

TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

Kittery Town Council

November 27, 2023 | 6:00 PM | Council Chambers & Zoom

Meetings may be watched in person, on Channel 22, the Town's website, or Kittery Channel 22 Facebook page.

The public may submit public comments via email, US Mail, or by dropping off written comments at the Town Hall. Emailed comments should be sent to: TownComments@kitteryme.org.

The public may participate in person or via Zoom webinar. **To register for the Zoom webinar, click this link:**

https://us02web.zoom.us/webinar/register/WN_RcB1mcJPRI-dtvOCL5toNQ

Written comments received by noon on the day of the meeting will become part of the public record and may be read in whole or in summary by the Council Chair.

1. Call to Order
2. Land Acknowledgement & Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - October 11, 2023 – Regular Meeting
 - October 11, 2023 – Executive Session
8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.

10. PUBLIC HEARINGS

a.(110223-01) The Kittery Town Council moves to hold a public hearing on Title 16 – Housing to Comply with LD2003.

b.(110223-02) The Kittery Town Council moves to hold a public hearing on Title 10 – Three Way Stop Dennett Ext/Martin Road.

c.(110223-03) The Kittery Town Council moves to hold a public hearing on Tree Tips 3, LLC 8 Dexter Lane Marijuana License (Change in ownership).

d.(110223-04) The Kittery Town Council moves to hold a public hearing on a new Victualers License for Board, LLC 5 Shapleigh Road Unit 108, Kittery.

11. DISCUSSION

a. Discussion by members of the public (three minutes per person)

b. Response to public comment directed to a particular Councilor

c. Chairperson’s response to public comments

12. UNFINISHED BUSINESS -

13. NEW BUSINESS

a. Donations/gifts received for Council disposition.

b.(110223-05) The Kittery Town Council moves to approve Council rules for the ensuring year.

c.(110223-06) The Kittery Town Council moves to approve the appointments of Council members to standing and ad hoc committees.

d.(110223-07) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Kittery Port Authority to interview Todd Endres for a five-year term on the Kittery Port Authority.

e.(110223-08) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Educational Scholarship Committee to interview Sarah Nohmer for a 2-year term on the Education Scholarship Committee.

f. (110223-09) The Kittery Town Council moves to accept the resignation from Chris Perkins from the Capital Improvement Plan Committee.

g.(110223-10) The Kittery Town Council moves to schedule a public hearing on December 11, 2022 on Title 13 – Municipal Property Tax Assistance Maximum.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a.Communications from the Chairperson
- b.Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: November 22, 2023



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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kamaral@kitteryme.org | www.kitteryme.gov

Town Manager's Report to Town Council November 27, 2023

- 1. PFAS Water Line Project** – The project to extend public water to Jewett, Shade Tree, Pettigrew, and Evergreen is substantially complete. One homeowner on Bolt Hill/Fernald chose to have a filter installed rather than connect to public water; that has been installed and is operational.

The contractor does need to come back in the spring to address some seeding and lawn/landscape work, and address any warranty items.

Through negotiation with MaineDEP we are anticipating a cost sharing of 65%, meaning DEP will cover 65% of the cost of the project, and the Town will cover the rest. We are projecting the Town's portion to be approximately \$300,000 excluding the temporary bottled water service prior to and while the project was in construction.

We again wish to thank the Kittery Water District and Superintendent Mike Rogers for their assistance with planning and implementing this project.

- 2. Branding and Universal Design** – You will notice that this report and other materials in this meeting's packet have a new look. As part of our DEI efforts, we have committed to ensuring our print and digital materials are accessible for all abilities.

The Web Content Accessibility Guidelines (WCAG) is an internationally recognized set of guidelines for digital accessibility. The WCAG defines requirements for designers and developers to improve accessibility for people with disabilities. It defines three levels of conformance: Level A, Level AA, and Level AAA. Wherever possible, the Town will aim to adhere to level AA of the WCAG 2.0 guidelines.

To accomplish this, we have launched Monsido on our website which provides new personal accessibility options for experiencing our website. Options include changing font type, size, letter spacing and color to improve readability. To utilize the accessibility options, look for the circular purple person icon on our website.



In the process of improving our website, we identified that we utilize entirely too many font types and use font types which are less visually

accessible for documents and forms. Therefore, we are tying the accessibility effort into our ongoing branding work, by converting our documents and forms to a consistent Level AA font type.

The roll-out of the new font types and layouts will take a few months to complete. This work includes rolling out new templates and a style guide. We will be printing new business cards, which will also include preferred pronouns. We will use up all other existing “printed” stationery and address the font and layout when we need to restock. Our goal is to have a consistent font, look and layout that is Level AA compliant for all Town produced documents and materials.

It is our hope this work will make Town materials more readable, accessible, and clear for our customers and the community.

- 3. Gorges Road Fire Station Ribbon Cutting** – We invite the public to join us for a ribbon cutting celebration for the completed expansion of the Gorges Road Fire Station. The ribbon cutting will be held on December 7, 10AM at Gorges Road.

The objective of this project was to relocate the ambulance service from the heart of the Foreside to the Gorges Road Fire Station. The project is adding garage bays for the ambulances, creating office space for the ambulance administration, creating bunk space for firefighters as we grow full-time firefighter coverage for the community, and upgrading the kitchen facilities to meet code.

The project budget is \$1.5M. This includes the proceeds from the sale of the Walker Street Fire Station (net: \$818,565.23) and \$700,000 allocated by the Council from the proceeds of sales from other property.

H.L. Patten has been constructing the project. The project is expected to be completed within budget and on time.

- 4. Route 236/Dennett Road Hydrological Study Final Presentation** – Barton and Loguidice are wrapping up the hydrological study project and preparing to issue their final report. There will be a final public presentation on Thursday, December 14, 5PM in Council Chambers.

Their last public input session in August included a list of potential projects and initiatives the Town could undertake to address current and future stormwater management and wetland preservation in the study area. From that meeting they received direction on which projects and initiatives the community wants prioritized. They have spent the last few months developing the implementation strategies for the prioritized projects and completing the study report.

The information from this study, in conjunction with a market analysis study underway, will be used to inform discussions about how the zoning for the

Business Park may be amended to better reflect the needs and goals of the community.

5. Fiscal Year 2024 Quarter 1 Financial Report – See Attached

6. Calendar Year 2023 Q3 Annual Goals and Comprehensive Plan Implementation Report – See Attached

Upcoming Dates:

- Freebie Barn Closed – Month of December
- Shellfish Day Licenses Available – Beginning December 1
- Kittery Holiday Parade and Tree Lighting – December 2, 3PM
- Gorges Road Fire Station Ribbon Cutting – December 7, 10AM, Gorges Road
- Economic Recovery Hub Application Deadline – December 7, SMPDC
- Holly Jolly Trolley – December 8, 4PM – 7PM, Rice Public Library
- Fill a Boot Fundraiser – December 9, 8AM – 12PM, Route 1, Kittery Fire Department
- Rte 236/Dennett Road Hydrological Study – December 14, 5PM, Town Hall

Respectfully Submitted,



Kendra Amaral
Town Manager

Kittery Fire Department Fill-a-Boot Fundraiser



Supporting Kittery Holiday Baskets

Look for members of the Kittery Fire Department as they collect donations to help make the season bright for those in need.

- **November 25, 2023 | 8 AM – 12 PM**
 - **Kittery Resource Recovery Facility**
- **December 9, 2023 | 8 AM – 12 PM**
 - **Along Route 1 in Kittery**





Kittery
HOLIDAY
Parade

Saturday, December 2, 2023 | 3:00 PM
Beginning at Traip Academy

This year's theme: holiday songs and carols

ECONOMIC RECOVERY HUB PROGRAM



YORK & SO. OXFORD COUNTIES BUSINESSES

The Southern Maine Planning and Development Commission (SMPDC) is launching the Economic Recovery HUB Program to help small businesses in York and Southern Oxford Counties. Working to strengthen the regional business assistance network, the Program will offer Financial Assistance Grants, Technical Assistance Grants, as well as referrals for free counseling, workshops and classes.

WHO MAY APPLY?

- Nonprofits and For-profit businesses with **25 or fewer** employees and located within the SMPDC service area.
- **For-profits** may apply for **Financial Assistance Grants** and **Technical Assistance Grants**.
- **Nonprofits** may apply for **Technical Assistance Grants**.

FINANCIAL ASSISTANCE GRANTS

(\$10,000 - \$20,000)

- Business opened or re-opened between 1/1/2020 and 5/11/2023
- Must be able to demonstrate negative impacts due to COVID-19 pandemic
- Must have not already received substantial COVID-19 assistance grants

Eligible Uses for Grant Funds

- Commercial rent / utilities
- Inventory
- Equipment
- Insurance
- Payroll (excluding owner and relatives)
- Other working capital needs

Ineligible Uses for Grant Funds

- Wages for business owner(s) and family
- Refinance existing debt
- Down payment for other financing

[APPLY ONLINE](#)

TECHNICAL ASSISTANCE GRANTS

- Bookkeeping
- Web Design
- Social Media Planning / Implementation

[APPLY ONLINE](#)

WORKSHOPS & CLASSES

(Free or Paid for by Program)

- Banking/Finance Workshops offered by Kennebunk Savings Bank
- Workshops offered by SCORE, SBDC and New Ventures Maine
- Classes at YCCC and York County Adult Education.
- Create new workshops for needed subjects not already offered

[APPLY ONLINE](#)

APPLY BY 12-7-2023

Online applications are available at SMPDC.org/

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For more information, please visit www.kitteryme.gov.



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REPORT TO TOWN COUNCIL

Meeting Date: November 27, 2023
From: Kendra Amaral, Town Manager
Subject: Fiscal Year 2024 Financial Update – Quarter 1
Councillor Sponsor: N/A

This is to provide the Council with an update on the Fiscal Year 2024 (FY24) finances at the close of Quarter 1 (Q1) of the fiscal year.

REVENUE

Revenue projections are difficult to make this early in the fiscal year. Therefore, at this stage we focus on watching revenue activity, and identifying any unanticipated variations.

We have been delayed in making adjusting entries for items such as Property Tax Revenue and Abatements. In the case of Property Tax Revenue, the School's portion of taxes raised is still to be journaled over to the School funds; the journal entry will be for \$18,201,310 leaving \$11,216,905 for municipal operations. The property abatement line is currently showing the Senior Tax Circuit Breaker and Senior Tax Stabilization credits, along with other normal abatement activities. The Senior Tax Circuit Breaker will get moved to the Other Funds account, and we are working with our auditors on determining how to best to account for the Senior Tax Stabilization program abatements and state reimbursement for this one-year program.

Auto Excise tax came in at exactly 25% of annual projection, or \$486,301, at the close of Q1. This is consistent with the prior fiscal year Q1 collections. This appears to be stabilizing following the boom year during COVID.

Gate revenue for Fort Foster is significantly lower this year, coming in at \$92,952 for Q1. The driving factors are a combination of a rainy summer and the closing of the grate in mid-August due to the loss of seasonal staff. By comparison the summer revenue for the prior fiscal year Q1 was approximately \$321,160.

All other business revenue is tracking as expected, with no major anomalies presenting at this early stage in the fiscal year.

Quarterly sewer revenue for customer flow is \$536,485. This is approximately

\$120,000 above Q1 in the prior fiscal year.

EXPENDITURES

We have already begun making year-end expenditure projections. This is particularly important as we respond to and absorb unanticipated costs that arise throughout the year. As a general note, projected spending is developed using spending cycle calculations, anticipated costs, and other methods as appropriate. Projections are estimates only and may change as additional information becomes available or spending fluctuations occur over the course of the fiscal year.

Based on projections, we are on track for spending and budget controls so far this year. As usual, we are watching a few areas for potential exposure, even this early in the fiscal year. I have also included in my projections the full “worst case scenario” for snow and ice operations. The snow and ice cost projections will be dialed back based on actual storm activity during the winter months.

Staff fluctuations and projects involving consultants have the most significant impact on projections at this phase of the fiscal year.

Departments that are short-staffed are utilizing overtime and part-time hours more heavily than desired; conversely open positions are offsetting wages in operating budgets and our Shared Services budget which carries employee fringe benefit costs. Due to this current state of flux, it is difficult to project year-end outcomes for our short-staffed departments.

The Fire Department is now on a similar trajectory as the Police Department relative to staffing shortages and overtime utilization. The number of call firefighters coming in for calls for service are too low to respond safely and effectively; meaning the full-time firefighters are having to respond via overtime call backs to fill the need.

The other area to be watched is General Assistance. General Assistance is currently on track to be approximately \$10,000 over budget, which is not in and of itself significant. The significance comes in the fact that this will likely represent the second year in a row General Assistance will exceed \$100,000.

ATTACHMENTS

Report through Q1

- General Fund
- Sewer Fund
- Other Funds

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT
1000 TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL

1000 TOWN GENERAL FUND

1000 11164 2023 - 2023 TAXES RE	0	0	0	29,107,997.44			
1000 68500 TRANSFERS IN/OUT WAR	0	722,000	722,000	722,000.00			
TOTAL TOWN GENERAL FUND	0	722,000	722,000	29,829,997.44	.00	-29,107,997.44	4131.6%

101110 ADMINISTRATION

101110 64011 MANAGER SALARY	119,435	0	119,435	27,323.08	.00	92,111.92	22.9%
101110 64014 TOWN CLERK SALARY	74,904	0	74,904	17,458.20	.00	57,445.80	23.3%
101110 64017 CLERKS SALARIES	182,920	0	182,920	44,573.39	.00	138,346.61	24.4%
101110 64018 HUMAN RESOURCES MA	80,071	0	80,071	18,873.41	.00	61,197.59	23.6%
101110 64026 FINANCE DIRECTOR S	121,824	0	121,824	28,096.02	.00	93,727.98	23.1%
101110 64027 CUSTODIAN WAGES	22,857	0	22,857	.00	.00	22,857.00	.0%
101110 64030 OVERTIME	4,000	0	4,000	1,200.13	.00	2,799.87	30.0%
101110 64031 SALARY & POSITION	40,000	0	40,000	.00	.00	40,000.00	.0%
101110 64041 FACILITIES MAINT S	60,829	0	60,829	14,199.60	.00	46,629.40	23.3%
101110 64046 COMMUNICATIONS DIR	74,094	0	74,094	17,458.20	.00	56,635.80	23.6%
101110 64052 FINANCE SALARIES	185,991	0	185,991	43,058.44	.00	142,932.56	23.2%
101110 65010 POSTAGE	10,000	0	10,000	2,879.93	.00	7,120.07	28.8%
101110 65020 TELEPHONE & INTERN	9,000	0	9,000	2,847.61	.00	6,152.39	31.6%
101110 65030 TRANSPORTATION	2,500	0	2,500	.00	.00	2,500.00	.0%
101110 65040 EDUCATIONAL/MEETIN	5,000	0	5,000	1,029.42	.00	3,970.58	20.6%
101110 65060 PRINTING	14,500	0	14,500	.00	.00	14,500.00	.0%
101110 65080 LEGAL NOTICES/OTHE	3,000	0	3,000	169.00	.00	2,831.00	5.6%
101110 65200 ELECTRICITY	13,440	0	13,440	2,461.30	.00	10,978.70	18.3%
101110 65220 WATER	500	0	500	79.35	.00	420.65	15.9%
101110 65230 FUEL OIL	5,200	0	5,200	584.18	.00	4,615.82	11.2%
101110 65240 DUMPSTERS	1,000	0	1,000	211.93	.00	788.07	21.2%
101110 65250 SEWER	325	0	325	74.76	.00	250.24	23.0%
101110 65300 MACHINE & EQUIPMEN	40,000	0	40,000	21,575.08	-10,102.50	28,527.42	28.7%
101110 65400 LEGAL SERVICES	75,000	0	75,000	11,941.80	.00	63,058.20	15.9%
101110 65410 COMPUTER SERVICES	65,450	0	65,450	9,840.59	.00	55,609.41	15.0%
101110 65415 WEB PAGE	6,000	0	6,000	20,737.99	.00	-14,737.99	345.6%
101110 65430 AUDIT SERVICES	20,000	0	20,000	2,400.00	.00	17,600.00	12.0%
101110 65480 OTHER PROFESSIONAL	45,000	0	45,000	18,425.05	.00	26,574.95	40.9%
101110 65500 MAINTENANCE OF BLD	20,000	0	20,000	3,776.03	.00	16,223.97	18.9%
101110 66010 OFFICE SUPPLIES	9,000	0	9,000	593.67	.00	8,406.33	6.6%
101110 66020 BOOKS/SUBSCRIPTION	1,500	0	1,500	478.15	.00	1,021.85	31.9%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03								
ACCOUNTS FOR:			ORIGINAL	TRANFRS/	REVISED		AVAILABLE	PCT
1000	TOWN	GENERAL FUND	APPROP	ADJSTMNTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	USE/COL
101110	66025	MAINE MUNICIPAL AS	15,352	0	15,352	.00	.00	.0%
101110	66030	OTHER SUPPLIES	1,000	0	1,000	156.69	.00	15.7%
101110	66035	ABSTRACTS & LIENS	6,000	0	6,000	1,997.38	.00	33.3%
101110	66040	JANITORIAL SUPPLIE	2,500	0	2,500	5,997.32	.00	239.9%
101110	67510	OFFICE FURNITURE &	1,000	0	1,000	316.52	.00	31.7%
TOTAL ADMINISTRATION			1,339,192	0	1,339,192	320,814.22	-10,102.50	23.2%
101115 TOWN COUNCIL								
101115	64001	COUNCIL STIPEND	4,000	0	4,000	.00	.00	.0%
101115	65480	OTHER PROF SERV/CO	1,500	0	1,500	.00	.00	.0%
101115	66037	COUNCIL EXPENSES	150	0	150	.00	.00	.0%
TOTAL TOWN COUNCIL			5,650	0	5,650	.00	.00	.0%
101130 ELECTIONS								
101130	64020	PART TIME SALARIES	6,000	0	6,000	.00	.00	.0%
101130	65000	ELECTIONS EXPENSES	1,000	0	1,000	.00	.00	.0%
101130	65010	POSTAGE	2,500	0	2,500	7.48	.00	.3%
101130	65060	PRINTING	8,000	0	8,000	1,503.99	.00	18.8%
101130	65480	OTHER PROFESSIONAL	5,500	0	5,500	.00	.00	.0%
101130	66010	OFFICE SUPPLIES	200	0	200	22.88	.00	11.4%
TOTAL ELECTIONS			23,200	0	23,200	1,534.35	.00	6.6%
101150 COUNTY TAX								
101150	65480	OTHER PROF SERVICE	1,007,305	0	1,007,305	.00	.00	.0%
TOTAL COUNTY TAX			1,007,305	0	1,007,305	.00	.00	.0%
101155 TAX INCREMENT FINANCING								
101155	65000	TIF FINANCING PLAN	170,000	0	170,000	.00	.00	.0%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03								
ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT	
1000 TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL	
TOTAL TAX INCREMENT FINANCING	170,000	0	170,000	.00	.00	170,000.00	.0%	
101230 DEBT & INTEREST								
101230 68057 RUSTLEWOOD FARM -	6,874	0	6,874	6,873.77	.00	.23	100.0%	
101230 68065 2006 FIRE STATION	110,000	0	110,000	110,000.00	.00	.00	100.0%	
101230 68066 2010 PW SALT SHED	16,250	0	16,250	.00	.00	16,250.00	.0%	
101230 68067 2012 KCC BOND PRIN	275,000	0	275,000	.00	.00	275,000.00	.0%	
101230 68068 2015 CIP BOND PRIN	225,000	0	225,000	225,000.00	.00	.00	100.0%	
101230 68069 KLT BRAVE BOAT HEA	12,314	0	12,314	12,314.08	.00	-.08	100.0%	
101230 68071 LIBRARY BOND PRINC	240,000	0	240,000	.00	.00	240,000.00	.0%	
101230 68257 RUSTLEWOOD FARM IN	3,411	0	3,411	1,765.83	.00	1,645.17	51.8%	
101230 68265 2006 FIRE STATION	8,250	0	8,250	4,675.00	.00	3,575.00	56.7%	
101230 68268 2015 CIP BONDS INT	11,250	0	11,250	6,750.00	.00	4,500.00	60.0%	
101230 68269 KLT BRAVE BOAT HEA	5,776	0	5,776	2,943.82	.00	2,832.18	51.0%	
101230 68271 LIBRARY BOND INTER	90,030	0	90,030	45,015.00	.00	45,015.00	50.0%	
101230 68295 PWD BLDG/SALT SHED	4,063	0	4,063	2,031.25	.00	2,031.75	50.0%	
101230 68297 2012 KCC BOND INT	66,275	0	66,275	33,137.50	.00	33,137.50	50.0%	
TOTAL DEBT & INTEREST	1,074,493	0	1,074,493	450,506.25	.00	623,986.75	41.9%	
101310 POLICE								
101310 64002 POLICE CHIEF FT S	115,992	0	115,992	26,794.58	.00	89,197.42	23.1%	
101310 64012 SERGEANTS SALARIES	400,183	0	400,183	87,282.79	.00	312,900.21	21.8%	
101310 64013 SCHOOL RESOURCE OF	78,532	0	78,532	17,246.46	.00	61,285.54	22.0%	
101310 64014 DETECTIVES SALARIE	167,347	0	167,347	47,355.22	.00	119,991.78	28.3%	
101310 64015 PATROLMEN SALARIES	916,657	0	916,657	190,009.07	.00	726,647.93	20.7%	
101310 64016 DISPATCHER SALARIE	384,020	0	384,020	86,363.28	.00	297,656.72	22.5%	
101310 64017 ADMINISTRATIVE ASS	109,440	0	109,440	24,863.84	.00	84,576.16	22.7%	
101310 64022 ANIMAL CONTROL OFF	84,910	0	84,910	17,882.18	.00	67,027.82	21.1%	
101310 64023 LIEUTENANT SALARY	97,880	0	97,880	22,610.67	.00	75,269.33	23.1%	
101310 64024 NIGHT DIFFERENTIAL	15,500	0	15,500	3,867.50	.00	11,632.50	25.0%	
101310 64027 CUSTODIAN WAGES	18,285	0	18,285	3,837.31	.00	14,447.69	21.0%	
101310 64030 OVERTIME	200,000	0	200,000	72,617.47	.00	127,382.53	36.3%	
101310 64033 SICK TIME BUY BACK	2,000	0	2,000	.00	.00	2,000.00	.0%	
101310 64034 PHYSICAL FITNESS S	14,000	0	14,000	1,583.94	.00	12,416.06	11.3%	
101310 64050 MAINE STATE RETIRE	0	0	0	104.29	.00	-104.29	100.0%	
101310 64060 FICA EMPLOYER SHAR	0	0	0	75.13	.00	-75.13	100.0%	

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FOR 2024 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
101310 65010 POSTAGE	870	0	870	110.32	.00	759.68	12.7%
101310 65020 TELEPHONE & INTERN	37,000	0	37,000	6,972.78	.00	30,027.22	18.8%
101310 65030 TRANSPORTATION	3,200	0	3,200	400.00	.00	2,800.00	12.5%
101310 65040 EDUCATIONAL/MEETIN	28,150	0	28,150	7,220.64	.00	20,929.36	25.7%
101310 65060 PRINTING	8,600	0	8,600	96.75	.00	8,503.25	1.1%
101310 65080 LEGAL NOTICES/OTHE	850	0	850	.00	.00	850.00	.0%
101310 65200 ELECTRICITY	15,000	0	15,000	3,281.71	.00	11,718.29	21.9%
101310 65220 WATER	545	0	545	105.80	.00	439.20	19.4%
101310 65230 FUEL OIL	6,000	0	6,000	321.72	.00	5,678.28	5.4%
101310 65240 DUMPSTERS	1,160	0	1,160	282.56	.00	877.44	24.4%
101310 65250 SEWER	400	0	400	99.68	.00	300.32	24.9%
101310 65300 MACHINE & EQUIPMEN	88,500	0	88,500	44,391.39	.00	44,108.61	50.2%
101310 65310 VEHICLE MAINTENANC	29,000	0	29,000	5,227.23	.00	23,772.77	18.0%
101310 65311 GAS, GREASE, & OIL	50,000	0	50,000	6,943.78	.00	43,056.22	13.9%
101310 65470 DOG EXPENSE	1,800	0	1,800	.00	.00	1,800.00	.0%
101310 65480 OTHER PROFESSIONAL	3,500	0	3,500	555.00	.00	2,945.00	15.9%
101310 65500 MAINTENANCE OF BLD	5,000	0	5,000	473.31	.00	4,526.69	9.5%
101310 65521 UNIFORMS	31,500	0	31,500	10,767.74	.00	20,732.26	34.2%
101310 65693 SOCIAL SVCS PARTNE	56,000	0	56,000	.00	.00	56,000.00	.0%
101310 66010 OFFICE SUPPLIES	4,500	0	4,500	1,059.40	.00	3,440.60	23.5%
101310 66020 BOOKS/SUBSCRIPTION	6,500	0	6,500	244.00	.00	6,256.00	3.8%
101310 66030 OTHER SUPPLIES	5,400	0	5,400	647.13	.00	4,752.87	12.0%
101310 66032 ARMORY SUPPLIES	30,000	0	30,000	17,565.34	.00	12,434.66	58.6%
101310 66040 JANITORIAL SUPPLIE	3,000	0	3,000	993.79	.00	2,006.21	33.1%
101310 67510 OFFICE FURNITURE &	1,500	0	1,500	179.99	.00	1,320.01	12.0%
101310 67517 BULLET PROOF VESTS	5,276	0	5,276	.00	.00	5,276.00	.0%
TOTAL POLICE	3,027,997	0	3,027,997	710,433.79	.00	2,317,563.21	23.5%
101320 FIRE							
101320 64003 FIRE CHIEF SALARY	109,302	0	109,302	26,269.16	.00	83,032.84	24.0%
101320 64020 PART TIME SALARIES	77,187	0	77,187	3,578.50	.00	73,608.50	4.6%
101320 64030 OVERTIME FT FIREFI	0	0	0	11,907.80	.00	-11,907.80	100.0%
101320 64043 ON-CALL FIREFIGHTE	13,600	0	13,600	.00	.00	13,600.00	.0%
101320 64044 FULL TIME FIREFIGH	536,334	0	536,334	127,250.96	.00	409,083.04	23.7%
101320 64045 FT FIREFIGHTER CAL	55,000	0	55,000	18,923.52	.00	36,076.48	34.4%
101320 64095 ACCIDENT & HEALTH	1,766	0	1,766	1,682.00	.00	84.00	95.2%
101320 65010 POSTAGE	50	0	50	.00	.00	50.00	.0%
101320 65020 TELEPHONE & INTERN	9,180	0	9,180	1,976.58	.00	7,203.42	21.5%
101320 65040 EDUCATIONAL/MEETIN	2,600	0	2,600	225.47	.00	2,374.53	8.7%
101320 65045 TRAINING	4,650	0	4,650	.00	.00	4,650.00	.0%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03			ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT
ACCOUNTS FOR:	TOWN	GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL
101320	65046	HEALTH/PHYSICAL	7,600	0	7,600	.00	.00	7,600.00	.0%
101320	65200	ELECTRICITY	11,112	0	11,112	1,363.39	.00	9,748.61	12.3%
101320	65220	WATER	425	0	425	98.27	.00	326.73	23.1%
101320	65230	FUEL OIL	26,840	0	26,840	686.24	.00	26,153.76	2.6%
101320	65250	SEWER	400	0	400	190.04	.00	209.96	47.5%
101320	65300	MACHINE & EQUIPMEN	40,419	0	40,419	7,614.56	.00	32,804.44	18.8%
101320	65302	PROTECTIVE & SAFET	3,660	0	3,660	.00	.00	3,660.00	.0%
101320	65311	GAS, GREASE, & OIL	15,390	0	15,390	2,786.40	.00	12,603.60	18.1%
101320	65330	RADIO MAINTENANCE	2,867	0	2,867	222.98	.00	2,644.02	7.8%
101320	65480	OTHER PROFESSIONAL	8,570	0	8,570	5,365.00	.00	3,205.00	62.6%
101320	65500	MAINTENANCE OF BLD	15,390	0	15,390	3,220.93	.00	12,169.07	20.9%
101320	65521	UNIFORMS	5,600	0	5,600	5,600.00	.00	.00	100.0%
101320	66010	OFFICE SUPPLIES	800	0	800	72.98	.00	727.02	9.1%
101320	66020	BOOKS/SUBSCRIPTION	200	0	200	118.00	.00	82.00	59.0%
101320	66040	JANITORIAL SUPPLIE	1,000	0	1,000	134.74	.00	865.26	13.5%
101320	67505	EXTINGUISHER MAINT	1,000	0	1,000	332.28	.00	667.72	33.2%
101320	67515	LANTERNS & BATTERI	500	0	500	265.05	.00	234.95	53.0%
101320	67520	OPERATING EQUIPMEN	8,000	0	8,000	1,193.17	.00	6,806.83	14.9%
TOTAL FIRE			959,442	0	959,442	221,078.02	.00	738,363.98	23.0%
101330 STREETLIGHTS									
101330	65200	ELECTRICITY - STRE	30,000	0	30,000	3,642.75	.00	26,357.25	12.1%
101330	65300	MACHINE & EQUIPMEN	25,000	0	25,000	1,396.00	.00	23,604.00	5.6%
TOTAL STREETLIGHTS			55,000	0	55,000	5,038.75	.00	49,961.25	9.2%
101340 HYDRANT RENTALS									
101340	65300	HYDRANT RENT MACHI	275,725	0	275,725	.00	.00	275,725.00	.0%
TOTAL HYDRANT RENTALS			275,725	0	275,725	.00	.00	275,725.00	.0%
101410 HIGHWAY									
101410	64004	HIGHWAY 35% COMM S	39,885	0	39,885	9,397.81	.00	30,487.19	23.6%
101410	64010	FULL TIME SALARIES	594,096	0	594,096	123,875.06	.00	470,220.94	20.9%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
101410 64015 ADMINISTRATIVE ASS	50,371	0	50,371	11,866.46	.00	38,504.54	23.6%
101410 64029 OVERTIME - SNOW &	75,000	0	75,000	5,100.00	.00	69,900.00	6.8%
101410 64030 OVERTIME	8,000	0	8,000	6,991.11	.00	1,008.89	87.4%
101410 65010 POSTAGE	500	0	500	50.10	.00	449.90	10.0%
101410 65020 TELEPHONE & INTERN	4,200	0	4,200	1,232.80	.00	2,967.20	29.4%
101410 65030 TRANSPORTATION	750	0	750	250.00	.00	500.00	33.3%
101410 65040 EDUCATIONAL/MEETIN	4,000	0	4,000	35.00	.00	3,965.00	.9%
101410 65060 PRINTING	600	0	600	.00	.00	600.00	.0%
101410 65080 LEGAL NOTICES/OTHE	1,000	0	1,000	.00	.00	1,000.00	.0%
101410 65200 ELECTRICITY	4,600	0	4,600	1,028.28	.00	3,571.72	22.4%
101410 65220 WATER	2,500	0	2,500	1,134.43	.00	1,365.57	45.4%
101410 65230 FUEL OIL	7,000	0	7,000	138.06	.00	6,861.94	2.0%
101410 65250 SEWER	400	0	400	100.00	.00	300.00	25.0%
101410 65300 MACHINE & EQUIPMEN	18,000	0	18,000	1,896.69	.00	16,103.31	10.5%
101410 65302 PROTECTIVE & SAFET	3,000	0	3,000	696.85	.00	2,303.15	23.2%
101410 65303 FACILITY SAFETY IN	1,250	0	1,250	.00	.00	1,250.00	.0%
101410 65310 VEHICLE MAINTENANC	20,000	0	20,000	8,059.95	.00	11,940.05	40.3%
101410 65311 GAS, GREASE, & OIL	64,875	0	64,875	7,577.83	.00	57,297.17	11.7%
101410 65312 TIRES & TUBES	8,000	0	8,000	1,581.45	.00	6,418.55	19.8%
101410 65450 TARRING & PATCHING	12,000	0	12,000	4,337.58	.00	7,662.42	36.1%
101410 65452 SALT	172,000	0	172,000	.00	.00	172,000.00	.0%
101410 65454 SAND	2,100	0	2,100	.00	.00	2,100.00	.0%
101410 65456 GRAVEL & FILL	3,000	0	3,000	.00	.00	3,000.00	.0%
101410 65458 DRAINAGE SUPPLIES	5,000	0	5,000	2,396.39	.00	2,603.61	47.9%
101410 65460 SIGNS	10,000	0	10,000	1,813.85	.00	8,186.15	18.1%
101410 65462 STRIPING	54,000	0	54,000	348.84	.00	53,651.16	.6%
101410 65466 SNOW REMOVAL EQUIP	22,000	0	22,000	4,812.86	.00	17,187.14	21.9%
101410 65480 OTHER PROFESSIONAL	30,000	0	30,000	9,173.98	.00	20,826.02	30.6%
101410 65500 MAINTENANCE OF BLD	6,500	0	6,500	599.08	.00	5,900.92	9.2%
101410 65521 UNIFORMS	4,400	0	4,400	3,900.00	.00	500.00	88.6%
101410 65522 C.D.L PROGRAMS	850	0	850	126.74	.00	723.26	14.9%
101410 66009 SHOP SUPPLIES	19,000	0	19,000	5,460.51	.00	13,539.49	28.7%
101410 66010 OFFICE SUPPLIES	1,000	0	1,000	229.81	.00	770.19	23.0%
101410 66011 HAND TOOLS	600	0	600	855.75	.00	-255.75	142.6%
101410 66020 BOOKS/SUBSCRIPTION	1,500	0	1,500	500.00	.00	1,000.00	33.3%
101410 66030 OTHER SUPPLIES	400	0	400	447.40	.00	-47.40	111.9%
101410 66040 JANITORIAL SUPPLIE	8,500	0	8,500	2,833.85	.00	5,666.15	33.3%
101410 67514 PLANT EQUIPMENT	1,500	0	1,500	.00	.00	1,500.00	.0%
101410 67518 RENTAL EQUIPMENT	3,000	0	3,000	.00	.00	3,000.00	.0%
101410 67520 OPERATING EQUIPMEN	2,000	0	2,000	.00	.00	2,000.00	.0%
101410 67540 IMPROVEMENTS TO BL	5,000	0	5,000	.00	.00	5,000.00	.0%
TOTAL HIGHWAY	1,272,377	0	1,272,377	218,848.52	.00	1,053,528.48	17.2%

101520 GENERAL ASSISTANCE

101520 65480 OTHER PROF SERVICE	90,000	0	90,000	24,990.10	.00	65,009.90	27.8%
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TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03									
ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT		
1000 TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD	ACTUAL	ENCUMBRANCES	BUDGET	USE/COL	
TOTAL GENERAL ASSISTANCE	90,000	0	90,000	24,990.10		.00	65,009.90	27.8%	
101530 PUBLIC HEALTH SERVICE									
101530 64020 PART TIME SALARIES	1,040	0	1,040	242.80		.00	797.20	23.3%	
TOTAL PUBLIC HEALTH SERVICE	1,040	0	1,040	242.80		.00	797.20	23.3%	
101540 COMMUNITY AGENCIES									
101540 65479 FAIR TIDE	2,000	100,000	102,000	2,000.00		.00	100,000.00	2.0%	
101540 65492 YORK COUNTY COMMUN	2,500	0	2,500	2,500.00		.00	.00	100.0%	
101540 65497 SO MAINE AREA AGEN	1,400	0	1,400	.00		.00	1,400.00	.0%	
101540 65499 CROSSROADS HOUSE,	2,000	0	2,000	.00		.00	2,000.00	.0%	
TOTAL COMMUNITY AGENCIES	7,900	100,000	107,900	4,500.00		.00	103,400.00	4.2%	
101721 PLANNING / CODE									
101721 64005 CODE ENFORCEMENT S	154,642	0	154,642	35,395.07		.00	119,246.93	22.9%	
101721 64006 PLANNER SALARY	63,000	0	63,000	15,144.17		.00	47,855.83	24.0%	
101721 64010 DEVELOPMENT STAFF	45,477	0	45,477	10,444.80		.00	35,032.20	23.0%	
101721 64017 ASSISTANT PLANNER	30,128	0	30,128	9,166.58		.00	20,961.42	30.4%	
101721 64042 DIRECTOR OF PLANNI	119,339	0	119,339	27,851.58		.00	91,487.42	23.3%	
101721 65010 POSTAGE	1,200	0	1,200	480.72		.00	719.28	40.1%	
101721 65020 TELEPHONE & INTERN	1,500	0	1,500	157.08		.00	1,342.92	10.5%	
101721 65030 TRANSPORTATION	300	0	300	26.48		.00	273.52	8.8%	
101721 65040 EDUCATIONAL/MEETIN	3,000	0	3,000	.00		.00	3,000.00	.0%	
101721 65060 PRINTING	300	0	300	.00		.00	300.00	.0%	
101721 65080 LEGAL NOTICES & OT	1,400	0	1,400	.00		.00	1,400.00	.0%	
101721 65300 MACHINE & EQUIPMEN	3,200	0	3,200	4,513.91		.00	-1,313.91	141.1%	
101721 65310 VEHICLE MAINTENANC	500	0	500	.00		.00	500.00	.0%	
101721 65314 VEHICLE LEASE	1,885	0	1,885	479.04		.00	1,405.96	25.4%	
101721 65400 LEGAL SERVICES	2,500	0	2,500	.00		.00	2,500.00	.0%	
101721 65410 COMPUTER SERVICES	32,500	0	32,500	13,474.00		.00	19,026.00	41.5%	
101721 65411 BOARD OF ASSESSMEN	200	0	200	.00		.00	200.00	.0%	
101721 65480 OTHER PROFESSIONAL	159,000	0	159,000	30,604.71		.00	128,395.29	19.2%	

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03			ORIGINAL	TRANFRS/	REVISED		AVAILABLE	PCT
ACCOUNTS FOR:	TOWN	GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	USE/COL
101721	65521	UNIFORMS	400	0	400	.00	.00	.0%
101721	66010	OFFICE SUPPLIES	750	0	750	35.44	.00	4.7%
101721	66020	BOOKS/SUBSCRIPTION	350	0	350	.00	.00	.0%
101721	66026	SMPDC MEMBERSHIP	5,856	0	5,856	6,031.00	.00	103.0%
101721	66030	OTHER SUPPLIES	150	0	150	.00	.00	.0%
101721	67510	OFFICE FURNITURE &	1,000	0	1,000	.00	.00	.0%
TOTAL PLANNING / CODE			628,577	0	628,577	153,804.58	.00	24.5%
101730 IN TOWN PARKS								
101730	64007	PARKS 10% COMM SAL	11,396	0	11,396	2,685.14	.00	23.6%
101730	64010	FULL TIME SALARIES	159,787	0	159,787	36,761.89	.00	23.0%
101730	64030	OVERTIME	1,600	0	1,600	569.52	.00	35.6%
101730	65040	EDUCATIONAL/MEETIN	100	0	100	.00	.00	.0%
101730	65060	PRINTING	100	0	100	.00	.00	.0%
101730	65080	LEGAL NOTICES/OTHE	150	0	150	.00	.00	.0%
101730	65200	ELECTRICITY	1,723	0	1,723	283.91	.00	16.5%
101730	65220	WATER	7,600	0	7,600	379.98	.00	5.0%
101730	65300	MACHINE & EQUIPMEN	2,000	0	2,000	5,255.76	.00	262.8%
101730	65302	PROTECTIVE & SAFET	1,050	0	1,050	237.57	.00	22.6%
101730	65303	FACILITY SAFETY IN	625	0	625	382.15	.00	61.1%
101730	65310	VEHICLE MAINTENANC	2,400	0	2,400	594.69	.00	24.8%
101730	65311	GAS, GREASE, & OIL	9,100	0	9,100	1,649.92	.00	18.1%
101730	65312	TIRES & TUBES	1,000	0	1,000	108.11	.00	10.8%
101730	65457	LOAM & SOD	3,500	0	3,500	.00	.00	.0%
101730	65480	OTHER PROFESSIONAL	45,000	0	45,000	27,511.23	.00	61.1%
101730	65500	MAINTENANCE OF BLD	1,000	0	1,000	170.16	.00	17.0%
101730	65521	UNIFORMS	1,200	0	1,200	1,200.00	.00	100.0%
101730	66011	HAND TOOLS	150	0	150	107.97	.00	72.0%
101730	66030	OTHER SUPPLIES	150	0	150	72.04	.00	48.0%
101730	66040	JANITORIAL SUPPLIE	500	0	500	.00	.00	.0%
101730	67520	OPERATING EQUIPMEN	1,000	0	1,000	.00	.00	.0%
101730	67575	SEAPOINT BEACH	0	0	0	500.68	.00	100.0%
TOTAL IN TOWN PARKS			251,131	0	251,131	78,470.72	.00	31.2%
101735 FT FOSTER SEAPOINT & CRESCENT								
101735	64007	PARKS 15% COMM SAL	17,094	0	17,094	4,027.69	.00	23.6%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
101735 64010 FULL TIME SALARIES	51,035	0	51,035	12,249.97	.00	38,785.03	24.0%
101735 64020 PART TIME SALARIES	79,600	0	79,600	27,358.66	.00	52,241.34	34.4%
101735 64030 OVERTIME	8,000	0	8,000	1,970.46	.00	6,029.54	24.6%
101735 65020 TELEPHONE & INTERN	1,400	0	1,400	583.63	.00	816.37	41.7%
101735 65040 EDUCATIONAL/MEETIN	100	0	100	.00	.00	100.00	.0%
101735 65060 PRINTING	3,500	0	3,500	477.78	.00	3,022.22	13.7%
101735 65080 LEGAL NOTICES/OTHE	200	0	200	.00	.00	200.00	.0%
101735 65200 ELECTRICITY	575	0	575	85.15	.00	489.85	14.8%
101735 65220 WATER	600	0	600	.00	.00	600.00	.0%
101735 65300 MACHINE & EQUIPMEN	1,500	0	1,500	252.41	.00	1,247.59	16.8%
101735 65302 PROTECTIVE & SAFET	600	0	600	.00	.00	600.00	.0%
101735 65303 FACILITY SAFETY IN	625	0	625	.00	.00	625.00	.0%
101735 65310 VEHICLE MAINTENANC	2,400	0	2,400	763.55	.00	1,636.45	31.8%
101735 65311 GAS, GREASE, & OIL	9,100	0	9,100	1,123.81	.00	7,976.19	12.3%
101735 65312 TIRES & TUBES	700	0	700	.00	.00	700.00	.0%
101735 65480 OTHER PROFESSIONAL	4,000	0	4,000	1,355.00	.00	2,645.00	33.9%
101735 65500 MAINTENANCE OF BLD	4,500	0	4,500	319.68	.00	4,180.32	7.1%
101735 65510 PAINTING	400	0	400	.00	.00	400.00	.0%
101735 65521 UNIFORMS	800	0	800	600.00	.00	200.00	75.0%
101735 66011 HAND TOOLS	150	0	150	.00	.00	150.00	.0%
101735 66030 OTHER SUPPLIES	1,000	0	1,000	53.50	.00	946.50	5.4%
101735 66040 JANITORIAL SUPPLIE	6,000	0	6,000	1,239.20	.00	4,760.80	20.7%
101735 67520 OPERATING EQUIPMEN	1,200	0	1,200	.00	.00	1,200.00	.0%
101735 67575 SEAPOINT BEACH	200	0	200	.00	.00	200.00	.0%
TOTAL FT FOSTER SEAPOINT & CRESCENT	195,279	0	195,279	52,460.49	.00	142,818.51	26.9%
101740 MISCELLANEOUS ACCOUNTS							
101740 65023 EPA STORMWATER 4 P	25,000	0	25,000	5,460.00	.00	19,540.00	21.8%
101740 65025 COMPUTER REPAIR/RE	65,000	0	65,000	17,773.67	.00	47,226.33	27.3%
101740 65201 EV CHARGING ELECTR	1,000	0	1,000	732.30	.00	267.70	73.2%
101740 65455 MEMORIAL DAY ACTIV	750	0	750	.00	.00	750.00	.0%
101740 65951 SHELLFISH CONSERVA	2,000	0	2,000	.00	.00	2,000.00	.0%
101740 68525 MOSQUITO/TICK CONT	38,580	0	38,580	21,851.00	.00	16,729.00	56.6%
101740 69200 PSAP PAID TO YORK	37,000	0	37,000	.00	.00	37,000.00	.0%
TOTAL MISCELLANEOUS ACCOUNTS	169,330	0	169,330	45,816.97	.00	123,513.03	27.1%
101750 STATE/BANK FEES							
101750 65952 OVERAGE/SHORTAGE	0	0	0	-20.00	.00	20.00	100.0%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03									
ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT		
1000 TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD	ACTUAL	ENCUMBRANCES	BUDGET	USE/COL	
101750 65954 BANK FEES/CHARGES	500	0	500		.00	.00	500.00	.0%	
TOTAL STATE/BANK FEES	500	0	500		-20.00	.00	520.00	-4.0%	
101760 CAPITAL IMPROVEMENT PLAN									
101760 68750 CIP HOLDING DEDICA	725,000	0	725,000	725,000.00		.00	.00	100.0%	
101760 68751 CIP DEPT CAPITAL R	980,400	0	980,400	980,400.00		.00	.00	100.0%	
TOTAL CAPITAL IMPROVEMENT PLAN	1,705,400	0	1,705,400	1,705,400.00		.00	.00	100.0%	
101810 LIBRARY									
101810 64010 FULL TIME SALARIES	245,739	0	245,739	56,940.06		.00	188,798.94	23.2%	
101810 65002 LIBRARY DIRECTOR	93,732	0	93,732	22,082.95		.00	71,649.05	23.6%	
101810 65003 LIBRARY PART TIME	5,700	0	5,700	2,779.13		.00	2,920.87	48.8%	
101810 65010 POSTAGE	400	0	400	4.67		.00	395.33	1.2%	
101810 65020 TELEPHONE & INTERN	3,750	0	3,750	1,553.14		.00	2,196.86	41.4%	
101810 65060 PRINTING	400	0	400	.00		.00	400.00	.0%	
101810 65200 ELECTRICITY	14,400	0	14,400	5,460.83		.00	8,939.17	37.9%	
101810 65220 WATER	1,500	0	1,500	208.90		.00	1,291.10	13.9%	
101810 65230 FUEL OIL	12,000	0	12,000	.00		.00	12,000.00	.0%	
101810 65250 SEWER	400	0	400	100.00		.00	300.00	25.0%	
101810 65338 E-BOOKS CHILDREN	1,000	0	1,000	.00		.00	1,000.00	.0%	
101810 65339 AV DVD CHILDREN/TE	700	0	700	436.81		.00	263.19	62.4%	
101810 65340 E-BOOKS	10,000	0	10,000	3,057.74		.00	6,942.26	30.6%	
101810 65341 AUDIO VISUAL/DVD	6,000	0	6,000	2,459.47		.00	3,540.53	41.0%	
101810 65342 LIBRARY COPIER EXP	3,000	0	3,000	968.65		.00	2,031.35	32.3%	
101810 65431 PROFESSIONAL DUES	500	0	500	.00		.00	500.00	.0%	
101810 65432 LIBRARY TECHNOLOGY	16,500	0	16,500	4,435.79		.00	12,064.21	26.9%	
101810 65433 ADULT LIBRARY PROG	14,000	0	14,000	1,632.91		.00	12,367.09	11.7%	
101810 65434 LIB PROG CHILD/TEE	9,000	0	9,000	2,532.99		.00	6,467.01	28.1%	
101810 65435 CONFERENCES & WORK	200	0	200	.00		.00	200.00	.0%	
101810 65480 OTHER PROF SERV -	2,500	0	2,500	2,660.00		.00	-160.00	106.4%	
101810 65500 MAINTENANCE OF BLD	5,000	0	5,000	14,252.90		.00	-9,252.90	285.1%	
101810 65505 REPAIRS	7,500	0	7,500	1,750.34		.00	5,749.66	23.3%	
101810 65803 MISCELLANEOUS	1,250	0	1,250	52.77		.00	1,197.23	4.2%	
101810 66010 OFFICE SUPPLIES	2,000	0	2,000	109.86		.00	1,890.14	5.5%	
101810 66012 LIB PROCESSING SUP	3,600	0	3,600	.00		.00	3,600.00	.0%	
101810 66020 BOOKS/SUBSCRIPTION	52,000	0	52,000	8,044.34		.00	43,955.66	15.5%	

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03			ORIGINAL	TRANFRS/	REVISED		AVAILABLE	PCT
ACCOUNTS FOR:	TOWN	GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	USE/COL
101810 66021		BOOKS CHILD/TEEN	18,523	0	18,523	5,491.05	.00	29.6%
101810 67510		OFFICE FURNITURE &	1,000	0	1,000	.00	.00	.0%
TOTAL LIBRARY			532,294	0	532,294	137,015.30	.00	25.7%
101830 RECREATION								
101830 64008		RECREATION DIRECTO	95,558	0	95,558	22,290.30	.00	23.3%
101830 64012		COMMUNITY PROGRAMS	52,980	0	52,980	12,364.70	.00	23.3%
101830 64015		YOUTH PROGRAMS SUP	55,099	0	55,099	12,857.41	.00	23.3%
101830 64016		RECEPTIONISTS	74,850	0	74,850	16,188.68	.00	21.6%
101830 64020		PT SAFE SCHOOL YEA	69,073	0	69,073	5,991.06	.00	8.7%
101830 64021		SAFE SUMMER SALARI	119,931	0	119,931	83,669.87	.00	69.8%
101830 64024		FT CUSTODIANS	80,613	0	80,613	8,430.20	.00	10.5%
101830 64026		INSTRUCTORS STIPEN	6,600	0	6,600	.00	.00	.0%
101830 64027		CUSTODIAN WAGES	13,714	0	13,714	12,269.84	.00	89.5%
101830 64028		THEATRE TECHNICIAN	350	0	350	.00	.00	.0%
101830 64030		OVERTIME	1,500	0	1,500	1,560.12	.00	104.0%
101830 64038		COMMUNITY CENTER S	52,980	0	52,980	12,364.69	.00	23.3%
101830 65010		POSTAGE	1,195	0	1,195	13.80	.00	1.2%
101830 65020		TELEPHONE & INTERN	3,750	0	3,750	584.19	.00	15.6%
101830 65060		PRINTING	8,950	0	8,950	3,232.25	.00	36.1%
101830 65200		ELECTRICITY / UTIL	35,000	0	35,000	7,562.93	.00	21.6%
101830 65220		WATER	3,350	0	3,350	565.65	.00	16.9%
101830 65230		NATURAL GAS	33,500	0	33,500	915.92	.00	2.7%
101830 65250		SEWER	2,750	0	2,750	673.00	.00	24.5%
101830 65300		MACHINE & EQUIPMEN	925	0	925	1,784.80	.00	193.0%
101830 65310		VEHICLE MAINTENANC	250	0	250	265.13	.00	106.1%
101830 65478		PROGRAM SERVICES	2,500	0	2,500	1,627.99	.00	65.1%
101830 65480		OTHER PROFESSIONAL	2,000	0	2,000	.00	.00	.0%
101830 65500		MAINTENANCE OF BLD	23,000	0	23,000	3,230.80	.00	14.0%
101830 65610		SAFE SCHOOL YEAR P	3,000	0	3,000	.00	.00	.0%
101830 65615		SAFE SUMMER PROGRA	63,000	0	63,000	51,329.24	.00	81.5%
101830 65630		INSTRUCTORS-CONTRA	33,000	0	33,000	9,181.30	.00	27.8%
101830 65640		SPECIAL EVENTS	7,500	0	7,500	768.00	.00	10.2%
101830 65650		SENIOR PROGRAMS	1,500	0	1,500	1,929.91	.00	128.7%
101830 65670		TEAM EXPENSE	6,500	0	6,500	2,097.97	.00	32.3%
101830 65801		CONTRACTED SERVICE	69,000	0	69,000	19,971.34	.00	28.9%
101830 65802		ANNEX UTILITIES	1,500	0	1,500	.00	.00	.0%
101830 65803		MISCELLANEOUS	3,500	0	3,500	1,131.49	.00	32.3%
101830 66010		OFFICE SUPPLIES	3,000	0	3,000	.00	.00	.0%
101830 66030		OTHER SUPPLIES	1,500	0	1,500	.00	.00	.0%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03									
ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT		
1000 TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD	ACTUAL	ENCUMBRANCES	USE/COL		
101830 66031 THEATRE SUPPLIES	750	0	750		.00	.00		750.00	.0%
101830 66040 JANITORIAL SUPPLIE	11,500	0	11,500	1,108.57		.00		10,391.43	9.6%
TOTAL RECREATION	945,668	0	945,668	295,961.15		.00		649,706.85	31.3%
101840 HARBORMASTER-K.P.A									
101840 64010 HARBOR MASTER FULL	66,390	0	66,390	15,643.12		.00		50,746.88	23.6%
101840 64020 PART TIME SALARIES	33,442	0	33,442	7,203.69		.00		26,238.31	21.5%
101840 65010 POSTAGE	250	0	250	.00		.00		250.00	.0%
101840 65020 TELEPHONE & INTERN	2,600	0	2,600	223.70		.00		2,376.30	8.6%
101840 65080 LEGAL NOTICES/OTHE	0	0	0	39.00		.00		-39.00	100.0%
101840 65200 ELECTRICITY	2,016	0	2,016	249.23		.00		1,766.77	12.4%
101840 65220 WATER	525	0	525	112.31		.00		412.69	21.4%
101840 65240 DUMPSTERS/TRASH RE	1,800	0	1,800	778.85		.00		1,021.15	43.3%
101840 65305 BOAT EQUIPMENT MAI	5,000	0	5,000	1,770.36		.00		3,229.64	35.4%
101840 65310 VEHICLE MAINTENANC	3,500	0	3,500	540.52		.00		2,959.48	15.4%
101840 65311 GAS, GREASE, & OIL	5,500	0	5,500	2,023.50		.00		3,476.50	36.8%
101840 65462 RIGGING	14,000	0	14,000	3,317.31		.00		10,682.69	23.7%
101840 65463 SANITATION	2,500	0	2,500	947.49		.00		1,552.51	37.9%
101840 65470 PROFESSIONAL DEVE	1,500	0	1,500	.00		.00		1,500.00	.0%
101840 65480 OTHER PROFESSIONAL	2,500	0	2,500	3,094.36		.00		-594.36	123.8%
101840 65500 MAIN BLDG/GROUNDS	4,500	0	4,500	1,561.99		.00		2,938.01	34.7%
101840 65521 UNIFORMS	2,000	0	2,000	238.74		.00		1,761.26	11.9%
101840 66010 OFFICE SUPPLIES	300	0	300	32.60		.00		267.40	10.9%
101840 66030 OTHER SUPPLIES	2,000	0	2,000	35.67		.00		1,964.33	1.8%
101840 66040 JANITORIAL SUPPLIE	500	0	500	38.40		.00		461.60	7.7%
TOTAL HARBORMASTER-K.P.A	150,823	0	150,823	37,850.84		.00		112,972.16	25.1%
101930 RESOURCE RECOVERY FACILITY									
101930 64009 SOLID WASTE 40% CO	45,583	0	45,583	10,740.47		.00		34,842.53	23.6%
101930 64010 FULL TIME SALARIES	206,546	0	206,546	46,741.25		.00		159,804.75	22.6%
101930 64030 OVERTIME	11,500	0	11,500	1,997.74		.00		9,502.26	17.4%
101930 65020 TELEPHONE & INTERN	2,000	0	2,000	299.82		.00		1,700.18	15.0%
101930 65030 TRANSPORTATION	200	0	200	.00		.00		200.00	.0%
101930 65040 EDUCATIONAL/MEETIN	1,000	0	1,000	.00		.00		1,000.00	.0%
101930 65060 PRINTING	2,000	0	2,000	.00		.00		2,000.00	.0%
101930 65090 ZERO WASTE PROGRAM	6,000	0	6,000	488.57		.00		5,511.43	8.1%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
101930 65200 ELECTRICITY	12,700	0	12,700	4,413.14	.00	8,286.86	34.7%
101930 65220 WATER	1,000	0	1,000	128.95	.00	871.05	12.9%
101930 65230 FUEL OIL	1,230	0	1,230	.00	.00	1,230.00	.0%
101930 65300 MACHINE & EQUIPMEN	10,000	0	10,000	2,115.27	.00	7,884.73	21.2%
101930 65302 PROTECTIVE & SAFET	1,000	0	1,000	220.06	.00	779.94	22.0%
101930 65303 FACILITY SAFETY IN	1,250	0	1,250	.00	.00	1,250.00	.0%
101930 65311 GAS, GREASE, & OIL	16,275	0	16,275	2,351.37	.00	13,923.63	14.4%
101930 65312 TIRES & TUBES	3,000	0	3,000	.00	.00	3,000.00	.0%
101930 65480 OTHER PROFESSIONAL	332,500	0	332,500	78,981.20	.00	253,518.80	23.8%
101930 65500 MAINTENANCE OF BLD	8,000	0	8,000	170.16	.00	7,829.84	2.1%
101930 65521 UNIFORMS	2,000	0	2,000	1,800.00	.00	200.00	90.0%
101930 66009 SHOP SUPPLIES	6,000	0	6,000	198.93	.00	5,801.07	3.3%
101930 66010 OFFICE SUPPLIES	250	0	250	.00	.00	250.00	.0%
101930 66011 HAND TOOLS	200	0	200	.00	.00	200.00	.0%
101930 66030 OTHER SUPPLIES	250	0	250	.00	.00	250.00	.0%
101930 66040 JANITORIAL SUPPLIE	2,200	0	2,200	861.85	.00	1,338.15	39.2%
101930 67516 PLANT EQUIPMENT MA	26,000	0	26,000	403.96	.00	25,596.04	1.6%
101930 67553 ASPHALT SURFACE MA	7,500	0	7,500	.00	.00	7,500.00	.0%
TOTAL RESOURCE RECOVERY FACILITY	706,184	0	706,184	151,912.74	.00	554,271.26	21.5%

103000 SHARED EXPENSES - OTHER INSURA

103000 64060 FICA EMPLOYER SHAR	550,224	0	550,224	125,211.46	.00	425,012.54	22.8%
103000 64070 WORKERS' COMP INSU	174,678	0	174,678	25,277.04	.00	149,400.96	14.5%
103000 64090 RETIRED EMP MEDICA	200,000	0	200,000	66,755.71	.00	133,244.29	33.4%
103000 64092 DISABILITY INSURAN	34,000	0	34,000	12,227.48	.00	21,772.52	36.0%
103000 65101 MMA RISK POOL	196,089	0	196,089	103,439.95	.00	92,649.05	52.8%
103000 65115 UNEMPLOYMENT COMPE	10,000	0	10,000	.00	.00	10,000.00	.0%
103000 65150 MISCELLANEOUS INSU	7,440	0	7,440	2,402.70	.00	5,037.30	32.3%
103000 65210 UNION CENTRAL LIFE	3,000	0	3,000	734.67	.00	2,265.33	24.5%
TOTAL SHARED EXPENSES - OTHER INSURA	1,175,431	0	1,175,431	336,049.01	.00	839,381.99	28.6%

103001 SHARED EXPENSE - HEALTH/DENTAL

103001 64090 MAJOR MEDICAL INSU	1,457,112	0	1,457,112	568,661.09	.00	888,450.91	39.0%
103001 64091 DENTAL INSURANCE	19,037	0	19,037	6,463.92	.00	12,573.08	34.0%
TOTAL SHARED EXPENSE - HEALTH/DENTAL	1,476,149	0	1,476,149	575,125.01	.00	901,023.99	39.0%

103002 RETIREMENT

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03									
ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT		
1000 TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD	ACTUAL	ENCUMBRANCES	BUDGET	USE/COL	
103002 64050 MAINE STATE RETIRE	603,186	0	603,186	149,660.93		.00	453,525.07	24.8%	
103002 64051 ICMA EMPLOYER SHAR	41,597	0	41,597	8,599.55		.00	32,997.45	20.7%	
TOTAL RETIREMENT	644,783	0	644,783	158,260.48		.00	486,522.52	24.5%	
108000 ADULT ED									
108000 69480 ADULT EDUCATION FU	110,275	0	110,275	.00		.00	110,275.00	.0%	
TOTAL ADULT ED	110,275	0	110,275	.00		.00	110,275.00	.0%	
1111 TOWN REVENUE									
1111 43001 PROPERTY TAX REVENUE	-11,722,711	0	-11,722,711	-29,418,215.75		.00	17,695,504.75	251.0%	
1111 43003 PROPERTY TAX ABATEME	0	0	0	350,664.04		.00	-350,664.04	100.0%	
1111 43004 PAYMENT IN LIEU OF T	-3,200	0	-3,200	.00		.00	-3,200.00	.0%	
1111 43006 EXEMPT STATE REIMB F	-400,000	0	-400,000	-360,755.00		.00	-39,245.00	90.2%	
1111 43007 TREE GROWTH REVENUE	-2,200	0	-2,200	.00		.00	-2,200.00	.0%	
1111 43031 EXCISE TAX AUTOMOBIL	-1,936,000	0	-1,936,000	-486,301.44		.00	-1,449,698.56	25.1%	
1111 43032 EXCISE TAX BOAT	-48,000	0	-48,000	-2,261.80		.00	-45,738.20	4.7%	
1111 43109 SIGN PERMITS	-2,000	0	-2,000	-825.00		.00	-1,175.00	41.3%	
1111 43110 CODE ENFORCEMENT FEE	-350,000	0	-350,000	-89,192.90		.00	-260,807.10	25.5%	
1111 43113 BOARD OF ASSESSMENT	0	0	0	-500.00		.00	500.00	100.0%	
1111 43114 ADDITIONAL LAND USE	-4,000	0	-4,000	-875.00		.00	-3,125.00	21.9%	
1111 43115 PLANNING FEES (SUBDI	-5,000	0	-5,000	-9,750.00		.00	4,750.00	195.0%	
1111 43120 TOWN CLERK FEES	-24,000	0	-24,000	-13,822.00		.00	-10,178.00	57.6%	
1111 43121 WILDLIFE AGENT FEE	-1,000	0	-1,000	-164.00		.00	-836.00	16.4%	
1111 43122 ANIMAL WELFARE AGENT	-1,600	0	-1,600	-37.00		.00	-1,563.00	2.3%	
1111 43130 TOWN REGISTRATION FE	-35,000	0	-35,000	-11,670.00		.00	-23,330.00	33.3%	
1111 43135 HWY PERMITS & FEES	-1,500	0	-1,500	-215.00		.00	-1,285.00	14.3%	
1111 43140 SOLID WASTE PERMITS	-90,000	0	-90,000	-30,389.00		.00	-59,611.00	33.8%	
1111 43145 SOLID WASTE RECYCLIN	-100,000	0	-100,000	-19,273.78		.00	-80,726.22	19.3%	
1111 43147 DINGHY FEES	-12,000	0	-12,000	-711.40		.00	-11,288.60	5.9%	
1111 43148 TRANSIENT SLIP RENTA	-16,000	0	-16,000	-8,350.00		.00	-7,650.00	52.2%	
1111 43149 KPA APPLICATION FEES	-500	0	-500	-125.00		.00	-375.00	25.0%	
1111 43150 MOORING FEES	-85,000	0	-85,000	-1,339.60		.00	-83,660.40	1.6%	
1111 43151 LAUNCH FEE	-15,000	0	-15,000	-6,062.00		.00	-8,938.00	40.4%	
1111 43152 TRANSIENT MOORING	-12,000	0	-12,000	-6,416.00		.00	-5,584.00	53.5%	
1111 43153 WAIT LIST FEE	-2,000	0	-2,000	-63.00		.00	-1,937.00	3.2%	

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

ACCOUNTS FOR:		ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT	
1000	TOWN GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL	
1111	43155	CLAM LICENSE FEE	-500	0	-500	.00	.00	-500.00	.0%
1111	43156	PIER USAGE FEE	-2,600	0	-2,600	-498.00	.00	-2,102.00	19.2%
1111	43157	MOORING LATE FEE	0	0	0	-50.00	.00	50.00	100.0%
1111	43159	KAYAK RACK RENTAL	-1,500	0	-1,500	.00	.00	-1,500.00	.0%
1111	43160	FORT FOSTER FEES	-325,000	0	-325,000	-92,952.01	.00	-232,047.99	28.6%
1111	43164	BEACH FIRE PERMITS	-350	0	-350	-475.00	.00	125.00	135.7%
1111	43210	LIEN FEES	-7,000	0	-7,000	.00	.00	-7,000.00	.0%
1111	43220	PENALTY INTEREST	-45,000	0	-45,000	-5,347.45	.00	-39,652.55	11.9%
1111	43221	LIBRARY FINES & FEES	-2,000	0	-2,000	-615.06	.00	-1,384.94	30.8%
1111	43320	RECREATION FEES	-650,000	0	-650,000	-78,023.18	.00	-571,976.82	12.0%
1111	43330	ANIMAL CONTROL	-2,000	0	-2,000	-233.00	.00	-1,767.00	11.7%
1111	43335	POSTAGE	0	0	0	-.63	.00	.63	100.0%
1111	43336	PHOTO COPIES	-200	0	-200	-8.75	.00	-191.25	4.4%
1111	43351	ACCIDENT REPORTS	-2,500	0	-2,500	-900.00	.00	-1,600.00	36.0%
1111	43352	PARKING TICKETS	-25,000	0	-25,000	-5,625.00	.00	-19,375.00	22.5%
1111	43353	GUN PERMITS	-500	0	-500	-35.00	.00	-465.00	7.0%
1111	43354	ELIOT DISPATCHING SE	-200,171	0	-200,171	.00	.00	-200,171.00	.0%
1111	43355	ORDINANCE FINES	-350	0	-350	-50.00	.00	-300.00	14.3%
1111	43356	WITNESS FEES	-300	0	-300	-200.00	.00	-100.00	66.7%
1111	43358	FALSE ALARMS	-800	0	-800	-40.00	.00	-760.00	5.0%
1111	43359	AMBULANCE DISPTACH F	-16,000	0	-16,000	.00	.00	-16,000.00	.0%
1111	43410	MDOT HWY MAINTENANCE	-12,000	0	-12,000	.00	.00	-12,000.00	.0%
1111	43420	STATE REVENUE SHARIN	-1,225,000	0	-1,225,000	-347,800.03	.00	-877,199.97	28.4%
1111	43421	STATE PARK FEE REV S	-2,000	0	-2,000	.00	.00	-2,000.00	.0%
1111	43470	STATE OF MAINE GENER	-63,000	0	-63,000	-20,974.72	.00	-42,025.28	33.3%
1111	43510	INTEREST ON INVESTME	-20,000	0	-20,000	-31,003.11	.00	11,003.11	155.0%
1111	43530	MISCELLANEOUS REVENU	-7,500	0	-7,500	-5,597.89	.00	-1,902.11	74.6%
1111	43540	SEWER DEPT RENT	-108,835	0	-108,835	-27,208.75	.00	-81,626.25	25.0%
1111	43555	SNOWMOBILE/HANDICAP/	-675	0	-675	.00	.00	-675.00	.0%
1111	43560	GMH HOUSING	-320,000	0	-320,000	-81,259.83	.00	-238,740.17	25.4%
1111	43575	SUP APPRO FROM UNDES	0	722,000	722,000	.00	.00	722,000.00	.0%
1111	43576	TRANSFER IN FROM OTH	-35,000	0	-35,000	-35,000.00	.00	.00	100.0%
1111	43580	USE OF CARRY FORWARD	0	100,000	100,000	.00	.00	100,000.00	.0%
1111	43585	POLICE SPECIAL REVEN	0	0	0	-1,980.00	.00	1,980.00	100.0%
1111	45020	MMA W/C DIVIDEND	0	0	0	-23,458.00	.00	23,458.00	100.0%
1111	45025	SCHOOL RESOURCE OFFI	-56,650	0	-56,650	-63,000.00	.00	6,350.00	111.2%
TOTAL TOWN REVENUE		-18,001,142	822,000	-17,179,142	-30,938,986.04	.00	13,759,844.04	180.1%	
TOTAL TOWN GENERAL FUND		3	1,644,000	1,644,003	4,577,105.49	-10,102.50	-2,922,999.99	277.8%	
TOTAL REVENUES		-18,001,142	822,000	-17,179,142	-1,830,988.60	.00	-15,348,153.40		
TOTAL EXPENSES		18,001,145	822,000	18,823,145	6,408,094.09	-10,102.50	12,425,153.41		

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
GRAND TOTAL	3	1,644,000	1,644,003	4,577,105.49	-10,102.50	-2,922,999.99	277.8%

** END OF REPORT - Generated by Kendra Amara **

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT
6000 SEWER FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL

6000 SEWER FUND

6000 43220	PENALTY INTEREST	-3,000	0	-3,000	-3,173.52	.00	173.52	105.8%
6000 43360	SPECIAL CONTRACT REV	-15,000	0	-15,000	-2,310.00	.00	-12,690.00	15.4%
6000 45001	PNSY REVENUE	-500,000	0	-500,000	-16,214.53	.00	-483,785.47	3.2%
6000 45002	US NAVY HOUSING REV	-115,000	0	-115,000	-31,215.13	.00	-83,784.87	27.1%
6000 45003	SEPTAGE REVENUE	-120,000	0	-120,000	-36,371.52	.00	-83,628.48	30.3%
6000 45004	TOWN OF ELIOT REVENU	-200,000	0	-200,000	.00	.00	-200,000.00	.0%
6000 45005	USERS QTRLY REVENUE	-1,600,000	0	-1,600,000	-422,374.81	.00	-1,177,625.19	26.4%
6000 45006	EXPANSION ASSESSMENT	-130,000	0	-130,000	-23,768.39	.00	-106,231.61	18.3%
6000 45007	SEWER INTEREST REVEN	-7,500	0	-7,500	-1,056.97	.00	-6,443.03	14.1%
TOTAL SEWER FUND		-2,690,500	0	-2,690,500	-536,484.87	.00	-2,154,015.13	19.9%

602702 SEWER LINES

602702 64010	SEWER LINES LABOR	24,014	0	24,014	3,812.31	.00	20,201.69	15.9%
602702 65480	LINES CONTRACT/PRO	30,000	0	30,000	2,542.97	.00	27,457.03	8.5%
602702 65691	LINE SUPPLIES	16,000	0	16,000	5,102.90	.00	10,897.10	31.9%
TOTAL SEWER LINES		70,014	0	70,014	11,458.18	.00	58,555.82	16.4%

602709 PUMP STATIONS

602709 64010	PUMP STATION LABOR	57,939	0	57,939	9,590.86	.00	48,348.14	16.6%
602709 65015	PUMP STATION TELEP	800	0	800	137.22	.00	662.78	17.2%
602709 65200	ELECTRICITY	54,000	0	54,000	7,614.27	.00	46,385.73	14.1%
602709 65220	WATER	1,420	0	1,420	231.22	.00	1,188.78	16.3%
602709 65315	PUMP STATION GENER	2,000	0	2,000	.00	.00	2,000.00	.0%
602709 65467	PUMP STATION CONTR	45,000	0	45,000	2,003.22	.00	42,996.78	4.5%
602709 65930	PUMP STATION ALARM	7,000	0	7,000	1,641.00	.00	5,359.00	23.4%
602709 66300	PUMP STATION SUPPL	6,000	0	6,000	1,624.21	.00	4,375.79	27.1%
602709 66320	PUMP STATION PARTS	32,000	0	32,000	441.53	.00	31,558.47	1.4%
TOTAL PUMP STATIONS		206,159	0	206,159	23,283.53	.00	182,875.47	11.3%

602715 PUMP STATION # 6 (PNSY)

602715 64010	PUMP STATION # 6LA	16,199	0	16,199	2,020.46	.00	14,178.54	12.5%
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TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
602715 65200 PUMP STATION # 6 E	15,000	0	15,000	2,202.40	.00	12,797.60	14.7%
602715 65220 PUMP STATION # 6 W	1,100	0	1,100	264.50	.00	835.50	24.0%
602715 65315 PUMP STATION GENER	600	0	600	.00	.00	600.00	.0%
602715 65480 PUMP STATION # 6 C	10,000	0	10,000	560.01	.00	9,439.99	5.6%
602715 65930 PUMP STATION # 6 A	300	0	300	.00	.00	300.00	.0%
602715 66300 PUMP STATION # 6 S	1,000	0	1,000	.00	.00	1,000.00	.0%
602715 66320 PUMP STATION # 6 P	6,000	0	6,000	213.95	.00	5,786.05	3.6%
TOTAL PUMP STATION # 6 (PNSY)	50,199	0	50,199	5,261.32	.00	44,937.68	10.5%
602716 PUMP STATION # 7 (ELIOT)							
602716 64010 PUMP STATION # 7 L	23,524	0	23,524	3,023.94	.00	20,500.06	12.9%
602716 65200 PUMP STATION # 7 E	6,400	0	6,400	1,086.80	.00	5,313.20	17.0%
602716 65220 PUMP STATION # 7 W	240	0	240	58.97	.00	181.03	24.6%
602716 65315 PUMP STATION GENER	500	0	500	.00	.00	500.00	.0%
602716 65480 PUMP STATION # 7 C	10,000	0	10,000	408.96	.00	9,591.04	4.1%
602716 65930 PUMP STATION # 7 A	200	0	200	.00	.00	200.00	.0%
602716 66300 PUMP STATION # 7 S	400	0	400	.00	.00	400.00	.0%
602716 66320 PUMP STATION # 7 P	2,500	0	2,500	87.16	.00	2,412.84	3.5%
TOTAL PUMP STATION # 7 (ELIOT)	43,764	0	43,764	4,665.83	.00	39,098.17	10.7%
602750 TREATMENT PLANT							
602750 64010 TREATMENT PLANT LA	196,267	0	196,267	50,885.36	.00	145,381.64	25.9%
602750 64019 PLANT MAINT LABOR	53,235	0	53,235	7,106.51	.00	46,128.49	13.3%
602750 64030 OVERTIME	40,000	0	40,000	13,936.65	.00	26,063.35	34.8%
602750 64050 MAINE STATE RETIRE	37,860	0	37,860	9,218.39	.00	28,641.61	24.3%
602750 64060 FICA EMPLOYER SHAR	28,395	0	28,395	6,698.29	.00	21,696.71	23.6%
602750 65020 TREATMENT PLANT TE	4,400	0	4,400	250.62	.00	4,149.38	5.7%
602750 65040 TREATMENT PLANT ED	5,500	0	5,500	982.09	.00	4,517.91	17.9%
602750 65200 TREATMENT PLANT EL	110,000	0	110,000	23,459.56	.00	86,540.44	21.3%
602750 65220 TREATMENT PLANT WA	3,900	0	3,900	730.13	.00	3,169.87	18.7%
602750 65230 TREATMENT PLANT FU	15,000	0	15,000	.00	.00	15,000.00	.0%
602750 65310 TREATMENT PLANT MO	28,000	0	28,000	2,561.46	.00	25,438.54	9.1%
602750 65316 TREATMENT PLANT GE	2,400	0	2,400	.00	.00	2,400.00	.0%
602750 65410 TREATMENT PLANT CO	16,000	0	16,000	2,032.50	.00	13,967.50	12.7%
602750 65480 TREATMENT PLANT OT	80,000	0	80,000	22,183.54	.00	57,816.46	27.7%
602750 65500 TREATMENT PLANT BL	5,000	0	5,000	811.20	.00	4,188.80	16.2%

TOWN OF KITTERY - LIVE

YEAR-TO-DATE BUDGET REPORT

FOR 2024 03			ORIGINAL	TRANFRS/	REVISED		AVAILABLE	PCT
ACCOUNTS FOR:	SEWER FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL
602750 65930	ALARMS	2,000	0	2,000	.00	.00	2,000.00	.0%
602750 65955	TREATMENT PLANT SL	293,000	0	293,000	70,760.39	.00	222,239.61	24.2%
602750 66010	TREATMENT PLANT OF	6,000	0	6,000	1,564.67	.00	4,435.33	26.1%
602750 66300	TREATMENT PLANT SU	32,000	0	32,000	3,850.62	.00	28,149.38	12.0%
602750 66340	LABORATORY CHEMICA	20,000	0	20,000	4,397.15	.00	15,602.85	22.0%
602750 66400	TREATMENT PLANT RE	5,000	0	5,000	2,319.82	.00	2,680.18	46.4%
602750 66410	TREATMENT PLANT RE	28,000	0	28,000	2,459.93	.00	25,540.07	8.8%
602750 66420	TREATMENT PLANT TO	28,000	0	28,000	4,077.94	.00	23,922.06	14.6%
602750 66450	TREATMENT PLANT CH	190,000	0	190,000	90,978.47	.00	99,021.53	47.9%
602750 66520	TREATMENT PLANT SA	15,000	0	15,000	845.40	.00	14,154.60	5.6%
TOTAL TREATMENT PLANT		1,244,957	0	1,244,957	322,110.69	.00	922,846.31	25.9%
602760 SEWER GENERAL OPERATING								
602760 64011	TOWN MANAGER SALAR	38,412	0	38,412	9,107.71	.00	29,304.29	23.7%
602760 64012	SUPERINTENDENT SAL	113,718	0	113,718	26,794.58	.00	86,923.42	23.6%
602760 64013	OFFICE CLERK SALAR	2,500	0	2,500	144.89	.00	2,355.11	5.8%
602760 64050	MAINE STATE RETIRE	11,599	0	11,599	2,747.84	.00	8,851.16	23.7%
602760 64051	ICMA EMPLOYER SHAR	2,305	0	2,305	527.12	.00	1,777.88	22.9%
602760 64060	FICA EMPLOYER SHAR	11,638	0	11,638	2,591.81	.00	9,046.19	22.3%
602760 64070	WORKERS COMPENSATI	12,645	0	12,645	1,540.45	.00	11,104.55	12.2%
602760 64090	MAJOR MEDICAL INSU	163,458	0	163,458	43,136.87	.00	120,321.13	26.4%
602760 64091	DENTAL INSURANCE	1,500	0	1,500	819.08	.00	680.92	54.6%
602760 64092	DISABILILTY INSURAN	4,750	0	4,750	.00	.00	4,750.00	.0%
602760 65101	MMA RISK POOL	34,604	0	34,604	16,765.05	.00	17,838.95	48.4%
602760 65350	INDIRECT COSTS	108,835	0	108,835	27,208.75	.00	81,626.25	25.0%
602760 65430	AUDIT SERVICES	3,900	0	3,900	.00	.00	3,900.00	.0%
602760 66035	ABSTRACTS & LIENS	500	0	500	.00	.00	500.00	.0%
602760 68060	SEWER BOND INTERES	119,918	0	119,918	66,869.92	.00	53,048.08	55.8%
602760 68062	SEWER BOND PRINCIP	572,019	0	572,019	403,067.05	.00	168,951.95	70.5%
TOTAL SEWER GENERAL OPERATING		1,202,301	0	1,202,301	601,321.12	.00	600,979.88	50.0%
605000 ENTRANCE FEE SEWER								
605000 67500	EXPENSE	0	0	0	25,640.00	.00	-25,640.00	100.0%
TOTAL ENTRANCE FEE SEWER		0	0	0	25,640.00	.00	-25,640.00	100.0%
606000 IMPACT FEE SEWER								
606000 43600	REVENUE	0	0	0	-24,000.00	.00	24,000.00	100.0%

TOWN OF KITTERY - LIVE



YEAR-TO-DATE BUDGET REPORT

FOR 2024 03								
ACCOUNTS FOR:		ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT
6000	SEWER FUND	APPROP	ADJSTMTS	BUDGET	YTD ACTUAL	ENCUMBRANCES	BUDGET	USE/COL
606000	67500 EXPENSE	0	0	0	26,457.06	.00	-26,457.06	100.0%
	TOTAL IMPACT FEE SEWER	0	0	0	2,457.06	.00	-2,457.06	100.0%
	TOTAL SEWER FUND	126,894	0	126,894	459,712.86	.00	-332,818.86	362.3%
	TOTAL REVENUES	-2,690,500	0	-2,690,500	-560,484.87	.00	-2,130,015.13	
	TOTAL EXPENSES	2,817,394	0	2,817,394	1,020,197.73	.00	1,797,196.27	

YEAR-TO-DATE BUDGET REPORT

FOR 2024 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
GRAND TOTAL	126,894	0	126,894	459,712.86	.00	-332,818.86	362.3%

** END OF REPORT - Generated by Kendra Amara **

Town of Kittery FISCAL YEAR 2024
Fund Balances - Capital Projects and Special Revenues
Through: October 16, 2023

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2023	CIP Appropriation 7/1/2024	Transfers FY24	YTD Expense	YTD Revenue	Ending Fund Balance
Special Revenues (Grants, Designated Accounts, etc)								
SR	2005	Senior Tax Credit Program	4,000.00		200,000.00			204,000.00
SR	2006	FEMA Reimbursement	37,277.60					37,277.60
SR	2012	Fire Hazmat Spill Recovery Fees	7,155.80					7,155.80
SR	2014	Police Grants	(6,279.71)			(4,500.00)	5,156.75	(5,622.96)
SR	2022	Compensated Absences	256,119.93					256,119.93
SR	2028	Ballot Machines	6,078.00					6,078.00
SR	2038	Kittery Block Party	31,257.80			(26,270.00)	500.00	5,487.80
SR	2055	ASA Applicant Code NEW	(23,540.30)			(7,741.68)	66,795.37	35,513.39
SR	2056	Concerts in the Park	(2,548.09)			(2,760.00)	3,100.00	(2,208.09)
SR	2059	Conservation Comm	567.90					567.90
SR	2060	Wetlands Mitigation	16,703.00					16,703.00
SR	2063	Kittery Community Center (KCC) Donations	8,342.92			(2,785.43)	8,985.00	14,542.49
SR	2066	Police Forfeiture	79.52					79.52
SR	2068	Fort Foster Bench Donations	10,985.80					10,985.80
SR	2071	D.A.R.E	216.03					216.03
SR	2074-67503	TIF District #3	95,476.70			(11,868.72)		83,607.98
SR	2081	Channel 22 (PEG) Capital Funding	216,795.26		(35,000.00)	(5,258.20)	23,602.55	200,139.61
SR	2082	KCC Playgrounds	64,718.36					64,718.36
SR	2083	One-time Grants	39,187.67					39,187.67
SR	2086	Spruce Creek Grants	(16,271.58)			(14,573.28)		(30,844.86)
SR	2094	LWCF Grant - Emery Field Phase 2	(313,587.97)		275,000.00	(47,477.40)		(86,065.37)
SR	2301	Billable Police Details	44,095.29			(10,751.39)	2,160.00	35,503.90
SR	2303	Grant Supported Police Details	(9,332.74)			(1,035.29)	862.92	(9,505.11)
SR	2087	Joint Land Use OEA PH1						-
SR	2904	Legion Pond Invasive	14,609.00			(13,592.00)		1,017.00
SR	4001-67500/43600	State Aid to Roads General	1,305,002.08					1,305,002.08
SR	4001-67502/43602	Whipple Road Improvements	(927,221.98)			(1,140.00)	369,935.98	(558,426.00)
SR	4001-67503/43603	Memorial Circle Improvements						-
SR	4001-67508/43608	Walker/Wentworth	300,305.40					300,305.40
SR	4124	Tax Acquired Properties						-
SR	4126	KCC Visual Arts Com	4,611.90			(856.07)		3,755.83
SR	4127	Reserve for Abatement Litigation	264,712.00			(900.00)		263,812.00
SR	4128	Climate Action Plan	65,000.00					65,000.00
SR	4030	Public Safety Impact Fees	234,605.32			(55,214.20)	23,000.00	202,391.12
SR	5023	Library Donations	9,427.18			(13,711.84)	2,725.00	(1,559.66)
SR	5500	MMA Grants	285.26					285.26
SR	5501	Mass Transit Reserve Fund	17,500.00					17,500.00
SR	5502	Keep Maine Healthy Grant	866.89					866.89

Town of Kittery FISCAL YEAR 2024
Fund Balances - Capital Projects and Special Revenues
Through: October 16, 2023

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2023	CIP Appropriation 7/1/2024	Transfers FY24	YTD Expense	YTD Revenue	Ending Fund Balance
SR	5504	ARPA	441,103.49			(441,103.49)		-
SR	5505	PREPA Grant	2,050.62					2,050.62
SR	5506	Affordable Housing	100,000.00		50,000.00			150,000.00
SR	5507	PFAS Support	(173,709.55)		341,103.49	(892,216.56)	24,378.52	(700,444.10)
SR	5508	375th Celebration	4,757.32				224.55	4,981.87
SR	5024	COVID-19 Vaccine Clinics	13,644.91					13,644.91
SR	5509	Real Estate Transactions	898,925.81					898,925.81
SR	5511	Bike/Ped Master Plan	97,705.88			(2,162.93)		95,542.95
SR	5513	Gorges Road Fire Station	480,463.23			(726,060.00)		(245,596.77)
SR	5514	Fiscal Agent Fund	6,000.00			(2,130.48)	1,000.00	4,869.52
Total Special Revenue			3,141,678.72	-	831,103.49	(2,281,978.48)	531,426.64	2,948,290.37

CIP Programs

CP	2057	Open space	25,000.00					25,000.00
CP	2903	Invasives Fort Foster	22,581.00		97,000.00			119,581.00
CP	4002	Right of Way Reserve	144,605.53	600,000.00		(689,599.18)	159,063.50	214,069.85
CP	4011	KCC Vehicle Reserve	23,049.66					23,049.66
CP	4012	Public Works Vehicles/Equipment	(11,901.82)	450,000.00		(121,838.45)		316,259.73
CP	4013	Fire Apparatus Reserve	-	50,000.00				50,000.00
CP	4017	GIS/MS4 Compliance	40,190.78	40,000.00		(4,609.34)		75,581.44
CP	4018	KPA Boat Reserve	18,324.68	40,000.00		(42,367.01)	4,000.00	19,957.67
CP	4019	KCC Equipment Reserve	64,078.95	40,000.00		(18,610.84)		85,468.11
CP	4020	Municipal Technology Reserve	120,915.58	70,000.00		(88,003.58)		102,912.00
CP	4022	Police Vehicle/Equipment	110,099.77	155,000.00		(85,068.00)		180,031.77
CP	4026	Records Preservation	15,510.13	15,000.00				30,510.13
CP	4027	Municipal Facility Reserve	167,550.70	75,000.00		(918.63)		241,632.07
CP	4043	Parks Building & Grounds	26,806.61	20,000.00		(6,930.00)		39,876.61
CP	4051	KCC Facility Reserve	49,106.98	25,000.00				74,106.98
CP	4055	KPA Equipment Reserve	(1,304.47)	15,000.00		(1,043.08)		12,652.45
CP	4056	Fire Dept Equipment Reserve	241,529.14	60,400.00		(224,726.00)		77,203.14
CP	4100	Fire Dept Facility Reserve	37,318.84	25,000.00				62,318.84
CP	4110	PW Sign Shed						-
CP	4116	KPA Facility Reserve	6,362.98	10,000.00				16,362.98
CP	4060	Rice Rehab/Expansion	119,268.07			(15,197.68)	251,884.30	355,954.69
CP	4123	LED Conversion	49,686.58	-	100,000.00	(49,080.50)		100,606.08
CP	4129	Police Equipment Reserve	2,000.00	15,000.00		(10,040.00)		6,960.00
CP	5512	Roadside Landscaping	36,138.80			(906.18)		35,232.62
CP	5510	Memorial Field Assessment	7,366.00			(10,339.25)	16,000.00	13,026.75
Total Capital Projects			1,314,284.49	1,705,400.00	197,000.00	(1,369,277.72)	430,947.80	2,278,354.57

Town of Kittery FISCAL YEAR 2024
Fund Balances - Capital Projects and Special Revenues
Through: October 16, 2023

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2023	CIP Appropriation 7/1/2024	Transfers FY24	YTD Expense	YTD Revenue	Ending Fund Balance
TOTAL GENERAL OPERATIONS			4,455,963.21	1,705,400.00	1,028,103.49	(3,651,256.20)	962,374.44	5,226,644.94
Permanent Funds (Scholarship Funds/Trust Funds)			-					
PF	5001	Connie Samuels Beautification Fund	58,600.93					58,600.93
PF	5002	Public Health	26,378.88					26,378.88
PF	5003	York Hospital Scholarship	31,951.40					31,951.40
PF	5005	Lester Raynes Fund	8,462.26					8,462.26
PF	5007	Thresher Memorial Fund	3,930.28			(2,587.19)		1,343.09
PF	5008	Mary Safford Wildes Trust	632,825.15					632,825.15
PF	5009	George Smart Santa Fund	5,403.84					5,403.84
PF	5010	Kittery Education Scholarship Fund-Recycling	25,679.68			(15,000.00)	7,487.95	18,167.63
Total Permanent Funds			793,232.42	-	-	(15,000.00)	7,487.95	783,133.18
Enterprise Fund (Sewer)			-					
ER	606000	Entrance Fees	703,620.70			(50,594.46)	30,000.00	683,026.24
ER	605000	Impact Fees	487,352.13			(25,640.00)		461,712.13
ER	2902	Sewer Safety Grants						-
ECP	604000	Vehicle Reserve	45,722.80					45,722.80
ECP	603000	Capital Reserve	178,464.30					178,464.30
Total Enterprise Funds			1,415,159.93	-	-	(76,234.46)	30,000.00	1,368,925.47
GRAND TOTAL ALL FUNDS			6,664,355.56	1,705,400.00	1,028,103.49	(3,727,490.66)	999,862.39	7,378,703.59



TOWN COUNCIL & TOWN MANAGER ANNUAL GOALS 2023

Town Council Goals

Council Conduct

- Continue to conduct Council business respectfully as we work toward consensus and capitalize on our experiences and diversity
- Work to keep the demands we place on the Town Manager and her staff at a manageable level and maintain an open line of communication with the Manager regarding questions and demands

Affordability

- Increase housing stock for those meeting affordability guidelines:
 - Support community conversations around understanding affordable housing and its role in Kittery (3.3, 4.1, 4.2, 8.5) - **Educational program wrapped up in November.**
 - Direct funding, where appropriate, to the Housing Fund (4.1, 4.2) – **Housing Committee planning round two of ADU grant.**
 - Ensure compliance with new state laws relative to affordable housing (aka LD2003) – **Public hearing scheduled for November 27.**

Community

- Amend where necessary and appropriate, Town ordinances, policies, and practices to assure fairness, equity, and inclusion for all Kittery residents and visitors. (7.1)
 - Support the work of the Diversity, Equity, and Inclusion Committee as they identify barriers and opportunities to achieve the Town's DEI objectives. –**Comp Plan review for DEI underway; calendar of celebrations adopted.**
- Continue implementation of plans to control traffic, reduce speeds in Kittery neighborhoods, including:
 - Implementation of JLUS recommendations with respect to public transportation and remote satellite parking (5.1, 5.4) – **Microtransit from Sanford scheduled to launch in 2024; meetings with PNS regarding congestion underway.**
 - Implementation of bike/ped master plan recommendations (5.2, 5.3) – **Demonstration project complete; planning for next steps and future demonstration projects in 2024.**
 - **Created Ad Hoc Traffic and Parking Committee.**
- Assess Memorial Field for potential improvements that will support the demand for high quality playing fields (2.2,7.2) – **Final report being drafted. KCC BOD and KAFC meeting to develop a collaborative approach to moving project forward.**
- Encourage broad citizen involvement in Town governance (7.1) – **Percentage of new applicants increasing.**

- Explore expanding recreation opportunities in town such as creating a skate park (2.2) – **Pop Up Game Pods completed. Planning underway for drop in youth programming at KCC.**

Climate Resilience

- Support adoption of a comprehensive Kittery Climate Action Plan (9.1, 9.2) – **Strategies finalized, draft final report in development.**
- Create a climate resilience reserve fund (9.1, 9.2) -
- Support ordinances to protect the shoreland zone (8.1, 8.2) – **In development process**

Fiscal Responsibility and Town Services

- Adopt a budget that is progressive, responsible, responsive to community expectations and needs (7.4) - **Complete**
- Encourage the Town Manager's continued assessment of the effectiveness of Town service delivery (7.1) - **In process**

Town Manager Goals

Support Council's efforts to implement the Comprehensive Plan 5 Year Action Plan (see Council Goals)

Develop and propose a plan for the Comprehensive Plan Update due in 2025.

Support long term planning and growth management objectives:

- Identify programs, grants, and property acquisitions that retain or increase working waterfront access (6.1, 6.2) – **Working waterfront round table held in June, action items identified including addressing funding, technical support, and expanding access for working waterfront to existing federal and state resources. Senator Collins launched new legislation for funding working waterfront preservation. Town engaged in GMRI resilience study and co-applicant for MCFA's preservation grant program.**
- Complete Gorges Road expansion project and effect the relocation of the ambulance service to the Gorges Road Fire Station – **Ribbon cutting scheduled for December 7. Project is on time and on budget.**
- Complete analysis of absorbing the ambulance service as a town-run function – **Complete.**
- Complete the review and recommendation process for the Business Park Zone (formerly Mixed Use Neighborhood Zone) (3.2, 3.5) – **Market analysis contract in draft form, hydrological study final report in December.**
- Assist the Kittery Water District in its State Road land use efforts (3.3)
- Implement a program to improve communication around affordable housing needs and options in Kittery (4.1, 4.2) – **Books and Big Ideas launch, Speaker series with York Community Service Agency, photo essay installation, Affordable Housing 101 launch on website, Citizen Planner Academy, Housing Advocacy Boot Camp.**

- Complete the sale of tax foreclosed properties and assist in the implementation of affordable housing on these properties. (4.1, 4.2) – **Rogers Road sold; grant awarded for 42-44 Old Post brownfields, 18-20 Phelps resuming process with new legal guidance to comply with recent state law changes.**

Climate Action

- Implement building LED light conversion (9.2) – **KCC project wrapping up, Town Hall Complex scheduled.**
- Begin development of a comprehensive multi-year plan to reduce the carbon footprint of municipal operations in accordance with the Climate Action Plan (9.2) – **Climate Action Plan in draft stage; pursuing flood resiliency design grant with SMPDC, and regional energy efficiency pilot project grant awarded.**

Social and Racial Equity and Justice

- Continue efforts to attract a diverse candidate pool for town positions, boards, commissions, and committees (4.1, 4.2) – **Updated job descriptions to remove barrier to historically disadvantaged populations, participated in Municipal Career event with Town of Eliot and Kittery Adult Ed.**
- Implement changes in Kittery’s signage, buildings, and materials to be inclusive and welcoming to all (4.1, 4.2, 7.1, 7.2) – **Tribal flag in Town Chambers, revised Emery Field playground design to enhance access for those with mobility limitations, developing plan to implement DEI calendar.**

Enhance Financial Stability

- Produce a 2024 budget that seeks to respond to service expectations of the community, and appropriately addresses unmet needs and responds to growing inflation (7.4) – **Complete.**

Enhance Municipal Services

- Launch Police Citizens Academy and expand to other areas as appropriate – **On hold due to staffing shortages**
- Implement short-term recommendations from Bike/Ped Master Plan (5.2, 5.3, 9.1) – **Demonstration projects complete; awaiting grant decision on Stevenson sidewalk.**
- Complete five-year strategic planning effort for Library and present recommendations – **Strategic Plan action items in development.**
- Advance the integration of general assistance with our local social service agencies - **Draft agreement provided to Fair Tide; awaiting feedback.**
- Complete KCC Campus Master Plan and present recommendations (2.2) – **Complete. Working with KAFC to collaboratively pursue implementation of Master Plan and Memorial Field improvements.**
- Complete Memorial Field Assessment and present recommendations (2.2) – **Final report in draft stage; see KCC Master Plan goal.**

- Assist in the explore expanding recreation opportunities in town such as creating a skate park (2.2) – Pop up game pods being implemented, planning underway for drop programs at KCC.

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
PRIMARY OBJECTIVES			
2 – Natural Resources & Recreation	Establish mechanisms to protect visual assets such as creating a photographic documentation of scenic vistas and establishing an historic preservation committee to create a comprehensive inventory of historic resources . These are the first steps in helping to protect and promote those visual assets that contribute to Kittery’s uniqueness. (2.1)	<ul style="list-style-type: none"> Conduct an inventory of historic resources, including landscapes, archaeological resources and buildings. 	
2 – Natural Resources & Recreation	Review existing hunting regulations and provide public education regarding these to improve the safety of residents especially in the Town Forest, while at the same time protecting resident’s right to carry firearms and hunt. (2.2)	<ul style="list-style-type: none"> Create signage about hunting safety and regulations at Town Forest & Rogers Park 	Title 6 amendments complete. New signage installed at Fort Foster. Signage added to the entrance to Rogers Park and Seapoint Beach

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
3 - Economic Development	Engage in targeted outreach to business and industry sectors marketing Kittery's economic development areas. (3.5)	<ul style="list-style-type: none"> • Improve town website and have routine maintenance. • Identify similar business or industry partners who may have insights on what businesses in those sectors are looking for in terms of amenities, infrastructure, costs/revenues, workforce characteristics, etc. • Talk with brokers and real estate agents about marketing property in Kittery. • Work with land owners to actively market properties through websites and brokers. 	<p>Website updated, expanded use of email and social media to share info. Website look refreshed again in 2021. Coordination of design for new flyers, signage, and e-coms with website colors, front, look.</p> <p>Kittery is a member of the Chamber of Commerce and serves on the Exec Board. Kittery staff serve on the SMPDC Exec Board.</p> <p>Regular meetings with Foreside Business Group and outreach to Rte 1 and Bypass businesses.</p> <p>Urban Land Institute study of Rte 1 Mall area. Meeting with multi-use developers.</p> <p>Market Analysis Study underway.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>4 – Housing</p>	<p>Undertake to complete a Comprehensive town-wide Housing Plan that will document existing supply and identify needs and ways of meeting these, including methods for encouraging the development of affordable housing (e.g. creation of new types of housing, including workforce housing, and housing for seniors wishing to downsize, etc.). (4.1)</p>	<ul style="list-style-type: none"> • Create a scope and request for proposals to undertake a comprehensive town-wide housing plan. Plan should include in-depth analysis of housing supply, demand, and strategies to encourage a variety of housing types and prices points. • Explore possibility of local regional planning commission undertaking the study on behalf of the town. 	<p>Affordable Housing ordinances implemented; BL & BL-1 amendments adopted. Public hearing for LD2003 amendments scheduled.</p> <p>Housing Com established. Housing fund established and receiving seed funds. ADU grant pilot program approved.</p> <p>Two tax-acquired properties approved for surplus for deed-restricted affordable housing.</p> <p>SMPDC regional housing inventory/barriers analysis (JLUS Implementation Phase 2) final report drafted.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>5 – Transportation</p>	<p>Evaluate Town-wide current parking conditions and policies and revise to meet development goals by improving management of existing spaces and exploring shared parking and other strategies. (5.4)</p>	<ul style="list-style-type: none"> Review and revise town code to support goal. 	<p>Title 10 revisions completed for Foreside, Badger’s Island and Pocahontas.</p> <p>JLUS Phase 1 complete. JLUS Implementation Phase 1 project complete. <i>Design of a micro-transit program underway.</i></p> <p>Walker/Wentworth revisions enacted by Council.</p> <p><i>Traffic and Parking Ad Hoc Com formed to develop town policies on parking management/control.</i></p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
7 – Municipal Facilities, Services, & Fiscal Capacity	Increase and improve communication with Town residents. Using a variety of modes including the internet and cable TV in innovative ways will help to keep residents more informed and connected to town government. (7.1)	<ul style="list-style-type: none"> • Become more efficient by streamlining the permitting process. • Update town’s GIS maps and establish a system for continuous update. • Explore ways of reaching the largest number of residents and conduct outreach to actively recruit volunteers, especially representation of demographics that are currently missing or underrepresented. • Develop clear messaging regarding what the boards and committees do, roles and expectations and information regarding opportunities and benefits of participation. 	<p>Online permitting launched. Implemented use of social media to expand resident participation on Boards.</p> <p>GIS upgrade complete.</p> <p>Use of Channel 22, FB, Twitter, and website expanded. Social media presence expanded to new platforms.</p> <p>Council Chambers and Conference Rm A upgraded to support hybrid.</p> <p>SeeClickFix launched.</p> <p>Title 4 boards and committees updated to clarify roles and membership.</p> <p>Second phase of GIS update in planning stages.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
7 - Municipal Facilities, Services, & Fiscal Capacity	Educate residents about town planning roles and processes and ensure that planning and town management processes are open, transparent, informative, inclusive, respectful and welcoming. (7.1)	<ul style="list-style-type: none"> • Explore the use of communication technologies to increase the communication between residents and Town government. • Revise Town Code so that regulations are clear and easy to use and are aligned with Comprehensive Plan goals. 	Use of Social Media, Channel 22, and website increased. Website refresh completed. SeeClickFix launched. Town FB page, Insta pages launched. Title 16 recodification approved. E-Alert subscribers increased. Reverse 911 software quotes received and funding being explored.
7 - Municipal Facilities, Services, & Fiscal Capacity	Develop a long-range plan for the library including where the library will be located (renovation and expansion on existing site, new building on another site) and whether the Library should become a Town Department. (7.2)	<ul style="list-style-type: none"> • Explore possibilities and compare and contrast advantages and disadvantages of sites being considered for Library facility. • Consider converting the Library to a Town Department. • Support Library Director's efforts to support literacy, digitize the library's collection of photographs, and to provide support and programming for the increasing elderly population. 	Library expansion and renovation complete. Library is now a Town Department. Library Adv Com established. 5-year strategic plan development in progress.

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>7 - Municipal Facilities, Services, & Fiscal Capacity and 8 – Land Use</p>	<p>Guide development to areas already served by public utilities, resulting in a more efficient and cost-effective use of these public services. (7.3) (8.1)</p>	<ul style="list-style-type: none"> • Direct new development where feasible, to vacant or underutilized sites and buildings; direct development away from areas with natural constraints, key wildlife or open space corridors, protected shorelands, and areas where public utilities are not yet available and would be costly to extend. • Add utilities map to GIS. • Establish efficient permitting procedures, especially in areas designated as “growth areas” in Future Land Use Plan. 	<p>Mixed Use Neighborhood rezoning complete. MU-N zone repealed via petition. Revisioning of former Business Park being planned, Route 1 Corridor study launching through MDOT grant.</p> <p>Affordable housing ordinances enacted.</p> <p>GIS upgrade complete. Online permitting launched.</p> <p>Climate action strategies drafted including targeting development to urban areas served by public utilities.</p> <p>Second phase of GIS update in planning stages.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
8 – Land Use	Review, update and incorporate where appropriate, the recommendations from the Foreside Forums. Residents have expressed much enthusiasm for recent improvements in the Foreside and support for future infill development that is appropriate in scale and activity. (8.3)	<ul style="list-style-type: none"> Study the opportunities and challenges associated with the Foreside area to determine if the zoning district boundaries should change in the future. Identify desired uses. Identify the regulations and infrastructure needed to support the future of the area. 	<p>Foreside Traffic, Parking and Build Out Study complete.</p> <p>BL Zone updated to reflect density and setbacks more aligned with Foreside.</p>
9 - Coastal Community Resilience	Complete a climate adaptation study to plan for the potential impacts of sea level rise and prepare for extreme weather events (9.1)	<ul style="list-style-type: none"> Complete a Climate Adaption Study. 	<p>Climate adaptation committee formed. Flood resiliency checklist complete. Flood vulnerability assessment complete. Kittery joined with regional climate adaptation planning. Kittery a member of ICLEI. EV charging station installed at Town Hall. Sustainability evaluation added to CIP. Town leasing two EVs for fleet. Solar net energy billing credit project approved. Community GHG Inventory complete.</p>

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
OBJECTIVES
As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
			Regional Climate Action Planning effort, and local Climate Action Plan development underway.

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
SECONDARY OBJECTIVES			
2- Natural Resources & Recreation	Working with the Kittery Land Trust, develop a strategy for open space acquisition , setting priorities for parcels to be included. (2.1)	<ul style="list-style-type: none"> • Complete an inventory of open spaces in Kittery. • Consider purchase of unprotected open spaces. • Create/amend zoning to prohibit destruction of wetlands (high value, wildlife corridors) and add farmland and unprotected open space for review. • Revisit the inventory of scenic views defined in the 1999 Comprehensive Plan Update, making a photographic record (survey) and updating the inventory, as needed. 	Shoreland overlay zoning amendments adopted. Constructed wetlands zoning amendments in development. Town vote to support KLT grant app for acquisition of conservation land.
2- Natural Resources & Recreation and 8 – Land Use	Protect existing open lands , including farmlands and wetlands from over-development by implementing effective strategies such as larger minimum lot sizes in the rural residential zone. As one way of preserving Kittery’s rural character, review and revise the cluster zoning ordinance and provide incentives for developers to use the ordinance. (2.1) (8.1) (8.2)	<ul style="list-style-type: none"> • Review/Revise Cluster Zoning Law 	Amendments to zoning adopted.

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
2- Natural Resources & Recreation	Reduce dog and horse waste at area open spaces through enhanced enforcement and public education. (2.2)	<ul style="list-style-type: none"> • Increase awareness regarding enforcement of pet waste ordinance, support the efforts of the Police. • Establish Volunteer Dog Patrol. 	Hired full time ACO. Phase 2 Title 6 update complete. New signage at Fort Foster, Seapoint and Rogers Park.
2 – Natural Resources & Recreation and 5 – Transportation and 6 – Marine Resources and 7 - Municipal Facilities, Services, & Fiscal Capacity	Continue to support healthy lifestyle choices and wellness by increasing recreational opportunities for all ages, evaluating the Athletic Fields Master Plan, improving walking and biking infrastructure so that it is safe and pleasant, ensuring appropriate recreational access to the waterfront , and increasing awareness of existing resources. Updating the Sidewalks Conditions Report (5.2.1) and developing a Bike Plan are among the specific steps recommended (2.2) (2.2.6) (5.2) (6.1) (7.2)	<ul style="list-style-type: none"> • Monitor athletic field planning process. • Evaluate opportunities for providing bike infrastructure on roads including bike lanes, wide shoulders and “Share the Road” signs (ex. “sharrows” and stencils). • Develop a sidewalk and pedestrian plan including updating sidewalk conditions report and inventory to identify existing conditions and gaps in the pedestrian network. Identify opportunities for new trails. • Work with schools, Community Center and Town Departments to prioritize sidewalk projects on town-owned facilities and recreational areas. • Update street and publicly owned shade tree inventory. 	Athletic Field Master Plan accepted. Emery Field courts and walking path complete, awaiting playground installation. Draft report for Memorial Field improvements in review. Bicycle/Pedestrian Master Plan complete and incorporated into CIP. Three

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
			<p>demonstration projects completed.</p> <p>Whipple Road sidewalk and sharrow project complete.</p>
<p>3 – Economic Development</p>	<p>Collaborate with property owners in the area around the Route 1 corridor to identify strategies towards making mutually beneficial changes to the area including exploring options to redevelop commercial properties with mixed use (e.g. retail, housing, office) and consider zoning amendments such as an overlay district to provide more flexibility concerning permitted uses. (3.3) (8.5)</p>	<ul style="list-style-type: none"> Draft a scope of work for planning, market analysis, and transportation engineering services to re-envision the Route 1 area. 	<p>Urban Land Institute Study (part of JLUS) complete.</p> <p>Route 1 Corridor Study underway.</p> <p>Market study underway.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>6 – Marine Resources and 8 – Land Use</p>	<p>Continue to support Kittery’s maritime based economy including the fishing and shell fishing industry by maintaining access to the working waterfront and creating innovative avenues to better connect fishing to the local economy. (6.2) (8.4)</p>	<ul style="list-style-type: none"> • Conduct poll/outreach/meetings with commercial fishermen and boat operators to determine need (KPA). • Conduct poll/outreach/meetings with commercial fishermen and boat operators to identify areas where navigation is difficult or impossible due to shallow depths (KPA). 	<p>Survey on Pepperrell Cove depths completed.</p> <p>Identifying “piggy back” projects for cost reduction. Identifying funding for engineering. RFP for engineering being developed and ACOE application for FNP dredge being developed</p> <p>Identifying funding and support to prevent working waterfront property from changing to private access to the water.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
6 – Marine Resources	<p>Increase awareness in residents and business owners with regard to the effects of pollutants, pesticides, and stormwater runoff and evaluate Town Code regarding the use of pesticides and herbicides with chemicals, in waterfront areas and town-wide. Providing information and incentives for greener practices will help to mitigate these environmental hazards. (6.3)</p>	<ul style="list-style-type: none"> • Prepare easy-to-read materials that summarize Kittery’s water quality challenges and the effects of pollutants and pesticides. Distribute to property and business owners, and post on municipal website. 	<p>Lawn care training conducted. Town transition to environmentally sustainable pesticide treatment complete.</p> <p>Collaborated with Save Kittery Waters on Creek Smart campaign.</p>
8 – Land Use	<p>Consider an Adaptive Reuse Ordinance to guide redevelopment of existing buildings. By promoting the reuse of existing structures more efficient development can occur in areas already services by public utilities and protecting open land from development. (8.1)</p>	<ul style="list-style-type: none"> • Consider adopting a demolition delay ordinance. • Consider adopting Adaptive Reuse Ordinance. 	

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 OBJECTIVES
 As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>9 - Coastal Community Resilience</p>	<p>Develop a Plan for Town facilities and property owners to transition to low and zero impact energy sources (9.2)</p>	<ul style="list-style-type: none"> Establish a timeline for converting all Town-owned buildings to renewable energy. 	<p>Physical constraints of municipal sites make PV challenging.</p> <p>Multi-town community solar project approved.</p> <p>Sustainable and low impact development ordinances in development.</p> <p>KCC lighting converted to LED. Town Hall Complex scheduled for LED conversion in 2024.</p> <p>Beginning Nov 2024 all town power generation will be from renewable Maine hydro; Kittery</p>

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
OBJECTIVES
As of: November 27, 2023

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
			adopted net energy billing solar project (not located in Kittery)

1
2 **KITTERY TOWN COUNCIL**

3
4 **October 11, 2023**

5
6 1. Call to Order

7 Chair Spiller called the meeting to order at 6:00 PM.

8 2. Introductory

9 3. Pledge of Allegiance

10 4. Roll Call

11 Councilor's present- Councilor Bragg, Councilor Dow, Councilor Hamm, Vice Chair McGuire
12 (Virtual)

13 Councilors not in attendance- Councilor Clark and Councilor Stevens

14 5. Agenda Amendment and Adoption

15 Chair Spiller casts one vote in favor of adoption as presented.

16 6. Town Manager's Report

17 Town Manager reported on the Senior Tax Stabilization Program Error, Extended Resource
18 Recovery Facility Hours for Fall Yard Waste, Street Barriers Removal and the November 7
19 Election.

20 Upcoming Dates:

21
22 Float Out at Pepperrell Cove – October 16

23 Candidate Night – October 16

24 Halloween Celebration – October 21

25 Community First Non-Profit Fair – October 25

26 Trick or Treat – October 30

27 Real Estate Taxes Due – October 31

28
29 Councilor Hamm asked for clarification on the system issues.

30 Assessor Paul McKenney responded.

31
32 Councilor Dow asked if the tax exemptions were based off of the evaluations of the property?

33 Assessor Paul McKenney responded.

34
35 Vice Chair McGuire asked if the software that the town is currently using is otherwise accurate

36 for years going forward and that the issue is just in response to the difficulties of the
37 Stabilization.

38 Town Manager responded.

39

40 Chair Spiller asked if the online payments were showing the correct amount owed for tax bills.

41 Town Manager responded.

42

43 Councilor Hamm asked if guests were allowed at Candidates Night.

44 Town Manager responded

45

46

47 7. Acceptance of Previous Minutes

48 • September 11, 2023 – Regular Meeting & Executive Session

49 All were in favor of accepting minutes as presented.

50 8. Interviews for the Board of Appeals and Planning Board- None

51

52 9. All items involving the town attorney, town engineers, town employees or other town
53 consultants or requested offices.

54 10. PUBLIC HEARINGS

55 a.(100123-01) The Kittery Town Council moves to hold a public hearing on a
56 Marijuana Retail License – Green Truck.

57 Town Manager gave an overview.

58 Chair Spiller read an email from Jan Rodonets, who asked if Kittery residents really wanted to
59 be known for Outlet Malls and marijuana.

60 Chair Spiller summarized an email from an unknown resident where the individual is objecting
61 to the original set up of the lottery.

62 Move to approve the license for Green Truck by Councilor Hamm, seconded by Councilor
63 Dow.

64 Motion passes

65 5-0-0

66

67 11. DISCUSSION

68 a. Discussion by members of the public (three minutes per person)

69

70 Chair Spiller read an email read an email from Miriam Jiggetts, resident of Portsmouth Virginia,
71 where she requested the Town Council start the process to rename the Portsmouth Naval
72 Shipyard to the Kittery Maine Shipyard so that the Norfolk Virginia Naval Shipyard can then be
73 correctly named Portsmouth Naval Shipyard.

74

75 b. Response to public comment directed to a particular Councilor

76 c. Chairperson's response to public comments

77 Chair Spiller responded to the email about the renaming of the Naval Shipyard.

78 12. UNFINISHED BUSINESS - None

79 13. NEW BUSINESS

80 a. Donations/gifts received for Council disposition.

81 i. (100123-02) The Kittery Town Council moves to accept a donation from
82 Kathryn Hill in the amount of \$15.00 to be deposited into the George Smart
83 Santa Fund, account #1372.

84 Moved to accept donation by Councilor Dow, seconded by Councilor Bragg.

85 Motion passes

86 5-0-0

87

88 b.(100123-03) The Kittery Town Council moves to schedule a public hearing on
89 October 23, 2023 for Title 12 - Shellfish Conservation.

90 Moved to schedule public hearing by Councilor Hamm, seconded by Councilor Bragg

91 All were in favor.

92 c.(100123-04) The Kittery Town Council moves to discuss the Town Manager's
93 annual merit increase.

94 Chair Spiller moves that the increase be based on Title 4 § 2316F1A, the longevity clause,
95 seconded by Councilor Bragg.

96 Town Manager asked for clarification.

97 Chair Spiller responded.

98 Motion passes

99 5-0-0

100 d.(100123-05) The Kittery Town Council moves to appoint a Councilor along with the
101 Chair of the Port Authority to interview Michael O’Keefe for a three-year term on the
102 Kittery Port Authority.

103 Moved to appoint Councilor Dow to interview Michael O’Keefe, seconded by Councilor Bragg.

104 Motion passes
105 5-0-0

106
107 e.(100123-06) The Kittery Town Council moves to approve the request from the
108 Kiwanis Club of the Seacoast to hold the annual Kittery Holiday Parade on
109 Saturday, December 2, with a rain date of Sunday, December 3.

110 Moved to approve the request from the Kiwanis Club by Councilor Dow, seconded by
111 Councilor Hamm.

112 Motion passes
113 5-0-0

114
115 f. (100123-07) The Kittery Town Council moves to appoint the proposed applicants to
116 the Traffic and Parking Ad Hoc Committee.

- 117
- 118 • Debbie Driscoll - Resident
 - 119 • John C Perry - Resident
 - 120 • Kathy Stimson - Resident
 - 121 • Lawrence Elbroch - Resident
 - 122 • Jared Lucas – Resident
 - 123 • Shannon Hill – Business/Commercial Representative
 - 124 • Jessica Becker – Business/Commercial Representative
 - 125 • Cyrus Clark – Council Representative
 - 126 • Cameron Hamm – Council Representative

127 Moved to appoint all to the Traffic Ad Hoc Committee by Councilor Dow, seconded by
128 Councilor Bragg

129
130 Motion passes
131 5-0-0

132
133 14. COUNCILOR ISSUES OR COMMENTS

134 Councilor Hamm stated that he is thinking of those effected by the war going on right now and
135 hopes for peace.

136 Councilor Bragg stated that she is praying for all those impacted by what is going on in Israel.

137 Councilor Dow talked about the Traip Academy Float parade for Homecoming and thanked

138 those involved in putting it together.

139 Vice Chair McGuire stated that he also sends his sympathies to those effected by the violence
140 in Israel as well as those effected at home.

141 Chair Spiller stated that she echoes the sentiments that the other Councilors made in regards
142 to Israel.

143 15. COMMITTEE AND OTHER REPORTS

144 a.Communications from the Chairperson

145 b.Committee Reports

146 Councilor Bragg gave an update on the Youth Ad Hoc Committee.

147 Chair Spiller gave an update on Climate Adaptation/Climate Action Plan Committees.

148 Councilor Hamm gave an update on the housing Committee.

149 16. EXECUTIVE SESSION

150 17. ADJOURNMENT

151

152 Motion to adjourn made by Councilor Hamm, seconded by Councilor Bragg.

153 All were in favor.

154

155

156

157 Submitted by Jennifer Wheeler

158

159 Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst
160 every effort has been made to ensure the accuracy of the information, the minutes are not
161 intended as a verbatim transcript of comments at the meeting, but a refer to the video of the
162 meeting on the Town of Kittery website.

163

KITTERY TOWN COUNCIL

Regular Meeting – Executive Session

October 11, 2023 5:32 PM

1. Call to Order

Councilor Dow moved to go into executive session at 5:32 PM, seconded by Councilor Hamm.

Motion Carried 4-0-0

2. Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present: Chair Spiller, Vice Chair McGuire (joined by Zoom at 5:35 PM), Councilor Bragg, Councilor Dow and Councilor Hamm.

Councilors not present- Councilor Clark and Councilor Stevens

5. Executive Session

a. (010322-01) The Kittery Town Council moves to go into Executive Session with the Town Manager and Town Attorney in accordance with MRS 1.6.E to conduct Town Manager's annual evaluation.

Councilor Dow moved to come out of executive session at 5:56 PM, seconded by Councilor Bragg.

Motion Carried 5-0-0

6. ADJOURNMENT

Motion to adjourn made by Councilor Hamm, seconded by Councilor Bragg at 6:37 PM. All were in favor.



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
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towncomments@kitteryme.org | www.kitteryme.gov

REPORT TO TOWN COUNCIL

Meeting Date: October 23, 2023
Update: November 27, 2023
From: Kendra Amaral, Town Manager
CC: Dutch Dunkelberger, Planning Board Chair
Subject: Title 16 – LD2003 Compliance
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The Town has been working on Title 16 Land Use code amendments to meet the requirements of the State's "LD2003" affordable housing law (MRS 30-A §4364). Per the law, the Town must amend its land use code to achieve compliance/consistency with the law by December 31, 2023.

In general, the law allows for increased density of housing in certain areas of a municipality under certain conditions. It also makes accessory dwelling units (ADU) a by-right development and prohibits communities from adding parking requirements for an ADU.

The Town Council is required to adopt amendments to Title 16 that meet the minimum requirements of the state law. Due to the Town's ordinance process, as established by Charter, the Council must vote no later than November 30, 2023 to meet this deadline.

PROCESS

The proposed Title 16 amendments were first discussed, developed and refined through the work of the Housing Committee. While reviewing the required changes, the Housing Committee developed optional amendments that would enhance the residential property owner's ability to better utilize their lot for in-fill housing development. That resulted in a package of that includes "required" (in green text) to comply with state law, and "optional" (in blue text) that stretches further than the minimum state law requirements.

The Kittery Land Issues Committee reviewed the proposed Title 16 amendment package in June and again in August and voted to recommend it. The Kittery Land Issues Committee includes representatives from the Council, Planning Board, Board of Appeals, Kittery Land Trust, Housing Committee, Economic Development Committee and Conservation Committee.

The Planning Board held a workshop in September to discuss the proposed amendments. They requested minor changes in procedural provisions. The Planning Board held a public hearing and voted on the recommendation to Council on October 12.

STATUS

The Planning Board voted to recommend only the required amendments (in green text) to the Council. The vote was four in favor, three opposed. Two of the dissenting members were in favor of recommending the full package (required + optional) to the Council. One of the dissenting members was opposed to substantive components of the full package (required + optional) amendments.

The Planning Board received public comment and objections to a portion of the optional amendments specifically that would have changed how density would be calculated on a residential lot. Currently the code requires wetlands be subtracted from a lot size for the purposes of calculating allowable density. The optional amendment would allow the calculation to be based more closely on the actual lot size. The stretch amendment did not in any way alter wetland setback requirements, stormwater management requirements, or maximum lot coverage limitations.

UPDATE

Following a joint workshop of the Town Council, Planning Board, and Housing Committee, the applicability of the proposed lot area per dwelling unit has been further refined to only apply where a parcel has access to public sewer and water. All applicable zones have been updated to ensure the appropriate residential density calculation is applied.

PROPOSED SOLUTION/RECOMMENDATION

Schedule a workshop with the Planning Board and Housing Committee to discuss the required and optional amendments proposed. Recommended date/time for the workshop is November 20, 2023 at 5PM.

Schedule a public hearing on the proposed amendments for the November 27, 2023 Council meeting.

Adopt as amended.

ATTACHMENTS

- Staff Memo Regarding Amendments
- Draft Title 16 – LD2003 Amendments
- Draft Title 16 – LD2003 Amendments Enactment
- Summary of LD2003 compliance analysis for existing Title 16
- Summary Table of Amendments
- Memos from Housing Committee and Kittery Land Issues Committee

- LD2003 Guidance
- DECD Zoning Ordinance Rule

Video Planning Board – [September 28, 2023 \(Workshop\)](#)

Video Planning Board – [October 12, 2023 \(Public Hearing\)](#)

Video Council/Planning Board/Housing Committee Workshop – [November 20, 2023](#)

TITLE 16
AMENDMENTS TO CONFORM WITH LD 2003:
AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION
TO INCREASE HOUSING OPPORTUNITIES IN MAINE

Note: **Required amendments in green, optional amendments in blue**

1. AMEND § 16.3.2 Definitions as follows:

~~**DWELLING, ATTACHED SINGLE FAMILY**~~

~~A dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25% of the length of the side of the dwelling.~~

DWELLING, MULTIFAMILY

A structure that contains ~~three~~ **five** or more dwelling units that share common walls or floors/ceilings with one or more units. The land underneath the structure is not divided into separate lots.

DWELLINGS, MULTIFAMILY 2-4 (“Limited”)

A residential development comprised of 2, 3, or 4 primary units on the same lot that are attached within the same structure or detached in separate structures in any combination.

LOT AREA

The area of land enclosed within the boundary lines of a lot, minus:

- A. Land below the normal high-water line of a water body or upland edge of a coastal wetland;
- B. Areas beneath Planning-Board-approved right-of-way; and
- C. Land within public street rights-of-way.

LOT AREA PER DWELLING UNIT

The number of dwelling units in a development per lot area as defined in this code. Calculations which result in a fraction of .5 or greater shall be rounded up to the nearest whole number. Calculations which result in a fraction less than 0.5 shall be rounded down.

~~**MINIMUM LAND AREA PER DWELLING UNIT**~~

~~The gross area of a parcel not subject to subdivision regulations minus the land area listed below. Where land areas to be subtracted overlap, the area therein shall be subtracted once. For land area subject to subdivision, see "net residential acreage."~~

- ~~A. All land located below the highest annual tide elevation as published in the Maine DEP Highest Annual Tide (HAT) levels for the most current year.~~
- ~~B. All wetlands as defined in the definition of "wetland," as well as vernal pools, ponds, streams and other water bodies.~~
- ~~C. All land located on filled tidal lands, per the definition of "tidal land, filled."~~

34 ~~D.—All land located within existing rights-of-way and other existing easements wherein~~
35 ~~dwelling units cannot be built.~~

36

37 **NET RESIDENTIAL ACREAGE**

38 The total area of the parcel(s) of record subject to development ~~land area subject to~~
39 ~~subdivision that is identified for regulatory purposes as developable and is the gross~~
40 ~~available acreage~~ minus land area identified in § 16.5.18, Net residential acreage, unless
41 otherwise exempt in § 16.5.18D, Exemptions to net residential acreage calculations.

42 **NET RESIDENTIAL DENSITY**

43 The number of dwelling units in a ~~subdivision~~ development per net residential acre.
44 This is calculated by dividing the net residential acreage by the square feet specified as
45 minimum land area per dwelling unit in the dimensional standards in § 16.4 for the
46 relevant base zone or overlay zone(s) where applicable. Net residential density
47 calculations which result in a fraction shall be rounded down to the nearest whole
48 number.

49 **2. Amend § 16.4.10 Residential — Rural (R-RL) zoning as follows:**

50 B. Permitted uses. The following uses are permitted in the R-RL Zone:

- 51 (1) Accessory dwelling unit.
- 52 (2) Conservation subdivision.
- 53 (3) Dwelling, manufactured housing.
- 54 (4) Dwelling, single-family.

55 **(5) Dwelling, multifamily 2-4 “Limited”, as follows:**

	<u>Total maximum # of units allowed on lot (attached or detached)</u>	
<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

56

57 D. Standards

58 (2) Dimensional standards:

59 **(a) Minimum ~~land area~~ net residential acreage** per dwelling unit: 40,000 square
60 feet. (Note: As per Chapter 16.3 definition of "minimum land area per dwelling
61 ~~unit,~~ except to exempt properties which are unable to meet the square feet

62 required for a single-family dwelling unit, provided the lot was conforming prior
63 to October 25, 2012).

64
65 E. Shoreland Overlay Zone OZ-SL — Residential — Rural Zone (R-RL).

66 (1) Permitted uses.

67 (a) Accessory buildings, structures, and uses.

68 (b) Agriculture.

69 (c) Dwelling, single family, if located farther than 100 feet from the normal high-
70 water line of any water bodies, or the upland edge of a wetland individual private
71 campsite.

72 [~~1~~] ~~Dwelling, single family.~~

73
74 **3. Amend § 16.4.11 Residential — Suburban (R-RS) zoning as follows:**

75 B. Permitted uses. The following uses are permitted in the R-S Zone:

76 (1) Accessory dwelling unit.

77 (2) Conservation Subdivision.

78 (~~3~~) ~~Dwelling, attached single family.~~

79 (4) Dwelling, multifamily (~~not more than four units per building~~) 2-4 “Limited”

80 (5) Dwelling, single-family.

81 (~~6~~) ~~Dwelling, two family.~~

82
83 D. Standards. The following standards must be met unless modified per §16.8.10,
84 Conservation Subdivision:

85 (1) Design and performance standards. The design and performance standards of
86 Chapters 16.5, 16.7 and 16.8 must be met. The Design Handbook provides examples
87 of appropriate design for nonresidential and multiunit residential projects.

88 (2) Dimensional standards.

89 (a) Minimum land Lot area per dwelling unit (~~note: as per Chapter 16.3 definition~~
90 ~~of "minimum land area per dwelling unit,"~~ except to exempt properties which
91 are unable to meet the square feet required for a single-family dwelling unit,
92 provided the lot was conforming prior to October 25, 2012):

93 [1] Without public sewage disposal: 40,000 square feet.

94 [2] With public sewage disposal: 30,000 square feet unless reduced in
95 accordance with Note A.

96 [3] When more than 50% of the dwelling units proposed will be
97 affordable as defined by this Code and have public sewer: 12,000
98 square feet

99 (b) Minimum lot size:

100 [1] Without public sewage disposal: 40,000 square feet.

101 [2] With public sewage disposal: 30,000 square feet unless reduced in
102 accordance with Note A.

103 (c) Minimum street frontage: 150 feet unless reduced in accordance with Note A.

- 104 (d) Minimum front yard: 40 feet.
105 (e) Maximum building coverage: 20%.
106 (f) Minimum rear and side yards: 15 feet.
107 (Note: Buildings higher than 40 actual feet must have side and rear yards not
108 less than 50% of the building height.)
109 (g) Maximum building height: 35 feet.
110 (Note: Minimum distance between principal buildings on the same lot is the
111 height equivalent to the taller building.)
112 (h) Minimum water body setback for functionally water-dependent uses: zero feet.
113 (i) Minimum setback from streams, water bodies and wetlands: in accordance with
114 Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

Note A:

The required minimum ~~land~~ **Lot** area per dwelling unit and/or minimum lot size for residential uses that are served by public sewage disposal and that are located outside of areas subject to shoreland zoning may be less than 30,000 square feet per lot/unit if the established average density of development in the immediate area of the use as determined below is less than 30,000 square feet.

If the average of the lot sizes and/or ~~land~~ **Lot** area per dwelling unit of the developed residential lots that are located on the same street and within 500 feet of the parcel is less than 30,000 square feet, the required minimum lot size or required minimum ~~land~~ **Lot** area per dwelling unit is the calculated average lot size or average ~~land~~ **Lot** area per dwelling unit but not less than 20,000 square feet.

If the required minimum lot size is reduced, the required minimum street frontage for new residential uses served by public sewerage may also be reduced to the average of the lot frontage of existing developed residential lots that are located on the same street and within 500 feet of the parcel but in no case to less than 100 feet.

- 115
116 (3) Subdivision types and standards. ~~Subject to net residential acreage and net~~
117 ~~residential density per Chapter 16.3.~~
118 (a) Conservation Subdivision. In a conservation subdivision, the above standards
119 may be modified in accordance with special provisions of §16.8.10, including
120 that there is no minimum lot size, and with the conditions that:
121 [1] Minimum principal building separation as required by the Fire Chief, but
122 not less than 15 feet.
123 (b) Subdivision development (per special exception uses, §16.4.11C). In a
124 subdivision development, standards in §16.4.11D(1) and (2) apply and include:
125 [1] Minimum percentage of common open space: 15%.
126 (4) Mobile homes. Mobile homes must meet the standards of §16.5.17.
127 **(5) Parking. When more than 50% of the dwelling units provided while be**
128 **affordable as defined by this code: two parking spaces per three dwelling units.**
129 **(6) Affordable housing requirements:**
130 (a) **All requirements in §16.5.4 Affordable Housing must be met.**
131 (b) **Density incentives outlined above in subsection D.(2).(a).[3] may be applied**
132 **to projects that create affordable housing units, as defined by this code. No**

proportional payment-in-lieu is required if the affordable dwelling unit requirements for the density incentives are met.

E. Shoreland Overlay Zone OZ-SL — Residential — Suburban Zone (R-S).

(1) Permitted uses.

(a) Day-care facility.

(b) Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the upland edge of a wetland.

[1] ~~Dwelling, attached single-family.~~

[2] Dwelling, multifamily (not more than four units per building).

[3] Dwelling, single-family.

[4] Dwelling, two-family.

4. Amend § 16.4.12 Residential — Kittery Point Village (R-KPV) zoning as follows:

B. Permitted uses. The following uses are permitted in the R-KPV Zone:

(1) Accessory dwelling units.

(2) Conservation subdivision.

~~(3) Dwelling, attached single-family.~~

(4) Dwelling, multifamily ~~(not more than four units per building).~~ 2-4 “Limited”

(5) Dwelling, single-family.

~~(6) Dwelling, two-family.~~

D. Standards. The following standards must be met unless modified per § 16.8.10, Conservation subdivision.

(1) Design and performance standards in Chapters 16.5, 16.7 and 16.8. The Design Handbook provides examples of appropriate design for nonresidential and multiunit residential projects.

(2) Dimensional standards.

(a) **Minimum land area net residential acreage** per dwelling unit: 40,000 square feet. ~~(Note: As per Chapter 16.3 definition of "minimum land area per dwelling unit,"~~ except to exempt properties which are unable to meet the square feet required for a single-family dwelling unit, provided the lot was conforming prior to October 25, 2012).

(b) Minimum lot size: 40,000 square feet.

(c) Minimum street frontage: 150 feet unless reduced in accordance with Note A.

(d) Minimum front yard: 40 feet.

(e) Maximum building coverage: 20%.

(f) Minimum rear and side yards: 15 feet. (Note: Buildings higher than 40 actual feet must have side and rear yards not less than 50% of the building height.)

(g) Maximum building height: 35 feet. (Note: Minimum distance between principal

- 173 buildings on the same lot is the height equivalent to the taller building.)
- 174 (h) Minimum water body setback for functionally water-dependent uses: zero feet.
- 175 (i) Minimum setback from streams, water bodies and wetlands: in accordance with
- 176 Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules. Subdivision types
- 177 and standards.
- 178 ~~(3) Subject to net residential acreage and net residential density per Chapter 16.3.~~

179
180

181 **5. Amend § 16.4.13 Residential — Urban (R-U) zoning as follows:**

182 B. Permitted uses. The following uses are permitted in the R-U Zone:

- 183 (1) Accessory dwelling units.
- 184 (2) Conservation subdivision.
- 185 ~~(3) Dwelling, attached single-family.~~
- 186 (4) Dwelling, manufactured housing.
- 187 (5) Dwelling, multifamily.
- 188 (6) Dwelling, single-family.
- 189 (7) Dwelling, ~~two-family.~~ **multifamily 2-4 “Limited”**

190

191 D. Standards. The following standards must be met unless modified per §16.8.10

192 Conservation Subdivision:

- 193 (1) The design and performance standards in Chapters 16.5, 16.7 and 16.8.
- 194 (2) Dimensional standards:
- 195 (a) Minimum ~~land lot~~ **land lot** area per dwelling unit: 20,000 square feet. ~~(Note: As per~~
- 196 ~~Chapter 16.3 definition of "minimum land area per dwelling unit," except to~~
- 197 ~~exempt properties which are unable to meet the square feet required for a~~
- 198 ~~single-family dwelling unit, provided the lot was conforming prior to~~
- 199 ~~October 25, 2012.)~~
- 200 **(b) When more than 50% of the dwelling units proposed will be affordable**
- 201 **as defined by this code and have public sewer: 8,000 square feet**
- 202 (b) Minimum lot size: 20,000 square feet.
- 203 (c) Minimum street frontage: 100 feet.
- 204 (d) Minimum front yard, all buildings: 30 feet.
- 205 (e) Minimum rear and side yards, all buildings: 15 feet.
- 206 (Note: Buildings higher than 40 actual feet must have side and rear yards not
- 207 less than 50% of building height.)
- 208 (f) Maximum building height: 35 feet.
- 209 (Note: Minimum distance between principal buildings on the same lot is the
- 210 height equivalent to the taller building.)
- 211 (g) Maximum building coverage: 20%.
- 212 (h) Minimum water body setback for functionally water-dependent uses: zero
- 213 feet.
- 214 (i) Minimum setback from streams, water bodies and wetlands: in accordance

- 215 with Table 16.5.30 § 16.4.28 and Appendix A, Fee Schedules.
- 216 (3) Subdivision types and standards. ~~Subject to net residential acreage and net~~
 217 ~~residential density per Chapter 16.3.~~
- 218 (a) Conservation Subdivision. In a subdivision, the above standards may be
 219 modified in accordance with special provisions of §16.8.10, including that
 220 there is no minimum lot size, and with the conditions that:
- 221 [1] Minimum principal building separation as required by the Fire Chief,
 222 but not less than 15 feet.
- 223 (b) Subdivision development (special exception uses, §16.4.13C). In a
 224 subdivision development, standards in §16.4.13D(1) and (2) apply and
 225 include:
- 226 [1] Minimum percentage of common open space: 15%.
- 227 (4) Age-restricted housing. In the case of age-restricted housing, the above standards
 228 may be modified in accordance with the special provisions of §16.5.15 and with
 229 the condition that:
- 230 (a) Municipal sewerage and water must be provided.
- 231 (b) A minimum land area of three acres must be provided.
- 232 (c) The maximum net density may not exceed four dwelling units per net
 233 residential acre. In no event may the Planning Board authorize a departure
 234 which increases the total number of dwelling units greater than that specified
 235 under the applicable zoning ordinance.
- 236 (d) A single-bedroom unit may not be less than 550 square feet and a two-
 237 bedroom unit not less than 650 square feet.
- 238 (5) Manufactured housing. Manufactured housing must meet standards of §16.5.15.
- 239 **(6) Parking. When more than 50% of the dwelling units provided while be**
 240 **affordable as defined by this code: two parking spaces per three dwelling units.**
- 241 **(7) Affordable housing requirements:**
- 242 **(a) All requirements in §16.5.4 Affordable Housing must be met.**
- 243 **(b) Density incentives outlined above in subsection D.(2).(a).[3] may be**
 244 **applied to projects that create affordable housing units, as defined by this**
 245 **code. No proportional payment-in-lieu is required if the affordable**
 246 **dwelling unit requirements for the density incentives are met.**

247

248 E. Shoreland Overlay Zone OZ-SL — Residential — Urban Zone (R-U).

- 249 (1) Permitted uses.
- 250 (a) Accessory buildings, structures, and uses.
- 251 (b) Day-care facility.
- 252 (c) Dwellings if located farther than 100 feet from the normal high-water line
 253 of any water bodies, or the upland edge of a wetland.
- 254 [1] ~~Dwelling, attached single-family.~~
- 255 [2] Dwelling, manufactured housing.
- 256 [3] Dwelling, multifamily.
- 257 [4] Dwelling, single-family.

258 [5] Dwelling, two-family.

259

260 6. Amend § 16.4.14 Residential — Village (R-V) zoning as follows:

261 B. Permitted uses. The following uses are permitted in the R-V Zone:

- 262 (1) Accessory dwelling unit.
- 263 (2) Dwelling, ~~attached single-family~~. multifamily 2-4 “Limited”
- 264 (3) Dwelling, manufactured housing.
- 265 (4) Dwelling, single-family.
- 266 (5) ~~Dwelling, two-family.~~

267

268 D. Standards. All development and the use of land in the R-V Zone must meet the
269 following standards. In addition, the design and performance standards of Chapters
270 16.5, 16.7 and 16.8 must be met. The Design Handbook provides examples of
271 appropriate design for nonresidential and multiunit residential projects.

272 (1) The following space standards apply:

- 273 (a) Minimum land area net residential acreage per dwelling unit: 4,000 square
274 feet. (Note: ~~As per Chapter 16.3 definition of "minimum land area per~~
275 ~~dwelling unit,~~ except to exempt properties which are unable to meet the
276 square feet required for a single-family dwelling unit, provided the lot was
277 conforming prior to October 25, 2012.)

278

279 E. Shoreland Overlay Zone OZ-SL — Residential — Village Zone (R-V).

280 (1) Permitted uses.

- 281 (a) Accessory buildings, structures, and uses.
- 282 (b) Dwellings if located farther than 100 feet from the normal high-water line of
283 any water bodies, or the upland edge of a wetland Public Facility.
- 284 [1] ~~Dwelling, attached single-family.~~
- 285 [2] Dwelling, manufactured housing.
- 286 [3] Dwelling, single-family.
- 287 [4] Dwelling, two-family.

288

289 7. Amend §16.4.15 Residential — Rural Conservation (R-RC) zoning as follows:

290 B. Permitted use. The following uses are permitted in the R-RC Zone:

- 291 (1) Accessory dwelling units.
- 292 (2) Conservation subdivision.
- 293 (3) Dwelling, manufactured housing.
- 294 (4) Dwelling, single-family.

295 (5) Dwelling, multifamily 2-4 “Limited” as follows

	<u>Total maximum # of units allowed on lot (attached or detached)</u>
--	---

<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

296

297 D. Standards. The following standards must be met unless modified per §16.8.10,
 298 Conservation Subdivision:

299 (1) The design and performance standards of Chapters 16.5, 16.7 and 16.8 must be
 300 met.

301 (2) The following dimensional standards apply:

302 (a) Minimum land area net residential acreage per dwelling unit: 80,000 square
 303 feet. (~~Note: As per Chapter 16.3 definition of "minimum land area per~~
 304 ~~dwelling unit,"~~ except to exempt properties which are unable to meet the
 305 square feet required for a single-family dwelling unit, provided the lot was
 306 conforming prior to October 25, 2012.

307

308 **8. Amend §16.4.17 Business — Local (B-L) zoning as follows:**

309 B. Permitted uses. The following uses are permitted in the B-L Zone:

310 (1) Accessory dwelling unit.

311 (2) Dwelling, ~~attached single family.~~ multifamily 2-4

312 (3) Dwelling, manufactured housing.

313 (4) Dwelling, multifamily.

314 (a) Development proposing three or four dwelling units is permitted through
 315 minor site plan review;

316 (b) Development proposing five or more dwelling units is permitted through
 317 major site plan review;

318 (5) Dwelling, single-family.

319 (6) ~~Dwellings, two-family.~~

320 (7) Dwelling units as part of a mixed-use building.

321

322 D. Standards. All development and the use of land in the B-L Zone must meet the following
 323 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the
 324 design and performance standards of Chapters 16.5, 16.7 and 16.8 must be met. [Amended 9-12-
 325 2022]

326 (1) The following space and dimensional standards apply:

327 (a) Minimum ~~land~~ lot area per dwelling unit:

328 [1] If served by on-site sewage disposal: 20,000 square feet;

- 329 [2] If served by the public sewerage system and:
330 [a] When no frontage on State Road or Route 1 Bypass exists: 3,000 square
331 feet;
332 [b] When less than five dwelling units are proposed at minimum, one
333 nonresidential use must be located on the first floor facing State Road or
334 Route 1 Bypass such that the use will be visible from the street: 3,000
335 square feet. Such a nonresidential use or uses need not occupy the entire
336 first floor but must be an independent nonresidential use, e.g., not a
337 home office marketed with a dwelling unit as a work/live unit;
338 [c] When five or more dwelling units are proposed at minimum, one
339 nonresidential use must be located on the first floor facing State Road or
340 Route 1 Bypass such that the use will be visible from the street: 2,500
341 square feet. Such a nonresidential use or uses need not occupy the entire
342 first floor but must be an independent nonresidential use, e.g., not a
343 home office marketed with a dwelling unit as a work/live unit; or
344 [d] 25% or more of the dwelling units will be affordable housing units as
345 defined by this code: 1,000 square feet.
346 Note: Except as otherwise required by the buffer provisions of this title.

- 347 (b) Parking. Parking requirements are to be met on site. If meeting the parking
348 requirements is not possible, the parking demand may be satisfied off site or
349 through joint-use agreements as specified herein. Notwithstanding the off-street
350 parking requirements in § 16.7.11F(4), minimum parking requirements for the
351 uses below are modified as specified:

- 352 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:
353 [a] Affordable housing as defined by this code is proposed, in which case
354 the parking requirements may be reduced to one parking space per
355 dwelling unit at the Planning Board's discretion; and/or
356 [b] Some or all of the proposed dwelling units are one-bedroom or
357 studio-type units, in which case parking requirements for these types
358 of units may be reduced to one parking space for each unit so
359 described.
360 **[c] More than 50% of the dwelling units proposed will be affordable**
361 **as defined by this code in which case parking is reduced to two**
362 **spaces per three dwelling units.**

363
364 E. Shoreland Overlay Zone OZ-SL — Business — Local Zone (B-L).

- 365 (1) Permitted uses.
366 (a) Accessory buildings, structures, and uses.
367 (b) Dwellings if located farther than 100 feet from the normal high-water line of
368 any water bodies, or the upland edge of a wetland.
369 ~~[1] Dwelling, attached single-family.~~
370 [2] Dwelling, manufactured housing.
371 [3] Dwelling, multifamily.
372 [4] Dwelling, single-family.

[5] Dwellings two-family.

373
374
375

9. Amend §16.4.18 Business — Local 1 (B-L1) zoning as follows:

376 B. Permitted uses. The following uses are permitted in the B-L1 Zone:

- 377 (1) Accessory dwelling unit.
378 (2) Dwelling, ~~attached single-family.~~ multifamily 2-4 “Limited”
379 (3) Dwelling, manufactured housing.
380 (4) Dwelling, multifamily. **[Amended 9-12-2022]**
381 (a) Development proposing three or four dwelling units is permitted through
382 minor site plan review;
383 (b) Development proposing five or more dwelling units is permitted through
384 major site plan review;
385 (5) Dwelling, single-family.
386 ~~(6) Dwelling, two-family.~~

387

388 D. Standards. All development and the use of land in the B-L1 Zone must meet the
389 following standards. Kittery's Design Handbook illustrates how these standards can be
390 met. In addition, the design and performance standards of Chapter **16.5** must be met.
391 **[Amended 9-12-2022]**

392 (1) The following space and dimensional standards apply:

393 (a) Minimum ~~land~~ (lot) area per dwelling unit:

394 [1] When no frontage on State Road or Shapleigh Road: 2,500 square feet.

395 [2] When less than five dwelling units are proposed with, at minimum, one
396 nonresidential use must be located on the first floor facing State Road or
397 Shapleigh Road such that the use will be visible from the street: 2,500
398 square feet. Such a nonresidential use or uses need not occupy the entire
399 first floor but must be an independent nonresidential use, e.g., not a home
400 office marketed with a dwelling unit as a work/live unit.

401 [3] When five or more dwelling units are proposed with, at minimum, one
402 nonresidential use must be located on the first floor facing State Road or
403 Shapleigh Road such that the use will be visible from the street: 2,000
404 square feet. Such a nonresidential use or uses need not occupy the entire
405 first floor but must be an independent nonresidential use, e.g., not a home
406 office marketed with a dwelling unit as a work/live unit.

407 [4] When 25% or more of the dwelling units will be affordable housing units
408 as defined by this code, the minimum land area per dwelling unit is 1,500
409 square feet.

410 **[5] When 50% or more of the dwelling units will be affordable housing**
411 **units as defined by this code, the minimum land area per dwelling**
412 **unit is 1,000 square feet.**

413 (b) Minimum lot size: none.

414 (Note: Except that all screening, open space, buffering and landscaping
415 requirements must be met; or in instances where the Planning Board may

416 approve modifications to such requirements, such modifications must be
417 found satisfactory by the Board.

418 (c) Minimum street frontage per lot: 50 feet.

419 (d) Maximum front setback: 20 feet.

420 (Note: This area must be designed to promote a pedestrian public space,
421 which includes, but is not limited to, landscaping, sidewalks and sitting
422 areas. The Planning Board may, at its discretion, allow a greater setback
423 when public amenities such as pocket parks, outdoor dining or seating areas
424 are proposed within the front setback. Pocket parks must be at least 200
425 square feet with a minimum of three trees and a bench for sitting required.
426 Park must be vegetated with ground cover, except for walkways. Outdoor
427 dining areas must meet any additional requirements specific to that use.
428 Outdoor storage is prohibited anywhere in the front yard of the structure,
429 except for seasonal sales items. Parking is also prohibited in the front
430 setback, except as allowed in Subsection **D(2)(e)** below.

431 (e) Minimum rear and side setbacks: 10 feet.

432 (Note: Except as otherwise required by the buffer provisions of this title, and
433 except where the side and/or rear setbacks abut a residential zone or single-
434 family use; in which case a minimum of 15 feet or 50% of the building
435 height, whichever is greater, is required.)

436 (f) Maximum building height: 40 feet. Solar apparatus is excluded from height
437 determinations.

438 (g) The maximum impervious surface is:

439 [1] Seventy percent; or

440 [2] The Planning Board may, at its discretion, allow greater than 70% if:

441 [i] Additional landscaped or natural areas are proposed or preserved
442 and such areas are integrated into the site design in an
443 environmentally conscious way utilizing LID to provide
444 stormwater filtration and/or water quality improvements. Such
445 areas must exceed the requirement that 15% of the lot be
446 landscaped or natural. See Subsection **D(4)**, Landscaping/Site
447 improvements. When granting such a concession, the Board must
448 find that the proposed additional landscaping and/or natural areas
449 and the site design provide enough benefit to outweigh the impact
450 of greater impervious surface; or

451 [ii] Affordable housing to be built, rather than a payment-in-lieu, is
452 proposed.

453 Note: If using either option above, the stormwater requirements in
454 Subsection **D(1)(i)** below may not be modified.

455 (h) Stormwater. All new development must use LID (low-impact development)
456 and BMP (best management practices), based on Maine DEP's Maine
457 Stormwater Best Management Practices Manual Volumes I through III, as
458 amended from time to time, to manage 100% of the total stormwater
459 generated on-site. The stormwater report and plan demonstrating that this
460 requirement is met must be included with the application at the time of

461 submission. A request for a modification may be submitted to the Planning
462 Board, but it is incumbent on the applicant to prove to the Planning Board's
463 satisfaction that such a modification is necessary. The Town reserves the
464 right to submit such modification requests for independent engineering
465 review at the applicant's expense. The Board may also require additional
466 landscaping/plannings and/or LID features when granting such concessions.

467 (i) Minimum area dedicated to landscaped or natural areas: 15%.

468 [1] For the purposes of this zone, a natural area is an area that is not
469 regularly mowed, and contains trees and/or shrubs which may not have
470 been deliberately planted. Invasive plants, as defined by the State of
471 Maine, must be removed.

472 [2] For multifamily dwelling, mixed-use buildings with dwelling units and
473 attached single-family dwellings, in cases where the property cannot
474 meet the 15% requirement due to existing development (including
475 parking areas), and where redevelopment will remain at the same or a
476 lower percentage of the lot, the Planning Board may, at its discretion,
477 allow a smaller percentage of landscaped and/or natural area. In
478 granting this concession, the Board may require more intensive
479 landscape plantings and/or LID-designed features.

480 (j) Hours of operation must be noted on the final site plan and are determined by
481 the Planning Board on a case-by-case basis. All lighting other than
482 designated security lighting must be extinguished outside of noted hours of
483 operation.

484 (k) Minimum setback for functionally water-dependent uses: zero feet.

485 (l) Minimum setback from streams, water bodies and wetlands: in accordance
486 with Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

487 (2) Parking design:

488 Parking requirements are to be met on-site. If meeting the parking
489 requirements is not possible, the parking demand may be satisfied off-site or
490 through joint-use agreements as specified in 16.4.17.D.(1).(c) -
491 16.4.17.D.(1).(e) under the B-L Zone. Notwithstanding the off-street parking
492 requirements in 16.7.11.F.(4), minimum parking requirements for the uses
493 below are modified as specified:

494 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

495 [i] Affordable housing as defined by this code is proposed in which case the
496 parking requirements may be reduced to a minimum of 1/2 spaces per
497 dwelling unit at the Planning Board's discretion; and/or

498 [ii] Housing is proposed within ¼ mile of a public transit stop, in
499 which case the parking requirements may be reduced to a minimum of 1/2
500 spaces per dwelling unit at the Planning Board's discretion; and/or

501 [iii] Some or all of the proposed dwelling units are one-bedroom or

502 studio type units in which case parking requirements for these types of units
503 are reduced to one parking space for each unit so described.

504 [iv] More than 50% of the dwelling units proposed will be affordable as
505 defined by this code in which case parking is reduced to two spaces per three
506 dwelling units.

507 [2] For multifamily dwellings, if more than ten parking spaces are
508 required, up to 20% of the parking may be designated for compact cars. See
509 16.7.11.F.(4) Off-Street Parking Standards.

510 (b) [3] Electric car charging stations are allowed and encouraged in parking
511 lots but must not interfere with pedestrian movement on sidewalks.

512 **10. Amend §16.4.19 Commercial 1, Route 1 Commercial Zone (C-1) as follows:**

513 E. Standards.

514 (1) C Zone standards. All development and the use of land in the C Zone must meet
515 the following standards. Kittery's Design Handbook illustrates how these standards can
516 be met. In addition, the design and performance standards of Chapters 16.5, 16.7 and 16.8
517 must be met unless noted otherwise below.

518 (2) The following space standards apply in the C-1 Zones:

519 (a) Minimum lot size or density:

C-1 Zone

Cottage cluster	16 units per acre unless 25% of units are
Dwelling, attached single-family	affordable housing units as defined by this
Dwelling, multifamily	Code, in which case 20 units per acres
Dwelling, two-family	allowed*
Dwelling units as part of a mixed-use	<u>40 units per acre when over 50% of the</u>
building	<u>units are affordable housing units as</u>
	<u>defined by this Code*.</u>

All other uses 40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to minimum land area per dwelling unit requirement as described in §16.5.18D, Exemptions to net residential acreage calculations.

520

521 (4)(c) Parking standards. The following minimum off-street parking requirements must
522 be provided and maintained in case of new construction, alterations, and changes of
523 use:

524 [1] Parking requirements must be met on site unless an existing building covers so

525 much of the lot as to make the provision of parking impractical in whole or in
526 part. If meeting the parking requirements is not practical, then the parking demand
527 may be satisfied off site or through joint-use agreements as specified herein.

528 Notwithstanding the off-street parking requirements in §16.7.11F, minimum
529 parking requirements for the uses below are modified as specified:

530 [a] Dwelling units: one parking space per dwelling unit.

531 [b] For multifamily dwellings, if more than 10 parking spaces are required, up to
532 20% of the parking may be designated for compact cars. See §16.7.11F, Off-
533 street parking standards.

534 [c] When more than 50% of the dwelling units proposed are affordable as
535 defined by this Code, two parking spaces for every three dwelling units.
536

537 **11. Amend §16.4.21 Commercial 3, Bypass/ Old Post Road Commercial Zone (C-3) as**
538 **follows:**

539 E. Standards.

540 (1) C Zone standards. All development and the use of land in the C Zone must meet
541 the following standards. Kittery's Design Handbook illustrates how these standards can
542 be met. In addition, the design and performance standards of Chapters 16.5, 16.7 and 16.8
543 must be met unless noted otherwise below.

544 (2) The following space standards apply in the C-3 Zones:

545 (a) Minimum lot size or density:

C-1 Zone

Cottage cluster	16 units per acre unless 25% of units are
Dwelling, attached single-family	affordable housing units as defined by this
Dwelling, multifamily	Code, in which case 20 units per acres
Dwelling, two-family	allowed*
Dwelling units as part of a mixed-use building	<u>40 units per acre when over 50% of the units are affordable housing units as defined by this Code*.</u>

All other uses 40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to
minimum land area per dwelling unit requirement as described in §16.5.18D,
Exemptions to net residential acreage calculations.

546

547 (4)(c) Parking standards. The following minimum off-street parking requirements must be
548 provided and maintained in case of new construction, alterations, and changes of use:

549 [1] Parking requirements must be met on site unless an existing building covers so much
550 of the lot as to make the provision of parking impractical in whole or in part. If

551 meeting the parking requirements is not practical, then the parking demand may be
552 satisfied off site or through joint-use agreements as specified herein. Notwithstanding
553 the off-street parking requirements in Article IX of Chapter 16.8, minimum parking
554 requirements for the uses below are modified as specified:

555 [a] Dwelling units: one parking space per dwelling unit.

556 [b] For multifamily dwellings, if more than 10 parking spaces are required, up to 20%
557 of the parking may be designated for compact cars. See §16.7.11.F, Off-street
558 parking standards.

559 [c] When more than 50% of the dwelling units proposed are affordable as
560 defined by this Code, two parking spaces for every three dwelling units.
561

562 **12. Amend §16.4.23 Mixed Use Zone (MU) as follows:**

563 B. Permitted uses.

564 (1) Accessory dwelling units.

565 (2) Dwelling, single-family (limited to lots of record as of April 1, 2004).

566 (3) Dwellings, multifamily (limited to the upper floors of mixed-use building that is
567 served by public sewerage).

568 (4) Dwelling multifamily 2-4 “Limited”
569

570 D. Standards.

571 (2)

572 Note 1: For single-family dwellings, and vacant lots of record, one dwelling unit is
573 allowed for each 200,000 square feet of land area. A lot of record having a land area
574 of more than 200,000 square feet that was improved with a single-family dwelling as
575 of April 1, 2004, may:

576 a. ~~Be be~~ divided into two lots ~~with a single-family dwelling on each lot~~ provided
577 that each of the lots contains at least 40,000 square feet of land area and meets the
578 other dimensional standards of the zone. Section 16.4.10D(1) and (2) as set forth
579 in the Residential - Rural Zone apply and no further subdivision is allowed.

580 Note 2: For dwelling units that are part of a mixed-use building or a multifamily
581 building and are connected to the public sewerage system, one dwelling unit is
582 allowed for each 10,000 square feet of ~~buildable land lot~~ area. Where over 50% of
583 such dwelling units described above will be affordable as defined by this code;
584 4,000 square feet of buildable land area. [NOTE: multifamily dwellings are not
585 allowed in either Resource Protection or Shoreland Overlay Zones] Within the
586 Resource Protection and Shoreland Overlay Zones, one dwelling unit is allowed
587 for each 40,000 square feet of land area within these zones. If the parking for the
588 residential units is encompassed within the building, the minimum required buildable
589 land area per dwelling unit is reduced to 7,500 square feet. Where over 50% of the
590 dwelling units will be affordable as defined by this code and parking is

591 encompassed within the building: 3,000 square feet of buildable land area, except
592 in the Resource Protection and Shoreland Overlay Zones where the area per dwelling
593 unit remains 40,000 square feet. **In addition, for those developments where more**
594 **than 50% of the dwelling units will be affordable, parking requirements are**
595 **reduced to two parking spaces per three dwelling units.**

596 **(10) Affordable housing requirements: [Added 10-24-2022]**

597 **(a) All requirements in §16.5.4, Affordable housing, must be met.**

598 **(b) Density incentives detailed in 16.4.23.D Note 2 may be applied to**
599 **projects that create affordable housing units, as defined by this code.**
600 **No proportional payment-in-lieu is required if the affordable dwelling**
601 **unit requirements for the density incentives are met.**

602

603 **13. Amend §16.4.24 Mixed-Use — Badger Island (MU-BI) as follows:**

604 B. Permitted uses. The following uses are permitted in the MU-BI Zone:

- 605 (1) Accessory dwelling units.
- 606 (2) Dwellings, ~~attached single-family.~~ **multifamily 2-4 “Limited”**
- 607 (3) Dwellings, manufactured housing.
- 608 (4) Dwelling, multifamily.
- 609 (5) Dwellings, single-family.

610

611 D. Standards.

612 (1) The following space standards apply:

613 (a) Minimum land area per dwelling unit: 3,000 square feet.

614 [1] ~~For each of the first two dwelling units and thereafter: 6,000 square feet.~~ **If**
615 **more than 50% of the dwelling units will be affordable housing units as**
616 **defined by this code: 1,200 square feet.**

617 (4) Special parking standards.

618 (a) Revised off-street parking standards. Off-street parking must be provided in
619 accordance with § **16.7.11F** unless modified below for the following uses:

620 [1] Dwellings: 1 1/2 parking space for each dwelling unit;

621 **Except for residential developments where more than 50% of the**
622 **dwelling units will be affordable as defined by this code, parking**
623 **requirements are reduced to two parking spaces per three dwelling**
624 **units.**

625

626 **14. Amend §16.4.25 Mixed-Use – Kittery Foreside Zone (MU-KF) as follows:**

627 B. Permitted uses. The following uses are permitted in the MU-KF Zone:

- 628 (1) Accessory dwelling units.
- 629 (2) Dwelling, ~~attached single-family.~~ **multifamily 2-4 “Limited”**
- 630 (3) Dwellings, single-family.

- 631 (4) Dwellings, two-family.
- 632 (5) Dwellings, multifamily ~~(up to 12 units per lot).~~

633
634 D. Standards.

- 635 (1) The design and performance standards of Chapters 16.7 and 16.8 must be met,
636 except where specifically altered in this subsection.
- 637 (2) Dimensional standards. The following space standards apply:
638 (a) Minimum land area per dwelling unit: 5,000 square feet.
639 (a) – 1. If more than 50% of the dwelling units will be affordable housing
640 units as defined by this code: 2,000 square feet.
- 641 (7) Revised off-street parking standards. Insofar as practical, parking requirements are
642 to be met on site unless an existing building covers so much of the lot as to make the
643 provision of parking impractical in whole or in part. If meeting the parking
644 requirements is not practical, then the parking demand may be satisfied off site or
645 through joint-use agreements as specified herein. Notwithstanding the off-street
646 parking requirements in § 16.7.11F(3), minimum parking requirements for the uses
647 below are modified as specified herein:
648 (a) Dwelling units in buildings that existed as of April 1, 2005, including the
649 replacement of units destroyed by accidental or natural causes regardless of
650 how configured: one parking space per dwelling unit;
651 (b) Dwelling units in new buildings, including the replacement of existing
652 buildings other than the replacement of units destroyed by accidental or natural
653 causes: 1 1/2 parking spaces per dwelling unit;
654 (c) Dwelling units in buildings where more than 50% of the dwelling units
655 proposed will be affordable as defined by this code: two spaces per three
656 dwelling units.
657

658 **15. Amend §16.4.26 Business Park (B-P) Zone as follows:**

659 B. Permitted uses. The following land uses are permitted for projects that are cluster mixed-
660 use developments:

- 661 (1) Art studio/gallery.
- 662 (2) Building materials and garden supply.
- 663 (3) Business and professional offices.
- 664 (4) Business services.
- 665 (5) Parking area (public or private).
- 666 (6) Conference center.
- 667 (7) Cluster residential development.

668 **(8) Dwelling, Multifamily 2-4 “Limited” as follows:**

	<u>Total maximum # of units allowed on lot</u> <u>(attached or detached)</u>	
<u># of Existing</u>	<u>Public Sewer and</u>	<u>Public Sewer and Water</u>

<u>Units</u>	<u>Water Available</u>	<u>not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

(9) Accessory dwelling units

669
670

671 **16. Amend §16.4.28 Shoreland Overlay Zone (OZ-SL) as follows:**

672 E. Standards.

673 (1) Minimum lot standards.

674 (a) Minimum lot size by base zone, within the:

675 [1] Residential-Village (R-V) Zone: 8,000 square feet.

676 [2] Residential-Urban (R-U) Zone: 20,000 square feet.

677 [3] Residential-Rural (R-RL), Residential-Suburban (R-S) and
678 Residential-Kittery Point Village (R-KPV) Zones: 40,000 square feet.

679 [4] Commercial (C1), (C2), (C3), Industrial (IND), Business-Local (B-
680 L) and Business-Local 1 (B-L1) Zones: 60,000 square feet.

681 [5] Residential-Rural Conservation (R-RLC) Zone: 80,000 square feet.

682 [6] Business-Park (B-PK) Zone: 120,000 square feet.

683 [7] Mixed-Use Badgers Island (MU-BI) Zone: 6,000 square feet.

684 [8] Mixed-Use Kittery Foreside (MU-KF) Zone: 10,000 square feet.

685 (b) Minimum ~~land area per dwelling unit~~ **net residential acreage per unit** by
686 base zone, within the:

687 [1] Residential-Village (R-V) Zone: 8,000 square feet.

688 [2] Business-Park (B-PK) Zone: 10,000 square feet.

689 [3] Residential-Urban (R-U), Business-Local (B-L) and Business-
690 Local 1 (B-L1) Zones: 20,000 square feet.

691 [4] Mixed-Use (M-U), Residential-Rural (R-RL), Residential-
692 Suburban (R-S) and Residential-Kittery Point Village (R-KPV) Zones:
693 40,000 square feet.

694 [5] Residential-Rural Conservation (R-RLC) Zone: 80,000 square feet.

695 [6] Mixed-Use Badgers Island (MU-BI) Zone: 6,000 square feet.

696 [NOTE: 3,000 square feet for the first two dwelling units.]

697 [7] Mixed-Use Kittery Foreside (MU-KF) Zone: 10,000 square feet.
698

699 **17. Amend §16.5.3 Accessory dwelling units as follows:**

700 B. Applicability.

- 701 (1) An accessory dwelling unit is allowed in all zoning districts where the use is
702 permitted in Chapter 16.4. The unit must be located:
- 703 (a) Within an existing structure, either principal or accessory on the property;
 - 704 or
 - 705 (b) Attached to the existing principal structure, sharing a common wall; or
 - 706 (c) Within a new accessory structure constructed for this purpose on the
 - 707 property.
 - 708 **(d) Outside of the shoreland overlay zone, as defined in Chapter 16.4.**
- 709 (2) Accessory dwelling units that have a valid certificate of occupancy or have vested
710 rights in the permitting process with an active building permit as of April 28, 2020, are
711 exempted from the use standard, § 16.5.3D(3).

712
713 D. Accessory dwelling unit standards.

714 (1) Lot standards.

- 715 (a) ~~Legal lot/residence. An accessory dwelling unit is allowed only on lots within the~~
716 ~~Town that contain one legal single family residence as the primary unit.~~
- 717 (b) Number of accessory dwelling units per lot. No more than one accessory dwelling
718 unit is permitted on a lot **that is located in a limited growth area as depicted in**
719 **Kittery's Comprehensive Plan. Up to two accessory dwelling units are**
720 **permitted on a lot that is located in a targeted growth area.**
- 721 (c) Zone lot size and unit density. The property on which an accessory dwelling unit is
722 located must meet the size required by the applicable zoning standards for the
723 principal residence, except in the case of legally nonconforming lots. However, an
724 accessory dwelling unit is exempt from the density requirements of the zone in
725 which it is located.
- 726 (d) Setbacks and coverage. Yard setbacks for the zone must be met. However, for
727 legally nonconforming lots where ~~an proposed~~ accessory dwelling unit ~~will be~~
728 ~~attached to a principal dwelling unit and~~ cannot meet the zone's side and rear yard
729 setbacks, the percentage by which a lot is smaller than the required lot size for the
730 zone will dictate the required setback for that lot. For example, a 30,000 square foot
731 legally nonconforming lot in a zone that requires 40,000 square feet would require
732 side and rear yard setbacks that are 75% of the zone's side and rear yard setbacks.
733 Building coverage requirements will remain as required by the zone.
- 734 (e) Utility connections. Accessory dwelling units must be connected to adequate water
735 and wastewater services.
 - 736 [1] Public sewer.
 - 737 [a] Service: written verification must be provided of adequate service to support the
738 additional flow from the Superintendent of Wastewater Treatment Facilities.
 - 739 [b] Fees. Payment of appropriate fees for connection to the municipal sewer system is
740 required prior to obtaining the certificate of occupancy.
 - 741 [2] Septic systems. Verification of adequate sewage disposal for subsurface waste
742 disposal is required. The septic system, existing or proposed, must be verified as
743 adequate or reconstructed as required, **pursuant to 30-A M.R.S. §4221.** Plans for
744 subsurface waste disposal must be prepared by a Maine-licensed site evaluator in

745 full compliance with the State of Maine Subsurface Wastewater Disposal Rules, 10-
746 144 CMR Ch. 241.

747 [3] Public water. Verification, in writing, is required from the Kittery water district for
748 volume and supply.

749 [4] Wells. Verification of the potable water supply for private wells is required. Tests of
750 the existing well or proposed well, if applicable, must indicate that the water supply
751 is potable and acceptable for domestic use and must conform to the
752 recommendations included in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use
753 Districts and Standards, the "Manual for Evaluating Public Drinking Water
754 Supplies, Public Health Service No. 1180 (1969)."

755 (f) Parking. ~~Each accessory dwelling unit must have one on-site parking space in~~
756 ~~addition to the parking for the primary dwelling unit. Tandem parking is permitted.~~
757 No additional parking space is required for the accessory dwelling unit but the
758 primary dwelling unit must have on-site parking.

759 (g) Private road or right-of-way access. Where an applicant seeks to locate an accessory
760 dwelling unit on a privately maintained road or right-of-way the following applies:

761 [1] Applicant must submit written consent from the road or homeowner's association or
762 owner and parties responsible for street maintenance.

763 (2) Unit standards.

764 (a) Unit size. The size of an accessory dwelling unit must meet the minimum size for a
765 dwelling unit as set by building code standards adopted and amended from time to
766 time by ~~Maine's Bureau of Building Codes and Standards~~ Technical Building code
767 and Standards Board, pursuant to 10 M.R.S. § 9722, and be no larger than 1,000
768 square feet. For principal dwelling units 1,000 square feet or smaller, an accessory
769 dwelling unit may be no greater than 80% of the size of the principal dwelling unit,
770 as measured in square feet. An accessory dwelling unit may have no more than two
771 bedrooms.

772 (b) Unit location.

773 [1] An accessory dwelling unit must meet one or more of the following conditions:

774 [a] Be fully constructed within the existing footprint of any legal residence or accessory
775 building; or

776 [b] Share a common wall with the principal residence, providing yard setbacks per
777 § 16.5.3D(2)(a); or

778 [c] Be constructed as a new accessory building containing an accessory dwelling unit,
779 providing yard setbacks can be met for the zone.

780 [2] Accessory dwelling units will be allowed to be fully constructed within the principal
781 residence even if the building does not meet yard setbacks.

782 [3] Accessory dwelling units will not be allowed in accessory buildings encroaching on
783 yard setbacks.

784 (3) Use standards. The accessory dwelling unit may not be rented to the same person or
785 party for less than a thirty-day period.

786 (4) Development standards. Should an accessory dwelling unit fail to meet the
787 applicable unit standards listed in this article, the accessory dwelling unit may still
788 be allowed if the applicant obtains approval from the Board of Appeals under the

789 provisions of a miscellaneous variation request, as outlines in § 16.2.12. The Board
790 of Appeals shall review any appeal decision in conformance with § 16.2.12F, Basis
791 for decision.

792 (5) Violations. A violation of the use standard § 16.5.3D(3) will lose the certificate of
793 occupancy for the unit for no less than 30 days, and be assessed a penalty of \$500.

794
795

18. Amend §16.5.18 Net residential acreage as follows:

796 A. Purpose. Net residential acreage is used to determine the maximum number of dwelling
797 units allowed on a parcel that is ~~subject to subdivision~~ **located in a limited growth area**
798 **identified in the Comprehensive Plan**. The total number of dwelling units allowed is
799 equal to the net residential acreage divided by the minimum land area per dwelling unit
800 for a given land use zone.

801 **B. Applicability. Applies to development of land located in limited growth areas as**
802 **designated in the Comprehensive Plan. Development of parcels located in targeted**
803 **growth areas served by public sewer and water is subject to provisions for lot area**
804 **as defined in Chapter 16.3 for calculating lot area, lot coverage, or unit density.**

805 ~~B. C.~~ Net residential acreage calculation. To calculate net residential acreage, the land
806 area listed below must be subtracted from a parcel's gross area. Where land areas to be
807 subtracted overlap, the area therein is subtracted once.

- 808 (1) All land located below the highest annual tide elevation as published in the Maine DEP
809 Highest Annual Tide (HAT) levels for the most-current year.
- 810 (2) All land located within the floodplain as defined in the definition of "flood, 100-year" in
811 Chapter 16.3.
- 812 (3) All wetlands as defined in the definition of "wetland" in Chapter 16.3, as well as vernal
813 pools, ponds, lakes, streams and other water bodies, including 50% of the associated
814 setbacks described in other buildings and structures, Table 16.5.30, Chapter 16.5 of this
815 title.
- 816 (4) All land located on filled tidal lands, per the definition of "tidal land, filled" in Chapter
817 16.3.
- 818 (5) All land located within existing rights-of-way and other existing easements wherein
819 dwelling units cannot be built.
- 820 (6) All land located within proposed rights-of-way, including parking and travel ways.
821 Driveways are excluded.
- 822 (7) All land isolated from the principal location for development on the parcel by a
823 road/street, existing land uses, or any physical feature, natural or man-made, such that it
824 creates a barrier to the central development of the site and no means of access is
825 proposed nor likely to be provided in the future. However, to demonstrate that identified
826 isolated land may be considered developable for the purpose of this calculation, the
827 applicant must submit a plan and supporting documentation for the Board's
828 consideration.
- 829 ~~(8) All land zoned commercial (C-1, C-2, or C-3).~~
- 830 (9) All land one acre or more of contiguous area with sustained slopes of 20% or greater.
- 831 (10) All land identified as exposed bedrock, and soils with a drainage class of "poorly

832 drained" and/or "very poorly drained" as defined in the definition of "soils" in Chapter
833 **16.3.**

834 (11) Fifty percent of all land characterized as drainage class of "somewhat poorly drained,"
835 unless public sewer is used, in which case no land area is subtracted.

836 (12) All land area within a cemetery and burying ground as defined in Chapter **16.3**,
837 including associated setback per 13 M.R.S.A. § 1371-A, Limitations on construction
838 and excavation near burial sites.

839 (13) All land within a Commercial Fisheries/Maritime Uses Overlay Zone or Resource
840 Protection Overlay Zone not included in Subsection **B(12)** above.

841 C. Documentation. The net residential acreage calculation must be supported by verifiable
842 information and accurate data and be shown on the subdivision plan or other plan when
843 applicable.

844 ~~D. Exemptions to net residential acreage calculations.~~

845 ~~(1) The maximum number of dwelling units for residential development not subject to~~
846 ~~subdivision is based on minimum land area per dwelling unit defined in Chapter **16.3**,~~
847 ~~Definitions, of this title.~~

848 ~~(2) The creation of dwelling units subject to subdivision within existing buildings that are~~
849 ~~connected to Town sewer and are located in the Mixed Use Kittery Foreside, Mixed~~
850 ~~Use Badgers Island, Residential Village, Business Local, or Business Local 1 Zones~~
851 ~~are exempt from the net residential acreage calculations in § **16.5.18A**. The total number~~
852 ~~of dwelling units permitted is determined by dividing the gross lot area by the minimum~~
853 ~~land area per dwelling unit allowed in the zone. The exemption is allowed in the above~~
854 ~~base zones when subject to the Shoreland Overlay Zone.~~

855 ~~(3) The Mixed Use Neighborhood Zone (MU-N) and certain residential uses in the C-1 and~~
856 ~~C-3 Zones as noted in §§ **16.4.19** and **16.4.21** are exempt from § **16.5.18**, Net residential~~
857 ~~acreage calculation, but are subject to the minimum land area per dwelling unit as~~
858 ~~defined in Chapter **16.3**, Definitions, except that 50% of all wetlands may be subtracted,~~
859 ~~rather than 100%.~~

**KITTERY TOWN CODE –
TITLE 16
AFFORDABLE HOUSING AND LD2003 COMPLIANCE**

1 **AN ORDINANCE** relating to the municipality’s authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter,
3 Federal law, and Maine Revised Statutes, and more particularly where set forth in
4 Maine Revised Statutes Title 30-A, Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as
6 specified in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001,
7 pursuant to its powers that authorize the town, under certain circumstances, to
8 provide for the public health, welfare, morals, and safety, and does not intend for this
9 Ordinance to conflict with any existing state or federal laws; and

10 **WHEREAS**, the Town of Kittery is required to have land use ordinances that are
11 consistent with MRS 30-A §4364, 4364-A-C, no later than December 31, 2023; and

12 **WHEREAS**, the Town of Kittery desires to undertake additional land use ordinance
13 amendments to further support the development of affordable housing by
14 increasing the opportunities for smaller in-fill development through expansion of
15 accessory dwelling unit opportunities and removal of density penalties associated
16 with dwelling unit calculations in targeted growth areas served by public sewer and
17 water; and

18 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
19 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO
20 TOWN CODE, TITLE 16, LAND USE and DEVELOPMENT CODE, AS PRESENTED.

21 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
22 _____, 20____, by:_____ {NAME} Motion to approve by Councilor
23 _____ {NAME}, as seconded by Councilor _____ {NAME} and
24 passed by a vote of _____.

25 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
26 Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____ ,
27 Chairperson

28 **Attest:** {NAME}, _____Town Clerk



TOWN OF KITTERY

Planning & Development Department
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1307 Fax: 207-439-6806

Jason Garnham, AICP
Director

TO: KITTERY PLANNING BOARD
FROM: JASON GARNHAM, DIRECTOR OF PLANNING AND DEVELOPMENT
SUBJECT: LD 2003 ZONING AMENDMENTS PUBLIC HEARING
DATE: OCTOBER 12, 2023

SUMMARY:

Maine's Governor signed LD 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions," into law in April of 2022. This law **requires Maine municipalities to adopt or amend zoning rules** that are intended to encourage development of affordable housing via three general approaches:

1. Allowing at least one Accessory Dwelling Unit to be constructed at any residential property.
2. Allowing additional units to be constructed for projects that include affordable housing.
3. Allowing development of at least 2-4 housing units per lot where housing is permitted.

Required zoning amendments – and the types of development that must be allowed by zoning – vary depending on the location of public utilities, targeted growth areas identified in the Comprehensive Plan, and Shoreland areas. Required amendments must be adopted by January 1, 2024. These required amendments are summarized in the following staff memo and summary table.

Staff drafted amendments that are necessary for Kittery's Zoning code to remain compliant with Maine law. An initial draft was reviewed by Kittery's Land Issues Committee during the June 21, 2023 and August 16, 2023 meetings and by the Housing Committee on July 6, 2023 and September 6, 2023. Members of both committees expressed support for provisions that would "go further" to encourage development of housing in targeted areas. The attached amendments include changes to the way residential density – the units allowed per acre of land – is calculated for development projects. These changes are stricter for projects in Limited Growth Areas than current rules, and more flexible for projects in Targeted Growth Areas as described below. They also include changes which would allow residential property owners in targeted growth areas to construct two accessory dwelling units on a lot. The Planning Board reviewed and discussed these amendments during a September 28 workshop.

PROCESS

Town Council votes on zoning amendments after receiving a recommendation from the Planning Board. Public hearings are required during both steps of the process. A public hearing was advertised for this meeting in accordance with state law.

Suggested motion: *I move to hold a public hearing.*

After holding and closing the hearing, the Board should vote on a recommendation for consideration by Town Council. Staff find the proposed amendments are clear for the end user, are compliant with state law, and advance goals expressed in Kittery's Comprehensive Plan. Staff recommend the board to forward a positive vote to Town Council accordingly.

Suggested motion: *I move to forward a positive recommendation to Town Council to adopt amendments to Title 16 related to state law LD 2003 as proposed by staff.*

BACKGROUND:

There are many types of zoning amendments the Town can consider to encourage property owners to develop housing, or specific housing types. The most impactful change(s) would be to increase the number of units that are allowed per acre within certain zoning districts. Limits on building size, footprint, or height would also need to be examined as part of an earnest effort to encourage development of housing through zoning density increases. Other potentially impactful changes would be to reduce parking minimums, reduce open space requirements, or reduce minimum setbacks. Such amendments are NOT proposed at this time. Staff and committee members agreed that such amendments, if considered, should be tested via an extensive public process and should therefore be excluded from this time-sensitive effort.

TAKING LD 2003 FURTHER: PROPOSALS

However, staff identified two opportunities to amplify the effects intended by LD 2003 and advance community goals as expressed in the Comprehensive Plan without taking on such controversial issues.

Calculating Residential Density for Development:

First: Title 16 currently contains two separate methods for calculating the number of housing units that can be developed on a parcel: “Minimum land area per dwelling unit” and “Net residential density.” **Minimum land area per dwelling unit** excludes all wetlands, rights-of-way, easements, tidal lands, and areas located below the Highest Annual Tide from the land available for a property’s density calculation. **Net residential density** excludes those areas PLUS floodplains, 50% of wetland setback areas, and *proposed* right-of-way and parking areas. Net residential density is therefore more restrictive than Minimum land area per dwelling unit because it subtracts more resource areas, flood risk areas, and future site improvement areas from the base land area calculation. Neither of these methods use gross lot area (size of the parcel minus waterbodies or roads) as the base land area to be used for the residential density calculation.

Staff propose the following:

1. Delete Minimum land area per dwelling unit from Title 16. This will remove the redundancy that is created by having two separate methods for establishing base developable land area for residential density calculations.
2. Require Net residential density calculation for ALL residential projects located in Limited Growth and Shoreland Areas. (Residential- Kittery Point Village, Mixed-Use Badgers Island, Residential- Rural and Residential- Rural Conservation Zoning districts). Net residential density currently only applies to subdivisions; this amendment would expand its use to all residential projects in those zoning districts. This amendment is supported by Comprehensive Plan goals which discourage growth and encourage protection of natural resources and open space in such areas because it would further limit development near wetlands and waterbodies.
3. Utilize “Lot area” for calculating residential density for projects located in Targeted Growth Areas. Projects in Mixed-Use, Mixed-Use Kittery Foreside, Commercial (1, 2, and 3), Business (B-L and B-L1), Residential- Suburban, Residential- Village, and Residential- Urban Zoning districts would therefore only exclude waterbodies and rights-of-way from the base land area used for calculating residential density. This may encourage “infill” development in existing neighborhoods and commercial areas where housing is allowed. This amendment is supported by Comprehensive Plan goals which encourage steering development toward areas that are served

by public utilities and close to existing amenities instead of in current open space and natural areas. *Note: wetland setbacks, zoning setbacks, and building size and height limits would remain in effect as currently written.*

Accessory Dwelling Units:

Second: Section 16.5.3 Accessory Dwelling Units (D.1.a) limits ADUs only to lots that “contain one legal, single-family residence as the primary unit” and specifies that only one ADU can be constructed on a lot. These limitations currently apply townwide. ADUs were devised as a separate residential unit type *because* they are generally perceived to be compatible with a wide variety of neighborhoods due to their limited size. Allowing more ADUs per lot *in targeted areas* may encourage property owners in existing neighborhoods to construct more of this affordable housing type in appropriate locations.

Staff and committees propose amending the accessory dwelling unit regulations by allowing up to two ADUs per lot that is located in a targeted growth area as depicted in Kittery’s Comprehensive Plan. Lots located in limited growth areas will continue to be limited to one ADU.

Process Changes: Development of 1-4 Residential Units

As discussed during the September 28 workshop, staff also propose amendments to the site plan review process. Recognizing that LD 2003 effectively removes the distinction between single- and 2-to-4- unit residential developments, staff propose adding residential developments of up to 4 units on one lot to the list of projects requiring minor site plan review instead of major site plan (or subdivision) review. Staff and peer review, verification of compliance with applicable standards, abutters’ notice, preparation of findings, and recording of approved plans are part of the minor site plan review process. Planning board review and public hearing are not. This change is intended to reduce the barriers to infill housing development, as intended by LD 2003 and as encouraged by the Comprehensive Plan.

As also discussed during the workshop, the board may consider limiting this proposed change only to projects located in Targeted Growth Areas. This remains consistent with the Comprehensive Plan and with the other optional amendments proposed by staff and committees. Amendments drafted in response to the workshop discussion are presented in orange text in the draft amendments included with this packet.

EXHIBITS:

Please find attached for your review:

1. Draft Zoning Amendments (required in **green**, optional in **blue**, changes made in response to board workshop discussion in **orange**)
2. Summary memo, amendments table, and residential density comparison

OTHER RESOURCES:

1. LD2003: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1489&item=9&snum=130>
2. LD2003 Guidance doc: [DECD_LD 2003_digital- Feb 2023 update website_0.pdf \(maine.gov\)](#)
3. Title 16 Kittery Zoning Code: <https://ecode360.com/38252756>

1 TITLE 16
2 AMENDMENTS TO CONFORM WITH LD 2003:
3 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION
4 TO INCREASE HOUSING OPPORTUNITIES IN MAINE
5
6

7 1. AMEND § 16.3.2 Definitions as follows:

8 ~~DWELLING, ATTACHED SINGLE-FAMILY~~

9 ~~A dwelling unit, located on its own lot that shares one or more common or abutting~~
10 ~~walls with one or more dwelling units. The common or abutting wall must be shared for~~
11 ~~at least 25% of the length of the side of the dwelling.~~

12 ~~DWELLING, MULTIFAMILY~~

13 A structure that contains ~~three~~ five or more dwelling units that share common walls or
14 floors/ceilings with one or more units. The land underneath the structure is not divided
15 into separate lots.

16 DWELLINGS, MULTIFAMILY 2-4 ("Limited")

17 A residential development comprised of 2, 3, or 4 primary units on the same lot
18 that are attached within the same structure or detached in separate structures in
19 any combination.

20 LOT AREA

21 The area of land enclosed within the boundary lines of a lot, minus:
22 A. Land below the normal high-water line of a water body or upland edge of a coastal
23 wetland;
24 B. Areas beneath Planning-Board-approved right-of-way; and
25 C. Land within public street rights-of-way.

26 LOT AREA PER DWELLING UNIT

27 The number of dwelling units in a development per lot area as defined in this code.
28 Calculations which result in a fraction of .5 or greater shall be rounded up to the
29 nearest whole number. Calculations which result in a fraction less than 0.5 shall be
30 rounded down.
31

32 ~~MINIMUM LAND AREA PER DWELLING UNIT~~

33 ~~The gross area of a parcel not subject to subdivision regulations minus the land area~~
34 ~~listed below. Where land areas to be subtracted overlap, the area therein shall be~~
35 ~~subtracted once. For land area subject to subdivision, see "net residential acreage."~~

- 36 ~~A. All land located below the highest annual tide elevation as published in the Maine DEP~~
37 ~~Highest Annual Tide (HAT) levels for the most current year.~~
38 ~~B. All wetlands as defined in the definition of "wetland," as well as vernal pools, ponds,~~
39 ~~streams and other water bodies.~~

- 40 C. ~~All land located on filled tidal lands, per the definition of "tidal land, filled."~~
- 41 D. ~~All land located within existing rights of way and other existing easements wherein~~
- 42 ~~dwelling units cannot be built.~~

43 **NET RESIDENTIAL ACREAGE**

44 The total area of the parcel(s) of record subject to development land area subject to

45 subdivision that is identified for regulatory purposes as developable and is the gross

46 available acreage minus land area identified in § 16.5.18, Net residential acreage, unless

47 otherwise exempt in § 16.5.18D, Exemptions to net residential acreage calculations.

48 **NET RESIDENTIAL DENSITY**

49 The number of dwelling units in a subdivision development per net residential acre.

50 This is calculated by dividing the net residential acreage by the square feet specified as

51 minimum land area per dwelling unit in the dimensional standards in § 16.4 for the

52 relevant base zone or overlay zone(s) where applicable. Net residential density

53 calculations which result in a fraction shall be rounded down to the nearest whole

54 number.

55 **2. Amend § 16.4.10 Residential — Rural (R-RL) zoning as follows:**

56 B. Permitted uses. The following uses are permitted in the R-RL Zone:

- 57 (1) Accessory dwelling unit.
- 58 (2) Conservation subdivision. [Amended 10-24-2022]
- 59 (3) Dwelling, manufactured housing.
- 60 (4) Dwelling, single-family.
- 61 **(5) Dwelling, multifamily 2-4 “Limited”, as follows:**

	<u>Total maximum # of units allowed on lot (attached or detached)</u>	
<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

62

63 E. Shoreland Overlay Zone OZ-SL — Residential — Rural Zone (R-RL).

- 64 (1) Permitted uses.
 - 65 (a) Accessory buildings, structures, and uses.
 - 66 (b) Agriculture.

67 (c) Dwelling, single family, if located farther than 100 feet from the normal high-
68 water line of any water bodies, or the upland edge of a wetland individual private
69 campsite.

70 [~~1~~] ~~Dwelling, single family.~~

71

72 **3. Amend § 16.4.11 Residential — Suburban (R-RS) zoning as follows:**

73 B. Permitted uses. The following uses are permitted in the R-S Zone:

74 (1) Accessory dwelling unit.

75 (2) Conservation Subdivision.

76 (~~3~~) ~~Dwelling, attached single family.~~

77 (4) Dwelling, multifamily (~~not more than four units per building~~) 2-4 “Limited”

78 (5) Dwelling, single-family.

79 (~~6~~) ~~Dwelling, two family.~~

80

81 D.Standards. The following standards must be met unless modified per §**16.8.10**,
82 Conservation Subdivision:

83 (1) Design and performance standards. The design and performance standards of
84 Chapters **16.5**, **16.7** and **16.8** must be met. The Design Handbook provides examples
85 of appropriate design for nonresidential and multiunit residential projects.

86 (2) Dimensional standards.

87 (a) Minimum ~~land~~ Lot area per dwelling unit (~~note: as per Chapter 16.3 definition~~
88 ~~of "minimum land area per dwelling unit,"~~ except to exempt properties which
89 are unable to meet the square feet required for a single-family dwelling unit,
90 provided the lot was conforming prior to October 25, 2012):

91 [1] Without public sewage disposal: 40,000 square feet.

92 [2] With public sewage disposal: 30,000 square feet unless reduced in
93 accordance with Note A.

94 [3] When more than 50% of the dwelling units proposed will be
95 affordable as defined by this Code and have public sewer: 12,000
96 square feet

97 (b) Minimum lot size:

98 [1] Without public sewage disposal: 40,000 square feet.

99 [2] With public sewage disposal: 30,000 square feet unless reduced in
100 accordance with Note A.

101 (c) Minimum street frontage: 150 feet unless reduced in accordance with Note A.

102 (d) Minimum front yard: 40 feet.

103 (e) Maximum building coverage: 20%.

104 (f) Minimum rear and side yards: 15 feet.

105 (Note: Buildings higher than 40 actual feet must have side and rear yards not
106 less than 50% of the building height.)

107 (g) Maximum building height: 35 feet.

- 108 (Note: Minimum distance between principal buildings on the same lot is the
109 height equivalent to the taller building.)
110 (h) Minimum water body setback for functionally water-dependent uses: zero feet.
111 (i) Minimum setback from streams, water bodies and wetlands: in accordance with
112 Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

Note A:

The required minimum ~~land~~ **Lot** area per dwelling unit and/or minimum lot size for residential uses that are served by public sewage disposal and that are located outside of areas subject to shoreland zoning may be less than 30,000 square feet per lot/unit if the established average density of development in the immediate area of the use as determined below is less than 30,000 square feet.

If the average of the lot sizes and/or ~~land~~ **Lot** area per dwelling unit of the developed residential lots that are located on the same street and within 500 feet of the parcel is less than 30,000 square feet, the required minimum lot size or required minimum ~~land~~ **Lot** area per dwelling unit is the calculated average lot size or average ~~land~~ **Lot** area per dwelling unit but not less than 20,000 square feet.

If the required minimum lot size is reduced, the required minimum street frontage for new residential uses served by public sewerage may also be reduced to the average of the lot frontage of existing developed residential lots that are located on the same street and within 500 feet of the parcel but in no case to less than 100 feet.

- 113
114 (3) Subdivision types and standards. ~~Subject to net residential acreage and net~~
115 ~~residential density per Chapter 16.3.~~
116 (a) Conservation Subdivision. In a conservation subdivision, the above standards
117 may be modified in accordance with special provisions of §16.8.10, including
118 that there is no minimum lot size, and with the conditions that:
119 [1] Minimum principal building separation as required by the Fire Chief, but
120 not less than 15 feet.
121 (b) Subdivision development (per special exception uses, §16.4.11C). In a
122 subdivision development, standards in §16.4.11D(1) and (2) apply and include:
123 [1] Minimum percentage of common open space: 15%.
124 (4) Mobile homes. Mobile homes must meet the standards of §16.5.17.
125 **(5) Parking. When more than 50% of the dwelling units provided while be**
126 **affordable as defined by this code: two parking spaces per three dwelling units.**
127 **(6) Affordable housing requirements:**
128 **(a) All requirements in §16.5.4 Affordable Housing must be met.**
129 **(b) Density incentives outlined above in subsection D.(2).(a).[3] may be applied**
130 **to projects that create affordable housing units, as defined by this code. No**
131 **proportional payment-in-lieu is required if the affordable dwelling unit**
132 **requirements for the density incentives are met.**
133

- 134 E. Shoreland Overlay Zone OZ-SL — Residential — Suburban Zone (R-S).
135 (1) Permitted uses.

- 136 (a) Day-care facility.
- 137 (b) Dwellings if located farther than 100 feet from the normal high-water line of any
- 138 water bodies, or the upland edge of a wetland.
- 139 [1] ~~Dwelling, attached single-family.~~
- 140 [2] Dwelling, multifamily (not more than four units per building).
- 141 [3] Dwelling, single-family.
- 142 [4] Dwelling, two-family.
- 143

144 **4. Amend § 16.4.12 Residential — Kittery Point Village (R-KPV) zoning as follows:**

145 B. Permitted uses. The following uses are permitted in the R-KPV Zone:

- 146 (1) Accessory dwelling units.
- 147 (2) Conservation subdivision.
- 148 ~~(3) Dwelling, attached single-family.~~
- 149 (4) Dwelling, multifamily ~~(not more than four units per building).~~ 2-4 "Limited"
- 150 (5) Dwelling, single-family.
- 151 ~~(6) Dwelling, two-family.~~
- 152

153 D. Standards. The following standards must be met unless modified per § 16.8.10,

154 Conservation subdivision.

- 155 (1) Design and performance standards in Chapters 16.5, 16.7 and 16.8. The Design
- 156 Handbook provides examples of appropriate design for nonresidential and multiunit
- 157 residential projects.
- 158 (2) Dimensional standards.
 - 159 (a) Minimum ~~land~~ lot area per dwelling unit: 40,000 square feet. (Note: As per
 - 160 ~~Chapter 16.3~~ definition of "minimum land area per dwelling unit," except to
 - 161 exempt properties which are unable to meet the square feet required for a
 - 162 single-family dwelling unit, provided the lot was conforming prior to October
 - 163 25, 2012).
 - 164 (b) Minimum lot size: 40,000 square feet.
 - 165 (c) Minimum street frontage: 150 feet unless reduced in accordance with Note A.
 - 166 (d) Minimum front yard: 40 feet.
 - 167 (e) Maximum building coverage: 20%.
 - 168 (f) Minimum rear and side yards: 15 feet. (Note: Buildings higher than 40 actual
 - 169 feet must have side and rear yards not less than 50% of the building height.)
 - 170 (g) Maximum building height: 35 feet. (Note: Minimum distance between principal
 - 171 buildings on the same lot is the height equivalent to the taller building.)
 - 172 (h) Minimum water body setback for functionally water-dependent uses: zero feet.
 - 173 (i) Minimum setback from streams, water bodies and wetlands: in accordance with
 - 174 Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules. Subdivision types
 - 175 and standards.
 - 176 ~~(3) Subject to net residential acreage and net residential density per Chapter 16.3.~~

177
178
179

5. Amend § 16.4.13 Residential — Urban (R-U) zoning as follows:

180 B. Permitted uses. The following uses are permitted in the R-U Zone:

- 181 (1) Accessory dwelling units.
- 182 (2) Conservation subdivision.
- 183 ~~(3) Dwelling, attached single-family.~~
- 184 (4) Dwelling, manufactured housing.
- 185 (5) Dwelling, multifamily.
- 186 (6) Dwelling, single-family.
- 187 (7) Dwelling, ~~two-family.~~ **multifamily 2-4 “Limited”**

188

189 D. Standards. The following standards must be met unless modified per §16.8.10
190 Conservation Subdivision:

- 191 (1) The design and performance standards in Chapters 16.5, 16.7 and 16.8.
- 192 (2) Dimensional standards:
 - 193 (a) Minimum ~~land~~ **lot** area per dwelling unit: 20,000 square feet. ~~(Note: As per~~
194 ~~Chapter 16.3 definition of "minimum land area per dwelling unit,"~~ except to
195 exempt properties which are unable to meet the square feet required for a
196 single-family dwelling unit, provided the lot was conforming prior to
197 October 25, 2012.)
198 **(b) When more than 50% of the dwelling units proposed will be affordable**
199 **as defined by this code and have public sewer: 8,000 square feet**
 - 200 (b) Minimum lot size: 20,000 square feet.
 - 201 (c) Minimum street frontage: 100 feet.
 - 202 (d) Minimum front yard, all buildings: 30 feet.
 - 203 (e) Minimum rear and side yards, all buildings: 15 feet.
204 (Note: Buildings higher than 40 actual feet must have side and rear yards not
205 less than 50% of building height.)
 - 206 (f) Maximum building height: 35 feet.
207 (Note: Minimum distance between principal buildings on the same lot is the
208 height equivalent to the taller building.)
 - 209 (g) Maximum building coverage: 20%.
 - 210 (h) Minimum water body setback for functionally water-dependent uses: zero
211 feet.
 - 212 (i) Minimum setback from streams, water bodies and wetlands: in accordance
213 with Table 16.5.30 § 16.4.28 and Appendix A, Fee Schedules.
- 214 (3) Subdivision types and standards. ~~Subject to net residential acreage and net~~
215 ~~residential density per Chapter 16.3.~~
 - 216 (a) Conservation Subdivision. In a subdivision, the above standards may be
217 modified in accordance with special provisions of §16.8.10, including that
218 there is no minimum lot size, and with the conditions that:

- 219 [1] Minimum principal building separation as required by the Fire Chief,
 220 but not less than 15 feet.
- 221 (b) Subdivision development (special exception uses, §16.4.13C). In a
 222 subdivision development, standards in §16.4.13D(1) and (2) apply and
 223 include:
- 224 [1] Minimum percentage of common open space: 15%.
- 225 (4) Age-restricted housing. In the case of age-restricted housing, the above standards
 226 may be modified in accordance with the special provisions of §16.5.15 and with
 227 the condition that:
- 228 (a) Municipal sewerage and water must be provided.
- 229 (b) A minimum land area of three acres must be provided.
- 230 (c) The maximum net density may not exceed four dwelling units per net
 231 residential acre. In no event may the Planning Board authorize a departure
 232 which increases the total number of dwelling units greater than that specified
 233 under the applicable zoning ordinance.
- 234 (d) A single-bedroom unit may not be less than 550 square feet and a two-
 235 bedroom unit not less than 650 square feet.
- 236 (5) Manufactured housing. Manufactured housing must meet standards of §16.5.15.
- 237 **(6) Parking. When more than 50% of the dwelling units provided while be**
 238 **affordable as defined by this code: two parking spaces per three dwelling units.**
- 239 **(7) Affordable housing requirements:**
- 240 **(a) All requirements in §16.5.4 Affordable Housing must be met.**
- 241 **(b) Density incentives outlined above in subsection D.(2).(a).[3] may be**
 242 **applied to projects that create affordable housing units, as defined by this**
 243 **code. No proportional payment-in-lieu is required if the affordable**
 244 **dwelling unit requirements for the density incentives are met.**

245

246 E. Shoreland Overlay Zone OZ-SL — Residential — Urban Zone (R-U).

- 247 (1) Permitted uses.
- 248 (a) Accessory buildings, structures, and uses.
- 249 (b) Day-care facility.
- 250 (c) Dwellings if located farther than 100 feet from the normal high-water line
 251 of any water bodies, or the upland edge of a wetland.
- 252 [1] ~~Dwelling, attached single family.~~
- 253 [2] Dwelling, manufactured housing.
- 254 [3] Dwelling, multifamily.
- 255 [4] Dwelling, single-family.
- 256 [5] Dwelling, two-family.

257

258 **6. Amend § 16.4.14 Residential — Village (R-V) zoning as follows:**

259 B. Permitted uses. The following uses are permitted in the R-V Zone:

- 260 (1) Accessory dwelling unit.

- 261 (2) Dwelling, ~~attached single-family~~. multifamily 2-4 “Limited”
- 262 (3) Dwelling, manufactured housing.
- 263 (4) Dwelling, single-family.
- 264 ~~(5) Dwelling, two-family.~~

265
 266 D. Standards. All development and the use of land in the R-V Zone must meet the
 267 following standards. In addition, the design and performance standards of Chapters
 268 **16.5, 16.7** and **16.8** must be met. The Design Handbook provides examples of
 269 appropriate design for nonresidential and multiunit residential projects.

270 (1) The following space standards apply:

- 271 (a) Minimum ~~land~~ lot area per dwelling unit: 4,000 square feet. (Note: As per
 272 ~~Chapter 16.3~~ definition of "minimum land area per dwelling unit," except to
 273 exempt properties which are unable to meet the square feet required for a
 274 single-family dwelling unit, provided the lot was conforming prior to October
 275 25, 2012.)

276
 277 E. Shoreland Overlay Zone OZ-SL — Residential — Village Zone (R-V).

278 (1) Permitted uses.

- 279 (a) Accessory buildings, structures, and uses.
- 280 (b) Dwellings if located farther than 100 feet from the normal high-water line of
 281 any water bodies, or the upland edge of a wetland Public Facility.
- 282 ~~[1] Dwelling, attached single-family.~~
- 283 [2] Dwelling, manufactured housing.
- 284 [3] Dwelling, single-family.
- 285 [4] Dwelling, two-family.

286
 287 **7. Amend §16.4.15 Residential — Rural Conservation (R-RC) zoning as follows:**

288 B. Permitted use. The following uses are permitted in the R-RC Zone:

- 289 (1) Accessory dwelling units.
- 290 (2) Conservation subdivision.
- 291 (3) Dwelling, manufactured housing.
- 292 (4) Dwelling, single-family.

293 (5) Dwelling, multifamily 2-4 as follows

	<u>Total maximum # of units allowed on lot (attached or detached)</u>	
<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>

<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

294

295 D. Standards. The following standards must be met unless modified per §16.8.10,
 296 Conservation Subdivision:

297 (1) The design and performance standards of Chapters 16.5, 16.7 and 16.8 must be
 298 met.

299 (2) The following dimensional standards apply:

300 (a) Minimum ~~land area~~ **net residential acreage** per dwelling unit: 80,000 square
 301 feet. (Note: As per Chapter 16.3 definition of "minimum land area per
 302 dwelling unit," except to exempt properties which are unable to meet the
 303 square feet required for a single-family dwelling unit, provided the lot was
 304 conforming prior to October 25, 2012.)

305

306 **8. Amend §16.4.17 Business — Local (B-L) zoning as follows:**

307 B. Permitted uses. The following uses are permitted in the B-L Zone:

308 (1) Accessory dwelling unit.

309 (2) Dwelling, ~~attached single family.~~ **multifamily 2-4**

310 (3) Dwelling, manufactured housing.

311 (4) Dwelling, multifamily.

312 ~~(a) Development proposing three or four dwelling units is permitted through~~
 313 ~~minor site plan review;~~

314 ~~(b) Development proposing five or more dwelling units is permitted through~~
 315 ~~major site plan review;~~

316 (5) Dwelling, single-family.

317 ~~(6) Dwellings, two-family.~~

318 (7) Dwelling units as part of a mixed-use building.

319

320 D. Standards. All development and the use of land in the B-L Zone must meet the following
 321 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the
 322 design and performance standards of Chapters 16.5, 16.7 and 16.8 must be met. [Amended 9-12-
 323 2022]

324 (1) The following space and dimensional standards apply:

325 (a) Minimum ~~land~~ **lot** area per dwelling unit:

326 [1] If served by on-site sewage disposal: 20,000 square feet;

327 [2] If served by the public sewerage system and:

328 [a] When no frontage on State Road or Route 1 Bypass exists: 3,000 square
 329 feet;

330 [b] When less than five dwelling units are proposed at minimum, one

331 nonresidential use must be located on the first floor facing State Road or
332 Route 1 Bypass such that the use will be visible from the street: 3,000
333 square feet. Such a nonresidential use or uses need not occupy the entire
334 first floor but must be an independent nonresidential use, e.g., not a
335 home office marketed with a dwelling unit as a work/live unit;

336 [c] When five or more dwelling units are proposed at minimum, one
337 nonresidential use must be located on the first floor facing State Road or
338 Route 1 Bypass such that the use will be visible from the street: 2,500
339 square feet. Such a nonresidential use or uses need not occupy the entire
340 first floor but must be an independent nonresidential use, e.g., not a
341 home office marketed with a dwelling unit as a work/live unit; or

342 [d] 25% or more of the dwelling units will be affordable housing units as
343 defined by this code: 1,000 square feet.

344 Note: Except as otherwise required by the buffer provisions of this title.

345 (b) Parking. Parking requirements are to be met on site. If meeting the parking
346 requirements is not possible, the parking demand may be satisfied off site or
347 through joint-use agreements as specified herein. Notwithstanding the off-street
348 parking requirements in § 16.7.11F(4), minimum parking requirements for the
349 uses below are modified as specified:

350 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

351 [a] Affordable housing as defined by this code is proposed, in which case
352 the parking requirements may be reduced to one parking space per
353 dwelling unit at the Planning Board's discretion; and/or

354 [b] Some or all of the proposed dwelling units are one-bedroom or
355 studio-type units, in which case parking requirements for these types
356 of units may be reduced to one parking space for each unit so
357 described.

358 [c] More than 50% of the dwelling units proposed will be affordable
359 as defined by this code in which case parking is reduced to two
360 spaces per three dwelling units.

361
362 E. Shoreland Overlay Zone OZ-SL — Business — Local Zone (B-L).

363 (1) Permitted uses.

364 (a) Accessory buildings, structures, and uses.

365 (b) Dwellings if located farther than 100 feet from the normal high-water line of
366 any water bodies, or the upland edge of a wetland.

367 ~~[1] Dwelling, attached single-family.~~

368 [2] Dwelling, manufactured housing.

369 [3] Dwelling, multifamily.

370 [4] Dwelling, single-family.

371 [5] Dwellings two-family.

372

373 **9. Amend §16.4.18 Business — Local 1 (B-L1) zoning as follows:**

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B. Permitted uses. The following uses are permitted in the B-L1 Zone:

- (1) Accessory dwelling unit.
- (2) Dwelling, ~~attached single-family.~~ multifamily 2-4 “Limited”
- (3) Dwelling, manufactured housing.
- (4) Dwelling, multifamily. **[Amended 9-12-2022]**
 - ~~(a) — Development proposing three or four dwelling units is permitted through minor site plan review;~~
 - ~~(b) — Development proposing five or more dwelling units is permitted through major site plan review;~~
- (5) Dwelling, single-family.
- ~~(6) — Dwelling, two family.~~

D. Standards. All development and the use of land in the B-L1 Zone must meet the following standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the design and performance standards of Chapter **16.5** must be met. **[Amended 9-12-2022]**

- (1) The following space and dimensional standards apply:
 - (a) Minimum ~~land~~ lot area per dwelling unit:
 - [1] When no frontage on State Road or Shapleigh Road: 2,500 square feet.
 - [2] When less than five dwelling units are proposed with, at minimum, one nonresidential use must be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from the street: 2,500 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit.
 - [3] When five or more dwelling units are proposed with, at minimum, one nonresidential use must be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from the street: 2,000 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit.
 - [4] When 25% or more of the dwelling units will be affordable housing units as defined by this code, the minimum land area per dwelling unit is 1,500 square feet.
 - [5] When 50% or more of the dwelling units will be affordable housing units as defined by this code, the minimum land area per dwelling unit is 1,000 square feet.
 - (b) Minimum lot size: none.
(Note: Except that all screening, open space, buffering and landscaping requirements must be met; or in instances where the Planning Board may approve modifications to such requirements, such modifications must be found satisfactory by the Board.
 - (c) Minimum street frontage per lot: 50 feet.
 - (d) Maximum front setback: 20 feet.

418 (Note: This area must be designed to promote a pedestrian public space,
419 which includes, but is not limited to, landscaping, sidewalks and sitting
420 areas. The Planning Board may, at its discretion, allow a greater setback
421 when public amenities such as pocket parks, outdoor dining or seating areas
422 are proposed within the front setback. Pocket parks must be at least 200
423 square feet with a minimum of three trees and a bench for sitting required.
424 Park must be vegetated with ground cover, except for walkways. Outdoor
425 dining areas must meet any additional requirements specific to that use.
426 Outdoor storage is prohibited anywhere in the front yard of the structure,
427 except for seasonal sales items. Parking is also prohibited in the front
428 setback, except as allowed in Subsection **D(2)(e)** below.

- 429 (e) Minimum rear and side setbacks: 10 feet.
430 (Note: Except as otherwise required by the buffer provisions of this title, and
431 except where the side and/or rear setbacks abut a residential zone or single-
432 family use; in which case a minimum of 15 feet or 50% of the building
433 height, whichever is greater, is required.)
- 434 (f) Maximum building height: 40 feet. Solar apparatus is excluded from height
435 determinations.
- 436 (g) The maximum impervious surface is:
437 [1] Seventy percent; or
438 [2] The Planning Board may, at its discretion, allow greater than 70% if:
439 [i] Additional landscaped or natural areas are proposed or preserved
440 and such areas are integrated into the site design in an
441 environmentally conscious way utilizing LID to provide
442 stormwater filtration and/or water quality improvements. Such
443 areas must exceed the requirement that 15% of the lot be
444 landscaped or natural. See Subsection **D(4)**, Landscaping/Site
445 improvements. When granting such a concession, the Board must
446 find that the proposed additional landscaping and/or natural areas
447 and the site design provide enough benefit to outweigh the impact
448 of greater impervious surface; or
449 [ii] Affordable housing to be built, rather than a payment-in-lieu, is
450 proposed.

451 Note: If using either option above, the stormwater requirements in
452 Subsection **D(1)(i)** below may not be modified.

- 453 (h) Stormwater. All new development must use LID (low-impact development)
454 and BMP (best management practices), based on Maine DEP's Maine
455 Stormwater Best Management Practices Manual Volumes I through III, as
456 amended from time to time, to manage 100% of the total stormwater
457 generated on-site. The stormwater report and plan demonstrating that this
458 requirement is met must be included with the application at the time of
459 submission. A request for a modification may be submitted to the Planning
460 Board, but it is incumbent on the applicant to prove to the Planning Board's
461 satisfaction that such a modification is necessary. The Town reserves the
462 right to submit such modification requests for independent engineering

463 review at the applicant's expense. The Board may also require additional
464 landscaping/plannings and/or LID features when granting such concessions.

465 (i) Minimum area dedicated to landscaped or natural areas: 15%.

466 [1] For the purposes of this zone, a natural area is an area that is not
467 regularly mowed, and contains trees and/or shrubs which may not have
468 been deliberately planted. Invasive plants, as defined by the State of
469 Maine, must be removed.

470 [2] For multifamily dwelling, mixed-use buildings with dwelling units and
471 attached single-family dwellings, in cases where the property cannot
472 meet the 15% requirement due to existing development (including
473 parking areas), and where redevelopment will remain at the same or a
474 lower percentage of the lot, the Planning Board may, at its discretion,
475 allow a smaller percentage of landscaped and/or natural area. In
476 granting this concession, the Board may require more intensive
477 landscape plantings and/or LID-designed features.

478 (j) Hours of operation must be noted on the final site plan and are determined by
479 the Planning Board on a case-by-case basis. All lighting other than
480 designated security lighting must be extinguished outside of noted hours of
481 operation.

482 (k) Minimum setback for functionally water-dependent uses: zero feet.

483 (l) Minimum setback from streams, water bodies and wetlands: in accordance
484 with Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

485 (2) Parking design:

486 Parking requirements are to be met on-site. If meeting the parking
487 requirements is not possible, the parking demand may be satisfied off-site or
488 through joint-use agreements as specified in 16.4.17.D.(1).(c) -
489 16.4.17.D.(1).(e) under the B-L Zone. Notwithstanding the off-street parking
490 requirements in 16.7.11.F.(4), minimum parking requirements for the uses
491 below are modified as specified:

492 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

493 [i] Affordable housing as defined by this code is proposed in which case the
494 parking requirements may be reduced to a minimum of 1/2 spaces per
495 dwelling unit at the Planning Board's discretion; and/or

496 [ii] Housing is proposed within 1/4 mile of a public transit stop, in
497 which case the parking requirements may be reduced to a minimum of 1/2
498 spaces per dwelling unit at the Planning Board's discretion; and/or

499 [iii] Some or all of the proposed dwelling units are one-bedroom or
500 studio type units in which case parking requirements for these types of units
501 are reduced to one parking space for each unit so described.

502 [iv] More than 50% of the dwelling units proposed will be affordable as

503 defined by this code in which case parking is reduced to two spaces per three
504 dwelling units.

505 [2] For multifamily dwellings, if more than ten parking spaces are
506 required, up to 20% of the parking may be designated for compact cars. See
507 16.7.11.F.(4) Off-Street Parking Standards.

508 (b) [3] Electric car charging stations are allowed and encouraged in parking
509 lots but must not interfere with pedestrian movement on sidewalks.

510 **10. Amend §16.4.19 Commercial 1, Route 1 Commercial Zone (C-1) as follows:**

511 E. Standards.

512 (1) C Zone standards. All development and the use of land in the C Zone must meet
513 the following standards. Kittery's Design Handbook illustrates how these standards can
514 be met. In addition, the design and performance standards of Chapters **16.5**, **16.7** and **16.8**
515 must be met unless noted otherwise below.

516 (2) The following space standards apply in the C-1 Zones:

517 (a) Minimum lot size or density:

C-1 Zone

Cottage cluster	16 units per acre unless 25% of units are
Dwelling, attached single-family	affordable housing units as defined by this
Dwelling, multifamily	Code, in which case 20 units per acres
Dwelling, two-family	allowed*
Dwelling units as part of a mixed-use	<u>40 units per acre when over 50% of the</u>
building	<u>units are affordable housing units as</u>
	<u>defined by this Code*.</u>

All other uses 40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to
minimum land area per dwelling unit requirement as described in §16.5.18D,
Exemptions to net residential acreage calculations.

518

519 (4)(c) Parking standards. The following minimum off-street parking requirements must
520 be provided and maintained in case of new construction, alterations, and changes of
521 use:

522 [1] Parking requirements must be met on site unless an existing building covers so
523 much of the lot as to make the provision of parking impractical in whole or in
524 part. If meeting the parking requirements is not practical, then the parking demand
525 may be satisfied off site or through joint-use agreements as specified herein.
526 Notwithstanding the off-street parking requirements in §16.7.11F, minimum

- 527 parking requirements for the uses below are modified as specified:
- 528 [a] Dwelling units: one parking space per dwelling unit.
- 529 [b] For multifamily dwellings, if more than 10 parking spaces are required, up to
- 530 20% of the parking may be designated for compact cars. See §16.7.11F, Off-
- 531 street parking standards.
- 532 [c] When more than 50% of the dwelling units proposed are affordable as
- 533 defined by this Code, two parking spaces for every three dwelling units.
- 534

535 **11. Amend §16.4.21 Commercial 3, Bypass/ Old Post Road Commercial Zone (C-3) as**

536 **follows:**

537 E. Standards.

- 538 (1) C Zone standards. All development and the use of land in the C Zone must meet
- 539 the following standards. Kittery's Design Handbook illustrates how these standards can
- 540 be met. In addition, the design and performance standards of Chapters 16.5, 16.7 and 16.8
- 541 must be met unless noted otherwise below.
- 542 (2) The following space standards apply in the C-3 Zones:
- 543 (a) Minimum lot size or density:

C-1 Zone

Cottage cluster	16 units per acre unless 25% of units are
Dwelling, attached single-family	affordable housing units as defined by this
Dwelling, multifamily	Code, in which case 20 units per acres
Dwelling, two-family	allowed*
Dwelling units as part of a mixed-use	<u>40 units per acre when over 50% of the</u>
building	<u>units are affordable housing units as</u>
	<u>defined by this Code*.</u>
All other uses	40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to minimum land area per dwelling unit requirement as described in §16.5.18D, Exemptions to net residential acreage calculations.

- 544
- 545 (4)(c) Parking standards. The following minimum off-street parking requirements must be
- 546 provided and maintained in case of new construction, alterations, and changes of use:
- 547 [1] Parking requirements must be met on site unless an existing building covers so much
- 548 of the lot as to make the provision of parking impractical in whole or in part. If
- 549 meeting the parking requirements is not practical, then the parking demand may be
- 550 satisfied off site or through joint-use agreements as specified herein. Notwithstanding
- 551 the off-street parking requirements in Article IX of Chapter 16.8, minimum parking
- 552 requirements for the uses below are modified as specified:

- 553 [a] Dwelling units: one parking space per dwelling unit.
554 [b] For multifamily dwellings, if more than 10 parking spaces are required, up to 20%
555 of the parking may be designated for compact cars. See §16.7.11.F, Off-street
556 parking standards.
557 [c] When more than 50% of the dwelling units proposed are affordable as
558 defined by this Code, two parking spaces for every three dwelling units.
559

560 **12. Amend §16.4.23 Mixed Use Zone (MU) as follows:**

561 B. Permitted uses.

- 562 (1) Accessory dwelling units.
563 (2) Dwelling, single-family (limited to lots of record as of April 1, 2004).
564 (3) Dwellings, multifamily (limited to the upper floors of mixed-use building that is
565 served by public sewerage).
566 (4) Dwelling multifamily 2-4 “Limited”

567
568 D. Standards.

569 (2)

570 Note 1: For single-family dwellings, and vacant lots of record, one dwelling unit is
571 allowed for each 200,000 square feet of land area. A lot of record having a land area
572 of more than 200,000 square feet that was improved with a single-family dwelling as
573 of April 1, 2004, may:

- 574 a. ~~Be~~ be divided into two lots ~~with a single-family dwelling on each lot~~ provided
575 that each of the lots contains at least 40,000 square feet of land area and meets the
576 other dimensional standards of the zone. Section **16.4.10D(1)** and **(2)** as set forth
577 in the Residential - Rural Zone apply and no further subdivision is allowed.

578 Note 2: For dwelling units that are part of a mixed-use building or a multifamily
579 building and are connected to the public sewerage system, one dwelling unit is
580 allowed for each 10,000 square feet of buildable land lot area. Where over 50% of
581 such dwelling units described above will be affordable as defined by this code:
582 4,000 square feet of buildable land area. [NOTE: multifamily dwellings are not
583 allowed in either Resource Protection or Shoreland Overlay Zones] Within the
584 Resource Protection and Shoreland Overlay Zones, one dwelling unit is allowed
585 for each 40,000 square feet of land area within these zones. If the parking for the
586 residential units is encompassed within the building, the minimum required buildable
587 land area per dwelling unit is reduced to 7,500 square feet. Where over 50% of the
588 dwelling units will be affordable as defined by this code and parking is
589 encompassed within the building: 3,000 square feet of buildable land area. ~~except~~
590 ~~in the Resource Protection and Shoreland Overlay Zones where the area per dwelling~~
591 ~~unit remains 40,000 square feet.~~ In addition, for those developments where more
592 than 50% of the dwelling units will be affordable, parking requirements are

593 reduced to two parking spaces per three dwelling units.

594 (10) Affordable housing requirements: [Added 10-24-2022]

595 (a) All requirements in §16.5.4, Affordable housing, must be met.

596 (b) Density incentives detailed in 16.4.23.D Note 2 may be applied to
597 projects that create affordable housing units, as defined by this code.
598 No proportional payment-in-lieu is required if the affordable dwelling
599 unit requirements for the density incentives are met.
600

601 E. Shoreland Overlay Zone OZ-SL — Mixed-Use Zone (MU).

602 (1) Permitted uses.

603 (a) Agriculture.

604 (b) Art studio or gallery.

605 (c) Dwellings, limited to the following:

606 [1] Dwellings on lots of record as of April 1, 2004, if located farther than
607 100 feet from the normal high-water line of any water bodies, or the
608 upland edge of a wetland.

609 [2] ~~Dwelling units on the upper floors of a mixed-use building is~~
610 ~~served by public sewerage if located farther than 100 feet from the normal~~
611 ~~high-water line of any water bodies, or the upland edge of a wetland.~~

612

613 **13. Amend §16.4.24 Mixed-Use — Badger Island (MU-BI) as follows:**

614 B. Permitted uses. The following uses are permitted in the MU-BI Zone:

615 (1) Accessory dwelling units.

616 (2) Dwellings, ~~attached single-family.~~ multifamily 2-4 “Limited”

617 (3) Dwellings, manufactured housing.

618 (4) Dwelling, multifamily.

619 (5) Dwellings, single-family.

620

621 D. Standards.

622 (1) The following space standards apply:

623 (a) Minimum land area per dwelling unit: 3,000 square feet.

624 [1] ~~For each of the first two dwelling units and thereafter: 6,000 square feet.~~ If
625 more than 50% of the dwelling units will be affordable housing units as
626 defined by this code: 1,200 square feet.

627 (4) Special parking standards.

628 (a) Revised off-street parking standards. Off-street parking must be provided in
629 accordance with § 16.7.11F unless modified below for the following uses:

630 [1] Dwellings: 1 1/2 parking space for each dwelling unit;

631 Except for residential developments where more than 50% of the
632 dwelling units will be affordable as defined by this code, parking

633 requirements are reduced to two parking spaces per three dwelling
634 units.

635
636

637 **14. Amend §16.4.25 Mixed-Use – Kittery Foreside Zone (MU-KF) as follows:**

638 B. Permitted uses. The following uses are permitted in the MU-KF Zone:

- 639 (1) Accessory dwelling units.
640 (2) Dwelling, ~~attached single-family.~~ multifamily 2-4 “Limited”
641 (3) Dwellings, single-family.
642 (4) Dwellings, two-family.
643 (5) Dwellings, multifamily (~~up to 12 units per lot~~).

644

645 D. Standards.

646 (1) The design and performance standards of Chapters **16.7** and **16.8** must be met,
647 except where specifically altered in this subsection.

648 (2) Dimensional standards. The following space standards apply:

649 (a) Minimum land area per dwelling unit: 5,000 square feet.

650 (a) – 1. If more than 50% of the dwelling units will be affordable housing
651 units as defined by this code: 2,000 square feet.

652 (7) Revised off-street parking standards. Insofar as practical, parking requirements are
653 to be met on site unless an existing building covers so much of the lot as to make the
654 provision of parking impractical in whole or in part. If meeting the parking
655 requirements is not practical, then the parking demand may be satisfied off site or
656 through joint-use agreements as specified herein. Notwithstanding the off-street
657 parking requirements in § **16.7.11F(3)**, minimum parking requirements for the uses
658 below are modified as specified herein:

659 (a) Dwelling units in buildings that existed as of April 1, 2005, including the
660 replacement of units destroyed by accidental or natural causes regardless of
661 how configured: one parking space per dwelling unit;

662 (b) Dwelling units in new buildings, including the replacement of existing
663 buildings other than the replacement of units destroyed by accidental or natural
664 causes: 1 1/2 parking spaces per dwelling unit;

665 (c) Dwelling units in buildings where more than 50% of the dwelling units
666 proposed will be affordable as defined by this code: two spaces per three
667 dwelling units.

668

669 **15. Amend §16.4.28 Shoreland Overlay Zone (OZ-SL) as follows:**

670 E. Standards.

671 (1) Minimum lot standards.

672 (a) Minimum lot size by base zone, within the:

- 673 [1] Residential-Village (R-V) Zone: 8,000 square feet.
674 [2] Residential-Urban (R-U) Zone: 20,000 square feet.
675 [3] Residential-Rural (R-RL), Residential-Suburban (R-S) and
676 Residential-Kittery Point Village (R-KPV) Zones: 40,000 square feet.
677 [4] Commercial (C1), (C2), (C3), Industrial (IND), Business-Local (B-
678 L) and Business-Local 1 (B-L1) Zones: 60,000 square feet.
679 [5] Residential-Rural Conservation (R-RLC) Zone: 80,000 square feet.
680 [6] Business-Park (B-PK) Zone: 120,000 square feet.
681 [7] Mixed-Use Badgers Island (MU-BI) Zone: 6,000 square feet.
682 [8] Mixed-Use Kittery Foreside (MU-KF) Zone: 10,000 square feet.
683 (b) Minimum ~~land area per dwelling unit~~ net residential density by base
684 zone, within the:
685 [1] Residential-Village (R-V) Zone: 8,000 square feet.
686 [2] Business-Park (B-PK) Zone: 10,000 square feet.
687 [3] Residential-Urban (R-U), Business-Local (B-L) and Business-
688 Local 1 (B-L1) Zones: 20,000 square feet.
689 [4] Mixed-Use (M-U), Residential-Rural (R-RL), Residential-
690 Suburban (R-S) and Residential-Kittery Point Village (R-KPV) Zones:
691 40,000 square feet.
692 [5] Residential-Rural Conservation (R-RLC) Zone: 80,000 square feet.
693 [6] Mixed-Use Badgers Island (MU-BI) Zone: 6,000 square feet.
694 [NOTE: 3,000 square feet for the first two dwelling units.]
695 [7] Mixed-Use Kittery Foreside (MU-KF) Zone: 10,000 square feet.
696

697 **16. Amend §16.5.3 Accessory dwelling units as follows:**

698 B. Applicability.

- 699 (1) An accessory dwelling unit is allowed in all zoning districts where the use is
700 permitted in Chapter 16.4. The unit must be located:
701 (a) Within an existing structure, either principal or accessory on the property;
702 or
703 (b) Attached to the existing principal structure, sharing a common wall; or
704 (c) Within a new accessory structure constructed for this purpose on the
705 property.
706 (d) Outside of the shoreland overlay zone, as defined in Chapter 16.4.
707 (2) Accessory dwelling units that have a valid certificate of occupancy or have vested
708 rights in the permitting process with an active building permit as of April 28, 2020, are
709 exempted from the use standard, § 16.5.3D(3).
710

711 D. Accessory dwelling unit standards.

- 712 (1) Lot standards.
713 (a) ~~Legal lot/residence. An accessory dwelling unit is allowed only on lots within the~~

- 714 ~~Town that contain one legal single-family residence as the primary unit.~~
- 715 (b) Number of accessory dwelling units per lot. No more than one accessory dwelling
716 unit is permitted on a lot that is located in a limited growth area as depicted in
717 Kittery's Comprehensive Plan. Up to two accessory dwelling units are
718 permitted on a lot that is located in a targeted growth area.
- 719 (c) Zone lot size and unit density. The property on which an accessory dwelling unit is
720 located must meet the size required by the applicable zoning standards for the
721 principal residence, except in the case of legally nonconforming lots. However, an
722 accessory dwelling unit is exempt from the density requirements of the zone in
723 which it is located.
- 724 (d) Setbacks and coverage. Yard setbacks for the zone must be met. However, for
725 legally nonconforming lots where ~~an proposed~~ accessory dwelling unit ~~will be~~
726 ~~attached to a principal dwelling unit and~~ cannot meet the zone's side and rear yard
727 setbacks, the percentage by which a lot is smaller than the required lot size for the
728 zone will dictate the required setback for that lot. For example, a 30,000 square foot
729 legally nonconforming lot in a zone that requires 40,000 square feet would require
730 side and rear yard setbacks that are 75% of the zone's side and rear yard setbacks.
731 Building coverage requirements will remain as required by the zone.
- 732 (e) Utility connections. Accessory dwelling units must be connected to adequate water
733 and wastewater services.
- 734 [1] Public sewer.
- 735 [a] Service: written verification must be provided of adequate service to support the
736 additional flow from the Superintendent of Wastewater Treatment Facilities.
- 737 [b] Fees. Payment of appropriate fees for connection to the municipal sewer system is
738 required prior to obtaining the certificate of occupancy.
- 739 [2] Septic systems. Verification of adequate sewage disposal for subsurface waste
740 disposal is required. The septic system, existing or proposed, must be verified as
741 adequate or reconstructed as required, pursuant to 30-A M.R.S. §4221. Plans for
742 subsurface waste disposal must be prepared by a Maine-licensed site evaluator in
743 full compliance with the State of Maine Subsurface Wastewater Disposal Rules, 10-
744 144 CMR Ch. 241.
- 745 [3] Public water. Verification, in writing, is required from the Kittery water district for
746 volume and supply.
- 747 [4] Wells. Verification of the potable water supply for private wells is required. Tests of
748 the existing well or proposed well, if applicable, must indicate that the water supply
749 is potable and acceptable for domestic use and must conform to the
750 recommendations included in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use
751 Districts and Standards, the "Manual for Evaluating Public Drinking Water
752 Supplies, Public Health Service No. 1180 (1969)."
- 753 (f) ~~Parking. Each accessory dwelling unit must have one on-site parking space in~~
754 ~~addition to the parking for the primary dwelling unit. Tandem parking is permitted.~~
755 No additional parking space is required for the accessory dwelling unit but the
756 primary dwelling unit must have on-site parking.
- 757 (g) Private road or right-of-way access. Where an applicant seeks to locate an accessory
758 dwelling unit on a privately maintained road or right-of-way the following applies:

759 [1] Applicant must submit written consent from the road or homeowner's association or
760 owner and parties responsible for street maintenance.

761 (2) Unit standards.

762 (a) Unit size. The size of an accessory dwelling unit must meet the minimum size for a
763 dwelling unit as set by building code standards adopted and amended from time to
764 time by ~~Maine's Bureau of Building Codes and Standards~~ Technical Building code
765 and Standards Board, pursuant to 10 M.R.S. § 9722, and be no larger than 1,000
766 square feet. For principal dwelling units 1,000 square feet or smaller, an accessory
767 dwelling unit may be no greater than 80% of the size of the principal dwelling unit,
768 as measured in square feet. An accessory dwelling unit may have no more than two
769 bedrooms.

770 (b) Unit location.

771 [1] An accessory dwelling unit must meet one or more of the following conditions:

772 [a] Be fully constructed within the existing footprint of any legal residence or accessory
773 building; or

774 [b] Share a common wall with the principal residence, providing yard setbacks per
775 § 16.5.3D(2)(a); or

776 [c] Be constructed as a new accessory building containing an accessory dwelling unit,
777 providing yard setbacks can be met for the zone.

778 [2] Accessory dwelling units will be allowed to be fully constructed within the principal
779 residence even if the building does not meet yard setbacks.

780 [3] Accessory dwelling units will not be allowed in accessory buildings encroaching on
781 yard setbacks.

782 (3) Use standards. The accessory dwelling unit may not be rented to the same person or
783 party for less than a thirty-day period.

784 (4) Development standards. Should an accessory dwelling unit fail to meet the
785 applicable unit standards listed in this article, the accessory dwelling unit may still
786 be allowed if the applicant obtains approval from the Board of Appeals under the
787 provisions of a miscellaneous variation request, as outlines in § 16.2.12. The Board
788 of Appeals shall review any appeal decision in conformance with § 16.2.12F, Basis
789 for decision.

790 (5) Violations. A violation of the use standard § 16.5.3D(3) will lose the certificate of
791 occupancy for the unit for no less than 30 days, and be assessed a penalty of \$500.

792

793 **17. Amend §16.5.18 Net residential acreage as follows:**

794 A. Purpose. Net residential acreage is used to determine the maximum number of dwelling
795 units allowed on a parcel that is ~~subject to subdivision~~ located in a limited growth area
796 identified in the Comprehensive Plan. The total number of dwelling units allowed is
797 equal to the net residential acreage divided by the minimum land area per dwelling unit
798 for a given land use zone.

799 **B. Applicability. Applies to development of land located in limited growth areas as**
800 **designated in the Comprehensive Plan. Development of parcels located in targeted**
801 **growth areas is subject to provisions for lot area as defined in Chapter 16.3 for**

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calculating lot area, lot coverage, or unit density.

- ~~B.~~ C. Net residential acreage calculation. To calculate net residential acreage, the land area listed below must be subtracted from a parcel's gross area. Where land areas to be subtracted overlap, the area therein is subtracted once.
- (1) All land located below the highest annual tide elevation as published in the Maine DEP Highest Annual Tide (HAT) levels for the most-current year.
 - (2) All land located within the floodplain as defined in the definition of "flood, 100-year" in Chapter **16.3**.
 - (3) All wetlands as defined in the definition of "wetland" in Chapter **16.3**, as well as vernal pools, ponds, lakes, streams and other water bodies, including 50% of the associated setbacks described in other buildings and structures, Table 16.5.30, Chapter **16.5** of this title.
 - (4) All land located on filled tidal lands, per the definition of "tidal land, filled" in Chapter **16.3**.
 - (5) All land located within existing rights-of-way and other existing easements wherein dwelling units cannot be built.
 - (6) All land located within proposed rights-of-way, including parking and travel ways. Driveways are excluded.
 - (7) All land isolated from the principal location for development on the parcel by a road/street, existing land uses, or any physical feature, natural or man-made, such that it creates a barrier to the central development of the site and no means of access is proposed nor likely to be provided in the future. However, to demonstrate that identified isolated land may be considered developable for the purpose of this calculation, the applicant must submit a plan and supporting documentation for the Board's consideration.
 - ~~(8) All land zoned commercial (C-1, C-2, or C-3).~~
 - (9) All land one acre or more of contiguous area with sustained slopes of 20% or greater.
 - (10) All land identified as exposed bedrock, and soils with a drainage class of "poorly drained" and/or "very poorly drained" as defined in the definition of "soils" in Chapter **16.3**.
 - (11) Fifty percent of all land characterized as drainage class of "somewhat poorly drained," unless public sewer is used, in which case no land area is subtracted.
 - (12) All land area within a cemetery and burying ground as defined in Chapter **16.3**, including associated setback per 13 M.R.S.A. § 1371-A, Limitations on construction and excavation near burial sites.
 - (13) All land within a Commercial Fisheries/Maritime Uses Overlay Zone or Resource Protection Overlay Zone not included in Subsection **B(12)** above.
- C. Documentation. The net residential acreage calculation must be supported by verifiable information and accurate data and be shown on the subdivision plan or other plan when applicable.
- ~~D. Exemptions to net residential acreage calculations.~~
- ~~(1) The maximum number of dwelling units for residential development not subject to subdivision is based on minimum land area per dwelling unit defined in Chapter **16.3**, Definitions, of this title.~~

- 846 ~~(2) The creation of dwelling units subject to subdivision within existing buildings that are~~
847 ~~connected to Town sewer and are located in the Mixed Use Kittery Foreside, Mixed~~
848 ~~Use Badgers Island, Residential Village, Business Local, or Business Local 1 Zones~~
849 ~~are exempt from the net residential acreage calculations in § 16.5.18A. The total number~~
850 ~~of dwelling units permitted is determined by dividing the gross lot area by the minimum~~
851 ~~land area per dwelling unit allowed in the zone. The exemption is allowed in the above~~
852 ~~base zones when subject to the Shoreland Overlay Zone.~~
- 853 ~~(3) The Mixed Use Neighborhood Zone (MU-N) and certain residential uses in the C-1 and~~
854 ~~C-3 Zones as noted in §§ 16.4.19 and 16.4.21 are exempt from § 16.5.18, Net residential~~
855 ~~acreage calculation, but are subject to the minimum land area per dwelling unit as~~
856 ~~defined in Chapter 16.3, Definitions, except that 50% of all wetlands may be subtracted,~~
857 ~~rather than 100%.~~

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859
860 **13. Amend §16.7.2 Applicability (Site Plan Review) as follows:**

- 861 A. A person who has right, title, or interest in a parcel of land shall obtain site plan approval
862 prior to commencing any of the following activities on the parcel, including contracting or
863 offering for the conveyance regulated activity permit for any structure within the
864 development is issues, or undertaking work on any improvements, including installation of
865 roads or utilities or land clearing.
- 866 (1) The construction or placement of any new building or structure for a nonresidential
867 use, including accessory buildings and structures, if such buildings or structures have a
868 total area for all floors of all structures of 1,000 square feet or more measured
869 cumulatively over a five-year period.
- 870 (2) The expansion of an existing nonresidential building or structure, including accessory
871 buildings, if the enlargement increases the total area for all floors within a five-year
872 period by more than 20% of the existing total floor area or 1,000 square feet,
873 whichever is greater.
- 874 (3) The conversion of an existing building in which 1,000 or more square feet of total floor
875 area are converted from residential to nonresidential use.
- 876 (4) The establishment of a new nonresidential use even if no buildings or structures are
877 proposed, that involves the development of more than 25,000 square feet of land. This
878 includes uses such as gravel pits, cemeteries, golf courses, and other nonstructural
879 nonresidential uses.
- 880 (5) The conversion of an existing nonresidential use, in whole or in part, to another
881 nonresidential use if the new use changes the basic nature of the existing use such that
882 it increases the intensity of on- or off-site impacts of the use subject to the standards
883 and criteria of site plan review described in this chapter.
- 884 (6) The construction of a residential ~~building~~ **development** containing three or more
885 dwelling units **on the same legal parcel.**
- 886 **(a) Development proposing three or four dwelling units on a parcel located in a**
887 **Targeted Growth Area as designated in the Comprehensive Plan is permitted**
888 **through minor site plan review;**
- 889 **(b) Development proposing three or four dwelling units on a parcel located in a**

890 Limited Growth Area as designated in the Comprehensive Plan is permitted
891 through major site plan review;

892 (c) Development proposing five or more dwelling units is permitted through
893 major site plan review;

894 (7) The modification or expansion of an existing residential structure that increases the
895 number of dwelling units in the structure by three or more in any five-year period.

896 (8) The conversion of an existing nonresidential building or structure, in whole or in part,
897 into three or more dwelling units within a five-year period.

898 (a) Development proposing three or four dwelling units on a parcel that is served
899 by public water and sewer facilities or that located in a Targeted Growth Area as
900 designated in the Comprehensive Plan is permitted through minor site plan
901 review;

902 (b) Development proposing three or four dwelling units on a parcel located in a
903 Limited Growth Area as designated in the Comprehensive Plan and where public
904 water or sewer facilities are not available is permitted through major site plan
905 review;

906 (c) Development proposing five or more dwelling units is permitted through
907 major site plan review;

908 (9) The cumulative development of an area equal to, or greater than, one acre within any
909 five-year period. The applicability of this chapter does not include the construction of
910 streets that are reviewed as part of a subdivision application.

911 (10) Marijuana businesses and medical marijuana registered caregiver home establishments.

912 B. Other development review. Unless subject to a shoreland development plan review or right-
913 of-way plan per § 16.7.3A, the following do not require Planning Board approval:

914 (1) Single and duplex family dwellings.

915 (2) Division of land into lots (i.e., two lots), which division is not otherwise subject to
916 Planning Board review as a subdivision.

917 (3) Business use as provided in § 16.4.26C(13).

918 (4) Small-scale ground-mounted solar energy systems below or equal to 1,000 square feet
919 in area. [Added 4-11-2022]

920 (5) Residential development that is subject to minor site plan review per § 16.7.2A

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922 **13. Amend §16.7.5 Classification of Projects (Site Plan Review) as follows:**

923 A. The Town Planner shall classify each project as a major or minor site plan. Minor site plans
924 are smaller scale projects for which a minor review process is adequate to protect the
925 Town's interest. Major site plans are larger, more complex projects for which a more
926 detailed review process and additional information are necessary. The following review
927 thresholds shall be used by the Town Planner in classifying each project. The Town
928 Planner's classification of a project shall be final.

929 (1) Minor site plans shall include those projects involving:

930 (a) The cumulative construction or addition above 1,000 square feet and no more than
931 5,000 square feet of gross nonresidential floor area.

932 (b) Any individual or cumulative construction or addition between 1,000 square feet and

933 5,000 square feet of gross nonresidential floor area within an approved subdivision.
934 (c) The establishment of a new nonresidential use even if no buildings or structures are
935 proposed, that involves the Development of more than 25,000 square feet but less
936 than one acre of land.

937 (d) Projects that involve ground-mounted solar energy systems greater than 1,000
938 square feet, but less than 5,000 square feet in area. [Added 4-11-2022]

939 **(e) Multifamily 2-4 Limited development on a parcel that is served by public water**
940 **and sewer facilities or that is located in a Targeted Growth Area as designated**
941 **in the Comprehensive Plan**

942 (2) Major site plans shall include projects involving:

943 (a) The individual or cumulative construction or addition above 5,000 square feet of
944 gross nonresidential floor area on a lot that is not part of an approved subdivision.

945 (b) The individual or cumulative Development of one acre or more land, unless the
946 development is part of a site plan application in an approved subdivision.

947 (c) Any mixed-use project that contains residential and non-residential uses.

948 (d) Projects that involve wireless communication system facilities (WCSF).

949 (e) Projects that require any waiver from performance standards.

950 (f) Projects that ~~also require subdivision or~~ special exception approval.

951 (g) Other projects requiring review which are not classified as a minor development.

952 (h) Projects that involve ground-mounted solar energy systems equal to and above 5,000
953 square feet in area. [Added 4-11-2022]

954 (i) Projects that involve a building dedicated to the storage of an energy storage system,
955 as defined in § 16.3, Definitions. [Added 4-11-2022]

956 **(j) Construction of multifamily dwellings**

957 **(e) Multifamily 2-4 Limited development on a parcel located in a Limited Growth**
958 **Area as designated in the Comprehensive Plan and where public water or**
959 **sewer facilities are not available**

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LD-2003 related amendments to Kittery's Land Use and Development Code (Title 16)

LD-2003 is a three-part ordinance. The first part deals with affordable housing and the associated density bonus, the second part focuses on allowing more density where housing is currently allowed in zoning districts (affordability not a requirement) and the third part addresses Accessory Dwelling Units (ADUs), requiring that all communities allow them without adherence to land area per dwelling unit requirements and parking requirements.

Part 1. According to LD-2003, to utilize the 2.5x affordable housing density bonus, the development must:

- designate greater than 50% of the dwelling units proposed as affordable (defined as below 80% AMI for rental and 120% AMI for owned)
- be zoned for multifamily as of July 1, 2023
- be in a growth area as defined by a community's comprehensive plan or be zoned for public utilities, special utility district etc.
- meet the State's minimum lot size requirements (basically 20,000 sf for septic)
- meet water and wastewater verification requirements
- meet the long-term affordability requirements

1. Growth areas as identified by Kittery's Comprehensive Plan's Future Land Use Map
 - a. Business-Local Zone (B-L)
 - b. Business-Local-1 Zone (B-L1)
 - c. Business-Park Zone (B-PK, formerly MU-N, Neighborhood Mixed-Use Zone)
 - d. Commercial-1 Zone (C-1)
 - e. Commercial-2 Zone (C-2)
 - f. Commercial-3 Zone (C-3)
 - g. Mixed-Use (MU-BI)
 - h. Mixed-Use Zone (M-U)
 - i. Residential-Rural (R-RL – but only a small portion between Rt 236 and Wilson Road)
 - j. Residential-Suburban (R-S)
 - k. Residential-Urban (R-U)

2. Of those zones, only these allow multifamily currently:
 - a. Business-Local Zone (B-L)
 - b. Business-Local-1 Zone (B-L1)
 - c. Commercial-1 Zone (C-1)
 - d. Commercial-3 Zone (C-3)
 - e. Mixed-Use Zone (M-U)
 - f. Residential-Suburban (R-S)
 - g. Residential-Urban (R-U)

Part 2. According to LD-2003's dwelling unit allowance section, a municipality must allow:

1. 4 dwelling units per undeveloped lot if the lot is in a zone that allows housing and is in a growth area as defined by a community's comprehensive plan or served by public utilities, special utility district etc.
2. 2 dwelling units per undeveloped lot if the lot doesn't meet the requirements of #1 above, but the lot is in a zone that allows housing and the lot meets the State lot size requirements (20,000 sf for septic)
3. Two additional dwelling units if a lot already has one dwelling unit.

No more restrictive setbacks than those for a single-family dwelling are allowed and the land area per dwelling unit may not be more than that for a single-family dwelling unit. There are also sewer/septic and drinking water verification requirements. Affordability as defined by LD-2003 is not a requirement.

4. The following zones allow housing and are in the growth area as defined by the Town's comprehensive plan:
 - a. Business-Local Zone (B-L) *
 - b. Business-Local-1 Zone (B-L1) *
 - c. Business Park Zone (B-PK, formerly MU-N, Neighborhood Mixed-Use)*
 - d. Commercial-1 Zone (C-1) *
 - e. Commercial-3 Zone (C-3) *
 - f. Mixed-Use Zone (M-U) *
 - g. Residential-Rural Zone (R-RL) (only portion between Rt 236 and Wilson Road)
 - h. Residential-Suburban Zone (R-S) *
 - i. Residential-Urban Zone (R-U) *

*All or part of the zone has public utilities or access to them

5. These zones also allow housing but are not in the growth area designated by the comprehensive plan:
 - a. Mixed-Use-Kittery Foreside (MU-KF)
 - b. Residential-Kittery Point Village Zone (R-KPV)
 - c. Residential-Rural (R-RL, the majority of it)
 - d. Residential-Rural Conservation Zone (R-RC)
 - e. Residential-Village Zone (R-V)

Of these zones, the Residential-Village Zone (R-V) and the Mixed-Use-Kittery Foreside (MU-KF) have public water and sewer. These two zones have few, if any, undeveloped lots so the 2 units per lot with an existing residence would apply, provided other requirements are met.

The Residential-Kittery Point Village Zone (R-KPV) and the Residential-Rural Conservation Zone (R-RC) have no sewer but do have public water for the most part, while the R-RL zone has limited public water and no sewer. There are undeveloped (vacant) lots in all three of these zones so the two units per vacant lot would apply. For lots that have an existing residence, the two additional units per lot would apply provided other requirements are met.

Part 3. According to LD-2003, Accessory Dwelling Units (ADUs) must be allowed in all zones where housing is allowed.

It appears that Kittery's ADU ordinance is nearly in full compliance with this portion of LD-2003 except for parking.

Conclusion: LD-2003's affordable housing and/or density allowances apply to 14 of Kittery's 18 zoning districts because they include housing as a permitted use. The ADU provisions in LD-2003 apply to those 14 zones as well as the C-2 zone that doesn't allow new housing because there are existing "grandfathered" dwelling units in that zone.

Summary Table of Zoning Amendments Proposed for Conformance with LD 2003

Kittery Zoning Districts where Housing is Allowed													
Zoning/ Comp Plan Elements	R-RL	R-S	R-KPV	R-U	R-V	R-RC	B-L	B-L1	C-1	C-3	MU	MU-BI	MU-KF
Growth Area?	N*	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Net Residential Density Calculation	Y		Y		Y	Y							
Sewer Available?	N	Y/N	N	Y/N	Y	N	Y	Y	Y	Y	Y	Y	Y
Multifamily ≤ 4 units	N --> Y	Y	Y	Y	N --> Y	N --> Y	Y	Y	Y	Y	Y	Y	Y
Multifamily 5+ units	N	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Lot Area/ Unit (Base)	40,000	30,000	40,000	20,000	4,000	80,000	2,500	2,500	2,722	2,722	10,000	3,000	5,000
≥ 50% affordable		12,000		8,000			1,000	1,000	1,089	1,089	4,000	1,200	2,000
# of ADUs allowed per LOT	1	2	1	2	1	1	2	2	2	2	2	2	2

Green = REQUIRED PROVISIONS

BLUE = OPTIONAL PROVISIONS

Residential Density Calculations: Comparison

Red = new/ proposed

Zoning Definitions

	Land Area Per Dwelling Unit	Net Residential Acreage	Lot Area Per Dwelling Unit
Applicability: Current rules	Any residential development NOT subject to a Subdivision Application	Subdivisions not subject to Site Plan Review	
Applicability: Proposed	<i>To be deleted</i>	All residential development in Limited Growth Areas	Development in Targeted Growth Areas
Excludes:	Land below HAT	Land below HAT	waterbodies
	Wetlands/ water bodies	Wetlands/ water bodies	Coastal wetlands
	Filled tidal lands	Filled tidal lands	Existing public rights-of-way
	Existing rights-of-way	Existing rights-of-way	Approved rights-of-way
	Unbuildable easement areas	Unbuildable easement areas	
		Wetland setback areas	
		Land within 100-year floodplain	
		Proposed rights-or-way	
		Large (1+ acre) steep slope (\geq 20%) areas	
		All land in poorly drained soil areas	
		50% of land in "somewhat poorly drained" soil areas	
		Cemeteries and burying grounds, plus setback	
		Isolated land areas	



TOWN OF KITTERY

Land Issues Committee

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1307 Fax: 207-439-6806

TO: KITTERY PLANNING BOARD AND TOWN COUNCIL
FROM: LAND ISSUES COMMITTEE
SUBJECT: LD 2003 ZONING AMENDMENTS
DATE: AUGUST 16, 2023

SUMMARY:

Maine's Governor signed LD 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions," into law in April of 2022. This law **requires Maine municipalities to adopt or amend zoning rules** that are intended to encourage development of affordable housing via three general approaches:

1. Allowing at least one Accessory Dwelling Unit to be constructed at any residential property.
2. Allowing additional units to be constructed for projects that include affordable housing.
3. Allowing development of at least 2-4 housing units per lot where housing is permitted.

Required zoning amendments – and the types of development that must be allowed by zoning – vary depending on the location of public utilities, targeted growth areas identified in the Comprehensive Plan, and Shoreland areas. Required amendments must be adopted by January 1, 2024.

Staff drafted amendments that are necessary for Kittery's Zoning code to remain compliant with Maine law. An initial draft was reviewed by Kittery's Land Issues Committee during the June 21, 2023 meeting and by the Housing Committee on July 6, 2023. Members of both committees expressed an interest in provisions that would "go further" to encourage development of housing in targeted areas. The attached amendments include changes to the way residential density – the units allowed per acre of land – is calculated for development projects. The Kittery Land Issues Committee reviewed these additional amendments during the August 16, 2023 meeting and all members present voted unanimously to forward a positive recommendation to Kittery's Planning Board and Town Council. Committee members believe these changes are stricter for projects in Limited Growth Areas than current rules, and more flexible for projects in Targeted Growth Areas as follows:

RESIDENTIAL DENSITY

Title 16 currently contains two separate methods for calculating the number of housing units that can be developed on a parcel: "Minimum land area per dwelling unit" and "Net residential density." Minimum land area per dwelling unit excludes all wetlands, rights-of-way, easements, tidal lands, and areas located below the Highest Annual Tide from the density calculation. "Net residential density" excludes those areas PLUS floodplains, 50% of wetland setback areas, and *proposed* right-of-way and parking areas. Net residential density is therefore more restrictive than Minimum land area per dwelling unit because it subtracts more resource areas, risk areas, and future site improvement areas from the base land area calculation. Neither of these methods use gross lot area (size of the parcel minus waterbodies or roads) as the base land area to be used for the residential density calculation.

Staff and the Land Issues Committee propose the following:

1. Delete Minimum land area per dwelling unit from Title 16. This will remove the redundancy that is created by having two similar but separate methods for establishing base developable land area for residential density calculations.
2. Require Net residential density calculation for ALL residential projects located in Limited Growth and Shoreland Areas. (Residential- Kittery Point Village, Mixed-Use Badgers Island, Residential- Rural and Residential- Rural Conservation Zoning districts). Net residential density currently only applies to subdivisions; this amendment would expand its use to all residential projects. This amendment is supported by Comprehensive Plan goals which discourage growth in such areas and encourage protection of natural resources and open space because it would further limit the number of units which can be developed near wetlands and waterbodies.
3. Utilize “Lot area” for calculating residential density for projects located in Targeted Growth Areas. Projects in Mixed-Use, Mixed-Use Kittery Foreside, Commercial (1, 2, and 3), Business (B-L and B-L1), Residential- Suburban, Residential- Village, and Residential- Urban Zoning districts would therefore only exclude waterbodies and rights-of-way from the base land area used for calculating residential density. This may increase the potential for “infill” development in existing neighborhoods and commercial areas where housing is allowed. This amendment is supported by Comprehensive Plan goals which encourage steering development toward areas that are served by public utilities and close to existing amenities instead of in current open space and natural areas. *Note: wetland setbacks, zoning setbacks, and building size and height limits would remain in effect as currently written.*

The Kittery Land Issues Committee recommends adopting those amendments that were presented by staff and discussed during the August 16, 2023 meeting in conjunction with those amendments which are required for compliance with LD 2003.



TOWN OF KITTERY

Housing Committee

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1307 Fax: 207-439-6806

TO: KITTERY PLANNING BOARD AND TOWN COUNCIL
FROM: HOUSING COMMITTEE
SUBJECT: LD 2003 ZONING AMENDMENTS
DATE: SEPTEMBER 6, 2023

SUMMARY:

Maine's Governor signed LD 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions," into law in April of 2022. This law **requires Maine municipalities to adopt or amend zoning rules** that are intended to encourage development of affordable housing via three general approaches:

1. Allowing at least one Accessory Dwelling Unit to be constructed at any residential property.
2. Allowing additional units to be constructed for projects that include affordable housing.
3. Allowing development of at least 2-4 housing units per lot where housing is permitted.

Required zoning amendments – and the types of development that must be allowed by zoning – vary depending on the location of public utilities, targeted growth areas identified in the Comprehensive Plan, and Shoreland areas. Required amendments must be adopted by January 1, 2024.

Staff drafted amendments that are necessary for Kittery's Zoning code to remain compliant with Maine law. An initial draft was reviewed by Kittery's Housing Committee on July 6, 2023. Committee members expressed an interest in provisions that would "go further" to encourage development of housing in targeted areas. The attached amendments include changes to the way residential density – the units allowed per acre of land – is calculated for development projects and increase flexibility for property owners in targeted growth areas to build ADUs. The Housing Committee reviewed these additional amendments during the September 6, 2023 meeting and all members present voted unanimously to forward a positive recommendation to Kittery's Planning Board and Town Council. Committee members believe these changes are stricter for projects in Limited Growth Areas than current rules, and more flexible for projects in Targeted Growth Areas as follows:

RESIDENTIAL DENSITY

Title 16 currently contains two separate methods for calculating the number of housing units that can be developed on a parcel: "Minimum land area per dwelling unit" and "Net residential density." Minimum land area per dwelling unit excludes all wetlands, rights-of-way, easements, tidal lands, and areas located below the Highest Annual Tide from the density calculation. "Net residential density" excludes those areas PLUS floodplains, 50% of wetland setback areas, and *proposed* right-of-way and parking areas. Net residential density is therefore more restrictive than Minimum land area per dwelling unit because it subtracts more resource areas, risk areas, and future site improvement areas from the base land area calculation. Neither of these methods use gross lot area (size of the parcel minus waterbodies or roads) as the base land area to be used for the residential density calculation.

Staff and the Land Issues Committee propose the following:

1. Delete Minimum land area per dwelling unit from Title 16. This will remove the redundancy that is created by having two similar but separate methods for establishing base developable land area for residential density calculations.
2. Require Net residential density calculation for ALL residential projects located in Limited Growth and Shoreland Areas. (Residential- Kittery Point Village, Mixed-Use Badgers Island, Residential- Rural and Residential- Rural Conservation Zoning districts). Net residential density currently only applies to subdivisions; this amendment would expand its use to all residential projects. This amendment is supported by Comprehensive Plan goals which discourage growth in such areas and encourage protection of natural resources and open space because it would further limit the number of units which can be developed near wetlands and waterbodies.
3. Utilize “Lot area” for calculating residential density for projects located in Targeted Growth Areas. Projects in Mixed-Use, Mixed-Use Kittery Foreside, Commercial (1, 2, and 3), Business (B-L and B-L1), Residential- Suburban, Residential- Village, and Residential- Urban Zoning districts would therefore only exclude waterbodies and rights-of-way from the base land area used for calculating residential density. This may increase the potential for “infill” development in existing neighborhoods and commercial areas where housing is allowed. This amendment is supported by Comprehensive Plan goals which encourage steering development toward areas that are served by public utilities and close to existing amenities instead of in current open space and natural areas. *Note: wetland setbacks, zoning setbacks, and building size and height limits would remain in effect as currently written.*

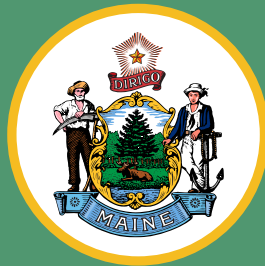
Accessory Dwelling Units:

Second: Section 16.5.3 Accessory Dwelling Units (D.1.a) limits ADUs only to lots that “contain one legal, single-family residence as the primary unit” and specifies that only one ADU can be constructed on a lot. These limitations currently apply townwide. ADUs were devised as a separate residential unit type *because* they are generally perceived to be compatible with a wide variety of neighborhoods due to their limited size. Allowing more ADUs per lot *in targeted areas* may encourage property owners in existing neighborhoods to construct more of this affordable housing type in appropriate locations.

Staff and committee members propose amending the accessory dwelling unit regulations by allowing up to two ADUs per lot that is located in a targeted growth area as depicted in Kittery’s Comprehensive Plan. Lots located in limited growth areas will continue to be limited to one ADU.

The Housing Committee recommends adopting those amendments that were presented by staff and discussed during the September 6, 2023 meeting in conjunction with those amendments which are required for compliance with LD 2003.

LD 2003 Guidance



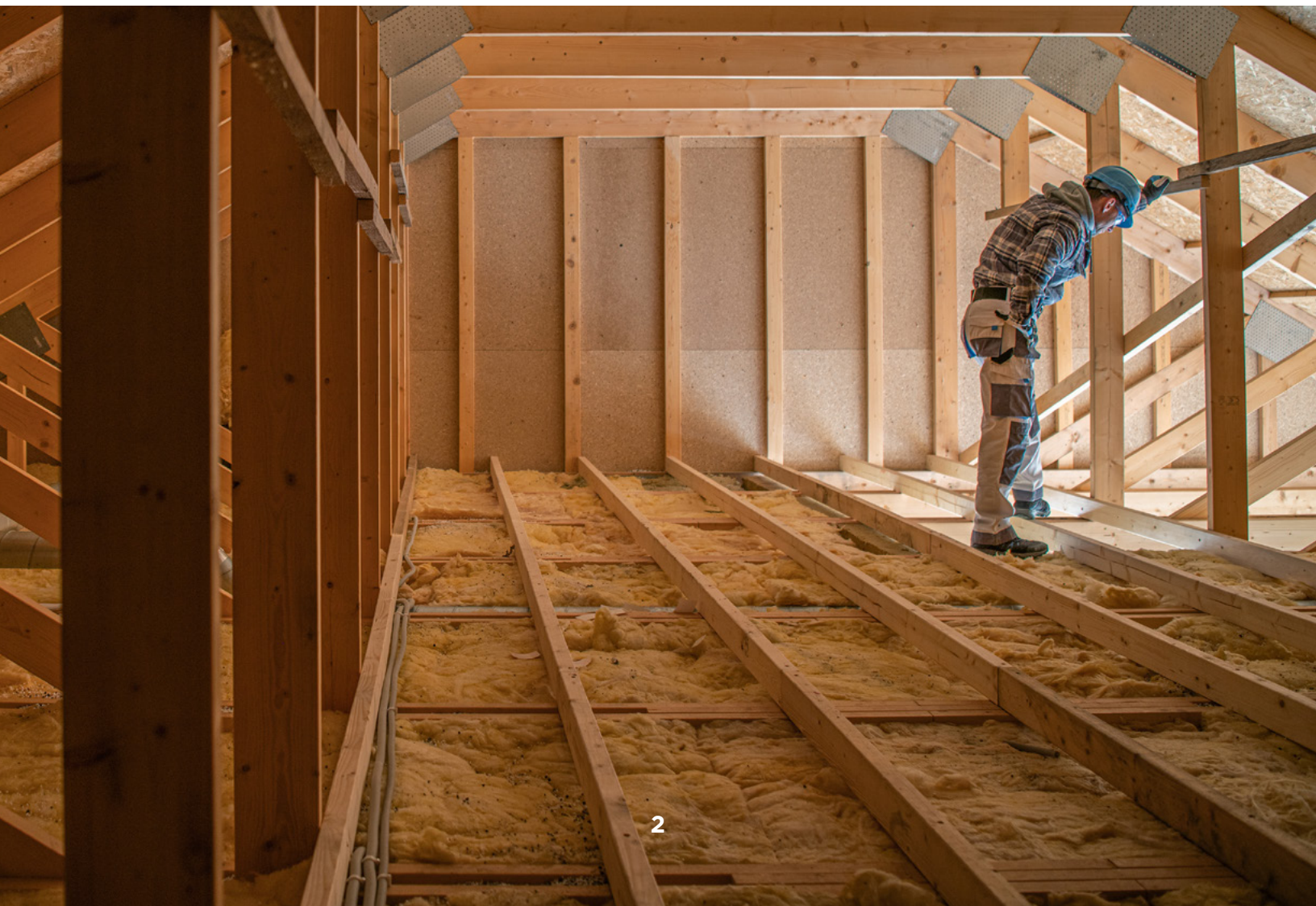
MAINE DEPARTMENT OF
ECONOMIC AND COMMUNITY
DEVELOPMENT

LD 2003 Guidance

“An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions,” generally referred to by its legislative tracking name of LD 2003, was signed into law by Governor Mills on April 27, 2022. This law is designed to remove unnecessary

regulatory barriers to housing production in Maine, while preserving local ability to create land use plans and protect sensitive environmental resources. LD 2003 is based on the recommendations of the legislative commission named in the title, though not all those recommendations are included in the enacted legislation.

This guidance is the result of a collaborative effort by the Department of Economic and Community Development, the Governor’s Office of Policy Innovation and the Future, the Department of Agriculture, Conservation and Forestry; legislative staff, and several municipal lawyers and community planners. It is intended to provide information for local authorities to use in determining how LD 2003 affects their local zoning and land use codes, as well as what steps they can take if they wish to tailor their ordinances to avoid conflicts with state laws. While it is not legally binding or intended to serve as a substitute for the language of LD 2003 or the rules that will be adopted under the law, this guidance represents the interpretation of LD 2003 and its requirements by the state agencies that are responsible for its implementation.





LD 2003 has the following sections that are relevant to municipal government. The amended sections of state law are shown in the chart below. Among other things:

1. Section 4 allows for additional density for “affordable housing developments” in certain areas.
2. Section 5 generally requires that municipalities allow between two and four housing units per lot where housing is permitted.
3. Section 6 requires that municipalities allow accessory dwelling units to be located on the same lot as a single-family home, under certain conditions.
4. Sections 3 and 7 require that the state establish statewide and regional housing production goals and set forth ways in which local governments can coordinate with that goal.

WHILE LD 2003 WENT INTO EFFECT ON AUGUST 8, 2022, SOME ELEMENTS OF THE LAW ARE NOT REQUIRED TO BE APPLIED UNTIL JULY 1, 2023

LD 2003 in Brief			
<p>Effective Aug. 8, 2022</p> <p>Statewide Housing Production Goals</p> <p>(5 MRSA §13056, sub-§9)</p>	<p>Effective Aug. 8, 2022</p> <p>Municipal Role in Fair Housing/ Short Term Rentals</p> <p>(7 30-A MRSA §4364-C)</p>	<p>Effective July 1, 2023</p> <p>Accessory Dwelling Units</p> <p>(6 30 A MRSA §4364-B)</p>	
	<p>Effective July 1, 2023</p> <p>Affordable Housing Density in Growth Areas Bonus</p> <p>(4 30-A MRSA §4364)</p>	<p>Effective July 1, 2023</p> <p>Two to Four Units</p> <p>(5 30-A MRSA §4364-A)</p>	

IN GENERAL, AS LONG AS THESE ACTIONS ARE CONSISTENT WITH LD 2003, MUNICIPALITIES MAY:

CONTINUE to develop Growth Management programs, including comprehensive plans and zoning consistent with those plans

ENFORCE local shoreland zoning ordinances consistent with state shoreland zoning law

REGULATE how many square feet of land are needed for each dwelling unit (other than accessory dwelling units)

CONDUCT site plan review, if authorized by local ordinances, of any residential development

REGULATE the maximum size of accessory dwelling units

REGULATE short-term rentals in their community

CREATE rate of growth ordinances so long as they do not limit the number of accessory dwelling units outlined in Section 6

CREATE local ordinances that are more permissive for residential housing development than the requirements of LD 2003

REGULATE housing development based on documented water and wastewater capacity constraints

IN GENERAL, UNDER THIS LAW, LOCAL GOVERNMENTS MAY NOT:

ENACT local ordinances that allow housing but limit it to one unit per lot

PROHIBIT one accessory dwelling unit per lot or count those units towards a rate of growth ordinance

LIMIT the affordable housing density bonuses allowed in LD 2003 in growth areas as defined in state law

Affordable Housing Density Bonus

30-A MRSA §4364

This section creates an automatic density bonus for certain affordable housing developments. To qualify for this bonus, the development must:

1. Be approved after June 30, 2023
2. Include a certain number of rent or sales price restricted affordable housing units
3. Be in a growth area under section 4349-A, subsection 1, paragraph A or B, or served by water and sewer
4. Be in an area in which multifamily dwellings are allowed
5. Meet shoreland zoning requirements, meet minimum lot sizes if using subsurface waste disposal, and verify that water and sewer capacity is adequate for the development

BONUSES FOR AN AFFORDABLE HOUSING DEVELOPMENT

To take advantage of this density bonus, a development must qualify as “affordable” (as defined below). If eligible, the affordable housing development qualifies for the following exceptions to the zoning requirements in the community:

1. The number of units allowed will be 2.5 times the number allowed for a development not designated affordable
2. The off-street parking requirements may not exceed two spaces for every three units

So, for example, if a developer can build up to six units on a site under local rules, and designates the development as affordable, the developer would be eligible to build 15 units (6×2.5). The local off-street parking requirement for this development could not exceed ten spaces ($15 \times \frac{2}{3}$). In cases of fractional results, the number of units would generally be rounded down, but the number of spaces would generally be rounded up.



WHAT REQUIREMENTS DO AFFORDABLE HOUSING DEVELOPMENTS HAVE TO MEET TO RECEIVE THE DENSITY BONUS??

For rentals, a household with an income at no more than 80% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half of the units in the development. That means that rent and certain other housing expenses will not require more than 30% of the household's income.

For homeownership projects, a household with an income at no more than 120% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half of the units in the development. That means that mortgage payments (including mortgage insurance) and certain other housing expenses will not require more than 30% of the household's income.

The units that will be affordable at these levels must be restricted through a restrictive covenant that is enforceable by a party acceptable to the municipality (which could be the municipality) for at least 30 years, and that states that the units must be restricted in rent or sales prices accordingly. Often these developments will be getting funding through MaineHousing, which typically requires a comparable covenant.

Information on Area Median Incomes is updated annually by the U.S. Department of Housing & Urban Development. For reference, MaineHousing maintains updated 80% of area median income and 120% of area median income data on their website.

[View AMI data on MaineHousing.org](#)

QUESTIONS AND ANSWERS ON AFFORDABLE HOUSING DENSITY BONUS

What is meant by “multifamily dwellings?”

“Multifamily dwellings” will be defined in rulemaking, but in planning practice generally applies to three units or more.

What is a “base density that is otherwise allowed?”

Under a local zoning code, the “base density that is otherwise allowed” is the number of dwelling units that might be allowed in a list of uses, and/or the maximum number of units allowed based on dimensional requirements, such as lot area per dwelling unit.

If lot area per dwelling unit can be used as a measure of number of units permitted, do the limits on lot area per dwelling unit requirements in Section 5 apply?

This will be addressed in rulemaking.

How does this density bonus interact with any local density bonus that might exist?

This will be addressed in rulemaking.

What if a household exceeds the maximum income after living in the unit?

LD 2003 specifies that the income eligibility is based on household income “at the time of initial occupancy,” meaning that a household could be allowed to remain in an “affordable” unit if their income goes up after they occupy the unit. MaineHousing has experience with this issue, as do communities that manage their own affordable housing programs, so there may be best practices that can be adopted locally. The restrictive covenants should outline how this would work.

What happens when a restricted affordable home ownership unit is sold?

The restrictive covenants should outline how this would work. MaineHousing has experience with this issue, as do communities that manage their own affordable housing programs, so there may be best practices that can be adopted locally.



Residential Areas, Generally; Up to 4 Dwelling Units

30-A MRSA §4364-A

This section requires municipalities to allow multiple dwelling units on parcels where housing is allowed, provided evidence of sufficient water and wastewater capacity exists, beginning on July 1, 2023. Municipalities may not apply different dimensional requirements to lots with more than one housing unit on them than they would to a lot with one housing unit, with the exception that they may require a minimum lot area per dwelling unit. However, if the municipality chooses to require a minimum lot area per dwelling unit, the lot area required may not be less for the first unit than for subsequent units.

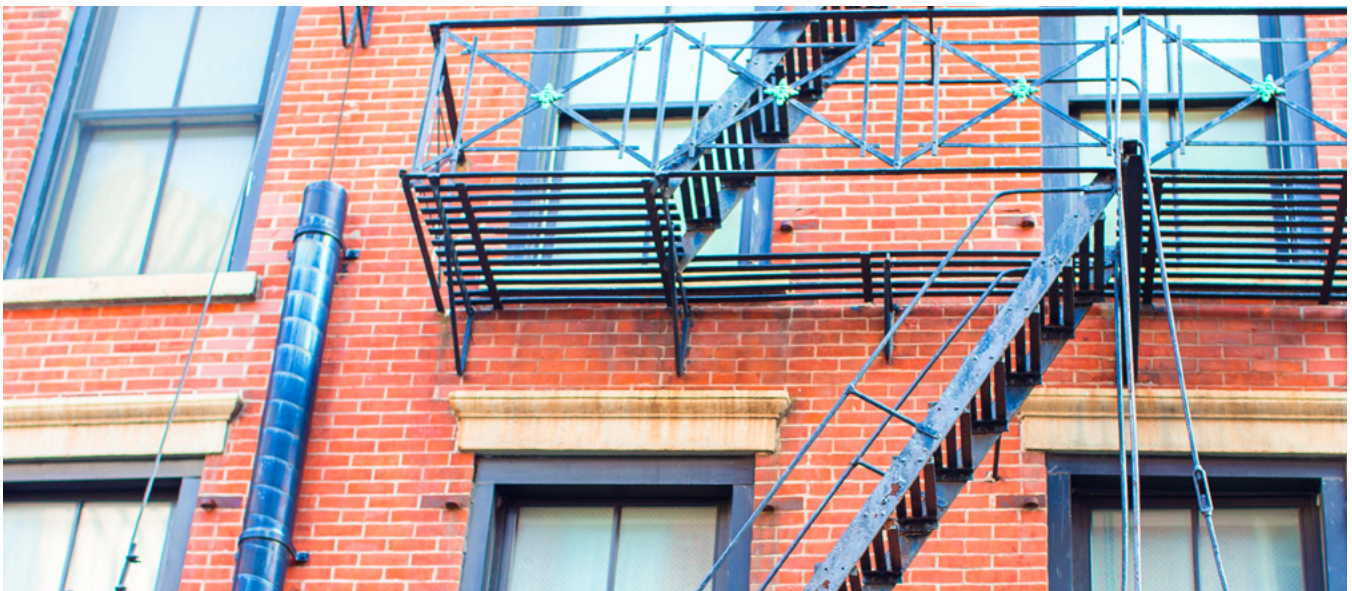
The number of units allowed under this section depends on a few factors:

- A lot without a dwelling unit already on it can have two units if it is not within a designated growth area under section 4349-A, subsection 1, paragraph A or B, served by water system and sewer in a municipality without a comprehensive plan.
- A lot with an existing dwelling unit may have up to two additional dwelling units, either one additional attached dwelling unit, one additional detached dwelling unit, or one of each.

- A lot without a dwelling unit already on it can have four units if it is either:
 - Within a designated growth area under section 4349-A, subsection 1, paragraph A or B, or
 - Served by water system and sewer in a municipality without a comprehensive plan.

Municipalities may allow more than the minimum number required to be allowed on all lots that allow housing, if they wish. In addition, private parties are permitted to restrict the number of housing units on a lot in a private easement, covenant, deed restriction or other agreement provided the agreement does not violate State or Federal rights such as equal protection.

Finally, a municipality may determine in local ordinance that if a property owner tears down an existing dwelling unit, the lot may be treated under this section as if the dwelling unit were still in existence.



Lot Area per Dwelling Unit

Additional units may not require more land area per unit than the first unit

NOT PERMITTED



One Unit Requires
10,000 sq ft



Two Units Require
30,000 sq ft



Three Units Require
50,000 sq ft

PERMITTED



One Unit
Requires
10,000 sq ft



Two Units
May Require Up
To 20,000 sq ft



Three Units
May Require Up
To 30,000 sq ft

QUESTIONS AND ANSWERS ON RESIDENTIAL AREAS, GENERALLY UP TO 4 DWELLING UNITS

Subsection 2 (“Zoning Requirements”) says that municipal zoning ordinances “must” comply with certain conditions, but subsection B. says that they “may” regulate how this section applies to a lot where a dwelling unit is torn down. Is this a “must” or a “may”?

Municipalities have the option of taking the actions in subsection B but do not have to do so, in which case a lot where a dwelling unit was torn down would be viewed as a vacant lot.

Subsection 4 says that verification must be provided to “the municipality” of water and wastewater services. Who should that verification be provided to?

These capacity issues should be reviewed by the municipal staff or board that would normally review these issues as part of any housing development.

What if a municipality does not use Certificates of Occupancy?

Subsection 4 says that the municipality will “certify [a] structure for occupancy.” This requirement should be met for new housing developments under this section the same way they would be for any other housing.

What is meant by “potable” water?

This will be addressed in rulemaking.

What if housing is allowed in an area but only as a conditional use?

Housing would be considered allowed in that area for the purposes of subsection 1. This will be further addressed in rulemaking.

What does “attached to an existing structure” mean?

Local ordinance can define “attached” but it would generally mean having physically connected finished spaces, not just connected via a common porch, breezeway or foundation.

Does the language in subsection 1 mean that if a lot is served by water and sewer in a municipality without a comprehensive plan that it does not need to be vacant to allow up to 4 units?

No, that language still requires the lot not “contain an existing dwelling unit.”



Residential Areas

Empty Lot Where Housing Is Already Allowed

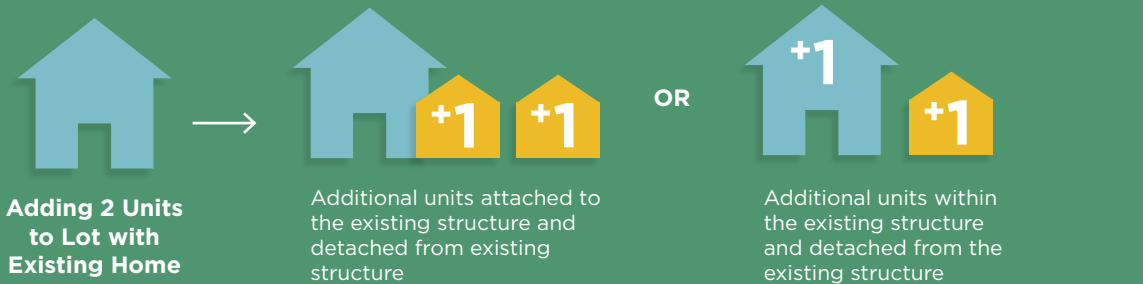
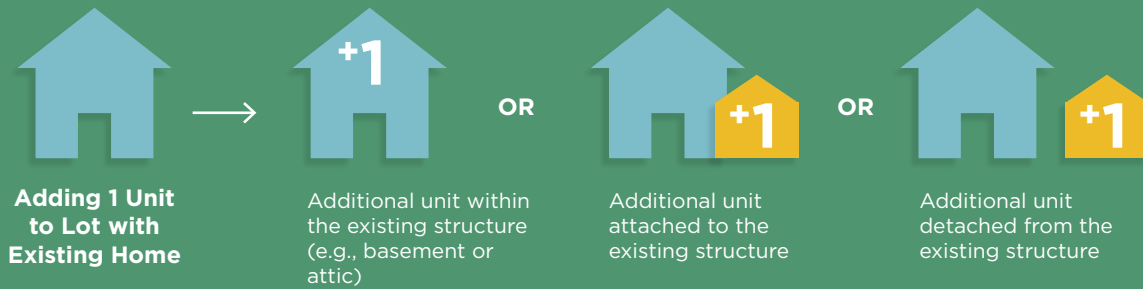


NOTE: The three and four units can be within one structure or multiple structures.

THREE AND FOUR UNITS ALLOWED IF:

- Located in "growth area" consistent with section 4349-A, subsection 1, paragraph A or B.
- Located in area with existing water/sewer capabilities in towns without comprehensive plans.

Existing Home



What Can Be Built On This Lot?

ON LAND WITH **ZERO** EXISTING UNITS

- ▶ In a growth area consistent with section 4349-A, subsection 1, paragraph A or B, with public water and sewer in municipality without a comprehensive plan
 - ↓
 - ▶ Up to 4 dwelling units, detached or attached
- ▶ Outside growth area
 - ↓
 - ▶ Up to 2 dwelling units, if attached

PRIVATE, STATE OR LOCAL STANDARDS SUCH AS THESE MAY APPLY:

- Home Owners Association regulations
- Deed restrictions
- Lot size, set back, density (not greater than single family)
- Septic requirements
- Minimum Lot Size
- Additional Parking requirement
- Growth ordinance permits
- Shoreland Zoning
- Subdivision Law

ON LAND WITH **ONE** EXISTING UNIT

- ▶ Up to 2 additional dwelling units
 - ↓
 - ▶ Choose:
 - a. One unit within or attached
 - b. One unit detached
 - c. One of each
- ▶ 1 accessory dwelling unit
 - ↓
 - ▶ Exempt from:
 - a. Rate of growth ordinances
 - b. Additional density area/standards
 - c. Additional parking requirements

PRIVATE, STATE OR LOCAL STANDARDS SUCH AS THESE MAY APPLY:

- Home Owners Association regulations
- Deed restrictions
- Lot size or set back requirements (not greater than single family/existing accessory structure)
- Septic requirements
- Shoreland Zoning
- Other locally determined ADU standards (e.g. maximum size, rules regarding short term rental, etc.)

ON LAND WITH **TWO** EXISTING UNITS

- ▶ No new structure may be built unless allowed under local ordinance

Accessory Dwelling Units

30-A MRSA §4364-B

This section essentially allows any lot with a single-family dwelling in an area where housing is permitted to have one accessory dwelling unit (ADU) as well, effective July 1, 2023. That ADU can be within the existing home, attached to it, or in a new structure. Municipalities may also allow existing accessory structures to be converted into an ADU.

An ADU allowed under this law is exempt from zoning density requirements. In reviewing an ADU, the setback and dimensional requirements for a single-family home continue to apply unless the municipality makes them more permissive for an ADU. For ADUs in an accessory structure, the setback and dimensional requirements for such a structure apply.

ACCESSORY DWELLING UNIT PARKING

Additional parking requirements for the ADU beyond those required for the single-family dwelling are not permitted.

ACCESSORY DWELLING UNIT SIZE

ADUs must be at least 190 square feet in size. Municipalities may set a maximum size for ADUs in local ordinance.

OTHER MUNICIPAL POWERS

Municipalities may establish an application and permitting process for ADUs provided it is consistent with in this section. Municipalities may also define ADUs, as long as the definition is consistent with state law in Title 30-A, §4301. 1-C. In addition, municipalities may establish requirements for ADUs that are less restrictive than those in this section, such as allowing more than one ADU on a lot or allowing an ADU for two-family or multifamily dwellings.

SIMILARITIES AND DIFFERENCES FROM OTHER SECTIONS

LIKE SECTIONS 4 AND 5, shoreland zoning still applies, as do requirements to verify adequate water and wastewater capacity.

LIKE SECTION 5, private parties are permitted to restrict the number of housing units on a lot, including ADUs, in a private easement, covenant, deed restriction or other agreement provided the agreement does not violate State or Federal rights such as equal protection.

UNLIKE SECTION 5, one ADU for each single-family dwelling does not count towards any rate of growth ordinance as described in §4360.

UNLIKE SECTIONS 4 & 5, additional parking cannot be required for an ADU.

QUESTIONS AND ANSWERS ON ACCESSORY DWELLING UNITS

How is an ADU defined?

The law does not define ADUs. There is a definition in 30-A MRSA §4301 and many communities define them in local ordinances. Rulemaking will clarify which definition to use.

Can an ADU be larger than a primary structure?

Yes, unless the municipality limits the maximum size of an ADU.

Can a previously illegal ADU be legalized under this section?

This will be addressed in rulemaking.

If a pre-existing single-family dwelling is on a non-conforming lot (with respect to size, frontage, or similar characteristics) can an ADU be built on that lot?

This will be addressed in rulemaking.

Subsection 7 says that verification must be provided to “the municipality” of water and wastewater services. Who should that verification be provided to?

These capacity issues should be reviewed by the municipal staff or board that would normally review these issues as part of any housing development.

What if a community does not use Certificates of Occupancy?

Subsection 4 says that the municipality will “certify [a] structure for occupancy.” This requirement should be met for new housing developments under this section the same way they would be for any other housing, whether through a formal Certificate of Occupancy or otherwise.

What is meant by “potable” water?

This will be addressed in rulemaking.

What if housing is allowed in an area but only as a conditional use?

Housing would be considered allowed in that area for the purposes of subsection 1. This will be further addressed in rulemaking.

What does “attached to an existing structure” mean?

Local ordinance can define “attached” but it would generally mean having physically connected finished spaces, not just connected via a common porch, breezeway or foundation.

If a parcel has an existing two-unit structure, does subsection 1 allow an ADU to be built?

No, though a municipality would have the ability to allow that.



Parking for ADUs

Example Parking Requirement

NOT PERMITTED



Single Family Home
2 spaces minimum



Single Family Home + ADU
3 spaces minimum



PERMITTED



Single Family Home
2 spaces minimum



Single Family Home + ADU
2 spaces minimum



This example applies to towns with minimum parking requirements.
For towns without parking restrictions, no additional restrictions would be imposed.

Housing Goals & Fair Housing

MRSA §13056, sub-§9 AND 30-A MRSA §4364-C

Section 3 directs the Department of Economic & Community Development, in coordination with Maine-Housing, to develop a statewide housing production goal and regional production goals based on that statewide goal. In doing so, the section instructs the Department to set benchmarks for meeting those goals, as well as to consider information provided by municipalities on current and potential housing development and permits.

Section 7 outlines ways municipalities can play a role in achieving those state and regional goals. It states that municipalities must ensure that local ordinances and regulations are designed to affirmatively further the purposes of the Federal Fair Housing Act, as well as the Maine Human Rights Act, as part of meeting the housing goals. It also explicitly authorizes municipalities to establish and enforce regulations related to short-term rentals to help meet those goals.

QUESTIONS AND ANSWERS ON SECTIONS 3 & 7

What obligations do the affirmatively furthering fair housing provisions put on municipalities that didn't already exist before LD 2003 passed?

Until recently, the link between land use regulation and fair housing was often not recognized. Section 7 clarifies that municipalities must ensure that zoning and land use ordinances and regulations are designed to affirmatively further the purposes of these state and federal laws.

What happens if local, regional or statewide housing goals are not met?

These sections do not set forth any specific penalties for not meeting these goals.

How does this relate to local Growth Management programs and comprehensive plans?

Local comprehensive plans, while not regulatory documents, should not conflict with these sections. The regulations for comprehensive plans under Chapter 208 state that communities should “[s]eek to achieve a level of at least 10% of new residential development built or placed during the next decade be affordable.”

Do municipalities have to regulate short term rentals?

No.



GENERAL QUESTIONS

What happens if a municipality does not act to update local ordinances, or tries to act and the updates are not approved by the local legislative body?

LD 2003 is an express preemption on municipal home rule authority. Therefore, any ordinance or regulation that is not consistent with the law may be challenged as invalid. Municipalities are encouraged to contact legal counsel to discuss how the law will affect the enforcement of existing ordinances and regulations.

If a town does not have growth areas as defined by section 4349-A, subsection 1, paragraph A or B, and does not have any areas served by water or sewer, does it need to comply with LD 2003?

These communities would not be subject to the affordable housing density provisions in Section 4, and would not have areas that are required to allow up to four units on a residential lot as per Section 5. Other sections of LD 2003 would apply.

How will LD 2003's requirements be related to municipal comprehensive plans?

Comprehensive plans seeking a finding of consistency under the regulations in Chapter 208 should meet those requirements. Since a comprehensive plan is not a regulatory document, LD 2003 would not create any additional requirements. However, zoning ordinances adopted in a municipality would have to be consistent with both a local comprehensive plan and LD 2003.

Is LD 2003 a model ordinance for use in local zoning?

LD 2003 is not a model ordinance. Communities will be able to seek funding from the Housing Opportunity Program to develop new ordinances. In addition, the Department of Economic & Community Development will be hiring staff to provide technical assistance to communities.

Can developers “double count” bonuses from various sections?

This issue is outlined in §4364-A Section 2.A. and §4364-B Section 3.B. It will be further addressed for applicability to §4364 in rulemaking.

Sections 4, 5, and 6 require written verification of “adequate water and wastewater services.” What about a municipal concern that while a specific housing development may not immediately threaten water quality, the cumulative impact of new development may do so in a way that it did not prior to LD 2003?

As was true prior to the passage of LD 2003, communities are free to take regulatory actions as appropriate for protection of natural resources or existing water systems. These can include changes to zoning districts to limit where housing is permitted; changes to lot size requirements; or the creation of an impact fee system consistent with state law to fund environmental or water quality protection.

What does section 4349-A, subsection 1, paragraph A or B say?

It directs the State to make growth-related capital investments only in:

A. A locally designated growth area, as identified in a comprehensive plan adopted pursuant to and consistent with the procedures, goals and guidelines of this subchapter or as identified in a growth management program certified under section 4347A;

or

B. In the absence of a consistent comprehensive plan, an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by Title 23, section 754; or [PL 1999, c. 776, §10 (NEW).]

Growth areas are defined in section 4301, subsection 6-C as:

An area that is designated in a municipality’s or multi-municipal region’s comprehensive plan as suitable for orderly residential, commercial or industrial development, or any combinations of those types of development, and into which most development projected over 10 years is directed.



RULEMAKING PROCESSES

Sections 4, 5 and 6 authorize rulemaking to be led by the Department of Economic & Community Development, in consultation with the Department of Agriculture, Conservation & Forestry. These rules are considered “technical” – meaning they “establish standards of practice or procedure for the conduct of business with or before an agency” and can be approved administratively. Rulemaking is expected to begin in the fall of 2022.

FUNDING FOR TECHNICAL ASSISTANCE

While not part of LD 2003, the supplemental budget for Fiscal Years 2022 and 2023 included Section U-1. 5 MRSA §13056-J, providing funding for a new “Housing Opportunity Program.” That program will “encourage and support the development of additional housing units in Maine, including housing units that are affordable for low and moderate income people and housing units targeted to community workforce housing needs” by supporting “regional approaches, municipal model ordinance development, and ... policy that supports increased housing density where feasible to protect working and natural lands.”

The Housing Opportunity Program will consist of three general areas. “Service Provider grants” will be awarded to experienced service providers to support municipal ordinance development, technical assistance, and public process and community engagement support, and may encourage regional coordination. Community Housing Incentive Program grants will be funded to municipalities directly in two categories:

- Community housing planning grants to be awarded through a competitive process to municipalities to support the creation of housing development plans, and ordinance and policy amendments to support those plans. The grants will be awarded for a period of up to three years, with progress reports each year.
- Community housing implementation grants to be awarded through a competitive process to support the implementation of community housing priorities.

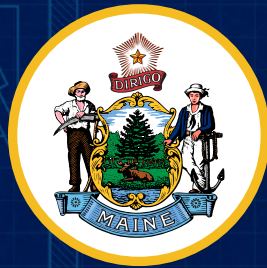
Finally, the Department of Economic and Community Development will be adding staff to provide direct technical assistance to communities.

The Housing Opportunity Program is currently undergoing internal development and is expected to be launched in the coming months.

**Still have questions?
Need more information?**



VISIT: [MAINE.GOV/DECD/HOUSING-LEGISLATION](https://www.maine.gov/decd/housing-legislation)



**MAINE DEPARTMENT OF
ECONOMIC AND COMMUNITY
DEVELOPMENT**



Chapter 5: HOUSING OPPORTUNITY PROGRAM: MUNICIPAL LAND USE AND ZONING ORDINANCE RULE

Summary: This Chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

Note: This Chapter incorporates by reference certain material. The Appendix lists the material that is incorporated by reference, the date for each reference, and the organization where copies of the material are available.

SECTION 1. PURPOSE AND DEFINITIONS

A. PURPOSE

1. This Chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted. Municipalities must adopt ordinances that are consistent with and no more restrictive than the requirements of P.L. 2021, ch. 672, codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B, and this Chapter.
2. These rules do not:
 - a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;
 - b) Exempt a subdivider from the requirements in Title 30-A, Chapter 187, subchapter 4;
 - c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38, Chapter 3 and municipal shoreland zoning ordinances; or
 - d) Abrogate or annul minimum lot size requirements under Title 12, Chapter 423-A.

B. DEFINITIONS

All terms used but not defined in this Chapter shall have the meanings ascribed to those terms in Chapter 187 of Title 30-A of the Maine Revised Statutes, as amended. Municipalities must adopt

definitions that are consistent with and no more restrictive, than the definitions outlined below. The following terms shall have the definitions hereinafter set forth:

Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.

Affordable housing development. "Affordable housing development" means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, "majority" means more than half.
4. For purposes of this definition, "housing costs" means:
 - a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Area median income. "Area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached. "Attached" means connected by a shared wall to the principal structure.

Base density. "Base density" means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance.

Certificate of occupancy. "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to 25 M.R.S. § 2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

Comprehensive plan. "Comprehensive plan" means a document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A, Chapter 187, Subchapter II.

Density requirements. "Density requirements" mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated growth area. "Designated growth area" means an area that is designated in a municipality's or multimunicipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent.

Dimensional requirements. "Dimensional requirements" mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Lot. "Lot" means a single parcel of developed or undeveloped land described in a deed or other legal instrument.

Multifamily dwelling. "Multifamily dwelling" means a building containing three (3) or more dwelling units.

Potable. "Potable" means safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table.

Principal structure. "Principal structure" means a building or structure in which the main or primary use of the structure is conducted.

Restrictive covenant. "Restrictive covenant" means a provision in a deed restricting the use of the land.

Setback requirements. "Setback requirements" mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure.

Single-family dwelling unit. "Single-family dwelling unit" means a building containing one (1) dwelling unit.

Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. § 436-A(12).

Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

SECTION 2. AFFORDABLE HOUSING DENSITY

A. GENERAL

This Section requires municipalities to allow an automatic density bonus for certain affordable housing developments approved on or after July 1, 2023, as outlined below. If a municipality has not adopted density requirements, this section applies only if the development meets the requirements listed in Section 2(B)(1)(a)-(e).

B. ELIGIBILITY FOR DENSITY BONUS

1. For purposes of this section, a municipality shall verify that the development:
 - a) Is an affordable housing development as defined in this Chapter, which includes the requirement that a majority of the units are affordable;
 - b) Is in a designated growth area pursuant to 30-A M.R.S. § 4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;
 - c) Is located in an area in which multifamily dwellings are allowed as of July 1, 2023;
 - d) Complies with minimum lot size requirements in accordance with Title 12, chapter 423-A [*KRC: 20,000 sf and 100-foot setback from shoreland septic rules*]; and
 - e) Owner provides written verification that each unit of the housing development is connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
 - ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rules.
 - iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow

created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

- iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2. Long-Term Affordability

Prior to granting a certificate of occupancy or other final approval of an affordable housing development, a municipality must require that the owner of the affordable housing development (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

- a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
- b) For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

C. DENSITY BONUS

If the requirements in Section 2(B)(1) and (2) are met, a municipality must:

- 1. Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and
- 2. Require no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number. The number of motor vehicle parking spaces may be rounded up or down to the nearest whole number.

SECTION 3. DWELLING UNIT ALLOWANCE

A. GENERAL

This section requires municipalities to allow multiple dwelling units on lots where housing is allowed beginning on July 1, 2023, subject to the requirements below.

B. REQUIREMENTS

1. Dwelling Unit Allowance

- a) If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. ch. 423-A, and is:
 - i. Located within a designated growth area consistent with 30-A M.R.S. § 4349 A(1)(A)-(B); or
 - ii. Served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.
- b) If a lot does not contain an existing dwelling unit and does not meet i. or ii. above, a municipality must allow up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. ch. 4230-A are met. The two (2) dwelling units may be (1) within one structure; or (2) separate structures.
- c) If a lot contains one existing dwelling unit, a municipality must allow the addition of up to two (2) additional dwelling units. The additional dwelling unit(s) may be:
 - i. Within the existing structure or attached to the existing structure;
 - ii. Detached from the existing structure; or
 - iii. One of each.
- d) If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot unless allowed under local municipal ordinance.
- e) A municipality may allow more units than the minimum number of units required to be allowed on all lots that allow housing.

2. Zoning

With respect to dwelling units allowed under this Section, municipal zoning ordinances must comply with the following:

- a) If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section or Section 4, the lot is not eligible for any additional increases in density requirements except as allowed by the municipality.
- b) Municipalities may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023, is torn down and an empty lot results.

3. Dimensional and Setback Requirements

- a) A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed pursuant to this Section that are more restrictive than the dimensional requirements or setback requirements for single-family housing units.
- b) A municipality may establish requirements for a lot area per dwelling unit as long as the additional dwelling units do not require more land area per unit than the first unit.

4. Water and Wastewater

- a) The municipality must require an owner of a housing structure to provide written verification that each structure is connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - i. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
 - ii. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rules.
 - iii. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
 - iv. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

1. Establish an application and permitting process for dwelling units;
2. Impose fines for violations of building, site plan, zoning, and utility requirements for dwelling units; and

3. Establish alternative criteria that are less restrictive than the requirements of Section 3(B)(4) for the approval of a dwelling units only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. § 4353(4)(A), (B), or (C).

SECTION 4. ACCESSORY DWELLING UNITS

A. GENERAL

A municipality must allow, effective July 1, 2023, one accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements outlined below.

B. REQUIREMENTS

1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

- a) Within an existing dwelling unit on the lot;
- b) Attached to or sharing a wall with a single-family dwelling unit; or
- c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

2. Zoning

With respect to accessory dwelling units, municipalities with zoning ordinances and municipalities without zoning must comply with the following conditions:

- (a) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and
- (b) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section or Section 3, the lot is not eligible for any additional increases in density, except as allowed by the municipality.

3. Other

With respect to accessory dwelling units, municipalities must comply with the following conditions:

- a) A municipality must exempt an accessory dwelling unit from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;
- b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the

dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;

- i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, the required setback requirements apply.
- c) A municipality may establish more permissive dimensional requirements for an accessory dwelling unit.
- d) An accessory dwelling unit must be allowed on a lot regardless of whether the lot conforms to existing dimensional requirements of the municipality. Any new structure constructed on the lot to be an accessory dwelling unit must meet the existing dimensional requirements as required by the municipality for an accessory structure.
- e) An accessory dwelling unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

4. Size

- a) An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies.
- b) Municipalities may set a maximum size for accessory dwelling units in local ordinances, as long as accessory dwelling units are not less than 190 square feet.

5. Water and Wastewater

A municipality must require an owner of an accessory dwelling unit to provide written verification that each unit of the accessory dwelling unit is connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rules;

- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- d) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance under this Section, a municipality may:

1. Establish an application and permitting process for accessory dwelling units;
2. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
3. Establish alternative criteria that are less restrictive than the above criteria in Section 4 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. § 4353(4)(A), (B), or (C).

D. RATE OF GROWTH ORDINANCE

A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance pursuant to 30-A M.R.S. § 4360.

STATUTORY AUTHORITY: P.L. 2021, ch. 672 codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B.

EFFECTIVE DATE:

APPENDIX

List of Reference Material

Reference Material	Location to Obtain Document
U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table, March 2018.	U.S. Environmental Protection Agency Office of Water Drinking Water Hotline 1-800-426-4791
01-672 C.M.R. ch. 10, Land Use Districts and Standards, December 30, 2022	Maine Department of Agriculture, Conservation & Forestry Bureau of Resource Information and Land Use Planning Land Use Planning Commission 22 State House Station Augusta, Maine 04333 207-287-2631
10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rules, August 3, 2015	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

REPORT TO TOWN COUNCIL

Meeting Date: October 23, 2023
Update: November 27, 2023
From: Kendra Amaral, Town Manager
Subject: Title 10 – Stop Intersection Martin Rd & Dennett Rd Ext
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The Town received a request to address issues with turning vehicle speeds and encroachment of turning vehicles into other lanes of traffic and adjacent private property in the area of the Martin Road/ Dennett Road Extension intersection.

It is a “T” intersection, that also includes Martin Road extension (the dead-end portion of Martin Road). There is already a stop sign from Martin Road Extension; but Dennett Road Extension and Martin Road have no stop requirement despite the tight corner, narrower road, and proximity of structures on the adjacent properties. Martin Road is used as an access road and cut through for people seeking to get from Dennett Road to Route 236.

I met with a resident in the immediate area to learn more about the challenges and discuss possible solutions. Following our discussion, we agreed to look into the following options:

- 1) A three-way stop at the intersection: this will reduce the number of vehicles taking the corner fast and should limit encroachment into the oncoming lanes and onto private property.
- 2) A thru-truck restriction: Municipalities are allowed to request these from MaineDOT. MDOT recommends proposing a townwide list tied to a locally determined policy rather than requesting one road at a time. Thru truck restrictions are expected to be part of the policy discussions of the newly established Traffic and Parking Ad Hoc Committee the Council.
- 3) Adding obstructions to mitigate the private property encroachment: this does not prevent the encroachment or reduce speeds; it just limits the damage to the adjacent private properties. The other solutions are being prioritized over this option at this time.

In an effort to improve upon our prior processes, the Town sent letters to property owners within 500 feet of the intersection with frontage on Martin Road or Dennett Road Extension. We received approximately six responses, of which only one was opposed to the proposed stop intersection.

The Police Chief and the Public Works Commissioner recommend adoption of the proposed stop intersection.

PROPOSED SOLUTION/RECOMMENDATION

Adopt amendment as proposed.

ATTACHMENTS

- Proposed Title 10 – Stop Intersection: Martin Road Dennett Road Extension
- Map of Impacted Area
- Draft Title 10 - Stop Intersection: Martin Road Dennett Road Extension
- Enactment
- Sample Abutter Letter

Chapter 10.2 One-Way Streets; Stop Intersections and Yield Intersections Designated

1. ADD STOP INTERSECTION in §10.2.2.1 on public ways as follows:

§ 10.2.2.1 On public ways.

The following intersections are designated as stop intersections and stop signs are to be so erected:

Stop Sign on

[Dennett Road Extension](#)

Martin Road

At Intersection of

[Martin Road](#)

Dennett Road [Extension](#)



Proposed Three-Way Stop

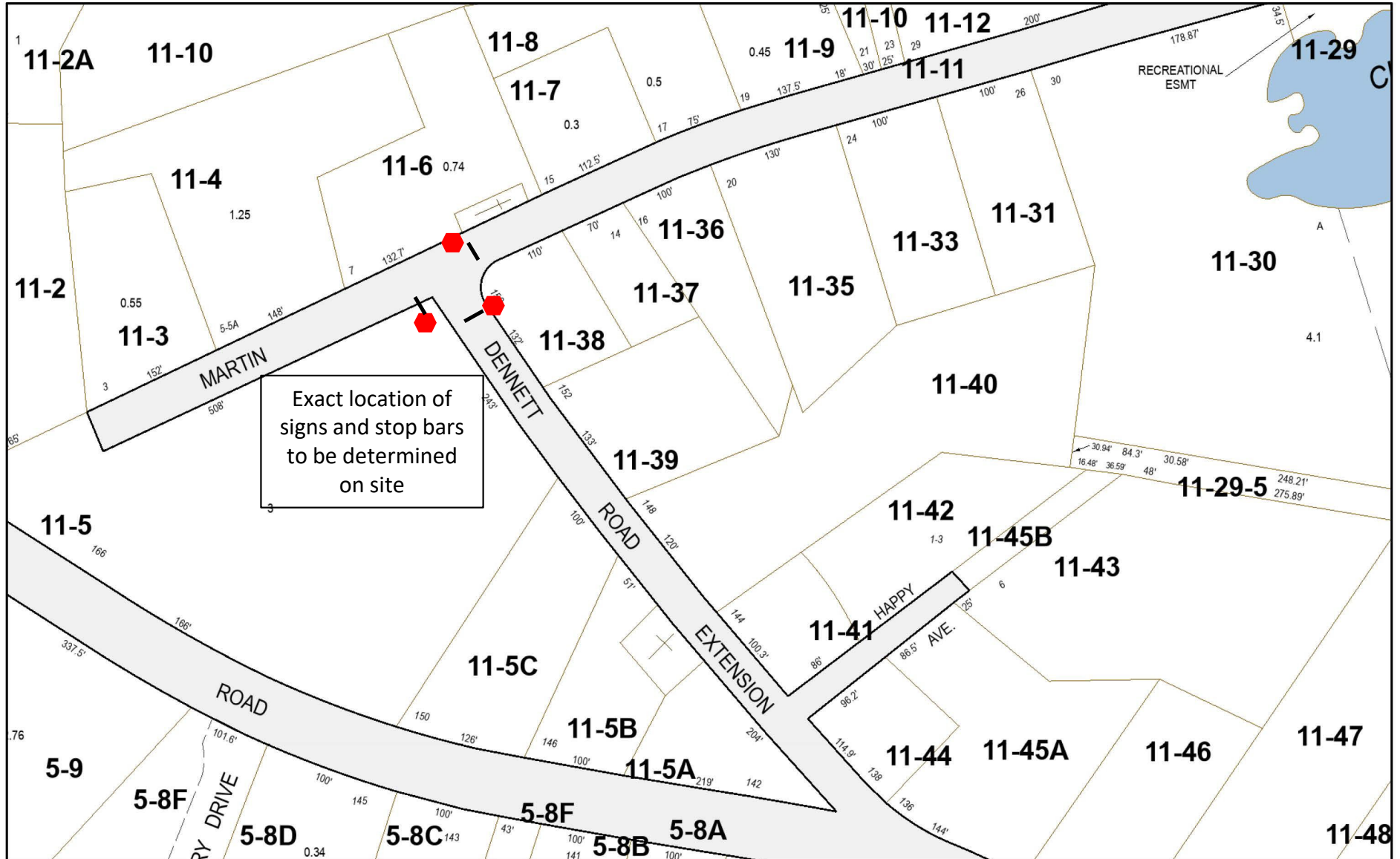
Kittery, ME



September 29, 2023

1 inch = 137 Feet

www.cai-tech.com



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.

KITTERY TOWN CODE
TITLE 10
MARTIN ROAD/DENNETT ROAD EXTENSION STOP INTERSECTION

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter,
3 Federal law, and Maine Revised Statutes, and more particularly where set forth in
4 Maine Revised Statutes Title 30-A, Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as
6 specified in Sections 1.01 and 2.07(3) of the Town Charter; 30-A MRS §3001, pursuant
7 to its powers that authorize the town, under certain circumstances, to provide for
8 the public health, welfare, morals, and safety, and does not intend for this Ordinance
9 to conflict with any existing state or federal laws; and

10 **WHEREAS**, the Town was alerted to safety concerns of adjacent neighbors relative
11 to the turning speeds of traffic, lane encroachment, and ongoing private property
12 encroachment from vehicles turning at the Martin Road and Dennett Road
13 Extension intersection; and

14 **WHEREAS**, incorporating a multi-way stop intersection at these roads is anticipated
15 to slow turning traffic and mitigate encroachment and safety conflicts with private
16 property on the narrow roadways;

17 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
18 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE
19 10 OF THE TOWN CODE, AS PRESENTED.

20 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
21 _____, 20____, by:_____ {NAME} Motion to approve by Councilor
22 _____ {NAME}, as seconded by Councilor _____ {NAME} and
23 passed by a vote of _____.

24 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
25 Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____ ,
26 Chairperson

27 **Attest:** {NAME}, _____Town Clerk



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

REPORT TO TOWN COUNCIL

Meeting Date: November 27, 2023
From: Kendra Amaral, Town Manager
Subject: Marijuana Business License - Tree Tips 3 LLC, 8 Dexter Lane
Councilor Sponsor: N/A

OVERVIEW

Town Code §5.11.7 and 5.11.9.F requires when a change in ownership, including material change of members of an LLC or partnership, occurs the new owner(s) must apply for a new license and that the application is subject to the same application process as new licenses including a vote of the Town Council.

Tree Tips 3 LLC is undergoing a material change in members of the LLC, whereas one of the original members is buying out the other for 100% ownership of the LLC.

No other changes to the business, its build-out, or operations are proposed.

SUBMISSION REQUIREMENTS

The applicant has provided all of the submission requirements for the license. These are:

- Proof of right title, or interest in the premises: Attached
- Applicant's state license application and supporting documentation, as submitted to the state licensing authority, if a state license is required: Attached
- Evidence of all state approvals or conditional approvals required to operate the business: Attached
- Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the business: Attached
- An affidavit on a form to be provided by the Town that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three years: Attached

- A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Kittery or its officials to obtain criminal records and other background information related to the individual: Attached
- Evidence of all land use approvals or conditional land use approvals required to operate the business, including but not limited to building permit, special exception approval, site plan review approval, and/or a change of use permit: Attached
- Evidence of all other local approvals or conditional approvals required to operate the business, including any applicable food or victualer's license: Not Applicable
- A description of the premises for which the license is sought, including a plan of the premises: Attached
- A copy of any state or municipal license held for any other marijuana business, including any home occupation, owned or operated by the applicant or by any officer, owner, subsidiary, member, manager or partner of the applicant, as well as any notices of violation received from the state or municipality for such marijuana business and proof that any violation has been resolved: Attached. No notices of violation identified.
- An operations plan, describing the applicant's security plan; provisions to ensure against loitering and using marijuana and marijuana products on or near the premises; protocols for hiring and training employees; experience and training in the State of Maine's seed-to-sale tracking system; protocols for odor control and disposal of waste marijuana or marijuana products; protocols for ensuring the safety and security of product; and fire suppression annual certification: Attached
- Certification from the Fire Chief that the location of the marijuana business or medical marijuana registered caregiver home establishment on the subject premises will not pose an undue risk of fire or other safety hazard: Attached

STAFF RECOMMENDATION

The application has been reviewed by staff and determined to be in compliance with Title 5.11 Marijuana Businesses.

Based on the review conducted, the staff recommend approval of the license.

ATTACHMENTS

- Application
- Proof of Right Title or Interest

- State Marijuana License Application
- Other Permits and Approvals
- Articles of Incorporation
- Background Check Authorization
- Land Use Approval
- Description of Premises
- Other Licenses Held
- Operations Plan



MB-23-3

Marijuana Business

License

Status: Active

Submitted On: 10/31/2023

Primary Location


8 DEXTER LANE
KITTERY, ME 03904


Owner


The Outlet Mall of Kittery LLC
Bay St. 102 Manchester, NH
03104

Applicant

 Nick Friedman

 413-429-6472

 nfriedman12188@gmail.com

 24A Bigelow St
Cambridge, MA 02139

Applicant's or Applicant's Agent's Information

Name*

Nick Friedman

Mailing Address*

8 Dexter Lane, Suite 8, Kittery, ME, 03904

Phone Number*

413-429-6472

Email Address*

nfriedman12188@gmail.com

Relationship to company*

Owner

Business Information

Name of Company*

Tree Tips 3 LLC

Corporate Structure of Company*

LLC

Mailing Address of Company*

8 Dexter Lane, Suite 8, Kittery, ME, 03904

Phone Number of Company*

413-429-6472

Email Address of Company*

nfriedman12188@gmail.com

Maine Tax Identification Number of Company*

87-3044710

Name and position of all company officers*

Nick Friedman - CEO

Name of individual or entity seeking license*

Tree Tips 3 LLC

Property Information

Street Address of Premises*

8 Dexter Lane, Suite 8, Kittery, ME,
03904

Property Owner's Name*

The Outlet Mall of Kittery LLC

Premises Zoning* 

Commercial - 1 (C-1)

Premises Overlay Zoning* 

Not Applicable

Property Owner's Mailing Address*

102 Bay St, Manchester, NH, 03104

Property Owners' Phone Number*

603-623-4956

Type of License Requested

Please select the license that you are applying for:*

Marijuana Retail Store

Marijuana Business Operation Information

Please provide a brief narrative of the nature of your business operation. Please note that a more detailed operation plan will need to be included for marijuana retail stores and must be added as an attachment.*

Tree Tips 3 LLC will be operating as a licensed marijuana retailer in full compliance with all state and local regulations, selling cannabis products to recreational customers over the age of 21. Further details of our operating plan will be provided as an attachment.

Acknowledgement and Certification

I certify that all information on this application and all documentation is true and accurate to the best of my abilities. I further acknowledge that any misleading or false information may be grounds for the rejection of this application.*

✓ Nick Friedman
Oct 18, 2023

I acknowledge that this is an application for a license to operate a marijuana business in the Town of Kittery and that the completion and submittal of this application does not constitute town authorization. *

✓ Nick Friedman
Oct 18, 2023

I understand that authorization to operate a marijuana business in the Town of Kittery is granted only through the issuance of a license by the Kittery Town Council and land use approval by the Kittery Planning Board.*

✓ Nick Friedman
Oct 18, 2023

I certify that I will operate in compliance with Maine State Law, the rules and regulations of the State of Maine, and the ordinances of the Town of Kittery. I understand that any violations of state law, the rules and regulations of the state, or the ordinances of the town may result in the suspension or revocation of the license.*

✓ Nick Friedman
Oct 18, 2023

Attachments

<p>Proof of right, title, or interest in the premises</p> <p>Kittery Right of Kittery Premises.pdf <small>2021-10-04&st=2023-11-01_10-18-11</small> Uploaded by Nick Friedman on Oct 18, 2023 at 1:55 PM</p>	REQUIRED
<p>Applicant's State License application and supporting documentation</p> <p>Tree Tips 3 LLC - State Application = Transfer of Ownership.pdf <small>2021-10-04&st=2023-11-01_10-27-11</small> Uploaded by Nick Friedman on Oct 27, 2023 at 9:43 AM</p>	REQUIRED
<p>Evidence of all state approvals and conditional approvals to operate a business</p> <p>Kittery Town Approvals.pdf <small>2021-10-04&st=2023-11-01_10-27-11</small> Uploaded by Nick Friedman on Oct 27, 2023 at 10:45 AM</p>	REQUIRED
<p>Attested copy of business incorporation</p>	REQUIRED

Date	Activity
10/31/2023, 3:12:05 PM	Nick Friedman altered Record MB-23-3, changed ownerName from "" to "The Outlet Mall of Kittery LLC"
10/31/2023, 3:12:05 PM	Nick Friedman altered Record MB-23-3, changed ownerPhoneNo from "" to "603-623-4956"
10/31/2023, 3:12:05 PM	Nick Friedman altered Record MB-23-3, changed ownerPostalCode from "" to "03104"
10/31/2023, 3:12:05 PM	Nick Friedman altered Record MB-23-3, changed ownerState from "" to "NH"
10/31/2023, 3:12:05 PM	Nick Friedman altered Record MB-23-3, changed ownerStreetName from "" to "Bay St."
10/31/2023, 3:12:05 PM	Nick Friedman altered Record MB-23-3, changed ownerStreetNo from "" to "102"
10/31/2023, 3:14:16 PM	Nick Friedman submitted Record MB-23-3
10/31/2023, 3:14:18 PM	approval step Application Completeness & Zoning Verification was assigned to Kearsten Metz on Record MB-23-3
11/1/2023, 8:02:50 AM	Kearsten Metz approved approval step Application Completeness & Zoning Verification on Record MB-23-3
11/1/2023, 1:32:59 PM	completed payment step Licensing Fees on Record MB-23-3
11/1/2023, 1:33:00 PM	approval step Code Enforcement Office Review was assigned to Craig Alfis on Record MB-23-3
11/1/2023, 1:33:00 PM	approval step Town Planner Review was assigned to Jason Garnham on Record MB-23-3
11/1/2023, 1:33:11 PM	Craig Alfis assigned approval step Code Enforcement Office Review to Kearsten Metz on Record MB-23-3
11/1/2023, 1:33:11 PM	Kearsten Metz altered approval step Application Completeness & Zoning Verification, changed sequence from "1" to "0" on Record MB-23-3
11/2/2023, 8:55:31 AM	Jason Garnham approved approval step Town Planner Review on Record MB-23-3
11/2/2023, 8:56:03 AM	Jason Garnham altered approval step Planning Board Application Submitted, changed status from Inactive to Skipped on Record MB-23-3
11/2/2023, 8:56:40 AM	Jason Garnham altered approval step Planning and Development Review, changed status from Inactive to Complete on Record MB-23-3
11/2/2023, 12:56:07 PM	Kearsten Metz approved approval step Code Enforcement Office Review on Record MB-23-3
11/2/2023, 12:56:09 PM	approval step Fire Department Certification was assigned to Dave O'Brien on Record MB-23-3

Date	Activity
11/2/2023, 12:56:09 PM	approval step Police Approval and Background Check was assigned to Danielle Lindman on Record MB-23-3
11/2/2023, 2:20:57 PM	Dave O'Brien approved approval step Fire Department Certification on Record MB-23-3
11/2/2023, 4:47:21 PM	Danielle Lindman approved approval step Police Approval and Background Check on Record MB-23-3
11/2/2023, 4:47:23 PM	approval step Town Manager Review was assigned to Kendra Amaral on Record MB-23-3
11/14/2023, 12:43:13 PM	Kendra Amaral approved approval step Town Manager Review on Record MB-23-3

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Application Completeness & Zoning Verification	10/31/2023, 3:14:18 PM	11/1/2023, 8:02:50 AM	Kearsten Metz	-
✓ Fire Department Certification	11/2/2023, 12:56:08 PM	11/2/2023, 2:20:57 PM	Dave O'Brien	-
✓ Code Enforcement Office Review	11/1/2023, 1:32:59 PM	11/2/2023, 12:56:07 PM	Kearsten Metz	-
✓ Town Planner Review	11/1/2023, 1:32:59 PM	11/2/2023, 8:55:31 AM	Jason Garnham	-
✓ Planning and Development Review	-	11/2/2023, 8:56:40 AM	-	-
✓ Town Manager Review	11/2/2023, 4:47:22 PM	11/14/2023, 12:43:13 PM	Kendra Amaral	-
✓ Police Approval and Background Check	11/2/2023, 12:56:08 PM	11/2/2023, 4:47:21 PM	Danielle Lindman	-
💰 Licensing Fees	11/1/2023, 8:02:51 AM	11/1/2023, 1:32:59 PM	Nick Friedman	-
📄 Town Manager Letter	11/14/2023, 12:43:14 PM	11/14/2023, 12:43:14 PM	-	-
✓ Planning Board Application Submitted	-	11/2/2023, 8:56:03 AM	-	-

Label	Activated	Completed	Assignee	Due Date
✓ Application added to Town Council Agenda	11/14/2023, 12:43:14 PM	-	-	-
✓ Town Council Approval	-	-	-	-
✓ Planning Board Approval	-	-	-	-
📄 Conditional License	-	-	-	-
📄 License Issuance	-	-	-	-



Kittery, ME

Nov 21, 2023

MB-23-3

Planning Board Application Submitted

Marijuana Business License

Status: Skipped

Assignee:

Became Active:

Completed: Nov 2, 2023

Applicant

Nick Friedman
nfriedman12188@gmail.com
24A Bigelow St
Cambridge, MA 02139
413-429-6472

Primary Location

8 DEXTER LANE Unit Unit 8
Unit Unit 8
KITTERY, ME 03904

Owner:

The Outlet Mall of Kittery LLC
102 Bay St. Manchester, NH 03104

Comments

Jason Garnham, Nov 2, 2023

Renewal/ Change of business name. No PB review required



MAINE ADULT USE CANNABIS PROGRAM 162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR

Transaction Type: **Application for Transfer of Ownership Interests** | License: **AMS984**

Transaction Receipt

Transaction Details

- Date of Transaction: **10/06/2023 11:03 AM**
- Transaction Number: **3347527-3108569**
- Applicant: **TREE TIPS 3 LLC**
- Transaction Type: **Application for Transfer of Ownership Interests**
- License Type: **ADULT USE CANNABIS STORE**
- License: **AMS984**
- Regulator:
MAINE ADULT USE CANNABIS PROGRAM
162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR
- Fee Paid:
Fees are nonrefundable.
Total: \$0

Application Instructions

This application must be submitted by an **AUTHORIZED BUSINESS REPRESENTATIVE**.

OCP recommends reading and reviewing the **application instructions document** found on [OCP's Adult Use Applications and Forms page](#) which contains further instruction and definitions relevant to this application.

Documents That May be Uploaded with This Application

As the Authorized Business Representative completing this application, you will be asked for the following documentation in addition to the basic application information. The online application allows for uploading these required documents.

For your protection, this application will time out after 20 minutes of idle time. If more than 20 minutes passes between page refreshes, your session will be disconnected and you will have to start again from the beginning. Please be aware that if you do not have all documents ready, you will be able to upload them at a later time with login credentials provided after this initial submission.

Please have documents ready if you wish to upload them with your online application; otherwise, you will be required to provide them to the Office through the "Upload Outstanding Application Documents" option online, by email to licensing.OCP@maine.gov, or by mail to MAINE ADULT USE CANNABIS PROGRAM, 162 STATE HOUSE STATION, 19 UNION STREET, FIRST FLOOR, AUGUSTA, ME 04333-0162. This application is not complete and will not be processed until all documentation is provided, including the final notarization to be completed by the Authorized Business Representative. Forms referenced below may be found on [OCP's Adult Use Applications and Forms page](#).

- Principal Attestation Form for each principal listed
- Business organization documents, if applicable
 - If the business entity is a corporation, a copy of its bylaws and/or operating agreement and stock ledger; or
 - If the business entity is a limited liability company, a copy of its limited liability company agreement and/or operating agreement; or
 - If the business entity is any type of partnership, a copy of the partnership agreement.
- ESOP Agreement, if there were any material changes regarding an ESOP

Establishment Information

Please review the information below. If this information is incorrect, you must contact MAINE ADULT USE CANNABIS PROGRAM for correction.

Applicant Organization's Legal Name

This information may not be changed online. To make a change, please contact the MAINE ADULT USE CANNABIS PROGRAM directly.

Name: **TREE TIPS 3 LLC**

Doing Business As Name(s)

Not on file

Principals

Individual ID Card #: **IIC218**
Name: **NICHOLAS CODY FRIEDMAN**
Role in Establishment: **Manager**

Individual ID Card #: **IIC377**
Name: **BRANDON CHASE POLLOCK**
Role in Establishment: **Manager**

If you wish to update the **Role in Establishment** of any of the existing principals listed above, please describe changes here::

Please list any principals that you wish to REMOVE from this license::

Ownership

Please review and update the list of persons and business entities with any ownership interest of this cannabis establishment.

Name: **NICK FRIEDMAN**
Address: **24A BIGELOW ST, CAMBRIDGE, MA 02139-2302**
Phone: **+1 (413) 429-6472**
% Ownership in the organization applying for licensure: **99.000**
Proposed % Ownership in the organization holding this license:
Place of Domicile/Residency: **MA**

Name: **BENJAMIN FRIEDMAN**
Address: **120 KELLOGG RD, SHEFFIELD, MA 01257-9575**
% Ownership in the organization applying for licensure: **1.000**
Proposed % Ownership in the organization holding this license:
Place of Domicile/Residency: **MA**

Status: **New**
Legal Name: **SEVEN POINTS LLC**
Address: **38 MONTVALE AVE STE 210, STONEHAM, MA 02180-2433**
% Ownership in the organization applying for licensure: **0.000**
Proposed % Ownership in the organization holding this license: **100.000**
Place of Domicile/Residency: **MASSACHUSETTS**

Please list any owners that you wish to REMOVE from this license:: **Nick Friedman; Benjamin Friedman**

Supporting Documentation - Owners

You have indicated there are change(s) to ownership information. Please submit updated information below.

You must provide the following documentation:

- Description of the structure of the business organization;
- If the business entity is a corporation, a copy of its articles of incorporation or articles of organization;
- If the business entity is a limited liability company, a copy of its articles of organization and its operating agreement;
- If the business entity is a general partnership, limited partnership, limited liability partnership or limited liability limited partnership, a copy of the partnership agreement.

Tree_Tips_3_-_Amended_and_Restated_Operating_Agreement_-_For_Approval.pdf

Employee Stock Ownership Program

Have there been any material changes since this license was issued, including without limitation, any changes related to an Employee Stock Ownership Program?: **N/A, the company does not have an ESOP**

Fee Notice

The Office of Cannabis Policy will send you an email with a Notice of Application Fee attached. In order for your application to be considered, the Office of Cannabis must receive your application fee. The Office of Cannabis Policy will accept application fees by cashier's check or money order made payable to the Treasurer, State of Maine in person or at our mailing address: Office of Cannabis Policy, 162 State House Station, Augusta, Maine 04333-0162.

Attest & Agree

Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

I hereby certify that the information provided on this application is true and accurate to the best of my knowledge and belief.

Questions about this service? Contact MAINE ADULT USE CANNABIS PROGRAM at: (207) 287-3282 or email: Licensing.OCP@maine.gov

Credits



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Information

[Maine.gov](#)

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Transaction Security



**AMENDED AND RESTATED OPERATING AGREEMENT
OF
TREE TIPS 3 LLC**

This Amended and Restated Operating Agreement (this “Agreement”) of Tree Tips 3 LLC, a Maine limited liability company (the “Company”), entered into as of the 24th day of May, 2023, but made effective as of the _____ day of _____, 2023 (the “Effective Date”), is entered into by the Company and Seven Points LLC, a Maine limited liability company, as the sole member of the Company (the “Member”).

WHEREAS, the Company was formed as a limited liability company under the name “Tree Tips 3 LLC” on October 5, 2021 by the filing of a Certificate of Formation of a Limited Liability Company (the “Certificate”); and

WHEREAS, prior to the Effective Date hereof, the Company was governed by a Limited Liability Company Agreement effective as of October 12, 2021 (the “Original LLC Agreement”), entered into by and between Nick Friedman and Benjamin Freidman (collectively the “Original Members”).

WHEREAS, pursuant to the Original LLC Agreement, the Original Members owned one hundred percent (100%) of the membership interests of the Company (the “Units”);

WHEREAS, the Company, the Original Members, and the Member have entered into an agreement for the Member to purchase one hundred percent (100%) of the Original Members’ Units contingent on all necessary consents and approvals from the State of Maine Office of Cannabis Policy and any applicable municipality or other governmental authority;

WHEREAS, in connection with the foregoing and to reflect certain other changes, the Member desires to amend and restate the Original LLC Agreement in its entirety.

WHEREAS, the Member agrees that upon the Effective Date of this Agreement the membership in and management of the Company shall be governed by the terms set forth herein.

NOW, THEREFORE, the Original LLC Agreement is hereby amended and restated in its entirety to read as follows:

Section 1 Name. The name of the Company is and shall be “Tree Tips 3”.

Section 2 Purpose. The purpose of the Company is to engage in any lawful act or activity for which limited liability companies may be formed under the Act and to engage in any and all necessary or incidental activities.

Section 3 Principal Office and Registered Agent for Service of Process.

(a) Principal Office. The location of the principal office of the Company shall be located at such place as may from time to time be determined by the Manager.

(b) Registered Agent and Office. The registered agent of the Company for service of process in the State of Maine and the registered office of the Company in the State of Maine shall be that person and location reflected in the Certificate.

Section 4 Members.

(a) Member. The Member owns the units and percentage of interests in the Company as set forth in Schedule A.

(b) Additional Members. One or more additional members may be admitted to the Company with the consent of the Member. Prior to the admission of any such additional members to the Company, the Member shall amend this Agreement and Schedule A to make such changes as the Member shall determine to reflect the fact that the Company shall have such additional members. Each additional member shall execute and deliver a supplement or counterpart to this Agreement, as necessary.

(c) Certificates. The Company will not issue any certificates to evidence ownership of the membership interests.

Section 5 Management.

(a) Authority; Powers and Duties of the Manager. The business and affairs of the Company shall be managed by Seven Points LLC (the "Manager"). The Manager shall direct, manage and control the business of the Company to the best of such Manager's ability and shall have full and complete authority, power and discretion to make any and all decisions and to do any and all things which the Manager deems to be reasonably required in light of the Company's business and objectives. The Manager shall have full authority to bind the Company and to make any decisions required to operate the Company. The Manager shall have the right to delegate any authority herewith vested in it.

(b) Election of Officers; Delegation of Authority. The Manager may, from time to time and contingent on obtaining all necessary consents and approvals from the State of Maine Office of Cannabis Policy and any applicable municipality or other governmental authority, designate one or more officers with such titles as may be designated by the Manager to act in the name of the Company with such authority as may be delegated to such officers by the Manager (each such designated person, an "Officer"). Any such Officer shall act pursuant to such delegated authority until such Officer is removed by the Manager. Any action taken by an Officer designated by the Manager pursuant to authority delegated to such Officer shall constitute the act of and serve to bind the Company. Persons dealing with the Company are entitled to rely conclusively on the power and authority of any officer set forth in this Agreement and any instrument designating such officer and the authority delegated to him or her.

(c) Removal; Vacancy. The Manager may be removed by the Member in writing at any time for any reason or no reason at all. The Member shall promptly fill any vacancy in the office of Manager.

Section 6 Liability of Members; Indemnification.

(a) Liability of Member. Except as otherwise required in the Act, the debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the Company, and the Member shall not be obligated personally for any such debt, obligation or liability of the Company solely by reason of being the Member or participating in the management of the Company.

(b) Indemnification. To the fullest extent permitted under the Act, each of the Member (irrespective of the capacity in which it acts), the Manager and the Officers shall each be entitled to indemnification and advancement of expenses from the Company for and against any loss, damage, claim

or expense (including attorneys' fees) whatsoever incurred by such Member, Manager or Officer relating to or arising out of any act or omission or alleged acts or omissions (whether or not constituting negligence or gross negligence) performed or omitted by such Member, Manager or Officer on behalf of the Company; *provided, however*, that any indemnity under this Section 6(b) shall be provided out of and to the extent of Company assets or insurance purchased by the Company, only, and neither the Member nor any other person shall have any personal liability on account thereof.

Section 7 Term. The term of the Company commenced on the date the Certificate was filed with DORES and shall continue in existence perpetually until the Company is dissolved in accordance with Section 11.

Section 8 Initial Capital Contribution. The Member hereby agrees to contribute initial capital and is deemed to own units and membership interests in the Company in the amounts set forth opposite the Member's name on Schedule A attached hereto.

Section 9 Tax Status.

(a) Tax Status. As long as the Company has only one (1) member, it is the intention of the Company and the Member that the Company be treated as a disregarded entity for federal and all relevant state tax purposes and neither the Company nor the Member shall take any action or make any election which is inconsistent with such tax treatment. All provisions of this Agreement are to be construed so as to preserve the Company's tax status as a disregarded entity.

(b) Income and Deduction. All items of income, gain, loss, deduction and credit of the Company (including, without limitation, items not subject to federal or state income tax) shall be treated for federal and all relevant state income tax purposes as items of income, gain, loss, deduction and credit of the Member.

Section 10 Distributions. Distributions shall be made to the Member at the times and in the amounts determined by the Member.

Section 11 Dissolution; Liquidation.

(a) The Company shall dissolve, and its affairs shall be wound up upon the first occurrence of the following: (i) the written consent of the Member; (ii) the entry of a decree of judicial dissolution or administrative order of dissolution by the State of Maine; or (iii) any other event or circumstance giving rise to the dissolution of the Company under the Act, unless the Company's existence is continued pursuant to the Act.

(b) Upon dissolution of the Company, the Company shall immediately commence to wind up its affairs and the Member shall promptly liquidate the business of the Company. During the period of the winding up of the affairs of the Company, the rights and obligations of the Member under this Agreement shall continue.

(c) In the event of dissolution, the Company shall conduct only such activities as are necessary to wind up its affairs (including the sale of the assets of the Company in an orderly manner), and the assets of the Company shall be applied as follows: (i) first, to creditors, to the extent otherwise permitted by law, in satisfaction of the liabilities of the Company (whether by payment or the making of reasonable provision for payment thereof); and (ii) second, to the Member.

(d) Upon the completion of the winding up of the Company, the Member shall file Certificate of Cancellation in accordance with the Act.

Section 12 Advisement of Counsel. THE CULTIVATION, PRODUCTION, DISTRIBUTION AND SALE OF CANNABIS IS ILLEGAL UNDER FEDERAL LAW. ATTORNEYS FOR COMPANY HAVE NOT MADE ANY REPRESENTATION TO THE CONTRARY.

Section 13 Miscellaneous.

(a) Amendments. Amendments to this Agreement may be made only with the written consent of the Member.

(b) Governing Law. This Agreement shall be governed by the laws of the State of Maine.

(c) Severability. In the event that any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall survive to the extent it is not so declared, and the validity, legality, and enforceability of the other provisions hereof shall not in any way be affected or impaired thereby, unless such action would substantially impair the benefits to any party of the remaining provisions of this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the undersigned have executed this Agreement to be effective as of the date first written above.

COMPANY:

Tree Tips 3, a Maine limited liability company



By: Nick Friedman
Its: Manager

MEMBER:

Seven Points LLC, a Maine limited liability company

Brandon Pollock

By: Brandon Pollock
Its: Manager

Schedule A

MEMBERS SCHEDULE

Member Name	Common Units	Percentage Interest	Capital Contributions
Seven Points LLC	1,000	100%	\$10.00
Total:	1,000	100%	\$10.00

Title	TT3 - 7 Points OA agreement for signature
File name	Tree Tips 3 LLC -...re - 5-24-23.docx
Document ID	273005b040b855183387e53419a62b5f7497db29
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

05 / 24 / 2023

18:41:58 UTC

Sent for signature to Nick Friedman (nick@theorywellness.org) from jshore@theorywellness.org
IP: 73.253.190.101



VIEWED

05 / 24 / 2023

19:08:12 UTC

Viewed by Nick Friedman (nick@theorywellness.org)
IP: 67.246.75.169



SIGNED

05 / 24 / 2023

19:19:42 UTC

Signed by Nick Friedman (nick@theorywellness.org)
IP: 174.233.249.179



COMPLETED

05 / 24 / 2023

19:19:42 UTC

The document has been completed.

Title	TT3 - 7 Points OA agreement for signature
File name	TT3_-_7_Points_OA...ywellness.org.pdf
Document ID	635f592aed2ab0eaefc802c91bede40930fb81b
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History

 <small>SENT</small>	05 / 24 / 2023 19:21:34 UTC	Sent for signature to Brandon Pollock (brandon@theorywellness.org) from jshore@theorywellness.org IP: 73.253.190.101
 <small>VIEWED</small>	05 / 24 / 2023 19:41:23 UTC	Viewed by Brandon Pollock (brandon@theorywellness.org) IP: 174.242.144.226
 <small>SIGNED</small>	05 / 24 / 2023 19:41:34 UTC	Signed by Brandon Pollock (brandon@theorywellness.org) IP: 174.242.144.226
 <small>COMPLETED</small>	05 / 24 / 2023 19:41:34 UTC	The document has been completed.

LIMITED LIABILITY COMPANY AGREEMENT
OF
SEVEN POINTS, LLC

This Limited Liability Company Agreement (as from time to time amended, this “Agreement”) of **SEVEN POINTS LLC**, a Maine limited liability company (the “Company”), is effective as of December 5, 2019 (the “Effective Date”) by and among the Members. Capitalized terms used herein shall have the respective meanings specified in Article I.

ARTICLE I
DEFINITIONS

1.1. Defined Terms. As used in this Agreement the following terms have the respective meanings set forth below:

“Adjusted Capital Account” means, with respect to any Member, such Member’s Capital Account as of the date of determination, after crediting to such Capital Account any amounts that the Member is obligated to restore (to the extent recognized under Treasury Regulations Section 1.704-1(b)(2)(ii)(c)) and debiting to such Economic Capital Account the items described in Treasury Regulations Section 1.704-1(b)(2)(ii)(d)(4), (5) or (6). The foregoing definition of Adjusted Capital Account and the provisions of Sections 5.5 and 5.6(d) are intended to comply with the provisions of Treasury Regulations Section 1.704-1(b)(2)(ii)(d) and shall be interpreted and applied consistently therewith.

“Affected Member” means any Member (a) that does not or cannot satisfy any licensing or other requirements of any Regulatory Authority applicable to such Member, (b) whose status as a Member does result or would reasonably be expected to result in the Company’s, any other Member’s or any of their Affiliates’ failure to satisfy any applicable licensing or other requirement of any Regulatory Authority, or (c) whose status as a Member may jeopardize approvals or licenses or approvals held by the Company, any other Member or any of their Affiliates and in any case, outside counsel to the Company confirms in writing that such failure does result or would reasonably be expected to result in the Company or any Member being in violation of applicable law, or (d) whose status as a Member may jeopardize the ability of an entity or subsidiary that is fully or partially owned by the Company, to satisfy any applicable licensing or other requirement of any Regulatory Authority.

“Affiliate” means, with respect to any specified Person, any other Person that directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, the Person specified, except that neither the Company nor any subsidiary of the Company shall be deemed to be an Affiliate of any Person for any reason. For purposes of this definition, “Affiliate” shall include, with respect to any natural Person, the spouse, parents, siblings and children of such Person and any trust of which some or all of such family members of such Person are the exclusive beneficiaries.

“Agreement” has the meaning set forth in the preamble hereto.

“Available Cash” means, with respect to any Fiscal Year, all Company cash receipts plus all draws from reserves established by the Managers, after deducting payments for operating expenses, payments required to be made in connection with any loan to the Company or any other loan secured by a lien on any assets of the Company and all amounts contributed to reserves established by the Managers for operating or capital expenditures.

“Bankruptcy” means the happening of any of the following: (a) the making of a general assignment for the benefit of creditors; (b) the filing of a voluntary petition in bankruptcy or the filing of a pleading in any court of record admitting in writing an inability to pay debts as they become due; (c) the entry of an order, judgment or decree by any court of competent jurisdiction adjudicating the Company or a Member to be bankrupt or insolvent; (d) the filing of a voluntary petition or answer seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation; (e) the filing of an answer or other pleading admitting the material allegations of, or consenting to, or defaulting in answering, an involuntary bankruptcy petition filed against the Company or a Member in any bankruptcy proceeding; (f) the filing of a voluntary application or other pleading or any action otherwise seeking, consenting to or acquiescing in the appointment of a liquidating trustee, receiver or other liquidator of all or any substantial part of the Company’s or a Member’s properties; (g) the commencement against the Company or a Member of any proceeding seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation which has not been quashed or dismissed within one hundred eighty (180) days; or (h) the appointment without consent of the Company or such Member or acquiescence in the appointment of a liquidating trustee, receiver or other liquidator of all or any substantial part of the Company’s or a Member’s properties without such appointment being vacated or stayed within ninety (90) days and, if stayed, without such appointment being vacated within ninety (90) days after the expiration of any such stay.

“Business Day” means any day on which banks located in Portland, Maine are not required or authorized by law to remain closed.

“Capital Account” has the meaning set forth in Section 5.4.

“Capital Contributions” means, with respect to any Member, the amount of money or other property contributed to the Company with respect to the LLC Interest in the Company held or purchased by such Member, including additional Capital Contributions.

“Code” means the U.S. Internal Revenue Code of 1986, as amended.

“Company” has the meaning set forth in the preamble hereto.

“Company Counsel” has the meaning set forth in Section 9.2.

“Cure Period” has the meaning set forth in Section 7.3.

“Dissolution Event” has the meaning set forth in Section 8.1.

“**Drag-along Member**” has the meaning set forth in Section 7.5

“**Drag-along Notice**” has the meaning set forth in Section 7.5

“**Drag-along Sale**” has the meaning set forth in Section 7.5

“**Dragging Member**” has the meaning set forth in Section 7.5

“Economic Capital Account” means, with respect to any Member, such Member’s Capital Account as of the date of determination, after crediting to such Capital Account any amounts that the Member is deemed obligated to restore under Treasury Regulations Section 1.704-2.

“Effective Date” has the meaning set forth in the preamble of this Agreement.

“Fair Market Value” means, with respect to any Member’s LLC Interest, the value of such LLC Interest as determined by mutual agreement of the Member and the party or parties purchasing the Interest. If no such amount is mutually agreed to within thirty (30) days of the applicable determination period, then the Fair Market Value of the relevant LLC Interest shall be the price at which a willing seller would sell and a willing buyer would buy, the LLC Interest, free and clear of all liens, security interests, or other encumbrances, in an arm’s length transaction for cash, without time constraints, without being under any compulsion to buy or sell, and without any minority interest discount, discount attributable to transfer restrictions, or control premium, as determined by an independent valuation conducted by a third party independent accounting firm or appraiser chosen by the parties.

“Fiscal Year” means the fiscal year of the Company, as determined by the Members.

“Hypothetical Liquidation” means a sale of all of the assets of the Company for cash at prices equal to their then book values (as maintained by the Company for purposes of, and as maintained pursuant to, the capital account maintenance provisions of Treasury Regulations Section 1.704-1(b)(2)(iv)) and the distribution by the Company to the Members pursuant to Article 12 of all of the Company’s cash plus the aggregate amounts, if any, that the Members could be required to contribute to the Company pursuant to this Agreement (after the payment of all actual Company indebtedness, and any other liabilities related to the Company’s assets, limited, in the case of non-recourse liabilities, to the collateral securing or otherwise available to satisfy such liabilities).

“Liquidating Agent” means the Person appointed by the Members to oversee the winding-up and liquidation of the Company in accordance with Article VIII.

“LLC Interest” means, with respect to a Member, a percentage equal to such Member’s Units divided by the aggregate Units owned by all Members, as adjusted pursuant hereto.

“LLC Act” means the Maine Limited Liability Company Act, 31 MRSA §1501, et seq., as the same may be amended from time to time, and any successor statute thereto.

“Manager(s)” has the meaning set forth in Section 3.1.

“Member” means any Person (a) who is referred to as such on Schedule A to this Agreement, or who has become a Substituted Member pursuant to the terms of this Agreement, and (b) who has not ceased to be a Member. “Members” means all such Persons.

“New Subchapter 63C” has the meaning set forth in Section 5.5.

“Partnership Representative” has the meaning set forth in Section 5.5.

“Person” means any individual, entity, corporation, partnership, association, limited liability company, limited liability partnership, joint-stock company, trust, or unincorporated organization.

“Purchase Notice Offer” has the meaning set forth in Section 7.3.

“Right of First Refusal” has the meaning set forth in Section 7.2.

“Rules” has the meaning set forth in Section 9.2.

“Target Balance” shall mean, with respect to any Member as of the close of any period for which allocations are made under Article 5, the net amount such Member would receive (or be required to contribute) in a Hypothetical Liquidation of the Company as of the close of such period, assuming that the Members are required to contribute to the Company the maximum amounts that they could be required to contribute to the Company pursuant to this Agreement.

“Term” has the meaning set forth in Section 2.4.

“Transfer” means any transfer, assignment, sale, conveyance, hypothecation, license, lease, partition, pledge, or grant of a security interest in a Member’s LLC Interest in the Company, and includes any “involuntary transfer” such as a sale of any part of the LLC Interest therein in connection with any Bankruptcy or similar insolvency proceedings, the death of a Member or a divorce or other marital settlement involving any Member, or any other disposition or encumbrance of a Member’s LLC Interest. For purposes of this Agreement, any transfer, exchange or series of transfers (or exchanges), directly or indirectly, of the stock, partnership, member or other ownership interests of any Member that is a business organization or an entity (or any combination of such transfers or exchanges, whether direct or in connection with a merger, acquisition, sale, or similar reorganization or transaction, including issues of new stock or other ownership interests, or the exercise of options, warrants, debentures or other convertible instruments, or a redemption of other interests in the Member, and any similar transactions involving the stock or other ownership interests of such Member), the effect of which is that the Persons who owned at least fifty-one percent (51%) of the outstanding stock or other ownership interests in such Member at the time this Agreement is signed, no longer own at least fifty-one

(51%) of such stock or other ownership interests, then a Transfer shall also be deemed to have occurred with regard to the Units owned by such Member.

“Transferee” has the meaning set forth in Section 7.2.

“Transferring Member” has the meaning set forth in Section 7.2.

“Treasury Regulations” means the Regulations of the Treasury Department of the United States issued pursuant to the Code, as such Regulations may be amended from time to time.

“Unit” means a unit of Interest.

1.2. Interpretation. When a reference is made in this Agreement to an Article, Section or Schedule, such reference shall be to an Article or Section of, or a Schedule to, this Agreement unless otherwise indicated. Whenever the words “include,” “includes” or “including” are used in this Agreement, they shall be deemed to be followed by the words “without limitation.” The words “hereof,” “herein” and “hereunder” and words of similar import when used in this Agreement shall refer to this Agreement as a whole and not to any particular provision of this Agreement. All terms defined in this Agreement shall have the defined meanings when used in any certificate or other document made or delivered pursuant hereto unless otherwise defined therein. The definitions contained in this Agreement are applicable to the singular as well as the plural forms of such terms and to the masculine as well as to the feminine and neuter genders of such term.

1.3. Discretion. Whenever in this Agreement a Person is permitted or required to make a decision (a) in its “sole discretion” or “discretion” or under a grant of similar authority or latitude, such Person shall be entitled to consider only such interests and factors as it desires, including its own interests, or (b) in its “good faith” or under another expressed standard, such Person, shall act under such express standard and shall not be subject to any other or different standard imposed by any other agreement or by relevant provisions of law or in equity or otherwise.

1.4 Regulatory Compliance. Notwithstanding any other provision to the contrary herein, no Manager may be appointed, no person may be admitted as a Member of the Company, and no Membership interest amount may change, if such appointment, admission, or Membership change would cause the Company to fail to comply with any provision of Maine law or regulation applicable to adult use marijuana establishments. Any appointment, admission, or Membership change which violates this Section 1.4 shall be void.

ARTICLE II ORGANIZATIONAL MATTERS

2.1. Formation. The Company was formed on December 5th, 2019 in accordance with the provisions of the LLC Act.

2.2. Name and Offices. The name of the Company is Seven Points, LLC. The name of the registered agent of the Company in the State of Maine and the registered office of the

Company in the State of Maine is set forth in the Certificate of Formation. The Company may maintain such other registered agent, registered office, or principal place of business and designate any places of business as the Members may from time to time determine.

2.3. Character of Business; Purposes; Powers. The Company is formed for the purpose of investing in and providing ancillary management and business support services to marijuana businesses and any other business permitted under Maine law and approved by the Members ("Business"). The Company shall possess and may exercise all powers necessary or convenient to the conduct and promotion of its business, subject to any restrictions set forth herein.

2.4. Term. The term of the Company shall commence on the date of formation and shall continue until the Company is dissolved in accordance with this Agreement (the "Term").

2.5. Tax Classification. The Members acknowledge that pursuant to Treasury Regulations Section 301.7701-3, the Company shall be classified as a partnership for federal income tax purposes until the effective date of any election to change its classification on IRS Form 8832, Entity Classification Election.

2.6. No State-Law Partnership. The Members acknowledge the Company's status as a limited liability company formed under the LLC Act. The Company's classification as a partnership will apply only for federal (and, as appropriate, state and local) income tax purposes. This characterization does not create or imply a general partnership, limited partnership, or joint venture among the Members for state law or any other purpose.

ARTICLE III MANAGEMENT AND CONTROL OF THE COMPANY

3.1. Management Structure. Except as otherwise expressly provided or restricted in this Agreement, and subject in all instances to the terms and provisions hereof, the Managers (the "Managers") shall have complete and exclusive control of the management and conduct of the business of the Company and the authority to do all things necessary or appropriate to carry out the purpose of the Company without any further act, vote or approval of any Member. There shall be two (2) Managers that shall be appointed by the Members holding a majority of the outstanding Units. The initial Managers of the Company shall be Nicholas Friedman and Brandon Pollock. A Manager may be removed at any time, with or without cause, by majority consent of the owners of the outstanding Units. In the event any Manager dies, suffers a disability, resigns, or is removed from office, the the remaining Members holding a majority of the remaining outstanding Units shall promptly designate a successor to such Manager, provided the new Manager can satisfy any licensing or other requirements of any Regulatory Authority applicable to such Manager. Managers need not be Members of the Company. Any contract, instrument or act of the Manager on behalf of the Company shall be conclusive evidence in favor of any third party dealing with the Company that such Manager has the authority, power, and right to execute and deliver such contract or instrument and to take such action on behalf of the Company.

3.2. Powers of the Managers. Except as provided in Section 4.3 below or otherwise in this Agreement, the Managers shall have the right and authority to take those actions that it deems necessary, useful, or appropriate for the oversight and management of the Company's business, as set forth in this Agreement or the LLC Act. Each Manager shall have one (1) vote and, except as otherwise provided in this Agreement, the Managers shall act by the majority consent of the Managers.

3.3. Duties of the Managers. Each Manager shall devote to the affairs of the Company such time as may be reasonably necessary to carry out his or her obligations hereunder. Each Manager shall perform his or her duties as a Manager in good faith, in a manner he or she reasonably believes to be in the best interests of the Company, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. A Manager who so performs his or her duties shall not have any liability by reason of being or having been a Manager of the Company. To the extent that, at law or in equity, a Manager has duties and liabilities relating thereto to the Company or to the Members, such Manager shall not be liable to the Company or any Member for its good faith reliance on the provisions of this Agreement. The provisions of this Agreement, to the extent that they expressly restrict the duties and liabilities of a Manager otherwise existing at law or in equity, are agreed by the Members to replace, to the extent permitted by law, such other duties and liabilities of such Manager.

3.4. Other Activities of the Managers. Nothing in this Agreement shall be deemed to restrict in any way the rights of the Managers or of any Affiliate of a Manager, to conduct any other business or activity whatsoever, and each Manager shall not be accountable to the other Manager, the Company or to any Member with respect to that business or activity even if the business or activity competes with the Company's business. The organization of the Company shall be without prejudice to each Manager's rights (or the rights of its Affiliates) to maintain, expand, or diversify any other interests and activities and to receive and enjoy profits or compensation therefrom free from any interest therein by the Company, the other Manager or any Member in accordance with this Agreement. Each Manager and each Member waives any right it might otherwise have to share or participate in any other interests or activities of the other Manager.

3.5. Meetings of the Managers. Meetings of the Managers may be called by any Manager. Notice of each such meeting shall be given to each Manager by telephone, electronic mail, or similar method (in each case, notice shall be given at least forty-eight (48) hours before the time of the meeting) or sent by first-class mail (in which case notice shall be given at least five (5) days before the meeting). Any action required to be taken at a meeting of the Managers, or any action that may be taken at a meeting of the Managers, may be taken at a meeting held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Notwithstanding anything to the contrary in this Section 3.5, the Managers may take without a meeting any action that may be taken by the Managers under this Agreement if such action is approved by the written consent of the Managers. All Members shall be given notice of meetings of the Managers at the same time and using the same methods as provided to Managers, and all Members shall be invited to attend such Managers meetings, and may exercise any of their rights hereunder at such meeting.

3.6. Expenses

(a) The Company shall (i) pay or reimburse the Managers for all reasonable out-of-pocket costs and expenses, including, without limitation, reasonable attorney's fees, incurred in connection with the formation of the Company, (ii) pay or reimburse the Managers for reasonable out-of-pocket costs and expenses incurred in connection with their activities on behalf of the Company, and (iii) replenish any Reserves utilized by the Company; provided, that in all cases, the Managers shall make available to the other Member(s) invoices or other reasonable evidence of such expenses. In addition, in the case of any Company expenses with respect to travel and other costs related to the business, the Managers shall be entitled to reimbursement from the Company for such expenses if approved by the Managers.

(b) Subject to the expenses which are reimbursable under this Section 3.6, the Members will bear all expenses related to their own overhead and organization.

ARTICLE IV THE MEMBERS

4.1. Members and Interests; Classes of Members. (a) The Persons listed on Schedule A shall be issued an LLC Interest in exchange for and upon receipt of the Capital Contribution set forth opposite his name in Schedule A. Each LLC Interest is represented by one or more "Units." Each Member has the number of Units set forth opposite such Person's name in Schedule A. No Member shall be obligated under any circumstances to make Capital Contributions in excess of the amounts set forth opposite its name on Exhibit A.

(b) There shall be two classes of Units, Common Units and Preferred Units. The type of Unit owned by each Member is designated on Schedule A.

4.2. Members Are Not Agents. Pursuant to Article III, the management of the Company is vested in the Managers. The Members shall have no power to participate in the management of the Company except as expressly authorized by this Agreement and except as expressly required by the LLC Act. No Member, acting solely in the capacity of a Member, is an agent of the Company nor does any Member, unless expressly and duly authorized in writing to do so by the Managers, have any power or authority to (a) bind or act on behalf of the Company in any way, (b) pledge its credit, (c) execute an instrument on its behalf, or (d) render it liable for any purpose. No Member shall owe any duty or obligation to the Company or the other Members solely by being a Member of the Company, except as expressly provided herein.

4.3. Member Approval.

(a) **Majority Membership Approvals:** Notwithstanding any other provision of this Agreement, the following actions may not be taken by the Company without the consent of Members holding a majority of all outstanding Units:

(i) Issuance of New Securities, provided that the consent of a Member shall not be required for the issuance of New Securities if such Member received

its Units in connection with the transaction, series of transactions, or financing round in which such New Securities are to be issued;

(ii) Admission of new Members, provided that the consent of a Member shall not be required for the admission of a new Members if such Member received its Units in connection with the transaction, series of transactions, or financing round in which such new Members are to be admitted;

(iii) Formation, acquisition, or disposal of a subsidiary of the Company;

(iv) Approval of any expenditure totaling more than Two Hundred and Fifty Thousand Dollars (\$250,000.00).

(v) **Super Majority Member Approval.** Notwithstanding the foregoing, the following actions may not be taken by the Company without the consent of the Members holding eighty-five percent (85%) of all outstanding Units:

(vi) Sale or other liquidation of the Company or substantially all of its assets at a valuation of less than Ten Million Dollars (\$10,000,000.00);

(vii) Entering into an agreement for compensation with any Officer, employee, or contractor for more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) annually.

4.4. **Member Liability.** No Member shall be liable under a judgment, decree, or order of a court, or in any other manner, for the debts or any other obligations or liabilities of the Company. A Member shall be liable only to make its Capital Contributions and shall not be required to restore a deficit balance in its Capital Account or to lend any funds to the Company or, after its Capital Contributions have been made, to make any additional contributions, assessments, or payments to the Company except as required by the express terms of this Agreement, provided that a Member may be required to repay distributions made to it as provided in Section 1555 of the LLC Act or any successor provision.

4.5. **Transactions Between a Member and the Company.** Except as otherwise provided by applicable law, upon the consent of the Managers, any Member may, but shall not be obligated to, lend money to the Company, act as surety for the Company and transact other business with the Company and has the same rights and obligations when transacting business with the Company as a person or entity who is not a Member; provided that the terms of any such transaction shall be comparable to those negotiated by unrelated parties on an arm's length basis (as determined by the Managers). A Member, any Affiliate thereof or an employee, stockholder, agent, director, manager, member, or officer of a Member or any Affiliate thereof, may also be a Manager, Officer, employee, or agent of the Company. The existence of these relationships and acting in such capacities will not result in the Member being deemed to be participating in the control of the business of the Company or otherwise affect the limited liability of the Member.

4.6. No Withdrawal. No Member may withdraw from the Company prior to the dissolution and winding-up of the Company unless such Member (i) complies with the provisions regarding Transfer of LLC Interest set forth in Article VII or (ii) receives prior majority approval of the remaining Members. If a Member attempts to withdraw in violation of this Agreement, such Member will forfeit its LLC Interest.

4.7. Meetings of the Members. Meetings of the Members may be called at any time by the Managers or by Members holding a majority of the outstanding Units. Each meeting of the Members shall be called with at least two (2) Business Days but not more than thirty (30) Business Days advance written notice, specifying the agenda for the meeting. Such notice may be waived by a Member at any time, and will be deemed to have been waived if the Member participates in the meeting and has been provided with a written agenda for the meeting. Meetings may also be held telephonically. The Managers or Members calling such Meeting shall establish all other provisions relating to meetings of Members, including the time, place or purpose of any meeting at which any matter is to be voted on by any Members, voting in person or by proxy or any other matter with respect to the exercise of any such right to vote. Action required or permitted to be taken at a meeting of Members may be taken without a meeting, prior notice, or a vote if the action is evidenced by one or more written consents describing the action taken, signed by Members entitled to vote whose votes would be sufficient to take the action in question if given at a meeting.

4.8. Incentive Plans. The Managers, at any time or from time to time, may establish or cause the Company to establish one or more incentive plan(s) (each, an “Incentive Plan”) pursuant to which the Company may issue to key employees, managers vendors, advisors or consultants phantom membership units, profit units, Membership Units (including Profits Interests), or contract rights capable of being converted into or exchanged for Membership Units or other equity interests as may be approved by the Managers (collectively “Incentive Units”), in accordance with the terms thereof. Notwithstanding the above, no person may be admitted as a new Member of the Company, if such admission would cause the Company, or any entity wholly or partially owned by the Company, to fail to comply with any provision of Maine law or regulation applicable to adult use marijuana establishments.

4.9. Issuance of Additional Units. Notwithstanding any other provision of this Agreement, the Managers, at any time or from time to time, may issue additional Preferred Units to an investor or investors established on the following terms and conditions: (a) the investor(s) would not meet the definition of Affected Member, (b) the investor or investors shall qualify as accredited investors under Regulation D of the United States Securities and Exchange Commission; (c) the investor(s) admission would not cause the Company, or any entity wholly or partially owned by the Company, to fail to comply with any provision of Maine law or regulation applicable to adult use marijuana establishments. (d) such other terms as the Managers may deem advisable.

ARTICLE V CAPITAL CONTRIBUTIONS AND CAPITAL ACCOUNTS

5.1 Capital Accounts. A separate capital account (each, a “Capital Account”) shall be

maintained for each Member in accordance with the rules of Treasury Regulations Section 1.704-1(b)(2)(iv), and this Section 5.1 shall be interpreted and applied in a manner consistent therewith. Whenever the Company would be permitted to adjust the Capital Accounts of the Members pursuant to Treasury Regulations Section 1.704-1(b)(2)(iv)(f) to reflect revaluations of Company property the Company may so adjust the Capital Accounts of the Members, and the Company shall so adjust the Capital Accounts when so permitted in connection with (and as of) any withdrawal or removal of a Member. If the Capital Accounts of the Members are adjusted pursuant to Treasury Regulations Section 1.704-1(b)(2)(iv)(f) to reflect revaluations of Company property, (x) the Capital Accounts of the Members shall be adjusted in accordance with Treasury Regulations Section 1.704-1(b)(2)(iv)(g) for allocations of depreciation, depletion, amortization and gain or loss, as computed for book purposes, with respect to such property, (y) the Members' distributive shares of depreciation, depletion, amortization and gain or loss, as computed for tax purposes, with respect to such property shall be determined so as to take account of the variation between the adjusted tax basis and book value of such property in the same manner as under Code Section 704(c) and (z) the amount of upward and/or downward adjustments to the book value of the Company property shall be treated as income, gain, deduction and/or loss for purposes of applying the allocation provisions of this Article 5. If Code Section 704(c) applies to Company property, the Capital Accounts of the Members shall be adjusted in accordance with Treasury Regulations Section 1.704-1(b)(2)(iv)(g) for allocations of depreciation, depletion, amortization and gain and loss, as computed for book purposes, with respect to such property.

5.2 Revaluation of Assets. In connection with any withdrawal or removal of a Member, the Company shall value the Company's assets in good faith and use such valuations in adjusting Capital Accounts pursuant to Section 5.1 to the extent permitted under Treasury Regulations Section 1.704-1(b)(2)(iv)(f). In the case of a withdrawal of a Member or a repurchase of the LLC Interest of a Member, the Managers shall specially allocate to the withdrawing Member the costs and expenses associated with implementing such withdrawal.

5.3 Capital Account Adjustments. In furtherance and not in limitation of the provisions of Section 5.1, any fees, expenses or other costs of the Company that are paid by a Member and that are required to be treated as capital contributions to the Company for purposes of Code Section 704(b) and the Treasury Regulations thereunder shall be added to the balance of the Member's Capital Account. Any fees, costs or other expenses of a Member that are paid by the Company and that are required to be treated as distributions for purposes of Code Section 704(b) and the Treasury Regulation thereunder shall be so treated and subtracted from such Member's Capital Account, and the Company's payment thereof shall not be treated as an item of deduction or loss. This Section 5.3, in conjunction with Section 5.4 is intended to prevent any payments by a Member or the Company from giving rise to a violation of Code Section 704(b) while at the same time preserving to the extent possible the parties' intended economic arrangement and shall be applied consistent with such intent.

5.4 Allocation of Income and Loss. After application of Section 5.6, and subject to Section 5.5 and the other provisions of this Article 5, any remaining items of income, gain, loss or deduction shall be allocated among the Members and to their Capital Accounts in such ratio or ratios as may be required to cause the balances of the Members' Economic Capital Accounts to be as nearly equal to their Target Balances as possible, consistent with the provisions of Section

5.8.

5.5 Loss Limitation. No allocation of net loss shall be made pursuant to Section 5.4 to the extent that it causes or increases a deficit balance in any Member's Adjusted Capital Account.

5.6 Minimum Gain Chargebacks, Non-Recourse Deductions and Qualified Income Offset. Prior to making the allocations required by Section 5.4, the Company shall make the following special allocations.

- (a) Notwithstanding any other provisions of this Agreement, if there is a net decrease in Company Minimum Gain during a taxable year, the Members shall be allocated items of income and gain in accordance with Treasury Regulations Section 1.704-2(f). For purposes of this Agreement, the term "Company Minimum Gain" shall have the meaning set forth in Treasury Regulations Section 1.704-2(b)(2), and any Member's share of Company Minimum Gain shall be determined in accordance with Treasury Regulations Section 1.704-2(g)(1). This Section 5.6(a) is intended to comply with the minimum gain charge-back requirement of Treasury Regulations Section 1.704-2(f) and shall be interpreted and applied in a manner consistent therewith.
- (b) Non-recourse deductions shall be allocated to the Members, pro rata, in proportion to their Percentage Interests. "Non-recourse deductions" shall have the meaning set forth in Treasury Regulations Section 1.704-2(b)(1).
- (c) Notwithstanding any other provisions of this Agreement, to the extent required by Treasury Regulations Section 1.704-2(i), any items of income, gain, loss or deduction of the Company that are attributable to a nonrecourse debt of the Company that constitutes "partner nonrecourse debt" as defined in Treasury Regulations Section 1.704-2(b)(4) (including chargebacks of partner nonrecourse debt minimum gain) shall be allocated in accordance with the provisions of Treasury Regulations Section 1.704-2(i). This Section 5.6(c) is intended to satisfy the requirements of Treasury Regulations Section 1.704-2(i) (including the partner nonrecourse debt minimum gain chargeback requirements) and shall be interpreted and applied in a manner consistent therewith.
- (d) Any Member who unexpectedly receives an adjustment, allocation or distribution described in Treasury Regulations Section 1.704-1(b)(2)(ii)(d)(4), (5) or (6) that causes or increases a deficit balance in its Adjusted Capital Account shall be allocated items of income and gain in an amount and a manner sufficient to eliminate, to the extent required by Treasury Regulations Section 1.704-1(b)(2)(ii)(d), such deficit balance as quickly as possible.

5.7 Tax Matters.

- (a) Partnership Representative. The Managers shall designate an individual to be the "Partnership Representative" pursuant to Section 6223 of Subchapter 63C of the

Code, as amended by the Bipartisan Budget Act of 2015, P.L. 114-74 (“New Subchapter 63C”), and who shall be authorized and required to represent the Company in connection with all examinations of the Company’s affairs by tax authorities, including resulting administrative and judicial proceedings, and who shall. The Partnership Representative, at the direction of the Managers, is authorized and required to represent the Company (at the Company’s expense) in connection with all examinations of the Company’s affairs by tax authorities and to expend Company funds for professional services and costs associated therewith, and shall provide all notices and perform all acts required in such role. Initially, the Partnership Representative shall be Nicholas Friedman.

- (b) Payments. In the event that the Company is required to pay any imputed underpayment pursuant to the New Subchapter 63C, then each person that was a Member in the applicable reviewed year, within the meaning of Section 6225(d)(1) of the New Subchapter 63C, shall make a payment to the Company in an amount equal to the portion of the imputed underpayment allocable to such Member, taking into account any modifications of the imputed underpayment under Section 6225(c) of the New Subchapter 63C; provided, however, that if such person is also a Member at the time the Company pays such imputed underpayment, the Company may instead withhold from amounts due to such Member from the Company such Member's allocable share of the imputed underpayment and any such amount withheld shall be treated as having been distributed by the Company to such Member and then paid by such Member to the Company; and provided further that no payment by or withholding from a person shall be required if such person complied with the provisions of Section 6225(c)(2) of the New Subchapter 63C. For the avoidance of doubt, no payment made to the Company pursuant to this Section 10.2(c) shall be treated as a Capital Contribution. In the event that the Company receives a tax refund or tax benefit pursuant to the New Subchapter 63C, then each person that was a Member in the applicable reviewed year shall receive a payment from the Company in an amount equal to the portion of the tax refund or tax benefit allocable to such Member, taking into account any modifications of the tax refund or tax benefit under Section 6225(c) of the New Subchapter 63C. Any dispute regarding the portion of any tax liability, tax refund or tax benefit allocable to a Member shall be determined by such independent accounting firm agreed to by the applicable Persons. Each Member shall provide such information to the Company as the Partnership Representative may reasonably request to reduce the amount of any imputed underpayment and shall take such actions as the Partnership Representative may reasonably request (including the filing of an amended tax return) in order to assist the Company in complying with the New Subchapter 63C. Notwithstanding anything in this Agreement to the contrary, all rights and obligations of a Member under this Section 10.2(c) shall survive both the Member's ceasing to be a partner of the Company for federal income tax purposes and the dissolution of the Company.
- (c) Liability. The Partnership Representative shall not be liable to the Company or

the Members for any action such person takes or fails to take in connection with any judicial or administrative proceeding, including, without limitation, the agreement to or failure to agree to a settlement or the extension of or failure to extend the relevant statutes of limitations, unless such action or failure constitutes willful misconduct, fraud, gross negligence or breach of a fiduciary duty to the Company.

5.8 Code Section 704(b) Compliance. The allocation provisions contained in this Article 5 are intended to comply with Code Section 704(b) and the Treasury Regulations promulgated thereunder, and shall be interpreted and applied in a manner consistent therewith. Items of income, gain, deduction and loss for federal income tax purposes shall be allocated in the same manner as the corresponding items are allocated for book purposes pursuant to this Article 5 except as otherwise required by Code Section 704(c) or Section 5.1.

ARTICLE VI DISTRIBUTIONS AND ALLOCATIONS

6.1. Allocations; Distributions. Notwithstanding any other provisions of this Agreement, each Member's distributive share of income, gain, loss, deduction or credit, as determined by the Company's accountants, shall be allocated on a pro rata, *pari passu* basis based on such Member's LLC Interest in the Company. Available Cash shall be distributed at such times and in such amounts as the Managers deem appropriate.

6.2. Compliance with LLC Act. Notwithstanding any other provision of this Agreement, distributions shall be made only in compliance with the LLC Act.

6.3. Final Distribution. The final distributions following dissolution of the Company shall be made in accordance with the provisions of Article VIII. Distribution of proceeds will be made in the following order of priority, unless otherwise required by mandatory provisions of Applicable Law:

- A. First, to the payment of all of the Company's debts and liabilities to its creditors (including Members, if applicable) and the expenses of liquidation (including sales commissions incident to any sales of assets of the Company);
- B. Second, to the establishment of and additions to reserves that are determined by the Board in its sole discretion to be reasonably necessary for any contingent unforeseen liabilities or obligations of the Company; and
- C. Third to the holders of Preferred Units on a pro rata basis until each holder of Preferred Units has received an amount equal to his or her Capital Contribution, which calculation shall take into account any Distributions previously made.
- D. Fourth, to the Members in the same manner as Distributions are made under Section 6.1.

6.4. No Withdrawal of Capital. Except as otherwise expressly provided herein, no Member shall have the right to withdraw capital from the Company or to receive any distribution of or return on or of such Member's Capital Contributions.

6.5. Tax Distribution. Notwithstanding any other provision herein to the contrary, the Company may distribute to the owners of Units within 45 days after the end of each Fiscal Year of the Company (or at the discretion of the Managers, if and to the extent appropriate for estimated tax payments, any fiscal quarter), an amount of cash (a "Tax Distribution") which in the good faith judgment of the Manager is necessary for the owners of Units to pay their federal, state and local income tax liability with respect to his distributive share of the Company's taxable income (including separately stated items). The amount of cash available to be distributed as to a given period under this Section 6.5 shall be determined after the Manager establishes or increases reserves for Company purposes as of the end of that period. Further, the Company may not distribute any cash hereunder to the extent that distribution would be an "improper distribution" under Section 1555 of the Act, or would violate any loan covenant or other agreement between the Company and any lender or other creditor of the Company.

ARTICLE VII TRANSFER OF LLC INTEREST

7.1. Transfer Restrictions. No Member may Transfer all or any part of its LLC Interest unless such Transfer is made in accordance with the conditions set forth in this Article VII. If a Member Transfers or attempts to Transfer all or any part of its LLC Interest in violation of this Agreement, such Transfer shall be null and void and of no force or effect whatsoever, and the parties engaging or attempting to engage in such Transfer shall be liable to indemnify and hold harmless the Company and the other Members from all cost, liability, and damage that any of such indemnified Members may incur (including, without limitation, incremental tax liabilities, attorneys' fees, and expenses) as a result of such Transfer or attempted Transfer and efforts to enforce the indemnity granted hereby.

7.2. Conditions to Transfer.

(a) Any purported Transfer of LLC Interest by a Member must have the prior consent of the Members holding a majority of the outstanding Units.

(b) Any purported Transfer of LLC Interest by a Member must first satisfy any licensing or other requirements of any Regulatory Authority applicable to such Transfer.

(c) The Member that proposes to effect a Transfer (a "Transferring Member") or the Person to whom such Transfer is to be made (a "Transferee") shall pay or undertake to pay all expenses incurred by the Company or Members on behalf of the Company in connection therewith.

(d) Upon the death of a Member that results in a Transfer or a Transfer by operation of law to any Person other than the Company or a Member (such as, but not limited to, a Member's spouse or former spouse as part of a divorce proceeding, a Member's trustee in bankruptcy or a purchaser at any creditor's or court sale), the surviving or remaining Members shall have the option, for a period of thirty (30) days from the date it receives notice of such involuntary Transfer, to cause the Company to exercise its right to acquire the LLC Interest for the Fair Market Value thereof (the "Right of First Refusal"). The Company may exercise such right by delivering written notice thereof to the Transferring Member prior to the end of such thirty (30) day period; provided that the Company's failure to deliver such notice to the Transferring Member prior to the end of such thirty (30) day period shall be deemed the Company's irrevocable election not to acquire any of such LLC Interest.

(e) If the Company does not elect to purchase all of the Transferring Member's LLC Interest, then each of the remaining Members shall have the right to exercise the Right of First Refusal with respect to the remaining Transferring Member's LLC Interest in accordance with the procedure applicable to the Company, as above described, except that the time periods shall begin on the date the Company shall be deemed to have waived its right to purchase all of the Transferring Member's LLC Interest. If two (2) or more remaining Members elect to purchase the Transferring Member's LLC Interests, then, the remaining Members shall have the right to purchase all of the Transferring Member's LLC Interests in the proportion that such remaining Member's respective LLC Interest bears to the total LLC Interests of all remaining Members who elect to purchase the Transferring Member's LLC Interests.

(f) If either the Company or the remaining Members elect to purchase all, but not less than all, of the Transferring Member's Interest, the closing shall occur within thirty (30) days of the exercise of such option. If the remaining Members opt to purchase (or cause the Company to purchase) the Transferring Member's LLC Interests, payment may be made, at the sole discretion of the purchaser, in either (i) immediately available United States dollars or (ii) a fully amortized promissory note with a maturity date of five years from the purchase date with interest at a rate of five percent (5%) per annum.

(g) If neither the Company nor the other Members elect to purchase all of the Transferring Member's LLC Interests within the applicable time periods, the Transferring Member's LLC Interests may then be Transferred in accordance with applicable law; but such Transferee shall hold only an economic interest in the Company. The Transferee shall become a full Member with voting rights only in accordance with Section 7.4.

7.3. Affected Members. Notwithstanding anything to the contrary herein, the Managers shall have the right, in their good faith determination based upon the written advice of the Company's legal counsel, to deem any Member an Affected Member. Immediately upon such a determination, (i) the Managers shall provide written notice to such Member which shall set forth the circumstance(s) which has caused such Member to become an Affected Member and (ii) the voting and consent rights of the Affected Member under this Agreement, if such Affected Member is also a Manager, shall be suspended to the extent that the Managers (without regard to

the vote of the Affected Member, if applicable), acting in good faith and based upon the advice of the Company's legal counsel, determine that the Affected Member's ongoing ability to exercise such rights jeopardizes the Company's ability to operate in compliance with applicable law. Any such Affected Member shall have thirty (30) days (or such shorter period of time as specified by a Regulatory Authority) (such period of time, the "Cure Period") following receipt of such written notice to rectify the circumstance(s) set forth in the written notice and provide evidence thereof to the Managers. During the Cure Period, the Managers shall cooperate in good faith with the Affected Member to attempt to restructure the Affected Member's rights under this Agreement and/or ownership structure of its Units so that such Member will cease to be an Affected Member. If, following the Cure Period, in the good faith judgment of the Managers (excluding the Affected Member, if applicable) based upon the written advice of the Company's legal counsel, such Member remains an Affected Member, such Managers shall immediately provide written notice to such Affected Member setting forth the same. In such event, the Company may, within five (5) days following the end of the Cure Period, propose to purchase the Affected Member's LLC Interest by delivering written notice to the Affected Member setting forth all material terms and conditions of such proposed purchase (including, without limitation, the proposed purchase price based on the Fair Market Value of the interests) (the "Purchase Notice Offer"). The Affected Member, in its sole discretion, may accept or reject the Purchase Notice Offer within ten (10) days of the expiration of the Cure Period by providing written notice to the Company. In the event that either the Company does not make a Purchase Notice Offer or the Affected Member does not timely accept the Purchase Notice Offer (a failure to timely accept a Purchase Notice Offer shall be automatically deemed a rejection of such Purchase Notice Offer), the Affected Member may Transfer its LLC Interest to a third-party purchaser within 90 days of the expiration of the Cure Period (or such shorter period of time as specified by a Regulatory Authority) as long as the following conditions are met: (x) the Managers (excluding the Affected Member, if applicable) consents to such Transfer, (y) such Transfer otherwise complies with the provisions of this Article 7 and (z) if a Purchase Notice Offer has been proposed, the price offered by such third-party purchaser is not equal to or less than the price offered by the Company in such Purchase Notice Offer. If the Affected Member does not Transfer its LLC Interest within such 90 day period (or such shorter period of time as specified by a Regulatory Authority), the Company may promptly purchase all or any portion of the LLC Interest of the Affected Member at fair market value (determined without giving effect to the suspension of any rights of the Affected Member), as determined by a qualified third-party appraiser mutually acceptable to the Affected Member and the Company.

7.4 New Members and Additional Membership Issuances. Except as otherwise provided for herein, the Company shall not issue any additional equity in the Company or admit any new Members to the Company without the prior consent of the Members holding a majority of the outstanding Units.

7.5 **Drag-along Rights**

- a) Participation. Subject to compliance with Section 4.3, if one or more Members holding no less than a majority of all the Common Units (such Member or Members, the "**Dragging Member**"), proposes to consummate, in one transaction or a series of related transactions, a Change of Control (a "**Drag-along Sale**"), the Dragging Member shall

have the right, after delivering the Drag-along Notice in accordance with Section 7.5, to require that each other Member (each, a “**Drag-along Member**”) participate in such sale (including, if necessary, by converting their Unit Equivalents into the Units to be sold in the Drag-along Sale) in the manner set forth in this Section 7.5

b) Sale of Units. Subject to compliance with Section 7.5:

- i. If the Drag-along Sale is structured as a sale resulting in a majority of the Common Units of the Company on a Fully Diluted Basis being held by a Third Party Purchaser, then each Drag-along Member shall sell, with respect to each class or series of Units proposed by the Dragging Member to be included in the Drag-along Sale, the number of Units and/or Unit Equivalents of such class or series (with Common Units and Incentive Units treated as one class for this purpose) equal to the product obtained by multiplying (a) the number of applicable Units on a Fully Diluted Basis held by such Drag-along Member (with Common Units and Incentive Units treated as one class) by (b) a fraction (x) the numerator of which is equal to the number of applicable Units on a Fully Diluted Basis that the Dragging Member proposes to sell in the Drag-along Sale (with Common Units and Incentive Units treated as one class) and (y) the denominator of which is equal to the number of applicable Units on a Fully Diluted Basis held by the Dragging Member at such time (with Common Units and Incentive Units treated as one class); and
- ii. If the Drag-along Sale is structured as a sale of all or substantially all of the consolidated assets of the Company and the Company Subsidiaries or as a merger, consolidation, recapitalization, or reorganization of the Company or other transaction requiring the consent or approval of the Members, then notwithstanding anything to the contrary in this Agreement, each Drag-along Member shall vote in favor of the transaction and otherwise consent to and raise no objection to such transaction, and shall take all actions to waive any dissenters’, appraisal or other similar rights that it may have in connection with such transaction. The Distribution of the aggregate consideration of such transaction shall be made in accordance with this Agreement.
- iii. Sale Notice. The Dragging Member shall exercise its rights pursuant to this Section 7.5 by delivering a written notice (the “**Drag-along Notice**”) to the Company and each Drag-along Member no more than ten (10) Business Days after the execution and delivery by all of the parties thereto of the definitive agreement entered into with respect to the Drag-along Sale and, in any event, no later than twenty (20) Business Days prior to the closing date of such Drag-along Sale. The Drag-along Notice shall make reference to the Dragging Members’ rights and obligations hereunder and shall describe in reasonable detail:
 - a. The name of the person or entity to whom such Units are proposed to be sold;
 - b. The proposed date, time and location of the closing of the sale;
 - c. The number of each class or series of Units to be sold by the Dragging Member, the proposed amount of consideration for the Drag-along Sale and the other

material terms and conditions of the Drag-along Sale, including a description of any non-cash consideration in sufficient detail to permit the valuation thereof and including, if available, the purchase price per Unit of each applicable class or series; and

- d. A copy of any form of agreement proposed to be executed in connection therewith.

iv. Conditions of Sale. The obligations of the Drag-along Members in respect of a Drag-along Sale under this Section 7.5 are subject to the satisfaction of the following conditions:

- a. The consideration to be received by each Drag-along Member shall be the same form and amount of consideration to be received by the Dragging Member per Unit of each applicable class or series and the terms and conditions of such sale shall, except as otherwise provided in this Section 7.5 be the same as those upon which the Dragging Member sells its Units;
- b. If the Dragging Member or any Drag-along Member is given an option as to the form and amount of consideration to be received, the same option shall be given to all Drag-along Members; and
- c. Each Drag-along Member shall execute the applicable purchase agreement, if applicable, and make or provide the same representations, warranties, covenants, indemnities and agreements as the Dragging Member makes or provides in connection with the Drag-along Sale; provided, that each Drag-along Member shall only be obligated to make individual representations and warranties with respect to its title to and ownership of the applicable Units, authorization, execution and delivery of relevant documents, enforceability of such documents against the Drag-along Member, and other matters relating to such Drag-along Member, but not with respect to any of the foregoing with respect to any other Members or their Units; provided, further, that all representations, warranties, covenants and indemnities shall be made by the Dragging Member and each Drag-along Member severally and not jointly and any indemnification obligation shall be pro rata based on the consideration received by the Dragging Member and each Drag-along Member, in each case in an amount not to exceed the aggregate proceeds received by the Dragging Member and each such Drag-along Member in connection with the Drag-along Sale.

v. Cooperation. Each Drag-along Member shall take all actions as may be reasonably necessary to consummate the Drag-along Sale, including, without limitation, entering into agreements and delivering certificates and instruments, in each case, consistent with the agreements being entered into and the certificates being delivered by the Dragging Member, but subject to this Section 7.5

ARTICLE VIII
DISSOLUTION AND TERMINATION OF THE COMPANY

8.1. Dissolution. There will be a dissolution of the Company, and its affairs shall be wound up, upon the first to occur of any of the following events (each, a “Dissolution Event”):

- (a) The election by the Members holding a super-majority (85%) of the outstanding Units to dissolve the Company as of the last Business Day of the Fiscal Year in which all Company assets have been sold or otherwise disposed;
- (b) The election by the Members holding a super-majority (85%) of all outstanding Units to dissolve the Company upon the happening of any event that makes it unlawful, impossible or impracticable to carry on the Company’s activities, as determined by the Members; or
- (c) The sale, exchange, involuntary conversion, or other disposition or Transfer of all or substantially all the assets of the Company; or
- (d) The entry of a decree of judicial dissolution.
- (e) Any other event which causes dissolution under the LLC Act.

8.2. Bankruptcy, Dissolution or Withdrawal of a Member. The Bankruptcy, dissolution, death or withdrawal of a Member shall not in and of itself dissolve or terminate the Company.

8.3. Winding Up; Liquidation of Assets. Upon the dissolution of the Company, the Liquidating Agent shall proceed, subject to the provisions of this Article VIII, to make a final allocation of all items of income, gain, loss, and expense in accordance with Article VI hereof, and the Company’s liabilities and obligations to its creditors shall be paid or adequately provided for prior to any distributions to the Members. After payment or provision for the payment of all liabilities and obligations of the Company, the remaining assets, if any, shall be distributed among the Members in accordance with Section 6.3.

8.4. Distributions in Cash or in Kind. Upon the dissolution of the Company, the Liquidating Agent shall use commercially reasonable efforts to liquidate all of the Company’s assets in an orderly manner and apply the proceeds of such liquidation as set forth in Section 8.3; provided that if in the good faith judgment of the Liquidating Agent a Company asset should not be liquidated, the Liquidating Agent shall allocate, on the basis of the value of any Company assets not sold or otherwise disposed of, any unrealized gain or loss based on such value to the Members’ Capital Accounts as though the assets in question had been sold on the date of distribution and, after giving effect to any such adjustment, distribute said assets in accordance with Section 6.3, subject to the priorities set forth in Section 8.3; and provided, further, that the Liquidating Agent will in good faith attempt to liquidate sufficient Company assets to satisfy in cash (or make reasonable provision for) the debts and liabilities referred to in Section 8.3.

8.5. Time for Liquidation. A reasonable time period shall be allowed for the orderly winding-up and liquidation of the assets of the Company and the discharge of liabilities to creditors so as to enable the Liquidating Agent to seek to minimize potential losses upon such liquidation. The provisions of this Agreement shall remain in full force and effect during the period of winding-up and until the filing of a certificate of cancellation of the Certificate of Formation with the Secretary of State of the State of Maine.

8.6. Termination. Upon completion of the foregoing, the Liquidating Agent shall execute, acknowledge, and cause to be filed a certificate of cancellation of the Certificate of Formation with the Secretary of State of the State of Maine.

ARTICLE IX MISCELLANEOUS PROVISIONS

9.1. Notices. Each notice relating to this Agreement shall be in writing and shall be delivered (a) in person, (b) by courier, or (c) by facsimile transmission. All notices to the Company shall be addressed to the Members at the addresses listed in Schedule A. A copy of any notices to the Company shall be delivered to:

Seven Points LLC
38 Montvale Ave #210
Stoneham, MA, 02180

With a copy to:

Drummond Woodsum & MacMahon, P.A.
84 Marginal Way, Suite 600
Portland, Maine 04101
Attn: Edward J. Kelleher, Esq.
Fax: (207) 772-3627

Any Member may designate a new address by notice to that effect given to the other Members. Unless otherwise specifically provided in this Agreement, a notice given in accordance with the foregoing clauses (a) or (b) shall be deemed to have been effectively provided when delivered in person or by courier, and a notice given in accordance with the foregoing clause (c) shall be deemed to have been effectively provided when sent, with such transmission confirmed by the sender's transmitting device.

9.2. Counsel to the Company. The Company has initially selected Drummond Woodsum & MacMahon ("Company Counsel") as legal counsel to the Company. Any Manager, in his or her discretion, may execute on behalf of the Company and the Members any consent to the representation of the Company that Company Counsel may request, pursuant to the Maine Rules of Professional Conduct or similar rules in any other jurisdiction ("Rules"). As permitted by the Rules, Company Counsel also may be counsel to any Member or any Affiliate thereof.

Each Member acknowledges that Company Counsel does not represent any Member in the absence of a clear and explicit written agreement to such effect between the Member and Company Counsel, and that in the absence of any such agreement Company Counsel shall owe no duties directly to a Member.

EACH MEMBER ACKNOWLEDGES THAT COMPANY COUNSEL HAS REPRESENTED ONLY THE INTERESTS OF THE COMPANY IN CONNECTION WITH THE FORMATION, PREPARATION AND NEGOTIATION OF THIS AGREEMENT. EACH MEMBER FURTHER ACKNOWLEDGES, REPRESENTS AND WARRANTS THAT SUCH MEMBER HAS BEEN ADVISED TO CONSULT WITH SUCH MEMBER'S OWN ATTORNEY REGARDING THIS AGREEMENT AND HAS DONE SO TO THE EXTENT THAT SUCH MEMBER CONSIDERS NECESSARY OR HAS WAIVED SUCH MEMBER'S RIGHT TO DO SO.

9.3. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single agreement. This Agreement may be executed by facsimile or PDF via email.

9.4. Headings. The headings of the articles and sections of this Agreement are inserted for convenience only and shall not be deemed to constitute a part hereof.

9.5. Successors and Assigns. This Agreement shall inure to the benefit of the Members and shall be binding upon the parties, and, subject to Article VII, their respective successors and permitted assigns.

9.6. Severability. Every term and provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such term or provision will be enforced to the maximum extent permitted by law and, in any event, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

9.7. Non-Waiver. No provision of this Agreement shall be deemed to have been waived except if the giving of such waiver is contained in a written notice given to the party claiming such waiver, and no such waiver shall be deemed to be a waiver of any other or further obligation or liability of the party or parties in whose favor the waiver was given.

9.8. Applicable Law; Jurisdiction. All issues and questions concerning the application, construction, validity, interpretation and enforcement of this Agreement shall be governed by and construed in accordance with the internal laws of the State of Maine, without giving effect to any choice or conflict of law provision or rule (whether of the State of Maine or any other jurisdiction) that would cause the application of laws of any jurisdiction other than those of the State of Maine.

9.9. Arbitration; Venue & Jurisdiction

- a) Any dispute and any claim arising out of or relating to this Agreement or its breach shall be submitted to binding arbitration upon the written request of one party after the service of that request on the other party. The parties shall appoint one person

to hear and determine the dispute. The arbitration shall be confidential, and the arbitration provider shall be JAMS, whose rules shall govern the arbitration. If the parties cannot agree on the selection of an arbitrator, a party may petition Massachusetts Superior Court under MGL Ch. 251 Section 3 for Appointment of Arbitrators. The court will choose an impartial arbitrator and the court's decision shall be final and conclusive as to all parties. Each party shall bear its own costs, expenses, attorney fees, and an equal share of the arbitrators' fees, and any other administrative fees.

- b) The parties hereby agree that any arbitration, and any suit, action or proceeding seeking to enforce such arbitration or based on any matter arising therefrom, shall be brought in the Superior Court of the Commonwealth of Massachusetts (or, if such courts lack subject-matter jurisdiction, any other court of the Commonwealth of Massachusetts), so long as one of such courts shall have subject-matter jurisdiction over such suit, action or proceeding, and that any case of action arising out of this Agreement shall be deemed to have arisen from a transaction of business in the Commonwealth of Massachusetts.
- c) Each of the parties hereby irrevocably consents to the exclusive jurisdiction of such courts (and of the appropriate appellate courts therefrom) in any such suit, action or proceeding and irrevocably waives, to the fullest extent permitted by law, any objection that it may now or hereafter have to the laying of the venue of any such suit, action or proceeding in any such court or that any such suit, action or proceeding which is brought in any such court has been brought in an inconvenient form. Service of process, summons, notice or other document by registered mail to the address set forth in this Agreement shall be effective service of process for any suit, action or other proceeding brought in any such court.

9.10. WAIVER OF JURY TRIAL. EACH PARTY HERETO HEREBY ACKNOWLEDGES AND AGREES THAT ANY CONTROVERSY WHICH MAY ARISE UNDER THIS AGREEMENT IS LIKELY TO INVOLVE COMPLICATED AND DIFFICULT ISSUES AND, THEREFORE, EACH SUCH PARTY IRREVOCABLY AND UNCONDITIONALLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LEGAL ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT OR THE TRANSACTIONS CONTEMPLATED HEREBY.

9.11. Attorney's Fees. In the event that any party hereto institutes any legal suit, action or proceeding, including arbitration, against another party in respect of a matter arising out of or relating to this Agreement, the prevailing party in the suit, action or proceeding shall be entitled to receive, in addition to all other damages to which it may be entitled, the costs incurred by such party in conducting the suit, action or proceeding, including reasonable attorneys' fees and expenses and court costs.

9.12. Entire Agreement. This Agreement constitutes the entire agreement among the Members with respect to the subject matter hereof, and supersedes any prior agreement or understanding among them with respect to such subject matter.

9.13 Amendments. No provision of this Agreement may be amended or modified except by an instrument in writing executed by the Company and Members holding eighty-five percent (85%) of the Units. Any such written amendment or modification will be binding upon the Company and each Member; provided, that an amendment or modification modifying the rights or obligations of any Member in a manner that is disproportionately adverse to (a) such Member relative to the rights of other Members in respect of Units of the same class or series or (b) a class or series of Units relative to the rights of another class or series of Units, shall in each case be effective only with that Member's consent or the consent of the Members holding a majority of the Units in that class or series, as applicable. Notwithstanding the foregoing, amendments to the Members Schedule following any new issuance, redemption, repurchase or Transfer of Units in accordance with this Agreement may be made by the Managers without the consent of or execution by the Members.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above by their respective officers thereunto duly authorized.


THE COMPANY: SEVEN POINTS LLC

By:  _____


Name: Nick Friedman

Title: Manager

THE MEMBERS:



Nicholas Friedman



Brandon Pollock



Steven Derrey






Andrew Linegar

SCHEDULE A

SEVEN POINTS LLC				
Members, Capital Contributions, and LLC Interests as of Effective Date				
<u>Member Name and Address</u>	<u>Capital Contribution</u>	<u>LLC Interest</u>	<u>Common Units</u>	<u>Preferred Units</u>
Nicholas Friedman 24A Bigelow St. Cambridge, MA, 02139	\$48.00	48%	7,680	0
Brandon Pollock 140 Beacon Street, #7, Boston, MA 02116	\$48.00	48%	7,680	0
Andrew Linegar 125 Grant St, Apt 10, Portland, ME, 04101	\$2.00	2%	320	0
Steven Derrey 44 Providence Ave, South Portland, ME, 04106	\$2.00	2%	320	0
TOTAL	\$100.00	100%	16,000	0

TITLE	Seven Points OA Agreement
FILE NAME	Seven Points Oper...ment (FINAL).docx
DOCUMENT ID	47d183b34e65d5b5d2e22931f3d51fdb8bb4bc55
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History

 SENT	12 / 14 / 2019 22:19:43 UTC	Sent for signature to Brandon (brandon@theorywellness.org), Andrew (andrew@theorywellness.org) and Steven (steven@theorywellness.org) from nfriedman12188@gmail.com IP: 199.36.244.21
 VIEWED	12 / 14 / 2019 22:34:15 UTC	Viewed by Andrew (andrew@theorywellness.org) IP: 107.77.223.98
 VIEWED	12 / 15 / 2019 16:03:25 UTC	Viewed by Brandon (brandon@theorywellness.org) IP: 24.130.43.55
 VIEWED	12 / 16 / 2019 15:07:58 UTC	Viewed by Steven (steven@theorywellness.org) IP: 201.221.253.187
 SIGNED	12 / 15 / 2019 16:03:48 UTC	Signed by Brandon (brandon@theorywellness.org) IP: 24.130.43.55
 SIGNED	12 / 16 / 2019 15:15:30 UTC	Signed by Steven (steven@theorywellness.org) IP: 201.221.253.187

TITLE	Seven Points OA Agreement
FILE NAME	Seven Points Oper...ment (FINAL).docx
DOCUMENT ID	47d183b34e65d5b5d2e22931f3d51fdb8bb4bc55
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History

**12 / 16 / 2019**
15:28:15 UTCSigned by Andrew (andrew@theorywellness.org)
IP: 107.77.225.224

COMPLETED

12 / 16 / 2019
15:28:15 UTC

The document has been completed.

**SEVEN POINTS
MANAGER RESOLUTION**

The undersigned, being Managers of Seven Points LLC, a limited liability company organized in the State of Maine, consent to the following actions being taken by the company (“**Seven Points**”), in accordance with Seven Points’ operating agreement.

The Resolution detailed below may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

RECITALS

WHEREAS, the members Andrew Linegar, Steven Derrey, Brandon Pollock, and Nicholas Friedman have assigned 100% of their membership interest to Theory Wellness Holdings LLC through a series of assignment documents “Assignment of LLC Interest.”

1. **RESOLVED**, the undersigned Managers of Seven Points have, pursuant to Section 9.13 of the Operating Agreement of the Company have amended the Membership Schedule (Schedule A) to be as follows:

	Members, Capital Contributions, and LLC Interests as of Effective Date			
Member Name and Address	Capital Contribution	LLC Interest	Common Units	Preferred Units
Theory Wellness Holdings LLC	N/A	100%	16,000	0

[Signature page follows]

Signed on 12 / 21 / 2020.

MANAGERS



Nicholas Friedman



Brandon Pollock

Signature Page to Seven Points LLC, Manager Resolution

TITLE	Seven Points Membership Interest
FILE NAME	Board Resolution-...hip Schedule.docx
DOCUMENT ID	6506b818fc82a62841cb955051aafceecff6fa7e
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History



SENT

12 / 21 / 2020

15:49:33 UTC

Sent for signature to Brandon (brandonpollock@gmail.com)
 from nfriedman12188@gmail.com
 IP: 73.149.130.33



VIEWED

12 / 21 / 2020

15:49:52 UTC

Viewed by Brandon (brandonpollock@gmail.com)
 IP: 24.63.143.130



SIGNED

12 / 21 / 2020

15:50:27 UTC

Signed by Brandon (brandonpollock@gmail.com)
 IP: 24.63.143.130



COMPLETED

12 / 21 / 2020

15:50:27 UTC

The document has been completed.

§ 5.11.7. Transfer of ownership.

A license for a marijuana business may be transferred to another owner if an updated application form and ownership affidavit are provided to the Town and all persons listed on the affidavit successfully pass background checks and otherwise meet the criteria of this title. See § 5.11.9F regarding transfer of licenses for marijuana retail stores.

§ 5.11.9. Limit on and special procedures for marijuana retail stores.

- A. Limit on marijuana retail store licenses. No more than one licensed marijuana retail store will be permitted per allowable zone as described in Title 16.3.
- B. No business may have more than one marijuana retail store license in Kittery. The Town will utilize the Maine Tax Identification Number to determine compliance.
- C. Preapplication required. Applications for initial licensure of marijuana retail stores will not be accepted for processing unless and until the applicant has successfully completed a preapplication process as set forth here.
 - (1) Preapplication forms will be available starting on the effective date of this title. Applicants seeking licensure as a marijuana retail store must complete the form and return it to the Town along with the following supporting documentation:
 - (a) Completed, signed and notarized ownership affidavit.
 - (b) Preapplication fee.
 - (c) Evidence of right, title and interest in the premises (deed, purchase and sale agreement, lease and/or sublease) or the property owner's permission to operate at that location, if the applicant is not the owner (letter from owner).
 - (d) Evidence demonstrating the applicant's financial capacity to build out (if applicable) and operate the marijuana retail store (e.g., bank letter, letter of credit, loan commitment).
 - (e) Evidence demonstrating that the applicant has applied for conditional licensure from the State of Maine.
 - (2) Upon receipt of a preapplication, the Town must note the date and time of the receipt and, without unreasonable delay, process the application to determine whether all required fields have been filled and all required supporting documentation has been provided. If the Town determines that a submitted preapplication is not complete, it must notify the applicant of the additional information required to process the preapplication. If such additional information is not submitted by the deadline set by the Town, the preapplication will be rejected.
 - (3) The Town Manager must evaluate complete preapplications and certify the eligibility of applicants if they meet the following standards:

- (a) The applicant has demonstrated right, title and interest in the premises or owner permission to operate at the location;
 - (b) The applicant has demonstrated adequate financial capacity to build out (if applicable) and operate the retail store;
 - (c) The premises is located in a zone in which marijuana retail stores are permitted;
 - (d) The applicant has applied for or received conditional license approval from the State of Maine for the subject marijuana retail store.
- (4) The Town Manager must issue a written decision to the applicant indicating whether it has met the standards for preapplication certification. Applications for licensure may be submitted as soon as the certification decision is issued.
- D. Priority.
- (1) Pre-license applications for marijuana retail stores will be received and processed until the deadline date announced by the Town on the first day preapplications will be accepted. The deadline will be no less than 30 days and no more than 45 days from the first day applications will be accepted.
 - (2) Licenses for marijuana retail stores will be assigned based on lottery, conducted by the Town, within 10 days of the deadline for preapplications. The first preapplication selected by lottery for each allowable zone will be invited to provide a completed license application within 30 days, which will be processed in accordance with § 5.11.6.
- E. Waiting list procedures. A wait list will be established by lottery for each allowable zone, at the same time the priority lottery is conducted for § 5.11.9D. Once the wait list is established, each new applicant will be added to the end of the wait list. If a license for a marijuana retail store becomes available, the Town will invite the next applicant on the wait list for the corresponding zone, to apply for licensure. If such applicant does not submit an application within 30 days from invitation, the Town must proceed to the next applicant. Applications will not be processed from the wait list if there have been any material changes to ownership, as indicated on the ownership affidavit, or where there is a change to location of the premises.
- F. **Change in ownership of marijuana retail store.** In the event of a proposed change in ownership of a marijuana retail store (including a material change of members of an LLC or partnership), the new owner(s) must apply for a new license within 30 days following the date of the transfer by submitting a full, completed/updated application package to the Town. The application is subject to the same application process as new licenses and, after initial staff review, will be presented to the Town Council for consideration if the proposal involves a change in majority ownership or control of the marijuana retail store. If the new owner does not apply for a new license within said thirty-day period, the license will be considered forfeited. The license may not be transferred if any active use other than for the licensed marijuana retail store has been made of the licensed premises prior to or within the 30 days

following the transfer of ownership.



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1313 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS, AND LODGING HOUSE
OPERATORS LICENSE**

Applicant's Name: Chloe Scala
please print

Applicant's Address: 18 Mendum Ave, Kittery ME
please print

Applicant's mailing address if different from above: N/A

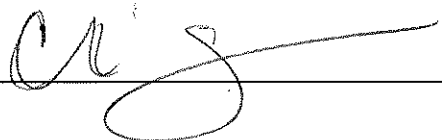
Applicant's Email address (required): cscala@mainecheeseboard.com

Date of Birth: 04/18/1996 Applicant's Telephone Number: (508)723-4936

Business Name: Board, LLC
please print

Business Address: 5 Shapleigh Rd Suite 108, Kittery ME
please print

Business Telephone Number: N/A

Signature of Applicant:  Date: 10/12/2023

LICENSE FEE: \$ 50

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

Town Manager's Signature: _____

MISCELLANEOUS PAYMENT RECPT#: 768063
TOWN OF KITTEERY
200 ROGERS ROAD

KITTEERY, ME 03904

DATE: 10/12/23 TIME: 15:05:20
CLERK: 2201yow DEPT:
CUSTOMER#:

PARCEL:

CHG: CLERK	CLERK FEES	50.00
REVENUE:		
1 1111	43120	50.00
TOWN CLERK FEES		
REF1: VIC LIC	REF2:	
CASH:		
1000	11011	50.00
CHECKING		

AMOUNT PAID: 50.00

PAID BY: BOARD LLC
PAYMENT METH: CHECK
 926083

REFERENCE:

AMT TENDERED: 50.00
AMT APPLIED: 50.00
CHANGE: .00
VA



TOWN OF KITTERY COUNCIL RULES

DRAFT: November 27, 2023

COUNCIL RULES

Except as superseded by these rules, Robert's Rules of Order, Newly Revised, 11th Edition, govern the conduct of meetings.

SECTION ONE. REGULAR MEETINGS

The regular meetings of the Council are held in the Council Chambers of the Town Hall, or through telephonic, video, electronic, or similar means of remote participation as allowed by Maine Law, on either the second or fourth Monday of each calendar month, or both. Routinely, only one regular meeting will be scheduled in July, August and December, except if the Chairperson and Town Manager deem it necessary to hold a second. Public proceedings commence at 6:00 p.m. whether or not preceded by an executive session.

When said meeting falls on a holiday or is otherwise postponed, the regular meeting is held on the following Wednesday, at the same time and place.

The date and venue of any regular meeting may be changed upon the vote of the Council, provided, however, that said change in date, or venue, will still provide for at least one regular meeting in each month.

SECTION TWO. SPECIAL MEETINGS

Special meetings may be called by the Chairperson or by four members of the Town Council. Notice of such meeting must, when possible, be given at least twelve hours before the time for holding the meeting. The call for the meeting must set forth the matters to be acted upon and nothing else may be considered.

Special meetings include public comment time as provided at regular Council meetings, but such public comment is limited to the matters on the agenda for the meeting. Notices of such meetings must include the name(s) of the person(s) requesting the meeting.

SECTION THREE. COUNCIL ACTION

The Town Council shall act only by ordinance, order, resolve, and by consensus.

Actions of the Council are recorded in the minutes of the Council meeting.

SECTION FOUR. EFFECTIVE DATE OF COUNCIL ACTIONS

All actions of the Council, except ordinances, take effect immediately upon passage.

The effective date of ordinances is governed by Section 2.14, Paragraph 3 of the Town Charter.

SECTION FIVE. DUTIES OF THE CHAIRPERSON

The Chairperson shall assume the chair at the time appointed for the meeting; call the members to order; provide for introductory and pledge of allegiance; cause the roll to be called; and, a quorum being present, proceed to conduct the business of the Council according to the published agenda.

The Chairperson shall preserve decorum and order; speak to points of order in preference to other members; and, decide all questions of order subject to an appeal to the Council by motion regularly made and seconded, and no other business is in order until the question on appeal be decided.

The Chairperson shall declare all votes, but if any member doubts a vote, the Chairperson shall cause a return of the members voting in the affirmative and in the negative without debate.

All persons wishing to speak, whether they be Council members or members of the general public must first be recognized by the Chairperson.

The Chairperson enjoys the same rights and privileges as other members of the Council, including the introduction and seconding of motions and participation in debate.

SECTION SIX. VICE CHAIRPERSON

The position of Vice Chairperson is hereby established. The provisions of Charter Sec. 2.05 (1) apply for election to this position.

In the temporary absence or disability of the Chairperson, Charter Sec. 2.05 (3) and Section Five of these Council Rules govern the duties of the Vice Chairperson.

SECTION SEVEN. RECONSIDERATION OF THE VOTE

When a vote is concluded, it is in order for any member who voted on the prevailing side to move a reconsideration thereof at the same or next regular meeting.

SECTION EIGHT. CONDUCT IN ADDRESSING THE COUNCIL

Proper decorum, befitting the gravity of their solemn duties, is expected of all Councilors during the conduct of meetings.

Councilors wishing to speak shall respectfully address the Chairperson, and confine their comments to the question under debate, or the issue the Councilor wants to raise.

No member may be interrupted by another, but for a point of order or to correct a mistake, and only upon recognition by the Chairperson.

SECTION NINE. MOTIONS IN WRITING

Motions must be reduced to writing if the Chairperson so directs.

SECTION TEN. SUSPENSION OF THE RULES

The rules may not be dispensed with, or suspended, unless five members of the Council consent thereto. No rules may be adopted, amended, or deleted without notice in writing being given at the preceding regular meeting.

SECTION ELEVEN. VOTING

Voting is by a randomly sequenced roll call. Councilors shall indicate their vote by a yes or no, or by abstention, when polled. No Councilor may be excluded from participation in debate on any question except as required by Town Charter or state statute, (currently Section 12.01 and 30-A MRS §2605, respectively). Councilors have the right to change their vote up to the time the vote is announced by the Chairperson.

Voting on Council Chairperson, Vice Chairperson, and for appointment to the Planning Board and Board of Appeals will be conducted in the following way:

- Nomination will require a motion and second
- Councilors shall indicate their vote by stating the name of one nominee or by abstention
- In case of a tie, the vote will be taken again. In the case of a second tie vote, the Council may either take another vote or continue the matter to the next Council meeting.

The vote must be recorded in the minutes of the meeting to indicate each Councilor's vote, or abstention.

SECTION TWELVE. AGENDA

In order that advance notice of the matters to be discussed at Council meetings be afforded interested parties, all meetings of the Council will be conducted according to the agenda.

An agenda will be prepared for each regular meeting and posted by the Thursday preceding said meeting. Posting will be in a public area of the municipal building and of the U.S. Post Offices in Kittery and Kittery Point, and on the Town's website.

When practicable, an agenda will be prepared at least twelve hours in advance of a special meeting; delivered to all Council members and posted as previously provided.

All Town Manager's memoranda of interest to the Council members will be delivered

to them at least seventy-two hours before a regular meeting.

All reports or proposals made to the Council, which require or request that an action be taken by the Council, are to be submitted in written form. The content will consist of the following, as appropriate:

- Executive Summary
- Statement of Need
- Background
- Facts Bearing on the Equation
- Current Situation
- Proposed Solution / Recommendation
- Rationale for the Proposed Solution (including costs)

The agenda consists of the following categories:

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's report
7. Acceptance of previous minutes
8. Interviews for Planning Board and Board of Appeals.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

Persons who are represented by legal or engineering consultants, who are present and wish to address the Council, shall notify the Chairperson prior to the Council Call to Order of the subject they wish to speak on and will be heard at this time.

10. Public hearings
11. Discussion
 - a. Discussion by members of the public (3 minutes per person)
 - b. Response to public comment directed to a particular Councilor'
 - c. Chairperson's response to public comments.
12. Unfinished business
13. New business

13. a. Donations/gifts received for Council disposition
14. Councilor issues or comment
15. Committee and other reports
 - a. Communications from the Chairperson
 - b. Committee reports
16. Executive session, if required
17. Adjournment

To the extent possible, matters to be discussed at a meeting by the town manager or Chairperson will be listed on the agenda under Chairperson Communications, or Town Manager's Report, respectively.

The category of Unfinished Business is specifically reserved for Council business discussed at a previous meeting that has been postponed or continued to the meeting for which the present agenda is prepared.

The New Business section of the agenda is reserved for those matters which a Councilor wishes to introduce anew.

Except as provided in Charter Article XI, no proposal for ordinances enactment, repeal, or amendment may lie before the Council unless introduced by a Council member.

In keeping with the policy regarding advance notice, Councilors are encouraged and requested to submit to the Town Clerk those matters which they wish to introduce under New Business by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted. The Town Clerk shall then place those matters on the agenda.

Immediately following the roll call, the Chairperson may amend and must adopt the agenda, except no matter requiring public notice may be added without such notice. Agenda amendment after adoption may be made only by majority vote.

SECTION THIRTEEN. DISCUSSION

A. Discussion by members of the public (3 minutes per person)

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures.

1. The Public Discussion section of the agenda is reserved for members of the public who wish to address the Council on any matters listed on the agenda or on other matters they wish to bring to the Council's attention.

2. Any person wishing to have an item listed on the agenda under Public Discussion shall submit the matter to be discussed in writing to the Town Clerk by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted.
3. Persons wishing to address the Council during public discussion will signify their desire and, when recognized by the Chairperson, request permission to address the Council, giving their name and address, then designating the subject matter on which they desire to address the Council.
4. Members of the public, addressing the Council during the public discussion section of the agenda shall limit their statements to the Council, to no more than three minutes per person unless the Chairperson finds it necessary to allow more time.
5. Persons wishing to address the Council on an item which appears on the agenda as a public hearing, shall wait until the Chairperson announces the consideration of such item, at which time, after being recognized, they may address the Council on that particular item.
6. Once the Council has begun its deliberation on the item, no person is permitted to address the Council unless the Chairperson, having determined that the Council's deliberations appear finished, and that the item under consideration is of great concern to members of the public gathered, permits persons in the audience to address the Council before closing the discussion and calling for Council vote.

B. Response to public comments.

In order to assure that the Council is speaking as one voice when responding to public comments all general responses shall be made by the Council Chairperson.

The Chairperson is responsible for any subsequent follow-up response to the speakers. In the event a member of the public addresses an issue to a particular Councilor, the Chairperson will invite such Councilor to respond directly, if that Councilor so desires.

SECTION FOURTEEN. COUNCIL POLICIES

The Town Clerk shall maintain copies of Council rules and policies and provide same to the Rice Public Library.

To allow for the opportunity for full attendance, all workshops held by the Council will be scheduled for a Monday. When this is impossible to do, another night will be chosen by the Council at a regular Monday meeting.

No member of the Council may request a legal opinion relative to Town business from the Town's appointed attorneys without prior approval of a majority vote of the Council. All such requests must be made through the Town Manager.

SECTION FIFTEEN. STANDING COMMITTEES

In accordance with the Kittery Town Charter, Sec. 2.10(2) the Council may establish standing committees.

SECTION SIXTEEN. COPY COSTS

The cost charged by the Town for making copies of any materials, excluding those produced by the Planning Department, access to which the public is entitled, is twenty-five (25) cents a copy.

Copies of the Council packets are to be made available to the media at ten (10) cents a page.

SECTION SEVENTEEN. COUNCILOR AWARENESS

The Council realizes that Councilors should make an effort to broaden and increase their knowledge of information and skills directly related to their responsibility to govern the Town, and that efforts should be made to appropriate funds for this purpose.

Prior to incurring and requesting reimbursement for such expenses, however, individual Councilors must obtain the approval of the Council. Such approval is required for any individual expense that would be paid from the Council Contingency or the Council Expense accounts.

Approved 02/27/89	Amended 09/27/99	Amended 12/17/01	Amended 09/27/10
Amended 12/28/92	Amended 11/22/99	Amended 09/16/02	Amended 01/09/12
Amended 06/26/95	Amended 05/31/00	Amended 10/28/02	Amended 09/10/12
Amended 01/03/96	Amended 10/30/00	Amended 08/24/09	Amended 02/11/13
Amended 01/10/96	Amended 03/19/01	Amended 11/23/09	Amended 03/25/13
Amended 12/09/96	Amended 07/02/01	Amended 08/23/10	Amended 01/27/14
Amended 11/28/16	Amended 01/08/18	Amended 11/14/18	Amended 02/11/19
Amended 11/23/20			

TOWN COUNCIL STANDING ADHOC & COMMITTEE LIST

Council Chairperson / Vice Chair

Chairperson - Judy Spiller

Vice Chair - Colin McGuire

Capital Improvement Committee (1 Council Rep)

Colin McGuire

Climate Adaptation Committee (2 Council Reps)

Judy Spiller

Celestyne Bragg

Comprehensive Plan Implementation Committee (Chair and Vice Chair)

Council Chairperson – Judy Spiller

Council Vice Chair – Colin McGuire

Economic Development Committee (1 Council Rep)

Celestyne Bragg

Education Scholarship Selection Committee (2 Council Reps)

Cameron Hamm

Cyrus Clark

Kittery Community Center Board of Directors (1 Council Rep)

Celestyne Bragg

Trustees of Trust Funds (Council Chair serves as ex-officio member)

Council Chairperson – Judy Spiller

Kittery Land Issues Committee (1 Council Rep)

Judy Spiller

Disbursement Warrant for Town Employee Wages (Primary, Secondary, Tertiary)

Colin McGuire

Cyrus Clark

Celestyne Bragg

Disbursement Warrant for Town Expenses (Primary, Secondary, Tertiary)

Cyrus Clark

Cameron Hamm

Mary Gibbons Stevens

School Warrant for General Disbursements (Primary, Secondary, Tertiary)

Colin McGuire

Mary Gibbons Stevens

Cyrus Clark

Library Advisory Committee (1 Council Rep)

Judy Spiller

Housing Committee (1 Council Rep)

Cameron Hamm

School – Social Emotional Learning Committee (1 Council Rep)

Celestyne Bragg

School - Diversity Equity & Inclusion Committee (1 Council Rep)

Mary Gibbons Stevens

Diversity Equity & Inclusion Committee (Ad Hoc) (2 Council Reps)

Celestyne Bragg

Mary Gibbons Stevens

Youth Committee (Ad Hoc) (2 Council Reps)

Celestyne Bragg

Cyrus Clark

Traffic and Parking Committee (Ad Hoc) (2 Council Reps)

Cyrus Clark

Cameron Hamm

Library Building Committee (Ad Hoc) (2 Council Reps)

Mary Gibbons Stevens

VACANT (recommend not filling as remaining component of project is the Children's Garden installation, which is already designed and to be constructed in 2024)



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Todd Endres

RESIDENCE: 19 Cross St Kittery

MAILING (if different) _____

E-MAIL ADDRESS: tendres14@yahoo.com

PHONE #: (H) 815-733-0625 (W) 207-808-8776 (C) _____

Please check your choices and list in order of priority by marking 1,2,3, etc.:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Board of Appeals | <input checked="" type="checkbox"/> Board of Assessment Review |
| <input checked="" type="checkbox"/> Conservation Commission | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <input type="checkbox"/> Diversity, Equity & Inclusion Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee | <input checked="" type="checkbox"/> Kittery Port Authority |
| <input checked="" type="checkbox"/> Parks Commission | <input type="checkbox"/> KCC Board of Directors |
| <input checked="" type="checkbox"/> Planning Board | <input type="checkbox"/> Library Advisory Committee |
| <input checked="" type="checkbox"/> Climate Adaptation Committee | <input checked="" type="checkbox"/> Kittery Housing Committee |

Other _____

EDUCATION/TRAINING: US military and Hospitality background

RELATED EXPERIENCE (Including other Boards and Commissions) _____

I sat on 3 boards in ALaska for non-profits

PRESENT EMPLOYMENT: Press HOotel

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No

ANY KNOWN CONFLICT OF INTEREST (please read back of application): _____

N/A

REASON FOR APPLICATION TO THIS BOARD: Get involved in the local comunity

Jillian Richards

From: kitteryme via kitteryme <cmsmailer@civicplus.com>
Sent: Wednesday, November 8, 2023 2:02 PM
To: Jillian Richards; Jennifer Wheeler
Subject: Form submission from: Town of Kittery Board & Committee Application

Submitted on Wednesday, November 8, 2023 - 2:02pm
Submitted by anonymous user: 192.159.144.50
Submitted values are:

Name: Sarah Nohmer
Residence: 82 Goodwin Road, Kittery Point ME 03905
Mailing (if different):
E-Mail Address: snohmer19@gmail.com
Cell Phone Number: 8508559529

Home Phone Number: :

Work Phone Number:

Board, Committee & Commission Choices:

- Climate Adaptation Committee
- Educational Scholarship Committee
- Housing Committee
- Other

Rank Choices By Priority:

- 1) Educational Scholarship Committee
- 2) Climate Adaptation Committee
- 3) Housing Committee
- 4) Other- I am open to recommendations for any board or committee placement that I can be of benefit to

Education/Training:

Bachelor of Health Science, University of Florida 2017
Bachelor of Nursing, South College 2019
Master of Science in Nursing, MCPHS 2025

Registered Nurse, 2019- present

Related Experience (Including other Boards and Commissions):

Convocation Committee, South College 2019
AMSA Primary Care Committee 2013-2017
BHS L.E.A.P Mentor 2015-2017

Present Employment: York Family Practice, Triage Nurse

Are You a Registered Voter in the Town of Kittery? No

Do You Have Any Conflicts of Interest? No

Reason for Application to this Board: I would like to become productively involved in my community in whatever capacity best fits the needs of the town. My family has deep ties to both Kittery and the Seacoast area in general, which I have now made my home as well. If the Boards I have selected are not a good fit, but other ones are, I would be happy to participate in another!

I have attended at least two meetings of the board for which application is being made: Have not

I agree to attend all meetings, except for illness/emergency & will advise the Chair when unable to attend: Agree

Signature: Sarah E Nohmer

From: [Kendra Amaral](#)
To: [Chris Perkins](#)
Cc: [Elizabeth Lallemand](#); [Jillian Richards](#)
Subject: FW: CIP Committee
Date: Tuesday, November 7, 2023 8:54:30 AM
Attachments: [image001.png](#)
[CIP committee letter.pdf](#)

Hi Chris,

It has been a pleasure on this end as well. I am sorry to see you go; especially this year when we have some big challenges/puzzle pieces to deal with. Figuring out how to fund the Memorial Field project, KCC master plan implementation, and some Bike/Ped implementation efforts. You have been such an asset (pun intended...) on the committee; you ask good questions and feel comfortable looking at the individual needs and the whole picture. Your expertise will be missed.

I hope you are well and definitely hope to bump into you soon!

Thank you,
Kendra

From: Perkins, Chris <perkinsc@wseinc.com>
Sent: Monday, November 6, 2023 4:15 PM
To: Kendra Amaral <KAmaral@kitteryme.org>
Subject: CIP Committee

Hi Kendra, I hope you've been well. Please see attached – it's been a pleasure, and I'm sure we'll bump into one another soon!
Chris

Christopher M. Perkins, PE
VICE PRESIDENT



Weston & Sampson
office: 603-570-6312
mobile: 207-450-2899
westonandsampson.com

[Facebook](#) | [Twitter](#) | [LinkedIn](#)

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TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

REPORT TO TOWN COUNCIL

Meeting Date: November 27, 2023
From: Kendra Amaral, Town Manager
Subject: Title 13 – Municipal Property Tax Assistance
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

When the Council originally adopted Title 13.4.3 Municipal Property Tax Assistance (informally known as “Senior Property Tax Assistance”) it codified in the ordinance a maximum annual credit amount of \$1,000 per household.

In 2022 the Council allocated American Recovery Act Plan (ARPA) funding to increase the available credit to \$2,500 per qualifying household for three years. The final allocation of ARPA funds was applied to this year’s property taxes.

To continue to offer credits up to \$2,500 per household in the coming years, the ordinance will need to be amended.

The proposed amendment goes a step further and places the maximum annual credit allowed in Appendix A. This approach will allow the Council greater ease and flexibility in establishing a maximum annual credit amount that is responsive to inflationary and other economic impacts on qualifying seniors.

PROPOSED SOLUTION/RECOMMENDATION

Adopt the amendment as proposed.

ATTACHMENTS

- Title 13 – Municipal Property Tax Assistance Amendments
- Title 13 – Municipal Property Tax Assistance Amendments Enactment
- Senior Property Tax Assistance FAQ

TITLE 13
MUNICIPAL PROPERTY TAX ASSISTANCE MAXIMUMS

1. Amend the Senior Tax program to allow increased credits as follows:

1 § 13.4.3 **Municipal Property Tax Assistance.**

2 § 13.4.3.3 **Determination of benefit amount.**

3 Qualifying applicants are eligible to receive a credit on their taxes per household up to
4 the amount set out in Appendix A. ~~of up to \$1,000 per household.~~

2. **Add the Senior Tax** credit maximum to Appendix A as follows:

5 **Chapter 13.4.3 MUNICIPAL TAX ASSISTANCE**

6 Municipal Property Tax Assistance Benefit maximum per household \$2,500

KITTERY TOWN CODE
CHAPTER 13.4.3
MUNICIPAL PROPERTY TAX ASSISTANCE MAXIMUM

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter,
3 Federal law, and Maine Revised Statutes, and more particularly where set forth in
4 Maine Revised Statutes Title 30-A, Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as
6 specified in Sections 1.01 and 2.07(3) of the Town Charter; 30-A MRS §3001, pursuant
7 to its powers that authorize the town, under certain circumstances, to provide for
8 the public health, welfare, morals, and safety, and does not intend for this Ordinance
9 to conflict with any existing state or federal laws; and

10 **WHEREAS**, the Town of Kittery seeks to ensure the Municipal Property Tax
11 Assistance maximum is set in a manner that allows for regular revision to reflect
12 current inflationary and economic pressures experienced by qualifying seniors; and

13 **WHEREAS**, Appendix A is an appropriate section of the Town Code for the Council to
14 establish and update dollar amounts associated with corresponding ordinances;

15 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
16 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TITLE
17 13.4.3 OF THE TOWN CODE, AND AMEND APPENDIX A AS PRESENTED.

18 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
19 _____, 20____, by:_____ {NAME} Motion to approve by Councilor
20 _____ {NAME}, as seconded by Councilor _____ {NAME} and
21 passed by a vote of _____.

22 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
23 Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____ ,
24 Chairperson

25 **Attest:** {NAME}, _____Town Clerk



FREQUENTLY ASKED QUESTIONS

Senior Property Tax Assistance

What is the Senior Property Tax Credit?

If you are 70 years of age or older, with an annual income that does not exceed three hundred percent (300%) of the federal poverty level and have lived in Kittery for 10 consecutive years, you may qualify for a Senior Property Tax Credit of up to \$1,000 per household.

When Can I Apply?

Applications are accepted until the July 1 deadline of each year.

How Do I Apply?

Applicants are required to return a completed application to the Deputy Tax Collector, Pauline Brewster. Applications can be submitted via e-mail to pbrewster@kitteryme.org or in person at Town Hall, located at 200 Rogers Road, Kittery, ME 03904. Along with the application, applicants must provide supporting documentation for household income, ie: tax returns, bank statements etc. Applicants must also provide a copy of a valid ID displaying their date of birth, ie: driver's license, birth certificate, passport, etc. If the applicant is applying as a renter, a copy of the rental lease is also required.

What is the Amount of the Credit?

Qualifying applicants are eligible to receive a credit of up to \$1,000 per household.

When Will I Receive My Credit?

Approved applicants will have the total amount of the credit applied to their real estate taxes by October 1 of the year in which participation is sought.

Can I Apply the Credit to Taxes Owed In a Prior Year?

No, the credit only applies to taxes within the current tax year.

Do I Have to Reapply to Continue Receiving the Credit?

Yes, the Senior Property Tax Credit must be reapplied for each year.

For more information, contact Deputy Tax Collector, Pauline Brewster
Phone: 207-475-1316 | Email: pbrewster@kitteryme.org.



FREQUENTLY ASKED QUESTIONS

Senior Tax Deferral

What is the Senior Property Tax Deferral?

If you are 70 years of age or older, with an annual income that does not exceed three hundred percent (300%) of the federal poverty level and have lived in Kittery for 10 consecutive years, in an eligible homestead, you may qualify to defer your property taxes.

When Can I Apply?

Applications are accepted throughout the calendar year.

How Do I Apply?

Applicants are required to return a completed application to the Deputy Tax Collector, Pauline Brewster. Applications can be submitted via e-mail to pbrewster@kitteryme.org or in person at Town Hall, located at 200 Rogers Road, Kittery, ME 03904. Along with the application, applicants must provide supporting documentation for household income, ie: tax returns, bank statements etc. Applicants must also provide a copy of a valid ID displaying their date of birth, ie: driver's license, birth certificate, passport, etc.

How Long Can My Taxes Be Deferred?

If you qualify, taxes may be deferred until you transfer ownership of your home, or you cease to use it as your primary residence.

How Will I Be Notified About My Approval or Denial?

Applicants will be notified by mail.

Do I Have to Reapply to Continue Receiving the Deferral?

Once approved, no reapplication is needed.

For more information, contact Deputy Tax Collector, Pauline Brewster
Phone: 207-475-1316 | Email: pbrewster@kitteryme.org.