<u>Campground Road</u>	<u>Lombard Road</u>	<u>Sinnott Road</u>
<u>Curtis Road, west of Irving Road</u>	<u>Mountain Road</u>	<u>Thompson Road</u>
<u>Downing Road</u>	<u>New Road</u>	
<u>Hill Road</u>	<u>Old Post Road</u>	

Planning Board Recommends Adoption

ARTICLE 6: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 3.2 adding definition of *Livery Operation* and adding Livery Operations to section 6.6.2 Conditional Uses in the Business, Office Park, and Industrial District (BI)”? Text of the proposed additions are as follows:

3.2 LIVERY OPERATION: A motor vehicle or watercraft regularly engaged in the business of carrying passengers for hire and not operated on a fixed route, Taxis, limousines, vans, and private medical transport vehicles are examples of livery operations. Bus depots shall be categorized as Truck Terminals.

6.2.2.12 Livery Operations (and renumber section)

Planning Board Recommends Adoption

Article 7: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 3.2 amending the definition of *Medical Marijuana Caregiver Production Facility* to coincide with changes to the State enabling legislation and amend section 6.5.2.12 setback conditions for *Medical Marijuana Caregiver Production Facilities* in the Downtown Business 2 District “? Text of the proposed revisions are as follows:

MEDICAL MARIJUANA-CAREGIVER

PRODUCTION FACILITY: A facility used by a ~~designated “Primary Caregiver” licensed by the State of Maine to cultivate, prepare, and distribute medical marijuana to no more than six (6) qualified patients under the regulatory specifications and rules of 22 MRSA §2423-~~ A person or an assistant of that person who provides care for a qualifying patient who is

registered by the State of Maine pursuant to 22 MRSA §2425-A 6.5.2.12. Medical Marijuana-Caregiver Production Facility, *provided the facility is located no less than one thousand (1,000) feet from any church, school, Day Care Facility, ~~any other Medical Marijuana Caregiver Production Facility.~~ and limited to one caregiver facility per lot.*

Planning Board Recommends Adoption

Article 8: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 3.2 amending the definition of *Staff Review Committee* as follows:“

STAFF REVIEW COMMITTEE: A committee comprised of the Code Enforcement Officer, Town Planner, Road Foreman, ~~and~~ Fire Chief, and Town Assessor, or their designee.

Planning Board Recommends Adoption

Article 9: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 5.5 *Private Ways* requiring access strips to be used as the principle driveway entrance for Estate Lots”? Text of the proposed addition is as follows:

5.5.5. Principal Driveway Entrance : The designated 50-foot access strip shall be used as the principal driveway entrance into an estate lot, except where the Planning Board grants a Special Exception where multiple legally-nonconforming residences exist on a parcel or where access to a common driveway, as defined in §1.3 of the Street Design and Construction Ordinance, would result in significantly-reduced environmental impact.

Planning Board Recommends Adoption

Article 10: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 6.9.3 *Space and Bulk Requirements for the Townhouse Corner District* to establish density of 10,000 square feet net lot area per multifamily unit provided the units are serviced by either public water or sewer”? Text of the proposed amendment is as follows:

Zoning Standards	All Uses with Public Water or Sewer	All Uses Without Public Water
• Minimum Lot Size	20,000 sf NDD*	1 acre NDD*
• Minimum Net Lot Area per Family Unit	20,000 SF	1 acre
• <u>Minimum Net Lot Area per Multifamily Unit</u>	<u>10,000 SF</u>	<u>20,000 SF</u>
• Minimum Lot Frontage	100 feet	100 feet

Planning Board Recommends Adoption

Article 11: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance section 8.6.2.5 to establish criteria for the granting of special exceptions to wetlands setbacks in the Shoreland Overlay District “? Text of the proposed addition is as follows:

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 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
- b. 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.
- c. The wetland must not be a significant vernal pool.
- d. The gradient of the bordering upland is pitched away from the wetland.
- e. There are no slopes exceeding 20% in the SO setback area.

Planning Board Recommends Adoption

Article 12: Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance sections 8.6.1.4, 8.6.2.4, and 8.6.3.4 to require minimum shore frontage for all lots created only along the Kennebunk River and Brimstone Pond in the *Resource Protection, Shoreland Overlay, and Stream Protection Districts*”? A copy of the Ordinance is attached to the original Town Meeting Warrant as **Exhibit B**, copies of which are available at the office of the Town Clerk

Planning Board Recommends Adoption

ARTICLE 13: Shall the town vote to raise and appropriate the sum of **\$111,471** for the General Government Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 14: Shall the town vote to raise and appropriate the sum of **\$864,081** for the Town Hall Administration Account?

Board of Selectmen recommend Yes
Budget Board Recommends Yes

ARTICLE 15: Shall the town vote to raise and appropriate the sum of **\$654,474** for the operations of the Arundel Fire-Rescue Service Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 16: Shall the town vote to raise and appropriate the sum of \$183,390 for police protection. Funding covers two patrol officers for a total of 80 hours per week.

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 17: Shall the town vote to raise and appropriate the sum of \$59,070 for the Miscellaneous Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 18: Shall the town vote to raise and appropriate the sum of \$780,974 for the Public Works Department Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 19: Shall the town vote to raise and appropriate the sum of \$99,384 for the Town Transfer/Recycling Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 20: Shall the town vote to raise and appropriate the sum of \$88,750 for the General Assistance Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 21: Shall the town vote to raise and appropriate the sum of \$318,706 for the Recreation Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 22: 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 23: Shall the town vote to raise and appropriate the sum of \$425,000 for the Road Construction Reserve Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 24: Shall the town vote to raise and appropriate the sum of \$100,000 for the Public Works Capital Equipment Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 25: Shall the town vote to raise and appropriate the sum of \$55,000 for the Arundel Fire-Rescue Capital Reserve Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 26: Shall the Town vote to authorize the Board of Selectmen to appropriate funds from Fund Balance in an amount not to exceed \$100,000 when setting the tax rate if it is determined by the Board of Selectmen, after public hearing that COVID-19 continues to have a detrimental financial impact on the Municipality.

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 27: Shall the town vote to raise and appropriate the sum of \$6,250 for the Recreation Department Bus Reserve Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 28: Shall the town vote to raise and appropriate the sum of \$8,000 for the Eastern Trail Account?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 29: Shall the town vote to raise and appropriate the sum of \$9,350 for Social Service Agencies?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 30: Shall the town vote to raise and appropriate the sum of \$14,000 for the Kennebunk Free Library?

Board of Selectmen recommend Yes
Budget Board recommends Yes

ARTICLE 31: Shall the town vote to raise and appropriate the sum of \$2,500 for the Kennebunk, Kennebunkport, Arundel Chamber of Commerce?

Board of Selectmen recommend Yes

Budget Board recommends Yes

ARTICLE 32: Shall the town vote to appropriate the sum of \$2,177,858 from estimated revenues to be used to reduce the tax commitment as follows:

Taxes (not commitment)	\$980,500
License & Permits	\$ 95,750
Intergovernmental Revenue	\$409,708
Service Charges	\$358,800
Interest Income	\$ 33,100
Fund Balance	\$300,000

Board of Selectmen recommend Yes

Budget Board recommends Yes

ARTICLE 33: Shall the town vote to authorize the Board of Selectmen to sell, or otherwise dispose of excess vehicles and equipment pursuant to and consistent with the written policy adopted by the Board of Selectmen after public notice, and deposit any proceeds into the appropriate department's reserve account?

ARTICLE 34: Shall the town vote to authorize the Board of Selectmen to accept donations of funds, real estate and/or equipment on behalf of the town and to spend them, as they deem appropriate.

ARTICLE 35: Shall the town vote to authorize the Selectmen to transfer available funds such as tree growth, veteran's exception, excise tax, registration fees and any other funds which might be used for reduction of the tax commitment?

ARTICLE 36: Shall the town vote to authorize the Board of Selectmen to enter into multi-year contracts (not to exceed five years) for the lease or purchase of goods and services, when they deem it in the best financial interest of the Town?

ARTICLE 37: Shall the town vote to transfer funds received through the sale of tax acquired property to the Municipal Building Reserve Fund?

ARTICLE 38: Shall the town vote to authorize the Tax Collector to collect partial payments and pre-payments of real property and personal property taxes?

ARTICLE 39: Shall the town vote to authorize the Treasurer to collect partial payments of real property liens?

ARTICLE 40: Shall the town vote to set due dates on all property taxes as of October 12, 2020, or 30 days after tax bills are mailed (whichever is later) and April 12, 2021?

ARTICLE 41: Shall the town vote to charge interest at the rate of 8:00% per annum on all real and personal property taxes remaining unpaid after the due dates set in Article

ARTICLE 42: Shall the town vote to pay interest at the rate of 4:00% per Annum on overpayments of real and personal property taxes refunded as result of a grant or abatement?

ARTICLE 43: Shall the town vote to authorize the Board of Selectmen on behalf of the town, to sell and dispose of any property acquired by the town for non-payment of taxes, consistent with state statutes and laws, except that the Municipal Officials shall use the special sale process required by 36 M.R.S. 943-C for qualifying homestead property if they choose to sell to anyone other than the former owner (s). In all cases the conveyance is to be made by municipal quitclaim deed?

ARTICLE 44: Shall the town vote to accept and spend, as deemed by the Board of Selectmen to be in the best interest of the town, any and all grant monies awarded to the Town of Arundel by the United States Government and / or the State of Maine under the Community Development Block Grant Program, the Land & Water Conservation Grant Program or any other similar grant programs in the upcoming fiscal year?

EXHIBIT A

Article 3

DELETE SECTION LUO 1.8.2.1.c AND 1.8.2.1 d.(1):

~~e. If a petition requesting amendment of this ordinance is submitted, signed by at least ten percent (10%) of the registered voters of the town based on the latest gubernatorial election and filed with the Town Clerk, the Clerk shall verify the signatures. If the Clerk verifies that the signatures are valid, the Town Clerk shall notify the Board of Selectmen and Planning Board of the proposed amendment for consideration at the next town meeting. The Planning Board shall then carry out the other procedural requirements of this section. (Amended June 10, 1997)~~

d. As soon as the amendment procedure is initiated by any of the above methods, the Board shall cause the Town Clerk to give public notice of a public hearing on the proposed changes, which notice shall be posted at the Arundel Town Hall and be published in a newspaper of general circulation in the town thirteen (13) days prior to the date of the hearing and published again seven (7) days prior to the date of the hearing. The notice shall contain the time, date, and place of hearing and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.

~~1) Prior to a public hearing the individuals requesting the amendment shall pay to the Town Clerk a fee, in an amount specified by the Board of Selectmen's Schedule of Fees, to cover staff, professional and advertising expenses. If the actual costs exceed this amount then the individuals requesting the amendment shall be responsible for the balance to be paid prior to Town Meeting. (Amended November 13, 2007) (Amended January 8, 2018)~~

EXHIBIT B

Article 12

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

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