



TOWN OF KENNEBUNKPORT, MAINE

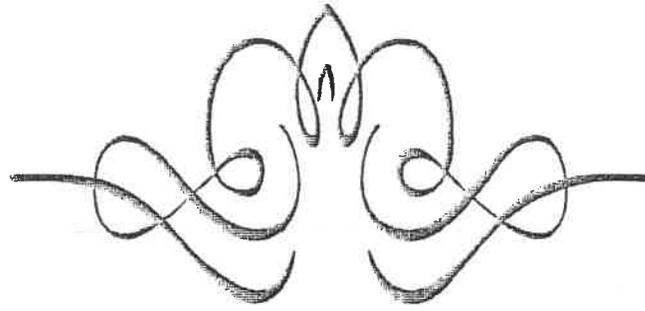
Board of Selectmen Agenda
November 12, 2020 @ 6:00 PM
VIRTUAL MEETING VIA ZOOM ([Instructions](#))

Ways to join this webinar

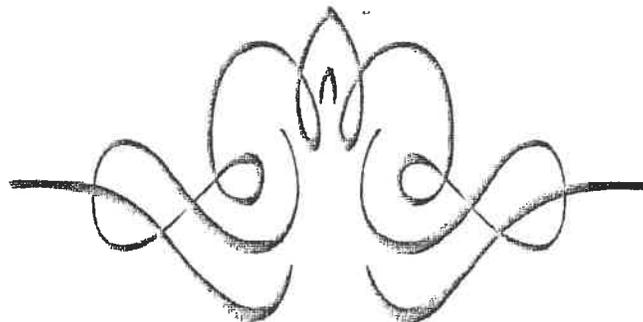
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By **phone** 1(929) 205 6099 US

1. Call to Order.
2. Approve the October 22, 26, and 29, 2020, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.
4. Approve the FY2022 budget schedule.
5. Discuss climate change goals
6. Discuss FY2022 budget goals.
7. Discuss Short-Term Rental Ordinance.
8. Other Business.
9. Approve the November 12, 2020, Treasurer's Warrant.
10. 7:30 PM - Executive Session per (MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties.
11. Adjournment.



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
October 22, 2020
5:00 PM**

Minutes of the Selectmen's Meeting of October 22, 2020

Selectmen attending via Zoom: Patrick A. Briggs, Allen A. Daggett, Ed Hutchins (arrived after executive session) and D. Michael Weston.

Selectman absent: Sheila Matthews-Bull

Others attending via Zoom: Mike Claus, Jay Everett, Ed Francis, Werner Gilliam, Arlene McMurray, Lisa Miller, Tracey O'Roak, Nina Pearlmutter, David Powell, Chris Simeoni, Charles Simmons, Laurie Smith, and others

1. Call to Order.

Chair Daggett called the meeting to order at 5:00 PM. He took **roll call** of Selectmen present: Patrick Briggs, Allen Daggett, and D. Michael Weston.

2. 5:00 PM Executive Session per (MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties.

Motion by Selectman Briggs, seconded by Selectman Weston, to go into executive session per MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties. **Roll Call Vote:** Briggs, Daggett, and Weston. **Voted:** 3-0. **Motion passed.**

The Board went into executive session at 5:00 PM and came out at 6:16 PM.

No action was taken in executive session.

3. Approve the October 8, 2020, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the October 8, 2020, selectmen meeting minutes. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).

There were no comments.

5. Public hearing by the Board of Selectmen and Planning Board to take public comments on the November 3, 2020, Special Town Meeting Referendum Ballot Questions.

The Planning Board took **roll call** of Planning Board members present: Nina Pearlmutter, Ed Francis, and Charles Simmons.

Chair Daggett opened the public hearing at 6:19 PM.

a. Amendment to the Land Use Ordinance regarding tents.

Director of Planning and Development Werner Gilliam explained that the time frame is being expanded for tents.

b. Acceptance of the Codification of the Town Ordinances.

Town Clerk Tracey O'Roak explained that this would incorporate all ordinances into one.

c. Adoption of Emergency Management Ordinance.

Town Manager Laurie Smith said the Town found out after the pandemic the importance of having this ordinance. It ensures the complete and efficient utilization of all of the Town's facilities and resources when there is an emergency.

Chair Daggett along with the Planning Board, closed the public hearing at 6:24 PM

6. Public hearing regarding determination of abandonment of a portion of the former location of state aid highway no. 1 (also known as the Old Route 9).

Chair Daggett opened the public hearing at 6:24 PM.

Ms. Smith said Route 9 (School Street and Main Street) has been in existence for probably 100 years. Town records indicate it has always been considered a state road. In 1933, the DOT designed a plan to remove one of the deviations in the road and straighten the road. This particular piece of road that was relocated went through the old ice rink parcel that was acquired by the Town. In order to move the road, the State acquired two small parcels of land across from the ice rink parcel. The current issue is that the boundary of the ice rink parcel is now unclear due to the old roadbed cutting into the parcel. The attorneys have reviewed this matter and recommend that the Town have a hearing to declare abandonment of the road since the Town has no records of ownership or maintenance of this portion of Route 9. Public Works Director Mike Claus reported that his records show that public works have not maintained that section of Route 9.

Chair Daggett closed the public hearing at 6:30 PM.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to authorize the order of determination of abandonment of a portion of the former location of state aid highway no. 1 (also known as the Old Route 9). **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

7. Approve the purchase of turnout gear for the fire department.

Fire Chief Jay Everett said each year the department routinely purchases turnout gear in a rotating replacement schedule. He requested authorization to expend \$18,409 for seven sets of turnout gear.

Motion by Selectman Hutchins, seconded by Selectman Weston, to authorize the expenditure of \$18,409 for turnout gear from Globe Manufacturing. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

8. Sign an affidavit for correcting a sewer commitment record under oath.

Ms. Smith explained the sewer commitment which was authorized and signed this spring had the wrong year in the date (2019 vs. 2020). As staff was preparing to go to lien on past due sewer balances, this error was discovered. The Maine Municipal Association advised her that the Board of Selectmen should sign an affidavit to correct the date.

Motion by Selectman Hutchins, seconded by Selectman Weston, to authorize the affidavit for correcting a sewer commitment. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

9. Authorize sale of 2006 Ford Ranger.

Mr. Claus explained the 2006 Ford Ranger has served the Town well but needs repairs well beyond the value of the vehicle. The vehicle was put out to bid, and he received the following bids:

Al Morse	\$210.00
David Roberge	\$250.00
Terry Merrill	\$507.25

Mr. Claus recommends awarding the bid to Terry Merrill, the highest bidder.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to award the bid to Terry Merrill for \$507.25. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

10. Review Wastewater Strategic Plan.

The Board reviewed the Wastewater infrastructure needs at its last meeting and asked staff to come back with a listing of priority projects, costs, and a timeline. Deputy Public Works Director Chris Simeoni gave a PowerPoint presentation of his planned approach and the potential costs and schedule. The \$5 million total cost of the project would pay for two clarifiers, dewatering equipment, and three pump stations (Paddy Creek, Wildes District Road, Cape Porpoise). The \$300,000 could come from the reserve funds and \$4.7 million from bonds. If the Town chooses to use the reserve funds to pay for engineering design, the work could begin the first quarter of 2021.

Motion by Selectman Weston, seconded by Selectman Hutchins, to authorize \$300,000 from the reserve funds for engineering design. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

11. Consider proposed changes at Parson's Field to accommodate softball diamond and ice rink.

Director of Parks and Recreation Carol Cook proposed moving the ice rink from the front of the parks and recreation building to the side (adjacent to the playground). She would also like to move the softball field from its current site (at the back of Parsons Field) to the School Street boundary. Currently, when the sun sets, it shines directly in the eyes of players. The ice rink project would be covered by the capital project funds budgeted for this year. The softball field project is being funded by private donations.

Ms. Smith said the Board did not need to vote on this item.

The Board agreed that she should move forward with this project.

12. Consider climate change goals.

Ms. Smith said she has been working to define a list of goals for the Board's consideration. She said she wants to make sure it is headed in the right direction and would like the Board to establish goals and give her some direction.

The Board received a proposed policy document with a list of potential committees/partners to assist in the implementation of climate change goals along with suggestions from Selectman Weston on suggested actions to help mitigate the impact of sea level rise on the Town.

Mr. Gilliam said there is lots of interest in solar projects—large scale solar farms.

The Board was interested in wind power and electric vehicles. It needs more time to look this over and will make decisions at a future meeting.

13. Accept \$500 donation from the Girl Scout Troop 1804 to the Public Health emergency food fund.

Motion by Selectman Briggs, seconded by Selectman Hutchins, to accept \$500 donation from Girl Scout Troop 1804 to the public health emergency food fund with gratitude. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

14. Other Business.

a. Outside seating for Hurricane's and Alison's in Dock Square Parking Lot.

Ms. Smith said Hurricanes Restaurant is interested in continuing outside dining with propane heaters/fire pits through the middle of December. They are proposing only through the second week of December as snow would be causing issues. Alison's Restaurant was also interested but changed their mind. She said she discussed this with

Department Directors and the following are some of their concerns that would need to be addressed.

- What barriers will be in place to safeguard patrons from moving traffic?
- Liquor licenses—want to ensure that liquor is not transferred outside the area to people or vehicles.
- Propane heaters/fire permits—need to ensure safety of patrons and staff needs to be prepared to deal with all issues. If wood fire pits were to be used, they must be placed a certain distance from building and a “fire guard” would need to be on duty at all times. Propane heaters and tanks provide more flexibility with staff and distancing from buildings.
- Social distancing requirements would need to be in place.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve outside seating at Hurricane's Restaurant as long as it meets the fire department's conditions

Roll Call Vote: Briggs, Hutchins, Daggett, and Weston. **Voted:** 4-0. **Motion passed.**

Selectman Hutchins announced that everyone should make sure they get out and vote.

Selectman Weston mentioned that the post office in Cape Porpoise is closing at the end of December, and the Board made the decision to move the boxes to Firemen's Park. He thanked Richard Smith for offering the use of the Atlantic Hall but said it would not work.

Carol Cook announced that she is retiring as of December 23, 2020. She said she will still be involved.

The Board wished her well.

Ms. Cook announced that Annabelle Wainman, a middle school student, donated \$500 to the Parks and Recreation Department. She said that Annabelle has also donated \$9,000 to others.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to accept the \$500 donation from Annabelle Wainman to the Parks and Recreation Department.

Ms. Smith announced that she may need to have another meeting to approve the Treasurer's Warrant for COVID-19 items.

15. Approve the October 22, 2020, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the October 22, 2020 Treasurer's Warrant. **Roll Call Vote:** Briggs, Hutchins, Daggett, and Weston. **Voted:** 4-0. **Motion passed.**

16. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to adjourn. **Roll Call Vote:** Briggs, Hutchins, Daggett, and Weston. **Voted:** 4-0. **Motion passed.**

The meeting adjourned at 7:26 PM.

Submitted by Arlene McMurray
Administrative Assistant

Town of Kennebunkport
Joint Board of Selectmen Meeting with Kennebunk & Kennebunkport via Zoom
October 26, 2020
5:00 PM

Minutes of the Selectmen's Meeting of October 26, 2020

Selectmen attending via Zoom: Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, Sheila Mathews-Bull, and D. Michael Weston.

Others attending via Zoom: Blake Baldwin, Ed Karytko, Arlene McMurray, Mike Pardue, David Powell, Shiloh Schulte, Coral Sigliato, Laurie Smith, and others

1. Call to Order.

Chair Daggett called the meeting to order at 5:04 PM. He took **roll call** of Selectmen present: Patrick Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull, and D. Michael Weston. He also reminded everyone that there is another meeting at 6 PM, so this meeting could only last until 5:45 PM.

Chair Daggett turned the meeting over to Blake Baldwin from Kennebunk to open their meeting and take attendance.

2. Presentation from the U.S. Army Corps of Engineers regarding the Kennebunk River jetty repair.

Coral Sigliato from the Army Corps of Engineers showed a PowerPoint presentation of the project. She said it is the oldest federal navigation project and the first port of entry in the country. Jetty's were last repaired in the 1980s and portions of the east and west wingwalls sustained damage from the 2018 Nor'easter.

On the eastern side in Kennebunkport, the 600-foot long, stone jetty and 240-foot long, stone wingwall adjacent to Colony Beach will be repaired. They will remove the wingwall and create a stable base, reinstall stone, grout between the stones, and install steel dowels to keep it stable, and then refill the parking lot. They got approval to update the design and will replace stones with armor stone and interlock them to create a stable structure. They will have to remove some vegetation which is *Rosa rugosa*.

Work will have to be done by a marine plant. There will be a barge in the water with a crane to do repairs and another barge to deliver stones. The other option would be delivery by land. They will have to close the Colony Beach parking lot during construction. They expect to start on the Kennebunkport side in early June to take advantage of the good weather.

Repairs on the western side in Kennebunk will be to the 270-foot long, stone wingwall and 290-foot long, stone jetty adjacent to Gooch's Beach. On the wingwall they will remove the top two layers of stone, straighten the base layer, put the stones back, grout between the stones, and install steel dowels for stability. They will add new stone at the jetty. Repairs will occur between Labor Day and Memorial Day. It will take seven months to complete all the repairs on both sides.

Discussion followed. The Kennebunkport Selectmen were concerned because Colony Beach will be closed next summer during these repairs which is prime time for businesses which are already suffering losses from the pandemic this summer. Some suggestions were as follows:

- Start the repairs in April.
- Start repairs on the Kennebunk side first.
- Wait a year so businesses can recover.

Ms. Sigliato responded that it is federal land and the more flexibility, the lower the budget for contractors. They must wait for environmental coordination and permitting to be completed. She said it is possible they could start sooner and award the bid in April, but then the contractor has to do design submittals which that takes time. If they wait a year, the jetties and wingwalls will be in worse condition, and they may not get federal funds again. She also said she cannot dictate to contractors, but she will do her best to start the project earlier if possible.

3. Adjournment.

The Kennebunk Board adjourned.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0.
Motion passed.

The meeting adjourned at 5:49 PM.

Submitted by Arlene McMurray
Administrative Assistant

**Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
October 29, 2020
9:00 AM**

Minutes of the Selectmen's Meeting of October 29, 2020

Selectmen attending via Zoom: Allen A. Daggett, Sheila Matthews-Bull, and D. Michael Weston.

Absent: Patrick A. Briggs, Edward Hutchins

Others attending via Zoom: Jen Lord, Arlene McMurray, Laurie Smith

1. Call to Order.

Chair Daggett called the meeting to order at 9:07 AM. He took **roll call** of Selectmen present: Sheila Matthews-Bull, D. Michael Weston, and Allen Daggett

2. Approve the October 29, 2020, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to approve the October 29, 2020, Treasurer's Warrant. **Roll Call Vote:** Weston, Matthews-Bull, and Daggett. **Voted:** 3-0. **Motion passed.**

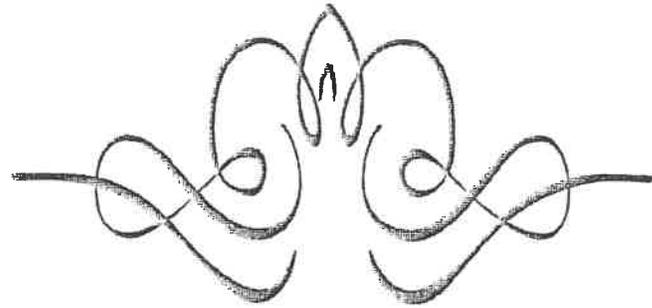
Town Manager Laurie Smith said they were able to receive some Abbot ID test kits that they were waiting for, and it was a battle to get them. The Town has an internal policy on who will be tested and when and will focus on municipal and regional operations. Community members will be tested if their doctor's request it. Tests will also be used to help keep businesses operational.

3. Adjournment.

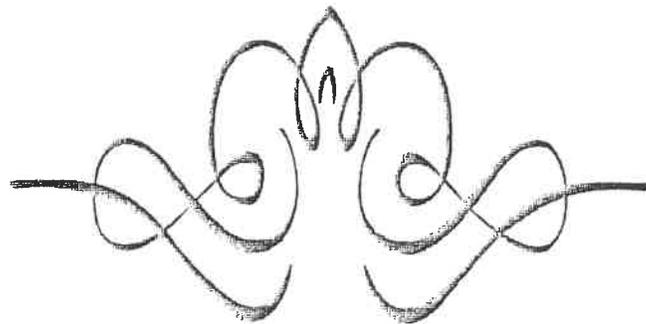
Motion by Selectman Matthews-Bull, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Matthews-Bull, Weston, and Daggett. **Voted:** 3-0. **Motion passed.**

The meeting adjourned at 9:15 AM.

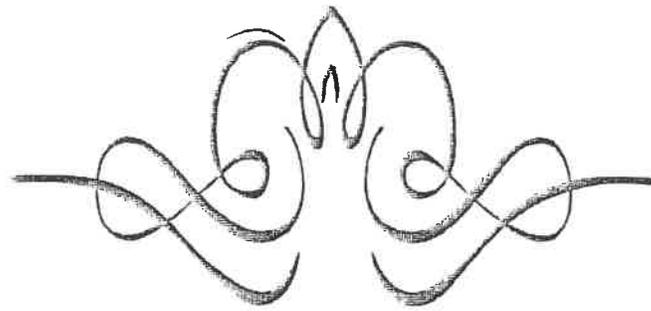
Submitted by Arlene McMurray
Administrative Assistant



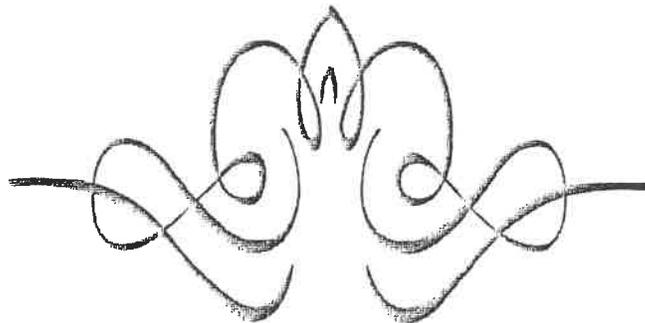
Agenda Item Divider



- **October 5, 2020** – Send out all applications to Social Service Agencies.
- **November 12, 2020** – Board of Selectmen to review proposed budget development schedule and *submit priorities and special requests*.
- **November 13, 2020** - Social service agency requests are due.
- **December 1, 2020** –Budget worksheets sent to all departments and Trio budget open for entries.
- **December 4, 2020** – Forward all social service agency requests to Budget Board subcommittee.
- **December 3, 2020** - Budget requests sent to all committees and outside agencies.
- **January 4, 2021** – (Monday) All budget requests are submitted to Finance by noon.
- **January 11, 2021** – (Monday) Budget Board social service agency recommendations are given to Town Manager.
- **January 18, 2021** – Week of – Town Manager meets with all departments.
- **February 1, 2021** – Week of – Town Manager has follow-up meetings with all departments.
- **February 26, 2021** – (Friday) - Town manager submits capital and operating budget to the Board of Selectmen and Budget Board. THIS IS NOT A MEETING. It is a deadline for submitting information.
- **March 4, 2021 (Thursday @ 6:00 PM)** – JOINT MEETING - **Budget Board will meet at 5:30 PM to elect officers**. Town manager and department heads present overview and department operational budgets to the Board of Selectmen. The Budget Board will attend the meeting to hear all requests.
- **March 11, 2021 (Thursday @ 6:00 PM)** –JOINT MEETING – Presentation of remaining department operational budgets to the Board of Selectmen. The Budget Board will attend the meeting to hear all requests. **(Regular Board of Selectman Meeting to follow at 6 PM.)**
- **March 18, 2021 (Thursday @ 6:00 PM)** – JOINT MEETING - Presentation of department capital requests and town committee, outside agency, and social service requests. The Budget Board will attend the meeting to hear all requests.
- **March 25, 2021 (Thursday @ 6:00 PM)** – SELECTMEN meet to review final budgets and take all recommendation votes. **(Regular Board of Selectman Meeting to follow.)**
- **March 26, 2020 (Friday)** – Submit all budget changes to Budget Board.
- **April 1, 2021 (Thursday @ 6:00 PM)** – BUDGET BOARD meet to review final budgets and take all recommendation votes.
- **April 8, 2021 (Thursday @ 6:00 PM)** – JOINT MEETING – *if necessary* – Last chance to make any adjustments in the budget or their recommendations. **(Regular Board of Selectman Meeting to follow.)**
- **April 16, 2021** – (Friday) Submit town report version of the budget to Arlene.
- **April 22, 2021 (Thursday @ 6:00 PM)** – Board of Selectmen meeting to sign the warrant (Last possible day to sign will be April 22.).
- **May 25, 2021** – (Tuesday) Distribution of town reports.
- **June 8, 2021** – (Tuesday) Annual town meeting - elections.
- **June 12, 2021** – (Saturday) Annual town meeting – Consolidated School.



Agenda Item Divider



Town of Kennebunkport Climate Change Goals

Climate and Resilience	
1. Establish a GHG emissions inventory, target, and plan	
• Measure & Monitor GHG Emissions from Municipal Operations	Conservation Commission / Town Staff
• Measure and Monitor GHG Emissions Community Wide	Conservation Commission
• Develop a local climate action plan	Board of Selectmen
2. Ensure community resilience to climate change impacts	
• Complete the Maine Flood resilience Checklist to assess coastal vulnerabilities	Planning and Codes / Sustainability Coordinator
• Assess all other non-coastal vulnerabilities to create a comprehensive picture of current and future climate change impacts	Growth Planning Committee as part of Comprehensive Plan / Town Staff
• Enact and enforce land use policies that protect valuable natural assets and support resiliency	Growth Planning Committee / Planning and Codes
• Partner with other local governments to plan and achieve sustainability	Board of Selectmen / Town Manager

Education and Outreach	
1. Actively engage community members in local climate, sustainability, and resilience issues	
• Educate community about steps they can do to reduce emissions and become more resilient	Kennebunkport Climate Initiative and Conservation Commission
• Educate the community about clean energy options	Kennebunkport Climate Initiative and Conservation Commission
• Promote native and sustainable landscaping initiatives community wide by connecting residents to plants and information	Kennebunkport Climate Initiative and Conservation Commission
• Educate the community about the value of trees, native and sustainable landscaping	Conservation Commission / Shade Tree Committee
• Educate city staff about forest, wetlands, and ecosystem best management practices	Department Directors / Town Manager
• Educate community about steps they can do to reduce emissions and become more resilient	Kennebunkport Climate Initiative and Conservation Commission
• Educate the community about clean energy options	Kennebunkport Climate Initiative and Conservation Commission

Town of Kennebunkport Climate Change Goals

Green Economy

1. Create and promote a community brand featuring natural resources or cultural characteristics of community

- | | |
|---|---|
| <ul style="list-style-type: none"> • Create and promote a community brand featuring natural resources or cultural characteristics of community | Kennebunkport Business Association, Chamber of Commerce, Town |
|---|---|

Energy

1. Reduce municipal fossil fuel consumption and implement municipal energy efficiency measures

- | | |
|---|---|
| <ul style="list-style-type: none"> • Collaborate with utilities and other agencies to upgrade streetlight equipment | Lighting Committee and Public Works |
| <ul style="list-style-type: none"> • Utilize energy saving performance contracts (ESPC) to finance large energy efficiency projects | Town Departments |
| <ul style="list-style-type: none"> • Budget and plan for long-term energy efficiency equipment upgrades | Town Departments/ BOS/ Budget Committee |
| <ul style="list-style-type: none"> • Install and operate renewable energy systems at municipal facilities or serving municipal facilities | Town Departments/ BOS/ Budget Committee |
| <ul style="list-style-type: none"> • Procure locally produced, renewable energy for public facilities using bundled or unbundled RECs | Town Manager / Board of Selectmen |
| <ul style="list-style-type: none"> • Collaborate with other municipalities to install and operate renewable energy systems for municipal energy / community energy use | Town Manager/ Board of Selectmen |
| <ul style="list-style-type: none"> • Track and benchmark building energy consumption and seek ways to improve energy efficiency in all facilities | Town Manager/ Department Directors |

2. Support development of and access to renewable energy

- | | |
|---|--------------------|
| <ul style="list-style-type: none"> • Adopt codes and permitting practices that support renewable energy systems in the community | Planning and Codes |
| <ul style="list-style-type: none"> • Facilitate the adoption of renewable energy technologies (i.e. solar, geothermal) by adapting building and zoning codes | Planning and Codes |

Town of Kennebunkport Climate Change Goals

Land Ecosystems

1. Promote and practice environmentally-friendly and sustainable landscape approaches

• Increase the quality and amount of sustainable landscaping in the community	Conservation Commission / Town Manager / Department Directors
• Increase the amount of sustainable landscaping in the community through subdivision and development codes	Planning and Codes / Growth Planning Committee
• Increase native and sustainable landscaping on municipal properties	Town Manager / Department Directors / Conservation Commission

Community forest management

2. Practice sustainable community forest management to increase resilience

• Plant trees in locations where they make a direct, positive impact on the community or act as a buffer to filter air and water, limit storm runoff, and stabilize soil	Town Staff / Shade Tree Committee
• Diversify the community forest for long term resilience	Town Staff / Town Forrester
• Optimize tree planting and protect existing trees for maximum carbon storage/sequestration and energy savings	Shade Tree Committee

Town of Kennebunkport Climate Change Goals

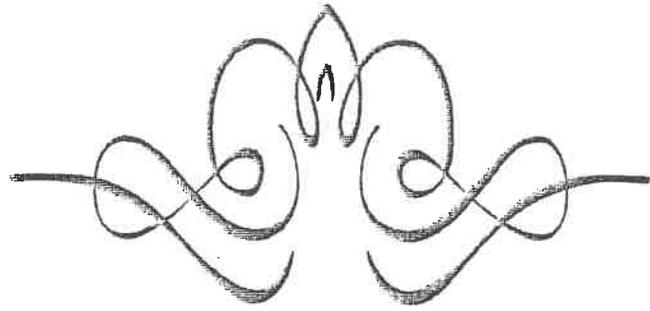
Municipal Operations	
1. Lead by demonstrating sustainable values and practices	
• Achieve LEED certification for public building projects	Town Manager / Board of Selectmen
• Manage special events sustainably	Department Directors / Town Manager
• Integrate sustainability into capital planning	Department Directors / Town Manager / Board of Selectmen
• Enact policies to preserve dark skies	Lighting Committee / Board of Selectmen
2. Operate a safe, clean, and efficient fleet	
• Update fleet purchasing to prioritize electric vehicles	Department Directors / Town Manager / Board of Selectmen
• Enact and enforce anti-idling policies for public fleet vehicles	Department Directors / Town Manager / Board of Selectmen
3. Engage the community in waste reduction and recycling	
• Educate the community on recycling and composting practices	Solid Waste Committee
• Educate the community to reduce waste by consuming less and reusing	Solid Waste Committee
• Establish and strive for a residential recycling goal	Solid Waste Committee

Kennebunkport
Suggested Actions To
Help MitigateThe Impact of Seal Level Rise
On the Town

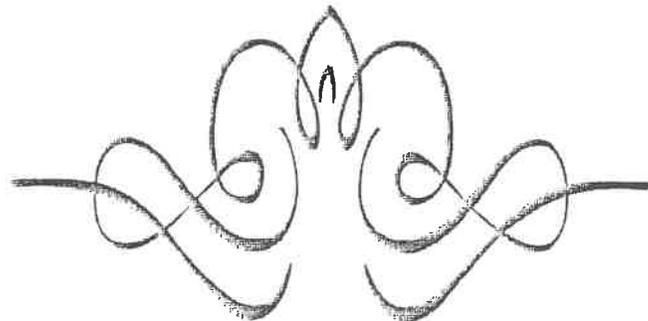
So, here are my thoughts for actions that may be necessary—as a priority. I realize these are not original thoughts but wanted to comment on them and to recognize the urgency.

1. Assure that the Town Pier and its accessory uses is reconstructed with rising tides in mind—maximum elevation allowed without preventing our fishermen from continuing to easily dock. Provide more mechanical loading and unloading assistance if the height is raised significantly in anticipation or sea levels that may or may not rise.
2. To assure continued access to the Pier for our fishermen and to the business near the Pier—it will be necessary to raise the causeway—probably sooner than later. It is already compromised.
3. Develop a plan for providing river rise protection to the business and public parking lot in Dock Square. (Dikes, levees, or storm gates, something?)
4. Identify, evaluate and develop a plan for protecting low lying public ways and streets that are or will be impacted.
5. Install solar panels at town properties starting with Town Hall, knowing that the payback will be over a long horizon and that there may be a new Town Hall location—so panels would need to be transferable. Evaluate for other town properties as well.
6. If all of the town functional locations do not yet have generators—we should consider them for all. Power outages are multiplying fairly fast and they are only going to get worse according to predictions.

Mike Weston, Selectman September 14, 2020



Agenda Item Divider



Kennebunkport Short-term Rental License/Ordinance

A. Purpose:

The purpose of this ordinance/license is to require the disclosure and licensing of short-term rentals operated within the Town of Kennebunkport, and to balance the desire of property owners to rent their properties to short-term tenants with the desire of residents to preserve the peaceful quiet and enjoyment of their residential neighborhoods. This Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town, and to provide a licensing program that enables the Town to monitor and track the proliferation of short-term rentals within its borders.

Effective Date. [to be determined.] The Short-term rental provisions shall be fully effective as to all contracts for short-term rentals executed on or after 30 days from date of enactment, and shall further apply to all contracts in effect on such date to the extent the application of these provisions would not result in a substantial impairment of such existing contracts

B. Applicability: This ordinance shall apply to all legal residential dwelling units. Accessory apartments that have been constructed/permitted after November 3rd 2009 may not be used as Short-term rentals.

C. Definitions:

Advertising: Any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.

Dwelling unit: One or more rooms arranged for complete, independent housekeeping purposes with space for living and sleeping; space or facilities for eating or cooking; and provisions for sanitation. For purposes of this regulation Recreational vehicles are not considered dwelling units.

Family Member: Any individual who is related to the Short-term rental owner by blood or through marriage including, but not limited to, the Short-term rental owner's spouse, father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, cousin, nephew, niece, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Good Neighbor guidelines: A document prepared by the town that summarizes the general rules of conduct, consideration and respect, including, without limitation, provisions pertaining to the use and occupancy of a dwelling unit used or occupied as a short-term rental.

Owner: A person who is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

Short-term rental: The use of a residential dwelling unit offered for rent for transient occupancy by tenants for a tenancy of less than 30 days, excluding motels, hotels, bed and breakfasts, inns, and residential rental accommodations.

D. General Requirements:

1. License Required: No Short-term rental shall be advertised, rented, or operated without first obtaining a Short-term rental License. Failure to obtain or renew a license prior to offering, advertising, or renting the short-term rental shall require payment of double the short-term rental license fee. The second failure to obtain or renew a license (within a 5-year period) shall be prohibited from obtaining a license for one (1) year. A license application received more than 30 days after the license deadline shall be considered late. A short-term rental license shall be valid for the calendar year in which the license is issued. The property must remain in compliance with the short-term rental license for the calendar year in which the license is issued.

a. Short-term rental license renewal. Short-term rental licenses shall expire on December 31st of each calendar year, and Short-term rental license holders may renew such license by submitting a renewal application, on forms provided by the Town. Any renewal application received after December 31st of the previous license year shall be considered late.

2. Transferability: Licenses are not transferable to a new owner, except that a Short-term rental license shall be transferable to a Family Member of the previous owner. Any change in ownership or change in the members/managers/officers of an owner shall require a new license, except when the Short-term rental property is transferred to a new owner who is a Family Member of the previous owner. Licenses are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

3. Advertising: It shall be unlawful to advertise occupancy or use of a short-term rental that has not been licensed. For the purposes of this section, the term "advertise" shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media included, but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental advertising must be consistent with the terms of the short-term rental license and must include the current short-term rental license number.

4. Registration record: The short-term rental owner must (a) maintain accurate, up-to-date records of all rental transactions involving the short-term rental, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the short-term rental owner to provide this information within 5 business days of a Town request for the same shall be considered a violation of this section.

E. Review Procedure:

Issuance procedure:

1. Short-term rental License applications shall be submitted to the Town Clerk where it shall be endorsed with the date and time of receipt. Applications may be submitted beginning in October of the previous license year. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.
2. The Town Clerk shall have the authority to issue a Short-term rental license.
3. The Town Clerk shall provide a Short-term rental application to be completed by the applicant and submitted to the Town Clerk accompanied by the Short-term rental license fee as established by the Board of Selectmen. The form shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.
4. The Town Clerk, or the Town Clerk's designee, shall determine if the form has been properly completed before any license is issued.
5. The first time that a Short-term rental application is submitted for a property, no license shall be issued until the Code Enforcement Officer or designee has inspected the proposed Short-term rental property for compliance with the Short-term rental Standards and compliance with building code requirements.

When the Code Enforcement Officer does not conduct an annual inspection, the Short-term rental owner shall certify, upon request by the Town, that there have been no material changes since the last inspection by the Code Enforcement Officer.

6. If the Town Clerk, or the Town Clerk's designee, in consultation with the Code Enforcement Officer, determines that the proposed Short-term rental application complies with the Short-term rental Standards, a Short-term rental license shall be issued. ...

F. Submission Requirements:

The Short-term rental license application shall include the following information:

1. Location. The street address and map/ block/lot number of the Short-term rental property.
2. Contact Person/Owner Responsibility. The name of the owner of the Short-term rental property and contact information, including address and telephone number. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the Short-term rental agreement, or who may be designated as the owner's

contact person, the property owner shall be responsible for compliance with the Short-term rental Ordinance provisions.

3. All information needed to demonstrate compliance with the standards listed below.

G. Standards:

The Town Clerk shall issue a Short-term rental license upon the applicant satisfying the above requirements if the following standards are met:

1. Code compliance. An applicant's property, without limitation, comply with the following building safety requirements code sections of the (International Residential Code, ("IRC,") and the International Building Code, ("IBC")):

a. IRC Section R 314, Smoke Alarms: A smoke alarm is required in each bedroom. A smoke alarm is also required outside of each bedroom and in the immediate vicinity. A smoke alarm is also required to be on each story of the dwelling, including basements and habitable attics. The alarms shall be interconnected as much as reasonably possible. (Reference IRC Section R314)

b. IRC Section R 315, Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom and 2 in the immediate vicinity. (Reference IRC Section R315)

c. IBC Section 906, Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers. The building shall be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers; IBC Section 1006.2. 1006.3 and 1006.4.

2. The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms and fire extinguisher(s).

3. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short-term rental property during the rental period.

4. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Maine Subsurface Wastewater Disposal Rules, or that the property is served by public sewer. This shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom.

5. Parking. The applicant shall include a depiction designating parking spaces that will be provided for tenants and guests on the same lot where the Short-term rental is located. Guest parking at the Short-term rental shall occur in parking spaces designated by the applicant, and the number of guest vehicles allowed at the Short-term rental shall be limited to the number of on-site parking spaces designated by the applicant. Garage parking spaces not allowed for tenant use shall not be used to meet the Short-term rental parking requirement. Tenants and guests of Short-term rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

6. Good neighbor guidelines.

7. Limit on rental intensity.

The maximum tenant capacity of a short-term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants for no more than 1 additional sleeping space.

H. Suspension and Revocation of License:

A license for a Short-term rental may be conditioned, suspended or revoked by the Board of Selectmen after a public hearing if the Board of Selectmen determine that a violation of this ordinance, any applicable statute, ordinance, or regulation, or Short-term rental license certification, condition, or criteria has occurred.

1. Violations of this Ordinance. Violations of this ordinance include, but are not limited to, the following:

- a. Providing false or misleading information on an application, or renewal application, for a Short-term rental license;
- b. Failure to provide the registration records as provided in Section D(4) within 5 business days of a Town request for such records;
- c. Failure to comply with the parking provisions of Section G(5) of this Ordinance;
- d. Failure to comply with the rental intensity limitations of Section G(7) of this Ordinance;
- e. Violation of any Short-term rental license certification, condition, or criteria;
- F. Violation of any statute, ordinance, or regulation applicable to the Short-term rental property.

2. Complaints Concerning Short-term rentals. The Code Enforcement Officer shall establish and maintain a log of all complaints for each Short-term rental received and substantiated by the Town. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Short-term rental license holder.

3. Suspension or Revocation of a Permit. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the Short-term rental license, he shall

provide a report of the same to the Board of Selectmen for its consideration. The Board of Selectmen may condition, suspend, or revoke a Short-term rental license, following a public hearing, on the basis of the licensee’s non-compliance with this ordinance, any applicable law, ordinance, or regulation, or Short-term rental license certification, condition, or criteria.

4. Appeal. Any person aggrieved by the decision of the Board of Selectmen to suspend or revoke a Short-term rental license may appeal the decision of the Board of Selectmen to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within thirty (30) days of the Board of Selectmen’s decision.

I. Additional Regulations

The Board of Selectmen may adopt regulations implementing the provisions of this Ordinance.

J. Maximum Rate of Licenses Issued:

The Town Clerk shall issue short-term rental licenses on an annual basis. The total number of annual licenses shall be set each year by the Board of Selectmen at their first meeting of the calendar year.

