

LAND USE

*240 Attachment 2*

**Town of Kennebunkport**

**Goat Island Light Contract Zone**

**Contract Zoning Agreement Between the Town of Kennebunkport  
and the Kennebunkport Conservation Trust**

This Contract Agreement is made this 9th day of June 2009 by and between the **Town of Kennebunkport**, a body corporate and politic located in the County of York and State of Maine (hereinafter the "Town") and the **Kennebunkport Conservation Trust**, a body corporate located in the County of York and State of Maine (hereinafter the "Trust").

WHEREAS, the Kennebunkport Conservation Trust is the owner of a parcel of real estate located in Kennebunkport, Maine which is shown on Tax Map 29, Block 5, Lot 4 (hereinafter the "Property") and is shown on Exhibit 1 attached hereto and incorporated herewith.

WHEREAS, all of the property is located in the Farm and Forest, Resource Protection and Shoreland Zones.

WHEREAS, the property is improved with a lightkeepers house, light tower, boat house with boat ramp, electrical utility building, and a seasonal dock, which are operated as such and portions thereof are legal conforming uses in these zones.

WHEREAS, the Trust desires to reconstruct a number of buildings that have historically existed on Goat Island for the purpose of preserving a significant part of Kennebunkport history, while providing educational and recreational opportunities for the public.

WHEREAS, the Trust is proposing to reconstruct a number of historically significant structures as portrayed on Exhibit 1A.

WHEREAS, the Trust is not able to reconstruct such buildings due to restrictions imposed by the Kennebunkport Flood Plain Management Ordinance and Land Use Ordinance.

WHEREAS, the Trust wishes to create a separate zone known as the Goat Island Light Contract Zone which will enable the reconstruction of a number of historically significant structures while also allowing for recreational and educational opportunities for the general public, with appropriate conditions and restrictions to protect the public.

WHEREAS, the Town has the authority to enter into a contract rezoning for the Property pursuant to Title 30-A M.R.S.A. § 4352 and Article 13 of the Kennebunkport Land Use Ordinance.

## KENNEBUNKPORT CODE

WHEREAS, after notice and hearing and due deliberation on the contract rezoning, the Kennebunkport Planning Board recommends the contract rezoning of the Property to the Board of Selectmen.

WHEREAS, the Planning Board and the Board of Selectmen have determined that the rezoning will be pursuant to and consistent with the Town's Comprehensive Plan.

WHEREAS, the rezoning has been authorized at Town Meeting.

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

1. The Town will amend the Zoning Ordinance and map to create and make reference to the Goat Island Light Contract Zone as identified on Exhibit 1.
2. Subject to final Site Plan approval of the Planning Board and after public hearing, the Trust will be authorized to further develop the Property according to the specifications and conditions below in this Contract Zone and as depicted in Exhibit 1 and Exhibit 1A which is incorporated herewith:
  - A. To construct a single-story structure no larger than 14' x 26' for storage.
  - B. To construct a covered walkway 10' x 125' between the existing light keeper's house and the existing light tower.
  - C. To construct a 20' x 20' Bell Tower.
  - D. No structure on the island is to exceed forty (40') in height.
  - E. To allow the continued operation of the light house along with recreational and educational opportunities for the public.
  - F. To allow the operation of a museum for display of artifacts and other items to the public.
  - G. To allow the continued residential use for the lighthouse keeper and guests.
  - H. To allow special events to be hosted under the direction of the Trust.
  - I. To allow excursion boats access to the island in conjunction with Trust sponsored activities.

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- J. Public access to the island is encouraged with discretion given to the Trust to set hours and conditions of operation.
  - K. All structures and uses shall fully comply with restrictions imposed by the Maine Historic Preservation Commission.
3. In reviewing any application involving the Property, the Planning Board will apply the standards set forth in the Kennebunkport Land Use Ordinance except as modified by the provisions of this Goat Island Light Contract Zone.
  4. The Trust shall record the Contract Zoning Amendment in the York County Registry of Deeds and shall submit proof of recording to the Town's Code Enforcement Officer before any site work is undertaken or any building permits are issued.
  5. The provisions of this Contract Zoning Amendment shall be deemed restrictions on the use of the Property and shall be amended only upon further written agreement of the Trust and/or its successors in interest to the Property and upon approval of a Town Meeting.
  6. The above restrictions, provisions and conditions are an essential part of the rezoning. They shall run with the Property and shall bind the Trust, its successors in interest and any assigns of the Property or 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.
  7. 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 portions shall be deemed as separate, distinct and independent provisions and such determination shall not affect the validity of the remaining portions hereof.
  8. Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Town of Kennebunkport Land Use Ordinance.
  9. The Town shall have the right to enforce the terms of this contract zone in a court of competent jurisdiction.



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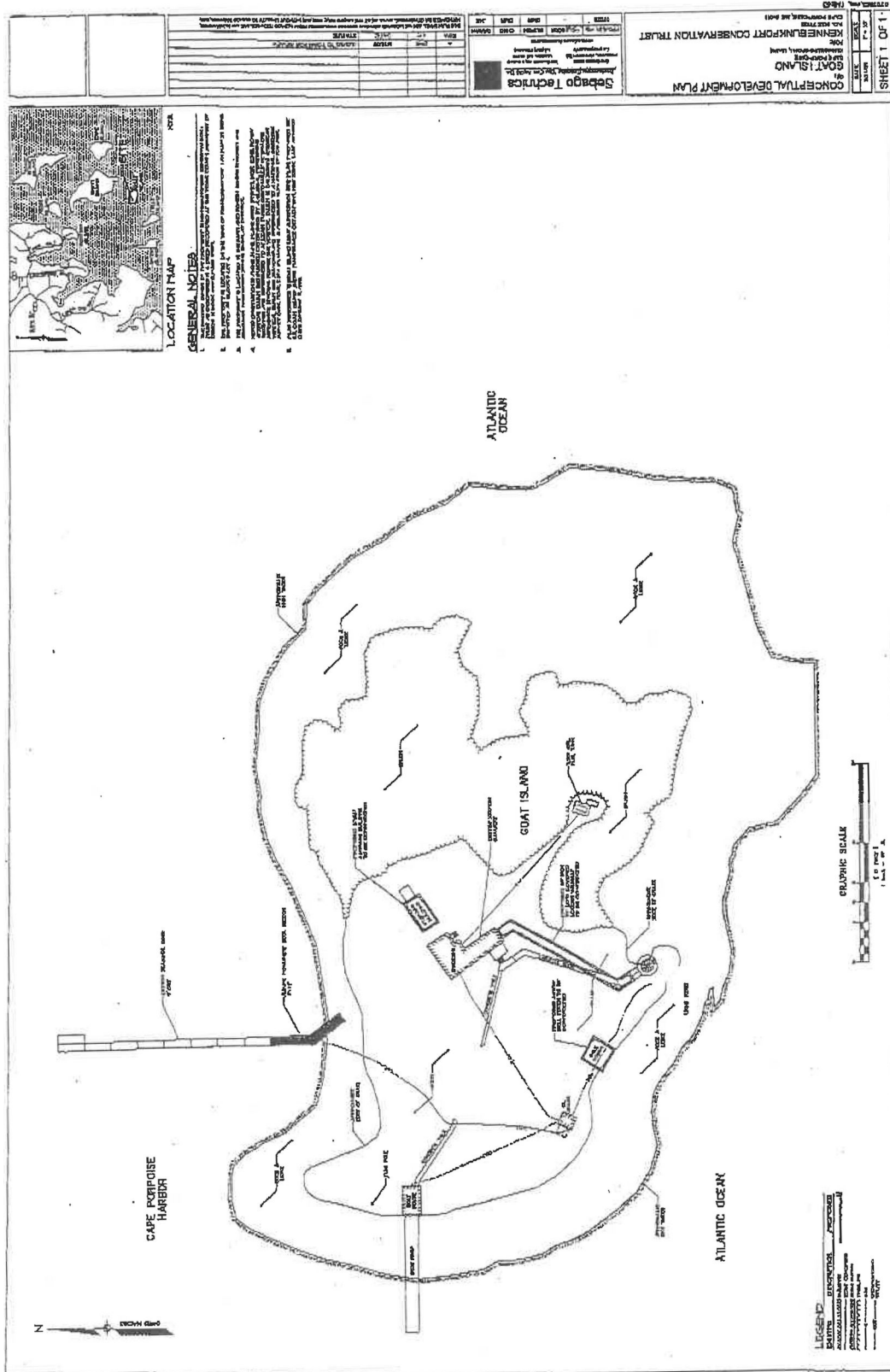


EXHIBIT 1A