

# Town of Wayne Selectboard

**Members:** Don Welsh, Trent Emery, Amy Black, Stan Davis, and Lloyd Irland

## Meeting Agenda

**Date:** Tuesday, August 18, 2020  
**Time:** 6:30 PM.  
**Place:** "Remote Participation Only"

Join Zoom Meeting

<https://us02web.zoom.us/j/86833803933?pwd=d25ZQkY4Rjl0WjFYQ09lNFNhQkxnQT09>

Meeting ID: 868 3380 3933

Passcode: 768899

### Selectboard Members Present / Quorum.

#### Call Meeting to Order.

*We encourage everyone in attendance to read the Selectboard Bylaws.  
Selectboard Meetings are working meetings between Board members and town staff.  
All participants must be recognized by the Chairperson before speaking.*

#### Pledge of Allegiance.

#### Conflict of Interest.

#### Minutes.

- a. **Consider approving the Selectboard meeting minutes for August 4, 2020.**

Manager Recommendation: Move the Board to approve the Selectboard meeting minutes for August 4, 2020.

#### Warrants.

- a. **Consider approving Payroll Warrant #7.**

Manager Recommendation: Move the Board to approve Payroll Warrant #7 in the amount of \$9,715.77.

- b. **Consider approving Accounts Payable Warrant #8.**

Manager Recommendation: Move the Board to approve Accounts Payable Warrant #8 in the amount of \$239,122.07.

#### New Business.

- **Confirm Conservation Commission election of Chris Jones, Conservation Committee Chair**
- **Gott Road Turnaround**

#### Old Business.

- **Campground Noise Update.**
- **Mooring Ordinance Update**

#### Selectboard Goals.

1. **Broadband Expansion**
2. **Charter**
3. **Civil Rights**
4. **Facilities**
  - **Consider Land Purchase Sale Agreement**
5. **Renewable Energy**
6. **Village Implementation**
  - **Amend Village Development Advisory Committee Directive**
  - **Appoint Margot Gyorgy to Village Development Advisory Committee.**

#### Supplements and Abatements.

#### Town Manager Report.

#### Town News. Member

#### Public Comments.

#### Adjourn.

The next regularly scheduled for **Tuesday September 1, 2020**, by Remote Participation Only.

**Town of Wayne, Maine  
Select Board Meeting Minutes  
Tuesday August 4, 2020  
Wayne Town Office**

**Call Meeting to Order/ Selectmen Present**

Don Welsh determined quorum and called meeting to order at 6:30 PM with the following members present: Amy Black, Lloyd Irland, Stan Davis and Don Welsh. Members absent: Trent Emery

Others Present: Aaron Chrostowsky, Town Manager

By Remote Participation only due to Covid-19 Pandemic

**Meeting Minutes.**

- a. The Board approved the Selectboard meeting minutes for July 21, 2020. (Davis/Black) (4/0).

**Warrants:**

- a. The Board approved Payroll Warrant #5 in the amount of \$12,747.62. (Black/ Davis) (4/0).
- b. The Board approved Accounts Payable Warrant #6 in the amount of \$54,144.98. (Black/ Davis) (4/0).

**New Business.**

- a. **The Board accepted Dawna Gardner's Letter of Retirement** (Black/ Davis) (4/0).
- b. **Fill Tax Collector position.** The Board agreed to fill the vacancy created by Dawna Gardner retiring.
- c. **The Board appointed Aaron Chrostowsky as Tax Collector.** (Black/ Davis) (4/0).
- d. **The Board agreed to set the mil rate at 17.96.** (Davis/ Black) (4/0).
- e. **Ltr. From Chief Officers to Bruen Construction: Re: Snow Removal** The Board appreciated the communication and thought the letter/ specification was well written. They stand ready to assist.

**Old Business.**

- a. **Ltr. To Campground Owners from Town Manager, Re: Site Inspection**  
The Board appointed Aaron Chrostowsky, Deputy Code Enforcement Officer (Davis/ Black) (4/0).
- b. **Ltr. To State Attorney General from Town Attorney Re: Mooring Ordinance.**

**Selectboard Goals.**

**Supplements and Abatements:** None

**Town Manager Report:** None

**Board Member Reports:** None

**Public Comments:** None

**Motion to Adjourn at 7:20 PM.** (Black/Davis) (4/0)

The next Select Board Meeting is scheduled for Tuesday, August 18, 2020 at 6:30 p.m. by Remote Participation.

Recorded by:  
Aaron Chrostowsky, Town Manager

Select Board Members

\_\_\_\_\_  
Don Welsh

\_\_\_\_\_  
Trent Emery

\_\_\_\_\_  
Amy Black

\_\_\_\_\_  
Stan Davis

\_\_\_\_\_  
Lloyd Irland

## Wayne Town Manager

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**From:** Ken Spalding <Spaldings4@msn.com>  
**Sent:** Friday, August 14, 2020 2:03 PM  
**To:** Lloyd Irland; Leslie Burhoe; Anne Huntington; mclaughlin.diana.m@roadrunner.com; Fred Hurley  
**Cc:** Chris Jones; Aaron Chrostowsky  
**Subject:** Wayne Conservation Commission Chair

Hi All,

Chris Jones, showing her usual enthusiasm, was most willing to take on a host of responsibilities to help keep the Commission running and be more efficient and productive. She was less excited about the title that she learned would come along with the responsibilities. However, I believe she will learn to live with the burden of the title that goes along with all the fun things like developing agendas, running meetings, checking with people about tasks they are working on, writing letters on behalf of the Commission, and otherwise being the point person for the Commission.

We will need to have an election at the next meeting, and I expect that will be on the agenda that Chris sends to us. So, hold onto your hats, I have a feeling we will, by necessity, find Chris' enthusiasm a bit contagious and need to buckle down a little bit on our Commission tasks in the near future.

Ken

To: Selectboard

From: Aaron Chrostowsky, Town Manager

Re: Gott Road Turnaround

Date: 8/18/2020

I am writing to discuss a remediation plan and potential change in town services as a result of an unfortunate boundary issue.

### **Winter Maintenance**

Every winter snow removal has been difficult at the end of the Gott Road due to three driveways/ roads coming out at the end of the town road. Several years ago, the Town received complaints about Bruen Construction not plowing to the end of the road. He stopped plowing because the residents at the end of the road were renting out the house all year. In years past we used to dump the snow at the driveway entrance. He had no place to dump snow. The plow contractor from Cedar Point Road was having a hard time finding a safe place to plow snow. At the time, I encouraged both parties to work out their differences and that make sure the town road was plowed. They did.

### **Paving**

As part of the town's paving this year, the Town reclaimed and paved the Gott Road to end of the existing pavement which is on private property. Also, I look into improving the winter maintenance snowplow turnaround situation by building a gravel snowplow turnaround. In the process of building that turnaround I had to cut Beech tree. The gravel turnaround and beech tree all appeared to be on Town property.

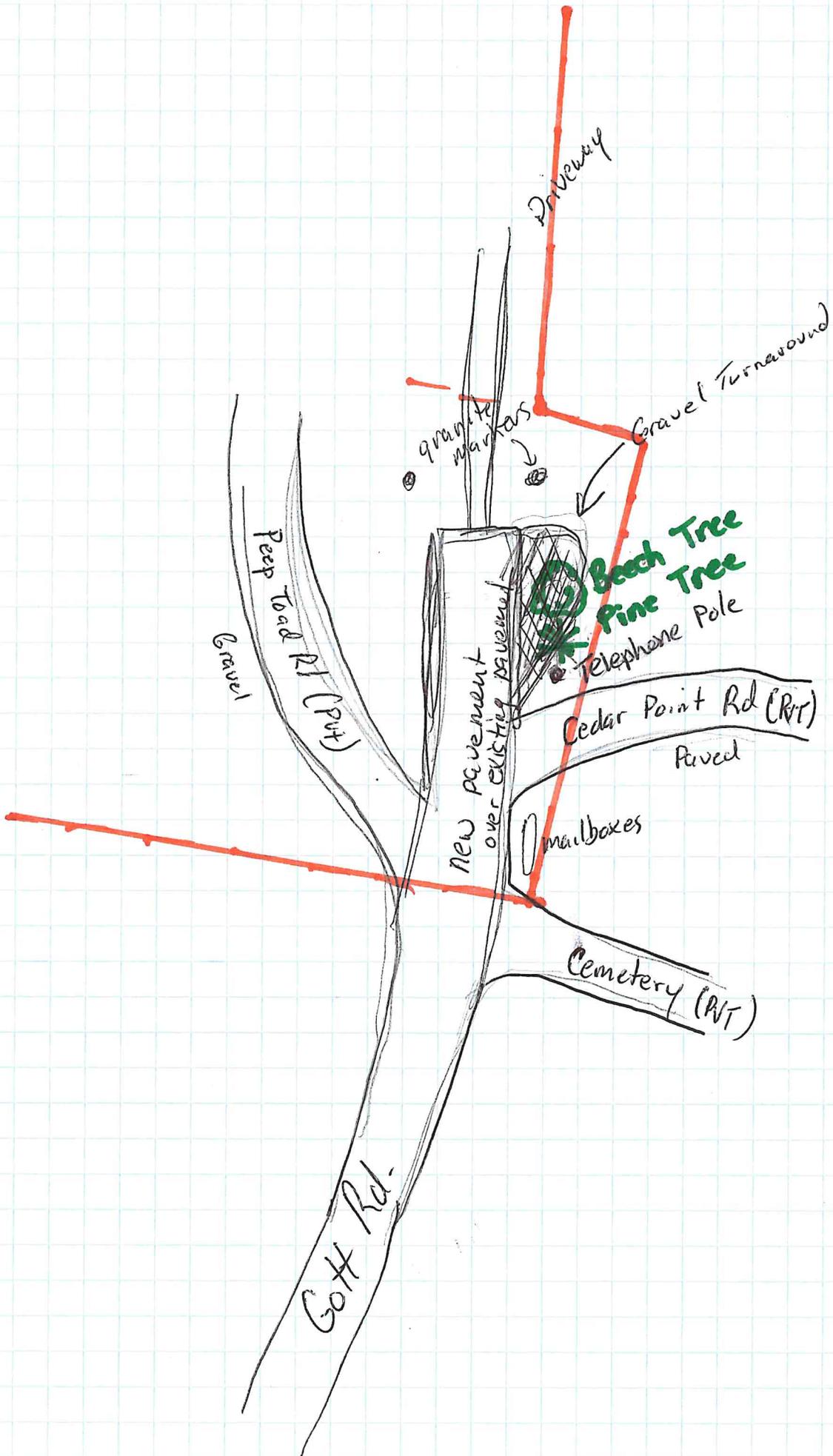
So, several days I ago, I received a call from the land owner explaining the turnaround and Beech tree was on private property. They were unhappy with gravel turnaround and our cutting of the Beech tree without being notified. I explained that I sent a letter to all abutters in June of the proposed work. I explained the snowplow turnaround snafu and how the town has been plowing the road for years. I apologized; I would still like to work with them to find a solution. They want a new full size Beech Tree and no turnaround. I explained then we won't be able to maintain that section of private road anymore.

### **Conclusion:**

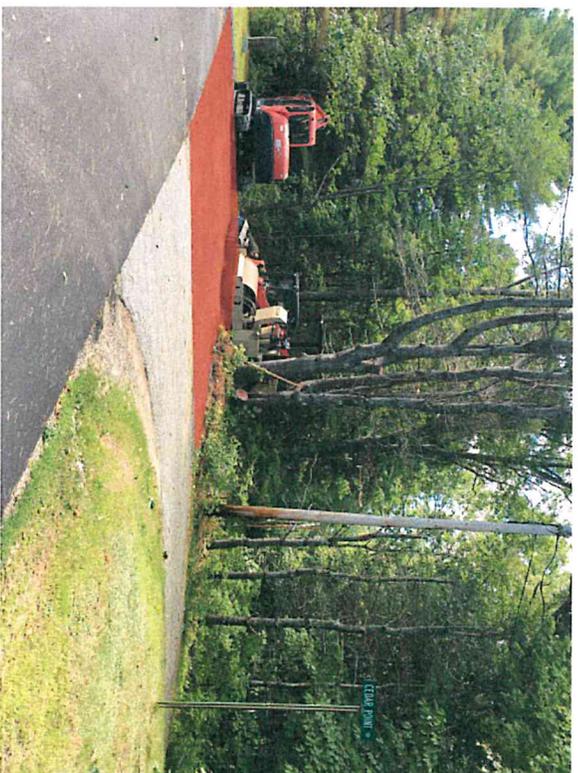
We enter private property, we are responsible for damages. However, we are no longer obligated to plow snow on their roadway.

In packet, see cost for Beech Tree and turnaround easement.

My recommendation is we replace Beech Tree and stop plowing private roadway.







A:  
 whatever you added here.  
 with topsoil / seed / hay.

## OLD TOWN ROAD



RED AREA:  
 Remove gravel and r  
 with topsoil, seed ar

Gott Farm Property  
 (approximately)

**Gammon's Garden Center & Landscape Nursery**

2810 Turner Road  
Auburn, ME 04210  
(207) 783-6986

**American Beech**

	<b><u>Tree Size</u></b>	<b><u>Plant</u></b>	<b><u>Install</u></b>	<b><u>Total</u></b>
Trunk Diameter	2"	\$599 +	\$800	= \$1,399
Tree Height	10'			
Trunk Diameter	2.5"	\$699 +	\$1,000	= \$1,699
Tree Height	12'			
Trunk Diameter	3"	\$799 +	\$1,200	= \$1,999
Tree Height	15'			
Trunk Diameter	3.5"	\$899 +	\$1,400	= \$2,299
Tree Height	20'			

**Timeline:**

Reserve Tree      ASAP  
Plant Tree        Spring 2021

**Recommended Maintenance:**

First season:

Soak tree once a week for about 1 hour from May to October 2021.

Estimated Budget: **N/A**

Second season:

Soak tree once a week for about 1 hour from June thru August 2022.

Estimated Budget: **N/A**

## TURNAROUND EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that I, \_\_\_\_\_, an individual with a mailing address of \_\_\_\_\_, in the Town of Wayne, in the State of Maine (GRANTOR), for consideration paid, the receipt of which is hereby acknowledged, grant unto the Inhabitants of the Town of Wayne, a Maine municipal corporation with a mailing address of 48 Pond Road, Wayne, Maine 04284 ("GRANTEE"), the following described easement in, on and over the land of Grantor located along the \_\_\_\_\_ Road, in the Town of Wayne, County of Kennebec, with warranty covenants, which easement is more particularly described as:

*Describe area here and/or attach sketch exhibit*

GRANTEE shall have the right to enter said Easement Premises with personnel, vehicles and equipment, to construct, repair, and/or maintain a highway turnaround for winter highway maintenance purposes, and to plow and store snow within and upon the Easement Premises.

Without waiving any defenses or immunities available to it under the Maine Tort Claims Act or other applicable law, GRANTEE hereby agrees to indemnify and hold harmless the GRANTOR from and against any and all claims, damages, suits and liability resulting from GRANTEE's acts or omissions (including those of any employee or contractor of the GRANTEE) under this Easement, including but not limited to property damage to the Easement Premises or the other adjacent land of GRANTOR. The foregoing indemnity shall only apply to the acts or omissions of those claiming by through or under GRANTEE and/or GRANTOR and to no other party.

The herein described Easement Premises being over a portion of land of the GRANTOR as acquired from \_\_\_\_\_ by deed dated \_\_\_\_\_ and recorded at the Kennebec County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_.

The terms and conditions hereof shall burden the land of GRANTOR described above and shall run with the land.

IN WITNESS WHEREOF, the said \_\_\_\_\_ has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Signed, Sealed and Delivered  
In presence of:

\_\_\_\_\_  
(WITNESS)

\_\_\_\_\_  
PRINT NAME OF GRANTOR

ACKNOWLEDGEMENT

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss \_\_\_\_\_ 20\_\_\_\_

Personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing instrument to be his/her free and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
\_\_\_\_\_  
(Print Name)

My Commission expires, \_\_\_\_\_, 20\_\_\_\_

To: Selectboard

From: Aaron Chrostowsky, Town Manager

Re: Campground Noise

Date: 8/18/2020

On Saturday August 15, 2020 at 8 PM, I visited the home of Betsy & Mike Clark of 146 Perkins Beach Road, Wayne, Maine. It was 71 degrees out and clear out. After a brief conversation about the problem, I sat along the shoreline to listen to the noise emanating from Beaver Brook Campground on Lake Androscoggin. During my visit, I employed a free NIOSH (National Institute for Occupational Safety and Health) sound level meter. At no time during my visit from 8 and 9 PM did I witness noise over 80 dB(A). Most of the noise coming from the campground was in the 50 dB(A). The campground was over a mile away.

I heard from the shorefront:

- Peepers;
- Occasional firework bang (not necessarily coming from campground);
- Concert goers yelling;
- Band singing/ instrumental noise;

The Clarks explained that the noise has been louder previous weekends. Generally, the concerts start around 7 to 10 PM. The law considers any disruptive noise after 10 PM, an individual can be charged with disorderly conduct. Bands start setting up microphones/ speakers around 6 PM.

After I left, Clarks, I went to the Campground Main Gate at 9:30 PM. And, stayed there until 10 PM. No noise.

**Conclusion:**

Noise travels easier along water. Unnecessary noise is different for everyone. At no point did I witness unsafe/ disruptive noise. However, I can understand how the noise might be disruptive to peaceful enjoyment on a tranquil lake. I believe this needs further monitoring before we write a noise ordinance. If you choose to write a noise Ordinance, you should consider enforcement. This type of enforcement doesn't fall into the purview of Town Manager or Code Enforcement Officer due to the after hour enforcement activity. You should consider hiring a constable for residents to call to witness noise and issue tickets.

# TECHNICAL ASSISTANCE BULLETINS

# Noise

A technical assistance series prepared by:

Maine State Planning Office

Maine Department  
of Environmental Protection

Oxford County  
Soil and Water  
Conservation District

Androscoggin Valley  
Council of Governments

with input from a number of  
professional and citizen planners.

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## Inside

Background Information  
Planning Considerations  
Review Process  
Review Standards

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## TA Bulletin #4

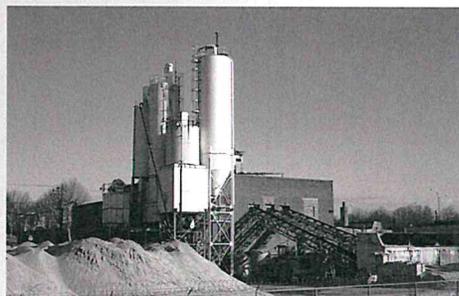
This TA Bulletin is one in a series of documents intended to provide guidance to volunteer board and committee members on specific planning topics. Emphasis is placed on the development review process.

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Financial assistance for the development of this document provided by the National Oceanic and Atmospheric Administration.

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May 2000



## Introduction

Noise has significant environmental impacts even though it is a transient occurrence. It does not accumulate in the environment, but its impacts can be long lasting affecting people's lives and property values. Noise causes a deterioration in the quality of life as much as, if not more than, many other environmental problems.

Noise standards can only be effective when the limitations and enforcement procedures are easily implemented.

# Background Information

## Importance of Noise and Noise Control

Prolonged noise exposure is a serious threat to human health; it can result in high stress levels and, at high sound levels, impaired hearing. Common environmental noise sources can cause or contribute to stress-related illnesses such as cardiac and circulatory diseases. Noise can also negatively impact concentration, communication, and sleep creating annoying and sometimes even hazardous conditions. These factors are important in setting noise standards for the community. It may be important to protect certain uses such as offices, schools, and churches from significant noise increases to allow effective communication. It is also important to protect neighborhoods so that residents can communicate and enjoy their property. Residential areas should also be protected from noise so that residents are able to obtain uninterrupted sleep. Interrupted sleep can result in serious health impacts and also affect personal safety at home and at work. Another consideration for municipal officials is property values. Neighborhoods subject to noise disturbance will generally have lower values.

## Principles of Noise

Noise travels in waves through the air. It has three components: intensity, frequency, and duration. The disturbance caused by noise is not just related to intensity, which we commonly call “loudness,” but it also depends on the frequency (or pitch) and the duration (or how long the noise lasts).

- **Intensity**, the sound level, is actually the sound pressure level (SPL): the pressure that sound waves exert as they travel through the air. It is measured in decibels (dB) on a logarithmic scale. This means that a sound of 60 dB is not twenty percent (20%) louder than one of 50 dB, it is ten (10) times (one thousand percent [1,000%]) louder. (Fortunately, the human ear does not perceive it as that great of an increase.)
- **Frequency** (not how often the sound occurs but the frequency of the sound wave) is measured in hertz (Hz) and is the number of cycles per second of a sound wave. The “pitch” of a sound is directly related to the frequency. Most noise covers a range of frequencies, but a concentration in a narrow frequency band, such as a whistle, is more bothersome than a mix of sounds across a wide range of frequencies.
- **Duration** is the length of time the sound lasts. Intermittent sounds (such as back up horns) are typically more annoying than steady ones (such as the hum of a motor). To account for the length of time that noises last, many noise standards use an equivalent sound level, although this adds complexity to measurements which

may need to be taken. The equivalent sound level “averages” the sound level over a given period of time, typically one (1) minute or one (1) hour.

For most municipal standards, noise is measured using a scale weighted to account for the higher frequencies to which the human ear responds. It is called the A-weighting scale and is noted by the abbreviation dBA. It is also measured in sound level equivalents (designated Leq). Sound levels often vary over time. The Leq is the equivalent constant sound energy to that emitted by the varying sound over a given period of time, usually one (1) hour.

The following table provides some examples of typical sounds.

COMMON SOUND LEVELS	
Sound Environment	Sound Pressure Level (dBA)
Threshold of hearing	0
Broadcast studio interior or rustling leaves	10
Quiet house interior or rural nighttime	20
Quiet office interior or watch ticking	30
Quiet rural area or small theater	40
Quiet suburban area or dishwasher in next room	50
Office interior or ordinary conversation	60
Vacuum cleaner at 10 ft.	70
Passing car at 10 ft. or garbage disposal at 3 ft.	80
Passing bus or truck at 10 ft. or food blender at 3 ft.	90
Passing subway train at 10 ft. or gas lawn mower at 3 ft.	100
Night club with band playing	110
Threshold of pain	120

There are some important characteristics about noise and noise measurement which must be kept in mind. An important principle is experienced daily; noise varies with distance. It is much louder close to the source than it is at a distance. Therefore, the standard must identify the **sound level limit** and the **location** at which the limit is applicable.

In addition to the three (3) components (intensity, frequency, and duration), the time of day that the noise occurs also contributes to the degree of disturbance and its impacts. Nighttime noise is more annoying than daytime noise and may cause more noticeable health impacts through the disruption of sleep. Thus, most standards provide a daytime criteria and a nighttime criteria, although the time periods vary from one municipality to another and may even vary by zone within a municipality.

To account for tonal noises (noises having a narrow frequency band), many standards add a fixed decibel equivalent to the measured noise level in order to account for the additional annoyance such a sound causes. This is also true for repetitive noises. (Repetitive noises are those noises which are generally of a short duration, but which occur at regular intervals such as a back-up horn on construction vehicles.)

Due to the logarithmic nature of noise measurement and the way noise levels are perceived by humans, care must be taken in using absolute limits. The following table provides some typical human perceptions of noise increases.

PERCEPTIONS OF NOISE INCREASES	
Increase in Noise Level (dBA)	Human Perception
0 to 2	Not usually noticeable
3	Just noticeable
6	Clearly noticeable
10	Twice as loud
20	Four times as loud

Noise standards consist of two (2) types. One controls the absolute sound level that can occur. The second controls the amount of increase in sound level that a use can add to the environment. A combination of these types can also be used.

If the noise standard sets a 65 dBA threshold for a rural area, but the background noise in the rural area is currently only forty-five (45), then the ordinance would permit an increase in noise level of 20 dB, perceived as a 4-fold increase. Thus, residents in the area would perceive a very significant increase in noise. However, unless extreme protection is warranted, limiting increases, especially daytime increases, to less than 5 dB is not generally recommended.

If a relative criteria which limits the difference in sound level—the change in sound level with and without the sound source operating—is used, then a clear distinction must be made between ambient and background sound levels. While sometimes used interchangeably, they are quite different.



Reviewers must take care to ensure the proper terminology is used in reports submitted in support of applications. The standards used in this publication refer to the predevelopment ambient noise level. This is the same as the background noise level prior to the development.

The **ambient sound level** is *all* sound sources in an area and, if measured after the development occurs, includes the source in question. The **background sound level** is the level of sound from all sources except the specific source in question. Relative criteria assess the difference between the ambient (the sound level in the area with all sources) and background (the sound level in the area with all sources except the one in question) sound levels.

This difference between ambient and background noise points out the importance of definitions. Definitions must be accurate and specific if the standard is to be enforceable. Most of the definitions (at the end of the bulletin) have been taken from the rules adopted pursuant to the Maine Site Location of Development Law. They are presented to encourage consistency between local and state standards.

As with any standard, the more complex the standard, the greater the chance for misinterpretation and the more difficult enforcement becomes. Also, remember that the standards will be enforced by people with little or no background in acoustics. Therefore, a relatively simple standard which only requires the use of a simple sound level meter, rather than the use of an octave band meter (one that measures varying frequencies), is preferable. However, the standard must be specific. With today's measurement techniques and legal requirements, vague qualifications on noise such as *nuisance* or *disturbance* without any quantification will not suffice. While seemingly simple, they are vague and subjective, and virtually unenforceable.

Sound level meters and calibration equipment must comply with the latest version of ANSI standard S1.4. This standard divides sound level meters into categories called types labeled by the numbers 0, 1, or 2. Type 2 meters are the least sensitive, and type 0 are the most sensitive.

## Planning Considerations

It is important to recognize the potential noise impacts on normal life events in a community. Some noise is necessary such as from emergency vehicles. Even noise from construction equipment may be necessary in order to maintain a vital community. But, much of the noise created today is capable of disturbing people as they work, play, and reside in the community. Noise is an important and often overlooked issue that requires “sound” planning.



The first part of the planning process is to consider existing and potential noise impacts in the community; this should be done in the comprehensive planning process.

The second part of managing noise in the community is to adopt clear and enforceable noise standards. The standards should be included in the standard section of site plan review, whether site review is a stand alone ordinance or part of the zoning ordinance.

### Comprehensive Planning Considerations

The comprehensive plan develops the information necessary to support noise standards in ordinances. As such, it is important to provide a thorough inventory and analysis as a basis for the goals, policies, and strategies to be included in the plan. The policies and strategies form the legal basis for the land use standards adopted in local ordinances.

- The first step in the comprehensive planning process is to conduct an inventory. The plan must consider the types of uses which currently exist in the community and their location. Where are residential neighborhoods located, where are hospitals, schools, and similar institutional uses requiring quiet located, and where are outdoor recreational facilities located? Also, the town must consider where existing significant noise sources are located, the probability of new sources being developed, and the potential locations for such new sources. Existing sources in rural areas such as gravel pits, farming operations, and sawmills should not be overlooked.
- An assessment of the existing sources and potential for new sources and their locations will provide guidance in the development of the Future Land Use Plan and on whether the town may need to vary noise standards by zone.
- Once these factors are inventoried and assessed, the town must develop policies which will protect its residents, businesses, and property values but allow for new uses. The

town may decide on a zoning ordinance which provides different criteria for different zones, or the town may decide on a single standard to use throughout the community. The standards in this bulletin are for town wide use as part of site review procedures.

Following are some example policies and strategies for consideration in developing a comprehensive plan.

#### Sample Policies

- ⇒ To protect the residents, businesses, institutions, and outdoor recreational areas from noise sources which would disturb living and working conditions.
- ⇒ To maintain the tranquil settings in residential neighborhoods (and other quiet areas).
- ⇒ To reduce the noise levels in the ... (a particularly noisy area of town) section of town as development patterns change.

Note: Be careful not to consider all rural areas as particularly quiet because farming, forestry, and other uses permitted in these areas produce significant noise.

#### Sample Strategies

- ⇒ The site plan review provisions should be amended to include noise standards which control noise from new development, changes in use, or expansions of use which will protect abutters, or future abutters, from noise which may disturb communications, sleep, or otherwise interfere with work and lives. The standard should be more restrictive for nighttime hours between 7:00 P.M. and 7:00 A.M.
- ⇒ The noise standard contained in the site plan review provisions should be amended to limit the increase in noise in the rural areas of town which are particularly quiet (identify the locations).
- ⇒ The noise standard in the site plan review provisions should include a requirement that uses proposed for locations which currently exceed the ambient noise level in the standard will emit a lower noise level than currently exists in the location.



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## Review Process

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The Review Process starts with the submittal of the required information by the developer. Noise may not be an issue with many types of commercial and service related development, although in some instances, noise from traffic or delivery vehicles may be a concern to abutters. Reviewers will need to determine if noise is an issue by considering the type of development and the location. At a minimum, it may be in the municipality's best interest to obtain a statement from the developer that the noise standards will be met. The reviewing authority can then make the statement part of the application: this gives the municipality enforcement authority if, for some reason, excessive noise is generated. For proposed developments where noise is not expected to be an issue, the reviewing authority can waive further submittals. This section of the bulletin provides model ordinance language for submittal requirements; it also provides a discussion of how to apply the requirement and of how to use the information during the review process.

The next section of the bulletin provides model "standards" that the development must meet to obtain approval. The Review Standards section presents several levels of standards. A Basic Standard is presented first, followed by additional standards or more detailed standards. This Review Process section is divided into subsections which correspond to the alternative standards presented in the Review Standards section.

The left column provides a listing of documents (submittals) which municipalities should require in order to adequately review proposals. Each submittal helps the reviewing authority determine whether the standard contained in the ordinance will be met. The reviewing authority has to review and understand the submittals. The background information provided in this bulletin and the discussions of the submittals and the standards will help the authority interpret the submittals. Submittal requirements should be included in local ordinances. The town may also develop a submittal checklist so that it can easily determine if an application is complete.

The right column provides a discussion of the submittal requirements – why they are needed and how they are used in determining compliance with the standard. For Noise, the submittal requirements are the same for both the Basic and More Detailed Standards.

### Submittals

### Discussion

#### Submittals for All Review Standards I through III

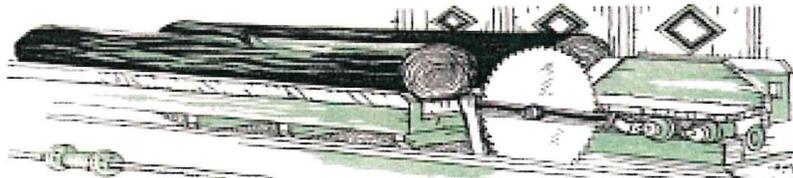
- |   |  |
|---|--|
| <p>A. Technical information shall be submitted describing the applicant's plan and intent to make adequate provision for the control of sound. The applicant's plan shall contain adequate information on which to determine compliance with the standard. The information shall be prepared by a qualified professional. Information should include:</p> <ol style="list-style-type: none"><li>1. A site plan with the location of noise emitters, noise controls, and any sound measurement locations clearly shown. Also, a tax map showing property parcels that may be impacted and the most recent USGS map, both having the location of the site clearly marked. (The tax map and the USGS map may be required as a basic submittal for all development.)</li><li>2. Descriptions of the existing land uses, the local zoning, and the recommended future land use in the comprehensive plan for the area potentially affected by sounds from the development.</li></ol> | <p>A. The plans (maps) submitted for the application and the review of other standards should usually be adequate for the review of noise, except that, if noise barriers are proposed, a detailed design may be necessary. Submittals should include a locator map (USGS quadrangle map or other suitable map) with the site clearly marked and a detailed site plan as noted below.</p> <ol style="list-style-type: none"><li>1. A detailed site plan showing the site, the locations of intended uses within the site, abutting property and its uses including structures and areas of intense outdoor uses, such as recreation areas that may be adversely impacted by noise, should be submitted so that the reviewer can understand the scope of the project and the properties which could be impacted. Pre- and post-development topographic maps of the site will be helpful where it is expected that topographic or physical features of the site will help to reduce noise and/or where topographic changes which may affect noise are proposed.</li><li>2. The abutting uses and uses beyond the abutters possibly up to one-half mile from the site should be described and their location clearly presented. Additionally, the zoning for the area potentially impacted should be shown and described. Uses beyond abutters can be shown on the tax map or the USGS map where appropriate.</li></ol> |
|---|--|

## Submittals

3. A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation, and maintenance of the proposed development including their locations within the proposed development.
4. A description of the pre-development ambient daytime and nighttime equivalent sound levels at the property boundaries of the proposed site.
5. A description of the daytime and nighttime equivalent sound levels and the short duration repetitive sounds and tonal sounds expected to be produced by these sound sources at the property boundaries of the proposed development. The description shall include the maximum sound level expected for short duration repetitive sounds and tonal sounds.
6. A description of proposed major sound control measures including their locations and expected performance.
7. A comparison of the expected sound levels from the proposed development with the sound level limits of this regulation.

## Discussion

3. The major sound sources on the site should be described including tonal and short duration noises. The sounds which will occur from both construction and operation should be noted. Any significant sounds which could result from maintenance operations should be noted. The description should reference the site plan so that the location and relationship to other sound sources can be easily understood.
4. The "pre-development ambient sound level" is the same as the pre-development background sound level. (After the development is in place, there is a difference between background and ambient noise.) The equivalent sound levels are either the one minute equivalent or the hourly equivalent depending on the standard selected. Any tonal or short duration repetitive sounds or any other unusual qualities about the existing sound in the area should be noted. Where noise is expected to be a significant issue, measurements should be taken at the property boundaries.
5. The description of the sound levels expected maybe based on recognized literature which references the specific type of development or on measurements at a similar type of facility. For situations in which noise is a significant issue, the reviewing authority may wish to have the applicant reference several source documents and take measurements at an actual facility and possibly require a model of the sound levels based on manufacturer's specifications for the equipment generating the sound and/or any controls proposed. Noise experts sometimes use published average sound levels for varying types of neighborhoods instead of taking sound level measurements at the proposed site. They also must often use published levels for specific types of development, for example, lumber yards or junkyards, since the site is not yet developed.
6. The description should provide references which document the expected performance of the sound control measures. Where site features such as berms are proposed, the features should be clearly shown on a post-development topographic plan of the site. The type and location of all sound control measures, including topographic and landscaping features, should be carefully documented and made part of the plan approval by notation on the plan and/or by inclusion in the Findings of Fact.
7. A written report comparing the expected sound levels with the pre-development ambient sound levels will help determine compliance with the standard.



# Review Standards

This section presents review standards which should be included in the site plan review process of a zoning ordinance or in a stand alone site plan review ordinance. Several alternatives having varying amounts of detail are presented. The standards should be applicable to new development, expansions, and changes in use. Standards are presented in the left column, and a discussion of the standard appears in the right column.

Three (3) alternatives are presented: a basic standard, several additions to the basic standard which consider areas that may be unusually quiet and areas which currently exceed the standard, and a more detailed standard that varies with expected uses or zones.

The more detailed alternative is best used in towns with zoning so that there is no doubt about the type of future abutting land uses. It is most relevant to towns which have distinct patterns of growth and which expect considerable industrial development for which noise may be a factor. The discussion provides additional guidance on use.

## Standard

## Discussion

### I. Basic Standard

This is a relatively simple sound level standard which should be easily administered. It is most suitable for small communities with few planning and code enforcement resources. It may also be suitable for many rural communities where there are few noise sensitive uses such as schools, and it is unlikely that significant noise sources would locate near them. In these communities, it is anticipated that there would be sufficient open space to buffer significant noise on the source's land so that they would not create a nuisance to abutting uses.

- A. The proposed development shall not increase noise levels to the extent that abutting or nearby properties are adversely affected. In order to comply with this, the development must meet the following requirements.
1. The maximum permissible sound level of any continuous, regular, frequent, or intermittent source of sound produced by any activity shall be limited according to the time of day and land use which abuts it as listed below.

Abutting Use	Sound Level Limits dBA	
	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
<b>Residential</b>	55	45
<b>Commercial</b>	65	55
<b>Industrial</b>	70	60
<b>Institutional</b>	55	45

- A. As noted in the earlier discussions, the term “Adversely affected” is vague. The standard is defined by the conditions that follow the introductory wording.
1. The hours can be changed to reflect community values and patterns. Most standards use 6 a.m. or 7 a.m. as the separation of the nighttime to daytime standard; daytime to nighttime varies from 7 p.m. to 10 p.m.



2. Where the abutting property is undeveloped, the sound level shall be equal to or less than the most restrictive other abutting use. Where there are no uses on abutting properties, the sound level at the property line shall be equal to or less than the least stringent use allowed by zoning.

2. This is a provision to protect future uses of vacant land which abuts a noise generator. The first sentence makes the noise level at the abutting property line of vacant property less than or equal to the sound level required for the most restrictive abutting use. If a municipality is trying to transition an area to a more industrialized area, this requirement may not be appropriate. The second sentence allows the noise level for uses where there are no abutters to equal the noise level for the least

## Standard

3. Sound levels shall be measured at least four (4) feet above the ground at the property line of the development. Sound levels shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) "American Standard Specification for General Purpose Sound Level Meters" and shall have been calibrated at a recognized laboratory within the past year.
4. The following uses and activities shall be exempt from the sound pressure level regulations.
  - a. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
  - b. The noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activities.
  - c. Traffic noise on public roads.
  - d. Resource uses in rural areas.

## Discussion

restrictive possible abutting use. Thus, this type of setting could have the maximum noise level permitted by ordinance. It effectively discourages quieter uses from locating in the area.

3. This specifies the standard to be used for the sound level meter and must be included so that all measurements have a common base and accuracy.
4. Exemptions should be provided for some activities. The standard is based on common examples. For a list of additional exemptions, see Alternative III, Item 10.
  - a. The times for construction activities can vary from those presented based upon community needs. Additionally, the exemption could be limited so that it would not apply to Sundays and/or Federal holidays. Suggested wording follows: except that noise from construction and temporary, scheduled maintenance activities shall comply with the standards on Sunday.
  - d. Municipalities may want to exempt agriculture, forestry, mining in rural areas since these uses are generally allowed but often create noise above the allowable standard.

## **II. Possible Additions to Basic Standard**

Either one or all of these additions can be included in the Basic Standard (I). (Numbering is consecutive to that standard.)

Additional standard #5 provides additional protection to areas of the community where the ambient sound level is considerably below the allowed level. It is suitable for rural communities similar to the first alternative, but which may have some very quiet areas which the town wishes to preserve.

Standard #6 provides for areas which currently have noise levels above the allowable standard. The second is suitable for communities which have a noisy area(s) which the town would like to keep from becoming worse and would like to bring more in line with the standards as existing sources cease.

Standard #7 provides for sound measurement to determine compliance in the case where no pre-development ambient sound level measurements were taken.

5. When a proposed development is to be located in an area where the daytime pre-development ambient hourly sound level (Leq 60) is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level is equal to or less than 35 dBA, the hourly sound level resulting from the development shall not cause the ambient hourly
5. This standard limits the sound level emitted by new development in areas of a community that are particularly quiet. It provides for a 5 dB increase in ambient sound levels above the pre-development level. Thus, the increase will be noticeable, but it should not create a significant disturbance. It provides significant protection from noise intrusion.

## Standard

sound levels at the property lines of the development to be 5 dBA more than the ambient hourly sound level prior to development.

6. If the daytime and/or nighttime pre-development ambient sound level at property line of the development site exceeds the daytime and/or nighttime limits by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly sound level.
7. In the absence of a measurement of “pre-development ambient” sound level, enforcement may be based on the post-development background level.

## Discussion

Towns with zoning may want to apply this standard to only some of their rural zones. Care should be used in applying this standard to areas where agriculture, forestry and/or mining are existing or expected uses.

6. This provides for a development which will be located in an area where the sound level exceeds the standard set in the first section. It requires new development to emit a noise level that is lower than the existing noise level such that no further disturbance results and so that as noisier developments cease to operate, the area will have an ambient sound more closely in compliance with the rules.
7. This standard accounts for cases where there is no pre-development sound level measurement. The pre-development level is approximated by the “background” level after development.

### **III. More Detailed Standard – Suitable for Use with a Zoning Ordinance**

This is an alternative standard which is somewhat more complex. It parallels DEP’s existing Site Location of Development rules but has been simplified. The sound levels and the times may be changed to reflect community needs. It accounts for future land use by referencing zoning and is probably best used as part of a Site Plan Review (or Conditional Use) procedure within a Zoning Ordinance. It is most suitable, with the levels used here, for a more developed community than the first alternative. Note that sound levels are generally 5 dB higher. It may be modified for use with a Site Plan Review Ordinance or for a more rural community.

A. The hourly sound levels at the property line of the development and resulting from the development shall not exceed the following limits:

1. Any location for which the zoning is not predominantly commercial or industrial:  
  
60 dBA between 7:00 a.m. and 7:00 p.m.  
50 dBA between 7:00 p.m. and 7:00 a.m.
  2. At any location for which the zoning is predominantly commercial or industrial:  
  
70 dBA between 7:00 a.m. and 7:00 p.m.  
60 dBA between 7:00 p.m. and 7:00 a.m.
  3. When a proposed development is to be located in an area where the daytime pre-development ambient hourly sound level is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level is equal to or less than 35 dBA, the hourly sound levels resulting from the development shall not exceed the following limits when the zoning of the abutting use is not predominantly commercial or industrial.  
  
55 dBA between 7:00 a.m. and 7:00 p.m.  
45 dBA between 7:00 p.m. and 7:00 a.m.
1. This sets the standard where abutting uses are residential, institutional, or open space. The Zoning Ordinance would designate the abutting area as one of these types of uses.
  2. This sets the standard where abutting uses are businesses or industrial use. It allows a source to emit more noise than the source could emit in a residential or institutional area. The noise allowed in this location would be perceived as being twice as loud for the location with a residential buffer.
  3. This standard provides for a lower sound level for locations where abutters would be residential or institutional when the existing sound level is quite low. It allows for a doubling of the perceived increase.

## Standard

4. If the daytime and/or nighttime pre-development ambient sound environment exceeds the daytime and/or nighttime limits in subsection 2(a) or 2(b) by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.
5. When development produces tonal sounds or short duration repetitive sounds:

Five (5) dBA shall be added to the observed levels of these sounds for the purposes of determining compliance with the sound level limits herein established.
6. The maximum sound level of the short duration repetitive sounds shall not exceed the following limits:
  - a. At any location for which the zoning is not predominantly commercial, transportation, or industrial:

65 dBA between 7:00 a.m. and 7:00 p.m. and  
55 dBA between 7:00 p.m. and 7:00 a.m.
  - b. At any location for which the zoning is predominantly commercial, transportation, or industrial:

75 dBA between 7:00 a.m. and 7:00 p.m., and  
65 dBA between 7:00 p.m. and 7:00 a.m.
7. Sound from construction activities between 6:30 a.m. and 8:00 p.m. shall not exceed the limits established in the table on page 11 at the property line. Between 8:00 p.m. and 6:30 a.m., sound levels shall comply with the other standards presented herein.
8. All equipment used in construction on development sites shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition as originally provided with the equipment by its manufacturer.
9. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) "American Standard Specification for General Purpose Sound Level Meters."
10. In the absence of a measurement of "pre-development ambient" sound level, enforcement may be based on the post-development background level.

## Discussion

4. This provides for a development which will be located in an area where the sound level exceeds the standard set in the first section. It requires new development to emit a noise level that is lower than the existing noise level such that no further disturbance results and so that as noisier developments cease to operate, the area will have an ambient sound more closely in compliance with the rules.
5. This standard accounts for the fact that tonal and repetitive sounds are more annoying than multi-band, constant noises. To account for this, 5 dB is added to the tonal or repetitive sound level measured (or expected). Thus tonal or repetitive sounds would not be as loud as other noises.
6. This standard controls the maximum sound level from short duration, repetitive sources.
7. This standard provides actual limits to noises produced during construction, and it requires all equipment to comply with federal standards and original equipment design.
8. This specifies the standard to be used for the sound level meter and must be included so that all measurements have a common base and accuracy.
10. This standard accounts for cases where there is no pre-development sound level measurement. The pre-development level is approximated by the

## Standard

11. Sound associated with the following shall be exempt from regulation by the Board:

<b>Construction Activity Sound Limits (7:00 a.m. to 7:00 p.m.)</b>	
<b>Duration of Activity</b>	<b>Hourly Sound Level Limit</b>
<b>12 hours</b>	87 dBA
<b>8 hours</b>	90 dBA
<b>6 hours</b>	92 dBA
<b>4 hours</b>	95 dBA
<b>3 hours</b>	97 dBA
<b>2 hours</b>	100 dBA
<b>1 hour or less</b>	105 dBA

- The noises of safety signals, warning devices and emergency pressure relief valves and other emergency activities.
- Traffic noise on public roads.
- Railroad equipment which is subject to federal noise regulations.
- Aircraft operations at public airports or which are subject to federal noise regulations.
- Bells, chimes, and carillons.
- Occasional sporting, cultural, religious, or public events.
- Farming and forest management, harvesting, and transportation activities.

## Discussion

“background” level after development. The post-development background noise is the noise after the development is constructed but with no noise being produced by the development.

11. This list is similar to the list from the DEP Site Location Law rules. It is more specific than the exceptions provided for the other Alternatives.



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## Definitions

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**Ambient Sound:** At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific development of interest.

**Background Sound:** The all-encompassing sound associated with a given environment, being a composite of sounds from many sources at many directions, near and far, prior to the construction of the proposed development. Also referred to as the **pre-development ambient sound**.

**Equivalent Sound Level:** The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period.

**Hourly Sound Level:** The equivalent sound level for a one- (1) hour period.

**Maximum Sound:** Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit of measure is the pascal (Pa).

**Pre-Development Ambient:** The ambient sound at a specified location in the vicinity of a development site prior to the construction and operation of the proposed development or expansion.

**Short Duration Repetitive Sounds:** A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten (10) seconds in duration, and which are inherent to the process or operation of the development and are foreseeable. They include sounds which repeat on a regular basis and sounds which have a scattered time of occurrence.

**Sound Level:** Ten (10) times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this regulation, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

**Sound Pressure:** Root-mean-square of the instantaneous sound pressure in a stated frequency band and during a specified time interval. Unit of measure is the pascal (Pa).

**Sound Pressure Level:** Ten (10) times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

**Tonal Sound:** For the purpose of this regulation, a tonal sound exists if the one-third (1/3) octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz. and 125 Hz.

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### BIBLIOGRAPHY

Cowan, James, "How to Draft an Effective Noise Ordinance," Zoning News, American Planning Association, May 1994.

Kittredge, Donley, Elson, Fullem & Embick, LLP, Guidelines for Drafting Municipal Noise Control Ordinances, 1999 ([www.kdef.com](http://www.kdef.com)).

Land Use Compatibility Guidelines, MDOT Air Transportation Division, 1994.

Schwab, Jim, APA, Industrial Performance Standards for a New Century, PAS Report #444.

Town of Turner Zoning Ordinance, AVCOG, 1998.

Zoning News, American Planning Association, May 1994.

### For further information, contact:

**Maine State Planning Office**

(207)287-3261

Web Address: <http://janus.state.me.us/spo/>

**Maine Department of Environmental Protection**

(207)287-2111

Web Address: <http://janus.state.me.us/dep/home.htm>

**Maine Historic Preservation Commission**

(207)287-2132

Web Address: <http://janus.state.me.us/mhpc/>

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**Copies of this report are available** from the Maine State Planning Office, 38 State House Station, Augusta, ME, 04333-0038. Request the appropriate subject document from the Land Use Technical Assistance Series, or view and download this document from the SPO website (<http://janus.state.me.us/spo/>).

## Wayne Town Manager

---

**From:** Philip Saucier <psaucier@bernsteinshur.com>  
**Sent:** Wednesday, August 12, 2020 5:33 PM  
**To:** Wayne Town Manager  
**Subject:** RE: Contact Info

Hi Aaron,

It was good to talk with you, and as promised I'm following up with a brief summary of my call with the Attorney General's office on the mooring ordinance matter. I had a good zoom meeting with Assistant Attorney Generals Scott Boak and Lauren Parker, who were assigned to respond to my letter by the Attorney General. I provided the background for the request as well as a general overview of the Ordinance and relevant state law provisions, and the AAGs mentioned that the Rule in question regarding the safety zone is a Bureau of Parks and Land Rule so they will need to consult with the Department of Agriculture, Conservation & Forestry/BPL to discuss their interpretation of the Rule and the interplay with Title 38 as it relates to municipal authority to regulate channels and moorings in great ponds. They will be sending me a letter soon notifying me that the issue will be forwarded to BPL for their interpretation and then they will get back to me once they have come to a conclusion.

It was a productive meeting and I will be sure to send you any further information once I receive it.

Take care,  
Phil

### Philip Saucier

Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

207 774-1200 main

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

## BERNSTEIN SHUR

[Portland, ME](#) | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

**Confidentiality notice:** This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

---

**From:** Wayne Town Manager <[townmanager@waynemaine.org](mailto:townmanager@waynemaine.org)>  
**Sent:** Wednesday, August 12, 2020 5:00 PM  
**To:** Philip Saucier <[psaucier@bernsteinshur.com](mailto:psaucier@bernsteinshur.com)>  
**Subject:** Contact Info

EXTERNAL EMAIL

Warden Service  
Lt. Adam Gormley  
Cpl. David Chabot

[Adam.Gormely@maine.gov](mailto:Adam.Gormely@maine.gov)  
[Dave.Chabot@maine.gov](mailto:Dave.Chabot@maine.gov)

AARON M. FREY  
ATTORNEY GENERAL



STATE OF MAINE  
OFFICE OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800  
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES  
84 HARLOW ST. 2ND FLOOR  
BANGOR, MAINE 04401  
TEL: (207) 941-3070  
FAX: (207) 941-3075

125 PRESUMPSCOT ST., SUITE 26  
PORTLAND, MAINE 04103  
TEL: (207) 822-0260  
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1  
CARIBOU, MAINE 04736  
TEL: (207) 496-3792  
FAX: (207) 496-3291

August 13, 2020

Philip R. Saucier, Esq.  
Bernstein, Shur, Sawyer & Nelson, P.A.  
100 Middle Street  
P.O. Box 9729  
Portland, Maine 04104-5029

Re: Town of Wayne Mooring Ordinance and Application of State Regulation

Greetings Attorney Saucier:

Your letter on behalf of the Town of Wayne dated August 3, 2020, requests guidance from my office regarding the application of a State regulation with respect to navigable channels and placement of moorings, and asks questions regarding the interplay of that State regulation with a Town of Wayne ordinance and the potential grandfathering of moorings under that State regulation. We understand that the State regulation your letter refers to is a Bureau of Parks and Lands regulation, 01-670 C.M.R. ch. 3, promulgated pursuant to 12 M.R.S. § 1894. Because your letter seeks guidance and answers to questions regarding the application of a Bureau regulation, your inquiries are most appropriately directed to the Bureau in the first instance to allow it to interpret and apply its regulation under the particular facts and circumstances. The Bureau has already been provided a copy of your letter and is aware of its requests.

Please let me know if my office can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive, flowing style.

Aaron M. Frey  
Attorney General

cc: Hon. Shenna Bellows, State Senator District 14 (via email)  
Hon. Jeffrey Timberlake, State Senator District 22 (via email)  
Hon. Dennis Keschl, State Representative District 76 (via email)  
Andrew Cutko, Director, Bureau of Park and Lands, DACF (via email)  
Thomas Linscott, Director, Boating Facilities Division, DACF (via email)  
Adam Gormely, Bureau of Warden Service, DIFW (via email)  
Walter McKee, Esq. (via email)

## Wayne Town Manager

---

**From:** Brenda Joseph <bswj12@hotmail.com>  
**Sent:** Monday, August 10, 2020 5:24 PM  
**To:** Wayne Town Manager  
**Subject:** Land in Wayne

Hi Aaron,

We are getting ready to put the field at the corner of Route #219 and #133 up for sale but thought we would see if you wanted to explore if the Town/Fire Department wanted to buy it first. As we had talked about it earlier, you said that might be of interest.

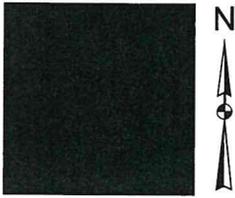
We are preparing to list it for an asking price of \$40,000. It is about 3.1 Acres and has great frontage and access on both route #219 and #133.

We are aware that you would have to go through multiple steps to make a Town purchase and this might take time. Our thought is that we would hold it off the market for \$1000 a month, with that being used towards the purchase price if the purchase was realized. If not, it would be ours for the time.

I would appreciate your reply letting me know of your interest in pursuing this or not, so that we may move forward.

Sincerely,  
Brenda Joseph



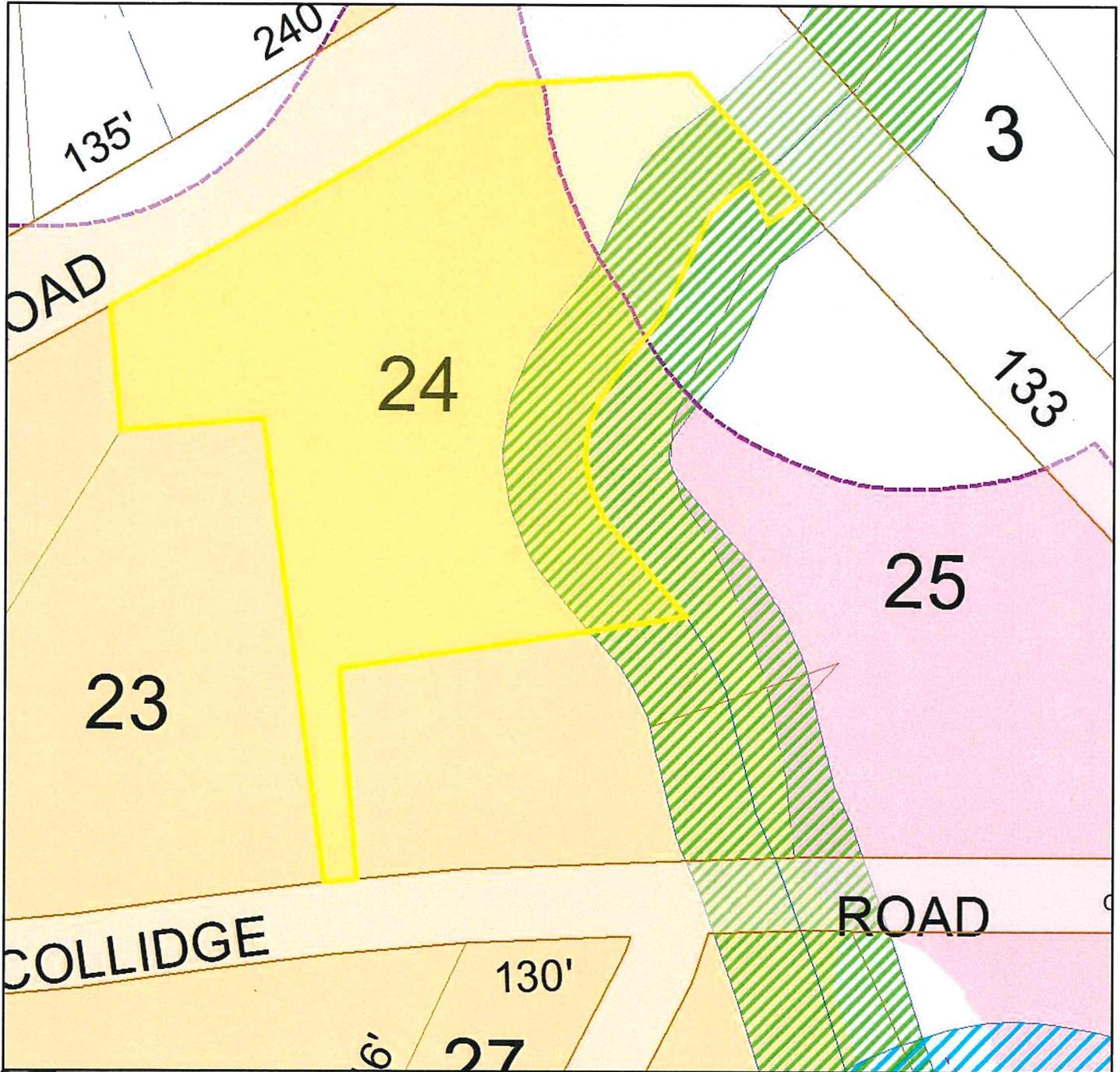


Wayne, ME

1 inch = 134 Feet



August 18, 2020



	CAI Town Line		Right of Ways		R-2 Low Density Residential
	ROAD		Significant Wildlife Habitat		R-5 Resource Protected
	Parcel		Slopes > 20% in Shoreland Zone or Non-Forested Wetland > 10ac		
	Water		250' Shoreland Zone		
	HOOK		75' Stream Protection		
	- TRACT		R-1 Village Residential		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Selectboard  
Organizational and Directive Document  
for the  
Village Center Development Advisory Committee

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COMMITTEE ORGANIZATION

**Type of Committee:** The Village Advisory Committee is an advisory committee to the Selectboard that will review, comment and rewrite the “**A Plan for Wayne Village at Mill Pond,**” prepared by Kent Associates to include conceptual plans for both North Wayne and Villages, that meet state and local regulations. And, prepare a report to the both the Selectboard for eventual approval at Town Meeting.

**Number of Members:** Minimum ~~35~~ and Maximum ~~75~~.

**Residency Requirement:** Wayne seasonal or full-time residents only.

**Qualifications of Members:** Anybody interested in assisting the Selectboard with revitalizing the village(s) and our increase our tax base.

**Appointment Process:** Selectboard will accept letters of interest from residents specifying their experience and desire to serve on the Village Advisory Committee. Board will advertise for interested persons, review letters of interest, and make formal appointments at a Selectboard meeting when a minimum of five (5) appointments are achieved.

**Committee Organizational Structure:** The Committee’s first meeting will elect a Chairperson.

**Quorum:** A ~~three-five~~ (35) member committee will have a quorum of ~~2-3~~ to conduct a meeting. A ~~five-seven~~ (57) member committee will have a quorum of ~~3-5~~ to conduct the meeting.

**Meeting Agendas:** The Chair will develop each meeting agenda and post a copy of the agenda on the Town Office bulletin board at least 2 days before the meeting. The Chair will provide a copy of the agenda to the Town Clerk for the Committee’s file.

**Meeting Minutes:** The Committee shall maintain written records of meetings, including the results of all motions and votes. One copy of the minutes of each meeting shall be filed with the Town Clerk after approval by the committee.

**Public Meetings:** Committee shall hold meetings that are open to the public and issue notice of meetings, including items of discussion.

**Meeting Location:** Meetings will be held in the Wayne Elementary School/ Town Office. The Chair will schedule with the Town Manager for the use of the Wayne Elementary School Library, Gymnasium and/ or Town Office at least two (2) weeks in advance.

## COMMITTEE DIRECTIVE

The Village Advisory Committee will review, comment and rewrite the “**A Plan for Wayne Village at Mill Pond,**” prepared by Kent Associates to include conceptual plans for both North Wayne and Villages, that meet state and local regulations. The Plan must be able to be adopted as a state approved “Downtown Plan.” Approved plan must seek public comment through public comments, public hearings, visioning sessions and use of survey. And, prepare a report to the both the Selectboard for eventual approval at Town Meeting.

**The Village Plan will consider the following development goals including in the Town’s Comprehensive Plan:**

- **Develop/ set village(s) boundaries;**

**Wayne:** (consider including: Wayne Elementary School, Town Office, Corner Store, State Boat Launch, Post Office, Androscoggin Yacht Club, General Store, Tubby’s, Cary Library, Williams House, Village Center Fire Station, Wayne Community Church, and Ladd Recreation Center);

**North Wayne:** (consider including: North Wayne Building, North Wayne Church, North Wayne School House and North Wayne Fire Station).

- **Study the feasibility of making the village(s) more accessible and safe for pedestrians - bike and pedestrian improvements;**
- **Consider the development of historic center designation to maintain the rural historic charm of the village(s);**
- **Assess parking needs for the village(s);**
- **Develop a marketing plan for village(s) (i.e. map/ brochure and/ or website);**
- **Find new and develop new recreational uses for the mill pond, surrounding parks and village(s) (i.e. concerts, dances, movies, arts and crafts shows, and farmers market;**
- **Find new use for empty buildings/ structures (i.e. dam, old masonic hall);**
- **Remove any slum and blight conditions existing within village(s);**
- **Consider improving any water quality and public health issues (i.e. community septic system);**

- **Evaluate any potential improvements for small business to attract, retain and grow small businesses in the village(s).**

**The intent of the plan is outline a plan to assist the Selectboard with revitalizing the village(s) and our increase our tax base.**

TOWN OF WAYNE  
**STATEMENT OF CASH STATUS**  
 PREPARED ON 8/18/20

BALANCE PER ANDROSCOGGIN BANK STATEMENT AS OF	7/31/2020	204,563.19
LESS OUTSTANDING CHECKS:		<u>(27,530.51)</u>
	RECONCILED TRIO BALANCE	177,032.68
	Transfer from Savings Account	200,000.00

ADD RECIEPTS:

8/3/2020	3,445.48	
8/4/2020	9,330.57	
8/5/2020	3,696.46	
8/6/2020	2,901.79	
8/7/2020	2,519.60	
8/10/2020	1,120.15	
8/11/2020	3,099.71	
8/12/2020	2,293.85	
8/13/2020	3,131.60	
8/14/2020	12,673.16	
8/17/2020	8,225.41	

TOTAL 252,437.78

LESS WARRANTS:

8/6/2020	(12,747.62)	#5
8/6/2020	(54,144.98)	#6
8/6/2020	(3,625.53)	#65
8/20/2020	(9,715.77)	#7
8/20/2020	(239,122.07)	#8

TOTAL (319,355.97)

PROJECTED CASH BALANCE: 110,114.49

BALANCE 1 YEAR AGO 231,535.52

NET CHANGE (121,421.03)

## Wayne Town Manager

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**From:** John Simko <JSimko@androscogginbank.com>  
**Sent:** Monday, August 17, 2020 3:20 PM  
**To:** 'Wayne Town Manager'  
**Cc:** Lena Hann  
**Subject:** Town of Wayne cash flow assistance

Aaron,

I have spoken briefly with Lena yesterday and wanted to get an email to you today regarding the Town of Wayne's cash flow needs. I have had numerous teleconferences today so a discussion tomorrow would be better for me if you would like.

Generally, it would appear from the numbers Lena pulled from the Town's account activity over the past 36+ months that August is the Town's lowest cash point during a calendar year. Many Towns with a September or October property tax commitment date have August as their weakest cash month, so it would not surprise me if Wayne's tax bills usually go out in mid-September to mid-October.

The surest way to protect your cash flow during a period such as this is with a Tax Anticipation Note (TAN). While an "As needed" TAN functions much like a business Line of Credit (LOC) it differs from an LOC because it is actually a General Obligation Bond which carries with it the "full faith and credit" of the Town to repay this debt. That "pledge" is significant security for the loan and makes it much easier for a bank to extend credit in this manner, and to do so at a low rate. A properly executed tax-exempt TAN involves both the authorization (attorney-approved language for a motion passed by your municipal officers) and a legal opinion speaking to the validity of that authority as well as the tax-exempt and non-arbitrage nature of the transaction, and also preparation of the note itself. We are not currently offering LOCs in lieu of TANs at Androscoggin Bank. In the end I think the TAN is a better, safer instrument for all parties involved and saves little to no money when considering the higher rate. But that's my opinion.

If you are less than 3 weeks away from issuing property tax bills then I don't think a TAN will help as it will likely take at least 2 if not 3 or more weeks to authorize the note, accept our proposal, and close the loan. If you are more than 3 weeks out from issuing property tax bills than I would urge you to consider a TAN ASAP.

If you wish to pursue one, the first step is to contact your bond counsel. If you are looking for bond counsel, I can recommend some to you. The closest firm to you geographically would be Bernstein-Shur in Augusta. Attorney Lee Bragg and his paralegal Ginny Dufour work with many municipalities near Wayne to complete TANs, BANs, and other financial transactions. They would help you complete the cash flow analysis to determine the upper limit of what the Town may legally borrow for a tax anticipation note. Once determined, you or they would share that information with me, and with a proposed closing date agreed to, I would provide a proposal for your consideration. If agreeable, we would proceed to closing (typically at a meeting of your Board, done by mail and email) and then book the note and have it available for advances as you request. I assume you would want the TAN to be in the "As Needed" format: in that format you request advances on the TAN by way of an email to me and I authorize the advance to be made into the account of your choosing the same day. The Town only pays interest on the amount of money that is advanced during the term of the TAN.

Please let me know if you would like to discuss by phone tomorrow (I'm available tomorrow at 8:30 AM or most any time after) or if you would like to proceed with a TAN. I hope this information is helpful to you.

Best regards,

John



**John Simko**

VP, Government Finance  
Androscoggin Bank  
30 Lisbon Street, P.O. Box 1407  
Lewiston, ME 04243-1407

Office Telephone: 207-376-3623  
Mobile Telephone: 207-330-0531  
Fax: 207-753-1548

[AndroscogginBank.com](http://AndroscogginBank.com)  
[jsimko@androscogginbank.com](mailto:jsimko@androscogginbank.com)

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**From:** Lena Hann <LHann@AndroscogginBank.com>  
**Sent:** Friday, August 14, 2020 4:00 PM  
**To:** 'Wayne Town Manager' <townmanager@waynemaine.org>  
**Cc:** John Simko <JSimko@androscogginbank.com>  
**Subject:** Town balances from 2017 to 2020

See attached for your review. Note different tabs for each year. This came from a report. The 7/31/2020 number was a manual calculation on my part.

I hope this helps.

I'm copying John Simko, our municipal lender, asking that he call you and discuss any need for a TAN.

John, Aaron's cell is 877-1214.

Aaron, John's cell is 330-0531.

Have a great weekend, everyone.

Take care.

**Upcoming vacation– September 8 through 13.**



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**Best Employer** | United States, 2019

Lena C. Hann  
VP, Government Banking Services Officer  
Androscoggin Bank  
30 Lisbon Street, Lewiston, ME 04240  
Cell: 207-740-8829  
[AndroscogginBank.com](http://AndroscogginBank.com)  
[lhann@androscogginbank.com](mailto:lhann@androscogginbank.com)

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# TOWN OF WAYNE

Incorporated February 12, 1798

48 Pond Road  
P.O. Box 400  
Wayne, Maine 04284

Telephone 207-685-4983  
Fax 207-685-3836  
townofwayne@aol.com

## MEMO

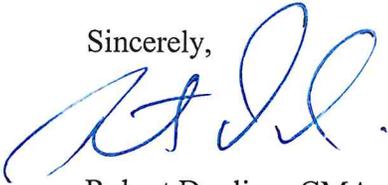
July 21, 2020

To: Board of Selectmen/Assessors  
From: Robert Duplisea, RJD Appraisal, Assessors Agent

RE: Abatement for Darren & Victoria Lee Map 6 Lot 1

I wanted to give you some background regarding this abatement. After the 2019 tax bills were sent, Darren Lee came to see me to declare that the buildings on his above-referenced lot were removed prior to the April 1<sup>st</sup>, 2019. I stated they were demolished June 2018. I told him I needed some evidence to support that claim and then I can consider an abatement for 2019. After not hearing back for quite some time, I finally receive what I needed from Victoria in June 2020. I now present the abatement for the Board to process. The 2020 assessment has already been reduced and updated

Sincerely,



Robert Duplisea CMA  
Assessor's Agent

2019 Abatements Supplementals

As of 8/17/2020

Abatements								Notes
Name	Map/Lot	Acct #	Value	Mil Rate	Amount			
Darren & Victoria Lee	Map 6 Lot 1	348	\$ 69,100	0.01796	\$1,241.04	Buildings removed prior to 4/1/2019 no prior notice given.		

**MAINE REVENUE SERVICES - 2020 MUNICIPAL TAX RATE CALCULATION STANDARD FORM**

*Municipality:* Wayne

**BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT**

1. Total taxable valuation of real estate	1	180,014,020	
		(must match MVR Page 1, line 6)	
2. Total taxable valuation of personal property	2	788,100	
		(must match MVR Page 1, line10)	
3. Total taxable valuation of real estate and personal property (Line 1 plus line 2)	3		180,802,120
			(must match MVR Page 1, line 11)
4. (a) Total exempt value for all homestead exemptions granted	4(a)	8,297,900	
		(must match MVR Page 1, line 14f)	
(b) Homestead exemption reimbursement value	4(b)	5,808,530	
		<b>(Line 4(a) multiplied by 0.7)</b>	
5. (a) Total exempt value of all BETE qualified property	5(a)	1,262,300	
		(must match MVR Page 2, line 15c)	
(b) BETE exemption reimbursement value	5(b)	631,150	
		<b>(line 5(a) multiplied by 0.5)</b>	
Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total valuation base (Line 3 plus line 4(b) plus line 5(b))	6		187,241,800

**ASSESSMENTS**

7. County tax	7	221,721.15	
8. Municipal appropriation	8	1,211,156.00	
9. TIF Financing plan amount	9	2,697.00	
		(must match MVR Page 2, line 16c + 16d)	
10. Local education appropriation (local share/contribution) (Adjusted to municipal fiscal year)	10	2,322,349.00	
11. Total assessments (Add lines 7 through 10)	11		3,757,923.15

**ALLOWABLE DEDUCTIONS**

12. Anticipated state municipal revenue sharing	12	99,720.94	
13. Other revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, Tree Growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. (Do not include any homestead or BETE reimbursement))	13	349,811.00	
14. Total deductions (Line 12 plus line 13)	14		449,531.94
15. Net to be raised by local property tax rate (Line 11 minus line 14)	15		3,308,391.21

16.	3,308,391.21	<b>X</b>	1.05	=	3,473,810.77	Maximum Allowable Tax
	(Amount from line 15)					
17.	3,308,391.21	/	187,241,800	=	0.017669	Minimum Tax Rate
	(Amount from line 15)		(Amount from line 6)			
18.	3,473,810.77	/	187,241,800	=	0.018552	Maximum Tax Rate
	(Amount from line 16)		(Amount from line 6)			
19.	180,802,120	<b>X</b>	0.017960	=	3,247,206.08	Tax for Commitment
	(Amount from line 3)		(Selected Rate)		(Enter on MVR Page 1, line 13)	
20.	3,308,391.21	<b>X</b>	0.05	=	165,419.56	Maximum Overlay
	(Amount from line 15)					
21.	5,808,530	<b>X</b>	0.017960	=	104,321.20	Homestead Reimbursement
	(Amount from line 4b)		(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	631,150	<b>X</b>	0.017960	=	11,335.45	BETE Reimbursement
	(Amount from line 5b)		(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	3,362,862.73	-	3,308,391.21	=	54,471.52	Overlay
	(Line 19 plus lines 21 and 22)		(Amount from line 15)		(Enter on line 5, Assessment Warrant)	

**(If Line 23 exceeds Line 20 select a lower tax rate.)**

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.