



# TOWN OF KITTERY

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

## KITTERY TOWN COUNCIL

August 24, 2020

6:00PM

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

The public may also participate in the meeting via Zoom webinar. **Register in advance for the webinar at:** [https://us02web.zoom.us/webinar/register/WN\\_fxb6sxT\\_TZyooLH5JxW\\_cw](https://us02web.zoom.us/webinar/register/WN_fxb6sxT_TZyooLH5JxW_cw)

After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing

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

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1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
  - February 10, 2020
  - March 2, 2020
  - March 9, 2020
  - April 2, 2020

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

8. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
9. PUBLIC HEARINGS
  - a. (080220-1) The Kittery Town Council moves to hold a public hearing on the TIF District Program.
10. DISCUSSION
  - a. The public may submit public comments in writing or via the Q&A feature of the webinar for the DISCUSSION agenda
  - b. Chairperson will read written comments into the record.
  - c. Chairperson's response to public comments.
11. UNFINISHED BUSINESS –
  - a. (080220-2) The Kittery Town Council moves to hold a Special Meeting Public Hearing on August 31, 2020 at 5:00pm at the KCC Star Theatre to discuss Title 6 Animal Control.
12. NEW BUSINESS
  - a. Donations/gifts received for Council disposition
  - b. (080220-3) The Kittery Town Council moves to approve a renewal Liquor License application for Navy Yard Bar & Billiard, 182 State Road, Kittery.
  - c. (080220-4) The Kittery Town Council moves to approve a Special Activity Amusement Permit for Navy Yard Bar & Billiard, 182 State Road, Kittery.
  - d. (080220-5) The Kittery Town Council moves to appoint Councilor Clark along with Robert Guay Chair of the KCC Board of Directors to interview Maribeth Girard for appointment to the KCC Board of Directors, for a 3-year term to expire 12/31/2023.
  - e. (080220-6) The Kittery Town Council moves to re-appoint Bryan Bush of the Kittery Port Authority for a 5-year term to expire 12/31/2025.
13. COUNCILOR ISSUES OR COMMENTS
14. EXECUTIVE SESSION

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

15. ADJOURNMENT

Posted: August 20,2020

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



# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

## Town Manager's Report to the Town Council August 24, 2020

- 1. November Election** – Town Clerk Karen Estee and her team are well underway planning for the November election. Voter registration forms are available online. Completed registration cards should be mailed to Town Hall with required accompanying information, or returned to Town Hall in person.

The State's online absentee ballot application is available through a link on our website. Voters can also contact the Clerk's Office by phone, email, or in person to request an absentee ballot. The Clerk's Office has received approximately 800 absentee ballot applications to date. Ballots will be mailed as soon as available, which is no less than 30 days prior to the election.

We have ordered a secure absentee ballot drop box for Town Hall to allow voters to drop their ballots off securely and contact-free at any time. Ms. Estee has been in touch with the Kittery Postmaster regarding mailing ballots. The Postmaster has assured us that no mailboxes are planned for removal in Kittery, and he is expecting no delays in absentee ballot delivery. Kittery's Post Office did a fantastic job on the July election, and we are confident this November will go well.

The Clerk's Office is encouraging voters to request an absentee ballot early; and once received, send it back right away to avoid delays or missing the deadline for votes to be counted.

- 2. Out of State Registrations** – Councilor Denault has asked about Out of State registration enforcement by the Kittery Police Department. Sgt. Eaton is in charge of the KPD effort on this matter. KPD has identified over 300 possible violations since July. The evening and mid-night shift staff are canvassing public streets to observe and record out-of-state plates at residences. When identified, the officers seek to observe a consistent presence of the vehicle over multiple days, then make contact when a violation appears likely. Those that are found to fall within Reciprocity (Title 29-A Section 109) are not cited or required to register their vehicle.
- 3. Annual Goals Update** – Due to the COVID-19 impacts on operations and focus since mid-March, the Council has not received an update report on the annual goals of the Council or Town Manager. Attached please find the Quarter 2 update reports.
- 4. Keep Maine Healthy Grant Round 2** – The Town was awarded a second round of the Keep Maine Healthy Grant for \$110,576. The funds will be used to support the "gap" childcare program being planned for the KCC to support working families navigating the revised school schedules for K-5<sup>th</sup> graders. Combined with the Round 1 award, the Town has been granted \$359,482.

**Upcoming Dates:**

- Town Offices Closed for Labor Day – Sep 7

Respectfully Submitted,

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

Kendra Amaral  
Town Manager

## TOWN COUNCIL GOALS

### 2020

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

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

- Title 5 - Business License Regulations – **Short Term Rental ordinance approved.**
- 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 – **Flood resiliency analysis in process. GHG assessment in process.**
- Develop a Housing Plan/Affordable Housing Strategies (4.1)
  - Title 16 Amendments to incentivize affordable housing – **Planning Board reviewing draft ordinance amendments to Title 16.**
- Reduce dog and horse waste in open spaces (2.2)
  - Expand/enhance Title 6 Animal Control ordinance – **Council reviewing amendments.**
- Ensure Town planning processes are open, transparent, informative, inclusive, respectful and welcoming (7.1)
  - Title 16 recodification to achieve development goals – **KLIC final review underway. Will likely be at Council at end of the year.**

Adopt a budget that is progressive, responsible, responsive to community expectations and needs, and visionary – moving the community forward. – **Council amended goal to include 0% increase. COMPLETE.**

Give attention to Councilor expressed priorities, including:

- Retail marijuana ordinance – **Draft in process.**
- Advance JLUS recommendations to reduce PNSY traffic impacts – **Council funded public transit launched. Love Lane traffic calming demonstration in planning phase.**
- Establish a long-range plan for the re-use or disposition of the Walker Street Fire Station and tax acquired property – **Plan withdrawn due to cost.**
- Begin design and funding strategy for sidewalk extension on Stevenson to Route 236 – **RFPs for engineering service in review.**
- Short-term-rental ordinance - **COMPLETE**
- Transition to fully electronic packets to reduce paper use – **In process**

**TOWN MANAGER ANNUAL GOALS  
STATUS REPORT – Q2**

2020 GOALS	STATUS	Update
<b>Support Long Term Planning and Growth Management Objectives</b>		
Propose and implement zoning amendments that support desired growth in the targeted growth areas including Route 1, and the Route 1 Bypass, and the Business Local zones, incorporate affordable housing incentives.	On going	PB reviewing affordable housing zoning amendments that expand uses along C1, C3 zones. Staff working with PB on priorities related to dimensional standards, parking, and uses throughout zones.
Finish Title 16 recodification process and develop a plan to address identified policy issues	On going	Final KLIC review of draft Title 16 recodification scheduled. PB will likely begin review in Sep.
Propose TIF amendments to provide relief to taxpayers and support desired growth	On going	Council approved dissolution of TIFS 1 & 2. TIF 3 amendment public hearing in Aug to give Council more flexibility on the % of captured value diverted to the TIF fund.
Develop zone amendments to promote the increase of housing stock	On going	PB reviewing general affordable housing zoning ordinance. Drafting charge, and funding plan for affordable housing programs.
<b>Enhance Financial Stability</b>		
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	Complete	2021 budget approved with 1.34% reduction due to uncertainty surrounding COVID. Revaluation near complete and expected to reduce the mil rate. Tax commitment and mil rate setting scheduled for Sep.
Update and expand financial policies	In process	Comprehensive evaluation of financial policies in process and draft revisions are in development.
Maintain or improve bond rating	In process	Bond rating will occur near the end of the fiscal year. Developing reports and visuals for bond rating interview.

**TOWN MANAGER ANNUAL GOALS  
STATUS REPORT – Q2**

Develop a comprehensive technology master plan to inform the capital improvement program	On going	Network reconstruction underway for Police Dept to stabilize the IT environment.
<b>Improve Organizational Efficiency</b>		
Improve organizational efficiency through implementation of technology and amendments to Charter, Ordinance and Policy	On going	Transitioned Dump Stickers, Fort Foster Passes and other services online. Updated GIS software to provide greater information. Parking ticket system going online by Sep.
<b>Implement the Comprehensive Plan 5 Year Action Plan, specifically focused on the following</b>		
Support Climate Adaptation Committee's efforts	In process	Flood Resiliency Checklist process completed. Joined regional effort to develop strategies and plan for climate adaptation with other York County communities. Joined Coastal Communities grant to develop more effective training and tools for citizen scientist wetlands monitoring. Served on Gov Mill's Climate Council Transportation Working Group.
Complete JLUS study and identify funding for implementation of action plan	Complete	JLUS study completed in February. Implementation grant awarded in June. RFP for next phase of implementation issued.
Finish Library design process and commence construction	In process	Design development phase wrapping up. Construction Docs phase expected to begin in Sep. Planning Board and Maine Historic review underway.
<b>Town Assets and Infrastructure</b>		
Develop recommendations for the reuse or disposition of various town owned or tax-acquired properties.	In process	Taylor RFP issued; proposals due in Sep. In process of acquiring clean title for Old Post and Walker Street properties. Proposed use of proceeds from sale of tax-acquired properties incorporated into affordable housing plan. Proposed transition from Walker St. ambulance bldg to Gorges Road; proposal withdrawn due to inability to make it cost neutral. Will revisit.
Develop a sidewalk master plan for replacement, enhancement and addition of town sidewalks	In process	Draft RFP developed. Seeking grant funding to support project through MDOT and KACTS.



TOWN MANAGER ANNUAL GOALS  
STATUS REPORT – Q2

Develop and Sustain the Professional Staff		
Complete contract negotiations in a timely fashion	In process	Due to COVID, working on one-year extensions with all unions.
Plan for addressing increasing demands for police, fire and public works services	In process	Due to COVID, budget could not accommodate increase in staffing. COPS and SAFER grant applications submitted for Police and Fire. Police application was unsuccessful this round; still waiting response on SAFER grant.

Kittery Town Council  
Regular Meeting  
February 10, 2020  
Town Hall – Council Chambers

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. Agenda Amendment and Adoption

8 Chair Spiller cast one vote

9 6. Town Manager's Report

10 The Town Manager reported on: Emery Field Phase 2, Taylor Building Invitation for  
11 Proposals, and Council Meeting Minutes.

12 Upcoming Dates: Absentee ballots available now, deadline to change party enrollment for  
13 primary election – February 13, 6PM, tax payments due - February 15, Town Hall, voter  
14 registration night – February 26, 6PM to 7PM, Town Hall, Presidential Primary & Special  
15 Referendum Election – March 3, 8AM to 8PM, KCC, mooring permit renewals due – April 15,  
16 Harbormaster or online

17 7. Acceptance of Previous Minutes - None

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

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

21 a. (020120-1) The Kittery Town Council moves to approve the CIP Presentation from  
22 the Town Manager.

23 The Town Manager gave overview and presented the Capital Improvement Program  
24 2021 – 2025 presentation.

25 Moved by Councilor Thomson, seconded by Councilor Pelletier.

26 Motion Carried 7-0-0

- 27 10. PUBLIC HEARINGS -
- 28 a. (020120-2) The Kittery Town Council moves to hold a public hearing to approve a new
- 29 Liquor License application from Loco Coco's Taco's located at 36 Walker Street, Kittery.
- 30 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 31 Motion Carried 7-0-0
- 32 b. (020120-3) The Kittery Town Council moves to hold a public hearing to approve a new
- 33 Victualer's License application from Loco Coco's Taco's located at 36 Walker Street, Kittery.
- 34 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 35 Motion Carried 7-0-0
- 36 c. (020120-4) The Kittery Town Council moves to hold a public hearing to approve a new
- 37 Liquor License application from Kittery Food Truck Pod-Paved Paradise located at 230 US
- 38 Route 1 Bypass, Kittery.
- 39 Barbara Jenny of Kittery Food Truck Pod-Paved Paradise explained the reason she wanted
- 40 a Liquor License.
- 41 d. (020120-5) The Kittery Town Council moves to hold a public hearing to approve a new
- 42 Victualer's License application from Kittery Food Truck Pod-Paved Paradise located at 230
- 43 US Route 1 Bypass, Kittery.
- 44 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 45 Motion Carried 7-0-0
- 46 11. DISCUSSION
- 47 a. Discussion by members of the public (three minutes per person)
- 48 b. Response to public comment directed to a particular Councilor
- 49 c. Chairperson's response to public comments
- 50 12. UNFINISHED BUSINESS - None
- 51 13. NEW BUSINESS
- 52 a. Donations/gifts received for Council disposition.
- 53 (020120-6) The Kittery Town Council moves to accept a donation from the Kittery Lions
- 54 Club, in the amount of \$1,000.00 to be deposited into account 5023 Library Donations.
- 55 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 56 Motion Carried 7-0-0

57 b. (020120-7) The Kittery Town Council moves to approve the disbursement warrants.  
58 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
59 Motion Carried 7-0-0

60 c. (020120-8) The Kittery Town Council moves to approve a request from the Kittery  
61 Rotary After Hours Club to place signs around Kittery to advertise their St. Patrick's Day  
62 Dinner on March 15.  
63 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
64 Motion Carried 7-0-0

65 d. (020120-9) The Kittery Town Council moves to approve Susan Goodman's appointment  
66 to the Library Advisory Committee until December 31, 2023.  
67 Moved by Councilor Thomson, seconded by Councilor Pelletier  
68 Motion Carried 7-0-0

69 e. (020120-10) The Kittery Town Council moves to approve Carolyn Nielsen's appointment to  
70 the Library Advisory Committee until December 31, 2023.  
71 Moved by Councilor Thomson, seconded by Councilor Pelletier  
72 Motion Carried 7-0-0

73 f. (020120-11) The Kittery Town Council moves to approve Thomas Newbold's  
74 appointment to the Library Advisory Committee until December 31, 2023.  
75 Moved by Councilor Thomson, seconded by Councilor Pelletier  
76 Motion Carried 7-0-0

77 g. (020120-12) The Kittery Town Council moves to approve Lindsay Burrowbridge's  
78 appointment to the Library Advisory Committee until December 31, 2023.  
79 Moved by Councilor Thomson, seconded by Councilor Pelletier  
80 Motion Carried 7-0-0

81 h. (020120-13) The Kittery Town Council moves to approve a Pole Permit application from  
82 Central Maine Power. The new pole will be placed on Betty Welch Road.  
83 Moved by Councilor Thomson, seconded by Councilor Pelletier  
84 Motion Carried 7-0-0

85 (020120-14) The Kittery Town Council moves to approve a Municipal Release Deed  
86 for Map/Lot 2-3.  
87 Moved by Councilor Thomson, seconded by Councilor Pelletier

88 Motion Carried 7-0-0  
89 j. (020120-15) The Kittery Town Council moves to schedule a Public Hearing on Title 6 -  
90 Animal Control on March 9, 2020.

91 Moved by Councilor Thomson, seconded by Councilor Denault

92 Motion Carried 7-0-0

93 14. COUNCILOR ISSUES OR COMMENTS

94 Councilor Denault spoke about solar power and the benefits.

95 Councilor Thomson spoke about an article that appeared in the National Trust for Historic  
96 Preservation magazine on the Frank J. Wood Bridge.

97 Vice Chair Brock mentioned the deadline for proposals for the Taylor Building was March 25,  
98 2020, and is looking for community input for a key piece of property in the Foresides, whether it  
99 should be used for public, public private partnership, or strictly private use.

100 Councilor Clark spoke about Short-term rentals being a business and being held to the same  
101 standards as a Bed and Breakfast, Hotel or any other vacation rental business.

102 15. COMMITTEE AND OTHER REPORTS

103 a. Communications from the Chairperson - None

104 b. Committee Reports - None

105 16. EXECUTIVE SESSION - None

106 17. ADJOURNMENT

107 Moved by Councilor Thomson, seconded by Councilor Pelletier

108 Motion Carried 7-0-0

Submitted by Kim Tackett

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

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

Special Meeting UNAPPROVED MINUTES

March 2, 2020

Requested by Chairperson Spiller

Town Hall – Council Chambers

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. NEW BUSINESS -

8 a. (020320-1) The Kittery Town Council moves to appoint the Election Clerks as  
9 nominated by the local political parties for the ensuing two years (March 2020-2022).

10 Moved by Councilor Thomson, seconded by Councilor Pelletier.

11 Motion Carried 7-0-0

12 b. (020320-2) The Kittery Town Council moves to appoint Joyce Tobey Elections  
13 Warden and Sandy Lutts as Deputy Warden for the March 3, 2020 Presidential  
14 Preference Primary and the June 9, 2020 State Primary and Town Election.

15 Moved by Councilor Thomson, seconded by Councilor Pelletier.

16 Motion Carried 7-0-0

17 6. ADJOURNMENT

18 Moved by Councilor Thomson, seconded by Councilor Pelletier.

19 Motion Carried 7-0-0

Submitted by Kim Tackett

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Kittery Town Council - UNAPPROVED Minutes

Regular Meeting

March 9, 2020 6:00 p.m.

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. Agenda Amendment and Adoption

8 Public Hearings items c. and d. were withdrawn.

9 A motion was added to Unfinished Business to postpone the Public Hearing on the Animal  
10 Control ordinance, previously scheduled for March 23, 2020, to a later date.

11 Item i. and j. were added under New Business.

12 Chair Spiller cast 1 vote in favor of adoption of the agenda as amended.

13 6. Town Manager's Report

14 The Town Manager reported on the Presidential Primary Election, and provided an update on  
15 the Town's COVID-19 response.

16 Upcoming Dates: Mooring Permit Renewals Due – April 15, Harbormaster or Online.

17 7. Acceptance of Previous Minutes

18 The April 22, 2019 - Regular Meeting and May 6, 2019 - Special meeting minutes were  
19 approved as presented.

20 8. Interviews for the Board of Appeals and Planning Board

21 Board of Appeals (three appointments each expiring 12/31/2023).

22 • April Timko

23 Chair Spiller moved for Ms. Timko's re-appointment, seconded by Councilor Denault.

24 Motion Carried 7-0-0

25 • Jeff Brake

26 Chair Spiller moved for Mr. Brake's re-appointment, seconded by Councilor Pelletier.

27 Motion Carried 7-0-0

28 • Barry Fitzpatrick

29 Chair Spiller moved for Mr. Fitzpatrick's re-appointment, seconded by Councilor Pelletier.

30 Motion Carried 7-0-0

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

### 33 10. PUBLIC HEARINGS

34 a. (030120-1) The Kittery Town Council moves to hold a public hearing to Amend Title 3 - TIF  
35 #1 and #2.

36 The Town Manager gave an overview of the amendment to Title 3 - TIF#1 and #2.

37 Moved by Councilor Thomson, seconded by Councilor Pelletier.

38 Motion Carried 7-0-0

39 b. (030120-2) The Kittery Town Council moves to hold a public hearing in accordance with  
40 Sec. 06.09(4) of the Kittery Town Charter to transfer appropriations between accounts.

41 The Town Manager gave an overview of Sec. 06.09(4) of the Kittery Town Charter to transfer  
42 appropriations between accounts.

43 Moved by Councilor Thomson, seconded by Pelletier.

44 Motion Carried 7-0-0

45 c. (030120-3) The Kittery Town Council moves to hold a public hearing to approve a Warrant  
46 Article to expand the Gorges Road Station and surplus the Walker Street Fire Station for the  
47 June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the  
48 article.

49 The warrant article was withdrawn from the agenda.

50 d. (030120-4) The Kittery Town Council moves to hold a public hearing to approve a Warrant  
51 Article to appropriate \$500,000 for the Wood Island pier for the June 9, 2020 Town Meeting  
52 Secret Ballot Election and make its recommendation on the article.

53 The warrant article was withdrawn from the agenda.

### 54 11. DISCUSSION

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

56 Jeffrey Brake, 28A Cutts Road, Kittery, Maine – Mr. Brake announced the Recycling  
57 Scholarship Fund would begin accepting applications March 15, 2020 and close April 16, 2020.  
58 Mr. Brake stated that the application would be available at Town Hall, the Superintendent's  
59 office, Rice Public Library, and the guidance counselor's office at Traip Academy. He stated that  
60 there is an opening on the Education Scholarship Committee.



61 Cameron Wake, 18 Mendum Avenue Kittery, Maine. - Mr. Wake explained that he was opposed  
62 and had concerns regarding with the Warrant Article to appropriate \$500,000 for the Wood  
63 Island pier.

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

65 Councilor Lemont thanked Mr. Wake for his polite phone call about the Wood Island pier.

66 c. Chairperson's response to public comments

67 12. UNFINISHED BUSINESS –

68 Councilor Thomson moved to postpone the Public Hearing on the Animal Control ordinance that  
69 was previously scheduled March 23, 2020 to a later date, seconded by Councilor Pelletier.

70 Motion Carried 7-0-0

71 13. NEW BUSINESS

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

73 b. (030120-5) The Kittery Town Council moves to approve the disbursement warrants.

74 Moved by Councilor Thomson, seconded by Councilor Denault.

75 Motion Carried 7-0-0

76 c. (030120-6) The Kittery Town Council moves to schedule a public hearing on March 23,2020  
77 to amend Title 5 to add Short Term Rentals.

78 Moved by Councilor Pelletier, seconded by Councilor Clark.

79 Motion Carried 5-1-0

80 Councilor Denault, Councilor Pelletier, Councilor Clark, Councilor Lemont, Vice Chair Brock,  
81 and Chair Spiller approved.

82 Councilor Thomson opposed.

83 d. (030120-7) The Kittery Town Council moves to review and finalize the wording on the  
84 Warrant Articles for the June 9, 2020 Town Meeting Secret Ballot Election and make its  
85 recommendations on each article.

86 Moved by Councilor Thomson, seconded by Councilor Pelletier.

87 Motion Carried 7-0-0

88 e. (030120-8) The Kittery Town Council moves to approve a renewal Liquor License from the  
89 Dance Hall located at 7 Walker Street.

90 Moved by Councilor Thomson, seconded by Councilor Pelletier.

91 Motion Carried 7-0-0

92 f. (030120-9) The Kittery Town Council moves to approve a renewal Liquor License from  
93 Maine Beer Café located at 439 US Route 1 Suite 1.  
94 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
95 Motion Carried 6-0-1  
96 Councilor Lemont abstained.

97 g. (030120-10) The Kittery Town Council moves to approve a renewal Liquor License from The  
98 View at Pepperrell Cove located at 90 Pepperrell Road.  
99 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
100 Motion Carried 7-0-0

101 h. (030120-11) The Kittery Town Council moves to approve an Extension of License on Premise  
102 for the View at Pepperrell Cove locate at 90 Pepperrell Road.  
103 Moved by Councilor Thomson, seconded by Councilor Pelletier.  
104 Motion Carried 7-0-0

105 i. The Kittery Town Council moves to appoint Councilor Pelletier to the school department Vision  
106 2025 Committee.  
107 Moved by Councilor Thomson, seconded by Councilor Clark.  
108 Motion Carried 6-1-0  
109 Councilor Thomson, Councilor Pelletier, Councilor Clark, Councilor Lemont, Vice Chair Brock,  
110 and Chair Spiller approved.  
111 Councilor Denault opposed.

112 j. The Kittery Town Council moves to accept Julia O'Connell's resignation from the Kittery  
113 Climate Adaptation Committee.  
114 Moved by Chair Spiller, seconded by Councilor Thomson.  
115 Motion Carried 7-0-0

116 14. COUNCILOR ISSUES OR COMMENTS

117 Councilor Denault mentioned the cost of cable, read a quote from Teddy Roosevelt, and asked  
118 if the Council was withdrawing its letter for the Kittery Water District bill.

119 Councilor Thomson thanked Councilor Lemont for withdrawing the motion for the Wood Island  
120 pier. He also spoke in remembrance of Graham and Jean Alvord.

121 Councilor Lemont mentioned the sidewalks, and speeding in town. Councilor Lemont asked if  
122 the Council was withdrawing the its letter for the Kittery Water District bill. Councilor Lemont  
123 also asked about parking at Fort Foster.

124 Chair Spiller asked the Council if all were in favor of withdrawing the letter. The Council  
125 collectively responded yes, and Chair Spiller asked the Town Manager to write a letter to the  
126 Kittery Water District.

127 Councilor Clark recognized the Love Lane residents' petition and stated he had witnessed the  
128 traffic on many occasions and it was unacceptable. He also stated this should become a priority  
129 with the Council and should be handled outside of the Land Use Study. Councilor Clark spoke  
130 about other possible ways Kittery, as a community, could help with the Wood Island pier project.

131 Vice Chair Brock thanked Councilor Lemont for withdrawing the motion for the Wood Island pier  
132 project, as he felt that Kittery had contributed significantly by donating land, authorizing the  
133 concession agreement, and in the future financially, due to repairs that might be needed. He  
134 also was concerned with the traffic caused by the Shipyard impacting the residents and the local  
135 businesses.

## 136 15. COMMITTEE AND OTHER REPORTS

137 a. Communications from the Chairperson - None

138 b. Committee Reports - None

## 139 16. EXECUTIVE SESSION –

140 a. (030120-12) The Kittery Town Council moves to go into Executive Session with the Town  
141 Manager and Town Attorney in accordance with 1 M.R.S. §405 (6) (A) to discuss or  
142 consider complaints regarding appointees, where public discussion could be reasonably  
143 expected to cause damage to an individual's reputation or right to privacy.

144 Councilor Thomson moved to go into the Executive Session at 7:15 p.m., seconded by  
145 Councilor Pelletier.

146 Motion Carried 7-0-0

147 Councilor Thomson moved to come out of the Executive Session at 7:50 p.m., seconded by  
148 Councilor Denault.

149 Motion Carried 7-0-0

## 150 17. ADJOURNMENT

151 Councilor Thomson moved to adjourn, seconded by Councilor Pelletier.

Motion Carried 7-0-0

Submitted by Kim Tackett

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

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

KITTERY TOWN COUNCIL UNAPPROVED MINUTES

Special Meeting - Requested by Chairperson Spiller

Remote Meeting

APRIL 2, 2020

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. All items involving the town attorney, town engineers, town employees, or other town  
8 consultants or requested offices

9 a. (040120-1) The Kittery Town Council moves to receive a report from the Town Manager  
10 regarding the Town's response to the COVID-19 Emergency.

11 The Town Manager reported on: status of Town operations, current challenges, fiscal year  
12 2020, and fiscal year 2021.

13 The Town Manager asked the Council for support in sending a letter to Maine CDC to request a  
14 report containing COVID-19 cases broken down by town instead of by county.

15 All were in favor.

16 The Town Manager asked the Council for support in delaying the budget until 30 days after the  
17 State of Emergency has been lifted.

18 All were in favor.

19 6. NEW BUSINESS

20 a. (040120-2) The Kittery Town Council moves to suspend the Council Rules to allow for more  
21 efficient regular meetings while the State of Emergency is in effect for Maine.

22 The Town Manager gave an overview for a more efficient way to have regular meetings while  
23 the State of Emergency is in effect for Maine.

24 Moved by Councilor Thomson, seconded by Councilor Pelletier.

25 Motion Carried 6-0-0

26 b. (040120-3) The Kittery Town Council directs the Town Manager to issue a letter to Governor  
27 Mills requesting greater action for York County to reduce the spread of COVID-19 in York  
28 County.

29 No action taken.

30 c. (040120-4) The Kittery Town Council moves to waive late fees and interest charges for real  
31 estate and personal property taxes, sewer charges, and mooring fees starting April 3, 2020 and  
32 continuing through July 15, 2020.

33 Moved by Councilor Thomson, seconded by Councilor Pelletier.

34 Motion Carried 6-0-0

35 d. (040120-5) The Kittery Town Council moves to finalize a COVID-19 Warrant Article for the  
36 June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the article.

37 The Town Manager gave an overview of the COVID-19 Warrant Article of the June 9, 2020  
38 Town Meeting Secret Ballot Election.

39 Councilor Denault asked the Town Manager if this article would affect the bond rating and  
40 whether it needed to be on the warrant.

41 The Town Manager stated that it would affect the town's bond rating and the article does have  
42 to be on the warrant.

43 Moved by Councilor Thomson, seconded by Councilor Pelletier.

44 Motion Carried 6-0-0

45 7. ADJOURNMENT

46 Moved by Councilor Thomson, seconded by Councilor Pelletier.

47 Motion Carried 6-0-0

Submitted by Kim Tackett

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

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



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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: July 27, 2020  
Updated: August 24, 2020  
From: Kendra Amaral, Town Manager  
Subject: TIF District 3 – District Program Amendment  
Council Sponsor: Chairperson Judy Spiller

---

**OVERVIEW**

Kittery adopted the Tax Increment Financing District #3 at the end of 2010 with the expressed purpose of broadening the tax base, and attracting business development in the designated TIF district. When the Town adopted the TIF District Program it expressly required that 100% of the “tax increment” be diverted to the TIF fund, leaving only the taxes generated from the baseline property value supporting the annual operating budget. The proposed District Program changes will allow the Council to revise the diversion from some percentage below 100%, thereby allowing a portion of the new value created by development to go towards the annual operating budget, providing relief for other taxpayers.

**PROPOSED DISTRICT REVISION**

The recent final plan approval for 76 Dennett signals that long-awaited development in this zone may be realized in the near future. The potential value of the permitted development is upwards of \$58M.

Currently, the District Program requires that 100% of the “new value” of the development, if and when built, will be captured by the TIF. In other words, 100% of the new taxes generated by the project would be allocated to the TIF fund and available only for infrastructure in the TIF District. None of the “new value will be used to offset the cost of the general operating budget.

The proposed District Program amendment allows the Council to vary the percentage of new value, up to 100%, to be captured by the TIF. This distinction will allow the Council to determine how much of the new value should offset the cost of the general operating budget, and divert only that which it deems advantageous to support infrastructure costs needed to implement the project. **The Council would adopt/affirm the percentage of new value as part of the annual budget review and approval to ensure the budget appropriately accounts for the diversion of associated TIF funds.**

Additionally, the proposed District Program amendment would allow the Town to utilize TIF funds from the district for additional “out of district” improvements such as road and traffic control measures and wetlands/watershed mitigation, enhancement, restoration, and reclamation. Specifically, this amendment would make it possible to use TIF #3 for improvements along Martin Road.

Attached are illustrations of how the TIF works and the different between the current District Program (100% new value captured) and the potential of the proposed plan, if the Council choose, for example 65% of new value captured. One example shows the impact if no development occurs, the other if the 76 Dennett Road project is built as proposed.

**PROPOSED SOLUTION/RECOMMENDATION**

Adopt the amendment to District Program as proposed.

**ATTACHMENTS**

- Proposed TIF #3 District Program Amendments
- Illustrations

**DRAFT: August 24, 2020**

**DRAFT  
ECONOMIC DEVELOPMENT  
KITTERY, MAINE**

*An Application for an Amendment to a Municipal Development  
And Tax Increment Financing District*

**FIRST AMENDMENT TO  
DISTRICT #3 – BUSINESS PARK**

**AMENDED PER TOWN COUNCIL APPROVAL ON \_\_\_\_\_, 2020**

**PRESENTED TO:  
TOWN OF KITTERY**

**BY:**

**KENDRA AMARAL  
Town Manager  
200 Rogers Road  
Kittery, ME 03904  
207-475-1329  
kamaral@kitteryme.org**

Submitted to:  
State of Maine  
Department of Economic and Community Development  
59 State House Station  
Augusta, Maine 04333-0059



COVER LETTER

TOWN OF KITTERY MAINE

\_\_\_\_\_, 2020

State of Maine  
Department of Economic and Community Development  
59 State House Station  
Augusta, Maine 04333-0059

To whom it may concern,

On behalf of the Town of Kittery, attached please find an application to amend the Municipal Development District #3 (Business Park) District in the Town pursuant to this First Amendment in order to promote economic development.

Thank you for your consideration. Please contact me if you have any questions or concerns.

Sincerely,

Kendra Amaral  
Town Manger

1 **I. INTRODUCTION**

2 The Town of Kittery (the “Town”) created the Municipal Development District #3 (Business Park)  
3 (the “District”) and a development program (the “Development Program”) for the District that was approved  
4 by the Kittery Town Council and the Maine Department of Economic and Community Development  
5 (“DECD”) effective on February 8, 2011. The Town now desires to amend the Development Program by  
6 this amendment (the “Amendment”) in order to spur new economic development, provide new employment  
7 opportunities, improve and broaden the tax base, and improve the general economy of the Town and the  
8 State of Maine.

9 For future reference, original Development Program materials are attached as Exhibit D. To the  
10 extent there is a discrepancy between this Amendment and the original Development Program, this  
11 Amendment controls.

12 The District and Development Program are hereby amended as follows:

13 **I. IMPROVEMENTS OUTSIDE TH DISTRICT**

14 **5.3.4.2 Improvements Outside the District**

15 The costs of improvements that are made outside the tax increment financing district but are  
16 directly related to, ~~or are~~ made necessary by the establishment or operation of the District, or  
17 mitigate impacts of the establishment or operation of the District including, but not limited to:

18 a. that portion of the costs reasonably related to the construction, alteration or expansion of any  
19 facilities not located within the District that are required due to improvements or activities within  
20 the District, including, but not limited to, roads, traffic control measures, sewage treatment  
21 plants, water treatment plants or other environmental protection devices; storm or sanitary sewer  
22 lines; water lines; improvements to fire stations and amenities on streets; wetlands and/or  
23 watershed enhancement, restoration, mitigation, and reclamation.

24 b. costs of public safety improvements made necessary by the establishment of the District; and

25 c. costs of funding to mitigate any adverse impact of the District upon the Town and its  
26 constituents. The facilities financed by the tax increment shall not include any facilities,  
27 buildings or portions of buildings used predominantly for the general conduct of government or  
28 for public recreational purposes, including, but not limited to, town halls and other headquarters  
29 of government where the governing body meets regularly, courthouses, jails, police stations and  
30 other state and local government office buildings, recreation centers, athletic fields and  
31 swimming pools.

32 **II. TERM**

33 **5.5 Program Duration.**

34 The duration of the District will be 30 years from the original date of inception of the District  
35 (approximately 2012 Fiscal Year) and approval by the Maine Department of Economic and  
36 Community Development. ~~beginning of the first tax year after designation of the District and the~~  
37 ~~effective date of the approval of the District by the Maine Department of Economic and~~  
38 ~~Community Development.~~

39 Effective for tax years beginning July 1, 2020 and forward, the Town hereby amends the original  
40 Development Program as follows:

41  
42

**III. INCREASED ASSESSED VALUE CAPTURE**

43 **6.1 Increased Assessed Value Capture**

44 The District is expected to generate certain incremental or additional tax revenues, which will be  
45 captured or retained to pay the costs of this Development Program. The property taxes assessed  
46 upon the portion of the Increased Assessed Value that is captured (the “Captured Assessed  
47 Value”) of property in the District (such property taxes, the “Tax Increment”) will be captured or  
48 used by the Town under the Development Program to pay costs of the Public Facilities,  
49 Improvements and Programs described in Section 5.3 hereof and the Capital Program described  
50 in Section 5.4 hereof.

51 **IV. SOURCES OF ANTICIPATED REVENUES**

52 **6.8 Sources of Anticipated Revenues**

53 The source of the revenue to be used to pay the costs of this Development Program is the Tax  
54 Increment ~~on the Increased Assessed Value~~ of the District. Tax Increment means all Property  
55 Taxes assessed by the Town, in excess of any state, county or special district tax, upon the  
56 ~~Increased~~ Captured Assessed Value of all real property in the District<sup>[KA1]</sup>.

57 **V. TERMS AND CONDITIONS OF CREDIT ENHANCEMENT AGREEMENTS (CEAs)**

58 **6.9 Terms and Conditions of Credit Enhancement Agreements (CEAs)**

59 A description of the terms and conditions of the agreements, contracts and obligations to be  
60 entered by the Town is set forth in the model Credit Enhancement Agreement that may entered  
61 by the Town and one or more Developers which will be in the form attached hereto as Exhibit 1,  
62 with such changes thereto as determined appropriate by the Town Council. The Credit  
63 Enhancement Agreement sets forth the obligations of the Town to pay to the applicable  
64 Developer each year during the term of that Agreement the applicable Tax Increment  
65 (Developer’s Share) described in Section 6.10 hereof. The maximum term of any Credit  
66 Enhancement Agreement shall be 30 years, and the maximum percentage of the Tax Increment  
67 Revenues (Developer’s Share) shall be up to 75 ~~100~~%. The Council may establish lower  
68 limitations as to the term of any Credit Enhancement Agreement and the maximum percentage of  
69 Tax Increment Revenues (Developer Share) and may cap the amount of Tax Increment Revenues  
70 payable to any Developer. The Council shall determine in its discretion whether it is necessary or  
71 appropriate to enter any Credit Enhancement Agreement. No Developer is entitled to any Credit  
72 Enhancement Agreement.

73 **V. CAPTURED ASSESSED VALUE**

74 **6.10 Estimates of Increased Assessed Values Designated, Portion Applied**

75 ~~The Town hereby designates, as Captured Assessed Value, 100% of the Increased Assessed~~  
76 ~~Value as the portion to be applied or retained each year to pay costs of the Capital Improvements~~  
77 ~~and Programs.~~

78 Town hereby designates, as Captured Assessed Value, up to 100% of the Increased Assessed  
79 Value in the District (with the actual Captured Assessed Value percentage to be designated by  
80 formal vote of the Town Council no later than June 30<sup>th</sup> each year, a notice of which shall be  
81 provided to DECD following such designation, provided that the actual Captured Assessed  
82 Value percentage for a given year shall not be less than the Captured Assessed Value percentage  
83 for that year stated in any Credit Enhancement Agreement then in effect with respect to property  
84 in the District), and the Tax Increment based on the Captured Assessed Value shall be applied or  
85 retained each year to pay costs of the Capital Improvements and Programs. If less than 100% of  
86 the Increased Assessed Value is captured as Captured Assessed Value, the tax revenues  
87 attributable to the uncaptured Increased Assessed Value will be designated in the Town’s general  
88 fund as non-restricted funds.

89 **VI. CREDIT ENHANCEMENT AGREEMENT PAYMENT LIMITED**

90 **6.10.1 Credit Enhancement Agreement Payment Limited**

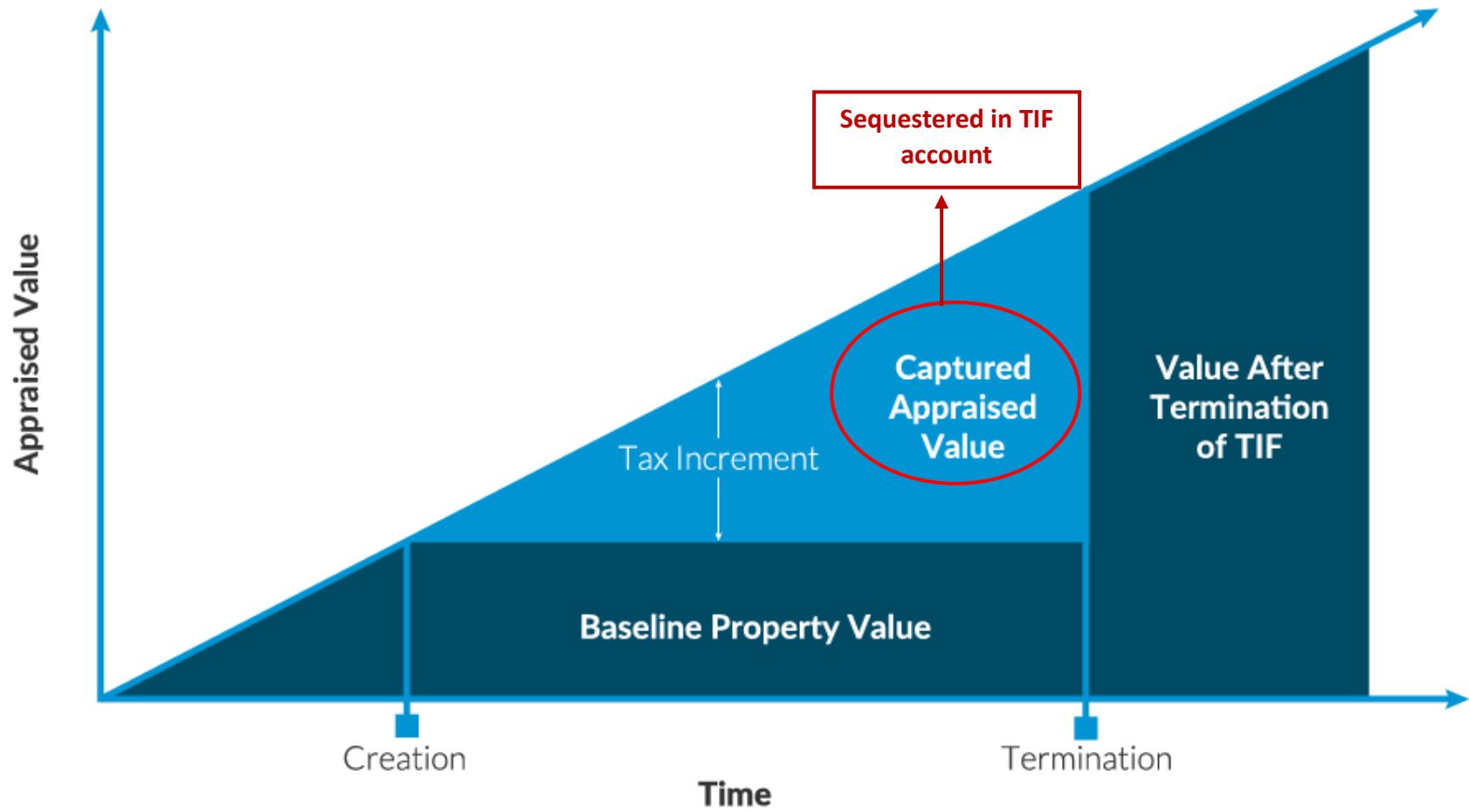
91 ~~The amount of the total Tax Increment that is to be paid each year to any developer under a~~  
92 ~~Credit Enhancement Agreement to pay or reimburse costs of the Capital Program, however, is~~  
93 ~~limited to the percentage as hereafter designated by the Town Council of the Tax Increment from~~  
94 ~~the Increased Assessed Value solely of the assessed value of the real property owned by the~~  
95 ~~developer (or for which it is otherwise obligated to pay property taxes) (hereinafter the “Tax~~  
96 ~~Increment (the Developer’s Share)” and such Tax Increment (Developer’s Share) specifically~~  
97 ~~excludes any tax increment on any other real estate in the District and on any personal property~~  
98 ~~now or hereafter located in the District.~~

99 Up to 100% of the total Tax Increment created by the Captured Assessed Value may be paid  
100 each year to any developer under a Credit Enhancement Agreement (with the actual percent of  
101 Tax Increment resulting from the Captured Assessed Value being paid to any developer chosen  
102 at the discretion of the Town from year to year, up to 100%, in the applicable Credit  
103 Enhancement Agreement and chosen in a manner consistent with the Development Program) to  
104 pay or reimburse costs of the Capital Program. The Tax Increment is limited to the amount of the  
105 Tax Increment resulting from the Captured Assessed Value solely of the assessed value of the  
106 real property owned by the developer (or for which it is otherwise obligated to pay property taxes  
107 of) (hereinafter the “Tax Increment (the Developer’s Share)” and such Tax Increment  
108 (Developer’s Share) specifically excludes any tax increment of any other real estate in the  
109 District and any personal property now or hereafter located in the District.

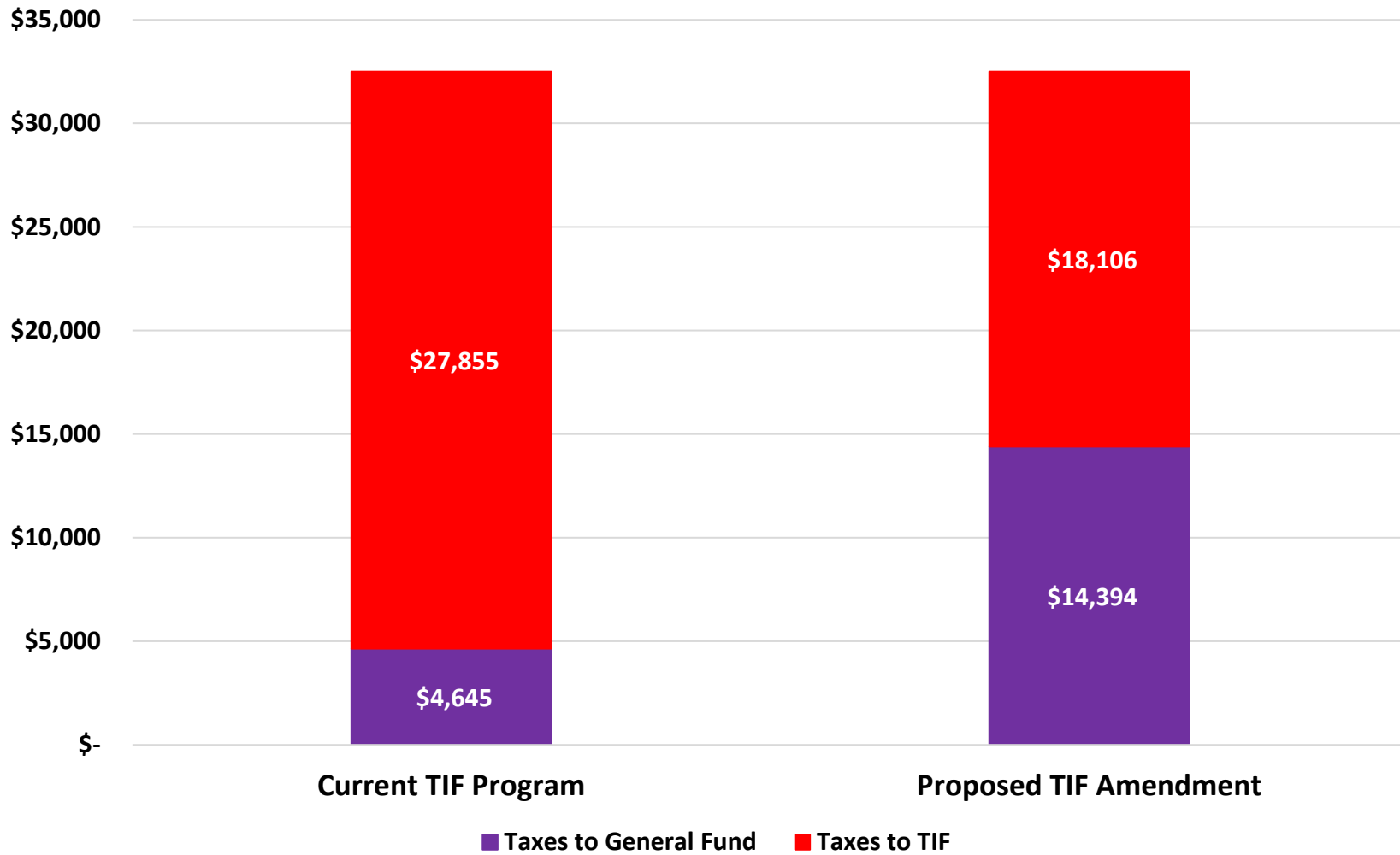
110 **VII. NOTICE OF PUBLIC HEARING AND APPROVAL OF AMENDMENT**

111 Attached hereto as Exhibit A is a certified copy of the Notice of Public Hearing (the “Notice”) held  
112 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The Notice was published in the  
113 Portsmouth Herald, a newspaper of general circulation in the Town at least ten (10) days prior to the public  
114 hearing. A public hearing (the “Town Meeting”) held pursuant to such Notice was held on August 24, 2020.  
115 The minutes of the public hearing are attached hereto as Exhibit B. The results of the Town Council vote  
116 approving this Amendment are attached hereto as Exhibit C.

## Tax Increment Financing (TIF)

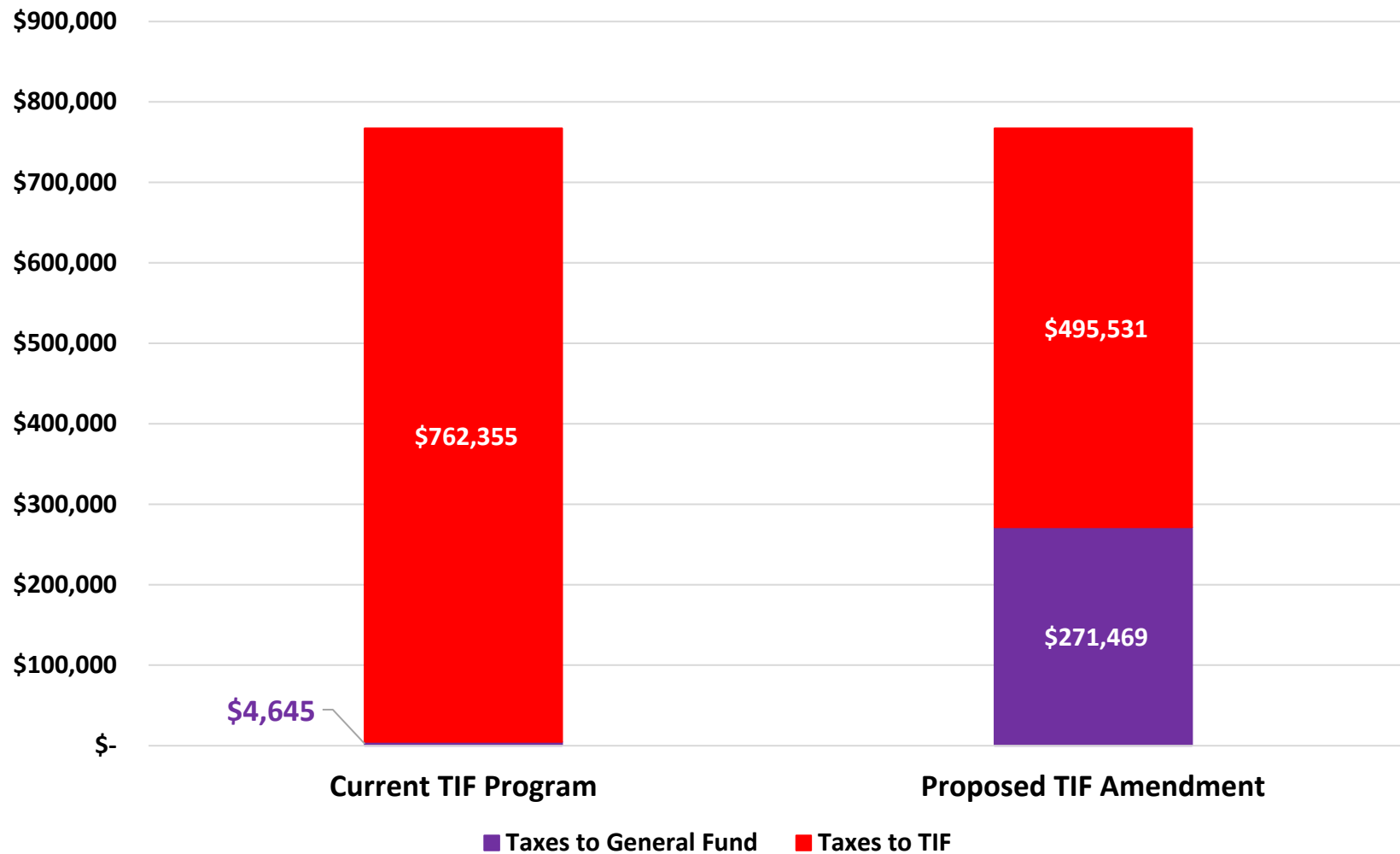


## Property Tax Revenues – Undeveloped Value\* Existing vs. Proposed TIF Program



- Estimated taxes based on FY 2020 value.
- Proposed reflects 65% of value above baseline as Captured Appraised Value.

## Property Tax Revenues – Estimated Developed Value\* Existing vs. Proposed TIF Program



- Estimated taxes based on value provided by the developer.
- Proposed reflects 65% of value above baseline as Captured Appraised Value.

# Dogs on Beaches



Tue 8/11/2020 2:21 PM

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

I fully support the current system (excluding executive orders) of allowing dogs off leash before 10 and after 5 on Seapoint, and always on leash at FF. I do believe that the dog people would be willing to do some kind of patrolling/clean up in order to keep this privilege. The streets of kittery are not safe for walking dogs. The beach is about the only place that dogs can really run.

Lyn

Lyn Rosoff  
61 Tilton Avenue  
Kittery, Maine 03904  
(617) 224-6960 mobile



# Dogs at Town Parks

Michael McCarten <[REDACTED]>

Tue 8/11/2020 1:42 PM

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

I am a fervent dog lover but I must oppose allowing dogs to Fort Foster and other Kittery beaches. My opposition, and the reason I no longer walk my dogs at Fort Foster, is based the following observaations made at Fort Foster:

- the vast majority of dogs at Fort Foster are unleashed despite a large sign that has been posted at the front gate for many years clearly stating that all dogs must be leashed.
- owners cannot pick up after unleashed dogs thus dog waste can be found throughout the grounds, another infraction of posted guidelines.
- often town employees need to go around Fort Foster collecting bags of dog waste left behind by dog walkers, a chore tax payers should not have to fund and a display of lack of respect for those workers.

My wife and I pick up litter along Pocahontas Road from the bridge over Chauncey Creek to the gate of Fort Foster as part of Kittery's Adopt A Road program. We regularly pick up bags of dog waste discarded into the brush along Pocahontas Road. This doesn't prove the waste was collected during a walk in Fort Foster, but it's a reflection of a prevailing attitude among many relative to caring for the common good.

I wish I could me more optimistic that there will be a public epiphany relative to adhering to the municipal guidelines regarding dog walking at Fort Foster, especially in a world where we are all dependent upon each other for our individual and collective welfare, but the lack of adherence to the posted guidelines makes me inclined to feel nothing will change in the future.

Respectfully submitted,

Mike McCarten  
23 Pocahontas Road

# Kittery Dogs & Roger's Park

Jamie Carver <[REDACTED]>

Tue 8/11/2020 7:23 AM

To

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

Good Morning,

I live in the Roger's Park neighborhood and as a dog owner, consider this dog friendly site (as well as Seapoint Beach) to be a significant factor that went into determining where I would purchase a home.

I am very disappointed to hear that the town council is unilaterally considering requiring leashed dogs at all times at both Roger's Park and Seapoint beach.

My issue is that a sign of good governance is the wisdom to only enact rules that;

1. Have been thoroughly investigated and have gathered adequate data.  
How many people per day use Roger's Park (or Seapoint beach) and what percentage of them are dog owners? During what times? What percentage let their dogs off leash?
2. Are enforceable.  
Does your part time dog cop have the time, willingness and capacity to enforce these rules seven days a week?
3. A majority of residents support it and demand it (backed up by data).  
Is this based upon or initiated by one or two vocal supporters, or do the majority of residents support / want this? How do you know?

I thank you for your service, however, my preference would be that as a town council, rather than driving hard to the right or left, or wasting time on the latest hot topic brought up on a whim, that you rather systematically solicit the needs and wishes of the majority of your constituents and work towards reasonable compromise by creating times and opportunities for all to enjoy our beloved local resources.

As well, my preference would be that as a town council, you focus your time on some of the real issues at hand in Kittery - shipyard employees parking on Walker street all day long (with no ticketing)... downtown (and Roger's Park neighborhood) sidewalks that are old and buckling and have caused numerous trips and falls of elderly residents... cars that race over Love Lane on a daily basis... aging sewer lines that collapse and flood downtown residence... etc.

Dogs in parks is not something that should take up much of your time.

Thank you.

Best,

8/12/2020

Kittery Dogs & Roger's Park - town comments

Jamie Carver

Jamie Carver, M.Ed.  
9 School Street,  
Kittery, Maine 03904  
Phone: (603) 953-3851  
Email: [jamie@jamiecarver.com](mailto:jamie@jamiecarver.com)

# Parking

Jason Canty <[REDACTED]>

Mon 8/10/2020 8:31 PM

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

Good evening,

My name is Jason Canty, I have owned Anneke Jans for close to 10 years. I have literally watched our little neighborhood flourish around me in the best way possible. With such growth comes other concerns; traffic flow and parking.

For the past 7 years I have offered complimentary valet parking on Friday and Saturdays, not just for a value added experience for my guests, but also to monitor the use of our parking lot out back of my building and somewhat lighten the parking strain on the neighborhood.

In my opinion, I see the Dineen building as the perfect opportunity to expand the existing municipal parking lot. Not only would we be adding valuable parking spaces, but in the perfect centralized area of the Foreside.

Thank you,  
Jason

# Comments on Fort Foster dog restriction for August 17 Town Council Workshop

Emily Baer <[REDACTED]>

Mon 8/10/2020 3:08 PM

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

To Whom It May Concern:

This email is intended to share my comments on the proposals regarding dog restrictions at Fort Foster in advance of the Town Council's August 24th meeting. I am not a Kittery resident (I live in Portsmouth), but I visit Fort Foster multiple times a week and hold a 2020 season pass. I am strongly opposed to restricting dog access altogether to Fort Foster during the day (10am-5pm), as well as limiting off-leash times at night, because they unfairly discriminate against good dog owners and limit the park's unique accessibility to all.

When I first moved to NH, one of the first things I did was find a place I could regularly take my dog for exercise - I ended up at Fort Foster, which we have both grown to love. The park is stunningly beautiful, but it is also accessible for all - an all-too-rare attribute in New England. During my visits, I always take doggie bags with me (at least 3 so I have extra), pick up any refuse produced by my pet, and carry it around with me until I return to my car. And while I have observed the occasional "left behind" dog bag (alongside litter from humans), I have never observed a dog owner who did not pick up after their dog. In my experience, other dog owners are like minded and appreciative of how special and rare Fort Foster is for ourselves and our pets. In fact, one of the things I loved most about visiting Fort Foster (especially as a newcomer to New England) is the introduction it provided to a community of kind and friendly fellow dog owners - people I would never have otherwise met. Over the past several months, safe, affordable activities like this have only become more rare and important for me and many others.

While the Town Council may already be aware of these issues, I want to share my personal perspective on the broader economic and social consequences of both Option A and B. First, to be clear, I will not spend money on day passes or a season pass to Fort Foster if I cannot bring my dog. Especially in these current socially distanced times, my exercise always includes my pet - if I cannot take him, I will seek other locations where I can bring him. For the town of Kittery, lost revenue from fees to Fort Foster is likely to be felt more broadly - indeed, I almost always combine my visits to Fort Foster with a visit to Kittery bakeries, coffee shops and restaurants (Lil's Cafe, Beach Pea Bakery, Tulsi, Anju, Pepperrell Cove, etc. - all locally owned businesses). This is money that I will spend in my own Portsmouth, NH community if I cannot go to Fort Foster. And lastly, I want to note that I am concerned about the heightened public health threat of visits to the few dog friendly places that remain if Fort Foster restricts access. Allowing dogs in Fort Foster undoubtedly encourages their owners to get out and exercise themselves, but it also decreases the density of people in other dog friendly places -- especially important in the current socially distanced times.

I understand the Town Council's concerns and would recommend a few other alternative suggestions to address the issues raised by dogs:

- Install stations with doggie bags and/or small bins for dog refuse at the large parking lots. Fees for the installation of such items would be collected via a "dog season pass" available in the same manner as a normal vehicle-linked season pass.
- I am also not opposed to broadening leash requirements during the on-season (as is practiced right now). In fact, in the two years that I've been going to Fort Foster, I rarely let my dog off-leash because other people (especially families with young children) are often unaware of the rules in the off-season (or before 10am) and I would not want them to be surprised by my very friendly golden retriever. Alternatively, you might consider requiring dog owners to submit a letter from their vet, dog trainer, boarding facility, or other licensed individual who can certify that the dog is non-aggressive. As you are already required to submit a vehicle registration certificate to purchase a season pass, this would not be unreasonable or difficult to institute as part of the online application.

8/12/2020

Comments on Fort Foster dog restriction for August 17 Town ... - town comments

Thank you for consideration of these comments.

Best,  
Emily Baer  
563 Sagamore Avenue, Apt. 20  
Portsmouth, NH 03801

# Feedback on proposed changes to Fort Foster

Ben Raymond <[REDACTED]>

Mon 8/10/2020 1:59 PM

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

Hello,

I am writing to express my concern over proposed changes to Fort Foster that I've been made aware of. I stumbled upon the park about 3 years ago and since then it has been our go to summer spot to frequent with my partner and our dogs. We normally grab some food at local businesses and bring it to the park to enjoy.

It's not too clear to me what the options are going forward however I was very concerned to see that Dogs may be banned at all times. This would be an incredible loss for our family as well as many others, we would be devastated to say the least.

If dogs are banned we would have no reason to continue to purchase season passes or visit the park. There are sandier beaches with more space and other positive attributes, the main reason that we visit Fort Foster is because we are able to do so with our dogs. I suspect many others feel the same way. I don't mean any offense by this, but Fort Foster is a rocky beach that is interesting to visit once in a while but it would no longer be a frequent destination for us or other families if dogs are no longer permitted.

I have seen some propose a dog park instead of dogs at fort foster but that simply isnt comparable. There are plenty of dog parks to go to but fort foster is special because of its location on the ocean.

I know others are upset about proposed leash laws and while I think it would be great if a section of the beach was dedicated to off-leash, I personally don't allow our dogs off leash either way so my main concern is that Dogs will be permitted particularly on weekends which is when I and many others are able to visit the park.

If there is no other choice but to only allow dogs after 5pm this would be very disappointing and I'm sure others would no longer visit, however for me this at least would be better than a complete ban.

If a complete ban is on the table I wanted to write to urge you to reconsider this. I do believe now that this issue has been given so much attention the waste and other issues will improve. If there is a way to have a trash can on site this will greatly improve this as well.

To be clear we would not be visiting as frequently if day time visits with dogs were not permitted and I'm sure many others would no longer visit at all. I just wanted to point out that if there is absolutely no other option than a day time ban this would at least be better than a complete ban.

Please consider the loss of revenue that will occur if a ban is put in place (both a complete ban and daytime ban) and also how devastating this will be for residents and visitors for which Fort Foster has been one of the few bright spots during a very tough time.

Thank you,

Ben

[ben.r.raymond@gmail.com](mailto:ben.r.raymond@gmail.com)

774-994-0572

37 Crockett Neck Road  
Kittery Point, ME 03905  
August 4, 2020

Mr. Jeff Pelletier  
Kittery Town Councilor  
109 Brave Boat Harbor Road  
Kittery Point, ME 03905

Dear Councilman Jeff Pelletier,

I am aware that on August 24th, the Council will be addressing the issue of dogs on town property. I have seen comments on Facebook addressing various options. The purpose of this email is to officially let you know that I am not in favor of banning dogs from Sea Point Beach or Fort Foster. There are many options that I would find acceptable in terms of timing, scheduling, and leash requirements but please don't outright ban dogs on any hours, days, or seasons.

I go to Fort Foster at least once a week year round and several times a week during nice weather. I seldom see dog poop or poop bags around and seldom see dogs out of control. Seeing some of the comments on Facebook, it would seem Fort Foster is covered in debris with dogs running wild jumping on people. I don't know how I could have missed that in all of my trips. I also don't see bags along Pocahontas Road or in people's driveways along the road, which some residents have cited as problems. Perhaps the Council members could take a field trip all together at an unannounced time to walk around Fort Foster and assess the situation.

Today, it was immaculate and beautiful as always except I did see LOTS of goose poop on the beach path near the playground and I saw a gaggle of geese on the other side of the park, where they were probably also pooping. I wonder if people think that's dog poop as it looks the same only there is usually lots of it. Sadly, I recognize it from our yard at the lake.

I thank you for your time and attention to the difficult task of sorting this out.

Very truly yours,

Nancy Peschel  
nlpeschel@comcast.net



## Proposal for option #3 on the great dog debate

Tamara Jo Corcoran <[REDACTED]>

Wed 8/12/2020 1:02 PM

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

After reading both option A and B I don't feel like either one is acceptable to either me or the other dog owners of this town. I would like to add another option before any voting occurs. Can that be done? Here is my idea:

Besides being a dog owner I'm also a surfer and we went through hell with the town of York for years with them trying to ban surfing. (another ludicrous idea). BUT...the way it was resolved was by giving us our own beach. Non-surfers could still go there if they felt like it (even though I felt that was dangerous and somewhat defeated the purpose) but its considered the "surfing beach". Why not give dog owners free reign of Rocky Beach during all hours and then we can still squabble about the rest of the park? I think this idea is a really good one. In this way we can police ourselves. We certainly will not abide anyone not picking up their dog's poop and if there is an errant dog who should be on a leash , we will not have a problem stating such. We will have a high initiative to keep the beach clean and safe so our dogs can continue to stay off-leash and enjoy themselves the way dogs are meant to be; swimming, playing with each other, throwing a ball or frisbee, etc.

In this same line of thought I believe the town of Kittery needs to acknowledge that pets are here to stay and they are part of our families. Someone wrote that FF is "not a dog park."No, its not- it is a FAMILY park and dogs are to many of us, family members. Did you know we spend over a billion dollars a year on our pets?\* That alone should prove to you what immense value they have to us. Its like the surfer thing, we are here to stay and anyone living in the real world would see this immediately. We, (dog owners), spend a lot of money in this town and we need to stop letting a bunch of dinosaurs say otherwise. (I can say that, I'm 61 😊 )

Remember this too, dogs save lives in the wars, as firefighters, as avalanche rescuers, as cancer detectors, bomb detectors, as real help to people with autism and emotional scars to name just a few of their amazing abilities. We are not discussing pieces of furniture here- These are living beings who experience, grief, affection, loyalty and many other of our "human" emotions. No one has even taken their lives into consideration here. They NEED to burn off energy or they become neurotic and develop bad habits like barking all day or becoming more aggressive because they haven't been socialized with other dogs and people. Becoming socialized is only accomplished by playing and interacting with other dogs so the more you keep them apart, the more problems you actually create.

Lastly, if you are one of those people who doesn't experience even a little joy watching dogs play with one another, running full out with all their heart, jumping into the ocean without a moments hesitation...I would have to call you a bit broken. They are such honest, joyful creatures with such loyalty and unconditional love we humans could only hope to emulate.

In conclusion, I once again ask, can this (Rocky Beach) be considered another option? (You could also do the same with Crescent Beach at Seapoint) I also believe we need to postpone this vote until the first part of October after all the school issues have been resolved and to give dog owners a FAIR chance to organize. Of course you want to be fair, yes? The town council is supposed to be representative of the people of Kittery, not their rulers.

Thank you for your time,

Tamara Corcoran

\* This is not an exaggeration, do some research if you are skeptical.

# Comments to the town council

Jennifer Freeman <[REDACTED]>

Thu 8/13/2020 4:21 PM

To: town comments <tcomments@kittervme.org>: [REDACTED]

I'm a resident of Kittery and am writing about a possible permanent ordinance that would require dogs be leashed at all times. Our chief of police in late 2019 stated that the number of dog calls and complaints had diminished over the previous few years. Before the town drafts new ordinances making stricter laws against dogs and their owners, shouldn't the town demonstrate a growing problem that needs to be addressed?

But, I do agree that there are a few bad dog owners. And a few vocal people who use this as their justification to push to enact ordinances that would restrict our dogs to leashes at all times. This is an emotional, rather than a logical response. For example, alcohol use creates more societal issues than any benefit it gives. So perhaps we should ban alcohol. While we're at it, ban all teenage drivers, elderly drivers. Ban motorcycles, bicycles, skateboards. My point is that society does not outlaw much that may be problematic and even dangerous. That's where education, clear ordinances with clear and consistent signage, and enforcement would come in.

Fort Foster has been free to walk-in residents and non-residents alike when closed; people often undervalue something they don't have to pay for or put any effort into. There have been so many mornings of twenty plus cars (sometimes many more) parked outside the gate without a Fort Foster sticker, never ticketed. Are they even aware of the rules and that there have been problems? I've had discussions with dog owners who insisted that their dog's poop at the side of the path was fine – that they only had to pick up poop that was actually in the path. A dog pass with a contract spelling out the owner's responsibilities would be a good step toward awareness – the cost of the pass would pay for the cost of implementing such an idea. The fear of the pass being revoked for the season or forever would help with compliance.

So many of us love walking our dogs early mornings on the beach and at the Fort. It's our community and it's a big community. Many, many of us pick up poop bags left behind (and other trash) and scoop poop. Almost all of us have well behaved dogs and and we pay attention. Many of us recognize what we could lose and have actively promoted responsible behavior at the beach and the Fort.

Requiring leashes 24/7 is addressing the issue with a sledgehammer and it penalizes all law-abiding dog owners. There are good solutions out there besides mine, just look at the great suggestions from the Parks Commission, let's consider them. Thanks. –Jenny Freeman

# Dog Ordinance

Mary Ingham <[REDACTED]>

Thu 8/13/2020 6:31 PM

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

## Seapoint and Ft. Foster Dog Ordinance

I am writing in support of a compromise solution that will allow dogs and their owners designated times at Ft. Foster and Seapoint Beach. I hope a good solution can be reached which will satisfy both groups.

I have been walking at Ft. Foster and Sea Point for 44 years, some people for longer. Our daily walks with our dogs are an important part of our lives. I believe we are all willing to be a part of the solution.

As a first light walker, I know that our group has always been conscientious about picking up after our dogs. We go out of our way to pick up after other people as well be it dog waste or trash.

A large part of the current problem is Internet sites posting us as "dog friendly" or dog parks: *TripAdvisor*, *BringFido*, etc. This has increased the number of people and dogs beyond our community. We have dogs and people coming to Ft. Foster from as far away as Massachusetts.

For the most part, the dog community in this town is made up of thoroughly good people. It is sad to see this issue become so contentious when we all should be seeking a good solution for everyone. The dog community wants to be a part of the solution.

Sincerely,

Mary Ingham

31 Bowen Rd.

Kittery, ME 03904

207-439-2499

[mmingham@comcast.net](mailto:mmingham@comcast.net)

# Beach and park access

Laurie Bilby <[REDACTED]>

Fri 8/14/2020 7:48 AM

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

Good morning,

I have been a homeowner in Kittery point for just about 20 years, which is a substantial amount of tax paid into the town.

I love living in this community, and all that it has to offer, and chose to leave here in a fairly modest home on a small lot, rather than buy more house and land elsewhere. I've also rescued a couple of dogs. One of the reasons I have not complained about my taxes, is because Kittery has always offered a place for the dogs and myself to get some good exercise and really enjoy our natural surroundings, something that is head and tails over adjoining locals in terms of quality of life.

I'm not sure I would want to live here any more if they were an outright ban on dogs at Seapoint Beach and Fort Foster. They are already dog free spaces in Rachel Carson wildlife preserve, and at Seapoint during the daytime in the summer. These are reasonable compromises for us all to be able to get along. Responsible dog owners like myself should be able to take the animals for an off-leash run early and late in the day.

Any proposal for an outright ban seems petty and vindictive. There is human waste in our public spaces, and yet no ban on humans. There always are a few bad actors, it is up to all of us to enforce what I feel are very good practices currently in place. Perhaps banning all non-residents all the time would be the more effective answer, but I'm not even sure that makes sense.

It seems we can never leave this issue alone, and I can't believe we don't have bigger issues to solve. Maybe that just points out how lucky we are.

Sincerely,  
Laurie Bilby

Sent from my iPhone — blame it for all errors! Onward!

# Dogs in Kittery

DONALD CRAIG <[REDACTED]>

Fri 8/14/2020 1:49 PM

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

August 14, 2020

To: Town Council Kittery Maine

Subject: Dogs in Kittery

From: Don and Merry Craig

2 Follett Lane

Kittery Point, Me 03905

Dear Members,

We have had dogs for our 25 years in Kittery Point. Our dogs are leashed or under voice command at all times. Not only do we clean up our dogs waste we also clean up trash alongside the roads.

We have been happy to have all dogs on leashes at Sea Point and Fort Forster during open hours. But, we miss our early morning and after supper runs in the park and at the beach.

Dogs have saved the sanity of many during the pandemic. Let's let them run free at low volume times.

Regards,

Don and Merry

# Proposed Dog Ordinance: Title 6

Celina Adams <[REDACTED]>

Fri 8/14/2020 6:50 PM

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

Co

Dear Councilor Spiller, Town Manager Amaral et al.

I am writing to make sure that when the hands are counted on the issue of Kittery remaining a dog-friendly community, that my voice was heard. As a thirty+ year tax-paying citizen of Kittery I am in favor of Kittery remaining a dog-friendly community, as it has always been.

As it is currently written Title 6 is too restrictive and onerous. It was written as if dog owners are the enemy and all dogs are out of control. I would take issue with many components of the ordinance as written. For example, banning dogs from our spaces in summer or requiring them to be leashed at all times as well as the requirement for dogs to always be on leash at Rogers Park. Additionally, provision 6.1.4 D *"No responsible party may have more than 1 dog under voice control at large on public property, at any time."* That is unworkable for those of us with two dogs. Dogs socialized to play together. That is just not reasonable. Other provisions seem to adequately address the challenge of professional dog walkers roaming our parks with packs of dogs. Two dogs are not a pack.

Walking my dogs, off leash, as I too exercise, is one of the greatest joys I have living here. Its been awful since the Covid restrictions have been instituted. I think most other dog owners feel the same and that is why Page Mead, a person I deeply respect once observed that dog owners are "Kittery's NRA". If that means we are increasingly vocal, organized, and committed to the preservation of our privileges, then I think he was spot on.

Dog ownership is an increasing reality of modern family life. Fully 38% of Mainers owned a dog or multiple dogs before the Covid19 crisis and anecdotal data by Maine's animal shelters indicates that number has increased since the crisis began. Businesses that cater to pet owners is a large and growing part of our state and nation's GDP. And realtors know that designating a community as "pet friendly" drives sales. You heard that sentiment from new homeowners in the letters you have already received. Young families have sought to live in Kittery because of our pet friendly amenities. Fully 80% of American mayors surveyed indicate that local availability of pet friendly amenities increases the value of residential properties. Dogs and dog owners are here to stay. We are good neighbors, volunteers, and civic participants. Dog owners on average know more people in their towns than other residents because dog ownership builds social capital among citizens.

I have researched and gathered a lot of data about the benefit of dog ownership (including to the mental and physical well-being of their owners) and have started to review the developing body of case law that challenges municipal ordinances that unfairly penalize law-abiding dog owners. Our town should seek to remain on the right side of this issue and not cause more community distress than we are already experiencing during this pandemic. The balance between public health and safety and the privileged use of public spaces to adequately exercise our pets (and concurrently, ourselves) is our shared concern. If there are recorded incidents of dog attacks, fights, and injuries that warrant pulling back on citizens' privileges I'm sure the community would like to see that data and evaluate the reasonableness of making adjustments. As someone who is at one of Kittery's three public properties on a daily basis I can honestly say I have witnessed or experienced only one or two minor incidents in my thirty years of pet ownership. Are some people jerks who choose not to train or control their pets? Sure. No ordinance will change that. That said, the idea that there is a deep docket of complaints is, I think, over-dramatized. Of course, we can all commit to doing better and my recommendations on this are fairly simple:



First, continue to have hours restrictions in the summer months for off-leash dogs at our Town parks. Because Kittery citizens wish to preserve their privileges, it would be a rare occurrence indeed to find a resident violating these parameters.

Second, post clearly the restricted hours and monetary cost associated with violating our ordinance on signs. Get rid of signs that give conflicting information. Other towns do this successfully. Set the right expectation through clear information with visitors who are dog-adverse so they may knowingly choose different hours to visit our public properties in the summer. Since most of the hours are dedicated to the non-dog cohort, it should be a reasonable compromise.

Third, it is time for the Town to install and service waste receptacles. I pick up my animals' waste and bring it home in a bait bag. However, since there is an indication that waste is an issue, it is time to implement a system to collect it. As a community we can develop innovative ways to generate the revenue necessary to offset costs. To clarify a recent statement made at the August 10<sup>th</sup> Council meeting, poop in a bag is no more hazardous than other types of waste found in a trashcan. Other communities find a way to provide this service for community health and safety and I know Kittery can too. Having dedicated animal waste receptacles is but one of the criteria used to designate a community as dog-friendly. More information on this can be found on the [Better Cities for Dogs](#) website, a national effort to develop progressive pet policies and planning.

I am all for more strenuous enforcement of our animal control ordinances if they remain reasonable. The current ACO Officer Byrnes is not the town employee to do it. I have formally complained about my three interactions with him to the Town Manager and have been told my complaint was shared with the Chief. I have not had any response to my complaint. I am one of many citizens who has found Officer Byrnes caustic, aggressive, and rude. An ACO, who is a highly visible community liaison, should like both animals and people and treat both with respect. I ask that the Council consider whether any agreeable compromise will be successful if he continues serving as our ACO.

In conclusion, like many dog owners I am alarmed at what I have read in Title 6. I hope the Council will consider the importance of dogs in the lives of its residents and rely on the ample body of best practice in other communities to develop a workable solution with its resident dog owners. We should seek a simplified ordinance that is enforceable and that won't cause broad community resentment nor drive potential residents away. If a citizen working group is needed to explore reasonable and progressive options I would be happy to volunteer for such an effort.

Thank you for taking my thoughts under consideration. Please read my comments into the public record on August 24th, thank you.

Best Regards,



Celina Adams

19 Mendum Avenue

# Dogs

Joy McCauley [REDACTED]

Sat 8/15/2020 11:34 AM

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

 1 attachment

Kittery state of dogs.docx;

Hello,

Thank you for the opportunity to be heard. There is an attachment of this email.

To: The Kittery Town Council

From: Mrs. Joy McCauley

153 Pepperrell Road

Kittery Point, ME 03905

[jjoymccauley@aol.com](mailto:jjoymccauley@aol.com)

Dear Town Council,

I am fairly new to this beautiful community, having purchased a home here in 2019. Part of the character of Kittery, and Kittery Point, that attracted me was the value shown to all living creatures who share the area, including dogs.

For example:

I have neighbors who help provide wildlife habitats in a variety of ways- purchasing land tracks, growing pine trees, etc.

A resident posted a sign to slow traffic near Fort McClary. It encouraged slow driving to help provide a safe crossing for a beautiful young fox.

Hunters are respected here for the role they play in keeping a healthy balance for wildlife population.

Seapoint Beach and Fort Foster welcome dogs and their owners to share the beauty of the natural world together, as these partners have done for thousands of years. Our relationship with the natural world, and our appreciation of it, begins with the animal that is the bridge between humans and wildlife. Dogs help shape attitudes that will be of the utmost importance as the Climate Change Crisis charges on. We must keep them close.

I believe the current policy at these parks is the best policy. It is a step in the right direction to have a full time Animal Control Officer; rules are in place, the few who do not follow them should be held accountable.

Please do not change the dog- welcoming atmosphere that is such positive aspect of our unique and wonderful community. I speak in favor of maintaining the current policy for park use.

Sincerely,  
Joy E.

McCauley

# Dogs at Fort Foster

Jake Urman <[REDACTED]>

Sat 8/15/2020 11:57 AM

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

Hello,

My household has had seasons passes to Fort Foster for the last few years. We love bringing our dog there. We also foster dogs often and like to bring them there as well to help socialize them.

I have done some searching around to try to wrap my head around what the new proposals are, but I can't find any official documents outlining the new proposals.

I guess I'll just share my thoughts. I think leashed dogs should be allowed in the park. I hear there are a fair amount of people that are advocating for an area for unleashed dogs. Unless there is a fenced in area (like a dog park) I don't think that is a great idea. But I don't see why leashed dogs are frowned upon.

Maybe make a rule that if you are caught with an unleashed dog you will be asked to leave (along with the other people in your car). If this happens three times your pass will be revoked. But honestly I think the more rules that are made makes the park less enjoyable for all.

I guess I am advocating for dogs to be allowed in the park at all hours provided they are leashed.

Thank you for your time,  
Jake Urman

# What else? Title 6

Cameron Wake <[REDACTED]>

Fri 8/14/2020 6:36 PM

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

Cc: [REDACTED] Kendra Amaral <KAmaral@kitteryme.org>;

Dear members of the Kittery Town Council:

I am writing in response to the proposed Amendments to Title 6 – Animal Control.

As a dog owner, I fully realize that dogs have been a significant concern of Kittery residents, the Town Council, and the Parks Commission for years. I would like to encourage the Council to take a balanced and nuanced approach as it plans to amend Title 6.

A few particulars:

1. I have often noted that the current regulations around dogs are NOT followed by my fellow dog owners. I would therefore suggest that the Town do more to enforce the current laws instead of adopting new, more restrictive laws, as they pertain to dog owners.
2. Dogs need to run. I appreciate the quality of life in Kittery because I can take my dogs to the beach and some parks so they can run free. The Town has created and enforced a policy where dogs are prohibited from Fort Foster and Seapoint Beach from 10 AM to 5 PM. To be fair to dog owners, should we not allow time on the beach for dogs and their owners and ask those people who are afraid of dogs or do not like dogs to NOT go to the beach during those times? By fair I mean providing beach time for the many tax payers in Kittery who want to run their dogs on the beach or in select parks. Several other Towns provide time in the morning for dogs to run on the beach and in parks. For example, York allows dogs to run free on the beach all summer before 8 AM. Durham, NH also allows dogs to run free on Wagon Hill Farm before 10 AM. Signs clearly indicate the policy and it works very well.
3. Section 6.1.4.D in the amended Title 6 (Aug 17, 2020 Draft) states “No responsible party may have more than 1 dog under voice control at large on public property, at any time.” This is idiotic. If I take two dogs to the beach to run, how can they run and play if one of the dogs is on a leash? Short answer is they can’t. The issue of dog walkers taking hoards of dogs for walks in Kittery is clearly dealt with in Section 6.1.4.E. You should at the very least allow any responsible party to have 2 dogs under voice control.

In closing, there is broad research that shows dogs need a place to play and run, dogs promote activity in children and families, dogs strengthen human communities, and dogs help build social capital. Please keep Kittery dog friendly. Please do not adopt the overly restrictive amendments that require us to walk our dogs on leashes in Kittery’s public spaces at all times.

Cameron Wake  
19 Mendum Ave.

8/17/2020

What else? Title 6 - town comments

Kittery, Maine

# Dogs - Title 6

Chris Jacobson <[REDACTED]>

Thu 8/13/2020 1:16 PM

To: town comments <tcomments@kittervme.org>: [REDACTED]

Hello,

My name is Chris Jacobson. I live, work, and play in the wonderful town of Kittery Maine. This note is long overdue.

I am writing to express my deep concern of this ongoing 'dog rule debate' that has flooded social media.

Let me start off by saying the amount of time that has been spent on this 'issue' is very concerning. There are much more troubling matters with this town that should be put into focus. If you would like an example, I would urge you to go stand at the corner of Walker Street and the shipyard entrance around 3pm. You will find aggressive speeding, running of red lights, and a lot of colorful language as angry shipyard workers battle to beat the light.... the behavior is downright dangerous.. Did I mention this is just one issue?

Moving onto the dog debate...It is WILDLY CLEAR that anyone who has been complaining about dogs in both Fort Foster, and at Seapoint beach rarely ever even goes to those places. If they actually did go, they would find very little poop, well behaved dogs, and happy residents that frequent these places. They may actually even have fun.

Is there the occasional missed poop or skirmish... sure. Mistakes happen. For the most part, dogs are friendly, people are responsible, and things are smooth. GO TAKE A LOOK FOR YOURSELF.


1. Dump the Title 6 amendments altogether.
2. Make a plan to effectively enforce the rules we have... It is clear that the very unfriendly 'animal control officer and ticket giver' has already made great progress here... anyone that frequents Seapoint or Fort Foster can attest. Anyone who says otherwise, CLEARLY rarely goes to either spot!!

Overall, do not take away a great part of these wonderful places because of a few *grouchy grumps* that want to ruin a good thing for the majority.

-Chris J

[jacobsonpropertygroup@gmail.com](mailto:jacobsonpropertygroup@gmail.com)

# comments on Aug 24 meeting District 3

William Peirce < >

Sat 8/15/2020 9:52 PM

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

Town Council,

In my opinion, the town council should not pursue a tax increment financing agreement. The town's experience with the malls should be instructive. A big giveaway to businesses at the malls did not end up benefiting the town.

Will Peirce



# No Changes to the Current Park Rules

Melissa Visentin <[REDACTED]>

Sun 8/16/2020 6:33 PM

To: town comments <tcomments@kittervme.org>: [REDACTED]

Dear Council Members,

The title 6 amendments would be devastating to all pets and pet owners that use the park!

I am writing to stress that there should be no changes to the current park rules. There should be adjustments that allow better enforcement and dog waste receptacles.

Thank you,

Melissa Visentin

# Offer to SPONSOR a Dumpster at Seapoint/Fort Foster/Rogers Park

Ali Goodwin, Realtor® Haven Homes + Lifestyle at KWCLM [REDACTED]

Mon 8/17/2020 11:34 AM

To [REDACTED] town comments  
<tcomments@kitteryme.org>;

CC [REDACTED]

Esteemed Kittery Town Council Members and Parks Commission,

I have been following the ongoing conversation about options for managing the dogs, dog waste, and dog owners at Seapoint, Fort Foster and Rogers Park. As a citizen in the community with 3 rescue dogs, Seapoint and Fort Foster have been staples of our healthy lifestyle. After 11 years, I have recently relocated from Kittery to Eliot, and would be devastated if I was unable to enjoy either location with, or without my pups.

To that end, there have been some very positive, thoughtful suggestions on how to better utilize resources and our community at large to manage the issues at hand. One of those suggestions is a \$150/mo dumpster that would not only solve the dog waste issue, it would alleviate the human trash issue as well.

**My company, Haven Homes + Lifestyle at Keller Williams Coast Realty would like to SPONSOR a dumpster.** I have spoken with several other business owners, and together, we feel that we would be able to easily cover the cost of the entire fee in all 3 locations. This would allow town resources to go towards more ACO hours to enforce the pre-Covid on-leash and off-leash hours that were in place at all locations.

There are many other positive options on the table. Banning dogs is not a positive option. I look forward to working together to solve this!

Warmly,  
Ali Goodwin

-----  
Ali Goodwin, Realtor®  
Haven Homes & Lifestyle | KW Luxury International  
Keller Williams Coastal Realty  
Call/Text: 603-957-8466  
[Download My Home Search App!](#)



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## 6.1.14 Feral Cats, Ignored

Denise Payne <[REDACTED]>

Mon 8/17/2020 11:12 AM

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

Importance: High

Greetings,

If you are attempting to improve the Animal Control ordinance, I request that you please turn your focus away from Dogs for a moment and consider the other Animals in Animal Control. I don't see any attention in your rewrite given to the Feral Cat issue. **Section 6.1.14 is Inadequate.** For too long Animal Control has ignored the growing problem of Feral Cats and left it to citizens to deal with.

The health and safety concern that the growing Feral Cat population is posing is not adequately addressed in the ordinance.

Some desperate parents on Gerrish Island have resorted to shooting and poisoning Feral Cats in order to protect their toddlers.

That is not acceptable and I think you can imagine how terribly wrong that can go.

I ask that you not finalize this section and instead give it the attention it deserves.

The current ordinance only provides a response if someone is feeding them. Well if no one is feeding them and they are instead feeding on our wildlife and coming into contact with our children, what then?

Please refocus some of your attention away from dogs for a moment and address this very serious problem.

When citizens start using guns and poison against an out of control animal population, there is a problem that needs to be addressed.

Thank you.

Kind Regards,

Denise Payne

# Dogs at Fort Foster/Seapoint

Krissy Couch <[REDACTED]>

Mon 8/17/2020 2:15 PM

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

Cc:Kristine Childs Couch <kcouch@alandrealty.com>;

Greetings,

I'm saddened to hear that Kittery is proposing banning dogs at Fort Foster and Seapoint. My husband has been a Kittery resident since he purchased our home in 2009 (Eliot prior to that) and I since 2014. We are frequenters at both Seapoint and Fort Foster, with or without our 2 dogs. There are plenty of parks, trails and beaches locally where dogs are not allowed. Are people too lazy to frequent those if they dislike dogs so much? I agree with a leash law at Fort Foster, especially having 1 dog that isn't good with other dogs, it can be difficult with approaching off-leash dogs.

In no way am I arguing that there aren't irresponsible dog owners out there, just like irresponsible parents but do we shut down playgrounds if we find dirty diapers or snack wrappers? No. That's ridiculous. My parents live on the water in York Harbor and we find fishing gear washing up from fisherman and lobsterman but we don't ban them. Where is the line? As a local realtor, this area is becoming increasingly more expensive for people to purchase homes in and if folks are not able to afford a nice yard for their dogs to run around in, what is the option to let them get some exercise? The dog park in Eliot since Kittery doesn't have a dog park? Furthermore, We frequent Seapoint beach in the morning with our 2.5 year old daughter and we never see waste or waste bags laying around and enjoy the friendly dogs and dog owners.

I think that the town of Kittery needs to seriously consider the impact of this on the community, where a majority are dog lovers and responsible dog owners. Don't let the 10% ruin in for the 90% and those who actively support our local community by volunteering, donating \$ and support each other.

I appreciate your time and do hope you take the words of the community to heart when making a decision on this.

Wishing You a Wonderful Day,

Krissy

**Kristine Couch**

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# discussion of Title 6

Gale Turner <[REDACTED]>

Mon 8/17/2020 11:40 AM

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

The lack of enforcement of the rules allows for problems. It's equivalent to the idea that more people would be inclined to speed on the roads if they knew they wouldn't get a ticket.

The rules we have would work fine if there was better enforcement at the parks.

AND, it would help people dispose of the dog waste if receptacles were provided. Since providing dog waste bags has made a difference, that would be the next step. There are covered receptacles available with small enough openings that the argument that they would get used for all sorts of other trash does not apply, especially if they were clearly marked DOG WASTE ONLY and put in locations where they are needed. Surely the big revenue that these places provide to the Town of Kittery would outweigh the costs of the cans and the disposal of the contents!

Respectfully submitted,  
Gale Turner  
5 DevonWoods Drive, Kittery

Sent from my iPad

# Town meeting dogs on beaches

Beth Reddy

Mon 8/17/2020 3:17 PM

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

Hello!

I have been a resident of South Berwick since 1990. I also am a responsible pet owner, who has had many a delightful trip to Fort Foster, to SeaPoint Beach, and others along the coast, with my very happy dogs. It is a privilege to take dogs to the beach, and it is sad that it is now such an issue. It is pure joy to watch them play in the water, and it will be a very sad day if they are actually no longer allowed.

I understand that the irresponsibility of pet owners is leading to issues with dogs on the beach. The posting of signs, the provision of poop bags, and the fact that there is someone who actually does check the beaches has been appreciated, and I am sure, has been frustrating in that there are people who seemingly disregard the requested rules.

What I believe is that most of us who use the beaches frequently DO care, and make sure that we are responsible with our pets, including beach visits. I know that this is a difficult decision to have to make, and it is my hope that there is a realistic, viable solution to be had other than to simply ban dogs from the beach. The piling of rules and regulations is, in my opinion, almost a waste of resources, in that one simply cannot dictate good behavior and responsible ownership.

Perhaps requiring a separate registration and fee for dogs that use the beach might be an approach? I know that currently, to use Fort Foster, one must purchase a day pass in advance. Maybe something along those lines for anyone bringing their dog? I know it would be tough to monitor, but it may serve as a deterrent to anyone other than the regulars.

Basically, I am writing to support allowing Dogs to use the beaches

Warmly,

*Dr Beth Reddy*

*[Simply Chiropractic Me](#)*

*4 Vine St, So Berwick, ME 03908*

*207-200-3113*

*[Exceptional Chiropractic Care](#)*

*<https://www.simplychiropracticme.com/>*

*Each patient carries his or her own doctor inside him or her. They come to us not knowing that truth. We are at our best when we give the doctor who resides within each patient a chance to go to work.*

*Albert Schweitzer*





# Please no dog Ban at the Fort

Emily Car <[REDACTED]>

Mon 8/17/2020 3:26 PM

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

Hi Town of Kittery,

Please continue to allow dogs at Fort Foster and Seapoint.

I have noticed since there is dog poop bags available at the entrance there is way less dog poop in the park.

This is one of the only places on the sea coast that the four legged family member is allowed to join in the fun.

Thank you

Emily

[Emily.car7@gmail.com](mailto:Emily.car7@gmail.com)

--

Emily Car

[emily.car7@gmail.com](mailto:emily.car7@gmail.com)

# Re: Dogs at Fort Foster and Seapoint Beach

Zoe Aldag <[REDACTED]>

Mon 8/17/2020 4:02 PM

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

Hello Town Council,

I would like to add to my previous statement that I live on South Eliot Road where there are no sidewalks and people consistently drive well above the 25mph limit - if I take the dog and head towards Eliot I risk getting hit by a car, and if I walk towards the foreshore I either have to walk near the truck stop on Ranger Drive where the side of the road is littered with bottles filled with urine and other rubbish, and then up onto Route 1 Bypass, which nobody could consider a pleasant stroll, or I have to walk past Sue's Seafood a shop that I adore, but could easily win an award for most putrid dumpster in town as well as Legion Pond, which also smells of sewage.

Some of us aren't fortunate enough to have access to large backyards and beautiful quiet roads... If you take our parks away, what's left? I may not live on Pocahontas Road, but I'm still a resident of this town.

Thank you again for your consideration,  
Zoe Aldag

If you take away our parks

On Mon, Aug 17, 2020 at 2:38 PM Zoe Aldag <[REDACTED]> wrote:

Dear Town Council,

Thank you for providing the opportunity for the citizens of Kittery to voice their opinions on dogs on our public beaches.

As a Kittery resident and dog owner, I do understand both sides of the argument at hand. I understand that not all dog owners are perfect, that sometimes people are rude and litter no matter what, and that not everyone loves dogs... I also understand the benefits and joy bringing dogs to the beach can provide. Right now, the importance of access to outdoor recreational experiences for both dogs and for humans is simply necessary as indoor activities have been deemed unsafe.

To ban dogs from our public beaches seems to only take one side of the argument into consideration.. the side of those that don't want them there. There are already restrictions on dogs at both beaches... If those of us with dogs can wait until after 5 to take a walk at Seapoint, why can't people who don't enjoy dogs plan to leave by then? It's called planning ahead, compromise, and sharing of public spaces.

If we take away these options what would that leave the dog owners? Would you build a dog park for Kittery residents that don't have backyards or outdoor space at their houses but still pay their taxes in this town? Would there be any alternative provided? Because if there weren't, not only would I not renew my season pass to Fort Foster next year, I would consider leaving this town entirely, as the property prices are already ridiculous and we're inundated by people from Massachusetts every weekend - one of the perks is taking the dog to the beach, if that's gone, I (and others) might be as well.

I know that this has been suggested many times, but simply providing a waste receptacle seems like it would be the most reasonable solution to this "problem" that only affects a small and wealthy portion of Kittery's population (Pocahontas Road Residents.) It is hard for me to understand why this option is not being explored especially after the experimental volunteer driven trash cans were so successful two years ago.

8/20/2020

Re: Dogs at Fort Foster and Seapoint Beach - town comments

I hope that you will make a decision that is fair to all residents of Kittery - not just some of them.

Best,  
Zoe Aldag

# Dogs

Suzette Turnbull



Mon 8/17/2020 6:26 PM

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

I am writing to vote in favor of banning dogs at town beaches. Me and my husband walk at Fort Foster a lot and he has been charged by dogs on multiple occasions. The owners do not take any responsibility and just laugh when it happens. This spring we went and the grass was full of dog waste. You couldn't even walk without stepping in it. Thank you, Suzette Turnbull. 10 Ridgewood Drive, Kittery, ME. 03904

[Sent from Yahoo Mail for iPad](#)

# Dog laws

Matthew O'Malley <[REDACTED]>

Mon 8/17/2020 6:42 PM

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

Good evening Town Council,

I'd like to express my views on the off leash/dog policy that is currently in discussion.

A little bit of background on me. I grew up at the opposite end of route 1 in Fort Kent. I have family that lives on Pepperrell Cove so I've vacationed here for much of my childhood. After college I purchased my first home in Kittery (263 Haley Rd) in 2013. Four years ago I adopted a rescue pup named Clue. We are an avid user of the beaches, we respect the leash law in Fort Foster and only go to Seapoint during the designated hours. A year ago I purchased a second house, 25 Gerrish Island Ln Kittery Point. One of the main reasons I chose to move to this house was the ability to walk Clue to Seapoint.

I am a pretty simple tax payer. I do not have kids in our school system, I do not utilize many of the amazing town/tax supported functions and I'm willing to keep paying my taxes even as they rise. All I ask is that I am still allowed to walk my dog to the beach and let her play off leash during the designated hours.

Thank you for reading and thank you for serving our town!

Best regards,

Matt

Matthew T. O'Malley, Realtor®  
Premiere Plus Realty, Co.  
Cell: 603-953-8206  
Office: 239-732-7837  
Address: 370 12th Ave South Suite 100  
Naples Fl 34102

Website: <https://www.premiereplusrealty.com>

# Fort Foster

Molly O'Donnell <[REDACTED]>

Mon 8/17/2020 7:05 PM

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







# Ft Foster

Jeannette Savage <[REDACTED]>

Mon 8/17/2020 8:26 PM

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

Please don't close Ft Foster to dogs ...there are many responsible pet owners who would be disappointed.  
Thank you.

Sent from my iPhone



# No.dog ban

Polly Moak < >

Tue 8/18/2020 8:44 AM

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

Sent from my iPad

For purposes of mental and physical health we are encouraged to spend time out of doors, exercising and socially distancing. It is damaging our dog owning residents for doing just that—spending time at our beaches with their dogs. Why punish them for doing just that. The leash laws are working and people are more responsible for picking up. There are others who diligently pick up any dog waste or bags that are missed. Many excellent suggestions have already been made and I urge council members to work with the parks commission on trash disposal and to find an acceptable AOC who can work with the community.

The current AOC gives the appearance of hating his job and lacks people and animal skills.

# Dogs at Fort Foster & Seapoint & neighborhoods

Matt Rigney 

Tue 8/18/2020 10:56 AM

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

Good morning—

I'm a resident of Kittery Point and wanted to comment on the question of dog restrictions at Fort Foster, etc.

I don't personally have a problem with dogs being present at certain areas of Fort Foster or at Seapoint. But enforcement of the leash requirement at Foster really has to happen (I'm not aware if a similar requirement applies to Seapoint). At Fort Foster, people let their dogs off leash from time to time. Chances are slim that a dog will bite a person, but it will happen. More frequently, dogs will run up to people and jump on them, and this is generally unwanted. That's the reason for the leash requirements.

Far more problematic are the issues of dog waste and barking. There has to be better enforcement of dog waste removal requirements at Seapoint and at Fort Foster. There's no excuse for leaving bags of dog waste lying on our beaches. It's unacceptable. I'm in favor of sharing designated areas with leashed dogs, but if abandoned bags of dog waste continues to be a problem, I will no longer support sharing these spaces with dogs. I love dogs, but removing their waste is respectful of others who share these parks.

The issue of barking is as much a problem as the waste, but in neighborhoods, specifically ours near the Kittery Point Citgo. There are existing statutes against nuisance dog barking, but they are completely unenforced. Area dogs are sometimes allowed to bark for 30 or 40 minutes. It ruins the peace, which is the whole reason for the statute in the first place.

Good relations between dogs, dog owners, and others rely on clear rules, that the rules are followed, and when they are not, that there is enforcement that carries with it meaningful consequences (like fines) to curb the behavior. Otherwise, it's not going to work and these kinds of proposals to restrict dogs are going to carry the day.

Matt Rigney  
Kittery Point

# Proposal to Prohibit Dogs

Brielle Berman <[REDACTED]>

Tue 8/18/2020 2:41 PM

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

Hello,

I wanted to reach out because I was very upset to see a few signs up around town regarding a proposal to ban dogs at both Seapoint Beach and Fort Foster.

I think that enacting such a ban would not only upset the large dog owner community, but also deter people with dogs from moving to our area! Whoever came up with this proposal is clearly short sighted. We specifically moved here because of the ease of access to dog friendly parks and we truly feel that this creates a better quality of life for us and for our pup.

I would like to be able to be a part of this conversation. I saw on one of the signs that there is a Zoom meeting scheduled for the 24th. Can you please send me the Zoom info/link so that I can join?

Thank you,

Brielle

--

Brielle Berman

# Pets on Kittery beach and Fort Foster

David W Kerr <>

Tue 8/18/2020 2:43 PM

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

My wife and I recently moved into the "family home" and are residents officially on Picott Road although we have spent many years here in the past. For what it's worth we have loved to see dogs romping, leashed or under reasonable voice control by their owners. It never fails to lift our hearts. In these times some heart lifting goes a long way.

We've never had a dog (we're cat people)

Thank you

David

## re: pets on Seapoint Beach and Fort Foster

Leslie Mason <[REDACTED]>

Tue 8/18/2020 2:44 PM

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

I haven't had a dog since I was 7 years old. I'm a cat person!

But the joy of watching happy doggies be free, off-leash, to romp together and really run on the beach and into the water, and get some exercise has filled my heart with joy ever since my family moved here in 1983. I LOVE to go to Seapoint when I know the doggies are most likely to be there. I've never seen even a minor kerfuffle among doggies that wasn't resolved immediately and amicably.

I'm all for rules and respecting safety guidelines, but please Kittery, please?? will you keep our beaches welcoming to all?

Thank you for your consideration,  
Leslie

--

Leslie Mason  
22 Picott Road  
413 237 9696 cell

# I support dogs at fort foster and kittery beaches

Victoria Sewell < >

Tue 8/18/2020 2:54 PM

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

Thank you for considering my opinion that dogs should continue to be allowed in our favorite local spots.

Victoria Sewell  
3 Williams ave.

Sent from my iPhone

# Dog Ban

Lauren Welch <[REDACTED]>

Tue 8/18/2020 10:22 PM

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

Hello,

My name is Lauren Welch and I am a Traip Academy Alumni and have lived in kittery my whole life. I am also a dog owner. I take my two labs to fort foster several times a week and they love it. I can't imagine a summer where they cannot go to the beach to walk and swim. I believe it is very unfair to ban dogs from the park completely. It is unfair to those who abide by the leash laws and clean up after their dogs. Speaking for myself and my entire family, we will no longer get passes to fort foster. I imagine a lot of people feel the same way. For many, fort foster may be the only place where their dog can really get outside and run. It is simply unfair to take that away from people and I am positive you will lose visitors from this. I urge you to continue to allow dogs to visit the park, do not turn kittery into an unfavorable place that people no longer want to go to.

Thank you,

Lauren Welch

# We need to know more about the public hearing items

SPJ <suzyourage@aol.com>

Wed 8/19/2020 6:35 AM

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

What is TIF ? There is no way we can comment when you don't explain what the hearings or issues are.



# Dogs

RORY ROBB <[REDACTED]>

Wed 8/19/2020 10:40 AM

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

I want to share my concern that it appears the council is looking to restrict access to dogs at Fort Foster and I am not sure if there are proposed changes to Seapoint Beach. I too am concerned when people do not pick after their dogs or keep them under control. My concern is that there has been little dialogue with the residents of Kittery to collaborate on how to solve these issues. I have been a responsible dog owner and resident for 40+ years. I have always picked up after my dogs and they have been under my control. For me this means, when I am near people my dog is on a leash. However, when I am not near others (often alone on the walk or at the beach area) I want him to enjoy running around off leash or taking a swim (not near others). He is never far from me or out of my control. This occurs most often in the non-summer months. During Covid I understand the need for the leash at all times .

I feel I have a right to access the town beaches with my well behaved dog as a tax paying responsible citizen. I can support penalizing (e.g. tickets, losing their pass, etc.) those who are not responsible. I have picked up others bags. I would be willing to speak with others to remind them of the rules for park employees cannot, nor should have to, do it alone. I am sure some folks are very frustrated that this has been an issue for years. Unfortunately, signs alone do not make people follow the rules. If signs alone worked, police would not need to have to patrol the roads for people speeding. There needs to be consequences, but those do not need to be simply eliminate dog access. I realize the police may not want to take on this issue. I propose that if the police hit the park "hard" (e.g. giving out tickets; telling people to leave; repeat offenders lose their pass) a couple of times a season the message would get out quickly that infringements will not be tolerated. Penalizing the law abiding citizens is not the answer. I look forward to others ideas as well as to how collectively we can solve this problem. Kittery posts signs that we need to work together, so let's do that!

Rory Robb  
Kittery Point

# Dogs and Kittery

Holly Wren Spaulding <[REDACTED]>

Wed 8/19/2020 6:40 PM

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

Hello Public Servants,

Thank you for your time and consideration.

I am a resident of Kittery Point and I am almost daily user of both Fort Foster and Seapoint. I wanted to submit comments regarding the presence of dogs and their owners in our public parks and spaces, but also in the neighborhood where I live.

Throughout my life I've had dogs, though not at present due to a recent death, and so I am not unsympathetic to their kind, but I am quite concerned about the amount of dog waste in our parks (even if bagged and waiting on a stone for someone to claim it later). This is unsightly, often smelly in summer, and simply not acceptable. Said another way: it's disgusting. I've never seen as much in any other town as I've seen since moving here.

Of even more concern is the barking. During a recent and very busy Saturday in late July, I took my family to Fort Foster and found there, among the many sunbathers and swimmers, an off-leash dog barking and running rampant along the Divers Beach. The owner and her two adult companions seemed entirely at ease with this situation. I took my kid and moved to another location so that we could have some peace.

I don't mind sharing these beautiful places with responsible dog owners but it's not enjoyable when they flaunt the rules. There needs to be some kind of enforcement when folks don't obey the very clear signs that are posted.

Even more of a problem is the barking I hear every day where I live, on Haley Road, near the Citgo Station. I have read the local ordinances so I know it's okay but where is the enforcement? I have lived here a year and a half and a new resident, decided to see if it would change before calling the police. I don't know many of my neighbors and don't want our first contact to involve a complaint, so it would be nice if local authorities could handle this sort of thing as a way of preserving neighborhood harmony and quality of life.

A trash can at Seapoint might help people dispose of dog waste instead of leaving it on those rocks, to be seen as soon as one arrives at the beach.

And if there isn't an outright ban, what if there were limited hours for dogs? Or loss of privileges when things get too bad?

Thanks for taking up this issue. I would be really happy to see less dog waste in our town, and if there were fewer barking dogs where I live.

Sincerely,

Holly Spaulding  
Haley Road, Kittery Point

**Title 6  
Animal Control**

AMEND Title 6 as follows:

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

§ 6.1.0-1 **Conflict with other laws.**

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

§ 6.1.1-2 **Definitions.**

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

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

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

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

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

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

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

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

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

§ 6.1.2-3 ~~Applicability to visiting nonresidents~~ **License required.**

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

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

**§6.1.4. Control of pets on public property.**

A. No pet is allowed to be at large on any public property, or on private property without the consent of the property owner. This section does not prohibit the owner from using a dog for hunting, where

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

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

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

38 D. No ~~person~~ responsible party may have more than 1 dog under voice control at large on public  
39 property, at any time.

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

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

42 **G. Fort Foster**

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

44 2. Dogs must be on a leash between the hours of **4:30PM until the park closes May 15 and October 15,**  
45 **inclusive.**

46 **H. Seapoint and Crescent Beaches**

47 1. Dogs are prohibited, between the hours of **10AM and 4:30PM, between May 15 and October 15**  
48 inclusive.

49 2. Dogs must be on a leash between the hours of **4:30PM and 11PM between May 15 and October 15,**  
50 inclusive.

51 **I. Rogers Park**

52 1. Dogs must be on a leash at all times.

53 **J. John Paul Jones Park**

54 1. Dogs are prohibited at all times.

55 **K. All Playing Fields in Kittery**

56 1. Dogs are prohibited at all times.

57 **§ 6.1.5 Menacing activity.**

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

60 **§ 6.1.3-6 Right of entry to inspect ~~license, dog.~~**

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

64 the owner ~~of the dog and~~of the license ~~of such~~if the animal is a dog.

65 § 6.1.4-7 **Hindering officers, improperly releasing dogs prohibited.**

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

69 § 6.1.5-8 **Record to be kept by animal control officer; contents.**

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

72 ~~§ 6.1.6 License required-~~

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

75 § 6.1.7-9 **Impoundment authorized.**

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

79 § 6.1.8-10 **Impoundment fees.**

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

82 § 6.1.9-11 **Disposition of impounded ~~dog-pet~~, notification of impoundment.**

83 A. A ~~dog-pet~~ owner may reclaim an impounded ~~dog-pet~~ upon compliance with ~~§ 6.1.6 and~~licensing as  
84 applicable, upon payment of assessed fines and the boarding fees set forth in § 6.1.810. Any ~~dog-~~  
85 pet impounded under the provisions of this chapter and not claimed by the owner within the ten-day  
86 period is considered abandoned by the owner and the property of the animal shelter. The ~~dog-animal~~  
87 may be given, after consultation with the Humane Society and/or the Animal Refuge League, to the  
88 Humane Society or the Animal Refuge League, any no kill shelter, or to any person deemed to be  
89 responsible and a suitable owner, who will agree to comply with the provisions of this chapter or  
90 humanely destroy the animal.

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

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

100 § 6.1.10-12 **Disposition of dog biting person.**

101 Whenever any dog bites a person, the owner of such dog must immediately notify ~~an the~~ animal control

102 officer, who may order the dog held on the owner's premises or have it impounded for a period of ~~two~~2  
103 weeks. The dog must be examined immediately after it has bitten any person and again at the end of the  
104 two-week period. If at the end of the ~~two~~2 weeks a veterinarian is convinced that the dog is then free  
105 from rabies, the dog is released from quarantine or from the pound, as the case may be. If the dog dies  
106 within the period, ~~its head must be sent to~~ the State Department of Health must be notified to perform a  
107 ~~for~~ rabies examination.

108 ~~§ 6.1.11-13~~ **Disturbing the peace.**

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

115 ~~§ 6.1.12~~ **Running at large prohibited.**

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

118 ~~§ 6.1.13~~ **Animal waste.**

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

121 § 6.1.14 Proper shelter, protection from the weather and humanely clean conditions.

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

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

127 § 6.1.14 Feral Cats

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

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

132 ~~§ 6.1.14-15~~ **Violations and penalties.**

133 Any violation of this chapter will be assessed a penalty ~~under Title 1, Chapter 1.3~~ of \$50.00, except  
134 violations of §16.1.13 Disturbing the Peace will be assessed a penalty of \$50.00 for the first offense,  
135 \$100.00 for the second offense, and \$200.00 for each offense thereafter.

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

138 §6.1.16 Review of ordinance.

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

142 **AMEND Title 12.4.8 Animals at Seapoint and Crescent Beaches as follows:**

143 § 12.4.8 Animals.

144 A. With the exception of dogs, no domestic animals are allowed on Seapoint and Crescent Beaches.  
145 Dogs are subject to Town Code 6.1 Animal Control. ~~No domestic animal is allowed within~~  
146 Seapoint or Crescent Beaches, except that dogs, while under the control of their owner or keeper,  
147 are allowed on Crescent and Seapoint Beaches at times other than between the hours of 10:00 a.m.  
148 to 5:00 p.m. from June 15 through September 10 of each year. This limitation does not apply to  
149 guide or seeing eye dogs when used as such. At no time may the owner or keeper of any dog allow  
150 that dog to run at large on Crescent or Seapoint Beaches or enter upon any publicly owned salt  
151 marsh immediately adjacent to Seapoint or Crescent Beach. From May 15 to September 30,  
152 inclusive, only dogs licensed to Town residents are allowed on Seapoint and Crescent Beaches.

153 ~~B. A pooper scooper rule is in effect for dogs. Owners and keepers must properly dispose of animal~~  
154 ~~waste either by placing it in supplied receptacle(s) or, if one is not supplied, by taking it with them~~  
155 ~~when leaving the beaches.~~

156 **AMEND Title 12.5.1 Animals at Fort Foster as follows:**

157 § 12.5.1 Animals.

158 With the exception of dogs, no domestic animals are allowed in Fort Foster Park, and dogs are subject to  
159 Town Code 6.1 Animal Control.~~the following conditions:~~

160 ~~A. Dogs must be leashed at all times during park hours (10:00 a.m. to 8:00 p.m.) on weekends in May~~  
161 ~~and September and every day from Memorial Day to Labor Day, inclusive. A maximum leash of~~  
162 ~~eight feet is allowed.~~

163 ~~B. While under control of the owner or keeper, dogs are also allowed in the park during the following~~  
164 ~~days and times:~~

165 ~~(1) During weekdays, prior to Memorial Day in May;~~

166 ~~(2) Before park opening (sunrise to 10:00 a.m.) between Memorial Day and Labor Day;~~

167 ~~(3) During weekdays, after Labor Day in September; and~~

168 ~~(4) Between sunrise and sunset from October 1 to April 30, inclusive.~~

169 ~~C. A "pooper scooper" rule is in effect for dogs. Owners or keepers must take their dogs' solid waste~~  
170 ~~with them when leaving the park.~~

171 **AMEND Title 12.7 Section 3.C Dogs and correct name of the site to “Town Farm Forest”**  
172 **throughout:**

173 **Title 12.7 Town Farm Forest**

174 § 12.7.1 **Title.**

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

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

182 § 12.7.3 **Restrictions.**

183 A. No person may remove, injure or otherwise damage or deface any thing, plant material, sign,  
184 marker, bench or structure within the Town Farm Forest. Use of metal detectors or similar devices  
185 is prohibited. "Paint-ball" activities and materials are prohibited.

186 C. ~~Control of dogs is governed by Chapter 6.1. Dogs must be on a leash at all times unless under the~~  
187 ~~control of the owner or keeper. This limitation does not apply to service dogs when used as~~  
188 ~~such~~ Dogs are subject to Town Code 6.1 Animal Control.

189 D. No person may start or allow to burn any fire within the bounds of the Town Farm Forest.

190 F. No person may engage in indecent conduct within the Town Farm Forest. As used in this section,  
191 "public indecency" is defined as put forth in Title 17-A, § 854 of the Maine Criminal Code.[1]

192 G. No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic  
193 beverage, or combination of liquors and mix liquors within the bounds of the Town Farm Forest.

194 § 12.7.5 **Enforcement.**

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



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](mailto: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: 9-28-20

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 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<br>(QUALIFIED CATERERS ONLY) |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Delta Amusement Inc</u>		Business Name (D/B/A) <u>NAVY YARD BAR + BILLIARD</u>	
APPLICANT(S) - (Sole Proprietor)	DOB:	Physical Location: <u>182 STATE Rd</u>	
	DOB:	City/Town <u>Kittery</u>	State <u>ME</u>
		Zip Code <u>03904</u>	
Address <u>182 STATE Rd</u>		Mailing Address	Same As Above? <input checked="" type="checkbox"/>
City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>	
Telephone Number <u>207 439 7137</u>	Fax Number <u>508 331-1259</u>	Business Telephone Number	Fax Number
Federal I.D. # <u>01-052 4107</u>	Seller Certificate #: or Sales Tax #: <u>1043464</u>		
Email Address: <u>Joe.Snyder65@GMAIL.COM</u>	Website:		

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 \$ 42,008 LIQUOR \$ 217,771

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

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

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

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

License # \_\_\_\_\_ Name of Business \_\_\_\_\_  
 Physical Location \_\_\_\_\_ City/Town \_\_\_\_\_

6. If manager is to be employed, give name: \_\_\_\_\_  
 7. Business records are located at: 182 State Rd. K. Hery me. 03904  
 8. Is/are applicants(s) citizens of the United States? YES  NO   
 9. Is/are applicant(s) residents of the State of Maine? YES  NO   
 10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Joseph E SUGDEN	1-30-54	MAYNAID MA.
ANTHONY BORSELLI	12-8-54	LAWRENCE MA.

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

Name: <u>Joseph E Sugden</u>	City: <u>HAMPTON</u>	State: <u>NH</u>
Name: <u>ANTHONY BORSELLI</u>	City: <u>METHUEN</u>	State: <u>MA.</u>

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: Joseph E SUGDEN Date of Conviction: 1975  
 Offense: Disturbing The Peace Location: Salsburg MASS.  
 Disposition: PAID FINE (use additional sheet(s) if necessary) see attachment

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: MH PARSON'S + SON'S 50 Wood Bridge Rd. York ME 03909

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) Tavern + Gille with Billards TABLES

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 mile  
 Which of the above is nearest? SCHOOL



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.

- Exact legal name: DELTA AMUSEMENT INC.
- Doing Business As, if any: NAVY YARD BAR + BILLIARD
- Legal Entity's FEIN #: 01-0524107
- Date of filing with Secretary of State: 3-1-99 State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- 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 %
Joseph E SUGDEN	3 TOBEY ST HAMPTON NH	1-30-54	President	50
ANTHONY BOSSELLI	1 ALDER BROOK LN. METHUEN MASS	12-8-54	Vice President	50

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

- If Co-Op # of members: 2 (list primary officers in the above boxes)

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: LOAN ENTERPRISE BANK Lowell MASS (PAID-OFF)

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 on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**PLEASE SIGN IN BLUE INK**

Joseph E SUGDEN  
 Signature of Applicant or Corporate Officer(s)  
Joseph E SUGDEN  
 Print Name

Anthony Borrelli  
 Signature of Applicant or Corporate Officer(s)  
ANTHONY Borrelli  
 Print Name

**FEE SCHEDULE**

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

**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).]

Joseph E SUGDEN

SS#



② DUI 1985

Amesbury MASS \$ 250

Fine 30 day Loss of LIC

③ Petty Larceny Stole

A STEAK North Adams MA

1978 (College Park) Paid Fine

---

ANTHONY Barrelli

2 DUI 1982

PAID FINE Loss of LIC.

6 mos.



**TOWN OF KITTERY**  
Office of the Town Clerk  
200 Rogers Road  
Kittery, Maine 03904  
Phone 207-474-1328 Fax 207-439-6806

**APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT**  
**(Pursuant to 28-A M.R.S.A. Sec. 1054)**

Name, address and legal status of individual(s) or entity seeking to hold permit:

DELTA AMUSEMENT INC. 182 STATE Rd.  
Kittery ME 03904

Name and mailing address of the premises where the special activity/amusement will occur:

NAVY YARD BAR + BILLIARD  
182 STATE Rd Kittery ME 03904

Mailing address and telephone number of owner of the real estate: MH PAISONS

50 Wood Bridge York ME 03909 207-337-1462

Describe the specific portion of the premises where the special activity/amusement will occur:

ON THE OUTSIDE PATIO ON SOUTH SIDE OF  
BUILDING (SEE DIAGRAM)

Set forth the specific time periods between which the special activity/amusement will occur:

Thursday night 7pm - 11pm (KARAOKE) SATURDAY 7pm - 11pm (ACOUSTIC MUSIC)

Describe the specific activity or type of amusement for which the permit is requested:

KARAOKE, AND ACOUSTIC MUSIC (2pc)

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? Yes  No

If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

\_\_\_\_\_  
\_\_\_\_\_

(Over)



Give any additional information to support your request for the permit sought herein:

BECAUSE OF COVID-19 CLASS A BARS ARE NOT  
ALLOWED TO HAVE CUSTOMERS INSIDE WHERE I CURRENTLY  
HAVE A THE PROPER PERMIT, SO I HAVE TO HAVE OUTSIDE

As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

PRESIDENT and MANAGER (OWNER) of BUSINESS

**NOTE: In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.**

DATE OF APPLICATION: 8/4/20

SIGNATURE OF APPLICANT: Joseph E. Sugar

APPLICANT'S NAME: Joseph E. Sugar  
(please print)

ADDRESS: 3 TOBEY ST HAMPTON N.H. 03842  
(please print)

TELEPHONE NUMBER: 508 331-1259

**FEE: \$20.00 per year Must be renewed annually with liquor license.**

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



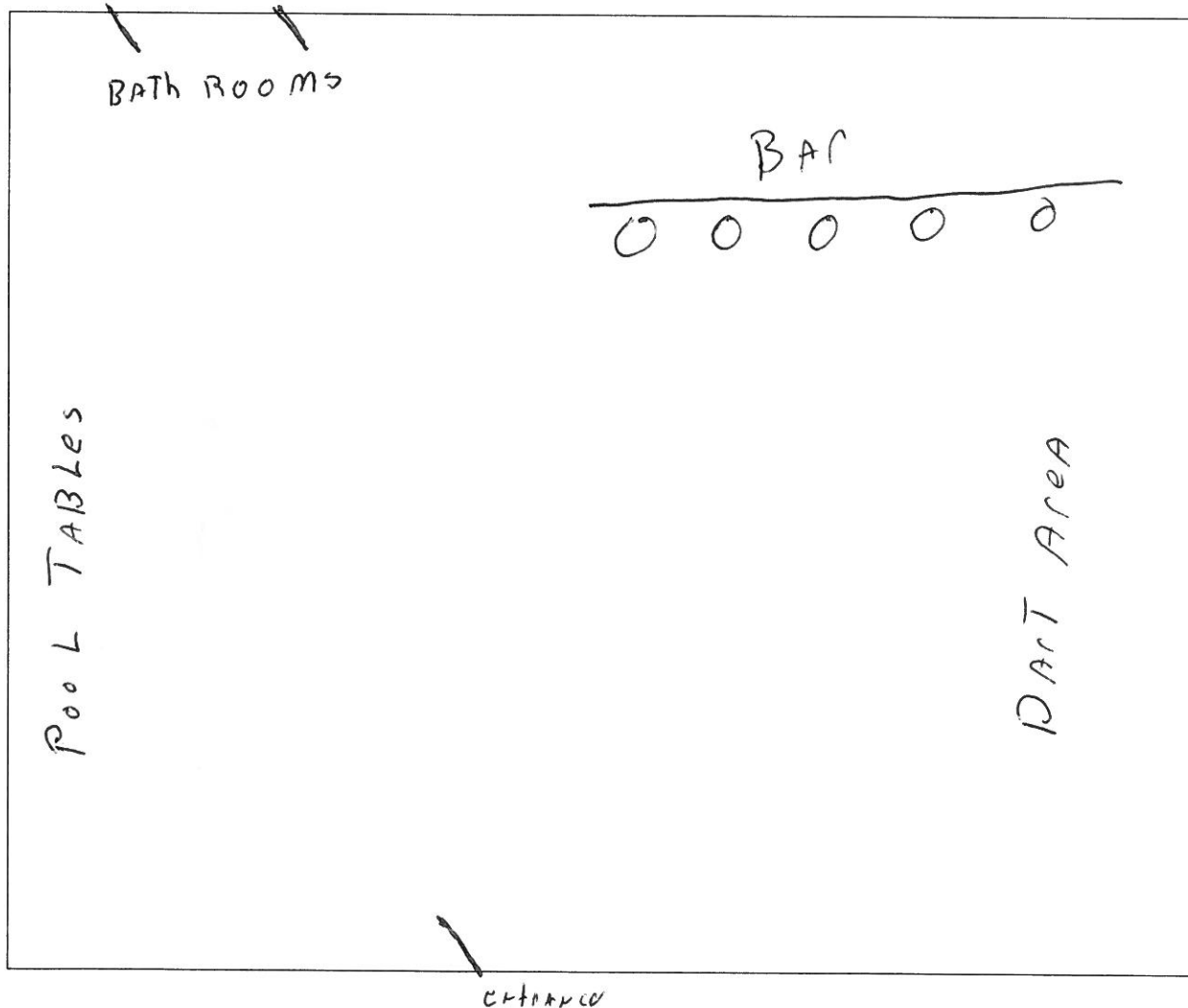
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347 (overnight)  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)



**ON PREMISE DIAGRAM**  
(Facility Drawing/ Floor Plan)

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

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



To: Code Officer D. Evans at Kittery, ME town hall

Navy Yard Bar & Billiards  
 182 State Rd  
 Kittery, Maine 03904

New Patio 18x18'  
 with canopy 15x15'

New post & rope  
 fence

Entrance 6'

New fence

Submitted by Joe Suggen  
 for permission to extend  
 outdoor patio

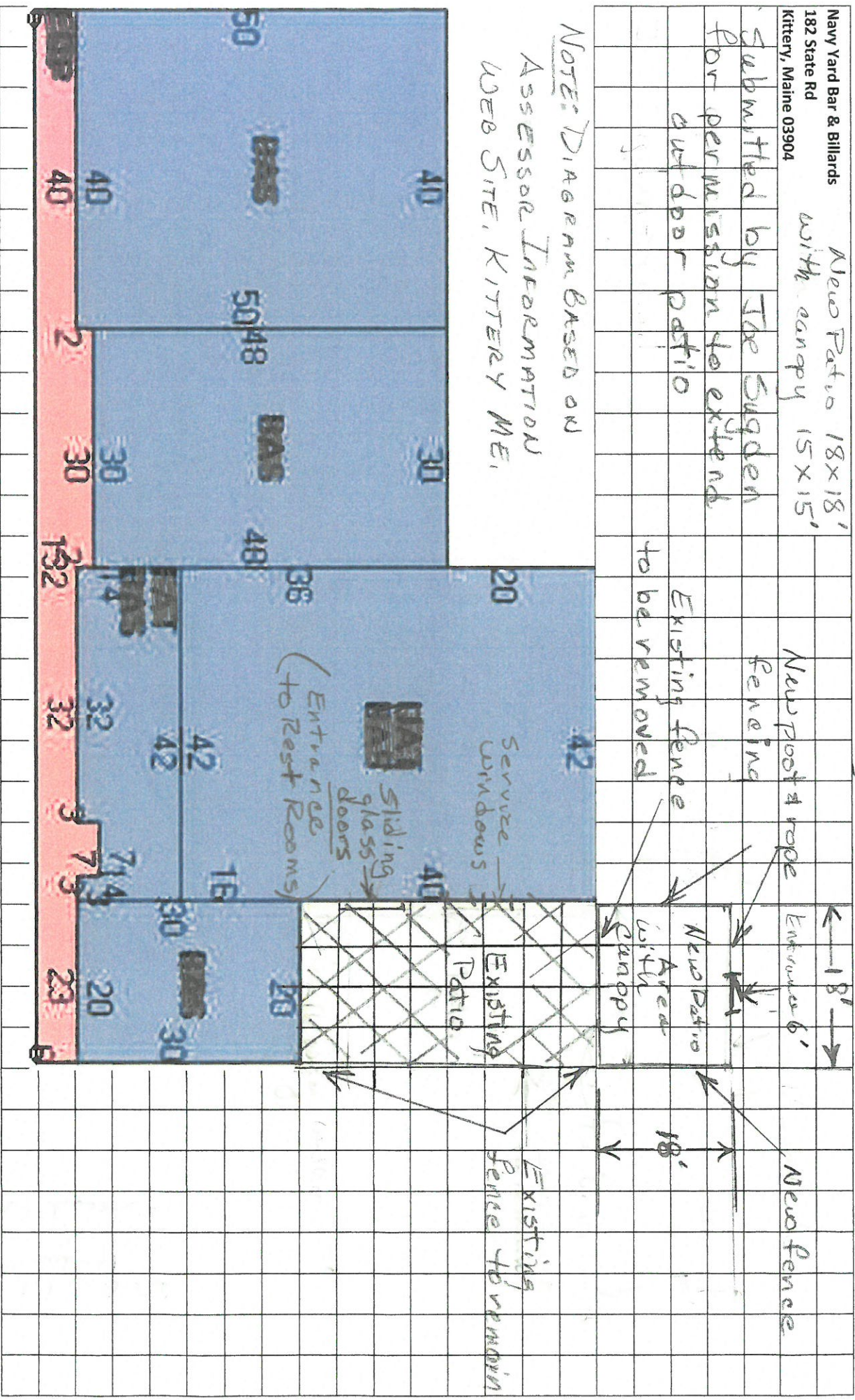
Existing fence  
 to be removed

New Patio  
 Area  
 with  
 canopy

18'

NOTE: Diagram Based on

Assessor Information  
 WEB SITE, KITTERY ME.



Joe Suggen email -> joesuggen65@gmail.com  
 cell: (508) 331-1259

Please send approval email. Thank you

*Joe Suggen*





# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

FEB 24 2020  
5:07 PM

### APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Maribeth Girard

RESIDENCE: 162 Norton Rd.

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: mbgirard1965@gmail.com

PHONE #: (H) 439-4189 (W) 603-292-1290 (C) 603-205-2794

**Please check your choices and list in order of priority by marking 1,2,3, etc.:**

- |   |  |
|---|--|
| <input type="checkbox"/> Board of Appeals                     | <input type="checkbox"/> Board of Assessment Review        |
| <input type="checkbox"/> Conservation Commission              | <input type="checkbox"/> Board of Trustees of Trust Funds  |
| <input type="checkbox"/> Comprehensive Plan 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"/> Kittery Port Authority            |
| <input type="checkbox"/> Planning Board                       | <input checked="" type="checkbox"/> KCC Board of Directors |
| <input type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> Library Advisory Committee        |
| <input type="checkbox"/> Kittery Celebration Committee        | Other _____  |

EDUCATION/TRAINING: BS-Marketing, Small Business owner 19 years

RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

NHSPCA- Board of Directors 2004-2007

PRESENT EMPLOYMENT: Marketing Manager

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): \_\_\_\_\_  
no

REASON FOR APPLICATION TO THIS BOARD: Contribute my skills to the mission of the KCC

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.

Maribeth Girard  
SIGNATURE OF APPLICANT

2-18-2020  
DATE

RECEIVED  
FEB 24 2020  
BY: S. O'FARRELL

February 24, 2020

Greetings Kittery Town Council,

Please find attached my application for the KCC Board of Directors. I would like to take a moment to introduce myself and to expand upon my reason for applying for this board.

I have been a resident of Kittery for 22 years and I am a member of the Rec Center. I use the gym equipment and walking track two to three days a week. I love this facility and feel truly lucky that Kittery citizens voted to create the KCC. It is a wonderful community space for all ages and interests. Always clean, the gym equipment is kept up to date, repaired quickly when needed and a safe environment for all.

As with any facility like KCC programming and keeping the community engaged is key to its success. A variety of activities, classes, seminars and programs will keep the center an attraction for both residents and non-residents.

As a career marketing professional, my skill set includes creative idea collaboration along with an awareness of activities and opportunities that will keep the KCC fresh, fun and fiscally sound. I would like to join the board to assist on continuing making the KCC an asset to the town and a great place where community spirit shines every day.

I have not attended a KCC Board meeting but have reviewed the minutes available online in order to get acquainted with the activities and decisions of the Board. As a past board member of the NHSPCA in Stratham, NH, I am familiar with the structure of a Board of Directors and feel confident that I would be able to jump in and contribute immediately.

Thank you in advance for your consideration,

Maribeth Girard  
162 Norton Rd.  
(c) 603.205.2794  
(h) 439-4189



# TOWN OF KITTEERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

**PLEASE CHECK APPROPRIATE BOX:**

- APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**
- APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**
- APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Bryan Bush

RESIDENCE: 7 Island Ave Kittery Me.

MAILING ADDRESS IF DIFFERENT FROM ABOVE: Same

E-MAIL ADDRESS: seafar.2@comcast.net

TELEPHONE NUMBERS: (HOME) 207 439 5068 (WORK) 207 252 5199

PRESENT POSITION: Port Authority

**PLEASE CHECK APPROPRIATE BOX:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Board of Appeals               | <input checked="" type="checkbox"/> Kittery Port Authority | <input type="checkbox"/> Board of Trustees of Trust Funds     |
| <input type="checkbox"/> Conservation Commission        | <input type="checkbox"/> Planning Board                    | <input type="checkbox"/> Shellfish Conservation Committee     |
| <input type="checkbox"/> Board of Assessment Review     | <input type="checkbox"/> Parks Commission                  | <input type="checkbox"/> Educational Scholarship Committee    |
| <input type="checkbox"/> Economic Development Committee | <input type="checkbox"/> KCC Board of Directors            | <input type="checkbox"/> Kittery Climate Adaptation Committee |
| <input type="checkbox"/> Comprehensive Plan Committee   | <input type="checkbox"/> Celebration Committee             | <input type="checkbox"/> Library Advisory Committee           |
| <input type="checkbox"/> Other _____                    |  |   |

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please read the back of this application before signing.**

  
SIGNATURE OF APPLICANT

6/22/20  
DATE