



**Town of Damariscotta, Maine
Select Board Meeting
Wednesday January 17, 2024
Town Office, 21 School St**

5:30 PM

Join Virtually

Meeting: <https://us02web.zoom.us/j/83072624998> | Meeting ID: 830 7262 4998

AGENDA

- I. Pledge of Allegiance**
- II. Call Select Board Meeting to Order**
 - 1. Minutes**
 - i. January 3, 2024 Select Board Minutes
 - 2. Financial Reports**
 - i. Payroll Warrants # _____
 - ii. Accounts Payable Warrants # _____
 - 3. Citizen Comments and General Correspondence**
 - i. Spectrum Generations
 - 4. Town Manager's Report**
 - 5. Official Action Items**
 - i. Accept & Appropriate Donations
 - ii. Liquor License Renewal: American Legion
 - iii. Community Resilience Partnership Resolution: Possible Action
 - 6. Select Board's Discussion Items**
 - i. TIF District Amendment - Update
 - ii. Historic Preservation Review Board - Vacancy
 - 7. Adjournment**



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January 3, 2024
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830 7262 4998

Minutes

Select Board Members: Daryl Fraser, Chairperson; Tom Andrews; Dan Hunter; Andrea Keushguerian; Josh Pinkham

Members Absent: None

Staff Present: Andrew Dorr, Town Manager; Mike Maritone, Town Planner; Lynda Letteney, Recording Secretary

Others Present: Mike Herrs, Harbor Committee; two ladies from the Community Resiliency Program;

I. The Pledge of Allegiance was led by Chairperson Fraser at 5:30 p.m.

II. Call Select Board Meeting to Order at 5:35 p.m.

III. Minutes

Motion (Pinkham) to approve minutes from 12-21-23.

Seconded by Anderson

Vote 4 / 0 / 0 (Keushguerian abstaining)

IV. Financial Reports

a. Payroll Warrants #30

Motion (Pinkham) to approve Payroll Warrant # 30.

Seconded by Hunter

Vote 5 / 0 / 0

b. Accounts Payable Warrants #31 & 32

Motion (Pinkham) to approve Accounts Payable Warrant # 31 & 32.

Seconded by Hunter

Vote 5 / 0 / 0

Josh Pinkham asked about the \$6600 and if the work had been completed. **Andy** explained that about one day's worth of work had to be done, but he did not want the contractor to have to wait until the next Board meeting to be paid. So, the check will be written but held until work is complete. He was comfortable with this, especially since the contractor waived the 50% "up front" payment.

V. Citizen Comments and General Correspondence .

VI. Town Manager's Report

Andy addressed road repairs saying that we needed more than overlays. Currently we are behind, especially with drainage. We have a work plan but we still need the funds to do the work. Current order of work is repair and/or replace and then drainage (culverts). **Dan Hunter** said overlay is a short-term solution. **Andrea Keushguerian** asked about the right hand side of Hodgdon Street. **Andy** said it still needed to be finished; they ran into a ledge problem.

1. Admin Updates

- a.** Staff are anticipating a new state voter registration portal. This will require some additional training, though minimal, and is expected to make the process more efficient for clerks.
- b.** Website upgrades have been shelved for now. After additional conversations and out of concern for committing to a platform that may not offer all of what we aim to provide, I suggest taking some time for others to learn about the different platforms and budget in FY 25 for this upgrade to happen. Regardless of the new web host/service provider, we should expect to see an increase in our annual service fees. Currently, we pay \$2,300 for a legacy product/service level and upgrades will cost between \$7,500 and \$15,000 annually. There are some dramatic differences between what we currently have and what we can upgrade to that will improve user experience as well as easier management/update opportunities for staff.
- c.** Following up on the proposal and authorization to replace up to two rooftop units at the Town Office building, I will be meeting with Midcoast Energy staff to evaluate the current condition and discuss a strategy for replacement/upgrade of our HVAC system.
- d.** As I have mentioned previously, I will be taking two weeks off following the birth of our child, though that date is not defined. This will cause some of our meetings and the budget process to be fluid. I plan to have budget documents available the first week of February as outlined previously, though that may shift by two weeks. If I am out during a regularly-scheduled board meeting, I would recommend a meeting to approve the warrants so we do not fall behind on payments, but other business should be tabled.
- e.** Miles Street is awaiting final numbers for close-out costs. Phase II needs to start.

2. Planning Department

- a.** Michael has been working on TIF amendments. Proposed changes to the current TIF program should be available in draft form at the next meeting. Page 8
- b.** The Planning Board is reviewing some proposed updates to the Site Plan Review Ordinance. Once complete, they will make a recommendation to the Select Board for consideration of a future town meeting vote.
- c.** The Town has until July 1 to comply with the former LD 2003 mandate to increase housing opportunities. The state is holding a series of workshops across the state over the next few weeks, including a stop in Damariscotta on February 2nd. The session will be from 10 to Noon at Skidompha library.
- d.** Michael and I will be meeting with hospital admin in the next two weeks to discuss the nursing home project and what may be next. We hope to learn more about the challenges, how the status of the project changes their plans, and if there are ways additional partnerships would be valuable to ensuring projects like this in the future.

e. Staff will be meeting with folks at **Inn Along the Way** to learn more about their future development plans. You may recall there was an approved site plan a few years ago and although the full extent of the project has been executed, the organization is looking to pick up that effort now.

3. Public Works Update

a. Work over the last two weeks including tar patching along Water St and in Keene Woods Subdivision.

b. **The EV Charger** is waiting for replacement parts and is turned off in the meantime as there is a risk for arcing when unplugging from vehicles. A cover has been placed over the device making it obvious that the unit is out of service.

c. An effort has been made to **organize the garage and yard area**. As you may be aware, the current garage is a standard 2-bay garage which makes it difficult to store and work on equipment. The storage tent has a new tarp so we can store implements out of the elements.

d. **The F-550** needs a new U-Joint and is scheduled to be in the shop on Tuesday, January 2nd. This will limit the output for the department while the vehicle is in the shop.

e. **The Wacker Neuson** is also requiring some service (oil leak, replace belts, and remove belt fragments from the water pump impeller). We have reached out to a local diesel mechanic in the hopes of reducing transport time and costs while also supporting a local company. The machine can run in the meantime, but we are trying to minimize its use until the repairs are made.

f. Targeting April 2025 for a **grant for the parking lot**. Max is the contact with EDA

4. Capital Projects

a. **Church St/Castner Creek Culvert Replacement** A meeting is scheduled next week with representatives from the state and GSBSD with respect to this project. We are looking to coordinate the water line replacement project with our culvert replacement to minimize conflict. I will also be looking for something more formal from the state regarding the award of the grant that will allow us to proceed with the replacement of the existing culvert.

b. **Road Improvements** The board should be thinking about the next round of road improvements. Following the road surface inventory, most of our roads need some level of maintenance while some should be rehabilitated and/or reconstructed. This will require the town to look for bond solutions. While this is not always a popular tactic to fund projects, we simply do not have the reserve balance to meet our current needs. I expect to review recommendations with the Public Works Committee in the coming weeks and provide an update during the budget review process.

Dan Hunter asked about a road inventory as we have a lot of State roads. How did we get so far behind? **Josh Pinkham** responded that materials

rose so quickly we couldn't keep up. There was a 15 year plan for implementation but the increase in costs through a curve ball into that. HGe suggested anyone interested should attend a Public Works Committee meeting. **Daryl Fraser** added that historically they had tackled one at a time.

c. Miles St – Phase II Would the board like to pursue completion of Phase II for CY 24? We have most of the work designed and would need the engineer to prepare bid documents as a stand-alone project. We would work with the hospital again to manage the project in the same manner as Phase I. Although we have not closed the books on Phase I, we can utilize current Sidewalk/Road Reserve funds along with private donations and the hospital's contribution to pay for Phase II.

If there is consensus, the Town Manager can work with the engineer on preparing the Phase II bid documents.

d. With Phase II out to bid next week, we can begin community meetings. Bid includes no substantial construction during July and August and during Pumpkinfest

5. Legislative Updates

a. LD 1257 – An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands (Sponsored by Rep. Crafts of Newcastle) This bill adds to the list of subdivision review exceptions projects that yield three but no more than 18 dwelling units on a single or parcel of land located in a designated growth area within a municipality, provided the project is subject to municipal site plan review. The bill also defines “administrative reviewing authority,” as a municipal employee or other designee of a municipality, and “municipal site plan review,” which must include criteria regarding storm water management, sewage disposal, water supply and vehicular access. Finally, the bill requires the reviewing authority, when reviewing an application for subdivision Page 10 approval, to determine that the proposed subdivision is not located in an area identified and designated in the municipality's comprehensive plan as a rural area, unless the area is a designated growth area or an area for which the municipality has adopted a plan governing the to go over this. Compliance is expected by July 1, 2024. approval of subdivisions.

There is only a staff of 2 to accomplish this. **February 1st a meeting is scheduled in Damariscotta**

b. LD 1672 – An Act to Establish an Affordable Housing Permitting Process (Sponsored by Rep. Gere of Kennebunkport) This bill creates the seven-member Affordable Housing Development Review Board, which includes a representative of municipal government, tasked with reviewing proposed affordable and workforce housing developments, effectively circumventing the local processes. In the review process, the board is authorized to preempt municipal ordinances in the process of determining whether to grant or deny the application for a permit. The bill also creates the process by which a housing development may apply for a permit, in lieu of applying for a local permit, provided the

development is in a designated growth area or area served by public water or sewer and 50% of the building's square footage is for affordable or workforce housing. The bill also provides that the development is authorized in an area where a municipal ordinance is not consistent with a comprehensive plan and provides that inconsistent ordinances include provisions that require a minimum lot size of more than 5,000 square feet, density restriction, more than two parking spaces per three dwelling units, more than 50 feet of street frontage, and more than 10 feet of front setback, to name a few. The bill also prescribes the procedures the review board must employ, which requires that notice of a hearing be provided to the applicant and the impacted local board. The bill extends appeal rights to the applicant and provides that municipal fees may not be assessed except to connect to utilities and apply for building permits. Finally, the application fee for the special permitting process is \$5,000 per application. Andy does get a weekly update from MMA when the legislature is in session.

6. Meetings/Events •

January 1 – Town Offices Closed for New Year's Day
January 2, 5:30 PM @ Town Office - Comprehensive Plan Mtg
January 3, 5:30 PM @ Town Office – Select Board Mtg
January 4, 10 AM @ Town Office – Cemetery Trustees Mtg
January 8, 6 PM @ Town Office – Planning Board Mtg
January 17, 5:30 PM @ Town Office – Select Board Mtg
January 16, Future Land Use workshop @ Town Office
January 20, 10:30 AM @ Town Office – Comprehensive Plan Workshop
February 1, 10 - Noon @ Skidompha Library – LD 2003 Housing Mandate Session

VII. Official Action Items

Motion (Fraser) to allocate \$400 from contingency for the Pedestrian Safety and Accessibility Committee to update the walking map of the Twin Cities of Damariscotta and Newcastle.

Seconded by Pinkham.

Vote 5 / 0 / 0

Foreclosure: Prior to the meeting (1/3/24) the back taxes on a tax acquired property was paid.

Motion: (Hunter) to sell the tax acquired property (RE#63) back to the previous owners of record, Tammy and David Leeman, for the balance of all taxes owed and to issue a quit claim deed upon receipt of payment, contingent upon the full payment being received by January 31, 2024.

Vote: 5 / 0 / 0

VIII. Select Board’s Discussion Items

a. Draft of Resiliency - read and consider for next meeting The Town needs to be enrolled to qualify for necessary funding. There are some different funding sources. Needs to be in by mid-February-essential for culverts and roadways. DOT has \$125K for implementation; \$50K for engineering. **Josh Pinkham** asked about fleet vehicles (Police, Fire, etc.) with transition to EV, what about cost of vehicles and where to charge them. **Tom Anderson** said we should be planning for this, but it is not a requirement. The infrastructure may be too expensive. Perhaps any resolutions should include the phrase “to work toward” going forward.

b. Draft of Harbor Ordinance Revision - Mike Herrs, Joint Harbor Committee Chairperson, addressed the Board regarding the draft for revision of the revision of the Newcastle-Damariscotta Harbor Ordinance and Interlocal Agreement. He suggested that it was time to get both Select Boards together again as this is a shared ordinance. Public comment should be accepted and perhaps even have a joint Town Meeting. This committee was formed in 2015 and although the Harbor Master is not part of the committee, he functions as an advisor to it. There is a division of supervision: Newcastle supervises the operation of the harbor managing 50+ moorings; Damariscotta manages the clam flats and harvesting of shellfish. There are a few thousand in expenses which are paid from the mooring fees. In the revision of the ordinance, a fee schedule was added. Only one attorney has looked at it thus far. Delays in the last 4 years included changes in CEO’s and attorneys as well as Covid-19. Tom Anderson asked Mike about his thoughts on the color system for buoys. He replied that the DMR is in the driver’s seat. There is a willingness to color code buoys for both surface and bottom leases. Two tentative dates were proposed for the joint Board meeting (Thursday, January 11th or Friday, January 12th.) Waiting for Newcastle’s board meeting to confirm.

c. Outstanding Personal Property Taxes - The database information provided goes back to 2010. It accounts for 1%-3.2% of the total tax base; less than 1% is uncollected lingering accounts. The plan is to write-off older accounts and pursue in small claims court if still in business. **Andrea Keushgeurian** asked if it was even worth the expense to go to small claims court, with court costs and then legal fees to collect. If they are out of business, it is a write off. Since 2019, there are six accounts with balances due on the record, the highest being a 2024 account. More information will be forthcoming.

IX. Executive Session Pursuant to 1 MRSA 405(6)(E) Consultation with Legal Counsel

Action Taken (if any) _____

Vote: ____/____/____

X. Adjournment

Motion (board member) to adjourn.

Seconded by _____.

Vote: ____/____/____

Respectfully submitted,

Lynda L. Letteney
Recording Secretary



One Weston Court, Suite 109, Augusta, ME 04330

1.800.639.1553 | Fax 207.622.7857



December 8, 2023

RECEIVED
JAN 03 2024

BY:

Ms. Rebecca Bartolotta
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Dear Rebecca,

Thank you for the \$4,820 donation made on 10/12/2023 from the Town of Damariscotta. This support is already furthering Spectrum Generations' mission to bring nutrition, social engagement, wellness, and independence to older and disabled adults living throughout central and midcoast Maine. Please know that your gift matters and will be used to support programs and services that, in turn, help thousands of people each year.

You have made a powerful contribution with this generous gift – and we are committed to being excellent stewards of your generosity. We are gratefully appreciative of your commitment to our work.

Sincerely,

Lindsay MacDonald
VP of Community Engagement

Thank You Rebecca and Community,
We appreciate this support in
2023, very much!
All the best for a wonderful
New Year.
zj

No goods or services were provided in exchange for your contribution. Central Maine Area Agency on Aging (d/b/a Spectrum Generations) is a 501(c)(3) non-profit organization and our Tax ID number is 01-0318051. Please retain this letter as your receipt for tax purposes.



Town of Damariscotta
21 School Street
Damariscotta, Maine 04543
(P) 207-563-5168 (F) 207-563-6862

Andrew Dorr
Town Manager

Town Manager's Report

January 14, 2023

1. King Tide and Coastal Storm Flooding

- a. As you all know, this past week's tides and storm activity wreaked havoc on our community along with nearly every other coastal town. Many of us underestimated the extent of the flooding that would occur on Wednesday and early reports suggest the water level was at a height not seen for nearly 50 years. If that was not bad enough, it was nearly duplicated on Saturday. The Lincoln Academy Track Team along with the Boy Scouts and other volunteers worked with the Public Works Department on Friday, shoveling nearly 12 yards of material, filling over 400 sand bags, and deploying many of them in the back parking lot. The Boy Scouts came back on Saturday to help with an additional deployment overseen by our Public Works, Fire, and Police Department. All said, over 60 people came out to help our downtown community for Saturday's storm and it was a proud moment to see everyone working together when it mattered.

Many questions and conversation were had during both storms about the future adaptation that could minimize or stop this level of flooding. We will be using some of the benchmarks from these tidal events to understand how the current parking lot project designs may have stacked up to the challenge.

2. Admin Updates

- a. A couple of the staff have been out most of last week leaving us a little shorthanded. Fortunately, the pace of residents coming to the office is manageable currently. We should be back to full staff this week or next.
- b. The office will be closed Monday for the Martin Luther King Jr Holiday.

3. Planning Department

- a. Michael is still working on our TIF amendment package. A working draft of the application is in your board packet for review and discussion on January 17th. If desired, the board should indicate whether we can engage the assistance of our attorney to review the application and modify where necessary.

4. Public Works Update

- a. The Foreman position is still vacant with no applications to date. We will look for ways to attract applicants beyond our published ad in the Lincoln County Newspaper and our website.
- b. Some tasks require at least two people, so I have been supplementing the needs when necessary. This included assisting Merrill with snow removal during the last snowfall. Clearing the sidewalks was new to both of us with the equipment, so that will be improved as we work together going forward.

5. Capital Projects

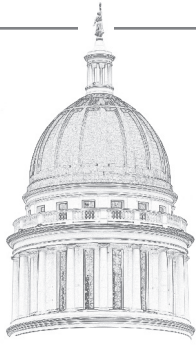
- a. Parking Lot Project - EDA has approved our Phase II documents and the project is out to bid. Responses to the RFP are due February 15th.
- b. Church St/Castner Creek Culvert Replacement - a quick meeting with MDMR and MDOT staff along with GSBSD representative yielded no significant updates as the state is still waiting for more information from the federal agency administering the grant. We will check back in with them in February for an update.

6. Legislative Updates

A copy of the most recent Legislative Bulletin is in your board packet.

7. Meetings/Events

- January 16, 6:00 PM @ Town Office - Comprehensive Plan: Future Land Use Workshop
- January 17, 5:30 PM @ Town Office - Select Board Mtg
- January 18, 6:00 PM @ Town Office - Damariscotta/Newcastle Joint Select Board - Harbor Management Ordinance Workshop
- January 20, 10:30 AM @ Town Office - Comprehensive Plan: Future Land Use Workshop
- February 1, 10 - Noon @ Skidompha Library - LD 2003 Housing Mandate Session
- February 7, 5:30 PM @ Town Office - Select Board Mtg



LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLVI No. 2 • JAN. 12, 2024

Municipal Franchise Agreement Bill Needs Your Support

The Legislature is coming in hot for the second regular session and is feverishly working through the large amount of carry over bills on its plate, rumored to have been ordered out of committee by the end of January. One such bill is LD 1967, *An Act to Support Municipal Franchise Agreements*, sponsored by Rep. Melanie Sachs of Freeport.

In short, as amended by a majority of the members of the Energy, Utilities, and Technology Committee, the comprehensive proposal makes several changes to the franchise agreement statute including: (1) defining a video service provider (VSP) as “any person in Maine that directly or through one or more affiliates sells access to video, audio or computer-generated or computer augmented entertainment and owns or operates facilities located in whole or in part in a municipality’s public rights-of-way that are used to provide those services, irrespective of the technology or application used to deliver such services;” (2) making a VSP responsible for all costs associated with public, educational and government (PEG) facility equipment, as deemed necessary by the municipality; (3) prohibiting a VSP from offsetting costs through franchise fees but enabling providers to recover fees assessed to subscribers to the extent applicable by law and as negotiated by the municipality; (4) repealing language in current statute allowing municipalities to enter into exclusive franchise agreements; (5) prohibiting a VSP from providing services in a municipality unless they have entered into a franchise agreement; (6) allowing municipalities to use franchise fees for the purposes the municipality deems pertinent; (7) establishing a quarterly payment schedule with allowable interest for late payments; (8) requiring a VSP to maintain certain financial records related to the calculation of payment; (9) allowing a municipality to challenge or audit the amount of the payment; (10) clarifying that a violation is one that violates the unfair trade practices act and requires action within seven years; (11) developing a dispute resolution process; and, (12) establishing a 30-day notice for the movement of channels to a different tier or lineup.

At the public hearing in October, proponents of the bill confirmed that clarifying the definitions would help tremendously when managing the franchise agreement process. Among those in favor were Tony Vigue representing the Maine Community Media Association, the Attorney General, the Maine Municipal

Association, and several local community media stations, among other interested parties.

The Motion Picture Association (MPA), Comcast, Maine State Chamber of Commerce and Charter Communications testified in opposition to the bill, and offered suggestions that would be more amenable to their interests. In particular, the MPA asserted that if this bill were to pass, it would conflict with federal law. However, the Maine chief deputy attorney general who Rep. Sachs consulted regarding this measure, has flagged it to her as defensible, as amended.

Sounds like a serious case of “he said, she said.”

Also worth noting is that a similar bill was passed by mem-

(continued on page 2)

Hubris Housing Policy

This week, the Joint Select Committee on Housing held work sessions on bills carried over from the last session which must be voted out by the end of the month. One of the bills can only be categorized as pro-runaway development. Others not only fail to understand current local planning processes and more importantly the reason for their development, but express clear disdain for any community seen to make decisions on planning applications that kill large scale housing development regardless of the reasons.

The co-chair of the committee, Rep. Traci Gere of Kennebunkport, sponsored one such bill, LD 1672, *An Act to Establish an Affordable Housing Permitting Process*. As drafted, the bill is a seismic shift in the ability for residents to engage in planning for their own communities. Instead, the bill transfers the authority to approve any development project categorized as “affordable housing” to an unelected state board of subject matter experts, largely representing the development industry, including financial institutions, developers, architects, and designers with a single token municipal representative.

Under LD 1672 there are no requirements for board participation by members of the public who reside, or hope to reside, in such developments either historically funded through

(continued on page 4)

Municipal Franchise Agreement Bills cont'd

bers of the 130th Legislature but was subsequently vetoed by the governor. The major difference between that bill and LD 1967 is that the former bill placed the compliance piece on the back of the Public Utilities Commission (PUC), LD 1967 does not.

Since not all communities have PEG channels, there was some concern raised that this bill could negatively affect communities that do not offer PEG programming. For that reason, the bill was ultimately tabled to give the sponsor and the parties in opposition to the initiative the time necessary to work on a solution agreeable to both sides.

After a short time, Rep Sachs reported that a compromise had been reached, noting that the goal for this legislation is to take a thoughtful approach without creating more loopholes. She further assured the committee that this bill would not impact any community that does not have PEG channels. Rep. Sachs acknowledged there are opposing viewpoints on the defensibility of the bill, however, after another consultation with the Attorney General's Office, it was determined that the State could still defend the measure with the proposed changes. Ultimately, the bill was voted out of committee with a divided report along party lines.

Amid the mad dash to get carryover work accomplished, LD 1967 hit the House floor on Tuesday, January 9. Rep. Steven Foster of Dexter rose in opposition to the motion and pled with the body to vote against the measure to prevent additional fees from being passed on to subscribers and further suggested municipalities raise their taxes to account for any additional revenue received from potential franchise fees.

Luckily, Rep. Sachs rose to correct the misinterpretation, as the updates contained in LD 1967 create clarity and provide a conflict resolution process that is not currently in place for franchise agreements. As the bill sponsor, Rep. Sachs has worked diligently with stakeholders, including the PUC, which currently has a dispute resolution process in place and could absorb the extra work without the need for added resources. Rep. Anne-Marie Mastraccio of Sanford, who has negotiated the terms of franchise agreements in her service as mayor, also confirmed

the bill would not create new taxes or fees and though it would not solve all the problems related to franchise agreements, it would move this issue forward in the right direction.

The bill was put before the Senate on Thursday, January 11, but was tabled. Although the bill passed the House with bipartisan support (88-50 vote), the false narrative regarding the fiscal impacts on subscribers took hold and is circulating around the State House.

Now more than ever it is important for municipal officials to reach out to their senators to help set the record straight. The passage of LD 1967 will not create any new fees or taxes and any assertion otherwise is blatantly false. Furthermore, service providers that do not own facilities in the public way, such as Netflix, would not be subject to franchise fees.

Please help protect municipal rights and the benefits and protections from future industry abuse by urging your senators to pass LD 1967. The issue may be decided by the members of the Senate as soon as January 16. Please stay tuned.

The Benefits of Communication

Just over a year ago, Rep. Stephen Wood of Greene, presented LD 491, *Resolve, to Require the Department of Inland Fisheries and Wildlife to Develop a Plan for Communication Regarding Certain Municipal Regulation*. This resolve directed the department to develop "a plan to inform municipalities about the limits on local regulation of hunting, fishing and trapping and the operation of watercraft, snowmobiles and all-terrain vehicles and a distribution scheme for the information."

LD 491 was initiated after several concerns were brought to the Department of Inland Fisheries and Wildlife (IFW) about municipal ordinances that seemed to encroach on rules already established in state statute. After passage of the bill, IFW began the task of determining the most effective ways to collaborate with municipalities and clarify the areas of local and state jurisdiction regarding regulated outdoor activities in Maine. Conversations with MMA and the Maine Harbormaster's Association have led to clarification on some items, as outlined in the recently published FAQ, a valuable guidance document for both municipal officials and citizens, available on the IFW website.

Department staff also attended the Annual MMA Convention in October where staff and wardens spoke with countless municipal officials about their programs including the Beginning with Habitat maps and their application to municipal comprehensive plans and the Landowner Relations program. To date, the department is pleased with the response to their municipal outreach efforts and plans to continue working with municipalities as issues may arise.

Outside of this resolve, IFW staff and stakeholders are continuing discussions regarding regulation of moorings and houseboats on inland waters.

LEGISLATIVE BULLETIN

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Editorial Staff: Kate Dufour, Rebecca Graham, Rebecca Lambert, Amanda Campbell and Laura Ellis of Advocacy & Communications.

Layout: Sue Bourdon, Advocacy & Communications



HEARING SCHEDULE

For the week of January 15, 2024

Note: What follows is a schedule of public hearings which were known to us at the time of this publication. To sign up for direct committee notifications of meetings, hearings and work sessions, you can choose which committees you would like to hear from at this link: <https://lists.legislature.maine.gov/sympa>. Also, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can also be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

MONDAY, JANUARY 15 – HOLIDAY

TUESDAY, JANUARY 16

Innovation, Development, Economic Advancement & Business

Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 262 – An Act to Strengthen Maine's Workforce

Transportation

Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 235 – An Act to Promote Economic Development in the Fishing Industry by Funding a Dredging Project in Portland Harbor

WEDNESDAY, JANUARY 17

Criminal Justice & Public Safety

Room 436, State House, 10:00 a.m.
Tel: 287-1122

LD 2051 – An Act Regarding the Duties of Bail Commissioners

1:00 p.m.

LD 2041 – Resolve, to Review Traffic Fatalities Occurring While an Operator Was Under the Influence and Subsequent Prosecution with Respect to Those Occurrences

LD 2054 – An Act to Exclude Certain Operating Under the Influence Crimes from the Immunity Provisions That Are Triggered When Law Enforcement Is Called for a Suspected Overdose

Health & Human Services

Room 209, Cross Building, 10:00 a.m.
Tel: 287-1317

LD 1975 – An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs

Veterans & Legal Affairs

Room 437, State House, 9:20 a.m.
Tel: 287-1310

LD 1991 – An Act Regarding Gubernatorial Primary Elections

IN THE HOPPER

The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, www.memun.org.

This bill adds operating under the influence, or OUI, and operating or attempting to operate a watercraft, snowmobile or all-terrain vehicle, or ATV, under the influence to the list of crimes that do not qualify for immunity from arrest, prosecution and certain revocation and termination proceedings when assistance has been requested for a suspected drug-related overdose.

Criminal Justice & Public Safety

LD 2041 – *Resolve, to Review Traffic Fatalities Occurring While an Operator Was Under the Influence and Subsequent Prosecution with Respect to Those Occurrences* (Sponsored by Rep. O'Connell of Brewer)

This resolve directs the Attorney General to convene a commission with membership made up of law enforcement officers and district attorneys to review traffic fatalities in the State in which an operator was charged with operating under the influence, or OUI, and the subsequent prosecution of those occurrences. The commission is directed to create a set of best practices to be used as a guide in the enforcement of and prosecution involving the laws governing OUI offenses in the State.

LD 2054 – *An Act to Exclude Certain Operating Under the Influence Crimes from the Immunity Provisions That Are Triggered When Law Enforcement Is Called for a Suspected Overdose* (Sponsored by Rep. Hasenfus of Readfield)

Health & Human Services

LD 1975 – *An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs* (Rep. Crafts of Newcastle)

In part, this bill establishes the Substance Use, Health and Safety Fund in the Department of Health and Human Services to oversee, approve and provide grants and funding to agencies, organizations and service providers, to increase voluntary access to community care for persons who need services related to substance use. By June 30, 2024, and annually thereafter, the Legislature must appropriate to the fund an amount sufficient to fully fund the services as set forth in the bill.

Health Coverage, Insurance & Financial Services

LD 1832 – *An Act to Require Reimbursement of Fees for Treatment Rendered by Public and Private Ambulance Services* (Emergency) (Sponsored by Rep. Cyrway of Albion)

(continued on page 6)

MaineHousing or a local community development grant. There are also no requirements that board members have any experience with planning processes or application review or to declare a conflict of interest as with the higher standard that municipal and county official appeals board members must bear. **M.S.R.A Title 30-A, Section 2605: “Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.”** (Emphasis added).

Additionally, the proposed board threatens to override the local community process for economic incentives that truly affordable housing projects need to secure bank funding or meet the developer’s profit margin.

By shifting the public process to “legislative time” public hearings that the board must hold will be held during daytime hours instead of evening hours where such reviews occur now at the municipal level. These changes impact working class residents who rent and immigrant communities most harshly by allowing a state level board at the discretion of the developer to decide if a development occurs, including the authority to override the very ordinances those individuals approve, unless they can take a day off to participate. As there are no requirements for the board to meet in the impacted community, it may mean those individuals also need to travel to Augusta, or have access to the internet, to exercise their voice.

That is, if the community even knows the application exists.

As drafted, the bill only requires the new board to notify the affected planning board in the community, not the residents, public or adjacent landowners and accepts comments only from the “affected board” and “consultants” undefined. Perhaps even more egregiously, the legislation defines a finite type of criteria by which the development is measured based on what exists currently—not where the community wants to be—by requiring the development to look like all other buildings in the community. Ironically, the bill misunderstands the purpose of a comprehensive plan by allowing a developer to point to an ordinance for such a requirement and deem it incompatible with the plan thus providing standing to use the state board.

Aside from overriding judicial authority and local democratic processes, such a framework stifles innovation and quality tools used to limit future environmental degradation through smart design such as green roofs or absorbing pavement that slows down runoff or requires stormwater to be held locally before entering municipal infrastructure. It even rewrites local roads standards to a level below what is traditionally needed and used to accommodate vehicles, accessible sidewalks, utility poles, and other public infrastructure, and prevents the municipality from providing services by design. The new road will be required to be maintained by the developer, thus making it constitutionally impossible to provide services like plowing or waste pick up.

As drafted, the bill would defer to the state environmental standards which form the basis of what is required for environmental review at the local level and what communities build on

with stricter standards to meet their federal permit requirements, and localized habitat protections. The state level is now the maximum under the drafted bill. Most concerning, it makes the other taxpayers in the community pay for the development impact on shared infrastructure by preempting local fees that link development to the pressures it creates on local systems.

The list of issues with the language are extensive beyond what has been touched upon here, but the attitude of the sponsor was hauteur towards the failure of municipalities to effectively approve affordable housing development pointing to press articles for developments killed by NIMBYism. The facts on the ground in many of those projects are a little more nuanced and at least one well publicized project had no requirement for affordability at all in the application while proposing to fill in one of the few remaining watershed wetlands.

Stopping the Clock on Local Regulation

Another bill considered by the committee was LD 772, *An Act to Establish a Process to Vest Rights for Land Use Permit Applicants*, sponsored by Sen. Matthew Pouliot of Kennebec County, which tips the scales directly in favor of developers and away from the community, regardless of the type of project. The initial bill allowed a developer to submit an application to a planning process and force the committee to review its merits based on the rules in place at the time of the submission.

While most processes in place already recognize the need to find balance between a community’s right to protect its interests through ordinance amendments and the private sector’s rights to protect its investments in pursuing development, the bill would remove the community’s right altogether through the act of submitting an application. A developer could submit an incomplete application while a community was holding a public process to amend ordinances that may place restrictions on particular developments such as a solar installation or “big box” retail store in a small business zone and be exempted from any subsequent rule changes.

Moratoriums on development are short-lived and extending one requires the advancement of regulation that solves the identified problem leading to the action. They remain an important tool for communities to use when addressing new concerns like requiring a solar decommissioning plan that was not in place at the state level until nearly two years after such developments were incentivized. Other uses have addressed where cannabis retail or processing can occur in a community and address the impact of “dark stores” on the local property tax via restrictive covenants placed on commercial development designed to keep the competition from moving in.

While the proponents of the bill are all from the development community, even balanced support from the planning community pointed to the ways in which the bill is a bridge too far. Each planning process in a community has several requirements before an application can be considered complete and planners

remained concerned that the mere act of filing an application is not an appropriate trigger to shift those rights to a developer who may not have provided a full view of the intended project. They asked that at a minimum the acceptance of a complete application be the threshold for triggering a freeze on local and state regulations for a project.

During the public hearing, much of the concern was to focus the bill to provide vested rights only on housing projects. Unfortunately, the amended language presented at the work session by the sponsor only shifted the threshold to start the clock when an application is deemed complete for any type of development. Increasingly, communities are returning to the planning drawing board to use ordinances to keep naturally occurring affordable housing from being shifted to market rate housing through redevelopment. Low-income neighborhoods are being targeted for redevelopment in cities across the U.S., disproportionately displacing communities of color and low-income residents.

If either of these bills are advanced as drafted, it will take more than one “Goonies” adventure and pirate treasure to save an entire neighborhood from being replaced by a golf course. While balance and affordable housing subsidies are desperately needed to grow housing, it’s important to remember that community tools can also be used to build more desirable long term, affordable housing and protect neighborhoods from gentrification pressures. On the bright side, the long-awaited sequel Goonies 2 might actually be filmed on the Maine coast.



POTHoles & POLITICS

“Potholes & Politics: Local Maine Issues from A to Z” is a podcast about municipalities in Maine and the people and policies that bring local government to your doorstep. Check out our episodes:

MMA: <https://www.memun.org/Media-Publications/MMA-Podcast>

Spotify: <https://open.spotify.com/show/1LR5eRGG1gS2gu5NRoCUS1>

Apple Podcasts: <https://podcasts.apple.com/us/podcast/potholes-politics-local-maine-issues-from-a-to-z/id1634403397>

Taxation - All in a Day's Work Session

The Taxation Committee held work sessions on several bills of municipal relevance on Thursday afternoon, moving several bills out of committee and tabling two for further examination.

LD 1153, *An Act to Allow Municipalities to Tax Personal Solar Energy Equipment Under 5 Megawatts*, sponsored by Rep. David Woodsome of Waterboro, was reviewed by the committee, sponsor, and stakeholders, and garnered much discussion. The committee generally agreed that the “carve-out,” which provides a property tax exemption on commercial solar equipment, should be eliminated. However, confusion over taxation of real versus personal property and whether the removal of the personal property exemption for solar should, in fact, trigger the removal of both exemptions, led to a robust discussion with representatives from Maine Revenue Services (MRS).

While MMA’s Legislative Policy Committee suggested the bill be amended to maintain the exemption for residential solar installations, the committee was divided on this idea, as well as on the consideration of maintaining the program for currently exempted property and only removing the exemption on properties going forward. In the end, the committee voted to table the bill for a future work session to gain clarity on how assessors currently value solar, tools available for municipalities to maintain standardization in those assessments and how a potential sunset of the current program could work for properties already receiving the exemption.

Also tabled was LD 1737, *An Act to Provide up to \$5,000 in Property Tax Relief to Veterans*, sponsored by Rep. Benjamin Hymes of Waldo. After discussion, surrounding a thoughtful, amended solution by the sponsor to expand the current exemption while addressing concerns brought forth by MRS, more questions than answers arose. Committee members agreed that the veteran’s exemption program could benefit from a thorough review and after suggestions from MRS, proposed that perhaps a study of how to best implement an updated version of the program might be ideal.

Finally, with a nod to home rule authority, and to the meaningful work by sponsor Rep. Stephen Moriarty of Cumberland, the committee voted out LD 1345, *An Act to Permit Municipalities to Establish by Ordinance a Program for Partial Deferral of Property Taxes for Seniors*, as ought to pass as amended. If enacted by the entire Legislature, in the same posture, municipalities will be provided yet another tool for alleviating the burdens placed on qualifying homeowners.

Even though a short deadline for completion of work on carried over bills is looming, the committee is taking the time necessary to move out thoughtful and effective legislation, all the while staying mindful as to how it affects municipalities and taxpayers. They’d probably say it’s all in a day’s work.



HOPPER (cont'd)

This emergency bill requires an ambulance service to be reimbursed for the cost of treating a person, regardless of whether the ambulance service transports the person to a hospital.

Joint Select Committee on Housing

LD 1787 – *Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes* (Sponsored by Rep. Ducharme of Madison)

This resolve requires the Department of Agriculture, Conservation and Forestry, in coordination with the Department of Environmental Protection, to convene a stakeholder group, including municipal officials, to review and recommend a comprehensive overhaul and modernization of the subdivision laws. The departments must submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry and on Environment and Natural Resources, which are authorized to report out legislation in 2024.

LD 1864 – *An Act to Increase Maine's Housing Supply by*

Prohibiting Certain Zoning Requirements in Areas Where Public Sewer and Water Infrastructure Are Available and in Designated Growth Areas (Sponsored by Rep. Boyle of Gorham)

This bill restricts municipal ordinance requirements related to minimum lot size in areas where water and sewer infrastructure are available and in areas where water and sewer infrastructure are not available but that are within designated growth areas. For a housing development served by public water and sewer systems located in an area in which dwelling units are allowed, a municipality must allow a dwelling unit on a lot with a minimum size of 5,000 square feet. For a housing development located in a designated growth area that is not served by public water or sewer system, that complies with minimum lot size requirements in accordance existing subdivision law and that is in an area in which dwelling units are allowed, a municipality must allow a dwelling unit on a lot with a minimum size of 20,000 square feet. The bill also provides limits to ordinance provisions relating to lot coverage, road frontage and setback requirements.



The Bruce and Katherine Garren Charitable Fund

January 3, 2024

Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Dear Sir or Madam:

We are pleased to present the attached grant check to your organization from The Bruce and Katherine Garren Charitable Fund of the Ayco Charitable Foundation:

Table with 2 columns: Field Name and Value. Fields include Person(s) recommending the grant, Amount, and Purpose.

If you wish to express your gratitude, you may do so to the person who recommended the grant listed above.

By accepting this grant your organization certifies to the Ayco Charitable Foundation (ACF) that, as of the date of deposit of the enclosed grant check by your organization (i) your organization is currently recognized by the IRS as a public charity under Section 501(c)(3) of the Internal Revenue Code (the "Code"), is a governmental unit described under Code Section 170(c)(1), a private operating foundation under Code Section 170(b)(1)(A)(7), or a religious entity, and that you have not received notice that such status will be or is revoked; (ii) your organization is in good standing in your state of incorporation; (iii) no tangible benefit, goods or services were or will be received by any individual or entities connected with the above-mentioned ACF donor advised fund; (iv) that neither the donors, donor advisors, their family members nor any related parties have discretion over the grant funds or will benefit from the funds in any way and that; (v) the grant funds will not be used to support political campaigns or lobbying activities. It is not necessary to issue a tax receipt for this grant.

If you have any questions regarding this grant, please call (800) 335-5353.

Sincerely,

Ayco Charitable Foundation

0009089



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): The American Legion Wells-Hussey Post #42	Business Name (D/B/A): The American Legion
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 527 Main St Damariscotta Maine 04543
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: 527 Main St Damariscotta Maine 04543	Email Address: legionpost42@outlook.com
Telephone # Fax #: 207-563-3738	Business Telephone # Fax #:
Federal Tax Identification Number: 93-4041103	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? New Expected Start date: _____
- Renewal Expiration Date: 01/22/2024

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
- Food: 0 Beer, Wine or Spirits: 75,000.⁰⁰ Guest Rooms: 0

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
- Malt Liquor (beer) Wine Spirits

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:

527 Main St Damariscotta Maine 04543

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
Ryan F. Coffin	06/28/1977	Damariscotta
Jessica Little	10/05/1978	Damariscotta
Kassidi T. Gilbert	06/27/1995	Damariscotta
Residence address on all the above for previous 5 years		
Name Ryan Coffin	Address: 330 Duckpuddle rd Nobleboro ME 04555	
Name Jessica Little	Address: 331 Feylers Corner rd Waldoboro ME 04572	
Name Kassidi Gilbert	Address: 307 Duckpuddle rd Nobleboro ME 04555	
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

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)

Open floor plan w/ tables and chairs - one serving
station w/ bar stools

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: Great Salt Bay School


Distance: .5 miles

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.

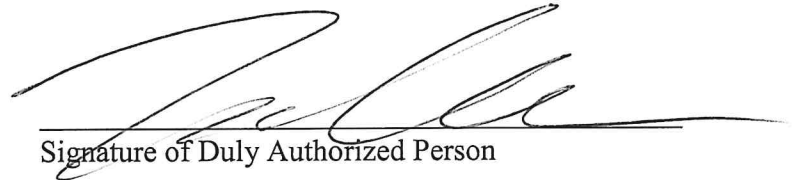
Please sign and date in blue ink.

Dated: 01/04/2024



Signature of Duly Authorized Person

Ryan F Coffin
Printed Name Duly Authorized Person



Signature of Duly Authorized Person

Kassidy T Gilbert
Printed Name of Duly Authorized Person

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.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

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.



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: The American Legion Wells-Hussey Post #42
2. Doing Business As, if any: Social Club
3. Date of filing with Secretary of State: 12/31/23 State in which you are formed: Maine
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
Ryan Coffin	330 Duck Puddle Rd Nobleboro, ME 04555	6/28/77	Commander	0
Kassidi Gilbert	307 Duck Puddle Rd Nobleboro, ME 04555	6/27/95	Bar steward	0
Jessica Little	331 Feylers Corner Rd Waldoboro, ME 04572	10/5/78	finance officer	0

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

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

January 8, 2024

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

Re: American Legion Hall, Wells Hussey Post #42

To the Board of Selectman:

As requested, I had my staff research our records for any police complaints or contacts involving The American Legion Hall, Wells Hussey Post #42.

In a period of one year this department has responded to that location as follows:

- 3 Burglar Alarms
- 78 Property Checks
- 1 Community Policing
- 1 Erratic Operations
- 1 Motor Vehicle Accident
- 4 Motor Vehicle Stops
- 1 Police Information
- 1 Paperwork Service
- 1 Suspicious Activity
- 1 Theft/Forgery/Fraud

To our knowledge, none of these calls involved the serving of alcohol at The American Legion Hall, Wells Hussey Post #42.

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 "Jason Warlick", with a long horizontal flourish extending to the right.

Chief Jason Warlick
Damariscotta Police Department

01/01/2023 to 01/08/2024 (0000 - 2359 only)
 Site Analysis
 Jurisdiction: Damariscotta (200)
 Site(s): 110

WELLS HUSSEY POST #42 AMERICAN LEGION HALL

Reason	Calls	Unfounded	Incidents	Accidents	Arrests	Interviews	EMS	Fire
ALARM, BURGLAR	3	2	0	0	0	0	0	0
PROPERTY CHECK	78	1	0	0	0	0	0	0
COMMUNITY POLICING	1	0	0	0	0	0	0	0
ERRATIC OPERATIONS	1	0	0	0	0	0	0	0
MOTOR VEHICLE ACCIDENT	1	0	0	0	0	0	0	0
MOTOR VEHICLE STOP	4	4	0	0	0	0	0	0
POLICE INFORMATION	1	1	0	0	0	0	0	0
SERVICE	1	0	1	0	0	0	0	0
SUSPICIOUS ACTIVITY	1	0	0	0	0	0	0	0
THEFT / FORGERY / FRAUD	1	1	1	0	0	0	0	0
Sub Total >	92	9	2	0	0	0	0	0

Totals >	Calls	Unfounded	Incidents	Accidents	Arrests	Interviews	EMS	Fire
	92	9	2	0	0	0	0	0



Damariscotta Select Board

Daryl Fraiser, Board Chair
Joshua Pinkham, 1st Vice Chair
Tom Anderson, 2nd Vice Chair
Andrea Keushguerian
Daniel Hunter

Community Resilience Partnership Resolution

WHEREAS, the Town of Damariscotta has completed the Community Resilience Partnership's Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on December 5, 2023 which prioritized the following action areas:

- Increased Precipitation & Storm Intensity;
- Sea Level Rise;
- Environmental Protection & Natural Climate Solutions;
- Energy Efficiency; and
- Engaging Maine People;

WHEREAS, the Town of Damariscotta experiences coastal flooding, intense rainstorms, riverine flooding, drought, high heat emergencies, and other natural hazards and seeks to better prepare for future conditions;

WHEREAS, addressing climate change will present economic opportunities for the Town of Damariscotta as well as opportunities to invest in the public good and cost-saving practices;

WHEREAS, planning for community and infrastructure resilience will protect people, preserve businesses and the local economy, and reduce the impact and costs of natural disasters;

WHEREAS, investing in energy efficiency and weatherization improvements is proven to lower municipal electricity expenses and make buildings more comfortable for employees and visitors;

WHEREAS, the Town of Damariscotta is prepared to demonstrate leadership in reducing energy use and greenhouse gas emissions, and increasing the resilience of people, infrastructure, and businesses;

WHEREAS, joining the Community Resilience Partnership requires the Select Board to pass the following resolution:

BE IT RESOLVED, the Town of Damariscotta commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resilience to extreme weather and climate change impacts;

BE IT FURTHER RESOLVED, by the Select Board of the Town of Damariscotta, that the Town of Damariscotta designates the Town Planner to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

Voted by the Town of Damariscotta Select Board this 17th day of January 2024

Daryl Fraser, Select Board Chair

DRAFT

~~**WHEREAS**, the Gulf of Maine is warming 99% faster than other oceans around the world, and ocean acidification and warming ocean temperatures pose a serious economic and cultural risk to Maine maritime industries, heritage, and tourism;~~

~~**WHEREAS**, the State of Maine's four-year climate action plan, *Maine Won't Wait*, seeks to put Maine on a trajectory to decrease greenhouse gas emissions 45% by 2030 and 80% by 2050, and achieve carbon neutrality by 2045;~~

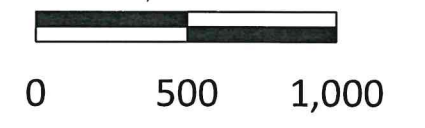
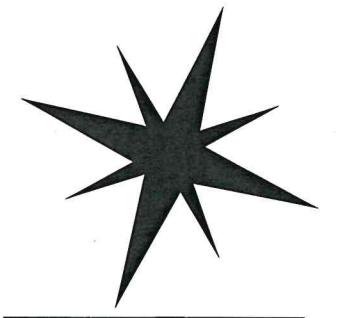
~~**WHEREAS**, achieving these emissions and resilience goals will require Maine to act with urgency to slow the causes of climate change and prepare people, communities, and the environment for climate-related impacts to come;~~

~~**WHEREAS**, shifting seasonal temperature and precipitation patterns threaten local natural ecosystems and economic activity such as agriculture, tourism and seasonal recreation—including winter sports and other outdoor activities—and public health due to increased incidence of heat-related illness and tick-borne illnesses such as Lyme disease;~~

~~**WHEREAS**, the Community Resilience Partnership provides grants to municipalities and Tribal Governments for activities that lower energy expenses, reduce greenhouse gas emissions, and increase community resilience in alignment with the state's climate action plan and goals.~~

~~**WHEREAS**, transitioning municipal fleet vehicles to electric vehicles lowers fuel and maintenance costs and reduces the uncertainty of variable fuel prices on municipal budgets;~~

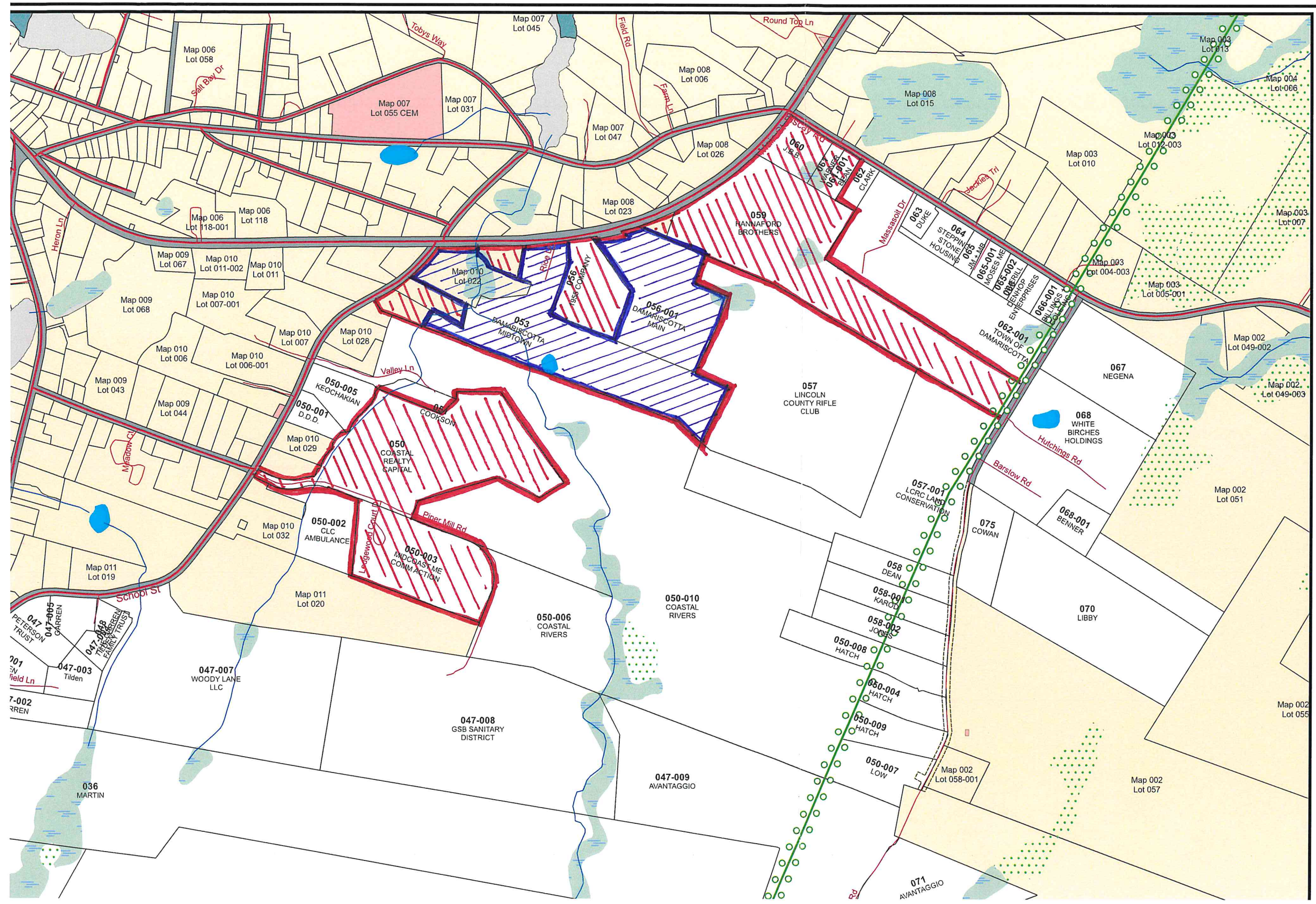
Property Map Damariscotta Maine



Scale:
1" = 500 ft.

Legend

- Powerline
- Sub-parcel lines
- Easements
- NG911 Roads
- Secondary
- Local
- Private
- Paper Street
- Streams
- Parcels shown on this Tax Map
- Parcels shown on other Tax Maps
- Wetlands
- Forested Wetlands
- Ponds
- Road ROW
- Tidal
- Tidal Flats
- Cemeteries



ECONOMIC DEVELOPMENT PROJECT

TOWN OF DAMARISCOTTA, MAINE

Commented [TP1]: Need to figure out where to add in the ability to enter into CEAs.

An Application for a Municipal Development and Tax Increment Financing District

**MAIN STREET DAMARISCOTTA MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DEVELOPMENT PROGRAM**

Presented to:

The Inhabitants of the Town of Damariscotta

February 19, 2020

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EXHIBIT LIST

Exhibit A-1	Town of Damariscotta Property Map Showing District Property Relative to Town Boundaries	Commented [TP2]: Need to update.
Exhibit A-2	Town of Damariscotta Property Map Showing District Property	
Exhibit B	Assessor's Certificate - Town of Damariscotta	Commented [TP3]: Will need.
Exhibit C-1	Anticipated TIF Revenues Generated by District	Commented [TP4]: Need to update.
Exhibit C-2	Tax Shelter Benefits and Tax Shifts	Commented [TP5]: Need to update.
Exhibit D	Notice of and Minutes for Public Hearing	
Exhibit E	Executed Select Board Resolution	
Exhibit F	Record and Warrant from Town Meeting	Commented [TP6]: Will all be provided after adoption process.

I. Introduction

The Town of Damariscotta, Maine (the "Town") is a thriving community in Lincoln County with over 2,200 residents. Situated on the Damariscotta River and graced with a quaint downtown, Damariscotta is a popular tourist destination served by U.S. Route 1 and Maine Routes 129 and 215. Although Damariscotta's residential population has remained relatively stable in the past decade, businesses continue to locate in Town, especially along the upper Main Street corridor. Currently, approximately twenty two percent (22.41) of the tax base comes from businesses.

Commented [TP7]: Update.

The primary purpose of this project will continue to be to support Damariscotta's existing businesses and encourage the development of new businesses by providing safe pedestrian and bicycle access to retail and office uses in and around the Town's Main Street. This is a public safety project necessitated by the development of the proposed district as a mixed-use neighborhood. By creating a TIF District on the very parcels that will experience significant benefit from the sidewalks, the Town will obtain at least partial funding for the construction of these pedestrian access ways. This public infrastructure project will increase the prospects of further economic development potential of the upper Main Street corridor.

Deleted: major retail, restaurant and office center.

The Town's long-term plan is to have the new Main Street sidewalks and multi modal paths connect:

- 1) the existing sidewalk from the historic downtown, that ends near the Rising Tide Market, to the TIF District via the sidewalk that the developer is required to build along the Main Street frontage of 435 Main Street;
- 2) The planned TIF District sidewalk along the frontage of 435 Main Street, to the corner of Biscay Road, where it will connect to a sidewalk that has already been funded but not yet constructed, that will provide connection to the Great Salt Bay Community School (K-8);
- 3) The proposed sidewalk along Main Street, via School Street, to the already approved and expected additional development along Piper Mill Road; and
- 4) The Piper Mill Road development, towards the Miles campus of the Lincoln Health Hospital, via Miles Street at Bristol Road.

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In addition to sidewalks and multi-modal paths, at least one traffic signal upgrade at Biscay Road and Main Street will be necessary for a crosswalk. If development in the TIF District is successful in future years, the Town will use TIF Revenues for pro-rated funding of a sidewalk snowplow and a firetruck to support needs created by the District's success.

To bring these plans to fruition, the Town seeks to designate and create the "Main Street Damariscotta Municipal Development and Tax Increment Financing District" (the "District"). The District will encompass 99.82 acres on 14 parcels located along Main Street and nearby behind School Street (the "Property"). The District is further described in Section II below and shown on Exhibit A-1 and Exhibit A-2 attached hereto. The Town will capture 100%

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of the increased assessed real and taxable personal property value located in the District and use such revenues (the "TIF Revenues") for infrastructure improvements and economic development, consistent with the Development Plan as further described in Table 1 and Table 2 herein.

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In designating the proposed District and adopting the Development Program, the Town can accomplish the following goals:

1. Enjoy enhanced future tax revenues generated by development within the District;
2. Help finance the cost of infrastructure improvements that will enable the construction of sidewalks, and multi-modal paths, that could serve a new neighborhood;
3. Purchase public works and public safety equipment to support the increased demands of the District;
4. Create long-term, stable employment opportunities for area residents by enhancing access to local businesses, thereby supporting the long-term success of local employers; and
5. Enhance the visibility and competitiveness and improve the general economy of the Town, the Mid-coast Maine region, and the State of Maine.

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In addition, by creating a TIF district, the Town will "shelter" the increase in municipal valuation generated by growth within the District. The tax shelter provided by the District will mitigate the adverse effect that the District's increased assessed property value would have on the Town's share of state aid to education, municipal revenue sharing and county tax assessment, and the Town's relative share of the local school district contributions. An estimate of the tax shelter benefit is shown as **Exhibit C-2** attached hereto.

II. Development Program Narrative

A. The Project - Public Infrastructure Improvements

A Portland, Maine based developer, Daniel Catlin, CEO of Commercial Properties, Inc., plans to develop 11.3-acres, within the TIF District located at 435 Main Street (known locally at the Camden Bank Plaza). The Town is working with Commercial Properties, Inc. as well as other property owners within the existing and updated TIF District to develop a mix of uses that will benefit the Town and the region. In addition to the now constructed 2,700 square foot bank and the recently approved 24-unit, 55+, Affordable apartment building, the Town intends to see an additional 30 to 50 units of housing and 30,000 square feet of commercial space developed within the updated 99.82-acre TIF District in the short- to medium-term.

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Deleted: More specifically, his plan calls for the construction of three commercial buildings: a 22,000-square-foot building for two retail spaces, a 5,525-squarefoot building with three commercial spaces, and a 2,700-square-foot bank with a drive-thru.¹

Deleted: Two additional parcels owned by Damariscotta Midtown LLC (Mason Sears), are contiguous with the Camden Plaza parcel and will add an additional 22.01 acres to the TIF District.

With TIF Revenues generated by these growing developments, the Town will construct much needed sidewalks in the heart of the commercial district. Over three-quarters of a mile (4,200 linear feet) of sidewalk will be built on Main Street, from the current sidewalk terminus in front of Rising Tide, a popular local community market, to the intersection of Biscay Road. An additional one-third of a mile (1,650 linear feet) of sidewalk will run from the corner of Biscay

Road to an existing sidewalk adjacent to the Great Salt Bay School, a K-8 school that serves students from Damariscotta, Newcastle, and Bremen

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Building over a mile of new sidewalks and multi-modal paths, with improved amenities like lighting, curbing, and street-trees, to connect residents and visitors to Damariscotta's growing businesses, neighborhoods, and community institutions will increase and create new demand for local businesses as well as improve the local quality of life—including the safety of students. In turn, new business development will generate new jobs and the increased quality of life will attract new residents, thereby improving the Town's tax base and allowing the Town to control the development in this classic New England town.

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The Town proposes to fund public infrastructure improvements with TIF revenues; these improvements will enhance accessibility to the Downtown. The only public infrastructure improvements will be for sidewalks, multi-modal paths, and related curbing and lighting (including a traffic light). TIF funds will not be used for roads or buildings.

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Please see Section IV, Table I hereof for a complete list of Town-wide projects and their respective cost estimates.

B. Strategic Growth and Development

By creating and designating the District, the Town is maximizing the economic development potential of the 435 Main Street/Camden Bank Plaza development and the adjacent Damariscotta Midtown LLC properties. The Town envisions the area as a commercially vibrant mixed-use district with thriving businesses and attainable housing that will increase, the tax base, create quality job opportunities, and expand the housing supply in Damariscotta. The development represents a thoughtful opportunity for smart cluster development located adjacent to a major transportation artery. The Plaza holds clear potential for further economic development.

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The Town's designation of a TIF district and pursuit of this Development Program constitute a good and valid public purpose as described in the TIF statute in Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the Town and the Coastal Maine Region by providing jobs, contributing to property taxes and diversifying the region's economic base.

C. The Development District

The District will encompass approximately 99.82 acres of real property. The District is shown in Exhibit A-1 and Exhibit A-2 attached hereto.

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D. The Development Program

The Town's designation of the District and adoption of this Development Program creates a single municipal TIF District in order to capture the value of the real and taxable personal property improvements made within the District and to permit tax increment financing for public infrastructure projects. The Development Program will begin with the Town's 2020-2021 fiscal year and will continue for a total of 30 years, ending at the conclusion of the Town's 2049-2050

fiscal year. The update to the Development Program and the update to expand the boundary of the District will go into effect for the Town's 2024-2025 fiscal year and continue through the end of the original 30-year term, ending at the conclusion of the Town's 2049-2050 fiscal year.

Under this Development Program, the Town will capture one hundred percent (100%) of the increased assessed real and taxable personal property value over the original assessed real and taxable personal property value of the District and retain the tax revenues generated by the captured assessed real and taxable personal property value for designated economic development purposes. (The calculation of TIF Revenues is more specifically described below in Section IV – Financial Plan.) In the Assessor's Certificate attached as **Exhibit B** hereto, the Town's Assessor has certified the original assessed property value of the District.

By adopting this Development Program, the Town is creating a TIF district that will: (1) contribute to the success of the current development within the District by supporting infrastructure improvements and increasing the development potential of the District as a desirable place in which to live or locate a business; (2) promote additional economic development in Damariscotta by making it safe for pedestrians to shop, eat, bank and live along Main Street; and (3) shelter the new municipal real and taxable personal property value from impacting the overall State valuation for the Town of Damariscotta, thereby minimizing: (a) decreases in the Town's State school subsidy and State revenue sharing, and (b) increases in the Town's county tax assessments and local school district contributions.

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Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base; only the increased assessed real and taxable personal property value over the original assessed property value within the District will be captured. In addition, at the end of the 30-year term of this Development Program, the Town expects to emerge with a substantial amount of new real and taxable personal property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a Town Meeting vote designating the District and adopting this Development Program, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

E. Improvements to the Public Infrastructure

Sidewalks, multi-modal paths, and lighting (pedestrian and street) along Main Street.

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F. Operational Components

1. Public Facilities

Sidewalks, multi-modal paths, street-trees, and lighting (pedestrian and street) along Main Street.

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2. Commercial Improvements Financed Through Development Program

Not applicable.

3. Relocation of Displaced Persons

Not applicable.

4. Transportation Improvements

Modification of traffic signal at Biscay and Main to provide for pedestrian walk lights on at least two sides of the four-way intersection.

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5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the Town of Damariscotta.

6. Plan of Operation

During the 30-year term of the District, the Damariscotta Town Manager and Town administrative staff will be responsible for administrative matters within the purview of the Town concerning the implementation and operation of the District and carrying out of the approved projects with the assistance of qualified professionals (e.g., engineers, contractors, legal counsel).

7. Duration of the Program

The TIF will remain in operation for 30 years, from July 1, 2020 through June 30, 2050.

III. Physical Description

(1)	Total acreage of the Town of Damariscotta:	9,414.4 acres
(2)	Total acreage of the District:	99.82 acres
(3)	Percentage of total acreage of the District to the total acreage of the Town of Damariscotta (cannot exceed 2%):	1.06%
(4)	Total acreage of all tax increment financing districts within the Town of Damariscotta including all proposed districts:	Existing: 33.31
		Proposed: 66.51
		Total: 99.82 acres
(5)	Percentage of total acreage of all existing and proposed development districts within the Town of Damariscotta to the total acreage of the Town of Damariscotta (cannot exceed 5%):	1.06%
(6)	At least twenty-five percent (25%), by area, of the real property within the District is:	
(a)	Blighted:	No

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(b) In Need of Rehabilitation, Redevelopment, or Conservation Work:	No
(c) Suitable for Commercial Uses:	Yes
(7) Municipal documents relating to the District's physical description attached as Exhibits:	
(a) Town of Damariscotta property map showing the District relative to Town boundaries. Exhibit A-1	
(b) Town of Damariscotta property map showing the District property. Exhibit A-2	
(c) Certification by the Town of Damariscotta Assessor of the original assessed property value of the District. Exhibit B.	

IV. Financial Plan

The updated District will expand by 66.51 acres from 33.31 acres to encompass approximately 99.82 acres of property. The original assessed value of the 33.31-acre District was \$818,000 as of March 31, 2019. The original assessed value of the property added to the expanded District was \$6,736,300.00 as of March 31, 2023. The original assessed value of the entire 99.82-acre updated TIF District was \$8,452,200.00 as of March 31, 2023.

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- Commented [TP10]: March of 2023 or 2024?

Development of the 435 Main Street project will add an estimated increase in valuation of \$2.5 million within the next two to three years, as the property is developed, and would generate an additional \$40,250 in annual tax revenue for the Town. Additionally, Development of the 207 Ledgewood Court Rd project will add an estimated increase in valuation of \$2.5 million within the next two to three years, as the property is developed, and would generate an additional \$40,250 in annual tax revenue for the Town. Between the two identified development expected development projects of 435 Main Street and 207 Ledgewood Court, in addition to the anticipated additional unidentified development in the District, all anticipated development within the updated District is expected to be assessed at approximately \$?,???,??? and generate a total of \$??,??? of additional tax revenue for the Town annually.

- Commented [TP11]: Update.
- Commented [TP12]: Correct.
- Commented [TP13]: Update.
- Commented [TP14]: Update.
- Commented [TP15]: Correct.
- Commented [TP16]: Update.
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- Deleted: businesses
- Deleted: will locate
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- Deleted: and the adjacent property in the District thus
- Deleted: providing additional TIF Revenues for the Town

Upon each payment of property taxes by property owners inside the District, the Town will deposit into a Development Program Fund the entirety of the property tax payments constituting TIF Revenues (the "Development Program Fund"). The Development Program Fund is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S.A. § 5227(3). The Development Program Fund consists of two segregated accounts, a sinking fund account ("Sinking Fund Account") and a project cost account (the "Project Cost Account"). The Town will deposit the TIF Revenues necessary to pay debt service on any bonds that may be issued to pay for the Town's TIF projects into the Sinking Fund Account.

The money in this account is pledged to and charged with the payment of interest and principal on municipal indebtedness related to improvements in the District. Thereafter, the

Town will deposit any additional TIF Revenues the Project Cost Account to be used for approved municipal projects outlined in this Development Program and not financed with Town indebtedness.

Estimates of the increased assessed property values of the District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in **Exhibit C-1** and **Exhibit C-2**, respectively.

A. Costs and Sources of Revenue

The estimated cost of the projects to be funded through TIF Revenues includes a portion of the \$2,341,800 needed for the Town infrastructure projects, primarily sidewalk construction. If sufficient TIF Revenues are generated over the life of the TIF, the Town will purchase a sidewalk snowplow and fire truck to serve the needs created by the District, with the use of TIF Revenues appropriately prorated. The revenue for these projects will be TIF Revenues, as set forth more specifically in Exhibit C-1. Owners of properties located within the District will pay for and/or finance all private improvements located in the District through private sources.

Commented [TP17]: Confirm/ Update

B. Public Indebtedness

The Town still intends to obtain bond financing in an amount of up to \$500,000, with principal and interest to be paid in equal installments over twenty years.

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TABLE I

Town's Proposed Project Costs

Project	Cost Estimate	Title 30-A Citation
1. <u>Professional Costs</u> : Professional service costs, including but not limited to legal and/or Consultant services, in connection with establishment, implementation and administration of the Development Program.	\$40,000	§ 5225(1)(A)(4)
2. <u>Administrative Costs</u> : Town Manager salary costs (at 5% of \$111,600 salary and benefits annually) associated with TIF program administration.	\$5,580 Estimated Total: \$167,400	§ 5225(1)(A)(5)
3. <u>Public Infrastructure (Sidewalks and Multi-modal paths)</u> : Costs associated with the construction of infrastructure improvements and upgrades exclusively sidewalks, curbing, lights, street-trees, and multi-modal paths. No other public infrastructure improvements (i.e. roads, buildings) will be undertaken.	\$700,000	§ 5225(1)(B)(1-2) § 5230
4. <u>Bond payments</u> : Debt service on bonds issued to pay for sidewalk construction.	\$696,000 (\$34,800 per year for twenty years) (\$500,000, twenty-year bond @ 3.5%)	§ 5225(1)(B)(1-2)

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5. <u>Grant Match</u> : TIF Revenues to be used for local match on federal or state economic development grants, including but not limited to Federal Sidewalk and Bikeway grant funding.	\$400,000	§ 5230
6. <u>Sidewalk Equipment and Maintenance</u> 10% of cost of sidewalk plow 10% of cost of employee time to plow sidewalk 10% of cost of sand/salt (prorated based on percent of total sidewalks maintained by town)	\$12,500/annually Estimated Total: \$375,000	§ 5225(1)(A)(I), (B)(I)
7. <u>Fire Truck</u> @\$540,000 (Pumper to be purchased in 2028 - cost prorated (10%) for District use) ²	\$54,000	§ 5225(1)(A)
8. <u>Housing Investment Fund: Infusion of funds into a fund which will be used for pre-development project expenses, acquisition of vacant or undeveloped land, improvements to utilities and infrastructure, construction and rehabilitation costs of new and existing housing (including materials and labor costs), and gap financing all related to the development of affordable housing.</u>	\$100,000	
9. <u>Municipal Building Improvements: Including, but not limited to, projects such as updating interior lighting with high efficiency LED fixtures; replacing HVAC units with electric or high-efficiency systems; completing necessary renovations to improve accessibility and expand usable space.</u>	\$350,000	
TOTAL		

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V. Financial Data

A. Original Data from Establishment of TIF District in 2020

(1) Total value of taxable property in Damariscotta as of April 1, 2019	\$331,873,700
(2) Original assessed value of taxable property in all existing and proposed tax increment financing districts in Damariscotta as of March 31, 2019.	\$818,000
(3) Percentage of total value of taxable property represented by aggregate value of all taxable property in all existing and proposed tax increment financing districts (i.e., item (2) divided by item (1) expressed as a percentage.)	0.246%

B. Data from Expansion of TIF District in 2023

(1) Total value of taxable property in Damariscotta as of April 1, 2023	\$331,873,700
---	--------------------------

Commented [TP18]: Update

² Due to increase in commercial development, additional fire protection services will be needed. TIF revenues will be used on a prorated basis for fire services and equipment that become necessary due to increased commercial development.

(2) Original assessed value of taxable property in all existing and proposed tax increment financing districts in Damariscotta as of March 31, 2023.	<u>\$8,452,220</u>
(3) Percentage of total value of taxable property represented by aggregate value of all taxable property in all existing and proposed tax increment financing districts (i.e., item (2) divided by item (1) expressed as a percentage.)	<u>0.246%</u>

Commented [TP19]: Update

VI. Tax Shifts

In accordance with Maine statutes governing the establishment of a tax increment financing district, the table set forth in **Exhibit C-2** identifies the tax shifts that are expected to result during the term of the District from the establishment of the District.

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit D** is a copy of the Notice of Public Hearing held on February 19, 2020, in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the *Lincoln County News*, a newspaper of general circulation in Damariscotta on or before February 6, 2020, a date at least ten (10) days prior to the public hearing.

Commented [TP20]: To be updated.

Commented [TP21]: To be updated.

B. Minutes of Public Hearing

Attached as **Exhibit E** is a copy of the Warrant Article adopted at the Town Meeting duly called and held on February 19, 2020, at which time the proposed Development Plan and District was discussed and approved.

Commented [TP22]: To be updated.

C. Authorizing Votes

Attached as **Exhibit F** is a certified copy of the minutes of the public hearing held on February 19, 2020, as well as a copy of the Resolution adopted by the Board of Selectmen at said hearing. Exhibit F also includes a record of the district designation and adoption of the **Development Program** by the municipal legislative body, said vote being held at a Town Meeting on February 19, 2020.

Commented [TP23]: To be updated.

Deleted: d

Deleted: p

Commented [TP24]: To be updated.

SECTION A. Acreage Caps	
1. Total municipal Acreage;	9,414.4
2. Acreage of proposed Municipal TIF District	<u>99.82</u>
3. Downtown-designation ³ acres in proposed Municipal TIF District;	0
4. Transit-Oriented Development ⁴ acres in proposed Municipal TIF District;	0
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;	<u>99.82</u>

Deleted: 33.31

Deleted: 33.31

³ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

⁴ For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

6. Percentage [=A5+A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).		1.06%	Deleted: 0.35%
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ⁵ Economic Development Project Town of Damariscotta, Maine/33.31	Existing	33.31	Deleted: 0
	Proposed	66.51	Deleted: 33.31
	Total:	99.82	Deleted: 33.31
30-A § 5223(3) EXEMPTIONS⁶			
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;		0	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/Acreage District Name/ Acreage		0	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/Acreage District Name/ Acreage		0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁷ Pine Tree Development Zones per 30-A § 5250-1 (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: District Name/Acreage District Name/ Acreage District Name/Acreage District Name/Acreage District Name/ Acreage District Name/ Acreage		0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		99.82	Deleted: 33.31
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		1.06%	Deleted: 0.35%
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres+A2]	
a. A blighted area;	0	N/A	
b. In need of rehabilitation, redevelopment or conservation;	0	N/A	
c. Suitable for commercial or arts district uses.	99.82	100%	Deleted: 33.31
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%	

⁵ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁶ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁷ PTZ districts approved through December 31, 2008.

SECTION B. Valuation Cap		
1. Total TAXABLE municipal valuation--use most recent April 1;	\$331,873,700	Commented [TP25]: Update.
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation--same as April 1 prior to such March 31;	\$8,452,200	Deleted: \$818,000
3. Taxable OAV of all existing/proposed Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: <i>Economic Development Project Town of Damariscotta, Maine/\$818,000</i>	Existing	\$818,000 Deleted: 0
	Proposed	\$6,736,300 Deleted: \$818,000
	Total:	\$8,452,200 Deleted: \$818,000
30-A § 5223(3) EXEMPTIONS		
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	0	
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: <i>District Name/OAV District Name/OAV</i>	0	
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: <i>District Name/OAV District Name/OAV</i>	0	
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁸ Municipal TIF districts: <i>District Name/OAV District Name/OAV</i>	0	
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-1 (14)(A) excluding any such OAV also factored in Exemptions 4-7 above: <i>District Name/OAV District Name/OAV District Name/OAV</i> <i>District Name/OAV District Name/OAV District Name/OAV</i>	0	
9. Total taxable OAV [=B3-B4-B5-B6-87-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	\$8,452,200	Deleted: \$818,000
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	0.246%	Commented [TP26]: Update.

COMPLETED BY	
NAME:	Amanda A. Meader & Emily T. White, Attorneys
DATE:	1/20/2020

⁸ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.