

*Town Meeting Warrant
Casco, Maine
Fiscal Year
2021 – 2022*



June 8th and 9th, 2021

TOWN OF CASCO
Warrant for Town Meeting
June 8 and 9, 2021
Fiscal Year 2022
July 1, 2021 – June 30, 2022

To: Residents of the Town of Casco, in the County of Cumberland and the State of Maine.

Greetings:

In the name of the State of Maine you are required to notify and warn the inhabitants of said Town of Casco qualified to vote in town affairs to meet at the Casco Community Center on Tuesday, the 8th day of June 2021 A.D. from 8:00 a.m. to 8:00 p.m., then and there to act on Articles 1, 2 and 3 as set out below and to warn said voters to meet at the Casco Community Center, located at 940 Meadow Road, on Wednesday, the 9th day of June 2021 A.D. at 6:00 p.m. in the evening and there to act on Articles 4 through 28 as specified in the warrant.

All articles being set out below, to wit:

Article 1. To choose a moderator to preside at said meeting.

Article 2. To elect all necessary town officers by secret ballot. (30-A M.R.S.A., Section 2524).
The polls for voting on Article 2 will be open at 8:00 a.m. until 8:00 p.m. on June 8, 2021.
The polls are located at the Casco Community Center at 940 Meadow Road, Casco.

Article 3. To choose and elect all other town officers required by law to be chosen at such meeting.

Article 4. To see if the town will vote to raise and appropriate \$962,140 for **Administration** for the ensuing year as detailed below and to appropriate \$714,018 in anticipated Administration related revenue.

<u>Account</u>	<u>Amount</u>
Administration Payroll/Benefits/Insurance	\$591,840
Utilities	20,900
Services	124,650
Town Insurance	35,000
Supplies/Equipment	41,000
Repairs/Maintenance	9,000
Training/Travel	10,600
Assessing	89,150
Legal Services	30,000
Contingency	10,000
Total	\$962,140

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 5. To see if the Town will vote to raise and appropriate \$142,136 for **General Assistance and Donation/Charity** purposes and to appropriate \$8,000 in anticipated General Assistance revenue.

<u>Account</u>	<u>Amount</u>
General Assistance	\$15,000
Casco Public Library	77,400
Maine Health Visiting Nurses	4,500
Northern Light Health	500
Through These Doors	1,100
Tri-County Mental Health	2,500
Opportunity Alliance (PROP)	5,000
Meal Site	3,700
Bridgton Chamber of Commerce	1,250
Sebago Lakes Regional Chamber	250
Lake Region Bus Service	8,500
Raymond Casco Historical Society	1,800
Life Flight	936
Lake Stewards of Maine-Lake Monitoring	1,500
Thompson Lake Environmental Association (TLEA)	5,000
Lakes Environmental Association (LEA Milfoil Project)	5,000
Pleasant Lake/Parker Pond Association	4,000
Maine Public Radio	100
Food Pantry	3,600
Health Equity Alliance	500
Total	\$142,136

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 6. To see if the Town will vote to raise and appropriate \$375,589 for **Recreation, Parks & Beaches, Facilities, Cemeteries and Committees** and to appropriate \$29,970 from anticipated Recreation revenue, \$8,000 from anticipated Park's revenue and \$35,527 from anticipated Facilities revenue.

<u>Account</u>	<u>Amount</u>
Recreation	\$178,693
Parks & Beaches	43,475
Facilities	\$142,221
Cemeteries	6,200
Open Space Commission	2,500
Veterans Committee	2,500
Total	\$375,589

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 7. To see if the town will vote to raise and appropriate \$1,168,497 for **Fire Rescue Department, Emergency Management and Animal Control** and to appropriate \$150,200 from anticipated Fire Recue revenue and \$64,063 from anticipated Animal Control revenue.

<u>Account</u>	<u>Amount</u>
Fire Rescue Department	
Payroll/Benefits/Insurance	\$800,323
Utilities	34,140
Services	94,113
Supplies/Equipment	72,314
Repairs/Maintenance	45,500
Training/Travel	14,570
Sub-Total Fire Rescue Department	\$1,060,960
Emergency Management	7,965
<u>Animal Control</u>	<u>99,572</u>
Total	\$1,168,497

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 8. To see if the Town will vote to raise and appropriate \$366,534 for **Recycling, Solid Waste and Sanitation** for the ensuing year.

<u>Account</u>	<u>Amount</u>
Bulky Waste Facility	\$287,534
<u>Tipping Fees/Coupons & Sticker Costs</u>	<u>79,000</u>
Total	\$366,534

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 9. To see if the Town will vote to raise and appropriate \$1,468,251 for **Public Works, Dams, Streetlights and Bond Debt** and to appropriate \$898,000 from anticipated Public Works related revenue

<u>Account</u>	<u>Amount</u>
Public Works	
Payroll/Benefits/Insurance	\$106,801
Utilities/Services	815,800
Supplies/Equipment/Repairs	218,000
Training/Travel	2,500
Subtotal Public Works	\$1,143,101
Dams	5,650
Streetlights	9,500
<u>Bond Debt</u>	<u>310,000</u>
Total	\$1,468,251

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 10. To see what sum the Town will vote to raise and appropriate \$219,300 for **Code Enforcement, Planning Board and Zoning Board** and to appropriate \$77,800 from anticipated Code Enforcement, Planning Board and Zoning Board related revenue

<u>Account</u>	<u>Amount</u>
Code Enforcement	\$169,420
Planning Board/ZBA	49,880
Total	\$219,300

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 11. To see if the Town will appropriate \$104,613 from the General Obligation Bond Premium Account and \$28,610 from the Recreation Reserve Account to complete the Memorial Field Project.

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 12. To see if the Town will appropriate \$95,000 from the Fire Equipment Reserve Account to purchase a Utility Truck (\$45,000) and a Staff Vehicle (\$50,000).

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 13. To see if the Town will appropriate \$48,692 from the Local Road Assistance Program Reserve Account and \$157,724 from the Road Maintenance Reserve Account for maintenance of Town roads

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 14. To see if the Town will appropriate \$15,000 from the Grange Reserve Account and \$15,772 from the Capital Improvement Reserve Account for construction at the Pleasant Lake Beach (Map 43, Lot 28) for repair and maintenance of the retaining wall.

SELECTBOARD RECOMMENDS APPROVAL: Vote 5 in favor

Article 15. Shall the Town vote to adopt the **Private Road Winter Maintenance Policy** to replace all winter maintenance policies previously adopted by the Town, with said Policy to be effective as of the 2022-2023 plowing season? (See Addendum 1)

(Note: Copy of full policy is on file in the Town Office and will be available at the Town Meeting. The policy is intended to clarify requirements, waivers, and standards for continued service by addressing a variety of issues and past concerns.)

SELECTBOARD RECOMMENDS APPROVAL

Article 16. To see if the town will vote to authorize the continued plowing and sanding of certain private roads for which the town has obtained public easements and which meet the criteria approved in a Regular Town Meeting June 10, 2015, or any subsequent criteria or standards, and authorize the Board of Selectmen to discontinue the plowing of certain private roads

that no longer meet criteria approved in a Regular Town Meeting June 10, 2015, or any subsequent criteria or standards, or where the public easement has been withdrawn or denied.

SELECTBOARD RECOMMENDS APPROVAL

Article 17. To see if the Town will vote to set the dates that FY 2021-2022 real and personal property taxes are due, as follows: first half shall be due October 6, 2021 or 45 days after commitment, whichever date is later, and second half shall be due March 2, 2022 and to charge interest starting fourteen (14) days after each due date at the maximum rate allowed by law of six percent (6%) per annum for 2021 -2022 tax payments.

(Note of Explanation: The maximum rate is pursuant to 36 M.R.S.A. Section 505(4).)

SELECTBOARD RECOMMENDS APPROVAL

Article 18. To see if the Town will vote to fix the annual rate of interest at two percent (2%) to be paid by the Town for abated taxes that have previously been paid.

SELECTBOARD RECOMMENDS APPROVAL

Article 19. To see if the town will vote to authorize the Tax Collector to accept prepayment of taxes not yet committed, the amount collected not to exceed the previous year's taxes, and to set the interest at 0% APR for overpayments pursuant to 36 M.R.S.A. Section 506.

SELECTBOARD RECOMMENDS APPROVAL

Article 20. To see if the Town will vote to authorize the Selectboard, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for non-payment of taxes (foreclosure) on such terms as they deem advisable, and execute a quitclaim deed for the property. Except that the Selectboard shall use the special sale process required by 36 M.R.S. §943-C for qualifying homestead property if they should choose to sell it to anyone other than the former owner(s).

SELECTBOARD RECOMMENDS APPROVAL

Article 21. To see if the town will vote to authorize the Selectboard, on behalf of the town, to apply for, accept and expend state and federal grants and grants from non-profit organizations, donations and other revenue on behalf of the town for municipal purposes, including when necessary the authority to sign grants and contract documents or other paperwork and accept the conditions that accompany grant funds, so long as those conditions do not require the expenditure of matching funds by the town in excess of approved budgets, and to appropriate and expend grant funds or such other donations and other revenues for authorized purposes, as the Selectboard deems in the best interest of the town during the 2021-2022 fiscal year.

SELECTBOARD RECOMMENDS APPROVAL

Article 22. To see if the town will vote to authorize unexpended balances for the 2020-2021 fiscal year to be carried forward to the 2021-2022 fiscal year at the discretion of the Selectboard and within the existing budget line items providing that the respective total departmental budgets are not overspent and the overall total budget is not overspent.

SELECTBOARD RECOMMENDS APPROVAL

Article 23. To see if the Town will authorize the Selectboard to sell and/or dispose of town-owned assets (excluding land) determined to be obsolete or surplus with a value of \$35,000 or less, under such terms and conditions as they deem advisable.

SELECTBOARD RECOMMENDS APPROVAL

Article 24. To see if the Town will vote to authorize the payment of tax abatements approved by Selectboard from the property tax overlay and, if necessary, from unassigned fund balance.

SELECTBOARD RECOMMENDS APPROVAL

Article 25. To see if the Town will vote to authorize the Selectboard and Treasurer, on behalf of the Town, to accept gifts, real estate and certain funds that may be given to the Town during the upcoming fiscal year.

SELECTBOARD RECOMMENDS APPROVAL

Article 26. Shall an ordinance entitled “2021 Amendments to the Zoning Ordinance of the Town of Casco Regarding the Adoption of Contract Zoning Agreement Between Hancock Leasing Limited Liability Company and the Inhabitants of the Town of Casco” to Rezone Property Located on the Meadow Road and the Edes Falls Road (Map 43, Lot 23 and Map 43, Lot 24) be enacted? (See Addendum 2)

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town meeting).

SELECTBOARD & PLANNING BOARD RECOMMENDS APPROVAL

Article 27. Shall an ordinance entitled “2021 Amendments to the Zoning Ordinance of the Town of Casco Regarding Changes to Permitted Uses and Space Standards in the Aquifer Protection Overlay District” be enacted? (See Addendum 3)

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town meeting).

SELECTBOARD & PLANNING BOARD RECOMMENDS APPROVAL

Article 28. To see if the Town will vote to authorize the Selectboard to enter into a lease or a lease purchase agreement for the acquisition a new E-One Mini Pumper Fire Apparatus, with a cost not to exceed an expenditure of up to \$314,083.77, including interest, to be paid over a seven-year period, with the details of such lease or lease purchase agreement to be in such form as the Selectboard shall determine (including the dates, denominations and interest rate(s)), to authorize the Selectboard or its designee to execute any and all additional certificates, agreements or other documents necessary to enter into such a lease or lease purchase agreement, and to appropriate the proceeds from the lease or lease purchase agreement for said equipment.

(The total estimated debt service for the lease purchase agreement is estimated to be \$314,083.77, of which principal is \$285,000.00 and estimated interest at a rate of 2.49% over 7 years is \$29,083.77).

The Board of Selectmen recommends a “yes” vote.

Financial Statement Applicable to Article: The issuance of bonds by the Town of Casco is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town of Casco as of the date of the Town Meeting.

Bonds Now Outstanding and Unpaid	\$ 2,735,000
Interest to be Repaid on Outstanding Bonds	<u>\$ 478,456</u>
Total to be Repaid on Bonds Outstanding	\$ 3,213,456

Additional Principal Amount of Bonds Authorized But Not Yet Issued	<u>\$ 698,000</u>
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Bonds will not be issued, funding for the Memorial Field Project was from unassigned fund balance.

Total Additional Bonds To Be Issued If Approved By Voters	\$ 285,000.00
Estimate of Potential New Interest on Such Additional Bonds:	<u>\$ 29,083.77</u>
Total Additional Bonds and Estimated Interest If Approved By Voters:	\$ 314,083.77

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity.

/s/ Pamela Griffin

Pamela Griffin, Treasurer, Town of Casco

CASCO SELECTBOARD

Thomas H. Peaslee, Chair

Mary-Vienessa Fernandes, Vice-Chair

Holly B. Hancock

Robert E. MacDonald

Scott W. Avery

In witness thereof:

Penny Bean,
Town Clerk

ADDENDUM 1

TOWN OF CASCO

Winter Maintenance of Private Roads

This policy remains in effect unless changed or revoked by Town Meeting and as long as the annual Town Meeting authorizes the continued plowing and sanding of certain private roads. Approval grants the Town the right to provide winter maintenance of certain private roads but does not obligate the Town to, as laid out in the provisions of this policy.

Section 1. Purpose

The purpose of this policy is to clarify past practices related to winter road maintenance of private roads including but not limited to standards, waivers, and easements necessary to establish a public interest in the private property and protect the Town against unnecessary costs. This policy in no way guarantees the winter maintenance of private roads.

Section 2. Applicability

This policy applies to all private roads currently receiving winter road maintenance, listed below, except in the case any private road fails to comply with all sections of this policy, and all other private roads that may wish to obtain Town winter maintenance services.

Acadia Road	Alice Road	Bear Pine Drive	Boothby Lane
Cedar Street	Cliffside Road	George Hannon Rd	Grant Drive
Coffee Pond Road	Cold Springs Road	Condo Ridge Road	Cone Street
Fairfield Road	Garland Road	Hancock Road	Higgins Hill Rd
Highland Shores Road	Hollow Point Road	Jamesport Road	Katheryn Blvd
Lakeshore Drive	Leander Lane	Letitia Lane	Lilac Lane
Lower Coffee Pond Rd	Maple Street	Mondor White Rd	Mountain View Rd
New Road	Oak Street	O'Connor Road	Parker Pond Pines
Puckerbrush Trail	Sebago Haven Road	Scott Drive	Stagecoach Hill Rd
Thomas Pond Shores Rd	Thompson Lake Shore Rd		
Upper Shore Road Valley Rd	Waterview Drive	Watkins Shores Rd	Welch Drive
Willey Lane			

Section 3. Easements

The Town cannot expend public funds on private property in which it has no legal interest.

Sufficient easements by either the majority of individual land owners or a legal road association must be provided to the Town and recorded with the Cumberland County Registry of Deeds, at the expense of private road owners or road association. This policy authorizes the Selectboard, on behalf of the Town, to accept easements on behalf of the Town.

Section 4. General Provisions

- A. Provision of services is not guaranteed for each road. At the discretion of the Town, private roads receiving winter road maintenance are subject to periodic review of the standards.
- B. The deadline for all roads to be in compliance with this policy shall be October 1 of every year for the upcoming winter season. Final determination of compliance with this policy shall be determined by the Town.
- C. The Town may inspect any private road at any time for any reason.
- D. In the event access to a private road is limited or prevented due to conditions of the road (i.e. washout, tree blocking road, etc.), so that the standards are no longer met, the Town shall automatically discontinue winter road maintenance unless and until the road is fixed within a timely manner and is compliance with all other portions of this policy.
- E. A private road that requires the Town to access it through another private road inherently risks losing Town winter maintenance services in the event the private road that provides the access fails to comply with any provisions of this policy.
- F. Private road owners are encouraged to have backup plans for winter road maintenance in the event Town winter road maintenance services are discontinued in accordance with this policy.
- G. Private roads that are in compliance with this policy and receive the Town services are prevented from posting their road as private or otherwise attempting to restrict the public from accessing the private road. Failure to comply with this provision may result in a loss of services.

Section 5. 1972 Road Standards

Road standards dated 1972 have been long standing. The Town has taken steps in recent years to bring private roads receiving Town winter maintenance services into compliance with those standards and to ensure sufficient public easements exist.

- A. Roads listed under Section 2 have continuously received Town winter maintenance and therefore remain subject to the 1972 road standards. In the event a private road fails to meet any requirements of this policy, the private road shall then be subject to the 2015 road standards in Section 6.
- B. The final decision as to whether or not a road meets these standards rests with the Road Commissioner.
- C. This policy seeks to clarify language of the 1972 Standards.

1972 Road Standards for Town Winter Maintenance Services: Plowing/Sanding

1. Roadways must have a width of 18', with a minimum of 1.5' shoulders on each side. The area beyond the shoulders must be able to accommodate snow that is winged back in order to maintain the width of a plowed roadway area. The Town is NOT responsible for property located within the area where snow may be pushed as part of plowing operations. In the event of a heavy snow year where the shoulder area and the area beyond cannot accommodate more snow, the Town reserves the right to discontinue plowing until such time as the homeowners have the snow removed or pushed back by heavy equipment, at the expense of the homeowners.
2. Roadway must be free of obstructions with a properly maintained surface. (i.e. smoothly graded or paved)
3. Road surface must be adequate to support heavy plowing vehicles. Muddy or soft roads cannot be plowed. *Erosion and stormwater control must be maintained and developed when determined necessary to ensure proper drainage of the private road and to limit potential environmental impacts (i.e. ditches, culverts, turnouts, sediment basins, and more).*
4. A turning area adequate for large plow vehicles must be provided. This area must allow for snow storage and turning and maneuvering area. This area *must not* include driveways.
5. Roadways must have a minimum of two properties and have year-round residents.
6. Roadway must be free of trees, shrubs, and branches that may damage or impede plowing vehicles.

Section 6. 2015 Road Standards

Private roads listed in Section 2 that fail to comply with 1972 standards shall then be subject to the 2015 Road Standards, hereby incorporated into this policy as Exhibit A. No additional private roads will be added to the Town winter road maintenance service list.

Section 7. Waivers

This policy authorizes the Selectboard, on behalf of the Town, to grant waivers to private roads that fail to meet the applicable road standards for certain reasons. The Town reserves the right to periodically review all decisions related to waivers and to redetermine as needed, if the Selectboard deems it is in the best interest of the Town.

Waivers do not apply to property characteristics such as buildings, rock walls, or other man-made structures unless there is sufficient documentation proving it necessary due to a specific environmental or utility reason, as determined by the Selectboard.

A. Utility

1. Private roads that are unable to meet the applicable standards set forth in this policy due to utility restrictions must submit a written waiver request to the Selectboard on or before August 31st.

2. The request must include documentation from utility company stating that they are unwilling or unable to relocate a pole, or any other utility related structure, on the road for which the request has been submitted.
3. Utility waivers only apply to the immediate area surrounding the structure, not to exceed 10 feet on either side.
4. The Selectboard shall make a determination on or before October 15. After the initial request for utility restrictions are documented and approved by the Selectboard, the waiver shall remain in place for three years provided nothing related to the request has changed and Town Meeting continues to authorize the Town winter maintenance services for private roads.

B. Environmental

1. Private roads that are unable to meet the applicable standards set forth in this policy due to environmental restrictions must submit a written waiver request with all required documentation by August 31st.
2. For the purposes of this policy, a waiver request for environmental reasons must adequately demonstrate that compliance with the requirements set forth in the policy would negatively impact or put an undue burden on the environment. Sufficient documentation from Maine Department of Environmental Protection and other entities may be required.
3. The Town may seek or request that additional recommendation(s) from Cumber County Soil and Water, LEA or another entity be provided.
4. Support from MDEP or some other entity should not be viewed as blanket approval and in no way excludes the private road from meeting other provisions of this policy when possible.
5. Due to the nature of environmental restrictions, waivers granted shall be at the discretion of the Selectboard based on what they feel is in the best interest of the Town.
6. The Selectboard shall make a determination on or before October 15. Environmental waivers granted by the Selectboard shall remain in place for two years provided nothing related to the request has changed and Town Meeting continues to authorize the Town winter maintenance services for private roads.

C. Timeline/Extension for Compliance

It is the responsibility of the private road to ensure all provisions of this policy are met to ensure continued services.

At the discretion of the Selectboard, a private road may be given an extension, not to exceed two years, in order to come into compliance with the standards provided there is adequate Town Meeting approval.

ADDENDUM 1

TOWN OF CASCO

Standards for Plowing Private Roads with Public Easements

Effective June, 2015

Design Standards for Streets

- | | |
|---|------------------------------------|
| 1. Minimum width right of way: | 50 feet |
| 2. Minimum width of pavement: | 20 feet |
| 3. Minimum grade: | .5 % |
| 4. Maximum grade: | 9 % |
| 5. Maximum grade at intersections: | 3 % within 50 feet of intersection |
| 6. Minimum angle of intersection: | 60 degrees |
| 7. Pavement radius at intersection: | 20 feet |
| 8. Width of shoulders:
(shoulders may be graveled, paved or grassed) | 6 feet |
| 9. Minimum centerline radii on curves: | 150 feet |
| 10. Minimum distance between intersections: | |
| Same side: | 300 feet |
| Opposite side: | 150 feet |
| 11. Minimum radii of circular turnaround: | 100 feet |

Construction Standards for Streets

- | | |
|---|-------------------------------------|
| 1. Road base (minimum) of gravel: | 14 inches |
| 2. Upper base (minimum) of crushed gravel: | 4 inches |
| 3. Bituminous paving base coat:
(in accordance with current MDOT specifications) | 1 ½ inches of Type B mix as defined |
| 4. Surface coat: | ¾ inch of type D mix |
| 5. Road crown (minimum): | ¼ inch per foot |

ADDENDUM 2

CONTRACT ZONING AGREEMENT BETWEEN HANCOCK LEASING LIMITED LIABILITY COMPANY AND THE INHABITANTS OF THE TOWN OF CASCO

This Contract Zoning Agreement, made this _____ day of _____, 2021, by and between the INHABITANTS OF THE TOWN OF CASCO, a body corporate and politic, located in the County of Cumberland and State of Maine, with a mailing address of 635 Meadow Road, Casco, Maine 04015 (hereinafter “the Town”), Hancock Leasing Limited Liability Company, a Maine Limited Liability Company with a mailing address of 1267 Poland Spring Road, Casco, Maine 04015 (hereinafter the “Owner”).

WITNESSETH:

WHEREAS, the Owner seeks to develop property located in the vicinity of Meadow Road and Edes Falls Road, identified in the Town tax maps as Map 43, Lots 23 and 24, as further described in (1) a deed to the Owner from Spurwink Services Incorporated, dated June 7, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35700, Page 148 and (2) a deed to the Owner from Hancock Leasing Partnership, dated August 15, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12062, Page 96 (collectively, the “Property”); and

WHEREAS, the Owner seeks to develop the Property by removing two existing buildings and the existing parking and driveways associated with those buildings and replacing them with up to five (5) single-family homes, an access road and driveways, and to make certain shorefront improvements, subject to the limitations set forth herein (the “Development”); and

WHEREAS, the Owner seeks to modify the Village District zoning requirements applicable to the Property in order to facilitate the Development; and

WHEREAS, the proposed development addresses, among others, the following goals and guidelines of the Town’s Comprehensive Plan:

- To preserve Casco’s rural character while providing adequate areas for residential development;
- To direct projected residential growth to growth areas;
- To provide opportunities for adequate and safe housing for all segments of Casco’s population;“ and
- To protect the State’s critical natural resources, including shorelands.

WHEREAS, the reduction of the existing impervious area on the north side of Edes Falls Road and replanting of the area where the large parking lot now exists will benefit overall water

quality by reducing the pollutant impacts associated with impervious areas, will better define the travel way of Edes Falls Road, will improve the aesthetic quality of the neighborhood, will be consistent with the residential uses in the Village District; will generate less traffic than would be generated by a commercial or other reuse of the existing large buildings and will add to the Town's tax base; and

WHEREAS, the removal of the former Spurwink building and the Hancock Administration building, together with their associated parking and driveways, and the subsequent residential development of the Property will result in an overall reduction of approximately 1,000 square feet of impervious surface in that area; and

WHEREAS, the Casco Planning Board reviewed this proposed rezoning and recommended its approval after a public hearing held on _____, 2021; and

WHEREAS, the Casco Select Board has reviewed the proposal and has approved of the terms set forth in this Agreement; and

WHEREAS, the Town, by and through its Town Meeting, has determined that said rezoning will be pursuant to and consistent with the Comprehensive Plan and will meet the requirements of 30-A M.R.S. § 4352(8) and therefore has authorized the execution of this Contract Zoning Agreement on _____, 2021;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. Amendment of Zoning Map. The Town will amend the Zoning Map of the Town of Casco, as amended, a copy of which is on file at the Town Office and which is incorporated by reference in the Zoning Ordinance, Section 215-4.2, by adopting the map change amendment shown on Exhibit 1.

2. Land use requirements. Except as expressly stated herein, the Property shall be used and developed in accordance with the Village District provisions and requirements, as well as other applicable provisions of the Zoning Ordinance and the Subdivision Ordinance.

3. Dimensional Requirements and Uses. The following revisions to the requirements of the Village District shall be allowed on the Property:

- a. The maximum number of dwelling units allowed on the Property shall be five (5).
- b. The required front setbacks shall be twenty (20) feet. This shall apply along both Meadow Road and Edes Falls Road.
- c. The existing garage structure on the Property shall be allowed to remain and may be repaired and improved in its current location.

4. Site improvements. The Owner shall make the following site improvements as part of the redevelopment of the Property:

- a. Remove the existing parking area located on the north side of the Edes Falls Road.
- b. Plant a riparian buffer between Mill Brook and Edes Falls Road.
- c. Remove the paved parking on the south side of Edes Falls Road.
- d. Replant the area described in subsection (c) with vegetation.
- e. Remove the two (2) sets of buildings, including those on the prior Spurwink property and the Hancock Administration building, and the parking and access roads associated with those buildings, with the area to be improved with the proposed single-family homes, parking, driveways and access for the Development.
- f. The existing garage structure shall be retained on the Property and may be repaired and improved in its current location.
- g. The specific plans for these site improvements will be designed and approved as part of the required subdivision and site plan review and approval process for the Development.

5. New England style homes. The Owner shall develop the residential structures as New England style homes, in general keeping with the Village.

6. Restrictions on shorefront lot. The Owner shall limit the use of the lot frontage on Pleasant Lake as follows:

- a. Use of the area shall be limited to the owners of the residential structures on the Property and their invitees.
- b. There shall be a no more than one (1) dock installed on the Property, which shall be limited to use for non-motorized watercraft and for swimming.
- c. The number of moorings shall not exceed three (3) and the moorings shall comply with all applicable requirements of the Town of Casco Mooring Regulations set forth in Chapter 98 of the Town Code, or any successor provisions.

7. Agreement to Be Recorded. The Owner shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds and shall submit proof of recording to the Casco Code Enforcement Officer before any site work is undertaken or any building permits are issued.

8. Amendments to Agreement. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the property and shall be amended only upon further written agreement of the parties or any successors in interest to the Property.

9. Site Plan and Subdivision Review. Approval of this Agreement will not serve as a waiver of site plan or subdivision review if otherwise required under those Ordinance provisions.

10. Transferability. It is expressly understood between the parties that the Owner may transfer the Property to a related corporate entity, which would then be responsible for the proposed development.

The above stated restrictions, provisions, and conditions, are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Owner, its successors and assigns, and any party in possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. If any of the restrictions, provisions, conditions, or portions of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use, development and occupancy of the Property shall be governed by and comply with the provisions of the Zoning Ordinance, the Subdivision Ordinance and all other applicable Town ordinances. This contract rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.

§ 4452) and the Town's land use ordinances. Following any determination of a zoning or other land use violation by the Court or the Code Enforcement Officer, the Town, after recommendation of the Planning Board, may amend, modify or rescind the Contract Zone and rezone the Property to the prior or any successor zoning districts through vote of the Town Meeting.

In the event that the Owner fails to develop the Property in accordance with this Agreement, or in the event of any other breach of any condition set forth in this Agreement, the Select Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to develop or operate. The resolution may include a recommendation to the Town Meeting to rezone the Property to the prior or any successor zoning districts. In such an event, the Property shall then be used only for such other uses as are otherwise allowed by law.

WITNESS:

INHABITANTS OF THE TOWN OF CASCO

By: _____

_____, Town Manager,
(duly authorized by Town Meeting vote on
_____, 2021)

HANCOCK LEASING LIMITED LIABILITY COMPANY

_____ By: _____
Kevin Hancock, its _____

STATE OF MAINE
CUMBERLAND, ss

_____, 2021

Personally appeared the above-named _____, in his/her capacity as Town Manager for the Town of Casco, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of the Town of Casco.

Notary Public/Attorney at Law

Print Name

STATE OF MAINE
CUMBERLAND, ss

_____, 2021

Personally appeared before me the above-named Kevin Hancock, in his capacity as _____ of Hancock Leasing Limited Liability Company and acknowledged the foregoing instrument to be his/her free act and deed in his said capacity and the free act and deed of said limited liability company.

Notary Public/Attorney at Law

Print Name

ADDENDUM 3

SUMMARY OF PROPOSED CHANGES TO THE CODE OF THE TOWN OF CASCO

This amendment to § 215-4.10 would allow the construction of single-family dwellings.

The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

§ 215-4.10 **Aquifer Protection Overlay District (AP).**

- A. Intent. To protect Casco's underground water supply by restricting uses and activities on land overlaying aquifers and aquifer recharge areas. Toward the achievement of this purpose, the following minimum standards are established.
- B. Permitted uses. Same as underlying district (subject to site plan review where indicated) except for prohibited uses listed herein.
- C. Prohibited uses.
 - (1) ~~Dwelling~~, Duplex, multiplex, and PRDs, but not single-family dwellings.
 - (2) Engineered sewerage systems
 - (3) Industrial and manufacturing uses, including light industrial uses.
 - (4) Outdoor storage.
 - (5) Uncontained salt and sand piles.
 - (6) Uncontained manure storage.
 - (7) Storage of hazardous materials.
 - (8) Junkyards.
 - (9) Restaurants.
 - (10) Hotels.
 - (11) Motor vehicle service stations. **[Amended 6-14-2017 by Art. 27]**
 - (12) Motor vehicle repair garages. **[Amended 6-14-2017 by Art 27]**
 - (13) Truck facilities.
 - (14) Construction Services.
- D. Space Standards. When more restrictive than those of the underlying zone, the following space standards shall be applied, except in the case of single-family dwellings, which shall instead be subject to the space standards of the underlying zone.
 - (1) Minimum lot size: 120,000 square feet.
 - (2) Minimum road frontage: 300 feet.

- (3) Maximum impervious surface to lot area: 10%.
 - (4) Maximum building height: 35 feet.
- E. Other standards.
- (1) All spreading or disposal of manure shall conform to the Best Management Practices handbook published by the Maine Department of Agriculture, 1988, and subsequent revisions.
 - (2) Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the Environmental Quality Handbook, 1986, published by the Maine Solid and Water Conservation Commission, and periodically amended.
- F. Appeal. Owners who contest the placement of their property in the Aquifer Protection District may appeal to the Planning Board for map change in accordance with the procedures of § 215-3.3 of this chapter. In all cases, the burden of proof shall be on the owner to demonstrate that his property should not be included within the Aquifer Protection District.