

ORDINANCES

Article 72. To see if the Town will vote to repeal and replace in its entirety an ordinance entitled “Phippsburg Harbor Ordinance – Enacted May 15, 2018 - as amended through May 14, 2019” with an ordinance entitled "Phippsburg Harbor Ordinance – Enacted June 12th, 2024”.

Article 73. Shall an Ordinance entitled “Land Use Ordinance, Town of Phippsburg, Maine” enacted November 6, 2012, and amended through June 14, 2023, be further amended as follows:

Underlined portions are additions. Underlined portions are additions or replacements.

Table of Contents and Abbreviations List will be changed to reflect amendments.

Section 9. Land Use Standards

O. Accessory Dwelling Unit (ADU)

1. Lot size requirements pursuant to Section 9.A.1 shall be waived for ADU development except that those requirements shall remain in effect and govern ADU development in the Shoreland Zone.

2. An ADU may be constructed only:

a. Within an existing dwelling unit or other structure on the lot;

b. Attached to or sharing a wall with a single-family dwelling unit;

c. As a new structure on the lot for the purpose of creating an ADU.

3. An ADU must remain in common ownership with the single-family dwelling unit with which it shares the lot. The ADU must be a complete dwelling unit, including a full kitchen (stove, refrigerator, and sink), a bathroom (toilet, sink, and shower/tub); and not more than two bedrooms. The ADU shall not be less than 190 square feet and contain not more than 900 square feet of floor space.

4. The term of an ADU rental agreement shall not be for less than six months.

5. An ADU cannot be sold independently of the sale of the single-family dwelling unit.

6. The ADU shall be the primary residence of the tenant. The tenant shall not be allowed to sublet.

7. Water and electricity may be shared between the ADU and the primary residence.

8. An ADU shall not be used for any other purpose than residential occupancy.

9. An ADU shall not be advertised in short-term rental or vacation sites.

10. An ADU application must include:

a. Detailed site plan identifying lot coverage, set-back, and all additional

requirements; such plan shall be drawn to scale and shall identify each dimension specifically on the plan;

b. Detailed floor plans clearly delineating the dimensions of each room and the total

square footage of the ADU;

c. A water test and a flow test showing ability to obtain an occupancy permit;

d. Proof from a certified source that the existing or proposed septic system is adequate to accept the additional flow per State of Maine Wastewater Rules.

11. An ADU shall be exempt from any density requirements or calculations related to the area in which an ADU is constructed.

12. An ADU shall not be construed to exempt a subdivider from the Town's Subdivision Ordinance requirements.

13. An ADU built without approval prior to July 1, 2024 shall be allowed to remain if the ADU otherwise meets all ADU requirements, and after payment of a penalty equaling four times the normal construction fee per Section 10.A.3.

14. This section shall not be construed to interfere with, abrogate or annul the validity or enforceability of any valid enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Section 10.B. Construction Standards

3.j. All building shall conform to ~~Title 10 Chapter 1101~~, current standards of the Maine Model Building Code as amended (IBC 2003 or IRC 2003) referred to as MUBEC (Maine Universal Building and Energy Code).

Section 13 – Definitions

Accessory Dwelling Unit (ADU) – A smaller, independent dwelling unit located on the same lot as a stand-alone single-family dwelling. ADUs are intended to provide additional housing stock for the Town by encouraging infill development that is compatible in scale and character with existing residential uses.

Article 74. Shall an Ordinance entitled “Town of Phippsburg Subdivision Ordinance” enacted May 14, 2015, and amended through June 14, 2023, be further amended as follows:

Strike-through portions are deletions. Underlined portions are additions or replacements.

Section 3.A. Administrative Procedure: Purpose

1. In order to avoid unnecessary delays, ~~applicants~~ an applicant shall request to be placed on the Board’s agenda by contacting the ~~Chairman~~ Chair or the Board’s Administrative Assistant at least ~~one week~~ fourteen (14) days in advance of a regularly scheduled meeting.

Section 6. Final Plan Application

A. Submissions. The Applicant shall provide twelve (12) Final Plan packets...Five (5) packets shall be presented at the scheduled meeting along with one ~~reproducible, stable-based transparency~~ unfolded all-original, signed, certified, and sealed Final Plan map to be recorded at the Sagadahoc Registry of Deeds.

C.2. Final Approval and Filing. ...Upon voting to approve the subdivision, the Board shall sign the ~~mylar~~ unfolded all-original, signed, certified, and sealed Final Plan map.

Article 75. Shall an Ordinance entitled “Shoreland Zoning Ordinance, Town of Phippsburg, Maine” enacted June 15, 2002, and amended through June 14, 2023, be further amended as follows:

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Section 15.Z. Accessory Dwelling Unit (ADU)

1. Accessory dwelling units are permitted in the Shoreland Zone.
2. ADUs shall follow all regulations as specified in Section 9.0. of the Town’s Land Use Ordinance, except that standard lot sizes shall not be waived.
3. ADU construction shall conform to the size requirements of Shoreland Zone Land Use Standards Section 15.A.1: 40,000 sq. ft. minimum lot size; 150 ft. shore frontage Adjacent to Tidal Area; 200 ft. shore frontage Adjacent to Non-tidal Areas.

Section 16.B. Construction Standards

3.i. All building shall conform to ~~Title 10 Chapter 1101,~~ current standards of the Maine Model Building Code as amended (IBC 2003 or IRC 2003) and referred to as MUBEC (Maine Universal Building and Energy Code).

Section 18.B. Definitions

Accessory Dwelling Unit (ADU) – A smaller, independent dwelling unit located on the same lot as a stand-alone single-family dwelling. ADUs are intended to provide additional housing stock for the Town by encouraging infill development that is compatible in scale and character with existing residential uses.

Height of a Structure—~~The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, windmills, and similar appurtenances that have no floor area.~~

Height - “Height” means:

A. With respect to existing principal or accessory structures, (including legally existing nonconforming structures), located within an area of special flood hazard that has been or is proposed to be relocated, reconstructed, replaced, or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area; and

B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A, (including legally existing nonconforming structures), the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

C. Notwithstanding the limitations on height imposed under paragraphs A and B, the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to three (3) feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced, or elevated within the boundaries of the parcel, so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that: (1) have been or are proposed to be relocated, reconstructed, replaced, or elevated to be consistent with the local floodplain management elevation requirement; and (2) are located in an area of special flood hazard.

Article 76. To see if the Town will vote to adopt the provisions of 5 M.R.S. § 18252-C (PL 2021, Chapter 286) as allowed by MainePERS Rule Chapter 803.

The Town agrees:

1. To adopt the provisions of 5 M.R.S. § 18252-C as enacted by PL 2021, Chapter 286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS (“eligible employees”) and to comply with the following requirements:
 - a. Beginning in 2024, to annually offer eligible employees who have been employed for less than 5 years the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision; and
 - b. To calculate employee contributions against gross compensation as with other participating employees and then withhold and report employee contributions for employees who join under this provision on an after-tax basis and remit them to MainePERS (i.e., employee contributions for those who join under this provision are subject to both federal and state income tax).
2. To authorize the Town Administrator, Ross McLellan, to sign the Amended Agreement between the Employer and the Maine Public Employees Retirement System.

Article 77. Shall an Ordinance entitled “Land Use Ordinance, Town of Phippsburg, Maine” enacted November 6, 2012, and amended through June 14, 2023, be further amended as follows:

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Table of Contents and Abbreviations List will be changed to reflect amendments.

Section 10.B. Construction Standards

~~3.j. All building shall conform to current standards of the Maine Model Building Code as amended and referred to as MUBEC (Maine Universal Building and Energy Code).
Municipalities under a population of 4,000 are not required to enforce MUBEC.~~

Article 78. Shall an Ordinance entitled “Shoreland Zoning Ordinance, Town of Phippsburg, Maine” enacted June 15, 2002, and amended through June 14, 2023, be further amended as follows:

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Table of Contents and Abbreviations List will be changed to reflect amendments.

Section 16.B. Construction Standards

~~3.i. All building shall conform to current standards of the Maine Model Building Code as amended and referred to as MUBEC (Maine Universal Building and Energy Code).
Municipalities under a population of 4,000 are not required to enforce MUBEC.~~