



# TOWN OF KITTERY

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

## Council and Planning Board Workshop Title 16 – ADU's Council Chambers – 5:00p.m.

June 10, 2019

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes -
8. Interviews for the Board of Appeals and Planning Board -
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
  - a. (060119-1) The Kittery Town Council moves to accept a report from the Economic Development Committee (EDC) regarding their activities for 2019 to date.
10. PUBLIC HEARINGS
  - a. (060119-1) The Kittery Town Council moves to hold a public hearing to receive comments on the Town Meeting Articles 2 through 8 for the June 11<sup>th</sup> Town Meeting Election.
  - b. (060119-2) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.06 (3) of the Kittery Town Charter and hereby ordains and adopts the 2019-2020 Municipal, Sewer and Adult Education budgets.
  - c. (060119-3) The Kittery Town Council moves to hold a public hearing on Title 2 Library Positions.
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.

(060119-4) The Kittery move to receive a donation in the amount of \$100.00 from Donald and Nicole Kerr to be deposited in the Thresher Memorial Fund.

b. (060119-5) The Kittery Town Council moves to approve the disbursement warrants.

c. (060119-6) The Kittery Town Council moves to determine their Summer Meetings schedule. Proposed dates are July 8<sup>th</sup> and August 12<sup>th</sup>.

d. (060119-7) The Kittery Town Council moves to schedule a public hearing for the July meeting on Title 16 – ADU's.

e. (060119-8) The Kittery Town Council moves to approve a request from The Traip Interact Club to fund raise monies at the Kittery Resource & Recycling Center on Saturday August 24, 2019 from 9:30-2:00 pm.

f. (060119-9) The Kittery Town Council moves to approve a request from Anju Noodle Bar to extend their area of service in the parking lot on June 15<sup>th</sup> 2019 to coincide with the Kittery Block Party.

g. (060119-10) The Kittery Town Council moves to approve a renewal Liquor License application for Warren's Lobster House located at 11 Water St. Kittery.

h. (060119-11) The Kittery Town Council moves to approve Municipal Release Deed for 23 Woodlawn Avenue, Kittery.

i. (06012019-12) The Kittery Town Council moves to schedule a public hearing for the July meeting to update the Town Zoning Map.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: June 06, 2019



# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

## Town Manager's Report to the Town Council June 10, 2019

- 1. Library Committee Updates** – The Library Building Committee will be hosting a table at the Kittery Block Party to present preliminary designs for the proposed expansion and renovation of the Rice Library. Members of the design team will be there to answer questions and gather input. The Library Building Committee will be hosting its second public input session on June 26, at Town Hall. The design team will present the next iteration of the exterior design and interior layout and gather additional public input. Dianne Fallon, with assistance from the Lee Perkins and me, developed a \$500,000 National Endowment for the Humanities (NEH) grant application for the project. The application was submitted in May.

The Taylor Building Committee will also be collecting public input at the Block Party through a postcard questionnaire. The questionnaire will also be hosted online and in other locations for residents to provide input on what they think the future of the Taylor Building and site should be.

The deed for the Library assets transfer is being finalized by the Town's and Library's attorneys and will be signed by Rachel Dennis at the end of this month. Staff orientation is ongoing. The financial transition has been mostly mapped out, with a few details still to be worked out for the fiscal year/entity transition.

- 2. Wind Turbine** – The wind turbine at the Resource Recovery Center will be removed by the end of June. We advertised for the item to be surplus/sold both locally and on our national online auction system. We received no bids locally, and the highest bid on the national auction system was \$41. The scrap metal value is approximately \$1,000 to \$1,500. DPW will be removing the structure and I have authorized it to be sold as scrap metal.
- 3. Rogers Road to Memorial Circle**– Councilor Denault requested an update on the pavement ripple at Memorial Circle. This was raised this winter, and reported on in the February Town Manager report. The ripple is the result of settling structural fill under the road and is not a repair we can do internally or by simply patching. Our paving contractor is expected to be in next week and will begin working on the long list of paving projects generated since last fall. The extremely wet spring has pushed out our planned pavement schedules and backed up our contractor. Continued rain makes it challenging to be definitive about when various projects will be complete.
- 4. Route 236 Corridor Study** – The design team held a meeting on June 3 with Kittery and Eliot property owners who have potential curb-cut adjustments proposed as part of the traffic flow improvement plan for Route 236. Owners offered valuable input and feedback about how traffic flows into an on their properties. The draft plan is being updated by Gorrill Palmer based on the feedback from the meeting. A public meeting to present the plan and gather additional feedback from the communities at-large is being planned for later in June. Announcements will be made once the date is selected.

5. **Spinney Creek** – The town’s of Kittery and Eliot sent out letters to Spinney Creek abutters to advise them of a proposed flood gate opening schedule for the Creek. Abutters are asked to contact Eliot Town Manager Dana Lee with any comments or feedback they have on the flood gate schedule (see attached).

I spoke with DMR on May 31, about the experimental aquaculture lease application and the application to move the existing aquaculture operation. The application to move the existing operation is still in process, with abutters letters expected to be issued last week. There is not timeline for a decision on the experimental aquaculture lease application.

6. **Kittery’s 375<sup>th</sup> and Maine’s Bicentennial** – We have launched a survey to gather ideas for events and activities to commemorate Kittery and Maine’s important milestones. The survey also starts the process of seeking volunteers interested in planning and implementing the events and activities. To participate in the survey, residents can visit the town website to take the survey online or pick up a paper survey at the Town Hall, Kittery Community Center or the Rice Library.

7. **Variable Speed Signs** – The Police Department is ordering the next round of speed signs for the town. The plan is to put up two signs, one on Cutts Road and one on Dennett Road (locations TBD). These will indicate the speed and when a driver is exceeding the legal speed limit. We are also going to experiment with flashing speed limit signs this year. These are significantly less expensive, and flash lights around a static speed limit sign. We will be putting up two on Martin Road to start.

Kittery Police Department is also still utilizing the speed trailer, and the speed counter to gather data on speed conditions on various roads of concern.

8. **Parking Feedback Wallingford Square** – Councilor Thomson requested feedback on the parking changes made in the Foreside last fall. We met with the Foreside Business Group. They reported the 15-minute spot is working well, customers are not complaining about parking, but businesses still feel the limited parking is plateauing their business growth opportunities. They are not seeing a huge influx of Shipyard parking as a result of the four-hour parking. We agreed to check back in after the summer, and determine if any changes are needed.

**Upcoming Dates:**

- Town Meeting Election & School Budget Validation – June 11, 8AM – 8PM, Kittery Community Center
- Kittery Block Party – June 15
- Library Building Committee Public Input – June 26, 6PM, Council Chambers
- Independence Day Celebration – June 29, 9AM at Memorial Park, Town Hall
- Senior Property Tax Credit Applications – Due July 1

Respectfully Submitted,



Kendra Amaral  
Town Manager



# TOWN OF ELIOT

INCORPORATED 1810

1333 STATE ROAD  
ELIOT, MAINE 03903  
439-1813

## Proposed Spinney Creek Tide Gate Schedule

2019

To All Interested Parties:

Please find below the proposed tide gate schedule. If you have any questions or concerns, please contact Eliot Town Manager, Dana Lee no later than June 20, 2019. Openings may be limited by red-tide and heat waves.

### Proposed Spinney Creek Tide Gate Schedule - Year 2019

Gate Opening		Gate Closing		Duration
June 24	5:10 AM	June 26	6:52 AM	2 days
July 22	4:23 PM	June 24	5:17 AM	1.5 days
Aug 12	10:30 AM	Aug 14	12:07 PM	2 day
Aug 26	8:22 AM	Aug 28	10:21 AM	2 day
Sept 9	9:17 AM	Sept 11	10:58 AM	2 days
Sept 23	6:54 AM	Sept 25	9:01 AM	2 days
Oct 7	7:49 AM	Oct 9	9:40 AM	2 days
Oct 21	5:33AM	Oct 23	7:40AM	2 days



# TOWN OF KITTERY

## ECONOMIC DEVELOPMENT COMMITTEE

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1307 Fax: (207) 439-6806

June 10, 2019

Kittery Town Council  
200 Rogers Road  
Kittery, Maine 03904

Attn: Judith Spiller, Chairperson Kittery Town Council

Re: **Economic Development Committee 2nd Quarter Report to Council**

Dear Councilors:

The Kittery Economic Development Committee (EDC) presents this report of our activities for 2019 to date, and a vision, or mission, that best serves the Town of Kittery.

The EDC meets monthly on the 3<sup>rd</sup> Wednesday of each month, as schedules permit. Our goals during these meetings are to:

- Meet with invited guests and requested officials to discuss their businesses, the impact of Kittery Ordinances and Zoning requirements, the impact on decisions and pending decisions by Kittery Town Boards and departments
- Hear from committee representatives that sit on other boards, committees and organizations operating in and outside of the Town
- Discuss, as part of new business, current projects before the Kittery Planning Board, economic development activities transpiring regionally that may have an impact on Kittery businesses, and future economic growth potential

There have been three meetings of the EDC during 2019. In 2018 the EDC met seven times We invited business owners, developers, and other interested parties to our meetings. Our goal being to understand issues/concerns of developers and businesses, increase our awareness of industry and market conditions, develop a strong understanding economic development being proposed in town. As an example, the committee met with the Kittery Schools Extended Learning Opportunities Coordinator and Curriculum Coordinator. The discussion was to explore ways that the Kittery Schools might capitalize on expanding its learning offerings to students both in and outside of Kittery as a magnet school offering studies in the area of Aquaculture, Aqua Farming and Biotech.

The committee has given strong consideration to our future direction. We feel that working closely with Director of Planning and Economic Development, Adam Causey, providing assistance where required, i.e. outreach to local businesses, engaging business owners to be a part of the economic growth in Kittery, both advocates and sounding boards to development ideas, we will bring value and focus to our mission. With the extensive experience of the committee members, who work in various industry's that compliment economic development, i.e. local business owners, civil engineers, financial professionals, architects, land developers, working closely with Adam will position Kittery for strong, well managed economic growth. It should also be noted that many committee members sit on various other boards and committees with the Town, i.e. Housing Working Group, Land-Use Advisory, Planning Board.

Our established priorities for the unique commercial areas have remained the same. Working with Town Manager, Kendra Amaral, and Adam we seek to address the most pressing Kittery economic issues. We have proactively prioritized our efforts in the following areas:

June 10, 2019

- Mixed Use Neighborhood (formally the Business Park)
- Foreside
- Kittery Outlet Malls
- Route 1 North
- Route 1 Bypass

As presented previously, the attached *Kittery EDC – Dashboard* defines activity to date. The intent is to summarize current economic development considerations within the commercial areas of Kittery. The Dashboard provides bullet-point summaries of activity in the prior 12 months and lists Action Items for the EDC and others. The *Kittery EDC Dashboard* will continue to be updated.

The economic opportunities identified in *Kittery EDC Dashboard*, are based on a limited window of time. The EDC will continue to bring forward our ideas, concerns and recommendations, in collaboration with the Town Manager, Director of Planning and Economic Development, and all Boards that work to the benefit of the Town of Kittery.

The Economic Development Committee thanks the Town Council for this opportunity to update you on our work to-date in 2019.

Sincerely,

George Dow, Chair

Kittery Economic Development Committee

Enclosure: *Kittery EDC Dashboard*

# ***KITTERY ECONOMIC DEVELOPMENT COMMITTEE***

## ***DASHBOARD***

### **Introduction**

The Economic Development Committee (EDC) is an advisory body providing input, guidance, and information to the Planning Board, Town Council, and Town administration on the opportunities, challenges, and impacts of economic development within Kittery. The EDC charge includes providing quarterly updates to the Town Council on committee activities. The “KITTERY EDC – DASHBOARD” summarizes EDC activities as well as recent and on-going activities within various commercial areas of Kittery.

### **Latest Kittery Business News**

- Mixed-Use Neighborhood rezoning approved by Town Council in November 2018 providing enhanced opportunities for appropriate development at the former Business Park.
- Workforce Housing Design Charrette results unveiled in October 2018.
- Food Truck Pod approved by Planning Board at 230 State Road is open and features rotating food trucks.
- Joint Land Use Study (JLUS) of Portsmouth Naval Shipyard (PNSY) has commenced with the Town’s consultant Stantec, compiling data and holding stakeholder interviews. JLUS will look at shipyard impacts to Town and vice versa, with a focus on transportation issues.
- Land Use Code Recodification is underway with Town consultant NorthStar Planning,
- Hampton Inn has received its certificate of occupancy and they are finishing up furniture & fixtures and training staff, but no official open date just yet.
- Bistro 1828 at Pepperell Cove received approval from the Planning Board and has opened after updating their parking lot.
- The Homestead redevelopment was approved by Planning Board and will feature 32 apartments and a hotel on Route 1 at the former nursing home site, which is currently being demolished.
- A developer has submitted sketch plans to the Planning Board for a multifamily development on the Dennett Road side of the Mixed-Use Neighborhood zone.

**TOWN OF KITTERY  
TOWN MEETING WARRANT  
JUNE 11, 2019**

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 10th day of June 2019, at 6:00 p.m. to hold a public hearing on Articles 2 through 8.

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 11<sup>th</sup> day of June, 2019 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   7   No   0  

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 (\$65,217.53). The unassigned fund balance (unencumbered surplus) is currently \$5,749,490.

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   7   No   0  

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 \$5,749,490.

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 7 No 0

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 \$5,749,490.

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 7 No 0

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 \$5,749,490.

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 7 No 0

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 \$5,749,490.

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 7 No 0

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 \$5,749,490.

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 7 No 0

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 \$5,749,490.

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 May day of 06 2019.

  
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\_\_\_\_\_ Municipal Officers

  
\_\_\_\_\_

  
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A true copy

ATTEST:   
\_\_\_\_\_ Town Clerk - Interim



**FY20 BUDGET VOTE WORKSHEET  
GENERAL FUND**

<b>GENERAL FUND</b>	<b>ACTUAL FY16</b>	<b>ACTUAL FY17</b>	<b>ACTUAL FY18</b>	<b>BUDGET ADJ FY19</b>	<b>PROPOSED FY20</b>	<b>Town Council Vote 6/10/19</b>
<b>GENERAL GOVERNMENT</b>						
Admin	883,013	913,698	888,228	982,056	1,002,127	
Council	5,489	4,936	4,093	12,350	7,350	
Elections	9,957	9,611	15,490	11,800	11,800	
<b>Total General Government</b>	<b>898,459</b>	<b>928,245</b>	<b>907,810</b>	<b>1,006,206</b>	<b>1,021,277</b>	
<b>SHARED EXPENSES</b>						
Employee Benefits & Insurance	2,034,617	2,191,835	2,336,159	2,650,775	2,731,228	
Debt Service	691,728	891,126	864,005	840,861	827,730	
<b>Total Shared Expenses</b>	<b>2,726,345</b>	<b>3,082,961</b>	<b>3,200,164</b>	<b>3,491,636</b>	<b>3,558,958</b>	
<b>PLANNING &amp; CODE ENFORCEMENT</b>						
Planning Board & BOA	10,251	9,765	8,234	14,149	12,050	
Planning & Code Enforcement	353,597	427,999	449,844	486,479	521,462	
Assessor	-	-	-	-	-	
Misc Exp - Public Health	528	520	520	520	520	
<b>Total Planning &amp; Code Enforcement</b>	<b>364,376</b>	<b>438,284</b>	<b>458,598</b>	<b>501,148</b>	<b>534,032</b>	
<b>PUBLIC SAFETY</b>						
Fire	309,830	306,883	298,052	331,910	351,083	
Police	2,074,763	2,037,297	2,108,854	2,231,412	2,328,279	
Civil Preparedness	-	-	-	700	-	
<b>Public Safety</b>	<b>2,384,592</b>	<b>2,344,180</b>	<b>2,406,905</b>	<b>2,564,022</b>	<b>2,679,362</b>	
<b>PUBLIC WORKS</b>						
Highway	832,033	878,528	1,073,135	1,061,328	1,096,698	
Resource Recovery	483,118	482,091	447,847	535,237	569,322	
In Town Parks	121,882	122,488	114,957	133,618	155,597	
Fort Foster/Seapoint/Crescent Beach	102,173	126,335	122,415	155,486	161,642	
<b>Public Works</b>	<b>1,539,206</b>	<b>1,609,442</b>	<b>1,758,354</b>	<b>1,885,669</b>	<b>1,983,259</b>	



**FY20 BUDGET VOTE WORKSHEET  
GENERAL FUND**

	ACTUAL FY16	ACTUAL FY17	ACTUAL FY18	BUDGET ADJ FY19	PROPOSED FY20	Town Council Vote 6/10/19
<b>COMMUNITY &amp; HUMAN SERVICES</b>						
Library	448,412	448,412	467,380	478,901	418,414	
Harbormaster	94,663	94,045	87,371	94,950	106,574	
Recreation	975,839	987,087	1,042,317	1,054,873	1,084,674	
Misc Exp - General Assistance	48,141	59,440	47,976	50,000	50,000	
Community Agencies	11,230	11,730	10,865	9,165	9,165	
Adult Education	69,835	73,103	80,590	86,765	98,970	
<b>Community and Human Services</b>	<b>1,648,120</b>	<b>1,673,817</b>	<b>1,736,499</b>	<b>1,774,654</b>	<b>1,767,796</b>	
<b>MISC EXPENSES - OTHER</b>						
County Tax	912,948	909,420	930,931	869,853	893,000	
Streetlights & Machine/Equip. Maint.	128,599	149,868	127,180	120,000	55,000	
Hydrant Rental	224,348	246,775	254,179	261,804	261,804	
TIF	60,901	60,901	167,985	125,000	236,000	
Other Miscellaneous	159,659	141,428	147,807	133,560	140,110	
<b>Other</b>	<b>1,486,455</b>	<b>1,508,392</b>	<b>1,628,083</b>	<b>1,510,217</b>	<b>1,585,914</b>	
<b>TOTAL MUNICIPAL BUDGET</b>	<b>11,047,553</b>	<b>11,585,322</b>	<b>12,096,414</b>	<b>12,733,553</b>	<b>13,130,598</b>	
<b>CAPITAL IMPROVEMENT BUDGET</b>	<b>1,159,492</b>	<b>1,208,975</b>	<b>1,509,303</b>	<b>1,703,281</b>	<b>1,988,517</b>	

Projected Commitment     \$ 25,550,905  
 Projected Overlay             \$ 135,000

**FY20 BUDGET VOTE WORKSHEET  
SEWER ENTERPRISE FUND**

<b>SEWER ENTERPRISE FUND</b>	<b>ACTUAL FY16</b>	<b>ACTUAL FY17</b>	<b>ACTUAL FY18</b>	<b>BUDGET ADJ FY19</b>	<b>PROPOSED FY20</b>	<b>Town Council Vote 6/10/19</b>
43210 SEWER LIEN FEES	3,666	-	-	-	-	
43220 PENALTY INTEREST	12,137	4,847	3,702	-	3,000	
45001 REVENUE US NAVY	491,049	531,952	528,533	580,695	585,000	
45002 REVENUE US NAVY HOUSING	88,690	91,033	91,441	93,590	123,000	
45003 REVENUE OTHER	15,285	25,340	35,023	25,000	45,000	
45004 REVENUE TOWN OF ELIOT	184,297	221,944	202,933	177,138	208,000	
45005 REVENUE NEW SEWER	1,162,405	1,177,382	1,232,751	1,187,079	1,500,000	
45006 EXPANSION ASSESSMENT REVENUE	-	318,599	50,535	77,000	50,000	
45007 SEWER INTEREST REVENUE	626	7,271	20,636	-	15,000	
<b>SEWER REVENUE</b>	<b>1,958,154</b>	<b>2,378,368</b>	<b>2,165,555</b>	<b>2,140,502</b>	<b>2,529,000</b>	
<b>SEWER EXPENSES</b>	<b>1,898,265</b>	<b>2,514,978</b>	<b>2,409,848</b>	<b>2,589,501</b>	<b>2,441,819</b>	

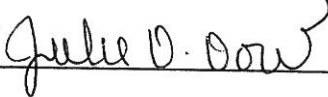



**NOTICE OF AMOUNTS ADOPTED AT TOWN COUNCIL MEETING  
FOR VOTERS AT SCHOOL BUDGET  
VALIDATION REFERENDUM**

TO: Clerk of Town of Kittery, State of Maine

Pursuant to 20-A M.R.S.A. §1486 (2) and 2307 this Notice is to be displayed at all polling places for the school budget validation referendum to be held on **June 11, 2019**, to assist the voters in voting on whether to ratify the school budget approved at the **May 6, 2019** Town Council Meeting.

Cost Center Summary Budget Category	Amount Recommended by School Committee
01-Regular Instruction	\$6,958,293.93
02-Special Instruction	\$3,947,942.40
03-Career & Technical Education	\$5,000.00
04-Other Instruction	\$341,032.00
05-Student & Staff Support	\$1,942,079.65
06-System Administration	\$622,540.99
07-School Administration	\$1,034,125.66
08-Transportation	\$609,034.00
09-Facilities Maintenance	\$1,356,586.65
10-Debt	\$789,150.00
11-All Other Expenditures	\$90,100.00
Summary of Total Authorized General Fund Expenditures	\$17,695,885.28
Amount Approved at the Town Council Meeting on May 6, 2019	

The amount approved for the school budget at the Town Council meeting includes locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

A majority of the School Committee

Completed and countersigned by: \_\_\_\_\_ / \_\_\_\_\_ /2019

A true copy of the Notice, attest: Heaven Ester Interim Town Clerk of Kittery

**TOWN OF KITTERY  
WARRANT  
SCHOOL BUDGET VALIDATION REFERENDUM  
(20-A M.R.S. §1486 AND 2307)**

YORK COUNTY SS.

STATE OF MAINE

TO: Robert Richter, a Constable of the Town of Kittery:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Kittery of the referendum election described in this warrant.

**TO THE VOTERS OF THE TOWN OF KITTERY:**

You are hereby notified that a **School Budget Validation Referendum Election** will be held at the Kittery Community Center, 120 Rogers Road on **Tuesday, June 11, 2019** for the purpose of determining the following:

*Do you favor approving the Town of Kittery School Budget for the upcoming school year that was adopted at the May 6, 2019 Town Council meeting?*

*Do you wish to continue the budget validation referendum process in the Town of Kittery for an additional three years?*

Informational Note

*A "Yes" vote will require the Town of Kittery to continue to conduct a referendum to validate its annual school budget for the next three years.*

*A "No" vote will discontinue the budget validation referendum for at least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the Town Council.*

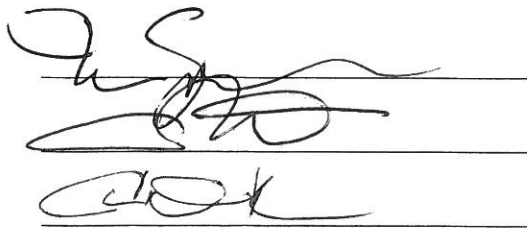
**The polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.**

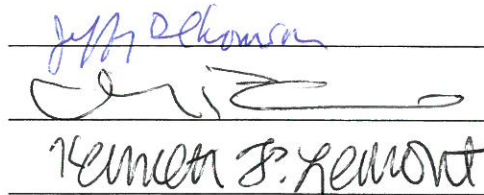
**Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.**

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

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

Dated at Kittery this 6<sup>th</sup> day of May 2019.





MUNICIPAL OFFICERS

A true copy  
ATTEST:

  
TOWN CLERK - Interim



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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: May 29, 2019  
UPDATED: June 10, 2019  
From: Kendra Amaral, Town Manager  
Subject: Title 2 Amendments – Library Department  
Councilor Sponsor: Chairperson Judy Spiller

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**EXECUTIVE SUMMARY**

The Town Council accepted the gift of the Library assets in principal, effective on or about July 1, 2019. A required next step is to incorporate the Library positions into the Town's Personnel Ordinance.

The Library Director will be a non-union position, as is all other department heads. The other full-time library positions will be incorporated into the Teamsters Clerical Unit. Work is underway with the union to add the positions and specific work conditions into the collective bargaining agreement.

Ms. Paro, the Town's Human Resources Generalist, is working with Library staff to begin the onboarding process effective July 1. The Town will honor the Library's hiring date for employees, for the purposes of longevity and paid-time-off calculations.

**UPDATE**

The attached ordinance proposal has been updated with minor spelling corrections.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve as proposed.

**ATTACHMENTS**

- Title 2 - Proposed Amendments
- Title 2 - Enactment

**KITTERY TOWN CODE TITLE 2 –  
LIBRARY DEPARTMENT**

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

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

10 **WHEREAS**, the Rice Public Library is becoming a department of the Town of Kittery effective  
11 July 1, 2019 upon the acceptance of a gift of assets from the Library Board of Directors; and

12 **WHEREAS**, the positions associated with the regular operation of the Library need to be  
13 incorporated into the Town's Personnel Ordinance and Code;

14 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN  
15 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 2, PERSONNEL and  
16 ADMINISTRATION AMENDMENTS OF THE TOWN CODE, AS PRESENTED.

17 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,

18 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor

19 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
20 passed by a vote of \_\_\_\_\_.

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

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

1 **ADD Article 9 to Chapter 2.4 Personnel Positions Established as follows:**

2 **2.4.9.1 Library Director**

3 The purpose of the Library Director position is to manage, supervise and direct the day-to-day  
4 operations of the library and its associated facilities. Duties include, but are not limited to:  
5 coordinating library collection management, programming, developing and implementing  
6 department policies and Minerva consortium policies, purchasing, maintaining records and files,  
7 supervising staff and volunteers, grant writing, preparing budgets, scheduling building  
8 maintenance and repairs and performing additional tasks as assigned by the Town Manager.

9 **2.4.9.2 Youth Services Supervisor**

10 The purpose of the Youth Services Supervisor position is to supervise and administer library  
11 programs and collections that foster an atmosphere for children, caregivers and young adults that  
12 leads to a lifetime of reading. Duties include, but are not limited to: maintaining and evaluating  
13 the children's and young adults' collections, planning, supervising and conducting programs,  
14 creating marketing materials programs, grant writing, and performing additional tasks as  
15 assigned by the Library Director.

16 **2.4.9.3 Technical Services Supervisor**

17 The purpose of the Technical Services Supervisor position is to prepare and organize materials in  
18 the library making them easily accessible to patrons and staff. Duties include, but are not limited  
19 to: cataloging and processing library materials, administering Minerva cataloging policies,  
20 maintaining online collections, assisting in the selection of collection materials, coordinating  
21 library adult programs, and performing additional tasks as assigned by the Library Director.

22 **2.4.9.4 Circulation Services Supervisor**

23 The purpose of the Circulation Services Supervisor position is to oversee the circulation of  
24 materials in the library ensuring that all patrons' visits are valuable. Duties include, but are not  
25 limited to: overseeing and staffing the circulation desk, assisting patrons with materials access,  
26 maintaining a vibrant library website and museum pass program, administering Minerva  
27 software and policies, administering inter-library loan invoices, updating computer equipment,  
28 generating and maintaining statistics and reports, and performing additional tasks as assigned by  
29 the Library Director.

30 **2.4.9.5 Library Assistant**

31 The purpose of the Library Assistant position is to assist in the delivery of library services to  
32 patrons, assist staff, and perform additional tasks as assigned by the Library Director.

33 **ADD Library Department to Chapter 2.5 as follows:**

<u>Section</u>	<u>Position</u>	<u>Established By</u>
<u>Library Department</u>		
<u>2.4.9.1</u>	<u>Library Director</u>	<u>Council</u>
<u>2.4.9.2</u>	<u>Youth Services Supervisor</u>	<u>Union contract</u>
<u>2.4.9.3</u>	<u>Technical Services Supervisor</u>	<u>Union contract</u>
<u>2.4.9.4</u>	<u>Circulation Services Supervisor</u>	<u>Union contract</u>
<u>2.4.9.5</u>	<u>Library Assistant</u>	<u>Union contract</u>



Donald and Nicole Kerr  
4 Colonial Rd  
Kittery, ME 03904-1105

ASPCA  
BETTER CHOICE  
24 MAY 2019

1134  
54-7468/2114  
FRDLR-MOR

Pay to the Order of THE SHEPHERD MEMORIAL FUND \$ 100.00  
ONE HUNDRED & 00/100 Dollars

For EMER FUND

D. A. Donald  
MP

Source/Issuer  
on Record  
Drawn on Cash





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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: June 10, 2019  
From: Kendra Amaral, Town Manager  
Subject: Title 16 – Accessory Dwelling Units  
Council Sponsor: Vice Chairperson Matt Brock

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**OVERVIEW**

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

One of the Working Group's goals is to recommend and advance ideas to increase housing supply that is accessible for people of low to moderate incomes. It coordinated with the Seacoast Workforce Housing to host a workforce housing workshop in October 2018. Early in 2019, the Working Group proposed an ordinance revision for the Accessory Dwelling Unit code. It is presently working on developing recommendations for an affordable housing overlay zone for Title 16.

**ACCESSORY DWELLING UNITS**

The Working Group decided to focus on Accessory Dwelling Units (ADUs) as a first step, as this form of housing stock growth tends to be more organic, fits with existing infrastructure fairly seamlessly, and is less complex than large housing projects. ADU ordinance applies to single-family residential parcels, and allows for an additional dwelling unit (not separately owned) to be added to the parcel.

The proposed ordinance revision was developed by the Working Group with assistance from town staff. It was reviewed and revised by the Kittery Land Issues Committee (KLIC). The revised version was supported by the Working Group and forwarded to the Planning Board for review and recommendation to the Council.

The Working Group focused on reducing barriers such as size, parcel applicability, caps on annual ADU development, and owner occupancy requirements. The Planning Board accepted the revisions to the design and performance standards, but added back owner occupancy requirements, and introduced an annual permitting process as they grappled with their concerns regarding short-term-rentals (which is not part of this ordinance).

**NEXT STEPS**

- June 10 – Workshop with Planning Board
- June 10 – Schedule Public hearing on proposed amendments
- July – Public hearing and vote on proposed amendments

**ATTACHMENTS**

- Proposed Title 16 Amendment – Accessory Dwelling Units
  - Title 16 – Accessory Dwelling Unit Enactment
  - Planning Board Public Hearing Notes – March 28, 2019
- Video of the April 25, 2019 Planning Board Meeting is available at [kitteryme.gov](http://kitteryme.gov)

**AMEND Chapter 16.8.25 Accessory Dwelling Units as follows:**

1 ACCESSORY DWELLING UNIT (ADU)

2 ~~An apartment which is part of an existing structure on the property where the owner of the~~  
3 ~~property occupies one of the units. The accessory dwelling unit may be rented so that the owner-~~  
4 ~~occupant may benefit from the additional income. The owner may also elect to occupy the~~  
5 ~~accessory dwelling unit and rent the principal dwelling unit.~~

6 A secondary dwelling unit with facilities used or intended to be used for living, sleeping,  
7 cooking, eating, and sanitary facilities for one or more persons, whether attached to the primary  
8 dwelling unit, detached from it, or contained within it.

9 Article XXV. Accessory Dwelling Units

10 § 16.8.25.1. Purpose.

11 It is the intent of this article to ~~impose~~ provide standards that enable homeowners to create  
12 accessory dwelling units that are compatible with this title and to (1) provide a means for  
13 residents – including seniors, single parents, and families with grown children – to remain in  
14 their homes and neighborhoods, and (2) increase the housing stock of existing neighborhoods in  
15 a manner that is compatible with their size and scale, and (3) allow more efficient use of existing  
16 housing stock and infrastructure, and (4) provide a broader range of affordable housing options.  
17 The purpose of this article is not intended to create a new supply of short-term rental (STR)  
18 units, such as those commonly advertised to tourists. ~~do not negatively impact the character of the~~  
19 ~~existing neighborhood or overburden the existing infrastructure.~~

20 § 16.8.25.2. Applicability.

21 A. An accessory dwelling unit is allowed in all zoning districts where the use is permitted in  
22 Chapter 16.3. The unit must be located:

- 23 (1) within an existing structure, either principal or accessory on the property; or  
24 ~~(2) with a certificate of occupancy issued more than five years prior to the date of the~~  
25 ~~ADU application, on the property where the owner of the property occupies one of~~  
26 ~~the units. The accessory dwelling unit may be attached to the existing structure,~~  
27 sharing a common wall; -or  
28 (3) within a new accessory structure constructed for this purpose on the property.  
29 ~~detached from, the primary dwelling unit. No expansion of a building's footprint is~~  
30 ~~allowed to accommodate an accessory dwelling unit.~~

31 B. No ADU may be owned separately from its primary dwelling unit.

32 C. All ADUs must comply with the provisions of this ordinance within 90 days of the  
33 effective date of this ordinance.

34 § 16.8.25.3. Annual permit Application for accessory dwelling unit.

35 A. An annual permit application is required for an accessory dwelling unit which must be  
36 renewed by January 1 of each year. An application to obtain an annual permit for an accessory  
37 dwelling unit must be made by the owner of the parcel containing ~~on which~~ the primary  
38 residential unit-sits. The completed permit application and associated fees must be submitted to  
39 the Town Planner and Code Enforcement Officer for review.



40 B. Applications for an annual permit and the annual permit for an accessory dwelling unit that  
41 meets the unit size standards and development standards contained in this article may be  
42 approved administratively and require approval by both the Town Planner and Code  
43 Enforcement Officer.

44 C. Permits must be renewed annually by the owner residing at the parcel containing the primary  
45 unit.

46 D. An accessory dwelling unit that fails to meet the unit size standards and/or the development  
47 standards provided in this article may not receive administrative approval; however, the  
48 accessory dwelling unit may still be allowed. See § 16.8.25.4A and B below.

49 ~~D. The Town limits the number of new accessory dwelling unit permits to no more than 22 in the~~  
50 ~~remainder of the calendar year of implementation and no more than 10 per calendar year on a~~  
51 ~~first-come first-served basis.~~

52 E. One of the units on the property, either primary or secondary, must be occupied by the  
53 property owner at all times during the period of permitting. Prior to the issuance of a certificate  
54 of occupancy, the property owner must submit a recorded copy of deed restrictions to the Town  
55 Planner, outlining the owner-occupancy requirement.

56 § 16.8.25.4. Accessory dwelling unit standards.

57 A. Lot standards.

58 (1) Legal lot/residence. An accessory dwelling unit is allowed only on lots within the  
59 Town that contain a legal, single-family residence as the primary unit.

60 (2) Number of accessory dwelling units per lot. No more than one accessory dwelling  
61 unit is permitted on a lot.

62 (3) Zone lot size and unit density. The property on which an accessory dwelling unit is  
63 located must meet the size required by ~~a zone's~~ the applicable zoning standards for  
64 principal residence except in the case of legally non-conforming lots. However, an  
65 accessory dwelling unit is exempt from the density requirement of ~~such~~ the zone.

66 (4) Setbacks and Coverage. Yard setbacks for the zone must be met. However, for legally  
67 non-conforming lots where a proposed accessory dwelling unit will be attached to a  
68 principal dwelling unit and cannot meet the zone's side and rear yard setbacks, the  
69 percentage by which a lot is smaller than the required lot size for the zone will dictate the  
70 required setbacks for that lot. For example, a 30,000 square foot legally non-conforming  
71 lot in a zone that requires 40,000 square feet would require side and rear yard setbacks  
72 that are 75% of the zone's side and rear yard setbacks. Building coverage requirements  
73 will remain as required by the zone.

74 ~~(4)~~ Utility connections. Accessory dwelling units must be connected to ~~adequate~~-water  
75 and ~~sewer~~ wastewater services approved by the Town.

76 (a) Public sewer.

77 [1] Service: verification, in writing, of adequate service to support the  
78 additional flow from the Superintendent of Wastewater Treatment  
79 Facilities.

80 [2] Fees: Payment of appropriate fees for connection to the municipal  
81 sewer system is required prior to obtaining the certificate of occupancy.

82 (b) Septic systems. Verification of adequate sewage disposal for subsurface waste  
83 disposal is required. The septic system, existing or proposed, must be verified as  
84 adequate or reconstructed as required. Plans for subsurface waste disposal must be  
85 prepared by a Maine-licensed site evaluator in full compliance with the State of  
86 Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. 241.

87 (c) Public water. Verification in writing is required from the Kittery Water  
88 District for volume and supply.

89 (d) Wells. Verification of the potable water supply for private wells is required.  
90 Tests of the existing well or proposed well, if applicable, must indicate that the  
91 water supply is potable and acceptable for domestic use and must conform to the  
92 recommendations included in the "Manual for Evaluating Public Drinking Water  
93 Supplies, Public Health Service No. 1180 (1969)."

94 (6) Parking. Each accessory dwelling unit must have one on-site parking space in  
95 addition to the parking for the primary dwelling unit. Tandem parking is permitted.

96 (5) Private road or right-of-way access. Where an applicant seeks to locate an accessory  
97 dwelling unit on a privately maintained road or right-of-way the following applies:

98 (a) Applicant must provide written consent from the association or parties  
99 responsible for street maintenance; and

100 ~~(b) Road construction standards must support the additional trips generated.~~

#### 101 B. Unit standards.

102 (1) Unit size. The size of an accessory dwelling unit must meet the minimum size for a  
103 dwelling unit as set by building code standards adopted and amended from time to time  
104 by Maine's Bureau of Building Codes and Standards and be no larger than 1,000 square  
105 feet. For principal dwelling units 1,000 square feet or smaller, an accessory dwelling unit  
106 may be no greater than 80% of the size, as measured in square feet, of the principal  
107 dwelling unit. An accessory dwelling unit may have no more than two bedrooms.~~The~~  
108 ~~habitable floor space of an accessory dwelling unit must be a minimum of 400 square feet~~  
109 ~~and no larger than 800 square feet.~~

110 (2) Unit location.

111 (a) An accessory dwelling unit must meet one of the following conditions:  
112 ~~(a)[1] Must be~~ Be fully constructed within the existing footprint of any  
113 legal primary residence or accessory building; or:



114 ~~(b)[2] Will be allowed inside of the primary residence building where the~~  
115 ~~building has noneonforming yard setbacks. Share a common wall with the~~  
116 ~~principal residence, providing yard setbacks can be met per 16.8.25.4.A(4); or~~

117 ~~(e)[3] Will not be allowed in accessory or detached buildings encroaching~~  
118 ~~on yard setbacks. Be constructed as a new accessory building containing an~~  
119 ~~accessory dwelling unit, providing yard setbacks can be met for the zone.~~

120 (b) Accessory dwelling units will be allowed inside of the principal residence  
121 even if the building does not meet yard setbacks.

122 (c) Accessory dwelling units will not be allowed in accessory buildings  
123 encroaching on yard setbacks or Shoreland Overlay Zone or Resource Protection  
124 Overlay Zone setbacks.

125 ~~(3) Building code compliance. An accessory dwelling unit must satisfy the requirements~~  
126 ~~contained in the building code and fire code as currently adopted by the Town. See §~~  
127 ~~16.5.3E, Conformance to standards.~~

128 C. Development standards. Should an accessory dwelling unit fail to meet the applicable unit  
129 development standards listed in this article, the accessory dwelling unit may still be allowed if  
130 the applicant obtains approval from the Board of Appeals under the provisions of a  
131 miscellaneous variation request as outlined in 16.6.4C. The Board of Appeals shall review any  
132 appeal decision in conformance with §16.6.6. "Basis for decision". Following Board of Appeals approval,  
133 the owner must obtain an annual permit per 16.8.25.3 paragraphs A, B, and C.

**KITTERY TOWN CODE TITLE 16 –  
ACCESSORY DWELLING UNITS**

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

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

10 **WHEREAS**, the Town is seeking to address the growing challenge of housing affordability in  
11 Kittery; and

12 **WHEREAS**, Accessory Dwelling Units provide a potential for increasing available housing units  
13 served by existing infrastructure, while providing a potential income source for single family  
14 property owners; and

15 **WHEREAS**, the proposed ordinance amendments will eliminate barriers to developing  
16 Accessory Dwelling Units, such as unit size, parcel applicability, and annual caps on new  
17 Accessory Dwelling Units; and

18 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN  
19 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 16, LAND USE and  
20 DEVELOPMENT CODE, ACCESSORY DWELLING UNITS AMENDMENTS OF THE TOWN  
21 CODE, AS PRESENTED.

22 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,

23 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor

24 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and

25 passed by a vote of \_\_\_\_\_.

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

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

**CALL TO ORDER**

**ROLL CALL**

Present: Steve Bellantone, Member; Drew Fitch, Member; Russell White, Member; Mark Alesse, Member; and Karen Kalmar, Vice Chair

Absent: Ronald Ledgett, Member; Dutch Dunkelberger, Chair

Staff: Jamie Steffen, Town Planner; Adam Causey, Director of Planning and Development

Advisory: Earldean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – January 24, 2019**

Vice Chair Kalmar announced that the Board needed Mr. Ledgett present to consider of approval of them. With his absence the approval of minutes was postponed.

**PUBLIC COMMENT**

Vice Chair Kalmar opened the public comment segment of the meeting. There being no comments, Vice Chair Kalmar closed the public comment segment.

**PUBLIC HEARINGS**

**Item 1 - Land Use and Development Code (Title 16) Amendments – ARTICLE XXV Accessory Dwelling Units**

The Kittery Planning Board will consider proposed amendments to Section 16.2 DEFINITIONS and Section 16.8.25 Accessory Dwelling Units to allow for greater flexibility in the design and development of accessory dwelling units, including eliminating the annual limit and owner occupancy requirement, increasing the allowable ADU size, and restricting new ADUs to no less than 30-day rentals. Public Hearing, Vote to Recommend. Take public comment. Review and discuss proposed changes to ARTICLE XXV Accessory Dwelling Units. Vote to recommend to the Town Council.

Vice Chair Kalmar opened the public hearing.



Lindsay Blis, 4 Captain's Way, discussed a short-term rental issue in her development.

Tom Emerson, 10 Ox Point Drive, stated he was a member of the Housing Committee that worked initial draft of the proposed ADU amendments. He also disclosed that he has a short-term rental (STR) on his property. He stated that the purpose of this hearing was to talk about ADUs not STRs. He stated he was a strong proponent of ADUs. He further stated that he was not in favor of the 30 day period.

Niles Pinkham, 25 Pinkham Lane, spoke about a STR that is causing problems in his neighborhood.

Vice Chair Kalmar explained that the public hearing was input on the proposed ADU ordinance amendments not STRs. That topic will be considered by the Board at a later date.

Mara Lamstein, 35 Mill Pond Road, stated that she was a big supporter of ADUs.

Donald Gagnon, 33 Pinkham Lane, discussed the gray area between ADUs and STRs.

William Peirce, 53 Rogers Road, spoke in support of the ADU ordinance. He stated he has a two-family and would like to be able to have an ADU as well. He spoke to the vagueness of the definition of a ADU. He would like to see a workable ADU law.

Pamela Blodgett, 60 Old Dennett Road, discussed how Airbnb's would benefit Kittery.

Laurie Rowan, 115 Wilson Road, spoke in support of allowing Airbnb's.

Fred Kretchman, 46 Crockett Neck Road, spoke of support of ADUs but dislikes the 30 day limit.

Erin Brochu, 90 Government Street, spoke about the positives of renting her home on Airbnb. She stated that she and her husband would like to be able to do a ADU but can't afford it. She expressed concern with the 30 day restriction.

Tim Brochu, 90 Government Street, stated he Maine licensed architect. He spoke to specific points about STRs.

Cameron Wake, 19 Mendum Avenue, spoke to the ecological benefits of

allowing ADUs.

Vice Chair Kalmar closed the public hearing at 6:45 p.m.

Mr. White spoke to the ordinance being more flexible. His primary concerns are enforcement issues and improper use. He discussed looking into imposing local penalties on violations. Mr. Fitch spoke to his involvement as part of the Housing Working Group in spearheading the effort. He discussed the mission of creating affordable housing and that was why the proposed amendments were trying to discourage STRs.

Vice Chair Kalmar discussed enforcement of the under 30 day's restriction and asked staff for their input. Mr. Causey responded that the Department doesn't have the manpower to enforce. He spoke further to the intent of the proposed changes. He explained that the group was trying to come up with a compromise of being more flexible with ADUs but at the same time not creating a situation where it would lead to all STRs. He stressed the STRs would need to be addressed separately.

Vice Chair Kalmar questioned the fairness of denying current ADU owners the option to rent their units for fewer than 30 days since this rental restriction does not currently apply to any other type of dwelling. She also requested that the ordinance be amended to prohibit ADUs from being created within existing accessory structures that are in the Shoreland Overlay or Resource Protection Overlay zones' setbacks.

Mr. Alesse noted that he has a STR in his barn so he would not be voting on the item. He discussed his concern about wanting to protect the Kittery homeowners that have existing STRs on their properties. Mr. White expressed his concerns about the tie-in with STRs. He stated he would like to see the 30 day language removed. He further stated that the Town will need to tackle the STR issue – he recognizes that there are neighborhood issues but he hears more positive than negative. The Board discussed the need to remove the STR reference in the proposed amendment and addressed that a later date.

Kendra Amaral, Town Manager, spoke to STR reference and the 30 day language. She stated she and staff would be willing to compromise on that clause and remove it that was the desire of the Board. Her goal is to develop regulations that the community can get behind and support. She advised the Board on their options for moving the amendments forward.

**Mr. White moved to continue the item until the Board's second meeting in April. Mr. Bellantone seconded the motion. It was acknowledged the staff would review whether to remove the 30 day restriction.**

To: Kittery Town Council

From: Traip Interact Club

Dear Town Council,

The Traip Interact Club would like to do a fundraiser for student educational and service travel experiences by tagging at the dump on Saturday Aug. 24, 2019. We would like to do the following hours:

9:30-11: 6 representatives present

11-2: 5 representatives present.

The Traip Interact Club is a service organization that works to complete one local and one international service project per year. It is our hope to use this money to help students who hope to travel to Panama in April 2020 for an environmental service trip.

We would love a rain date of September 7<sup>th</sup> if possible.

Please let me know if I can answer any questions.

Sincerely,

Blayne Matty

Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
Telephone (207) 624-7220 Fax: (207) 287-3434  
Email inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

DIVISION USE ONLY	
License No:	
Diagram:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Town Approval:	<input type="checkbox"/> Yes <input type="checkbox"/> No

### REQUEST FOR EXTENSION OF LICENSE ON PREMISE

Legal Name: Sonmat Inc. License Number: CAL-2014-5279  
Physical Address: 7 wolfford sq unit 102 City Kittery  
State ME Zip 03901 Phone: 510-290-8153 Fax: \_\_\_\_\_  
Email address: Sonmatfoods@gmail.com Please Print  
Mailing address: \_\_\_\_\_  
Street / PO Box City State Zip

Name, address, telephone number of Property Owner (if property is rented or leased, need copy of rental agreement / lease):

Michael Landgarten, (603) 502-8119, 315 us st. 1 Kittery ME 03901

Signature of Owner

Printed Name of Owner

Temporary  Permanent  Inside  Outside  Live Entertainment: Yes  No

Start Date: 6-15-2019 End Date (if applicable): 6-15-2019

Reason for this request: Serve food, beer, wine and cocktails in parking lot  
during the Kittery Block Party

This request for an extension of service area for on premise license location MUST have Town / City 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.

#### 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: Kittery, Maine York  
City/Town (County)

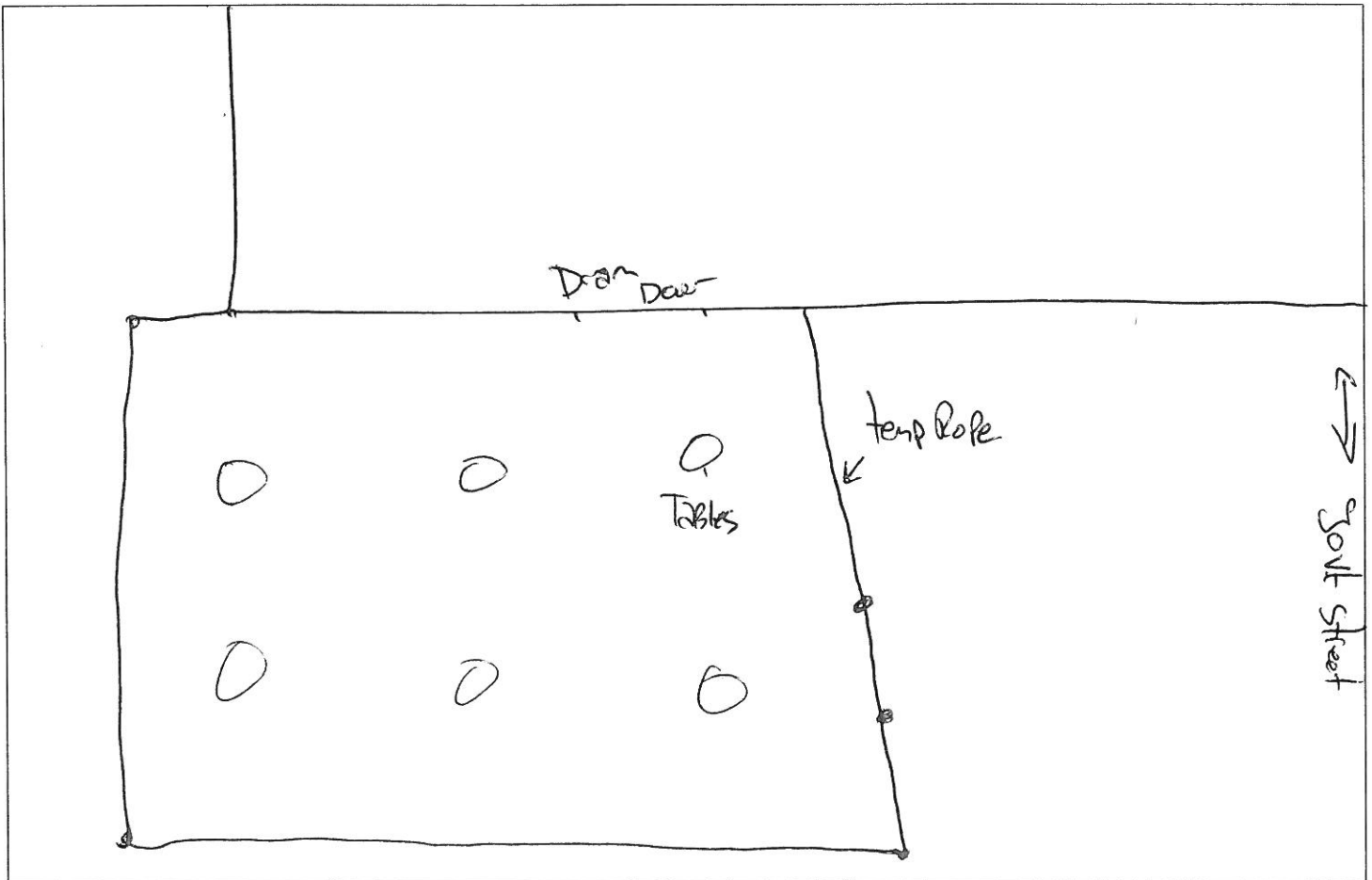
On: June 10, 2019  
Date

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

Signature of Officials	Printed Name and Title

**EXTENSION AREA PREMISE DIAGRAM**

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division for liquor consumption.



Division of Liquor Licensing & Enforcement  
 8 State House Station, Augusta, ME 04333-0008  
 Telephone (207) 624-7220 Fax: (207) 287-3434  
 Email inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

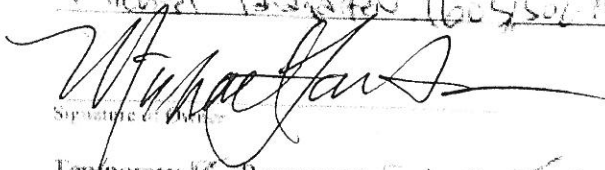
DIVISION USE ONLY	
License No:	
Diagram:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Town Approval:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

REQUEST FOR EXTENSION OF LICENSE ON PREMISE

Legal Name: Sunmist Fine License Number: CAE-2004 5279  
 Physical Address: 7 William St. unit 02 City Kelley  
 State ME Zip 03704 Phone: 510-290-853 Fax:  
 Email address: Sunmistfine@gmail.com Please Print  
 Mailing address: \_\_\_\_\_  
Street/PO Box City State Zip

Name, address, telephone number of Property Owner (if property is rented or leased, need copy of rental agreement / lease):

Michael Landgarten (602) 502-7719 315 us st. Kelley ME 03704

  
Signature of Owner

Michael Landgarten  
Printed Name of Owner

Signature PAGE

Temporary  Permanent  Inside  Outside  Live Entertainment, Yes  No

Start Date: 6/15/09 End Date (if applicable): 6/15/2011

Reason for this request: Service Area because 22 seats in parking lot  
Down the Kelley Block Party

This request for an extension of service area for on premise license location MUST have Town / City 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.

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

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

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

PRESENT LICENSE EXPIRES: 7.1.19

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: \_\_\_\_\_  SELF-SPONSORED EVENTS
- (QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>WLH Management corp</u>			Business Name (D/B/A) <u>Warren's Lobster House</u>		
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location: <u>11 Water St.</u>		
		DOB:	City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Address <u>149 Mendums Landing</u>			Mailing Address <u>11 Water St.</u>		
			Same As Above? <input type="checkbox"/>		
City/Town <u>Barrington</u>	State <u>NH</u>	Zip Code <u>03825</u>	City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Telephone Number <u>207-439-2058</u>		Fax Number <u>207-439-8821</u>	Business Telephone Number <u>207-439-2058</u>		Fax Number <u>207-439-8821</u>
Federal I.D. # <u>01-0398286</u>			Seller Certificate #: or Sales Tax #: <u>0204061</u>		
Email Address: <u>bcunningham@lobster-house.com</u>			Website: <u>lobsterhouse.com</u>		

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_
- State amount of gross income from period of last license:  
 ROOMS \$ N/A FOOD \$ 4,192,483 LIQUOR \$ 439,993
- Is applicant a corporation, limited liability company or limited partnership? YES  NO   
 If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES  NO



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

License # \_\_\_\_\_ Name of Business \_\_\_\_\_

Physical Location \_\_\_\_\_ City / Town \_\_\_\_\_

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

7. Business records are located at: 11 Water St. Kittery, ME 03904

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

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

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

Full Name (Please Print)	DOB	Place of Birth
Bradley Cunningham	09-25-66	Pittsburg PA

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

Name:	City: <u>Barrington</u>	State: <u>NH</u>
Name:	City:	State:
Name:	City:	State:

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

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

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

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

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

Yes  No  If Yes, give name: \_\_\_\_\_

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

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

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

Seafood restaurant with multiple Dining Rooms

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

YES  NO  Applied for: \_\_\_\_\_

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mile

Which of the above is nearest? Church



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

If YES, give details: Citizens Bank Portsmouth, New Hampshire 03801

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 May 24, 2019  
Town/City, State Date



PLEASE SIGN IN BLUE INK

Signature of Applicant or Corporate Officer(s)

Bradley S. Cunningham  
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

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



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) .]

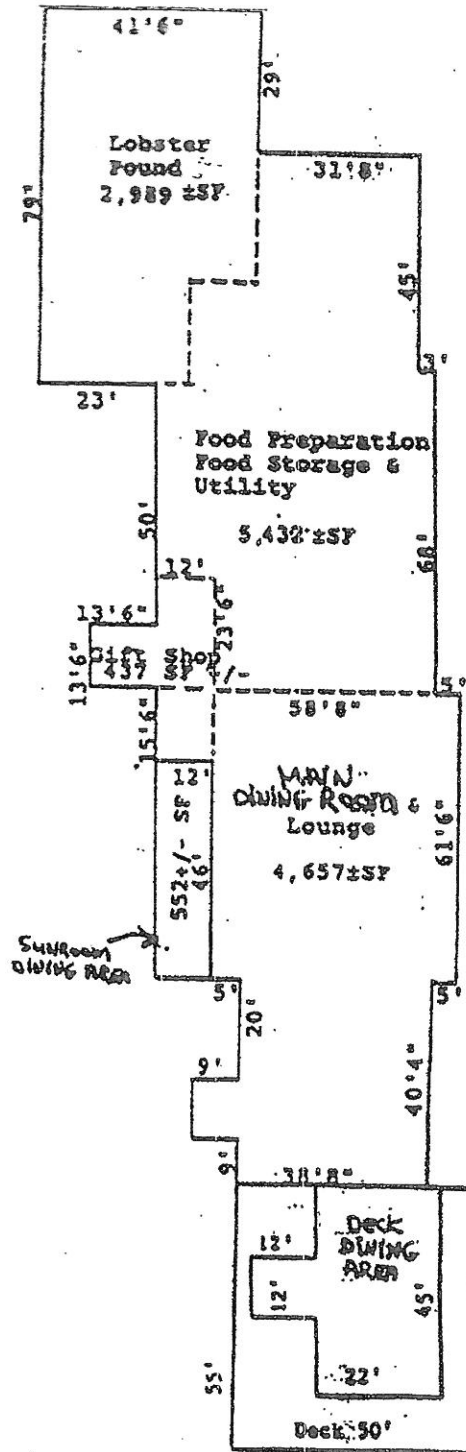
**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

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) .]

PREMISE DIAGRAM

Warren's Lobster House  
11 Water Street  
Kittery ME





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

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

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

Please clearly complete this form in its entirety.

- Exact legal name: WLH Management Corp
- Doing Business As, if any: Warren's Lobster House
- Legal Entity's FEIN #: 01-0398286
- Date of filing with Secretary of State: 06-15-1984 State in which you are formed: N.H.
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 06-27-1984
- 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 %
Scott Cunningham	Barrington, NH	4-22-42	President	44.8
Claudia Cunningham	Barrington, NH	8-16-42	Senior V.P.	44.8
Bradley Cunningham	Barrington, NH	9-25-66	V.P. General Manager	8.4
Colleen MacDonald	Eliot, ME	7-13-69	Hospitality Manager	2.0

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

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

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:**

**PLEASE SIGN IN BLUE INK**



Signature of Owner or Corporate Officer

May 24, 2019  
Date

Bradley S. Cunningham  
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](mailto:MaineLiquor@Maine.gov)



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: June 10, 2019  
From: Kendra Amaral, Town Manager  
Subject: Release Deed Map 16 Lot 5  
Councilor Sponsor: Chairperson Judy Spiller

---

**EXECUTIVE SUMMARY**

The Town Council is being requested to execute a Release Deed for Map 16 Lot 5, 23 Woodlawn Avenue in order to resolve outstanding liens so the property may be refinanced.

**BACKGROUND**

The former owner paid the full balance owed for back taxes in 2009; however the Town did not provide a release deed. The property has since been sold and the existing owner is seeking to refinance. In order to obtain a clean title for refinance the release deed must be granted. There are no outstanding taxes on this property.

No payment is due.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve the Release Deed as presented.



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## MUNICIPAL RELEASE DEED

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The TOWN OF KITTERY (the 'Town'), a municipal corporation existing under the laws of the State of Maine and located in the County of York, State of Maine, releases to TYRUS J WIVELL

with a mailing address of 23 WOODLAWN AVENUE, KITTERY, ME 03904

any interest the Town may have in a certain lot or parcel of land with any improvements located thereon, located in the Town of Kittery, County of York and State of Maine, now or formerly owned by MARK CHILICKI & STACY BAKER and recorded in the

York County Registry of Deeds in Book / Page 12211 / 269 and further shown as Map / Lot 16 / 5 on the Town of Kittery Assessor's Tax Maps, as may have been acquired by the Town by virtue of any of the following Tax Lien Certificates on record in said Registry of Deeds:

1. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 15301 Page 684
2. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book Page
3. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book Page
4. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book Page

The sole purpose of this Municipal Release Deed is to release to the Grantee herein any interest which the Town may have acquired in the property described by virtue of delinquent taxes through and including the current taxes due.



IN WITNESS WHEREOF, the Town of Kittery, acting through its municipal officers, has caused this Municipal Release Deed to be signed.

DATE: \_\_\_\_\_

TOWN OF KITTERY

\_\_\_\_\_  
WITNESS

By \_\_\_\_\_

JUDY SPILLER

\_\_\_\_\_  
MATT BROCK

\_\_\_\_\_  
CHARLES DENAULT

\_\_\_\_\_  
KENNETH LEMONT

\_\_\_\_\_  
JEFFREY D. THOMSON

\_\_\_\_\_  
JEFFREY PELLETIER

\_\_\_\_\_  
CYRUS CLARK

STATE OF MAINE  
YORK, ss.

Personally appeared the above named Municipal Officers and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of the Town of Kittery, Maine.

Before me,

\_\_\_\_\_  
Print Name: Karen Estee

Notary Public

My commission expires August 4, 2023



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: June 10, 2019  
From: Kendra Amaral, Town Manager  
Subject: Zoning Map Update  
Council Sponsor: Chairperson Judy Spiller

---

**OVERVIEW**

The Kittery Land Use Zoning Map has not been updated since May 24, 2010. Planning and Development Director Adam Causey notes that best practice is to review and readopt the map regularly (see attached memo).

Since 2010 the Council has adopted a new zone Mixed Use Neighborhood. The proposed amended map reflects the new zone name. It does **not** include any changes to zoning boundaries. Revision to the Mixed Use Neighborhood Zoning boundaries are still being studied and may be brought forward in the future.

The Planning Board recommended adoption of the amended map at their May 23, 2019 meeting. A workshop is not recommended, because the proposed amendments simply reflect the current Title 16 code.

**ATTACHMENTS**

- Proposed Amended Land Use Zoning Map
  - Zoning Map Adoption Enactment
  - Memo to Planning Board from Planning and Development Director
- Video of the May 23, 2019 Planning Board Meeting is available at [kitteryme.gov](http://kitteryme.gov)



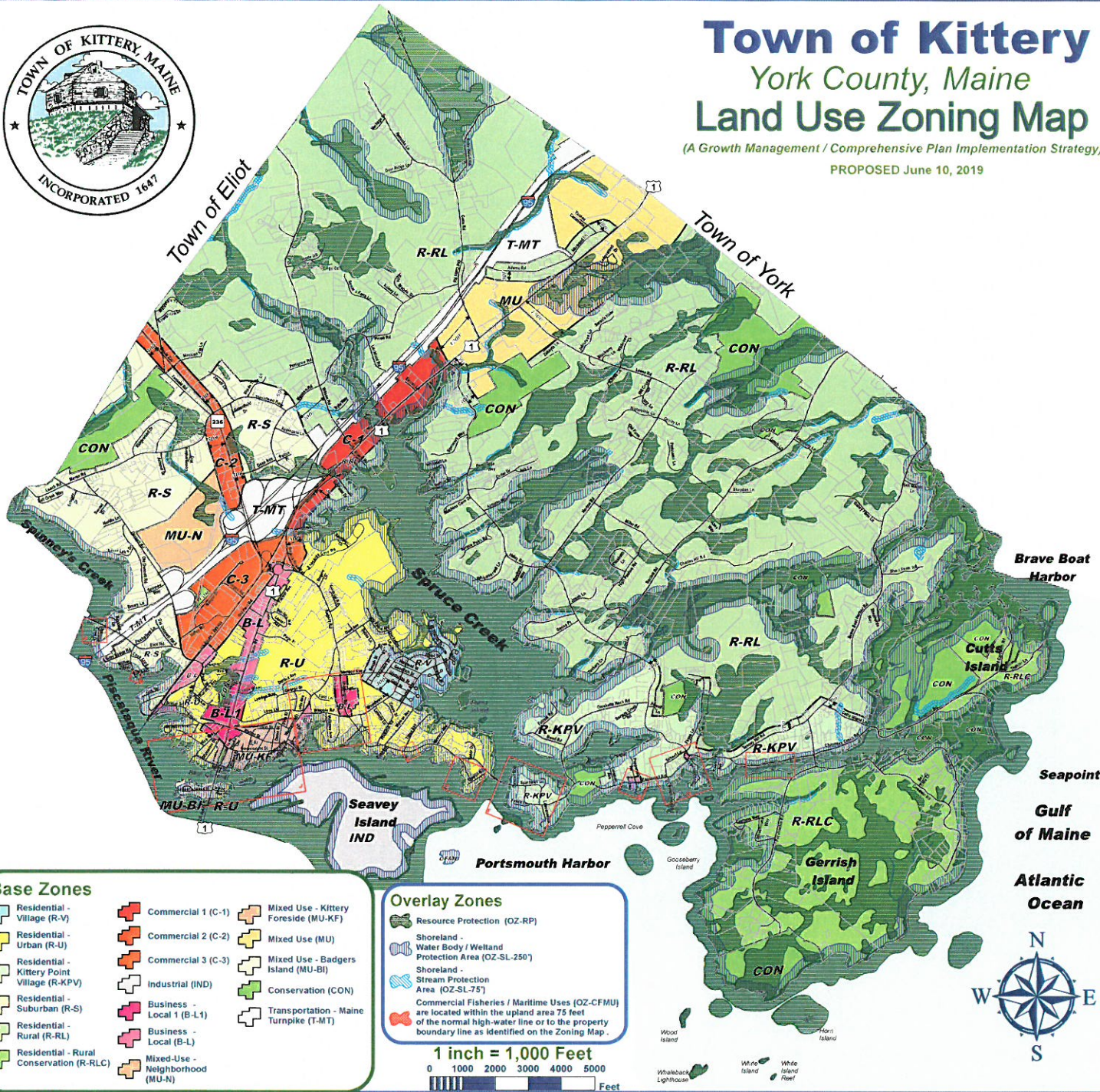


# Town of Kittery

## York County, Maine

### Land Use Zoning Map

(A Growth Management / Comprehensive Plan Implementation Strategy)  
 PROPOSED June 10, 2019



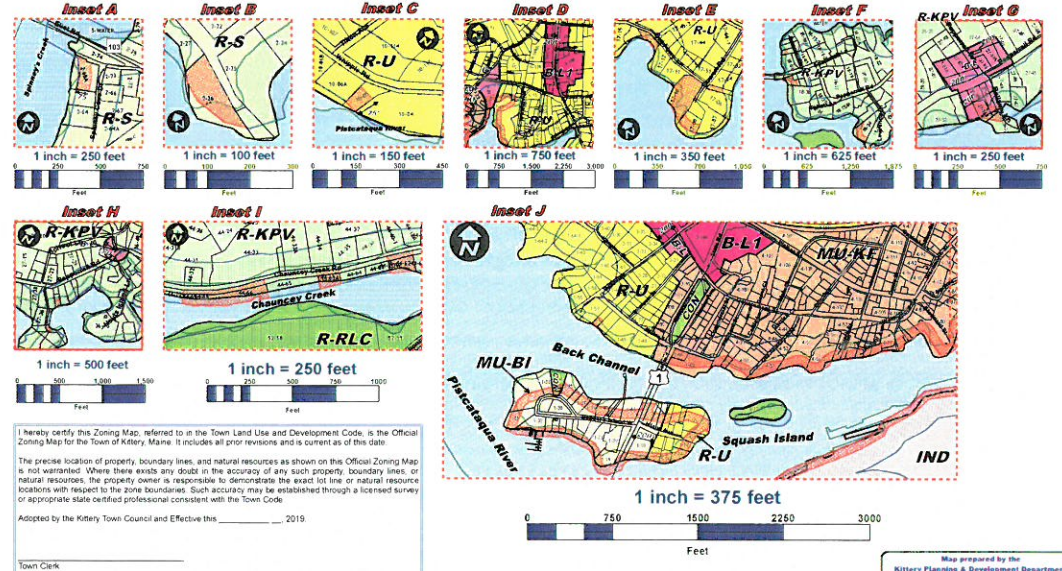
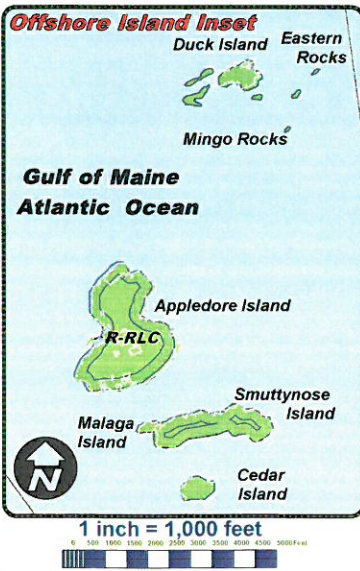
#### Base Zones

- |  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

#### Overlay Zones

- Resource Protection (OZ-RP)
- Shoreland - Water Body / Wetland Protection Area (OZ-SL-250')
- Shoreland - Stream Protection Area (OZ-SL-75')
- Commercial Fisheries / Maritime Uses (OZ-CF/MU) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.

1 inch = 1,000 Feet  
 0 1000 2000 3000 4000 5000 Feet





**KITTERY TOWN CODE –  
LAND USE ZONING MAP**

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

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

10 **WHEREAS**, Maine Revised Statutes §4352 requires an adopted municipal zoning map  
11 describing each zone established or modified; and

12 **WHEREAS**, the Land Use Zoning Map requires updating to reflect the current Land Use and  
13 Development Code for the Town of Kittery, inclusive of amendments made since May 2010;

14 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN  
15 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 16, LAND USE and  
16 DEVELOPMENT CODE, ACCESSORY DWELLING UNITS AMENDMENTS OF THE TOWN  
17 CODE, AS PRESENTED.

18 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,

19 20\_\_\_\_, by:\_\_\_\_\_ {NAME} Motion to approve by Councilor

20 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and

21 passed by a vote of \_\_\_\_\_.

22 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,

23 Maine on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, {NAME}, \_\_\_\_\_, Chairperson

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



**TOWN OF KITTERY**  
**Planning and Development**  
**200 Rogers Road, Kittery, ME 03904**  
**Telephone: 207-475-1304 Fax: 207-439-**  
**6806**

**TO:** PLANNING BOARD  
**FROM:** ADAM CAUSEY, DIRECTOR OF PLANNING & DEVELOPMENT  
**SUBJECT:** ZONING MAP UPDATE  
**DATE:** MAY 16, 2019

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The Town of Kittery Land Use Zoning Map has not been updated since May 24, 2010. The map should be regularly reviewed and readopted. Last year, the former Business Park zone was rezoned Mixed-Use Neighborhood by Town Council, as recommended by the Planning Board. The zoning map presented here includes that change, along with the correction of several typos in the existing map.

Per state law, a notice of the proposed map amendment and the proposed zoning map was posted at Town Hall for review on May 9, 2019. Notices were published in the Portsmouth Herald on May 9, 2019, and May 16, 2019, per state requirements.

No changes have been made to any Shoreland Overlay Zone nor Resource Protection Overlay Zone. Staff will require more time to research align those zoning layers with any changes, and review with Maine Department of Environmental Protection. I intend to bring a zoning map update to the Planning Board at least once per year, depending on the volume of additional land use changes.

Thank you,

Adam Causey, AICP  
Director, Planning & Development Department