

Town of Readfield Administration Ordinance—~~Enacted June 9, 2015~~

The ~~purpose of this ordinance is to give authorization of powers and duties of the board of selectpersons~~Select Board shall have the authority to manage the following ~~non-budgetary~~ items:

Sections

1.1 ACCEPT PAYMENT OF TAXES

1.2 CONTRACTS AND LEASES

1.3 SALE OF SURPLUS PROPERTY

1.4 ACCEPTANCE OF GIFTS AND DONATIONS TO THE TOWN

1.5 TAX ACQUIRED PROPERTY

1.6 WAIVER OF FORECLOSURE

1.7 INCREASE BUDGET ITEM BY 5%

1.8 MISCELLANEOUS FEES

1.9 DISBURSEMENT WARRANTS

1.1 ACCEPT PAYMENT OF TAXES

Authorize the Treasurer of Readfield to accept prepayment of taxes not yet committed pursuant to 36 M.R.S.A., Section 506.

1.2 CONTRACTS AND LEASES

On behalf of the Town of Readfield, enter into single or multi-year contracts, leases and lease/purchase agreements, not to exceed five years, in the name of the Town if it is deemed to be in the best interest of the Town, ~~were the underlying purpose has been authorized by the voters.~~

1.3 SALE OF SURPLUS PROPERTY

On behalf of the Town sell any town owned surplus property, equipment and tools no longer needed by the Town. ~~Sale proceeds not approved by the~~The Select Board shall determine whether to use the proceeds to offset current year expenses or whether they shall be applied to the General Fund.

1.4 ACCEPTANCE OF GIFTS AND DONATIONS TO THE TOWN

To accept and expend, on behalf of the Town, any gifts or donations, including grants from federal, state and local agencies, unanticipated donations, or pass-through funds that may be provided by individuals, business associations, charitable groups, or other organizations, if the Select Persons determine that the gifts, donations, or pass through funds and their purposes are in the best interest of the Town. Enter into and execute such agreements and contracts and to take all actions as may be necessary, appropriate and convenient to accomplish this acceptance. Any donation or gift that requires additional funds, such funds must be appropriated by a Town ballot vote. The value and intended purpose of all donations accepted on behalf of the Town in excess of \$100, exclusive of volunteered time, whether cash or in-kind, publicly or anonymously given, shall be recorded by the Collection Clerk or designee and a receipt provided to the donor.

1.5 TAX ACQUIRED PROPERTY

To retain; sell to the prior owner for taxes, interest and costs; or sell the tax acquired property on such terms as they deem advisable, and in accordance with ~~the Town's a written policy regarding~~ Tax Acquired Property ~~Policy adopted January 8, 2007 by the Municipal Officers and amended on January 4, 2010.~~

1.6 WAIVER OF FORECLOSURE

To issue Waivers of Automatic Foreclosures when the municipal officers wish to avoid acquiring property that may be burdensome to the Town and to take court action if needed to foreclose at a later date, if desired.

1.7 INCREASE ~~LINE-BUDGET~~ ITEM BY 5%

To increase by up to 5% any ~~linebudget~~ item previously approved by Town Meeting vote up to five percent (5%) by transferring funds from another line balance or miscellaneous income ~~to pay for unexpected expenses~~.

1.8 MISCELLANEOUS FEES

To set Miscellaneous Fees charged for Town services not covered or set by State Statute.

1.9 DISBURSEMENT WARRANTS

Pursuant to 30-A M.R.S. §§ 3001 (municipal home rule) and 5603(2) (A), ~~T~~the treasurer may disburse money only on the authority of a warrant drawn for the purpose, either (a) affirmatively voted for and signed by a majority of the municipal officers at a duly called public meeting, (b) seen and signed by a majority of them acting individually and separately, or (c) signed by any one of them acting alone as provided by law for the disbursement of employees' wages and benefits and payment of municipal education costs and state fees.

Enacted June 9, 2015

Amendment History:

TM: June 14, 2016

TM: June 13, 2017

**Proposed Revisions to the Land Use Ordinance and the
Adoption of a Board of Appeals Ordinance**

Strike the last sentence of the first paragraph of Article 2, Section 1.C and replace with “The Board of Appeals is governed by the Board of Appeals Ordinance.” Page 4

Strike Article 2, Section 1.C.1 through Article 2, Section 1.C.5. Page 4-7

Strike the reference to “Article 2 of this Ordinance” in Article 6, Section 3.D.5 and replace with “any provision of this Ordinance or the Board of Appeals Ordinance”. Page 19

Strike the reference to “Article 2 of this Ordinance” in Article 6, Section 3.C.21 and replace with “any provision of this Ordinance or the Board of Appeals Ordinance”. Page 21

Strike the reference to “Article 2 of this Ordinance” in Article 8, Section 7.C and replace with “any provision of this Ordinance or the Board of Appeals Ordinance”. Page 50

Article 8, Section 10.B. Storm water requirements will be changed to meet Maine Stormwater Management Design Manual dated 2016 (see attached wording). Page 52

Article 11, Section 2. Definitions have been clarified in the use of Agricultural- Light Industry, Industry – Light, & Industry – Heavy (see attached wording). Starts on Page 121

Article 7, Section 5. Land Use Tables will change by adding a new use as Agricultural- Light Industry, needing Planning Board approval but not allowed in Shoreland Residential or Resource Protection. AND, Industry – Heavy is only allowed in Commercial and Industrial District (CID) with Planning Board approval, AND, Natural Resource-Based Industries will not be allowed in Rural Residential. Starts on Page 36

Stormwater Requirements:

An appropriate stormwater control plan shall be developed that meets the requirements of the Maine Department of Environmental Protection Regulations, Chapter 500, *Stormwater Management* and Chapter 502, *Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams*, effective December 27, 2006 (Maranacook Lake and Carlton Pond are identified as Most at Risk Lakes in Chapter 502). In meeting these requirements, the plan shall utilize best management practices, or practices determined by the Planning Board to be equivalent, as to those described in the *Maine Stormwater Management Design Manual, Volumes I, II, and III, Stormwater Management for Maine; Best Management Practices*, published by the Maine Department of Environmental Protection, January 2006 March 2016, as revised from time to time.

Agricultural Light Industry Definition:

Agricultural Light Industry: a low impact commercial activity which results in a product or service primarily derived from the crops or livestock located or raised on the property. The business is conducted in whole or in part on the same premises where the owner of the business resides. Agricultural light industry is small in scale, is carried on primarily in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing there, is in keeping with the character of the district, and the activity is, and remains, clearly incidental and secondary to the primary use of the premises as a residence. Examples of Agricultural Light Industry include, but are not limited to: wreath making, and maple syrup and honey production, which may be sold directly from the home or through mail order. Agricultural light industry does not include commercial activities such as meat processing and slaughter operations.

Industry Light: Industrial activity that uses a moderate amount of raw or partially processed materials, and requires a relatively small amount of area and power, to produce or assemble small end-user or consumer goods. Light industry is typically more labor than capital intensive. Examples of light industry include, but are not limited to the manufacture or assembly of: clothing, consumer electronics and furniture.

Industry Heavy: Industrial activity that uses or processes relatively large volumes of raw materials, usually involving large and heavy products, equipment, and /or facilities, and often involves complex manufacturing processes. Heavy industry is typically capital intensive and sells its products to other industrial customers rather than end consumers. Examples of heavy industry include, but are not limited to those involving the production of: chemicals, plastics, steel, oil, machinery and automobiles.

**TABLE 1 /
TABLE OF USES**

	<i>LAND USE DISTRICTS</i>									<i>Overlay District</i>
	V	VR	AD⁹	R	RR	SR	RP	SP	CID	MH
Hotel/Motel	P	N	N	P	N	N	N	N	P	U
Indoor Theater	P	N	P	P	N	N	N	N	P	U
Office: Business Professional/Medical	P	N	P	P	N	N	N	N	P	U
Printing/Photography	P	N	N	P	N	N	N	N	P	U
Redemption Centers	P	N	N	P	N	N	N	N	P	U
Retail Fuel Distributor (Petroleum Prod.)	P	N	N	P	N	N	N	N	P	U
Retail Business	P	N	P	P	N	N	N	N	P	U
Veterinary Hospital	P	N	N	P	N	N	N	N	P	U
Service Business	P	N	N	P	N	N	N	N	P	U
Wholesale Business	P	N	N	P	N	N	N	N	P	U
Junkyard/Automobile Graveyard/Automobile Recycling	N	N	N	P	N	N	N	N	P	U
INDUSTRIAL³										
Accessory Structure	P	N	N	P	N	N	N	N	P	U
Light Industry	P	N	N	PN	N	N	N	N	P	U
Heavy Industry	N	N	N	PN	N	N	N	N	P	U
Recycling Operation	P	N	N	P	N	N	N	N	P	U
Sludge Spreading	N	N	N	P	N	N	N	N	N	N
Terminal for Bulk Oil & Gas	P	N	N	P	N	N	N	N	P	U
Trucking, including Distribution Terminal	P	N	N	P	N	N	N	N	P	U
Warehousing and Storage	P	N	N	P	N	N	N	N	P	U

Legend

<i>Land Use Districts</i>			<i>Overlay District</i>
V = Village District	R = Rural District	SP = Stream Protection	MH = Mobile Home
VR = Village Residential	RR = Rural Residential	RP = Resource Protection	
AD = Academic District	SR = Shoreland Residential	CID = Commercial Industrial	

Key to Table of Uses

Y =	Allowed Use (no permit required, but the use must comply with all applicable federal, state and local standards and regulations, including but not limited to this Ordinance).
C =	Use requires review and permit from Code Enforcement Officer (CEO) and/or Local Plumbing Inspector (LPI).
P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

TABLE 1 /

	<i>LAND USE DISTRICTS</i>									<i>Overlay District</i>
	V	VR	AD⁹	R	RR	SR	RP	SP	CID	MH
OUTDOOR, RESOURCE-BASED USES										
Accessory Structure	C	C	C	C	C	C	P	P ¹	N	U
Agriculture	Y	Y	Y	Y	Y	Y ¹	P	Y ¹	Y	U
Agriculture –Light Industry	P	P	P	P	P	P	P	N	p	p
Individual Campsites	Y	Y	C	Y	Y	C	C	C	N	U
Campground	N	N	N	P ⁴	N	P	N ⁴	N	N	U
Natural Resource-Based Industries	N	N	N	P	P	N	N	N	P	U
Natural Resource-Based Recreation	P	N	P	P	P	P	P	P	N	U
Kennels	N	N	N	P	N	N	N	N	N	N
Parks/Recreation	P	P	P	P	P	P	P	P	N	U
Piers and Docks										
- Temporary	NA	NA	C	NA	NA	Y	Y	Y	N	NA
- Permanent	NA	NA	N	NA	NA	N	N	N	N	NA
Common Shoreland Accesses	NA	NA	NA	NA	NA	PB	PB	PB	N	NA
Mining & Mineral Extracting ¹	N	N	N	P	P	P	P	N	N	N
Filling or Other Earth Moving										
- Less than 10 cy ¹	Y	Y	Y	Y	Y	Y	C	C	Y	U
- More than 10 cy ¹	Y	Y	C	Y	Y	C	P	P	Y	U
Forest management & Timber Harvesting	Y	Y	Y	Y	Y	Y ¹	C	Y	Y	U

TABLE OF USES

Board of Appeals Ordinance
Of the
Town of Readfield, Maine

ENACTED: _____

CERTIFIED BY: _____

Signature

CERTIFIED BY: _____

Printed Name

Title

**Board of Appeals Ordinance
of the
Town of Readfield, Maine**

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1. GENERAL PROVISIONS:

- A. This Ordinance shall be known and may be cited as the “Board of Appeals Ordinance” and will be referred to herein as this Ordinance.
- B. The purpose of this Ordinance is to reauthorize the Board of Appeals, define its authority and responsibilities, establish its organizational characteristics and set forth procedures for the conduct of its business. The Board of Appeals will be referred to herein as the Board.
- C. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon, including but not limited to those referenced in Section 6 of this Ordinance, as well as with the applicable state statutes as enumerated below in section 7. Powers and Limitations.
- D. It shall be the responsibility of the Board to become familiar with the Comprehensive Plan.

2. ESTABLISHMENT

The Town of Readfield hereby has established a Board of Appeals in accordance with 30-A MRSA § 2691. The Board of Appeals existing at the time of adoption of this Ordinance shall continue to serve as the Board of Appeals.

3. APPOINTMENTS

- A. Unless otherwise specified in this section the filling of vacancies, appointments, and reappointments to the Board shall be consistent with the Town of Readfield Procedures for Appointment and Reappointment.
- B. The Board shall consist of seven (7) members appointed by the Select Board of the Town of Readfield for three-year staggered terms. At the effective date of this ordinance, the current Board shall be reestablished and current members shall continue to serve until each term expires.
- C. Neither a Select Board member nor his or her spouse or domestic partner may be a member of the Board.
- D. Any member of the Board may be removed from the Board for cause by the Select Board before expiration of his/her term at a duly noticed hearing.

4. OFFICERS AND DUTIES

- A. The officers of the Board shall consist of a Chairperson, Vice Chairperson and Secretary, from its membership who shall be elected annually by a majority of the Board.

- B. The chairperson shall perform all duties required by law and these bylaws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.
- C. The Vice Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability, or disqualification.
- D. The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every motion, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.
- E. The Board may adopt additional rules to govern the conduct of its meetings and public hearings. Such rules shall be adopted or amended only by formal vote of the Board after a public hearing on the proposal. Any rules adopted by the Board shall be in writing and shall be available to applicants and the public.

5. CONFLICT OF INTEREST

- A. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.
- B. The term conflict of interest shall be as defined in the Town of Readfield Conflict of Interest and Recall Process Ordinance.

6. STANDARD OF REVIEW

- A. All appeals from a decision, determination, or requirement of the Code Enforcement Officer shall be conducted “de novo.” The Board shall conduct a fact-finding hearing at which it may receive and consider evidence and testimony and oral or written argument in addition to the record of the action taken by the Code Enforcement Officer and, based on all the evidence presented to the Board, shall decide whether the action of the Code Enforcement Officer constituted an error of law, misinterpretation of the Land Use

Ordinance, or misapplication of the law to the facts.

- B. Appeals from decisions of the Planning Board shall be strictly “appellate” proceedings. Such review is limited to the record of the proceedings before the Planning Board, and the Board shall not receive or consider any evidence which was not presented to the Planning Board, but the Board may receive and consider oral and written argument. If the Board determines that the record of the Planning Board proceedings is not adequate, the Board may remand the matter to the Planning Board for additional fact finding. The Board shall not substitute its judgment for that of the Planning Board on questions of fact.

7. POWERS AND LIMITATIONS

- A. Upon receipt of a written appeal by an aggrieved party, the Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, with respect to any license, permit, waiver, variance, or other required approval, or any application therefore, including the grant, conditional grant, denial, suspension, or revocation of any such license, permit, waiver, variance or other approval (hereinafter a “Decision”)
 - 1. rendered by the Code Enforcement Officer or the Planning Board pursuant to the Land Use Ordinance, which shall include any ordinances relating to land use adopted by reference as a part of the Land Use Ordinance;
 - 2. rendered by the Select Board Pursuant to the Mass Gathering Ordinance;
 - 3. rendered by the Select Board pursuant to any Special Amusement Ordinance or 28-A M.R.S.A. §1054 (relating to the issuance of special permits for music, dancing or entertainment).
- B. Variance Applications
 - 1. The Board of Appeals shall hear and decide specific cases where a relaxation of terms of the Land Use Ordinance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not to the neighborhood locale, and to conditions not the result of actions of the applicant or any predecessor in title, strict application of the Land Use Ordinance to the applicant and the applicant’s property would result in undue hardship. For purposes of this subsection “undue hardship” means:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted; and
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and

- c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- 2. A financial hardship shall not constitute grounds for granting a variance.
- 3. Convenience to the applicant shall not constitute grounds for granting a variance. Further, applicants shall demonstrate that no other feasible alternative to his/her proposal is available.
- 4. As used in the Land Use Ordinance, a variance is authorized only for height, setback, lot area, or dimensional requirements. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the land use district or uses in adjoining land use districts.
- 5. The Board shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of the Land Use Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The owner of record shall comply with any conditions imposed.
- 6. A copy of each variance request involving property within the Shoreland Districts, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board. Any comments received from the Commissioner prior to the action by the Board shall be made part of the record and shall be taken into consideration by the Board.
- 7. Any variance shall expire unless following issuance of same, there is compliance with Article 4, Section 7 of the Land Use Ordinance.

C. Disability Variance for a Building

- 1. The Board may grant a variance to an owner of a dwelling unit for the purpose of allowing equipment and structures necessary to make the dwelling on that property accessible to any person with a disability who regularly uses such dwelling.
- 2. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by persons with disabilities who regularly use such dwelling unit.

3. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in or regularly uses the dwelling.

D. Setback Variance for Single-Family Dwellings

1. The Board may permit a variance from setback requirements for a single-family dwelling which is the primary year-round residence of the applicant or its accessory structure(s) upon finding that strict application of the Land Use Ordinance to the applicant's property would create undue hardship, defined for purposes of this subsection only as follows:
 - a. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - b. The granting of a variance will not alter the essential character of the locality;
 - c. The hardship is not the result of action taken by the applicant or a prior owner;
 - d. The granting of the variance will not substantially reduce or impair the use of abutting property;
 - e. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
2. The Board may not grant a setback variance for a single-family dwelling under this subsection if the result would be to exceed the lot coverage ratio allowed in the district. Minimum setback from a waterbody or wetland may not be reduced under this subsection. Minimum front, side, and rear setbacks may be reduced by more than 20% under this subsection only if the applicant has obtained the written consent of any affected abutting landowner.

8. MEETINGS

- A. The regular meeting of the Board shall be held once every other month or as necessary.
- B. The annual organization meeting of the Board shall be the first regular meeting of the fiscal year.
- C. Special meetings of the Board may be called by the Chairperson. At least seventy-two (72) hours written notice of the time, place, and business of the meeting shall be given to each member of the Board, the Select Board, the Planning Board, and the Code Enforcement Officer.
- D. The Chairperson shall call a special meeting within ten (10) days of receipt of a written request from any four (4) members of the Board; which request shall specify the matters

to be considered at such special meeting.

- E. The order of business at regular meetings of the Board shall be as follows: (A) roll call; (B) reading and approval of the minutes of the preceding meeting; (C) action on held cases; (D) public hearing (when scheduled); (E) other business; (F) adjournment.
- F. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting.

9. VOTING

- A. A quorum shall consist of four (4) members of the Board physically present at the meeting.
- B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.
- C. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of at least four (4) members of the Board unless otherwise specified herein.
- D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
- E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.
- F. No member shall vote on the determination of any matter requiring a public hearing unless he or she has attended the public hearing thereon; except that such a member who has familiarized himself or herself with such matter by reading the record shall be qualified to vote.

10. TIME LIMIT

Any person aggrieved by an action which comes under the jurisdiction of the Board must file such application for appeal within forty five (45) days of the date of the decision being appealed. The applicant shall file this appeal at the office of the Town Clerk, setting forth the grounds for his/her appeal. Upon receiving the application for appeal, the Town Clerk shall notify the Chairperson of the Board.

11. SUBMITTALS

- A. Appeals shall be made by filing with the Board a written notice which includes:

1. A concise written statement indicating what relief is requested and why it should be granted.
 2. A sketch drawn to scale showing lot lines, location of existing buildings and structures, and other physical features of the lot pertinent to the relief requested.
 3. Any additional documents that the applicant believes are pertinent to the appeal.
- B. Each application for appeal shall be accompanied by the appropriate fee as established from time to time by the Select Board.

12. RECORD OF CASE

Upon being notified of an appeal, the Code Enforcement Officer, or Town Clerk in the case of appeal of a decision of the Select Board under the Mass Gathering Ordinance, or a Special Amusement Ordinance, or 28-A M.R.S.A. §1054 (relating to the issuance of special permits for music, dancing or entertainment), shall transmit to the Board copies of all of the papers constituting the record of the decision being appealed.

13. HEARINGS

- A. The Board shall schedule a public hearing on all appeals applications within thirty (30) days of the filing of a complete appeal application.
- B. The Board shall cause notice of the date, time, and place of such hearing, the location of the building or lot, and the general nature of the question involved to be given to the person making the application and to be published in a newspaper of general circulation in the municipality at least ten (10) days prior to the hearing. The Board shall also cause notice of the hearing to be given to the Select Board, the Planning Board, the Code Enforcement Officer, and by first-class mail to the owners of property abutting that for which the appeal is taken at least ten (10) days prior to the date of the hearing. A Certificate of Mailing shall be obtained from the postal clerk at the time of mailing and shall be retained as a part of the official records of the appeal.
- C. The Board shall provide as a matter of policy for exclusion of irrelevant, immaterial, or unduly repetitious evidence.
- D. The order of business at a public hearing shall be as follows, unless the Board votes to modify the order:
 1. The Presiding Officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.
 2. The appellant (in the case of an appeal) or the applicant (in the case of a variance request) shall present its affirmative case, including any exhibits or testimony in the

event of a de novo proceeding.

3. Members of the Board may direct questions to the appellant/applicant or to any of its witnesses.
4. Persons owning land adjacent to the appellant/applicant (hereinafter referred to as “abutters”) and any other persons who can establish that they might be adversely affected by the outcome of the appeal/application may make presentations.
5. Members of the Board may question abutters and any other persons who are permitted to make presentations.
6. The appellant/applicant may present evidence and/or argument in rebuttal to presentations made by others.
7. The Presiding Officer shall declare the hearing closed and the Board will begin its deliberations.

14. DECISIONS

- A. The Board shall render a final decision on an appeal/application by public vote taken no later than ten (10) days after the close of the hearing.
- B. The Board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan, and by findings of fact by the Board in each case.
- C. The Board’s final decision on any matter shall be confirmed by written decision signed by the Chairperson, which written decision shall include reference to the reconsideration process and the right to appeal to Superior Court. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis and the appropriate order, relief, or denial thereof.
- D. The appellant or applicant shall have the burden of proof.
- E. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.
- F. Notice of written decision shall be sent by certified or registered mail or hand delivered to the applicant, his representative or agent, the Planning Board, the Code Enforcement Officer, and the Select Board within seven (7) days of the decision. For decisions regarding development in shoreland districts, the Board shall send such written decisions to the Department of Environmental Protection within seven (7) days of the Board’s

decision.

- G. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall become a part of the appropriate record. In instances where the Board remands a case to the Planning Board or Code Enforcement Officer, such decisions shall include an appropriate order. The date of filing of each decision shall be entered in the official records and minutes of the Appeals Board.
- H. Any order or decision of the Board for a permitted use shall expire if the permit is not acted upon within the timeframe specified for the permit, not including time required for the appeals process.

15. RECONSIDERATIONS

- A. Upon its own motion, or upon the written request by any party, the Board, for good cause, may vote to reconsider its decision. Any motion or request to reconsider must be made within ten (10) days of the decision of the Board.
- B. The Board may then decide to either: 1) deny the request for reconsideration; or 2) to reopen the proceedings in order to reconsider its earlier decision and, in doing so, may conduct further hearings and receive additional evidence and testimony. If the Board decides to reopen the earlier decision, the Board must notify all interested parties. The Board may limit the scope of any reconsideration.
- C. The Board's decision to either deny the request for reconsideration or to reopen the proceedings for reconsideration shall be made within fourteen (14) days of the motion or request to reconsider.
- D. If the Board decides to reconsider its decision and reopen the proceedings, then the Board shall issue a final decision within forty-five (45) days of the vote on the original decision.
- E. Reconsideration should be for one of the following reasons:
 - 1. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
 - 2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

16. RECORDING OF VARIANCES

The applicant shall record the variance at the Registry of Deeds within ninety (90) days of the date of the final written approval of the variance as per Title 30-A, M.R.S.A. Section 4406

17. APPEAL TO SUPERIOR COURT

A. An appeal of the decision of the Board may be taken, within forty-five (45) days after the vote of the Board, by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

1. In the event of an appeal to the Superior Court from the Board review of a Code Enforcement Officer decision, the decision of the Board shall be the operative decision for judicial review.
2. In the event of an appeal to the Superior Court from Board review of a Planning Board decision, the decision of the Planning Board shall be the operative decision for judicial review.

18. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation or statute, the more restrictive provision shall apply.

19. SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

20. ABROGATION

This Ordinance repeals and replaces any municipal ordinance, portion thereof, or legislative action previously enacted to comply with the requirements of 30-A MRSA § 2691 or 30 MRSA § 2411.

TOWN OF READFIELD PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Administration by the Efficiency Maine Trust

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in Readfield, financed by funds awarded to the Efficiency Maine Trust (the “Trust”) under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, Readfield wishes to establish a PACE program; and

NOW THEREFORE, Readfield hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Ordinance, the Town of Readfield declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Ordinance shall be known and may be cited as “the Town of Readfield Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

- 1. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - A. Will result in increased energy efficiency and substantially reduced energy use and:
 - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the Trust.
- 2. Municipality.** “Municipality” shall mean the Town of Readfield.
- 3. PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
- 4. PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
- 5. PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

- 6. PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
- 7. PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
- 8. PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
- 9. Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.
- 10. Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
- 11. Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

- 1. Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.
- 2. Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of

home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.