

**- PUBLIC MEETING -**  
**Rockport Select Board**  
Monday, June 15, 2020 – 5:30 p.m.  
Geoffrey C. Parker Room  
Streamed at <https://livestream.com/Rockportmaine>

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**Please note: Due to the pandemic, the Select Board has been authorized by the state to meet remotely. At this meeting, the Board will be using a videoconference format. Public comments or questions should be sent to the Town Manager at [wpost@rockportmaine.gov](mailto:wpost@rockportmaine.gov) or can be provided remotely through the livestream of the meeting.**

**AGENDA**

**I. Call Meeting to Order**

**II. Public Input on Non-agenda Items**

Public comment should be directed at issues not under discussion on this evening's agenda. Comment from the public will be welcome prior to each agenda item. Further comment will be granted only by permission from the Board. All public comment should be brief and to the point.

**III. Amendments to the Agenda**

**IV. Action Items**

- a. Act to Place Citizen Petitioned Articles on Town Meeting Warrant
- b. Act on Town Meeting Warrant

**V. Announce Future Meetings, Office Closures, Etc.**

- June 22, 2020 – Regular Select Board Meeting
- June 30, 2020 – Town Office Closed for end of Fiscal Year Processing
- July 3, 2020 – Town Offices Closed in Observance of Independence Day
- July 13, 2020 – Regular Select Board Meeting
- July 14, 2020 – Election Day and Clerk's Office Closed

**VI. Adjournment**

## **Action Items**

- a. Act to Place Citizen Petitioned Articles on Town Meeting Warrant

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

The two citizen petitions submitted for land use ordinance amendments were certified by the Town Clerk previously with enough signatures to be placed on the town meeting warrant by secret ballot. Petition A regarding Land Use Ordinance Section 803.1 (3), Location of Off-Street Parking had 301 signatures of registered voters and Petition B regarding Land Use Ordinance Section 917 (G), number of rooms in a single inn or hotel had 335 signatures of registered voters.

The Planning Board held a public hearing on land use amendments, including the citizen petitioned articles on June 11<sup>th</sup> and have made their recommendations that will appear on the town meeting warrant pursuant to the Town of Rockport Charter, Article VIII, Section 9.

### ***Suggested Motion:***

**I move the Board place the two citizen petitioned articles on the August 18, 2020 town meeting warrant as submitted.**

CITIZENS' PETITION A : LAND USE ORDINANCE, SECTION 803.1 (3)  
(PARKING)

Date \_\_\_\_\_ March 16, 2020 \_\_\_\_\_

I, Linda M. Greenlaw, Registrar of Voters, hereby, certify ( 301 ) \_\_\_\_\_ Three  
Hundred and One \_\_\_\_\_ signatures as registered voters of the Town of Rockport  
and ( 5 ) \_\_\_\_\_ Five \_\_\_\_\_ as non-registered voters of the Town of Rockport

Linda M Greenlaw

CITIZENS' PETITION B: LAND USE ORDINANCE, SECTION 917(G)  
(# OF GUEST ROOMS ALLOWED)

Date \_\_\_\_\_ March 16, 2020 \_\_\_\_\_

I, Linda M. Greenlaw, Registrar of Voters, hereby, certify ( 335 ) \_\_\_\_\_ Three  
Hundred and Thirty-five \_\_\_\_\_ signatures as registered voters of the Town of  
Rockport and ( 6 ) \_\_\_\_\_ Six \_\_\_\_\_ as non-registered voters of the Town of  
Rockport

Linda M Greenlaw

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TOWN OF ROCKPORT  
 PETITION FOR TOWN MEETING VOTE

30-A M.R.S.A. § 2528(5)

This petition must be signed by \_\_\_ registered voters of the Town of Rockport.

To the Municipal Officers of the Town of Rockport, Maine:

We, the undersigned voters of the Town of Rockport, Maine, qualified to vote in all town affairs, hereby request that you place the following article before the voters for the consideration at a secret ballot election held pursuant to 30-A M.R.S. § 2528:

“Shall the following amendment to the Town of Rockport Land Use Ordinance, Section 803.1(3) be enacted:

Location of Off-Street Parking: Required off-street parking in all districts shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Planning Board Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along the line of public access. If serving a business or industrial use, such parking area shall be in a business or industrial district. Such parking areas shall be held under the same ownership or lease. The Planning Board Board of Appeals may approve the joint use of a parking facility by 2 or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such establishments. No off-site or shared parking, or waiver of parking requirements, shall be approved unless it is supported by an independent traffic study prepared by a qualified professional, hired by the reviewing authority and paid for by the applicant, which establishes that the parking facility is adequate for the proposed use and any shared use(s), will not cause undue burdens on traffic or parking in the vicinity, and will not cause safety concerns.

Notwithstanding 1 M.R.S. § 302, this amendment shall apply to all land uses and all off-site parking facilities that have not received final approval as of 45 days prior to enactment of this amendment.”

	Signature	Printed Name	Address	Residence Town
✓ 1		Winston Whitney	30 Main St.	Rockport
✓ 2		Marika Green	21 Main St.	Rockport
✓ 3		MELODY SCHUBERT	31 Barrett Dr.	Rockport
✓ 4		Melissa Hynes	30 Meadow St.	Rockport

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TOWN OF ROCKPORT  
 PETITION FOR TOWN MEETING VOTE

30-A M.R.S.A. § 2522

This petition must be signed by \_\_\_ registered voters of the Town of Rockport.

To the Municipal Officers of the Town of Rockport, Maine:

We, the undersigned voters of the Town of Rockport, Maine, qualified to vote in all town affairs, hereby request that you place the following article before the voters for the consideration at a secret ballot election held pursuant to 30-A M.R.S. § 2528:

“Shall the following amendment to the Town of Rockport Land Use Ordinance, Section 917(G) be enacted:

- No more than 40 (forty) rooms, in the aggregate, shall be permitted at Inns/Hotels in the 913 zoning district. No single inn or hotel, nor any combination of such uses located on the same lot, shall have more than 20 guest rooms.

Notwithstanding 1 M.R.S. § 302, this amendment shall apply to all hotels and inns that have not received Planning Board approval and all required building permits as of March 1, 2020.”

	Signature	Printed Name	Address	Residence Town
1		Winston Whitney	30 main St.	Rockport
2		Marika Green	21 Main St	Rockport
3		Melody Schubert	31 Barrett Dr	Rockport
4		Marine Hynes	30 Meadow St	Rockport Me
5		Josh Gaudin	10 Cricket Loe	Rockport
6		Naomi Webb	10 Summer St	Rockport
7		Laura Bonazzoli	" Unit 3	Rockport
8		Michael Morse	10 Summer St	Rockport
9		Maggie (Margaret) White	44 Mechanic St	Rockport
10		Sandra Mitchell	90 PASCALIA	Rockport
11		Leslie Mitchell	90 PASCALIA	Rockport

## **Action Items**

- b. Act on Town Meeting Warrant

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

Included in your materials is the draft annual town meeting warrant for August 18, 2020, by referendum only. There are some subtle differences in the language of the warrant to account for the secret ballot/referendum style instead of the bifurcated meeting that Rockport is accustomed to holding. The Select Board has already taken recommendation votes on the budget articles, and by statute and charter are not to make recommendations on any other articles (30-A M.R.S. Section 2528(5)(B)). Therefore, the Board has a simple process of one vote to approve the annual town meeting warrant.

You may notice that the article often referred to as LD1 or tax cap override is not on the warrant. That is because the proposed budget is approximately \$80,000 under the LD1 cap and the budget articles cannot be changed through the selected voting process.

### ***Suggested motion:***

**I move the Board approve the annual town meeting warrant for August 18, 2020.**

# TOWN OF ROCKPORT

## ANNUAL TOWN MEETING WARRANT

### Tuesday, August 18, 2020

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To: Randy Gagne, Constable of the Town of Rockport, in the County of Knox, State of Maine

*Greetings:*

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Rockport in said County, qualified by law to vote in Town affairs, to meet at the Rockport Town Office, of the said Town of Rockport, on Tuesday, the 18th day of August, 2020 at 8:00 o'clock in the forenoon to 8:00 o'clock in the evening to vote on Articles 1 through 37 at which time the meeting will adjourn.

**Article 1.** To elect a moderator to preside at said meeting

**Article 2.** To elect:

- a. Two 3-year terms for Select Board and Overseer of the Poor
- b. Three 3-year terms for the Budget Committee
- c. One 1-year term for the Budget Committee
- d. One 3 -year term for the Library Committee
- e. One 3-year term for Director of SAD #28 and to also serve concurrently on the Five Town CSD School Board.

#### ORDINANCE ARTICLES

**Article 3.** Shall the following amendment to the Town of Rockport Land Use Ordinance, Section 803.1(3) be enacted:

Location of Off-Street Parking: Required off-street parking in all districts shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Planning Board ~~Board of Appeals~~ may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along the line of public access. If serving a business or industrial use, such parking area shall be in a business or industrial district. Such parking areas shall be held under the same ownership or lease. The Planning Board ~~Board of Appeals~~ may approve the joint use of a parking facility by 2 or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the time of use by patrons or employees among such establishments. No off-site or shared parking, or waiver of parking requirements, shall be approved unless it is supported by an independent traffic study prepared by a qualified professional, hired by the reviewing authority and paid for by the applicant which establishes that the parking facility is adequate for the proposed use and any shared use(s), will not cause undue burdens on traffic or parking in the vicinity, and will not cause safety concerns.

**2020 Annual Town Meeting Warrant – continued**

Notwithstanding 1 M.R.S. § 302, this amendment shall apply to all land uses and all off-site parking facilities that have not received final approval as of 45 days prior to the enactment of this amendment.

*Note: This article was submitted by a citizens' petition.*

Planning Board Votes: **0 For, 6 Against, 0 Abstain RECOMMEND**

**Article 4.** Shall the following amendment to the Town of Rockport Land Use Ordinance, Section 9717(G) be enacted:

9. No more than 40 (forty) rooms, in aggregate, shall be permitted at Inns/Hotels in the 913 zoning district. No single inn or hotel, nor any combination of such uses located on the same lot, shall have more than 20 guest rooms.

Notwithstanding 1 M.R.S. § 302, this amendment shall apply to all hotels and inns that have not received Planning Board approval and all required building permits as of March 1, 2020.

*Note: This article was submitted by a citizens' petition.*

Planning Board Votes: **0 For, 6 Against, 0 Abstain RECOMMEND**

**Article 5.** Shall an Ordinance amending the Town of Rockport Land Use Ordinance in Chapter 300 to revise Definitions be enacted?

Planning Board Votes: **6 For, 0 Against, 0 Abstain RECOMMEND**

**Article 6.** Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards in subsection 803.1 to exclude off street parking requirements in the Downtown District 913” be enacted?

Planning Board Votes: **3 For, 3 Against, 0 Abstain RECOMMEND**

**Article 7.** Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards to revise the following subsections 803.1, 803.2, 803.3, and 803.4” be enacted?

Planning Board Votes: **6 For, 0 Against, 0 Abstain RECOMMEND**

**Article 8.** Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Subsection 801.7 Lighting to clarify that freestanding light fixtures cannot exceed a height of 25 feet, and Subsection 811 Home Occupations to allow day care centers with 12 children or fewer to be considered a home occupation” be enacted?



Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 9.** Shall an Ordinance amending the Town of Rockport Land Use Ordinance in Section 900 Zoning Districts Performance Standards to revise subsection 908 B General Dimensional Requirements and to revise subsection 910 Traditional Village District, parking standards for offices and retail uses be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 10.** Shall an Ordinance amending the Town of Rockport Land Use Ordinance in Section 1000 Performance Standards to revise the following subsection 1001 Applicability and Purpose and subsection 1004 Parking Lot Design and landscaping be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 11.** Shall an Ordinance amending the Town of Rockport Land Use Ordinance in Section 1302 to revise the requirements for a site review pre-application and to allow the Planning Board to require an applicant to perform additional studies be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 12.** Shall an Ordinance amending the Town of Rockport Land Use Ordinance in Chapter 1400 Shoreland Zoning Overlay District to conform to the current State of Maine Model Shoreland Zoning Ordinance and to repeal the existing Chapter 1400 Shoreland Zoning Overlay District be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 13.** Shall an Ordinance to adopt a revised Town of Rockport Zoning Map dated 2020 to replace the existing 2013 Zoning Map be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 14.** Shall an Ordinance amending the Town of Rockport Land Use Ordinance, making minor corrections and clarifications throughout be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

**Article 15.** Shall an Ordinance amending the Town of Rockport Floodplain Management Ordinance in Section P 2.b. (3) to revise the requirements for a breakaway wall be enacted?

Planning Board Votes: 6 For, 0 Against, 0 Abstain RECOMMEND

NON-BINDING REFERENDUM ARTICLE

Article 16. Non-binding referendum. Do you support a ban on the use of Consumer Fireworks in the Town of Rockport?

Explanation: This is a non-binding question from the Select Board seeking your opinion only. If supported, the Town will draft an ordinance banning the use of Consumer Fireworks for the next election. If not supported, the Town will remain under current state laws that allow the use of Consumer Fireworks.

MUNICIPAL BUDGET ARTICLES

Article 17. Shall the Town raise and appropriate the sum of \$1,458,194 for General Government for the 2020/2021 fiscal year as detailed below?

Table with 2 columns: Item (A-H) and Amount. Total: \$1,458,194

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 18. Shall the Town raise and appropriate the sum of \$26,990 for Public Assistance for the 2020/2021 fiscal year as detailed below?

Table with 2 columns: Item (A) and Amount. Total: \$26,990

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 19. Shall the Town raise and appropriate the sum of \$1,743,259 for Public Safety for the 2020/2021 fiscal year as detailed below?

Table with 2 columns: Item (A, B) and Amount. Total: \$1,743,259

**2020 Annual Town Meeting Warrant – continued**

C.	West Rockport Fire Station .....	\$14,729
D.	Other Public Safety Services .....	\$323,870
E.	Animal Control.....	\$7,090
F.	Harbormaster .....	\$176,270
G.	Public Safety Building.....	\$29,950
H.	Emergency Management.....	\$3,380

Total.....\$1,743,259

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**Article 20.** Shall the Town raise and appropriate the sum of \$1,802,003 for Public Works for the 2020/2021 fiscal year as detailed below?

A.	Public Works .....	\$1,625,019
B.	Sanitation.....	\$176,984

Total.....\$1,802,003

Budget Committee Votes: 5 For, 1 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**Article 21.** Shall the Town raise and appropriate the sum of \$746,152 for Culture and Recreation for the 2020/2021 fiscal year as detailed below?

A.	Library .....	\$444,807
B.	Conservation Commission.....	\$10,625
C.	Parks .....	\$93,390
D.	Opera House .....	\$133,170
E.	Recreation.....	\$64,160

Total.....\$746,152

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**Article 22.** Shall the Town raise and appropriate the sum of \$284,606 for Long Term Debt (Debt Payments) for the 2020/2021 fiscal year as detailed below?

A.	Debt .....	\$284,606
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Total.....\$284,606

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**2020 Annual Town Meeting Warrant – continued**

**Article 23.** Shall the Town raise and appropriate the sum of \$110,018 for County Fees for the 2020/2021 fiscal year as detailed below?

A.	County Service, E-911.....	\$73,703
B.	County Service, Dispatch .....	\$36,315
	Total.....	\$110,018

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**Article 24.** Shall the Town raise and appropriate the sum of \$70,325 for Cemeteries and Special Assessments for the 2020/2021 fiscal year as detailed below?

A.	Cemeteries .....	\$63,525
B.	Special Assessments.....	\$6,800
	Total.....	\$70,325

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**Article 25.** Shall the Town appropriate the sum of \$2,078,047 as Revenue to be used in reducing the property tax assessment for the 2020/2021 fiscal year as detailed below?

A.	General Government .....	\$1,143,949
B.	Public Assistance.....	\$13,055
C.	Public Safety.....	\$299,130
D.	Public Works .....	\$164,935
E.	Culture and Recreation.....	\$201,678
F.	All Other – Cemeteries.....	\$14,300
G.	Unassigned Fund Balance .....	\$15,000
H.	Special Assessments.....	\$226,000
	Total.....	\$2,078,047

Budget Committee Votes: 6 For, 0 Against, 0 Abstain RECOMMEND  
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

**BUSINESS ARTICLES**

**Article 26.** Should any municipal budget question fail to pass, shall the Town authorize the Select Board and Treasurer to expand an amount not to exceed 3/12 of the previous year’s appropriation?

**2020 Annual Town Meeting Warrant – continued**

- Article 27.** Shall the Town vote to authorize the transfer of all unexpended balances to fund balance and to authorize the overdrafts that may occur in the Town operations in the 2020/2021 budget to be taken from fund balance?
- Article 28.** Shall the Town vote to authorize the payment of tax abatements and applicable interest from the property tax overlay account?
- Article 29.** Shall the Town vote to authorize the Select Board, on behalf of the Town to sell and dispose of any real estate acquired by the Town for non-payment of taxes thereon, on such terms as they deem advisable, and to execute quit claim deeds for the property? The sale or disposal shall be made only after consultation with the Planning Board and the Conservation Commission, except for the purpose of clearing title or of reconveyance of real estate to the original owner or in the case of time-share units, reconveyance back to the original owner or the time-share estates association of unit owners; property to be disposed of by written policy and on terms the Select Board deem advisable.
- Article 30.** Shall the Town vote to authorize the Select Board, on behalf of the Town to sell and dispose of any real estate acquired by the Town for non-payment of wastewater thereon, on such terms as they deem advisable, and to execute quit claim deeds for the property? The sale or disposal shall be made only after consultation with the Planning Board and the Conservation Commission, except for the purpose of clearing title or of reconveyance of real estate to the original owner. Property to be disposed of by written policy and on terms the Select Board deem advisable.
- Article 31.** Shall the Town vote to set October 15, 2020 and April 15, 2021 as the tax installment due dates and to instruct the Tax Collector to charge interest at 8.00% per annum on all taxes unpaid after said date(s)?
- Article 32.** Shall the Town vote to authorize the Wastewater Commissioners to charge interest at 8.00% per annum on delinquent wastewater charges?
- Article 33.** Shall the Town vote to authorize the Select Board and Treasurer, on behalf of the Town, to accept gifts, real estate, and certain funds, including trust funds, that may be given or left to the Town?
- Article 34.** Shall the Town vote to authorize the Select Board to accept those conservation easements which the Select Board deem appropriate in the name of the Town of Rockport, provided however, said conservation easements are first considered by the Rockport Conservation Commission and Planning Board?

**2020 Annual Town Meeting Warrant – continued**

**Article 35.** Shall the Town vote to authorize the Treasurer to waive the foreclosure of tax lien mortgages pursuant to 36 M.R.S.A. sec. 944 upon a finding by the Select Board that ownership of the property subject to the lien would be contrary to the Town's best interest?

**Article 36.** Shall the Town vote to authorize the Select Board to enter into boundary line agreements with abutting property owners to establish the boundary line of any property of the Town, including the boundary lines of the rights-of-way of roads?

**Article 37.** Shall the Town vote to authorize the Tax Collector to enter into a standard agreement with taxpayers establishing a "tax club" payment plan for commercial and/or residential real estate property taxes who abide by the requirements of said plan; who shall receive from the Town, in return for such payments, full credit for such taxes paid without incurring any charge of interest?

Date: June 15, 2020

\_\_\_\_\_  
Debra Hall, Chair

\_\_\_\_\_  
Denise Kennedy-Munger, Vice-Chair

\_\_\_\_\_  
Douglas Cole

\_\_\_\_\_  
Jeffrey Hamilton

\_\_\_\_\_  
Mark Kelley

**ROCKPORT SELECT BOARD**

Attest:

\_\_\_\_\_  
Linda M. Greenlaw, Town Clerk