

# Minutes

NAME	ATTEND
Denise Munger, Chair	✓
Eric Boucher, Vice-Chair	✓
Jim Annis	✓
Kim Graffam	✓
Michael Thompson	✓
Jonathan Duke, Town Manager	✓
Rockport AV Staff	✓
General Public	✓



**February 12, 2024 – 6:00 p.m.**

**Library**

## Consent Agenda

- a. Approve Meeting Minute(s):
  - January 8, 2024, Meeting Minutes
- b. Committee Resignation(s):
  - Marsha Steinglass – Comprehensive Plan Committee
  - Craig Wilson – Recreation Committee

***Suggested Motion:***

***I move the Board Approve the Consent Agenda as presented (or amended)***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair		✓				
Jim Annis						
Kim Graffam						
Michael Thompson	✓					

## Action Item

- a. Act on the Farmstead Special Amusement Application

### *Suggested Motion:*

*I move the Board approve the Farmstead Special Amusement Application as presented. (Or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis		✓				
Kim Graffam	✓					
Michael Thompson						

Additional Comments:


## Action Item

- b. Act on Committee Application
  - Russell Fitzpatrick – Recreation Committee

### Manager's Comments: Action item

Russell Fitzpatrick has submitted an application for the Recreation Committee, unfortunately he will NOT be able to attend the meeting. Due to Craig Wilsons resignation, it leaves a vacancy on the committee. Russell will be finishing the remainder of Craig's term.

### *Suggested Motion:*

*I move the Board approve Russell Fitzpatrick application for the Recreation Committee with a term ending in June 2026.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair		✓				
Jim Annis						
Kim Graffam	✓					
Michael Thompson						

### Additional Comments:


## Action Item

c. Act on Economic Development Committee Workplan

### Manager's Comments: Action item

The Economic Development Committee has presented their workplan for the coming year for your review and approval.

### *Suggested Motion:*

*I move the Board approve the workplan for the Economic Development Committee as presented (or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair	✓					
Jim Annis		✓				
Kim Graffam						
Michael Thompson						

Additional Comments:


**Action Item**

d. Act Harbor Committee Workplan

**Manager's Comments: Action item**

The Harbor Committee has presented their workplan for the coming year for your review and approval.

**Suggested Motion:**

*I move the Board approve the workplan for the Harbor Committee as presented (or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair	✓					
Jim Annis						
Kim Graffam						
Michael Thompson		✓				

**Additional Comments:**


## Action Item

e. Act on Harbor Rules and Regulations Policy

### Manager's Comments: Action item

Attached is the Harbor Rules and Regulations Policy for your review and approval. The initial draft has been worked by the Harbor Committee for several months and includes a review of the existing Harbor Rules and Regulations Policy.

In addition, an additional draft has been submitted for the Board's consideration which incorporates the language in the Commercial Use Policy in the next agenda item. There is a great deal of overlap in the needs of each group but the Board's oversight is inclusive of both areas. If that is the view of the Board, then this combined draft may allow for a more seamless operation. However, it is the first of the two versions of the policy which is being presented by the Harbor Committee.

One more item I'd like the Board to at least consider and weigh is the continuation of the winter boat storage on Town property. Boat storage has been a long-standing practice on Town property, but after witnessing a series of storms this fall where flooding impacted the area where boats are stored (some boats with 1-2 feet of water on top of normally dry ground), I have great concern about this practice. What had once been a long line of lobster boats and smaller craft is now filled with boats of some value. Whether it is climate change causing higher tides or a change in the space available, the Board should look closely at whether this practice should continue.

### Suggested Motion:

*I move the Board approve the Harbor Rules and Regulations Policy as presented. (Or amended)*

*Harbor committee will review amendments at its next meeting*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

### Additional Comments:

*Tabled. Harbor committee will review amendments at its next meeting. SB will act on at 3/11 meeting.*

## Action Item

f. Act on Commercial Use Policy

### Manager's Comments: Action item

Attached is the Commercial Use Policy for your review and approval. This policy was generated by the Parks and Beautification Committee last summer stemming from their conversations with the Harbor Committee concerning oversight of Marine Park.

If the Board chooses in the prior agenda item to combine the language of the two into one policy, this item can be tabled indefinitely by the Board.

### Suggested Motion:

*I move the Board approve the Commercial Use Policy as presented. (Or amended)*

*Or*

*I move the Board table the Commercial Use Policy indefinitely.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Commercial use policy will be incorporated into Harbor <del>committee</del> Rules and Regulations

## **Action Item**

g. Hearing On 150 Park Street

### **Manager's Comments: Action item**

150 Park St, as discussed previously, has a dangerous structure identified on it. The property owner, Elizabeth Hart, has on record started the process by filing for a demolition permit has not finished the application by way of securing a person to demolish the dangerous structure. Elizabeth knows that the person/company doing the demolition has to be either certified to do a demolition in the Shoreland Zone or have our Code Enforcement Officer who is certified to oversee the demolition. Elizabeth declined the latter option and has been attempting to secure a person/company to do the demolition. During this time frame, Elizabeth was not able to secure a company without providing a satisfactory answer as to why.

As a reminder, at the Select Board meeting in January, the Select Board voted to proceed with the demolition process of the dangerous structure located at 150 Park St, which entailed giving notice to all parties vested into the parcel known as 150 Park St of a hearing to decide how best to handle this demolition of the dangerous structure and a timeframe to when this demolition has to occur before the Town demolishes the dangerous structure and files the expenses against the property.

The Board will conduct a hearing on this matter. As the Findings and Order document suggests, this action item will be handled like a public hearing. The Board will hear from those present and offer testimony. A record of evidence will be included in the order and the Board must provide a Finding of Facts which are the list of items the Board cites as facts to support their decision and the reasoning for that decision.

Next, the Board must set a date by which all issues of a health and safety standard, including demolition of the building, are under the control of the owner.

Then, a date must be set by which all rubbish and debris are removed from the property.

Next, the Board must set a day by which the building must be vacated.

Lastly, the Board must set a day by which if the Order is not complied with, then the Town Manager is authorized to do what is necessary in the name of health and safety to remedy the situation, including the demolition of the building.

This decision by the Board can be appealed in Superior Court with 30 days of the Board's decision.

***Suggested Motion:***

***I move the Board approve the Findings and Order as amended.***

<b>NAME</b>	<b>MOTION</b>	<b>SECOND</b>	<b>ABSTAIN</b>	<b>YES</b>	<b>NO</b>	<b>Time</b>
Denise Munger, Chair						
Eric Boucher, Vice-Chair		X				
Jim Annis						
Kim Graffam	X					
Michael Thompson						

**Additional Comments:**


**Action Item**

h. Act on West Street Farmer’s Market at RES Site

**Manager’s Comments: Action item**

Attached is an application for the West Street Farmer’s Market for your review and approval.

Sue Hamel, of Dogpatch Farm, is organizing the 2024 Farmers Market to take place at the Rockport Elementary School site for another year. Sue had success last year, and has more vendors interested in signing up for the 2024 season. Sue is looking for approval to operate this farmers market from the Select Board. The Leshner Family Foundation Maine Director, Mary Jane Young, has provided a letter that this farmers market is welcomed and encouraged.

***Suggested Motion:***

***I move the Board approve the West Street Farmer’s Market Application at the RES site as presented. (Or amended).***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis		X				
Kim Graffam	X					
Michael Thompson						

Additional Comments:


**Action Item**

- i. Act on Construction Approval for Project in Town Right of Way

**Manager’s Comments: Action item**

The property located at 29 Main St, and owned by Jay and Cathy Bugg, is looking for approval from the Select Board to build a retaining wall in the Town of Rockport’s Right of Way. This project was put on hold due to miscommunication in the office but is now sorted out for the best steps to ensure a successful project if the Select Board agrees. The French drain on the property is of concern and is being discussed currently with MDOT for best method of re-routing to prevent runoff from pouring onto the sidewalk.

If the Select Board agrees to the retaining wall in the Right of Way, a simple condition of approval regarding the French drain rerouting would allow this project to continue. Absent this condition, I cannot recommend the Board approve the project.

**Suggested Motion:**

*I move the Board approve the Project in Town Right of Way with the condition the owners first obtain approval from Maine DOT to move their drainage from the sidewalk surface to the catch basin on Main Street.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam	✓					
Michael Thompson		✓				

**Additional Comments:**


## Action Item

j. Act on Land Use Ordinance Amendments

### Manager's Comments: Action item

Included in this packet are seven land use ordinance amendment proposals, all geared at satisfying State Legislation LD2003. This legislation, whether incorporated into our Land Use Ordinance or not, goes into full effect July 1, 2024. The reason we are incorporating this legislation is if we do not, and if a developer or landowner wants to utilize this legislation to create housing by ways of a subdivision or a simple Additional Dwelling Unit placed in the landowners back yard, our existing Land Use Ordinance would not otherwise allow it. This legislation overrules our home rule authority and would thereby go through a lengthy and expensive court proceeding with a result of LD2003 standing and having authority over our local land use ordinance.

The proposed amendments included in this packet, have gone through five Planning Board workshops of which held discussions with local representatives, town legal counsel, developers, and visited local housing developments, which led to the work of placing LD2003 within our Land Use Ordinance, currently being recommended by the Planning Board and for consideration by the Select Board for the June 2024 Ballot.

*postponed to March mtg*

### Suggested Motion:

*I move the Board approve the Land Use Ordinance Amendments as presented. (Or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

### Additional Comments:


**Action Item**

k. EMS Department Creation for FY 25 Budget

**Manager’s Comments: Action item**

The Board talked extensively at a workshop held on Monday the 5<sup>th</sup> concerning the potential of the Town of Rockport establishing its own EMS service.

***Suggested Motion:***

***I move the Board authorize the Town Manager to include the draft EMS FY 25 department budget into the municipal budget and further endorse the Town Manager and Fire Chief to work with their colleagues in surrounding communities to establish mutual aid response and a method for transitioning into municipally based EMS services in the region currently served by North East Mobile Health Services.***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam	✓					
Michael Thompson		✓				

**Additional Comments:**
