

TOWN OF CASCO
Annual Town Meeting Warrant
June 14 and 15, 2022
Fiscal Year 2022-2023

To: Julie Koceika, Resident 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 the Town of Casco qualified by law to vote in town affairs, to meet at the Crooked River Elementary School on Tuesday, the 14th day of June 2022 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 Crooked River Elementary School, located at 1437 Poland Spring Road, on Wednesday, the 15th day of June 2022 at 6:00 p.m. in the evening and there to act on Articles 4 through 38 as 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 14, 2022.
The polls are located at the Crooked River Elementary School at 1437 Poland Spring 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 permit municipal administrators or staff, and elected State officials, who are not residents of Casco, to speak as appropriate when recognized by the moderator.

Article 5. To see if the Town, in accordance with 36 M.R.S.A. Section 505(2) will set the dates that FY 2022-2023 real and personal property taxes are due, as follows: first half shall be due Wednesday October 05, 2022 or 45 days after commitment, whichever date is later, and second half shall be due Wednesday, March 08, 2023 and to charge interest starting fourteen (14) days after each due date.

Article 6. To see if the Town, in accordance with 36 M.R.S.A. Section 505(4), will vote that property taxes shall be delinquent if not paid by the dates established in Article 4 and that interest, at the rate of 4.0% per annum, shall be charged on all delinquent property taxes.

Article 7. To see if the Town, in accordance with 36 M.R.S.A. Section 506-A, will vote that a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of the overpayment at the annual rate of 4.0%.

- Article 8.** 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.
- Article 9.** To see if the town will vote to authorize the Selectboard, on behalf of the town, to accept and expend state and federal grants, including funding from American Rescue Plan Act (ARPA) 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 contracts 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 2022-2023 fiscal year.
- Article 10.** 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 to execute quitclaim deed for such 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).
- Article 11.** To see if the town will vote to authorize the Selectboard, on behalf of the Town, to accept and expend gifts, donations, or any other funds meant to support the municipal function, operation, or improvement of the Town during the period of July 1, 2022 to June 30, 2023.
- Article 12:** 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.
- Article 13:** To see if the Town will vote to authorize the payment of any tax abatements, including interest, approved by the Selectboard from the property tax overlay, or if necessary, from the unassigned fund balance.
- Article 14:** 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 9, 2021, or any subsequent criteria or standards, and authorize the Selectboard to discontinue the plowing of certain private roads that no longer meet criteria approved in a Regular Town Meeting June 9, 2021, or any subsequent criteria or standards, or where the public easement has been withdrawn or denied.
- Article 15:** To see if the town will vote to rescind the approval of Article 2 on the Special Town Meeting Warrant dated May 18, 2021 and to now authorize the appropriation of \$117,522 from FY 21 Unassigned Fund balance to meet budgetary requirements of FY 21 for Assessing and Legal Services.

Article 16: To see if the Town will vote to appropriate \$52,320 from FY 21 Unassigned Fund Balance to cover variances in FY 21 budget revenue projections and FY 21 commitment levels.
This appropriation will not alter Town's Unassigned Fund Balance and is being requested for Auditing purposes.

Proposed FY 2022-2023 Capital Improvement/Equipment Budget

Article 17 To see if the Town will vote to appropriate the sum of \$112,500 from the Tax Equalization Capital Reserve Account and \$157,500 from the Tax Acquired Property Sales (Undesignated Fund Balance) for the purpose of Revaluation Services.

SELECTBOARD RECOMMENDS APPROVAL

Article 18 To see is the Town will vote to raise and appropriate the sum of \$18,500 for the purchase of IT hardware for the Town Office and Fire Department.

SELECTBOARD RECOMMENDS APPROVAL

Article 19. To see is the Town will vote to raise and appropriate the sum of \$21,500 for the repair and maintenance of Town owned recreational courts.

SELECTBOARD RECOMMENDS APPROVAL

Article 20. To see is the Town will vote to raise the sum of \$60,000 for the future purchase of a back hoe.

SELECTBOARD RECOMMENDS APPROVAL

Article 21. To see is the Town will vote to appropriate the sum of \$335,150 from the Road Improvements Capital Reserve Account and \$180,000 from ARPA funds for road paving, repairs and ditching as outlined in FY23 Road Repairs RFP.

SELECTBOARD RECOMMENDS APPROVAL

Article 22. To see is the Town will vote to appropriate the sum of \$289,000 from the Fire Equipment Capital Reserve Account for the purchase of E-One Mini Pumper, instead of lease purchasing as approved on June 9, 2021.

SELECTBOARD RECOMMENDS APPROVAL

Article 23. To see is the Town will vote to appropriate the sum of \$18,000 from the Fire Department Capital Fire Equipment Capital Reserve Account for the purchase of hydraulic ram (Jaws of Life).

SELECTBOARD RECOMMENDS APPROVAL

Article 24. To see is the Town will vote *to authorize the Selectmen to negotiate and execute any and all agreements, including up to a 25-year site license, for **Solar Energy**, and to take actions and execute documents reasonably related thereto, necessary to facilitate a Power Purchase Agreement for a solar energy system that will serve the Town of Casco municipal facilities?*

Explanation: This action would allow the Town of Casco to acquire a \$474,300 solar energy system at no upfront cost. During the first six years of the PPA, the Town would purchase solar electricity at rates comparable to the Town's current utility rates. In the seventh year, the Town would have the opportunity to buy the system for \$298,809- 63% of upfront cost.

The on-site solar energy generation would offset the majority of the Town's electricity needs, saving the Town \$737,000 over 40 years, and reducing carbon emissions by more than 310,981 pounds annually."

SELECTBOARD RECOMMENDS APPROVAL

Article 25. To see is the Town will vote to raise and appropriate a sum not to exceed \$80,000 for the first (1st) of ten (10) annual lease purchase payments for a 2022 Fire Engine. Total cost of lease purchase \$675,000 plus interest.

Financial Statement Applicable to Article 25:

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	\$ 2,500,000
Interest to be Repaid on Outstanding Bonds	<u>\$ 435,925</u>
Total to be Repaid on Bonds Outstanding	\$ 2,935,925

Additional Principal Amount of Bonds Authorized but Not Yet Issued \$ 698,000

Bonds will not be issued, funding for the Memorial Field Project was from unassigned fund balance.

Estimated Cost of Proposed Bond: At an estimated average interest rate of 3% per annum for a 15-year term the estimated costs associated this proposed bond issue will be:

Principal	\$ 675,000
Estimated Interest:	\$ 164,057
Total principal and estimated interest:	\$ 839,057

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

SELECTBOARD RECOMMENDS APPROVAL

Article 26. To see if the Town will vote to authorize the Selectmen to issue general obligation bonds or notes in the name of the Town of Casco in the principal amount of \$704,000, which bonds or notes may be callable, to appropriate the proceeds of such bonds or notes to make a capital contribution to the Casco/Naples Bulky Waste and Transfer Station to pay for facility improvements at the Casco/Naples Bulky Waste and Transfer Station. The issuance of such notes is subject to Town of Naples approving a similar capital contribution in the amount of \$896,000.

Financial Statement Applicable to Article 26:

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	\$ 2,500,000
Interest to be Repaid on Outstanding Bonds	<u>\$ 435,925</u>
Total to be Repaid on Bonds Outstanding	\$ 2,935,925

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

Estimated Cost of Proposed Bond: At an estimated average interest rate of 3% per annum for a 15-year term the estimated costs associated this proposed bond issue will be:

Principal	\$ 704,000
Estimated Interest:	\$ 171,106
Total principal and estimated interest:	\$ 875,106

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

SELECTBOARD RECOMMENDS APPROVAL

Article 27. To see is the Town will vote to appropriate the sum of \$25,000 from Town's Unassigned Fund balance to donate to Casco/Raymond Historical Society for the moving of the Blacksmith House located at 967 Quaker Ridge Road.

SELECTBOARD RECOMMENDS APPROVAL

Proposed FY 2022-2023 Operational Budget

Article 28. To see if the Town will vote to raise and appropriate the sum of \$807,921 to fund **ADMINISTRATION.**

Account	Amount
Payroll	\$441,937
Services	\$151,750
Supplies/Equipment	\$ 39,750
Repairs/Maintenance	\$ 10,000
Training/Travel	\$ 10,600
Assessing	\$ 88,884
Legal Service	\$ 30,000
<u>Contingency</u>	<u>\$ 35,000</u>
Total	\$807,921

SELECTBOARD RECOMMENDS APPROVAL

Article 29. To see if the Town will vote to raise and appropriate the sum of \$148,180 to fund **CODE ENFORCEMENT, PLANNING BOARD AND ZONING BOARD.**

Account	Amount
Code Enforcement	\$141,805
<u>Planning Board/ZBA</u>	<u>\$ 6,375</u>
Total	\$148,180

SELECTBOARD RECOMMENDS APPROVAL

Article 30. To see if the Town will vote to raise and appropriate the sum of \$317,987 to fund **RECREATION, PARKS & BEACHES, FACILITIES, CEMETERIES, OPEN SPACE COMMISSION & VETERAN'S CONSERVATION.**

Account	Amount
Recreation	\$180,260
Parks & Beaches	\$ 15,565
Facilities-CCC, Access Building	\$111,012
Cemeteries	\$ 6,200
Open Space Commission	\$ 2,450
<u>Veterans/Conservation</u>	<u>\$ 2,500</u>
Total	\$317,987

SELECTBOARD RECOMMENDS APPROVAL

Article 31. To see if the Town will vote to raise and appropriate the sum of \$143,203 to fund **GENERAL ASSISTANCE and DONATION.**

Account	Amount
General Assistance	\$23,500
Home Health Visiting Nurse	\$ 2,900
Casco Public Library	\$80,317

Northern Light Health	\$ 750
Through These Doors (Family Crisis)	\$ 1,100
Opportunity Alliance	\$ 5,000
Sebago Lakes Region Chamber	\$ 1,000
Lake Region Bus Service	\$ 8,500
Life Flight	\$ 936
Lake Monitoring Program	\$ 1,500
Thompson Lake Environ. Assoc.	\$ 2,500
Lake Environ. Assoc. Milfoil Project	\$ 5,000
Pleasant Lake/Parker Pond Assoc.	\$ 4,000
Maine Public Radio	\$ 100
Local Food Pantries	\$ 3,600
Crooked River Snowmobile Club	\$ 1,500
<u>Crescent Lake Watershed Association</u>	<u>\$ 1,000</u>
Total:	\$143,203

SELECTBOARD RECOMMENDS APPROVAL

Article 32. To see if the Town will vote to raise and appropriate the sum of \$1,024,874 to fund
FIRE RESCUE DEPARTMENT.

Account	Amount
Payroll	\$751,451
Services	\$ 98,098
Supplies/Equipment	\$ 98,300
Repairs/Maintenance	\$ 60,250
<u>Training/Travel</u>	<u>\$ 16,775</u>
Total:	\$1,024,874

SELECTBOARD RECOMMENDS APPROVAL

Article 33. To see if the Town will vote to raise and appropriate the sum of \$105,039 to fund
ANIMAL CONTROL & EMERGENCY MANAGEMENT.

Account	Amount
Animal Control	\$101,389
<u>Emergency Management</u>	<u>\$ 3,650</u>
Total:	\$105,039

(Note of Explanation: Animal Control is a shared, regional approach. The account reflects all money spent by the Town with the anticipated revenue based on the regional agreement.)

SELECTBOARD RECOMMENDS APPROVAL

Article 34. To see if the Town will vote to raise and appropriate the sum of \$899,660 to fund
PUBLIC WORKS/ROADS AND DAMS.

Account	Amount
Payroll	\$109,760
Services	\$562,600
Supplies/Equipment	\$205,500
Repairs/Maintenance	\$ 14,000
<u>Training/Travel</u>	<u>\$ 2,700</u>
Subtotal Public Works:	\$894,560
 Dams	 \$ 5,100
Total:	\$899,660

SELECTBOARD RECOMMENDS APPROVAL

Article 35. To see if the Town will vote to raise and appropriate the sum of \$690,197 to fund
BENEFITS/INSURANCE AND UTILITIES.

Account	Amount
Benefits& Insurance	\$592,170
<u>Utilities</u>	<u>\$ 99,545</u>
Total:	\$691,715

SELECTBOARD RECOMMENDS APPROVAL

Article 36. To see if the Town will vote to raise and appropriate the sum of \$363,276 to fund
TRANSFER STATION BULKY WASTE.

SELECTBOARD RECOMMENDS APPROVAL

Article 37. To see if the Town will authorize the Selectboard to receive and appropriate non-property tax revenues, not otherwise dedicated for specific purposes, to reduce the property tax commitment for the 2022-2023 fiscal year?

Anticipated non-property tax revenues for fiscal year beginning July 01, 2022 include the following approximation of State and Town Revenues:

I.	Excise Tax	\$ 900,000
II.	Municipal Revenue Sharing	\$ 400,000
III.	Homestead Exemption Reimbursement	\$ 180,000
IV.	BETE Reimbursement	\$ 55,000
V.	Other Non-Property Taxes	\$ 574,757
	Total ESTIMATED Non-Property Tax Revenue	\$ 2,109,757

SELECTBOARD RECOMMENDS APPROVAL

Proposed FY 2022-2023 Ordinances

Article 38. Shall the town vote to authorize within the municipality the operation of two (2) adult use marijuana stores, one (1) medicinal marijuana dispensary, and adult use cultivation facilities provided they operate in compliance with all applicable state and local requirements?

Article 39. Shall an ordinance entitled “2022 Amendments to the Town of Casco Zoning and Land Use Ordinance to Allow and Regulate Certain Marijuana and Adult-Use Marijuana Uses” be enacted? (See Addendum 1).

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

Article 40. Shall an ordinance entitled “The Town of Casco Short Term Rental Registration Ordinance” be enacted? (See Addendum 2).

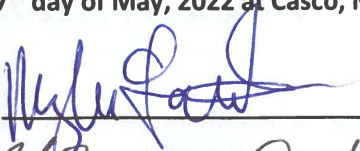
(A copy of the proposed ordinance is available for review and inspection at the Town Clerk's Office; it will also be available at the Town Meeting).

Article 41. Shall an ordinance entitled “2022 Amendments to the Town of Casco Zoning and Land Use Ordinance to Ban Water Extraction from Public Bodies of Water” be enacted? (See Addendum 3).

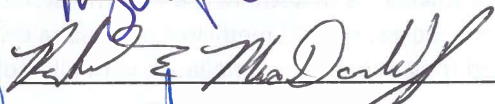
(A copy of the proposed ordinance is available for review and inspection at the Town Clerk's Office; it will also be available at the Town Meeting).

Given under our hands this 17th day of May, 2022 at Casco, Maine.

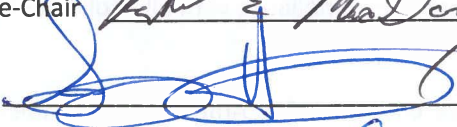
Mary- Vienessa Fernandes, Selectboard Chair



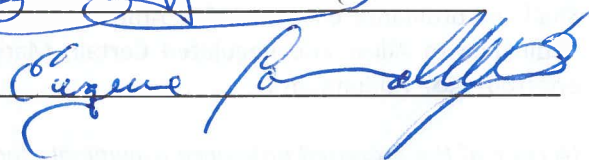
Robert MacDonald, Selectboard Vice-Chair



Scott Avery, Selectboard Member



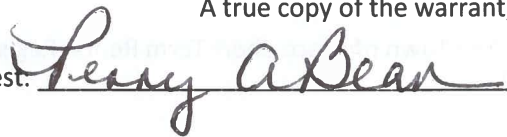
Eugene Connolly, Selectboard Member



, Selectboard Member

A true copy of the warrant,

Attest:



Town Clerk

Addendum #1

June 15, 2022 Town Meeting Warrant

§ 215-2.1 Word usage and definitions.

ADULT USE MARIJUANA CULTIVATION FACILITY

A “cultivation facility,” as that term is defined in 28-B M.R.S. § 102(13), as may be amended or recodified.

ADULT USE MARIJUANA STORE

A “marijuana store,” as that term is defined in 28-B M.R.S. § 102(34), as may be amended or recodified.

LICENSED DAYCARE

A “child care facility,” as that term is defined in 22 M.R.S. § 8301-A(1-A)(B), as may be amended or recodified.

MARIJUANA ESTABLISHMENT

An “adult use marijuana cultivation facility,” a “medical marijuana registered dispensary,” or an “adult use marijuana store,” as those terms are defined in this Section. The term “marijuana establishment,” does not include a medical marijuana caregiver.

MARIJUANA

“Marijuana,” as that term is defined in 28-B M.R.S. § 102(27), as may be amended or recodified.

MARIJUANA CULTIVATION AREA

“Cultivation area,” as that term is defined in 22 M.R.S. § 2422(3), as may be amended or recodified.

MARIJUANA PARAPHERNALIA

Equipment, products and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing marijuana.

MARIJUANA PRODUCT

A “marijuana product,” as defined in 22 M.R.S. § 2422(4-L), as may be amended or recodified; provided, however, that when used in the context of this Chapter, a “marijuana product” may refer to both a product containing marijuana intended for adult use and a product containing marijuana intended for medical use, all as defined in and regulated by State law.

MEDICAL MARIJUANA CAREGIVER

A “caregiver,” as that term is defined in 22 M.R.S. § 2422(8-A), as may be amended or recodified.

MEDICAL MARIJUANA REGISTERED DISPENSARY

A “registered dispensary,” as that term is defined in 22 M.R.S. § 2422(6), as may be amended or recodified.

PLANT CANOPY

“Plant canopy,” as that term is defined in 28-B M.R.S. § 102(41), as may be amended or recodified.

SCHOOL

A “public school,” as defined in 20-A M.R.S. § 1(24), a “private school,” as defined in 20-A M.R.S. § 1(22), or a “public preschool program,” as defined in 20-A M.R.S. § 1(23-A), all as may be amended.

SENSITIVE USE

A school, a licensed daycare, a dwelling unit, or another marijuana establishment. Setback requirements pertaining to sensitive uses are more particularly defined in § 215-5.18(C).

§ 215-4.5 Village District (V)

B. Permitted uses.

2. The following uses require site plan review:
 - (t) Adult use marijuana cultivation facility.

§ 215-4.7 Commercial District (C)

C. Permitted uses.

2. The following uses require site plan review:
 - (jj) Marijuana establishment.

§ 215-5.18 Marijuana establishments.

A. Applicability; Local Limitation on Number and Size of Marijuana Establishments; Prohibition on All Others

1. Applicability. This Section applies to any marijuana establishment located or proposed to be located wholly or partially within the geographic boundaries of the Town. Any application for a marijuana establishment, including any proposed amendments to a previously authorized marijuana establishment, requires site plan review and approval by the Planning Board, consistent with § 215-7.2(A)(8) of the Code.
2. Limitation on Number of Medical Marijuana Registered Dispensaries and Adult Use Marijuana Stores. The following limits to the number of medical marijuana dispensaries and adult use marijuana stores shall apply. The following limits apply on a first-come, first-served basis. For purposes of this Chapter, a medical marijuana registered dispensary and/or an adult use marijuana store shall be considered established and operating when a building permit has been issued by the Code Enforcement Officer. A medical marijuana registered dispensary or an adult use marijuana store that has failed, in the determination of the Code Enforcement Officer, to conduct or carry on business as permitted by this Chapter for a period of six (6) consecutive months, shall be presumed abandoned. The operator of a medical marijuana registered dispensary and/or an adult use marijuana store shall be given notice of such presumption and unless the operator is able to rebut the presumption within a reasonable period of time, a new medical marijuana registered dispensary and/or a new adult-use marijuana

store shall be allowed to apply for approvals necessary to begin operation, on a first-come, first served basis.

- (a) Medical Marijuana Registered Dispensary: no more than one (1) medical marijuana registered dispensary shall be issued a certificate of occupancy to operate within the Town at any one time.
- (b) Adult Use Marijuana Store: no more than two (2) adult use marijuana stores shall be issued a certificate of occupancy to operate within the Town at any one time.

3. Limitation on Canopy Size of Adult Use Marijuana Cultivation Facilities.

- (a) No adult use marijuana cultivation facility may be licensed as a “Tier 4 Cultivation Facility,” by the State of Maine Office of Marijuana Policy, as is more particularly defined in 28-B M.R.S. § 301(4), as may be amended or recodified.
- (b) No adult use marijuana cultivation facility operating within the Town may allow for the cultivation of more than 7,000 square feet of total plant canopy at any one time.

4. Marijuana Businesses Not Expressly Allowed Are Prohibited. The Town of Casco has not “opted-in” or otherwise permitted the following types of marijuana businesses to operate within the Town, and the operation of the same is expressly prohibited:

- (a) Adult-use marijuana “testing facility,” as defined in 28-B M.R.S. § 102(54), as may be amended or recodified;
- (b) Adult-use marijuana “products manufacturing facility,” as defined in 28-B M.R.S. § 102(43), as may be amended or recodified;
- (c) Medical “marijuana testing facility,” as defined in 22 M.R.S. §2422(5-C), as may be amended or recodified;
- (d) Medical marijuana “manufacturing facility,” as defined in 22 M.R.S. §2422(4-R), as may be amended or recodified; or
- (e) Medical marijuana “caregiver retail store,” as defined in 22 M.R.S. § 2422(1-F), as may be amended or recodified.

B. **Application Submission Requirements.** An application for a building permit for a marijuana establishment must include the following:

- 1. Documentation of any required state approvals connected with the marijuana establishment, including the licensing or registration of entities engaged in such operation.
- 2. Proposed hours of operation for the marijuana establishment.
- 3. Property and building security plans must be submitted to the Code Enforcement Officer at the time of filing a site plan application. If the site plan application is

approved, the applicant must also submit amendments, if any, to such security plans to the Code Enforcement Officer and the Cumberland County Sheriff's Officer at the time such amendments are made.

4. Written statements, maps, and other documentation addressing each of the additional review criteria set forth in subsection C, below. At minimum, such documentation must include:
 - (a) A drawn-to-scale map of all lots within 1,000 feet of the lot lines of the site on which the marijuana establishment is proposed to be located. The map must identify the location of any of the sensitive uses identified in subsections C.1, C.2, and C.3, below.
 - (b) Statements that the marijuana establishment will be operated from a permanent, indoor location; will not allow for the outdoor cultivation of marijuana; will not have drive-through or drive-up facilities of any type; and will not display marijuana, marijuana products, or marijuana paraphernalia so as to be visible from outside of the premises.
 - (c) Documentation evidencing compliance with the security and police services impacts criteria in subsection C.6.
 - (d) A detailed odor and emissions control plan describing and documenting the equipment, practices, and technologies proposed to be used to control odors and emissions in accordance with subsection C.8.
 - (e) An operations plan for proper disposal of marijuana, marijuana products, and related by-products in accordance with State law.
 - (f) For any proposed marijuana cultivation area, the proposed plant canopy size and the location of the marijuana cultivation area in relation to the remainder of the structure containing the marijuana establishment.
 - (g) Illustrations and graphics of all proposed signage and advertising associated with the marijuana establishment.
 - (h) Evidence of compliance with state and local labeling and packaging laws and rules for marijuana and marijuana products.
 - (i) Plans for the storage of goods in a secure area and documentation evidencing that the goods will not be prepared, produced, or assembled so as to appeal to persons under 21 years of age.

C. **Additional Review Criteria.** In addition to the general review criteria in § 215-5.1 of this Code, a marijuana establishment must comply with the following review criteria:

1. Setbacks from Licensed Daycares and Schools. No marijuana establishment may be located within 1,000 feet of any pre-existing licensed daycare or school, as defined in §215-2.1.
 - (a) The distances established in this subsection C.1 must be measured from the primary entrance of the marijuana establishment to the primary

entrance of the licensed daycare or school, as measured along street lines.

- (b) A marijuana establishment may continue to operate in its present location as a pre-existing use if a licensed daycare or school later locates within the 1,000-foot setback area, but the marijuana establishment does so at its own risk and Town-issued permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishments proximate to such a licensed daycare or school.
- 2. Setbacks from Pre-Existing Dwelling Units. The primary entrance of any marijuana establishment may not be sited fewer than 300 feet, as measured along street lines, from the primary entrance of an existing dwelling unit.
- 3. Setbacks from Other Marijuana Establishments. The primary entrance of a structure containing a marijuana establishment may not be located within 2,000 feet of the primary entrance of another marijuana establishment, as measured along street lines.
- 4. A marijuana establishment must be operated from a permanent, indoor location; must remain in its approved location; and may not operate as a mobile establishment or operation.
- 5. No Drive-Throughs. Marijuana establishments are prohibited from having drive-through or drive-up facilities of any type.
- 6. Security, Impact on Local Public Safety Services. The owner or operator of a marijuana establishment must:
 - (a) Install security surveillance cameras, recording and operating 24 hours a day, seven days a week, to monitor all entrances and the exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises. All video surveillance recordings must be retained for a minimum of 15 business days. Upon request, the security recordings must be made available to the Town of Casco or the Cumberland County Sheriff's Office.
 - (b) Provide the Code Enforcement Officer and Cumberland County Sheriff's Office with the name and functioning telephone number of a 24-hour on-call staff person to whom notice of any operating problems associated with the marijuana establishment may be given, and must keep the name and contact information updated.
 - (c) Maintain and provide, upon request, all property and building security plans to the Code Enforcement Officer.
 - (d) Install door and window intrusion robbery and burglary alarm systems with audible and notification components that are professionally monitored and maintained in good working condition.

- (e) Maintain a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all marijuana, including marijuana products, and cash stored overnight on the premises. A “functional equivalent” may include the provision of secure and restricted access to indoor spaces housing plant canopy, immature marijuana plants, or seedlings.
- 7. Display. No marijuana, marijuana products, or marijuana paraphernalia may be displayed or kept so as to be visible from outside of the premises of the marijuana establishment.
- 8. Control of Odors, Emissions, and Trash.
 - (a) The odor of marijuana must not be perceptible at or beyond the property boundary lines of any property upon which a marijuana establishment is located.
 - (b) Adequate provision must be made to prevent smoke, debris, dust, fluids, and other noxious gases, fumes, and substances from exiting a marijuana establishment at all times. All such substances must be controlled and disposed of in a safe, sanitary, and secure manner.
 - (c) A marijuana establishment must have in place an operations plan for the disposal of marijuana, marijuana products, and related by-products in a safe, sanitary, and secure manner and in accordance with all applicable laws and regulations.
 - (d) Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers must be screened from public view. All trash receptacles on the premises of a marijuana establishment that are used to discard marijuana and marijuana products must have a metal cover or lid that is locked at all times, and the disposal of all marijuana waste must be in compliance with all applicable State laws and regulations.
- 9. Marijuana Cultivation Areas. Outdoor cultivation of marijuana associated with any marijuana establishment is prohibited.
- 10. Signage and Advertising. All signage and advertising associated with a marijuana establishment must comply with the requirements of State law, the applicable requirements of §215-5.28 of this Code and the following additional standards:
 - (a) Use of advertising material that is misleading, deceptive, or false, or that is designed to appeal to a person under 21 years of age is prohibited.
 - (b) Exterior signs may not advertise marijuana strains by name.
- 11. Labeling, Packaging, and Food Products.
 - (a) All medical marijuana (including any medical marijuana products) sold, prepared, produced, or assembled by a marijuana establishment must be packaged and labeled as required by applicable State law and regulations.

- (b) All adult use marijuana (including any adult use marijuana products) sold, prepared, produced, or assembled by a marijuana establishment must be packaged and labeled as required by applicable State laws and regulations.
- (c) No food products may be sold, prepared, produced, or assembled by a marijuana establishment except in compliance with all operating and other requirements of state and local laws and regulations, including food establishment licensing requirements.
- (d) Any goods containing marijuana for human consumption must be stored in a secure area.
- (e) Any goods containing marijuana for human consumption must not be prepared, produced, or assembled so as to make the goods specifically appeal to persons under 21 years of age.

12. Inspections.

- (a) The CEO and Fire Chief must inspect every marijuana establishment prior to issuance of a certificate of occupancy by the CEO to verify that the marijuana establishment is constructed and can be operated in accordance with the application submitted, the site plan approval, the requirements of this Code, local and state building codes, electrical codes, fire codes, and any other applicable life safety codes. No marijuana or marijuana products associated with a marijuana establishment will be allowed on the premises until the inspection is complete and a Certificate of Occupancy has issued.
- (b) The CEO and Fire Chief may additionally inspect a marijuana establishment as part of their ordinary duties and responsibilities.

§ 215-5.19 Medical marijuana caregivers

- A. The outdoor cultivation of marijuana by a medical marijuana caregiver is strictly prohibited.

§ 215-7.2 Activities requiring site plan review.

- A. Site plan review and approval shall be required for the following activities:

(8) Marijuana establishments, as defined in this Chapter.

Addendum # 2

June 15, 2022 Town Meeting Warrant

Casco Short Term Rental Registration Ordinance DRAFT

I. Purpose; Authority

Casco residents prize the peace and quiet of their residential neighborhoods. In recent years, a growing number of property owners are renting out their property to vacationers on a short-term basis throughout the year. In order to preserve the fabric of residential neighborhoods and to protect the safety of visitors and residents, the Town of Casco believes the operation of short-term rentals (STRs) must be efficiently and effectively regulated. This ordinance was developed with an interest in balancing the desire of the property owners who wish to rent their properties to short-term tenants with the desire of residents who want to preserve the peaceful quiet and enjoyment of their residential neighborhoods.

II. Definitions

Short Term Rental (STR). A dwelling unit that is rented to renters/guests for a period of less than 30 consecutive days.

Long Term Rental. A dwelling unit that is rented to renters/guests for a period of more than 30 consecutive days.

Dwelling Unit. A room or group of rooms designed and equipped exclusively for use as living quarters by one family including provisions for living, sleeping, cooking and eating. This does not include hotels, motels, recreational vehicles, or other temporary trailers.

Unhosted Short-Term Rental. A dwelling that is not occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

Hosted Short-Term Rental. A dwelling that is occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

III. Registration; Annual Renewal Necessary

No dwelling unit may be rented, or otherwise held out as being available for rent as a short-term rental, without first registering the same with the Town of Casco in a manner consistent with this Ordinance.

A short-term rental registration is valid for a period of one (1) year from the date of issue. A short-term rental registration must be renewed annually, and must also be re-registered upon any change in ownership of the dwelling unit.

Registration applications, which shall be prepared and made available by the Code Enforcement Officer, shall provide all information required to demonstrate compliance with the performance standards contained in this ordinance, as well as the following materials:

A. Copy of Plot Plan. Showing the location of the short-term rental, the location of all parking spaces required by Section IV(C) of this ordinance, and the location of the leach field associated with the dwelling unit. Such plot plans may be hand drawn or created using the GIS data compiled and maintained by the Town.

B. Floor Plan Drawing. Show the general layout of the short-term rental. A property's layout can be downloaded from Town of Casco website under [Tax Assessor](#) and GIS Map. This floor plan must show bedrooms, hallways, emergency exits, and the locations of carbon monoxide detectors, smoke detectors and required fire extinguishers. Such floor plans may be hand drawn.

C. Application fee in an amount consistent with the Town's Fee Schedule.

Once submitted, all short-term rental registrations shall be reviewed by the Code Enforcement Officer for completeness. Once deemed complete, the Code Enforcement Officer shall either grant, grant with conditions, or deny each application.

Upon completion of the registration, all applicants will have a copy of the following:

- Town of Casco Short-term Rental Registration Ordinance
- Signed Town of Casco Short-term Rental Registration Application
- Good Neighbor flyer

IV. Performance Standards

All short-term rentals within the Town shall comply with the following performance standards:

A. Emergency Contact.

The dwelling unit's owner must provide an Emergency Contact who is able to respond within three hours (24 hours per day) to complaints regarding the condition, safety or operation of the short-term rental or the conduct of guests and must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

B. Occupancy Limits.

Occupancy within a short-term rental is limited to a maximum of two (2) guests per legally permitted bedrooms (as determined by the Code Enforcement Officer) plus an additional two (2) guests.

C. Parking.

The dwelling unit's owner must provide off-street parking for the guests. Parking is prohibited in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

D. Trash Disposal.

The dwelling unit's owner must provide trash containers for household trash. Trash bags must be tied securely and placed in provided containers. The dwelling unit owner shall ensure that the trash is removed from the property at the end of each rental period.

E. No Serving of Food by Owner.

No food shall be prepared for, or served to short-term rental guests by the owner in a manner that would require a victualer's license from the Town, or an eating establishment license from the State of Maine.

F. Habitability of Dwelling Unit.

A dwelling unit may not be rented as a short-term rental if the same has not received a certificate of occupancy from the Code Enforcement Officer, has been declared to be a "dangerous building" by the Selectboard, as defined by state law, or has otherwise been declared to be unfit for human habitation by the Local Health Officer.

G. Distribution of Good Neighbor Flyer.

A copy of a "Good Neighbor Flyer" prepared and maintained by the Town, shall be posted in the short-term rental.

V. Complaints, Penalties, Violations and Enforcement

A. Complaints Concerning Short-term Rentals.

All complaints regarding short-term rentals shall be brought to the attention of the Code Enforcement Officer through the completion and submission of a Citizen Complaint Form. Any complaints that interrupt the quiet enjoyment of a resident in their home or immediate neighborhood may be reported to the Cumberland County Sheriff's Department. The Code Enforcement Officer shall establish and maintain a record of all complaints received for each short-term rental and investigated by the Code Enforcement Officer. The Code Enforcement Officer shall seek to obtain voluntary compliance through the correction of all substantiated complaints by the short-term rental registrant. A list of complaints and any resolutions shall be reported to the Town Selectboard by the Code Enforcement Officer annually.

B. Suspension or Revocation of a Registration.

If in the opinion of the Code Enforcement Officer a violation of this Ordinance exists and cannot be resolved within a reasonable time period, and if the nature and/or number of complaints warrants further review of the registration, the Code Enforcement Officer shall provide a report to the Town Manager, and the Selectboard if necessary, for review and consideration. If the violation requires Selectboard engagement, a public hearing will be held and the Selectboard may condition, suspend, or revoke a short-term rental registration on the basis of the dwelling unit owner's non-compliance with this ordinance. Any decision of the Selectboard described above may be appealed to the Maine Superior Court within thirty (30) days of that decision,

consistent with Rule 80B of the Maine Rules of Civil Procedure. Registrants who have previously had a registration(s) revoked pursuant to this article shall be allowed to be registered in the future only by order of the Selectboard.

C. Violations and Enforcement

Failure to comply with any requirement of this ordinance shall result in the issuance of a notice of violation from the Code Enforcement Officer or other authorized official of the Town. If the violation is not addressed within the time period established in the notice of violation, the Town may bring an enforcement action in the Maine District or Superior Court. Each violation shall be subject to a minimum fine of \$100. Each day that the violation continues shall be considered a separate violation. In the event that the Town is successful in proving a violation, it shall be entitled to recover its attorney's fees and costs in bringing the enforcement action.

VI. Appeal.

Decisions of any town official under this ordinance shall be appealed to the Selectboard within thirty (30) calendar days of the date of the decision. Appeals shall be with the Town Clerk and shall include a summary of the decision from which the appeal is taken and a summary of the issues for which review is sought.

VII. Severability.

Should any section or provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section of this Ordinance.

VIII. Conflicts with Other Ordinances

This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, permit, or provision of law. Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted ordinance, rule, regulation, permit, or provision of law, the most restrictive shall apply.

Addendum #3
June 15, 2022 Town Meeting Warrant

Water extraction and storage.

Groundwater, spring water or lake water may be pumped, extracted and/or bulk stored for municipal and/or quasi-municipal purposes for distribution through a public water system or for municipal fire protection services, at locations where permitted subject to the approval of the Selectboard Board shall grant final approval if it finds that the proposal, with any reasonable conditions.

- A. No Conditions of extraction may occur without exception, unless with Selectboard special approval.
- (1) No commercial companies may extract water from waterways and for solely commercial purposes unless without special permission by the Selectboard for emergency circumstances.
- (2) Safe and healthful conditions will be maintained at all times within and about the proposed use.
- (3) The proposed use will not cause sedimentation or erosion.
- B. Nothing in this procedure and no decision by the Selectboard shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

Water quality protection.

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.