



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

## KITTERY TOWN COUNCIL

May 11, 2020

6:00PM

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The public may submit public comments for the DISCUSSION agenda item via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to [TownComments@kitteryme.org](mailto:TownComments@kitteryme.org).

**Comments received by noon on the day of the meeting will be read into the record by the Council Chair.**

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1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. All items involving the town attorney, town engineers, town employees, or other town consultants or requested offices
  - a. (050120-1) The Kittery Town Council moves to receive a presentation from the Town Clerk, Karen Estee on the upcoming July 14th Election and Absentee Voting.
8. DISCUSSION
  - a. Public comments will be received via email, mail, or the Town Hall Drop Box up until noon the day of the meeting.
  - b. Chairperson will read comments into the record.
  - c. Chairperson's response to public comment

**Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.**

9. New Business

a. Donations/gifts received for Council disposition

(050120-2) The Kittery Town Council moves to accept a donation from The Friends of the Rice Public Library in the amount of \$2,500.00. To be deposited into the Library Donations Fund.

(050120-3) The Kittery Town Council moves to accept a donation from The Rice Public Library Corporations in the amount of \$5,000.00. To be deposited in the Library Donations Fund.

b. (050120-4) The Kittery Town Council moves to approve a request from Traip Academy to place signs on the following roads from May 15<sup>th</sup> to June 30<sup>th</sup>, Williams, Whipple, Rogers and Shapleigh to recognize the 2020 Graduating Class.

c. (050120-5) The Kittery Town Council moves to discuss allowing blanket Sidewalk Sales through Stages 1, 2, and 3 of the Governor's Reopening Plan.

d. (050120-6) The Kittery Town Council moves to approve a New Victualer's License application from Definitive Brewing Company located at 318 US Route 1, Kittery.

e. (050120-7) The Kittery Town Council moves to approve a renewal Liquor License application from Festina Lente, 1 Government Street Suite 3, Kittery.

f. (050120-8) The Kittery Town Council moves to approve the Banner Policy.

g. (050120-9) The Kittery Town Council moves to accept the resignation of Shaye Robbins of the Parks Commission.

10. Council Issues or Comments

11. Executive Session -

12. ADJOURNMENT

Posted: May 9, 2020

**Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.**



# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

kamaral@kitteryme.org

## Town Manager's Report to the Town Council May 11, 2020

1. **COVID-19 Update** – Please see attached.
2. **Expanded Online Services** – We have expanded our online services for customer convenience and safety. Customers can now obtain Resource Recovery Facility stickers online through our online permitting system. Customers can upload their proof of residency through a scan or picture. Once the information is verified, the sticker will be mailed to the customer.

Fort Foster Passes are also available for purchase online. As with the Resource Recovery Facility stickers, once the transaction is complete and verified the passes will be mailed to the customer.

3. **Senior Tax Credit Program** – We are accepting applications for the FY21 Senior Tax Credit program. Applications are due July 1.

The Senior Tax Credit provides up to \$1,000 credit on property taxes for qualified property tax payers. Qualifications include being 70 years of age or older, having a household income that does not exceed 300% of the federal poverty level, having a homestead in Kittery, and having been a resident for at least 10 years. Applications are available online or can be obtained via mail by contacting the Finance Department at 207-475-1316.

4. **Memorial Day Observance** – I am working with Mel Bates, Commander of the VFW Post 9394 on the Town's Memorial Day Observance. Due to the pandemic we are unable to hold a parade and ceremony at the cemetery. We are discussing developing a video of the speakers and broadcasting that on Channel 22. Randy has agreed to edit the videos. Mel and I are working on how best to get the various speakers filmed.

### Upcoming Dates:

- State Primary Election and Town Meeting Ballot – July 14

Respectfully Submitted,

Kendra Amaral  
Town Manager



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

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## REPORT TO TOWN COUNCIL

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Meeting Date: May 11, 2020  
From: Kendra Amaral, Town Manager  
Subject: COVID-19 Emergency Update

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This information is provided as an update to the Council on the Town's emergency response efforts and the impacts of the emergency situation. The information in this report is based on what is known today. As the situation changes, so too will the operations and projections provided.

This report covers the following topics:

- Status of Town Operations
- Fiscal Year 2020

### STATUS OF TOWN OPERATIONS

Town Hall is open for limited services beginning on May 11. Customers are still encouraged to utilize contact-free service options as much as possible. Services available contact-free include:

- Register to vote
- Request an absentee ballot
- Pay taxes
- Pay sewer bills
- Register a new vehicle purchased via a dealership - New
- Reregister a vehicle
- Obtain a Kittery Resource Recovery Facility Sticker- New
- Purchase a Fort Foster Pass - New
- Register a boat
- Renew mooring
- Apply for a building permit
- Apply for Planning Board review and permit
- Apply for a Board of Appeals review and permit
- General Assistance services
- Provide public comment for Town Council/Planning Board/KPA meetings

Town Hall customer service will be restricted to achieve proper social distancing and to protect the health and safety of customers and staff. Customers should have all their documents in order and ready prior to getting in line at Town Hall.

Fort Foster is open to KRRF sticker holders and those who show proof of residency. There are restrictions on the number of vehicles, dogs off leash, and access to beaches, bathrooms, and the playground. For more information please see attached.

The Planning Office and Administration Offices will remain closed to customers. All of the services provided through these areas are available via online, email, or phone.

Staff are beginning to come back to normal work schedules. The Town is following the Families First Coronavirus Response Act for those who are unable to return to work due to qualifying reasons. Staff that can perform their duties entirely remotely are still allowed to do so. Staff who work in areas that are still closed due to COVID-19 are being reassigned if needed and otherwise remain home.

### **FISCAL YEAR 2020**

We are continuing to conduct weekly updates to our year end projections for FY20. I have reported in previous communications that we are anticipating a significant revenue gap for FY20. I instituted a spending freeze in mid-March to reduce the gap as much as possible. A spending freeze places on hold all work not essential to the daily operations. Budget surplus is projected at 2% at this time.

I have looked into the hazard pay idea the Council expressed interest in. There is clearly a need to recognize the first responders and essential personnel who have continued to have customer facing functions throughout the pandemic.

The national approach on hazard pay varies widely by state. Governor Mills granted hazard pay to state mental health care and correction workers. That was handled through union negotiations and not legislatively. The pay was ranged from \$3 to \$5 extra per hour depending on responsibilities.

Other states are handling specifics differently including which positions qualify, durations for the program, and amounts being paid. In all of the cases I could find, the states were funding the majority or all of the costs of the special pay through the federal CARES Act funding. It was not clear whether Governor Mills will be using the CARES Act funding to support the hazard pay plan.

Most states primarily focus on health care workers. There is significant variation thereafter of what other positions are covered ranging from public safety, public works and sanitation workers, daycare providers, and store clerks in essential businesses.

Hazard pay is ranging from \$3 - \$13 extra an hour, \$300 to \$600 extra a week, \$1,000 a month. There is little clarity in the information available on how long the hazard pay would last and what milestones would transition out of the program. It is also unclear if the various states have thought through whether the list of positions expand as the reopening stages advance.

If the Town was to adopt a standalone program consistent with NH, the estimated cost is approximately \$150,000 for 11 weeks, excluding payroll taxes and retirement assessments. If the hazard pay is expected to go beyond Stage 1 or if Stage 1 gets extended, the approximate cost could be an additional \$12,000 to \$18,000 per week depending on who qualifies and the amount offered.

If there is no state funding to support a hazard pay plan, the whole cost would fall to the Town budget and the property taxes. I have spoken with our local legislators about whether state funding is being considered and asked for a seed to be planted at the state-level to consider utilizing the CARES Act funds for such purposes.

**CONCLUSION**

The situation is still very fluid. My best guess is the Governor will look to lift some executive orders by mid-to-late May. Our region may lag behind in light of the proximity to Massachusetts and New Hampshire and the challenges that proximity presents to Kittery.

Take care and stay safe!

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FRIENDS OF RICE PUBLIC LIBRARY  
C/O DONALD OR MERRY CRAIG  
2 FOLLETT LANE  
KITTERY POINT, ME 03905

PEOPLES UNITED BANK  
peoples.com

2798

61-7218/2211  
B0406

4/16/2020

PAY TO THE ORDER OF Town Of Kittery - Rice PL

\$ \*\*2,500.00

Two Thousand Five Hundred Only\*\*\*\*\*

DOLLARS

Rice Public Library  
8 Wentworth Street  
Kittery, Maine 03904

MEMO

Children's Summer Reading Program

  
AUTHORIZED SIGNATURE

[Redacted line]

Kennebunk RPL Chec Oerdrive for Rice Public Library

5,000.00



Hi Karen,

Hope you are well and staying healthy! There have been many conversations within the project grad group and with Judy Spiller - it looks like it has come down to one request (below) for the May 12th agenda. Could you please ensure this gets on the agenda?

"Project Graduation requests the Council to approve placing lawn signs recognizing each 2020 Traip Academy graduate on the following roads - Williams , Whipple, Rodgers and Shapleigh from May 15- June 30th."

Thank you very much just indicate if you need anything else.

Kristi Mathieson



**TOWN OF KITTERY**  
200 Rogers Road, Kittery, ME 03904  
Telephone: 207-475-1329 Fax: 207-439-6806

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**REPORT TO TOWN COUNCIL**

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Meeting Date: May 11, 2020  
From: Kendra Amaral, Town Manager  
Subject: Sidewalk Sales during COVID-19  
Councilor Sponsor: Chairperson Judy Spiller

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**OVERVIEW**

The intent is to allow the Town's retail operations to resume economic activity while meeting social distancing and safety guidelines required as a result of COVID-19. The proposal provides broader permission for businesses to expand their commercial space to outdoor areas allowing them to open and/or serve more patrons.

To be considered by the Council is the concept of granting a blanket approval for sidewalk sales through a time specific tied with the stages of the Governor's Reopening Maine plan. Staff will coordinate with businesses and administratively issue permits for outdoor sales that provide flexible solutions for different areas of the Town.

**PROPOSAL**

The Governor is encouraging communities to work with their local businesses to be creative about allowing outdoor sales that expand retail operations space while social distancing is required.

We are proposing the Council consider:

- Council approve a blanket sidewalk sale permit for the Town
  - o Increase amount of existing parking spaces that can be occupied for outdoor sales
  - o Waive application fee for temporary signage associated with the sidewalk sales
  - o Tents still need permitting/inspection
- Allow temporary administrative review & issuance of permits based on neighborhood/business specifics.
  - o The Planning Department will review requests for parking & traffic management, and consult with other departments as needed.
  - o Existing food truck process to remain. Those with current licenses can operate and properties may host food trucks under current Business Use Change review by staff.
- Public street closing process to remain with Town Council approval

**PROPOSED SOLUTION/RECOMMENDATION**

If acceptable to the Council, the staff will draft a blanket application for Council approval at the next meeting.

**ATTACHMENTS**

- Title 5.7 Sidewalk Sales

## **Chapter 5.7**

### **SIDEWALK SALES**

#### **§ 5.7.1. Title.**

This chapter is known as the "Sidewalk Sales Ordinance."

#### **§ 5.7.2. Intent and purpose.<sup>1</sup>**

- A. It is the purpose of this chapter to provide an opportunity for existing merchants in the Town to hold up to five sidewalk sales per calendar year, not to exceed four days in duration, in a manner that protects the health, safety and welfare of the public. Cultural, musical, community and educational events are encouraged to take place in conjunction with the sidewalk sales event. It is not the intent of this chapter to authorize transient vending.
- B. In return for the privilege of conducting such sales, merchants and landlords are expected to self-police themselves to conduct the sidewalk sales according to their submitted and approved sidewalk sales site plans.
- C. This chapter is further intended to specifically prevent traffic congestion, obstructions of emergency vehicle lanes, the unsafe commingling of pedestrians and vehicles that can occur in unregulated, uncoordinated and unplanned sidewalk sales events.

#### **§ 5.7.3. Definitions.<sup>2</sup>**

Terms, phrases and words in this chapter have the meaning given herein or, if not defined, are given their ordinary accepted meaning:

GARAGE SALE — See definition in § 5.4.1.

SIDEWALK SALE or SIDEWALK SALES EVENT — Temporary outdoor retail or food sales for commercial purposes of merchandise normally and legally sold on the premises where the outdoor sales are located. The displaying of the merchandise need not be limited to sidewalk locations but must preserve safe pedestrian, vehicular and emergency vehicle routes.

#### **§ 5.7.4. Applicability.**

The regulations of this chapter do not apply to garage sales, outdoor sales that have been reviewed and approved by the Planning Board, temporary fund-raising events for nonprofit causes, Town-sponsored events, or other uses legally established under Title 16, Land Use and Development Code. In addition, this chapter does not apply to sidewalk sales events that have

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1.1, Code Adoption).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1.1, Code Adoption).

legally existed on a verifiable regular basis as of the date the ordinance codified in this chapter becomes effective.

**§ 5.7.5. Town Council approval required.**

Except for exempted uses listed in § 5.7.4, no person, business, corporation, partnership or other legal entity may conduct sidewalk sales within the Town unless:

- A. The sidewalk sales activities are conducted on days of the year approved by the Town Council; and
- B. Sidewalk sales activities on each property are conducted in conformance with a Town-approved sidewalk sales site plan kept on file that includes all information required by § 5.7.9 and satisfies the review criteria in § 5.7.10 to ensure that health, safety and nuisance aspects of the sidewalk sale have been satisfied.

**§ 5.7.6. Submission requirements for Town-wide sidewalk sales event.**

Submission of a completed Town-wide sidewalk sales event application, indicating the following, is required:

- A. Dates of the year requested for up to a total of five sidewalk sales events per calendar year, of which no single sidewalk sale event may exceed four consecutive days;
- B. Proof of broad business community sponsorship for the event as evidenced by signatures of five landlords of tenants engaged in retail trade or merchants primarily engaged in retail trade;
- C. Means and timeline of adequately informing the Kittery business community of the opportunity to participate in a Town-wide sidewalk sales event; and
- D. Identification of a single contact person coordinating the event, including that person's telephone number and mailing address.

**§ 5.7.7. Town Council decision on Town-wide sidewalk sales event.**

- A. The Town Council shall consider whether the application is complete and whether the request is consistent with § 5.7.2, Intent and purpose, in making its decision. The Town Council may decide to approve, approve with modifications, approve with conditions, disapprove the application or schedule a public hearing to gain public input on the request prior to making a decision.
- B. Modifications may include, but are not limited to, changing the dates or duration of the sidewalk sales event. Conditions may include, but are not limited to, hiring appropriate personnel to manage traffic or prohibiting certain businesses that have violated the Town's regulations

regarding sidewalk sales from participating in the event. The Town Council's decision is to be communicated to the applicant's contact person in writing.

**§ 5.7.8. Mall and individual business approval to participate in sidewalk sales event.**

- A. Before any business engages in sidewalk sales, an approved site plan must be on record with the Town. The sidewalk sales site plan is to be reviewed by the Town staff in accordance with the standards and procedures set forth in this chapter to protect the health, safety and general welfare of the public.
- B. To apply for sidewalk sales site plan approval, an applicant must complete a sidewalk sales site plan in accordance with § 5.7.9 and submit it to the Town Planner or, in the Planner's absence, the Code Enforcement Officer.

**§ 5.7.9. Sidewalk sales site plan submission requirements.**

The site plan submitted for approval must include all of the following information:

- A. Title of sidewalk sales site plan, including name and address of applicant, the person responsible for preparing such drawing, and the signature of the owner or authorized representative of the property;
- B. Approximate North arrow, scale, Assessor's map and lot number in the lower right-hand corner of the plan, and date that plan was prepared;
- C. General layout of buildings, parking area, circulation lanes, and location of curb cuts;
- D. The exact location of temporary outdoor sales and display area, including the location and size of tents or other temporary structures;
- E. Location and width of unobstructed handicapped-accessible pedestrian routes and sidewalks. The means used to identify and designate the pedestrian routes so they do not become obstructed or lead pedestrians into the routes of vehicles (for example, temporary fencing, cordoning, traffic cones, pavement striping, etc.) must also be noted on the plan;
- F. Location and width of vehicle circulation and any fire and emergency lanes, showing access and egress. The means used to identify and designate the vehicle lanes so they do not become obstructed by shoppers or merchandise must also be noted on the plan;

Number of parking spaces temporarily obstructed by the sidewalk sales event activities and number of total parking spaces available during the sidewalk sales event;

- G. Location of employee parking or overflow parking, if specially provided for;

- H. Location of any temporary structures or places of public assembly for musical, cultural, educational or community events; and
- I. The name and telephone number of a contact person available during the sidewalk sales event to remedy any day-of-the-sale problems or correct violations of the submitted site plan.

**§ 5.7.10. Review standards.**

The site of the sidewalk sales must be designed to accommodate expected patrons without danger to the public health or safety and to prevent unacceptable traffic delays caused by traffic congestion. To this end, the following standards must be satisfied:

- A. Pedestrian and vehicular routes are to be clearly marked and identified on the plan. If walkways and vehicular lanes are altered from the current routes, the plan is to explain the means used to identify and mark such revised routes on the site (for example, by using traffic cones, temporary fencing, painted or chalked lines on pavement, and roping off areas);
- B. Unobstructed five-foot-wide handicapped-accessible pedestrian routes must be provided;
- C. Unobstructed nineteen-foot-wide two-way vehicular routes or thirteen-foot-wide one-way vehicular routes must be provided;
- D. Safe and logical traffic routes on the site as well as to and from the site must be provided; and
- E. Adequate parking must be provided so that parking does not obstruct the safe flow of traffic or create hazards for pedestrians. Up to 10% of the normally required number of parking spaces may be temporarily obstructed by sidewalk sales event activities if suitable arrangements are made to free up parking spaces normally used for employee parking or if environmentally suitable temporary overflow parking areas are provided.

**§ 5.7.11. Town staff decision for approval of sidewalk sales site plan.**

- A. Within five business days, or within 48 hours (exclusive of weekends and holidays) if a sidewalk sales event is scheduled to occur sooner, of receiving a complete application for sidewalk sales site plan approved by the Town Planner or, in the Planner's absence, the Code Enforcement Officer, Town Council shall render a decision. The decision may be to approve, approve with modifications, approve with conditions or disapprove a sidewalk sales site plan. The decision is to be based strictly on the review criteria listed in § 5.7.10.
- B. Failure to render a decision within the prescribed time limit constitutes an approval for the next approved sidewalk sales event.

- C. Approved sidewalk sales site plans will be kept on file and are valid for future Town Council-approved sidewalk sales events without reapplication if the sidewalk sales activities on the site remains consistent with the approved plan.
- D. Applicants are to be informed in writing of a decision to disapprove a sidewalk sales site plan.
- E. Approved site plans are to be signed and dated by the reviewer along with the notation: "approved site plan for sidewalk sales during an approved sidewalk sales event" and kept on file.

**§ 5.7.12. Permits required for signs, tents and other structures.**

- A. No special permit is required for conducting sidewalk sales in accordance with the Town-approved sidewalk sales site plan on a Town Council-approved sidewalk sales event date.
- B. All temporary signs and banners must be permitted by the Code Enforcement Officer in accordance with Article X of Chapter 16.8. One temporary sign or banner per participating site in addition to that normally allowed may be permitted for each sidewalk sales event. Sign applications, accompanied by application fees, for such additional signage are to be made to the Code Enforcement Officer well in advance of the actual sidewalk sales event.
- C. All temporary structures, such as tents, that will be removed at the conclusion of the sidewalk sales event and are shown on the Town-approved sidewalk sales site plan do not require building/regulating activity permits. Other temporary structures require building/regulating activity permits.

**§ 5.7.13. Temporary closing of public street.**

The requested closing of any public street requires approval by the Town Council.

**§ 5.7.14. Appeals procedure.**

Any person aggrieved by any decision regarding the site plan review for an approved sidewalk sales event may appeal the decision to the Town Manager. Such appeal must be instituted within 30 days after the receipt of a written decision to deny the sidewalk sales site plan.

**§ 5.7.15. Enforcement.**

It is the intent of this chapter that sidewalk sales activities will be self-policed by merchants and landlords of retail merchants. In the event self-policing is not successful, the Code Enforcement Officer or other person duly authorized by the Town is to enforce the provisions of this chapter. The Code Enforcement Officer is to order the correction or abatement of all violations of this chapter. Uncorrected violations are to be reported to

the Town Council upon the next application for approving a sidewalk sales event.

**§ 5.7.16. Violations.**

Merchants conducting outdoor sales and display of merchandise that have not been approved by the Planning Board or in compliance with this chapter is a violation of the sidewalk sales ordinance codified in this chapter and Title 16, Land Use and Development Code.

**§ 5.7.17. Violations and penalties.**

- A. When any violation of any provision of this chapter is found to exist, the Town Attorney or the CEO, as provided by M.R.C.P. Rule 80K, upon notice from the Town Manager, is authorized and directed to institute any and all appropriate actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this chapter, the same to be brought in the name of the Town.
- B. Any person, firm or corporation (including tenants in retail malls) being the owner of or having control or use of any building or premises, who violates any of the provisions hereof, is guilty of a civil violation, and the Town has those remedies including fines as are provided and allowed by 30-A M.R.S. § 4452. Each day such violation is permitted to exist after notification constitutes a separate offense. All fines collected hereunder accrue to the Town.<sup>3</sup>

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3. Editor's Note: Original § 5.7.18, Conflict with other laws, was repealed at time of adoption of Code (see Ch. 1.1, Code Adoption).





**TOWN OF KITTERY**  
Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,  
AND LODGING HOUSE OPERATORS LICENSE**

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): DBC Kittery (s-corp)  
(please print)

Applicant Address: 318 US Route 1, Kittery, ME 03904  
(please print)

Applicant's mailing address if different from above: 35 Industrial Way, Portland, ME 04103

Date of Birth (Sole Proprietor): \_\_\_\_\_ Applicant's Telephone Number: 207-446-4746

Business Name: DBC Kittery  
(please print)

Business Address: 318 US Route 1, Kittery, ME 03904  
(please print)

Business Telephone Number: 207-446-4746

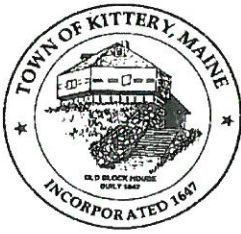
Signature of Applicant: Michael Rankin Digitally signed by Michael Rankin  
Date: 2020.04.02 09:45:45 -04'00' DATE: 4/2/20

Applicant's Name: Michael Rankin  
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00  
RENEWAL OF LICENSE: \$25.00

**PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE**



**TOWN OF KITTERY**  
**Code Enforcement**  
**200 Rogers Road, Kittery, ME 03904**  
**Telephone: 207-475-1307 Fax: 207-439-6806**

**TO:** TOWN COUNCIL  
**FROM:** CRAIG ALFIS, CODE ENFORCEMENT OFFICER  
**SUBJECT:** VICTUALER'S LICENSE APPLICATION

**DATE:** May 6, 2020

**CC:** KENDRA AMARAL, TOWN MANAGER  
KAREN ESTEE, TOWN CLERK

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The Code Enforcement Office has been working with Mr. Michael Rankin, CEO of Definitive Brewing Company since early fall of 2019 to permit conversion of the former Starbuck store at 318 US Route 1 to a Specialty Beverage Facility.

The Victualer application before you tonight is the culmination of the work of the Code Enforcement, Planning and Clerk's offices over the past few months to work with Mr. Rankin to construct and license the Definitive Brewing Taproom. The focus of the Taproom will be to allow customers to sample Definitive Brewing's craft beer, brewed both on-site and at their main location in Portland.

As such, Mr. Rankin has a successful Department of Agriculture Inspection, a current Business Use Change Application, has approval from the Sewer Department for his operation and has successfully completed an application for licensing as a Small Brewery from the Maine Bureau of Alcoholic Beverages & Lottery Operations (BABLO). The Small Brewery application requires that he have his Municipal approval for his Victualer's license prior to issuance, but unlike the On-Premise application, does not require Municipal Officers to sign the actual application. As this is a much less common application than the normal liquor license, I wanted to point out the differences to avoid confusion. We have received correspondence from the Maine BABLO that they will issue Mr. Rankin's license as a Small Brewery if the Victualer license is approved. Please feel free to contact me with any questions.

Thank you,

Craig Alfis  
Code Enforcement Officer





Maine Department of Agriculture, Conservation & Forestry  
Division of Quality Assurance and Regulations  
28 State House Station  
Augusta, Maine 04333-0028  
Phone: 207-287-3841 Fax: 207-287-5576



### RETAIL FOOD INSPECTION REPORT

Establishment Name:		Definitive Brewing Co				Fee:					
Street Address:		318 US Route One				License #:		2-35508		Expiration: April 19, 2021	
City:	Kittery	State:	ME	Zip:	03904-	Type of Inspection:		Initial			
Telephone:	207.446.4746					Reason for Inspection:		Scheduled			
Email:	info@definitivebrewing.com					Admin. Action Requested		N		Follow-up Date:	
Date:	05/06/2020	Time In:	09:30	Time Out:	09:50	Report #:		698269			

CRITICAL DEFICIENCY POINTS : 0

TOTAL POINTS : 0

#### Critical Deficiencies

#### Non-Critical Deficiencies

Comments: Okay to issue retail license. Brewery will sell water, seltzer water and snack items.

Inspector: Ronda Stone

Received Mike  
By:

Signature:





**Maine Department of Agriculture, Conservation & Forestry**  
**Division of Quality Assurance and Regulations**  
 28 State House Station  
 Augusta, Maine 04333-0028  
 Phone: 207-287-3841 Fax: 207-287-5576



**Food Processing Inspection Report**

Establishment Name:		Definitive Brewing Co		Fee:			
Street Address:		318 US Route One		License #:		2-35508	
Expiration:		April 19, 2021		City:		Kittery, ME 03904	
State:		ME		Zip:		03904-	
Telephone:		207.446.4746		Type of Inspection:		Initial	
Email:		info@definitivebrewing.com		Reason for Inspection:		Scheduled	
Date:		05/06/2020		Admin. Action Requested		N Follow-up Date:	
Time In:		09:00		Time Out:		09:30	
Report #:		698268					

**FOOD**

*01	SOURCE, SOUND CONDITION	5
02	ORIGINAL CONTAINER PROPERLY LABELED	1

**FOOD PROTECTION**

*03	POTENTIALLY HAZARDOUS FOOD MEETS TEMPERATURE REQUIREMENTS DURING STORAGE, PREPARATION, DISPLAY, TRANSPORTATION	5
*04	FACILITIES TO MAINTAIN TEMPERATURE	4
05	THERMOMETERS PROVIDED, CONSPICUOUS, ACCURATE	1
06	POTENTIALLY HAZARDOUS FOOD PROPERLY THAWED	2
*07	CROSS-CONTAMINATION PREVENTED, DAMAGED, DETAINED FOOD SEGREGATED	4
08	FOOD PROTECTION DURING STORAGE, PREPARATION, DISPLAY, DISPENSING, PACKAGING, TRANSPORTATION	2
09	HANDLING OF FOOD (ICE) MINIMIZED	2
10	IN USE FOOD DISPENSING UTENSILS PROPERLY STORED	1

**PERSONNEL**

*11	PERSONNEL WITH INFECTIONS RESTRICTED	5
*12	HANDS WASHED AND CLEAN, GOOD HYGIENIC PRACTICES	5
13	CLEAN CLOTHES, HAIR, RESTRAINTS	1

**FOOD EQUIPMENT & UTENSILS**

14	FOOD-CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	2
15	NON-FOOD-CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED, OPERATED	0
16	WAREWASHING FACILITIES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED, OPERATED	2
17	ACCURATE THERMOMETERS AND CHEMICAL TEST KITS PROVIDED	1
18	PREFLUSHED, PRESCRAPED, PRESOAKED	1
19	WASH, RINSE WATER: CLEAN, PROPER TEMPERATURE	2
*20	SANITIZATION RINSE: CLEAN, TEMPERATURE, CONCENTRATION, TIME, EQUIPMENT AND UTENSILS SANITIZED	4
21	WIPING CLOTHS: CLEAN, USE-RESTRICTED, STORED	1
22	FOOD-CONTACT SURFACES OF EQUIPMENT AND UTENSILS: CLEAN, FREE OF ABRASIVES, AND DETERGENTS	2
23	NON-FOOD-CONTACT SURFACES OF EQUIPMENT AND UTENSILS: CLEAN	1
24	CLEAN EQUIPMENT/ UTENSILS: STORAGE, HANDLING	1
25	SINGLE-SERVICE ARTICLES: STORAGE, HANDLING	1
26	NO RE-USE OF SINGLE SERVICE ARTICLES	2

**WATER ANALYSIS DATE**

**NUMBER**

*27	SOURCE: SUFFICIENT SUPPLY, HOT & COLD, UNDER PRESSURE	5
-----	---	---

**SEWAGE**

*28	SEWAGE AND WASTE WATER DISPOSAL	4
-----	---------------------------------	---

**PLUMBING**

29	INSTALLED, MAINTAINED	1
*30	CROSS-CONNECTION, BACK-SIPHONAGE, BACK-FLOW	5

**TOILET & HANDWASHING FACILITIES**

*31	NUMBER, CONVENIENT, ACCESSIBLE, DESIGNATED, INSTALLED	0
32	TOILET ROOMS: ENCLOSED, SELF-CLOSING DOORS, FIXTURES; GOOD REPAIR, CLEAN, TISSUE, HAND CLEANSER, TOWELS/HAND-DRYING DEVICES PROVIDED AND PROPER WASTE RECEPTACLES PROVIDED.	2

**GARBAGE & REFUSE DISPOSAL**

33	CONTAINERS OR RECEPTACLES: COVERED, ADEQUATE NUMBER, INSECT/RODENT RESISTANT, PICK-UP FREQUENCY, CLEAN	2
34	OUTSIDE STORAGE AREA AND ENCLOSURES: PROPERLY CONSTRUCTED, CLEAN, CONTROLLED INCINERATION	1

**INSECT, RODENT, ANIMAL CONTROL**

*35	PRESENCE OF INSECTS, RODENTS: OUTER OPENINGS PROTECTED, NO ANIMALS	4
-----	--	---

**FLOORS, WALLS & CEILINGS**

36	FLOORS: CONSTRUCTED, DRAINED, CLEAN, GOOD REPAIR, COVERING, INSTALLATION, DUSTLESS METHODS	1
37	WALLS, CEILINGS: ATTACHED EQUIPMENT, CONSTRUCTED, CLEAN, GOOD REPAIR, SURFACES, INSTALLATION, DUSTLESS METHODS	0

**LIGHTING**

38	LIGHTING PROVIDED AS REQUIRED: FIXTURES SHIELDED	1
----	--	---

**VENTILATION**

39	ROOMS AND EQUIPMENT VENTED AS REQUIRED	1
----	--	---

**DRESSING ROOMS**

40	ROOMS, AREA, LOCKERS: PROVIDED, LOCATED USED	1
----	--	---

**OTHER OPERATIONS**

*41	TOXIC ITEMS NECESSARY PROPERLY STORED, LABELED, USED	5
42	PREMISES MAINTAINED FREE OF LITTER, UNNECESSARY ARTICLES, CLEANING, MAINTENANCE EQUIPMENT PROPERLY STORED	1
43	COMPLETE SEPARATION FROM LIVING/SLEEPING QUARTERS, LAUNDRY	1
44	CLEAN, SOILED LINEN PROPERLY STORED	1

\*CRITICAL ITEMS REQUIRE IMMEDIATE ACTION

**TOTAL: 94**

RECEIVED BY (PRINT):

Mike



## Food Inspection Report Addendum

This form is to be used in conjunction with the Retail Food or Food Processing Inspection Report Form.

Item	Deficiency	Improvement Plan	Date By
37	Wall/floor gap not sealed. Insulation exposed above. Newly constructed doorway in the rear not finished	Install coving and ceiling tiles, and finish off doorway.	5/6/20
31	No soap, towel dispenser, or signage at handwash sinks	Install dispensers, and signage to direct employees to wash hands	5/6/20
15	Bar area not yet completed	Finish installing equipment/countertop and skirting	5/6/20

### Comments:

Okay to issue commercial license

Electrical is in the process of being changed over. Once that is complete the ceiling tiles will be installed. All sinks/plumbing have been installed and are operational with hot and cold water. Dishwasher is operational; hot water sanitizing at 180F

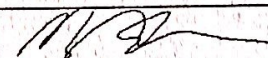
A follow up inspection will be conducted to verify promised construction completion and brewing equipment install.

Inspector Signature: Ronda Stone

Received by (Print):

Mike

Received by (Signature):





INSPECTOR SIGNATURE:

**Ronda Stone**

RECEIVED BY (SIGNATURE):

A handwritten signature in black ink, appearing to be 'M. Stone', written over a horizontal line.





STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

## Application for an On-Premises License

*All Questions Must Be Answered Completely. Please print legibly.*

Division Use Only	
License No:	10928
Class: <u>I</u>	By: <u>tw</u>
Deposit Date:	
Amt. Deposited:	\$910
Payment Type:	Ch #1849
OK with SOS:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Section I: Licensee/Applicant(s) Information;** DBA is On the SOS Website  
**Type of License and Status** Checked on: 4-21-2020

Legal Business Entity Applicant Name (corporation, LLC): <u>Bug and The Leaf LLC</u>	Business Name (D/B/A): <u>Festing Lente LLC</u>
Individual or Sole Proprietor Applicant Name(s): <u>Samuel Ostrow</u>	Physical Location: <u>1 Government St. Suite #3</u> <span style="float: right;">KTHU, ME 03904</span>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <u>42 Fernside Ln. Ellet, ME 03903</u>	Email Address: <u>info@festinglente.com</u>
Telephone #      Fax #: <u>617-777-7103</u>	Business Telephone #      Fax #: <u>207-703-2287</u>
Federal Tax Identification Number: <u>82-4073283</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☐ New      Expected Start date: \_\_\_\_\_  
☒ Renewal      Expiration Date: 5/30/2020

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$185,748.-      Beer, Wine or Spirits: \$88,115.-      Guest Rooms: NA

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer)      ☒ Wine      ☒ Spirits

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4. Indicate the type of license applying for: (choose only one)

- ☒ Restaurant (Class I, II, III, IV) ☐ Class A Restaurant/Lounge (Class XI) ☐ Class A Lounge (Class X)
- ☐ Hotel (Class I, II, III, IV) ☐ Hotel – Food Optional (Class I-A) ☐ Bed & Breakfast (Class V)
- ☐ Golf Course (included optional licenses, please check if apply) ☐ Auxiliary ☐ Mobile Cart (Class I, II, III, IV)
- ☐ Tavern (Class IV) ☐ Other: \_\_\_\_\_
- ☐ Qualified Caterer ☐ Self-Sponsored Events (Qualified Caterers Only)

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

1 Government St. Suite #3 Kittery, ME 03404

6. Is the licensee/applicant(s) citizens of the United States?

☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine?

☒ Yes ☐ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

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10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Samuel Ostrow	6/24/77	Concord, NH
Residence address on all the above for previous 5 years		
Name	Address:	
Samuel Ostrow	42 Fernside, Ln. Eliot, ME 03903 10 School St. Wither, ME 03904	
Name	Address:	
Name	Address:	
Name	Address:	

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13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Rose Gaolini 1 Government St. Suite #1 Kittery, ME

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18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

1 - Small 27 Seat Dining Room

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Trip Academy

Distance: .2 miles

## Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/5/20

  
Signature of Duly Authorized Person

Samuel Ostrow  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

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**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

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**B.** The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

**C.** If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

**D.** If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

**A.** Conviction of the applicant of any Class A, Class B or Class C crime;

**B.** Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

**C.** Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

**D.** Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**F.** A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

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G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

**A. Repealed**

**B.** If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

**4. Repealed**

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

**Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

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## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

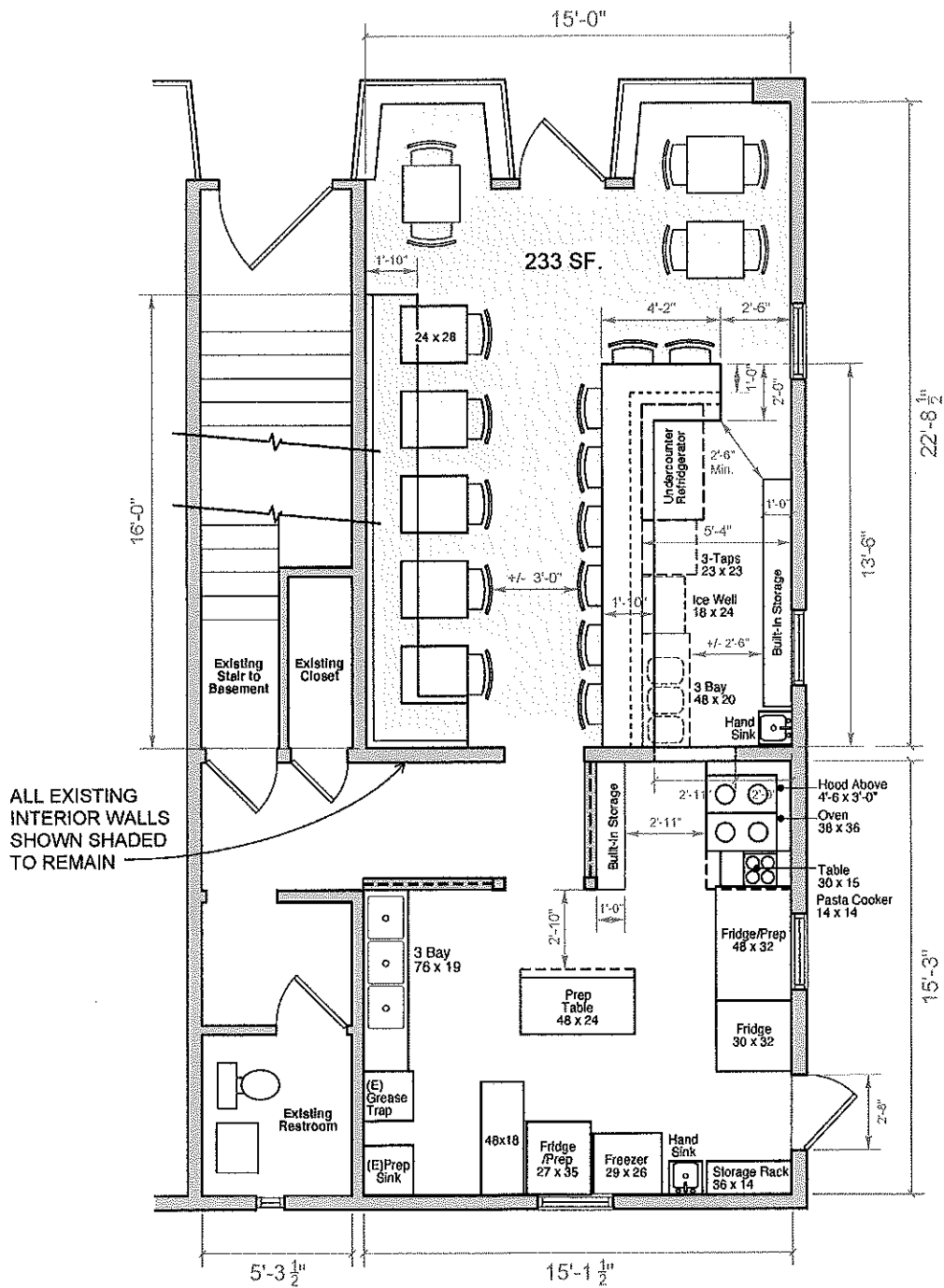
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

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Liquor Licensing  
& Enforcement  
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## NEW FLOOR PLAN - FESTINA LENTE

1 Government Street, Kittery Maine

NOTE: Existing Space To Be Renovated,  
No Change Of Use

February 22, 2018  
ARQ Architects - Kittery, Maine

0 1' 2' 4' 8' **RECEIVED**

**APR 13 2020**

**A1** Liquor Licensing  
& Enforcement



**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Samuel Michael Ostrow
2. Doing Business As, if any: Festing Lente LLC
3. Date of filing with Secretary of State: 3/2018 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Samuel Ostrow	42 Fernside Ln, Ellsworth, ME 03803	6/24/77	Owner	100 %
	10 School St. Kittery, ME 03904			

(Ownership in non-publicly traded companies must add up to 100%.)

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Liquor Licensing  
& Enforcement Page 11 of 11



**TOWN OF KITTERY**  
200 Rogers Road, Kittery, ME 03904  
Telephone: 207-475-1329 Fax: 207-439-6806

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: May 11, 2020  
From: Kendra Amaral, Town Manager  
Subject: Banner Policy  
Councilor Sponsor: Councilor Ken Lemont

---

**OVERVIEW**

The Town Council requested a review of the Town's banner protocols and development of a policy that provides for consistent requirements, consideration, and process for applications.

The proposed policy was developed with Councilor Lemont and Fire Chief David O'Brien.

**PROPOSAL**

The proposed policy creates a standard for banner applications. Applications that fit the standard specifications may be approved administratively.

Standard specifications include:

- Must be for a Town sponsored or non-profit entity sponsored event
- Physical specifications for the banners including size, grommet placement, and fabric
- Installation durations and timeframes

Applications that do not meet the standard specifications must apply to the Council for approval.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve as proposed.

**ATTACHMENTS**

- Proposed Banner Policy

**POLICY FOR BANNERS OVER PUBLIC ROADS**

Banners may be installed temporarily over public roads in accordance with this policy. Banners are permitted across Rogers Road adjacent to the Kittery Community Center site. Banners are not allowed to be hung over any other public roads, unless approved by Town Council.

Town departments, Town sponsored events, and non-profit-sponsored events, where the non-profit has a primary place of business in Kittery, may have a banner installed temporarily over a public road. Other entities are not permitted to have a banner temporarily installed over a public road, unless otherwise approved by Town Council.

Banner installation applications will be made on forms provided by the Town Manager. If the application meets the Town's policy, it may be approved by the Town Manger. All other applications must be approved by the Town Council.

The banner must be provided by the applicant. Banners must be fourteen feet long and three feet in height. Banners must have a minimum of eight reinforced grommets on the top and bottom of the banner. The grommets must have an inside diameter of ½ inch. Each corner of the banner must have a grommet. Banner fabric must have wind slits. Banners that do not comply with this policy will not be installed.

Banners may be temporarily installed between April 15 through November 1 each year. A banner may be installed for no less than two weeks at a time. Installations and removal of banners will occur when personnel and equipment is available, and may not directly align with applicants' requests. Only one banner may be hung at any given time; banners will not be hung back-to-back.

Banners approved for installation must be provided no less than one week prior to the installation date requested. Banners must be collected by the owner no less than one week from the date it is removed. Banners not collected by the owner may be disposed by the Town.

The Town is not responsible for the condition, wear and tear, or damage to installed banners. The Town is not responsible for the long-term storage of banners. The Town may reject banners that appear to be in disrepair, do not meet the specifications contained in this policy, or have content that may be deemed to be offense or inappropriate.

There is no fee for the installation of banners.

Hello,

As of today, May 4, 2020. I will no longer be available to be a volunteer member of the Parks Commission or the Economic Development Committee in the Town of Kittery, ME.

Thank you both Rich and George for being such great Chair people for your committees.

Thank you,

Shaye Robbins