

# RED SKY

14 Clark Point Road  
Southwest Harbor

\$825,000



*Distinctive properties.  
Legendary service.*



- Well - established 80+ seat restaurant with 1,756+/- sq. feet.
- Downtown Southwest Harbor location attractive to both locals and tourists.
- Continue the legacy or introduce your own vision!



For more information, please contact: THE KNOWLES COMPANY

One Summit Road  
Northeast Harbor, Maine 04662

207.276.3322

[info@KnowlesCo.com](mailto:info@KnowlesCo.com)

[www.KnowlesCo.com](http://www.KnowlesCo.com)

*The Knowles Company represents both sellers and buyers, and practices an Appointed Agency Policy. We have a fiduciary responsibility to disclose to our client all information material to the sale of this property acquired from any source.*

## Public Detail Report

MLS #: 1617571  
 Status: Active  
 Directions: GPS friendly!

County: Hancock  
 Property Type: Commercial

List Price: \$825,000  
 Original List Price: \$825,000



14 Clark Point  
 Road  
 Southwest Harbor,  
 ME 04679

List Price:  
 \$825,000  
 MLS#: 1617571



## General Information

Year Built +/-: 1960      Lot Size Acres +/-: 0.12      Sqft Fin Total +/-: 1,756  
 Sub-Type: General Commercial

## Land Information

Leased Land: No      Zoning: A  
 Surveyed: Unknown  
 Lot Size Acres +/-: 0.12

## Interior Information

Total SqFt: 1,756      Total # Floors: 1      Year Built +/-: 1960  
 Ceiling Height +/-: 9

## Property Features

<b>Utilities:</b>	Utilities On: Yes	<b>Basement:</b>	Bulkhead; Full; Unfinished	<b>Heat System:</b>	Baseboard; Heat Pump;
<b>Building</b>	Generator	<b>Foundation Materials:</b>	Poured Concrete	<b>Heat Fuel:</b>	Hot Water
<b>Features:</b>		<b>Exterior:</b>	Block; Wood Siding	<b>Water:</b>	Electric; Propane
<b>Parking:</b>	Off Street; On Street; Other	<b>Roof:</b>	Composition; Shingle	<b>Sewer:</b>	Public
<b>Location:</b>	Parking			<b>Accessibilitiy</b>	Public Sewer
	Downtown; Public Transport			<b>Amenities:</b>	Level Entry
	Access				
<b>Electric:</b>	Circuit Breakers				
<b>Gas:</b>	Bottled				

## Tax/Deed Information

Book/Page/Deed: 7198/404-406/All      Full Tax Amt \$3,579.14      Map/Block/Lot: 3/98  
 Tax ID: 14ClarkPointRoadSouthwestHarbor04679

## Remarks

**Remarks:** Welcome to 14 Clark Point Road, where your next commercial venture awaits! Red Sky's long-standing presence in the community and its current table arrangements allowing for 80+ seats make it a lucrative investment. Well positioned in the heart of Southwest Harbor, Red Sky is a turnkey restaurant poised for its next visionary proprietor. For 22 years, this establishment has stood as a beloved pillar of the community, known for its exceptional dining experience. While Red Sky has established a successful legacy, the potential for innovation is limitless. Whether you wish to continue the current concept or introduce something new, this property is ready to facilitate your vision. Take advantage of this commercial opportunity in downtown Southwest Harbor, a location that attracts both locals and tourists alike. Schedule your showing today and step into a future filled with potential. Full photography pending.

LO: The Knowles Company

## Listing provided courtesy of:

The Knowles Company  
 One Summit Road  
 Northeast Harbor, ME 04662  
 207-276-3322

*info@knowlesco.com*

The information on MLS listings has been assembled from various sources of varying degrees of reliability. Any information that is critical to your buying decision should be independently verified. All dimensions are approximate and not guaranteed. Copyright Maine Listings © 2025 and FBS. Broker Attribution: 207-276-3322

**PROPERTY DISCLOSURE**  
**(Non-Residential Properties)**

TO BE DELIVERED TO BUYERS PRIOR TO OR DURING PREPARATION OF OFFER

PROPERTY LOCATED AT: 14 CLARK POINT ROAD, SOUTHWEST HARBOR, ME 04679

**SECTION I. UNDERGROUND STORAGE TANKS**

To the best of Seller's knowledge (check one):

- ☒ No underground storage facility for the storage of oil or petroleum products exists on the premises.
- ☐ An underground oil storage facility exists on the premises which is subject to regulation by the Maine Department of Environmental Protection under 38 M.R.S.A. §561, et seq., State of Maine Registration No. \_\_\_\_\_. The underground facility ☐ has ☐ has not been abandoned in place.

**SECTION II. HAZARDOUS MATERIALS**

Pursuant to the Rules of the Maine Real Estate Commission, Licensee discloses that the Seller is making no representations regarding current or previously existing known hazardous materials on or in the Real Estate described above, except as follows:

**Some abestos shingles on the rear facade.**

(attach additional sheets as necessary)

Buyer is encouraged to seek information from professionals regarding any specific hazardous material issue or concern.

**SECTION III. MATERIAL DEFECTS**

Material defects pertaining to the physical condition of the property:

**None known.**

(attach additional sheets as necessary)

Page 1 of 3    Buyer Initials \_\_\_\_\_

Seller Initials \_\_\_\_\_



PROPERTY LOCATED AT: 14 CLARK POINT ROAD, SOUTHWEST HARBOR, ME 04679

#### SECTION IV. ACCESS TO THE PROPERTY

Is access by means of a way owned and maintained by the State, a county, or a municipality over which the public has a right to pass?..... ☒ Yes ☐ No ☐ Unknown

If No, who is responsible for maintenance? \_\_\_\_\_

Road Association Name (if known): \_\_\_\_\_

Source of information: \_\_\_\_\_

#### SECTION V. FLOOD HAZARD

For the purposes of this section, Maine law defines "flood" as follows:

- (1) A general and temporary condition of partial or complete inundation of normally dry areas from:(a) The overflow of inland or tidal waters; or (b) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

For purposes of this section, Maine law defines "area of special flood hazard" as land in a floodplain having 1% or greater chance of flooding in any given year, as identified in the effective federal flood insurance study and corresponding flood insurance rate maps.

During the time the seller has owned the property:

Have any flood events affected the property? ..... ☒ Yes ☐ No ☐ Unknown

If Yes, explain: In the past, there has been a wet basement after heavy rain. This has been remediated.

Have any flood events affected a structure on the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, explain: \_\_\_\_\_

Has any flood-related damage to a structure occurred on the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, explain: \_\_\_\_\_

Has there been any flood insurance claims filed for a structure on the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, indicate the dates of each claim: \_\_\_\_\_

Has there been any past disaster-related aid provided related to the property or a structure on the property from federal, state or local sources for purposes of flood recovery? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, indicate the date of each payment: \_\_\_\_\_

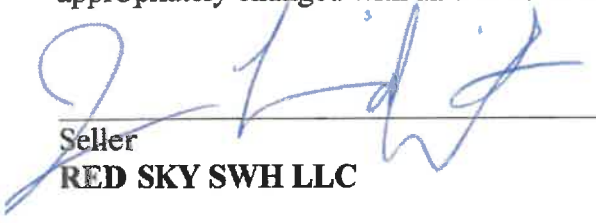
PROPERTY LOCATED AT: 14 CLARK POINT ROAD, SOUTHWEST HARBOR, ME 04679

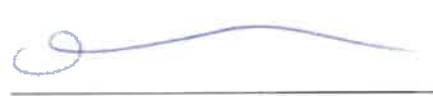
Is the property currently located wholly or partially within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002? ..... ☐ Yes ☒ No ☐ Unknown  
If yes, what is the federally designated flood zone for the property indicated on that flood insurance rate map?

Relevant Panel Number: 23009C1214D Year: 2016 (Attach a copy)  
Comments: None..

Source of Section V information: Seller, Agent observation, FEMA Firmette Map

The Seller agrees to provide prompt notice of any changes in the information and this form will be appropriately changed with an amendment date.

 3/21/25  
Seller Date  
**RED SKY SWH LLC**

 3/21/25  
Seller Date  
**RED SKY SWH LLC**

\_\_\_\_\_  
Seller Date

\_\_\_\_\_  
Seller Date

The undersigned hereby acknowledge receipt of this Property Disclosure prior to the preparation of an offer to purchase the Real Estate.

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

# LEAD PAINT DISCLOSURE/ADDENDUM

AGREEMENT BETWEEN RED SKY SWH LLC, RED SKY SWH LLC

(hereinafter "Seller")

AND \_\_\_\_\_

(hereinafter "Buyer")

FOR PROPERTY LOCATED AT 14 CLARK POINT ROAD, SOUTHWEST HARBOR, ME 04679

Said contract is further subject to the following terms:

## Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

## Seller's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

\_\_\_\_\_ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

☒

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the Seller (check one below):

\_\_\_\_\_ Seller has provided the Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

☒

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

## Buyer's Acknowledgment

(c) Buyer has received copies of all information listed above.

(d) Buyer has received the pamphlet Protect Your Family from Lead in Your Home.

(e) Buyer has (check one below):

\_\_\_\_\_ Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

\_\_\_\_\_ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

## Agent's Acknowledgment

(f) Agent has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

## Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer \_\_\_\_\_ Date \_\_\_\_\_

Buyer \_\_\_\_\_ Date \_\_\_\_\_

Buyer \_\_\_\_\_ Date \_\_\_\_\_

Buyer \_\_\_\_\_ Date \_\_\_\_\_

Agent \_\_\_\_\_ Date \_\_\_\_\_

Seller RED SKY SWH LLC

Date 4/1/24

Seller RED SKY SWH LLC

Date 4/1/24

Seller \_\_\_\_\_

Date \_\_\_\_\_

Seller MEGAN MOORE

Date 4/4/25

Agent MEGAN MOORE, BETH INGEBRITSON

Date \_\_\_\_\_



Maine Association of REALTORS®/Copyright © 2025.

All Rights Reserved. Revised 2023.

The Knowles Company, PO Box 367 Northeast Harbor ME 04662  
Megan Moore

2072665645



RED SKY



# National Flood Hazard Layer FIRMette

68°19'49"W 44°17'N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Without Base Flood Elevation (BFE)  
Zone A, V, A99

With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee. See Notes, Zone X

Area with Flood Risk due to Levee Zone L

NO SCREEN

Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

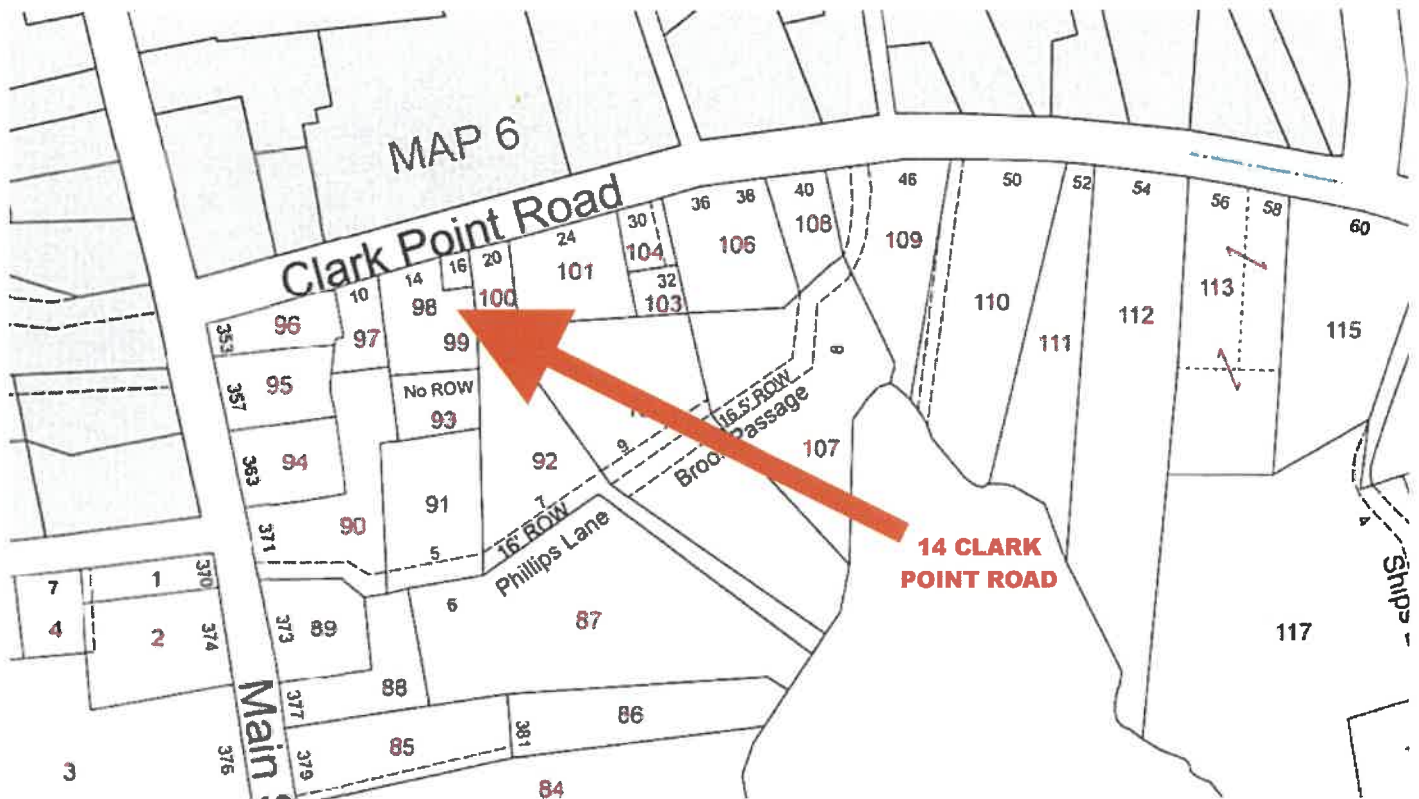
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/28/2025 at 2:04 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



**TAX MAP**  
**14 CLARK POINT ROAD, SOUTHWEST HARBOR**  
**MAP 3, LOT 98-99**





## SECTION V: STANDARDS FOR THE ZONES

### ZONEA (See applicable General Regulations and Standards)

#### A. LAND USE STANDARDS

1. The following uses are not permitted:

a) Commercial boat storage within structures (structures existing on the lot at the time of the adoption of this Ordinance may be used but not expanded)

b) Non-maritime industry

2. All other uses are permitted subject to lot, structure and performance standards.

#### B. LOT STANDARDS

1. Lot area minimum: 6500 square feet.

#### C. STRUCTURE STANDARDS

1. Set-backs (minimum):

a) 10' from edge of paved roadway; sidewalks must be provided (standards in Southwest Harbor Road Ordinance)

b) 10' from lot lines

EXCEPTION: Construction permitted either on the lot line as an agreed common firewall, or set back at least 5' from the lot line, provided a firewall is used.

2. Height:

a) 40' maximum

3. Lot coverage:

a) no limit

## **SECTION II: GENERAL REGULATIONS AND STANDARDS**

### **A. General Regulations**

1. Any structure or property in the Town devoted to a lawful use at the time of adoption of this Ordinance may continue in such use until abandoned.
2. After the date of adoption of this Ordinance, all buildings, structures, land or parts thereof shall be erected, constructed, expanded moved or structurally altered in conformance with the land use, structure and performance standards herein specified for the zone in which they are located. All new lots shall be created in conformance with the lot size, structure, and performance standards herein specified for the zone in which they are located. This ordinance also applies to all land areas within 250 feet, horizontal distance of the:
  - a) Normal high-water line of any great pond or river
  - b) Upland edge of a coastal wetland, including all areas affected by tidal action, or
  - c) Upland edge of a freshwater wetland and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

And to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

3. Normal repairs and maintenance do not need a permit from the Town as long as they do not involve expansion of a structure or use, or a change in use. This ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require.
4. Each subdivision requires approval by the Planning Board in accordance with provisions of this ordinance and of the "Subdivision Ordinance of the Town of Southwest Harbor". A building permit may be approved simultaneously for construction within the first year of subdivision approval.
5. No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in a shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate Town Officials. Following installation of service, the company/district shall forward the written authorization to the Town, indicating that the installation has been completed.
6. Should any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
7. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.
8. To be enforceable, this Ordinance must have been adopted by the Town of Southwest Harbor's legislative body and approved by the Commissioner of the Department of Environmental Protection.
9. The Code Enforcement Officer shall determine whether the property is in compliance with any applicable Ordinance and any previously issued permit. Any property deemed "not in compliance" shall not be issued any new permit until such time as the Code Enforcement Officer shall certify the property is in compliance.

## B. GENERAL STANDARDS

### 1. STRUCTURE

#### a. Definition

The term structure is defined as anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks, patios, balconies, piers, dumpsters, and satellite dishes; but excludes incidental structures for residential use, such as picnic tables, chairs, birdhouses, flagpoles.

#### b. Setbacks

- 1) The structure setback standards for driveways, parking areas, roads, and signs are detailed in the following sections of the Ordinance:

Driveways.....page 25

Parking areas.....page 28

Roads.....page 31

Signs.....page 34

- 2) Any setback measurements from the normal high-water line of and water body, stream, tributary stream or the upland edge of a wetland are horizontal distances.
- 3) The water body, tributary stream or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- 4) Stairways or similar structures may be allowed within the water or wetland setback area with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils provided:
  - a) The structure is limited to a maximum of Four Feet (4') in width;
  - b) The structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, unless permitted by DEP pursuant to the Natural Resources Protection Act (NRPA), M. R. S.A. 38 § 480-Cet seq, and
  - c) The applicant demonstrates that no reasonable access alternative exists on the property.

#### c. Structures and uses

- 1) If more than one structure or use, or combination thereof, is constructed, established or placed on a single parcel in common ownership, all structure standards shall be met for each structure or use except in shore land zones which shall include minimum lot area per dwelling unit or use.
- 2) Dimensional requirements are specified within the structure standards for multi-family development.
- 3) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at their expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination.



If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

- d. Minimum residential floor space in all zones is Five Hundred (500) sq. ft.
- e. Flood hazard regulations  
All openings or the equivalent to the first lowest floor elevation of all new construction or substantial improvement to existing buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood. (See Southwest Harbor's Floodplain Ordinance).
- f. Retaining Walls  
Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
  - (1) The site has been previously altered and an effective vegetated buffer does not exist;
  - (2) The wall(s) is (are) at least Twenty Five feet (25) from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  - (3) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - (4) The total height of the wall(s), in the aggregate, is no more than 24";
  - (5) Retaining walls are located outside of the One Hundred (100)-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
  - (6) The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
  - (7) A vegetated buffer area is established within Twenty Five feet (25) of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
    - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
    - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;
    - (iii) Only native species may be used to establish the buffer area;
    - (iv) A minimum buffer width of Fifteen feet (15) is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
    - (v) A footpath not to exceed the standards in Section VI (B) may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within Seventy Five feet (75) of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

## 2. LOTS

- a. Minimum lot area
  - 1) Land below the normal high-water line of a water body or upland edge of a wetland shall not be included toward calculating minimum lot area.
  - 2) Land beneath rights-of-ways providing access to the lots of the proposed subdivision

or any subdivisions approved after 5/3/88 shall not be included in calculating minimum lot area.

- 3) Land beneath roads serving more than two lots in Shoreland Zones and in Zone A within One Hundred-Fifty feet (150') of the NHL shall not be included toward calculating minimum lot area.

b. Shore frontage

- 1) The minimum width of any portion of any lot within One Hundred feet (100) of the normal high-water of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- 2) Shore frontage is measured in a straight line between the intersections of the lot lines with the shoreline.

c. Separate tracts or parcels of land:

Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971, or unless one or more of the lots within the Harbor, Commercial Fishery/Maritime Activity, Maritime Activity or the Residential Shoreland zones, or 250' of any freshwater wetlands, are non-conforming and the parcels were described as one lot on the recorded deed at the time of adoption of this Ordinance.

d. Lot coverage

The calculation of lot coverage in the Shoreland Zones and within 250' of the normal high-water line of Zone A shall include all non-vegetated surfaces in addition to buildings. In the other zones, lot coverage includes only buildings.

3. ROADS AND DRIVEWAYS

The Planning Board may require a traffic impact analysis report by a registered professional engineer to show that (1) the roads giving access to the development and (2) the neighboring roads have adequate carrying capacity to accommodate the amount and types of traffic to be generated by the proposed use.

### SECTION III: NON-CONFORMANCE

#### A. PURPOSE

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance (June 29th, 1992) shall be allowed to continue, subject to the requirements set forth in this Section III. Except, as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

#### B. GENERAL

##### 1. TRANSFER OF OWNERSHIP

Non-conforming lots, roads, driveways, structures, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming lot, road, driveway or structure, subject to the provisions of this Ordinance.

##### 2. REPAIR AND MAINTENANCE

This Ordinance allows, without a permit pursuant to this Ordinance, the normal upkeep and maintenance of non-conforming roads, driveways, structures and uses including repairs or renovations that do not involve expansion of any part of the non-conforming use or structure.

##### 3. MANDATED CHANGES

Any change in a non-conforming use or structure which does not comply with the provisions of this Ordinance, but which is mandated by Federal, State, or local building and safety codes shall be allowed with a permit.

#### C. NON-CONFORMING STRUCTURES

##### 1. EXPANSIONS

- a. Any addition to or expansion of a non-conforming structure must conform to the standards of this Ordinance, unless a variance is obtained from the Board of Appeals. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

##### EXCEPTIONS:

- 1) Single family residential structures in all zones and commercial structures in Zone A except any structure or portion within 75' of the normal high-water line may be added to or expanded:
  - (a) If there is no change outside the existing footprint of any non-conforming portion of the structure as it existed on the face of the earth on May 3rd, 1988, and
  - (b) The increase in height of any non-conforming part of the structure is no greater than 12' during the lifetime of the building and no higher than the maximum elevation standard for the zone.
- 2) After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded as measured in floor area or volume by thirty (30%) or more during the lifetime of the structure. No expansion is allowed towards the shore line. If the replacement structure conforms with the requirements of Section (C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded to 30% in floor area and volume since that date. (5-4-10)





# Fact Sheet:

## Arsenic Treated Wood

Department of Health and  
Human Services  
11 State House Station  
Augusta, ME 04333

Maine CDC  
Environmental and  
Occupational Health Program  
Toll Free in Maine: 866-292-3474  
Fax: 207-287-3981  
TTY: 207-287-8066  
Email: ehu@maine.gov

### IF YOU WORK WITH CCA WOOD

- **NEVER** burn CCA wood.
- Wear gloves when handling CCA wood
- Wear a dust mask when sanding or cutting CCA wood
- Don't work with CCA wood in an enclosed area (like a garage)

Apply a coating to seal the wood every 1-2 years

### Does Your New Home Have Arsenic (CCA) Treated Wood?

About half of all Maine homes have a deck, or playground or some other structure that is made of wood treated with arsenic. This wood is called "CCA pressure-treated wood" or just "pressure-treated" wood. The wood was treated with arsenic to protect against rot and insects.

Too much arsenic can cause cancer. So it is good to prevent arsenic getting into your body when you can. When you touch wood treated with arsenic, you can get arsenic on your hands. The arsenic on your hands can get into your mouth if you are not careful about washing before eating. Young children are most at risk because they are more likely to put their hands in their mouths. The good news is that there are simple things you can do to protect yourself and your family from arsenic treated wood. This fact sheet will tell you how.



Children touching unsealed treated wood, and then putting their hands in their mouths is the biggest concern.

### TO LEARN MORE

Eric Frohmborg  
Environmental and  
Occupational Health  
Program  
Maine CDC  
Toll-free in Maine 866-  
292-3474  
TTY: 207-287-8066  
[www.maine.gov/dhhs/  
eohp](http://www.maine.gov/dhhs/eohp)

#### First: Does your house have arsenic treated (CCA) wood?

When arsenic treated wood is new, it tends to have a greenish tint. When CCA wood is older, it is harder to tell. Ask your realtor if the seller knows whether CCA wood was used. You can also test the wood to find out if it contains arsenic. Call us to find out how.

#### Second: If so, reduce contact with the arsenic.

You can lower the amount of arsenic on the surface of the wood by applying a coating on the wood every 1-2 years. Oil-based sealants, varnishes, or polyurethane work best for sealing arsenic in the wood. Be sure to wash your children's hands when they finish playing on or near CCA wood.

**Third: If you have any questions, call us toll-free in Maine: 866-292-3474**

## Common Questions

#### What is CCA wood?

CCA wood is made by dipping the wood in a mixture of chemicals. These chemicals include chromium, copper, and arsenic. This protects the wood against insects and rot. This wood is known as CCA wood or "pressure treated" wood. Most pressure treated wood in the U.S. is CCA wood. After December 31, 2003, no more CCA wood will be made for use around homes. CCA wood may still be sold for home use until April 1, 2004 in the state of Maine.

#### What is Arsenic?

Arsenic is found in soil and rocks. Most people get a little arsenic every day from the food they eat. Also, some people have arsenic in their private wells, which is why it is important that anyone with a well have it tested for arsenic. People who are exposed to too much arsenic over many years are more likely to get cancer.

# Have you tested your well water for arsenic?



## Your water looks, smells and tastes fine.

### So why do you need to test it?

It is hard to believe that water that looks, smells and tastes fine may not be safe to drink. But the truth is that 1 in 10 wells in Maine has water that is high in arsenic. There are wells high in arsenic in all parts of Maine.

### Protect your family.

### Test your well for arsenic every 3 to 5 years.

## How to Test Your Well Water

### 1. Call a lab.

- Call a certified lab and ask for an arsenic test kit for your well water. You can find a lab at this website: [wellwater.maine.gov](http://wellwater.maine.gov). Or call the Maine Lab Certification Officer at 207-287-1929.
- If you have never tested your well water for bacteria, nitrites and nitrates, or other chemicals like radon, uranium and flouride, ask your lab for a test kit for all of these.

### 2. Do the test.

- Your test kit will arrive in the mail. It will have empty bottles, directions and forms to fill out.
- Follow the directions and mail the bottles back to the lab with the forms.
- Watch a video on how to do a water test: [youtube.com/user/MainePublicHealth](http://youtube.com/user/MainePublicHealth)

### 3. Get your results.

- Your test results will come to you in the mail.
- If you have too much arsenic in your water, or if you are not sure you understand your test results, call 866-292-3474 (toll-free in Maine) or 207-287-4311 to speak to an expert.

## Why Arsenic is Bad

People who drink water with too much arsenic for many years are more likely to get cancer. Arsenic can cause skin, bladder and lung cancers.

It may cause low birthweight and affect brain development in babies if pregnant women drink water with too much arsenic in it. Arsenic can also affect brain development in young children. Other problems from drinking water with very high arsenic levels include: stomach pain, nausea, diarrhea, numbness or tingling in the hands and feet and changes in skin.

Your chance of having any of these health problems depends on:

- how much arsenic is in your water;
- how much water you drink;
- how long you have been drinking the water.

## Solving Arsenic Problems

There are actions you can take to protect your family if your water has too much arsenic. First, you can switch to bottled water for drinking and making drinks. This will allow you time to decide if you want to install a water treatment system.

Call us at 866-292-3474 (toll-free in Maine) or 207-287-4311 if you have high arsenic. We can help you decide how to solve the problem.

## Protect your family. Test your well.

- For more information: [wellwater.maine.gov](http://wellwater.maine.gov)
- Call for advice: 866-292-3474 • TTY: Call Maine Relay 711



Maine Center for Disease  
Control and Prevention  
in collaboration with  
Department of Health and Human Services

April 2013



Dept. of Professional & Financial Regulation  
Office of Professional & Occupational Regulation  
**MAINE REAL ESTATE COMMISSION**

35 State House Station Augusta ME 04333-0035



## REAL ESTATE BROKERAGE RELATIONSHIPS FORM

### Right Now You Are A Customer

Are you interested in buying or selling residential real estate in Maine? Before you begin working with a real estate licensee it is important for you to understand that Maine Law provides for different levels of brokerage service to buyers and sellers. You should decide whether you want to be represented in

a transaction (as a client) or not (as a customer). To assist you in deciding which option is in your best interest, please review the following information about real estate brokerage relationships:

Maine law requires all real estate brokerage companies and their affiliated licensees ("licensee") to perform certain basic duties when dealing with a buyer or seller. You can expect a real estate licensee you deal with to provide the following **customer-level services**:

- ✓ To disclose all material defects pertaining to the physical condition of the real estate that are known by the licensee;
- ✓ To treat both the buyer and seller honestly and not knowingly give false information;
- ✓ To account for all money and property received from or on behalf of the buyer or seller; and
- ✓ To comply with all state and federal laws related to real estate brokerage activity.

Until you enter into a written brokerage agreement with the licensee for client-level representation you are considered a "customer" and the licensee is not your agent. **As a customer, you should not expect the licensee to promote your best interest, or to keep any information you give to the licensee confidential, including your bargaining position.**

### You May Become A Client

If you want a licensee to represent you, you will need to enter into a written listing agreement or a written buyer representation agreement. These agreements **create a client-agent relationship** between you and the licensee. As a client you can expect the licensee to provide the following services, **in addition to** the basic services required of all licensees listed above:

- ✓ To perform the terms of the written agreement with skill and care;
- ✓ To promote your best interests;
  - For seller clients this means the agent will put the seller's interests first and negotiate the best price and terms for the seller;
  - For buyer clients this means the agent will put the buyer's interests first and negotiate for the best prices and terms for the buyer; and
- ✓ To maintain the confidentiality of specific client information, including bargaining information.

### COMPANY POLICY ON CLIENT-LEVEL SERVICES - WHAT YOU NEED TO KNOW

The real estate brokerage company's policy on client-level services determines which of the three types of agent-client relationships permitted in Maine may be offered to you. The agent-client relationships permitted in Maine are as follows:

- ✓ The company and all of its affiliated licensees represent you as a client (called "**single agency**");
- ✓ The company appoints, with your written consent, one or more of the affiliated licensees to represent you as an agent(s) (called "**appointed agency**");
- ✓ The company may offer limited agent level services as a **disclosed dual agent**.

### WHAT IS A DISCLOSED DUAL AGENT?

In certain situations a licensee may act as an agent for and represent both the buyer and the seller in the same transaction. This is called **disclosed dual agency**. *Both the buyer and the seller must consent to this type of representation in writing.*

Working with a dual agent is not the same as having your own exclusive agent as a single or appointed agent. For instance, when representing both a buyer and a seller, the dual agent must not disclose to one party any confidential information obtained from the other party.

**Remember!**  
*Unless you enter into a written agreement  
for agency representation, you are  
a customer—not a client.*

### THIS IS NOT A CONTRACT

It is important for you to know that this form is not a contract. The licensee's completion of the statement below acknowledges that you have been given the information required by Maine law regarding brokerage relationships so that you may make an informed decision as to the relationship you wish to establish with the licensee/company.

#### To Be Completed By Licensee

This form was presented on (date) \_\_\_\_\_

To \_\_\_\_\_  
Name of Buyer(s) or Seller(s)

by \_\_\_\_\_

on behalf of \_\_\_\_\_  
Licensee's Name  
**The Knowles Company**  
Company/Agency

MREC Form#3 Revised 07/2006  
Office Title Changed 09/2011

To check on the license status of the real estate brokerage company or affiliated licensee go to [www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing). Inactive licensees may not practice real estate brokerage.