



# TOWN OF KITTERY

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

## KITTERY TOWN COUNCIL

September 28, 2020

6:00PM

---

The public may submit public comments for the DISCUSSION agenda item via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to [TownComments@kitteryme.org](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\\_EWufx46FT-WPu9gedeETQg](https://us02web.zoom.us/webinar/register/WN_EWufx46FT-WPu9gedeETQg)

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 become part of the public record and may be read in whole or in summary by the Council Chair.

---

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
  - May 11, 2020
  - May 27, 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.**

8. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
9. PUBLIC HEARINGS
  - a. (090220-1) The Kittery Town Council moves to hold a public hearing on Title 10 Love Lane Emergency Ordinance.
10. DISCUSSION
  - a. The public may submit public comments in writing or raise their hand in the webinar for the DISCUSSION agenda.
  - b. Chairperson will read written comments into the record.
  - c. Chairperson's response to public comments.
11. UNFINISHED BUSINESS –
  - a. (090220-2) The Kittery Town Council moves to schedule a Public Hearing on October 14, 2020 Title 6 – Animal Control Phase 1.
12. NEW BUSINESS
  - a. Donations/gifts received for Council disposition - None
  - b. (090220-3) Th Kittery Town Council moves to approve a renewal Liquor License application from Tulsi 20 Walker Street, Kittery. All necessary inspections have been conducted.
  - c. (090220-4) The Kittery Town Council moves to approve a renewal Liquor License application from Anneke Jans 60 Wallingford Square, Kittery. All necessary inspections have been conducted.
  - d. (090220-5) The Kittery Town Council moves to approve the Annual General Assistance Appendices A-D and Appendix H for 2020-2021 year.
  - e. (090220-6) The Kittery Town Council moves to approve the Collective Bargaining Agreement Extensions.
  - f. (090220-7) The Kittery Town Council moves to schedule a Public Hearing on Title 3 – Proceeds from the Sale of Tax-Foreclosed Properties on October 14, 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.**

- g. (090220-8) The Kittery Town Council moves to schedule a Public Hearing on Title 4 – Kittery Housing Committee on October 14, 2020.
- h. (090220-9) The Kittery Town Council moves to schedule a Public Hearing on Title 16 – Affordable Housing on October 14, 2020.
- i. (090220-10) The Kittery Town Council moves to schedule a Public Hearing on the establishment of an Affordable Housing Fund on October 14, 2020.
- j. (090220-11) The Kittery Town Council moves to set the December Council meeting schedule as follows: December 14, 2020.
- k. (090220-12) The Kittery Town Council moves to appoint Maribeth Gerard to the KCC Board of Directors for a 3-year term to expire December 31, 2023.
- l. (090220-13) The Kittery Town Council moves to accept the resignation of Jan Lamont-Rodonets from the Kittery Community Center Board of Directors.
- m. (090220-14) The Kittery Town Council moves to discuss the Social Media Policy.

13. COUNCILOR ISSUES OR COMMENTS

14. EXECUTIVE SESSION - None

15. ADJOURNMENT

Posted: September 24, 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 September 28, 2020

- 1. Community Programs** – The Kittery Community Center and Rice Public Library have developed a number of programs for the fall to continue to bring the community together in a safe way.

The KCC has a number of seasonal programs planned through the end of the year including two community nights reserved at the Coppal House Farm Maze, a lecture series scheduled for broadcast on Channel 22, and take-home Veteran's Harvest Lunch and Gingerbread House Decorating kits. For more information on fall programming contact the KCC at 439-3800.

The Rice Public library is hosting an online presentation by Dustin Pari, Halloween: A Haunted History. For more information contact the Rice Public Library at 439-1553.

- 2. KCC Gap Childcare** – The gap childcare program at the KCC has successfully completed four weeks. We have approximately 69 children enrolled to date. The program follows the School Departments cohort model and requires the children in each cohort to remain separated from the others. As a result, we do have wait lists for certain grade levels.

The KCC staff and the Ed-Techs working in the program are doing a phenomenal job of creating a welcoming and safe place for the children. Working within the strict guidelines of the State, the staff are safely engaging the children in activities both inside and outside the KCC.

Administrative staff from the KCC, such as Cindy Denault, and Ed-Techs from Mitchell and Shapleigh have been instrumental in ensuring we have sufficient staff to support the program. We are still trying to hire more staff to cover each classroom, and with the hope of expanding the childcare to later in the evening. Finding candidates has been a challenge.

Anyone interested in working with the children, afternoons and early evenings, Monday through Friday, please contact HR Manager Maureen Paro for details and to apply.

- 3. Host Community for the USS Texas** – We are pleased to be the host community for the USS Texas. As a host community, we welcome the crew of the USS Texas and look forward to working with them during their time in Kittery.

In the past we have held a welcome reception and the PNSY has hosted a plaquing ceremony. Due to COVID-19, the approach to these events will have to change, but the intent will not. Our goal is to put together welcome bags for each member of the crew in the coming month. We also hope to connect with the leadership of the USS Texas to plan opportunities to engage the crew in Kittery-life in safe and fun ways.



**Upcoming Dates:**

- Absentee Ballot Applications Available – Town Clerk
- Candidate Forum – October 7, 6PM (broadcast on Channel 22)
- Town Hall Closed – Indigenous Peoples Day – October 12
- Voter Registration Night – October 28, 6PM – 8PM, Town Hall
- Presidential/State/Local Election – November 3, 8AM to 8PM, Kittery Community Center

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendra', with a long horizontal flourish extending to the right.

Kendra Amaral  
Town Manager



Kittery Town Council Unapproved Minutes

May 11, 2020 6:00 PM

Remote Meeting

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

5 Councilors present: Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Kenneth Lemont, Cyrus Clark,  
6 Vice Chair Matt Brock, and Chair Judith Spiller.

7 5. Agenda Amendment and Adoption

8 Council approved the agenda as presented.

9 6. Town Manager's Report

10 The Town Manager reported on: COVID-19 Update, expanded online services, Senior Tax Credit  
11 program, and Memorial Day observance. Upcoming Dates: State Primary Election and Town Meeting  
12 Ballot July 14, 2020.

13 7. All items involving the town attorney, town engineers, town employees, or other town consultants or  
14 requested offices. – None.

15 a. (050120-1) The Kittery Town Council moves to receive a presentation from the Town Clerk, Karen  
16 Estee on the upcoming July 14th Election and Absentee Voting.

17 The Town Clerk gave a presentation regarding the upcoming July 14th Election and Absentee Voting.

18 8. DISCUSSION

19 a. Public comments will be received via email, mail, or the Town Hall Drop Box up until noon the day of  
20 the meeting. - None

21 b. Chairperson will read comments into the record. - None

22 c. Chairperson's response to public comment - None

23 9. New Business

24 a. Donations/gifts received for Council disposition

25 (050120-2) The Kittery Town Council moves to accept a donation from the Friends of the Rice Public  
26 Library in the amount of \$2,500.00. To be deposited into the Library Donations Fund.

27 Moved by Councilor Thomson, seconded by Councilor Denault.

28 Motion Carried 7-0-0.

29 (050120-3) The Kittery Town Council moves to accept a donation from The Rice Public Library  
30 Corporations in the amount of \$5,000.00. To be deposited in the Library Donations Fund.  
31 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
32 Motion Carried 7-0-0

33 b. (050120-4) The Kittery Town Council moves to approve a request from Traip Academy to place signs  
34 on the following roads from May 15th to June 30th, Williams, Whipple, Rogers and Shapleigh to  
35 recognize the 2020 Graduating Class.  
36 Moved by Councilor Thomson, seconded by Councilor Denault.  
37 Motion Carried 7-0-0

38 c. (050120-5) The Kittery Town Council moves to discuss allowing blanket Sidewalk Sales through  
39 Stages 1, 2, and 3 of the Governor’s Reopening Plan.  
40 The Town Manager gave an overview regarding the option to allow blanket Sidewalk Sales through  
41 Stages 1, 2, and 3 of the Governor’s Reopening Plan.  
42 All were in favor.

43 d. (050120-6) The Kittery Town Council moves to approve a New Victualer’s License application from  
44 Definitive Brewing Company located at 318 US Route 1, Kittery.  
45 Moved by Councilor Denault, seconded by Councilor Pelletier.  
46 Motion Carried 7-0-0

47 e. (050120-7) The Kittery Town Council moves to approve a renewal Liquor License application from  
48 Festina Lente, 1 Government Street Suite 3, Kittery.  
49 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
50 Motion Carried 7-0-0

51 f. (050120-8) The Kittery Town Council moves to approve the Banner Policy.  
52 The Town Manager gave an overview of the Banner Policy.  
53 Moved by Councilor Denault, seconded by Councilor Pelletier.  
54 Motion Carried 7-0-0

55 g. (050120-9) The Kittery Town Council moves to accept the resignation of Shaye Robbins of the  
56 Parks Commission and the Economic Development Committee.  
57 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
58 Motion Carried 7-0-0

59 10. Council Issues or Comments

60 Jeffery Thomson, Jeffrey Pelletier, Kenneth Lemont, Charles Denault, Cyrus Clark, Vice Chair Matt  
61 Brock, and Chair Judith Spiller gave their thanks to the Town Manager, the Police, Town employees,  
62 and the volunteers for their hard work in response COVID-19.

63 11. Executive Session - None

64 12. ADJOURNMENT

65 Moved by Councilor Thomson, seconded by Councilor Denault.

66 Motion Carried 7-0-0

Submitted by Kim Tackett

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

Kittery Town Council Unapproved Minutes

May 27, 2020 6:00 PM

Remote Meeting

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

5 Councilors present: Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Kenneth Lemont,

6 Cyrus Clark, Vice Chair Matt Brock, and Chair Judith Spiller.

7 5. Agenda Amendment and Adoption

8 Add under New Business item k.

9 Moved by Councilor Thomson to accept the agenda as amended, seconded by Councilor Pelletier.

10 Motion Carried 7-0-0

11 6. Town Manager's Report

12 The Town Manager reported on: State guidelines and timelines, status of Town operations, and Fiscal  
13 Year 2020.

14 7. Acceptance of Previous Minutes – From 2019 as follows:

15 • May 13, 2019 and May 29, 2019

16 • June 10, 2019 and June 24, 2019

17 Councilor Thomson moved to approve the May 13, 2019 minutes as amended, seconded by Councilor  
18 Pelletier.

19 Motion Carried 7-0-0

20 Councilor Thomson moved to approve the May 29, 2019 minutes, seconded by Councilor Pelletier.

21 Motion Carried 7-0-0

22 Councilor Thomson moved to approve the June 10, 2019 minutes, seconded by Councilor Pelletier.

23 Motion Carried 7-0-0

24 Councilor Thomson moved to approve the June 24, 2019 minutes, seconded by Councilor Pelletier.

25 Motion Carried 7-0-0

26 8. All items involving the town attorney, town engineers, town employees, or other town consultants or  
27 requested offices. - None

28 9. DISCUSSION -

- 29 a. Public comments will be received via email, mail, or the Town Hall Drop Box up until noon the day of  
30 the meeting. – None
- 31 b. Chairperson will read comments into the record. - None
- 32 c. Chairperson’s response to public comment - None
- 33 10. New Business
- 34 a. Donations/gifts received for Council disposition
- 35 (050220-1) The Kittery Town Council moves to accept a donation in the amount of \$3,553.55 from the  
36 Robert W. Traip Trust to be deposited into the Library Reserve account.
- 37 Moved by Councilor Denault, seconded by Councilor Pelletier.
- 38 Chair Spiller, Vice Chair Brock, Councilor Pelletier, Councilor Clark, Councilor Thomson and Councilor  
39 Denault voted yes.
- 40 Councilor Lemont abstained.
- 41 Motion Carried 6-0-1
- 42 b. (050220-2) The Kittery Town Council moves to approve a new Victualer’s License application from  
43 Kittery Ice Cream, LLC. 27 Hope Drive Amesbury, MA. For Mrs. & Me. Ice cream located at 400 US  
44 Route 1, Kittery.
- 45 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 46 Motion Carried 7-0-0
- 47 c. (050220-3) The Kittery Town Council moves to approve a new Victualer’s License application from  
48 the Corner Pub, 4 Wallingford Square, Kittery.
- 49 Moved by Councilor Clark, seconded by Councilor Pelletier.
- 50 Motion Carried 7-0-0
- 51 Moved by Councilor Thomson to approve, pending the approval of the state and local inspection,  
52 seconded by Councilor Pelletier.
- 53 Motion Carried 7-0-0
- 54 d. (050220-4) The Kittery Town Council moves to approve a new Liquor License application from the  
55 Corner Pub, 4 Wallingford Square, Kittery.
- 56 Moved by Councilor Thomson to approve, pending the approval of the state and local inspection,  
57 seconded by Councilor Pelletier.
- 58 Motion Carried 7-0-0
- 59 e. (050220-5) The Kittery Town Council moves to approve an Amusement Device License from Delta  
60 Amusement, 3 Tobey Street Hampton, NH for Navy Yard Bar & Billiard located at 182 State Road,  
61 Kittery.
- 62 Moved by Councilor Thomson, seconded by Councilor Pelletier.

63 Motion Carried 7-0-0.

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

66 Moved by Councilor Thomson, seconded by Councilor Pelletier.

67 Motion Carried 7-0-0

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

71 Moved by Chair Spiller, seconded Vice Chair Brock.

72 Chair Spiller, Vice Chair Brock, Councilor Pelletier, Councilor Clark, and Councilor Thomson voted yes.

73 Councilor Denault, and Councilor Lemont voted present.

74 Motion Carried 5-0-2 present

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

78 Steven Riker, Ambit Engineering gave an overview of the construction of a boat cradle located at 96  
79 Pepperrell Road, Kittery Point, and answered any questions or concerns.

80 Councilor Lemont expressed concerns about the Town's riparian rights. The Council, and the Town  
81 Manager discussed the concerns the Council had with the letter of permission.

82 Councilor Thomson moved that this particular application that does involves a project that abuts town  
83 property that the Kittery Town Council has been notified of application and expects the Kittery Port  
84 Authority to hear the application and to address all appropriate concerns involving town property.

85 Seconded by Councilor Pelletier.

86 Motion Carried 7-0-0

87 i. (050220-9) The Kittery Town Council moves to waive the enforcement of certain provisions of Title  
88 5.7 Sidewalk Sales and authorizes the Town Manager to approve Request for Extension of License on  
89 Premise applications, as presented, effective June 1 through July 31, 2020.

90 The Town Manager gave an overview of the Sidewalk Sales during COVID-19.

91 Councilor Thomson moved to waive the enforcement of certain provisions of Title 5.7 Sidewalk Sales  
92 and authorizes the Town Manager, upon recommendation of departmental staff, to approve Request for  
93 Extension of License on Premise applications, as presented effective June 1 through Labor Day 2020.

94 Seconded by Councilor Pelletier.

95 Motion Carried 7-0-0

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



98 Moved by Councilor Thomson, seconded by Councilor Pelletier.

99 The Town Manager gave the Council the options of locations to resume Public Hearings. The Council  
100 and the Town Manager discussed the priority order of the Public Hearings.

101 Motion Carried 7-0-0

102 k. The Kittery Town Council moves to approves a request for Kittery Community Market to place their  
103 banner at Post Office Square from May 28, to October 4, 2020 and to place directional signs in various  
104 locations around Kittery from June 4, to October 4, 2020.

105 Moved by Councilor Thomson, seconded by Councilor Denault.

106 Motion Carried 7-0-0

107 11. Council Issues or Comments

108 Councilor Denault mentioned residents who have passed away. Councilor Denault also spoke about  
109 the Recycling Scholarship Fund and how the scholarship money is lower than in the past years.

110 Councilor Lemont thanked Dave Rich and Public Works for the great paving job at Pepperrell Cove.

111 Councilor Thomson thanked the Town Manager, town staff, Police and the Fire Departments for their  
112 hard work.

113 Vice Chair Brock thanked the Town Manager and staff for working with and helping the local  
114 businesses.

115 Chair Spiller thanked the Town Manager for her strong leadership. Chair Spiller suggested continuing  
116 to have two meetings a month during the summer.

117 All of the Councilors were in favor.

118 12. Executive Session - None

119 13. ADJOURNMENT

120 Moved by Councilor Thomson, seconded by Councilor Denault.

121 Motion Carried 7-0-0

Submitted by Kim Tackett

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





# TOWN OF KITTEERY

200 Rogers Road, Kittery, ME 03904

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

---

## REPORT TO TOWN COUNCIL

---

Meeting Date: September 14, 2020  
Updated: September 28, 2020  
From: Kendra Amaral, Town Manager  
Subject: Trial Traffic Control – Love Lane One Way  
Councilor Sponsor: Councilor Cyrus Clark

---

### EXECUTIVE SUMMARY

The Town, working with MDOT, is seeking to move forward one of the recommendations of the JLUS study, in the form of a demonstration project on Love Lane. The demonstration project will include striping changes to encourage traffic calming, and a trial of a one-way designation to reduce the morning PNSY cut-through traffic.

The proposed Title 10 amendment is for the trial one-way. The Council is being asked to consider this as an emergency ordinance, which allows it to be implemented immediately if approved by the Council.

### STATEMENT OF NEED

Love Lane sees a great deal of cut through traffic, specifically in the early morning, from the PNSY employees. The traffic impacts the quality of life and safety of the residents on this road. The JLUS study identified a “road diet” for Love Lane as a catalytic strategy for addressing the PNSY traffic impacts on the town. A road diet can include the decrease of lane widths, addition of sidewalks and bicycle lanes, and other measures that reduce speeds, make the street safer for multi-modal transit and reduce cut-through traffic.

This proposal is focused on a “trial” or demonstration project to test a one-way designation for effectiveness and impact on the neighborhood. The benefit of a demonstration project is it allows the Town to work with the residents to revise and refine the measures quickly; and ensure that any permanent installations are well tested and proven to meet the goals before expending funds on permanent installations.

Town Staff met with the residents of Love Lane on September 10. They reviewed various strategies and established a priority list of options to pursue for in the demonstration project this fall. The one-way was a key strategy identified by the residents.

It is our shared goal to implement the one-way trial this fall. For this reason, this item is being pursued for an “emergency” designation. If the one-way is effective at the beginning of

October, we can test out the impacts and effectiveness for up to 60 days. If the one-way designation is proven to be successful for the residents and town, we advance it for a full ordinance amendment.

### **UPDATE**

Following the September 14 Council meeting, the staff reviewed the draft ordinance language and adjusted it to better describe the intended start and end locations of the one-way designation. This correction addresses access for residents on Lutts Avenue and for access to the two State Road properties via Love Lane.

Following the Council meeting, the staff heard from members of the Church of Christ concerned about the impacts of the demonstration project and potential permanent one-way designation on their congregation and services.

### ***Comparison:***

#### One Way at All Times:

- Safer for drives as it is not dependent on day or time. This is particularly important on a road like Love Lane that has multiple connector roads.
- Enforcement will be needed at the beginning to ensure safety and will need to cover more than one location to address the connector roads. Enforcement is challenging generally due to the limited availability for KPD Officers during peak morning commute times.
- Allows opportunity to test “road diet” width reductions and pedestrian lanes on the shoulders of Love Lane for both traffic calming and multi-modal access.
- Prevents access to Love Lane from State Road excepting the two State Road properties that only have access via Love Lane.

#### One Way at Designated Times (6AM to 7AM M-F)

- Less safe for drivers as it is dependent on the day and time. This is particularly important on a road like Love Lane that has multiple connector roads.
- Enforcement will be needed at the beginning to ensure safety and will need to cover more than one location to address the connector roads. Enforcement is challenging generally due to the limited availability for KPD Officers during the designated time.
- Eliminates opportunity to test “road diet” width reduction and pedestrian lanes on the shoulders for both traffic calming and multi-modal access.
- Reduces negative impacts on convenient access to portions of Love Lane from State Road.

It is important to note this is a demonstration project, with a 60-day time limit. We know from past experience that this change will likely shift the traffic to other roads, and will result in “upstream” impacts. We will not know what those will be until we test the strategy; but will likely include impacts to the flow through Memorial Circle, on the Bypass and potentially along Old Post Road.

Both amendment options are provided in this packet for the Council's convenience.

Installation of the signage and other traffic control measures will take approximately two weeks to complete.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve "One-Way at All Times" option for the purposes of greater safety and to fully test the "road diet" component of the demonstration project.

Staff will meet with residents and the Church of Christ 30 days after the installation of signage, enforcement, and markings (as applicable) to assess impacts and determine effectiveness. The Town Manager will provide an updated report to Council with recommendations.

### **ATTACHMENTS**

- Draft Title 10 Amendments Option 1: One Way at All Times
- Draft Title 10 Amendments Option 2: One Way Designated Times
- Draft Title 10 Enactment
- Public Comment Received as of Sep 23

**TITLE 10**  
**LOVE LANE ONE WAY**  
**OPTION 1: AT ALL TIMES**

**AMEND § 10.2.1 One-way streets at all times to include Love Lane:**

- 1 The following streets are designated one-way streets at all times:
- 2 A. Government Street, in an easterly direction, beginning 185 feet from the intersection of Otis  
3 Avenue, to intersection of Walker and Wentworth Streets;
- 4 B. Hunter Street, in a northerly direction;
- 5 C. Jones Avenue, beginning 105 feet from its intersection with Walker Street, in a southerly direction  
6 to Government Street;
- 7 D. Mitchell School Lane, from Route 103 to the Mitchell School playground;
- 8 E. Newmarch Street, in a southerly direction;
- 9 F. Traip Avenue, beginning at its southern intersection with Wentworth Street, in a northerly direction;
- 10 G. Williams Avenue, at its westerly intersection with Whipple Road, is to be one-way at its entrance in  
11 a southerly direction for a distance of 180 feet, and one way in a northern direction at Map 9 Lot 15  
12 to the intersection of Whipple Road.
- 13 H. Love Lane, in a westerly direction, from Lutts Avenue to 150 feet east of the intersection with State  
14 Road. The designation will expire 60 days from the date of adoption unless otherwise amended by  
15 the Town the Council.

**TITLE 10**  
**LOVE LANE ONE WAY**  
**OPTION 2: DESIGNATED TIMES**

**AMEND § 10.2.1.2 One-way streets at designated times to include Love Lane**

1 The following streets are designated one-way streets between 6:00 a.m. and 7:00 a.m., Monday through  
2 Friday:

3 (1) Lemont Lane in a westerly direction from the intersection of Philbrick Road to Woodlawn Avenue;

4 (2) Cross Street in a westerly direction from the intersection of Philbrick Road to Woodlawn Avenue;  
5 and

6 (3) Wainwright Avenue in a westerly direction from the intersection of Wyman Avenue to Woodlawn  
7 Avenue.

8 (4) Pine Street in a northerly direction from the intersection of Central Avenue to Love Lane.

9 (5) Love Lane, in a westerly direction, from Lutts Avenue to 150 feet east of the intersection with State  
10 Road. The designation will expire 60 days from the date of adoption unless otherwise amended by  
11 the Town the Council.

**KITTERY TOWN CODE  
TITLE 10  
LOVE LANE ONE WAY**

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

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

10 **WHEREAS**, the Town seeks to address safety concerns for residents along Love Lane and  
11 reduce cut through traffic resulting from the Portsmouth Naval Shipyard; and

12 **WHEREAS**, a temporary one-way designation for Love Lane was identified as a key strategy to  
13 test to reduce traffic; and

14 **WHEREAS**, the results of the temporary one-way will be analyzed for effectiveness in achieving  
15 safety improvements, with the results reported to the Council prior to expiration of the  
16 Emergency Ordinance 60-day limitation; and

17 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN  
18 CHARTER §2.15, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TOWN  
19 CODE TITLE 10 [ONE WAY AT ALL TIMES or ONE WAY AT DESIGNATED TIMES], AS  
20 PRESENTED AND SUCH AMENDMENT SHALL BE EFFECTIVE IMMEDIATELY AND  
21 EXPIRE 60 DAYS FROM THE DATE OF ADOPTION UNLESS OTHERWISE AMENDED OR  
22 APPROVED FOR PERMENANT ADOPTION BY THE COUNCIL IN ACCORDANCE WITH  
23 §2.14.  
24 .

25 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,  
26 20\_\_\_\_, by:\_\_\_\_\_ {NAME} Motion to approve by Councilor  
27 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
28 passed by a vote of \_\_\_\_\_.

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

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



## Kendra Amaral

---

**From:** cmsmailer@civicplus.com on behalf of Contact form at Kittery ME <cmsmailer@civicplus.com>  
**Sent:** Friday, September 18, 2020 8:15 AM  
**To:** Kendra Amaral  
**Subject:** [Kittery ME] Love Lane Issues (Sent by Robert Prestridge, [REDACTED])

Hello kamaral,

Robert Prestridge [REDACTED] has sent you a message via your contact form (<https://www.kitteryme.gov/user/28/contact>) at Kittery ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/28/edit>.

Message:

Good morning.

My wife and I are members of the Kittery Church of Christ and have been since 1980.

It's our understanding that many of the residents on Love Lane are upset and concerned about the traffic in the early morning hours , Monday thru Friday. We understand that it causes some noise and possible problems for the residents. We do not think the idea to change the street to a "One (1)way towards Rt.1 " is a viable solution. It causes our members to drive a "out of the way route" to get to the church building . During the summer and fall months we have a number of out of state visitors, who most likely would have great difficulty in finding a route to the church.

We would hope a solution that meets the needs of all who use that street can be arrived at without causing undue problems for all.

Thank You

Robert and Phyllis Prestridge

# Love Lane - one way?



Fri 9/18/2020 7:18 PM

To:town comments <tcomments@kitteryme.org>;

I am writing on behalf of my church (Kittery Church of Christ) on Love Lane in Kittery. I hear that the traffic pattern is being reviewed for the Shipyard and while I am unfamiliar with what the problem is, I think making Love Lane a one way road full time will cause unintended consequences for our church with visitors having a difficult time finding us. I think a good solution is to only have the one way on the weekdays, that way the traffic problem you are seeking to solve is addressed but you are not impacting our mission as a church with allowing folks to find us on Sundays.

Thank You,  
Paul & Heidi Soper  
Wells Maine



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: February 10, 2020  
UPDATED: March 9, 2020, June 8, 2020, August 17, 2020, September 9, 2020,  
September 28, 2020  
From: Kendra Amaral, Town Manager  
Subject: Title 6 – Animal Control  
Councilor Sponsor: Chairperson Judy Spiller

---

The Town Council requested proposed revisions to Title 6 that reflect and respond to the discussion at the Council/Parks Commission workshop in December.

The revisions build upon the amendment proposal presented by Councilor Denault in July 2019. That version contained a number of improvements to address voice control, impounding, and consolidating animal regulations into one Title. Additional amendments reflect the input of our new Animal Control Officer Robert Byrnes and Police Chief Richter.

The community has been discussing dogs at town parks for years. The challenge continues to lie in balancing the various wants and needs at our parks. The Parks Commission has studied the matter in depth, conducted surveys, and participated in multiple workshops with the Council. There is no one answer that will satisfy all those interested in this matter.

There will always be a challenge of resource allocation for the enforcement of ordinances like these, where the offending party has to be witnessed by an Officer in the act of violating the ordinance. We have one full-time animal control officer. Therefore, it must be acknowledged that the proposed ordinance revisions will improve the tools available to the Animal Control Officer in enforcement, but they will not automatically eliminate all dog waste, unwanted dog contact at our parks, and other animal related complaints.

The attached proposal includes some options that may be too restrictive, particularly for the beaches and Fort Foster. This is intentional and done to facilitate the effort to move the debate forward.

Below is a description of some of the major amendments proposed. Adjustments to the proposed amendments have been made to reflect Councilor feedback. Further adjustments were made to address the yet unresolved feral cat issue, highlighted in yellow.

### **Dog Waste**

Closes the loophole on the bagged waste being left along the entrance roads and areas of Fort Foster, Seapoint, and other popular parks. ACO Byrnes identified that the current language does not expressly prohibit this practice.

### **Control of Dogs at Public Parks**

Limits the number of dogs one person is responsible for at a time, and the number of dogs one person can have off leash and under voice control at a time, while on public property. It is expected these limitations should help reduce the number of incidents of unwanted dog contact and uncollected dog waste at our parks.

The revised proposal does not include a limitation on the number of dogs one person is responsible for off leash at a time.

### **Prohibition/Restrictions of dogs at various parks**

Multiple options were given for the Council to consider regarding dog access at popular parks. They ranged in impact/restrictiveness and were proposed to facilitate discussion.

The staff recommend having consistent regulations for Fort Foster and Seapoint and Crescent beaches to avoid confusion.

The current version removes all proposed amendments to Fort Foster, Seapoint and Crescent beaches, and Rogers Park.

### **Welfare**

ACO Byrnes has noted that state statute already grants him authority to address animal welfare relative to prolonged tethering and animals exposed to prolonged weather conditions. However, two Councilors expressed interest in having the ordinance cover animal welfare/cruelty.

### **Fines**

Focuses on a single rate for the fine rather than a graduated approach for all violation except disturbing the peace. The ACO would also like codified that he can issue a No Trespass order to address repeat offenders.

### **Other Titles**

Refers animal control back to Title 6 for Fort Foster, Seapoint and Crescent Beaches, and Town Farm. Rogers Park already refers directly back to Title 6.1. The proposed also corrects the Title of Town Farm to Town Farm Forest (unrelated to animal control).

### **Public Comment**

Due to COVID related precautions on in-person Council meetings, the Town has been receiving written public comment for Council meetings and public hearings through its "Town Comments" email. Attached are the comments received from June through September 3. Any additional comments received by noon of September 9 will be uploaded to the online packet prior to the public hearing.

In reviewing the comments, a few patterns appear to emerge. Based on a high-level scan of the comments, approximately:

- 
- 33% are solely expressing opposition to “banning dogs” at Seapoint and/or Fort Foster. Generally, there was no reference in the comments to Kittery’s existing animal control ordinances or the proposed ordinance amendments being considered.
  - 28% oppose “banning dogs” at Seapoint and/or Fort Foster and recommend existing ordinances remain unchanged.
  - 37% oppose “banning dogs” at Seapoint and/or Fort Foster and encourage the Council look at enacting “other” restrictions instead. The specific comments ranged from proposing:
    - o restrictions currently in place
    - o the restrictions currently being considered by the Council
    - o different restrictions than currently being considered by the Council
    - o waste receptacles
  - 2% vary including supporting “banning dogs” at Seapoint and/or Fort Foster, and other related or unrelated animal control topics.

The comment analysis was not in depth and involved scanning the text of the comments and attempting to sort them into a few broad categories:

- General “don’t ban dogs”
- Keep Current Restrictions
- Consider Different Restrictions
- Other

The purpose of the analysis was simply to provide some at-a-glance info that may be useful as the Council considers each comment specifically.

Public comments packet has been updated to include emailed comments received through September 23, 2020.

### **PROPOSED SOLUTION/RECOMMENDATION**

Hold a public hearing on the amendments and determine which amendments proposed are acceptable to the community for approval.

### **ATTACHMENTS**

- Existing Animal Control Ordinances
- Proposed Title 6 – Animal Control – Phase 1
- Written Comments received from September 3 to September 23 (records of prior comments available in previous Council packets)

## Title 6 Animal Control

AMEND Title 6 as follows:

1 **Title 6.1 ~~Dogs~~Animal Control**

2 § 6.1.01 **Conflict with other laws.**

3 ~~If in conflict with any section of this chapter, the provisions of Chapter 12.4 (Seapoint/Crescent~~  
4 ~~Beaches) or Chapter 12.5 (Fort Foster) will apply.~~ In the event of any conflict in the provisions of this  
5 article with the provisions of any present or future statute relating thereto, the most restrictive or that  
6 imposing the higher standards governs.

7 § 6.1.~~1~~2 **Definitions.**

8 For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this  
9 section.

10 **ANIMAL CONTROL OFFICER** Includes municipal police officer.

11 **AT LARGE** Off the premises of the owner, unless:

- 12 A. Controlled by a leash, ~~cord or chain of not more than eight feet in length;~~  
13 B. Within a vehicle or under restraint in an open vehicle being driven or parked on a public way; or  
14 C. Under ~~the control of a person whose personal presence and attention would control the conduct of~~  
15 ~~the dog.~~ Voice Control.

16 **LEASH** A cord or chain not more than 10 feet in length.

17 **OWNER** Any person keeping or harboring a dog or other animal.

18 **PET** Any animal domesticated to serve as a companion, excluding service dogs.

19 **RESPONSIBLE PARTY** Any person who has possession, custody, or control of an animal.

20 **VOICE CONTROL** An animal under control of the responsible party by voice command such that the  
21 animal returns immediately to the responsible party upon calling, and remains by their side and in sight.

22 § 6.1.23 ~~**Applicability to visiting nonresidents**~~ **License required.**

23 No dog may be kept within the Town unless licensed by its owners in accordance with applicable state  
24 statutes. ~~The licensing provisions of this chapter do not apply to any dog belonging to a nonresident~~  
25 ~~visiting within the Town without the intention of becoming a resident, but the owner of such dog must~~  
26 ~~comply with the remaining provisions of this chapter.~~

27 Proof of current dog license must be provided to the animal control officer upon request.

28 §6.1.4. Control of pets on public property.

29 A. No pet is allowed to be at large, as defined above, on any public property, or on private property  
30 without the consent of the property owner. This section does not prohibit the owner from using a

dog for hunting, where hunting is permitted, provided the dog is under the voice control of its owner.

B. No dog is allowed to ~~approach within ten (10) feet or~~ have contact with of any person other than the owner or responsible party unless such person has communicated to the owner or responsible party, by word or gesture, their consent to be approached by the dog.

C. Owners must immediately collect and properly dispose of or secure feces left by their pet(s) on any improved portion of public ways or sidewalks, and in public parks. Owners or responsible parties must maintain possession of their pet's feces while on public property.

D. No person may be a responsible party for more than 3 dogs at any time while in a Town park.

E. Dogs must be on a leash at all times when on public ways or sidewalks.

#### **F. John Paul Jones Park**

1. Dogs are prohibited at all times.

#### **G. All Playing Fields in Kittery**

1. Dogs are prohibited at all times.

#### **§ 6.1.5 Menacing activity.**

The owner of the animal not confined on private property or not in a vehicle may not permit that animal to menace or bite any person.

#### **§ 6.1.3-6 Right of entry to inspect ~~license, dog.~~**

For the purpose of discharging the duties imposed by this chapter and to enforce the provisions of this chapter, ~~any the~~ animal control officer is empowered, with the consent of the owner or occupant thereof, to enter upon any premises on which ~~an dog animal~~ is kept or harbored, and ~~to~~ demand the exhibition by the owner ~~of the dog and of~~ the license ~~of such~~ if the animal is a dog.

#### **§ 6.1.4-7 Hindering officers, improperly releasing dogs prohibited.**

No person may interfere with, hinder or molest ~~any the~~ animal control officer in the performance of the officer's duty or seek to release any ~~dog pet~~ in the custody of ~~an the~~ animal control authority, except as provided in this chapter.

#### **§ 6.1.5-8 Record to be kept by animal control officer; contents.**

It is the duty of ~~an the~~ animal control officer to keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment and disposition of all ~~dogs animals~~ coming into the officer's custody.

#### ~~**§ 6.1.6 License required.**~~

~~No dog may be kept within the limits of the Town unless such dog has been licensed by its owner in accordance with the statutes of the state.~~

#### **§ 6.1.7-9 Impoundment authorized.**

Unlicensed dogs, wherever found, or dogs and other pets found running at large ~~will may~~ be taken by ~~an the~~ animal control officer and impounded in an animal shelter. Such animal may be confined for a period of not fewer than 10 days unless earlier reclaimed under the provisions of § 6.1.911.

66 § 6.1.~~8-10~~ **Impoundment fees.**

67 Any ~~dog-pet~~ impounded in accordance with this chapter may be reclaimed upon payment of the total fees  
68 for board. This fee is paid to the keeper of the animal.

69 § 6.1.~~9-11~~ **Disposition of impounded ~~dogpet~~, notification of impoundment.**

70 A. A ~~dog-pet~~ owner may reclaim an impounded ~~dog-pet~~ upon compliance with ~~§ 6.1.6 and~~ licensing as  
71 applicable, upon payment of assessed fines and the boarding fees set forth in § 6.1.~~8~~10. Any ~~dog-~~  
72 pet impounded under the provisions of this chapter and not claimed by the owner within the ten-day  
73 period is considered abandoned by the owner and the property of the animal shelter. The ~~dog-animal~~  
74 may be given, after consultation with the Humane Society and/or the Animal Refuge League, to the  
75 Humane Society or the Animal Refuge League, any no kill shelter, or to any person deemed to be  
76 responsible and a suitable owner, who will agree to comply with the provisions of this chapter or  
77 humanely destroy the animal.

78 B. Where the ownership of an impounded ~~dog-pet~~ is known, or can be reasonably ascertained by ~~an-the~~  
79 animal control officer, such officer shall, if possible, notify the owner within three days of such  
80 impoundment, but failure to give such notice does not impose any liability upon the Town for the  
81 destruction or transfer to another of any ~~dog-pet~~ so impounded and not reclaimed within the  
82 required period.

83 C. Where the ownership of an impounded pet cannot be reasonably ascertained, the animal control  
84 officer shall post in the Town Hall, on the Town website, and at the Kittery Community Center, for  
85 seven (7) days, a notice giving a description of the pet, where it was impounded, and how it may be  
86 recovered.

87 § 6.1.~~10-12~~ **Disposition of dog biting person.**

88 Whenever any dog bites a person, the owner of such dog must immediately notify ~~an-the~~ animal control  
89 officer, who may order the dog held on the owner's premises or have it impounded for a period of ~~two-2~~  
90 weeks. The dog must be examined immediately after it has bitten any person and again at the end of the  
91 two-week period. If at the end of the ~~two-2~~ weeks a veterinarian is convinced that the dog is then free  
92 from rabies, the dog is released from quarantine or from the pound, as the case may be. If the dog dies  
93 within the period, ~~its head must be sent to~~ the State Department of Health must be notified to perform a  
94 ~~for~~ rabies examination.

95 § 6.1.~~11-13~~ **Disturbing the peace.**

96 No owner or responsible party may keep or maintain a pet which creates a nuisance by continued or  
97 repeated barking, howling, yelping, or making of other loud or unusual noises for a half hour or  
98 intermittently for two hours, and can be heard at or beyond the boundary of the property on which the  
99 pet is located. ~~No person owning any dog may suffer or permit such dog to disturb the peace and quiet of~~  
100 ~~the neighborhood by continuous barking, by making other loud or unusual noises, or by running through~~  
101 ~~or across cultivated gardens or fields.~~

102 ~~§ 6.1.12 Running at large prohibited.~~

103 ~~No dog is permitted to run at large within the limits of the Town; however, this section does not prohibit~~



104 ~~the owner of a dog from using such dog for hunting, provided the dog is under the control of its owner.~~

105 ~~§ 6.1.13 Animal waste.~~

106 ~~It is a violation of this chapter for any owner of a dog to fail to remove and properly dispose of feces left~~  
107 ~~by his or her dog(s) on any improved portion of public ways or sidewalks.~~

108 § 6.1.14 Proper shelter, protection from the weather and humanely clean conditions.

109 A. Dogs may not be tethered for periods of time exceeding 24 hours, unless otherwise permitted by state  
110 law.

111 B. Dogs may not be tethered outside without proper shelter in temperatures 32 degrees Fahrenheit or  
112 lower, or 95 degrees Fahrenheit or greater, for more than 30 minutes, unless otherwise permitted by state  
113 law.

114 § 6.1.14 Feral Cats

115 No person may feed or shelter a feral cat or feral cat colony.

116 A person found providing food or shelter for a feral cat will be deemed the responsible party of that cat  
117 and/or that cat's colony. The responsible party for feral cats and cat colonies will be required to trap and  
118 spay or neuter the cat(s).

119 ~~§ 6.1.14~~ § 6.1.15 Violations and penalties.

120 Any violation of this chapter will be assessed a penalty ~~under Title 1, Chapter 1.3~~ of \$50.00, except  
121 violations of §16.1.13 Disturbing the Peace will be assessed a penalty of \$50.00 for the first offense,  
122 \$100.00 for the second offense, and \$200.00 for each offense thereafter.

123 Repeat offenders and/or those who fail to pay fines in accordance with this Title may be issued a NO  
124 TRESPASS order for town parks for one year.

125 §6.1.16 Review of ordinance.

126 No later than one year from the date of enacting amendments, the Kittery Town Council will receive a  
127 report from the Town Manager on the status of compliance with the ordinance, to determine if additional  
128 amendments are necessary.

129 **AMEND Title 12.7 Section 3.C Dogs and correct name of the site to "Town Farm Forest"**  
130 **throughout:**

131 **Title 12.7 Town Farm Forest**

132 **§ 12.7.1 Title.**

133 The ordinance codified in this chapter is called the "Town Farm Forest Ordinance."

134 B. "Town Farm Forest" means the site of the former Town farm at 77 Haley Road (see Kittery Tax  
135 Map No. 48, Lot No. 7] and includes all land bounded within the following: on the north and west  
136 by the land now or formerly of David E. and Ann E. Blake, Harold L. Durgin Trust, Hilda M.  
137 Wilson and Brenda E. Lawrence and Lynda W. Clark and Jefferson L. Wilson; on the south and  
138 east by land now or formerly of Eugene and Hildred C. Lewis and the estate of Marion F. Lewis;  
139 excepting the Central Maine Power Company power line easement going through the property.

140 § 12.7.3 **Restrictions.**

- 141 A. No person may remove, injure or otherwise damage or deface any thing, plant material, sign,  
142 marker, bench or structure within the Town Farm Forest. Use of metal detectors or similar devices  
143 is prohibited. "Paint-ball" activities and materials are prohibited.
- 144 C. ~~Control of dogs is governed by Chapter 6.1. Dogs must be on a leash at all times unless under the~~  
145 ~~control of the owner or keeper. This limitation does not apply to service dogs when used as~~  
146 ~~such~~ Dogs are subject to Town Code 6.1 Animal Control.
- 147 D. No person may start or allow to burn any fire within the bounds of the Town Farm Forest.
- 148 F. No person may engage in indecent conduct within the Town Farm Forest. As used in this section,  
149 "public indecency" is defined as put forth in Title 17-A, § 854 of the Maine Criminal Code.
- 150 G. No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic  
151 beverage, or combination of liquors and mix liquors within the bounds of the Town Farm Forest.

152 § 12.7.5 **Enforcement.**

153 This chapter is enforced by the Police Department. The Conservation Commission is responsible for the  
154 management of the Town Farm ~~forest~~ Forest in accordance with the Town Farm ~~forest~~ Forest  
155 management plan duly adopted by the Town Council.

**KITTERY TOWN CODE**  
**TITLE 6**  
**ANIMAL CONTROL**

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

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

10 **WHEREAS**, the Town of Kittery seeks to improve the control of animals for the protection of  
11 residents and the use and enjoyment of public property, by addressing animals at-large, animal  
12 feces on public property, and nuisance or menacing animals; and

13 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN  
14 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TITLE 6  
15 OF THE TOWN CODE, AS PRESENTED.

16 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,  
17 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor  
18 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
19 passed by a vote of \_\_\_\_\_.

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

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

## **Chapter 6.1**

### **DOGS**

#### **§ 6.1.0. Conflict with other laws.**

If in conflict with any section of this chapter, the provisions of Chapter 12.4 (Seapoint/Crescent Beaches) or Chapter 12.5 (Fort Foster) will apply.

#### **§ 6.1.1. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section.

ANIMAL CONTROL OFFICER — Includes municipal police officer.

AT LARGE — Off the premises of the owner, unless:

- A. Controlled by a leash, cord or chain of not more than eight feet in length;
- B. Within a vehicle or under restraint in an open vehicle being driven or parked on a public way; or
- C. Under the control of a person whose personal presence and attention would control the conduct of the dog.

OWNER — Any person keeping or harboring a dog.

#### **§ 6.1.2. Applicability to visiting nonresidents.**

The licensing provisions of this chapter do not apply to any dog belonging to a nonresident visiting within the Town without the intention of becoming a resident, but the owner of such dog must comply with the remaining provisions of this chapter.

#### **§ 6.1.3. Right of entry to inspect license, dog.**

For the purpose of discharging the duties imposed by this chapter and to enforce the provisions of this chapter, any animal control officer is empowered, with the consent of the owner or occupant thereof, to enter upon any premises on which a dog is kept or harbored and demand the exhibition by the owner of the dog and the license of such dog.

#### **§ 6.1.4. Hindering officers, improperly releasing dogs prohibited.**

No person may interfere with, hinder or molest any animal control officer in the performance of the officer's duty or seek to release any dog in the custody of an animal control authority, except as provided in this chapter.

**§ 6.1.5. Record to be kept by animal control officer; contents.**

It is the duty of an animal control officer to keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment and disposition of all dogs coming into the officer's custody.

**§ 6.1.6. License required.**

No dog may be kept within the limits of the Town unless such dog has been licensed by its owner in accordance with the statutes of the state.

**§ 6.1.7. Impoundment authorized.**

Unlicensed dogs, wherever found, or dogs found running at large will be taken by an animal control officer and impounded in an animal shelter. Such animal may be confined for a period of not fewer than 10 days unless earlier reclaimed under the provisions of § 6.1.9.

**§ 6.1.8. Impoundment fees.**

Any dog impounded in accordance with this chapter may be reclaimed upon payment of the total fees for board. This fee is paid to the keeper of the animal.

**§ 6.1.9. Disposition of impounded dog, notification of impoundment.**

- A. A dog owner may reclaim an impounded dog upon compliance with § 6.1.6 and upon payment of the boarding fees set forth in § 6.1.8. Any dog impounded under the provisions of this chapter and not claimed by the owner within the ten-day period is considered abandoned by the owner and the property of the animal shelter. The dog may be given, after consultation with the Humane Society and/or the Animal Refuge League, to the Humane Society or the Animal Refuge League or to any person deemed to be responsible and a suitable owner, who will agree to comply with the provisions of this chapter or humanely destroy the animal.
- B. Where the ownership of an impounded dog is known, or can be reasonably ascertained by an animal control officer, such officer shall, if possible, notify the owner within three days of such impoundment, but failure to give such notice does not impose any liability upon the Town for the destruction or transfer to another of any dog so impounded and not reclaimed within the required period.

**§ 6.1.10. Disposition of dog biting person.**

Whenever any dog bites a person, the owner of such dog must immediately notify an animal control officer, who may order the dog held on the owner's premises or have it impounded for a period of two weeks. The dog must be examined immediately after it has bitten any person and again at the

end of the two-week period. If at the end of the two weeks a veterinarian is convinced that the dog is then free from rabies, the dog is released from quarantine or from the pound, as the case may be. If the dog dies within the period, its head must be sent to the State Department of Health for rabies examination.

**§ 6.1.11. Disturbing the peace.**

No person owning any dog may suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking, by making other loud or unusual noises, or by running through or across cultivated gardens or fields.

**§ 6.1.12. Running at large prohibited.**

No dog is permitted to run at large within the limits of the Town; however, this section does not prohibit the owner of a dog from using such dog for hunting, provided the dog is under the control of its owner.

**§ 6.1.13. Animal waste.**

It is a violation of this chapter for any owner of a dog to fail to remove and properly dispose of feces left by his or her dog(s) on any improved portion of public ways or sidewalks.

**§ 6.1.14. Violations and penalties.**

Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3.

## **Chapter 12.3**

### **ROGERS PARK**

**§ 12.3.1. Title.**

The ordinance codified in this chapter is known as "Rogers Park."

**§ 12.3.2. Purpose.**

- A. It is the purpose of this chapter to preserve the natural character and beauty of Rogers Park. Let it be known henceforth and forever that the people of Kittery set aside this parcel of land as an area to enjoy nature and promote the protection of wildlife and unique species of vegetation that inhabit the area, to be preserved for future generations for the common good.
- B. Rogers Park means the two plots of land, consisting of approximately 27 acres and known today as "Rogers Park," that were deeded September 30, 1958, to the "Inhabitants of the Town of Kittery" for the

consideration of \$1 by Richard J. Rogers, Esther F. Hibbard, Helen W. Johnson, and Charlotte S. McClintock.

### **§ 12.3.3. Restrictions.**

- A. No person may remove, injure or otherwise damage or deface any thing, plant material, sign, marker, bench or structure within Rogers Park. The disposition of any artifact found within the park is determined by the Town Council. Use of metal detectors or similar devices is prohibited. "Paint-ball" activities and materials are prohibited.
- B. Littering is prohibited. A carry-in, carry-out policy is in effect.
- C. Control of dogs is governed by Chapter 6.1 of the Code.
- D. No person may start or allow to burn any fire within the bounds of Rogers Park.
- E. Excepting the designated area, no motor vehicles are allowed except in conformance with Chapter 12.8.
- F. No person may engage in indecent conduct within Rogers Park. As used in this section, "indecent conduct" is defined as set forth in Title 17-A, § 854 of the Maine Criminal Code.<sup>1</sup>
- G. No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mix liquors within the bounds of Rogers Park. No person may possess or consume any illegal drug within Rogers Park.
- H. Camping is prohibited from 12:01 a.m. to 6:00 a.m., unless permitted by the Town Council.

### **§ 12.3.4. Enforcement.**

This chapter is enforced by the Police Department. The Kittery Conservation Commission is responsible for the management of Rogers Park.

### **§ 12.3.5. Violations and penalties.<sup>2</sup>**

Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3. All penalties recovered accrue to the benefit of the Town.

## **Chapter 12.4**

### **SEAPOINT AND CRESCENT BEACHES**

---

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

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

**§ 12.4.1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CRESCENT BEACH — Includes all land bounded within the following: south and east by the Atlantic Ocean, northerly by the salt marsh and Seapoint Beach and westerly by other owners.

SEAPOINT BEACH — Includes all land bounded within the following: on the south and east by the Atlantic Ocean, on the north by the land now or formerly of Albert Kerr, on the west by the salt marsh, other owners and the easterly edge of Cutts Island Road. Seapoint Beach includes that area known as Thaxter's Point.

**§ 12.4.2. Disorderly conduct.**

No person may engage in disorderly conduct within Seapoint or Crescent Beach. Disorderly conduct as used herein includes but is not limited to the making of loud and unreasonable noises; the activating of any device or explosive substance which releases noxious or offensive odors; knowingly accosting, insulting, taunting or challenging any person with offensive, derisive or annoying words or gestures, or other physical conduct which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of a person so accosted, insulted, taunted or challenged.

**§ 12.4.3. Vehicular use; parking restrictions. [Amended 9-26-2011 by Ord. No. 11-12; 10-23-2017 by Ord. No. 17-15]**

No person may drive or park any motor vehicle other than an authorized vehicle on Seapoint or Crescent Beaches, shore or bank. No bus may be operated, driven or parked anywhere within the area defined as Seapoint and Crescent Beaches.

- A. Parking in all designated parking areas for Seapoint and Crescent Beaches is available for Town residents and nonresidents in accordance with Title 10 of Town Code.

**§ 12.4.4. Indecent conduct.<sup>3</sup>**

No person may engage in indecent conduct within Seapoint or Crescent Beaches. As used in this chapter, "indecent conduct" is defined as set forth in Title 17-A, § 854 of the Maine Criminal Code.

**§ 12.4.5. Littering.**

No person may throw, drop, deposit, discard or otherwise dispose of litter within Seapoint and Crescent Beaches except in a litter receptacle.

---

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



**§ 12.4.6. Disturbing topography.**

No person may remove, molest, injure or otherwise damage anything natural or physical within Seapoint and Crescent Beaches. This provision is not intended to regulate the removal of seashells and driftwood, seaweed and scientific samples.

**§ 12.4.7. Drinking.**

No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mix liquors upon Seapoint and Crescent Beaches.

**§ 12.4.8. Animals.**

- A. No domestic animal is allowed within Seapoint or Crescent Beaches, except that dogs, while under the control of their owner or keeper, are allowed on Crescent and Seapoint Beaches at times other than between the hours of 10:00 a.m. to 5:00 p.m. from June 15 through September 10 of each year. This limitation does not apply to guide or seeing eye dogs when used as such. At no time may the owner or keeper of any dog allow that dog to run at large on Crescent or Seapoint Beaches or enter upon any publicly owned salt marsh immediately adjacent to Seapoint or Crescent Beach. From May 15 to September 30, inclusive, only dogs licensed to Town residents are allowed on Seapoint and Crescent Beaches.
- B. A pooper-scooper rule is in effect for dogs. Owners and keepers must properly dispose of animal waste either by placing it in supplied receptacle(s) or, if one is not supplied, by taking it with them when leaving the beaches.

**§ 12.4.9. Fires.**

No person may start or allow any fire to burn within Seapoint or Crescent Beaches except in suitable facilities provided by the municipality or where permission has been obtained from the municipal Fire Chief, Town Forest Fire Warden. A permit will not be required for the use of portable stoves which are fueled by propane gas, sterno or briquettes. In the event that any cooking or other fire or burning herein allowed is undertaken by any person, said person before leaving such fire must totally extinguish the same.

**§ 12.4.10. Entering upon salt marsh.**

- A. No person may trespass or enter upon the publicly owned salt marsh immediately adjacent to Seapoint or Crescent Beaches except for educational or scientific purposes and only after approval is granted by the Town Council or its duly designated agent(s). Requests may be made to the Town Clerk, who is to refer all such requests to the Town Council or its duly designated agent(s).

- B. Public notice is to be given by locating signs conspicuously along the salt marsh, notifying the public of this limitation.

**§ 12.4.11. Windsurfers prohibited.**

No person may engage in windsurfing in the waters of Crescent and Seapoint Beaches between June 15 and September 10 of each year except in those areas duly authorized and designated by the Town Council. Public notice of such designated areas is to be conspicuously posted in the beach parking lot or other conspicuous place or places.

**§ 12.4.12. Jet skis prohibited.**

Jet skis are prohibited on the shore or in the waters of Crescent and Seapoint Beaches.

**§ 12.4.13. Selling prohibited.**

The selling of merchandise or services is prohibited at Seapoint and Crescent Beaches.

**§ 12.4.14. Camping prohibited.**

Camping is prohibited from 11:00 p.m. to 6:00 a.m.

**§ 12.4.15. Hours of operation.**

- A. Seapoint and Crescent Beaches and all parking areas are closed to the general public between the hours of 11:00 p.m. and 3:00 a.m., with the exception of vehicles used in their official capacity by agents or employees of:

- (1) The Town;
- (2) Public utilities;
- (3) Emergency services; and
- (4) Contractors providing service to or on behalf of the above.

- B. The owners or operators of any motor vehicles found in violation of this section will be summoned, and the vehicle will be towed at the owner's expense, as provided in § 10.3.11.

**§ 12.4.16. Beach closure.**

The Town Manager is authorized to close the beaches to bathing when quality testing determines the water to be unhealthy for humans. The enforcement and penalty portion of this chapter does not apply to this section.

**§ 12.4.17. Enforcement; violations and penalties.**

This chapter is enforced by the Police Department. Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3. All penalties recovered accrue to the benefit of the Town.

**Chapter 12.5****FORT FOSTER****§ 12.5.1. Animals.**

With the exception of dogs, no domestic animals are allowed in Fort Foster Park, and dogs are subject to the following conditions:

- A. Dogs must be leashed at all times during park hours (10:00 a.m. to 8:00 p.m.) on weekends in May and September and every day from Memorial Day to Labor Day, inclusive. A maximum leash of eight feet is allowed.
- B. While under control of the owner or keeper, dogs are also allowed in the park during the following days and times:
  - (1) During weekdays, prior to Memorial Day in May;
  - (2) Before park opening (sunrise to 10:00 a.m.) between Memorial Day and Labor Day;
  - (3) During weekdays, after Labor Day in September; and
  - (4) Between sunrise and sunset from October 1 to April 30, inclusive.
- C. A "pooper scooper" rule is in effect for dogs. Owners or keepers must take their dogs' solid waste with them when leaving the park.

**§ 12.5.2. Beach closure.**

The Town Manager is authorized to close the beaches to bathing when quality testing determines the water to be unhealthy for humans. The enforcement and penalty portion of this chapter does not apply to this section.

**§ 12.5.3. Enforcement; violations and penalties.<sup>4</sup>**

This chapter is enforced by the Police Department. Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3. All penalties recovered accrue to the benefit of the Town.

**Chapter 12.7****TOWN FARM**

---

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

**§ 12.7.1. Title.**<sup>5</sup>

The ordinance codified in this chapter is called the "Town Farm Ordinance."

**§ 12.7.2. Purpose.**

- A. It is the purpose of this chapter to preserve the natural character and beauty of the forest at the site of the former Town farm. It is also the intent that John R. Haley's gift to the people be used for the good of all in his honor, as his will's intent to do good for the people is evident. Let it be known that henceforth and forever the people of Kittery set aside this parcel of land as an area to enjoy nature, to be preserved for future generations for the common good.
- B. "Town Farm" means the site of the former Town farm at 77 Haley Road (see Kittery Tax Map No. 48, Lot No. 7] and includes all land bounded within the following: on the north and west by the land now or formerly of David E. and Ann E. Blake, Harold L. Durgin Trust, Hilda M. Wilson and Brenda E. Lawrence and Lynda W. Clark and Jefferson L. Wilson; on the south and east by land now or formerly of Eugene and Hildred C. Lewis and the estate of Marion F. Lewis; excepting the Central Maine Power Company power line easement going through the property.

**§ 12.7.3. Restrictions.**

- A. No person may remove, injure or otherwise damage or deface any thing, plant material, sign, marker, bench or structure within the Town Farm. Use of metal detectors or similar devices is prohibited. "Paint-ball" activities and materials are prohibited.
- B. Littering is prohibited. A carry-in, carry-out policy is in effect.
- C. Control of dogs is governed by Chapter 6.1. Dogs must be on a leash at all times unless under the control of the owner or keeper. This limitation does not apply to service dogs when used as such.
- D. No person may start or allow to burn any fire within the bounds of the Town Farm.
- E. No motor vehicles are allowed except in conformance with Chapter 12.8.
- F. No person may engage in indecent conduct within the Town Farm. As used in this section, "public indecency" is defined as put forth in Title 17-A, § 854 of the Maine Criminal Code.<sup>6</sup>
- G. No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mix liquors within the bounds of the Town Farm.

---

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

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

H. Camping is prohibited from 12:01 a.m. to 6:00 a.m., unless permitted by the Town Council.

**§ 12.7.4. Hunting.**

Signage will be posted at the entrances, stating that hunting is allowed.

**§ 12.7.5. Enforcement.**

This chapter is enforced by the Police Department. The Conservation Commission is responsible for the management of the Town Farm forest in accordance with the Town Farm forest management plan duly adopted by the Town Council.

**§ 12.7.6. Violations and penalties.<sup>7</sup>**

Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3. All penalties recovered accrue to the benefit of the Town.

---

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

# Comment on Proposal for Title 6 Working Group in 9/14 Town Council Hearing

Ryan Bailey 

Thu 9/17/2020 1:10 PM

To:town comments <tcomments@kitteryme.org>;

Dear Chair Spiller and Town Manager Amaral,

I am a brand new resident of Kittery, having just moved into a home on Charles Hill Road this past week, and appreciated Chairwoman Spiller's motion to remove the contentious items from the proposed Title 6 ordinance amendments.

I do have serious concerns, however, about Councilor Thomson's proposal to create a working group of 3 residents who are "against" title 6 changes, and 3 residents who are open to or supportive of those changes. I am concerned because this creates balance in a situation where none exists. This is according to the Town Manager's own tally of comments (61% oppose any changes, 37% oppose a dog ban and are open to a discussion of the ordinance, 2% support banning dogs).

By creating a balanced working group, you are over-valuing the comments that are supportive of changes to the ordinance, and under-valuing those against. An analogue to this is the climate change debate where 99% of scientists confirm what we are all witnessing, but the media makes a point of raising up the <1% of scientists who dissent.

Please do consider the weight of comments in your creation of this working group, and make an effort to properly represent those who care about this issue.

I am thrilled to be a resident of Kittery, and am looking forward to becoming involved in the Town as I get settled. It is great to see that we have thoughtful leaders in this community.

Sincerely,

Ryan Bailey  
16 Charles Hill Road

# the Title 6 committee to be formed

Liz Dupre <[REDACTED]>

Tue 9/15/2020 3:22 PM

To: town comments <tcomments@kitteryme.org>;

To Council Members,

Madam Chair has mentioned the number of emails you get at each meeting.

Generally speaking, *how many of the emails that you have you received are for and how many are against the proposed changes?*

As you select your committee members based on the emails that you received, I hope you select those that represent an equitable profile of those that have come forward.

If you could as well, please share the emails of the committee members you select once they have accepted your invitation.

Thank you.

Sincerely,

Liz Dupre

## Kendra Amaral

---

**From:** cmsmailer@civicplus.com on behalf of Contact form at Kittery ME <cmsmailer@civicplus.com>  
**Sent:** Monday, September 14, 2020 2:44 PM  
**To:** Kendra Amaral  
**Subject:** [Kittery ME] polite request for Title Six discussion (Sent by Kai Stapelfeldt, [REDACTED])

Hello kamaral,

Kai Stapelfeldt [REDACTED] has sent you a message via your contact form (<https://www.kitteryme.gov/user/28/contact>) at Kittery ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/28/edit>.

Message:

Hello, Ms. Amamral,  
Please pass on to the Town Council that we appreciate the difficulty of finding a balance in the situation with dogs at the beaches.

We are in our 70s. My husband has had two hip replacements and a knee replacement. I have balance problems. We respectfully request that, during the consideration of Title 6 at the upcoming discussion, the Town Council retain a dog-free period during the day year-round for people like us, who simply cannot afford to be knocked over. Some of our worst encounters have been in the winter.

Thank you,  
Kai Stapelfeldt and Robert Eckert



**To Judy Spiller, Town Council Chair**  
**From the members of the Kittery Parks Commission**  
**Re: Revisions to Title six regarding Ft. Foster**

The members of the Parks Commission respectfully request that council chair Judy Spiller share the position of the Parks Commission with the entire town council and the part below be shared with the public at the public hearing to be held on September 9th regarding proposed changes to Title 6 Animal Control.

The Parks Commission does not support any decision to prohibit dogs from Fort Foster at this time.

*42 G. Fort Foster*

*43 1. Dogs are prohibited, between the hours of 10AM and 4:30PM.*

The Parks Commission has been monitoring dogs at Fort Foster since 2016 and has spent years providing extensive reports, evaluations, survey results, and recommendations to the Town Council regarding dogs at Fort Foster. The Parks Commission has been consistent in telling the council that concerns about unwanted dog contact and waste could be addressed with rule enforcement and the commission feels our time, work, and knowledge have been disregarded if prohibiting dogs is implemented before our top recommendation has yet to be tried.

The Parks Commission does not believe there is sufficient evidence to support changing the rules at this time. Over the last three years the Parks Commission has reviewed police reports on dog complaints and dog complaints sent to the town. We have only read complaints about dog behavior, not about dogs presence at Fort Foster. In addition, at the December 2019 workshop the Parks Commission requested the Town Council monitor the ACO's effectiveness for two years. The Animal Control Officer was employed mid-season 2019 and with the COVID-19 virus effect in 2020 the ACO has not been able to police the park rules long enough to show if his presence is not making a difference, especially after an update to title 6 making the rules more enforceable.

The Parks Commission continues to recommend to council to implement a full-time onsite Park officer and/or Manager patrolling the Park. The Council has employed additional staff and a new ACO, but has yet to implement the Parks Commission top recommendation on record since 2016. The Parks Commission has additionally provided the council with 7 ways to pay for this position at the workshop in December 2019.

The Parks Commission would like to go on record that it continues to support enforcement as the solution to unwanted dog contact and waste removal. Prohibiting dogs, particularly when the park is closed, will still need enforcement. The Parks Commission supports and recommends other solutions be tried before prohibiting dogs at Fort Foster.

Respectfully, the Members of the Kittery Parks Commission.

---

To the Town Council and does not need to be read to the public...

The Parks Commission would ask the Town Council to evaluate the effectiveness of the new ACO and encourage aggressive ticketing, at least after a full season, and employ an additional fulltime onsite staff/officer to manage and enforce the rules at Fort Foster; prior to making a decision to prohibit dogs at Fort Foster. This is precedent in the current title 6 proposal

*138 §6.1.16 Review of ordinance.*

*139 No later than one year from the date of enacting amendments, the Kittery Town Council will receive a  
140 report from the Town Manager on the status of compliance with the ordinance, to determine if additional  
141 amendments are necessary.*

The Parks Commission is concerned about the revenue impact on implementing a no-dog time during the majority of park hours. The Fort Foster budget is ~\$170,000 and continues to increase ~\$10K annually. Peak revenue FY2019 was \$237,967. The Fort Foster gate staff recorded 2,855 dogs visiting Fort Foster with daily payers during park hours in 2019. That is a drop of \$57,100 if all those visitors do not attend. In addition 4,016 dogs visited Fort Foster accompanied by pass holders. The Parks Commission has seen numerous emails suggesting if the Town Council prohibit dogs in town and out of town pass holders will not purchase season passes. That could result in an additional decrease in revenue at \$20-\$70 per pass. The Parks Commission would recommend the Town Council approve an additional full-time onsite person to enforce the rules and/or manage the park next Fiscal Year. The Parks Commission believes this will resolve a majority of the complaints and have a more positive and overriding fiscal and physical impact on visitor experience, than prohibiting dogs.

The Parks Commission has additional concerns to loss of revenue at this time versus any other. If Park attendance is still restricted next year due to COVID. This additional negative impact to revenue could exacerbate the impact.

# Dog Ban

Tomi Ljungberg-Curry <[REDACTED]>

Fri 9/11/2020 1:53 PM

To:town comments <tcomments@kitteryme.org>;

To whom it may concern,

My husband and I have lived in Kittery since 2012. We bought a home here in Kittery in 2013.

We support the Dog Ban.

Several summers ago, I was bitten by a dog at Fort Foster. The dog had a leash attached to his collar, but the leash was not attached to the owner. The woman who owned the dog was from Massachusetts. This is the story.

- My husband picked up lunch-to-go at Dairy Queen and drove to Fort Foster.
- My husband, who has Type 1 diabetes, injected his insulin in the privacy of our car. He had about 15-20 minutes to consume food before his blood sugar dropped so low, he would go into a diabetic coma.
- We set our chairs down, unwrapped our sandwiches, and a dog ran up from behind us, grabbed my husband's sandwich, jumped over me, came back between our chairs, and bit into my hand while grabbing my sandwich.
- My hand was bleeding but my only concern was getting my husband home, within the next 10 minutes, before his blood sugar dropped and I had to call 911.
- We have never been back to Fort Foster in the summer.

Having owned dogs most of my life, I understand the pure joy of being able to let your dog run free on the beach.

We support the dog ban for several reasons but especially because of the above set of circumstances.

Although we are fortunate to have 2 small beaches in Kittery, there is not enough room for dogs.

People do not obey the leash law.

There is definitely not room for dogs from other towns and states. We pay the taxes here and do not support paying for dog parks for out of town/state guests.

Dog owners will continue to be able to use the beaches under the current rules which have restrictions which benefit people, not dogs.

Sincerely,

The Currys

# Dog restrictions, yes please.

Jennifer French <[REDACTED]>

Thu 9/10/2020 3:17 PM

To:town comments <tcomments@kitteryme.org>;

Good Afternoon,

I am writing to express my hope that the proposed dog restrictions be passed. We have always had dogs but we never bring them to Fort Foster or Seapoint beach due to the high number of dogs we ALWAYS see off leash and the dog feces we also always see. This issue has gone on long enough. Even with an illuminated DOT sign at Fort Foster this year we STILL saw off leash dogs every single time we went to a Fort Foster EVERY SINGLE TIME. We didn't even bother to try to go to Seapoint once this year because it was clear that local parking only was not being enforced so we knew the dogs on leashes wouldn't be either. My family has had enough of loose dogs roaming to our picnic table while we are trying to have a family dinner or loose dogs running out of the water and shaking all over is because their owner DOES NOT have "voice" control.

In actuality , I'm in favor of a full in season dog ban and on leashes only after the summer season. The beaches and beautiful areas like Fort Foster do not belong to dogs they belong to humans and well behaved on leash dogs only. The summer season is far too short to continue to deal with this problem.

Thank You,

Jennifer French

Kittery Maine

# Animal Control

Nina Cutts <[REDACTED]>

Thu 9/10/2020 2:38 PM

To:town comments <tcomments@kitteryme.org>;

I am writing to comment on the issue of allowing dogs at Kittery beaches. I have lived in Kittery for almost 40 years and have witnessed an ever-increasing number of dogs at the beach. We have a leash law, however many dogs are allowed to run off-leash - this can be highly bothersome if not dangerous to other visitors, especially families with small children. Dog owners are also supposed to pick up after their dogs and while many, if not most, dog owners are responsible about this, many are not. For the responsible ones, it is extremely difficult to pick up 100% of dog excrement from a beach whether from wet or dry sand, or from the dunes or rocky areas. It's a mess and it's a health hazard - both to beach visitors and to the natural environment in our estuaries around the beaches. We have a dog, our daughter has a dog, three of our four closest neighbors have dogs, I love dogs. But there are too many of them coming to our beaches.

I believe the solution is to not allow dogs on the beach at any time from Memorial Day to Labor Day and let Adults and Children safely enjoy our beaches during the summer months. During the rest of the year, dogs should be leashed, and owners required to clean up after them. If dogs are allowed on the beach during restricted times from May to September (say, early morning and later in the day), the risk of attacks or annoying behavior is certainly mitigated, but the E.coli issue remains a problem.

Thank you for the opportunity to comment via email.

Sincerely,  
Nina Cutts

# Proposed dog ban

Dan Garvey <[REDACTED]>

Thu 9/10/2020 2:21 PM

To:town comments <tcomments@kitteryme.org>;

Hello I'm Dan Garvey . I've been taking my dogs to Ft Foster for more than 20 years . Over the course I've met and became friends with many people ,to this day I still am . The Ft is a great source of energy for many many people and our dogs .if it wasn't for the dogs ,many of us would be fatter and older . The Dogs get us out there!! Most people with there dogs are responsible and respectful of others , the minority maybe not ,The minority shouldn't ruin it for everyone else It would be devastating For us if doge weren't allowed . I say Please ! don't shut us out !! Then I'd never have another reason to return to the FT .If I could suggest the hours before the park opens , let people bring there dogs to roam freely. Anyone breaking the proposed rules should be fined , and enforce the rules . After park opens the leash law , and enforce it . After the summer season when the park is closed, same rules , and enforce them . People without dogs should be aware of these rules .Barrels in various places of the park would encourage more people to pick up the dog waste . Thank you , Dan.

# Rogers Park

Sacco, Camila I. 

Thu 9/10/2020 9:18 AM

To:town comments <tcomments@kitteryme.org>;

To Whom This Concerns,

I must say, I am thoroughly disappointed to have to type this email. There's a rumor circulating regarding new enforcements for Rogers Park. To put it simply – LEAVE IT ALONE. I say that with the utmost respect to whom this email concerns.

- The park attendance is well over 90% dog owners. We are the bulk of the members that care, love, and tend to this park.
- The owners that are attending the park, do so because they are confident in the training of their pets as well as their willingness to care for the place.
- It's our second home, and we treat it as so. We pick up after ourselves and after one another.
- It's therapeutic. I speak on behalf of my Rogers Park community, that nothing makes us happier than to see our four-legged family members able to roam with us through nature. It's good for them, and good for us.

To put it simply. We need Rogers Park to stay as it is. There is nothing wrong with it. Why are we wasting community resources, time, and money into "fixing" something that isn't broken? The year 2020 has had enough wrong with it. To be able to walk freely with our pets and socialize amongst one another, about the four-legged canines we love so much, is good for my physical, emotional, and most importantly, mental health. I know others feel the same. Please, just leave it alone.

Camila Sacco

# proposed dog ban in Kittery

Daniel Leonard <[REDACTED]>

Wed 9/9/2020 3:59 PM

To:town comments <tcomments@kitteryme.org>;

To whom it may concern,

My wife and I visited the Fort Foster Park over labor day weekend with our dog. It's a beautiful park, not too crowded, and we already reviewed positively on social media. Signs of the proposed dog ban where everywhere. I think a dog ban would be a mistake and wanted to relay our limited experience. We stayed in Ogunquit during our recent trip, and specifically sought out Fort Foster as a dog friendly park by the water. Our dollars spent in Kittery (for parking, lunch in Kittery at Anneke Jans, and shopping at Tayla Mac Botique) go away if this park bans dogs. Fort Foster was the only reason we went to Kittery and we wouldn't have gone there otherwise.

Something to consider.

Best,

Dan



To: Kittery Town Council  
Re: Proposed Title 6 Amendments  
Date: 9-9-20

I have lived in Kittery Point for 33 years, choosing to raise my family in a seaside community with great neighbors, convenient to the many activities my family enjoys, and within a reasonable commute for my work in Massachusetts. One of the biggest appeals was living within walking distance of one of the most beautiful parks anywhere, Fort Foster. Many family memories were made at “the fort”! When I say my family, that includes the dogs that have shared these memories. Throughout the years, I could safely run/walk with my dog down Pocohontas and through the fort, enjoying the pristine views, chatting with the “gate guys” commenting on the amazing work they do maintaining the park, and socializing with other dog walkers, acquaintances who share the common bond of being dog lovers. We definitely talk about our dogs as if they were our children! I recognized how lucky I was to live in a community that valued and protected my right to combine healthy living and socializing in such a beautiful place, for me and my dog companion.

I don't know what caused the decision to propose banning dogs from either Fort Foster or Seapoint Beach, another favorite dog walk destination. Recently I took my dog for a walk on Chauncey Creek, Seapoint, and Pocohontas Roads. It was like taking my life in my hands. Many of Kittery/Kittery Point roads are narrow and winding. With the increasing influx of visitors coming here to enjoy our scenery, the increased traffic has brought even more reason to find safe places to walk our dogs. Between the hot pavement for my dog and the safety issues of walking on the road, Fort Foster and Seapoint will be my dog walk destinations. I understand the leash law (although not with a dog in the water, which creates a very unsafe situation where the leash could wrap around the dog's legs) and appreciate that the town provides dog waste bags for those who may have forgotten their own. I am aware that there is a small minority of people who do not follow these rules. Unfortunately in life there will always be a minority who don't do the right thing and create problems for those of us who do. Your proposal penalizes the majority.

I retired last year and put my house on the market, thinking I would move to lakeside living. One of my requirements for a new home was to be within an area where I could safely hike and walk with my dog without having to drive anywhere to do it. This limited my options. In the end, I took my house off the market, deciding to stay in an area that I love for its beauty, convenience, and community “feel”, and where I can now enjoy my walks to the beach with my dog on a daily basis in my retirement.

Your timing to decide to ban dogs from Fort Foster and Seapoint is also of concern. During the isolation caused by COVID19, “Clear the Shelters” became a way for people to adopt a dog for emotional support and for exercise. My dog is a retired therapy dog who used to spend one day a week with children in a classroom for students with an emotional disability. I know first hand the profound positive impact a dog can have on a child. There's a reason we hear about so many therapy dogs in schools, hospitals, and assisted living situations. There are countless stories of how dogs helped during the social distancing. They are part of the family. They provide loving emotional support, make us feel guilty if we don't get them out for exercise, can be a source for socializing, make us smile, and all around can keep things more positive - they help us decompress. Being able to walk my dog at Fort Foster and Seapoint gave a sense of “normalcy”. It was healthy exercise for me and my dog in a beautiful and safe place, and many days was a way to take my mind off the lack of normalcy that we now live in.

I hope our world will go back to a better normalcy soon. And I'm optimistic that many positive things will come from this unprecedented time. Walking dogs at Fort Foster and Seapoint is a huge part of what many residents consider one of the best things that stayed somewhat normal for those of us lucky enough to live in this area. Your proposal to ban dogs from these areas is not only taking away physical and emotional benefits to resident dog owners, I believe it provides an unwarranted disservice in your capacity of servicing the tax payers of Kittery/Kittery Point. According to the Kittery website, *The Town Council serves as the Municipal Officers of the Town. The Council adopts and revises ordinances, the annual budget and capital reserve fund, and takes other actions to support the citizens of Kittery.* Your action to propose Title 6 amendments banning dogs from Fort Foster and Seapoint Beach does not support the citizens of Kittery.

Sincerely,

Margaret Shepherd  
29 Chauncey Creek Road  
Kittery Point, Maine

# Untitled

Steven Bilski <[REDACTED]>

Wed 9/9/2020 8:31 AM

To:town comments <tcomments@kitteryme.org>;

Greetings,

Surprisingly & unexpectantly my comments regarding the dog article 6 discussion are being sent from my bed in York Hospital, and unfortunately must be brief.

I'd prefer keeping the dog-free hours at Seapoint 5pm; most beaches in Maine have dog-free hours from 8am to 6pm, so the current 10am to 5pm should not be reduced. All of the rest of the markups are fine with me.

Sincerely,  
Steve Bilski

# dog issue hearing

William Peirce <[REDACTED]>

Wed 9/9/2020 8:23 AM

To: town comments <tcomments@kitteryme.org>;

Please read my comments at the meeting.

It has been suggested that one of the beaches at Fort Foster be dog-friendly throughout the day and have that be the exclusive beach area for unleashed dogs. This would be a great solution.

Allowing dogs at Seapoint does not work well. I prefer to visit Seapoint later in the day when the UV index is lower, but I can't get my family to go when the dogs are there. We had one unleashed dog steal a muffin out of my 78 year old aunt's hand. Another marked his spot on our beach towel while we were sitting on it. We threw it away. I have tried to jog on the beach but the unleashed dogs bite at my heels. We were never offered an apology.

Informal social control does not work well with dog owners. If you remind them about the leash law, you risk having their dogs react to a tense situation. At times, half of the dog owners are from New Hampshire, judging from the number of New Hampshire license plates parked in the Kittery reserved spaces at the entrance of the beach.

Some dog owners obey the posted times at Seapoint, but many do not. Hardly anyone obeys the leash law. I saw one dog owner let her very large dog defecate in the ocean water. It would be hard to doggy-bag it in that situation. Three times in the past 3 weeks, friendly unleashed wet dogs have jumped on me at the Barbers Creek state park.

William C. Peirce

Kittery

# Dogs

Christie Salema 

Wed 9/9/2020 7:29 AM

To:town comments <tcomments@kitteryme.org>;

Having been twice attacked by dogs, once in Rogers Park and once on Dion Avenue our house believes that dogs should be leashed when they are not in their own yards.

The law exist right now and people can't manage to it so I'm not sure how it would be enforced. But no matter how you slice and dice it at the end of every day, dogs are wild animals. They are unpredictable. Even when we think our dog is the best dog in the world...

For all the people who want their dogs to be able to run free, why not band together and start a 501(c)(3), secure funding and manage the development and then maintain it thereafter? If Portsmouth managed to do it there's no reason Kittery can't.

Christie Salema  
Kittery

Ps/I Love my dog and I always pick up her poop every. single. time. (and she's the best dog in the world)

*-Sent from my iPhone. Please forgive all abbreviations and typos. I tend not to wear my glasses when I should...*

# Let dogs be

Greg 

Tue 9/8/2020 9:03 PM

To:town comments <tcomments@kitteryme.org>;

Please do not ban dogs from parks.

Greg Kuhn  
Maj, USAF Retired

# I'd rather pay for trash removal

Mikael Morancy <[REDACTED]>

Tue 9/8/2020 3:48 PM

To:town comments <tcomments@kitteryme.org>;

Than limiting dog access to anything.

Mikael Morancy  
Pleasant St  
Resident  
Dog owner  
Fort foster user & pass holder

Officially willing to pay for 1 month dumpster service for the park out my own pocket.

# Fort foster

Rachel Anthony <[REDACTED]>

Tue 9/8/2020 2:01 PM

To:town comments <tcomments@kitteryme.org>;

Please do not ban dogs from fort foster! I have enjoyed bringing mine there for many years.

Rachel Anthony  
603-777-7832

# Dog friendly

Jamie Lawrence <>

Tue 9/8/2020 8:20 AM

To:town comments <tcomments@kitteryme.org>;

Hi

I am a repeat visitor to Maine for years. I love bringing my dog to Fort Foster and all around town. I saw the signs about the restrictions being considered. Please do not change these rules! I know a few( very few) dog owners may be irresponsible, but the vast majority of us are the ideal tourists for your town; we spend lots of money on dining and hotels, and we love to enjoy outdoor activities like walking on the beach with our dogs. I was just at Fort Foster and all dog owners were having a blast with their dogs and following the rules. Please do not become a " dog unfriendly " place. It will result in the loss of so many repeat visitors who bring so much to your community!

Thank you  
Jamie lawrence

Sent from my iPhone



# Rogers Park

Jesse Gould 

Mon 9/7/2020 5:17 PM

To:town comments <tcomments@kitteryme.org>;

To whom this concerns. Please leave Rogers Park as is. I go here almost every day with my dogs. From what I have observed is that 95 percent of people that go to this park on a daily basis are nice people looking for a place in nature to enjoy with there dogs. This park is more picked up after and well respected then any park I have ever been to. Please leave it as is and let people enjoy nature with there animals.

Thanks,  
Jesse Gould

# Dog Ban

Judy Stahl <[REDACTED]>

Mon 9/7/2020 2:42 PM

To:town comments <tcomments@kitteryme.org>;

I am writing to plead with you not to eliminate dogs on either Seapoint Beach or Fort Foster.

We always pick up after our dog and do not allow her to approach people unless they encourage it.

She is only 15 pounds but has boundless energy. Running without a leash is very important for her exercise. We are happy to work within rules and not be on the beach within prime sunbathing/swimming hours, but, taking away the opportunity to let dogs off leash seems very unfair to the locals that have counted on it to exercise their dogs.

We walk at Fort Foster nearly everyday and I collect trash and dispose of it on my own, while I am doing this, my husband is exercising our dog.

The availability to take our Lily to both Seapoint Beach and Fort Foster, was one of the primary reasons for purchasing a retirement home in Kittery.

Thank you for your time.

Judith Stahl

# Dog Ordinance Changes

Rich <[REDACTED]>

Mon 9/7/2020 2:26 PM

To:town comments <tcomments@kitteryme.org>;

To the Kittery Town Council:

Unfortunately, we will not be able to attend the meeting in person due to risk factors due to age and underlying health conditions. My wife and I have a 13 lb. pure breed border terrier which we walk regularly for exercise and to get out of the house. This is especially important to us with the limitations that the coronavirus imposes. I do want to emphasize that this is a very important issue.

My wife and I have raised our family in Kittery and still reside her near the Shapleigh School. There are no sidewalks at my house or for any distance in our neighborhood. The road has hills, curves and fast-moving cars which makes walking dangerous and not enjoyable or safe.

Walking our dog, for us is a social event and exercise for us and part of our normal routine. It allows us to get exercise and does not cost a lot of money. Fort Foster is a wonderful place to walk a dog. Our dog is a small dog and we clean any dog feces.

My dog is always on leash, is cleaned up after and is not a threat to anyone. To prevent Kittery becoming a dog park for all the neighboring communities, a possible suggestion, a specially colored/Coded dog registration tag for Kittery residence pets. This tag could be a requirement to be in the park at certain times of the day and would be apparent when looking at the dog for enforcement purposes.

I may not be in attendance due to covid19 issues, but I will be watching and ask that you consider carefully any changes to existing policy. I ask that no changes to the existing policy. I am a Kittery resident; I pick up dog feces, my dog is 13 lbs. and not a threat to anyone.

Sincerely,

Cathie and Richard Rochester

# Dog ban

Patrick Stahl 

Mon 9/7/2020 2:22 PM

To:town comments <tcomments@kitteryme.org>;

Well, here's my two cents worth on the subject.

Crescent Beach and Seapoint: let the previous rules stand. Free dogs til 10 to 5, leashed afterwards. If that's too much to ask for, then make Crescent the designated free leash area, please.

Ft. Foster: Same times as Seapoint, leash free til 10 and after 5. If that will not work, then dogs can run free in a designated area so as not to bother non-dog walkers.

Hopefully we can come to a mutual understanding on this issue which will allow the different factions involved to resolve this issue once and for all.

Thank you,  
Pat Stahl, 11 Philbrick rd

Sent from my iPad

# dog and community center

Susy Hawes Peoples 

Mon 9/7/2020 9:27 AM

To:town comments <tcomments@kitteryme.org>;

Good morning,

My family and I moved to Kittery in April. We are so excited to be here! Growing up in Portsmouth, I knew moving back closer to my mom once we had a family would be important and we found the most perfect spot on Rogers Road. I immediately got on the wait list for the Forest Preschool at the Community Center, but was disappointed to learn the list was SO long and that Kittery residents were not given priority. We are incredibly disappointed with the closing of the school due to Covid. Although we are on the wait list for their new location, I loved the idea of having our son so close and a part of the larger community at the community center. If there is room to bring the preschool back to the KCC, I would ask that be considered. I see it as a huge benefit to the Kittery community. I also absolutely think spaces should be set aside and prioritized for Kittery residents.

Additionally, I would like to share thoughts on the considerations around leashing dogs. I have been bringing my dog to Rogers Park for years - often meeting my mom there for walks on my way through town or when visiting her. The proximity to Rogers Park was a big part of our decisions to buy in Kittery. I absolutely understand that there need to be some places where dogs are not allowed, but dog owners using Rogers Park are respectful. Please do not take away off leash access at Rogers Park.

Thank you for considering how to best accommodate both dogs and families!

Susy Hawes Peoples and family  
65 Rogers Road - Kittery

# dogs on beaches

Celeste 

Sun 9/6/2020 6:40 PM

To:town comments <tcomments@kitteryme.org>;

Good afternoon,

We're homeowners on Kittery Point and we're against banning the dogs on our beaches. Our family enjoys seeing dogs and their owners on the beach. We've met several of our neighbors through chatting about their dogs while we were on the beach--in a way, it helps build the wonderful community we have here. It's a community that's supportive of one another and the ban is not in keeping with that.

Just this week, we met an ER nurse who spends her days caring for COVID-19 patients. Walking with her dog on Fort Foster beach is as she said "the only way I have to decompress these days" and she really hoped that it would not change. She buys a seasonal pass each year and really didn't think that she would do that next year if the ban were in place.

The unintentional financial fallout from the ban could of course be fewer people buying passes, but beyond that, fewer people frequenting Kittery businesses.

For many of us, dogs are part of our family, or the reason we get out and exercise, or are a way to meet people and ease loneliness. The ban is short-sighted and not right for our community.

Please reject the ban of dogs on our beaches.

Sincerely,

The Bruno Family

65 Chauncey Creek Road

# Dogs at Fort Foster

Lindsey Hadley <[REDACTED]>

Sun 9/6/2020 5:46 PM

To:town comments <tcomments@kitteryme.org>;

Hello!

I would love to be able to keep bringing my dog to Fort Foster. We go several times each summer strictly because we can bring our dog. If it wasn't allowed next summer, I don't think we would visit.

Thanks for your time.

Lindsey Hadley

Sent from my iPhone

# STOP Dogs at Ft Foster & Sea Point Beaches ...

sp johnson <[REDACTED]>

Sun 9/6/2020 4:29 PM

To:town comments <tcomments@kitteryme.org>;

Do not allow dogs at Ft Foster & SeaPoint Beach. The reason we old time Kittery folks remain at home here is because Kittery Beaches have nature to enjoy and we want it clean and pristine without invasion of dogs at any time. People want to swim in clean ocean waters and relax without dogs present barking or polluting the smell of fresh salt water air or having left their feces.

**BAN and / or highly restrict dog walking there.**

Do it for human beings who love nature and need the Town of Kittery to insure we have a refuge free from being overrun by dogs on leash or off leash.

And, importantly, ban the taking of live periwinkles from all beach rocks, as they are going extinct.

Sadly, families bring their dogs and kids to our beaches and then start plucking the periwinkles and baby crabs from and under the rocks.

We cannot accommodate tons of people wanting their way and refusing to be respectful or helpful in preservation of our beaches and parks.

At Low tide Seapoint Beach is a horror scene against our environment. Dogs run about and parents send and let their kids disturb tiny shell life clinging to rocks and going rapidly onto extinction.

I love animals but won't have dogs because my home is too small for them to romp. Most towns don't allow dogs on their beaches and it is insulting to come here and dictate a harmful future.

Compassionate people who are animal lovers and who respect Kittery's land and heritage, don't bring dogs to our parks and beaches where they disturb and harass people and birds.

The influx of people moving to Kittery areas must not bring their bad habits with them and must stop abusing and altering nature here intentionally or otherwise.

Did you know several USA beaches restrict even people walking upon them ? That is because cherishing and protecting what we have is good for the future and for the present.

submitted by resident Suzy Courage Johnson on behalf of local environmental caring, protection, and rights of all species to exist in peace where their home is.

**As a lifelong resident for many generations of this seacoast area - I ask that my comment be shared by all means and also read in full please at the public meeting (s).**



9/14/2020

No Dog Ban \*\*\*\*\* PLEASE \*\*\*\*\* - town comments

No Dog Ban \*\*\*\*\* PLEASE \*\*\*\*\*

Peggy Marchand < >

Sun 9/6/2020 1:47 PM

To:town comments <tcomments@kitteryme.org>;

Our dogs need to run and play which also keeps their owner in better health (fresh air and exercise).

We understand that not everyone loves dogs. When the areas are open / cars need a sticker, dogs need to be on leash. Makes perfect sense.

Please don't take away safe places for people and dogs.....

# Dogs at Fort Foster, Seapoint

wayne bachner <[REDACTED]>

Sun 9/6/2020 11:32 AM

To:town comments <tcomments@kitteryme.org>;

My wife (Judith Jones) and I live on Gerrish Island Lane and we often go to both beaches to walk. We LOVE seeing dogs there, and getting to pet them. We don't own one ourselves as our work schedules would require them to be home alone too much. In over 20 years, we have never seen dogs or dog-owners misbehave. Please do not ban them from the beaches.

Sincerely,  
Wayne Bachner  
Judith Jones  
12 Gerrish Island Lane

Sent from [Mail](#) for Windows 10

# No to Dog Bans in Kittery

Heidi Brissette 

Sun 9/6/2020 8:47 AM

To:town comments <tcomments@kitteryme.org>;

Dear Town Council of Kittery,

As residents of Kittery for over 14 years and a proud dog-parent to a senior Siberian Husky, we have often bragged to friends about how wonderful Kittery is due to the offering of trails, nature, and parks that allow ALL members of the family to enjoy. As our town taxes have risen over the years...we have gladly paid the increase as more residents have found Kittery to a place they call home, because we always felt the perks of the town matched the increase in living. To recommend that the parks & private parks we pay for annually to decrease or cut off access to our family pets is just unreasonable and disheartening. The choice to "ban" dogs is an act of laziness versus actual compromise and change.

We frequent Fort Foster most often: All dog owners that I know agree that there should be a time when dogs remain leashed for the safety of their dogs and for the safety of others at Fort Foster. This is during peak season and during the hours of operation: 10am-4:30-5pm (and offering the dogs a certain beach access during the hours of 5pm-8pm during peak season). During off season when it is walk in only, there should be a dedicated beach that dogs can run off leash, and everywhere else the dogs remain leashed when walking through the park. This will allow for those who wish to refrain from dog engagement to know there is a beach for the dogs...and everywhere else, the dogs remain leashed. Trash receptacles should be placed throughout the park for dog pickup and I will gladly pay the increase in tax or increased Fort Foster Fee for this service. And I fully agree that a dog officer should be enforcing this. We are responsible dog owners who fully respect those who wish to enjoy the park without dogs running up to them and/or dealing dog droppings. We totally get it.

However, choosing to fully ban dogs is not only a lack of understanding towards those who ONLY have dogs as their family, but also an extremely sharp turn from what we know Kittery to be and would consider moving from the town should that actually be enforced. We are all for enforcing the proper protocols for everyone to enjoy, but definitely not taking away the use of our parks for our furry family.

--

Heidi Brissette

direct: 603-531-7030

*"Be yourself; everyone else is already taken" - Oscar Wilde*

# dog ban and parking access

susan mayer <[REDACTED]>

Sat 9/5/2020 5:49 PM

To:town comments <tcomments@kitteryme.org>;

Dear Kittery town officials,

We live on Seapoint Road and are writing in opposition to increasing the restrictions on dogs on Seapoint Beach in any way. Although we do not have a dog, we greatly enjoy seeing people come in with their dogs when on the beach in the late afternoon and in the morning on our walks down that way. Life is so challenging these days; we cannot imagine who has forwarded this proposal, which only promises to make life more difficult and less enjoyable for the many dog lovers of the world.

While writing about Seapoint Beach, which means so much to us, we would also like to express our objection to the change made recently in the parking rules, which now prohibit non-resident parking at the beach and in the parking areas closest to the beach even off-season. We feel so fortunate to be able to walk each day to this beautiful corner of the world and do not like the idea of needlessly limiting easy access to this amazing resource during times of the year when it is consistently under-utilized and, again, at a time when people's lives have already become limited in so many other ways.

Most sincerely,  
Susan Mayer  
Ken Parsigian

6 Seapoint Road  
Kittery Point

# Thoughts on dogs (for the public meeting on 9/9)

genineb87

Sat 9/5/2020 12:26 PM

To:town comments <tcomments@kitteryme.org>;

To whom it may concern,

Usually I don't get much involved in town politics or in the community, though I feel it is necessary now to weigh in with a neutral viewpoint.

Firstly, I am not a dog owner. However I do not mind dogs so long as they are behaved. I have no issues with them, as I am not allergic and thankfully I have never been attacked by one. I used to have a dog as a kid as well as being friends with mostly all the neighborhood dogs growing up, so the question of banning dogs or prohibition of them doesn't cause me any offense.

That said, I do believe the ongoing tensions of dog owners and non dog owners on the subject of Seapoint and Fort Foster has been long ongoing without much effort made on either side. I am also concerned from an environmental standpoint, as dog waste is toxic and Seapoint abuts conservation land which is home to many migratory shore birds.

Here is where we need to walk the middle path (in Buddhism the middle ground is kind of the ideal way of being).

I propose a non biased approach:

For dog owners who are intent on letting their dogs off the lead, there needs to be a clearer idea of when off leash time begins and when it ends, and what that means if those simple rules cannot be followed.

For the protection of wildlife, I propose working with Rachel Carson and seeing if it is possible to put up fencing so that dogs do not wander into the areas where birds are raising their young. From a birding perspective, I feel it is important to remember that dogs are not the only animals who enjoy the beach. Furthermore, if we could track when these birds are nesting and work out a schedule around those times so that dogs cannot be off the leash when these species are present and trying to raise their young as a viable option if fencing cannot be allowed, I believe this would work well. This would not be hard to do and the town could easily work with local wildlife rehab centers as well as biologists who are better versed in the knowledge of maintaining these ecosystems.

But that is a "down the road" issue, let's go back to the topic at hand, the enforcement and the understanding of off leash and non off leash times.

For example, off leash time is sunrise to 11 AM Mondays, Wednesdays, and Fridays in peak season and sunrise to 12 PM in off peak season every day. Let's say peak season is May through October, with November through April being off peak season.

Having three off leash days for town residents and non residents alike guarantees plenty of time for those who wish to run their dogs on the beach will be able to do so.

Perhaps it is possible to deputize a few non biased citizens as "dog patrol", meaning that once off leash time ends, all dogs who are on the beach need to be in control and back on their lead. This may seem unfair to those who showed up late, again, keeping this three day schedule means that there are two other days available to them. And truthfully, I feel as though with this matter there are always going to be people who might see any slight grievance or change as "unfair". The other four days will enforce the on leash rule. This will be posted on a sign as well as online on all sites which mention dogs and places to take them.

What of the dog waste? This has always been a problem. If we clear this up by not only giving a proper reciprocal for the waste but also using the dog patrol volunteers, we can assure that waste is collected and properly disposed of in a shift schedule. Three

9/14/2020

Thoughts on dogs (for the public meeting on 9/9) - town comments

times a week in the peak season, once to twice a week in the off season. This too will be posted clearly so that all dog owners know they don't have to leave a bag behind or take it with them.

There is also an issue with the "us versus them" thought when it comes to dogs and dog owners regarding both Seapoint and Fort Foster which simply isn't true. It is a matter of respect. It is not a non resident versus resident issue. It is all too easy to pin the blame on those who we see as "out of state". Certainly, tourists and summer residents make up for the issues though the town of Kittery would be better served if it could accept its own imperfections.

Out of all the times I have visited Seapoint, I have been approached by an off the leash dog once and it disrupted my quiet time along the shore. If anything I am more interested in protecting wildlife, which I hope others will care about too. It delights me to see common terns, kildeers, plovers, and sandpipers at the beach. However it disturbs me when I see people not in control of their dogs allowing them to disrupt these birds and their natural habitat by not having their dog in control. It is not the dog's fault for wanting to explore, that is in their DNA! I do believe we can strike an even balance here, if only some would let go of their egos and listen to those of us who just want to have a place where ALL can go to enjoy nature.

Thank you for your patience and time,

Genine Boggiano

Sent from my Sprint Samsung Galaxy S8.

# Fort Foster Dog ban

Cindy Houde



Sat 9/5/2020 11:45 AM

To:town comments <tcomments@kitteryme.org>;

To whom it may concern,

I do not own a dog. My friends do and we go there on a weekly basis to spend time together. I enjoy seeing all of the happy dogs enjoying time with their families, swimming, and just being a dog. Please continue to allow dogs!! They are literally smiling enjoying the sunshine just like everyone else. Perhaps consider putting in a trash can or two and reopening the restrooms.

Thank you.

Cindy Houde

[Sent from Yahoo Mail on Android](#)

# Dogs allowed at Fort Foster

Kenzie T <>

Sat 9/5/2020 10:30 AM

To:town comments <tcomments@kitteryme.org>;

Hi I believe that dogs should be allowed on the beaches hand on the park. They deserve a second chance to make up for their irresponsible humans. Don't discipline the dogs for the humans actions.

The owners have the responsibility to clean up after their animals and they deserve to be exposed for their own actions.

Dogs deserve a "fur filling" life.

LET THE DOGS ON THE BEACH & PARK



# Dogs in Kittery..please find a way to appease both parties!

Donald 

Fri 9/4/2020 12:22 PM

To:town comments <tcomments@kitteryme.org>;

Dear Kittery Town Council,

I want to write and speak up that I am against the banning of dogs at Kittery Point and Kittery beaches and parks. People live in towns like Kittery and Kittery Point to enjoy the outdoors and beautiful nature, and our dogs are part of that experience. We own two dogs, and while we are not daily visitors to Seapoint Beach or Ft.Foster, but we have taken our dogs there many times over the years and having that option is one of the attractions of living in Kittery Point.

This is our 12 th year owning a seasonal home in Kittery Point, and in that time more than 4,380 days have passed and countless dogs have visited Seapoint and Ft. Foster during that time, and I would like to know how many "incidences" there were involving unruly dogs. I know that until this summer, I never heard of any issues personally.

I totally agree that there needs to be some sort of policing of those who don't pick up after their dogs or have an aggressive dog that needs to be on a leash, but the many dog owners and their dogs should not be penalized for the inconsiderate and thoughtless few.

I believe the current rules, times and dates for dogs at Seapoint Beach and Ft. Foster are fair with more than enough opportunity to enjoy these locations with your pet. I don't see a need to increasing or decreasing the time dogs are allowed.

When we are not in Kittery Point, we are in Vero Beach, Florida, and there is a "dog beach" that locals enjoy. It is not an official dog beach, but an unguarded section of beach where locals respect the beach, control and clean up after their dogs, and everyone gets along beautifully.

I think that if you all put your heads together, you can come up with a plan that would suit dog owners and their pets and those who oppose them. Banning dogs entirely would be a huge mistake and and unfair and very un American.

Thank you for your time.

Don McDowell  
Kittery Point

# Against the Banning of Dogs in Kittery and Kittery Point Public Parks and Beaches

Danette McDowell <[REDACTED]>

Fri 9/4/2020 11:48 AM

To:town comments <tcomments@kitteryme.org>;

Dear Kittery Town Council, as a homeowner in Kittery Point Maine for 12 years, I want to write and speak up that I am against the banning of dogs at Kittery Point and Kittery beaches and parks, and against increasing fines for barking, etc. This is not a metropolitan area where policing such a thing is an issue. People live in towns like Kittery and Kittery Point to be free, enjoy nature and our dogs are part of that experience.

I do think you should increase fines for those dogs off lease, for dog bite events should any occur, people not picking up their dogs waste, etc. This is fair--punish those who do not follow the rules and disrespect others. However do not penalize the residents and seasonal residents, renters, visitors here due to one or two small events. For years dogs have been part of our families and in all the millions of times where dogs are in public beaches and parks, to ban them due to only a handful of unfortunate and unpleasant experiences is NOT RIGHT.

That is like banning all children from public parks because one writes on a picnic bench.

Sincerely and thank you, Danette McDowell, 5 Lori Ln, Kittery Point, ME 03905

Danette S. McDowell

m 561.254.8898

e [danette.mcdowell@gmail.com](mailto:danette.mcdowell@gmail.com)

# No Dog Ban in Kittery

Valerie Sousa 

Fri 9/4/2020 11:19 AM

To:town comments <tcomments@kitteryme.org>;

To the Members of the Kittery Town Council,

As a lifelong resident of Kittery who has grown up here, I do NOT support any ban on leashed dogs on Kittery public parks and beaches. This is an important issue to me and I will keep in mind the outcome of the Council's vote during the next elections.

We have beautiful public spaces in town and the majority of residents are respectful dog owners who clean up after our canine companions. A dog ban would be nothing but a detriment to our community.

Thank you,

Valerie Sousa

# Dog ban

Donald Clark <[REDACTED]>

Thu 9/3/2020 4:59 PM

To:town comments <tcomments@kitteryme.org>;

As a resident of Kittery Point and tax payer I fully support the banning of all dogs 24/7/365 from our Seapoint Beach, Fort Foster, Seacrest Beach. I hope you will make this happen.

The dogs are unruly and not under 'voice control'. I'm not happy to have someone's dog come running at me and when I protest all I hear is "oh he won't hurt you. He just wants to be friends".

As well, a very large percentage of the dogs/owners are not residents/taxpayers of Kittery but from other communities and states. Why are we paying for them and cleaning up after them?

Thank you.

Sent from my iPhone

# Wed. 8/9 Pubic Hearing Title 6

Shaye Robbins <[REDACTED]>

Thu 9/3/2020 3:49 PM

To:town comments <tcomments@kitteryme.org>;

I am writing in support of the proposed ordinance changes Title 6 Animal Control as outlined in the Town Council Packet released Sept 3

I support these changes to current code for the following reasons:

1. **The clarifications to the code are necessary for the Animal Control Officer to provide effective enforcement.** It is a constant refrain "enforce the existing rules" But the way the existing rules are written we have determined the code has to be clearer for enforcement to be possible. The ACO, Town of Kittery Chief of Police and Town Manger have all reviewed the ordinances, given professional opinion on the needs to make the work of the ACO more effective, and those updates have been included within the ordinance. **Not passing the Title as presented means the loopholes and lack of enforcement continue.**

2. The **clarifications on leaving of bagged waste and the clarifications on leashes on public land are supportive to our Town of Kittery staff-specifically the DPW staff.** Our community staff are not the responsible for the picking up of dog waste, bagged or otherwise. When dog waste is left behind by intentional or unintentional actions, the final responsibility for clean up lies with staff. This is true **regardless of the sustained efforts of numerous volunteers** who speak of daily clean ups by their own efforts. When a dog is on a leash it is difficult to walk away from waste, and when one has to keep waste while walking it removes the ability to forget, and creates a more beautiful, trash free experience for those entering our parks next, and is consistent with the carry in carry out policy applied to all visitors alike.

3. The inclusion of leashes **creates a more predictable environment for visitors.** For those who are unstable; small; fearful; or in need of or desire personal space and this includes both humans and animals; the update in the code for use of leashes, defining voice control, and the 10 ft area of space around an individual (again animal or human) creates a more respectful and predictable environment for the many user types in the park. I point out to the Council that the surveying done by the Parks Commission returned results that were consistent with Dog Owners asking for more stringent leashing and approach laws for the protection of their family members- their dogs. Like people, not all dogs like to be approached by other dogs. This code up date makes that clear and consistent.

4. The step of **clarifying the code** on voice control, hours open to dog visitation, number of dogs allowed off leash under voice control, **allows the Park Manager and Parks Commission to move forward with appropriate and accurate signage that reflects the actual code thereby strengthening the communication to and education of the general public.** This education step will likely be very welcome by those who are frequent, respectful users of the park, and public lands. Those who cannot abide will either not come, learn, or be fined; thereby improving the experience for those dog owners who currently struggle with the mixed messaging and interpretations of etiquette our code currently allows. Our residents who are respectful users of the park should be supported. Let me say to those who own dogs and use the parks: If you already have a

good voice control relationship with your dog you will notice no difference; if you already pick up your waste you will notice no difference; and if you already are able to walk with your dog on or off leash without approaching others you will notice no difference. If what I am hearing is true, and the majority of people with dogs never see any problem and do not see these changes as necessary- then the majority of people with dogs will notice no difference. Those few people, those few bad apples however will notice a difference because enforcement will be real and valid.

5. **The clarifications in the code on treatment of animals in general was way out of date and incredibly necessary.** Anyone who likes animals should be in support of this. If we do not pass this title there are no protections in place for the treatment in animals.

6. **The most important part of these code clarifications to me is that dog owners and their dogs are not banned from either Sea Point Beach or Fort Foster.** This has been the stance of the Parks Commission and is written in the Parks 5 year plan approved by this Town Council.

Again I believe the clarifications in the document are **good for** the ACO to provide **effective enforcement;** the **support of DPW staff;** **reduce** both the incidences of and visual noise of **dog waste;** **dogs who are not cared for** and **does not ban dogs from the parks.** All together these changes support a larger cross section of the community in using the parks, as well as both the individuals and dog owners who need more predictable environments. **I encourage you to pass the ordinance.**

Thank you

Shaye Robbins  
Kittery Point, ME

# Dogs

Debora Martin <[REDACTED]>

Thu 9/3/2020 12:44 PM

To:town comments <tcomments@kitteryme.org>;

Dear Town Council,

I support many of the proposed changes to Title 6. I am very happy that a definition of Voice Control is included, one that would require my permission before an owner allows their dog to approach me.

I have mixed feelings about the Fort Foster changes. If a dog is leashed at all times, I don't see a problem with dogs being at Fort Foster. The problem is, in my experience, many are not leashed, and some are not under voice control. I support allowing leashed dogs at Fort Foster, as long as the leash law is enforced. I think it's up to the Council to decide whether or not the Town has the resources to adequately enforce it. If the Town does not have the resources, then it seems to me a ban becomes more practical.

I support an enforced leash law at Seapoint and the other restrictions proposed.

Finally, I wonder if we know how many of the people bringing dogs to Fort Foster and Seapoint are Kittery residents. It might make sense to restrict dog walking privileges to Kittery residents. In that way, there might be a reduction in the number of unwanted interactions with dogs, and feces left behind.

Thanks for your attention.

Debora Martin

# In Favor of Proposed Dog Policy

Barry Schechter <[REDACTED]>

Thu 9/3/2020 8:35 AM

To:town comments <tcomments@kitteryme.org>;

To the Kittery Town Council:

My wife and I are Kittery Point residents who own a dog but are also in favor of the proposed changes regarding the dog policy at Fort Foster. We understand that there is a long history of people being able to bring their dogs into Fort Foster at all times. Unfortunately, there is also an equally long history of ongoing problems due to some owners not cleaning up their dogs' messes, not controlling their aggressive dogs adequately, and allowing their dogs to run free when they are supposed to be on-leash. Although most dog owners are very responsible, there have been so many problems and troubling canine incidents that many town residents are simply not comfortable ever going into the park. We feel strongly that the town's proposed revision of the Fort's dog policy is extremely reasonable, and is fair to everyone. It is obviously not a ban, but rather an appropriate compromise that would enable all the town's residents to enjoy our beautiful Fort during the busy summer season, whether they prefer to be there with their dogs or at a time when dogs are not allowed in the park.

I find that most of the publicly available reasons dog owners have given to the Town Council recently to justify not changing the current dog policy do not hold up under scrutiny:

*"Dog owners and walkers are made up of senior citizens, veterans, women, people recovering from illnesses, families, the handicapped, people with low incomes and people with high incomes.... basically a cross section of the entire population."*  
Those of us who feel that we can never set foot in the park because dogs are present at all times are also presumably "...made up of senior citizens, veterans, women, people recovering from illnesses, families, the handicapped, people with low incomes and people with high incomes.... basically a cross section of the entire population."

*"Stop the ongoing misery of threats to locals and their best friends of losing our park and beach."*  
If the proposed changes are enacted you won't be losing your park and beach, you'll simply be sharing them fairly with all the other town residents.

*"The proposed 'DOG BAN' discriminates against the rights of dog owners."*  
C'mon guys, shouldn't we consider everyone else's rights too? How about finding a fair balance so that we all can enjoy the park at certain times?

*"The proposed policy will cost Kittery taxpayers thousands of dollars in lost revenue."*  
Any revenue lost due to some dog owners being unwilling to come to the park during the times when dogs are allowed would likely be made up by increased revenue from those of us who are currently not using the park at all.

*"We all know this is mainly because of ignorant out-of-state people and a few locals maybe who are twice as ignorant."*  
Our friend's daughter Anna was four when she was bitten on the leg by an off-leash dog on the Fort Foster playground a few years ago, during the hours when leashes were supposedly mandatory. She had to be taken to York Hospital to be checked out. Do you think it would have made Anna or her mother feel any better to know that the woman who owned the dog and fled the scene was either ignorant or from another state?

As a person who believes in solving problems in a collaborative manner, I find it additionally distressing that the town residents who favor dogs being allowed in the Fort at all times have chosen to secure legal representation, which will ultimately cost all of us who are Kittery taxpayers money as the town defends its position.

A quick internet search turns up newspaper articles from as far back as 2003 that refer to these same dog-related problems in the Fort. I think that this helps to explain why town residents like myself who prefer a middle ground solution about the "Dogs in Fort



9/14/2020

In Favor of Proposed Dog Policy - town comments

Foster" question have currently not been as organized or vocal, when compared to those who oppose any change in the existing policy. Since the town has been kicking this issue down the road for at least the last seventeen years, we assume that you're probably going to do the same thing again this year. Therefore, why should we waste our time bothering to write to you or put signs up in our yard?

Please prove us wrong this time by adopting the proposed compromise to the dog policy in the Fort, a policy which will finally allow fair access to all town residents. Please don't keep kicking this can down the road, and into another pile of dog poop, yet again.

Sincerely,  
Barry Schechter





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:

20 Walker Street, 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
Mayan Cafe & Grill	RES-2016-16-1133	231 Post Road, Wells, ME 04090

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
Rajesh Mandekar	08/13/1974	Mumbai, India
Stan Campbell	10/23/1960	Decatur, Alabama

Residence address on all the above for previous 5 years	
Name	Address:
Rajesh Mandekar	68 Rogers Road, Kittery, Maine 03904
Stan Campbell	28 Government Street, Kittery, Maine 03904
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: \_\_\_\_\_

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)

Indoor Dining Room and Bar Area

---

---

---

---

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: Second Christian Congregational Church

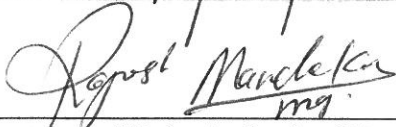
Distance: 0.11

**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: 9/10/2020

  
Signature of Duly Authorized Person

RAJESH MANDEKAR  
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.

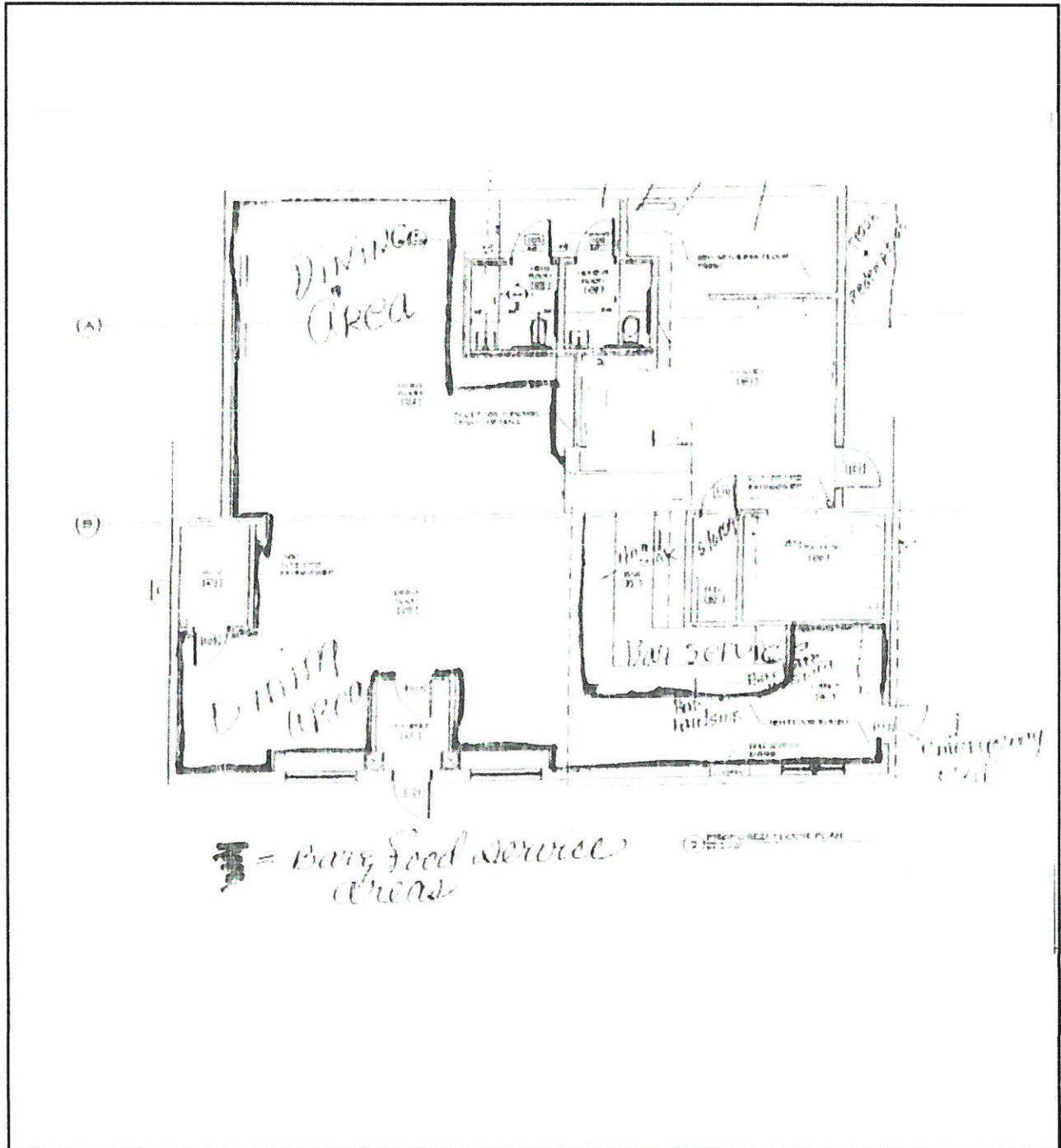
<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor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



## 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.



**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: Divine Cuisines LLC
2. Doing Business As, if any: Tulsi
3. Date of filing with Secretary of State: 09/08/2003 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Rajesh Mandekar	68 Rogers Rd., Kittery, ME 03904	08/13/1974	Owner	100.0000

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



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:

60 WASHINGTON SQUARE 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
JASON ADAM CANTY	06/06/1970	LOWELL, MA

Residence address on all the above for previous 5 years

Name	Address:
JASON CANTY	49 LOVE LN. KITTERY, ME 03904
Name	Address:
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:

MADBURY PROPERTIES 21 MADBURY RD. DURHAM NH 03824

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

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

NEIGHBORHOOD BISTRO  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: 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: 9-3-20

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

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

JASON A. CANNY  
\_\_\_\_\_  
Printed Name 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 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.

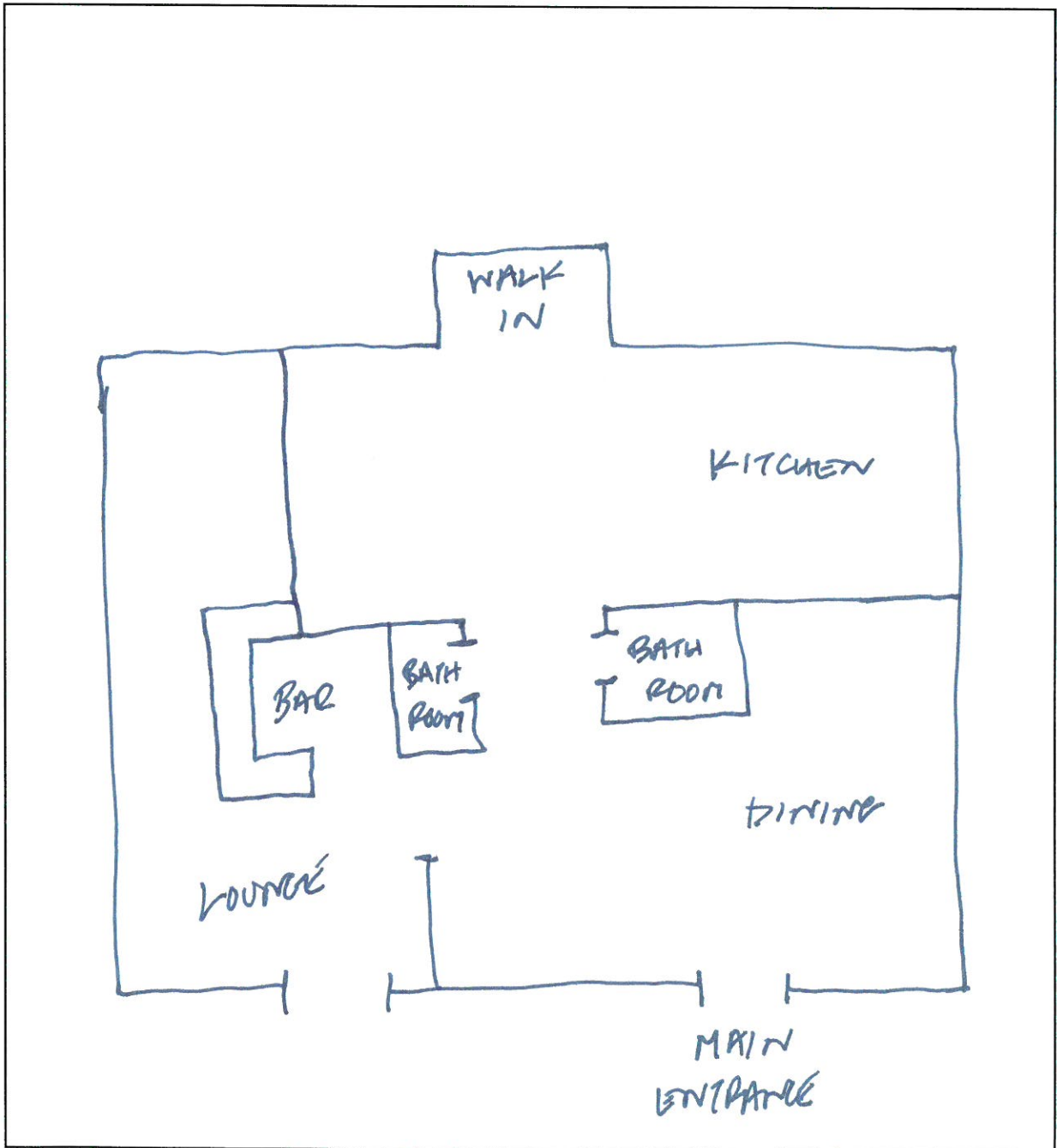
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

## 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.



**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: KITTERY FORESIDE LLC
2. Doing Business As, if any: ANNEXE JAWS
3. Date of filing with Secretary of State: SEPT 2010 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
JASON CANBY	49 RIVE LN. KITTERY, ME	06/06/70	OWNER	100

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



## 2020-2021 GA Overall Maximums

### Metropolitan Areas

#### Persons in Household

COUNTY	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	775	879	1,116	1,397	1,956
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	883	926	1,197	1,649	1,882
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	741	798	1,025	1,287	1,633
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	741	742	981	1,229	1,341
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,179	1,284	1,668	2,180	2,654
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	821	933	1,095	1,449	1,691

## Appendix A

Effective: 10/01/20-09/30/21

COUNTY	1	2	3	4	5*
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	918	980	1,212	1,539	1,720
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	1,136	1,165	1,539	1,926	2,699

\*Note: Add \$75 for each additional person.

### Non-Metropolitan Areas

#### Persons in Household

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	649	710	831	1,119	1,200
<b>Franklin County</b>	683	729	837	1,102	1,480
<b>Hancock County</b>	836	871	1,047	1,319	1,445
<b>Kennebec County</b>	769	786	979	1,284	1,371
<b>Knox County</b>	792	795	979	1,291	1,390
<b>Lincoln County</b>	868	886	1,057	1,349	1,554
<b>Oxford County</b>	764	767	936	1,322	1,537
<b>Piscataquis County</b>	659	708	874	1,158	1,396
<b>Somerset County</b>	709	744	959	1,249	1,338
<b>Waldo County</b>	818	871	997	1,339	1,705
<b>Washington County</b>	710	713	926	1,160	1,254

\* Please Note: Add \$75 for each additional person.

## Appendix B

Effective: 10/01/20 to 09/30/21

### 2020-2021 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2020, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 47.44	\$ 204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224

**Note: For each additional person add \$153 per month.**

## 2020-2021 GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

### **Non-Metropolitan FMR Areas**

<b><u>Aroostook County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	504	141	606
1	123	528	154	663
2	139	599	180	776
3	195	840	246	1,057
4	200	859	262	1,126
<b><u>Franklin County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	125	538	149	640
1	127	547	159	682
2	141	605	182	782
3	191	823	242	1,040
4	265	1,139	327	1,406
<b><u>Hancock County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	159	682	182	783
1	159	682	188	809
2	186	801	227	975
3	238	1,022	287	1,235
4	251	1,079	312	1,342
<b><u>Kennebec County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	143	615	167	716
1	143	615	168	724
2	170	733	211	907
3	230	987	279	1,200
4	234	1,005	295	1,268

**Non-Metropolitan FMR Areas**

<b><u>Knox County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	148	638	172	739
1	148	638	172	739
2	170	733	211	907
3	231	994	281	1,207
4	238	1,024	299	1,287
<b><u>Lincoln County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	166	714	190	815
1	166	714	192	824
2	189	811	229	985
3	245	1,052	294	1,265
4	276	1,188	337	1,451
<b><u>Oxford County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	142	610	165	711
1	142	610	165	711
2	160	690	201	864
3	238	1,025	288	1,238
4	272	1,171	333	1,434
<b><u>Piscataquis County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	116	501	142	609
1	119	512	152	652
2	146	627	189	811
3	200	862	253	1,086
4	241	1,037	305	1,312
<b><u>Somerset County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	129	555	153	656
1	129	555	159	682
2	166	713	206	887
3	221	952	271	1,165
4	226	972	287	1,235

**Non-Metropolitan FMR Areas**

<b><u>Waldo County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	154	664	178	765
1	157	676	188	809
2	175	751	215	925
3	242	1,042	292	1,255
4	311	1,339	373	1,602

<b><u>Washington County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	129	556	153	657
1	129	556	153	657
2	158	680	199	854
3	201	863	250	1,076
4	206	888	268	1,151

**Metropolitan FMR Areas**

<b><u>Bangor HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	144	621	168	722
1	159	684	190	817
2	202	870	243	1,044
3	256	1,100	305	1,313
4	370	1,590	431	1,853

<b><u>Cumberland Cty. HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	170	729	193	830
1	170	731	201	864
2	221	951	262	1,125
3	314	1,352	364	1,565
4	353	1,516	414	1,779

<b><u>Lewiston/Auburn MSA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	137	587	160	688
1	140	603	171	736
2	181	779	222	953
3	230	990	280	1,203
4	295	1,267	356	1,530

**Metropolitan FMR Areas**

<b><u>Penobscot Cty. HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	
0	137	587	160	688	
1	137	587	160	688	
2	171	735	211	909	
3	217	932	266	1,145	
4	227	975	288	1,238	
<b><u>Portland HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	
0	238	1,025	262	1,126	
1	253	1,089	284	1,222	
2	331	1,422	371	1,596	
3	438	1,883	487	2,096	
4	532	2,288	593	2,551	
<b><u>Sagadahoc Cty. HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	
0	155	667	179	768	
1	172	738	203	871	
2	197	849	238	1,023	
3	268	1,152	317	1,365	
4	308	1,325	369	1,588	
<b><u>York Cty. HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	
0	178	764	201	865	
1	183	785	213	918	
2	225	966	265	1,140	
3	289	1,242	338	1,455	
4	315	1,354	376	1,617	
<b><u>York/Kittery/S. Berwick HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	
0	228	982	252	1,083	
1	228	982	257	1,103	
2	301	1,293	341	1,467	
3	379	1,629	428	1,842	
4	543	2,333	604	2,596	

## 2020-2021 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2020 to September 30, 2021.**

### APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
<b>NOTE:</b> For each additional person add \$75 per month.						
(The applicable figures from Appendix A, <i>once adopted</i> , should be inserted here.)						

### APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 47.44	\$ 204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224
<b>NOTE:</b> For each additional person add \$153 per month.		

### APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
(The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.)				

*FOR MUNICIPAL USE ONLY*



## APPENDIX D - UTILITIES

### ELECTRIC

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

**NOTE:** For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

**NOTE:** For each additional person add \$10.00 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

## APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

*FOR MUNICIPAL USE ONLY*

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

## **Funeral Maximums**

### **Burial Maximums**

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

### **Cremation Maximums**

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

## **Appendix H**

**Effective: 10/01/20-9/30/21**

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Administrative/Clerical Employees**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Administrative/Clerical Employees Steward

---

Teamsters Local Union 340, Kittery Administrative/Clerical Employees Business Agent

**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Public Works Department Except Wastewater**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Department of Public Works Steward

---

Teamsters Local Union 340, Kittery Department of Public Works Employees Business Agent

**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Professional Employees**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Professional Employees Steward

---

Teamsters Local Union 340, Kittery Professional Employees Business Agent

**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Technical Employees**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Technical Employees Steward

---

Teamsters Local Union 340, Kittery Technical Employees Business Agent



**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Kittery Police Department Supervisors**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

Additionally, the Union and Town agree to address the disparity between the requirements of the Police Department staff to be onsite, without intermittent-shifts or remote-work accommodations, during the State of Maine’s Stay at Home order compared to other employees.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

***COVID-19 Paid Time Off***

Up to four weeks of COVID-19 Paid Time Off will be awarded to employees who were required to work regular shifts, on-site, during the State of Maine’s Stay at Home order. 0.5 hours will be awarded for every hour of regular duty, on-site, between March 15 through May 9, 2020, excluding overtime hours.

1. COVID-19 Paid Time Off balances must be used by June 30, 2023. Approval for use of time off to be consistent with compensatory-time rules.
2. Pending available funding, employees may buyout up to one week of COVID-19 Paid Time Off per fiscal year, effective for fiscal years 2021 and 2022. The Town must be notified by April 1st by employees interested in exercising the COVID-19 Paid Time Off buyout each year.
3. COVID-19 Paid Time Off not used or bought out by June 30, 2023 will be forfeited.
4. If an employee leaves the Town of Kittery employment prior to exhausting their balance of COVID-19 Paid Time Off, the remaining balance will be forfeited.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Police Department Supervisors Steward

---

Teamsters Local Union 340, Kittery Police Department Supervisors Business Agent

**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Kittery Police Department Police Officers**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

Additionally, the Union and Town agree to address the disparity between the requirements of the Police Department staff to be onsite, without intermittent-shifts or remote-work accommodations, during the State of Maine’s Stay at Home order compared to other employees.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

***COVID-19 Paid Time Off***

Up to four weeks of COVID-19 Paid Time Off will be awarded to employees who were required to work regular shifts, on-site, during the State of Maine’s Stay at Home order. 0.5 hours will be awarded for every hour of regular duty, on-site, between March 15 through May 9, 2020, excluding overtime hours.

1. COVID-19 Paid Time Off balances must be used by June 30, 2023. Approval for use of time off to be consistent with compensatory-time rules.
2. Pending available funding, employees may buyout up to one week of COVID-19 Paid Time Off per fiscal year, effective for fiscal years 2021 and 2022. The Town must be notified by April 1st by employees interested in exercising the COVID-19 Paid Time Off buyout each year.
3. COVID-19 Paid Time Off not used or bought out by June 30, 2023 will be forfeited.
4. If an employee leaves the Town of Kittery employment prior to exhausting their balance of COVID-19 Paid Time Off, the remaining balance will be forfeited.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Police Department Police Officers Steward

---

Teamsters Local Union 340, Kittery Police Department Police Officers Business Agent

**Memorandum of Understanding Between**  
**The Town of Kittery, Maine (“Town”)**  
**And**  
**Teamsters Local Union No. 340 (“Unit”)**  
**Affiliated with the International Brotherhood of Teamsters**  
**Kittery Police Department Dispatchers**  
**Effective July 1, 2020**  
**One Year Contract Extension**

**Explanation:**

Due to the outbreak of COVID-19 the negotiation efforts for a three-year successor CBA were placed on hold in the spring of 2020. The international pandemic is having far reaching impacts on the economy, State of Maine revenue sharing, and local budgets. As a result, projecting the Town’s financial status for the next three years is challenging at this time. The purpose of this MOU is to extend the CBA one year to allow the Union and the Town time to assess the long-term outcomes of the pandemic and negotiate accordingly.

Additionally, the Union and Town agree to address the disparity between the requirements of the Police Department staff to be onsite, without intermittent-shifts or remote-work accommodations, during the State of Maine’s Stay at Home order compared to other employees.

**Terms**

***Collective Bargaining Agreement***

All terms of the Collective Bargaining Agreement will remain in effect unless otherwise specified herein.

***Wages***

Wages will be increased 2.00% effective July 1, 2020 for all positions covered by the Collective Bargaining Agreement.

***COVID-19 Paid Time Off***

Up to four weeks of COVID-19 Paid Time Off will be awarded to employees who were required to work regular shifts, on-site, during the State of Maine’s Stay at Home order. 0.5 hours will be awarded for every hour of regular duty, on-site, between March 15 through May 9, 2020, excluding overtime hours.

1. COVID-19 Paid Time Off balances must be used by June 30, 2023. Approval for use of time off to be consistent with compensatory-time rules.
2. Pending available funding, employees may buyout up to one week of COVID-19 Paid Time Off per fiscal year, effective for fiscal years 2021 and 2022. The Town must be notified by April 1st by employees interested in exercising the COVID-19 Paid Time Off buyout each year.
3. COVID-19 Paid Time Off not used or bought out by June 30, 2023 will be forfeited.
4. If an employee leaves the Town of Kittery employment prior to exhausting their balance of COVID-19 Paid Time Off, the remaining balance will be forfeited.

---

Kendra Amaral, Town Manager

---

Teamsters Local Union 340, Kittery Police Department Dispatchers Steward

---

Teamsters Local Union 340, Kittery Police Department Dispatchers Business Agent



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: September 28, 2020  
From: Kendra Amaral, Town Manager  
Subject: Affordable Housing Package  
Sponsor: Vice Chairperson Matthew Brock

---

**OVERVIEW**

The Housing Working Group was formed in the spring of 2018 to identify solutions and recommendations to address the town's growing challenge of housing affordability. The Working Group is made up of volunteers including Councilor Matt Brock, Planning Board members Drew Fitch and Russell White, and interested residents, non-profit agencies, and business owners including Debbie Driscoll, Emily Flinkstrom, Stephen Kosacz, and Tom Emerson.

One of the Working Group's goals is to recommend and advance ideas to increase housing supply that is accessible for people of low to moderate incomes. It coordinated with the Seacoast Workforce Housing to host a workforce housing workshop in October 2018. The Working Group proposed an ordinance revision for the Accessory Dwelling Unit code which was adopted in late 2019. The Committee has also focused on developing affordable housing amendments to Title 16, and supporting ordinance revisions to advance the generation, conversion, and rehabilitation of affordable housing units in Kittery.

The Working Group has been supported by Town planning staff. Staff have attended their meetings, assisted the members in developing concepts, researching other communities for precedent and model language, and generating draft ordinance language to reflect the Working Group's goals. The Working Group also had discussions with Maine Housing and various municipal and non-profit housing organizations.

**TITLE 16 – AFFORDABLE HOUSING**

The Working Group has developed an extensive Title 16 package to make affordable housing a specific goal of the zoning code, to identify locations ripe for affordable housing opportunities, and to offer incentives for affordable housing development, either for rent or sale.

The proposed Title 16 amendments include defining affordable housing and setting minimum requirements for affordable units on projects of 5 units or more. The package establishes various incentive bonuses for density, fee reductions, and parking. Further it establishes a minimum requirement for affordable housing, and a payment in lieu program (see Affordable Housing Fund below).

The package also includes amending the C-1 and C-3 zones to allow housing, which is current prohibited. With the shifting market for retail malls, and the significant public infrastructure, these zones are ripe for redevelopment. To note, the amendments *add* housing as an allowable use among the list of other allowable uses

The amendment defines “affordable” as 80% of area median income for the York-Kittery-South-Berwick Maine Metro Fair Market Area. 80% of area median income for our area is currently \$73,120.

The Planning Board has reviewed the draft Title 16 package and made amendments that improved clarity, controls and outcomes. The Planning Board also added some use changes to address other items of interest associated with the two targeted zones for Affordable Housing, specifically C-1 and C-3.

### **AFFORDABLE HOUSING FUND**

The proposed Title 16 ordinance gives developers the option to build units or make a payment-in-lieu that is proposed to go into a fund to support affordable housing efforts in town. The Council is being asked to consider the establishment of an Affordable Housing Fund to receive the payments in lieu and other monies such as grants, and sale proceeds for the purpose of supporting the creation, rehabilitation, and retention of affordable housing units in Kittery.

The fund would be used for activities such as financial grants and loans for conversion, rehabilitation, and renovation of existing housing (single family/multi-family), purchase of land, construction of affordable housing units, loans and grants for private development of affordable units, and oversight and administration of projects and activities associated with these efforts.

Examples of uses include revolving loans and grants to qualifying residents to rehabilitate their homes, so they can remain in place, land purchases that can be leased to private/nonprofit developers for the creation of affordable units, bridge loans for qualifying first-time homebuyers.

The funds will be kept separate from the operating funds, and as proposed, can only be spent with approval of the Town Council.

### **TITLE 3 – PROCEEDS FROM SALE OF TAX-FORECLOSED PROPERTIES**

In addition to state and federal grants, and payment-in-lieu funds, the Working Group proposes utilizing proceeds from the sale of property obtained through tax-foreclosure to be directed to the Affordable Housing Fund. Not all tax-foreclosures are the result of financial hardship, though some are. Directing the proceeds of such sales back into the generation and retention of affordable units is a fitting use of the funds and supports the goals of ensuring the Town is affordable to people of all incomes.

### **TITLE 4 – HOUSING COMMITTEE**

The final piece of the package is a proposal to establish a standing Housing Committee to continue work on the affordable housing challenge, and to recommend policy and use of the Housing Fund.

The proposal transitions the Working Group into a full committee with a membership that represents a diversity of expertise and perspective.

### **RECOMMENDATION**

Schedule a Workshop with the Planning Board and schedule public hearings for each proposed measure.

### **ATTACHMENTS**

- Proposed Title 16 Amendment (note: will not reflect changes made by PB on Sep 24)
- Proposed Ordainment of Affordable Housing Fund
- Proposed Title 3 – Proceeds from Sale of Tax-Foreclosed Properties
- Proposed Title 4 – Housing Committee



**TITLE 16  
AFFORDABLE HOUSING &  
C-1 AND C-3 ZONES AMENDMENTS**

**NOTE: formatting and numbering will be finalized/fixed by General Code upon adoption.**

**1. ADD §16.12 Affordable Housing as follows:**

1 **16.12 Affordable Housing**

2 **16.12.1 Purpose**

3 Recognizing that the market alone will not provide the range and diversity of housing types needed for a  
4 vibrant community, the Town of Kittery desires to encourage affordable housing for households of  
5 modest means and for all ages. The purpose of this ordinance is to offer incentives to developers to  
6 include affordable housing, either for lease or sale, particularly in those zones that offer utilities and/or  
7 services, and to mitigate the impacts of market-rate housing development on the limited supply of land  
8 available for suitable housing. The Town looks to its comprehensive plan and finds that this ordinance  
9 will assist in meeting housing goals and in promoting the public health, safety and welfare of its  
10 residents.

11 **16.12.2 Applicability**

12 A. Affordable housing regulations are applicable to the following:

13 1) All development in the C-1, C-3, B-L, and B-L1 zones involving three or more new dwelling  
14 units. The proposed dwelling units may be new construction, created through a change of use or  
15 created through a renovation, rehabilitation or remodel. Projects may not be phased or segmented to  
16 avoid compliance with these requirements.

17 2) All major subdivisions, including those planned in phases, in all zones that create 5 or more lots.  
18 Minor subdivisions are exempt.

19 3) All developments as described in 1) and 2) above whether the dwelling units proposed are  
20 intended for sale or for lease.

21 B. Affordable housing regulations do not apply to hotels, motels, rooming houses, inns, bed and  
22 breakfasts, residential care facilities or elder care facilities.

23 **16.12.3 Requirements**

24 A. For projects proposing five (5) or more dwelling units, at least 10% of the units, rounded down to  
25 the nearest whole number, must be affordable housing units, as defined by this code. Any fractional unit  
26 obligation left after the rounding results in a proportional payment-in-lieu (see 3) below). For example, if  
27 15 units are proposed, then one affordable unit is required plus 50% of a payment-in-lieu. If an  
28 additional affordable unit is offered for the fractional unit obligation, no payment-in-lieu is required.

29 B. The affordable housing units must remain affordable (via a recorded land use restriction, deed  
30 restriction or other legal instrument, a copy of which must be submitted to the Town prior to issuance of  
31 any building permits) for the longest term permitted under federal, state and local laws and ordinances,  
32 or 30 years, whichever is greater.

33 C. As an alternative to providing affordable housing units, projects may pay a fee in lieu of some or all  
34 of the units. In-lieu fees shall be paid into the Kittery Housing Reserve Fund, as ordained by the Kittery

35 Town Council. The fee for affordable units not provided shall be annually established by the Kittery  
36 Town Council in the schedule of fees.

37 D. If the developer prefers to provide a payment-in-lieu instead of the required affordable housing  
38 units, that proportional payment will be calculated based on the number of affordable housing units that  
39 are required plus any fractional unit obligation. Using the example above, if 15 units are proposed, the  
40 developer would provide 1.5 times the current rate set by the Town.

41 **16.12.4 Location**

42 A. Required affordable housing may be located either on-site with any market rate dwelling units or  
43 off-site within areas appropriately zoned for residential use. For development proposed in the C-1, C-3,  
44 B-L and B-L1 zones, any off-site affordable housing must be located within one of those zones.

45 B. Off-site affordable housing may be new construction, a rehabilitation, remodel or renovation of an  
46 existing structure, or a change of use from non-residential to residential.

47 C. Developers of market-rate units for sale who seek to provide the required affordable housing units  
48 off-site may opt to provide such dwelling units as rentals, subject to review and approval by the Town or  
49 the Town's designee.

50 **16.12.5 Incentives**

51 A. Zoning districts C-1, C-3, B-L and B-L1 each have density incentives which can be reviewed  
52 under the pertinent zone in 16.3.

53 B. The Town will reduce the permitting costs for developments including affordable housing as  
54 follows:

55 1) For developments comprised of 10% – 15% affordable housing units: 10% off total permitting  
56 costs except for sewer connection fees.

57 2) For developments comprised of 16% – 24% affordable housing units: 15% off total permitting  
58 costs except for sewer connection fees.

59 3) For developments comprised of 25% and over affordable housing units: 20% off total permitting  
60 costs except for sewer connection fees.

61 **16.12.6 Standards**

62 A. Affordable housing units must be built in reasonable accordance with any market-rate units such  
63 that at minimum, for every five market rate units built, one affordable unit must be completed. All  
64 affordable housing units in a development must have received a certificate of occupancy before the final  
65 market rate unit receives such. If a development is proposed for five dwelling units, including one  
66 affordable unit, that affordable unit must be completed before the last market rate unit receives its  
67 certificate of occupancy.

68 B. When affordable housing units are part of a development which also includes market rate housing  
69 units, the outside appearance of affordable units must be similar to the market rate units and any  
70 affordable units must be integrated into the development as a whole. Affordable units cannot be confined  
71 to one building of a multiple building development except in the cases of cottage clusters, accessory  
72 dwelling units or two-family residences.

73 C. Affordable housing units need not be the same size as market rate housing units but the number of  
74 bedrooms in each such dwelling unit may not be less than 10% of the total number of market rate  
75 bedrooms in the development, rounded up when the fractional portion is .5 or more. For example, a five-  
76 unit multi-family dwelling with four market rate housing units of 2 bedrooms each would be required to  
77 provide one affordable housing unit with one bedroom.

78 1) Studio dwelling units will be counted as a one-bedroom unit. In cases where a development is  
79 providing only studio apartments and one-bedroom apartments, the Planning Board has the authority  
80 to decide whether each required affordable housing unit will be a studio or one-bedroom unit.

81 D. Affordable housing units to be located off-site must be of comparable quality with the same  
82 number of bedrooms (see 3) above) as any new affordable housing units that would be created by the  
83 project on-site. The Town will not accept off-site units that are run-down or show signs of substantial  
84 wear or deterioration. This includes but is not limited to: heating and cooling systems, plumbing, wiring,  
85 appliances, flooring, walls, counters, cabinets, and fixtures as well as roofing, siding, doors and  
86 windows.

87 **16.12.7 Eligibility and Restrictions**

88 A. Affordable housing units or lots that will be owner-occupied shall be:

89 1) Restricted to households having an income that does not exceed 120% of the area median income  
90 for the family size having the same number of persons as the subject household for the York-Kittery-  
91 South Berwick, Maine, Metro Fair Market Area (HMFA), as published by the U.S. Department of  
92 Housing and Urban Development as of the date of the buyer's application, and whose housing and  
93 utility costs do not exceed 30 percent of the household's annual gross income; and

94 2) Maintained as affordable housing units through a land use restriction agreement with the Town of  
95 Kittery or its designee for a period no less than the maximum period permitted by Maine law or thirty  
96 (30) years, whichever is longer.

97 B. Affordable housing units that will be leased shall be:

98 1) Restricted to households having an income that does not exceed 80% of the area median income  
99 for the family size having the same number of persons as the subject household for the Y York-  
100 Kittery-South Berwick, Maine, Metro Fair Market Area, as published by the U.S. Department of  
101 Housing and Urban Development as of the date of the household's application, and whose housing  
102 and utility costs do not exceed 30 percent of the household's annual gross income; and

103 2) Maintained as affordable housing units through a land use restriction agreement with the Town of  
104 Kittery or its designee for a period no less than the maximum period permitted Maine law or thirty  
105 (30) years, whichever is longer.

106 C. Subleasing of any leased affordable housing unit is not permitted. Leasing or renting, including  
107 short-term rentals, of any owner-occupied affordable housing unit is not permitted.

108 **16.12.8 Marketing and Pricing**

109 A. Affordable housing units shall be actively marketed for sale or lease, as applicable, to eligible  
110 households, which active marketing shall include, as a minimum, the following:

111 1) The owner shall provide a notice of availability to the Town of intent to lease or sell an affordable  
112 housing unit. Such notice must be given at least 14 days prior to advertising the unit.

113 2) The owner or their authorized representative shall provide an affidavit to the Town confirming  
114 that household eligibility requirements have been met upon successful sale or lease of an affordable  
115 housing unit. Any lease agreement shall be in writing and provided to the Town upon request.

116 3) A non-eligible household may occupy an affordable housing unit if, despite active marketing, an  
117 eligible household is not available to lease the housing unit. If an affordable housing unit is being  
118 offered for lease, a non-eligible household may occupy it under the following conditions:

119 i. The housing unit must be marketed for 90 days after the Town’s receipt of notice of availability.

120 ii. If no eligible household is found, a lease may be signed with a non-eligible household 14 days  
121 after the Town is notified of the failure to lease, with the condition that the next housing unit that  
122 becomes available in the development must be offered as an affordable unit so that the affordable  
123 housing requirements for the development continue to be met.

124 4) If, 120 days after the Town’s receipt of notice of availability, the initial sale of an affordable  
125 housing unit by the developer has not occurred, a non-eligible household may occupy it but that  
126 household may only lease the unit for one year from the developer thus preserving the affordable  
127 restrictions. The unit must again be offered for sale upon termination of the one-year lease. The lease  
128 may not be renewed. The Town must be notified of the failure to sell 14 days before the lease is  
129 signed and of the subsequent lease agreement within 30 days of such lease being signed.

130 B. Initial maximum sale pricing of new affordable units must be set as follows:

131 1) Establish the target percentage of area median income level from the York-Kittery-South Berwick,  
132 Maine, Metro Fair market Area (HMFA), as published by the U.S. Department of Housing and Urban  
133 Development that the unit will be marketed to. For projects being funded privately, that number must  
134 be 110% of area median income. For projects that include state, federal or municipal funding, that  
135 number will be influenced by the stipulations attached to the funding.

136 2) From the table below, determine the minimum household size based on the number of bedrooms  
137 in the unit

	<u>1-bedroom or studio</u>	<u>2-bedroom</u>	<u>3-bedroom</u>	<u>4-bedroom</u>
<u>Minimum Household Size</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>

138 3) Calculate 30% of the gross median income based on the area median income from the York-  
139 Kittery-South Berwick, Maine, Metro Fair market Area (HMFA), as published by the U.S.  
140 Department of Housing and Urban Development for the minimum household size based on the  
141 number of bedrooms.

142 For example: (Household’s 110% AMI x .30)/12 = monthly income available for housing-related  
143 expenses

144 4) The amount obtained from the formula above should then have other housing-related expenses,  
 145 such as mortgage insurance, real estate taxes, home insurance and any HOA/condominium fees  
 146 removed. Mortgage insurance must be estimated similar to current rates utilized by the Federal  
 147 Housing Administration unless otherwise agreed to by the Town or its designee. What remains after  
 148 removing non-mortgage related housing expenses is that portion of a household’s monthly income  
 149 which is available for a mortgage payment.

150 5) The sale price will then be set based on a 30-year fixed-rate mortgage with a minimum 3.5% down  
 151 payment. Larger down payments will not change the maximum allowable sale price.

152 6) No affordable housing unit may be sold for more than the maximum sale price.

153 C. Affordable housing units located in a development for which a home owner association (HOA) or  
 154 condominium association will be established must obtain the Town’s review and approval of the draft  
 155 budget and condominium/HOA documents. The Town or its designee may request quotes for costs such  
 156 as replacement reserves and insurance. Fees will be shared proportionately based on the Town’s tax  
 157 assessment of the properties or if that information is not available, on the initial sales price of the units.  
 158 Affordable units will be assessed with consideration given to the associated restrictions. The  
 159 condominium/HOA fees may not increase more than 5% any given year and cannot exceed 15% within  
 160 any five-year period without a supermajority 67% vote of the association. The Town may choose to have  
 161 a consultant or the Town Attorney review the condominium/HOA documents, which fee is payable by  
 162 the developer.

163 D. Maximum resale pricing of affordable units must be set as follows:

164 1) Calculate the average percentage change in the area median income used for the initial pricing for  
 165 the relevant minimum household size between the year of purchase and the present.

166 2) Using that percentage number, calculate the new selling price. For example, if the average  
 167 percentage change in area median income over the time the home was owned is 2% then: (original  
 168 purchase price) \* 1.02) = new selling price.

169 E. Monthly rental costs for affordable housing units will be set based on the following:

170 1) Find the minimum household size based on the number of bedrooms from the table below:

	<u>1-bedroom</u> <u>or studio</u>	<u>2-bedroom</u>	<u>3-bedroom</u>	<u>4-bedroom</u>
<u>Minimum</u> <u>Household</u> <u>Size</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>

171 Use the formula below to calculate the monthly rent:  
 172 0.30 x (annual income based on minimum household size/12) minus utilities = affordable rental unit  
 173 rent.

174 F. The Town, with guidance from the Affordable Housing Committee, reserves the right to modify  
175 the requirements in H. as needed to advance Kittery’s affordable housing goals and objectives.

176 **16.12.9 Supplemental Standards for Approval**

177 A. Prior to submission of any plan for review by a Town land use board such as the Planning Board  
178 or Board of Appeals, the developer shall submit a Housing Plan to the Planning Department outlining the  
179 incentives sought, target median income percentage for the affordable units, proposed location of  
180 affordable housing and standards satisfied from this section.

181 B. The Town must review the plan and certify in writing that the development for which approval is  
182 sought, as described in the Housing Plan, is consistent with all applicable requirements of this Section. If  
183 the plan does not meet the requirements, the Town must notify the developer and the project may not  
184 proceed to the applicable land use board.

185 C. In addition, all housing-related projects in the C-1 zone must undergo master site plan review even  
186 if only one building is proposed. See Chapter 16.6.

187 D. Prior to the submittal of any development application for consideration by a Town land use board,  
188 a pre-application conference between the developer and the Town is required to discuss the application,  
189 site design and relevant requirements of the certified Housing Plan.

190 E. Prior to issuance of a building permit, a land use restriction agreement shall be executed between  
191 the Town Manager and the developer, in a form promulgated by the Town and approved by the Town  
192 Attorney, based on the Housing Plan, which land use restriction agreement sets forth the land use  
193 restrictions required by this section.

194 F. Prior to issuance of the certificate of occupancy for a development subject to this section, the  
195 developer shall provide the Town with a fully executed copy of the land use restriction agreement as  
196 recorded in the real property records maintained by the York County Registry of Deeds.

197

**2. ADD definitions to §16.2 as follows:**

198 **AFFORDABLE**

199 The percentage of income a household is charged in rent and other housing expenses, or must pay in  
200 monthly mortgage payments (including insurance, HOA fees, and taxes), does not exceed 30% of a  
201 household’s gross income, or other amount established in town regulations that does not vary  
202 significantly from this amount.

203 **AFFORDABLE HOUSING UNIT**

204 One dwelling unit of either affordable housing for rent or affordable housing for sale.

205 **AFFORDABLE HOUSING FOR RENT**

206 A dwelling unit that may be rented for year-round occupancy for which the rental cost does not exceed  
207 the maximum cost set forth for households making up to 80% of area median income, as determined by  
208 HUD’s York-Kittery-South Berwick Metro Fair Market Area (HMFA) limits. Annual rent increases are  
209 limited by deed restriction, lease agreement or other legally binding agreement to the percentage increase  
210 in the HUD York-Kittery-South Berwick Metro Fair Market Area (HMFA) median income figures for a  
211 household of that size.



212 AFFORDABLE HOUSING FOR SALE

213 A dwelling unit that may be purchased for year-round occupancy for which the selling price does not  
214 exceed the maximum price set forth for households making up to 120% of area median income, as  
215 determined by HUD's York-Kittery-South Berwick Metro Fair Market Area (HMFA) limits. The resale  
216 price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a  
217 lesser term if permitted by regulations, to the percentage increase in the HUD York-Kittery-South  
218 Berwick Metro Fair Market Area (HMFA) median income figures for a household of that size.

219 COTTAGE CLUSTER

220 A group of size-restricted single-family detached dwelling units that share a common lot as well as  
221 common open space and may share a parking area and/or accessory structures.

222 DISTRIBUTION CENTER

223 A warehouse or specialized building with refrigeration or climate control, stocked with products to be  
224 shipped to retailers, wholesalers or directly to consumers.

225 FULFILLMENT CENTER

226 A physical location, often a warehouse or a specialized building with automation, from which a  
227 fulfillment provider fills customer orders from multiple e-commerce retailers.

228 IMPERVIOUS SURFACE

229 The total area of a parcel that consists of buildings and any associated structures as well as roads,  
230 driveways, and parking areas, whether paved or unpaved and any additional area that is covered with a  
231 low-permeability material such as asphalt, stone or concrete or compacted through design or use to reduce  
232 permeability.

233 SHOPPING FULFILLMENT CENTERS

234 A physical location that combines a business's retail functions and its warehouse or distribution activities  
235 into one building. These facilities provide customers options for viewing goods and placing orders online  
236 or onsite. Products are stored and orders are processed onsite.

**3. AMEND the definition of Dwelling in §16.2 as follows:**

237 **DWELLING UNIT**

238 A room or group of rooms forming a habitable unit for one family household, with facilities used or  
239 intended to be used for living, sleeping, cooking, eating and sanitary facilities. ~~It comprises at least 650-~~  
240 ~~square feet of habitable floor space, except for elderly housing, an accessory dwelling unit or a~~  
241 ~~temporary, intrafamily dwelling unit. The term does not include a trailer.~~ Such a unit must meet the  
242 building code standards adopted and amended from time to time by Maine's Bureau of Building Codes  
243 and Standards.

**4. AMEND §16.3.2.11 purpose of C ZONES as follows:**

244 § 16.3.2.11 **Commercial (C-1, C-2, C-3).**

245 A. Purpose.

246 (1) The C-1 (Route 1 Commercial) Zone proposes to add a range of uses and building types, including  
247 residential, to a vehicle-dependent predominately retail-oriented shopping area with proximity to several  
248 small neighborhoods. The presence of significant existing infrastructure and the opportunity to redevelop

249 under-utilized properties for a diversity of housing types, restaurants, services and shops with increased  
250 pedestrian access will allow the Town to advance Comprehensive Plan housing and economic  
251 development goals and meet the needs of residents into the future.

252 (2) The purpose of the ~~Commercial (C-1, C-2, C-3)~~ (Route 236 Commercial) Zone is to provide-  
253 ~~general retail sales~~, services, industry and business space within the Town in a locations capable of  
254 conveniently serving community-wide and/or regional trade areas and oriented primarily to ~~automobile-~~  
255 vehicular access.

256 (3) The C-3 (Bypass/Old Post Road Commercial) Zone proposed to introduce a mix of housing,  
257 businesses and services to an area that serves as one of the gateways to and through Kittery. Existing  
258 infrastructure, proximity to residential neighborhoods, and direct access to I-95 give this zone  
259 opportunities for housing and commercial uses, as well as advancing pedestrian access, serving residents  
260 and the region.

261 To reflect the differing character of various parts of the commercial areas, it is divided into three zones  
262 that are shown on the Zoning Map:

- |     |                                      |
|-----|--------------------------------------|
| C-1 | Route 1 Commercial Zone              |
| C-2 | Route 236 Commercial Zone            |
| C-3 | Bypass/Old Post Road Commercial Zone |

263 (24) Where the standards or requirements for the zones vary, the provisions for the zone in which the  
264 parcel is located apply.

**5. ADD §16.3.2.11.B (1) Dwelling Units to §16.3.2.11.B (1) C-1 permitted uses as follows:**

265 (1) C-1 permitted uses.

266 (w) Dwelling, two-family.

**6. AMEND §16.3.2.11.B (3) C-3 permitted uses as follows:**

267 (3) C-3 permitted uses.

268 (a) Public open space recreational uses, recreational facilities and selected commercial recreation;

269 (b) School (including nursery school), hospital, elder-care facility, long-term nursing care facility,  
270 convalescent care facility, municipal or state building or use, church or any other institution of  
271 educational, religious, philanthropic, fraternal, political or social nature;

272 (c) Accessory uses and buildings including minor or major home occupations;

273 (d) Business and professional offices;



- 274 (e) Mass transit station;
- 275 (f) Commercial parking lot or parking garage;
- 276 (g) Retail uses and wholesale businesses, excluding used car lots and junkyards;
- 277 (h) Service establishments;
- 278 (i) Public utility facilities, including substations, pumping stations and sewage treatment facilities;
- 279 (j) Restaurant;
- 280 (k) Veterinary hospital;
- 281 (l) Motel, hotel, rooming house, inn;
- 282 (m) Art studio/gallery;
- 283 (n) Grocery, food store, convenience store;
- 284 (o) Day-care facility;
- 285 (p) Business service;
- 286 (q) Personal service;
- 287 (r) Building materials and garden supply;
- 288 (s) Conference center;
- 289 (t) Repair services;
- 290 ~~(u) New motor vehicle sales;~~
- 291 (~~v~~u) Boatyard;
- 292 (~~w~~v) Mechanical services, excluding junkyard;
- 293 (~~x~~w) Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking of  
294 seafood occur at the site;
- 295 (~~y~~x) Aquaculture;
- 296 (~~z~~y) Accessory dwelling unit; ~~and~~

297 (~~aa~~) Specialty food and/or beverage facility; and

298 (aa) Dwelling, two-family.

**7. AMEND §16.3.2.11.C (1) C-1 special exception uses as follows:**

299 (1) C-1 special exception uses.

300 ~~(a) Used car lot not connected with new car sales;~~

301 ~~(ba)~~ Gasoline sales if: i) not located within 1,000 feet of an existing station or private residence; and ii)  
302 not located within 150 feet of an existing structure;

303 ~~(eb)~~ Funeral home;

304 ~~(ec)~~ Place of assembly, including theater;

305 ~~(ed)~~ Transportation terminal excluding truck stops;

306 ~~(fe)~~ Warehousing and storage;

307 ~~(gf)~~ Mini storage not located within 2,000 feet from an existing mini storage facility located in the same  
308 zoning district;

309 ~~(hg)~~ Research and development;

310 ~~(ih)~~ Manufacturing operations that conform to the provisions of § 16.1.3.2.2 and Chapters 16.8 and 16.9;

311 ~~(ji)~~ Repair garages not located within 150 feet of a private dwelling or existing structure;

312 ~~(kj)~~ Buildings and structures over 40 feet that conform to the provisions of Chapters 16.8 and 16.9.  
313 Buildings and structures, other than multifamily dwellings and dwelling units as part of a mixed-use  
314 building in the C-1 Zone, west of Route 1, which are taller as allowed in 16.3.2.11.D (2)(e), higher  
315 than 40 actual feet from the lowest point of grade to the highest point of the building or structure  
316 must have side, rear and front yards of sufficient depth to adequately protect the health, safety and  
317 welfare of abutting properties and which may not be less than current standards or 50% of actual  
318 height, whichever is greater;

319 ~~(lk)~~ Temporary, intrafamily dwelling unit;

320 ~~(m) New motor vehicle sales;~~

321 ~~(nl)~~ Mechanical services, excluding junkyard; ~~and~~

322 ~~(m)~~ Aquaculture-;

323 (n) Cottage cluster;

324 (o) Dwelling, attached single-family;

325 (p) Dwelling, multifamily; and

326 (q) Dwelling units as part of a mixed-use building.

**8. AMEND §16.3.2.11.C (3) C-3 special exception uses as follows:**

327 (3) C-3 special exception uses.

328 ~~(a) Used car lot not connected with new car sales;~~

329 ~~(ba)~~ Gasoline sales if: i) not located within 1,000 feet of an existing station or private residence; and ii)  
330 not located within 150 feet of an existing structure;

331 ~~(eb)~~ Funeral home;

332 ~~(ec)~~ Place of assembly, including theater;

333 ~~(ed)~~ Transportation terminal excluding truck stops;

334 ~~(fe)~~ Warehousing and storage;

335 ~~(gf)~~ Mini storage not located within 2,000 feet from an existing mini storage facility located in the same  
336 zoning district;

337 ~~(hg)~~ Research and development;

338 ~~(ih)~~ Manufacturing operations that conform to the provisions of § 16.1.3.2.2 and Chapters 16.8 and 16.9;

339 ~~(ji)~~ Repair garages not located within 150 feet of a private dwelling or existing structure;

340 ~~(kj)~~ Buildings and structures over 40 feet that conform to the provisions of Chapters 16.8 and 16.9.  
341 Buildings and structures, other than multifamily dwellings and dwelling units as part of a mixed-use  
342 building in the C-3 Zone, west of Route 1, which are taller as allowed in 16.3.2.11.D (2)(e), higher  
343 than 40 actual feet from the lowest point of grade to the highest point of the building or structure  
344 must have side, rear and front yards of sufficient depth to adequately protect the health, safety and  
345 welfare of abutting properties, and which may not be less than current standards or 50% of actual  
346 height, whichever is greater;

347 (~~k~~) Temporary, intrafamily dwelling unit;

348 (~~m~~) Commercial greenhouses;

349 ~~(n) Adult entertainment establishment not located within 1,000 feet of an existing private residence,~~  
350 ~~school or place of worship;~~

351 (~~o~~) Shops in pursuit of trade; ~~and~~

352 (~~p~~) Construction services;

353 (o) Cottage cluster;

354 (p) Dwelling, attached single-family;

355 (q) Dwelling, multifamily; and

356 (r) Dwelling units as part of a mixed-use building.

**9. ADD §16.3.2.11.C (4) Undefined Uses as follows:**

357 (4) Undefined Uses in C-1 and C-3 Zones

358 Undefined uses will be considered by the Planning Board based on the following criteria:

359 (a) If the use is consistent with the Comprehensive Plan and zoning district purposes; and

360 (b) If the use meets special exception criteria found in §16.6.4.4.

361 In addition, the undefined use must meet one or both of the following criteria:

362 (a) If the proposed use has substantially similar impacts as a listed use.

363 (b) If the proposed use is compatible with existing uses within the zoning district for which it is  
364 proposed.

**10. AMEND §16.3.2.11.D standards as follows:**

365 D. Standards.

366 (1) C Zone standards. All development and the use of land in the C Zone must meet the following  
367 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the  
368 design and performance standards of Chapters 16.8 and 16.9 must be met unless noted otherwise  
369 below.

370 (2) The following space standards apply in the C-1, C-2 and C-3 Zones:

371 (a) Minimum lot size: ~~40,000 square feet.~~ or density:

<u>C-1 and C-3 Zones</u>		<u>C-2 Zone</u>	
<u>Cottage Cluster; Dwelling, Attached Single-Family, Dwelling, Multi-Family, Dwelling, Two-Family, Dwelling Units as part of a Mixed-Use Building *</u>	<u>16 units per acre unless 25% of units are affordable housing units as defined by this code, in which case 20 units per acre are allowed.*</u>	<u>All uses</u>	<u>40,000 square feet</u>
<u>All other uses</u>	<u>40,000 square feet</u>		

372 \*NOTE: These uses are exempt from net residential acreage calculations but are subject to minimum land  
 373 area per dwelling unit requirements as described in § 16.7.8.4 Exemptions to net residential acreage  
 374 calculations.

375 (b) Minimum street frontage: ~~150 feet.~~

<u>C-1 and C-3 Zones</u>		<u>C-2 Zone</u>	
<u>All uses</u>	<u>No minimum*</u>	<u>All uses</u>	<u>150 feet</u>

376 \*NOTE: All lots must meet the requirements of Article XVI Lots unless specifically modified by this  
 377 section (16.3.2.11). Street frontage must provide sufficient vehicular and pedestrian access for the uses  
 378 proposed while meeting public health and safety requirements (e.g. Fire Department, Department of  
 379 Public Works). The applicant must demonstrate to the municipal permitting authority, that the street  
 380 frontage and lot design meet these requirements to the extent practicable.

381 (c) ~~Minimum~~ Maximum front ~~yard: 50 feet.~~ setback:

<u>C-1 and C-3 Zone</u>		<u>C-2 Zone</u>	
<u>All uses</u>	<u>15 feet*</u>	<u>All uses</u>	<u>50 feet</u>

382 \*NOTE: The Planning Board may, at its discretion, allow a greater setback when public amenities such as  
 383 benches, pocket parks, outdoor dining or seating areas are proposed. Properties in the C-3 Zone with  
 384 frontage on Old Post Road, including those lots which also have frontage on Route 1 Bypass, are required  
 385 to have at least a 15-foot setback on Old Post Road.

386 (d) Minimum rear and side ~~yards~~setbacks: 30 feet.

<u>C-1 Zone</u>		<u>C-2 Zone</u>		<u>C-3 Zone</u>	
<u>All uses</u>	<u>10 feet*</u>	<u>All uses</u>	<u>30 feet**</u>	<u>All uses</u>	<u>10 feet***</u>

387 \*NOTE: Except where side and/or rear setbacks of proposed new uses abut a single-family use and/or any  
 388 properties located on the east side of Route 1 from the southernmost extent of the C-1 zone north to  
 389 properties abutting Ox Point Drive in which case a minimum of 30 feet is required. See  
 390 16.3.2.11.C.(4).(e) for buffer requirements.

391 (\*\*NOTE: Except as may be required by the buffer provisions of this title, and where the side and/or rear  
 392 yards of the proposed nonresidential use abut a residential zone or use; in which case a minimum of 40  
 393 feet is required.)

394 \*\*\*NOTE: Except where side and/or rear setbacks of proposed new uses abut a single-family use in  
 395 which case a minimum of 15 feet is required.

396 (e) Maximum building height: ~~40 feet.~~

<u>C-1 Zone</u>		<u>C-3 Zone</u>	<u>C-2 Zone</u>	
<u>Dwelling, Multifamily, Dwelling Units as part of a Mixed-Use Building</u>	<u>50 feet on the west side of Route 1, not including solar apparatus* and 40 feet on the east side of Route 1, not including solar apparatus*.</u>	<u>40 feet*</u>	<u>All uses</u>	<u>40 feet</u>
<u>All other uses</u>	<u>40 feet</u>	<u>40 feet</u>		

397 \*NOTE: Flat roofs, proposed to locate heating, cooling, or other such mechanical or electrical apparatus

398 off the ground, are acceptable provided that such apparatus is screened from view and the screening is  
399 designed as an integral part of the building to aid both aesthetics and noise attenuation. Flat roofs  
400 proposed for the purpose of solar array installations are also acceptable.

401 \*\*NOTE: For properties in the C-3 Zone with frontage on Old Post Road, including those lots which also  
402 have frontage on Route 1 Bypass, the setback on Old Post Road must be 15 feet or greater as provided by  
403 section (c) above and building heights must not exceed 25 feet for the first 15 feet beyond the minimum  
404 15-foot setback.

405 (f) ~~Maximum building and outdoor stored material coverage: 40%.~~ Impervious surface:

406 For lots in the C-1 and C-3 zones which are currently developed and for which new multi-family,  
407 attached single-family or two-family dwellings, cottage clusters, or dwelling units as part of mixed-use  
408 building are proposed, either with or without existing or new commercial uses on the same lot, the  
409 maximum impervious surface, including but not limited to driveways, buildings, sidewalks and parking  
410 areas:

411 [1] Is 70%; or

412 [2] The Planning Board may, at its discretion, allow greater than 70% if proof that all  
413 stormwater will be managed on-site, utilizing LID (Low Impact Development) and BMP (Best  
414 Management Practice) systems based on Maine DEP's Maine Stormwater Best Management  
415 Practices Manual, Volumes 1-III as amended from time to time. The stormwater report and plan  
416 demonstrating that this requirement is met must be included with the application at the time of  
417 submission.

418 For lots in the C-3 zone which are currently vacant (no existing structure) and for which new multi-  
419 family, attached single-family, or two-family dwellings, cottage clusters, or dwelling units as part of  
420 mixed-use building are proposed, the maximum impervious surface, including driveways, buildings,  
421 sidewalks and parking areas:

422 [1] Is 60% or

423 [2] The Planning Board may, at its discretion, allow greater than 60% if proof that all  
424 stormwater will be managed on-site utilizing LID (Low Impact Development) and BMP  
425 (Best Management Practice) systems based on Maine DEP's Maine Stormwater Best  
426 Management Practices Manual, Volumes 1-III as amended from time to time. The  
427 stormwater report and plan demonstrating that this requirement is met must be included  
428 with the application at the time of submission.

429 For lots in the C-1 or C-3 zones which are currently developed and for which redevelopment is proposed  
430 with new non-residential structures, the maximum impervious surface, including but not limited to  
431 driveways, buildings, sidewalks and parking areas:

432 [1] Is 70%; and all stormwater must be managed on-site, utilizing LID (Low Impact  
433 Development) and BMP (Best Management Practice) systems based on Maine DEP's  
434 Maine Stormwater Best Management Practices Manual, Volumes 1-III as amended from  
435 time to time. The stormwater report and plan demonstrating that this requirement is met  
436 must be included with the application at the time of submission.

437 For all uses in the C-2 Zone, building and outdoor material coverage must not exceed 40%.

438 (g) ~~Minimum setback from~~ water body ~~and wetland~~ setback for functionally water-dependent uses: zero  
439 feet.

440 (h) Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9,  
441 § 16.3.2.17 and Appendix A, Fee Schedules.

442 (i) Affordable housing requirements:

443 [1] All requirements in 16.12. Affordable Housing must be met.

444

445 [2] Density incentives outlined above in (2).(a) may be applied to projects that create  
446 affordable housing units, as defined by this code. No proportional payment-in-lieu is  
447 required if the affordable dwelling unit requirements for the density incentives are met.

448

449 (j). Mixed-use buildings must have non-residential uses comprising at least 50% of the street-facing  
450 first floor.

451

452 (k) Underground utilities are required. The Planning Board may allow an alternative but it is incumbent  
453 upon the applicant to demonstrate why such a modification request should be granted.

454 (l) Cottage cluster requirements:

455

456 [1] Cottage cluster dwelling units must either face the required common open space or the  
457 street. The required open space must be held in common for use by all the cottage cluster  
458 residents and must be immediately accessible to each dwelling unit, via either the front or  
459 the back of each unit.

460

461 [2] Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing  
462 between units must comply with the requirements of the Fire Department and/or the State  
463 Fire Marshall's office.

464

465 [3] Shared parking areas must be connected to each dwelling unit via a sidewalk

466 (3) C-1 Zone standards. All development and the use of land except for new multifamily, attached  
467 single-family or two-family dwellings, cottage clusters, or dwelling units as part of a mixed-use  
468 building within the C-1 Zone must meet the following standards:



469 (4) C-1 and C-3 Zone standards for attached single-family dwellings, multi-family dwellings, two-  
470 family dwellings where more than one two-family dwelling is proposed for a single lot, cottage  
471 clusters, and dwelling units as part of a mixed-use building:

472 (a) Design standards.

473 See Kittery's Design Handbook for further information on how these standards can be met.

474 [1] Sidewalks must be installed within the right-of-way to meet minimum requirements as  
475 specified in 16.8 Table 1, subject to review and approval by the Department of Public Works  
476 and MaineDOT if required.

477 [2] Connectivity between new housing development and adjacent existing or new commercial  
478 areas is required. This connectivity must, at minimum, include sidewalks or walkways. In  
479 the C-1 zone, connectivity may also include vehicular access coupled with sidewalks or  
480 walkways between residential and commercial areas. Connectivity must be pedestrian-  
481 friendly with appropriately scaled improvements such as eight-foot wide sidewalks and  
482 human-scaled lighting.

483 [3] On-street parking is encouraged on new or existing private roads off Route 1, and may be  
484 considered as a part of a joint use parking plan when such on-street parking is proposed as  
485 part of a development or redevelopment plan.

486 [4] All service areas for dumpsters, compressors, generators and similar items must be screened  
487 by a fence at least six feet tall, constructed of a material similar to surrounding buildings,  
488 and must surround the service area except for the necessary ingress/egress.

489 [5] Parking must be located behind multifamily dwellings and mixed-use buildings with  
490 residential dwelling units when viewed from the street. The Planning Board may allow  
491 parking to the side or front of such residential or mixed-use buildings at its discretion, but it  
492 is incumbent upon the applicant to demonstrate why rear parking is not feasible.

493 [6] Lighting plans, including lighting fixture designs and photometric plans must be included at  
494 the time of application submission. All fixtures must be cut-off to prevent light trespass and  
495 meet all requirements of Chapter 16.8 Article XXIV.

496 [7] A single new two-family dwelling proposed for a lot, the addition of another dwelling unit to  
497 an existing single-family residence to create a two-family dwelling and the addition of an  
498 ADU (Accessory Dwelling Unit) to a single-family residence is exempt from these design  
499 standards.

500 (b) Open space standards.

501 [1] Open space must be provided as a percentage of the total area of the lot, and may include  
502 wetlands, water bodies, streams, and setbacks. Fifteen percent (15%) of each lot must be  
503 designated as open space.

504 [2] For multifamily dwellings, mixed-use buildings with residential dwelling units and attached  
505 single-family dwellings, in cases where the property does not meet the 15% requirement due  
506 to existing development, and where redevelopment will remain at the same or comprise a

507 lower percentage of the lot, the Planning Board may, at its discretion, allow a smaller  
508 percentage of open space. In granting this concession, the Board may require more intensive  
509 landscape plantings.

510 (c) Parking standards.

511 The following minimum off-street parking requirements must be provided and maintained in  
512 case of new construction, alterations, and changes of use:

513 [1] Parking requirements must be met on site unless an existing building covers so much of the  
514 lot as to make the provision of parking impractical in whole or in part. If meeting the parking  
515 requirements is not practical, then the parking demand may be satisfied off site or through  
516 joint-use agreements as specified herein. Notwithstanding the off-street parking requirements  
517 in Article IX of Chapter 16.8, minimum parking requirements for the uses below are  
518 modified as specified:

519 [a] Dwelling units: 1 parking space per dwelling unit.

520 [b] For multifamily dwellings, if more than ten parking spaces are required, up to 20% of the  
521 parking may be designated for compact cars. See 16.8.9.4 Off-Street Parking Standards.

522 [2] Off-site parking. Required off-street parking may be satisfied at off-site locations, provided  
523 such parking is on other property owned by the applicant or is under the terms of a  
524 contractual agreement that will ensure such parking remains available for the uses served.  
525 Applicant must present evidence of a parking location and a contractual agreement;

526 [3] Joint-use parking. Required off-street parking may also be satisfied by the joint use of  
527 parking space by two or more uses if the applicant can show that parking demand is  
528 nonconflicting and will reasonably provide adequate parking for the multiple uses without  
529 parking overflowing into undesignated areas. Nonconflicting periods may consist of daytime  
530 as opposed to evening hours of operation or weekday as opposed to weekends or seasonal  
531 variation in parking demand.

532 [a] Such joint parking areas must be held under ownership of the applicant or under terms of  
533 a contractual agreement that ensures such parking remains available to all users of the  
534 shared parking spaces;

535 [b] Determination of parking adequacy will be based on a most frequent basis, not a "worst  
536 case" scenario;

537 [c] Joint use parking areas must be located within 1,500 feet of the uses served, but do not  
538 need to be located on the same lot as the uses served;

539 [d] Ease and safety of pedestrian access to shared parking by the users served must be  
540 demonstrated to the municipal permitting authority's satisfaction, including any  
541 proposed improvements, such as crosswalks or shuttle service that may be offered and its  
542 requisite loading/unloading areas;

543 [e] Such joint parking areas must not be located in residential zones of the Town.

544 [4] In making determinations on off-site or joint-use parking under a development plan review,  
545 the municipal permitting authority with jurisdiction to review and approve will make a final

546 determination of the joint-use and/or off-site spaces that constitute an acceptable combination  
547 of spaces to meet the required parking demand.

548 [5] Electric car charging stations are allowed in parking lots but must not interfere with  
549 pedestrian movement on sidewalks.

550 (d) Landscaping and screening

551 [1] For new multi-family, attached single-family, or dwelling units as part of a mixed-use  
552 building or any new residential use that will create more than three dwelling units on a site,  
553 the following standards apply:

554 [a] A landscape plan prepared by a registered landscape architect is a submission  
555 requirement. However, a landscape plan done by other design professionals may be  
556 allowed at the Planning Board's discretion.

557 [b] A minimum of one street tree must be planted for each 25 feet of street frontage. Trees  
558 may be planted in groups or spaced along the frontage. However, trees must be planted  
559 to ensure survival, using silva cells, bioretention cells or tree wells. Trees are to be a  
560 minimum of 2.5-inch caliper and 12 feet high at the time of planting. Existing large  
561 healthy trees must be preserved if practical and will count towards this requirement.  
562 Trees proposed within the right-of-way must remain under 20 feet tall at maturity.

563 [c] Surface parking lots designed for five or more cars that will service multifamily or  
564 mixed-use buildings with dwelling units and which abut a street must provide  
565 screening in one of the following ways:

566 i. One tree per 25 feet of street frontage backed by a fence constructed of a  
567 material similar to surrounding buildings which must screen the parking area  
568 from the street except for necessary vehicular and pedestrian access. To  
569 ensure survival, trees must be planted using silva cells, bioretention cells or  
570 tree wells. Trees must be at least 2.5-inch caliper and 12 feet high at the time  
571 of planting. Existing large healthy trees must be preserved if practical and  
572 will count towards this requirement. Trees proposed within the right-of-way  
573 must remain under 20 feet tall at maturity.

574 ii. A combination of trees and shrubs including at least 50% evergreen species,  
575 all at least six feet high at time of planting, in a planting bed at least eight  
576 feet wide. Plantings must be sufficient, as determined by the Planning Board,  
577 to screen the parking area from the street except for necessary vehicular and  
578 pedestrian access. Planting beds may be mulched but no dyed-mulching  
579 material may be used.

580 [d] A minimum of 10% of any surface parking area consisting of 10 or more spaces must  
581 be landscaped with trees and vegetated islands. This requirement is in addition to the  
582 aforementioned screening and street tree requirements.

583 [e] Native trees are preferred and must be drought and salt tolerant when used along  
584 streets. A diversity of tree species (three to five species per every 12 trees) is required  
585 to provide greater resiliency to threats from introduced insect pests and diseases.

586 [f] Any required plantings that do not survive must be replaced within one year. This  
587 requirement does not expire and runs with the land.

588 [g] If 25% of the proposed development will be affordable dwelling units, the Planning  
589 Board may, at its discretion, modify surface parking lot landscaping and screening  
590 requirements under [c] and [d].

591 (e) Buffers.

592 [1] Buffers are required between new residential uses and existing nonresidential uses and  
593 must be at least 10 feet wide. A buffer plan must be prepared in conjunction with the  
594 landscape plan as described in [d].[1].(a) above and consist of:

595 [a] A fence at least six feet high, constructed of material similar to surrounding buildings,  
596 with plantings of trees at least six feet tall at time of planting and shrubs on the new  
597 residential side of the fence.

598 [b] Ground cover plantings such as perennials or ornamental grasses must be used where  
599 appropriate.

600 [c] Plantings must be provided with irrigation to enhance survival unless they are part of a  
601 bioretention cell, rain garden or tree well.

602 [d] Any required plantings that do not survive must be replaced within one year. This  
603 requirement does not expire and runs with the land.

604 [e] If 25% of the proposed development will be affordable housing dwelling units, the  
605 Planning Board may, at its discretion, modify buffer requirements under [a] and [b].

606 [2] Buffers are required between new residential uses and existing single-family uses and must  
607 be at least 10 feet wide. A buffer plan must be prepared in conjunction with the landscape  
608 plan as described in [d].[1].(a) above and consist of:

609 [a] A fence at least six feet high, constructed of material similar to surrounding buildings,  
610 with plantings of trees and shrubs at least six feet tall on the new residential side of the  
611 fence; or

612 [b] Plantings of trees at least six feet tall and shrubs, including at least 50% evergreen  
613 species. Such plantings must ensure adequate buffering and screening is achieved as  
614 determined by the Planning Board.

615 [c] Ground cover plantings, such as perennials or ornamental grasses must be used where  
616 appropriate.

617 [d] Plantings must be provided with irrigation to enhance survival unless they are part of a  
618 bioretention cell, rain garden or tree well.

619 [e] Any required plantings that do not survive must be replaced within one year. This  
620 requirement does not expire and runs with the land.

621 [f] If 25% of the proposed development will be affordable housing dwelling units, the  
 622 Planning Board may, at its discretion, modify buffer requirements under [a], [b] and  
 623 [c].

**11. RENUMBER §16.3.2.11.D (4) C-2 Zone standards to (5) as follows:**

624 ~~(4)~~ C-2 Zone standards.

**12. AMEND §16.3.2.11.D (5) to as follows:**

625 ~~(5)~~ C-3 Zone standards. All development and the use of land except for new multifamily, attached  
 626 single-family or two-family dwellings, cottage clusters or dwelling units as part of a mixed-use  
 627 building, within the C-3 Zone must meet the following standards:

**13. AMEND §16.7.8.4 Exemptions to net residential acreage calculations as follows:**

628 C. The Mixed-Use – Neighborhood Zone (MU-N) and certain residential uses in the C-1 and C-3  
 629 zones as noted in 16.3.2.11 are exempt from § 16.7.8.2, Net residential acreage calculation, but is  
 630 subject to the minimum land area per dwelling unit as defined in Chapter 2, Definitions, except that 50%  
 631 of all wetlands may be subtracted, rather than 100%.

**14. AMEND §16.8.9.4 Off-street parking standards as follows:**

632 Table 2-A Parking Space Design

Compact Car Parking

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u> <u>(Aisle Width)</u>	
To curb	Angle of Parking (degrees)	Stall Width (feet)	Stall Depth (feet)	Stall to Curb (feet)	Skew (feet)	One-Way Traffic (feet)	Two-Way Traffic (feet)
Parallel	0	8	16	8.0	<del>TBD</del> 16.0	12	<del>18</del> 19
Diagonal	45	8	16	<del>TBD</del> 17.0	<del>TBD</del> 5.7	13.5	<del>18</del> 20
Diagonal	<del>46 to</del> 60	8	16	<del>TBD</del> 17.8	<del>TBD</del> 6.9	18	<del>18</del> 20
Perpendicular	<del>61 to</del> 90	8	16	<del>TBD</del> 16.0	<del>TBD</del> 8.0	22	22

**15. ADD §16.8.9.4 Off-street parking standards as follows:**

633 N. Compact-size parking spaces, unless restricted for use by and located adjacent to a dwelling unit,  
 634 must be located in one (1) or more continuous areas and cannot be intermixed with spaces designed for  
 635 full size vehicles.

636 O. Compact-size parking spaces shall be clearly designated by pavement marking and by direction  
 637 signs in conformance with 16.8.10.9.

**KITTERY TOWN CODE –  
TITLE 16  
AFFORDABLE HOUSING**

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

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

10 **WHEREAS**, the Town of Kittery desires to promote and retain a diverse community of residents  
11 who provide essential services to the Town, cultural enrichment, a variety of ages and  
12 backgrounds, or who currently live in Kittery on modest means; and

13 **WHEREAS**, the Town of Kittery recognizes that municipal support provided through a  
14 combination of policy, ordinances, and funds are needed for the creation, rehabilitation, and  
15 retention of affordable housing units in Kittery; and

16 **WHEREAS**, the Town of Kittery seeks to remove barriers and incentivize the creation,  
17 rehabilitation, and retention of affordable housing units through its zoning code;

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

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

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

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



## ESTABLISHMENT OF A HOUSING RESERVE FUND

1 **WHEREAS**, the Town of Kittery recognizes that the market alone will not provide the range and  
2 diversity of housing types needed for a vibrant community; and

3 **WHEREAS**, Whereas the Town of Kittery desires to promote and retain a diverse community  
4 of residents who provide essential services to the Town, cultural enrichment, a variety of ages  
5 and backgrounds, or who currently live in Kittery on modest means; and

6 **WHEREAS**, the Town of Kittery recognizes that municipal support provided through a  
7 combination of policy, ordinance, and funds are needed for the creation, rehabilitation, and  
8 retention of affordable housing units in Kittery;

9 **NOW, THEREFORE**, the Kittery Town Council hereby establishes a Housing Reserve Fund,  
10 held and applied solely for the purpose of creation, rehabilitation, and retention of affordable  
11 housing units in Kittery as defined by Title 16.

12 The Housing Reserve Fund will receive monies from the sale of foreclosed properties in  
13 accordance with Title 3.2.10(B)(1), affordable unit payment-in-lieu fees in accordance with  
14 Title 16, grants, and charitable donations. Upon approval of the Town Council other funds  
15 may be transferred or allocated to the Housing Reserve Fund in accordance with Town  
16 Charter 6.09.

17 Monies in the Housing Reserve Fund will be appropriated for the purpose of supporting the  
18 creation, rehabilitation, and retention of affordable housing units in Kittery. These activities  
19 may include but are not limited to: purchase of land, construction of affordable housing units,  
20 financial grants and loans for private development and construction of affordable housing  
21 units, conversion, rehabilitation, and renovation of existing affordable housing units, and  
22 oversight and administration of programs and projects associated with these activities in  
23 support of the Town's affordable housing goals and objectives.

24 The Kittery Housing Committee will make recommendations to the Town Council for use of  
25 funds in the Housing Reserve Fund, in accordance with Title 4.18. Unless otherwise  
26 approved by the Town Council, monies must be appropriated by the Town Council, prior to  
27 incurring obligations or expenses against the fund.

28 **Motion to approve made by Councilor \_\_\_\_\_ and seconded by**  
29 **Councilor**

30 \_\_\_\_\_, and passed by a vote of \_\_\_\_\_ on the \_\_\_\_\_ day  
31 of

32 \_\_\_\_\_, 2020.

**TITLE 3  
DISPOSAL OF TAX FORECLOSURE PROPERTY**

**AMEND §3.2.10 Disposal of property to allow for the allocation of proceeds from tax foreclosed property sales to support affordable housing initiatives, as follows:**

- 1 § 3.2.10 **Disposal of property.**
- 2 A. All municipally owned property, real or personal, must be disposed of either by:
- 3 (1) Trade-in on purchase of new equipment. Any item that is offered as a trade-in must also be offered for  
4 sale by competitive bid. The higher amount of the two (trade-in allowance or bid) must be accepted;
- 5 (2) Sealed bids; or
- 6 (3) Auction.
- 7 B. Monies Received from the disposal of property.
- 8 (1) Real Property Obtained Through Tax Foreclosure: Unless otherwise requested by the Town Manager  
9 and so directed by the Council, monies received from the disposal of real property obtained through tax  
10 foreclosure, pursuant to Subsection A(2) and (3), must be credited to the housing reserve fund, net of  
11 taxes owed on the property, fines and fees associated with the foreclosure and sale of the property, and  
12 any and all municipal fines and fees associated with the property.
- 13 (2) Personal Property: Unless otherwise requested by the Town Manager and so directed by the Council,  
14 monies received from the disposal of personal property pursuant to Subsection **A(2)** and **(3)** above must  
15 be credited to the vehicle or equipment reserve fund revenue account designated as the current vehicle or  
16 equipment fund used by the department for which it was purchased.
- 17 (3) Other Property: Unless otherwise requested by the Town Manager and so directed by the Council, all  
18 other monies received from the disposal of property, real or personal, must be credited to the  
19 undesignated reserve fund, net of any fines, fees, or taxes associated with the property or its disposal.
- 20 C. This chapter does not apply to disposal of:
- 21 (1) Items commonly termed refuse, waste or trash;
- 22 (2) Recycled material emanating from the solid waste facility;
- 23 (3) Compost or sludge materials developed by treatment of sewage;
- 24 (4) Interdepartmental transfers approved by the Town Manager; or
- 25 (5) Property whose estimated value is less than \$100.
- 26 D. The above procedure must be followed at all times unless prior approval is obtained from the Town  
27 Council.



**KITTERY TOWN CODE**  
**TITLE 3**  
**DISPOSAL OF TAX FORECLOSURE PROPERTY**

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

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

10 **WHEREAS**, the Town of Kittery desires to promote and retain a diverse community of residents  
11 who provide essential services to the Town, cultural enrichment, a variety of ages and  
12 backgrounds, or who currently live in Kittery on modest means; and

13 **WHEREAS**, the Town of Kittery recognizes that municipal support provided through a  
14 combination of policy, ordinances, and funds are needed for the creation, rehabilitation, and  
15 retention of affordable housing units in Kittery; and

16 **WHEREAS**, the Kittery Town Council seeks to utilize proceeds from the sale of tax foreclosed  
17 properties to support affordable housing initiatives and goals of the Town;

18 **NOW THEREFORE** IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN  
19 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 3  
20 OF THE TOWN CODE, AS PRESENTED.

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

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

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

**TITLE 4**  
**KITTERY HOUSING COMMITTEE**

**ADD §4.18 Kittery Housing Committee as follows:**

1 Chapter 4.18 Kittery Housing Committee

2 § 4.18.1 Purpose

3 The Housing Committee will seek options to make Kittery more affordable by researching and advancing  
4 policies and initiatives that will result in an increase in affordable housing supply for a wide array of  
5 residents. The Committee will also recommend the use of the Housing Reserve Funds according to Title  
6 3, and approved policies and procedures.

7  
8 § 4.18.2 Duties

9 The Committee may:

- 10 A. Assess annually the affordability of Kittery housing and identify trends and barriers to achieving a  
11 broad housing supply that is accessible to those at or below the median area income;
- 12 B. Develop recommendations and propose ordinances, policies, projects and objectives to increase the  
13 number of affordable housing units available in Kittery;
- 14 C. Propose policies, for adoption by the Town Council, for the appropriation of Housing Reserve  
15 Funds to support the creation, rehabilitation, and retention of affordable housing;
- 16 D. Recommend to the Council the allocation of housing reserve funds in accordance with the  
17 establishment of the fund and approved policies;
- 18 E. Provide education and information regarding the affordability of housing in Kittery; and
- 19 F. Collaborate with surrounding communities and the State on regional and statewide affordable  
20 housing efforts.

21 § 4.18.3 Membership

22 Upon adoption of this ordinance, the existing members of the Housing Working Group will become  
23 members of the Committee, with all terms to expire December 31, 2021.

24 Thereafter, the Committee consists of one (1) Town Councilors, one representative from each of the  
25 following: Planning Board and Economic Development Committee; the Town Manager (or designee);  
26 two (2) representatives with affordable and/or market-rate housing development experience in the region,  
27 and (3) citizen members. Except if appointed as a representative of the Council, Planning Board, and  
28 Town employees, all members are appointed for three (3) year terms. The members representing housing  
29 development are not required to be citizens of Kittery.

**KITTERY TOWN CODE**  
**TITLE 4**  
**KITTERY HOUSING COMMITTEE**

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

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

10 **WHEREAS**, the Town of Kittery desires to promote and retain a diverse community of residents  
11 who provide essential services to the Town, cultural enrichment, a variety of ages and  
12 backgrounds, or who currently live in Kittery on modest means; and

13 **WHEREAS**, the Town of Kittery recognizes that municipal support provided through a  
14 combination of policy, ordinances, and funds are needed for the creation, rehabilitation, and  
15 retention of affordable housing units in Kittery; and

16 **WHEREAS**, the Kittery Town Council seeks to create a committee to seek options to make  
17 Kittery more affordable, to research and advance policies and initiatives that will result in an  
18 increase in affordable housing supply for a wide array of residents, and to recommend uses for  
19 the Housing Reserve Fund;

20 **NOW THEREFORE** IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN  
21 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 4  
22 OF THE TOWN CODE, AS PRESENTED.

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

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

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

Dear Bob,

I have begun to feel 'wrung out' by my life this year and must humbly thank you, and Kristi, for the opportunity to serve on the KCC board.

Unfortunately, this is not a time in my life when I can focus on anything but my work, personal life and the building( and another relocation)of our Home.

I have Great admiration for you and the others who have brought the KCC into the light over the 35 years that I have observed.

I wish you continued successes and look forward to a chance to participate fully - sometime after we are settled into our new home.

Respectful yours

Jan Lamont-Rodons



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: September 28, 2020  
From: Kendra Amaral, Town Manager  
Subject: Social Media Policy  
Council Sponsor: Chairperson Judy Spiller

---

**SOCIAL MEDIA POLICY**

The Council requested work be conducted on a social media policy to address recent concern about the posts of elected officials on social media regarding topics and persons associated with the School Resource Officer debate occurring at the School Committee.

I have reviewed Maine Municipal Association's guidance and various Maine communities' policies. In general, the social media policies pertain to official social media accounts (i.e. Town accounts), municipal employees. My research at a state and national level indicate that private comments on private accounts are generally protected by the First Amendment so long as they do not divulge executive session, protected personnel, or confidential information. To note there are always exceptions to this rule, and court actions are constantly shaping and refining the guidance.

Some of these policies call on employees and elected officials to acknowledge that their private comments reflect on the municipal organization and in some cases request (but not mandate) that such persons refrain from social media comments that could serve to reflect poorly on the organization.

**ETHICS POLICY**

In 2017 and 2018, staff worked on an extensive draft Ethics ordinance for the Council. Ultimately, the Council chose not to adopt the ordinance.

Though the draft ordinance did not directly address social media it did address communications from Councilors, and established a process for dealing with complaints against Councilors.

**RECOMMENDATION**

Additional direction is required as it relates to this matter.

My research indicates that the School Committee policy, as it pertains to elected School Committee members, would not likely hold up in court if challenged. Though the Council could choose to enact such a policy, it would have to do so realizing that the enforceability is questionable against elected officials commenting as private citizens on private accounts.

**ATTACHMENTS**

- Example Social Media Policies
- Unadopted Draft Title 15 Ethics Ordinance package



# THE TOWN OF LIMINGTON

425 Sokokis Ave, Limington, Maine



## Electronic Media Policy

### Article I. Introduction

#### 1. Authority

This ordinance is adopted pursuant to the authority granted municipalities in 30A M.R.S. §3009 and 29-A M.R.S. §2075 (3).

#### 2. Purpose

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the Town of Limington and its departments encourages the use of electronic media to further the communication and transparency goals of the Town and the missions of its departments.

Because the Town has an overriding interest and expectation in deciding what is "spoken" on behalf of the Town on electronic media sites. This policy establishes guidelines for the use of that media.

#### 3. Definitions

- A. **Broadcast:** One-way electronic communication.
- B. **Comment:** A user submitted response to an administrator post.
- C. **Limited Public Forum:** A limited public forum is public property which the Town makes available for use by the public for the purpose of "expressive activities."
- D. **Official Town Email Account:** Email account provided by the Town of Limington email system or external mailbox (limington@roadrunner.com) that is approved for official Town business.
- E. **Post:** An administrator submitted message/blog in the form of text, videos, photographs, graphics, links (hyperlinks), documents, computer applications, etc.
- F. **Electronic media:** Electronic media includes many tools, interconnected via the Internet, such as email and blogs and sites known as social media sites.
- G. **Social Media:** For the purpose of this policy, the term is limited to two specific sites, Facebook and Twitter. More generally, social media can take many forms that integrate technology, social interaction, and content creation. Through social media, individuals or groups can create, organize, edit or comment on, combine, and share content. Social media uses many technologies and forms, including social-networking, blogs, wikis, photo-sharing, video-sharing, podcast, social bookmarking, mash-ups, widgets, virtual worlds, microblogs, Really Simple Syndication (RSS) and more.

### Article II. General Policy

The Town of Limington recognizes that citizens and the public increasingly gather information through electronic media sites such as Facebook, Twitter, YouTube, and other electronic sites, sometimes to the exclusion of traditional media. It is essential that the Town communicate in those same media channels in order to reach the widest possible audience and to reach them in a timely matter.

1. The Town of Limington shall not have any official presence in any electronic media without the explicit approval by the Board of Selectmen and the Town Clerk.
2. The Board of Selectmen shall appoint a Public Information Officer to be the official focal point for all electronic media communicated by the Town of Limington. This position is responsible to review account activity for misuse, which may include any violation of this policy, other Town of Limington policies, or state or federal laws. This position is appointed annually and is usually the Town Clerk.
3. All content posted on Town of Limington electronic media accounts is considered a public record, and is subject to disclosure under the Freedom of Access Act [Title 1, Chapter 13, Subchapter 1: Freedom of Access (FOA); 2011, c. 662, §1 (NEW)]. All FOAA requests for the production of posts on a Town of Limington electronic media account shall be referred to the Public Information Officer for review and response.
4. Electronic media content shall fully comply with all applicable Federal and State laws and all Town of Limington policies.
5. The Town recognizes that all elected officials, appointed officials, and employees have a Constitutional right to use electronic media for personal use. It is not the intent of any part of this policy to infringe on those rights.
6. Use of the Town of Limington and department level electronic media accounts shall be limited to those employees who are directly responsible for or associated with the information that is to be posted. All such information shall have a clear business purpose related to the forum and/or the department in which it is published.
7. Town of Limington electronic media accounts are primarily broadcasting tools and not meant to substitute for direct communications via phone, e-mail, or a visit to the Municipal Complex, especially for service-related questions, complaints, concerns. Limington citizens are encouraged to contact appropriate department personnel to ensure that their concerns can be addressed in an appropriate manner.

### **Article III. Appropriate Use Policy**

1. The Town of Limington expects its authorized users to be truthful, courteous and respectful toward supervisors, coworkers, sub-contractors, citizens, and other persons associated with the Town of Limington.
2. Town of Limington employees must always identify themselves as such during official communication.
3. Personal electronic media account names or email names may not be referenced or tied to the Town of Limington electronic media accounts.
4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation is expressly prohibited, including but not limited to:

- 1) Violent or threatening content;
  - 2) Sexual content or links to sexual content;
  - 3) Sexual harassment content;
  - 4) Solicitations of commerce or advertisements including promotion or endorsement;
  - 5) Conduct or encouragement of illegal activity;
  - 6) Information that may tend to compromise the safety or security of the public or public systems;
  - 7) Content that violates a legal ownership interest of any other party, such as trademark or copyright infringement;
5. Content that contains any of the above shall be removed as quickly as practical and must be retained, including the time, date and identity of the poster when available,
  6. Violations of this policy are subject to the disciplinary processes specified in the Town of Limington Personnel Policy, up to and including dismissal

#### **Article IV. Email Policy**

1. All official Town communications, conducted via email, shall only be conducted through email accounts provided by the Town Clerk. No Town business shall be conducted through personal email accounts.
2. All elected officials, appointed officials, and employees shall identify themselves as such in all email communications.
3. All official email communications shall include a copy sent to [limington@roadrunner.com](mailto:limington@roadrunner.com)

#### **Article V. Web Site Policy**

1. The Town of Limington website at [www.limington.net](http://www.limington.net) is our primary internet presence and the electronic “face” of the Town of Limington.
2. Each Town department is encouraged to establish and maintain a presence on the town website or on a separate site, with links back to the Town website. That account shall be established and assigned by the Public Information Office at the request of the Selectmen.
3. Each Town department manager is responsible for controlling the access to and content of any electronic media account.
4. The ability to post new topics shall be limited to Town of Limington authorized users where permitted by the electronic media account.

#### **Article VI. Social Media Policy**

1. Users and visitors to Town of Limington electronic media accounts shall be notified that the intended purpose of the account is to serve as a mechanism for broadcasting information from the Town and/or its departments to members of the public. The Town of Limington recognizes its online presence as an extension of its physical facilities and considers such online presence to be a limited public forum.
2. As a limited public forum, the Town of Limington’s website and electronic media accounts and its departments have the discretion to limit access to and the use of electronic media by members of the public. The Town of Limington may restrict users from posting comments, images, or links to other sites and may remove any posts or comments that are in violation of this policy. Examples of violations of this policy include (but are not limited to):
  - 1) Comments not topically related to the original comment, post or Town department;
  - 2) Making or publishing of false, vicious or malicious statements concerning any citizen, employee, the Town or its operations;
  - 3) Service-related questions or concerns;



- 4) Content intended to defame any person, group or organization;
  - 5) Promotion of or opposition to any political campaign, group, ballot measure, or candidate;
  - 6) Disclosure of confidential, sensitive or proprietary information including, but not limited to, pictures or postings including personally identifying information of persons involved in or on the scene of incidents in which the Town's police, fire or rescue departments are called to respond, such as building fires or motor vehicle accidents;
  - 7) Promotion or endorsement of any commercial product or businesses;
  - 8) Profane or obscene language or content;
3. Any Town department utilizing electronic media shall insure that the content is created and maintained with identifiable characteristics of an official Town site that distinguishes them from non-business or personal uses.
  4. Town electronic media network accounts shall be created using an official Town of Limington email account.
  5. Contact information must display the name of the account administrator and other authorized users, an official Town email address, a statement that it is an "official Town of Limington" department/account, and provide a link to the Town of Limington website.
  6. The name "Town of Limington" or the official Town Seal must be prominently displayed.
  7. A link to the adopted Town of Limington Electronic Media Policy must be displayed.

## **Article VII. Personal Use of Electronic Media Policy**

It is important for all elected officials, appointed officials, or employees to remember that all of their communications may reflect on the Town of Limington, especially if employees are commenting on anything political in nature, federal, state or local government activities, or Town of Limington business.

1. All elected officials, employees, or appointed officials, participating in social networking discussions when off duty, shall clearly indicate that viewpoints are personal and do not reflect an official position or statement of the Town of Limington.
2. Limington employees have a responsibility to help communicate accurate and timely information to citizens and to the public in a professional manner.
3. The same standards, principles and guidelines that apply to Town of Limington employees in the performance of their assigned duties apply to employee electronic media technology use.
4. Remember that what you write is public and may be so for a long time. It may be spread to large audiences. Use common sense when using email or electronic media accounts. It is a good idea to refrain from broadcasting or posting information that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in a newspaper or on a prominent website.

## **Article VIII. Legal Status**

### **1. Enforcement**

This ordinance shall be enforced by the Municipal Officers, a law enforcement officer, or their duly appointed designee. Violation of this ordinance shall be a a civil violation pursuant to 30-A M.R.S. § 3008 and shall be prosecuted, if necessary, in the appropriate District Court.

### **2. Effective Date**

This ordinance and amendments thereto shall become effective immediately upon enactment by a majority of the municipal officers.

3. Severability

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

4. Interpretation

Interpretations of words, phrases, or specific provisions of this ordinance shall be the responsibility of the Selectmen.

# CITY OF PORTLAND

## COMMUNICATION AND SOCIAL MEDIA POLICY & GUIDELINES

December 2015

### I. PURPOSE AND APPLICATION

The purpose of this policy is to establish City of Portland (City) general standards and responsibilities for the acceptable communication and use of social media. The policy governs the use, administration, management, monitoring, and retention of social media and social media content, consistent with state, federal, City laws and regulations, and City Manager and Communications Director goals.

This policy applies to all uses of social media by City employees maintaining, using, or providing oversight of social media tools. Employees include, but are not limited to, full-time and part-time employees, contractors, interns, and volunteers who access or contribute content. This policy also applies to members of the public who comment or otherwise interact with the City through its social media websites.

All content created, received, transmitted, stored on, or deleted from City information systems is exclusively the property of the City or, to the extent provided by applicable law, of the person or entity that created or owns the copyright or trademark rights to that content.

It's also important to remember that while this policy governs your use of social media in a City capacity, and gives guidelines for personal use, you should remember that City employees do not have an expectation of privacy or the ability to control the public's use of social media while you are performing the duties of your job. This means that you may be the subject of photographs and video recordings that are shared on social media sites. Therefore, it is important to be mindful of your conduct and communications.

### II. GENERAL GUIDELINES FOR ALL COMMUNICATION (OFFICIAL AND PERSONAL)

City of Portland employees have a responsibility to help communicate accurate and timely information to fellow employees and members of the public in a professional manner. Any employee who identifies a mistake in reporting should bring the error to the Director of Communications or other appropriate staff. Employees must comply with all laws relating to trademark, copyright, confidentiality, software use, etc.

#### **Handling General Requests:**

Staff is responsible for communicating basic and routine information to members of the public in relation to their specific job duties. Requests for private data or information outside the scope of an individual's job duties should be routed to the appropriate department or to the employee's supervisor.

## **Handling Media Requests:**

With the exception of routine events and basic information that is readily available to the public, requests for interviews or information from the media are to be routed through the Director of Communications. Media requests include contact from people who say they represent: print publications, such as weekly and daily newspapers and magazines; electronic media such as television and radio stations; and, informational websites.

### **III. SOCIAL MEDIA**

#### **A. BENEFITS OF SOCIAL MEDIA TOOLS**

When used in accordance with applicable laws, regulations, and policies as well as prudent operational, security, and privacy considerations, Web-based social media tools can (at little to no cost):

- Enhance the speed, reach, and targeting of communications (particularly during disaster/emergency incidents);
- Facilitate collaboration;
- Improve information exchange between residents and employees;
- Increase citizen engagement and dialogue;
- Streamline processes;
- Foster productivity improvements; and
- Increase the City's ability to broadcast messages to the widest possible audience (City, region, nation, world).

#### **B. DEFINITIONS**

“**Social media**” means and includes Internet technologies that facilitate and promote interactive communication, participation, and collaboration. Examples of social media include, but are not limited to, the web sites and applications Facebook, Twitter, LinkedIn, Instagram, Google+, Tumblr, Blogger, WordPress, Foursquare, Meetup.com, Flickr, YouTube, Yelp, Second Life, and Wikipedia, and the interactive tools and functions they provide to users.

“**Authorized social media user**” or “**authorized user**” means and includes any City employee, contractor, consultant, vendor, and any other City employee responsible for the use, administration, management, monitoring, and/or retention of social media, social media tools or web sites, and/or social media content, in the name of or on behalf of the City or any City agency.

“**Social media content**” means and includes any materials, documents, photographs, graphics, and other information that is created, posted, distributed, or transmitted using social media Internet sites or social media tools.

#### **C. STANDARDS FOR USE OF SOCIAL MEDIA**

All uses of social media on behalf of the City or any City agency, or in any manner that appears to represent the City or constitute communication by the City, must comply with the following standards.

1. Departments and department heads

a) No department or division may establish or use or terminate a social media identity, account, profile, page, or site (collectively, social media account(s) or account(s)) without the approval of the City Manager or designee and the Director of Communications.

b) Department heads, with the approval of the City Manager or designee, and the Director of Communications or designee, shall designate one or more department employee(s) to be the authorized social media user(s) for the department, if a departmental level social media account exists. Only the department's authorized social media user(s) shall be authorized to post social media content on the department's social media account(s) and may have access to the department's social media accounts that permit such posting.

c) Department heads shall establish a procedure for approving, prior to posting, and shall issue department guidelines for, all social media content that is posted on the department's social media accounts, including the designation of one or more department managers (who may also be department authorized social media users) to be responsible for the approvals. All Department social media guidelines and policies must be consistent with this policy, and must be approved by the City Manager or designee, and the Director of Communications.

d) No information or link (hyperlink) to any Internet site or other materials or communications may be posted, or approved for posting, on a department social media account that is not directly related (as determined by the department head) to the mission, services, and business objectives of the department.

e) Department social media pages must clearly identify the pages as created and managed by the department, identified as a department, office, commission, or agency of the City of Portland.

f) Department social media sites must prominently display, on the first page accessible to site visitors, links to the City's official Internet site [www.portlandmaine.gov](http://www.portlandmaine.gov), and to the agency's official Internet pages on [www.portlandmaine.gov](http://www.portlandmaine.gov) or, if applicable, any agency Internet site that is not part of [www.portlandmaine.gov](http://www.portlandmaine.gov).

2. Employees

a) No City employee may establish any social media account in the name of or on behalf of the City or any City department unless: (i) the City Manager or designee and the Director of Communications or designee, and the user's department head have all approved the account; and (ii) all information to be posted on the account is approved in accordance with Subsection i) above. This requirement applies regardless of whether the account is established, accessed, or used by means of City information systems or by means of the employee's or others' information systems, and regardless of whether the account is established, accessed, or used from City or non-City premises.

b) Social media accounts established by the City or a City department are to be used for City and department business purposes only. Use for communications and postings that are not directly related to a City or department business purpose is prohibited.

c) Employees must report unauthorized uses of City social media or City social media accounts to the head of their department, the City Manager or designee, and the Director of Communications.

d) Employees are expected to be attentive and careful in their use of social media. Employees should be aware that their use of social media may be perceived as representing the City and City government, and should tailor their use accordingly.

e) Unacceptable uses. The City considers the activities and uses of social media listed below to be unacceptable. Employees are prohibited from engaging in any of them on a social media account established by the City or a City department.

i. Using social media in a manner that does not comply with federal, state, and local laws and regulations, and with City and department policies.

ii. Using social media in a manner that:

1. Violates the copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests;

2. Includes ethnic slurs, profanity, personal insults; material that is threatening, intimidating, harassing, libelous, fraudulent or discriminatory on the basis of age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances.; *or other* content or communications that would not be acceptable in a City workplace under City or department policy or practice;

3. Violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses;

4. Displays sexually explicit images, cartoons, jokes, messages, or other material in violation of the City Policy Preventing Sexual Harassment in City Government;

5. Contains confidential or “for official use only” information or information that compromises the security of City networks or information systems. Such for official use only or confidential information includes, but is not limited to, information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal, state, or local laws and regulations (except as permitted under such laws and regulations), as well as social security numbers and other personally identifiable information;

6. Violates the terms of use governing the social media account.

This list is not exhaustive. Questions about particular uses of social media or particular social media content should be directed to the department head and the City Manager or designee and the Director of Communication.

f. 'Personal' Communication That Can Become 'Public'

It is important for employees to remember that some personal communication of employees may reflect on the City of Portland, especially if employees are commenting on: anything political in nature; federal, state or local government activities; or, City business. The following guidelines apply to personal communication including various forms of social media (Facebook, Twitter, blogs, YouTube, etc), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public and may be so for a long time. It may be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in a newspaper or on a prominent website.
- The City of Portland expects its employees to be truthful, courteous and respectful toward supervisors, coworkers, members, citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Human Resources Department or Employee Assistance Program than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers or members of the public, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or a post that could contribute to a hostile work environment on the basis of race, ethnicity, sex, disability, sexual orientation, gender identity, religion, or other status protected by law or City policy.
- City employees should remember that they have no expectation or right to privacy with respect to their personal use of social media or personal social media accounts accessed by means of City information systems, or with respect to personal social media content so accessed. They should not expect or assume privacy or confidentiality with respect to any such personal social media use or social media content.
- Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the City of Portland, or represent the views of the City or any City officer or employee, unless the department head and the City Manager or designee and the Director of Communication have granted express permission for that user to do so.
- City of Portland resources and working time should not be used for personal profit or business interests, or to participate in personal political activity.
- Personal social media account names or email names should not be tied to the City (e.g. "PortlandCityManagerGuy").

Nothing in the City of Portland’s social media policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. City of Portland employees have the right to engage in or refrain from such activities.

3. Interactive Communications; Notices to Site Visitors

a. A City or agency social media site or page may be a “limited public forum” under the First Amendment if visitors to the site are able to post comments or other communications. Where permitted by the operator of the site, the comments and similar functions should be disabled on City and department social media pages, unless the department head, City Manager or designee, and Director of Communications or designee determine that permitting or encouraging interactive communications with site users is necessary to carry out the business objectives of the department in creating the site.

b. If interactive communications (e.g. comments) are permitted, terms of use for visitors to the site must be posted prominently on the site, unless prohibited by the terms of use governing the social media account or prevented by the site. The terms must include: (i) A clear description of the topics that the site is intended to address and that may be addressed in comments, with a statement that user postings will be removed if they are not directly related to those topics; (ii). Statements substantially similar to the following:

- Communications posted by visitors on this site may not contain ethnic slurs or profanity; material that is threatening, intimidating, harassing, libelous, fraudulent, discriminatory on the basis of age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances, or sexually explicit; or any material that infringes copyright, trademark or other intellectual property right. Any such communications may be removed at any time without notice.
- This site is not owned, controlled, or operated by the City or the department. Visitors to the site must comply with the terms of use and privacy policies of the site operator, and are subject to the site operator’s practices regarding the collection and retention of passive information (e.g. cookies) and other information from and about visitors.
- Any advertisements appearing on the site are not controlled by the City or the department and do not reflect endorsement by the City or department.
- Opinions expressed by visitors to the site do not reflect an endorsement or opinion on the part of the City or department.
- All postings by visitors to the site may be retained by the City, in its discretion and as required by applicable law or City policy.
- All postings may be subject to the Maine Freedom of Access Act and other public records and disclosure laws, as well as discovery in litigation. This includes, but is not limited to, information



made available through a user's privacy settings on their own social media and other Internet pages.

- Visitors to the site should have no expectation of privacy or confidentiality with respect to any content they post to the site, and the City and department have no responsibility for maintaining any such privacy or confidentiality.

c. The content of communications posted by site users may not be edited or otherwise modified; removal is the only action that may be taken, and then only for communications that violate the terms of the statements under subsections a and b above.

3.1 Information Requirements. Department heads must submit a list of all social media accounts maintained by the department to the Communications Director or designee, including, at a minimum, the following information: (1) the name, hosting site and Internet address and date of inception for the account, and a statement of the purpose and scope of the agency's use of the account; (2) all user names, passwords, and other log-in credentials for the account; (3) all authorized social media users for the agency that have access to and/or responsibility for the account; and (4) the administrative contacts and contact information for the account. The agency head must promptly notify the Director of Communications of any changes in any of the foregoing, and of any new department social media accounts or pages and any termination of accounts or pages. Department heads shall ensure that all agency-approved social media accounts and social media content are periodically reviewed for compliance with this policy. Department heads are responsible for all social media content created, received, transmitted, stored, deleted, destroyed, and/or printed in the name of or on behalf of the City or the department.

4. Compliance. Each City department head shall be responsible for enforcing compliance with this policy by department employees. Employees who violate this policy, or any other City or department policy, may be subject to disciplinary action, up to and including termination of employment, in accordance with the disciplinary policies of the employee's department and of the City, and, for union members, the terms of the applicable collective bargaining agreement. If a City contractor or third party user knowingly or negligently commits or permits a material violation of this policy, the City may terminate the contract in accordance with its terms, and/or terminate the contractor's or third party user's access to City information processing facilities, information systems, and information, in addition to any legal or remedial actions the City may take to enforce and protect its interests.

5. Questions.

Questions related to this policy should be directed to the Director of Communications or an employee's department head.

\_\_\_\_\_  
Approved by Jon P. Jennings, City Manager

Date 12-21-2015





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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: October 11, 2017, Update May 30, 2018  
From: Kendra Amaral, Town Manager  
Subject: Code of Ethics – Proposed Title 15  
Councilor Sponsor: Councilor Gary Beers

**FOR YOUR INFORMATION**

---

**EXECUTIVE SUMMARY**

The Council identified adoption of Procedures and a Code of Ethics as a priority in its annual goals and Town Manager goals for the 2016-2017 year.

The proposed Title 15 Code of Ethics establishes a standard of expectations and requirements for the ethical behavior for all municipal officials including the Town Council, Board members, and Employees.

**STATEMENT OF NEED**

We cannot simply rely on the principle of “do the right thing” for our ethical guidance. The “right thing” is not always a black and white absolute. Moreover, Kittery has experienced that opinions on what is the “right thing” as it relates to municipal officials may vary, creating a source of conflict that divides and distracts the town government from its core function of service.

Adoption of a code will not prevent all possible issues. However, with this code, we will have a shared basis from which to evaluate behavior, in a manner that is more specific than “do the right thing”. Title 15 will also define a process if the actions of a municipal official are called into question.

The State of Maine statutes yield significant local control relative to Council procedures and code of ethics. The Maine Municipal Association advocates that communities adopt a code of ethics as a means of guiding or building competencies in ethics.

The proposed Title 15 reflects a compilation of model ordinances and policies, with adjustments to address specific objectives of the town.

**UPDATE**

The proposed Title 15 and Council Rules and Procedures Manual has been updated to incorporate the Town Attorney’s comments and edits.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve amendments as proposed.

## 15.1 ESTABLISHMENT

The proper operation of democratic government requires that Town Councilors and their appointees be fair, impartial, and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that Town Employees, Town Councilors and Town appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, this Code of Ethics is hereby established for all Town Employees, Town Councilors, and **Town Board Members** now existing or hereafter created.

## 15.2 DEFINITIONS

**Board** means all statutory and non-statutory boards, commissions, authorities, and committees now existing or hereafter created under the Town Charter or by virtue of any ordinance, order or resolve adopted by the Town Council.

**Board Member** means any person appointed by or under the authority of the Town Council to membership or associate membership on a Town Board, excluding the School Committee.

**Business** means any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized organized entity ~~for the purposes of making a profit~~ (may include a non-profit organization).

**Conflict of Interest** means a situation in which any Municipal Official or Town Employee by reason of personal or financial interest, is placed in a situation of temptation to serve their own personal interest to the prejudice of the interests of those for whom the law authorized and required them to act.

**Council** means the Town Council of the Town of Kittery. An individual member of the Town Council is known as Councilor.

**Financial Interest** means a direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock. Any Employee, Councilor, or Board Member or any member of that person's immediate family who holds a financial interest in a disclosed blind trust is not deemed to have a conflict of interest with regard to matters pertaining to assets held by the trust.

**Harm** means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

**Immediate Family** means a Municipal Official's spouse, and the following when living in the household of an Employee, Councilor, or Board Member: children, parents, brothers and sisters, when living in the household of a Municipal Official.

**Municipal Official** for the purpose of Title 15 means any elected or appointed member of Kittery's Town government including Town Council, members of boards, commissions, authorities or committees ~~excluding the School Committee, and Town employees.~~

**Special Interest** means a direct or indirect interest having value peculiar to a certain person or group, whether economic or otherwise, which value may inure to such person or group as a result of the passage or denial of any order, ordinance or resolution or the approval or

42 disapproval thereof, by the Council or Board and which interest is not shared by the general  
43 public.

44 **Town Councilor** means a member of the Kittery Town Council.

45 **Town Employee/Employee** means any person working for, on a permanent or temporary  
46 basis, and drawing an hourly wage or salary from the Town of Kittery. This term does not  
47 include **School Department employees**, outside consultants or professional personnel providing  
48 services to the Town as independent contractors under a written professional services contract  
49 or other similar engagement.

### 50 **15.3 STANDARDS of CONDUCT**

51 This Code establishes ethical standards of conduct for all Town Employees **and Municipal**  
52 **Officials** by setting forth those acts or actions deemed to be in conflict or incompatible, or to  
53 create the appearance of conflict or incompatibility, with the best interests of the Town Kittery.

#### 54 **15.3.1. Statutory Standards.**

55 There are certain provisions of the general statutes of the State of Maine and the Kittery Town  
56 Charter which should, while not set forth herein, be considered an integral part of this Code.  
57 Accordingly, the provisions of the following sections of the general statutes of the State of  
58 Maine, as may be superseded or amended, are hereby incorporated by reference and made a  
59 part of this Code of Ethics, and apply to all Town Employees **and Municipal Officials** whenever  
60 applicable as if more fully set forth therein, to wit:

61 17-A MRS § 456 Tampering with Public Records or Information

62 17-A MRS § 602 Bribery in Official and Political Matters

63 17-A MRS § 603 Improper Influence

64 17-A MRS § 604 Improper Compensation for Past Action

65 17-A MRS § 605 Improper Gifts to Public Servants

66 17-A MRS § 606 Improper Compensation for Services

67 17-A MRS § 607 Purchase of Public Office

68 17-A MRS § 608 Official Oppression

69 17-A MRS § 609 Misuse of Information

70 17-A MRS § 903 Misuse of Entrusted Property

71 21-A MRS § 504 Persons Ineligible to Serve

72 30-A MRS § 2605 Conflicts of Interest

73 30-A MRS § 2606 Prohibited Appointments

74 30-A MRS § 2607 Neglect of Official Duty

75 30-A MRS § 5122 Interest of Public officials, Trustees or Employees

#### 76 **15.3.2. Contracts, Purchases, and Employment.**

##### 77 **15.3.2.1. Prohibition - Purchasing.**

78 Town Employees **and Municipal Officials** may not participate directly in deliberation, approval or  
79 disapproval, or recommendation, in the purchase of goods and services for the Town, and the  
80 award of any contracts with the Town, except as permitted under the Town's Purchasing  
81 Regulations and under the laws of the State of Maine, where to their knowledge **they have a**  
82 financial interest, or special interest ~~other than that possessed by the public generally,~~ in such  
83 purchase or award, held by:

84 a. such persons or a member of their immediate family;

85 b. a business in which such persons or a member of their immediate family serves as an officer,  
86 director, trustee, partner or employee in a supervisory or management position; or

87 c. any other person or business with whom such persons or a member of their immediate family  
88 are in business, or are negotiating or have an arrangement concerning future employment.

89 **15.3.2.2. Council – Boards Prohibition – Hiring.**

90 Municipal Officials may not participate by way of deliberation, approval or disapproval, or  
91 recommendation, in the decision to hire, promote, discipline, lay off or to take any other  
92 personnel action in respect to any applicant for Town employment or Town employee, where  
93 said applicant or employee is:

94 a. a member of the Municipal Official's immediate family; or

95 b. a person with whom either the Municipal Official or a member of their immediate family, is in  
96 business.

97 **15.3.2.3. Employee Prohibition – Hiring.**

98 Except as authorized under the Town's published Personnel Rules and Regulations, no Town  
99 Employee may participate by way of deliberation, approval or disapproval, or recommendation,  
100 in the decision to hire, promote, discipline, lay off or to take any other personnel action in  
101 respect to any applicant for employment, where said applicant or employee is:

102 a. a member of the Employee's immediate family; or

103 b. a person with whom either the Employee or a member of their immediate family is in  
104 business.

105 **15.3.3. Disclosure of Confidential Information.**

106 **15.3.3.1. Prohibition.**

107 Town Employees or Municipal Officials may not, without proper legal authorization, disclose  
108 confidential information; nor may they use such information to advance their financial or private  
109 interest or the financial or private interest of others.

110 For purposes of this subsection, the term, "confidential information" means any information, oral  
111 or written, which comes to the attention of, or is available to, such Employee or Municipal  
112 Official only because of their position with the Town, and is not a matter of public record.

113 **15.3.3.2. Executive Session Information.**

114 Information received and discussed during an executive session of the Town Council or any  
115 Town Board called pursuant to 1 MRS §405 must not be disclosed to any third party where such  
116 disclosure would violate any state statute or any decision or rule of court and unless permitted  
117 by affirmative vote of the entity that called the executive session.

118 **15.3.4. Gifts and Favors Prohibition.**

119 Employees and Municipal Officials may not accept any gift, favor or thing of value greater than  
120 twenty-five dollars (\$25.00), whether in the form of service, loan, item, or promise, from any  
121 person or business which to their knowledge is interested directly or indirectly in any manner  
122 whatsoever in business dealings with the Town; nor may any Employee, Councilor, or Board  
123 Member- or:

124 (1) accept any gift, favor or thing with a value greater than twenty-five dollars (\$25.00); or

125 (2) grant in the discharge of their official duties any improper favor, service, or thing of value.

126 Nothing herein prohibits the acceptance of gifts or favors by Employees or Municipal Officials  
127 from members of their immediate families, such that are not intended to influence that person in  
128 the discharge of their official duties.

129 Employees and Municipal Officials may not, unless so authorized by the Town Council or Town  
130 Manager, use or permit the use of any Town-owned property, including but not limited to, motor  
131 vehicles, equipment, and buildings, for any private purposes. Nothing herein prohibits the use of  
132 Town buildings and equipment at rates and/or on terms or conditions as may be established by  
133 the Town Council or Town Manager.

#### 134 **15.3.5. Representing Third Party Interest before Town Agencies.**

##### 135 **15.3.5.1. Employees.**

136 Employees may not appear on behalf of any third-party interest before any Town agency, or  
137 represent a third-party interest in any action, proceeding, or litigation in which the Town or one  
138 of its agencies is a party. Nothing herein prohibits any Employee from appearing as a witness  
139 when duly called by a party for the purpose of giving non-privileged testimony before any Town  
140 agency or in any such action, proceeding or litigation. Nothing herein prohibits any Employees,  
141 on behalf of their personal interest, from appearing before any Town agency. "Personal interest"  
142 includes, for this purpose, any interest of the Town Employee concerned as a resident,  
143 landowner, or taxpayer affected by the matter under consideration.

##### 144 **15.3.5.2. Councilors.**

145 Councilors may not either appear on behalf of any third-party interest before any Town agency,  
146 or represent a third-party interest in any action, proceeding, or litigation in which the Town or  
147 one of its agencies is a party. Nothing herein prohibits a Councilor, on behalf of a constituent in  
148 the course of their duties as a representative of the electorate, or any Councilor, on behalf of  
149 their personal interest, from appearing before a Town agency.

##### 150 **15.3.5.3. Board Members.**

151 Board Members may not appear on behalf of any third-party interest before a Town agency of  
152 which they are a current member. Nothing herein prohibits a Board Member, on behalf of their  
153 personal interest, from appearing before any Town agency including that of which they are a  
154 current member, but such Board Member must recuse themselves and in no way participate,  
155 deliberate, or vote on the item concerned.

#### 156 **15.3.6. Conflicts/Bias/Influence.**

##### 157 **15.3.6.1. Conflict of Interest.**

158 Councilors or Board Members may not, in such capacity, participate in the deliberation or vote,  
159 or otherwise take part in the decision-making process, on any agenda or other item before their  
160 collective body in which they or a member of their immediate family has a financial or special  
161 interest, other than an interest held by the public generally.

##### 162 **15.3.6.2. Bias.**

163 Councilors and Board Members must abstain from the discussion and the vote on any item  
164 before that Board, if the member is so biased against the applicant or the item that prevents the  
165 member from making an impartial decision, thereby depriving the applicant of the due process  
166 right to a fair and objective hearing. If the bias issue of a Councilor or Board Member is raised,  
167 it will be deliberated and resolved by majority vote of the remaining Council or Board Members  
168 present.



169 **15.3.6.3. Improper Influence or Official Oppression.**

170 No Councilor or Board member may:

171 A. Threaten any harm to a public servant, municipal official, or voter, with the purpose of  
172 influencing their action, decision, opinion, recommendation, nomination, vote or other exercise  
173 of discretion;

174 B. Privately address to any public servant who has or will have an official discretion in a judicial  
175 or administrative proceeding any representation, argument or other communication with the  
176 intention of influencing that discretion on the basis of considerations other than those authorized  
177 by law; or

178 ~~Fail to report to a law enforcement officer conduct perceived to influence action, decision,~~  
179 ~~opinion, recommendation, nomination, vote, or other exercise of discretion.~~

180 C. Act with the intention to benefit themselves or another, or to harm another, and knowingly  
181 commit an unauthorized act which purports to be an act of office

182 D. Knowingly refrain from performing a duty imposed by law or clearly inherent in the nature of  
183 their office with the intention to benefit themselves or another, or to harm another.

184 **15.3.6.4. Disclosure, Recusal, or Abstention.**

185 Councilors or Board Members who believe that they or a member of their immediate family has  
186 a financial or special interest, other than an interest held by the public generally, in any agenda  
187 item before their collective body, must disclose the nature and extent of such interest to the  
188 Council or Board Chairperson and Town Manager or designee, who shall make a record of such  
189 disclosure.

190 Such disclosure must be made no later than the date of the first meeting of the Council or Board  
191 thereof, at which the agenda item concerned is to be taken up for consideration,  
192 recommendation, discussion or vote and at which the Councilor or Board Member is present.

193 To avoid the appearance of a violation of this section, once any Councilor or Board Member is  
194 determined to have a conflict of interest in respect to any agenda item, and once all conflict of  
195 interest questions relating to the agenda item concerned have been determined as provided  
196 herein, the Councilor or Board member must immediately remove themselves from their regular  
197 seat as a member of the body.

198 The Councilor or Board Member may not return to their regular seat as a member of the body  
199 until deliberation and action on the item is completed.

200 **15.3.6.5. Challenge of a Councilor or Board Member.**

201 Appellants, petitioners, members of the public, and Municipal Officials present, are allowed to  
202 challenge a Councilor or Board Member as to a perceived or alleged conflict of interest or bias.

203 All conflict of interest and bias challenges relating to a particular agenda item must be raised  
204 and resolved prior to any consideration of the item concerned otherwise such challenges are  
205 deemed to be waived. Each Councilor or Board Member present is entitled to vote on all  
206 conflict of interest questions except those questions pertaining to that individual Councilor or  
207 Board Member's alleged conflict of interest or bias.

208 A majority vote of the Council or Board members, except the member being challenged, decides  
209 whether such alleged conflict or bias is such that it:



210 (a) may reasonably be seen to prevent the challenged Member’s ability to fairly hear and act on  
 211 the item at issue; or

212 (b) whether it would reasonably be seen to give the appearance to the public of an  
 213 inappropriate communication, conflict, or bias, so as to undermine the public confidence in  
 214 the fairness of the meeting.

215 All votes of conflict of interest and bias challenges must be recorded.

216 Upon determination that a conflict of interest or bias in fact exists, the Councilor or Board  
 217 Member concerned must be excused from participating in discussion, deliberation or vote on the  
 218 relevant agenda item.

### 219 **15.3.6.6. Rule of Necessity.**

220 If so many members are disqualified due to a conflict of interest, bias, or other legal reason that  
 221 the Board will not be able to meet its quorum requirement, and there is no other body legally  
 222 authorized to act, those members may be able to participate under a legal theory called “the rule  
 223 of necessity”. The Council or Board should consult with the Town Attorney before applying the  
 224 “rule of necessity” in order to determine whether some other alternative is possible, such as the  
 225 creation of a special Board to hear that particular case.

## 226 **15.4 COMPLAINTS PROCESS**

### 227 **15.4.1. Submission of Complaints**

228 Any Councilor, Board Member, or member of the public believing a municipal official has failed  
 229 to observe this Code, who may wish to pursue a formal complaint, must report such complaint  
 230 directly to the Town Manager in writing setting forth the full details supporting their complaint  
 231 and the provisions of this Code alleged to be violated.

### 232 **15.4.2 Review of Complaints Against Employees**

233 The Town Manager will address and determine complaints against Employees in accordance  
 234 with state and federal employment laws, Town Code Title 2, Town Policy, and any applicable  
 235 Collective Bargaining Agreements.

### 236 **15.4.3 Review of Complaints Against Councilors or Board Members**

237 The Town Manager will review any complaint made against a Councilor or Board Member to  
 238 determine if it is based in fact and if it is relevant to this Code, and take the following action:

239 (a) If the complaint is found not to be based in fact nor sufficiently appears to raise a violation of  
 240 this Code, no further action will be taken;

241 (b) If the complaint is found to be based in fact and sufficiently appears to raise a violation  
 242 related to this Code, the Town Manager must report the complaint to the Council; or

243 (c) If the complaint is found to be based in fact and not related to a violation of this Code, the  
 244 Town Manager will refer the complaint to the proper authorities and report such action to the  
 245 Council.

246 The Council will determine, by majority vote, whether or not to conduct a hearing on any such  
 247 complaint reported by the Town Manager under 15.4.3(b) and, if so, will determine an  
 248 appropriate procedural and hearing process to hear and determining such complaints consistent  
 249 with 15.5.1 herein.

## 250 **15.5 VIOLATION and PENALTIES**

251 **15.5.1. Determination of Violation.**

252 Should the Council proceed with any complaint under 15.4.3(b), it shall determine if a Councilor or  
253 Board Member has violated this Code only after notice is given to accused Councilor or Board  
254 Member, and conducting a hearing.

255 The Council will conduct their hearing with the Councilor or Board Member in executive session,  
256 unless the Councilor or Board Member requests the hearing to occur in public consistent with  
257 due process protections for such Councilor or Board Member.

258 **15.5.2. Penalties.**

259 Violations of this Code constitute cause for penalty. Councilors found in violation of this Code  
260 may be censured or deemed to forfeit by the Council or may be subject to forfeiture of their  
261 office in accordance with the Charter 2.12(2). Board Members found in violation of this Code  
262 may be censured or removed from office by the Council.

263 Penalties will be determined by a majority vote of the Council participating in the hearing upon  
264 concluding a violation has occurred.