



TOWN OF KITTERY

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

Council Chambers – 5:00PM Animal Control Workshop

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

March 9, 2020

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 – April 22, 2019 – Regular Meeting and May 6, 2019 - Special meeting.
8. Interviews for the Board of Appeals and Planning Board

Board of Appeals (three appointments each expiring 12/31/2023).
 - April Timko
 - Jeff Brake
 - Barry Fitzpatrick
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
 - a. (030120-1) The Kittery Town Council moves to hold a public hearing to Amend Title 3 - TIF #1 and #2.
 - b. (030120-2) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 06.09(4) of the Kittery Town Charter to transfer appropriations between accounts.

- c. (030120-3) The Kittery Town Council moves to hold a public hearing to approve a Warrant Article to expand the Gorges Road Station and surplus the Walker Street Fire Station for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the article.
- d. (030120-4) The Kittery Town Council moves to hold a public hearing to approve a Warrant Article to appropriate \$500,000 for the Wood Island Pier for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the article.

11. DISCUSSION

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

12. UNFINISHED BUSINESS –

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
- b. (030120-5) The Kittery Town Council moves to approve the disbursement warrants.
- c. (030120-6) The Kittery Town Council moves to schedule a public hearing on March 23,2020 to amend Title 5 to add Short Term Rentals.
- d. (030120-7) The Kittery Town Council moves to review and finalize the wording on the Warrant Articles for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendations on each article.
- e. (030120-8) The Kittery Town Council moves to approve a renewal Liquor License from the Dance Hall located at 7 Walker Street.
- f. (030120-9) The Kittery Town Council moves to approve a renewal Liquor License from Maine Beer Café located at 439 US Route 1 Suite 1.
- g. (030120-10) The Kittery Town Council moves to approve a renewal Liquor License from The View at Pepperrell Cove located at 90 Pepperrell Road.
- h. (030120-11) The Kittery Town Council moves to approve an Extension of License on Premise for the View at Pepperrell Cove locate at 90 Pepperrell Road.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION -

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

17. ADJOURNMENT

Posted: March 5, 2020



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council

March 9, 2020

- 1. Presidential Primary Election** – I wish to thank our Election Warden, Deputy Warden, Town Clerk, and all of the election workers for their efforts in administering the Presidential Primary Election. The closed primary had not been held in Maine for over 20 years, and this proved to be a learning opportunity for the staff and voters. We appreciate the patience and kindness many showed the workers and each other, as we worked to administer this election. Some items of note:

Our voter registration rolls were found to be missing pages (people) mid-morning of the election. We learned from the Secretary of State that a technology glitch caused an issue with the download of the list and resulted in missing pages. We understand we were not the only community to experience this issue. The Secretary of State's Office was tremendously responsive and provided us with a complete list of registered voters quickly after identifying the issue.

Unenrolled voter processing proved to be very time consuming and confusing for some voters. Unlike our regular elections, unenrolled (undeclared) voters needed to re-register and declare a party in order to receive a presidential primary ballot. The registration takes time to complete. Voters were vocal about their frustration with the added step of re-registering and the impact on their time. Staff did their best to weather through, keep up with the lines, and answer questions.

Lack of ballots was also a challenge by mid-afternoon. The Town received permission from the Secretary of State's Office to photocopy ballots in order to make sure every voter who wanted to vote could. Photocopied ballots cannot be run through the tallying machines; and had to be hand counted at the end of the evening.

There were a number of lessons learned from this election. We are in the process of incorporating them into our planning for the June and November elections.

- 2. Coronavirus COVID-19** – Our Emergency Management team is working to stay abreast of the developments and guidelines related to COVID-19 and review readiness for a potential outbreak. We are in direct contact with York County Emergency Management on a regular basis and are receiving daily briefings from the State.

Generally of concern for us right now are exposure for first responders and ensuring we are prepared for mutual aid impacts; exposure/large scale infection of schools/town buildings and the continuity of operations; impact on local supplies and business operations if there is a large scale outbreak in Kittery; and impact on local businesses utilizing J-1 students who may be quarantined or prevented from traveling due to the virus.

For additional information about COVID-19, please visit the Centers for Disease Control at www.cdc.gov. Good hand hygiene, covering coughs and sneezes, and staying home if people feel sick will go a long way to protecting Maine and Kittery against the spread of the virus.

Upcoming Dates:

- Mooring Permit Renewals Due – April 15, Harbormaster or Online

Respectfully Submitted,

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

Kendra Amaral
Town Manager

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

- 1 1. Call to Order
- 2 2. Introductory
- 3 3. Pledge of Allegiance
- 4 4. Roll Call
- 5 Councilors present: Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Cyrus Clark
6 Kenneth Lemont, Vice Chair Matt Brock, and Chair Judith Spiller.
- 7 5. Agenda Amendment and Adoption
- 8 Chair Spiller added item I to New Business.
- 9 6. Town Manager's Report
- 10 Town Manager reported on: Shared Dispatch Services, Financial Report FY2019,
11 Annual Goal Report, and Fort Foster Path Repair. Upcoming dates Library
12 Design Workshop April 24, 2019 6 p.m., Kittery Community Center, and Drug
13 Take-Back Day April 27, 10 a.m. – 2 p.m., Kittery Police Department.
- 14 7. Acceptance of Previous Minutes – None
- 15 8. Interviews for the Board of Appeals and Planning Board – None
- 16 9. All items involving the town attorney, town engineers, town employees or other town
17 consultants or requested officials.
- 18 (040219-1) The Kittery Town Council moves to receive a presentation by Jessa Kellogg,
19 Shoreland Resource Officer/Stormwater Coordinator and Kristie Rabasca from
20 Integrates Environmental Engineering on the MS4 Permit for Stormwater Discharges.
- 21 Kristie Rabasca gave the MS4 General Permit presentation. Jessa Kellogg did not
22 attend.
- 23 Vice Chair Brock and Kristie Rabasca discussed the presentation.
- 24 10. PUBLIC HEARINGS
- 25 (040219-2) The Kittery Town Council moves to hold a public hearing for a New
26 Victualer's License application for El Grand Rodeo, 230 US Route 1 Bypass Kittery,
27 Maine.
- 28 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 29 Motion Carried - 7-0-0

30 (040219-3) The Kittery Town Council moves to hold a public hearing for a New
31 Victualer's License application for LoveBird's Donuts 450 US Route 1 Kittery, Maine.

32 Moved by Councilor Thomson, seconded by Councilor Pelletier.

33 Motion Carried - 7-0-0

34 Discussion between Councilors Denault, Lemont, Thomson, Pelletier, Vice Chair Brock,
35 Chair Spiller, and Town Manager about LoveBirds being issued a 2-day limited permit
36 that would allow the business to operate on the sidewalk, but LoveBirds continued
37 operating beyond the 2-days which was a violation. Also discussed if fines should be
38 issued to LoveBirds.

39 Councilor Thomson moved for an Amendment to his motion to ask the appropriate Town
40 staff to review the circumstances of the past two weeks with this establishment to make
41 their determination if some further action on the behalf of the town would be warranted.,
42 seconded by Councilor Pelletier.

43 Councilor Denault, Councilor Lemont, Councilor Thomson, Councilor Clark, and Vice
44 Chair Brock voted to approved.

45 Chair Spiller and Councilor Pelletier voted not to approve.

46 Motion Carried - 5-2-0

47 (040219-4) The Kittery Town Council moves to hold a public hearing regarding Title1-
48 KPA Fines.

49 Town Manager gave an overview of Title1-KPA Fines.

50 Moved by Councilor Thomson, seconded by Councilor Pelletier.

51 Motion Carried - 7-0-0

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

56 12. UNFINISHED BUSINESS - None

57 13. NEW BUSINESS

58 a. Donations/gifts received for Council disposition.

59 (040219-5) The Kittery Town Council moves to accept donations in the amount of
60 \$4,370 to be deposited into the Thresher Memorial Fund.

61 • John Pearson & Elinor Lamson
62 • Perry Plumbing & Heating, Inc.
63 • Terence Malloy
64 • Randall and Sharen Spratt
65 • Bib and Karen Longcrier
66 • David and Carol Ogilvie

- 67 • Arnold and Catherine Harrison
- 68 • Walter Allen
- 69 • John Robbins and Shaye McGann
- 70 • Michael Fiandaca
- 71 • Thomas and Pamela Clairmont
- 72 • Two Sons, LLC
- 73 • Anne and Steven Barton
- 74 • Patricia and Vaughn Kailian
- 75 • Bob McGinness
- 76 • H. Lauren Gallant
- 77 • Irene and David Couture
- 78 • Sophia Scontras
- 79 • William and Constance Parsons
- 80 • Alalia and Frederick Thaler
- 81 • Richard and Suzanne Bicknell
- 82 • Gail Tanner
- 83 • Alfred and Cynthia Benton
- 84 • Lorraine Wheeler-Salt River Farm
- 85 • The Fabulous Find

86 Moved by Councilor Thomson, seconded by Councilor Denault.

87 Motion Carried- 7-0-0

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

90 Moved by Councilor Thomson, seconded by Councilor Pelletier.

91 Motion Carried- 7-0-0

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

94 Moved by Councilor Thomson, seconded by Councilor Pelletier.

95 Motion Carried- 7-0-0

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

99 Moved by Councilor Thomson, seconded by Councilor Pelletier.

100 Motion Carried- 7-0-0

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

104 Moved by Councilor Denault, seconded by Councilor Pelletier.

105 Motion Carried- 7-0-0

- 106 f. (040219-10) The Kittery Town Council moves to approve a renewal Liquor

107 License application from Anju Noodle Bar 7 Wallingford Square Unit 102, Kittery.

108 Moved by Councilor Thomson, seconded by Councilor Pelletier.

109 Motion Carried- 7-0-0

110 g. (040219-11) The Kittery Town Council moves to appropriate \$50,000 of

111 Unassigned Funds in accordance with Warrant Article 7, approved on June 12,

112 2018 for the LED Street Lighting conversion project.

113 Town Manager gave an overview of the LED Street Lighting conversion project.

114 Moved by Councilor Denault, seconded by Councilor Pelletier.

115 Motion Carried- 7-0-0

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

117 Management Plan.

118 Moved by Councilor Denault, seconded by Councilor Pelletier.

119 Fire Department Chief David O'Brien gave an overview of the Emergency

120 Management Plan.

121 Motion Carried - 7-0-0

122 i. Kittery Town Councilor moves the appointment of Deborah Driscoll to the Kittery

123 Climate Adaptation Committee Business Representative.

124 Moved by Councilor Thomson, seconded by Councilor Pelletier.

125 Motion Carried - 7-0-0

126 14. COUNCILOR ISSUES OR COMMENTS

127 Vice Chair Brock discussed green space in Kittery Foreside.

128 Councilor Denault discussed Earth Day, lost dog on Litchfield and Picott Road as well as

129 Riley Way, and the passing of Carl Dawson and former Kittery Police Officer Ronald

130 Vermette. Recognizing the Kittery Color Guard for attending Ronald Vermette's funeral

131 Chief Robert Richter, Sargent Gary Eaton, Detective Brian Cummer, Officer Zach

132 Harmon, Officer Ben Cyr, and Officer Greg Caldwell.

133 15. COMMITTEE AND OTHER REPORTS

134 a. Communications from the Chairperson

135 Chair Spiller discussed the lights on Government and State, as well as Walker and State

136 traffic still turning into the crosswalk, Earth Day, speeding on 103, and Public Hearing on

137 May 6, 2019 at 6 p.m. on the Town and School Budget.

138 b. Committee Reports - None

139 16. EXECUTIVE SESSION - None

140 17. ADJOURNMENT

Submitted by Kim Tackett

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

Kittery Town Council DRAFT Minutes

May 6, 2019

Special Meeting Agenda

Town Hall – Council Chambers
Requested by Chairperson Spiller

- 1 1. Introductory
- 2 2. Pledge of Allegiance
- 3 3. Roll Call
- 4 Councilors present: Charles Denault, Jeffrey Pelletier, Kenneth Lemont, Jeffrey
5 Thomson, Vice Chair Matt Brock and Chair Judith Spiller. Councilors absent: Cyrus
6 Clark.
- 7 4. Call to Order
- 8 5. PUBLIC HEARINGS
- 9 a. (050119-1) The Kittery Town Council moves to hold public hearing on the School Budget
10 Validation Referendum.
- 11 No action needed.
- 12 b. (050119-2) The Kittery Town Council moves to hold a public hearing to approve an
13 ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for
14 Fiscal Year 2019-2020."
- 15 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 16 Motion Carried 6-0-0
- 17 c. (050119-3) The Kittery Town Council moves to hold a public hearing to approve an
18 ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2019-2020."
- 19 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 20 Motion Carried 6-0-0
- 21 d. (050119-4) The Kittery Town Council moves to hold a public hearing to approve an
22 ordinance entitled "Ordinance Approving Transfer of School Year-End Balances to
23 Dedicated Accounts" for spending in the 2019-2020 fiscal year.
- 24 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 25 Motion Carried 6-0-0
- 26 e. (050119-5) The Kittery Town Council moves to hold a public hearing to approve and sign
27 the warrant for the School Budget Validation Referendum for June 11, 2019.

- 28 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 29 Motion Carried 6-0-0
- 30 f. (050119-6) The Kittery Town Council moves to hold a public hearing to approve and sign
31 the warrant for the Town Meeting Election for June 11, 2019.
- 32 Moved by Councilor Thomson, seconded by Councilor Pelletier.
- 33 Motion Carried 6-0-0
- 34 6. ADJOURNMENT
- 35 Moved by Councilor Thomson, seconded by Councilor Denault, all were in favor.

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, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED
FEB 27 2020
8:23am
SN

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: APRIL Timko

RESIDENCE: 356 HALEY ROAD, KITTERY POINT 03905

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: apriltimko@gmail.com

TELEPHONE NUMBERS: (HOME) 207 451 2161 (WORK) _____

PRESENT POSITION: BOARD OF APPEALS

PLEASE CHECK APPROPRIATE BOX:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Board of Appeals | <input 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"/> Kittery Land Issues Committee | |
| <input type="checkbox"/> Other _____ | | |

COMMENTS: I LOOK FORWARD TO CONTINUING
TO SERVE THE TOWN AS A MEMBER OF
THE BOARD OF APPEALS

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

2/12/20
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1323 Fax: (207) 439-6806

RECEIVED
BY: [Signature]
FEB 26 2020
3:35 PM

PLEASE CHECK APPROPRIATE BOX:

X

APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

☐ APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

☐ APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: JEFFERY BRAKE

RESIDENCE: 28A COTTAGE RD

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: JEFF BRAKE at Comcast . net

TELEPHONE NUMBERS: (HOME) 207 252 3687 (WORK) SAME

PRESENT POSITION: MEMBER

PLEASE CHECK APPROPRIATE BOX:

X

☒ Board of Appeals

☐ Conservation Commission

☐ Board of Assessment Review

☐ Economic Development Committee

☐ Comprehensive Plan Committee

☐ Other _____

☐ Kittery Port Authority

☐ Planning Board

☐ Parks Commission

☐ KCC Board of Directors

☐ Kittery Land Issues Committee

☐ Board of Trustees of Trust Funds

☐ Shellfish Conservation Committee

☐ Educational Scholarship Committee

☐ Kittery Climate Adaptation Committee

COMMENTS: _____

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

2-12-20
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED
MAR 03 2020

BY: 82 10:47 am

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: Barry Fitzpatrick

RESIDENCE: 118 Rogers Rd Kittery, Me

MAILING ADDRESS IF DIFFERENT FROM ABOVE: PO Box 443 03904

E-MAIL ADDRESS: _____

TELEPHONE NUMBERS: (HOME) _____

(WORK) _____

PRESENT POSITION: Retired

PLEASE CHECK APPROPRIATE BOX:

☒ Board of Appeals

☐ Conservation Commission

☐ Board of Assessment Review

☐ Economic Development Committee

☐ Comprehensive Plan Committee

☐ Other _____

☐ Kittery Port Authority

☐ Planning Board

☐ Parks Commission

☐ KCC Board of Directors

☐ Celebration Committee

☐ Board of Trustees of Trust Funds

☐ Shellfish Conservation Committee

☐ Educational Scholarship Committee

☐ Kittery Climate Adaptation Committee

☐ Library Advisory Committee

COMMENTS: _____

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

DATE 3/3/2020



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: February 24, 2020
UPATED: March 9, 2020
From: Kendra Amaral, Town Manager
Subject: TIF Districts No. 1 and No. 2
Councilor Sponsor: Chairperson Judy Spiller

EXECUTIVE SUMMARY

The Tax Increment Financing Districts No. 1 and No. 2 were approved in December of 2010 and last thirty years. The districts are segregating approximately \$219,994 annually from the Municipal budget. The current accumulated balance in these two district-funds is approximately \$655,527. The Districts do not expire until approximately 2040.

Development over the past five years in the two districts have occurred irrespective of the district designations and without the need for public infrastructure investment. The developments have added to the Town's tax valuation, however the generated tax revenue from the added value is segregated from the municipal budget and not usable for general municipal operations.

The districts were adopted in 2010 primarily to spur job creation. Ten years later, the town's unemployment rate is 2.7% compared to a state average of 2.9% and a national average of 3.5%. The development goals of the town have shifted to affordable housing, multi-modal transit, and the reduction of greenhouse gas emissions. These two districts no longer align with the development goals for the identified parcels.

At this time, the recommendation is to dissolve Districts No. 1 and No. 2 and appropriate the accumulated tax revenue funds to specific capital and infrastructure that carries forward the general vision of the districts.

Additionally, it is recommended that the Town analyze the opportunity for new TIF districts that are transportation and housing oriented, and associated with parcels where these priorities are best located.

BACKGROUND

TIF Districts No. 1 and No. 2 were created in a three-TIF district package in late 2010. The two districts include parcels primarily along Route 1 with one section covering Pepperrell Cove. The parcels are not contiguous.

The public facilities, improvements and programs identified for the districts include roads to facilitate commercial development, improvements to roads directly related to or made necessary by the districts,

trolleys and trolley stops, sewer and water system improvements, economic development planning, and administrative expenses associated with development.

Of the parcels in the two districts, multiple development projects have been permitted and constructed including: Hampton Inn & Suites (30-41), Landmark Hill (67-02), Weathervane Site (38-13), Sowerby Parcel/Nursing Home (60-24), Yankee Settlement (66-24/25), Pepperrell Cove (27-49/50). The projects are advancing without public road, sewer or water infrastructure enhancements, or credit enhancement agreements. District No. 1 has increased in value by \$1,790,300 and District No. 2 has increased in value by \$10,853,000.

The increased value is sheltered from state funding calculations and county tax assessments. The Town does not qualify for state aid for education. If dissolved, the increased value will add 0.85% to the total valuation used to calculate revenue sharing and the county tax assessment. By comparison, the Town's revaluation effort, currently underway, is expected to add approximately 10% to the total valuation. Removing the valuation sheltered by the districts will have an overall negligible impact in light of the revaluation effort underway.

The total balances for Districts 1 and 2, combined is \$655,527. These funds must be transferred to the general fund if the districts are dissolved, or the funds become unusable. They can then be appropriated for projects that generally relate to the goals of the TIFs or other uses deemed beneficial by the Council. Based on the general goals of the two districts and the Town's expressed priorities, the following uses are proposed:

GIS Upgrade

\$40,000 for GIS upgrade. The project is already underway and is expected to be complete within six months. The project is being funded by the three TIF districts. The proposed allocation represents District No. 1 and No. 2's portion of the project costs. The GIS upgrade will provide a more accurate GIS mapping of Kittery's parcels, zones, wetlands, vernal pools, infrastructure, and other features important to property owners, investors, and planners analyzing development options. This project supports the overall goal of supporting development in the districts.

Repaving of Route 1

\$400,000 for repaving Route 1 in FY23 (See CIP). This project is part of the pavement management plan and is expected to cost approximately \$1M, excluding drainage, sidewalk and intersection upgrades. The CIP has allocated \$600,000 in FY23. It has been the Town's intention to use TIF funding to support the additional cost of the repaving project, as a means of maintaining existing infrastructure that serves the districts.

Mass Transit

\$115,000 seed funding to bring mass transit to Kittery. COAST is altering its bus service to the Shipyard. The new proposed service will provide a public fixed route bus service to the Foreside that runs hourly, on weekdays. The Town and PNSY will need to share in the operational costs for the service.

Additionally, the Town is working with COAST on a proposal to bring a fixed route bus service to the Mall Road area. This would come with both an operational and capital cost. Efforts are underway to identify federal and state funding; however, some financial support will be required by the Town to launch the service.

Mass transit to Kittery serves a number of objectives including reducing vehicle congestion and parking constraints in the Foreside, reducing greenhouse gas emissions by providing a reliable alternative mode of transit, and appealing to the next generation of residents and workers seeking car-free or car-limited living and employment options. This proposal is in line with the district project goals of bringing a “trolley” service to Kittery.

The above proposals total \$555,000; leaving \$100,000 left for other needs. The Council can choose to pass this to the unassigned fund balance, or use it for other purposes deemed beneficial to the town. Based on Council priorities expressed with the acceptance of the FY21-FY25 CIP, the following is recommended:

Sidewalks, Ped/Bike Plans

\$100,000 for engineering for sidewalk extension on Stevenson Road and for seed funding for a Pedestrian/Bike Master Plan that identifies priorities for sidewalk and bike infrastructure investment and a plan for short/mid/long term objectives to inform the annual budget and CIP development. Estimated cost of engineering for the Stevenson Road extension is \$85,000. Both the engineered plans and the master plan will set the Town up for implementation grants from MDOT and the MPO in future funding cycles.

PROPOSED SOLUTION/RECOMMENDATION

Amend Title 3 to eliminate TIF Districts No. 1 and No. 2 and appropriate funds as recommended.

ATTACHMENTS

- TIF Agreements – Districts 1 & 2
- Appropriation Recommendations
- Enactment to Dissolve Districts 1 & 2
- Enactment to Appropriate Funds

Title 3

Municipal Development and Tax Increment Financing Districts

AMEND Title 3 as follows:

§ 3.4.1 District designations and adoption.

Municipal development and tax increment financing district(s) are hereby designated, to be known as ~~District No. 1 (Mixed Use), District No. 2 (Route 1 Shopping Corridor), and~~ District No. 3 (~~Business Park~~Mixed Use Neighborhood), and herewith is adopted the development program for such districts; such designations and adoptions to be pursuant to the following findings, terms and provisions. District No. 1 and District No. 2 are hereby terminated and dissolved.

§ 3.4.2 Findings and determinations.

The Town Council hereby finds and determines that:

A. At least 25%, by area, of the real property within the districts as herein designated, meets at least one of the following statutory criteria:

(1) Must be a blighted area;

(2) Must be in need of rehabilitation, redevelopment or conservation work; or

(3) Must be suitable for commercial uses;

B. The total area of the individual districts does not exceed 2% of the total acreage of the Town, and the total area of all three districts within the Town does not exceed 5% of the total acreage of the Town;

C. The original assessed value of all existing and proposed tax increment financing districts does not exceed 5% of the total value of equalized taxable property within the Town as of March 31, 2010; and

D. The designation of the districts and pursuit of the development program will make a contribution to the economic growth and well-being of the Town and the surrounding region and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

§ 3.4.3 Retention of captured assessed value.

Pursuant to the provisions of Title 30-A M.R.S. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the development program is hereby established as set forth in the development program.

§ 3.4.4 Submission authority.

The Town Manager is hereby authorized, empowered and directed to submit the proposed designation of the districts and the proposed development program for the districts to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of Title 30-A M.R.S. § 5226. The Town Manager is hereby authorized, empowered and directed to complete any actions

necessary to dissolve Districts No. 1 and No. 2.

§ 3.4.5 Full force and effect.

The foregoing designation of the district(s) and the adoption of the development program for the districts automatically becomes final and takes full force and effect upon receipt by the Town of approval of the designation of the districts and adoption of the development program by the State of Maine Department of Economic and Community Development, without requirement of further action by the Town, the Town Council or any other party.

§ 3.4.6 Development program revisions.

The Town Manager is hereby authorized and empowered, as may be necessary from time to time, to make such revisions to the development program for the districts as the Town Council deems reasonably necessary or convenient in order to facilitate the process for review and approval of the districts by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with this chapter or the basic structure and intent of the development program.

§ 3.4.7 Credit enhancement agreements (CEA).

- A. Credit enhancement agreement(s) that may be entered into by the Town and one or more developers; description of the terms and conditions of any such agreement(s), contract(s) and obligation(s) to be entered into by the Town is set forth in the Maine DECD model agreement as part of the application to the state. Any such agreement is to be in the form approved by the Town Council with any changes thereto as determined appropriate by the Town Council after public hearing.
- B. Any credit enhancement agreement is to set forth the obligations of the Town to return to the applicable developer each year during the term of any such agreement the applicable tax increment (developer's share) as described in the model agreement.
- C. Any obligation of the Town to make such payments is to be a limited obligation payable solely from that portion of the tax increment constituting the tax increment (developer's share) actually paid by the applicable developer as property tax and does not constitute a general debt or obligation on the part of the Town or a general obligation or charge against or pledge of the faith and credit or taxing power of the Town.

§ 3.4.8 No use without development.

With establishment of the district(s) and implementation of the development program, no tax revenues generated for the development program may be used for municipal improvements, ~~or other reason,~~ until and unless private development within the district(s) is approved, warranting the need for such improvements. An exception to that criterion is an amount from each district, if available, ~~approved by Council as part of the annual capital improvement program process~~ for the purpose of funding economic development administration.

KITTERY TOWN CODE
TITLE 3
TAX INCREMENT FINANCING DISTRICTS

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

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

WHEREAS, the Town of Kittery approved the designation of Tax Increment Financing District No. 1 – Mixed Use, and Tax Increment Financing District No. 2 – Route 1 Shopping Corridor by ordinance in 2010; and

WHEREAS, the Council finds that the intended use of Captured Assessed Value tax revenues is no longer in the best interest of the Town as described in the Development Programs;

WHEREAS, the Council finds that future tax revenues in these Tax Increment Financing Districts should be made available for uses not currently allowed by the Development Programs; and

WHEREAS, based on the foregoing, the Council finds that these Tax Increment Financing Districts are no longer necessary or effective for their established purposes;

NOW THEREFORE, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND §5226, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS as follows:

- Amendment to Title 3 of the Town Code as Presented;
- Captured tax revenues remaining in the restricted accounts for these Tax Increment Financing Districts shall be transferred to the Town's General Fund and made available for appropriation to fund any lawful expense; and
- The Town Manager shall be authorized to complete any actions necessary to dissolve the Tax Increment Financing Districts No. 1 and No. 2.

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

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

Attest: {NAME}, _____ Town Clerk

**TOWN OF KITTERY
TAX INCREMENT FINANCING DISTRICT FUNDS
TRANSFER OF APPROPRIATIONS**

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

WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 6.09(4) of the Town Charter; 30-A MRS §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, welfare, morals, and safety, and does not intend for this Ordinance to conflict with any existing state or federal laws; and

WHEREAS, the Council found the Tax Increment Financing Districts No. 1 and No. 2 to no longer be necessary or effective for their established purposes;

WHEREAS, the Council transferred the tax revenues remaining in the restricted accounts for these Tax Increment Financing Districts to the General Fund and made them available for appropriation; and

WHEREAS, the Town Manager has submitted a written request to transfer the funds to various reserve accounts to fund activities and projects consistent with the Town Council's goals;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER §6.09(4) THE TOWN OF KITTERY HEREBY ORDAINS THE TRANSFER OF FUNDS AS PRESENTED, **TO BE ENACTED UPON THE DISOLUTION OF THE TAX INCREMENT FINANCING DISTRICTS NO. 1 AND NO. 2.**

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

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

Attest: {NAME}, _____ Town Clerk

Report to Council

TAX INCREMENT FINANCING FUNDS

DRAFT: March 9, 2020

AVAILABLE		\$ 655,527	
FUND		PURPOSE	
4002	Right of Way	\$ 400,000	Route 1 Repaving in FY23
4122	Zoning Recodification and GIS Upgrade	\$ 40,000	GIS Upgrade (underway)
NEW	Mass Transit	\$ 115,000	Seed funding: Fixed Bus Route Foreside, Capital for Bus Route to Mall Road
4002	Right of Way	\$ 100,000	Stevenson Sidewalk Ext Engineering, Ped/Bike Master Plan
BALANCE TO REMAIN IN GENERAL FUND		\$ 527	



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

REPORT TO TOWN COUNCIL

Meeting Date: March 9, 2020
From: Kendra Amaral, Town Manager
Subject: Gorges Road Warrant Article

This project is proposed as a “net-neutral project” relative to capital costs, meaning the costs to construct the expansion of Gorges Road and move the ambulance service is expected to be paid back by the sale of the Walker Street Fire Station.

We received a revised concept budget for the cost to expand the Gorges Road Fire Station. The project is expected to be a design-build project, meaning the contractor will also be responsible to provide the construction documents/designs. The conceptual cost estimate came in higher than originally scoped due to the strong economy and other factors.

We have also received a preliminary appraised value for the Walker Street Fire Station. The preliminary figure is lower than expected. Since it is still in the development phase, we have not had an opportunity to evaluate the factors contributing to the proposed value. The final appraisal report is still in development.

The purpose of the project is still relevant, valid, and something the Town should pursue. We believe the construction cost and appraised value can achieve a net neutral project. However, we do not have the data in hand at this time to properly assure the Council and voters that it will be net neutral.

OPTIONS

Our options are 1) to reword the warrant article to be more general and continue to work the appraisal and cost estimate, or 2) to withdraw the article and reintroduce it when we have analyzed this information more thoroughly and can provide the appropriate assurances regarding the projects financial impact.

PROPOSED SOLUTION/RECOMMENDATION

I am respectfully requesting the Council cancel the public hearing, and allow the proposed warrant article for Gorges Road to be withdrawn.

We will seek to reintroduce the article for the November ballot, contingent up on being able to prove out the finances.

GORGES ROAD STATION EXPANSION WARRANT ARTICLE

Article X. Shall the town vote to authorize the Town Council to transfer up to \$ 400,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$400,000 for the expansion of the Gorges Road Fire Station to house the ambulance service; and to surplus and sell, in accordance with Town Ordinance, the Walker Street Fire Station, located at 25 Walker Street, with sale proceeds, equal to cost of the Gorges Road Fire Station expansion, returned to the unassigned funds, and any other proceeds in excess of the expansion costs, assigned in a manner approved by the Town Council?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

The Town Council has determined that the Gorges Road Fire Station is a more advantageous site for the ambulance service than the current Walker Street Fire Station. The Gorges Road station will require an expansion to house the ambulance service, to include two ambulance bays, a small living quarters for bunking of staff, an office area, and an upgrade to the existing kitchen. Upon completion of the expansion, the Walker Street station will be sold, with proceeds directed to reimburse the expenditures made from undesignated funds toward the Gorges Road Station. The Council will direct the allocation of any excess proceeds in accordance with the Town Code. The Walker Street station is appraised at \$_____.

**WOOD ISLAND PIER
WARRANT ARTICLE**

Article X. Shall the town vote to authorize the Town Council enter into a grant agreement with Wood Island Life Saving Station, a 501(c) 3 organization, and transfer up to \$500,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to and no more than \$500,000 for the grant to support construction of a public pier at Wood Island?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

This article will provide public funds from the Town of Kittery for the amount of up to, but not to exceed, \$500,000 for the construction of a pier to serve Wood Island, a town owned property, and the Wood Island Life Saving Station Museum operated by the Wood Island Life Saving Station Association.

The Town Council will develop and enter into a grant agreement that establishes the grant terms and conditions, and develop and enact any appropriate amendments to the Concession, Repair and Maintenance Agreements with Wood Island Life Saving Station Association.



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

REPORT TO TOWN COUNCIL

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

OVERVIEW

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

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

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

PROCESS

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

PROPOSED ORDINANCE

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

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

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

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

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

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

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

ATTACHMENTS

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

ADD 5.12 SHORT TERM RENTAL as follows:

§5.12.1 Purpose

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

§5.12.2 Definitions

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

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

§ 5.12.3 Applicability

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

B. Exclusions. Excluded from this chapter are:

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

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

§ 5.12.4 License Required

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

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

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

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

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

§ 5.12.5 Standards

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

B. Occupancy limits.

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

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

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

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

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

I. Parking.

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

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

§ 5.12.6 Complaints

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

§ 5.12.7 Denial, Suspension, or Revocation of License

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

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

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

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

§ 5.12.8 Violations

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

AMEND Appendix A as follows:

Chapter 5.12 SHORT TERM RENTAL

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

**KITTERY TOWN CODE –
SHORT TERM RENTALS**

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

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

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

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

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

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

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

Attest: {NAME}, _____ Town Clerk

**TOWN OF KITTERY
TOWN MEETING WARRANT
JUNE 9, 2020**

To Robert V. Richter, a Constable of the Town of Kittery, in the County of York, State of Maine.

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Kittery in said county and state, qualified by law to vote in town affairs:

To meet at the Municipal Complex Council Chambers in said town on Monday the 8th day of June 2020, at 6:00 p.m. to hold a public hearing on Articles 2 through ____.

To act on Article 1 to elect a moderator by written ballot and to act on Articles 2 through 8 by secret ballot at the Kittery Community Center Gymnasium in said town on Tuesday, the 9th day of June, 2020 at 8:00 a.m., as set out below, to wit:

The polls will be open from 8:00 a.m. until 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.

Article 1. To elect a moderator to preside at said meeting and to vote by written ballot.

Article 2. Shall the town vote to authorize the Town Council to transfer up to \$125,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary to maintain a positive fund balance in the Compensated Absences account and to pay for accrued vacation and/or sick leave to settle any unpaid benefits owed to retired or terminated employees in the fiscal year?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay for accrued benefits owed when a municipal employee retires or leaves. The reserve account balance is currently \$38,922. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 3. Shall the town vote to authorize the Town Council to transfer up to \$25,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$25,000 when necessary for the purpose of paying the town's cost on accepted insurance claims against the town?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay the deductible and other associated costs on insurance claims that may be made in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 4. Shall the town vote to authorize the Town Council to transfer up to \$100,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$100,000 when necessary for the purpose of providing the town's match to federal, state, and non-profit grants?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

Grant applications are filed by different town departments to assist with the operations and capital purchases. These grants, if successful, often require a local match to be raised. The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) when and if necessary, for the purpose of meeting grant match requirements. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 5. Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of covering shortfalls in the town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

The purpose of this article is to provide departments, who have exhausted their allocated fuel budgets in the fiscal year, access to funds for fuel needs. The Town Council favored keeping the fiscal year fuel and utility accounts as low as possible, with this article making available surplus funds as a safety net in case of an unstable market for fuel. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 6. Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of providing for the town's General Assistance Program as required by town, state, and federal laws in the fiscal year?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

The General Assistance Program is budgeted from the town's operational budget each year. The program assists town citizens with welfare type services by following very strict state and federal guidelines for income eligibility within the General Assistance Ordinance. The purpose of this article is to create a method for the Town Council to supplement the General Assistance budget if needed. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 7. Shall the town vote to authorize the Town Council to transfer up to \$50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 when necessary for the purpose of paying for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the regular fiscal year operating budget?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy efficiency projects are being identified to further save the town funds. The purpose of this article is to allow the Town Council to make unplanned emergency facility repairs and undertake energy efficiency projects that may arise in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 8. Shall the town vote to authorize the Town Council to transfer up to \$ 50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 for a Municipal Property Tax Assistance program to credit property taxes owed by certain residents that meet the program requirements?

Town Council Recommends – Vote: Yes ____ No ____

Explanation:

The Senior Tax Credit program allows for taxpayers of a certain age, income level, and other qualifying requirements to receive a credit on their property taxes each year. The program assists seniors with their property tax obligations and makes it easier for them to remain in their homes. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

The Registrar of Voters will office hours while the polls are open to correct any error in, or change a name or address on, the voting list; to accept registration of any person who becomes 18 years of age on Election Day or after the close of registration prior to it; and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this ____ day of _____ 2020.

_____	_____
_____	_____
_____	_____

Municipal Officers

A true copy

ATTEST: _____
Town Clerk

RETURN ON THE WARRANT

County of York
of Maine

State

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of Kittery, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Kittery and Kittery Point Post Offices, Kittery Municipal Office, Kittery Community Center, and Kittery Resource Recovery Facility in said town, being public and conspicuous places in said town on

_____, 2020, being at least seven days before the meeting.

Robert V. Richter

Date



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): The Dance Hall	Business Name (D/B/A): The Dance Hall
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 7 Walker St., Kittery, ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: P.O. Box 691
Mailing address, if different from DBA address:	Email Address: thedancehallkittery@gmail.com
Telephone # Fax #:	Business Telephone # Fax #: 207-703-2083 or 603-661-7510
Federal Tax Identification Number: 45-0964224	Maine Seller Certificate # or Sales Tax #: 7722
Retail Beverage Alcohol Dealers Permit:	Website address: www.thedancehallkittery.org

1. New license or renewal of existing license? ☐ New ☒ Renewal

If a renewal, please provide the following information:

Your current license expiration date: 04/22/2020

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

Food: _____ Beer, Wine or Spirits: \$ 16,835.00 Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

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

- | | | |
|---|--|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A 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 with auxiliary and mobile cart options
(Class I, II, III, IV) | <input type="checkbox"/> Tavern
(Class IV) | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

☒ Other: Non-Profit Performing Arts Venue

Refer to Section V for the License Fee Schedule

4. If application is for a new license or the business is under new ownership, indicate starting date:

5. Business records are located at the following address:

7 Walker St., Kittery, ME

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

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

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

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

Name of Business	License Number	Complete Physical Address
The Dance Hall	7722	7 Walker St., Kittery, ME 03904

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

Full Name	DOB	Place of Birth
Hendrika Overton	05/14/1952	Santa Monica, CA
Edward Golden	01/09/1950	Grand Rapids, MI

Residence address on all the above for previous 5 years

Name Hendrika Overton	Address: Kittery, ME
Name Edward Golden	Address: Kittery, ME
Name	Address:
Name	Address:

9. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
10. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No
11. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- ☐ Yes ☒ No
- ☐ Not applicable – licensee/applicant(s) is a sole proprietor
12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? ☐ Yes ☒ No
13. Will any law enforcement officer directly benefit financially from this license, if issued?
- ☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

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

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

A former single story Grange Hall with an entrance lobby that includes a service area and locked box office for storage; a Ladies Room; an open 40' x 40' Hall with two forms of egress; a small stage with two side rooms; stairs to a full basement with Men's room and storage area.

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

Name: 2nd Congregational Church

Distance: 792 ✓

Section II: Signature; Fee; Delivery of application

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

Please sign and date in blue ink.

Dated: 2/24/2020

Drika Overton
Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Drika Overton
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

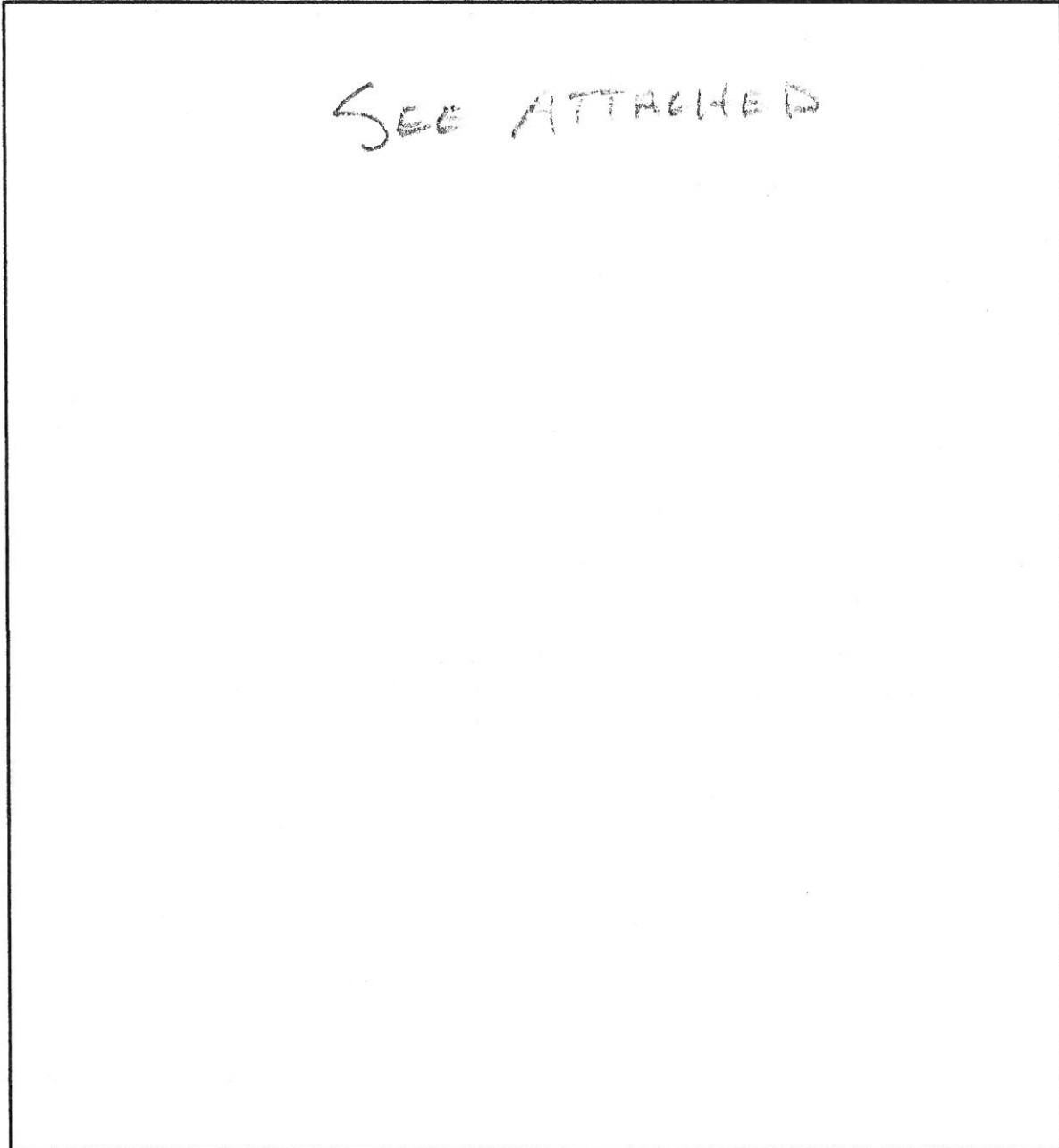
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

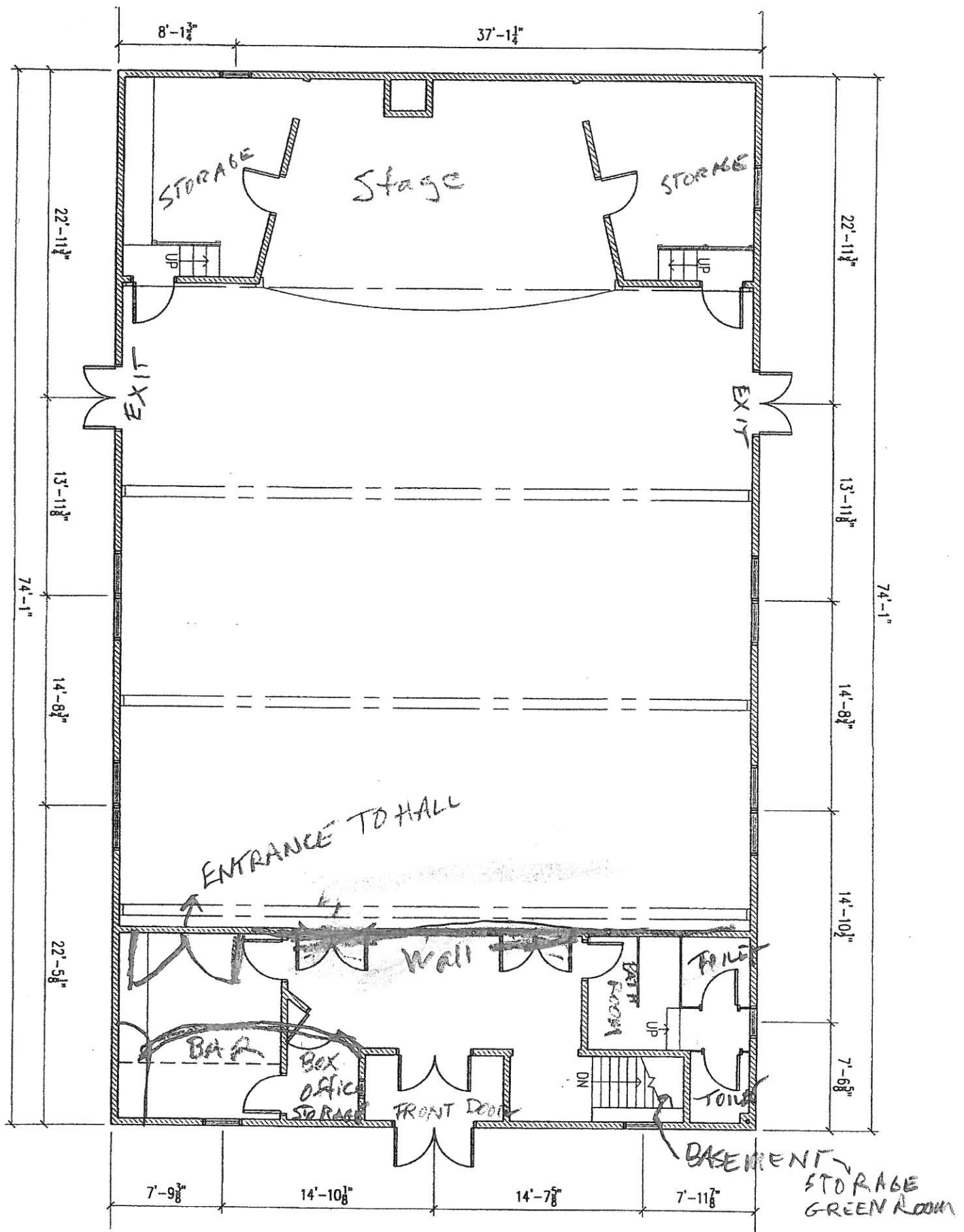
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

Section VI Premises Floor Plan

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

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





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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: The Dance Hall
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 04/14/2011 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Paul Hodes	Concord, NH	03/21/1952	President	0.0000
Ben Lord	Dover, NH	09/13/1977	Treasurer	0.0000
Susan Treadwell	Kittery, Point, ME	05/18/1951	Board	0.0000
Michael Chubrich	Portsmouth, NH	03/16/1946	Board	0.0000
Terie Norelli	Portsmouth, NH	07/07/1952	Board	0.0000
Drika Overton	Kittery, ME	05/14/1952	Executive Dir.	0.0000

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

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

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

PRESENT LICENSE EXPIRES: 3/21/20

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:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>York Harbor Brewing Corp</u>			Business Name (D/B/A) <u>Maine Beer Cafe</u>		
APPLICANT(S) - (Sole Proprietor) <u>DOB:</u>			Physical Location: <u>439 US Rt 1 Ste 1</u>		
DOB:			City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Address <u>439 US Rt 1 Ste 1</u>			Mailing Address <u>439 US Rt Ste 1</u>		
City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>	City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Telephone Number <u>207-703-8060</u>		Fax Number	Business Telephone Number <u>207-703-8060</u>		Fax Number
Federal I.D. # <u>46-1346619</u>			Seller Certificate #: or Sales Tax #: <u>1165843</u>		
Email Address: Please Print <u>dave@mainebeercafe.com</u>			Website: <u>www.mainebeercafe.com</u>		

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 \$ 165,000 LIQUOR \$ 145,000

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 _____

6. If manager is to be employed, give name: David D'Auteuil City/Town _____

7. Business records are located at: 439 US Rt 1 Ste 1 Kittery, ME 03904

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

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

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

Full Name (Please Print)	DOB	Place of Birth
David D'Auteuil	2/6/1971	Lewiston, ME

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

Name: David D'Auteuil	City: Kittery	State: Maine
Name: _____	City: _____	State: _____
Name: _____	City: _____	State: _____

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

Harrison E Lemont Management 439 US Rt 1 Ste 3 Kittery, ME 03904

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

See Attached.

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

YES ☒ NO ☐ Applied for: _____

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? 1.3

Which of the above is nearest? Church

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


If YES, give details: Kennebunk Savings

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

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

Dated at: Kittery, Maine on 2/24, 20 20
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

David D'Auteuil
Print Name

Print Name

FEE SCHEDULE

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

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

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

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

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

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

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP) .]

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

[1995, c. 140, §6 (AMD) .]

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

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

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

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

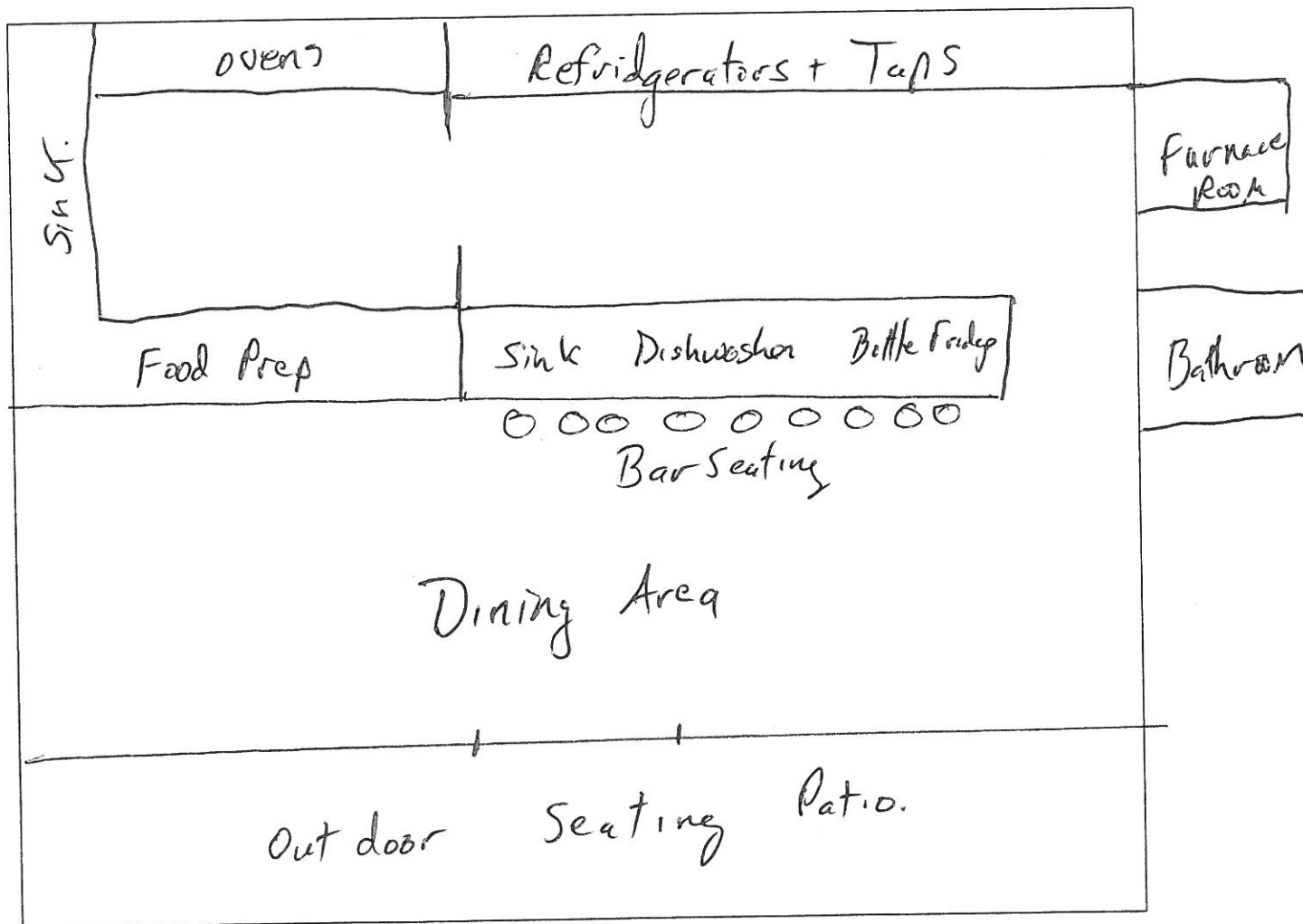
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

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

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





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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: York Harbor Brewing Corp
2. Doing Business As, if any: Maine Beer Cafe
3. Date of filing with Secretary of State: 10/12/2012 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
David D'Auteuil	16 Fernald Rd U. Hery, ME 47 US RT 1 By Bess U. Hery, ME 8 Blueberry Lane U. Hery, ME	2/6/71	VP	100

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

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

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Owner or Corporate Officer

2/24/2020
Date

David D'Artemio
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

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

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

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 04/9/2020

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: The View at Pepperrell Cove LLC		Business Name (D/B/A) The View at Pepperrell Cove	
APPLICANT(S) –(Sole Proprietor) The View at Pepperrell Cove		Physical Location: 90 Pepperrell Rd	
DOB:		City/Town	State
		Kittery Point Me	
Address 90 Pepperrell Rd		Mailing Address PO BOX 67	
City/Town	State	Zip Code	
Kittery Point ME	03905	03905	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
207 703 2028		207 703 2028	
Federal I.D. # 82-4808987		Seller Certificate #: or Sales Tax #: 1190697	
Email Address: Please Print eides@pepperrellcove.com		Website: pepperrellcove.com	

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

Requested inspection date: April 1 2020 Business hours: 11am to 9pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 4000,000 LIQUOR \$ 200,000
- Is applicant a corporation, limited liability company or limited partnership? YES ☐ NO ☐

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

- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☐
- If manager is to be employed, give name: Ei des Ares
- Business records are located at: 2 Bellamy In Kittery Point Me 03905
- Is/are applicants(s) citizens of the United States? YES ☐ NO ☐
- Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☐

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Eides Ares	09/04/1984	Jaru Brazil
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
87 Whipple Rd Kittery ME 03904		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

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

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

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

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

Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: Kittery Point ME

Town/City, State

on

~~2/10/2020~~

2.10.20

2/10/2020

Date

Please sign in blue ink

Eides Ares

Signature of Applicant or Corporate Officer(s)

Eides Ares

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

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

Class I Spirituous, Vinous and Malt \$ 900.00

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

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

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

Class II Spirituous Only \$ 550.00

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

Class III Vinous Only \$ 220.00

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

Class IV Malt Liquor Only \$ 220.00

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

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

CLASS V: Clubs without catering privileges.

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

CLASS X: Class A Lounge

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

CLASS XI: Restaurant/Lounge; and OTB.

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

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

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

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

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

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

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

STATE OF MAINE

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

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings: bureau review; appeal

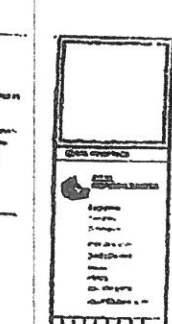
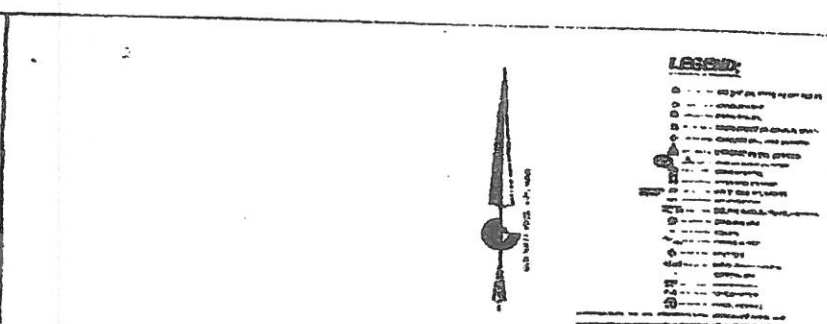
1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of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

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

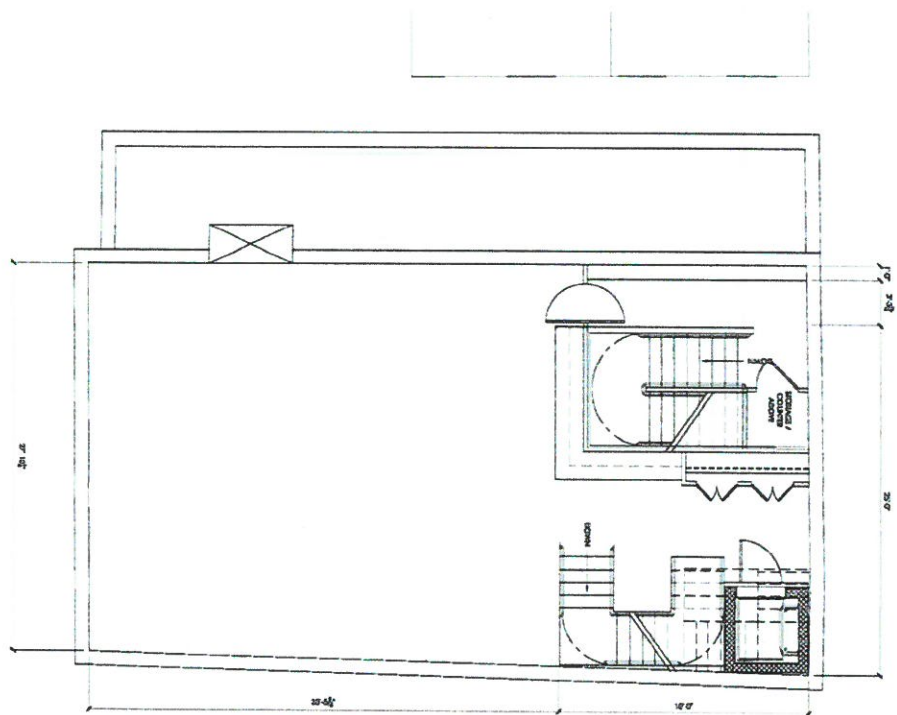
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing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

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

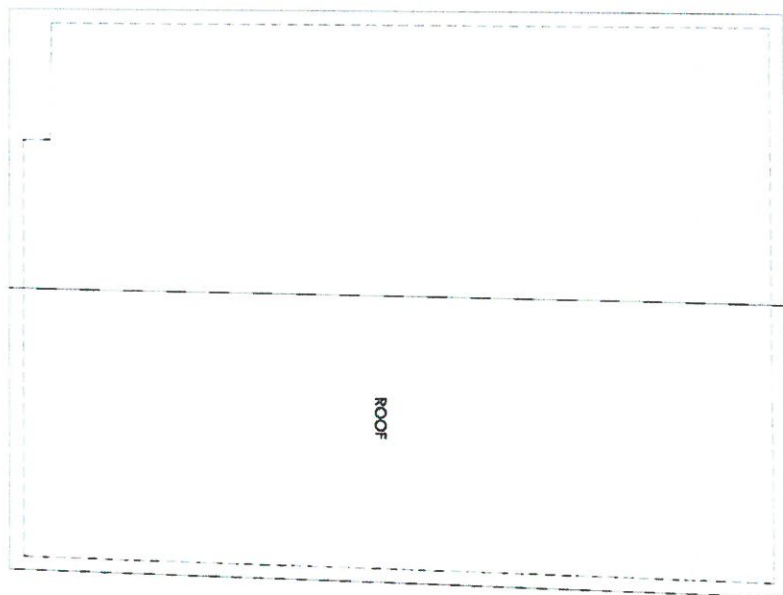
D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact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



10-11-60



1 SECOND FLOOR PLAN



2 ROOF PLAN

PRELIMINARY NOT FOR CONSTRUCTION

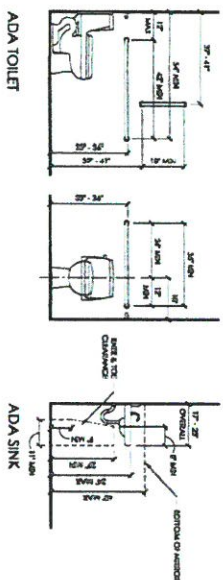
A1.2

THE VIEW
SECOND FLOOR
& ROOF
PLANS

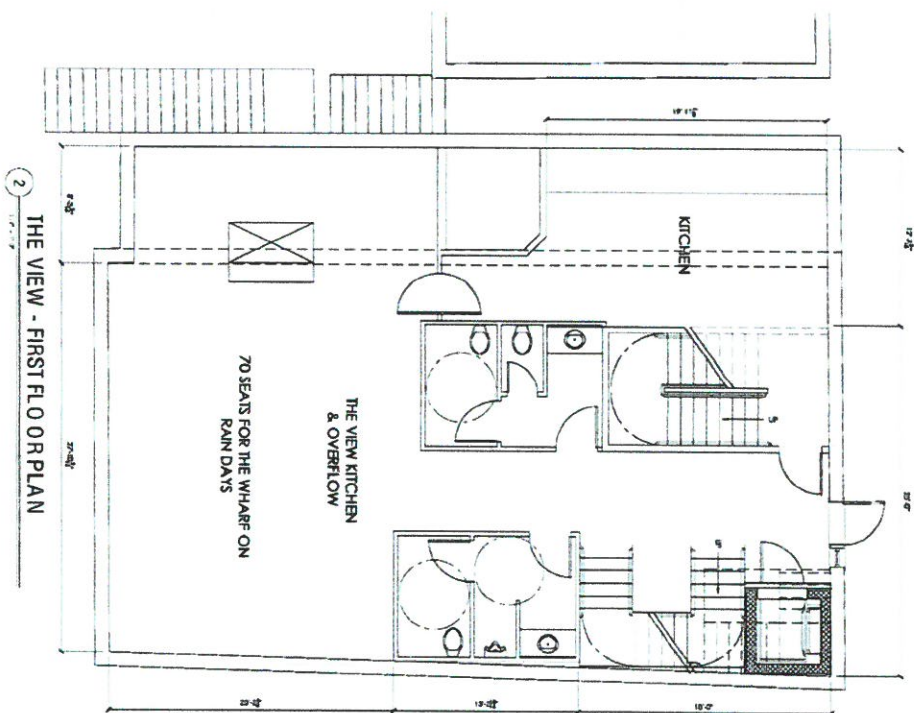


THE VIEW AT PEPPERRELL COVE
88 PEPPERRELL ROAD
KITTERY, MAINE

1 THE VIEW - LOWER LEVEL PLAN



2 ADA BATHROOM - REFERENCE ELEVATIONS



2 THE VIEW - FIRST FLOOR PLAN

PRELIMINARY NOT FOR CONSTRUCTION



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: The View at Pepperrell Cove LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 05/15/2017 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Eides Area	87 Whipple rd Kittery Me 03904	9/4/1984	manager	100%

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

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

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

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

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

Yes ☐ No ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Erdin Aruz 2.10.10 02/10/2020

Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008 (Regular Mail)
 10 Water Street, Hallowell, ME 04347 (Overnight Mail)
 Telephone (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

VIEW EXTENSION



REQUEST FOR EXTENSION OF LICENSE ON PREMISE

Legal Name: The View at Pepperrell Cove LLC License Number: CAR-2018-10905
 DBA Name: _____ Expiration Date: 04/19/2020
 Physical Address: 90 Pepperrell Rd City, State, Zip Kittery Point ME 03905
 Mailing address: PO BOX 67
Street / PO Box City State Zip
 Phone: 207 703 2028 Fax: _____ Email address: info@pepperrellcove.com

Name, address, telephone number of Property Owner (if property is rented or leased, need copy of rental agreement / lease): Stanton/McBurney Trust New Castle NH 4152437537

Temporary ☐ Permanent ☒ Inside ☐ Outside ☒ Live Entertainment: Yes ☒ No ☐
 Start Date: 04/09/2020 End Date (if applicable): _____
 Reason for this request: Frisbee's Wharf, at the suggestion of the State Liquor Division will become an extension of The View at Pepperrell Cove LLC's Liquor License

This request for an extension of service area for on premise license location MUST have Town / County Commission approval and MUST have a diagram submitted with this form.

Outdoor Restrictions:

There must be a stanchion or fence completely enclosing the area. Signs must be posted, stating "no alcohol beyond this point". There must be sufficient employees at the extension of premise, which would be able to control and monitor the area.

Eides Acres
 Signature of Owner / Corporate Officer

EIDES Acres
 Printed Name of Owner / Corporate Officer

For Municipal Approval Only

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.

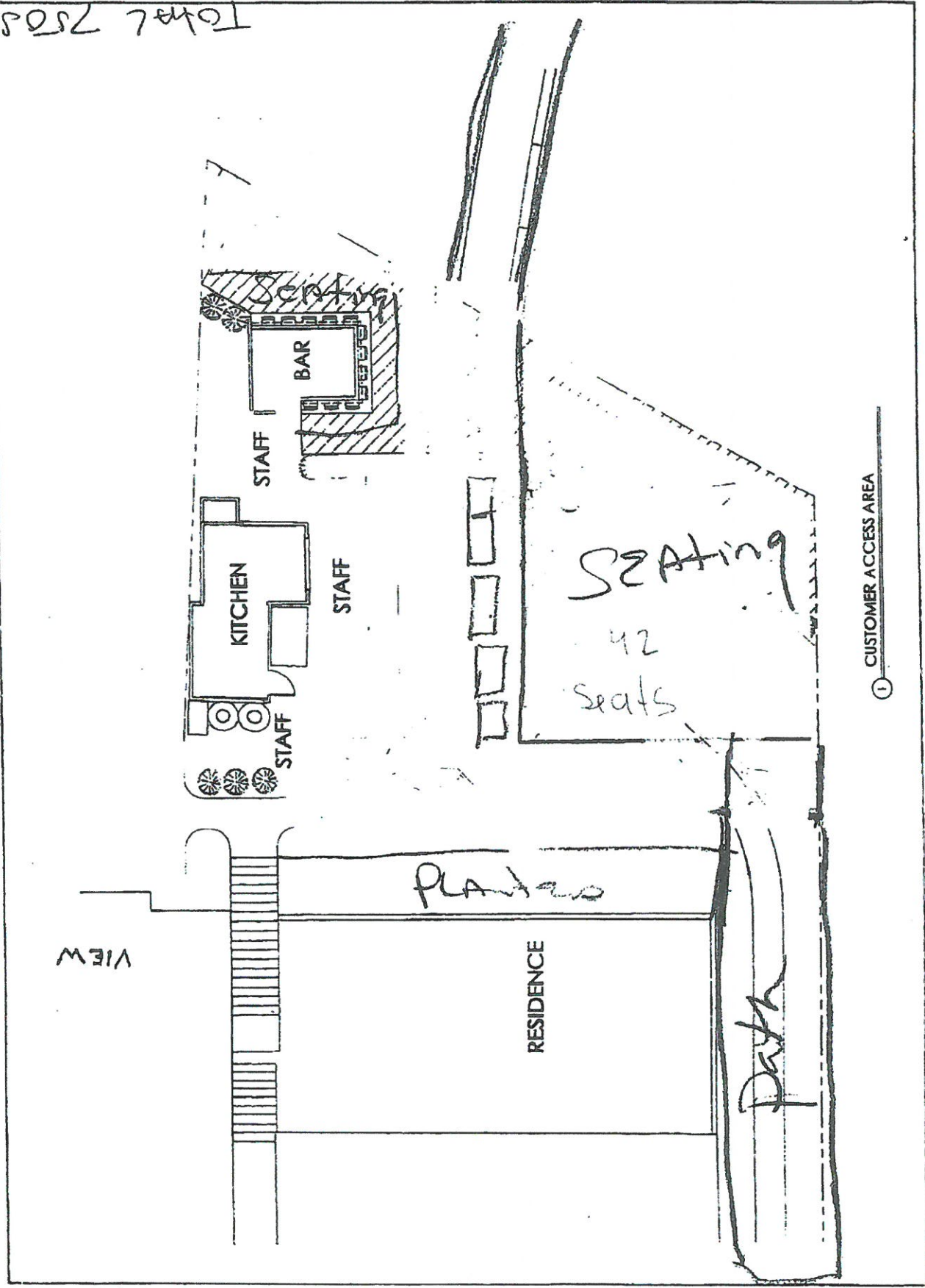
Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

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

Signature of Officials	Printed Name	Title

Total 750 SF



① CUSTOMER ACCESS AREA