

*CITY OF ROCKLAND, MAINE*



*270 Pleasant Street  
Rockland, Maine 04841*

**CITY CLERK'S OFFICE**

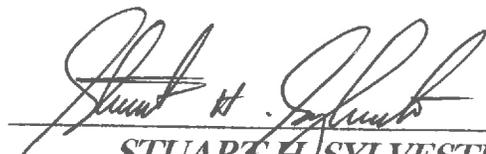
April 1, 2016

*YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE  
ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL  
CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET,  
ROCKLAND, MAINE ON MONDAY, APRIL 4, 2016 AT 5:30 P.M. FOR THE  
FOLLOWING PURPOSE(S):*

*[Please Note Starting Time and Date]*

Set Agenda for April 11, 2016 Regular Meeting  
Discussions: Mid-Coast School of Technology - Building Plans Presentation  
Wright-Pierce - Inflow/Infiltration Study Presentation  
FY 2017 Budget Deliberation Schedule  
Possible Disposition of 9 Burrows Street  
Board, Commission, Committee Chair Roles & Responsibilities

*YOUR PUNCTUAL ATTENDANCE IS REQUESTED  
PER ORDER OF THE MAYOR OF THE CITY OF ROCKLAND*

  
\_\_\_\_\_  
STUART H. SYLVESTER  
CITY CLERK

**ITEMS FOR APRIL 11, 2016 REGULAR MEETING AGENDA:**

**April 4, 2016**

**Communications:**

- a. Penquis – Interest in Former MacDougal School Property

**Licenses and Permits:**

- a. Liquor License – Brass Compass Café
- b. Liquor & Entertainment Licenses – Archers on the Pier
- c. Liquor & Entertainment Licenses – Eclipse & The Speakeasy
- d. Liquor & Entertainment Licenses – The Pearl Restaurant
- e. Liquor License – Rockland Café
- f. Liquor License – Primo Restaurant
- g. Liquor License – Himalayan Restaurant
- h. Liquor License – Sunfire Mexican Grill
- i. Lodging House License – Rockland Harbor Hotel
- j. Approval of Outdoor Service of Alcohol – 250 Main Hotel (Roof Deck)

**Resolves:**

- #17 Accepting Donations – Library
- #18 Appointments – Comprehensive Planning Commission

**Ordinances in Final Reading and Public Hearing:**

- #41 Ch. 11, Sec. 11-210 Short-Term Rentals
- #42 Ch. 19, Art. III – Short-Term Rentals (Postponed 03/14/16)
- # 3 Zoning Map Amendment – TB2 to C1 – Belvidere/Pleasant Streets
- # 4 Ch. 19, Sec. 19-302 Definitions; Educational Institutions in WF Zones
- # 5 Ch. 19, Art. III – Automobile Repair Shops

**Ordinances in First Reading:**

- # 6 Authorizing Quit Claim Deed – Reconveyance of 55 Dodge Mountain Rd.
- # 7 Ch. 14, Sec. 14-316 Street Opening – Delete Redundant Text
- # 8 Ch. 15, Arts. I & IV Street Opening Permits
- # 9 Ch. 19, Sec. 19-307 Off-Street Parking, Design Standards
- #10 Ch. 19, Art. III Power Generation Facility Regulations
- #11 Ch. 16, Art. II Power General Facility Regulations
- #12 Ch. 2, Sec. 2-509 Disposition of Lien-Acquired Property

**Orders:**

- # 5 Routine Data on Short-Term Rentals (Postponed 03/14/16)
- #16 Amending Solid Waste Disposal Fees
- #17 Authorizing Street Closure & Fee Waiver – Lobster Festival Parade
- #18 Authorizing Street Closure & Fee Waiver – Memorial Day Parade
- #19 Authorizing Fee Waiver – Lobster Boat Race Docking Fees
- #20 Authorizing License Agreement – Brass Compass Tables
- #21 Authorizing Extension of Deadline – Mooring Permits
- #22 Authorizing Demolition of Structures – Rockland Street
- #23 Adopting CDBG Housing Guidelines
- #24 Applications – COPS Grant Program
- #25 Main Street Lighting Project – Move Forward
- #26 Authorizing Banner – Coast Guard City Committee

# PENQUIS

Helping Today • Building Tomorrow

March 25, 2016

Audra Caler-Bell  
Assistant City Manager  
Community & Economic Development Director  
City of Rockland

Re: Former McDougal School Site

Ms. Caler-Bell,

For the better part of a year, Penquis has been engaged in conversations with Rockland citizens regarding the community's need for more affordable housing options. We have met with various stakeholders to begin identifying collaborative and innovative ways to address the need

We have reviewed data and found that Rockland does not currently have a sufficient amount of affordable housing options for young adults, families or for elderly residents. The lack of affordable housing options is both an economic and community development concern for Rockland. Not only do employers have greater difficulty attracting and retaining quality employees due to the high costs of living, many of the City's existing families are unable to afford the cost of daily living. Furthermore, younger adults, drawn to Rockland for its vibrant downtown and the City's arts and culture scene, are unable to afford its rental options due to the community's recent economic growth.

It was recently brought to my attention that there is growing interest from community members to explore whether or not the deed restrictions at the former McDougal School site could be lifted in order to address affordable housing needs in the City. I am writing today to formally request a conversation with the City to determine interest in this idea and to discuss what our organization can do to help bring more affordable rental housing units to Rockland.

I am confident that a partnership between the City of Rockland and Penquis would result in a project that will not only add value to the surrounding neighborhoods, but also contribute to the City's tax base and provide the City's residents with much needed affordable housing rental options.

I appreciate your time and consideration of my request and look forward to discussing further. Please let me know if you have any questions.

Sincerely,

  
Jason Bird  
Housing Development Director

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262 Harlow Street (207) 973-3500  
PO Box 1162 Fax (207) 973-3699  
Bangor, Maine 04402 TDD (207) 973-3520  
www.penquis.org 1-800-215-4942

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Lynn Archer Phone 596-5960

Address of Applicant 1617 Oyster River Rd.  
Warren, Me 04864

Name of Business The Brass Compass Cafe Phone 596-5960

Address of Business 305 Main St.  
Rockland, Me 04841

Name of Property Owner (if different) same

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

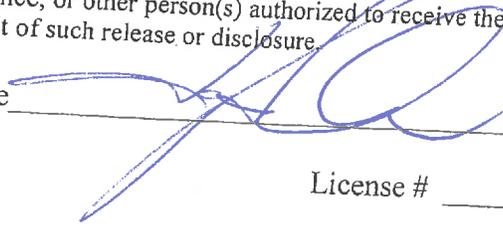
Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 5/5/2016

Fee(s) Paid 150.00 Date 3/14/16

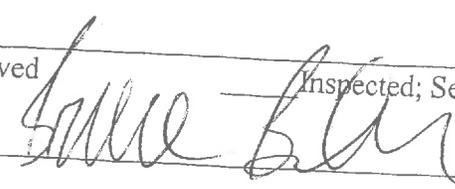
The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature  Date 3/3/16

Approved By: \_\_\_\_\_ License # 5839

\_\_\_\_\_  
Approved Inspected; See Report Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved Inspected; See Report Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

 \_\_\_\_\_  
Police Chief 3/24/16 Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 5/5/2015

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
Lynn Archer			The Brass Compass Cafe		
DOB: 8/20/56			305 Main St.		
DOB:			Location (Street Address)		
DOB:			ROCKLAND Me 04841		
Address 1617 Oyster River Rd			City/Town State Zip Code		
Warren Me 04864			Mailing Address		
City/Town State Zip Code			City/Town State Zip Code		
Telephone Number Fax Number			201-596-5960 Business Telephone Number Fax Number		
Federal I.D. # 20-2428897			Seller Certificate #		

EMAIL ADDRESS: Larcher.archer@gmail.com

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ X FOOD \$ 450,000 LIQUOR \$ 10,000
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: \_\_\_\_\_

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 58 Ocean St Rockland, Me

10. Is/are applicant(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Lynn Archer</u>	<u>8/20/56</u>	<u>Rockland, Me</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
\_\_\_\_\_  
\_\_\_\_\_

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
RESTAURANT Breakfast - Lunch

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

19. 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? 2 miles Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

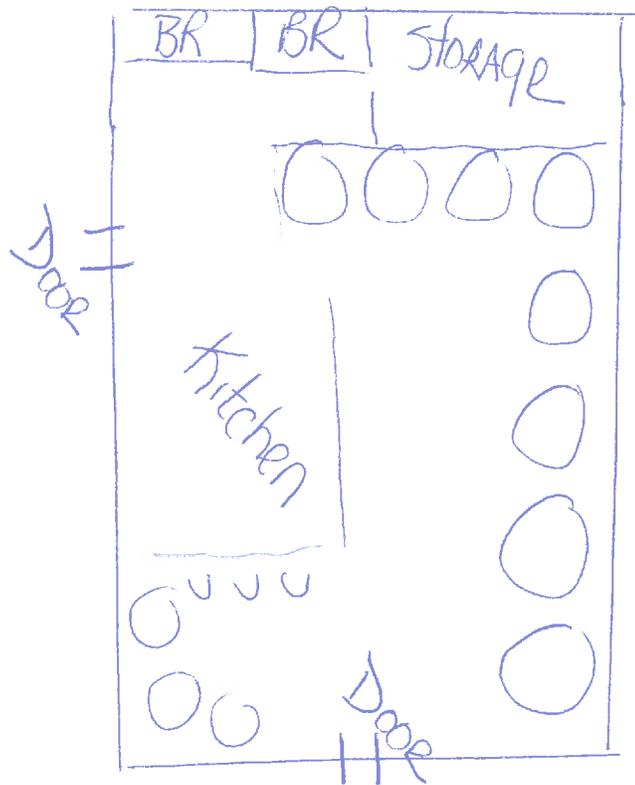
All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

# Brass Compass



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MAIN Street

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APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Lynn Archer Phone 691-2436

Address of Applicant 1617 Oyster River Rd  
Warren, Me 04864

Name of Business Archers on THE Pier Phone 594-2435

Address of Business 58 Ocean St.  
ROCKLAND, Me 04841

Name of Property Owner (if different) Harbor Park LLC

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Restaurant

Expiration of Current License 5/18/16

Fee(s) Paid 300.00 Date 3/14/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 3/3/16

Approved By: \_\_\_\_\_ License # 7563

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Police Chief 3/24/16 Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 5/18/2016

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
Lynn Archer		Archers on THE Pier	
DOB: 8/20/56		58 Ocean St.	
DOB:		Location (Street Address)	
DOB:		ROCKLAND Me 04841	
Address 1617 Oyster River Rd		City/Town SAME State Zip Code	
Warren Maine 04864		Mailing Address	
City/Town 691-2436 State Zip Code		City/Town 201-594-2435 State Zip Code	
Telephone Number Fax Number		Business Telephone Number Fax Number	
Federal I.D. # 45-1201501		Seller Certificate #	

EMAIL ADDRESS: Larcher.archer@gmail.com

- 3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
- 4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 148,000 LIQUOR \$ 150,000
- 5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Lynn Archer
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
 Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 58 Ocean St Rockland, Me
10. Is/are applicants(s) citizens of the United States? YES  NO
11. Is/are applicant(s) residents of the State of Maine? YES  NO
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Lynn Archer</u>	<u>8/20/50</u>	<u>Rockland, Me</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
Warren, Me

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
 Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
 Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

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16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
RESTAURANT Lunch-Dinner Dining

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: \_\_\_\_\_

19. 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? 1/2 mile Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

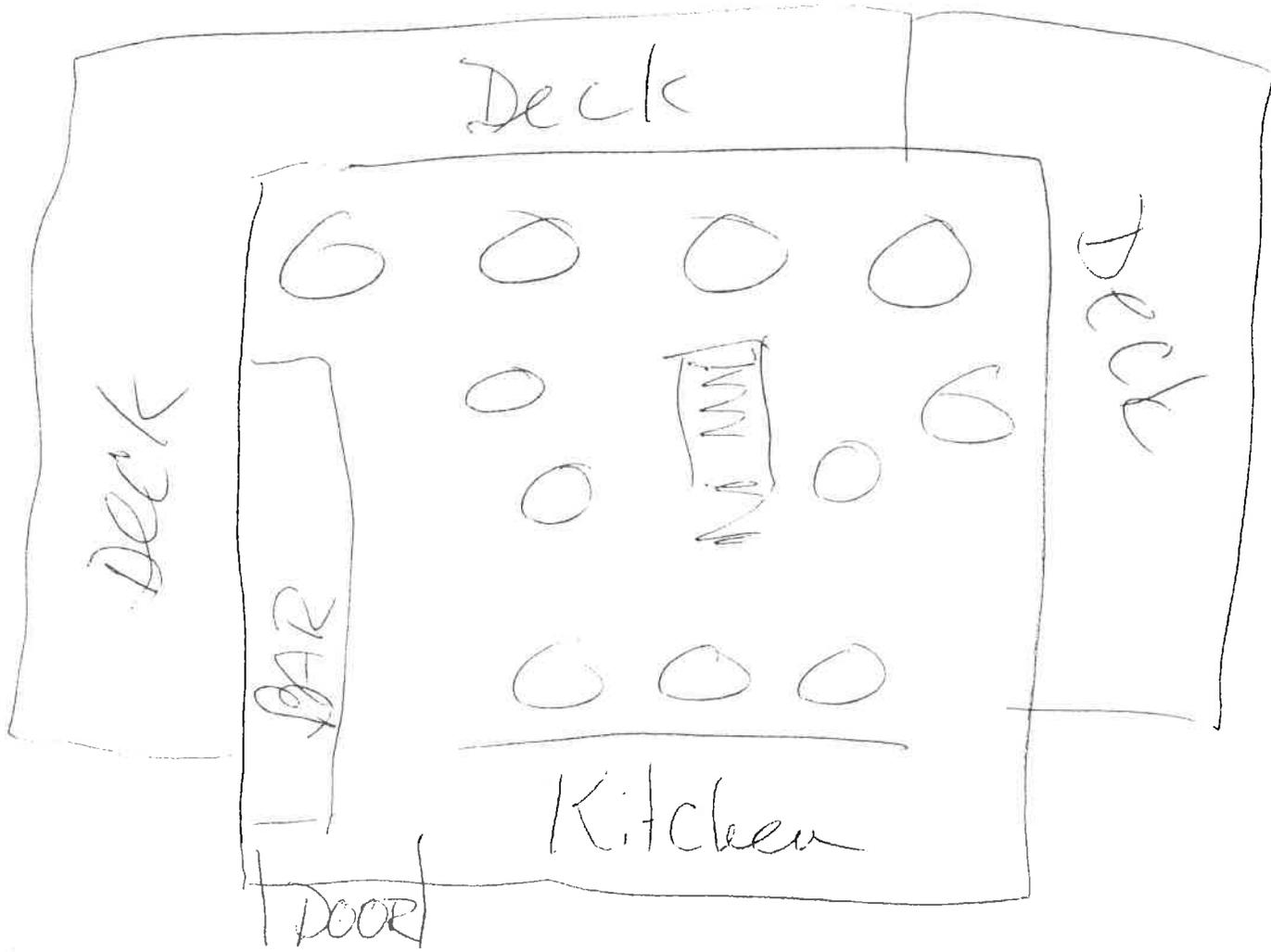
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**FEE SCHEDULE**

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<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
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<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

PREMISE DIAGRAM



APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant LARBREE ENTERPRISES, LLC. Phone 207 975-2422

Address of Applicant P.O. BOX 1706  
ROCKLAND ME 04841

Name of Business ECURSE! THE SPEAKEASY Phone 207 596-6661-  
EXT 6006

Address of Business 2 PARK DR  
ROCKLAND, ME 04841

Name of Property Owner (if different) TRADEWINDS MOTOR INN, INC

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 5-9-16

Fee(s) Paid 300.00 Date 3/17/16

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Applicant's Signature LARBREE Date 3/17/16

Approved By: Wm Butch License # 4311

Approved  Inspected; See Report Code Officer 3/29/16 Date

Aiden Approved  Inspected; See Report Fire Inspector 3/29/16 Date

98 Approved  Inspected; See Report Police Chief 3/24/16 Date

[Signature] Approved  Inspected; See Report City Clerk 4/1/16 Date

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



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- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER:

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>LABREE ENTERPRISES LLC</u> DOB:			2. Business Name (D/B/A) <u>ECLIPSE &amp; THE SPEAKEASY</u>		
<u>THE TRADEWINDS MOTOR INN, INC</u> DOB:			Location (Street Address) <u>2 PARK DR ME 04841</u>		
Address <u>PO BOX 1706</u>			City/Town		State
DOB:			Mailing Address <u>SAME AS ABOVE</u>		
City/Town <u>ROCKLAND</u>		State <u>ME</u>	City/Town		State
Zip Code <u>04841</u>		City/Town		State	Zip Code
Telephone Number <u>207 691-2737</u>		Business Telephone Number <u>207 596-6661 EXT 606</u>		Fax Number	
Federal I.D. # <u>46-2370120</u>		Seller Certificate # <u>1161913</u>		Fax Number	

EMAIL ADDRESS: Kathleen@2ParkDrive

- 3. If premises is a hotel, indicate number of rooms available for transient guests: 124
  - 4. State amount of gross income from period of last license: ROOMS \$ 1,200,000 FOOD \$ 340,536 LIQUOR \$ 70,997.59
  - 5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: KEVIN LABREE, KATHLEEN LABREE, KYLE WEAVER

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
 Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 2 PARK DRIVE ROCKLAND

10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:

Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
KEVIN LABREE	3-13-56	OLD TOWN ME
KATHLEEN LABREE	12-7-62	HUNTINGTON WVA
KYLE WEAVER	3-16-89	LANGSHORNE PA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

THOMASTON ME, ROCKLAND ME  
CAMDEN, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner:  
TRADWINDS MOTEL INN, INC 2 PARK DR ROCKLAND, ME 04841

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
SEE DIAGRAM

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: \_\_\_\_\_

19. 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? 3/4 MILE Which of the above is nearest? CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**Please sign in blue ink**

Kevin J Labree  
 Signature of Applicant or Corporate Officer(s)

[Signature]  
 Signature of Applicant or Corporate Officer(s)

~~XXXXXXXXXX~~ KEVIN LABREE  
 Print Name

KATHLEEN LABREE  
 Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	

4. No license to person who moved to obtain a license. (REPEALED)
5. (TEXT EFFECTIVE 3/15/01) 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.



**State of Maine**  
 Bureau of Alcoholic Beverages  
 Division of Liquor Licensing and Enforcement

<b>For Office Use Only:</b>	
License #:	_____
Date Filed:	_____

**Supplemental Information Required  
 for Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:  
LABREE ENTERPRISES
2. Other business name for your entity (DBA), if any:  
ECLIPSE & THE SPEAKEASY
3. Date of filing with the Secretary of State: \_\_\_\_\_
4. State in which you are formed: MAINE
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
KEVIN LABREE	THOMASTON, ME / ROCKLAND ME	3/13/56	47.5
KATHLEEN LABREE	THOMASTON, ME / ROCKLAND ME	12/7/62	47.5
KYLE WEAVER	THOMASTON ME / CAMDEN ME	3/16/89	5

--	--	--	--

7. Is any principal person involved with the entity a law enforcement

official? Yes  No

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

  
\_\_\_\_\_  
Signature of Duly Authorized Person

\_\_\_\_\_  
Date 3/17/16

KATHLEEN LABREE  
\_\_\_\_\_  
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement

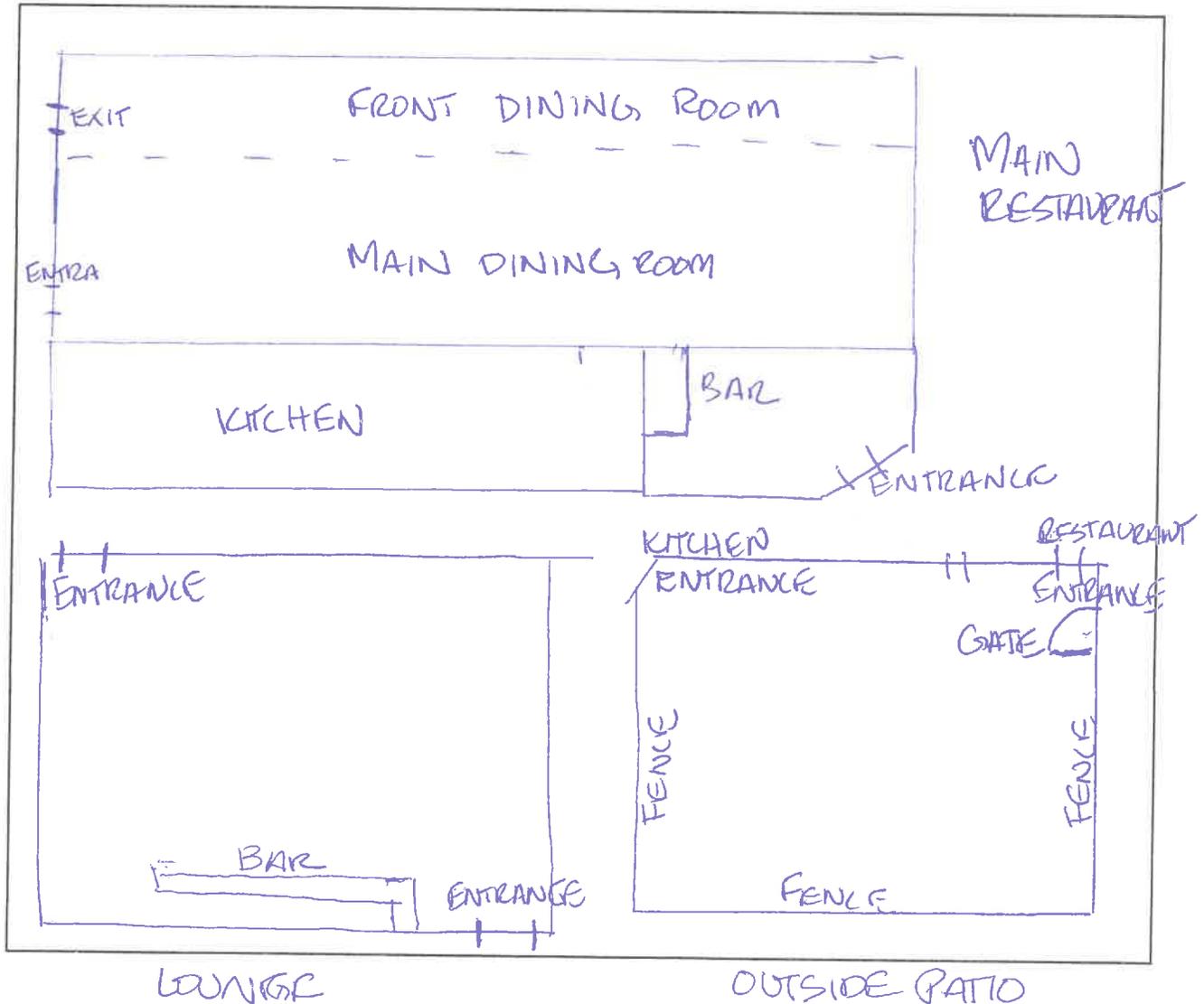


Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
8 State House Station  
Augusta, ME 04333-0008  
Tel: (207) 624-7220 Fax: (207) 287-3434

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Larry Reed Jr. Phone 542-9335

Address of Applicant 52 Mechanic St.  
Rockland, ME 04841

Name of Business The Pearl Phone 542-9335

Address of Business 275 Main St.  
Rockland, ME 04841

Name of Property Owner (if different) \_\_\_\_\_

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Full Service Restaurant

Expiration of Current License New

Fee(s) Paid \$ 300.00 Date 3-24-16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 3-24-16

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Police Chief 7/1/16 Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES NIA

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

- |   |  |
|---|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)   | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV)               |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)         | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I)      |
| <input type="checkbox"/> CLUB (Class V)                   | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)           |
| <input type="checkbox"/> TAVERN (Class IV)                | <input type="checkbox"/> OTHER: _____                            |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Larry Reed Enterprises</u> DOB: <u>11-29-70</u>	2. Business Name (D/B/A) <u>The Pearl</u>
DOB:	Location (Street Address) <u>275 Main St</u>
DOB:	City/Town <u>Rockland</u> State <u>ME</u> Zip Code <u>04841</u>
Address <u>52 Mechanic St.</u>	Mailing Address <u>P.O. Box 841</u>
City/Town <u>Rockland</u> State <u>ME</u> Zip Code <u>04841</u>	City/Town <u>Rockland</u> State <u>ME</u> Zip Code <u>04841</u>
Telephone Number <u>207-542-9335</u> Fax Number _____	Business Telephone Number <u>207-542-9335</u> Fax Number _____
Federal I.D. # <u>81-1933322</u>	Seller Certificate # <u>CONF #85922</u>

EMAIL ADDRESS: larry.reed24@gmail.com

3. If premises is a hotel, indicate number of rooms available for transient guests: /
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_ NIA
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: Chris Raye

8. If business is NEW or under new ownership, indicate starting date: 5/5/16

Requested inspection date: ASAP Business hours: M-S 11am-11pm

9. Business records are located at: The Pearl

10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Larry Reed	11-29-70	Rockland, ME
Chris Raye	2-19-71	San Diego, CA

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
Rockland, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly in your license, if issued? Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: Frank Ferraiolo 711 St George Rd, So. Thomaston ME 04858

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Restaurant (Full-Service) and Bar, and Pier

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES  NO  Applied for: 3-24-16

19. 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? 2 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
If YES, give details: credit line from Bar Harbor Bank & Trust

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**Please sign in blue ink**

  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

Larry Reed Jr.  
Print Name

\_\_\_\_\_  
Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

- Class I** Spirituous, Vinous and Malt ..... \$ 900.00  
**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) ..... \$1,100.00  
**CLASS I-A:** Hotels only that do not serve three meals a day.
- Class II** Spirituous Only ..... \$ 550.00  
**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only ..... \$ 220.00  
**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only ..... \$ 220.00  
**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... \$ 495.00  
**CLASS V:** Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge ..... \$2,200.00  
**CLASS X:** Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge ..... \$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.



**State of Maine**  
Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for  
Business Entities Who Are Licensees**

<b>For Office Use Only:</b>
License #: _____
Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Larry Reed Enterprises

2. Other business name for your entity (DBA), if any:

The Pearl

3. Date of filing with the Secretary of State: 3-23-16

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Larry Reed Jr.	52 Mechanic St. Rockland, ME	11-29-70	100

7. Is any principal person involved with the entity a law enforcement official?

Yes  No

8. If Yes to Question 7, please provide the name and law enforcement agency:

\_\_\_\_\_

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**



Signature of Duly Authorized Person

3-24-16

Date

Larry Reed Jr.

Print Name of Duly Authorized Person

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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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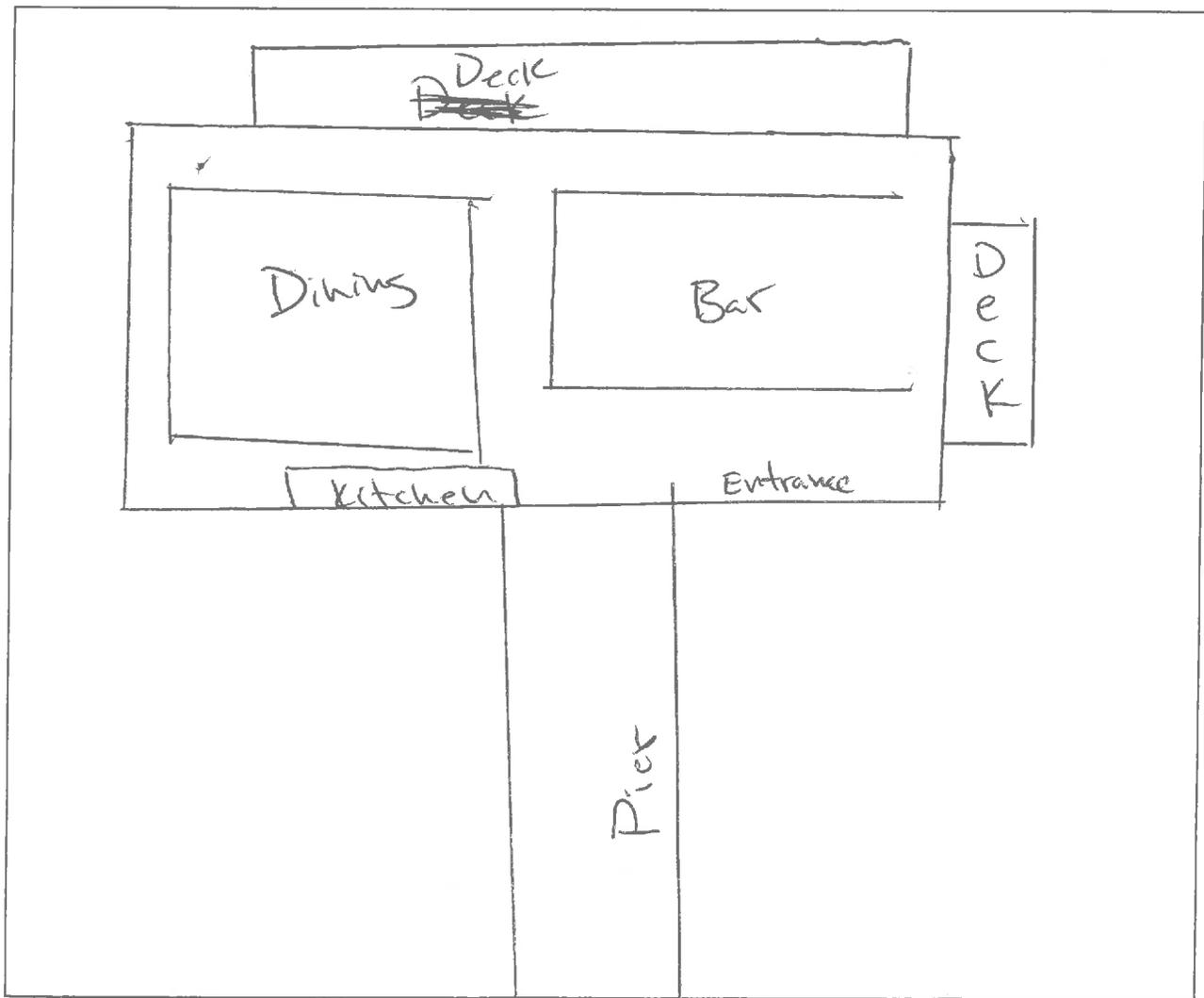


Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
8 State House Station  
Augusta, ME 04333-0008  
Tel: (207) 624-7220 Fax: (207) 287-3434

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Wayne Steeves Phone 596-7556

Address of Applicant 441 Main Street  
Rockland ME 04841

Name of Business Rockland Cafe Phone 596-7556

Address of Business 441 Main Street  
Rockland ME 04841

Name of Property Owner (if different) Same

Type of License(s):  Liquor  Victualer  Entertainment

Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Merchant  Other (Specify) \_\_\_\_\_

Type of Business Restaurant

Expiration of Current License 5/4/16

Fee(s) Paid \$150.00 Date 3/28/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature Wayne Steeves Date 3/25/2016

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Police Chief [Signature] Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 05/04/2016

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Wayne Steeves, President</u> DOB: <u>06/12/46</u>			<b>2. Business Name (D/B/A)</b> <u>Rockland Cafe</u>		
DOB:			Location (Street Address) <u>441 Main St</u>		
DOB:			City/Town <u>Rockland</u> State <u>ME</u> Zip Code <u>04841</u>		
Address <u>441 Main St</u>			Mailing Address <u>Same</u>		
City/Town <u>Rockland</u> State <u>ME</u> Zip Code <u>04841</u>		City/Town _____ State _____ Zip Code _____			
Telephone Number <u>(207) 596-7556</u> Fax Number <u>(207) 594-6233</u>		Business Telephone Number <u>(207) 596-7556</u> Fax Number <u>(207) 594-6233</u>			
Federal I.D. # <u>76-0846322</u>			Seller Certificate # <u>5888</u>		

EMAIL ADDRESS: lmyers@philbrookandassociates.com

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ 833,102 LIQUOR \$ 29,155
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: Wayne Steeves

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 441 Main St Rockland ME 04841

10. Is/are applicant(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Wayne Steeves</u>	<u>06/12/46</u>	<u>Rockland ME</u>
<u>Carlene Steeves</u>	<u>12/23/40</u>	<u>Rockland ME</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
Rockland ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 441 Main St Rockland ME  
large dining area, bathrooms in the back, kitchen to the right - diagram attached

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

19. 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? .5 mile Which of the above is nearest? Synagogue

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Rockland ME on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Wayne Steeves  
Signature of Applicant or Corporate Officer(s)

Wayne Steeves  
Print Name

Please sign in blue ink

Carlene Steeves  
Signature of Applicant or Corporate Officer(s)

Carlene Steeves  
Print Name

### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	



**State of Maine**  
Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Rockland Cafe, Inc.

2. Other business name for your entity (DBA), if any:

\_\_\_\_\_

3. Date of filing with the Secretary of State: 12/29/2006

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Wayne Steeves	15 Summer St, Rockland, ME 04841	06/12/46	50%
Carlene Steeves	same as above	12/23/48	50%

7. Is any principal person involved with the entity a law enforcement official?

Yes  No

8. If Yes to Question 7, please provide the name and law enforcement agency:

\_\_\_\_\_

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

Wayne Steeves  
Signature of Duly Authorized Person

2/23/16  
Date

WAYNE STEEVES  
Print Name of Duly Authorized Person

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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant PRICE KUSHNER/MELISSA KELLY Phone 691-3903

Address of Applicant 2 MAIN STREET  
ROCKLAND, MAINE 04841

Name of Business PRIMO RESTAURANT Phone 596-0770

Address of Business 2 MAIN STREET  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) SAME

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Merchant  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 04/15/16

Fee(s) Paid \$150.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature PRICE KUSHNER Date 03/24/16

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

  
\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Police Chief 4/1/16 Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant HIMALAYAN RESTAURANT, LLC Phone 646-506-8265

Address of Applicant 132 BROADWAY  
ROCKLAND, MAINE 04841

Name of Business HIMALAYAN RESTAURANT Phone 646-506-8265

Address of Business 1 PAYNE AVENUE  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) KEITH WASS

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Merchant  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 05/11/16

Fee(s) Paid \$150.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature KRISTINA TENZIN Date 03/24/16

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

Wm Butler Code Officer 3/31/16 Date  
 Approved  Inspected; See Report

Wm Butler for Fire Fire Inspector 3/31/16 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 4/1/16 Date

[Signature] City Clerk 4/1/16 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant ALLAN, PAM COTA Phone 542.6750

Address of Applicant 81 WILLIS DR  
HOPE ME. 04847

Name of Business SUNFIRE MEX. GRILL Phone 594.6196

Address of Business 488 B MAIN ST.  
ROCKLAND ME. 04841

Name of Property Owner (if different) VINCENT FERRAIULO

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Merchant  Other (Specify) \_\_\_\_\_

Type of Business DINE IN RESTAURANT

Expiration of Current License MAY 17 2016

Fee(s) Paid \$150.00 Date 3/30/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature *Pam Cota* Date 3/30/16

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

*Billie L...*  
\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Police Chief 3/1/16 Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES 5/17/16

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A)          | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)                  | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                            | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> --(Sole Proprietor, Corporation, Limited Liability Co., etc.) ALLAN G. COTA DOB: 4/30/55 PAMELA G. COTA DOB: 7/4/57	<b>2. Business Name (D/B/A)</b> SUNFIRE MEXICAN GRILL
DOB:	Location (Street Address) 480 B MAIN ST
Address 81 WILLIS DR.	City/Town ROCKLAND State ME Zip Code 04841
City/Town MUPE State ME Zip Code 04847	Mailing Address SAME
Telephone Number 207 785 2240 Fax Number _____	City/Town _____ State _____ Zip Code _____
Federal I.D. # 20-1304324	Business Telephone Number 207 594 6196 Fax Number _____
	Seller Certificate # 1079947

EMAIL ADDRESS: PEIPAM @ HOTMAIL . com

3. If premises is a hotel, indicate number of rooms available for transient guests: 0
4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 134,172.00 LIQUOR \$ 57,501.00
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: none
8. If business is NEW or under new ownership, indicate starting date:

Requested inspection date:      Business hours:     

9. Business records are located at: 81 WILLIS DR HOPE, ME. 04847

10. Is/are applicants(s) citizens of the United States? YES  NO
11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>ALLAN G. COTA</u>	<u>4/30/55</u>	<u>INGLEWOOD, CA.</u>
<u>PAMELA G. WISSER</u>	<u>7/4/57</u>	<u>HOLLYWOOD, CA.</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)

HOPE, MAINE  
HOPE, MAINE

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name:      Date of Conviction:     

Offense:      Location:     

Disposition:     

14. Will any law enforcement official benefit financially either directly in your license, if issued?  
Yes  No  If Yes, give name:

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: VINCENT FERRAILO 297 MAIN ST #1 ROCKLAND, ME. 04871

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) DINE IN RESTAURANT

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for:

19. 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? 1 1/2 mi Which of the above is nearest? SCHOOL

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than your-

self in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: ROCKLAND, MAINE on 3/29/, 20 16  
Town/City, State Date

*Allan G. Cota*  
Signature of Applicant or Corporate Officer(s)  
ALLAN G. COTA  
Print Name

Please sign in blue ink

*Pamela G. Cota*  
Signature of Applicant or Corporate Officer(s)  
PAMELA G. COTA  
Print Name

**NOTICE - SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00



8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:



Signature of Duly Authorized Person

3/29/16

Date

ALLAN COTA

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)



APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Rockland Harbor Hotel, LLC Phone 207-865-6105

Address of Applicant 15 Main St. Suite 210  
Freeport, ME 04032

Name of Business Rockland Harbor Hotel Phone 207-594-2131

Address of Business 520 Main St.  
Rockland, ME 04841

Name of Property Owner (if different) same

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Hotel Operations

Expiration of Current License n/a

Fee(s) Paid \$200.00 Date 3/22/2016

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 3/22/16

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 3/22/16 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 3/29/16 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 4/1/16 Date

[Signature] City Clerk 4/1/16 Date

*\*Will inspect before Certificate of Occupancy.\**

**City of Rockland, Maine**  
**Application for Outdoor Sale of Alcohol**

Name of Applicant 250 MAIN STREET LLC Phone (207) 594-5994  
Address of Applicant 250 MAIN ST. ROCKLAND, ME 04841  
Name of Business 250 MAIN Phone (207) 594-5994  
Address of Business 250 MAIN ST. ROCKLAND, ME 04841  
Location of Proposed Outdoor Sale of Alcohol ROOFTOP DECK  
Date Liquor License Issued PENDING

**Applications will not be approved unless inspected by the Code Enforcement Officer, Police Chief and Fire Chief and they are satisfied that all necessary steps will be taken to assure public safety and compliance with all applicable laws.**

Information Required on all Applications for Outdoor Sale of Alcohol (use back of application for additional space or attach requested information):

1. Site Plan of suitable scale demarcating area for proposed sale and consumption, location of ingress and egress, fencing, buildings, streets, driveways and sidewalks.
2. Method of enclosure of proposed area (fencing - type of construction): Stainless Steel Stations w/ Kevlar Rope
3. Hours and days of operation: 7 days/week, Noon-Midnight
4. Hours and days gate attendant will be present: 7 days/wk, 24 hours/day

Code Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved  Inspected; See Report

Fire Inspector: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved  Inspected; See Report

Police Chief: [Signature] Date: 4/1/10  
 Approved may have comments

City Council Approved  
per City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_



**SCATTERGOOD DESIGN**  
 architecture + planning  
 90 Manning Street  
 Portland, Maine 04101  
 207-452-0991  
 scattergood@scg.com

Contract/No.

250 Main Street

250 Main Street  
 Portland, ME

No. Revision Date

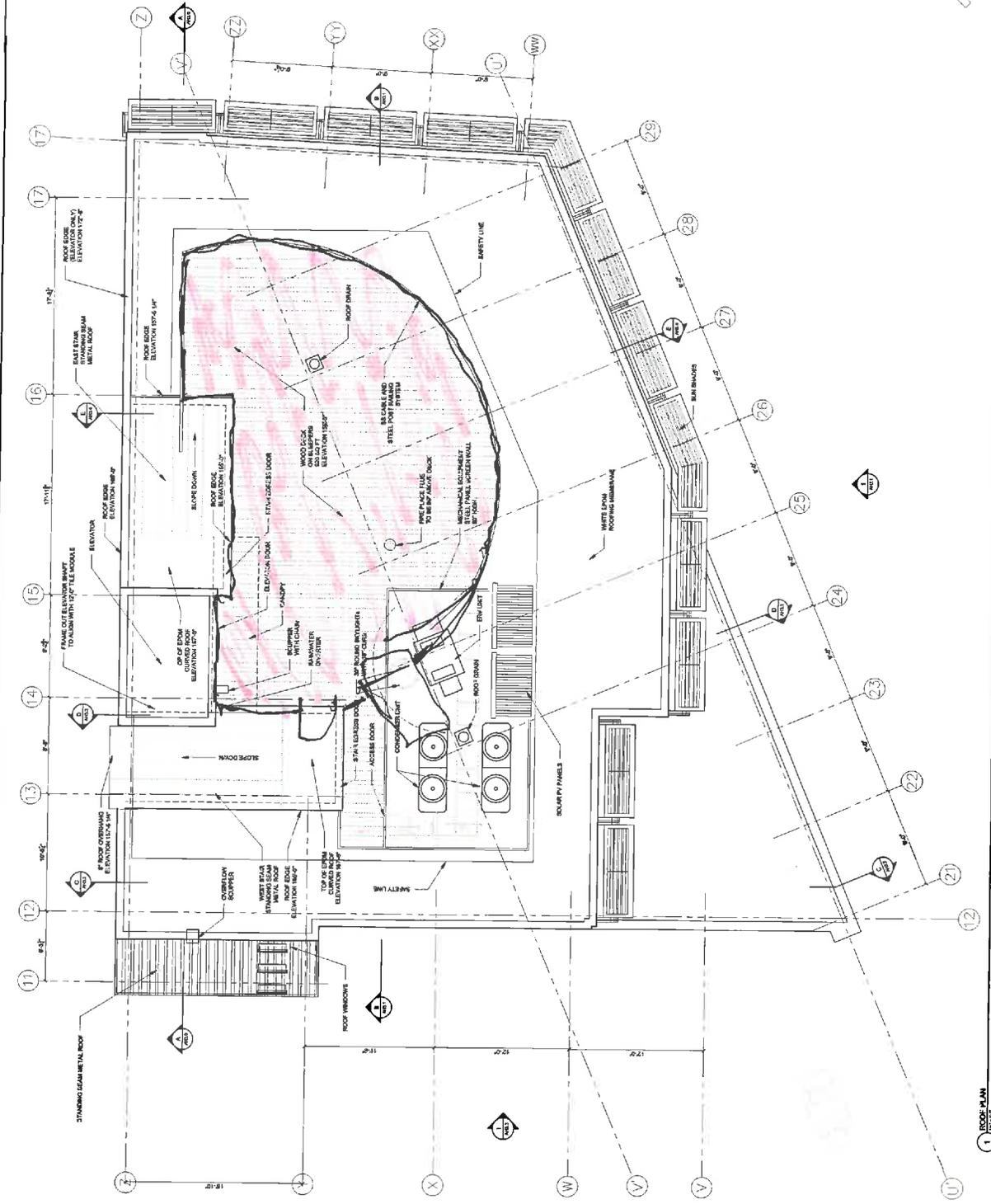
**SCATTERGOOD DESIGN**  
 ARCHITECT

Scale 1/4" = 1'-0"  
 Date 05/01/18  
 Project # 1401  
 Drawn by DMF/ST  
 Checked by TBT  
 Title

**ROOF PLAN**

Sheet

**AH1.6**



1 ROOF PLAN

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 17**

**IN CITY COUNCIL**

April 11, 2016

**RESOLVE** Accepting Donations - Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$845.33 to the Rockland Public Library for 78 books and 4 DVD's, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003), and donated \$40.97 to the Library to cover the overtime costs for staff member Jessie Blanchard's assistance with the Friends Book & Bake Sale held on March 18, 2016; and

**WHEREAS**, Kevin & Cheryl Mahoney, Foxborough, MA, donated \$25 to the Library in memory of Harold Dondis, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City gratefully accepts these donations and directs that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 18**

**IN CITY COUNCIL**

April 11, 2016

**RESOLVE** Appointments – Comprehensive Planning Commission

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Mayor's appointments of the following persons to the Comprehensive Planning Commission for the terms listed to fill vacancies on the Commission are hereby confirmed:

Carole Black, 88 Summer Street – 2017

Julie Lewis, 34 Holmes Street – 2016

Sponsor: Mayor MacLellan-Ruf

Originator: Mayor MacLellan-Ruf

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #41  
(As Amended 01/11/16 & 03/14/16)  
IN CITY COUNCIL

October 14, 2015

**ORDINANCE AMENDMENT:   Licensing of Lodging Houses and  
  Permitting of Short-Term Rentals**

WHEREAS, Title 30-A, Maine Revised Statutes, Section 3811, provides that no person may serve as a common innkeeper or tavernkeeper without a license; and

WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of short-term rentals,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE II, Licenses, When Required, SECTION 11-210, Lodging Houses, BE AMENDED AS FOLLOWS:

**Sec. 11-210 Lodging Houses And Short-Term Rentals**

1. Lodging House License.

A. License Required. No person shall operate a Lodging Hhouse for five (5) lodgers or more, without first obtaining annually a one-year license therefor from the City Council.

B. Definitions. For the purposes of this subsection<sup>1</sup>

“Lodging house” means a house or other residential structure where lodgings for four or more but fewer than 16 persons not within the 2<sup>nd</sup> degree of kindred to the person operating the lodging house are offered for rent. “Lodging house” does not include dormitories of charitable, educational or philanthropic institutions, or the emergency use of private dwellings at the time of conventions or similar public gatherings.

C. Certifications; Public Hearing. Such license shall not be granted except upon the certification of the Police Chief, Fire Chief, Code Enforcement Officer (Building Inspector), and Plumbing Inspector pursuant to this Section and ~~as per Section 11-106 of this Ordinance.~~

Prior to granting such licenses, the City Council shall hold a public hearing, notice of which shall be posted in ~~a two~~ public locations / and advertised at least seven days before the ~~hearing meeting.~~

There shall be a non-refundable application and / or annual license fee for the Lodging House License which shall be set by Order of the City Council.

D. Standards. Following the public hearing, the City Council may condition or deny any Lodging House license upon the basis of a recommended condition or denial of certification by either the Police Chief, Fire Chief, Code Enforcement Officer, or Plumbing Inspector pursuant to Section 11-106. The City Council may condition, suspend or revoke a Lodging House License, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

**State Law Reference:** 30-A M.R.S. § 3801 & § 3811.

2. Short-Term Rentals Permit.

A. Purpose. The purpose of the Short-Term Rentals Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of short-term guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Short-Term Rentals Permits and the revenue they make available to homeowners helps makes Rockland affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for short-term rentals may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

B. Permit Required. Effective November 1, 2016, no person shall operate a Short-Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

C. Definitions. For the purposes of this Subsection<sup>1</sup>:

- (1) "Minimum Stay Period" means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)
- (2) "Owner-Occupied" describes a dwelling unit that is such owner's primary residence and is occupied, including over-night, by such owner when any part of the structure is rented as a short-term rental.
- (3) "Short-Term Rental" ("STR") means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of

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<sup>1</sup> See Ch. 19, Art. III, Sec. 19-302 for definitions of words and phrases not defined herein.

the unit, for consideration, for periods of less than one month, as follows:

(a) Short-Term Rental – 1 (“STR-1”) means either:

- (i) an owner-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(b) Short-Term Rental – 2 (“STR-2”) means either:

- (i) a single-family structure that is not occupied by its owner that is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(c) Short-Term Rental – 3 (“STR-3”) means one dwelling unit in a multi-family or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month.

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

- (1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner’s property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;
- (2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant’s primary residence, (b) the applicant’s primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;
- (3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-

term rental is accessory;

- (4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

E. Application; Fee. The City Council may establish a non-refundable application fee for Short-Term Rental Permits, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria such as residency.

F. Notice. Within seven (7) days of receipt of a complete application for a Short-Term Rental Permit, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Such notice shall include the name, address, and telephone number of the person(s) responsible for management of the STR. Notice is effective upon mailing.

G. Permitting Authority; Review Criteria. The authorized Permitting Authority shall grant, grant with conditions, or deny applications for Short-Term Rental Permits, applying the level of review criteria ("Review Level") as defined below, consistent with Table 11-210(2), no sooner than fourteen (14) days after the Clerk mails notice of such application to abutters pursuant to Subsection E and no later than thirty (30) days when the Code Enforcement Officer is the Permitting Authority, or sixty (60) days when the Planning Board is the Permitting Authority. When the application is for the renewal of a current Short-Term Rental Permit and the permittee is in compliance with this and other applicable Ordinances, the City Clerk may grant an administrative extension of such current permit for up to thirty (30) days when reasonably necessary to allow the continuance of the accommodations during the permit review and renewal process. All Short-Term Rentals are also subject to the Additional Requirements set forth in Subsection G.

Review Level I:

Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR.

Applicant shall provide the name, address, and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

Review Level II:

Applicant shall demonstrate compliance with applicable<sup>2</sup> building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR.

Applicant shall provide the name, address and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

When the Planning Board is the Permitting Authority under Table 11-210(2), it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Planning Board review of the STR is only required for initial applications, applications where the property at which an STR is located has changed ownership, or applications after an STR license has been suspended. Otherwise, for STR license renewals, the Code Office shall be the Permitting

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<sup>2</sup> See Chapter 4 – Buildings, Inspections & Enforcement.

Authority.

Table 11-210(2)

<u>Type of Accommodation</u>	<u>Type of Structure</u>	<u>Minimum Stay Period</u>	<u>Permitting Authority in Residential AA, A, and B Zones</u>	<u>Permitting Authority in Other Zones</u>	<u>Review Level</u>
STR-1	Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)	1 night up to less than 1 month	Code Office	Code Office	I
STR-2	Single-Family (whole house)	3 nights up to less than 1 month	Planning Board	Code Office	I
	Two-Family (one unit rented monthly and one unit rented less than one month)	3 nights up to less than 1 month	Planning Board	Code Office	I
STR-3	Multi-Family or Mixed Use	3 nights up to less than 1 month	Planning Board	Planning Board	II

H. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for Short-Term Rentals:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a STR shall be in compliance with that of a “one-family dwelling” as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) Short-term rentals shall be to a single person or family;
- (3) The maximum occupancy (for STR-2) shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Short-Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for Short-Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a STR-3;
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a STR-3;

- (7) A multi-family structure located in zones other than Residential "A," "AA," or "B," "TB-1," or "TB-2" zones, and where the zone in which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must have approved functional sprinkler and fire alarm systems. The total number of guests occupying such STR-3 shall not exceed sixteen (16);
- (8) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;
- (9) The use of a dwelling unit as a STR does not violate any applicable condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (10) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;
- (11) The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (12) The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR, and, when the STR is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

#### NOTICE

The Operator of these accommodations, [print permittee's name] has been granted a City of Rockland Short-Term Rentals Permit, Permit No. \_\_\_\_\_, pursuant to Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A FINDING BY THE CITY OF ROCKLAND OR OTHER CODE ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a Short-Term Rental Permit or to conduct that business at these premises so long as the Operator's use of the premises is in conformance with and does not exceed the scope of the Short-Term Rentals Permit;

(13) The Permittee must assure that each advertisement of the STR includes Permittee's City of Rockland Short-Term Rentals Permit number;

(14) Renters of short-term rentals may not sublease any portion of the short-term rental to another person, family, or entity; and

(15) The Permittee shall maintain permit eligibility in conformance with Sec. 11-210(2)(D) continuously during the permit period.

(16) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.

I. Complaints. Complaints regarding STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall establish and maintain a log of all complaints for each STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

J. Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any Short-Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the STR, he shall provide a report of the same to the City Council for its consideration. The City Council may condition, suspend, or revoke a Short-Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

### 3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or, after November 1, 2016, a short-term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other short-term rental shall constitute a separate offense.

B. Violation of Law, Ordinance, or Regulation. A lodging house licensee or short-term rental permittee who violates any applicable law, ordinance, or regulation and who, following notice by the Code Enforcement Officer fails to abate such violation within the period prescribed shall be penalized with a fine of two hundred and fifty dollars for each such violation, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each day such violation is allowed to continue shall constitute a separate violation.

C. In addition to or instead of such penalty(ies), in the sole the discretion of the City, the City may seek an injunction prohibiting the operation of the lodging house or short-term rental until the offense or violation shall have been abated.

4. Transitional Provisions. Notwithstanding anything to the contrary herein, the provisions in this Ordinance Amendment relating to the permitting of short-term rentals, and penalties for violations of such provisions, shall be implemented as follows:

A. Reservations.

(1) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR is not of a type that may be permitted as a STR-1, STR-2, or STR-3, and who received reservations for short-term rentals at the same premises between January 1, 2016, and May 31, 2016, may honor such reservations and provide such short-term rentals without a permit therefor. No new reservations for short-term rentals may be accepted after the effective date of this ordinance unless such rentals were offered for rent in 2015 prior to December 31, and would fall within the definition of a STR-1, STR-2, or STR-3.

(2) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR, if permitted, would fall within the definition of a STR-1, STR-2, or STR-3, and who receive reservations for short-term rentals at the same premises for dates between January 1, 2016, and prior to October 30, 2016, may honor such reservations and provide such short-term rentals without a permit therefor.

B. Registration. All parties operating Short-Term Rentals prior to November 1, 2016, are required to register each such Short-Term Rental with the Code Office, utilizing a form therefor provided by the Code Office and providing the requested information, including address, operator, level of occupancy, and emergency contact information. So long as a short-term rental complies with either provision A(1) or A(2) above and registers with the City, an STR permit shall not be required from the City until after October 31, 2016.

C. Permitting. Notwithstanding the foregoing registration requirement, the Code Office shall make applications to operate STR-1, STR-2, and STR-3 accommodations available as of the effective date of this ordinance.

Sponsor: City Council  
Originator: Code Enforcement Officer

First Reading 3/14/16  
First Publication 3/24/16  
Public Hearing 4/11/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Postponed 10/14/15 to 11/09/15  
Postponed 12/14/15 to 01/11/16  
Postponed 01/11/16 to 03/14/16  
Amended 01/11/16 & 03/14/16 and sent  
Back to First Reading.

## SHORT – TERM RENTALS

*Proposed Definitional Amendments – April 11, 2016*

### Ordinance Amendment #41 – Licensure:

#### B. Definitions. For the purposes of this subsection<sup>1</sup>

“Lodging house” means a building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use. ~~a house or other residential structure where lodgings for four or more but fewer than 16 persons not within the 2<sup>nd</sup> degree of kindred to the person operating the lodging house are offered for rent.~~ “Lodging house” does not include dormitories of charitable, educational or philanthropic institutions, or the emergency use of private dwellings at the time of conventions or similar public gatherings.

### Ordinance Amendment #42 – Definitions & Zoning:

**Lodging, ~~or~~ Rooming, or Boarding House:** A building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use. “Lodging house” does not include dormitories of charitable, educational or philanthropic institutions, or the emergency use of private dwellings at the time of conventions or similar public gatherings.

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #42  
(As Amended 11/09/15)  
IN CITY COUNCIL

October 14, 2015

**ORDINANCE AMENDMENT:   Zoning Provisions for ~~Transient~~  
  ~~Residential Accommodations~~ Short Term Rentals**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And Planning, ARTICLE III, Zoning Ordinance, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words And Phrases Defined**

For the purpose of this Article certain words and phrases are defined as follows:

\*                   \*                   \*

**Bed and Breakfast Establishments.** Except as permitted pursuant to Ch. 11, Art. II, Sec. 11-210(2), the following definition shall apply:

- a. ~~The following definition shall apply: Bed and Breakfast.~~ Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to the public one or more persons or families by the owner for compensation for less than one week. Except as otherwise provided, this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room. The maximum guest occupancy shall be 16 / night
- b. No food or drink of any kind shall be sold to the general public.
- c. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002.

Unless presented together initially, each multiple existing building being opened as a Bed and Breakfast Inn will require its own Site Plan Review and approval from the Planning Commission.

**Dwelling Unit:** A room or suite of rooms that are arranged, designed, used, or intended for use as a self-contained housekeeping unit, separated from other such rooms or suites of rooms, and contains living, kitchen, and sleeping facilities for one person, or one family, including single-family homes and the separated units in a duplex, apartment house, multi-family

dwelling, and residential condominium.

~~A room or suite of rooms that is used as a habitation, which is separate from other such rooms or suites of rooms, and which contains living, cooking, and sleeping facilities, includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.~~

**Dwelling, One-Family or Dwelling, Single-Family:** The use, for zoning purposes, of a single-family structure by its owner or the owner's tenant as a residence for a person or a family for a term of at least one month, except as otherwise provided under Title 30-A, Maine Revised Statutes, Section 4357-A – Community Living Arrangements, as amended.

~~A building containing not more than one (1) dwelling unit in which the dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms, with exceptions as mandated in Title 30-A Section 4357-A: Community living arrangements, as amended.~~

**Structure, Single-Family:** A building containing not more than one (1) dwelling unit.

**Dwelling, Two-Family:** The use, for zoning purposes, of each dwelling unit in a two-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month.

~~A building containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms.~~

**Structure, Two-Family:** A building containing two (2) dwelling units.

**Dwelling, Multi-Familyple.** The use, for zoning purposes, of each dwelling unit in a multi-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month, including apartment houses and apartment hotels, but excluding boarding houses, inns, lodging houses, hotels, motels, and other transient residential accommodations ~~short term rentals.~~

**~~Dwelling; Multiple.~~** ~~A "multiple dwelling" means a building or portion thereof used or intended to be used or occupied as a permanent residence, more or less, by three (3) or more families living independently of each other, including apartment houses and apartment hotels, but excluding boarding houses, lodging houses, hotels and motels. The latter terms shall mean a building or buildings divided into individual rooms or suites of rooms which are rented or used or designed to be used primarily for sleeping purposes where the building(s) has only general kitchen and dining facilities or where the rooms which are rented contain no extensive cooking facilities.~~

**Structure, Multi-Family:** A building containing three (3) or more dwelling units.

**Family.** Two or more persons related by blood, marriage, civil union, or adoption who

reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A “family” for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional persons who are not so related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.

~~“Family” means one (1) or more persons living, sleeping, cooking and eating on the same premises as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.~~

**Hotel:** A commercial establishment offering sleeping accommodations for seventeen (17) or more travelers and others on a transient or semi-permanent basis, sometimes including varying levels of accessory services for occupants and/or the general public such as restaurants, shops, and meeting rooms.

~~A building or groups of buildings under the same management in which there are sleeping accommodations for more than sixteen (16) persons and primarily used by transients for lodging with or without meals.~~

\* \* \*

**Kitchen Facility(ies).** “Kitchen Facility,” both in its singular or plural form, shall mean an area that contains any, some, or all of the following facilities for food preparation, storage, and/or sanitation: a stove, oven, convection oven, microwave, hotplate or other cooking or food warming equipment; any size refrigerator or freezer; and/or any type of sink, including a bar sink or wet-bar but not including a bathroom sink.

**Lodging Facilities.** ~~A facility that offers accommodations for a fee.~~

**Lodging, or Rooming, or Boarding House:** A building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use.

**Lodging or Rooming House:** ~~Buildings that provide sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.~~

\* \* \*

**Transient Residential Accommodation Short Term Rental (“TRA STR”).** The use of all or part of a legally-existing dwelling unit for short-term rental to a person or family unrelated to the owner or lessee of the unit, for consideration, for periods of less than one month.

Sec. 19-309 Special Use Classes ~~Exceptions and Exemptions~~

\* \* \*

3. ~~Transient Residential Accommodations~~ Short Term Rentals.

A. ~~Permitted Transient Residential Accommodations~~ Short Term Rentals. In any zone, existing single-, two-, and multi-family structures may be used as ~~Transient Residential Accommodations~~ Short Term Rentals upon the issuance of a ~~Transient Residential Accommodations~~ Short Term Rentals Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of ~~Transient Residential Accommodations~~ Short Term Rentals as a Special Use Class shall not be required when the Code Office is the designated Permitting Authority pursuant to Chapter 11, Article II, Section 11-210(2).

B. ~~Prohibited Transient Residential Accommodations~~ Short Term Rentals. No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for ~~Transient Residential Accommodations~~ Short Term Rentals if:

(1) Such person has not secured or maintained a valid ~~Transient Residential Accommodations Permit~~ Short Term Rentals Permit for the premises; or

(2) The accommodations are ~~an accessory apartment,~~ a detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home.

Sponsor: City Council  
Originator: Code Enforcement Officer

First Reading 11/9/15  
First Publication 11/19/15  
Public Hearing 12/14/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Postponed 10/14/15 to 11/09/15  
Postponed 12/14/15 to 01/11/16  
Postponed 1/4/16 to 3/14/16

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #3**

**IN CITY COUNCIL**

March 14, 2016

**ORDINANCE AMENDMENT** Authorizing Zoning Map Amendment

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT THE OFFICIAL ZONING MAP OF THE CITY OF ROCKLAND BE AMENDED AS FOLLOWS:**

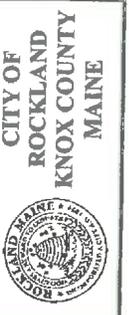
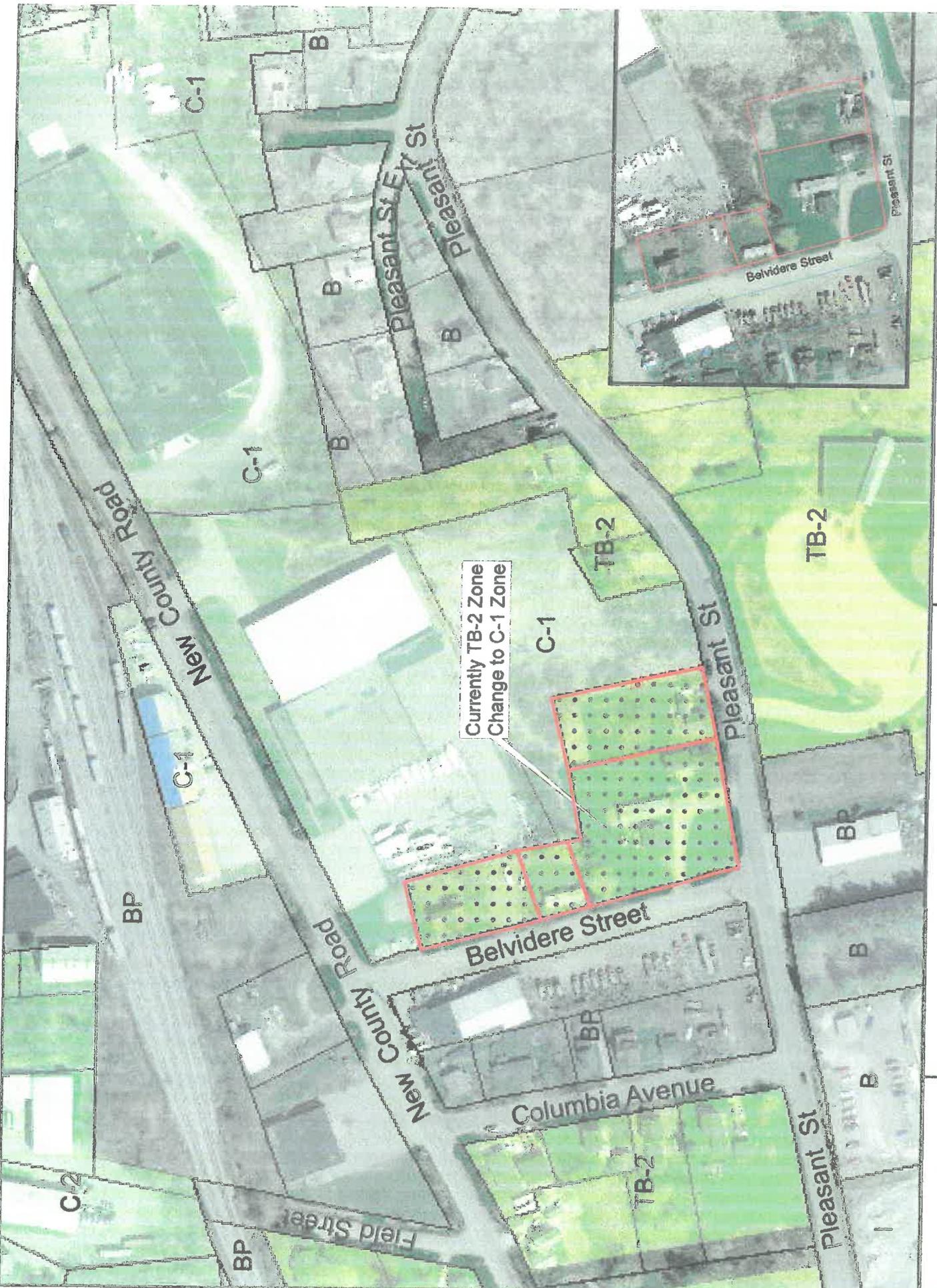
THAT on the official Zoning Map of the City of Rockland, Maine, the following parcels shall be removed from the Transitional Business 2 ("TB-2") Zone, and added to the Commercial 1 ("C-1") Zone:

<u>Address:</u>	<u>Tax Map:</u>
15 Belvidere Street	50-B-4
19 Belvidere Street	50-B-3
183 Pleasant Street	50-B-8
185 Pleasant Street	50-B-7

The amended Zoning Map of the City of Rockland, Commercial 1 Zone, shall thenceforth encompass, in part, the area defined by the listed parcels, and shall follow the boundary lines of such parcels (see attached map).

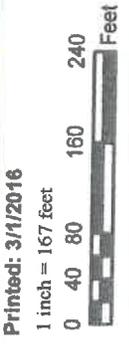
Sponsor: Councilor Clayton  
Originator: Councilor Clayton

First Reading 3/14/16  
First Publication 3/24/16  
Public Hearing 4/4/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_



**CITY OF  
ROCKLAND  
KNOX COUNTY  
MAINE**

**Change from TB-2 to C-1**



**DISCLAIMER**  
Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only and not for conveyance.

Printed: 3/11/2016  
1 inch = 167 feet

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #4

IN CITY COUNCIL

March 14, 2016

ORDINANCE AMENDMENT Amending Definition of "Educational Institutions" in the Waterfront Zone

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:

Sec. 19-304 Zone Regulations

\* \* \*

22. Waterfront Zone Regulations.

A. Purpose. The purpose of this zone and its subzones is to further the maintenance of safe and healthful conditions; prevent and control water pollution; control building sites, placement of structures and land use; visual as well as actual points of access to coastal waters.

\* \* \*

C. Definitions. In addition to the definitions in Section 19-302, the following definitions apply to the waterfront zones and subzones:

\* \* \*

(5) Educational Institutions. Any educational institution ~~the primary goal~~ part of the function of which is marine-related or marine-dependent education.

First Reading 3/14/16  
First Publication 3/24/16  
Public Hearing 4/4/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Sponsor: Mayor MacLellan-Ruf  
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT # 5

IN CITY COUNCIL

March 14, 2016

**ORDINANCE AMENDMENT** Conditionally Permitting Automobile  
Repair in Commercial 1 and Commercial 2

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words and Phrases Defined**

\* \* \*

**Automobile Body Shops.** Any premises where motor vehicle repair activities such as motor vehicle painting and body and fender work is conducted.

**Automobile Repair.** The maintenance and repair of motor vehicles, including such activities as engine overhauls and tune-ups, transmission and drive train repairs, exhaust system repairs, carburetor cleaning, brake work, glass replacement, and incidental motor vehicle services including oil changes, lubrication, tire repairs, sales, mounting, and rotations, and alignments, including Automobile Service Stations. Automobile repair shall not include activities performed at automobile body shops. ~~Any premises where motor vehicle maintenance, repair or servicing activities such as engine tuneups, lubrication, carburetor cleaning and activities such as engine and mechanical overhauls are conducted. Motor vehicle repair shall not include activities such as motor vehicle painting and body or fender work.~~

**Automobile Sales, Small-Scale Used.** Any facility where twelve (12) or fewer vehicles are kept on premises for sale.

**Automobile Service Stations.** Any premises where the primary use is the retail supply, installation and/or dispensing of gasoline and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

\* \* \*

**Car Wash.** Any area or building with equipment for washing cars, trucks, and/or other motor vehicles.

\* \* \*

## 10. Commercial 1 Zone "C-1" Regulations

### A. Purpose.

The purpose of the Commercial 1 Zone is to accommodate general highway-oriented business uses on large parcels.

### B. Use Regulations.

\* \* \*

#### (2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. The Planning Board shall review and grant, grant with conditions or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

(a) Automobile Repair;

(b) Car washes;

~~(c)~~ Commercial outdoor recreational uses;

~~(d)~~ Interior boat storage and repair, at parcels fronting on New County Road;

~~(e)~~ Light industrial uses, at parcels fronting on New County Road.

~~(f)~~ Manufacturing, at parcels fronting on New County Road;

~~(g)~~ Warehousing;

\* \* \*

## 11. Commercial 2 Zone "C2" Regulations

A. Purpose. The purpose of the Commercial 2 Zone is to accommodate general business uses on smaller parcels that are increasingly pedestrian-oriented as the areas approach Downtown.

B. Use Regulations. In a Commercial 2 Zone "C2" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

#### (1) Permitted Uses

Uses allowed in Commercial 1 Zone, excluding:

- (a) Compartmentalized storage buildings; and
- (b) Veterinaries.

(2) Conditional Uses

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances.

(a) Commercial outdoor recreational uses.

(b) Automobile Repair;

(c) Car washes;

(3) Prohibited Uses

(a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) Any use specifically named in Section 19-304-10-B (2).

\* \* \*

**12. Commercial 3 Zone "C3" Regulations.**

A. Purpose. The purpose of the Commercial 3 Zone is to accommodate general highway-oriented business uses on large parcels.

B. Use Regulations. In a Commercial 3 Zone "C3" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

(1) Permitted Uses

(a) Uses allowed in Commercial 1 Zone,

(b) Sole source pharmacy (It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004.)

(c) Storage buildings, compartmentalized with individual cubicles less than four thousand (4000) cubic feet per cubicle.

(d) Boat storage facility.

(e) Automobile~~Motor vehicle~~ repair.

(f) Construction Services, provided that there shall be no processing of raw materials on site nor shall there be stockpiling of products other than for retail sales.

(g) Automobile Service Stations.

(h) Car washes.

\* \* \*

### 13. Plaza Commercial Zone "PC" Regulations.

A. Purpose. The purpose of the Plaza Commercial Zone is to accommodate commercial centers for highway-oriented businesses.

B. Use Regulations. In a Plaza Commercial Zone "PC" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

(1) Permitted Uses:

(a) Business services;

(b) Financial services;

(c) Human health services;

(d) Lodging facilities;

(e) Automobile~~Motor vehicle~~ service stations ~~(excluding motor vehicle body work and major engine repair);~~

(f) Car washes;

(g~~f~~) Movie theaters and other places of entertainment;

(h~~e~~) Office buildings;

(i~~h~~) Personal services;

(j~~i~~) Professional services;

(k) Restaurants;

(l) Retail and/or auxiliary wholesale business, any generally recognized;

(m) Social services;

(n) Accessory uses;

\* \* \*

Sponsor: Councilor Clayton  
Originator: Code Enforcement Officer

First Reading 3/14/16  
First Publication 3/24/16  
Public Hearing 4/11/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #6  
IN CITY COUNCIL**

April 11, 2016

**ORDINANCE AMENDMENT** Authorizing Quitclaim Deed – 55 Dodge Mountain Rd

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the City Manager is hereby authorized, on behalf of the City, to issue a municipal quitclaim deed to Carolee Pittard for property located at 55 Dodge Mountain Road, as shown on Rockland Tax Map #87-A-44, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Pittard fails to sign the Reconveyance Agreement and comply with its requirements by July 9, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council  
Originator: City Manager

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT # 7  
IN CITY COUNCIL**

April 11, 2016

**ORDINANCE AMENDMENT** Eliminating Redundant Text Street Opening Permits

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 20, Sanitary and Storm Water Sewers and Facilities, ARTICLE II, Sewers; Construction and Assessment, BE AMENDED AS FOLLOWS:**

~~Sec. 14-316 Highways Not To Be Opened Without Consent~~

~~As provided by the Revised Statutes of Maine, whoever digs up the ground in a highway or street to lay or repair any drain or common sewer without the written consent of the City Council forfeits for each offense four dollars (\$4) to the City.~~

[Re-Number Remainder of Article III Appropriately]

Sponsor:

Originator: City Manager

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT # 8  
IN CITY COUNCIL

April 11, 2016

**ORDINANCE AMENDMENT** Strengthening Street Opening Permit Requirements and Enforcement

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 15, Streets, ARTICLE I, Use of Streets, and ARTICLE IV, Street Construction And Excavations, BE AMENDED AS FOLLOWS:**

**CHAPTER 15 STREETS  
ARTICLE I Use of Streets**

**Sec. 15-101 Statement of Purpose**

The provisions in this Chapter are intended to assure the public's safe and unhindered use of and passage through the City's streets, and to preserve the same from unauthorized encroachment, or damage or destruction. The following sections are enacted to preserve the individual rights of citizens in the use of streets, to protect them in their public use and enjoyment thereof, and to preserve public ownership and public use of streets without private encroachments, not only for citizens of today but also for posterity.

**Sec. 15-102 Definitions**

For the purposes of this Chapter, certain words and phrases shall have the following meanings.

1. Emergency. "Emergency" shall mean any event which may threaten public health or safety including, without limitation, damaged or leaking water or gas conduit systems; damaged, plugged, or leaking sanitary or storm sewers; damaged underground electrical or communications facilities; or downed or seriously damaged utility poles.

2. Person. The term "person" shall refer to, in addition to any human being, any corporation, limited liability company, sole proprietorship, partnership, trust, association, organization, or other entity or combination of human beings other than the State of Maine or the City of Rockland or any department, division, or agency of the same.

3. Public Place. "Public Place," as used in this Chapter, shall include any State- or City-owned or controlled parking area, park, recreational area, playground, or public landing, including those parks established in Chapter 13, Article I. Articles I and II shall be understood as including City of Rockland owned or controlled parking lots, recreational areas, playgrounds, the Public Landing, and parks: Ulmer Park, Gay Park, Merritt Park, Walter Butler Square, Sandy Park, General Berry Square and Schofield White Park.

~~41. Street. The words "street" or "streets" as used in this ChapterArticles I and II shall mean the entire right-of-way of anybe understood as including highways, road, ways, avenues, courts, lanes, alleys, sidewalk, bridge, parks, squares, other Public Pplaces, and any non-public property owned or controlled by the City sidewalks and bridges.~~

~~5. Undefined Words and Phrases. Words and phrases not herein defined shall have the meaning assigned to them in Chapters 17 or 19, as may be applicable or, in the absence of such definitions, their common and ordinary meanings. The definitions of words and phrases as contained in Chapter 17 are hereby made applicable to this and to every other ordinance of this City.~~

~~\* \* \*~~

~~**Sec. 15-118 Excavation Near Street**~~

~~No person shall make any excavation near any street or public place in this City, so as to endanger any portion thereof, without first having obtained a permit from the Director of Public Works. Any person violating this Section shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.~~

~~State Law Reference: 23 M.R.S. §§ 3351-3360-A.~~

~~Cross Reference: Ch. 15, Art. IV.~~

~~\* \* \*~~

~~**Sec. 15-132 Openings in Street or Sidewalk; Construction**~~

~~No person shall make or cause to be made an aperture in or under any street or sidewalk for the purpose of constructing coal holes or receptacles for any other articles, or for light or air, or for any other purpose, with first obtaining a permit therefore from the City Clerk bearing the approval of the City Manager, and no person shall leave such coal hole or other aperture open or unsafe, except while actually in use and then only when properly protected against endangering passers by. A five hundred dollars (\$500) bond shall be required for such a permit, conditioned as required in Chapter 11, for all such openings hereafter made.~~

~~State Law Reference: 23 MRSA §§ 3351-3360-A.~~

~~Cross Reference: Chapter 15, Article IV.~~

~~**Sec. 15-133 Openings in Street or Sidewalk**~~

~~1. Cellar Doors. When a cellar door, vault, coal hole, or other structure or aperture is maintained in, upon or under any street, sidewalk, or public place, the occupants or owners of the estate of which such cellar door, vault, coal hole or other structure or aperture belongs, shall keep the same in good repair; and if at any time such cellar door, vault, coal hole or other structure or aperture is out of repair or if, in the opinion of the Director of Public Works, public safety is thereby endangered, he shall notify the owners or occupants of the fact, and if they neglect or refuse for the period of twenty four (24) hours to repair such cellar door, vault, coal hole or other structure or aperture, the Director shall forthwith cause such repairs to be made at the expense of such owners or occupants, which expense may be collected from them in an action of debt, for the use of the City, and they shall be liable to a further penalty of not exceeding twenty dollars (\$20) for each twenty four (24) hours that such cellar door, vault, coal hole or other structure or aperture~~

~~continues to be out of repair after notice from the said Director, as aforesaid. Every person who hereafter maintains a cellar door, vault, coal hole or other structure or aperture in or under any street or public place, shall do so only by continuing in full force and effect the permit bond required in the previous section, conditioned that such maintenance shall bind him to keep the same and the covers thereof in good condition and repair at all times during his ownership or control of the same, and to indemnify and save harmless the City against all damages caused and expenses incurred in consequence of the same being out of repair or left open.~~

~~2. Culverts. Whenever it is deemed necessary by an abutter on an improved City street that a culvert be installed to provide an entrance to his property, he shall petition the City for such an installation and the City may install the same, provided that the abutter, at his own expense, furnish a culvert satisfactory to the City. Such culvert shall thereafter be maintained by the City.~~

~~3. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than five hundred dollars (\$500).~~

~~State Law Reference: 23 MRSA §§ 704, 3151-3255, 3351-3360 A.~~

\* \* \*

**DELETE ARTICLE IV, AND REPLACE WITH:**

**ARTICLE IV Street Construction and Excavations**

**Sec. 15-401 Street Excavations - Statement of Policy**

The City of Rockland requires compliance with the provisions of Article IV of this Chapter in order to minimize, to the extent possible, the safety and road maintenance problems that have been associated with excavations and paving operations in the past. The protection of the City's streets and sidewalks and infrastructure on and under the streets in the City is vital for assuring safe and passable ways, protecting the public health, safety, and welfare, and for fostering economic activity and development. To that end, it is the policy of the City to require all repair and excavation work performed on City streets and sidewalks to be done promptly, with due regard to the safety of the public, and in a skillful and workmanlike manner.

**Sec. 15-402 Definitions**

For the purposes of this Article, certain words and phrases shall have the following meanings. Words and phrases not defined herein or elsewhere in Chapter 15 shall have their common and ordinary meanings.

1. Contractor. "Contractor" shall mean a person or entity retained to conduct the excavation(s) and other work authorized by a street opening permit and/or otherwise required under this Article or applicable law.

2. Excavation. "Excavation" shall mean any operation in which earth, rock, or other material below the surface is moved or otherwise displaced, by hand or by means of power tools, power equipment, or explosives, and including grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe driving, except tilling of soil and gardening or displacement of earth, rock, or other material for agricultural purposes.

3. Installation. "Installation" shall mean any pipe, equipment, vault, entrance, coal hole or other receptacle for goods, or other structure placed in a street.

4. Permittee. "Permittee" shall mean a person authorized to conduct an excavation in a street or sidewalk pursuant to Section 15-405.

5. Sidewalk. "Sidewalk" shall mean that portion of a street between the curb lines or, in the absence of curbs, the lateral lines of a roadway, and the adjacent property lines intended or available for the use of pedestrians.

6. Utilities in Good Standing. "Utilities in Good Standing" shall mean a public utility as defined in 35-A M.R.S. § 102, as amended, that is not – either at the time of application or anytime within the past year – in violation of any provision of this Chapter.

#### **Sec. 15-403 Administration**

The Public Services Director (the "Director"), under the supervision of the City Manager, shall be responsible for administering the provisions of this Article, and for securing compliance with the City's street opening, excavation, connection, and restoration requirements.

Where the owner or operator of land retains a contractor to perform work regulated under this Article, such owner or operator and the contractor shall be jointly and severally responsible for complying with this Article; provided, however, that only one permit shall be granted and one performance guarantee required for each excavation.

#### **Sec. 15-404 Street Paving; Notice; Moratorium**

1. Notice of Street Paving. Prior to paving or substantially repairing any City street, or of any state or state-aid highway within the Urban Compact area, the Director shall duly serve upon owners of property abutting on such street and upon all persons occupying such street, including public utilities that may have utility facilities in the street, directing such owners and persons to make sewer, water, and conduit connections or other work as may be designated by the Director or planned or reasonably foreseeable by the owner, within 60 days from the date of the notice. The Director shall maintain a current list of newly constructed, reconstructed, and repaved streets, and portions thereof, and make such list available to the public upon request at both the City Clerk's office and the Department of Public Services, and on the City's website.

2. Moratorium On Street Openings. At the expiration of the time fixed pursuant to the preceding paragraph and after the street has been paved or repaired, no permit may be granted to

open that street for a period of 5 years, except as otherwise provided herein.

3. Exceptions. Notwithstanding the foregoing, the Director may issue a street opening permit to open a street within 5 years after that street was paved or substantially repaired if the Director requires such Permittee to either:

A. Utilize trenchless construction techniques that obviate the need for disturbing the paved surface, or

B. Upon disturbing the paved surface, to relay the full width of the road surface on both sides of the cut for a distance of at least 20 feet from the furthest outside edges of the cut. If that repair overlaps the edge of a repair from a previous opening, the Director may require the Permittee to relay the full width of the road to the furthest edge of that previous repair. The Director shall prescribe the depth and method of restoring the pavement based upon the class of the street, except that in no case may the depth of the restored pavement be less than 3 ½ inches.

**State Law Reference: 23 M.R.S. §§ 3351-3352.**

### **Sec. 15-405 Street Opening Permit**

1. Permit Required. No person may excavate, place any installation within, or fill an excavation in any street or sidewalk without having first obtained a Street Opening Permit therefor from the Director or his designee. The Director is permitted to apply reasonable conditions to any permit to mitigate the unique circumstances of an application, as long as it doesn't have the effect of reducing the effect of the ordinance or limiting the adopted standards. The Director shall not issue such Street Opening Permit except upon receipt of:

A. A completed application therefor, on a form prepared and provided by or on behalf of the Director;

B. The permit or other applicable fee(s) established by Order of the City Council;

C. A certificate of Public Liability Insurance evidencing liability coverage in conformance with Sec. 15-406(1); and

D. The performance guarantee required under Sec. 15-406(2).

2. Exceptions. No street opening permit shall be required for:

A. Curb cuts for which a curb cut permit is granted pursuant to Chapter 19, Article III, Section 19-307(9);

B. Driveways for which a driveway permit is granted pursuant to Chapter 19, Article III, Section 19-307(9), where the work does not include the placement of a culvert or other subsurface disturbance that, in the discretion of the Code Enforcement Officer, may affect the stability of the right of way.

3. Permit Application. The written application for Street Opening Permit shall provide

the following information:

- A. Name, physical, postal, and e-mail or other internet address, and phone number of the applicant and applicant's contractor, if any;
- B. Name(s), address(es), and license number and issuing state of the project manager and/or foreman for the excavation, and of every person who may operate excavating equipment in conducting the excavation, backfilling, compaction, and/or site restoration, and a statement as to whether each such manager, foreman, or operator has been denied an excavator license by any governmental entity or caused any damage to property or person while operating equipment at a worksite in the preceding 5 years. The Director may establish conditions to the permit that require that excavation work be performed, or not performed, by specified personnel.
- C. Purpose(s) for which the permit is sought;
- D. Street address and the type(s) and nature of the occupancy of building(s) to be served by the proposed excavation;
- E. Start date for the proposed excavation and the estimated time needed to complete the excavation;
- F. Detailed narrative description of the proposed excavation, including its purpose, the total area of street and/or sidewalk to be disturbed, volume of excavated material, trench width and length, and purpose and type of utility connections to be made in the excavated area;
- G. Diagram of the proposed excavation showing the location of proposed utility installations / connections, and the size of street or sidewalk excavation;
- H. Accurate estimate of the total cost for the excavation, including inspections, testing, and repaving;
- I. Evidence of Applicant's notification of, and where applicable permission from, the owner or operator of underground facilities in the proposed excavation area. Evidence of notification may be satisfied by providing the Applicant's Dig-Safe number;
- J. Signature of the City Engineer, when determined by the City Manager;
- K. Signature of Police Chief when the flow of traffic will be restricted or detoured;
- L. Signature of the City Clerk demonstrating that Applicant is current on all financial obligations to the City; and
- M. Signature of the Applicant. Applicant's signature shall be deemed to be Applicant's acknowledgement of, and agreement to comply with, the requirements of this Article. Applicant and, when different, the owner of the property to be served or benefitted by the street opening shall be jointly and severally responsible for compliance with this Article.

The Director shall grant, grant with conditions, or deny each application for a street opening permit within five (5) working days of submission of a complete application. All such permits shall be subject to the conditions stated therein, and to the requirements set forth in this Article, including those in Sec. 15-407 – General Requirements.

4. Permit Fee. Except as otherwise provided herein, each applicant shall pay to the City a

permit fee in an amount reasonably calculated to reimburse the City for the direct cost(s) in labor and equipment typically expended by the City in administering permits issued pursuant to this Article.

The Director shall waive payment of all but \$50 of the permit fee for driveway repairs and repaving for which a driveway permit has been issued and that also require a street opening permit.

The Director shall waive payment of all the permit fees for excavations to be performed by or on behalf of the City or MaineDOT.

The City Manager may waive payment of the permit fee in the event s/he determines that special conditions exist relating to the protection of public health, safety, and welfare, and/or significant financial hardship to a home owner that, in the absence of such waiver, would delay or make impossible needed repairs of such owner's residence or utility facilities serving the residence.

Utilities in good standing may opt to be billed for permit fees, so long as such utility remains current on the resulting permit fee invoices.

5. Permit Valid for 30 Days. Excavation work must be started no later than thirty (30) days from the date of issuance of the Street Opening Permit. At the expiration of this thirty (30) day period, such permit shall become null and void and must be renewed before any work may begin. The permit fee must be paid for each issuance and renewal.

6. Winter Moratorium; Emergency Excavations. Except in the event of an emergency, the Director may not issue a permit for, and no person may commence, an excavation in a City street, sidewalk, or other public place between December 1 in any one year and March 15 in the following year.

7. Emergency Action. Nothing in this Article shall be construed to prevent the making of such excavations as may be deemed necessary for the preservation of life or property, or for the identification of blockages, leaks, or other failures, and the repair thereof, of gas, water, or other utility facilities in the street; provided, however, that the person making such excavation shall apply to the City for a permit therefor on the first municipal working day after such work is commenced. Before any emergency excavation is commenced, the responsible party must take all reasonable steps to notify Dig-Safe pursuant to 23 M.R.S. § 3360-A, and to ascertain the location of underground utility facilities that may be affected by the excavation. In no event may blasting be conducted in an unpermitted emergency excavation.

8. City of Rockland. No permit shall be required for an excavation to be performed by or on behalf of the City of Rockland, provided that the Director first issues a work order that sets forth the pertinent information otherwise required under paragraph (2) of this section. In the event of an emergency excavation by or on behalf of the City, the Director shall be notified and shall issue such work order documenting the emergency and the work as soon as practicable.

**Sec. 15-406 Liability Insurance; Performance Guarantee; Non-Waiver of Immunity**

1. Liability Insurance. All applicants for street opening permits shall provide with their applications a certificate of liability insurance naming the City as an additional insured for liability arising from the Permittee's excavation, in coverage amounts acceptable to the City Attorney.

2. Performance Guarantee.

A. Form. All applicants for a street opening permit, other than utilities in good standing, shall provide a performance bond or other bond, letter of credit, cash security deposit, or other guaranty of a type and in a form acceptable to the City to guarantee Permittee's performance in properly excavating, connecting to utilities, and restoring the excavated area (the "Performance Guarantee") in conformance with the applicable standards, rules, and regulations. In the event the Director determines that there has been a partial or complete failure of the trench or other portion of a right of way as a result of the street opening within two years of the Permittee's final completion of the street excavation and restoration, such failure shall be deemed to be the result of Permittee's failure to perform the excavation or restoration in conformance with the applicable standards, rules, and regulations.

Regardless of any other terms and conditions of said bond or other instrument, payment thereunder by said surety, guarantor, or other issuer to the City must be due immediately on demand upon Applicant's failure to restore the condition of the excavated way, sidewalk, or other public property to the satisfaction of the Director.

Letters of credit or other performance guarantees provided for permits issued prior to the effective date of this ordinance shall be retained and must remain valid for the entire term for which they were accepted by the City.

B. Exceptions.

(1) City Contract. No street opening permit shall be required of persons who are under contract with the City to perform the excavation if such persons provide a performance bond or other guarantee in an amount equal to or greater than that otherwise required hereunder.

(2) Waiver by City Manager. The City Manager may, upon written request by an Applicant, waive the requirement for a performance guarantee if the City Manager finds that the Applicant has insufficient financial resources to provide the guarantee and that the proposed excavation does not pose a significant risk of impairment to a street, sidewalk, or other City or utility infrastructure.

C. Amount. Licensed excavators or their employers may annually post a Performance Guarantee in the amount of \$25,000 to guarantee their performance under street opening permits for that calendar year. Alternatively, Permittees shall provide the City with a Performance Guarantee for each permitted excavation in the amount of the product of two times the project estimate stated in the application and accepted by the Director (Estimate x 2 = Performance Guarantee Amount). Bonds and other non-cash performance guarantees shall be in a form and issued by a surety, guarantor, or other issuer acceptable to the City, in its sole discretion, and shall remain effective and subject to negotiation and collection by the City for at least two years

from the date of completion of the excavation and street restoration. Cash security deposits made in lieu of providing a bond or similar instrument of performance guarantee shall be refunded upon approved completion of all conditions and requirements of the permit, this Article, and applicable rules and regulations.

#### D. Corrective Actions; Payment.

The Director shall serve written notice upon any person or utility that fails to comply with or that violates any provision of this Article (a "Violator"), stating the nature of the failure or violation and providing a reasonable, specific time limit for the Violator to perform corrective actions; provided, however, that where such failure or violation may trigger tort or other liability for a street defect, the corrective action shall be commenced within 24 hours of the Director's notice. If the Violator fails to perform the corrective action within the specified time period, the City shall cause the necessary repairs, keeping an account of the expense thereof. Upon the completion of the corrective action by or on behalf of the City, the Director shall cause an invoice to be served upon the Violator for payment, in the amount of 200% of the whole of the expense incurred by the City, which invoice shall be due and payable immediately upon receipt. The Director shall issue no additional street opening permits to the Violator until such invoice is paid in full. Upon the Violator's failure to perform the corrective action or to pay the City's invoice therefor, the City shall reimburse itself from the Permittee's performance guarantee in an amount equal to 200% of the whole of the expense incurred by the City.

3. Non-Waiver. This Article shall not be construed as imposing upon the City or any official or employee of the City any liability or responsibility for damages to any person injured by the performance of excavation work for which an excavation permit is required under this Article, nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this Article shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the City for highway or other purposes.

### **Sec. 15-407 General Requirements**

1. Excavation Standards. All street excavations and restorations and other work that cause a disturbance of any street must be conducted in compliance with applicable statutes, ordinances, technical standards, and rules and regulations relating to opening, excavating, working in, and occupying a street or other public way, including the Excavation Standards set forth in Section 15-409, Special Conditions set forth in Section 15-410, and the City's Technical Standards Manual adopted pursuant to Chapter 2, Article XIV, Section 2-1402.

2. Non-Interference. Contractors shall not interfere with any existing facility, structure or substructure without the written consent of the City or owner of the facility, structure or substructure. Contractors will assume all liability for all damaged facilities, structures or substructures regardless of ownership, and for any damage or injury sustained as a result of such facility, structure or substructure damage. All excavations shall be conducted so as not to interfere

with access to fire hydrants, fire escapes, fire stations, police stations, underground vaults, and all other vital equipment identified by the City and/or Dig-Safe.

3. Inconvenience Minimized. Work shall be carried out in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and abutting property owners to the greatest extent possible; excavation work, noise, dust and unsightly debris shall be minimized. The work area must be cleaned up and all debris removed when construction is completed.

4. Blasting. If blasting is required as part of a project, the Contractor shall conduct a survey, prior to blasting, of the condition of all foundations and other structures and facilities standing at such distance from the proposed blast that they may, in the judgment of the Contractor, be affected by the blast. All property owners and lessees, if any, of buildings, structures and facilities within five hundred (500) feet of the site of the blast, or within the area likely to be affected, whichever is greater, shall be given adequate notice of the planned blasting by the Contractor as soon as possible after the need to blast becomes obvious. In addition, the Contractor shall cause "doorknob-hanger" notices of the blasting to be hand-distributed to these properties between 48 hours and 24 hours before the blasting is scheduled. Eff: 10/13/93

4. Seasonal Night Work. Excavations in Routes 1, 1A, 17, and 73 between June 1 and September 30, except in emergencies or with the prior consent of the Director, shall be performed after 6:00 PM and prior to 7:00 AM.

5. Monuments. Monuments designating property, street lines, or permanent survey markers shall not be disturbed, removed, or concealed without the prior, written consent of the Director, in which instance the Director shall direct the replacement or restoration of the monument by the Permittee or Contractor.

6. Manholes and/or Catch Basins. No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the City without first receiving written permission from the City. Any manhole and/or catch basin castings, frames, and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the Contractor in accordance with the specifications set forth by the Public Services Department.

7 Sewers, Sewer Connections. No person may uncover, make any connection with or opening into, use, alter, or disturb any public sanitary or storm sewer without first obtaining a written permit therefor from the Water Pollution Control Director pursuant to Chapter 20, Article III, Section 20-304, and paying all applicable sewer connection or other fees and charges.

8. Prompt Completion of Work. After an excavation is commenced, the Contractor shall proceed with diligence and expedite all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified in this Article. The Contractor shall daily perform such restoration work as may be reasonably necessary so as not to obstruct, impede, or create a hazard to public travel by foot or vehicle. If the City determines that the safety of the public is not being protected, then the City may intervene and perform corrective actions after providing 24 hours' notice to the Permittee or Contractor. If the work is not done in accordance with the time frame outlined in the permit application, then the permit must be renewed

or the City will consider the work incomplete and will take action accordingly.

9. Record of Installation. Drawings denoting installation of utility lines or service lines within the right-of-way of streets shall be filed with the Director of Public Works within sixty (60) days of completion of construction.

10. Unauthorized Excavations. Any person conducting an excavation in a street or sidewalk who is not authorized to do so under this Article is not excused from compliance with these general requirements, and a violation of the same shall be subject to penalties and/or fines in the amount of three times the applicable penalties and/or fines applicable to violations committed in conducting permitted excavations, in addition to and not as a substitute for any penalties, fines, and remedies imposed on the violator for conducting an unauthorized excavation.

### **Sec. 15-408 Protective Measures and Routing of Traffic**

1. Safe Crossings. Contractors shall, in general, maintain safe crossing for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossing for pedestrians. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material, without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.

2. Barriers and Warning Devices. It shall be the duty of every Contractor cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices, and to post flaggers to guide traffic, as may be necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian, and bicycle traffic shall be subject to final review and approval of the Police Department. Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset on each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace, light sources.

3. Normalization of Traffic Conditions. Contractors shall take appropriate measures to assure that, during the performance of the excavation work traffic conditions shall minimize inconvenience to the occupants of the adjoining property and to the general public.

4. Closing of Streets. When traffic conditions permit, the City may authorize the closing of streets to all traffic for a stated period of time. In an emergency, a street can be temporarily closed to prevent danger to the public. In such cases, a utility company or contractor responding to the emergency shall contact the Police and Fire Departments by phone before closing a street to traffic.

Closing of streets to all traffic for a limited period of time may also be approved by the Director of Public Services in conjunction with the City Manager, should an unforeseen risk to public safety arise during the completion of a non-emergency project.

5. Interference With Arterial Streets. Unless an emergency exists, construction activities shall not interfere with the normal flow of traffic on arterial streets of the City. The full inbound roadway lane width shall be maintained between the hours of 6:45 A.M. and 8:30 A.M. and the full outbound lane width shall be maintained between the hours of 4:00 P.M. and 5:45 P.M.

6. Shifting Traffic To Opposite Side. Contractors may shift traffic to the opposite side of the roadway to maintain required lane width. The Contractor may only make such shift with the approval of the Police Department following the proper review of detour plans to ensure adequate safe two-way traffic flow and proper number and placement of Police Officers or traffic safety flag persons.

### **Sec. 15-409 Excavation Standards**

1. Clearance for Vital Structures. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops, and all other vital equipment as designated by the City.

#### 2. Breaking Through Pavement in Streets and Sidewalks.

- a. All excavations on paved surfaces shall be precut in a neat straight line with pavement breakers, saws, or asphalt cutters.
- b. Heavy duty pavement breakers may be prohibited by the City when the use endangers existing substructures or other property.
- c. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- d. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.
- e. When three (3) or more street openings are made in sequence fifteen (15) feet or less, center to center (between each adjacent opening), the CONTRACTOR shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.
- f. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.
- g. When an opening is made in a street, where the surface is Portland Cement Concrete, the concrete shall be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing shall be furnished to provide the equivalent of one-half (1/2) inch steel rods on twelve (12) inch centers both ways, top and bottom in the new concrete patch. The thickness of the concrete in the new patch shall be at least four (4) inches thicker than the existing concrete and the top surface shall be finished to conform to the surface of the old concrete.
- h. When an opening is made in a street where the surface is bituminous concrete, the edges of the pavement shall be cut back an additional eight (8) inches beyond the edges of the patch before the new and permanent surface is replaced.

3. Trenches. Contractors shall minimize the lengths of open, excavated trenches, to better protect public safety and minimize the impact of the excavation on vehicular and pedestrian

circulation and access to adjacent properties. The maximum length of open trenches parallel to the travel lanes in a street shall be two hundred (200) feet, except on Routes 1, 1A, 17, and 73, where parallel trenches may not exceed one hundred (100) feet in length without the Director's prior consent. Open trenches that are not parallel with the travel lanes may not exceed the bounds of one travel lane. No greater length shall be opened at any one time for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the City. Trench sides shall be shored so as to prevent the undermining of undisturbed pavement. Contractors shall meet all applicable OSHA Safety Requirements.

#### 4. Care of Excavated Material.

a. All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Materials that are not suitable under this Ordinance or other applicable regulations for reuse for backfilling shall, as soon as practicable, be removed from the site by the City for reuse by the City or, with the Director's prior approval, removed for other reuse or disposed by the Contractor. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, boards or bins may be required by the City to prevent the spread of dirt into the traffic lanes.

b. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the City shall have the authority to require that the Contractor haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the Contractor's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

5. Backfilling of Excavation. Backfilling shall conform with the specifications therefor in the Technical Standards Manual or, in the absence of the same, with regulations adopted by the Water Pollution Control Director for sewer connections, as may be from time to time amended. The Contractor shall conduct compaction testing of the backfill for conformance with such specifications. The City may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill has been compacted to 95% of its maximum density as determined by the modified Proctor test. All expense of such tests shall be borne by the Contractor. Authorization to resurface does not release the contractor from being responsible for the future condition of the excavated area as required by this Ordinance.

#### 6. Resurfacing of Streets and Sidewalks

A. The Contractor may backfill the excavation from the bottom of the adjacent pavement to the surface of the pavement with base aggregate meeting the Maine Department of Transportation Specification 703.06(a) for Type B or C base. The Contractor shall maintain this temporary surface level with the surface of surrounding pavement for at least two (2) weeks but no longer than thirty (30) days. The backfill shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The Contractor shall maintain the temporary backfill and shall keep same

safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, except if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and vehicular traffic, then the Contractor shall maintain barriers and lights where required herein.

B. No later than thirty (30) days after the excavation has been backfilled, the Contractor shall install permanent paving equal to or exceeding the character, thickness and quality of the adjoining undisturbed surface. If hot bituminous asphalt is unavailable due to the season, the excavation shall be surfaced with cold bituminous pavement until such time as permanent pavement is available.

Permittees shall, for a period of two (2) years thereafter, be fully liable for all defects in materials, compaction, and workmanship relating to such backfilling and resurfacing, and shall promptly and satisfactorily repair or replace the same upon notice by the Director of Public Services. If the work is not corrected within thirty (30) days of such notice, the City in its sole discretion, may declare the work to be in non-compliance, and Section 15-412(1) will apply.

#### 7. Inspections.

The City shall make such inspections as may reasonably necessary to secure Permittees' and Contractors' compliance with the requirements of this Article. Such inspections may be performed by the Director, his designee, the Water Pollution Control Facility Director or his designee, or other authorized personnel. The Director may order such actions and corrections as may be reasonably necessary to obtain compliance and/or protect the streets and public places in the City, or any underground utility facilities in a street or public place. The decisions and instructions of the Director with respect to any matter relating to a Permittee or its Contractor's performance and compliance shall be final and binding upon such Permittee and its Contractor, until and unless appealed to a court of competent jurisdiction and therein stayed or overturned.

#### Sec. 15-410 Special Conditions

1. Where three (3) or more street openings are made in sequence fifteen (15) feet or less, center-to-center, between each adjacent opening, the estimated cost for such excavations shall be calculated on the basis of one opening measured from the outer perimeter of the first opening to the outer perimeter of the last opening.

2. The City, when the Director deems it to be reasonably necessary, shall retain, at the Permittee's expense, an on-site inspector to inspect, monitor, and/or supervise all excavation, backfilling, resurfacing, and/or other temporary or permanent repairs. The Permittee shall be charged at the appropriate hourly rate of the inspector, plus thirty-five (35%) overhead for the services of such inspector.

3. If the Director, in its sole discretion, determines that settlement, heaving, or other failure or defect of the backfilled excavation has occurred during the two (2) years immediately following the final surfacing of such excavation, the Permittee may, at its option, either repair the opening or remit to the City a sum equal to 200% of the cost to repair the excavation. Permits

issued prior to the effective date of the initial adoption of this performance guarantee requirement shall remain subject to the prior, three-year contractor liability for the condition of the opened street or sidewalk.

If a Permittee does not remit payment on any invoice for repairs to defective excavations by or on behalf of the City within thirty (30) days of the date of such invoice, the City may decline to issue further permits to the Permittee or its Contractor until it receives payment of such outstanding bill and may take other appropriate legal action.

## **Sec. 15-412 Fees, Penalties and Enforcement**

1. Violations. The Owner and Contractor shall each be in violation of this Article if a street opening is commenced without a permit therefor, or if work relating to a permitted street opening, excavation, installation, connection, backfilling, street repair, or any other work or thing authorized or required thereunder is not in conformance with such permit, applicable law, ordinance, technical standard, or instruction of the Director.

### 2. Notice of Violations; Corrections.

The Director shall provide written notice of all such violations to the responsible party(ies), stating the nature of the violation(s), the corrective action(s) required, and a reasonable time in which to perform such corrective actions. To assure public safety, the Director may provide oral notification and require immediate corrective action to avoid or mitigate a safety hazard.

#### A. Corrective Action By Contractor.

The Permittee shall perform the corrective actions required by and to the satisfaction of the Director, within the period identified in the written or oral notice of violation. Permittee's failure so to do shall constitute a separate violation for each day Permittee remains out of compliance with such notice.

#### B. Corrective Action By the City.

Upon Permittee's failure to perform corrective measures required by and to the satisfaction of the Director, the City may perform or cause to be performed the corrective measures, at Permittee's expense, in which event the Permittee shall be required to pay to the City an amount equal to one and one half times the whole of the expense incurred by the City. When the work is completed and the costs have been determined, the City shall issue no further permits to that Permittee until it has received full payment of the amount thus assessed to Permittee. Notwithstanding the City's performance of any work reasonably required to abate a violation of this Article, the Contractor shall remain fully responsible for performing the work in accordance with this Article and the Contractor's permit, and shall be subject to any applicable fine, penalty, or other remedy in addition to the payment imposed pursuant to this paragraph.

### 3. Fines and Penalties.

Irrespective of the Owner, Contractor, or City's correction of any violation, the Owner and Contractor shall be subject to one or more of the following fines and penalties, as may be applicable:

A. Commencing work without a permit (except emergencies):

\$500 per day until permit issued or opening repaired;

B. Violation of any General Requirement (Sec. 15-407), Excavation Standard (Sec. 15-409), or Technical Standard:

\$100 per day until corrected;

C. Failure to provide protective measure in violation of Sec. 15-408:

\$250 per day;

D. Failure to comply with written or oral notice of violation:

\$500 per day.

The violation of any requirement or standard under this Article shall constitute a separate offense and shall be subject to a separate fine or penalty as set forth herein.

The City Attorney is hereby authorized to commence legal action on behalf of the City in the Maine District Court for the imposition by the Court of such fines and penalties, and any other remedy available at law or in equity, and to enforce and collect the same.

#### 4. Permit Invalidated; Additional Permits Prohibited.

A violation of any provision of this Article, of a permit issued pursuant to this Article, or of a standard or requirement imposed by this Article, if uncorrected by the Contractor as provided under paragraph 2(A) of this section, shall be deemed to invalidate all other permissions previously granted to Contractor, except the requirement that the work be corrected. No street opening permit shall be issued to any such Contractor until the Director is satisfied that the Contractor has abated its violation and fully complied with all the requirements of this Article.

#### Sec. 14-413 Annual Utility Work Plans.

Prior to March 31 of each year, all utilities having existing or proposed underground utility facilities in any street or other public place in the City shall file with the Director such utility's proposed work program for the ensuing construction season. Such annual work plan need not include provisions for emergency excavations or private service line excavations. The City may deny applications for street opening permits for excavations required to be, but not included in such utility's annual work plan.

**State Law Reference:** 14 M.R.S. § 871; 35-A M.R.S. §§ 2301-2522;  
23 M.R.S. §§ 3301 – 3360-A.

**Cross Reference:** Ch. 15, Art. I, §§ 15-118, 15-123, 15-132, 15-133, and 15-145.

Sponsor:  
Originator: City Manager

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #9  
IN CITY COUNCIL

April 11, 2016

**ORDINANCE AMENDMENT Off-Street Parking – Driveways, Curb Cuts & Culverts**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, SECTION 19-307 Off-Street Parking, Design Standards, BE AMENDED AS FOLLOWS:**

**Sec. 19-307 Off-Street Parking**

\* \* \*

**5. Design Standards for Off-Street Parking.**

\* \* \*

**B. Access to Off-Street Parking.**

\* \* \*

(7) Curb and Sidewalk Construction. When driveways are cut into existing curbing and sidewalks, curbing must be cut back at least four (4) feet on each side of the driveway opening. Replacement curbing, in kind, must be re-laid with ends tapered from seven (7) inches high (or from the height of the existing curbing) to no more than one and one half (1½) inches high at the driveway. When driveways are constructed to slope toward the gutter line of the street, the grade shall be no less than ¼ inch per foot and no more than ½ inch per foot across the complete width of the sidewalk. All work shall be done at the expense of the applicant, shall meet the applicable standards in the Technical Standards Manual, and shall be performed to the satisfaction of the Director of Public Works.

(8) Culverts. Whenever the installation of a culvert underneath a new driveway is deemed necessary to maintain street side drainage, the property owner shall obtain a street opening permit from the City pursuant to Chapter 15, Article IV and shall cause the installation of the culvert in conformance therewith. Alternatively, the property owner may petition the City for such an installation and the City may install the same, provided that the property owner, at the property owner's expense, upon the property owner's submittal of the requisite street opening permit fee and performance his own expense, furnish a culvert satisfactory to the City. Such culvert shall thereafter be maintained by the City, except that the failure of the original installation may be charged to such performance guarantee.

\* \* \*

**9. Driveway and Curb Cut Permits.**

- A. Permits. No person, corporation or other legal entity shall construct or maintain a driveway entrance or approach or cut any curb within the right-of-way of any City street within the Urban Compact District without approval of the Planning Board or a written permit from the Code Enforcement Officer. A permit or Planning Board approval shall also be required for any change in location or grade, or any change in degree or kind of use of an existing driveway, entrance or approach. The permit application form, provided by the Code Enforcement Office, shall be completed and submitted for approval along with the appropriate fee listed in Section 11-402, Land Use Fee Schedule. The Director of Public Works and the Chief of Police or their authorized agents shall make recommendations and countersign each permit application. In the event the establishment of the curb cut or driveway is determined, in the sole discretion of the Code Enforcement Officer or Director of Public Services, to require the installation of a culvert or other disturbance that may affect the stability of any sidewalk or paved road, the property owner shall obtain a street opening permit pursuant to Chapter 15, Article IV, and perform the installation and work in conformance with the requirements of that Article and applicable provisions in the Technical Standards Manual.
- B. Review Criteria. The permit-issuing authority shall ensure compliance with the standards in Subsection 19-307.5.B and other applicable standards in Section 19-307 when reviewing applications for new and changed driveways. Safe access with respect to grades, intersections, vehicular and pedestrian traffic volume, schools, housing for the elderly and handicapped, other traffic generators, and any other elements to adequately protect and promote the safety of the traveling public shall be considered. In no case shall reasonable ingress and egress to property abutting a City street be denied.
- C. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than one hundred (\$100) to twenty-five hundred (\$2,500) per day as provided in 30-A, M.R.S. §4452.

Sponsor:

Originator: City Manager

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #10  
IN CITY COUNCIL

April 11, 2016

**ORDINANCE AMENDMENT: Defining, Zoning, and Regulating “Grid-Scale”  
and “Distributed” Power Generation Facilities**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And  
Planning, ARTICLE III, Zoning Ordinance, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words And Phrases Defined**

\* \* \*

**Community-Based Renewable Energy Project.** An electricity generating facility that generates electricity from an eligible renewable resource as defined in 35-A M.R.S. § 3210 at least 51% of which is owned by one or more qualifying local owners.

\* \* \*

**Distributed Power Generation Facility.** Power generation equipment which is designed and will be operated to provide or to offset the base or peak power consumed at the site where the power generation equipment is located, or the base or peak power consumed at other sites either in Rockland or in an adjacent municipality that are under the same or affiliated ownership as the site where the power generation equipment is located.

\* \* \*

**Grid-Scale Power Generation Facility.** Any electrical power generation facility that is designed or will be operated to sell either base load or the peak demand electricity generated under one or more power purchase agreement(s) or other contractual arrangements for consumption by others via the local utility and/or the ISO New England, Inc.-managed transmission and distribution systems, not including a Distributed Power Generation Facility.

\* \* \*

**Quasi-Public Uses.** Those essential public services, such as, but not limited to, water, electricity, telephone, natural gas, and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Board, the Maine Department of Transportation, or Federal Communications Board, except Grid-Scale and Distributed Power Generation Facilities.

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

**17. Industrial Zone "I" Regulations**

**A. Purpose.**

The purpose of the Industrial Zone is to permit a variety of industrial developments that are compatible with other residential and non-residential uses in neighboring areas of the City and to permit more than principal use or structure on any lot in the Industrial Zone, notwithstanding the definition of a lot as set forth in Section 19-302.

**B. Use Regulations.**

In an Industrial Zone "I" no building or land shall be used, and no buildings shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

**(1) Permitted Uses**

- (a) Automobile body shops;
- (b) Banks;
- (c) Community and civic buildings and uses for philanthropic reasons;
- (d) Construction services;
- (e) Distribution businesses;
- (f) Living quarters used by watchmen or custodians for protection within the zone;
- (g) Manufacturing, compounding, processing, packing, treatment, or warehousing of goods and products provided such manufacture, compounding, processing, packing, treatment, or warehousing of goods and products, meet the standards of performance herein stated, except as prohibited by Section 19-304-16(B)(2) and 19-304-17(B)(2) hereof;
- (h) Offices accessory to an allowed industrial use or directly or indirectly connected with the manufacture or marketing of products which are created or traded in the zone;
- (i) Quasi-public uses;
- (j) Restaurants, accessory to and located in a structure housing an allowed use, provided that there shall be no drive-up windows or drive-throughs;
- (k) Restaurant, take out only, provided that there shall be no drive-up windows or drive throughs;
- (l) Research and development facilities;
- (m) Retail trade accessory to an allowed industrial use and restricted to those products

manufactured on-site;

(n) Storage of boats in the traditional "winter cover" manner in ground cradles and structures for the storage of incidentals such as riggings, masts, stays, spars, rope, line and sails;

(o) Storage buildings, compartmentalized with individual cubicles less than four thousand (4,000) cubic feet per cubicle;

(p) Transportation facilities;

(q) Wholesale business, any generally recognized;

(r) Accessory uses; and more than one permitted principal use or structure on any lot in the Industrial Zone, notwithstanding the definition of a lot as set forth in Section 19-302. The provisions of Chapter 19, § 19-308, subparagraph 5B(2) allowing the separate sale of principal structures without each lot conforming to frontage or dimension requirements are not applicable under this subsection.

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is used. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; availability of necessary public services; and compliance with applicable requirements of all City Ordinances, including the Performance Standards of Section 19-316.

(a) Grid-Scale Power Generation Facilities, fueled other than by uranium, enriched uranium, plutonium, solid waste, construction and demolition debris, or treated or engineered wood products, and having a setback of at least 200 feet from any property line shared with a lot on which a residential or mixed-use structure is located.

~~(32)~~ Prohibited Uses.

The following uses shall be prohibited:

(a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, be reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) Any use prohibited in Section 19-304-16-B-(2).

\* \* \*

**Sec. 19-309 Special Use Classes~~Exceptions and Exemptions.~~**

1. Special Classes. No building may be erected, altered, or used, and no land may be used, for any of the following special use classes in the Residential A and AA zones. In other zones, the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located within 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.

- A. Cemetery;
- B. Municipal use (not otherwise provided for);
- C. Public utility use (other than as provided by Section 19-304(3)(B));
- D. Stables, public; saddle horses for hire;
- E. Transformer stations;
- F. Wind power generation equipment;
- G. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.
- H. Distributed Power Generation Facilities having a capacity to generate electricity at the rate of 500 or more kilowatts AC. Distributed Power Generation Facilities having a capacity of less than 500 kilowatts also may be sited in any zone other than the Residential A or AA zones, but shall not require Planning Board approval. No Distributed Power Generation Facility may be fueled by uranium, enriched uranium, plutonium, solid waste, construction and demolition debris, or treated or engineered wood products. When sited in a residential, rural residential, or transitional business zone or in the Downtown Zone, a Distributed Power Generation Facility that is not a Community-Based Renewable Energy Project must be located either on the same lot as the use to be served by the electricity and/or thermal energy supplied by the Facility, or on an adjacent lot.

\* \* \*

**Sec. 19-316 Performance Standards**

**A. Dust, Fumes, Vapor, and Gases.**

(1) General Provisions. Emission of dust, fly ash, fumes, vapors, smoke, or other particulate matter or gases and chemicals which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

(2) Air Pollution From Power Generation Facilities. The Planning Board or other applicable permitting authority shall condition the establishment of any new power generation facility that requires either a state or federal air emissions license or permit upon (A) the applicant's receipt of such license(s) or permit(s), and (B) the applicant's demonstration that the facility shall comply with the applicable emissions limitation:

- (i) A Distributed Power Generation Facility or system that will serve one or more existing commercial, industrial, institutional, municipal, and/or residential facilities shall demonstrate no net increase in the discharge of regulated air pollutants as compared to the annual emissions currently generated to provide electricity and thermal energy for the facility or facilities to be served by the Distributed Power Generation Facility or system, whether such electricity and thermal energy is currently generated on-site or purchased over the grid;
- (ii) Distributed Power Generation Facilities serving one or more new or substantially expanded commercial, industrial, institutional, municipal, and/or residential facilities: a net reduction of total point source discharges of regulated air pollutants by at least 10% of the air pollutants that would be discharged to provide such facility(ies) with electricity from the grid and on-site thermal energy in the absence of the Distributed Power Generation Facility;
- (iii) Grid-Scale Power Generation Facilities: a net reduction of total point source discharges of regulated air pollutants shall be achieved. The excess thermal energy produced in the power generation process must be utilized to replace the thermal energy currently being produced at existing commercial, industrial, institutional, municipal and/or residential facilities in Rockland. The total air emissions from the grid scale power generation facility must be 25% less than the total current permitted or modeled emissions for the facilities to which the grid scale power generation facility would provide thermal energy. If this provision cannot be directly met by utilization of the excess thermal energy, the developer of the grid-scale power generation facility can meet this provision by funding energy efficiency upgrades at buildings and commercial facilities in Rockland that would provide sufficient additional reductions to meet this requirement. Emissions reductions under this provision must be contractual.

For the purposes of measuring emissions for compliance with this subparagraph 2,

emissions shall be calculated and modeled as the sum of all annual emissions for all regulated parameters currently emitted by existing sources as described above, compared to the sum of the annual emissions projected for the proposed power generation system or facility. Emissions calculations for power purchased over the grid shall be based on the current emissions profile for Standard Offer power, as approved by the Maine Public Utilities Commission and in effect at the time the application is found to be complete.

Values for NO<sub>x</sub>, SO<sub>x</sub>, CO, CO<sub>2</sub>, and PM and any other air emissions parameters regulated in air emissions licenses for the existing facility(ies) being offset, or of the proposed new power generation system or facility, shall be included in the analysis. The applicant shall submit data for three years under existing conditions, and the municipal review authority may designate the reference year for permitting purposes. Where air emissions data is not available for existing systems either of two methodologies may be used separately or in combination to model existing emissions. One option is to model emissions based on fuel consumption and characteristics (higher heating values (“HHV”), ash content, etc.) data acceptable to the Planning Board, assuming a system efficiency of not less than 80% for the existing system. The second option is to use EPA-accepted benchmark and reference values for the types of air emissions sources modeled. The applicant shall submit existing conditions and post-construction models to the local permitting authority.

The Code Enforcement Officer shall conduct periodic inspections after issuing a certificate of occupancy or otherwise require the facility’s operator to demonstrate that the applicable air pollutants discharge limitation is achieved and maintained, and may revoke said certificate of occupancy following notice and the operator’s failure to cure and/or seek the imposition of penalties and other remedies available under applicable law. The facility’s operator shall, within three days, report to the Code Enforcement Officer the occurrence of any air emissions license exceedance, and of any notice of violation issued regarding the operation of the Grid-Scale Power Generation Facility.

(3) Cooling Process Water Vapor. The Planning Board or other applicable permitting authority shall condition the site plan approval and/or building permit, as may be applicable, for the operation of any cooling tower or other mechanism utilized to cool water utilized in any power generation or other production facility by exposing such water to the ambient air or by another open cooling process that causes the emission of water vapor upon the applicant’s demonstration that:

- (a) Such cooling process employs best-available control technologies to eliminate or reduce such water vapor emissions. Such technologies must, at a minimum, preclude the emission of water vapor and precipitation beyond the facility’s boundary line in a manner or amount that constitutes a public or private nuisance;
- (b) The cooling tower is equipped with efficient drift eliminators that achieve drift reduction to a maximum of 0.002% of the recirculated water volume for counterflow towers and 0.005% of the recirculated water flow for cross-flow towers;
- (c) The cooling tower is equipped with conductivity probe(s) to automatically determine

the blow-down frequency, and flow meter to measure and totalize flow;

- (d) The cooling tower shall contain a side stream filtration system or other technologies to remove solids while minimizing tower water loss;
- (e) The cooling tower shall incorporate biological and pH control measures that automatically treat the tower water when the tower is in operation;
- (f) The facility has adopted an inspection and maintenance program for the cooling process facility, including periodic disinfection of areas where pooling may occur; and
- (g) Open-system cooling towers having a capacity of under 500 tons shall be set back at least 75 feet from the property line; cooling towers having a capacity of 500 or more tons shall be set back 200 feet from the property line;

Applicant shall submit with its application a dispersion model of the anticipated water vapor plume.

(4) Fugitive Emissions; Gas Piping Safety. The Planning Board or other applicable permitting authority shall require the applicant for site plan approval and/or building permit, as may be applicable, for a power generation facility that is proposed to be fueled by natural gas, propane, or other gaseous fuel source, to demonstrate that the facility has made provisions for minimizing, to the greatest extent that is reasonably practicable, the risk that any structure, infrastructure, storage tank, equipment, or process at the facility will leak, emit, discharge, or otherwise allow to escape any natural gas, propane, or other gaseous fuel into the air, whether internally or externally to the facility. Such facility shall comply with the following codes and standards in effect as of April 11, 2016, or as thereafter amended:

- (a) National Fire Protection Association (“NFPA”) 54 (National Fuel Gas Code);
- (b) NFPA 52 (Vehicular Gaseous Fuel Systems Code);
- (c) NFPA 56 (Standard for Fire and Explosion Prevention);
- (d) NFPA 56PS (Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Piping Systems);;
- (e) NFPA 85 (Boiler and Combustion Systems Hazards Code);
- (f) NFPA 86 (Standards for Ovens and Furnaces)
- (g) American National Standards Institute (“ANSI”) Z223.1 (National Fuel Gas Code);
- (h) ANSI 380.1 (Guide for Gas Transmission and Distribution Piping Systems);
- (i) Advanced Systems Management Interface (“AMSE”) B31.3 (Process Piping Standards);
- (j) ASME B31.8 (Gas Transmission and Distribution Piping Systems Code);

- (k) Title 32, Maine Revised Statutes ("M.R.S.") Ch. 130 (Propane and Natural Gas Act);
- (l) 32 M.R.S. Ch. 139 (Maine Fuel Board);
- (m) 02-658 Code of Maine Regulations (Maine Fuel Board Rules);
- (n) 35-A M.R.S. Ch. 45 (Natural Gas Pipeline Utilities); and
- (o) 35-A M.R.S. Ch. 47 (Gas Utilities).

The facility's operator shall hire a Professional Engineer to inspect and approve the contractors installation and ensure code compliance. Fuel gas supply systems shall be monitored with combustible gas monitors with remoting alarming back to the facility. The combustible gas monitors must be inspected and tested on a monthly basis as part of a preventive maintenance schedule and program.

The facility operator shall strictly adhere to the above codes and standards pertaining to operations, maintenance, and testing on an annual basis. Such maintenance procedures, inspections, and testing shall be properly documented with formal procedures, test sheets with sign-offs, and inspections by the local authority. The annual testing shall include the following tests at a minimum:

- (i) Verification of the operation of the combustible gas monitoring system;
- (ii) Pressure-testing of all natural gas or propane supply piping downstream of the gas utility demarcation point to the facility. Pressure tests shall comply with NFPA 54 or 56, based on system pressure. The pressure test shall be witnessed by the local authority and signed off. The test report shall be submitted to the City within 5 days of completing the test.

The Code Enforcement Officer and/or the Fire Chief or his designee shall conduct periodic inspections after issuing a certificate of occupancy or otherwise require the facility's operator to demonstrate that the applicable gas piping safety provisions are complied with, and may revoke said certificate of occupancy following notice and the operator's failure to cure and/or seek the imposition of penalties and other remedies available under applicable law. The facility's operator shall, within three days, report to the Code Enforcement Officer any fugitive emissions discharge.

## **B. Odors.**

A. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground level of habitable elevation. For purposes of this section, an "offensive odor" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of the Odor Committee per the Rockland City Code, Chapter 10, Article III.

B. Any proposed use which may emit odoriferous substances must include detailed plans to mitigate such to the Planning Board before the appropriate permit is granted

### C. Lighting.

Statement of Purpose: Ensure appropriate outdoor lighting by addressing the issues of safety, efficiency, the environment and aesthetics.

(1) Definitions: For the purposes of this Section, terms used shall be defined as follows:

- (a) Authority having jurisdiction – The Planning Board or Code Enforcement Officer.
- (b) Direct Light – Light emitted directly from the lamp, off the reflector or reflector diffuser, through the refractor or diffuser lens, or from a luminaire.
- (c) Fixture – The assembly that houses the lamp(s), including but not limited to housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and/or a refractor or lens.
- (d) Flood or Spot Luminaire – Any luminaire that incorporates a reflector or a refractor to concentrate the light output into a directed beam.
- (e) Indirect Lighting – Direct light that has been reflected or scattered off other surfaces.
- (f) Luminaire Height – The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
- (g) Lamp – The component of a luminaire that produces light.
- (h) Lumen – A unit of luminous flux. One foot-candle is equal to one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.
- (i) Luminaire – A complete lighting system, including lamp(s) and/or fixture(s).
- (j) Outdoor Lighting – Nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- (k) Temporary Outdoor Lighting – Outdoor lighting in place for less than fourteen (14) days, with at least eighty (80) days passing before being used again.

(2) Regulations: Unless determined to be a safety hazard or in violation of any state or federal law, all outdoor lighting installed in the City of Rockland shall comply with this section, except for the following: lighting installed and maintained for public safety by Municipal, State or Federal government; approved signs; external illumination of flags; approved lighting for athletic fields; temporary outdoor lighting; holiday lighting; luminaires with a lamp or lamps rated at a total of 2,000 lumens or less.

- (a) No luminaire shall produce a stray, dazzling light or reflection onto neighboring

residential properties, or onto any public road so as to impair the vision of any driver.

- (b) Luminaires shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent buildings. No luminaire shall emit any direct light above a its horizontal plane. The Planning Board may grant exceptions for lights that are aesthetically consistent with decorative streetlights and located on parcels adjacent to such streetlights.
- (c) No flood or spot luminaire of any lumen output rating shall be aimed, directed or focused toward any adjacent or nearby residential parcel.
- (d) Rather than leaving security lights on, the use of motion sensors is encouraged.
- (e) Direct or indirect illumination shall not exceed one-half (1/2) foot-candles upon abutting residential properties.
- (f) Unless otherwise approved by the authority having jurisdiction, luminaire height, including the base, shall not exceed twenty-five (25) feet in non-residential areas and fourteen (14) feet when adjacent to residential zones or neighborhoods. Exceptions may be granted only when it can be demonstrated that the intent of this section will still be substantially met.

(3) Existing Non-Conforming Luminaires:

- (a) The continued use of non-conforming luminaires legally existing as of the effective date of this section shall be permitted unless determined to be a safety hazard or in violation of any State or Federal laws.
- (b) Non-conforming luminaires replaced or moved after the effective date of this section shall comply with the provisions of this section. Eff: 8/9/06

**D. Noise and Vibration.**

(1) Excessive noise and/or vibration at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.

(2) No use in any zone may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at the lot line of the complainant.

(3) The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by an activity shall be as established by the time period and type of zone listed below for all uses except Grid-Scale Power Generation Facilities:

<b>Zone</b>	<b>7 a.m. - 9 p.m.</b>	<b>9 p.m. – 7 a.m.</b>
Industrial, Business Park and WF1 thru WF5	<u>75</u> <del>85</del> <u>dBA</u> <del>decibels</del>	60 <u>dBA</u> <del>decibels</del>

Rural Residential 1 and 2, Commercial 1, Commercial 2,  
Commercial 3, Plaza Commercial, Downtown 75 dBAdecibels 55 dBAdecibels

Transitional Business 1, Transitional Business 2 65 dBAdecibels 50 dBAdecibels

Transitional Business 3, Transitional Business 4,  
Neighborhood Commercial, Resort, Residential AA,  
A, and B Zones 55 dBAdecibels 45 dBAdecibels

Noise from Grid-Scale Power Generation Facilities shall be measured utilizing the Octave Band Center Frequency of Measurement, as follows:

<u>Octave Band Center Frequency of Measurement</u>	<u>Grid-Scale Power Generation Facilities</u>	
	<u>Property Line</u>	<u>Residential Zone Line<sup>1</sup></u>
<u>31.5</u>	<u>83 dB</u> A	<u>72 dB</u> A
<u>63</u>	<u>82 dB</u> A	<u>71 dB</u> A
<u>125</u>	<u>77 dB</u> A	<u>65 dB</u> A
<u>250</u>	<u>73 dB</u> A	<u>57 dB</u> A
<u>500</u>	<u>67 dB</u> A	<u>51 dB</u> A
<u>1000</u>	<u>61 dB</u> A	<u>45 dB</u> A
<u>2000</u>	<u>57 dB</u> A	<u>39 dB</u> A
<u>4000</u>	<u>53 dB</u> A	<u>34 dB</u> A
<u>8000</u>	<u>50 dB</u> A	<u>32 dB</u> A
<u>Single Number Equivalent</u>	<u>70 dB</u> A	<u>55 dB</u> A

<sup>1</sup> “Residential Zone Line” means the nearest point on the property line of the nearest parcel of land that is in a residential zone, in every direction.

\_\_\_\_\_ Sound pressure levels shall be measured on a sound level meter at all lot lines of the site, at a height of at least four (4) feet above the ground surface. Noise shall be measured with a

sound level meter and frequency weighing network meeting the standards prescribed by the American National Standards Institute. The levels specified may be exceeded by the (10) decibels (dBs) for a single period, no longer than fifteen (15) minutes, in any one (1) day.

(4) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise or vibration entering that zone.

(5) Noise or vibration created by construction and maintenance activities between 7 a.m. and 9 p.m. are exempt from the requirements of paragraphs (2) and (3) above. Construction activities on a site abutting any residential use between the hours of 9 p.m. of one day and 7 a.m. of the following day are prohibited, unless exempted pursuant to Subparagraph (7) shall abide by ~~the maximum sound levels allowed for the Commercial 1 Zone.~~

(6) These noise and vibration regulations are enforceable by law enforcement officers and by the Code Enforcement Officer, who may measure noise or vibration levels and who shall report documented violations to the police. For the purposes of enforcement, sounds exceeding the limits established in this section shall be deemed to constitute "loud and unreasonable noise" under Title 17-A M.R.S. § 501-A.

(7) The following uses and activities shall also be exempt from paragraphs (2) and (3) above:

(a) the noise or vibration of safety signals, warning devices, emergency pressure relief valves, and any other emergency device;

(b) normal traffic noise or vibration on public streets or noise or vibration created by airplanes, railroads, and farm or timber harvesting machinery;

(c) noise or vibration created by refuse or solid waste collection, provided that the activity is conducted between 6 a.m. and 7 p.m.;

(d) emergency construction or repair work by public utilities, at any hour;

(e) noise or vibration created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City including, but not limited to, parades, sporting events, concerts and firework displays;

(f) vehicle and/or equipment involving municipal services at any hour;

(g) road construction, reconstruction, and/or paving activities by or on behalf of the City of Rockland or the State of Maine, or as part of road restoration work following emergency construction or repair work by or on behalf of a public utility;

(hg) noise and vibration created by ordinary residential maintenance activities such as lawn mowing or snow throwing between the hours of 6 a.m. and 9 p.m.

### E. Refuse Disposal.

All solid and liquid wastes shall be disposed of on a timely basis and in a manner provided for by Federal, State, and local regulation. All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats, animals, or other vermin. All such wastes shall be stored so as to prevent access to or disposal by stray animals. This shall be accomplished by enclosures in containers, raising material above ground, separation of material, prevention of stagnant water, extermination procedures, or other means. Outdoor storage containers and areas shall be screened from public view. Walls, fencing, screening dense plant material, or a combination of material can be used to achieve this intent.

### F. Water Quantity, Quality, and Discharge Impacts.

(1) Water Quantity: New power generation and other industrial land uses, and new processes serving existing industrial uses, that are permitted or commenced on or after April 11, 2016, shall comply with the following standards affecting the quantity of water consumed at such power generation or other industrial facility:

- (a) Cooling, steam generation, hot water distribution, and other processes or systems that utilize unprocessed water for heat transfer or other mechanical, industrial, or production purposes shall be designed and engineered to recycle or reuse at least 80% of the unprocessed source water drawn from the water company, well, aquifer, or other potable water supply source serving the facility. No such minimum reuse or recycling requirement shall be imposed where the source water is processed municipal or other wastewater;
- (b) No single facility may draw or consume more than two hundred, fifty thousand (250,000) gallons of unprocessed source water per day; and
- (c) To assure the maintenance of sufficient flows for fire suppression and other uses throughout the year, including during periods of drought or reduced water supply, the operator of a facility located in or adjacent to the Rockland Industrial Park shall either (i) have demonstrated to the satisfaction of the permitting authority that there will be no reduction in the available supply and flows for such other uses, or (ii) provided for sufficient on-site water storage to meet the facility's requirements without reducing the water supply available for such other uses.

Operators of such facilities shall monitor, measure, and record their water usage, recycling, and discharge levels and, at least monthly, report the same to the Code Enforcement Officer.

(2) Water Quality – Materials Storage:

(a+) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or use nuisances, such as

objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

(b2) All above ground storage facilities fuel, chemical or industrial wastes, and biodegradable raw materials (excluding non-commercial compost heaps), shall be completely enclosed by an impervious dike, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-five (25) year storm, so that such liquid shall not be able to spill or seep onto the ground surrounding the paved storage area. Storage tanks for home heating oil, and diesel fuel, not exceeding two hundred and seventy-five (275) gallons in size, are exempt from this requirement in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

(c3) All below ground tanks must meet the standards of the Maine Department of Environmental Protection.

(3) Water Discharge: Water and wastewater discharges into any sanitary sewer must comply with the applicable national and state pretreatment standards, local discharge restrictions, and other limitations set forth in Chapter 14, Article IV. No person or entity may discharge any pollutant to any storm sewer without first obtaining a valid National Pollutant Discharge Elimination System ("NPDES") permit from the Environmental Protection Agency or Department of Environmental Protection for such discharge, and no such discharges may exceed the applicable limit(s) imposed by such NPDES permit.

### **G. Landscaping.**

#### (1) General Landscape Standards

(a) Purpose. The purpose of the following landscape standards is to protect the public welfare by assuring that:

i. the landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes;

ii. landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses;

iii. plant materials are appropriate to Maine climatic conditions and the functions of the areas in which they are used;

iv. plant materials are of a size and condition that will allow them to establish themselves, mature, and survive in a healthy and attractive manner;

v. landscaping elements and the areas in which they are established are maintained in a clean, healthy, and attractive condition; and

vi. landscaping is not placed in such a way as to pose a safety hazard and plantings are designed so as not to interfere with sight distance along a right-of-way and traffic safety.

(2) Types and Uses of Landscape Elements

For the purpose of this ordinance:

(a) a canopy tree is a deciduous tree that reaches at least thirty-five (35) feet or more in height at maturity. Canopy trees are used to help create identity and establish the character of an area, to help define large spaces, and to provide shade in the hotter months of the year;

(b) an evergreen tree is a tree that reaches at least thirty-five (35) feet or more in height at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, to screen or direct views, act as windbreaks, and to provide a backdrop for other elements of a site. Where evergreen trees are installed in buffers, the installed heights should vary at a minimum from four (4) to twelve (12) feet to add greater variety and landscape interest;

(c) an understory tree reaches ten (10) feet to thirty-five (35) feet at maturity. Understory trees are used to provide eye-level landscaping features that help to scale down larger architectural and landscape elements, to define minor spaces, and to provide a variety of form, color, and accents to a site;

(d) shrubs have mature heights of two (2) to ten (10) feet. They are used to form physical and visual barriers, add seasonal interest and color, and help define the scale and location of buildings;

(e) miscellaneous plantings include ground covers, vines, perennials, annuals, bulbs, and other herbaceous material. They are used to add seasonal color, form patterns on the ground plane, and add to the humanizing of the site.

(3) Minimum Size Standards. The plant materials defined in paragraph (2) shall meeting the following minimum size standards at time of installation, with calipers measured at diameter at four (4) feet above ground.

Canopy trees	1½" caliper
Evergreen trees	4' height
Understory trees	1½" caliper
Shrubs	18" - 24" height
Ground covers	2 year old plants

(4) Plant Selection. Plant materials shall be selected for appearance, durability, and tolerance to air pollution; native trees and shrubs shall be planted whenever possible. All plantings required under this section shall be of a type and species appropriate for soil types and climatic conditions in Rockland.

(5) Amenities and Stone Walls. Pools, sculptures, benches, and walkways may be used to complement plant materials. In cases where a traditional stone wall exists, it should be conserved or rebuilt in another location.

(6) Disturbed areas. Where buffers are not required, all disturbed areas not to be used as parking or building footprint shall be planted to lawn or left in their natural vegetated state as a minimum requirement.

(7) Maximum Slope. A maximum maintainable slope of three horizontal to one (3:1) vertical should be established for both the front and back of berms. Where room permits, a flat top area, four (4) feet in width should be provided.

(8) Fencing. Fencing materials should complement the architectural style of the buildings of the lot upon which they are erected. Fences shall not be used in locations that will obscure views of the water from public streets.

(9) Maintenance.

(a) All plantings and buffer yards shall be maintained in a good and healthy condition. The Maine Erosion and Sedimentation Control Handbook for Construction – Vegetative Measures, developed by the Maine Department of Environmental Protection shall be used as a guide. Fencing and berms shall be durable and properly maintained at all times by the owner. All landscaping elements shall be so located with respect to property boundaries to allow access for maintenance on both sides without intruding upon abutting properties.

(b) Plants required or recommended by this subsection or plants that are part of an approved Plan that die shall be replaced within one (1) growing season.

(10) Parking Areas. Landscaping shall be designed to accommodate attractive and safe pedestrian circulation patterns, and allow good visibility of oncoming pedestrians and vehicles throughout the parking area.

(a) Landscaping Within the Parking Areas.

Landscaping areas shall be provided within parking areas to provide shade and visual relief from broad expanses of pavement and to channelize and separate areas for pedestrian and vehicular circulation.

i. In addition to required perimeter landscaping, at least five (5) percent of the gross area of all parking lots with twelve (12) or more parking spaces shall be landscaped. Existing parking lots shall be exempt from this requirement although landscaping should be provided to the greatest extent possible.

ii. The recommended landscaping within the parking area should include a minimum of two (2) canopy trees, one (1) understory tree, and five (5) shrubs for every twelve (12) parking spaces or fraction thereof. For every mature canopy tree that exists on the proposed site of a

parking lot prior to the parking lot's development and that is retained and integrated into the parking lot's design, the number of new canopy or understory trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building use permit issued for the development, it shall be replaced with two (2) similar trees meeting the standards of this ordinance.

iii. The landscaping shall be:

(i) in planting areas at least ten (10) feet wide to accommodate canopy and/or understory trees. Planting areas should be located to demarcate the ends of parking rows, avoiding long rows of parked cars, and to channel pedestrian circulation. Planting areas should be edged with a six (6) inch continuous vertical curb or wheel stops to prevent vehicles from overhanging into planting areas and designed to allow efficient snow removal. Planting areas shall be oriented to maximize pedestrian safety and convenience;

(ii) located to break up parking areas into smaller areas of no more than fifty (50) spaces each;

(iii) designed to accommodate snow plowing and storage without damage to the plants and trees.

iv. Landscaping shall be provided except in the case of automobile drop-off loading area, or a vehicular entry in to a building, in order to enhance the appearance of the site and avoid impact to occupants from exhaust fumes and noise. The landscaped area should be no less than fifteen (15) feet deep from all buildings, except in commercial and industrial zones where the depth need be no more than four (4) feet, provided that the building footprint is less than twenty-five hundred (2,500) square feet. The area shall be landscaped with shrubs, groundcover, and trees where appropriate, and may include a walkway if the area if fifteen (15) feet deep of more.

v. To accommodate circumstances where the recommended landscaping may not fit site conditions, an applicant may submit an alternative plan for the siting of landscaped areas provided that an equal or greater amount of landscaped area is provided than would be otherwise required.

(b) Perimeter Landscaping.

Parking lots shall be landscaped adjacent to other uses and rights-of-way with trees, shrubs, fencing, and earth berming to avoid the impact of glare, headlights, parking lot lights, noise, and dust and to protect and enhance visual character as follows:

i. Abutting a public right-of-way:

(i) Where a parking area that includes six (6) or more parking spaces abuts a public right-of-way, a continuous landscaped strip shall be established between the right-of-way boundary line and the parking area and shall be maintained in good condition. It may be interrupted only by a driveway meeting the standards of this ordinance. In areas other than the

Downtown, Commercial 3, Plaza Commercial, Business Park, and Rural Residential 1 zones, when the parking area abuts an arterial or collector street, the perimeter planting shall be at least ten (10) feet wide and should be planted with at least three (3) canopy trees, four (4) understory trees, thirty (30) shrubs, and six (6) evergreen trees per one hundred (100) linear feet of street frontage or fraction thereof exclusive of the width of the driveway. When it abuts any other right-of-way, it shall be at least six (6) feet wide and should be planted with at least two (2) canopy trees, two (2) understory trees, twenty (20) shrubs, and four (4) evergreen trees per one hundred (100) linear feet of street frontage exclusive of the width of the driveway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications. In the Plaza Commercial, Business Park, and Rural Residential 1 zones the landscaped strip shall be at least ten (10) feet wide and should be planted with at least three (3) canopy trees, six (6) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the driveway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion to the above specifications. The plantings shall be designed and located so as not to interfere with sight distance along the right-of-way and traffic safety.

(ii) In the Downtown Zone, the landscaped strip shall be at least six (6) feet wide and should be planted with at least three (3) canopy or evergreen trees, four (4) understory trees, and twenty (20) shrubs per one hundred (100) linear feet of street frontage exclusive of the width of the driveway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion to the above specifications.

ii. Where a commercial parking facility or a parking area serving a nonresidential use abuts a residential zone or a lot wholly or partially in residential use, a continuous landscaped strip shall be established between the adjoining zone or use and the parking area at least ten (10) feet wide and shall be maintained in good condition. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. The landscape strip shall be planted with at least three (3) canopy trees, four (4) understory trees, thirty (30) shrubs and six (6) evergreen trees per one hundred (100) linear feet of frontage. The number of trees for frontage less than one hundred (100) feet shall be in proportion to the above specifications. For every mature canopy or evergreen tree existing in the area prior to construction of the parking lot and preserved within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced with two (2) similar trees meeting the standard of this ordinance. As an alternative, a dense hedge or screen composed of at least 2/3 evergreen plantings four (4) feet or more in height at the time of planting of a type which will reach six (6) feet or more in height within five (5) years may be substituted. If the land is bermed to a height of two (2) feet or more, the height of the plantings may be adjusted.

## **H. Buffering and Screening**

(1) Purpose. The following buffer standards are intended to protect the public welfare. Buffers of plantings, berms, and/or walls, fences or natural features should:

(a) separate conflicting land uses, zones or activities from one another;

- (b) create visual barriers which obscure buildings, signs, headlights, glare, vehicles or other modifications of the landscape;
- (c) reduce the impact of noise;
- (d) reduce air pollution, wind, dust, dirt, and litter and contribute to healthy air and water quality;
- (e) help prevent undesirable access to dangerous areas; and
- (f) direct the eye to more attractive views in keeping with the planned character of the City.

(2) General Standards.

(a) Unless otherwise stated, buffer requirements shall apply to perimeter property lines of projects and along arterial and collector streets in the Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Industrial, Business Park, and Rural Residential 1 zones, and in master planned developments. The perimeter property lines of projects shall be considered to be the perimeter lines of:

- i. business or industrial parks;
- ii. master planned residential, commercial, or mixed use developments;
- iii. single commercial, business, or industrial developments not associated with a subdivision or park or master planned development.

(b) Natural features shall be maintained whenever possible to meet buffer requirements. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops, do not exist or are insufficient to provide an effective buffer, landscaped buffers shall be created. Indigenous plantings shall be used whenever possible.

(c) Although this ordinance does not prohibit landscaping within a street or street right-of-way, no part of the right-of-way shall be used to satisfy buffer requirements.

(d) Landscaping and Maintenance

See Section G, above.

(3) Multifamily and Nonresidential Uses Abutting a Residential Zone.

(a) The required side and back yards of nonresidential uses that abut properties in residential zones, or of multifamily uses that abut properties in single family residential use, shall be retained in their natural vegetated state to the maximum extent possible to provide a visual

screen between uses. The buffer may be part of the setback.

(b) Where natural buffering does not exist, or is not possible to be retained, or is not sufficient to achieve an effective, complete visual screen, the required side and back yards shall be landscaped to provide a visual screen between uses. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. In areas other than the Industrial, Downtown, Transitional Business 3, Commercial 3, Plaza Commercial, Business Park, and Rural Residential zones, the landscaped strip shall be at least ten (10) feet wide and shall be planted with at least three (3) canopy trees and twelve (12) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications.

For uses that are subject to site plan review in the Industrial Park, the landscaped strip at sites approved or substantially reconstructed after April 11, 2016, shall be at least ten feet wide and shall be planted with at least one evergreen tree such as Norway Spruce every ten feet to create a continuous, dense screen and maintained and not pruned so as to retain such screen from the ground to the peaks of the trees.

In the Downtown Zone, the landscaped strip shall be at least six (6) feet wide and shall be planted with at least three (3) canopy evergreen trees, four (4) understory trees and fifteen (15) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications.

In the Transitional Business 3, Commercial 3, Plaza Commercial, Business Park, and Rural Residential zones, the landscaped strip shall be at least thirty (30) feet wide and shall be planted with at least three (3) canopy trees, twelve (12) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion with the above specifications.

For every mature canopy or evergreen tree existing prior to development and retained within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced by two (2) similar trees meeting the standard of this ordinance.

(4) Front Yards of Multifamily and Nonresidential Uses. The required front yards of multifamily and nonresidential uses shall be maintained in a landscaped condition.

(5) Exposed Areas and Areas for Commercial Outdoor Storage. Exposed machinery installation, sand and gravel extraction operations, and areas for the storage and collection of discarded or uninspected vehicles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include dense evergreen hedges, four (4) feet or more in height at the time of planting, of a type that shall reach

six (6) feet or more in height within five (5) years. If the land is bermed to a height of two (2) feet or more, the height of plantings may be adjusted. All such plantings shall be maintained as an effective, complete visual screen. Where a potential safety hazard to children would be likely to arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and be provided and be maintained in good condition.

(6) Areas for Outdoor Sales and Automobile Repair in the Rural Residential 1 Zone. Areas for outdoor sales and automobile repair in the Rural Residential 1 Zone shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include a dense evergreen hedge, four (4) feet or more in height at the time of planting, of a type that will reach six (6) feet or more in height within five (5) years. If the land is bermed to a height of two (2) feet or more the height of plantings may be adjusted. All such plantings shall be maintained as an effective, complete, visual screen. Where a potential safety hazard to children would be likely to arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and be maintained in good condition.

#### **I. Storage of Materials and Machinery.**

(1) Bulk Storage; Junkyards. All outside storage areas, areas used for the storage or collection of discarded automobiles, auto parts, metals, and any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area. All materials stored outdoors shall be screened from public view. Walls, fencing, screening dense plant material, or a combination of material can be used to achieve this intent.

(2) Attractive Nuisances. Where a potential safety hazard to children would likely arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and maintained in good condition.

(3) Fuels And Hazardous Materials. Above-ground fuel (including, without limitation, propane, liquefied natural gas, compressed gas, oil or other petroleum product, and biomass feedstock or products) storage, chemical storage (including without limitation ammonia, urea, or other compounds utilized for air emissions treatment, process water treatment, or cooling water treatment), hazardous materials storage areas, tanks, or other facilities serving any commercial or industrial use, and processes utilizing any hazardous materials shall be (a) adequately screened so as to prohibit public access and provide visual and safety barriers, (b) included in an emergency response plan for the facility that is reviewed and approved by the Fire Chief or his designee, and (c) subject to periodic inspection by the Fire Chief or his designee pursuant to Chapter 7, Article II or other applicable provision of law.

#### **J. Preservation of Water Views.**

Development in Transitional Business 2 and Transitional Business 3 zones shall preserve water views to the maximum extent feasible. In the Transitional Business 3 zone, a fifty (50) foot wide space between buildings at least every one hundred fifty (150) feet shall be provided to

afford views of the waterfront from public rights-of-way.

### **K. Transportation, Traffic, and Curb Cuts.**

In the Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Transitional Business 1, Transitional Business 2, Transitional Business 3, Neighborhood Commercial, Business Park, and Industrial zones:

(1) development proposals shall include a program identifying all proposed traffic controls, parking areas, interior traffic circulation and traffic interface with public highways and pedestrian and bicycle safety.

The Program shall demonstrate that additional traffic generated by the project itself can be accommodated on existing public highways or that satisfactory improvements, if necessary, will be made at the developer's cost. The Planning Board may require a Traffic Impact Study also at the developer's expense. Where traffic studies indicate, deceleration lanes and/or turning lanes will be provided.

Development proposals shall discourage conventional strip development by the use of centers or clusters of development, shared accessways, and buffer zones.

(2) Whenever possible, development proposals shall use access from existing side streets where they abut the premises on secondary street frontage in cases where they will not create a hazardous nuisance to those sending streets. Where this access is not available, a single accessway or curb-cut should provide access to the entire parcel. All lots from the same original parcel should be accessed from this central point.

(3) On or after April 11, 2016, prior to permitting new land uses that are to utilize as fuel or for other purposes compressed natural gas ("CNG"), biomass (e.g., wood chips, wood pellets, sawdust, straw, or other bulk organic matter), or municipal or other solid waste transported to the site by ten or more trucks each having a gross vehicle weight rating ("GVWR") of 60,000 lbs. or more per day, the review authority shall require the applicant to prepare and submit a traffic study acceptable to such review authority that provides for the mandatory routing of such delivery trucks via routes and at times of day that minimize their impact on neighborhoods and roads.

### **L. Proposals of Exceptional Merit.**

~~The above alternative Performance Standards shall be adhered to, however, proposals of exceptional merit that meet the spirit of these standards may be accepted by the Planning Board.~~

**L. Inspection & Maintenance Programs.** Developers or Operators of Grid-Scale or Distributed Power Generation Facilities shall prepare, obtain City Rockland approval of, and comply with an Inspection & Maintenance Program for the facility. Each such program shall include, at minimum:

- (1) Annual inspections, and documentation of needed and completed repairs;
- (2) A maintenance schedule, identifying elements requiring routine maintenance, the maintenance to be performed, and the frequency of such maintenance activities;
- (3) Noise testing prior to and at least annually after obtaining a Certificate of Occupancy for the facility, and upon request by the Code Enforcement Officer;
- (4) Annual testing to assure continued compliance with federal or state air emissions license(s) or permit(s) and any air emissions reductions required under Subsection 19-316(A)(2), when applicable;
- (5) Cooling tower and chemical tower treatment maintenance practices;
- (6) Annual pressure testing and inspections of natural gas or propane supply piping, in the presence of the Fire Chief or his designee; and
- (7) All other testing and inspections required under Chapter 19 or applicable law or regulation.

In the event of non-compliance with any required component of the Inspection & Maintenance Program, the Code Enforcement Officer shall give notice of such default and, no sooner than ten days following such notice, may revoke the operator's certificate of occupancy upon the operator's failure to cure said non-compliance and/or seek the imposition of penalties and other remedies available under applicable law.

Sponsor: Councilor Pritchett  
Originator: Planning Board

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #11**

**IN CITY COUNCIL**

April 11, 2016

**ORDINANCE AMENDMENT: Authorizing Site Plan Review of Power Generation Facilities, And Establishing Specific Bases for Waiving Landscaping and Buffering Standards**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 16, Site Plan And Subdivision Review, ARTICLE II, Site Plan Review Ordinance, BE AMENDED AS FOLLOWS:**

**Sec. 16-201 Projects Reviewed; Effect on Action by Code Enforcement Officer and Board of Appeals**

\* \* \*

Notice Required. All property owners within three hundred (300) feet of the lot lines of any proposed change of use under this section shall be notified in writing at least ten (10) days prior to consideration of the change of use by the Planning Board. When the use of the lot that is the subject of a site plan application is a grid-scale power generation facility, notice of the application shall be provided to the Knox County Emergency Management Agency for distribution to municipalities and, when the lot abuts a town line, to the Selectmen and/or Manager of such adjacent town, whether or not such use constitutes a change of use. Submission deadlines shall be the same as for any Site Plan Review.

**Sec. 16-201.1 Exceptions to Review Requirements**

1. New Structures or additions or changes in use will not be reviewed under the Site Plan Review Ordinance if in any five year period the new structure or new addition or the structure within which a change of use is to be located is:

A. Under 600 square feet in gross floor area and does not exceed 20 feet in height, or

B. Located in the City of Rockland Industrial Park, except grid-scale and distributed power generation facilities.

\* \* \*

**Sec. 16-203 Elements of the Site Plan**

\* \* \*

18. **Technical Review Fee.** The Planning Board, in the review of any application, may refer said application presented to it to such engineer, traffic professional, environmental expert, financial expert, facilities safety expert, attorney or other professional that the Board shall deem reasonably necessary to enable it to review said application as required by law. Such review shall not be a substitution for any technical submissions as required by Ordinance or requested by the Board, but rather shall constitute a third party review of any of the applicant's submissions. The Board may waive such third party review if it is determined that the scale or nature of the project does not warrant it. Fees charged by such professionals shall be in accord with fees usually charged for such services in the region and pursuant to a contractual agreement between the City and such professional. All such charges shall be paid by the City through an escrow account established in accordance with Section (19) below.

\* \* \*

**Sec. 16-204 Standards**

A site plan shall be approved unless in the judgment of the Planning Board one or more of the following conditions are found to exist:

1. **Traffic.** The provisions for vehicular loading, unloading, and parking, and for vehicular and pedestrian circulation on the site and onto adjacent public and private streets and ways will create hazards to safety, or will impose a significant burden upon public facilities. There shall be a presumption that sidewalks are required. However, in those cases where the Planning Board makes a specific finding that, due to the inadequacy or lack of connecting sidewalks adjacent to the proposed project, together with circumstances within the proposed project which render the immediate construction of sidewalks inappropriate, the Planning Board may substitute one of the following conditions:

- A. It may require a reasonable payment from the applicant to be used to link the proposed project to the City's sidewalk system when the system reaches the proximity of the project.
- B. It may waive the requirement either partially or entirely.
- C. It may make reasonable provision for the construction by the developer of sidewalks serving the project, whether or not the sidewalks are actually within the project.

2. **Compatibility with Other Uses; Burden on Public Facilities.** The size and location of proposed building and structures and the proposed uses thereof will be detrimental or injurious to other private or public development in the neighborhood or will impose significant burdens upon public facilities.

3. Landscaping. The provisions of on-site landscaping and screening do not provide adequate protection to neighboring properties from detrimental features of the development. The Planning Board may modify or waive the landscaping, screening, and/or buffering requirements set forth in Ch. 19, Art. III, Sec. 19-316 – Performance Standards where the Board finds that part or all of the landscaping or buffering required thereunder either (A) is impracticable due to site constraints not caused by the proposed development other than its utilization of or compliance with setback requirements; (B) is unnecessary due to the compatibility of abutting existing or proposed uses; or (C) would impede or detract from the programmatic, aesthetic, or community benefit components of a proposed development of exceptional merit. Financial burden or capacity shall not alone justify a waiver of a landscaping, screening, or buffering requirement.

4. Drainage. The site-plan fails to solve the soil and drainage problems that the development will create.

Projects within the Chickawaukie lake watershed, as defined in Section 19-304-13, shall be required to improve existing man-made drainageways flowing directly or indirectly to Chickawaukie Lake which will receive storm water from the proposed development, if such storm water is calculated to increase in volume above existing conditions. The volume of sediment or dissolved nutrients reaching Chickawaukie Lake shall not be increased.

5. Lighting. The provisions of exterior lighting create a hazard for vehicular or pedestrian traffic or safety or will unreasonably diminish the value or create a hardship to the reasonable enjoyment of adjacent property.

6. Fire Hazard. The proposed development will create fire hazard.

7. Sewer; Water; Solid Waste. The proposed development will impose an undue burden on on-site and off-site sewer and water or solid waste disposal.

8. Compatibility With Area. The proposed use and layout will be of such size or character that it will not be consistent with the appropriate and orderly development of the surrounding area.

9. Signs. If a sign is part of the application, the Planning Board does not have jurisdiction over review of this element. Standards and procedures relating to signs or other advertising devices are contained in Chapter 19 of the Rockland Code, Section 19-315, Signs.

10. Compliance With Other Ordinances. The proposed use, building, design or layout will not meet the provisions of the Zoning Ordinance or other regulations and ordinances of the City of Rockland or statutes of the State of Maine.

11. Financial Capacity. The applicant has not demonstrated that it has sufficient financial capacity to fund and complete (1) any improvements directly affecting any disturbed right-of-way or utilities or other infrastructure therein.

12. Decommissioning. The Board may require that an applicant proposing to erect a

windmill or construct any other form of power generation equipment or facility submit a Decommissioning Plan for the Board's review and approval. For these purposes, "decommissioning" may include, at the Planning Board's discretion, the physical removal of all components of the project, including, as may be applicable, wind turbines, cabling, electrical equipment, structures, and associated facilities. The Board may accept a decommissioning plan that provides for decommissioning no later than five years following the cessation of power generation on the site so long as the operator is, during such five year period, actively seeking to achieve a repurposing of the site and facilities to be decommissioned. The decommissioning plan must include a detailed estimate of the costs of decommissioning, and a financial plan acceptable to the Board for funding such decommissioning costs. To the extent any structures or components are proposed to be omitted from the decommissioning, the plan shall provide evidence of alternative, beneficial use of such structures and components following the cessation of power generation on the site.

**Sec. 16-205 Approval**

1. Assignment. A successor to an applicant who has received site plan approval by the Planning Board pursuant to this Article, or other assignee of such approval, shall be bound by and must comply with the application, site plan and related materials, and representations of such applicant, and with all conditions of approval and other requirements imposed by or on behalf of the Planning Board, to the fullest extent permitted by law. Notwithstanding the foregoing, a site plan approval for a Grid-Scale Power Generation Facility may not be assigned without Planning Board approval, and shall be void in the absence thereof.

21. Completion Deadline. If an applicant has not obtained a Certificate of Occupancy from the code enforcement officer within two (2) years from the date on which the Planning Board granted its approval under Sec. 16-202.4, then the applicant shall be subject to a penalty under Sec. 16-207. The Planning Board may permit an extension of up to one (1) additional year to obtain a Certificate of Occupancy for good cause shown.

32. Violation. Failure to comply with the order of the Planning Board shall constitute a violation of this Article and shall be subject to Section 16-207.

\* \* \*

Sponsor: Councilor Pritchett  
Originator: Planning Board

**MEMORANDUM**

To: Mayor MacLellan-Ruf and Fellow City Councilors

From: Chair Laustsen, Planning Board

Date: March 31, 2016

Re: Ordinance Amendments Nos. 10 and 11  
*Grid-Scale Power Generation Facilities*

\*\*\*\*\*

Attached please find the requested ordinance from the Planning Board approved as a final draft on Tuesday, March 29, 2016. Extensive time has been devoted to developing this ordinance, and we hope this satisfies your request.

You will see that we have more comprehensively addressed standards for a broader range of energy facilities. As we learned more from the engineers, it became clear that Rockland's existing ordinances were lacking. As you review the draft, we would recommend a closer look at the emissions standard for grid-scale power generation facilities [Section 19-316, A.(2)(iii)]. There are political judgments involved.

On behalf of the Planning Board, many thanks go to the Energy Committee, the consulting engineers Dan Kelley of Woodard & Curran and Mike Chonko of SMRT, John Root, and particularly City Attorney, Kevin Beal, who crafted the structure and much of the language.

# Summary of Power Generation Facility Ordinance Amendments

## Chapter 19

### Sec. 19-302. Word and Phrases Defined

- Three categories of power generation facilities are defined: Community-Based Renewable Energy Projects, Distributed Power Generation Facilities, and Grid-Scale Power Generation Facilities. These are differentiated not by size but by use and ownership. Introducing these categories was necessary to achieve the flexibility and fine differentiation that the ordinance amendments required.
- Quasi-Public Uses are revised to exclude Grid-Scale and Distributed Power Generation Facilities so that Grid Scale Power Generation Facilities would not be permitted in residential zones as currently allowed in Residential B and so that Distributed Power Generation Facility are allowed in Residential B only when utilized to provide heat and power to facilities allowed in Residential B such as schools.

### Sec. 19-304. Zone Regulations

- Grid-Scale Power Generation Facilities are allowed as a conditional use in the Industrial zone, except for those powered by fuels deemed problematic by the Planning Board such as uranium or solid waste. The net effect is that Grid-Scale Power Generation Facilities would be allowed *only* in the Industrial zone.

### Sec. 19-309. Special Use Classes

- “Exceptions and Exemptions” are renamed “Special Use Classes”. Larger Distributed Power Generation Facilities ( $\geq 500\text{kW}$ ) are introduced as a Special Class (and thus disallowed in Residential A and AA, and allowed in other zones with Planning Board approval.) Smaller Distributed Power Generation Facilities ( $< 500\text{kW}$ ) shall not require Planning Board approval. In a residential, rural residential, or transitional business zone, or in the Downtown Zone, Distributed Power Generation Facilities that are not Community-Based Renewable Energy Projects must be located at or next to the consumer of the electricity. The intention here is to avoid – for example – someone placing a generator on an empty lot for the purpose of powering a facility across town while allowing this type of power generation equipment at locations where it is commonly utilized such as schools and health care facilities.

### Sec. 19-316 A(2). Air Pollution From Power Generation Facilities

- Air pollution regulations are introduced to require – at minimum – no net increase in point source discharges of air pollution in Rockland.
- Distributed Power Generation Facilities serving new or expanded development must cause a 10% reduction in air emissions. The method of calculating allowable levels is explained in detail in **19-316 A(2)**.

- Grid-Scale Power Generation Facilities must cause a 25% reduction in air emissions. The method of calculating such a reduction is explained in detail in **19-316 A(2)**
- Note: The Planning Board would encourage the Council to consider whether the target for air emissions for a Grid Scale Power Generation Facility should be no increase in local point source emissions, a 10% reduction, or a 25% reduction.

#### **Sec. 19-316 A(3). Cooling Process Water Vapor**

- This section is concerned with the impacts of primarily open/direct contact cooling towers (i.e., towers where the water being cooled is directly exposed to the air). Broadly speaking, this provisions requires technology to prevent the drift of water vapor emissions off the property and prevent the growth of biological contaminants. It also addresses setbacks.

#### **Sec. 19-316 A(4). Fugitive Emissions**

- This section addresses fuel leaks and requires that a power generation facility minimize the risk of fuel leaks to the greatest extent reasonable practicable. It lists relevant codes and standards, introduces inspection and maintenance requirements, and enforcement provisions.

#### **Sec. 19-316 D. Noise and Vibration**

- Noise limits are proposed to be defined via dBA levels rather than raw decibels in order to better reflect human sound perception and common monitoring technology.
- Frequency-based standards for noise generated by Grid-Scale Power Generation Facilities are proposed to better reflect human sound perception.

#### **Sec. 19-316 F. Water Quantity, Quality, and Discharge**

- At least 80% of unprocessed source water (i.e., drinking water) for a variety of industrial processes (including power generation) must be recycled.
- No single facility shall use more than 250,000 gallons of unprocessed source water per day. This reflects the amount of water consumed by a 10 megawatt facility using an open cooling tower and not is not utilizing the waste heat for a beneficial purpose.
- The applicant must show that a proposed facility would not have a deleterious effect on water pressure or flow in the City.

#### **Sec. 19-316 I. Storage of Materials and Machinery**

- Fuel and hazardous materials storage and other facilities must prohibit public access, be included in an emergency response plan, and be subject to periodic review by the Fire Chief or his designee.

**Sec. 19-316 K. Transportation, Traffic, and Curb Cuts**

- For uses in which fuel will be trucked in by ten or more trucks of  $\geq 60,000$  lbs. GVWR, the review authority shall require a traffic study.

**Sec. 19-316 L. Proposals of Exceptional Merit**

- This section has been removed. In its place, a provision to waive landscaping requirements only has been added to **Chapter 16, Sec. 16-204 3.**

**Sec. 19-316 L. Inspection and Maintenance Programs**

- Developers or operators of Grid-Scale or Distributed Power Generation Facilities must prepare and comply with an Inspection & Maintenance Program. In the event of non-compliance, the Code Enforcement Officer may revoke the facilities certificate of occupancy, effectively shutting down the facility.

## **Chapter 16**

**Sec. 16-201. Projects Reviewed; Effect on Action by Code Enforcement Officer and Board of Appeals**

- Adjacent towns shall be notified of Grid-Scale Power Generation Facility applications when such a facility abuts town lines.

**Sec. 16-201.1. Exceptions to Review Requirements**

- Grid-Scale and Distributed Power Generation Facilities will not be exempt from review requirements, even in the Industrial Park.

**Sec. 16-204 3. Standards – Landscaping**

- The Planning Board may waive landscaping requirements (as it has done in the past). This replaces the broader ability to waive all requirements in **Chapter 19, Sec. 19-316.**

**Sec. 16-204 11. Financial Capacity**

- The applicant must demonstrate financial capacity to fund improvements affecting any disturbed right-of-way and utilities.

**Sec. 16-204 12. Decommissioning**

- The Planning Board may require an applicant proposing a power generation facility to submit a decommissioning plan. This plan must include detailed cost estimates and an acceptable financial plan.

**Sec. 16-205 1. Approval – Assignment**

- If a facility is sold, the new owner must comply with the approved application, site plan and related materials, and representations of the applicant. Permits are not transferable without Planning Board determining the new owner has the capacity to comply with the already issued permit's terms and conditions.

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #12  
IN CITY COUNCIL**

April 11, 2016

**ORDINANCE AMENDMENT Disposition of Lien-Acquired Property**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, SECTION 2-509, Regulations Governing Purchase and Sale of Property, BE AMENDED AS FOLLOWS:**

**Sec. 2-509 Regulations Governing Purchase and Sale of Property**

15. Disposition of Real Estate Acquired by Tax Lien or Sewer Lien Foreclosure. When real estate is acquired through the automatic, statutory foreclosure on municipal tax or sewer liens ("Lien-Acquired Property"), the following procedures shall apply:

A. The City Manager shall promptly inform the City's insurance carrier and secure property and liability insurance coverage for Lien-Acquired Property where appropriate;

B. The Rockland Code Enforcement Officer or his designee shall inspect Lien-Acquired Property as soon as possible after acquisition, and inform the City Council and City Manager of the physical condition of the property;

C. The City Manager shall notify the former owner or owners of Lien-Acquired Property who are eligible for reconveyance of the property pursuant to Subsection 2-509(15)(D)(3) and shall invite each such owner to make a written request that the City Council reconvey the acquired property to such former owner. Any such request for reconveyance must be served upon the City Manager within thirty (30) days of the City Manager's notice required by this paragraph;

D. The City Council may dispose of Lien-Acquired Property by one of the following methods:

~~(1) Sell the property either through the following methods: after seeking competitive bids as set forth in this Chapter; or~~

(a) Solicitation of public bids as set forth in this Chapter;

(b) Sale by solicitation of limited bids where the market of the property appears limited to a few potential purchasers;

(c) Sale to an abutter without bid process where the nature of the property is such that only an abutter would have any interest in acquiring the real estate;

(d) Gift the property with or without compensation to the City where it is deemed to be in the city's best interests (i.e. conveyance of property to a non-profit entity providing a service of benefit to the citizens of Rockland, or disposition of real estate to put the property back on the tax roles etc.)

Sponsor:

Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER # 5**

**IN CITY COUNCIL**

January 11, 2016

**ORDER Routine Data Reporting To Council On Short Term Rentals**

**WHEREAS**, Rockland has for decades permitted a variety of home occupations in residential neighborhoods and many residents conduct some form of business from their homes; and

**WHEREAS**, renting a single room in a residence on a short term basis is currently allowed in Rockland's zoning ordinances and renting whole homes or cottages on a short term basis has been a traditional vacation use of houses in Maine for over a century; and

**WHEREAS**, renting a room, an apartment, a condominium, or a entire house through AirBnB, VRBO, Home Away and other online services has increased the options and opportunities for property owners to rent a room or a residential unit for short periods of time ; and

**WHEREAS**, the City Council seeks to allow short term rentals in a manner that enhances the tourism sector of the local economy and provides income for Rockland's homeowners but only in a manner that does not disrupt abutters or degrade the City's neighborhoods; and

**WHEREAS**, residents have expressed a variety of concerns about short term rentals and questioned whether significant numbers of housing units could be converted to short term rentals, and

**WHEREAS**, requests have been made for the Council to consider per neighborhood or per block limits on the number of short rentals as well as prohibit short term rentals by nonresidents; and

**WHEREAS**, Council desires to have local data by which to evaluate short term rentals and by which to provide the basis for directing the Comprehensive Planning Commission to potentially explore additional and/or different license standards for Short Term Rentals;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY CITY COUNCIL AS FOLLOWS**

**THAT**, the City Manager is to report to the Council at least annually in November of each year for the next three years on short term rentals in the City; and

**THAT**, the report at a minimum shall include the locations of short term rentals, the type of short term rentals, ownership of short term rentals, properties converted to short term rentals, all complaints received related to short term rentals and the type of short term rental from which the complaints arose as well as any other local data that may inform the Council on this question.

Sponsor: Councilor Pritchett

Originator: Councilor Geiger

*Postponed 1/11/16 to 3/14/16*

*Postponed 3/14/16 to 4/11/16*

**CITY OF ROCKLAND, MAINE  
IN CITY COUNCIL**

**ORDER #16**

April 11, 2016

**ORDER** Amending Solid Waste Disposal Fees

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

THAT pursuant to Order #18-15, passed by the City Council on April 6, 2015, the fees for Solid Waste Disposal licenses and permits are hereby amended as follows:

**PERMIT AND LICENSE FEES**

Resident Permit	\$95.00 <del>\$125.00</del> per year
Commercial Permit	<del>\$ no fee (Disposal Fee: \$115 per ton through 05/01/2015, then \$120</del> <del>\$130</del> per ton from 05/01/2015 on).
Recycling Permit	\$0 per year (to be discontinued on 05/01/15)
Seasonal Permit	\$95.00 <del>\$125</del> per year
Commercial Hauler License Fee	\$250.00 per year
Non-Resident Contractor Permit (each job)	\$20.00 per job
Non-Resident Landscape Contractor Permit	\$72.00 per year
Temporary General Permit	no fee

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**ORDER #17**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Use of Main Street & Fee Waiver - Lobster Festival Parade

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Rockland Festival Corporation is hereby authorized to close Main Street on Saturday, August 6, 2016 to hold the Annual Maine Lobster Festival Parade. The Festival Corporation shall be responsible for setting up for and cleaning up after this event, coordinating with the Rockland Fire and Police Departments for any necessary public safety and/or traffic control measures, and shall provide proof of liability insurance to the City prior to holding this event. Any fees associated with this event are hereby waived.

Sponsor: City Manager

Originator: Rockland Festival Corporation

### City of Rockland Special Events Application

Date of Event: 8/10/16  
Start Time: 10AM  
Completion Time: 1PM  
Rain Date: N/A

Type of Event: Parade  
Foot Race  
Demonstration  
# Participants: 100 +/-

Walk  
Bike Race  
Other

#### SECTION I. APPLICANT

Title of Event: MLF Parade Name of Applicant Organization: Maine Lobster Festival  
Address: PO Box 552 Rockland ME 04841  
Telephone: 449-5656 Type of Organization: for profit  non-profit  Other: \_\_\_\_\_

Representative of the Organization (at least one name required - must be the applicant):

Name: Jan Chapman Position: Director Telephone: 449-5656 Business: 354-8777

#### SECTION II. CITY PROPERTY

Proposed Use of City Owned Property (specify whether admission to be charged, and how much)  
Building / Park / Street Closure / Use of Public Way / Other City Owned property

(City Council or Harbor Management Commission approval required for street/sidewalk closure or exclusive use of park)

#### SECTION III. LOGISTICS (Attach additional pages if needed.)

Parking: Yes Location(s): Broadway, Birch St, Lawn Ave, Wash Main St, Upper + Lower Cedar Sts

Liquor Service? \_\_\_\_\_ (license required) Type of License (attach copy): \_\_\_\_\_

Food Service? \_\_\_\_\_ (attach copy of state license) Describe arrangements for food storage, preparation, and type and storage of cooking fuels: \_\_\_\_\_

Sanitary facilities: Type: \_\_\_\_\_ # Available: \_\_\_\_\_

Contractor / Contact Info: \_\_\_\_\_

Signage? Location(s): Various Streets Number: \_\_\_\_\_

(City Council approval is required for off-premises signs in ROW / on City property)

Electrical Installations? Type: \_\_\_\_\_ Location(s): \_\_\_\_\_ Contractor: \_\_\_\_\_

Tents? Number: \_\_\_\_\_ Location(s): \_\_\_\_\_ Contractor: \_\_\_\_\_ Dates: \_\_\_\_\_

Insurance: Agent: \_\_\_\_\_ Contact: \_\_\_\_\_ Limits: \_\_\_\_\_

(Attach copy of insurance rider / declaration page)

#### SECTION IV. EVENT INFORMATION

A. Assembly Area Prior to Event: 7AM Line up, 9AM road closures

B. Will the Event Disrupt Traffic Patterns? Yes  No \_\_\_\_\_

C. Traffic Detours Needed? Yes  No \_\_\_\_\_

D. Are Street Closures Necessary? Yes  No \_\_\_\_\_

E. Traffic Control Equipment (signs, barricades, etc.) Needed? Yes  No \_\_\_\_\_

F. Who Will Provide Traffic Control? RPD + MLF

G. Will the Event Disrupt Retail Businesses? Yes \_\_\_\_\_ No \_\_\_\_\_

(If yes, you must notify those affected businesses)

H. Type of Crowd Expected to Attend?

community

**SECTION V. CITY SERVICES REQUESTED and / or REQUIRED**

The following services are available from, or may be required by, the City of Rockland. The applicant must determine the requested and/or required services prior to submission of the application. Whether City services are required shall be determined by the applicable department. All fees and costs associated with these services will be the responsibility of the applicant unless a waiver of such fees and costs is sought and obtained from the City Council, or Harbor Management Commission, where applicable.

**POLICE DEPARTMENT SUPPORT**  
(Contact (207) 594-0317)

Yes  No

**FIRE DEPARTMENT / EMS SUPPORT**  
(Contact (207) 594-0318)

Yes  No

**DEPARTMENT OF PUBLIC WORKS SUPPORT**  
(Contact (207) 594-0320)

Yes  No

I hereby acknowledge and agree that the event sponsor and the participants will comply with all applicable laws of the State of Maine and the City of Rockland, and adhere to the conditions granted by this permit.

Signature of authorized representative: \_\_\_\_\_

Date: \_\_\_\_\_

Print: John Chapman

**SECTION VI. CITY OF ROCKLAND USE ONLY**

**POLICE:**

Approved as submitted: \_\_\_\_\_  
Chief of Police / Designee

Approved with conditions: \_\_\_\_\_  
Chief of Police / Designee

Conditions: \_\_\_\_\_

**FIRE:**

Approved as submitted: \_\_\_\_\_  
Fire Chief / Designee

Approved with conditions: \_\_\_\_\_  
Fire Chief / Designee

Conditions: \_\_\_\_\_

**PUBLIC WORKS:**

Approved as submitted: \_\_\_\_\_  
Public Works Director / Designee

Approved with conditions: \_\_\_\_\_  
Public Works / Designee

Conditions: \_\_\_\_\_

**HARBOR & WATERFRONT**

(for Buoy, Harbor, or Snow Marine Park)

Approved as submitted: \_\_\_\_\_  
Harbor Master

Approved with conditions: \_\_\_\_\_  
Harbor Master

Conditions: \_\_\_\_\_

**CITY OF ROCKLAND, MAINE**

**ORDER #18**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Temporary Street Closure & Fee Waiver – Memorial Day Parade

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the organizers of the annual Memorial Day Parade are hereby authorized to close Main Street from Water Street to North Main Street, on Monday, May 30, 2016 beginning at 10:30 a.m. to hold the annual Memorial Day Parade. The organizers shall co-ordinate activities with the Rockland Police, Fire and Public Works Departments for any necessary traffic control and/or public safety measure. Any fees associated with this activity are hereby waived.

Sponsor: City Council  
Originator: Gary Henry

# City of Rockland Special Events Application

Date of Event: 5/30/2016  
Start Time: 1030  
Completion Time: 1100-1115  
Rain Date:

Type of Event: Parade  
Foot Race  
Demonstration  
# Participants: 100

Walk  
Bike Race  
Other SERVICE

## SECTION I. APPLICANT

Title of Event: MEMORIAL DAY PARADE + SERV. Name of Applicant Organization: GARY HENRY  
Address: 19 CENTER ST. ROCKLAND  
Telephone: 542-8893 Type of Organization: for profit / non-profit / other: \_\_\_\_\_

Representative of the Organization (at least one name required - must be the applicant):

Name: GARY HENRY Position: \_\_\_\_\_ Telephone: 542-8893 Business: \_\_\_\_\_

## SECTION II. CITY PROPERTY

Proposed Use of City Owned Property (specify whether admission to be charged, and how much)  
Building / Park / Street Closure / Use of Public Way / Other City Owned property

SERVICE - CORNER OF PARK & MAIN STS. - PARADE CONTINUE DOWN MAIN To  
WASSE PARKING  
LOT.

(City Council or Harbor Management Commission approval required for street/sidewalk closure or exclusive use of park)

## SECTION III. LOGISTICS (Attach additional pages if needed.)

Parking: \_\_\_\_\_ Location(s): \_\_\_\_\_

Liquor Service? \_\_\_\_\_ (license required) Type of License (attach copy): \_\_\_\_\_

Food Service? \_\_\_\_\_ (attach copy of state license) Describe arrangements for food  
storage, preparation, and type and storage of cooking fuels: \_\_\_\_\_

Sanitary facilities: Type: \_\_\_\_\_ # Available: \_\_\_\_\_

Contractor / Contact Info: \_\_\_\_\_

Signage? Location(s): \_\_\_\_\_ Number: \_\_\_\_\_

(City Council approval is required for off-premises signs in ROW / on City property)

Electrical Installations? Type: \_\_\_\_\_ Location(s): \_\_\_\_\_ Contractor: \_\_\_\_\_

Tents? Number: \_\_\_\_\_ Location(s): \_\_\_\_\_ Contractor: \_\_\_\_\_ Dates: \_\_\_\_\_

Insurance: Agent: \_\_\_\_\_ Contact: \_\_\_\_\_ Limits: \_\_\_\_\_

(Attach copy of insurance rider / declaration page)

## SECTION IV. EVENT INFORMATION

A. Assembly Area Prior to Event: BOSTON FINANCE PARKING LOT

B. Will the Event Disrupt Traffic Patterns? Yes \_\_\_\_\_ No \_\_\_\_\_

C. Traffic Detours Needed? Yes  No

D. Are Street Closures Necessary? Yes \_\_\_\_\_ No \_\_\_\_\_

E. Traffic Control Equipment (signs, barricades, etc.) Needed? Yes  No \_\_\_\_\_

F. Who Will Provide Traffic Control? POLICE

G. Will the Event Disrupt Retail Businesses? Yes  No \_\_\_\_\_  
(If yes, you must notify those affected businesses)

H. Type of Crowd Expected to Attend?

150 ±

**SECTION V. CITY SERVICES REQUESTED and / or REQUIRED**

The following services are available from, or may be required by, the City of Rockland. The applicant must determine the requested and/or required services prior to submission of the application. Whether City services are required shall be determined by the applicable department. All fees and costs associated with these services will be the responsibility of the applicant unless a waiver of such fees and costs is sought and obtained from the City Council, or Harbor Management Commission, where applicable.

**POLICE DEPARTMENT SUPPORT**

(Contact (207) 594-0317)

Yes \_\_\_\_\_ No \_\_\_\_\_

**FIRE DEPARTMENT / EMS SUPPORT**

(Contact (207) 594-0318)

Yes \_\_\_\_\_ No \_\_\_\_\_

**DEPARTMENT OF PUBLIC WORKS SUPPORT**

(Contact (207) 594-0320)

Yes \_\_\_\_\_ No \_\_\_\_\_

*FEE WAIVER REQUESTED*

I hereby acknowledge and agree that the event sponsor and the participants will comply with all applicable laws of the State of Maine and the City of Rockland, and adhere to the conditions granted by this permit.

Signature of authorized representative: \_\_\_\_\_

Date: \_\_\_\_\_ Print: \_\_\_\_\_

**SECTION VI. CITY OF ROCKLAND USE ONLY**

**POLICE:**

Approved as submitted: *[Signature]*  
Chief of Police / Designee

Approved with conditions: \_\_\_\_\_  
Chief of Police / Designee

Conditions: *Need two officers & two cars at OT Kate Shans*

**FIRE:**

Approved as submitted: *[Signature]*  
Fire Chief / Designee

Approved with conditions: \_\_\_\_\_  
Fire Chief / Designee

Conditions: \_\_\_\_\_

**PUBLIC WORKS:**

Approved as submitted: *[Signature]*  
Public Works Director / Designee

Approved with conditions: \_\_\_\_\_  
Public Works / Designee

Conditions: *needed traffic controls*

**HARBOR & WATERFRONT**

(for Buoy, Harbor, or Snow Marine Park)

Approved as submitted: \_\_\_\_\_  
Harbor Master

Approved with conditions: \_\_\_\_\_  
Harbor Master

Conditions: \_\_\_\_\_

**CITY OF ROCKLAND, MAINE**

**ORDER #19**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Fee Waiver – Lobster Boat Race Participants

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the docking fees at the Public Landing are hereby waived for participants of the Annual Rockland Lobster Boat Races, scheduled for June 19, 2016, to dock overnight the night before the races.

Sponsor:  
Originator: Dot Black

## Stuart

---

**To:** Jim Chaousis  
**Subject:** RE: Lobster Boat races

**From:** Dot Maine Lighthouse Museum [<mailto:dot@mainelighthousemuseum.org>]  
**Sent:** Monday, March 21, 2016 12:02 PM  
**To:** James D. Chaousis II <[jchaousis@ci.rockland.me.us](mailto:jchaousis@ci.rockland.me.us)>; Audra Bell <[abell@ci.rockland.me.us](mailto:abell@ci.rockland.me.us)>  
**Subject:** Lobster Boat races

I am writing you on behalf of the Rockland Lobster Boat Races that are going to be held on June 19. We have boaters that would like to stay the night before. Would you please let me know if we can get the fee waived or what it might cost for them to do that..

Its a very popular event and brings business into the city of Rockland.

Dorothy Black

**CITY OF ROCKLAND, MAINE**

**ORDER #20**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing License Agreement – Brass Compass Tables

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is authorized to sign a limited use license agreement with the owner of the Brass Compass Cafe to place public tables in a portion of Winslow-Holbrook Memorial Park and to provide food and beverage service to those tables for the 2016 Summer Season (May 15, 2016 through October 31, 2016) in substantial conformance with the terms and conditions specified in the license agreement attached hereto.

Sponsor:

Originator: Brass Compass Cafe

## LICENSE AGREEMENT

**THIS LICENSE AGREEMENT** by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and Lynn W. Archer, d/b/a The Brass Compass Cafe, of 305 Main Street, Rockland, Maine (the "Licensee"), is effective May 15, 2016, if duly executed by each party.

**WHEREAS**, Licensee operates a restaurant at 305 Main Street (Tax Map 1-H-9) (the "Brass Compass"), immediately adjacent to the northerly boundary of Rockland's Winslow-Holbrook Memorial Park (Tax Map 1-H-7) (the "Park"); and

**WHEREAS**, Licensee seeks to place and serve food at tables in the Park,

**NOW, THEREFORE**, in consideration of the promises and undertakings set forth herein, the parties hereto do agree as follows:

**1. Grant of License.** The City of Rockland grants to Licensee a non-exclusive license, between May 15, 2016, and October 31, 2016, temporarily to place tables and chairs for public and customer seating, and – from and by the Brass Compass – to serve food and refreshments at the same within the License Premises as hereinafter defined;

**2. License Premises.** The License Premises shall be the area of the Park that (A) falls within, and does not exceed, twelve (12) linear feet measured southerly from and at right angles to the southerly foundation of the Brass Compass building; (B) lies easterly of the east side of the City's street light control panel in the Park; and (C) excludes the areas in the Park (1) between the north side of the control panel and the Brass Compass building, (2) between the south side of said control panel and Park Drive, and (3) between the west side of said control panel and Main Street (the "License Premises")

**3. Fee.** Licensee shall, prior to placing any table or chair in the Park, pay to the City a total fee of \$1,500.00 (the "Fee") for the permissions granted under this License; provided, however, that in the event the City suspends or terminates this License Agreement pursuant to subparagraph 8(A), the fee shall be pro-rated to exclude the period in which this License is suspended, and the excess payment, if any, shall be refunded to Licensee no later than November 30, 2016;

**4. Conditions.** Such license and use of the Park shall be subject to and limited by the following conditions:

- A. Licensee shall not place or allow any third party to place or move Licensee's tables or chairs or other property at or to any location outside the License Premises. Licensee has the sole obligation and burden of assuring that her patrons and property remain within the License Premises;
- B. Licensee shall neither conduct nor permit any food preparation; nor place or allow any greeting stand, bussing station, or storage facility; nor play, show, or operate any audio or visual device; nor use or store any cooling, refrigeration, or other equipment or devices, in the License Premises;
- C. Licensee may not serve and shall prohibit the consumption of alcoholic beverages in or around the License Premises;
- D. Licensee shall keep the License Premises, and tables and chairs placed therein, in a clean, neat, and orderly condition at all times;
- E. Licensee may not affix or attach any table, chair, or other item to the ground in the License Premises in any manner, nor cordon off or establish any barrier to the public's access to or use of such tables and chairs in the License Premises;
- F. Licensee may not place, and shall remove if placed by any third party, any commercial logos, promotional materials, or other advertising for Licensee's or any other business or enterprise (other than the existing awning attached to the Brass Compass building) within or over the License Premises or the Park;
- G. Licensee shall permit and welcome members of the public to use, within the License Premises, any or all of the tables and/or chairs placed by or for the Licensee within the License Premises. Licensee may in no way, explicitly or by implication, restrict the use of the License Premises or Licensee's tables and chairs therein to patrons of the Licensee's business(es). Notwithstanding the foregoing, Licensee may exclude from the License Premises any unruly, intoxicated, or disruptive persons, consistent with Licensee's policies or practices for removing such persons from the interior of Licensee's restaurant;
- H. Licensee shall be responsible for the repair of any damage that occurs within the License Premises during the term of this License Agreement;
- I. Licensee shall secure and maintain property insurance for the License Premises, and liability insurance covering occurrences within the License Premises in amounts not less than

\$1,000,000/occurrence and \$3,000,000/ aggregate, and shall cause the City to be named therein as an additional insured. Licensee shall cause an original certificate of such insurance to be submitted to the City prior to Licensee's use of the License Premises. Licensee shall keep current such liability insurance coverage throughout the term of this License Agreement;

- J. Nothing herein is intended nor shall be deemed to grant to Licensee or any other party any property or other right, title, or interest in the real and personal property subsumed within the License Premises. Nor does the grant of the permissions set forth in the License Agreement establish any precedent for or subsequent right to the renewal of such license and/or permissions in the future;
- K. License shall not make or permit any construction, reconstruction, demolition, or other activity affecting the condition of the License Premises. Any improvements to or in the License Premises by, on behalf of, or with the permission of the Licensee shall become the property of the City, without cost and free and clear of any lien or other encumbrance or claim;

**5. Term.** Except upon the occurrence of an Event of Default, the Term of this License Agreement shall be from May 15, 2016, to October 31, 2016;

**6. Costs; Maintenance.** Licensee shall be fully and solely responsible for the costs of the permanent or temporary improvement(s) and amenities authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensee shall maintain the License Premises, and Licensee's property therein, in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof;

**7. Indemnification; Hold Harmless.** Licensee hereby agrees and undertakes to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the permissions granted to Licensee herein, and/or from Licensee's acts or omissions in or relating to her use of the License Premises. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

**8. Termination.** The City may terminate this License Agreement prior to the expiration of the Term as follows:

- A. if (1) the City Council shall have adopted a plan for the rehabilitation or improvement of the Park and/or the surrounding City sidewalk(s), and (2) work is to commence to implement such plan within the effective period of this License, which work – in the sole discretion of the City Manager – requires the suspension or termination of this License and the removal of the tables and chairs, Licensee shall cease her use of the Park for seating and service, and shall remove the tables and chairs from the Park until informed by the City that such use may resume; or
- B. without notice, if the City Manager, in consultation with the Code Enforcement Officer or other City staff member of competent jurisdiction, finds that Licensee is in violation of any condition, term, obligation, or requirement of this License Agreement or other applicable law, regulation, or rule (“cause”). Cause shall included, but not be limited to, Licensee’s service of alcohol or allowance of the consumption of alcohol within the License Premises at any time during Licensee’s business hours or while Licensee or any employee or other agent of Licensee shall be present at 305 Main Street. In the event of the termination of this License Agreement by the City Manager for cause, no part of the Fee shall be refunded to Licensee, notwithstanding anything to the contrary herein.

In the event of such suspension or termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensee shall cease upon the effective date of such termination; Licensee shall, with or without order or other notice to that effect, and at Licensee’s sole expense, remove or cause to be removed all of Licensee’s property from the License Premises; and Licensee shall immediately cease any use of such License Premises;

**9. Miscellaneous.**

A. This License Agreement is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the

parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

**IN WITNESS WHEREOF**, this License Agreement has been duly executed by the parties hereto as of the date first above written.

WITNESS:

CITY OF ROCKLAND, MAINE:

\_\_\_\_\_  
by: Stuart H. Sylvester, City Clerk

\_\_\_\_\_  
by: James D. Chaousis II,  
its: City Manager

As to Form:

\_\_\_\_\_  
Kevin J. Beal, City Attorney

WITNESS:

LYNN W. ARCHER:

\_\_\_\_\_  
Print: \_\_\_\_\_

## Stuart

---

**To:** Lynn Archer  
**Subject:** RE: Brass Compass Tables

**From:** Lynn Archer [<mailto:larcher.archer@gmail.com>]  
**Sent:** Monday, March 28, 2016 3:04 PM  
**To:** Stuart  
**Subject:** Re: Brass Compass Tables

Dear Mayor and Members of the [City Council](#),

I would like to request again the use of the 12 foot strip of land in Winslow-Holbrook park adjacent to the Brass Compass Cafe for the placement of tables and chairs for food service for the 2016 summer season. Thank you for your consideration.

Lynn Archer

**CITY OF ROCKLAND, MAINE**

**ORDER #21**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Extension of Payment Deadline – Mooring Permits

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, due to changes in administration in the Harbor and Waterfront Department and the delay in sending out mooring permit renewal applications, the March 15, 2016 deadline for payment of mooring permits for 2016 is hereby extended to April 15, 2016.

Sponsor: City Manager  
Originator: Harbor Master

**CITY OF ROCKLAND, MAINE**

**ORDER #22**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Demolition of Structures – Rockland Street

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to demolish any and all structures located at 9 Rockland Street (Tax Map #13-E-8), 13 Rockland Street (Tax Map #13-E-9), and 15 Rockland Street (Tax Map #13-E-9), all acquired by the City through automatic foreclosure of Municipal Tax Liens on March 10, 2016.

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**  
**IN CITY COUNCIL**

**ORDER #23**

April 11, 2016

**ORDER** Authorizing the use of program income from Rockland's previous CDBG Spot Rehab Housing Program to be applied to an updated Housing Rehabilitation Program and for the Economic Development Advisory Committee to oversee the development and implementation of this program

**THAT, WHEREAS**, the City of Rockland has received over \$250,000 in program income from previous CDBG housing programs; and

**WHEREAS**, in order to implement a Housing Rehabilitation Program the program guidelines must be updated and adopted and a committee must oversee the distribution of these funds; and

**WHEREAS**, Rockland's Economic Development Advisory Committee has identified a key link between housing and economic development and have agreed to oversee the Housing Rehabilitation Program; and

**NOW THEREFORE**, it is hereby Ordered by the City Council of the City of Rockland, Maine, that:

(1) A Housing Rehabilitation Program will be established and funded with \$250,000 of program income from past CDBG housing programs.

(2) The Rockland Economic Development Advisory Committee is authorized and directed, to carry out the duties and responsibilities for implementing said program consistent with the City Charter and the laws and regulations governing the planning and implementation of community development programs in the State of Maine.

Sponsor: Councilor Geiger

Originator: Community Development Director

REPORT OF: Community & Economic Development Director  
TO: City Manager, City Council  
CC : Economic Development Advisory Committee  
SUBJECT: Housing Development Advisory Committee & Housing Redevelopment Strategy  
COUNCIL AGENDA ITEM: Order #XX Creation of Housing Development Advisory Committee  
*Created: 03/31/2016*

## **REPORT OVERVIEW**

### **PURPOSE OF REPORT**

The purpose of this report is to provide Council with background information and recommendations regarding transferring responsibilities of the CDBG Loan Committee to the Economic Development Advisory Committee and strategies which this committee could be tasked with in order to address issues around improvement of Rockland's housing stock and housing affordability.

### **COMPREHENSIVE PLAN PRIORITY**

CHAPTER 7 – Housing

#### **POLICIES:**

- (1) To encourage and promote adequate workforce housing to support the community's and region's economic development.*
- (2) To ensure that land use controls encourage the development of quality affordable housing, including rental housing.*
- (3) To encourage and support the efforts of the regional housing coalitions in addressing affordable and workforce housing needs.*

## **REPORT DETAIL**

### **BACKGROUND**

The City of Rockland has historically assisted landlords and homeowners in making improvements to their properties through housing improvement grant and loan programs with funding secured through the Community Development Block Grant (CDBG) Program.

Both multi-family and single family landlords and/or homeowners have utilized the CDBG Spot Rehab housing program to make essential improvements to their homes. The Community Development Department received applications from property owners, which were then reviewed by the Community Development Block Grant Loan Committee. This Committee would then approve or reject applications based on strict criteria. The last CDBG Housing Grant received by the City of Rockland was specifically for Multi-family housing.

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While these grant funds have been expended, the City continues to receive program income from various CDBG loans programs. The City currently has over \$250,000 of program income from previous housing programs. This money cannot be spent for any other purpose than to provide housing, or housing rehabilitation assistance to low to moderate income people in line with Maier CDBG guidelines. Therefore, this provides the City of Rockland with an opportunity to redevelop our Housing Rehabilitation Loan/Grant Program to better address our current challenges with the condition of our housing stock and its affordability.

New program guidelines for the housing rehabilitation program have been drafted which will continue to meet the required State CDBG Guidelines but allow for flexibility and development of new housing projects and programs. In addition to developing a new Housing Rehabilitation Loan/Grant Program, there are a variety of other strategies the City can pursue to improve the quality of our housing stock and its affordability across all income levels. However, responsibilities of the CDBG Loan Committee will need to be transferred to the Economic Development Advisory Committee (REDAC) in order to have the appropriate advisory body.

This discussion section of this report will touch on potential strategies, their links to the comprehensive plan and how charging REDAC with overseeing the Housing Rehabilitation Program would be the appropriate mechanism for further developing and implementing housing affordability strategies.

## **DISCUSSION**

Tasking REDAC with addressing housing affordability would allow the committee to address issues regarding Rockland's housing stock and its affordability in a more holistic manner. Instead of just focusing on approving or denying housing rehabilitation assistance applications this committee would have the opportunity to develop and implement policy and programs that allow the City to leverage its limited resources to better address housing issues.

While this is not intended to be an exhaustive list of all the potential strategies REDAC may pursue to improve the condition of Rockland's housing stock and address affordability issues<sup>1</sup>, these are strategies that have been identified through discussions<sup>2</sup> and are consistent with our Comprehensive Plan. These strategies have the potential to alleviate current needs that are urgent and raise the profile of Rockland's housing affordability issues and include the following:

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<sup>1</sup> It would be ideal to develop a housing strategy based on rigorous and thorough needs assessment. However, this process is likely to be costly and could hinder the opportunity to implement strategies that would alleviate some urgent need.

<sup>2</sup> These discussions have taken place with City Councilors, community members, statewide housing experts and developers.

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TO: City Manager, City Council  
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1. Housing Redevelopment Program Assistance Grant and Loan policy and decisions on applications
2. Identifying land use barriers to housing affordability and making recommendations to address these issues
3. Developing a policy on density bonuses on affordable housing projects and providing recommendations on projects where a bonus is requested
4. Developing a policy on affordable housing TIF & PILOT agreements and providing recommendations on projects where these agreements are requested
5. Collaboration with not-for-profits and other partners on local and regional housing strategies
6. Implementation of the housing strategies identified in the Housing Chapter of the Comprehensive Plan
7. **Recommendations on the potential for lien acquired properties to become affordable housing projects**

Many of the strategies/policies, policy implementation and programs identified above need to be approached in a holistic and coordinated manner in order to be most effective in providing tools for addressing housing affordability. Therefore, tasking REDAC with this responsibility will be key in the successful development and implementation of these strategies/policies.

At its meeting on January 28<sup>th</sup> 2016, REDAC agreed to take on the responsibility of addressing housing affordability issues and during the March 24<sup>th</sup> meeting REDAC reviewed and approved the Housing Rehabilitation Program Guidelines. REDAC also discussed implementing number 7 outlined above, by providing not for profit housing developers the opportunity to make an offer on lien acquired properties to the City without having to bid. This would remove uncertainty for not for profit housing developers and provide them with the ability to plan projects in advance.

## **CONCLUSION**

The City of Rockland has a major opportunity to play a role in addressing issues with the condition of our housing stock through strategies/policy and programs. In order to do this effectively it would be advantageous to transfer the responsibilities of the CDBG Loan Committee to the Economic Development Advisory Committee. REDAC has the potential to dig into these issues and address them in a coordinated and holistic manner.

REPORT OF: Community & Economic Development Director

TO: City Manager, City Council

CC : Economic Development Advisory Committee

SUBJECT: Housing Development Advisory Committee & Housing Redevelopment Strategy

COUNCIL AGENDA ITEM: Order #XX Creation of Housing Development Advisory Committee

*Created: 03/31/2016*

## **RECOMMENDATION**

### **IT IS RECOMMENDED: -**

1. That the City Council delegate the Rockland Economic Development Advisory Committee the responsibility of overseeing the Housing Rehabilitation Program. This includes:
  - a. The consideration, approval and adoption of Program Guidelines;
  - b. Review of the program progress and operations;
  - c. Approving or rejecting applications for assistance.
2. That the City Council directs REDAC to work on the development and implementation of broader strategies (including but not limited to those identified above) to address housing affordability.



# **City of Rockland**

## **PROGRAM GUIDELINES**

**FOR**

## **HOUSING REHABILITATION PROGRAM**

**Adopted by City of Rockland**

**XXX XX, 2016**

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## PART I: PROGRAM OVERVIEW

### SECTION 1 - INTRODUCTION

The purpose of the City of Rockland Housing Rehabilitation Program (HRP) is to help low-moderate income Rockland residents fix up their homes. For general rehabilitation, a maximum amount of \$15,000 per home/unit is available and an additional \$10,000 per home/unit is available for abatement of hazardous substances, particularly lead paint, or for weatherization and energy efficiency upgrades. HUD requires that all federally assisted housing programs implement a comprehensive program for housing stock improvement in the City of Rockland. The HRP shall be established through community input under the guidance of the Housing Development Advisory Committee and the leadership of the City Community Development Director.

#### Acronyms and Definitions

**CDBG;** Community Development Block Grant. A federally funded but state administered program that provides housing assistance or multi-family housing grants to communities in Maine.

**HRP;** Housing Rehabilitation Program. This Program

**HDAC;** Housing Development Advisory Committee. City of Rockland Committee established to design this Program

**LMI;** Low-to-Moderate Income. Targeted population, defined by CDBG meeting Section 8 Income Guidelines for Knox County, eligible for CDBG funds from the State granted to the City

**Applicant;**

Owner of the property and underlying land

**CDBG;** Community Development Block Grant

**City;** City of Rockland, Maine

**Contractor;**

General Contractor included in the Program's Contractor Pool

**DECD;** Maine Department of Economic & Community Development

**FMR;** Fair Market Rent

**HQS;** HUD's Section 8 Housing Quality Standard

**HUD;** U.S. Department of Housing and Urban Development

**LIHEAP;**

Low Income Home Energy Assistance Program

**OCD;** DECD Office of Community Development

**Program Administrator;**

City of Rockland Community Development Director

Since 2002 the City of Rockland has been securing and administering Community Development Block Grant (CDBG) Housing Assistance Program funds and using those to make loans to property owners for the substantial rehabilitation of eligible multi-family housing projects and single-family homes. CDBG funds were and are focused on those homes that are occupied by a majority of Low to Moderate Income (LMI) persons. The proceeds from the repayment of all prior and future CDBG Housing Assistance Program loans received and administered by the City of Rockland constitute "Program Income." A separate but integrated CDBG Program Income Plan is integrated into this more comprehensive HRP. The City Council and this HRP hereby establishes the City of Rockland Housing Development Advisory Committee (HDAC). The HDAC shall serve as the CDBG Loan Review Committee for the purposes of fulfilling the rules and guidelines

established under previous CDBG Multifamily Housing Rehabilitation Program Guidelines.<sup>1</sup> The HDAC shall be comprised of five to seven members representative of the City population. The HDAC shall formulate By-Laws as necessary to determine means of appointment, leadership, voting, and term of service. The HDAC shall provide advisory council and guidance to the Community Development Director for the formulation, approval, and amendments to this City of Rockland Housing Rehabilitation Program (HRP) and its role as established within this Program. The HDAC may amend these guidelines as necessary. CDBG Program Income is limited to the confines of the CDBG Housing Income Program Plan.

## **SECTION 2 - GOALS OF THE PROGRAM**

The HRP shall establish goals for housing redevelopment and improvements in the City. The goals shall be created through community input and formalized by vote of the HDAC.

The DRAFT goals of the HRP are

- a. Sustainable and equitable use of CDBG Program Income to meet the needs of LMI residents in the City, particularly those who are:
  - a. First homebuyers
  - b. Elderly and/or disabled
- b. Development of funding options and programs to support the redevelopment of the City's Housing Stock, regardless of income of owner and residence.

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<sup>1</sup> Program Guidelines & CDBG Program Income Plan for 2011 Multi-Family Housing Rehabilitation Loan Program established March 22, 2012, Revised January, 2016

## **PART II: PROGRAM GUIDELINES FOR HOUSING REHABILITATION PROGRAM**

### **SECTION 1 - PROGRAM OVERVIEW**

#### **1.1. Authorization**

The City of Rockland (hereafter the “City”) has Program Income derived from past Community Development Block Grant (“CDBG”) Housing Assistance Program grants used to rehabilitate eligible housing units within the city. This Program Income will be used to fund home rehabilitation projects undertaken by the City’s Housing Rehabilitation Program (hereafter the “Program”). The Program will be administered in accordance with the City’s CDBG Housing Income Plan adopted by the City on XXX XX,2016.

#### **1.1.1 Program Guidelines**

These Guidelines are adopted by the City of Rockland Housing Development Advisory Committee (hereafter the “Committee”). The Committee’s responsibilities under this Program are outlined in Part II, Section 7, below.

#### **1.2 Administration**

The administration and operation of the program will be the responsibility of the Program Administrator under the guidance of the Community Development Director and in conformance with the Guidelines established herein.

#### **1.3 Program Objectives**

The Program shall assist income-eligible single-family and multi-family property owners with assistance in performing housing rehabilitation projects as required to remove health/safety hazards, increase building durability and weatherization and energy efficiency. The Program may also be used to address Life Safety Code, Building Code, and Plumbing and Electrical Code violations.

#### **1.3.1 Funder of Last Resort**

Applicants for home rehabilitation must demonstrate that they have no other means available to finance the work themselves prior to applying for assistance through the Program.

#### **1.4 Intake & Screening**

Program applications will be made available at the City Hall. Applications will include a Program Information Sheet describing the Program and available financing. Applicants will be required to complete the application and provide necessary documentation as required to determine their eligibility for assistance. Applications will be screened for eligibility by the Program Administrator.

## SECTION 2 - PROGRAM ELIGIBILITY

### 2.1 Property Eligibility

#### 2.1.1 Single Family Homes.

The following types of occupancy are eligible:

##### *2.1.1.1 Titled Ownership.*

Applicants living in a single-family stick-built or modular home that represent that they are the owners of the property must have a legal property deed such as a Warranty Deed or Quit Claim Deed. The Applicants name must appear on the deed as being the owner. Other names may appear as joint owners; however they will be required to sign mortgage documents should assistance be given by means of an amortizing or a deferred/forgivable loan.

##### *2.1.1.2 Life Estate.*

Alternatively, a legal Life Estate is acceptable as proof of ownership. The deed or agreement must clearly state that the Applicant has life rights to the property to be improved.

##### *2.1.1.3 Mobile Homes.*

In the case of a mobile home on a parcel of land that the Applicant represents that they own, such ownership must be evidenced by a legal deed such as a Warranty Deed or Quit Claim Deed. In the case of a mobile home on a rental lot the Applicant must provide a Bill of Sale demonstrating ownership of the mobile home. In this case, however, improvements may be made only to the mobile home itself. Site improvements such as water and sewer connections, wells, and septic systems are not allowed.

##### *2.1.1.4 Rent-to-Own.*

An Applicant may represent that they own their property but do not have a deed. Instead they have some form of purchase and sale agreement or land contract stating that the rent they pay is being credited to the purchase price of the property. When they complete the terms of the agreement the owner transfers legal ownership to the Applicant and they have a deed with their name on it. This is a rental situation, not titled ownership. The Applicant must provide the agreement or contract detailing the rent-to-own arrangement. The owner of the property must agree to allow the

rehabilitation work to be done and be willing to sign a promissory note and mortgage securing the rehabilitation loan.

### 2.1.2 Multi-family Homes.

#### *2.1.2.1 Multi-family.*

The property must be a multi-family dwelling containing at least 2 but not more than 4 rental units, and located within the City of Rockland.

#### *2.1.2.2 Income Eligible Population.*

A majority (51%) of the rental units must be occupied by income eligible persons. Example: If there are 4 apartments in a building, 3 of the apartments must be occupied by income eligible persons in order to be eligible. If there are 2 apartments, 1 must be occupied by income eligible persons in order to be eligible. Tenant income eligibility is based on a Tenant Income Verification Form. It is the responsibility of the property owner to ensure this information is collected from their tenants. The tenants send the completed forms directly to the Program Administrator.

#### *2.1.2.3 Owner Occupied.*

In an owner-occupied building the owner may qualify as the beneficiary and can count themselves as part of the 51% income eligible population. The rehabilitation Program may be used to rehabilitate an owner-occupied apartment unit.

#### *2.1.4 Mortgages & Tax Liens.*

The Applicant must not be in arrears at the time of construction on mortgage payments that would bring about a foreclosure of the home. Likewise, the applicant must not be delinquent in real estate taxes. Exceptions can be made if, upon consultation with the City tax assessor, it is determined that the Applicant has a long history of paying their taxes faithfully. Applicants who are in danger of losing their property through foreclosure for unpaid taxes are not eligible.

#### *2.1.5 Property Insurance.*

The Applicant must show proof that the building has sufficient insurance that would replace the dwelling if it were destroyed by fire or other means and that the City of Rockland is listed as a mortgagee/loss payee for the entire duration of the loan.

### 2.1.3 Redevelopment of Existing Residential Lots.

Existing residential lots will be eligible for program assistance where:

- The existing structure is in such a state of disrepair it is cost prohibitive to rehabilitate;

- It is located in a residential AA, A or B zone.

## **2.2 Applicant Eligibility**

### **2.2.1 Priority Applicants.**

Applications from the following types of eligible applicants, with eligible properties, will be prioritized for receiving program funds:

1. First time homebuyers (when owner occupants).
2. Nonprofit housing development organizations and other affordable housing providers when rehabilitating or redeveloping existing housing stock or lots (the property and tenants /prospective owners must be eligible).
3. Elderly or disabled applicants when making accessibility upgrades to allow them to remain in their homes.

### **2.2.2 Household Income.**

The Applicants total household income may not exceed 80% of the Area Median Income as determined by HUD.

### **2.2.3 Liquid Assets.**

Owners of single-family homes wishing to qualify for assistance may not have liquid assets in excess of \$10,000<sup>2</sup>. Applicants sixty two (62) years or older however, may have liquid assets up to a maximum of \$50,000. Further, the applicant may not have real estate in excess of that considered necessary and appropriate for their primary residence and the lot it occupies.

Owners of multi-family buildings may not have liquid assets in excess of \$100,000 at the time of application for the program. Multi-family applicants 62 years of age or older may not have liquid assets in excess of \$200,000 at the time of application. Liquid assets are defined as 'cash, or assets easily converted into cash, such as bank deposits, money market funds, or US Treasury bills' that are available to meet immediate and urgent needs. The overall purpose of these 'asset' limitations are to encourage a household's contribution to meeting their needs, when possible, and at the same time recognize that household assets represent needed income and insurance against financial calamities, and that it is prudent to retain these assets to some extent. Accordingly, disputes of the asset test may be brought before the Committee for review and a final decision.

### **2.2.4 Definitions of Income.**

This section will define what is considered income and will be used in the process of determining if the Applicants are income eligible. Income eligibility is based on the total household's income for the 12-month period prior to the date of application to the Program.

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<sup>2</sup> Excludes deposit required to purchase a home when the applicant is a first home owner.

#### *2.2.4.1 Total Household Income.*

For the purpose of this program, Total Household Income shall include the combined gross income of all household members, excluding dependents under the age of 18 or dependents attending school on a full-time basis.

#### *2.2.4.2 Sources of Income.*

Includes, but are not limited to: wages, salaries, commissions, pensions, annuities, social security, TANF, General Assistance payments, aid to the disabled, VA benefits, unemployment benefits, and support/alimony.

#### *2.2.4.3 Items not considered income.*

- a. Casual, sporadic or irregular gifts, inheritances or tax refunds.
- b. Amounts which are specifically for or in reimbursement of the cost of medical expenses.
- c. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), and settlement for personal or property losses.
- d. Amounts of educational scholarships paid directly to the students or to the educational institution and amounts paid by the Government to a Veteran for use in meeting the costs of tuition, fees, books, and equipment. Any amounts of such scholarships or payments to Veterans, not used for the above purposes or which are available for subsistence, are to be included as income.
- e. The special pay to Armed Forces personnel, head of a family away from home, and exposed to hostile fire.
- f. Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- g. Foster child care payments.
- h. The value of coupon allotments for the purchase of food pursuant to the Food Stamp Act of 1964 which is in excess of the amount actually charged the eligible household.
- i. Payments received pursuant to participation in the following volunteer programs:
  1. National Volunteer Anti-Poverty Programs which include VISTA, Service Learning Programs and Special Volunteer Programs.
  2. National Older American Volunteer Programs for persons aged 60 and over which include Retired Senior Volunteer Programs (RSVP), Foster Grandparent Program, Older American Community Service Program, National Volunteer Program to assist Small Business Experience, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

#### *2.2.4.4 Deductions from Income.*

This section will set forth the expenses that may be deducted from the gross household income prior to determining program eligibility. The gross household income, minus the following deductions shall equal the income figure from which program income eligibility will be determined.

- a. If medical expenses for the past 12 months exceed 3% of the total gross household income, then said expenses, including health insurance premium payments, shall be deducted from the gross household income.
- b. A \$500 deduction shall be given for each member of the family who is under 18 years of age.
- c. If child care is necessary so that a member of the family can work, then the costs incurred for said child care shall be deductible from the gross household income.

### **SECTION 3: PROJECT DEVELOPMENT**

#### **3.1 Property Inspection**

The Program Administrator will inspect the property and discuss with the owner what rehabilitation measures are within the scope of the program. The Program Administrator will review with the applicant the requirements of the Program as regards competitive bidding and project financing.

#### **3.2 Lead Paint Hazards**

If the building was built prior to 1978 the applicant will be provided with information about the hazards of lead paint and how they may impact occupants of the home. The applicant will be asked to sign a form acknowledging that they were provided with this information.

#### **3.3 Allowable Activities**

There are four types of projects that are allowable under the Program:

##### **3.3.1 Heating System Repairs.**

Repair or replacement of the primary heating appliance. In the case where a single central heating system is not installed there may be multiple space heaters that qualify together as the primary heating appliance. Repairs to back-up heating appliances are not allowed.

##### **3.3.2 Health & Safety Related Repairs.**

Repairs that address the removal of conditions that endanger the health or safety of the building occupants. Such conditions include electrical and plumbing hazards, tripping hazards, lack of potable water or adequate sewage disposal, structural issues that may lead to a catastrophic collapse of building elements, and other issues that in the opinion of the Program Administrator present a risk to the occupants.

### 3.3.3 Building Durability Repairs & Weatherization.

Repairs that address the removal of conditions that will lead to the degradation of the building due to external weather-related exposure. Such repairs may include re-roofing, installation of exterior trim wrap, installation of vinyl siding, and window and door repair or replacement.

### 3.3.4 Handicapped Access Modifications.

Modifications to a home that address access issues such as entrance ramps, door widening, and access to bathroom and kitchen facilities.

### 3.3.5 Energy Efficiency Upgrades.

Modifications to a home that address energy efficiency issues such as air sealing, insulation, basement encapsulation and window inserts.

### **3.4 Emergency Repairs.**

The Program may assist a home owner with emergency repairs, provided that the emergency is an imminent threat to health and safety, no other funds are available to correct the problem, and the Program Administrator can document the severity of the problem. In such cases the Program Administrator may waive the competitive bidding requirement in order to address the emergency in a timely way.

### **3.5 Compliance with Code.**

Any and all rehabilitation work that is performed by the Program will be performed as required to comply with the appropriate building code.

### **3.6 Rehabilitation of Non-LMI Occupied Rental Units.**

In the case of a multi-family property containing both LMI-occupied and Non-LMI-occupied rental units, the entire exterior of the structure, including roofing, siding, windows, doors, and trim is eligible for rehabilitation work. However, as regards interior work, only rental units occupied by LMI persons and common areas are eligible for financing.

### **3.7 Prepare Construction Contract.**

The Program Administrator will prepare a contract, including technical specifications that will be used to obtain bids on the work.

#### 3.7.1 Competitive Bidding.

Each contract will be put out to bid to 3 independent General Contractors. Property owner/applicants may not perform work on their own building under this Program. The date of the Bid Opening will be included in the Notice to Contractors attached to the Bid Documents. The bids will be opened publicly and publicly announced at the time of opening.

#### 3.7.2 Bid Selection.

The lowest cost bid will be accepted if found to be cost reasonable and the Contractor is available to start work within 30 days of contract award; otherwise, the next highest available bidder will be selected.

### 3.7.3 Contractor Qualifications.

To be accepted into the Pool, a contractor (the “Contractor”) must have business liability insurance, vehicle insurance, and workers compensation insurance, as applicable. Depending on the type of work to be undertaken, the Contractor must also hold a current Renovation, Repair, & Painting (formerly Lead Smart Renovators) certificate for both the firm and crew members. Contractor Pool applications will be available from the Program Administrator and must be completed, signed, and approved by the Program Administrator prior to receiving any bid documents. The Program Administrator reserves the right to debar any Contractor or Subcontractor from participation on the basis of unsatisfactory performance or inappropriate behavior of workers employed by them.

### 3.7.4 Licensed Trades.

The Contractor shall insure that all electrical, plumbing, and heating work be performed by appropriately licensed tradesman, whether they are employed directly by the Contractor or by any of the Subcontractors involved in the work, and that the Contractor shall carry the appropriate level of insurance as listed in Section 6.

### 3.7.5 Project Budget.

A budget will be prepared based on the accepted bid and presented to the Applicant for review and approval. The Applicant will be informed of the scope of work to be undertaken and the total cost. If this scope of work and total cost are acceptable, the project will pass to the Project Financing phase.

## **SECTION 4: PROJECT FINANCING**

### **4.1 Fixed Rate Amortizing Loan**

Amortizing loans may be offered to finance rehabilitation projects as Program funding allows. Interest rates are from 0% - 3% depending on applicant income and repayment ability. The maximum term is fifteen (15) years. Repayment of this loan may be secured with a mortgage on the property held by the City of Rockland and filed at the Knox County Registry of Deeds, at the discretion of the Community Development Director. If the property is sold or transferred before the end of the loan term, the outstanding balance of the loan must be repaid to the City at that time. There is no penalty for early payment.

### **4.2 0% Deferred/Forgivable Loan**

Under circumstances where the applicant has no repayment ability a deferred/forgivable loan may be offered to finance rehabilitation projects as Program funds allow. These loans have a 0% interest fixed rate, the applicant makes no payments on the principal, and it is 100% forgiven after five (5) years if the Applicant still owns the property. It will be secured with a mortgage on the property held by the City of Rockland and filed at the Knox County Registry of Deeds at the discretion of the Community Development Director. At the end of the forgiveness period the City will discharge the mortgage. Should the property be sold or otherwise transferred within five years, the entire amount of the loan must be repaid to the City of Rockland.

#### **4.3 Grants**

Grants may be offered to finance rehabilitation work but only to supplement an amortizing loan,

#### **4.4 Loan Closing & Preconstruction Meeting**

After the approved Applicant has agreed to the financing package offered, a Loan Closing will be scheduled. If the financing requires a mortgage be placed on the property all persons whose names appear on the deed to the property must be present, or provide Power(s) of Attorney to their representatives, to sign the Promissory Note and Mortgage. In the case of a mortgage placed on a multi-family property an Assignment of Rents document must be signed by the applicant. At the time of the Loan Closing a Pre-Construction Meeting will be held with the Contractor to review the work items and set start/stop dates for the work to be done.

#### **4.5 Construction Contract**

At the time of the Pre-Construction Meeting the Applicant and Contractor shall be required to sign a Construction Contract and Escrow Agreement.

#### **4.6 Amortizing Loan Repayment**

Repayment will consist of monthly installment payments in conformance with the Amortization Schedule, and shall start no later than six (6) months after the Final Inspection and Close-Out of the project. Loan payments are due by the 15<sup>th</sup> of every month. Failure to make a payment by the 15<sup>th</sup> of the month will place the loan in Default, without notice, demand, or presentment. To cure such Default, the Applicant must, within 30 days of the first missed or late payment, make all payment(s) then due and pay a late fee equal to 10% of the late payment amount(s).

#### **4.7 Remedy for Non-Repayment of Amortizing Loan on Multi-family Properties**

If the loan remains in Default status for three (3) consecutive months, the Assignment of Rents shall be triggered and the City may cause all rental payments to be paid directly to the City. The City shall continue to collect rental payments until such time as the loan is no longer in Default status, including the collection of all late payments and the City's costs of collection, if any. At that time the Applicant shall resume monthly loan payments per the terms of the Promissory Note. If, however, the loan should become in Default status again for three (3) consecutive months the City may, in its sole discretion and without notice, demand, or presentment, begin foreclosure procedures against the property or seek other remedies available at law or in equity.

#### **4.8 Financial Hardship During the Term of the Loan**

Should the Applicant encounter financial difficulties and become unable to meet the scheduled loan payments, he/she can apply to the Committee for loan restructuring.

## SECTION 5: PROJECT MANAGEMENT

### **5.1 Notice to Proceed**

The Program Administrator will issue a written Notice to Proceed after the Closing and Pre-Construction meeting. The Contractor shall not begin work prior to receiving the Notice.

### **5.2 Contractor Payments**

#### **5.2.1 Basis of Payment.**

The Program will not pay in advance for any work or the delivery of materials to the job site. The Program only pays for work in place.

#### **5.2.2 Partial Payments.**

Partial payments are allowed at any point during the course of the work.

#### **5.2.3 Payment Requests.**

To initiate a payment, the Contractor shall submit a written Invoice to the Program Administrator, in sufficient detail to describe clearly what work is to be paid for. Upon receipt of the Invoice the Program Administrator will schedule an inspection of the work. If the Invoice correctly describes the work billed for and the work is found to be satisfactory, the Program Administrator will submit an approved Pay Requisition to the City for payment. A minimum of 5% of the total contract price will be held as Retainage until after the Final Inspection is completed and any resulting Punch List items are completed.

### **5.3 Change Orders**

Change Orders will be approved only for the performance of extra work required because, in the opinion of the Program Administrator, the circumstances leading to the extra work could not be foreseen by the Contractor in the bidding process. Requests from the Applicant to increase the scope of work on the project will be granted only as deemed necessary and appropriate, and as funding allows.

### **5.4 Final Inspection and Close-Out**

**5.4.1 Final Inspection.** When the Contractor notifies the Program Administrator that the work is complete, a Final Inspection will be scheduled. Final payment will not be made until both the Applicant and the Program Administrator are satisfied that the all the work was completed satisfactorily.

**5.4.2 Close-out.** The Applicant will be required to sign a Final Inspection Certificate approving and accepting the work. The Contractor will be required to sign a Release of Liens before final payment is made. The Program is not responsible for the payment of any bills, invoices, claims, or liens to any Subcontractor employed by the General Contractor.

**5.5 Warranty.**

The Contractor will be required to provide a one-year workmanship Warranty. The Contractor shall provide the Applicant with manufacturers and/or vendors information sufficient for the Applicant to pursue a manufacturer’s warranty claim on equipment and materials installed on the property.

**SECTION 6  
TERMS & CONDITIONS**

**6.1 Equal Opportunity; Harassment; Wage Standards. I**

n participating in the City of Rockland’s Housing Rehabilitation Program, the Applicant, the Contractor(s) and all subcontractors agree and undertake not to discriminate in the hiring or in the furnishing of goods or services required by this Program on the grounds of race, color, religion, sex, sexual orientation, national origin or citizenship status, age, disability or veterans status, and to provide reasonable accommodations to qualified individuals with disabilities upon request. All employees, agents, or subcontractors of the Contractor who enter into or upon the premises participating in the Program for any reason relating to the Program shall at all times abide by and adhere to all laws, regulations, and/or City policies against sexual harassment and discrimination, and shall not engage in, and shall report to the City, any criminal or nefarious conduct on City property.

**6.1.1 Civil Rights.** The Applicant, the Contractor(s) and all subcontractors will be required to comply with Title VI of the Civil Rights Act of 1964 and 1968, not to discriminate upon the basis of race, color, creed, sex, national origin, or familial status in sale, lease rental, use or occupancy of the subject property.

**6.1.2 Equal Opportunity.** For contracts over \$10,000 the Applicant, the Contractor(s) and all subcontractors will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and orders of the Secretary of Labor. The Contractor shall post in a conspicuous place an Equal Opportunity poster provided by the City.

**6.2 Warranties.**

Each Contractor agrees that all warranties shall apply to all work performed under this contract, including that performed by any subcontractor.

**6.3 Insurance.**

Throughout the duration of the Project, the Contractor shall maintain the following insurance at its own expense:

<b>Type of Insurance</b>	<b>Each Occurrence</b>	<b>Aggregate</b>
General Liability – Bodily Injury & Property Damage Combined	\$1,000,000	\$2,000,000
Automobile Liability – Combined Bodily Injury & Property Damage	\$1,000,000	
Excess Liability	\$1,000,000	\$2,000,000

Worker's Compensation & Employer's Liability	\$500,000 (Each Accident) \$500,000 (Disease Policy Limit) \$500,000 (Disease Each Employee)	
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**6.3.1 Indemnification.** The Contractor is responsible for, and shall hold the City harmless from any and all losses, damages, claims, causes, costs, and expenses suffered or sustained by the City or for which the City of Rockland may be held or become liable by reason of injury (including death) to persons or property or other causes whatsoever as a result of an actual or alleged act, error, or omission of the Contractor in any way related to this Project, and Contractor shall indemnify the City for any and all expenses, losses, or payments incurred in responding to or defending against any claim arising from such act, error, or omission of the Contractor, including attorney's fees and costs.

**6.3.2 Additional Insured.** Contractor shall cause the City to be named as an Additional Insured on each policy of insurance required herein, and the Certificates or other evidence of such policies shall contain a statement of the insurer's obligation to notify the City at least fifteen (15) days prior to the cancellation of such policy. In the event the City is required to defend itself against any claim for which insurance coverage is required by this Program, Contractor shall pay the City's costs of defense. In any claim which may arise as a result of intentional or negligent acts or omissions of the Contractor, the comprehensive general liability insurance policy provided by Contractor shall be deemed the primary protection against such claims, and the City shall not be called upon to contribute to a loss otherwise payable by the Contractor's insurer(s) due to Contractor's acts, errors, or omissions.

**6.3.3 Flood Insurance.** All structures within the City flood plain areas, as identified on the official Flood Insurance Rate Map ("FIRM") of the City, shall be required to be covered by flood insurance prior to any assistance being given by the City under this Program.

**6.4 Other Terms and Conditions**

**6.4.1 Use of Funds.** All funds made available by the Program shall be used only for work approved and identified in the Program documents in the Contractor's proposal.

**6.4.2 Inspections.** The Applicant shall allow inspections of the property by the Program Administrator or an authorized Community Development Department Representative.

**6.4.3 Conflict of Interest.** The operation and administration of this Program shall comply with all applicable City, State and Federal requirements regarding conflict of interest.

**6.4.4 Bonuses, Commissions, Fees, Kickbacks.** It shall be strictly prohibited for any person having a connection with this Program to use their knowledge, position or influence to secure any kind of a bonus, commission, finder's fee or kickback.

**6.4.5 Assistance in Excess of Established Program Limits.** Based upon information provided by the Program Administrator, the Housing Development Advisory Committee will render a decision on a case-by-case basis as to whether or not to exceed the established program funding limits within the established Program guidelines.

**6.4.6 Tenant Displacement.** The Applicant must assure that the rehabilitation work will not result in the displacement or relocation of tenants or persons presently residing at the premises as outlined in the City's Residential Anti-Displacement & Relocation Assistance Plan. In

accordance with Section 104 (d) of the Housing and Community Development Act of 1974, as amended, special measures must be taken to notify tenants in units that may be rehabilitated, of their status concerning potential displacement. Tenants shall be provided with a Notice of Non-Displacement.

**6.4.7 Installation of Smoke Detectors.** Properties assisted with HUD funds must comply with the Fire Administration Authorization Act of 1992 regarding installation of fire protection and safety devices. Smoke detection warning devices must be wired with a battery back up system. After installation such devices are to be tested.

**6.4.8 Rent Regulatory Agreement.** Owners of multi-family properties receiving assistance will be required to sign a Rent Regulatory Agreement to insure that the rehabilitated rental units remain affordable for LMI households for a period of ten (10) years after final close-out.

## **SECTION 7 HOUSING DEVELOPMENT ADVISORY COMMITTEE**

### **7.1 Guideline Adoption and Amendments.**

The Committee shall be responsible for the consideration, approval, and adoption of the Program Guidelines. Further, they shall be responsible for considering and adopting any amendments and revisions to the Program Guidelines.

### **7.2 Program Review.**

The Committee shall be responsible for the review of program progress and operation, and to advise the City Council if there are issues or concerns.

### **7.3 Contractor Debarment.**

Review and act upon staff recommendations to debar contractor participation in the program.

### **7.4 Dispute Resolution.**

Resolve complaints against the Program brought by Applicants and/or Contractors. See Complaint Policy, Section 8, below.

## **SECTION 8 COMPLAINT POLICY**

### **8.1 Complaint Resolution.**

It is the policy of the Rockland Community Development Department to administer the City's Housing Rehabilitation Program in a fair and appropriate manner. In the event a dispute

regarding administration of the Program cannot be resolved at the City level, the following steps should be taken:

**8.2 Written Complaint.**

Applicant or Contractor must file a written complaint or appeal with the Committee. In the case of an appeal, the appeal must be submitted within ten (10) working days of notification of the decision being questioned. Complaints or appeals shall be sent to:

Housing Development Advisory Committee  
c/o Rockland Community Development Director  
270 Pleasant Street  
Rockland, ME 04841

**8.3 Resolution Procedures.**

8.3.1. In the case of an appeal, the Committee shall hear the appeal within ten (10) working days of the Applicant's or Contractor's request for an appeal.

8.3.2 The Committee shall take the steps necessary to ensure each Applicant or Contractor is given fair and equal opportunity to present his/her case.

8.3.3 The Advisory Committee shall forward to the Applicant or Contractor a written decision within 15 days of considering the complaint or hearing the appeal.

8.3.4 If the applicant is deemed ineligible due to family income, there will be no appeal to the Committee allowed.

8.3.5 If the applicant wishes to appeal the decision of the Committee, he/she shall submit a written request for appeal to the City Council within ten (10) working days of the receipt of the written decision of the Committee. The City Council shall hear the appeal at a Special City Council Meeting to be held within 30 days of receipt of the written notice of appeal and shall issue a response within fifteen (15) days of hearing the appeal. Complaints or appeals shall be sent to:

Rockland City Manager  
Rockland City Hall  
270 Pleasant Street  
Rockland, ME 04841

8.3.6 If the applicant wishes to appeal the decision of the City Council, a written request for appeal must be submitted to the Office of Community Development (OCD) Program Manager within ten (10) days of receipt of the written response from the City Council. The OCD Program Manager shall have final authority to resolve the issue. Complaints or appeals shall be sent to:

Office of Community Development  
c/o CDBG Program Manager  
59 State House Station  
Augusta, ME 04333-0059

**CITY OF ROCKLAND, MAINE**

**ORDER #24**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Grant Application and Acceptance – COPS Grant

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to submit a 2016 United States Department of Justice, COPS Program, Universal Hiring Program Grant, to fund up to 75% of the cost of a School Resource Officer/ Crime Prevention position in the Rockland Police Department; and

**THAT** the City Manager is further authorized to accept such grant funds, if awarded, and expend said fund for the stated purpose.

Sponsor: City Manager  
Originator: Police Chief

**CITY OF ROCKLAND, MAINE**

**ORDER #25**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Main Street Lighting Project Conclusion- Energy Committee

**BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**Whereas**, the Rockland City Council has instructed the Energy Committee to analyze and make recommendations regarding energy issues that has led to the Main Street Lighting Project.

**Whereas**, the City Council supports the project and has appropriately funded the project, and

**Whereas**, the residents and Main Street Merchants have expectations of expedited delivery of the project for aesthetic and economic factors, and

**Whereas**, further delay in implementing the project is complicating other city projects; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**That**, the Energy Committee conclude all recommendations regarding the Main Street Lighting project within 30 days and turn all project materials in to the City Manager, and

**That**, the City Manager is directed to periodically report the status of the project to the City Council, after an implementation schedule is created, with the intention of completing the project before the end of the construction season 2016.

Sponsor: Mayor MacLellan-Ruf  
Originator: Mayor MacLellan-Ruf

**CITY OF ROCKLAND, MAINE**

**ORDER #26**

**IN CITY COUNCIL**

April 11, 2016

**ORDER** Authorizing Banner – Coast Guard City Committee

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Coast Guard City Committee is hereby authorized to hang a banner across Main Street near the intersection with Limerock Street from April 15, 2016 through May 9, 2016 to promote the 10<sup>th</sup> Annual Coast Guard Appreciation Dinner schedule for May 6, 2016.

Sponsor:

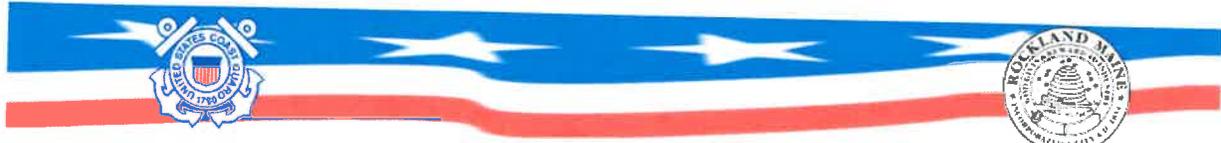
Originator: Coast Guard City Committee

# Rockland Coast Guard City

Designated 2008

Rockland, Maine

[www.rocklandcoastguardcity.com](http://www.rocklandcoastguardcity.com)



March 30, 2016

City of Rockland  
Attn: City Council

As you are aware the City of Rockland is a Coast Guard City, designated in 2008. In order to maintain this designation, we have an obligation as the Rockland Coast Guard City committee to hold events during the year to celebrate and build community relationships between our Coast Guard personnel and the city they have come to live in. The Appreciation Dinner is a key part of these events.

The 10th Annual Appreciation dinner is being held on Friday, May 6, 2016. The committee is requesting permission to hang a banner over Main Street announcing the event for a period of 3 weeks leading up to May 6. As the Appreciation dinner is open to the public - we are seeking the opportunity to promote the event giving our local residents the opportunity to attend and show their support.

This year will be our 10th Appreciation Dinner, and each year our goal is to attract more of our community to attend this special event. Many of our Coast Guard personnel volunteer in our community in a number of ways; becoming volunteer fire fighters; helping to construct the Lobster Trap tree and by volunteering for many other organizations in the area.

This is our City's opportunity to say thank you.

Thank you for your kind consideration of my request.

Nancy Jeffers

Rockland Coast Guard City Committee