

**Carrabasset Valley Select Board Meeting**  
**4:30 p.m. Monday December 4th, 2023 at the Town Office**



The Town provides a zoom link for members of the Public to link into Town of Carrabasset Valley Select Board and other public meetings. To participate by zoom you must use the link provided in an email from the Town (this link is the same for any Town public meeting and is provided on the email in which the Board or Committee Agenda was sent out in). You may also obtain this link by sending an email to the town office ([townofcv@roadrunner.com](mailto:townofcv@roadrunner.com)) during normal business hours.

Join Zoom Meeting:

<https://us02web.zoom.us/j/5312682243?pwd=TGxrUExKcXdqQTdlZUZhYUVteG5GZz09>

If you need to "phone in":

Dial by Phone – 1-929-205-6099 US (New York)

Meeting ID: 531 268 2243

Passcode: 04947

Review and sign Payroll Warrants: #48 (\$28,577).

Review and sign Expenditure Warrants: #49 (\$45,956.51).

## **AGENDA:**

**1. MINUTES** of the previous meeting (November 13th, 2023) are attached.

**2. PUBLIC HEARING AND CONSIDERATION OF A REQUEST FOR A MARIJUANA RETAIL STORE LICENSE RENEWAL FOR JARCO CV, LLC DOING BUSINESS AS JAR CANNIBIS CO. AT 1221 CARRABASSETT DRIVE (in the new Judson's Plaza).**

**3. CONSIDERATION FROM MICHAEL WING, LONG-TIME CV SECOND HOME OWNER, REGARDING CARRABASSETT VALLEY PENOBSCOT INDIAN NATION LAND:** There has been a recent announcement that the Nationally based Trust for Public Lands (TPL) is proposing to fund raise \$32M to purchase 31,000 acres of ancestral land near the East Branch of Penobscot River to transfer to the Penobscot Indian Nation (PIN). Mike is suggesting that the Town ask PIN if they would be interested in selling their 24,000 acres of CV land to help with the TPL proposal or possibly buy other additional ancestral land near this proposed TPL land proposal. We have attached a copy of Mike Wing's email and a copy of a recent press herald article related to the TPL proposal.

**4. ADDITIONAL INFORMATION ON A POSSIBLE "TOWN PARK RIVERBANK PROJECT":** At the last meeting, the Board requested that we talk with contractor Les Jordan to get his thoughts on what could be done to a section of riverbank directly north of the park bays to deal with some crumbling concrete slabs that have collapsed over the years from the foundation of what was part of an old mill. He felt, as we did, that the foundation of the existing park bays is solid and shouldn't be disturbed. He has indicated that a small project (\$20,000 ish) consisting of breaking up some of the concrete slabs and applying large rip rap to approximately 60' of shoreline to help support the riverbank would be advisable. We are working with the Code Enforcement Officer to determine what permitting may be needed. If the Board wishes to pursue this project for 2024, we will move forward. The Town could use remaining ARPA funds for this project, although as with a lot of projects these days, pricing is increasing and we may want to make sure there is enough funding budgeted for the project.

**5. PUBLIC HEARING FOR PROPOSED ORDINANCES AND ORDINANCE AMENDMENTS:** The Planning Board is meeting on December 14<sup>th</sup> to review proposed changes to some zoning ordinances (Shoreland zoning included) and to review a final draft of a 'Contract Zoning Ordinance' (considered an amendment to the Town's Zone Ordinance). The Planning Board is responsible for scheduling the public hearing required for consideration of these ordinances by the voters (at the March Town Meeting). An early to mid-January date has been discussed. As we have previously discussed, we would like to make some clerical error changes to the Town's 'Marijuana Retail License Ordinance' and make changes to this ordinance to reflect recent changes in State Law. The Select Board would need to schedule the public hearing on this ordinance and we have discussed holding that hearing at the same time as the Planning Board's public hearing. We will provide copies of the proposed changes to the 'Marijuana Retail Store License' at the meeting (we are still researching State Law changes including residency requirements).

A copy of the Draft 'Contract Zoning Ordinance' is attached.

**6. REVIEW OF ALL TOWN EXPENDITURE AND EXPENSE ACCOUNTS:** At the last meeting, we provided the Board with a summary of all these accounts and will provide an up-to-date summary at the meeting. This could provide an opportunity to start thinking about budget considerations for 2024.

**7. NEXT MEETING DECEMBER 18<sup>TH</sup>??** To review the 2023 Work Plan (what was and was not accomplished), discuss possible 2024 projects and items that will require related budgets in 2024 and discuss annual salary adjustments (inflation, etc.) for 2024.

**8. INFORMATIONAL:** Nomination Papers are now available for elected Town Officials and must be returned no later than January 8<sup>th</sup> (see attached notice).

**Minutes of the Carrabassett Valley Select Board Meeting  
November 13, 2023**

Location: Town Office conference room

Time: 4:30-5:15

Board Present: John Beaupre, Karen Campbell, Lloyd Cuttler, Bob Luce; Jay Reynolds  
Others Present: Dave Cota, Deb Bowker, Sacha Gillespie, Susan Davis, Tom Butler, Tom Cromwell, Beckie Bowering (Franklin Savings), Ashley LeBlanc, Beth Strout, Jake Miller (First National); Tricia White, Angel Quick and Dan Tilton (all Skowhegan Savings)

On Zoom: Chris Prudente

Chair Bob Luce opened the Monday, November 13, Carrabassett Valley Select Board meeting at the Town Office conference room at 4:30. After passing along payroll and expenditure warrants, *the Board approved the warrants and the October 23 minutes, moved by Lloyd Cuttler, seconded by Karen Campbell. The motion passed unanimously.*

***New Liquor License for Hugs***

Ashley LeBlanc from Madison is buying Hugs from Beth Strout and plans to keep it the same. Strout will stay on for the transition for six months. After praise for the contribution Hugs makes to the business community, *Board member John Beaupre moved to approve the liquor license transfer from Trout to LeBlanc, seconded by Jay Reynolds. The motion passed unanimously.*

***Banking Proposal***

After praise for each bank's support of their communities and the effort and quality of proposals from Franklin Savings Bank of Farmington, Skowhegan Savings Bank from Skowhegan and First National Bank based in Wiscasset serving municipalities throughout the State, the Select Board decided to stay with Skowhegan Bank. *Board member Karen Campbell moved to accept Skowhegan Bank's proposal, seconded by Jay Reynolds. The motion was approved 3 to 0 with Board members Bob Luce and John Beaupre abstaining as they are both members of Skowhegan's advisory board.*

***Concrete wall at the Town Park***

Speaking for the Recreation Committee, director Deb Bowker expressed the committee's concern with the concrete pieces of a wall lying in the Carrabassett River next to the Town Park. Although visible from Route 27 and possibly giving a bad impression, several pointed out that they provided structural integrity and stabilization for the river side.

With the understanding that the DEP would have to get involved if the Town were to do anything about it, the Board decided to have local excavation contractor Les Jordan look at it as a third party. If Jordan indicated there was need, the Town could then contact a local DEP representative. No other action was taken.

***Upcoming Town Ordinance Amendment Requests***

Carrabassett Valley Town Manager Dave Cota introduced zoning ordinance changes the Planning Board is considering for Public Hearings for possible inclusion in the March Town Meeting Warrant.

1. **Contract Zoning**: a joint committee of members of the Select Board and the Planning Board have held sub-committee meetings to create a Contract Zoning ordinance addition

to the current zoning ordinance to provide for important development that might not be possible under the current zoning ordinance.

2. **Shoreland Zoning** changes to reflect recent State requirements
3. **Town Zoning changes**, especially concerning non-conforming structures as housing stock in the community ages, and also signage requirements
4. **Marijuana Retail Store License** The Select Board and Town need to correct a mistake made in this ordinance. The current ordinance reflects language that refers to the number of lottery slots that were available at that time to include marijuana cultivation, manufacturing and testing. The other approved related Marijuana Ordinance is incorporated in the Town's zoning ordinance and does not allow these uses. This would be an easy fix and should be done for clarification.

Cota asked if the Board wished to continue with the requirement of annual Public Hearings for retail store license renewals. The Board would still be required to approve renewals at a public hearing. Currently all new and renewing applications require review by the Code Enforcement Officer and Police and Fire Chiefs. The Board did not take action on this.

Cota thought that one combined public hearing in early January would meet the hearing requirements for both the Select Board and the Planning Board proposed ordinance revisions. It would also provide adequate time prior to the Town meeting vote in March in the event additional changes to the ordinances were requested or required.

### ***Summer Festival Support***

Originally started as a fundraiser for the Ayottes' Scholarship Fund 19 years ago, the Summer Festival has become a Town "institution," almost like another Homecoming. In the meantime, the scholarship fund has been taken over by Sugarloaf Ski Club, which controls it, and the Town gives \$20,000 separately to Ski Club scholarships. The Alden McDonald and Ayottes scholarship funds and Town gifts represent a total of \$89,000 for area kids.

The Summer Festival costs about \$5,000 a year, for which the Town has been donating \$2,000. Karen Campbell, who has volunteered her time in operating the event since the beginning, is asking if the Town can increase its contribution from \$2,000 to \$5,000.

Chair Luce noted this would be a budget committee decision and instructed Campbell to have the Festival Committee make a \$5,000 request to the budget committee. As the Select Board sits on the budget committee and understands the need, there seems to be cohesiveness in support of the \$5,000. It will then go on the Town Warrant for the March meeting for the voters to decide, with the recommendation of the Budget Committee.

Cota handed out Town Revenue and Expense summary reports in preparation for budget work that begins the first of the year. He asked Board members to review this for the next meeting.

### ***Informational***

As was discussed at the last Select Board meeting, CVA is interested in building an expansion to the AGC for their use at their cost. As requested, Cota has talked to Town attorney Don Fowler. The existing agreement is ready for renewal so there is a question of whether to amend and extend the current agreement or to create a new agreement. The Town and CVA would like to have this ready for a January public hearing or informational meeting so that it would be ready for the March Town Meeting.

There is also the question of an easement needed for the land, which is Town land. As school bus driver, Campbell pointed out the need to consider turn-around space for the school bus which picks up and delivers children at the AGC.

Cota reported that he and John Beaupre had a recent meeting with Sugarloaf about the development of the Par 3 /9-hole walking golf course. It will take as much as 6 months to get the DEP permitting, for which Sugarloaf will need to hold a Public Hearing. It was suggested that that hearing would be a good time to unveil the proposed project to the Town for information and discussion. There was discussion about when the Town would vote on being involved with the project. It was mentioned that more information on the project is needed. Dave indicated that he suggested that Sugarloaf start to meet soon with the Planning Board to discuss the conceptual project plans. DEP permitting does not have to be in hand before Town approval.

Sugarloaf will donate the 25 acres needed and the Town will fund the project. Sugarloaf will build the irrigation pond at its own expense and may participate in expenses in other ways to be defined. Town voters will be asked for support through the Hearing and subsequent Town Meeting.

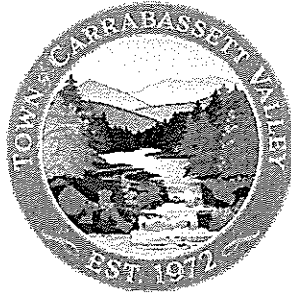
The Town will borrow the money through the bond process. John Beaupre, part of the negotiating team as a member of the Golf Course Committee, said that they will have firm figures for the cost in time for a January Hearing and the Town Meeting. Cota estimates that it will create a c. 5% increase in taxes, which will be easily recouped with the buildout of 225 new housing units in Sugarloaf's West Mountain development project.

Cota reported that they are still working on the Bigelow Hill zoning violation issue. The site has multiple zoning ordinance issues. Redress is now being handled by lawyers.

Dave indicated that the Select Board received an email from long-time CV second home owner Mike Wing expressing his thoughts/recommendation concerning the recent announcement that the National Trust for Public Lands is proposing to fund raise \$32M to purchase 31,000 acres adjacent to the National Monument near the east branch of the Penobscot River. Once acquired, it is proposed that this land be given to the Penobscot Indian Nation. Mike has suggested that the Town respectfully offer to purchase the 24,000 acres of Penobscot Indian Nation land in CV which could help in the Penobscot River land purchase.

*Karen Campbell moved to adjourn, seconded but Jay Reynolds and approved unanimously, 5-0.*

Respectfully submitted, Susan Davis, Secretary



**Town of Carrabasset Valley  
Notice of Public Hearing  
Concerning Request for Marijuana Retail Store License Renewal**

The Town of Carrabasset Valley Select Board will hold a Public Hearing at 4:30 p.m. December 4, 2023, at the Town Office to consider approval of a Marijuana Retail Store License Renewal for JarCo CV LLC, doing business as Jar Cannabis Co. at 1221 Carrabasset Drive.

A copy of the application can be viewed at the Carrabasset Valley Town Office or at the Public Hearing.

## Dave Cota

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**From:** Dave Cota <towncvtm@roadrunner.com>  
**Sent:** Tuesday, November 7, 2023 9:11 AM  
**To:** Bob Luce; Jay Reynolds; John Beaupre; Karen Campbell (kcskreativity@gmail.com); Lloyd Cuttler  
**Cc:** 'Mike Wing'  
**Subject:** FW: Penobscot Indian Nation Land Purchase

Dear Select Board: Please see below an email from Mike Wing, a long-time second home owner in Carrabassett Valley.

Thank you Mike for your perspective on this very frustrating issue.

dave

Dave Cota  
Town Manager  
Carrabassett Valley, Maine 04947  
Office: 207-235-2645  
Direct: 207-235-2505  
Email: towncvtm@roadrunner.com

-----Original Message-----

**From:** Mike Wing <mikecwing2@gmail.com>  
**Sent:** Monday, November 6, 2023 5:55 PM  
**To:** Dave Cota <towncvtm@roadrunner.com>  
**Cc:** towncvtm@roadrunner.com  
**Subject:** Penobscot Indian Nation

Members of the Carrabassett Valley Select Board,

My name is Mike Wing and I have owned a home in the Redington neighborhood for 20 plus years. I have been discouraged and frustrated by the Town's worsening relationship with the PIN (Penobscot Indian Nation). I'm aware that Town officials have tried very hard to improve this relationship; however, the only interest the PIN has in Carrabassett Valley is securing full sovereignty over the land they own in Carrabassett Valley. If Governor Mills had not veto the legislation calling for full sovereignty of Indian lands in Maine, half of Carrabassett Valley would now be under sovereignty and beyond Town control. Janet Mills will only be Governor for three more years. Many people think that sovereignty is inevitable and it is unless we do something to stop it.

It is my opinion that the only path which will produce a positive outcome for the Town in this dispute is for the Town to purchase all of the PIN land in Carrabassett Valley. Buying the land will be expensive but I think our community will support the purchase with what's at stake if we let this land go to sovereignty. If the Town can serve as Sugarloaf's banker to built golf courses, we surely can find the money to fund this more important endeavor.

The Town Assessor can provide you with a ballpark estimate of the fair market of this land and Dave can give you an estimate of the annual amortization costs of a 30 year bond to fund this purchase and the effect upon the tax rate. The Town's expenses would be mitigated by revenues received from wood harvesting and by securing grants from the federal and state governments as well as private and public organizations.

I'm fully aware of the difficulty of turning the PIN into a willing seller. A recent article in the Portland newspaper provided me with some optimism that the Tribe might have an interest in selling. I will forward a copy of the article to each of you. The article spells out how 31,000 acres of ancestral land could be returned to the Penobscot Nation. The land in question

is located along the east branch of the Penobscot River. This land was purchased last December by the California based Trust for Public Land for 29.5 million with the intention of transferring the land to the PIN once the loans are paid off. The PIN is also considering building a visitors center as well. So the take away from this land acquisition is that the PIN could use some money and that the east branch land is more important to the PIN than its land in Carrabassett Valley. If the Town is interested in pursuing this purchase, the question is how best to approach the Tribe and make sure that their leadership seriously considers the sale of their Carrabassett Valley property to the Town. I am not privy to the inner workings of the Nation's leadership and can only speculate as to the best approach to convey the Town's interest in purchasing this property. Perhaps a letter from the Select Board Chairman conveying our interest with mention of a number representing fair market value to secure their interest and the serious nature of the Town's proposal delivered by an individual who would advocate the Town's position.

I am available to assist with this effort and would encourage the Town to aggressively pursue this purchase using all tools at its disposal.

Sent from my iPad=



# **31,000 acres of ancestral land could be returned to Penobscot Nation**

The prospective deal would increase tribal trust holdings by a third and secure public access to Katahdin Woods and Waters National Monument from the south.



BY PENELOPE OVERTON STAFF WRITER



The return of 31,000 acres of ancestral land to the Penobscot Nation would increase tribal trust holdings by a third and secure public access to Katahdin Woods and Waters National Monument from the south *Photo by Chris Bennett/Trust for Public Land*

A national land trust wants to raise \$32 million to return 31,000 acres of ancestral land to the Penobscot Nation in a deal that would increase tribal trust holdings by a third and secure public access to Katahdin Woods and Waters National Monument from the south.

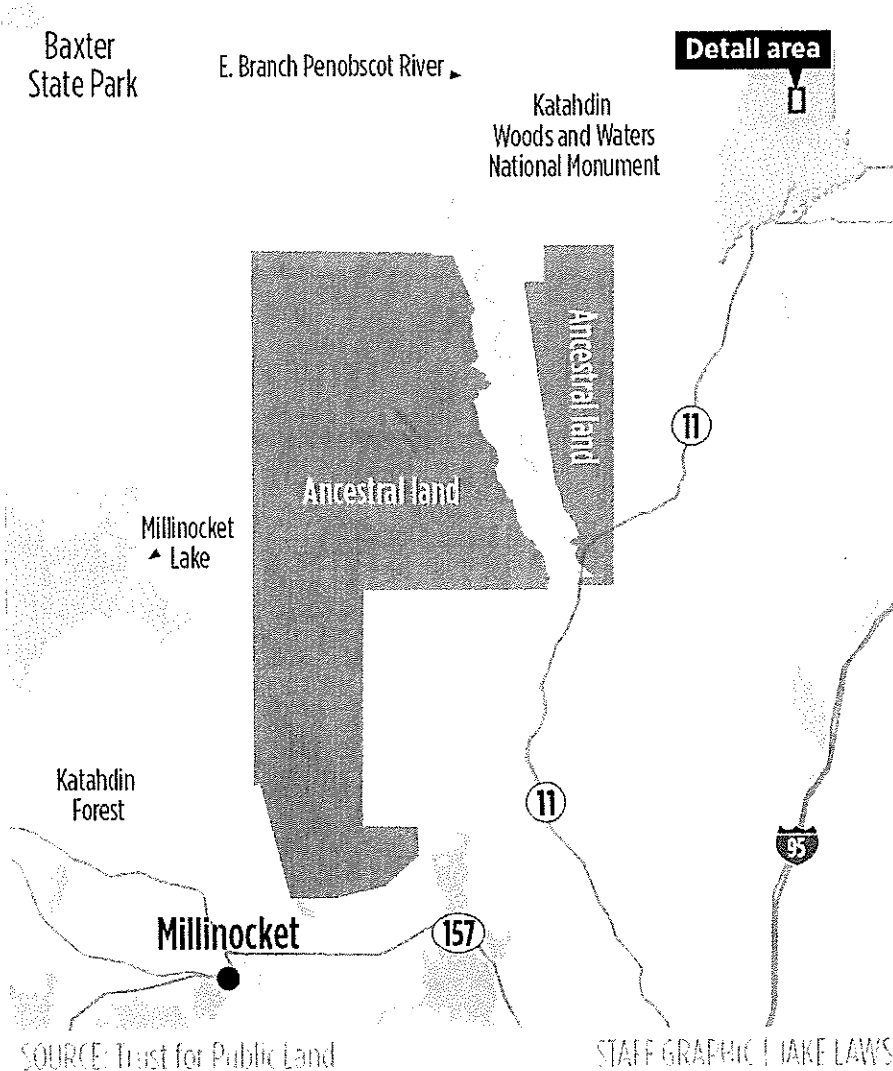
The California-based Trust for Public Land bought the land last December from Conservation Resources, LLC, a timber management organization, for \$29.5 million. Once the trust raises the money to pay off the loans it took to make the acquisition, it will turn the land over to the tribe for placement into its trust holdings.

“Getting any land back is a step in the right direction, for sure, but getting this particular land back would be big,” said Chuck Loring, the tribe’s natural resources director. “It’s a beautiful place, but its streams and brooks are also full of the salmon and trout that mean so much to the tribe.”

More than 4,000 acres of the property are wetlands, including tributaries that feed into the east and west branches of the Penobscot River, Loring said. It is part of a 1.2 million-acre wildlife corridor that stretches from Moosehead Lake to Jackman and is used by moose, bear, Canada lynx and wood turtles.

## Restoring Penobscot land

A national land trust wants to raise \$32 million to transfer 31,000 acres of ancestral land to the Penobscot Nation.

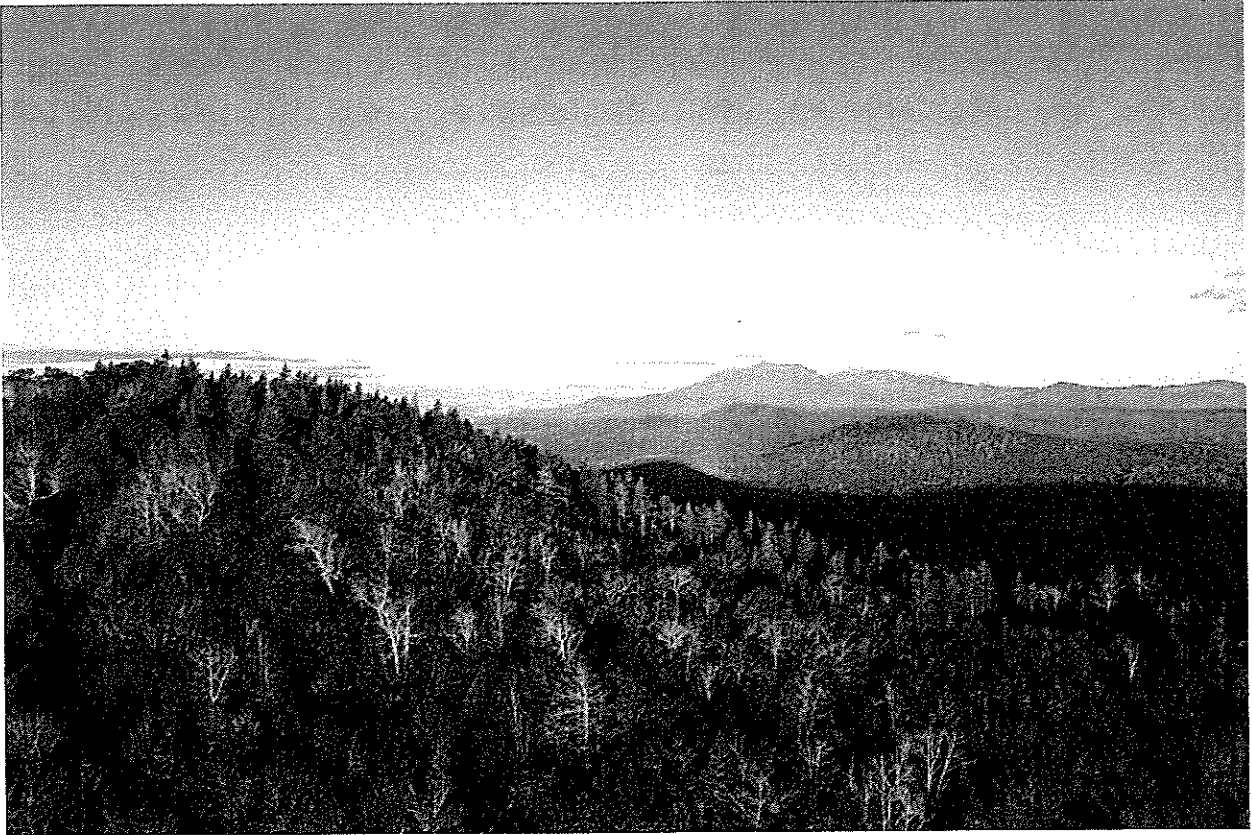


“The Nation highly regards the East Branch of the Penobscot River and her tributaries,” Chief Kirk Francis said. “We are also ecstatic for the opportunity to explore and improve the aquatic and wildlife habitat within this parcel to conserve more land in the Katahdin region for our future generations.”

Loring couldn't say exactly when the tribe lost this land. It was likely one of the land transactions in the early 1800s when the state paid the tribe a steeply discounted rate for land rich in timber. A treaty map from 1830 showed the lands in question already gone.

The Penobscot Nation is one of four federally recognized tribes in Maine. It relies on the Penobscot River and its surrounding lands for subsistence. In total, it holds over 128,000 acres of land for its 2,400 members, including 95,000 acres of trust land and 5,000 acres of reservation land.

The fundraising effort, which Loring expects to take four years, will be complicated by the fact that many traditional land acquisition grants require conservation easements. The Penobscot Nation wants to retain full stewardship rights over this land, however, in the same way that it controls ancestral lands that it never lost.



The land is part of a 1.2 million-acre wildlife corridor that stretches from Moosehead Lake to Jackman and is used by moose, bear, Canada lynx and wood turtles. *Photo by Chris Bennett/Trust for Public Land*

That means the trust will need to find private support for returning the land to the tribe without a conservation easement. Over the past two decades, the trust has returned more than 200,000 acres of ancestral lands to 70 tribes and indigenous communities.

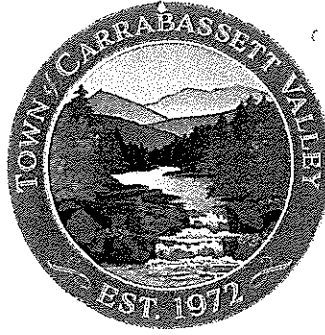
## **ACCESS TO MONUMENT**

Under the terms of the planned transfer, the tribe would allow northbound motorists from Millinocket and East Millinocket to use Roberts, Huber, and Kelloch Mountain roads to reach the southern entrance of the adjacent Katahdin Woods and Waters National Monument.

That could help soften the opposition from some neighbors who worry about the potential traffic impacts of opening a monument in such a rural and remote area, Loring said. The tribe is “fiddling around with the idea” of opening a visitor center on the parcel to capitalize on the passing traffic.

If the transaction is completed, the tribe would offer a purchase option to people who lease two private camps on the property, Loring said. In previous acquisitions, people who buy the leased sites – and they almost always do, he said – would simply be carved out of the property transaction.

If the transfer is made, hikers could continue to use the land freely, Loring said. Anyone with a state fishing permit could fish the 53 miles of brooks and streams that crisscross the parcel. Hunting and camping, however, would require a tribal permit.



**Nomination Papers for the following  
Town of Carrabassett Valley  
Elected Officials are available at the  
Town Office starting November 27, 2023.**

**(2) Three-Year Select Board Positions**

**(1) Three-Year School Committee Positions**

**(2) Three-Year Sanitary District Trustee Position**

**Nomination Papers must be returned to the Town Office no later than  
4:00 pm January 8, 2024**

The Annual Town Meeting Officer Elections will take place on March 5, 2024, from 8:00 am to 8:00 pm., along with the Presidential Primary. The remaining articles will be voted on at the open portion of the Annual Town Meeting on Wednesday, March 13, 2024. The time will be determined.



**Draft Carrabassett Valley Zoning Ordinance**

**Amend Article II Definitions of the Zoning Ordinance of the Town of Carrabassett Valley, Maine to add the following:**

**Contract Zoning:** contract zoning is the process whereby the municipal legislative body amends zoning of a property or a portion thereof with approval of a zoning contract to allow its use subject to conditions and restrictions with the property owner not generally applicable to other properties with similar zoning. This process can be used so that the town’s objectives/goals as outlined in their Comprehensive Plan can be more easily accomplished. This flexibility is meant to allow for a better project outcome for both the town and property owner. Contract zoning is enabled by State of Maine statute 30-A M.R.S.A. 4352 (8).

**Substantial commencement of construction:** begins from the point of having an official building permit in hand, and beginning actual demolition or excavation for the project, and continuing on a daily or regular basis until completion.

**Amend the Zoning Ordinance of the Town of Carrabassett Valley, Maine to add the following:**

**Article XII  
Contract Zoning**

**Section 1. Purpose**

Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare require that certain conditions, limitations or restrictions be made or imposed on the use or development of the property for which a change in zoning classification is otherwise appropriate. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the Town of Carrabassett Valley, and to secure appropriate development consistent with the Town’s Comprehensive Plan.

**Section 2. Authorization**

Pursuant to 30-A M.R.S.A. § 4352 (8), the Town of Carrabassett Valley hereby authorizes contract zoning for the conditional zoning of property, where for reasons such as the unusual nature or the unique location of the property, the Town finds it is necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the conditional zoning is consistent with the Town’s Comprehensive Plan. Contract zoning shall be limited to property for which a contract zoning application is sought by the

owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Town's Comprehensive Plan. Areas contractually amended under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or conditional) uses within the original zoning district of the affected property or properties.

### Section 3. Application Contents

A request for contract zoning shall include a written petition to the Planning Board requesting such a zoning amendment and must include the following.

- A. Evidence of right, title or interest in the affected property;
- B. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures;
- C. A plan showing the location of existing streets and driveways within two hundred (200) feet of the affected property;
- D. A detailed statement of the proposed use of the property and the precise zoning relief requested. The statement must explain the beneficial effects to the town which would not result if the property were developed under the existing zoning requirements, and must clearly identify the affected zoning parameters being amended from the original zoning district standards.
- E. A statement explaining how the proposed contract zoning is consistent with the Town's Comprehensive Plan, as well as a listing of the permitted and existing uses within the original zone.
- F. A description of the property;
- G. A statement setting forth the conditions or restrictions that the applicant proposes. The Planning Board and Select Board may propose additional conditions or restrictions.

### Section 4. Fees

An application for contract zoning shall be accompanied by a filing fee established by the Select Board and administered by the Code Enforcement Officer (CEO).

### Section 5. Hearing and Notice

- A. The Planning Board shall conduct a public hearing before forwarding its recommendation to the Select Board under this provision.
- B. Notice of the hearing shall be posted in Town Office at least fourteen (14) days before the public hearing.

C. Notice shall also be published twice in a newspaper of general circulation, the date of first publication to be at least twelve (12) days and the second at least 7 days before the hearing.

D. Public hearing notices shall be mailed to the owner of the property requesting to be contract zoned and all abutters to that property at their last known address. Such notice shall be sent out at least fourteen (14) days prior to the public hearing, and must contain a copy of the proposed conditions and restrictions with a map indicating the subject property.

E. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or Select Board.

F. The cost of publishing and mailing the notices shall be borne by the applicant(s).

Section 6. Conditions and Restrictions

1. Conditions and restrictions imposed under this section shall relate only to the physical development and operation of the property and may include, by way of example:

- A. limitations on the number and types of uses permitted;
- B. conditions on the scale and density of development, including the height, lot coverage and other space and bulk provisions;
- C. specifications for the design and layout of buildings and other improvements;
- D. schedules for commencement and completion of construction;
- E. performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- F. preservation of open space and buffers, and protection of natural areas and historic sites;
- G. provision of municipal services required by the development;
- H. provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met;
- I. the dedication of conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

2. During its review process, the Select Board may impose conditions under this section that are more restrictive than the applicable requirements of this section.

## Section 7. Planning Board Review and Action

Before forwarding a recommendation on a contract zoning application to the Select Board, the Planning Board shall make a finding on each of the three standards in this subsection. A favorable recommendation to the Select Board requires a positive finding on all three standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be a negative recommendation. The Planning Board shall base its recommendation on whether the application:

- A. is consistent with the Town's Comprehensive Plan;
- B. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
- C. the conditions proposed are sufficient to meet the intent of this Article.

In addition to their findings, the Planning Board should include a list of any suggested restrictions and conditions to place upon the application in its recommendation report to the Select Board.

## Section 8. Select Board Review and Action

1. Upon receipt and review of the Planning Board's recommendation, and before taking its vote to place the contract zoning application on the Town Warrant, the Select Board shall determine whether the proposed application:
  - A. is consistent with the Town of Carrabassett Valley's Comprehensive Plan,
  - B. is compatible with the existing and permitted uses within the existing zoning district classification of the property,
  - C. is in the public interest, and
  - D. will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification.
2. At the conclusion of Select Board's review of the application, with the Planning Board's recommendations in consideration, the Select Board shall vote either to:
  - A. Authorize that the proposed contract zoning application to be put on a future warrant for vote by the Town, either as presented or with amendments or conditions approved by the Select Board.
  - B. Request the applicant to revise and resubmit the application for contract zoning, under Section 3 above; or
  - C. Terminate the application for contract zoning if the Select Board is unable to conclude positive findings in accordance with State of Maine statute 30-A M.R.S.A. 4352 (8) and Section 8.1 of this article and that the applicant does not wish to revise and resubmit as optioned in 8.2.B above

The Select Board will state its reasons for its findings and for its conclusions on the given determination made in Section 8.2.

3. Upon the Select Board finding the application favorable, the Select Board and the Applicant must develop the Contract and include pertinent details and any conditions or restrictions recommended by the Applicant, Planning Board and Select Board that the Select Board finds appropriate relative to the application. The contract must be referenced in the warrant article to be voted upon at the Town Meeting, and must be available prior to and during voting proceedings.

#### Section 9. Final Action

The Select Board, after adopting the findings of the Planning Board, and/or making other findings indicating that the application is consistent with all four standards set forth above in Section 8.1, shall then place the proposed contract zoning contract on the warrant for a Town Meeting vote.

The proposed contract zoning contract must be approved by the Voters at a Town Meeting with a majority vote.

All costs related to scheduling and holding the Town Meeting shall be borne by the applicant.

There shall be no appeal to the Board of Appeals if a contract zoning application is terminated during the review process or disapproved at the Town Meeting.

#### Section 10. Status of Amendments

1. Amendments to the zoning map and ordinance made under this section may be subsequently amended or repealed by majority vote of a Town Meeting.
2. Contracts approved by Town Meeting vote must be recorded in the Tax Office and the Code Enforcement Office with the Map and Lot number of the property, street address, the owner's name at that time, and the date of the Town Meeting vote and disposition. In addition, these approved contracts will become part of the Town of Carrabassett Valley Zoning Ordinance as Appendix items. Such amendments will be recorded in the Franklin County Registry of Deeds.
3. The conditions and restrictions set forth in the approved contract shall run with the land and bind all future owners of the land and any other person who claims an interest in the property and may be removed only by subsequent action by Town Meeting vote expressly removing, relieving or discharging one (1) or more of the specific conditions or restrictions.

Contract zoning changes approved by the Town shall expire, and the property revert to its prior zoning district status, unless substantial commencement of construction on the project occurs within thirteen (13) months of the date of enactment of the approved contract and is substantially

completed within twenty-five (25) months of that date. These deadlines may be extended by a vote of the Select Board.

Section 11. Other Permits

1. At a minimum, all applications for contract zoning are subject to Site Plan Review.
  
2. An approved contract zoning application shall be in addition to, and not in lieu of, any other permits that may be required for a particular project or use. An applicant may seek other permits at the same time as he, she, or it is seeking the contract zoning as if the contract zoning were already in effect, or may seek such other permits after the Town Meeting vote has approved the zoning amendment. If the applicant seeks approval before final action by Town Meeting vote on the amendment, the Planning Board shall make its approval of these other permits contingent on the approval of the contract zoning amendment.

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