



Town of Bowdoinham

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Memo:

To: Select Board

Date: April 5, 2022

From: Jenn Curtis, Director of Planning
& Development;

Reference Select Board Licensing
Clarifications/Additions

History:

- In December 2021 the Planning Board reviewed the proposed language and had no recommended edits.
- In February 2022, the Select Board reviewed the proposed amendments and recommended making sure the words match the dollar amount of fees, for the correct amount. Staff made one edit, accordingly.

Basis Statement:

The language needed clarification to avoid confusion about what is required in a Select Board Licensing Application and to clarify the scope of review. Additionally, the Town wishes to collect fees for administering liquor licenses, as it does cost time and resources to do so. Fee amounts were suggested by the Town Manager, and are similar to fees in Topsham, and significantly less than the State fees, and City of Portland fees.

Compatibility with the Comprehensive Plan:

The 2014 Comprehensive Plan Public Facilities and Services Goals include “To plan for and develop an efficient system of services that supports current needs, anticipates growth and promotes economic development.” This proposal is compatible with this goal.

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- (iv) The Select Board shall hold a public hearing within 30 days of the filing of the completed application. The Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered, to the applicant, and all abutting property owners by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office.
- (v) Action on complete application. Within forty-five (45) working days of the date of receipt of a complete application the Select Board or their designee shall act to deny, to approve, or to approve the application with conditions as are deemed advisable to assure compliance with the Ordinance. The reasons as well as conditions shall be stated in writing.
- (vi) All time limits provided for in this section may be extended by mutual agreement of the applicant and Select Board.

b) ~~Submission Requirements~~ License Application Requirements

(i) Site Plan Review Permit from the Planning Board, if applicable

(+) All information and fees detailed in Article 11, D) Permit Application Submission Requirements.

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(ii) All applicable State licenses/registrations and permits.

(A) If State licenses/registrations and/or permits have been filed but not yet granted, then the applicant must provide a copy of said application(s).

(B) If the applicant's application is approved by the Select Board, their approval will be contingent upon their State approvals, a copy of which must be given to the Town Clerk before business can commence.

(iii) Burden of proof. The applicant shall have the burden of proving that the proposed project, development or land use activity is in conformity with the purposes and provisions of this Ordinance and any applicable State laws and rules.

(iv) The applicant shall submit seven (7) copies of the application and all supporting documentation.

c) License Approval, Revocation or Suspension

(i) An applicant's license application shall be approved if the applicant meets all the performance standards set forth in the Land Use Ordinance and/or the conditions of approval set forth in their Site Plan permit, and all Maine statute review criteria where the municipality is the designated review authority.

(ii) The Select Board has the right to deny a license renewal if any of the performance standards set forth in the Land Use Ordinance and/or the conditions of approval set forth in their Site Plan permit are not being met, or if the business has a history of noncompliance with said standards and/or conditions.

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- (iii) The Select Board has the right to revoke or suspend a license if a business fails to remedy a violation within 30 days of said violation notice.
- (iv) The Select Board has the right to revoke or suspend a license without warning if the business is found to be acting in an unsafe or illegal manner

D) Permit Application Submission Requirements

Submission requirements may be waived if that information is not required to determine compliance with applicable standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

- 1) Written application. Every applicant for a permit shall submit a written application on a form provided by the municipality. The following items, when appropriate, shall be included with the application.
 - a) A scaled site plan showing
 - (i) The shape, size and location of the lot to be built upon and structure(s) to be erected, altered or removed.
 - (ii) Any structure(s) already on the lot.
 - (iii) Depth of front yards of structure(s) and adjoining lots.
 - b) Statement of intended use.
 - c) Statement of how use meets performance standards.
 - d) Documentation that the applicant has right, title or interest in the property.
 - e) Any other information needed by the Code Enforcement Officer, Road Commissioner, Planning Board, or the Board of Appeals to determine compliance with the provisions of this Ordinance and/or any other information required by this Ordinance.
 - f) Signature. All applications shall be signed by the owner of the property or the owner's legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
 - g) Application to be dated. All applications shall be dated, and the date and time of its receipt shall be noted upon each application.
- 2) Fees.
 - a) No permit shall be issued until the application fee(s) are paid. Application fees shall not be nonrefundable, unless noted elsewhere in this Ordinance. Checks are to be made payable to the Town of Bowdoinham.
 - b) Code Enforcement Officer. Application fees for a permit from the Code Enforcement Officer shall be as follows:
 - (i) The fee for a building permit shall be as follows:

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Additions to single family dwellings and structures accessory thereto	\$0.05/sq ft*
1 or 2 family dwelling (not including basement) under 2000 sq. ft	\$0.15/sq ft*
1 or 2 family dwelling (not including basement) 2000 sq. ft and greater	\$0.20 /sq ft*
Residential Garages, Barns, storage sheds	\$0.05/sq ft*
Commercial structures, multiple family dwellings, and additions to these structures	\$0.20 /sq ft*
Demolition Only	\$20.00
Interior work	\$20.00
Any work not fitting into the above categories	\$20.00
Minimum Permit Fee	\$20.00
* New Buildings and additions are measured on the exterior.	

- (ii) Other permits from the Code Enforcement Officer shall be twenty-five (25) dollars.
- c) Local Plumbing Inspector. Application fees for a permit from the Local Plumbing Inspector shall be as required by the State of Maine.
- d) Road Commissioner. Application fee for a permit from the Road Commissioner shall be fifty (50) dollars.
- e) Planning Board. Application fees for a permit from the Planning Board shall be as specified in the Ordinance. The application fee for a Setback Determination shall be twenty-five (\$25) dollars, plus any and all advertising costs.
- f) Board of Appeals. Application fees for a permit from the Board of Appeals shall be fifty (\$50) dollars, plus any and all advertising costs.
- g) Select Board. License fees shall be as follows, plus any and all advertising costs:
 - (i) Graveyard or Junkyard License – fifty (\$50) dollars for each license.
 - (ii) Automobile Recycling Business – two-hundred fifty (\$250) dollars for a five-year license.

(iii) Liquor License & Application Fees

(A) Initial Application fee of five hundred (\$500) dollars.

(B) Renewal application fee two hundred and fifty dollars (\$250)

(C) Annual Liquor License – The license fee shall be as follows:

(1) Restaurant with on-premises liquor sales \$200

(2) Catering Establishment \$200

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(D) One-time Catering Liquor License \$50

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~~(iii)~~(iv) Marijuana License & Application Fees –

(A) Initial Application fee of five hundred (\$500) dollars.

(B) Renewal application fee one hundred and fifty dollars (\$150)

(C) Annual Marijuana License – The license fee shall be as follows:

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|---|----------|
| (1) Marijuana Store | \$2,000 |
| (2) Manufacturing Facility | \$2,000 |
| (3) Testing Facility | \$2,000 |
| (4) Cultivation Facility: | |
| a. Cultivation Size: up to 500 SF of mature plant canopy | \$500 |
| b. Cultivation Size: 501-2000 SF of mature plant canopy | \$2,000 |
| c. Cultivation Size: 2001-7000 SF of mature plant canopy | \$5,000 |
| d. Cultivation Size: greater than 7,000 SF of mature plant canopy | \$10,000 |

E) Enforcement

- 1) Civil Violations. Any violation of this Ordinance shall be deemed to be a civil violation.
- 2) Violations. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, or abatement of nuisance conditions, and penalty. A copy of such notices shall be maintained as a permanent record.
- 3) Consent agreements. When the action does not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer, Board of Selectmen, or its authorized agent, may enter into a consent agreement to eliminate violations and to collect civil penalties. Only the Board of Selectmen may enter into a consent agreement that would allow an illegal structure or use to continue. However, within shoreland areas, such consent agreement shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that: the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is not evidence that the