



TOWN OF KITTERY

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

REVISED

January 13, 2020

Kittery Town Council
Regular Meeting
6:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
 - a. (010120-1) The Kittery Town Council moves to receive a presentation from Sterling Roop, Partnership for Southern Maine for the US Census Bureau.
 - b. (010120-2) The Kittery Town Council moves to receive a short presentation from the Town Clerk regarding the March 3, 2020 Primary Election.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS -
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition.

(010120-3) The Kittery Town Council moves to accept a donation in the amount of \$250.00 from the Kiwanis Club of the Seacoast to be deposited into account #101320-65500.

- b. (010120-4) The Kittery Town Council moves to approve the disbursement warrants.
- c. (010120-5) The Kittery Town Council moves to approve a renewal Liquor License application from Weathervane Seafoods, 306 US Route 1 Kittery.
- d. (010120-6) The Kittery Town Council moves to approve a renewal Liquor License application from Tasty Thai, 182 State Road, Kittery.
- e. (010120-7) The Kittery Town Council moves to approve a renewal Liquor License application from AJ's Wood Grill Pizza, 68 Wallingford Square, Kittery.
- f. (010120-8) The Kittery Town Council moves to approve a renewal Liquor License application from Bistro 1828, 88 Pepperrell Road, Kittery
- g. (010120-9) The Kittery Town Council moves to schedule a Public Hearing on January 27, 2020 on Title 2 - Various.
- h. (010120-10) The Kittery Town Council moves to approve a request from the Kittery Outlet's to hold their Sidewalks Sales for the 2020 season
 - May 22-25 – Memorial Day
 - July 3-6 – Fourth of July
 - August 7-10 – Back to School
 - September 4-7 Labor Day
 - October 9-12 – Columbus Day
- i. (010120-11) The Kittery Town Council moves to approve and set the Summer and December meeting schedules for 2020:
 - July 13
 - August 10
 - December 14
- j. (010120-12) The Kittery Town Council moves to discuss Town Council and Town Manager's Goals for 2020 and the FY 2021 Budget.
- k. (010120-13) The Kittery Town Council moves to appoint a Council representative to be a member of the Library Advisory Committee.
- l. (010120-14) The Kittery Town Council moves to appoint a Council representative to be a member of the Kittery Celebration Committee.
- m. (010120-15) The Kittery Town Council moves to approve the recommendation of Alan Johnston to the Kittery Port Authority for a term of 5 years to expire December 31, 2024.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION –

- a. (010120-16) The Kittery Town Council moves to go into Executive Session with the Town Manager in accordance with 1 M.R.S. §405 (6) (A) to discuss or consider complaints regarding appointees, where public discussion could be reasonably expected to cause damage to an individual's reputation or right to privacy.

17. ADJOURNMENT

Posted: January 9, 2020
Amended: January 10, 2020



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 January 13, 2020

1. **Short Term Rentals** – Councilor Thomson requested that I inquire about Maine Municipal Association's Vacation Rentals workshop. MMA is conducting the workshop again in May, in Portland. They are not able to add an additional workshop closer to Kittery in 2020. They were able to provide the workshop materials for me to share with the Council.

MMA noted in our conversation that a challenge in siting events is a lack of facilities in the area. We discussed the KCC as a possible future venue for workshops and training. We will be working with them to schedule a KCC tour in the coming months.

We have also received their 2020 Training Catalogue. This is being provided to the Council, and all of our Boards, Committee and Commission chairs electronically.

2. **Joint Land Use Study** – The Joint Land Use Study team kicked off the draft report review phase with an open house on Tuesday, January 7 at the KCC. The team presented the report findings and recommendations and fielded questions and recommendations over the course of two presentations/Q&A sessions that afternoon. The press coverage both before and during the event was phenomenal and we worked with the PNSY to invite their employees to the Open House.

The draft report is available online. Public comments are being accepted through January 27th. The Policy Committee is working on developing an action plan recommendation that includes both local and regional objectives. We are planning to present the report and proposed action plan to the Council in late February.

3. **Next Steps Foreside Study** – The Planning & Development Department is developing an application to the Maine Department of Economic & Community Development (ECD) for federal Community Development Block Grant (CDBG) funds to implement recommendations from the Kittery Foreside Land Use & Transportation Study.

Federal CDBG funds are administered by the state, and can be used for the planning and construction of streetscapes, parks, traffic calming, and related public improvements. The first step is a Letter of Intent to Maine ECD for review. If accepted, a larger application will be required by April. The larger application process will require a public hearing and Town Council approval prior to the final application.

4. **Library Committees Update** – The Library Building Committee is proceeding with its work on the design development phase of the project. The Committee has decided to pursue a Construction Manager at Risk approach to the construction of the project. This approach will bring the general contractor into the process at this phase of design, and ensure we are making value-based decisions about materials, construction, and phasing approaches.

The Committee has formed subcommittees to work through some of the more detailed components of the design. The subcommittees are a) Finishes, b) Furnishings/Fixtures/Equipment (FF&E), and c) Technology.

Permitting for the project has begun. Sketch plan review commenced with the Planning Board on January 9th. The Board of Appeals will be hearing the miscellaneous variation request on Tuesday, January 14th.

The Taylor Building Committee is developing a process for sorting through and evaluating different options for the property. The range of options is broad including retaining the site for a public use to an arms-length sale of the parcel, and many variations between.

Upcoming Dates:

- Martin Luther King Day – Town Hall Closed, January 20
- Absentee Ballot Applications Available Now – Town Clerk's Office
- Kittery Celebrity Chef Breakfast – January 21, 8AM, Kittery Community Center
- Dog License Renewal Deadline – January 31, Town Hall
- Tax Payments Due February 15 – Town Hall
- Mooring Permit Renewals Open – Through April 15, Harbormaster or Online

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K Amaral', with a long horizontal line extending to the right.

Kendra Amaral
Town Manager



Regulating Vacation Rentals

A Legal Perspective

Kristin M. Collins
Municipal Law and Finance Practice Group

PretiFlaherty

A (Sort of) New Economy

- What do we mean when we say “short term”?
 - Shorter periods than your average residential rental
 - Catering to transient / tourist population
 - Marketed either owner-to-consumer, or through agencies
- Stats for Maine - Just on AirBnb
 - Average annual income over \$7,000 per owner
 - Summer of 2018 up 45% from summer of 2017!
 - Total income and number of guests from 2017 accomplished by September 1, 2018
 - 5,000 hosts statewide (up from 4,000 in 2017)
 - Average listing occupied 30 nights during year
 - Average stay: 2.7 nights
 - 100% increase in listings 2015-2016

Why Now?

- Short-term rentals have always been available
- Difference:
 - Ease of access via web
 - Comfort level of hosts and guests
 - Perceived value as compared to traditional lodging
 - Attractive for the types of tourists who visit Maine
 - Family groups
 - Weddings
 - Reunions

Community Benefits

- Increased tourism in areas not served by hotels
- May help preserve rural or residential feel by forestalling development of hotels/motels
- Help elderly or low/middle income people stay in their homes

Why Regulate?

- Protect community feel
- Preserve long-term rentals for long-term residents
- Ensure safety
- Protect against nuisances – trash, noise, parking
- Maintain balance with traditional hospitality industry
- Provide some form of revenue to offset community impact

Where does the money go?

- 9% lodging tax to state – AirBnB automatically deducts and remits
- No local option tax
 - Three bills before 129th Legislature
 - LD 209 – “Except for narrowly tailored regulation intended to protect public health and safety, municipality may not prohibit or restrict short-term rental.” **ONTP.**
 - LD 609 – Authorize local option tax with no limit on use of funds
 - LD 1254 – Local option tax to go in part to opioid crisis

Community-Specific Goals

Rural / Residential Community

- Preserve residential character
- Protect property values
- Restrict use for large events, concerts, parties
- Allow flexibility for property owners needing the income

Urban Community

- Preserve long-term rental stock
- Address safety concerns
- Noise; trash; parking issues

Involve All Stakeholders

- Consider who is pushing the effort
- Involve tourism agencies, planners, taxpayers' rights advocates, economic development agencies
- Consider a housing study, not anecdotal evidence
- Consider compiling / reviewing listings – what is actually out there?

Choose Your Approach

Options

- Zoning
- Non-zoning Ordinance
- Licensing

Regulation by Zoning Ordinance

- Consider – Is this really a zone-dependent issue?
- Planning Board must be involved
- Compatibility with comp. plan may actually be a problem
- Is relying on standard enforcement processes feasible?

Regulation by Non-Zoning Ordinance

- Concerns are often town-wide, so may make sense
- More flexible, more easily amendable
- Can set standards for duration of rent, inspection requirement, permitting, fire safety, etc.

Regulation by Licensing

- Create a registry of licensed rentals
- Can be revenue generating through annual licenses
- Easy way to impose numerical limits on STRs
- Gives opportunity to inspect
- Flexible enforcement; past failure to comply is grounds for denial of license

Can We Just Ban Them?

- Constitutional concerns
- Enforcement concerns
- Failure to balance the positives

Others' Experience with Bans

- Tiburon, CA
 - Immediate public outcry
 - Reversal of decision and re-start of process
 - Enforcement problems – Even the mayor!
 - No change in # of listings or compliance rate
- South Portland, ME
 - Ban on non-hosted rentals throughout res districts
 - Immediate public outcry & referendum petition
 - Multiple public hearings
 - Ultimately upheld at referendum

The Lesson: Start Small!

Three Towns, Three Ordinances


- South Portland
 - No unhosted rental in residential zones
 - No accessory structure can be used for STR
 - No use of 5+ unit building for STR
- Portland
 - Limit of 400 non-owner-occupied rentals
 - One property owner can only register only five per year (consider the workarounds!)
- Camden
 - No rental for less than 7 days

Make it Enforceable

- Rely on complaints, or put burden on CEO?
- Are penalties enough to really deter?
- Some limitations are hard to enforce – e.g. length of stay, number of guests
- Consider publishing registry of compliant properties
- No remedy against website operators

Case Study – the Wedding Venue

[Overview](#) [Amenities](#) [Reviews](#) [Map](#) [Photos](#) [Availability](#)




Rear View Large Grassy Yard then 200ft path to Pond


28 of 50

Luxury Lakefront Home on 155 Private Acres: Family Reunions, Weddings, events


Details




House
9,000 sq ft




Sleeps
20



Bedrooms
6



Bathrooms
6



Minimum Stay
2 - 14 nights

About the property

Sleeps 20+, 3 K, 3 Q rooms, 4 D beds, 2 Q sofa bed, Loft w/ 4 T mats, 6 Baths

ONLY a FEW Weekends left this year! Book one of the last weekends in March for a SPECIAL LOW RATE!! Inquire TODAY! Stay where Country Music Star Luke Bryan chose to spend his 40th Birthday! NEW SPECIAL WINTER RATES!!! STAY AT THIS DREAM LODGE FOR THE LOWEST

Short Term Rental

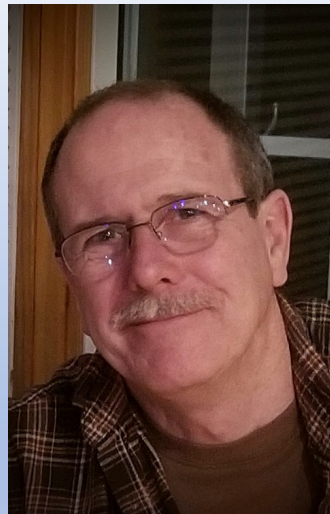
A Code Enforcement Officer's Perspective



1

John A. Root, Jr.

- Self-employed in the construction trades.
- Have worked for the City of Rockland in the Code Office for 24 years.
- Became director of the Code Office in 2000.
- In addition to Code Enforcement work, I do all of the City's GIS work and have developed software that runs my office.
- I also draft or assist in drafting ordinances and ordinance amendments, which in the end often get modified by the City Council and codified by the City Attorney.



2

Old Rockland

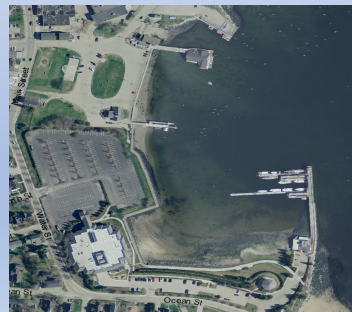
- Grew up in Rockland.
- Fondly remember when, as a public service, they blew the fire whistle at a specific time to let the fish cutters and packers know that fish were in and there would be work that day.
- Clearly remember the constant smoky smell of the burning dump.
- Vividly remember the daily stench of rotting fish from a processing plant that made fertilizer out of rotted decaying fish remnants.
- Camden by the Sea, Rockland by the Smell



3

New Rockland

- When I started working for the City in 1995, Fisher Plows were manufactured in a half-dozen tin buildings on the waterfront, with snowplows stored all along prime waterfront property.
- In 1999-2000, MBNA bought the Fisher property and properties along the street, built a call center. In addition they constructed a boardwalk along their entire property which cons of the entire lower half of the bottom aerial photo.
- Contributions to the Farnsworth Art Museum sparked a transformation of Rockland to and arts center.



4

Accommodations in Rockland

3 Hotels



6 Bed & Breakfasts



5

Bed & Breakfasts

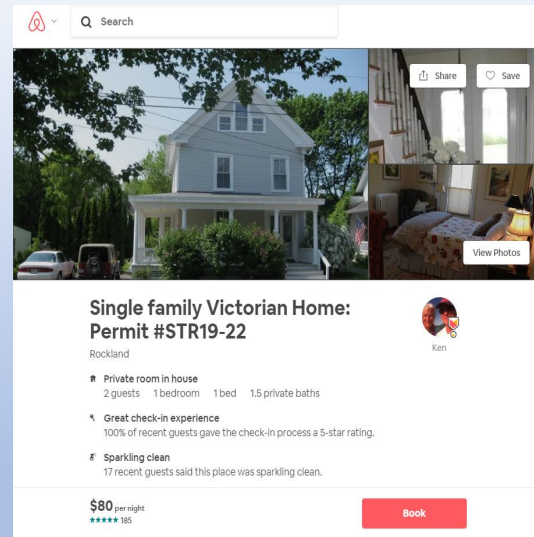
- In 1996, B&Bs were defined and added to permitted uses in most residential zones as a Conditional Use requiring Planning Board approval. They were defined as follows:
- **Bed and Breakfast Establishments:** Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to one or more persons or families by the owner for compensation for less than one week. Except as otherwise provided, this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room. The maximum guest occupancy shall be 16 / night.
- Rockland currently has six B&Bs



6

What the heck is Airbnb?

- Around 2005, advertisements like this began popping up on the Internet advertising houses for rent short term in Rockland.
- It seemed to coincide with the end of dial-up internet.
- These ads were brought to my attention by an Innkeeper who ran a B&B and who eventually became the Mayor.
- I followed up on each one, since there were far fewer back then.
- Since this type of use met the Rockland's definition, I initially had them obtain Planning Board approval and they had to live there while renting.
- As time went on there were more and more ads like these. I had to do something...



7

What to do?

- There are numerous single-family dwellings that are rented monthly throughout the City.
- There is no regulation that states a minimum stay period for rented single-family dwellings, in either Rockland's codes nor in the IRC and NFPA 101 (except for apartments).
- However, when a "Single-Family Dwellings" was defined and established as a permitted use in residential zones by the those who originally wrote zoning ordinances, I cannot imagine that they envisioned weekly rentals, let alone nightly rentals in residential neighborhoods. Afterall, we have strict regulations for B&Bs as well as Home Occupations.



8

What about the beaches?

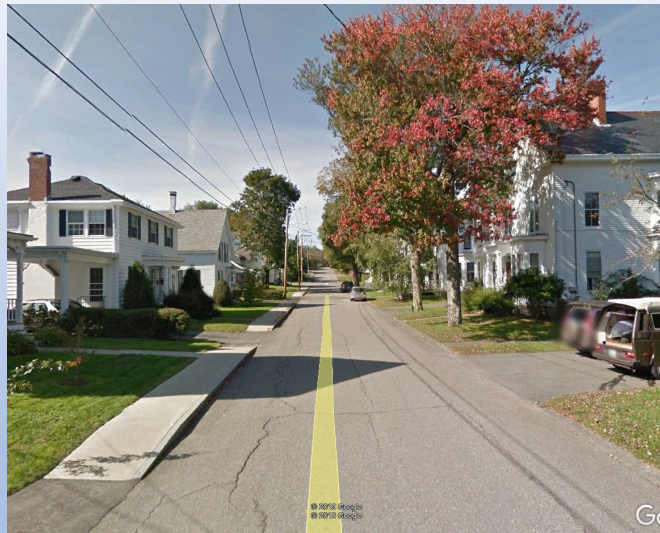
- In other parts of Maine, along beaches and lakes, cottages have been rented weekly for as long as I have been around.
- How are those classified with regards to zoning and building codes, if not single-family dwellings?
- Reached out to the State Fire Marshal's Office.
- Other than Shoreland Zoning, are there different zoning regulations governing these short term rentals?
- Are they not single-family dwellings?



9

Rockland is not a beach community

- Rockland's only beach is about 100 yards long and consists of rocks and mud.
- Consequently Rockland, almost all short term rentals are within established residential neighborhoods.
- What affects are these having on neighborhoods?
- With beachfront houses you expect new neighbors throughout the season. That has not been the case in Rockland neighborhoods.
- Beachfront houses are mostly closed up for the winter. That has not been the case in Rockland neighborhoods.



10



I needed to see what the City Council wanted to do.

- I searched for ordinances and after picking parts of those that I liked, I approached the Council with a proposal to regulate Short Term Rental.
- My initial suggestions included:
 - All STRs would require Planning Board Review.
 - There would be a minimum stay period of one week.
 - Code & Fire would inspect all STRs.
- All but one Councilor was receptive to having some basic regulations for STRs.
- They spent a year working on an ordinance with at least 4 public "workshops".
- Most attendees were stakeholders (renting STRs), innkeepers, property management companies, realtors and a only handful of concerned neighbors.
- Ultimately, the Council's principal goal was to help residents of the City earn some extra income to help offset high taxes, while protecting neighbors.

11

Rockland's Short Term Rental Ordinance

- Purpose. The purpose of the Short-Term Rentals Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of short-term guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Short-Term Rentals and the revenue they make available to homeowners helps makes Rockland affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for short-term rentals may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

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Rockland's Short Term Rental Ordinance

3 levels of Short Term Rentals

- **STR1** is a single-family dwelling in which the owner lives while they are renting short term. It is also a duplex in which the owner lives in one half while they are renting the other half short term.
- **STR2** is a whole house rental or rental of one half of a duplex, while the other half is rented monthly.
- **STR3** is one unit in a multi-family dwelling, while all other units are rented monthly.

Review

- The City Council wanted to make it easy for residents to rent a room short term within the home in which they reside while renting. After notifying abutters, confirming there adequate parking, and if insurance clearly covers the property for Short Term Rental, the Code Office Issues the permit.
- STR2 requires one-time Planning Board(PB) approval (not transferable). This gives abutters a chance to express any concerns that might be addressed by the PB. The owner or a designated manager must be staying within 15 miles and must be available 24/7 while the house or unit is being rented. Notification to abutters, parking and insurance are required.
- Same process as STR2. It must be a permitted use in the zone. It must be sprinkled and meet all code regulations with an inspection by Code & Fire. Notification to abutters, parking and insurance are required.

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STR Ordinance regulations

- There in no minimum stay period.
- Only owners can rent out their dwelling or dwelling unit short term.
- Cannot sublease.
- With STR2 & STR3, the owner or a designated manager must be available 24/7 while the dwelling is being rented. Managers must be in an adjacent town.
- In lieu of inspections, owner must present evidence of insurance showing that they are covered for renting short term.
- Cannot rent campers, tents, sheds, or other accessory buildings.
- No food can be served unless they obtain a Maine Food license.
- No signage is permitted.
- Owner must post name address and contact information of the owner and manager.
- Owner must post a disclaimer stating that the premises has not been inspected by the City.
- Owner/manager must keep accurate records of their transactions and stay periods.
- Fee is \$100 per season. Permits must be renewed each year. Permits are not transferable.
- The STR permit must be posted in the advertisement.

14

How is it working?

- Planning Board Review went quite smoothly with a total of only one or two neighbors attending meetings. With all PB reviews, there was discussion about the reasons for renting short term.
- Many who came before the before PB were owners who bought their property as a retirement houses.
- Although many owners initially resisted regulations, most were okay after their application process was completed.
- Most STRs either complied the ordinance or complied after being notified.
- Posting of STR permit numbers was sporadic. It is better now.
- I have had only one neighbor file a complaint since we began permitting in 2017.
- As a courtesy, I remind owners and managers by email when it is time to renew each year.

15

The Process:

• **STR1 Owner occupied**

- Submit an application and evidence of insurance and \$100. (application renewed and fee each year). Unless there is a change, the following is done one time:
- Code Office confirms insurance is valid and that there are at least 2 parking spaces available on the property.
- Code Office notifies the abutting property owners (including across the street) about the application.
- Owner meets with Code Officer to review regulations.
- Code Office issues the permit which includes the contact information and disclaimer and which must be posted in plain site.
- Code Office sends contact information of owner and/or manager to abutters.

16

The Process (cont.)

• STR2 Non-owner occupied

- Same process as STR1 except one-time Planning Board (PB) review is required.
- Code Office prints GIS plan for owner to submit to PB along with application.
- Code Office notifies abutters of Planning Board meeting date.
- PB reviews plan. Can require screening if deemed necessary. Will listen to any valid concerns of neighbors and ask that they be addressed (i.e. drainage problems, lighting, etc.) One-time PB review is not transferable.

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Examples: Application

Short Term Rental Application*
City of Rockland Code Enforcement Office

270 Pleasant Street
Rockland, Maine 04841
Tel: (207) 594-5508 Fax: (207) 594-9481
rockland@rocklandmaine.gov
www.rocklandmaine.gov

SECTION A.

| | | | |
|--|--------------------|-------|-----|
| Owner's Name | Owner's Phone | | |
| Owner's email address | Owner's Cell Phone | | |
| Owner's Physical Address (while renting) | City | State | Zip |
| Owner's Mailing Address (if different) | City | State | Zip |

SECTION B. Short-Term Rental (STR) applies to any residential dwelling at dwelling unit that is used for periods less than one month.

| | | | | |
|---|-----------|-------------------|------------|-----------------------------|
| Short-Term Rental (STR) Address | Fax Map # | Zone | # of units | # of on-site parking spaces |
| Type of STR | Type | Is Bedroom Rental | | |
| Single-family dwelling, owner's primary residence | STR-1 | | | |
| Two-family dwelling or approved accessory apartment, one unit owner's primary residence | STR-1 | | | |
| Two-family dwelling, not owner-occupied | STR-2 | | | |
| Single-family dwelling, whole-house rental | STR-2 | | | |
| Multi-family dwelling (2 or more units) | STR-3 | | | |

SECTION C.

Insurance: Applicant must provide, to the Code Office, evidence or certificate of current insurance providing coverage for the use of the premises as a short-term rental. Evidence of such insurance must be available for inspection at all times while a unit or structure is used for short-term rental.

| | |
|-------------------|-----------------------------|
| Insurance Company | Insurance Company Telephone |
|-------------------|-----------------------------|

SECTION D. (fill out this section if the use is an STR-2 or STR-3)

☐ I am a resident of Rockland and will be available at all times while guests are renting this property; or

☐ I am not a resident of Rockland and I have contracted with a property management company with its principal place of business in Rockland, Thomaston, Owl's Head, Rockport, Warren, Camden, Hope, Cushing or St. George, and who will be available at all times while guests are renting this property.

Provide property manager information below.

| | | | |
|--|-------------------------------|-------|-----|
| Property Manager's Name (if not owner) | Property Manager's Phone | | |
| Property Manager's Address | City | State | Zip |
| Property Manager's email address | Property Manager's Cell Phone | | |

*Short-Term Rental Permits are required when renting a dwelling or dwelling unit for less than a month

Page 1

Short Term Rental Application
Page 2

SECTION E.

A checkmark acknowledges that the applicant has read and understands the following STR requirements:

☐ The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a STR, shall be in compliance with that of a "one-family dwelling" as described in Chapter 24 § 24.1.1.1 of NPPA 101 Life Safety Code/2012 (see attachment A**);

☐ Short-term rentals shall be to a single individual or family;

☐ The maximum occupancy (for STR-2) shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;

☐ No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;

☐ The use of a dwelling unit as a STR does not violate any applicable condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;

☐ Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;

☐ The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;

☐ The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR;

☐ When the STR is not subject to an inspection by the City's Code Enforcement Officer and Fire Chief, a disclaimer (which will be provided by the Code Office) must be posted in plain sight;

☐ The Permittee must ensure that each advertisement of the STR includes Permittee's City of Rockland Short-Term Rental Permit number;

☐ Renters of short-term rentals may not sublease any portion of the short-term rental to another person, family, or entity;

☐ No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required;

☐ The Permittee shall maintain permit eligibility in conformance with Sec. 11-210(2)(d) continuously during the permit period. See ATTACHMENT A.

Owner's Signature _____ Date _____

For Office Use Only

This application ☐ does ☒ does not require Planning Board Review

Planning Board Application # _____ ☐ Approved ☐ Denied PB Review Date _____

| | | |
|--|--------------------------|---------------|
| Code Office | Code Enforcement Officer | Approval Date |
| <input type="checkbox"/> Approved | | |
| <input type="checkbox"/> Denied (see letter) | | |

Short-Term Rental Permit # _____

Planning Board Fee: \$ _____ Date: _____ Receipt # _____ Paid By: _____ Account # 3220

STR Permit Fee: \$ _____ Date: _____ Receipt # _____ Paid By: _____ Account # 3226

100-1020161

Page 2

Short-Term Rental Application
Page 3

ATTACHMENT A.

Sec. 11-210(2)

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

- (1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner's property manager, and no renter or lessee of a dwelling unit may sub-let the rental or leased premises as a short-term rental;
- (2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant's primary residence, (b) the applicant's primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owl's Head, Rockport, Warren, Camden, Hope, Cushing or St. George, which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;
- (3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is accessory;
- (4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owl's Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

**Chapter 24 § 24.1.1.1 of NPPA 101 Life Safety Code/2012. The requirements of this chapter shall apply to one and two-family dwellings, which shall include those buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms.

Page 3

18

Examples: Abutter's Notice & Site Plan

CITY OF ROCKLAND, MAINE
270 Pleasant Street
Rockland, Maine 04841
CODE ENFORCEMENT OFFICE
Office (207) 975-4000
City Web www.rocklandmaine.gov
Email: code.enforcement@rocklandmaine.gov

*March 16, 2018

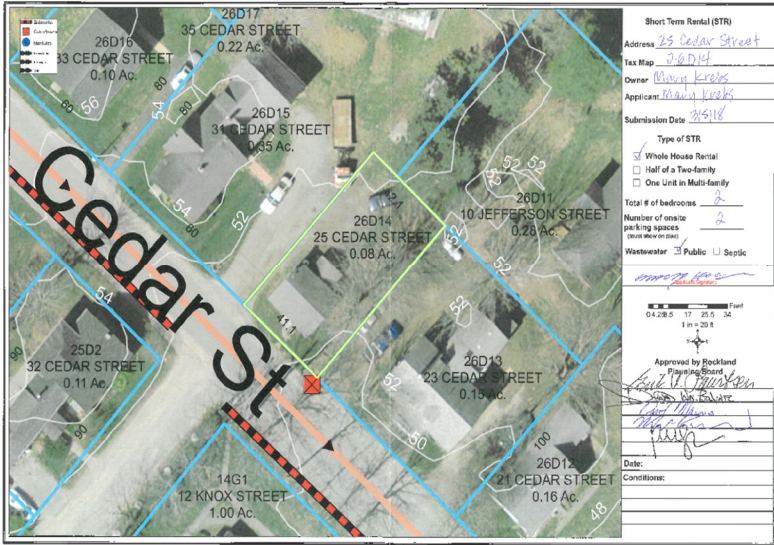
*Dear Property Owners:

*The Rockland Planning Board will review the following application on April 3, 2018, in the Council Chambers at Rockland City Hall located at 270 Pleasant Street, at a meeting beginning at 5:30 pm.

*The Planning Board will review an application submitted by Mary Kools for the short-term rental of a single family dwelling, whole house rental at 25 Cedar St, Tax Map #26-D-14.

*Feel free to contact the Code Office if you have questions regarding this application. Furthermore, should you have any comments there will be an opportunity to speak at the beginning of the meeting, otherwise your written comments are welcome.

John A. Root, Jr.
John A. Root, Jr. is Chairman of the Rockland Planning Board



19

Examples: Evidence of Insurance & Contact Information to Abutters

EVIDENCE OF PROPERTY INSURANCE

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURERS, AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

PROPERTY INFORMATION

COVERAGE: PERILS / TOWNS

| COVERAGE | AMOUNT OF INSURANCE | DEDUCTIBLE |
|--|---------------------|------------|
| Special Dwelling | 678,500 | 1,000 |
| Personal liability | 1,000,000 | |
| Medical payments | 5,000 | |
| Building - Fire and lightning | | |
| Building - Special form | | |
| Personal property - Broad form | 50,000 | |
| Personal property fire and lightning | | |
| Personal property - Special form | | |
| Land, Cont. for Pungus, Wet Dry Rot & Bacteria | | |

REMARKS (Including Special Conditions)

Approved for short term rental

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

John A. Root, Jr.
Code Enforcement Officer
City of Rockland, Maine

April 2, 2019

RE: SHORT-TERM RENTAL AT 15 MOUNTAIN ROAD, TAX MAP #84C15.

Dear Property Owner,

This letter is to inform you that the owner of the property located at 15 has submitted an application for Short Term Rental. This will be a non owner-occupied whole house rental (STR-2). In accordance with Section 11-11-210.2F, we are providing you with contact information as follows:

Owner Information

DODD FAMILY TRUST 2-8-06
210 WASHINGTON ST
SHERBORN, MA 01770

Tel: (508) 655-5252
Cell: (508) 654-5252

Manager Information

JENNIFER MAYNARD
7 MOUNTAIN RD
ROCKLAND, ME 04841

Tel: (207) 975-3755
Cell: (207) 975-3755

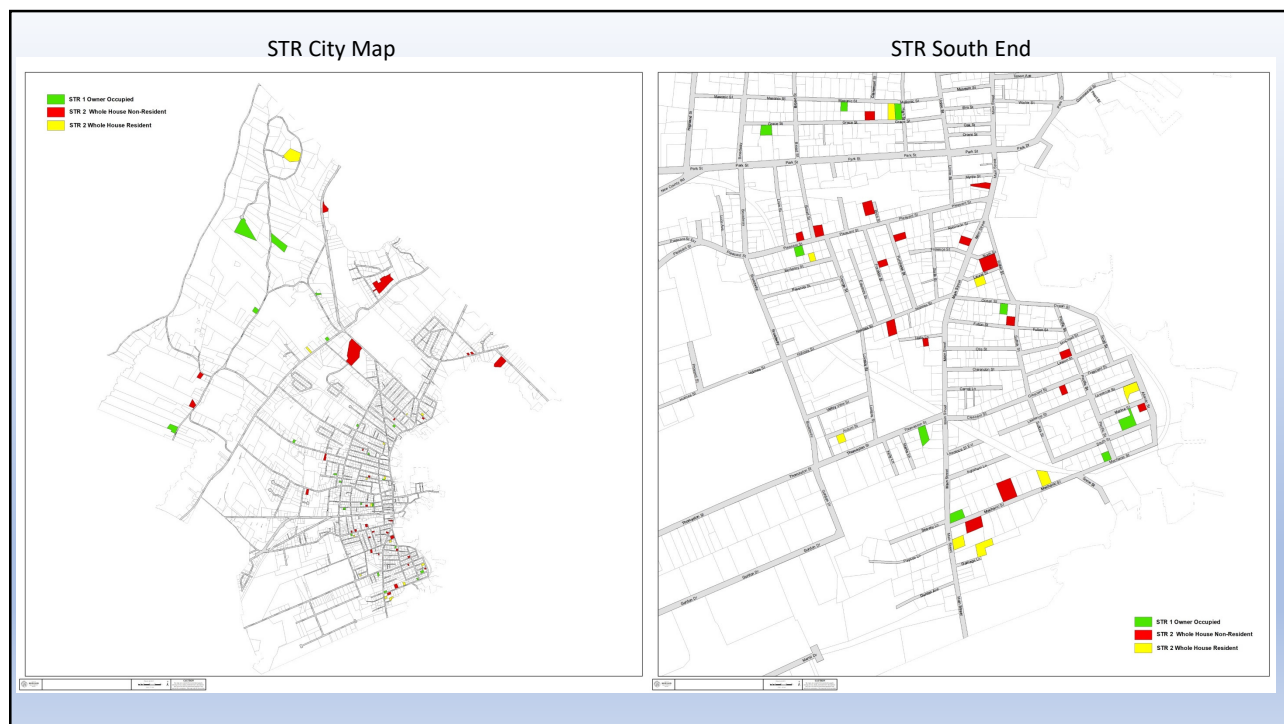
Staff and the City Council worked very hard to develop some reasonable regulation for Short Term Rentals. All concerns from both opponents and supporters of the regulations were considered. Providing neighbors with this contact information was important to the City Council. Please feel free to contact the Code Office with any questions or concerns.

Sincerely,

John A. Root, Jr.
Code Enforcement Officer
City of Rockland, Maine

20

Page 3



23

The Cap

- Effective March 4, 2018 the City Council placed a cap on all STR-2s & STR-3s.
- There were concerns that some neighborhoods were being overrun with whole-house rentals.
- Ironically the concerns from a Councilor who initially wanted no regulations.
- A study group was formed, made up of an innkeeper, a property management company owner, an STR-1 and STR2 operator, a business owner and two residents who had an interest.
- The City Council asked for recommendations for how best to go forward with Short Term Rentals.



24

So what's the problem?

- Home occupations have more restrictions than STRs!
 - Like home occupations, STRs are for profit businesses in residential neighborhoods.
 - Proprietor of a home occupation must live there. Not so with STR2 & STR3.
 - Home occupations are very limited in the permitted types of businesses. Low impact low traffic.
 - Home occupations are limited in hours of operation. STRs are 24/7.
 - More intense home occupations require PB review. STR1 require no PB review.
- Taking away from monthly rentals?
 - Rockland has issues with lack of decent reasonably priced housing for newcomers, particularly younger adults.
 - STRs are potentially eliminating year-round monthly rentals.
- Effecting quality of neighborhoods?
 - Transients guests are replacing neighbors.
 - STR renters are on vacation 24/7.
- Dark neighborhoods?
 - Because it is often difficult to rent short-term in winter, and it is difficult to find temporary off-season monthly renters, some STRs are left empty for the winter.
- Unfair tax rates?
 - B&Bs, pay one of the highest tax rates in the City. STRs, even though they are for-profit businesses, pay the same rate as any other dwelling. The State still considers them SFDs for purposes of personal property tax.

25

Suggestions

- Keep it simple!
 - Consider the amount of regulations you are making and who will have to enforce them.
 - Ultimately I am happy with the decision to eliminate minimum stay period. Tracking individual site calendars would be very time consuming.
 - Require and enforce posting permit numbers in their ads.
 - When checking the rental sites, you see a legitimate number and move on.
 - Give preference to your residents by making owner-occupied STR permitting simple. If limits are placed on non-owner occupied STRs, give preference to **residents** who want to rent the house in which they reside.
 - To make up for tax inequities, consider a higher fee for renting short-term, especially for non-residents.

26

Suggestions (cont.)

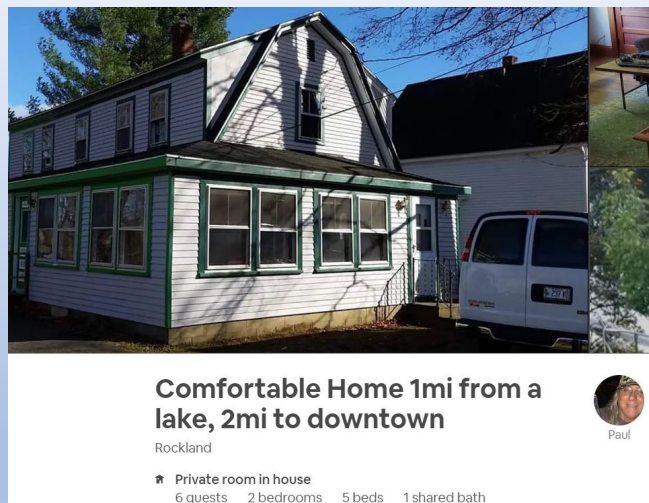
- Consider requiring that all non-owner occupied STRs be managed by a professional property management company. Especially if you want minimum stay periods.
 - Management companies tend to keep their clients legal.
 - Management companies keep good records.
- Carefully track where STRs are located.
 - If certain established neighborhoods become saturated, consider limiting the number permitted in an area.
 - This would require a system of determining how you determine who gets permits. Waiting list? Lottery?
- Consider issuing permits for owner-occupied only.
- Consider limiting STRs to certain zones.

27

Finding STRs?

None of the vacation rental sites provide addresses. However, with limited information provided, staff can usually find them.

- Sites usually show the general location and provide at least the hosts first name.
- They almost always show a photo of the house and sometimes the view from it.
- Using GIS and assessing software you can search for all the those with the first name. Then compare building photos with the ad.
- Often the renters' comments will give clues. "It was upstairs over a great pizza shop".



28



29

Pay for a Tracking Company

Pricing — Host Compliance Page 2 of 4

APPROXIMATELY HOW MANY SHORT-TERM RENTALS OPERATE IN YOUR COMMUNITY?

50 100 200 300 400 500 600 800 1000
1200
1200+ (MAILTO:TEAM@HOSTCOMPLIANCE.COM)

| TREND MONITORING | ADDRESS IDENTIFICATION | COMPLIANCE MONITORING | TAX COLLECTION SUPPORT | 24/7 HOTLINE |
|--|--|---|---|--|
| \$ 380 _{yr} | \$ 1,500 _{yr} | \$ 2,250 _{yr} | \$ 3,250 _{yr} | \$ 3,850 _{yr} |
| <ul style="list-style-type: none"> Active monitoring of jurisdiction's STR listings across 15+ STR websites Monthly report on aggregate STR activity in jurisdiction Monthly analysis of STR trends in jurisdiction Automatic alerts if the # of STR listings reach a pre-determined level | <ul style="list-style-type: none"> Get all Trend Monitoring features PLUS Detailed monthly report with: <ul style="list-style-type: none"> Up-to-date list of jurisdiction's active STR listings High resolution screenshots of all active listings Full address and contact information for all identifiable STRs in jurisdiction (where compliance is available) | <ul style="list-style-type: none"> Get all Address Identification features PLUS Ongoing monitoring of STRs for zoning and permit compliance Pro-active and systematic outreach to unpermitted and/or illegal short-term rental operators (using jurisdiction's form letters) Monthly staff report on jurisdiction's zoning and permit compliance Up-to-date list of STRs operating illegally | <ul style="list-style-type: none"> Get all Compliance Monitoring features PLUS Ongoing monitoring of jurisdiction's listings for tax compliance Pro-active, systematic and data-informed outreach to short-term rental operators regarding their tax remittance obligations (using jurisdiction's form letters) Monthly staff report on jurisdiction's STR tax compliance | <ul style="list-style-type: none"> Get all Tax Collection Support features PLUS 24/7 staffed telephone and email hotline for neighbors to report non-emergency problems related to STR properties Daily/Weekly staff reports containing: <ul style="list-style-type: none"> The # and types of reported incidents List of properties for which incidents have been reported Full documentation of all |

<https://hostcompliance.com/pricing/> 3/21/2018

30

IRC, IBC & NFPA 101 Life Safety

- To date the national and international codes do not seem to want to deal short term rentals.
- In discussions with those who write the codes, they consider STRs a zoning issue.
- State of Maine considers STRs to be single-family dwellings.
- State Fire Marshal's Office does not regulate STRs and use their own methods by which they determine if the use is other than a single-family dwelling.

31

IRC, IBC & NFPA 101 Life Safety

- IBC/2015 allows owner-occupied lodging houses for up to five guests to be constructed in accordance with the IRC.
- The IRC requires sprinklers for single-family dwellings. However Maine has exempted the sprinkler requirement.
- But, when providing lodging, the use classification has changed to lodging, so it is no longer exempt from sprinklers. However the sprinkler can be the most basic type (NFPA 13D), where it is supplied by the domestic water system.

32

International Residential Code

LODGING HOUSE. A one-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms.

❖ [Section 101.2](#) now provides an exception to allow lodging houses to be built in accordance with this code. A common example of a lodging house is a bed and breakfast. To support this **new provision ([Section 101.2](#), Exception 2)**, **the code now includes this definition of “Lodging house.”** Note that this definition includes the term “guestroom,” which is also a defined term in this code.

R101.2 Scope

The provisions of the [International Residential Code for One- and Two-family Dwellings](#) shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and *townhouses* not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height.

Exceptions:

1.1. Live/work units located in *townhouses* and complying with the requirements of [Section 419](#) of the *International Building Code* shall be permitted to be constructed in accordance with the [International Residential Code for One- and Two-Family Dwellings](#). Fire suppression required by [Section 419.5](#) of the *International Building Code* where constructed under the [International Residential Code for One- and Two-family Dwellings](#) shall conform to [Section P2904](#).

2.2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the [International Residential Code for One- and Two-family Dwellings](#) where equipped with a fire sprinkler system in accordance with [Section P2904](#).

33

NFPA 101 Life Safety Code

- NFPA 101 Life Safety Code defines a “Single Family Dwelling” (SFD) as being **“occupied by members of a single family with not more than 3 outsiders, if any, accommodated in rented rooms.”**
- However it does not talk about the length of stay for those in rented rooms. Most code officials who are familiar with NFPA will say that the code anticipates is that renters in a SFD will be “living” there long enough to become familiar with their surroundings. (i.e. not transient.)
- Extensive research by Rockland’s Assistant Fire Chief concluded that apartment buildings are the only occupancies where NFPA specifies that renters stay for a minimum of 30 days.
- The following is from the Maine Fire Marshal’s Office regarding how you determine if you are a B&B and require a permit from them:

“First determine how many bedrooms will be available for rent. You are allowed to rent to 3 outsiders without needing State approval. At 2 people per bed, that equals 1 bedroom (the 2nd rental bedroom might include a 4th person)...”

34

NFPA 101 Life Safety Code

- In developing Rockland's STR ordinance, I tried to be careful to not put the City in a position of permitting an occupancy that might fall rooming and lodging under NFPA. You can rent:
 1. A room in a **single**-family dwelling in which the owner resides.
 2. A **single** unit in a duplex, the other half of which is rented monthly or owner occupied.
 3. A **single** family dwelling.
 4. A **single** unit in a multi-family dwelling where all other units are rented monthly.
- The permit specifies that rental must be to a family or single entity

35

Questions?

John Root, Jr.
City of Rockland Code Office
270 Pleasant Street
Rockland, ME 04841
jroot@rocklandmaine.gov
(207) 594-0308

36

**Kittery Town Council
Regular Meeting
April 8, 2019
Council Chambers**

1. Call to Order: Chairperson Spiller called the meeting to order at 6:04 p.m.

2. Introductory: Chairperson Spiller read the introductory.

3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.

4. Roll Call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Cyrus Clark, Kenneth Lemont, Vice-Chair Matthew Brock and Chair Judith Spiller.

5. Agenda Amendment and Adoption: Chairperson Spiller said she had one addition under "New Business", 13-o, "The Kittery Town Council moves to approve the sidewalk sale for Love Bird Donuts on April 14th and 15th, 2019 at 450 US Route 1, Kittery." She asked the Town Manager, as a follow-up, if the Town Council had to schedule a public hearing for that establishment's license.

Town Manager Amaral replied once their application has been submitted.

6. Town Manager's Report: Town Manager Amaral said that Chief O'Brien, Chief Richter and she met with the Eliot Town Manager and their Police and Fire Chiefs to discuss the contract renewal for Shared Dispatch Services. She said they talked through their concerns and the issues dealt with internal communications, which they will address that. She said she expects they will renew their three-year contract with us. She said they are looking forward to that partnership.

Town Manager Amaral said the Kittery Water District will be holding a public meeting on April 16th at the Star Theatre at 6:00 p.m. She said they are looking into either recording or broadcasting the meeting to provide an opportunity for the public to learn information.

Town Manager Amaral said the bus stop at the KCC creates a back up with the Ship Yard traffic. She said she spoke with the bus company to get them off of Rogers Road, into the parking lot in the front, but they cannot safely turnaround in the KCC parking lot, so they have to stop at the top of the hill. She said the KCC staff knows they need to get the children off the bus as quickly and as safely as possible.

Town Manager Amaral updated Council on the busses owned by Mr. Dineen. She said the Court ordered Mr. Dineen to bring the site into compliance no later than February 12th, which he did not do. She said they are seeking a contempt of court ruling, which may happen the beginning of May. She said they and the Town Attorney has been staying on top of this issue.

Town Manager Amaral said, regarding the State Road Speed Limit Reduction, to 25 mph, she communicated that to Mr. Illian from MDOT who will have the results from the studies before June. She said it is not consistent with what they anticipated and the studies analyzed the road for speeding and a lot of other factors.

Town Manager Amaral said they have put up three Variable Speed Signs and are looking to do another three this year. She said there are four on the list: Love Lane, Stevenson Road, Dennett Road and Braveboat Harbor Road.

Town Manager Amaral said they heard from MMA regarding testimony on the recreational adult use marijuana and local revenue sharing on that. She said the community can go up to Augusta or can submit something in writing.

Town Manager Amaral said she will re-work the letter for the Easter Egg Hunt, which will be at Shapleigh School; however, it was scheduled for April 15th, which is a holiday.

Town Manager Amaral said the Resource Recovery Recycling Scholarship is due April 16th and the Mooring renewals are due by April 18th. She said the Fort Foster clean-up is scheduled April 19th and the lobster traps at Seapoint have been pushed to April 18th.

Chairperson Spiller asked, and received, Council consensus for the Town Manager to send a letter on revenue sharing.

Councilor Thomson, through the Chair, asked Town Manager Amaral if Mr. Ilian from DOT had looked at the State Road situation.

Town Manager Amaral said she cannot confirm.

Councilor Denault wanted to know – through the Chair – if the Town Manager had informed Mr. Ilian of the portion of the road.

Town Manager Amaral replied yes, he was informed.

Councilor Denault asked if the residents have any concerns, can they contact him.

Town Manager Amaral responded people can try, but it does not matter how many signatures are on the petition.

7. Acceptance of Previous Minutes: none

8. Interviews for the Board of Appeals and Planning Board: none

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

a. (040119-1) The Kittery Town Council moves to receive a presentation from the Superintendent of Schools on the FY'20 School Budget.

Supt. Eric Waddell began by showing a brief video production that captured the life of the School District, which he worked on, along with three Publication students from Traip Academy.

Supt. Waddell reviewed the FY'20 School Budget which was adopted by the School Committee, including their 2018-19 Commitments A & B, student demographics, budget timeline, revenue and expenses and staffing/programming changes.

Supt. Waddell said the budget represents a 4% increase in expenses and a 3.3% increase to the taxpayers. He said out of \$467,000 in new proposals, approximately \$255,000 made it into the budget and that reductions in current programming and staffing resulted in a savings of \$280,342.

101 Supt. Waddell said that the 11 cost factors, including expenses total \$689,273.17 and the major
102 impacts are: salary increase steps, COLA costs and an increase in Special Education costs as well as
103 student support. He said in Mitchell, there is an additional half-time guidance counselor and a math
104 intervention specialist. He also stated other staff changes.

105
106 Supt. Waddell said at Traip, they are launching Vision 2025 and in January the cost was \$6,000 related
107 to that with a net savings of \$25,000. He said they must continue to attract teachers and has included
108 a salary comparison chart in Council's packets.

109
110 Chairperson Spiller thanked Supt. Waddell and asked if Council had any questions. She said she
111 would defer to what Supt. Waddell came up with for a budget and she has two former School
112 Committee Chairs here tonight.

113
114 Councilor Lemont said he agreed with Chairperson Spiller's reasoning and he is not going to criticize
115 the budget. He said his comment is that he very much enjoyed the video by the students and hopes
116 they get to see more of that. He said Kittery ranks #284 and Mitchell, Shapleigh and Traip are in the
117 top 20.

118
119 Councilor Lemont said the Council is accountable to the taxpayers and it is important for them to hear
120 that. He said Council had a workshop with the Legislative delegation and they are concerned about the
121 GPA and the only setback that we are in negotiations. He wanted to know if there was any
122 improvement in that area, moving forward.

123
124 Supt. Waddell wanted to know if Councilor Lemont was talking about the GPA funding.

125
126 Councilor Lemont responded he needs to follow up on that. He said over time, they have taken
127 elements of the formula off. He said that education is important to this community and the majority of
128 the taxpayers have shown that in affirming the budget validation.

129
130 Councilor Denault wanted to recognize Ms. Bedard and thought he was going to put on boxing gloves
131 tonight – not because of what she did, but what he sees that is not done. He wanted to talk about the
132 administrators' (salary) are in 6 figures and the article that was in the Portsmouth Herald. He noted that
133 Briscoe taxpayers rank 33 in the same report.

134
135 Councilor Denault said that Supt. Waddell talked about attracting teachers, but it seems to be that the
136 teachers get cut, not the administrators, in speaking with the Dept. of Education. He said he spoke with
137 Councilor Lemont and Rhonda Pomerleau and thought that there was always something that the
138 Superintendent can do.

139
140 Councilor Denault said that the PTA held a "Talent Show" and the made sure it was in their budget, and
141 this should be on Channel 22. He said they should apply technology, and training, potential jobs and
142 sports games should be put on Channel 22, and the taxpayers are paying for it in their Comcast bill. He
143 said he would love to work with the School Committee to get interns with these kids to do that for the
144 community and the Traip Trustees could fund it.

145
146 Chairperson Spiller said the School Committee has come to us with a reasonable budget proposal.

147
148 Vice-Chair Brock said that it is very helpful to him to see the primary factors weighing in, coming up with
149 the budget. He said a successful school system is the backbone of this community and the School
150 Committee is elected to do their job, bringing a fiscally responsible budget to the Town Council.

Councilor Thomson said he sees data provided for the last Kindergarten enrollment, 87 and was wondering if there has been any data collected for pre-K in the area. He wanted to know what will be the Kindergarten number in the Fall, 21 or 22.

Supt. Waddell said former Supt. Littlefield did an analysis of that years ago. He said he did get a number from the three-year average and looked at the October 1st enrollment for patterns over the last 25 years. He said they have had two full days of Kindergarten registration already.

Supt. Waddell said given the military population may have a solid idea of what we have but until the end of August, that figure can get turned around.

Councilor Thomson said looking at the information on the salary for teachers, some adjustment should be made in the current contract. He said educational salaries is the major issue. He said it deals with the societal value.

Chairperson Spiller said if there are no other questions, thanked Supt. Waddell.

10. PUBLIC HEARINGS

a. (040119-2) The Kittery Council moves to hold a public for approval of a Special Activity Amusement Permit for The View at Pepperrell Cove, LLC., 90 Pepperrell Road Kittery, Maine.

Chairperson Spiller said before she opens the public hearing, she would like to hear from the Planning & Economic Director, Adam Causey. She said the public hearing notice has been posted.

Mr. Causey said that this is the amended application for an Amusement Permit and liquor license and changes were made to it. He clarified it is a group of business owners and was reviewed by the Planning Board, who approved it with certain conditions. He said it will be open in May and previously had 70 seats. He said "The View" is not a restaurant, it is a function hall. He said the restaurant has outdoor seating and is limited to 42 seats. He said the restaurant will not be open in inclement weather.

Mr. Causey said the parking is based on the number of seats, and the parking has to fit according to how many seats there are.

Chairperson Spiller asked what are the business hours.

Mr. Causey said he wanted to confirm an error when he previously said they operate 7:30 pm to 1:00 a.m.

Ms. Estee, Interim Town Clerk said it had been changed.

Mr. Causey said there is a list of conditions the Planning Board approved, food and beverages will be served on the wharf, but it is restricted to what is on the license. He said the liquor license is from last July.

Chairperson Spiller thanked Mr. Causey.

Chairperson Spiller opened the public hearing at 7:10 p.m. and asked if any one wished to speak to, for or against the application.

George Dow, Bartlett Road, Kittery Point said that he is in favor of it, it has brought a lot of vitality to the town and he enjoyed the restaurant. He said what it has brought to our community from a business standpoint, the better way of living here. These are things from our budget standpoint, so we can be building great opportunities, and giving increase to the teachers and he would vote in the affirmative.

Chairperson Spiller asked if anyone else wished to speak, and hearing none, closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM THE VIEW AT PEPPERELL COVE, LLC, 90 PEPPERELL ROAD, KITTERY POINT FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT, SECONDED BY COUNCILOR PELLETIER.

Councilor Lemont said he would like clarification on what Council is voting on. He said the Special Activity Amusement Permit is an amended application, but are we using the hours on the liquor license.

Ms. Estee replied yes, just the hours, it is 11:00 a.m. to 11:00 p.m. on the Special Activity Amusement Permit.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED. MOTION CARRIES.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS - none

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition:

- b. (040119-3) The Kittery Town Council moves to accept a donation in the amount of \$1,000.00 from an anonymous donor to be deposited in the Thresher Memorial Fund.

(040119-4) The Kittery Town Council moves to accept a donation in the amount of \$300.00 from Alexander Mann of Greenleaf Home Builders to be deposited into the Thresher Memorial Fund.

(040119-5) The Kittery Town Council moves to accept a donation in the amount of \$60.00 from Ronald and Kim Smith to be deposited in the Thresher Memorial Fund.

- c. (040119-4) The Kittery Town Council moves to approve the disbursement warrants.

- d. (040119-5) The Kittery Town Council moves to give preliminary approval on the FY'20 School Budget and to schedule the Budget Validation Referendum Election for June 11, 2019.

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- e. (040119-6) The Kittery Town Council moves to review and finalize the wording on the Warrant Articles for the June 11, 2019 Town Meeting Secret Ballot Election and make its recommendations on each article.

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- f. (040119-7) The Kittery Town Council moves to approve a renewal Liquor License application from Ore Nell's BBQ, 2 Badgers Island West, Kittery Maine.

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The Code Enforcement Officer has conducted the inspection and determined the establishment is in compliance with the Town Code.

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- g. (040119-8) The Kittery Town Council moves to approve a renewal Liquor License for Festina Lente, 1 Government St. Kittery, Maine.

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The Code Enforcement Office has conducted the inspection and determined the establishment is in compliance with the Town Code.

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- h. (040119-9) The Kittery Town Council moves to approve a request from Tributary Brewing Company, One Post Office Square, Kittery Maine to hold a special event for the release of Mott the Lesser on Saturday April 27, 2019 from 12:00pm to 8:00pm.

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- i. (040119-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00am and the closing at 8:00pm for the June 11, 2019 Town Meeting and School Budget Validation Referendum as recommended by the Interim Town Clerk.

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- j. (040119-11) The Kittery Town Council moves to approve a request from The New Hampshire National Guard, to conduct their Regional Best Warrior Competition 12mile Ruck March on May 2, 2019 beginning at 10:30am and ending at 2:30.

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280

- k. (040119-12) The Kittery Town Council moves to approve a renewal Liquor License application from the View at Pepperrell Cove LLC., 90 Pepperrell Road, Kittery Point Maine.

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The Code Enforcement Office has conducted the inspection and determined the establishment is in compliance with the Town Code.

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- l. (040119-13) The Kittery Town Council moves to approve recommended members of the Climate Adaptation Committee. Members recommended to the committee by Judy Spiller and Matt Brock. **A list of the recommended applicants are as follows, John Duffy, Ken Fellows, Lise Lauren, Julia O'Connell and Cameron Wake.**

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- m. (040119-14) The Kittery Town Council moves to schedule a public hearing on April 22, 2019 to Adopt into Appendix A Title 1 – KPA Fines.

292
293
294

- n. (040119-15) The Kittery Town Council moves to approve the appointment of Diane Harvey to the Trust of the Trustees for a term to expire 12/31/2022.

295

- o. The Kittery Town Council moves to approve the sidewalk sale for Love Bird Donuts on April 14th

296 and 15th, 2019 at 450 US Route 1, Kittery.

297
298

299

300

301 14. COUNCILOR ISSUES OR COMMENTS

302

303

304 15. COMMITTEE AND OTHER REPORTS

305

306 a. Communications from the Chairperson

307 b. Committee Reports

308

309 16. EXECUTIVE SESSION

310

311 17. ADJOURNMENT

312

313

314

Kittery Town Council Draft Minutes April 22, 2019
Regular Meeting
Town Hall – Council Chambers
WORKSHOP
Kittery Athletic Field Improvement Committee Workshop 5:00pm

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
- Members present: Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Cyrus Clark Kenneth Lemont, Vice Chair Matt Brock & Chair Judith Spiller.
5. Agenda Amendment and Adoption
 - i. Chair Spiller moves the appointment of Deborah Driscoll to the Kittery Climate Adaptation Committee Business Representative.
6. Town Manager's Report

Town Manager reported on: Shared Dispatch Services, Financial Report FY2019, Annual Goal Report, and Fort Foster Path Repair. Upcoming dates Library Design Workshop April 24, 2019 6 p.m., Kittery Community Center, and Drug Take-Back Day April 27, 10 a.m. – 2 p.m., Kittery Police Department
7. Acceptance of Previous Minutes- None
8. Interviews for the Board of Appeals and Planning Board -None
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(040219-1) The Kittery Town Council moves to receive a presentation by Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator and Kristie Rabasca from Integrates Environmental Engineering on the MS4 Permit for Stormwater Discharges

Kristie Rabasca presented the presentation. Jessa Kellogg did not attend. Vice Chair Brock and Kristie Rabasca discussed
10. PUBLIC HEARINGS

(040219-2) The Kittery Town Council moves to hold a public hearing for a New Victualer's License application for El Grand Rodeo, 230 US Route 1 Bypass Kittery, Maine.

Moved by Councilor Thomson, second Councilor Pelletier
Motion Carries- 7-0-0

(040219-3) The Kittery Town Council moves to hold a public hearing for a New Victualer's License application for LoveBird's Donuts 450 US Route 1 Kittery, Maine.

Moved Councilor Thomson, second Councilor Pelletier

Motion Carries- 7-0-0

Discussion between Town Councilor and Town Manager

Councilor Thomson moves for an Amendment

Motion Carries- 5-2-0

(040219-4) The Kittery Town Council moves to hold a public hearing regarding Title1-KPA Fines.

Town Manager discusses

Moved by Councilor Thomson, second Councilor Pelletier

Motion Carries- 7-0-0

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) - None
- b. Response to public comment directed to a particular Councilor - None
- c. Chairperson's response to public comments-None

12. UNFINISHED BUSINESS -None

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

(040219-5) The Kittery Town Council moves to accept donations in the amount of \$4,370 to be deposited into the Thresher Memorial Fund.

Moved Councilor Thomson, second Councilor Denault

Motion Carries- 7-0-0

- John Pearson & Elinor Lamson
- Perry Plumbing & Heating, Inc.
- Terence Malloy
- Randall and Sharen Spratt
- Bib and Karen Longcrier
- David and Carol Ogilvie
- Arnold and Cathering Harrison
- Walter Allen
- John Robbins and Shaye McGann
- Michael Fiandaca
- Thomas and Pamela Clairmont
- Two Sons, LLC
- Anne and Steven Barton
- Patricia and Vaughn Kailian
- Bob McGinness

- H. Lauren Gallant
- Irene and David Couture
- Sophia Scontras
- William and Constance Parsons
- Alalia and Frederick Thaler
- Richard and Suzanne Bicknell
- Gail Tanner
- Alfred and Cynthia Benton
- Lorraine Wheeler-Salt River Farm
- The Fabulous Find

- b. (040219-6) The Kittery Town Council moves to approve the disbursement warrants.

Moved by Councilor Thomson, second Councilor Pelletier all Councilors approve
Motion Carries- 7-0-0

- c. (040219-7) The Kittery Town Council moves to schedule a public hearing for May 29, 2019 for Title 8 E-911 Street naming.

Moved by Councilor Thomson, second Councilor Pelletier
Motion Carries- 7-0-0

- d. (040219-8) The Kittery Town Council moves to approve a request from the Veterans of Foreign Wars, Kittery/Eliot Memorial Post 9394 to hold their Memorial Day Parade and Ceremonies on May 25, 2019.

Moved by Councilor Thomson, second Councilor Pelletier
Motion Carries- 7-0-0

- e. (040219-9) The Kittery Town Council moves to approve a request from the National Multiple Sclerosis Society, Greater New England Market, Bike MS event. Their cyclists will be biking through Kittery, Saturday, August 24, 2019.

Moved by Councilor Denault, second Councilor Pelletier
Motion Carries- 7-0-0

- f. (040219-10) The Kittery Town Council moves to approve a renewal Liquor License application from Anju Noodle Bar 7 Wallingford Square Unit 102, Kittery. Enclosed in your packet is a copy of the license.

Moved by Councilor Thomson, second Councilor Pelletier
Motion Carries- 7-0-0

- g. (040219-11) The Kittery Town Council moves to appropriate \$50,000 of Unassigned Funds in accordance with Warrant Article 7, approved on June 12, 2018 for the LED Street Lighting conversion project.

Town Manager discussed with Town Council

Move by Councilor Denault, second Councilor Pelletier
Motion Carries- 7-0-0

- h. (040119-12) The Kittery Town Council moves approve the Emergency Management Plan.

Moved by Councilor Denault, second Councilor Pelletier

Fire Department Chief David O'Brien discussed with Town Council

Motion Carries- 7-0-0

- i. Kittery Town Councilor moves the appointment of Deborah Driscoll to the Kittery Climate Adaptation Committee Business Representative.

Moved by Councilor Thomson, second Councilor Pelletier

Councilor Denault and Chair Spiller discuss.

Motion Carries- 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Vice Chair Brock discussed Green space in Kittery Foreside.

Councilor Denault discussed Earth Day, lost dog on Litchfield and Picott Road as well as Riley Way, and the passing of Carl Dawson and former Kittery Police Officer Ronald Vermette. Recognizing the Kittery Color Guard for attending Ronald Vermette's funeral Chief Robert Richter, Sargent Gary Eaton, Detective Brian Cummer, Officer Zach Harmon, Officer Ben Cyr, and Officer Greg Caldwell.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chair Spiller discussed the lights on Government and State, as well as Walker and State traffic still turning into the crosswalk, Earth Day, speeding on 103, and Public Hearing on May 6, 2019 at 6 p.m. on the Town and School Budget

b. Committee Reports -None

16. EXECUTIVE SESSION -None

17. ADJOURMENT

Moved by Councilor Thomson, second Councilor Pelletier, all were in favor.

Submitted by Kim Tackett

216
217 Disclaimer: The following minutes constitute the author's understanding of the meeting.
218 Whilst every effort has been made to ensure the accuracy of the information, the
219 minutes are not intended as a verbatim transcript of comments at the meeting, but a
220 summary of the discussion and actions that took place. For complete details, please
221 refer to the video of the meeting on the Town of Kittery website at
222 <http://www.townhallstreams.com/locations/kittery-maine>.
223
224

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

1 1. Call to Order

2
3 2. Introductory

4
5 3. Pledge of Allegiance

6
7 4. Roll Call

8
9 Members present: Charles Denault, Jeffrey Pelletier, Kenneth Lemont, Vice Chair
10 Matt Brock & Chair Judith Spiller. Members absent: Jeffrey Thomson, Cyrus Clark.

11
12 5. Amendment and Adoption None

13
14 6. Town Manager's Report

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

26
27 7. Acceptance of Previous Minutes None

28
29 8. Interview– for the Board of Appeals and Planning Board None

30
31 9. All items involving the town attorney, town engineers, town employees or other
32 town consultants or requested officials.

33
34 a. (050219-1) The Kittery Town Council moves to receive a presentation from
35 the Town Manager on the FY20 Municipal Budget.

36
37 Town Manager presents FY 20 Municipal Budget

38
39 Councilor Denault and Town Manager discuss

40
41 10. PUBLIC HEARINGS
42

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

46
47 Moved by Councilor Pelletier, second Councilor Denault

48
49 Motion carries 5-0-0
50

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

54
55 Moved by Council Pelletier, second Vice Chair Brock

56
57 Motion carries 5-0-0
58

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

62
63 Moved by Councilor Pelletier, second Councilor Denault

64
65 Motion carries 5-0-0
66

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

70
71 Moved by Councilor Pelletier, second Councilor Denault

72
73 Motion carries 5-0-0
74

75 11. DISCUSSION
76

- 77 a. Discussion by members of the public (three minutes per person)
78

79 Julia O'Connell, 9 Busick Drive - Discusses Kittery citizens' concerns about
80 Chloramines. Sponsoring a Q & A Monday May 20, 2019 at The Regatta in
81 Eliot, Maine. Asking to distribute flyers at the Resource Recovery and stream
82 the Q & A discussion on Channel 22.
83

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

85
86 c. Chairperson's response to public comments

87
88 Chair Spiller defers to the Town Manager

89
90 12.UNFINISHED BUSINESS None

91
92 13. NEW BUSINESS

93
94 a. Donations/gifts received for Council disposition.

95 (050219-6) The Kittery Town Council moves to accept donations in the
96 amount of \$3,050.00 from the following donors to be deposited in the
97 Thresher Memorial Fund.

98
99 Northeast Credit Union

100 Andrews Construction Company

101 Maritime Mortgage Company

102 Gerald and Elizabeth Mylroie

103 Robert and Maureen Marshall

104 Stratham Historical Society

105 Jill Gallant

106
107 Moved by Councilor Pelletier, second Councilor Denault

108
109 Motion carries 5-0-0

110
111 b. (050219-7) The Kittery Town Council moves to approve the disbursement
112 Warrants

113
114 Moved by Councilor Pelletier, second Councilor Denault

115
116 Motion carries 5-0-0

117
118 c. (050219-8) The Kittery Town Council moves to approve a Renewal Liquor
119 License for The Pointe, 31 Badger's Island West Kittery.

120
121 Moved by Councilor Pelletier, second Chair Spiller

122
123 Motion carries 5-0-0

124
125 d. (050219-9) The Kittery Town Council moves to approve the annual renewal
126 list for Victualer's Licenses.

128 Moved by Councilor Pelletier, second Councilor Denault
129
130 Motion carries 5-0-0
131
132 e. (050219-10) The Kittery Town Council moves to approve the annual
133 renewal list for Amusement Devices Licenses.
134
135 Moved by Councilor Pelletier, second Chair Spiller
136
137 Motion carries 5-0-0
138
139 f. (050219-11) The Kittery Town Council moves to approve a request from
140 The Black Birch 2 Government St. to extend their area of service into the
141 parking lot on June 15, 2019 to coincide with the Kittery Block Party.
142
143 Moved by Councilor Pelletier, second Vice Chair Brock
144
145 Motion carries 5-0-0
146
147 g. (050219-12) The Kittery Town Council moves to approve a request from
148 The Kittery Community Market to hang banners and place signs at various
149 locations throughout the Town.
150
151 Moved by Councilor Pelletier, second Chair Spiller
152
153 Motion carries 5-0-0
154
155 h. (050219-13) The Kittery Town Council moves to approve a request from
156 the Kittery Fire Fighters Association to place signs throughout the Town for
157 their Annual Pancake Breakfast.
158
159 Moved by Councilor Pelletier, second Councilor Denault
160
161 Motion carries 5-0-0
162
163 i. (050219-14) The Kittery Town Council moves to approve a Pole Permit
164 Request from Central Maine Power. To install poles along Adams Road.
165
166 Moved by Councilor Pelletier, second Councilor Denault
167
168 Motion carries 5-0-0
169
170 j. (050219-15) The Kittery Town Council moves to approve a Municipal
171 Release Deed request for Map & Lot 42/4, 43 Foye's Lane Kittery Point.

172 Moved by Councilor Pelletier, second Councilor Denault
173
174 Motion carries 5-0-0
175
176 Town Manager and Vice Chair Brock discuss
177
178 k. (050219-16) The Kittery Town Council moves to schedule a Public Hearing
179 on June 10, 2019 to vote on the FY20 Municipal Budget and Sewer Budget.
180
181 Councilor Pelletier by moves, second Vice Chair Brock all are in favor.
182
183 Motion carries 5-0-0
184
185 l. (050219-17) The Kittery Town Council votes to accept the Athletic Field
186 Master Plan.
187
188 Councilor Pelletier moves, second by Councilor Denault all are in favor of
189 accepting the plan not approving the plan.
190
191 Motion carries 5-0-0
192
193 m. (050219-18) The Kittery Town Council moves to approve a renewal
194 Liquor License application from Misto! 436 Route 1 Kittery.
195
196 Moved by Councilor Pelletier, second Councilor Denault
197
198 Motion carries 5-0-0
199
200 14. COUNCILOR ISSUES OR COMMENTS
201
202 Councilor Denault discusses:
203
204 Thresher Flag, Cross walk at Bridge Street and Old Post Road not being
205 properly marked, Fort Foster leash ordinance and the deposal of dog waste,
206 disposal of signs around the Town, and Dennett Road property and social
207 media.
208
209 Chair Spiller, Councilor Lemont and Vice Chair Brock thank Town Manager for
210 FY20 presentation
211
212 15. COMMITTEE AND OTHER REPORTS None
213
214 a. Communications from the Chairperson
215

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

a. Committee Reports -None

16. EXECUTIVE SESSION None

17. ADJOURNMENT

Vice Chair Brock moves to adjourn, Councilor Pelletier seconds all are in favor

Submitted by Kim Tackett

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Kittery Town Council DRAFT Minutes

May 29, 2019

Regular Meeting

Town Hall – Council Chambers

Council and Kittery Port Authority Workshop- FNP

Council Chambers – 5:00p.m.

1. Call to Order

2. Introductory

3. Pledge of Allegiance

4. Roll Call

Members present: Charles Denault, Cyrus Clark, Jeffrey Thomson, Kenneth Lemont,
Vice Chair Matt Brock & Chair Judith Spiller. Members absent: Jeffrey Pelletier.

5. Agenda Amendment and Adoption - None

6. Town Manager's Report

Town Manager gave a report on: Thanked the VFW and all that participated in the Memorial Day celebration, Joint Land use Study, Government Street Wharf Project, Fort Foster Invasive Plant Management Plan, and Maine National Guard at Fort Foster. Upcoming Dates: Absentee Ballots Available, Spruce Creek Buffer Planting Volunteer Day May 30, 2019 8 a.m., Rustlewood Farm, Property Taxes Due – May 31, 2019, Joint Land use Study Open House – June 5, 2019 6 p.m.-7p.m., Community Center and Town Meeting Election & School Validation – June 11, 2019 8 a.m.-8 p.m., Kittery Community Center.

7. Acceptance of Previous Minutes - None

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

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

(050319-1) The Kittery Town Council moves to recognize the recipients of the 2019 Educational Recycling Scholarships, End 68 Hours of Hunger and Odyssey of the Minds.

Chair of Jeff Brake and Councilor Denault present scholarships to:

Tina Webster - \$850.00
Emma Kemp - \$1250.00
Amy Leung - \$1250.00
Rachel Jones - \$850.00
Rachel Potter - \$1250.00
Lily Kemp - \$850.00
Isabell Woollacott - \$850.00
Mohamed Hasan Shaikh - \$850.00
Odyssey of the Minds - \$1000.00
End 68 Hours of Hunger- \$1250.00

10. PUBLIC HEARINGS

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

Moved by Council Thomson, second Councilor Clark

Motion Caries 6-0-0

- b. (050319-3) The Kittery Town Council moves to hold a public hearing for a New Victualer's License application for Wicked Mini Donuts (Mobile Food Truck) located at Kittery Premium Outlets, US Route 1 Kittery, Maine.

Moved by Councilor Thomson, second Councilor Denault

Motion Carries 6-0-0

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

Moved by Councilor Thomson, second Councilor Denault

Motion Carries 6-0-0

- d. (050319-5) The Kittery Town Council moves to hold a public hearing and Ordain Amendments to Title 8 E- 911 Street naming.

Town Manager gives overview

Moved by Councilor Thomson, second Vice Chair Brock

Councilor Thomson and Town Manager have a discussion

Motion Carries 6-0-0

- e. (050319-6) The Kittery Town Council moves to hold a public hearing on a New Victualer's License application for BBQ Betty's Smokehouse (Mobile Food Truck) located at 230 US Route 1 Kittery.

Moved by Councilor Thomson, second Councilor Denault

Motion Carries 6-0-0

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) -None
b. Response to public comment directed to a particular Councilor- None
c. Chairperson's response to publiccomments-None

12. UNFINISHED BUSINESS - None

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition. -None
b. (050319-7) The Kittery Town Council moves to approve the disbursement warrants.

Moved by Councilor Thomson, second Councilor Denault all are in favor.

Motion Carries 6-0-0

- c. (050319-8) The Kittery Town Council moves to schedule a public hearing on June 10, 2019 for Amendments to Title 2 – Library Positions.

Moved by Councilor Thomson, second Councilor Clark all are in favor.

Motion Carries 6-0-0

- d. (050319-9) The Kittery Town Council moves to approve a request from Traip Academy class of 2019's Project Graduation to hold a fundraiser at the Kittery Resource Recovery Facility on June 1st, from 9-5 rain date of June 8th.

Moved by Councilor Thomson, second Councilor Denault

Motion Carries 6-0-0

- e. (050319-10) The Kittery Town Council moves to approve a request from the Kittery Community Center to place banners at various businesses throughout the town to publicize the Kittery Block Party scheduled for June 15th.

Moved by Councilor Thomson, second Councilor Denault

Motion Carries 6-0-0

- f. (050319-11) The Kittery Town Council moves to approve a renewal Liquor License application from Town Pizza 15 Wentworth St., Kittery.

Moved by Councilor Thomson, second Councilor Denault

Motion Carries 6-0-0

- g. (050319-12) The Kittery Town Council moves to approve a renewal Victualer's License application from Frisbee's Wharf located at 88 Pepperrell Rd., Kittery Point.

Moved by Councilor Thomson, second Vice Chair Brock

Motion Carries 6-0-0

- h. (050319-13) The Kittery Town Council moves to approve a renewal Victualer's License application from El Grand Rodeo (Mobile Food Truck) located at 230 US Route 1, Kittery.

Moved by Thomson, second Chair Spiller

Motion Carries 6-0-0

- i. (050319-14) The Kittery Town Council moves to approve a renewal Viewing Booth License for Amazing.Net located at 92 Route 236 Kittery.

Moved for discussion by Chair Spiller, second Councilor Thomson

Town Councilor and Town Manager have a discussion

Motion Carries 4-2 present-0

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

Moved by Councilor Denault, second Councilor Clark

Councilor Thomson, Councilor Denault and Chair Spiller discussed

Motion Carries 4-1 present-1

- 189 k. (050319-16) The Kittery Town Council moves to authorize the release of
190 funds in the amount of \$250.00 from unassigned funds (unencumbered
191 surplus) as approved by the voters at the June 12, 2018 Town Meeting and to
192 deposit said funds into account #101740-68427 Expense Self-insurance
193 Claims to cover the cost of the deductible for an insurance claim.

194 Moved by Councilor Thomson, second Councilor Clark

195
196 Motion Carries 6-0-0

- 197
198
199 l. (050319-17) The Kittery Town Council moves to approve a renewal
200 Victualer's License application for the Bistro 1828 located at 88 Pepperrell
201 Road Kittery Point.

202 Moved by Councilor Thomson, second Councilor Clark

203
204 Motion Carries 6-0-0

205
206
207
208 14. COUNCILOR ISSUES OR COMMENTS-

209 Councilor Thomson discussed FY20 KCC Budget and revenue, Resource
210 Recovery signs, also ask Town Manager to discuss paving and sidewalk
211 project, windmill at the Resource Recovery.

212
213 Councilor Denault discussed Rt.236 and Aroma Joe's, bump coming into the
214 Kittery Traffic Circle, yards full of litter, Thresher Flag, Fort Foster dog signs,
215 individuals that have passed William Seward Jr., Marian Dorr Niles, Allen
216 Tibbitts, and Jim McNally.

217
218 Chair Spiller discussed Adding Council Pelletier to instrumental in the
219 Community Center, Thank Public Works for the trail work at Fort Foster,
220 windmill at Resource Recovery removal

221
222
223 COMMITTEE AND OTHER REPORTS

- 224
225 a. Communications from the Chairperson
226 Chair Spiller reminding Councilors June 10, 2019 at 5 p.m. joint Workshop
227 with the Planning Board to look at accessory drilling units.

- 228
229
230 b. Committee Reports-None

231
232 16. EXECUTIVE SESSION-None

233
234 17. ADJOURNMENT

235 Moved by Councilor Thomson, second Councilor Denault all are in favor.
236
237
238
239
240
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242
243
244

245 Submitted by Kim Tackett

246

247

248 Disclaimer: The following minutes constitute the author's understanding of the meeting.

249 Whilst every effort has been made to ensure the accuracy of the information, the minutes are
250 not intended as a verbatim transcript of comments at the meeting, but a summary of the
251 discussion and actions that took place. For complete details, please refer to the video of the
252 meeting on the Town of Kittery website at [http://www.townhallstreams.com/locations/kittery-](http://www.townhallstreams.com/locations/kittery-maine)
253 [maine](http://www.townhallstreams.com/locations/kittery-maine).

254

255

KIWANIS CLUB OF THE SEACOAST
FUND RAISER ACCOUNT
PO BOX 6576
PORTSMOUTH, NH 03802

1199
52-7445/2112
06

12/11/19 Date

Pay to the
Order of

\$ 250.00

Town of Kittery
Two Hundred Fifty and 00/100

Dollars



Security
Features
Details on
back



America's Most Convenient Bank®

For Christmas Tree Lights

Kimberly Hays

MP

1050-000-000

1050-000-000

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

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

PRESENT LICENSE EXPIRES: January 16, 2020

NEW application: ☐ Yes ☒ No

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

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

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|--|-----------------------------------|--|---|-----------------------------------|--------------------------|
| Corporation Name: Weathervane Seafoods | | | Business Name (D/B/A) Weathervane Seafoods | | |
| APPLICANT(S) –(Sole Proprietor) DOB: | | | Physical Location: 306 US Route 1 | | |
| DOB: | | | City/Town Kittery | State ME | Zip Code 03904 |
| Address 306 US Route 1 | | | Mailing Address same | | |
| City/Town Kittery | State ME | Zip Code 03904 | City/Town | State | Zip Code |
| Telephone Number 207-439-0330 | Fax Number 207-439-7463 | Business Telephone Number 207-439-0335 | | Fax Number 207-439-7754 | |
| Federal I.D. # 521153457 | | | Seller Certificate #: or Sales Tax #: R270889 | | |
| Email Address: Please Print mhoude@weathervaneseafoods.com | | | Website: weathervaneseafoods.com | | |

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: n/a
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 3,688,915 LIQUOR \$ 362,270
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
 If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

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

License # _____ Name of Business _____

Physical Location _____ City / Town _____

6. If manager is to be employed, give name: Erica Benson

7. Business records are located at: 306 US Route 1 Kittery, ME

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

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

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

| Full Name (Please Print) | DOB | Place of Birth |
|--------------------------|----------|----------------|
| Erica Benson | 6/9/1988 | Worcester, MA |
| | | |
| | | |

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

| | | |
|--------------------|-------------|--------------|
| Name: Erica Benson | City: Dover | State: NH |
| Name: _____ | City: _____ | State: _____ |
| Name: _____ | City: _____ | State: _____ |

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____
A single-story restaurant with 5 dining rooms

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

YES ☒ NO ☐ Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile

Which of the above is nearest? church

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

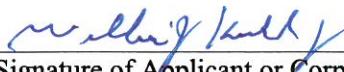
If YES, give details: Mortgage with TD Bank

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

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

Dated at: Kittery, ME on December 2, 20 19
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
William J. Kurkul CFO
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

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

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

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

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008 (Regular address)

10 Water Street, Hallowell, ME 04347 (Overnight address)

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall

notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

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

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

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

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW) .]

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP) .]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

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

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

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

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

The Seal of the State of Maine is located at the bottom center of the page. It features a shield with a moose in the center, flanked by a fisherman on the left and a farmer on the right. Above the shield is a crest with a star and the words "MAINE" and "1789". Below the shield is a banner with the word "MAINE".

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

A hand-drawn floor plan of a restaurant layout. The plan includes the following areas and features:

- RETAIL SPACE**: Located at the top left and bottom left.
- DINING AREA**: Multiple sections, including a large one on the right and smaller ones in the center and bottom left.
- KITCHEN AREA**: Located in the upper center.
- ENTRANCE**: A small entrance on the left side.
- LOADING DOOR**: Located near the top center.
- REAR KITCHEN DOOR**: Located near the top right.
- EMERGENCY EXIT**: Located at the top right corner.
- OFFICE**: A small rectangular area in the center.
- BAR**: Located in the bottom center.
- LOBBY**: Located below the bar.
- ENTRYWAY**: A curved area at the bottom.
- MAIN ENTRANCE**: Indicated by a large curved arrow at the bottom.



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: Weathervane Seafoods, Inc
2. Doing Business As, if any: same
3. Date of filing with Secretary of State: 7/11/1969 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|----------------|---------------------------------|---------------|---------------------|-------------|
| Terry Gagner | 7 Whaleback Dr Kittery, ME | 5/3/1954 | President/ Owner | 74.25 |
| Janet Gagner | 7 Whaleback Dr Kittery, ME | 3/18/1956 | Treasurer | 25.77 |
| William Kurkul | 5 Golden Oaks Ln Andover, MA | 7/1/1954 | CFO | .004 |
| | | | | |

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

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

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer

December 2, 2019

Date

William J. Kurkul CFO

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

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

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

PRESENT LICENSE EXPIRES: Jan 25 2020

NEW application: ☐ Yes ☒ No

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

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

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|--|--|-------------------------|---|--------------------------|--------------------------|
| Corporation Name: <u>Tasty Thai, Inc</u> | | | Business Name (D/B/A) <u>Tasty Thai</u> | | |
| APPLICANT(S) - (Sole Proprietor) <u>Allan I Pechner Jr.</u> | | DOB: <u>05/21/71</u> | Physical Location: <u>182 State Rd</u> | | |
| Address: <u>599 Lafayette #6</u> | | | City/Town <u>Kittery</u> | State <u>ME</u> | Zip Code <u>03904</u> |
| City/Town <u>Portsmouth</u> | | | State <u>NH</u> | Zip Code <u>03801</u> | |
| Telephone Number <u>603 373 6185</u> | | | Fax Number <u>207-439-9988</u> | | |
| Federal I.D. # <u>475648414</u> | | | Seller Certificate #: or Sales Tax #: <u>1176434</u> | | |
| Email Address: Please Print <u>Tastythaimaine@gmail.com</u> | | | Website: <u>WWW.TASTYTHAIMAINE.COM</u> | | |

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license:
 ROOMS \$ _____ FOOD \$ 312,424 LIQUOR \$ 6,342
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
 If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

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

License # _____ Name of Business _____

Physical Location _____

6. If manager is to be employed, give name: Allan F Pechner Jr. City/Town Kittery

7. Business records are located at: 182 State Rd Kittery ME 03804

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

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

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

| Full Name (Please Print) | DOB | Place of Birth |
|--------------------------|-----------|----------------|
| Allan F Pechner Jr. | 5/21/1971 | Lynn, MA |
| | | |
| | | |

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

| | | |
|--------------------------------|-------------------------|------------------|
| Name: <u>399 Maplewood Ave</u> | City: <u>Portsmouth</u> | State: <u>NH</u> |
| Name: _____ | City: _____ | State: _____ |
| Name: _____ | City: _____ | State: _____ |

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

M.H. Parsons & Sons Lumber Company: PO Box 450 York ME 03909.

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

Existing location of Restaurant.

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☒ NO ☐ Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 Mile of School

Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: Wethersfield, ME on 1/7, 20 20
Town/City, State Date

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Allan Pecher Jr
Print Name

Print Name

FEE SCHEDULE

| | |
|--|-------------------|
| FILING FEE: (must be included on all applications) | \$ 10.00 |
| Class I Spirituous, Vinous and Malt | \$ 900.00 |
| CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB. | |
| Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) | \$1,100.00 |
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| Class III & IV Malt & Vinous Only | \$ 440.00 |
| CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | |
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| CLASS V: Clubs without catering privileges. | |
| Class X Spirituous, Vinous and Malt – Class A Lounge | \$2,200.00 |
| CLASS X: Class A Lounge | |
| Class XI Spirituous, Vinous and Malt – Restaurant Lounge | \$1,500.00 |
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This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

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

renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

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

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

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

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP) .]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

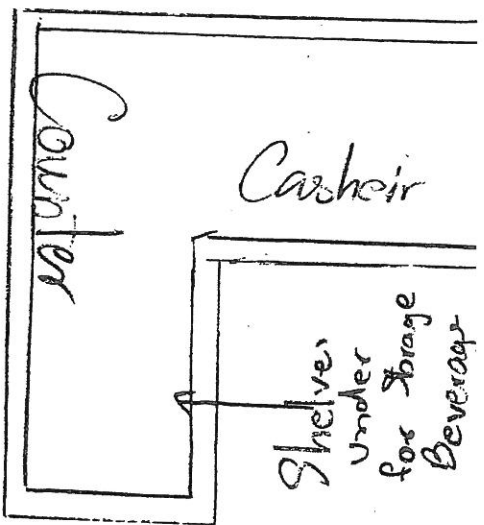
4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

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

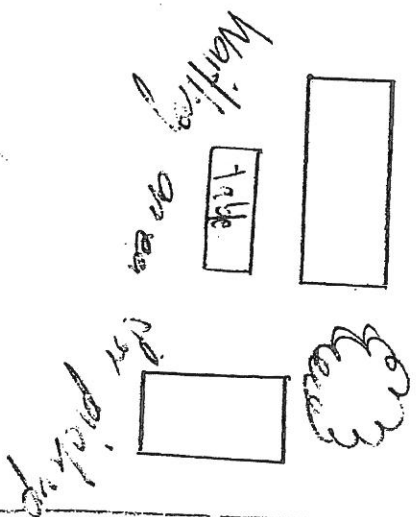
An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

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

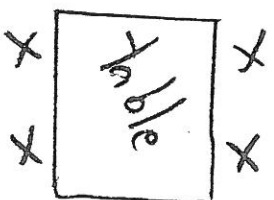
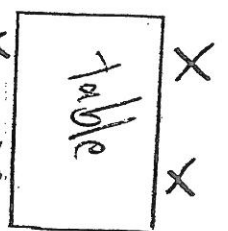
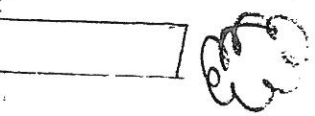
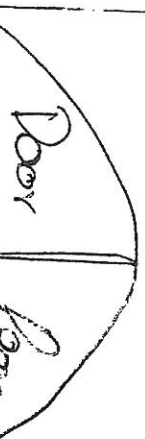
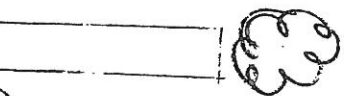
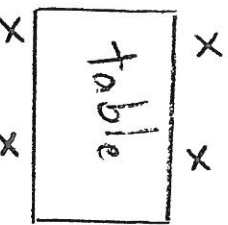
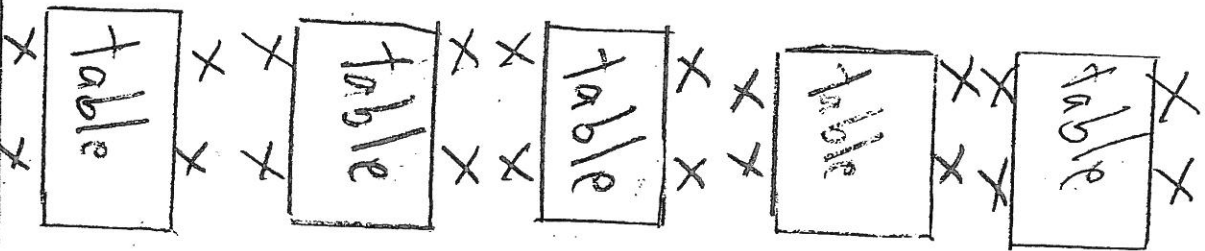
New Room
Kitchen Restaurant



Wall
Kitchen



32 Seats



Tastu Thai

Restaurant

Wall

Wall

STILL - 1 - 2 - 3

Beverage Cooler

Fry-olayer

Stove X X
X X

1100
O O O

Deli Cooler

PREP.

S 4 1 7 g t h S

Freezer

Wall

Wall

3 Bay Sink

Dish Washer

Sink

Ice Machine

Sink

Wall

Wall

Dry Storage

Freezer

Freezer

Refrigerator



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

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: Tasty Thai, Inc
2. Doing Business As, if any: Tasty Thai Restaurant
3. Date of filing with Secretary of State: 11/16/2019 State in which you are formed: Kittery ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|---------------------|---|---------------|-------|-------------|
| Allan J Pechner Jr. | 399 Maplewood Ave Portsmouth, NH 03801 | 5/21/1971 | Owner | 100 % |
| | | | | |
| | | | | |
| | | | | |

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

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

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Owner or Corporate Officer

12/16/19
Date

Allan Pechner Jr.
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

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

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

PRESENT LICENSE EXPIRES: 2.26.2020

NEW application: ☐ Yes ☒ No

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

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

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) | <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> SELF-SPONSORED EVENTS |

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|---|--|--|--|--|--|
| Corporation Name: The Ares LLC | | | Business Name (D/B/A) A's wood Grill Pizza | | |
| APPLICANT(S) - (Sole Proprietor) Eides Ares | | | Physical Location: 68 Wallingford Square | | |
| DOB: 09-04-84 | | | City/Town Kittery | | |
| DOB: 05-13-68 | | | State Me | | |
| Address 68 Wallingford Square | | | Zip Code 03904 | | |
| City/Town Kittery | | | Mailing Address Same As Above? <input checked="" type="checkbox"/> | | |
| State Me | | | City/Town Kittery | | |
| Zip Code 03904 | | | State Me | | |
| Telephone Number 207-439-9700 | | | Business Telephone Number 207-439-9700 | | |
| Fax Number | | | Fax Number | | |
| Federal I.D. # | | | Seller Certificate #: or Sales Tax #: | | |
| Email Address: Atlantic30@aol.com | | | Website: A'swoodgrillpizza.com | | |

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

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

ROOMS \$ _____ FOOD \$ 126,400 LIQUOR \$ 29,760

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

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

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

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

License # #10905 Name of Business The View at Pepperrell Cove / Bistro 1828 at Pepperrell Cove
 Physical Location 88 Pepperrell Road City / Town Kittery Point, ME 03905

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

7. Business records are located at: Address Above

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

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

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

| Full Name (Please Print) | DOB | Place of Birth |
|---|---------------|----------------|
| Eides ARES | 09-04-84 | Brazil |
| Henry ARES | 05-13-68 | Philippines |
| 11. Residence address on all of the above for previous 5 years (Limit answer to city & state) | | |
| Name: Eides Ares | City: Kittery | State: ME |
| Name: Henry Ares | City: Kittery | State: ME |
| Name: _____ | City: _____ | State: _____ |

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

60-68 Wallingford Square LLC - 21 Madbury Road Durham NH 03824

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

25 Seats dine in, delivery and take out Pizzeria restaurant.

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

YES ☒ NO ☐ Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 450 Feet

Which of the above is nearest? Church

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

If YES, give details: Mortgage from Kennebunk Savings bank

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

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

Dated at: Kittery Maine on 1/7, 20 20
Town/City, State Date

PLEASE SIGN IN BLUE INK

Henry Ares
Signature of Applicant or Corporate Officer(s)
Henry Ares
Print Name

Eides Ares
Signature of Applicant or Corporate Officer(s)
Eides Ares
Print Name

FEE SCHEDULE

| | |
|--|-----------------|
| FILING FEE: (must be included on all applications) | \$ 10.00 |
| Class I Spirituous, Vinous and Malt | \$ 900.00 |
| CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB | |
| Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) | \$1,100.00 |
| CLASS I-A: Hotels only that do not serve three meals a day. | |
| Class II Spirituous Only | \$ 550.00 |
| CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels. | |
| Class III Vinous Only | \$ 220.00 |
| CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | |
| Class IV Malt Liquor Only | \$ 220.00 |
| CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts. | |
| Class III & IV Malt & Vinous Only | \$ 440.00 |
| CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | |
| Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) | \$ 495.00 |
| CLASS V: Clubs without catering privileges. | |
| Class X Spirituous, Vinous and Malt – Class A Lounge | \$2,200.00 |
| CLASS X: Class A Lounge | |
| Class XI Spirituous, Vinous and Malt – Restaurant Lounge | \$1,500.00 |
| CLASS XI: Restaurant/Lounge; and OTB. | |
| SELF-SPONSORED EVENTS: Qualified Caterers Only | \$ 700.00 |

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

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

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008 (Regular address)

10 Water Street, Hallowell, ME 04347 (Overnight address)

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

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

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987,c.45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

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

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993,c.730,§27(AMD) .]

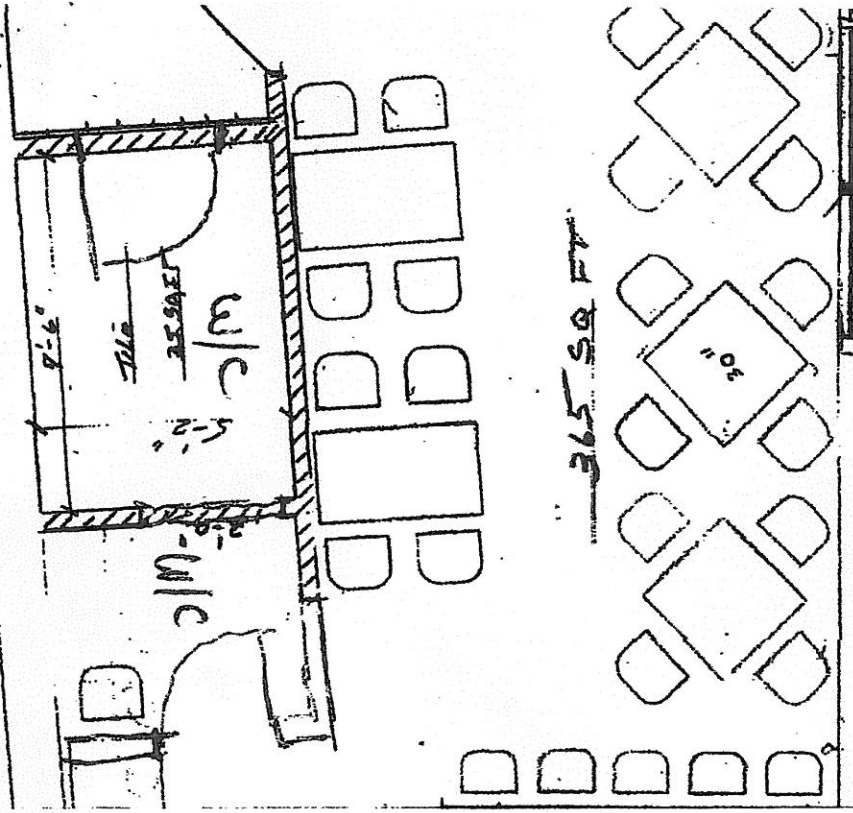
[1995,c.140,§6(AMD) .]

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

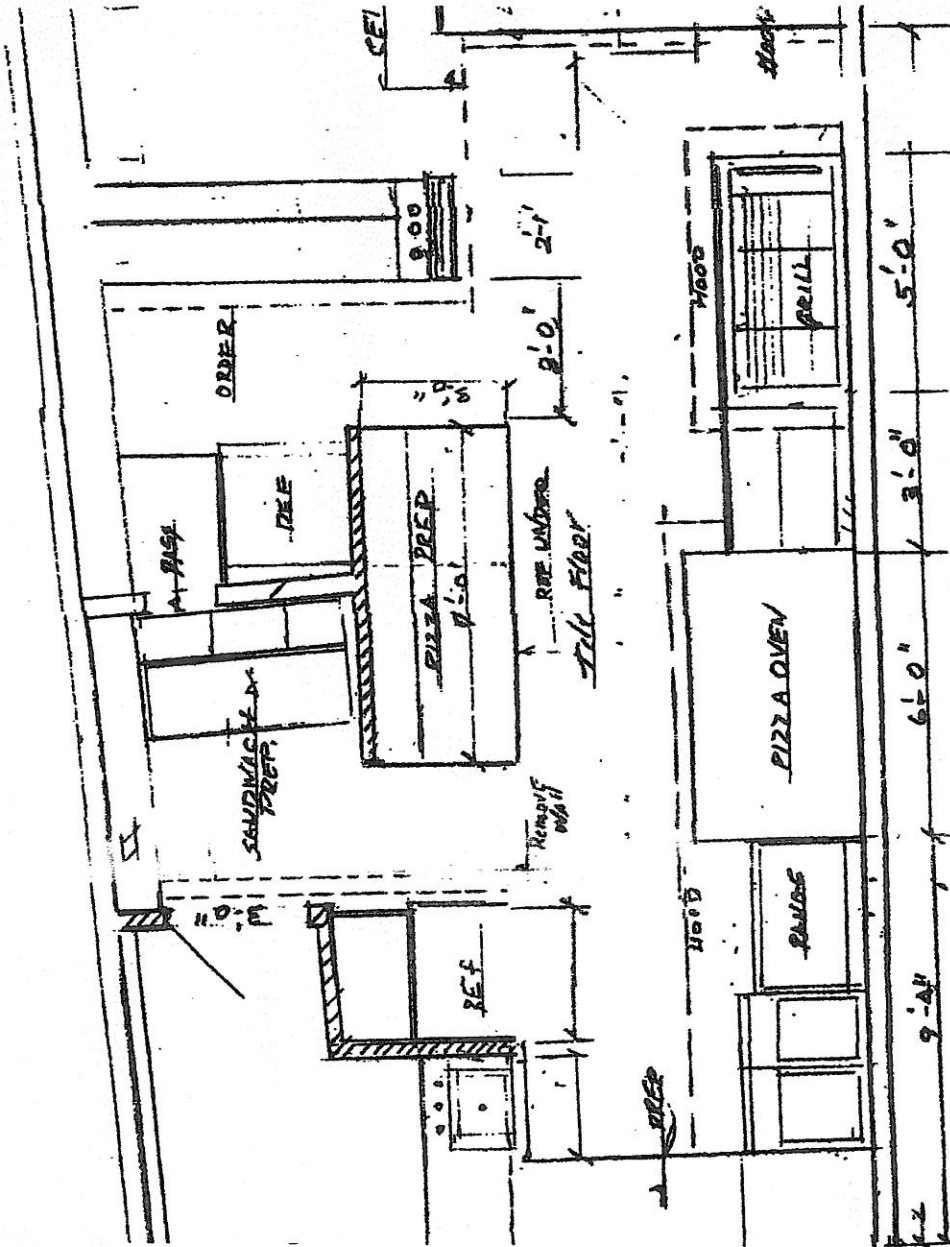
5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

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

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



| | | | | |
|---|-----|-----|---|-------|
| C | Job | REV | 1 | SCALE |
|---|-----|-----|---|-------|





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

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

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

Please clearly complete this form in its entirety.

1. Exact legal name: The ARES LLC
2. Doing Business As, if any: AJ's wood Grill Pizza
3. Date of filing with Secretary of State: Oct 2013 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 and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|-------|-------------------|---------------|------------------|-------------|
| Eides | ARES | 9-4-84 | Managing Partner | 50 |
| Henry | ARES | 5-13-68 | Partner | 50 |
| | | | | |
| | | | | |

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

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

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK

Eides Ares
Signature of Owner or Corporate Officer

1. 7. 2020
Date

Eides Ares
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

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

| DIVISION USE ONLY | |
|-------------------|-----|
| License No: | |
| Class: | By: |
| Deposit Date: | |
| Amt. Deposited: | |
| Cash Ck Mo: | |

NEW application: Yes ☒ No

PRESENT LICENSE EXPIRES 1-28-20

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | |
|--|--|---|--|
| Corporation Name: The Bistro at Pepperrell Cove LLC | | Business Name (D.B.A.) Bistro 1828 | |
| APPLICANT(S) –(Sole Proprietor) Henry Ares | | DOB: 05/13/1968 | |
| Physical Location: 88 Pepperrell Rd | | City/Town State Zip Code Kittery Point ME 03905 | |
| Address 87 Whipple Rd | | Mailing Address PO BOX 67 | |
| City/Town State Zip Code Kittery ME 03904 | | City/Town State Zip Code Kittery POINT ME 03905 | |
| Telephone Number 207 703 2028 | | Fax Number 207 703 2028 | |
| Business Telephone Number 207 703 2028 | | Fax Number | |
| Federal I.D. # | | Seller Certificate #: or Sales Tax #: | |
| Email Address: Please Print henry@pepperrellcove.com | | Website: pepperrellcove.com | |

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

Requested inspection date: _____ Business hours: _____

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

2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 258.30 LIQUOR \$ 14,870.50

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

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

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

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

RES-2014-7889 **AJ's Wood Grill Pizza LLC** (Use an additional sheet(s) if necessary.)

License #
68 Wallingford Sq
Physical Location

Name of Business
Kittery AJ's Wood Grill Pizza LLC
City/Town

5. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
6. If manager is to be employed, give name: _____
7. Business records are located at: 88 Pepperrell Rd Kittery Poinc ME 03905
8. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB | Place of Birth |
|------------------------------|------------|----------------|
| Henry Ares | 05/13/1968 | Kittery ME |
| Eides Ares | 09/04/1984 | Brazil |
| | | |

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

87 Whipple Rd Kittery ME 03905

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____
13. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐
14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Chatham st LLC Sagus MA
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) 95 Seats in 20
Seats outside Fine dining Restaurant.
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____
17. 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? 1/2 mile
- Which of the above is nearest? school
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐
- If YES, give details: friends and Bank loans

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

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

Dated at: Kittery, Maine on 1.7.20, 20 20
Town, City, State Date

Please sign in blue ink

Henry Ares
Signature of Applicant or Corporate Officer(s)

Henry Ares
Print Name

Eides Ares
Signature of Applicant or Corporate Officer(s)

Eides Ares
Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00

CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

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

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008.

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings: bureau review: appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 710, §17 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).] [2003, c. 213, §1 (AMD).]

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

A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control: [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner: [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises: [1989, c. 590, §3 (AMD).]

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

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601: and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD).]

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

A. [1993, c. 730, §27 (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. [1993, c. 730, §27 (AMD).]

[1995, c. 140, §6 (AMD).]

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

[1995, c. 140, §7 (AMD); 1999, c. 347, Pt. B, §78 (AMD); 1999, c. 347, Pt. B, §80 (REPEALED).]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

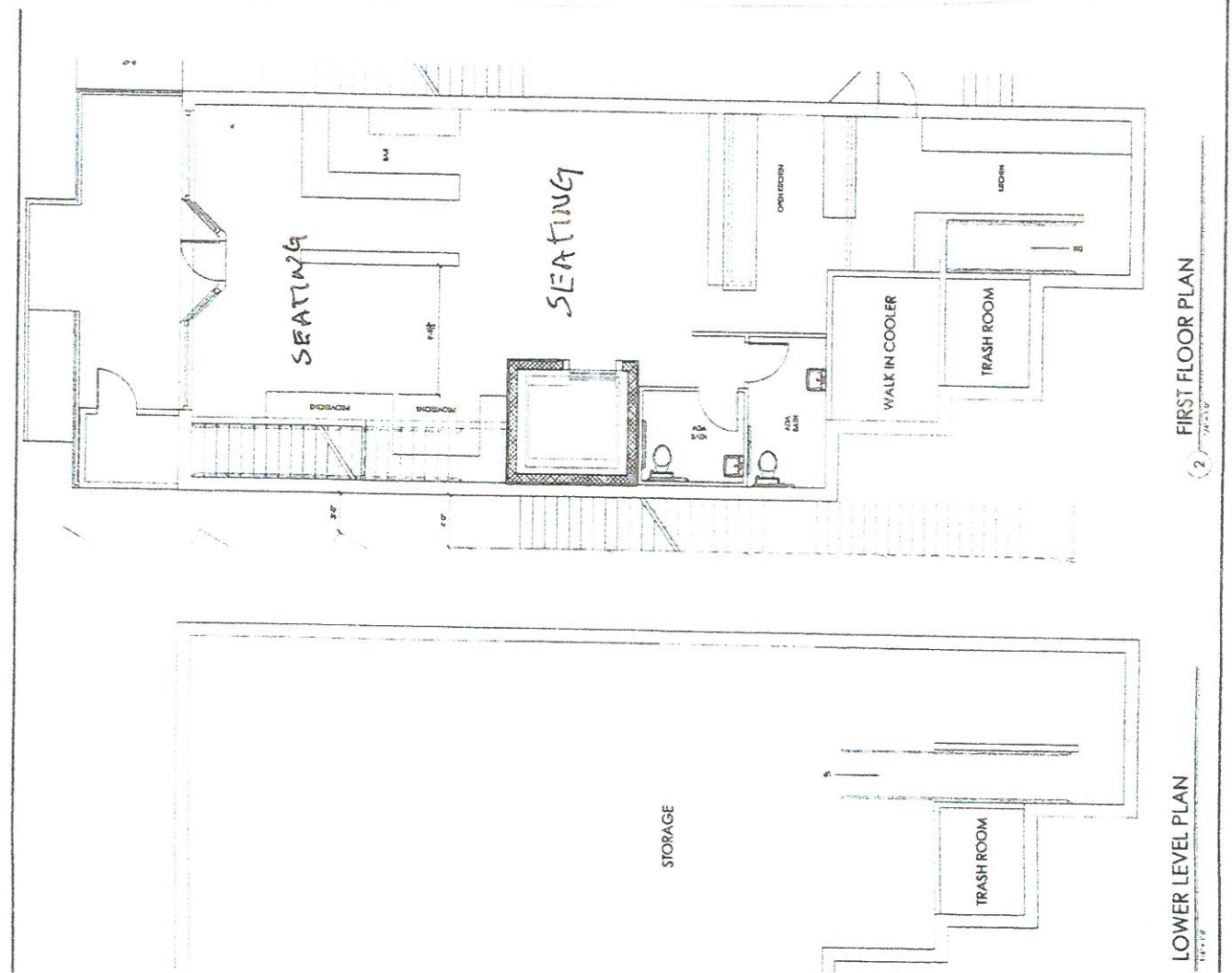
Your local City or Town's signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

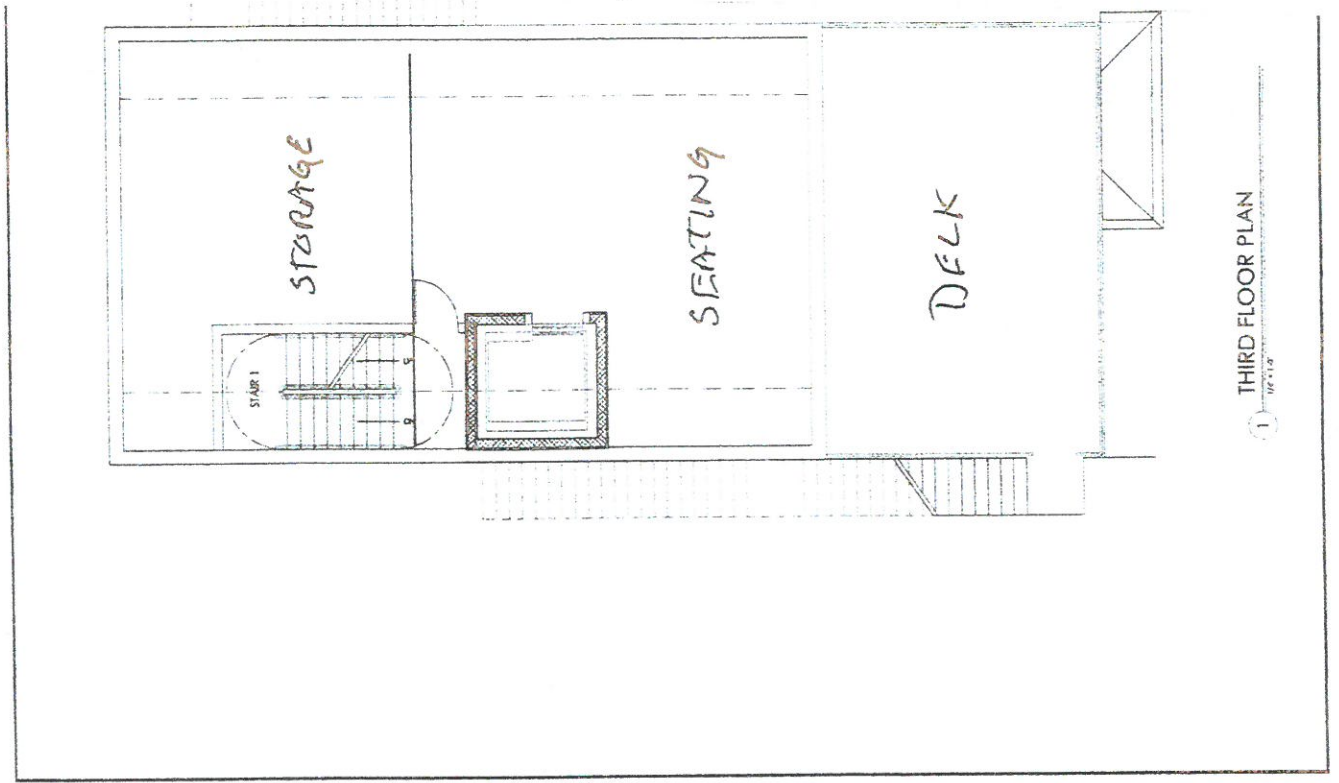
Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.



LOWER LEVEL PLAN

FIRST FLOOR PLAN



THIRD FLOOR PLAN

[illegible]

REFERENCE PLANS:

[illegible]

NOTES:

TAX MAP 27,
OTS 49, 50,
51A

ADVERTISING
THE NEW YORK TIMES
ON NOV 10 1968
NOV 10 1968
NEW YORK
NOV 10 1968
NOV 10 1968
DUE TO THE

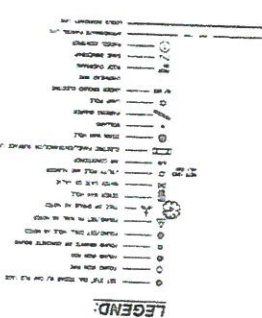
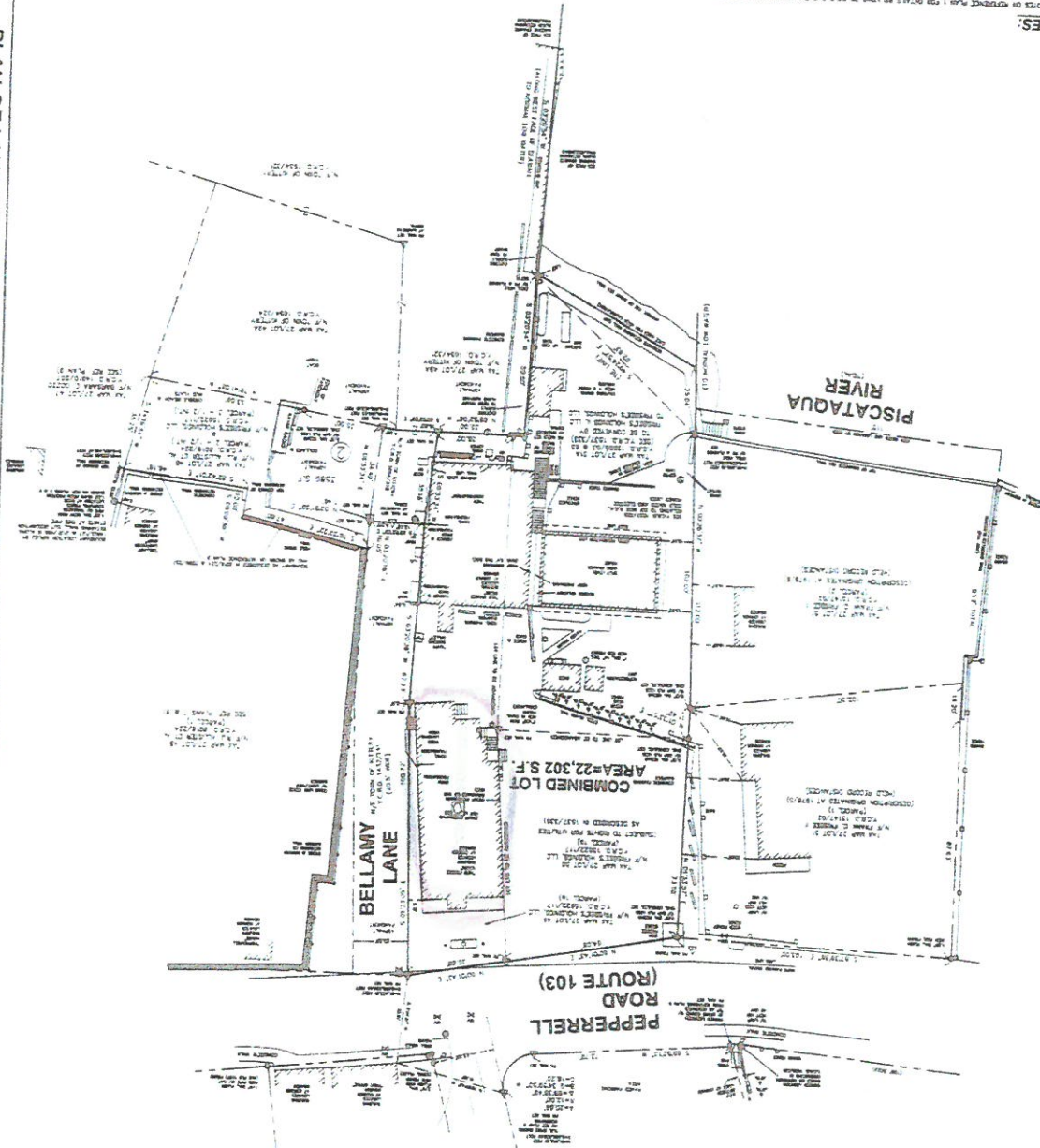
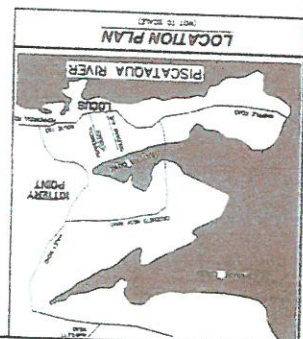
PLAN OF LAND OF FRISBEE'S HOLDINGS, LLC
SHOWING LOT MERGER OF TAX MAP 27 10TS 40 50 &

PEPPERELL ROAD, KITTERY, YORK COUNTY, MAINE

AL PHONSE DALL'ECO
MILANO ABBONTO 0 0 MILANO DRIVE, MILANO, ITA 0110

[illegible]

Map 27 Lots 49, 50, 51,





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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: The Bistro at Pepperrell Cove LLC
2. Doing Business As, if any: Bistro 1828
3. Date of filing with Secretary of State: 5-15-17 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 and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|------------|--------------------------------|---------------|---------|-------------|
| Henry Ares | 87 Whipple rd Kittery ME 03904 | 5/13/1968 | Manager | 50% |
| Eides Ares | 87 Whipple rd Kittery ME 03904 | 9/4/1984 | member | 50% |
| | | | | |
| | | | | |

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

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

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

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

Name: _____

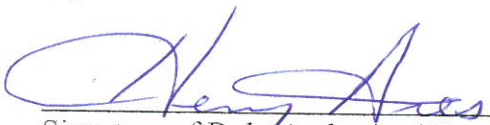
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

 1/7/20
Signature of Duly Authorized Person Date

Henry Ares
Print Name of Duly Authorized Person

Submit Completed Forms to:

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



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

REPORT TO TOWN COUNCIL

Meeting Date: January 13, 2020
From: Kendra Amaral, Town Manager
Subject: Title 2 Amendments Various Positions
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The proposed amendments reflect the shift of the stormwater coordinator to Public Works Department and reflects the duties of the role as it has evolved; and updates roles in the Administration Department to reflect current titles and responsibilities.

PROPOSED TITLE 2 REVISIONS

Public Works Inspector

With the approval of the FY20 budget the Shoreland/Environmental Resource Officer was shifted over to the Department of Public Works as a full-time role, and the part-time Assistant CEO/Shoreland Officer role was eliminated from Planning.

With the FY20 budget, the Shoreland/Environmental Resource Officer position transitioned from being split between DPW and Planning to being wholly assigned to DPW. This role will continue to be focused on the Town's MS4 (stormwater) permit implementation, in addition to conducting inspections of public works and right-of-way related projects currently performed by the Commissioner and/or outside consultants. The role will also provide grant administration including coordinating MDOT and other state and federal funded public works projects. The grant administration duties were previously performed by a part-time employee who retired in 2018.

The Town's Code Enforcement Officer and Assistant Code Enforcement Officer are also Shoreland Officers. This expands our capacity for shoreland monitoring and enforcement while reducing costs.

Various Administrative Staff

The proposed amendments reflect changes in titles that correspond to existing duties and roles. Generally, the changes are in non-union positions held by single individuals.

The title of "Secretary" as used for an administrative assistant is highly dated and does not reflect the modern and progressive administrative organization of the Town. Additionally, the assistant to the Town Manager assumed the office management duties previously performed by the Town Clerk, and has played a significant role in increasing the Town's communication efforts through the website, social media, and other platforms.

The Finance Director role was adjusted in 2019 to include “Assistant Town Manager” to recognize the existing responsibilities of the position and to attract the best possible candidates to the role.

The Human Resources Generalist role is being retitled to remain competitive in the market and ensure we can retain the talent we have in this position.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Proposed Title 2 Amendments – Various
- Proposed Enactment

TITLE 2 PERSONNEL POSITIONS UPDATE

Amend Title 2.4 to update titles and responsibilities as follows:

§ 2.4.1.8 ~~Secretary~~ Executive Assistant to the Town Manager.

The purpose of the position of ~~Secretary~~ Executive Assistant to the Town Manager is to provide ~~secretarial~~ and administrative support to the Town Manager, Finance Director/Assistant Town Manager, and Town Clerk, and to provide office management support for the Town Hall. This position reports to the Town Manager. Duties include, but are not limited to, ~~transcribing dictation; typing memorandums; assisting with agenda preparation and distribution;~~ coordinating the Town Manager's calendar; coordinating communications with public, maintaining the town's digital presence including the website and social media; maintaining supplies and office equipment for Town Hall, planning events and ceremonies, typing correspondence; assisting with agenda preparation and distribution; and performing additional tasks as assigned by the Town Manager. This position requires considerable discretion as many areas of work must remain confidential.

§ 2.4.1.9 Finance Director/Assistant Town Manager.

The purpose of the position of Finance Director/Assistant Town Manager is to direct and coordinate the financial, accounting, and administrative activities of the Town, to obtain optimum efficiency and economy of operations and maximize the financial soundness and integrity of the Town. The position also assists the Town Manager in the management of the Town operations and serves as Acting Town Manager when appointed by the Town Council. ~~n by performing the following duties personally or through subordinate supervisors.~~ This position reports to the Town Manager.

§ 2.4.1.12 **Human Resources** ~~Generalist~~ Manager.

The purpose of this position is to administer the human resources functions associated with all phases of the employment lifecycle. This position reports to the Finance Director. Duties include but are not limited to: assist departments with hiring processes; onboard new employees; administer employee benefits; ensure the Town is compliant with federal, state, and local employment-related reporting and documentation; advise or assist employees with access to benefits; maintain personnel records; coordinate with payroll to ensure personnel changes are reported and processed properly; assist departments and employees with termination processes; and perform additional tasks as directed by the Finance Director.

Delete 2.4.1.10 Shoreland/Environmental Resource Office and replace with Public Works Inspector as follows:

~~§ 2.4.1.10 Shoreland/Environmental Resource Officer.~~

~~Purpose of the position. The Shoreland/Environmental Resource Officer position is responsible for assisting Public Works, Sewer and Code Enforcement Departments in meeting the various requirements of local/state/federal laws and educating the citizens, students, visitors and businesses on a range of environmental topics relating to eliminating all discharges to air, land or water that are a threat to our current and future generations of Kittery. This position reports to the Town Manager.~~

2.4.7.5 Public Works Inspector.

The purpose of this position is to assist with planning, coordinating, and inspecting for compliance and quality, various public works projects and development projects related to stormwater management, right-of-ways, engineering review, safety training and grant administration. This position will serve as the MS4 program manager This position reports to the Commissioner of Public Works or designee.

41 Amend § 2.5.1 Enumeration of positions as follows:

| Section | Position | Established By |
|-----------------------|---|--|
| Administration | | |
| 2.4.1.8 | Secretary <u>Executive Assistant</u> to the Town Manager | Council |
| 2.4.1.9 | Finance Director/ <u>Assistant Town Manager</u> | Council |
| 2.4.1.10 | Shoreland/Environmental Resource Officer | Council |
| 2.4.1.11 | Harbormaster | Kittery Port Authority <u>Council</u> |
| 2.4.1.12 | Human Resources Generalist <u>Manager</u> | Council |
| Public Works | | |
| <u>2.4.7.5</u> | <u>Public Works Inspector</u> | <u>Union contract</u> |

KITTERY TOWN CODE
TITLE 2
PERSONNEL POSITIONS - VARIOUS

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

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

WHEREAS, the Town Council seeks to reflect changes in various positions in the administration and public works to reflect evolving needs, market trends, and local expectations;

NOW THEREFORE, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 2 OF THE TOWN CODE, AS PRESENTED.

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

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

Attest: {NAME}, _____ Town Clerk



TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0452 Fax: (207) 439-6806

APPLICATION TO THE KITTERY TOWN COUNCIL TO APPROVE UP TO FIVE (5) REQUESTED DATES FOR TOWN-WIDE SIDEWALK SALES EVENTS

1. List requested dates and days of the week for up to five (5) sidewalk sales events

in this calendar year (each event not to exceed four days):

Sale Events:

- Event #1: May 22-25, 2020 Memorial Day
- Event #2: July 3-6, 2020 Fourth of July
- Event #3: August 7-10, 2020 Back to School
- Event #4: September 4-7, 2020 Labor Day
- Event #5: October 9-12, 2020 Columbus Day

2. List the names and show signatures of five (5) merchants primarily engaged in retail trade or landlords of tenants primarily engaged in retail trade supporting this application:

| <u>Name:</u> | <u>Affiliation:</u> | <u>Signature:</u> |
|----------------------------------|--|--------------------|
| A. <u>Mari D'Neil</u> | <u>Gm of Outlets at Kittery</u> | <u>[Signature]</u> |
| B. <u>Marie Connolly</u> | <u>Store Manager AmeriDown m. Connolly</u> | <u>[Signature]</u> |
| C. <u>Sannie Basile-Bolikhov</u> | <u>STORE MGR OF HANOS</u> | <u>[Signature]</u> |
| D. <u>Meg Cloud</u> | <u>Weatheruane</u> | <u>[Signature]</u> |
| E. <u>Carolyn Edwards</u> | <u>Kittery Premium Outlets</u> | <u>[Signature]</u> |

continued...

**APPLICATION TO THE KITTERY TOWN COUNCIL TO APPROVE UP TO FIVE (5)
REQUESTED DATES FOR TOWN-WIDE SIDEWALK SALES EVENTS (Continued)**

3. Indicate means of informing the Kittery business community of the opportunity to participate in the town-wide sidewalk sales event(s) should it be approved:

(Please circle at least one "yes" response)

☒ Yes No Post notices in conspicuous locations around town, including on KOA's website and at the Town Office, stating the dates of the event and the requirement for a town-approved sidewalk sales site plan for merchants to participate.

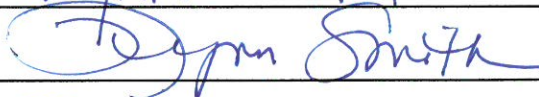
☒ Yes No Insert a notice or article in the Greater York Chamber of Commerce newsletter or website.

Yes No Place a legal notice in a newspaper of general circulation at least ten (10) days preceding the event.

Other methods: _____

4. Name of applicant/contact person coordinating the event(s):

NAME: Lynn Smith

SIGNATURE: 

ADDRESS: PO Box 357 Kittery ME

TELEPHONE #: 207 439 4367

E-MAIL : Lynn@theKitteryoutlets.com

1 **BUDGET GOALS**
2 **FY2021**

3 The Town Manager, School Committee, and various Departments should develop their budgets
4 such that the funding requests adequately provide for the delivery of the core functions of the town
5 and school; is responsive to community expectations and needs; and that initiatives are considered
6 and proposed that advance the effectiveness of town and school operations, improve service
7 delivery, support implementation of the Town's Comprehensive Plan, and/or improve operational
8 efficiency.

9 The Town Manager and School Committee should produce a structurally balanced budget that
10 funds necessary expenditures with recurring revenues; maintains adequate unassigned fund
11 balances; uses non-recurring revenue judiciously and for non-recurring expenditures; and
12 incorporates a sensible investment in the town's assets, all with the intent of promoting long-term
13 financial sustainability.

14 The Town Manager and School Committee should produce a budget that seeks to maintain a stable
15 tax rate, and that is adequately justifiable in comparison to appropriate economic indicators and
16 comparable communities.

TOWN COUNCIL GOALS

2020

Work together respectfully toward consensus, capitalizing on our experiences and diversity.

Address proposals for Charter, Ordinance, and Policy changes for improving efficiency and effectiveness of the Town operations including:

- Title 5 - Business License Regulations
- General – Direct Issuance of Civil Penalties for Ordinance Violations

Advance the Comprehensive Plan 5 Year Action Plan, specifically the following:

- Climate Adaptation Study (9.1, 9.2)
 - Complete climate adaptation assessments for flood resiliency and green-house gases and develop risk reduction and adaptation strategies
- Develop a Housing Plan/Affordable Housing Strategies (4.1)
 - Title 16 Amendments to incentivize affordable housing
- Reduce dog and horse waste in open spaces (2.2)
 - Expand/enhance Title 6 Animal Control ordinance
- Ensure Town planning processes are open, transparent, informative, inclusive, respectful and welcoming (7.1)
 - Title 16 recodification to achieve development goals

Adopt a budget that is progressive, responsible, responsive to community expectations and needs, and visionary – moving the community forward.

Give attention to Councilor expressed priorities, including:

- Retail marijuana ordinance
- Advance JLUS recommendations to reduce PNSY traffic impacts
- Establish a long-range plan for the re-use or disposition of the Walker Street Fire Station and tax acquired property
- Begin design and funding strategy for sidewalk extension on Stevenson to Route 236
- Short-term-rental ordinance
- Transition to fully electronic packets to reduce paper use

TOWN MANAGER GOALS 2020

Support long term planning and growth management objectives:

- Propose and implement zoning amendments that support desired growth in the targeted growth areas including Route 1, the Route 1 Bypass, and in the Business Local zones, incorporate affordable housing incentives
- Finish the Title 16 recodification process and develop a plan to address identified policy issues
- Propose TIF amendments to provide relief to taxpayers and support desired growth
- Develop zone amendments to promote the increase of housing stock

Enhance Financial Stability

- Produce a 2021 budget that seeks to respond to service expectations of the community, and that is adequately justifiable in comparison to appropriate economic indicators, comparable communities, and supports implementation of town objectives
- Update and expand financial policies
- Maintain or improve bond rating
- Develop a comprehensive technology master plan to inform the capital improvement program

Continue to improve organizational efficiency through implementation of technology, and recommended amendments to the Charter, Town Ordinance, and Policy.

Implement the Comprehensive Plan 5 Year Action Plan, specifically focused on the following:

- Support Climate Adaptation Committee's efforts
- Complete the JLUS study and identify funding for implementation of action plan
- Finish the Library design process and commence construction

Town Assets and Infrastructure

- Develop recommendations for the reuse or disposition of various town owned or tax-acquired properties
- Develop a sidewalk master plan for replacement, enhancement and addition of town sidewalks

Develop and Sustain the Professional Staff

- Complete contract negotiations in a timely fashion
- Plan for addressing increasing demands for police, fire, and public works services

TOWN COUNCIL GOALS 2019

Quarter 4 – Final Report

Work together respectfully toward consensus, capitalizing on our experiences and diversity. – **On going**

Continue to work towards sharing services with neighboring towns. – **Three-year extension on shared dispatch services executed; Sewer pump maintenance agreement with/Eliot executed; conversations ongoing with PNSY on shared services opportunities.**

Address proposals for Charter, Ordinance, and Policy changes for improving efficiency and effectiveness of the Town operations including:

- Title 4 - Boards, Commissions, Committees - **Complete**
- Title 5 - Business License Regulations- **in review**

Advance the Comprehensive Plan 5 Year Action Plan, specifically the following:

- Launch a Climate Adaptation Study – **Grant not received; Flood Resiliency Checklist effort scheduled for January; Regional Coordinator position (SMPDC) posted.**
- Develop Housing Plan/Affordable Housing Strategies – **Accessory Dwelling Units amendment approved, affordable housing Title 16 amendments drafted and being reviewed by various stakeholders.**
- Address Transportation through Improved Parking Strategies and Traffic Management – **Badger's Island strategies approved and in implementation stage, planning for Walker/Wentworth underway.**
- Title 16 recodification to achieve development goals – **Stakeholder meetings complete, review and clarification of process language underway.**

Adopt a budget that is progressive, responsible, and visionary – moving the community forward. –**Complete**

Give attention to Councilor expressed items, including:

- Impacts of Shipyard and State transportation infrastructure on local traffic – **Public presentation of JLUS complete, draft posted for review.**
- Energy efficiency efforts – **LED Lighting Project wrapping up with punch list items.**
- Rice Public Library incorporation as a Town Department - **Complete**
- Rice Public Library Building renovation and expansion plans – **Bond approved. Design development phase underway.**
- Support the development of a strategy for the reuse or disposition of the Taylor Building – **public input plan in development**
- Legion Pond management – **DEP agreed to assist with watershed study, testing schedule being developed.**
- 236 Traffic Safety – **Plan completed. Working with MDOT to advance implementation.**
- Explore local option tax proposals – **Rejected by Legislature**
- Ensure effective communication with the public – **Now streaming of meetings on Facebook**
- Short-term-rental ordinance – **Placed on hold.**

**TOWN MANAGER ANNUAL GOALS
FINAL REPORT – Q4 2019**

| 2019 GOALS | STATUS | Update |
|---|---------------|--|
| Support Long Term Planning and Growth Management Objectives | | |
| Work with local and regional organizations to attract and sustain appropriate local economic investment | On going | Sowerby parcel sold and plans approved for redevelopment. Investigating EDA grant opportunities to enhance commercial/industrial development. Mixed Use Neighborhood development in preliminary plan review stage. Joined York Region Chamber of Commerce to establish and grow working relationships with area businesses. |
| Propose and implement zoning amendments that support desired growth in the targeted growth areas including Route 1, and the Route 1 Bypass | On going | Advancing zoning review associated with affordable housing effort. Letters to property owners issued to advise them of the effort and invite them to join the discussion. Affordable Housing zone in development. Due diligence on Cole Street complete. Affordable housing zoning amendments in final committee review, will be going to KLIC in January/Feb. |
| Advance the Title 16 recodification effort to draft stage | On going | Stakeholder meetings complete. Draft framework being refined, and reorganization of code text underway. Reorganization of sections being finalized. Consolidation of uses and definitions underway. Developer/applicant/engineer stakeholder group meeting conducted in Oct. Review of permitting/plan review process underway. |
| Enhance Financial Stability | | |
| Produce a 2020 budget that seeks to maintain a stable tax rate, and that is adequately justifiable in comparison to appropriate economic indicators, comparable communities, and supports implementation of town objectives | Complete | |
| Implement tax lien policy and address tax liens from prior years | In process | Notice of foreclosure action sent to 12 property owners. Motion for Quiet Deed for each property will be filed in court mid-April. Release Deed received for one property. Clerk's Certificates for Quiet Title Claim action received for four properties. Three properties in "interrogatory" stage, one awaiting summary judgement. Summary judgement motions filed on three. |

**TOWN MANAGER ANNUAL GOALS
FINAL REPORT – Q4 2019**

| Improve Organizational Efficiency | | |
|---|------------|--|
| Improve organizational efficiency through implementation of technology and amendments to Charter, Ordinance and Policy | In process | Working to identify a new GIS service provider with enhanced features to meet staff and public needs. Launched Online Moorings for customers to renew marine related permits, pay online, and track approval process. Launching project to put parking ticket payment online. New GIS system implementation launched. |
| Implement the Comprehensive Plan 5 Year Action Plan, specifically focused on the following | | |
| Launch of a Climate Adaptation Study | In process | Committee formed. Regional discussions underway to coordinate grants and initiatives. Flood resiliency checklist process scheduled for end of Jan. |
| Develop amendments to ADU ordinance and develop an affordable housing overlay zone to increase variety of housing stock | Complete | ADU amendment was adopted at Oct 28 Council meeting. Effective date is April 28. |
| Complete the Joint Land Use Study and identify traffic management solutions for implementation | In process | Stakeholder interviews and data collection phases are complete. Solutions development phase underway. Public Open house complete, public survey complete, Shipyard employee survey launched. Surveys complete (2500+ responses), two pop-up visibilities at PNSY. Working group developed strategies for consideration. Draft report released; public presentation completed. Presentation to Council tentatively scheduled for February. |
| Resolve the matter of the Library becoming a town department | Complete | Town Council accepted the gift of assets in March. The transition of the Library to a town department is underway, and will become effective July 1, 2019. |
| Support the development of a strategy for reuse or disposition of the Taylor Building | In process | The Taylor Com is working on a public input process to gather initial ideas. Input phase will continue through October of 2019. Committee drafting an RFP for the property to be launched after Nov vote. |

**TOWN MANAGER ANNUAL GOALS
FINAL REPORT – Q4 2019**

| | | |
|--|------------|---|
| Advance the Rice Library renovation and expansion planning | In process | Programming and existing conditions reports drafted and under review. Schematic design phase complete, permitting phase launched. Bond referendum passed. Design development phase underway; CM at Risk RFP released. |
| Evaluate transitioning the Fire Chief position from Part-Time to Full-Time | | |
| Transition the Fire Chief position from Part-Time to Full-Time | Complete | Chief was made full-time effective Jan 1, and has assumed the role of Emergency Management Director as part of the transition. |
| 2018 GOALS – CONTINUED FROM PRIOR YEAR | | |
| Continue to Improve Organizational Efficiency | | |
| Continue to propose and implement Charter, Ordinance, and Rule changes that improve efficiency and effectiveness of town operations. <ul style="list-style-type: none"> ○ Title 2 – Personnel ○ Title 4 – Boards and Commissions ○ Title 5 – Business Licenses and Regulations ○ Title 6 – Animals | On going | Town Council to vote on changes to Title 2 to reflect renaming of Recreation department; Title 4 completed. Parks Com and Conservation Com are working with the administration on a survey. Council to consider Title 6 amendments (Dogs) in Sep. Dog ordinance revisions being prepared with ACO input. Short term rental ordinance drafted and reviewed by KLIC. Dog ordinance draft provided in January; Short term rental on hold. |
| Prioritize employee safety and reduction of workers compensation costs, take steps to begin reducing the town's current experience modification factor of 1.23. | Complete | Safety Committee is meeting regularly. Committee releases quarterly safety advisories and reviews claims. Awarded grants for safety equipment, and recent W/C and Liability inspections have had minimal corrective action identified. Mod rate has been reduced to .94 for the 2019 policy year. Mod rate has been further reduced to .87 for the 2020 policy year. |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
PRIMARY OBJECTIVES

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

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
PRIMARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|--------------------------|---|---|--|
| 3 - Economic Development | Engage in targeted outreach to business and industry sectors marketing Kittery's economic development areas. (3.5) | <ul style="list-style-type: none"> • Improve town website and have routine maintenance. • Identify similar business or industry partners who may have insights on what businesses in those sectors are looking for in terms of amenities, infrastructure, costs/revenues, workforce characteristics, etc. • Talk with brokers and real estate agents about marketing property in Kittery. • Work with land owners to actively market properties through websites and brokers. | <p>Website updated, expanded use of email and social media to share info.</p> <p>Kittery new member of Chamber of Commerce</p> |
| 4 – Housing | Undertake to complete a Comprehensive town-wide Housing Plan that will document existing supply and identify needs and ways of meeting these, including methods for encouraging the development of affordable housing (e.g. creation of new types of housing, including workforce housing, and housing for seniors wishing to downsize, etc.). (4.1) | <ul style="list-style-type: none"> • Create a scope and request for proposals to undertake a comprehensive town-wide housing plan. Plan should include in-depth analysis of housing supply, demand, and strategies to encourage a variety of housing types and prices points. • Explore possibility of local regional planning commission undertaking the study on behalf of the town. | <p>Affordable housing working group launched. Workforce housing charrette completed. Title 16 ADU revisions complete. Title 16 zoning revisions underway.</p> |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
PRIMARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|---|--|--|---|
| 5 – Transportation | Evaluate Town-wide current parking conditions and policies and revise to meet development goals by improving management of existing spaces and exploring shared parking and other strategies. (5.4) | <ul style="list-style-type: none"> Review and revise town code to support goal. | Title 10 revisions completed for Foreside. Badger's Island completed. JLUS draft report issued. Next steps being developed. |
| 7 - Municipal Facilities, Services, & Fiscal Capacity | Increase and improve communication with Town residents. Using a variety of modes including the internet and cable TV in innovative ways will help to keep residents more informed and connected to town government. (7.1) | <ul style="list-style-type: none"> Become more efficient by streamlining the permitting process. Update town's GIS maps and establish a system for continuous update. Explore ways of reaching the largest number of residents and conduct outreach to actively recruit volunteers, especially representation of demographics that are currently missing or underrepresented. Develop clear messaging regarding what the boards and committees do, roles and expectations and information regarding opportunities and benefits of participation. | Online permitting launched. GIS upgrade underway. Implemented use of social media to expand resident participation on Boards. |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
PRIMARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|---|---|---|---|
| 7 - Municipal Facilities, Services, & Fiscal Capacity | Educate residents about town planning roles and processes and ensure that planning and town management processes are open, transparent, informative, inclusive, respectful and welcoming. (7.1) | <ul style="list-style-type: none"> Explore the use of communication technologies to increase the communication between residents and Town government. Revise Town Code so that regulations are clear and easy to use and are aligned with Comprehensive Plan goals. | <p>Use of Social Media, Channel 22, and website increased.</p> <p>Title 16 recodification underway.</p> <p>Evaluating use of reverse 911 to inform targeted groups of Town actions.</p> |
| 7 - Municipal Facilities, Services, & Fiscal Capacity | Develop a long-range plan for the library including where the library will be located (renovation and expansion on existing site, new building on another site) and whether the Library should become a Town Department. (7.2) | <ul style="list-style-type: none"> Explore possibilities and compare and contrast advantages and disadvantages of sites being considered for Library facility. Consider converting the Library to a Town Department. Support Library Director's efforts to support literacy, digitize the library's collection of photographs, and to provide support and programming for the increasing elderly population. | <p>Site selected, project design in process.</p> <p>Library is now a Town Department.</p> |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
PRIMARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|---|--|--|---|
| 7 - Municipal Facilities, Services, & Fiscal Capacity and 8 – Land Use | Guide development to areas already served by public utilities, resulting in a more efficient and cost-effective use of these public services. (7.3) (8.1) | <ul style="list-style-type: none"> • Direct new development where feasible, to vacant or underutilized sites and buildings; direct development away from areas with natural constraints, key wildlife or open space corridors, protected shorelands, and areas where public utilities are not yet available and would be costly to extend. • Add utilities map to GIS. • Establish efficient permitting procedures, especially in areas designated as “growth areas” in Future Land Use Plan. | Mixed Use Neighborhood rezoning complete. Affordable housing overlay in development. |
| 8 – Land Use | Review, update and incorporate where appropriate, the recommendations from the Foreside Forums. Residents have expressed much enthusiasm for recent improvements in the Foreside and support for future infill development that is appropriate in scale and activity. (8.3) | <ul style="list-style-type: none"> • Study the opportunities and challenges associated with the Foreside area to determine if the zoning district boundaries should change in the future. Identify desired uses. Identify the regulations and infrastructure needed to support the future of the area. | Zoning review underway in conjunction with affordable housing effort. |
| 9 - Coastal Community Resilience | Complete a climate adaptation study to plan for the potential impacts of sea level rise and prepare for extreme weather events (9.1) | <ul style="list-style-type: none"> • Complete a Climate Adaption Study. | Climate adaptation committee formed. Planning flood resiliency assessment and greenhouse gas inventory. |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
SECONDARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|---|--|--|-------------------------------------|
| SECONDARY OBJECTIVES | | | |
| 2- Natural Resources & Recreation | Working with the Kittery Land Trust, develop a strategy for open space acquisition , setting priorities for parcels to be included. (2.1) | <ul style="list-style-type: none"> • Complete an inventory of open spaces in Kittery. • Consider purchase of unprotected open spaces. • Create/amend zoning to prohibit destruction of wetlands (high value, wildlife corridors) and add farmland and unprotected open space for review. • Revisit the inventory of scenic views defined in the 1999 Comprehensive Plan Update, making a photographic record (survey) and updating the inventory, as needed. | |
| 2- Natural Resources & Recreation and 8 – Land Use | Protect existing open lands , including farmlands and wetlands from over-development by implementing effective strategies such as larger minimum lot sizes in the rural residential zone. As one way of preserving Kittery’s rural character, review and revise the cluster zoning ordinance and provide incentives for developers to use the ordinance. (2.1) (8.1) (8.2) | <ul style="list-style-type: none"> • Review/Revise Cluster Zoning Law | Title 16 recodification in process. |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
SECONDARY OBJECTIVES

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

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
SECONDARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|--|--|--|--|
| 3 - Economic Development | Collaborate with property owners in the area around the Route 1 corridor to identify strategies towards making mutually beneficial changes to the area including exploring options to redevelop commercial properties with mixed use (e.g. retail, housing, office) and consider zoning amendments such as an overlay district to provide more flexibility concerning permitted uses. (3.3) (8.5) | <ul style="list-style-type: none"> Draft a scope of work for planning, market analysis, and transportation engineering services to re-envision the Route 1 area. | Grant application being developed for Econ Dev study. |
| 6 – Marine Resources and 8 – Land Use | Continue to support Kittery’s maritime based economy including the fishing and shell fishing industry by maintaining access to the working waterfront and creating innovative avenues to better connect fishing to the local economy. (6.2) (8.4) | <ul style="list-style-type: none"> Conduct poll/outreach/meetings with commercial fishermen and boat operators to determine need (KPA). Conduct poll/outreach/meetings with commercial fishermen and boat operators to identify areas where navigation is difficult or impossible due to shallow depths (KPA). | Survey on Pepperrell Cove depths completed. |
| 6 – Marine Resources | Increase awareness in residents and business owners with regard to the effects of pollutants, pesticides, and stormwater runoff and evaluate Town Code regarding the use of pesticides and herbicides with chemicals, in waterfront areas and town-wide . Providing information and incentives for greener practices will help to mitigate these environmental hazards. (6.3) | <ul style="list-style-type: none"> Prepare easy-to-read materials that summarize Kittery’s water quality challenges and the effects of pollutants and pesticides. Distribute to property and business owners, and post on municipal website. | Lawn care training conducted. Town evaluating options for alternative turf management for parks and roadside. |

KITTERY COMPREHENSIVE PLAN
5 YEAR ACTION PLAN
SECONDARY OBJECTIVES

| TOPIC AREA | GOAL | ACTION ITEMS | STATUS |
|----------------------------------|---|--|--|
| 8 – Land Use | Consider an Adaptive Reuse Ordinance to guide redevelopment of existing buildings. By promoting the reuse of existing structures more efficient development can occur in areas already services by public utilities and protecting open land from development. (8.1) | <ul style="list-style-type: none"> Consider adopting a demolition delay ordinance. Consider adopting Adaptive Reuse Ordinance. | |
| 9 - Coastal Community Resilience | Develop a Plan for Town facilities and property owners to transition to low and zero impact energy sources (9.2) | <ul style="list-style-type: none"> Establish a timeline for converting all Town-owned buildings to renewable energy. | <p>Physical constraints of municipal sites make PV challenging.</p> <p>Evaluation of renewal power purchase options complete.</p> <p>Climate Adaptation committee conducting Town facility energy audit.</p> |

TITLE 4 LIBRARY ADVISORY COMMITTEE

ADD the Library Advisory Committee to Title 4 as follows:

§4.7 Library Advisory Committee

The Library Advisory Committee is charged with guiding the Rice Public Library in the development of goals, library policies, programs, services, and collections that meet the needs of the community and library patrons.

§4.7.1 Duties

A. Establish bylaws to govern routine Committee proceedings;

B. Develop and recommend to the Council a mission statement for the Rice Public Library, and promote and advocate for the mission of the Rice Public Library;

C. Understand the needs and goals of the community and guide the Rice Public Library in the development of programs, collections, and services that meet such needs and goals;

D. Prepare and recommend for adoption by the Town Council a five-year strategic plan with evaluation goals; update and monitor progress towards implementation of the adopted strategic plan;

E. Recommend the establishment and timely update of library policies for programs, collections, lending, confidentiality, and services that are aligned with the American Library Association and State of Maine's Public Library Standards, and that advance the goals of the Library and support the strategic plan;

F. Stay informed of the library statistics, financial status, funding sources and needs of the Library, advise on the annual development of the budget, focusing on the strategic plan implementation;

G. Review and provide input on the annual capital program to the Capital Improvement Program Committee; and

H. Report at such intervals as the Town Council may direct on programs, use, and implementation progress of the strategic plan.

§4.7.2 Appointment and Composition

The Committee consists of seven voting members: one Town Councilor, one member from the non-profit Library Board of Directors, one member from the Friends of the Library and four citizen members. The Library Director is an ex officio member without voting rights.

Citizen member appointments, or reappointments, are to be for three-year terms, except as otherwise specified. Members representing the Council, non-profit Library Board of Directors, and Friends of the Library serve until their successors are appointed by their respective boards.

KITTERY CELEBRATION COMMITTEE

The Kittery Celebration Committee will plan and present a diverse program of events and activities that bring the Town of Kittery together in celebration of the State of Maine's bicentennial and the 375th anniversary of the Town of Kittery's incorporation. The program will appeal to residents of all ages.

1. Appointment and Composition

- A. The Celebration Committee is an ad hoc administrative committee. Members will be appointed by the Town Manager and serve until the completion of the project, anticipated to be on or around December 31, 2022.
- B. The Celebration Committee members will be appointed in order to achieve a diverse group representing the historic, artistic, business, and social aspects of the Town. To this end, non-residents may be appointed to the Committee if they are representing a Kittery-based organization or entity.
- C. The Committee will consist of 15 voting members. Members will include a representative each from the Town Council, the Kittery Historical and Naval Museum, the Kittery Community Center Board of Directors, the Board of Library Trustee (to be formed).

2. Duties

- A. Develop a rich program of events, activities, and information that celebrate the rich history of the State of Maine and Town of Kittery;
- B. Encourage other groups to host and plan events and activities, and assist in the promotion of them as part of the overall celebration;
- C. Plan and implement fundraising activities including grants, fundraising events, and fundraising efforts to support the program and ensure that activities/events can be enjoyed by all; and
- D. Collaborate and coordinate with various groups, organizations, and entities in the development and implementation of the program.

3. Objectives

- A. Develop a rich program of events, activities, and informationals that respond to the interests of the community and may include:
 - Gala, carnival, parade, concert, fireworks
 - Public art installation, time capsule, monument, tree or other commemorative gesture
 - Commissioning or endorsing poetry, theater, essays, musical composition
 - Tours, races, speaker series, museum exhibitions
- B. Plan a program that starts with the celebration of the State's bicentennial beginning 2020 and ends with the Town's 375th anniversary of incorporation.
- C. Encourage and support community organizations to host community events that highlight their mission and connections to the history of Kittery.
- D. Create and publish a master calendar.
- E. Develop and implement a communication strategy to share information about the program, fundraisers, and activities of the Committee.

TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Charles Denaut and Bryan Bush

RE: APPOINTMENT TO PORT Authority

DATE OF INTERVIEW: 1-3-20 at 330 a.m./p.m.



We have interviewed ALAN Johnson on the date and time noted above. We approve recommendation of the applicant and wholeheartedly endorse his appointment for a term to expire on _____.

ATTENDANCE RECORD: Excellent ☒

Good

Poor

COMMENTS:



Signatures



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
FEB 28 2018
BY: 12:35 pm

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Edward Alan Johnston
RESIDENCE: Kittery
MAILING (if different) 10 Lewis Rd Kittery ME 03904
E-MAIL ADDRESS: edjohnston@comcast.net PHONE #: (Home) 439-2517 (Work) _____

Please check your choice:

- | | |
|--|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input checked="" type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: Northeast maritime

RELATED EXPERIENCE (Including other Boards and Commissions) Commercial Fisherman
tug Boat captain

PRESENT EMPLOYMENT: Moran Towing N.H., AJS Fishing adventure

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST (please read back of application): _____

REASON FOR APPLICATION TO THIS BOARD: To Be Involved in my town

I HAVE ☒ / HAVE NOT ☐ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

Edward Johnston
SIGNATURE OF APPLICANT

2-28-18
DATE