



**Town Council
Regular Meeting Commentary
Followed by a Budget Workshop**

May 2nd, 2023 @ 6:30pm

Council Chambers - 1 Portland Avenue

Budget Workshop to immediately follow – Recreation, Ballpark, CIP

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**Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3 or 1301 - check with your provider) or by clicking the Meeting Videos link on oobmaine.com.)*

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

PRESENTATION:

Fire Department – Swearing in of new Deputy Chief

Yellow Tulip Project presentation

ACCEPTANCE OF MINUTES:

Accept minutes from 4/12/2023 STR Workshop, 4/18/2023 Regular Meeting, 4/18/2023 Budget Workshop, and 4/20/2023 Workshop.

Chair: Shawn O'Neill

PUBLIC HEARING – ORDINANCE AMENDMENTS:

PUBLIC HEARING: Shall the Town Council consider amendments to Ch. 78, Art. VI, Secs. 78-518, 717, 747, 803, 833, 869, 993, 1023, 1134 and Art. VII, Sec. 78-1281. This is a new ordinance proposing regulations for lodging establishment conversions to condominiums.

Chair: Shawn O’Neill

**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Tim Fleury, Executive Assistant**
FROM: Planning Department
SUBJECT: Lodging Condominium Ordinance Amendments
REQUEST: Review Draft Ordinance, Schedule Public Hearing
DATE: 18 April 2023

During December of last year, Council enacted a moratorium associated with lodging establishments (i.e., motels, hotels, inn's, bed and breakfast) converting to condominiums. This moratorium prevents anyone from converting a lodging establishment into a condominium while the moratorium is in-effect.

Why did we decide to enact a moratorium? Lodging establishment conversions to condominiums have been identified as a concern to town staff. It's a concern due to the recent increase in conversion proposals and inquiries and the minimal jurisdiction and standards available to staff to evaluate conversion proposals as well as a possible way to circumvent rules. To prevent these unregulated conversions from continuing and to allow the town to consider its options, we felt a temporary pause to conversion proposals (through a moratorium) was necessary to allow time to research and develop appropriate mechanisms that provide more protection to occupants of the units, abutting property owners, and the town as a whole.

After consideration of our options, it was clear development of an ordinance with specific regulations for lodging condominium projects is the best choice to provide the regulation the town lacks. We are now moving forward with a draft lodging condominium ordinance. To date, the Planning Board has reviewed the draft ordinance, held a public hearing and are expected to provide a recommendation at the April or May meeting.

Background Information

What is a lodging establishment to condominium conversion? Basically, it is a change of ownership and operations of a lodging establishment from seasonal short term, daytrip, and weekly lodging use on a property that is under single ownership to the creation of a condominium style ownership with separate owners for each unit that may be occupied by the owners or transients both short and long term and available year-round.

When converting a lodging establishment into a condominium, if the condominium continues to operate in a manner similar to a lodging establishment the use (for zoning purposes) does not change. Only the type of ownership changes- from one person owning the entire property and building(s) to each unit owned separately with common facilities (e.g., parking lots, hallways) owned by all unit owners.

If the conversion results in a change so units become dwelling units (a room or suite of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for sleeping, living, cooking, and eating), then the use changes. Once the use changes it must meet applicable standards including parking, density, fire code, etc. The proposal would be considered a multifamily building and no longer a hotel or motel.

One problem with the minimal regulation we have is no guarantee unit owners will continue to operate in a manner similar to a lodging establishment. This means the lodging use (short-term) is changing into a multifamily use (long-term occupancy) and doing this without the proper approvals and meeting the proper regulations.

Why do we need an ordinance? As stated above, the town recently experienced an increased number of conversion proposals. With minimal, if any, legal authority to properly review conversions we cannot evaluate potential issues which include:

- Lack mechanism for thorough review of life safety requirements.
- Lodging units changing into dwelling units after conversion, which have different zoning, code, life safety, etc. requirements.

- Impacts to abutting properties and property owners.
- Inadequate on-site parking.
- Potential increase sewer use without proper analysis.
- Very small rooms built for temporary visitor occupancy becoming long-term housing.
- Absentee landlords.
- Impacts to municipal services and schools.

How do we review conversions now? Because there is no mechanism that allows staff review, we have minimal authority and standards to review conversions.

What will the proposed ordinance do? Require additional municipal review, apply standards specific to lodging condominiums, and ensure lodging condominiums continue to operate in a manner similar to a lodging establishment.

How will the ordinance impact lodging establishment operations that do not convert to condominiums?

Typical lodging establishment operations will not be impacted at all. Lodging establishments will only be impacted if they propose to change to a condominium.

Proposed Ordinance Summary

1. What is my goal for this ordinance?

My goal was to allow lodging condominium conversions where lodging establishments are already permitted while requiring additional municipal review, evaluation standards, and ensuring lodging condominiums continue to operate in a manner similar to a lodging establishment.

2. Which proposals must comply?

- Lodging establishments that convert to lodging condominiums after the date of ordinance adoption.
- Changes to lodging condominiums that were converted after the date of ordinance adoption.
- Lodging condominium conversions projects approved by the Town and operating before the date of the adoption of this ordinance. If a lodging condominium proposes a change to another use, add another use to its existing operations, expand the existing use (including additional square footage), or change unit size or location, such change of use, additional use, expansion of use, or unit change must be reviewed and approved by the Planning Board for compliance with this Section.

3. What is a Lodging Condominium and Lodging Condominium Unit?

A Lodging Condominium is a commercial condominium project with lodging condominium units within a lodging establishment, which units are individually owned, and, except for 1 managers unit, 100% are made available for transient use as short-term vacation or tourist rentals when not being used by the unit owner.

A Lodging Condominium Unit is any room or groups of rooms located within a lodging condominium and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

4. Which zoning districts allow Lodging Condominiums?

All zoning districts that currently allow lodging establishments: R2, DD1, DD2, GB1, GB2, NC3, BRD, PMUD, HO. NC1, NC2 and NC4 allow only for certain lodging uses.

5. Permitting highlights

- Conversions require planning board review as a conditional use.
- Applicants must submit plans and other documentation.
- Must meet performance standards specific to lodging condominiums.

6. Licensing highlights

- All unit owners are required to secure a rental business license within 60 days of closing.
- Only short-term rentals are allowed.

- At the time of license renewal, unit owners must provide documentation showing the unit is operated in conformance with the ordinance. This includes rental records.

7. Application highlights (submission of the following)

- Plans prepared by a design professional (e.g., engineer, surveyor).
- Lighting plan.
- Noise analysis.
- Off-street parking plan.
- Solid waste plan.
- Traffic impact analysis.
- Condominium declaration (see #8 below).
- Maintenance agreement.
- Occupancy limits identified for each unit.
- Detailed statements describing use and how all unit owners will comply with the ordinance including the rental and occupancy requirements.

8. Condominium declaration highlights

In addition to compliance with the Maine Condominium Act, condominium declarations must include additional language to ensure the lodging condominium continues to operate in a manner similar to a lodging establishment. This includes:

- Unit owners required to secure rental business license and renewal of these licenses.
- Except for 1 management unit, 100% of units must be rented or available to rent 305 days every calendar year.
- Unit owners personal use of their unit cannot exceed 60 days every calendar year.
- Guests are prohibited from remaining in any unit for 30 or more days.
- Record keeping requirements identifying the way unit owners shall document short term and personal use occupancy.
- Contact available to town 365 days a year, 7 days a week.
- Front desk, housekeeping, short-term rental services available every day year-round.
- Requirement to contract management company.

9. Performance standards highlights

- All units must be completely furnished.
- Front desk and lobby area accessible to general public.
- Waste disposal plan.
- Municipal services and infrastructure impact analysis.
- Traffic impact analysis.
- Short-term rental requirement for each unit.
- Timeshares and other forms of vacation ownership not allowed.
- Front desk, housekeeping, rental services must be available 365 days a year, 7 days a week.
- Occupancy limits for each unit.

10. Short term occupancy

Every unit must be made available for short term rental (less than 30 calendar days) for at least 305 calendar days every year. Owner's personal use cannot exceed 60 days every calendar year.

11. Important points

- All lodging establishments proposing to convert to condominiums will require planning board review as a conditional use.
- Unit owners are required to rent their unit or make their unit available for rental 305 days every calendar year.
- Unit owners personal use of their unit cannot exceed 60 days every calendar year.
- Rentals are limited to less than 30 consecutive calendar days or portions of those days.

- All unit owners must secure rental business license within 60 days after closing.
- License renewal requires each unit owner to provide documentation that they are operating in accordance with the rental and occupancy requirements.

**AMENDMENTS TO CHAPTER 78, ARTICLE VI, SECTIONS 78-518, 717, 747, 803, 833, 869, 993,
1023, 1134
(Council Draft 4/2023)
Ordinance additions are underlined**

Sec. 78-518. - Conditional uses. The planning board may authorize the following conditional uses in the residential 2 district (R-2), provided that the conditions and requirements of article VII of this chapter are met:

(8) Lodging Condominium

Sec. 78-717. - Permitted uses. Permitted uses in the downtown district 1 (DD-1) shall be classified as follows:
(3) Conditional uses. Conditional uses are as follows:

c. Lodging Condominium

Sec. 78-747. - Permitted uses. Permitted uses in the downtown district 2 (DD-2) shall be classified as follows:
(3) Conditional uses. Conditional uses are as follows:

c. Lodging Condominium

Sec. 78-803. - Conditional uses. The planning board may authorize the following uses in the general business district 1 (GB-1) provided that the conditions of article VII of this chapter are met:

(9) Lodging Condominium

Sec. 78-833. - Conditional uses. The planning board may authorize the following uses in the general business district 2 (GB-2), provided the conditions of article VII of this chapter are met:

(7) Lodging Condominium

Sec. 78-869. - Conditional uses.

(a) NC-1 and NC-2 district conditional uses. The planning board may authorize the following conditional uses within the NC-1 and NC-2 districts:

(7) Lodging Condominium limited to hotel, motel only)

(b) NC-3 district conditional uses. The planning board may authorize the following conditional uses within the NC-3 district:

(9) Lodging Condominium

(c) NC-4 district conditional uses. The planning board may authorize the following conditional uses within the NC-4 district:

(7) Lodging Condominium limited to bed and breakfast establishments only

Sec. 78-993. - Conditional uses. The planning board may authorize the following uses in the beachfront resort district (BRD) provided that the conditions of article VII of this chapter are met:

(7) Lodging Condominium including overnight cabins

Sec. 78-1023. - Conditional uses. Notwithstanding article VII of this chapter, the following conditional uses may be permitted in the planned mixed use development (PMUD) zone:

(20) Lodging Condominium

Sec. 78-1134. - Conditional uses. The planning board may authorize the following use in the historic overlay district (HO), provided that the conditions of article VII of this chapter are met:

(10) Lodging Condominium

AMENDMENTS TO CHAPTER 78, ARTICLE VII, DIV. 2 – CONDITIONS, SEC. 78-1281
Lodging Condominiums (Council Draft 4/2023)
New language underlined

Sec. 78-1281 – Lodging Condominiums

(1) Purpose

The purpose of these regulations is to assure that lodging condominium projects are conditioned upon development approval in such a way as to ensure continued operation as a lodging condominium; to ensure appropriate public health, safety, welfare; to mitigate potential impacts of lodging condominiums on abutting property, off-site vehicular traffic, public utilities, building design and safety, police, fire and emergency services; to require rental licensing of all units; and to provide the town of Old Orchard Beach with appropriate licensing, code compliance, and operational controls.

(2) Applicability

The regulations in this Ordinance shall apply to any persons or entities operating or proposing to convert a lodging use into a lodging condominium in Old Orchard Beach and any persons or entities operating or proposing to operate one (1) or more lodging condominium units.

Lodging condominium projects approved by the town of Old Orchard Beach and operating before the date of the adoption of this ordinance. If a lodging condominium proposes a change to another use, add another use to its existing operations, expand the existing use (including additional square footage), or change unit size or location, such change of use, additional use, expansion of use, or unit change must be reviewed and approved by the Planning Board for compliance with this Section.

(3) Definitions exclusive to Lodging Condominium

As used in this section the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in the town of Old Orchard Beach Code of Ordinances. Terms not listed below have the same meanings as in applicable Old Orchard Beach Code of Ordinances Chapter including Chapter 78, Section 78-1 and Chapter 34, Section 34-26.

Habitable Space: Space occupied by one or more persons for living, sleeping, eating or cooking, excluding kitchenettes, bathrooms, toilet rooms, laundries, foyers, pantries, corridors, stairways, closets, cellars, and storage spaces.

Lodging Condominium: A commercial condominium project with lodging condominium units within a lodging establishment, which units are individually owned, and, except as permitted in Section 78-1281 (9), one hundred (100) percent of which are made available for transient use as short-term vacation or tourist rentals when not being used by the unit owner.

Lodging Condominium Unit: Any room or groups of rooms located within a lodging condominium and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Lodging Establishment: A hotel, motel, bed and breakfast establishment or inn.

Personal use: The use or occupancy of a unit by a unit owner, by a non-rental paying guest of an owner, or by a member of the owner's family.

Short-Term Rental: Any building or structure, or portion thereof, that is offered or provided to a guest or guests to be used for living or sleeping for a fee for less than thirty (30) consecutive calendar days. Short-term rental units may be whole house, duplexes, multifamily, apartments, condominiums, lodging condominium, and individual rooms or individual units in homes, duplexes, multifamily, apartments, condominiums, and lodging condominium.

Transient: means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement of whatsoever kind and nature for a period of less than (30) consecutive calendar days, counting portions of calendar days as full days. Any person occupying space in a lodging condominium shall be deemed to be a transient until the period of thirty (30) days has expired.

Unit Owner or Owner: An individual or entity that acquires any ownership interest in, and holds title to, one or more lodging condominium units.

(4) Permitting and Licensing

No person or entity shall construct, occupy or operate a lodging condominium within the Town without first obtaining all necessary permitting and licensing approvals pursuant to Chapter 78, Article VII (Conditional Uses) and this Section. Except as specifically provided for in this Section, all other applicable provisions of the Old Orchard Beach Code of Ordinances, including, but not limited to Chapter 18 (Businesses), Chapter 30 (Fire Prevention and Protection), Chapter 34 (Housing), and Chapter 78 (Zoning) as well as any state and federal codes and laws shall be applicable to the construction, occupancy and operations of lodging condominiums; provided however, that the more specific standards contained in this Section shall prevail over any general standards set forth in the town of Old Orchard Beach Code of Ordinances. A lodging condominium shall be allowed as a conditionally use, subject to the terms of this Ch, 78, Article VII and this Section, and only within those zoning districts in which lodging condominiums are expressly allowed as a permitted or conditional use. Each application for a lodging condominium will be reviewed by the Planning Board. Approval shall be subject to required conditions necessary to carry out the standards of this Section.

Each lodging condominium unit requires a business license which will be reviewed by the Council. As part of business license renewal, each unit owner must provide the Town with copies of all rental records, tax receipts or any other documents necessary to verify conformance with the standards, conditions and requirements set forth in this Section and any Planning Board approval.

(5) Lodging Condominium Application

An application for a lodging condominium shall include the following as well any other information that the Town may determine is necessary to review the application.

- (a) Proposed site plan, drawn at a scale not to exceed one inch equals 40 feet or at a scale otherwise required by the town planner. Such plan shall be sealed by a professional engineer, landscape architect, or a surveyor licensed in the state and shall contain the following information:

1. Property boundary survey class 1, signed and sealed by a state-licensed land surveyor, showing bearings and distances of the subject property boundary, topographic elevations at a contour interval of no more than two feet, location and elevation of all existing and proposed structures, site features and site improvements.
 2. Information block containing location, address, map-block-lot number of the subject.
 3. Property as recorded in the town assessor's office, name and address of the applicant and owner if different.
 4. Approval block providing space for the signatures of planning board members.
 5. Map scale, north arrow (true north), and date the site plan was prepared including the date of any subsequent revisions made to the plan.
 6. Identification and location of all abutters and land use within two hundred (200) feet of property proposed to be converted.
 7. The dimensions and layout of all building and structures.
 8. Delineation of all existing and proposed public and private easements on or directly adjacent to the property.
 9. Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage.
 10. Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification and location of specimen trees greater than eight inches caliper, location of existing rock outcrops, and boundary of 100-year flood zone as defined by the Federal Emergency Management Agency flood insurance rate map for the town.
 11. Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public sewer and water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells.
 12. Specification, layout, and quantity of proposed and existing landscaping.
 13. Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by a professional engineer licensed in the state.
 14. Location, specification, height and photometric data of existing and proposed exterior lighting.
- (b) Submission of the condominium plat prepared in accordance with Maine Revised Statutes Title 33 § 1602-109.
- (c) Submission of the condominium declaration.
- (d) Detailed description of all uses and operations.
- (e) Submission of municipal service and infrastructure analysis. The Planning Board must find the lodging condominium will not have a negative fiscal or services impact on the Town.
- (f) Responses to each of the twelve (12) criteria in Sec. 78-1240 of this Article.
- (g) Demonstrate conformance with the Sound standards in Chapter 26, Environment, including Sec. 26-63, Noise Level Standards, and Sec. 26-66, Measurement Procedures.

- (h) Demonstrate conformance with Conversion of Seasonal Structures to Year-Round Dwellings, Chapter 34, Article VIII.
- (i) Demonstrate conformance with applicable building and life safety code requirements.
- (j) Off Street Parking Plan. Lodging condominiums shall assign two off-street parking spaces for each lodging condominium unit and one off-street parking space for each on-shift employee.
- (k) Traffic impact analysis and assessment prepared by a Maine Licensed Traffic Engineer.
- (l) Submission of a waste disposal operation plan which shall be in compliance with Chapter 46, Solid Waste.
- (m) Detailed description stating how the lodging condominium will comply with the short-term occupancy requirements in this Section.
- (n) Statement describing how the lodging condominium association will ensure the lodging condominium and all unit owners will comply with this Section, including, but not limited to short-term rental and licensing requirements.
- (o) Documentation demonstrating how the lodging condominium complies with the zoning district(s) and applicable standards in Chapter 78, Zoning, including but not limited to Article VIII, Performance Standards.
- (p) Lodging condominium maintenance agreement.
- (q) Identify the maximum occupancy number for each lodging condominium unit.

(6) Condominium Declaration

Each lodging condominium is required to submit a copy of the condominium declaration. In addition to conforming with the condominium requirements identified in the Maine Condominium Act, all condominium declarations shall, at a minimum, include the following:

- (a) Requirement that each unit owner shall secure Town business license approval within sixty (60) days of unit closing and renewal business licenses in accordance with this Section and Chapter 18, Businesses, ordinance.
- (b) Requirement that each unit owner shall include documentation demonstrating compliance with the short-term occupancy standard in this Section.
- (c) Excepting a single unit used for the on-site manager, include language that states one hundred (100) percent of the units in the lodging condominium must be made available as short-term rental units for guests for at least three hundred five (305) days or portions thereof out of every calendar year and personal use of units by unit owners shall not exceed sixty (60) days or portions thereof out of every calendar year.
- (d) Requirement that unit guests are prohibited from remaining in any unit for thirty (30) or more consecutive days or portions thereof out of every calendar year.

- (e) Record keeping requirements identifying the way unit owners shall document short term and personal use occupancy. At a minimum, the manner shall include a recording of the days and payments for guest use and days used for personal use during each calendar year.
- (f) Requirement that the lodging condominium association will provide the Town with contact information (name, phone, email) of lodging condominium association membership and the lodging condominium management entity or company. Information shall include at least one contact who is available seven (7) days a week, twenty-four (24) hours a day. This information shall be provided to the Town Code enforcement officer each year, no later than 15 January or anytime there is a change.
- (g) Lodging condominium association bylaws.
- (h) Requirement that the lodging condominium association secure the services of a lodging condominium management entity or company. The lodging condominium association shall give the lodging condominium management entity or company the right to provide to the lodging condominium, the property, and to unit owners, lessees and other occupants, any or all "on property" services commonly provided at lodging establishments and condominium developments.
- (i) Requirement that unit owners shall be required to enter into a unit maintenance agreement with the lodging condominium association and/or the lodging condominium management.
- (j) Require operation on a three hundred sixty-five (365) calendar days each year, seven (7) day a week basis the following services, at a minimum: front desk and lobby operations, housekeeping, and short-term rental reservation services.
- (k) Acknowledgement that lodging condominium association, lodging condominium management, and each unit owner shall allow town inspection and violation investigation.
- (l) Contracted private waste hauling.
- (m) Assigned parking spaces including two (2) on-site spaces for each unit.
- (n) Identify the maximum occupancy number for each lodging condominium unit.
- (o) Requirement that states the lodging condominium declaration shall not be amended without the prior approval of the Town.

(7) Lodging Condominium Association

A lodging condominium association shall be established to govern, maintain, and operate the lodging condominium and its services. The lodging condominium application and condominium declaration shall require the lodging condominium hotel association to hire a qualified professional management entity or company as management in order to maintain and operate all portions of the lodging condominium. The association and management entity or company shall file contact information with the Town. Any changes to association membership shall be reported to the Town.

Unit owners shall be required to enter into a unit maintenance agreement with the lodging condominium association or the lodging condominium management.

(8) Lodging Condominium Management

The lodging condominium association shall enter a contract with a professional management entity or company to manage operations. The management entity or company shall have experience in the hotel/motel management business and condominium developments. Lodging condominium management responsibilities shall include, at a minimum: front desk and lobby operations, housekeeping, short-term rental reservation services, and monitor and document the use of each lodging condominium unit; and may include care of landscape areas, building maintenance, maintenance of common areas, and other amenities and improvements. Any changes to the lodging condominium management company shall be reported to the Town.

Unit owners shall be required to enter into a unit maintenance agreement with the lodging condominium association or the lodging condominium management.

(9) Short Term Occupancy

Every lodging condominium unit must be made available as a rental unit for guests for a fee (i.e., guests who rent and pay for the owner's unit through the condominium hotel management or entity, or through the unit owner directly) at least three hundred five (305) days or portions thereof out of every calendar year. Unit guests are prohibited from remaining in any unit for thirty (30) or more consecutive days or portions thereof out of every calendar year. Personal use of units by unit owners shall not exceed sixty (60) days or portions thereof out of every calendar year. No unit shall be used as a timeshare, fractional or other vacation ownership unit.

No more than one (1) unit in a lodging condominium may be used for the occupancy by a person or family serving as the on-site manager of the lodging condominium. This unit shall be exempt from the less than thirty (30) day rental and sixty (60) day personal use requirements.

(10) Performance Standards for Lodging Condominiums

A lodging condominium requires approval from the Planning Board prior to the issuance of any business license, building permit or certificate of occupancy. In addition to the standards referenced in this Section, each lodging condominium is required to meet the following standards, conditions, and requirements.

- (a) No unit may be converted into or used as any form of permanent residence.
- (b) All units shall be completely furnished with furniture and appliances.
- (c) A front desk and lobby area accessible to members of the public.
- (d) The lodging condominium shall have in place waste disposal operational plan in conformance with Chapter 46, Solid Waste. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All lodging condominiums shall have contracted private waste hauler.

- (e) The lodging condominium will not cause or negatively contribute to existing highway or public road congestion or unsafe conditions with respect to use of highways or public roads existing or proposed. Applicant shall submit a traffic impact analysis and assessment prepared by a Maine Licensed Traffic Engineer.
- (f) Municipal service and infrastructure analysis. All proposed lodging condominium conversions will be reviewed by the Planning Board with respect to its effect upon existing services and facilities. The Planning Board must find the lodging condominium will not have a negative fiscal or services impact on the Town. The applicant for a conversion shall provide analysis addressing how the conversion will affect each of the following:
 - 1. Schools, including enrollment and busing.
 - 2. Road maintenance and snow removal.
 - 3. Police.
 - 4. Fire and ambulance protection.
 - 5. Solid waste disposal.
 - 6. Recreation facilities.
 - 7. Sewer facilities.
 - 8. Runoff water disposal drainageways and/or stormwater infrastructure.
- (g) Each unit must be made available to guests for short-term rental transient use only, except as may specifically provided otherwise in this Section. At all times when a unit owner has not reserved its lodging condominium unit for personal use, the unit shall be made available as a short-term rental unit.
- (h) Each unit owner shall secure business license approval for each short-term rental and up-to-date business license renewal for each short-term rental.
- (i) No unit shall be used as a timeshare, fractional or other vacation ownership unit.
- (j) Each unit owner shall become a member of a condominium hotel association.
- (k) The condominium declaration submitted shall require operation on a three hundred sixty-five (365) calendar days each year, seven (7) day a week basis the following services at a minimum: front desk and lobby operations, housekeeping, and short-term rental reservation services.
- (l) Condominium declaration that complies with Section 78-1281 (6) of this Article.
- (m) Except as specifically provided for in this Section, all other applicable provisions of the Old Orchard Beach Code of Ordinances Chapter 78, Zoning, shall apply to the lodging condominium project, including, but not limited to applicable standards of the zone in which the project is located.
- (n) Conformance with each of the twelve (12) criteria in Sec. 78-1240 of this Article.
- (o) All ancillary or accessory uses to the lodging condominium, such as restaurants, cafes, and retail sales, shall be operated on the same property as the lodging condominium building or buildings.

- (p) Every lodging condominium unit shall contain at least 200 square feet of floor area of habitable space for the first occupant and at least 150 square feet of additional area of habitable space for each additional occupant. A child under the age of one shall not be counted as an occupant for the purposes of this section.

(11) Licensing

Each unit owner shall secure business license approval for each lodging condominium unit and up-to-date business license renewal for each unit. Each unit owner shall secure business license approval for each lodging condominium unit within sixty (60) days of unit closing. Each unit must be made available to guests for short-term rental transient use only, except as may specifically provided otherwise in this Section.

At the time of business license renewal, each unit owner shall provide the Town with copies of all rental records, tax receipts or any other documents necessary to verify conformance with the standards, conditions and requirements set forth in this Section.

(12) Reporting

Each unit owner and the lodging condominium association shall maintain and regularly make available to the Town information, records, and documentation, and also shall allow reasonable access to individual units, as the Code Enforcement Officer or designee finds necessary to inspect, have or review in order to ensure the unit owner's and lodging condominium association's compliance with this Section and other applicable Town laws, regulations, the lodging condominium conditions, the condominium plat and plans, and condominium declaration.

(13) Amendments and Changes

If a lodging condominium proposes a change to another use, add another use to its existing operations, expand the existing use (including additional square footage), or change unit size or location, such change of use, additional use, expansion of use, or unit change must be reviewed and approved by the Planning Board for compliance with this Section. Any plan or plat amendments to must be reviewed and approved by the Planning Board for compliance with this Section. Any condominium declaration change shall be in compliance with this Section. Any changes to association membership or the lodging condominium management company shall be reported to the Town.

(14) Inspections

- (a) Conduct of inspections. The code enforcement officer is authorized to conduct inspections of all premises within the scope of this Section.
- (b) Investigation of complaints. The code enforcement officer shall investigate all complaints of alleged violations of this Section.
- (c) Right of entry. The code enforcement officer in the performance of his duties shall have the right of access to any premises at reasonable hours, upon giving proper identification, for the purpose of inspecting the premises in order to determine compliance with this Section and for the purpose of examining and inspecting any work performed under this Section.

- (d) Access. Owners, agents, operators, and occupants shall provide access to all parts of the premises within their control to the code enforcement. Refusal to provide such access shall be a violation of this Section.

(15) Violations and Enforcement

- (a) When any violation of this Section is found to exist, the code enforcement officer or their designee is hereby authorized and directed to institute any and all actions either legal or equitable that may be appropriate or necessary for the enforcement of this Section, the action to be brought in the name of the town.
- (b) Enforcement. The code enforcement officer or their designee is granted authority to enforce this Section in accordance with town of Old Orchard Beach Code of Ordinances, Chapter 78, Article II

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Meagan Williams, (318-8-6) 146 West Grand Ave. #82, one year round rental, STR.

Chippy's Snack Shack, (107-3-8) 7 Oregon Ave (Pinehurst), Ryan Chase, victualers w/prep, no alcohol.

Diane Bacon, Lindsey & Ebenezer Kwarting, (212-1-7), 41 Fern Ave, one year round rental, STR.

Vacationland Bait & Tackle, Meagan McWilliams, (206-31-8), 39 Old Orchard Street, retail business.

Alexes Valhouli, (316-2-4), 12 Odessa Street, one year round rental, STR.

Glenn A. Tatro, (305-3-9-9), 5 Boisvert Street #109, one year round rental, STR.

By the Seas Rentals, David & Kristin Fournier, (309-8-3), 3-5 Short Street, three year round rentals, STR.

Paloma's, Nancy Batista, (306-4-4), 15 East Grand, victualers w/prep, w/alcohol.

Chair: Shawn O'Neill

PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:

Big Bites/Big Shots Inc., Cameron Langlois (307-3-1-A), 8 West Grand, dancing, DJ, live entertainment, music 11am-1am.

Chair: Shawn O'Neill

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #7876

Discussion with Action: Shall the Town Council adopt amendments to Ch. 2, Art. IV, Div. 9 - Compensation of Planning Board Members, Sections 2-405 - 409. This ordinance proposes to authorize compensation for Planning Board members.

Chair: Shawn O'Neill

**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Tim Fleury, Executive Assistant**

FROM: Planning Department

SUBJECT: Planning Board Compensation Ordinance

REQUEST: Review Draft Ordinance, Schedule Public Hearing

DATE: 4 April 2023

During 2022, the Planning Board voted to approve a stipend for each member of the Board. The reason the Board thought a stipend is acceptable is due to members' time commitment, the technical work, and overall importance of their decision making. After Board approval, the stipend cost was included in the FY23 budget and approved by Council.

After consulting with the town attorney, we found an ordinance must be created to authorize payment of the stipend. We developed an ordinance which is now presented for your review and vote. Ordinance highlights include:

- Proposed ordinance uses same structure and similar language to the ordinance that establishes compensation for the Council.
- Stipend is divided into payments for chair regular meeting attendance, voting members (regular or alternate member- whoever votes), and site walk/workshop attendance. Total combined stipend for all members is \$2,580.
- Stipend is paid annually.
- Any change to stipend amount requires Council approval through the ordinance amendment process.

AMENDMENTS TO CHAPTER 2 ARTICLE IV, DIVISION 9 SECTIONS 2-405 - 409

Draft 1 - (4/2023)

Ordinance additions are underlined

DIVISION 9. – COMPENSATION OF PLANNING BOARD MEMBERS

Sec. 2-405. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Planning board means the appointed advisory and quasi-judicial board of the town, as further defined in article VIII of the Charter.

Planning board chairperson means the person selected by the planning board to preside at meetings of the planning board.

Sec. 2-406. Purpose.

The purpose of this division shall be to establish the compensation of the appointed members of the planning board.

Sec. 2-407. Compensation.

The compensation of the planning board shall be as follows:

- (1) Planning board chairperson, \$30.00 per regular meeting.
- (2) Planning board voting member, \$20.00 per meeting for each member who votes at the regular meeting.
- (3) Planning board member attendance at site walks and workshops, \$15.00 for each member.

Sec. 2-408. Payment.

Compensation of the planning board will be paid on an annual basis, from June to June. Payment will be made during the last pay period in June. Members will receive the entire year's stipend, except that payment will be made on a per-diem basis if more than one person serves during the term.

Sec. 2-409. Amendments.

This division may be amended in the customary fashion, except that any increase in compensation will not take effect until the beginning of the town's next fiscal year.

Sec. 2-410 Reserved.

AGENDA ITEM #7877

Discussion with Action: Set the public hearing date for May 16th, 2023 for the Town Council to consider amendments to the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 187, Restrictions and Prohibitions, Old Orchard Street, by adding one ten-minute parking spot in front of 33 Old Orchard Street (MBLU 206-31-6) and one ten-minute parking spot in front of 28-30 Old Orchard Street (MBLU 205-4-4).

Chair: Shawn O'Neill

The option of two 10 minute parking spaces is based on Councilor Blow's initiative and requests from business owners to assist local establishments on Old Orchard St, and to enable short term parking and accommodate pickup of goods from local businesses. Currently, only two hour parking is available on Old Orchard Street whereby patrons are required to pay for parking. This is cost prohibitive for someone simply picking up items from one of the many businesses on the street. The addition of two 10 minute parking spaces will benefit patrons as well as the many local businesses in the area. Upon closer examination of parking in the area we determined that the most effective location for the two parking spaces would be to locate one on each side near the middle of Old Orchard Street (Halfway up the hill), in order to equally accommodate businesses on the upper and lower half of the street. The spaces we have recommended allow for easier entry and exit as they are both nearby the intersection of Seavey Street and are the last spot prior to the area of the intersection.

One parking space would be located in front of 33 Old Orchard Street (MBLU 206-31-6),

One parking space would be located in front of 28-30 Old Orchard Street (MBLU 205-4-4)

Sec. 54-187. - Restrictions and prohibitions.

Old Orchard Street. Two-hour parking only shall be allowed on both sides of Old Orchard Street. There shall be one handicap parking space between Milliken Street and the railroad tracks on the left side (facing the ocean). See also [section 54-113](#) and Town Hall in this section. **There shall be one 10 minute parking space in front of 33 Old Orchard Street (MBLU 206-31-6). There shall be one 10 minute parking space located in front of 28-30 Old Orchard Street (MBLU 205-4-4).**

Commentary:

Justification for the two 10 minute parking spaces is based on requests we have received from local establishments along Old Orchard Street to enable short term parking and accommodate pickup of goods from local businesses.

Currently, only two hour parking is available on Old Orchard Street whereby patrons are required to pay for parking. This is cost prohibitive for someone simply picking up items from one of the many businesses on the street. The addition of two 10 minute parking spaces will benefit patrons as well as the many local businesses in the area.

Upon closer examination of parking in the area we determined that the most effective location for the two parking spaces would be to locate one on each side near the middle of Old Orchard Street (Halfway up the hill), in order to equally accommodate businesses on the upper and lower half of the street. The spaces we have recommended allow for easier entry and exit as they are both nearby the intersection of Seavey Street and are the last spot prior to the area of the intersection.

One parking space would be located in front of 33 Old Orchard Street (MBLU 206-31-6),
One parking space would be located in front of 28-30 Old Orchard Street (MBLU 205-4-4)

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on May 16th, 2023, at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 54-187, Restrictions and Prohibitions, Old Orchard Street, by adding the underscored language as follows:

Old Orchard Street. Two-hour parking only shall be allowed on both sides of Old Orchard Street. There shall be one handicap parking space between Milliken Street and the railroad tracks on the left side (facing the ocean). See also [section 54-113](#) and Town Hall in this section. There shall be one 10 minute parking space in front of 33 Old Orchard Street (MBLU 206-31-6). There shall be one 10 minute parking space located in front of 28-30 Old Orchard Street (MBLU 205-4-4).

Per Order of the Municipal Officers this _____ day of May, 2023.

A True Copy
Attest:

Kim M. McLaughlin, Town Clerk

AGENDA ITEM #7878

Discussion with Action: Approve the Special Event Permit application for the Eastern Trail Alliance to hold the "Maine Lighthouse Bike Ride" Sunday, September 10th, 2023, from 7 a.m. to 3 p.m.; Rest stop in Memorial Park and Heath Street.

Chair: Shawn O'Neill

APPLICATION INFORMATION

PLEASE SUBMIT A **COMPLETE** APPLICATION A MINIMUM OF **30 CALENDAR DAYS** PRIOR TO THE EVENT.

1. Name of applicant Eastern Trail Alliance - Patti Poole

Address of applicant PO Box 250 Saco ME 04072
City State Zip

Phone number of applicant (207) 284-9260 Fax () none

Cell phone (207) 332-7575 E-mail patti@easterntrail.org

On whose behalf is this event being conducted? (Organization, Firm, Corporation, if applicable)

Eastern Trail Alliance

Website address (if an Organization, Firm or Corporation) www.easterntrail.org

Type of Event:

- Festival/Fair
- Race/Walk/Bike Ride
- Concert
- Parade/March
- Other – Please specify

2. Event Description (name all vendors who will provide entertainment and the type of entertainment provided)

20th Annual Maine Lighthouse Ride : fundraiser for
the Eastern Trail Alliance, 1000 cyclists -
no entertainment

Will you be using tents? _____ YES A NO EZ-UP POP-UPS only

If yes, list size of tent and supplier, as well as what portion of the event will be taking place under the tent (i.e. cooking, sales, picnic tables, chairs, etc), and how the tent will be secured.

Will you be using staging? _____ YES NO

If yes, the following items will be used at the event (Please mark all that apply):

- Amplified Music Bleacher(s) Dance Floor(s) Live Entertainment
- Loud Speaker(s) Microphone(s) Stadium(s) Stage(s)

Other: _____

Note: If any of the above items will be used, please indicate their location on your attached Site Plan/Map. Use of the above items may require the Event Organizer to meet ADA regulations.

3. Chairperson and/or responsible party for the event, if other than above:
(Include information how this person may be contacted at any time during the event).

Name Patti Poole Work Phone (207) 284-9260

Address PO Box 250 Scar ME 07072
City State Zip

Cell phone (207) 332-755 7575 Fax () none

E-mail patti@easterntrail.org

4. SET-UP Date for Event 9/10/2023 Day of Week Sunday from 7AM to 3PM

Date of Event _____ Day of Week _____ from _____ to _____

Date of Event _____ Day of Week _____ from _____ to _____

Date of Event _____ Day of Week _____ from _____ to _____

Date of Event _____ Day of Week _____ from _____ to _____

TAKE-DOWN date _____ Day of Week _____ from _____ to _____

RAIN DATE(s) none Times _____
(if rain date listed, insurance must list rain date)

5. Location of the Event Veterans Memorial Park - First & Heath St.
(if applicable, a map or diagram showing the area to be used, or parade route)

6. The estimated number of participants in the event
_____ 0-150; _____ 150-500; 500-1000; _____ 1,000+

7. If a parade or public gathering, will it occupy any or all of the roadway involved or to be traversed? (if yes, explain). Use extra sheet of paper to describe exact route of parade, including any water stops.

no

8. Will the sale of food and/or beverages occur at the event? no If yes, describe the commodities to be sold.

- Alcoholic Beverages (only at Ballpark, using Ballpark Licensee) Pot Luck Items
- Professional Catering Non-Profit Food Vendors Retail Food Vendors

9. Will there be merchandise sold at the event? _____ YES _____ NO

Description of merchandise _____

10. Is the event a Charitable event? YES _____ NO

Is this event co-sponsored by the Town of Old Orchard Beach? _____ YES _____ NO

If this event a Regional School Unit #23 event? _____ Yes _____ NO

(The request for a waiver can only be requested if the event is a RSU #23 event or sponsored or co-sponsored by the Town of Old Orchard Beach).

11. If the event is charitable, name the beneficiary of the proceeds from the event:

Eastern Trail Alliance

12. List any Event Sponsors:

Will admission be charged for the event? YES _____ NO

Will participants be charged for parking? _____ YES _____ NO

13. Has this event been held previously in Old Orchard Beach?

YES (if yes, please list dates): Annually since 2003 except for 2020

NO

14. What is the applicant doing to ensure the event will not endanger the public safety or disturb the peace? Describe your plans for security at your event, including crowd control (attach additional sheets if necessary). Security plan will need final approval by the Old Orchard Beach Police Department and they have final say in appropriate number and type of security personnel required. Must include at least one Old Orchard Beach Police Officer, if security is required. Costs associated with security are the sole responsibility of the event organizer.

Please describe your security plan (including your plans for controlling ingress/egress of all persons, vehicles, equipment, and Emergency Medical Services) :

traffic guides with vests available Control traffic

Additional Uniformed presence provided by: Off-Duty Police Officers; Private Security;
 Volunteers

Times: 7 AM - 3 PM How many? 2

If you have already made contact with someone about security, provide the contact name and number:

Name: _____ Phone Number: _____

Please list any items that will be left overnight. If equipment will be left on-site overnight, provide details for personal property safety and security of site: (Note that the event organizer is solely responsible for items left on the property. The Town assumes no responsibility for items of personal property at the location at any time)

none

Will audible devices be used at this event? _____ YES NO

If yes, what type of devices will be used? What time will they be used? (Decibel level limits are in Chapter 26 of the Code of Ordinances).

Where will the event attendees/participants park? Attendees will arrive by

~~taxi~~ bicycles; volunteers - 7 will park on First St.

Will a shuttle service be provided from parking areas to the event site? _____ YES NO

If yes, please describe shuttle plan, and name of company provided service:

Will you require special parking (RV's, trailers, trucks)? _____ YES NO

If yes, give details: request parking permits for volunteers if

possible

15. Describe your plans for waste disposal at your event. What arrangements have you made for removal and disposal of trash generated by your event? Please supply details of numbers and type of containers and supplier of containers that will be used. (Attach additional sheets if necessary) Costs associated with waste disposal are the sole responsibility of the event organizer. Disposal in Town trash receptacles is NOT an accepted means of disposal, and is prohibited.

rest stop will provide trash containers & will remove all trash

Is the use of barricades necessary/requested for this event? no

If yes, number needed and location _____

Will it be necessary to cover street and/or parking signs for this event, or place no parking signs?

_____ YES NO If yes, please describe:

Is any other public works assistance needed? Access to water. Please open restrooms by 7 AM

If using First Street or Memorial Park Parking Lot, has the applicant reserved two spaces for Amtrak Parking? n/a

16. Will there be any use of fire (i.e. tiki torches, grills, barbecues, bonfires, etc?) For Bonfires, the pit/bonfire must be pre-approved for use by the Fire Department; the wood to be burned has no paint or nails; the portable pit or bonfire can be removed or filled in after the event leaving no residue or noticeable impact; a small water extinguisher and shovel are present; at least one adult be assigned to "keep fire watch" at all times. Note a burn permit must also be obtained from the Fire Department for the date specified on the date of the event. The Fire Department will issue a permit based on class day as listed by the Maine Forest Service. Permission may be refused or revoked if the Maine State Forestry Commission (governing body) declares a "Red Flag" day on which NO open fires may be allowed in our zone: YES NO

If yes, explain: _____

17. Describe your plans for all signage and/or decorations for the event. Please include type of signage to be used, and description of verbiage being posted on signage.

signs announcing rest stop for the ride

Will this event be posting a banner on public property? YES NO

If yes, please list requested dates, dimensions of banner, wording on banner, and location (no more than two weeks prior to the event):

18. Alcohol is not allowed on public property, except as outlined in the liquor license for the Ballpark. If this is a Ballpark event, will there be alcohol available for consumption? Note, if alcohol is being served, the Town requires additional Liquor Liability Insurance (minimum \$2,000,000, listing Town of Old Orchard Beach as additionally insured): YES NO

Will the alcohol be: Sold; Given away; Both

Describe the type of alcohol to be served, times consumption will be allowed, and plans for controlling consumption:

19. If this is a Ballpark Event, have you signed an agreement with the Ballpark Commission for use of the Ballpark? _____ Yes, it's attached No

20. Will the event involve professional fireworks? _____ YES NO
Consumer Fireworks are prohibited. If professional fireworks are requested, what is the name of the Pyrotechnics Company? _____

(If fireworks are requested, the Fire Chief or his designee must approve of the site prior to the application being submitted to the Town Council for consideration. The Pyrotechnics Company must submit the approval the Maine State Fire Marshal's Office at least one week prior to the event, and the event sponsor's insurance must list that fireworks are occurring).

What time/date will the fireworks display occur? _____

21. Will there be any kind of animals at this event? (e.g. petting zoo, pony rides, etc.) _____ YES NO

If so, please indicate the location of the animals on the Site Plan/Map.

22. Piping Plovers are state and federally protected birds that nest on beaches. There are mandatory beach management guidelines from April 1st through August 31st of each year. Will this event occur on the beach? _____ YES NO

If yes, you must contact the Public Works Department at 207-934-2250, approximately one week prior to the event. In the event there are any active piping plover nests in the vicinity of your event, you may have to move your event farther down the beach, or request permission to change the date of your event.

Piping Plover Essential Habitat: The Maine Department of Inland Fisheries and Wildlife (MDIFW) has designated two areas on Old Orchard Beach as "Essential Habitat" for nesting piping plovers. By statute, a state agency or municipal government shall not permit, license, fund, or carry out projects that will significantly alter an Essential Habitat or violate protection guidelines adopted by MDIFW. This rule is not a prohibition of all projects within areas designated as Essential Habitat. **However, projects must be reviewed by MDIFW before Town approval.**

If the event is located partly or wholly within a mapped Essential Habitat the applicant will need to coordinate with municipal staff to submit a "Request for Project Evaluation" to MDIFW. MDIFW will evaluate the final project proposal per review standards established for Essential Habitats and determine if the project would significantly alter the habitat or violate protection guidelines.

The applicant is encouraged to obtain MDIFW guidance during project planning and design. Early involvement of MDIFW will help to minimize or avoid potential conflicts, facilitate cooperation between all parties, and enable quick turnarounds on project evaluations.

23. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town of Old Orchard Beach Town Clerk's Office 30 days prior to the event date. The applicant shall at its own cost and expense furnish a policy or policies for property damage or bodily injury in the amount of at least \$500,000. The Town of Old Orchard Beach **MUST** be listed as an Additional Named Insured.

_____ Yes, it has been provided with the application; No, it will be provided at least 30 days prior to the event.

24. Is the applicant requesting the use of the RSU #23 school property (schools, parking lots, playing fields)? _____ YES NO. If yes, has the applicant received approval from RSU #23 or the date the applicant will receive approval?

SPECIAL EVENT PERMIT AGREEMENT

I, Patti Poole on behalf of Eastern Trail Alliance
(Print Applicant Contact Name) (Print Organization/Group Name)

Agree to abide by the following Special Event requirements:

1. All pre-event determined fees shall be paid at least two weeks prior to the event. I agree to pay any costs determined after the event immediately upon receipt of invoice.
2. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town Clerk's Office at least 30 days prior to the event date. The Town of Old Orchard Beach MUST be listed as an Additional Name Insured with the proper endorsement included. pp (initial)
3. To develop a comprehensive security plan in conjunction with the Old Orchard Beach Police Department.
4. Town property shall not be removed from the premises including but not limited to benches, trashcans, tables, chairs, fencing, signs, etc.
5. Premises will be left in as good a condition as received except for reasonable wear and tear. All trash will be disposed of properly within 12 hours of the end of the event. I accept responsibility for any damages that might occur during the period of use.
6. To comply will all laws, rules, and regulations of the federal, state, and Town governments governing operations and conduct on Town property.
7. This permit agreement may be terminated by the Town of Old Orchard Beach at any time upon finding a violation of any rule, ordinance, and/or condition of the permit or upon good cause shown.
8. For myself and any other persons, organizations, firms and corporations sponsoring the event, which is the subject of this permit application, jointly and severally, hereby contract and agree to pay all costs of services provided by the Town of Old Orchard Beach, in support of said event.
9. For myself and any other persons, organizations, firms, and corporations sponsoring the event which is the subject of this permit application, jointly and severally, hereby contract and agree to indemnify, defend and hold harmless the Town of Old Orchard beach, its officers and employees, against all claims, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of said applicant, its agents, invitees or other sponsor in connection with said event.
10. The facility/area is provided in an "as is" condition. The event organization assumes all responsibility for the security and safety of all participants and spectators of the event.

11. I understand that the Town of Old Orchard Beach has no responsibility for equipment and/or items of personal property at the location at any time.
12. Any misrepresentation or deviation from the final permit conditions will result in immediate revocation of the permit and halting of the event.
13. Events are considered rain/shine. Refunds are not issued if the event does not occur.
14. The permit does not authorize alcohol on any public property, including, but not limited to the beach, Memorial Park, streets and sidewalks.
15. Consumer Fireworks are illegal in Old Orchard Beach.

I have read and understand the Special Events Permit Agreement terms and conditions and I agree to be bound by said terms and conditions. I certify that the information I provided is accurate to the best of my knowledge.

Signature: Patti Poole
(authorized representative)

Date: 2/22/2023

Print name: Patti Poole

Print Organization Name (if applicable): Eastern Trail Alliance

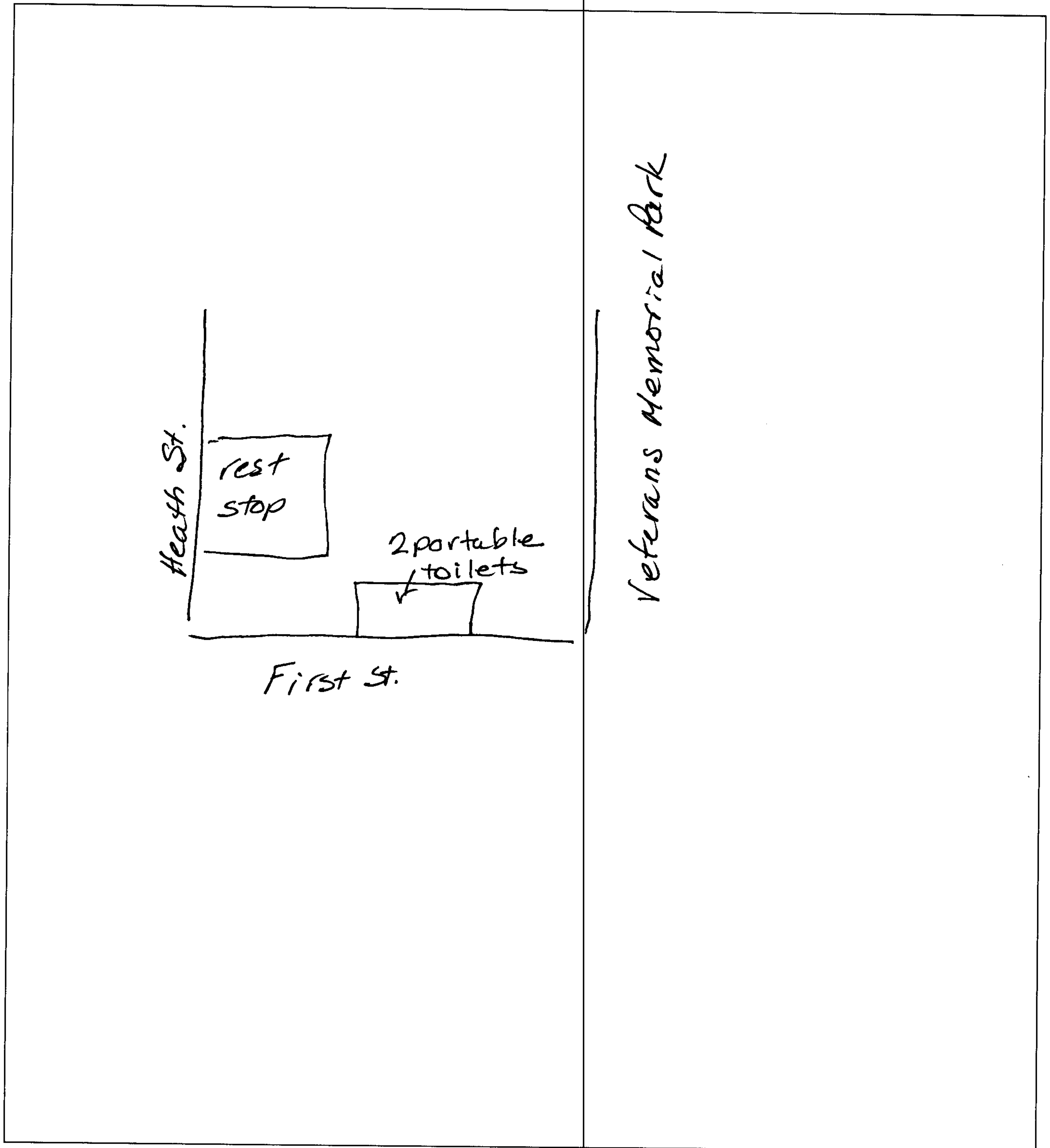
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Porta Potties/Rest Rooms

Vendor Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



AGENDA ITEM #7879

Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their Annual Beach Olympics on the beach, East and West Grand Avenues, Memorial Park at the Basketball and Tennis Courts and in the Square (request to close the Square) on Thursday, August 17th through Saturday, August 19th, 2022, includes set-up and takedown. Insurance listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least two weeks prior to the event. Applicant to contact Public Works to confirm plover activity two weeks prior to event.

Chair: Shawn O'Neill

Beach Olympics



Town of Old Orchard Beach Special Event Permit application

Application for Special Event Permit

Please read the following:

- All applications must be thoroughly completed. Failure to fully complete an application may result in a delay in the processing.
- This application is to be completed by the individual or authorized representative of the organization regulating the event and requesting the permit. Submission of an application does not guarantee the event will be approved. Do not publicize or promote your event until your notification of acceptance has been issued.
- All applications must be received by the Town Clerk's Office not less than thirty (30) calendar days prior to the date on which the person proposes to conduct such special event. If not received by that date, the application may be subject to non-approval for that reason.
- Special Event Permit applications require a \$50 (per day, including dates of set up/take down) **non-refundable fee** to be paid at the time application is received.
- A Special Event Permit Application will be deemed "received" on the date the Town Clerk's Office receives:
 - A completed application
 - Appropriate Insurance, listing the Town of Old Orchard Beach as additionally insured (if event is within 30 days)
 - Application fee
- Once you have completed the application, please return to the Town Clerk's Office:

Town Clerk's Office
1 Portland Avenue
Old Orchard Beach, ME 04064

If you have any questions, please contact the Town Clerk's Office at 207-934-4042 or e-mail the Town Clerk, Kim McLaughlin, at kmclaughlin@oobmaine.com

APPLICATION INFORMATION

PLEASE SUBMIT A COMPLETE APPLICATION A MINIMUM OF 30 CALENDAR DAYS PRIOR TO THE EVENT.

1. Name of applicant Old Orchard Beach Chamber of Commerce

Address of applicant 11 First St, Old Orchard Beach, ME 04064
City State Zip

Phone number of applicant (207) 934-2500 Fax (207) 934-4994

Cell phone (341) 743-3605 E-mail kimh@oldorchardbeachmaine.com

On whose behalf is this event being conducted? (Organization, Firm, Corporation, if applicable)

Special Olympics of Maine

Website address (if an Organization, Firm or Corporation) www.oldorchardbeachmaine.com

Type of Event:

- Festival/Fair
- Race/Walk/Bike Ride
- Concert
- Parade/March
- Other - Please specify

Events in Town Square & on Beach & Basketball Courts - Memorial Park

2. Event Description (name all vendors who will provide entertainment and the type of entertainment provided)

Opening Ceremony w/ torch lighting & voluntary tolls - 8/17/23

Children's activities, live music & voluntary tolls - 8/18/23

Children's activities on the beach, Town Square & Basketball Courts, live music & voluntary tolls - 8/19/23

Will you be using tents? YES NO

If yes, list size of tent and supplier, as well as what portion of the event will be taking place under the tent (i.e. cooking, sales, picnic tables, chairs, etc), and how the tent will be secured.

One canopy in Town Square for 8/17 - 8/19/23;
set up by Special Olympics Maine

Will you be using staging? YES NO

If yes, the following items will be used at the event (Please mark all that apply):

- Amplified Music Bleacher(s) Dance Floor(s) Live Entertainment
- Loud Speaker(s) Microphone(s) Stadium(s) Stage(s)

Other: _____

Note: If any of the above items will be used, please indicate their location on your attached Site Plan/Map. Use of the above items may require the Event Organizer to meet ADA regulations.

Town Square 8/17 - 8/19/23

3. Chairperson and/or responsible party for the event, if other than above:
(Include information how this person may be contacted at any time during the event).

Name Kim Howard Work Phone (207) 934-2500

Address 11 First St, Old Orchard Beach, ME 04064
City State Zip

Cell phone (347) 743-3605 Fax (207) 934-4994

E-mail kinh@oldorchardbeachmaine.com

4. SET-UP Date for Event 8/17/23 Day of Week Thursday from Delivery of flatbed to after 12:00am

Date of Event 8/17/23 Day of Week Thursday from 5:00pm to 9:00pm

Date of Event 8/18/23 Day of Week Friday from 10:00am to 9:00pm

Date of Event 8/19/23 Day of Week Saturday from 10:00am to 9:00pm *Will work w/

Date of Event _____ Day of Week _____ from _____ to _____ MAPS
Breedana
5K

RAIN DATE(s) _____ Times _____
(if rain date listed, insurance must list rain date)

5. Location of the Event OOB Town Square, Beach, East/West Grand Ave,
(if applicable, a map or diagram showing the area to be used, or parade route) Memorial Park,
Basketball Courts

6. The estimated number of participants in the event
✓ 0-150; _____ 150-500; _____ 500-1000; _____ 1,000+

7. If a parade or public gathering, will it occupy any or all of the roadway involved or to be traversed? (if yes, explain). Use extra sheet of paper to describe exact route of parade, including any water stops.

Will occupy Town Square

8. Will the sale of food and/or beverages occur at the event? No If yes, describe the commodities to be sold.

- Alcoholic Beverages (only at Ballpark, using Ballpark Licensee) Pot Luck Items
- Professional Catering Non-Profit Food Vendors Retail Food Vendors

9. Will there be merchandise sold at the event? YES NO

Description of merchandise Beach Olympics/Special Olympics apparel; online Silent Auction

10. Is the event a Charitable event? YES NO

Is this event co-sponsored by the Town of Old Orchard Beach? YES NO

If this event a Regional School Unit #23 event? Yes NO

(The request for a waiver can only be requested if the event is a RSU #23 event or sponsored or co-sponsored by the Town of Old Orchard Beach).

11. If the event is charitable, name the beneficiary of the proceeds from the event:

Special Olympics of Maine

12. List any Event Sponsors:

Saco Biddeford Savings

OOB Chamber of Commerce

Will admission be charged for the event? YES NO

Will participants be charged for parking? YES NO

13. Has this event been held previously in Old Orchard Beach?

YES (if yes, please list dates): past 39 years

NO

14. What is the applicant doing to ensure the event will not endanger the public safety or disturb the peace? Describe your plans for security at your event, including crowd control (attach additional sheets if necessary). Security plan will need final approval by the Old Orchard Beach Police Department and they have final say in appropriate number and type of security personnel required. Must include at least one Old Orchard Beach Police Officer, if security is required. Costs associated with security are the sole responsibility of the event organizer.

Please describe your security plan (including your plans for controlling ingress/egress of all persons, vehicles, equipment, and Emergency Medical Services) :

BOB Police presence in Town Square; 6 safety cones ^{for the entrance to} _{Town Square}

Additional Uniformed presence provided by: Off-Duty Police Officers; Private Security; Volunteers

Times: Throughout the weekend 8/17-8/19/23 How many? ≈ 30 volunteers

If you have already made contact with someone about security, provide the contact name and number:

Name: _____ Phone Number: _____

Please list any items that will be left overnight. If equipment will be left on-site overnight, provide details for personal property safety and security of site: (Note that the event organizer is solely responsible for items left on the property. The Town assumes no responsibility for items of personal property at the location at any time)

Flatbed stage w/ canopy; chairs & tables

Will audible devices be used at this event? YES NO

If yes, what type of devices will be used? What time will they be used? (Decibel level limits are in Chapter 26 of the Code of Ordinances).

Speakers & microphones for Opening Ceremony
& live music

Where will the event attendees/participants park? Public lots & side streets;

Volunteers will need parking passes

Will a shuttle service be provided from parking areas to the event site? YES NO

If yes, please describe shuttle plan, and name of company provided service:

Will you require special parking (RV's, trailers, trucks)? YES NO

If yes, give details: Flatbed stage in Town Square

15. Describe your plans for waste disposal at your event. What arrangements have you made for removal and disposal of trash generated by your event? Please supply details of numbers and type of containers and supplier of containers that will be used. (Attach additional sheets if necessary) Costs associated with waste disposal are the sole responsibility of the event organizer. Disposal in Town trash receptacles is NOT an accepted means of disposal, and is prohibited.

Is the use of barricades necessary/requested for this event? Yes

If yes, number needed and location Entrance & exit of Town Square;
6 PW cones & 4 PN cones on basketball courts

Will it be necessary to cover street and/or parking signs for this event, or place no parking signs?

YES NO If yes, please describe:

No parking in Town Square from 8/17/23 @ 12pm
through 8/21/23 @ 8am for Flatbed removal

Is any other public works assistance needed? Cones at basketball courts;
barricade at entrance/exit for Town Square'

If using First Street or Memorial Park Parking Lot, has the applicant reserved two spaces for Amtrak Parking? N/A

16. Will there be any use of fire (i.e. tiki torches, grills, barbecues, bonfires, etc?) For Bonfires, the pit/bonfire must be pre-approved for use by the Fire Department; the wood to be burned has no paint or nails; the portable pit or bonfire can be removed or filled in after the event leaving no residue or noticeable impact; a small water extinguisher and shovel are present; at least one adult be assigned to "keep fire watch" at all times. Note a burn permit must also be obtained from the Fire Department for the date specified on the date of the event. The Fire Department will issue a permit based on class day as listed by the Maine Forest Service. Permission may be refused or revoked if the Maine State Forestry Commission (governing body) declares a "Red Flag" day on which NO open fires may be allowed in our zone. A \$100 **cash** deposit is required for all fires to be returned to the applicant if the area is cleaned to the satisfaction of the public works department and/or fire department.

YES NO

If yes, explain: Olympic batane torch in Town Square

17. Describe your plans for all signage and/or decorations for the event. Please include type of signage to be used, and description of verbiage being posted on signage.

Chamber & Special Olympics ME banners hung in
Town Square on Flatbed stage

Will this event be posting a banner on public property? YES NO

If yes, please list requested dates, dimensions of banner, wording on banner, and location (no more than two weeks prior to the event):

18. Alcohol is not allowed on public property, except as outlined in the liquor license for the Ballpark. If this is a Ballpark event, will there be alcohol available for consumption? Note, if alcohol is being served, the Town requires additional Liquor Liability Insurance (minimum \$2,000,000, listing Town of Old Orchard Beach as additionally insured): YES NO

Will the alcohol be: _____ Sold; _____ Given away; _____ Both

Describe the type of alcohol to be served, times consumption will be allowed, and plans for controlling consumption:

N/A

19. If this is a Ballpark Event, have you signed an agreement with the Ballpark Commission for use of the Ballpark? _____ Yes, it's attached _____ No

20. Will the event involve professional fireworks? _____ YES NO
Consumer Fireworks are prohibited. If professional fireworks are requested, what is the name of the Pyrotechnics Company? _____
(If fireworks are requested, the Fire Chief or his designee must approve of the site prior to the application being submitted to the Town Council for consideration. The Pyrotechnics Company must submit the approval the Maine State Fire Marshal's Office at least one week prior to the event, and the event sponsor's insurance must list that fireworks are occurring).

What time/date will the fireworks display occur? _____

21. Will there be any kind of animals at this event? (e.g. petting zoo, pony rides, etc.) ___ YES NO

If so, please indicate the location of the animals on the Site Plan/Map.

22. Piping Plovers are state and federally protected birds that nest on beaches. There are mandatory beach management guidelines from April 1st through August 31st of each year. Will this event occur on the beach? YES _____ NO

If yes, you must contact the Public Works Department at 207-934-2250, approximately one week prior to the event. In the event there are any active piping plover nests in the vicinity of your event, you may have to move your event farther down the beach, or request permission to change the date of your event.

Piping Plover Essential Habitat: The Maine Department of Inland Fisheries and Wildlife (MDIFW) has designated two areas on Old Orchard Beach as "Essential Habitat" for nesting piping plovers. By statute, a state agency or municipal government shall not permit, license, fund, or carry out projects that will significantly alter an Essential Habitat or violate protection guidelines adopted by MDIFW. This rule is not a prohibition of all projects within areas designated as Essential Habitat. *However, projects must be reviewed by MDIFW before Town approval.*

If the event is located partly or wholly within a mapped Essential Habitat the applicant will need to coordinate with municipal staff to submit a "Request for Project Evaluation" to MDIFW. MDIFW will evaluate the final project proposal per review standards established for Essential Habitats and determine if the project would significantly alter the habitat or violate protection guidelines.

The applicant is encouraged to obtain MDIFW guidance during project planning and design. Early involvement of MDIFW will help to minimize or avoid potential conflicts, facilitate cooperation between all parties, and enable quick turnarounds on project evaluations.

23. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town of Old Orchard Beach Town Clerk's Office 30 days prior to the event date. The applicant shall at its own cost and expense furnish a policy or policies for property damage or bodily injury in the amount of at least \$500,000. The Town of Old Orchard Beach **MUST** be listed as an Additional Named Insured.

_____ Yes, it has been provided with the application; No, it will be provided at least 30 days prior to the event.

24. Is the applicant requesting the use of the RSU #23 school property (schools, parking lots, playing fields)? _____ YES NO. If yes, has the applicant received approval from RSU #23 or the date the applicant will receive approval?

SPECIAL EVENT PERMIT AGREEMENT

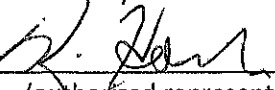
I, Kim Howard on behalf of Old Orchard Beach Chamber of Commerce
(Print Applicant Contact Name) (Print Organization/Group Name)

Agree to abide by the following Special Event requirements:

1. All pre-event determined fees shall be paid at least two weeks prior to the event. I agree to pay any costs determined after the event immediately upon receipt of invoice.
2. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town Clerk's Office at least 30 days prior to the event date. The Town of Old Orchard Beach MUST be listed as an Additional Name Insured with the proper endorsement included. KH (initial)
3. To develop a comprehensive security plan in conjunction with the Old Orchard Beach Police Department.
4. Town property shall not be removed from the premises including but not limited to benches, trashcans, tables, chairs, fencing, signs, etc.
5. Premises will be left in as good a condition as received except for reasonable wear and tear. All trash will be disposed of properly within 12 hours of the end of the event. I accept responsibility for any damages that might occur during the period of use.
6. To comply will all laws, rules, and regulations of the federal, state, and Town governments governing operations and conduct on Town property.
7. This permit agreement may be terminated by the Town of Old Orchard Beach at any time upon finding a violation of any rule, ordinance, and/or condition of the permit or upon good cause shown.
8. For myself and any other persons, organizations, firms and corporations sponsoring the event, which is the subject of this permit application, jointly and severally, hereby contract and agree to pay all costs of services provided by the Town of Old Orchard Beach, in support of said event.
9. For myself and any other persons, organizations, firms, and corporations sponsoring the event which is the subject of this permit application, jointly and severally, hereby contract and agree to indemnify, defend and hold harmless the Town of Old Orchard beach, its officers and employees, against all claims, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of said applicant, its agents, invitees or other sponsor in connection with said event.

10. The facility/area is provided in an "as is" condition. The event organization assumes all responsibility for the security and safety of all participants and spectators of the event.
11. I understand that the Town of Old Orchard Beach has no responsibility for equipment and/or items of personal property at the location at any time.
12. Any misrepresentation or deviation from the final permit conditions will result in immediate revocation of the permit and halting of the event.
13. Events are considered rain/shine. Refunds are not issued if the event does not occur.
14. The permit does not authorize alcohol on any public property, including, but not limited to the beach, Memorial Park, streets and sidewalks.
15. Consumer Fireworks are illegal in Old Orchard Beach.

I have read and understand the Special Events Permit Agreement terms and conditions and I agree to be bound by said terms and conditions. I certify that the information I provided is accurate to the best of my knowledge.

Signature: 
(authorized representative)

Date: 4/17/2023

Print name: Kim Howard

Print Organization Name (if applicable): Old Orchard Beach
Chamber of Commerce

SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

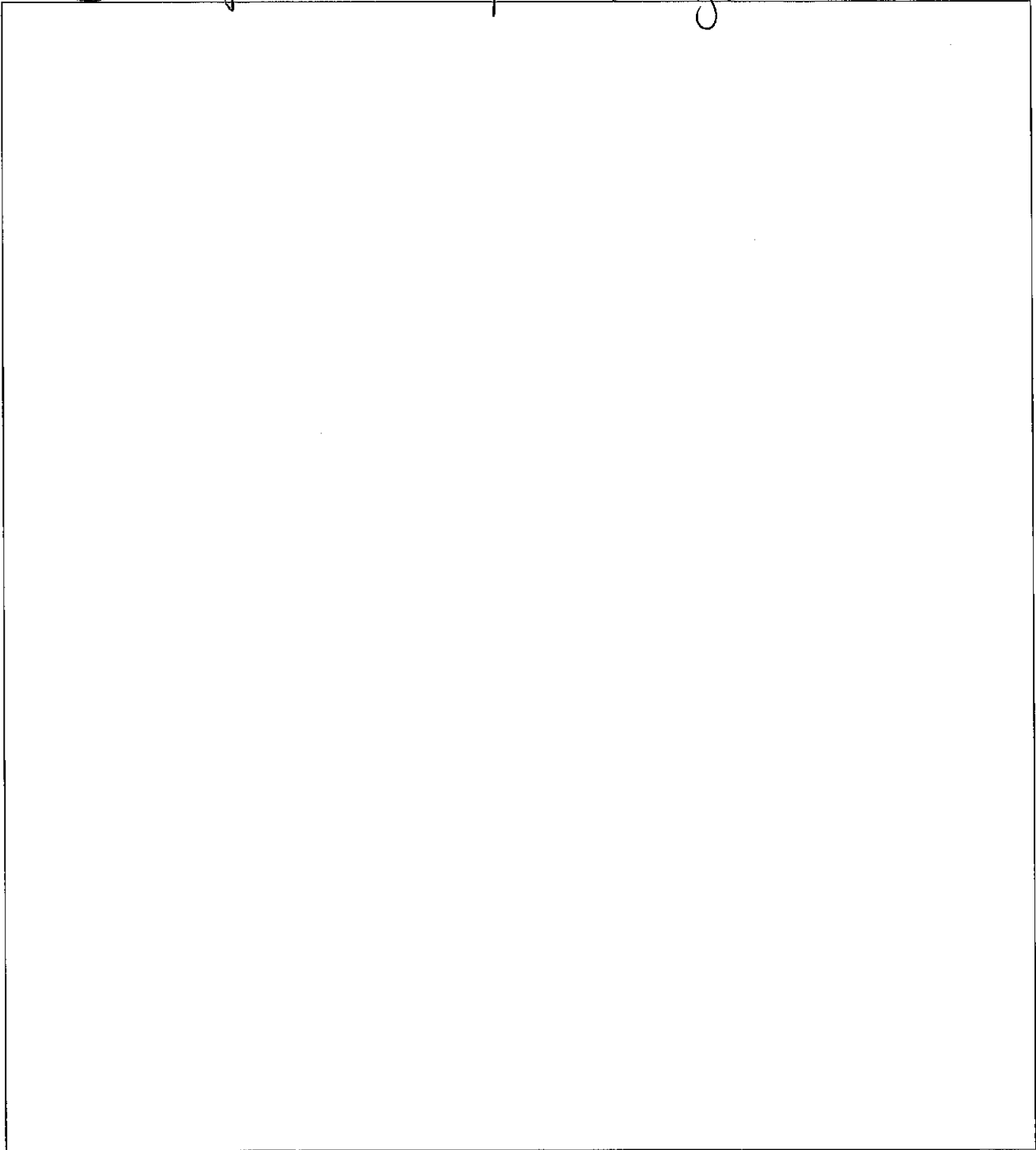
In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Porta Potties/Rest Rooms

Vendor Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers

Ⓢ As presented in previous years.



AGENDA ITEM #7880

Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum on June 13th, 2022.

Chair: Shawn O'Neill

AGENDA ITEM #7881

Discussion with Action: Renew the liquor license for Paloma's, Nancy Batista, (306-4-4), 15 East Grand, m-s-v in a restaurant/lounge.

Chair: Shawn O'Neill

AGENDA ITEM #7882

Discussion with Action: Renew the liquor license for Big Bites Big Shots, Inc., Cameron Langlois, (307-3-1) 8 West Grand, m-s-v Class X in a Class A lounge.

Chair: Shawn O'Neill

ADJOURNMENT

Chair: Shawn O'Neill

There will be a Town Council Workshop on Tuesday May 2nd, 2023, immediately following the Regular Town Council Meeting to discuss Fiscal Year 2024 budgets for:

- Recreation Department
- Ballpark
- CIP

Chair: Shawn O'Neill