



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

May 27, 2020

6:00PM

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.

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

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 – From 2019 as follows:
 - May 13, 2019 and May 29, 2019
 - June 10, 2019 and June 24, 2019
8. All items involving the town attorney, town engineers, town employees, or other town consultants or requested offices.
9. 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.

10. New Business

a. Donations/gifts received for Council disposition

(050220-1) The Kittery Town Council moves to accept a donation in the amount of \$3,553.55 from the Robert W. Traip Trust to be deposited into the Library Reserve account.

b. (050220-2) The Kittery Town Council moves to approve a new Victualer's License application from Kittery Ice Cream, LLC. 27 Hope Drive Amesbury, MA. For Mrs. & Me. Ice cream located at 400 US Route 1, Kittery.

c. (050220-3) The Kittery Town Council moves to approve a new Victualer's License application from the Corner Pub, 4 Wallingford Square, Kittery.

d. (050220-4) The Kittery Town Council moves to approve a new Liquor License application from the Corner Pub, 4 Wallingford Square, Kittery.

e. (050220-5) The Kittery Town Council moves to approve an Amusement Device License from Delta Amusement, 3 Tobey Street Hampton, NH for Navy Yard Bar & Billiard located at 182 State Road, Kittery.

f. (050220-6) The Kittery Town Council moves to approve the annual renewal of Victualer's License applications for 2020.

g. (050220-7) The Kittery Town Council moves to approve a Viewing Booth License Application from Capitol Video Corporation 44 Benson Road, Cranston, RI. For Amazing.Net located at 92 Route 236, Kittery.

h. (050220-8) The Kittery Town Council moves to issue a letter of permission to the Kittery Port Authority in accordance with KPA rules 4.7.6 for construction of a boat cradle located at 96 Pepperrell Road, Kittery Point.

i. (050220-9) The Kittery Town Council moves to waive the enforcement of certain provisions of Title 5.7 Sidewalk Sales and authorizes the Town Manager to approve Request for Extension of License on Premise applications, as presented, effective June 1 through July 31, 2020.

j. (050220-10) The Kittery Town Council moves to resume Public Hearings in June and to prioritize items that have been on hold.

11. Council Issues or Comments

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.

12. Executive Session -

13. ADJOURNMENT

Posted: May 21, 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

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: May 27, 2020
From: Kendra Amaral, Town Manager
Subject: COVID-19 Emergency Update

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:

- State Guidelines and Timelines
- Status of Town Operations
- Fiscal Year 2020

STATE GUIDELINES AND TIMELINES

The Governor issued a new executive order on May 11, effectively starting the 30-day clock for expired vehicle registrations. All expired registrations (expired in March, April, or May; and temporary registrations) must be renewed by June 9.

The Department of Economic and Community Development has begun direct conversations with coastal town and city managers regarding the safe reopening of tourism activities. This is something we have been asking the state for since April and appreciate the positive step forward this represents. The first conversation focused on the unique challenges beach and day-trip destinations have in adhering to and enforcement of the state's reopening guidelines. The discussion was productive and there was a promise of ongoing conversations as the guidelines continue to be refined and revised.

The state is preparing to reopen state coastal areas on June 1. As the writing of this report, the state guidelines were not yet released.

Our neighboring communities to the north are beginning to reopen their beach areas with some limitations on parking, bathrooms/bathhouses, and passive use (lounging). Based on current information, it appears the majority of the beaches to our north will be open for normal use and normal capacity by mid-June.

Our neighbors to the south are working collectively with their state leadership on a beaches plan.

We are still awaiting a decision from the Governor regarding the July election. A collective concern about the safety of election workers and voters has been raised repeatedly to the state from Wardens

and Town Clerks. In the absence of state action, we continue to encourage residents to register to vote using one of our contact free options, and to vote absentee for their convenience and safety.

STATUS OF TOWN OPERATIONS

We have requested additional PPE from the state for our EMS and public safety personnel. Chief O'Brien reports that supplies are sufficient for the immediate future, but more will be needed as reopening advances in the area.

Town Hall has been open for limited services as of May 11th. Operations have gone smoothly with very limited lines and wait times. We continue to encourage customers to utilize our online, phone, and email service options. The only services unavailable contact free at this time are marriage intentions and private vehicle sales.

The Resource Recovery Facility will resume normal hours and activities beginning June 2nd. Customers will be expected to maintain social distancing while at the windows. However, we will no longer have a staff person posted to enforce the distancing guidelines.

With the recent changes in the state's guidelines, the KCC will not be reopening the fitness suite as planned on June 1. Room rentals and meetings will resume in June on a limited and restricted basis.

We plan to reopen the Kittery Forest Preschool program (formerly EOTW) in early July. The staff have been working diligently on an operations plan that aligns to state and federal guidelines.

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. The current revenue gap is approximately \$520,000. The most recent Executive Order on vehicle registrations combined with the reopening of some functions should have a positive impact on the gap.

The spending freeze combined with a very mild winter relative to snow is assisting on the expenditure side. I am still projecting underspending the budget by approximately 2%.

CONCLUSION

There appears to be some light at the end of the tunnel in terms of resuming some semblance of normal operations for the Town. The concerns still remain that too fast of a reopening will result in second wave and a second shutdown. We continue to proceed relatively cautiously.

Take care and stay safe!

Kittery Town Council UNAPPROVED Minutes
May 13, 2019
Regular Meeting
Town Hall – Council Chambers

- 1 1. Call to Order
- 2 2. Introductory
- 3 3. Pledge of Allegiance

- 4 4. Roll Call
- 5 Councilors present: Charles Denault, Jeffrey Pelletier, Kenneth Lemont, Vice Chair Matt Brock, &
- 6 Chair Judith Spiller. Councilors absent: Cyrus Clark Jeffrey Thomson.

- 7 5. Amendment and Adoption
- 8 Chair Spiller cast one vote in favor of adoption.

- 9 6. Town Manager's Report

- 10 Town Manager gave a report on: Captain William Paisley, Joint Land Use Study, Route 236 Corridor
- 11 Study, Kittery's 375th and Maine's Bicentennial, Snow Plow Rodeo Recognition, Town Service Center
- 12 Software Update, Council Minutes, Memorial Day Parade and Ceremony. Upcoming Dates: Town
- 13 Clerk Office Closed for Software Upgrade – May 15, 8AM-9AM, Kittery J-1 Student Community
- 14 Support Meeting – May 21, 9AM, Kittery Community Center, Memorial Day Parade – May 25, 9AM,
- 15 Town Hall Closed – Memorial Day – May 27, Spruce Creek Buffer Planting Volunteer Day – May 30,
- 16 8AM, Rustlewood Farm, Property Taxes Due – May 31, Joint Land Use Study Open House – June
- 17 5, 4:30PM-7PM, Kittery Community Center.

- 18 7. Acceptance of Previous Minutes - None

- 19 8. Interview for the Board of Appeals and Planning Board - None

- 20 9. All items involving the town attorney, town engineers, town employees or other town
- 21 consultants or requested officials.

- 22 (050219-1) The Kittery Town Council moves to receive a presentation from the Town Manager on the
- 23 FY20 Municipal Budget.

- 24 Town Manager presents FY 20 Municipal Budget.

- 25 Councilor Denault and Town Manager discussed the Fire Departments employee wages for day shift
- 26 employees.

- 27 10. PUBLIC HEARINGS

- 28 a. (050219-2) The Kittery Town Council moves to hold a public hearing and approve a
- 29 New Victualer's License for TACOCAT Mobile Food Truck, 230 US Route 1, Kittery.

30 Moved by Councilor Pelletier, seconded by Councilor Denault.
31 Motion carried 5-0-0

32 (050219-3) The Kittery Town Council moves to hold a public hearing and approve a New Victualer's
33 License for Pam & Fam Forkin' Good Grub Mobil Food Truck, 230 US Route 1, Kittery.

34 Moved by Council Pelletier, seconded by Vice Chair Brock.
35 Motion carried 5-0-0

36 (050219-4) The Kittery Town Council moves to hold a public hearing and approve a New Victualer's
37 License for Vagabond Coffee Mobile Food Truck, 230 US Route 1 Kittery.

38 Moved by Councilor Pelletier, seconded by Councilor Denault.
39 Motion carried 5-0-0

40 (050219-5) The Kittery Town Council moves to hold a public hearing and approve a Special Activity
41 Amusement Permit for Misto! 436 US Route 1, Kittery.

42 Moved by Councilor Pelletier, seconded by Councilor Denault.
43 Motion carried 5-0-0

44 11. DISCUSSION

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

46 Julia O'Connell, 9 Busick Drive Kittery - Ms. O'Connell spoke about Kittery citizens' concerns about
47 chloramines. Sponsoring a Q & A Monday May 20, 2019 at The Regatta in Eliot, Maine. Asking to
48 distribute flyers at the Resource Recovery and stream the Q & A discussion on Channel 22.

49 Response to public comment directed to a particular Councilor

50 Chairperson's response to public comments

51 Chair Spiller deferred to the Town Manager on the distribution of flyers at the Resource Recovery.

52 12. UNFINISHED BUSINESS - None

53 13. NEW BUSINESS

54 Donations/gifts received for Council disposition.

55 (050219-6) The Kittery Town Council moves to accept donations in the amount of \$3,050.00 from the
56 following donors to be deposited in the Thresher Memorial Fund.

57 Northeast Credit Union
58 Andrews Construction Company

59 Maritime Mortgage Company
60 Gerald and Elizabeth Mylroie
61 Robert and Maureen Marshall
62 Stratham Historical Society
63 Jill Gallant

64 Moved by Councilor Pelletier, seconded by Councilor Denault.
65 Motion carried 5-0-0

66 (050219-7) The Kittery Town Council moves to approve the disbursement Warrants

67 Moved by Councilor Pelletier, seconded by Councilor Denault.
68 Motion carried 5-0-0

69 (050219-8) The Kittery Town Council moves to approve a Renewal Liquor License for The Pointe, 31
70 Badger's Island West Kittery.

71 Moved by Councilor Pelletier, seconded by Chair Spiller.
72 Motion carried 5-0-0

73 (050219-9) The Kittery Town Council moves to approve the annual renewal list for Victualer's
74 Licenses.

75 Moved by Councilor Pelletier, seconded by Councilor Denault.
76 Motion carried 5-0-0

77 (050219-10) The Kittery Town Council moves to approve the annual renewal list for Amusement
78 Devices Licenses.

79 Moved by Councilor Pelletier, seconded by Chair Spiller.
80 Motion carried 5-0-0

81 (050219-11) The Kittery Town Council moves to approve a request from The Black Birch 2
82 Government St. to extend their area of service into the parking lot on June 15, 2019 to coincide with
83 the Kittery Block Party.

84 Moved by Councilor Pelletier, seconded by Vice Chair Brock.
85 Motion carried 5-0-0

86 (050219-12) The Kittery Town Council moves to approve a request from The Kittery Community
87 Market to hang banners and place signs at various locations throughout the Town.

88 Moved by Councilor Pelletier, seconded by Chair Spiller.
89 Motion carried 5-0-0
90

- 91 (050219-13) The Kittery Town Council moves to approve a request from the Kittery Fire Fighters
92 Association to place signs throughout the Town for their Annual Pancake Breakfast.
- 93 Moved by Councilor Pelletier, seconded by Councilor Denault.
94 Motion carried 5-0-0
- 95 (050219-14) The Kittery Town Council moves to approve a Pole Permit Request from Central Maine
96 Power. To install poles along Adams Road.
- 97 Moved by Councilor Pelletier, seconded by Councilor Denault.
98 Motion carried 5-0-0
- 99 (050219-15) The Kittery Town Council moves to approve a Municipal Release Deed request for Map
100 & Lot 42/4, 43 Foye's Lane Kittery Point.
- 101 Moved by Councilor Pelletier, seconded by Councilor Denault.
102 Motion carried 5-0-0
- 103 Vice Chair Brock asked the Town Manager to give an overview of a Municipal Release Deed.
- 104 (050219-16) The Kittery Town Council moves to schedule a Public Hearing on June 10, 2019 to vote
105 on the FY20 Municipal Budget and Sewer Budget.
- 106 Moved by Councilor Pelletier, seconded by Vice Chair Brock all are in favor.
107 Motion carried 5-0-0
- 108 I. (050219-17) The Kittery Town Council votes to accept the Athletic Field Master Plan.
- 109 Moved by Councilor Pelletier, seconded by Councilor Denault.
- 110 Councilor Pelletier wanted to clarify that the motion was to accept Athletic Field Master Plan,
111 not to approve it.
- 112 Motion carried 5-0-0
- 113 m. (050219-18) The Kittery Town Council moves to approve a renewal Liquor License
114 application from Misto! 436 Route 1 Kittery.
- 115 Moved by Councilor Pelletier, seconded by Councilor Denault.
116 Motion carried 5-0-0
- 117 14. COUNCILOR ISSUES OR COMMENTS
- 118 Councilor Denault discussed: Thresher Flag, Cross walk at Bridge Street and Old Post Road not
119 being properly marked Fort Foster leash ordinance and the deposal of dog waste, disposal of signs
120 around the Town, Dennett Road property and social media.

121 Chair Spiller, Councilor Lemont, and Vice Chair Brock thanked Town Manager for FY20 presentation.

122 15. COMMITTEE AND OTHER REPORTS - None

123 Communications from the Chairperson

124 Chair Spiller announced: May 29, 2019 Workshop at 5:00 p.m. with Port Authority Federal Navigation
125 Project, June 10, 2019 Meeting at 5:00 p.m. with the Planning Board Accessory purpose ordinance.

126 Committee Reports - None

127 16.EXECUTIVE SESSION - None

128 17.ADJOURNMENT

129 Vice Chair Brock moved to adjourn, seconded by Councilor Pelletier.

130 Motion carried 5-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

Kittery Town Council UNAPPROVED Minutes
May 29, 2019
Regular Meeting
Town Hall – Council Chambers

Council and Kittery Port Authority Workshop- FNP
Council Chambers – 5:00p.m.

- 1 1. Call to Order
- 2
- 3 2. Introductory
- 4
- 5 3. Pledge of Allegiance
- 6
- 7 4. Roll Call
- 8 Councilors present: Charles Denault, Cyrus Clark, Jeffrey Thomson, Kenneth Lemont, Vice
- 9 Chair Matt Brock & Chair Judith Spiller. Councilors absent: Jeffrey Pelletier.
- 10 5. Agenda Amendment and Adoption - None
- 11 6. Town Manager's Report
- 12 Town Manager gave a report on: Thanked the VFW and all that participated in the
- 13 Memorial Day celebration, Joint Land use Study, Government Street Wharf Project, Fort
- 14 Foster Invasive Plant Management Plan, and Maine National Guard at Fort Foster.
- 15 Upcoming Dates: Absentee Ballots Available, Spruce Creek Buffer Planting Volunteer Day
- 16 May 30, 2019 8 a.m., Rustlewood Farm, Property Taxes Due – May 31, 2019, Joint Land
- 17 use Study Open House – June 5, 2019 6 p.m.-7p.m., Community Center and Town
- 18 Meeting Election & School Validation – June 11, 2019 8 a.m.-8 p.m., Kittery Community
- 19 Center.
- 20
- 21 7. Acceptance of Previous Minutes – None
- 22
- 23 8. Interviews for the Board of Appeals and Planning Board – None
- 24
- 25 9. All items involving the town attorney, town engineers, town employees or other town
- 26 consultants or requested offices.
- 27 (050319-1) The Kittery Town Council moves to recognize the recipients of the 2019
- 28 Educational Recycling Scholarships, End 68 Hours of Hunger and Odyssey of the Minds.

29 Chair of the Educational Scholarship Committee Jeff Brake and Councilor Denault
30 presented scholarships to:

- 31 Tina Webster - \$850.00
- 32 Emma Kemp - \$1250.00
- 33 Amy Leung - \$1250.00
- 34 Rachel Jones - \$850.00
- 35 Rachel Potter - \$1250.00
- 36 Lily Kemp - \$850.00
- 37 Isabell Woollacott - \$850.00
- 38 Mohamed Hasan Shaikh - \$850.00
- 39 Odyssey of the Minds - \$1000.00
- 40 End 68 Hours of Hunger- \$1250.00

41 10. PUBLIC HEARINGS

42 a. (050319-2) The Kittery Town Council moves to hold a public hearing for a New
43 Victualer's License application from Coppa Magica Gelato (Mobile Food Truck) located at
44 230 State Rd. State US Route 1 Bypass Kittery, Maine.

45 Moved by Council Thomson, seconded by Councilor Clark.

46 Motion carried 6-0-0

47 b. (050319-3) The Kittery Town Council moves to hold a public hearing for a New
48 Victualer's License application for Wicked Mini Donuts (Mobile Food Truck) located at
49 Kittery Premium Outlets, US Route Kittery, Maine.

50 Moved by Councilor Thomson, seconded by Councilor Denault.

51 Motion Carried 6-0-0

52 c. (050319-4) The Kittery Town Council moves to hold a public hearing on a New
53 Victualer's License application for Pinks Lobster Rolls (Mobile Food Truck) located at
54 Kittery Premium Outlets, US Route 1, Kittery Maine.

55 Moved by Councilor Thomson, seconded by Councilor Denault.

56 Motion Carried 6-0-0

- 57 d. (050319-5) The Kittery Town Council moves to hold a public hearing and Ordain
58 Amendments to Title 8 E- 911 Street naming.
- 59 The Town Manager gave an overview of Title 8 E- 911 Street naming.
- 60 Moved by Councilor Thomson, seconded by Vice Chair Brock.
- 61 Councilor Thomson and the Town Manager discussed pre-existing same name roads. The
62 Town Manager stated pre-existing roads would not be affected.
- 63 Motion Carried 6-0-0
- 64 e. (050319-6) The Kittery Town Council moves to hold a public hearing on a New
65 Victualer's License application for BBQ Betty's Smokehouse (Mobile Food Truck) located at
66 230 US Route 1 Kittery.
- 67 Moved by Councilor Thomson, seconded by Councilor Denault.
- 68 Motion Carried 6-0-0
- 69 11. DISCUSSION
- 70 a. Discussion by members of the public (three minutes per person) - None
- 71 b. Response to public comment directed to a particular Councilor - None
- 72 c. Chairperson's response to public comments - None
- 73 12. UNFINISHED BUSINESS - None
- 74 13. NEW BUSINESS
- 75 a. Donations/gifts received for Council disposition - None
- 76 b. (050319-7) The Kittery Town Council moves to approve the disbursement warrants.
- 77 Moved by Councilor Thomson, seconded by Councilor Denault, all were in favor.
- 78 Motion Carried 6-0-0
- 79 c. (050319-8) The Kittery Town Council moves to schedule a public hearing on June 10,
80 2019 for Amendments to Title 2 – Library Positions.
- 81 Moved by Councilor Thomson, seconded by Councilor Clark, all were in favor.

- 82 Motion Carried 6-0-0
- 83 d. (050319-9) The Kittery Town Council moves to approve a request from Traip Academy
84 class of 2019's Project Graduation to hold a fundraiser at the Kittery Resource Recovery
85 Facility on June 1st, from 9-5 rain date of June 8th.
- 86 Moved by Councilor Thomson, seconded by Councilor Denault.
- 87 Motion Carried 6-0-0
- 88 e. (050319-10) The Kittery Town Council moves to approve a request from the Kittery
89 Community Center to place banners at various businesses throughout the town to publicize
90 the Kittery Block Party scheduled for June 15th.
- 91 Moved by Councilor Thomson, seconded by Councilor Denault.
- 92 Motion Carried 6-0-0
- 93 f. (050319-11) The Kittery Town Council moves to approve a renewal Liquor License
94 application from Town Pizza 15 Wentworth St., Kittery.
- 95 Moved by Councilor Thomson, seconded by Councilor Denault.
- 96 Motion Carried 6-0-0
- 97 g. (050319-12) The Kittery Town Council moves to approve a renewal Victualer's License
98 application from Frisbee's Wharf located at 88 Pepperrell Rd., Kittery Point.
- 99 Moved by Councilor Thomson, seconded by Vice Chair Brock.
- 100 Motion Carried 6-0-0
- 101 h. (050319-13) The Kittery Town Council moves to approve a renewal Victualer's License
102 application from El Grand Rodeo (Mobile Food Truck) located at 230 US Route 1, Kittery.
- 103 Moved by Thomson, seconded by Chair Spiller.
- 104 Motion Carried 6-0-0
- 105 i. (050319-14) The Kittery Town Council moves to approve a renewal Viewing Booth
106 License for Amazing.Net located at 92 Route 236 Kittery.

107 Moved for discussion by Chair Spiller, seconded by Councilor Thomson.

108 Chair Spiller, Vice Chair Brock, Council Clark, Councilor Thomson, Councilor Denault,
109 Councilor Lemont and the Town Manager discussed the reasons they should approve or
110 disapprove the application for Amazing.net.

111 Councilor Denault stated that he would vote no, because nothing could be done until there
112 was a change in the ordinance. He thought the Town Attorney were going look into this.

113 Councilor Thomson stated there was an article in Down East Magazine that said the Town
114 of Wells officials had an emergency ordinance to block an Adult business from opening in
115 the Town of Wells.

116 Vice Chair Brock stated that he didn't think there was anything legally that could be done,
117 besides approve the renewal. Vice Chair Brock asked if a decision had to made at this
118 meeting.

119 The Town Manager stated a legal review of the ordinance had been done. She also stated
120 Amazing.net has complied with the ordinance, passed all inspection and didn't know what
121 basis Council would have to deny the renewal.

122 Councilor Lemont asked Chair Spiller if he could vote present since he didn't want to vote
123 for or vote against the renewal. Chair Spiller agreed.

124 Chair Spiller, Vice Chair Brock, Council Clark, and Councilor Thomson voted to approve.
125 Councilor Denault and Councilor Lemont voted present.

126 Motion Carried 3 voted to approve, 2 voted present.

127 j. (050319-15) The Kittery Town Council moves to approve a renewal Victualer's License
128 application for Chick-fil-A (Mobile Food Truck) located at Kittery Premium Outlets Route 1
129 Kittery.

130 Moved by Councilor Denault, seconded by Councilor Clark.

131 Chair Spiller, Vice Chair Brock, Councilor Lemont, Councilor Clark, voted to approve.
132 Councilor Thomson voted no.
133 Councilor Denault voted present.
134

135 Motion Carried 4 voted to approve, 1 voted no, 1 voted present.

136 k. (050319-16) The Kittery Town Council moves to authorize the release of funds in the
137 amount of \$250.00 from unassigned funds (unencumbered surplus) as approved by the

138 voters at the June 12, 2018 Town Meeting and to deposit said funds into account #101740-
139 68427 Expense Self-insurance Claims to cover the cost of the deductible for an insurance
140 claim.

141 Moved by Councilor Thomson, seconded by Councilor Clark.

142 Motion Carried 6-0-0

143 I. (050319-17) The Kittery Town Council moves to approve a renewal Victualer's License
144 application for the Bistro 1828 located at 88 Pepperrell Road Kittery Point.

145 Moved by Councilor Thomson, seconded by Councilor Clark.

146 Motion Carried 6-0-0

147 14. COUNCILOR ISSUES OR COMMENTS

148 Councilor Thomson discussed FY20 KCC Budget and revenue, Resource Recovery
149 signs, and asked the Town Manager to discuss the paving and sidewalk project, and wind
150 turbine at the Resource Recovery Facility.

151 Councilor Denault discussed recognizing Councilor Thomson, Chair Spiller and Vice Chair
152 Brock for being on the Kittery Community Center Committee from the inception to current
153 for a job well done. Rt.236 and Aroma Joe's, bump coming into the Kittery Traffic Circle,
154 yards full of litter, Thresher Flag, Fort Foster dog signs, individuals that have passed
155 including William Seward Jr., Marian Dorr Niles, Allen Tibbitts, and Jim McNally.

156 Chair Spiller discussed adding Councilor Pelletier to the list of people that were
157 instrumental in the Kittery Community Center, she also thanked Public Works for the trail
158 work at Fort Foster, and discussed the removal of the wind turbine at the Resource
159 Recovery Facility.

160 15. COMMITTEE AND OTHER REPORTS

161 a. Communications from the Chairperson

162 Chair Spiller reminded Councilors about the joint Workshop in Council Chambers on June
163 10, 2019 at 5 p.m. with the Planning Board to look at accessory drilling units.

164 b. Committee Reports - None

165 16. EXECUTIVE SESSION - None

166 17. ADJOURNMENT

167 Moved by Councilor Thomson, seconded by Councilor Denault.

168 Motion Carried 6-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

Kittery Town Council DRAFT Minutes
June 10, 2019
Regular Meeting
Town Hall – Council Chambers

Council and Planning Board Workshop Title 16 – ADU's
Council Chambers – 5:00 p.m.

- 1 1. Call to Order
- 2 2. Introductory
- 3 3. Pledge of Allegiance
- 4 4. Roll Call
- 5 Councilor(s) present: Charles Denault, Jeffrey Pelletier, Jeffrey Thomson,
6 Kenneth Lemont, Vice Chair Matt Brock & Chair Judith Spiller. Councilor(s)
7 absent: Cyrus Clark.
- 8 5. Agenda Amendment and Adoption – Chair Spiller cast 1 vote for agenda
9 adoption.
- 10 6. Town Manager's Report
- 11 Town Manager reported on: Library Committee Updates, Wind Turbine, Rogers
12 Road to Memorial Circle, Route 236 Corridor Study, Spinney Creek, Kittery's
13 375th and Maine's Bicentennial, Variable Speed Signs, and Parking Feedback
14 Wallingford Square. Upcoming Dates: Town Meeting Election & School Budget
15 Validation – June 11, 8AM – 8PM, Kittery Community Center Kittery Block Party
16 – June 15, Library Building Committee Public Input – June 26, 6PM, Council
17 Chambers, Independence Day Celebration – June 29, 9AM at Memorial Park,
18 Town Hall, Senior Property Tax Credit Applications – Due July 1
- 19 Councilor Denault made statements on the wind turbine, Rogers Road, Memorial
20 Circle, and speed limit signs on Stevenson Road.
- 21 Councilor Thomson had a question about Wallingford Square parking.
- 22 7. Acceptance of Previous Minutes – None
- 23 8. Interviews for the Board of Appeals and Planning Board – None
- 24 9. All items involving the town attorney, town engineers, town employees or other
25 town consultants or requested offices.
- 26 a. (060119-1) The Kittery Town Council moves to accept a report from the
27 Economic Development Committee (EDC) regarding their activities for 2019 to
28 date.
- 29 EDC Chair George Dow provided a report and answered questions.

30 10. PUBLIC HEARINGS

31 a. (060119-1) The Kittery Town Council moves t hold a public hearing to receive
32 comments on the Town Meeting Articles 2 through 8 for the June 11th Town
33 Meeting Election.

34 No action taken.

35 b. (060119-2) The Kittery Town Council moves to hold a public hearing in
36 accordance with Sec. 6.06 (3) of the Kittery Town Charter and hereby ordains
37 and adopts the 2019-2020 Municipal, Sewer and Adult Education budgets.

38 Municipal Operations Budget 2020

39 Moved by Councilor Thomson, seconded by Councilor Pelletier.

40 Motion Carried 6-0-0

41 Adult Education Budget 2020

42 Moved by Councilor Thomson, seconded by Councilor Pelletier.

43 Motion Carried 6-0-0

44 Sewer Enterprise Budget 2020

45 Moved by Councilor Thomson, seconded by Councilor Pelletier.

46 Motion Carried 6-0-0

47 c. (060119-3) The Kittery Town Council moves to hold a public hearing on Title 2
48 Library Positions.

49 The Town Manager gave an overview on Title 2 Library Positions.

50 George Dow thanked the Town Manager.

51 Moved by Councilor Thomson, seconded by Councilor Pelletier.

52 Motion Carried 6-0-0

53 11. DISCUSSION

54 a. Discussion by members of the public (three minutes per person) - None

55 b. Response to public comment directed to a particular Councilor - None

56 c. Chairperson's response to public comments – None

57 12. UNFINISHED BUSINESS - None

58 13. NEW BUSINESS

59

60 a. Donations/gifts received for Council disposition.

- 61 (060119-4) The Kittery move to receive a donation in the amount of \$100.00 from
62 Donald and Nicole Kerr to be deposited in the Thresher Memorial Fund.
- 63 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 64 Motion Carried 6-0-0
- 65 b. (060119-5) The Kittery Town Council moves to approve the disbursement
66 warrants.
67
- 68 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 69 Motion Carried 6-0-0
- 70 c. (060119-6) The Kittery Town Council moves to determine their Summer
71 Meetings schedule. Proposed dates are July 8th and August 12th.
- 72 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 73 Chair Spiller, Vice Chair Brock, and the Town Manager answered questions.
- 74 Motion Carried 6-0-0
- 75 d. (060119-7) The Kittery Town Council moves to schedule a public hearing for the
76 July meeting on Title 16 – ADU's.
- 77 Moved by Councilor Thomson, seconded by Vice Chair Brock.
- 78 Motion Carried 6-0-0
- 79 e. (060119-8) The Kittery Town Council moves to approve a request from The
80 Traip Interact Club to fund raise monies at the Kittery Resource & Recycling
81 Center on Saturday August 24, 2019 from 9:30-2:00 pm.
- 82 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 83 Motion Carried 6-0-0
- 84 f. (060119-9) The Kittery Town Council moves to approve a request from Anju
85 Noodle Bar to extend their area of service in the parking lot on June 15th 2019 to
86 coincide with the Kittery Block Party.
- 87 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 88 Motion Carried 6-0-0
- 89 g. (060119-10) The Kittery Town Council moves to approve a renewal Liquor
90 License application for Warren's Lobster House located at 11 Water St. Kittery.
- 91 Moved by Councilor Thomson, seconded by Councilor Pelletier.

92 Motion Carried 6-0-0

93 h. (060119-11) The Kittery Town Council moves to approve Municipal Release
94 Deed for 23 Woodlawn Avenue, Kittery.

95 The Town Manager gave a summary and stated the taxes were up to date.

96 Moved by Councilor Thomson, seconded by Councilor Pelletier.

97 Motion Carried 6-0-0

98 i. (06012019-12) The Kittery Town Council moves to schedule a public hearing for
99 the July meeting to update the Town Zoning Map.

100 Councilor Thomson moved to reschedule the public hearing to August 12, 2020,
101 seconded by Council Pelletier.

102 Motion Carried 6-0-0

103 14. COUNCILOR ISSUES OR COMMENTS

104 Councilor Denault discussed the adult viewing booths at Amazing.net, Town and
105 State dog ordinances, and recognized the passing of U.S. Marine Mark
106 Schremmer and Clifton Trefethen.

107 Councilor Thomson discussed the speed limit issue on State Road, also
108 mentioning that he and Councilor Lemont have been involved with Town
109 Government for almost 50 years of service, and asked that 2019 graduates get
110 involved with Town Government

111 Chair Spiller commented on the repairs completed by Public Works at Fort
112 Foster.

113 15. COMMITTEE AND OTHER REPORTS

114 a. Communications from the Chairperson - None

115 b. Committee Reports - None

116 16. EXECUTIVE SESSION - None

117 17. ADJOURNMENT

118 Moved by Councilor Thomson, seconded by Councilor Pelletier, all were in favor.

119 Submitted by Kim Tackett

120 Disclaimer: The following minutes constitute the author's understanding of the meeting.
121 Whilst every effort has been made to ensure the accuracy of the information, the
122 minutes are not intended as a verbatim transcript of comments at the meeting, but a
123 summary of the discussion and actions that took place. For complete details, please

124 refer to the video of the meeting on the Town of Kittery website at
|125 <http://www.townhallstreams.com/locations/kittery-maine>.

Kittery Town Council UNAPPROVED
Minutes June 24, 2019
Regular Meeting
Town Hall-Council Chambers

- 1 1. Call to Order
- 2 2. Introductory
- 3 3. Pledge of Allegiance
- 4 4. Roll Call
- 5 Councilors present: Charles Denault, Jeffrey Pelletier, Jeffery Thomson, Kenneth
6 Lemont, Cyrus Clark Vice Chair Matt Brock, Chair Judith Spiller.
- 7 5. Agenda Amendment and Adoption
- 8 Chair Spiller cast one vote for agenda adoption.
- 9 6. Town Manager's Report
10 Town Manager Reported on: Snow Plow Rodeo Recognition, Kittery Block Party, and
11 Government Street Wharf Project, Upcoming Dates: Government Street Wharf Ribbon
12 Cutting – June 25, 1PM Route 236 Public Meeting – June 25, 4PM, Council Chambers
13 Library Building Committee Public Presentation – June 26, 6PM, Council Chambers
14 Independence Day Celebration – June 29, 9AM at Memorial Park, Town Hall Senior
15 Property Tax Credit Applications – Due July 1
- 16 Councilor Lemont asked the Town Manager a question about the Town Hall Senior
17 Property Tax Credit.
- 18 7. Acceptance of Previous Minutes – February 11th approved all were in favor. The
19 February 25th meetings needed corrections, but were approved as amended, all were in
20 favor.
- 21 Motion carried 7-0-0
- 22 8. Interviews for the Board of Appeals and Planning Board - None
- 23 9. All items involving the town attorney, town engineers, town employees or other town
24 consultants or requested offices. - None
- 25 10. PUBLIC HEARINGS –
- 26 11. DISCUSSION
- 27 a. Discussion by members of the public (three minutes per person)
- 28 Suzanne Johnson, 13 Cromwell Street Kittery – Ms. Johnson spoke about the Rice

29 Public Library, Kittery Town Hall employees, trash pickup, and snow removal for the
30 poor.

31 b. Response to public comment directed to a particular Councilor - None

32 c. Chairperson's response to public comments

33 Chair Spiller responded to Suzanne Johnson.

34 12. UNFINISHED BUSINESS –

35 a. (060219-2) Kittery Town Council moves to reschedule the Public Hearing for Title 16
36 – ADU's to the October 28th meeting

37 Moved by Councilor Thomson, seconded by Councilor Pelletier.

38 Motion Carried 7-0-0

39 13. NEW BUSINESS

40 a. Donations/gifts received for Council disposition.

41 (060219-3) The Kittery Town Council moves to accept donations in the amount
42 of \$98.18 from the following to be deposited into the Thresher Memorial Fund.

43 Kittery Maine Improvement Foundation
44 Jeffrey and Suzanne Berlin

45 Moved by Councilor Thomson, seconded by Councilor Pelletier.

46 Motion Carried 7-0-0

47 b. (060219-4) The Kittery Town Council moves to approve the disbursement warrants.

48 Moved by Councilor Thomson, seconded by Councilor Pelletier.

49 Motion Carried 7-0-0

50 c. (060219-5) The Kittery Town Council moves to approve a renewal Special Activity
51 Amusement Permit for Maine Ocean Lobster, LLC., doing business as The Pointe
52 located at 31 Badger's Island West Kittery.

53 Moved by Councilor Thomson, seconded by Councilor Pelletier.

54 Motion Carried 7-0-0

55 d. (060219-6) The Kittery Town Council moves to schedule a Public Hearing for Title 16
56 – A-Frame Signs for the July 8th meeting.

57 Moved by Councilor Thomson, seconded by Councilor Pelletier.

58 Motion Carried 7-0-0

59 14. COUNCILOR ISSUES OR COMMENTS

60 Councilor Denault recognized individuals that have passed including: Arthur Fisk, Brian
61 French, Thomas Lovering, Patricia Storer, Lenora Mills, Jean Woorick, and James
62 Taylor. Councilor Denault discussed the dog ordinance, and included a report for the
63 Council to be put on the July 8, 2019 agenda. He discussed having a non-binding
64 referendum question to be put on the ballot at the November 5, 2019 election about
65 leash laws and a dog park. He also discussed putting on the July 8, 2019 agenda a
66 report to Council on updating property maintenance issue.

67 Councilor Thomson discussed the property maintenance ordinance, people collecting
68 signature at the polls for a non-binding referendum for the water issue with the Kittery
69 Water District, and signs for I-95. Councilor Thomson also spoke of James Taylor.

70 Vice Chair Brock spoke about the dog ordinance and requested that the item be put on
71 an agenda in August. Vice Chair Brock also spoke about traffic on Route 1.

72 Chair Spiller discussed public parks having mosquito and tick control.

73 15. COMMITTEE AND OTHER REPORTS

- 74 a. Communications from the Chairperson - None
75 b. Committee Reports - None

76 16. EXECUTIVE SESSION - None

77 17. ADJOURMENT

78 Moved by Councilor Thomson, seconded by Councilor Pelletier, all were in favor.

79 Motion carried 7-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

ROBERT W. TRAIPT TRUST
P.O. BOX 18
KITTERY, MAINE 03904

EXPLANATION	AMOUNT
2019-2020	
Projects	

1488

52-7438/2112

AY MOUNT F Three Thousand, Five Hundred, Fifty-Three ^{55/100} DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
5/1/2020	Town of Kittery	For Rice Public Library	1488

\$ 3553.55

shield _____

Remon J. Remont
Daniel O. Remont

Bangor
Savings Bank
BANGOR, MAINE 04401



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 Macaulley Moscato + Derek Dore
please print

Applicant's Address 27 Hope Drive, Amesbury MA 01913
please print

Applicant's mailing address if different from above: _____

Applicant's Email address (required) Kitteryicecream@gmail.com
31-7195 (MM)

Date of Birth 3/04/75 (DD) Applicant's Telephone Number: 978 609 7175

Business Name: Kittery Ice Cream LLC Mrs + Mr.
please print

Business Address: 400 US Route 1
please print

Business Telephone Number: (207) 703-0169

Signature of Applicant [Signature] DATE: 4/20/20

LICENSE FEE: \$ 50

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

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

Establishment Name MRS & ME ICE CREAM	As Authorized by 22 MRSA § 2496	Critical Violations	0	Date	5/14/2020
		Non-Critical Violations	0	Time In	11:00 AM
		Certified Food Protection Manager	Y	Time Out	12:00 PM

License Expiry Date/EST. ID# 5/12/2021 / 19317	Address 400 US RTE 1	City KITTERY	Zip Code 03904	Telephone 978-609-7175
License Type EATING PLACE - TAKEOUT	Owner Name KITTERY ICE CREAM INC	Purpose of Inspection Pre Operational	License Posted No	Risk Category

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item
 IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable
 Mark "X" in appropriate box for COS and/or R
 COS=corrected on-site during inspection R=repeat violation

Compliance Status			cos	R	Compliance Status		cos	R
Supervision					Potentially Hazardous Food Time/Temperature			
1	IN	PIC present, demonstrates knowledge, and performs duties			16	IN	Proper cooking time & temperatures	
Employee Health					17	IN	Proper reheating procedures for hot holding	
2	IN	Management awareness; policy present			18	IN	Proper cooling time & temperatures	
3	IN	Proper use of reporting, restriction & exclusion			19	IN	Proper hot holding temperatures	
Good Hygienic Practices					20	IN	Proper cold holding temperatures	
4	IN	Proper eating, tasting, drinking, or tobacco use			21	IN	Proper date marking & disposition	
5	IN	No discharge from eyes, nose, and mouth			22	IN	Time as a public health control: procedures & record	
Preventing Contamination by Hands					Consumer Advisory			
6	IN	Hands clean & properly washed			23	IN	Consumer advisory provided for raw or undercooked foods	
7	IN	No bare hand contact with RTE foods or approved alternate method properly followed			Highly Susceptible Populations			
8	IN	Adequate handwashing facilities supplied & accessible			24	IN	Pasteurized foods used; prohibited foods not offered	
Approved Source					Chemical			
9	IN	Food obtained from approved source			25	IN	Food additives: approved & properly used	
10	IN	Food received at proper temperature			26	IN	Toxic substances properly identified, stored & used	
11	IN	Food in good condition, safe, & unadulterated			Conformance with Approved Procedures			
12	IN	Required records available: shellstock tags parasite destruction			27	IN	Compliance with variance, specialized process, & HACCP plan	
Protection from Contamination					Risk Factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Interventions are control measures to prevent foodborne illness or injury.			
13	IN	Food separated & protected						
14	IN	Food-contact surfaces: cleaned and sanitized						
15	IN	Proper disposition of returned, previously served, reconditioned, & unsafe food						

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.

Mark "X" in box if numbered item is not in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R=repeat violation

			cos	R			cos	R
Safe Food and Water					Proper Use of Utensils			
28	IN	Pasteurized eggs used where required			41	IN	In-use utensils: properly stored	
29	IN	Water & ice from approved source			42	IN	Utensils, equipment, & linens: properly stored, dried, & handled	
30	IN	Variance obtained for specialized processing methods			43	IN	Single-use & single-service articles: properly stored & used	
Food Temperature Control					44	IN	Gloves used properly	
31	IN	Proper cooling methods used; adequate equipment for temperature control			Utensils, Equipment and Vending			
32	IN	Plant food properly cooked for hot holding			45	IN	Food & non-food contact surfaces cleanable, properly designed, constructed, & used	
33	IN	Approved thawing methods used			46	IN	Warewashing facilities: installed, maintained, & used; test strips	
34	IN	Thermometers provided and accurate			47	IN	Non-food contact surfaces clean	
Food Identification					Physical Facilities			
35	IN	Food properly labeled; original container			48	IN	Hot & cold water available; adequate pressure	
Prevention of Food Contamination					49	IN	Plumbing installed; proper backflow devices	
36	IN	Insects, rodents, & animals not present			50	IN	Sewage & waste water properly disposed	
37	IN	Contamination prevented during food preparation, storage & display			51	IN	Toilet facilities: properly constructed, supplied, & cleaned	
38	IN	Personal cleanliness			52	IN	Garbage & refuse properly disposed; facilities maintained	
39	IN	Wiping cloths: properly used & stored			53	IN	Physical facilities installed, maintained, & clean	
40	IN	Washing fruits & vegetables			54	IN	Adequate ventilation & lighting; designated areas used	

Person in Charge (Signature) *Derek Dove* Date: 5/14/2020
 Health Inspector (Signature) *SCOTT DAVIS*
 Follow-up: YES NO Date of Follow-up:

State of Maine Health Inspection Report

Establishment Name MRS & ME ICE CREAM		<i>As Authorized by 22 MRSA § 2496</i>		Date 5/14/2020	
License Expiry Date/EST. ID# 5/12/2021 /19317	Address 400 US RTE 1	City / State KITTERY / ME	Zip Code 03904	Telephone 978-609-7175	

Temperature Observations

Location Temperature Notes

Person in Charge (Signature)

Derek Dove

Date: 5/14/2020

Health Inspector (Signature)

SCOTT DAVIS

[Handwritten Signature]

State of Maine Health Inspection Report

Page 3 of 5

Establishment Name

MRS & ME ICE CREAM

Date 5/14/2020

License Expiry Date/EST. ID#
5/12/2021 / 19317

Address
400 US RTE 1

City / State
KITTERY

ME

Zip Code
03904

Observations and Corrective Actions

Violations cited in this report must be corrected within the time frames below, or as stated in sections 8-405.11 and 8-406.11 of the Food Code

Person in Charge (Signature)

Derek Dove

Date: 5/14/2020

Health Inspector (Signature)

SCOTT DAVIS



State of Maine Health Inspection Report

Page 4 of 5

Establishment Name

MRS & ME ICE CREAM

Date 5/14/2020

License Expiry Date/EST. ID#
5/12/2021 / 19317

Address
400 US RTE 1

City / State
KITTERY

ME

Zip Code
03904

Inspection Notes

OK To Issue Regular License.

OK to operate once final cleanup is complete and local municipality has given their approval to operate.

This inspection was conducted on-site. The report was entered in remote format off-site, reviewed with the PIC via (either telephone or video conference) and finalized. The name of the PIC was printed in the signature block by the inspector with prior permission obtained from the PIC. The PIC's actual signature was not obtained. A copy of this report has been provided to the PIC via email.

Certified Food Protection Manager Derek Dore 5-29-2024

Every eating establishment must employ on its staff a Certified Food Protection Manager (CFPM). Some establishments are exempt from this requirement. A CFPM certificate must accompany the application for a new establishment and change of ownership. A CFPM must be hired within 60 days of the departure of the last CFPM leaving employment. Eating establishments must post in a conspicuous area the certification of the CFPM(s), and the certificate must be made available to the Department upon request. For a list of CFPM courses and trainers go to <http://www.maine.gov/healthinspection/training.htm>. Please provide a copy of this certification(s) to Carol Gott, Health Inspection Program, 286 Water St. 3rd Floor, Augusta, ME 04333, carol.gott@maine.gov or faxing to 207-287-3165. Please include the name of your establishment and the establishment ID# with your certification(s).

Employee Health Policy

The Health Inspection Program implemented an educational public health initiative on Employee Health on March 1, 2017. The policy handouts will be provided to you by your inspector and reviewed during inspection for compliance. They are also available on the Program's website: <http://www.maine.gov/healthinspection>

2013 Maine Food Code Adoption

The Maine Food Code was adopted in October of 2013. Please refer to our website for a copy, <http://www.maine.gov/healthinspection>. Following are a few of the major changes: * No Bare Hand Contact with Ready-To-Eat Food. * Establishments must have clean-up procedures for employees to follow following vomiting and diarrheal events. * Date marking of Ready-to-eat potentially hazardous foods.

Violation Correction Timeframe

Critical violations should be corrected on site, but in any event, within 10 days. The licensee must contact the inspector when the critical violation has been addressed at 207-592-7225. Non-critical violations must be corrected within 30 days. Failure to satisfactorily correct these violations before the follow-up inspection may result in enforcement proceedings by the Department to include fines and penalties. License renewals can be denied if violations are not corrected within the noted timeframes.

C= Critical violation and NC= Non-critical violation

"Critical violation" means a provision of the Food Code that, if in non-compliance, is more likely than other violations to contribute to food contamination, illness or environmental health hazard.

Additional Inspection Fee

License fees provide for two inspections per year. When additional inspections are required, the Department may charge an additional \$100 fee to cover the costs of each additional inspection or visit.

Document Retention/Posting

Pursuant to the Maine Food Code, the establishment's current license must be displayed. In addition, a sign or placard must be posted in a conspicuous area notifying consumers that a copy of the most recent inspection report is available upon request. CFPM

Person in Charge (Signature)

Derek Dore

Date: 5/14/2020

Health Inspector (Signature)

SCOTT DAVIS

[Signature]

State of Maine Health Inspection Report

Page 5 of 5

Establishment Name

MRS & ME ICE CREAM

Date 5/14/2020

License Expiry Date/EST. ID#
5/12/2021 / 19317

Address
400 US RTE 1

City / State
KITTERY

ME

Zip Code
03904

Inspection Notes

certificates must be posted in a conspicuous area and must be available to the Department upon request.

Person in Charge (Signature)

Derek Dove

Date: 5/14/2020

Health Inspector (Signature)

SCOTT DAVIS





TOWN OF KITTEERY
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.): Corner Pub LLC
(please print)

Applicant Address: 4 Wallingford Square
(please print)

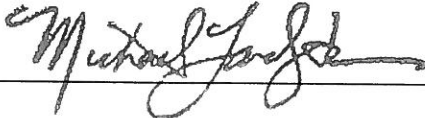
Applicant's mailing address if different from above: 315 US Route 1

Date of Birth (Sole Proprietor): _____ Applicant's Telephone Number: 207-439-4919

Business Name: Corner Pub
(please print)

Business Address: 4 Wallingford Square
(please print)

Business Telephone Number: 207-439-4919

Signature of Applicant:  DATE: 12/11/2019

Applicant's Name: Michael Landgarten
(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

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/>	NO <input type="checkbox"/>

PRESENT LICENSE EXPIRES: _____

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date: _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV) 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 (Class I,II,III,IV) TAVERN (Class IV) QUALIFIED CATERING
 OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <i>Corner Pub LLC</i>			Business Name (D/B/A) <i>Corner Pub</i>		
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location: <i>4 Wallingford Square</i>		
		DOB:	City/Town <i>Kittery</i>	State <i>ME</i>	Zip Code <i>03904</i>
Address <i>4 Wallingford Square</i>			Mailing Address <i>315 US Route 1</i>		
City/Town <i>Kittery</i>	State <i>ME</i>	Zip Code <i>03904</i>	City/Town <i>Kittery</i>	State <i>ME</i>	Zip Code <i>03904</i>
Telephone Number <i>207-439-4919</i>		Fax Number <i>207-439-4790</i>		Business Telephone Number <i>207-439-4919</i>	
				Fax Number <i>207-439-4790</i>	
Federal I.D. # <i>84-3285474</i>			Seller Certificate #: or Sales Tax #: <i>1205781</i>		
Email Address: Please Print <i>josh@bobsclamhut.com</i>			Website: <i>N/A</i>		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES NO

5. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location _____ City / Town _____

6. If manager is to be employed, give name: Glen Jodoin

7. Business records are located at: 315 US Route 1 Kittery, ME 03904

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Michael Landgarten	9/16/58	Flushing, NY
Glen Jodoin	7/16/62	Manchester, NH
Andrew Edgar	8/26/54	Princeton, NJ

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: Michael Landgarten POB 86	City: Kittery Point	State: ME
Name: Glen Jodoin 42 Washington Rd	City: N/A	State: NH
Name: Andrew Edgar 15 Spinnycreek Road	City: E/Port	State: ME

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES NO

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) See Attached

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: HIP License

18. 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? 0.1 miles

Which of the above is nearest? Second Christian Congregational Church

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Litchy, ME on April 17, 2020
Town/City, State Date

Please sign in blue ink

[Signature]
 Signature of Applicant or Corporate Officer(s)
Gray Jordan
 Print Name

 Signature of Applicant or Corporate Officer(s)

 Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____,
Maine

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§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. [1993, c. 730, §27 (AMD).]

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. [1995, c. 140, §4 (AMD).]

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. [2003, c. 213, §1 (AMD).]

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. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

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; [1987, c. 45, Pt. A, §4 (NEW).]

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; [1987, c. 45, Pt. A, §4 (NEW).]

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; [1993, c. 730, §27 (AMD).]

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; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

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 [2009, c. 81, §2 (AMD) .]

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. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

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. [1993, c. 730, §27 (RP) .]

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. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

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.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • Entrances • Office area • Kitchen • Storage Areas • Dining Rooms • Lounges • Function Rooms • Restrooms • Decks • All Inside and Outside areas that you are requesting approval.

See Attached



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Corner Pub LLC
2. Doing Business As, if any: Corner Pub
3. Date of filing with Secretary of State: 9/5/19 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 and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Michael Landgarten	PO Box 86 Kittery Point 03905 578 Haley Rd, Kittery Point 03905	9/16/58	Partner	33.34%
Glen Jordan	42 Washington Rd Rye, NH	7/11/62	Managing Partner	33.33%
Andrew Edgar	15 Spinney Creek Rd Eliot, ME	8/26/54	Partner	33.33%

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No

8. If Yes to Question 7, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

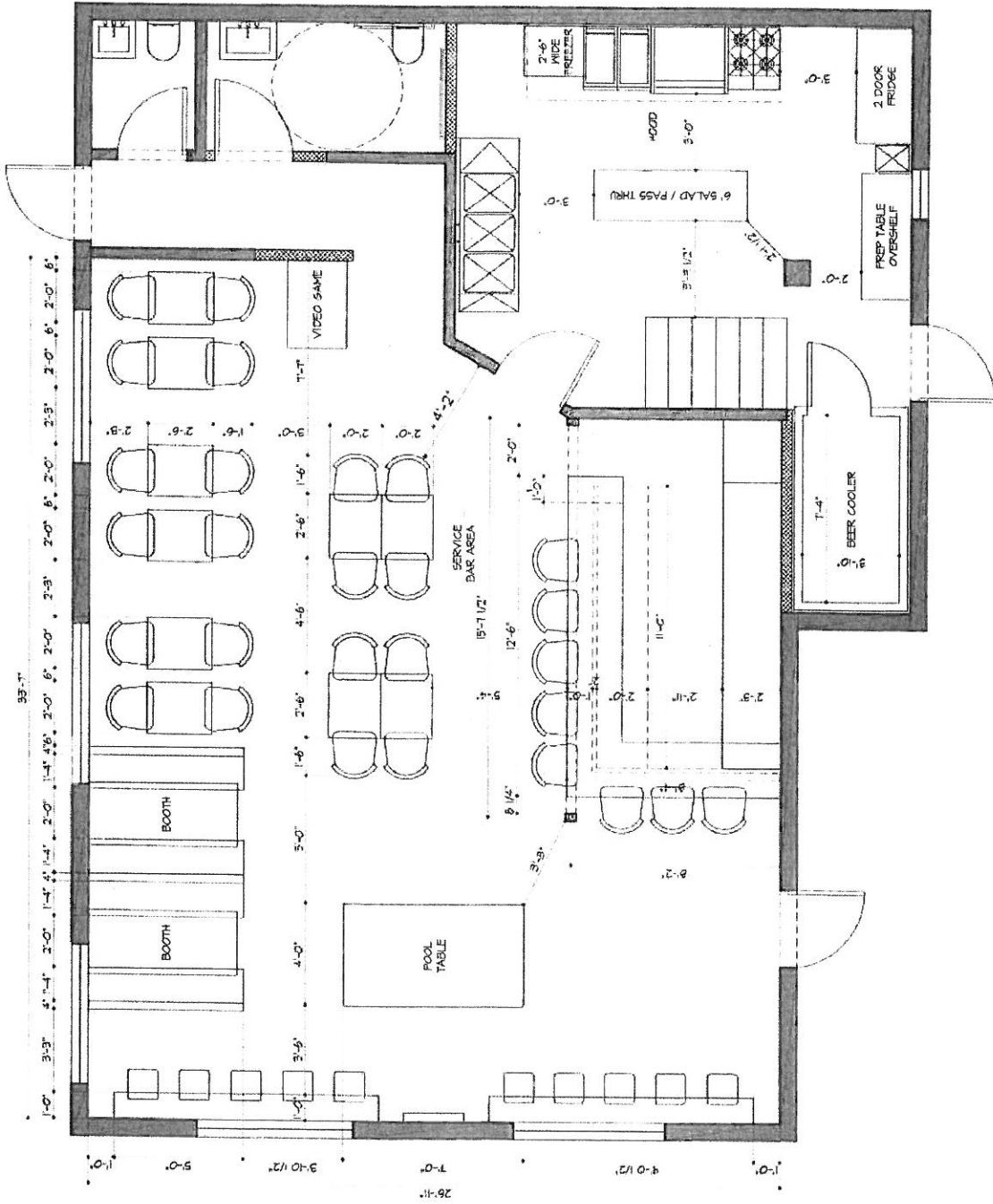
Signature of Owner or Corporate Officer

Date

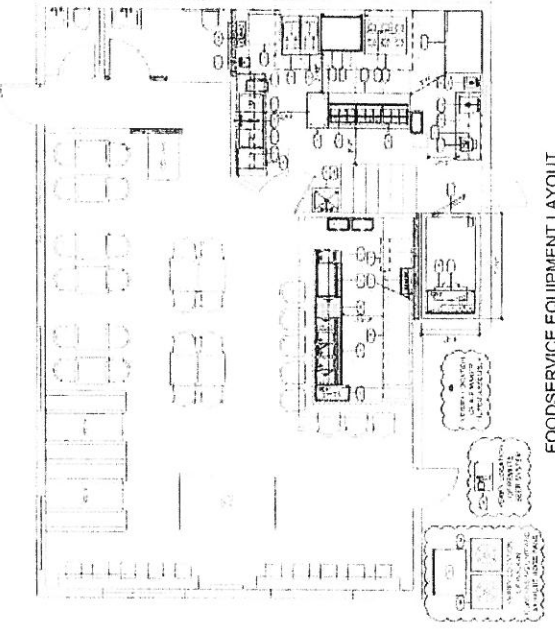
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



PRELIMINARY DRAWINGS ONLY
01-07-2020
NOT FOR CONSTRUCTION



FOODSERVICE EQUIPMENT LAYOUT
SCALE: 1/4" = 1'-0"

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL	DATE	BY	REVISIONS
1	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
2	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
3	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
4	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
5	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
6	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
7	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
8	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
9	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
10	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
11	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
12	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
13	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
14	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
15	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
16	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
17	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
18	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
19	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
20	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
21	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
22	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
23	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
24	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
25	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
26	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
27	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
28	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
29	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
30	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
31	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
32	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
33	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
34	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
35	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
36	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
37	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
38	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
39	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
40	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
41	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
42	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
43	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
44	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
45	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
46	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
47	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
48	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			
49	1/2" DIA. STAINLESS STEEL SINK	1	EA	150.00	150.00			
50	3" DIA. STAINLESS STEEL SINK	1	EA	100.00	100.00			

NOTE: THE UTILITY SCHEDULE BELOW IS "PRELIMINARY ONLY" AND IS SUBJECT TO CHANGES DURING THE ONGOING DESIGN DEVELOPMENT PHASE. THE UTILITY SCHEDULE WILL BE REVISITED AND REVISIONS MADE AS NECESSARY. ONCE THE PROJECT HAS BEEN FINALIZED WITH THE CUSTOMER.

REVISIONS
DATE BY NO DESCRIPTION

PROJECT NAME: CORNER PUB
KITTERY, ME
DATE: 12/12/2019
SCALE: 1/4" = 1'-0"

FOODSERVICE EQUIPMENT PLAN
QF100



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

APPLICATION FOR AMUSEMENT DEVICE LICENSE

Applicant: (Sole Proprietor, Corporation, Limited Liability Co.) Delta Amusement INC.
please print

Applicant's Address 182 State Rd Kittery ME Telephone No 508 331-1259
please print

Business Name: NAVY YARD BACK BILLIARD Address: 182 STATE Rd Kittery ME 03904
please print please print

Principal Officers: Joseph E Sugden Address: 3 TOBEY ST HAMPTON NH 03842
please print please print

Anthony Bertelli Address: 1 Alder Brook Ln Methuen MASS
please print please print

Type of Business:

BILLIARD TAVERN

Description of Amusement Devices to be licensed:

5 pool TABLES 1 Touch Tone music

Number of Amusement Devices to be licensed: 5 Age of Operator of Establishment: 66

Address of Premises where Devices are to be operated: 182 STATE Rd Kittery ME

Have you ever had a license to conduct such a business denied or revoked? Yes No

If so, describe the circumstances specifically, and indicate whether the applicant, including all partners or corporate officers, has ever been convicted of a felony.

yes Disturbing the Peace 1975 Amesbury MASS (see Lic)

If there has been a conviction of a felony by any of the above describe specifically those circumstances:

Yes DISTURBING THE PEACE 1975 AMESBURY MASS PAID FINE
(see Lic)

\$ 50 License Fee: 1-3 Machines, \$50; 4 or more machines, \$50 per machine extra

SIGNATURE OF APPLICANT: Joseph E Sugden DATE: 4-29-20

APPLICANT'S NAME: Joseph E Sugden (Delta Amusement INC)
please print

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

Annual Victualer's License Applicants for 2020

- 518 Noodle
- AJ's Wood Grilled Pizza
- Amato's
- Anju
- Anneke Jans
- Badger's Island Pizza
- Bagel Caboose
- Baker Bobby Pizzaiolo - Food
- BBQ Betty Smokehouse
- Beach Pea Baking Company
- Bedrock Lobster Pound
- Bistro 1828
- Blue Mermaid
- Bob's Clam Hut
- Boston Pie Inc. DBA Domino's
- Burger King 6539
- Carl's Meat Market
- Chauncey Creek Lobster Pier
- Chick-fil-A – Food Truck
- Chun Ping Lau
- Circle K #4707065
- Coachman Inn
- Coppa Magica Gelato – Food Truck
- Dunkin Donuts
- Enchanted Nights B&B
- Festina Lente
- Frisbee's Wharf
- Golden Harvest
- Hampton Inn & Suites
- Henryville LLC DBA Henry VIII Cavery
- Island Marina Svc / Badger's Island Marina
- Kates Bakery & Café
- Kenzies Restaurant and Pub
- Kittery Dairy Queen
- Kittery Food Mart
- La Casita
- Lexie's Burger Bus – Food Truck
- Lil's Café
- Loco Coco's Tacos
- Lovebirds Donuts – Food Truck
- Loyal Order of Moose 444
- Maine Meat (MEat)
- Maine Squeeze Juice Café
- Misto! Café Bar-Bistro
- Morrison's Lobsters LLC
- Napoli PSC Series LLC DBA CNF ME LLC-McDonalds
- Navy Yard Bar & Billiard
- Ore Nell's BBQ
- Pam & Fam Forkin' Good Grub – Food Truck
- Paved Paradise – Food Truck Pod
- Petrogas Group 7-Eleven
- Pine Tree Country Store
- Pressed for Time Mobile Café
- Robert's Maine Grill & Market
- Rose Springs Rolls – Food Truck
- Rudders Public House
- Starbucks Coffee (7907)
- Starry Nights Bed & Breakfast
- Street Eats – Food Truck
- Subway
- Sue's Seafood
- Sunrise Grill
- Tacocat
- Tasty Thai Inc.
- Thai & I Restaurant
- The Black Birch
- The Fire Fly Diner
- The Lobster Pot
- The Pointe
- The View
- The Water Street Inn LLC
- Town Pizza Restaurant
- Tributary Brewing Company
- Tulsi Indian Restaurant
- Vagabond Coffee
- Warren's Lobster House
- Weathervane Seafood
- When Pigs Fly Pizzeria
- Wicked Mini Donuts – Food Truck
- Woodland Farms Brewery



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

APPLICATION FOR VIEWING BOOTHS LICENSE

Name of applicant: Capital Video Corporation
(please print)

Applicants Address: 44 Bedson Rd Cranston RI 02910 Telephone No.: 401-464-4800
(please print)

Business Name: Amazing.net
(please print)

Business Address: 92 Route 236 Kittery ME 03904 Telephone No.: 207-439-6285
(please print)

Business Mailing Address: 44 Bedson Rd Cranston RI 02910
(please print)

Name of Owner: Capital Video Corp Name of Operator: _____
(please print) (please print)

Number of Viewing Booths to be Licensed: 8

Have you ever had a license to conduct such a business denied or revoked? Yes ___ No

If so, describe the circumstances specifically:

Additional information: _____

\$ 160.00 Annual License Fee: \$20.00 per Viewing Booth

SIGNATURE OF APPLICANT: [Signature] V.P. Finance DATE: 5/5/2000

APPLICANTS NAME: Capital Video Corporation
(please print)

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



LETTER OF TRANSMITTAL

TO: Town of Kittery
Kittery Port Authority
200 Rogers Rd Ext.
Kittery, ME 03904

FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE: 4/14/2020	JOB NO. 2552.82
ATTENTION: Kittery Port Authority	
RE: Application for Boat Cradle	
96 Pepperrell Road, Kittery Point, ME	

WE ARE SENDING YOU

<input type="checkbox"/> SHOP DRAWING	<input checked="" type="checkbox"/> ATTACHED	<input type="checkbox"/> UNDER SEPARATE COVER VIA
<input checked="" type="checkbox"/> PLANS	<input checked="" type="checkbox"/> COPY OF LETTER	<input type="checkbox"/> PRINTS
<input type="checkbox"/> SAMPLES	<input type="checkbox"/> CHANGE ORDER	<input type="checkbox"/> SPECIFICATIONS
	<input type="checkbox"/> OTHER	

COPIES	DATE	REVISION	DESCRIPTION
10	4/14/20		KPA Application Packages
10	4/14/20		Maine DEP NRPA Application
10	3/20	3/26/20	Plan Sets (full size)

THESE ARE TRANSMITTED AS CHECKED BELOW

FOR YOUR APPROVAL
 FOR YOUR USE
 AS REQUESTED
 FOR BIDS DUE
 FOR REVIEW AND COMMENT
 RETURNED AFTER LOAN TO US

REMARKS

COPY TO File

If enclosures are not as noted, kindly notify us at once.



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: 27
Lot: 47
Date Submitted:
April 14, 2020

Application for
PIERS, WHARFS, FLOATS AND OTHER MARINE-RELATED STRUCTURES

Contact: kpa@kitteryme.org Website: kitteryme.gov

NOTE: Ten (10) sets of plans, applications, maps and other necessary information are required at submittal.
The following application is submitted for the construction, modification, reconstruction of a:
The project proposes a 5' x 12' boat cradle on the subject lot.

1. This project is an in-kind repair/replacement, **which will not** expand, move, or modify the style of the existing structure:

Yes, it is in-kind repair No, there will be modifications

2. Property Owner(s): Paul J. & Jessica O. McKeon

3. Property Address: 96 Pepperrell Road, Kittery Point, ME.

4. Telephone Number: 603-231-3205 Email: pmckeon@b2software.com
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 12,333 sq. ft. Zoning District(s): R-KPV

6. The shore frontage of this property is 84.3 feet, measured at the high water line in a straight line, stake to stake.

7. This is my first Kittery Port Authority application for this property: Yes No
If No, please explain: _____

8. LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement.

9. ADDITIONAL PERMITS/APPROVALS THAT MAY BE REQUIRED: (attach applications to submittal)

Army Corps of Engineers	<input checked="" type="checkbox"/>	Department of Conservation	<input type="checkbox"/>
Dept. of Environmental Protection Permit	<input checked="" type="checkbox"/>	Other (specify):	<input type="checkbox"/>

10. CONSTRUCTION PLAN: Provide a description of the property showing all proposed construction showing the lot lines and exact positions of the proposed structure with dimensions and elevations from readily identifiable reference points.

Applicant Signature: _____ Date: _____

Property Owner Signature: Agent-See Authorization Date: April 14, 2020

Agent Name: Steven D. Riker Agent Firm: Ambit Engineering, Inc.

Agent Phone: 603-430-9282 Agent Email: sdr@ambitengineering.com
(REQUIRED) (REQUIRED)

APPLICATION FEE (\$100) and ASA* (minimum \$45). Include a check payable to the Town of Kittery.

Fee Paid, Amount: _____ Date: _____ ASA Paid, Amount: _____ Date: _____

*APPLICANT SERVICE ACCOUNTS: PER TITLE 3.3 OF THE KITTERY CODE AND SECTION IV.D.9 OF THE KPA RULES & REGULATIONS, COSTS ASSOCIATED WITH PUBLIC NOTICE ADVERTISEMENT, POSTAGE, RECORDER TIME, ETC.

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Paul J. & Jessica O. McKeon		5. Name of Agent: Steven D. Riker Ambient Engineering, Inc.	
2. Applicant's Mailing Address: 233 Vaughan Street, Unit 402, Portsmouth, NH 03801		6. Agent's Mailing Address: 200 Griffin Road, Unit 3, Portsmouth, NH 03801	
3. Applicant's Daytime Phone #: 603-231-3205		7. Agent's Daytime Phone #: 603-430-9282	
4. Applicant's Email Address (Required from either applicant or agent): pmckeon@b2software.com		8. Agent's Email Address: sdr@ambientengineering.com	
9. Location of Activity: (Nearest Road, Street, Rt.#) 96 Pepperrell Road		10. Town: Kittery Point	11. County: York
12. Type of Resource: (Check all that apply)	<input checked="" type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Piscataqua River
	14. Amount of Impact: (Sq.Ft.) 8 sq. ft. direct impact (piles) 51 sq. ft. indirect impact (cradle)		Fill: Dredging/Veg Removal/Other:
15. Type of Wetland: (Check all that apply)	FOR FRESHWATER WETLANDS		
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other <u>Tidal</u>	Tier 1 <input checked="" type="checkbox"/> 0 - 4,999 sq. ft. <input type="checkbox"/> 5,000-9,999 sq. ft. <input type="checkbox"/> 10,000-14,999 sq. ft.	Tier 2 <input type="checkbox"/> 15,000 – 43,560 sq. ft.
16. Brief Activity Description:	The project proposes 8 sq. ft. of direct impact and 51 sq. ft. of indirect impact for the installation of a boat cradle along the shoreline of the above referenced site adjacent to the Piscataqua River.		
17. Size of Lot or Parcel & UTM Locations:		<input checked="" type="checkbox"/> 12,333 square feet, or <input type="checkbox"/> _____ acres UTM Northing: <u>43.082622</u> UTM Easting: <u>-70.702519</u>	
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
19. Deed Reference Numbers: Book#: 17810 Page: 819		20. Map and Lot Numbers: Map #: 27 Lot #: 47	
21. DEP Staff Previously Contacted:		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, previous application #	Previous project manager:	
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site: From Kittery Center/Memorial Circle, take Rogers Road (ME-236 West). ME 236 West becomes ME-103 West. Follow ME-103 West for 1.21, then turn right onto Pepperrell Road (ME-103 West). Follow for .85 miles and 96 Pepperrell Road in on the right.			
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed: \$529.00			

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.


CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

 Agent-See Authorization
SIGNATURE OF AGENT/APPLICANT

Date: April 14, 2020

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(pink)

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Paul J. McKeon & Jessica O. McKeon Phone: 603-231-3205
 Application Type: Maine DEP NRPA Individual
 Activity Type: (brief activity description) Installation of a boat cradle.
 Activity Location: Town: Kittery Point Court: York
 GIS Coordinates, if known: Lat:43.082622 Lon:-70.702519
 Date of Survey: April 25, 2019 Observer: Steven D. Riker Phone: 603-430-9282

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-¼	¼-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places? *Bray House on abutting property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. A National or State Park? *Fort McClary State Park	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. 1) A municipal park or public open space?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Paul J. & Jessica O. McKeon PHONE: 603-231-3205

APPLICATION TYPE: Maine DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery Point COUNTY: York

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: _____

DATE OF SURVEY: May 3, 2019 OBSERVER: Steven D. Riker

TIME OF SURVEY: 8:30 AM TIDE AT SURVEY: 5:08 AM low tide @ Seavey Island, NH

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 8 sq. ft. for piles _____ Subtidal area: 0 _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____

Intertidal area: 51 sq. ft. for cradle _____ Subtidal area: 0 _____

HABITAT TYPES PRESENT(check all that apply):

sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
 ledge rocky shore mudflat (sediment depth, if known: _____)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER:

bluff/bank (height from spring high tide: _____) beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other Periwinkle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:

Photographs Overhead drawing

(pink)

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



THIS IS AN APPLICATION FOR A.....

- Commercial wharf
If yes, indicate type of commercial activity: _____
License number: _____
Number of fishermen using this wharf: _____
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: _____



TELL US ABOUT YOUR BOAT.... Williams Diesel Jet 565

My boat(s) requires a draft of 2 feet.
My boat(s) is 18'8" feet long.



TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____

Appendix B attached



SCENIC CONSIDERATIONS... Please complete Appendix A of the NRPA application.

Appendix A attached



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Kittery approximately 100 feet miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Kittery approximately 100 feet miles from the project location.
(distance) (town)

- I have inquired about slip or mooring availability at the nearest marina or public facility.
 - Yes, a slip or mooring is available. No, a slip or mooring is not available.
 - Approximate expected time on waiting list: 138 on wait list as of 4/13/20 (Pepperrell Cove)
- I have contacted the local Harbor Master. Name: John Brosnihan Phone: 207-332-2656

ALTERNATIVES ANALYSIS

This project proposes 8 sq. ft. of direct impact and 51 sq. ft. of indirect impact for the installation of a boat cradle along the shoreline of the above referenced site along the Piscataqua River.

The shoreline associated with the site consists of an existing stone revetment that peaks at approximate elevation 10', with a steep slope leading to the tidal resource area with an average approximate grade of 45% that extends beyond the H.A.T. located at elevation 7.1'. The substrate below the H.A.T. is characterized as a combination of cobble & gravel. The area above the existing stone revetment would be characterized as maintained lawn.

It is our opinion that the proposed boat cradle is the only practicable docking alternative on the property given the rocky/cobble/gravel substrate and lack of water depth along the shoreline of the property. The existing float does not provide a practicable boat slip as the adjacent tidal flat is exposed at low tide and any boat secured to the existing float would be subject to damage due to the rocky/cobble/gravel substrate. The proposed boat cradle would provide a practicable slip space as any boat utilizing the structure would be elevated off the substrate, providing the needed bottom protection.

Additionally, the proposed cradle location is the only practicable alternative along the shoreline of the subject property. The proposed location would allow the property owner to secure a boat, but also not interfere with any navigation of other vessels to and from the Town of Kittery owned boat ramp located to the west. The cradle, and any boat secured to the cradle, would not extend any further into the "navigable" waterway, allowing for continued use of the boat ramp as it occurs today. In fact, it is our opinion that use of the proposed cradle, instead of securing a boat to the existing float, provides increased navigation space to boaters using the Town of Kittery owned boat ramp.

The proposed boat cradle not only represents the least impacting alternative, but also represents the only practicable docking alternative along the property given the location and water depth. The proposed dock cradle would be constructed upon 4 piles, greatly minimizing direct impact to the tidal wetland. Indirect impact associated with the cradle would be limited to 51 sq. ft., attributed to the stringers attached to the piles which create the surface for the boat to rest upon.

CONSTRUCTION DETAILS-SEQUENCE

This project proposes 8 sq. ft. of direct impact and 51 sq. ft. of indirect impact for the installation of a boat cradle along the shoreline of the above referenced site along the Piscataqua River.

The cradle will be supported by 4 piles, driven to refusal. These piles will be driven utilizing a crane barge from the water. These piles will be CCA treated lumber which shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction. Details for the cradle are provided in the plan set, located on "Details-Sheet D1".

Construction of the cradle is anticipated to take 2-3 days. A crane barge will mobilize to the site with equipment and materials. The piles will be driven, cut, and the stringers will be installed. A construction sequence is also provided in the plan set, located on "Details-Sheet D1". The project also includes the installation of 4 new piles under the existing float to be used as float stops. These piles will be cut and create a flat surface for the existing float to land on. Since the boat will be secured and fendered to the existing float, installation of float stops are integral to the cradle design as the float will fall with the tide and land at the same elevation as the cradle.

No erosion control devices are required for this project. There will be no exposed soils or vegetation removal required to complete the construction. Driving of piles is a process that does not expose soils, nor require excavation of any kind. Foot traffic and trenching for standard silt fence installation would cause disturbance far in excess of those from the project itself. There is nothing in regards to the proposed construction that would provide an opportunity for erosion. Work on the portion of the structure located over wetland resource will be performed utilizing a crane barge and a spud barge at low tide eliminating erosion and potential for sedimentation.

WETLAND FUNCTIONS AND VALUES ASSESSMENT

INTRODUCTION

This report provides an assessment of the functions and values of the tidal wetland system located within a parcel of land located at 96 Pepperrell Road, Kittery Point, Maine. The property is identified as Tax Map 27, Lot 47, is approximately 12,333 sq. ft. in size, and is located north of Pepperrell Cove. The lot is currently developed and contains a single family residence, a boat house, a driveway and associated landscaping. The surrounding land use is residential (see Existing Conditions Plan-Sheet C1).

Thirteen functions/values were assessed and evaluated for the wetland area, which include groundwater recharge/discharge, floodflow alteration, fish/shellfish habitat, sediment/toxicant retention, nutrient removal, production export, sediment shoreline stabilization, wildlife habitat, endangered species habitat, visual quality aesthetics, educational/scientific value, recreation and uniqueness/heritage. Functions are considered "principal" if they are found to be an important or critical component of the wetland. Functions and values may also be "principal" if they provide a special or unique value to society. Determinations of functions and values as principal are based on the list of considerations included with the enclosed Wetland Function-Value Evaluation Form (Appendix A).

DISCUSSION

For the purpose of this assessment, the tidal wetland directly associated with the subject parcel was evaluated. This tidal wetland is contiguous with other wetlands located along Pepperrell Cove, and on a larger scale, the Piscataqua River. This assessment examines those functions and values of the tidal wetland area located directly adjacent to the subject parcel, and the proposed repair/replacement of the existing stone revetment. Also, for the purposes of the assessment, the tidal wetland will be referred to herein as Wetland A.

As described above Wetland A, receives hydrology from the daily tide cycle, and surrounding upland runoff, to a lesser extent. According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS 1979), The tidal wetland associated with the parcel would be classified as an estuarine intertidal unconsolidated shore cobble gravel wetland system that is irregularly exposed by the tides (E2US1M).

Wetland A performs sediment/toxicant retention, nutrient removal, floodflow alteration, sediment/shoreline stabilization and uniqueness/heritage as principal functions and values, and is also capable of providing fish and shellfish habitat, production export, wildlife habitat, recreation, and educational/scientific value.

IMPACT ASSESSMENT

The project proposes 8 sq. ft. of direct impact and 51 sq. ft. of indirect impact for the installation of a boat cradle located along the shoreline of the above referenced site along Pepperrell Cove (Piscataqua River).

Given the nature of the project, it is anticipated that there will be no affect on the wetland's ability to perform the above identified functions and values. The boat cradle will not impede tidal flow or

alter hydrology, it will not deter use by wildlife species that currently use the wetland area, it will not impede any migrational fish movement, it will not contribute to pollution, degradation, or erosion, and it will not have a visual impact as the surrounding properties. The proposal will have no negative impact on the abutting properties from an aesthetic or navigational standpoint.

Lastly, following construction, the wetland will still be able to perform its principal functions which are sediment/toxicant retention, nutrient removal, floodflow alteration, sediment/shoreline stabilization and uniqueness/heritage as the stone revetment will have no interference with the natural processes that are integral to these functions.

08/08

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

Paul J. & Jessica O. McKeon

233 Vaughan Street, Unit 402, Portsmouth, NH 03801
(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

(anticipated filing date)

April 17, 2020

The application is for

Installation of a boat cradle

(description of the project)

at the following location:

96 Pepperrell Road, Kittery Point, ME 03905
(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor)(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Kittery, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

- MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
- MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
- MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

(blue)

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

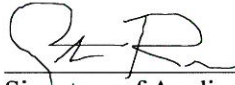
CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on N/A .
Date

Approximately N/A members of the public attended the Public Informational Meeting.



Signature of Applicant or authorized agent

April 9, 2020
Date

(blue)

9 April, 2020

Jonathan King & James Stott
100 Pepperrell Road
PO Box 187
Kittery Point, ME 03905

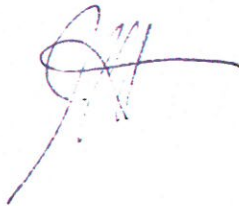
RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application, US Army Corp of Engineers Application, and Kittery Port Authority Application for the installation of a boat cradle for Paul J. & Jessica O. McKeon, 96 Pepperrell Road, Kittery Point, ME.

This letter is to inform the Maine Department of Environmental Protection (DEP), the US Army Corp of Engineers (USACOE) and the Town of Kittery, in accordance with State Law that our abutter, **Paul J. & Jessica O. McKeon**, has shown us plans (dated 3/26/20) depicting the proposed tidal docking cradle on their property (Tax Map 27, Lot 47) prepared by Ambit Engineering, Inc. We are aware that the proposed tidal docking structure is located within 25 feet of the riparian line that we share with **Paul J. & Jessica O. McKeon**. In addition, we are also aware that any boat secured to the cradle may also extend into the 25 foot riparian setback.

We hereby sign this letter to indicate our acceptance of the proposed tidal docking cradle within 25 feet of our shared riparian line, and the possibility of a boat attached to the proposed cradle extending into the 25 foot riparian setback associated with the boundary that we share with **Paul J. & Jessica O. McKeon**.

Sincerely,





Jonathan King & James Stott
100 Pepperrell Road
PO Box 187
Kittery Point, ME 03905
Tax Map 27, Lot 45

By: Jonathan King, James Stott, abutters
Printed Name & Title

PROPERTY MAP
KITTERY
 MAINE



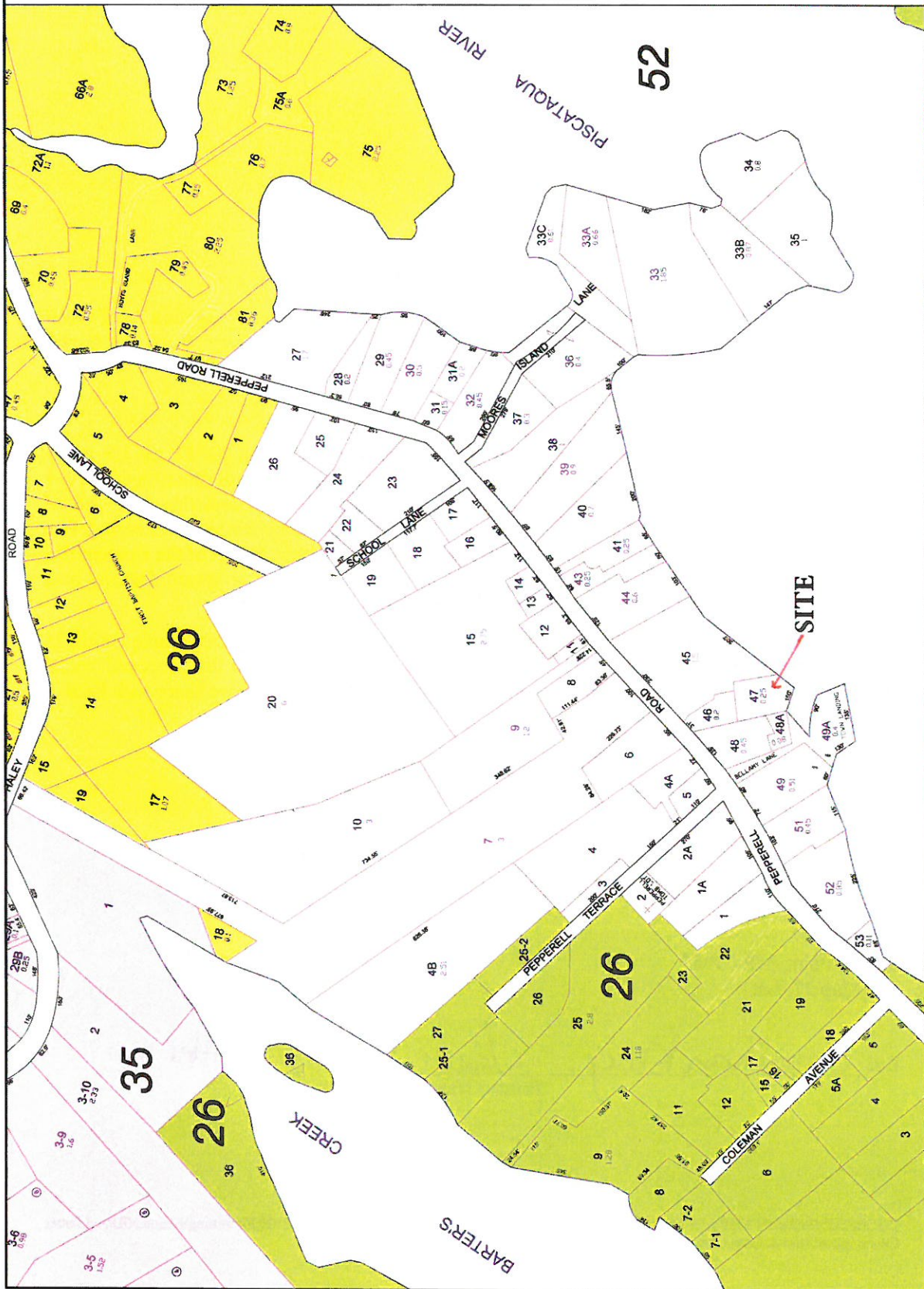
LEGEND

ADJUTANT GENERAL'S MAP	R11	ADJUTANT GENERAL'S MAP	R11
TARGET ZONE A	74	PERMITS	
ADJUTANT GENERAL'S MAP	74	PERMITS	
ADJUTANT GENERAL'S MAP	74	PERMITS	
ADJUTANT GENERAL'S MAP	74	PERMITS	

SCALE IN FEET
 0 100 200

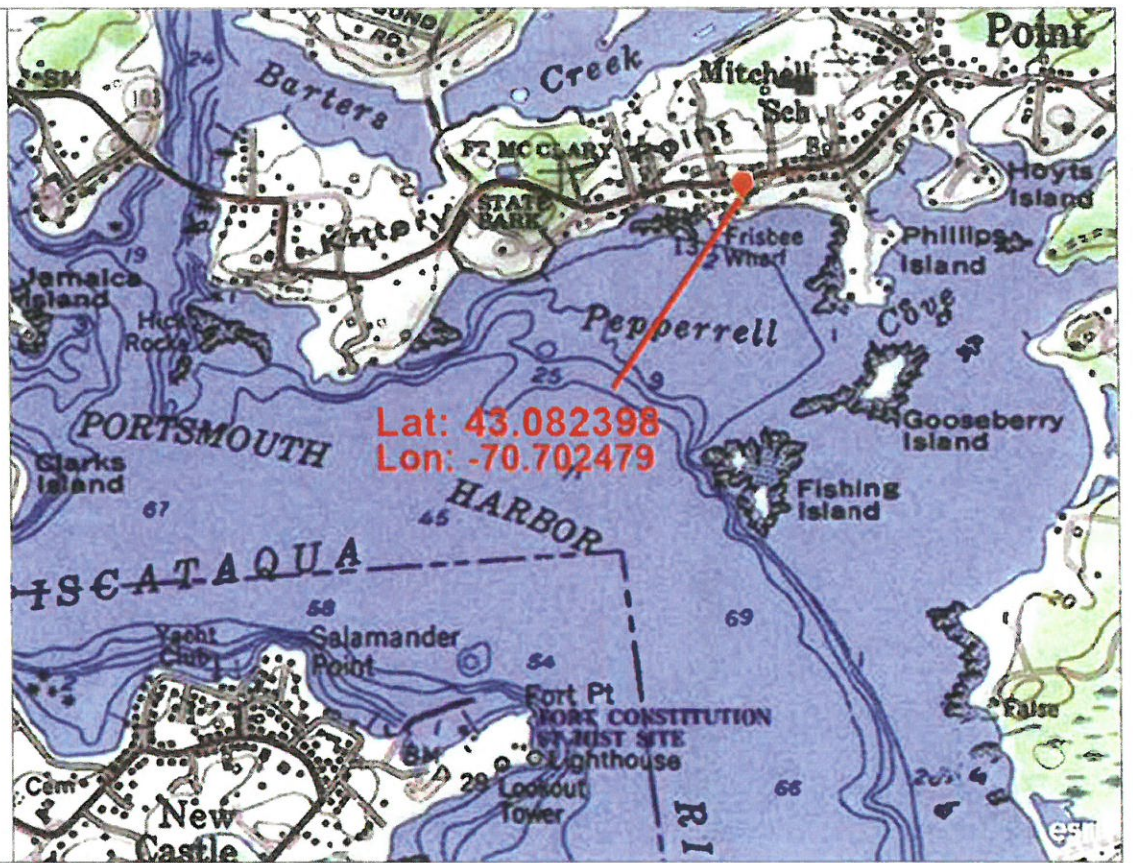
John E. O'Donnell & Associates
 632 Bald Hill Road
 New Gloucester, Maine 04260
 (207) 926-4044
 www.jeodonnell.com

27



My Map

No legend



Copyright: © 2013 National Geographic Society, i-cubed

Maine DEP-NRPA Application
Paul J. & Jessica O. McKeon
Proposed Boat Cradle

SITE PHOTOGRAPHS
Kittery, ME

Site Photograph #1

February 2020



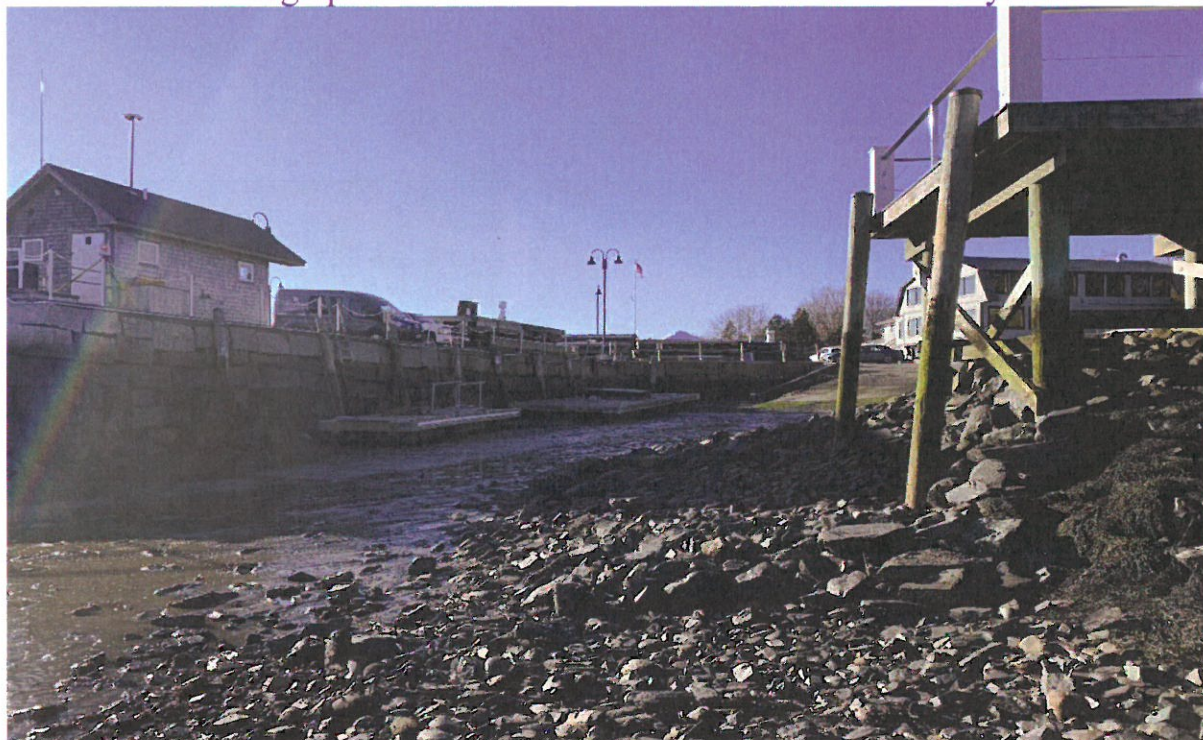
Site Photograph #2

February 2020



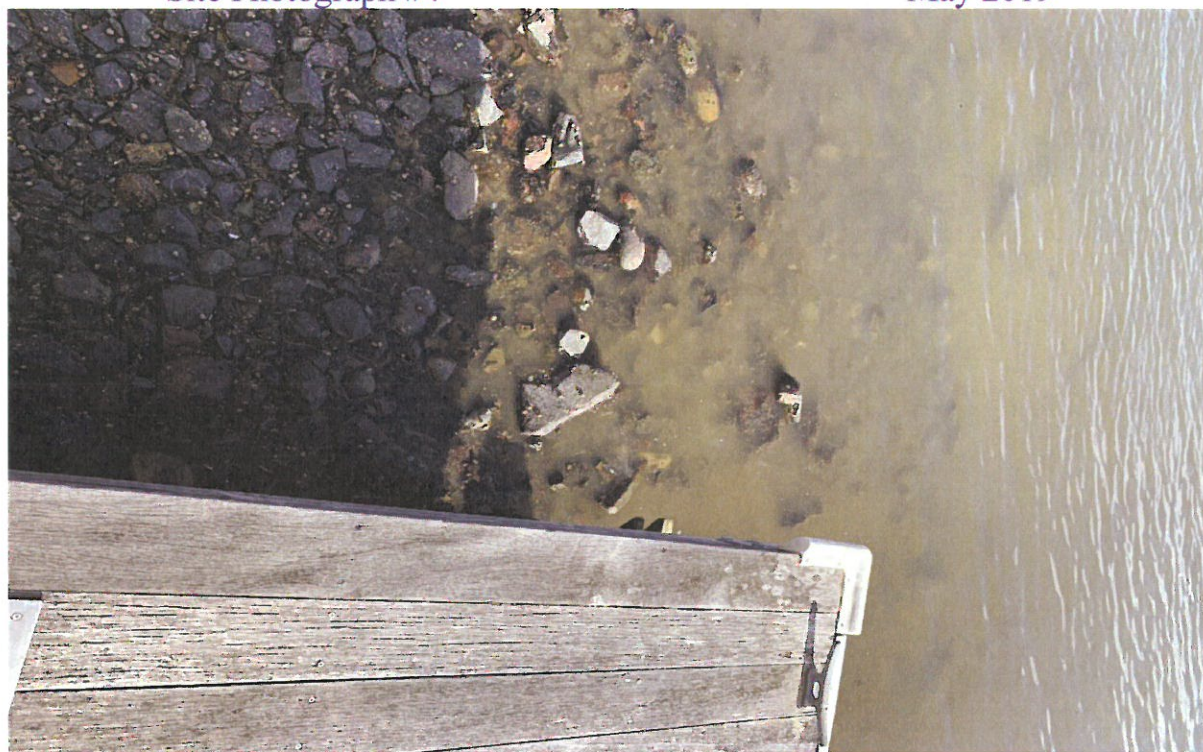
Site Photograph #3

February 2020



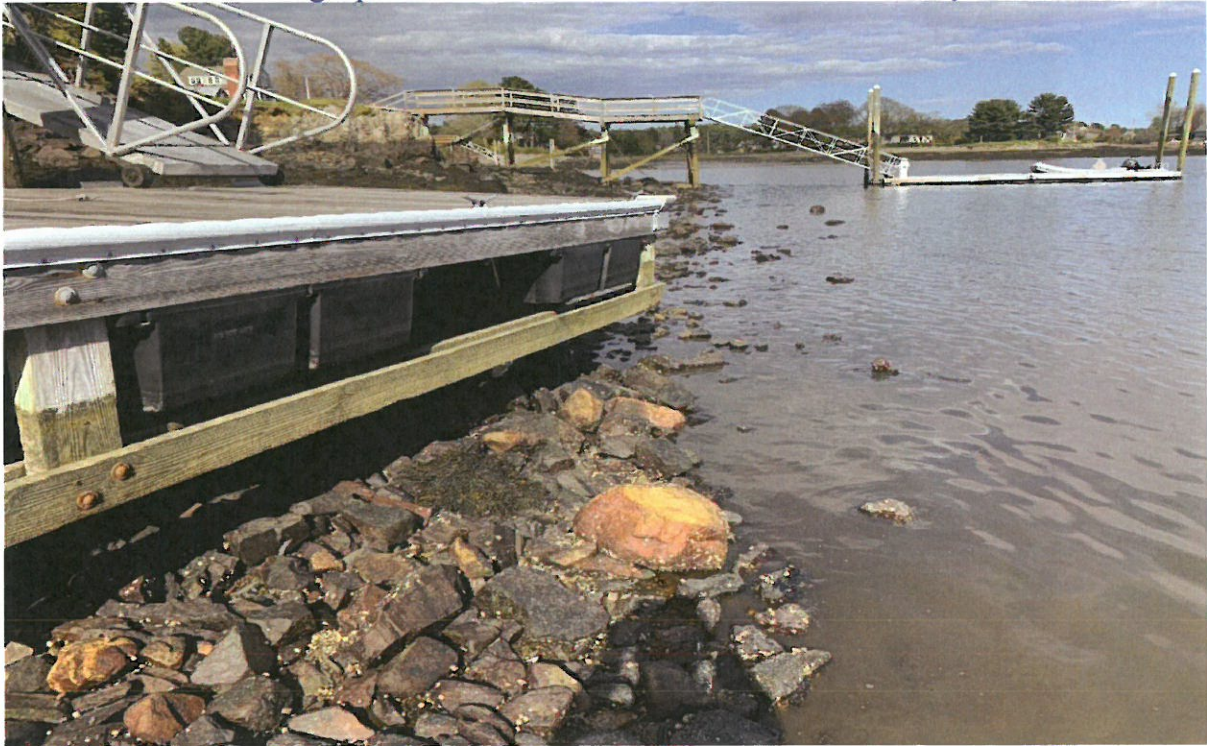
Site Photograph #4

May 2019



Site Photograph #5

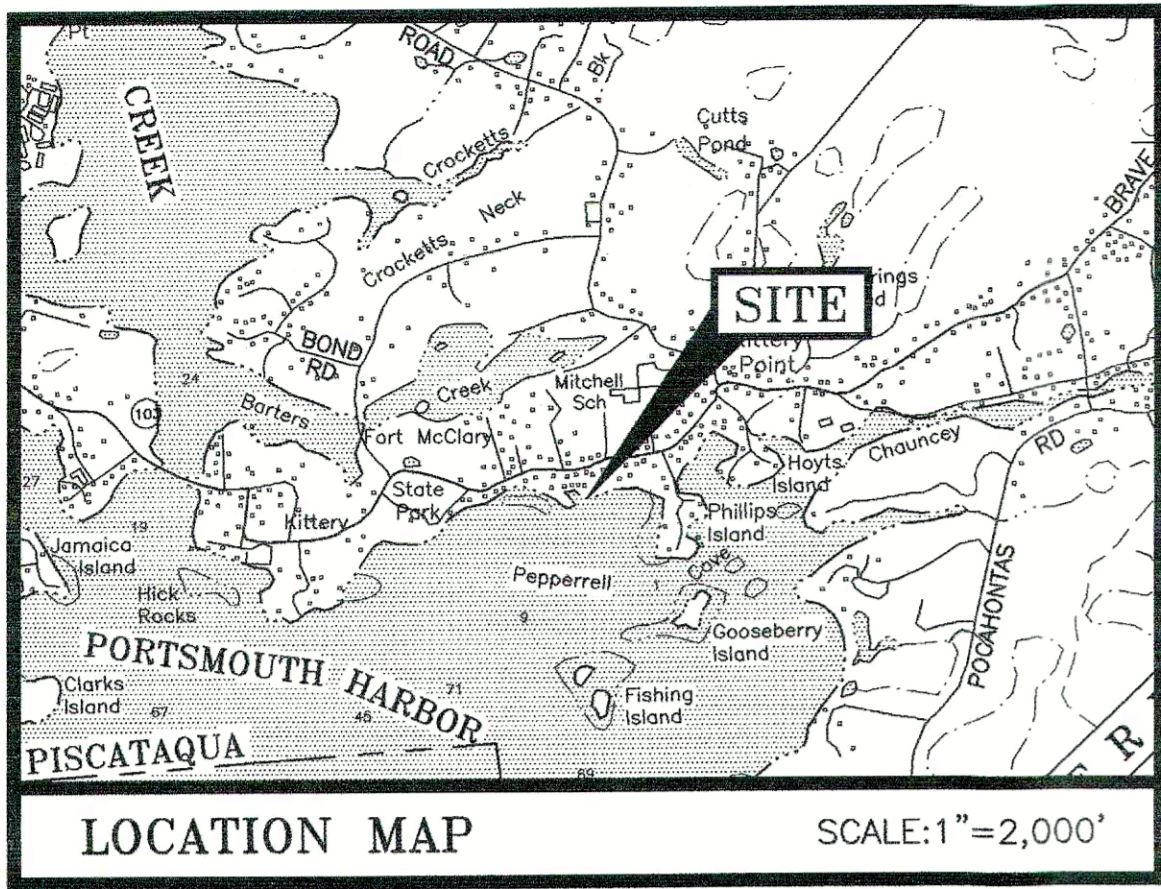
May 2019



Site Photograph #6

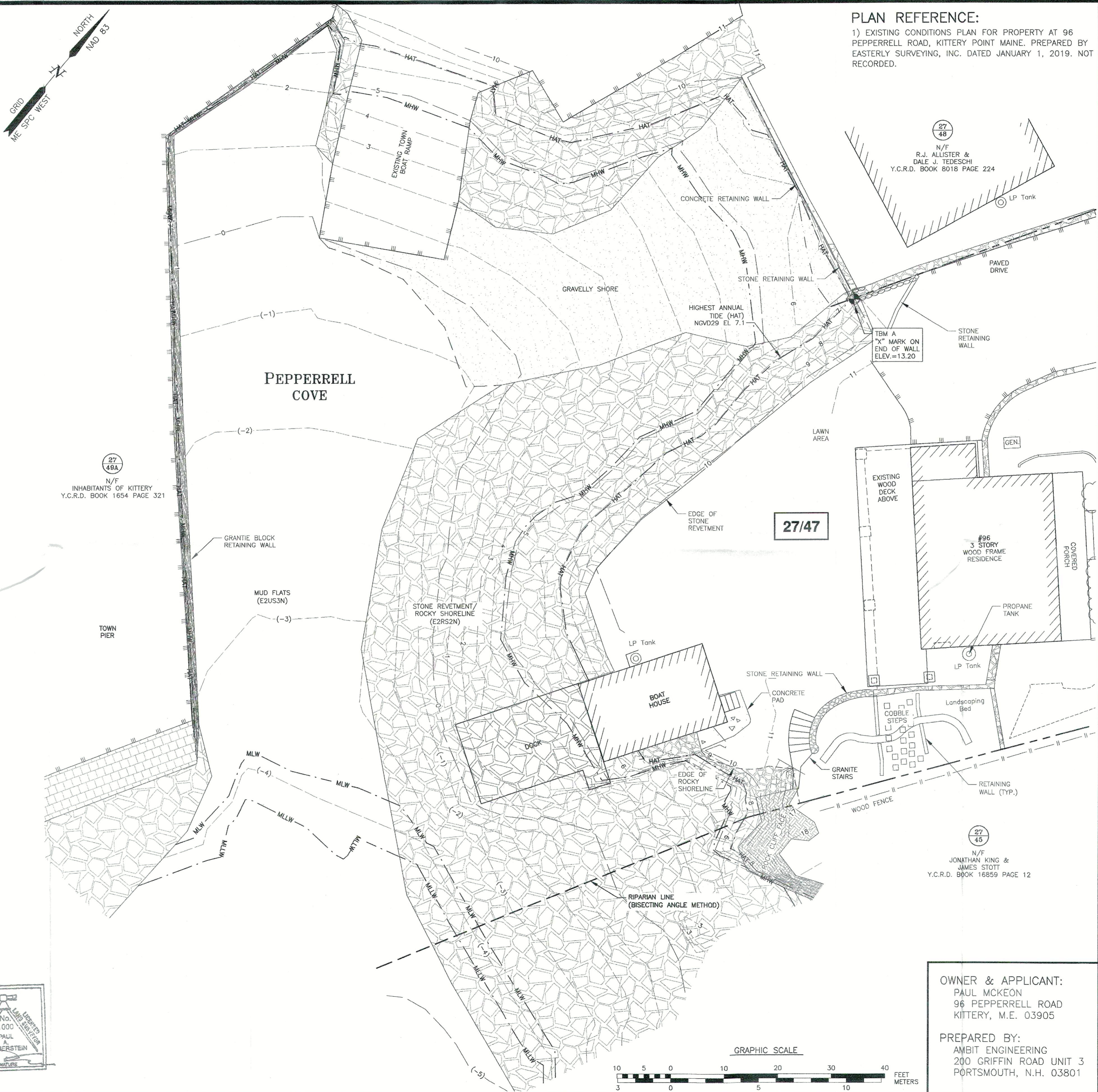
May 2019





LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY OF DEEDS
(11/27)	MAP 11 / LOT 21
○	RAILROAD SPIKE FOUND
○	IRON ROD/IRON PIPE FOUND
○	IRON PIPE FOUND
○	STONE/CONCRETE BOUND FOUND
○	RAILROAD SPIKE SET
○	IRON ROD SET
○	DRILL HOLE SET
○	GRANITE BOUND SET
---	BOUNDARY
---	BUILDING SETBACK
---	MHW MEAN HIGH WATER LINE
---	MLW MEAN LOW WATER LINE
---	HAT MAINE DEP HIGHEST ANNUAL TIDE LINE
---	FRESHWATER WETLAND LINE
---	WB WETLAND BUFFER LINE
---	TYP. TYPICAL
100	CONTOUR
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT (EP)



PLAN REFERENCE:
 1) EXISTING CONDITIONS PLAN FOR PROPERTY AT 96 PEPPERRELL ROAD, KITTEERY POINT MAINE. PREPARED BY EASTERLY SURVEYING, INC. DATED JANUARY 1, 2019. NOT RECORDED.

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9292
 Fax (603) 436-2315

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

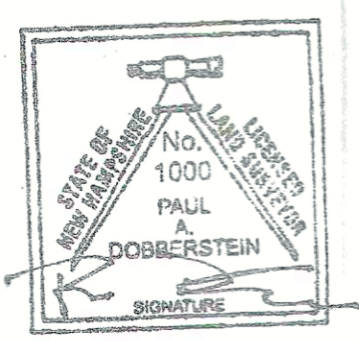
- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTEERY ASSESSOR'S MAP 27 AS LOT 47.
 - 2) OWNERS OF RECORD:
 PAUL J. MCKEON
 & JESSICA O. MCKEON
 233 VAUGHAN STREET, UNIT 402
 PORTSMOUTH, NH 03801
 Y.C.R.D. BOOK 17810, PAGE 819
 - 3) A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA V2(EL.15) AS SHOWN ON FIRM PANEL 2301710005D. EFFECTIVE DATE JULY 3, 1986.
 - 4) EXISTING LOT AREA:
 12,333± S.F. (PER PLAN REF. 1)
 - 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF ASSESSOR'S MAP 27 LOT 47 IN THE TOWN OF KITTEERY.
 - 6) VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS PLAN REFERENCE 1.
 - 7) HIGHEST ANNUAL TIDE LINE IS SHOWN AT ELEVATION 7.1 NGVD 1929, WHICH IS EQUIVALENT TO 6.4 NAVD 1988, WHICH IS THE VALUE SPECIFIED FOR LOCATION FORT POINT IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
 - 8) MEAN HIGH WATER LINE (MHW) IS SHOWN AT ELEVATION 4.74, MEAN LOW WATER (MLW) AT ELEVATION -3.89, AND MEAN LOWER LOW WATER (MLLW) AT ELEVATION -4.23 PER NOAA STATION 8423898-FORT POINT, NEW CASTLE ISLAND, NH.
 - 9) PLANIMETRIC FEATURES SHOWN HEREON ARE A COMBINATION OF INFORMATION SHOWN ON PLAN REFERENCE 1 (USED WITH PERMISSION) AND A FIELD SURVEY BY THIS OFFICE. SITE IS CURRENTLY IN VARIOUS STAGES OF PREVIOUSLY PERMITTED DEVELOPMENT, EVERY EFFORT HAS BEEN MADE TO DEPICT THE EXISTING CONDITIONS AS NEARLY AS POSSIBLE.
 - 10) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCE 1. EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON.
 - 11) PREVIOUS MAINE DEP PERMIT: L-28311-2F-A-N.

MCKEON RESIDENCE
96 PEPPERRELL ROAD
KITTEERY, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/26/20
REVISIONS		

PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
 A) NO SURVEY REPORT HAS BEEN PREPARED.
 B) NO LAND DESCRIPTION HAS BEEN PREPARED.
 C) MONUMENTS HAVE NOT BEEN SET.

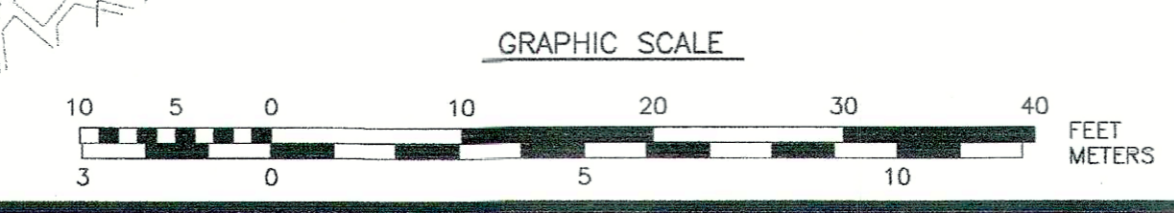
THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.



PAUL A. DOBBERSTEIN, PLS #2526
 DATE 3/26/2020

OWNER & APPLICANT:
 PAUL MCKEON
 96 PEPPERRELL ROAD
 KITTEERY, M.E. 03905

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801



SCALE: 1" = 10' MARCH 2020

EXISTING CONDITIONS PLAN

C1



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

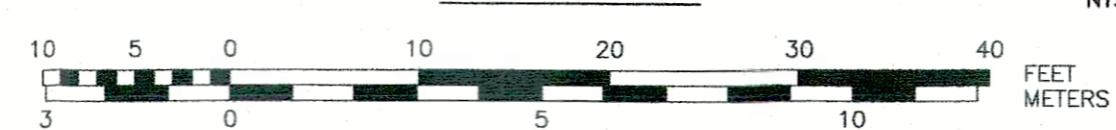
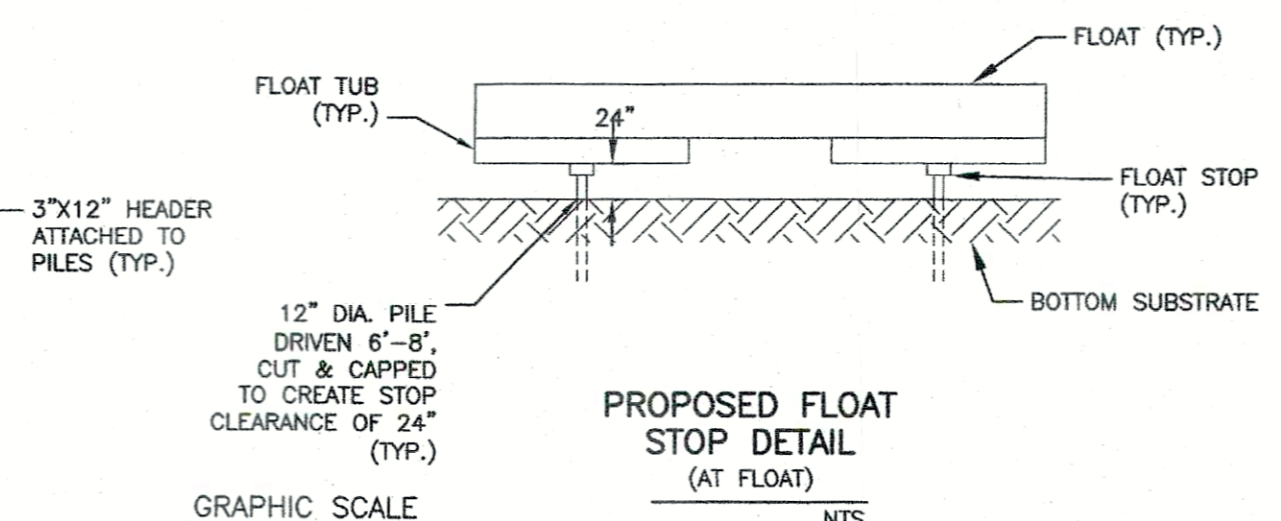
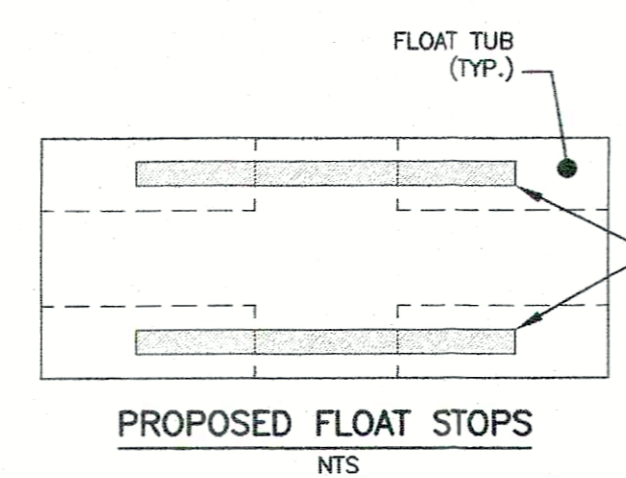
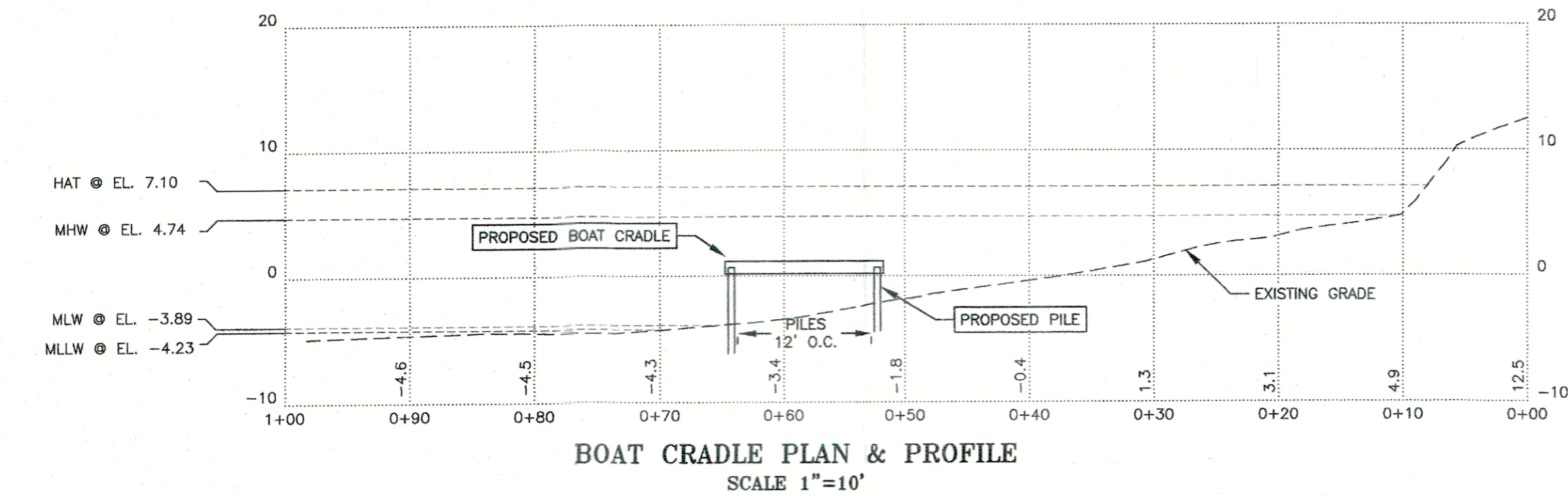
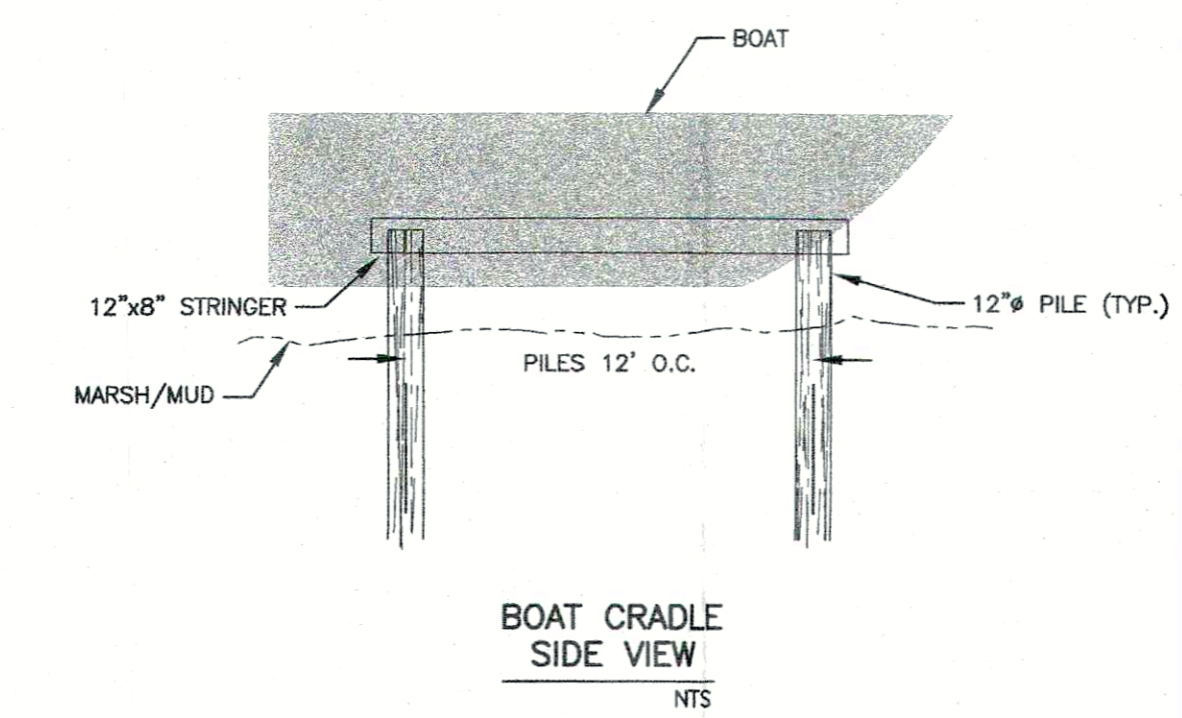
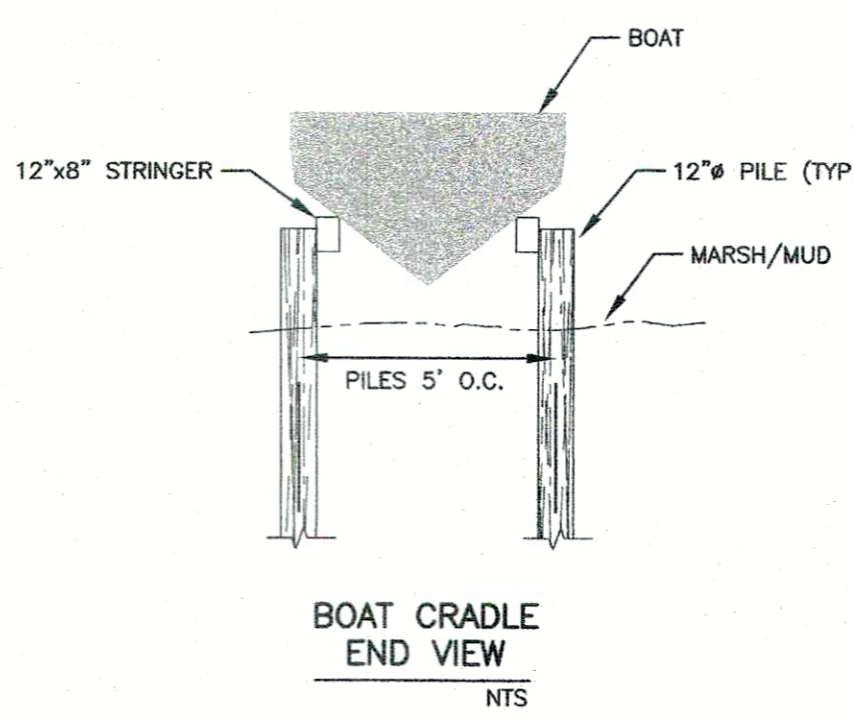
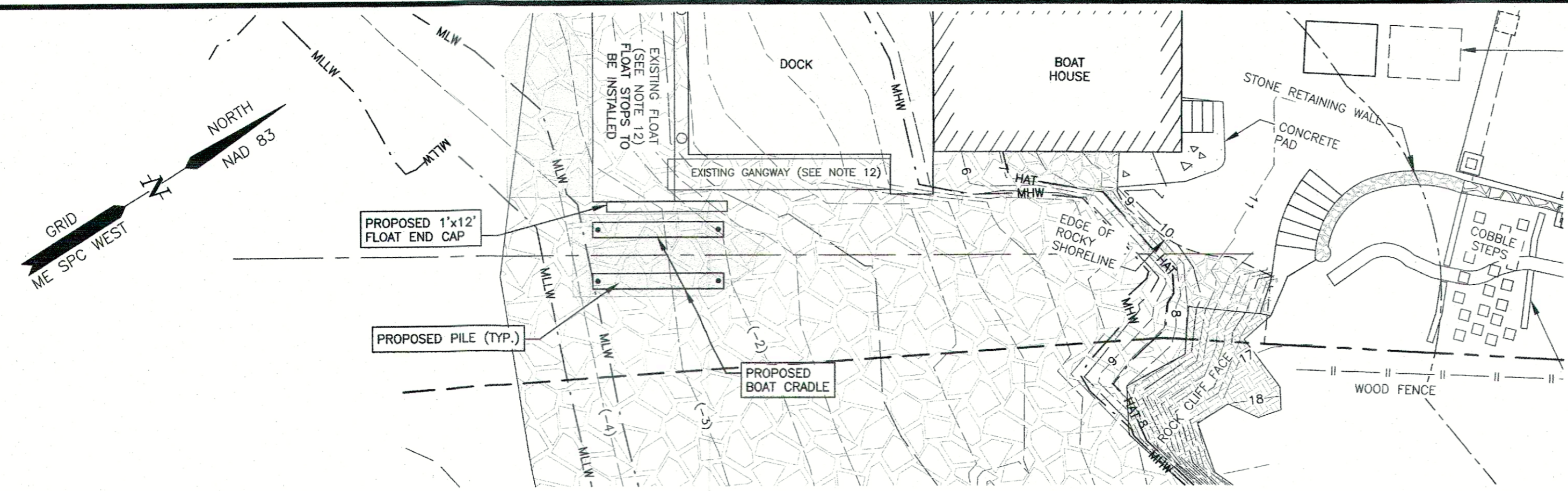
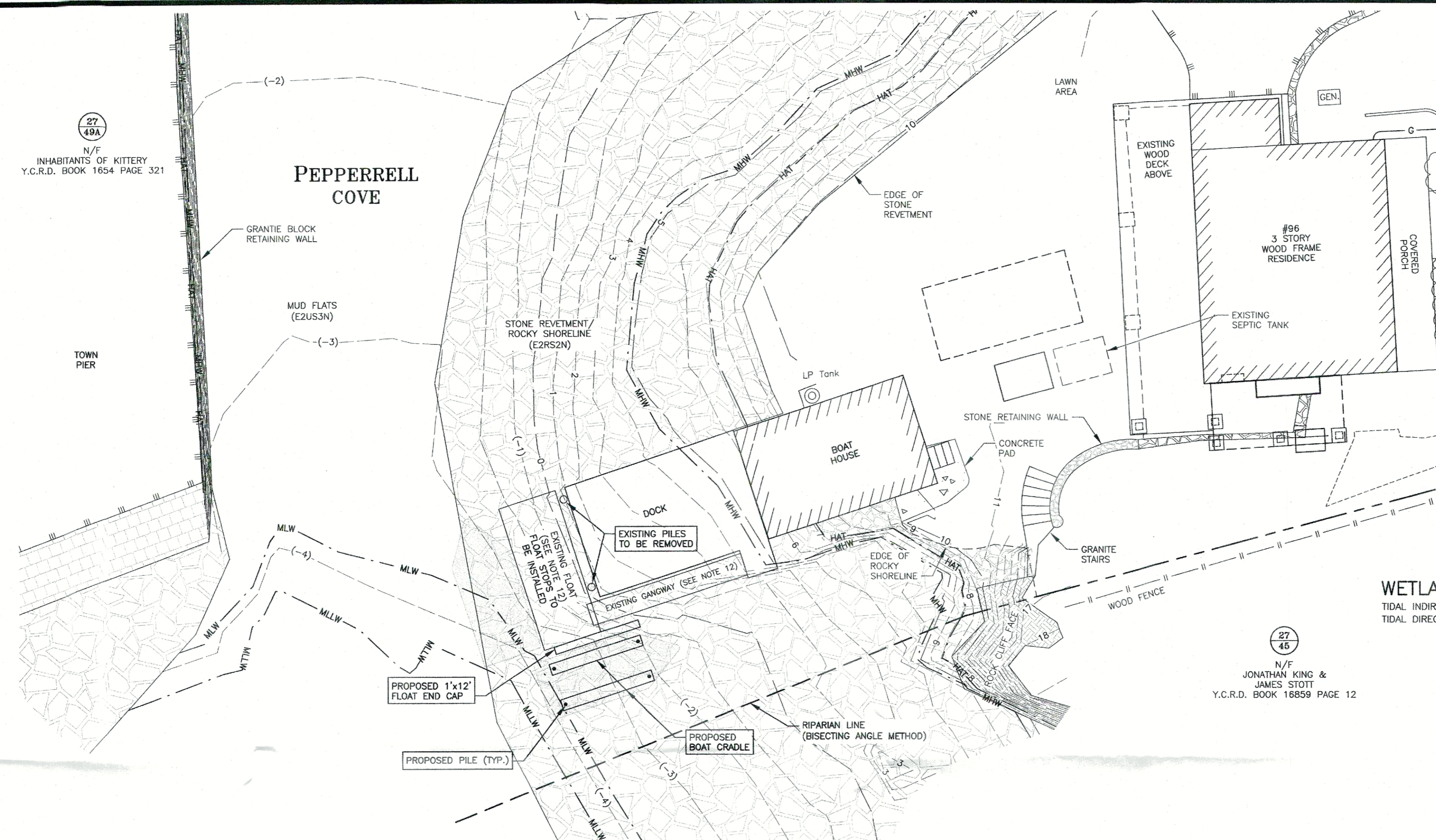


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- 9) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
- 10) SWAMP MATS ARE TO BE UTILIZED FOR ANY MACHINERY PERFORMING WORK BELOW THE HIGHEST ANNUAL TIDE LINE.
- 11) PREVIOUS MAINE DEP PERMIT: L-28311-2F-A-N.
- 12) EXISTING FLOAT AND GANGWAY NOT IN PLACE AT TIME OF SURVEY.

WETLAND IMPACTS:

TIDAL INDIRECT IMPACT: 51 S.F.
TIDAL DIRECT IMPACT: 8 S.F.

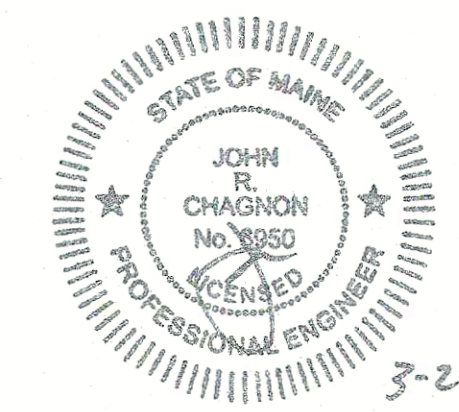


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PREPARED BY:
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**MCKEON RESIDENCE
96 PEPPERRELL ROAD
KITTEERY, ME**

NO.	DESCRIPTION	DATE
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REVISIONS		



SCALE: 1"=10' MARCH 2020

**MAINE DEP
PERMIT PLAN**

C2

SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS TO THE SITE VIA AVAILABLE ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE CRADLE AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) SUPER STRUCTURE OF THE CRADLE IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.

HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS

OPERATING HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WITHIN WETLANDS SHALL BE MINIMIZED, AND SUCH EQUIPMENT SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, TO THE MAXIMUM EXTENT PRACTICABLE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (TYPICALLY <3 PSI), OR IT SHALL BE PLACED ON SWAMP/CONSTRUCTION/TIMBER MATS (HEREIN REFERRED TO AS "CONSTRUCTION MATS" AND DEFINED AT APPENDIX A, ENDNOTE 4) THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. CONSTRUCTION MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING CONSTRUCTION MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AUTHORIZATION (CATEGORY 2 AUTHORIZATION OR INDIVIDUAL PERMIT). SIMILARLY, THE PERMITTEE MAY REQUEST WRITTEN AUTHORIZATION FROM THE CORPS TO WAIVE USE OF MATS DURING FROZEN, DRY OR OTHER CONDITIONS. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONSTRUCTION MATS SHOULD BE MANAGED IN ACCORDANCE WITH THE CONSTRUCTION MAT BMPS AT WWW.NAE.USACE.ARMY.MIL/MISSIONS/REGULATORY

TIME OF YEAR WORK WINDOWS/RESTRICTIONS

FOR ACTIVITIES WHERE WORK IS AUTHORIZED IN STREAMS AND TIDAL WATERS THAT CAUSES TURBIDITY OR SEDIMENT RE-SUSPENSION OR OTHER CONSTRUCTION RELATED DISTURBANCES, WORK MUST BE CONDUCTED DURING THE FOLLOWING T.O.Y. WORK WINDOWS (NOT DURING THE T.O.Y. RESTRICTIONS) UNLESS OTHERWISE AUTHORIZED BY THE CORPS UNDER CATEGORY 2 REVIEW:

	T.O.Y. RESTRICTION (NO WORK)	T.O.Y. WORK WINDOW (WORK ALLOWED)
NON-TIDAL WATERS	OCT. 01 THROUGH JUL. 14	JUL. 15 THROUGH SEP. 30
TIDAL WATERS	APR. 10 THROUGH NOV. 07	NOV. 08 THROUGH APR. 09

ALTERNATE WINDOWS AUTHORIZED UNDER CATEGORY 2 MAY INCLUDE SPECIES SPECIFIC WINDOWS RECOMMENDED BY THE MAINE DEPT. OF MARINE RESOURCES AND/OR MAINE DEPT. OF INLAND FISHERIES & WILDLIFE.

FLOODPLAINS AND FLOODWAYS

- A. APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- B. ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO COORDINATE WITH FEMA AND APPLY FOR A FORMAL CHANGE TO THE FLOOD INSURANCE STUDY PRODUCTS OR FORWARD A SET OF PROJECT PLANS AND RELEVANT TECHNICAL DOCUMENTATION IN A DIGITAL FORMAT TO THE RISK ANALYSIS BRANCH CHIEF, MITIGATION DIVISION, FEMA, REGION 1, 99 HIGH STREET, BOSTON, MASSACHUSETTS 02110. APPLICANTS SHOULD PROVIDE A COPY OF ANY DOCUMENTATION TO THE CORPS ALONG WITH THE PCN.
- C. PROPONENTS MAY HAVE TO OBTAIN A FLOOD HAZARD DEVELOPMENT PERMIT ISSUED BY THE TOWN. INQUIRIES MAY BE DIRECTED TO THE MUNICIPALITY OR TO THE MAINE FLOODPLAIN MANAGEMENT COORDINATOR AT (207) 287-8063. SEE [HTTP://WWW.MAINE.GOV/DACF/FLOOD/](http://WWW.MAINE.GOV/DACF/FLOOD/)

STORAGE OF SEASONAL STRUCTURES.

SEASONAL OR RECREATIONAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, AQUACULTURE STRUCTURES, ETC. THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION LANDWARD OF HIGHEST ANNUAL TIDE (H.A.T.) OR ORDINARY HIGH WATER (OHW) AND NOT IN WETLANDS, TIDAL WETLANDS, THEIR SUBSTRATE OR ON MUDFLATS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS WATERWARD OF H.A.T. OR OHW. SEASONAL STORAGE OF STRUCTURES IN NAVIGABLE WATERS, E.G., IN A PROTECTED COVE ON A MOORING, REQUIRES CORPS APPROVAL AND LOCAL HARBORMASTER APPROVAL.

SPAWNING, BREEDING, AND MIGRATORY AREAS.

- A. JURISDICTIONAL ACTIVITIES AND IMPACTS SUCH AS EXCAVATIONS, DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN JURISDICTIONAL WATERS THAT PROVIDE VALUE AS FISH MIGRATORY AREAS, FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE.
- B. JURISDICTIONAL ACTIVITIES IN WATERS OF THE UNITED STATES THAT PROVIDE VALUE AS BREEDING AREAS FOR MIGRATORY BIRDS MUST BE AVOIDED TO THE MAXIMUM EXTENT PRACTICABLE. THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY "TAKE" PERMITS REQUIRED UNDER THE USFWS'S REGULATIONS GOVERNING COMPLIANCE WITH THE MIGRATORY BIRD TREATY ACT OR THE BALD AND GOLDEN EAGLE PROTECTION ACT. THE PERMITTEE SHOULD CONTACT THE APPROPRIATE LOCAL OFFICE OF THE USFWS TO DETERMINE IF SUCH "TAKE" PERMITS ARE REQUIRED FOR A PARTICULAR ACTIVITY.



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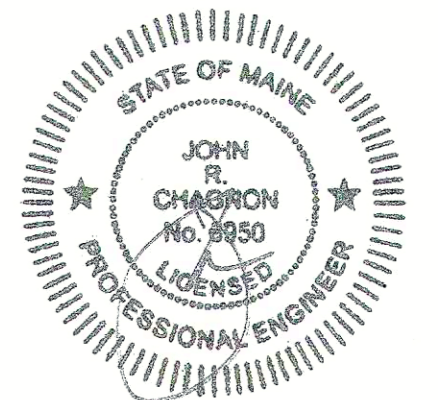


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PREPARED BY:
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200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE: 1"=10' MARCH 2020

**BOAT CRADLE
DETAILS**

D1



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
UPDATE: May 27, 2020
From: Kendra Amaral, Town Manager
Subject: Sidewalk Sales during COVID-19
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The intent is to allow the Town's retail and dining 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 patrons safely.

The proposed waiver allows for administrative approval of sidewalk sales and extension of premises liquor licenses. It also waives certain limitations including duration, parking, and street closures.

PROPOSAL

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

We are working with businesses, both individually and as groups to develop plans that are safe for customers, pedestrians, and vehicles. Examples of planning to date include:

Foreside

- Allowing expansion of dining and retail into private parking lots, including possibility for tents
- Demarcated dining areas on sidewalks
- Redirecting pedestrian flow into the parking stalls and street with appropriate safety barriers
- Closing the Government Street access to Gate 1
- Allow on-street dining and retail uses including "to go" pick-up zones
- Approaching other property owners for shared parking to support businesses

Post Office Square

- Allowing expansion of dining and retail into private parking lots including possibility for tents
- Increasing allowable ratio of parking to be taken up by sidewalk sales

Route 1 Mall Area

- Allowing expansion of dining and retail into private parking lots including possibility for tents
- Increasing allowable ratio of parking to be taken up by sidewalk sales

Pepperrell Cove

- Allowing expansion of dining and retail into private parking lots including possibility for tents
- Increasing allowable ratio of parking to be taken up by sidewalk sales

PROCESS

Applicants will be able to apply through the Planning Office. Applicants must provide:

- contact information for the business and manager on site
- a description of the area to be utilized
- a site plan indicating the proposed outdoor setup
 - information about tents or temporary structures
 - traffic/flow management measures
- owner's affidavit of approval if the applicant is a tenant
- extension of premises application (if applicable)

There will be no fee for sidewalk sale applications or tent permits.

Applications will be reviewed by a team of staff including Planning, Code Enforcement, Police, Fire, and DPW. Approved plans will be signed off by the Director of Planning and Development. Extension of Premise applications will be signed off by the Town Manager.

PROPOSED SOLUTION/RECOMMENDATION

Approve the waiver as presented.

ATTACHMENTS

- Sidewalk Sales Waiver
- Title 5.7 Sidewalk Sales



EMERGENCY WAIVER OUTDOOR RETAIL AND RESTAURANT SALES PANDEMIC COVID-19

WHEREAS, COVID-19, also known as coronavirus is a highly infectious virus that poses an imminent disaster to the residents, workers, and visitors to Kittery; and

WHEREAS, the Governor of Maine declared a state of civil emergency for Maine on March 15, 2020; and

WHEREAS, the Town Manager declared a local disaster existed in Kittery on March 25, 2020 in accordance with the Title 8.3.6 of the Town Code; and

WHEREAS, the Town of Kittery, in whole, is deemed vulnerable to the virus; and

WHEREAS, the need to prevent further spreading of the virus through person-to-person contact requires actions that include potential regulations and enforcement waivers pertaining to the movement of persons and vehicles, and commerce within and outside of the Town; and

WHEREAS, the Governor of Maine has encouraged communities to work with their commercial businesses on outdoor retail and dining to alleviate limitations on business operations resulting from required social distancing and limitations on congregating during the COVID-19 pandemic; and

WHEREAS, the Kittery Town Council wishes to support the businesses in town by making outdoor sales and dining possible through streamlined review and approval processes that respond to evolving safety guidelines for safe operations during the COVID-19 pandemic; and

NOW, THEREFORE, the Kittery Town Council hereby waives enforcement of the following provisions of Title 5.7 Sidewalk Sales and authorizes the Town Manager to approve Request for Extension of License on Premise applications effective June 1 through July 31, 2020, unless otherwise modified by a vote of the Town Council.

- **5.7.5. and 5.7.7 Town Council Approval** - Approvals may be granted administratively upon staff review and approval of an application and site plan.
- **5.7.6.A Four-Day Limitation on Sidewalk Sale Duration** – Sidewalk sale approvals may be valid through July 31, 2020 unless the Council modifies the waiver.
- **5.7.6.B Signature of Five Landlords** – requirement to obtain signatures from five landlords is waived.
- **5.7.10 Review Standards Parking** – Number of obstructed parking spaces may exceed 10%.
- **5.7.13 Temporary Street Closing** – Street closing and public parking obstructions may be approved by the Town Manager.

Motion to approve made by Councilor _____ and seconded by Councilor

_____, and passed by a vote of _____ on the _____ day of _____, 2020.

Chapter 5.7

SIDEWALK SALES

§ 5.7.1. Title.

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

§ 5.7.2. Intent and purpose.¹

- 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.²

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

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/regulated activity permits. Other temporary structures require building/regulated 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.³

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).

Items on Hold

- Workshop - Joint Land Use Study Implementation
- Workshop - VP SAMP Presentation
- Workshop – Title – 6 Animal Control
- Public Hearing - Title 5 Short Term Rentals
- Schedule Public Hearing – Title 10 Walker/Wentworth