



**Town of Damariscotta, Maine
January 18, 2023**

**Public Hearing @ 5:30 PM
Select Board Meeting
(Immediately Following Public Hearing)**

Join Virtually

Meeting: <https://us02web.zoom.us/j/87878201039>
Meeting ID: 878 7820 1039 Passcode: Dama22

AGENDA

I. Pledge of Allegiance

II. Public Hearing - Proposed Ordinance Revisions

1. Land Use Ordinance
2. Subdivision Ordinance
3. Site Plan Review Ordinance

III. Call Select Board Meeting to Order

IV. Minutes

1. December 21, 2022 and January 4, 2023 Select Board Minutes

V. Financial Reports

1. Payroll Warrants #
2. Accounts Payable Warrants #

VI. Citizen Comments and General Correspondence

VII. Town Manager Items

1. Capital Project Updates

VIII. Official Action Items

1. Liquor License Renewal – Reunion Station
2. Church Street Project Grant Authorization
3. Nobleboro/Jefferson Transfer Facility Contract
4. Medical Marijuana Retail Application: Above and Beyond Canibus, LLC – Possible Action

IX. Select Board's Discussion Items

X. Adjournment



TO: Selectboard
Andrew Dorr, Town Manager
FROM: Isabelle Oechsle, Town Planner
DATE: December 21, 2022
RE: Miscellaneous Updates to the Land Use, Site Plan Review, and Subdivision Ordinances

BACKGROUND

Staff is proposing a variety of miscellaneous amendments to the Land Use, Site Plan Review, and Subdivision Ordinances (collectively, the Town's zoning ordinances). The amendments are intended to correct existing typographical errors, to define previously undefined terms, to make the Ordinances more user-friendly to the average reader, and to update references to administration of the development review process.

The proposed amendments were workshopped by the Planning Board during their meeting on September 19, 2022. A copy of the minutes of that meeting are attached. In general, discussion during that meeting focused on the development review process. Additionally, the Board identified other priorities to be addressed as part of future substantive policy discussions (though these items are not included in this round of updates, which are intended to be non-substantive in nature).

On [November 7, 2022](#), the Planning Board held a public hearing on these items. The Board heard comment from one member of the public, voted to close the public hearing, and ultimately voted to forward a positive recommendation to the Selectboard to adopt the proposed changes as drafted.

The draft, red-lined changes are attached to this memo for your review.

RECOMMENDATION & NEXT STEPS

Staff recommends adoption of the proposed Ordinance amendments as drafted. If the Selectboard is in favor, a Special Town Meeting will need to be convened and noticed twice in the newspaper.

**PLANNING BOARD MEETING MINUTES
TOWN of DAMARISCOTTA
September 19, 2022 6:00 P.M.**

Live and via Zoom

MEMBERS: Jonathan Eaton, Chairperson; Jenny Begin, Neil Genthner, Wilder Hunt and Ann Jackson

ALTERNATES: Gary Rosenthal, and Dan Day

ABSENTEES: Wilder Hunt

STAFF PRESENT: Isabelle Oechsle, Town Planner; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Geoff Keochakian, LCTV; Evan Houk, *Lincoln County News*

I. Pledge of Allegiance

Chairperson Eaton led the Pledge at 6:00 p.m.

II. CALL TO ORDER

The meeting was called to order at 6:02 p.m. by **Chairperson Eaton**

On motion (Genthner/Eaton) to seat Dan Day as alternate for Wilder Hunt and Gary Rosenthal for Jenny Begin. **Vote: 3-0-0**

III. MINUTES

On motion (Genthner/Jackson) to approve the minutes from July 11, 2022 as presented **Vote: 5-0-0**

On motion (Genthner/Day) to approve the minutes from August 1, 2022 as presented **Vote: 5-0-0**

On motion (Genthner/Day) to seat Jenny Begin (arrived at 6:15pm) in place of Gary Rosenthal. **Vote: 4-0-0**

IV. BUSINESS MEETING

A. OLD BUSINESS

1. Revised Planning Board By-Laws:

Isabelle introduced this section, noting (in response to a question received over email) that these proposed By-Law changes do not supersede the 2018 adopted Code of Ethics – they are separate documents.

The first essential change regards the timeline on review of application. This is a proposed change from 2 weeks to 1 week in advance of the hearing. **Jenny** asked why the reference to including the agendas in the Town newsletter was removed. **Isabelle** said the agenda could still be in the newsletter, but the newsletter was recently paused for a number of months and that the Town’s website should be the ultimate authority. **Isabelle** noted that she proposed a hard stop time of 10pm for public hearings and other agenda items so that the Board could point to that if it got too late, but allowing for any item already on floor to be completed. The Board suggested a 9pm stop time instead. **Isabelle** noted that she is proposing that the Board adopt a number of “standard” conditions, to be incorporated into the Notice of Decision for each application that

they review. The Board was overall supportive of this, though asked questions regarding the specificity of some of the conditions. **Isabelle** responded that it is intended to reflect the specific requirements of the Town's ordinances.

On motion (Genthner/Eaton) to accept as presented the draft of the Planning Board By-Laws with the time change to end a hearing from 10 pm to 9 pm. Vote: 5-0-0

2. Land Use Ordinance

The intent of the proposed changes is to streamline and define items previously undefined, and to clarify processes. An example is "significant tree" is in the ordinance, but not defined. "30 inches or greater in diameter at breast height" is a common definition. **Jenny** said in Bath the ordinance is that you have to replace a tree if you cut one down. People here are concerned about this. **Neil Genthner** said you have to be mindful of where the cutting is taking place, especially if the tree is a danger. We have to have "give and take" on this. **Isabelle** said if the Board is interested, they could have more analysis and discussion on this matter at a later date as part of a substantive policy change, however, these miscellaneous changes are intended to be non-substantive.

3. Site Plan Review Ordinance

Isabelle said she wanted to get rid of the flow chart currently included in the ordinance and instead make that a more nimble process that could respond to changing technology and needs. She wants to amend the document to clean it up and make it more succinct. i.e. The necessity of "10 copies" is outdated. #2 –pg. 4 would clarify that the burden of proof for a waiver lies with the applicant. Pg. 11 F – there is no policy change, just reformatting to make it easier to read. **Jenny Begin** would like to see a requirement for development to be "EV-ready" as part of the ordinance. **Isabelle** noted that that would similarly be a substantive policy change but that she would add it to her list for future discussion. Overall, the Board thought that the proposed changes in this section looked good.

4. Subdivisions

Editorial changes are similar to the previous sections. There is a carryover of definitions for "Significant trees" from the previously discussed ordinances. Page 4 #5/6 requesting changing 60 days to 30 days in order to streamline and meet applicant's needs. This streamlines the process vs. requiring additional time. When multiple times/meetings are required, everyone must attend two or more. As written it could end up being one or more. **Neil Genthner** said he had no problem with these, but wants to maintain flexibility. **Jenny Begin** said they have to have discipline as a Board to make sure they have *all* the information. **Isabelle** said the Board can always request more information and table applications, they just need to inform applicant of the specific information that they're looking for. **Neil Genthner** also questioned the "10 copies" saying some projects might need that. **Isabelle** said a Board member can get a hard copy anytime, but it falls on the applicant to provide any needed copies. She suggested perhaps adding the phrase "the Planning Board reserves the right to request paper copies" to all application materials.

Isabelle will schedule a Public Hearing on the Ordinance changes for a future meeting to discuss the proposed amendments to the Subdivision, Site Plan Review, and Land Use Ordinances.

B. NEW BUSINESS

1. None

C. OTHER

- 1. Questions from the Public - None**
- 2. Housekeeping - None**
- 3. Planner's Report- None**

D. Adjournment

On motion (Begin/Genthner) to adjourn the meeting at 7:00 p.m.

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of, 2021.

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

CHAPTER 101
LAND USE ORDINANCE
DAMARISCOTTA, MAINE

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§101.4 DEFINITIONS

Except where specifically defined, all words used in this ordinance shall carry their customary meanings. The Word "shall" is always mandatory. The word "may" is always permissive. For the purposes of this Ordinance, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

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Sewered: Connected to the municipal sewer system.

Significant Tree: Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

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§101.5 LAND USE DISTRICTS

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A. MAP

1. The location and boundaries of the above districts are hereby established on the map entitled "Land Use Map of the Town of Damariscotta," dated January 23, 1998, as may be amended from time to time by majority vote at the Annual Town Meeting, certified by the attested or conformed signature of the Town Clerk. The most updated version of this map shall be on file in the office of the Town Clerk. Said map is hereby incorporated in and made a part of this Chapter and shall be the final authority as to the current status of district locations. Additional printed copies of said maps are also available in the Planning Department, filed with the Town Clerk, which map is hereby made a part of this Ordinance. And, as amended June 10, 2015 on the map entitled "Damariscotta Maine—June 10, 2015—Zoning Map" filed with the Town Clerk.
2. Where uncertainty exists with respect to district boundaries as shown upon such map the following rules shall apply:
 - a. Unless otherwise indicated, district boundary lines are the center lines of roads, streets or rights of way.

- b. ~~The Official Zoning Map shall be the authority as to the boundaries of zoning districts, except in regard to the Shoreland Zoning Overlay Districts, which are more particularly described in Sec. 105.3. Where discrepency exists between the map and written description of each district, the written word shall prevail.~~
- c. Where discrepancy exists between physical features existing on the ground and the ~~O~~official ~~Zoning M~~map ~~and/or written district description~~, the Board of Appeals shall ~~interpret the~~ district boundaries.

DISTRICT DESCRIPTIONS (see Appendix A)

B. DISTRICT REGULATIONS

1. SCHEDULE OF LAND USES

Land Use ^{2,67}	District (P=Permitted; C=Conditional) ⁶					
Commercial/S ervice	GR	C1	C2	R	WC	M
Adult business establishments			C			
Art and crafts studios, antique shops and galleries	C	C	C	C		
Automotive services including repair		C	C			
Boat storage and repair			C			
Contractor's offices and associated facilities			C	C		
Day care centers (more than 12 children under 13 years of age)			C	C		
Day care centers (when accessory to public schools, religious facilities, multi-family or MF or mixed						

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residential- developments, and mobile homeMH parks (see note 2))						
Day care facilities, small (3-12 children under 13 years of age)	C	C	C	C		
Drinking places		C	C			
Drive-thru facilities as an accessory use		C	C			
Engineering, management and professional offices and related services		C	C	C		
Equipment dealers and equipment repair			C			
Farmer's market	C	C	C	P		
Financial institutions including banks		C	C			
Formula business			C ³			
Gasoline service stations			C			
Gasoline service stations which are a part of and subordinate to a retail use			C			
Hotels, motels, inns		C	C			
Lumber and building materials dealer			C			
Movie theaters except drive-in		C	C			

theaters						
Neighborhood stores		C	C			
New and used car dealers			C			
Personal Services		C	C			
Places of indoor assembly, amusement or culture		C	C	C		
Recreational vehicle, mobile home dealers			C			
Research and testing laboratories			C	C		
Restaurants		C	C			
Retail stores		C ³	C ³			
Service stations		C	C			
Veterinary facilities excluding kennels and humane societies			C	C		
Veterinary facilities including kennels and humane societies				C		

Industrial	GR	C1	C2	R	WC	M
Building and construction contractors			C	C		
Commercial solid waste disposal facilities						
Fuel oil dealers and related facilities			C			
Industrial uses						

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(includes assembling, fabricating, finishing, manufacturing, packaging or processing operations, including the processing of raw materials)						
Junkyards and auto graveyards						
Light manufacturing uses (other than industrial uses)			C			
Printing facilities including newspaper publishers and information services			C			
Recycling and reprocessing facilities			C	C		
Warehousing and distribution facilities and self-storage facilities			C			
Wholesale sales			C ³			

Transportation	GR	C1	C2	R	WC	M
Airports or heliports				C		
Parking facilities as a principal use			C	C		
Transit and ground transportation facilities			C	C		

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including bus stations						
Truck wash facilities			C			

Public and Utility	GR	C1	C2	R	WC	M
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	C	C	C	C	C	C
Solar energy systems (see §109 Solar Energy Systems Ordinance)						
Wireless communication facilities	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴

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Institutional	GR	C1	C2	R	WC	M
Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures		C	C			
All medical and medical related facilities ⁸			C			
Cemeteries	C		C	C		C
Civic and social organizations		C	C	C		
Congregate care and independent living facilities, assisted living facilities, institutions or services for the disabled, nursing care facilities, residential care facilities, group care facilities		C	C	C		

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Governmental buildings and operations		C	C	C		C
Hospitals, medical clinics			C			P
Municipal buildings and facilities	C	C	C	C	C	C
Museums, libraries, and non-profit art galleries and theaters		C	C			
Religious facilities		C	C			
Residential	GR	C1	C2	R	WC	M
Bed and breakfast establishments	C	C	C	C		
Bed and breakfast establishments as a home occupation	C	C	C	C		
Boardinghouse, rooming house or lodginghouse	C	C	C	C		
Home occupations	C	C	C	C		
In-law or accessory apartments	P ¹	P ¹	P ¹	P ¹		
Mixed residential developments (mixed single-family attached and detached, two-family and multi-family dwellings)	C		C	C		
Mixed single-family residential developments	C		C	C		

(mixed single-family attached and detached dwellings)						
Mixed use structures (one or more residential units and non-residential space)			C			
Mobile home parks				C		
Mobile homes on individual residential lots	P	P	P	P		
Multifamily dwellings		C	C	C		
Planned unit developments	C	C	C	C		
Single-Family attached dwellings	C	C	C	C		
Single-family detached dwellings on individual residential lots	P	P	P	P		
Two-family dwellings	P	P	P	P		

Natural Resource	GR	C1	C2	R	WC	M
Agriculture		C	C	P		
Community gardens	C		C	C		
Earth material removal				C		
Equestrian facilities				C		
Forest management and timber harvesting activities				P		

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Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet		C	C	C		
Plant nurseries		C	C	P		

Recreation	GR	C1	C2	R	WC	M
Campgrounds				C		
Commercial outdoor recreation such as playgrounds, facilities associated with boating and kayaking classes and rentals, climbing walls, zip line operations, skateboard parks and similar facilities and activities operated as a business and which require payment of a fee for usage or participation		C	C	C		
Drive-in theaters			C	C		
Fitness and recreational		C	C			

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sports centers						
Golf courses and related facilities				C		
Public or private facilities for non-intensive outdoor recreation			C	C		

Marijuana-Related	GR	C1	C2	R	WC	M
Home Cultivation of Marijuana	P	P	P	P		
Marijuana cultivation facilities			C ⁵	C ⁵		
Marijuana products manufacturing facilities			C ⁵	C ⁵		
Marijuana stores			C ⁵	C ⁵		
Marijuana testing facilities			C ⁵	C ⁵		
Medical marijuana manufacturing facilities			C	C		
Registered caregiver retail stores			C	C		

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Notes:
¹As long as the requirements of Article 9.Q are met, accessory apartments are allowable under a permit from the Code Enforcement Officer (CEO). The CEO may forward an accessory apartment application to the Planning Board for review as a 'Conditional Use Permit' under the Site Plan Review Ordinance. NOTE: Accessory apartments are not allowed in overlay Shoreland Zones.
² Accessory buildings and uses to permitted uses are permitted; accessory buildings and uses to conditional uses are conditional.
³ No outside storage
⁴ Within the bounds of the Wireless Communications District

⁵ Must be located at least 1,000 feet from schools

⁶ A use which is not specifically listed as a permitted or conditional use within this table shall be regulated as a conditional use if the planning board determines that the proposed use is substantially similar to and compatible with permitted or conditional uses in that district.

2. DIMENSIONAL STANDARDS

Dimensional Standard ⁸	Key: DU = dwelling unit					
	District ²					
	GR	C1 ^{7,15}	C2 ^{7,14}	R	WC	M
Minimum land area, Sewered	10,000 sf per first principal building or DU, 6,000 sf thereafter	10,000 sf	10,000 sf per first principal building or DU, 6,000 sf thereafter	10,000 sf per first principal building or DU, 6,000 sf thereafter	¹³	10,000 sf per principal building
Minimum land area, Non-sewered	40,000 sf per DU	N/A	40,000 sf per principal building or DU	80,000 sf per principal building or DU	¹³	40,000 sf per principal building
Front Setback	20 feet ¹	³	20 feet ^{1,12}	20 feet ¹²	¹²	20 feet
Side Setbacks	15 feet	^{4,5,6}	15 feet ^{9,12}	15 feet ¹²	¹²	0 feet
Rear Setback	15 feet	^{4,5,6}	15 feet ^{9,12}	15 feet ¹²	¹²	0 feet
Minimum street frontage, Sewered	75 feet	None	100 feet	200 feet	¹³	200 feet
Minimum street frontage, Non-sewered	100 feet	N/A	100 feet	200 feet	¹³	200 feet
Maximum building height	35 feet	40 feet	40 feet ¹⁰	35 feet ^{10,11}	¹⁰	40 feet ¹⁰

Notes:

¹ Or the average of existing setbacks on abutting properties

² Or as required by the Shoreland Zoning Ordinance

³ For those lots with existing buildings, front yard setbacks shall be the same or greater than the setback of existing buildings on that lot. If a structure is removed as part of the project, the location of that structure may be considered as an existing building provided the permit for new construction remains valid. For those lots with no existing buildings, the setback shall be the average setback of buildings on abutting properties.

⁴ If walls adjacent to side lot lines on buildings on both the applicants and adjacent property are of noncombustible construction as defined in this ordinance, the setback from the property lines may be reduced to 0 feet.

⁵ If the conditions stated in note 4 are not met, then a minimum 10-foot buffer strip to the side or rear lot lines or a 20-foot separation distance to adjacent buildings shall be maintained.

⁶ Yards abutting other districts shall be at least 15 feet deep and have a landscaped buffer strip.

⁷ No single retail store whether located in a single building, a combination of buildings, single tenant space, and/or combination of tenant spaces shall exceed 35,000 gross square feet of floor area in the aggregate. This size restriction shall apply to new retail stores and expansion of existing retail stores, effective November 1, 2005.

⁸ Unless modified by the requirements of § 101.6.

⁹ Except abutting the Municipal District they shall be 0 feet

¹⁰ Maximum 190 feet for wireless communications facilities

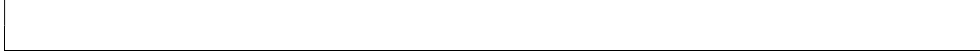
¹¹ Water supply standpipes for water supply utilities may be 100 feet above the ground

¹² A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply: i. The setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property. ii. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

¹³ The standards of the underlying district (C2 or Rural) will apply.

¹⁴ See § 101.7 for additional performance standards for adult entertainment establishments

¹⁵ The parking standards of the Site Plan Review Ordinance as amended for this district shall apply.



§101.6 GENERAL PROVISIONS

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F. Single Family, Two Family and Multi-Family Dwelling Units

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- 1. Single Family dwelling units.
 - a. Single family dwelling units shall meet all the dimensional requirements for the district therein.
- 2. Two family dwelling units.
 - a. Lots for two family units shall meet all the dimensional requirements for single family dwelling units, except that the lot area shall be a minimum of 30,000 square feet per dwelling unit for lots that are unsewered and the road frontage shall exceed by 50% the requirements for a single-family dwelling unit.
- 3. Multi family dwelling units. Multi-family (3 or more) dwelling units shall meet all of the following criteria:
 - a. Lot area shall be equal to the following minimum requirements:
 - i. For lots, other than those in the C2 District, served by a private central collection system, the minimum area for 3 units shall be 60,000 square feet and an additional 10,000 square feet per dwelling unit for each unit thereafter.
 - ii. For lots in the C2 District, the minimum area shall be as specified in Article 5.C.3.b, sewerd.
 - b. Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.
 - ~~b.c.~~ No building shall contain more than thirty-two (32) dwelling units, except housing for the elderly associated with extended care facilities, which shall contain no more than 45 dwellings.
 - ~~e.d.~~ Multi family dwelling units shall submit and comply with the requirements of the Damariscotta Site Review Ordinance.

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G. Planned Unit Development

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2.1. Purpose. The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed except that for a planned unit development that is served by public water and sewer, up to one-half of the land area excluded from net residential acreage may be included in calculating permitted residential density.

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3.2. Basic requirements. Planned unit developments and cluster developments shall meet all of the following criteria:

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a. All planned unit and cluster developments shall meet all requirements for a residential subdivision.

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I. Accessory Apartment

1. Purpose: The purpose of accessory apartments is to allow single-family house owners to create a living space for a relative, such as a grandparent, or to rent to another household, thus helping to enable the single-family house owner to remain in her/his home. The house owner may live in the accessory apartment and provide or rent the main house to a relative or another household. The single-family house owner may also use an accessory apartment to rent for additional income.

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2. Regulations:

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a. The house owner must reside in either the main house or the accessory apartment.

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§101.8 ADMINISTRATION

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F. Building Permits

1. Applicability. The provisions of this section apply to all structure(s) constructed, reconstructed, enlarged, relocated or moved in the Town of Damariscotta. This Ordinance does not require permits for maintenance and repair, or for accessory structure(s) or addition(s) of less than 100 square feet. Except that, all accessory structure(s) or addition(s) of less than 100 square feet within the Shoreland Zone shall obtain permits.

The provisions of this Section shall apply to any change in ownership of any commercial enterprise within the Town of Damariscotta.

2. Permits Required. The owner of the property shall obtain a permit issued by the Code Enforcement Officer for all structure(s) constructed, reconstructed, enlarged, relocated in or moved to the Town of Damariscotta, prior to the fact.

a. Application. The application for the permit shall be in writing on a form available from the Municipal Office, and shall contain:

i. a description of any structure(s) prior to their construction, reconstruction, enlargement, or relocation in or movement to the Town of Damariscotta is contemplated;

ii. a description of the establishment of any commercial business in the Town

of Damariscotta or change in a business establishment, regardless of the size of the floor area;

Each application shall contain a drawing of the structure(s) and a plan of the site shall accompany the application. The drawing shall include project dimensions, distances to property lines, names of abutters, roads, streets and bodies of water, location of sewer disposal and water supply. When required by the State Plumbing Code, the Code Enforcement Officer shall require evidence of adequate capacity of the septic system to support the structure(s) contemplated.

- b. Permit Approval. The Code Enforcement Officer, after receipt of the application, shall either issue the requested permit or transmit notice of refusal to the applicant within a reasonable time, not to exceed five (5) working days for residential applicants, and fifteen (15) working days for commercial applicants. The application shall be approved if all relevant ordinance requirements have been met. Notice of any refusal shall be in writing and shall state the reason therefore. All other permits required for the proposal shall be obtained prior to issuance of the permit.
- c. Modifications. Any modifications to the description, drawing, or site plan required in Section 6 (a) of the proposed structure(s) shall require a revised permit application and a permit prior to beginning the work.
- d. Appeals. An appeal to the Board of Appeals may be taken from an order issued by the Code Enforcement Officer or from his refusal to grant a permit. Such appeal shall be filed within thirty (30) days of the date of the order being appealed, accompanied by a \$50.00 fee to cover the cost of appeal. The board may reverse the decision, or failure to act, of the Code Enforcement Officer only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance or unsupported by weight of the evidence in the record.
- e. Duration of Permit. All building permits shall be void unless there is substantial completion of the project within three (3) years of the date of the permit. Construction authorized by a permit and which is not completed within three (3) years of the effective date of the permit shall not continue until another permit is obtained.
- f. Conditional Use Permit. In cases where the CEO believes that a Conditional Use Permit is required, the CEO shall also provide a copy of his decision to the Planning Board.
- g. Records. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers and the Code Enforcement Officer.
- h. Other Permits. Where plumbing or septic work is required to make a building habitable, no Building Permit shall be issued unless a Plumbing Permit has been previously obtained. All sewerage and water connections and systems must comply with the regulations of the Maine State Plumbing Code.

~~3-Fees.~~ [Fees shall be as described on the Town of Damariscotta Fee Schedule, as may be amended](#)

~~from time to time at Town Meeting. A fee payable to the Town of Damariscotta in accordance with the following shall accompany each application:~~

- ~~a. Commercial or Industrial:
Under 10,000 square feet \$0.30 per square foot
10,001 to 25,000 square feet \$0.15 per square foot
More than 25,000 square feet \$0.10 per square foot~~

- ~~b. Residential \$0.15 per square foot
With a maximum fee of \$250.00~~

- ~~c. Accessory Structure or
Addition (such as deck,
garage, greenhouse, barn, etc. \$0.10 per square foot~~

- ~~d. Swimming Pool, (in ground or
above ground) \$25.00~~

- ~~e. After the fact Permit Fee:~~

~~If work is performed which requires a permit, but the permit is not obtained until after the work has begun, in addition to any other fees and fines, the fees for such after the fact permits shall be two (2) times the regular permit fee or \$100.00, whichever is greater.~~

- ~~f. Variance and Conditional Use Hearing Fee:
For each Variance and Conditional Use hearing required, a fee will be charged to cover administrative and advertising expenses as follows:
 administrative expenses \$50.00
 advertising fee \$30.00~~

~~3. These fees are subject to adjustment as deemed appropriate by the Board of Selectmen after public hearing.~~

4. Proof of Compliance. No building shall be occupied after its construction, reconstruction, enlargement, or relocation in or movement to the Town of Damariscotta until a Certificate of Occupancy has been issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue said Certificate after proper examination shows that all work performed is in compliance with the provisions of all State and Local codes.

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§101.9 APPEALS AND CONDITIONAL USES

A. Authority

1. All Appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer or the Planning Board.

...

§101.12 AMENDMENTS

- 1. All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Damariscotta, by a majority of the governing body.
- 2. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area twice, the date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing, with said published notice including a small map of the area to be affected, as required by 30-A M.R.S.A § 4352(9) as may be amended.
- 4.3. When a proposed change will impact only a specific geographic area within the municipality, mailed notice also shall be made to all property owners impacted by the proposed change. This mailed notice shall follow the procedures required by 30-A M.R.S.A § 4352(10), as may be amended.

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§101.13 EFFECTIVE DATE

The effective date of this Ordinance is 1 April 1998 and revisions as of 2/23/2002, 6/12/2002, 7/10/2002, 12/4/03, 11/10/04, 3/21/06 6/11/08, 1/21/09, 3/18/15, 3/10/15 and June 15, 2016.
 Revised 11/05/2019, effective 01/06/2020 – Medical and Adult-Use Marijuana

§101.14: REPEAL OF EXISTING ORDINANCES:

The enactment of this ordinance hereby amends the Land Use Ordinance of November 16, 2016.

Legislative History:

- Revised 3/23/98
- Revised 2/23/2000: Article 2 - Definition of Light Manufacturing and Article 3. C.2.b Other Commercial (C2)
- Revised June 12, 2002: Wireless Communication
- Revised July 10, 2002
- Revised December 4, 2003: Article 10 – Building Permits, Article 3 – Districts, Article 5 – Commercial Districts, Article 8 – Municipal District; renumbered several sections for clarity. Revised November 10, 2004: Article 9 F (3)
- Revised March 21, 2006: Article 5-Commercial Districts A; B(3)3; C(3); Article 9-General Provisions F(3) a.1.a & b
- Revised June 11, 2008 – Revisions to Board of Appeals: Article 11
- Revised January 21, 2009 – Revisions to Article 6 – Rural district and Article 2 - Definitions
- Revised March 18, 2015-Revisions to -Adult Entertainment, Article 5(C)(2) Conditional Uses, Article 5(C)(3) Standards, Article 12 Adult Entertainment Establishment Definitions and Standards
- Revised June 10, 2015: Art. 3.C.2.b - Change to Comm. C2 boundary near Biscay Rd.
- Revised June 15, 2016: Art. 3.C.2.b – Change from Rural to C2 District, Lots 1/67 & 3/32
- Revised November 16, 2016: Art. 2, 4, 5, 6, 9 – insert Accessory Apartment Ordinance
- Revised November 5, 2019 – effective January 6, 2020 – Medical and Adult-Use Marijuana & edibles
- Revised June 15, 2022: §101.4 Definitions, §101.6.D.1 Update Uses in Land Use Table, Add Formula Businesses, §101.6.D.2 Increase GR and R Residential Density, §101.6.G Expand Provisions for PUDs

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

APPENDIX A

DISTRICT DESCRIPTIONS

1. GENERAL RESIDENTIAL DISTRICT

a. Land South of Business Route One.

Beginning at the intersection of Bristol Road and the town line of Bristol and Damariscotta; thence easterly along the town line 2700 feet; thence North to the Northeast Corner of Lot 14-19 of Map 1; thence westerly along the southerly bound of Lot 19, Map 1 to a point 500 feet east of the center line of Bristol Road; thence northeasterly parallel to the center line of Bristol Road and School Street, 500 feet east of each to a point making the southeast corner of Lot 25, Map 10; thence northwesterly along the easterly line of Lot 25 to a point 500 feet from the center line of Business Route 1; thence westerly parallel to and 500 feet from the center line of Business Route 1 until converging at the southerly corner of Lot 30, Map 9; thence

along the easterly and northerly lines of Lot 31A to the intersection with the westerly line of Lot 31, Map 9; thence northwesterly to the southwest corner of Lot 119, Map 6; thence northerly along the easterly lines of Lots 122, 121, and 120 of Map 6 to the intersection with the center line of Business Route 1; thence northwesterly along Business Route 1 to its intersection with the Bristol Road Extension; thence southwest along the center line of the Bristol Road Extension to the Bristol Road; thence southeasterly along the center line of Bristol Road to the intersection with Cross Street; thence westerly along Cross Street to the northeast corner of Lot 128, Map 6; thence southerly to the southeast corner of Lot 128; thence westerly to the northwest corner of Lot 125; thence southerly to the southeast corner of Lot 134; thence westerly along the northerly bound of Lot 134A to the center line of Water Street; thence northerly along Water Street to the northeast corner of Lot 3, Map 6; thence westerly along the northerly bound of Lot 3 to the shore and water of the Day's Cove; thence following the shore and water of Day's Cove to the southwest corner of Lot 3, Map 9; thence following the northerly, easterly, bounds of Lot 63, Map, the easterly bounds of Lots 29, 30 of Map 11, and the easterly and southerly bound of map 27, Map 11 to the Shore of the Damariscotta River; thence following the shore south to the Bristol Town line; thence easterly to the point of the beginning.

b. Land westerly of Business Route 1.

Beginning at the shore of Cottrell's Cove at the Northeast corner of Lot 41, Map 6; thence southeasterly along the sideline of Lot 41 to the centerline of Elm Street; thence along Elm Street to the Northeast corner of lot 70; thence following the easterly line of Lot 70, and the northerly and easterly lines of Lot 83 to Business Route 1, thence along Business Route 1 to the intersection of Vine Street and Business Route 1; thence easterly along Vine Street to lot 112, Map 6; thence follow the westerly bound of Lot 112 to the Southeast corner of Lot 95; thence to the southwest corner of Lot 94; thence easterly to the southeast corner of Lot 90; thence along the westerly bound of Lot 90 to the centerline of Chapman Street; thence along Chapman Street to the southwest corner of Lot 11 Map 7; thence north along sideline of Lot 11 100 feet; thence easterly to the southeast corner of Lot 18A. Northerly along the East bound of Lot 18A to the

centerline of Church Street; thence easterly along Church Street to the Northeast corner of Lot 13; thence along the west, south and east lines of Lot 16 to the southeast corner of Lot 15; thence easterly along the north bound of Lot 13, crossing School Street and along the south bound of Lot 49, Map 7 to the centerline of the "Creek"; thence south along the stream to the southwest corner of Lot 48; thence following the southerly line of Lot 48 to its intersection with Lot 23, Map 8; thence continuing to a point of intersection with a line 200 feet from and parallel to Business Route 1; thence easterly along this line to its intersection with Lot 21; thence westerly to the centerline of Church Street; thence along Church Street to the southwest corner of Lot 7, map 8; thence along the west line of Lot 7 and across Lot 6 to the intersection of the north line of Lot 6 and 500 feet from the centerline of Business Route 1; thence northerly along this line 500 feet from and parallel to the centerline of said road to Lot 17, Map 3; thence westerly to the shore of the Damariscotta River; thence southerly following the shoreline to the point of beginning.

2. COMMERCIAL

a. Downtown Commercial (C1)

Beginning at the shore of Day's Cove and the north bound of Residential I; thence easterly along the northerly line of Residential I to its intersection with Business Route 1 and Bristol Road; thence to the southwest corner of Lot 84, Map 6; thence along the easterly and northerly lines of Lot 83 and the east line of Lot 70 to the center line of Elm Street; thence west along Elm Street to the southeast corner of Lot 41; thence northerly along the sideline of Lot 41 to Cottrell's Cove; thence westerly along the shore to the point of beginning.

b. Other Commercial (C2)

Beginning at the intersection of Business Route 1 and Main Street; thence northerly along the boundary of the C1 District to the northeast corner of lot 83, Map 6; thence along the western and southern and eastern boundary of General Residential district (west of Business Route 1 to Lot 17, Map 3; thence continuing 500 feet west of Business Route 1 to the intersection with the southerly bound of Lot 32, Map 3; thence westerly along the southern bound of Lot 32, Map 3; thence northerly along the western bound of Lot 32, Map 3 to a point 500 feet south of the centerline of Belvedere Road; thence westerly 500 feet south of the centerline and parallel to Belvedere Road to the intersection with the eastern bound of Lot 33-1, Map 3; thence northerly to a point 500 feet north of Belvedere Road; thence easterly to the intersection with the western bound of Route 1; thence northerly following Route 1 to the intersection with the eastern side of the Mideoast Road; thence following Mideoast Road and the Center Street to the northwest corner of Lot 64E, Map 3; thence easterly to the northeast corner of Lot 64E; thence south to the intersection with lot 64C, thence easterly to a point 500 feet easterly of the centerline of Route 1; thence south following a line 500 feet from the centerline and parallel to Route 1 to its intersection with Business Route 1; thence southerly following a line 500 feet east of and parallel to Business Route 1 to the northerly bound of lot 14, Map 3, thence easterly to the northeast corner of lot 14; thence southerly following the easterly bound of lot 14 to the southwest corner of lot 12B, Map 3; thence easterly in a straight line parallel to the northerly bound of lot 10, Map 3,

crossing lot 7 Map 3 to the northeast corner of Lot 8, Map 3 (which is also the southwestern corner of Lot 12-4 Map 3), thence northerly along the eastern boundary of Lot 7, Map 3 (which is also the western boundary of Lot 12-4 Map 3) to the northeasterly corner of Lot 12-4, thence easterly along the northerly boarder of Lot 12-4, Map 3 to a point about 325 feet to the east, thence southerly along a straight line (approximately parallel to the eastern boundary of Lot 7, Map 3) to the northeastern corner of Lot 8, Map 3 and then following the northerly bound of Lot 7-1, Map 3 to a point 200 feet east of the southwest corner of Lot 9, Map 3; thence southerly to a point 500 feet south of Biscay Road; thence westerly (parallel to and 500 feet from Biscay Road) to the easterly bound of Lot 67, Map 1; thence southerly along the easterly bound of Lot 67, Map 1 to the southerly bound of Lot 67, Map 1; thence westerly along the southerly bound of Lot 67, Map 1 to the center line of Heater Road; thence southerly to the southeast corner of Lot 59, Map 1; thence westerly to the intersection with the point 1000 feet east of Business Route 1; thence southerly following a line 1000 feet east of and parallel to Business Route 1 to the intersection of the general Residential District (south of Business Route 1); thence westerly following the northerly bound of the Residential District to the point of beginning. Also included are the Lots 63, 64, 65 and 66 of map 9 and Lots 27, 29 and 30 of Map 11. Excluded from the C-2 District is the new lot 13A, Map 7 created by the gift of land given to the Town and defined in the new Municipal District.

3. RURAL DISTRICT

Beginning at the westerly shore of Biscay Pond at the Bristol Town line; thence westerly along the town line to a point of intersection with the General Residential District (south of Business Route 1); thence northerly following the boundary of the General Residential District to its intersection with the southerly bound of District C2; Thence along the boundary of C2 north to its northerly terminus; thence westerly and southerly following the westerly boundary of C2 to its intersection with the northerly bound of General Residential District at Lot 17, Map 3; thence westerly to the shore of the Damariscotta River; thence northerly following the shore of the Damariscotta River and Oyster Creek to the intersection with the Nobleboro town line; thence easterly along the town line to its intersection with the shore of Pemaquid Lake; thence southerly following the western shores of Pemaquid Lake and Biscay Pond to the point of beginning.

4. WIRELESS COMMUNICATIONS DISTRICT

Beginning at the intersection of Route 1 and the northerly town line, proceed easterly along the town line a distance of 1000 feet; thence southerly parallel to and 1000 feet from Route 1 to the intersection of the northerly bound of Lot 10, Map 3; thence easterly along the north boundary of the C2 district to its easterly extent; thence southerly to the centerline of Biscay Road; thence westerly along Biscay road to the intersection of Business Route 1; thence north following Business Route 1 and Route 1 to the point of beginning.

5. MUNICIPAL DISTRICT

~~Beginning at the Southeast corner of Lot 13A, Map 7, of the Town Tax Maps, 2003, proceed northerly along the easterly boundary of Lot 13A, Map7, to the northeast corner of the lot, thence westerly along the northerly boundary to the northwest corner of the lot and thence southerly along the west boundary to its intersection with Chapman street, thence easterly to the point of beginning.~~

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Chapter 102

**SITE PLAN REVIEW ORDINANCE
DAMARISCOTTA, MAINE**

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i. §102.2 PURPOSE

Substantial development or major changes in the use of land cause a profound impact on the cost and efficiency of municipal services and on the environment of the town. Such development can have adverse impact on schools, sewers, water lines, and other public utilities; recreational facilities; liquid and solid waste disposal; police and fire protection; open space; road systems and circulation; traffic congestion, safety and access; emergency access; placement of buildings and structures; property values; water supply and quality; management of ~~stormwater~~~~storm-water~~, erosion, and sedimentation; protection of the groundwater; protection of historic and archaeological resources; adverse impacts upon adjacent properties, the visual characteristics of the neighborhood and Town. The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment, wildlife habitat, fisheries, and unique natural areas; and to fit the project harmoniously into the fabric of the community by assuring that the following objectives are accomplished with the least possible regulation:

- A. To minimize impacts caused by nonresidential, multifamily residential, and other developments described in §102.3, in a manner, which assures that adequate provisions are made for all of the concerns, listed above.
- B. To establish a Site Review procedure whereby Town officials will review, depending on the size of the project, new proposals to use land and buildings for uses listed in paragraph A above. The Ordinance also applies to the review of significant expansion, significant front-facing façade renovation or change-of-use in previously approved developments.
- C. To establish a fair and reasonable set of standards for evaluating each development proposal impartially on its own merits;
- D. To provide a Public Hearing process where required by the Ordinance through which town residents may raise questions and receive answers about how new development proposals would affect them;
- E. To suggest ways in which development proposals may be modified so that potential problems and nuisances can be minimized or eliminated;
- F. To exempt conventional lot by lot residential subdivisions already regulated under the town's Subdivision Ordinance, and other residential uses described in §102.3.
- G. To minimize the review process of existing land uses and developments. Replacing structures, significant changes to design or landscape plans are not exempt from this Ordinance (see §102.2.B).
- H. To balance the right of ~~landowners~~~~land-owners~~ to use their land for purposes stated in §102.2(G) above, with the corresponding right of abutting and neighboring ~~landowners~~~~land owners~~ and other citizens of the Town to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or storm-water runoff, or the pollution of ground or surface water resources.
- I. To provide local protection from those particular nuisances which are not governed by State law or regulations;

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J. To protect property values;

K. ~~Comprehensive Plan.~~—To ensure that new development is located and designed in a way as to be consistent with the adopted Damariscotta Comprehensive Plan of the Town of Damariscotta.

ii.

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§102.4 DEFINITIONS

Meaning of Words. All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

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EXPANSION -

1. An increase of the building footprint and/or increase in the height of the structure beyond ~~its present~~its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans With Disabilities Act (ADA) and/or State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

2. Any intensification of use in time, volume or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans With Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

3. (As it applies to telecommunication facilities) - the addition of antennas, towers or other devices to an existing structure.

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SIGNIFICANT TREE – Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

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b. §102.5 PRE-APPLICATION AND APPLICATION PROCEDURES:

A. General Pre-Application: The applicant shall ~~meet with the obtain a Site Plan Application Form with Checklist and Flow Chart (that specifies conditional triggers for the time sequence of the process—Appendix A).~~ Applicant shall fill out Application to the maximum feasible extent and and set a possible meeting date with the Town to review the Site Plan Review application. ~~The project should be reviewed informally with Code Enforcement Officer and Town Planner/Board Chairman (or Planner) to determine if the proposed project will~~

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generally conforms to applicable ordinance requirements.- If the project appears to conform to applicable ordinance requirements, the applicant may request to be placed on the Planning Board's agenda for a Pre-Application Sketch Plan review as described in subsection B below. shall complete a building permit application, provide supporting documents and pay only the Site Plan Application fee and submit it with the Site Plan Review Ordinance application.

~~To be placed on the agenda for Pre Application Sketch plan review, the applicant shall submit those items contact the Town Office at least 10 days prior to meeting. If the agenda for said meeting is full, the Chair of the Planning Board may place the project on the agenda of the next available meeting. Refer to Pre application Procedures below for required documents.~~

To submit an application for review, 10 copies of a completed application and supporting documents and plans (each in a bound, stapled or otherwise attached report) along with the Site Plan Review fee, must be submitted to the town office no later than 15 business days prior to the next regularly scheduled Planning Board meeting. If the agenda for said meeting is full, the project shall be placed on the agenda of the next available meeting.

- B. Pre-Application Procedures: ~~The following procedures and requirements shall apply to all applications for Site Plan Review:~~
1. Prior to submitting an application the applicant may meet informally with the Board at a regular meeting to present a sketch plan, generally discuss the proposal and to obtain guidance in development of the plan and how to ensure it conforms to town ordinances. In order to be placed on the Board's agenda, the applicant must submit the following to the Town Planner at least 10 days in advance of an upcoming meeting: shall be. ~~The sketch plan may be a freehand drawing and will show:~~
 - a. A cover letter describing the proposed project;
 - ~~a.b.~~ The outline of the tract or parcel with estimated dimensions, road rights of way and existing easements;
 - ~~b.c.~~ The proposed layout of the building(s), driveways, and parking areas; identification of general areas of steep slopes, wetlands, streams, and flood plains;
 - ~~e.~~ _____
 - ~~d.~~ Any oOther information pertinent to the project.;
 2. There shall be a presumption of no waivers being allowed to Section 10 of this ordinance concerning submittals. Upon written request by the applicant the Board may allow a waiver(s). The burden of proof is on the applicant to prove why waivers to any standards are needed. Applicants shall provide documentation as to the negative effects of being denied waiver(s).
 - ~~3. The Board shall indicate any additional studies and other approvals from local and regional and State agencies that may be required. Letters from these agencies shall be included as a part of the application and/or review.~~

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34. The Board may, at its discretion, make an inspection of the site prior to submission of the full Site Plan application.

~~5. Within 30 days from submission of a pre-application and sketch plan and following an on-site inspection, if applicable, the Board shall submit in writing to the applicant a checklist of the specific information which shall be included in the formal application to the Board (see Appendix A).~~

Commented [1]: No longer needed as the checklist of what is required is posted to the Town's website, available for applicants to see prior to even submitting a pre-application.

...

E. Submission Requirements (except Wireless Telecommunications facilities): The application shall include ~~10 copies of all of~~ the following:

1. A fully executed and signed copy of the application for site plan review.
2. Evidence of right, title, or interest in the property such as deed, option to purchase, lease, or agreement.
3. A site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards but not at more than 50 feet to the inch for that portion of the total tract of land being proposed for development. At all preliminary and final plan stages in the review process at least two plans must be presented by the applicant on 24x36" sheets hang-able from an easel to facilitate Board review and at the largest scale possible for the size of the sheet, e.g. 20, 30 or 40 feet to the inch but no less than 50 feet to the inch. In addition, applicants may also electronically project their plans visually onto the wall with an image size sufficient for easy interpretation of all details including any wording. The site plan shall show the following:
 - a. Names and addresses of all abutters on the plan and names and addresses of all abutters on a separate listing.
 - b. Sketch map showing general location of the site within the town.
 - c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
 - d. The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to clearly establish, on the ground, all property boundaries.
 - e. Classification(s) of the property and the location of zoning district boundaries as applicable.
 - f. Soil types and location of soil boundaries suitable for waste water disposal as certified by a registered engineer or soil scientist.
 - g. The location of all building setbacks and buffers required by this or other ordinances of the Town of Damariscotta.
 - h. The location, size, and character of all signs and exterior lighting.
 - i. The location of all existing and proposed buildings (including size and height),

driveways, sidewalks, parking spaces and associated structures, snow storage areas, loading areas, open spaces, ~~Significant-large T~~ trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

- j. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
- k. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposed.

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F. Submission Requirements for Wireless Communication Facilities: The application shall include ~~10 copies of all of~~ the following:

- 1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

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G. Notification and Hearing requirements

- 1. The Applicant shall notify all abutting property owners by certified mail, return receipt requested, of all requests for site plan review. If two or more abutters, or 5 residents of the Town, object in writing, and such objection is received by the Board, or postmarked, within 15 days after a public notice of the request for Site Plan Review, the Board shall schedule a public hearing on the proposal. Such hearing shall be scheduled within 30 days of acceptance of an application as complete.
- 2. The Board shall schedule a public hearing and site visit for applications containing one or more buildings with ~~an~~ individual or total footprint of 7,500 sq. or more pursuant to §102.5.G.1. The Board may at its own discretion hold a public hearing and site visit for projects with a smaller footprint than 7,500 sq.ft. The Board shall give written notice of the date, time, and place of such a hearing to the person making the application, and the applicant shall arrange with the ~~Town~~ Office to pay for the cost of publishing such notice. ~~Such~~ notice shall be published by the Board in a newspaper of general circulation in Damariscotta at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing. Written notification by the Board of the hearing shall also be sent to the applicant and adjacent property owners by certified mail, return receipt requested, at least seven (7) days prior to the hearing.
- 3. If other agency permits are required, such as D.O.T. traffic movement permits, with ~~road work~~ roadwork involved, notifications as described in subsection G1 above shall be expanded as follows:
 - a. All property owners and lessees affected by the road modifications shall be notified by publication of intent in a newspaper of general circulation in Damariscotta.
 - b. Copies of the notifications shall be submitted with the application.

H. Board Review

2. Within 45 days of the Board finding the application complete or within 45 days after the conclusion of a public hearing, the Board shall vote to approve, approve with conditions or disapprove the application. This period may be extended by mutual written agreement (such as by being recorded in the Board meeting Minutes).
2. The Board shall inform the applicant in writing of its decision (by a Notice of Decision) on final plan applications within fifteen (15) days of their its action.- The 15 day period may be extended by mutual agreement in writing (email approvals are acceptable) to 30 days for good cause such as, but not limited to, a heavy work schedule by the Town Planner or other staff of the Planning Board.
3. One copy of the approved site plan shall be retained in the Town Office and one copy shall be given to the Code Enforcement Officer.
4. The Board may require the posting, prior to final approval of any plan, of a performance bond, agreement, or letter of credit in such amount as is approved by the Board as being reasonably necessary to insure completion of all improvements required as conditions of approval of such plan, and in such form as approved by the Planning Board and the Selectmen.
5. The Board may attach reasonable conditions to approvals to ensure conformity with the purposes and provisions of this ordinance. The Board may condition final approval on receipt of copies of all state or federal permits required by the project including, but not limited to, Natural Resource Protection Act Permit, Traffic Movement Permit, Site Location of Development Permit and US Army Corps of Engineers permits.
6. If the application concerns property which in whole or part is within any Shoreland Zone, the criteria included in the Shoreland Zoning Ordinance shall be reviewed concurrently with the Site Plan Review.
7. All approvals shall expire within one year of the date of issuance unless work thereunder is substantially commenced within one year from the date of approval. Applicants may request an extension to an approval for up to one year, if received in writing by the Planning Board before the expiration of the original approval. However, if work is not substantially completed within two years from the date of issue of an approval, a new application may be required by the Board.
8. Approvals may be made for site plans designated for construction over two or more phases. The Board may require the applicant to come back before the Board with proof of technical and financial capacity for the Board's approval before the applicant may apply for building permits for constructing each phase. Securing of building permits and work on the designated first phase must commence within one year of the initial approval of the over-all plan. Approval of the first phase may include the Board's requirement to construct some elements of the overall plan such as the overall stormwater management system or the overall parking and internal circulation plan. Building permits and work must commence within two year after the applicant has come back to the Board for approval of the technical and financial capacity of the second or further phases of the site plan.

i.§102.6 PERFORMANCE STANDARDS

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B. Relationship to Environment and Neighboring Buildings

1. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed building.
2. Except in the Downtown Commercial (C1) Area, the following setbacks and buffers from parking/paved areas shall be provided:
 - a. Frontage on Road: For new Construction along the C2 area of Rte. 1B (Upper Main Street), a 50 foot buffer/setback from the property line to parking/paved areas will be maintained. In other districts a 15 foot buffer from the property line to parking/paved areas is required.
 - b. Side and rear lot lines: For developments resulting in more than 50% of the parcel covered in impervious surface and/or with a parcel size greater than 3 acres a 30 foot minimum buffer strip with undisturbed natural vegetation from the property line to any parking/paved areas will be maintained.
3. In the Downtown Commercial (C1) area, the following setbacks for parking areas shall be provided:
 - a. Frontage on road: Setbacks for parking shall be the same as that for structures as required by the Damariscotta Land Use Ordinance.
 - b. Side and rear lot lines: No setbacks are required for parking areas in this district.

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5. The applicant shall demonstrate to the satisfaction of the Board that the proposed lighting is appropriate for the intended use. The Board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination. During nighttime hours when the activity is not occurring, exterior lighting at all commercial and other non-residential properties, as a condition of approval, shall be required by the Board to be turned off to the minimum security level. Some exterior lighting at **residential** properties may be required to be turned down or turned off.

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7. Non-parking lot pathways, sidewalks and trails may be lighted with low mushroom-type standards or bollard type lights 3 feet or less in height.

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G. Access into the Site

Vehicular access to and from the development must be safe and appropriate.

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation (MDOT) standards. Unless otherwise specified by MDOT, the following standards apply:

Posted Speed - Required Sight Distance (1)*	
25 mph	200 ft
30 mph	250 ft
35 mph	305 ft
40 mph	360 ft
45 mph	425 ft

***(1) Sight distance shall be increased by up to 50% if 30% or more of the vehicles using the proposed driveway or street will consist of vehicles larger than pickup trucks**

2. For developments on lots of record (created after the effective date of this Ordinance), the applicant shall meet, to the maximum extent possible, the above MDOT sight-distances. When meeting their MDOT sight-distances adjacent to said lots of record is clearly a hardship, the Planning Board may vary the sight-distance requirements so long as the public safety is substantially served.
3. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. The proposed site layout shall provide for safe access to and egress from public and private roads. Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all structures at all times.

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H. Parking and Circulation

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3. Off-street Surface Parking Lot Placement

- a. In no case shall parking lots be located between the front facade of principal buildings and the primary abutting streets unless the Planning Board and the parking area is screened from view from the frontage street based upon an affirmative showing by the applicant based on clear and convincing evidence in which case the building and parking areas must be screened by appropriate landscaping from the frontage street in a manner agreed to by the applicant and the Town's consultants and planners. Developments consisting of out buildings (defined in §102.7.H.2) (i.e. buildings less than seven thousand, five hundred (7,500) square feet of floor area) and placement of 6 foot walls, singly or together may be used to screen parking areas.
- b. Parking lots shall be set back a minimum of 15 feet from the lot line along non-frontage streets excluding alleys (see §102.6.T Buffer Areas). In the C1 Downtown Commercial District parking lots may be set back 15 feet from non-frontage streets or in accordance with the Land Use Ordinance, whichever is less.

4. Developments containing interior vehicular and pedestrian circulation shall provide layouts that demonstrate safe and efficient movement. The designs will show parking arrangements, flow and separation for vehicles and pedestrians along with designated service/loading areas.
5. Parking areas shall be off street and designed so that vehicles leave the parking area in a forward motion. To minimize the number of entrances ~~onto~~ ~~on to~~ the main travel way, a single combined entrance/ exit is encouraged, while a maximum of 2 separate curb cuts is permitted. For those lots in the C2 District as defined herein, the requirements of this paragraph may be modified to fit the prevailing pattern of development.
6. Parking Lot Lay-out
 - a. Parking lots shall be divided into small areas of no more than 40 parking spaces each by landscaping, such as but not limited to, shade trees, shrubs, and evergreens. For those lots in the C1 District, the Board may consider the Municipal Parking lot when assessing the project's parking requirements. Layout should take into account requirement for on-site snow management and storage.
 - b. Each 40 space (or fraction thereof) parking area shall be landscaped to accommodate both parking and stormwater management needs by incorporating vegetated islands/swales and/or tree box filters as landscaped islands designed to retain stormwater. (see Storm Water Management Section L.) Each of these parking areas shall be landscaped with curbed medians with a minimum curb to curb width of ten (10) feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.
7. The parking spaces provided will meet the needs of the particular use and the following standards shall be used as a guide:
 - a. Access to stalls. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
 - b. Movement to and from spaces. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
 - c. Pedestrian access. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
 - d. Setbacks. See §102.6.B.
 - e. Parking stalls. Parking stalls and aisle layout shall conform to the following standards:

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Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-5"	24'-0"
60°	8'-6"	10'-5"	16'-0"	one-way only
45°	8'	12'-9"	17'-5"	one-way only
30°	8'	17'-0"	12'-0"	one-way only

Parallel	9'	n/a	20'-0"	n/a
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- f. Parking stripes. In paved parking area painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width.
 - g. Directional arrows. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.
 - h. Bumpers. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
 - i. Number required. Off-street parking spaces shall be provided, unless the applicant can demonstrate that another standard is appropriate, to conform to the number required in the following schedule (s.f. = square feet; du = dwelling unit):

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<u>Use</u>	<u>Spaces Required</u>
<u>Light industrial</u>	<u>1.5/1000 s.f.</u>
<u>Industrial park</u>	<u>1.5/1000 s.f.</u>
<u>Manufacturing</u>	<u>1.5/1000 s.f.</u>
<u>Warehousing</u>	<u>1.5/1000 s.f.</u>
<u>Residential</u>	<u>2/du</u>
<u>Apartments, condominiums</u>	<u>2/du</u>
<u>Senior citizen multi-family</u>	<u>1/du</u>
<u>Hotel/Motel/Inn</u>	<u>1/rm</u>
<u>Bed and breakfast</u>	<u>1/guest room</u>
<u>Club, lodge</u>	<u>1/every 2 persons allowed, based on maximum legal capacity</u>
<u>Hospital/medical facility</u>	<u>1/3 beds and 1 per 2 employees per shift</u>
<u>Art gallery, museum, library</u>	<u>6.5/1,000 s.f.</u>
<u>School, primary</u>	<u>1.5 per classroom</u>
<u>School, secondary</u>	<u>8 per classroom</u>
<u>School, post-secondary</u>	<u>1 per student and 1 per faculty & staff member</u>
<u>Theater, auditorium, assembly</u>	<u>1/every 3 seats based on maximum legal capacity</u>
<u>Marina</u>	<u>1/every 2 berths</u>
<u>Sports club, health spa</u>	<u>5/1000 s.f.</u>
<u>Church</u>	<u>1/every 2 seats</u>

Nursing Home	1/every 3 rooms
Medical, dental office	4/1000 s.f.
General offices	3/1000 s.f.
Governmental offices	4/1000 s.f.
Retail store	4/1000 s.f.
Home improvement, hardware	3/1000 s.f.
Shopping center	4/1000 s.f.
Restaurant	9/1000 s.f. or 1/every 3 seats
Fast food restaurant	14/1000 s.f. or 1/every 2 seats
Bank	4/1000 s.f.
Services	4/1000 s.f.
Child care	1/every 4 children licensed to care
Auto, truck repair	5/service bay
Funeral home	1/100 s.f.
Campgrounds	1/campsite
Barber, beauty shop	3/chair
Car, truck dealers	5 plus 1/3000 s.f. indoor or outdoor display
Convenience store	4/1000 s.f.
Convenience store with pumps	4/1000 s.f.; one-half of service spaces at the gas pumps may be applied to meet not more than one-half of total parking required
All other uses	Sufficient spaces to accommodate the normal parking demand as determined by the Planning Board

1. Light industrial	1.5/1000 s.f.
2. Industrial park	1.5/1000 s.f.
3. Manufacturing	1.5/1000 s.f.
4. Warehousing	1.5/1000 s.f.
5. Residential	2/du
6. Apartments, condominiums	2/du
7. Senior citizen multi-family	1/du

8. Hotel/Motel/Inn	1/rm
9. Bed and breakfast	1/guest room
10. Club, lodge	½ persons based on maximum legal capacity
11. Hospital/medical facility	1/3 beds and 1 per 2 employees per shift
12. Art gallery, museum, library	6.5/1,000 s.f.
13. School, primary	1.5 per classroom
14. School, secondary	8 per classroom
15. School, post-secondary	1 per student and 1 per faculty & staff member
16. Theater, auditorium, assembly	1/3 seats based on maximum legal capacity
17. Marina	½ berths
18. Sports club, health spa	5/1000 s.f.
19. Church	½ seats
20. Nursing home	1/3 rooms
21. Medical, dental office	4/1000 s.f.
22. General offices	3/1000 s.f.
23. Governmental offices	4/1000 s.f.
24. Retail store	4/1000 s.f.
25. Home improvement, hardware	3/1000 s.f.
26. Shopping center	4/1000 s.f.
27. Restaurant	9/1000 s.f. or 1/3 seats
28. Fast food restaurant	14/1000 s.f. or ½ seats
29. Bank	4/1000 s.f.
30. Services	4/1000 s.f.
31. Child care	¼ children licensed for care
32. Auto, truck repair	5/service bay
33. Funeral home	1/100 s.f.
34. Campgrounds	1/campsite
35. Barber, beauty shop	3/chair
36. Car, truck dealers (see also 32)	5 plus 1/3000 s.f. indoor or outdoor display
37. Convenience store	4/1000 s.f.
38. Convenience store with pumps	4/1000 s.f.; one half of service spaces at the gas pumps may be applied to meet not more than one half of total parking required
39. Other uses	sufficient spaces to accommodate the normal parking demand as determined by the Plan. Board

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Q. Filling and Excavation

Excavations of sand & gravel, borrow, clay, topsoil, silt or rock that are not incidental to a development approved by the Planning Board and which exceed 1 (one) acre in area shall conform to the following performance standards. The Planning Board may approve modifications to these standards if such modifications have been approved by the Department of Environmental Protection. Where the project schedule for excavation that is incidental to a development approved by the Planning Board will exceed two years, such excavation shall default to comply with this section.

1. The following minimum setbacks from the excavation must be maintained. Such setbacks shall be maintained as a natural buffer. Existing vegetation cannot be removed. If existing vegetation has ~~previously been removed~~~~previously removed~~, it must be replaced in conformance with a plan approved by the Planning Board. A buffer strip is not required between excavations owned by abutting property owners with abutters' written permission.

Point-driven or dug well in existence prior to the excavation	200 feet
Drilled well into bedrock in existence prior to the excavation	100 feet
Public drinking water source serving 500 persons or less	300 feet
Public drinking water source serving 501-1,000 persons	500 feet
Public drinking water source serving over 1,000 persons	1,000 feet
Great pond or river	100 feet
All other water bodies	75 feet
Public road unless reduced by agreement with authority to grant such reduction	100 feet (topsoil 25 feet)
Private road unless reduced by agreement with legal users of such road	75 feet
Public right-of-way not containing a road	50 feet
Property boundary	50 feet (topsoil 25 feet)

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V. Building Appearance

The following standards shall apply to all buildings less than the size standard for large-scale development. Buildings required to meet the standards for large scale development (7,500 square feet and larger) shall comply with those standards contained in Section 12 of this ordinance.

1. The building's architecture (e.g. buildings of less than 7,500 square feet of gross floor area) shall reflect traditional New England building forms including, but not limited to, hipped and gabled roofs, dormers, windows (rather than plate glass) and clapboard, shingle or brick siding. Freestanding accessory structures, such as ATMs, gas pump canopies, sheds or drive-thrus (so called), etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site. **Waivers of these requirements are not permitted and all proposals coming before the Planning Board must meet these requirements to be considered for Approval.**

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2. Pitched roofs with a minimum pitch of 5/12 ~~are required~~^{are be required} by the Planning Board to complement existing abutting buildings or otherwise maintain a particular ~~aesthetic objective.~~
3. Building facade colors shall be non-reflective, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature colors of black, but such colors shall be muted, not metallic, not fluorescent and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage.

§102.7 LARGE-SCALE DEVELOPMENT

In addition to the standards of §102.6, the following standards apply to larger non-residential buildings or structures, as well as multi-family dwellings. These standards shall apply when the total floor area of all buildings (including connected buildings or accessory buildings and structures) is greater than or equal to 7,500 square feet. ~~and multi-family dwellings, including connected buildings, accessory buildings and structures, on site plans with the building or connected/associated buildings being 7,500 square feet or more of total floor area.~~ The following standards are to be used by the Board in reviewing applications for site plan review. After the effective date of this Section, additions to a building (as defined herein) that exceeds the 7,500 square foot threshold, either individually or cumulatively, shall meet the following standards for large-scale development. The Board may modify or waive specific performance standards for such additions if it finds that, due to the design, location, function or layout of the principal structure, the application of specific performance standards is impractical or inappropriate.

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B. Outdoor Sales.

Additional standards are applicable to large-scale development consisting of retail establishments greater than seven thousand and five hundred (7,500) square feet of floor area.

1. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping, be counted as part of the minimum 7,500 square feet (or maximum of 35,000 square feet) of floor area and shall be permanently defined and screened with walls, roofs and shall conform to those compatible predominant materials and colors used on the rest of the building.
2. Outdoor sales areas not counted toward minimum 7,500 square feet (or maximum 35,000 square feet) of floor area at commercial buildings include the location, storage and display of such hardscape or softscape landscaping, nursery, gardening or agricultural products such as, but not limited to, cement or brick pavers, outdoor pottery, outdoor furniture or plants, mulch, fertilizer or sand bags. Except for such agricultural, gardening, landscaping, nursery and similar products normally stored outdoors, the outdoor storage of products for retail sale is prohibited in an area where customers are not permitted unless such area is visually buffered from adjacent streets and abutting developed properties. This prohibition includes outdoor storage sheds and containers. There may, however, be outdoor storage of such things, but not limited to, excess stock

of products normally found outdoors such as patio furniture, if properly visually screened and for display purposes only.

3. Outdoor sales areas must be clearly depicted on the site plan. They must ~~be outside~~be at outside the buffer/setback requirements of Town Ordinances.

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D. Bicycles and Pedestrian Facilities

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5. The development shall provide exterior pedestrian furniture in appropriate locations at the rate of one seat for every five thousand (5,000) square feet of gross floor area and ~~secure bicycle~~secure, bicycle parking at the ~~rate of at least~~rate of at least three bicycle rack spaces for every fifty (50) vehicle parking spaces.

E. Landscaping

1. **The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings.** At least 75 % of all vegetation shall be native species. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. (See Appendix ~~AB~~AB - Native Tree & Shrubbery Species List). The applicant shall replace within thirty (30) days, or as seasonally required by the species, any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the Planning Board that the site conditions require an alternative species of comparable size. Landscaping as depicted on the site plan is considered an integral component of the approved development. Should any portion of the landscaping that dies, is removed or otherwise requires replacement, is not replaced within thirty (30) days, or as seasonally required by the species, it shall be considered a violation of the approval granted by the Board pursuant to §102.5.H and shall be subject to the enforcement provisions of §102.14.
2. A minimum of thirty (30) percent of the building's total foundation, including a minimum of fifty (50) percent along the building's façade facing a public street, shall be planted with landscaping, based on proper planting conditions, consisting of trees at least 2" in diameter appropriate to USDA Plant Hardiness Zone 5 and placed into soil that would allow long-term growth and survival. Add adequate coverage by shrubbery to visually screen the base (foundation) of the building(s). At a minimum, planted shrubbery shall be ~~eighteen inches~~eighteen inches (18) in height. Landscaping shall ~~include areas near entrances and facades facing public streets as well as in parking areas.~~ include areas near entrances and facades facing public streets as well as in parking areas. If the building will be located in a ~~C1~~C1 village area and there will be no setback between it and a public sidewalk or street right-of-way, landscaping along the building's front façade is not required.
3. Parking islands shall be landscaped in conformance to Subsection 2 above §102.6.H.
4. Buffer strip landscaping shall consist of trees, based on proper planting conditions, at least 2" in diameter and placed into soil that would allow long-term growth and survival and in

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sufficient ~~numbers~~number to form a visual barrier consisting of understory, trees, evergreen or deciduous shrubs and evergreen trees. These shall be planted along and within a minimum thirty (30) foot ~~(or 15 foot as appropriate)~~ deep green buffer strip adjacent to all public and private streets and drives including parking lot connections, circulation drives (including those adjacent to buildings) and loading areas. If the building(s) will be located in a C1 village area and there will be no setback between it and a public sidewalk or street right-of-way, landscaping adjacent to the public sidewalk or street right-of-way is not required.

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F. Screening

1. Ground and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from on-site and off-site ground level views with materials identical to those on building exteriors.
2. All trash collection areas that are not within an enclosed building or underground, must be screened or recessed so that they are not visible from public sidewalks, internal pedestrian walkways or adjacent residential properties and at least 50 feet from any lot line. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
3. Roof-top equipment must be screened by parapets, upper stories or exterior walls from viewing from public streets within one-thousand (1,000) feet. Roof-top solar panels or ~~wind power~~windpower generators shall be screened only to the extent that their function is not compromised.
4. Gates and fencing may be used for security and access. Chain link, wire mesh or wood slat fencing are acceptable for security purposes. Such security fencing, however, does not satisfy buffering or screening requirements of this Ordinance.
5. Loading docks must be screened from surrounding roads and developed properties by walls matching the building's exterior or by fully opaque landscaping.

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H. Additional Standards for Large Scale Developments with buildings 20,000 square feet or greater in total floor area. These standards are intended to ensure that the buildings are not prominently visible from roads unless they are sited close to the road in a manner similar to traditional village commercial development.

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3. Community Impacts

The Planning Board shall require an economic and fiscal impact analysis for a proposed large-scale development. The applicant shall provide adequate funding to the Town to retain a consultant of the Town's choice with appropriate experience to [provide a peer review of the submitted analysis, if a peer review is determined to be necessary by the](#)

Planning Board, complete and present such analysis.

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iii. §103.12 AMENDMENTS

- A. All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Damariscotta, by a majority of the governing body.
- B. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area twice, the date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing, with said published notice including a small map of the area to be affected, as required by 30-A M.R.S.A § 4352(9) as may be amended.
- C. When a proposed change will impact only a specific geographic area within the municipality, mailed notice also shall be made to all property owners impacted by the proposed change. This mailed notice shall follow the procedures required by 30-A M.R.S.A § 4352(10) as may be amended. ~~This Ordinance may only be amended by majority vote at any regular or special town meeting of Damariscotta. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area as required by 30-A M.R.S.A § 4352(9) and (10).~~

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APPENDIX A

SITE PLAN REVIEW PROCEDURAL FLOW CHART AND TIME LINE

FLOW CHART

This Flow Chart outlines the major steps an applicant must take in seeking a site plan permit (documented by a Notice of Decision and a Board signed site plan). This chart is informational only. For the full description of the application process see §102.5 PRE APPLICATION and APPLICATION PROCEDURES.

1. ~~Before or after a pre-application meeting, prospective applicants can come to a Planning Board meeting informally (not on the Agenda) to ask questions of the Board. Board cannot make decisions, just answer questions. (§102.5.B.1)~~
2. ~~Pre-Application Meeting: with Planner and/or other town staff to review ordinance(s), procedure list and checklist for applicant to be informed on the forms and fees needing submittal and on what is likely to constitute a complete application for the proposal. (§102.5.A)~~
3. ~~Pre-Application Sketch Plan Review: at a Planning Board meeting applicant reviews the submission requirements with the Board (using the checklist). These include a sketch site plan and any waiver requests for not submitting some documents in section 10.E or F for good cause. The Board must vote to approve or not any waiver requests. The Board may require studies or permits from state or federal agencies. The Board may require either and/or a site visit or public hearing at this pre-application stage. The Board completes the submissions checklist for the submittals required for the plan to be declared a complete application. (§102.5.B)~~
4. ~~Complete Application: Planner, CEO or other town staff may be requested to provide the Board with studies or other reports deemed necessary for a thorough review of an application (e.g. dimensional requirements in the Land Use Ordinance). For complex aspects of an application the Board may determine to hire expert review (e.g. stormwater management) by a consultant paid from an escrow account set up by the applicant. (§102.5.C & D)~~

~~In addition to a full site plan map, a Complete Application applicant may be required to demonstrate financial and technical capacity to complete the plan as proposed, provide letters from local (e.g. Fire Chief), state and federal agencies on safety, environmental or historic aspects of the proposed plan. (§102.5.E)~~
5. ~~Performance Standards: Proposed developments shall meet all the performance standards of Section 11. For applicants seeking any waivers from any performance standards, two plans shall be submitted. The first is a plan that meets all the standards. The second would show the proposed waived standards accompanied by a written narrative on how the proposed waiver would still meet the intent of the ordinance. The Board shall vote on approval or not of any waiver requests. (§102.6)~~

~~Plans with floor area of more than 7,500 sq. ft. or facades of 50 feet or more, may have to meet additional performance standards in Section 12. (§102.6)~~

~~6. Notification and Public Hearing: The applicant notifies by certified mail all abutters of the date of their appearance on the agenda at a Planning Board meeting. If two or more abutters or five town residents object in writing, the Board shall hold a public hearing. The Board on its own may decide to hold a public hearing with advertising expenses borne by the applicant. (§102.5.G.1&2)~~

~~—The Board is required to hold one or more public hearings or site visits for all site plans with building footprints in the aggregate of 7,500 sq. ft. or more before the application can be declared complete (§102.5.H.1)~~

~~—For applications with less than 7,500 sq. ft. footprint that the Board determines do not need a public hearing or site visit, may then be voted by the Board to be Final Plans. Then the Board would vote to approve, approve with conditions or deny. (§102.5.H.1)~~

~~7. Final Action by the Board: Within 45 days after an application is voted by the Board to be complete or within 45 days of the completion of a public hearing, the Board votes to approve, approve with conditions or disapprove the application. The 45 day period may be mutually extended by the applicant and the Board. (§102.5.H.1)~~

~~—The Board may require before final approval, the posting of a bond or other surety to insure completion of (public) improvements in the plan.~~

~~—The Board may attach reasonable conditions of approval to assure compliance with the Performance standards or to receive required studies, permits or recommendations from local, state or federal authorities~~

~~—When all the review deemed by the Board to be completed, the Board votes on it as a Final Plan to approve, approve with conditions or deny.~~

~~8. Documentation: The Board will sign two paper copies the final plan it has approved with the date of its approval: one for the applicant, one for the Town (Planning) office (§102.5.H.3). The applicant is requested to provide an electronic copy of its approved final plan via email attachment to the Town Planner for record keeping and for use by the Town Assessor for tax purposes.~~

~~—The Board will notify the applicant of its decision by a written Notice of Decision within 15 days after its action or extended to 30 days by mutual consent between the two. (§102.5.H.2).~~

~~—Approved ‘multifamily dwelling’ site plans containing three or more ‘condominium’ dwellings’, i.e. individually owned dwellings on a communally owned lot, may need to be filed, similar to a subdivision plan, in the LCRD. Multifamily site plans with leased dwellings may not need filing in the LCRD. (MSRA 30-A §4401.4.G)~~

TIME LINE

~~§102.5.A: **Pre Application**— Placement on PB Agenda for a Sketch plan review— applicant contact TP (Town Planner) at least 10 days prior.~~

~~§102.5.B.5: By 30 days after receiving a sketch plan and a site visit if applicable, PB (TP) submits a written checklist of required submittals (listed in §102.5.E).~~

~~§102.5.A: **Application**— submittal by applicant for formal review— applicant submit 10 copies of completed application plus site plan fee at least 15 business days prior to PB meeting.~~

~~§102.5.G.1: Before an applicant is place on a PB Agenda, applicant must notify all abutters by certified mail (not stated but may be assumed by 7 days before the PB meeting).~~

~~§102.5.G.1: If two or more abutters or 5 residents object to application within 15 days after public notice of request for site plan review (assume it means posted in LCN or Town Hall) then a public hearing is required within 30 days after the application is deemed **complete**.~~

~~§102.5.G.2: After the date the PB votes an application as **complete**, a public hearing required either by 10.G.1 or chosen by PB, must take place within 30 days. Notice of public hearing published by PB in newspaper at least 7 days prior and then 2nd time. Notice of public hearing sent to abutters and applicant at least 7 days prior.~~

~~§102.5.H.1: Within 45 days of PB voting the application complete or within 45 days of the conclusion of a public hearing, the Board votes to approve, approve with conditions or disapprove the **application**. Timeline may be extended by mutual consent of Applicant and PB.~~

~~§102.5.H.1: All applications consisting of 7500 sf+ in building footprints must have a public hearing & site visit before being declared a **Final Plan**. 45 day period does not start until after the public hearing. Timeline before voting may be extended by mutual consent of Applicant and PB.~~

~~§102.5.H.2: After voting on a **Final Plan** for either approval, approval with conditions or denial, PB has 15 days to deliver NOD (Notice of Decision) to applicant. Period may be extended to 30 days by mutual consent.~~

APPENDIX AB

NATIVE TREE AND SHUBBERY SPECIES LIST

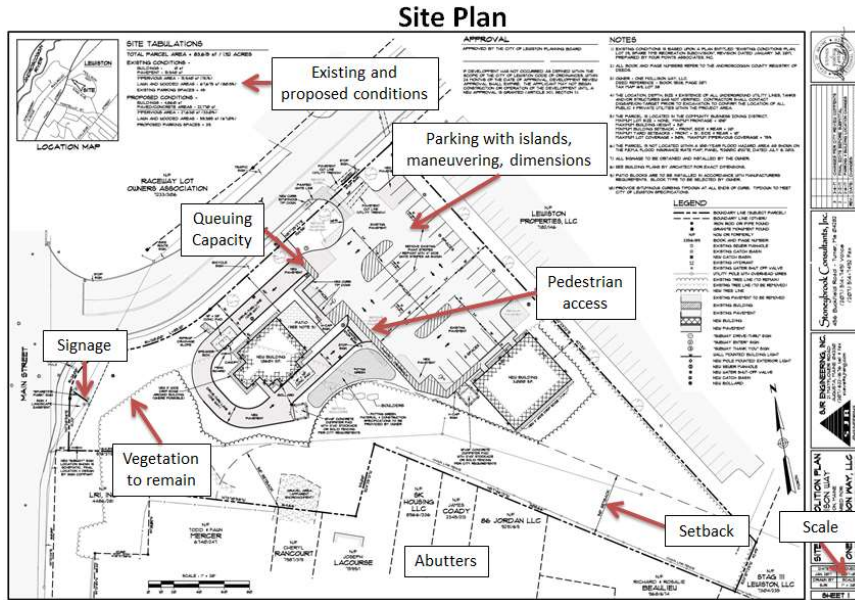
Recommended Tree & Shrub Species List								
Where a tree is designated as a park tree it is done so because of its size or its intolerance to such things as salt or pollution. If a tree of this type is used as a street tree, make certain it is used on the side of the street opposite the utilities and set back from the road.								
The trees are listed by common and scientific names including cultivars where appropriate. The suggested cultivars noted are recommended over the parent stock. The mature height and spread figures are accurate where the tree is growing on a favorable site.								
DECIDUOUS								
"S" Street	Throughfare	Scientific Name	Common Name	Native	Suggested cultivars	Mature Height	Crown Spread	Recommended Root Growth Space WxVxD
"P" Park	Type/Crown Shape							
S	Oval/Rounded	<i>Acer rubrum</i>	Red Maple	Native	'Red Sunset'	60	60	30x30x3
P	Oval/Rounded	<i>Acer saccharum</i>	Sugar Maple	Native		80	60	38x38x3
P	Spreading	<i>Amelanchier canadensis</i>	Shadblow Serviceberry	Native		20	25	15x15x3
P	Floundered	<i>Betula alleghaniensis</i>	Yellow Birch	Native		50	35	25x25x3
P	Spreading	<i>Betula lenta</i>	Sweet Birch	Native		65	40	25x25x3
P	Floundered	<i>Betula nigra</i>	River Birch	Native		70	40	25x25x3
P/S	Floundered	<i>Carpinus caroliniana</i>	American Hornbeam	Native		35	25	15x15x3
P	Rounded	<i>Cladostis lutea</i>	American Yellowwood	Native		60	60	30x30x3
P/S	Spreading	<i>Cornus racemosa</i>	Gray Dogwood	Native		15	15	10x10x3
S	Rounded	<i>Cataegus phaeopogonum</i>	Washington Hawthorn	Native	'Fastigiata' CAUTION - THORNS	30	20	10x10x3
P	Rounded	<i>Fagus grandifolia</i>	American Beech	Native		75	75	25x25x3
P	Oval	<i>Gymnocladus dioica</i>	Kentucky Coffeetree	Native		75	55	25x25x3
P	Conical	<i>Larix laricina</i>	American Larch	Native		75	30	15x15x3
P	Oval/Rounded	<i>Loniciderdon tulipifera</i>	Tulip Tree	Native		90	50	20x20x3
P/S	Floundered	<i>Magnolia acuminata</i>	Cucumber Magnolia	Native		65	35	25x25x3
P	Conical/Rounded	<i>Nyssa sylvatica</i>	Sour Gum, Tupelo	Native		60	35	15x15x3
P/S	Rounded	<i>Ostrya virginiana</i>	American Hophornbeam	Native		40	25	10x10x3
P	Rounded	<i>Platanus occidentalis</i>	American Sycamore	Native		100	75	30x30x3
P/S	Oval/Rounded	<i>Quercus alba</i>	White Oak	Native		55	45	25x25x3
P/S	Oval/Rounded	<i>Quercus bicolor</i>	Swamp White Oak	Native		55	45	23x23x3
P/S	Spreading	<i>Quercus coccinea</i>	Scarlet Oak	Native		70	50	25x25x3
P/S	Rounded	<i>Quercus imbricaria</i>	Shingle Oak	Native		65	65	25x25x3
P/S	Conical	<i>Quercus palustris</i>	Pin Oak	Native		70	40	18x18x3
P/S	Floundered	<i>Quercus rubra</i>	Red Oak	Native		70	75	30x30x3
P/S	Oval/Rounded	<i>Scotus americana</i>	American Mountain Ash	Native		30	30	5x5x3
EVERGREEN								
Type	Form	Species	Common Name	Native	Remarks	Mature Height	Crown Spread	Recommended Root Growth Space WxVxD
"P" Park	Type/Crown Shape	Scientific Name						
P	Conical	<i>Abies concolor</i>	Concolor Fir	Native		75	50	15x15x3
P	Conical	<i>Abies fraseri</i>	Fraser Fir	Native		50	30	15x15x3
P	Columnar	<i>Chamaecyparis thyoides</i>	Atlantic Whitecedar	Native		40	20	10x10x3
P	Columnar	<i>Juniperus virginiana</i>	Eastern Redcedar	Native		40	20	10x10x3
P	Oval	<i>Pinus resinosa</i>	Red/Longleaf Pine	Native		75	40	18x18x3
P	Spreading	<i>Pinus strobus</i>	Eastern White Pine	Native		75	55	20x20x3
P	Columnar	<i>Taxia occidentalis</i>	American Arborvitae	Native		50	20	7.5x7.5x3
P	Conical	<i>Taxus caroliniana</i>	Carolina Hemlock	Native		60	30	18x18x3
<p><i>References:</i></p> <p><i>Dirr's Hardy Trees and Shrubs, An Illustrated Encyclopedia</i>, Michael A. Dirr</p> <p>Lincoln County Co-Operative Extension, University of Maine, Elizabeth Staley, Horticulturalist</p> <p>Maine Community Forestry Council Recommended Tree Species List for Street and Park Trees. Maine Forest Service, 1988</p> <p><i>Abundant Woods Landscapes Photos</i>, Michael A. Dirr</p> <p><i>Selecting Trees for Urban Landscapes: Ecosystems, Hardy Species for Northern New England Communities</i></p> <p>NH Dept. of Resources and Economic Development, Division of Forests and Lands, 1994</p> <p>List Compiled by Laurie Green, MCLD, April 2011</p>								
Definition of		<p>Native Species: A plant occurring within local jurisdictional boundaries prior to foreign contact, according to the best scientific and historical documentation. This includes species that are considered indigenous, occurring in natural associations with habitats that existed prior to significant anthropogenic impacts and alteration to the landscape.</p> <p>*Native is defined with parameters of time and geography. A Native species is one that existed, without human involvement, in North America (and specifically in this case to Maine) prior to European settlement, with proven adaptability to Maine climate and soil conditions in the past few thousand years.</p>						

Native* Shrubs	
Aronia melanocarpa	Black Chokeberry
Clethra alnifolia	Summersweet
Cornus sericea	Redoiser Dogwood
Corylus americana	American Filbert
Hamelis virginiana	Common Witchazel
Ilex verticillata	Winterberry
Juniperus Bar Harbor'	Bar Harbor Juniper
Juniperus communis	Common Juniper
Kalmia latifolia	Mountain Laurel
Myrica pennsylvanica	Northern Bayberry
Symphoricarpos alba	Common Snowberry

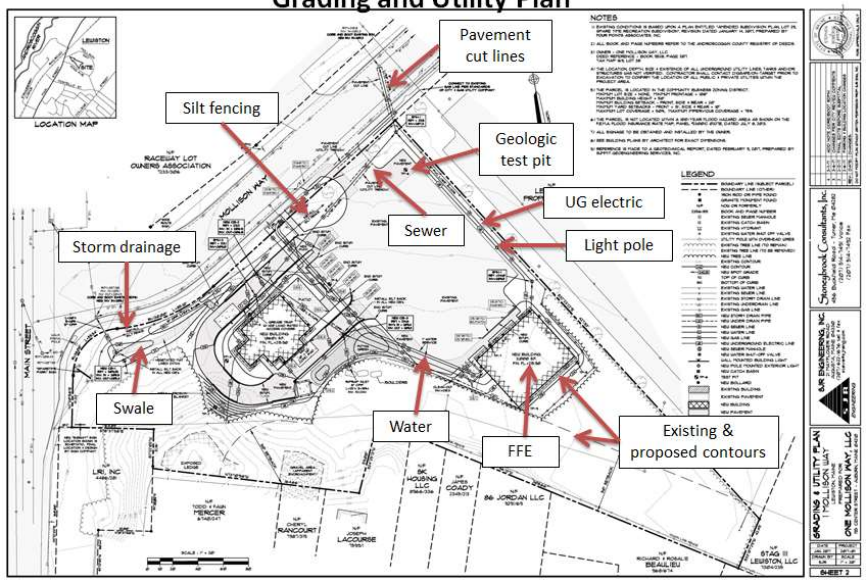
*Native is defined with parameters of time and geography. A Native species is one that existed, without human involvement, in North America (and specifically in this case to Maine) prior to European settlement, with proven adaptability to Maine climate and soil conditions in the past few thousand years.

Other Recommended Trees									
"S" Street "P" Park	Form	Species				Remarks	Physical Characteristics		Recommended Root Growth Space
	Throughfare Type/Crown Shape	Scientific Name	Common Name	Native	Suggested cultivars	Mature Height	Crown Spread	WxWxD	
		DECIDUOUS							
S	Rounded	<i>Acer campestre</i>	Hedge Maple		'Queen Elizabeth'	45	30	12x12x3	
S	Rounded	<i>Acer ginnala</i>	Amur Maple			18	18	10x10x3	
S	Spreading	<i>Amelanchier x grandiflora</i>	Apple Serviceberry			15	12	7.5x7.5x3	
PS	Oval/Rounded	<i>Cercidiphyllum japonicum</i>	Katsura			60	40	25x25x3	
PS	Oval	<i>Corylus colurna</i>	Turkish Filbert			50	25	18x18x3	
P	Rounded	<i>Fagus sylvatica</i>	European Beech			70	50	23x23x3	
PS	Oval	<i>Ginkgo biloba</i>	Maidenhair Tree		'Autumn Gold'	60	30	20x20x3	
P	Conical	<i>Larix decidua</i>	European Larch			75	30	20x20x3	
P	Oval	<i>Larix kaempferi</i>	Japanese Larch			75	35	20x20x3	
S	Rounded	<i>Maackia amurensis</i>	Amur Maackia		'Beurgenii'	45	45	15x15x3	
S	Oval/Rounded	<i>Magnolia stellata</i>	Star Magnolia			20	15	7.5x7.5x3	
PS	Varied	<i>Malus spp. Many cultivars</i>	Flowering Crabapple		Select disease resi	10-35	10-35	5x5x3	
PS	Spreading	<i>Malus floribunda</i>	Japanese Crabapple		Select disease resi	45	25	7.5x7.5x3	
PS	Spreading	<i>Phellodendron amurense</i>	Amur Corktree		'Macho'	55	55	15x15x3	
PS	Rounded	<i>Prunus maackii</i>	Amur Chokecherry			40	35	10x10x3	
S	Oval/Rounded	<i>Prunus sargentii</i>	Sargent Cherry			25	10	18x18x3	
PS	Oval/Rounded	<i>Sorbus alnifolia</i>	European Mountain Ash			30	30	18x18x3	
S	Oval/Rounded	<i>Syringa pekinensis</i>	Pekin Lilac			25	20	23x23x3	
S	Oval/Rounded	<i>Syringa reticulata</i>	Japanese Tree Lilac		'Ivory Silk'	30	20	10x10x3	
PS	Vase	<i>Ulmus americana x</i>	American Elm		'Princeton'	75	40	18x18x3	
PS	Oval	<i>Ulmus americana x</i>	American Elm		'Valley Forge'	50	40	18x18x3	
Type	Form	Species				Remarks	Physical Characteristics		Recommended Root Growth Space
"P" Park	Throughfare Type/Crown Shape	Scientific Name	Common Name	Native	Suggested cultivars	Mature Height	Crown Spread		
		EVERGREEN							
P	Conical	<i>Picea abies</i>	Norway Spruce			75	55	19x19x3	
P	Conical	<i>Picea glauca</i>	White Spruce			50	30	13x13x3	
P	Conical	<i>Picea omorika</i>	Serbian Spruce			50	25	7.5x7.5x3	
P	Columnar	<i>Pinus cembra</i>	Swiss Stone Pine			50	20	7.5x7.5x3	
P	Spreading	<i>Pinus densiflora</i>	Japanese Red Pine			50	50	20x20x3	
P	Conical/Spreadi	<i>Pinus koraiensis</i>	Korean Pine			35	30	7.5x7.5x3	
References:									
<i>Dirr's Hardy Trees and Shrubs. An Illustrated Encyclopedia</i> Michael A. Dirr									
Lincoln County Co-Operative Extension, University of Maine, Elizabeth Stanley, Horticulturalist									
Maine Community Forestry Council Recommended Tree Species List for Street and Park Trees. Maine Forest Service, 1998									
<i>Manual of Woody Landscape Plants</i> Michael A. Dirr									
<i>Selecting Trees for Urban Landscape Ecosystems: Hardy Species for Northern New England Communities</i>									
NH Dept. of Resources and Economic Development, Division of Forests and Lands, 1994									
List Compiled by Laurie Green, MCLD. April 2011									

MODEL SITE PLAN



Grading and Utility Plan



Chapter 103

**SUBDIVISION ORDINANCE
DAMARISCOTTA, MAINE**

(Notes and Explanations)

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Revised and replaced June 12, 2019
Amended June 11, 2014
Effective Date: May 27, 1989

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

§103.1 AUTHORITY

A. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.

B. This Ordinance shall be known and may be cited as "**Subdivision Ordinance of the Town of Damariscotta, Maine.**"

§103.2 PURPOSE

The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Damariscotta, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria:

•••

J. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's ~~phosphorus~~~~phosphoreous~~ concentration during the construction phase and life of the proposed subdivision;

K. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion ~~or be unsafe~~~~or unsafe~~ with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

•••

§103.4 DEFINITIONS

In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

•••

Significant Tree - Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

•••

§103.5 PREAPPLICATION AND APPLICATION PROCEDURES

(This ordinance envisions a three-step process – preapplication, or sketch plan, preliminary plan and final plan. Most of the work is done in the preliminary plan phase with the final plan being little more than a final review and signature.)

A. **Preapplication Procedure for Major and Minor Subdivisions**

Commented [1]: The 30 inches number is what is recommended by the International Society of Arboriculture.

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1. The subdivider shall submit for informal discussion a Sketch Plan (as further described in subsection B1 below) and any other data relative to the proposed subdivision, which may be of assistance to the Board in making its determination.

2. The Sketch Plan shall be submitted to the Town Planner Board at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. If the agenda for said meeting is full, the Sketch Plan will be placed on the agenda for the next regularly scheduled meeting. Ten (10) copies of the sketch plan shall be submitted.

3. At said meeting, the Planning Board and the subdivider shall arrange for a joint inspection of the site with the Board. Said joint inspection shall be posted on an agenda and made available in the same way that agendas of regular Planning Board meetings are.

(This is important for any size subdivision and it needs to be attended by all Board members if possible. The site visit cannot be delegated to a subcommittee of the Board.)

4. Within fifteen (15) days after the site inspection, the Town Planner shall communicate in writing minutes of the Preapplication meeting and site walk, which shall be intended to guide the applicant through their subsequent submissions. Feedback provided by the Board at this time is non-binding. preliminary inspection, the Board shall inform the subdivider in writing that the plans and data as submitted or as modified do or do not meet the objectives of these standards. Specific suggestions, in writing to be incorporated by the applicant in the applicant's subsequent submissions, shall be made where deemed necessary.

5. Rights not vested. The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

•••

B. C. Minor Subdivision Procedure

(note—there is no preliminary plan application and review for a minor subdivision; it requires only final plan review and approval.)

1. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Final Plan for a Minor Subdivision. The application and all required preliminary plan documentation shall be submitted to the Town at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The Final Plan shall conform to the general layout shown on the Sketch Plan plus any recommendations made by the Board.

2. The application for the Final Plan for a Minor Subdivision shall be accompanied by a fee as established in a Town Fee Schedule as may be revised from time to time by the Board of Selectmen and payable by check to the Town of Damariscotta, Maine with a note indicating the specific purpose of the fee.

3. In addition, if the Board determines there are conditions unique to the proposed minor subdivision or its location that warrant professional review, the Board may require the applicant owner or the owner's authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any

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professional review of the subdivision application, which the board may feel, is reasonably necessary to protect the general welfare of the Town. The amount for this escrow payment is established in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. -When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board.- Any part of this escrow payment in excess of the final costs for review shall be returned to the ~~applicant upon conclusion of review, owner or the owner's agent.~~

4. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

5. ~~Within 30 days of the date of submission, The Planning Board shall review the Town Planner and any additional staff or peer reviewers will provide comments on~~ the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application. ~~This determination will be provided in writing to the applicant or their authorized representative.~~

6. ~~Within 30 days of an application being deemed complete (or within a timeframe mutually agreed upon by the applicant and the Planning Board) Within sixty (60) days of receipt of a completed Final Plan Application or within thirty (30) days of a public hearing,~~ the Board shall take action to give final approval, with or without modifications, or disapproval of such Final Plan. The reason ~~for~~ any modification required or the ground for disapproval shall be stated upon the records of the Board ~~with~~ a copy provided to the subdivider.

7. If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.

8. No Final Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Damariscotta. Notice shall also be published in a newspaper of general circulation in the Town of Damariscotta at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

9. Upon completion of the requirements of §103.5 C & D and approval by the Board of the Minor Subdivision a ~~copy of the final plan, including any conditions of approval and any waivers granted, mylar copy~~ shall be properly signed by a majority of the members of the Board, using black ink. After the Final Plans have ~~been signed had the mylar approval entered upon them,~~ a copy of the plans shall be returned to the subdivider. One (1) signed copy, ~~including the sepia copy,~~ shall be retained by the Town to be maintained in the ~~Subdivision Plan File.~~ The Final Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan ~~not filed not so filed~~ or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

10. Any extension of this 60-day period must be requested of the Planning Board before the first 60-day period expires. The applicant shall provide the ~~Town Planner Code Enforcement Officer (CEO)~~ with

a receipt from the Lincoln County Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by §103.7.A of this Ordinance have been placed.

C.B. Minor Subdivision Submissions

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

1.1 All the area within 2,500 feet of any property line of the proposed subdivision showing:

- i. All existing subdivisions and approximate tractlines of acreage parcels.
- ii. Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section D.1 above.
- iii. The boundaries and designations of parks and other public spaces.
- iv. Outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

2. Final Plan. The Final Subdivision Plan shall be submitted, ~~with ten (10) copies of each map or drawing~~, together ~~with ten (10) copies of~~ any attachments ~~or additional information~~ required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). Unless a waiver of one or more submission requirements is approved by majority vote of the Board pursuant to §103.9, the Final Plan and accompanying materials shall show:

- 2.1 All existing information provided as part of the Sketch Plan.
- 2.2 The name, registration number and seal of the land surveyor or engineer who prepared the plan.
- 2.3 Number of acres within the proposed subdivision and zone boundaries.
- 2.4 Proposed lot lines with dimensions, lot numbers, areas in square feet and suggested locations of buildings.
- 2.5 Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
- 2.6 Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
- 2.7 Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.

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- 2.8 Contour lines at intervals of not more than two (2) feet for all portions of the property proposed to be developed.
- 2.9 Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- 2.10 Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 2.11 If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level.
- 2.12 Typical erosion control procedures to be applied to each lot. As an alternative, the Board may impose a condition of approval that all site work on each lot must be completed by a contractor certified by the State of Maine in erosion and sedimentation control whether such work is authorized by the applicant or by a subsequent lot purchaser.
- 2.13 Preliminary designs of any bridges or culverts, which may be required along with State approval ~~if required~~if, required.
- 2.14 A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 2.15 All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 2.16 The location of all natural features or site elements to be preserved.
- 2.17 Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 2.18 Base Flood Elevation Data.
- 2.19 The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- 2.20 The location of any trail, trail system or greenbelt that crosses the property.
- 2.21 An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer
 Maine Historic Preservation Commission
 55 Capitol Street - State House Station 55
 Augusta, Maine 04333

Include a request that the Damariscotta Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic

Preservation Officer.

2.22 A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of §103.6.O. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that §103.2.S has been satisfied.

2.23 Right, title or interest of the applicant in the property to be subdivided

2.24 Any conditions of approval required by the Board

2.25 A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

E. Preliminary Plan for Major Subdivisions Procedure

~~1.~~ Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for the Subdivision. ~~Failure to do so shall require re-submission of the Sketch Plan to the Board for review.~~ The application and all required preliminary plan documentation shall be submitted to the Town ~~and must be deemed complete by the Town Planner~~ at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. ~~Failure to do so shall require re-submission of the Sketch Plan to the Board for review.~~ The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

~~1.2.~~ The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as established in a Town Fee Schedule ~~as may be~~ revised from time to time by the Board of Selectmen and payable by check to the Town of Damariscotta, Maine with a note indicating the specific purpose of the fee.

~~2.3.~~ In addition, the Board shall require the ~~applicant~~ ~~owner or the owner's authorized agent~~ to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision application, which the board may feel is reasonably necessary to protect the general welfare of the Town. The amount for this escrow payment is established ~~in~~ the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

(These provisions are common in Maine and permit the board to retain a consultant to assist in the review of the application. The assistance could consist of an engineer, planner, attorney or similar professional.)

~~3.4.~~ The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

~~4.5.~~ The ~~Town Planner~~ ~~Planning Board~~ shall review the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application.

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~~5.6.~~ Within ~~thirtysixty (360)~~ days of receipt of a completed Preliminary Plan Application, ~~or within thirty (30) days of a public hearing~~, the Board shall take action to give preliminary approval, with or without modifications, or disapproval of such Preliminary Plan. The reason ~~for anyof any~~ modification required or the grounds for disapproval shall be stated upon the records of the Board ~~withand~~ a copy provided to the subdivider.

~~6.7.~~ No Preliminary Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Damariscotta. Notice shall also be published in a newspaper of general circulation in the Town of Damariscotta at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

~~7.8.~~ Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing but it is expected that if the Board gives preliminary approval, it will not revisit issues during final plan review that were satisfactorily addressed during preliminary review except for those contained in any conditions included with preliminary approval.

F. Preliminary Plan for Major Subdivisions Submissions

The following submissions shall be provided for all subdivisions unless the Board determines by majority vote that, pursuant to §103.9 and based on evidence provided by the applicant, one or more submissions is not applicable due to the size, location, type or other physical feature of the proposed subdivision. It is the intent of this section that waivers of submission requirements be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of submission requirements, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A).

(This section gives the Board authority to waive some submission requirements. Any such waivers must be for good reason and should be stated in the vote and recorded in the minutes. Most potential waivers would be related to project size but size alone should not justify a lot of waivers.)

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

1.1 All the area within 2,500 feet of any property line of the proposed subdivision ~~including~~showing:

- i. All existing subdivisions and approximate tractlines of acreage parcels.
- ii. Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated above.
- iii. The boundaries and designations of parks and other public spaces.

iv. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

2. Preliminary Plan. The Preliminary Subdivision Plan shall be submitted, ~~with ten (10) copies of each map or drawing, together with ten (10) copies of any attachments required in order to demonstrate compliance with Sec. 103.2 and Sec. 103.6 for approval.~~ All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show:

2.1 All existing information provided as part of the Sketch Plan.

...

G. Final Plan for Major Subdivisions Procedure

1. The subdivider shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The subdivider may be granted an extension ~~of this time requirement~~ by the Planning Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee payable by check to the Town of Damariscotta, Maine. (See Town Fee Schedule.) The application and all required final plans shall be submitted to the Town Planner, Town Office in sufficient t ~~at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard.~~

...

G. Final Plan for Major Subdivisions Submissions

1. The Final Plan shall be submitted ~~together with with the mylar original, two reproducible mylars and ten (10) copies, of each map or drawing, together with ten (10) copies of any attachments required to demonstrate compliance with Sec. 103.2 and Sec. 103.6 for approval.~~ All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

1.1 All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board.

1.1 The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.

1.3 Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.

1.4 Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.

1.5 The length of all straight lines, the deflection angles, radii, length of curves and central angles of

all curves, tangent distances and tangent bearing for each street.

1.6 Lots within the subdivision, numbered as prescribed by the Board.

1.7 By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.

1.8 Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.

1.9 The Plan shall indicate the proposed landscaping program of the subdivider.

1.10 Any conditions of approval required by the Board

1.11 A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

2. There shall be submitted to the Board with the Final Plan:

2.1 Written offers of cession to the Town of Damariscotta of all public open space shown on the Plan that is to be transferred to the Town, and copies of agreements or other documents are to be submitted showing the manner in ~~which spaces will be reserved in title by the subdivider, which spaces, title to which is reserved by the subdivider.~~

H. Final Plan for Major Subdivisions Approval and Filing

1. Upon completion of the requirements in Article VI and VII above, it shall be deemed to have final approval and the ~~Final Plan~~ ~~mylar copy~~ shall be properly signed by a majority of the members of the Board, using black ink.

2. The Board shall act on a Final Plan within thirty (30) days from the date of ~~an application being deemed complete by the Town Planner, receipt of the completed application~~ unless the subdivider agrees to an extension of ~~this time~~ ~~ee~~ period.

3. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more ~~phased~~ sections subject to any conditions of the Plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Lincoln County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining sections of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the Subdivider.

4. After the Final Plans have ~~been signed by the Planning Board had the mylar approval entered upon them,~~ a copy of the plans shall be returned to the subdivider. One (1) signed copy, ~~including the sepia copy,~~ shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan ~~not filed~~ ~~not so filed~~ or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

Any extension of this 60-day period must be requested of the Planning Board before the first 60-day

period expires. The applicant shall provide the ~~Town Planner~~~~Code Enforcement Officer (CEO)~~ with a receipt from the Lincoln County Registry of Deeds within that time ~~frame~~~~limit~~ stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by §103.7.A of this Ordinance have been placed.

I. Amendments to Previously Approved Subdivision Plan

Prior to making any change, erasure, modification or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in §103.5.E.6 of this Ordinance. All amended plans must be signed by the Board and recorded in the Lincoln County Registry of Deeds within sixty (60) days of the date of approval. Any amended plan not so filed or recorded within sixty (60) days of the date upon which such plan is approved shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the ~~Town Planner~~~~Code Enforcement Officer (CEO)~~ with a receipt from the Lincoln County Registry of Deeds within that time ~~frame~~~~limit~~ stating that the plan has been filed and giving the book and page numbers.

...

L. Performance Guarantees

1. The subdivider shall, in an amount set by the ~~Planning Board~~~~Board of Selectmen~~, file with the Town, prior to the issuance of a building permit, a performance guarantee in the form of a certified check payable to the Town of Damariscotta, a performance bond running to the Town of Damariscotta, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the ~~Planning Board~~~~Board of Selectmen~~. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the ~~Planning Board~~~~Board of Selectmen~~ and the municipal attorney as to form, sufficiency, manner of execution and surety.

(The guarantee ensures that the overall project will be constructed in accordance with the approved plans, including both public and private roads, prior to the sale or development of any lots.)

2. At the discretion of the ~~Planning Board~~~~Board of Selectmen~~, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

3. A period of one year (or such period as the ~~Planning Board~~~~Board of Selectmen~~ may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

4. Inspection of Required Improvements

4.1. At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall hold a pre-construction meeting with the Town Planner, Code Enforcement Officer,

~~or their designee(s) notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Board of Selectmen can cause inspection can to be made~~ to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.

4.2 At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Damariscotta stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

(This inspection fee covers the cost of inspecting improvements as they are constructed.)

4.3 If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall so report to the ~~Town Planner and Code Enforcement Officer~~Board of Selectmen, Road Commissioner and Building Inspector. The ~~Code Enforcement Officer~~Board of Selectmen shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved Plan.

~~4.4~~ If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the ~~Town Planner~~Board of Selectmen, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. ~~The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.~~

~~4.4~~ *(Unexpected conditions sometimes require changes to plans during construction. Rather than stop the project until the plans are revised and approved by the Board, the Town Planner ~~CEO~~ and the Board of Selectmen, with the advice of the inspector, can allow reasonable changes.)*

4.5. Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.

4.6. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

~~5.~~ 5. The performance guarantee shall not be released by the ~~Planning Board~~Board of Selectmen until:

5.1. The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.

5.2. The ~~Board of Selectmen and~~ Code Enforcement Officer has ~~ve~~ examined the site, has ~~ve~~ reviewed the inspecting engineer's report and concur with his findings.

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5.3 Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

§103.6 GENERAL REQUIREMENTS

A. In reviewing applications for the subdivision of land, the Board shall consider the following general requirements unless the Board grants a waiver pursuant to §103.9. It is the intent of this section that waivers of any general requirements be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of general requirements, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A). In all instances, the burden of proof shall be upon the person proposing the subdivision to prove that a waiver is needed.

(These requirements should be applicable to all subdivisions and reflect many of the legislative review criteria. They also provide guidance to the applicant in preparing some of the submissions listed in §103.5.)

B. Conformity with Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Damariscotta and with the provisions of all pertinent state and local codes and ordinances.

C. Retention of Proposed Public Sites and Open Spaces

1. For residential subdivisions, the subdivider shall reserve a minimum of ten (10) percent of the gross area of the subdivision as open space. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of his total area for recreation. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.

2. Developers shall be encouraged to retain any existing trail system, which crosses the property, or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained.

~~*(If preservation of snowmobile trail is an important issue in Damariscotta, this section could be strengthened. For example, the PB could allow trail preservation to substitute for, all or in part, the open space requirement, above.)*~~

3. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.

4. The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.

5. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic

or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

6. Where the proposed subdivision is located on a lake, pond, river, saltwater body or stream, a portion of the waterfront area shall be included in reserved land, which shall be a minimum of 200 feet plus ten (10) additional feet for each unit/lot.

7. Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a manner satisfactory to the town attorney so as to ensure the continuation of responsibility for ownership maintenance. The land or a part of it may be deeded to the Town of Damariscotta subject to the approval of the Town.

8. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

D. Preservation of Natural and Historic Features

The Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing significant trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. A fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

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J. Lots

1. In a new subdivision, each lot shall contain buildable land equivalent to at least 50% of the minimum lot size.

(For example, if the minimum lot sizeMLS is 80,000 sf, the lot would need at least 40,000 sf buildable land whether its actual size were 80,000 sf or 10 acres.)

2. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.

3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.

4. Wherever possible, side lot lines shall be perpendicular to the street.

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**Town of Damariscotta, Maine
January 18, 2023**

**Public Hearing @ 5:30 PM
Select Board Meeting
(Immediately Following Public Hearing)**

Join Virtually

Meeting: <https://us02web.zoom.us/j/87878201039>
Meeting ID: 878 7820 1039 Passcode: Dama22

AGENDA

I. Pledge of Allegiance

II. Public Hearing - Proposed Ordinance Revisions

1. Land Use Ordinance
2. Subdivision Ordinance
3. Site Plan Review Ordinance

III. Call Select Board Meeting to Order

IV. Minutes

1. December 21, 2022 and January 4, 2023 Select Board Minutes

V. Financial Reports

1. Payroll Warrants #
2. Accounts Payable Warrants #

VI. Citizen Comments and General Correspondence

VII. Town Manager Items

1. Capital Project Updates

VIII. Official Action Items

1. Liquor License Renewal – Reunion Station
2. Church Street Project Grant Authorization
3. Nobleboro/Jefferson Transfer Facility Contract
4. Medical Marijuana Retail Application: Above and Beyond Canibus, LLC – Possible Action

IX. Select Board's Discussion Items

X. Adjournment

On motion (Fraser/Keushguerian) to approve the Notice of Intent awarded to Hagar Enterprises based on the amended bid form. Vote: 4-0-0

Tom Anderson wanted to thank Hagar Enterprises for the plowing job they did on his street. He also asked if the shed had been repaired. **Andy** said it was good to go. **Seth** said there was a slight delay until January 5th as the wall pipe is delayed. The marquis shows where they will be working each day. Also, there are 2 layers to the road, filled by 3 feet of tar-dirt-tar.

c. Hodgdon St. – The engineers are finalizing the designs based on follow-up visits with property owners this past month. The Board should expect a draft of the RFP to be available by mid-January with a strong possibility of going to bid by February.

d. Church Street - Engineers are completing a “high level estimate” of the Church Street project for the purposes of applying for grant funding. The project is not yet fully designed but there is enough done to get an overall sense of the cost. Any should have an update by the first meeting in January.

2. Church Street Grant Funding

There is an opportunity for fund sharing (80/20 split) for grant funding through a State agency for the Church Street crossing at Castner Creek to be replaced. Our engineers have been working to update cost estimates for this project and we will compare these with those provided by the state agency. More details will be available at the January 4th meeting. At that point the agency would need a commitment from the Town and a letter of support if the Town wants to be included in the funding opportunity.

3. Public Works Committee

The committee met last week for the annual “ride around” to assess roads and sidewalks. This helps establish the upcoming year’s work plan. Report should be available in January to help formulate the budget process and upcoming requests from this department.

4. MCOG Strategic Plan

The MidCoast Council on Government (MCOG) has finalized its strategic plan. The Board met this past week and will continue to review the plan. The organization proposes to cover a broad area of need and have a major emphasis in the following areas. This Council spans 4 counties. **Max Johnston** is familiar with the process and stated that there is still opportunity for public input.

Areas of focus are:

- a. MidCoast sense of place
- b. Hub of excellence
- c. Bringing federal and state funds to the MidCoast region
- d. Housing
- e. Sustainability and resiliency
- f. Communication
- g. Diversity, equity and integration
- h. Planning and economic development (added since initial meeting)

5. TIF Program

Andy and Isobelle are working on a proposal for the Board to consider amendments to the TIF Program. Currently the plan in place is failing to perform as modeled. There is a need to understand why that is, and they want to bring forth amendments that would help them achieve the goals that were outlined in the program. More on this at January 4th meeting.

6. Budget Committee Appointment **Max Johnston** and **Gary Rosenthal** both expressed interest in the open seats. Max had been serving on the committee and was unaware his seat was up

for reelection. He would have run at Town meeting if he was aware of the situation. Andy recommended Max be appointed to the two-year vacancy and that Gary take one of the alternate positions. Both appointments are effective for this fiscal year and then they would be eligible to seek election at Town Meeting to fill any vacant seats.

On motion (Fraser/Anderson) to have Max Johnston fill the vacant seat on the budget committee for the remainder of the fiscal year. Vote: 4-0-0

On motion (Fraser/Pinkham) to have Gary Rosenthal fill one of the alternate seats on the budget for the remainder of the fiscal year. Vote: 4-0-0

7. Ordinance Updates

Isobelle stated that these were primarily non-substantive changes primarily for grammatical and formatting purposes. The Board has the drafts for the Land Use Ordinance, Site Review Plan Ordinance, and the Subdivision Ordinance. The Planning Board has approved the changes.

On motion (Fraser/Pinkham) to accept the non-substantive changes as presented and set a Public Hearing for January 18, 2023, for adoption. Vote: 4-0-0

8. CBDG Update

Max Johnston of MCOG has provided the Board with a memo regarding CBDG funding that the Town received this year, He has identified another business that is interested in utilizing the funds and he has provided an outline regarding the next steps. If the Board is willing to work with this business to utilize these funds, we can proceed with the next steps. Capacity is out of the process, but funds were issued to the Town not the business. With another business interested, **Josh** commented he was okay with it as long as we followed the rules. **Tom Anderson** commented that it seemed to be a reasonable request. **Max** will be overseeing the process.

VIII. Official Action Items

- 1. Included in #1-b above**
- 2. Included in #6 above**
- 3. Included in #7 above**

IX. Select Board's Discussion Items

Tom Anderson - nothing

Lou Abbotoni - absent

Andrea Keushguerian – is very happy about Hugh fixing the holes in her road; however, plow loosened the gravel on the next storm. She believes cold patch is in there.

Josh Pinkham – Happy Holidays. The school evacuation this morning went smoothly and quickly. The process was great-safe and everyone cooperated.

Daryl Fraser – echoes Josh's comment. Merry Christmas.

X. Adjournment

On motion (Pinkham/Anderson) to adjourn the Select Board's meeting at 6:10 p.m.

Select Board minutes of December 21, 2023, (cont'd):

Respectfully submitted,

Lynda L. Letteney
Recording Secretary

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Select Board meeting on December 21, 2022.

Daryl Fraser, Chairperson

_____ Absent _____
Louis Abbotoni

Tom Anderson

Andrea Keushguerian

Joshua Pinkham

Town of Damariscotta, Select Board meeting minutes of 12-21-22, signed this date: _____

**MINUTES
SELECT BOARD MEETING
DAMARISCOTTA TOWN HALL**

**January 4, 2023 5:30 p.m.
Live and Via Zoom**

Members: Daryl Fraser, Chairperson; Louis Abbotoni, Tom Anderson (via Zoom), Andrea Keushguerian, and Josh Pinkham

Members Absent: None

Staff Present: Andrew Dorr, Town Manager; Isobelle Oechsle, Town Planner; Lynda Letteney, recording secretary

Others Present: Andrew Hendrich, Gartley & Dorsky; Anton Lahnston, resident; Geoff Keochakian, LCTV; and Evan Houk, Lincoln County News

I. Pledge of Allegiance: Chairperson Fraser led the Pledge of Allegiance at 5:31 p.m.

II. Call to Order

The Select Board's meeting was called to order at 5:32 p.m. by Chairperson Fraser

III. Minutes – From December 21, 2022 tabled until next meeting

IV. Financial Reports

1. On motion (Pinkham/Keushguerian) to approve Payroll Warrant #32 Vote: 5-0-0

2. On motion (Pinkham/Abbotoni) to approve Accounts Payable Warrant #33 Vote: 5-0-0

V. Presentations: None

VI. Citizens Comments and General Correspondence

Andy Dorr received a letter from CLC Adult and Community Education regarding the budget last week, the day of the warrant. They are requesting a significant increase in their budget from local funding; \$15K with an increase of \$2600 for Damariscotta. Warrant was already approved.

VII. Town Manager's Items

1. Capital Updates

A. Egypt/Belvedere Roads – Work has begun on Egypt Road. Contractor has been replacing culverts. Two culverts that were identified to be cleared and stabilized have been extended while another will have to be replaced. The culvert to be replaced is just south of Woods Lane. Contact with adjacent property owners was necessary to correct their drainage system as it appeared a discontinued culvert would only cause our outfall to pool water. The water level is low; this culvert has been replaced and fixed.

B. Changes to Miles Street Project - A final review of the original bid scope is being done by the contractor and engineers. Current estimates are approximately \$100K-\$110K, to bring the project all the way to Bristol Road. Changes include a 48" water pipe and valves that need to change; unit pricing needs to be clear and clean to Hagar Enterprises; CAD file is available to Hagar. With the amendments and changes (Schooner St. to Bristol Rd.), an additional amount of money is needed. **Andy** has secured a \$50K commitment from the hospital, leaving the Town with approximately \$60k-\$90k. This could be covered by some of the bond money, reserve account, and/or next year's budget. Causeway will be a spring project. **Andy** plans to identify reserve funding after the audit. We will require a "hard" number.

Deleted: Stewart

Andrew Hendrich said that could be done. Consensus from the Board was to “go for it,” proceeding with the entire scope using bond funds and/or reserves.

C. Hodgdon Street – 90% of the plans are done; it is grant ready. Plan is to be out to bid by end of January.

D. Church Street – Not much effort here while other projects have taken priority. They are exploring expanding the curbed sidewalk; a pedestrian walkway (which could be used by bikes as well) is being considered. Cost estimates for grant purposes are in with a cost of \$1,580,000 without a raised granite curb (additional \$140,000 estimated). In an effort to minimize the project cost and future maintenance, there was discussion about some sections of Church St utilizing paved shoulders. If it is flat, maintenance costs are less (i.e. plowing). Pedestrian safety can be achieved by various methods and the posted 25 mph will also help. Anton Lahnston wanted to emphasize that this was a very important project. For clarification he asked if “pathway” was for pedestrians and bikes vs. “sidewalk” for pedestrians only. Response: A pedestrian “walkway” or “pathway” could be used by both. Anton felt it was a viable option and asked, “Can you look at a bike/pedestrian walkway for the whole length?” Andrew H. said they looked at going the whole length but the cost increase was between \$100K-\$150K, the higher estimate was for both because it would need to increase in width. Decisions still need to be made on retaining walls, boulder and fabric? Precast concrete? Daryl Fraser added that natural material would be the preference. Josh Pinkham asked about the Thrift Shop- a large curb cut is needed, can we get creative? Josh also brought up the cemetery and the tomb area. Decided to leave that topic for another time. They plan to keep options open; easements will be needed.

Moved (insertion) [1]

Moved up [1]: They are exploring expanding the curbed sidewalk; a pedestrian walkway (which could be used by bikes as well) is being considered.

Deleted: Estimates are still needed for the Church St. project.

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Andrea Keushguerian asked about the parking lot. We are awaiting the preliminary engineers’ report as it is needed first before going further. There is also some consideration among the engineers to propose purchasing a deployable flood wall if funds allow.

Deleted: ?

VIII. Official Action Items

1. FHA Grant Authorization on hold

2. Butter Up Cakes – Application for their renewal of liquor license

On motion (Fraser/Abbotoni) to approve the renewal of the liquor license for Butter Up Cakes

Vote: 5-0-0

3. Above and Beyond Cannabis LLC has met and been approved through the Site Plan Review process. They have submitted their application and are now required to have a public hearing, per the ordinance. This is a local medical marijuana establishment that has had to move its physical location and needs to receive a new license for the new location.

On motion (Fraser/Abbotoni) to call for a public hearing at 5:30 p.m. on January 18, 2023, to consider an application submitted for Above and Beyond, LLC’s application for a Medical Marijuana Business to be located at 95 Biscay Road.

Vote: 5-0-0

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IX. Select Board’s Discussion Items

1. TIF Amendment – Refer to memo. There is a need to get more for the TIF on Main Street. Since FY2021 the TIF has produced \$53K less than expected. Consideration of expanding the footprint for the TIF district. The existing district is the Camden National Bank area with “building to suit” for adjacent property. This is not performing as expected. By adding additional area in C2, this could expand the revenue. A Credit Enhancement Agreement (CEA) allows the Town to negotiate with TIF property owners and developers to facilitate projects. In some cases, the agreements have ranged from 20%-100% of the property taxes to go back to the developer over a set time period (5 years, 10 years, length

Moved (insertion) [2]

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of TIF). **Tom Anderson** asked if there was any risk. **Isabelle** said it covers only the specific projects listed in the TIF. Should we be adding the ambulance service to the TIF (with the nursing home)? **Consensus** was to go to the next step, make the written changes and proceed. Note: The developer has **multiple** buildings approved but no tenants, **therefore those buildings have not been built**. Andrea asked, "Since it's their land, do they handle private development?" Isabelle stated that currently the Town does not actively seek tenants.

Deleted: Allowing CEA's for the nursing home developments and the Bristol Rd/Main Street area would include them in the TIF.

Moved up [2]: There is a need to get more for the TIF on Main Street. Since FY2021 the TIF has produced \$53K less than expected.

Deleted: two

- Tom Anderson - nothing
- Lou Abbotoni – Nothing – Happy New Year
- Andrea Keushguerian - Nothing
- Josh Pinkham - Nothing
- Daryl Fraser - Happy New Year -

X. Adjournment

On motion (Pinkham/Abbotoni) to adjourn the Select Board's meeting at 6:35 p.m.

Respectfully submitted,

Lynda L. Letteney
Recording Secretary

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Select Board meeting on January 4, 2023.

Daryl Fraser, Chairperson

Louis Abbotoni

Tom Anderson

Andrea Keushguerian

Joshua Pinkham

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Town of Damariscotta, Select Board meeting minutes of 1/4/23, signed this date: _____



Town Manager's Report

January 14, 2023

1. Capital Projects

- a. Miles St - While we finalize our position to commit to the remaining portion of the Miles St project, the engineers and contractor are finalizing the contract for the original scope.
- b. Egypt Rd/Belvedere Rd - All of the culverts that needed to be replaced have been replaced. The contractor has begun to do some ditching and shouldering while or when the weather allows. We do not anticipate any road closures for this portion of the work, but there may be localized lane closures.
- c. Parking Lot - the engineers are completing a revised Preliminary Engineering Report that does not include the wall, as previously discussed. This report is necessary to send to the US EDA for their consideration of a revised scope. We anticipate their review of this in February and for a response by April.

2. **Church St Grant Funding** - There is a possibility that the previously identified funding source for the culvert replacement may still be viable. In addition to the culvert replacement, I am also pursuing other grant opportunities for the rest of the roadwork. Whereas some of these grants have deadlines that may not be suitable to give the board the advanced notice, I would recommend the board consider pre-authorizing me to apply for grants on your behalf for the Church St project and to use the bond proceeds and donations (approximately \$1,000,000) for matching funds.

3. **FY 24 Budget** - Department heads are preparing their budget requests and working towards the timeline that was previously shared. We tentatively scheduled a joint board/committee meeting for January 18th, but am wondering if we can reschedule for **January 25th**. The goal of the meeting will be to review wage and benefit changes as they play a major role in department budgets.

Agenda Items

VIII. 1 - Liquor License Renewal - reports are attached.

Recommend approval of the liquor license renewals for Reunion Station.

VIII. 2 - Church St Grant Authorization - **Recommend the board authorize the Town Manager to seek and apply for grants related to the Church St project and to utilize available funds (approximately \$1,000,000) as matching funds.** This recommendation comes as some grant applications may be due before or between board meetings and would require quicker approval. The funds that are available are a combination of bond proceeds and private donations.

VIII. 3 - Nobleboro/Jefferson Transfer Station Contract - **Recommend the board signs the contract for 2023.** The contract price increased to \$145,412 which is about a 5% increase from last year. Monthly payments will increase from \$11,527.33 to \$12,117.67.

VIII. 4 - Medical Marijuana Retail Application - As of today, this application is nearly complete. There are a few documents that the applicant will be asked to provide before Wednesday, most notably, their articles of incorporation so we can verify all members, owners, managers, etc.. as required by the ordinance, which may require additional background checks. The Planning Board's site plan review process was conducted at a special meeting held in December where the 95 Biscay Rd location was approved to have such a business. The conditions of the approval are included in the board packet. I have included the board's considerations for approving such a license in the packet and advise your review those. Once all items have been received, the board can consider approving this application. **Recommend the board does not take action on this application unless all documents have been received.**

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

1941 Bristol Rd, Bristol, ME 04539

6. Is the licensee/applicant(s) citizens of the United States? Yes No

7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Dale A. Feltis	9-9-62	Gardiner, ME
Sharlene, P. Feltis	11-14-67	Augusta, ME.

Residence address on all the above for previous 5 years

Name	Address:
Dale Feltis	1941 Bristol Rd, Bristol, ME 04539
Name	Address:
Sharlene Feltis	Same
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

current

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Family Restaurant serving seafood, steaks, chicken, etc.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Nobleboro Village Church

Distance: 1.5 mi

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 1/3/2023


Signature of Duly Authorized Person


Signature of Duly Authorized Person

Dale A. Feltis
Printed Name Duly Authorized Person

Sharlene P. Feltis
Printed Name of Duly Authorized Person

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Mikegord, Inc
2. Doing Business As, if any: Reunion Station Restaurant
3. Date of filing with Secretary of State: 5/1/2001 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Dale A. Feltis	1941 Bristol Rd, Bristol ME	9-9-62	Pres	50
Sharlene P. Feltis	Same	11-14-67	Secy.	50

(Ownership in non-publicly traded companies must add up to 100%.)

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

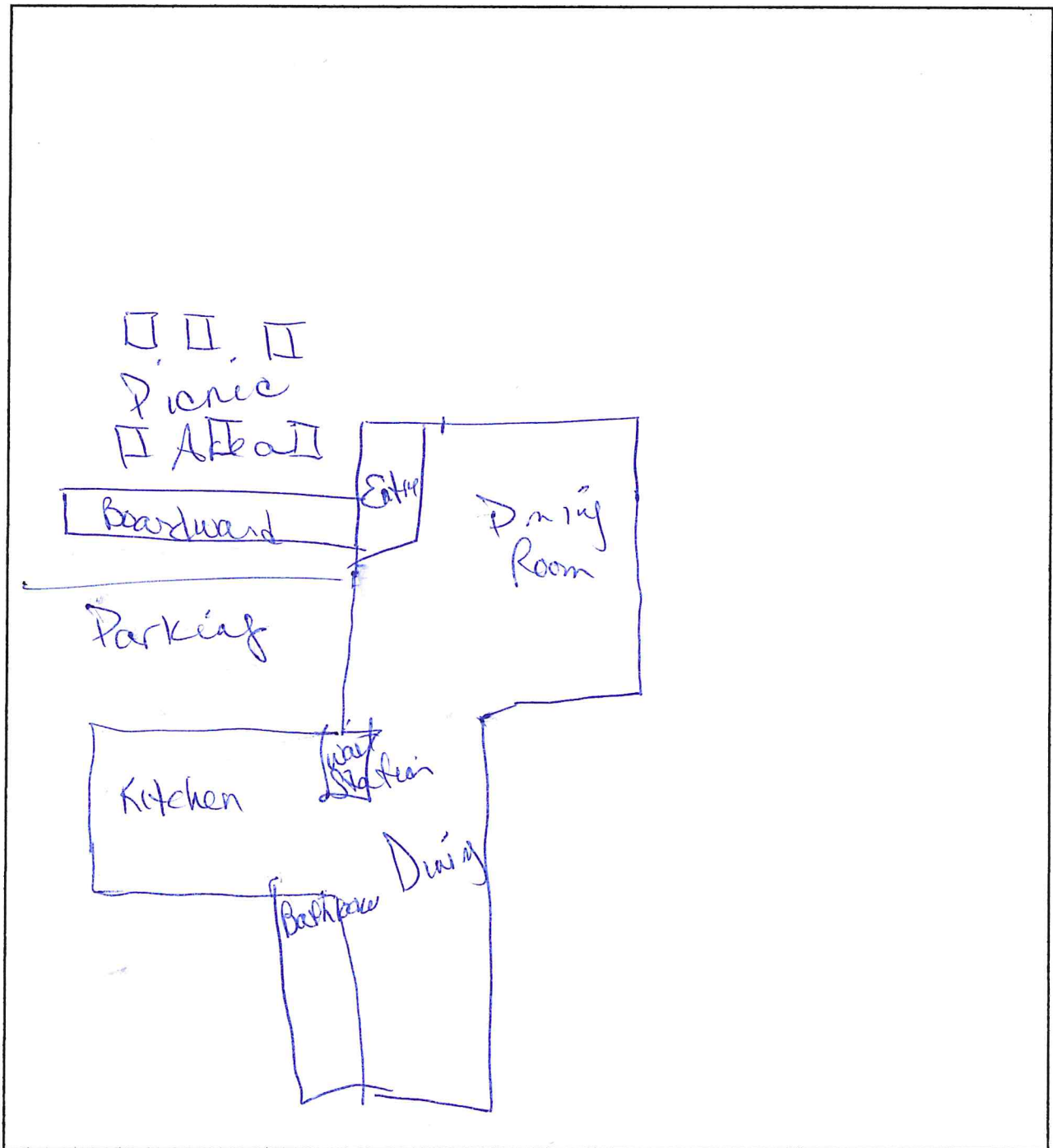
1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Damariscotta Police Department
Chief Jason Warlick



21 School Street
Damariscotta, Maine 04543
(207)563-1909 (207) 563-3200 fax (207) 563-8986
email: jwarlick@damariscottame.com

TOGETHER WE MAKE A DIFFERENCE

December 2, 2022

Board of Selectman
Town of Damariscotta
21 School Street
Damariscotta, Maine 04543

Re: Reunion Station

To the Board of Selectman:

As requested, I had my staff research our records for any police complaints or contacts involving Reunion Station located at 21 Center St. In a period of one year this department has responded to that location as follows (See Attached Information):

- 1 Animal complaint
- 1 Assist citizen
- 1 Property check
- 1 erratic operations
- 1 medical emergency
- 1 motor vehicle accident
- 1 motor vehicle stop
- 1 Pedestrian check

To our knowledge, none of these calls involved the serving of alcohol at Reunion Station. All above mentioned calls were under the previous establishment.

Please do not hesitate to contact me if you have further concerns or questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Warlick".

Chief Jason Warlick
Damariscotta Police Department

REUNION COUNTY SHERIFF'S OFFICE
 Site Analysis
 12/01/2021 to 12/02/2022 (0000 - 2359 only)
 Jurisdiction: Damariscotta (200)
 Site(s): 271

Reason	<u>Calls</u>	<u>Unfounded</u>	<u>Incidents</u>	<u>Accidents</u>	<u>Arrests</u>	<u>Interviews</u>	<u>EMS</u>	<u>Fire</u>
REUNION STATION								
ANIMAL COMPLAINT	1	0	0	0	0	0	0	0
ASSIST CITIZEN	1	0	0	0	0	0	0	0
PROPERTY CHECK	1	0	0	0	0	0	0	0
ERRATIC OPERATIONS	1	0	0	0	0	0	0	0
MEDICAL EMERGENCY	1	0	0	0	0	0	0	0
MOTOR VEHICLE ACCIDENT	1	0	0	0	0	0	0	0
MOTOR VEHICLE STOP	1	1	0	0	0	0	0	0
PEDESTRIAN CHECK	1	0	0	0	0	0	0	0
Sub Total >	8	1	0	0	0	0	0	0
Totals >	<u>8</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**TOWN OF NOBLEBORO
192 US HIGHWAY 1
NOBLEBORO, MAINE 04555
207-563-8816**

NOBLEBORO/JEFFERSON TRANSFER FACILITY CONTRACT

The Towns of Nobleboro and Jefferson have formed a regional council of governments, hereinafter known as Council, for the operation and management of a waste transfer facility, and hereby agree with the Town of Damariscotta, hereinafter known as Damariscotta, to provide a facility to enable Damariscotta to dispose of certain waste at the transfer facility under the following terms and conditions:

Council's Responsibility: Council shall be responsible for construction, operation, and management of a solid waste transfer facility on Center Street in Nobleboro, Maine. The Council shall purchase and maintain the necessary equipment, obtain the necessary licenses, and employ attendants and engage haulers to transfer the waste to an authorized disposal facility and pay the necessary tipping fees to said disposal facilities and to do all other things that are incidental and necessary to the operation of a proper transfer facility.

Damariscotta's Rights and Privileges: Damariscotta shall have representation in the Council's quarterly and annual meetings. They will be able to comment on and discuss the operations of the Transfer Station. Damariscotta will be permitted to dispose of solid waste generated in the Town of Damariscotta at the above-described transfer site in the Town of Nobleboro under the terms and conditions of this agreement.

Time: This agreement starts January 1, 2023 thru December 31, 2023

Cost: Damariscotta agrees to pay Council a percent of the net operating cost of the Transfer Facility based primarily on population with some consideration given for businesses in the town. For the year 2023 Damariscotta agrees to pay One Hundred Forty-Five Thousand Four Hundred Twelve Dollars and no/100 cents (\$145,412.00) to be made in **twelve** equal payments. **All payments are due within ten (10) days of its first warrant of each month. Should payments not be made, access to the services to dispose of waste in the above referred to transfer facility shall cease.**

Capital Costs: There will be no capital costs for the term of this contract.

Conditions: The Town of Damariscotta will work with the Council to encourage recycling to reduce solid waste tonnage as much as possible. All commercial haulers may be required to become licensed to dump at the Transfer Station. Licenses may be issued and renewed periodically at the discretion of the Council. The Council will work to measure, through the most accurate method available, the amount of waste generated from the Town of Damariscotta.

Permissible Waste: Damariscotta may deposit the following waste at the above referred facility subject to the rules, regulations and fees regarding permissible waste that may be promulgated by the Council from time to time:

1. **White Goods:** Appliances, including refrigerators and freezers, washing machines, dishwashers, air conditioners, clothes dryers, etc.
2. **Garbage:** Accumulation of animal and vegetable matter produced and accumulated from domestic kitchens, restaurants and other food processors and purveyors
3. **Trash & Rubbish:** Paper waste, leaves, crating material, cartons, and grass cuttings.
4. **Recycling Materials:** Corrugated cardboard, newspapers, plastic, glass, tin cans, etc.

Rules and Hours: The Council may promulgate rules and regulations for the safe and proper management and handling of the above items, said rules to be conspicuously posted at the facility and delivered to the Town of Damariscotta. These rules and regulations may be altered from time to time and must be adhered to by all using the above referred to facility. The facility will be open for the receipt of the above items from 8:00 am to 3:50 pm five days a week and closed on Sundays and Mondays and all Federal holidays.

Impermissible Waste: The following may not be deposited at the facility in any form whatsoever: timber or wood over six inches in diameter, junk vehicles or parts of vehicles, septage, septage treatment, septic tank waste, used motor oil, televisions or computers, or any substances now or hereafter classified as hazardous or special waste by the State Department of Environmental Protection or the United States Environmental Protection Agency.

Enforcement: The Council shall issue permits to be distributed by Damariscotta and shall have the right to verify that the permit is in fact valid and that the use is hauling waste generated in the Town of Damariscotta. The council or its agent shall have the right to deny access to the facility to anyone who does not abide by all the rules and regulations promulgated by the facility.

Severability: The fact that one or more portions of this agreement may be deemed unenforceable shall not affect the validity of the remaining portions of this agreement.

IN WITNESS, WHEREOF, the Council has caused this document to be executed by Richard Spear, duly authorized to act on behalf of the Council.

IN WITNESS, WHEREOF, the Council has caused this document to be executed by Richard Spear, duly authorized to act on behalf of the Council.

Richard Spear

Richard Spear, Transfer Station Agent

1/4/2023

Date

IN WITNESS, WHEREOF, the Town of Damariscotta has caused this instrument to be executed by its Select Board, duly authorized to act on behalf of said Town.

Select Board Member

Date

Select Board Member

Date

Select Board Member

Date

Select Board Member

Date

Select Board Member

Date

Town Manager

Date

Agend

Nobleboro/Jefferson Transfer Station

Annual Meeting

12/28/2022

Welcome

Minutes

Reports:

Introduction of new Manager

Update on staffing

Agent Reports

Recycling Report

Waste Management Reports

Financial Report for 2022

Budget for 2023

Proposed funding for 2023 budget

Election of officers

Adjourn

**LINCOLN COUNTY RECYCLING
MATERIAL COLLECTION BY TOWN**

2022		Nobleboro									
(Yards)	OCC Cardboard (Yds)	News/ Magazines (Yds)	Clear Glass uncrushed (Barrel)	#2 Natural (Yds)	#2 Colored (Yds)	Mixed Paper (Yds)	Tin (Barrel)	Rigid Plastic (Yds)	Totals		
JANUARY	312.84	0.20	35.18	25.40	5.30	98.65	47.45	1.38	526.40		
FEBRUARY	402.00	20.00	51.00	37.00	18.00	157.75	73.00	32.00	790.75		
MARCH	406.00	0.00	19.00	13.00	16.00	200.00	34.00	36.00	724.00		
APRIL	380.00	20.00	50.00	48.00	12.00	166.00	68.00	62.00	806.00		
MAY	524.00	0.00	53.00	35.23	31.00	185.00	72.00	111.00	1,011.23		
JUNE	404.00	0.00	31.00	37.00	10.00	157.00	37.00	106.00	782.00		
JULY	426.00	0.00	68.00	20.00	22.00	204.00	76.00	111.00	927.00		
AUGUST	411.00	28.00	82.00	45.00	11.00	175.00	85.00	40.00	877.00		
SEPTEMBER	481.00	0.00	39.00	26.00	22.00	203.00	51.00	68.00	890.00		
OCTOBER	455.00	0.00	50.00	38.00	22.00	152.50	87.00	116.00	920.50		
NOVEMBER	669.00	0.00	56.00	12.00	32.00	204.25	93.00	86.00	1,152.25		
DECEMBER									0.00		
Pounds	608,855.0	34,100.0	160,254.0	9,425.6	5,636.4	285,472.5	25,320.8	26,928.3	470,356.5		
Yards/Barrel	4,870.84	68.20	534.18	336.63	201.30	1,903.15	723.45	769.38	9,407.13		
Tons	304.43	17.05	80.13	4.71	2.82	142.74	12.66	13.46	235.18		
TOTAL TONS		813.17									
TOTAL POUNDS		1,626,349.09									
TOTAL YARDS		18,814.26									

	WASTE MANAGEMENT MSW										WARRANT
	2015	2016	2017	2018	2019	2020	2021	2022			
JANUARY	324.38	179.95	188.55	168.33	176.98	187.29	229.70	223.03		1,2	
FEBRUARY	184.51	133.35	133.92	140.86	163.10	156.11	173.13	163.98		3,4	
MARCH	138.85	170.48	245.12	249.62	154.31	183.90	190.94	188.64		5,6	
QTR TOTAL	647.74	483.78	567.59	558.81	494.39	527.30	593.77	575.65			
APRIL	158.58	163.99	193.03	201.36	279.57	173.24	208.14	205.02		7,8	
MAY	197.01	191.19	192.72	194.60	190.59	207.42	208.79	211.47		9,10	
JUNE	198.71	169.87	208.63	197.12	190.44	212.46	223.30	227.03		11,12	
QTR TOTAL	554.30	525.05	594.38	593.08	660.60	593.12	640.23	643.52			
JULY	308.27	308.41	216.65	234.25	267.80	382.09	374.75	352.45		13,14,15	
AUGUST	353.83	209.92	232.49	357.61	337.30	240.64	260.47	261.11		16,17	
SEPTEMBER	212.01	315.62	331.57	219.73	187.81	250.21	246.09	248.00		18,19	
QTR TOTAL	874.11	833.95	780.71	811.59	792.91	872.94	881.31	861.56			
OCTOBER	198.34	194.18	219.77	210.60	211.00	207.40	242.24	243.38		20,21	
NOVEMBER	173.98	183.19	201.85	170.60	201.31	208.00	209.16	232.53		22,23	
DECEMBER	273.09	196.51	161.87	217.71	263.03	300.12	300.47	255.23		24,25,26	
QTR TOTAL	645.41	573.88	583.49	598.91	675.34	715.52	751.87	731.14			
YEAR TO DATE	2721.56	2416.66	2526.17	2562.39	2623.24	2708.88	2867.18	2811.87			

	Waste Management DEMO											
	2015	2016	2017	2018	2019	2020	2021	2022	WARRANT			
JANUARY	67.46	53.32	46.19	39.12	54.69	72.85	115.46	67.30	1.2			
FEBRUARY	24.64	46.61	41.72	44.09	67.58	70.31	49.40	59.24	3.4			
MARCH	41.04	46.67	74.06	106.92	50.09	65.48	73.58	69.87	5.6			
QTR TOTAL	133.14	146.60	161.97	190.13	172.36	208.64	238.44	196.41				
APRIL	69.99	76.56	94.73	86.28	155.40	110.09	159.23	133.70	7.8			
MAY	118.22	92.47	132.81	113.15	142.42	138.92	152.28	145.02	9.10			
JUNE	101.65	77.80	110.73	107.30	116.82	125.81	161.29	140.63	11.12			
QTR TOTAL	289.86	246.83	338.27	306.73	414.64	374.82	472.80	419.35				
JULY	148.91	114.33	119.15	105.50	134.19	203.50	230.63	227.77	13,14,15			
AUGUST	145.34	103.11	88.36	162.86	188.04	134.44	182.10	132.45	16,17			
SEPTEMBER	84.26	141.21	170.99	107.52	125.15	144.85	136.55	162.61	18,19			
QTR TOTAL	378.51	358.65	378.50	375.88	447.38	482.79	549.28	522.83				
OCTOBER	112.44	111.36	102.25	106.17	109.84	152.14	185.34	112.88	20,21			
NOVEMBER	111.20	86.81	85.68	80.95	113.57	157.90	155.64	170.70	22,23			
DECEMBER	107.54	78.93	80.64	68.66	99.96	149.21	192.88	145.80	24,25,26			
QTR TOTAL	331.18	277.10	268.57	255.78	323.37	459.25	533.86	429.38				
YEAR TO DATE	1132.69	1029.18	1147.31	1128.52	1357.75	1525.50	1794.38	1567.97				

Grimmel Tonnage

Date	2021
12/29/2020	8.87
1/8/2021	8.9
1/18/2021	6.25
1/29/2021	8.18
2/23/2021	9.36
3/15/2021	10.44
3/23/2021	7.63
4/1/2021	8.72
4/9/2021	10.21
4/14/2021	6.94
4/22/2021	7.94
4/28/2021	9.13
5/5/2021	8.54
5/11/2021	7.76
5/19/2021	10.27
5/28/2021	8.84
6/9/2021	9.43
6/22/2021	9.75
7/1/2021	9.51
7/12/2021	12.05
7/21/2021	10.33
8/2/2021	10.75
8/9/2021	5.71
8/16/2021	6.64
8/26/2021	8.9
9/2/2021	8.22
9/13/2021	10.31
9/21/2021	7.23
9/30/2021	9.88
10/11/2021	9.94
10/18/2021	10.06
10/21/2021	5.87
11/1/2021	9.49
11/12/2021	9.41
11/22/2021	9.99
12/3/2021	9.49
12/15/2021	7.81

328.75

Grimmel Tonnage

Date	2022
1/11/2022	11.42
2/3/2022	8.45
2/22/2022	8.00
3/8/2022	6.56
3/21/2022	9.12
4/1/2022	7.17
4/12/2022	6.78
4/20/2022	8.39
4/27/2022	15.53
05/04/22	8.01
05/13/22	8.45
05/19/22	6.96
05/31/22	9.32
06/07/22	6.52
06/14/22	6.31
06/23/22	7.15
07/06/22	9.49
07/15/22	8.02
07/26/22	8.52
08/02/22	7.54
08/09/22	6.51
08/18/22	8.88
08/25/22	7.69
09/01/22	6.73
09/12/22	9.16
09/23/22	9.13
10/03/22	8.08
10/14/22	7.83
10/24/22	9.71
11/03/22	9.44
11/09/22	7.8
11/16/22	9.27
11/30/22	8.8
12/08/22	7.84
12/14/22	5.67

290.25

Comparision 2021 to2022

	2021	2022
Demo	269467.00	247882.31
Tires	7798.00	6744.60
Metal	66051.00	49882.40
Brush	12302.00	8054.00
Miss.	8280.00	5862.05
Bottles	3368.00	5038.74

Nobleboro/Jefferson Transfer Station

Financial Statement

Beginning balance 1/1/2022		117303.30
Revenues:		
Nobleboro	63342.00	
Jefferson	99671.04	
Damariscotta	138327.96	
Breman	50767.00	
Newcastle	113205.75	
Misc.Fees	5862.05	
Metal Fees	49882.40	
Brush Fees	8054.00	
Tire Fees	6744.60	
Demo Fees	247882.36	
Refunds	1.00	
Bottles	5038.74	
Totals	788778.90	788778.90
		906082.20
Total Expenses 2022		790285.52
Balance End Of 2022		115796.62
	-1506.60	

Custom Budget Report

Expense

	2021 Budget	2021 Actual	2022 Budget	2022 YTD	2023 Initial
Dept: 530 Transfer Station					
PERSONNEL SERVICES					
01-06 FICA	11,016.00	10,157.85	11,443.00	10,796.09	12,546.00
01-11 TRANSFER STATION ATTENDANTS	142,000.00	136,555.12	145,800.00	140,937.45	159,500.00
01-15 TRANSFER STATION AGENT	4,000.00	4,000.00	4,000.00	4,000.00	4,500.00
PERSONNEL SERVICES	157,016.00	150,712.97	161,243.00	155,733.54	176,546.00
UTILITIES					
02-20 TELEPHONE	1,400.00	1,460.56	1,500.00	1,233.04	1,500.00
02-21 ELECTRIC	2,000.00	2,118.21	2,200.00	2,731.38	3,000.00
UTILITIES	3,400.00	3,578.77	3,700.00	3,964.42	4,500.00
SUPPLIES					
04-42 T S FUEL	3,000.00	3,522.84	4,000.00	4,124.26	4,500.00
04-45 T S UNIFORMS	1,000.00	551.50	1,000.00	1,039.26	1,000.00
04-50 T S SUPPLIES	2,500.00	2,484.20	2,500.00	2,204.61	2,500.00
SUPPLIES	6,500.00	6,558.54	7,500.00	7,368.13	8,000.00
MAINTENANCE & REPAIRS					
05-15 MAINTENANCE OF GROUNDS	1,500.00	1,296.11	1,500.00	1,674.18	1,800.00
05-20 T S COMPACTOR	2,000.00	1,055.00	1,500.00	5,197.40	1,500.00
05-25 T S SCALES & COMPUTER REPAIRS	4,000.00	7,100.61	4,000.00	875.00	1,500.00
05-30 T S TRACTOR	3,000.00	10,690.31	3,000.00	3,455.45	5,000.00
05-37 TS CONTAINER REPAIRS	1,500.00	922.00	1,500.00	900.00	1,500.00
MAINTENANCE & REPAIRS	12,000.00	21,064.03	11,500.00	12,102.03	11,300.00
CONTRACTED SERVICES					
06-25 SNOWPLOWING PARK & RIDE	2,400.00	2,400.00	3,000.00	3,332.99	4,000.00
06-28 TS REFRIGERATOR DISPOSAL	0.00	832.50	0.00	0.00	0.00
06-36 TS ADMINISTRATION	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00
06-45 ADVERTISING	200.00	0.00	100.00	1,839.00	300.00
06-65 HAULING FEE DEMO	0.00	90,225.00	0.00	86,001.00	0.00
06-66 DEMO FEE	0.00	133,588.84	0.00	116,575.34	0.00
06-75 HAULING FEE TRASH	98,000.00	104,400.00	100,000.00	112,479.00	115,000.00
06-76 MSW FEE TRASH	180,000.00	216,638.48	210,000.00	204,451.21	230,000.00
06-77 HAULING METAL	0.00	12,765.00	0.00	13,379.00	0.00
06-96 TIRE DISPOSAL	0.00	5,204.00	0.00	6,132.00	0.00
CONTRACTED SERVICES	287,600.00	573,053.82	320,100.00	551,189.54	356,300.00
PROFESSIONAL FEES					
07-05 LICENSES	1,200.00	1,680.00	1,700.00	1,373.10	1,700.00
PROFESSIONAL FEES	1,200.00	1,680.00	1,700.00	1,373.10	1,700.00

Custom Budget Report

Expense

	2021 Budget	2021 Actual	2022 Budget	2022 YTD	2023 Initial
Dept: 530 Transfer Station CONT'D					
INSURANCE					
08-04 RETIREMENT FUNDS	0.00	0.00	2,500.00	2,500.00	0.00
08-05 TS INSURANCE	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00
08-06 TOWN HEALTH INS/REIMB	47,434.00	43,923.40	43,360.00	23,244.77	0.00
INSURANCE	54,934.00	51,423.40	53,360.00	33,244.77	7,500.00
EQUIPMENT PURCHASES					
EQUIPMENT PURCHASES	0.00	0.00	0.00	0.00	0.00
MISC INCIDENTALS					
12-12 OPERATING EXPENSES	1,200.00	1,269.91	1,400.00	575.05	1,000.00
12-13 HAZARDOUS WASTE	0.00	4,160.00	0.00	1,101.00	1,000.00
12-20 CAPITOL ACCOUNTS	20,000.00	499.99	15,000.00	19,213.76	35,000.00
12-25 MILEAGE	400.00	220.20	250.00	114.30	250.00
12-31 RECYCLING ELECTRONICS	0.00	6,919.57	0.00	4,305.88	0.00
MISC INCIDENTALS	21,600.00	13,069.67	16,650.00	25,309.99	37,250.00
Transfer Station	544,250.00	821,141.20	575,753.00	790,285.52	603,096.00
Expense Totals:	544,250.00	821,141.20	575,753.00	790,285.52	603,096.00

Nobleboro/Jefferson Transfer Station

Proposed funding for 2023 Budget

Budget Amount	603096	
Amount form surplus	120000	
Amount to be raised	483096	+17343

Town	% of budget	Amount to be raised
Breman	11.4%	55073
Damariscotta	30.1%	145412
Jefferson	20.6%	99518
Newcatle	24.8%	119808
Nobleboro	13.1%	63285
Total		483096



Town of Damariscotta

Administrative Offices

21 School Street

Damariscotta, Maine 04543

Telephone – 207-563-5168

Fax – 207-563-6862

The accompanying application submitted for Above and Beyond Cannabis, LLC (Above and Beyond) has been reviewed by the town staff. While there are a few outstanding items, we felt it was important to keep the public hearing scheduled with the expectation that the remaining information will become available. Above and Beyond has been an active business in Damariscotta for multiple years now and is only before the town now as their previous lease expired. The owners are seeking to open the same business in a different location, one that has been approved by the Planning Board, see the findings included in the packet.

The following are the requirements for hearing or considering a new applicant for medical marijuana establishments.

902.7 – Action on Application

1. Public Hearing: The Town Clerk, upon receipt of a completed application and upon receipt of the reports required under Section 6 above, shall schedule a public hearing at a regular or special meeting of the Board of Selectmen and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Damariscotta at least six (6) days prior to the date of the scheduled public hearing. The scheduling of the hearing may be delayed if there are more applications than the total number of licenses allocated per Section 902.13. Costs of the hearing notice shall be paid out of the application fee. This public hearing before the Board of Selectmen is in addition to any public hearing that may be required before the Planning Board in accordance with the Town's Land Use and Site Plan Review Ordinances.

902.5 – New Applications

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the Town Clerk, together with the applicable nonrefundable application fee, as well as the following supporting materials:

1. A copy of the applicant's State registration application and supporting documentation, as submitted to the State registration authority.
2. Evidence of all State approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a State registry identification card or registration certificate.
3. If not included in the applicant's State registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of

association that govern the entity that will own and/or operate the medical marijuana establishment.

4. If not included in the applicant's State registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
5. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Damariscotta to obtain criminal records and other background information related to the individual.
6. A Statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
7. A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.
8. Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
9. Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
10. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable food or victualer's license.
11. Evidence of compliance with the requirements of this ordinance and Planning Board approval.

902.6 – Investigation of applicant, officers, etc..

Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 5 above, the Town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

1. The Code Enforcement Officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the Town Clerk.
2. The Fire Chief or his/her agent shall inspect the location or proposed location to determine if all Town ordinances and any other applicable regulations concerning fire, health, and safety have been satisfied and shall report findings in writing to the Town Clerk; and
3. The Police Chief or his/her agent shall investigate the application, including the criminal history record information and shall report findings in writing to the Town Clerk.

902.7 – Action on Application

2. Board of Selectmen action. The Board after notice and public hearing, shall determine whether the applicant complies with the requirements of this ordinance. In issuing or renewing licenses, the Board shall give consideration to:
 - a. The character of the applicant
 - b. the location of the place of business
 - c. The manner in which the business has been operated; and
 - d. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business."

Upon determination by the Board that the applicant has met the requirements of this ordinance, the Board shall approve the application and authorize the Town Clerk to issue the license upon payment of the license fee. Failure to pay the license fee within 30 days of Board action on the application shall constitute disapproval of the application and any fees paid to date shall be forfeited.

902.10 – Standards for Approval, denial, revocation, penalties

A license application for a medical marijuana establishment shall be denied by the Board of Selectmen, and an existing license may be suspended or revoked by the Board of Selectmen after notice and hearing, if the applicant, or any owner of the applicant or licensee:

1. Fails to meet the requirements of this ordinance.
2. Is not at least twenty-one (21) years of age.
3. Is not a resident of the State of Maine.
4. Has had a license for a marijuana establishment revoked by a municipality or by the State.
5. Has not acquired all necessary State and local approvals prior to issuance of the license including any approvals required by the Planning Board or Code Enforcement Officer.
6. Has been convicted of a disqualifying drug offense.
7. Has provided false or misleading information in connection with the license application.
8. Fails to begin operation and become fully operational within the following time frames:
 - a. Registered caregiver retail store shall begin operation within sixty (60) days of issuance of the town license and shall be fully operational within one hundred twenty (120) days of issuance of said license.
 - b. All other medical marijuana establishments shall begin operation within one hundred twenty (120) days of issuance of the town license and shall be fully operational within one (1) year of issuance of said license.

PAID FEB 20 2022

Town of Damariscotta
Application for License for Adult Use and Medical Marijuana Stores,
Manufacturing Facilities and Testing Facilities
and Adult Use Cultivation Facilities

APPLICANTS SHOULD READ THE DAMARISCOTTA ADULT USE AND MEDICAL MARIJUANA LICENSING ORDINANCES BEFORE COMPLETING THIS APPLICATION.

ALL DOCUMENTS REQUIRED BY ORDINANCE UNDER 902.5 OF THE MEDICAL MARIJUANA LICENSING ORDINANCES AND 903.5 OF THE ADULT USE MARIJUANA MUST BE ATTACHED

Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than three days prior to submission of application. This can be done on-line here: <http://www5.informe.org/online/per>

NAME OF BUSINESS (Please print): (Caregiver) Danielle Simmons / Above and Beyond Cannabis LLC
BUSINESS ADDRESS: 95 Biscay RD Damariscotta
BUSINESS MAILING ADDRESS: PO Box 961
Damariscotta ME 04543
OWNER'S NAME: Danielle Simmons

- NEW APPLICATION Fee: \$500
- EXISTING FACILITY AS OF 12/13/18 Fee: \$500
- RENEWAL APPLICATION Expires: _____ - No Fee (Renewal Applicants need only complete those sections where information has changed since the new application or most recent renewal application was submitted but must provide a copy of their current State license for adult use and caregiver registration for medical marijuana.)

TYPE OF BUSINESS:

ADULT USE MARIJUANA BUSINESS:

- Retail Store
- Manufacturing Facility
- Cultivation Facility:
 - Nursery
 - Tier I Cultivation (up to 500 SF of mature plant canopy)
 - Tier II Cultivation (500-2,000 SF of mature plant canopy)
 - Tier III Cultivation (2,001-7,000 SF of mature plant canopy)

MEDICAL MARIJUANA BUSINESS:

- Caregiver Retail Store
- Manufacturing Facility
- Testing Facility

DAYS OF THE WEEK AND HOURS OF OPERATION:

S-m 9-7 Summer / Spring / Fall
 S-m 10-6
 T-S 9-7 winter

Attach a copy of all current State Marijuana License(s) as follows:

- Medical Marijuana Business: State of Maine caregiver registration application and registration certificate
- Adult Use Marijuana Business: State License application and Conditional license or current license in the case of a renewal

MAP & LOT OF SUBJECT PROPERTY:

Map: 1 Lot: 67 Zone: C-2

Physical Address of Subject Property:

95 Biscay RD

OWNER OF BUILDING/UNIT (if different from applicant):

PRINTED NAME: Raymond Cole

OWNER'S ADDRESS: PO Box 1267 Damariscotta Phone No.: 563 1010

PLEASE ATTACH A COPY OF LEASE (if applicable)

Property owner Signature: [Signature] Date: 12/23/22

Has applicant been denied an application for an adult use or medical marijuana license by another jurisdiction?

No Yes (If yes, explain on a separate sheet)

Has applicant had an adult use or medical marijuana license suspended or revoked by another jurisdiction?

No Yes (If yes, explain on a separate sheet)

Has applicant(s) or any officer, partner, director, stockholder, or member ever been convicted of any violation of the law, other than minor traffic violations in a federal, State or other court? No Yes (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____

Location: _____

Disposition: _____

For Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Products Manufacturing Facility license applicant:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Testing Facility License.

Applicant Signature *Danielle Simmons*

Applicant Printed Name Danielle Simmons Date 12/21/22

For Marijuana Testing Facility license applicants:

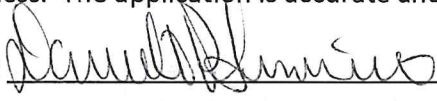
I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Manufacturing Facility.

Applicant Signature _____

Applicant Printed Name _____ Date _____

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

I, Danielle Simmons Owner/Operator/Agent of the business, hereby authorize the release of any criminal history record information to the Town Clerk. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. The application is accurate and true to the best of my knowledge.

Applicant Signature:  Date: 12/21/22

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Town Office to complete the following:

Application date & time: received 12/27/2022  License issued on: _____

Application fee: \$ 500 Annual License fee (payable when Town License is issued): \$ _____

Initial fee and annual fees for both adult use medical commercial facilities:

<i>Adult Use Retail or Registered Caregiver Store</i>	<i>\$5,000</i>
<i>Manufacturing</i>	<i>\$2,500</i>
<i>Testing</i>	<i>\$2,500</i>
<i>Cultivation (Adult-Use only)</i>	
<i>Nursery</i>	<i>\$1,000</i>
<i>Tier I</i>	<i>\$1,000</i>
<i>Tier II</i>	<i>\$1,500</i>
<i>Tier III</i>	<i>\$2,500</i>



MAINE MEDICAL USE OF CANNABIS PROGRAM

162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR

Transaction Type: **Renew my Individual Caregiver Registration** | License: **CGR26326**

Transaction Receipt

Attachments/Documentation Needed

Attachments/Documentation Needed: Your application cannot be processed until you have provided the required documentation described in the Supporting Information section(s) for the following items:

- Local Authorization
- Tobacco Retailer License
- Retail Food Establishment License
- Scale Certification

Transaction Details

- Date of Transaction: **12/25/2022 03:28 PM**
- Transaction Number: **3092478-2947856**
- Applicant: **DANIELLE P SIMMONS**
- Transaction Type: **Renew my Individual Caregiver Registration**
- License Type: **INDIVIDUAL CAREGIVER**
- License: **CGR26326**
- Regulator:

**MAINE MEDICAL USE OF CANNABIS PROGRAM
162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR**

- Fee Paid:
Fees are nonrefundable.

Total: \$0

Application Instructions

Complete this Individual Caregiver Registration renewal application online. After you electronically submit the application, you will receive an email notification with the Notice of Background Check Fee. Upon receipt of the background check fee, if required, the Office of Cannabis Policy will review the application to determine if the Office is in possession of all required forms, supplemental information, criminal history records checks and any other licensing requirements. The Office of Cannabis Policy will notify you by email of the Office's decision on the CGR registration. For more complete instructions, visit the OCP website.

Documents That May be Uploaded with This Application

You will be asked for the following documentation in addition to the basic application information. The online application allows for uploading these required documents. When uploading required documents, please title each document similar to the following examples beginning with last name followed by the document title: LastnameFirstName_Photo, LastnameFirstName_InformationRelease.

Please have documents ready if you wish to upload them with your online application; otherwise, you will be required to provide them to the Office through the "Upload Outstanding Application Documents" option online, by email to Licensing.OCP@maine.gov, or by mail to MAINE MEDICAL USE OF CANNABIS PROGRAM, 162 STATE HOUSE STATION, 19 UNION STREET, FIRST FLOOR, AUGUSTA, ME 04333-0162. This application is not complete and will not be processed until all documentation is provided. Forms referenced below may be found on [OCP's Medical Use Applications and Forms page](#).

- Copy of State-issued photographic identification
- Copy of business operating agreement, if applicable
- Copy of commercial or home kitchen license, if applicable
- Copy of bottling/beverage plant license, if applicable
- Copy of retail food establishment license, if applicable
- Copy of Resale Certificate, if applicable
- Copy of Scale Certification
- Proof of local authorization for caregiver retail store, if applicable
- Copy of tobacco retail/distributor license, if applicable
- Copy of pesticide applicator license, if applicable

Individual Information

Please review the information below. If this information is incorrect, you may contact MAINE MEDICAL USE OF CANNABIS PROGRAM for correction.

First Name: DANIELLE
Full Legal Middle Name: P
Last Name: SIMMONS
Suffix:
Birth Date: 10/26/1992

Sales Tax ID Requirement

You must have a Sales Tax ID before completing this application.

Is your Sales Tax ID number in your individual name, another individual's name, or a business name?: **An individual's name (my own or another's)**

Individual Identification Information

You must provide both a valid State ID (driver's license or State ID) issued by the state in which you currently reside AND a Sales Tax ID. If you do not have a Sales Tax ID, please contact Maine Revenue Services at (207)624-9693 or complete the application online at: <https://www5.informe.org/cgi-bin/online/suwtaxreg/index>.

State ID Information

- ID Type: Driver's License
- ID Number: 9999317
- ID State: Maine
- ID Expire Date: 10/26/2026

Sales Tax ID

****This is not your social security number or IRS issued FEIN number**

- Sales Tax ID Number (must be 7 digits): 1205746

Licensee Contact Information

Address

Address: **95 BISCAY RD, DAMARISCOTTA, ME 04543-4217 US** (Edited)
Address Type: **Retail Location**

Address: **961 BISCAY RD, BREMEN, ME 04551 US**
Directions: **Property owner; Charles Simmons, 961 Biscay Rd Bremen 04551**
Address Type: **Grow Location Mature, Residential Street Location**

Address: **PO BOX 131, BREMEN, ME 04551-0131 US**
Address Type: **Mailing**

Phone

Number: **+1 (207) 380-7627**
Type: **Primary**

Email

A primary email address is required for transaction confirmation purposes. In addition, you must provide an email address to be used for establishing credentials in OCP's inventory tracking system.

Email Address: **aboveandbeyondcannabisllc@gmail.com**
Email Type: **Primary**

Property Owner(s)

Please provide property owner information below as applicable. If you yourself are the owner, you may just enter "SELF".

Legal Name of Property Owner of GROW LOCATION, if applicable: **Charles Simmons**

Grow Location Property Owner Address: **961 Biscay RD
Bremen ME, 04551**

Legal Name of Property Owner of RETAIL LOCATION, if applicable: **Raymond Cole**

Retail Location Property Owner Address: **Po box 1267
Damariscotta ME, 04543**

Legal Name of Property Owner of MANUFACTURING LOCATION, if applicable:

Manufacturing Location Property Owner Address:

Doing Business As Name

Name: **ABOVE AND BEYOND CANNABIS**

Registered Caregiver Authorized Activities

Please select all that apply.

Cultivation activities: **Yes**

Manufacturing of cannabis without the use of inherently hazardous substance extraction: **No**

Manufacturing of cannabis using inherently hazardous substances: **No**

Manufacturing edible cannabis products: **No**

Transfer, donation and/or sale of medical cannabis, concentrate and products to patients: **Yes**

Operation of one caregiver retail store: **Yes**

Purchase or other receipt of wholesale cannabis from other caregivers or dispensaries: **Yes**

Sale or other transfer of wholesale cannabis to other caregivers or dispensaries: **Yes**

Authorized Cultivation Level

Please review the information below and indicate whether you are requesting changes to the cultivation level: **No, the cultivation information displayed here is still accurate**

Type of Cultivation Authorization: **Authorization for mature plants grown under 500 square foot canopy/1,000 square foot immature canopy**
Indoor/Outdoor/Both Canopy: **Both Indoor and Outdoor**

Cultivation Details

Do you use pesticides as defined by the Maine Department of Agriculture, Conservation and Forestry (<https://www.maine.gov/DACF/php/pesticides/public/index.shtm#what-is>)?: **No**

Retail Store Information

Do you sell tobacco products as defined by the Department of Health and Human Services as a product that is made from or derived from tobacco, or that contains nicotine, that is meant to be smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means? Tobacco products include, but are not limited to, cigarettes, cigars, hookah, pipe tobacco, chewing tobacco, snuff, snus, electronic smoking devices, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.: **Yes**

Do you sell edible cannabis products?: **Yes**

You must provide proof of local authorization for your retail operation.
You have agreed to provide this information as requested.

Wholesaler Information

Do you sell or distribute tobacco products as defined by the Department of Health and Human Services, which includes but is not limited to cartridges whether or not they contain nicotine?: **Yes**

Tobacco Retailer License

As you have indicated that you sell tobacco products, you must provide a copy of your tobacco retailer license.
You have agreed to provide this information as requested.

Retail Food Establishment License

As you have indicated that you sell edibles, you must provide a copy of your retail food establishment license.
You have agreed to provide this information as requested.

Scale Certification

You must provide a copy of your scale certification in accordance with 10 MRS, ch 501.
You have agreed to provide this information as requested.

Controlled Substance Convictions

Have you ever been convicted of a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, whether in Maine or elsewhere?: **No**

Photo Identification

You must provide a copy of State-issued photographic identification issued by the state in which you currently reside.
ID.jpg

Attestations

Please read and attest to the following:

- A. All information on this application is true and correct. Misrepresentation on this application may jeopardize my status as a registered caregiver in the Maine Medical Use of Cannabis Program (MMCP).: **Agree**
- B. I have reviewed the rules and statute to allow me to execute my duties, rights and responsibilities as a caregiver under the laws and regulations governing the MMCP.: **Agree**
- C. In the event that law enforcement, OCP staff, and/or their representatives question my status as a card holder, I must provide my registry identification card and current government-issued photo ID.: **Agree**
- D. I will comply with inspections, as required, and refusal of entry could jeopardize my status as a caregiver.: **Agree**
- E. I will comply with applicable regulations and requirements if I am producing edibles with medical cannabis or using pesticides in the cultivation of medical cannabis.: **Agree**
- F. I will abide by packaging and labeling requirements as defined in MMCP rules and statute.: **Agree**
- G. I will not sell, furnish or give cannabis to a person who is not allowed to possess cannabis for medical purposes.: **Agree**
- H. I may operate one retail store to sell harvested cannabis to qualifying patients for the patients' medical use.: **Agree**
- I. I may employ assistants to assist in performing the duties of the caregiver and they must be registered with the State of Maine in accordance with state law.: **Agree**
- J. I have provided my social security number or federal identification number for reporting to the Maine Revenue Service for tax purposes only.: **Agree**
- K. I will collect and remit sales tax related to my sales and transactions of medical cannabis.: **Agree**
- L. I have reviewed local/town/municipal ordinances and my status as a caregiver does not violate any ordinances currently in place.: **Agree**
- M. I will submit to annual background checks as required in statute or as required by program policy.: **Agree**
- N. I must submit a new application each time I apply for a card and renew a card.: **Agree**
- O. If any of my information changes after this application is processed, I must notify OCP.: **Agree**
- P. If I do not comply with these requirements, the Department of Administrative and Financial Services may revoke authorization to serve as a caregiver under the Maine law.: **Agree**

Applicant's Signature: **Danielle Simmons**

Background Check

Has the Office of Cannabis Policy completed a background check for you in the past 12 months for a Caregiver Assistant, Dispensary Employee Registration, or Registry Identification Card?: **No**

Attest & Agree

You cannot submit this request unless you attest to the accuracy of the information provided within this application.

I hereby certify that the information provided on this application is true and accurate to the best of my knowledge and belief.

Questions about this service? Contact MAINE MEDICAL USE OF CANNABIS PROGRAM at: (207) 287-3282 or email: Licensing.OCP@maine.gov

Credits



Copyright © 2019
All rights reserved.

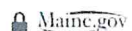
Information

Maine.gov

[Site Policies](#)

[Contact technical support.](#)

Transaction Security





Maine Medical Use
Of Marijuana

Date Issued: 03/18/2021
Expires: 03/17/2022

Individual Caregiver

DANIELLE P. SIMMONS

DBA: ABOVE AND BEYOND CANNABIS

DOB: 10/26/1992

Retail Location: 464 MAIN ST, DAMARISCOTTA, ME
04543-4677

Registration #: CGR26326

Control #: 361910

Authorized for: Plant Canopy-500 square feet

To whom it may concern,

At the address 95 Biscay RD, we intend to put in a medical marijuana caregiver retail store, along with a tobacco smoking accessories store under Above and Beyond. We opened this store at the location 464 Main ST in October 2020 during the pandemic. It became a concern of ours in September 2022 when our lease was up that the building is being sold. This store has offered new job opportunities to the community as well as allowing patients to get top quality products locally at reasonable prices.

We plan to continue to be open 7 days a week between the hours of 9am-7pm. We have two shifts with the caregiver on duties at times. The shifts are 830am-530pm and 10:30am-730pm. We will use the main entrance as a glass store and convert the already existing partition into an operational medical marijuana retail store front. We will include all necessary security measures for compliance with state and town laws. At the time of closure, our store was seeing 30-40 people on an average day.

Our employees have been trained to check people's IDs as soon as someone enters through the door. There will be a 21+ or medical card only sign on the door. If someone does not reach one of these standards, they will not be allowed entrance (unless grandfathered under MT21). If they request to go into the medical room, they will have to show ID and medical card to the employee, if they do not they will be told they cannot be served.

We have hired a security specialist to install a top of the line security system to be monitored by seacoast security in Rockport. We will have cameras covering every interior and exterior inch of the store making sure everything is visible at all times. We will have cameras pointing at every door before people come in. We will also have a camera pointed at every pos monitor and cash register. The hard drive holding these files will be capable of holding them for at least 90 days and will have a cloud backup. We will have locks and deadbolts on every door including locks on the windows. Motion detectors inside and an alarm system that is audible and monitored. The monitoring will allow the licensee and police to be called need be. We will also install motion detecting lights outside the entire building.

We have a fully registered caregiver, Danielle who can employ the employees legally to sell medical marijuana to patients who come in. We will sell items including but not limited to concentrates, tinctures, edibles, pre rolls etc. along with other items related to marijuana. We will use the biotrackthc POS system to monitor and keep track of all of our sales and stock. We will put in a uvb ventilation and sterilization system in the building to eliminate the odor. The limited access areas will be behind the cash registers.

The medical partition will be in the already separated room through the door. When you enter the partition there will be 2 display cases with all our different products that we listed. Behind the display we will have two locking refrigerators to refrigerate concentrates and edibles. The customers will not be able to access any marijuana themselves. In this room we will offer patients with a medical marijuana card to purchase product such as but not limited to, medical marijuana, concentrates, pre rolls, the vape cartages, edibles, tinctures, capsules and pain rubs.

The smoking accessories store will be a business where the employees help get the glass items out of cases and the items that are behind the counter. They will direct them to the items they are looking for and check them out at the pos system. They will wrap the glass items with bubble wrap and tape and bag them up. They are responsible for receiving the money and putting it into the pos system. They will also keep track of inventory according to the pos system and take in deliveries, stock items, and add them to the pos. These display cases will have papers, lighters, bowls, chillums, and other smoking accessories. We will have shelves for different accessories behind the counter including butane torches, butane, Cbd and other nic-nacs.

The medical marijuana retail storefront employee will have a more intricate job. They will be responsible for checking the medical cards of the patient they are serving as well as putting their information into the indicaonline program. They will be responsible for telling the patient the medical capabilities of each strain and item as well as weighing them up on a scale if we do not have it prepackaged. They will be responsible for receiving the money given to them and putting it into the register.

I have attached our current inventory for both glass and medical marijuana.

Sincerely,
Danielle Simmons



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 09-25-2020

Employer Identification Number:
85-3176725

Form: SS-4

Number of this notice: CP 575 A

ABOVE AND BEYOND CANNABIS LLC
CHARLES A SIMMONS MBR
464 MAIN ST
DAMARISCOTTA, ME 04543

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 85-3176725. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 940	01/31/2021
Form 1065	03/15/2021
Form 944	01/31/2021

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No. 20212013DC Pages 2
Fee Paid \$ 175
DCN 2202582330027 DLLC
---FILED---
09/11/2020


Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

FIRST: The name of the limited liability company is:

above and beyond cannabis llc

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 1508.)

SECOND: Filing Date: (select one)

- Date of this filing; or
 Later effective date (specified here): _____

THIRD: Designation as a low profit LLC (Check only if applicable):

This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:

- A. The company intends to qualify as a low-profit limited liability company;
- B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
- C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
- D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):

This is a professional limited liability company* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

(Type of professional services)

FIFTH: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent

CRA Public Number: P10154

United States Corporation Agents, Inc.

(Name of commercial registered agent)

Noncommercial Registered Agent

(Name of noncommercial registered agent)

(physical location, not P.O. Box – street, city, state and zip code)

(mailing address if different from above)

SIXTH: Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit _____, and made a part hereof.

****Authorized person(s)**

Dated 9/10/2020



(Signature of authorized person)

Cheyenne Moseley, Assistant Secretary, LegalZoom.com, Inc.

(Type or print name of authorized person)

(Signature of authorized person)

(Type or print name of authorized person)

*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)

**Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov

Current Inventory

Product	Remaining Count
\$18 Banana Runtz	53.00
\$18 Blue Diamond Sugar Wax	29.00
\$18 Blue Dream	63.00
\$18 Cake Batter	15.00
\$18 Clementine	66.00
\$18 Durban Poison	53.00
\$18 Ekto Cooler	54.00
\$18 Garanimals Sugar Wax	34.00
\$18 Gelato Sugar Wax	49.00
\$18 Glazed Apricot Gelato	56.00
\$18 Granddaddy Purp	37.00
\$18 Green Crack Sauce	14.00
\$18 Last Supper	12.00
\$18 Night Terror OG	9.00
\$18 OG Kush	54.00
\$18 PB Breath	12.00
\$18 Pineapple Express	19.00
\$18 Silver Kush Sugar Wax	2.00
\$18 Super Lemon Haze	64.00
\$18 Super Sour Diesel	62.00
\$18 Tangie Sugar Wax	28.00
\$18 Watermelon Zkittles	42.00
\$18 Wedding Cake	38.00
\$18 Wedding Pie Sugar wax	19.00
\$18 White Widow Sauce	35.00
\$18 Zkittles	55.00
\$25 Conc Disc	1.00
10 For \$105 Kief Coat	58.00
10mg Gummies Lemon	58.00
1g Distillate Dart	3.00
1g Kief	13.00
1g RSO	17.00
1g RSO	4.00
2 For \$22 Kief Coat	30.00
3.5g Orange Cookies sugar wax	9.00
3.5g Tangie Sugar Wax	4.00
30mg Gummies Lemon	24.00

5/108 Concentrates	35.00
AB Dark Choc 300mg	16.00
AB Dark Sea Salt Choc 300mg	8.00
AB Milk PB Choc 300mg	8.00
AB Pep White Choc 300mg	10.00
AB Single Dark 25mg	20.00
AB Single Dark Salted 25mg	2.00
Acapulco Gold Pre Roll	22.00
Acapulco Gold Pre Roll	23.00
Animal Cookies Sauce	61.00
Animal Tree Diamonds	23.00
Apple Mac Diamonds	5.00
Apples and Bananas Flower	14.00
BT Capsules 1:1 CBD:THC 250mg	20.00
BT Capsules THC 250mg	10.00
BT Cart Blackberry Kush .5g	3.00
BT Cart Blood Orange .5g	10.00
BT Cart Blue Rasp .5	4.00
BT Cart Blueberry .5g	11.00
BT Cart Forbidden Fruit .5g	12.00
BT Cart Gelato 33 .5g	8.00
BT Cart Lemon Drop .5g	7.00
BT Cart Orange Pineapple .5	12.00
BT Cart Pineapple Express .5g	8.00
BT Cart Trop Cookies .5	11.00
BT Cart Watermelon Zkittles .5	7.00
BT Crispy Choc 100mg	4.00
BT Crispy Fruity 100mg	1.00
BT Drink Blueberry Lemonade 100 mg	8.00
BT Drink Fruit Punch 100mg	18.00
BT Drink Grape 100 mg	8.00
BT Drink Lemon Iced Tea 100 mg	4.00
BT Drink Original Lemonade 100 mg	3.00
BZ Gummies Blue Dream 150mg	6.00
Bahama Busdown Pre Roll	91.00
Bahama Mama Kief Coat	44.00
Bahama Mama Pre Roll	37.00
Banana Pie w/Kief	57.00
Banana Runtz Cart	12.00
Bruce Banner Sauce	11.00

Burnham Redeye Sugar Wax	17.00
C207 Blueberry Muffin	56.00
C207 Ice Cream Candy	56.00
C207 Shire 2.0	56.00
C207 Sundae Driver	56.00
Cheese Quake Crumble	22.00
ChemDawg Diamonds	20.00
Cookies and Cream Flower	136.50
Dirigo 100mg Blue Rasp	1.00
Dirigo 100mg Blueberry	8.00
Dirigo 100mg Grape	10.00
Dirigo 100mg Grape	2.00
Dirigo 100mg Lemon	9.00
Dirigo 100mg Peach	4.00
Dirigo 100mg Pineapple	10.00
Dirigo 100mg Pineapple	4.00
Dirigo 100mg Sour Apple	4.00
Dirigo 100mg Sour Rasp	9.00
Dirigo 100mg Strawberry	14.00
Dirigo 100mg Watermelon	11.00
Dirigo Blue Rasp 300mg	7.00
Dirigo Cart Gorilla Glue	1.00
Dirigo Cart Wedding Cake	6.00
Dirigo Cart Zkittles	15.00
Dirigo Lemon 300mg	8.00
Dirigo Mango 300mg	1.00
Dirigo Peach 300mg	2.00
Dirigo Sour Apple 300mg	6.00
Dirigo Strawberry 300mg	13.00
Dirigo Watermelon 300mg	5.00
Dosido Sauce	61.00
Durban Poison Cart	12.00
Durban Poison Pre Roll	26.00
First Class Funk Sauce	64.00
GDP Cart	11.00
Green Crack Sauce	69.00
Guava Bars Pre Roll	75.00
Guava Cream Flower	24.50
Guava Cream Preroll	55.00
Guava'Z Pre Roll	33.00
Gushcanna Flower	35.00

Gushcanna Kief Coat	35.00
Gushers Pre Roll	102.00
HC Alaskan Thunder Fuck	26.00
HC Apple Jack	18.00
HC Apple Jack	16.00
HC Banana Runtz	21.00
HC Biscotti	25.00
HC Blueberry	17.00
HC Chemdawg	25.00
HC Clementine	22.00
HC Diablo OG	24.00
HC Dragon Berry	19.00
HC GMO	25.00
HC Gelato	20.00
HC Grape Stomper	27.00
HC Headband	25.00
HC Jungle Cake	18.00
HC Motor Breath	23.00
HC Pineapple Express	29.00
HC Pink Panties	29.00
HC Sour Cherry Sherb	18.00
HC Sour Diesel	35.00
HC Sour Lato	23.00
HC Strawnana	24.00
HC Thin Mint Cookies	15.00
HC White Widow	18.00
HC Yoda OG	14.00
HT 420 Mega Rope 420mg	4.00
HT Coffee Creamer 320mg	3.00
HT Hard Candy Fruity Mix 100mg	3.00
HT Hard Candy Sour Mix 100mg	7.00
HT Honey Jar THC 400mg	1.00
HT Honey Sticks 20mg	34.00
HT Ice Pop Lemonade 100mg	2.00
HT Lil Biggie 200mg	5.00
HT Lolli 100mg Grape	10.00
HT Lolli 100mg Orange Creamcicle	2.00
HT Lolli 100mg Orange Creamcicle	1.00
HT Lolli 100mg Root Beer Float	8.00
HT Lolli 100mg Strawberry	13.00

HT Lolli 100mg Wild Maine Blueberry	2.00
HT Lolli 50mg Grape	10.00
HT Lolli 50mg Grape	4.00
HT Lolli 50mg Orange Creamsicle	10.00
HT Lolli 50mg Orange Creamsicle	1.00
HT Lolli 50mg Rootbeer Float	5.00
HT Lolli 50mg Strawberry	4.00
HT Lolli 50mg Wild Maine Blueberry	3.00
HT Nugz 3 Nugetteers 100mg	12.00
HT Nugz Birthday Cake Nug 100mg	3.00
HT Nugz Deez Nug100mg	3.00
HT Nugz Deez Nug100mg	4.00
HT Nugz Peanut Butter 100mg	3.00
HT Nugz Peanut Butter 100mg	4.00
HT Snacks Ranch-Itz 100mg	6.00
HT Snacks Wing Nuts 100mg	9.00
HT Squares Banana Split 150mg	3.00
HT Squares Key Lime Coconut 150mg	8.00
HT Squares Raspberry Chocolate 150mg	7.00
HT Squares Tumbledown Mints	8.00
HT Sugar 240mg	3.00
HT Sugar Stix 50mg	46.00
HT THC Pain Rub 1000mg	5.00
HT THC Pain Rub 1000mg	3.00
HT THC Pain Rub 250mg	1.00
HT THC Pain Rub 250mg	3.00
HT THC Pain Rub 500mg	5.00
HT THC Pain Rub 500mg	3.00
Hazlenut Cream Flower	52.50
Headband Sugar Wax	22.00
Hulkberry Pre Roll	58.00
Hulkberry Sauce	24.00
Inzane Honeycomb	29.00
Jungle Fruit Flower	133.00
Jungle Fruit Honeycomb	32.00
Jungle Fruit Pre Roll	50.00
Jungle Fruit Pre Roll	22.00
Kind Dark - Dark Macadamia Bar 300mg	3.00
Kind Dark - Dark Mint Bar 300mg	9.00
Kind Dark - Dark Salted Almond Bar 300mg	4.00
Kind Dark - Dark Toffee Crunch Bar 300mg	4.00

Kind Dark - Extra Dark Bar 300mg	52.00
Kind Dark - Peppermint Bar 300mg	8.00
Kind Milk - Classic Milk Bar 300mg	15.00
Kind Milk - Milk Cookie Crunch Bar 300mg	3.00
Kind Milk - Milk Salted Almond Bar 300mg	4.00
Kind Milk - Milk Toffee Crunch Bar 300mg	8.00
Kind Milk - Peanut Butter Bar 300mg	6.00
Kind Milk - Rice Crispies Bar 300mg	4.00
Kind Milk - Strawberry Bits Bar 300mg	5.00
Kind Milk - Toasted Coconut Bar 300mg	3.00
Kind Pretzels Carmel 300mg	11.00
Kind Pretzels Milk 300mg	5.00
Kind Pretzels Peanut Butter 300mg	3.00
Kind Pretzels White 300mg	5.00
Kind White - Caramel Bar 300mg	4.00
Kind White - Classic White 300mg	3.00
Kind White - Fruity Pebbles Bar 300mg	9.00
Kind White - Salted Pistachio Bar 300mg	6.00
Kind White - White Macadamia Bar 300mg	3.00
LF Chocolate Caramels 250 mg	4.00
LF Gummies Cherry 300 mg	8.00
LF Gummies Grape 300 mg	1.00
LF Gummies Green Apple 300 mg	5.00
LF Gummies Peach 300 mg	5.00
LF Gummies Peach 300 mg	4.00
LF Nerd Bites Cherry	1.00
LF Nerd Bites Grn Apple	3.00
LF Sherblato Badder	2.00
Lemon Lush Pre Roll	6.00
Lemon Lush Pre Roll	50.00
Lemon Skunk Preroll	50.00
Lemon Tree Flower	150.50
Master Kush Sugar Wax	18.00
Meat Breath Flower	70.00
Mojo 1000mg Gummies Berry Lemonade	1.00
Mojo 1000mg Gummies Magic Dew	1.00
Mojo 1000mg Gummies Mango Tango	1.00
Mojo 1000mg Gummies Vanilla Cola	1.00
Mojo 100mg Drink Berry Patch Tea	3.00
Mojo 100mg Drink Mulled Cider	1.00

Mojo 100mg Drink Trop Lemonade	2.00
Mojo 200mg Drink - Indica Rasp Hibiscus	3.00
Mojo 200mg Drink - Sativa Rasp Hibiscus	6.00
Mojo 500mg Gummies Berry Lemonade	8.00
Mojo 500mg Gummies Magic Dew	9.00
Mojo 500mg Gummies Mango Tango	3.00
Mojo 500mg Gummies Vanilla Cola	7.00
Mojo Fudge Chocolate	3.00
Mojo Fudge PB	5.00
Mojo Gummies Vegan 100mg	4.00
Mojo Hot Coco Mix 100mg	5.00
Mojo Lolli 100mg Green Apple	22.00
Mojo Lolli 100mg Nerd Citrus Burst	1.00
Mojo Lolli 100mg Nerd Sour Rasp	1.00
Mojo Lolli 50mg Blue Raspberry	18.00
Mojo Lolli 50mg Lemon Lime	6.00
Mojo Lolli 50mg Rootbeer	8.00
Mojo Lolli 50mg Strawberry	1.00
Mojo Lolli 50mg Tangerine	4.00
Mojo Lolli 50mg Watermelon	10.00
Mojo Pebble Bites Dark	5.00
Mojo Pebble Bites White	6.00
Mojo Pot Ramen Original 100mg	2.00
Mojo Pot Ramen Spicy Korean 100mg	4.00
Mojo Rising Dark Chocolate 1500MG	6.00
Mojo Rising Dark Salted PB 1500mg	1.00
Mojo Rising Milk Chocolate Almond 1500mg	4.00
Mojo Rising Milk Chocolate Coconut 1500mg	3.00
Mojo Rising Milk Crispy 1500MG	3.00
Mojo Rising Vegan Milk Choc 1500MG	4.00
Mojo Rising White - Gone 'Ishing 1500mg	2.00
Mojo Rising White Blueberry Cheesecake	6.00
Mojo Rising White Blueberry Cheesecake	2.00
Mojo Rising White Chocolate Raspberry 1500mg	5.00
Mojo Rising White Plain 1500MG	3.00
Mojo Sug FREE Pack 20mg	14.00
Mojo Sugar Packet 20mg	54.00
Mojo Tincture 1:1 300mg CBD/THC	5.00
Mojo Tincture Inda-Couch	4.00
Mojo Tincture Sativ-Up	9.00
Mojo Tincture THC 1200mg	7.00

Mojo Tincture THC 600 mg	3.00
Moon Rocks	0.70
Moon Rocks	20.00
Nite Life Pre Roll	2.00
Nitelife Kief Coat	54.00
OG Kush Cart	14.00
Orange Cookies Sugar Wax	39.00
PTA Gummies Blue Rasp	16.00
PTA Gummies Grape Soda	18.00
PTA Gummies Sour Apple	18.00
PTA Gummies Sour Cherry	16.00
PTA Gummies Watermelon	16.00
PTA: Cart 24K Gold Punch	26.00
PTA: Cart Agent Orange	4.00
PTA: Cart Banana Kush	6.00
PTA: Cart Blackberry Kush	11.00
PTA: Cart Blue Dream	8.00
PTA: Cart Blue Zkittles	10.00
PTA: Cart Cherry Sherbert	11.00
PTA: Cart Clementine	15.00
PTA: Cart Double Bubble OG	13.00
PTA: Cart Ekto Cooler	38.00
PTA: Cart Golden Pineapple	26.00
PTA: Cart Grape Goji OG	36.00
PTA: Cart Grapefruit Rom	13.00
PTA: Cart Lemon Jack	21.00
PTA: Cart Mai Tai	21.00
PTA: Cart Maui Wowie	23.00
PTA: Cart Strawberry Shortcake	16.00
PTA: Cart Tropicana Cookie	14.00
PTA: Cart Watermelon Zkittles	15.00
PTA: Cart Wedding Cake	10.00
Papaya BX Kief Coat	22.00
Papaya BX Preroll	64.00
Papaya Power Preroll	37.00
Papaya Power Preroll	50.00
Peanut Butter Breath Flower	10.50
Pineapple Runtz Pre Roll	67.00
Pre Roll Pack Bahama Mama	5.00
Pre Roll Pack Guava Bars	8.00

Pre Roll Pack Papaya BX	11.00
Pre Roll Pack Strawberry Candy	8.00
Pre Roll Pack Trop Haze	6.00
Pre Roll Pack Zummy Bears	2.00
Pre Roll Pack Zummy Bears	10.00
Rambutan Flower	119.00
Rambutan Pre Roll	7.00
SBF 100mg Taffy Lemonde	5.00
SBF 100mg Taffy Melon	2.00
SBF 100mg Taffy Orange Cream Caramel	3.00
SBF 100mg Taffy Pomegranate	5.00
SBF 100mg Truffles Banana	3.00
SBF 100mg Truffles Boston Cream	1.00
SBF 100mg Truffles Caramel	10.00
SBF 100mg Truffles Coconut	3.00
SBF 100mg Truffles PB	6.00
SBF 100mg Truffles Rasp Fudge	1.00
SBF Gummies Sour 100mg	17.00
SBF Gummies Sour 500mg	18.00
SBM FS Chocolate Salty Balls 100 mg	4.00
SBM FS Drink 300mg Fruit Punch	7.00
SBM FS Drink Apple Cider 200 MG	6.00
SBM FS Drink Fruit Punch 200 MG	14.00
SBM FS Drink Lemonade 200mg	5.00
SBM FS Drink Pineapple Mango 200 MG	8.00
SBM FS Jolly Beans 100mg	17.00
SBM FS Jolly Beans 200mg	6.00
SBM FS Mermaid Tears 100mg	9.00
SBM FS Mermaid Tears 200mg	2.00
Salmon River OG Crumble	1.00
Sour Diesel Budder	5.00
Squier's 100mg Rasp Lime	1.00
Squier's 10mg Straw Rhubarb	3.00
Squier's 400mg Cran Apple	2.00
Squier's 800mg Blue Lemon	3.00
Straw Bubbles Kief Coat	7.00
Straw Candy Kief Coat	17.00
Strawberry Bubbles Pre Roll	46.00
Strawberry Cough Sugar Wax	42.00
Strawberry Cream Kief Coat	76.00
Strawnana Sauce	42.00

Sunset Sherbet Sauce	33.00
Super Lemon Haze Cart	3.00
TG 207 Franken Cakes Shatter	40.00
TG 207 Garanimals	136.50
TG 207 Purple Chemdawg	35.00
TG 207 Slap n Tickle Shatter	38.00
TG 207 Tyde Podz	17.50
TG 207 Tyde Podz	42.00
TG Gary Payton 1g	25.00
TG Guava Gream 1g	13.00
TG Hot Sauce 1g	28.00
TG MAC 1g	35.00
TG Purple Punch 1g	41.00
TG Vapor Fuel 1g	19.00
TG207 Trop Cherry Flower	70.00
Tangie	17.00
Tangie Candie Flower	112.00
Tangie Pre Roll	12.00
Tangie Pre Roll	17.00
Titty Sprinkles Preroll	57.00
Tropicana Cookies Sauce	54.00
Tropicanna Haze Preroll	38.00
Watermelon Zkittles Flower	126.00
Wedding Cake Sugar Wax	28.00
White Truffle Flower	38.50
ZGF .5g Cherry Zkittles	10.00
ZGF .5g Ekto Cooler	10.00
ZGF .5g Peach Dream	10.00
ZGF .5g Runtz	5.00
ZGF .5g Strawberry Diesel	11.00
ZGF Gastro Pop	38.50
ZGF Lemon Lava	108.50
ZGF Mr Clean Flower	24.50
Zummy Bears Kief Coat	83.00
	7881.20

Glass

Current Inventory

Product	Remaining Count
\$10 Fee	3.00
8in Octopus Bong	1.00
AnB Keychain \$5	243.00
Ash Catcher \$35	1.00
Ash Catcher \$40	5.00
Ashtray Silicone Pot Leaf \$25	1.00
Avocado Clip \$20	2.00
BT CBD Dog Treats Peanut Butter 100mg	6.00
BT CBD Full Spec Soft Gels 600mg	3.00
Banger \$20	27.00
Banger \$25	66.00
Banger \$30	35.00
Banger \$35	2.00
Banger Cold Start \$3	9.00
Banger Glass Reclaim \$45	18.00
Banger Kit 45 Deg \$35	1.00
Banger Kit 90 Deg \$35	3.00
Banger Kit Glasshouse \$35	8.00
Banger Kit SK Blue \$40	1.00
Banger Kit SK Fuschia \$40	2.00
Banger Kit SK Green \$40	2.00
Banger Kit SK Orange \$40	3.00
Banger Kit SK Salmon \$40	3.00
Banger Kit SK Yellow \$40	3.00
Banger Kit X Aleaf \$40	9.00
Banger Kit Z Aleaf \$40	4.00
Banger Reclaim WR \$18	30.00
Bic Lighter	11.00
Blazer Big Buddy Blue \$60	1.00
Blazer Big Buddy Green \$60	1.00
Blazer Big Buddy Orange \$60	2.00
Blazer Big Buddy Pink \$60	1.00
Blazer Big Buddy Purple \$60	2.00
Blazer Big Buddy White \$60	1.00
Blazer Big Shot \$110	1.00
Blazer Silicone Nozzle Guard Black	1.00
Blazer Silicone Nozzle Guard Purple	1.00

Blazer- Turbo Guard Black	1.00
Blazer- Turbo Guard Silver	1.00
Blazy Susan Pink Qtip	4.00
Bluntlife Spray \$6	44.00
Bong \$100	8.00
Bong \$105	11.00
Bong \$120	6.00
Bong \$125	1.00
Bong \$130	7.00
Bong \$160	1.00
Bong \$190	1.00
Bong \$210	2.00
Bong \$240	1.00
Bong \$25	2.00
Bong \$260	1.00
Bong \$30	6.00
Bong \$35	2.00
Bong \$40	3.00
Bong \$40	2.00
Bong \$40	1.00
Bong \$45	2.00
Bong \$45	2.00
Bong \$50	13.00
Bong \$50	3.00
Bong \$55	1.00
Bong \$60	9.00
Bong \$65	5.00
Bong \$70	1.00
Bong \$70	3.00
Bong \$75	4.00
Bong \$75	4.00
Bong \$80	16.00
Bong \$80	1.00
Bong \$85	3.00
Bong \$85	1.00
Bong \$85	1.00
Bong \$90	1.00
Bong \$90	2.00
Bong \$90	3.00
Bong \$95	1.00

Bong All in One \$150	1.00
Bong Clip 14mm \$2	197.00
Bong Clip 19mm \$2	200.00
Bong Connect \$80	1.00
Boveda Large \$10	7.00
Boveda Small \$3	5.00
Bowl \$90	2.00
Bowl Head \$10	22.00
Bowl Head \$15	5.00
Bowl Head \$20	7.00
Bowl Head \$25	18.00
Bowl Head \$30	2.00
Bowl Head \$35	9.00
Bowl Head \$40	2.00
Bowl Head \$65	1.00
Bowl Head \$65	1.00
Bowl Head Martini \$10	18.00
Bowl Head Martini \$8	6.00
Bowl Head Ooze \$10	8.00
Bowl Local \$25	4.00
Bowl Local \$30	2.00
Bowls \$20	13.00
Bowls \$25	15.00
Bowls \$30	21.00
Bowls \$35	23.00
Bowls \$40	1.00
Bowls \$40	14.00
Bowls \$45	12.00
Bowls \$55	7.00
Bowls \$55	1.00
Bowls \$65	1.00
Bowls \$75	2.00
Bowls Local \$45	2.00
Bowls Local \$55	3.00
Butane \$12	20.00
CBD Pet Oil 1000mg Beef	2.00
CBD Pet Oil 1000mg Chicken	2.00
CBD Pet Oil 250mg Beef	2.00
CBD Pet Oil 250mg Chicken	1.00
Carb Cap \$20	35.00
Carb Cap \$60	1.00

Carb Caps \$15	26.00
Carb Caps \$20	33.00
Carb Caps \$30	10.00
Carb Caps \$35	8.00
Charger \$5	43.00
Dab Kit \$50	9.00
Dab Kit \$55	2.00
Dab Kit 18mm \$45	2.00
Dab Kit Dual Nectar/Bong \$45	3.00
Dab Kit Metal \$25	2.00
Dab Kit Micro NC \$35	4.00
Dab Mat \$18	51.00
Dab Puck \$10	12.00
Dab Puck \$15	9.00
Dab Puck \$20	4.00
Dab Puck \$5	84.00
Dab Straw \$10	68.00
Dab Straw \$15	9.00
Dab Straw \$20	11.00
Dab Straw \$25	25.00
Dab Straw \$30	6.00
Dab Straw \$35	1.00
Dab Straw Electric Ooze Black \$60	1.00
Dab Straw Electric Ooze Gold \$60	1.00
Dab Straw Electric Ooze Silver \$60	1.00
Dab Straw Electric SK \$55	4.00
Dab Straw Tips \$10	40.00
Dab Tool \$10	57.00
Dab Tool \$15	12.00
Dab Tool Dab Inc \$10	7.00
Dab Tool Glass \$20	3.00
Dabeast Cream 600mg	1.00
Dabeast Sour Gummies 750mg	8.00
Downstem \$10	19.00
Downstem \$12	24.00
Drop Down Adaptors \$10	8.00
Dual Connectors \$5	9.00
Elements Single Wide	12.00
Foam Ball Ash Tray \$35	1.00
Formula 420 - 12OZ	25.00

Formula 420 - 4OZ	4.00
Formula 420 Cleaning Cap LG	24.00
Formula 420 Cleaning Cap SM	20.00
Formula 420 Natural	16.00
Formula 420 Plastic	24.00
Formula 420 Soak-N-Rinse	17.00
Formula 710 Advance	11.00
Formula 710 Instant	27.00
GG Ease \$40	4.00
GG Relax \$40	2.00
GG Soothe \$40	3.00
GG Soothe Trial Pack \$12	2.00
GP 14F \$80	1.00
GP 14M \$80	8.00
GP 14M Opal \$110	5.00
GP 14M Opal \$90	5.00
GP 18F \$80	4.00
GP 18M \$80	7.00
GP Handle \$25	8.00
GP Tubes \$10	12.00
Gift Card \$100	3.00
Gift Card \$20	2.00
Gift Card \$50	2.00
Gift Card \$60	9.00
Gift Card \$80	10.00
Gift Cards \$40	5.00
Glass Screens \$2	372.00
Glass Tips \$2	162.00
Grinder \$10	3.00
Grinder \$10	2.00
Grinder \$30	8.00
Grinder \$35	18.00
Grinder \$40	3.00
Grinder \$40	3.00
Grinder \$45	5.00
Grinder \$50	4.00
Grinder 3in1 \$25	2.00
Grinder Pink Ooze \$40	1.00
Grinder Wakit Black \$65	2.00
Grinder Wakit Goddess \$65	1.00
Grinder Wakit Lucid \$65	2.00

HR FS CBD Tincture 1000mg	3.00
Hemper Blueberry \$4	18.00
Hemper Watermelon \$4	18.00
Hempz CBD Lotion	2.00
Hoodie - 2XL	3.00
Hoodie - 3XL	2.00
Hoodie - M	3.00
Hoodie - S	3.00
Hoodie - XL	2.00
Hoodie - XS	3.00
HuffyPuffy Dab Attachment \$20	2.00
Humidity Pack King Palm \$3	50.00
King Palm - Banana Cream	53.00
King Palm - Berry Terps	43.00
King Palm - Cherry Charm	20.00
King Palm - Cherry Charm	16.00
King Palm - Fruit Passion	13.00
King Palm - Lemon Haze	1.00
King Palm - Lemon Haze	20.00
King Palm - Magic Mint	32.00
King Palm - Mango	14.00
King Palm - Mango	20.00
King Palm - Margarita	28.00
King Palm - Original	20.00
King Palm - Peach Tree	18.00
King Palm - Perfect Pear	10.00
King Palm - Perfect Pear	9.00
King Palm - Pine Drip	15.00
King Palm - Pine Drip	3.00
King Palm - Single Grape	6.00
King Palm - Single Green Apple	17.00
King Palm - Strawberry Shortcake	12.00
King Palm - Suga Punch	6.00
King Palm - Tips Banana	37.00
King Palm - Tips Blueberry	32.00
King Palm - Tips Lemon	50.00
King Palm - Tips Lemon	36.00
King Palm - Tips Mango	40.00
King Palm - Tips Mint	40.00
King Palm - Tips Pine Drip	50.00

King Palm - Tips Pine Drip	16.00
King Palm - Tips Watermelon	43.00
King Palm 1.5- Watermelon Wave	36.00
King Palm Clip \$11	11.00
LF CBD Caramels 250mg	5.00
LF CBD Gummies Assorted 300mg	11.00
Mojo CBD Gummies Mixed 100mg	3.00
Mojo CBD Oil 1200mg	8.00
Mojo CBD Oil 600mg	2.00
Mojo CBD Salve 200mg	1.00
Monster 2 Black \$60	1.00
Monster 2 Blue \$60	1.00
Monster 2 Green \$60	1.00
Monster 2 Purple \$60	1.00
Monster 2 Red \$60	1.00
OCB Bamboo 1 1/4 Papers	43.00
OCB Bamboo Slim Papers	27.00
OCB Cone Bamboo 1 1/4 6pack	32.00
OCB Cone Bamboo 1 1/4 6pack	3.00
OCB Cone Bamboo King 3pk	94.00
OCB Cone Bamboo Mini 10 pack	59.00
OCB Cone Virgin 1 1/4 6pk	29.00
OCB Cone Virgin King Size 3ct	71.00
OCB Hemp 1" 1/4 Papers	34.00
OCB Hemp Single Wide	45.00
OCB Hemp Slim	9.00
OCB Premium 1 1/4	34.00
OCB Premium 1 1/4	25.00
OCB Premium Slim	19.00
OCB Rice Papers 1 1/4	24.00
OCB Rice Papers 1 1/4 Tips	4.00
OCB Rice Papers Slim	23.00
OCB Rice Papers Slim Tips	12.00
OCB Solaire Papers	19.00
OCB Sophistique 1 1/4	11.00
OCB Tips Curved	20.00
OCB Tips Curved	5.00
OCB Virgin Roll Kit 1 1/4	22.00
OCB Wood Composite Roller 110mm	2.00
OOZE Nectar Tips \$14	8.00
Octopus Bubble Cap	2.00

Octopus Pendants	2.00
Octopus Pipe	1.00
Octopus Sherlock Pipe	2.00
One Hitter \$15	8.00
One Hitter \$25	15.00
One Hitter Cigarette \$6	5.00
One Hitter Cigarette \$6	18.00
One Hitter FLIP \$20	40.00
One Hitter Glass \$10	42.00
One Hitter Tsunami Black \$35	1.00
One Hitter Tsunami Blue \$35	1.00
One Hitter Tsunami Gold \$35	1.00
One Hitter Tsunami Purple \$35	1.00
One Hitter Tsunami Red \$35	1.00
One Hitter Tsunami Silver \$35	1.00
One Hitter Wooden \$35	2.00
One Hitter Wooden \$45	2.00
One Hitter Wooden Stash \$15	40.00
Ooze 1100 Black \$18	5.00
Ooze 1100 Silver \$18	4.00
Ooze 2.0 Gold \$26	1.00
Ooze 2.0 Gold \$26	2.00
Ooze 2.0 Orange \$26	1.00
Ooze 2.0 Orange \$26	1.00
Ooze 2.0 White \$26	1.00
Ooze 650 Black \$18	2.00
Ooze 650 Silver \$18	7.00
Ooze 900 Black \$18	3.00
Ooze 900 Silver \$18	5.00
Ooze Dry Herb Vape Black \$115	1.00
Ooze Duplex Black \$60	1.00
Ooze Duplex Gold \$60	1.00
Ooze Duplex Silver \$60	2.00
Ooze Duplex White \$60	1.00
Ooze Duplex White \$60	1.00
Ooze Fusion Black \$80	1.00
Ooze Fusion Black \$80	1.00
Ooze Fusion Coils Black \$40	1.00
Ooze Fusion Coils Gold \$40	1.00
Ooze Fusion Coils Rainbow \$40	1.00

Ooze Fusion Coils Silver \$40	1.00
Ooze Fusion Gold \$80	2.00
Ooze Fusion Rainbow \$80	1.00
Ooze Fusion Rainbow \$80	1.00
Ooze Fusion Silver \$80	2.00
Ooze Gusher Pen \$45	1.00
Ooze Gusher Pen \$45	3.00
Ooze Hot Knife \$20 Black	3.00
Ooze Hot Knife \$20 Gold	3.00
Ooze Hot Knife \$20 Rainbow	3.00
Ooze Hot Knife \$20 Silver	3.00
Ooze Moverz Blue \$60	1.00
Ooze Moverz Gold \$60	1.00
Ooze Moverz Green \$60	1.00
Ooze Moverz Rainbow \$60	1.00
Ooze Moverz Red \$60	1.00
Ooze Moverz Silver \$60	1.00
Ooze Nectar Black \$25	5.00
Ooze Nectar Black \$25	1.00
Ooze Nectar Blue \$25	1.00
Ooze Nectar Gold \$25	10.00
Ooze Nectar Gold \$25	2.00
Ooze Nectar Purple \$25	2.00
Ooze Nectar Rainbow \$25	5.00
Ooze Nectar Rainbow \$25	2.00
Ooze Nectar Red \$25	1.00
Ooze Novex Black \$32	2.00
Ooze Novex Blue \$32	2.00
Ooze Novex Gold \$32	3.00
Ooze Novex Green \$32	2.00
Ooze Novex Rainbow \$32	4.00
Ooze Novex Silver \$32	1.00
Ooze Novex Silver \$32	3.00
Ooze Pronto Tip \$22	6.00
Ooze Quad Black \$28	6.00
Ooze Quad Black \$28	6.00
Ooze Quad Gold \$28	7.00
Ooze Quad Gold \$28	6.00
Ooze Quad Green \$28	8.00
Ooze Quad Light Blue \$28	7.00
Ooze Quad Navy Blue \$28	6.00

Ooze Quad Navy Blue \$28	2.00
Ooze Quad Pink \$28	5.00
Ooze Quad Purple \$28	2.00
Ooze Quad Purple \$28	6.00
Ooze Quad Purple \$28	2.00
Ooze Quad Rainbow \$28	6.00
Ooze Quad Rainbow \$28	6.00
Ooze Quad Red \$28	6.00
Ooze Quad Red \$28	3.00
Ooze Quad Silver \$28	3.00
Ooze Quad Silver \$28	6.00
Ooze Quad White \$28	6.00
Ooze Quad White \$28	7.00
Ooze Slim Black \$24	18.00
Ooze Slim Black \$24	3.00
Ooze Slim Blue \$24	16.00
Ooze Slim Chrome \$24	2.00
Ooze Slim Chrome \$24	21.00
Ooze Slim Gold \$24	25.00
Ooze Slim Rainbow \$24	17.00
Ooze Slim Red \$24	16.00
Ooze Slim Red \$24	3.00
Ooze Tanker Black \$45	2.00
Ooze Tanker Gold \$45	2.00
Ooze Tanker Rainbow \$45	1.00
Ooze Tanker Rainbow \$45	1.00
Ooze Tanker Silver \$45	2.00
Ooze Vault Black \$50	1.00
Ooze Vault Black \$50	1.00
Ooze Vault Green \$50	1.00
Ooze Vault Green \$50	1.00
Ooze Vault Rainbow \$50	1.00
Ooze Vault Rainbow \$50	1.00
Ooze Vault Silver \$50	1.00
Ooze Vault Silver \$50	1.00
Pet CBD Chews	8.00
Piece Water 12oz	4.00
Pillow Pouch Black \$25	1.00
Pillow Pouch Black \$45	1.00
Pillow Pouch Blue \$35	1.00

Pillow Pouch Blue \$45	1.00
Pillow Pouch Green \$35	1.00
Pillow Pouch Green \$55	1.00
Pillow Pouch Red \$25	1.00
Pillow Pouch Red \$55	1.00
Pink Cones \$5	9.00
Puffco Chamber \$125	2.00
Puffco Peak \$315	1.00
Raw 1" 1/4 Papers	29.00
Raw 300's	24.00
Raw Black Rolling Papers 1 1/4	9.00
Raw Challenge Cone \$50	2.00
Raw Classic King Papers	13.00
Raw Classic King Papers	50.00
Raw Cone Cutter \$6	11.00
Raw Cones 1 1/4	15.00
Raw Hempwick \$3	40.00
Raw Organic Rolling Papers 1 1/4	21.00
Raw Prerolled Tips	20.00
Raw Prerolled Tips	8.00
Raw Tips \$1	40.00
Resin Earrings \$15	1.00
Resin Grinder \$25	3.00
Roach Clip \$10	4.00
Roach Clip \$10	10.00
Roach Clip \$22	1.00
Roach Clip \$3	31.00
Rokin Battery Black \$24	4.00
Rokin Battery Red \$24	5.00
Rolling Tray \$20	2.00
Rolling Tray \$25	40.00
Rolling Tray Ooze \$20	1.00
Rolling Tray w/ Lid \$30	6.00
Rubber Connection \$1	9.00
SE 420 Candle	4.00
SE Apple Orchard	7.00
SE Bamboo Breeze	9.00
SE Blue Serenity	10.00
SE Blueberry Dreamz	22.00
SE Cabin Nights	12.00
SE Car Clothline \$6	11.00

SE Car Dragons Blood \$6	2.00
SE Car Flower Power \$6	2.00
SE Car Happy Daze \$6	7.00
SE Car Hippie Love \$6	6.00
SE Car Lavender \$6	5.00
SE Car Maui Mango \$6	1.00
SE Car Orange Lemon \$6	1.00
SE Car Peace and Love \$6	1.00
SE Car Pineapple \$6	5.00
SE Car Rasta Love \$6	2.00
SE Car Sugar Skull \$6	1.00
SE Car Trippy Hippie \$6	2.00
SE Car Vanilla \$6	4.00
SE Car Yin Yang \$6	1.00
SE Cherry Bomb	32.00
SE Chill	11.00
SE Cinnamon Apple	10.00
SE Clothesline Fresh	9.00
SE Cool Cucumber and Honey	18.00
SE Creamy Vanilla	11.00
SE Dragons Blood	6.00
SE Evergreen	21.00
SE Fall n Leaves	8.00
SE Flower Power	10.00
SE Forest Walk	8.00
SE Groov'n Grape	10.00
SE Half Baked	24.00
SE Happy Daze	9.00
SE Hippie Love	9.00
SE Holi Blaze	12.00
SE Island Rain	24.00
SE Jolly Joint	10.00
SE Kiwi Twisted Strawberry	9.00
SE Lavender and Chamomile	12.00
SE Magic Marigold	5.00
SE Maui Wowie Mango	11.00
SE MoonLight	11.00
SE Mulberry and Spice	10.00
SE Nag Champa	4.00
SE Orange Lemon Splash	19.00

SE Patchouli Amber	11.00
SE Peace River	34.00
SE Peace and Love	9.00
SE Pineapple Coconut	7.00
SE Potpaya	12.00
SE Pumpkin Spice	7.00
SE Rasta Love	14.00
SE Sandlewood	11.00
SE Sea Glass	22.00
SE Sugar Skull	9.00
SE Sugared Cranberry	15.00
SE Trippy Hippie	15.00
SE Vanilla Glitz	8.00
SE Woodstock	24.00
SE Yin Yang	10.00
Scale \$25	9.00
Scale Digi Tul \$45	3.00
Scale Digital \$30	1.00
Scale K2 \$30	2.00
Scale Purple \$30	1.00
Scale Rasta \$30	1.00
Scale TruWeight Black \$25	1.00
Scale TruWeight Red \$25	1.00
Scale Weight Max \$30	2.00
Screen .50c 3/\$1	587.00
Shirt - BLK 2XL	4.00
Shirt - BLK 3XL	5.00
Shirt - BLK 4XL	5.00
Shirt - BLK M	7.00
Shirt - BLK S	4.00
Shirt - BLK XS	4.00
Shirt - BLUE L	5.00
Shirt - BLUE XL	5.00
Shirt - GRAY 2XL	4.00
Shirt - GRAY 3XL	4.00
Shirt - GRAY L	6.00
Shirt - GRAY M	3.00
Shirt - GRAY S	4.00
Shirt - GRAY XL	2.00
Space King Tip \$10	7.00
Stickers 2/\$1	453.00

Terp Pearl Pokeball \$25	33.00
Terp Pearls Pair Glow in the Dark \$6	3.00
Terp Pearls Red \$3	62.00
Torch Blink \$52	2.00
Torch Fusion Black \$60	2.00
Torch Fusion Purple \$60	2.00
Torch Mini Camo \$8	11.00
Torch Mini Words \$8	7.00
Torch Special Blue \$18	5.00
Torch Special Blue Round \$18	5.00
Torch Stealth Gold \$32	2.00
Torch Stealth White \$32	2.00
Walking Stick - Pot Stock	1.00
Yocan Evolve Coil Replacement \$8	18.00
Yocan Evolve Coil Replacement \$8	3.00
Yocan Evolve Plus Coil Replacement \$8	8.00
Zig Zag 1" 1/4 Hemp Papers	24.00
Zig Zag Orange 1 1/4	5.00
Zig Zag Orange 1 1/4	24.00
Zig Zag Original Papers	7.00
Zig Zag Original Papers	24.00
	7463.00

Equipment.

4 Computers with POS systems

2 Registers

1 Paper Printer

1 receipt printer

5 display cases

1 display desk

2 display fridges

1 storage fridge

1 storage freezer

1 Paper cutter

1 Laminator

2 Weighting Scales

1 food sealer

1 paper shredder

3 humidifiers

1 camera

1 camera light box

1 clothing rack

10 slat boards

7 air purifiers (vary in different types)

1 microwave (office)

1 mini fridge (office)

3 outdoor cameras

8-15 inside cameras (Lou will decide)



**DAMARISCOTTA CODE ENFORCEMENT
FINDINGS AND CONCLUSIONS FROM SITE INSPECTION AND CORRESPONDENCE**

Date: JANUARY 9, 2023

Above & Beyond Marijuana Caregiver Store 95 Biscay Road

Danielle & Charles Simmons

The Town of Damariscotta Code Enforcement Office Findings January 6, 2023:

After receiving a report of a sign indicating business was being conducted 'on site' prior to the completion of necessary applications, hearing, and all other requirements. Owner was asked to remove the sign and she promptly complied and expressed she was unaware that she was not permitted to conduct her business on site until the site had completed the entire local medical marijuana licensing process. She agreed to comply.

During the inspection it was discovered that trees in the necessary buffer strip had been cut. The owner was contacted and informed of the mistake. She expressed regret she had not known and had the trees cut. She agreed to make an immediate fence with boulders and would plant trees between the boulders when weather was permitting. No later than June 2023.

George Chase CEO/LPI

(207)380-7489

code@damariscottame.com

DAMARISCOTTA POLICE DEPARTMENT

Date: January 13, 2023

Andrew Dorr
Town Manager
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

At your request, We have made contact with S.B.I to verify transaction response #MIQ99F490345 is in-fact a criminal history record check for Danielle P. Simmons dob 1992.10.26.

It appears the requestor put their middle initial in the first name field when filling out the form online. The result is negative for criminal records.

I am attaching a copy of the email sent to me by SBI Specialist Supervisor James Woodside.

Sincerely,



Jason Warlick
Chief of Police
21 School St.,
Damariscotta ME 04543
207-563-1909

January 13, 2023



21 School St
Damariscotta, ME
04543

PHONE 207-563-1909
FAX 207-563-8986
EMAIL jwarlick@damariscottame.com
WEBSITE <http://www.damariscottame.com/police-department>

From: "Woodside, James A" <James.A.Woodside@maine.gov>
Date: January 13, 2023 at 12:47:11 PM EST
To: jwarlick <jwarlick@damariscottame.com>
Subject: Danielle Simmons

Good afternoon Chief Warlick,

Please be aware that Danielle P. Simmons born 10/26/1992 has no Maine public criminal history record.

Thanks
Jim Woodside
SBI Specialist Supervisor
Maine State Police/State Bureau of Identification
Tel: 207-624-7259 Fax: 207-287-3421
james.a.woodside@maine.gov



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

DANIELLE SIMMONS
P.O. BOX 131
BREMEN, ME 04551

Transaction Response #: MIQ99F490345

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-01-03) :

Inquiries Name(s) P SIMMONS (1992-10-26)

NO MATCH WAS FOUND FOR YOUR REQUEST.



**DAMARISCOTTA PLANNING BOARD
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Date: December 19, 2022

Site Plan and Conditional Use Applications – Above & Beyond Marijuana Caregiver Store

95 Biscay Road – Danielle & Charles Simmons

PID #2204

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **December 19, 2022**:

- A.** The Planning Board considered the Project, the staff report, and received and considered all written and oral public comments on the Project which were submitted up to and at the time of the meeting for the Project; and
- B.** Notices of the pending application were mailed on November 28, 2022 to 5 property owners abutting the subject property and were posted at the Town Office. No abutters objected to the application and therefore a public hearing is not required, per Sec. 102.5(G) of the Damariscotta Town Ordinance; and
- C.** The project description is as follows:

Applicants Danielle and Charles Simmons (doing business as “Above & Beyond Cannabis”) are seeking Site Plan and Conditional Use approval in order to establish a registered marijuana caregiver retail store at 95 Biscay Road. The applicant plans to renovate the existing building and add a parking area on site. The parcel is further identified as Assessor’s Tax Map 1, Lot 67 and it is located within the C-2 Zoning District; and
- D.** The Project is subject to the following policies and standards of review:
 - a. Chapter 102, Section 102.6: Performance Standards [Site Plan Review];
 - b. Chapter 101, Section 101.9: Appeals & Conditional Uses

E. The core Project Data includes:

Zoning:	C-2	
Land Area:	10.45 acres	
Existing Land Use:	Multiple (building to be located is vacant, + a self-storage facility)	
Proposed Land Use:	Registered Caregiver Retail Store (Medical Marijuana Establishment)	
	Allowed:	Proposed:
Max. Building Height:	40 feet	N/A – unchanged
Min. Front Yard:	20 feet (or the average of existing setbacks on abutting properties)	N/A – unchanged
Min. Side Yard:	15 feet	N/A – unchanged
Min. Rear Yard:	15 feet	N/A – unchanged
Min. Off-Street Parking*:	4/1,000 s.f. of floor area	6 parking spaces

F. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

1. Sec. 102.6(A): Preserve and Enhance the Landscape

As the application is to renovate an existing building (the highlighted building on the provided site plan), impacts to the natural landscape as a result of this project will not occur. Existing bufferyards will be preserved in their natural states.

2. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings

As noted in the project data table above, changes to the space and bulk of the existing building are not proposed as part of this application. No new structures are proposed as part of this application.

The parking area is designed for six cars and will be set back at least 50 feet from the front property line and at least 30 feet from the westerly property line. As designed, the project meets the requirements of Sec. 102.4(B)(2) and (B)(3).

3. Sec. 102.6(C): Air Quality

In order to mitigate potential concerns of marijuana-related odors, the applicant has indicated that they plan to install a UVB ventilation and sterilization system within the building. This is also a requirement of the Medical Marijuana Establishment Licensing Ordinance. Dust, ash, and smoke are not anticipated as a result of this use.

4. Sec. 102.6(D): Lighting and Glare

The applicant is proposing to install motion detecting exterior lighting, to be mounted on the building. The applicant has submitted information regarding the lighting which shows that it is 3000K LED lighting.

Per Condition #9, all exterior lighting fixtures shall be full cut-off (shielded) fixtures and shall not be placed higher than 16 feet on the building.

No rotating or flashing lights are proposed with this application.

The applicant has adequately demonstrated to the Board that the proposed lighting is appropriate for the intended use, given the security requirements outlined in the Town's Medical Marijuana Licensing Ordinance (Sec. 902.11), which requires motion detecting lighting.

During nighttime hours, exterior lighting shall be turned down to the minimum level required for security. Condition #10 reaffirms this requirement.

The project as designed and conditioned meets the standards of this section.

5. Sec. 102.6(E): Noise

All noise during construction and once in operation will be required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting a residential use (as this one does, to the east), the sound level limits are 55 dBA between 7AM and 7PM, and 45 dBA between 7PM and 7AM. Condition #9 reaffirms this requirement.

6. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access

Trips

According to the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed use will generate approximately 7 customer trips per day.

The applicant has indicated that they have two full-time employees. One will work 9AM-5PM and the other will work 11AM-7PM. There is also a part-time employee who will be on-site variable hours, for approximately 10 hours each week. Thus, in addition to the estimated customer trips, there will be approximately 6 additional trips to the site per day (3 entering and 3 exiting).

Access

Existing access to the site is via two curb cuts: one from Heater Road and one from Biscay Road.

Given the minimal traffic generation anticipated by the proposed development and the lack of sidewalks in the vicinity of the subject parcel, the Planning Board is not requiring the applicants to install a sidewalk.

Given the level of traffic generation and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that retail stores or service establishments provide four parking spaces per 1,000 s.f. of floor area, therefore the project requires 2 spaces (the floor area is approximately 384 s.f.). The project will

provide for six parking spaces. As designed the parking supplied meets the requirements of Section 102.6(H).

7. Sec. 102.6(J): Existing Public Utilities and Services

Public water access is detailed in item 11 below.

Sewage disposal is discussed in item 15 below.

The applicants have indicated that they will take care of trash disposal themselves by bringing it to the transfer station. There are no known capacity constraints regarding solid waste, therefore the project is consistent with this section.

The Police and Fire Departments are required to review this application for emergency access as part of the licensing requirements for medical marijuana establishments.

8. Sec. 102.6(K): Water Quality

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K). Storage of bulk fuel or chemicals is not proposed (outside of the normal storage of conventional heating fuel). Underground petroleum tanks are not proposed. Aquifers are not located within the vicinity of the project, according to publicly accessible data from the Maine Geological Survey.¹

9. Sec. 102.6(L): Stormwater Management

The proposal includes adding a crushed stone, six-spot parking area and access drive to the property. The existing property has compacted soil in the areas where gravel will be added. Given the minimal area of impact and the significant buffering on the subject property, the Planning Board found that a full stormwater management plan is not required nor are these standards applicable.

10. Sec. 102.6(M): Erosion & Sediment Control

As the project does not include any new construction or excavation, an erosion and sedimentation control plan is not required.

11. Sec. 102.6(N): Water Supply

The applicant is proposing to tie into the existing public water available on the site. They have received oral confirmation from the Great Salt Bay Sanitary District that there is adequate public water capacity to serve the proposed use. Condition #12 requires that a written capacity to serve letter from the Sanitary District be submitted to the Town Planner prior to the issuance of a building permit, for the Town's records.

12. Sec. 102.6(O): Natural Beauty

The area around the building where the proposed parking area will go has been cleared previously. However, on the eastern side of the property, a fairly significant wooded buffer exists (see Google Earth image from 2022 under Item 17: Buffer Areas, below). Condition #13 requires that the applicant install fencing around the dripline edge of all trees designated to be protected.

¹ <https://www.maine.gov/dacf/mgs/pubs/digital/aquifers.htm>

Wetlands will not be impacted by the proposed development.

13. Sec. 102.6(P): Historic and Archeological Resources

No documented archeological or historic resources will be impacted as a result of this project.

14. Sec. 102.6(Q): Filling and Excavation

All excavation will be incidental to the proposed development and are not part of an excavation or filling operation. Thus, this standard is not applicable to this project.

15. Sec. 102.6(R): Sewage Disposal

The existing septic system on site was designed to accommodate 230 gallons per day (GPD). A copy of the design has been submitted with the application and was previously reviewed by the Plumbing Inspector when it was approved in 2006. The soils for the site have been found to be sufficient to accommodate the proposed septic system. According to the State of Maine Subsurface Wastewater Disposal Rules, the estimated GPD generated by this project would be 12 GPD per employee (or approximately 36 GPD). Therefore, the project meets the requirements for adequate sewage waste disposal.

It should be noted that the applicant is proposing to utilize a port-a-potty as an employee restroom for the time being, until they can construct a permanent bathroom within the building. Condition #14 requires a bathroom to be constructed within 12 months of the issuance of an approval.

16. Sec. 102.6(S): Phosphorus Control

The subject property is not located within the watershed of a great pond; therefore, this standard is not applicable.

17. Sec. 102.6(T): Buffer Areas

A fairly significant buffer (>200 feet) exists between the existing structure and the adjacent residential parcel. As shown in the photo below, from Google Earth imagery updated through 2022, this buffer is fairly wooded. The applicants are not proposing to clear any of the existing buffer as part of the project.



18. Sec. 102.6(U): Signs

Future signage will be regulated in accordance with the Damariscotta Sign Ordinance.

19. Sec. 102.6(V): Building Appearance

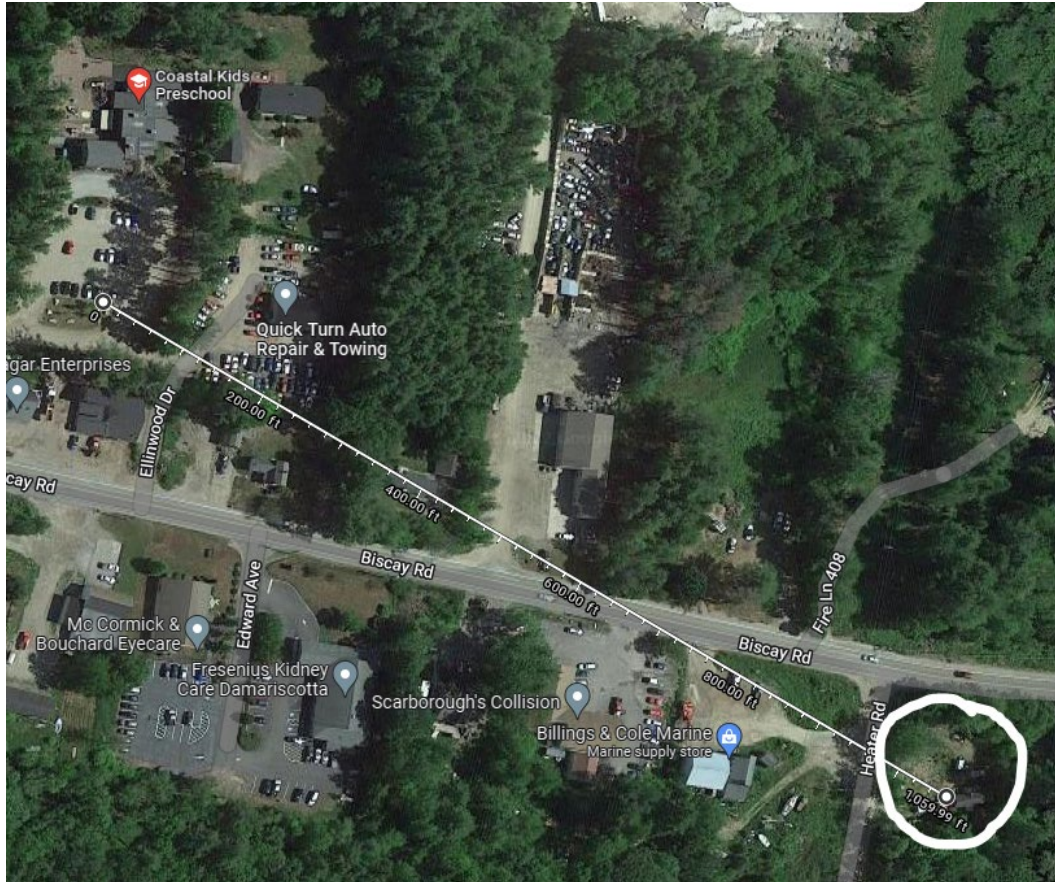
The applicant is planning to locate in an existing building and renovate the interior. The existing building has a gabled roof and clapboard siding. The applicants have indicated that they also plan to remove (and possibly replace) an existing deck, replace the existing windows, and replace the door with a more secure one. They have also indicated that they plan to paint the interior of the building (and possibly the exterior as time and money allows). Condition #15 reaffirms the requirements of Sec. 102.6(V) to ensure that future renovations meet the standards of this section.

Conditional Use Standards

1. Sec. 101.9(C)(2)(a): Conditional Uses

The proposed use will meet the requirements of the Town's Site Plan Review Ordinance, as described in the analyses above. The Town's Land Use Ordinance provides a limit on the location of medical marijuana establishments, defined as "a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility," in Sec. 101.6(T). In accordance with this section, "A medical marijuana establishment may not be permitted or operated within 1,000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools,

secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.” The proposed project is located approximately 1,060’ from a known pre-school’s parking lot, as demonstrated by the map below.



The potential effect of the use on the environment (from air, water or soil pollution), noise, traffic, congestion, soil erosion, the burden on the public sewer and water systems as well as other municipal services have been taken into consideration and have been analyzed in the requirements above. As noted, the proposed use will not have an adverse effect on the health, safety, or general welfare of the public.

G. The applicant has not requested any waivers of the subdivision review standards.

DECISION:

H. Based on its review of the entire record herein, including the December 19, 2022 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan and Conditional Use application of Danielle and Charles Simmons, dated through November 28, 2022, for Above & Beyond Cannabis at 95 Biscay Road; is hereby

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW	5	0	0

CONDITIONS

	Condition	Staff Assigned	Must be Completed By:
1.	This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2.	All adopted conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits, and the face of the subdivision plan, if applicable.	Code Officer	Prior to Issuing Building Permit
3.	Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Issuing Building Permit
4.	This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
5.	Prior to submitting a building permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit

Condition	Staff Assigned	Must be Completed By:
6. The applicant shall secure a Building Permit and all applicable local licenses from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
7. Only the topsoil directly impacted by proposed buildings, access ways, and parking areas may be removed from the site without returning to the Planning Board for further review.	Town Planner	Ongoing
8. All exterior lighting fixtures shall be full cut-off (shielded) fixtures in accordance with Section 102.6(D).	Town Planner	Ongoing
9. All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing
10. Prior to the issuance of a Certificate of Occupancy, the applicants will be required to submit a plan to turn down lighting to the minimum extent practical for security purposes at night. This will need to be reviewed to the satisfaction of the Code Enforcement Officer, Town Planner, and Police Chief.	Town Planner	Prior to Certificate of Occupancy
11. A written capacity to serve letter from the Great Salt Bay Sanitary District related to the provision of public water is required be submitted to the Town Planner for the Town's records prior to the issuance of a building permit.	Town Planner	Prior to Issuing Building Permit
12. Prior to submitting a building permit, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved Site Plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier.	Town Planner	Prior to Submitting a Building Permit
13. The applicant is proposing to utilize a port-a-potty as an employee restroom for the time being, until they can construct a bathroom within the building. A bathroom is required to be constructed within the existing building footprint within 12 months of the issuance of an approval, or the applicant is required to return to the Planning Board to offer an alternative solution for the handling of sewage.	Town Planner / Code Enforcement Officer	Ongoing (within 12 months of approval date)

Condition	Staff Assigned	Must be Completed By:
14. Exterior renovations are required to meet the standards of Site Plan Review Ordinance: Sec. 102.6(V), including but not limited to standards related to windows and building façade colors. Changes to the approved plan that would be in violation of this section are not allowed.	Town Planner / Code Enforcement Officer	Ongoing
15. The Code Enforcement Officer shall inspect the existing septic system to ensure that it will be sufficient for the proposed use prior to issuing a building permit.	Code Enforcement Officer	Prior to Issuing Building Permit

Planning Board Signatures:
