



# TOWN OF KITTERY

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

## KITTERY TOWN COUNCIL

June 22, 2020

6:00PM

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

The public may also participate in the meeting via Zoom webinar. **Register in advance for the webinar at:** [https://us02web.zoom.us/webinar/register/WN\\_4leUpwHvTLmjS8raf\\_uniw](https://us02web.zoom.us/webinar/register/WN_4leUpwHvTLmjS8raf_uniw)  
After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing.

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

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1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes from 2019
  - July 8
  - August 12
  - September 9
  - September 23

**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.**

8. All items involving the town attorney, town engineers, town employees, or other town consultants or requested offices.
9. PUBLIC HEARINGS
  - a. (060320-1) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.06 (3) of the Kittery Town Charter and hereby ordains and adopts the 2020-2021 Municipal and Enterprise Fund Budget.
  - b. (060320-2) The Kittery Town Council moves to hold a public hearing on Title 5-Short Term Rentals.
  - c. (060320-3) The Kittery Town Council moves to hold a public hearing on Title 10-Walker Street Parking.
10. DISCUSSION
  - a. The public may submit public comments in writing via the Q&A feature of the webinar for the DISCUSSION agenda.
  - b. Chairperson will read written comments into the record.
  - c. Chairperson's response to public comment.
11. NEW BUSINESS
  - a. Donations/gifts received for Council disposition - None
  - b. (060320-4) The Kittery Town Council moves to approve a renewal Liquor License application pending a successful inspection, from WLH Management Corporation 149 Mendums Landing Barrington, NH for Warren's Lobster House located at 11 Water Street, Kittery, ME.
  - c. (060320-5) The Kittery Council moves to approve a new Victualer's License application pending successful inspection, from Gus Alivizatis 43 Coach Lantern Lane, Scarborough, ME, for Lucky Lou's Place Food Truck located at 230 US Route 1, Kittery, ME.
  - d. (060320-6) The Kittery Town Council moves to approve the MOU for the Library Capital Campaign.

**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.**

e. (060320-7) The Kittery Town Council moves to appoint Patricia Moore, Assistant Town Manager and Finance Director, as Interim Town Manager from June 29<sup>th</sup> through July 2<sup>nd</sup>, as the Town Manager will be on vacation.

12. Council Issues or Comments

13. Executive Session

a. (060320-8) The Kittery Town Council moves to go into Executive Session with the Town Manager in accordance with M.R.S Title1§405 (6) (D) to discuss labor contracts.

14. ADJOURNMENT

Posted: June 18, 2020

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



# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

## Town Manager's Report to the Town Council

June 22, 2020

1. **COVID-19 Update** – Please see attached.
2. **Absentee Ballots Available** – Absentee ballots are now available at Town Hall. Voters may request an absentee ballot in person up to and including on Election Day, or by others means the week prior to the election.

Absentee Ballots have been mailed out to the voters who applied in advance. Approximately 1,100 ballots were mailed last week.

3. **Independence Day Celebration** – D. Allan Kerr has arranged for a video broadcast of the reading of the Declaration of Independence by General William Whipple. This celebration was started last year by D. Allan Kerr, as a way of marking the holiday and providing participants with a living history experience.

The reading for this year was filmed at the Thresher Memorial Park and includes General Whipple and members of the Piscataqua Fife and Drum Corps. The event will be broadcast on Channel 22 and Town Hall Streams around the Independence Day holiday.

Thank you and huzzah to Mr. Kerr, General Whipple, the Fife and Drum Corps and all those who helped keep this new tradition alive!

4. **Town Hall Closed July 2<sup>nd</sup> for the Holiday** – Due to the holiday being on a Saturday, Town Hall will be closed Thursday, July 2<sup>nd</sup> in observance of Independence Day. The Resource Recovery Facility will be closed on Saturday, July 4<sup>th</sup>.

### Upcoming Dates:

- KEEP Property Tax Applications Due – June 30
- Senior Tax Credit Program Applications Due – July 1
- State Primary Election and Town Meeting Ballot – July 14

Respectfully Submitted,

Kendra Amaral  
Town Manager



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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## REPORT TO TOWN COUNCIL

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Meeting Date: June 22, 2020  
From: Kendra Amaral, Town Manager  
Subject: COVID-19 Emergency Update

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

This report covers the following topics:

- State Guidelines and Timelines
- Status of Town Operations

### STATE GUIDELINES AND TIMELINES

The Governor announced that restaurants in York County were able to enter Stage 2 and reopen for dine-in service effective June 17. The DECD guidelines for dine-in service limit the number of diners, and require spacing of tables and limitations on party-size. Outdoor dining can be counted as separate space and will allow the businesses to serve more customers safely. The Governor also announced the reopening of outdoor service for bars and tasting rooms. Currently they can only have outdoor service.

Retail reopened under specific guidelines relative to capacity and safe hygiene practices. Certain personal service establishments are also reopening in York County. Fitness centers are able to reopen in York County effective June 17.

Masks are required indoors and where social distancing cannot be safely achieved. Masks help protect those around the wearer and are part of keeping the community safe as we reopen.

The State issued its guidance on the Keep Maine Healthy Program. The program is effectively a grant to cover municipal costs for public health education, social distancing measures, and compliance and enforcement of DECD guidelines. The state has only made \$13.3M of the \$1.25B CARES Act Fund available for the costs borne by all Maine municipalities and territories for the COVID-19 response. The state will only fund approved expenditures made as of June 8.

It is unclear why this start date was chosen, given that municipalities have been shouldering the burden of these activities since mid-March. It is also unclear why only 1% of the \$1.25B has been allocated to fund the implementation the Governor's Executive Orders.

In spite of these issues, I have submitted an application for approximately \$250,000 to cover the cost of PPE, equipment, supplies, technology, and consultant services to meet the State's objectives. It is a

reimbursing grant, meaning costs will be reimbursed rather than funds awarded. Decisions on applications are expected by June 30.

### **STATUS OF TOWN OPERATIONS**

We are transitioning to webinar format for the remote meetings. This will allow the public to provide live comments for public hearings and public discussion in real time. This Council meeting is the first test of that format.

The Star Theater is ready for in-person jurisdictional board meetings. However, the general feedback was that members want to remain remote for the time being, for their safety and the safety of others. We are still working on arrangements for the general public to safely attend as well.

We are working on the development of the Phase 3 reopening plan for the town. This will include reopening of activities at the parks, piers and wharves, reopening of the fitness center at the KCC and other activities. We are reviewing the status of the preschool and hope to make decisions and announcements the week of June 22.

I have initiated discussions with the School Superintendent about how the municipal operation, specifically the KCC, can be a resource for families of school children in the fall. No decisions have been finalized about how school will operate, but guidelines indicate a hybrid model of in-classroom and remote learning is likely. Our goal would be to use the KCC as an alternate “remote learning” space, so kids can be safe while their parents resume normal work schedules. It is unclear if this is possible, but we are actively brainstorming the concept to determine the opportunities and barriers.

### **FISCAL YEAR 2020**

Recent excise tax and Fort Foster season and day pass collections combined with strict spending restrictions since March are having a positive impact on the year end projections. Based on projections, I am expecting to end the year with a balanced budget, without needing to utilize the unassigned fund balance to close out FY2020.

### **CONCLUSION**

Conditions, guidelines, and direction are still changing rapidly. Increases in positive case reports elsewhere in the country are being watched carefully for indications of resurgence tied to state reopenings. Summer tourist season is upon us as well. The coming weeks will be telling.

Take care and stay safe!

Kittery Town Council Unapproved Minutes  
July 8, 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    Councilor(s) present: Charles Denault, Jeffery Pelletier, Jeffrey Thomson,  
6    Kenneth Lemont, Cyrus Clark, Chair Judith Spiller. Councilor(s) absent: Vice  
7    Chair Matt Brock.
- 8    5.    Agenda Amendment and Adoption
- 9    Chair Spiller cast one vote for agenda adoption.
- 10   6.    Town Manager's Report
- 11   The Town Manager reported on: Accessory dwelling units, Thresher Memorial  
12   Circle bushes, stop sign at Chauncey Creek Rd/Gerrish Island Lane, pedestrian  
13   alert signage at Walker/State Road, mosquito and tick treatment, and public  
14   hearings on zoning amendments. Upcoming Dates: Free School Nutrition  
15   Summer Lunch – M-F through Aug 23, 12PM, Kittery Community Center National  
16   Night Out – August 6, Kittery Community Center Nomination Papers Due –  
17   August 19, Town Hall.
- 18   Chair Spiller and the Town Manager discussed stop signs at Chauncey Creek  
19   Rd/Gerrish Island Lane.
- 20   Chair Spiller and the Town Manager discussed pedestrian alert signage at  
21   Walker/State Road.
- 22   Councilor Denault and the Town Manager discussed a water main break on Oak  
23   Terrace and Bridge Street.
- 24   Councilor Thomson discussed public hearings on zoning amendments,  
25   crosswalks on Walker/State Road, and accessory dwelling units.
- 26   7.    Acceptance of Previous Minutes - None

- 27 8. Interviews for the Board of Appeals and Planning Board - None
- 28 9. All items involving the town attorney, town engineers, town employees or other  
29 town consultants or requested office.
- 30 a. (070119-1) The Kittery Town Council moved to receive a presentation from  
31 the Library Building Committee on the Rice Public Library Renovation and  
32 Expansion.  
33  
34 Jim Anderson gave a presentation. Scott Simon and Ryan Kanteres  
35 presented the building design for the Library and the Town Manager  
36 presented the funding presentation for the Library Project.  
37
- 38 10. PUBLIC HEARINGS
- 39 a. (070119-2) The Kittery Town Council moves to hold a public hearing for a  
40 New Victualer's License application for James Day, 527 Beech Hill Road,  
41 Auburn, Maine 04210. Doing business as Street Eats Mobile Food Truck,  
42 located at 230 US Route 1, Kittery, Maine 03904.
- 43 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 44 Motion Carried.
- 45 6-0-0
- 46 b. (070119-3) The Kittery Town Council moves to hold a public hearing for a  
47 New Victualer's License application for Rose Van Nickell, 50 Woodlawn  
48 Avenue, Kittery ME 03904. Doing business as Rose's Spring Rolls Mobile  
49 Food Truck located at 230 US Route 1, Kittery, ME 03905.
- 50 Moved by Councilor Clark, seconded by Councilor Denault.
- 51 Councilor Thomson had a question in regards to the truck not being ready to  
52 inspect at that time.  
53
- 54 Councilor Lemont had a question in regards to the business address.
- 55 Councilor Denault, Councilor Pelletier, Councilor Lemont, Councilor Clark,  
56 and Chair Spiller voted yes.
- 57 Councilor Thomson voted no.
- 58 Motion Carried.



59 5-1-0

60 a. (070119-4) The Kittery Town Council moves to hold a public hearing for a  
61 New Victualer's License application for Petrogas Group New England Inc.,  
62 200 Brickstone Square, Suite 404, Andover, MA 01810. Doing business as 7-  
63 Eleven @ The Kittery Outlets, located at 286 US Rte 1, Kittery, ME 03904.

64 Moved by Councilor Denault, seconded by Councilor Pelletier.

65 Motion Carried.

66 6-0-0

67 11. DISCUSSION

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

| 69 Julia O'Connell, 9 Busdick Drive – Ms. O'Connell discussed submitting a non-  
70 binding referendum for consideration, along with submitting materials, and a  
71 video link for the Council to review. Ms. O'Connell spoke about chloramines in  
72 the water, the Kittery Water District, scheduling a public hearing on August  
73 12th, 2019, and having a 450-signature petition.

| 74 Garvin McCurdy, Doug Green, Justin Thayer, Jen Thayer, and Juliet Nelson  
75 discussed Chloramines and Kittery Water District.

76 Janette Dearborne, Karen Mayer discussed stray cats on Pocahontas Road.

77 Tiana Denola discussed a non-binding referendum regarding leash laws and  
78 dog park.

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

80

81 c. Chairperson's responded to public comments.

| 82 Chair Spiller stated that the Kittery Town Council has no authority over Kittery  
83 Water District and responded to the issues of the stray cats on Pocahontas  
84 Road.

85 12. UNFINISHED BUSINESS

86 13. NEW BUSINESS

87 a. Donations/gifts received for Council disposition. - None

- 88 b. (070109-5) The Kittery Town Council moves to approve the disbursement  
89 warrants.
- 90 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 91 Motion Carried.
- 92 6-0-0
- 93 c. (070119-6) The Kittery Town Council moved to approve a request from St.  
94 Raphael's Church in Kittery to hang a banner in front of the Kittery  
95 Community Center for their Annual Holiday Bazaar event.
- 96 Moved by Chair Spiller, seconded by Councilor Pelletier.
- 97 Motion Carried.
- 98 6-0-0
- 99 d. (070119-7) The Kittery Town Council moves to schedule a public hearing on  
100 August 12, 2019 on placing a proposed referendum question on the  
101 November 5, 2019 Ballot – to authorize the Town of Kittery Council to issue  
102 bonds in a total amount not to exceed \$5,000,000 to expand, renovate and  
103 improve the Rice Public Library.
- 104 Moved by Councilor Pelletier, seconded by Councilor Denault.
- 105 Motion Carried.
- 106 6-0-0
- 107 e. (070119-8) The Kittery Town Council moves to schedule a public hearing on  
108 August 12, 2019 for an Ordinance to Authorize the Issuance of General  
109 Obligation Bonds in Principal Amount of Up To \$5,000,000 to Expand,  
110 Renovate and Improve the Rice Public Library.
- 111 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 112 Motion Carried.
- 113 6-0-0
- 114 f. (070119-9) The Kittery Town Council moves to schedule a public hearing on  
115 September 9, 2019 for Title 6 - Animal Control.
- 116 Moved by Councilor Denault, seconded by Councilor Thomson.

117 The Town Manager gave overview of Title 6 – Animal Control.  
118 Councilor Thomson suggested a workshop.  
119 Motion Carried.  
120 6-0-0  
121 g. (070119-10) The Kittery Town Council moves to schedule a public hearing on  
122 August 12, 2019 on placing a non-binding referendum on the November 5th,  
123 2019 Ballot – Leash Law and Dog Park.  
124 Councilor Denault moved for a discussion, seconded by Councilor Clark.  
125 The Town Council had a discussion.  
126 Councilor Denault voted yes.  
127 Councilor Thomson, Councilor Pelletier, Councilor Lemont, Councilor Clark,  
128 and Chair Spiller voted no.  
129 Motion Failed.  
130 1-5-0  
131 h. (070119-11) The Kittery Town Council moves to schedule a public hearing on  
132 August 12, 2019 on placing a non-binding referendum on the November 5,  
133 2019 Ballot – Kittery Water District Chloramine and Ammonia.  
134 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
135 The Town Council and Town Manager had a discussion.  
136 Councilor Clark, Councilor Denault, and Councilor Pelletier voted yes.  
137 Chair Spiller, Councilor Lemont, and Councilor Thomson voted no.  
138 Motion Failed.  
139 3-3-0  
140 i. (070119-12) The Kittery Town Council moved to appoint Finance Director,  
141 Brenda Fox-Howard as Acting Town Manager from July 15<sup>th</sup> through July  
142 19<sup>th</sup>.

143 Moved by Councilor Thomson, seconded by Councilor Pelletier.

144 Motion Carried.

145 6-0-0

146 14. COUNCILOR ISSUES OR COMMENTS

147 Councilor Lemont discussed stray cats on Pocahontas Road.

148 Councilor Clark thanked Mike Rogers and everyone at the Kittery Water District.

149 Councilor Thomson discussed summer traffic, and the passing of Charlie Rodas.

150 Councilor Denault discussed railroad tracks on State Rd and Walker St, signs,  
151 and panhandling.

152 15. COMMITTEE AND OTHER REPORTS

153 a. Communications from the Chairperson - None  
154 b. Committee Reports - None

155 16. EXECUTIVE SESSION - None

156 17. ADJOURNMENT

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

158 Submitted by Kim Tackett

159 Disclaimer: The following minutes constitute the author's understanding of the meeting.  
160 Whilst every effort has been made to ensure the accuracy of the information, the  
161 minutes are not intended as a verbatim transcript of comments at the meeting, but a  
162 summary of the discussion and actions that took place. For complete details, please  
163 refer to the video of the meeting on the Town of Kittery website at  
164 <http://www.townhallstreams.com/locations/kittery-maine>.  
165

Kittery Town Council UNAPPROVED Minutes  
August 12, 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: Councilor Denault, Jeffrey Pelletier, Jeffrey 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 two new items for the agenda.
- 9     New business item g. Accept resignation Mark Drummond from the Port Authority, and  
10    item k. Move to appoint a Councilor to meet with the KPA Chair to interview candidate.
- 11    6.     Town Manager's Report
- 12     The Town Manager reported on: John Paul Jones Park, railroad rails, meeting videos  
13     on Facebook, Comp Plan Implementation report, annual goals update, stars and stripes  
14     from decommissioned Thresher flags, Dineen contempt hearing update, Legion Pond,  
15     deer crossing sign on Cutts, MaineDOT Workshop, speed limit change requests, new  
16     hires - Karen Estee - Town Clerk, Craig Alfis - Code Enforcement Officer, Officer Robert  
17     Byrnes - Animal Control Officer/Parking Enforcement Officer, Kim Tackett - Deputy  
18     Town Clerk, and Jillian Marshall - Assistant Town Clerk.
- 19     Upcoming Dates: Free School Nutrition Summer Lunch M-F through Aug 23, 12PM,  
20     Kittery Community Center, Town and School Nomination Papers Due August 19, Town  
21     Hall.
- 22     The Town Manager spoke about the quarterly Town Council and Town Manager goals.
- 23     Councilor Denault spoke with the Town Manager about Legion Pond, and the Dineen  
24     violations.
- 25     Councilor Thomson spoke with the Town Manager about the speed limit change  
26     requests.
- 27     Vice Chair Brock spoke with the Town Manager about the Rt. 236 traffic study, and  
28     Dineen property.
- 29     Chair Spiller spoke about John Paul Jones Park, and the speed limit change.
- 30

- 31 7. Acceptance of Previous Minutes - None
- 32 8. Interviews for the Board of Appeals and Planning Board - None
- 33 9. All items involving the town attorney, town engineers, town employees or other town  
34 consultants or requested offices.
- 35 10. PUBLIC HEARINGS
- 36 a. (080119-1) The Kittery Town Council moves to hold a public hearing for Title 16-  
37 A-Frames.
- 38 The Town Manager gave an overview of Title 16- A-Frames.
- 39 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 40 Motion Carried 7-0-0
- 41 b. (080119-2) The Kittery Town Council moves to hold a public hearing on the Town  
42 Zoning Map.
- 43 The Town Manager gave an overview of updating the Town Zoning Map.
- 44 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 45 Motion Carried 7-0-0
- 46 c. (080119-3) The Kittery Town Council moves to hold a public hearing on placing a  
47 Bond Referendum for the Rice Public Library on the Municipal Ballot.
- 48 Suzanne Johnson spoke on opposing the Rice Public Library construction.
- 49 Rachel Dennis, Linda Cheatham, Margo Bradley, Diane Fallon, Bill Treadwell, Susan  
50 Emery, and Jim Anderson all spoke in support of the Rice Public Library construction.
- 51 Moved by Councilor Thomson, seconded by Councilor Lemont.
- 52 Vice Chair Brock, Councilor Pelletier, Councilor Denault, Chair Spiller spoke in support of  
53 the Rice Public Library.
- 54 Motion Carried 7-0-0
- 55 d. (080119-4) The Kittery Town Council moves to hold a public hearing for an Ordinance  
56 to Authorize the Issuance of General Bonds.
- 57 The Town Manager gave an overview of the Ordinance to Authorize the Issuance of  
58 General Bonds.
- 59 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 60 Motion Carried 7-0-0

61 e. (080119-5) The Kittery Town Council moves to hold public hearing in accordance with  
62 Sec.6.09(4) of the Kittery Town Charter to transfer appropriations between accounts and  
63 carry forward requests.

64 The Town Manager gave an overview of Sec.6.09(4) of the Kittery Town Charter to  
65 transfer appropriations between accounts and carry forward requests.

66 Moved by Councilor Thomson, seconded by Councilor Pelletier.

67 Vice Chair Brock asked about security of the ballot machine.

68 Motion Carried 7-0-0

69 f. (080119-6) The Kittery Town Council moves to hold a public hearing to approve a New  
70 Victualer's License application for Mainely Hotdogs Mobile Truck located at 230 Route 1  
71 Bypass, Kittery.

72 Moved by Councilor Thomson, seconded by Councilor Pelletier.

73 Motion Carries 7-0-0

74 g. (080119-7) The Kittery Town Council moves to hold a public hearing to approve a  
75 New Victualer's License application for Pressed for Time Mobile Truck located at 230  
76 Route 1 Bypass, Kittery.

77 Moved by Councilor Thomson, seconded by Councilor Pelletier.

78 Motion Carried 7-0-0

79 11. DISCUSSION

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

81 Kelly Philbrook requested to make the two parking spaces in front of the Kittery Point  
82 Post-Office short-term parking to 15 minutes.

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

84 c. Chairperson's response to public comments

85 12. UNFINISHED BUSINESS - None

86 13. NEW BUSINESS

87 a. Donations/gifts received for Council disposition.

88 (080119-8) The Kittery Town Council moves to receive a donation in the amount of  
89 \$300.00 from Kennebunk Savings Bank to be deposited into Eyes of the World  
90 Discovery Garden Fund.

91 Moved by Councilor Thomson, seconded by Councilor Pelletier.

92 Motion Carried 7-0-0

93 (080119-9) The Kittery Town Council moves to receive a donation in the amount of  
94 \$700.00 from Robert and Sylvia Carpenter to be deposited into the Kid's Adventure  
95 Camp.

96 Moved by Councilor Thomson, seconded by Councilor Pelletier.

97 Motion Carried 7-0-0

98 (080119-10) The Kittery Town Council moves to receive a donation in the amount of  
99 \$250.00 from Donald and Nicole Kerr to be deposited into the Thresher Memorial Fund.

100 Moved by Councilor Thomson, seconded by Councilor Pelletier.

101 Motion Carried 7-0-0

102 b. (080119-11) The Kittery Town Council moves to approve the disbursement  
103 warrants.

104 Moved by Councilor Thomson, seconded by Councilor Pelletier.

105 Motion Carried 7-0-0

106 c. (080119-12) The Kittery Town Council moves to approve a request from The  
107 Wildcat Girls Ice Hockey Association, to fund raise at the Kittery Resource  
108 Recovery Facility, on Saturday August 17, 2019 from 9:00am to 5:00pm.

109 Moved by Councilor Thomson, seconded by Councilor Pelletier.

110 Motion Carried 7-0-0

111 d. (080119-13) The Kittery Town Council moves to approve a request from Fuel &  
112 More to hang a banner across Roger's Road from October 1 through October to  
113 advertise their annual fundraising event.

114 Moved by Councilor Thomson, seconded by Councilor Pelletier.

115 Motion Carried 7-0-0

116 e. (080119-14) The Kittery Town Council moves to schedule a Public Hearing for Title 10  
117 - 4 Way Stop Signs.

118 Moved by Councilor Thomson, seconded by Councilor Denault.

119 Motion Carried 7-0-0

120 f. (080119-15) The Kittery Town Council moves to appoint a representative  
121 to meet with the Chair of Kittery Community Center to interview Jan Lamont-  
122 Rodonets for appointment to that board.



123 Councilor Clark was selected.

124 Moved by Councilor Denault, seconded by Councilor Thomson.

125 Motion Carried 7-0-0

126 g. The Kittery Town Council moves to accept a resignation from Mark Drummond of the  
127 Port Authority.

128 Moved by Councilor Pelletier, seconded by Councilor Thomson.

129 Motion Carried 7-0-0

130 h. (080119-16) The Kittery Town Council moves to appoint a representative to meet  
131 with the Chair of the Kittery Port Authority to interview John McCollett for  
132 appointment to that board.

133 Vice Chair Brock was selected.

134 Moved by Vice Chair Brock, seconded by Councilor Thomson.

135 Councilor Denault and Chair Spiller discussed whether there were any conflicts since  
136 Mr. McCollett was a former KPA member.

137 Motion Carried 7-0-0

138 i. (080119-17) The Kittery Town Council moves to appoint a designee of the Port  
139 Authority to meet with Kelly Philbrook to interview her for reappointment to the Port  
140 Authority.

141 Moved by Councilor Thomson, seconded by Councilor Denault.

142 Motion Carried 7-0-0

143 j. (080119-18) the Kittery Town Council moves to approve an application for a  
144 Special Activity Amusement permit for Tributary Brewing Co., 10 Shapleigh Road Kittery,  
145 to hold two events as submitted. Saturday September 7, 12pm-8pm and Saturday  
146 October 26, 12pm-7pm.

147 Moved by Councilor Thomson, seconded by Councilor Pelletier.

148 Motion carried 7-0-0

149 k. The Kittery Town Council move to appoint Councilor to meet with the KPA Chair to  
150 interview candidate.

151 Councilor Pelletier moved for discussion, seconded by Councilor Denault.

152 Councilor Pelletier, Councilor Denault, Councilor Thomson, and Vice Chair Brock  
153 had concerns with the approval because the Council did not have the KPA applicant's  
154 application.

155 Councilor Pelletier, Councilor Denault, Councilor Thomson, and Vice Chair Brock voted  
156 not to approve.

157 Councilor Lemont, Chair Spiller, and Councilor Clark voted to approve.

158 Motion Failed 3-0-4

159 14. COUNCILOR ISSUES OR COMMENTS

160 Councilor Denault spoke about the property maintenance ordinance review, creating a  
161 Jake Brake ordinance, and the TIF Incentive program. Councilor Denault recognized  
162 individuals that had passed including: Maureen Morgridge, Hilda Wilson, Jean Bell, Les  
163 Gregory, Chris Moulton, Charlene Wicker, Russell Mendoz, and Jacqueline Dow.

164 Councilor Thomson thanked the Town Manager for the removal of the rails on State  
165 Road by the Kittery Water Department, and replacing the facing of the original building at  
166 the Kittery Resource Facility. Councilor Thomson spoke about requesting permission to  
167 place signage.

168 Councilor Lemont thanked Chair Spiller for hearing Kelly Philbrook about the two parking  
169 spaces in front of the Kittery Point Post-Office. He also mentioned that Kittery is the host  
170 community for the USS Mexico and John Navish wanted to host a cookout and would  
171 like the town officials to participate. Councilor Lemont stated the Council needed to learn  
172 more about the TIF Incentive program. Finally, Councilor Lemont thanked the Council for  
173 recognizing Mark Drummond and suggested sending a letter thanking him for his service  
174 to the town.

175 Chair Spiller recognized the passing of Janice Eddy. Chair Spiller stated that she and  
176 Councilor Denault established a feral cat fund through the Kittery Maine Improvement  
177 Foundation. Chair Spiller also stated that there is a problem with pulling out of Pepperrell  
178 Terrace by the Kittery Point Post Office.

179 15. COMMITTEE AND OTHER REPORTS

180 a. Communications from the Chairperson

181 Chair Spiller stated that Maine Municipal Association has an election coming up.

182 b. Committee Reports

183 Chair Spiller read a report on the Kittery Adaptation Committee. Also, the Kittery  
184 Adaptation Committee asked for the Council's endorsement on the committee's  
185 direction.  
186 The Council gave their endorsement.

187 16. EXECUTIVE SESSION - None

188 17. ADJOURNMENT

189 Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion carried 7-0-0

Submitted by Kim Tackett

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Kittery Town Council UNAPPROVED Minutes  
September 9, 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 Councilor(s) present: Charles Denault, Jeffery Pelletier, Jeffrey Thomson, Kenneth  
6 Lemont, Cyrus Clark, Vice Chair Matthew Brock, and 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 The Town Manager reported on: The passing of Joshua Lefebvre, 375<sup>th</sup> Kittery  
11 Celebration/Maine Bicentennial, York bordering issues, Safford School disposition  
12 effort, New hires. Upcoming Dates: Absentee Ballot Applications Available, Kittery  
13 Drive Electric Celebration – September 14<sup>th</sup>, 9am – 12pm at Rice Public Library.  
14 Emery Field Phase 2 Public Meeting – September 19<sup>th</sup>, 6pm. in Council Chambers.  
15 Candidate Night – October 2<sup>nd</sup>, 6pm in Council Chambers. Rice Library  
16 Renovations/Expansion Informational Meeting – October 9<sup>th</sup>, 6pm in Council  
17 Chambers.

18 Chair Spiller spoke on behalf of herself and the council in giving condolences for  
19 Joshua Lefebvre's family.

20 Chair Spiller and Council agreed to make Bicentennial Committee a A.D.H.O.C..

21 Chair Spiller asked for a volunteer from the council to assist the Town Manager with  
22 the negotiations with the Town of York in regards to the border issue. Councilor  
23 Pelletier volunteered.

24 Chair Spiller – Stafford school will be an RFP.

25 7. Acceptance of Previous Minutes – Minor changes to the March 11, 2019 minutes.

26 Chair Spiller casted 1 vote to approve the minutes.

27 8. Interviews for the Board of Appeals and Planning Board. – None

28 All items involving the town attorney, town engineers, town employees or other town  
29 consultants or requested offices. – None

30

31 9. PUBLIC HEARINGS

32 a. (090119-1) The Kittery Town Council moves to hold a public hearing on Title 10 – 4  
33 Way Stop Signs and Designated 1 Ways.

34 Changing Gerrish Island Ln. & Chauncey Creek Rd. intersection from a 2-way to 4-  
35 way intersection. Making Pine St. going up towards Love Ln a 1-way from 6am to  
36 7a.m. due to Shipyard traffic.

37 Mary Throne, David Virtue and Matthew O'Malley, and Charles Tobey were in favor  
38 of the change to Gerrish Island Ln./Chauncey Creek Rd. Steve Huntress from 3  
39 Pocahontas Rd. spoke about how he was not in favor of the change, as he felt that it  
40 was not warranted. Charles Tobey and David Virtue also spoke about speeding  
41 issues on Chauncey Creek Rd. Councilor Denault brought up that council can  
42 amend in the future if needed.

43 Moved by Councilor Thompson, seconded by Councilor Denault.

44 Motion carried 7-0-0

45 10. DISCUSSION

46 a. Resident Bob Gray spoke about the upcoming anniversary of Kittery as well as the  
47 State of Maine. He also expressed his disappointment about the insect spraying  
48 due to his bee's that he keeps. Mr. Gray along with another resident, Jen Thayer,  
49 expressed concerns over the contents of the insecticide being used and asked that  
50 more organic solutions be looked into. Resident Rebecca Hoffman from 56 Williams  
51 Ave. suggested not spraying at all.

52

53 Deana Dearborn from Pocahontas Ave. as well as Karen Mayer from SAFER,  
54 wanted to know where the town was at in regards to handling the cats on  
55 Pocahontas Rd.

56 b. Chair Spiller addressed the spraying and asked the Town Manager to look into  
57 other communities that have started to use less toxic, more organic insecticide.

58 The Town Manager gave an update on the cats on Pocahontas Rd.

59

60 Chair Spiller brought up the Fund that Councilor Denault and herself set up through  
61 the Kittery Maine Improvement Foundation, for the spaying and neutering of animals  
62 in the town.  
63 Chair Spiller suggested that the council look into a reverse announcement program to  
64 be able to make announcements to the residents in a timely manner.  
65  
66 11. UNFINISHED BUSINESS – None

67 12. NEW BUSINESS

68 a. Donations/gifts received for Council disposition. - none

69 b. (090119-2) The Kittery Town Council moves to approve the disbursement warrants.

70 Grand Total: \$787,504.36.

71 Town Accounts Payable: \$90,792.28.

72 Sewer Payable: \$113,159.36.

73 Councilor Clark reviewed and agreed they were in the appropriate format.

74 School Payables: \$255,493.93; \$257,982.50; \$70,076.29.

75 Councilor Pelletier reviewed and agreed they were in the appropriate format.

76 Moved by Councilor Thomson, seconded by Councilor Denault.

77 Motion Carried 7-0-0

78 c. (090119-3) The Kittery Town Council moves to establish an overlay amount of  
79 \$166,618.00 resulting in a mill rate of 17.40 mills, and to charge an interest rate of  
80 7% per annum on past due accounts and interest rate of 3% on overpayment of  
81 property taxes, and confirms the dates of October 31, 2019, February 15, 2020 and  
82 May 31, 2020 as the due dates for the property and personal property taxes.

83 Town Assessor Paul McKenney spoke about comparable mill rates.

84 Moved by Councilor Thomson, seconded by Councilor Pelletier.

85 All were in favor 7-0-0

86 d. (090119-4) The Kittery Town Council moves to approve a renewal Liquor License  
87 application for Navy Yard Bar & Billiard, 182 State Road, Kittery.

88 Moved by Councilor Thompson seconded by Councilor Denault.

89 Motion Carried 7-0-0

90 e. (090119-5) The Kittery Town Council moves to approve a Special Activity  
91 Amusement permit for Navy Yard Bar & Billiard, 182 State Road, Kittery.

92 Moved by Councilor Thomson seconded by Councilor Denault.

93 Motion Carried 7-0-0

94 f. (090119-6) The Kittery Town Council moves to approve a renewal Liquor License  
95 application for Tulsi, 20 Walker Street, Kittery.

96 Moved by Councilor Thomson, seconded by Councilor Pelletier.

97 Motion Carried 7-0-0

98 g. (090119-7) The Kittery Town Council moves to approve the recommendation of  
99 John McCollett to the Kittery Port Authority for a term of 5 years to expire  
100 12/31/2024.

101 Moved by Councilor Brock, seconded by Councilor Thomson.

102 Motion Carried 7-0-0

103 h. (090119-8) The Kittery Town Council moves to approve the recommendation of Jan  
104 Lamont-Rodons to the Kittery Community Center Board of Directors for a term of 3  
105 years to expire 12/31/2022.

106 Moved by Councilor Clark, seconded by Councilor Pelletier.

107 Motion Carried 7-0-0

108 i. (090119-9) The Kittery Town Council moves to appoint a representative to meet  
109 with a member of the Kittery Port Authority to interview John True for appointment to  
110 that board.

111 Councilor Denault was appointed.

112 j. (090119-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden  
113 and Sandra Lutts as Deputy Warden for the November 5, 2019 Municipal and State  
114 Referendum Elections.

115 Moved by Thomson, seconded by Councilor Pelletier.

116 Motion Carried 7-0-0

117 k. (090119-11) The Kittery Town Council moves to schedule a public hearing to  
118 Amend Title 10 – No Parking at Walker and Main Streets.

119 Moved by Councilor Thomson, seconded by Councilor Pelletier.

120 13. COUNCILOR ISSUES OR COMMENTS

121 Denault suggested the reverse alert possibility for the town as well as Fort Foster  
122 staying open to Columbus Day.

123 Chair Spiller suggested that The Town Manager speak with Shipyard about the traffic.

124 Chair Spiller spoke about moving cars back on Wentworth St due to visibility issues.

125 14. COMMITTEE AND OTHER REPORTS

126 a. Communications from the Chairperson: Chair Spiller asked to move the October 16  
127 meeting to October 7 due to several councilors being away that week. All were in  
128 favor.

129  
130 b. Committee Reports - None

131 15. EXECUTIVE SESSION

132 16. Councilor Thomson moved to go into Executive session at 7:04 p.m., seconded by  
133 Councilor Pelletier.

134 17. Motion Carried 7-0-0

135 18. a. (090119-12) The Kittery Town Council moves to go into executive session in  
136 accordance with 1 M.R.S., §405 (6) (A) to conduct the Town Manager's annual  
137 evaluation.

138 19. Moved by Councilor Thompson, seconded by Councilor Pelletier.

139 20. Motion carried 7-0-0

140 21. Councilor Thomson moved to come out of Executive session at 7:40 p.m., seconded  
141 by Councilor Denault.



142 22. Motion Carried 7-0-0

143 23. ADJOURNMENT

144 24.

145 25. Councilor Thomson moved to adjourn, seconded by Councilor Pelletier.

146 26.

147 27. Motion Carried 7-0-0

148 28.

Submitted by Jillian Marshall

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Kittery Town Council UNAPPROVED Minutes

September 23, 2019

Regular Meeting

Town Hall – Council Chambers

- 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, Jeffrey Pelletier, Jeffery Thomson, Kenneth Lemont,
- 9 Cyrus Clark Vice Chair Matt Brock, Chair Judith Spiller.
- 10 5. Agenda Amendment and Adoption
- 11 6. Town Manager's Report
- 12 The Town Manager reported on: Joint Land Use Study, Route 236 Study, LED Streetlight
- 13 Conversion, sightlines at Whipple and Wentworth, Fort Foster season, and Old Post
- 14 Road/Dineen.
- 15 Upcoming Dates: Absentee Ballot Applications Available – Town Clerk's Office, Community
- 16 Shredding Event – September 29, 10AM – 1PM, Rice Public Library, Tax Bill Mailing –
- 17 September 30<sup>th</sup>, Candidate Night – October 2, 6PM, Council Chambers, Rice Library
- 18 Renovation/Expansion Informational Meeting – October 9, 6PM, Council Chambers
- 19 7. Acceptance of Previous Minutes
- 20 Chair Spiller cast one vote to approve the March 25, 2019 minutes
- 21 8. Interviews for the Board of Appeals and Planning Board - None
- 22 9. All items involving the town attorney, town engineers, town employees or other town
- 23 consultants or requested offices. - None
- 24 10. PUBLIC HEARINGS
- 25 a. (090219-1) The Kittery Town Council moves to hold a public hearing to Amend Title 10 – No
- 26 Parking at Walker and Main Streets.
- 27 The Town Manager gave an overview of Title 10 – No Parking at Walker and Main Streets.

28 Moved by Councilor Thomson, seconded by Councilor Pelletier.

29 Motion Carried 7-0-0

30 b. (090219-2) The Kittery Town Council moves to hold a public hearing for a  
31 new Victualer's License for Baker Bobby Pizzaiolo – Mobile Food Unit to be  
32 located at 230 US Route 1 Bypass Kittery.

33 Moved by Councilor Thomson, seconded by Councilor Pelletier.

34 Motion Carried 7-0-0

35 11. DISCUSSION

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

37 George Dow, 1 Bartlett Road, Kittery Mr. Dow spoke about the upcoming September 23, 2019  
38 Executive meeting for the Town Manager's annual review. Mr. Dow wanted to express the great  
39 job the Town Manager had done.

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

41 c. Chairperson's response to public comments

42 12. UNFINISHED BUSINESS - None

43 13. NEW BUSINESS

44 a. Donations/gifts received for Council disposition

45 (090219-3) The Kittery Town Council moves to accept a donation in the amount of \$250 from  
46 an anonymous donor to be deposited into the Thresher Memorial Fund.

47 Moved by Councilor Thomson, seconded by Councilor Pelletier.

48 Motion Carried 7-0-0

49 b. (090219-4) The Kittery Town Council moves to approve the disbursement  
50 warrants.

51 Moved by Councilor Thomson, seconded by Councilor Pelletier.

52 Motion Carried 7-0-0

53 c. (090219-5) The Kittery Town Council moves to approve the FY 20 Senior Tax Credit  
54 Transfer.

55 The Town Manager gave an overview of the FY 20 Senior Tax Credit Transfer.

56 Vice Chair Brock and Councilor Denault asked the Town Manager how the town notified people  
57 so they could take advantage of this service.

58 The Town Manager response were through the website and word of mouth.

59 Moved by Councilor Thomson, seconded by Councilor Pelletier.

60 Motion Carried 7-0-0

61 d. (090219-6) The Kittery Town Council moves to approve a renewal Liquor  
62 License application from the Black Birch, 2 Government St. Kittery.  
63 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
64 Motion Carried 7-0-0

65 e. (090219-7) The Kittery Town Council moves to approve a renewal Liquor License  
66 application from When Pigs Fly Pizzeria, 460 US Route 1 Kittery.  
67 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
68 Motion Carried 7-0-0

69 f. (090219-8) The Kittery Town Council moves to approve and sign the Municipal  
70 Warrant for the November 05, 2019 Municipal and State election.  
71 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
72 Motion Carried 7-0-0

73 g. (090219-9) The Kittery Town Council moves to approve the Ordinance  
74 Approving Additional Local Funds for School Budget for Fiscal Year 2019-2020.  
75 The Town Manager gave an overview of the Ordinance Approving Additional Local Funds for  
76 School Budget for Fiscal Year 2019-2020.  
77 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
78 Motion Carried 7-0-0

79 h. (090219-10) The Kittery Town Council moves to approve a request from The  
80 Kiwanis Club of the Seacoast to hold their annual Kittery Holiday Parade on  
81 Saturday December 7, 2019 with a rain date of December 8.  
82 Moved by Councilor Denault, seconded by Councilor Pelletier  
83 Motion Carried 7-0-0

84 i. (090219-11) The Kittery Town Council moves to approve a request from the Traip Athletic  
85 Boosters to hang a banner from October 21st through October 25th to promote their craft fair.  
86 Councilor Thomson asked where the banner would be placed.  
87 The Town Clerk responded that the banner would be placed over Rogers Road.  
88 Councilor Lemont asked if the Fire Department would be compensated for hanging the banner.  
89 The Town Manager responded yes.  
90 Moved by Councilor Pelletier, seconded by Councilor Thomson.  
91 Motion Carried 7-0-0

92 j. (090219-12) The Kittery Town Council moves to adopt the Annual General  
93 Assistance Appendices A-D and Appendix H 2019-2020 year.

94 The Town Manager gave an overview on the Annual General Assistance Appendices A-D and  
 95 Appendix H 2019-2020 year.

96 Moved by Councilor Thomson, seconded by Councilor Pelletier.

97 Motion Carried 7-0-0

98 k. (090219-13) The Kittery Town Council moves to approve and to set its December  
 99 meeting to December 9, 2019.

100 Moved by Councilor Thomson, seconded by Councilor Pelletier.

101 Motion Carried 7-0-0

102 Councilor Thomson moved to change the October 16, 2019 Council meeting to October 7,  
 103 2019, seconded by Councilor Lemont.

104 Motion Carried 7-0-0

105

106 14. COUNCILOR ISSUES OR COMMENTS

107 Councilor Thomson spoke about the lift cycle for the Memorial Bridge and wanted the Town  
 108 Manager to speak with Maine or New Hampshire DOT on how long it takes for the lift cycle to  
 109 complete.

110 Councilor Denault spoke about the concerns of the residents on South Eliot Road and Dennett  
 111 Road regarding the odor of Methane gas at the Kittery Sewer Treatment plant. He also spoke  
 112 about Parsons Pond and Legion Pond. Councilor Denault expressed concern of not involving  
 113 the public in the town business. Councilor Denault recognized individuals that have passed  
 114 including: Carolyn Hanscom, Erin Stacey, Benard Grover, Harry Lane Sr., Gary Lissenburg, and  
 115 Kevin Goodwin.

116

117 15. COMMITTEE AND OTHER REPORTS

118 a. Communications from the Chairperson - None

119 b. Committee Reports - None

120 16. EXECUTIVE SESSION

121 a. (090219-14) The Kittery Town Council moves to go into Executive Session to  
 122 complete the Town Manager's Annual Review.

123 Moved to go into Executive Session by Councilor Thomson, seconded by Councilor Pelletier.

124 Motion Carried 7-0-0

125 6:45 P.M.

126 Moved to go out of Executive Session Councilor Thomson, seconded by Councilor Pelletier.

127 Motion Carried 7-0-0

128 7:13 P.M.  
129 17. ADJOURNMENT  
130 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
131 Motion Carried 7-0-0

Submitted by Kim Tackett

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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: March 9, 2020  
UPDATED: June 8, 2020, June 22, 2020  
From: Kendra Amaral, Town Manager  
Subject: Title 5 – Short Term Rental  
Councilor Sponsor: Chairperson Judy Spiller

---

**OVERVIEW**

Short Term Rental regulation has been listed on the Town Council's and Planning Board's objectives lists for a number of years. The Accessory Dwelling Unit ordinance amendments recently approved put the Short-Term Rental (STR) effort on a critical path.

The proposed ordinance focuses on tracking and monitoring STRs in town, rather than restricting them. It is not conceived as a land-use regulation, rather a licensing requirement. For this reason, the proposal is to amend Title 5 rather than Title 16.

By adopting this ordinance, the Town will be more informed about where and how many STRs exist. It also provides a mechanism to address quality of life issues that arise as these business operations take place in primarily residential neighborhoods.

**PROCESS**

The STR ordinance was developed utilizing examples from municipalities in Maine and New Hampshire and the Town's own existing licensing code. The proposed ordinance has been reviewed by the Kittery Land Issues Committee, Code Enforcement, and our public safety departments. It has also been the subject of two workshops with the Town Council and Planning Board.

**PROPOSED ORDINANCE**

The STR ordinance was developed to allow short term rental operations in residential dwelling units with the goal of protecting the quality of life of the surrounding residential neighborhood from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting.

The ordinance applies to any residential dwelling unit, or portion thereof used for a rental period of less than 30 consecutive days. Rentals that exceed thirty consecutive days, hotels, motels, boarding houses, and other types of commercial-lodging operations are exempted.

The ordinance requires property owners to license their short-term rental annually. This will allow the Town to record and track how many short-term rentals are in Kittery. The Town staff will utilize existing analytic technology to determine if there are unlicensed STR units advertised and follow-up with notice and possible enforcement.

The ordinance has generally low-threshold standards for the license including having an emergency contact on file, providing adequate parking for guests, and ensuring homes and/or rooms are not being overcrowded to a level that is unsafe.

The occupancy limit has been set to two guests per bedroom to address concerns of unsafe overcrowding. A higher occupancy limit can be obtained, upon application to the Town, and inspection and approval of the Code Enforcement Officer and the Fire Chief.

A license can be denied (or denied renewal), suspended or revoked if there are three or more substantiated complaints of criminal or ordinance violations associated with the property. This provides some recourse to address the concern of noise, disturbing the neighborhood peace, parking intrusions and other issues that may occur from STR units.

The overall intent is to be as permissive as possible with STRs while providing some level of recourse if STRs are a disproportionate cause of disturbance in a neighborhood.

### **UPDATES**

The language has been edited for grammar, and clarity of language. A section addressing appeals of the Code Enforcement Officer has been added.

### **PROPOSED SOLUTION/RECOMMENDATION**

Add Title 5 Short Term Rentals as proposed.

### **ATTACHMENTS**

- Title 5 – Short Term Rental Ordinance
- Draft Title 5 – Short Term Rental Enactment



**ADD 5.12 SHORT TERM RENTAL as follows:**

§5.12.1 Purpose

The use and intent of these regulations is to ensure that any home-based short-term rental business operates in a manner that respects the neighborhood in which it is situated. The regulations allow short term rental operations in residential dwelling units with the goal of protecting the quality of life of the surrounding residential neighborhood from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting.

§5.12.2 Definitions

**Owner** means a person who is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

**Short-term rental** means the use, control, management or operation of a dwelling unit or accessory dwelling unit, in whole or in part for dwelling, sleeping or lodging purposes for periods of ~~less~~ **fewer** than 30 consecutive days; for compensation, directly or indirectly.

§ 5.12.3 Applicability

A. This Chapter applies to any residential dwelling unit, room within a dwelling unit, or accessory dwelling unit that is rented, in whole or in part, for a period of less than thirty consecutive days, for compensation, directly or indirectly.

B. Exclusions. Excluded from this chapter are:

- (1) Dwelling units used, in whole or in part, for dwelling, sleeping or lodging purposes for periods 30 consecutive days or ~~greater~~ **more**.
- (2) Lodging establishments such as hotels, motels, bed and breakfasts, inns, boarding or rooming houses.

C. Nothing contained in this Chapter ~~shall~~ **supersedes** any condominium, homeowner, or restrictive deed covenants that apply to ~~the~~ **the** dwelling unit.

§ 5.12.4 License Required

A. No person ~~shall~~ **may** advertise or operate a short-term rental ~~unit~~ **unit** without a license issued by the Code Enforcement Officer.

B. Non-refundable fees for the license are set ~~out~~ **forth** in Appendix A.

C. Short-term rental licenses must be renewed on an annual basis. Each license issued under this chapter expires one year from issuance.

D. Each licensee will receive a certificate issued by the Code Enforcement Officer stating the license number, valid license period, occupancy limit for the unit, the name and emergency contact information of the operator of the short-term rental ~~unit~~ **unit**, and the name and contact information of the property owner if different than the operator.

E. ~~Each~~ **A license issued** ~~is~~ not transferrable to any other person, or from location to location, and is valid only at the location and for the person designated. Any change in ownership of the dwelling unit will require a new license.

§ 5.12.5 Standards

A. Owner: Only the owner of the property can register/apply for the dwelling unit to be used for short-term rental.

B. Occupancy limits.

(1) No more than one short-term rental contract is allowed per dwelling unit at any one time.

(2) No more than two guests per bedroom are allowed, unless otherwise approved by the Code Enforcement Officer and the Fire Chief or their respective designees. Increased occupancy limits may be granted upon application to the Code Enforcement Officer and inspection of the dwelling unit.

F. Property Taxes Current. No property may be licensed for short-term rental if the property has is subject to an existing foreclosure or lien from the Town for non-payment of taxes.

G. Emergency Contact. The owner must provide their emergency contact information or identify a person that/who will serve as an agent or representative for emergency contact purposes. The emergency contact person must be able to respond to complaints regarding the condition, safety or operation of the dwelling unit as a short-term rental, or the conduct of guests, and take remedial action to resolve such complaints. The owner must notify the Town and provide updated contact information if the contact person or information changes.

H. License number. Licenses will be issued with a unique license number. The license number must be displayed within the dwelling unit and in all advertising for the short-term rental of the dwelling unit.

I. Parking.

(1) The owner must provide sufficient on-site parking to serve the residential dwelling unit(s) and the short-term rental unit(s) on the property. The total number of on-site parking spaces will be the calculated as the number of spaces required for the dwelling unit per Chapter 16.8.9.4 plus one parking space for each short-term rental unit on the property.

(2) Required on-site parking may be satisfied at off-site locations, provided such parking is on other property owned by the applicant or is under the terms of a contractual agreement that will ensure such parking remains available for the uses served. Applicant must present evidence of a parking location and a contractual agreement indicating the availability of the parking to the Code Enforcement Officer for review and approval prior to issuance of a license.

§ 5.12.6 Complaints

Complaints of criminal or ordinance violations associated with the operation of short-term rentals brought to the attention of the Code Enforcement Officer or Police Department will be logged and investigated.

§ 5.12.7 Denial, Suspension, or Revocation of License

A. Denial. The Code Enforcement Officer may deny a license or license renewal upon failure of the applicant to meet all of the requirements of this Chapter, or for three or more substantiated criminal or ordinance violations associated with the property within the prior twelve months.

B. Suspension or revocation. The Code Enforcement Officer may suspend or revoke a license for violation of any provisions of this Chapter, or for three or more substantiated criminal or ordinance violations associated with the property within a twelve-month period.

a. A license may be suspended for no longer than six months, during which time the dwelling unit may not be used as a short-term rental.

b. A license may be revoked and cannot be reissued for twelve months. The Code Enforcement Officer may authorize the reissuance of a license if they find sufficient corrective action has been taken to prevent violations in the future.

#### § 5.12.8 Appeal

A Code Enforcement Officer decision on denial, suspension, or revocation of a license may be appealed to the Board of Appeals as provided in §16.6.4A.

#### § 5.12.9 Violations

A. Any violation of this Chapter will be assessed a penalty of \$500. Each day any violation of this Chapter continues constitutes a separate offense.

#### **AMEND Appendix A as follows:**

##### **Chapter 5.12 SHORT TERM RENTAL**

<u>Short term rental license</u>	<u>\$50/annually</u>
<u>Increased occupancy limit application</u>	<u>\$100/one time</u>

**KITTERY TOWN CODE –  
SHORT TERM RENTALS**

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

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

**WHEREAS**, the Kittery Town Council seeks to ensure short-term rental businesses operate in a manner that respects the residential neighborhoods in which they are situated; and

**WHEREAS**, the Kittery Town Council seeks to protect the quality of life of the surrounding residential neighborhoods from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting;

**NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS THE ESTABLISHMENT OF TITLE 5.12 SHORT TERM RENTALS, OF THE TOWN CODE, AS PRESENTED.

**INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and passed by a vote of \_\_\_\_\_.

**THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery, Maine on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, {NAME}, \_\_\_\_\_, Chairperson

**Attest:** {NAME}, \_\_\_\_\_ Town Clerk



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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: June 8, 2020  
UPDATED: June 22, 2020  
From: Kendra Amaral, Town Manager  
Subject: Title 10 – Walker Street Parking  
Council Sponsor: Chairperson Judy Spiller

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**OVERVIEW**

The Council has discussed the parking conditions in the Foreside and received comment from Foreside businesses about the impact short -and longer-term parking have on their customers and employees. As a result of the discussions, the Council indicated a desire to see amendments to parking restrictions on Walker Street in front of Yarrow.

**PROPOSED TITLE 10 REVISION**

The proposed amendment to Title 10 was requested by the Foreside Business Group and by the owner of Yarrow, located at the corner of Otis Avenue. The proposal extends the two-hour parking limit on the south side of Walker Street, beyond Otis Avenue. The result is a shift of approximately 2 parking spaces from four-hour to two-hour time limits.

**PROPOSED SOLUTION/RECOMMENDATION**

Adopt the amendment to Title 10 as proposed.

**ATTACHMENTS**

- Proposed Title 10 – Walker Parking
- Map of Impacted Area
- Draft Title 10 Walker Parking Enactment

**TITLE 10  
WALKER STREET  
PARKING TIME LIMITS**

1   **AMEND § 10.3.1.6 D. Two-hour parking restrictions as follows:**

2   D.   Two-hour parking will be permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted on  
3       Sundays and holidays), in the following locations except as may be prohibited in § 10.3.1.1:

4   (1)   Government Street, south side, from Hunter Avenue to Wallingford Square and north side across from  
5       Knight Avenue to Wallingford Square.

6   (2)   Wallingford Square, both sides, including the town wharf and its approaches.

7   (3)   Walker Street, south side, beginning 57 feet west of Wentworth Street, in a westerly direction ~~to its~~  
8       ~~intersection with Otis Avenue~~ 750 feet.

**KITTERY TOWN CODE**  
**TITLE 10**  
**WALKER STREET PARKING**

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

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

**WHEREAS**, the Town seeks to improve traffic safety and customer access to businesses and public spaces in the Foreside through parking regulations;

**NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 10 OF THE TOWN CODE, AS PRESENTED.

**INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and passed by a vote of \_\_\_\_\_.

**THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery, Maine on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, {NAME}, \_\_\_\_\_, Chairperson

**Attest:** {NAME}, \_\_\_\_\_ Town Clerk



Title 10 - 2 Hour Parking Walker



- Legend
- Parcels
  - Roads
  - World Imagery
  - Low Resolution 15m Imagery
  - High Resolution 60cm Imagery
  - High Resolution 30cm Imagery
  - Citations





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

**Application for an On-Premises License**

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

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;  
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): <u>WLH Management corp.</u>	Business Name (D/B/A): <u>Warren's Lobster House</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>11 Water St. Kittery ME 03904</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <u>03825</u> <u>149 Mendums Landing Barrington, NH</u>	Email Address: <u>SSPiller@lobsterhouse.com</u> or <u>bcunningham@lobsterhouse.com</u>
Telephone #      Fax #: <u>207-439-2058</u> <u>207-439-8821</u>	Business Telephone #      Fax #: <u>207-439-2058</u> <u>207-439-8821</u>
Federal Tax Identification Number: <u>01-0398286</u>	Maine Seller Certificate # or Sales Tax #: <u>0204061</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>lobsterhouse.com</u>

1. New license or renewal of existing license? ☐ New      Expected Start date: \_\_\_\_\_

☒ Renewal      Expiration Date: 07/01/20

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

Food: 3,039,287      Beer, Wine or Spirits: 337,631      Guest Rooms: N/A

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

☒ Malt Liquor (beer)      ☒ Wine      ☒ Spirits

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

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)   | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)   | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)  | <input type="checkbox"/> Other: _____                                    |   |
| <input type="checkbox"/> Qualified Caterer   | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |   |

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

5. Business records are located at the following address:

11 Water St. Kittery, ME 03904

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☒ No

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Bradley Cunningham	09/25/66	Pittsburg PA

Residence address on all the above for previous 5 years	
Name	Address:
Bradley Cunningham	149 Mendum's Landing
Name	Address:
	Barrington, NH 03825
Name	Address:
Name	Address:



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

☐ Yes ☒ No

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

Seafood restaurant with multiple dining rooms

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

Name: St. Mark's United Methodist Church

Distance: 1/4 mile

## Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: June 5, 2020

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

Bradley S. Cunningham  
\_\_\_\_\_  
Printed Name Duly Authorized Person

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

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

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

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

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

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

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

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

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

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



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

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

**A. Repealed**

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

**4. Repealed**

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

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

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

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



## Section V: Fee Schedule

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

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

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

## Section VI Premises Floor Plan →

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

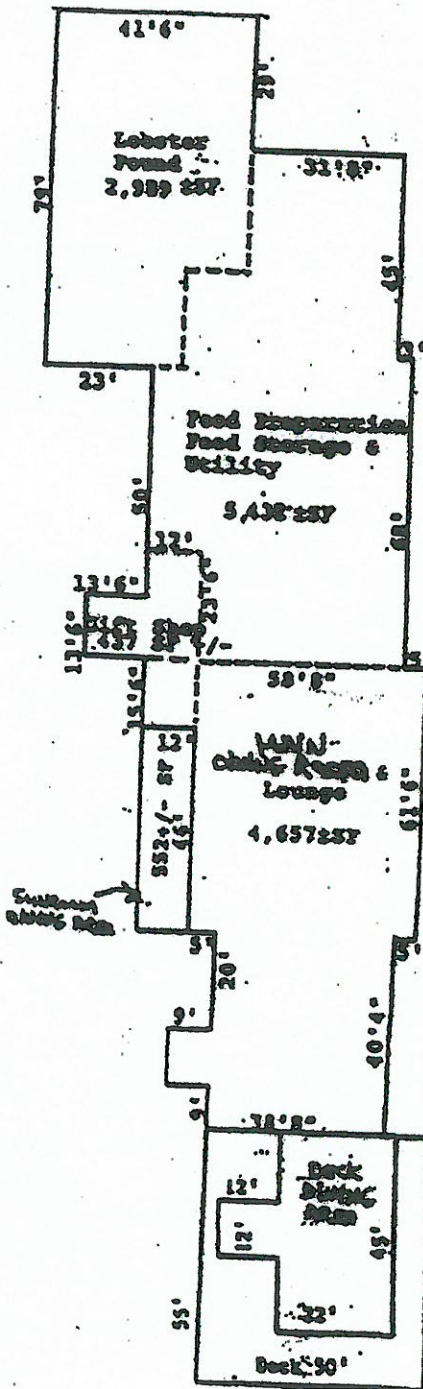
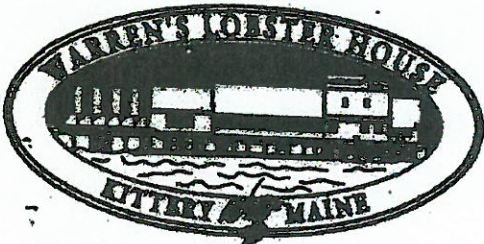
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Premise S Floor Plan on next page

STATE OF MAINE  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

PREMISE DIAGRAM

Warren's Lobster House  
11 Water Street  
Kittery ME 03904  
(207) 439-1630  
(207) 439-2058  
FAX (207) 439-6821



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

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

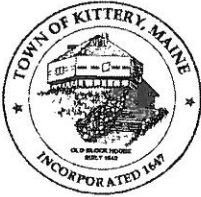
All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: WLH Management Corp
2. Doing Business As, if any: Warren's Lobster House
3. Date of filing with Secretary of State: 06/15/1984 State in which you are formed: N.H.
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 06/27/1984
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Scott Cunningham	Barrington, NH	4/22/42	President	44.8
Claudia Cunningham	Barrington, NH	8/16/42	Senior V.P.	44.8
Bradley Cunningham	Barrington, NH	9/25/66	V.P. General Manager	8.4
Colleen MacDonald	Eliot, ME	7/13/69	Hospitality Manager	2.0

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





**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 Gus Alivizatos  
please print

Applicant's Address 43 Coach Lantern Lane West  
please print

Applicant's mailing address if different from above: Scarborough ME 04074

Applicant's Email address (required) luckylovest@gmail.com  
loneats

Date of Birth 8/4/77 Applicant's Telephone Number: 219-2232

Business Name: Lucky Lou's Place - Food Truck  
please print

Business Address: Same 230 US Rt 1 Kittery  
please print

Business Telephone Number: 207-450-0784

Signature of Applicant [Signature] DATE: 5/31/20

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

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



## TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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### REPORT TO TOWN COUNCIL

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Meeting Date: June 8, 2020

UPDATED: June 22, 2020

From: Kendra Amaral, Town Manager

Subject: Memorandum of Agreement – Library Capital Campaign

Councilor Sponsor: Chairperson Judy Spiller

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#### EXECUTIVE SUMMARY

The Rice Public Library Corporation Board (RPLC) is spearheading the Rice Public Library Expansion and Renovation project capital campaign. This was their intended role when the Town and RPLC entered into an agreement to transition the Library to a town department and transfer the real property to the Town of Kittery.

This MOU will establish the terms and conditions of the capital campaign effort and support the fundraising already underway for the renovation and expansion of the Rice Library building.

#### CAPITAL CAMPAIGN

The RPLC, working with town staff, have already begun the capital campaign effort to support enhanced features of the renovation and expansion of the Rice Public Library. Over \$500,000 has been raised in private and public grants to date.

Funds raised will support enhanced technology infrastructure, landscape features, fixtures and furniture. The base project is being funded through the voter-approved \$5M bond.

The RPLC is preparing to launch the private donation phase of the capital campaign. Funds raised in the private donation phase will serve as the match for grants, such as the National Endowment for the Humanities (NEH) grant which has a 3:1 match requirement.

The proposed MOU establishes the terms and conditions that will govern how the funds will be raised, documented, transferred, and recognized. The MOU also covers the management of the capital campaign consultant that is being funded by the NEH grant to support raising the required matching funds.

#### UPDATES

Grammar and typographical errors have been corrected.

#### PROPOSED SOLUTION/RECOMMENDATION

Approve the Memorandum of Understanding as proposed.

#### ATTACHMENTS

- FINAL Memorandum of Understanding

**MEMORANDUM OF AGREEMENT  
BY AND BETWEEN  
THE TOWN OF KITTERY  
AND  
RICE PUBLIC LIBRARY CORPORATION BOARD**

**RICE PUBLIC LIBRARY  
RENOVATION AND EXPANSION PROJECT  
PRIVATE FUNDRAISING CAPITAL CAMPAIGN**

**Background**

Under the Last Will and Testament of Arabella Rice, funds were set aside for the creation of a free public library for the inhabitants of the Town of Kittery. The Rice Public Library Corporation Board (RPLC) of Directors provided oversight to the Library for 133 years. The RPLC is a 501c3 non-profit organization.

After a lengthy community process, on July 1, 2019, the Rice Public Library became a municipal department with the Town of Kittery, and the Library's two properties, at 8 Wentworth Street and 2 Walker Street, were transferred to the Town, along with certain funds (as outlined in the March 2019 MOU signed by the Kittery Town Councilors and Library Board of the Directors), and Library employees became Town employees.

In October 2019, the Rice Public Library Corporation (RPLC) affirmed that it would continue operating as a 501c3 non-profit with the primary goal of supporting the Library, as presented in its revised mission statement: *The Rice Public Library Corporation is organized and shall be operated exclusively to support the Rice Public Library as an ever-evolving 21st century institution. RPLC's purposes are to promote, encourage, and support, financially and otherwise, all activities at Rice Public Library (RPL) as may qualify for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954.*

In November 2019, Kittery voters approved a \$5 million bond to finance the renovation and expansion of the Library at the Wentworth Street location.

Recognizing that the Library expansion and renovation project would likely benefit from private fundraising, the RPLC, in the fall of 2019, hired a consultant to conduct a Capital Campaign feasibility study, and is prepared to undertake a Capital Campaign to raise funds for the Library expansion and renovation project.

**Purpose**

The purpose of this Memorandum is to set forth the understanding of the parties hereto concerning the RPLC's private fundraising campaign and how funds generated by the campaign will be transferred and expended to support the Library renovation and expansion project.

## **Principles**

The primary goal of the RPLC's Capital Campaign is to support the Library expansion and renovation project. The RPLC seeks to work in close collaboration with the Town of Kittery for the benefit of the Library expansion and renovation project. Although the RPLC sometimes seeks and pays for professional expertise, the RPLC Board of Directors are community volunteers who derive no benefit from the campaign other than the satisfaction of promoting the Library.

1. The RPLC will be the primary conduit for fundraising efforts, including for grants from foundations or other sources, unless the granting organization requires that applications be submitted on behalf of the Town.
2. The Town of Kittery, using Infrastructure Challenge Grant funds from the National Endowment for the Humanities, will contract with the designated fundraising consultant to work with the RPLC on the Capital Campaign. The consultant's work will include (but not be limited to) training volunteers, developing campaign materials, grant writing, and providing fundraising advice and counsel. The consultant will work most directly with the RPLC and, as required, with the Library Director Lee Perkins (for example, to gather certain facts or information about the Library project). In keeping with Maine state law, the Library Director and staff will not provide any information regarding patron records, contact information, and other private data held by the Town of Kittery or the Library Department.
3. The RPLC Corporation president or designee will submit invoices from the consultant for payment by the Town using the allocated National Endowment for the Humanities grant. Each consultant invoice will be accompanied by a transmittal memo indicating that the invoice has been reviewed by the RPLC designee and that the work indicated on the invoice has been completed in accordance with the work plan approved by the RPLC.
4. Funds raised through the Capital Campaign will be transferred by the RPLC to the Town of Kittery on a monthly basis, starting in December 2020 with documentation confirming the sources of the funds (private or foundation), that they are for the purpose of the renovation and expansion project, and any limitations on the use of the funds indicated by the donor.
5. The Town will account for donated funds in a project reserve fund, tracked separately from the General Fund and Library operating budget.
6. As a general rule, the RPLC will transfer the full sum of all grants from foundations or similar entities to the Town, with documentation
7. Donations from individuals will be transferred in lump sums, without naming specific individuals. The RPLC will appropriately thank all individual donors.
8. The RPL Corporation, with the advice and counsel of the Library Director, will have authority to develop and implement a recognition/giving plan that appropriately and equitably recognizes donors through naming rooms, installing plaques, displays, and signage, and/or other strategies installed within the Rice Library building and on its grounds. The RPL Corp will seek the advice and counsel of the Library Director to be sure that recognition is



consistent with Library and Town policies. The Town Manager will present all names proposed for rooms and large community spaces to the Town Council for final approval.

9. All foundation grants donated for the Library renovation and expansion project will be conveyed to the town. The RPLC will retain any excess funds raised from private individual donations that are not expended on the project, to be used for the future benefit of the Library.

**IN WITNESS WHEREOF**, the parties hereto have executed this Memorandum and confirmed its purpose and the principles set forth above.

**INHABITANTS OF THE TOWN OF KITTERY**

**RICE PUBLIC LIBRARY**

**By its Town Council**

**By its Board of Directors**

Judy Spiller, Chair

Rachel J. Dennis, Chair

Matt Brock

Linda Cheatham, Secretary

Charles Denault

George Dow, Treasurer

Kenneth E. Lemont

Dianne Fallon

Jeffrey D. Thomson

Doug Greene

Jeffrey Pelletier

Bill Tredwell

Cyrus Clark