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ARTICLE 9

Beautiful Place by the Sea

MUNICIPAL OFFICERS' CERTIFICATION OF THE OFFICIAL TEXT OF PROPOSED ORDINANCE(S)
[30-A M.R.S.A. § 3002(2)]

To the Town Clerk of the Town of Ogunquit, Maine:

We hereby certify to you that the documents to which we have affixed this certificate are a true copy of the official text of an ordinance(s) entitled:

1. **Chapter 225 – Zoning Ordinance,** including:

- **Article 2 – Definitions,** §225-2.2 *Stormwater Management*
- **Article 8 – General Standards Applicable to All Land Uses** §225-8.5.B *Prevention of erosion*
- **Article 8 – Additional requirement in the Shoreland Zone,** §225-8.10.7.B *Off-street parking and loading*

Chapter 240 – Subdivision Regulations

- **Article 6 – Preliminary Plan for Subdivision,** §240-6.1.G *Procedure*
  Article 7 – Final Plan for Subdivision, §240-7.3.13, §240-7.3.14 *Submissions*
  Article 10 – Street Design and Construction Standards, §240-10.5.2 *Storm drainage design standards* and §240-10.6.A *Storm drainage construction standards*

Which is to be presented to the voters for their consideration on June 6, 2026.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Approved on this 31st day of March 2026, by a majority of the Select Board

Michael Collins
Michael F. Collins, Chair

Carole Aaron
Carole J. Aaron, Vice-Chair

Richard Dolliver
Richard A. Dolliver

Scott A. Vogel

Robert M. Whitelaw

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Storm Water Management language – Review proposed changes (§ 225-2.2, §225-8.5, §225-8.10, §240-6.1, §240-7.3, §240-10.5, §240-10.6)

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225-2.2 Definitions

Stormwater Management

The variety of techniques aimed at controlling and treating untreated, contaminated rainwater and melted snow runoff to mitigate issues such as flooding, erosion and pollution in natural waterways.

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§ 225-8.5. Prevention of erosion.

A. No person shall perform an act or use land in a manner which would cause substantial or avoidable erosion, create a nuisance or alter existing patterns of natural water flow in the Town. This shall not affect any extractive operations complying with the standards of performance specified elsewhere in this chapter.

B. All development shall generally comply with the provisions of the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, ~~1991~~**current edition**.

C. All applicants for a permit for development on slopes greater than 15% shall be required to submit a soil erosion and sedimentation plan meeting the standards of the County Soil and Water Conservation District and the Maine Department of Agriculture, Conservation and Forestry. In addition, all applicants proposing development on slopes greater than 25% shall be required to submit engineering or architectural information which indicates that the development is designed for the site in a proper manner as the Code Enforcement Officer may reasonably require. [**Amended 6-8-2021 ATM by Art. 9**]

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minimum of 4% of the total parking spaces for vehicles with handicapped registration plates, but in no case less than one space. Handicapped spaces shall be designed according to ANSI Standard A117.1-1986. All handicapped spaces shall be identified with signs no smaller than nine inches wide by 12 inches high, posted four feet from the ground. When parking areas are paved, handicapped spaces shall also be identified by painted markings on the pavement.

(b) In accordance with 30-A M.R.S.A. § 3009, owners of private off-street parking shall arrange for private enforcement or shall enter into agreements with the Ogunquit Police Department to enforce handicapped parking restrictions.

(7) Additional requirements in the Shoreland Zones **[Amended 6-8-2021 ATM by Art. 9]**

(a) Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

~~(b)~~ Parking areas shall be designed to ~~prevent stormwater runoff from flowing directly into a water body and~~ **retain all stormwater runoff onsite.** ~~,~~ where feasible~~, to retain all runoff on site.~~

(8) Except for transient accommodations and residential uses, the Planning Board may reduce the requirements of this section for the number of parking spaces where it is shown that the application meets one or more of the following standards:

(a) Appropriate parking and loading spaces will be maintained sufficiently for the intended use, based on the availability of public transit, which can reasonably be expected to be utilized by sufficient numbers of customers or patrons of the use to justify the waiver request;

(b) A public parking lots is located within 500 feet of the proposed use;

(c) Appropriate parking and loading spaces will be maintained sufficiently for the intended use, based on the availability of adequate and safe pedestrian facilities and crosswalks, which can reasonably be expected to be utilized by sufficient numbers of customers or patrons of the use to justify the waiver request; or

(d) The owner or operator of the proposed use will provide valet parking service for customers or patrons. **[Amended 11-3-2009]**

(9) The Planning Board may require additional information to be provided by the applicant in support of any request for a waiver of parking requirements, including but not limited to:

(a) Projections regarding how many customers or patrons will arrive at the proposed use at various times of day, by each possible mode of transportation;

(b) Proposed hours, methods, and locations for the provision of valet parking; or

(c) Distance measurements and/or diagrams showing connections to pedestrian or

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hearing. The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. In addition, the notice of the hearing shall be posted in at least three prominent public places within the municipality at least 10 days prior to the hearing. **[Amended 11-3-2020 STM by Art. 3]**

G. The Land Use Office shall notify the Director of Public Works, Police Chief, and Fire Chief of the proposed subdivision application. The Board shall request that these officials review the application and comment upon the adequacy of their department's existing capital facilities to service the proposed development. The Land Use Office shall also notify the Conservation Commission **and other appropriate boards, commissions and committees as required by the Code Enforcement Officer** of the application, request comments on whether the application meets the standards of Town ordinances with respect to environmental matters, and invite the Commission to participate in any scheduled hearings.

H. Within 30 days of a public hearing or within 60 days of finding the application complete if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, the Planning Board shall take action to give preliminary approval, with or without conditions, or deny such preliminary plan. The reasons for any conditions required or the grounds for denial shall be stated upon the record of the Planning Board and shall be issued, in writing, to the applicant. **[Amended 11-3-2020 STM by Art. 3]**

I. When granting approval of a preliminary plan, the Planning Board shall state the conditions of such approval, if any, with respect to:

(1) The specific changes which it will require in the final plan.

(2) The character and extent of the required improvements for which waivers of submissions or review standards may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.

(3) The construction items for which cost estimates and performance guarantees will be required as a prerequisite to the approval of the final plan, pursuant to § 240-10.9.

J. Approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final plan, the Planning Board may require additional changes as a result of further study of the project in final form or as a result of new information obtained at any public hearings.

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drainageways on or adjacent to the property to be subdivided.

(11) The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.

(12) Street plans meeting the requirements of Article 10.

(13) A stormwater management plan, prepared by a licensed professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (most recent version). The Board may not waive submission of the stormwater management plan unless ~~the subdivision is not in the watershed of a great pond,~~ the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. **[Amended 11-3-2020 STM by Art. 3]**

(14) An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, most recent version. The Board may not waive submission of the erosion and sedimentation control plan unless ~~the subdivision is not in the watershed of a great pond,~~ the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. **[Amended 11-3-2020 STM by Art. 3]**

(15) If applicable, the location of any streets, public improvements, or open spaces shown in the Comprehensive Plan or capital improvements program that fall within the boundaries of the proposed subdivision.

(16) All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land are to be offered to the municipality, written evidence that the Select Board is satisfied with the legal sufficiency of the written offer to convey title shall be included.

(17) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map shall be delineated on the plan.

(18) Evidence that the applicant has the financial and technical capacity to implement the

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§ 240-10.5. Storm drainage design standards.

A. Adequate provision shall be made for disposal of all stormwater collected in streets and areas tributary to the street system and underground water through ditches, culverts, under drain and/or stormwater drainage systems.

(1) All stormwater systems shall be designed to meet the criteria of a ~~twenty-five-year~~ **fifty year** storm based on rainfall data from Weather Bureau records in Portland. **[Amended 11-3-2020 STM by Art. 3]**

~~(2) Appropriate~~ **Industry standard** conveyances for outlets to drainage systems must be provided. ~~Asphalt-coated steel culverts and asphalt-coated steel pipes or equivalent shall be used where drainage is required.~~

(3) In any case, the minimum pipe size for any storm drainage pipe shall be 12 inches. Catch basins of an appropriate size and type shall be installed where necessary and shall be located generally at the curbline. Catch basins shall be placed away from the line of traffic flow; however, they shall be adequate in design and strength to accommodate vehicle traffic.

B. Upstream drainage shall be accommodated by an adequately sized system for existing conditions and future potential development in the upstream drainage area or areas tributary to the proposed Town way. The adequacy of the proposed system(s) shall be determined by the Planning Board.

C. Existing or future downstream drainage requirements shall be studied to determine the effect of proposed drainage. The applicant shall demonstrate to the satisfaction of the Planning Board that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed street.

D. Where open ditches, channels, streams or natural drainage courses are used either to collect or discharge stormwater, adequately sized perpetual easements shall be provided and appropriate erosion control measures taken. No stormwater will be permitted to drain across a street or across an intersection.

E. Under drainage systems. Where subsurface solids are of the nature to require an under drainage system, under drains shall be installed and discharged not to degrade the environment. An under-drainage system shall be installed to properly drain all springs or areas where the groundwater level is too high and would cause a hazard to the stability of the roadway base.

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§ 240-10.6. Storm drainage construction standards.

A. All material used for storm drainage construction shall be in conformity with State of Maine Specifications for Highways and Bridges, most recent version. In addition, the quality of stormwater flows off the street shall be addressed. Retention of the ~~½~~ 1 inch from a storm event for 24 hours by an oil and gas separator catch basin (properly maintained) or other stormwater quality improvement measures may be necessary, as determined by the Planning Board, to minimize or eliminate sediments, hydrocarbons or other contaminants from the stormwater leaving the right-of-way. Whenever possible, low-impact development standards (LID) shall be incorporated into the site design. **[Amended 11-3-2020 STM by Art. 3]**

B. General construction requirements.

(1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.

(2) Drain alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drainage is obtained, in writing, from the Planning Board.

(3) Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. In straight runs, manholes shall be placed at a maximum of 400-foot intervals.

(4) When necessary, outlets shall be terminated in an end wall or concrete construction or shall be riprapped to prevent erosion or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.

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