



**Planning & Development**  
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### Memo

Date: July 22, 2021                      Updated August 6, 2021

To: Planning Board

From: Planning Office

Re: Ordinance Change Proposals – Seasonal Tents and Subdivision submission requirements

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### Background:

The Ordinance changes were reviewed by the Board of Selectmen on August 3, 2021. Only one change to Item 1 was recommended for seasonal tents to apply only to being accessory to existing business uses, see attached revised language.

Item 1: The seasonal tent change is based on the favorable response of the public and local restaurants for outdoor dining. Currently tents are considered structures and must meet all setbacks if in place more than 10 days. The change would allow seasonal tents to be placed closer to streets and lot lines than buildings/structures for more than 6 months.

Item 2: Subdivision Plan requirement for mylars to be eliminated and a standard location for the Planning Board signature block established.

Item 3: Change the current final plan subdivision requirement for other agency approvals from time of application submission to prior to final approval.

### Recommendations:

- I. Consider comments from the public hearings and consider if any changes to the proposed ordinance changes are recommended.
- II. Consider voting to forward the proposed ordinance changes to the Board of Selectmen for placement on the November 2, 2021 special Town Meeting.

# Chapter 145. Land Use

## Article II. Word Usage and Definitions

### § 145-10. Definitions.

#### **STRUCTURE**

Anything constructed, assembled or erected having a fixed location uninterrupted for more than 10 days on or in the ground or in the water. Any attachment to a structure shall be considered to be part of the structure. The term "structure" shall not include signs; utility distribution lines; stone walls; fences; embankment retaining walls; culverts; fire cisterns; fire hydrants; mailboxes; vehicles registered for use on public ways; at-grade paving, such as sidewalks, patios, driveways, [business, seasonal tents](#) and parking lots; and other items located in the public right-of-way normally and customarily related to a road. The term "structure" shall not include picnic tables and other tables, chairs, benches and other seating, trash cans, bicycle racks and planters each of which can be transported by two or fewer persons without use of mechanical assistance. The term "structure" includes utility transmission lines. [Exclusions from this definition may not negate the requirement for a building permit.](#)

[Amended 4-28-1995; 6-4-1996; 11-5-2002]

#### **BUSINESS, SEASONAL TENT**

[A tent erected on a temporary or seasonal basis \(May 1 through November 1\) as accessory to an existing business use, which is not a Home business; consisting of a roof and can include sides constructed of a fabric or pliable material supported by a frame; said covering material shall be removed between November 1 and May 1; shall not to be considered a structure or building but shall require a building permit if erected more than 10 days.](#)

## Chapter 202. Subdivision of Land

### § 202-9. Final plan for major subdivision.

#### A. Procedure.

(6) Prior to submittal of the final plan application, the following **approvals** applications shall be **obtained in writing** submitted to the appropriate entities, where appropriate:

(a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act.<sup>(1)</sup>

[1] *Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively.*

(b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used.

(c) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

(d) The Wells Sanitary District, if the public sewage disposal system is to be used.

(e) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

(f) An Army Corps of Engineers dredge and fill permit.

(g) NPDES permit for stormwater discharges.

(h) Maine Department of Transportation Entrance or Traffic Movement Permit.

(9) Before the Board grants approval of the final plan, the subdivider shall

(a) meet the performance guaranty requirements contained in § 202-13.

(b) obtain in writing approvals listed in A.(6) if applicable.

## Chapter 202. Subdivision of Land

### § 202-9. Final plan for major subdivision.

B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board *located in the lower left corner of the plan*. ~~One reproducible, stable-based transparent original and three~~ *Four* copies of the plan shall be submitted. In addition, the applicant shall submit 11 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. The application for approval of the final plan shall include the following information:

[Amended 4-13-1999]